



**Junction MT-85 - East**

# **Finding of No Significant Impact on the Environmental Assessment**



***Prepared for:***

**Montana Department  
of Transportation**

***Prepared by:***

**Carter=Burgess**



# **FINDING OF NO SIGNIFICANT IMPACT**

on the

## **ENVIRONMENTAL ASSESSMENT**

for

**JUNCTION MT-85-EAST  
EAST VALLEY CENTER ROAD  
STPS-235-1(8)0  
CONTROL NO. 4470  
IN  
GALLATIN COUNTY**

Submitted Pursuant to  
42 USC 4332(2)(c) 49 U.S.C. 303  
and Sections 2-3-104, 75-1-201 M.C.A.

by the

Montana Department of Transportation

and

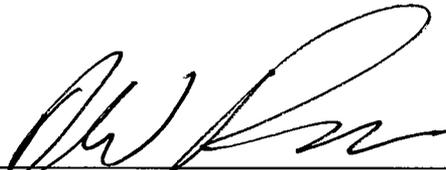
U.S. Department of Transportation  
Federal Highway Administration

**FEDERAL HIGHWAY ADMINISTRATION  
FINDING OF NO SIGNIFICANT IMPACT**

for

**JUNCTION MT-85-EAST  
EAST VALLEY CENTER ROAD  
STPS-235-1(8)0  
CONTROL NO. 4470  
IN  
GALLATIN COUNTY**

THE FEDERAL HIGHWAY ADMINISTRATION HAS DETERMINED THAT 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 FHWA TAKES FULL RESPONSIBILIITY FOR THE ACCURACY, SCOPE AND CONTENT OF THE ATTACHED ENVIRONMENTAL ASSESSMENT.

  
\_\_\_\_\_  
Federal Highway Administration

Date 6-30-2003

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## 1.0 COORDINATION PROCESS

The proposed action has been coordinated with the appropriate federal, state and local agencies in order to comply with the National Environmental Policy Act and the Montana Environmental Policy Act. The Notice of Availability for the East Valley Center Road Environmental Assessment (EA) was published in two area newspapers on four dates as follows:

- ▶ The **Bozeman Chronicle**, Bozeman, MT: **Sunday, February 9, 2003**
- ▶ The **Bozeman Chronicle**, Bozeman, MT: **Sunday, February 23, 2003**
- ▶ The **High Country Independent Press**, Belgrade, MT: **Thursday, February 6, 2003**
- ▶ The **High Country Independent Press**, Belgrade, MT: **Thursday, February 27, 2003**

A copy of the ad notice is contained in Appendix A. The public review period began on February 12 and ended on March 14, 2003. Copies of the Environmental Assessment were available for review beginning February 10, 2003, at the following libraries:

- ▶ **Bozeman Public Library**, 220 East Lamme, Bozeman, MT
- ▶ **Belgrade Community Library**, 106 Broadway, Belgrade, MT

Copies of the EA were available upon request from MDT and the EA could be viewed at the website address of [www.eastvalleyea.com](http://www.eastvalleyea.com). State and Federal agencies, and local entities, were notified by letter that the EA was available for review. The distribution list is included in Appendix A.

A public hearing/open house was held on March 5, 2003, at the Wingate Inn in Bozeman, Montana. The open house was held from 4:00 to 7:00 p.m. and the public hearing held at 7:00 p.m. The public hearing was attended by 31 persons and a copy of the sign in sheet and the transcript is contained in Appendix A.

A letter was sent to all adjacent property owners inviting them to an individual meeting for a detailed review of potential impacts to their specific property. These individual meetings were held at the Wingate Inn on March 4 and 5, 2003. Approximately 46 landowners attended these meetings prior to the open house and public hearing.

## 2.0 CLARIFICATIONS TO THE EA

**Purpose and Need.** An additional bullet is added to Section 1.3-Purpose and Need stating:

- ▶ Develop an east-west corridor as noted in the *Greater Bozeman Area Transportation Plan 2001 Update*.

**Bike Path/Sidewalk.** Following review of comments from citizens and organizations concerning the width of the bike path along the roadway, the Gallatin County Commissioners have recommended that the width be reduced from 10 feet to 8 feet in order to reduce the right of way impacts to the adjacent property owners on the south side of the roadway. MDT will modify the project design to accommodate this request.

**Crosswalks.** The need for crosswalks in the project area is recognized. The consultant will prepare a pedestrian study with recommendations for the placement of crosswalks. MDT will make a final determination on the location of crosswalks for the project during final design.

**Wetlands.** All unavoidable impacts to wetlands will be mitigated in accordance with USCOE Section 404 permit requirements as well as any other appropriate regulations. The potential for on site mitigation was investigated and determined to be infeasible due to the need for mitigation outside of right of way, water rights issues, and the anticipated need for maintenance by private property owners. Therefore, the impacts associated with this project will be included on the MDT wetland mitigation ledger and mitigation will occur at a wetland reserve on the same watershed.

**Vegetation.** The need for limiting the amount of clearing in the project area is recognized. Due to the need for installing utilities or fencing, etc. outside the construction limits, there could be a need for limited clearing of vegetation beyond that necessary for road construction.

**Clarification Statement of Access Management Goals and Objectives.** MDT's access management program will be followed on this project. The environmental assessment did not specifically address this issue. This roadway currently did not have limited access, which is inconsistent with other areas of the Gallatin Valley and Bozeman limits, including the other end of Valley Center Drive, Huffine Lane, 19<sup>th</sup> Street and the Four Corners area. Additional work is being done to address the need for a more comprehensive approach to access management within this corridor.

MDT has the flexibility, if needed, to purchase access rights or use police power. MDT's current practice is to provide reasonable access to all parcels within the limited access facility. If reasonable access is provided no compensation is due; however if

reasonable access is not provided MDT has the flexibility to purchase all or a portion of these access rights.

The following statement is intended to clarify access management:

*The purpose of access management is to improve safety, preserve function and mobility, and manage existing and future access in a consistent manner. Access Management is the balance of individual access needs with those of the transportation system to ensure efficient traffic operations while accommodating the access needs of the community.*

*Access Management will be an integral part of the design and operation of this project. Limited access control will be implemented along this corridor. Reasonable access will be maintained to all existing parcels adjacent to the highway. Future access will be managed in accordance with guidelines to be developed during the design and R/W process. New direct access may be denied based on criteria established through the development of the plan. Requests for future access may require mitigation of impacts to the operation of the roadway as a condition of permitting. Redevelopment may require consolidation of existing access as part of the approval process.*

*Redevelopment of properties will be subject to the appropriate jurisdictional review in addition to conforming to the management plan to be developed specifically for this corridor. Local growth policies will be integrated into the development of the access management plan where appropriate, but access management will not be used to prohibit the development of private property.*

*Implementation of limited access control within the project corridor may result in some existing accesses being relocated, combined, or eliminated if alternate access can be provided. This action is consistent with MDT's current approach to managing access to facilities in the greater Bozeman area, including Belgrade and Four Corners. The cumulative impact to the area is negligible. Development is going to occur with or without access management. The Huffine Lane corridor and the North 19th Interchange area are prime examples of limited access facilities that have experienced robust development after limited access control was implemented.*

### 3.0 RESPONSE TO COMMENTS AND QUESTIONS ON THE EA

The public hearing for the East Valley Center Road EA was held on March 5, 2003. A full copy of the transcript from the public hearing is included in Appendix A. During the public comment period, a total of 15 written comments were received and are included in Appendix B. The comments are summarized below by topic and responses provided.

**Bike Path/Sidewalk.** Several persons questioned the need for a bike path/sidewalk along this roadway, stating that this facility wouldn't be used. Several others supported the bike path, citing the need for a safe place for children to ride off the road, the need to complete this portion of the planned area trail system, and the need to serve the increased population along this roadway. Adjacent property owners commented in support of reducing the width from ten feet to eight feet in order to reduce the additional right-of-way needed. Letters were received from bicyclists and organizations citing a strong preference for a ten-foot trail width.

**Response:** *Due to the concerns expressed by the adjacent property owners regarding the right of way impacts, the Gallatin County Commissioners have recommended that the bike path be reduced in width from 10 feet to 8 feet. The MDT design plans will be modified to reflect this reduction in width.*

**Project Phasing.** It was pointed out that there is insufficient funding at this time to fund all the project and that it may have to be split into two segments. There was considerable discussion over which end of the project should be built first. Many thought the east end should be first because of the amount of development and high traffic. However, a number pointed out that the west end should be first before it develops and that would keep the need and pressure on the state and county to see that the east end also gets built. The concern was raised that if the east end was built first, the west end may never get built.

**Response:** *At a meeting with the County Commissioners, following the public hearing, the comments from the public were summarized and this issue was discussed. The County Commissioners expressed their preference that the first phase of the construction for the project include the east end of the roadway. MDT will consider that recommendation in developing its phasing plan for the project.*

**Crosswalks.** A member of the public questioned where crosswalks would be provided for residents living on the north side of the road to access the trail on the south side.

**Response.** *The need for crosswalks in the project area is recognized. The consultant will prepare a pedestrian study with recommendations for the placement of crosswalks. MDT will make a final determination on the location of crosswalks for the project during final design.*

**Drainfields.** A concern was raised about the drainfields located on private property along the roadway that may be impacted by the project.

**Response:** *Considerable information was received from the landowners about the location of the drainfields. In addition, information concerning drainfield locations has been obtained from the county records at the courthouse. There are a few additional drainfields where it will be necessary to have the landowners mark them so that they can be surveyed and their locations identified. Drainfield locations will be considered during design and right-of-way acquisition.*

**Left Turn Bays.** A concern was raised about the ability to provide additional left turn bays at major intersections in the future, if traffic volumes warranted that addition. It was suggested that the roadway width be increased in order to accommodate this potential future improvement.

**Response:** *The current cross-section includes two 3.6-meter travel lanes and shoulders on each side of either a 2.8-meter width (no curb and gutter) or a 2.4-meter width (with curb and gutter). Left turn bays are currently included in the design at both the west end of the project, at the intersection with MT 85, and at the east end of the project, at Hidden Valley Road and at the intersection with the I-90 underpass. If additional left turn bays are warranted in the future, the roadway can be re-stripped at the selected locations, utilizing narrower lane width and the shoulder area, to provide a turn pocket. The adjacent property owners have expressed concerns about impacts to property with the current width proposed. Increasing the roadway width for the entire length of the project would likely be inconsistent with local preferences.*

**Traffic at Love Lane.** A question was raised about the potential future traffic on Love Lane, if it were to be paved, and the potential impact of that traffic on this project.

**Response:** *Traffic projections have assumed additional growth in the project area similar in nature to the growth that has occurred along the eastern portion of the roadway. If a specific improvement is needed in the future to accommodate movements at the Love Lane intersection, such as a left turn bay, that improvement can be made as it is warranted.*

**Irrigation Ditches.** One citizen commented on the need to coordinate with Ditch companies and to maintain flow for irrigation purposes.

**Response:** *Coordination will be conducted with the Ditch companies during the next phase of design and during construction to insure adequate flow to meet water rights obligations and irrigation requirements.*

**Noise:** The predicted noise levels for the project should be listed.

**Response:** The predicted noise levels for the monitored locations are as follows:

Site ID	Predicted Noise Levels
1	64.9
2	63.5
3	64.2
4	64.3
5	59.3
6	53.2
7	56.6

**Streams.** Applicable timing restrictions for work in streambeds should be noted.

**Response:** The following is stated in the Biological Assessment report: “The trout species found in the project area spawn either in the spring (rainbow trout) or the fall (brown and brook trout). Therefore, construction activities should be avoided from April 15 to May 31 and from November 1 to March 1 to prevent impacts to spawning fish.” These in stream work restrictions may be modified based on Permit requirements.

## 4.0 SUMMARY OF IMPACTS AND MITIGATION

**Table 1** summarizes the impacts of the No-Action and Preferred Alternatives for each of the categories discussed in the Environmental Assessment.

**Table 1**  
**Summary of Impacts**

Category	No-Action	Preferred Alternative
Land Use	No impact.	Consistent with planned development.
Farmland	No impact.	Affect both Prime and Unique and farmland of statewide and local importance. Farmland conversion rating is below the NRCS threshold of 260 points.
Right-of-Way	No impact.	Acquisition of approximately 16 hectares (39 acres) effecting 98 parcels.
Social	No impact.	No impacts to neighborhood, schools, communities, churches, or minority neighborhoods. Safety improvements for school buses and ped/bike travel.
Environmental Justice	No impact.	No disproportionate impacts to minority or low-income groups or areas.
Economic	Traffic delays, increased accidents	Short-term increase in construction jobs. No long-term impacts.
Visual	No impact.	Short-term construction impacts, long-term expanded pavements, grade changes, loss of vegetation, bike path, and possibility of lighting at signalized intersection.
Historical and Cultural Resources/4(f)	No impact.	Impacts to four properties eligible for National Register of Historic Places. SHPO determination of "No Adverse Effect." Programmatic 4(f) evaluations completed.
Parks and Recreation/6(f)/4(f)	No impact.	Impacts to four parcels identified as parkland. No 6(f) properties. Programmatic 4(f) evaluations completed.
Pedestrian and Bicyclists	No impact.	Addition of ped/bike pathway either as separate path, or as attached sidewalk.
Noise	Increase in noise levels due to traffic increase is less than 13 dB(A).	Increase in noise levels due to traffic increase is less than 13 dB(A). Predicted noise levels do not approach or exceed FHWA or MDT NAC standards.

continued

**Table 1 (continued)  
Summary of Impacts**

Category	No-Action	Preferred Alternative
Air Quality	No impact.	Short-term dust from construction. No long-term impacts.
Water Quality	No impact.	Increase in sedimentation due to construction, long-term impacts due to increased surface runoff.
Floodplains	No impact.	No encroachment to delineated floodplains.
Wetlands	No impact.	Impacts to 0.17 hectare (0.42 acres) of jurisdictional wetlands. Total impacts to 0.27 hectare (0.66 acre) of wetlands.
Terrestrial and Biological Resources	No impact.	Vegetation disturbed. No sensitive species directly impacted. Increase in habitat fragmentation
Aquatic Resources	No impact.	No rare or sensitive species. Some mortality will occur with construction. Increased road runoff into streams.
Threatened or Endangered Species	No impact.	No threatened, endangered, or proposed for listing species were observed in the study area.
Hazardous Waste	No impact.	No impacts.
Construction	No impact.	Short-term impacts to noise, vibration, air quality, traffic, waste disposal, visual, erosion and sedimentation.
Secondary and Cumulative Impacts	No impact.	No impacts.

**Table 2** discusses the mitigation for the Preferred Alternative.

**Table 2  
Summary of Mitigation Measures**

Category	Preferred Alternative
Land Use	No mitigation required.
Farmland	No mitigation required.
Right-of-Way	ROW acquisition will conform with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (1989).

continued

**Table 2 (continued)  
Summary of Mitigation Measures**

<b>Category</b>	<b>Preferred Alternative</b>
Social	No mitigation required.
Environmental Justice	No mitigation required.
Economic	No mitigation required.
Visual	No mitigation required.
Historical and Cultural Resources/4(f)	SHPO determination of "No Adverse Effect." Fencing will be replaced in kind.
Parks and Recreation/6(f)/4(f)	Improved access to parkland with pedestrian/bike path.
Pedestrian and Bicyclists	Improved access with pedestrian/bike path.
Noise	No mitigation required.
Air Quality	No mitigation required.
Water Quality	Comply with Clean Water Act Section 404 and 401 permit requirements and Montana Stream Protection Act 124 conditions. Use Best Management Practices during construction. Prompt revegetation.
Floodplains	Culverts/bridges designed to 25-year flows with no overtopping of road.
Wetlands	Jurisdictional wetland impacts will be mitigated as required by the Army Corps of Engineers under Section 404 permit. Mitigation of impacts will occur at a wetland reserve on the same watershed.
Terrestrial and Biological Resources	Replanting of disturbed areas. Survey for raptor nests. Raptor proof relocated power poles.
Aquatic Resources	For fish passage, larger culverts and bridges will be installed where appropriate.
Threatened or Endangered Species	Raptor proofing of relocated power poles.
Hazardous Waste	No mitigation required.
Construction	Standard control measures for MDT projects will be enforced.
Secondary and Cumulative Impacts	No mitigation required.

## **5.0 SELECTION OF PREFERRED ALTERNATIVE**

Based upon the Junction MT-85, East Valley Center Road Environmental Assessment (EA) and the summary of public comments and responses, the Federal Highway Administration (FHWA) has determined that the alternative as described in the attached EA, with the reduction in width of the bike path from 10 feet to 8 feet, is the Preferred Alternative.

## **Appendix A: Public Hearing Transcript**

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**NOTICE OF AVAILABILITY**  
**East Valley Center Road Environmental Assessment**  
**STPS 235-1(8)0**  
**PUBLIC HEARING/OPEN HOUSE**

An Open House and Public Hearing will be held to provide information on the project and take public comments on the EA addressing the proposed improvements for East Valley Center Road. The Environmental Assessment and the preliminary design plans for the reconstruction of the East Valley Center Road from its junction with Jackrabbit Lane (MT 85) to the I-90 underpass road will be available for review. The schedule of remaining activities and construction will be presented. The Open House and the Public Hearing on the EA will be held on:

**Wednesday, March 5, 2003**  
**Wingate Inn**  
**2305 Catron Street, Bozeman**  
**(Just off 19<sup>th</sup> St, I-90 Exit 305)**  
**Open House: 4pm to 7pm**  
**Public Hearing on EA: 7pm**

The Federal Highway Administration (FHWA) and the Montana Department of Transportation (MDT) invite interested individuals, organizations, and federal, state, and local agencies to review the EA and provide comments.

**Viewing Locations**

Copies of the EA will be available for public review beginning February 10 at the following locations:

- **Bozeman Public Library**, Alice Meister, Director, 220 East Lamme, Bozeman, MT 59715
- **Belgrade Community Library**, 106 Broadway Box 929, Belgrade, MT 59714

**How to Comment**

A 30-day calendar-day review period will **begin on February 12, 2003**, and **conclude on March 14, 2003**. To request a copy of the EA, call MDT at (406) 444-7228. Oral or written comments may be presented at the Public Hearing/Open House. Written comments on the EA may also be addressed to: Jean Riley, MDT Environmental Services, 2701 Prospect Avenue, PO Box 201001, Helena, MT 59620-1001 **by March 14, 2003**.

**For further information contact:**

Jim Weaver, WGM Group, P.O. Box 16027, Missoula, MT 59808, 1-800-537-2413, [weaver@wgmgroup.com](mailto:weaver@wgmgroup.com)  
To arrange special accommodations for persons with disabilities, call MDT at (406) 494-9625. For TTY call (406) 444-7696  
or (800) 335-7592

## Public Hearing/ Open House

JUNCTION MT 85-EAST  
SIGN-IN SHEET  
March 5, 2003

NAME	ADDRESS	PHONE NO.
GENE KAUFMAN	FHWA - Helena	449-5302
Lesly Tribelhorn	MDT - Butte District	494-9612
ROB BUKVICH	MDT - BUTTE DIST	586-9562
Janette Gustafson	106 Frontier	586-7723
Sandi Kohus	707 17th St, Denver, CO 80201	
Meg Harper	2911 E Valley Ct	585-8030
Eileen Guthrie	2 Cloninger Ln.	587-4088
GARY VADEHNAL	614 South 7th	587-2404
RICHARD ALLISON	4 GARDNER PARK, BOZ	586-6434
Stephens Green	1303 North 11th	586-6541
Steve Prunty	85 Frontier Dr	586-3823
Rich Tataraka	2925 E Valley Ct	587-2952
Steve Opp	4401 E Valley Ctr. Rd.	586-9102
Don Cellmer	97 Bison Tr.	582-0815
KEVIN FARIZY	MDT - CONSULTANT DESIGN	444-9226
Tim Conway	" "	444-7292
Paul Heinrich	11 Cloninger Ln	587-3520

## Public Hearing/ Open House

JUNCTION MT 85-EAST  
SIGN-IN SHEET  
March 5, 2003

NAME	ADDRESS	PHONE NO.
Bill/Carolyn May	1219 Valley Center E, Bzo	3884318
Therrie Johns	950 Mary Rd	587 7364
Tom Martell	225 LANE DRIVE	586-6000
MIKE SCHWENDEMAN	24 MENLOW TRL	582 5704
Steve Fournier	214 valley grove Dr.	388-4579
Phil Edwards	4069 Valley Court E.	587-8586
Wilee Haglund	4161 E. Valley Center	587-4928
Bess + Sue Fregin	4220 E. Valley Center	585-5339
Mike McShady	4535 E Valley Center Rd.	587-9666
Robert a case	110 Breneadr Bozeman MT	388-0933
Marc Charnehalm	174 valley grove Dr Bozeman <sup>MT</sup>	586-8945
Erwin Dunbar	33 Border Lane Boze.	587-5065
David Smith	730 Damarell Rd	582-1134
JOHN TWEDE	SHINING MOUNTAINS LUTHERN CHURCH	587-4040

31.

**MT 85 – BOZEMAN EAST VALLEY CENTER ROAD  
PUBLIC MEETING**

**March 5, 2003**

**OPENING**

John Robinson. Hello everyone. My name is John Robinson and I'm from the Montana Department of Transportation Public Involvement Section. The purpose of our meeting tonight is to discuss the proposed project, the improvements to East Valley Center Road here in Bozeman, and to discuss the Environmental Assessment on this project. First of all I would like to make some introductions. The Department of Transportation has hired the consulting firm of WGM Engineering to develop and design the project. Jim Weaver is from WGM and is the Project Manager for this project. Also with us tonight from the Department of Transportation is Jeff Ebert, the District Administrator of District Two. From the Federal Highway Administration is Gene Kaufman.

We always follow the same format at all our meetings. First, Jim Weaver will present the project and walk through some of the important parts of the Environmental Assessment. After Jim is finished, we will open it up to questions on his presentation and the project. After Jim has responded to your questions, we will then open it up for a formal comment period on the Environmental Assessment. To maintain order, we ask that only one person speak at a time. Please raise your hand and I will come to you with the microphone. As always, I will ask you to state your name. That helps us if we have to go back and review what was said at this meeting. It also helps the Engineering firm to know which landowner said what and make changes to the plans or whatever we can do to reduce impacts. With that I will hand it over to Jim.

**PRESENTATION**

Jim Weaver. Thanks John. I see a few new faces and a lot of folks we've been meeting with over the last two days. Our purpose tonight is to get your input and for you to tell us what you think about our design and about our Environmental Assessment. I'm going to keep my presentation fairly brief. You didn't come to hear me talk; we came to hear you talk.

Project Description. The project we are here tonight to discuss starts at MT-85, Jack Rabbit Lane and run easterly about four and a half miles and ends near the underpass under I-90, about where the road was improved four or five years ago – it connects to that. We are proposing a two-lane roadway with a few turn lanes. There will a turn lane where it goes under the Interstate, there will be a left-turn lane onto Hidden Valley Road, and there will be a turn lane up at Jack Rabbit Lane. It is going to be a rural section, which for the most part will look like the piece that was built out here a few years ago with a few exceptions. From the underpass to about Lake Road we are proposing a curb and gutter on Urban Looking Street. You can't see that from your seats, but

if you want to come up here later, this is what the road will look like in a cross section (referring to graphic). We are proposing curb and gutter to minimize the amount of right-of-way we need to buy from the landowners, and to minimize impacts on those houses that are close. Also we are proposing a section of curb and gutter up next to Wiley Creek Estates Park. Again to minimize the impact to that berm, that landscaping, and that park area. Between the underpass road and Hidden Valley will actually be a three-lane section. There will be a center turn lane for that short distance. The reason we have a left-turn lane there is because we have a left-turn lane here (referring to graphic) and it only makes sense to connect the two and have a short section of center turn lane.

Bike Path. Our design includes a bike path along the south side of the road from one end to the other. In those areas where we have curb and gutter, there will be a concrete sidewalk immediately behind the curb, which is shown up here (referring to graphic). At Wiley Creek Estates by the park, there will be a 10-foot sidewalk immediately behind the curb. Elsewhere the bike path is going to be separated from the roadway by about nine-to-ten feet; it will be down off the shoulder a ways. Right now in other than the curb and gutter areas, the bike path will not be surfaced. If it is ever surfaced, the surface will be the responsibility of the county or county funding. The bike path is in there primarily because the County Commissioners requested it. Those of you who were at our meeting a year and a half ago will remember that we heard comments both pro and con on the bike path. One of the reasons we are here tonight is for you to tell us what you think – do you need it, do you not need it? What I can tell you is that the County Commissioners have said they want it and it is needed.

Right-of-Way. We are going to have to purchase additional right-of-way just about everywhere. There are one or two areas where we won't need more right-of-way. Briefly, that right-of-way process will probably start in a year to a year and half. The first step is the state or an appraiser comes around to talk to you. They talk to you about the design and the necessary right-of-way. They look at your property, the impacts and improvements, and do an appraisal on it. Then a different person, a negotiator, will come around and between you and him you are going to negotiate the value of that additional right-of-way. That process won't start for probably about a year and half or so.

The funding. The project we are designing is four and half miles long. There is only enough money to fund approximately half of it at this time. The decision has not been made as to which end we will build first. We are meeting with the Commissioners tomorrow and will probably defer that decision to them. They are going to decide which end gets built first. What we've heard from the last two days of meetings with landowners, with a few exceptions, is they think the east end should be built first. The County Commissioners will make that decision.

The Environmental Assessment. We have prepared an Environmental Assessment on the whole project and we have copies available in the back if you would like to look at them. The formal public comment period on that Environmental Assessment is now. Comments are due by March

15<sup>th</sup>. Also on the wall here (referring to graphic) we have a summary of the environmental impacts of the project. Also with me tonight is Sandy Coors from Carter and Burgess who prepared that Environmental Assessment. So if any of you have questions on the document, I'm going to refer you to Sandy. We have some forms up here if you would like to comment specifically on the Environmental Assessment. You can use these forms to put those comments on and there is an address to mail them into.

Schedule. One of the big questions we've had in the last day or two is about the schedule – when is this going to happen? The job we are designing, the four and half miles, are planned and due to be done about one year from now. The right-of-way acquisition phase would start in about a year or year and a half from now. It will take about a year to move the utility lines – power lines, telephone lines, fiber optic, gas. Construction funding is now earmarked for the first phase in the summer of 2007 – two or three years down the road. That is the first half or the first segment. The second half is not scheduled. Right now the funding is not earmarked.

Very briefly, that is my presentation. What we would like to do now is to answer questions. Not necessarily comments, you will get to tell us in a minute to tell us what you think of our plans, our design or whatever. Are there any questions about either the Environmental Assessment or what I've described as the project?

#### QUESTION / ANSWER

Question: (Jimmy Loemeyer) Why do only half? Why earmark funds for only half and not wait to do the whole thing?

Answer: (Jim Weaver) There is only enough money for half. If you waited for the money to build it all, it will be many more years before you do anything.

Question: (Jimmy Loemeyer) What is the cost of the project?

Answer: (Jim Weaver) It is about \$6 million now for the whole project.

Question: (Jimmy Loemeyer) So you are saying you only have \$3 million and you won't have the other \$3 million until a period of time that you don't know?

Answer: (Jim Weaver) Yes, that's right.

Question: (Susan Gragene) Why do we have to have sidewalks out here on a curb and gutter area? There is not really any place to walk to and there is not really anybody who lives on the road that walks. Really! Why a sidewalk? I can understand the bike path, we were going to loose to that one anyway and there is too many bicycles out there already. Where is the sidewalk going to be -- next to the roadway or on

the road? Is that part of the sidewalk that you are looking at up there (referring to graphic); is that going to be part of the bike path?

Answer: (Jim Weaver) Yes. In the areas where there is sidewalk, it takes the place of the bike path. There isn't both. The reason we have it is because the County Commissioners asked us to include it. Now later on we will take comments on whether you think that is a good idea, but right now I would just like to answer questions.

Question: (Russ Gragene) Why does this have to be ten feet? Why do bicyclists need ten feet? Why can't it be narrowed down to five feet? If I understand correctly, bicyclists are supposed to ride in line, why do they need ten feet to go by each other? Ten feet is a long ways.

Answer: (Jim Weaver) It doesn't have to be ten feet but the minimum is eight feet. We could narrow it to eight if that is what we heard. The reason for the eight feet is because it serves a dual purpose – it is going to serve both bicycles and pedestrians and it is going to serve dual directions. The minimum standards established for bike paths in those conditions is eight feet. So you are right, we could narrow it down by two feet but we can't go below that and use federal or state money for it.

Question: (Unidentified) Inaudible...

Answer: (Jim Weaver) On one side, the south side only.

Question: (Mike Hagland) Once this project starts, how long will it be torn up? How long is the project – the first two and half miles, how long will that going to take?

Answer: (Jim Weaver) I'm glad you asked that question because it reminded me of something I forgot to mention. My best guess is that if the project is let to contract early in the spring, this would be a one-season job. The whole road for that two and half miles could easily be done in one season, I think.

Jim Weaver: You reminded me of something that I would like to throw out tonight and propose. When we build the west end, whether that is first or second, I would like to propose closing the road to the through-public and using Alaska and Love Lane as detours. It just means the public wouldn't be able to drive through here. We would maintain access for the ranchers and farmers who live within the project so they can get in and out. That would allow us to build it a lot faster because we wouldn't have to deal with construction, particularly the bridge over Highlight Creek.

That is the question I'm going to throw out to you. So under comments, tell us what you think about flat closing the road. On the east end from Love Lane, there are no detours so the only way we can do it is to build it under traffic. There is going to be dirt, mud, and dust. I don't mean to say it is going to be a fun process but there is no other way. So when you get a chance let us know what you think about closing the west end and using those roads as detours.

Question (Russ Gragene) When you supposedly start out here on the east end, why can't you close the road to traffic? They would have to go Jack Rabbit or come in through Love Lane – the people who live on the further end will be able to come off Jack Rabbit if they have to. The other question I have is why don't you have a turn lane designed for Love Lane?

Answer: (Jim Weaver) We just think there is so much traffic coming out everywhere through here and to close that and force them all back this way (referring to graphic) or out of direction, would be too much of an impact. We are not proposing that. If you disagree, then tell us.

Question: (Russ Gragene) I understand that.

Answer: (Jim Weaver) The second part of your question was why don't we have a turn lane at Love Lane? We looked at that. We went out and counted traffic. There are criteria we use to guide us on where to put turn lanes. There are two things we consider – the number of people turning left and the amount of opposing traffic when they try to turn left. The conditions at Love Lane didn't get anywhere close to the criteria to put in a turn lane. What surprised me is that I thought perhaps Wiley Creek Estates would meet that criteria, but that didn't meet it either. Hidden Valley and each end did.

Question: (Russ Gragene) But you have a lot of people living out there at Wiley Creek and Valley Grove. Why can't they go ahead and take Love Lane into town or take Jack Rabbit instead of coming back this way? There is a smaller more sparse population over on our end of the road, why can't you shut them down there and tell them to go this way (referring to graphic)?

Answer: (Jim Weaver) I hear you and we will take that as a comment. We will take it under consideration.

Question: (Unidentified) You mean to tell us that the center lane is going to run all the way under the freeway all the way to Love Lane?

Answer: (Jim Weaver) That center turn lane ends at Hidden Valley, there is no center turn lane through here (referring to graphic).

Question: (Mike Schwindenmen) I have two questions. First, the source of your funding, what is the ratio of federal to state?

Answer: (Jim Weaver) It is approximately 86½ federal funding to 13½ state funding.

Question: (Mike Schwindenmen) Ok. Secondly, the Environmental Assessment says that you currently have a right-of-way of between 60 and 90 feet. In looking at the road I would say the majority is probably 60 feet. What is the amount of right-of-way you are trying to recover in total width?

Answer: (Jim Weaver) The new proposed right-of-way varies a lot. I can't even give you an average because it varies so much but I can show you afterwards if you come up. We have a set of right-of-way plans and at any specific spot we can show you what the additional right-of-way is.

Question: (Mike Schwindenmen) That is not the real answer to the question. That is the same answer you gave me yesterday. Right now you've got 60 feet, are you looking for 120 or 140? Pick a number.

Answer: (Jim Weaver) The answer is that it varies. I can't give you a number. I can tell you approximately the amount of additional right-of-way we are going to buy on the job. If somebody will look that up for me, I think that number is in the EA. The number of acres is 39.4

Question: (Mike Schwindenmen) That does not answer the question and I would appreciate it if you would answer the question.

Answer: (Jim Weaver) I can't, I'm sorry. At any particular spot, I'll tell you. It is significant. If that is your message and your point, we are buying a lot more right-of-way.

Response: (Mike Schwindenmen) Absolutely.

Comment: (Bobby Cove) I am against closing the east side of the project.

Question: (Jimmy Loemeyer) Your access onto Love Lane, you are not going to put a turn lane onto Love lane? Have you done traffic counts if Love Lane is paved and people use that as a right-of-way?

Answer: (Jim Weaver) We've done a traffic count. Obviously we haven't done a traffic count if it is paved because it isn't paved.

Question: (Jimmy Loemeyer) But you can do a model and use that model because those models are given on every other road that is built.

Answer: (Jim Weaver) That is right. No we haven't.

Question: (Jimmy Loemeyer) Will you do that model?

Answer: (Jim Weaver) Probably not. Let me ask you if there are plans to pave Love Lane?

Question: (Jimmy Loemeyer) There are two and half miles left to pave on Love Lane. So if there are two and half miles left on Love Lane to pave, you are letting the county dictate an access into Bozeman. That access into Bozeman is going to take a lot of pressure off the east side of what you are doing and if you are not going make a model on the idea of that diversion of that traffic, then I think a lot of your figures are going to be skewed.

Answer: (Jim Weaver) Ok. Are there any other questions?

Question: (Bill Edwards) I live in Blake Subdivision. I'm wondering if you are going to maintain the present speed limit on this road?

Answer: (Jim Weaver) The speed limit out there now is 45 mph and it will stay 45 mph when we are done. Under State law, the only people who can change that is the State Transportation Commission. They have that authority. We are not, as a part of this project, proposing changing it.

Question: (Bill Edwards) On the bike lane or the sidewalk, what percentage of the project would that be? Is it a large amount?

Answer: (Jim Weaver) All of it.

Question: (Bill Edwards) Is it a large amount of money to put the bike path in?

Answer: (Jim Weaver) With what we are proposing to do, there is not a lot of expense except at the bridge. We have to widen the bridge over Highlight Creek by about 10 feet and that is a significant expense. Just the grading like we are proposing isn't a great expense. If it ever gets paved or surfaced, that would be significant.

Question: (Jim Edwards) The reason I was wondering is because we used to walk this road when there was none of that down the road. Now we don't walk any more, we run to cross the road just to get to the mailbox. This would give us a change to go for a walk. I'm not saying I'm for it or against it, but it might be a good deal.

Question: (Unidentified) Who is going to maintain the bike path?

Answer: (Jim Weaver) That is a really good question and I don't know if I have an answer for that. First of all, if it stays the way it is proposed as a dirt trail, there won't be a lot of maintenance. If the county were to pave it or surface it, I assume the state would assign maintenance responsibilities to the county. Now in the sidewalk areas that are going to be built as a part of this project, is the State going to take over maintenance (asking Jeff Ebert, MDT)?

Answer: (Jeff Ebert) With respect to the maintenance issues right now, I believe Gallatin County has maintenance jurisdiction over this. The agreement we have with the counties and with the internal staff is that we would look at that. Under the law passed in 1999 the state took over maintenance jurisdiction on paved secondary roads, this theoretically would become a paved secondary road. The policy the department has been working under is that we would take over maintenance providing two things occur: 1) that the road gets paved, obviously, and 2) that we get funding from the Legislature to assume maintenance jurisdiction over that road. Right now the maintenance would still be the county's responsibility.

Answer: (Jim Weaver) The county would be responsible for the sidewalk or trail areas.

Question: (Sue Gragene) I'm just wondering how much sway we have as far as how wide this bike lane is going to be? Do we have to petition the county to get it narrowed or what is going to happen? Speaking for the south side of the road, you are taking a big chunk of our yard, so I'm just kind of curious as to how wide this actually has to be?

Answer: (Jim Weaver) It has to be a minimum of eight feet. We have it designed for ten.

Question: (Sue Gragene) Who decides if you have it?

Answer: (Jim Weaver) Both the public based on what we hear tonight, and the County Commissioners. I think because it is there at their request, we are going to go back to them. I'm going to meet with them tomorrow and give them a summary of what I've heard over the last two days and tonight and I think we would look to them for guidance. If they say, "take it out", we would probably eliminate it. So if everybody here said, "take it out" and the county said leave it in, then the state has a dilemma. But right now where it stands and what I heard a year ago and what I've heard over the last two days, I've heard a lot of comments for it and a lot of comments against it. It has been pretty balanced. So I think we will look to the county to make that decision. As far as how much sway you have, your best

sway would be to go chat with your Commissioners. I don't mean to be pushing you off on them but that is probably where the decision rests.

Question: (Bobby Clove) Just like what is out in front here, right?

Answer: (Jim Weaver) Everywhere east of Lake Road pretty much with a little exception by Wiley Creek, it is going to look like the road that we built out here a few years ago, pretty close. The ditches will be a little narrow and not quite as wide but other than that it is going to be close.

Question: (Jimmy Clove) What we have out there now is just fine for bikes. We don't need a bike path.

## COMMENTS

Jim Weaver. Ok now we want to know what you think. Should we have a bike path or shouldn't we? Should we build the east end first or the west end? If you think I'm an idiot, I'm thick skinned and you can tell me that. If you think we need a turn lane at Love Lane, you can tell me that. That is what we are here for. What we hear tonight is going to influence decisions on what happens from here on. We are not out here tonight in a charade, we want to hear what you think. There are decisions that need to be made. Now it is your turn. We ask that you speak one at a time. Our meeting is being recorded and there are two ways for you to comment tonight. 1) You can get up and take the microphone and tell us what you think, and/or 2) we have a number of forms that you can fill out to submit written comments. If you want to comment specifically on the Environmental Assessment, we have some other forms up here that you can use. Now the meeting is yours.

Question: (Jimmy Clove) Quick question, if you had just a walking sidewalk, how wide do they have to be?

Answer: (Jim Weaver) I believe five feet if you didn't allow bikes on it.

Question: (Jimmy Clove) Is there any kind of county ordinance allowing bicycles and walking on the same path?

Answer: (Jim Weaver) I don't know the answer to that.

Question: (Jimmy Clove) There is in the City of Bozeman.

Comment: (Imma Martello) We live right on the corner where everything will start happening. I have to say that I'm very much for the bike trail. We have two kids.

All of their friends live down in Baxter Creek. We are on the side where it will take our shrubs, our corral, and whatever, etc. It is my kids' safety I'm concerned about. If you care about your kids, you're going to want them on that trail.

Comment: (Sue Gragene) I agree with her. The kids do need a place to ride but again, why do we need a sidewalk? If we are going to have the bike lane, won't we have a walking area there too? The bicycles and the walkers won't be on the same path at the same time or very seldom. I'm ok with the bike path just not the sidewalk in that area. There is no place to walk to. I agree with Jim too regarding Love Lane and it getting paved. When that gets paved that will take 90% of the trouble for the east end from Wiley Creek and Valley. They're all going to go down that road instead of going where they go now, instead of coming this way.

Comment: (Jimmy Loemeyer) I've got a list of comments. Sorry about this, but I've kind of gone through this over on North Road so I'm checking what you are saying. I do believe you should leave the bike path. The bike path is an alternative way to get anybody and everybody off the road. It is a very, very good idea.

Does the State have any plans to improve the road? Big thing in the future! If you improve this road now, what you are going to do is allow the development to expand right out this road. You can say anything you want to but with an improved road that will happen.

Who decided on the EA and should we have and EIS? We have three streams that are going across this road. Are we going to look at the actualities of those streams or are we going to buzz them over because an EA is very light sensitive and made to go around an environmental study. I know we are going to have a comment on that, there is no doubt.

What if you don't get funding from the Legislature and you do one side and you leave the other side? Are we, as the people, going to be here going everybody said do the west side, well everybody lives on the east side. In my opinion, if you guys go ahead with the idea and the funding, at least start where the people are and do the east side.

How much of the road does the State own right now and how much does the County own? I think the State really only owns to Love Lane and it is county road on the other side. Now I'm not sure about that and you can tell me that. Do you guys own all the way to Jack Rabbit?

Answer: (Jim Weaver) I'm going to treat that as a question and when you are done I'll answer it.

Comment: (Jimmy Loemeyer) Those are the kind of concerns that are going to go on here. When you get into a project, this project is finalized. I learned that the hard way. They, meaning the State and the Engineers, did some things people don't understand right now. If you guys live on the road, look at what that road does. Come up and look at all of these cross sections of what is going on because, guess what guys, it is final. It is very, very hard and very, very difficult to change anything. It is possible mind you because if you are right, you are right but be careful.

Answer: (Jim Weaver) You asked who owns the right-of-way. Neither the State nor the County owns the right-of-way. It is public right-of-way. Neither one or the other. In a lot of cases there is no right-of-way out there, it is an easement. In a lot of cases it is a 60-foot wide easement. In the areas of the dedicated subdivisions, additional right-of-way has been dedicated as part of that right-of-way process and I think it varies as wide as 45 feet or maybe even 60 feet in some areas. In some areas it is right-of-way and in some areas it is easement and the width varies. It is owned by the public not the State or the County.

