APPENDIX A

Agency Coordination Letters



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978

REPLY TO
ATTENTION OF

November 29, 1999

U.S. Army Corps of Engineer
Helena Regulatory Office
301 South Park, Drawer 10014
Helena, Montana 59626-0014
Phone (406) 441-1375
Fax (406) 441-1375

Subject: Fairfield to Dupuyer - Corridor Study, Action ID 199990679

BRW
Attention: Mr. Darryl L. James
Seventeenth Street Plaza
1225 Seventeenth Street
Suite 200
Denver, Colorado 80202

Dear Mr. James:

This is in reference to the Agency Scoping Meeting held in Fairfield on November 16, 1999, in relation to the Fairfield to Dupuyer Corridor Study being conducted by the Montana Department of Transportation. The following is a reiteration of comments that were conveyed by Doug McDonald of the Helena Regulatory Office.

a. All aquatic resources (including flowing waters, lakes,ponds, and wetlands) that could potentially be affected by an alternative should be identified. These waters should also be labeled as jurisdictional and/or non-jurisdictional (such as irrigation canals, roadside ditches).
b. The location of each potentially affected jurisdictional water should be identified by section, township, range and latitude/longitude.
c. Potential modifications to existing bridge and culvert crossings and existing waterways should be identified and described.
d. Activities involving temporary discharges of fill materials (such as might be associated with temporary crossings) should be identified and described.
e. A map showing existing rights of way, wetlands and other waters should be developed for alternative analysis.
f. Gravel pits and contractor equipment storage sites should be identified as early as possible and located out of wetlands or other jurisdictional waters if possible.

g. Should mitigation be necessary, efforts should concentrate on identifying mitigation in kind/on site. You should contemplate mitigating impacts to flowing waters as well as to wetlands.
h. The Montana Department of Transportation's Wetland Evaluation form and Biological Resources Report format should be followed and provided to the Corps with a Department of the Army (404) application.

If you have any questions at this time please contact Mr. McDonald or myself at (406) 441-1375.

Sincerely,

Allan Steinle
Montana Program Manager

CF:
CENWO-ED-HC, Olson

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978

REPLY TO
ATTENTION OF

November 9, 1999

US Army Corps of Engineers
Helena Regulatory Office
301 South Park, Drawer 10014
Helena, Montana 59626-0014
Phone (406) 441-1375
Fax (406) 441-1380

Subject: Fairfield to Dupuyer - Corridor Study (Action ID 1999-90-679)

BRW
Attention: Mr. Darryl L. James
Seventeenth Street Plaza
1225 Seventeenth Street
Suite 200
Denver, Colorado 80202

Dear Mr. James:

The Corps of Engineers will be a Cooperating Agency for review and evaluation of the subject project. Our project manager will be Mr. Doug McDonald of the Montana Regulatory Office. Mr. McDonald will attend the agency coordination meeting in Fairfield on November 16, 1999. While Mr. McDonald's focus will be regulatory issues associated with our Section 404 permitting authority, he will coordinate with our Omaha District Office to ensure all issues of interest to the Corps are adequately addressed in the environmental documents prepared for this project.

Will the Federal Highway Administration (FHWA) and BRW implement the 1988 "Red Book" procedures to coordinate the FHWA National Environmental Policy Act process with Section 404 evaluation? Perhaps this could be discussed in Fairfield.

Both Mr. McDonald and I can be reached at (406) 441-1375 if you have any questions.

Sincerely,

Allan Steinle

Allan Steinle
Montana Program Manager

CF:
CENWO-ED-HC, Olson

Montana Department of Transportation

December 10, 1999

MASTER FILE COPY

DEPARTMENT OF ENVIRONMENTAL QUALITY
Lee Metcalf Building
1520 East Sixth Avenue, P.O. Box 200901
Helena, MT 59620-0901

Attention: Jeff Ryan, Water Quality/Wetland Specialist
Permitting & Compliance Division

Subject: STPP 3-2(27)28
Fairfield to Dupuyer – Corridor Study
Control No. 4051

Information is requested from the DEPARTMENT OF ENVIRONMENTAL QUALITY (**DEQ**) for the environmental documentation on this proposed highway project.

Please indicate if the **DEQ** has any waterbodies (i.e., streams or lakes) listed on the 305(b) report published for the State of Montana that may be affected by this proposed project. Also, indicate whether such streams or lakes are called "water quality limited" and are in need of Total Maximum Daily Load (TMDL) development. We would also like you to identify in your response what parameters are present that may be limiting water quality in the waterbody that is affected by this proposed project.

If there is any additional pertinent information available at this time from **DEQ** that would be useful for MDT in the development of this proposed project's design and preparation of the environmental documentation, please include it. This information may include stream classifications in this proposed project's vicinity, wetlands, unique "problems" or items of concern, management goals, etc. Statements on these matters will result, if necessary, in further inter-agency coordination to avoid or minimize potential project impacts.

If there are any questions, please contact me at the address listed on our letterhead, or call Terry Yarger in Environmental Services at (406) 444-6003.

Barry C. Brosten
Acting Engineering Bureau Chief
Environmental Services

Enclosures
cc: Bonnie Lovelace, DEQ Water Protection Bureau Chief
Michael P. Johnson, Administrator – MDT Great Falls District (No. 3)
Joel M. Marshik, P.E., Manager – MDT Environmental Services
Barry C. Brosten, Acting Engineering Bureau Chief, Environmental Services
Dale W. Paulson, Program Development Engineer – FHWA Montana Division
Darryl L. James – BRW, Inc. Project Manager

BRW

A DAMES & MOORE GROUP COMPANY

October 29, 1999

MONTANA DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
1625 11th Avenue
P.O. Box 201601
Helena, MT 59620-1601

Attn: Bud Clinch
Director

Subject: STPP 3-2(27)28
Fairfield to Dupuyer – Corridor Study
Control No. 4051

This is to request the MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (**DNRC**) to be a Cooperating Agency on this proposed project in accordance with the U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION's (FHWA's) regulations (23 CFR 771.111(d)).

The Montana Department of Transportation (MDT) has hired BRW to assist in the development and evaluation of alternatives for the above proposed project. The proposed project is to reconstruct US 89 from Fairfield to Dupuyer to meet current MDT design standards. The Corridor Study will include public involvement and preparation of an Environmental Impact Statement (EIS) to document the social, economic, and environmental impacts from the proposed action.

The *Draft* Notice of Intent for this proposed project and a project location map are attached.

An agency coordination meeting has been arranged for all agencies with jurisdiction on this proposed project. The meeting is scheduled for 1:00 p.m. on Tuesday, November 16th, at the Fairfield Community Hall, located at 603 Central Avenue. During this meeting we hope to set the direction for the study by identifying initial concerns and points of contact that will be maintained throughout the process. It will benefit the overall discussion to have an agency representative at the meeting. This representative should be able to discuss any issues regarding the agency's requirements.

Two public scoping meetings have also been scheduled for this same week. One in Fairfield will be held on Wednesday, November 17th, the second in Choteau will be held on Thursday, November 18th, 1999.

Through this letter, MDT is also requesting information from **DNRC** to be used in the preparation of the environmental documentation on this proposed project. Please indicate the following:

- Have any cultural resource surveys or historical/archeological or paleontological resource discoveries been made on **DNRC**-owned land adjacent to, or on this proposed project?

- Are any known active mineral leases or mining activities, abandoned mines, or reclaimed mines in the project vicinity?

- Any specific leases or land uses that may be adversely impacted, or that should be considered?

- Does the **DNRC** have any lands with merchantable timber that may be impacted by the proposed project? Also indicate if the merchantable timber shall become the property of MDT's contractor through a timber purchase contract with **DNRC** and removed from the job site or if other ownership/disposal arrangements are preferred.

- Whether the project is within what is considered the "navigable reach" of any waterway, and if an easement or license from **DNRC** is necessary.

- If there are any lands that have present or planned usage as defined by *Section 4(f)* of the 1966 *Department of Transportation Act* (**49 U.S.C. 303**). These include lands that are part of publicly-owned significant, state or local parks, wildlife refuges or recreation areas. It also includes sites eligible for inclusion, or in the NATIONAL REGISTER OF HISTORIC PLACES (under *Section 106* of the *National Historic Preservation Act*, **16 U.S.C. 470**.

- Have any lands in the project vicinity been purchased or are administered for recreational purposes under *Section 6(f)* of the National Land & Water Conservation Fund Act (**16 U.S.C. 460**)?

- Does the **DNRC** have any ongoing or presently planned projects for the particular area that could affect, or be affected by this proposed action? Is the **DNRC** aware of any proposed or current projects by others (public or private agencies) that pose similar affects?

A written response to this Cooperating Agency requested is needed for the environmental documentation on this proposed project. A response on these matters may result, if necessary, in further inter-agency coordination to avoid or minimize potential project impacts. As a Cooperating Agency, **DNRC** will receive periodic updates on the progress of the study, as well

BRW
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Seventeenth Street Plaza
1225 Seventeenth Street
Suite 200
Denver, Colorado 80202
303 293 8080 Tel
303 293 8585 Fax

as requests for your participation in additional coordination meetings. MDT will also provide a copy of the Administrative Draft EIS on this proposed project for your review.

If there are any questions, please contact me at the address or phone listed in our letterhead, or call MDT Environmental Services at (406) 444-7228.

Sincerely,
BRW, Inc.

Darryl L. James
Project Manager

Enclosures

cc: Clive Rooney, Chief, Special Use Management Bureau – DNRC, Helena
Michael P. Johnson, Administrator – MDT Great Falls District (No. 3)
Carl S. Peil, P.E. – MDT Preconstruction Engineer
Thomas E. Martin, P.E., - MDT Chief. Right-of-way Bureau
Timothy W. Reardon, Chief Cousel – MDT Legal Services
Dale W. Paulson, Program Development Engineer – FHWA Montana Division
Joel M. Marshik, P.E. Manager – MDT Environmental Services
Karl M. Helvik, P.E., Engineering Bureau Chief – MDT Environmental Services
file

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096
HELENA, MONTANA 59626-0096

NOV 2 3 1999

Ref: 8MO

November 19, 1999

Mr. Joel M. Marshik, Manager,
Environmental Services,
Montana Dept. of Transportation
2701 Prospect Ave., P.O. Box 201001
Helena, MT 59620-1001

and

Mr. Dale Paulson, Program Development Engineer
Federal Highway Administration
2880 Skyway Drive
Helena, Montana 59602

Re: STTP 3-2(27)28
US Hwy 89
Fairfield to Dupuyer

Dear Mr. Marshik and Mr. Paulson:

This is in response to the October 29, 1998 letter to the Environmental Protection Agency (EPA) from Mr. Darryl L. James, Transportation Planner at BRW Inc., regarding the preparation of an environmental impact statement for the U.S. Highway 89 Fairfield to Dupuyer highway improvement project.

We are enclosing our generic scoping comments for highway projects regarding issues that we believe are significant and should be evaluated in the highway EIS's. Our experience has shown that when environmental concerns are thoroughly evaluated, the EIS is a more meaningful document. We appreciate the opportunity to review this project and provide scoping comments. Thank you for your willingness to consider our comments at this stage of the process, and we hope they will be useful to you.

Printed on Recycled Paper

If you have any questions you may contact Mr. Steve Potts of my staff in Helena at (406) 441-1140 ext. 232.

Sincerely,

John F. Wardell
Director
Montana Office

Enclosures

cc: Cindy Cody, EPA, 8EPR-EP, Denver
Yolanda Martinez, EPA, 8EPR-EP, Denver
Darryl James, BRW Inc., Denver
Doug McDonald, Corps of Engineers, Helena

Montana Fish, Wildlife & Parks

1420 East Sixth Avenue
P O Box 200701
Helena MT 59620-0701
(406) 444-3939
FAX (406) 444-3023
January 29, 2002

URS-BRW, Inc.
P O Box 220
Helena, Montana 59624

Subject: STPP 3-2(27)28

Attention Darryl James

In response to your request regarding potential 4(f) and 6(f) sites along the Fairfield to Dupuyer corridor, Montana Fish, Wildlife & Parks currently owns and operates the Freezeout Lake Wildlife Management Area located on both sides of Highway 89. This is an important waterfowl production area and impacts to this area should be minimized or avoided. A map of the site is attached for your reference. This Wildlife Management Area was acquired with and is operated with the assistance of federal funds. Any impacts to the site will need to be mitigated to US Fish and Wildlife Service and FWP standards. Further information in this regard should be coordinated with the FWP manager at Freezeout, Mark Schlepp (467-3234). FWP also rents space in the Larson Building in Choteau for a field office.

Walt Timmerman of the FWP Parks Division reviewed the project for LWCF or 6(f) impacts. Information sheets for sites near the proposed project which have been developed with LWCF funds are attached and include Eureka Reservoir located approximately four miles west of Highway 89, the Choteau Golf Course, the Choteau Bathhouse, Fairfield Baseball Field, Fairfield City Park, and the Fairfield Tennis Courts. It does not appear that the Fairfield sites are within the project boundaries, but you may want to re-verify that information on the ground.

If we can be of further assistance, please let me know.

Sincerely,
Debby Dils
Debby Dils
Land Section Supervisor

Cc: Bobbie Keeler, Mark Schlepp

BRW

A DAMES & MOORE GROUP COMPANY

October 29, 1999

U.S.D.A. – NATURAL RESOURCES CONSERVATION SERVICE
Rocky Mountain Team
1102 North Main Avenue
Choteau, MT 59422

Attn: John Streich
Team Leader

Subject: STPP 3-2(27)28
Fairfield to Dupuyer – Corridor Study
Control No. 4051

This is to request the NATURAL RESOURCES CONSERVATION SERVICE (**NRCS**) to be a Cooperating Agency on this proposed project in accordance with the U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION's (FHWA's) regulations (23 CFR 771.111(d)).

The Montana Department of Transportation (MDT) has hired BRW to assist in the development and evaluation of alternatives for the above proposed project. The proposed project is to reconstruct US 89 from Fairfield to Dupuyer to meet current MDT design standards. The Corridor Study will include public involvement and preparation of an Environmental Impact Statement (EIS) to document the social, economic, and environmental impacts from the proposed action.

The *Draft* Notice of Intent for this proposed project and a project location map are attached.

An agency coordination meeting has been arranged for all agencies with jurisdiction on this proposed project. The meeting is scheduled for 1:00 p.m. on Tuesday, November 16th, at the Fairfield Community Hall, located at 603 Central Avenue. During this meeting we hope to set the direction for the study by identifying initial concerns and points of contact that will be maintained throughout the process. It will benefit the overall discussion to have an agency representative at the meeting. This representative should be able to discuss any issues regarding the agency's requirements.

Two public scoping meetings have also been scheduled for this same week. One in Fairfield will be held on Wednesday, November 17th, the second in Choteau will be held on Thursday, November 18th, 1999.

BRW will be coordinating the identification of Prime and Statewide Important Farmland, and completion of the USDA #**AD-1006** Farmland Conversion Impact Rating form with **NRCS** on

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1225 Seventeenth Street
Suite 200
Denver, Colorado 80202
303 293 8080 Tel
303 293 8585 Fax

this project. Any other pertinent comments the **NRCS** may have at this time would also be appreciated.

A written response to this Cooperating Agency requested is needed for the environmental documentation on this proposed project. A response on these matters may result, if necessary, in further inter-agency coordination to avoid or minimize potential project impacts. As a Cooperating Agency, **NRCS** will receive periodic updates on the progress of the study, as well as requests for your participation in additional coordination meetings. MDT will also provide a copy of the Administrative Draft EIS on this proposed project for your review.

If there are any questions, please contact me at the address or phone listed in our letterhead, or call MDT Environmental Services at (406) 444-7228.

Sincerely,
BRW, Inc.

Darryl L. James
Project Manager

Enclosures

cc: Michael P. Johnson, Administrator – MDT Great Falls District (No. 3)
Carl S. Peil, P.E. – MDT Preconstruction Engineer
Thomas E. Martin, P.E., - MDT Chief, Right-of-way Bureau
Timothy W. Reardon, Chief Cousel – MDT Legal Services
Dale W. Paulson, Program Development Engineer – FHWA Montana Division
Joel M. Marshik, P.E. Manager – MDT Environmental Services
Karl M. Helvik, P.E., Engineering Bureau Chief – MDT Environmental Services
file

URS

BRW, Inc.

RECE... 2002

February 5, 2002

Scott D. Jackson
Montana Field Office
U.S. Fish & Wildlife Service
100 N. Park, Suite 320
Helena, MT 59601

Subject: Farifield to Dupuyer – Corridor Study
STPP 3-2(27)28
Control No. 4051

In accordance with *Section 7(a)* of the *Endangered Species Act*, the Montana Department of Transportation (MDT) is requesting an updated list of candidate, proposed, and listed Threatened and/or Endangered species in the vicinity of this proposed project. This information will be used in the preparation of this proposed project's environmental documentation. In the Fall of 1999, URS/BRW, Inc. requested a list of candidate, proposed, and listed Threatened and/or Endangered species in the vicinity of this proposed project. The USFWS letter of November 8, 1999 stated that the listed Bald Eagle and proposed Mountain Plover were the two Threatened and/or Endangered species in the vicinity of the proposed project. Based on our recent telephone conversations, additional candidate, proposed, and listed Threatened and/or Endangered species may warrant inclusion in the Biological Assessment. In addition to the above mentioned listed **Bald Eagle**, and proposed **Mountain Plover**, the species that we discussed included the listed **Gray Wolf** and **Grizzly Bear**. If you concur with the four species listed above, please return this letter with your signature of concurrence and date, or please provide a letter with the updated species information at your earliest convenience.

