



Finding of No Significant Impact

Bigfork North & South

STPP 52-1(18) 27

Control Number 4035

Flathead County, Montana

October 2011



Federal Highway Administration
and
Montana Department of Transportation

FINDING OF NO SIGNIFICANT IMPACT

For

Project Number: STPP 52-1 (18) 27
Project Name: Bigfork North & South
Control Number 4035

In

Flathead County, Montana

The Montana Department of Transportation (MDT) and the US Department of Transportation Federal Highway Administration (FHWA) have determined that the Preferred Alternative, as described in the attached Environmental Assessment (EA) dated June 2004, will have no significant impact on the human environment. This Finding of No Significant Impact (FONSI) is based on the June 2004 EA, information obtained during the public and agency review process, field reviews held in March 2008 and November 2009 to verify field conditions, and a re-evaluation conducted of new information and circumstances that have occurred since June 2004. After independent evaluation of the EA, MDT and FHWA conclude that the EA adequately and accurately discusses the needs, environmental issues, and environmental impacts of the proposed project and appropriate mitigation measures. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. MDT and FHWA take full responsibility for the accuracy, scope, and content of the June 2004 EA.

For purposes of compliance with the Montana Environmental Policy Act (MEPA) [ARM 17.4.609(3)(j) and ARM 18.2.239(3)(j)], this FONSI and conclusion that an EIS is not required should be considered part of the EA.



Montana Department of Transportation

10/3/11

Date



Federal Highway Administration

10/12/2011

Date

Project Abstract and Location

This proposed project is located on Montana 35 (MT-35), a minor arterial road that runs from the town of Polson in the south to Kalispell in the north, on the eastern edge of Flathead Lake. The project area is an 11.1-kilometer (6.89-mile) segment that starts in the community of Woods Bay and continues north through Bigfork. The purpose of the project is to address roadway deficiencies and to improve access and safety.

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Environmental Assessment

1.0 Coordination Process

The proposed action has been coordinated with appropriate federal, state, and local agencies to comply with the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA). The Notice of Availability for the Bigfork North & South Environmental Assessment (EA) was first publicized on June 30, 2004 in several area newspapers. Information was also provided on the public hearing for the project.

1.1 Press Release and Advertising

The Notice of Availability of the EA was published in the *Bigfork Eagle* and *Kalispell Daily Inter Lake* on June 30, 2004. A copy of the advertisement notice is contained in **Appendix A**. The public comment period began on June 29, 2004 and ended on July 28, 2004.

A letter was also sent to all adjacent landowners along Montana-35 (MT-35) within the project area inviting them to meet with the project team prior to the public hearing. This gave potentially affected landowners an opportunity to review and comment on the Preferred Alternative in a small meeting format, in addition to attending the public hearing. A copy of the notification letter is contained in **Appendix A**.

1.2 Availability of the Environmental Assessment

The public review period for the EA took place from June 29, 2004 through July 28, 2004. Copies of the EA were available at the following viewing locations during the review period (a copy of the associated flyer is contained in **Appendix A**):

- Chamber of Commerce, 8155 Hwy 35, Bigfork, Montana
- Lake Hills IGA, 8111 Hwy 35, Bigfork, Montana
- Bob's Market, 26787 Hwy 35, Woods Bay, Montana
- County Library, 525 Electric Avenue, Bigfork, Montana
- Montana Department of Transportation (MDT) Field Office, 85 5th Avenue East North, Kalispell, Montana
- Flathead County Regional Development Office, 723 5th Avenue, #414, Kalispell, Montana
- MDT Headquarters at 2701 Prospect Avenue, Helena, Montana

Copies of the EA were also available upon request by calling MDT, and the EA was available on the MDT Web site (www.mdt.mt.gov/pubinvolve/eis_ea.shtml). State and federal agencies and local entities were provided with a copy of the EA. The distribution list is included in **Appendix A**. A complete copy of the EA is included in **Appendix D**.

1.3 Public Hearing and Comments

The public hearing for the EA was held on July 14, 2004 at the Bigfork Middle School. The meeting was held from 4:00 pm to 8:00 pm and included an open house, formal presentation, and the formal public hearing. The public hearing was attended by 46 people. Numerous community members asked questions during the presentation portion of the meeting and six community members offered formal verbal testimony at the public hearing. Copies of the public hearing transcript and sign-in sheets are contained in **Appendix B**.

In addition to providing verbal testimony, the public was encouraged to submit written comments by mail, fax, or electronic mail. MDT received 103 written comments from community members and officials. Copies of those comments and responses are contained in **Appendix B**.

Many of the public comments generally voiced support for the Preferred Alternative, while raising detailed design questions that can be more fully explored during the final design phase of the project. Numerous comments related to operational system refinements with respect to public/private access points, bus stops, intersection performance, roundabouts, pedestrian movements, design speed, turning movements, and truck traffic. A number of other comments expressed the community's desire to minimize impacts during construction, to minimize right-of-way and private property acquisition, to limit tree cutting, and to protect Daphne Pond. In response to comments received, MDT has modified the Preferred Alternative design (see Section 2.3) and committed to additional mitigation measures listed in **Table 2**.

1.4 Availability of the Finding of No Significant Impact

The Finding of No Significant Impact (FONSI) and clarifications to the EA can be viewed at the MDT Web site (www.mdt.mt.gov/pubinvolve/eis_ea.shtml). When this FONSI has been signed, it will be announced to state, federal, and local entities by letter, and a public notice will be placed in the *Daily Interlake* and *Bigfork Eagle* newspapers. A separate notice will be sent to individuals on the project mailing list, including all persons who attended the public hearing.

2.0 Project Update and Re-evaluation

Because the EA was signed in June 2004, MDT is re-evaluating the Bigfork North & South project to determine whether the current design and its associated impacts are consistent with the design and impact discussions contained in the EA. The following re-evaluation discusses new information and circumstances relevant to the development of the proposed project and potential for change in the project area.

The purpose of and need for the Bigfork North & South project have not changed since signing of the EA in June 2004. As stated on page 1-33 of the EA, the purpose of the project remains:

- Address the operational and safety issues associated with alignment deficiencies.
- Address the operational and safety issues for slow or disabled vehicles, associated with steep grades.
- Address the need for facilities for non-motorized mobility and safety for pedestrians and bicyclists along the corridor.
- Address safety concerns associated with lack of adequate shoulders and clear zones.
- Address operational and safety deficits associated with poor definition and design of access points.
- Upgrade the Swan River Bridge to meet seismic and safety standards, provide for pedestrian and bicycle movements, and the continued life and function of the bridge.
- Address the deteriorating condition of the roadway pavement and the bridge structure.

2.1 Updated Traffic Analysis

A traffic analysis was performed in November-December 2009 to update the traffic information and projections from the earlier *Preliminary Traffic Engineering Report* (September 2000) that were presented in the EA. The updated traffic analysis included documentation of existing (November 2009) traffic volumes, projected seasonal peak hour traffic volumes, and 2029 traffic volumes within the corridor. The Preferred Alternative was evaluated based on the revised 2029 projected volumes to assess the sufficiency of the earlier design options. Recent year accident data was also analyzed to identify any

safety issues. Recent (2008) information collected by MDT showed a vehicle mix of 92 percent passenger vehicle, 3 percent light trucks and 5 percent heavy trucks.

A summary of the analysis findings is provided below. For detailed information, please refer to the *Technical Memorandum, Updated Traffic Analysis*, January 15, 2010, on file at MDT, 2701 Prospect Avenue, Helena, Montana 59620.

Overall, existing crash patterns within the corridor have similar characteristics to the earlier crash data. The total number of crashes within the corridor has decreased, from 119 crashes during 1996 through 1999, to 93 crashes during the 2005 through 2008 period.

The revised average annual daily traffic (AADT) projections for segment 2 were found to be lower than those projected in the September 2000 report (13,625 versus revised 8,990), and the revised AADT projections for segment 3 were found to be similar to those mentioned in the September 2000 report (17,600 vs. revised 17,168). All projections used the same vehicle mix of autos, light truck and heavy trucks as was found in the 2008 data from MDT. Projections for the other segments are assumed to be the same as in the September 2000 report. However, changes in turning movement patterns were observed. The observed changes and recommendations are summarized below.