Question: (Jimmy Loemeyer) Ok, then what allows the State to fund that project for the duration of that project?

Answer: (Jim Weaver) This is a secondary highway. The fact that it is designated that way makes it eligible for state and federal funds.

Question: (Jimmy Loemeyer) To Jack Rabbit?

Answer: (Jim Weaver) Yes.

Comment: (Bill Marks) I live down on the west side of the road. I agree with the gentlemen in the back that it will probably be the east side that gets worked on first. I would actually like to see the west side because it will give the state more incentive to finish the thing. That is absolutely what is going to happen, they will go to Love Lane and it will be 20 years before they even think about the rest of it. We can sit out there and watch all the cars go off the end of that new section at 90 mph. The Highway Patrol told us last summer that so far they have two guys that hold the record at 95 mph down our road. We are going to get people killed. I would like to see the road finished – either finished or left alone.

As far as the bike path down on our side, if it is not finished I can see those guys with those skinny tired racing bicycles – they are not going to be on that path.

They will be right out in the middle of the road. I do think the bicycle path is a good idea but may those guys should be told that is what it is for.

**Comment:** (Unidentified) Just out of curiosity, I grew up out here, and right there at the beginning of the cut-off is all swamp land and the water is not very far beneath the surface. How deep are you going to have to go for that road? When they built U.S. 19, they plugged it and ran the trucks over it and it has never been dug out or has a base put in it. I remember when it used to be impassible and wet.

**Answer:** (Jim Weaver) We are going to dig out approximately two feet below the surfacing and we show that up here (referring to graphic). Then we are going to put all the gravel and asphalt on top of it. We are going to put in edge drains on it so that if we do get into the ground water, it will collect that water. We've designed a section that is similar to what was built on this first piece, which appears to be holding up. But we are certainly aware that this whole road is going to be built in topsoil or poor soils and we have designed around that.

**Comment:** (Mike Schwindenmen) I guess I'm still a little bit shell shocked from meeting with Jim yesterday. I spoke with Jim two years ago eye-to-eye and asked him directly about the impact to my property, and he said about eight feet. I live in the Valley Grove Subdivision at the corner of Mountain Lion Trail, and I talked to Jim yesterday only to find out he wants three or four times that much property. He wants to take out trees and half of my drain field. He didn't know my drain field was even there. I went and talked to my neighbors, and you are talking about going through everybody's drain field. I guess I'm just some little ... I asked you earlier about the amount of easement you are looking for, and I see this road and it looks to me with the bike path you need about 80 feet. How come you are looking for an average when if you figure out your acreage is 37 –38 feet per side for distance, why do we have this huge amount of ground that has to go? It is not only going to make that a super highway regardless of what you say the speed limit is going to be but it also basically destroys the quality of life and the houses that are built along there. You are taking 27 or so that are in my subdivision that I live in.

I don't disagree with the bike path. When we talked about the bike path in 2001, and to me a bike path meant that if you look at the existing road north of the underpass, you've got a path this wide on one side and skinnier on the other and you can ride bikes on the wider part. I didn't envision this separated trail. I'm just into a wider part of pavement where bikes could ride like they do pretty much everywhere else in the world. I'm not opposed to progress but the negatives just too far outweigh the positives of this. You are destroying more than one neighborhood. I just want to state my opposition to this and I was really shocked

when I spoke to you Jim that you guys had no idea where people's drain fields were. That should have been the first thing you looked at when you started looking for right-of-way. Like I say, I'm just in a state of shock and disappointment quite frankly.

Comment: (Steve Fonier) I live very near this gentleman. We are in the same boat. I'm going to concur with him. I also was very surprised about how much land is actually going to be involved in this. It is very simple math for me. I'm going to lose 10% of my property. Straight up, it is exactly that. In looking at this I assumed it was going to be a bit wider – the county has a ten-foot strip of right-of-way and I thought they could go ahead and have that, I don't do anything with it. But then there is another eight foot here and when it is all said and done they are coming 12-to-13 feet into my lawn and it brings into play my leach field to a certain extent. I've got two small kids and all they are doing is putting this super highway 12 feet closer to my house. I can't keep my south side windows open at night because it is like listening to the Daytona 500 and 12 feet closer will be that much more.

I also have a strong opinion that if you widen this road I think it is going to turn into a drag strip out there. People already go by at 80 mph and you are going to give them a comfort zone and they will really go. I've given up on opening the south side windows. I don't worry about that any more. I'm not a big fan of this. I don't like the idea of losing 10% of my property. I don't have a very big house and pretty much all I've got going for me is my lot and if that goes, then so goes the value of my home. That makes it kind of difficult to stay.

Comment: (Bill Marks) You say you are with the county or the State? Who is going to regulate that speed because we all have that concern? People go 45 mph, it is ridiculous. These people drive like they own that road. Yes, we all own a piece of that road but 45 mph is a little bit ridiculous because they are pushing 55 mph and 60 mph. There are school buses stopping on that road. I've seen people go past the school buses with the lights flashing when my kid was getting off, and they were too busy on their cell phones and the speed is too darn high. You've got to drop the speed limit down on that road. My bedroom is closest to that road and I tell you what; I have the worst time at night trying to go to sleep unless I'm incapacitated and then I can sleep through anything. But at the same time, when I want to have a good night's sleep I have this awful traffic that starts at 6 a.m. and does not quit until 11 or 12 p.m. and then you still have the guys who really like to get on it because there is nobody out there and they just let it roll. I've got animals out there like everybody else. See if you guys can propose a drop on the speed limit. Too bad if people don't like it. They do it on Durston Road – it is 25 mph all the way out to that school and it is along stretch of road out there. Why

can't we have at least 25 mph or 35 mph? That what it used to be when I moved out there then all of a sudden six months later it was back up to 45 mph. I would like to see that slowed down.

Comment: (Bill Marks) I sympathize with these guys who are losing a big part of their lots. If it goes through, the edge of the right-of-way will be 10 feet from the corner or my garage and my house, but at the same time I feel that if this isn't done now, it will probably be worse in times to come. This area is not going to be agricultural forever. The way Ag prices are I don't know how long we can afford to keep farming. So it is absolutely not going to be Ag forever, it is going to be houses and if they don't build a road this big you are going to have more problems further on down the line. There will just be a lot more and a lot harder.

Comment: (David Smith) I live in Bachelor Creek too. I'm sorry I missed the very beginning of your presentation. My questions are geared toward the rise and fall of the road. Are you going to do some leveling out of the road? Also, what about the barrow pits? Twelve-foot barrow pits seem to be a little bit unsafe too on any kind of road?

Answer: (Jim Weaver) We are going to flatten it out and I can show you the profile after the meeting. All those deep barrow pits are going to be filled in. There will still be ditches but they won't be deep, they will be relatively flat so if a car runs off the road they can actually recover and drive back up on the road. I can show you in more detail after the meeting.

Comment: (Bill Marks) Jim asked about closing the road while this is going on, and on the west side that is the perfect idea – close that sucker up so you can get it done. That would be another reason to start on the west side. Get that one done so all the traffic that will be generated from doing the east side, and we will have lots of traffic down there and it will funnel a bunch of people down there and I really believe that will happen. So close the road. They will get around.

Comment: (Jimmy Loemeyer) Is this the only comment period we are going to have? Will we be hearing from the EA people? Can we comment during the EA period?

Answer: (John Robinson) There is a comment period until March 14<sup>th</sup>.

Comment: (Jimmy Loemeyer) Are the EA people going to give a presentation?

Answer: (John Robinson) No, this is it. There was a question period on the EA and if you would like to ask any questions on it, you certainly can.

Comment: (Jimmy Loemeyer) I did and I asked why it wasn't an EIS and not an EA? I know it is recorded, so direction wise I thought I could ask the Environmental Assessment people, can I do that?

Answer: (Jim Weaver) Yes you can. I will answer that. If you are familiar with NEPA, and you act like you are, NEPA stands for National Environmental Policy Act. That is the federal law that requires us to prepare an environmental document. The first step is to prepare an Environmental Assessment. Even when Environmental Impact Statements are done, you start with an Environmental Assessment where you identify the impacts of the project and that is what we have done. If in that process you find that those impacts are significant then you can stop the Environmental Assessment and fall back and prepare and full Environmental Impact Statement. We are at that step. If you think we haven't analyzed those impacts accurately, and if you think they are greater and more than significant than we've identified, and if you don't think that document is accurate, then tell us. That is what we are here for. You can also submit those written comments to the department's Environmental Section and they will listen to them. If after this meeting and after reviewing that, if the department and the Federal Highway Administration feel those impacts are not significant, they prepare a Finding of No Significant Impact (FONSI) and the process is over. If they find those impacts are significant, then we start an EIS. That is where we are at tonight and that is why we are here. You tell us what you think. Did that answer your question?

Comment: (Jimmy Loemeyer) Absolutely. The idea of the question is that Middle Creek, which Highlight comes down through, is a streambed not a drainage ditch. This is going to be my first look at the EA to see what goes on. How long do we have to look at that document?

Answer: (Jim Weaver) The formal period to comment on that document is to March 14<sup>th</sup>. What I'm going to tell you is that after March 14<sup>th</sup>, the department is not going to ignore your comments. We would like them timely, we would like them by the 14<sup>th</sup>, but if someone calls up a year from now and tells us something, I think the state would listen to them. But the formal comment period on that Environmental Assessment is March 14<sup>th</sup>. If it comes in the 15<sup>th</sup> or the 20<sup>th</sup>, I'm not going to tell you it will be ignored, but it should have been timely.

You are talking about Highlight Creek or Middle Creek; we are proposing a bridge there that will completely span the existing channel. There would be no work in the existing channel other than the removal of the existing bridge ends. Right now they are right next to the creek. It is not a very long bridge; it is not a very

wide bride. We are not going to channelize, change, or be in that creek whatsoever – other than the removal of the old bridge. I don't want to get into a debate, or argue, or disagree. This is your period to comment.

**Comment:** (Tom Martello) I live on the corner of Lane and Valley Center Road. Why would the bike lane be on the south side? I've got my neighbor to the north sitting right next to me and if it were on his side he would be asking the same thing. I'm on the south side, so why is it there?

**Answer:** (Jim Weaver) It is a good question and I don't have a real good answer for you. I can tell you the reason it is there, and I don't remember who suggested it, but if you look at the property along here (referring to graphic) there are less developed properties on the south side and it is a little easier. It could have gone on the north side. I don't have a real good answer for you. The south side is what we felt was easiest. I don't know if the Commissioners influenced that, but that is where it is. I don't have a real good answer for you other than it is a little easier and there is a little less property.

**Comment:** (Tom Martello) I agree we need to do something out there but if this goes through like Mr. Marks said, if this goes through this road is going to be 12 feet from my daughter's bedroom window. I sat out there two nights ago and watched a car come down through the ditch and disappear clear up to my corral and tipped over on its side. We had the ambulance, the wrecker, and the fire trucks for two hours right outside my window. I agree we need to do something but boy! For the safety of my kids, I don't know. It is making me want to sell, but where the hell am I going to go?

**Answer:** (Jim Weaver) Let me respond briefly to you and to you. I told you guys this yesterday and I told a lot of landowners over the last two days, we've heard the same comments from a lot of people. They thought the road was excessive and more importantly they thought the amount of right-of-way we are proposing was excessive. I told you I would go back to the State and look at a number of areas and say, "Look I think we can reduce the amount of right-of-way we need." I'm going to do that. Now, I can't make that decision but I'm going to meet with the folks that can over the course of the next few months. I'm going to do everything I can in the areas where we don't compromise safety, to reduce the amount of right-of-way we need. There are some real opportunities out there to do that.

**Comment:** (Bobby Cove) Is there going to be any crossing spots?

**Answer:** (Jim Weaver) They are not proposed now.

Comment: (Bobby Cove) If your sidewalk and bike path is only on one side, don't you need one way or another to get to those from the north side?

Answer: (Jim Weaver) Good question and good comment.

Comment: (Unidentified) If you do have a bike path on the south side where the Ag land is, which would be much easier, all the people live on the north side. We have kids crossing to the north side to utilize that path, who is going to be responsible for those kids?

Answer: (John Robinson) So you want ...

Comment: (Bobby Cove) If you have the bike path on the south side, I want cross walks at every single intersection.

Comment: (Mike Schwindenmen) Since all the residential developments are on the north side of the road and all the children ... and in Valley Grove there are over 300 kids that go to the Ridgeview Elementary School, why wouldn't you put the bike path where the kids are? Why would you force them to cross the super highway? Wouldn't that make a little bit more sense? I was also trying to figure out how you are going to allow the farmers easy access to their land to cut the hay if they have to cross through the bike path?

Answer: (Jim Weaver) How the farmers cross is not an issue, they just drive across it. The question on why not put it on the north side instead of the south side. You have to ask the question "where are the people coming from and where are they going to?" If all the people were on the north side and certainly some are, and if their destination is on the north side, then it only makes sense to put the path on the north side. If they are split like it is here, then you have to ask the question "where are they going?" Right now this path is going to end here (referring to graphic) now whether in the future it will go somewhere else... if the destination is on the south side, then at some point in time they are going to have to cross the road. If you bring them all to one spot and cross them at one cross walk, or put in cross walks at every street, those are the questions you have to ask -- where are they coming from and where are they going to? We have seen there is probably more over here but there are certainly some on this side (referring to graphic). I've tried to answer your question. It is not really hard and fast. I put it on the south side because I think it easier and has less impact on people. If we put it on the other side, then all those who live over there will get hit a little harder with a little more right-of-way.

Comment: (Imma Martello) You are talking about a year and a half before the appraisal people come around, do they actually go out to your land and walk across to show you where the footage is and all that kind of thing?

Answer: (Jim Weaver) The first step the appraiser is supposed to do before he starts is to meet with you and come out and look at the property and look at the improvements and get familiar with your property before he starts that appraisal.

Answer: (Duane Elzing) First of all we contact you by mail so you know we are coming. Those appraisers do meet with you so you have an opportunity to show them your property.

Comment: (Imma Martello) In regards to our hedge, the power poles, the drain fields, and things like that, do they tell you which parts will be taken out and what the footages are? That is what I was questioning. So they actually walk out and go through the whole process?

Answer: (Duane Elzing) I'm the right-of-way person in the Butte District. We address each individual landowners improvements like a hedge or some trees, we pay to replace that. If there is a drain field, hopefully we have a place to replace it. I know some of you have smaller tracks and I'm not sure exactly how that is going to be addressed. That is part of the reason to meet with individual landowners, to find out where those septic systems are. You can't see that by driving by. Each individual landowner will be contacted by a Right-of-Way Agent and can address each one of your individual problems.

Answer: (John Robinson) There are some little brochures that might help to answer some of your questions. They are in the back, so everybody grab one.

Comment: (Sue Gragene) I don't know about the rest of these people out here, but I just got my little notice that the tax assessor wants to come out and appraise my property. Well, they are going to come out and appraise my property now at the size it is which is just under an acre, but you guys are taking almost a 10<sup>th</sup> of my acreage. So I'm not real pleased about that. They are going to tax me on what I don't have.

Answer: (Jim Weaver) Once there is a purchase of your property and your size changes, the tax assessor adjusts your tax assessment. The right-of-way plan, the impacts and the changes are a legal document that is filed in the courthouse. They are aware of it and they make the adjustments.

Comment: (Bobby Cove) A quick question, along the sides of this road, is there emergency parking only?

Answer: (Jim Weaver) Unless it is signed with a sign that says “no parking”, there is nothing to stop people from parking there. We will not put up “no parking” signs. You can park on that shoulder. You can’t be ticketed for parking there. It is not intended as a parking place. I can’t guarantee that in the curb and gutter section in the future, if people started parking next to that gutter and it became a safety problem or it generated accidents, it is conceivable they could sign that for no parking and paint the curb yellow. That won’t happen initially and I doubt it will happen at all. But in the rural areas, I don’t think there will every be a prohibition of parking. It is not what it is designed for or intended, but it is not against the law and you won’t be ticketed.

Comment: (Jimmy Loemeyer) Could you explain the way speed limits are determined on your new road?

Answer: (Jim Weaver) Yes. The state law says that on state highways, which this is, only the State Transportation Commission has the authority to change speed limits. They can change those speed limits only after a traffic engineering investigation. Now the Department of Transportation does those investigations. Those are a safety study. Before they prepare a recommendation for the Transportation Commission, they come out and monitor speeds, they look at pedestrians, they look at the roadway environment, accidents, and based on those things ... there are two things they look at – the 85<sup>th</sup> percentile speed and the space speed. Those are two things that are a safety indicator. They use those to make recommendations to the Transportation Commission. If you want to know what those two engineering terms are I can explain that to you after the meeting. That is the process to change the speed limit. You suggested it should be lowered, then you need to approach the County Commissioners with that. Because the State gets so many requests to change speed limits, they only respond to requests from your local government officials. So if you can convince your Commissioners to request the Transportation Commission to study it, I think we will. So you would have to approach the County Commissioners and ask that it be lowered. They would have to agree and ask the State. That would start this process.

## CLOSING

We are not leaving here tonight. Once we are through with this formal process, myself, my staff and some of the state folks are very willing to stay. We will dig out a set of plans and answer detailed questions. We will stay around as long as you would like. If you have more questions we can go informal and close this formal part of the meeting. The comment period does not end tonight; you can submit written comments on the forms on the back table. If you want to talk about the project, those forms come back to me. If you want to address the Environmental

Assessment, I have some forms that I will put back on the table and you can comment on that. Those go to a different person at MDT. The comments that come to me, I will certainly share them with the State and Federal Highway Administration, the ultimate decision makers. If there are no more comments, we will close the formal part of the meeting.



**Junction MT-85 - East**  
**DISTRIBUTION LIST FOR EA**  
**Jct. MT-85 East (East Valley Center Road)**

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The following received a letter stating that the EA is available for review at listed locations.

Gallatin County Historical Society  
317 West Main  
Bozeman, MT 59715

Bozeman Planning Board  
Attn: Director  
P.O. BOX 1230  
Bozeman, MT 59771-1230

Bozeman Historic Preservation Board  
Planner/Officer  
P.O. BOX 1230  
Bozeman, MT 59771-1230

Montana State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. BOX 201202  
Helena, MT 59620

U.S. Army Corps of Engineers  
Regulatory Office  
10 West 15<sup>th</sup> Street, Suite 2200  
Helena, MT 59626

Environmental Protection Agency  
Montana Operations Office  
Federal Building  
10 West 15<sup>th</sup> Street Suite 3200  
Helena, MT 59626

U.S. Fish and Wildlife Service  
Montana Field Office  
100 North Park, Suite 320  
Helena, MT 59601

Montana Environmental Quality Council  
Attn: Director  
State Capitol, Room 171  
P.O. BOX 201704  
Helena, MT 59620-1704

Belgrade City/County Planning Board  
Attn: Joe Menicucci, Planning Director  
91 East Central  
Belgrade, MT 59714



**Junction MT-85 - East**  
**DISTRIBUTION LIST FOR EA**  
**Jct. MT-85 East (East Valley Center Road)**

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(continued)

The following received a copy(ies) of the EA:

Gallatin County Commissioners Office  
311 West Main Street Room 301  
Bozeman, MT 59715-4576  
**1 copy**

Gallatin County Planning Office  
West Main Room 208  
Bozeman, MT 59715  
**1 copy**

Bozeman Public Library  
Alice Meister, Director  
220 East Lamme  
Bozeman, MT 59715  
**2 copies**

State Library  
Collection Management Librarian  
1515 East 6<sup>th</sup> Avenue  
Helena, MT 59620-1800  
**1 copy**

Belgrade Community Library  
106 Broadway Box 929  
Belgrade, MT 59714  
**2 copies**

Montana Department of Transportation  
Attn: Dave Hill  
2701 Prospect Avenue  
Helena, MT 59620-1001  
**6 hard copies**  
**4 CDs**

Montana Department of Transportation  
Butte District Office  
P.O. BOX 3068  
Butte, MT 59702  
**1 copy**

U.S. Department of Transportation  
Federal Highway Administration  
Region 8 Montana Division  
Attn: Dale Paulson  
2880 Skyway Drive  
Helena, MT 59602  
**1 copy**

## **Appendix B: Additional Comments**

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THE CITY OF BOZEMAN  
P.O. BOX 1230  
BOZEMAN, MONTANA 59771-1230

March 13, 2003

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

Re: East Valley Center Road Construction Project

Dear Ms. Riley:

We would like to thank you for the opportunity to offer comment and direction regarding the above referenced project and look forward to providing similar input regarding future projects.

The following is our response to proposed design elements presented in the Environmental Assessment::

1. AASHTO's Guide for the Development of Bicycle Facilities recommends a ten (10) foot (min.) paved width for a two-directional shared use path. Based on anticipated substantial use associated with existing and future development northwest of Bozeman and the desire to provide a safe, non-motorized link between Bozeman and Belgrade, we support AASHTO's recommendation and request that the shared use path be widened accordingly. It should also be noted that a wider shared use path reduces the likelihood of pavement edge damage resulting from maintenance vehicle loading.
2. The shared use path should be constructed in conjunction with any and all roadway improvements to East Valley Center Road. All too often, evaluation of vehicular level of service alone triggers roadway improvements. While it's a necessary and valuable method of evaluation, it fails to account for the cyclist and pedestrian level of service. Speaking of which, is basically non-existent. A shared use path constructed in conjunction with improvements to East Valley Center Road will improve the quality of transportation for all users, motorized and non-motorized, and should be designed with that in mind.
3. In accordance with AASTO's Guide for the Development of Bicycle Facilities, in cases where a lack of adequate right-of-way is not available to provide a minimum separation distance of five (5) feet between the shared use path and the roadway shoulder, a physical barrier is recommended. Due to obvious hazards to cyclists, pedestrians, and motorists created by installing physical barriers, we strongly suggest that this type of treatment be limited in use to areas where adequate right-of-way is simply not available to provide the minimum desired separation distance. Public input from adjacent landowners, home owner associations, and the like should not deter from the ultimate safety of the cyclists and pedestrians who will frequent the shared use path.

Once again, we appreciate the opportunity to offer comment and direction regarding this project. Should you have any questions or require clarification, please feel free to contact David Baumbauer (994-2231) or any of the other Board members.

Sincerely,

Bozeman Area Bicycle Advisory Board

David Baumbauer, Chairperson

Susan Gallagher

Robert Hamlin

David Koltz

Clarissa Were

Jim Nallick

Andy Dziadosz

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## Gallatin Valley Land Trust



March 13, 2003

MASTER FILE  
COPY

To: Jean Riley  
Environmental Services  
Montana Department of Transportation  
P.O. Box 201001  
Helena, Montana 59620-1001

From: Gary Vodehnal  
Gallatin Valley Land Trust  
P.O. Box 7021  
Bozeman, Montana 59771

Subject: East Valley Center Road reconstruction project  
Junction MT-85 East, STPS 235-1(8)0

Dear Jean Riley,

Please consider my comments in planning the East Valley Center Road reconstruction project. I help plan and construct public trails in the Bozeman area for the Gallatin Valley Land Trust and helped write the Gallatin County Trails Plan, "Connecting Communities". I wish to express my gratitude to the Gallatin County Commission and the Montana Highway Department (MDOT) for including a bike/pedestrian path in this reconstruction project. This follows a recommendation made in the County Trails Plan and will be an important addition to bike/pedestrian infrastructure in our County.

I understand that the width of this path has been reduced from ten to eight feet. I strongly urge the Commission and MDOT to reconsider this change. AASHTO Guide recommends a paved width of 10 feet for a two-way directional shared use path. A width of 8 feet should only be used where bicycle traffic is expected to be low, even on peak days or during peak hours and pedestrian use of the facility is not expected to be more than occasional.

I think it is very important to put a 10 foot path along East Valley Center Road. I believe this is our best and most expedient opportunity for providing a high quality bike/ped path between Bozeman, Belgrade, and Four Corners. Using this path as the trunk for a proposed community connection, we can begin the process of extending one pathway arm along 19th Avenue and the other arm towards the Regional Park and on to Bozeman Ponds along Huffine Lane. With trunk and arms complete, we work to build bike/ped leg connections along Jackrabbit between Belgrade and Four Corners. It appears Cosco may be the head of this pathway creature, but we'll deal with that later.

Without considering this long-range vision of community connections there are other compelling arguments for having a wider path. We already have a number of large subdivisions along East Valley Center Road and Bozeman's future growth is projected to be towards Belgrade on a collision course with East Valley Center Road. Traffic will be so heavy that only the bravest, type A active, road bikers will consider riding the shoulders. The plan includes wide shoulders ( 9 feet) and that is good for type A's. The older type B basic riders like me and Type C children riders want a path because we are scared to death of all that traffic and sick of noise and fumes! Mix in a bunch of pedestrians with dogs, runners,

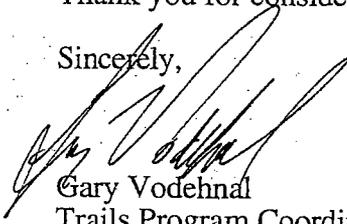
roller bladers, roller skiers, scooters, and miscellaneous. You get the picture. This path is going to get a lot of use!

Please build a ten foot path! I know it costs more, but it will be worth it in the long run. This path could very well set a standard for the entire bike/pedestrian trail system in the Bozeman Belgrade area. I would also like to see the path constructed and surfaced when the road project is constructed. In my mind, bike/pedestrian infrastructure should have as high a priority as the roadway itself. We're talking about the lives and safety of our children and better transportation options for residents of our County. The priority for MDOT and the County should be elevated so that we get this path in place in a timely manner.

I realize that the path will have to be adjacent to the roadway in sections where right-of-way is not available. I was told that the homeowners in Wylie Creek Subdivision have decided that they do not want a divided path to encroach on their parkland berms and landscaping. I would like to see this issue revisited. I believe a separate path is much more desirable than one adjacent to the roadway. A separate path will be safer for the children and a better experience for everyone. Perhaps the homeowners would reconsider if the trees were saved and transplanted to other areas of their parkland and the berms were regraded to meet their expectations. I certainly feel separating the traffic from the path users could be a win-win for everyone, especially the residents of the subdivision.

Thank you for considering my input.

Sincerely,



Gary Vodehnal  
Trails Program Coordinator

Cc: Gallatin County Commission  
Gallatin County Planning Department

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STPS 235-1(8)0 4470

MAR 17 2003

**ENVIRONMENTAL**

416 E. Story St.  
Bozeman 59715  
March 14, 2003

East Valley Center Environmental Assessment  
c/o Jean Riley  
Environmental Services  
Montana Department of Transportation  
POB 20101  
Helena MT 59620-0001

MASTER FILE  
COPY

Dear Ms. Riley,

I am very interested in the East Valley Center Road enhancement project, and especially in the trail that should run along beside it.

This trail was given second priority when our Gallatin County Trails Committee did its study of the need for trails linking the various communities in the county. The first priority is a safe trail directly between Bozeman and Belgrade, and this East Valley Center trail could be a help in obtaining it.

I want to stress to you that the trail needs to be at least ten feet wide. It is going to be extremely popular and busy with all the growth in that area. The highways are getting so dangerous and so busy that more and more people are clamoring for a way to ride their bikes safely in to their jobs in Bozeman from Belgrade, or vice versa.

The trail also needs to be done in a piece rather than in pieces. Pieces just don't work very well in making a trail useable or desirable.

I speak with the experiences of 1) having been a city commissioner for eight years from 1982 to 1990; 2) being on the Bozeman City Advisory Recreation and Parks Boards since 1995 and still an active member; and 3) a member of FORPARKS (Friends of Regional Parks) which is involved in obtaining and developing a hundred acre park on Baxter Lane.

The road improvements will not be nearly as good if this trail is not also done well.

Sincerely,

*Mary B. Vant Hull*

Mary B. Vant Hull

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STPS 235-1(8)0 4470

MAR 17 2003

ENVIRONMENTAL

MASTER FILE  
COPY

Robert Hamlin  
P. O. Box 723  
Bozeman, Montana 59771

March 14, 2003

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

Dear Jean Riley:

I would like to make several comments concerning the East Valley Center Road reconstruction project. I am a member of the Bozeman Area Bicycle Advisory Board and a year-round bicycle commuter.

The pedestrian and bicycle facilities should conform to national standards. The paved paths should be at least 10 feet wide and on-street bicycle lanes should be at least 5 feet wide. Paths and lanes should be separated to accommodate riders of all skill levels. Advanced riders will prefer to travel on the street while basic riders, families, and children desire paths separated from the street. These facilities are very important to our community. Northwest Bozeman has seen tremendous growth in the past decade and this trend will continue. Valley Center Road will be an extremely important route to and from central Bozeman for bicyclists.

I feel it is important to complete construction of all bicycle facilities during construction of the road. They are just as important as the road. Completion of bicycle facilities in a piecemeal fashion is more costly in the long run and very unsafe for users. As a bicyclist, there is nothing more frustrating and dangerous than having a lane or path unexpectedly end with no alternative route.

Thank you for the opportunity to comment on this project.

Sincerely,



Robert Hamlin

## Jim Weaver

---

**From:** Mary Vant Hull [mvanthull@montana.com]  
**Sent:** Friday, March 14, 2003 5:21 PM  
**To:** Jim Weaver  
**Subject:** e valley center road and trail, bozemanD

Dear Weaver, I read the environmental assessment on the proposed improvement to the East Valley Center Road. I am especially interested in the trail beside it, having been 1, a city commissioner for eight years; 2, a recreation board member for many years and still am; and 3, a member of FORParks which is v interested in trails on the North and East of Bozeman (understand that I am speaking as an individual, though).

The trail is v important to future park and trail connections, and since it will be a v heavily used one, it is imperative that it be at least ten feet wide. Eight feet would be inadequate, so why start with something inadequate? The sooner it could be done, the better. It should be done all at once, not piecemeal. In my observation of adjacent landowners, we always find that even if they are not happy about having the trail there, they become supportive of it, and they find that it increases the desirability of their property when or if they sell. I am also sending a letter to Jean Riley, but am sending this in case the letter doesn't arrive in time, so will you please see that she reads this? Thank you, Mary B. Vant Hull, 416 E. Story St., Bozeman 59715.

## Jim Weaver

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**From:** Jim Weaver  
**Sent:** Monday, February 24, 2003 7:33 AM  
**To:** 'Lucille Peter'  
**Cc:** Jeff Ebert (E-mail); Jim Weaver; Conway, Tim (E-mail)  
**Subject:** STPS 235-1(8)0 East Valley Center Road Parcel 101

Dear Mrs. Peter,

The purpose of my letter was to invite you to a meeting to show you the project's impact on your property. I sent them to all of the adjacent landowners. In your case the state will not need to buy any additional property or right-of-way. They may need to purchase some additional "access rights" along East Valley Center Road although your access will remain as it currently is. The purpose for buying access rights is to restrict future access (and the associated impacts) as property does develop.

Mrs. Peter, I certainly understand your opposition to the changing land uses and the improvements they bring. I will enter your e-mail and opposition in our project record.

Jim Weaver  
WGM Group

-----Original Message-----

**From:** Lucille Peter [mailto:lpeter@ameritech.net]  
**Sent:** Tuesday, February 18, 2003 11:01 AM  
**To:** Jim Weaver  
**Subject:** March 4-5 Meeting

Dear Mr. Weaver

I'm very upset that once again the state is going to chip away at our farm land!!! It hasn't been that long since you took almost 10 acres from us for the same road.

What really upsets me is that people purchase homes "out in the country" to get away from it all. However, they bring their "urban" mentality with them. They knew when they purchased the property what the road was. It isn't our fault, and we shouldn't be penalized for this, that farms to the west of us were subdivided. We vigorously oppose this additional incursion into OUR PROPERTY!!!! Are you really trying to pave over everything?

We will not be in Bozeman on March 4 or 5. We will be in Bozeman the last week in June and the first week in July.

Lucille Westlake Peter

**Jim Weaver**

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**From:** Lucille Peter [lpeter@ameritech.net]  
**Sent:** Monday, February 24, 2003 6:36 PM  
**To:** Jim Weaver  
**Subject:** RE: STPS 235-1(8)0 East Valley Center Road Parcel 101

Dear Mr. Weaver

Thank you for your e-mail. I'm relieved that we aren't going to lose any more land. As you know, there are four "right-of-ways" that have been taken from the north end of this property: railroad, frontage (old #10); Valley Center Road and the expressway. To me, that seems excessive.

My nephew, Barry Schaplow, who farms the land may attend one of the open houses. I am interested in "access rights" and what that entails.

Lucille Westlake Peter

COMMENT SHEET  
STPS 235-1(8)0, Jct MT 85 East  
East Valley Center Road

Name: SCHWENDEMAN Parcel No. 51  
Mailing Address: 24 MOUNTAIN LWN TR Property Address: \_\_\_\_\_  
BOZEMAN, MT 59718  
Phone: 406-582-5704 (If different from mailing address)  
Date: 3-10-03

Comments:

PLEASE SEE ATTACHED LETTER

Follow-up:

Please return comments to a design team member at the landowner meetings or public hearing OR fold and mail to the address on the back. Thank you.

MAR 12 2003

Mike & Lavonne Schwendeman  
Parcel #51  
24 Mountain Lion Trail  
Bozeman, MT 59718  
(406) 582-5704

March 10, 2003

Jim Weaver, P.E.  
WGM Group, Inc.  
P.O. Box 16027  
Missoula, MT 59808-6027

Re: STPS 235-1(80), Jct. MT 85 East  
East Valley Center Road

We are opposed to project as it is proposed. The preliminary plan does not consider the rights of the property owners. The project appears oversized for this road. All that should be done, if anything is to do a little shoulder work and repave the road. This would have minimal impact on the abutting neighborhoods.

We purchased our home in 1996. After we moved in we were told of plans to expand Valley Center, and that we could not locate any permanent building within 25 feet of the southern property line. We were told that at worst case we'd lose 10 feet of property – thus keeping a 15-foot setback from the new property line. Valley Center was not even paved at the time. When the second phase of Valley Grove was put in the property lines on the south side were set back from Phase 1, matching up with what we'd been told. We bought this home because it was in a rural location, down an old country road.

The negative impact on neighborhoods (Valley Grove) far outweighs any positives that could come from this plan. The average Valley Grove homeowner will have to give up a substantial amount of property. Valley Grove was designed and sold based on a 10 foot setback of the property lines along Valley Center someday...that is how homes, garages and landscape items (trees) was positioned. In our case a large cottonwood tree (50-75 years old) would have to be taken down. This is one of the few healthy tress left in this area of this size and age. The plan does not consider locations of drain fields—our drain field is in direct conflict with the plan.

In 2001 at the meeting held in June we spoke directly to Jim Weaver and a MDT representative. When asked directly what was the impact of the proposed project Weaver responded "8 feet on each side". This fell in line with what we'd been told in the past so we did not raise any objections. Now you have advised us that you need 3-4 times the 10 feet we'd been historically told based on your preliminary plan

At the same time this issue of a bike path was brought up. Our interpretation of what was being said by WGM was something similar to the road south of the I-90 underpass, a wider paved area with a one shoulder being a bit wider for bicycle traffic—not a full blown separate trail as is being proposed.

The Environmental Assessment appears to be inaccurate—to quote page 3-23 in reference to Valley Grove Phase 1 “This parcel contains a water-holding pond and a water tank as well as one small structure”. The author of the EA has totally missed what this parcel is—this parcel is water system for the entire 350 home Valley Grove subdivision—not “one small structure” as indicated in the EA. No one did his or her homework on this parcel. This parcel contains the heart of the Valley Grove subdivision. We also read in section 5.3 that the Valley Grove Homeowners Association was not contacted for input for the EA—but the Wylie Creek Homeowners Association was. We believe a full Environmental Impact Study may be needed as the EA presented simply does not go far enough and appears to be full of errors.

Overall this will have a huge negative impact (quality of life and property values) on us as well as our neighbors in Valley Grove and other neighborhoods abutting Valley Center Road.

Lets apply some common sense here and not destroy the quality of life we currently enjoy. Think of this project as if it was in your home and neighborhood.

Sincerely,

Mike & Lavonne Schwendeman

COMMENT SHEET  
STPS 235-1(8)0, Jct MT 85 East  
East Valley Center Road

Name: GARY VODEHNAL

Parcel No. Not a landowner.

Mailing Address: PO Box 7021  
Bozeman, MT 59771

Property Address: \_\_\_\_\_

Phone: 587-8404

(If different from mailing address)

Date: March 3, 2003

Comments:

*build + plan*  
I help public trails around Bozeman for the Gallatin Valley Land Trust. I think the bike/ped path is a very good idea and could be instrumental in efforts to get a bike/ped path from Bozeman to Belgrade. I would like to see the path constructed (surfaced) in conjunction with the road construction project. I would encourage the Mt. Highway Department to fund the trail surfacing rather than leave it up to Gallatin County + Gap Funding.

Follow-up:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please return comments to a design team member at the landowner meetings or public hearing OR fold and mail to the address on the back. Thank you.



COMMENT SHEET  
STPS 235-1(8)0, Jct MT 85 East  
East Valley Center Road

Name: JOHN/RENEE THORP Parcel No. \_\_\_\_\_  
Mailing Address: 85 WYLLIE CREEK BLVD. Property Address: \_\_\_\_\_  
Phone: (406) 388-2220 (If different from mailing address) \_\_\_\_\_  
Date: MARCH 4, 2003 \_\_\_\_\_

Comments:

We joyously welcome the bike/walking path  
and encourage you to keep them as  
part of the plan.

*John Thorp*  
*Renee Thorp*  
3-4-03

Follow-up:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please return comments to a design team member at the landowner meetings or public hearing OR fold and mail to the address on the back. Thank you.



COMMENT SHEET  
STPS 235-1(8)0, Jct MT 85 East  
East Valley Center Road

Name: BRAD CROAN  
Mailing Address: 77 CANDLELIGHT DR.  
BZ MT 59718  
Phone: 308 4522  
Date: 3-05-03

Parcel No. 2  
Property Address: —  
WYLIE CREEK  
(If different from mailing address)

Comments:

I DON'T SEE THE NEED FOR A SIDEWALK 4 MILES FROM EITHER 19TH ST OR JACK RABBIT. IT SEEMS TO ME YOU COULD ALLOW US TO PUT IN A WALKING PATH 4' WIDE (THE SAME AS IN OUR TRACT). YOU COULD SAVE MONEY AND WE COULD DO THE WORK. YOU STATED THAT THE REST OF THE TRAIL IS ONLY DIRT, WHOSE GOING TO RIDE OR WALK ON A SNOW/MUDD COVERED WALK?, THEN A 300' SIDEWALK!!! GET A WAIVOR OF THE RULES AND ALLOW US TO CREATE SOMETHING FUNCTIONAL, ASSENTICALLY CONSISTENT AND CHEAPER. A SIDE WALK IS LUDICROUS, TO SAY THE LEAST.

Follow-up:

Please return comments to a design team member at the landowner meetings or public hearing OR fold and mail to the address on the back. Thank you.



COMMENT SHEET  
STPS 235-1(8)0, Jct MT 85 East  
East Valley Center Road

Name: Robert & Barbara Marx Parcel No. 6 + 7  
Mailing Address: 776 E Valley Center Property Address: \_\_\_\_\_  
Bozeman MT 59718  
Phone: 406-388-4624 (If different from mailing address)  
Date: 3/5/03

Comments:

- With construction being planned in two phases, we are concerned about safety and congestion issues in west phase when east phase is completed. Seems like you're channeling increased traffic from improved <sup>east</sup> portion onto the unimproved west section which is already an unsafe roadway. Timing is questionable.
  - R.O.W width excessive, especially on west end - is it really necessary?
  - Not all irrigation ditches, crossings, etc. have been addressed in EA. We've identified concerns twice - with hydrologist in Summer 2000 and with WGM on 3/5/03 - additional work is needed to make sure all are properly identified and addressed. (Mammoth Beck + Border, Spain + Ferris)
  - Disruption of irrigation water during road construction is of concern.
  - Forget the bike lane on south side west of Love Lane - it's not needed + wouldn't be used.
  - Parcel 7 - widening of 33 feet on north side is a very impactive concern as it affects agriculture operation of a center pivot sprinkler irrigation system on 160 acres - NOT previously identified in any of your preliminary design. We feel this is NOT a "minor" impact to ag operations as described in EA.
  - Fences reconstruction - Type of fence and timing of relocation will be important so as to not impact ag (livestock or crop) operations any further.
  - Parcel 6 - Drainfield still a question in terms of proximity to widening
- Follow-up:
- Need to insure you are getting information from, and dealing with, appropriate officers of ditch companies to assure accuracy.

Please return comments to a design team member at the landowner meetings or public hearing OR fold and mail to the address on the back. Thank you.

MAR 12 2003

COMMENT SHEET  
STPS 235-1(8)0, Jct MT 85 East  
East Valley Center Road

Name: Dan Heimburger Parcel No. \_\_\_\_\_  
Mailing Address: 11 Clovis Dr W. Property Address: Same  
Bozeman, mt. 059718  
Phone: 582-3520 (If different from mailing address)  
Date: \_\_\_\_\_

Comments:

I have been living at this address since 1977 and have been to every road meeting since 1981. We were told there was no money or wait 5 yrs. last year we were told it would be 2005, now 2007. Let's get this road going! Why in the world would this road start in the West, the population is in the East and those of us who have been out here a long while have been waiting for a new road since the 80's.