Sincerely,

Kirk W. Eakin

Kirk W. Eakin
URS/BRW, Inc.

USFWS Concurs:

Scott D. Jackson

United States Department of the Interior

FISH AND WILDLIFE SERVICE

MONTANA FIELD OFFICE
100 N. PARK, SUITE 320
HELENA MT 59601
PHONE (406) 449-5225, FAX (406) 449-5339

M.44 MDOT (I)

November 8, 1999

Darryl L. James
BRW
Seventeenth Street Plaza
1225 Seventeenth Street
Suite 200
Denver, Colorado 80202

Subject: Fairfield to Dupuyer - Corridor Study; STPP 3-2(27)28; Control No. 4051

Dear Mr. James:

This letter is in response to your October 29, 1999 correspondence regarding the subject proposed US Highway 89 reconstruction project in Teton and Pondera counties in Montana. Your letter requested information the Fish and Wildlife Service (Service) may have pertaining to threatened and endangered (T/E) species that may occur in the proposed project corridor. The Service received your letter on November 1, 1999. These comments have been prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et.seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.).

In accordance with section 7(c) of the Act, the Service has determined that the following threatened, endangered and proposed species may be present in the project corridor:

Listed Species	Expected Occurrence
bald eagle (*Haliaeetus leucocephalus*); threatened	spring or fall migrant
Proposed Species	
mountain plover (*Charadrius montanus*); proposed as threatened	potential occurrence in shortgrass prairie habitat

Section 7(c) of the Act requires that Federal agencies proposing major construction activities complete a biological assessment to determine the effects of the proposed actions on listed and proposed species and use the biological assessment to determine whether formal consultation is required. A major construction activity is defined as "a construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act (NEPA)" (50 CFR Part 402). If a biological assessment is not required (i.e. all other actions), the Federal agency is still required to review their proposed activities to determine whether listed species may be affected. If such a determination is made, formal consultation with the Service is required.

BRW
A DAMES & MOORE GROUP COMPANY

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1225 Seventeenth Street
Suite 200
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303 293 8585 Fax

November 11, 1999

U.S.D.A. - FOREST SERVICE
Lewis and Clark National Forest
Rocky Mountain Ranger District
1102 North Main Avenue
Choteau, MT 59422

Attn: Mike Munoz

Subject: STPP 3-2(27)28
Fairfield to Dupuyer – Corridor Study
Control No. 4051

The Montana Department of Transportation (MDT) has hired BRW to assist in the development and evaluation of alternatives for the above proposed project. The proposed project is to reconstruct US 89 from Fairfield to Dupuyer to meet current MDT design standards. The Corridor Study will include public involvement and preparation of an Environmental Impact Statement (EIS) to document the social, economic, and environmental impacts from the proposed action.

The *Draft* Notice of Intent for this proposed project and a project location map are attached.

An agency coordination meeting has been arranged for all agencies with jurisdiction on this proposed project. The meeting is scheduled for 1:00 p.m. on Tuesday, November 16th, at the Fairfield Community Hall, located at 603 Central Avenue. During this meeting we hope to set the direction for the study by identifying initial concerns and points of contact that will be maintained throughout the process. It will benefit the overall discussion to have an agency representative at the meeting. This representative should be able to discuss any issues regarding the agency's requirements.

Two public scoping meetings have also been scheduled for this same week. One in Fairfield will be held on Wednesday, November 17th, the second in Choteau will be held on Thursday, November 18th, 1999.

Through this letter, MDT is requesting information from the **USFS** to be used in the preparation of the environmental documentation on this proposed project. Please furnish any information concerning any Resource Management areas or sites that adjoin, or are near this proposed project. These may include (but are not limited to) historic sites, wildlife or waterfowl (including Threatened or Endangered Species) habitat, or timber harvesting areas.

The National Forest lands adjoining the present and/or proposed route may be classified as *"Section 4(f) Lands"* from the 1966 *U.S. Department of Transportation Act* (**49 U.S.C. 303**). This classification applies under any one of the following conditions:

1) Parks and/or Recreation Areas;

2) Wildlife/Waterfowl Refuges;

3) Sites eligible for inclusion, or in the NATIONAL REGISTER OF HISTORIC PLACES (under *Section 106* of the *National Historic Preservation Act*);

4) Lands managed for multiple use for recreation, or wildlife/waterfowl management and under statute(s) providing for same.

Please furnish statements indicating the following:

A. If the National Forest lands near this proposed project may be classified as *"Section 4(f) Lands"* from the preceding description(s).

B. Any concerns relative to the acquisition of new, or additional easements on National Forest Lands for this proposed project; and

C. The name and mailing address for a designated Forest Service Coordinator for the development of this proposed project.

If there are any questions, please contact me at the address or phone listed in our letterhead, or call MDT Environmental Services at (406) 444-7228.

Sincerely,
BRW, Inc.

Darryl L. James
Project Manager

Enclosures

BRW

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October 29, 1999

BLACKFEET TRIBAL ADMINISTRATION
Blackfeet Nation
P.O. Box 850
Browning, MT 59417

Attn: William Old Chief
Tribal Chairman

Subject: STPP 3-2(27)28
Fairfield to Dupuyer – Corridor Study
Control No. 4051

This is to request the BLACKFEET TRIBAL ADMINISTRATION to be a Cooperating Agency on this proposed project in accordance with the U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION's (FHWA's) regulations (23 CFR 771.111(d)).

The Montana Department of Transportation (MDT) has hired BRW to assist in the development and evaluation of alternatives for the above proposed project. The proposed project is to reconstruct US 89 from Fairfield to Dupuyer to meet current MDT design standards. The Corridor Study will include public involvement and preparation of an environmental report to document the social, economic, and environmental impacts from the proposed action.

The *Draft* Notice of Intent for this proposed project and a project location map are attached.

An agency coordination meeting has been arranged for all agencies with jurisdiction on this proposed project. The meeting is scheduled for 1:00 p.m. on Tuesday, November 16th, at the Fairfield Community Hall, located at 603 Central Avenue. During this meeting we hope to set the direction for the study by identifying initial concerns and points of contact that will be maintained throughout the process. It will benefit the overall discussion to have an agency representative at the meeting. This representative should be able to discuss any issues regarding the agency's requirements.

Two public scoping meetings have also been scheduled for this same week. One in Fairfield will be held on Wednesday, November 17th, the second in Choteau will be held on Thursday, November 18th, 1999.

Through this letter, MDT is also requesting information from the **Blackfeet Tribe** to be used in the preparation of the environmental documentation on this proposed project.

BRW
A DAMES & MOORE GROUP COMPANY

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1225 Seventeenth Street
Suite 200
Denver, Colorado 80202
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303 293 8585 Fax

A written response to this Cooperating Agency requested is needed for the environmental documentation on this proposed project. A response on these matters may result, if necessary, in further inter-agency coordination to avoid or minimize potential project impacts. As a Cooperating Agency, the **Blackfeet Tribe** will receive periodic updates on the progress of the study, as well as requests for your participation in additional coordination meetings. MDT will also provide a copy of the Administrative Draft EIS on this proposed project for your review.

If there are any questions, please contact me at the address or phone listed in our letterhead, or call MDT Environmental Services at (406) 444-7228.

Sincerely,
BRW, Inc.

Darryl L. James
Project Manager

Enclosures

cc: Michael P. Johnson. Administrator – MDT Great Falls District (No. 3)
Carl S. Peil, P.E. – MDT Preconstruction Engineer
Thomas E. Martin, P.E.. - MDT Chief, Right-of-way Bureau
Timothy W. Reardon. Chief Cousel – MDT Legal Services
Dale W. Paulson, P.E., Program Development Engineer – FHWA Montana Division
Joel M. Marshik, P.E. Manager – MDT Environmental Services
Karl M. Helvik, P.E., Engineering Bureau Chief – MDT Environmental Services
file

BRW
A DAMES & MOORE GROUP COMPANY

MEMORANDUM

BRW
1225 17th Street, Suite 200
Denver, Colorado 80202
Phone (303) 293-8080
Fax (303) 293-8585

To: Attached Distribution

From: Darryl L. James

Date: November 23, 1999

Subject: **Fairfield to Dupuyer – Corridor Study**
STPP 3-2(27)28
Control No. 4051

Please find attached the Meeting Minutes from the Agency Scoping/Coordination Meeting held on November 16, 1999.

For those who were in attendance, please review the Minutes and let me know if you have any additions or clarifications.

If you have not already done so, please also respond to the Cooperating Agency request letters that were sent on October 29, 1999. We will need a formal written response for inclusion in this project's environmental documentation.

Before the end of the year, you can expect to see the Geometric and Operational report which will help in defining the Purpose and Need for the project, as well as a summary of the Public Scoping Meetings held on November 17 and 18, 1999.

We will be developing a range of conceptual alternatives over the next couple of months and will be prepared to present those alternatives in early February. We will be in contact with you during that time to further identify the environmental constraints in the corridor, and to clarify any of your concerns.

attachments

cc: Michael P. Johnson, MDT – Great Falls District Administrator
Fred Bente, MDT – Consultant Design
Karl M. Helvik, MDT – Environmental Services
Pat Basting, MDT – Biologist
Dale W. Paulson, FHWA – Program Director
Steve Saxton, FHWA – Operations Engineer
file

Distribution:

Blackfeet Tribal Administration
William Old Chief

Malmstrom Air Force Base
Capt. Richard Essary
John Bishop
Larry Hjorth

Montana Department of Environmental Quality
Tom Ellerhoff
Jeff Ryan
Carole Mackin

Montana Department of Natural Resources and Conservation
Bud Clinch, Director
Erik Eneboe, Conrad Unit Manager

Montana Fish Wildlife & Parks
Patrick Graham
Ken Soderberg
Mark Schlepp
Quenten Kujala
Mike Madel
Bill Hill

US Army – Corps of Engineers
Dwight Olsen
Alan Steinle
Doug McDonald

USDA – Forest Service
Mike Munoz

USDA – Natural Resources Conservation Service
John Streich
Dan Bloedel

US Environmental Protection Agency
John F. Wardell
Steve Potts

US Fish and Wildlife Service
Kemper McMaster
Scott Jackson

Note:

Please let me know if anyone needs to be added to, or deleted from this list.

Thank you.

STPP 3-2(27)28
Control No. 4051

Agency Scoping/Coordination Meeting
November 16, 1999

Meeting Minutes

The meeting was held at the Fairfield Community Hall, and began at approximately 1:00 p.m. with introductions of the Project Team as well as the Agency representatives in attendance (see attached sign-in sheet).

Darryl James, BRW Project Manager, explained that MDT had hired BRW, Inc. to conduct a Corridor Study and prepare an Environmental Impact Statement (EIS) for the proposed project. Darryl explained the handout given to everyone in attendance. The handout included the Project Contact List, and copies of the Project Information Sheet and presentation boards prepared for the Public Scoping Meetings. Darryl asked that everyone review the Contact List to make sure we were contacting the right people for information.

Mick Johnson, MDT - Great Falls, District Administrator, defined the general Purpose and Need for the proposed project. He explained that the maintenance costs of the existing facility (US 89) have grown to the extent that full reconstruction is warranted.

Mick also noted that reconstruction could be somewhat difficult due to environmental constraints, and explained that BRW was hired to identify those issues and to develop the potential alternatives to address those concerns. Mick highlighted a couple of major concerns: Freezeout Lake, and the presence of some Threatened and Endangered Species in the study area. Mick said he expects four main questions to be answered by the study:

1) What can be built?
2) Where can we build it?
3) What would be impacted? and
4) Is the No-Build a better alternative?

Mick also explained that we may be looking at alternative roadway widths (32' – 40'). Bike and pedestrian facilities may also warrant analysis adjacent to the proposed alignment. Other elements of the design may include enhancements for scenic enjoyment of the corridor, such as pull-outs at Freezeout Lake with interpretive sites and parking lots. Issues in Choteau will include an analysis of the operation of the roundabout at the Courthouse, the angle-parking, and the jog in the road at the "rest area."

Darryl gave a presentation to explain the NEPA process to be used for the study and the timeframe for the development of the EIS document and Record of Decision (ROD) from the Federal Highway Administration (FHWA).

Darryl then asked for some general discussion regarding individual concerns from each agency.

Mark Schlepp (MFWP) said he had heard talk of alternative alignments around Freezeout Lake. His preference is to leave it where it is. He explained that the existing alignment provides direct access for wildlife viewing and recreational uses, and seems to work well. The existing alignment provides the least amount of disturbance to waterfowl in the area.

He stressed that realignment to the western side of the Waterfowl Management Area (WMA) would not be preferable. The southwest side of the WMA is closed to hunting and is used by resting birds. Not only would this be disruptive to these birds, but it would make access to the area more difficult for hunters and birdwatchers alike.

Mark noted that the area is managed for use and is visited by hunters and birdwatchers all year long. Re-routing could affect a lot of public use, and the public really stands to lose out with a loss of direct access.

Mark asked about the potential impacts from widening. BRW and MDT discussed the potential impact of approximately 20 feet outside of the existing Right-of-Way (R-o-W) and that MDT's standard R-o-W is 80 feet either side of centerline (160 feet total). Mark said this would not be a big concern, especially if it could be accomplished on the east side (toward the railroad). MFWP had discussed potential wetland mitigation areas with MDT previously and Mark believes there is a very good potential for on-site mitigation of any impacts. MFWP also owns and manages the Priest Lake area and doesn't foresee any problems in that area.

Don Jacobs (BRW hydrologist) asked if Mark was aware of any flooding in the area. Mark explained that the WMA was constructed in the 1950's (dikes and structures) and have spent nearly $0.5 million in just the last few years to develop a water management plan. MFWP can control each of the ponds and Mark is not aware of any flooding since the development of the WMA.

Mick asked if MFWP had any concerns regarding species habitat for the reconstruction. Mick specifically mentioned the muskrat. Mark said any disturbance caused by the construction would be a minor displacement – not an impact. Mick asked if there were times when certain species could not be disrupted. Mark noted that eagles and trumpeter swans travel through and use the area, but typically on the western side. His concern was more for the users. He noted the following high-use times:

> approximately October 31 – December 31 – waterfowl hunting season, and
> approximately March 1 – April 15 – northern migration – birdwatchers.

Mark again noted that there are 103 types of bird documented in the area, and that they may be displaced or moved by the project, but not "impacted" by construction.

Mark asked if it was possible to shift to the east – towards the BNRR. Bob Thomson (MDT) noted that MDT was probably already on an easement with the BNRR and that further overlap of the US 89 R-o-W and BNRR R-o-W would only be an issue if BNRR had plans for expansion. Bob suggested adding the BNRR to the list of Cooperating Agencies.

Mike Mabel (MFWP Grizzly Coordinator) noted that the Grizzly bear recovery area ranges west of US 89 from Canada to Rogers Pass (along 287). There have been a number of documented Grizzly crossings on US 89 from the Teton River north to Browning. They typically cross in areas with good riparian cover. Mike said the boundary of the recovery area has been under study for four or five years, and a proposal will probably be made in the late winter or early spring to move the boundary east. The boundary is currently approximately three miles west of US 89, but would be moved up to US 89, making the roadway the eastern boundary.

Darryl asked if a shift in the alignment would constitute an impact to the recovery area. Mike said any movement west would merely represent a shift in the boundary and he would only be concerned if it were in a major riparian area – as there are not many in the area.

Mick noted that there are two bridges on hold for replacement (Jensen Coulee and Matchett Coulee) and MDT would coordinate the sizing and design of these structures with MFWP to allow for passage of grizzlies or other carnivores such as wolves.

DNRC was asked for their concerns. Erik Eneboe said he could not really provide any comment until he knew what alignments were under analysis. He noted that there are five or six tracts along the existing alignment with a mixture of grazing and agricultural land. He saw "no major hang-ups." He said the process for an easement is fairly simple and he would lean on MFWP for comment on any impacts to DNRC lands.

The Army Corps of Engineers (CoE) was asked for their concerns. Doug McDonald noted that their concerns revolved around aquatic resources. He stressed the need for early identification and classification of wetlands along the corridor. The CoE would make a determination as to whether wetlands are jurisdictional or non-jurisdictional.

Doug said he was encouraged by the comments from MFWP regarding the potential for wetland mitigation on-site and in-kind at the WMA. Doug noted some concern that mitigation for impacts to waters not covered under Section 404 are seldom adequately addressed.

Darryl noted that a 124SPA would be obtained for any stream impacts, but that he did not anticipate any major channel modifications.

Pat Basting (MDT biologist), also noted that we will be coordinating with the Sun River and the Teton Watershed groups and that they may be able to identify some mitigation areas.

Mark Shlepp (MFWP) added some concerns regarding the condition and potential impact to two 3-foot culverts at Pond 1. Bob Thomson said they would most likely be replaced under a reconstruction project of this nature.

Doug McDonald's final comment was a request that the wetlands be identified by township, range, longitude, and latitude. The BRW contract with MDT does not call for such an exercise, but we will look into the possibility to accommodate the request.

Steve Potts (EPA) said EPA has a generic scoping comment letter which he will modify for this project. He hopes to get this out by the end of this month. He had no other comments at this time.

John Bishop and Larry Hjorth (USAF – Malmstrom) Their only concern was for potential impacts during construction. They identified two silo sites within the corridor and will provide the location of conduits to/from these sites.

Pat Basting noted that since DEQ did not attend, we would need to coordinate the TMDL issues with them directly. Carol Mackin was identified as a good contact. Doug McDonald also noted that Jeff Ryan should be providing a dual role with CoE on the Section 404 as well as the TMDL.