- MT-35 and Grand Avenue/Holt Drive—Notable increases in turning movement volumes is projected at the westbound right-turn approach, southbound left-turn approach, and the northbound right-turn approach compared to the earlier turning movement projections. While physical improvements are not recommended at this time, should turning movements continue to grow, geometric and/or signal timing improvements may be required at this intersection to maintain an acceptable level of service (LOS) in the future. Improvements will accommodate all modes of travel, including WB-70 trucks (semi-trailers with an overall wheelbase of 70 feet, as measured from the back wheels of the trailer to the front wheels of the cab).
- MT-35 and Bridge Street/Sunset Drive—Notable change in traffic patterns is projected as compared to the 2024 turning movement projections. For most movements, volumes are projected to be noticeably higher. A single-lane roundabout at this location would operate at an acceptable LOS assuming the projected 2029 traffic volumes. This will be designed to accommodate all modes of travel including heavy trucks.
- MT-35 and SH 209—Notable increase in westbound right-turn volume is projected as compared to the 2024 turning movement projections. A single-lane roundabout would operate at an acceptable LOS assuming the projected 2029 traffic volumes. This will be designed to accommodate all modes of travel including heavy trucks.

Overall, based on the traffic analysis, signal timing and geometric improvements may be necessary at the intersection of MT-35 and Grand Avenue/Holt Drive toward the end of the projection timeframe (2029). The overall intersection LOS in 2029 at this intersection would be LOS C, which is acceptable. However, the southbound and eastbound left-turn approaches would operate at LOS E and LOS F, respectively. These turning movements should be monitored at periodic intervals to determine if a second left-turn lane is warranted as volumes grow. The eastbound left-turn approach would likely operate at an acceptable LOS with signal timing changes in future. Any design refinements as a result of this modified traffic will be addressed in the final design process. This intersection will be designed to accommodate all modes of travel including heavy trucks.

Except for the monitoring of the MT-35 and Grand Avenue/Holt Drive intersection, the Preferred Alternative would require no additional design modifications. Also, no deficiencies were found along the corridor that would require a modification to the existing preliminary design plans.

2.2 Updated Information on the Preferred Alternative Design

Subsequent to the public hearing, an updated construction estimate was prepared for the Preferred Alternative. Because of increases in construction costs, the project cost increased to \$40.58 million (in 2006 dollars). In accordance with MDT guidelines, projects with an expected cost over \$25.0 million are recommended for a Value Analysis (VA) by an independent MDT review team. Therefore, a VA analysis of the Preferred Alternative was conducted in the fall of 2006, which resulted in the following recommendations to reduce the project cost:

- Update the design with new standards for surfacing coefficients (surfacing coefficient is related to the size and type of gravel used in the roadway asphalt mix).
- Use different pavement types (i.e., concrete, asphalt, recycled asphalt).
- Reduce the width of the roadway pavement by reducing shoulder widths and pavement widths where there is guardrail.
- Reduce the overall length of cut retaining walls by only using them where there are roads or structures nearby. (A cut retaining wall is a wall that occurs in an area of excavation to help reduce the overall cut into a hillside.)
- Reduce the overall number of Mechanically Stabilized Earth (MSE) walls by flattening the slope of the fill so that a wall is not required. (MSE walls consist of a fabric grid embedded in soil and some type of architectural block facing. These walls are used in the fill sections of the project to retain soil.)

According to the 2006 VA analysis, these recommendations would reduce the cost of the Preferred Alternative to an estimated \$38.5 million.

Because some of these recommendations could affect the community's goals for aesthetic value of the improvements, MDT called for four additional alternatives to be evaluated. The alternatives did not abandon the Preferred Alternative, but retained variations of the Preferred Alternative features at a lower construction cost. The four additional alternatives are summarized below (costs in the list below are in 2006 dollars):

- Post EA Alternative 1 (\$33.7 million): The primary difference between this alternative and the Preferred Alternative is that it would reduce shoulders to 1.2 meters (4 feet) and have a consequential effect of reducing roadside retaining walls, and remove the short walls associated with the raised entry treatments.
- Post EA Alternative 2 (\$26.9 million): The primary difference between this alternative and the Preferred Alternative is that it would eliminate the separated bike path facility and reduce shoulders to 1.2 meters (4 feet), with a consequential effect of reducing roadside retaining walls.
- Post EA Alternative 3 (\$30.8 million): The primary difference between this alternative and the Preferred Alternative is that it would provide eight-foot paved shoulders for bicyclist mobility in place of a separated bicycle facility.
- Post EA Alternative 4 (\$18.8 million): The primary differences between this alternative and the Preferred Alternative is that it would:
 - Rehabilitate the existing roadway to 28-foot paved road, no bike path.
 - Reconstruct isolated roadway geometric deficiencies to current standards.
 - Reduce typical section width to lessen effect on roadside retaining walls.
 - Include design exceptions in areas where full clear zone not provided.
 - Eliminate bike path, entry treatments, roundabouts, and special bridge design.

The results of this alternatives analysis were presented to the Bigfork Advisory Committee in June 2007. After taking the findings of the alternatives analysis under advisement, the Advisory Committee notified MDT that they found the four alternatives unacceptable and chose to uphold the Preferred Alternative as presented in the Environmental Assessment. Detailed information about this alternatives analysis is documented in the *Bigfork North & South Alternatives Analysis Subsequent to the Environmental Assessment Technical Memorandum* (March 2008), on file with MDT.

The construction cost estimate for the Preferred Alternative was updated in February 2010, based upon MDT bid prices through December 2009. The updated cost estimate is \$53.7 million (in 2010 dollars). Further design and construction of the Preferred Alternative is dependent upon available funding. The MDT will work toward final design, right-of-way acquisition, utility relocation, and construction when funding becomes available relative to all of the needs and priorities within the District. It is likely that construction of the Preferred Alternative will be phased as funding becomes available.

The Preferred Alternative presented in the EA was developed based on conceptual planning and design. Details such as attached or detached bike path, construction sequencing, entry treatments, etc. may change during final design.

Maintenance of certain amenities included in the Preferred Alternative will be the responsibility of a local governing body. Such amenities include, but are not limited to, landscaping, decorative lighting, entry treatments, walls, and bike paths/multi-purpose paths. If an agreement to this effect is not reached, MDT will construct a standard cross-section with standard entry treatments and side treatments.

In response to a public comment voicing concern about possible removal of trees in the area southeast of the Swan River bridge, MDT will preserve existing trees to the extent practicable (also refer to “Vegetation/Noxious Weeds” in **Table 2**). In response to a public comment voicing concern about maintaining the approach to the Trinity Village property, MDT will coordinate with property owners regarding property approach and access issues during the final design process.

In response to the Bigfork Stormwater Advisory Committee comment noting that stormwater flooding occurs at the Hwy. 35/ Hwy. 209 intersection, MDT will address drainage issues during the final design process (also refer to “Stormwater Runoff” in **Table 2**).

2.3 Corrections, Clarifications, and Changes to the EA

This section lists corrections to the EA, clarifies information contained in the EA, and describes changes made to the Preferred Alternative since the EA was published.

Corrections:

- **Section 2.3.3, Grand Avenue, Holt Drive & MT-35, Page 2-15, 2nd bullet.** The correct intersection configuration is 4-way, not 3-way.
- **Section 2.4.2, Preferred Alternative, Page 2-22, 2nd Bullet.** The correct figure for reference of the Lake Hills Drive intersection is Figure B-11, not B-10.
- **Section 2.4.2, Preferred Alternative, Page 2-22, 7th Bullet.** The correct figure for reference of the equestrian crossing location is Figure B-7, not B-8.
- **Section 3.10.9, Noise Mitigation, Page 3-29.** The last sentence of the second paragraph on page 3-29 has been replaced with the following: “The creation of engine compression brake restriction zones is required by law to originate through a local government request, thus, MDT does not have direct control over the creation of this type of ordinance. It should be noted that a new compression brake law requires a commercial motor vehicle equipped with an engine compression brake device to be equipped with a muffler in good working condition to prevent excessive noise.”

Clarification:

- **Section 2.3, First Paragraph, Page 2-15.** The following new sentence has been added after the second sentence: “All roundabouts were developed together with several area motor carrier companies to assure that all movements would fully accommodate the needs of heavy trucks.”
- **Section 2.4.2, Preferred Alternative, Page 2-23, 3rd Bullet.** The size and location of the entry treatment at the north end of Bigfork will be reconsidered during final design to minimize impacts to the existing business at that location.

