

## 5.0 HOW CHANGES AFFECT THE FOLLOWING AREAS FROM THE FEIS

This section provides a summary of the impacts described in the 1994 FEIS related to the Preferred Alternative, a description of the changed conditions and their effect, and a conclusion as to the significance of the changes. The criteria are organized according to Chapter 4 of the FEIS.

### 5.1 TRANSPORTATION

#### FEIS Findings

##### *Traffic Operations and Circulation Impacts*

The Preferred Alternative would provide an improvement in traffic flow. The Whitefish West segment was projected to operate at Level of Service (LOS) A in the year 2015. The additional lanes would provide opportunities to pass slower moving vehicles, and remove left-turning vehicles from the through lanes by providing separate turn bays at intersections. Access control measures would also benefit traffic operations; however, the use of raised medians would result in an increase in out-of-direction travel and u-turns.

##### *Traffic Safety*

The Preferred Alternative would provide a reduction in rear-end and angle accidents associated with left-turn maneuvers; wider shoulders and clear zones resulting in improved recovery areas for errant vehicles and for emergency stopping; and improved separation between through travel lanes to minimize headlight glare and potential for head-on conflicts. The use of raised medians would provide physical protection for vehicles turning left at bays, a refuge for pedestrians, and reduce the potential for head-on collisions.

##### *Parking Impacts*

The Preferred Alternative would result in the loss of 25 on-street parking spaces in the Whitefish downtown area from Baker Avenue to the Whitefish River. Loss of parking would create a demand for more on-street parking on the side streets and in adjacent parking lots.

##### *Access Impacts*

The Preferred Alternative would implement a policy of *Restrictive Access Control (with flexibility)* as described in Table 2-2 of the FEIS and included below. There would be modifications to existing driveways. The addition of lanes and/or shoulders would require existing driveway approaches to be reconfigured. In addition, some driveway consolidation would occur and in some cases, internal circulation roads would be added to serve multiple driveways.

#### **Access control guidelines (FEIS Table 2-2)**

<b>Restrictive Access Control</b>
Major arterial street intersections – no turn intersections.
Minor collector/local street intersections – limit to right-turn-only.
Driveways serving major traffic generators – no turn restrictions (major shopping centers, major employers, special events centers or similar generators – does not include single businesses or small shopping centers).

Driveways near arterial intersections (less than 152.5 meters (500 feet)) – close driveway and provide connection to arterial cross street/drive where practical.
Closely spaced driveways (less than 152.5 meters (500 feet)) – consolidate driveways to one of the existing drives or common lot line where practical.
Where structures are well set-back from US 93 and successive driveways exist, consider frontage road.
Driveways to properties that have frontage on another road, provide right-turn-only access, and develop auxiliary access to the other road where practical.
In undeveloped areas, access may be allowed at approximately one-half-mile intervals with no turn restrictions. Access spacing should be coordinated with opposing properties to develop a four-legged intersection. Intermediate access should be limited to right-turn-only and to no less than 500-foot spacing. A maximum of one driveway with no turn restrictions should be provided per individual property.
Where collector/local streets and driveways are limited to right-turn-only in areas of potential large truck activity, provide U-turn opportunities at approximately 1.61-kilometer (one-mile) intervals.

Restrictive Access Control would have the following impacts on future access:

- Minor street intersections may be limited to right-turns only
- Full turn access in undeveloped areas will be allowed at approximately 0.8 km (half-mile) intervals
- Additional cost and delay in the right-of-way acquisition process

### *Construction Impacts*

Construction of the Preferred Alternative would cause delays to the general traveling public and drivers attempting to access abutting land uses. Traffic may be detoured within the US 93 right-of-way or on other local streets. Motorists would be required to adjust their travel schedules to consider the length of possible delays. Some users may choose alternate travel routes to avoid construction sites, impacting local city streets.

## **Changed Conditions**

The Current Proposed Action would provide similar safety and operational benefits as those discussed in the FEIS. The Current Proposed Action is projected to operate at LOS A in the year 2030 for US 93 intersection approaches throughout the Whitefish West project area. Side street approaches will experience LOS E or F at several intersections, similar to what was discussed in the FEIS.

Modifications to the lane configuration between Baker Avenue and the Whitefish River (FEIS Section J2), which would eliminate the one eastbound lane and allow on-street parking in its place, would result in reduced LOS and may increase the number of rear-end crashes when compared to the Preferred Alternative. Traffic analysis determined that congestion at the intersection of West Second Street and Baker Avenue is the controlling factor for operations in this area. Unless improvements are made at Second/Baker, the additional eastbound lane would have little or no effect on traffic operations. Improvements to West Second/Baker are not part of this project, however the width provided by the parking lane would allow for re-striping a second eastbound travel lane in the future.

Modifications to FEIS Section K, which would include narrowing the left-turn lane from 4.2 m (14 ft) to 3.6 m (12 ft), would result in a small reduction in LOS and safety. Narrower lanes have reduced capacity (approximately 7 percent for a two foot lane reduction); however, because this

is a continuous two-way left-turn lane (TWLTL), the reduced capacity would have only a minor effect on operations. The effect on safety would be less maneuvering space and sight distance for opposing vehicles in the TWLTL. The minor impacts to LOS and safety would be offset by the reduction in right-of-way impacts. The use of a boulevard sidewalk section would provide additional clear zone width, separation of vehicles and pedestrians, snow storage, and space for signs, light poles, and utilities, resulting in improved safety. A boulevard sidewalk would result in increased right-of-way impacts compare to the FEIS.

Modifications to FEIS Section L, which would include reduced median and shoulder widths, would result in a minor impact to operations and safety. The addition of 0.6 m (2 ft) inside shoulders would result in improved safety by providing a shy distance from the face of curb, however, reduction of the outside shoulder from 2.4 m (8 ft) to 1.5 m (5 ft) would result in a small decrease in the free flow speed (approximately 1.3 mph (2.1 km/h)) and less space for stalled vehicles. The minor impacts to operations and safety would be offset by the reduction in right-of-way impacts to the golf course and park (Section 4(f)/6(f) properties).

Modifications to FEIS Section M, which would include extending the curb and gutter section; eliminating the eastbound truck climbing lane; shortening the westbound climbing lane; and adding a TWLTL, would result in a minor impact on operations, but an overall improvement in safety. The curb and gutter section and truck climbing lane changes would reduce right-of-way impacts to adjacent residential and commercial properties. These changes would result in a 5-8 km/h (3-5 mph) decrease in average travel speed; a 38-61 percent increase in time spent following other vehicles, a minor increase in travel time and delay, and reduced level of service.

The roadway segment LOS (as opposed to the intersection LOS discussed above) on US 93 within Section M is projected to be LOS E with the reduced truck-climbing lanes, as compared to LOS D with the full truck climbing lanes originally anticipated in the Preferred Alternative. This mid-block LOS is an evaluation of travel speed and the amount of time drivers must follow behind another vehicle.

The addition of the TWLTL within Section M would result in improved safety for approximately 14 access points located in this section of the project. The benefits to safety, speed reduction, cost, and right-of-way impacts would outweigh the minor increase in travel time, delay, and reduced LOS.

Turn lanes would also be added at the following intersections that were not identified in the FEIS, which would result in improved safety and operations. These changes would result in increased right-of-way impacts at several locations in the area west of Lion Mountain Road.

- Northbound left-turn lane on Karrow Avenue at US 93
- Eastbound right-turn lane on US 93 at Karrow Avenue
- Eastbound left-turn lane on US 93 at Murray Avenue
- Westbound left-turn lane on US 93 at Parkhill Drive
- Eastbound left-turn lane on US 93 at Whitefish Golf Club entrance
- Westbound left-turn lane on US 93 at Fairway Drive
- Westbound left-turn lane on US 93 at Nelson Lane
- Westbound left-turn lane on US 93 at Fox Hollow Lane

- Eastbound and westbound left-turn lanes on US 93 at State Park Road; and southbound left-turn lane on State Park Road at US 93
- Eastbound left-turn lane on US 93 at Antler Ridge Road

The Current Proposed Action includes access consolidation, driveway and intersection modifications, and construction of internal circulation roads similar to what was discussed in the FEIS. This includes reconfiguring the Lion Mountain Road/State Park Road intersection to provide improved geometry and a future road to the south. This intersection would be designed to accommodate a future traffic signal, to be installed when warranted, and provides a turn-around opportunity for westbound vehicles. This change would result in relocation of one residential property. Other individual access modifications would be considered during the final design.

Construction impacts would be similar to those discussed in the FEIS. One-lane traffic control with flagging may be required for short durations, which would increase delays during construction.

## **Conclusion**

The anticipated transportation impacts in the Whitefish West project area are similar to what was discussed in the FEIS. The Current Proposed Action includes minor changes that were not discussed in the FEIS. These changes would provide an overall benefit to safety and only a minor reduction in operations. The FEIS, along with the information presented in this re-evaluation, adequately address the impacts and mitigation related to these changes.

## **5.2 LAND USE**

### **FEIS Findings**

US 93 alternatives would not substantially affect the total amount of new development occurring in the Flathead Valley, but would have some influence on the characteristics and geographic distribution of this development. US 93 alternatives are one of many factors that would influence the character and distribution of future land uses in the Flathead Valley. Other factors include: city and county land use plans and regulation practices; Montana Department of Transportation highway access restrictions; city and county road improvement policies; the characteristics of public and private utility services; the locations of business markets and job centers; site specific amenities and physical and socioeconomic constraints; land owner and developer resources and preferences regarding development; and the availability of other developable lands.

The US 93 “Build Alternatives” would directly displace a small number of residential, commercial and industrial buildings. Residential land areas displaced by the “Build Alternatives” consist mainly of yard and driveway areas. Commercial and industrial lands displaced by the project are mainly driveway, parking, and green areas. Agricultural land removed from production includes a mix of crop and grazing lands.