Mike Munoz (USFS) has no concerns unless there was a major realignment. He did ask, however, if MDT anticipated any construction during the Lewis & Clark Bicentennial (2004 – 2006). Mick explained that the MDT budget has grown dramatically over the past few years and there will be over $300 million spent in 2003 alone, and construction will continue through the Bicentennial. Bob noted that this was a similar situation for DoT's across the country and the Lewis & Clark Bicentennial activities will likely run into construction projects all along the route.

The meeting was moved to tables displaying aerial photographs of the corridor. A few areas of concern were noted by MFWP and Malmstrom AFB, and DNRC noted the location of their properties.

The meeting adjourned at approximately 3:30 p.m.

89 **Fairfield to Dupuyer**
CORRIDOR STUDY

STPP 3-2(27)28
Control No. 4051

Agency Scoping Meeting

November 16, 1999
1:00 p.m.
Fairfield Community Hall
603 Central Avenue

Name:	Agency:	Phone:
Michael P. Johnson	MDT - GT. Falls -	454-5887
Robert Thomson	MDT - Great Falls	454-5899
Chris Vogelsang	BRW Traffic Engineer	303-293-8080
Mike Muñoz	RMRD, LECNF Forest Service	406-[illegible]4541
Mark Schlepp	MFWP - Freezout Lake WMA	466-3234
Erik Enebop	DNRC - State Lands - Conrad Unit	278-7369
Pat Basting	MDT / ENV.	444-0456
John Bishop	US Air Force - Missile Eng	731 7128
Larry Nitorth	USAF missile Eng	731 7128
Steve Potts	EPA	441-1140 x 232
doug mcdonald	USArmy Corps of Eng.	(406) 441-1375
Steve Saxton	Federal Highway Admin.	406 449 5303 ext 238
Don Jacobs	BRW	303-293-8080
Duncan Hymas	BRW Highway Engineer	303-293-8080
Michael Martel	MT Fish, Wildlife & Parks	466-5100
Fred Beaty	MDT - Helena	444-7634
Darrin James	BRW - Project Manager	303-293-8080

APPENDIX C

Comments and Responses



COMMENTS AND RESPONSES

This appendix provides a copy of each letter submitted during the comment period on the Draft EIS for this project. This period was initially scheduled between October 18 and December 13, 2002, but due to a failure in the recording equipment at the November 14, 2002 Public Hearing, an extended comment period was offered until February 19, 2003.

All letters received providing comment on the Draft EIS appear on the left side of each following page. Responses generated by MDT and FHWA appear on the right side of each page.

Each individual comment and their corresponding response are identified through a sequential numbering system. The comment is noted by a " ❼ " and the response is identified as "**Response # 7.**"

Edits made to the EIS document are also identified and referenced in this appendix.

89 **Fairfield to Dupuyer**
CORRIDOR STUDY

Public Hearing: Choteau - Thursday November 14, 2002

We Invite Your Comments:

1. #1 – To not allow road Construction during months of April + may because of Griz Bears is outrageous. Construction is out side of Griz Bears recovery area.

2. #2 – option C should not be ~~Considered~~ in area by North mt Feeders. North mont Feeders has their main water well on old RR right of way. Bert Guthrie cant stand the fact he can't Collect money for the water used but is road built + have, M M Feeders would have to negotiat with Guthrie + that Could cause Seed Lot to Close.

3. #3 – A. four way stop in Choteau would be in the best interest of most Choteau People + is MDT People put their mind to it it Could be done

Please provide your name and address below:

Name: Charles Crane

Address: 1903 8th Ln NW
Choteau mt
59422

Please leave your comments with either MDT or BRW staff at the Hearing, or mail to either:

MDT
Montana Dept. of Transportation
Jean A. Riley
MDT
P.O. Box 201001
Helena, MT 59620

URS
BRW, Inc.
Darryl L. James
URS/BRW Inc.
P.O. Box 220
Helena, MT 59624

Response # 1
Based on comments received regarding the timing restrictions for the Grizzly Bear proposed in the DEIS, the project team contacted Montana Fish, Wildlife, and Parks (MFWP) and the U.S. Fish and Wildlife Service (USFWS) to discuss the potential for modifications to this requirement. MFWP proposed to reduce the timing restriction to a period from April 15 to May 31, and only within a one-mile radius of the major drainages in the corridor, including: Teton River, Spring Creek, Foster Creek, Muddy Creek, Jones Creek, Farmers Coulee, Spring Creek, South fork Dry Fork Marias, Jensen Coulee, Middle Fork Dry Fork Marias, and Matchett Coulee. This decision was based on the recognition of the likelihood that reconstruction in this corridor is likely to be phased over several years, and the restrictions proposed in the DEIS may not be practicable. The continued importance of the April/May timing restriction is based upon the fact that the bears are in especially poor condition coming out of hibernation in the spring, and the new grass greening up along these drainages are exceptionally important sources of nutrients at that time. Therefore, it was agreed that a timing restriction that protected this important foraging resource and maintained some protection along secure travel and feeding corridors during these early spring months would most greatly benefit bears while still allowing construction activities to continue during the remainder of the critical months of the construction season.

Response # 2
Alignment Alternative C was eliminated based on the following findings:
- The bisecting of the Teton-Spring Creek Bird Preserve;
- A noise increase of 14 dBA to a nearby residence, constituting an "impact;"
- The greatest impact to wetlands compared to Alignment Alternatives A and B;
- A substantial transverse impact to the Spring Creek floodplain; and
- An impact to an archeological site (24TT407-Spring Creek Stone Circles).

The well mentioned in the comments was not identified in the EIS, but could also be considered as an element in the decision if there were not already an alternative that provided a clear advantage over others. Alignment Alternative A is the Preferred Alternative due to the fact that it provides the necessary safety and operational improvements balanced with minimization of social, economic, and environmental impacts, as well as minimized cost.

Response # 3
The four-way stop is currently part of the Proposed Action. MDT supports this request, but continues to hold that a full signal is not yet warranted. The new intersection design that will require elimination of several diagonal parking spaces at this intersection to improve visibility of pedestrians and the stop control.

89 **Fairfield to Dupuyer**
CORRIDOR STUDY

Public Hearing: Choteau - Thursday November 14, 2002

We Invite Your Comments:

Fairfield to Choteau road study & improvement.

4 Bridges: Bynum - a very serious & dangerous "S" road with bridge narrow on top of that! Daily users are: School Children - 9 months - twice a day or more, cattle trucks, hay trucks all wide for that bridge & icy conditions in winter & trees that block the oncoming traffic from the North. Those are ALOT of reasons for a very dangerous bridge!

The other bridge is rotten, but visable. It could be temporarily beefed up to get by vs. Bynum bridge is just plain ole DANGEROUS!!!

5 S curve at North end of Choteau & the incoming streets a very BAD situation! Needs good signing & museum needs to acquire more parking to the South.

Since this is a "once in a lifetime" road improvement, lets do it right to accomodate tourist travel as well as locals when it comes to SAFETY! Otherwise, don't just minimize sharp curves, take them out completely!

6 Costumer parking is badly needed at court house. What is available is used by employees totally except for handicapped & when you're in between, you need parking!

7 The whole effort is a good one to enhance travel to & from Glacier Park & bring business to Montana as well as SAFER roads for the local people who are on them constantly. In particular, the School Children!!!

Please provide your name and address below:

Name: Dorothy A. Skelton

Address: 560 31st RD NW
Conrad
Mt. 59425-8700

Please leave your comments with either MDT or BRW staff at the Hearing, or mail to either:

MDT Montana Dept. of Transportation	URS BRW, Inc.
Jean A. Riley	Darryl L. James
MDT	URS/BRW Inc.
P.O. Box 201001	P.O. Box 220
Helena, MT 59620	Helena, MT 59624

Response # 4
The Bynum (Muddy Creek) bridge is quite evidently in need of replacement, as indicated by the Sufficiency Rating, and will be addressed as soon as funding can be identified. Based on the comments received to date, MDT's District office in Great Falls has placed a priority on appropriating funds for the replacement of this structure as soon as possible. The bridge site is currently eligible for safety funds and the site will be reviewed in the spring of 2003. Following that evaluation, and the development of a preliminary cost estimate, MDT will identify additional funding needs and sources and program the bridge replacement.

Response # 5
The Proposed Action will remove the curve and provide an additional entrance serving the museum complex and information center. This is illustrated in Figure 2-12 in Chapter 2 of the FEIS.

Response # 6
The courthouse parking lot has recently been reconstructed and did add a few more spaces. Additional parking is planned and is being coordinated by Teton County.

Response # 7
Thank you for your comment.

Public Hearing: Choteau - Thursday November 14, 2002

We Invite Your Comments:

8 ON Fibure 2-5 I support Alt C following The old Rail Bed Because of The fatalities at mile 49¾ corner

9 ON figure 2-9 I support Alt K we use this Hill all the time I would also Like to see a straight line Between 69¼ – 70 mile marker. This would Be Better to Get on Hwy we them this Land.

10 Love what you did with Fig 2-8!

Please provide your name and address below:

Name: Pat Field

Address: Box 93
Pendroy Mt. 59467
406-469-2299

Please leave your comments with either MDT or BRW staff at the Hearing, or mail to either:

MDT
Montana Dept. of Transportation
Jean A. Riley
MDT
P.O. Box 201001
Helena, MT 59620

URS
BRW, Inc.
Darryl L. James
URS/BRW Inc.
P.O. Box 220
Helena, MT 59624

Response # 8
The three alignment alternatives in this general area were all designed to safely accommodate travel consistent with the posted speed, including the curve immediately south of MP 50. Alignment Alternatives A and B both begin on the west side of the existing alignment and cross over to the east, cutting through that curve to provide a much flatter, gentler curve. Alignment Alternative A is part of the Proposed Action due to it's minimization of impacts to the surrounding area. (See also Comment/Response # 2.)

Response # 9
Based on the public's preference and the fact that Alignment Alternative K could be modified to reduce wetland impacts and avoid conflict with the radio tower, the Proposed Action has been modified to include Alignment Alternative K instead of Alignment Alternative L as identified in the DEIS.

Response # 10
Thank you for your comment.

89 **Fairfield to Dupuyer**
CORRIDOR STUDY

Public Hearing: Choteau - Thursday November 14, 2002

We Invite Your Comments:

11 This is the 1st time I have heard of A Detour around the court House when you come off the Augusta Highway at the ~~a~~ tetor County ~~Bathom~~. RESTHOME I think this is a mistake. You should ~~[illegible]~~ either go to pig ally or leave it as is.

12 ADDRESS THE STOP LITE ISSUE WITH A LITE.

13 AGAIN - DO NOT change THE HIGHWAY FROM AUGUSTA TO CIRCLE THE COURT HOUSE. GO TO THE PIG ALLY OPTION

Please provide your name and address below:

Name: Jerry Breen

Address: BOX 253
Choteau MT. 59422

Please leave your comments with either MDT or BRW staff at the Hearing, or mail to either:

MDT	URS BRW, Inc.
Jean A. Riley	Darryl L. James
MDT	URS/BRW Inc.
P.O. Box 201001	P.O. Box 220
Helena, MT 59620	Helena, MT 59624

Response # 11
The issue of traffic circulation around the courthouse has been the subject of extensive discussion. This idea was first mentioned at the Scoping Meetings in the fall of 1999, it was presented in the August 2000 project newsletter, and was one of the sole topics of discussion at the "Choteau Alternatives Meeting" held in Choteau on February 23, 2000 (see transcript in Chapter 7 of this FEIS document). Subsequent to our February meeting, the City of Choteau issued Resolution No. 541 "Refusing to Give Consent to Highway Bypass or Relocation of Highway 89." This resolution was approved by the Choteau City Council on May 16, 2000.

Response # 12
See Comment/Response # 3.

Response # 13
Refer to Comment/Response # 11 above.

Public Hearing: Choteau - Thursday November 14, 2002

We Invite Your Comments:

14 First of all we'd like to congratulate Darryl James for his exemplary patience and insight in conducting the meeting in Choteau on Nov. 14. I hope he can keep in mind that a good share of the people who "commented" won't event be around when the project is started, let alone when it is finished. There are some folks who are against any kind of change or progress, and it showed in that meeting.

15 Second, the research, work and engineering expertise that went into the DIS is remarkable and shows that the researchers really know the "flavor" of the area.

16 The highway between Choteau and Dupuyer really does need to be improved, with curves straightened, roadway widened, hills and gullies made less steep. Following the cow trails just doesn't pack it in this day and age, so use the most cost-effective, environmentally sound routes. If slowing down the traffic before it enters Choteau from the north and the south is a concern (and since I live on the north end I know how fast they come into town),the use of "rumble strips" such as are used on Highway 287 at Bowman's Corner when approaching Highway 200 might be considered.

Please provide your name and address below:

Name: Stan and Teotic Rasmussen

Address: 4210 U.S. Hwy 89
Choteau, MT 59422

Please leave your comments with either MDT or BRW staff at the Hearing, or mail to either:

MDT
Jean A. Riley
MDT
P.O. Box 201001
Helena, MT 59620

URS
BRW, Inc.
Darryl L. James
URS/BRW Inc.
P.O. Box 220
Helena, MT 59624

Response # 14
Thank you for your comment.

Response # 15
Thank you for your comment.

Response # 16
According to our analysis, the Proposed Action does in fact provide the most balanced approach to providing the needed safety improvements in an environmentally as fiscally responsible manner, and most of the public response, such as yours, support this notion. With regard to rumble strips, they are not traditionally installed as a traffic control device, but rather as an early warning for an approaching stop condition. Regardless, MDT does not traditionally install them in residential areas due to the excessive noise they create. Other design options may be available and can be explored during final design if traffic speed continues to be a concern.

Public Hearing: Choteau - Thursday November 14, 2002

We Invite Your Comments:

17 I attended the 11-14-02 meeting in Choteau & heard your explanations on why the "flashing light intersection" does not warrant a 4-way stop or at least some adjustment. If vehicles are angle parked close to the intersection it is impossible to see if a vehicle is approaching until you are so far into the intersection that you put yourself in danger. I understand the problem with semi trucks & moving the stop sign into the intersection (Maybe the trucks could use a by pass). Surely in all of the various circumstances that you have dealt with there is a solution. This is a very dangerous intersection, and although there have been innumerable near misses that I have witnessed (or been a part of) apparently there haven't been enough fatalities for you to realize the seriousness of the problem. I personally believe a 4-way stop is the best solution.

18 Freezout area - the bird watchers stop where they can see the birds. The hunters parking area improvements won't do alot to solve that problem.

Please provide your name and address below:

Name: Margaret Halko

Address: Box 1383
Choteau MT 59422

Please leave your comments with either MDT or BRW staff at the Hearing, or mail to either:

Jean A. Riley MDT P.O. Box 201001 Helena, MT 59620	Darryl L. James URS/BRW Inc. P.O. Box 220 Helena, MT 59624

Response # 17
As noted in the DEIS, this intersection was the subject of an independent "signal warrant study" which found that a full signal was not warranted, but that a four-way stop was feasible. At the time of the release of the DEIS, the project team was engaged in some engineering analysis to determine if the intersection could be improved to facilitate the desired four-way stop. Since that time, it has been determined that bulb-outs at the intersection will introduce new problems with trucks attempting to turn at this intersection, as well as drainage problems along Main Street. The solution is to eliminate several diagonal parking spaces at the intersection to facilitate the truck turning movements and improve the visibility of pedestrians and the stop control.

Response # 18
The intent of the parking lot improvements was certainly to encourage their use over parking on the shoulders, however, the wider shoulders will allow for some vehicle refuge/parking. Any additional parking or pull-out areas along the roadway would have required additional right-of-way from the railroad or the Freezout Lake WMA which would have been difficult to justify.

Public Hearing: Choteau - Thursday November 14, 2002

We Invite Your Comments:

19 I believe that the light in Choteau should be changed to a 4 way stop and several of the parking spaces on all four corners changed to parallel parking for better visability.

20 In moving the hyway closer to the parking lot at the Old Trail Museum it looks like access to & from the parking area will cause traffic problems for the longer motor homes that use this area in the summer-time.

Please provide your name and address below:

Name: JOE HALKO

Address: P.O. BOX 1383
CHOTEAU, MT.
59422

Please leave your comments with either MDT or BRW staff at the Hearing, or mail to either:

Jean A. Riley
MDT
P.O. Box 201001
Helena, MT 59620

URS BRW, Inc.
Darryl L. James
URS/BRW Inc.
P.O. Box 220
Helena, MT 59624

Response # 19
As noted in Chapter 2 of the FEIS, and Comment/Response # 3, a four-way stop is currently included in the Proposed Action for the 1st and Main intersection in Choteau. To install the four-way stop (which will include stop signs on each corner), and improve the visibility of pedestrians, it does in fact require the elimination of several diagonal parking spaces at this intersection.

Response # 20
An additional access is planned to the south to alleviate this potential problem. See Figure 2-12 in Chapter 2 of the FEIS.

89 **Fairfield to Dupuyer**
CORRIDOR STUDY

Public Hearing: Choteau - Thursday November 14, 2002

21 **We Invite Your Comments:**

As a landowner, I am writing to protest the proposal to acquire an additional 50 feet of right-of-way south of Choteau, from Eastham Junction, north to Miller Lane. There is an existing Teton County road running parallel to Highway 89 that could be used as a detour route. With a wetlands area, natural gas pipelines, NorthWestern Energy power lines, plus the cost of land acquisition, fencing, etc., I find it hard to believe it is more cost effective to build a new roadbed.