Follow-up:

I am a runner and did favor a like path/runner's path, but know this would cost extra money plus who would take care of it. I would be satisfied with a road with 8-10' shoulders where we could run.

Please return comments to a design team member at the landowner meetings or public hearing OR fold and mail to the address on the back. Thank you.

MAR 10 2003

COMMENT SHEET  
STPS 235-1(8)0, Jct MT 85 East  
East Valley Center Road

Name: Imane Lehner Parcel No. \_\_\_\_\_  
Mailing Address: 950 May Rd Property Address: \_\_\_\_\_  
B20 Mt 59718  
Phone: 587-7364 (If different from mailing address)  
Date: 3-12-03

Comments:

- Presentations should be delivered by each Representative working on project, the one you gave was inadequate for public Respects
- Please do not start the project without proper + complete funding. Traffic will not be safe around subdivisions
- Put A Bike path on the north side All the kids need not cross A high speed Roadway
- Take A traffic study on Love Ln. This will increase substantially when paved

Follow-up:

Complete the project all at once  
And inconvenience the public one time  
Not continually year after year.

Please return comments to a design team member at the landowner meetings or public hearing OR fold and mail to the address on the back. Thank you.

MAR 21 2003

FI

COMMENT SHEET  
STPS 235-1(8)0, Jct MT 85 East  
East Valley Center Road

Name: Steve Fournier  
Mailing Address: 214 Valley Grove Dr  
Bozeman MT 59718  
Phone: 386-4579  
Date: March 2003

Parcel No. 48  
Property Address: \_\_\_\_\_  
(If different from mailing address)

Comments:

- ① I attended both meetings
- ② I am NOT interested in losing 100%+ of My property to a road that does not need to be as wide as requested.
- ③ Speed on the road is already much too fast and a larger wider road will simply cause faster driving
- ④ I have small children and I do not want the road any nearer to my house
- ⑤ It has not been clearly explained as to why I must give up my property for this project.

Follow-up:

Please return comments to a design team member at the landowner meetings or public hearing OR fold and mail to the address on the back. Thank you.

MAR 26 2003

APR 10 '03 12:46



001019

Parcel 48

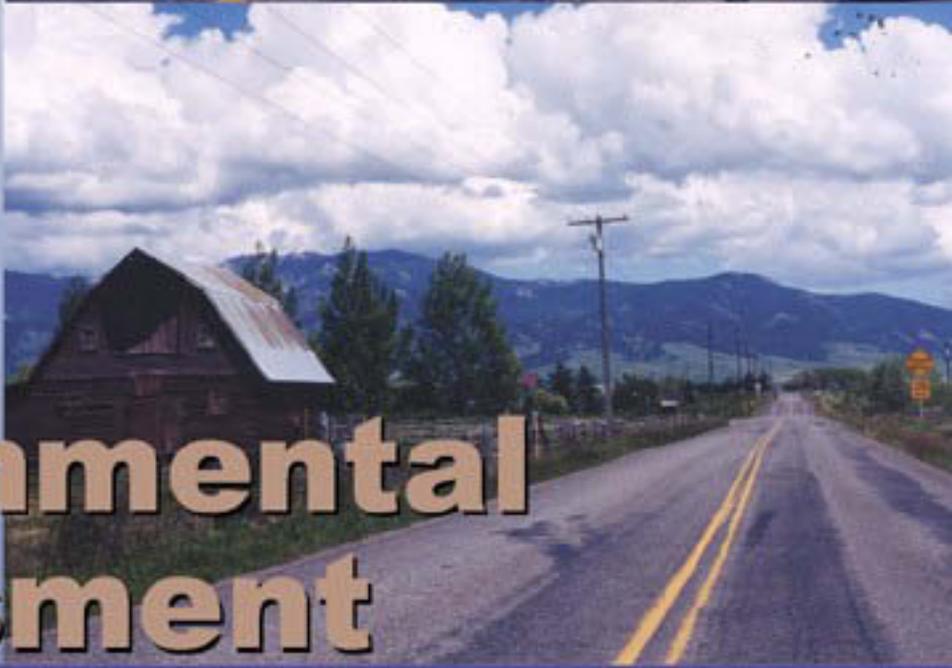


## **Appendix C: Environmental Assessment**

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# Junction MT-85 - East



# Environmental Assessment



***Prepared for:***  
**Montana Department  
of Transportation**

***Prepared by:***  
**Carter=Burgess**

**STPS-235-1(8)0**  
**Control Number 4470**

# **Environmental Assessment**

Prepared for:  
**Montana Department of Transportation**

Prepared by:  
**Carter#Burgess**

**February 2003**

**Environmental Assessment  
For  
JUNCTION MT-85-EAST  
CONTROL NO. 4470  
IN  
GALLATIN COUNTY**

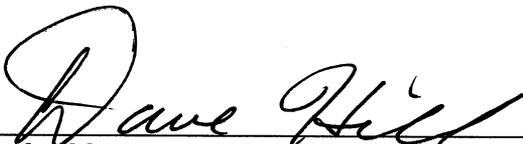
This document is prepared in conformance with the Montana Environmental Policy Act (MEPA) requirements and contains the information required for an Environmental Assessment under the provisions of ARM 18.2.237(2) and 18.2.239. It is also prepared in conformance with the National Environmental Policy Act (NEPA) requirements for an Environmental Assessment under 23 CFR 771.119.

Submitted Pursuant to 42 USC 4332(2)(c) 49 U.S.C. 303  
and Sections 2-3-104, 75-1-201 M.C.A.

by the  
Montana Department of Transportation  
and  
U.S. Department of Transportation, Federal Highway Administration

**Submitted by:**

1-27-03  
Date

  
for Montana Department of Transportation

**Reviewed and Approved for Distribution:**

1/27/03  
Date

  
for Federal Highway Administration

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## **EXECUTIVE SUMMARY**

The Montana Department of Transportation (MDT), in conjunction with the Federal Highway Administration (FHWA), proposes to reconstruct Montana Secondary Highway 235, East Valley Center Road, along its current alignment, from Montana Highway 85 to the I-90 underpass. The reconstruction will include a two-lane roadway with shoulders, flattening of vertical curves to improve sight distance, the addition of left-turn bays at major intersections, the replacement of culverts and bridges, curb and gutter along a portion of the roadway, and a pedestrian/bike path along the south side of the roadway.

The project is located in Gallatin County in southwestern Montana. The roadway improvements will be along a 7.3-kilometer (4.5-mile) corridor of East Valley Center Road beginning at MT 85 and ending at the intersection with the I-90 underpass. The surrounding land uses consist of older farm buildings, agricultural fields and newer subdivisions.

Since 1995 the average daily traffic has increased significantly, primarily due to development along the eastern end of the corridor. The accident rate for this corridor for the period 1990 through 1999 is 40 percent above the Statewide average for this classification of road. The intent of the project is to provide a two-lane roadway that meets MDT's geometric design standards and provides needed improvements in safety and operation for the traveling public.

The Preferred Alternative consists of two travel lanes with shoulders and sloped embankments. The current width of pavement is approximately 6.8 meters (22 feet). The proposed width of pavement will vary from 12.0 to 12.8 meters (39 to 42 feet), except at major intersections where 3.6 meters (12 feet) right or left turn pocket are added. The pedestrian/bike path will add another 3 meters (10 feet) to the proposed cross section.

The environmental impacts and mitigation measures associated with this project are discussed in Chapter 3.0. The more notable impacts are listed below:

- ▶ **Right-of-Way.** An estimated 16 hectares (39.6 acres) of additional right-of-way will be required for the Preferred Alternative. No relocations of businesses are required by the project. One residential relocation will be required as part of the project.
- ▶ **Cultural.** Four historic sites, which are eligible for the National Register of Historic Places, will be affected by the project. The State Historic Preservation Officer has determined that there will be No Adverse Effect to these properties as a result of the project (see letter in Appendix A).
- ▶ **Parkland.** Some land identified as "Park" will be needed for this project. Three of the parkland sites are subject to 4(f) evaluation. A programmatic 4(f) evaluation form for each of the three sites is included in Appendix B. Coordination with Gallatin

County has occurred and a letter of concurrence from the County concerning these sites is included in Appendix A.

- ▶ **Wetlands.** Impacts to wetlands occur at creek crossings and with roadside ditch relocation. Total impacts will be approximately 0.3 hectare (0.7 acre). Jurisdictional wetland impacts will be approximately 0.17 hectare (0.42 acre). Wetland mitigation will follow the Section 404 permit requirements approved by the U.S. Army Corps of Engineers.
- ▶ **Section 4(f).** Seven sites impacted by this project are subject to Section 4(f). Chapter 4.0 includes the evaluation of the four historic properties and three park sites that are impacted by the project and subject to 4(f) statute.

## **CHAPTER 1.0: PURPOSE AND NEED FOR ACTION**

### **1.1 PROPOSED ACTION**

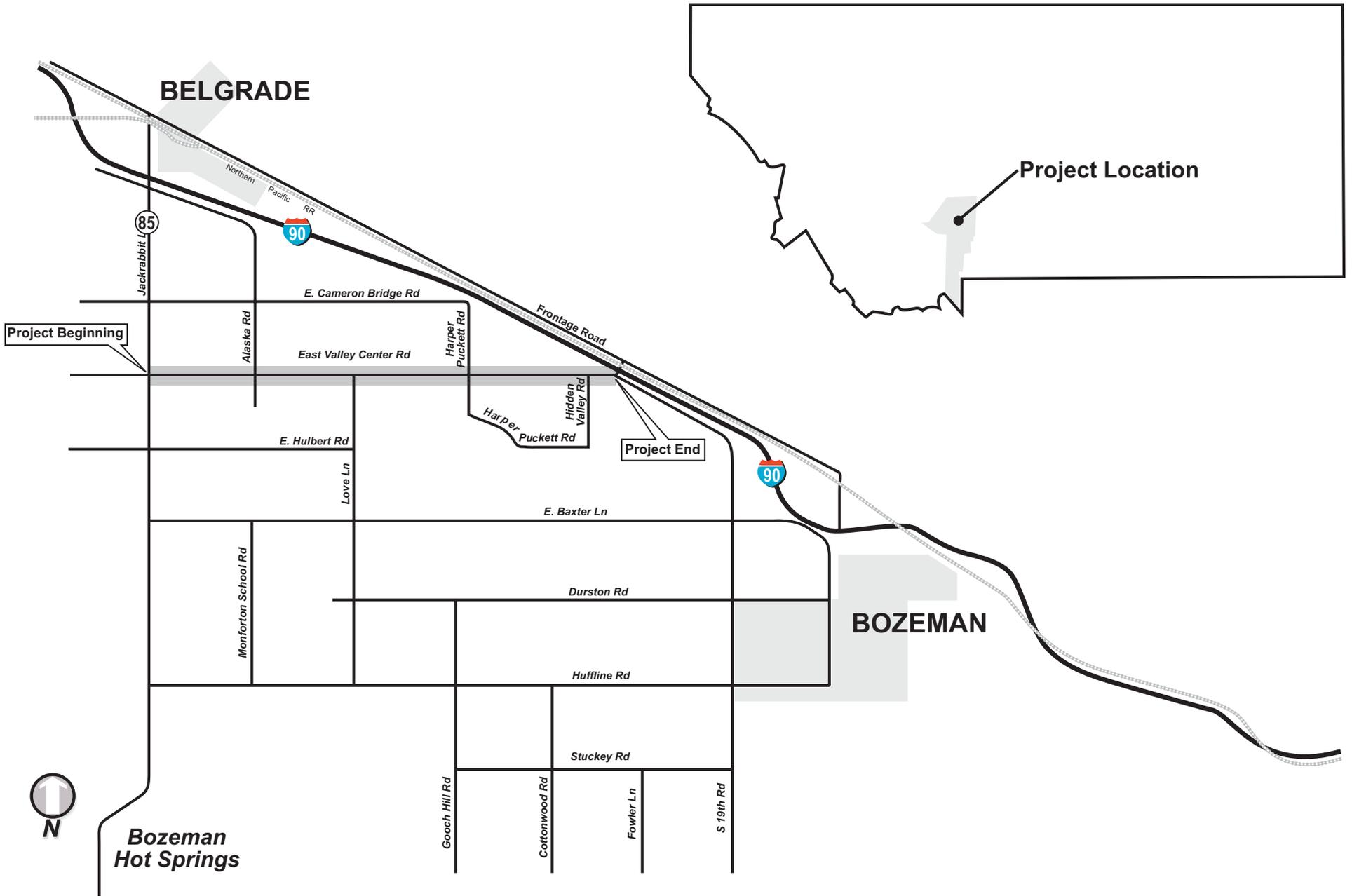
The Montana Department of Transportation (MDT), in conjunction with the Federal Highway Administration (FHWA), proposes to reconstruct Montana Secondary Highway 235, East Valley Center Road, along its current alignment, from Montana Highway 85 to the I-90 underpass. The reconstruction will include a two-lane roadway with shoulders, a flattening of vertical curves to improve sight distance, the addition of right or left turn bays at major intersections, the replacement of culverts and bridges, curb and gutter along a portion of the roadway, and a pedestrian/bike path along the south side of the roadway.

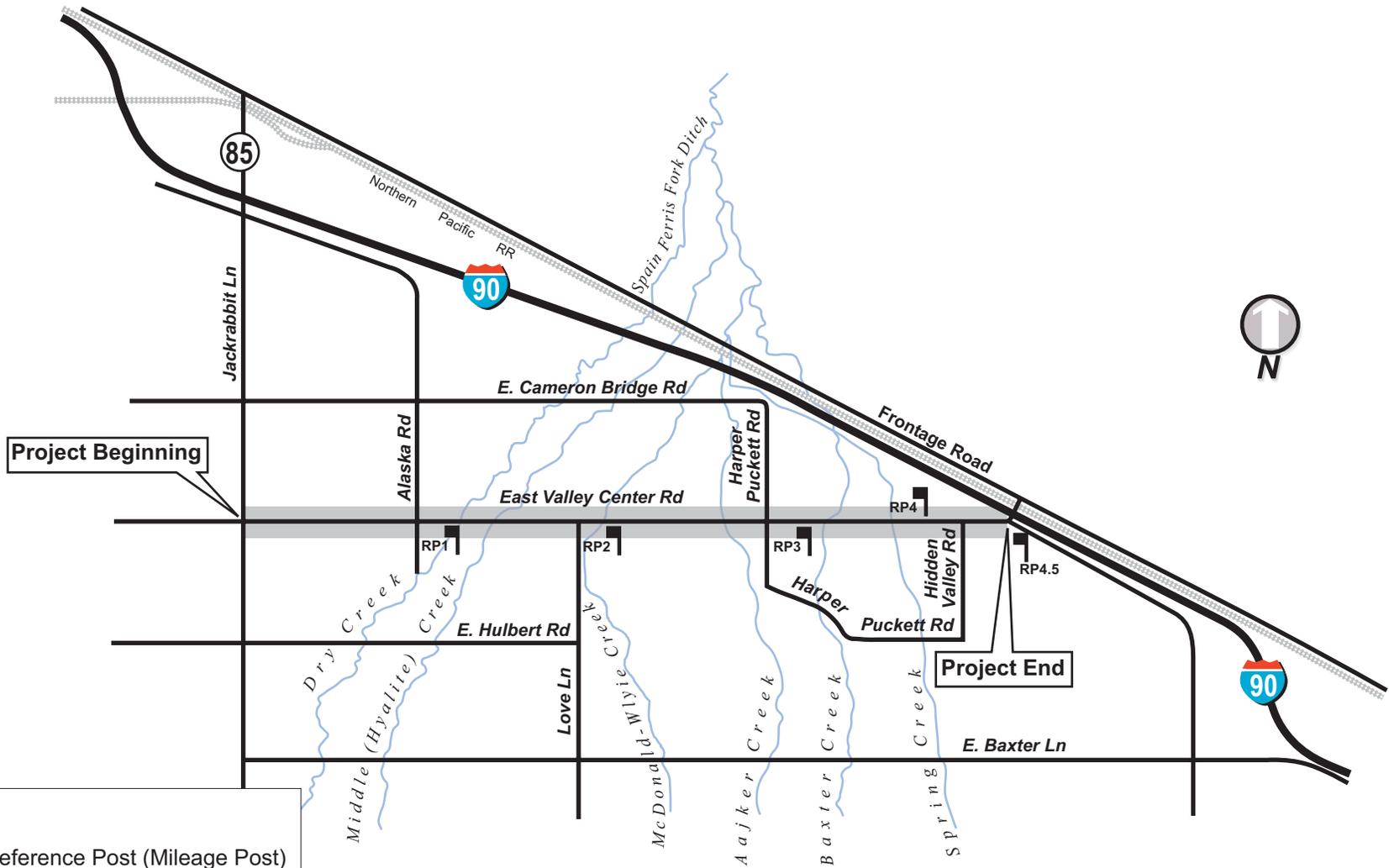
### **1.2 STUDY AREA**

The project is located in Gallatin County in the Gallatin Valley of southwestern Montana (see **Figure 1-1**). The valley is high and broad and is ringed by mountains that rise up to 1.2 kilometers (4,000 feet) above the valley floor. East Valley Center Road travels east-west through Gallatin County. The terrain includes gently rolling hills and the current vertical alignment of the roadway follows the natural terrain.

The roadway improvements will be along a 7.3-kilometer (4.5-mile) segment known as Secondary Road 235 or as East Valley Center Road. The study area begins at the intersection of the East Valley Center Road with MT 85, also known as Jackrabbit Lane, at Reference Point (RP) 0.0 and continues east to the underpass at I-90 at RP 4.5 (see **Figure 1-2**.) The study area is located in Township 1S, Range 4E, Sections 24 and 25, and Range 5E, Sections 19-22 and 27-30.

Within the study area and along the road, there are older farm buildings, new subdivisions and agricultural fields. There are above and below ground utilities along the sides of the roadway. There are several creeks and irrigation ditches that cross the study area and the roadway via culverts and bridges. There are also roadside ditches parallel to the roadway. Some of the older homesteads have large trees and there is a concentration of vegetation along some of the creeks. This area is experiencing a high rate of new residential development. Since 1995 several new subdivisions have been developed along the corridor and the average daily traffic volume has increased significantly.





**LEGEND**  
 RPx = Reference Post (Mileage Post)

### **1.3 PURPOSE AND NEED**

The proposed action would reconstruct the existing roadway along its current alignment. The Montana Department of Transportation has determined that the roadway is inadequate for existing and projected future traffic volumes and characteristics. The intent of this project is to provide a two-lane roadway that meets MDT's geometric design standards to provide needed improvements in safety and operation for the traveling public. A design speed of 100 km/h (65 mph) is considered appropriate for this roadway which currently has a posted speed limit of 72 km/h (45 mph).

The proposed action has specific elements of purpose and need, as follows:

- ▶ Provide a roadway that meets current and future transportation needs.
- ▶ Reconstruct the roadway to improve safety and correct deficiencies in the pavement structure and paved surface.
- ▶ Provide paved shoulders and flatten slopes on embankments to increase recovery zones for vehicles that leave the roadway.
- ▶ Correct deficiencies of substandard vertical alignments and improve sight distance.
- ▶ Upgrade the roadway to reduce the overall accident rate which is higher than the statewide average for two-lane roads.
- ▶ Provide turn pockets or lanes at major intersections to reduce backups and accidents associated with turning movements.
- ▶ Replace several bridges that are narrow and functionally obsolete, including the Middle (Hyalite) Creek bridge structure.
- ▶ Provide improved pedestrian/bicycle facilities along the corridor.

### **1.4 EXISTING ROADWAY**

The existing facility is a two-lane roadway that Gallatin County constructed in 1945. The original surface was gravel and is now a 6.7-meter (22-foot) wide road mix surface. The driving lane width is 3.4 meters (11 feet) in width with no shoulders. The road follows the natural terrain, which includes gently rolling hills resulting in the existing vertical alignment being substandard. Reconstruction of the roadway is required in order to provide for adequate sight distance and to meet current secondary roadway design standards. The existing grade will be raised in some locations and lowered in others.

The side slopes along the roadway are near the edge of pavement and are quite steep in some areas. They often fall off into a roadside ditch. Reconstruction will include reducing the slope of the embankment from the edge of the pavement. The existing roadway has no sidewalk or curb and gutter and no signals.

The existing roadway includes several narrow bridges. The bridge at the crossing of Middle Creek (Hyalite Creek) is narrow and has no guardrails. This structure which was originally built in 1933 and was re-decked in 1995. The structure is timber girders and deck with concrete abutment and asphalt surface. Significant weather cracks have been noted in the timber girders. The original structure was 5.5 meters (18 feet) wide. In 2001 the County made a temporary safety improvement to this bridge by increasing the width to 7.3 meters (24 feet)

**Figure 1-3** shows typical cross sections of the existing roadway.

Development along the roadway, and its usage, have increased substantially over the past ten years. There are several access points to neighborhoods or to private rural property, particularly along the east end of the project. Some older structures and some large trees are quite close to the road. Newer subdivisions have occurred along the corridor starting at the east end and growing westward over the past ten years.

## 1.5 TRAFFIC VOLUMES

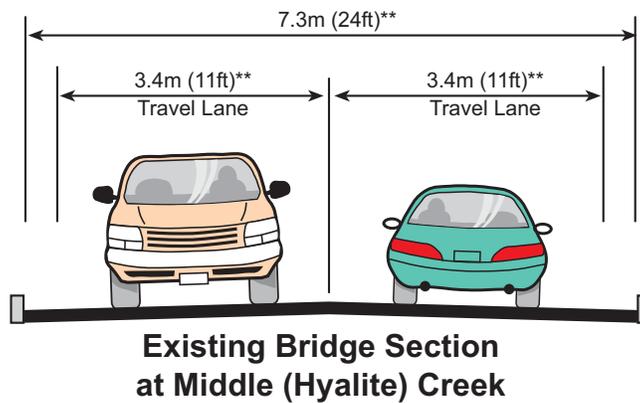
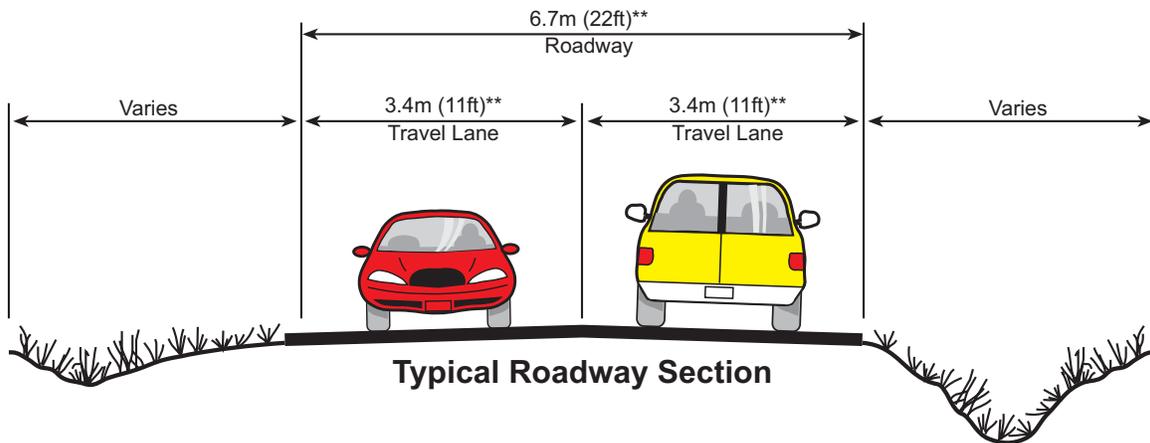
The 1995, 1997 & 1999 “*Traffic By Sections Report*”, prepared by MDT, were used to obtain historical information on Average Daily Traffic (ADT) on Secondary 235 between Reference Post (RP) 0.0 and RP 4.5 (end of project). **Table 1-1** shows the traffic counts from the MDT report for the years 1995 to 1999:

**Table 1-1**  
**Average Daily Traffic Counts**  
**1995 to 1999**

	YEAR				
	1995	1996	1997	1998	1999
<b>ADT</b>	380	440	1,680	3,060	2,680

The large difference in the counts between 1995 and 1999 is partly due to the new subdivisions on the eastern part of the project but probably includes a difference in counting technique or location. The subdivision growth, at present, is moving from east to west. The majority of the traffic leaving the subdivisions tends to move east along East Valley Center Road toward I-90 and then into the commercial areas of Bozeman.

The “*Greater Bozeman Area Transportation Plan 2001 Update*,” predicts an ADT of 9,700 on East Valley Center Road (RP 2.0 to 4.5) by the year 2020. The western part



\*\*Note: Dimensions in feet rounded to the nearest foot.

of the Valley Center Road, between Love Land and Jackrabbit Lane (RP 0-2.0), is predicted to have an ADT of 1,500 in the same year. These projections are indicative of the development which is continuing to occur on the eastern end of the study area. Traffic from these developments is oriented to and from Bozeman which is to the southeast, thus causing much higher volume on the east end of the project. These projections indicate an average annual traffic increase of 3.3 percent per year for the next 20 years. The anticipated year of opening for this project is 2005. The design year is 2025. The present and projected traffic volumes for the present year (2001), year of opening (2005), and design year (2025) are shown in **Table 1-2**.

**Table 1-2  
Average Daily Traffic for 2001, 2005 and 2025**

	YEAR					
	2001		2005		2025	
Reference Post	0 to 2.0	2.0 to 4.2	0 to 2.0	2.0 to 4.2	0 to 2.0	2.0 to 4.2
ADT	800	5,200	900	6,000	1,800	11,400

Again there is a substantial increase in traffic volume on the eastern half of the study area. Due to the growth in the number of subdivisions which directly affects the traffic rate. The amount of developable land within the project corridor is quite high and the traffic projections are based on the continuation of recent land use patterns in the area.

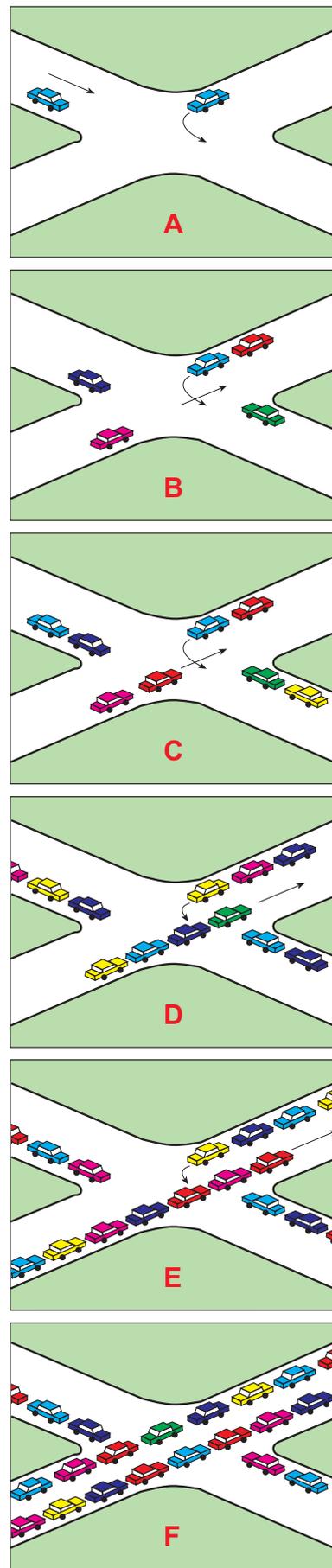
## **1.6 LEVEL OF SERVICE**

Level of Service (LOS) analysis is typically used to assess the operational conditions of a roadway segment or intersection. LOS is used to quantify the capacity of two intersecting roadways and is also used as critical design criteria in establishing geometric requirements. LOS is a qualitative measure of traffic operating conditions for both roadway segments and intersections using an alphabetic scale from A through F. LOS A represents free-flowing traffic with minimal delay while LOS F represents congestion with long periods of delays. **Figure 1-4** illustrates the LOS congestion conditions and defines the various levels for intersections.

An LOS analysis, based on the existing traffic volumes, was performed to determine the current level of operation at selected study intersections. All of the intersections within the study area are currently operating at LOS C or better. The west leg of the intersection of Jackrabbit Lane and S-235 (East Valley Center Road) is operating at LOS D. However, this leg of the intersection is not part of this project but is included in the Four Corners improvement project.

**LOS Intersections**

- A** No vehicle waits longer than one signal indication.
- B** On a rare occasion, vehicles wait through more than one signal indication.
- C** Intermittently, vehicles wait through more than one signal indication, occasionally backups may develop, traffic flow still stable and acceptable.
- D** Delays at intersections may become extensive, but enough cycles with lower demand occur to permit periodic clearance, preventing excessive backups.
- E** Very long queues may create lengthy delays.
- F** Backups from locations downstream restrict or prevent movement of vehicles out of approach creating a "gridlock" condition.



The traffic projections and corresponding level of service forecasts prepared for this study represent a scenario for the growth of traffic in this portion of the East Valley Center Road corridor based on recent and long-term historic trends, projected into the future. This methodology allows for development of a project that will be reasonably assured of providing an adequate service life for the next 20 years.

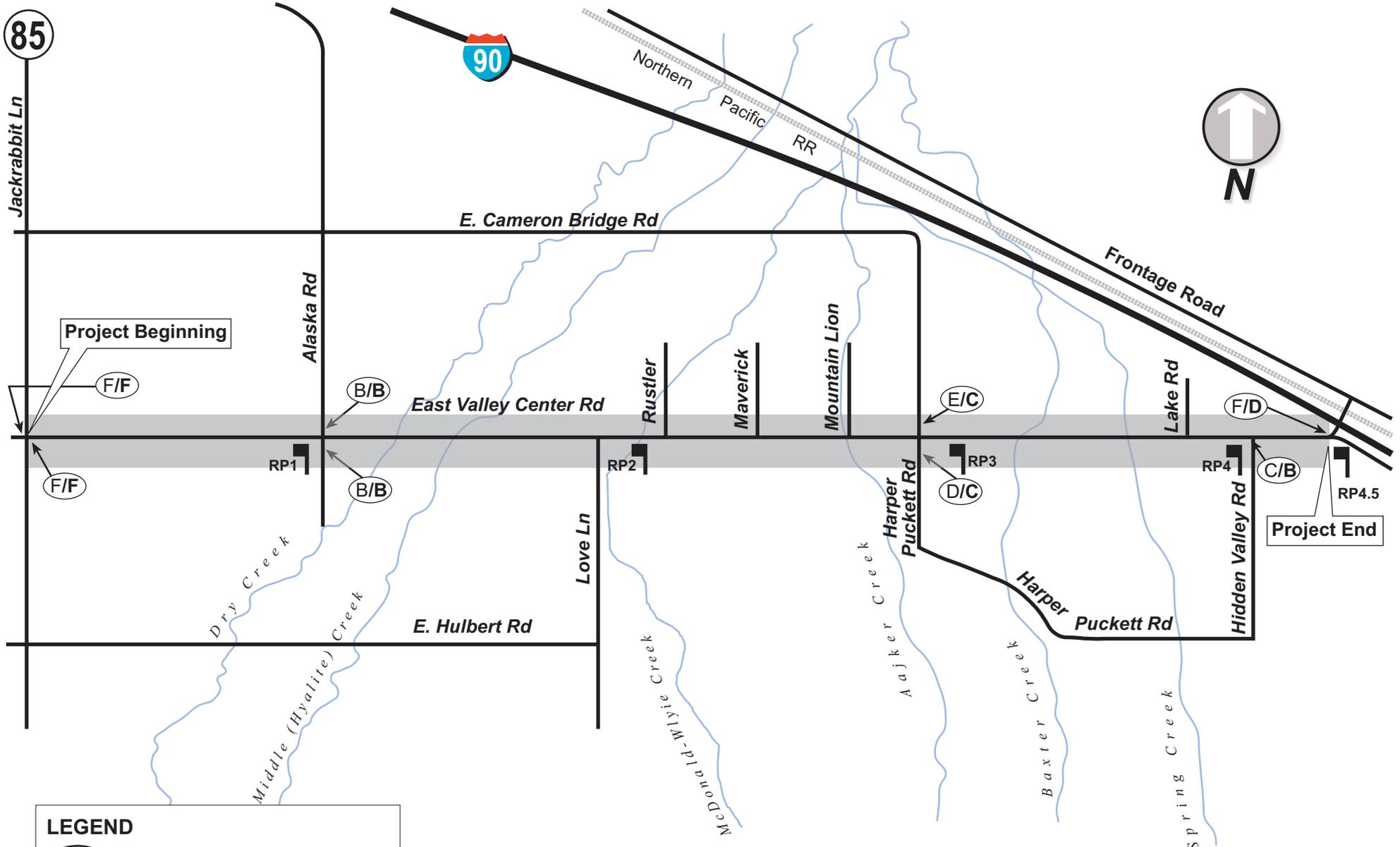
**Year of Opening--2005:** The traffic model shows that most of the intersections operate at LOS A or B in the morning and evening peak hours in the year of opening. The two exceptions are the Jackrabbit Lane intersection and the I-90 underpass intersection. Jackrabbit Lane/East Valley Center Road intersection, operates at LOS C during the morning and evening peak hours. The I-90 intersection operates at LOS D during the morning peak hour and LOS B during the evening peak hour.

**Design Year--2025:** An LOS analysis was conducted for each of the study intersections for the morning and evening peak hours. The LOS analysis shows that the Jackrabbit Lane intersection and the I-90 crossroad intersection will function poorly without signalized control. Without signalization, those intersections will be at LOS F for one or more movements in the design year 2025 (see **Figure 1-5**). With signal control, the Jackrabbit Lane intersection is projected to operate at LOS C in the AM peak hour and LOS C in the PM peak hour in the design year. Likewise, with signal control, the I-90 intersection will operate at LOS D in the AM peak hour and LOS C in the PM peak hour. At Harper Puckett Road, the southbound approach to the intersection will operate at LOS E in the AM peak and LOS C in the PM peak without signal control.

## **1.7 TRAFFIC SAFETY**

The accident history information provided by the MDT Traffic Safety Division is for the time period of January 1, 1990, through December 31, 1999. The accident section covered is from RP 0.0 to RP 4.5 on East Valley Center Road. The study area's accident rate is 2.47 compared to a statewide average of 1.77. The severity rate, which is a product of the accident rate multiplied by a weighted severity index is 5.19 for the study area compared to a statewide average of 4.43. **Figure 1-6** illustrates the comparison of this roadway segment with the statewide average for both the accident rate and the severity rate.

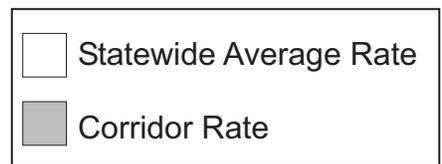
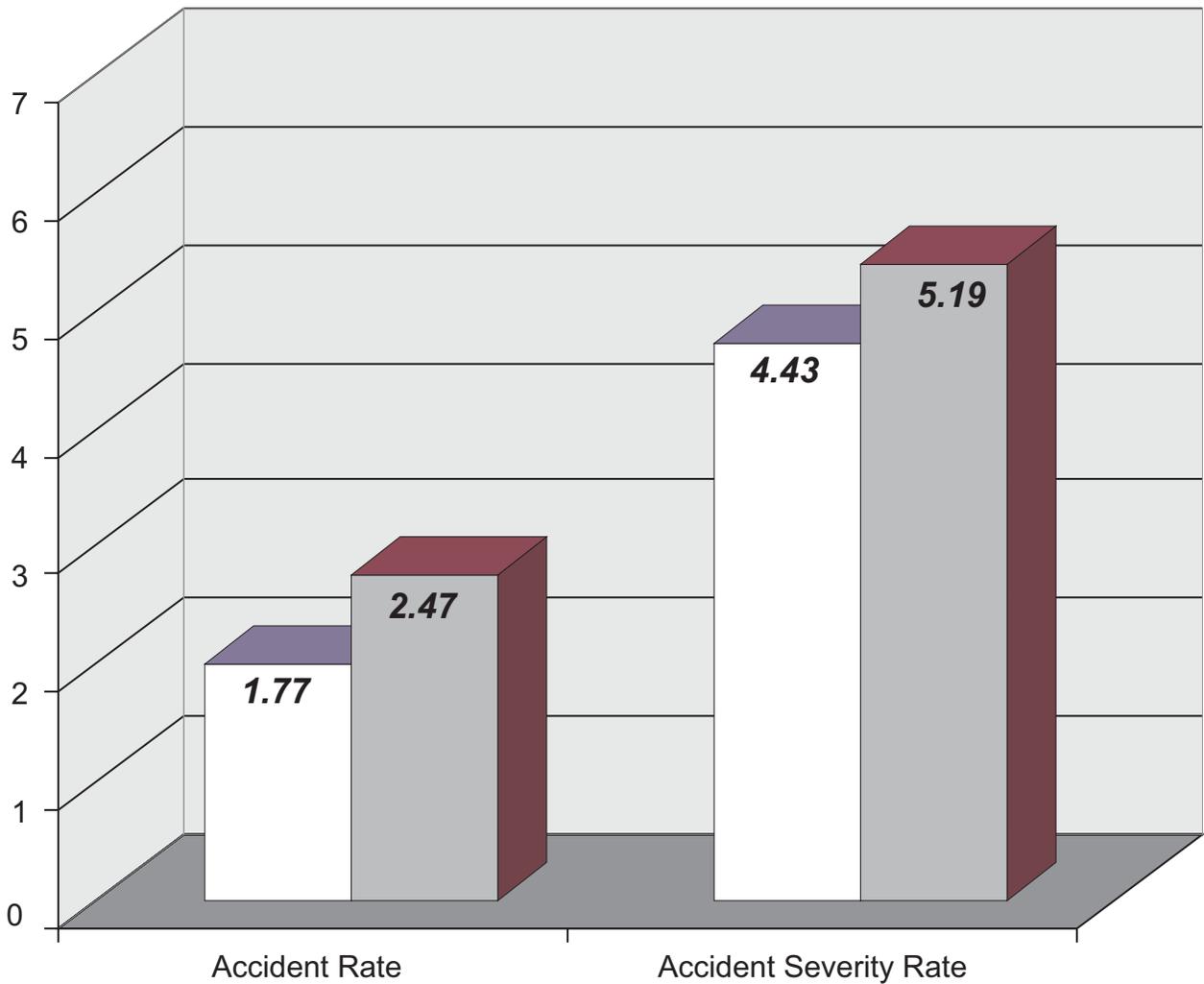
In addition, the accidents related to icy road conditions are 42.9 percent of the total for the study area as compared to the statewide average of 18.5 percent. The intersection related accidents for the study area represent 38.1 percent of the total while the statewide average is 22.3 percent for rural secondary roads.



**LEGEND**

(X/X) = AM/PM Peak LOS

RPx = Reference Post (Mileage Post)



**Period:** January, 1990 through December, 1999

**Note:** Accident rates are defined as the number of accidents per million vehicle miles.

Severity rate is defined as the accident rate multiplied by a weighted severity index.

Also of interest are the statistics for type of accident by section of roadway. In the section from RP 0.0 to RP 3.2, 50 percent of the recorded accidents listed overturning as the first and most harmful event. In the section from RP 3.2 to RP 4.5, 65 percent of the recorded incidents were coded as intersection related. In general terms, in the first 4.8 kilometers (3 miles) of the roadway from the junction with MT 85 traveling east, the accident trend is single vehicle, off road, and overturning. In the last 2.4 kilometers (1.5 miles) of the roadway, at the east end, the trend shows multiple vehicle collisions involving turning movements. The higher number of intersection related accidents in this area could, in part, be due to vehicles slowing down to enter the subdivision roads and then being rear-ended.

## **1.8 PROPOSED ROADWAY**

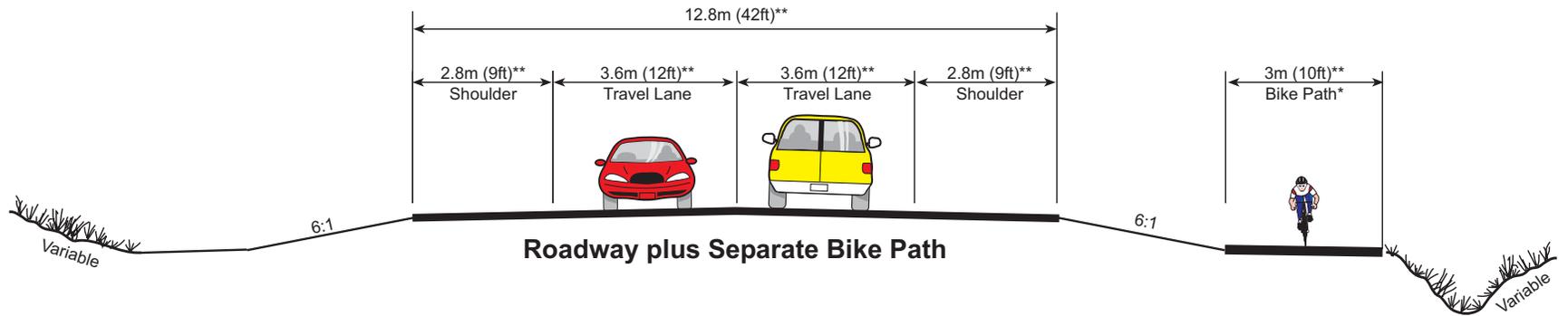
The proposed roadway will be a two-lane roadway with 3.6-meter (12-foot) travel lanes, and 2.4- to 2.8-meter (7.8- to 9-foot) shoulders. A clear zone will be provided in areas where the roadside development does not restrict the proposed cross section width. The roadway will have a curb and gutter treatment in the areas where the developed parcels require a narrower cross section. The vertical alignment will be flattened from its current hilly profile to a more even grade. This will provide greater sight distance and safety for the traveling public. The bridge at Middle (Hyalite) Creek will be replaced with a 16.0-meter (52-foot) wide structure with shoulders and guardrails.

