



MDT



FHWA

**Re-evaluation
of the
Final Environmental Impact Statement**

**US 93
Evaro to Polson**

October 22, 2001

Re-evaluation of Final Environmental Impact Statement
And Section 4(f) Evaluation Approved on 6/17/96

F 5-1(9)6 U.S. Highway 93, Evaro – Polson
Missoula and Lake Counties, Montana

October 22, 2001

Enclosed is a copy of the Re-evaluation of the Final Environmental Impact Statement and Section 4(f) Evaluation approved on 6/17/96 for the above project.

The Federal Highway Administration and the Montana Department of Transportation in cooperation with the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation are proposing to improve portions of U.S. Highway 93 between Evaro and Polson, Montana.

A draft re-evaluation document was circulated to the public and to government agencies on April 30, 2001. A circulation and comment period of 45 days was established and comments were requested on or before June 14, 2001. Comments received during the open houses held in the corridor and throughout the summer period were incorporated into and responded to in this Re-evaluation document.

Further Questions can be directed to:

Joel Marshik, Manager, Environmental Services
Montana Department of Transportation
Box 201001
Helena, MT 59620-1001

Following distribution of the Re-evaluation a Revised Record of Decision (ROD) will be circulated by the Federal Highway Administration.

F 5-1(9)6 U.S. Highway 93
Evaro – Polson
Missoula and Lake Counties, Montana

Re-evaluation

of

Final Environmental Impact Statement

and

Section 4(f) Evaluation

Approved 6/17/96

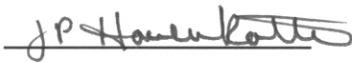
Prepared Pursuant to 23 CFR 771.130(c)

U.S Department of Transportation
Federal Highway Administration
and
Montana Department of Transportation

in cooperation with
Confederated Salish and Kootenai Tribes

October 22, 2001

Approved by:



Joe Hovenkotter
Confederated Salish and
Kootenai Tribes
PO Box 278
Pablo, MT 59602
(406) 675-2500



Joel Marshik
Montana Department of
Transportation
2701 Prospect Ave.
Helena, MT 59820
(406) 444-7632



Dale Paulson
Federal Highway
Administration
2880 Skyway Drive
Helena, MT 59602
(406) 449-5303

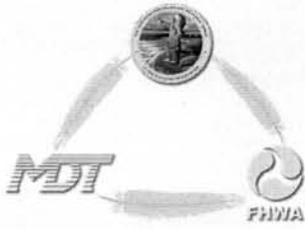
Montana Department of Transportation Environmental Re-evaluation of F 5-1(9)6 U.S. Highway 93 Evaro - Polson Final Environmental Impact Statement and Section 4(f) Evaluation Approved 6/17/96

History

(NOTE: revisions and additions from the draft Re-evaluation are indicated by underlined text.)

The Montana Department of Transportation has proposed to improve U.S. Highway 93 (US-93) for a distance of 56.3 miles, from Evaro at MP 6.5 through Polson to MP 62.8 (see Figure 1). The Federal Highway Administration (FHWA), the Montana Department of Transportation (MDT), and the Confederated Salish and Kootenai Tribes (CSKT) (herein after "the three governments") on June 17, 1996 prepared a National Environmental Policy Act (NEPA) Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation to describe the proposed project, alternatives, and the social, economic and environmental impacts. A Record of Decision (ROD) was prepared on August 12, 1996 and modified on February 9, 1998, which selected the existing alignment for improvement throughout the length of the proposed project, the preservation called for development of a corridor bypassing Ronan (Ronan Alignment 4), and the implementation implementing of right-of-way acquisition and access control; but which. However, the ROD deferred making a decision on lane configurations, corridor preservation for an Arlee bypass, corridor preservation or construction of a Polson bypass, mitigation measures, and a Section 4(f) determination until agreement was reached by the three governments on lane configurations, design features, and mitigation measures. The ROD was modified on February 9, 1998, to allow right-of-way acquisition to proceed on non-tribal land.

The Representatives from the three governments then negotiated and signed a Memorandum of Agreement (MOA) dated December 20, 2000. The MOA lays out their preferred conceptual roadway improvements, including lane configurations, design features, and mitigation measures for 30.8 miles of US-93 from Evaro to the Red Horn Road / Dublin Gulch Road intersection near St. Ignatius and for 10.6 miles of US-93 from the Spring Creek Road / Baptiste Road intersection near Ronan to the MT 35 intersection near Polson. The MOA does not include a 11.2 mile section between the Red Horn Road/Dublin Gulch Road intersection and the Spring Creek Road/Baptiste Road intersection (Ninepipe section). Also excluded from the MOA is a 3.8 mile section from the MT 35 intersection in Polson to the north end of the project. The MOA can be viewed at a number of locations along the US-93 corridor between Evaro and Polson including the Arlee Community Center, the St. Ignatius Public Library, the Ronan City Library, and the Polson City Library. It can also be viewed electronically or downloaded from the project website at <http://www.skillings.com/Web-Page/0000MOA.html>. Additional copies can be viewed at the Skillings-Connolly, Inc. offices located in Ronan at 1317 US-93 South, Suite A, or in Missoula at 1800 South Russell Street, Suite 250.



US 93 EVARO TO POLSON FEIS RE-EVALUATION

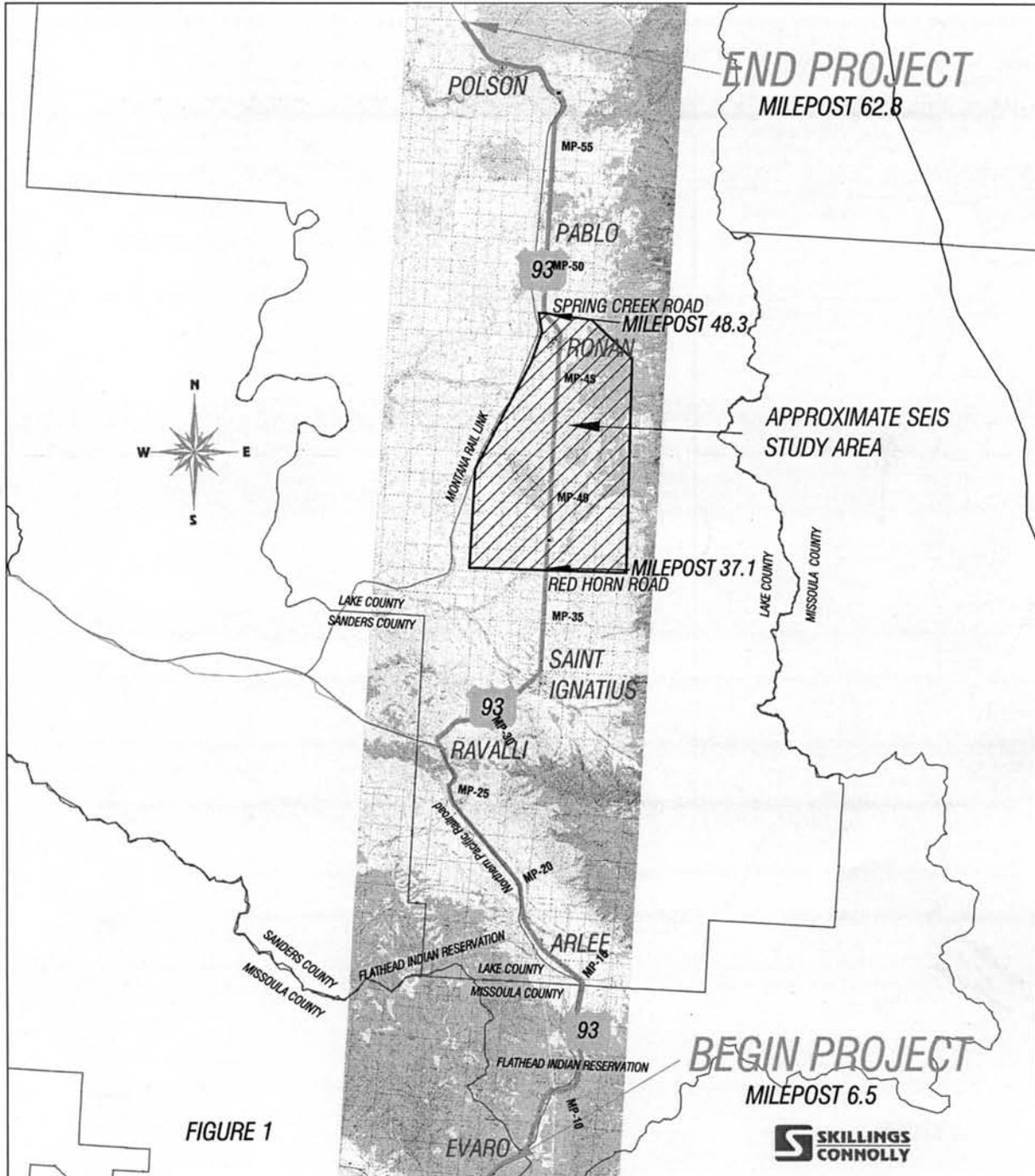


Figure 1 Vicinity Map

This Re-evaluation compares the impacts of the MOA lane configuration and added elements to what was included in the FEIS. It ~~is intended to also~~ incorporates any changes agreed to by the ~~Technical Design Committee (TDC)~~ three governments following the publication of the MOA.

Reason for Re-evaluation

The Council on Environmental Quality (CEQ) and FHWA regulations require FHWA to prepare a Supplemental EIS (SEIS) whenever the agency makes substantial changes to a proposed action, or when new circumstances or information are relevant to environmental concerns. Further, FHWA regulations require an SEIS if the changes or new information may result in significant environmental impacts that were not evaluated in the FEIS. In order to determine if such changes are significant, the regulations require the preparation of appropriate environmental studies, or if necessary an Environmental Assessment (EA), as prescribed in 23 CFR 771.130(c). While the regulations do not give a specific name to these environmental studies, it has been accepted practice in FHWA to use an Environmental Re-evaluation, as prescribed defined in 23 CFR 771.129, to determine the need for an SEIS.

~~CEQ regulations also allow the preparation of an SEIS without first conducting studies when it is clearly necessary to do so.~~ As a part of the MOA negotiations, the three governments agreed to re-evaluate the 1996 FEIS. However, due to a number of environmental and cultural issues and social concerns, the 11.2-mile Ninepipe segment of ~~US-93 between the Red Horn Road / Dublin Gulch Road intersection and the Spring Creek Road / Baptiste Road intersection~~ and the 3.8 mile section north of Polson were excepted out of the MOA (Figure 1). The three governments subsequently agreed to prepare an SEIS for the Ninepipe section as a separate action to explore alternative roadway alignments and to evaluate new circumstances and information relevant to this segment.

This Re-evaluation incorporates by reference the conceptual roadway improvements, including lane configurations, design features and mitigation measures that are addressed in the MOA. This includes evaluation of impacts and mitigation related to the proposed Arlee couplet, and realignments at Ravalli Hill, the roadway north of Ronan, and the section from Caffrey Road to MT 35 at Polson. ~~While the Re-evaluation technically extends to the north end of the project, no changes from the FEIS are currently agreed to north of MT 35.~~ FHWA, MDT, CSKT The three governments, Lake County, and the City of Polson will continue to work together to determine the appropriate improvement project applicable for US-93 from the US-93 / MT 35 intersection north 3.8 miles through Polson to near the vicinity of the US-93 / Rocky Point Road intersection.

The Re-evaluation effort includes developing an alignment consistent with the conceptual MOA alignment throughout the project length. This alignment was then analyzed for its impact on natural and scenic resources, landscape features, and cultural and historic resources. Changes necessary to bring the preliminary design into compliance with the MOA ~~have been were~~ accomplished, ~~as have recommendations for and modifications that have the potential to reduce avoid or avoid minimize negative impacts were included.~~

There is no NEPA requirement for ~~p~~Public ~~i~~nvolvement on a Re-evaluation. However, in keeping with ~~FHWA, MDT, and CSKT~~ the three governments' efforts to keep the public and agencies informed, public open houses ~~will be were~~ held, in ~~up to four~~ five different locations (Polson, Ronan, Saint Ignatius, Arlee, and Evaro, MT), upon completion of the draft documentation. The purpose ~~will be was~~ to demonstrate the conclusions reached thus far and seek input from the public. ~~Depending on the outcome of those meetings, a second round of public involvement meetings may be considered.~~ The first public meeting was also the beginning of a 45-day formal public comment period, during which 222 comments were received. Those

concerns and suggestions resulted in many of the changes described below. They are attached together with their responses as Appendix A. The Draft Re-evaluation was also circulated to approximately 180 agencies, tribal members, and businesses of interest. The circulation list is included as Appendix B. The Final Re-evaluation will be sent to them, and to those who commented as a response to their comments.

Description of Changed Conditions

The EIS examined the impacts related to several alternatives including the existing alignment (Alternative 1) and a westerly bypass of Arlee (Alignment 2). Within those alternatives it evaluated several lane configuration alternatives, with Lane Configuration D having the greatest impact since it was a four lane divided facility with a minimum 40-foot median. The right of way necessary for Lane Configuration D was shown as 220 feet. Together with an assumed additional 10 feet on each side for construction disturbance purposes, this was the area of direct impact analyzed in the EIS.

The MDT Preferred Alternative presented in the FEIS was Alternative 1, with a combination of lane configurations that was (for all but 0.4 mile) narrower than Lane Configuration D. Table 1 (Table 5.3-1 from the FEIS) shows the lane configuration of the MDT Preferred Alternative. The FEIS also included the CSKT Preferred Alternative, which was Alternative 1 with Lane Configuration A, the modified two-lane alternative, for the entire project length. It included auxiliary lanes in 5 locations, which are described in Table 2. The Record of Decision, as noted above, deferred selection of lane configurations or an Arlee bypass.

The design discussions that culminated in the December 20, 2000, MOA resulted in a lane configuration of a combination of 4-lane divided and 2-lane design, with alternating passing or climbing lanes. Table 3 shows the lane configuration agreed to in the MOA. Table 4 is a summary of roadway lengths by lane configuration from the MOA. Table 5 is a comparison of the FEIS and MOA lane configurations by roadway type. As indicated in the footnotes, the MOA did not address the Ninepipe segment or the Polson segment north of MT 35.

The preferred roadway improvements described in the MOA and this Re-evaluation also incorporate new elements not explicitly considered in the 1996 EIS. These elements include:

Evato (See Figure 2)

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway.

The MOA proposed a 4-lane roadway with a frontage road for this area.