Imposition of restrictive access controls would discourage development of commercial and residential land uses at new locations along rural highway segments. MDT restrictions of new road or driveway access onto US 93 would reinforce the effectiveness of rural zoning

ordinances that seek to prohibit new commercial land uses and intensive residential development. Especially in urbanizing areas, strict limitations on new access would favor new development and reinvestment in areas with established access onto the highway. Stringent access controls would favor more intensive (higher density) commercial and industrial development patterns. Highway access controls would also favor industrial development along frontage roads.

### **Changed Conditions**

General land use trends in the Whitefish area have not changed. The indirect effects of the Current Proposed Action on land use would remain similar to those discussed in the FEIS.

The Current Proposed Action would displace a higher number of residential and business properties, and require more right-of-way than what was identified in the FEIS. This is discussed in **Section 5.5** (Relocations).

The Current Proposed Action is consistent with current planning documents including the *2007 Whitefish City-County Growth Policy*, the *2005 Whitefish Downtown Business District Master Plan*, and the *2007 Flathead County Growth Policy*.

### **Conclusion**

The Current Proposed Action would not result in new significant land use impacts not previously evaluated in the 1994 FEIS.

## **5.3 FARMLAND**

### **FEIS Findings**

The entire Whitefish portion of the project is in an area designated either as “Forest Upland / Potential Grazing Land” or “Urban Area.” There were no “Prime Farmlands” or “Unique Farmlands” mapped within the Whitefish West project area, therefore there would be no direct farmland impacts.

### **Changed Conditions**

There are no changed conditions.

### **Conclusion**

The FEIS adequately addresses farmland impacts in the Whitefish West project area.

## **5.4 SOCIAL**

### **FEIS Findings**

In 1994, Flathead County was one of Montana’s fastest growing counties. The 1994 population was estimated to be 64,000. In 1993, the county’s summer population was estimated to exceed 74,000. The wintertime seasonal population influx in the county centered on Whitefish. Overall, the county’s population was centered in the Flathead Valley with the large majority of the

population living within 10 miles of the US 93 project area. Flathead County's population tends to be slightly older, more racially homogenous, with higher average incomes and less percentage of the population born in Montana than statewide.

Population projections were developed for 2000 and 2015. The projections were developed using a linear regression technique based population trend data from 1970 to 1993. Flathead County was predicted to continue to experience substantial population growth. It was predicted to have a 46 percent (27,000 person) increase in year-round population and the mid-summer population was expected to exceed 100,000 people by 2015.

The FEIS determined that the impacts of the US 93 alternatives would not meaningfully affect the area's appeal as a place to retire or locate a second home. However, the US 93 alternatives might have some influence on the geographic distribution of future settlement wherever the highway substantially changes the quality of access into areas with development potential.

Travel times from east and west valley areas to Whitefish would not be sufficiently improved and as a result, would not induce substantial additional commuter oriented settlement. The greatest traveler time savings for commuters would be for persons commuting between Whitefish and Kalispell (an estimated 2 to 4 minute savings).

No specific relocations were identified in the Whitefish West project area; however the FEIS stated that outside of cities, the Preferred Alternative would displace a small number of residences and businesses. Highway alternatives would not displace the homes or places of employment of substantial numbers of elderly or handicapped persons, transit dependent persons, members of racial or ethnic minorities, or other special population groups.

## **Changed Conditions**

Flathead County continues to be one of Montana's fastest growing counties with an estimated population of 81,217 in 2004, which is a 9.06 percent increase from the 2000 census. Flathead County's population grew by 26 percent between 1990 and 2000, and is expected to reach 105,000 by 2020. Nearly 1,000 new businesses were established in Flathead County during the 1990's (Flathead County Economic Development Authority 2006).

The Current Proposed Action would displace a higher number of residential and business properties, and require more right-of-way than what was identified in the FEIS. This is discussed in **Section 5.5** (Relocations). The Current Proposed Action would not disproportionately impact homes or places of employment of elderly or handicapped persons, transit dependent persons, members of racial or ethnic minorities, or other special population groups.

## **Conclusion**

The FEIS, along with the information presented in this re-evaluation, adequately address social impacts in the Whitefish West project segment.

## **5.5 RELOCATIONS**

### **FEIS Findings**

The 1994 FEIS estimated that approximately 6.5 ha (16.1 ac) of right-of-way would be acquired for the Whitefish West project. No residential or commercial relocations were specifically identified for the Whitefish West project area.

Page 4-31 of the FEIS states that outside of cities, the Preferred Alternative would displace a small number of residences and businesses. Further, page 4-35 of the FEIS states:

The quantities in Tables 4-8 and 4-9 are approximate and based on design prepared to a conceptual level of detail. They do not include temporary or permanent easements which may be needed for cut/fill slopes or construction work. These would be determined during the final design process.

The 1990 Census listed 4,145 residential vacancies, of which 2,517 were reported as seasonally vacant (US Department of Commerce, 1991). The high percentage of seasonal vacancies in housing units reflects the prevalence of ski-season and summertime second home residents in the Flathead area. Seasonally occupied units are generally not available for occupancy by year-round residents.

The 1990 Census reported the median value of owner occupied housing to be \$64,200 and the median rent to be \$332. Since the census, Flathead County has experienced a period of vigorous population growth. Robust demand for housing has increased the market values of housing units and cost for rental housing. The median sales price for a house sold in 1993 is estimated to be about \$88,000, a percent increase since the census (Jim Kelly, 1993).

Table 4-10 of the FEIS illustrates that 952 housing units were on the market in Flathead County in December of 1993, which is about 3 percent of the county-wide housing stock. The asking price for the majority of houses for sale in Flathead County exceeded \$100,000. The number of houses for sale in Flathead County tends to increase during summer months.

The FEIS found that the market values for most of the houses potentially displaced by the highway project were expected to be less than \$100,000, with one or two of the units being in the less than \$50,000 value range. Moderate and low cost housing are the least procurable part of the Flathead County housing market (Shirley Schmidt, 1993). It is noteworthy that only 30 percent of housing units for sale at the end of 1993 were priced in the \$50,000 to \$100,000 range, and only six percent were priced at less than \$50,000. In the Whitefish area there were 33 units for sale in the \$50,000 to \$100,000 range and 1 house selling for less than \$50,000 (Flathead Board of Realtors, 1993).

### **Changed Conditions**

The Current Proposed Action would require acquisition of approximately 13 ha (33 ac) of right-of-way in the Whitefish West project segment. This includes the areas needed to construct cut/fill slopes, which was not considered in the FEIS, as well as additional right-of-way area necessary to meet current MDT design standards for stopping sight distance and clear zones.

The Current Proposed Action would displace up to nine residences, two businesses, and four outbuildings that were not identified in the FEIS (potential relocations are shown on the exhibits in **Appendix E**). Right-of-way impacts and potential relocations were shown at the public open house, April 26, 2005, and discussed extensively with the Citizens Working Group and the City of Whitefish. Numerous mitigation measures to minimize right-of-way impacts were identified and agreed on. These include:

- Reduced shoulder widths
- Steepened slopes
- Guardrail
- Retaining walls
- V-ditches
- Curb and gutter section

These mitigation measures would be incorporated in the final design, where feasible. Mitigation measures for relocations that are discussed in the FEIS would remain applicable.

The number of housing units in Flathead County has steadily increased over recent years. The total housing units in 2000 equaled 34,773 and grew to 36,077 in 2004, a 4% increase (Population Division, US Census Bureau, July 21, 2005).

The year 2000 overall vacancy rate for the available rental and owner-occupied housing units was nearly 15% or 5,186 units, however approximately 69%, or 3,570 units, of those were designated as seasonal, recreational or for occasional use. Therefore the actual vacancy rate in 2000 for non-seasonal housing was 7% for rental units and 1.7% for owner-occupied units (Flathead County Growth Policy 2007). The continued high percentage of seasonal vacancies in housing units reflects the prevalence of ski-season and summertime second home residents in the Flathead area. Seasonally occupied units are generally not available for occupancy by year-round residents.

Year 2006 Census data (American Fact Finder US Census, 2006) indicates median value of owner occupied housing in Flathead County to be \$213,600. As stated in the FEIS, Flathead County continues to experience a period of vigorous population growth. Robust demand for housing has increased the market values of housing units and cost for rental housing. The market values for most of the houses potentially displaced by the Current Proposed Action are expected to be in excess of \$200,000.

A comparative market analysis for the project was completed in 2007. The sales data indicates a range value from \$5.90 to \$19.80 per square foot for residential land in town that is connected to city water and sewer. Business property in downtown Whitefish is in strong demand. It is anticipated that all commercial acquisition in downtown Whitefish would be in excess of \$20 per square foot.

## **Conclusion**

There would be new relocation impacts within the Whitefish West project segment that were not specifically described in the FEIS. However, these impacts are consistent with the nature and type of relocation impacts described in the FEIS for the overall Somers to Whitefish West corridor. In addition, efforts to avoid or minimize the number of relocations would be made

during the final design. The mitigation measures described in the FEIS relating to relocation assistance remain valid for mitigating the relocation impacts described above.

## **5.6 ECONOMIC**

### **FEIS Findings**

In the early 1990's, Flathead County's economy was growing much faster than the economy of Montana as a whole. The area's historic natural resources, manufacturing, and railroad industries had little to do with recent economic expansion. The economy crested during the summer season reflecting the influences of tourism, summertime residents, and seasonal employment in construction, the wood products industry, agriculture and federal government. From 1979 through 1991, 87 percent of the total growth in county jobs occurred in the service, retail trade, construction, and financial (finance, insurance, real estate) sector.

In-migration of retirees and others with substantial investment and transfer income has caused non-earned income to grow more rapidly in Flathead County than in many other areas of Montana. Because most non-earned income is derived from sources outside Flathead County, it contributes to the overall growth in the area's economy. In spite of the growing economy, unemployment rates in Flathead County were higher than was typical in Montana.

