FEDERAL HIGHWAY ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

FOR

NH 57-3(31)83
Lewistown to Grass Range
(CN 4067)

in

FERGUS COUNTY, MONTANA

THE FEDERAL HIGHWAY ADMINISTRATION HAS DETERMINED THAT MDT'S "PREFERRED" ALTERNATIVE FOR THIS PROPOSED PROJECT WILL HAVE NO SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT. THIS FINDING OF NO SIGNIFICANT IMPACT IS BASED ON THE ATTACHED ENVIRONMENTAL ASSESSMENT WHICH HAS BEEN INDEPENDENTLY EVALUATED BY THE FEDERAL HIGHWAY ADMINISTRATION AND DETERMINED TO ADEQUATELY AND ACCURATELY DISCUSS THE NEED, ENVIRONMENTAL ISSUES, AND IMPACTS OF THE PROPOSED PROJECT AND APPROPRIATE MITIGATION MEASURES. IT PROVIDES SUFFICIENT EVIDENCE AND ANALYSIS FOR DETERMINING THAT AN ENVIRONMENTAL IMPACT STATEMENT IS NOT REQUIRED. THE FEDERAL HIGHWAY ADMINISTRATION TAKES FULL RESPONSIBILITY FOR THE ACCURACY, SCOPE, AND CONTENT OF THE ATTACHED ENVIRONMENTAL ASSESSMENT.

[Signature]
Date: 7-8-2004

Dale Paulson
Federal Highway Administration
Exhibit A:  
Responses to Comments

A Public Hearing to obtain comments on the Environmental Assessment was held on two evenings in Lewistown and Grass Range, in November 2003. Approximately 19 people attended the Hearing at the Yogo Inn in Lewistown, and approximately nine people attended the following evening at the school in Grass Range. An additional nine written comments were received during the public review period. Those comments (reproduced on the left) and the FHWA/MDT responses (on the right) are included in the following pages.
Once final plans have been completed, MDT will contact the BLM to request necessary right-of-way easements.

Access to the new BLM facilities will be negotiated during final design. It does not appear that this new access will present any concern.

Thank you for your participation in this project.

Sincerely,

Chuck Otto
Assistant Field Manager
We Invite Your Comments:

4 – Thank you for your interest in the project and active participation in the project development process.
5  – Any existing stock passes will be perpetuated, and requests for new stock passes can be negotiated during final design. MDT will also replace any fencing affected by the project. If the cattle guard on Divide Road is affected, it will also be replaced.

We understand your desire to have more detail on these issues, but the design is not to a completed stage that will permit any more specific information at this point. As the project progresses toward final design, MDT will be contacting you to discuss all of these items in more detail, and attempt to minimize impacts to your property and ranching operations.
We Invite Your Comments:

6 – The new design concept has addressed this sight distance issue in two ways:

The horizontal alignment has been increased to provide a wider more open curve, and the vertical alignment has been reduced to flatten out the alignment.

The current intersection is somewhat of a “Y” configuration from Divide Road. It is desirable to close the westernmost approach and use the more perpendicular approach to the east to provide a more defined intersection and better visibility.
We Invite Your Comments:

7. Very good idea for straightening curves and widening for better driving. Seeing wild animals and also you working with the public is a plus.

To receive further project information, please provide your name and address:

Name:  
Address:  

Please leave your comments with either MDT or HKM staff at the meeting, or mail to:

Jean Riley, P.E.
MDT – Environmental
PO Box 201001
Helena, MT 59620-1001

Please submit comments by or before December 5, 2003

7 – Thank you for your participation.
Adverse affects on water quality will be avoided or minimized through compliance with the Erosion Control Plan and MDT’s Standard Specifications for water pollution and stream preservation. An Erosion Control Plan incorporating appropriate Best Management Practices (BMPs) will be submitted to EPA as part of the NOI / SWPPP process. Permanent desirable vegetation will be established on all areas disturbed by construction activities.

Based on the majority of the proposed project impacts to wetlands occurring in the Alkali Creek and North Fork McDonald Creek drainages and the extensive amount of wetland habitat associated with these drainages, the best potential opportunity for successful wetland compensatory mitigation would exist in these drainages. This would allow for compensatory mitigation to occur in the same watershed and in close proximity to wetlands that would be impacted by the project and also be of the same wetland types. Presently there is a large impoundment downstream of the confluence of Alkali Creek and North Fork McDonald Creek with a berm that crosses the majority of the floodplain. This large impoundment has caused water to be spread out over the entire floodplain thereby providing more wetland habitat in this area than is found in adjacent areas either upstream or downstream. This type of wetlands development is commonly done by Montana resource agencies in central and eastern Montana.

Additional discussions of wetland mitigation opportunities include restoring wetlands at Wetland 20 where the existing roadway bisects wetlands associated with North Fork McDonald Creek. The proposed roadway alignment in this section (Railroad Grade West of Cheadle Alignment) will be moved to the old railroad grade to the north thus the existing roadway could be obliterated and the area restored to its original elevation thereby restoring wetlands and potentially stream length due to the channelization of the stream in this location. Also at Wetlands 22 associated with Parr Creek the existing bridge could be removed the roadway obliterated and the original ground elevations restored at the bridge crossing and at least one other area further east where the roadway encroaches on the floodplain of Parr Creek. Another opportunity that has been discussed is the removal of portions of the old railroad grade along Alkali Creek and the North Fork McDonald Creek to restore wetlands that were filled in during the construction of the railroad grade. All of the compensatory mitigation scenarios mentioned are potential opportunities that will need to be further assessed by MDT to determine feasibility.