The three governments considered several options to improve that area. Options included:

- moving the intersection location for Mercer Lane / Boggess Lane from the existing access to Boggess to the existing access at Mercer Lane
- shifting the railroad to the east and moving the frontage road further from Evato relieving the citizens from R/W impacts
- replacing the frontage road with multiple accesses (much like what exists today) and a two-way left turn lane on US 93

Following input from the citizens of Evato, the design for that area was changed to lessen impacts on their community while still providing a safe highway. Those changes are as follows:

Table 1 (FEIS Table 5.3-1) - Lane Configuration of the MDT Preferred Alternative in the FEIS

LOCATION (Mileposts)		LANE CONFIGURATION ^a				LOCATION DESCRIPTION
FROM	TO	A	B	C	D	
6.5	7.2			0.7		Evaro
7.2	10.2		3.0			Evaro to vicinity of Joe's Smoke Ring
10.2	10.6				0.4	Evaro wildlife corridor (Joe's Smoke Ring to Schley homesites)
10.6	16.7		6.1			Schley homesites to Jocko Road (MTSFAS 559)
16.7	17.3			0.6		Jocko Road (MTSFAS 559) to Arlee
17.3	18.4			1.1		Arlee
18.4	19.3			0.9		Arlee to north of Dumontier Road
19.3	26.5		7.2			North of Dumontier Road to Ravalli
26.5	27.5			1.0		Ravalli
27.5	34.5		7.0			Ravalli to north of St. Ignatius
34.5	35.1			0.6		Vicinity of Lemery/Pinsoneault roads, north of St. Ignatius
35.1	37.0		1.9			North of St. Ignatius to Post Creek area
37.0	37.6			0.6		Post Creek area
37.6	45.1		7.5			Post Creek area to area south of Ronan
45.1	46.1			1.0		Area south of Ronan
46.1	47.9			1.8		Ronan
47.9	48.4			0.5		Ronan to vicinity of Baptiste/Spring Creek roads, north of Ronan
48.4	51.8		3.4			North of Ronan to Pablo
51.8	53.6			1.8		Pablo
53.6	55.6			2.0		North of Pablo, vicinity of Courville/Light roads to North Reservoir Road/Minesinger Trail
55.6	56.5		0.9			North Reservoir Road/Minesinger Trail to Caffrey/Ford roads
56.5	57.2			0.7		Caffrey/Ford roads to highway segment with narrow width due to hill and railroad tracks
57.2	57.8		0.6			Highway segment with narrow width
57.8	59.0			1.2		Highway segment with narrow width to MT 35
59.0	61.1	2.1 ^b				MT 35 to Flathead River bridge, Polson
61.1	62.8	1.7 ^c				Flathead River bridge to end of proposed action, Polson
SUBTOTAL: EXISTING ALIGNMENT		3.8	37.6	14.5	0.4	
56.5	62.8		5.8			Alignment 3 around Polson
TOTALS		3.8	43.4	14.5	0.4	

^aA=2 lane; B=4 lane undivided; C=4 lane with center turn lane; D=4 lane divided.
^bNo change in existing lane configuration. ^cAddition of a continuous two-way left-turn center median.
 (Based on FEIS table by Morrison-Maierle and Carter Burgess, 1994.)

Table 2 – Auxiliary Lane Configuration of the CSKT Modified Two-lane Preferred Alternative in the FEIS

Milepost		Item	Direction/Location
From	To		
12.1	14.1	Passing lane	Southbound, Evaro Hill
17.7*	18.0*	Raised landscaped 20-30 foot median, left turn bays	Through Arlee
27.7	29.5	Passing lane	Northbound, Ravalli Hill
29.5	31.2	Passing lane	Southbound, Bison Range Grade
38.4	40.2	Passing lane	Northbound, Post Creek Hill
46.4*	48.0*	Raised landscaped 20-30 foot median, left turn bays	Through Ronan
51.9	54.2	Raised landscaped 20-30 foot median, left and right turn bays	Through Pablo
56.3	58.2	Passing lane	Southbound, Polson Hill

*Milepost estimated – not specified in FEIS

Table 3 - Recommended Lane Configuration for US 93 Corridor in the 12/20/2000 MOA

General location	Stations		Mileposts		Lane configuration	Length	
	From	To	From	To		km	mi
Evvaro	109+50	111+50	6.39	6.51	Existing four-lane undivided	0.20	0.12
Evvaro	111+50	129+00	6.51	7.60	Four-lane undivided	1.75	1.09
Finley Creek/Frog Creek	129+00	139+00	7.60	8.22	SB passing lane	1.00	0.62
North of Frog Creek to MRL	139+00	160+20	8.22	9.54	NB passing lane	2.12	1.32
Joe's Smoke Ring	160+20	178+00	9.54	10.64	Two-lane undivided	1.77	1.10
Coriacan Rd-Doney Ln	178+00	217+00	10.64	13.07	SB climbing lane	3.91	2.43
Doney Ln-S. Couture Loop	217+00	248+00	13.07	14.99	NB passing lane	3.09	1.92
S. Couture Loop-Agency Rd	248+00	255+90	14.99	15.48	Two-lane undivided	0.79	0.49
Agency Rd-Coombs Ln	255+90	267+20	15.48	16.18	SB passing lane	1.13	0.70
Coombs Ln-Arlee	267+20	287+00	16.18	17.41	Four-lane divided	1.97	1.23
Arlee	287+00	300+00	17.41	18.22	Couplet composed of two separate two-lane undivided one-way roadways	1.30	0.81
Arlee-Jocko River	300+00	308+40	18.22	18.74	Four-lane divided	0.84	0.52
Schall Flats	308+40	340+00	18.74	20.70	SB passing lane ^a	3.15	1.96
Schall Flats	340+00	379+00	20.70	23.12	NB passing lane	3.90	2.42
Schall Flats-Spring Creek	379+00	385+10	23.12	23.50	Two-lane undivided	0.61	0.38
Spring Creek-Valley Creek Rd	385+10	403+20	23.50	24.63	SB passing lane	1.81	1.13
Ravalli Canyon-Ravalli	403+20	449+70	24.63	27.52	Two-lane undivided	4.65	2.89
Ravalli Hill	449+70	472+10	27.52	28.91	NB climbing lane	2.24	1.39
Ravalli Hill	472+10	480+20	28.91	29.41	Overlapping NB and SB climbing lanes	0.81	0.50
Mission Hill	480+20	508+50	29.41	31.17	SB climbing lane	2.83	1.76
Mission Hill-St. Ignatius	508+50	542+40	31.17	33.27	Two-lane undivided	3.38	2.10
Post Creek Tributaries	542+40	566+60	33.27	34.77	NB passing lane	2.41	1.50
Post Creek Tributaries	566+60	572+40	34.77	35.13	Two-lane undivided	0.58	0.36
Post Creek Tributaries	572+40	599+70	35.13	36.83	SB passing lane	2.74	1.70
Red Horn Rd	599+70	603+10	36.83	37.04	Two-lane undivided	0.34	0.21
Ninepipe Area and Ronan	603+10	767+00	37.04	48.24	No specific lane configuration recommended ^b	18.02	11.20
Ronan-Polson	767+00	937+20	48.24	58.81	Four-lane divided ^c	16.91	10.57

^a Section at Jocko River Bridge was shown in MOA as two-lane undivided, but changed to SB passing lane by action of TDC.

^b No final lane configuration has been recommended for this portion of the roadway in the Ninepipe area and Ronan. A supplemental EIS is being prepared to assess alternative alignments in this area. This area includes the station equation 768+38 Back = 751+93 Ahead.

^c ~~May include a four-lane undivided cross section or a five-lane cross section with a center two-way left-turn lane over a length of approximately 1.2 to 1.5 mi. immediately south of MT Highway 35.~~

NOTE: All station locations and mileposts are approximate and may need to be adjusted in the detailed design process.

Table 4 - Summary of Roadway Lengths by Lane Configuration in MOA

Lane Configuration ^a	Total roadway length	
	km	mi
Two-lane undivided ^b	12.12	7.53
NB passing or climbing lane	13.76	8.55
SB passing or climbing lane ^b	16.57	10.30
Overlapping NB and SB passing or climbing lanes	0.80	0.50
Four-lane undivided	1.95	1.21
Four-lane divided ^e	19.82	12.32
Couplet composed of two separate two-lane one-way roadways	1.30	0.81
Total	66.32	41.22

^a This table does not include the portion of the roadway from Station 603+10 to 767+00 (Ninepipe area) where no lane configuration has been recommended.

^b Changed in Jocko River area by the TDC three governments from what was shown in MOA.

^e ~~The totals on this line include a portion of the roadway (approximately 1.2 to 1.5 mi. in length) immediately south of MT Highway 35 that may be constructed with a four-lane divided cross section or a five-lane cross section with a center two-way left-turn lane.~~

Table 5 - Comparison of FEIS and MOA Lane Configuration (miles)

Lane Configuration	FEIS (MDT Preferred Alt.)	FEIS (CSKT Preferred Alt.)	MOA
Two-lane undivided	3.8 ^a	43.0	7.53 ^b
Two-lane with raised landscaped 20-30 foot median		4.2	
NB passing or climbing lane		3.6	8.55
SB passing or climbing lane		5.5	10.30 ^b
Overlapping NB and SB passing or climbing lanes			0.50
Four-lane undivided	37.6 ^c		1.21 ^d
Four-lane with continuous two-way left turn center lane	14.5 ^e		
Four-lane divided	0.4		12.32
Couplet composed of two separate two-lane one-way roadways			0.81 ^f
Total	56.3	56.3	41.22 ^g

^a MT 35 to end of project, not included in MOA (but included in Re-evaluation)

^b changed in Jocko River area by the TDC three governments from what was shown in MOA

^c includes 7.5 mi. in Ninepipe section that was excluded from MOA

^d includes 0.12 mi. at beginning of project not included in FEIS

^e includes 3.7 mi. in Ninepipe section that was excluded from MOA

^f Arlee Alignment 2 was considered in the FEIS but was not included in the Preferred Alternatives

^g does not include Ninepipe section or from MT 35 north

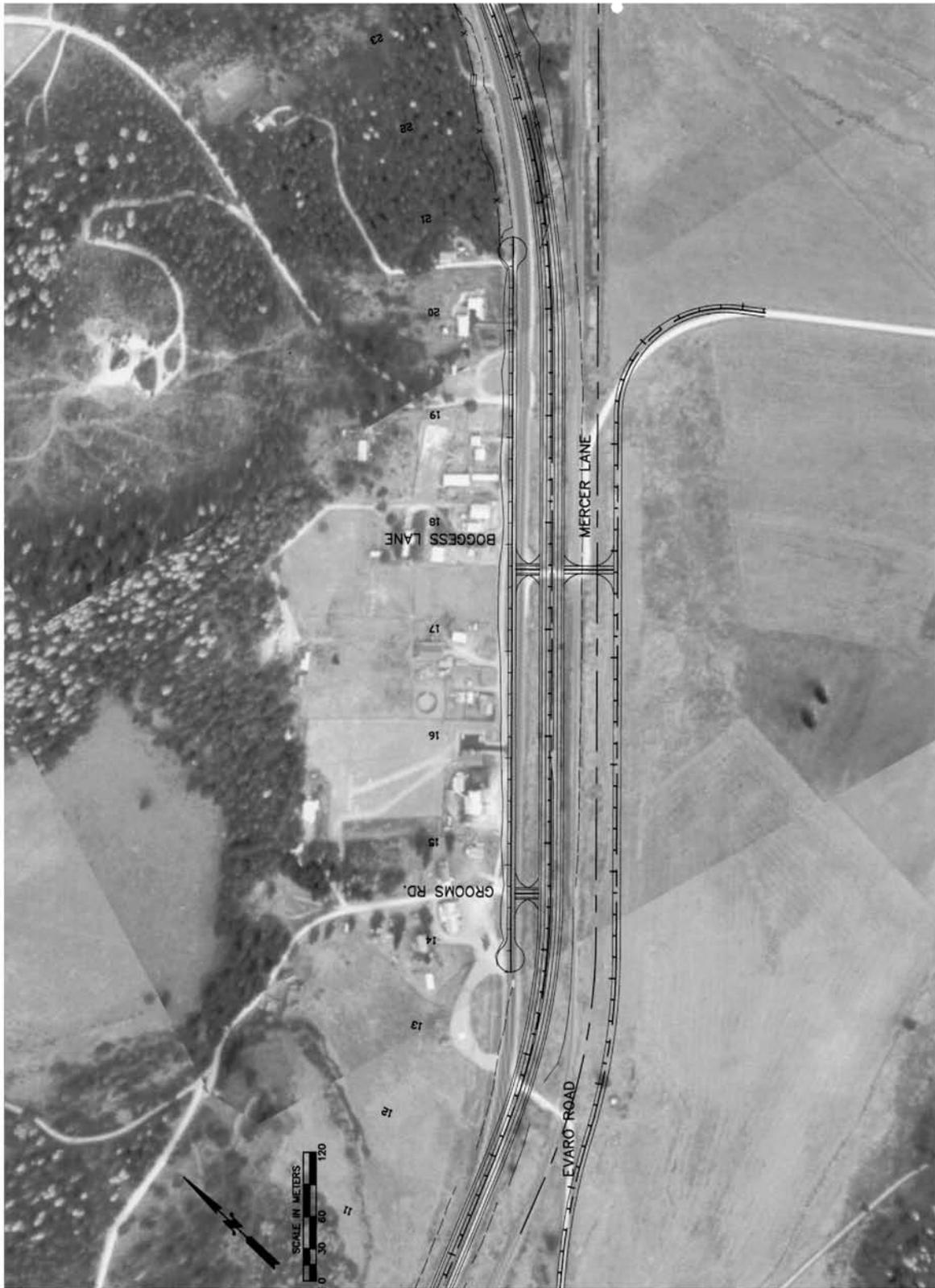


FIGURE 2

EVARO

Figure 2 Evaro

- The highway alignment, frontage road, and the railroad will be shifted to the east to minimize right-of-way impacts to the Evaro community.
- The north access will be shifted south away from the north curve to approximately intersect with Mercer Lane. The south access will be located a little farther north of the south curve at Grooms Road.
- The two railroad crossings to the east will be combined and located at Mercer Lane.
- Several citizens asked for multiple accesses and a two-way left turn lane instead of a frontage road. This option was studied for traffic and safety, and it was confirmed that a frontage road is the safest option for this location. A frontage road will provide safe local circulation and a safe place for school buses to load and unload. Evaro's location between the crest of a hill and a curve limits the number of safe options available. It should be noted that residents have created and use an unofficial frontage road in the highway ditch for local access.