Travelers were estimated to spend about \$150 million in Flathead County in 1992. Flathead County was estimated to attract about 11 percent of statewide expenditures by non-resident travelers. Over 75 percent of non-resident visits occurred in the summer. Over the past decade visitors to Glacier National Park and Whitefish Mountain (Big Mountain) Ski Resort had been growing at about 4 percent per year. Increasing portions of Rocky Mountain tourists were residents of foreign countries. Because foreign tourists tended to spend more during their vacations than did domestic tourists, the growth in foreign visitation served to further increase the benefits of tourism on local and regional economies.

Historic natural resources, manufacturing, and railroad industries in Flathead County had experienced little or no growth in the last 20 years. Mechanization of previously manual tasks had caused reduced work forces. Downsizing and closures of area wood processors had contributed to declining employment by forest products businesses. The reduced role of agriculture was attributed to conversion of agricultural lands into residential subdivisions and the transformation of fulltime agricultural operations into hobby farms and ranches.

Increases in employment and commerce would add considerably to the transportation demands. Highway alternatives would have some influence on the geographic distribution of growth. Retail and service businesses catering to drive-through travelers and tourists are the most susceptible to changes in highway conditions and convenience of access. Improvements to highway conditions would allow for greater volume of drive-by traffic and would cause additional business growth along commercial strips.

The Preferred Alternative in the Whitefish West project area would help to evenly distribute the business opportunities and would likely promote additional business growth near intersections in the rural areas.

## **Changed Conditions**

General economic trends in the Whitefish area remain similar to those discussed in the FEIS. The Current Proposed Action would result in two business relocations, which were not discussed in the FEIS, and would have a minor economic impact on the Whitefish West project area.

The FEIS stated that improvements to highway conditions “would allow for greater volume of drive-by traffic” and “would cause additional business growth along the commercial strips.” While such growth is likely and therefore reasonably foreseeable, there are no methods to forecast the exact nature of the growth, because such growth is dependent on so many variable factors, such as land use planning, the local and national economy, the price of gasoline, and many other elements. It is impossible to forecast the exact details of where, when, and how the growth would occur.

## **Conclusion**

The FEIS, along with the information presented in this re-evaluation, adequately address economic impacts in the Whitefish West project segment.

## **5.7 PEDESTRIANS AND BICYCLISTS**

### **FEIS Findings**

Overall conditions for pedestrians and bicyclists would improve by implementation of the Preferred Alternative. The Preferred Alternative included a separated bike path along US 93 as much as possible, and provisions for bicyclists on the shoulder where a separated bike path was not feasible. Accommodations to facilitate easier pedestrian crossing of US 93 would improve pedestrian safety as well.

### **Changed Conditions**

Pedestrian and bicycle facilities are notably important to the City of Whitefish and Citizens Working Group (CWG). The Current Proposed Action would improve bicycle and pedestrian safety and connectivity with the following changes:

- A continuous bicycle and pedestrian path would be included throughout the length of the project area, which would provide improved access and connectivity to and from parks and recreation areas in Whitefish.
- An undercrossing would be provided at the Second Street Bridge, and would connect to the existing Whitefish trail system.
- Improvements to the existing golf course underpass would provide improved safety and access for golf club maintenance crews, golf club users, and bicycle/pedestrian trail users.
- The bike path was located along the north side of US 93 at the golf club and Skyles Lake to allow access to State Park Road, the Skyles Lake fishing access, and other trail connections.

- The bike path was located on the south side of US 93 along Spencer Lake to better access recreation areas and connecting trails on Twin Bridges Road.

The separated bike path would require additional right-of-way at some locations, however the path is generally located within the required clear zone for the highway or within necessary cut/fill slopes, and thus the need for additional right-of-way would be minor.

## **Conclusion**

The Current Proposed Action provides additional improvements to pedestrian and bicycle facilities that were not included in the FEIS. The FEIS, along with the information presented in this re-evaluation, adequately address impacts to pedestrian and bicycle facilities in the Whitefish West project area.

## **5.8 AIR QUALITY**

### **FEIS Findings**

Whitefish has been designated by the Environmental Protection Agency (EPA) as a nonattainment area for particulate matter that is less than or equal to ten microns in diameter (PM<sub>10</sub>). During 1992, eight concentrations in Whitefish were recorded that exceeded the 24-hour standard. No violations were recorded in 1993. It was believed that re-entrained road dust and smoke produced by residential wood burning were likely the largest PM<sub>10</sub> emission sources.

A regional PM<sub>10</sub> emissions analysis was performed for the No-Build and Build Alternatives for 2005 and 2015. The analysis concluded that emissions from the Build Alternatives would be higher than the No-Build Alternative in the Whitefish Nonattainment Area, which includes the Whitefish West project area. Hot Spot analysis is required in PM<sub>10</sub> nonattainment areas (40 CFR Parts 51 and 93). This analysis was not conducted for the FEIS because EPA had not released guidance pertaining to this analysis.

### **Changed Conditions**

The following guidance pertaining to Mobile Source Air Toxics (MSATs) and NEPA documentation has been issued since the FEIS was written, and therefore was not discussed in the FEIS.

Based on the Federal Highway Administration (FHWA) *Interim Guidance on Air Toxic Analysis in NEPA Documents*, February 2006, the Clean Air Act identified 188 air toxics, also known as hazardous air pollutants. The Environmental Protection Agency (EPA) has assessed this expansive list of toxics and identified a group of 21 as mobile source air toxics, which are set forth in an EPA final rule, *Control of Emissions of Hazardous Air Pollutants from Mobile Sources* (66 FR 17235). The EPA extracted a subset to this list of 21 that it now labels as the six priority Mobile Source Air Toxics (MSATs). These are *benzene, formaldehyde, diesel particulate matter/diesel exhaust organic gases, acrolein, and 1, 3-butadiene*.

The Current Proposed Action would not result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the No-Build Alternative. This project would generate minimal air

quality impacts for Clean Air Act criteria pollutants and has not been linked with any special MSAT concerns. Consequently this project is exempt from analysis of MSATs.

Moreover, interim FHWA guidance on air toxic analysis states that EPA regulations for vehicle engines and fuels would cause overall MSATs to decline significantly over the next 20 years. Even after accounting for a 64 percent increase in vehicle miles traveled (VMT), FHWA predicts MSATs would decline in the range of 57 percent to 87 percent, from 2000 to 2020, based on regulations now in effect. This would reduce both the background level of MSATs as well as the possibility of even minor MSAT emissions from this project.

Air quality is continuously monitored in the Whitefish airshed; however an air quality trend analysis is not available because data collection has not been consistent over the years. The air-monitoring site has been moved since the FEIS was written.

On March 29, 2007, the EPA finalized the Clean Air Fine Particle Implementation Rule, which defined requirements for state plans to clean the air in 39 areas where particle pollution levels do not meet national air quality standards. Libby is currently the only designated PM<sub>2.5</sub> non-attainment area in Montana. Whitefish is currently designated a PM<sub>10</sub> non-attainment area. The EPA published notice of attaining standards November 1, 2001 (66 FR 55102) for the years 1997-99. However, this action did not re-designate Whitefish as an attainment area because Montana has not submitted the required maintenance plan.

Since the FEIS was published, the EPA provided the following guidance pertaining to Qualitative PM<sub>10</sub> Hot Spot Analyses. In addition to a regional emissions analysis, 40 CFR Parts 51 and 93 require a project level hot-spot analysis for PM<sub>10</sub> nonattainment areas in order to determine whether localized violations of the PM<sub>10</sub> standard are likely. Under the rule, until EPA issues a quantitative PM<sub>10</sub> hot-spot model, a qualitative analysis is required. In order to perform this analysis, traffic volumes from the project were compared to traffic volumes in other locations in Montana where a PM<sub>10</sub> air quality monitor was located. The PM<sub>10</sub> monitors in Missoula and Kalispell are exposed to traffic on several urban arterials, with higher traffic volumes than those projected for US 93 in the Whitefish area. Because Missoula and Kalispell have not violated the PM<sub>10</sub> standard in recent years, and although an increase in VMT would increase particulates, the 2030 traffic volumes in Whitefish are not expected to result in a violation. A decrease in traffic congestion would decrease vehicle emissions.

Commitments to mitigate PM<sub>10</sub> emissions identified in the FEIS would be included in the Current Proposed Action for the Whitefish West project. These include: surfacing gravel and dirt shoulders and employing dust mitigation Best Management Practices (BMPs) during construction. These measures are in compliance with the current local air quality regulations and serve to support and enhance the mitigation efforts in effect within the Whitefish airshed.

Flathead County adopted air pollution control regulations in 1994, including specific regulations for controlling PM<sub>10</sub> emissions in the Whitefish airshed. The rules require testing of sanding and chip seal materials, construction activity permits, paving of roadways and parking lots, and a street sweeping and flushing program. These adopted rules reflect the same strategies that were identified in the FEIS.

## **Conclusion**

Air quality regulations have changed since the FEIS was written. However, the FEIS, along with the information presented in this re-evaluation, adequately address impacts to air quality within the Whitefish West project area.

## **5.9 NOISE**

### **FEIS Findings**

The Federal Highway Administration (FHWA) Noise Abatement Criteria (NAC) specifies categories for noise sensitivity. The residences, churches and parks along the existing highway project area and the proposed alternatives fell into Category B of the NAC and should not receive exterior noise of greater than 67 decibels (dBA), at equivalent steady-state (Leq). Businesses along the existing US 93 alignment fell into NAC Category C and should not receive exterior noise levels greater than 72 dBA Leq.

Noise monitoring was performed in September and October 1993 during peak traffic periods. The monitoring points represented sensitive receptors of each land use as defined by the NAC Categories B and C. Three out of the four sites monitored in Whitefish exceeded the NAC Category B criteria of 67 dBA Leq. A predictive noise model was used to evaluate noise levels for 2015. Based on these model results, it was predicted that more sites along the Whitefish highway alignment would experience noise levels that approach or exceed FHWA NAC standards by 2015. However, no receptors are predicted to receive a substantial increase between noise levels measured in 1993 to the 2015-modeled levels under any of the design alternatives.