Changes:

- **Section 2.4.2, Preferred Alternative, Page 2-23, 6th Bullet.** The segment of the multi-purpose path on the east side of the highway between Sylvan Drive (North) and Flathead Lodge Road will not wind behind Daphne Pond, but will parallel the highway for the entire length of this segment.
- **Section 2.4.2, Preferred Alternative, Page 2-23, 7th Bullet.** The multi-purpose path will be extended along the edge of MT-35 between the south entry treatment and the SH-209 roundabout.

2.4 Land Use, Zoning and Land Use Planning

This section summarizes identified changes in study area land use that have occurred since the EA was published in June 2004. Information was compiled from a variety of sources, including Bigfork Advisory Committee members; Flathead County; Flathead Bank; Thomas Dean & Hoskins, Inc. (TDH); Crossbow Corporation; site visit conducted in March 2009 and December 2009; and comparison of 2000 aerial photography used in the EA to more recent 2006 aerial photography.

Land use changes that have occurred since the EA was published are summarized below:

- **New Subdivisions:** Three new developments are under construction in the area, providing new single-family housing. Only one subdivision, Bear Hollow Homes, appears to adjoin the MDT right-of-way. The other two subdivisions are not directly located on MT 35.
 - **Bear Hollow**—Located just north of Ice Box Canyon at approximately Reference Post (RP) 32.80. This newer development is currently open for new construction, with a number of homes built and occupied. The subdivision is reported to entail 55 lots.
 - **Saddle Horn**—Located 0.5 mile east of MT-35 off Hwy 209. This subdivision is scheduled to be built in two phases supporting 100 to 150 lots; however, no occupancy has yet been taken by any homeowners.
 - **Ponderosa Boat Club**—Located off Holt Drive just west of the new post office about 0.75 mile west of MT-35. Grading and utility work appears to be complete, but only a few of the 120 to 150 home sites are under construction at this time.
- **Marina Cay Expansion:** The marina is currently rehabilitating and expanding their docks located at the northeast corner of MT-35 and the Swan River. The marina has also constructed 22 new condominiums on the property just south of the Bigfork Elementary School.
- **Woods Bay Gravel Pit Access:** Woods Bay Gravel Pit is located on the west side of MT-35 from approximately RP 26.99 to RP 27.23. The owner has constructed a new access and in the process created a substantial cut along a portion of the property.

Existing sight distance in this location is poor, and accordingly the Preferred Alternative would remove the broken-back curve with a simple curve and shift the alignment easterly. Connection of the new access to the proposed alignment would place the access within the proposed 350-meter (1,148-foot) radius curve. In order to provide for adequate, safe sight lines, one solution could be to cut back rock slopes and clear all vegetation in the required sight triangle or flatten the proposed roadway curve

(larger radius) to improve sight distance for trucks exiting this property. The exact solution will be resolved during the final design process.

- **New Commercial Developments in North Bigfork:** This area is located south and east of the existing NAPA Auto Parts building between RP 32.35 to RP 32.47.
 - **Branding Iron Station**—This new development occurs immediately south of the skewed approach road at RP 32.44 on the east side of MT-35, near the existing NAPA Auto Parts store. The building is leased for multiple retail and commercial store owners. The building is a two-storey rustic timber building of approximately 1,676 square meters (5,500 square feet) with paved parking in the front and rear. The parking appears to adjoin the existing MDT right-of-way. Some minor grading and realignment of the approach road appears to have occurred to facilitate the development.

The Preferred Alternative includes an entry treatment on MT-35 that is in direct conflict with the existing Branding Iron Station parking lot. The parking lot falls well within the proposed right-of-way for the entry treatment. Shifting the location of the proposed entry treatment or designing a more standard entry treatment with a smaller footprint may be the solution. Maintenance of any special entry treatment would be the responsibility of the local jurisdiction. The exact solution to this design conflict will be resolved during the final design process.

- **Moraldo's Restaurant**—Moraldo's is a new restaurant located uphill from the Branding Iron Station off the same approach road. A new sign has been installed along MT-35.

Two comments received at the public hearing requested left-turn access for southbound vehicles and protection of the access. Modification to the entry treatment will be considered during the final design.

- **Northshore Café and Keno Redevelopment:** This property is located on the southwest corner of Harbor Heights Boulevard and Holt Drive on the west side of MT-35 from approximately RP 31.32 to RP 31.35. The café does not appear to be operational.

Because of the close proximity of Harbor Heights Boulevard to MT-35 and the location of the North Shore Café driveway on Harbor Heights Boulevard, it may be desirable to relocate or remove these connections to improve the functionality of this intersection. One possible option would be to close Harbor Heights Boulevard south of the North Shore property and provide an access directly from Holt Drive to the North Shore Café at a reasonable distance from the MT-35 intersection. Beach Road, which connects to Holt Drive further to the west, could be used as the connection for residences to the south. The exact solution to this conflict will be resolved during the final design process.

- **Glacial Bank Building:** New construction is complete on the Glacial Bank building north and east of MT-35 and Grand Avenue. This location shares a common access with the Bigfork Stage Stop. A large volume of fill was placed here and to the northeast where additional property is available for further development. There are no conflicts with the Preferred Alternative at this location.

- **Utility Installations:**

- Bigfork County Water and Sewer District installed a new sewer line (size unknown) from Streeter's Corner to the treatment plant just south and west of MT-35 and Holt Drive. The Water and Sewer District is also in the planning phases to enlarge the treatment plant, but given the location west of the highway, no impact to the existing right-of-way or the Preferred Alternative is expected.
- New water lines and crossings are being designed for installation inside MDT right-of-way just north of Woods Bay. MDT has coordinated with TDH in Kalispell regarding these installations, and will continue to coordinate with TDH through final design.

- New water and sewer lines to service the Saddle Horn subdivision are planned along Hwy 209 and under MT-35 near RP 30.56. MDT has coordinated with TDH in Kalispell to reduce and/or eliminate conflicts with the Preferred Alternative improvements as based on the preliminary plans, and will continue to coordinate with TDH through final design.

Impacts: The minor changes in land uses do not change the findings of the EA related to land use.

Mitigation: No change in mitigation.

2.5 Prime and Unique Farmlands

As described on page 3-7 of the EA, the Preferred Alternative would be anticipated to affect 19.7 acres of prime and unique farmland. The proposed changes to the Preferred Alternative design occur in places other than those occupied by prime and unique farmlands. The minor project changes do not change the findings of the EA related to prime and unique farmlands.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.6 Social, Economic and Environmental Justice

The EA states that Preferred Alternative would not substantially affect area population trends. Positive effects would be due to reduced travel times, improved safety, and improvements to accessibility and mobility. No low income or minority populations are located in the study area. The minor project changes do not change the findings of the EA related to social, economic, and environmental justice.

Impacts: The only change in impacts is a clarification that there may be driver confusion associated with the use of roundabouts.

Mitigation: MDT's Web site at <http://www.mdt.mt.gov/travinfo/roundabouts/> provides information describing roundabouts and their operation to help the public understand how to maneuver through these circular flowing intersections. The site provides basic information regarding roundabouts, including why MDT wants to utilize roundabouts and how pedestrians, bicyclists, and motorists can safely maneuver through them.

2.7 Non-Motorized Travel

The EA states that the Preferred Alternative would substantially improve conditions for pedestrians and bicyclists by widening the shoulder, improving substandard curves, and providing a multi-use path or walkway along all segments except Segment 5, where no need for those facilities was identified. The multi-use path originally proposed to be located to the east side of Daphne Pond will instead be located adjacent to the highway. The minor project changes do not change the findings of the EA related to non-motorized travel.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.8 Right of Way and Relocation

The EA states that 41.1 acres of right-of-way would be acquired from 260 properties. This could result in relocations or damages to seven commercial developments and five residential properties. Changes in adjacent land use have occurred since publication of the EA.

Impacts: Changes in impacts may occur due to changed land uses. No additional relocations are anticipated, but exact right-of-way requirements will be fine tuned during the final design process.

Mitigation: No change in mitigation.

2.9 Parks & Recreation

The EA (on page 3-17) states that the Preferred Alternative would not have any negative impacts to the Wayfarers State Park or the Bigfork Fishing Access Site. The minor project changes do not change the findings of the EA related to parks and recreation resources.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.10 Section 6(f)

The EA states that the use of retaining walls and the alignment of the Preferred Alternative would avoid the use of the Bigfork Fishing Access Site and Boat Ramp, which is property protected by Section 6(f) of the Land and Water Conservation Fund Act. The EA also avoids use of Wayfarers State Park, another property protected by Section 6(f). The minor project changes do not change the findings of the EA related to Section 6(f) resources.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.11 Air Quality

The EA states that carbon monoxide would decrease with implementation of the Preferred Alternative. Emissions of PM 10 are anticipated to increase a minor amount due to the greater surface area of pavement. This is likely not a measurable increase. The minor project changes do not change the findings of the EA related to air quality.