There are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

Schley Home Sites

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway.

The MOA proposed a 2-lane roadway with a southbound passing lane and frontage roads on both sides of US 93 for this area.

The three governments now have selected a 2-lane roadway with a southbound passing lane for this area. The frontage roads are existing and the tribe wants to retain ownership and control of them as well as maintenance responsibility.

There are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

Dirty Corner (See Figure 3)

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway.

The MOA proposed a 2-lane roadway with a 2-lane access road in this area tying the county roads into US 93 via Blackhawk Loop to the north.

Two options were considered subsequent to the MOA:

- a) moving the access to the vicinity of Blackhawk Loop, or
- b) moving the access to the vicinity of South Couture Loop.

Blackhawk Loop is a privately owned road, and the members of the community were strongly against the use of it as a busy county road. The community cited safety and quality of life issues. After reconsideration, the three governments agreed to flatten the vertical curve at Dirty



DIRTY CORNER **FIGURE 3**

Figure 3 Dirty Corner

Corner and relocate the existing access to US 93 away from the vicinity of the intersection of Coldwater Lane and Agency Road by using option “b”.

South Couture Loop currently intersects US 93 on the west side near the beginning of the Dirty Corner curve. Coldwater Lane and Agency Road currently intersect US 93 near the middle of that curve. The option selected was a frontage/access road extending from the intersection of Coldwater and Agency southerly along the east side of US 93 to South Couture Loop. There are some concerns regarding noise and lighting impacts in that area. Landscaping will be used to mitigate those impacts.

There are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

Couplet at Arlee (See Figure 4)

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway. The FEIS also evaluated the impacts of Alignment 2 at Arlee, a westerly bypass, as an alternative to widening the highway through the community.

The MOA proposed a 4-lane divided roadway into and out of town. In the area of Arlee itself it proposed a couplet with a 2-lane roadway following the existing US 93 through town for northbound traffic, and a new 2-lane roadway on the west edge of town. As a result of the MOA negotiations, a decision was made to evaluate the use of an alignment to the west, similar to the bypass alignment, as part of a one way couplet together with the existing alignment, for southbound traffic. It included cross streets between the roadway to provide access and turn around capability. This configuration will greatly improve the safety and accessibility of cross traffic for both vehicles and pedestrians, provide better parking, and will allow improved landscaping opportunities. It will also improve the accessibility of main line travelers to stop and shop at existing businesses adjacent to US 93. Connecting streets will provide southbound traffic with the opportunity to access the businesses and activities in the town. The couplet will also allow an alternative for through traffic during Pow Wow celebrations on July Fourth.

Following a large amount of input from the citizens of Arlee, the three governments reconsidered the selected option of a couplet for Arlee. Input from the townspeople was mixed, some in favor of the couplet, and some in favor of keeping both directions of US 93 on the existing alignment. Residents of the town presented proposals for both a 3-lane and a 4-lane facility through town. The three governments have agreed to retain the couplet for the following reasons:

- A two-lane facility with turn lanes is a short-term solution and would eventually have to be converted to a four-lane road. A four-lane facility with left turn lanes, while it would function for through-traffic, would create a barrier to cross-traffic and pedestrians and would essentially divide the Arlee community.
- The couplet will be safer for pedestrian use, especially for the young and elderly pedestrians who walk to the school and the post office. It will be less daunting to cross 26 feet of pavement, with traffic coming from one direction, than 76 feet of pavement with traffic coming from both directions.
- The couplet will provide a higher level of service for local and through-traffic now and well past 20 years from now.
- The couplet defines and allows an area for future commercial growth.



ARLEE COUPLET

FIGURE 4

Figure 4 Arlee Couplet

As a result of the public input received, however, several changes to the couplet described in the MOA were made, as noted below.

- Powwow Road and North Couture Loop intersections will be straightened to improve sight distance.
- Turn-around access will be designed for traffic at North Couture Loop and Oxford Lane/Finley Creek Road.
- Additional accesses will be added to the southbound couplet at Whitworth and Wessinger Streets to enhance internal traffic circulation as well as access.
- The southbound leg will be shifted to miss a burial site.
- Each of the four east-west access roads will be improved so as to significantly enhance Arlee's road and storm water infrastructure.
- Emergency signals for the Arlee Fire Department will be provided to give safe, quick access to either leg of the couplet.

The impacts of the Arlee couplet were discussed in the FEIS in the section evaluating Alignment 2. Accordingly, there are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

Jocko River and Dumontier Road (See Figure 5)

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway.

The MOA proposed a 2-lane roadway crossing the Jocko River. This section connected a 3-lane roadway to the north with a 4-lane roadway south of the river.

The three governments now have selected a 3-lane roadway with a southbound passing lane in this area. They also will provide a 2-lane access road from Dumontier Road following the Old 93 route northward until it ties into US 93 approximately 950-1000 meters north of the existing access.

There are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

Realignment at the Top of Ravalli Hill (See Figure 6)

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway. It noted 4(f) impacts to both the Bison Range and the CSKT Visitor Center.

The MOA proposed a 2-lane roadway with a northbound passing lane coming up the hill from the south, and a southbound passing lane coming up the hill from the north. It also proposed about 0.5 mile of overlapping passing lanes. It proposed building a new Visitor Center on the north side of the highway and reclaiming the site of the existing Visitor Center on the south side. It proposed accessing the new Visitor Center by constructing an interchange.

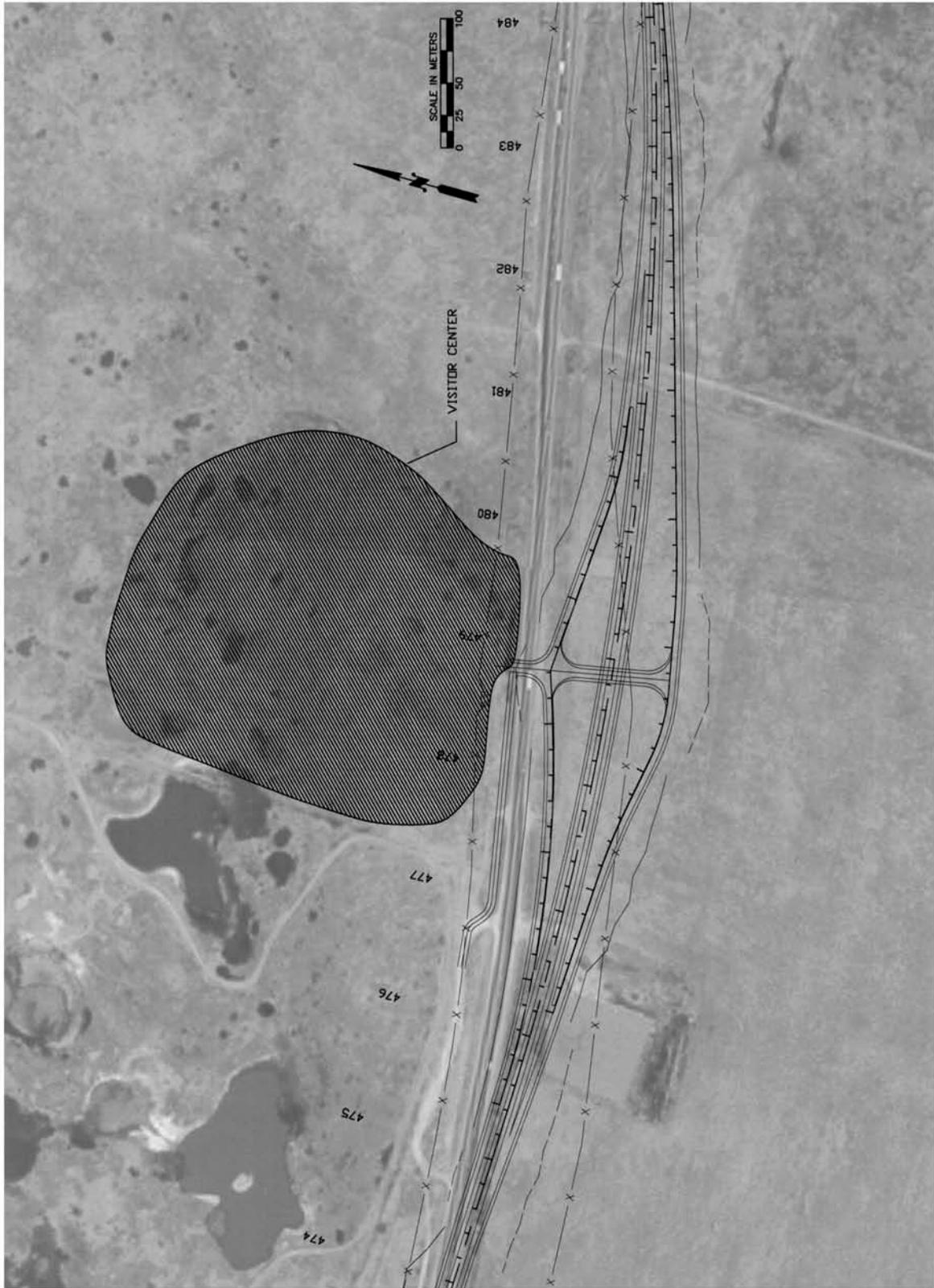
The three governments have selected a 2-lane roadway with a northbound passing lane coming up the hill from the south, and a southbound passing lane coming up the hill from the north. It also includes about 0.5 mile of overlapping passing lanes. They will shift the highway alignment



JOCKO RIVER

FIGURE 5

Figure 5 Jocko River



RAVALLI HILL

FIGURE 6

Figure 6 Ravalli Hill

to the south and provide access with an interchange to allow the roadway geometry to provide a more natural entrance to the Visitor Center and avoid all impacts to the Bison Range, a Section 4(f) resource. It also proposed building the new Visitor Center on the north side of the highway and reclaiming the site of the existing Visitor Center on the south side.

There are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

~~As a result of the MOA negotiations, a decision was made to move the Tribal Visitor's / Interpretive Center at the top of Ravalli Hill from the south side of US 93 to the north side. An interchange was chosen for getting traffic from one side of the highway to the other to provide a safe crossing. US 93 was realigned further to the south in order to provide the space required for the interchange without impacting the U.S. Fish and Wildlife Service (USFWS) Bison Range facility. Currently, those wishing to visit the Interpretive Center as well as observe vistas and wild animals must cross the roadway. Many of these do so on foot, creating an unsafe environment for both themselves and the traffic on US 93. This plan will provide enhanced safety by eliminating the need for crossing US 93 on foot.~~

Realignments North of Ronan

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway.

The MOA proposed a divided 4-lane roadway from Ronan to Polson. The roadway follows the existing alignment except for two areas, one south of Pablo and the other north of Pablo. In these areas a curvilinear alignment was added to better fit the land and enhance the views of the surrounding landscape.

The reevaluation proposes a divided 4-lane roadway from Ronan to Polson. The roadway follows the existing alignment except for two areas, one south of Pablo and the other north of Pablo (discussed below). In these areas a curvilinear alignment was added to better fit the land and enhance the views of the surrounding landscape.

The Re-evaluation lane configuration would impact 5.1 acres of wetland at Mud Creek. Previous alternatives described in the 1996 FEIS would have filled up to 0.95 acres at this site. Increased wetland impacts at this site are attributed to the addition of a curvilinear alignment, and a proposed wildlife crossing structure. While extensive wetland impacts are expected at this site, numerous mitigation opportunities are also present. This land is owned by CSKT and there is a strong commitment to provide additional wetland and stream mitigation at this site to offset the expected wetland impacts.

Based on the mitigation opportunity available, there are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

~~As a result of the MOA negotiations, a decision was made to provide a more curvilinear alignment north of Ronan. The noticeable changes are just north and south of Pablo. This curvilinear alignment allows the road to better fit the landscape and enhances the views of the surrounding landscape for the highway travelers.~~

North Pablo (See Figure 7)

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway.

The MOA proposed a divided 4-lane roadway through and north of Pablo. The roadway follows the existing alignment except for an area north of Pablo. In this area a curvilinear alignment was added to better fit the land and enhance the views of the surrounding landscape. It also proposed a frontage road that would be located to the east of the businesses on the east side of the roadway. This would avoid additional impacts to the businesses.

The three governments have now selected a divided 4-lane roadway through and north of Pablo. The roadway follows the existing alignment except for an area north of Pablo. In this area a curvilinear alignment was added to better fit the land and enhance the views of the surrounding landscape. It also proposes a frontage road that would be located between US 93 and the businesses. This would avoid additional impacts to the businesses and avoid ROW impacts to additional parcels east of the businesses that were not impacted previously. Some of the businesses also feel the highway-side accesses are better than an access "behind" them. The alignment of US 93 will be shifted to the west to provide the right-of-way to reduce the impacts to those residences and businesses.

There are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

Realignment Between Caffrey Road and MT 35 in the Vicinity of Polson (See Figure 8)

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway. The alternatives included a realignment of the historic railroad.

The MOA proposed a divided 4-lane roadway in this area, with a more curvilinear alignment and varying median widths, and vertical alignments to better fit the land and enhance views of Flathead Lake and the other surrounding landscape. It also included a realignment of the historic railroad.

As a result of the MOA negotiations, a decision was made. The three governments have agreed to integrate the horizontal and vertical alignment of the reconstructed roadway with the hilly terrain while maintaining the views of Flathead Lake. This ~~was~~ will be implemented with the design of a four-lane divided highway with independent alignments for the northbound and the southbound lanes. The Northern Pacific Railroad Dixon-Polson Branchline, operated by Montana Rail Link (MRL), roadbed and rails are eligible for inclusion on the National Register of Historic Places, and as such any disturbance must be processed under the provisions of Section 4(f) of the Department of Transportation Act and § 106 of the National Historic Preservation Act. The FEIS provided mitigation for relocation of about 1800' of the MRL rail line on Polson Hill. The alignment proposed in the MOA keeps the track relocation within 1800 linear feet. Therefore, no additional impact to the rail line is planned. The use of extensive retaining walls will be required to meet this criterion and is included in the plan.

There are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.



FIGURE 7

NORTH PABLO

Figure 7 North Pablo



RAILROAD REALIGNMENT

FIGURE 8

Figure 8 Railroad Realignment

In the event MRL should discontinue its railroad operations to its northern terminus, an additional proposal was investigated that would reduce the need for the extensive system of retaining walls and provide a much improved curvilinear alignment that would ~~require the use of~~ more than the original 1800' of railroad. This realignment must be approved by MRL, and any increase in Section 4(f) impacts will also require coordination, discussions, and approvals with the Montana State Historic Preservation Officer (MSHPO), Tribal Historic Preservation Officer (THPO), and the Advisory Council on Historic Preservation. While this action is not being proposed or evaluated at this time, if proposed at a future date a new independent Section 4(f) statement will be prepared.