Title 23 CFR 772 requires that noise abatement measures be considered for this project. The noise abatement analysis showed that noise barriers were not a reasonable alternative due to access issues and visual concerns. Changes in the horizontal and/or vertical road alignment can be effective in reducing noise and could be considered in detail after the Preferred Alternative had been selected and the project entered final design.

### **Changed Conditions**

Federal NAC categories have not changed since the FEIS was written (American Association of State Highway and Transportation Officials, 2004). On April 1, 2005, the Federal Register published an amendment to Title 23 CFR 772.17 Traffic Noise Prediction stipulating current methodology should be consistent with the FHWA Traffic Noise Model (Report FHWA-PD-96-010).

MDT performed a Preliminary Noise Analysis (PNA) in 2002 for the Whitefish West project. This PNA concluded that traffic noise impacts already exist (greater than 66 dBA for residential areas, greater than 71 dBA for commercial areas) at various locations along the project length. Projected future traffic volumes would increase these noise levels, as would any new alignments that bring traffic lanes closer to existing receivers.

Because existing noise levels already exceed the noise abatement criteria levels at several locations within the project limits, a detailed noise analysis would be required for the Whitefish

West project based on the current design. The “Detailed Noise Analysis” (DNA) would be performed when plans for the horizontal and vertical alignments have been finalized. Until that time, the findings of the PNA would serve as a guide in the planning process for minimizing traffic noise impacts associated with this project.

## **Conclusion**

The FEIS, along with the information presented in this re-evaluation, adequately address noise impacts within the Whitefish West project segment.

## **5.10 WATER RESOURCES AND QUALITY**

### **FEIS Findings**

The 1994 FEIS identified two major issues related to water quality:

- Increased impurities in storm water runoff from increased traffic flow, increased impervious surface, and/or increased maintenance activities.
- Sediment loading during and after construction activities due to the exposure of bare substrate.

Water resource impacts were expected to be minor for two reasons. First, the project overlays an existing transportation project area with its specific profile and grading that has been used consistently for a number of years without excessive water or stream degradation. Second, because the project area passes over the water features in an approximately perpendicular manner, the potential for impacts is reduced.

Storm water delivery systems would be designed in accordance with current MDT and local jurisdictional practice. Storm water detention areas constructed for this project would also be available to detain hazardous or toxic materials spills, as well as other chemicals and sediment. These detained materials would not directly enter the aquatic environment.

The design intention for all the proposed build alternatives was to limit encroachment below the mean high water mark to the extent feasible at each crossing. There were no plans to place any abutment materials below the mean high water mark. Only the pier substructure necessary for support would be placed directly in the flow of the river.

### **Changed Conditions**

The Current Proposed Action would result in approximately 2.7 ha (6.7 ac) of additional impervious surface (compared to the Preferred Alternative) in the Whitefish West project segment, which would result in increased impurities from storm water runoff. Increased impervious surface areas can be attributed to the additional width on bridges, additional shoulder widths, additional sidewalks and bike paths, and more accurate measurement based on preliminary design.

Current bridge plans include bridge abutments within the mean high water mark. Sloping abutments are proposed and the toes of the abutments would extend several meters beyond

the existing bank. Because the abutments would be sloped, they would act as only a minor constriction on the river channel.

Skyles Lake and Spencer Lake are adjacent to the project area, but were not included in the FEIS. No direct impacts to Skyles Lake and Spencer Lake are anticipated.

While water quality degradation has been measured in the Whitefish River, numerous sources not directly or specifically related to the US 93 project area have been listed as the primary causes. The Current Proposed Action has the potential for temporary water quality impacts associated with storm water runoff during construction. However, mitigation measures and best management practices (BMPs) were identified in the FEIS that would minimize the construction related impacts. Proposed storm water conveyance and detention facilities would result in a net improvement in water quality along the highway alignment. Standard erosion and sediment control BMPs have been developed and updated in 2003 by MDT, and would be incorporated into the project. These procedures and methods are proven technology to reduce erosion and sediment associated with highway-related pre-construction, construction, and post construction activities.

Although TMDLs have not yet been developed for the Whitefish River, TMDLs may need to be considered during final design and construction of this project.

## **Conclusion**

There would be additional water quality impacts within the Whitefish West project segment that were not identified in the FEIS, however these impacts are similar in type and nature to the impacts described in the FEIS. The FEIS, along with the information presented in this re-evaluation, adequately address the mitigation requirements.

## **5.11 WETLANDS**

### **FEIS Findings**

Eight wetlands were identified in the 1994 FEIS within the Whitefish West project segment using aerial photos and the National Wetlands Inventory (NWI) maps. In July 1993, wetlands along the highway alignment were delineated using the MDT guidelines for evaluating wetlands (MDT1991). No wetland impacts were identified in the Whitefish West project area.

### **Changed Conditions**

A Biological Resources Report (BRR) completed in 2008 delineated fifteen primary wetland areas in and adjacent to the project area. Eight wetlands identified in the BRR are the same as those identified in the 1994 FEIS and seven were newly identified.

The Current Proposed Action would result in 1.0 hectares (2.5 acres) of wetland impacts that were not identified in the FEIS. Wetland impacts are listed below and shown on exhibits included in **Appendix E**.

**Wetland impacts based on the Current Proposed Action**

<b>Wetland ID</b>	<b>Approximate Stationing</b>	<b>Source of Wetland Hydrology</b>	<b>Estimated Impact Hectares (acres)</b>	<b>Narrative Description &amp; Preliminary Jurisdictional Determination**</b>
WL-6 (Same as FEIS Wetland 24)	Sta. 5+30 Left	Whitefish River	No impacts	Narrow wetland fringe along SE bank of Whitefish River at the 2 <sup>nd</sup> Street bridge. Likely Jurisdictional.
WL-7 (Same as FEIS Wetland 24)	Sta. 5+70 Left	Whitefish River	No impacts	Narrow wetland fringe along SW bank of Whitefish River at the 2 <sup>nd</sup> Street bridge. Likely Jurisdictional.
WL-8 (Same as FEIS Wetland 24)	Sta. 5+80 Right	Whitefish River	No impacts	Narrow wetland fringe along NW bank of Whitefish River at the 2 <sup>nd</sup> Street bridge. Likely Jurisdictional.
WL-9*	Sta. 39+20 to 39+60 Right	Groundwater & surface runoff	0.018 ha (0.044 ac)	Isolated depression within existing roadside ditch. Likely non-jurisdictional.
WL-10	Sta. 42+40 to 42+70 Right	Groundwater & surface runoff	0.061 ha (0.151 ac)	Apparently isolated pothole wetland surrounded by coniferous forest habitat. Likely non-jurisdictional.
WL-11 (Same as FEIS Wetland 25)	Sta. 47+00 to 49+70 Right	Groundwater, Skyles Lake	0.247 ha (0.610 ac)	Upper end of Skyles Lake – wetland is hydrologically connected to Skyles Lake. Likely jurisdictional.
WL-12 (Same as FEIS Wetland 26)	Sta. 58+40 to 59+50 Right	Outflow from Skyles Lake	0.131 ha (0.324 ac)	Emergent marsh wetland influenced by surface flow out of Skyles Lake. Likely jurisdictional.
WL-13 (Same as FEIS Wetland 27)	Sta. 62+60 to 63+21 Right	Perennial surface flow and groundwater	0.141 ha (0.348 ac)	Emergent marsh and scrub/shrub wetland with drainage pattern through wetland that connects to Spencer Lake. Likely jurisdictional
WL-13a (Same as FEIS Wetland 27)	Sta. 63+10 to 63+25 Left	Perennial surface flow and groundwater	0.004 ha (0.010 ac)	Emergent marsh and scrub/shrub wetland connected to Wetland 13 via small culvert under highway. Drainage pattern through wetland that connects to Spencer Lake. Likely jurisdictional
WL-14	Sta. 80+95 to 85+10 Right	Groundwater & surface runoff	0.099 ha (0.245 ac)	Roadside ditch wetland towards north end of project. Possible down-gradient connection to water of the U.S. Jurisdiction unknown.
WL-15	Sta. 80+30 to 85+18 Left	Groundwater & surface runoff	0.231 ha (0.571 ac)	Roadside ditch wetland towards north end of project. Possible down-gradient connection to water of the U.S. Jurisdiction unknown.
WL-16	Sta. 80+20 to 80+30 Right	Groundwater & surface runoff	0.014 ha (0.035 ac)	Roadside ditch wetland towards north end of project. Possible down-gradient connection to water of the U.S. Jurisdiction unknown.

<b>Wetland ID</b>	<b>Approximate Stationing</b>	<b>Source of Wetland Hydrology</b>	<b>Estimated Impact Hectares (acres)</b>	<b>Narrative Description &amp; Preliminary Jurisdictional Determination**</b>
WL-17 (Same as FEIS Wetland 28)	Sta. 64+40 to 75+20 Left	Spencer lake	0.051 ha (0.126 ac)	Spencer Lake and its associated wetland fringe. Likely jurisdictional.
WL-18	Sta. 29+25 to 29+42 Left	Groundwater & surface runoff	0.005 ha (0.012 ac)	Roadside ditch wetland – appears isolated. Non-jurisdictional.
WL-19	Sta. 25+80 Left	Groundwater & surface runoff	0.013 ha (0.032 ac)	Pothole wetland. Jurisdiction unknown.
		<b>Total Impacts:</b>	<b>1.015 ha (2.508 ac)</b>	

1 = EM is Emergent Marsh; SS is Scrub/Shrub; 2 = Cowardin et. al. 1979; 3 = From Berglund 1999

\* Wetland Identification begins at 9 instead of 1, because the BRR originally included the Whitefish Urban area. Wetland identification numbers were not changed in order to retain consistency from data collection.