Impacts: No change in impacts.

Mitigation: MDT maintenance will implement MDT's Best Management Practices to minimize particulate or dust emissions during winter sanding operations.

2.12 Noise

In the Bigfork area, one location is projected to receive noise impacts as a result of the Preferred Alternative. The anticipated future noise level at this location may be slightly lower than what was documented in the EA because future traffic projections in 2029 are anticipated to be lower than those used for the EA.

In the Woods Bay Area, the EA (in Table 3-7) identifies 21 receptors that would have future noise levels in excess of the FHWA Noise Abatement Criteria. Eleven of these receptors are already experiencing

noise levels in excess of the FHWA NAC. Anticipated future noise levels at these locations may be slightly lower than what was documented in Table 3-7 because of the drop in anticipated future traffic volumes.

Between Big Fork and Woods Bay, approximately seven properties would be anticipated to have future noise levels in excess of the FHWA NAC. As with other properties, the proposed project may result in slightly lower noise levels due to the slightly lower future traffic volumes anticipated. The minor project changes do not change the findings of the EA related to noise.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.13 Water Resources/Quality

Page 3-32 of the EA describes effects of the Preferred Alternative. These include increases in the volumes of stormwater runoff because of the increased amount of impervious surface. The minor project changes do not change the findings of the EA related to water resources/quality.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.14 Wetlands

The EA identified approximately 0.37 acre of wetland impacts, which includes an estimated 0.04 hectare (0.1 acre) of impacts to Wetland #5 (where Daphne Pond is located). The 0.1 acre of impact was associated partly with highway widening and partly with the multi-purpose path that was assumed to be located along the east side of Daphne Pond. This multi-purpose path will now be located adjacent to the highway, on the west side of Daphne Pond.

Impacts: Locating the multi-purpose path adjacent to the highway will not change the overall quantity of impacts to Wetland #5; however, this shift will reduce impacts to higher quality wetlands located east of Daphne Pond, thus preserving their function and viability for ongoing educational purposes.

Mitigation: No change in mitigation.

2.15 Wildlife, Fish, and Vegetation

Section 3.13 of the EA presents information about the impacts of the Preferred Alternative on wildlife, fish and vegetation. Habitat fragmentation will occur due to increased roadway width. Improved sight distance may decrease the number of animal/vehicle collisions. Bald eagles may be present; however, no nests occur within or near the study area. A population of *Carex sychnocephala*, a plant species of special concern, may be affected by construction. The minor project changes do not change the findings of the EA related to wildlife, fish, and vegetation.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.16 Threatened and Endangered Species

During the public comment period, additional coordination with the US Fish and Wildlife Service (USFWS) and new information regarding the demolition of the existing bridge resulted in revisions to the

Biological Resources Report (BRR). The items that were updated included the bull trout critical habitat status, information regarding demolition of the existing bridge, and additional conservation measure commitments. Formal consultation for the bull trout was completed on February 9, 2006 and a copy of the Biological Opinion (BO) is included in **Appendix C**. An addendum to the 2005 Biological Assessment (BA) was prepared in August 2010 to provide updated information on federally listed threatened and endangered species within the project area (see **Appendix C**). On October 15, 2010, MDT submitted the BA addendum to the USFWS requesting their concurrence on the updated information. Because the USFWS finalized its designation of bull trout critical habitat and slightly amended the PCEs associated with the bull trout critical habitat crosswalk after the BA addendum was submitted, the USFWS requested another update to address these changes to finalize their concurrence. MDT responded in a letter dated November 24, 2010 (see **Appendix C**) to the USFWS stating the following:

- While the 2010 final rule updating the designated critical habitat changed the order of the original eight PCEs, the content and analysis remains the same. Hence, the work for the original eight PCEs submitted with the request for concurrence dated October 15, 2010 is still appropriate and applicable.
- The new ninth PCE addresses “Few or no nonnative predatory (e.g., lake trout, walleye, northern pike, smallmouth bass); in breeding (e.g., brook trout); or competitive (e.g., brown trout) species present.” Competition with introduced species and hybridization are known risks to the Flathead Basin bull trout. Further, Flathead Lake has known abundant populations of introduced Lake Trout and Lake Whitefish. Other species present but at “rare” occurrence levels include Largemouth bass, Northern Pike, and Rainbow. Given current conditions, it is determined that this PCE is “Functioning at Risk.” The proposed project will not increase or decrease risks already present to bull trout critical habitat in the project area relative to this PCE. Therefore, it is expected that the ninth PCE will maintain its “Functioning at Risk” status as a result of the proposed project. It is therefore determined that the “may affect, not likely to adversely affect” determination for designated bull trout critical habitat is still warranted.

The USFWS provided their concurrence in a letter dated November 29, 2010 (see **Appendix C**).

Since the USFWS issued a BO for effects to the Columbia River basin population of bull trout in 2006, several administrative changes have occurred, and the list of protected species has changed. Additionally, critical habitat for Canada lynx has changed, and the USFWS proposed to revise its 2005 designation of bull trout critical habitat on January 13, 2010. The USFWS formally announced on October 12, 2010 finalization of the revised bull trout critical habitat.

Change in Protected Species List

The BA included analysis and effects determinations for the following species protected under the Endangered Species Act (ESA):

- Bull Trout (*Salvelinus confluentus*)
- Grizzly Bear (*Ursus arctos horribilis*)
- Gray or Northern Rocky Mountain Wolf (*Canis lupis*)
- Canada Lynx (*Lynx canadensis*)
- Bald Eagle (*Haliaeetus leucocephalus*)
- Water Howellia (*Howellia aquatilis*)
- Spalding's Campion (*Silene spaldingii*)

Since the original analysis, the bald eagle has been de-listed. However, bald eagles are still protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Given that project

details have not changed since the original analysis, the effects determinations for grizzly bear, gray wolf, Spalding's campion, and water howellia remain unchanged. It was determined that implementation of the proposed action is not likely to adversely affect the grizzly bear. It was also determined that implementation of the proposed action would have no effect upon the gray wolf, Spalding's campion, or water howellia.

Change in Canada Lynx Critical Habitat Designation

On February 24, 2009, the USFWS revised the designation of critical habitat for Canada lynx. Although the revised critical habitat now includes the Flathead National Forest, the forest boundary is located east of the project area. Therefore, the determination that implementation of the proposed action would have no effect upon the Canada lynx made during the original analysis remains valid.

Change in Bull Trout Critical Habitat Designation

In the 2006 BO for effects to bull trout, USFWS determined that the proposed action "is not likely to reduce appreciably the likelihood of survival or recovery of bull trout in the action area or any of the local populations in the Flathead Lake core area. Therefore, based on the magnitude of the project effects in relation to the listed distinct population segment (DPS) at the Columbia River basin scale, the proposed action is not likely to jeopardize the Columbia River basin bull trout DPS." Details regarding the potential for the incidental take of individual bull trout can be found in the 2006 BO.

At the time of the BO issuance, no critical habitat for the bull trout had been designated in the vicinity of the project and it was therefore determined that no critical habitat would be affected. On January 13, 2010, USFWS proposed to revise its 2005 designation of bull trout critical habitat, and the expanded reach of designated critical habitat includes Flathead Lake within the ordinary high water mark line.

A substantial change from the population and environmental baseline diagnostics as presented in the BA and the BO is the designation of proposed critical habitat within the project area. Although the segment of Swan River from Bigfork Dam to Flathead Lake was not proposed as critical habitat, the portion of the river within the project area, at the inlet to Flathead Lake, is influenced by lake level fluctuations and the bull trout that occupy this area for foraging are considered as part of the Flathead Lake subpopulation. Therefore, impacts within the stream channel should be considered as impacts to proposed critical habitat.

To assess potential impacts to proposed critical habitat, USFWS has developed a document that explains the relationship between bull trout matrix analyses and primary constituent elements (PCEs) for designated bull trout critical habitat, also known as the matrix crosswalk. That document removes the need for redundant information when making an effect determination on designated or proposed critical habitat. Matrix analysis incorporates four biological indicators and 19 physical habitat indicators. Analysis of the matrix habitat indicators provides a thorough analysis of the existing baseline condition and potential impacts to bull trout habitat.