Glory Road (See Figure 9)

The range of alternatives discussed in the FEIS included 2 lanes with auxiliary lanes where needed; 4 lanes; 4 lanes with a continuous two-way left-turn center lane; or a 4-lane divided highway.

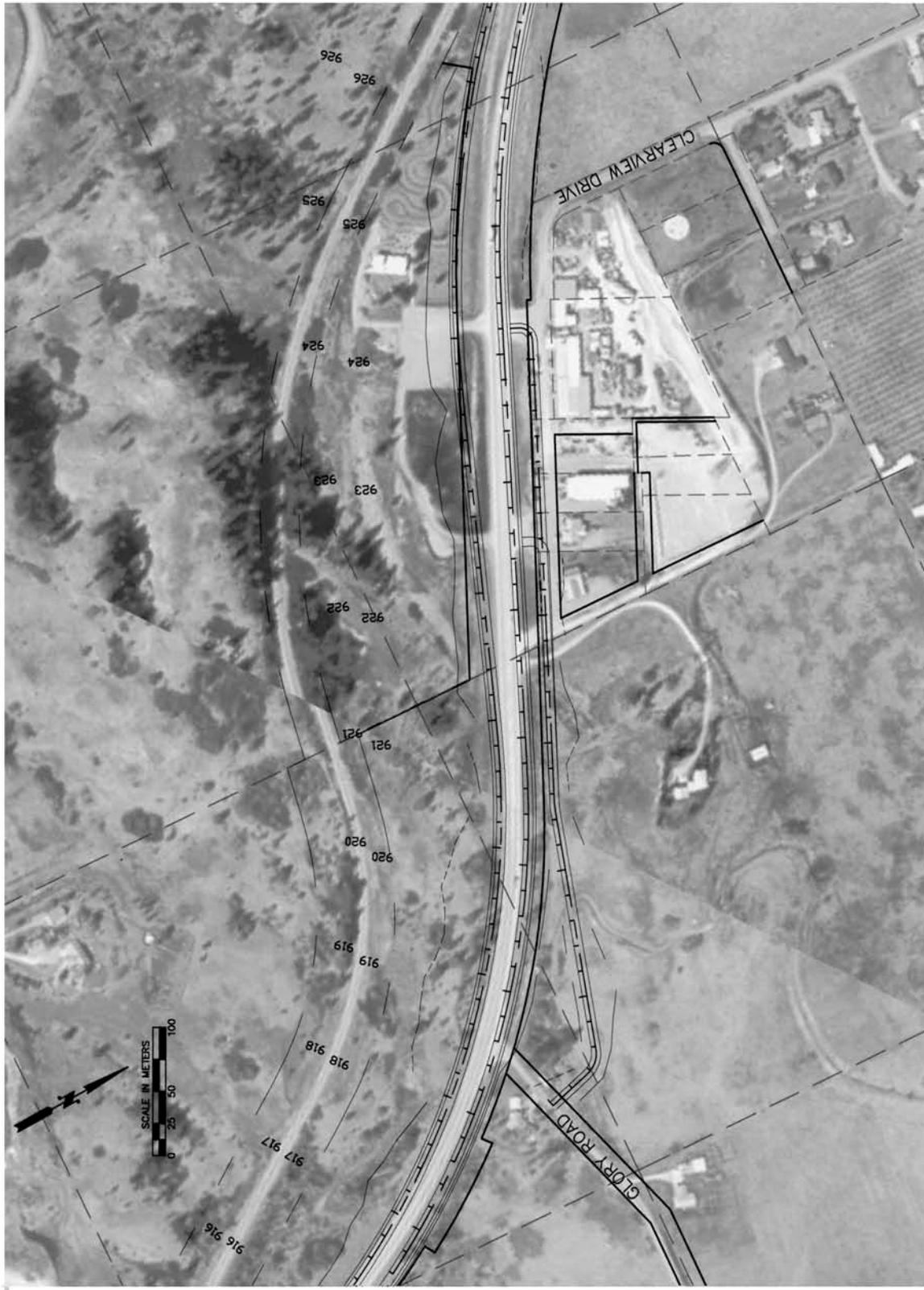
The MOA proposed a divided 4-lane roadway in this area. Rather than follow the existing alignment, it was more curvilinear with varying median widths and vertical alignments to better fit the land and enhance views of Flathead Lake and the other surrounding landscape. It included closing the Glory Road access and the use of a frontage road from Glory Road to a new access 400 meters to the north.

The three governments have now selected a divided 4-lane roadway in this area with a more curvilinear alignment with varying median widths and vertical alignments to better fit the land and enhance views of Flathead Lake and the other surrounding landscape. This selection will include closing the Glory Road access and the use of a frontage road from Glory Road to a new access 600 meters to the north. This frontage road was moved from within the existing right-of-way to the east to reduce the impact on the vegetated hillside to the west. The access point to US 93 was moved another 200 meters north and has impacts to parking for the businesses on the east. Further efforts will be made to minimize these impacts during project design.

There are no changes to the proposed action resulting in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

~~To alleviate the large cuts to the natural vegetated hillside to the west of US 93 in this area, the frontage road to Glory Road was relocated to the bottom of the slope east of US 93. The frontage road was planned to intersect US 93 at the south edge of the James R. and Sue Anne Iman parcel, impacting about half of their frontage on US 93. It crossed the front of the Nickel Cars used car lot, impacting much of their display and access areas. It then followed the bottom of the fill slope for US 93 for approximately 300 meters, and swung east to tie into Glory Road about 100 meters east of US 93. By moving the frontage road to the toe of slope the impact on the property owners in that area is minimized.~~

~~Due to the impacts of the frontage road on the parking of the businesses as well as the display for Nickel Cars, the three governments agreed to move the frontage road connection to US 93 to the south end of the Nickel Cars property. The accesses to Nickel Cars and the private residences just south of there will connect to the frontage road. Two other commercial accesses will be provided as shown in the Access Control and Corridor Preservation plans, one to be shared by Les Schwab Tires and the Iman property, and the other for the Museum and Clearview Drive. Details for median crossings will be worked out during the design phase.~~



GLORY ROAD
FIGURE 9

Figure 9 Glory Road

Areas of Potential Impact

Water and Hydrology

The following paragraphs provide a description of conceptual level design guidelines and recommendations that have been developed as part of the MOA signed by the ~~participating agencies~~ three governments on December 20, 2000 (MDT et al. 2000). These design guidelines and recommendations were not proposed at the time of the publication of the 1996 Final EIS and reinforce the intention to minimize intrusion into adjacent natural resources and to enhance and restore damaged resources where the opportunity is available. Specifically, the water and hydrology related recommendations are designed to “maintain the chemical, physical, and biological quality of wetlands and streams, to prevent contamination of groundwater, and to provide erosion and sediment control” (MDT et al. 2000). Every reasonable effort will be made to assure that the spirit of the guidelines presented in the MOA is incorporated into the final design.

Over a dozen recommendations were presented in the MOA (see pages 29-30 in the Design Guidelines and Recommendations section of the MOA), some of which are applicable to the entire project, and some that are applicable to specific areas or sections. The following bulleted items highlight the major recommendations:

- ~~Select~~ The selected road configurations that minimize the area of impervious surface in order to reduce runoff.
- Use bioswales composed of indigenous plant materials to minimize impacts associated with roadway runoff. In wetland areas, create ribbon marshes that run parallel to the road and can be used to filter runoff. Ribbon marshes would consist of cattails and other appropriate plants.
- In selected populated areas, install curbs and gutters to control runoff. All urban cross-sections shall include stormwater collection and best management practices for treatment systems.
- In the other areas ~~Use~~ surface drainage systems such as swales, culverts, and retention basins instead of closed underground systems. Locate release points to minimize erosion if underground systems must be used, and maintain the site's natural drainage pattern.
- Maintain wetland and riparian vegetation buffers to filter sediment and chemical pollutants carried by stormwater runoff.
- In proximity to the existing highway, Restore streams that have been channelized due to previous road construction related to US 93. Streams will be restored as close to their original channels as possible. Examples are Spring Creek at Schall Flats, and Mission Creek near St. Ignatius. Other streams will be reviewed during design for similar treatment.

Wildlife Crossing Structures and Associated Fencing

Mitigation for impacts on wildlife proposed in the FEIS included a wildlife overcrossing at Milepost 10.3, an extended Post Creek bridge, and a 13-foot culvert at Mission Creek. Recognizing the potential adverse effects of the roadway on wildlife, the MOA lane configuration incorporates approximately ~~42-44~~ wildlife crossings within the project corridor, along with fencing to funnel wildlife toward these crossing structures. Although 44 crossings are currently proposed, others may be added or some may be dropped during final design after coordination

with tribal and regulatory agencies. Table 6 identifies the proposed locations for wildlife crossing structures and wildlife fencing along with the structure type and approximate size.

Four types of crossing structures are proposed: one overpass, ~~eight~~nine open-span bridges, and ~~33~~34 corrugated metal pipes or concrete box culverts. The overpass, which is proposed at milepost 10.4, would support about 1.2 meters (4 feet) of topsoil on which vegetation would be established to provide cover. New open-span bridges are proposed at ~~eight~~nine locations and would provide a minimum of 3 meters (10 feet) of height clearance and 15 meters (50 feet) of dry land passage along the adjacent river or stream. Two of the proposed bridges would replace existing bridges; the remainder would replace culverts. At the remaining crossing locations either a corrugated metal pipe or a concrete box culvert ranging in size from 1.2 x 1.8 meters (4 x 6 feet) to 3.7 x 6.7 meters (12 x 22 feet) would be installed. These crossing would provide wildlife passage for both fish and wildlife. Where these structures convey streamflows, a dry bench adjacent to the stream would provide dry land passage, primarily for small mammals. The design of these structures may vary depending upon the analysis conducted at specific site locations during final design.

To facilitate use of the wildlife crossing structures and improve traffic safety, fencing would be installed to guide wildlife to the crossing site and vegetative cover would be planted. Generally, fencing would be 2.4-meter (8-foot) page wire fencing placed parallel to the road corridor. Table 7 identifies the locations and length of page wire fencing within the US 93 project corridor. Wing fencing would also be used at several locations. Wing fencing is 2.4-meter (8-foot) page wire fencing placed at a 45-degree angle to the road and extended for approximately 45 meters (150 feet). Sites where fencing is not currently proposed would be monitored. If it is determined that fencing is needed to facilitate use of crossing structures, it would be added.

Table 6 - Locations of recommended wildlife and fish passage structures in the US 93 project corridor.

Mile post*	Crossing Name	Type	Size in meters (feet)	Proposed Fencing
7.8	Frog Creek Fish Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	2.4 meter (8-foot) page wire
8.5	North Evaro Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
9.7	Rail Link Fish and Wildlife Crossing	Multi-span bridge (existing)	N/A	2.4 meter (8-foot) page wire
10.1	Finley Creek Tributary #1 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
10.3	Finley Creek Tributary #2 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
10.4	Evaro Hill Overcrossing	Wildlife overcrossing	46 to 61 (150 to 200) span	2.4 meter (8-foot) page wire
10.6	Finley Creek Tributary #3 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
11.9	Schley Creek Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
12.3	East Fork Finley Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
15.6	Agency Creek Fish Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	2.4 meter (8-foot) page wire

19	Jocko River Fish and Wildlife Crossing	Open span or multi-span bridge	91 to 122 (300 to 400) span	2.4 meter (8-foot) page wire
20.6	Schall Flats #1 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	Evaluate need through monitoring
21.4	Schall Flats #2 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	Evaluate need through monitoring
22	Schall Flats #3 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	Evaluate need through monitoring
22.8	Schall Flats #4 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
23.3	Jocko/Spring Creek Fish and Wildlife Crossing	Open span bridge	31 to 46 (100 to 150) span	2.4 meter (8-foot) page wire
25.16	Ravalli Curves #1 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
25.2	Ravalli Curves #2 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
26	Jocko Side Channel Fish and Wildlife Crossing	Open span bridge	31 to 46 (100 to 150) span	2.4 meter (8-foot) page wire
26.06	Ravalli Curves #3 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	2.4 meter (8-foot) page wire
26.1	Ravalli Curves #4 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	2.4 meter (8-foot) page wire
26.3	Ravalli Curves #5 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	2.4 meter (8-foot) page wire
26.4	Copper Creek Fish and Wildlife Crossing	Open span bridge	31 to 46 (100 to 150) span	2.4 meter (8-foot) page wire
28.2	Ravalli Hill Wildlife Crossing #1	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
28.4	Ravalli Hill Wildlife Crossing #2	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
30.5	Pistol Creek #1 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
30.7	Pistol Creek #2 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
31.8	Sabine Creek Fish Crossing	Corrugated metal arch culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
32.5	Mission Creek Crossing	Open span bridge	31 to 38 (100 to 150) span	2.4 meter (8-foot) page wire
33.4	Post Creek Drainage #1 Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	Evaluate need through monitoring
33.8	Post Creek Drainage #2 Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire in wing pattern
34.1	Post Creek Drainage #3 Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire

34.3	Post Creek Drainage #4 Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire in wing pattern
34.5	Post Creek Drainage #5 Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	Evaluate need through monitoring
34.7	Post Creek Drainage #6 Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	Evaluate need through monitoring
36.4	Post Creek Drainage #7 Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	Evaluate need through monitoring
36.7	Post Creek Drainage #8 Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	1.2 x 1.8 (4 x 6)	Evaluate need through monitoring
47.6	Ronan Canal #1 Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire in wing pattern
48.3	Ronan Canal #2 Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire in wing pattern
49.4	Mud Creek Tributary Fish and Wildlife Crossing	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire in wing pattern
49.9	Mud Creek #1 Fish and Wildlife Crossing	Open span bridge	12 to 21 (40 to 70) span	2.4 meter (8-foot) page wire in wing pattern
Old hwy 93	Mud Creek #2 Fish and Wildlife Crossing	Open span bridge	12 to 21 (40 to 70) span	2.4 meter (8-foot) page wire in wing pattern
56.6	Polson Hill Wildlife Crossing #1	Corrugated metal pipe or concrete box culvert	3.7 x 6.7 (12 x 22)	2.4 meter (8-foot) page wire
56.6	Polson Hill Wildlife Crossing #2	Open span bridge	12 to 21 (40 to 70) span	2.4 meter (8-foot) page wire

* Mileposts are included for general reference only and must be field verified during design phase.