\*\* Jurisdictional determination and mitigation requirements are made by the US Army Corps of Engineers during the 404 Permit process.

Minor, temporary impacts within the right-of-way and temporary construction easements may occur, although these impacts cannot be quantified because precise construction techniques/approaches are unknown at this time. Temporary impacts to wetlands within the right-of-way and construction easement areas would be restored to original contours and revegetated immediately following construction. Additional wetland avoidance and minimization opportunities including adjusting slopes and installation of guardrail would be explored during final design where practical.

Compensatory mitigation for the wetland loss would be pursued according to United States Army Corps of Engineers requirements. Both on-site and off-site mitigation would be pursued. Off-site mitigation would be pursued at a MDT mitigation reserve located within Watershed 4.

Roadside ditch wetlands impacted by the project could potentially re-establish in the new ditch over time, thereby replacing wetlands that might have been lost in these areas. The specific amount of wetland that might be created is difficult at best to determine, but could be monitored over time to establish an acreage.

## **Conclusion**

There would be new wetland impacts in the Whitefish West project area that were not identified in the FEIS, however the wetland impacts are similar in type and nature to the impacts described in the FEIS for the overall Somers to Whitefish West corridor. The FEIS, along with the information presented in this re-evaluation, adequately identifies the requirements to mitigate wetland impacts. A wetland mitigation plan would need to be discussed and approved by the resource agencies for the additional wetland impacts identified.

## 5.12 FISHERIES AND WILDLIFE

### FEIS Findings

#### *Wildlife*

Wildlife habitat in the project area is predominantly upland in character. Much of the project area habitat has been disturbed by human development. White tail deer was the most common big game species present. Observations of elk, mule deer, and moose have been recorded but the highly developed condition probably limited use of the project area by these species. Specific issues of concern to both the public and resource management agencies related to the proposed project included, reducing wildlife hazards, minimizing the effects of the project on nearby wildlife refuges, and minimizing disruption of big game migrational patterns. Some portions of the area were utilized for seasonal movements; however no specific routes had been documented. No raptor nests were known to exist in the study area within 152 m (500 ft) either side of US 93.

#### *Fisheries*

The project area crosses the Whitefish River, which is a low gradient river occurring within glacial till. Use of the Whitefish River by fish species is limited due to the high amount of sediment. Fish primarily use the Whitefish River for migration. Due to the high amount of development in the project area, the banks of the Whitefish River are somewhat degraded.

#### *Wildlife Habitat*

Riparian habitat within the highway project area for this segment is restricted to adjacent wetlands particularly along the Whitefish River. Within the developed areas, the habitat was typically limited to weedy species and planted exotic species. Wildlife associated with these areas was limited to species adapted to high levels of human disturbance.

The Preferred Alternative would physically remove habitat available for wildlife; however, none of the areas to be impacted were critical or limiting for wildlife species. Minor displacement would occur. The potential for additional wildlife collisions was not expected to increase substantially because the road was established and wildlife in the area are accustomed to the highway's presence. Approximately 10.5 ha (26 ac) of coniferous forest wildlife habitat would be removed along the Whitefish West portion of the project area.

### Changed Conditions

The Whitefish West Biological Resources Report (BRR) (PBS&J 2008) addresses potential changed biological conditions in the project area. Impacts to fisheries and wildlife that were not included in the FEIS are discussed below.

#### *Wildlife*

Common mammals occupying habitats in the general project area that were not discussed in the FEIS are discussed in detail in the BRR. Residential and commercial development has eliminated most wildlife habitat within city limits; however, suitable habitat is still abundant along the Whitefish West segment. No critical wildlife habitat, such as important white-tailed deer winter range, occurs within project limits. Consequently, upland habitat to be affected by the project is generally judged overall as being of low to moderate quality. From a quality

perspective, direct impacts to existing vegetation and wildlife habitat in the project area are considered relatively minor.

The project site is within the distributional range of approximately six amphibian and seven reptilian species (Maxell et al. 2003), which are discussed in the BRR. No amphibians or reptiles were observed during the July 2005 field visit.

The project area is likely to be occupied by a variety of species adapted to riparian, wetland, forested, and open meadow habitats of western Montana. Those species are discussed in detail in the BRR.

The Montana Natural Heritage Program (MTNHP) data search results indicated three known occurrences of wildlife species of concern within a 3.2 km (two mile) radius of the proposed project (MTNHP 2005a). Common Loons are known to nest at nearby Whitefish and Blanchard Lakes, and were seen during the field survey utilizing Spencer Lake near the west end of the project. Nesting at Spencer Lake has not been documented. The Le Conte's Sparrow (*Ammodramus leconteii*), which typically occupies wet meadow peat lands, is the other sensitive wildlife species documented in the project area, although the most current record for this species is from 1987 (MTNHP 2005a).

The Bald Eagle (*Haliaeetus leucocephalus*) was removed from the threatened and endangered species list in 2007 and is currently designated a sensitive species in Montana. The greater Kalispell area, including Whitefish, supports the highest density of nesting Bald Eagles in the state; however, no active Bald Eagle nest sites are known to occur within five kilometers (three miles) of the proposed action. The nearest nesting records occur towards the north end of Whitefish Lake and along Swift Creek, a tributary to Whitefish Lake.

### *Fisheries*

Fish species present in this reach of the Whitefish River are discussed in detail in the BRR. Bull trout are discussed in the Threatened and Endangered Species section. Water temperatures in the river below Whitefish Lake are typically higher in the summer months than are preferred by salmonids and therefore few trout are found in this reach. Although the Whitefish River is not considered important bull trout habitat, the species would be discussed in the Threatened and Endangered Species section of this re-evaluation.

The Whitefish River is on the Montana 303d list of impaired waterbodies (MTDEQ 2002), with metals, nitrogen, nutrients, oil and grease, PCB's, thermal modifications, industrial point sources, silviculture, construction, land development, and urban runoff/storm sewers listed as probable sources.

Impacts to aquatic resources within project limits would primarily result from direct disturbance associated with demolition and new bridge construction at the Whitefish River, and culvert installation at the perennial drainage bisected by the roadway near Station 63+00. Direct impacts to Skyles and Spencer Lakes are not anticipated at this time, although wetlands associated with these lakes would be impacted and are discussed in the wetlands section of this re-evaluation. Existing impacts from sand/gravel use during the winter months and general roadway runoff are expected to continue following construction. Temporary detours and/or work bridges may be required at each bridge crossing depending on alignment and construction techniques, thus introducing additional sources of disturbance to the river and its banks.

The multi-span bridge at the Whitefish River/Second Avenue crossing would be replaced with a new bridge. Construction could temporarily introduce sediment into the river and re-suspend sediment into the water column. The number of piers in the water would be reduced from two to one set of columns placed parallel to the flow of the river.

Increases in turbidity, suspended sediment, and other pollutants can reduce stream productivity, reduce feeding opportunities for fish, and result in fish avoidance of important habitat. Deposited sediments reduce habitat volume by filling pools and intergravel spaces, which are critical to young fish.

Prior to and during construction, MDT would acquire and comply with state and federal water quality permits in association with this project as described in the Permits section of this re-evaluation. Additional state and federal water quality permit conditions may be stipulated at the time of permit issuance.

#### *Wildlife Habitat*

Rare and sensitive plant species that could potentially occur in the project area were identified in the BRR, but no sensitive plant species were observed during field reconnaissance.

Construction would disturb existing noxious weed communities and would create additional habitat suitable for noxious weed establishment within newly disturbed areas. Exposed soils, particularly adjacent to roadways, are extremely vulnerable to weed establishment. Off-site movement from roadway project areas onto adjacent land can result in reduced land values and productivity through a reduction in vegetative diversity and native plant biomass. Spotted knapweed and Canada thistle are common along the proposed alignment and would likely colonize newly disturbed areas.

Habitat fragmentation can result in impediments to wildlife dispersal and corresponding genetic exchange among populations. The existing two-lane highway with moderate average daily traffic (ADT) counts has presented a minor impediment to wildlife movement as shown in the collected roadkill data in the BRR. The addition of turning and climbing lanes to the project area would add to habitat fragmentation in the project area by: further reducing the amount of physical cover adjacent to the highway, incrementally increasing separation between cross-highway habitats, and increasing traffic speeds, thereby increasing the chance for wildlife/vehicle collisions.

Impacts to fish and wildlife are expected to be minor due to the lack of important habitat features in the project area and due to the current urbanization of the immediate project vicinity. Measures to minimize impacts to fish and wildlife include the following:

- Any temporary clearing outside the construction limits but within the right-of-way would be kept to the smallest area possible and reclaimed immediately following construction.
- Disturbed wetland and streamside areas would be revegetated with desired plant material obtained from local sources as quickly as possible following construction. In accordance with 7-22-2152 MCA and 60-2-208 MCA, MDT would re-establish a permanent desirable vegetation community along all areas disturbed by proposed

construction. A set of revegetation guidelines would be developed by MDT, which the construction contractor must follow.

- No construction equipment would be allowed within the active Whitefish River channel unless specifically permitted to do so.
- Clearing and grubbing would not be allowed within the right-of-way beyond the construction limits or required clear zone.
- All State and Federal water quality permit conditions would be adhered to.

## **Conclusion**

New species were found to occur in the project area that were not discussed in the FEIS. However, the FEIS, along with the information presented in this re-evaluation, adequately address the impacts to fish and wildlife in the Whitefish West project segment.

## **5.13 FLOODPLAINS**

### **FEIS Findings**

There were no locations along the existing US 93 alignment subject to road surface flooding during a 100-year flood event. Mapping of the 100-year floodplain was based on Flood Insurance Rate Maps (FIRM) from the Federal Emergency Management Agency (FEMA). Encroachment on the floodplains would be minimal and impacts on the natural and beneficial values of the floodplains would be insignificant. The footprint of fill placed within the floodplain would be minimal when compared to the total extent of the floodplain surface area. The minimal encroachments would result in a loss of minor flood conveyance or storage. The steep and narrow character of the floodplains along with the rural setting of many floodplain crossings would not support floodplain development. The Preferred Alternative would result in a minor encroachment on the 100-year floodplain (approximately 5 m<sup>2</sup> (50 ft<sup>2</sup>)).