I also question why you would shift this stretch of roadbed to the East, when the highway to the South and North follow the current allignment. As alternative travel routes will be taken to avoid any construction through this area, traffic would be greatly decreased.

I ask that the proposal for this section of highway be reconsidered.

Please provide your name and address below:

Name: William H. Miller

Address: P.O. Box 158
93 Miller Lane
Choteau, MT 59422

Please leave your comments with either MDT or BRW staff at the Hearing, or mail to either:

MDT
Montana Dept. of Transportation
Jean A. Riley
MDT
P.O. Box 201001
Helena, MT 59620

URS
Darryl L. James
URS/BRW Inc.
P.O. Box 220
Helena, MT 59624

Response # 21
The roadbed throughout the corridor will require complete reconstruction. The proposed shift to the east is minor, and is intended to allow traffic to continue on the existing route while the new roadbed is constructed. This technique provides substantial cost savings by virtually eliminating the need for traffic control. Further, the cut slopes for the new roadway itself will ultimately overlap the existing route, meaning the construction limits for the new alignment will be very close to the existing western toe of slope. This means less borrow material will be required through this portion of the corridor, and widening and new right-of-way can be limited to only one side of the new alignment.

Wetlands through this portion of the corridor are located on both sides of the existing alignment and would be impacted regardless of the direction the alignment were shifted. There are no major utilities located on the easterly side of the alignment, but some overhead power will need to be relocated as the highway approaches Choteau.

United States Department of Agriculture
NRCS
Natural Resources Conservation Service
Federal Building, Room 443
10 East Babcock
Bozeman, MT 59718

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ENVIRONMENTAL

MASTER FILE COPY

November 11, 2002

Jean A. Riley, P.E.
Environmental Services
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

Dear Mr. Riley:

This letter is in response to the Draft Environmental Impact Statement for STPP 3-2(27) 28 Fairfield to Dupuyer Corridor Study Control No. 4051 in Teton and Pondera Counties, Montana. The USDA, Natural Resources Conservation Service (NRCS) has a direct interest in the Alignment Alternatives A and C.

22 NRCS is presently in the process of acquiring a Wetland Reserve Program (WRP) perpetual easement in the NW1/4, N1/2NE1/4 of Section 28, and T25N – R5W. Alignment Alternative A (page 2-6) offsets the current alignment 50 feet to the east. This alternative would have a minimal effect on the WRP acreage and would be NRCS's preferred alternative; if one will be needed.

Alignment Alternative C (page 2-6) follows the old railroad grade. This alignment alternative runs through the middle of the WRP easement and subsequently through the middle of the wetland planned for restoration under the easement. The 15-acre wetland in question is noted on the Wetland Location Map, figure 3-1 as C-3.

If you have any questions or concerns you can contact Dennis Dellwo, WRP Program Specialist at (406) 587-6748, or Stacy Denny Eneboe, District Conservationist, Teton County, at (406) 466-5722 ext. 114.

Respectfully,

DAVE WHITE
State Conservationist

Cc
Dennis Loreth, Assistant State Conservationist for Programs, NRCS, Bozeman
Phyllis Philips, Assistant State Conservationist for Field Operations, NRCS, Great Falls
Stacy Denny Eneboe, District Conservationist, NRCS, Choteau

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

Response # 22
Alignment Alternative A is currently part of the Proposed Action, partly due to efforts to avoid and minimize impacts to the wetland referred to in the NRCS comments.

Daryl L. James
URS/BRW Inc.
P.O. Box 220
Helena, MT 59624

November 15, 2002

Dear Mr. James,

I attended the meeting in Choteau on November 14, 2002 concerning the proposed modifications to Hwy. 89 from Fairfield to Dupuyer. I was unable to stay for the public comment period but I wanted to make some suggestions. I am an employee of the Old Trail Museum so my comments mostly concern the proposed straightening of the "kink" in the road near the museum. I have worked at the museum for eight years and have observed traffic patterns both before and after the addition of the "kink." Because of my experience I believe, I have a good grasp of the realities of traffic patterns in front of the Museum.

When I first heard of the proposed straightening, I thought the Museum would lose its parking lot, and I came to the meeting prepared for battle. After reviewing the proposed changes I believe that the proposal is a reasonable alternative which takes into consideration both the concerns of locals and the interests of the Museum. While URS should be commended for coming up with such an excellent compromise, I do have some concerns about potential increases in traffic congestion which might result from the proposed straightening. We get a lot of tourist traffic in the summertime and the removal of the turning lane could cause traffic to come to a complete halt in front of the museum. I have two suggestions for minor modifications that would help alleviate congestion.

23 My first suggestion was voiced to you by the director of the Museum during the reviewing phase before the main presentation. The addition of a second entrance to the Museum/Visitors Center parking lot at the southern end would not affect the preferred alternative and would help alleviate congestion from northbound traffic.

24 My second suggestion is that the addition of a turning lane near the existing entrance would prevent traffic from coming to a complete halt in the southbound lanes during our busy season. The centerline of the northbound traffic lane could remain unchanged, but the southbound lane would need to be deflected westward 12 ft. in order to accommodate a turning lane. I realize that I am proposing a return of the "kink," albeit in a reduced form, which many locals seem to think is an omen of a coming apocalypse. But I can only imagine how much locals will gripe if they have to come to a complete stop in front of the Museum rather than slowing down. I am including a bad sketch of my ideas with this letter which demonstrates my general ideas. No matter what alternative is chosen, the Museum will be fully blamed by locals for any traffic problems that may arise, but I would prefer whining about a curve to raging about traffic jams.

As for the rest of the proposal I believe that the preferred alternative in each case is the

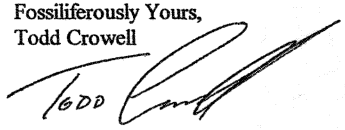
Response # 23
The FEIS incorporates the museum's suggestion as this appears to be the most reasonable manner to alleviate this potential traffic concern. As illustrated in Figure 2-12 in Chapter 2 of the FEIS, the additional entrance is located to the south end of the parking lot near the rest area/information center.

Response # 24
The comment is correct that a turn lane would again require a "kink" in the road, and would not provide the safety and operational improvements intended.

25

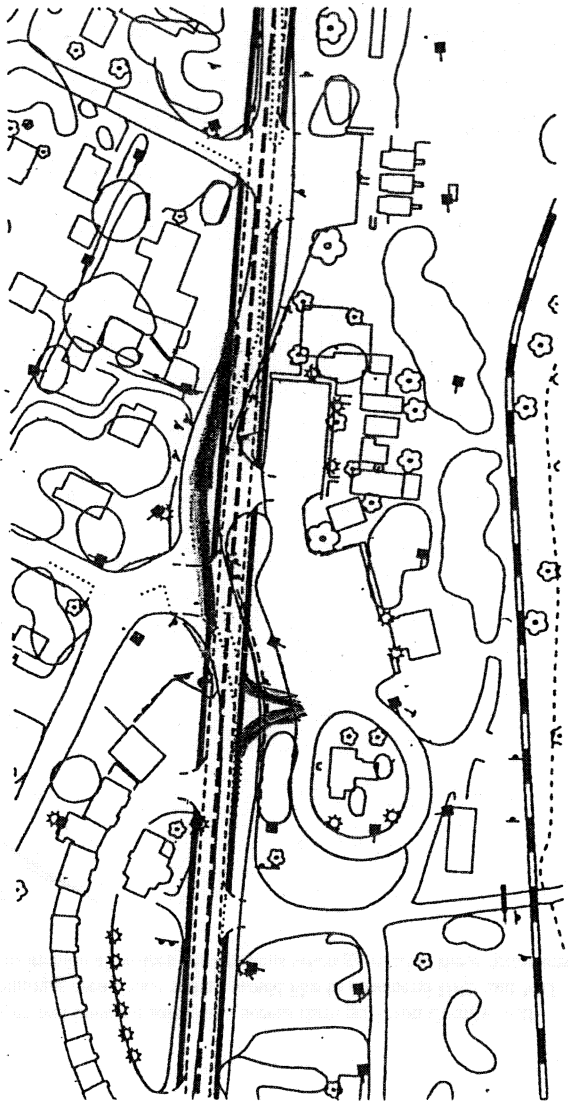
best one. These modifications will improve safety and access through Teton County with minimal impact to the surrounding area. Once again I would like to commend URS and MDT for the efforts they have taken to include all voices and opinions when generating these proposals.

Fossiliferously Yours,
Todd Crowell



Response # 25
Thank you for your comment.

residents at previous meetings, and our observations are that the current condition can pose a potential hazard. This curve can be eliminated with minimal impact to the parking area at the Museum, and is part of the recommendation in the EIS.



Map attachment.

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ENVIRONMENTAL

Fairfield to Dupuyer
CORRIDOR STUDY

Public Hearing: Choteau - Thursday November 14, 2002

MASTER FILE COPY

We Invite Your Comments:

26 Bynum bridge—probably the "worst" hazard of 89? Until it is replaced, there should be "more signing" to warn people of it's danger & the center line is NOT in the center?

School children cross that bridge daily 9 months out of the year & Please consider their safety.

Cattle trucks, grain trucks, hay trucks, logging trucks, all legal, but big trucks that need to use that road have NO room to spare, very narrow edges on sides of highway.

27 It's been 80 years since some of that highway was built & probably be that long before anymore will be done, so please consider doing it right for long-term future use. Otherwords, if a curve can be eliminated without extreme cost, please do so! Example; one by Otis Bryant's. (Plan C) One on pg 2-10,

28 plan G would be the smartest plan to do & pg 2-13, plan K would

29 also be the best one!

30 For the sake of "safety," these comments for consideration would be appreciated. Don't be penny-wise & dollar foolish.

31 Do the Bynum bridge first & then, hop up to Dupuyer & work South as you planned.

Please provide your name and address below:

Name: Ted Skelton

Address: 5600 231st RD NW
Conrad, MT. 59425

Please leave your comments with either MDT or BRW staff at the Hearing, or mail to either:

MDT
Montana Dept. of Transportation
Jean A. Riley
MDT
P.O. Box 201001
Helena, MT 59620

URS
BRW, Inc.
Darryl L. James
URS/BRW Inc.
P.O. Box 220
Helena, MT 59624

Response # 26
See Comment/Response # 4 regarding the Bynum (Muddy Creek) bridge.

Response # 27
Environmental concerns and cost considerations were the driving factors behind the selection of Alignment Alternative A (see also Comment/Response # 2). The curve correction provided by this alternative is designed to 65 mph speeds and will be a vast improvement over the existing conditions.

Response # 28
Alignment Alternative G was re-evaluated and determined to be undesirable for three reasons: 1 – the alignment will require a large cut through the hillside and could result in a substantial amount of waste material from this excavation; 2 – the general north/south orientation through a cut section could potentially introduce a drifting problem; and 3 – the G alignment segments a substantial portion of cultivated land that would then be difficult to access. Alignment Alternative H can provide a gentler alignment through this area to improve the existing curve, and does not introduce any of these undesirable elements.

Response # 29
Alignment Alternative K was re-evaluated and determined to be workable and is now included in the Proposed Action instead of Alignment Alternative L. (See also Comment/Response # 9).

Response # 30
These improvements are intended to address the safety and travel demand in this corridor for the next 20+ years. These improvements were developed under NEPA and MEPA guidelines to balance standard engineering design with social, economic, and environmental impacts, and with the need to provide a design that is fiscally responsible. As the state attempts to provide maintenance and upgrade to nearly 70,000 miles of roadway in the current system, it is oftentimes more responsible to provide the most cost effective solution rather than the optimal engineering design so that the money saved is available for badly needed improvements elsewhere.

Response # 31
See Comment/Response # 4 regarding the Bynum (Muddy Creek) bridge.

November 21, 2002

To: Darryl L. James
URS/BRW Inc.
P.O. Box 220
Helena, MT 59624

From: Vernon and Bonnie Andersen
P.O. Box 722
Bynum, MT 59419

Re: Comments on Highway 89 Fairfield to Dupuyer Corridor Study

We attended the Public Hearing in Choteau on November 14, 2002 and were pleased with the presentation and the alignment alternatives chosen throughout the corridor. However, we would like to add the following comments:

32 1. Regarding "Threatened and Endangered Species Impacts," "construction will not be allowed from April 1 to June 30…"
We strongly disagree with this requirement. If there are any bears that close to the highway, they shouldn't be and why is anyone concerned about disturbing their nap? We have never seen any sign or tracks along the creek that early in the year. Perhaps some construction activity might prevent some human/bear conflict.

33 2. Regarding "Species of Concern," "Because the Black Tern nest within 200 feet – no construction from May to August 1..."
We strongly disagree with this requirement. Does anyone know how many birds nest within 200 feet or if the terns would even be disturbed?

34 The seasonal windows for construction in the "front range" area are narrow and these closures take a big piece of the limited time frame.

Regards,

Vernon Andersen

Bonnie Andersen

Response # 32
The provision for the grizzly bears has been revised. Please see Comment/Response # 1 for more details.

Response # 33
Based on communications with MFWP staff at the Freezout WMA, a study in 2001 showed a Black Tern (a state species of concern) colony of 20 to 30 birds nesting within 200 feet of US 89. MFWP staff determined that a timing restriction during the Black Tern nesting season was needed for the two (2) mile section of US 89 in the Freezout Lake WMA.

Response # 34
The seasonal windows are narrow, and steps have been taken in recognition of this concern balanced with the concerns of the professional wildlife scientists involved in the development of the project alternatives. The revised timing restriction was developed to permit construction for a longer period while still accommodating the wildlife concerns.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 West 15th Street, Suite 3200
HELENA, MONTANA 59626

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Ref: 8MO

November 25, 2002

Ms. Jean A. Riley, P.E.
Environmental Services,
Montana Dept. of Transportation
2701 Prospect Ave., P.O. Box 201001
Helena, MT 59620-1001

Re: Comments on Draft Environmental Impact Statement, U.S. 89 Highway, Fairfield to Dupuyer Corridor Study

Dear Ms. Riley:

35

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Draft Environmental Impact Statement for highway improvements to U.S. 89 Highway, Fairfield to Dupuyer. The EPA reviews EISs in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. The EPA's comments include a rating of both the environmental impact of the proposed action and the adequacy of the NEPA document. A summary of EPA's rating system is enclosed for your information.

The EPA supports the purposes of the proposed U.S. 89 Fairfield to Dupuyer highway improvement project to update design features, improve safety of travel and level of service, and provide enhancements to recreational users. However, we believe additional information should be provided regarding wetlands impacts and wetland mitigation. We believe the specific wetlands impacts along the corridor (for wetlands shown in Tables 3.8 and 3.9, and on Figure 3.1) that comprise the 29.91 acres of total wetland impact for the 36 foot wide roadway, and the 26.16 acres of wetland impact for the 32 foot wide roadway, should be more clearly identified and disclosed. Such information is needed to more fully understand wetlands impacts, and evaluate wetlands avoidance, minimization and compensation efforts.

The preferred alternative of the 36 foot wide roadway appears to impact an additional 3.85 acres of wetlands as compared to 32 foot roadway. It is not clear to EPA if there are additional site-specific realignment opportunities that may reduce overall wetland impacts, and reduce the magnitude of wetlands impact differences between the 36 and 32 foot wide roadway

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Response # 35
EPA's review and comments are appreciated. Responses to specific comments are provided in conjunction with the attachment to this letter, which duplicates and expands upon the issues raised in this letter.

alternatives?

We also believe that a Wetland Mitigation Plan should be prepared that provides for adequate replacement of lost wetland functions and values. This Plan should be approved by the appropriate agencies before implementation of the proposed project. We recommend that the Plan contain a statement of goals, a monitoring plan, long-term management/protection objectives and a commitment to conduct additional work, if required, to meet the goals of the Plan. We also encourage consultation with the Montana Interagency Highway Wetlands Group for this proposed wetland mitigation project to facilitate interagency agreement on the proposed mitigation plan for replacement of wetland functions and values.

We also believe bicycle use and patterns of use on the U.S. 89 highway corridor should be further evaluated and disclosed, since it is stated that the 36 foot wide roadway is preferred to encourage bicycle travel within the corridor. We note that it is stated in the DEIS that no organized bike groups in the State have identified U.S. 89 as a primary bike route, although we understand that the scenic U.S. 89 route to Glacier Park has a high touring bicycle use. Existing and projected bicycle use patterns (e.g., numbers of users, bicycle trip origins and destinations) are unclear. There are also questions regarding consistency of design features conducive to bicycle use (i.e., shoulder widths) along the U.S. 89 corridor from Great Falls (or Vaughn) to Glacier Park. We recommend that the MDT more fully analyze these issues, perhaps in association with bicycle groups, and discuss findings in the final EIS.

We also note that the DEIS indicates that at least five accident cluster areas have been identified by MDTin the corridor, however, we did not see these accident cluster areas discussed in much detail in the DEIS. It would be of interest to know the locations of the accident cluster areas, and the measures that are proposed to improve safety in these areas. Potential wildlife-vehicle collision issues and mitigation measures should be further disclosed.