Table 7 - Locations of 2.4-meter (8-foot) page wire wildlife fencing within the US 93 project corridor.

Mileposts*	Area Description	Length
7.2 to 12.3	Frog Creek to East Fork Finley Creek	5 miles
18.7 to 19.9	Jocko River Bridge	1.3 miles
22.4 to 26.7	Schall Flats crossing #4 through Ravalli Canyon to south end of Ravalli	4.4 miles
27.7 to 30.9	North of Ravalli Hill to Pistol Creek crossing #2	3.2 miles
57.1 to 57.9	Polson Hill	1.9 miles

* Mileposts are included for general reference only and must be field verified during design phase.

New or Revised Laws or Regulations

None.

New Threatened and Endangered Species Listings

Section 7 of the Endangered Species Act prohibits any federal agency from carrying out an action that is likely to jeopardize the continued existence of a listed species. It also requires preparation of a Biological Assessment (BA) for major federal actions. The purpose of a BA is to document the expected occurrence and use of habitats in the area of the proposed action by listed species and to assess the project impacts on those species. This analysis is then presented to the U.S. Fish and Wildlife Service for consultation on project effects on listed species. All federally funded or federally permitted actions are subject to Section 7 *whether or not the action is already approved and/or underway when a species is listed*.

The 1995 BA described the occurrence of grizzly bear (*Ursus arctos horribilis*), gray wolf (*Canis lupus*), peregrine falcon (*Falco peregrinus*), and bald eagle (*Haliaeetus leucocephalus*) in the project corridor and addressed the potential impacts on these species and their habitats as a result of the project.

After the MOA was issued in December 2000, it was determined that an updated BA should be completed. The need for this update was based on the following factors:

- A period of 6 years has elapsed since the completion of the analyses of project effects, and during this time changes in land uses, habitat conditions, and species occurrence may have been substantial enough to alter the results of the analysis of effects on listed species in the project area
- The MOA presents new roadway alignment concepts and project components that are not addressed in the 1996 FEIS or its accompanying biological assessment
- The biological assessment prepared in 1995 does not address potential project effects on the following four species:
 - Spalding's catchfly, which was proposed by the United States Fish and Wildlife Service (USFWS) for listing as threatened in 1999
 - Water Howellia, which was listed by USFWS as threatened in 1994
 - Bull trout, which was listed by USFWS as threatened in 1999.
 - Canada lynx, which has been listed by USFWS as threatened only since 2000.

The findings and determination of project effects on listed species are described below, and in the Draft-BA (Herrera Environmental Consultants, 2001) and the resulting Biological Opinion (USFWS, 2001).

How Changes Affect the Following Areas from the FEIS:

Traffic operation and safety

The conclusions shown here are summarized from the MOA. For a more detailed discussion please refer directly to the MOA.

The traffic analysis performed during the MOA negotiations provided for lane configurations as follows:

- Four-lane undivided roadway from Evaro to Finley Creek (1.21 miles)
- Four-lane divided roadway from Coombs Lane to Arlee couplet South; Arlee couplet North to Jocko River; and Ronan to MT 35 intersection in Polson (12.32 miles)~~(may be four-lane divided or five-lane for 1.5 mi. S. of MT 35).~~
- Two-lane couplet (two lanes each way) through and around Arlee (0.81 mile) (see Table 12).
- Approximately 7.5 miles of two-lane undivided highway through Ravalli Canyon and near St. Ignatius
- Alternating 10.80 miles of southbound passing/climbing lanes and 9.05 miles of northbound passing/climbing lanes (including 0.50 mile overlapping)

The overall combined Level of Service for year 2024 is projected to be level-of-service (LOS) B for both normal weekdays and summer weekends. (LOS B was defined in the FEIS as traffic flow at 55 mph or slightly higher, with passing demand approximately equal to passing capacity, and delays up to 45% of the time.)

Over the 20-year period after improvements are constructed the potential accident reduction is estimated at 70 fatal accidents, 520 nonfatal injury accidents, and 650 property-damage-only accidents.

Land Use

Purchase of approximately ~~82~~80 acres of additional right-of-way in various locations along the project corridor ~~would~~will be required under the MOA lane configuration compared to the four-lane divided configuration in the FEIS. ~~Additional~~The additional right of way would be required to provide for the following mitigation measures:

- Addition of approximately 44 wildlife crossings
- Realignment to facilitate curvilinear highway alignment and creating buffer zones
- Wetland mitigation
- Cultural site avoidance
- Section 4(f) site avoidance
- Realignment to avoid residences and businesses in both rural areas and within communities

The impacts of this additional right-of-way acquisition are necessary to accomplish the mitigation measures described, and will be offset by the benefits they will provide. It will not result in significant impacts not previously evaluated in the 1996 FEIS nor is there new information on the proposed action that establishes a new significant environmental impact not previously evaluated in the 1996 FEIS.

~~in the Ravalli Hill area between MP 27 and MP 30 in order to increase the radius of the curve of US 93 north of Montana Highway 200. Additional right-of-way will also be required to accommodate an interchange to provide safe access to the new and expanded visitor center to~~

~~be located north of US 93 (on the left side of the road as traveling north) and west of the National Bison Range.~~

~~Additional right of way would be required in Arlee for the proposed south-bound alignment, and in the Pablo area between MP 50 and MP 51 to accommodate a more curvilinear alignment and provide adequate design of the intersection of US 93 with Old US 93. The addition of approximately 42 wildlife crossings will also require more right-of-way than planned in the FEIS.~~

Indirect effects

Patterns of land use may change in the Arlee area as an indirect effect of the couplet proposed under the MOA lane configuration. The area east of the proposed southbound lanes of the Arlee couplet is primarily residential. The introduction of highway traffic to this area may result in a shift from residential to commercial land uses, and may encourage strip development and subdivision of land. Undesirable land use patterns and development can be avoided through coordinated access control, strategic land use planning, and development regulation.

Farmlands

The MOA lane configuration will not result in any additional conversion of Farmland Protection Policy Act (FPPA) farmland compared to the MDT Preferred Alternative or 4-lane divided alternative discussed in the FEIS.

Social

The MOA lane configuration will not result in any additional social impacts.

Economics

No new significant corridor-wide impacts to development, tourism, property values, or taxes would result from the proposed MOA alignment. ~~However, t~~The MOA alignment would will displace five small approximately the same number of businesses that as were not specifically addressed in the FEIS (these businesses are identified in the Relocations section of this Re-evaluation). The relocation of these businesses will result in some adverse local economic impacts due to the temporary loss of jobs. Relocation assistance, as described in the FEIS, will provide some mitigation for this short-term impact.

The MOA lane configuration may result in short term adverse impacts to highway-oriented businesses in Arlee due to traffic diversions around the commercial strip on US 93 during construction. In addition, under the MOA lane configuration, some existing businesses on the existing US 93 alignment would not be visible from the southbound segment of the proposed Arlee couplet, and this could result in a decrease in numbers of drop-in customers. This impact ~~could will~~ be mitigated by providing signage and turnouts visible from the southbound lanes allowing travelers easier access to businesses along the existing US 93 alignment.

Long-term benefits of the MOA lane configuration include improved access to existing businesses and additional parking opportunities.

Pedestrians and Bicyclists

Improved mainline shoulder widths will greatly enhance pedestrian and bicycle safety and accessibility. In areas where the highway is divided or will be comprised of a couplet (Arlee) vehicles, pedestrians, or bicyclists can concentrate on a single direction of mainline traffic as they progress onto or across the highway.

Pedestrian and bicycle safety and accessibility will also be enhanced in the Arlee area with the addition of a trail from Coombs Lane to the sidewalks in town.

In the Pablo area, the project corridor crosses between a residential area to the west and a high school and community college to the east. Short-term impacts to safety and access for bicyclists and pedestrians crossing US 93 to access these schools could be viewed as adverse, however in the long-term it would provide new opportunities for sidewalks and crosswalks that would improve pedestrian and bicycle access and safety in the area. Three intersections will be signalized as a part of this project and will provide pedestrian crosswalks with crossing signals.

Mitigation for potential impacts to bicyclists and pedestrians is discussed in section 7.6.4 in the FEIS and could be effectively applied to any new impacts under the MOA lane configuration.

Air Quality

Air quality would be reduced throughout the project corridor during construction. Although the duration and magnitude of both short-term and long-term impacts to air quality would not increase under the MOA lane configuration, the areas of impact vary from those described in the FEIS.

The air quality along the proposed southbound lane through Arlee would be adversely impacted during construction and operation of this new corridor. This proposed southbound lane would be located adjacent to a residential area with buildings as close as 100 feet from the center lane line of the highway, and air quality impacts to the residents in this area were not specifically addressed in the FEIS.

Mitigation for air quality impacts is discussed in section 7.7.5 in the FEIS, and would be effectively applied to the Arlee area. As noted in the FEIS, improvement of US 93 and reduced congestion will result in a net reduction in vehicle emissions and improved air quality.

Noise

The noise levels for residents located along the proposed southbound alignment of the Arlee couplet would increase as a result of the MOA lane configuration. However, increases exceeding 10 A-weighted decibels (dBA) (defined as a substantial increase and thus an impact by FHWA) or exceedance of the FHWA noise abatement criterion (67 dBA) are not anticipated for this residential area. Noise levels along the northbound alignment should be reduced due to the absence of the southbound traffic.

Water and Hydrology

Currently, storm water and snow melt in the project area discharges to roadside ditches or nearby surface waters including wetlands, streams, and reservoirs. Some roadside ditches likely infiltrate some water runoff, but the majority of the runoff in these facilities is discharged to nearby surface waters without any treatment or detention.

As described in the previous sections of Changed Conditions, runoff treatment and conveyance facilities are recommended in the MOA (pages 29-30 in the Design Guidelines and Recommendations section of the MOA) and would be constructed as a component of the proposed project. The guidelines and recommendations presented in the MOA are designed to improve water quality and benefit listed species. In particular, runoff treatment facilities would reduce pollutant loads to nearby streams and wetlands by treating roadway runoff that currently

receives no treatment. Likewise, improved conveyance and erosion control measures will reduce sediment loads to streams and wetlands and will minimize physical impacts to streams. ~~In addition, the new facilities will provide the ability to contain hazardous material spills in the event of a traffic accident.~~ Overall, the guidelines and recommendations presented in the MOA would further reduce impacts to water resources as well as enhance and restore damaged resources where the opportunity is available.

Floodplains and Stream Crossings

The MOA lane configuration would require cut and fill along the roadway corridor at a few new locations ~~that were not addressed in the 1996 FEIS as described below.~~ The majority of these additional cut and fill areas do not affect stream crossings along the project corridor at all. However, a few of the new cut and fill boundaries will result in new impacts to waterways (mostly minor drainages) that are no greater than those already described in the FEIS. Most of these impacts will occur at locations where cut and fill were already required and culvert replacements or wildlife crossings are already proposed. Therefore, while there is a minor change in the amount of disturbance and the amount of fill in waterways throughout the corridor, these impacts and appropriate mitigation were already addressed in the 1996 FEIS.

As described for the alternatives in the 1996 FEIS, most of the culverts within the project corridor would be replaced and fish passage would be provided at all stream crossings. Culverts within intermittent drainages that do not provide fish habitat may be extended if the current culvert is in good condition. Because several of the wildlife crossing structures proposed under the MOA lane configuration are located at stream crossings, larger culverts and bridges are proposed under the MOA than in the 1996 FEIS.

New bridges would replace existing box culverts at Jocko Spring Creek, near milepost 23, and Mud Creek near milepost 49.5. Bridges would facilitate fish passage, preserve in-stream fish habitat within these systems, and reduce fill in the floodplain. Enlarged culverts for wildlife crossings and the commitment to provide natural stream bottoms within culverts in fish-bearing streams (page 27 of the Design Guidelines and Recommendations section of the MOA) would also facilitate fish passage, minimize the effects of in-stream fish habitat loss, and minimize inlet scouring and reduce stream bank erosion at the crossing site.

For North Fork Finley Creek, the 1996 FEIS noted one exception to the statement that fish passage would be provided at all fish-bearing stream crossings. The 1996 FEIS recommended that the culvert under US 93 at North Fork Finley Creek should remain impassable for fish to prevent non-native species from accessing upstream reaches that support native west slope cutthroat trout. Under the MOA lane configuration, this culvert would be replaced with a fish passable one. CSKT fisheries biologists may choose to construct removable in-stream barriers to prevent non-native fish migration upstream.

In addition, a few minor streams and drainage crossings do not appear to have been identified in the 1996 FEIS. ~~The 1996 FEIS tabulated all stream/drainage crossings with drainage areas greater than 1.0 square miles. Three crossings that were not identified in the 1996 FEIS were observed during a field visit on April 9th, 2001 in support of this re-evaluation. Precise drainage areas were not delineated or calculated during the field visit, but based on flow and aerial photographic information, these sites did appear to exceed the 1.0 square mile limit.~~ All of these systems would have been affected by the alternatives proposed in the 1996 FEIS.

The three ~~(potentially overlooked)~~ additional crossings are: an unnamed tributary crossing in the vicinity of milepost 11.8-11.9 located southwest of Schley Creek; a side channel to the Jocko River south of milepost 26 (located at proposed wildlife crossing number 23); and Post Creek drainage (located at proposed wildlife crossing number 30). Under the MOA lane configuration,

the culverts at Schley Creek and the Post Creek drainage would be replaced with a wildlife crossing structures, and a bridge would be constructed at the Jocko River side channel.

Finally, the 1996 FEIS did not identify O'Keefe Creek, which is not crossed by the project corridor, but is located adjacent to the west side of US 93 corridor at milepost 6.7. O'Keefe Creek is rated as a high quality stream by the Montana Department of Fish, Wildlife, and Parks and supports west slope cutthroat trout. The MOA lane configuration would require the realignment of about a 100-foot portion of the stream channel that flows along the base of the roadway embankment. All of the 1996 FEIS alternatives would have affected O'Keefe Creek, and it is not clear why this system was not previously described. At this location, O'Keefe Creek receives extensive sediment input from sanding activities during winter storm events and flows through an excavated pond and an area with minimal riparian vegetation.

Relocating the O'Keefe stream channel at this site provides an opportunity to move the channel away from the roadway and restore riparian vegetation. If it is necessary to retain the pond at this location, it could be retained in its present location and extended to restore the area that is lost. Additional mitigation will be considered at this site by adding a berm to the side of the roadway to trap sand before it washes into the stream. This berm will be evaluated for possible extension south of the beginning point of the project corridor for the length of the stream channel.