The Preferred Alternative is consistent with local, state and federal floodplain and water resource management programs. Impacts to the floodplain would be minimized by following standard stream crossing design criteria, avoiding direct impacts on stream channels, and adjusting alignments where possible. All practical measures to minimize harm would be incorporated.

### **Changed Conditions**

The Current Proposed Action would result in a similar encroachment on the 100-year floodplain, depending on the type of structure selected for the bridge. The use of sloped abutments would increase the encroachment, however the Whitefish River is wide and slow moving and impacts to the hydrology of the river would be insignificant. A permit would be obtained from the Flathead County Floodplain Administrator for floodplain encroachment activities.

### **Conclusion**

Although encroachment impacts would vary slightly from the FEIS, impacts to floodplains would still be minimal and impacts on the natural and beneficial values of the floodplains would be

inconsequential. The FEIS, along with the information presented in this re-evaluation, adequately address floodplain impacts within the Whitefish West project segment.

## **5.14 THREATENED OR ENDANGERED SPECIES**

### **FEIS Findings**

Through consultation with the United States Fish and Wildlife Service (USFWS) in June 1993, it was determined that two federally listed species potentially occur in the project area: the bald eagle and the peregrine falcon. No adverse indirect, direct, or cumulative impacts were anticipated to bald eagles and their nests, or to peregrine falcons as a result of the proposed project.

Sensitive species were identified by the Montana Natural Heritage Program and were discussed in the Threatened and Endangered Species section of the FEIS. Two sensitive fish species (bull trout and westslope cutthroat trout) and one sensitive plant species (western witchgrass) were documented to occur in the project area. Bull trout and westslope cutthroat trout were identified as primary species of concern in the Stillwater and Whitefish rivers. Their occurrence was limited to the migratory periods when they move between tributaries of the Stillwater and Whitefish rivers and Flathead Lake and no adverse indirect, direct, or cumulative impacts were anticipated. Western witchgrass is associated with marsh areas near Spencer Lake; however habitat for this species is not expected to be impacted by the project.

### **Changed Conditions**

The Biological Resources Report (BRR) (PBS&J 2008) reflects the changes in the status of affected species and updates the conditions related to threatened and endangered species and critical habitat. The Biological Resources Report includes a Biological Assessment (BA) of species listed or proposed for listing by the USFWS as threatened or endangered. Under Section 7 of the Endangered Species Act, as amended, activities conducted, sponsored, or funded by federal agencies must be reviewed for their effects on species federally listed or proposed for listing as threatened or endangered. Based on the USFWS list of threatened, endangered, and proposed species that may be present in Montana counties (USFWS 2004), and range/habitat descriptions found in technical literature, the following listed species were considered with respect to this project:

- Gray Wolf (*Canis lupus*: endangered)
- Grizzly Bear (*Ursus arctos horribilis*: threatened)
- Canada Lynx (*Lynx canadensis*: threatened)
- Bull Trout (*Salvelinus confluentus*: threatened)

The peregrine falcon and bald eagle were included in the FEIS but were delisted from the USFWS list of threatened and endangered species.

The BRR identified two wildlife species of concern that were documented by the Montana Natural Heritage Program to occur within a 3.2 km (2 mi) radius of the project area. The common loon and Le Conte's sparrow are discussed in the Fish and Wildlife section of this re-evaluation.

### *Gray Wolf*

No active wolf dens are known to occur in the project area. Due to the general lack of wolf pack activity in the immediate project area, breeding, denning, and other reproductive functions are not likely to be affected by the project.

Potential wolf habitat loss resulting from the project is considered a less-than-substantial impact due to the moderate disturbance levels associated with existing roadside vegetation communities.

The roadway through the Whitefish West project area would be widened to include a turning lane and/or truck climbing lane, thus increasing the distance between cross-highway habitats, but substantial barriers to wolf movement are not anticipated because no concentrated movement areas have been identified in the project area. Occasional movement through the project area is likely to continue following construction.

Based on the above information, it is determined that implementation of the proposed action would have **no effect** on the gray wolf.

### *Grizzly Bear*

Potential grizzly bear habitat loss resulting from the project is considered a less-than-substantial impact due to the moderate disturbance levels associated with existing roadside vegetation communities and the fact that grizzly bears only occasionally visit the project area.

Due to the presence of scattered rural home sites along the west segment of the project, use of this area by grizzly bears is discouraged by wildlife managers so as to avoid human/bear conflicts. Therefore, construction activity and noise associated with the project would potentially discourage use of the project area for a short time and would be consistent with management goals in this area.

US 93 through the western portion of the project would be widened to include a turning lane and/or truck climbing lane, thus increasing the distance between cross-highway habitats. Substantial barriers to grizzly bear movement are not anticipated because no concentrated grizzly movement areas have been identified in the project area. Occasional movement through the project area is likely to continue following construction.

Based on the above information, a **may affect, not likely to adversely affect** determination is rendered relative to the grizzly bear.

### *Canada Lynx and Proposed Critical Habitat*

Potential lynx habitat loss resulting from the project is considered a less-than-substantial impact due to the moderate disturbance levels associated with existing roadside vegetation communities and the fact that lynx are not expected to utilize habitat in the project area except on rare occasions by transient animals.

The roadway through the western portion of the project may be widened to include a turning lane and/or truck climbing lane, thus increasing the distance between cross-highway habitats. Substantial barriers to lynx movement are not anticipated because no concentrated lynx movement areas have been identified in the project area. Occasional movement through the project area is likely to continue following construction.

Based on the above information, it was determined that the project would have **no effect** on the Canada lynx as a result of the Whitefish West project.

#### *Bull Trout*

Through the project area, the Whitefish River contains poor bull trout habitat that is better suited for warmer water species such as northern pike and yellow perch. Water temperatures are elevated, substrates are comprised of silt and sand, and overall water quality is poor due to various point and non-point sources. The Whitefish River is not considered Critical Habitat by the USFWS. In spite of the poor habitat conditions in the project area, individual bull trout may occasionally occupy habitat in the Whitefish River near the project area (Delaray pers. comm.).

The USFWS Dichotomous Key For Making Endangered Species Act Determinations of Effect from *A Framework to Assist in Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Bull Trout Subpopulation Watershed Scale* (USFWS 1998) was applied in making the determination of effect. This key, along with the rationale for the highlighted conclusions, is included in the Biological Resources Report.

Based on the above information, coordination with the USFWS and MFWP, and implementation of specified coordination measures, a **may affect, not likely to adversely affect** determination is rendered relative to bull trout. The Biological Assessment (PBS&J 2008) includes recommended coordination measures to reduce potential impacts to bull trout.

#### *Cumulative Effects*

Temporary impacts to threatened and endangered species may ultimately occur in conjunction with other recently constructed or proposed highway projects and other private development in the general area. Substantial highway improvements are proposed and ongoing for US 93 between Evaro and Polson to the south of this project, as well as a newly proposed bypass around the City of Kalispell, potentially resulting in additional habitat loss or degradation for threatened and endangered species. Increased human development in the general project area is reasonably foreseeable and attributable to a variety of factors. Adverse indirect effects sometimes associated with such development may occur. These include habitat loss/degradation and increase of mortality risk from human/wildlife conflicts.

Impacts to threatened and endangered species are expected to be minor due to the lack of important habitat features in the project area and due to the current urbanization of the immediate project vicinity.

The Biological Assessment includes recommended coordination measures to reduce potential impacts to threatened and endangered species, including the following:

- All State and Federal water quality permit conditions would be adhered to.
- Construction equipment operating in wetlands would be limited to that which is needed to perform the necessary work.
- Disturbed streamside areas would be revegetated with appropriate plant material as recommended by MDT's agronomist. Coconut fiber mats (or an acceptable equivalent)

would be used to help stabilize disturbed streambank areas until permanent vegetation becomes established.

- If MDT becomes aware of any threatened, endangered, proposed or candidate species located in the vicinity of construction activities, they would inform the contractor of those locations and of potential restrictions that may be associated with avoiding impacts to those species.

No adverse indirect, direct, or cumulative impacts are anticipated to the gray wolf, grizzly bear, Canada lynx, and bull trout as a result of the Whitefish West project.

## **Conclusion**

New threatened and endangered species were found to occur in the project area that were not discussed in the FEIS. However, the FEIS, along with the information presented in this re-evaluation, adequately address the impacts related to these species in the Whitefish West project segment.

## **5.15 CULTURAL AND HISTORIC RESOURCES**

### **FEIS Findings**

The FEIS identified historic sites that are both individually eligible for the National Register of Historic Places (NRHP) and eligible as contributing components of the Whitefish Residential Historic district. As stated in the FEIS, the proposed action would affect visual characteristics of the setting of the NRHP eligible properties in the project area. In addition, the FEIS stated that all construction would be confined to the existing right-of-way and no trees would be removed, therefore no direct or indirect impacts would occur. However, the addition of sidewalks where none currently exist along West Second Street would constitute an Adverse Effect to the setting of the historic neighborhood.

The MDT proposed to mitigate the Adverse Effect by conducting additional survey work and by preparing the nomination of the historic district to the National Register of Historic Places. After the nomination was accepted, MDT proposed to prepare a NRHP sign describing the Whitefish Residential Historic District and its significance to the history of the community.

### **Changed Conditions**

Under the Current Proposed Action, there would be direct and indirect impacts to historic properties along the project area. Historic properties in the project area are shown on the exhibits in **Appendix E**. The following table describes impacts to historic properties that would be affected by the Current Proposed Action in the Whitefish West project area.