Instream work is anticipated to remove the existing instream pier in the Swan River, and will likely include construction and removal of a temporary cofferdam around the pier, and demolition and removal of the pier structure. The existing concrete pier rests on a wooden footing. The concrete will be removed and the footing cut down. To perform this work, a temporary platform will likely be installed half-way into the river from the south bank, and will be founded on temporary piling. This platform and piling will be removed prior to project completion. This work will likely re-suspend some existing sediment; however, this is not expected to re-suspend large amounts of sediment. Project-related sediment that reaches Swan River or Flathead Lake would accumulate in Flathead Lake.

No new features will be constructed in the waterway, and once construction is complete, no structural features will be located in the waterway. Any placement of riprap below the high water level mark or the

lake maintained level should occur during low water level times. Current riprap will remain and the final overall cross-section will not change, however, some riprap will be disturbed during construction and will be restored. Therefore, the proposed project will result in short-term impacts to proposed critical habitat, but habitat will be restored to pre-existing conditions.

Analysis found that activities associated with this project were likely to degrade the *Road Density and Location* matrix habitat indicator, as described in the BA. *Road Density and Location* is not a matrix habitat indicator; therefore, the degradation to this indicator will have no effect on proposed critical habitat.

The proposed activity would also impact the *Physical Barriers* matrix habitat indicator, as described in the BA. This impact is anticipated to result in a minor improvement of this habitat element and subsequently the PCE regarding migratory corridors between spawning, rearing, overwintering, and foraging habitats. The proposed project will result in the removal of the existing bridge pier, which is located in-channel within the Swan River at the Flathead Lake inlet. Although the project will result in short-term negative impacts to proposed critical habitat and poses a risk of take to bull trout individuals, the removal of the center pier will result in long-term improvement for bull trout movement within the project area.

The overall impact associated with the proposed action is expected to be discountable or insignificant. As such, the proposed Bigfork North and South project is not likely to adversely affect designated critical habitat for bull trout in Flathead Lake.

The following mitigation measures will be incorporated into the project to minimize potential effects from the project:

- Maintain best management practices (BMPs) within the construction areas to minimize the potential for sediment, oil, and fuel contamination in the waterways.
- Collect and dispose of all waste fuels, lubricating fluids, herbicides, and other chemicals in a manner compliant with the label and local regulations.
- Notify the USFWS Montana Field Office within 24 hours if any bull trout are found dead, injured or sick.
- Reclaim disturbed areas following disturbance.

BMPs, including appropriate erosion control and sedimentation control methods, are required to help minimize sedimentation into the river and lake.

2.17 Floodplains

Page 3-50 of the EA includes a description of the effects of the Preferred Alternative to the 100 year floodplain. The Preferred Alternative would result in no impacts within the 100 year floodplain of the Swan River and Flathead Lake, except for the repair of existing rip-rap protection in the vicinity of the Swan River Bridge. In addition, the removal of the center pier would reduce floodplain disturbance. The minor project changes do not change the findings of the EA related to floodplains.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.18 Cultural Resources

As described on page 3-55 of the EA, the only effect the Preferred Alternative would have to cultural resources is the replacement of the Swan River Bridge. The minor project changes do not change the findings of the EA related to cultural resources.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.19 Section 4(f)

The EA includes a Programmatic Section 4(f) Evaluation covering use of the Swan River Bridge, which is a protected Section 4(f) resource. The minor project changes do not change the findings of the EA related to Section 4(f) resources.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.20 Hazardous Materials

Page 3-57 of the EA addresses impacts to two underground storage tank locations and three additional sites of concern. The minor project changes do not change the findings of the EA related to hazardous materials.

Impacts: If additional ROW is needed, there is a potential that additional hazardous materials sites may be affected.

Mitigation: No change in mitigation.

2.21 Visual

Visual impacts associated with the Preferred Alternative are described on pages 3-66 and 3-67 of the EA. The minor project changes do not change the findings of the EA related to visual conditions.

Impacts: No change in impacts.

Mitigation: The first four bullets on page 3-67 of the EA have been eliminated from the project commitments.

2.22 Construction and Erosion Control

Page 3-68 of the EA contains a description of the anticipated impacts of building the Preferred Alternative. The minor project changes do not change the findings of the EA related to construction and erosion control.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.23 Permits

Table 3-17 of the EA includes a list of permits required to build the Preferred Alternative. The minor project changes do not change the findings of the EA related to permits.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

2.24 Secondary and Cumulative Impacts

Pages 3-70 and 3-71 of the EA include a description of secondary and cumulative impacts of the project. The minor project changes do not change the findings of the EA related to secondary and cumulative impacts.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

Based on this re-evaluation, MDT determined that no substantial changes have occurred in the social, economic or environmental setting of the project area. The project, as described in this FONSI, is not substantially different or changed and there will be no environmental effects that were not previously identified.

3.0 Response to Comments and Questions on the EA

The public hearing for the Bigfork North & South EA was held on July 14, 2004. A copy of the transcript from the Public Hearing is included in **Appendix B**. A total of 103 comments were received during the public comment period. Comments received, and responses to comments, are included in **Appendix B**.

4.0 Selection of the Preferred Alternative

4.1 Description of the Preferred Alternative

The Preferred Alternative achieves the purpose and need for this project as described in the attached EA.

MDT proposes to reconstruct 11.1 kilometers (6.89 miles) of MT-35 beginning at Driftwood Lane (Reference Point 26.4) in the unincorporated community of Woods Bay and continuing north through the unincorporated community of Bigfork to Chapman Hill Road (Reference Point 33.3). The roadway within the study area is generally narrow and winding with substandard shoulders, and clear zone recovery area coupled with isolated regions of poor sight distance and other geometric deficiencies. Many access points are scattered along the alignment that serve both public and private property with little to no access control.

Based on the Bigfork North & South EA and the summary of public and agency comments and responses, FHWA and MDT have selected the Preferred Alternative, which is described in the attached EA (**Appendix D**). Elements of the Preferred Alternative include a typical roadway section width of 12.0 meters (40 feet) including elements such as medians, two-way left-turning lanes and designated right- and left-turning lanes to improve traffic flow and safety. The Preferred Alternative would improve several key intersections within the corridor using roundabouts at the intersections of MT-35/SH 209 and MT-35/Bridge Street/Sunset Drive, while more traditional signalized intersection improvements are proposed at MT-35/Grand Avenue/Holt Drive and MT-35/Lake Hills Drive. All roundabouts and intersections will be developed to accommodate heavy trucks. The Preferred Alternative also includes a multi-use path, community entry treatments, an equestrian over crossing, retaining walls, new bridge over the Swan River, and access management. The location of two segments of the multi-purpose path have changed

from what is described in the EA and shown on the figures in Appendix B of the EA. The changes are described in Section 2.3 of this document.

Maintenance of certain amenities included in the Preferred Alternative will be the responsibility of a local governing body. Such amenities include, but are not limited to, landscaping, decorative lighting, entry treatments, walls, and bike paths/multi-purpose paths.

4.2 Recognition of Upcoming Design Process

When funding is available for design of any portion of the Bigfork North & South Project, MDT will re-evaluate the project for that phase of work, consistent with the requirements of 23 CFR 771.129. This re-evaluation will be done in consultation with representatives of Bigfork and Lake and Flathead counties. This will include additional design as necessary and appropriate, and, as a consequence, design details (such as signals, roundabouts, entry treatments, pedestrian paths, and crossings) as illustrated on the conceptual drawings shown in the EA may change. Construction limits as shown on these drawings are also approximate and subject to change during this re-evaluation process.

4.3 Summary of Findings

In accordance with the federal Clean Air Act and the Transportation Conformity Rule (40 CFR 93.104), proposed regionally significant projects must be found to conform to the State Implementation Plan (SIP) before they are adopted, accepted, approved, or funded by FHWA or the Federal Transit Administration (FTA). The FHWA has determined that the Preferred Alternative is not considered to be regionally significant because it will not increase capacity. Therefore, the Preferred Alternative is not required to be included in the SIP, and may be approved by FHWA.