Wetlands

The 1996 FEIS identified nearly 200 wetlands in the project corridor, but apparently overlooked a wetland associated with O'Keefe Creek at the beginning of the project corridor. This wetland includes an excavated pond within the main stem of the stream channel and measuring less than 0.06 hectares (0.15 acres) in size and a scrub shrub wetland associated with O'Keefe Creek. This system is likely a category III wetland primarily providing sediment filtration and general fish and wildlife habitat functions. With the exception of the O'Keefe wetland, all of the wetland systems affected by the MOA lane configuration were previously described in the 1996 FEIS.

The MOA lane configuration would result in the loss of approximately 44.27 51 acres of existing wetland habitat in the project corridor, which is about 13 23 acres more than the MDT preferred alternative and 4 5 acres more than the 4-lane divided configuration identified in the 1996 FEIS, respectively. Because the same wetlands would be affected by the MOA lane configuration as those affected by the 1996 FEIS alternatives, loss of wetland functions would be similar to those previously described. As stated in the 1996 FEIS, minor adjustments to the alignment may be incorporated as final designs are developed in order to minimize impacts on wetlands. Sites identified in the 1996 FEIS for compensatory mitigation would be updated and expanded as needed for impacts resulting from the MOA lane configuration. Additional benefits to wetlands are expected from the implementation of runoff conveyance facilities in the project corridor.

For the most part, the amount of acreage lost within an individual wetland under the MOA lane configuration would be similar to the alternatives described in the 1996 FEIS. There is one notable exception at Mud Creek near milepost 51. are two areas with notable exceptions: Evaro, near milepost 6.8 and Mud Creek near milepost 51. In Evaro, the roadway alignment would shift to the east to provide a frontage road to access project corridor businesses on the west side of the roadway. This shift would also require a shift in the Montana Rail Link railroad. A wetland complex located between US 93 and the railroad would be eliminated due to this roadway shift. The wetlands at this location primarily consist of roadside ditches that support emergent vegetation and are rated Category III or IV wetlands, providing moderate to low functions. Project mitigation would replace wetland functions lost due to project implementation.

The MOA lane configuration would impact ~~6-7~~ 5.1 acres of wetland at Mud Creek. Previous alternatives described in the 1996 FEIS would have filled up to 0.95 acres at this site. Increased wetland impacts at this site are attributed to a divided four-lane configuration, the addition of a curvilinear alignment, and a proposed wildlife crossing structure. While extensive wetland impacts are expected at this site, numerous mitigation opportunities are also present. This land is owned by CSKT and there is a strong commitment to provide wetland and stream mitigation at this site to offset the expected wetland impacts.

~~An additional 0.26 acres of wetland impact would occur at O'Keefe wetland. All of the 1996 FEIS alternatives would have affected the O'Keefe wetland, so the impact is not new but is newly described. Mitigation at this site could be accomplished by extending the pond on site to mitigate the portion of the pond filled by the roadway. In addition, planting riparian vegetation would enhance the wildlife habitat at this site and provide an additional buffer and sediment trap from the roadway.~~

Because the same wetlands would be affected by the MOA lane configuration as those affected by the 1996 FEIS alternatives, loss of wetland functions are expected to be similar to those previously described. Due to the amount of time that has lapsed since the completion of wetland delineations in the project corridor, project staff have verified wetland boundaries delineated in support of the 1996 EIS. Wetland impacts were recalculated and function assessments were completed to obtain the most accurate and up-to-date information. The new information will be used to establish goals and objectives for project mitigation. While the 1996 EIS described several opportunities to mitigate for project impacts on wetlands, the majority of these sites have been developed to mitigate for impacts associated with other projects. Currently project biologists are coordinating with CSKT biologists and MDT staff to identify both onsite and offsite mitigation opportunities. Onsite opportunities will focus on wetland enhancement and restoration at wildlife crossing structures, stream restoration where culverts are removed and bridges are constructed, and restoration of wetlands in the project corridor. Because of the extent of wetland impacts anticipated, additional mitigation will be required at one or more offsite locations. Offsite mitigation will seek to restore or enhance wetlands to replace functions lost by project impacts. Mitigation plans will be developed in coordination with the U.S. Army Corps of Engineers. All mitigation sites will be monitored to ensure long-term success. As stated in the 1996 FEIS, additional opportunities to minimize impacts will be examined as final designs are developed.

Fish and Wildlife

In general, the MOA lane configuration would have similar effects on wildlife in the project corridor as described in the 1996 FEIS. This is because the MOA lane configuration generally follows the existing road alignment and predominately consists of a two-lane highway with an additional, alternating lane for passing northbound or southbound traffic. As a result, the majority of habitat disturbance is confined to the right-of-way associated with the existing alignment. Mitigation measures as described in the 1996 FEIS would also be implemented to minimize project impacts on wildlife.

It is important to note that the MOA lane configuration includes additional elements that were not included in the alternatives described in the 1996 FEIS that would benefit wildlife in the project corridor. The approximately ~~42-44~~ wildlife crossing structures that would be incorporated throughout the project corridor are expected to benefit not only listed species, but also a wide range of wildlife. Small mammals and ungulates are expected to use the crossing sites as well as amphibians and reptiles. Fencing jump-outs would be constructed approximately every half-mile where continuous fencing is proposed. Jump-outs would provide an opportunity for wildlife trapped in the road corridor to jump back into the habitat areas along the road corridor. These

systems are used successfully in several locations in the United States and Canada. The new wildlife crossings will reduce animal mortality and enhance movement of wildlife throughout the region where US 93 has been a barrier to such movement.

The design guidelines and recommendations outlined in the MOA also provide additional measures that would minimize impacts on vegetation and wildlife in the corridor. These measures include, but are not limited to:

- The three governments will strive to limiting commercial, residential, and industrial development in areas adjacent to wildlife crossings through property purchase and/or easements.
- Restoring vegetation along areas leading up to wildlife crossings, and providing cover to shield the entrances from the road
- Preserving large trees wherever possible, including all conifers 50 years and older (i.e., 18-inch diameter at breast height or larger).
- Preserving shrubs and trees at or near stream crossings.
- Developing and implementing detailed revegetation plans for stream crossings.
- Using only indigenous plant materials for revegetation of disturbed areas (species considered indigenous for purposes of the project are identified in the MOA).

Impacts of the MOA lane configuration on fish are discussed above under floodplains and stream crossings.

Threatened / Endangered Species

A The summary of the analysis presented in the BA is provided below for each species is based on the Biological Assessment (Herrera Environmental Consultants, 2001) prepared for this project and the resulting Biological Opinion (USFWS, 2001). The peregrine falcon, which was addressed in the 1995 BA, was not analyzed in the updated BA. Peregrine falcon was removed from the threatened and endangered species list in 1999. Peregrine falcon use of the project area is concentrated at the base of the Mission Mountains, and there are no peregrine falcon nesting sites in the project area.

Spalding's Catchfly

Because the nearest population of Spalding's catchfly is 25 miles northwest of the project corridor, and there is no remnant habitat for the species in the project corridor, no direct or indirect effects on populations of Spalding's catchfly are expected to result from the proposed action.

Water Howellia

Because there are no known populations of water Howellia west of the Mission Range, and there is no suitable habitat for the species in the project corridor, no direct or indirect effects on populations of water Howellia are expected to result from the proposed action.

Bald Eagles

The 1995 BA identified two nesting pairs of bald eagles within 3.5 miles of the project corridor. In addition to the nests identified in the 1995 BA, a new pair of bald eagles is nesting at the Jocko River about 2.8 km (1.75 miles) from the US 93 bridge crossing over the Jocko River. At

its closest point north of the bridge crossing, the project corridor is about 1.6 km (1 mile) from the nest. Because the noise generated by bridge replacement and road reconstruction would be tempered by the ambient noise of the Jocko River, normal traffic along US 93, and the distance from the nest, this pair may be affected by construction but would not be adversely affected. ~~Loud activities such as pile driving or blasting may be required to construct the new bridge. If pile driving or blasting is required, these activities would be restricted to the time period between August 15 and January 1, which is outside the nesting season, to avoid adverse effects on the nesting pair.~~

Incidental occurrence of wintering bald eagles may occur throughout the project corridor, particularly where large trees provide views of open water. Concentrations of wintering bald eagles occur at the Polson sewage lagoon on the Flathead River. The wintering period for bald eagles typically occurs between October 31 to March 31. Construction activities also typically shut down for the majority of this time period, although this may vary from year to year. However, because limited construction activities are expected during this period, and construction of the Polson segment of the alignment would be limited to the time period outside the wintering period for bald eagles, no adverse effects on wintering bald eagle populations are expected.

As concluded in the 1996 FEIS, Operation of the US 93 corridor is not expected to adversely affect any nesting pairs or wintering populations of bald eagles.

Canada Lynx

The Canada lynx does not occur in resident populations within the US 93 project vicinity, and the only suitable habitat to support lynx in the project corridor occurs within the Evaro corridor. Resident populations are present in suitable habitats in the surrounding Rocky Mountain range and dispersing animals are likely to sometimes traverse the project corridor. Potential travel corridors in the project area likely include the Evaro corridor, the Jocko River, and perhaps Ravalli Hill (Soukkala 2001 personal communication).

The primary potential effect of the proposed project on Canada lynx would be a contribution to the impediment of lynx movement and dispersal through the project corridor and a potential increase in mortality from lynx-vehicle collisions. This effect would result from road widening, loss of roadside vegetation, and increased traffic levels within the corridor. Currently, there is no information to determine the level at which traffic volume or roadway design may influence lynx movements or create an impediment to movement (FR 65:58, March 24, 2000), and no data are available on Canada lynx movements through the project corridor.

Recognizing the effects of roads on wildlife populations, the proposed action incorporates approximately ~~42~~44 wildlife crossing structures and associated fencing spaced throughout the project corridor. Most of these structures were sized to accommodate the largest and most wary species in the project vicinity (in most cases, grizzly bear). Site-specific guidelines for each crossing location are contained in the wildlife crossing section of the memorandum of agreement. The need to facilitate wildlife movement through the project corridor, particularly for lynx, wolves, and bears, is recognized in section 6.12.7 Wildlife Movement Corridors of the 1996 EIS. At the time of the publication of the 1996 EIS, Canada lynx was not a listed species. The 1996 EIS draws no conclusion on the severity of the project on lynx, but acknowledges that potential increases in mortality and increased fragmentation are likely.

The implementation of crossing structures as an element of the proposed action would facilitate movement of lynx through the corridor. However, few data are available regarding lynx use of crossing structures. Moreover, lynx may require a period of adjustment before using the

crossing structures. Consequently, the proposed action may adversely affect Canada lynx. Project proponents are currently consulting with the USFWS to ensure that populations of Canada lynx in the project corridor are not jeopardized by the proposed action.

The USFWS has determined that this project, as proposed, is not likely to jeopardize the continued existence of Canada lynx nor any subpopulations thereof. No critical habitat has been designated for this species, therefore, none will be affected (USFWS, 2001).

Grizzly Bear

The project vicinity is not located within any of the established grizzly bear recovery areas; however, the northern Continental Divide recovery area is located east of the project corridor and bears range within the project vicinity in the spring and fall to forage. The Evaro corridor is managed by the Confederated Salish and Kootenai Tribes as Situation II habitat and may serve as an important linkage area between northern Continental Divide grizzly bear recovery area and the Bitterroot grizzly bear recovery area. Currently, bears are infrequent within the habitats adjacent to US 93 and occasionally cross the road. Few data have been collected on grizzly bear crossing locations, but are expected at Evaro corridor, Ravalli Hill, and the Ninepipe area (Soukka 2001 personal communication). The Ninepipe area will be discussed in a Supplemental Environmental Impact Statement and Biological Assessment.

Operation of the proposed project would primarily affect grizzly bears by increasing the difficulty associated with crossing the project corridor, loss of habitat, and potential increases in mortality resulting from bear-vehicle collisions. Of particular importance is fragmentation of potential linkage areas between recovery zones. These impacts would result from road widening, loss of roadside vegetation and habitat modification, and projected increases in traffic volumes and speeds. No important grizzly bear foraging areas in the valley would be altered by the project. As stated in the 1995 BA, there is was an unconfirmed report of a grizzly bear being killed by a vehicle near Post Creek in the project corridor and confirmed reports of road-killed black bears within the Evaro corridor. More recently a 4- to 5-year-old grizzly was killed near Post Creek August 29, 2001, and another near Ninepipe Reservoir in 1998.

Recognizing the effects of roads on wildlife, the MOA lane configuration incorporates approximately 42-44 crossing structures and associated fencing to facilitate wildlife movement through the US 93 corridor (see discussion above under Canada lynx). There is little other data on bear utilization of crossing structures. Final designs for the proposed structures will be based on the best available data in the literature, observations made at structures successfully used in Banff National Park, Canada, and the site conditions in the project corridor. Site-specific guidelines to encourage bear use of these structures are identified where appropriate in the wildlife crossing section of the memorandum of agreement. ~~One key to the success of these structures may be managing human activities near crossing structures.~~

~~The MOA lane configuration incorporates wildlife crossing structures and associated fencing and generally maintains a two- to three-lane configuration, which would facilitate bear movement across the road corridor and reduce the risk of mortality from bear-vehicle collisions. The implementation of crossing structures as an element of the proposed action would facilitate movement of lynx through the corridor. However, few data are available regarding bear use of crossing structures and while males have been observed, female grizzlies have not been documented crossing the Trans-Canada Highway in Banff National Park. Moreover, grizzlies may require a period of adjustment before using the crossing structures. Consequently, the proposed action may adversely affect grizzly bears. Project proponents are currently consulting with the USFWS to ensure that populations of grizzly bear in the project corridor are not jeopardized by the proposed action.~~

The USFWS has determined that this project, as proposed, is not likely to jeopardize the continued existence of grizzly bears nor any subpopulations thereof. No critical habitat has been designated for this species, therefore, none will be affected (USFWS, 2001).

Gray Wolf

Key components of wolf habitat include a sufficient year-round prey base; suitable and secluded denning and rendezvous sites; and sufficient space with minimal exposure to humans (USFWS 1987). The increasing amount of human habitation and presence of US 93 make it unlikely that the project vicinity would support core habitat for a wolf pack. Sightings in the project vicinity indicate that wolves cross the US 93 corridor, although it is not known at what frequency or location. Wolf packs are established in habitat areas outside the project corridor and dispersing animals likely cross the project corridor. Occurrence of wolves in the Ninemile area, located west of US 93 and south of Dixon, indicate that they are likely crossing US 93 at the Evaro corridor. Other key crossing areas may include Jocko River, Ravalli, and the Ninepipe area (Soukkala 2001 personal communication).