**Historic Properties Affected by the Current Proposed Action**

<b>Address of Historic Properties</b>	<b>Name of Historic Properties</b>	<b>Impacts to Historic Properties</b>
304 East 2 <sup>nd</sup> St.	Masonic Temple	<b>No impacts to</b> the property would occur.
301 East 2 <sup>nd</sup> St.	Duncan Samson Block	<b>No impacts to</b> the property would occur.

Address of Historic Properties	Name of Historic Properties	Impacts to Historic Properties
223 East 2 <sup>nd</sup> St.	J.A. Samson Residence	There would be approximately 115 m <sup>2</sup> (1,238 ft <sup>2</sup> ) of temporary impacts to this property. The existing building would remain intact and its historic significance would be perpetuated. There would be <b>NO ADVERSE EFFECT</b> to this property.
118 West 2 <sup>nd</sup> St.	Henessy Log Bungalow	Approximately 93 m <sup>2</sup> (1,001 ft <sup>2</sup> ) of property adjacent to US 93 would be permanently incorporated into the highway right-of-way. The existing building would remain intact and its historic significance would be perpetuated. There would be <b>NO ADVERSE EFFECT</b> to this property.
415 West 2 <sup>nd</sup> St.	Harlow House	Approximately 124 m <sup>2</sup> (1,335 ft <sup>2</sup> ) of property adjacent to US 93 would be permanently incorporated into the highway right-of-way. The existing building would remain intact and its historic significance would be perpetuated. There would be <b>NO ADVERSE EFFECT</b> to this property.
427 West 2 <sup>nd</sup> St.	Midby Bungalow	Approximately 124 m <sup>2</sup> (1,335 ft <sup>2</sup> ) of property adjacent to US 93 would be permanently incorporated into the highway right-of-way. The existing building would remain intact and its historic significance would be perpetuated. There would be <b>NO ADVERSE EFFECT</b> to this property.
1200 US 93	Whitefish Country Club Building	<b>No impacts</b> to the property would occur.
2055 US 93	Patten Mattress Factory	Approximately 81 m <sup>2</sup> (872 ft <sup>2</sup> ) of property adjacent to US 93 would be permanently incorporated into the highway right-of-way. The existing building would remain intact and its historic significance would be perpetuated. There would be <b>NO ADVERSE EFFECT</b> to this property.
2626 US 93	Westermark Place	Approximately 2,776 m <sup>2</sup> (29,881 ft <sup>2</sup> ) of property adjacent to US 93 would be permanently incorporated into the highway right-of-way. The existing building would remain intact and its historic significance would be perpetuated. There would be <b>NO ADVERSE EFFECT</b> to this property.
2860 US 93	Woodsman Cottage	Approximately 308 m <sup>2</sup> (3,315 ft <sup>2</sup> ) of property adjacent to US 93 would be permanently incorporated into the highway right-of-way. The existing building would remain intact and its historic significance would be perpetuated. There would be <b>NO ADVERSE EFFECT</b> to this property.

Portions of six historic properties in the Whitefish West project area would be permanently incorporated into the highway right-of-way; however, all of the historic buildings would remain intact and their historic integrity would be perpetuated. There would be no adverse effect to any of the historic properties in the Whitefish West project area.

The following measures are included in the Current Proposed Action to mitigate impacts to historic properties that were not discussed in the FEIS:

- Landscaped boulevards, a bicycle path, lighting and sidewalks would be added from Lupfer Avenue to Lion Mountain Road (State Park Road), which would provide improved visual quality, safety and access.
- Visual impacts would be minimized through the use of landscaped medians and boulevards, weathered steel guardrail, and rock texture facing treatments on retaining walls.

On November 13, 2007 the State Historic Preservation Office concurred with the *de minimis* impact determination for the historic properties in the Whitefish West project area. Coordination letters with the State Historic Preservation Office are included in **Appendix D**. Additional discussion of the *de minimis* impact determination is included in **Section 5.27** (Section 4(f) Analysis).

## **Conclusion**

Although there would be impacts to historic properties that were not discussed in the FEIS, these impacts would be minor. The FEIS, along with the information presented in this re-evaluation, adequately address historic properties in the Whitefish West project segment.

## **5.16 PARKS AND RECREATION**

### **FEIS Findings**

The 1994 FEIS identified three parks in the Whitefish West project area that were immediately adjacent to US 93. All of these parks were identified as Section 4(f) properties.

- Whitefish Lake Golf Club is located north and south of US 93 and west of the Whitefish cemetery. It is a 48.6-ha (120-ac) site with one formal paved access point from US 93. The Whitefish Lake Golf Club was developed with federal assistance from the Land and Water Conservation Fund, and it is protected by Section 6(f) of the Land and Water Conservation Fund Act.
- Grouse Mountain Park (Whitefish Tennis Courts/Soccer Fields) is located on the south side of US 93 at mp 128.8, west of Grouse Mountain Lodge. It is a 3.04-ha (7.5 ac) site with one formal, paved access point from US 93. Grouse Mountain Park was developed with federal assistance from the Land and Water Conservation Fund, and is protected by Section 6(f) of the Land and Water Conservation Fund Act.
- Skyles Lake Access is a 1.54-ha (3.8-ac) state owned sportsman access. Facilities include an unimproved dirt road connecting US 93 to the waters edge. There are no signs along US 93 for this facility.

The FEIS concluded that parks and recreation properties would incur minor indirect impacts related to access and visual criteria but there would be no purchase or direct conversion of use for these properties. Generally the build alternatives would result in improved access, safety

and pedestrian and bicycle conditions. Landscape buffers were planned in the raised medians along the golf course to reduce visual impacts of the increased street width.

In compliance with Section 6(f) of the Land and Water Conservation Fund Act, there would be no conversion of properties that were acquired or developed with Land and Water Conservation Fund grants to a non-recreational purpose.

### **Changed Conditions**

The Current Proposed Action would result in direct temporary and permanent impacts to parks and recreational properties.

Kay Beller Park, developed after the completion of the FEIS, would be temporarily impacted by reconstruction of the existing driveway and parking area. A retaining wall and guardrail are proposed within the highway right-of-way along the northern property boundary. Approximately 455 m<sup>2</sup> (4,898 ft<sup>2</sup>) of the northern property boundary of the park would be temporarily impacted during construction. Approximately three trees may be removed during construction. Additional impacts would include modified access to the park during construction. The Current Proposed Action would also provide an under crossing – part of the Second Street Bridge construction – which would improve access to riverfront trails at the park. No portion of Kay Beller Park would be permanently incorporated into the highway right-of-way. In compliance with Section 6(f) of the Land and Water Conservation Fund Act there would be no conversion of use of this property to a non-recreational purpose.

The Current Proposed Action would result in permanent changes to the Whitefish Lake Golf Club in the form of improvements to the existing golf club underpass and path system, both within the highway right-of-way and on the golf club property. Improvements would be determined during final design that would benefit the golf club. Changes may include extending, replacement, and/or widening of the existing underpass, adding a second underpass, and improvement to the existing pathway. Changes to the existing underpass would allow improved safety and access for golf club maintenance crews, golf club users, and bicycle/pedestrian trail users. Approximately 1,802 m<sup>2</sup> (19,397 ft<sup>2</sup>) of the southern portion of the golf club would be temporarily impacted during construction. Approximately 5,584 m<sup>2</sup> (60,106 ft<sup>2</sup>) of the northern portion of the golf club would be temporarily impacted during construction. A retaining wall and guardrail are proposed within the highway right-of-way along both property boundaries north and south of US 93. Construction impacts would be limited to modified access to the underpass and golf course during construction, grading and slope construction and partial driveway reconstruction. One tree may be removed in the southern portion of the park during reconstruction of the underpass. Approximately seven trees may be removed in the northern portion of the property. No portion of the Whitefish Lake Golf Club would be permanently incorporated into the highway right-of-way. In compliance with Section 6(f) of the Land and Water Conservation Fund Act there would be no conversion of use of this property to a non-recreational purpose.

The Current Proposed Action would result in minor temporary impacts at Grouse Mountain Park. A retaining wall and guardrail are proposed within the highway right-of-way along the northern property boundary and a portion of the driveway would be reconstructed. Approximately 685 m<sup>2</sup> (7,373 ft<sup>2</sup>) of the park would be temporarily impacted during construction. Construction impacts would be limited to modified access. No portion of Grouse Mountain Park would be permanently incorporated into the highway right-of-way.

The Current Proposed Action would result in permanent impacts at the Skyles Lake Fishing Access Site. The point of access from US 93 would be realigned, but would be retained. Approximately 718 m<sup>2</sup> (7,728 ft<sup>2</sup>) of the access road to the park would be permanently incorporated into the highway right-of-way, but the long-term recreational use of the property would not change. Access to the park would be temporarily disrupted during construction. Mitigation for the permanent impacts would include minor grading and base course gravel improvements for the length of the existing access road. Specific details regarding these improvements would be negotiated as part of the right-of-way acquisition.

Temporary construction impacts would be restored to a condition that is at least as good as that which existed prior to the project. If trees are removed, new trees would be planted in their place.

On November 27, 2007 the Montana Department of Fish Wildlife and Parks concurred with the *de minimis* impact determination, based on 23 CFR 774, for the Skyles Lake Fishing Access. Coordination letters with the City of Whitefish, the Whitefish Lake Golf Club and the Montana Department of Fish Wildlife and Parks are included in **Appendix D**. Additional discussion of the *de minimis* impact determination is included in **Section 5.27** (Section 4(f) Analysis).

## **Conclusion**

There would be new impacts to parks and recreation that were not discussed in the FEIS, however these impacts are minor or would provide permanent beneficial changes to the affected properties. Therefore, the FEIS, along with the information presented in this re-evaluation, adequately address parks and recreation impacts in the Whitefish West project segment.