A pedestrian/bike path is included in the design of the project. Where the path is adjacent to the roadway, it will be paved. Where the path is separated from the roadway, it will be graded so that it can be paved in the future by the County. The path will be separated from the roadway where right-of-way is sufficient, and in more constrained areas will be immediately adjacent to the curb.

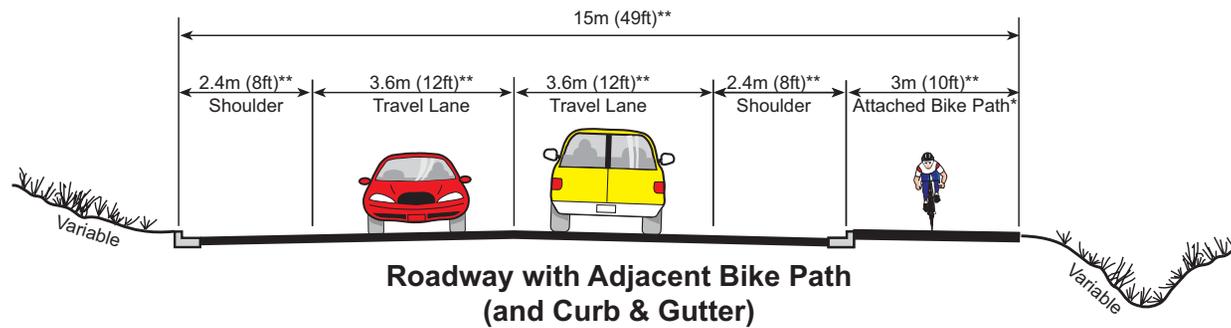
Roadway signing will meet MDT standards and roadway lighting will be provided at major intersections.

Specific proposed design features are discussed more fully in Chapter 2.0 of this document. Examples of typical cross sections proposed for the project are shown in **Figure 1-7**.

The proposed roadway widths would not comply with MDT's Geometric Design Standards if only evaluated based upon a weighted average of the Current Year Traffic. Based upon both the current and projected traffic for individual segments of the project, high growth potential, route continuity and public comments it was agreed to use Future Traffic volume to establish the roadway width.



\*Note: The separated bike path will be graded as part of the project.



\*Note: The attached sidewalk/bike path will be paved as part of the project.

\*\*Note: Dimensions in feet rounded to the nearest foot.

## **CHAPTER 2.0: DESCRIPTION OF ALTERNATIVES**

### **2.1 NO-ACTION ALTERNATIVE**

This alternative is included as required by Paragraph 1502.14(d) of the CEQ Regulations (1986). It consists of leaving the existing roadway in its current condition. There would be no cost for construction or right-of-way acquisition for this alternative. There would be no physical disruption of the nearby terrain or traffic disruption due to construction.

As traffic increases on the roadway, additional delays would occur and traffic accidents would be expected to rise.

### **2.2 THE PREFERRED ALTERNATIVE**

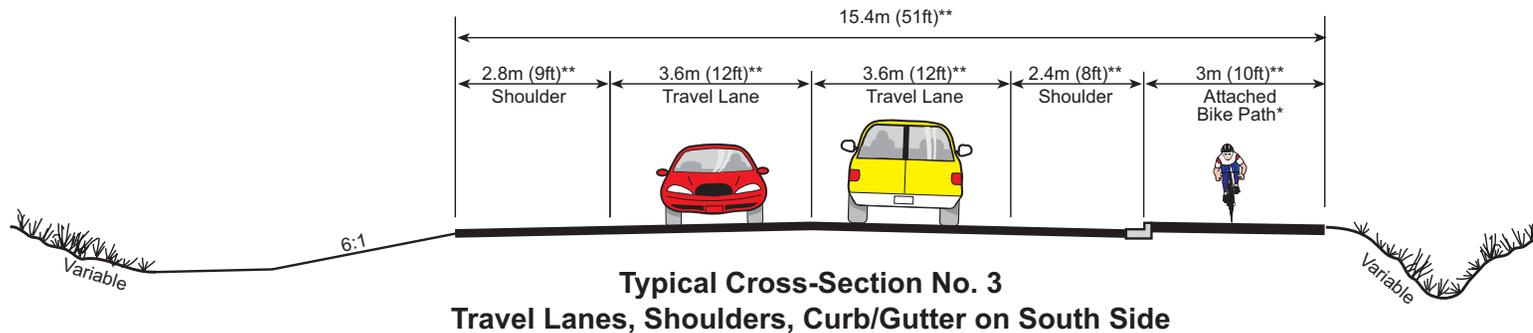
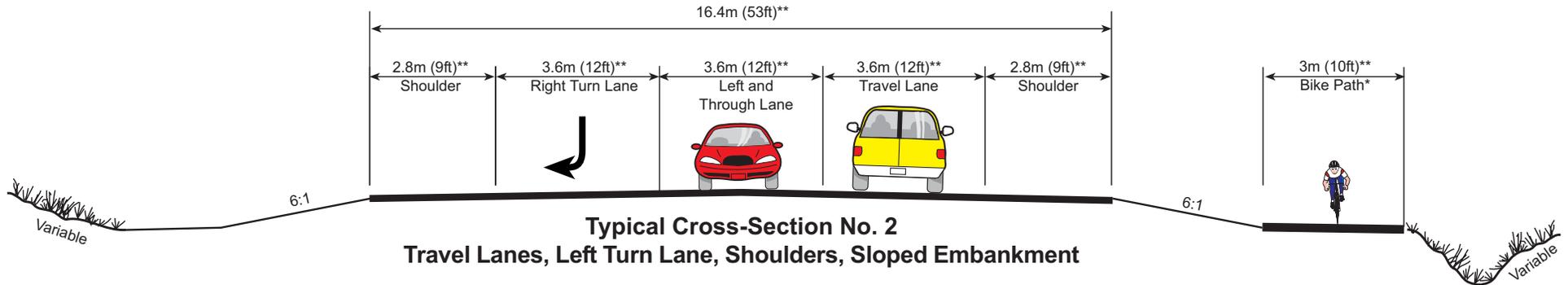
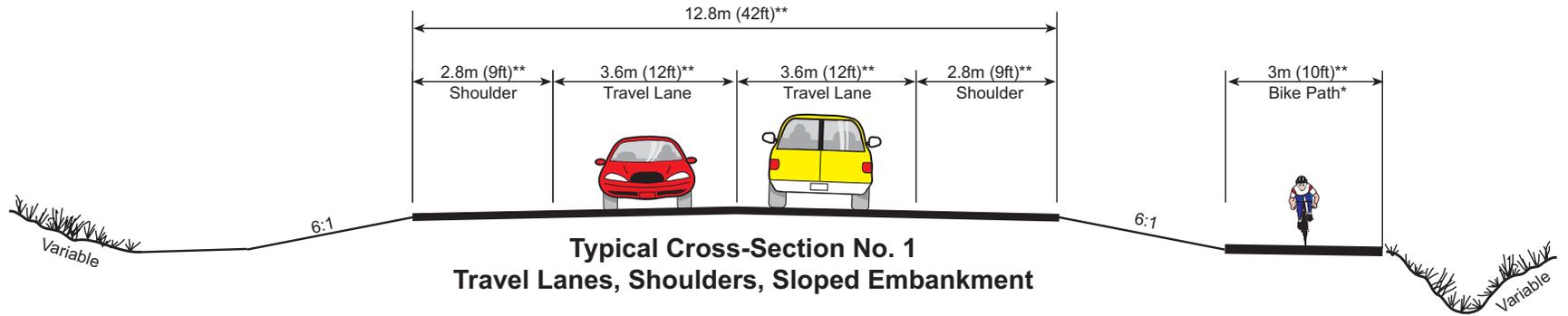
The description of the Preferred Alternative has been developed from preliminary design plans and specific features may change as final design plans are developed.

The Preferred Alternative includes the complete reconstruction of the existing East Valley Center Road from the junction at MT 85 (Jackrabbit Lane), on the west to the underpass at I-90 on the east. The roadway has several deficiencies that need correction including vertical alignment, pavement width and structure, bridge structure, and roadside embankments. The design of the preferred alternative would follow current MDT guidelines and standards for secondary roads.

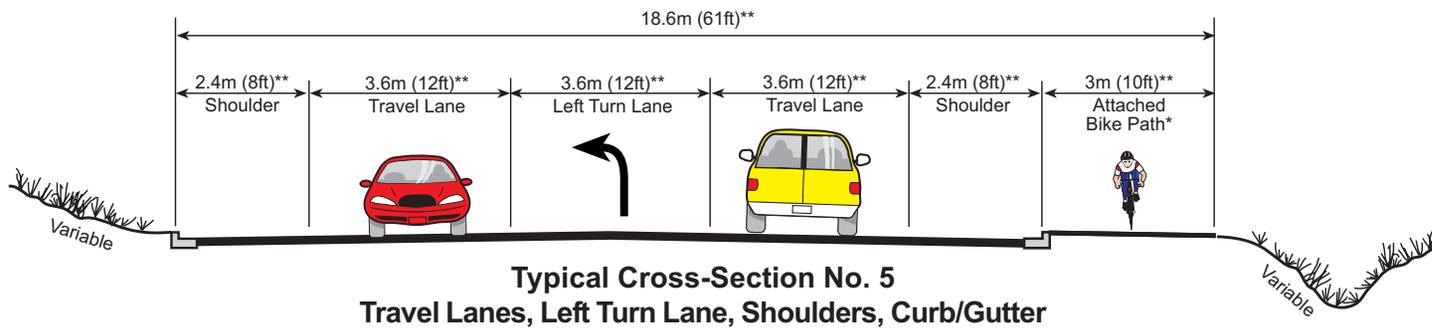
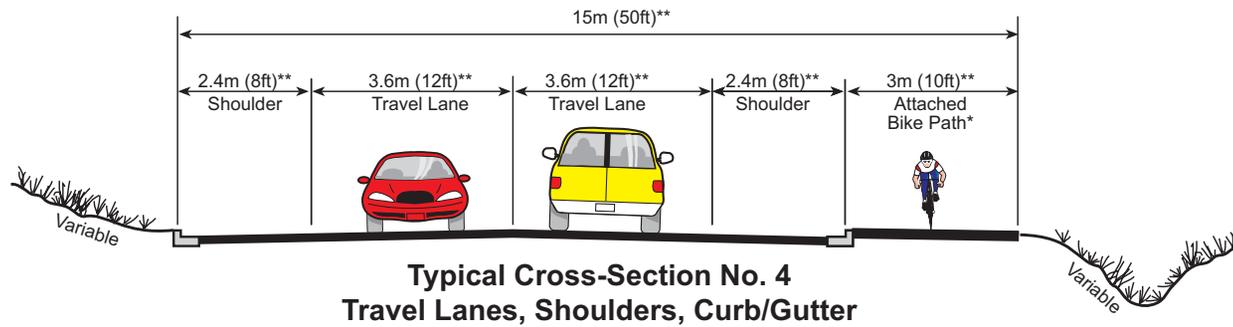
The Preferred Alternative will include two travel lanes (one in each direction), paved shoulders, sloped embankments or curb and gutter treatment at the edge of pavement, and a pedestrian/bike path along the south side of the roadway. The pedestrian/bike path will be graded as part of this project, and where attached to the roadway, will also be paved. Future paving of the entire path will be completed by the County.

There are several typical cross sections proposed for this roadway project which respond to the varying conditions along the 7.3-kilometer (4.5-mile) length. These typical cross sections are illustrated in **Figure 2-1** and **Figure 2-2**. The locations where the cross sections are proposed to be applied are shown in **Figure 2-3**.

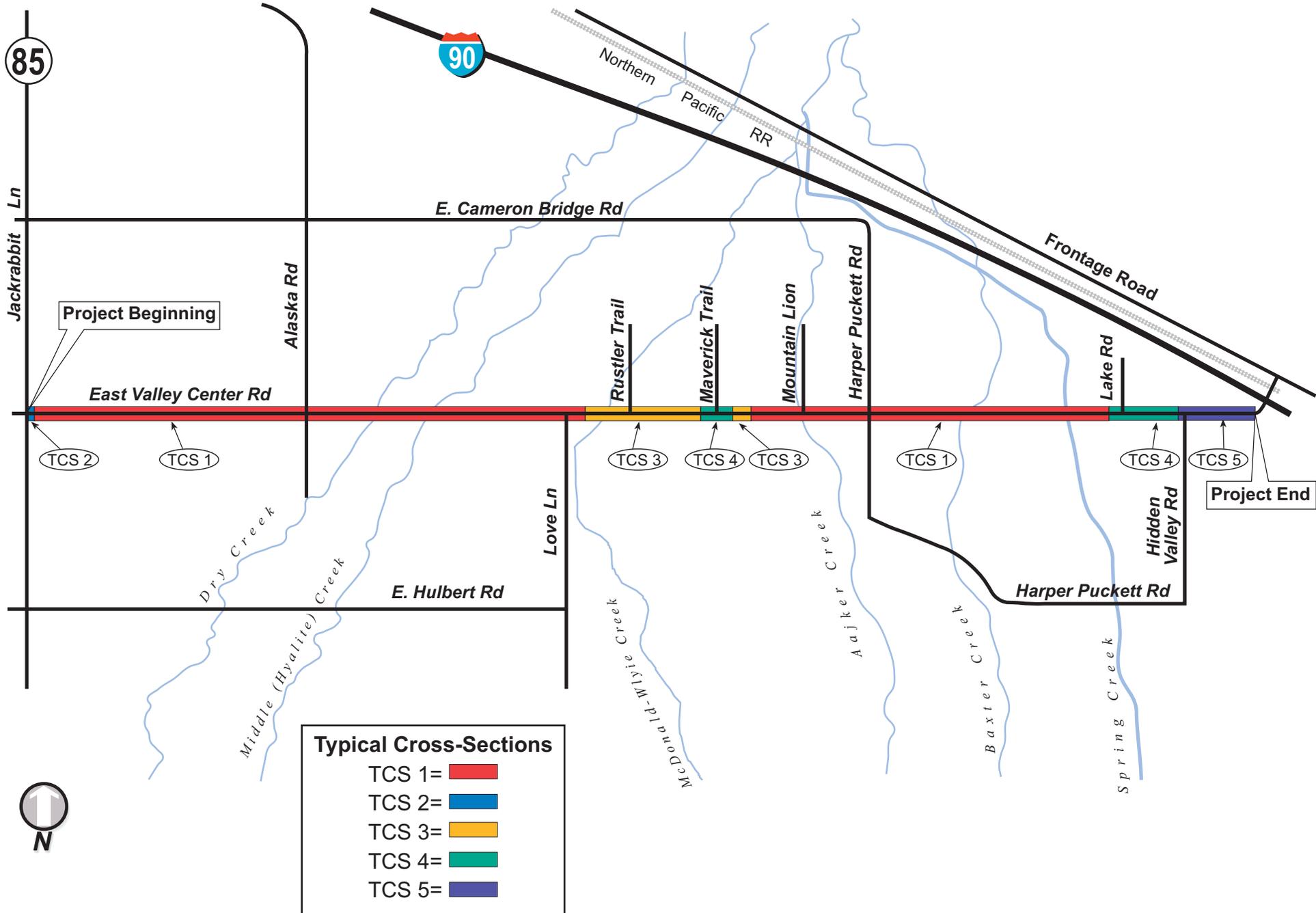
At the west end of the project, where the right-of-way along the road is less developed and primarily in agricultural use, the typical cross sections 1 and 2 will be utilized. This includes the area from RP 0.0 to approximately RP 2.1 or from the junction of East Valley Center Road with MT-85 (Jackrabbit Lane) at the west end of the project, to just east of Love Lane.



\*Note: The bike path will be graded. Where attached, it will also be paved.  
 \*\*Note: Dimensions in feet rounded to the nearest foot.



\*Note: The bike path will be graded. Where attached, it will also be paved.  
 \*\*Note: Dimensions in feet rounded to the nearest foot.



These cross sections include two 3.6-meter (12-foot) travel lanes and a 2.4-meter (8-foot) paved shoulder with 0.4 meter (1.3 feet) of additional width for future overlay on either side of the road, along with a 6:1 slope on the embankment. Along the south side of the road a pedestrian/bike path would be located approximately 3.2 meters (10.5 feet) from the edge of pavement and would be 3 meters (9.8 feet) wide. Typical cross section number 2 includes the addition of a right turn lane to the profile already described for cross section number 1. The right turn lane would be used at the intersection of East Valley Center Road and Jackrabbit Lane (MT-85).

The bridge at Middle (Hyalite) Creek will be replaced with a single-span structure 13 meters (43 feet) in length and 16.0 meters (52 feet) in width. The bridge will be a rolled steel girder construction with cast-in-place concrete deck. The abutments will be cast-in-place concrete stub abutments with steel pile foundations. Based on the recommendations of the hydraulics report, the embankment slope will be 2:1 with riprap treatment. The bridge will also feature a sidewalk constructed along its south side.

In the area from just east of Love Lane to a point east of Maverick Trail Road, typical section numbers 3 and 4 would be utilized. This area includes the frontage of the Wylie Creek subdivision where the roadway is adjacent to the landscaped berm park located on the south side of the road. Along the landscaped berm area, the roadway improvement would include a curb and gutter treatment on the south side with the pedestrian/bike path located adjacent to the curb in a sidewalk configuration. The north side of the roadway would continue in the same treatment as in typical cross sections 1 and 2 except for a short piece near the entrance to the subdivisions at Wylie Creek Boulevard and Maverick Trail, where both sides of the road would have curb and gutter treatment. These cross section treatments have been developed for this area in order to minimize the impact to the Wylie Creek subdivision landscaped berm park along the south side of the roadway. However, some right-of-way will be required from this park and construction disturbance will occur. The project will include restoration of the landscaped area after construction. In order to reduce the vertical curve that exists in this area, the elevation of the roadway between Rustler Trail and Maverick Trail will be raised approximately 1 to 2 meters (3 to 6 feet) above its current alignment.

To the east of the Wylie Creek subdivision, between Maverick Trail and Mountain Lion Trail, the proposed roadway improvement will transition back to the typical cross section 1 profile that was used on the west end of the project. This cross section treatment will continue to be used from this location, eastward, to a location just west of Lake Road. From Lake Road on to Hidden Valley Road, the typical cross section 4 will be used which include a curb and gutter treatment on both sides of the road with the pedestrian/bike path immediately adjacent to the pavement edge in a sidewalk configuration. This is the narrowest of the proposed cross sections and has been developed for this more constrained area. Typical cross section number 5 includes a left-turn lane and will be used from Hidden Valley Road to the I-90 underpass.

Throughout the project length, the elevation of the roadway will be altered in order to reduce the vertical curves in the alignment that now exists. In most areas the elevation changes would not be more than 0.3 meter (1.0 foot). However, in the vicinity of the Wylie Creek Subdivision, the elevation alteration will be between 1 and 2 meters (3 and 6 feet) due to the existing topography.

## CHAPTER 3.0: AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES, AND MITIGATION MEASURES

### 3.1 EXISTING AND FUTURE LAND USE

#### 3.1.1 AFFECTED ENVIRONMENT

The land along the corridor is undergoing change. The area, once mostly farmland, is rapidly developing into single-family housing. The development is spreading from the I-90 interchange westward into agricultural lands.

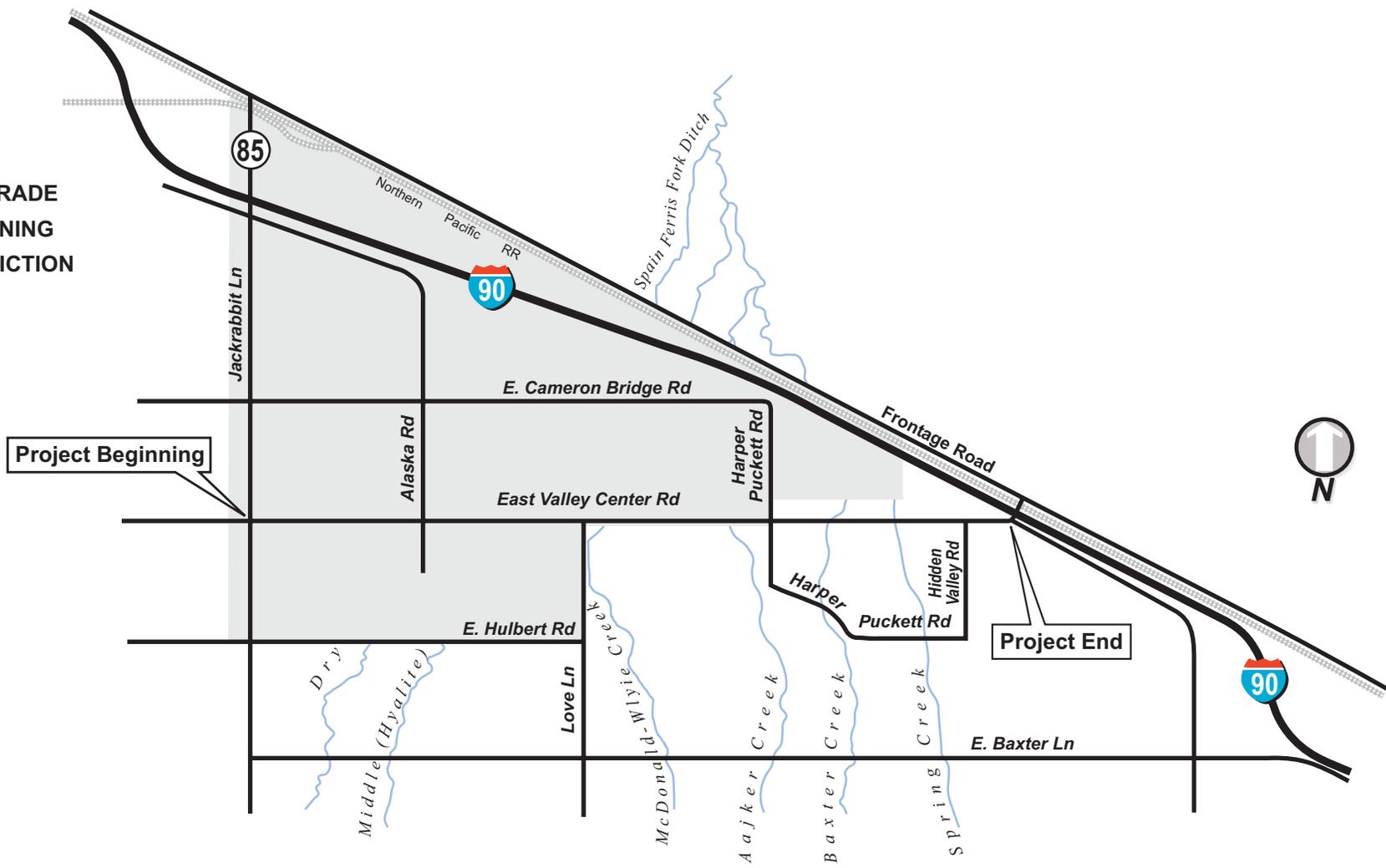
The area is zoned as an Agriculture Suburban District (A-S) by the *Gallatin County Plan*. This zoning designation mixes agricultural uses with suburban residential uses, and requires a low density of buildings in a development and on parcels in new subdivisions. There are some conditional uses allowed in the A-S district, but these are low-density commercial uses consistent with the rural residential character of the district. These include daycare centers, recreational facilities and clubs, veterinary services, and schools. None of these uses are currently present, however.

The City of Belgrade has a planning jurisdiction of 6.4 kilometers (4 miles) outside the city limits, and a 1.6-kilometer (1-mile) zoning jurisdiction. Therefore, the planning district covers the west end of the study area, from Jackrabbit Lane to east of Harper Puckett Road, and there is no specific zoning for this portion of the study area (see **Figure 3-1**). Accordingly, any new subdivision in the area would have to be approved by the City's planning department, as well as the County's. The only definitive developments in the near future are the final phases of the Wiley Creek and Valley Grove subdivisions, which have already been approved and are under construction. There has been interest in a minor subdivision near Jackrabbit Lane; however, there has been no formal application as yet.

The Bozeman planning jurisdiction covers the east end of the study area, from I-90 to just west of Hidden Valley Road. According to the plan, the land in this planning jurisdiction outside of the city limits is almost exclusively planned for low-density residential and agricultural uses. Bozeman's planning document titled *Bozeman 2020 Community Plan* (March 2001) guides development in this portion of the project.

Another tool to direct future land use is the *Gallatin County Growth Policy*, a 1993 document (amended in 1998 and 1999) which establishes a series of long-range goals and strategies to help guide future growth and land development within the county. A principle purpose of the *Growth Policy* is to ensure that growth and development occur in a coordinated, logical and cost-effective manner. Another principle purpose of the *Growth Policy* is to provide an overall framework for decision-making on growth and

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PLANNING  
JURISDICTION**



development issues, and in accordance; the County's goals to direct these decisions are as follows:

- ▶ Promote public health, safety, convenience and welfare
- ▶ Conserve Prime Agricultural lands
- ▶ Conserve and protect the environment
- ▶ Provide for orderly development
- ▶ Provide for compatible uses
- ▶ Provide for efficient delivery of public services
- ▶ Respect private property rights (Chapter 1.0, page 1-1)

With regard to land use specifically, the Growth Policy aims to increase urban populations, and reduce rural land consumption through the promotion of urban and suburban density development in and around city and town cores, cluster development with minimal land removed from agricultural or forestry production, and the compatible infill of vacant land. In order to achieve these goals, a featured tool of the Growth Policy is the Growth-Conservation Areas Program (G-CAP). G-CAP is intended to direct growth to selected areas, thereby meeting the desires of county residents for controlled optimal growth, while maintaining important open space and environmental habitats. Under G-CAP, land within the county is placed in one of four categories: Growth Areas, Secondary Growth Areas, Rural Areas and Conservation Areas. While development may occur in any of these areas, weighted incentives are used to favor Growth Areas and decrease proportionally as development locates to the other three areas. Development of land within the Growth Areas has no conservation requirement, and development of Secondary Growth Areas, Rural Areas, and Conservation Areas requires an increasing proportionate preservation of land. The study area does not abut or contain any conservation areas; therefore, the current type of development, low-density suburban housing, can be expected to continue in the study area.

### **3.1.2 IMPACTS**

**No-Action Alternative.** No existing or planned uses would be displaced or altered by the No-Action Alternative. The present land use and development growth could continue; however, the No-Action Alternative will not improve accessibility for current and future residents along the corridor, and a continued decrease in traffic mobility would occur.

**Preferred Alternative:** The Preferred Alternative will not likely induce unplanned land use changes or promote unplanned growth. The Preferred Alternative will improve safety and access for current and future development and uses along the corridor, in accordance with adopted current and future land use plans.

### 3.1.3 MITIGATION

Since any future development projects along the corridor must first be approved by the County and appropriate city, the local planning process will ensure that projects conform to adopted local plans. Therefore, mitigation of land use impacts is not required.

## 3.2 FARMLAND

### 3.2.1 AFFECTED ENVIRONMENT

The U.S. Department of Agriculture (USDA) defines Prime Farmland as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. Unique farmland is described as land other than Prime Farmland that is used for the production of specific high value food and fiber crops. Farmland of Statewide and Local Importance is defined as land which is being used for or has the potential for the production of food, feed, fiber, forage, and oilseed crops, but has not been identified as being Prime or Unique.

The USDA Natural Resources Conservation soil survey maps and soil descriptions were collected for the project area. Coordination with the Gallatin Conservation District in Bozeman, Montana was conducted to determine the type of soils that are considered to be Prime and Unique or of Statewide or Local Importance. Through evaluation of Soil Surveys, the NRCS determined that there are 35.6 hectares (88 acres) of Prime and Unique Farmland and 6.8 hectares (17 acres) of Statewide and Local Important Farmland within the study area. **Table 3-1** lists all of the soil types found within the study area.

**Table 3-1**  
**Soil Units Found within the Study Area**

Symbol	Soil Type	Approximate Acres	Approximate Hectares
41A	Beaverell Loam, 0 to 2 percent slopes	4.3	1.7
43A	Beavwan loam, 0 to 2 percent slopes	4.7	1.9
241A	Beaverell Cobbly Loam, 0 to 2 percent slopes	16.3	6.6
249A	Beaverton Cobbly Clay Loam, 0 to 2 percent slopes	8.3	3.4
307A	Sudworth silty clay loam, 0 to 2 percent slopes	11.0	4.5
341A	Beaverell-Beavwam Loams, 0 to 2 percent slopes	13.3	5.4
443A	Beavwam Loam, 0 to 2 percent slopes	6.8	2.8
448A	Hyalite-Beaverton Complex, 0 to 2 percent slopes	9.6	3.9
453C	Amsterdam-Quagle silt loams, 4 to 8 percent slopes	0.04	0.02
457A	Turner loam, 0 to 2 percent slopes	7.4	3.0
509B	Enbar Loam, 0 to 4 percent slopes	8.1	3.3

**Table 3-1 (continued)  
Soil Units Found within the Study Area**

Symbol	Soil Type	Approximate Acres	Approximate Hectares
50B	Blackdog silt loam, 0 to 4 percent slopes	5.6	2.3
53B	Amsterdam silt loam, 0 to 4 percent slopes	18.7	7.6
53C	Amsterdam silt loam, 4 to 8 percent slopes	12.4	5.0
57B	Turner loam, 0 to 4 percent slopes	37.1	15.0
<b>Total</b>		<b>166.5</b>	<b>67.5</b>

Source: U.S. Department of Agriculture, Natural Resources Conservation Service

### 3.2.2 IMPACTS

Direct farmland impacts result from removal of cultivated lands by placement of impervious (paved) surface, cut and fill slopes and/or acquisition of right-of-way.

**No-Action Alternative.** The No-Action Alternative would have no impacts to Prime Farmland or Farmland of Statewide Importance in the study area.

**Preferred Alternative.** The direct and indirect impacts for the Preferred Alternative would effect both Prime and Unique farmland and farmland of Statewide and local importance. Farm operations would experience minor impacts resulting from acquisition of a small portion of their properties. Access would not be impacted, nor would long-term farm operations.

Coordination with the NRCS resulting in completion of a “Form AD-1006: Farmland Conversion Impact Rating” is included in Appendix A of this document. The total score for this project is below the threshold of 260 points.

### 3.2.3 MITIGATION

No mitigation is required by the NRCS for prime farmland impacts, since the score was less than 260 points on Form AD-1006. Therefore, no significant impacts to farmland will occur. All irrigation pipes and ditches still in use will be replaced in kind. Property owners will be compensated for crop damage if appropriate.

## 3.3 RIGHT-OF-WAY, RELOCATION AND UTILITIES

### 3.3.1 AFFECTED ENVIRONMENT

The width of the existing public right-of-way varies from approximately 18 meters (60 feet) to 27.5 meters (90 feet). There are approximately 14 hectares (35 acres) of existing public right-of-way within the project corridor.

### **3.3.2 IMPACTS**

**No-Action Alternative:** The No-Action Alternative would require no new right-of-way, easements, construction permits or relocations.

**Preferred Alternative:** MDT owns part of the right-of-way required for the construction of the Preferred Alternative; however, acquisition of approximately 16 hectares (39.6 acres) of additional right-of-way by MDT would be required.

Ninety-eight parcels have been identified in the project area that are likely to require some right-of-way acquisition. A maximum of 98 property owners would be affected by this acquisition. This information is preliminary and may be refined during final design and/or when more detailed right-of-way information is available.

No relocation of businesses will be required by the Preferred Alternative. One residential relocation will occur due to the project.

Utility relocations would be required by the Preferred Alternative. These include power lines, telephone lines, fiber optic cable lines and underground gas lines.

### **3.3.3 MITIGATION**

The acquisition of land or improvements for highway construction is governed by state and federal laws and regulations designed to protect both the landowners and taxpaying public. Landowners affected are entitled to receive fair market value for any land or buildings acquired and any damages to remaining land due to the effects of highway construction. This action will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646 as amended), (42 U.S.C. 4601, et. seq.) and the Uniform Relocations Act Amendments of 1987 (P.L. 100-17). The accepted method of determining these payments is through the appraisal process. Once an appraisal is completed, reviewed, and approved, a monetary offer is made for land and improvements needed to be acquired for construction. This offer is discussed with the landowner and the necessary negotiations are conducted before completing the agreement to transfer the land to the highway right-of-way.

## **3.4 SOCIAL**

### **3.4.1 AFFECTED ENVIRONMENT**

#### **Population Characteristics**

Between 1990 and 2000 the population of Gallatin County grew 34.4 percent to 67,831. For this report the study area was determined to include Census Tract 2, Block Group 1 on the north side of the project corridor, and Census Tract 5, Block Group 2 on the south side of the project corridor (see **Figure 3-2**). This Census 2000 geographic area



allows comparison to the 1990 Census geography (Census Tract 9860, Block Group 2, and Census Tract 9857, Block Group 4) because they both cover approximately the same area.

According to the 2000 Census data, the median age of the population for the study area is 30.4 years. Of the 2,310 households in the two census block groups that border the project corridor, 10.3 percent contain people over the age of 65, compared to 14.8 percent for Gallatin County and 23.4 percent for Montana. Of those 2,310 households, 40.1 percent contain people under the age of 18, compared to 30.9 percent for Gallatin County and 33.3 percent for Montana. The average household size is 2.70 people and the average family size is 3.06 people in the study area.

According to the U.S. Census Bureau's Census 2000 data, there are very few people of racial minorities or Hispanic or Latino people living in the study area. Of the 6,242 people in the study area, 3.2 percent are of any racial minority, and 1.4 percent is Hispanic or Latino. The racial minority population is 3.8 percent of Gallatin County's total population, and 9.4 percent of Montana's total population. The Hispanic or Latino population is 1.5 percent of Gallatin County's total population, and 2.0 percent of Montana's total population. Generally, these minority populations live at the east end of the study area; however, not in any specific neighborhoods or blocks.

### **Community Facilities**

The schools for the area are located to the north in the Belgrade Elementary and High School Districts for people living at the west end of the study area, or to the south in the Bozeman Elementary and High School Districts for people living at the east end. Shopping centers are located outside the study area in Belgrade or Bozeman, the closest one being the North 19th Avenue area. School buses do pick up and drop off students along East Valley Center Road. The closest hospital is located in Bozeman, while Belgrade has one community clinic. There are no churches within the study area. The project lies within the Belgrade Fire Service Area. The Bobcat Transit System's Gold Commuter Route travels between Belgrade and Bozeman, on Jackrabbit Lane at the west end of the project.

### **Housing**

Comparing the housing unit counts between the 1990 and 2000 Census, in the area north of the project corridor the number of housing units increased by 234 percent to 856 units, and in the area south of the project corridor the number of housing units increased by 120 percent to 1,621 units. Very few of the homes in the study area are vacant or renter-occupied, according to the U.S. Census Bureau's Census 2000 data. Only two percent of the homes are vacant. The home ownership rate in the study area is over 90 percent compared to 62.4 percent for Gallatin County. Most of the homes are single-family units and are occupied year round.

### **3.4.2 IMPACTS**

**No-Action Alternative.** The No-Action Alternative would not alter the area population growth or other demographic characteristics or trends. There would be no impacts to neighborhoods, communities, schools, churches, and ethnic or minority groups. Road and traffic conditions would continue to deteriorate. The No-Action Alternative will not result in any short-term construction related impacts. The No-Action Alternative will not improve accessibility and safety concerns along the highway.

**Preferred Alternative.** During construction of the Preferred Alternative, there will be short-term impacts to residents within the study area. Residents could experience increases in noise levels, traffic congestion and air pollution (dust) from construction. The Preferred Alternative will provide benefits to the surrounding residents through safer traveling conditions by roadway widening and improvements to shoulders and turnouts. School bus loading/unloading will be safer with shoulders along the roadway. A bicycle lane is proposed along the roadway. It will be graded as part of this project and, where attached, will also be paved. Future paving of the entire path will be done by the County. The path will enhance bicycle safety and mobility through the area. Implementation of the Preferred Alternative would not alter the area population growth or other demographic characteristics or trends. There would be no impacts to neighborhoods, communities, schools, churches, and ethnic or minority groups.

### **3.4.3 MITIGATION**

Mitigation measures that could minimize construction related impacts include public service announcements alerting the public to activity schedules and traffic delays, flaggers, and construction signage. Coordination with emergency service providers will include notification of detours. Mitigation for short-term increases in noise levels, traffic congestion, and air pollution (dust) due to construction activities is addressed in Section 3.20-Construction.

## **3.5 ENVIRONMENTAL JUSTICE**

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, signed on February 11, 1994, directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and/or adverse effects of federal projects on the health or environment of minority and low-income populations, and minority-owned businesses to the greatest extent practical and permitted by law.

According to the U.S. Census Bureau's Census 2000 data, there are very few people of racial minorities or Hispanic or Latino people living in the study area. Of the 6,242 people in the study area, 3.2 percent are of any racial minority, and 1.4 percent are Hispanic or Latino. The racial minority population is 3.8 percent of Gallatin County's total population, and 9.4 percent of Montana's total population. The Hispanic or Latino

population is 1.5 percent of Gallatin County's total population, and 2.0 percent of Montana's total population. Generally, these minority populations live at the east end of the study area; however, not in any specific neighborhoods or blocks.

Based on the Census Bureau's 2000 data, 7.6 percent of the population of the study area is below the poverty level. This is much lower than the rates for Montana at 14.6 percent and Gallatin County at 12.8 percent. Of the 2,310 households in the two census block groups that border the project corridor, 10.3 percent contain people over the age of 65, compared to 14.8 percent for Gallatin County and 23.4 percent for Montana. Of those 2,310 households, 7.2 percent are headed by single parents with children under the age of 18, compared to 6.4 percent of total households in Gallatin County and 9.0 percent of total households in Montana. Of the 6,242 people in the study area, 3.2 percent are of any racial minority, and 1.4 percent are Hispanic or Latino. The racial minority population is 3.8 percent of Gallatin County's total population, and 9.4 percent of Montana's total population. The Hispanic or Latino population is 1.5 percent of Gallatin County's total population, and 2.0 percent of Montana's total population.

The data for these populations within the study area are generally about the same or lower than the data for Gallatin County and Montana. The population of concern of environmental justice is within the eastern end of the study area. The project improvements on the east end of the roadway include a curb and gutter cross section with an option for a bike path along the south side. This profile is constrained in width in order to minimize impacts to existing development. The project will not require relocation of housing or result in disproportionately high or adverse effects on minority or low-income populations.

Based on the above discussion, the Preferred Alternative will not cause disproportionately high and adverse effects on any minority or low-income populations as discussed in EO 12898 regarding environmental justice.

## **3.6 ECONOMIC**

### **3.6.1 AFFECTED ENVIRONMENT**

The proposed project is located within unincorporated Gallatin County with portions of the roadway within the planning jurisdictions of Belgrade and Bozeman. Located in southwestern Montana, Gallatin County is the fifth most populous county in the state with about 68,000 residents. The largest city in Gallatin County is Bozeman with a population of approximately 28,000. Belgrade is the second largest city with a population of approximately 5,800. Average annual employment in the county increased by 56 percent between 1990 and 2000. Population in the county during this same period grew by 34 percent. Due to this growth in jobs, the preliminary unemployment rate in December 2001 was 2.9 percent considerably below the state average of 4.9 percent.

Per capita income for the county in 1999 was \$24,017, while the state per capita income was \$21,997. The three sectors that contribute the largest amount to personal income in Gallatin County are non-labor, service, and government. The sectors of agriculture and resource extraction provide the least amount of personal income. The non-labor sector includes retirement income, benefits, dividends, investment income, income through property ownership and rental, disability, and unemployment. This sector accounted for 35 percent of total personal income, while services provided 26 percent and government 15 percent. The fastest growing segment of the economy contributing to personal income is the financial services sector that grew by 215 percent between 1990 and 1999.

Outside the incorporated areas of Gallatin County, the land use is primarily agricultural. In 1997 there were 835 working farms in the county. The average farm size was 368 hectares (910 acres), with a median size of 65 hectares (161 acres), or one-quarter section of land. In the time period between 1982 and 1997, the number of farms of less than 19.8 hectares (49 acres) increased by 31 percent, while the number between 20 hectares and 405 hectares (50 acres and 1,000 acres) decreased by 8.5 percent. The most common crops are wheat and barley. The most common livestock raised are cattle, horses, and sheep.

Along the corridor for East Valley Center Road, the primary development is residential or agricultural. Subdivisions have been constructed in recent years, converting some agricultural land to housing uses. The remaining agricultural land is in irrigated crop production. There are no retail or commercial developments along the corridor.