The primary potential effect of the proposed project on wolves would be a contribution to the impediment of wolf dispersal through the project corridor and an increased risk of mortality associated with vehicle collisions. These impacts are attributed to the wider road surface, reduced vegetative cover along the roadway, and projected increases in traffic volumes.

Recognizing the effects of roads on wildlife, the proposed action incorporates approximately 42 44 crossing structures (see discussion under Canada lynx). Important wolf crossing areas are expected at the same locations as described for lynx including Evaro, Jocko River, Ravalli, and the Ninepipe area (Soukkala 2001 personal communication). No new impacts on gray wolves have been identified since the publication of the 1996 EIS.

The implementation of crossing structures as an element of the proposed action would facilitate wolf movement through the corridor. However, few data are available regarding wolf use of crossing structures. Moreover, wolves may require a period of adjustment before using the crossing structures. Consequently, the proposed action may adversely affect gray wolves. ~~As described for Canada lynx, wolf movement would be facilitated by implementation of crossing structures through the project corridor. Project proponents are currently consulting with the USFWS to ensure that populations of gray wolf in the project corridor are not jeopardized by the proposed action.~~

The USFWS has determined that this project, as proposed, is not likely to jeopardize the continued existence of gray wolves nor any subpopulations thereof. No critical habitat has been designated for this species, therefore, none will be affected (USFWS, 2001).

Bull Trout

Bull trout occurrence and suitability of habitat in the project corridor is summarized in Table 8. In general, bull trout in the project corridor occur at low levels within the Flathead River, Jocko River, Mission Creek, and Post Creek.

Direct Effects Project-wide

Construction activities within the project corridor may directly affect bull trout and other fish species in the following ways:

- There would be a temporary diversion of streamflow within systems where culverts are removed to install bridges and crossing structures. Such a diversion could generate sediments downstream of the construction site and may create a temporary migration barrier for fish.

Table 8 - Bull trout occurrence and suitability of habitat in the US 93 project corridor.

Stream	US 93 Milepost ^a	Bull Trout Present ^b ?	Suitability of Habitat
Flathead River drainage			
Flathead River	NA	Yes	Supports nodal habitat areas ^c .
Jocko River drainage			
Jocko River	19.0	Yes	Core habitat area within corridor, although rare within reach affected by the proposed action ^d .
Finley Creek	9.7	No	Likely historical presence. Unlikely to support bull trout in its current condition ^e .
Frog Creek	7.8	No	Inaccessible from Finley Creek. Highly fragmented by land use practices ^e .
Schley Creek	11.8	No	Likely historical presence. Inaccessible from Finley Creek ^e .
East Fork Finley Creek	12.2	No	Likely historical presence. Impassable barrier immediately upstream of US 93 corridor ^e .
Agency Creek	15.7	No	Likely historical presence. Inaccessible from Finley Creek ^e .
Jocko Spring Creek	23.3	No	Currently not known to support bull trout ^f .
Copper Creek	28.2	No	Intermittent system. No resident fish populations in this system ^f .
Mission Creek drainage			
Mission Creek	32.4	Yes	May occur in low numbers within the reach affected by the proposed action, historically important habitat, core areas located upstream ^g .
Sabine Creek	31.8	No	Currently unsuitable, historical status not known. Land use practices and resident nonnative fish limit restoration ^g .
Pistol Creek	30.5	No	Currently unsuitable, historical status not known. Land use practices and resident nonnative fish limit restoration ^g .
Post Creek	37.8	Yes ^a	Occur in low numbers in project corridor ^g .
Crow Creek drainage			
Crow Creek	44.2	No	Not known historically. Habitat suitability unknown. Permanent barrier downstream of project corridor ^h .
Ronan Spring Creek	47.0	No	Not known historically. Habitat suitability unknown. Permanent barrier downstream of project corridor ^h .
Mud Creek	51.0	No	Not known historically. Habitat suitability unknown. Permanent barrier downstream of project corridor ^h .

^a Mileposts are approximate.

^b Source: Evarts (2001a personal communication); Montana Rivers Information System (MRIS) (2001a,b).

^c Source: Montana Bull Trout Scientific Group (MBTSG) (1996).

^d Source: MBTSG (1996); BIA and CSKT (1999); MRIS (2001a).

^e Source: MRIS (2001b); CSKT (2000a); Hansen (2001b personal communication); Evarts (2001a personal communication).

^f Source: Evarts (2001a personal communication).

^g Source: MBTSG (1996); MRIS (2001a); Evarts (2001a personal communication).

^h Source: MBTSG (1996); MRIS (2001b); Evarts (2001b personal communication).

- Dust and particles from asphalt removal and paving may settle into nearby streams and wetlands.
- Dewatering and excavation of the construction site may result in increased sediment entering nearby wetlands and streams.
- Runoff from recently cleared and graded areas may result in increased sediment entering nearby wetlands and streams.
- Erosion of embankments and streambeds may occur during construction activities.
- Accidental spills of fuels, oils, concrete leachate, and chemicals used during construction could enter nearby wetlands and streams; however, a spill prevention, control, and countermeasures plan would be implemented to manage spills.

Operation of the new US 93 corridor may directly affect bull trout and other fish species in the following ways:

- Operation of the widened roadway would generate increases in pollutants, sediments, and nutrients entering nearby streams and surface waters from impervious surface areas.

Water Quality

Construction and operation of the widened roadway would generate increases in pollutants, sediments, and nutrients entering nearby streams and surface waters. Potential pollutant sources for this project include construction activities, such as clearing and grading, asphalt removal and paving, culvert replacement or extension, construction of new bridges, and the creation of impervious surface areas. Hydrocarbons, heavy metals, and other pollutants commonly associated with runoff from impervious surfaces supporting automobile traffic are anticipated from the new impervious surfaces. Surface water runoff treatment is discussed below.

Increased Impervious Surface Area

Increased impervious surface areas result in a loss of infiltration through the soil. As a result, stormwater enters area streams and rivers episodically resulting in increased peak flows and reduced base flows. Increases in stormwater delivery can also lead to the occurrence of more frequent flood events. Other potential impacts include increases in the pollutant levels and occasionally in water temperatures in receiving waters.

Wetland Fill

Operation of the new roadway would result in the loss of about ~~44.53~~ 51 acres of existing wetlands in the project corridor. Loss of wetland habitat can directly and indirectly affect bull trout and other fish habitat depending on the proximity of the wetland to fish-bearing streams, the presence of a hydrologic connection, and the wetland type. Loss of wetland habitat may result in a loss of infiltration through the soil and flood storage capacity. As a result, stormwater enters area streams and rivers episodically resulting in increased peak flows and reduced base flows. Loss of flood storage capacity can also lead to the occurrence of more frequent flood events. Wetlands also serve to filter sediments, nutrients, and pollutants from stormwater runoff, before it enters streams. Mitigation of the impacts is discussed below under Mitigation Measures.

Indirect Effects Project-wide

The potential long-term indirect effects (i.e., prolonged periods of inundation and channel and bank scouring) of the proposed project are associated with potential changes in peak and base streamflows. These would result from loss of wetland acreage, changes in stream conveyance capacity at culverts and bridges, and increases in impervious surface areas and the resultant stormwater runoff.

- Increased impervious surface areas result in a loss of infiltration through the soil and cause increased peak flows and reduced base flows. This can also lead to more frequent flood events.

Beneficial Effects Project-wide

The following beneficial effects would result from the proposed action:

- Impassable culverts at East Fork Finley Creek, Schley Creek, and Agency Creek would be removed and replaced with passable ones.
- Fish passage would be improved by the removal of culverts and the installation of bridges at Mission Creek, Jocko Spring Creek, the Jocko side channel, and Mud Creek.
- The Jocko River bridge, which in its current configuration constricts flood flows, ~~would~~ will be removed and replaced with a wider structure spanning the ~~100-year floodway~~ ordinary high water mark of the system. The new bridge ~~would~~ will provide dry land passage for wildlife.
- Stream fish and wildlife habitat would be improved by in-channel and riparian restoration activities at all proposed fish and wildlife passage structures.
- Informal pullouts that contribute sediments to area wetlands and streams would be eliminated and restored with native vegetation.
- ~~Stormwater treatment and detention facilities would provide treatment and detention of the stormwater runoff generated from the roadway surface. (Runoff from the existing roadway is not treated or detained.)~~

Mitigation Measures

In addition to the beneficial effects expected to result from the project, numerous mitigation measures are proposed to minimize impacts on bull trout and other fish and wildlife species. These measures are summarized in Table 9.

Table 9 - Potential project impacts on bull trout resulting from construction and operation of the US 93 reconstruction project, with corresponding conservation measures.

Project Impacts	Conservation Measures
Direct and Indirect Effects	
Loss of riparian habitat at river and stream crossings.	Implement revegetation plans at stream crossings.
Increased sedimentation to streams and wetlands.	Implement best management practices. Implement temporary erosion and sediment control plan during construction. Restrict in water work to periods of low flow.
Loss of wetland acreage.	Create or restore wetlands in the corridor providing similar functions to those lost.
Increased impervious surface.	Detain stormwater runoff to match pre-development rates. Implement the guidelines contained on pages 29 and 30 of the Design Guidelines and Recommendations section of the MOA. Where constructed, maintain stormwater detention facilities so they continue to function as initially intended.
Decreases in water quality.	Implement the guidelines contained on pages 29 and 30 of the Design Guidelines and Recommendations section of the MOA. Treat stormwater runoff from the new road surface. Where constructed, maintain stormwater treatment facilities so they continue to function as initially intended.
Accidental spills during construction.	Implement a spill prevention plan during construction.
Displacement of fish due to human disturbance and in-water work.	Construct bridges from land. Restrict in-water work to the months outside the spawning period for bull trout. <u>Instream work will be conducted only during the period from July 1 through August 31.</u> Remove fish from stream channels and divert flows around the construction site. <u>Upon locating dead, injured or sick bull trout, notification will be made within 24 hours to USFWS or the Tribal Fish, Wildlife, Recreation and Conservation Office. Information relative to the date, time and location of dead or injured listed species when found will be recorded, and if possible, the cause of injury or death of each fish.</u>

Conclusion

The 1996 EIS identifies bull trout as a species of special concern that is likely to be present in cold water streams in the project corridor. Potential impacts on fish species and habitats, similar to the impacts described above, are disclosed in the 1996 EIS without specific reference to bull trout. While bull trout occurrence is largely incidental and no spawning habitat is known in the corridor, the extent and duration of the proposed construction activities are likely to adversely affect bull trout. The implementation of best management practices and conservation measures would minimize potential harm to bull trout, but would not completely eliminate potential harm. As a result, construction of the proposed project would adversely affect bull trout. Wetland losses and increases in impervious surface areas and the resultant stormwater runoff could result in decreases in water quality that harm fish. While the proposed action would incorporate numerous design modifications and mitigation-conservation measures that would benefit bull trout and minimize long-term impacts on this species, they would not completely eliminate potential impacts on bull trout. Project proponents are currently consulting with the USFWS to ensure that populations of bull trout in the project corridor are not jeopardized by the proposed action.

The USFWS has determined that this project, as proposed, is not likely to jeopardize the continued existence of bull trout nor any subpopulations thereof. No critical habitat has been designated for this species, therefore, none will be affected (USFWS, 2001).

Biological Opinion

The Biological Opinion issued by the USFWS on October 19, 2001, includes the following reasonable and prudent measures which are necessary and appropriate to minimize impacts of incidental take of listed species:

1. The FHWA (Administration) and the MDT (Department) shall identify and implement means to reduce the potential for incidental take of bull trout from direct mortality and from increases in the amount of sediment and other pollutants entering project corridor streams as a result of construction-related activities associated with this project.

2. The Administration and Department shall identify and implement means to reduce the potential for incidental take of gray wolves, grizzly bears, and Canada lynx from direct mortality as a result of high traffic levels present on US Highway 93, and from habitat fragmentation and displacement for these species as a result of project-related increases in highway width and increases in traffic volume and speed.

3. The Administration and the Department shall monitor reconstruction of the highway as well as the construction of fish passage and wildlife crossing structures to ensure that these activities and structures comply with the Re-evaluation of the Final Environmental Impact Statement, Biological Assessment, Biological Assessment Supplement, Memorandum of Agreement, and Biological Opinion for this project. The Administration and the Department shall also implement the reporting requirements as described in the terms and conditions below.

In order to be exempt from the prohibitions of Section 9 of the Endangered Species Act, the Administration must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting and monitoring requirements. These terms and conditions are nondiscretionary.

To fulfill reasonable and prudent measure #1, the following terms and conditions shall be implemented:

1(a) Structures built across project corridor streams shall be constructed as described in the documents submitted in support of this project, including the Re-evaluation of the Final Environmental Impact Statement, the May 3, 2001 Biological Assessment, the August 30, 2001 Biological Assessment Supplement, and the December 20, 2000 Memorandum of Agreement and shall include implementation of all of the conservation measures described therein.

1(b) Instream work within the Jocko River and Mission Creek shall be conducted only during the period June 1 to August 31. This includes, but is not limited to, removal of old bridge piers or abutments, the driving and removal of pilings for work bridge construction and temporary support structures, and riprap placement below the ordinary high water mark. Even during this time period, operation of construction equipment in streams shall be kept to the minimum amount necessary.

1(c) Construction of detour lanes associated with construction of the Mission Creek bridge shall be accomplished utilizing a temporary bridge over Mission Creek, as opposed to installation of a new culvert in this stream. If at all possible, pilings or fill material necessary to support this bridge shall not be placed within the Mission Creek channel.

1(d) To the maximum extent possible, the existing US Highway 93 bridge over the Jocko River will be disassembled and removed without pieces being allowed to fall into the river. Any instream work associated with the removal of this bridge and its supporting structures shall occur during the period June 1 to August 31.

1(e) Best management practices for erosion control shall be applied to this project, including:

- constructing silt fencing to prevent sediment from reaching water bodies;
- using straw bales in borrow ditches to prevent erosion and sediment transport;
- quickly reseeding and revegetating all disturbed areas, including embankments and borrow ditches, and adding a woody vegetation component to this riparian revegetation plan;
- using bank stabilization measures for disturbed channel banks; and
- maintaining and protecting riparian vegetation to the maximum extent possible within the construction zone.