Finally, we believe it is important to contact MDEQ to ensure MDEQ concurrence that proposed U.S. 89 road improvement will be consistent with MDEQ's TMDL development for the impaired waters (303(d) listed waters) that may be impacted by the proposed project (e.g., contact Robert Ray of MDEQ in Helena at 444-5319). We also support the conduct of watershed or aquatic habitat restoration activities to compensate for impacts by highways to aquatic resources, particularly in watersheds with 303(d) listed waters where highways may have contributed to aquatic impairments through past channelization, riverine or floodplain encroachments, sediment delivery during construction, and other activities that may have affected channel stability, water quality, aquatic habitat, and designated waterbody uses. It would be appropriate for MDT to have a role in the MDEQ's development of Total Maximum Daily Loads (TMDLs) and associated water quality restoration plans (e.g., contact Robert Ray or Jeff Ryan of MDEQ at 444-5319 or 444-4626, respectively).

We are enclosing our additional and/or more detailed comments, questions, and concerns regarding this DEIS for your review and consideration. Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action and alternatives in an EIS, the U.S. 89 Fairfield to Dupuyer Corridor Study DEIS

Responses follow.

has been rated as Category EC-2 (Environmental Concerns - Insufficient Information). A copy of EPA's rating criteria is attached.

Our environmental concerns regard impacts to wetlands, and other aquatic resources. We recommend further analysis and disclosure of wetlands impacts and wetland mitigation, and believe additional information should be provided regarding accident cluster areas and wildlife-vehicle collision concerns, bicycle use patterns. We rlso recommend consultation with the Montana Dept. of Environmental Quality (MDEQ) to assure concurrence on proposed highway construction activities and compatibility with TMDL development.

If we may provide further explanation of our concerns please contact Mr. Steve Potts of my staff in Helena at (406) 457-5022 or in Missoula at (406) 329-3313. Thank you for your consideration.

Sincerely,

John F. Wardell

John F. Wardell
Director
Montana Office

Enclosure

cc: Cynthia Cody/Julia Johnson, EPA, 8EPA-N, Denver
Todd Tillinger, COE, Helena
Dale Paulson, Program Development Engineer, FHWA, Helena
Scott Jackson, USFWS, Helena
Jeff Ryan, MDEQ, Helena

Responses follow.

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

Responses follow.

EPA Comments on the Draft Environmental Impact Statement for the U.S. 89 Highway, Fairfield to Dupuyer Corridor Study

Brief Project Overview:

The Montana Dept. of Transportation (MDT) and Federal Highway Administration (FHWA) have evaluated proposed improvements to U.S. Highway 89 from approximately 3.6 miles north of Fairfield, in Teton County, to 0.4 miles south of Dupuyer in Pondera County, Montana (a distance of 46.2 miles). Improvements are proposed to update design features, improve safety and operation, and provide enhancements for recreational users of the corridor. The existing road is a paved two lane rural arterial with an outdated design, including inadequate passing opportunities, substandard roadway width, narrow shoulders, sharp curves, and poor intersectional geometry and stopping sight distance. Several bridges are also functionally obsolete and eligible for replacement. The accident rate on U.S. 89 is nearly double that of the statewide average for similar roads, and the severity rate is a third higher. U.S. Highway 89 serves as a major route to Glacier National Park, and has already been widened on the north end of Fairfield, just south of the terminus of this project.

Alternatives evaluated include the No Build (no action) Alternative which would leave the existing narrow two lane (12 foot lanes) with narrow to non-existent shoulders, with routine maintenance. The Route Segment Plan Build Alternative would construct a 32 foot wide roadway from Fairfield to just north of Choteau, narrowing to a 28 foot roadway from Choteau to the end of the route. In addition a wider section highway (36 foot roadway) was also considered to address the local community desire to encourage bicycle and pedestrian travel for the entire length of the corridor. The Build Alternatives would reconstruct the roadway generally along the existing alignment, but offset approximately 50 feet east of the existing centerline. The offset alignment was proposed to facilitate use of the existing road during project construction, and to reduce right-of-way acquisition costs, and earthwork and traffic control costs. Fourteen additional site specific alignment alternatives were also evaluated in six general locations throughout the corridor to address substandard curves. Existing bridges, culverts, and stockpasses would be replaced. Enhancements such as islands and a 4-way stop in Choteau, additional pullouts, and improvements to parking areas at the Old Trail Museum and Freezeout Lake, and realignment of intersections throughout the corridor are also proposed.

A preferred alternative has been identified using the 36 foot roadway width to encourage bicycle travel within the corridor, and the offset alignment option with site-specific alignment alternatives A, E, H, I , K and N.

Comment:

36 1. Thank you for providing descriptions of existing roadway deficiencies, including sharp curves, stopping sight distance, substandard roadway width, narrow shoulders, outdated design, including inadequate passing opportunities, poor intersectional geometry, accident

Response # 36
Thank you for your comment.

data, safety concerns, and functionally obsolete bridges (Chapter 1). This information is helpful for explaining the purpose and need for the project to the public, and providing a context for understanding alternative development.

37 2. It is stated that at least five accident cluster areas have been identified by MDT (page ES-2, 1-8). However, we did not see these accident cluster areas disclosed or discussed in much detail in the DEIS. It would be of interest to know the locations of the accident cluster areas, and the measures that are proposed to improve safety in these areas.

38 3. There are suggestions in some of the transcripts of the public meetings that deer crossings of the road may be a safety issue (e.g., near Choteau). Have wildlife biologists identified the likely wildlife migration corridors and areas of wildlife movement across US 89? Bridges or underpasses may be worth considering for providing opportunities for wildlife crossings of the highway at appropriate locations to improve safety for highway users as well as to conserve wildlife resources. Use of guide fences may also be worth considering where possible on both sides of the highway to help direct wildlife to safer crossings of the highway. Wildlife-car collisions can be a safety problem, and this safety issue should be addressed.

39 4. An improved watershed map that identifies the location of waterbodies (rivers, streams, lakes, reservoirs) in the Fairfield to Dupuyer Highway corridor, particularly showing waterbody location relative to U.S. Highway 89 and proposed alignments would be helpful to convey their relationship to project activities, and to improve understanding of potential impacts to the waterbodies.

40 5. Thank you for identifying and discussing waterbodies listed by the Montana DEQ on the State Clean Water Act 303(d) list (page 3-11). Stream segments designated as "water quality impaired" and/or "threatened" listed on State 303(d) lists require development of a Total Maximum Daily Load (TMDL). A TMDL:

Identifies the maximum load of a pollutant (e.g., sediment, nutrient, metal) a waterbody is able to assimilate and fully support its designated uses; allocates portions of the maximum load to all sources; identifies the necessary controls that may be implemented voluntarily or through regulatory means; and describes a monitoring plan and associated corrective feedback loop to insure that uses are fully supported; or can also be viewed as, *the total amount of pollutant that a water body may receive from all sources without exceeding Water Quality Standards (WQS)*; or may be viewed as, *a reduction in pollutant loading that results in meeting WQS.*

Table 3.6 identifies Freezeout Lake, Priest Butte Lakes, and the Teton River on the year 2000 303(d) list. It should be understood that the MDEQ and EPA are under a Court Ordered schedule to prepare TMDLs for all waterbodies on the 1996 list. Removal of a stream on the year 1996 303(d) list due to lack of sufficient and credible data does not

Response # 37
No specific counter-measures were identified by MDT for the accident clusters, and the clusters were fairly unremarkable. The overall improvements (including straightening of curves, widening of the roadway surface, and flattening of side slopes) are anticipated to adequately address those accidents.

Response # 38
The deer crossings are concentrated around Choteau (Teton River and Spring Creek). The proposed improvements provide wider shoulders, and flatter, wider sideslopes that will increase the overall clear zone to improve visibility of approaching wildlife. Deer fencing is most effective when several miles can be installed to guide wildlife through a desired location. Due to the immediate proximity to town, it was the opinion of wildlife biologists that fencing was not an appropriate application in this area. MDT will coordinate with MFWP to incorporate wildlife passage in the design of the new bridges and culverts, as the riparian corridors associated with these stream crossings provide important cover for wildlife movements.

Response # 39
A watershed map has been included as Figure 3-2 in the FEIS and can be reviewed in the Water Bodies, Wildlife Resources, and Habitat discussion in Chapter 3.

Response # 40
MDT will actively coordinate with DEQ regarding impacts to all streams, and particularly those on the TMDL list(s). EPA is correct in identifying additional streams in the project vicinity, however they are not in the immediate project area. As shown in the waterbodies map in Chapter 3, Bynum and Eureka reservoirs are upstream of the project area and will not be impacted by the project. Other streams noted, such as Dupuyer Creek and the North and South Forks of Dupuyer Creek lie outside the project limits. The map has been included to help demonstrate their location relative to the Proposed Action.

relieve the agencies of TMDL development responsibility, although MDEQ and EPA are appealing to the Courts to get permission to use more up-to-date 303(d) listing information for TMDL preparation. We note that the MDEQ's 1996 303(d) list in addition to the waterbodies identified in Table 3.6 also includes Dupuyer Creek, and the North and South Forks of Dupuyer Creek, the Dry Fork of the Marias River, Teton Spring Creek, Clark Fork Muddy Creek, Willow Creek, Deep Creek, Blackleaf Creek, McDonald Creek, and Bynum and Eureka Reservoirs. The location of all the 1996 303(d) listed waterbodies relative to U.S. Highway 89 should be clarified with a good watershed map of the highway corridor. It is important that proposed activities do not further degrade impaired waters, and are consistent with TMDLs and associated water quality restoration plans.

While the water quality mitigation efforts for the proposed road improvement project (pages 4-9, 4-23, 4-24) appear appropriate, we believe it is important to contact MDEQ to ensure MDEQ concurrence that proposed U.S. 89 road improvement will be consistent with MDEQ's TMDL development for the impaired waters in the highway corridor (e.g., contact Robert Ray of MDEQ in Helena at 444-5319).

We also support the conduct of watershed or aquatic habitat restoration activities to compensate for impacts by highways to aquatic resources, particularly in watersheds with 303(d) listed waters where highways may have contributed to aquatic impairments through past channelization, riverine or floodplain encroachments, sediment delivery during construction, and other activities that may have affected channel stability, water quality, aquatic habitat, and designated waterbody uses. It would be appropriate for MDT to have a role in the MDEQ's development of Total Maximum Daily Loads (TMDLs) and associated water quality restoration plans (e.g., contact Robert Ray or Jeff Ryan of MDEQ at 444-5319 or 444-4626, respectively).

41 6. We are pleased that erosion and sediment control measures such as fiber mats, catch basins, silt fences and sediment barriers will be used, and that a Stormwater Pollution Prevention Plan will be submitted to MDEQ (page 4-9). We are also pleased that culverts and bridges will be designed to accommodate flood flows with no substantial changes to flood elevations, with culverts designed to match hydraulic traits of natural streams, and appropriate permits obtained. It is our understanding that channel modifications are not proposed in association with highway improvements. Is that correct?

We note that bedload transport should also be an important design criterion for bridges and culverts to avoid sediment deposition above stream crossings or scour below stream crossings. We support provision of an adequate span on bridge crossings to minimize encroachment upon the river channel, riparian area, and floodplain. We note that size and configuration of bridges can be modified to reduce floodplain encroachment (e.g., construction of bridges on pilings, as opposed to fill, can reduce encroachment). Bridges or open bottom arch culverts that allow natural stream bed substrate and stream grade,

Response # 41
EPA is correct - no channel changes are currently anticipated. Once the hydraulic analysis is completed and bridge designs are initiated, MDT will coordinate with the appropriate resource agencies to discuss any potential impacts to these resources.

and sufficient width and capacity to pass flood flows and bedload transport with minimal encroachment upon the river channel and riparian area are preferred. Bridges with wide spans also afford opportunities for wildlife passage, and reduced wildlife-vehicle collisions. We recommend that culverts simulate the natural stream grade and substrate as much as possible to avoid concerns with fish passage.

In regard to permits needed for bridge work, the Army Corps of Engineers, U.S. Fish & Wildlife Service, EPA, Montana Dept. of Fish, Wildlife and Parks and Montana Dept. of Environmental Quality should be contacted to assure that proper authorizations and permits are obtained prior to construction (e.g., 404 permits, 310 or 124 permits, short term turbidity exemptions, etc.,). We suggest contacting Todd Tillinger of the Corps of Engineers in Helena at 406-441-1375; Jeff Ryan of the MDEQ at 406-444-4626; and Scott Jackson of the USFWS in Helena at 406-449-5225, and Kristine Knutson of EPA at 406-457-5021.

42 7. Does road maintenance and/or debris disposal activities on U.S. 89 affect water quality? Winter maintenance often results in the introduction of sediment either directly or indirectly to a stream and associated riparian and wetland resources. Practices of expediently sidecasting material over the shoulder, filling depressions and widening shoulders can have an adverse effects upon streams, wetlands, and riparian areas, and are inappropriate. The impacts of winter maintenance activities are more a matter of a long term indirect and cumulative effects than any one incident. Snow plowing subsequent to sanding moves sand off the roadbed to the adjacent ditch line and fill slopes. When this sand moves into streams and wetlands, adverse impacts may occur. When winter highway maintenance activities potentially affect streams and wetlands the effects of the program should be disclosed in the NEPA document. This should include the steps taken to minimize and mitigate the unavoidable effects on waters of the United States (i.e. sediment traps, reuse of sanding material, maintenance program requirements, etc.) as well as a discussion of the effects themselves.

43 8. We appreciate the informative analysis and presentation of information on wetlands impacts (pages 3-12 to 3-17 and 4-10 to 4-11, and Appendix B 404(b)(1) analysis). We do recommend, however, that additional information be provided to identify or explain the distinguishing characteristics of Category I, II, III, and IV wetlands so that readers of the DEIS and Table 3.8 that are not familiar with these categories can better understand the types of wetlands potentially impacted by the proposed project.

It would also be of interest to know the specific wetlands in Tables 3.8 and 3.9, and which are shown on Figure 3.1, that comprise the 29.91 acres of total wetland impact for the 36 foot wide roadway, and the 26.16 acres of wetland impact for the 32 foot wide roadway. Such information is needed to more fully understand wetlands impacts, and to better evaluate wetlands avoidance and minimization efforts.

(# 41 continued)
Permit applications will be prepared for each individual construction project once the design is taken to an appropriate level.

Response # 42
The water quality discussion in Chapter 4 of the FEIS has been revised and expanded to address these concerns.

Response # 43
Additional information is now included in the EIS document regarding the functional classification of the wetlands. It should be noted that the detailed technical information on the wetlands located in this corridor are fully documented in the Biological Resources Report (BRR) prepared for this project, and available from MDT. This technical information, and much of the detail was omitted from the EIS to keep the document brief and understandable to the general public. This is in accordance with CEQ guidelines found at 40 CFR 1500.4 and 1502.21.

We understand that the preferred alternative will impact 29.91 acres of wetlands (for 36 foot roadway), and that the 32 foot roadway width alternative will impact 26.16 acres of wetlands (Table 4.3, page 4-10). We understand that these are in general the least wetland impacts for all alignment alternatives except for Alternative H. We also understand that the Alternative G impact is 2.15 acres of less wetland impact Alternative H, however, Alternative G would require extensive excavation through a bluff southwest of Pendroy Junction and this is not practicable. We also note that Alternative M has 0.7 acres less wetlands impact than Alternative N, but realize that Alternative M would require new stream crossings at Jensen Coulee and the Middle Fork Teton River and new alignment through cultivated fields. It is also stated that construction fill slopes will be reduced from 6:1 to 4:1 to minimize impacts to wetlands.

As you know, national wetlands policy states that there should be No Overall Net Loss of the Nation's remaining wetlands, and a long-term goal of increasing quantity and quality of the Nation's wetlands resource base (see http://www.usace.army.mil/lrc/reg/sadmin3.htm and scroll down and click on "Presidential Wetland Policy of 1993"). Wetland impacts should be avoided and minimized, to the maximum extent practicable, and then unavoidable wetland impacts should be compensated for through wetland restoration, creation, or enhancement. The Clean Water Act Section 404 permit program has a requirement that the "least damaging practicable alternative" be permitted.

It appears that the preferred alternative of the 36 foot roadway, intended to encourage bicycle travel in the corridor (page 2-20), impacts 3.85 acres of additional wetlands when compared to 32 foot roadway (Table 4.3, page 4-10). As noted above, further evaluation and disclosure of the specific wetland impacts comprising this total impact is needed to better understand the wetland impacts, and to more fully evaluate whether all practicable efforts have been made to avoid and minimize impacts to wetlands. It is not clear to EPA if there may be additional site-specific realignment opportunities that would reduce overall wetland impacts, and reduce the magnitude of wetlands impact differences between the 36 and 32 foot wide roadway alternatives? Are there opportunities to build a 32 foot wide roadway and a bike path apart from the highway?

9. Compensation for the proposed wetlands impacts are apparently being planned in the northeast portion of Freezeout Lake, with a backup wetland mitigation option at the Savik WPA west of US 89 along the Foster Creek drainage (page 4-11). The goal of wetland mitigation should be to replace the functions and values of lost wetlands in areas adjacent to or as close as possible to the area of wetlands loss. EPA/Corps policy has accepted acre-for-acre replacement of wetlands as a surrogate for replacement of functions and values when there is a lack of definitive information on functions and values, although adjustments may be necessary to reflect the expected degree of success of mitigation, and provide an adequate margin of safety (i.e., greater than acre-for-acre replacement is suggested when impacted wetlands have high function & value and likelihood of

(# 43 continued)
The vast majority of the wetlands impacts (detailed in the BRR) are oriented perpendicular to the existing highway or are located on both sides of the existing alignment. Complete avoidance is impossible, and little would be gained from shifting the alignment back and forth when wetlands are located on both sides of the alignment. It should also be noted that the difference in wetland impacts relative to the cross section alternatives is due to the wider cross section of the Preferred Alternative. Modifications to the alignment would not reduce those impacts, yet the proposed action imposes higher wetland impacts based on the local desire and federal guidance to provide accommodation for bicycle travel.