### **3.6.2 IMPACTS AND MITIGATION**

**No-Action Alternative.** The No-Action Alternative would have no impact on economic conditions.

**Preferred Alternative.** The Preferred Alternative would have little effect on existing economic conditions within the study area, as there are no commercial, retail or other businesses along the corridor. However, construction of the roadway would lead to a short-term increase in the number of construction jobs in the area and would add to personal income levels for these workers. The Preferred Alternative is not expected to induce long-term economic growth or result in any changes in zoning for commercial development. Therefore, no mitigation is required.

## **3.7 VISUAL**

### **3.7.1 AFFECTED ENVIRONMENT**

East Valley Center Road between MT 85 and State Highway 235 contains relatively broad vistas with distant views to the Tobacco Root Mountains to the west and the

Bridger Range of the Gallatin National Forest to the east. The roadway alignment and adjacent terrain is gently rolling for most of the project corridor. Travelers heading in either direction along East Valley Center Road are exposed to natural pastoral and agricultural fields adjacent to the roadway. The highway corridor runs adjacent to agricultural fields and a number of newer residential communities (see **Figure 3-3**).

Foreground landscape units are those that are immediately visible along the corridor. They are created and influenced by such factors as the type of adjacent land use, the width of the roadway, the roadway elements, and the character of the adjacent vegetation. Combining these factors provides the traveler with a general character or “feel” of open or closed views along the roadway. Foreground landscape units included within this study corridor are as follows:

- ▶ *Agricultural.* A fair amount of the adjacent land use is pasture/agricultural fields. Farming equipment and outbuildings can be seen directly from the roadway. These provide generally open views with little or no tree canopy.
- ▶ *Riparian Vegetation.* At a number of locations along the project corridor, mature cottonwood trees associated with several creeks and floodplains which cross the under the roadway provide a break in the otherwise open landscape.
- ▶ *Residential.* There are a number of residential developments along the corridor. Most have access to East Valley Center Road directly or by a collector street entering the neighborhood. Most of these neighborhoods are average to low density and associated landscaping provides some interest in the middle ground views.
- ▶ East Valley Center Road, a secondary route, contains roadway elements typical to this rural setting such as: grass-lined ditches, above ground utility lines, varied right-of-way or property fencing, no curb and gutter, and minimal signage.

### **3.7.2 IMPACTS**

**No-Action Alternative.** There would be no visual impacts associated with the No-Action Alternative.

**Preferred Alternative.** Visual impacts associated with the Preferred Alternative would be both short term as well as long term. Short-term visual impacts include:

- ▶ Construction equipment and excavated material associated with construction in the staging areas.
- ▶ Dust and debris associated with construction activity.
- ▶ Traffic congestion associated with construction activity.
- ▶ Removal of vegetation



**Photo 1  
Residential Development**



**Photo 2  
Agricultural Setting**

Long-term visual impacts associated with the Preferred Alternative include:

- ▶ An expanded pavement width to include wider shoulders and possibly an area for bicyclists and pedestrians.
- ▶ Cut and fill slopes, which would change the existing landscape character immediately adjacent to the roadway.
- ▶ Loss of mature cottonwood trees and vegetation in the clear zone.
- ▶ Replaced bridges, ROW fencing, relocated irrigation ditches, and a pedestrian/bicyclist path.
- ▶ Possibility of future signalized intersections with light standards.

The expanded pavement width would increase the motorist's foreground view of the roadway from that provided by the existing road. There would be an increase in pavement width from approximately 7.1 meters (23.2 feet) to a range of 12.8 to 15.4 meters (42 to 51 feet), except at the major intersections where a right- or a left-turn bay would increase the pavement width to a maximum of 18.6 meters (61 feet). This would be perceived as a minor difference in visual character with more extensive foreground views of pavement.

Minor visual changes could occur in areas where the expanded roadway requires reconfiguration of landform and grade due to cut and fill slopes, where turn bays are proposed and possible future signalized intersections.

The loss of mature trees and vegetation would occur primarily at drainage crossings and some residential areas.

### **3.7.3 MITIGATION**

The vegetation areas impacted would be revegetated with native grasses and recommended seed mixes. The plant palette for revegetation would be derived from grass species existing in the corridor. Fences will be replaced in-kind according to landowner preference.

## **3.8 HISTORICAL AND CULTURAL RESOURCES**

### **3.8.1 AFFECTED ENVIRONMENT**

Pursuant to Section 106 of the National Historic Preservation Act (as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR part 800, a historical survey and literature review were completed for the vicinity of this project.

The Cultural Resource Inventory was completed by Renewable Technologies, Inc. (RTI) in January 2002. This report is an update to an earlier inventory of this corridor

completed by GCM Services, Inc in 1986. The 1986 survey listed a total of eight historic architectural sites in the project corridor, one of which was found to be eligible for the Nation Register of Historic Places. Three ineligible historic ditches were also recorded, along with two “historic loci” which were not National Register eligible.

The 2002 inventory, prepared by RTI, confirmed that no previously unrecorded historic resources existed within the survey corridor. This survey also revealed that ten of the 13 sites previously listed were still extant, in whole or in part. Sufficient information was gathered for each of these sites to allow for a re-evaluation of each property’s eligibility for listing in the National Register of Historic Places. The results of the 1986 survey and the 2002 inventory work are summarized in **Table 3-2**.

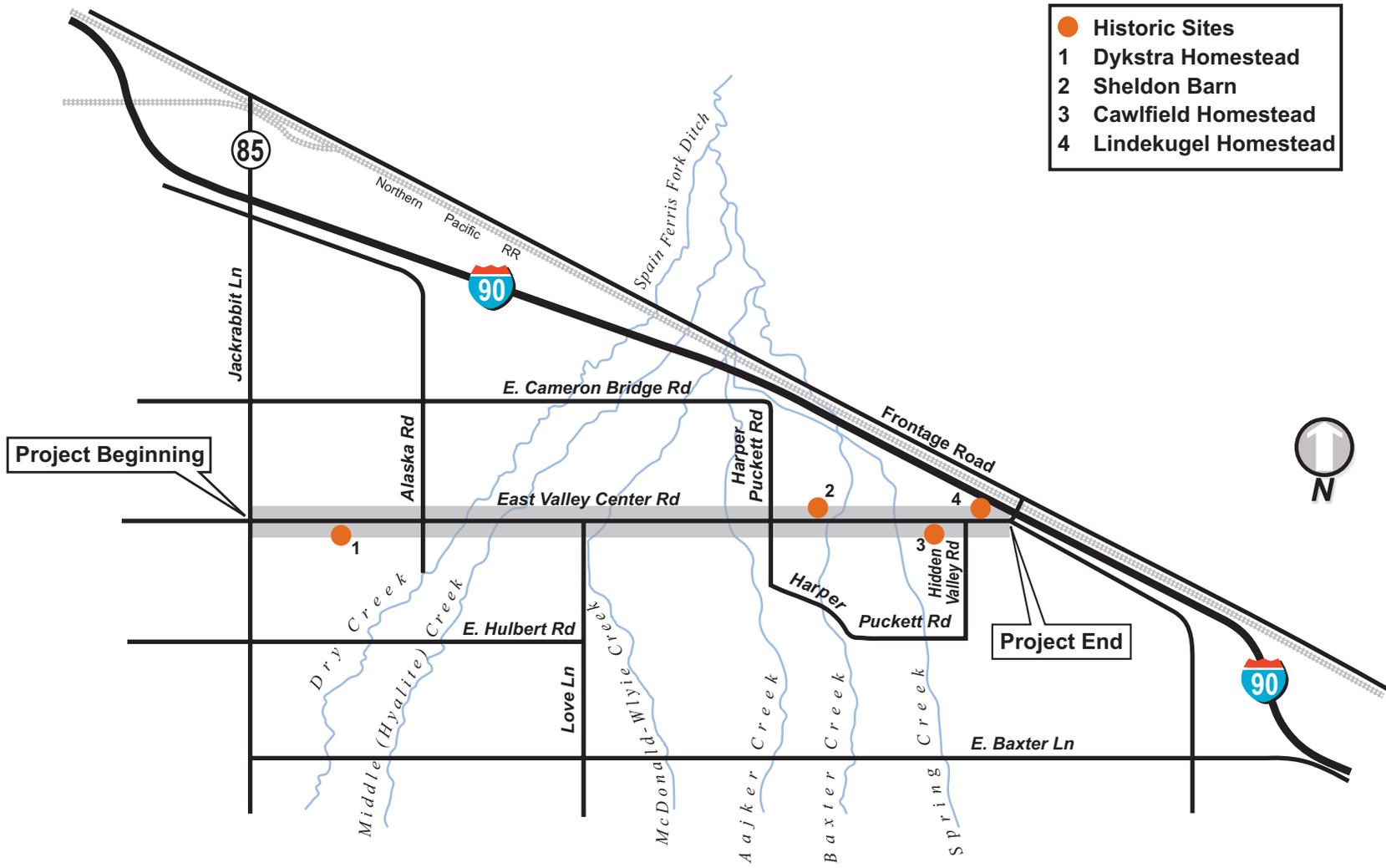
**Table 3-2**  
**1986 Survey and 2002 Inventory Summary**

Site Number	Name	National Register Status (1986)	National Register Status (2002)
24GA728	Alward Homestead	Ineligible	Ineligible
24GA729	Dykstra Homestead	Ineligible	<b>ELIGIBLE</b>
24GA730	Sheldon Barn	Ineligible	<b>ELIGIBLE</b>
24GA731	Myers Barn	Ineligible	Ineligible
24GA732	Valley Center School	Ineligible	Ineligible
24GA733	Cawfield Homestead	Ineligible	<b>ELIGIBLE</b>
24GA734	Lindekugel Homestead	<b>ELIGIBLE</b>	<b>ELIGIBLE</b>
24GA740	Marx House	Ineligible	Ineligible
24GA741	Mammoth Ditch	Ineligible	Ineligible
24GA742	Beck-Border Ditch	Ineligible	Ineligible
24GA743	Spain-Ferris Ditch	Ineligible	Ineligible
MAL #1	Site of the Waterman School	Ineligible	Ineligible
MAL #2	Historic Trash Dump	Ineligible	Ineligible

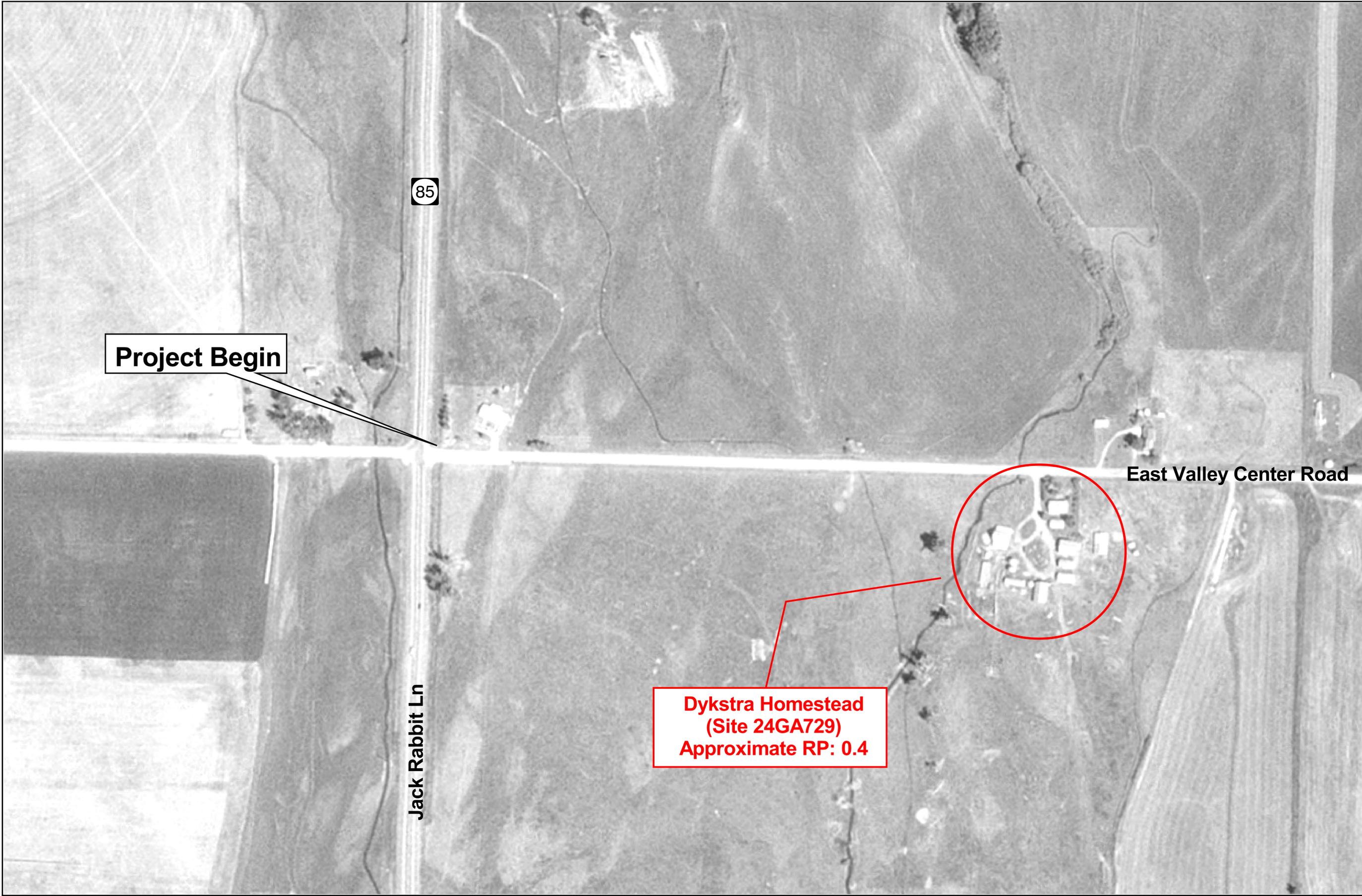
The 2002 inventory conducted by RTI found that a total of four properties are eligible for listing in the National Register of Historic Places. The three properties that were added to the list from 1986 were found to be eligible for the National Register of Historic Places with local significance under criterion “c”. The two “historic loci” mentioned in the 1986 report were no longer evident. No historic roads or bridges were found to be within the project corridor. The locations of the four eligible historic properties are shown in **Figure 3-4** through **Figure 3-7**.

### 3.8.2 IMPACTS

**No-Action Alternative.** The No-Action Alternative would have no impact on historic properties.



- Historic Sites
- 1 Dykstra Homestead
- 2 Sheldon Barn
- 3 Cawlfeld Homestead
- 4 Lindekugel Homestead



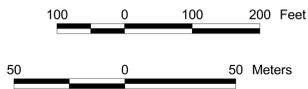
**Project Begin**

**85**

**East Valley Center Road**

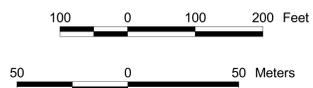
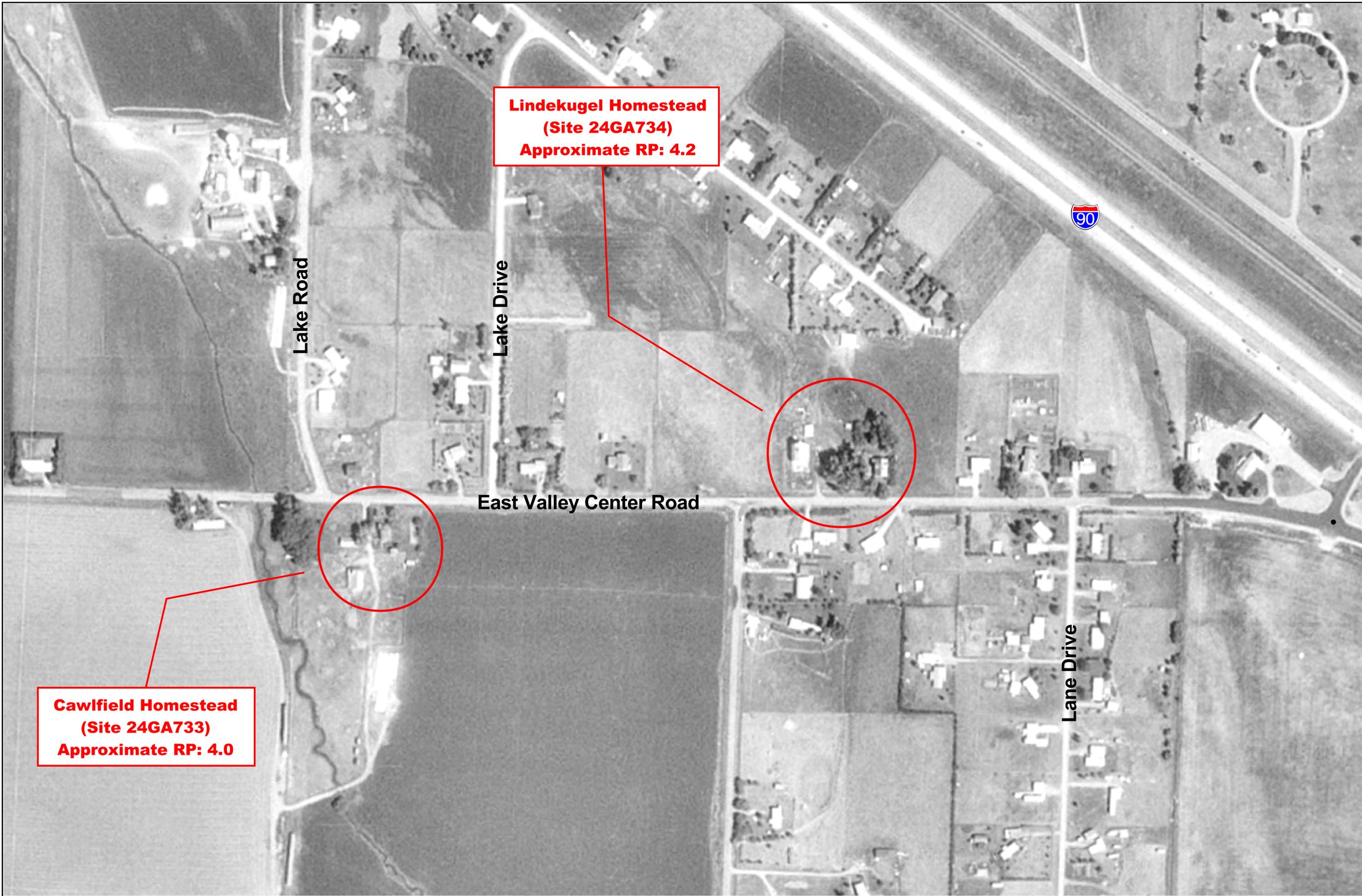
**Jack Rabbit Ln**

**Dykstra Homestead  
(Site 24GA729)  
Approximate RP: 0.4**



**Cultural Resources**  
(Dykstra Homestead)





**Preferred Alternative.** Based on the preliminary design information, there will be impacts to the four eligible historic properties. Error! Not a valid bookmark self-reference. (page 3-20) lists the sites with an indication of the distance from the structure to the closest point of the proposed right-of-way.

**Table 3-3**  
**Impacted Sites and Buildings within the Study Area**

Site Number	Name	Distance from the Nearest Structure to Proposed Right-Of-Way
24GA729	Dykstra Homestead	Approximately 6.7 meters (22 feet)
24GA730	Sheldon Barn	Approximately 1 meter (3 feet)
24GA733	Cawfield Homestead	Approximately 7.5 meters (25 feet)
24GA734	Lindekugel Homestead	Approximately 7 meters (23 feet)

At the Dykstra, Cawfield, and the Lindekugel Homesteads, it is likely that trees within five to 20 meters (16 to 65 feet) of the current centerline of the roadway would be removed or affected. Fences along the roadway will likely be removed.

**Table 3-4** lists each site with the anticipated need for right-of-way acquisition based on preliminary design. The total site size is based on County Assessor's database for parcel mapping.

**Table 3-4**  
**Right-of-Way Acquisition**

Site No.	Name	Total Site Size	Proposed Acquisition
24GA729	Dykstra Homestead	105 hectares (260 acres)	1.7 hectare (4.2 acres)
24GA730	Sheldon Barn	0.61 hectare (1.5 acres)	.09 hectare (.2 acre)
24GA733	Cawfield Homestead	31.8 hectares (78.5 acres)	0.3 hectare (0.7 acre)
24GA734	Lindekugel Homestead	2.8 hectares (7.0 acres)	0.16 hectare (0.4 acre)

Based on preliminary design and following Section 106 guidelines, there will be "No Adverse Effect" to the eligible historic properties along the study area. Coordination with the State Historic Preservation Officer supports this conclusion. Correspondence from the SHPO is included in Appendix A.

### 3.8.3 MITIGATION

The State Historic Preservation Office (SHPO) has determined that this project will have No Adverse Effect on these historic properties along the corridor.

Property acquisition, if needed, at these sites will be done in conformance with all applicable State and Federal guidelines. Fencing will be replaced in-kind based on coordination with the property owner and the SHPO.

### **3.9 PARKS AND RECREATION/SECTION 4 (f) AND 6(f)**

#### **3.9.1 AFFECTED ENVIRONMENT**

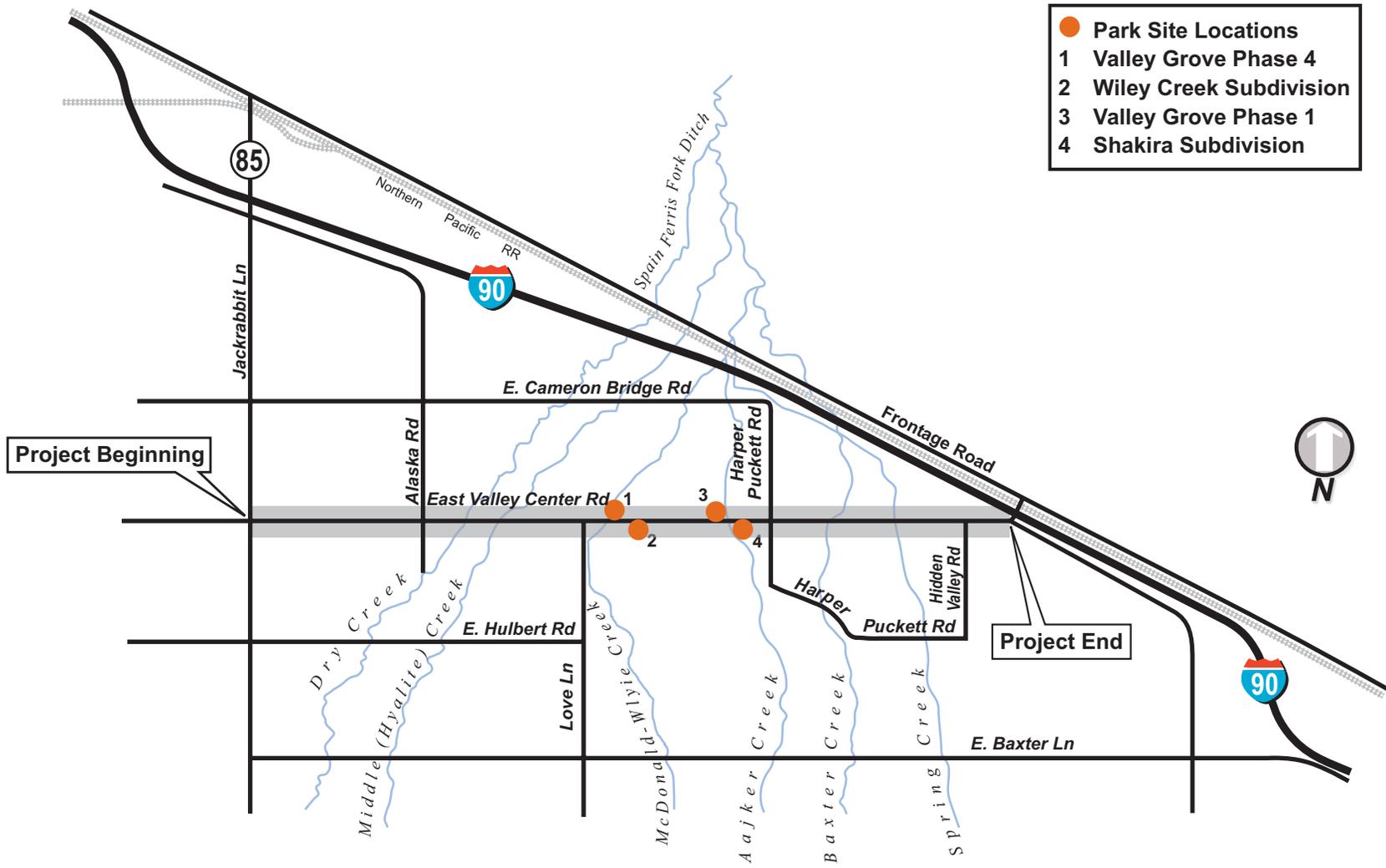
#### **3.9.2 PARKS**

Along the corridor there are four properties that are identified as “park” on the subdivision filings. The location of these four sites is shown in **Figure 3-8**. The descriptions of the sites are as follows, in order from west to east.

**Valley Grove Phase 4.** This site is located in the Valley Grove Subdivision phase 4 development and has been granted and donated to the County for public use. This site is on the north side of East Valley Center Road, and is northwest of the Wiley Creek subdivision. McDonald-Wylie Creek runs through this site which is comprised of four parcels. Based on a conversation with the developer, the parcels will remain in a natural state and serve as open space within the subdivision. The parcels will be turned over to the Homeowners Association and the HOA will be responsible for maintenance. The developer did not anticipate that the Association would do any formal development to the parcels. The parcels will not have any irrigation system to support landscaping. These parcels constitute a publicly controlled site set aside for public use. Based on coordination and comments from Gallatin County, this site is being evaluated under Section 4(f). Further discussion is contained in Chapter 4.0.

**Wiley Creek Subdivision.** The site at the Wiley Creek Subdivision consists of three adjacent parcels along the roadway. These parcels contain a landscaped berm with grass and trees which is watered with an irrigation system. The parcels have been granted and donated to Gallatin County for public use and through written agreement they are maintained by the Wiley Creek Homeowners Association. The berm serves primarily as a physical buffer between the homes and the roadway. Based on a conversation with a Homeowners Association Board member, the primary uses of the property include dog walking and winter sledding. The Association has discussed the possibility of adding a paved walking path to this landscaped area in the future, as none exists there now. The residents view this park as part of their overall neighborhood park system.

The currently dedicated right-of-way for the roadway at this location is 27.5 meters (90 feet). The current landscaping on the parcels abuts the edge of pavement of the existing roadway; therefore, a portion of the existing landscaping is within the dedicated roadway right-of-way.



This park is a publicly controlled land used for passive recreation. Based on coordination with the HOA and the County, it has been included in Section 4(f) evaluation. Further discussion of the potential impacts to this park is contained in Chapter 4.0 of this document.

**Valley Grove Phase 1.** Another parcel that has been granted and donated to the County for public use is located on the north side of East Valley Center Road and is bounded by Aajker Creek on the east and by Bison Trail Road on the west. This parcel contains a water-holding pond and water tank, as well as one small structure, and is fenced to control public access. Photos of this site are included as **Figure 3-9**. Although the site is labeled “park” on the subdivision plan for Valley Grove Phase 1, it is not currently used for recreational purposes and is not open to the public. Therefore it is not subject to Section 4(f) evaluation.

**Shakira Subdivision.** The fourth parcel on the corridor, that has been granted and donated to the County for public use, is located adjacent to the Shakira Subdivision, which is west of Harper Puckett Road and south of East Valley Center Road. The parcel is between the developed lots and Aajker Creek. This parcel is in a natural state and serves as open space adjacent to the development. The subdivision plan shows a 1.5-meter (5-foot) bike path; however, no specific trail has been developed. Each year a swath has been mowed through the grasses to serve as a pathway, but there are no plans to construct any permanent trail. Based on coordination and comments from Gallatin County, this parcel is being evaluated under Section 4(f). Further discussion is included in Chapter 4.0.

### **3.9.3 SECTION 6(f) PROPERTIES**

The provisions of Section 6(f) of the Land and Water Conservation Fund Act 16 U.S.C. 460 (LWCF) apply to any FHWA-funded action when it affects publicly owned parks and recreation areas that were purchased and/or administered for recreational purposes under Section 6(f).

No section 6(f) properties have been identified that would be affected by any of the proposed alternatives. Based on coordination with Montana Fish, Wildlife and Parks, no sites have been identified in the project study area that were purchased with LWCF funds.

### **3.9.4 IMPACTS**

**No-Action Alternative.** There would be no impacts to any parkland or lands purchased with LWCF funds as a result of the No-Action Alternative.

**Preferred Alternative.** The Preferred Alternative would have impacts to four sites that are adjacent to East Valley Center Road, and that have been granted and donated to the county for public use.



**Photo 1**  
Looking north at site from East Valley Center Road



**Photo 2**  
Looking east at site from Bison Trail

**Valley Grove Phase 4.** Based on preliminary design, 0.04 hectare (0.1 acre) of land at this site will need to be acquired for transportation right-of-way. The site contains four parcels and is 2.67 hectares (6.6 acres) in size. Typical cross section number 3 is proposed at this location, which includes a 2.8 meter (9 foot) shoulder along the north side and curb and gutter along the south side of the roadway.

**Wylie Creek Subdivision.** Based on the preliminary design, property number 1, at Wylie Creek subdivision, will have permanent impacts from the project. There will be acquisition of 0.14 hectare (0.35 acre) of the parcel. The total size of this parkland is 1.5 hectares (3.7 acres). Temporary construction impacts beyond the right-of-way may also occur. The typical cross section proposed at this location is cross section number 3 which has a curb and gutter treatment along the south side in order to reduce impacts to the parkland.

**Valley Grove Phase 1.** Based on preliminary design 0.08 hectare (0.2 acre) of this property will need to be acquired for transportation right-of-way. The total parcel is .47 hectare (1.16 acres). Temporary construction impacts beyond the right-of-way may also occur. Typical cross section number 1, which includes 2.8-meter (9-foot) shoulders on both sides of the roadway, is proposed at this location. During final design consideration will be given to reducing the need for right-of-way at this location.

**Shakira Subdivision.** Based on preliminary design, 0.01 hectare (0.02 acre) of land will be acquired for transportation right-of-way. Temporary construction impacts outside of the right-of-way may also occur. The total parcel is 0.84 hectare (2.09 acres). Typical cross section number 1 is proposed at this location, which includes 2.8-meter (9-foot) shoulders on both sides of the roadway. The pedestrian/bike path along the south side will provide improved access to this site.

### **3.9.5 MITIGATION**

Acquisition of parkland will follow all applicable State and Federal guidelines. Impacts and mitigation for these parcels have been reviewed with Gallatin County. A letter of concurrence from Gallatin County is contained in Appendix A. At parcel No. 2-Valley Grove Phase 1, consideration will be given during final design to reducing the right-of-way requirement, if feasible. Parcels that are subject to Section 4(f) evaluation are discussed further in Chapter 4.0 of this document. Landscaping affected by temporary construction impacts will be replaced and restored. The planned pedestrian/bike path along the south side of the roadway, which will be graded, and where attached, will be paved, as a part of this project, would provide improved access to these sites.

### 3.10 PEDESTRIANS AND BICYCLISTS

#### 3.10.1 AFFECTED ENVIRONMENT

According to the *Greater Bozeman Area Transportation Plan* (2001 Update), East Valley Center Road is listed as a principal arterial, and will retain that designation in the future. Currently there are no facilities for bicyclists or pedestrians. The roadway has no shoulders along the study corridor, so bicycle and pedestrian traffic must currently share the travel lane with automobiles.

“*Connecting Communities: Gallatin County Trails Report & Plan*,” prepared for the Gallatin County Planning Board by the Trails Advisory Committee, locates areas for future bicycle paths and trails. The *Bozeman 2020 Plan* also locates future trail sites as determined by the Bozeman Recreation and Parks Advisory Board in conjunction with the Gallatin County Trails Committee.

The *Connecting Communities Draft Report* lists East Valley Center corridor as its second highest trail priority, after the Bozeman-Belgrade trail. The Bozeman-Belgrade Corridor trail would follow I-90 either on the north or south side, or along the I-90 frontage road. It would connect with the East Valley Center Corridor trail at the I-90 underpass. The East Valley Center corridor is being considered for designation as a boulevard trail, which is a 2.4- to 3-meter (8- to 10-foot) paved pathway parallel to a major roadway.

Two of the trails proposed in the *Bozeman 2020 Plan* would cross East Valley Center Road, in the eastern portion of the corridor. One would follow Baxter Creek, and the other is the Maynard-Boarder Trail, which would cross East Valley Center Road near Hidden Valley Road. The location of these future trails is only approximate at this time.

#### 3.10.2 IMPACTS

**No-Action Alternative.** The No-Action Alternative does not impact any existing facilities or provide any new pedestrian/bike facilities.

**Preferred Alternative.** The Preferred Alternative has an option in the design for a 3-meter (10-foot) wide pedestrian/bike path along the south side of the project. This path would connect with the planned Baxter Creek trail and the Maynard Boarder trail. The pedestrian/bike path will be graded for the entire length of the project, and where attached to the roadway, will also be paved. Future paving of the separated path will be done by the County. The graded path will be useable and will improve safety and mobility for pedestrians and bicyclists along the corridor.

#### 3.10.3 MITIGATION

No mitigation is required.

### 3.11 NOISE

#### 3.11.1 AFFECTED ENVIRONMENT

The Federal Highway Administration (FHWA) has established national criteria by which to determine noise impact from traffic sources on certain land uses. These are described in **Table 3-5**.

**Table 3-5**  
**FHWA Noise Abatement Criteria (NAC)**

Category	Leq(h)* dBA	Description of Activity Category
A	57 Exterior	Lands on which serenity and quiet are of extraordinary significance.
B	67 Exterior	Picnic areas, recreation areas, parks, residences, motels, schools, churches.
C	72 Exterior	Developed lands not included in Categories A or B above.
D	--	Undeveloped lands.
E	52 Interior	Residences, motels, hotels, schools, churches, libraries, hospitals, and auditoriums.

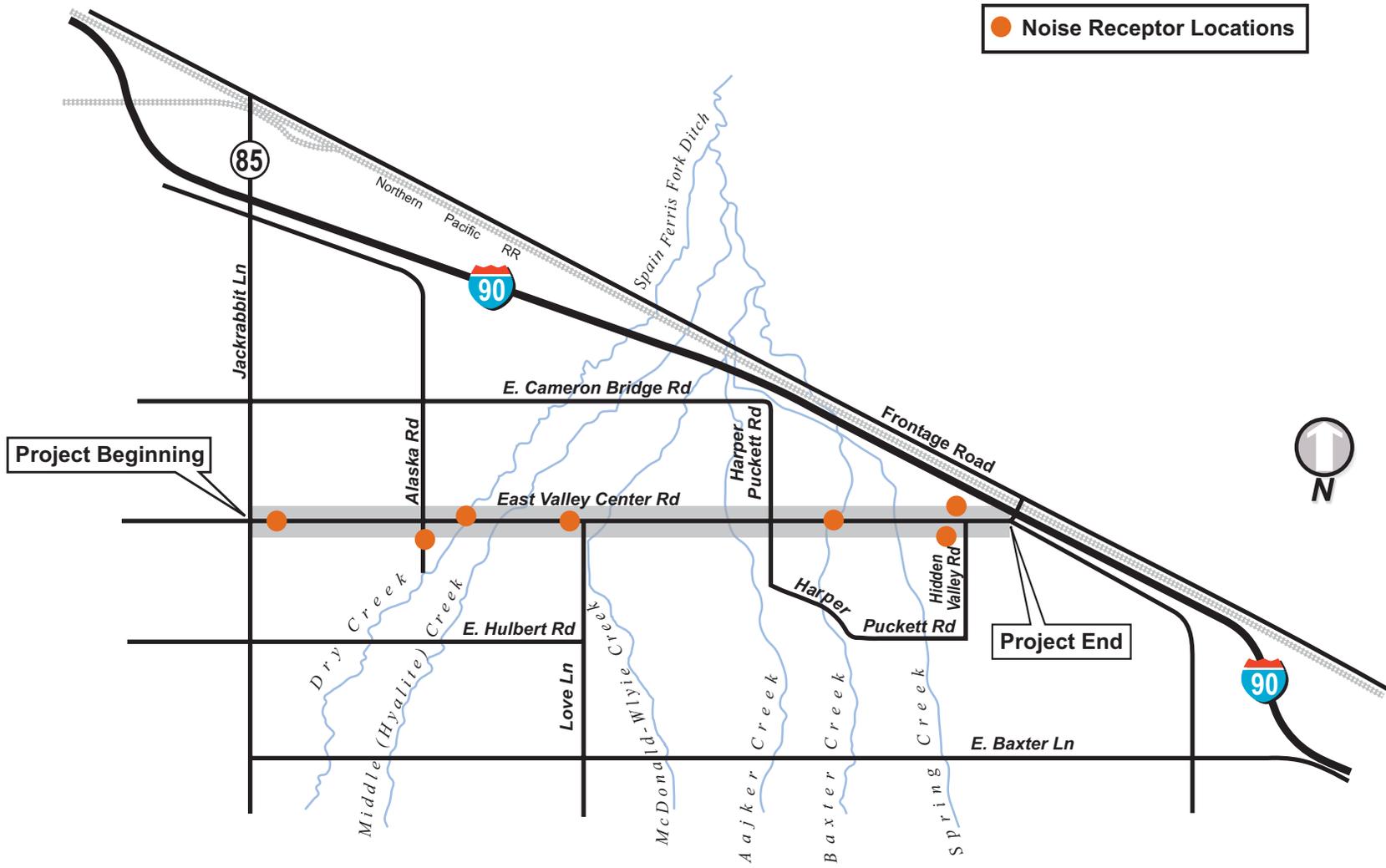
\*Leq(h) describes the hourly value of Leq. Leq is the mean noise level during the peak traffic period.

The above criteria are typically applied to outdoor areas of use, which for residences is usually described as a first-floor outdoor patio/deck area. If a project would result in noise levels above these thresholds, noise mitigation would need to be considered as a part of the project.

In addition to the federal criteria described in **Table 3-5**, the Montana Department of Transportation (MDT) has established a 1.0 dBA approaching criteria, meaning noise impacts and abatement measures are considered if a project were to cause noise levels to approach the standard. For example, for residential area, noise impacts would be considered if the project development would result in a noise level of 66 dBA. In addition, a noise impact is considered to be substantial if the project would result in a noise increase of 13 dBA or greater over existing noise levels.

Land uses along the project corridor are residential and agricultural. Residential land uses are categorized by the Federal Highway Administration as Category B, which means that abatement should be considered if noise levels approach 67 dBA Leq.

Existing noise measurements were taken at seven locations along East Valley Center Road to represent the residential receptors within the project corridor. These locations are shown in **Figure 3-10**. These locations were identified as Category B land uses and represent the receptors that are generally the shortest distances from East Valley



Center Road. Field measurements at the seven residential locations were generally taken at the closest point of the residence or closest outdoor use areas to the roadway. Field results are shown in Error! Not a valid bookmark self-reference. (page 3-29).

**Table 3-6  
Existing Noise Levels**

Site ID	Location	Monitored Noise Level (dBA)		Monitoring Site Distance from East Valley Center Road
		AM	PM	
1	4161 Valley Center Road	52.6	57.1	70 feet
2	4012 Valley Center Road	51.4	58.0	60 feet
3	2 Cloninger Lane	57.8	59.4	50 feet
4	1840 Valley Center Road	57.8	56.1	55 feet
5	1219 Valley Center Road	56.6	55.7	60 feet
6	Alaska S. Road/Valley Center Road	45.2	51.1	140 feet
7	77 Valley Center Road	47.4	52.4	95 feet

The existing noise levels at the residences are well below the FHWA Noise Abatement Criteria (NAC) of 67 dBA for Category B land uses.

### 3.11.2 IMPACTS

The criteria for determining noise impacts are:

- ▶ Comparison of predicted noise levels with FHWA Noise Abatement Criteria (NAC). Identify any predicted noise level which approaches the NAC. MDT has defined the term “approach” to mean 1  $L_{eq}$  less than FHWA NAC.
- ▶ Determination of whether a substantial increase would occur from existing to predicted noise levels associated with the build year (2005) for the project. MDT has defined a substantial increase as one of 13 dBA  $L_{eq}$  or greater.

With both the No-Action Alternative and the Preferred Alternative, noise levels are projected to increase as a result of increase in traffic. However, this increase in traffic is projected to occur regardless of the improvements made. Modeling the projected future traffic for the design year 2025 increased the noise level at the seven receivers below the 13 dBA MDT has defined as a substantial increase. The noise levels at the modeled receivers will not approach or exceed the FHWA and MDT NAC standards of 67 dBA.

### 3.11.3 MITIGATION

No mitigation is required as design year (2025) noise levels do not exceed the FHWA NAC of 67 dBA or increase substantially (13 dBA) over existing.