1(f) All waste fuels, lubricating fluids, herbicides, and other chemicals will be collected and disposed of in a manner that ensures that no adverse environmental impact will occur. Construction equipment will be inspected daily to ensure hydraulic, fuel and lubrication systems are in good condition and free of leaks to prevent these materials from entering streams or wetland areas. Vehicle servicing and refueling areas, fuel storage areas, and construction staging and materials storage areas will be sited and contained properly to ensure that spilled fluids or stored materials do not enter streams or wetlands.

To fulfill reasonable and prudent measure #2, the following terms and conditions shall be implemented:

2(a) The wildlife crossing structures, and their attendant fencing, described in the December 20, 2000 Memorandum of Agreement, the May 3, 2001 Biological Assessment, the August 30, 2001 Biological Assessment Supplement, and the re-evaluated Final Environmental Impact Statement for this project shall be constructed as proposed in these documents and shall include implementation of the conservation measures described therein.

To fulfill reasonable and prudent measure #3, the following terms and conditions shall be implemented:

3(a) A monitoring plan shall be implemented. The evaluation program implemented shall include monitoring of wildlife crossings of the US Highway 93 corridor before, during, and after construction of this project and shall be used to guide and adapt the design and maintenance of the crossing structures constructed during this project.

3(b) Structures designed to minimize sediment and pollutant runoff from sensitive areas such as settling ponds, vehicle and fuel storage areas, hazardous materials storage sites, erosion control structures, and coffer dams or drilled shaft casings shall be visually monitored daily to ensure these structures are functioning properly and are preventing sediment and pollutants from entering streams or wetlands.

3(c) Upon locating dead, injured or sick bull trout, grizzly bear, gray wolf or Canada lynx, notification must be made within 24 hours to the Service's Montana Field Office at (406)449-5225, or the Tribal Fish, Wildlife, Recreation and Conservation Office at (406)675-2700. Record information relative to the date, time and location of dead or injured listed species when found, and if possible, the cause of injury or death of each animal and provide this information to the Service.

The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize the impact of incidental take that might otherwise result from the proposed action. With implementation of these measures, the Service expects that take of bull trout will be limited to harm or harassment and the resulting impacts to instream habitat associated with bridge and culvert construction, replacement, and removal activities, and that take of grizzly bears, lynx, and wolves is not expected to exceed present levels. If, during the course of the action, terms and conditions #1 and #2 outlined above are not adhered to, the level of incidental take anticipated in this Biological Opinion may be exceeded. Such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided. The Federal agency must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measures.

As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this Opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this Opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation. The Administration shall consult with the US Fish and Wildlife Service's Montana Field Office if changes in the number, location, size or type of wildlife crossing structures are proposed during the course of this project. The Service shall also be provided the opportunity to review and comment on the designs of the fish and wildlife crossing structures as those designs are being finalized.

After reviewing the current status of bull trout, grizzly bears, gray wolves, and Canada lynx, the environmental baseline for the action area, the effects of the proposed reconstruction of US Highway 93 between Evaro and Polson, Montana and the cumulative effects, it is the USFWS biological opinion that this project, as proposed, is not likely to jeopardize the continued existence of the Columbia Basin distinct population segment (DPS) of bull trout, grizzly bears, gray wolves, Canada lynx nor any subpopulations thereof. No critical habitat has been designated for these species, therefore, none will be affected.

Cultural Resources

The MOA lane configuration will not result in any additional impacts to cultural/historical resources.

Parks and Recreation / Visitor Centers

The highway improvement project will not result in any additional impacts to these resources. It will provide the opportunity to improve and control access to turnouts, parks, recreation sites, and visitor centers. The existing visitor center that contains interpretive signing on the crest of Ravalli Hill would be relocated from the south side of US 93 to the north side. The relocated facility would serve as a CSKT and area visitor center. Access to this facility would be provided

by a new interchange that includes an underpass allowing northbound traffic to reach the visitor center without crossing the southbound lanes of US 93. The proposed visitor center will be focused on providing year-round access to an unmanned structure that includes restroom facilities, parking for non-commercial vehicles, and restored prairie habitat areas. A welcome area will offer opportunities for interpretation focused on the homeland of the CSKT as well as issues of concern to other groups, such as the National Bison Range. Trails and scenic overlooks will provide additional opportunities, and interpretive signage will be used in selected areas. The restroom facilities will be open on a seasonal basis. The parking area will be designed to accommodate vehicles as large as motor homes and trucks with fifth-wheel trailers. Buffers will be included to visually separate the visitor center area from the road and to reduce noise, and buffers will also be incorporated to minimize potential impacts on the Bison Range. The plan allows for restoration of portions of the site from current grazed grassland conditions to Palouse Prairie Grasslands. The restored habitat can be used for educational opportunities and to meet CSKT cultural needs.

At Polson Hill an interpretive overlook is planned which would offer views of Flathead Lake and the mountains, and include interpretive signing telling the story of Flathead Lake and the surrounding countryside, and informing the public of Tribal resource management and history.

Hazardous Materials

Relocations (described below) could result in additional impacts related to hazardous materials. Asbestos could be encountered when demolishing structures. Oil heating tanks may be encountered during residential demolition. Table 6.16-1 in the project FEIS listed potentially contaminated sites within or adjacent to the US 93 right-of-way. One of these sites at MP 53.4 (identified in the FEIS as Jim & Wanda's Country Store, but currently Backdoor Computer) has a high likelihood of petroleum hydrocarbon soil contamination. Under the MOA lane configuration, construction will take place at this site and contaminated materials are likely to be encountered.

The mitigation measures described in the project FEIS (section 7.16) relating to hazardous materials will also mitigate the potential impacts described here.

Visual Quality

Vertical changes in the road alignment as proposed under the MOA lane configuration could impact views of the road, making the corridor more visible from adjacent areas. However, no significant views would be adversely impacted.

West facing views from the residential areas located adjacent to the proposed southbound lane proposed in Arlee would change substantially from a relatively undeveloped rural landscape to a major highway corridor. The visual impact to these residents was not specifically addressed in the FEIS, and could be partially mitigated with landscaping.

Relocations

Compared to Alternative D (4 lane divided) in the FEIS, the MOA lane configuration will result in additional approximately the same number of residential relocations at seven locations:

- ~~SW corner of Beargrass Mountain Rd. and US-93~~
- ~~—SE of intersection of US-93 and Agency Rd.~~
- ~~—South end of Arlee approximately 400 feet west of US-93~~
- ~~—Near intersection of Dumontier and US-93 on east side of highway~~

- ~~—500 feet south of Pinsoneault Rd. on the west side of US-93~~
- ~~—1200 feet north of viewpoint at Polson Hill on the east side of US-93~~

Compared to Alternative D in the FEIS, ~~7~~ there are also ~~5~~ additional approximately the same number of commercial sites being relocated.

- ~~—100 yards south of Jocko River on the east side of US-93~~
- ~~—SW corner of Lower Crossing Rd. and US-93~~
- ~~—South corner of Old Hwy 93 and US-93~~
- ~~—SE intersection of US-93 and Courville Trail Rd.~~
- ~~—In the vicinity of Clearview Drive and US-93 intersection on the west side~~

There is no anticipated loss of the types of services these businesses provide resulting from these relocations. There are opportunities to relocate these services within the corridor. The mitigation measures described in the project FEIS (section 7.18) relating to relocation assistance will also mitigate the any different relocation impacts described above.

Energy and Commitment of Resources

The MOA lane configuration will not result in any substantial change to the energy/resource impacts described in the project FEIS.

Section 4(f) Resources

The FEIS identified the National Bison Range as a Section 4(f) resource, and indicated the MDT Preferred Alternative would impact approximately 3.3 acres. Across the highway the CSKT visitor center at Ravalli Hill was also shown as a 4(f) property, with an impact of 0.3 acre. With the highway sandwiched between the two 4(f) sites, there was no feasible and prudent way of avoiding impacts to both.

The CSKT visitor center at Ravalli Hill, identified in the FEIS as the National Bison Range Visitor Center, has no physical or ownership connection to the National Bison Range. There was no evidence in the FEIS that it is designated as a park or recreational area, or a historical site. There was also no indication that CSKT, the agency with jurisdiction, ever made a determination that it is a significant site, within the meaning of Section 4(f). The visitor center does provide historical and travel information, covered picnic areas, and public restrooms, similar to other highway rest stops. Upon further review, this Re-evaluation concludes that the CSKT (National Bison Range) Visitor Center at Ravalli Hill is not a Section 4(f) resource as defined in federal law, and was incorrectly identified as such in the FEIS.

The MOA suggested the relocation of the visitor center to the north side of the highway, on CSKT property adjacent to the National Bison Range. It would include construction of a newer and larger visitor center, underpass for access, increased parking, closer proximity to the Bison Range, and improved views of the mountains and Mission Valley. Another advantage of this plan is that it will allow the highway alignment to be moved away from the National Bison Range and eliminate the impact to that 4(f) property entirely. The remaining existing visitor center property will be regraded and returned to a natural state. Impacts related to construction of the new visitor center have been included in this Re-evaluation.

Table 12.4-1 in the FEIS listed seven park, recreation area, and refuge sites (including the Visitor Center) impacted by the MDT Preferred Alternative. The alignment adopted in the MOA eliminated impacts to two of them, and the remainder will be dealt with in the SEIS being

prepared for the Ninepipe section. Table 10 compares the impacts of the MOA alignment to those 4(f) resources.

Table 10 - Use of Parks, Recreation Areas and Refuges by the Preferred and MOA Alternatives

SITE DESCRIPTION	MILE POST	TOTAL SITE AREA (ACRES)	CSKT PREFERRED ALTERNATIVE		MDT PREFERRED ALTERNATIVE		MOA ALTERNATIVE
			ALIGNMENT/LANE CONFIGURATION	DIRECT USE (ACRES)	ALIGNMENT/LANE CONFIGURATION	DIRECT USE (ACRES)	DIRECT USE (ACRES)
Arlee Community Park	17.7	0.5	1/A	0	1/C	0.1	0
National Bison Range	27.8 - 29.2	18,500	1/A	1.5	1/B	3.3	0 (alignment shifted to avoid)
CSKT Visitor Center (identified in FEIS as National Bison Range Visitor Center)	29.2	8	1/A	0.1	1/B	0.3	Not a 4(f) Resource
Ninepipe National Wildlife Refuge	40.4 - 40.9	2,000	1/A	0.5	1/B	0.9	Within Excepted Area
Ninepipe Wildlife Management Area	39.6 - 43.1	3,000	1/A	4.8	1/B	10.1	Within Excepted Area
Kicking Horse Waterfowl Production Area	42.2 - 42.8	180	1/A	0.4	1/B	0.9	Within Excepted Area
Duck Haven Waterfowl Production Area	43.1 - 44.1	650	1/A	0.3	1/B	0.8	Within Excepted Area

(Based on FEIS table by Morrison-Maierle and Carter Burgess, 1994.)

The FEIS also identified two historic 4(f) properties, Ravalli School and the Northern Pacific Railroad Dixon-Polson Branchline operated by Montana Rail Link (MRL). These properties are also covered under the 4(f) provisions. In both cases MDT and the Montana State Historic Preservation Office (MSHPO) have had signed an agreement to mitigate any adverse effects. Impacts of the MOA alignment would be no greater to either resource. In addition, as project design continues every effort will be made to reduce or eliminate impacts to those resources. As design has progressed on the MOA alignment, impact to Ravalli School has been eliminated. Planting of a vegetative buffer to screen the school from the highway will still be done.

At Polson, the highway alignment and lane configuration evaluated in the FEIS required relocation of approximately 1800 linear feet of track. Through the use of retaining walls, the alignment and lane configuration proposed in the MOA and implemented in the Re-evaluation keeps the track relocation at 1,800 linear feet. Even though there are no new impacts, additional mitigation in the form of historical documentation provided by CSKT will be incorporated into an interpretive sign which will be displayed at the new overlook to be constructed adjacent to US 93 at Polson Hill. Photos of the existing location will be taken for archival purposes, and survey documentation will also be recorded in the tribal Geographic Information System (GIS). These mitigation plans have been agreed to by the MSHPO and Tribal Historic Preservation Office (THPO). In the event the railroad should relocate additional trackage, or relocate the northern terminus, roadway needs at that location will be re-examined and additional 4(f) and environmental documentation prepared as necessary.

In Evaro, a frontage road added as part of the MOA alignment initially showed a tiny take of property from the historic Evaro School. Design refinements have since been made to avoid any such impacts.

Tables 5.2-1 and 5.2-2 in the FEIS compared the impacts on the environment of the various alternatives under consideration. Tables 11 and 12 are copies of those tables with a column added on the right showing the impacts related to the current preferred alternative as described in the MOA. Increased wetland and relocation impacts will be fully mitigated as described in the FEIS and MOA. The tables show that in all other areas the impacts are the same or less than what was described in the FEIS

Permits Required

The following permits may be required for this project. Further coordination with the issuing agencies will be forthcoming during the design phase of the project.

- Section 404 permit U.S. - Army Corps of Engineers
- Section 401 Certification – CSKT; Montana DEQ
- NPDES – CSKT
- ALCO 87-A – CSKT
- Water use – CSKT
- Land use – CSKT
- Stream Preservation Act – Montana Fish, Wildlife & Parks
- Mining permit – CSKT; Montana DEQ
- MPDES General Discharge – Montana DEQ
- MPDES Dewatering General Discharge – Montana DEQ
- 318 Authorization – Montana DEQ
- Floodplain Development Permit – from local floodplain administrators

Conclusions and Recommendations

There have been considerable changes in this project since approval of the 1996 FEIS. It is the conclusion of this reevaluation and consultation that the changes to the proposed action and new circumstances have not resulted in any significant environmental impacts that were not evaluated in the 1996 FEIS, and the FEIS continues to be valid. Therefore, an SEIS is not required except for the 11.2 mile Ninepipe segment.

References:

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MRIS. 2001a. Montana Rivers Information System, Database Query and Reporting System - Fisheries Component. Criteria selected: USGS hydrologic unit = 17010212 Lower Flathead, Montana. Select "partial report." Select criteria: "fish distribution, population survey, bull trout core/nodal." Data obtained February 8, 2001 at <http://nris.state.mt.us/wis/mris1.html>

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USFWS. 1987. Northern Rocky Mountain Wolf Recovery Plan. U.S. Fish and Wildlife Service, Denver, Colorado. 119 pp.

USFWS 2001 Biological Opinion, US Highway 93 Reconstruction, Evaro to Polson. U.S. Fish and Wildlife Service, Helena, MT