The Code of Federal Regulations, 23 CFR 771.119 (i), states; “If, at any point in the EA process the Administration determines that the action is likely to have a significant impact on the environment, the preparation of an Environmental Impact Statement (EIS) will be required.” No significant impacts were identified due to the proposed project, and therefore, the Preferred Alternative was selected for this project. The impacts of the Preferred Alternative are summarized in **Table 1**.

5.0 Summary of Potential Impacts, Proposed Mitigation, and Additional Commitments

5.1 Summary of Potential Impacts

Table 1 summarizes the potential impacts of the Preferred Alternative, as well as proposed mitigation for each of the resources discussed in the EA. Please refer to the EA in **Appendix D** for information supporting these findings. Further, **Table 2** summarizes additional commitments that will be undertaken by MDT in response to comments received on the EA.

Land use, growth, and traffic patterns will continue to change to some degree before final design and construction of this corridor is complete—affecting right-of-way acquisition quantities, potential noise levels, additional cut/fill areas to accommodate changes in a modified Preferred Alternative, and impacts to vegetation and/or other biological resources. Depending on how the Preferred Alternative is modified during final design to accommodate the new development and access, there may be effects to properties with sensitive resources: hazardous material sites, biological resources, wetlands, etc. Changes in land use, growth, and traffic patterns will not affect the finding of no significant impact for the project.

Table 1: Summary of Project Impacts and Proposed Mitigation

Resource Area	Preferred Alternative	Mitigation
Land Use and Local Plans		
Land Use Change	Would enhance current uses by providing improved and safer access to forests, agricultural land, residential subdivisions, and commercial developments along the corridor.	None needed.
Consistency with Land Use Plans.	Consistent with land use policies for Lake and Flathead Counties within the study area.	None needed.
Farmlands		
Direct Impacts to Prime and Important Farmland	8.0 hectares (19.7 acres) impacted. The site assessment criteria scored 115, less than 160 on Farmland Conversion Rating Form AD 1006.	None needed.
Social		
Population and Demographics	Preferred Alternative will not substantially affect population growth in study area.	None needed.
Emergency Services	Improved service level due to increased accessibility and mobility.	None needed.
Environmental Justice (EJ)	No low-income or minority EJ populations are present; therefore, no EJ impact identified.	None needed.
Economic		
Economic Growth and Business Impacts	Preferred Alternative provides safer access for tourists. Reduced congestion could benefit local businesses.	None needed.
Non-Motorized Travel		
Pedestrian and Bicycle	Preferred Alternative would substantially improve conditions for pedestrians and bicyclists by widening the shoulder, improving substandard curves, and providing a multi-use path or walkway along all segments except Segment 5, where no need for those facilities was identified.	None needed.
Equestrian	Grade-separated crossing would facilitate safe horse travel.	None needed.
Right-of-Way and Relocation		
Right-of-Way Acquisition and Relocation.	Approximately 16.6 hectares (41.1 acres) right-of-way required from 260 properties would be converted to transportation uses. Approximately seven commercial developments and five residential developments would be subject to property damages or relocations. The number of partial or full acquisitions has not been determined, nor the exact number of relocations. The land use changes that have occurred since 2004 may result in changes in acquisitions. Exact right-of-way requirements will be fine tuned during final design.	<p>All right-of-way acquisition will be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended in 1989. All affected property owners will be compensated at fair market value for their property.</p> <p>MDT will coordinate with property owners regarding approach and access design during the final design process.</p>

Table 1: Summary of Project Impacts and Proposed Mitigation

Resource Area	Preferred Alternative	Mitigation
Parks and Recreation		
Direct Impacts	No impact to Wayfarer State Park or the Bigfork Fishing Access Site [both Section 6(f) properties].	Preliminary design plans include retaining walls within the highway right-of-way to protect and avoid the site. No mitigation is required.
Access	Access and safety conditions would be improved due to increased local and regional mobility.	No mitigation required.
Section 6(f)		
	No impact to Wayfarer State Park or the Bigfork Fishing Access Site [both Section 6(f) properties].	No mitigation required.
Air Quality		
Carbon Monoxide (CO) Particulate Matter (PM ₁₀)	CO emissions would decrease due to decreased congestion. PM ₁₀ would increase marginally due to the wider road surface and sanding used for winter conditions.	In accordance with MDT Standard Specs, the contractor will be required to secure appropriate air quality permits and adhere to applicable air quality rules and regulations.
Noise		
Bigfork Area	One residential location (Receptor SW6) would receive increased noise levels in 2024 of 67.2 dBA. (Note that 2029 traffic projections were slightly lower in this segment than the 2024 projections, which may result in fewer noise impacts.)	Noise mitigation was considered and identified to be feasible, but not reasonable. Although sound levels could be reduced by 6 decibels with noise abatement, the reasonability analysis determined that sound wall construction for this project is not reasonable due to corridor incompatibility, community values to maintain community character, and cost/benefit consideration of number of receptors that benefit compared to the cost. Non-conventional noise mitigation, such as asphalt paving and truck restrictions, also is not proposed. Therefore, no mitigation is recommended at any location within the study area.
Between Bigfork and Woods Bay	Seven residential and commercial properties between Bigfork and Woods Bay would experience noise impacts in 2024 in excess of the FHWA Noise Abatement Criteria (NAC). (Note that 2029 traffic projections were lower in this segment than the 2024 projections, which may result in fewer noise impacts.)	No mitigation is recommended.
Woods Bay Area	There are 21 receptors that will have noise levels exceeding NAC and that 11 of them are already experiencing noise levels above NAC.	No mitigation is recommended.
Water Resources/Quality		
Stormwater Runoff	Increased quantities of impervious surfaces would increase the volume of stormwater runoff. Increases in traffic could adversely impact water quality near roadways due to highway water runoff pollutants.	<ul style="list-style-type: none"> A Stormwater Pollution Prevention Plan (SWPPP) for short-term impacts will be prepared in compliance with the Montana Pollutant Discharge Elimination System Regulations (ARM 17.30.11, 12, 13).

Table 1: Summary of Project Impacts and Proposed Mitigation

Resource Area	Preferred Alternative	Mitigation
		<ul style="list-style-type: none"> ▪ As established in MDT's <i>Erosion and Sediment Control Best Management Practices (BMP) Manual</i>, BMPs will be included in the design of this plan. ▪ Vegetated drainage swales will be used where feasible to slow stormwater runoff and allow for the settling of suspended solids and contaminants before discharging to surface waters. ▪ In accordance with 7-22-2152, and 60-2-208 MCA, MDT will re-establish permanent desirable vegetation along roadway right-of-way. MDT will develop a set of revegetation guidelines that must be followed by the contractor.
Wetlands		
<p>Permanent Wetland Impacts</p>	<p>Permanent impacts total of approximately 0.15 hectare (0.37 acre) of Class II and III Emergent and Scrub-Shrub wetlands. Temporary impacts may occur during construction. These impacts will be avoided or minimized based on use of MDT's BMPs.</p>	<p>Implementing BMPs during construction will minimize unavoidable wetland impacts. Specific BMPs to be considered during construction include:</p> <ul style="list-style-type: none"> ▪ Minimize vegetation removal. ▪ Promptly revegetate all construction exposed wetland areas to MDT standards to reduce erosion and sedimentation. ▪ Flag or fence wetland areas during construction to avoid unnecessary disturbance. ▪ Provide bank stabilization and erosion control to meet standards defined by the <i>MDT Erosion & Sediment Control BMP Manual</i>. ▪ Ensure contractor adherence to MDT's BMPs relating to water quality and the handling of fuels and other contaminants common to staging areas. ▪ Off-site wetland mitigation will be pursued at one of MDT's mitigation reserves established in Watershed #4.
Wildlife, Rare and Sensitive Species of Concern		
<p>Wildlife Impacts</p>	<ul style="list-style-type: none"> ▪ Habitat fragmentation due to increased roadway width. ▪ Improved sight distance may decrease the number of animal vehicle collisions. 	<p>Restrict clearing and grubbing operations to the minimum area necessary to minimize impact. Prompt removal of road kill by MDT maintenance staff will reduce risk to scavenging carnivores.</p>