## 3.12 AIR QUALITY

### 3.12.1 AFFECTED ENVIRONMENT

The proposed action is in a carbon monoxide (CO) and particulate matter (PM<sub>10</sub>) attainment area of Gallatin County and Montana for air quality under 40 CFR 81.327, as amended. As such it is not covered under the U.S. Environmental Protection Agency's Final Rule of November 24, 1993, on Air Quality Conformity. Therefore, the proposed action complies with Section 176(c) of the Clean Air Act as amended (42 U.S.C. 7521(a)).

### 3.12.2 IMPACTS

**No-Action Alternative.** The No-Action alternative will not have short-term air quality impacts. The increase in traffic volume will result in increased carbon monoxide emissions due to increased congestion.

**Preferred Alternative.** Short-term effects from construction operations would occur due to vehicle and equipment emissions and fugitive dust.

Long-term air quality impacts, with any of the proposed alternatives, including the No-Action, may include increases in emissions due to increases in traffic volumes. This may be offset with the Preferred Alternative because vehicle operation would be more efficient. The additional left-turn pockets at major intersections will reduce back-ups and related "idle" time for automobiles, thus reducing carbon monoxide emissions.

### 3.12.3 MITIGATION

Short-term impacts to air quality from construction activities will be mitigated as required by permit limitations and conditions covering operational requirements, emission limitations, and dust suppression measures. In addition, the *Standard Specifications for Road and Bridge Construction* (MDT, 1995) will be implemented as applicable. It presents guidelines for earthwork operations and other construction activities to help minimize effect on air quality.

## 3.13 WATER QUALITY

### 3.13.1 AFFECTED ENVIRONMENT

The four Montana water basins (Upper Missouri, Lower Missouri, Yellowstone, and Columbia) are subdivided into 16 sub-major basins. These are further split into 99

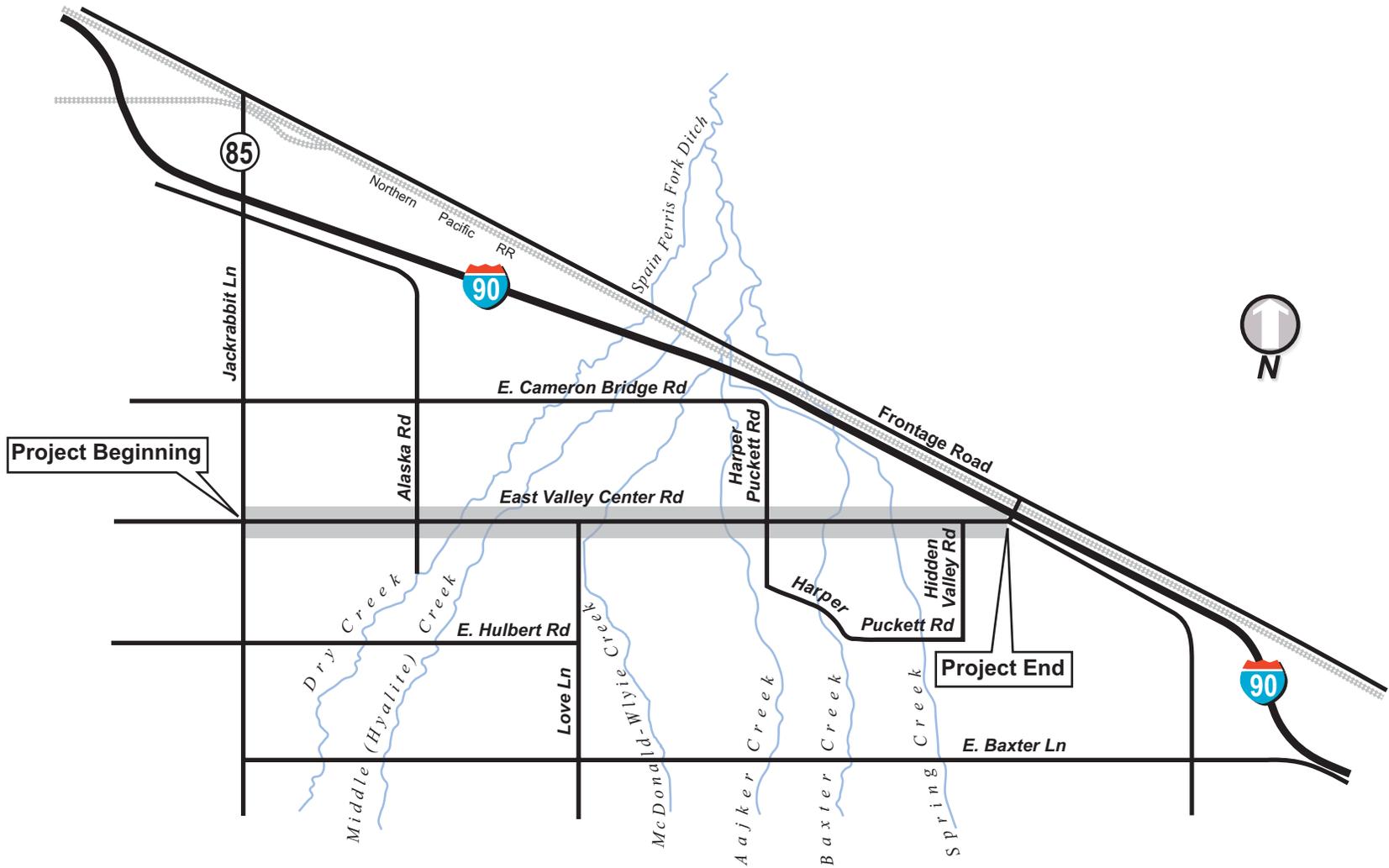
watersheds in the state. The study area falls within the Missouri River basin, the Upper Missouri River sub-major basin, and the Gallatin watershed. The Gallatin watershed is located to the east of the continental divide and north of Yellowstone National Park. The watershed covers approximately 4,662 square kilometers (1,800 square miles), the majority of which falls within Gallatin County. The EPA has classified this watershed as having “better water quality,” meaning that designated uses are largely met and other indicators of watershed condition show few problems. The EPA has also classified the watershed as having a “lower vulnerability to stressors,” meaning pollutants or other stressors are low and there is a lower potential for future decline in aquatic health.

The major drainage within the vicinity of the project is the Gallatin River. This river flows north as it passes approximately 3.2 kilometers (2 miles) west of the study area. The Gallatin River meets the headwaters of the Missouri River approximately 32 kilometers (20 miles) downstream from this point. There are numerous small water features that cross the project study area. The waters from these drainages all flow into the East Gallatin River which then flows into the Gallatin River. The creeks that pass through the study area are, from west to east, Dry Creek, Middle (Hyalite), McDonald-Wylie, Aajker, Baxter, and Spring as well as some minor tributaries of these creeks. These creeks which are not Wild and Scenic Rivers, can be seen in **Figure 3-11**.

The US EPA regulations require all states to prepare a 303(d) list every two years based on federal Clean Water Act requirements. The goal of compiling this list is to identify impaired and threatened lakes, rivers and streams throughout the state. An impaired waterbody is defined as “not fully supporting one or more beneficial uses.” This list includes waterbodies that are impaired and are in need of Total Maximum Daily Load (TMDL) development. A TMDL is the total amount of a pollutant that a waterbody can assimilate and still meet water quality standards. Within the Gallatin watershed, the Montana Department of Environmental Quality (DEQ) Year 2000 Montana 303(d) List includes Middle Creek. Middle Creek is designated as a “low” priority on the 303(d) list. The probable causes of impairment are listed as “dewatering and flow alteration.” The probable sources are listed as “agriculture, crop-related sources, and irrigated crop production.” Other waterbodies listed as impaired within the Gallatin watershed are located outside of the project Study Area. Water from the waterbodies crossing through the project Study Area eventually flows into the Gallatin River via the East Gallatin River. The Gallatin River is listed on the 303(d) list as an impaired waterbody. The probable causes of impairment are listed as “dewatering, flow alteration, lead and metals.” The probable sources are listed as “agriculture, crop-related sources, irrigated crop production, construction, highway/ road/bridge construction, resource extraction, abandoned mining, and natural sources”.

### **3.13.2 IMPACTS**

**No-Action Alternative.** The No-Action Alternative would have no short-term impact on existing water quality conditions and would result in less surface runoff since there is less paved surface area. Long-term impacts to water quality would occur with the No-



Action as increases to traffic volumes would eventually result in increased runoff contaminants, when compared to existing conditions.

**Preferred Alternative.** Short-term impact to the water quality of streams and tributaries would result from the Preferred Alternative due to construction activities. Impacts related to construction include increased sedimentation during and after construction until bare surfaces are revegetated. These impacts are expected to be minimal due to the implementation of Best Management Practices (BMPs) which serve to prevent erosion, thereby restricting sediment from entering the surface water system.

Long-term impacts associated with the Preferred Alternative would include greater amounts of impervious (paved) roadway surface area that would increase the volume of storm runoff. Roadway water runoff is usually characterized by heavy metals, nutrients, sediments, oil, grease, deicing salts, and litter pollutants. These components are usually a product of petroleum combustion, pavement wear, and roadway maintenance activities. If not mitigated, these impacts to the water quality can affect the ecosystem of the stream in the study area and further downstream.

### **3.13.3 MITIGATION**

All construction activities will comply with the Clean Water Act Section 404 permit conditions, as well as Section 401 water quality certification and Montana Stream protection Act (124) conditions and any additional state, federal or tribal water quality requirements/conditions.

The Preferred Alternative will require an erosion control plan. The plan will be submitted to the Montana Department of Environmental Quality's permitting and Compliance division in compliance with the Montana Pollutant Discharge Elimination System Regulations (ARM 16.20.1314). Best Management Practices will be included in the design of this plan using guidelines as established in *MDT's Highway Construction Standard Erosion Control Workplan*. The objective is to minimize erosion of disturbed areas during and following construction. As part of the project, the disturbed areas will be re-established with a desirable vegetative community. Seeding requirements will be developed by MDT and must be followed by the construction contractor. Prompt revegetation of disturbed areas is a primary goal of the reseeding program.

All other needed water quality permits will be obtained and conditions of those permits will be met.

## **3.14 FLOODPLAINS**

### **3.14.1 AFFECTED ENVIRONMENT**

The creeks present in the study area include: Dry Creek, Middle (Hyalite) Creek, McDonald-Wylie Creek, Aajker Creek, Baxter Creek, and Spring Creek and tributaries

of these creeks. These creeks are all tributaries to the East Gallatin River that flows into the Gallatin River.

Based on a review of the National Flood Insurance Program (NFIP) maps, no Federal Emergency Management Agency (FEMA) delineated floodplains are present in the study area. A *Bridge Hydraulics Report* and a *Narrative Irrigation Report*, prepared specifically for the project, documents issues with the existing conditions of road crossings of creeks and ditches. The issues include ditch adequacy to carry existing irrigation flows and runoff water, undersized culverts which result in flood events overtopping the roadway or backing up water to flood adjacent property, and filling of channels and culverts with silt.

### **3.14.2 IMPACTS**

**No-Action Alternative.** The No-Action Alternative would have no impacts to floodplains.

**Preferred Alternative.** The Preferred Alternative would have no encroachment onto or impacts to delineated floodplains.

### **3.14.3 MITIGATION**

Designs and recommendations will be in compliance with 23 CFR 650A and Executive Order 11988. Permitting for Section 404 (Clean Water Act), regulated by the U.S. Army Corps of Engineers, will also be conducted.

The aim of the design for project bridges and culverts will be to accommodate passage of 25-year flows without overtopping the roadway.

## **3.15 WETLANDS**

### **3.15.1 AFFECTED ENVIRONMENT**

Wetlands are areas of transition between aquatic and terrestrial ecosystems and are characterized by a water supply sufficient to support vegetation adapted for growing in wet soils. Wetlands frequently support a wide variety of plant and wildlife species and provide streambank stabilization, water quality protection, and water storage.

A field survey and delineation of study area wetlands were conducted in August 2001 in accordance with the US Army Corps of Engineers (COE) *1987 Wetland Delineation Manual* and Executive Order 11990. Detailed information on the wetlands is presented in Appendix B, Field Narratives; and Appendix C, Corps of Engineers Data Forms.

The MDT Function/Value Assessment and hydrogeomorphic classification were also conducted using the *1996 MDT Montana Wetland Assessment Method*, which rates the

functions and values of wetlands from Category I (highest) through Category IV (lowest) (see **Table 3-7**). This survey included an area 15 meters (50 feet) out from the edge of public right-of-way on either side of the roadway.

**Table 3-7  
Wetland Summary**

Wetland Site	Hydrogeomorphic Class	MDT Function/Value Assessment Category	Area within approximately 15 meters (50 feet) from edge of ROW	Jurisdictional Status
1. Baxter Creek	Riverine	III	0.010 hectare (0.025 acre)	Jurisdictional
2. McDonald-Wylie Creek	Riverine	III	0.023 hectare (0.057 acre)	Jurisdictional
3. Excavated area	Depressional	IV	0.923 hectare (0.228 acre)	Non-jurisdictional
4. Tributary to Dry Creek	Riverine	III	0.022 hectare (0.055 acre)	Jurisdictional
5. Possible natural creek	Riverine	III	0.105 hectare (0.260 acre)	Jurisdictional
6. Roadside ditch	Depressional	IV	0.005 hectare (0.012 acre)	Non-jurisdictional
7. Roadside ditch	Depressional	IV	0.006 hectare (0.014 acre)	Non-jurisdictional
8. Roadside ditch	Depressional	IV	0.027 hectare (0.066 acre)	Non-jurisdictional
9. Roadside ditch	Depressional	IV	0.024 hectare (0.059 acre)	Non-jurisdictional
10. Middle Creek	Riverine	II	0.034 hectare (0.095 acre)	Jurisdictional
<b>Total</b>			<b>0.353 hectare (0.871 acre)</b>	

### 3.15.2 WETLAND DESCRIPTIONS

Ten wetlands were present within the project corridor, and total wetland area is 0.353 hectare (0.871 acre) or less than one acre (see **Table 3-7**). Jurisdictional wetlands are those regulated by the US Army Corps of Engineers under Section 404 of the Clean Water Act. Wetlands 1, 2, 4, 5, and 10 are jurisdictional, and their combined area is approximately 0.020 hectare (0.492 acre) or less than one-half acre. Non-jurisdiction wetlands are not regulated by the COE, but may be protected by other federal, state, or local regulations. Wetlands 3, 6, 7, 8, and 9 are non-jurisdictional.

The ten wetland sites are riverine or depressional hydrogeomorphic types and were of MDT Function/Value Assessment Categories II (very high quality), III (moderate quality), or IV (low quality). No Category I wetlands are in the study area.

Wetland locations are shown in **Figure 3-12**. Photos of roadside wetlands are shown in **Figure 3-13**. Wetland impacts are shown in **Figure 3-14** through **Figure 3-17**.

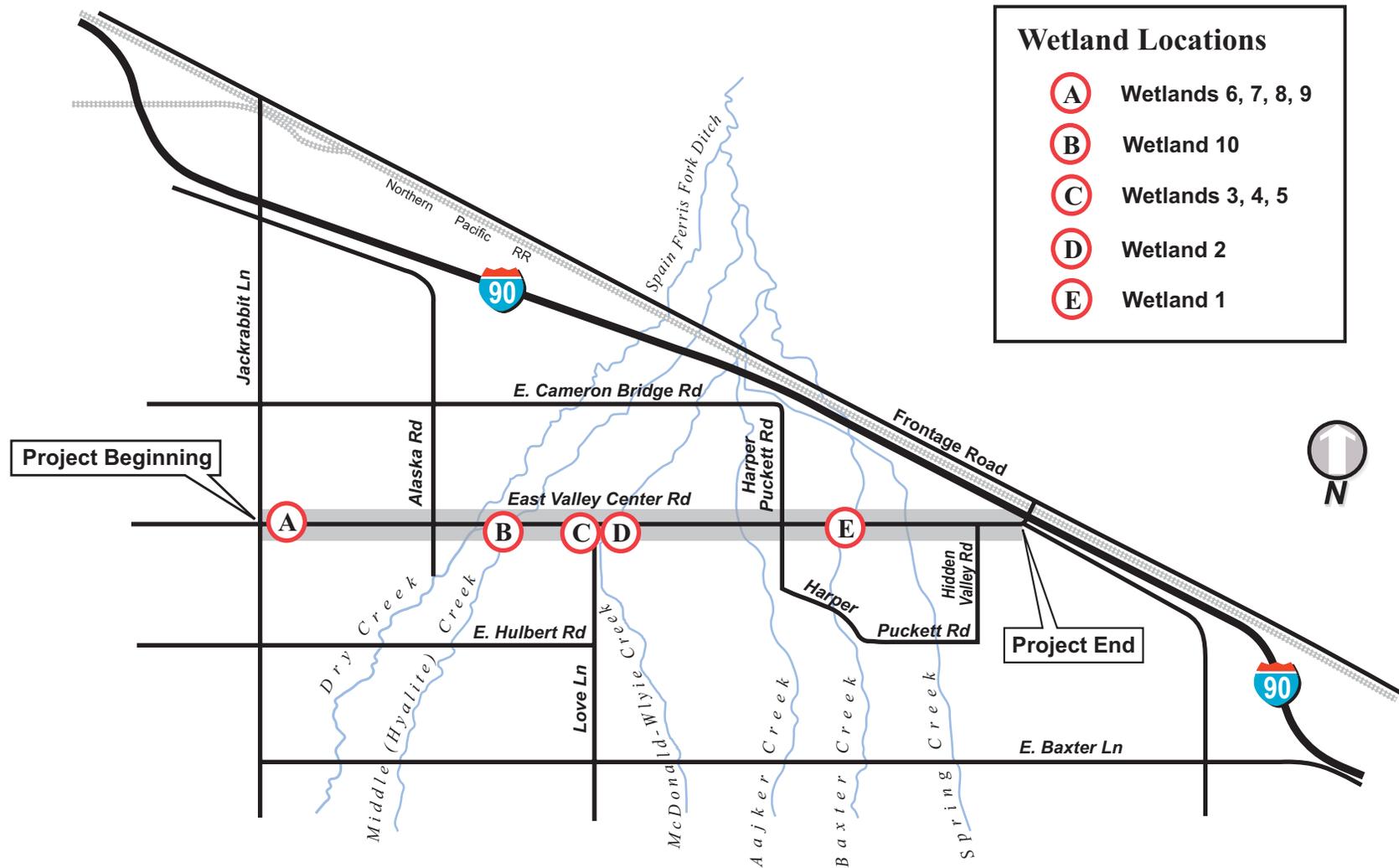
**Wetland 1** is a jurisdictional emergent wetland associated with Baxter Creek on the south side of the roadway. Dominant vegetation is cattail and American speedwell with lady's thumb, common monkey-flower, small-fruited bulrush, Bebb), and spurless touch-me-not. Hydrology is provided by creek flows and pooling upstream of the culvert. Wetland 1 is a Riverine Category III wetland rated high for water storage, sediment/shoreline stabilization, and production export/food chain support. During a follow-up site visit in December 2001 it was noted that the western edge had been filled as during culvert reconstruction performed by Gallatin County.

**Wetland 2** is a jurisdictional emergent wetland associated with McDonald-Wylie Creek. Dominant vegetation is cattail and beaked sedge with stick-tight, reed canary grass, mannagrass, Bebb willow, and white-water buttercup. Hydrology is provided by creek flows and pooling upstream of the culvert. Recent changes to the upper banks are associated with a subdivision on the east side of Wetland 2, but probably have not had a significant influence on the wetland. Wetland 2 is a riverine Category III wetland rated high for water storage, sediment/nutrient/toxicant removal, sediment/ shoreline stabilization, production export/food chain support, and groundwater discharge/recharge.

**Wetland 3** is a non-jurisdictional emergent wetland in a borrow pit or otherwise excavated area in the southwest quadrant of Love Lane. Dominant vegetation is duckweed, waterweed, and white-water buttercup in the open water area and by stick-tight, reed canary grass, and small-fruited bulrush on the banks. Mature cottonwoods are present adjacent to the west side of the wetland. The hydrology appears to be supplied either by groundwater or by surface runoff from irrigation. No outlet culvert was present. Wetland 3 is a depressional Category IV wetland with low ratings in many categories.

**Wetland 4** is a jurisdictional emergent wetland associated with an unnamed tributary of Dry Creek. Dominant vegetation is cattail and reed canary grass; Bebb willow dominates the area south of the ROW. Hydrology is provided by creek flows and pooling upstream of the culvert. Wetland 4 is a riverine Category III wetland rated high for water storage, sediment/ nutrient/toxicant removal, sediment/ shoreline stabilization, production export/food chain support, and groundwater discharge/recharge.

**Wetland 5** is a jurisdictional emergent wetland associated with Dry Creek. Dominant vegetation is cattail and small-fruited bulrush with sandbar willow along the southern road edge. Duckweed was present in pooled water. Hydrology is provided by creek flows and pooling upstream of the culvert. Wetland 5 is a riverine Category III wetland rated high for water storage, sediment/nutrient/toxicant removal, sediment/shoreline

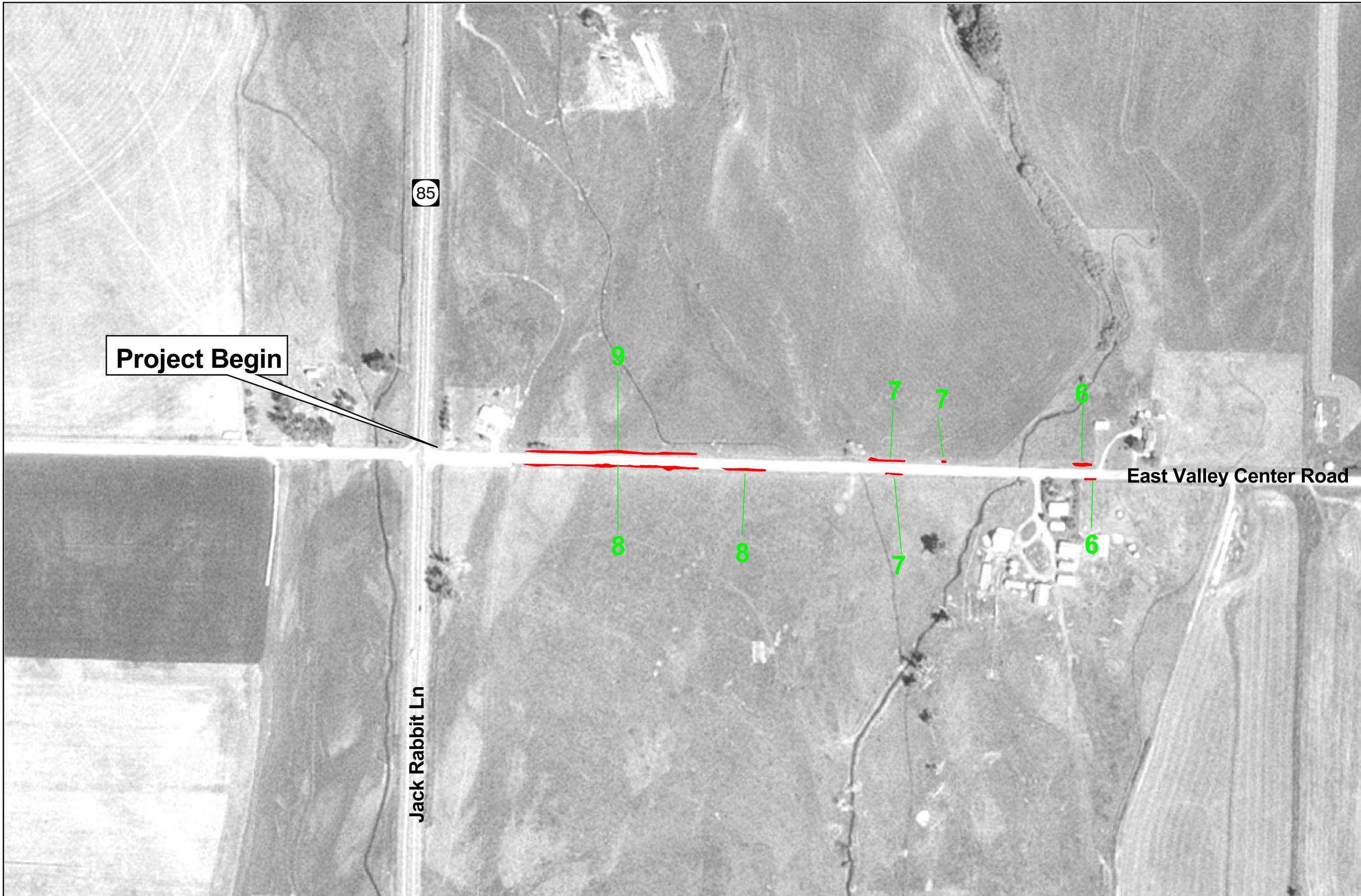




**Roadside Ditch  
Location C**



**Baxter Creek Wetland  
Location E**





**Legend:**

- Wetland (ID #)
- Potentially Impacted Wetland



**Wetland Resources  
(Location B)**



**Legend:**

- Wetland (ID #)
- Potentially Impacted Wetland





**Legend:**

- Wetland (ID #)
- Potentially Impacted Wetland



**Wetland Resources  
(Location E)**

stabilization, production export/food chain support, and groundwater discharge/recharge.

**Wetlands 6, 7, 8, and 9** are non-jurisdictional emergent ditch wetlands adjacent to the roadway at the west end of the project. Vegetation of Wetland 6 is a cattail monoculture and was associated with a small drainage ditch, apparently a spur of the Mammoth Fork Ditch system. Wetlands 7, 8, and 9 were dominated by cattails. Additional species at Wetland 7 were small-fruited bulrush, fringed loosestrife, and starry false Solomon's seal. Additional species at Wetland 8 were small-fruited bulrush, lady's thumb, field mint, stinging nettle, and red-osier dogwood. Wetlands 7, 8, and 9 were not associated with any irrigation ditches; hydrology appears to be dependent on surface runoff, and may be augmented by seasonal irrigation of the adjoining fields. Wetlands 6, 7, 8, and 9 are depressional Category IV wetlands rated low in many categories.

**Wetland 10** is a jurisdictional emergent and scrub-shrub wetland associated with Middle Creek, also known as Hyalite Creek. The streambank vegetation was dominated by reed canary grass and small-fruited bulrush. The scrub-shrub vegetation was dominated by sandbar willow with balsam poplar on the upper edges. Hydrology is provided by creek flows and pooling upstream of the culvert. Wetland 10 is a riverine Category II wetland rated high for wildlife and fish habitat, water storage, sediment/nutrient/toxicant removal, sediment/shoreline stabilization, production export/food chain support, and groundwater discharge/recharge.

### **3.15.3 IMPACTS**

**No-Action Alternative.** Under the No-Action Alternative, no direct wetland impacts are anticipated. Accidents and related potential for spills of fuel and other contaminants into area waters may increase in proportion to projected increasing traffic volumes. Impacts associated with road maintenance, such as herbicide use, would continue.

**Preferred Alternative.** Based on preliminary plans, the Preferred Alternative is estimated to permanently impact a total of 0.170 hectare (0.421 acre) of jurisdictional wetlands and a total of 0.269 hectare (0.663 acre) of both jurisdictional and non-jurisdictional wetlands (see **Table 3-8**). The proposed widening of the roadway will impact all ten wetlands. Under the Preferred Alternative, wetland impacts, both in terms of actual loss and decreases in functional capacity, would result primarily from vegetation clearing and grubbing and from fill placement. Temporary impacts may result from movement of equipment outside of construction impact limits; however, these potential impacts would be minimized by prohibiting vegetation clearing or grubbing beyond the construction limits. Wetland impacts resulting from fill placement are discussed below. Potential for accidents and related spills of fuel and other contaminants into area waters would be reduced through addition of highway shoulders.

**Table 3-8  
Wetland Impacts**

<b>Wetland Number</b>	<b>Jurisdictional Impacted Area</b>	<b>Non-Jurisdictional Impacted Area</b>
1	0.010 hectare (0.025 acre)	0
2	0.023 hectare (0.057 acre)	0
3	0	0.037 hectare (0.091 acre)
4	0.020 hectare (0.051 acre)	0
5	0.081 hectare (0.199 acre)	0
6	0	0.005 hectare (0.012 acre)
7	0	0.006 hectare (0.014 acre)
8	0	0.027 hectare (0.066 acre)
9	0	0.024 hectare (0.059 acre)
10	0.036 hectare (0.089 acre)	0
<b>Total</b>	<b>0.170 hectare (0.421 acre)</b>	<b>0.099 hectare (0.242 acre)</b>
<b>Total area of impacted wetlands = 0.269 hectare (0.663 acre)</b>		

Additionally, temporary and indirect wetland impacts could also result from the project. Construction work areas may result in temporary impacts to jurisdictional wetlands. These impacts will be avoided or minimized based upon use of MDT's Best Management Practices. Indirect wetland impacts may result from the recommended increased size of culverts and bridges. By facilitating water flow, larger culverts and bridges may cause the wetlands to drain more efficiently, move sediments out of existing channels, and increase flow velocities. Together these effects may reduce overall wetland areas by creating drier soil conditions which would restrict the extent of the hydrophytic vegetation.

### 3.15.4 MITIGATION

Due to the location of wetlands, it is not possible to entirely avoid wetland impacts. The design of the Preferred Alternative will, however, consider all feasible measures to minimize wetland impacts. Refinement of the design plans to avoid and minimize impacts to wetlands will occur throughout the final design process.

The 1990 Memorandum of Agreement Between the Environmental Protection Agency and the Department of the Army Concerning the Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines requires that wetland mitigation be addressed in the following sequence:

1. Avoid potential impacts to the maximum extent practicable.
2. Minimize unavoidable impacts to the extent appropriate and practicable.
3. Compensate for unavoidable adverse impacts which remain after all appropriate and practicable minimization has been required.

### **Avoidance and Minimization**

Design consideration will be given to avoidance or minimization of wetland impacts. Bridges and culverts will be designed to protect channel width and prevent creek bank scour and downcutting.

### **Compensation**

Compensatory mitigation for jurisdictional wetland loss is being developed in compliance with COE permit requirements. MDT will pursue mitigation sites within the study area. The conceptual design for the mitigation site will provide for restoration and enhancement of emergent and scrub-shrub wetlands within local creek floodplains in an amount to be determined by the Corps of Engineers through the 404 permit process.

The most significant wetland functions likely to be impacted by the Preferred Alternative include fish and wildlife habitat, water storage, sediment/nutrient/toxicant removal, sediment/shoreline stabilization, production export/food chain support, and groundwater recharge/discharge.

The following additional general measures will be implemented to avoid, minimize, and compensate for disturbance of wetlands during construction of the Preferred Alternative:

- ▶ Clearing and grubbing for construction will not be allowed outside of construction limits in areas where wetlands are present.
- ▶ Temporary impacts to wetlands within the ROW and construction easement areas will be mitigated by restoring wetlands to original contours and revegetating immediately following construction. Temporarily disturbed wetland and streamside areas will be revegetated with native material.
- ▶ The design process will incorporate appropriate measures to preserve wetlands and other waters of the United States, while providing a highway that meets MDT's geometric design standards. Consideration will be given to increasing embankment slopes in the vicinity of wetlands on a case-by-case basis.
- ▶ All Clean Water Act Section 404 permit conditions, as well as Section 401 water quality certification, Montana Stream Protection Act (124) conditions, and any additional state or federal water quality requirements/conditions, will be implemented.
- ▶ Removed culverts, and other construction materials will not be stockpiled in or adjacent to wetland or stream areas.
- ▶ Construction equipment operating in wetlands will be limited to what is needed to perform the necessary work.
- ▶ Measures specified in Section 3.17.2 under Noxious Weeds will be taken to prevent the introduction/spread of noxious weeds.

- ▶ Wide-track or balloon-tire construction equipment will be used in saturated/inundated areas. Timber pads, prefabricated equipment pads or geotextile fabric overlain with gravel fill will be used with normal equipment in such areas. All such material will be removed following construction.
- ▶ Hazardous materials, including fuels and lubricating oils, will not be stored and construction equipment will not be refueled within 30 meters (100 feet) of wetlands or streams.

Permits for placing fill in wetlands will be obtained from the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act, as amended. The COE will be consulted to determine the exact replacement ratio and appropriateness of potential mitigation sites.

Wetlands as well as their associated functions permanently impacted by the Preferred Alternative will be mitigated by wetland creation, restoration, and/or enhancement. Wetland areas temporarily impacted by construction activities will be restored and replanted as necessary.

### **3.15.5 NO PRACTICABLE ALTERNATIVE FINDING**

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which would result from such use.

## **3.16 TERRESTRIAL BIOLOGICAL RESOURCES**

### **3.16.1 AFFECTED ENVIRONMENT**

#### **Vegetation**

The study area is located in the Gallatin Valley and vegetation communities are associated with relatively flat, irrigated farmland, recently developed farmland, landscaped residential areas, or wetland and riparian bands adjacent to streams and ditches. Native plant communities are present primarily within the wetland and riparian bands and are discussed in Section 3.16.

#### **Sensitive Plants**

No Montana Natural Heritage Program (MTNHP) plant species of special concern were observed during the August 2001 field survey, a time when the plant species of special concern with a high probability of occurring in the study area would be expected to be flowering or fruiting.

### **Noxious Weeds/Invasive Species**

As a federally funded action, the project is subject to the provisions of Executive Order 13112, signed on February 3, 1999. EO 13112 addresses federal agency responsibilities with respect to invasive species (noxious weeds).

State-listed noxious weeds of the study area were: Canada thistle near or adjacent to all study area streams and ditches, common tansy near or adjacent to streams and ditches on the east side of the study area, whitetop common in roadside gravels, and spotted knapweed scattered adjacent to the road.

### **Wildlife**

Varied wildlife species inhabit the general study area, particularly along creek corridors. No rare or sensitive species were observed during the site visits. Montana Department of Fish, Wildlife and Parks (FWP) is more concerned about habitat in the study area than individual species.

### **Mammals**

Species likely to be present in the study area include white-tailed deer, mule deer, coyote, and snowshoe hare. Elk, moose, and black bear are likely to be transient species. White-tailed deer were observed during project surveys.

### **Birds**

Species likely to be present in the study area include ferruginous hawk, Swainson's hawk, golden eagle, prairie falcon, horned lark, eastern screech-owl, western screech-owl, and mountain chickadee. The Migratory Bird Treaty Act (MBTA) states that taking, killing or possessing migratory birds is unlawful, and the project effects were analyzed relative to this act. Loss of roadside vegetation during and directly following construction could have an indirect impact on avian species that rely on the areas for food, cover, or nesting habitat.

## **3.16.2 IMPACTS**

**No-Action Alternative.** Under the No-Action Alternative, disturbances to terrestrial resources associated with the use and maintenance of the existing highway would continue in conjunction with expected traffic volume increases. No vegetation or habitat loss would occur, although an increase in noxious weed infestations is possible. Wildlife would continue to move across the highway and mortality levels would increase incrementally in response to increasing traffic. Periodic accidents and potential for spills of fuel and other contaminants into area waters and upland habitats would continue and may also increase in conjunction with increases in traffic volume.

**Preferred Alternative.** The construction and use of the Preferred Alternative will result in impacts as described below.

### **Vegetation**

The riparian vegetation within the construction limits would be disturbed and/or removed by the project. A portion of this area would be permanently impacted by the addition of paved shoulders and a paved pedestrian/bike path. Slopes would be revegetated following construction.

### **Sensitive Plants**

No Montana Natural Heritage Program sensitive plants were observed within the project and no impacts to such species are anticipated.

### **Noxious Weeds**

Construction of the Preferred Alternative would disturb existing noxious weed communities and would create additional habitat suitable for noxious weed establishment within newly disturbed areas. Exposed soils, particularly adjacent to highways, are extremely vulnerable to weed establishment. Weed spread from highway corridors onto adjacent land can result in reduced land values and productivity as well as the potential for environmental degradation through improper herbicide use.

State-listed noxious weeds of the study area (Canada thistle, common tansy, whitetop, and spotted knapweed) all have the potential to rapidly spread into areas disturbed by road construction as well as adjacent undisturbed areas.

### **Wildlife and Sensitive Wildlife Species**

Construction would occur in areas immediately adjacent to the existing road. Except for riparian areas, these sites are currently subjected to other sources of human disturbance including agricultural and residential activities and are of low to moderate overall habitat quality. Due to greater plant diversity and proximity to water, wildlife diversity is likely greater in the riparian and wetland areas. Many species use these areas as movement corridors. Using the *MDT Wetland Assessment Method*, the Middle (Hyalite) Creek riparian area is rated high for both wildlife habitat and fish/aquatic habitat. Other creek areas are generally rated moderate for these habitats.

Construction of the Preferred Alternative would result in direct wildlife mortality primarily to species with limited mobility and/or species occupying burrows or nests at the time of construction. More mobile species, such as adult deer, coyotes, and most adult birds, would be able to avoid direct mortality by moving into adjacent habitat. Loss of roadside vegetation during construction could have an indirect impact on avian species that rely on the areas for food, cover, or nesting habitat. If clearing occurs in the spring, nesting animals and their young may be affected through loss of suitable habitat for these activities. These effects will lessen over time as the disturbed area recovers, and while they may cause losses of individuals, they will not affect wildlife populations.

Wildlife species not classified as threatened or endangered could be affected by the project. The improved road surface and increased design speed limit will enable vehicles to travel at a higher rate of speed. Any species that occur or pass through the area could suffer higher mortality rates. Higher mortality rates for these species would constitute an indirect impact of the project.

Generally, indirect disturbance from road construction activities to wildlife communities in the study area is considered minor, as the disturbance would be temporary and alternative similar habitat is available. The survival of displaced species which resided

exclusively within the construction area would, however, depend on the carrying capacity of adjacent undeveloped habitat.

### **Habitat Fragmentation**

Habitat fragmentation is the separation of previously contiguous blocks of habitat into disconnected pieces. Habitat fragmentation can result in impediments to wildlife movement and corresponding genetic exchange among populations. This existing highway, in association with the agricultural and residential development, is a contributor to habitat fragmentation in the study area.

The Preferred Alternative would add to habitat fragmentation in the study area by further reducing the amount of vegetation cover adjacent to the highway, incrementally increasing separation between cross-highway habitats; and accommodating increased traffic speeds which are likely to result in increased wildlife/vehicle collisions.

### **3.16.3 MITIGATION**

#### **Vegetation**

With the exception of temporary clearing that may be required for culvert placement and relocation of utilities, clearing and grubbing will be confined to the construction limits (i.e., within the cut/fill limits). Clearing beyond defined construction limits will be kept to the minimum necessary for the completion of the project. No forested or shrub vegetation will be cleared for placement of temporary facilities. Any temporary clearing necessary for culvert placement outside the construction limits will be kept to the smallest area possible and reclaimed with similar native vegetation immediately following construction.

Following construction, disturbed areas will be seeded as soon as possible with native species.

#### **Sensitive Plants**

No sensitive plants were identified during the August 2001 rare plant survey. No mitigation is proposed.

#### **Noxious Weeds**

Noxious weeds in the highway ROW will be controlled subject to MDT and Gallatin County standards.

All areas disturbed by construction will be reseeded with desirable groundcover to inhibit invasion of noxious weeds and for aesthetic purposes.

#### **Wildlife and Sensitive Wildlife Species**

In addition to the provisions discussed above under Vegetation, the following measures will be followed:

- ▶ To the extent possible, the contractor will lay back (and seed) slopes. Cut edges will be graduated in to low areas to maximize wildlife permeability.
- ▶ MDT will continue to participate in ongoing regional interagency planning efforts relative to wildlife habitat linkage areas.
- ▶ Prior to construction, MDT will perform a survey of raptor nests. Where appropriate and feasible, construction activity timing restrictions will be required.
- ▶ Where power lines are modified or reconstructed, they will be raptor-proofed to avoid electrocution hazards.

### **3.17 AQUATIC RESOURCES**

#### **3.17.1 AFFECTED ENVIRONMENT**

From west to east, the creeks within the study area are: Dry Creek, Middle (Hyalite), McDonald-Wylie, Aajker, Baxter, and Spring and some unnamed tributaries to these creeks. There are also irrigation ditches within the study area. Some creeks have been converted for irrigation, and some ditches have developed riparian bands of willow and cottonwood.

The ditches in the study area include: Spain-Ferris, Spain-Ferris Fork, Mammoth Fork, Beck-Border, and Farmer's Canal. Since the majority of ditches connect with the East Gallatin or Gallatin Rivers, they can provide fish habitat, especially during lower flow periods when ditches may be carrying more water than the creeks.

The fish species likely to be present in these creeks and ditches include three non-native game fish: brown trout, rainbow trout, and brook trout. Non-game species include longnose dace, longnose sucker, white sucker, mottled sculpin, and mountain whitefish.

According to the Montana Rivers Information System, Middle Creek is listed as a trout stream with the lower section rated as "moderate" value. Baxter Creek, where there has been a significant decrease in angling use over the past decade, was recently downgraded from a trout stream to a "limited" value stream. There were no data available for McDonald-Wylie Creek on the MRIS website at the time of this report.

#### **Rare and Sensitive Fish Species**

US Fish and Wildlife Service, FWP, and MTNHP consultations identified no rare or sensitive aquatic species occurrences in the study area. Therefore, no further species-specific consultation or mitigation will be required.