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10 - Many of the streams in the proposed project area were determined to be wetland and are discussed in greater detail in the technical reports prepared for this project. The removal of portions of the old railroad grade that crosses and encroaches on the floodplain of Alkali Creek and North Fork McDonald Creek could provide opportunities to restore both wetlands and stream habitats.
To clarify, the farmlands designated for protection under the Farmland Protection Policy Act are those of certain soil types and hydrology capable of forage production, regardless of their actual current use; however, the Act excludes urban built-up areas, which are typically considered those areas within a defined city limit. The area west of Cheadle does have pockets of Statewide Important, Prime, and Prime if Irrigated farmlands; however, the location and extent of the impacts to these lands from this project does not rise to the level that would cause a shift in the proposed alignment. Please feel free to contact MDT if you have specific concerns regarding these proposed impacts.
12 - To be able to make any substantive investment in the continued maintenance and operation of this roadway, it must meet current design and safety standards established by FHWA and MDT. The roadway has been identified for reconstruction based on the anticipated growth in traffic volumes in the future, and fact that many areas along this portion of Highway 87 do not meet current standards. Based on national safety studies, the roadway improvements proposed as part of this project are anticipated to enhance the safety of this portion of Highway 87 for the reasonable driver.

13 – We understand your desire to have more detail on right-of-way impacts, but it is impossible to provide any more specific information at this stage. As you found with your personal investigation of the Devil Basin road, the right-of-way line varies, and depends on the profile of the roadway relative to the surrounding landscape and the resulting cut and fill slopes. As the design progresses, more detail will be generated and will be shared with each individual landowner during right-of-way negotiations.
14 – Depending on the topography, the right-of-way line will be established anywhere from one to six meters from the new toe of slope. The right-of-way will not precisely follow the toe, but will be established along straight lines to provide a suitable average distance from the toe of slope.

15 – The EA estimated that approximately 560 acres of land would be required for the Preferred Alignment. This includes minor right-of-way acquisition along the existing alignment, as well as completely new right-of-way along portions of the route that would be on a new alignment.

16 - Any existing stock passes will be perpetuated, and new stock passes can be requested during final design and right-of-way negotiations.
The highway.

17 – We will need a 4' pipe put in down under the frost line. This would be to run an water and electric line to the other side of our property to get water to livestock. Or whatever else we need for corn under the highway.

18 – We also have our irrigation water line under the highway which will take a lot of changing if you under the road. Also, where the bridges is a Big Concern, this is the bridge across South Fork McDonald Creek. How Much More Land Do They Want Here?

19 – The bridge over McDonald Creek will be replaced at or very near its current location, and will be sized to adequately pass a major storm event to prevent or minimize damage to adjacent properties. While some new right-of-way may be required at this location, it is not anticipated that this bridge reconstruction would require substantive amounts of new right-of-way.

20 – Several different options were considered for this intersection; however, a review of the accident trends at this intersection do not indicate the need for any dramatic changes in design. The purpose of our public involvement activities is to understand community concerns, gain insight from those who use the facility frequently, and solicit ideas for the development of alternatives to be analyzed. Public input is one of many important tools used in the project development process. This input is used in conjunction with the assessment of social, economic, and environmental impacts; cost effectiveness; application of design standards; and professional engineering judgment to generate and refine design alternatives. In the end, it is imperative that the final design strike a reasonable balance between strict engineering standards and the broad concerns of the public users. Your input is important in this process.

17 – The comment requests a 4’ pipe, but we assume the request is actually for a 4” pipe. A four inch conduit for private use under the roadway can be accommodated and can be requested during right-of-way negotiations.

18 – Any impacted irrigation systems will be replaced.

19 – The bridge over McDonald Creek will be replaced at or very near its current location, and will be sized to adequately pass a major storm event to prevent or minimize damage to adjacent properties. While some new right-of-way may be required at this location, it is not anticipated that this bridge reconstruction would require substantive amounts of new right-of-way.

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Based on the majority of the proposed project impacts to wetlands occurring in the Alkali Creek and North Fork McDonald Creek drainages and the extensive amount of wetland habitat associated with these drainages, the best potential opportunity for successful wetland compensatory mitigation would exist in these drainages. This would allow for compensatory mitigation to occur in the same watershed and in close proximity to wetlands that would be impacted by the project and also be of the same wetland types. Other potential wetland compensatory mitigation opportunities are discussed above under #9. Ultimately, MDT will be responsible for determining water rights, existing water uses, and analyzing potential impacts of compensatory wetland mitigation on existing water resources.

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The property owner will retain water rights for partial parcel acquisition; MDT does not normally acquire water rights for highway purposes. MDT will only negotiate for water rights when the entire parcel is being acquired or when the point of diversion is relocated.

The roadway contractors are required to observe all local, state, and federal laws as specified in MDT’s Standard Specification that are part of every roadway construction contract. It is the Contractor’s responsibility to obtain the proper permission for water used during construction.