Table 1: Summary of Project Impacts and Proposed Mitigation

Resource Area	Preferred Alternative	Mitigation
Rare and Sensitive Fauna Species Impacts	<ul style="list-style-type: none"> ▪ Direct or indirect impacts to bats, songbirds, and raptors along the Flathead Lake, other than their short-term displacement by construction noise, are not expected. ▪ Bald eagles may also be present; however, no nests were found within or near the study area. 	<ul style="list-style-type: none"> ▪ All overhead power utility relocations shall be raptor-proofed in accordance with MDT policy. ▪ Removal of mature trees suitable for perch sites should be minimized during all clearing operations. ▪ MDT's district biologist will be informed by the contractor of any occupied eagle nest observed within 0.8 kilometer (0.5 mile) of the proposed project during construction.
Rare and Sensitive Flora Species Impacts	<ul style="list-style-type: none"> ▪ The proposed action will disturb areas that currently support native plant populations. ▪ One population of many-headed sedge (<i>Carex sychnocephala</i>, a plant species of special concern), was found within MT-35 right-of-way, between the roadbed and the edge of a pond and wetland area on the west side of the roadway, between RP 27.6 and RP 27.9. Any construction-related activities in this area could potentially destroy individuals of the population. 	<ul style="list-style-type: none"> ▪ Prior to construction, a qualified biologist will survey the construction area to inventory the number and location of any <i>many-headed sedge</i> plants. If deemed practical, the contractor will manage construction activities to avoid or limit impact to the plants. ▪ Install the appropriate erosion control devices according to BMPs for erosion control and monitor the performance and condition of the device throughout the construction period to ensure its effectiveness. ▪ Construct retaining walls to contain roadway fill materials. The retaining walls will be placed between MP 27.6 to MP 27.8 near the existing toes of slopes in order to minimize right-of-way take. This will also minimize impacts to the many-headed sedge.
Vegetation		
Vegetation	Development of clear zones will result in impacts to roadside vegetation.	See Construction-Vegetation/Noxious Weed mitigation section of this table.
Threatened and Endangered Species		
Bull trout	The proposed action is not likely to jeopardize the Columbia River basin bull trout distinct population segments (DPS)	<ul style="list-style-type: none"> ▪ Maintain BMPs within the construction areas to minimize the potential for sediment, oil and fuel contamination in the waterways.
Bull Trout Critical Habitat	The proposed project is not likely to adversely affect designated critical habitat for bull trout in Flathead Lake.	<ul style="list-style-type: none"> ▪ Collect and dispose of all waste fuels, lubricating fluids, herbicides, and other chemicals in a manner compliant with the label and local regulations. ▪ Notify the USFWS Montana Field Office within 24 hours if any bull trout are found dead, injured, or sick. ▪ Reclaim disturbed areas following disturbance. ▪ BMPs including appropriate erosion control and sedimentation control

Table 1: Summary of Project Impacts and Proposed Mitigation

Resource Area	Preferred Alternative	Mitigation
		methods are required to help minimize sedimentation into the river and lake.
Grizzly Bear	Grizzly bear are possibly in the area; however, they are more likely to occur in the rugged back country than along the highway corridor. Based on formal consultation with USFWS the determination is not likely to adversely affect grizzly bears.	MDT's District Biologist will be notified by the Contractor of any suspected grizzly bear reports or sightings for the duration of the project.
Canada lynx, Gray or Northern Rocky Mountain Wolf, water Howellia, Spalding's campion	Canada lynx are possibly in the area; however, they are more likely to occur in the rugged back country than along the highway corridor. The USFWS found the project would have <i>no effect</i> on Canada lynx, gray or Northern Rocky Mountain wolf, water Howellia, or Spalding's campion.	None needed.
Floodplains		
100-Year Floodplain	Due to a wider bridge structure and wider abutment, the riprap protection under the Swan River bridge will be extended for the length of the wider bridge. In addition, the Preferred Alternative Swan River bridge structure removes the center pier which reduces floodplain disturbance.	Floodplain elevations will be evaluated during final design and coordination with the Floodplain Administrator of the County will occur as needed. No mitigation is anticipated.
Cultural Resources and Section 4(f) Resources		
Historic Resources	Project <i>adversely affects</i> the Swan River bridge. The historic bridge was processed under the terms of the programmatic agreement for historic bridges and Section 4(f) properties.	Photo recordation of the Swan River Bridge is required for Section 106 and Section 4(f) mitigation.
Hazardous Waste		
Underground Storage Tanks	<ul style="list-style-type: none"> ▪ Potential exists for encountering contaminated soil and groundwater within the proposed construction area. The following Underground Storage Tank (UST) sites and potential UST sites may require tank closure or other remediation: ▪ Sinclair Station, 8111 MT-35 - Bigfork, Montana. ▪ Bigfork Stage Stop, 8263 MT-35 - Bigfork, Montana. ▪ Bob's Woods Bay Market (Conoco Station), 26787 MT-35 - Woods Bay, Montana. ▪ Former Shorty's Gas Station, 7985 MT-35—Bigfork Montana. 	<ul style="list-style-type: none"> ▪ Phase II soil sampling will be conducted at the edge of the MDT right-of-way, adjacent to all existing service stations/UST sites along the project corridor. ▪ Potential impact to human health and safety will be minimized through proper identification and management of contaminated materials in accordance with local, state, and federal regulations.
Lead Paint	The bridge structure, which is scheduled to be replaced, includes lead-based paint and specific precautionary measures will be required.	In the event that demolition requires cutting or grinding of the painted steel, a materials management plan and health and safety plan will be in place to address this issue. All demolition work will be performed by a contractor licensed in handling lead-based paint.

Table 1: Summary of Project Impacts and Proposed Mitigation

Resource Area	Preferred Alternative	Mitigation
Visual Resources		
Long-term Impacts	<ul style="list-style-type: none"> ▪ Slope cuts and fills will change the existing landscape character along the alignment. ▪ Expansion of the width of the paved surface for wider shoulders. ▪ Expansion of the width of the clear zone area. ▪ Additional structures such as retaining walls and roadside protective barriers. ▪ Enhanced long-distance (background) views. 	<p>MDT will employ various methods to minimize changes in visual character that are not consistent with the existing rural setting. These could include:</p> <ul style="list-style-type: none"> ▪ Minimizing vegetation removal. ▪ Re-establishing drainage channels. ▪ Utilizing visually sensitive erosion control measures, such as rock riprapping and erosion control matting. ▪ Modifying wall surfaces, in selected up-slope “cut” conditions that may require retaining walls, to be consistent with community values. Access and sufficient widths must be provided to accommodate maintenance activities. ▪ Revegetating both cut and fill areas. ▪ Using plant material for re-vegetation that is compatible with tree, shrub, and grass species existing in the corridor. Tree replacement would help to sustain current foreground visual quality; however, consideration must be given to the functional aspects of clear zones. ▪ Using appropriate roadside protective barriers to provide shielding of roadside hazards. In the Bigfork area, barrier fascia and appearances will be selected in coordination with the community to assure the appearance is consistent with community values.
Construction and Erosion Control		
Economic	Short-term boost due to construction funding and activity to the study area.	None needed.
Air Quality	Construction activities such as earthwork, grading, roadbed preparation, vehicles hauling soil or debris, and unprotected exposed soils could increase local fugitive dust emissions.	In accordance with MDT Standard Specifications, the contractor will be required to secure appropriate air quality permits and adhere to applicable air quality rules and regulations.
Noise and Vibration	Construction noise and vibration will present the potential for short-term impacts to those receptors found along the corridor.	Limit noise-generating construction activities per MDT’s standard noise provision.
Water Quality	Stormwater runoff from areas of exposed soils may cause erosion, sedimentation and transport of spilled fuels or other hazardous materials into adjacent waterways.	<ul style="list-style-type: none"> ▪ A Stormwater Pollution Prevention Plan (SWPPP) will be prepared in compliance with the Montana Pollutant Discharge Elimination System Regulations (ARM 17.30.11, 12, 13). ▪ The contractor will be required to implement an approved water quality control plan so that appropriate measures are in place in the event of an accidental spill.