#### **3.17.2 IMPACTS**

**No-Action Alternative.** The No-Action Alternative will not cause impacts to aquatic resources.

**Preferred Alternative.** Direct impacts from the project will include the potential for increased sediment loads due to earth-moving activities and channel disruption from culvert replacement and bridge work. Incidental fish mortality could also occur, particularly if the construction activities overlap with either spawning or fry (young fish) outmigration seasons. Other direct impacts could potentially occur from construction related fuel spills or other introduction of contaminants into the creeks or ditches.

Indirect impacts may include changes in channel structure due to the new culverts and bridges. Overtime traffic is expected to increase in the study area and may result in increased petroleum products washing off the road and into the creeks.

Impacts would result from the above channel changes. Clearing out of sediment and increasing stream velocities slightly is not anticipated to have a negative effect on the fishery. Other effects may include a slight decrease in overall water quality due to increased road wastes from runoff.

### 3.17.3 MITIGATION

To allow fish passage and to alleviate creek sedimentation, larger culverts will be installed where appropriate. A bridge will be provided over Middle (Hyalite) Creek. However, this facilitation of flow may result in reduced hydrology for creek bank wetlands, may increase the overall creek velocities in the area of road crossings and may decrease sediment deposits.

## 3.18 THREATENED OR ENDANGERED SPECIES

### 3.18.1 AFFECTED ENVIRONMENT

Threatened or endangered species include those species listed or proposed for listing by USFWS as threatened or endangered. Under Section 7 of the Endangered Species Act, as amended, activities conducted, sponsored, or funded by federal agencies must be reviewed for their effects on species federally listed or proposed for listing as threatened or endangered.

The following proposed or listed species were considered for occurrence in the study area:

- ▶ Bald eagle (*Haliaeetus leucocephalus*), Threatened
- ▶ Ute ladies' tresses orchid (*Spiranthes diluvialis*), Threatened
- ▶ Water howellia (*Howellia aquatilis*), Threatened
- ▶ Spalding's catchfly (*Silene spaldingii*), Proposed Threatened

Field surveys for the federally threatened species were conducted in August and December 2001. No threatened, endangered, or proposed for listing species were observed during the site visits.

*Bald Eagle.* Migrating bald eagles frequent the study area in November and March, with highest incidence of passage occurring between February 15 and April 15. Bald eagle numbers are increasing overall, and higher numbers of non-breeding subadults have been documented in the Gallatin valley.

*Ute Ladies' Tresses Orchid.* Ute ladies' tresses orchid is known from wet meadows near Three Forks, Whitehall, and Townsend, Montana. Although potential habitat is present in the study area, this species was not observed during surveys conducted during the August blooming period.

*Water Howellia.* Water howellia occurs in vernal ponds and oxbow sloughs and is known from pothole ponds in the Swan Valley. Potential habitat is not present in the study area.

*Spalding's Catchfly.* Spalding's catchfly occurs at elevations of 820 to 1,060 meters (2,700 to 3,500 feet) in open grasslands or with scattered conifers and is known from Palouse prairie grasslands of northwest Montana. Potential habitat is not present in the study area.

### **3.18.2 IMPACTS**

**No-Action Alternative.** Under the No-Action Alternative, disturbances to terrestrial and aquatic resources associated with the use and maintenance of the existing highway would continue.

#### **Preferred Alternative.**

*Bald Eagle.* There is no suitable nesting or foraging habitat in the study area, therefore there will be no direct impacts on bald eagles. However, indirect impacts are possible. As regional bald eagle populations increase, marginal habitat will be increasingly utilized. The improved road surface and increased design speed, in conjunction with a future increase in traffic volume, may lead to higher numbers of road killed wildlife. The carcasses would provide carrion for bald eagles, thus increasing the likelihood of eagles being hit by vehicles.

*Ute Ladies' Tresses Orchid, Water Howellia, and Spalding's Catchfly.* Based on the known habitats of these species and results of the rare plant survey conducted in the study area, project implementation is not expected to jeopardize the continued existence of these species.

### **3.18.3 MITIGATION AND COORDINATION**

MDT does not have any specific concerns for threatened or endangered species in the study area. The two species of interest on this project are the bald eagle (threatened) and the Water howellia (threatened). The study area does not contain any suitable habitat for either species, and therefore no Biological Assessment is required. The Montana Natural Heritage Program (MNHP) did not identify any threatened or endangered species in the study area.

Informal consultation with the US Fish and Wildlife Service (USFWS) determined there are no threatened or endangered plant or animal species with potential to be affected by this project. Therefore, the project will not create any direct, indirect, or cumulative impacts on these species and a Biological Assessment is not required.

Mitigation for bald eagle and other wildlife in the study area consists of raptor-proofing all power poles that are to be relocated along the ROW, as stated in the August 3, 2001, letter from USFWS. MDT should follow the “Suggested Practices for Raptor Protection of Power Lines”, Edison Electric Institute, Washington DC, Pub. #41-40-00-04-371” recommendations for proper techniques.

There are no threatened or endangered plant species with potential to be affected by the project. Therefore, no mitigation for threatened or endangered plant species is required.

## **3.19 HAZARDOUS WASTE**

### **3.19.1 AFFECTED ENVIRONMENT**

Carter & Burgess, Inc. performed a Phase I Environmental Site Assessment (ESA) of the study corridor, in conformance with the scope and limitations of ASTM Standard Practice E 1527-97. According to the ESA, there is only one registered underground storage tank (UST) site within a 0.4-kilometer (0.25-mile) radius of the study corridor, and one leaking UST site located within 0.8-kilometer (0.50-mile) radius of the study corridor. These sites are located at 5651 Love Lane, south of East Valley Center Road.

Based on the ESA research, an on-site inspection of the corridor in August 2001, and a review of historical aerial photos, the ESA concluded that the corridor is a low environmental risk. A low risk rating means that there are no suspected or known environmental concerns that would warrant further investigation.

### **3.19.2 IMPACTS**

**No-Action Alternative.** There would be no impacts to hazardous materials sites with the No-Action Alternative.

**Preferred Alternative.** The Preferred Alternative is not expected to encounter hazardous waste or materials during project construction. The UST site located at 5651 Love Lane is not expected to be disturbed by the project.

### 3.19.3 MITIGATION

In the event that contaminated soils or materials are encountered during construction, Article 107.24, “Discovery of Underground Storage Tanks”, in MDT’s *Standard Specifications for Road and Bridge Construction*, would be implemented.

## 3.20 CONSTRUCTION

### 3.20.1 IMPACTS

**No-Action Alternative:** The No-Action Alternative would have no construction-related effects in the study area.

**Preferred Alternative:** There are several impacts associated with the construction of the preferred alternative. Construction impacts are expected to be temporary and short term and may include:

- ▶ *Noise and Vibration.* The operation of various types of machinery, such as heavy earth moving equipment, paving equipment, power tools, pile drivers, and trucks, in close proximity to residences would create an undesirable noise condition. Impacts from vibration are also likely during the construction period.
- ▶ *Air Quality.* A temporary increase in air pollution due to dust and fumes is expected as a result of construction operations.
- ▶ *Traffic.* Traffic patterns will be disrupted for travelers who utilize East Valley Center Road. Construction detours will be required for some periods of time during construction. Traffic will be reduced to one lane periodically during construction, which will result in wait times of up to 15 minutes for alternating directional flow. The roadway may be closed to through traffic from MT 85 to Love Lane for a period of time during construction, but local access in this area will be maintained. Temporary detours will be required.
- ▶ *Waste Disposal.* Waste generated during construction will include waste rock and soil; asphalt pavement, concrete, and structural material from culverts from the removal of the old roadway surface and structures. In addition, waste associated with contractor equipment such as fluids from vehicles will be generated.
- ▶ *Visual.* Stockpiles of earth materials, stacks of construction materials, and parked equipment and vehicles would cause a temporary visual impact to the residents near the locations of construction activities.

- ▶ *Erosion and Sedimentation.* Runoff from areas of exposed or disturbed soils may affect water quality of nearby surface waterways. Sedimentation may occur when eroded soils collect in areas below the construction site.
- ▶ *Aggregate Source.* A specific aggregate source has not been identified; however, there are several existing commercial sources within a reasonable distance from the project. No new source would need to be developed for this project.

### **3.20.2 MITIGATION**

Construction impacts will be minimized through the implementation of control measures during construction. These measures will include:

- ▶ Limit noise generating construction activities to occur between the hours of 7:00 AM and 9:00 PM near residential areas to minimize noise impacts.
- ▶ The use of appropriate dust suppression measures to minimize dust impacts associated with the construction activities. The contractor will obtain air quality permits from the Montana Department of Environmental Quality.
- ▶ Erosion control methods will be utilized including temporary and permanent seeding and mulching on disturbed slopes. Sediment control measures will be utilized, such as check dams, silt fences, and sedimentation basins along drainage routes and adjacent to sensitive areas.
- ▶ The contractor will implement an approved water quality control plan, so that appropriate measures are in place, including Best Management Practices, in case of an accidental spill.
- ▶ A suitable construction staging area will be established and the contractor will store materials and equipment in such a manner as to reduce visual impacts from nearby residences.
- ▶ Maintain traffic control throughout the construction process in order to maximize safety and minimize inconvenience to local road traffic. Delays will be scheduled, as much as possible, to avoid high peak traffic periods such as morning and evening periods when people are traveling to work and school. Local access to all parcels and residences will be maintained throughout the project. Planned closures and detours will be coordinated with local residents, the public and emergency service providers.
- ▶ Disposal of existing asphalt and concrete will comply with applicable laws, rules and regulations, including the Montana Solid Waste Management Act. Disposal or utilization will not place removed bituminous pavement in areas exposed to extended periods of water flow, in or near standing water, or close to groundwater wells.
- ▶ The contractor will obtain air quality permits from the Montana Department of Environmental Quality. Dust will be controlled by watering or other acceptable methods.

### **3.21 SECONDARY AND CUMULATIVE IMPACTS**

The analysis of cumulative impacts associated with any project includes an examination of the incremental impacts of the proposed action when added to the past, present and reasonably foreseeable impacts of other actions within the study area. For purposes of this cumulative analysis, a study area of approximately 3.2 kilometers (2 miles) north and south of the project was established. The eastern boundary is formed by I-90, and the western boundary by MT-85. The study area encompasses the rural area that lies between the long established cities of Bozeman and Belgrade, which represent a more urbanized environment.

#### **3.21.1 LAND USE**

The primary change that has occurred in this area over the past ten years has been the growth in residential development. Census data shows an increase in housing units between 1990 and 2000 of 149 percent in this study area. Gallatin County, the City of Belgrade and the City of Bozeman have worked together to coordinate review for proposed subdivisions and have adopted guidelines for the growth in this area. Proposed development is subject to review by these local authorities in order to insure that new growth occurs within the parameters established for this area. The only definite plans for housing development in this area are the final phases for the Wiley Creek subdivision and the Valley Grove subdivision which are already under construction. Reasonably foreseeable projects would include those which have been approved for development. As of this writing, there has been some discussion about development near the MT-85 junction, but no specific plans have been approved.

Predicting the effect of adding shoulders to an existing two-lane roadway along with left-turn bays at up major intersections on area growth and development is at best an imprecise exercise. There are many complex factors that can interact in unpredictable ways. Some of these include availability of jobs, the cost of gasoline, quality of schools, availability of utilities and services, policies of local governments, property tax rates, interest rates, scenery, and the national and local economy. For example, after building the interstate highway in eastern Montana in the 1960s and 1970s, some areas which had access to the new facility, actually lost population, due in part to a changing regional economy and the growth in the City of Billings which became a regional center. This project, which is to improve an existing two-lane roadway without any increase in travel lanes, is much less likely to induce growth than the construction of a new transportation facility. It is recognized that growth and development are subject to much more complex phenomenon than improvements to an existing road.

#### **3.21.2 TRANSPORTATION**

The transportation projects that are within the cumulative study area for this project include several safety improvement projects. The Montana Department of

Transportation is planning to add left-turn bays at selected locations along MT-85, as well as refurbish the pavement surface. Other scheduled transportation improvements in the area include minor safety and refurbishment projects, including selected locations for left turn bays and roadway resurfacing. No projects are scheduled within the cumulative study area that would provide additional capacity, i.e. additional lanes, to the roadways.

### **3.21.3 IMPACTS**

**No-Action Alternative.** The No-Action Alternative will not have secondary or cumulative impacts in the study area.

**Preferred Alternative.** The incremental impacts of this project, when added to past, present and reasonably foreseeable projects in the area, are not expected to result in a significant cumulative impact. The impacts directly associated with the project will be subject to mitigation measures, as described in this document. The impacts associated with future projects will be addressed through the permitting process established by the federal, state and local authorities, wherever applicable.

### **3.21.4 MITIGATION**

Mitigation for the direct impacts of this project are listed within the various resource sections in this document and summarized in the tables at the conclusion of this chapter. It is unlikely that the project will result in significant incremental impacts to the cumulative scenario, and therefore, no mitigation measures have been identified for secondary and cumulative impacts for this project.

## **3.22 PERMITS REQUIRED**

These permits may be required for the Preferred Alternative and, if so, will be obtained prior to construction.

- ▶ A **SPA124 Stream Protection Permit** will be required by Montana Department of Fish, Wildlife and Parks.
- ▶ A **Section 402/Montana Pollutant Discharge Elimination Permit** from the Montana Department of Environmental Quality's Permitting and Compliance Division.
- ▶ A **Section 404 Permit** from the US Army Corps of Engineers (USCOE). The USCOE will be notified that the proposed action qualifies for a "Nationwide Permit" under the provisions of 33 CFR 330.
- ▶ All work will be in accordance with the Water Quality Act of 1987 (P.L. 100-4), as amended.

- ▶ A **National Pollutant Discharge Elimination System (NPDES) Permit** for control of water pollution and to assure quality of storm water runoff.
- ▶ Other local permits for utilities.

### 3.23 SUMMARY OF IMPACTS

**Table 3-9** summarizes the impacts of the No-Action and Preferred Alternatives for each of the categories discussed in this chapter.

**Table 3-9  
Summary of Impacts**

Category	No-Action	Preferred Alternative
Land Use	No impact.	Consistent with planned development.
Farmland	No impact.	Affect both Prime and Unique and farmland of statewide and local importance. Farmland conversion rating is below the threshold of 260 points.
Right-of-Way	No impact.	Acquisition of approximately 16 hectares (39 acres) effecting 98 parcels.
Social	No impact.	No impacts to neighborhood, schools, communities, churches, or minority neighborhoods. Safety improvements for school buses and ped/bike travel.
Environmental Justice	No impact.	No disproportionate impacts to minority or low-income groups or areas.
Economic	Traffic delays, increased accidents	Short-term increase in construction jobs. No long-term impacts.
Visual	No impact.	Short-term construction impacts, long-term expanded pavements, grade changes, loss of vegetation, bike path, and possibility of lighting at signalized intersection.
Historical and Cultural Resources	No impact.	Impacts to four properties eligible for National Register of Historic Places. SHPO determination of "No Adverse Effect."
Parks and Recreation/4(f)&6(f)	No impact.	Impacts to four parcels identified as parkland. No 6(f) properties
Pedestrian and Bicyclists	No impact.	Addition of ped/bike pathway either as separate path, or as attached sidewalk.

**Table 3-9 (continued)  
Summary of Impacts**

Category	No-Action	Preferred Alternative
Noise	Increase in noise levels due to traffic increase. Less than 13 dB(A).	Increase in noise levels due to traffic increase. Less than 13 dB(A).
Air Quality	No impact.	Short-term dust from construction. No long-term impacts.
Water Quality	No impact.	Increase in sedimentation due to construction, long-term impacts associated with increased paved surface and increased runoff.
Floodplains	No impact.	No encroachment to delineated floodplains.
Wetlands	No impact.	Impacts to 0.17 hectare (0.42 acres) of jurisdictional wetlands. Total impacts to 0.27 hectare (0.66 acre) of wetlands.
Terrestrial and Biological Resources	No impact.	Vegetation disturbed. No sensitive species directly impacted. Increase in habitat fragmentation
Aquatic Resources	No impact.	No rare or sensitive species. Some mortality will occur with construction. Increased road runoff into streams.
Threatened or Endangered Species	No impact.	No threatened, endangered, or proposed for listing species were observed in the study area.
Hazardous Waste	No impact.	No impacts.
Construction	No impact.	Short-term impacts to noise, vibration, air quality, traffic, waste disposal, visual, erosion and sedimentation.
Secondary and Cumulative Impacts	No impact.	No impacts.

### 3.24 SUMMARY OF MITIGATION MEASURES

Table 3-10 summarizes the mitigation measures for the Preferred Alternative.

**Table 3-10  
Summary of Mitigation Measures**

Category	Preferred Alternative
Land Use	No mitigation required.
Farmland	No mitigation required.
Right-of-Way	ROW acquisition will conform with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (1989).
Social	No mitigation required.
Environmental Justice	No mitigation required.
Economic	No mitigation required.
Visual	No mitigation required.
Historical and Cultural Resources	SHPO determination of “No Adverse Effect.” Fencing will be replaced in kind.
Parks and Recreation/6(f)	Improved access to parkland with pedestrian/bike path.
Pedestrian and Bicyclists	Improved access with pedestrian/bike path.
Noise	No mitigation required.
Air Quality	No mitigation required.
Water Quality	Comply with Clean Water Act Section 404 and 401 permit requirements and Montana Stream Protection Act 124 conditions. Use Best Management Practices during construction. Prompt revegetation.
Floodplains	Culverts/bridges designed to 25-year flows with no overtopping of road.
Wetlands	Jurisdictional wetland impacts will be mitigated as required by the Army Corps of Engineers under Section 404 permit.
Terrestrial and Biological Resources	Replanting of disturbed areas. Survey for raptor nests. Raptor proof relocated power poles.
Aquatic Resources	For fish passage, larger culverts and bridges will be installed where appropriate.
Threatened or Endangered Species	Raptor proofing of relocated power poles.
Hazardous Waste	No mitigation required.
Construction	Standard control measures for MDT projects will be enforced.
Secondary and Cumulative Impacts	No mitigation required.

## **CHAPTER 4.0: SECTION 4(f) EVALUATION**

Title 49 USC 303 (also 23 USC 138) states that “The Secretary may approve a transportation program or project (other than any project for a park road or parkway under Section 204 of title 23) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state or local significance, or land of a historic site of national, state, or local significance, as determined by the federal, state, or local officials having jurisdiction over the park area, refuge or site only if a determination is made that:

1. there is no prudent or feasible alternative to using that land; and
2. the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

The following discussion refers only to those particular properties, adjacent to the project corridor, which are considered to be 4(f) properties. The potential impacts that may occur as a result of the implementation of the Preferred Alternative are identified for each location. The first portion of this chapter, Section 4.1, provides a short description of the historic properties and park properties adjacent to Secondary Road 235-East Valley Center Road, followed by a description, in Section 4.2, of the anticipated impacts to these properties based on preliminary design. The other sections included in this chapter are as follows: Section 4.3-Classification of Impacts, Section 4.4-Feasible or Prudent Alternatives, Section 4.5-Measures to Minimize Harm, Section 4.6-Coordination, and Section 4.7-the Section 4(f) Conclusion.

### **4.1 SECTION 4(f) PROPERTIES**

There are a total of seven Section 4(f) sites located adjacent to the East Valley Center Road, which are likely to be impacted by the Preferred Alternative. Four of these sites are historic properties eligible for the National Register for Historic Places (NRHP) and three are publicly controlled parkland sites.

#### **4.1.1 HISTORIC PROPERTIES**

##### **Dykstra Homestead**

The Dykstra Homestead is located just south of East Valley Center Drive, about 0.6 kilometer (0.4 mile) east of Montana 85. There are ten features at the site, including a house, a large historic barn, and eight smaller outbuildings. The house, barn, and four of the outbuildings appeared to be over 50 years old.

The house is a wood-framed vernacular structure, reportedly dating from the 1930s and displaying an unusual, wraparound front porch. It appears to retain a relatively high level of historic integrity. The nearby barn (also built in the 1930s) is easily the largest and most imposing building at the site; it is a wood-framed, gambrel-roofed structure

with a complex fenestration pattern and excellent integrity. All remaining buildings and structures at the site are relatively small and unobtrusive, and are of vernacular design.

This property is eligible for the National Register of Historic Places with local significance under criterion “c”. Both major buildings at the farmstead—the house and the barn—are historic structures displaying representative period designs and retaining a high level of historic integrity.

### **Sheldon Barn**

The Sheldon barn is located on the north side of East Valley Center Drive, about 5.5 kilometers (3.4 miles) east of Montana 85. The site consists of a single building: a relatively small gambrel-roofed barn construction of milled logs. Based on its 2001 appearance, the barn may date from about the 1930s. The barn retains a high level of architectural integrity.

This barn is eligible for the National Register of Historic Places with local significance under criterion “c”. The barn retains a very high level of historic integrity, and is a well-crafted example of locally unusual design. Relatively few log barns exist in the Gallatin Valley, and most are smaller, gable-roofed structures dating from the nineteenth century.

### **Cawlfeld Homestead**

The Cawlfeld homestead is located just south of East Valley Center Drive, approximately 6.4 kilometers (4 miles) east of Montana 85. There are six features at the site, including a house, a large barn, a garage, and three chicken coops. All of the buildings are over 50 years old.

The house is a large, 1 1/2-story wood-framed structure, reportedly dating from about 1929. It displays elements of the Craftsman architectural style in its form, detailing, and window arrangement. The house retains a relatively high level of historic integrity, although a formerly open porch has been enclosed and a small number of modern windows are present. The adjacent barn (also ca. 1929) is a large “L”-shaped structure, wood-framed and sided, and with a gable roof. The barn displays a very high level of historic integrity. The remaining buildings are small vernacular structures, visually compatible with the house and the barn.

This property is eligible for the National Register of Historic Places with local significance under criterion “c”. Both major buildings at the farmstead—the house and the barn—are historic structures displaying representative period design and retaining a high level of historic integrity. The barn, in particular, is a large and well-crafted example of its design type.

### **Lindekugel Homestead**

The Lindekugel homestead is located on the north side of East Valley Center Drive, about 6.9 kilometers (4.2 miles) east of Montana 85. There are three historic features at the site, including a house, a barn, and a shed, all of which are over 50 years old.

The house is a large, 2 1/2-story wood-framed structure, reportedly dating from ca. 1918. It displays numerous elements of the Craftsman architectural style, including a prominent center dormer and bracketed roof eaves. The house retains a generally high level of historic integrity, although a small addition is present and a formerly open inset front porch has been enclosed.

The barn at the Lindekugel farm (ca. 1904) is a very large rectangular structure, wood-framed and sided, and with a gambrel roof. The barn displays a very high level of historic integrity, and is among the largest and most visually imposing historic buildings in the central Gallatin Valley.

The barn is architecturally significant because it is a prime example of a Dutch gambrel barn. Primarily due to the architectural significance of the barn, this property is eligible for the National Register under criterion “c”.

The locations of these historic properties along East Valley Center Road are shown in **Figure 3-5** through **Figure 3-7** of this Environmental Assessment.

## **4.1.2 PARKLAND**

### **Wylie Creek Subdivision**

The parkland at Wylie Creek subdivision is located along East Valley Center Road about 2.3 miles east of MT 85. This land was granted and donated to Gallatin County for use of the public forever, and is controlled through a "use right". Through an agreement with the Homeowners Association (HOA), the HOA is responsible for maintenance and upkeep. The property is not fenced and is accessible to the public. There are no developed facilities on the property. It consists of a landscaped berm that serves as a buffer between the houses and the roadway and a roadside ditch that carries runoff along the roadway and beneath the subdivision entrance streets. The landscape treatment includes sod, trees and an irrigation system (see **Figure 4-1**). The park is used by the residents for activities such as dog walking and occasional sledding and is one of several “neighborhood parks” within the subdivision. The western-most parcel is also intended for use as a water retention facility during heavy rains. According to a homeowners’ board member, it has had water in it within the past four years.



**Photo 1**  
**Wylie Creek Subdivision Parkland**



**Photo 2**  
**Landscape Berm at Wylie Creek Subdivision**

The landscaping presently comes up to the edge of the existing roadway pavement. Some of the existing landscaped area is within right-of-way that has been dedicated for transportation.

#### **Valley Grove Subdivision Phase 4**

The site that is part of the Valley Grove Subdivision forms an open space area along MacDonald-Wiley Creek, north of East Valley Center Road about 2.1 miles east of MT 85. This land was granted and donated to Gallatin County for the use of the public forever as part of the subdivision approval and is protected by the County through a "use right". The maintenance of the parcels are currently the responsibility of the developer, but will be turned over to the Homeowners Association (HOA) when the build out of the subdivision is complete. The site is in a natural state with no developed facilities or trails (see **Figure 4-2**).

#### **Shakira Subdivision**

This parcel is located just west of Laden Lane on the south side of East Valley Center Road about 2.8 miles east of MT 85. The parcel sits between the back property line of the lots on Laden Lane and Aajker Creek. The parcel was granted and donated to the County use by the public forever as part of the subdivision approval. The site is in a natural state with no developed facilities or trails. The subdivision plan indicates a 5-foot path along the length of the parcel but at this time, no pathway has been developed. Once per year, the developer mows a strip through the grasses that can be used as a pathway, but no permanent path is apparent. A wooden sign has been placed at the north end of the lot which reads "Shakira Trail" (see **Figure 4-2**).

## **4.2 DESCRIPTION OF IMPACTS TO SECTION 4(f) PROPERTIES**

Direct impacts to a Section 4(f) property are a result of the purchase, lease, easement or agreement to change the use of all or a portion of the property. Direct conversion of use resulting from direct impact is one way a Section 4(f) property may be changed. Another way is through "constructive use". A constructive use results from any action that substantially impairs a vital use of a 4(f) property. This can occur from noise impacts, visual impacts, major access impacts or ecological intrusion.

The impacts that are discussed for the following properties are based on the preliminary design available at the time of this writing.

### **4.2.1 HISTORIC SITES**

#### **Dykstra Homestead**

Based on the preliminary design for the roadway improvements, which at this location includes paved shoulders, embankments, and a pedestrian/bike path along the south



**Photo 1**  
**Valley Grove Phase 4 Site**  
**View Looking South Toward East Valley Center Road**



**Photo 2**  
**Shakira Subdivision Site with Trail Sign**  
**View Looking South from East Valley Center Road**

side of the roadway, a portion of the property would need to be purchased for the project. The cross section proposed at this location is typical cross section number 1 which includes paved shoulders, sloped embankments and a 2-meter (6.5-foot) separation between the roadway and the pedestrian/bike path that runs along the south side of the roadway. No curb and gutter treatment is included as part of this proposed cross section. The new edge of right-of-way would be approximately 6.7 meters (22 feet) from the house, which is the structure nearest to the roadway. Some trees, which are currently located between the house and the roadway, would need to be removed as part of this project. The new edge of roadway pavement, which would be the edge of paved shoulder, will be approximately 21 meters (69 feet) from the house. None of the buildings on the site will be directly impacted by the project. Right-of-way acquisition at this location includes 1.7 hectares (4.2 acres) of the property. The total parcel is 150 hectares (260 acres).

The State Historic Preservation Officer (SHPO) has determined that there is “No Adverse Effect” to this property from the Preferred Alternative. (See concurrence letter dated August 6, 2002, in Appendix A.)

#### **Sheldon Barn**

Based on the preliminary design for the roadway, the new edge of right-of-way at this location will be approximately 1 meter (3 feet) from the Sheldon Barn building. The cross section proposed at this location is typical cross section number 1 that includes paved shoulders and sloped embankments with no curb and gutter treatment. The new edge of roadway pavement, which is the edge of shoulder, will be approximately 14 meters (46 feet) from the building. From edge of shoulder to edge of right-of-way there will be a sloped embankment and roadside ditch for runoff retention. There are no trees between the building and the roadway at present; therefore, no tree removal will be required at this location. The utility poles will be located along the north sides of the roadway within the public right-of-way. Right-of-way acquisition at this site will be 0.09 hectares (0.2 acres). The total parcel is 0.61 hectares (1.5 acres).

The SHPO has determined that there is “No Adverse Effect” to this property from the Preferred Alternative. (See concurrence letter dated August 6, 2002, in Appendix A.)

#### **Cawfield Homestead**

The preliminary design for the roadway improvements include a minor infringement for right-of-way along the frontage of this property. The distance from the house structure, which is the structure nearest to the roadway, to the edge of the required right-of-way, is approximately 7.5 meters (25 feet). There is a grove of trees to the west of the house, some of which will be impacted by the project.

At this location the typical cross section number 4 is proposed which includes curb and gutter treatment on both sides of the roadway and a pedestrian/bike path immediately adjacent to the curb on the south side of the roadway. The distance from the house structure to the edge of the new roadway pavement is approximately 16.5 meters (54

feet). The distance from the edge of pavement to the edge of right-of-way includes space needed for sloped embankments and roadside ditches. Right-of-way acquisition at this site will be 0.3 hectares (0.7 acres). The total parcel is 32 hectares (79 acres).

The SHPO has determined that there is “No Adverse Effect” to this property from the Preferred Alternative. (See concurrence letter dated August 6, 2002, in Appendix A.)

#### **Lindekugel Homestead**

Based on the preliminary design information, the new right-of-way will be 7.0 meters (23 feet) from the nearest structure. The distance from the house to the edge of pavement, which is typical cross section number 4, with curb and gutter treatment, will be approximately 16 meters (52 feet). There are large trees along the front of the property at this site. Some of these trees may be impacted by the project. The right-of-way acquisition at this site will be 0.16 hectares (0.39 acres). The total parcel is 2.8 hectares (7.0 acres).

The SHPO has determined that there is “No Adverse Effect” to this property from the Preferred Alternative. (See concurrence letter dated August 6, 2002, in Appendix A.)

#### **4.2.2 PARKLAND**

##### **Wylie Creek Subdivision**

The preliminary design plans show a need for purchase of approximately 0.14 hectares (0.35 acres) of right-of-way within the landscaped park at the Wylie Creek subdivision. The total site is 1.5 hectares (3.7 acres) of which 9 percent would be needed for the project. The proposed typical cross section at this location is cross section number 3, which includes a curb and gutter treatment on the south side of the roadway with the pedestrian/bike path immediately adjacent to the curb. On the north side of the roadway, the proposed cross section includes a 2.8-meter (9-foot) shoulder with a sloped embankment.

The currently dedicated transportation right-of-way at this location is 27.4 meters (90 feet). The landscaping at this location currently abuts the existing pavement, therefore, some of the landscaping is within that transportation right-of-way. In addition to the acquisition of additional right-of-way at this site, some temporary construction impacts may occur outside of the acquired right-of-way. All temporary impacts will be mitigated with landscape replacement to the pre-impact condition. The existing roadside ditch will no longer be needed, as the roadway drainage will be carried by the curb and gutter. Any runoff from the berm towards the road will also be carried by this system. No facilities or activities will be affected by the project.

Noise impacts at the site will increase as a result of projected increased traffic on the roadway which is anticipated for both the No-Action Alternative and the Preferred Alternative. Projected noise impacts will not approach or exceed the FHWA and MDT NAC standards. Visual impacts will include a widened pavement surface along the

corridor. No visual obstruction to the site will occur. Views from the site to the surrounding area will not be affected. Pedestrian/bike access to the site will be improved with the addition of a pathway. No change in auto access would occur. For these reasons, this is not a constructive use of this property.

#### **Valley Grove Phase 4**

Based on preliminary design, approximately 0.04 hectare (0.1 acre) of land will be acquired from this site, which consists of four parcels for a total of 2.67 hectares (6.6 acres). The acquisition constitutes a purchase of one percent of the site. Typical cross section number 3 is proposed at this location, which includes two travel lanes, a shoulder and embankment treatment along the north side of the roadway and a curb and gutter treatment along the south side. A pedestrian/bike path will be constructed along the south side, adjacent to the paved surface. Temporary construction impacts may occur outside of the proposed right-of-way. Disturbed vegetation will be replaced with natural grasses. No facilities or activities will be affected by the project.

Noise impacts at the site will increase as a result of projected increased traffic on the roadway which is anticipated for both the No-Action Alternative and the Preferred Alternative. Projected noise impacts will not approach or exceed the FHWA and MDT NAC standards. Visual impacts will include a widened pavement surface along the roadway. No visual obstruction to the site will occur. Views from the site to the surrounding area will not be affected. Access to the site will be improved with the addition of a pedestrian/bike path. No change in auto access would occur. For these reasons, this is not a constructive use of this property.

#### **Shakira Subdivision**

Based on the preliminary design, approximately 0.01 hectare (0.02 acre) of this 0.84 hectare (2.09 acre) parcel would be acquired. This acquisition constitutes a purchase of one percent of the total site. Typical cross section number 1 is proposed at this location, which includes two travel lanes, shoulders, embankments and roadside ditches. A pedestrian/bike path will be constructed along the south side of the roadway within the proposed public right-of-way. Temporary construction impacts may occur outside of the proposed right-of-way. Disturbed vegetation will be replaced with natural grasses. No facilities or activities will be affected by the project.

Noise impacts at the site will increase as a result of projected increased traffic on the roadway which is anticipated for both the No-Action Alternative and the Preferred Alternative. Projected noise impacts will not approach or exceed the FHWA and MDT NAC standards. Visual impacts will include a widened pavement surface along the roadway. No visual obstruction to the site will occur. Views from the site to the surrounding area will not be affected. Access to the site will be improved with the addition of a pedestrian/bike path. No change in auto access would occur. For these reasons, this is not a constructive use of this property.

### **4.3 CLASSIFICATION OF IMPACTS**

The impacts to these Section 4(f) properties have been reviewed and a determination has been made that the impacts fall within the classification of a Programmatic Section 4(f) evaluation. The reasons for this determination are:

- The Preferred Alternative is designed to improve the operational characteristics, safety and physical condition of an existing roadway facility on essentially the same alignment.
- The affected Section 4(f) sites involved are publicly owned parks or historic sites located adjacent to the existing roadway.
- The amount and location of the Section 4(f) lands to be impacted would not impair the use of the remaining Section 4(f) land, in whole or in part.
- The parkland to be acquired is less than ten percent of the total size of the site.
- The proximity impacts of the Preferred Alternative on the remaining Section 4(f) land do not impair the use of the land for its intended purpose.
- The impact on the Section 4(f) potential historic sites resulting from the use of the land is considered to be minor. The word minor is narrowly defined as having a “no effect” or “no adverse effect” on the qualities, which qualified the site for listing or eligibility on the National Register for Historic Places.
- The State Historic Preservation Officer (SHPO) has agreed, in writing (letter contained in Appendix A), with the assessment of the impacts of the Preferred Alternative and the proposed mitigation for the historic sites.
- Gallatin County has expressed conceptual concurrence, in writing (letter contained in Appendix A), with the assessment of the impacts and with the proposed mitigation.

A Section 4(f) Programmatic Evaluation form for each site is included in Appendix B.

### **4.4 FEASIBLE OR PRUDENT ALTERNATIVES**

#### **4.4.1 NO-ACTION ALTERNATIVE**

The No-Action Alternative would leave the roadway in its current condition with no shoulders or bridge widening. This option would not meet purpose and need and would not include the safety improvements developed in response to accident rates. This alternative would not have environmental impacts to the surrounding landscape. A delay in travel time is likely to occur on the eastern portion of the project area as traffic volumes and turning movements increase.

#### **4.4.2 IMPROVEMENTS WITHOUT USING THE ADJACENT SECTION 4(f) PROPERTIES**

At the Dykstra Homestead, the roadway would need to be shifted to the north in order to avoid any impacts to the property. This would likely result in additional impacts to farmland on the north side of the road and to the irrigation ditch in this area. It would also result in a reverse curve in the roadway, creating a potential safety hazard for the motorist. In order to reduce the impacts to this property, the cross section would need to be reduced, resulting in additional project cost and an unexpected change in treatment creating a potential safety hazard for the traveling public.

At the Sheldon Barn, the roadway would need to be shifted further to the south to avoid any impacts to the property. This would likely result in greater impacts to farmland on the south side and to the wetlands along Baxter Creek, which is in the area. This option would also result in a reverse curve in the roadway, creating potential safety hazards for the traveling public.

At Cawfield Homestead, the roadway would need to be shifted to the north in order to avoid any impacts to the property. This would result in impacts to private residential property on the north side of the roadway and possibly to Spring Creek, which is near this site. Shifting the roadway alignment at this location would result in a reverse curve, creating potential safety hazards for the traveling public.

At the Lindekugel Homestead, the roadway would need to be shifted to the south in order to avoid impacts to this property. This would result in impacts to private residential property on the south side of the roadway. Shifting the roadway would also result in a reverse curve, creating potential safety hazards for the traveling public.

At the Wiley Creek Subdivision parkland the roadway would need to be shifted to the north to avoid any impacts to the property. This would result in impacts to private residential property on the north side of the road as well as to the parkland at the Valley Grove Phase 4 site. The residences are in close proximity to the roadway and a shift in alignment might cause the need for relocations. Shifting the roadway would also result in a reverse curve, creating potential safety hazards for the traveling public.

At the Valley Grove Phase 4 site, the cross section would need to be modified or the roadway shifted to the south in order to reduce the impacts. A change in treatment would result in additional project cost and an unexpected change in roadway configuration creating a potential safety hazard. A shift in alignment to the south would result in additional impacts to the Wiley Creek parkland site.

At the Shakira Subdivision site, the cross section would need to be modified or the roadway shifted to the north in order to reduce the impacts. A change in treatment would result in increased project cost and an unexpected change in roadway configuration which would result in potential hazard for the traveling public. A shift in

alignment to the north would result in a reverse curve, creating potential safety hazard for the traveling public.

#### **4.4.3 ALTERNATIVE ON NEW LOCATION (OFF-ALIGNMENT ALTERNATIVE)**

An alternative alignment on a new right-of-way (not using the existing roadway alignment) would require additional right-of-way acquisition. In order to serve the projected traffic for the corridor, the new alignment would need to be in reasonably close proximity to the existing roadway. There are 4(f) properties on both the north and south sides of the roadway; therefore, a new alignment would not avoid all of them. Depending on the exact location of a new alignment, there may be impacts to historic structures that exist on both sides of the roadway. Impacts to prime and unique farmlands, relocations, noise impacts to residences, wildlife impacts, and visual impacts would likely be greater with a new alignment. For these reasons, an alternative alignment was not considered to be prudent or feasible.

### **4.5 MEASURES TO MINIMIZE HARM**

#### **4.5.1 HISTORIC PROPERTIES**

Consultation with the cultural resources historian was held concerning the historic properties subject to Section 4(f) legislation. Agreement has been reached to provide the following mitigation:

- ▶ At the east end of the project, at the location of the Lindekugel and Cawfield Homesteads, the proposed cross section is a curb and gutter treatment, which serves to minimize impacts to these properties.
- ▶ At the Sheldon Barn site, the Preferred Alternative centerline has been located south of the existing centerline in order to minimize the impacts to this property.

#### **4.5.2 PARKLAND**

Consultation with Gallatin County has occurred concerning the sites granted and donated to the County for public use that are currently accessible to the public.

- ▶ At the Wiley Creek subdivision neighborhood park, the proposed cross section is curb and gutter treatment, which serves to minimize impacts to this site. The cross section also includes a pedestrian/bike path that will provide improved access to this location.
- ▶ The proposed pedestrian/bike path will also provide improved access to the Valley Grove Phase 4 site and the Shakira site and will connect with other planned trails in the area.

#### **4.6 COORDINATION**

Coordination related to the historic sites and park sites has occurred with the agencies having jurisdiction over the Section 4(f) properties and includes:

- ▶ Consultation with Gallatin County concerning sites along the corridor that have been granted and donated to the County for public use. The County has expressed conceptual concurrence, in writing, in a letter dated August 1, 2002 (see Appendix A).
- ▶ Consultation with the State Historic Preservation Officer has occurred regarding the impacted historic sites. A letter from the SHPO, with a concurrence dated August 6, 2002, finds that there is No Adverse Effect to the historic properties due to the project (see Appendix A).

#### **4.7 CONCLUSION**

Based upon the above considerations, there is no feasible or prudent alternative to the use of the land from the Section 4(f) properties and the proposed action includes all possible planning to minimize harm to the Section 4(f) properties from such use.

## **CHAPTER 5.0: COMMENTS AND COORDINATION**

### **5.1 PUBLIC INVOLVEMENT ACTIVITIES**

**Public Open House.** A public informational meeting was held on June 19, 2001, from 5:00 p.m. to 8:00 p.m. at the Wingate Inn in Bozeman, Montana. A short formal presentation was made at 7:00 pm. Personal letters were sent to each of the abutting landowners along the project area notifying them of this meeting. Over 100 people were in attendance at this meeting. Mr. Jim Weaver gave a brief presentation including the following points:

- ▶ A draft EA should be done by next summer.
- ▶ Staff will meet with individual property owners along East Valley Center Road.
- ▶ The project covers the area from the junction of MT-85 to the I-90 underpass.
- ▶ Plan is for a two-lane road with paved shoulders and left-turn bays at major intersections.
- ▶ The roadside ditches will be filled in or relocated.
- ▶ Additional right-of-way will be needed.
- ▶ If a bike path is built, it will be along the south side.
- ▶ All irrigation ditches will be perpetuated and irrigation lines replaced.
- ▶ Curb and gutter cross section will be used on the east end to minimize right-of-way.
- ▶ Streetlight may be placed at major intersections.
- ▶ Tentative construction date is year 2005.