A separated bike path was considered early in the project development process. This concept was eliminated due to the additional right-of-way required and increased potential for impacts to farmlands, wetlands, wildlife habitat, and substantially higher construction and maintenance costs.

replacement is low).

44 We recommend that a specific detailed Wetland Mitigation Plan be prepared that provides for adequate replacement of lost wetland functions and values. This Plan should be approved by the appropriate agencies before implementation of the proposed project. We recommend that the Plan contain a statement of goals, a monitoring plan, long-term management/protection objectives and a commitment to conduct additional work, if required, to meet the goals of the Plan. We also encourage consultation with the Montana Interagency Highway Wetlands Group for this proposed wetland mitigation project to facilitate interagency agreement on the proposed mitigation plan for replacement of wetland functions and values.

10. We also believe potential bicycle use and patterns of use on the U.S. 89 highway corridor should be further evaluated and disclosed. A question was apparently raised by the public during the May 2, 2000 public meeting in Dupuyer (transcript of meeting in DEIS Section 7.3) asking, "What happens to the bicycles north of Dupuyer where the shoulder narrows to 2 feet?" The response suggested that this issue had not been fully considered, and indicated that the highway north of Dupuyer had been newly constructed and would not be worked on again for some time. This creates a situation where bicyclists that enjoy the safety of the 6 foot shoulder width south of Dupuyer may have to contend with the narrow 2 foot shoulder width should they want to continue travel north of Dupuyer to Glacier Park.

45

Bicycle use patterns on the US 89 highway corridor should be more fully evaluated and disclosed. Where are bicycle trips on US 89 likely to be initiated and concluded? What is current and projected bicycle usage and bicycle use patterns? Are bicyclists that use the Fairfield to Dupuyer segment of US 89 likely to continue their trip north of Dupuyer to Glacier National Park? It is stated (page 3-6) that no organized bike groups in the State have identified US 89 as a primary bike route, yet we understand that this scenic route has a high touring bicycle use (source Lynda Saul of MDEQ at 444-6652).

We recommend that the MDT further analyze these issues, perhaps in association with bicycle groups. We also suggest that wider shoulders may need to be considered for US 89 north of Dupuyer in association with the preferred alternative from Fairfield to Dupuyer to promote more consistency for bicyclists and other recreational users along the corridor.

Similarly, it would appear appropriate to ask about the bicycle use patterns, and road shoulder widths on US 89 south of Fairfield. Will bicycle trips initiate in Fairfield? Are bicyclists from Great Falls likely to travel to Fairfield on the way to a Glacier Park? Will there be consistency on design features for recreational use of the roadway on the entire corridor from Great Falls (or Vaughn) to Glacier Park?

Response # 44
While it is preferable to replace wetlands in the same area as the impacts, it is oftentimes difficult to manage those mitigation areas to properly foster their success. In this corridor, the best potential for successful replacement of lost wetlands is within the Freezout Lake WMA. This area is actively managed by MFWP and would provide high quality wetland replacement. Savik is another possibility, and since release of the DEIS, another site on private property has been identified as having potential. A detailed Wetland Mitigation Plan will be prepared and will quantify the acreage, function and value of the replacement wetlands. This Plan will be prepared in accordance with the Wetland Compensatory Mitigation and Monitoring Plan Guidelines for the *U.S. Army Corps of Engineers Omaha District*, or similar guidelines as designated by MDT and CoE, and coordinated with the Montana Interagency Wetlands Group.

Response # 45
While the Proposed Action with six foot shoulder does in fact terminate at Dupuyer, it has "independent utility" in accordance with federal guidelines stating that "In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action shall . . . have independent utility or independent significance, i.e., be a usable and reasonable expenditure even if no additional transportation improvements in the area are made." (23 CFR 117.111(f))

We are currently unaware of any public, private, or non-profit group in Montana that tracks or documents bicycle usage or patterns. One of the larger cycling organizations - Adventure Cycling (Bike Centennial), in Missoula - was contacted during early scoping for this project. They were unable to provide any bicycle usage data, but did provide copies of various guidelines on desirable shoulder widths and the use of rumble strips.

Montana's highways are reconstructed as money becomes available, and many are not substantially reconstructed for 40 to 50 years. The Dupuyer North project added shoulder width, but not to the degree proposed for the Fairfield to Dupuyer portion of the route. It is unlikely that the route would be widened to the north (or south) within the next several years, but MDT feels the investment in this part of the corridor is still worthwhile.

11. For your information, the League of American Bicyclists provides recommendations regarding use of rumble strips on roads (see http://www.bikeleague.org/educenter/index.html under Rumble Strips). This league recommends:

46

Non-freeway Facilities: Rural Multi-lane and Two-lane Roadways: Rumble strips should only be installed on non-freeway facilities such as rural multi-lane and two-lane roadways for which an engineering study suggests that the number of ROR crashes would likely be reduced by the installation of shoulder rumble strips. In some cases, countermeasures such as improved signing and markings, increased pavement skid resistance or other roadway improvements may be more appropriate than rumble strips or used in conjunction with them. When rumble strips are warranted and milled-in rumble strips have been selected over other rumble strip alternatives. Reducing the width and depth of rumble strips makes the rumble strip easier to cross for a bicyclist and eliminates the need for a larger offset. Where rumble strips are warranted, the following guidelines should be followed to the maximum extent practical:

1) Raised or rolled-in style rumble strips are preferable on all non-interstate roads, rather than milled-in designs. The most recent studies indicate a milled depth of 8±1.5 mm (5/16 ± 1/16 in) provides reasonable warning to most motorists while not being unduly dangerous to cross on a bicycle when necessary, with 8 mm (5/16 in) depth highly preferred.

2) The recommended width should not exceed 300 mm (12 in) long perpendicular to the travel lane. Some states are currently using narrower strips.

3) Most bicyclists prefer rumble strips to be installed as close to the travel lane or under the edge line as possible and no more than 100 mm (4 in) from the edge line.

4) Rumble strips should not be continuous, but should be installed with gap spacing of not more than 14.6 m (48 ft) of rumble strip and not less than 3.2 m (12 ft) of clear space.

5) Rumble strips should not be installed on steeper downhills on highways other than interstates.

6) The minimum clear shoulder width recommended for a bicycle to travel is 1.5 m (5 ft). In instances where a curb may infringe on this width, the minimum shoulder width is 1.8 m (6 ft). The 1994 FHWA publication entitled, Selecting Roadway Design Treatments to Accommodate Bicycles, recommend 1.8-2.4 m (6-8 ft) of clear shoulders for most bicyclists on busy rural roads. The need for rumble strips where guardrails are present is questioned. A Caltrans study specifically states that where bicyclists are permitted, "shoulder rumble strips should not be used unless a minimum of 1.5 m (5 ft) of clear shoulder width for bicycle use is available between the rumble strip and the outer

Response # 46
AASHTO and FHWA guidelines were used in the development of the Proposed Action.

Rolled-in rumble strips often fill with dirt and sand, making them less effective as a safety control device. MDT uses milled rumble strips.

The proposed rumble strips are 12 inches, in accordance with MDT's standard design.

The rumble strips are proposed to be six to twelve inches from the fog line in accordance with AASHTO and FHWA guidelines. This optimizes the safety feature intended and still provides an adequate clear path for cyclists on the shoulder.

Gaps are provided in the design to allow bikes to pass back and forth from the travel lane to the shoulder without having to ride on the rumble strips. A gap before and after bridges is also provided to allow the cyclist to move away from the guardrail.

MDT does not have a provision excluding rumble strips on grades, but it should be noted that none of the proposed grades under the proposed project exceed six percent.

AASHTO and FHWA guidelines recommend a clear zone of four feet, and there are no adopted standards that any width "must" be provided as suggested in the summary of the Caltrans information.

edge of the shoulder." Summary, a minimum of 1.5 m (5 ft) clear shoulder space must remain outside the rumble strip at all times, with a wider clear space provided on roads with 2.4 m (8 ft) shoulders.

12. We recommend that the Air Quality Section (page 4-6) contain either a statement on the primary wind direction for this area or possibly provide a windrose representative of the area if one is available. This will assist in providing to the public improved understanding of the direction of flow of any air pollutants generated by highway construction or highway vehicle usage.

47

Response # 47
A windrose diagram was obtained from the Great Falls weather station and is now included in the Construction Impacts discussion in Chapter 4.

Darryl James
URS/BRW Inc.
P. O. Box 220
Helena, MT 59624

Dear Sir:

I was unable to attend the meeting held at the Stage Stop Inn in Choteau on November 14, 2002.

I obtained a EIS book and am generally pleased with the proposed changes to HWY 89. I was pleased with the common sense approach to the changes.

There is a couple of issues that in my opinion were blown out of proportion with the EIS:

48 1. Prohibiting construction when grizzly bears are in the area.
The USFWP have pushed the grizzly bear upon us and we have adjusted to its' roaming, but if you take into consideration the fact that the road construction season is very short in Montana and can be especially short in this area, the matter of the grizzly bears should be inconsequential. If the USFWP would finally admit to the true numbers of grizzly bears along the front range, the grizzly would no longer be an endangered species.

49 2. Prohibiting construction during nesting periods of the water fowl in Freezeout flats..
Not all the water fowl in Freezeout nest next to the road. The amount of water fowl it would affect would be minimal.

50 I have been hearing for my entire life, that Hwy. 89 would be re-constructed. With all the accidents that occur on that road from Bynum north to Dupuyer, it should be made a priority for obtaining funding.

Thank you for allowing me to comment.

Sincerely,

Vicki L. Baker
P. O. Box 809
Bynum, MT 59419

Response # 48
The timing restriction for the grizzly bears has been revised. Please see Comment/Response # 1.

Response # 49
The timing restriction imposed by MFWP at the Freezout Lake WMA is not a general restriction for waterfowl, but rather a specific requirement to protect a colony of Black Terns (a state species of concern) that nests close to US 89. Please also refer to Comment/Response # 33.

Response # 50
The two bridges at Dry Fork and Matchett Coulee are programmed and ready for reconstruction as soon as the overall project is approved. Reconstruction of the highway in the northern portion of the corridor is currently planned to proceed first – as soon as funding becomes available.

December 1, 2002

Darryl James
URS/BRW Inc.
P. O. Box 220
Helena, MT 59624

RE: Draft Environmental Impact Statement for STPP 3-2-(27)28
Fairfield to Dupuyer Corridor Study

Dear Mr. James:

We are sorry that we were not able to attend the meeting in Choteau on November 14, 2002. We have looked at the book and all the plans. We are pleased with the plans and think that all the routes were planned most economically and strategically.

51 We are truly disappointed that construction will not begin for at least 10 years. We have grown up in the Dupuyer and Bynum area and have been hearing for 45 years or more that the road would be re-done and now they add another 10 years.

52 We heard that you made a comment at the meeting that the Perkins' were probably getting tired of fixing fences. We are! Since the meeting, a load of logs was tipped over and there has been five wrecks in the last 2 months. All in what we call the "Wellenstein Coulee"(the cover picture on the EIS).

53 We are truly concerned about prohibiting construction during a time when the grizzly bears are in the area and also at Freezeout flats when the birds are nesting. In Montana, we all know that the season for construction jobs is very short usually due to weather conditions. We feel that eliminating construction work due to the grizzly bears is totally ridiculous. We have had grizzlies in our corrals killing sheep and roaming across our property from early spring until they den. With all the activity we have on our ranch it doesn't deter the grizzly bears. They mostly ignore us.

Thank you for allowing us to comment.

54 We would very much like to have a copy of the Draft EIS as our ranch is on the cover.

Sincerely,

Earl & Dorothy Perkins

Earl & Dorothy Perkins
P. O. Box 789
Bynum, MT 59419

Response # 51
The 10-year timeframe as apparently mentioned at the Public Hearing is purely a guess based on the current funding picture. As the new transportation bill progresses in the U.S. Congress, this picture may change.

Response # 52
Alignment Alternative H will soften that curve in the coulee and bring it up to current standards. Alignment Alternative G was re-evaluated to determine if it could be justified in light of the continuing concerns with overturning loads. As noted in Comment/Response # 28, there are additional concerns associated with Alignment Alternative G that make it less desirable. These include an excessive amount of waste material from the required excavation, the potential for introducing a new snow drifting problem, and segmenting agricultural land into potentially unusable portions.

Response # 53
The timing restriction for the grizzly bear has been revised. Please see Comment/Response # 1 for more detail.

Response # 54
A copy of the FEIS has been sent for your review.

December 1, 2002

Darryl James
URS/BRW Inc.
P. O. Box 220
Helena, MT 59624

RE: Draft Environmental Impact Statement for STPP 3-2-(27)28
Fairfield to Dupuyer Corridor Study

Dear Mr. James:

I was unable to attend the meeting in Choteau, November 14, 2002.

55 I have been told that the project route is very well planned, both economically and strategically. I do have some concerns about the provisions made for the grizzly bears. Why not make some provisions for the people that have to live here and drive those roads.

Thank you for allowing me to comment.

Sincerely,

Ira E. Perkins

Response # 55
The provision for the grizzly bears has been revised. Please see Comment/Response # 1. The proposed improvements were guided by the need to provide an updated facility for the traveling public - providing safety improvements and affording more opportunities for recreational enjoyment of the corridor.

Darryl James
URS/BRW Inc.
P.O. Box 220
Helena, MT 59624

Nov. 25, 2002

Hi Darryl,

Just a few comments on the meeting in Choteau, but I will not expand on the bugs on the windshields.

56 Bynum is first because it is near and dear to my business, family and friends. I think the plan adopted is good as it is cost effective and accomplishes the goal of relieving the curves and increasing visibility. One point that I have not mentioned so far is that the Bynum Civic Club maintains a park with restrooms (no water) for travelers to use. This is of no cost to the state and right next to highway 89. An added plus for leaving the road through town.

57 As to prohibiting construction during certain periods of the year. We only have a short season at best for road construction and it should be utilized fully. In all my years here, lots of construction has been accomplished and the animals have never been eliminated because machines were working close. I, for one, do not believe that Arctic Terns nest at Freezeout Lake nor, if they did, that construction of the highway would interfere with them. Grizzlies being interfered with along the present route ? Harder to believe but I do understand that the people who put forth such proposals have a need to present their view. I just don't think that a small group of people should dictate term to the majority.

58 I think that the route and improvements presented at the meeting are quite productive and cost effective. The new construction should eliminate several hazardous curves and improve the overall visibility while driving. The pullouts added should allow tourists ample space for photographic tendencies and rest stops. Under the proposed route, no businesses are adversely impacted except for the construction period itself.

59 Finally, I wish to thank you for the considerate way you have handled the program.

Sincerely,

John W. Brandvold

John W. Brandvold
161 S. Front
Bynum, MT 59419

Response # 56
Thank you for your comment.

Response # 57
The timing restriction is for the Black Tern (instead of the Arctic Tern as noted in the comment). See also Comment/Response 33 and 49. The provision for the grizzly bears has been revised. Please see Comment/Response # 1.

Response # 58
Thank you for your comment.

Response # 59
Thank you for your continued interest and participation.

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Montana Department of
ENVIRONMENTAL QUALITY
Judy Martz, Governor
P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.state.mt.us

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December 5, 2002

Jean A. Riley, P.E.
Environmental Services
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

Dear ~~Ms. Riley~~ Jean:

The Department of Environmental Quality (DEQ) reviewed the draft environmental impact statement (DEIS) by the Montana Department of Transportation (MDT) for the proposed reconstruction of approximately 74.3 kilometers (46.2 miles) of U.S. Highway 89 from Fairfield, MT, in Teton County, to Dupuyer, MT, in Pondera County.

After reviewing the DEIS, the DEQ staff had the following comment regarding the Appendix B, 404 B(1) Analysis:

This is the analysis the Corps of Engineers relies on for its permit decisions and conditions that may be placed on 404 Permits. It is also the process DEQ relies on for DEQ 401 water quality certification decisions. One of the main tenets of the 404 B(1) process is noted in the third paragraph on page 1 of Appendix B, "The Guidelines thus set forth the principle that avoidance of adverse impacts is the highest priority and, for those adverse impacts which can not be avoided, minimization is required. Finally, mitigation may be required to offset remaining adverse impacts and bring a proposed project into compliance with the Guidelines."

60 In the analysis (DEIS, Appendix B) there are several references to "minimizing" adverse impacts to aquatic resources (river/stream/wetland). Most of these indicate construction related or design parameters that achieve "minimization;" however, the only discussion involving "compensatory actions to mitigate unavoidable impacts" occurs on pages 14-15 in Appendix B and refers only to unavoidable "wetland" impacts. There is no similar discussion on how to mitigate for the unavoidable impacts associated with the other aquatic resource impacts in the corridor (11 stream/river -channel modification/culvert/bridge actions). It has long been recognized that any bridge or culvert placed in a waterway, short of spanning the entire floodplain, results in long term impacts to the waterway - primarily, because they preclude normal meander migration in the system and that usually results in unstable stream banks that produce excess sediment in the system.

61 The DEIS should include a discussion of unavoidable impacts to aquatic resources other than just wetlands and a means of "mitigating" for these impacts in the watershed. Since, most of the impacts are unavoidable at the site, compensatory mitigation elsewhere in the watershed is a

Response # 60
This project has been conducted as a corridor study to identify the most reasonable alignment throughout this 50 mile length of US 89. While the alignment was designed at a preliminary level, with stream crossings kept in mind, no hydraulic design has been conducted on those crossings themselves. It does not presently appear that any stream modifications would be necessary, but no decisions have been made regarding what type of structure would be called for and whether this could result in minor modifications. Detailed hydraulic analysis will be conducted as the design progresses, and DEQ will be consulted by MDT during the pre-application period to review the preliminary design plans for each stream crossing.