Table 1: Summary of Project Impacts and Proposed Mitigation

Resource Area	Preferred Alternative	Mitigation
Wetlands	Temporary and indirect wetland impacts, such as sedimentation, could occur during construction.	<ul style="list-style-type: none"> ▪ Implementing BMPs during construction to minimize unavoidable wetland impacts. Flag or fence wetland areas during construction to avoid unnecessary disturbance.
Vegetation/Noxious Weeds	Construction-related ground disturbances may allow for an increase in noxious weeds and the introduction of new weeds.	<ul style="list-style-type: none"> ▪ In accordance with MDT Standard Specifications, clearing and grubbing operations, including tree removal in riparian areas, will be restricted to the minimum area necessary to accommodate the planned reconstruction activities and improvements. ▪ A revegetation plan will be developed to address how disturbed slopes will be revegetated. ▪ Revegetation of areas (disturbed by construction) outside of the paved roadway and within the right-of-way will occur in a timely fashion in order to establish desirable species and reduce noxious weed infestations. ▪ The project will comply with the requirements of the County Noxious Weed Management Act Title 7 Chapter 22 Part 21.
Traffic Control	Delays due to construction could create short-term impacts on traffic.	<ul style="list-style-type: none"> ▪ A construction traffic control plan will be developed according to MDT Standard Specifications to include construction phasing devised to maintain two lanes of traffic and uninterrupted side road access along the corridor to the greatest extent practicable. ▪ The construction traffic control plan must require that the Swan River bridge be constructed such that one lane of travel be provided at all times except for unavoidable closures. ▪ The construction traffic control plan must also require that the bridge be open as much as possible to two-lane traffic during the summer tourist season (May through mid-September). This can be encouraged through an incentive clause for this or by other innovative contracting methods. ▪ If the route must be closed during construction, minimize the closure through innovative contract methods, (Disincentive) and the provision of a detour route. If the closure must occur

Table 1: Summary of Project Impacts and Proposed Mitigation

Resource Area	Preferred Alternative	Mitigation
		during the tourist season, the disincentive may be increased based on the current disincentive formula. <ul style="list-style-type: none"> ▪ The contractor will coordinate with emergency service providers and schools to solicit input for the construction traffic control plan and to provide ongoing information during construction. ▪ MDT will coordinate with motor carriers prior to and during construction. ▪ Appropriate detour signs will be posted during construction. ▪ Provide adequate public notice and maintain coordination with area residents to keep the public informed of construction progress and to warn of closures and detours using standard MDT public involvement practices.
Boat Traffic	Construction of a cofferdam for removal of the existing pier would restrict but not prevent boat traffic. Boat traffic would not be permitted during removal of existing girders or during placement of new girders.	None needed.
Hazardous Materials	Chemical contamination in soil and/or groundwater may be encountered during project construction	In accordance with MDT Standard Specifications, if contaminated soils or hazardous materials are encountered, excavation and disposal will be handled in compliance with applicable federal, state, and local regulations.
Visual	Short-term impacts result from construction equipment and excavated material associated with construction in the staging areas, construction equipment, stockpiles of earth materials, temporary barriers, guardrail, detours, and signing. Dust and debris associated with construction activity. Traffic congestion associated with construction activity.	Require contractor to use appropriate dust suppression measures to minimize particulate dust impacts associated with construction activities.

Table 2: Additional Commitments in Response to Public Comments on EA

Resource Area	Additional Commitment	Responsible Party
Traffic/Safety/Access/Entry Features	<ul style="list-style-type: none"> ▪ Provisions for informal roadside temporary parking at the cherry stands will be evaluated during final design. 	MDT
Driver confusion associated with roundabout use	<ul style="list-style-type: none"> ▪ MDT's Web site at http://www.mdt.mt.gov/travinfo/roundabouts/ provides information describing roundabouts and their operation to help the public understand how to maneuver through these circular flowing intersections. The site provides basic information regarding roundabouts, including why MDT wants to utilize roundabouts and how pedestrians, bicyclists, and motorists can safely maneuver through them. 	MDT
School Bus Stops	<ul style="list-style-type: none"> ▪ MDT project team will coordinate with the school districts throughout final design regarding the need for bus stops. 	MDT
Trees/Vegetation	<ul style="list-style-type: none"> ▪ The project team will determine if there are any impacts to trees with a business sign attached to them and if impacts can be avoided. If not, other arrangements for a business sign can be discussed during the right-of-way negotiation process. ▪ The project team will make the school trust lands aware of the project when it is scheduled for construction (in relation to scheduled harvest of trees from school trust lands along MT-35 north of Woods Bay). 	MDT
Trees/Vegetation	<ul style="list-style-type: none"> ▪ MDT will develop an agreement with local government agencies for maintenance of the median landscaping. 	Local Government Agency and MDT
Vegetation/Noxious Weeds	<ul style="list-style-type: none"> ▪ During final design, the project team will attempt to fit proposed bridge structures and retaining walls within the bridge area to disturb as few trees as possible. ▪ The project team will re-evaluate location of path along highway right-of-way (east or west side), crossing points, and separation distance from the roadway during final design and minimize impacts to existing vegetation. ▪ The project team will make the school trust lands aware of the project when it is scheduled for construction (in relation to scheduled harvest of trees from school trust lands along MT-35 north of Woods Bay). ▪ During final design, the project team will minimize cutting at Ice Box Canyon, to minimize impacts to vegetation while addressing the safety deficiencies in that area. ▪ The existing landscaping in the median strip on east side of MT-35 south of Peaceful Drive will be evaluated during final design to determine if the turn lane can avoid the median. If it cannot be avoided, it will be a subject of the right-of-way negotiation process. 	

Table 2: Additional Commitments in Response to Public Comments on EA

Resource Area	Additional Commitment	Responsible Party
Right-of-Way	<ul style="list-style-type: none"> ▪ Impacts to drain fields will be considered during final design. ▪ The project team will continue to work with landowners during final design to minimize property impacts. ▪ For houses located on the west side of MT-35—right-of-way requirements through that area will be further refined and coordinated with landowners during final design. ▪ Covering the landowner well near the equestrian crossing will be evaluated during final design. ▪ The size and location of the entry features, including turn-arounds, will be evaluated during final design to minimize impacts to adjacent buildings. ▪ Proposed roadway and retaining walls near the Wood Bay Hill properties will be re-evaluated to further minimize impacts. ▪ Location of the path will be designed to minimize proximity to landowner’s carport. ▪ MDT will evaluate ways to minimize effect on the adjacent property with implementation of equestrian crossing. ▪ The project team will determine if there are any impacts to the tree with a business sign attached to it and if impacts can be avoided. If not, other arrangements for a business sign can be discussed during the right-of-way negotiation process. ▪ MDT project team will coordinate with utility companies throughout final design to consider current and future utilities, evaluate feasibility of placing utilities underground, determine location of conduits, and prevent any landowner from losing access to their property. 	MDT
Non-Motorized Travel	<ul style="list-style-type: none"> ▪ Pedestrian crosswalk will be considered in the Woods Bay north of Red Gate Road and at Bigfork Stage stop. ▪ During final design, the project team will consider a more formal pedestrian crossing at Grand Avenue and MT-35 due to the large number of school children who cross the road in this area 	
Stormwater Runoff	<ul style="list-style-type: none"> ▪ Drainage will be evaluated during final design to prevent stormwater runoff from roadway into Daphne Pond. ▪ Roadway runoff on bridge will not directly discharge into the water resource without some level of treatment. ▪ Regarding Potato Lakes drainage concerns, a hydraulic analysis throughout the corridor will be conducted during final design. ▪ If the current drainage conditions do not provide a means to convey storm water run-off running in roadside ditches through approach roads, this will be addressed in the final design to provide adequate drainage. 	

6.0 List of FONSI Recipients

The following groups and agencies will receive copies of this FONSI:

Federal Highway Administration
Lloyd Rue and Gene Kaufman
585 Shepard Way
Helena, MT 59601

Montana Department of Environmental Quality
Directors Office
1520 East Sixth Avenue
Helena, MT 59620

U.S. Environmental Protection Agency
Region 8 Montana Office
10 West 15th Street, Suite 3200
Helena, MT 59626

Montana Fish, Wildlife and Parks
Helena Area Resource Office
PO Box 200701
930 Custer Avenue West
Helena, MT 59620

U.S. Fish and Wildlife Service
Attn. Anne Vandehey
585 Shepard Way
Helena, MT 59601

Montana State Library
Collection Management Librarian
1515 East Sixth Avenue
Helena, MT 59620-1800

U.S. Army Corps of Engineers
Todd Tillinger
10 West 15th Street, Suite 2200
Helena, MT 59626

Flathead County Commissioners Office
800 South Main Street
Kalispell, MT 59901

U.S. Forest Service
Flathead National Forest
1935 3rd Avenue East
Kalispell, MT 59901-5772

Bigfork Land Use Advisory Committee
Shelly Gonzales, Chairperson
4747 Foothill Road
Bigfork, MT 59911

Lake County Commissioners Office
Lake County Courthouse
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Polson, MT 59860

The following individuals will receive a copy of this FONSI:

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