During the comment period the public expressed concerns about the following areas:

- ▶ Amount of right-of-way needed
- ▶ Construction impacts and use of road during construction
- ▶ Noise concerns
- ▶ Speed limit increase; safety concerns with children crossing road.
- ▶ Drainage in this area; water overtops road at times.
- ▶ Effects to ditches
- ▶ Fence replacement
- ▶ Historic structure east of Hidden Valley Road

**Public Hearing.** A public hearing will be held to receive comments on the Environmental Assessment.

## **5.2 LIST OF AGENCIES WITH JURISDICTION AND/OR PERMITS REQUIRED**

The following permits or coordination would be required for the Preferred Alternative and would be obtained prior to any disturbance:

- ▶ **U.S. Army Corps of Engineers**  
*Section 404 Permit.* MDT must obtain a Clean Water Act: Section 404 Permit from the Corps of Engineers.
- ▶ **Montana Department of Environmental Quality, Water Quality Division**  
*Section 402 NPDES/MPDES Permit.* The MDEQ Water Quality Division would review plans and specification relative to erosion control or a storm water discharge permit. A Storm Water Erosion Control Plan would be developed for the project.
- ▶ **Montana Department of Environmental Quality, Water Quality Division**  
*3A Authorization.* This authorization must be obtained from the MDEQ Water Quality Division for construction activities that may cause unavoidable short-term violations of state surface water quality standards for turbidity, total dissolved solids, or temperature.
- ▶ **Montana Department of Fish, Wildlife, and Parks**  
*124 Stream Protection Act Permit.* This permit is needed from the Montana Department of Fish, Wildlife and Parks to maintain the quality of streams and fisheries affected by highway-related construction.

## **5.3 COORDINATION WITH AGENCIES, GROUPS OR PERSONS**

Coordination with the following agencies, groups or persons has occurred:

- ▶ Bozeman Fire Department
- ▶ City of Bozeman
- ▶ City of Belgrade
- ▶ Developer of Valley Grove Subdivision
- ▶ Developer of Shakira Subdivision
- ▶ Homeowner's Association Board Member for Wiley Creek Subdivision
- ▶ Gallatin County
- ▶ Montana Department of Environmental Quality
- ▶ Montana Department of Fish, Wildlife and Parks
- ▶ Montana Department of Transportation
- ▶ State Historic Preservation Office
- ▶ U.S. Army Corps of Engineers
- ▶ U.S. Department of Agriculture

**Appendix A:  
Agency Correspondence**

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# FARMLAND CONVERSION IMPACT RATING

<b>PART I (To be completed by Federal Agency)</b>		Date Of Land Evaluation Request	2-6-02
Name Of Project	JCT MT-85 - East (Boeman)	Federal Agency Involved	FHWA
Proposed Land Use	Road Widening	County And State	Gallatin, MT
<b>PART II (To be completed by NRCS)</b>		Date Request Received By NRCS	2-8-02 (NEEDED MORE INFO)

Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated	166.51	Average Farm Size	-
Major Crop(s)	Farmable Land In Govt. Jurisdiction		Amount Of Farmland As Defined in FPPA				
ALFALFA, BARLEY & WHEAT	Acres: 0	%	Acres: %				
Name Of Land Evaluation System Used	Name Of Local Site Assessment System		Date Land Evaluation Returned By NRCS				
(NONE) USED SOIL SURVEY	(NONE) USED SOIL SURVEY		2/28/02				

<b>PART III (To be completed by Federal Agency)</b>	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	44.45			
B. Total Acres To Be Converted Indirectly	122.06			
C. Total Acres In Site	0.0	0.0	0.0	0.0

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b> ✓				
A. Total Acres Prime And Unique Farmland	87.84			
B. Total Acres Statewide And Local Important Farmland	17.16			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	N/A			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	-			

<b>PART V (To be completed by NRCS) Land Evaluation Criterion</b> ✓				
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	0	N/A	0	0

<b>PART VI (To be completed by Federal Agency)</b>	Maximum Points				
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))					
1. Area In Nonurban Use	15	14			
2. Perimeter In Nonurban Use	10	8			
3. Percent Of Site Being Farmed	20	15			
4. Protection Provided By State And Local Government	20	20			
5. Distance From Urban Builtup Area	N/A	15			
6. Distance To Urban Support Services	N/A	10			
7. Size Of Present Farm Unit Compared To Average	10	5			
8. Creation Of Nonfarmable Farmland	25	5			
9. Availability Of Farm Support Services	5	5			
10. On-Farm Investments	20	10			
11. Effects Of Conversion On Farm Support Services	25	0			
12. Compatibility With Existing Agricultural Use	10	5			
<b>TOTAL SITE ASSESSMENT POINTS</b>	160	0	112	0	0

<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)	100	0	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	0	112	0	0
<b>TOTAL POINTS (Total of above 2 lines)</b>	260	0	112	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used?
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Reason For Selection:  
 NO LAND EVALUATION CRITERION IN PLACE IN GALLATIN COUNTY.

## STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 – NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step 4 – In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 – NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

## INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

**Part I:** In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

**Part III:** In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

**Part VI:** Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5 (b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

**Part VII:** In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site "A."}$$

Maximum points possible      200

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RECEIVED Montana Department of Transportation

David A. Galt, Director  
Joseph Wartz, Governor

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

AUG 08 2002

RECEIVED  
AUG 25 2002

July 23, 2002

ENVIRONMENTAL

Mark Baumler  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

RECEIVED

Josef  
MDF

BY: .....

Subject: STPS 235-1(8)0  
JCT. U.S. 191 - West  
Control No. 4470

Enclosed is the Determination of Effect for the above project in Gallatin County. We have determined that the proposed roadway reconstruction project would have No Adverse Effect to the Dykstra Homestead (24GA729), Sheldon Barn (24GA730), Cawlfeld Homestead (24GA733) and the Lindenkugel Homestead (24GA734) for the reasons specified in the document. We request your concurrence.

If you have any questions, please contact me at 444-6258.

*Jon Axline*  
Jon Axline, Historian  
Environmental Services

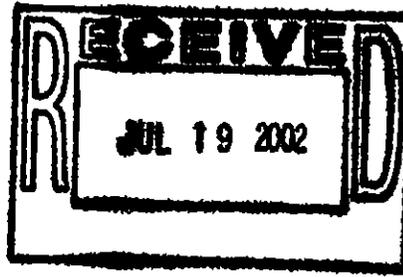
CONCUR  
MONTANA SHPO

DATE Aug 02 SIGNED *Jon J. Weisbank*

Enclosure

cc: Jason Giard, P.E., Butte District Administrator  
Carl Peil, P.E., Preconstruction Bureau  
Gordon Stockstad, Resources Section

# Carter::Burgess



216 16th Street, Suite 1700  
Denver, Colorado 80202  
Phone: 303.820.5240  
Fax: 303.820.2402  
www.c-b.com

July 18, 2002

Mr. Lee Provance  
Road and Bridge Superintendent  
Gallatin County  
201 West Tamarac  
Bozeman, MT 59715

**Re: East Valley Center Road Project  
Section 4(f) Evaluation**

Dear Mr. Provance:

Carter & Burgess is preparing the Environmental Assessment for the East Valley Center Road widening project. As part of the environmental documentation, and the Section 4(f) evaluation, we are requesting concurrence from the County, as the agency with jurisdiction, regarding the impacts and mitigation measures at several park sites along the corridor. Your concurrence will indicate that the assessment of impacts is appropriate and that the commitments for mitigation are acceptable. This concurrence letter will be included in the Environmental Assessment that will be distributed to the public prior to holding a public hearing on the project. Comments from the citizens along the corridor will be received at the public hearing and will be taken into consideration by MDT and FHWA in their review of the project. No final decision on the project will be made until after public comment is received.

Included with this letter are the following supporting items:

1. Summary of project impacts and mitigation at the park locations
2. Typical cross-section graphics
3. Plan sheets for the portions of the project that affect the park sites.

If you have any questions about the engineering design for the project, please contact Mr. Jim Weaver, WGM Group, at 406-728-2476. If you have any questions regarding the environmental process, please contact me at 720-359-3078.

Sincerely,

A handwritten signature in cursive script that reads "Sandi C. Kohrs".

Sandi C. Kohrs  
Senior Planner

cc: File #070789300  
Jim Weaver, WGM Group

Enclosures

I concur with the assessment of impacts and the commitments to mitigation, summarized in the attachments, for the East Valley Center Road project. *AS THESE PARKS ARE UNDER THE JURISDICTION AND OWNERSHIP OF THE HOMEOWNERS ASSOCIATIONS, WE CAN ONLY GIVE CONCEPTUAL CONCURRENCE.*

A handwritten signature in cursive script that reads "Lee Provance".  
Date *8/1/02*  
LEE PROVANCE, GALLATIN COUNTY ROAD & BRIDGE SUPERINTENDENT

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REPLY



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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

M.44 MIDT (1)

August 3, 2001

Leanne Roulson  
Garcia and Associates  
151 Evergreen Drive, Suite B  
Bozeman, Montana 59715

Dear Ms. Roulson:

This is in response to your letter dated July 5 regarding a proposal by the Montana Department of Transportation to reconstruct approximately 11 kilometers of East Valley Center Road (Jct. MT 85 East - Belgrade; STPS 235-1(8)0; Control No. 4470) in Gallatin County, Montana. Your letter requested information the US Fish and Wildlife Service (Service) may have pertaining to threatened and endangered (T/E) species that may occur in the vicinity of the proposed project. The Service's Montana Field Office received your letter on July 17. 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.).

A map was not received with your correspondence, so the exact location of the proposed project was difficult to discern. The species listed below are more likely to occur near larger streams, and were included in case the project occurs in proximity to the Gallatin River. In accordance with section 7(c) of the Act, the Service has determined that the following threatened, endangered, proposed and candidate species may be present in the project area:

<u>Listed Species</u>	<u>Expected Occurrence</u>
bald eagle ( <i>Haliaeetus leucocephalus</i> ); threatened	spring or fall migrant; winter resident
Ute Ladies'-tresses ( <i>Spiranthes diluvialis</i> ); threatened	river meander wetlands

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.

For those actions wherein a biological assessment is required, the assessment should be completed within 180 days of initiation. This time frame can be extended by mutual agreement between the Federal agency or its designated non-Federal representative and the Service. If an assessment is not initiated within 90 days, this list of threatened and endangered species should be verified with the Service prior to initiation of the assessment. The biological assessment may be undertaken as part of the Federal agency's compliance of section 102 of NEPA and incorporated into the NEPA documents. We recommend that biological assessments include the following:

1. A description of the project.
2. A description of the specific area that may be affected by the action.
3. The current status, habitat use, and behavior of T/E species in the project area.
4. Discussion of the methods used to determine the information in Item 3.
5. An analysis of the affects of the action on listed species and proposed species and their habitats, including an analysis of any cumulative effects.
6. Coordination/mitigation measures that will reduce/eliminate adverse impacts to T/E species.
7. The expected status of T/E species in the future (short and long term) during and after project completion.
8. A determination of "is likely to adversely affect" or "is not likely to adversely affect" for listed species.
9. A determination of "is likely to jeopardize" or "is not likely to jeopardize" for proposed species.
10. Citation of literature and personal contacts used in developing the assessment.

If it is determined that a proposed program or project "is likely to adversely affect" any listed species, formal consultation should be initiated with this office. If it is concluded that the project "is not likely to adversely affect" listed species, the Service should be asked to review the assessment and concur with the determination of no adverse effect.

A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare biological assessments. However, the ultimate responsibility for Section 7 compliance remains with the Federal agency and written notice should be provided to the Service upon such a designation. We recommend that Federal agencies provide their non-Federal representatives with proper guidance and oversight during preparation of biological assessments and evaluation of potential impacts to listed species.

Section 7(d) of the Act requires that the Federal agency and permit/applicant shall not make any irreversible or irreticvable commitment of resources which would preclude the formulation of reasonable and prudent alternatives until consultation on listed species is completed.

Page 3

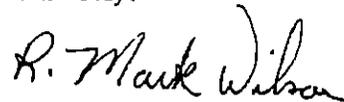
Any power lines in the vicinity, if not properly constructed, could pose electrocution hazards for bald eagles. To conserve this species, and other large raptors protected by Federal law, we urge that any power lines that need to be modified or reconstructed as a result of this project be raptor-proofed following the criteria and techniques outlined in the publication, "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996." A copy may be obtained from: Jim Fitzpatrick, Treasurer, Carpenter Nature Center, 12805 St. Croix Trail South, Hastings, MN 55033. The use of such techniques would likely be most beneficial adjacent to expected raptor foraging areas (i.e. stream crossings or wetlands that support populations of waterfowl).

Information accompanying your letter indicates that the existing bridge over Middle Creek is proposed to be replaced with either a new single span bridge or a double box culvert. To facilitate the movement of bedload and debris, more easily accommodate flood flows, and preserve the integrity of the stream channel and riparian zone along Middle Creek, the Service advocates the construction of a single span bridge if at all feasible. Although not a concern for listed species at this location, clear span bridges allow for more naturally functioning and intact stream channels and riparian areas that, in turn, facilitate the movement of aquatic and terrestrial species and foster overall stream health, thereby benefitting numerous species.

Your letter does not mention whether wetlands might be impacted by the proposed construction project. If so, Corps of Engineers (Corps) Section 404 permits may eventually be required. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the Corps as may appear reasonable and prudent based on the information available at that time.

If you have questions regarding this letter, please contact Mr. Scott Jackson, of my staff, at the address above or by phone at (406) 449-5225, ext. 201.

Sincerely,



R. Mark Wilson  
Field Supervisor

**Appendix B:  
Programmatic Section 4(f) Evaluation**

---

MONTANA DIVISION

"NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS  
ON  
HISTORIC SITES  
EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project #: STPS 235-1(8)0 Control No. 4470 Date: September 5, 2002  
 Project Name: East Valley Center Road Location: Bozeman, MT  
 Site: DYKSTRA HOMESTEAD

NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.

- |  | <u>YES</u>                          | <u>NO</u>                           |
|--|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to the existing highway?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation?<br>(See Appendix A--concurrence dated August 6, 2002.) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 6. Is the proposed action under an Environmental Impact Statement (EIS)?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 8. The Scope-of-Work for the proposed project is one of the following:   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| a) Improved traffic operation;   |                                     |                                     |
| b) Safety improvements;  |                                     |                                     |
| c) 3R;   |                                     |                                     |
| d) Bridge replacement on essentially the same alignment; or  |                                     |                                     |
| e) Addition of lanes.  |                                     |                                     |

ALTERNATIVES CONSIDERED

- |   |                                     |                          |
|---|-------------------------------------|--------------------------|
| 1. The "do-nothing" <b>ALTERNATIVE</b> has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>The do nothing alternative would not meet purpose and need and would not include the safety improvements developed in response to above average accident rates.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|-------------------------------------|--------------------------|

**YES**      **NO**

ALTERNATIVES CONSIDERED (continued)

2. An **ALTERNATIVE** has been evaluated which improves the highway without any 4(f) impacts, and is also not considered to be feasible and prudent.              
**Shifting the improvement north would result in additional impacts to farmland and an irrigation ditch. It would also result in a reverse curve, creating a potential hazard for the motorist.**
3. An **ALTERNATIVE** on a new location avoiding the 4(f) site has been evaluated, and is not considered to be feasible and prudent.              
**An alternative on a new alignment would cause impacts to other historic properties, farmlands, residences and wildlife. For these reasons a new alignment was not considered to be prudent or feasible.**

Descriptions are detailed above.

MINIMIZATION OF HARM

1. The proposed project includes all possible planning to minimize harm.
2. Measures to minimize harm include the following:  
**a) A pedestrian/bike path will be provided with this project and will improve access to the site.**

COORDINATION

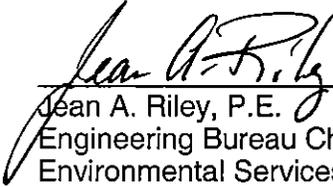
1. The proposed project has been coordinated with the following.
- a) SHPO (date: **August 6, 2002**)
- b) ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) (date:      )              
**ACHP coordination was not required since the proposed project would have no adverse effect on the site.**
- c) Property owner              
**The property owner will be contacted as part of the right-of-way acquisition process.**
- d) Local/State/Federal agencies              
**SHPO**
2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation:  
**SHPO comments: Concurrence with MDT finding of No Adverse Effect to the sites.**

SUMMARY

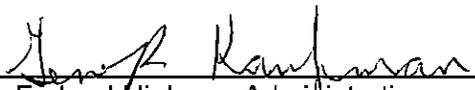
All required ALTERNATIVES have been evaluated and the proposed project meets all the criteria included in the "Nationwide Programmatic" Section 4(f) evaluation approved on December 23, 1986. This Programmatic Evaluation includes all possible planning to minimize harm which will be incorporated in this proposed project.

APPROVAL

This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.

  
\_\_\_\_\_  
Jean A. Riley, P.E.  
Engineering Bureau Chief  
Environmental Services

Date: 11/27/02

Approved:   
\_\_\_\_\_  
Federal Highway Administration

Date: 1/27/03

"ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED ON REQUEST."

MONTANA DIVISION

"NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS  
ON  
HISTORIC SITES  
EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project #: STPS 235-1(8)0 Control No. 4470 Date: September 5, 2002  
 Project Name: East Valley Center Road Location: Bozeman, MT  
Site: SHELDON BARN

NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.

- |  | <u>YES</u>                          | <u>NO</u>                           |
|--|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to the existing highway?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation?<br>(See Appendix A--concurrence dated August 6, 2002.) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 6. Is the proposed action under an Environmental Impact Statement (EIS)?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 8. The Scope-of-Work for the proposed project is one of the following:   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| a) Improved traffic operation;   |                                     |                                     |
| b) Safety improvements;  |                                     |                                     |
| c) 3R;   |                                     |                                     |
| d) Bridge replacement on essentially the same alignment; or  |                                     |                                     |
| e) Addition of lanes.  |                                     |                                     |

ALTERNATIVES CONSIDERED

- |   |                                     |                          |
|---|-------------------------------------|--------------------------|
| 1. The "do-nothing" <b>ALTERNATIVE</b> has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>The do nothing alternative would not meet purpose and need and would not include the safety improvements developed in response to above average accident rates.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|-------------------------------------|--------------------------|

YES      NO

ALTERNATIVES CONSIDERED (continued)

2. An **ALTERNATIVE** has been evaluated which improves the highway without any 4(f) impacts, and is also not considered to be feasible and prudent.         
**Shifting the improvement farther to the south would result in additional impacts to farmlands and to wetlands along Baxter Creek. It would also result in a reverse curve, creating a potential hazard to motorists.**
3. An **ALTERNATIVE** on a new location avoiding the 4(f) site has been evaluated, and is not considered to be feasible and prudent.         
**An alternative on a new alignment would cause impacts to other historic properties, farmlands, residences and wildlife. For these reasons a new alignment was not considered to be prudent or feasible.**

Descriptions are detailed above.

MINIMIZATION OF HARM

1. The proposed project includes all possible planning to minimize harm.
2. Measures to minimize harm include the following:
- a) **A pedestrian/bike path will be provided with this project and improve access to the site.**
  - b) **Centerline has been shifted to the south of the existing centerline to minimize impacts.**
  - c) **Right-of-way width has been reduced to minimize impacts.**

COORDINATION

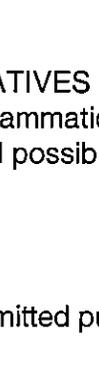
1. The proposed project has been coordinated with the following.
- a) SHPO (date: **August 6, 2002**)
  - b) ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) (date:      )         
**ACHP coordination was not required since the proposed project would have no adverse effect on the site.**
  - c) Property owner         
**The property owner will be contacted as part of the right-of-way acquisition process.**
  - d) Local/State/Federal agencies         
**SHPO**
2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation:  
**SHPO comments: Concurrence with MDT finding of No Adverse Effect to the sites.**

SUMMARY

All required ALTERNATIVES have been evaluated and the proposed project meets all the criteria included in the "Nationwide Programmatic" Section 4(f) evaluation approved on December 23, 1986. This Programmatic Evaluation includes all possible planning to minimize harm which will be incorporated in this proposed project.

APPROVAL

This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.

  
\_\_\_\_\_  
Jean A. Riley, P.E.  
Engineering Bureau Chief  
Environmental Services

Date: 11/27/02

Approved:   
\_\_\_\_\_  
Federal Highway Administration

Date: 1/27/03

**"ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED ON REQUEST."**

MONTANA DIVISION

"NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS  
ON  
HISTORIC SITES  
EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project #: STPS 235-1(8)0 Control No. 4470 Date: September 5, 2002  
Project Name: East Valley Center Road Location: Bozeman, MT  
Site: CAWLFIELD HOMESTEAD

NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.

- |   | <u>YES</u>                          | <u>NO</u>                           |
|---|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to the existing highway?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation?<br>(See Appendix A--concurrence dated August 6, 2002.)  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 6. Is the proposed action under an Environmental Impact Statement (EIS)?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 8. The Scope-of-Work for the proposed project is one of the following:<br>a) Improved traffic operation;<br>b) Safety improvements;<br>c) 3R;<br>d) Bridge replacement on essentially the same alignment; or<br>e) Addition of lanes. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

ALTERNATIVES CONSIDERED

- |   |                                     |                          |
|---|-------------------------------------|--------------------------|
| 1. The "do-nothing" <b>ALTERNATIVE</b> has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>The do nothing alternative would not meet purpose and need and would not include the safety improvements developed in response to above average accident rates.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|-------------------------------------|--------------------------|

YES      NO

ALTERNATIVES CONSIDERED (continued)

2. An **ALTERNATIVE** has been evaluated which improves the highway without any 4(f) impacts, and is also not considered to be feasible and prudent.         
**Shifting the roadway to the north at this location would result in an increase to impacts to residences along the north side of the roadway and possibly to Spring Creek which is near the site. It would also result in a reverse curve, creating a potential hazard to motorists.**
3. An **ALTERNATIVE** on a new location avoiding the 4(f) site has been evaluated, and is not considered to be feasible and prudent.         
**An alternative on a new alignment would cause impacts to other historic properties, farmlands, residences and wildlife. For these reasons a new alignment was not considered to be prudent or feasible.**

Descriptions are detailed above.

MINIMIZATION OF HARM

1. The proposed project includes all possible planning to minimize harm.
2. Measures to minimize harm include the following:
- a) **A curb and gutter cross section is proposed to reduce required width and to minimize impacts to the site.**
  - b) **A pedestrian/bike path will be provided with this project and will improve access to the site.**

COORDINATION

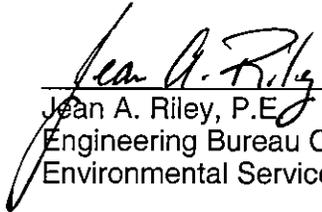
1. The proposed project has been coordinated with the following.
- a) SHPO (date: **August 6, 2002**)
  - b) ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) (date:      )         
**ACHP coordination was not required since the proposed project would have no adverse effect on the site.**
  - c) Property owner         
**The property owner will be contacted as part of the right-of-way acquisition process.**
  - d) Local/State/Federal agencies         
**SHPO**
2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation:  
**SHPO comments: Concurrence with MDT finding of No Adverse Effect to the sites.**

SUMMARY

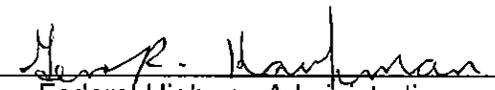
All required ALTERNATIVES have been evaluated and the proposed project meets all the criteria included in the "Nationwide Programmatic" Section 4(f) evaluation approved on December 23, 1986. This Programmatic Evaluation includes all possible planning to minimize harm which will be incorporated in this proposed project.

APPROVAL

This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.

  
\_\_\_\_\_  
Jean A. Riley, P.E.  
Engineering Bureau Chief  
Environmental Services

Date: 11/27/02

Approved:   
\_\_\_\_\_  
Federal Highway Administration

Date: 1/27/03

"ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED ON REQUEST."

MONTANA DIVISION

"NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS  
ON  
HISTORIC SITES  
EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project #: STPS 235-1(8)0 Control No. 4470 Date: September 5, 2002  
Project Name: East Valley Center Road Location: Bozeman, MT  
Site: LINDEKUGEL HOMESTEAD

NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.

- |   | <u>YES</u>                          | <u>NO</u>                           |
|---|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to the existing highway?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation?<br>(See Appendix A--concurrence dated August 6, 2002.)  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 6. Is the proposed action under an Environmental Impact Statement (EIS)?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 8. The Scope-of-Work for the proposed project is one of the following:<br>a) Improved traffic operation;<br>b) Safety improvements;<br>c) 3R;<br>d) Bridge replacement on essentially the same alignment; or<br>e) Addition of lanes. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

ALTERNATIVES CONSIDERED

- |   |                                     |                          |
|---|-------------------------------------|--------------------------|
| 1. The "do-nothing" <b>ALTERNATIVE</b> has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>The do nothing alternative would not meet purpose and need and would not include the safety improvements developed in response to above average accident rates.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|-------------------------------------|--------------------------|

YES      NO

ALTERNATIVES CONSIDERED (continued)

2. An **ALTERNATIVE** has been evaluated which improves the highway without any 4(f) impacts, and is also not considered to be feasible and prudent.  
**Shifting the roadway to the south at this location would result in increased impacts to the residences along the south side of the roadway and to farmland, and possibly to the Cawfield Homestead (another eligible site).**
3. An **ALTERNATIVE** on a new location avoiding the 4(f) site has been evaluated, and is not considered to be feasible and prudent.  
**An alternative on a new alignment would cause impacts to other historic properties, farmlands, residences and wildlife. For these reasons a new alignment was not considered to be prudent or feasible.**

Descriptions are detailed above.

MINIMIZATION OF HARM

1. The proposed project includes all possible planning to minimize harm.
2. Measures to minimize harm include the following:
- a) **A curb and gutter section is proposed at this location to reduce required width and to minimize impacts to the site.**
  - b) **A pedestrian/bike path will be provided with the project and will improve access to the site.**

COORDINATION

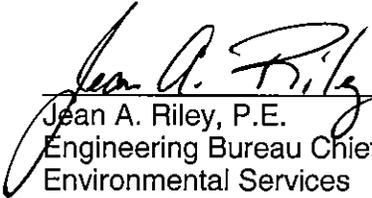
1. The proposed project has been coordinated with the following.
- a) SHPO (date: **August 6, 2002**)
  - b) ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) (date:      )  
**ACHP coordination was not required since the proposed project would have no adverse effect on the site.**
  - c) Property owner  
**The property owner will be contacted as part of the right-of-way acquisition process.**
  - d) Local/State/Federal agencies  
**SHPO**
2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation:  
**SHPO comments: Concurrence with MDT finding of No Adverse Effect to the sites.**

SUMMARY

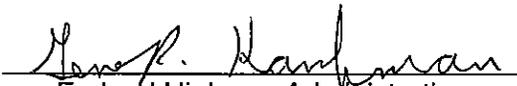
All required ALTERNATIVES have been evaluated and the proposed project meets all the criteria included in the "Nationwide Programmatic" Section 4(f) evaluation approved on December 23, 1986. This Programmatic Evaluation includes all possible planning to minimize harm which will be incorporated in this proposed project.

APPROVAL

This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.

  
\_\_\_\_\_  
Jean A. Riley, P.E.  
Engineering Bureau Chief  
Environmental Services

Date: 11/27/02

Approved:   
\_\_\_\_\_  
Federal Highway Administration

Date: 1/27/03

**"ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED ON REQUEST."**

MONTANA DIVISION  
 "NATIONWIDE" SECTION 4(f) EVALUATION  
 FOR MINOR USAGE OF  
 PUBLIC PARKS, RECREATION LANDS, AND WILDLIFE AND  
 WATERFOWL REFUGES

Project #: STPS 235-1(8)0 Control No. 4470 Date: September 5, 2002  
 Project Name: East Valley Center Road Location: Bozeman, MT  
Site: VALLEY GROVE PHASE 4

NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.

	<u>YES</u>	<u>NO</u>
1. Is the 4(f) site adjacent to the existing highway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the amount and location of the proposed impact area impair the use of the remaining Section 4(f) land for its intended purpose?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Does the proposed project require more than a <u>minor</u> amount* of the Section 4(f) site for Right-of-Way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Are there any proximity impacts which would impair the use of the 4(f) lands for their intended purpose (defined as "constructive use")?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Have the officials with jurisdiction over the property agreed <u>in writing</u> with the assessment of impacts and the proposed mitigation? <b>Gallatin County has expressed conceptual concurrence in writing (see Appendix A--letter dated 8/1/02).</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Have Federal funds—such as the <i>National Land &amp; Water Conservation Fund-Section 6(f)</i> —been used for the acquisition of, or improvements to the 4(f) site? If yes—has the land conversion/transfer been coordinated with the appropriate Federal agency, (12) ( _____ ) and are they in agreement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the proposed action under an <u>Environmental Impact Statement (EIS)</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the proposed project on a new location?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. The Scope-of-Work for the proposed project is one of the following: a) Improved traffic operation; b) Safety improvements; c) 3R; d) Bridge replacement on essentially the same alignment; or e) Addition of lanes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*NOTE: MDT's guidelines for "minor amounts" of Right-of-Way (including Construction Permits) are limited to either 10% of a parcel under 10 hectares (25 acres), or 1% of a parcel equal to or greater than 10 hectares (25 acres) in size.

NOTE: Any response in a box requires additional information. Consult the "NATIONWIDE" SECTION 4(F) EVALUATION criteria.

YES      NO

ALTERNATIVES CONSIDERED

- |   |  |   |
|---|--|---|
| <p>1. The "do-nothing" <b>ALTERNATIVE</b> has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br/> <b>The do nothing alternative would not meet purpose and need and would not include the safety improvements developed in response to above average accident rates.</b></p> <p>2. An <b>ALTERNATIVE</b> has been evaluated which improves the highway without any 4(f) impacts, and is also <u>not</u> considered to be feasible and prudent.<br/> <b>Shifting the roadway to the south would result in an increased in impacts to another parkland at the Wiley Creek Subdivision and to wetlands along McDonald-Wylie Creek.</b></p> <p>3. An <b>ALTERNATIVE</b> on a new location avoiding the 4(f) site has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br/> <b>An alternative on a new alignment would cause impacts to other historic properties, farmlands, residences and wildlife. For these reasons a new alignment was not considered to be prudent or feasible.</b></p> | <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
|---|--|---|

Descriptions are detailed above.

MINIMIZATION OF HARM

- |   |   |   |
|---|---|---|
| <p>1. The proposed project includes all possible planning to minimize harm.</p> <p>2. Measures to minimize harm include the following:<br/> a. <b>Pedestrian/bike path will provide improved access to the site.</b><br/> b. <b>The curb and gutter treatment along the south side of the roadway decreases the overall width required, thereby minimizing impacts to the site.</b></p> | <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
|---|---|---|

COORDINATION

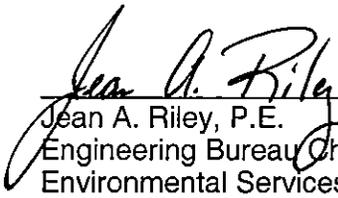
- |   |   |  |
|---|---|--|
| <p>1. The proposed project has been coordinated with the Federal, state, and/or local officials having jurisdiction over the 4(f) lands.<br/> <b>List:</b><br/> <b>Gallatin County</b></p> <p>2. In the case of non-federal 4(f) lands, the official with jurisdiction has been asked to identify any Federal encumbrances—and none exist.<br/> <b>Based on available information, no federal encumbrances are known.</b></p> <p>3. Coordination with the U.S. ARMY - Corps of Engineers has been completed, or a <i>Section 404</i> Permit (if applicable) is pending.</p> | <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> |
|---|---|--|

SUMMARY AND APPROVAL

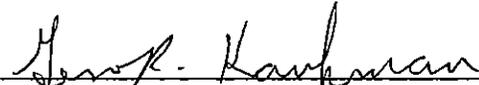
The proposed project meets all criteria under the "Nationwide Programmatic" *Section 4(f)* Evaluation approved on December 23, 1986, and is submitted pursuant to **49 U.S.C. 303**.

All required alternatives have been evaluated, and the findings made are clearly applicable to this proposed project.

This Programmatic Evaluation includes all possible planning to minimize harm which will be incorporated in this proposed project.

  
\_\_\_\_\_  
Jean A. Riley, P.E.  
Engineering Bureau Chief  
Environmental Services

Date: 11/27/02

Approved:   
\_\_\_\_\_  
Federal Highway Administration

Date: 1/27/03

"ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED ON REQUEST."

MONTANA DIVISION  
 "NATIONWIDE" SECTION 4(f) EVALUATION  
 FOR MINOR USAGE OF  
 PUBLIC PARKS, RECREATION LANDS, AND WILDLIFE AND  
 WATERFOWL REFUGES

Project #: STPS 235-1(8)0 Control No. 4470 Date: September 5, 2002  
 Project Name: East Valley Center Road Location: Bozeman, MT  
Site: WILEY CREEK SUBD. PARKLAND

NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.

	<u>YES</u>	<u>NO</u>
1. Is the 4(f) site adjacent to the existing highway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the amount and location of the proposed impact area impair the use of the remaining Section 4(f) land for its intended purpose?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Does the proposed project require more than a <u>minor</u> amount* of the Section 4(f) site for Right-of-Way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Are there any proximity impacts which would impair the use of the 4(f) lands for their intended purpose (defined as "constructive use")?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Have the officials with jurisdiction over the property agreed <u>in writing</u> with the assessment of impacts and the proposed mitigation? <b>Gallatin County has expressed conceptual concurrence in writing (see Appendix A--letter dated 8/1/02).</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Have Federal funds—such as the <i>National Land &amp; Water Conservation Fund-Section 6(f)</i> —been used for the acquisition of, or improvements to the 4(f) site? If yes—has the land conversion/transfer been coordinated with the appropriate Federal agency, (12) (_____) and are they in agreement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the proposed action under an <u>Environmental Impact Statement (EIS)</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the proposed project on a new location?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. The Scope-of-Work for the proposed project is one of the following: a) Improved traffic operation; b) Safety improvements; c) 3R; d) Bridge replacement on essentially the same alignment; or e) Addition of lanes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*NOTE: MDT's guidelines for "minor amounts" of Right-of-Way (including Construction Permits) are limited to either 10% of a parcel under 10 hectares (25 acres), or 1% of a parcel equal to or greater than 10 hectares (25 acres) in size.

NOTE: Any response in a box requires additional information. Consult the "NATIONWIDE" SECTION 4(F) EVALUATION criteria.

**YES**      **NO**

ALTERNATIVES CONSIDERED

- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
| 1. The "do-nothing" <b>ALTERNATIVE</b> has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>The do nothing alternative would not meet purpose and need and would not include the safety improvements developed in response to above average accident rates.</b>  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. An <b>ALTERNATIVE</b> has been evaluated which improves the highway without any 4(f) impacts, and is also <u>not</u> considered to be feasible and prudent.<br><b>Shifting the roadway to the north would result in increased impacts to residential properties and to the Valley Grove Phase 4 parkland.</b>   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. An <b>ALTERNATIVE</b> on a new location avoiding the 4(f) site has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>An alternative on a new alignment would cause impacts to other historic properties, farmlands, residences and wildlife. For these reasons a new alignment was not considered to be prudent or feasible.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Descriptions are detailed above.

MINIMIZATION OF HARM

- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
| 1. The proposed project includes all possible planning to minimize harm.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Measures to minimize harm include the following:<br><b>a. Pedestrian/bike path will provide improved access to the site.</b><br><b>b. The curb and gutter treatment along the south side of the roadway decreases the overall width required, thereby minimizing impacts to the site.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COORDINATION

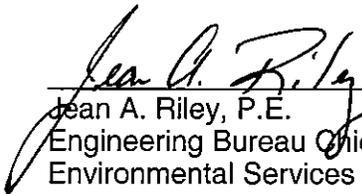
- |   |                                     |                                     |
|---|-------------------------------------|-------------------------------------|
| 1. The proposed project has been coordinated with the Federal, state, and/or local officials having jurisdiction over the 4(f) lands.<br><b>List:</b><br><b>Gallatin County</b>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. In the case of non-federal 4(f) lands, the official with jurisdiction has been asked to identify any Federal encumbrances—and none exist.<br><b>Based on available information, no federal encumbrances are known.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 3. Coordination with the U.S. ARMY - Corps of Engineers has been completed, or a <i>Section 404</i> Permit (if applicable) is pending.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

SUMMARY AND APPROVAL

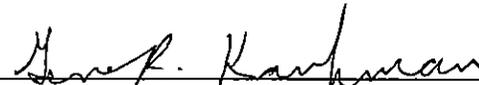
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This Programmatic Evaluation includes all possible planning to minimize harm which will be incorporated in this proposed project.

  
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Jean A. Riley, P.E.  
Engineering Bureau Chief  
Environmental Services

Date: 11/27/02

Approved:   
\_\_\_\_\_  
Federal Highway Administration

Date: 1/27/03

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MONTANA DIVISION  
 "NATIONWIDE" SECTION 4(f) EVALUATION  
 FOR MINOR USAGE OF  
 PUBLIC PARKS, RECREATION LANDS, AND WILDLIFE AND  
 WATERFOWL REFUGES

Project #: STPS 235-1(8)0 Control No. 4470 Date: September 5, 2002  
 Project Name: East Valley Center Road Location: Bozeman, MT  
Site: SHAKIRA SUBDIVISION SITE

**NOTE:** Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.

	<u>YES</u>	<u>NO</u>
1. Is the 4(f) site adjacent to the existing highway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the amount and location of the proposed impact area impair the use of the remaining Section 4(f) land for its intended purpose?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Does the proposed project require more than a <u>minor</u> amount* of the Section 4(f) site for Right-of-Way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Are there any proximity impacts which would impair the use of the 4(f) lands for their intended purpose (defined as "constructive use")?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Have the officials with jurisdiction over the property agreed <u>in writing</u> with the assessment of impacts and the proposed mitigation? <b>Gallatin County has expressed conceptual concurrence in writing (see Appendix A--letter dated 8/1/02).</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Have Federal funds—such as the <i>National Land &amp; Water Conservation Fund-Section 6(f)</i> —been used for the acquisition of, or improvements to the 4(f) site? If yes—has the land conversion/transfer been coordinated with the appropriate Federal agency, (12) ( _____ ) and are they in agreement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the proposed action under an <u>Environmental Impact Statement (EIS)</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the proposed project on a new location?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. The Scope-of-Work for the proposed project is one of the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Improved traffic operation;		
b) Safety improvements;		
c) 3R;		
d) Bridge replacement on essentially the same alignment; or		
e) Addition of lanes.		

\*NOTE: MDT's guidelines for "minor amounts" of Right-of-Way (including Construction Permits) are limited to either 10% of a parcel under 10 hectares (25 acres), or 1% of a parcel equal to or greater than 10 hectares (25 acres) in size.

NOTE: Any response in a box requires additional information. Consult the "NATIONWIDE" SECTION 4(F) EVALUATION criteria.

**YES**      **NO**

ALTERNATIVES CONSIDERED

- |   |  |   |
|---|--|---|
| <p>1. The "do-nothing" <b>ALTERNATIVE</b> has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br/> <b>The do nothing alternative would not meet purpose and need and would not include the safety improvements developed in response to above average accident rates.</b></p> <p>2. An <b>ALTERNATIVE</b> has been evaluated which improves the highway without any 4(f) impacts, and is also <u>not</u> considered to be feasible and prudent.<br/> <b>Shifting the roadway to the north would result in increased impacts to residential properties to the north. A shift in the roadway at this location would result in a reverse curve, creating potential hazard for the motorist.</b></p> <p>3. An <b>ALTERNATIVE</b> on a new location avoiding the 4(f) site has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br/> <b>An alternative on a new alignment would cause impacts to other historic properties, farmlands, residences and wildlife. For these reasons a new alignment was not considered to be prudent or feasible.</b></p> | <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
|---|--|---|

Descriptions are detailed above.

MINIMIZATION OF HARM

- |   |   |   |
|---|---|---|
| <p>1. The proposed project includes all possible planning to minimize harm.</p> <p>2. Measures to minimize harm include the following:<br/> a. <b>Pedestrian/bike path will provide improved access to the site.</b><br/> b. <b>The curb and gutter treatment along the south side of the roadway decreases the overall width required, thereby minimizing impacts to the site.</b></p> | <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
|---|---|---|

COORDINATION

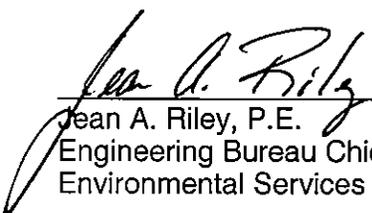
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|---|---|--|

SUMMARY AND APPROVAL

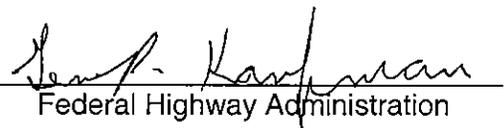
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