Response # 61
MDT will coordinate with DEQ and MFWP to determine suitable compensatory mitigation of unavoidable impacts to aquatic resources after detailed hydraulic analysis has been conducted for each stream crossing and potential impacts can be quantified.

reasonable alternative. This might involve habitat restoration in the project vicinity or possibly in tributaries elsewhere in the watershed. Appropriate participation in TMDL (Total Maximum Daily Load) activities might also suffice.

62 This issue needs to be addressed for a number of environmental reasons, but probably the main reason from a MDT perspective, is to address it now prior to the 404/401 permit/certification process. If properly addressed now, this will streamline the permitting process, a goal MDT has advocated for years. If not addressed now, the permitting process may either result in denial or a set of conditions that were not anticipated by MDT, possibly resulting in "eleventh hour" efforts to comply with the requirements of the permit/certification.

Thank you for the opportunity to review the DEIS. If you have any questions regarding DEQ's comments please contact Jeff Ryan, Water Protection Bureau (444-4626) or me (444-5263).

Sincerely,

Tom Ellerhoff

Tom Ellerhoff
Administrative Officer

Response # 62
The 404(B)1 analysis has been completed for this conceptual level study. Due to the lack of funding for any actual construction project in the near term, MDT does not anticipate requesting 404/401 permit certification at this time. These permits would likely expire before much of the corridor reconstruction work could be initiated. The corridor will likely be reconstructed under four to five projects over the next several years. It is the intent of MDT and FHWA to review this FEIS upon gaining funding for each individual project in this corridor and applying for permits as each project reaches the appropriate level of design to adequately define conditions for the permit application.

JANE WOLERY

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December 11, 2002

URS/BRW
The Power Block
7 West 6th Ave, Suite 3 N
PO Box 220
Helena, MT 59624

Jennifer Salisbury:

I was pleased to make your acquaintance at the public hearing on the Fairfield to Dupuyer Corridor Study. I have several concerns relating to the highway project as it comes through Choteau. During the meeting I spoke in regard to the intersection in Choteau with the current flashing yellow light. I very much want to see a full traffic light at that intersection. I work at the courthouse and live just north of the Stage Stop, which gives me occasion to drive or walk through that intersection a couple of times almost every day of the year.

63

It has been my observation that the intersection is very troublesome not only for vehicles, but also pedestrians. I was recently headed to the courthouse from the north and had stopped at the lighted intersection for a child. The child was on a bike and headed to school. There is not one sign from any side that designates a pedestrian crosswalk, let alone a school crosswalk. The youth had been cautious to cross the highway waiting for two cars from each direction and was wise in observing that another vehicle was going to make a right hand/northward turn and was not going to yield the right of way. When the way was clear, the student started across. In the time it took him to make the start out into the street, a van rounded the courthouse from the south. The van was through the intersection headed northward and was apparently oblivious that there was a child and bike directly in front of him in his lane. I had to sound my horn to alert the driver that he was about to hit the child. I would estimate the driver's speed to have been between 30-35 miles. Two days prior to this incident and on a Saturday, I nearly hit a pedestrian in the exact same location. The pedestrian was walking out into traffic for visibility and by the time he stepped away from the parked full-size pick-up, it was too late for me to stop. More recently I was nearly hit try to cross the highway from the east.

Response # 63
A four-way stop at the intersection at 1st and Main is part of the Proposed Action. (See also Comment/Response # 3.)

Many, many students cross that highway to get to school. The additional confusion of the forced right turn at the courthouse (which I favor) may add to the distraction of out-of-area drivers. I fear that they will be distracted, possibly even consulting maps to decide if they are headed in the correct direction by the time they get to the intersection. A four-way stop might be easily missed and the yellow light already confuses many. Additionally, how is a school-age child supposed to understand when it is his turn to cross at a four-way stop? Drivers often get so focused on looking to read the eyes of the other driver to see who is actually going to proceed, that I fear someone is going to overlook a pedestrian. A shorter pedestrian is at even more disadvantage.

We have a Senior Citizens Center close to that intersection. Our older citizens do not move as quickly across the intersection. Choteau Activities is also nearby, which creates even more concern. The "special needs" adults served by Choteau Activities cross that intersection often to get too and from the center to the Full Circle where they work.

In my opinion, a fully operational traffic light with a walk signal would be the safest course of action at that intersection. Another concern with that intersection is the danger of parked cars backing out on the side street to the west of the highway at that intersection. Cars currently back out somewhat blinded as to whether or not another vehicle is going to hastily cross the now blind intersection. A light would allow drivers of parked cars to see whether or not there should be on-coming traffic to a larger extent. There would still be issue of vehicles turning onto the west road headed toward the school, but it would altogether eliminate the issue of the cars coming from the east in a way that a four-way stop would not.

In addition to fervently encouraging a light at that intersection, I would like to see the posting of school crosswalk signs. It was stated that the corridor construction would not begin until 2010 and that it would likely begin on the north end. My child, who is two now, will be in second grade by then. A current second grader will be a high school freshman. Should an entire population of school-age children be put at risk throughout all their elementary and junior high years? Of course, by high school they will be able to drive through the intersection. Furthermore, if the project starts at the north end, a child born today could graduate from high school without ever having the advantage of a safe crossing to school.

64 When I made a formal request of the signs earlier, I was led to believe that all crosswalks in Montana had to follow the same guidelines and procedures. So I started to take pictures of crosswalks in various locations, I do not understand why the particular intersection in Choteau would not qualify to have school crosswalk signs in place. The crosswalk, according to my odometer, is about a half a mile from the school. Other locations are clearly marked when a school is 1.5 miles from the highway. I have attached pictures from several crosswalks in the outlying areas and in Choteau to illustrate my concern.

65 Another concern I have is the famous "kink" in the road. That kink is what reminds me to slow down every day. I live just north of the Stage Stop where the speed limit is 50 miles an hour, which means that the average speed near my house is about 65-70 miles per hour. If that "kink" is removed, I fear that we will have trucks and all kinds of vehicles going over 50 miles per hour until they near the center of town. Perhaps there is another solution to the speed issue.

Response # 64
The intersection will be re-striped as early as the fall of 2003 as part of the safety improvement project that will also include the four-way stop.

Response # 65
The "kink" in the road at that location is not an appropriate traffic control device to reduce speeds. It does not currently operate well, and will be redesigned as part of the Proposed Action.

66

The last concern that I is in seeking a specific answer. When I asked during the meeting about the trees on the edge of the highway north of the Stage Stop Hotel, I was told that they would not be affected. However, when I viewed the drawings it appeared to me that the edge/shoulder of the road would be directly over the trees in my front yard. While the trees offer an aesthetically pleasing entrance to Choteau from the north, my main concern is knowing with certainty what the fate of the trees is. We could start new trees now using the existing trees as protection. I just need to know if they will be taken down or left in place, and if they are removed, who pays the cost of removal. As well, we have considered fencing our property and would like some firm answers as the affect of the highway proposal on our front yard. We would not be thrilled to become closer neighbors to highway traffic. However, our larger concern is one of planning our yard to be a pleasing and attractive asset at the entrance of Choteau while maintaining safety for our child.

I do thank you for your time in reviewing my concerns and hope that we might be able to work together for the best and safest solution to the intersection, rather than one that merely meets some warrant issues set for generalities of situations instead of the specific issues inherent in this situation.

Sincerely,

Jane Wolery

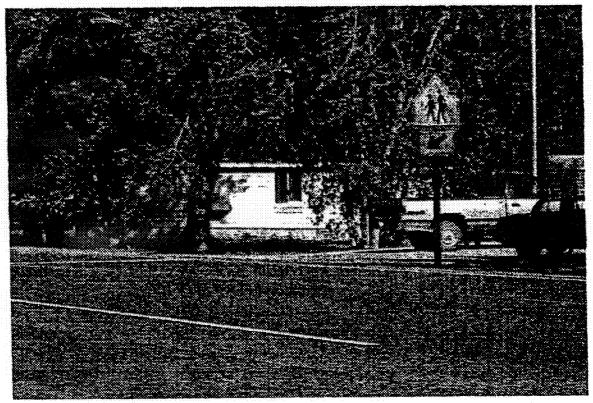
Jane Wolery

Response # 66

The response at the Public Hearing was that the trees would be unaffected if they were outside the current right-of-way. From the aerial photographs, it appears some trees may be in conflict with the proposed construction limits. Sideslopes can be steepened to avoid the need to remove any mature trees in this area. While this is an element of the final design, the desire to leave as many mature trees as possible at the northern entrance to Choteau will be noted in the conceptual plans developed to date.

In the unlikely event that trees need to be removed, MDT would be responsible for their removal. If fencing on your property is disturbed by the project, MDT would replace the fencing in like kind, with project funds.

Crosswalk on highway at Fort Shaw. School is 1.5 miles by road from this crosswalk.





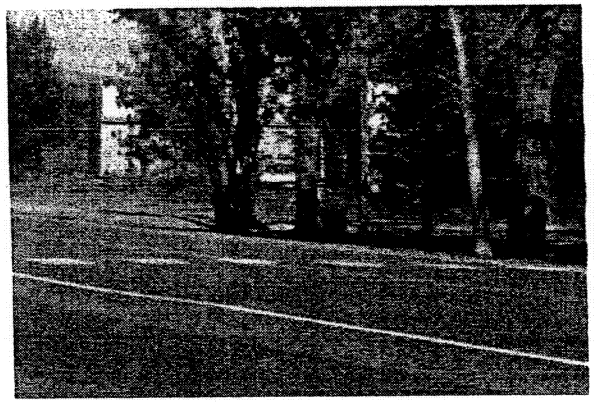
Crosswalk on highway at Choteau. Absolutely no sign exists. School is 8/10 of a mile from crosswalk.

Photo attachment

Clear signs on crosswalks in Dutton.



White painted lines on Highway 200 by Fort Shaw.





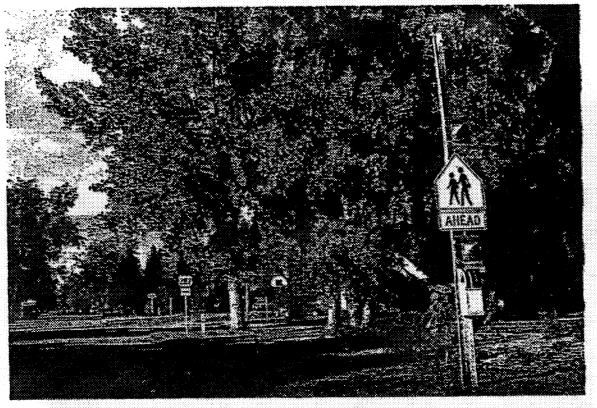
Painted lines on Highway 89 in Choteau. I was led to believe that all of the crosswalks had to be standard painting and signage when I called last month with concerns. The crosswalk by the school in Choteau has very thin lines in an X pattern.

Crosswalks in Dutton with clear signs and thick paint.



Photo attachment

Crosswalk near school in Choteau, only has a flashing school crossing sign at south end of school.



I would like to see a true stop light on Main Street in Choteau, with a "walk" light. I would like our crosswalks CLEARLY marked, particularly on Main Street and near the courthouse. I would also like to see the "kink" in the road remain. I live at 4219 Hwy 89 N and vehicles come by my house going way too fast. I believe the curve helps slow down traffic heading south into Choteau.

If you have any questions, please call me at 466-2923 or 466-2491.

Thank you,

Jane Wolery

Photo attachment

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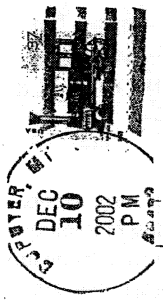
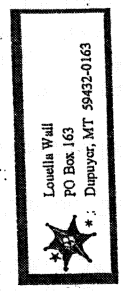


Montana Department of Transportation

I would like to comment on the hiway 89 project from Dupuyer south. Why does this road need to be 34 feet wide? The newer road to the north is not that wide and it works just fine. If there is no bike path going on from here north or from Fairfield south why have one here. It is just to much more expense. It would be better to build the narrower road and maybe there would be money it could get done before 2020.

67

Sincerely
Louella Wall
Box 163
Dupuyer, Mt. 59432



Response # 67
This issue was raised in public comments throughout the process, and most public participants recognized the fact that a wider roadway would be more costly, and could result in a delay of the overall project. Comments received from residents in the corridor communities expressed that "doing it right" was more important that being expedient. The intent of the wider roadway is to encourage bicycle and other recreational travel in the corridor, and was in direct response to desires expressed by public participants early in the process. This is also consistent with federal guidance to provide such facilities whenever feasible and reasonable. (See also Comment/Response # 45).

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TETON COUNTY
MONTANA

BOARD OF COUNTY COMMISSIONERS
P.O. Box 610 • Choteau, MT 59422
tetoncc@3rivers.net

Office: (406) 466-2151 • Fax: (406) 466-2138

December 12, [illegible]

MASTER FILE COPY

Jean A Riley
MDOT
Box 201001
Helena, MT 59620-1001

Attention Fairfield to Dupuyer EIS

Dear Ms. Riley,

With this letter, we wish to comment on the Hiway 89 EIS Fairfield to Dupuyer. We thank you for your efforts to incorporate local concerns into your study and proposals. We support your preferred alternative. We are particularly interested in your proposed changes in Choteau, specifically the abandonment of the left-hand turn by the Nursing Home is important to us. We also support the addition of a stoplight or four-way stop at the intersection of 89 and 220 on Main Street. We also agree with your approach to the sharp turn five miles north on the Bryan property. We also urge you to replace the bridge north of Bynum as soon as possible as it presents a safety hazard.

68

We thank you for this opportunity to comment. We hope to continue to work with DOT as you implement the proposed plan. We have requested a meeting with DOT officials to discuss some of the proposed changes in Choteau in hopes of implementing some of the improvements soon. Thank you for your time.

Sincerely,

R.F. Sam Carlson – Chairman

Mary Sexton- Vice Chairman

Arnold Gettel – Member

R.F. Sam Carlson
District #1

Mary Sexton
District #2

Arnold Gettel
District #3

Response # 68
The left-turn from Hwy 287 onto northbound US 89 (Main Street) is planned for closure. Traffic currently making this movement will be directed around the south end of the courthouse circle.

The four-way stop in Choteau is also part of the Proposed Action. See also Comment/Response # 3.

Alignment Alternative A remains part of the Proposed Action.

The Bynum (Muddy Creek) bridge has been prioritized for replacement and will be programmed as soon as funding is identified. See also Comment/Response # 4.

Dec-30-02 12:57pm From-MDT CONSULTANT DESIGN SECTION 4064446253 T-829 P.001/002 F-286

United States Department of the Interior

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DEC 16 2002
ENVIRONMENTAL

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
100 N. PARK, SUITE 320
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

Date Recd Precons/Attach
MAIL ROUTE
Info
Act
30 Preconst Engr
30 Assistant
30 Office Mgr
31 Safety Mgmt.
32 Road Design
33 Environment
34 Hydraulics
35 Survey & Mapping
36 Traffic Eng
39 Consultant Dsn.

M.44 MDT (I)

December 12, 2002

Jean Riley
Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

cc: M. Johnson (Great Falls)
J. Kolman
C. Peil
M. Goodman
T. Martin (cons. design)

Dear Ms. Riley:

69 The Montana Field Office of the U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Statement (DEIS) for the Fairfield to Dupuyer Corridor Study (STPP 3-2(27)28; Control No. 4051) in Teton and Pondera counties, Montana. The action proposed by the Federal Highway Administration (Administration) and the Montana Department of Transportation (Department) would reconstruct, widen, and realign a 46.2-mile portion of U.S. Highway 89 between the towns of Fairfield and Dupuyer. The Service offers the following comments, which have been prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

70 Figure 3-1 (Wetland Location Map) is difficult to read because the base map appears upside-down. We appreciate why the map was printed in this manner, but perhaps there is another way of displaying this information that would be easier to read.

71 As stated on page 1-7, vehicle accident data indicate that both the accident rate and the severity rate are much higher on U.S. Highway 89 than for the statewide average for similar roads. The DEIS also states that about 43% of the recorded accidents involved a wild animal. To help reduce this high incidence of wildlife-related vehicle accidents, the Service encourages the Administration and the Department to include design features that facilitate wildlife crossing opportunities throughout the study corridor. Toward that end, there are 11 bridge structures, as well as a number of culverts, that occur within the study area. Many of these bridges and culverts will likely require rehabilitation or replacement if the preferred alternative is implemented. The Service strongly recommends that the Administration and the Department consider designing any new bridges or culverts needed along this corridor such that those structures allow adequate room for wildlife passage under or through them, as appropriate.

72 We understand that the coordination measure proposed to minimize impacts to grizzly bears, as stated on page 4-17, will be changed. As it currently states in the DEIS, "construction activities

Copy to Consult
Jim 12-30-02

Response # 69
The review and comments provided by USFWS are appreciated.

Response # 70
The corridor map is generally oriented south to north from left to right; however, the corridor actually travels southeast to northwest making the graphic appear "upsidedown." Correcting this would require "cutting" the map in to several sheets which is oftentimes more difficult for the general public to understand.

Response # 71
Wildlife conflicts have been taken into consideration and the overall design of the Proposed Action provides wider shoulders and flatter, wider sideslopes which will improve the overall width of the clear zone for visibility of approaching wildlife. MDT will also coordinate with MFWP to incorporate wildlife passage into the design of the new bridges and culverts.

All of the pipes, culverts, and bridges will be replaced in this corridor. No detailed hydraulic study has been completed to date, but will be conducted once the design progresses for each individual construction project. The design of the new crossings will consider the hydraulic requirements, as well as wildlife crossing issues and cost.

Response # 72
FHWA and MDT appreciate the flexibility afforded by USFWS and MFWP in this timing restriction, and efforts will be made in the final design to accommodate the grizzly bears and other wildlife species at these drainage crossings.

will not be allowed from April 1 to June 30 from RP 39.0 to RP 56.0." Recent discussions with the Department have indicated that this measure will likely be changed to "no construction activities from April 15 to May 31 within a 1-mile radius of all major drainages between Fairfield and Dupuyer." The Service supports this change as it will serve to minimize disturbance to grizzlies utilizing the critically important foraging habitat along these drainages during the spring green-up period, while not precluding all highway reconstruction activities from occurring throughout this 17-mile segment of road for a protracted period of time. Because of the exceptional value of riparian corridors to grizzlies bears in this area during the post-denning period, the Service encourages the Administration and the Department to design drainage crossing structures along this project that accommodate the passage of large species of terrestrial wildlife, such as bears.

73 Although not stated in the DEIS, the Department also recently clarified that if one of the "build" alternatives is chosen, the highway reconstruction would likely be completed in segments, and that separate Biological Assessments will be submitted to the Service for each segment. At that time, the Service will review those Biological Assessments pursuant to Section 7 of the Act.

Thank you for the opportunity to review this DEIS. If you have questions regarding these comments, please contact Mr. Scott Jackson, of my staff, at (406)449-5225, extension 201.

Sincerely,

R. Mark Wilson

R. Mark Wilson
Field Supervisor

Copies to: Deb Wambach, MDT, Helena, MT
Dale Paulson, FHWA, Helena, MT
Steve Potts, EPA, Helena, MT

Response # 73

A Biological Resources Report (BRR), including a Biological Assessment, has been completed for this proposed project. Given the determinations of "not likely to adversely affect" and "no effect" to the listed species identified in that document, MDT and FHWA are seeking USFWS concurrence with these findings through informal consultation. We recognize that additional consultation may be required as the projects proceed to final design over the coming years. If future consultation identifies new concerns or it is determined that the project "may affect, likely to adversely affect" or will "adversely affect" any of the listed species, MDT and FHWA will enter formal consultation with USFWS pursuant to Section 7 of the Endangered Species Act.

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A CENTURY OF CONSERVATION
1901 2001
Montana Fish, Wildlife & Parks

MASTER FILE COPY

January 14, 2003

P.O. Box 291
Fairfield, MT 59436
(406)467-2488

Jean A. Riley, P.E.
Environmental Services
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

Jean:

74 Below please find comments to the draft EIS for the Fairfield to Dupuyer corridor study. I understand they are late relative to the noted deadline for comment. However, as the comments seem to be primarily clarifying in nature, I thought this submission would still be helpful. If you will allow them, thank you for that opportunity.

75 Relative to wetland mitigation work, please be advised there are several sites that have potential for such work on the Freezout Lake WMA. FWP is still evaluating which would have the most positive effects and would advocate against this early process excluding any habitat mitigation options (only one area on Freezout is noted in the public document). As well, with equipment availability, it might be convenient and best to coordinate (in time) wetland mitigation with highway construction.

76 Along the Freezout Lake WMA, there are multiple pipes and culverts under the existing highway 89. Construction may or may not have to address these crossings but certainly FWP would like to be made aware of construction schedules (when the time comes) so that any necessary or desired culvert/pipe replacement (by the highway project for FWP) may be accommodated.

77 On the matter of pullouts, hopefully there is room to ensure the pullouts are available while still maintaining the relatively wild nature of the sites. The pullouts will likely accommodate some increased use although "spontaneous" traffic stops will likely continue. The widened shoulders should help this very real but unintended use? As to signing pullouts along the Freezout Lake WMA, there may be opportunity to concentrate signs near the Freezout office. This would help maintain the open character of the roadway while still sending the desired messages.

Thanks again for the opportunity to comment.

Respectfully,

Quentin Kujala
wildlife biologist

Response # 74
While the comment period had in fact closed, the interagency coordination process is critical to the success of our transportation projects. We appreciate your comments and will continue to work with you throughout the design process to ensure that the project is mutually beneficial.

Response # 75
The identification of potential mitigation areas within the DEIS is not intended to be exclusive, but rather intended to exhibit that suitable mitigation sites exist within close proximity to the wetland impacts. A detailed wetland mitigation plan will be developed for the project, and MDT will closely coordinate the identification of actual wetland mitigation areas with MFWP. (See also Comment/Response # 44.)

Response # 76
All existing pipes and culverts are proposed to be replaced during the reconstruction project. MFWP should indicate whether the existing pipe sizes are adequate or if changes should be considered in the new design. MDT will accommodate reasonable changes in the location and size of these pipe crossings.

Response # 77
No "pullouts" are proposed within the WMA. MDT proposes to improve the existing parking areas within the WMA to encourage recreational use. The wider shoulders will also safely accommodate the frequent bird watchers who are more likely to stop to see a specific bird or grouping of birds, rather than looking for a destination to stop. MDT will provide MFWP with a signing plan for your review prior to construction to ensure that the proposed signing of the parking areas is compatible with the overall site.

MEMORANDUM

URS
BRW, Inc.

Physical Address:
The Power Block
7 West 6th Avenue
Suite 3 N
Helena, Montana 59601

Mailing Address:
P.O. Box 220
Helena, Montana 59624

(406) 457-2902 Tel
(406) 457-2906 Fax

To: Fairfield to Dupuyer Public Hearing Attendees

From: Darryl L. James, AICP

Date: January 24, 2003

Subject: Extended Public Comment Period

On behalf of FHWA and MDT, we would like to thank you for your participation in the recent Public Hearing for the Fairfield to Dupuyer Corridor Study. Unfortunately, the recording equipment at the Hearing did not function properly and your comments were not recorded.

Since the hearing, we have received a number of written comments. The majority of those comments can be summarized as follows:

- Overwhelming support for four-way stop at 1st and Main in Choteau.
- Grizzly Bear timing restriction is unreasonable.
- Fix the Bynum (Muddy Creek) bridge – soon.
- Focus on long-term solutions rather than quick fixes, and focus on safety.

We would like to provide an additional opportunity for you to submit your written comments. Please provide your comments by February 19, 2003. Your written comments should be submitted to:

Darryl James
URS/BRW, Inc.
P.O. Box 220
Helena, Montana 59624

If requested, an additional public meeting will be advertised and established to record verbal comments and to receive written comments.

Thank you for your interest in the project, and your continued participation.

The Memorandum at left was sent to all Public Hearing attendees, and published in the Great Falls Tribune and Choteau Acantha.

The public comment period was extended until February 19, 2003. The comments that follow were received during this extended comment period.

There were no requests for an additional public hearing.

Response # 78
MDT conducted a signal warrant study at the request of Teton County in 2002. That study indicated that a full signal (with green, yellow, and red phases) was not warranted at this time. However, the Proposed Action includes the provision of a four-way stop at this intersection with a flashing red light and stop signs on each corner. The proposed "bulb-outs" on the curbs will also decrease the crossing distance and visibility for pedestrians attempting to cross this intersection.

Response # 79
The Bynum (Muddy Creek) bridge is proposed for replacement prior to the overall reconstruction project. Please also see Comment/Response # 4.

Response # 80
See Comment/Response # 1 regarding the modification of the timing restriction for the Grizzly Bear.

RALSTON GAP CATTLE COMPANY

POST OFFICE BOX 541
CHOTEAU, MONTANA 59422

January 30, 2003

Darryl James
URS/BRW, Inc.
P.O. Box 220
Helena, Montana 59624

Dear Mr. James,

The loss of comments at your public meeting concerning the rerouting and refurbishing of Highway 89 between Dupuyer and Fairfield is no travesty. I will tell you why!

81 Your premature selection of preferred alternatives only diminished the importance of public input. It was as if you, the DOT, knew best and the hearing was a formality, a requirement you had to subject yourself to. "We are professionals and who are you to question the decision of experts?" Oh, the arrogance of government!

82 Well I am here to suggest that your selection of alternative "A" between Bynum and Choteau is flawed and is a continuation of past mistakes, curves, 60 feet right-of-ways, correction lines, a longer distance and more cost/maintenance, etc. This has all contributed to fatalities, accidents, longer travel time and increased fuel consumption. Alternate "C" would alleviate these problems and under either scenario would have to be achieved through eminent domain.

One should remember that long after the smart bureaucrats are gone, we natives are the only ones left to suffer the consequences.

Our advice should be given priority.

Sincerely,

Bert Guthrie

Response # 81
Each Alignment Alternative was developed from comments received of local, state, and federal agencies as well as the public at large, and the selection of the Preferred Alternative was based on similar input and extensive analysis of the impacts associated with each alternative. As demonstrated in the DEIS and FEIS documents, this evaluation process was conducted in accordance with NEPA and MEPA guidelines, and included several opportunities for public input. Based on the comments received, the Proposed Action includes those Alignment Alternatives most supported by the local residents who participated in the process. So as the general public sentiment is weighed alongside the localized concerns of impacted landowners, and the intent to minimize impacts to surrounding resources, it is difficult to conclude that anything other than the current proposal would be the Preferred Alternative.

Response # 82
The proposed design of Alignment Alternative A provides substantial improvements to the curve at this location. There is no question from an engineering perspective that Alignment Alternatives B and C are preferable; however, when considering the amount of new right of way, impacts to wetlands, transverse and longitudinal impacts to floodplains, potential noise impacts, potential impacts to historic properties, and impacts to wildlife habitat, Alignment Alternative A clearly appears to impose less severe impacts.

The lineal difference in the alignment alternatives is negligible when viewed in the context of the overall project, if not the overall US 89 route. Alignment Alternative A is approximately 0.78 km (0.48 mi) in length; Alignment Alternative B is 0.72 km (0.45 mi) in length; and Alignment Alternative C is 0.67 km (0.42 mi) in length. From a construction and maintenance standpoint, this is not enough difference to favor one over another. Further, a difference of 0.11 km (0.07 mi) is not enough to consider a difference in energy efficiencies or fuel economy.

Further, while the state does have power of eminent domain, we have spoken with the local landowners regarding the proposed alignment and the impacts that entails. MDT will continue to work with the landowner during the development of the final design and will negotiate the acquisition of the necessary right of way. Only after all reasonable design changes have been explored and acquisition offers have been exhausted, would MDT even consider employing the power of eminent domain.

Dupuyer, Montana
3 February, 2003

Dear Darryl James,

Since I have tried to call you several times and was unable to get through, this note will have to suffice. I noticed the comment period, according to the item in the 31st Jan. Tribune, is open until Feb. 19.

My name is Harriet Hayne, I live in Dupuyer. I was unable to be at the meeting in Chateau in Nov. regarding the Highway 89 improvement, due to a previous commitment.

I was a long time Legislator in the Mt House of Representatives and worked to improve this part of Hyway 89, all the 8 sessions that I served

83 I understand from talking to some people that were in attendance at the Nov. meeting that the meeting became quite contentious, esp. after it was announced that the beginning of the work on this Hyway would not begin until 2010.

You know, the start of talk for the improvement of the work on this part of Hyway 89 was begun many, many years ago. I realize that this road, perhaps, is not as important as many other roads, but it is a park to park area of Hyway, and

84 esp. in the Summer time it is very highly traveled. Also, the Fed. Hyway money is coming in, I understand. So I was hoping that

Response # 83
As noted in the letter sent to all Public Hearing attendees, and in the news release you responded to, the meeting was positive, and there is a great deal of support for the project overall. You are correct in asserting that many people are concerned with the amount of time that has lapsed since the project was first conceived several years ago, to the time for potential construction. As your experience in the legislature no doubt tells you – these projects only proceed when the funding is available. The timeframe apparently mentioned at the Hearing was purely a guess based on the current funding picture. As the new federal transportation bill progresses, and the MDT Great Falls District prioritizes funding for projects, the timeframe for construction activities in this corridor could be escalated.

Response # 84
The Pendroy to Dupuyer portion of this route has been identified as a priority for reconstruction. As the project progresses, this portion will be reconstructed first.

/.

this winding, curvy road - esp. between Dupuyer and the Pendray turn off, would have some consideration!

Right now - and probably since the early part of November, we have had a steady stream of large logging trucks - loaded - going south - empty, going north - destination Browning - St. Mary area - day and night, hauling logs.

There has been just one truck accident that I have heard of, so far. There must be very good drivers employed for this work, because those curves must be difficult to maneuver since many of these long trucks have trailers or pups. They run day and night - both ways so I wonder how long it will be before this road is really worn out. There is a steady flow of trucks - thousands + thousands have traveled, I'm sure!

Since we don't feel this business is bad for the economy of our state of Montana, it really gives thought to the condition of the road in the future, esp. since it is such a narrow road. This truck route is very dangerous at times, esp. when there are two, three or more trucks in a row. I know for sure, I was not happy last Friday when a SUV came over a hill, towards me, passing one of these large, loaded trucks on a double line! I had to brake, of course, but I also

considered myself pretty lucky that I didn't get smashed! The driver of the car gave me a friendly wave, but I gave a "Thank you, God" prayer.

I would like to hear your comments & may. I really am disappointed that after all this survey and general public meeting sessions, that the beginning date for work on this part of highway will not begin 'til 2010."

Sincerely,
Harriet Hayne

2-4-03

85 Bynum Bridge

Piling washed out in 1964 flood.
Temporary fix done at that time
Too narrow for trucks to meet
6" wider on one end than other
Line of sight - curve + trees

86 Road should run north from Claude Corner to Guthrie Corner North of Feed Lot.

87 Don't worry about the bears, they are alright.

88 Remove curve by Museum in Choteau -

Kenneth A Johnson
Gloria Johnson

Response # 85
Please see Comment/Response # 4 regarding the Bynum (Muddy Creek) Bridge.

Response # 86
Please see Comment/Response # 2, 8, 22, and 27 regarding the selection of Alignment Alternative A.

Response # 87
Please see Comment/Response # 1 regarding the revision of the timing restriction associated with the Grizzly Bear.

Response # 88
Please see Comment/Response # 5, 23, 24, and 65 regarding the "kink" at the museum.

MEMORANDUM

URS
BRW, Inc.

Physical Address:
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7 West 6th Avenue
Suite 3 N
Helena, Montana 59601

Mailing Address:
P.O. Box 220
Helena, Montana 59624

(406) 457-2902 Tel
(406) 457-2906 Fax

To: Fairfield to Dupuyer Public Hearing Attendees

From: Darryl L. James, AICP

Date: January 24, 2003

Subject: Extended Public Comment Period

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- Overwhelming support for four-way stop at 1st and Main in Choteau.
- Grizzly Bear timing restriction is unreasonable.
- Fix the Bynum (Muddy Creek) bridge – soon.
- Focus on long-term solutions rather than quick fixes, and focus on safety.

We would like to provide an additional opportunity for you to submit your written comments. Please provide your comments by February 19, 2003. Your written comments should be submitted to:

Darryl James
URS/BRW, Inc.
P.O. Box 220
Helena, Montana 59624

If requested, an additional public meeting will be advertised and established to record verbal comments and to receive written comments.

Thank you for your interest in the project, and your continued participation.

89 I believe These were The Critical areas. I have nothing more to add.

Dan Ross

Response # 89
Thank you for your continued interest and participation.

MEMORANDUM

URS
BRW, Inc.

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7 West 6th Avenue
Suite 3 N
Helena, Montana 59601

Mailing Address:
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Since the hearing, we have received a number of written comments. The majority of those comments can be summarized as follows:

- Overwhelming support for four-way stop at 1st and Main in Choteau. No opinion
- Grizzly Bear timing restriction is unreasonable. Totally, absolutely agree agree
- Fix the Bynum (Muddy Creek) bridge – soon.
- Focus on long-term solutions rather than quick fixes, and focus on safety. Agree

90

We would like to provide an additional opportunity for you to submit your written comments. Please provide your comments by February 19, 2003. Your written comments should be submitted to:

Darryl James
URS/BRW, Inc.
P.O. Box 220
Helena, Montana 59624

If requested, an additional public meeting will be advertised and established to record verbal comments and to receive written comments.

Thank you for your interest in the project, and your continued participation.

Otta N Bryan

Response # 90
Thank you for your comment and participation.

Fairfield to Dupuyer, Choteau. Feb. 9, 2003

Comments

91 Four way stop on main street in Choteau will be OK after all get familiar with it.

one way around court house to the South. Would eliminate a bad intersection. If locall users think it would make it further to get uptown they can take another street to the north.

Curve at museum to be Eliminated with minimal impact to the Parking.

The Proposed width of new roadway 36' with 12' foot travel lanes and 6' Shoulders to encourage bicycle and Pedestrial travel OK.

Bynum area minor modifications to the curves entering from South & north with new and wider Bridge sounds OK to me. Thanks Jon, Vernon R. Larson

Response # 91
This letter appears to support several elements of the Proposed Action, including:

- Four-way stop at 1st and Main, in Choteau
- One way traffic circle around the Teton County courthouse
- Elimination of the "kink" at the museaum
- Proposed 36 foot roadway cross section
- New bridge at Bynum (Muddy Creek)

Thank you for your comments and continued participation in the project.