## **5.17 HAZARDOUS MATERIALS**

### **FEIS Findings**

Petroleum hydrocarbons were the primary contaminant of concern identified by assessment in the project area. Use, storage, and disposal conditions were observed from the public right-of-way during field investigations completed in the summer of 1993. Additionally, information regarding the presence or spillage of hazardous materials was collected from historical files and regulatory database searches.

Two sites within the Whitefish West project segment were identified with hazardous material contamination issues. Detailed hazardous materials analyses, including sampling and testing of questionable soils or water were not conducted during the FEIS process. Additional analysis was recommended prior to construction. Mitigation measures identified include excavation of contaminated soil and land farming (spreading contaminated soils over an evenly distributed area and providing the area with nutrients and vegetation).

### **Changed Conditions**

The 2005 Phase II Hazardous Materials Assessment identified seven probable sites where project related work might encounter contamination in the Whitefish West project segment (two of which were identified in the FEIS).

- Former Sinclair Gas Station, a.k.a. Big Mountain One Stop (340 2<sup>nd</sup> St. E.)
- Whitefish Furniture (326 2<sup>nd</sup> St. E.)
- Glacier Bank (319 2<sup>nd</sup> St. E.)
- Duncan Sampson Building (301-305 2<sup>nd</sup> St. E.)
- Westside Exxon and Groceries (145 2<sup>nd</sup> St. W.)
- Michaels Repair (2140 US Hwy 93)
- Whitefish River

## **Conclusion**

Although the number of documented and/or potential hazardous materials sites has increased from the FEIS, impacts and mitigation measures would be similar to those discussed in the FEIS.

## **5.18 VISUAL QUALITY**

### **FEIS Findings**

Landscape units visible from the roadway project area were mapped in the FEIS. Background views dominate throughout the project area but these views are supported and often framed by the lower foreground fields, hills, and vegetation. This scenic project area is important on a national basis because it serves as the western entrance to Glacier National Park. The importance of visual quality was identified at a number of public meetings for the US 93 project. The unique character and visual quality of the Flathead Valley were generally felt to be a primary reason that tourists travel through this project area.

Historically the valley bottom enjoyed undisturbed views of the surrounding mountains. Several downtown buildings in Whitefish are visual resources that contribute to the character and cultural significance of the community. Development has changed the US 93 roadside landscape from tree lined city entries to strip shops, gas stations, and hotels with multiple driveways and parking lots extending up to the roadside.

As stated in the FEIS, the Flathead Master Plan identified protection of high visual quality as a priority among 61% of the residents. Landscapes where visual improvements were recommended included industrial areas, extraction areas, strip commercial developments, urban, and semi-urban areas.

The following permanent visual changes (beneficial and adverse) were discussed in the FEIS:

- Expansion of width of pavement. The most noticeable area of expanded roadway or clear zone would occur west of Whitefish.
- Access would be more organized.
- Cut and fill sections.
- Addition of special design features.
- Addition of landscaping.
- Additional structures (such as retaining walls, guardrail and bridges).
- Expanded right-of-way, including the clear zone.

- Changes in adjacent land use.
- Expanded billboard control area.
- Addition of new roadway.

The Preferred Alternative would improve the chaotic visual character of disorganized and undifferentiated access points along the highway. Special design features were specifically located to enhance scenic vistas, areas of natural resource significance and the gateways to the urban areas. The medians and the roadside areas would be enhanced by the addition of landscaping. Final design would incorporate techniques to best fit the highway within the existing topography. In the Whitefish West project area, visual impacts would occur with cut and fill slopes to accommodate climbing lanes and some curve straightening to improve sight distance.

### **Changed Conditions**

Visual impacts and mitigation measures discussed in the FEIS would be similar under the Current Proposed Action for the Whitefish West project segment.

### **Conclusion**

The FEIS adequately addresses visual impacts within the Whitefish West project segment.

## **5.19 ENERGY**

### **FEIS Findings**

Increased traffic congestion along US 93 would continue to cause increased vehicular fuel consumption. Vehicular fuel consumption would decrease as a result of the proposed project due to enhanced traffic flow and reduced congestion. The long term maintenance fuel requirements would increase as a result of the proposed project due to the greater area of roadway surface to clear, de-ice, patch and maintain.

The FEIS listed the following mitigation activities for implementation that would serve to reduce the amount of fuel consumed during construction phases:

- Maximum use of on-site material to reduce haulage of materials
- Adequate construction vehicle maintenance
- Adequate construction phasing and detour plan
- Turning off equipment when it is not in use
- Design of construction access roads and staging areas to limit distances traveled

### **Changed Conditions**

Energy impacts and mitigation measures discussed in the FEIS would not change under the Current Proposed Action.

### **Conclusion**

The FEIS adequately addresses energy impacts within the Whitefish West project segment.

## **5.20 IMPLEMENTATION**

### **FEIS Findings**

Right-of-way costs would vary depending on the access control policy that would be implemented. A firm date for initiating construction of US 93 improvements had not been established. Through traffic would be delayed during construction. A temporary rerouting of vehicles on to side streets would increase trip times for travelers and expose residents of Whitefish residential areas to impacts from detoured traffic. Construction improvements would have positive short-term impacts on the local economy and would cause a small short-term increase in the local population. Construction improvements would expose persons living or working near the project area to noise and dust inconveniences. Utility relocation is time consuming.

The following implementation mitigation measures were discussed in the FEIS:

- Low maintenance plant material would be used (in the medians) for the rural areas. This would minimize the need for higher intensity maintenance.
- A construction-staging plan would be developed to minimize construction impacts to adjacent property owners. This would include specifications to address issues such as number of lanes open to traffic, traffic control, restrictions related to work hours or haul routes, pavement marking, flagging operations, and area disturbed. Access to adjacent properties would be maintained during construction. Consideration would be given to providing incentives to contractors to minimize the construction disturbance.
- Construction involving discharge to streams shall not occur in spawning areas if practical alternatives exist. Construction would be timed to prevent disruptions to migration of aquatic species.

### **Changed Conditions**

Implementation impacts and mitigation discussed in the FEIS are similar to the Current Proposed Action for the Whitefish West project segment. No detours are proposed during construction, but traffic would be diverted into lanes within US 93. A temporary reduction in US 93 travel lanes during construction would slow traffic and increase trip times for travelers. One lane traffic control with flagging may be required for short durations, which would increase delays during construction.

Increased right-of-way and construction costs, and limited funding, may require a phased implementation of the Whitefish West project. The project would be split into smaller segments and constructed over several years under separate contracts.

### **Conclusion**

The FEIS, along with the information presented in this re-evaluation, adequately address implementation impacts within the Whitefish West project area.

## 5.21 SUMMARY OF IMPACTS

The table below provides a summary of impacts associated with the FEIS No-Build alternative, the FEIS Preferred Alternative and the Current Proposed Action.

### Summary of impacts

Environmental Element	No-Build	FEIS Preferred Alternative	Current Proposed Action
<b>Traffic</b>	<ul style="list-style-type: none"> <li>• Decrease in circulation.</li> <li>• Increase in delays and congestion.</li> <li>• Increase in safety problems.</li> <li>• No parking spaces lost.</li> </ul>	<ul style="list-style-type: none"> <li>• Improved circulation, traffic operations and safety.</li> <li>• Reduced delay and congestion.</li> <li>• Loss of parking along East Second Street between Lupfer and O'Brien.</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic operation, safety, and access impacts are similar to those discussed in FEIS.</li> <li>• Improved safety and capacity with additional turn lanes and access reconfiguration.</li> <li>• There would be minor adjustments to existing on-street parking in order to accommodate current design standards, but a reduction in the number of existing parking spaces is not anticipated.</li> </ul>
<b>Land Use</b>	<ul style="list-style-type: none"> <li>• Worsening congestion would slow business development.</li> <li>• Development would be more likely to occur in agricultural areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Denser and more coordinated development would be encouraged.</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to the FEIS Preferred Alternative.</li> </ul>
<b>Farmland</b>	<ul style="list-style-type: none"> <li>• No impacts</li> </ul>	<ul style="list-style-type: none"> <li>• No impacts</li> </ul>	<ul style="list-style-type: none"> <li>• No impacts</li> </ul>
<b>Social</b>	<ul style="list-style-type: none"> <li>• Travel times would continue to increase.</li> </ul>	<ul style="list-style-type: none"> <li>• There might be some influence on the geographic distribution of future settlement wherever the highway substantially changes the quality of access into areas with development potential.</li> <li>• There would be a small number of residential and business displacements.</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to the FEIS Preferred Alternative.</li> </ul>
<b>Relocation</b>	<ul style="list-style-type: none"> <li>• No impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Approximately 6.52 ha (16.1 ac) of right-of-way acquired.</li> <li>• No residential or business acquisitions were identified at the level of detail analyzed.</li> </ul>	<ul style="list-style-type: none"> <li>• Approximately 13 ha (33 ac) of right-of-way acquired; 2 commercial relocations, 9 residential relocations, and 4 outbuilding relocations.</li> </ul>
<b>Economic</b>	<ul style="list-style-type: none"> <li>• Worsening congestion would limit economic viability.</li> </ul>	<ul style="list-style-type: none"> <li>• There would be business growth along commercial strips from highway improvements.</li> <li>• There would be a small number of business displacements.</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to FEIS Preferred Alternative.</li> </ul>
<b>Pedestrian and Bicyclists</b>	<ul style="list-style-type: none"> <li>• Increased congestion decreases safety and function.</li> </ul>	<ul style="list-style-type: none"> <li>• Improved pedestrian/bicyclist facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional facilities would further improve connectivity, especially at under crossings and bridges.</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>• Re-entrained road dust and smoke produced by residential wood burning were the likely largest PM<sub>10</sub> emission sources.</li> </ul>	<ul style="list-style-type: none"> <li>• Emissions would be higher in the Whitefish Nonattainment Area.</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to the FEIS Preferred Alternative.</li> </ul>

Environmental Element	No-Build	FEIS Preferred Alternative	Current Proposed Action
<b>Noise</b>	<ul style="list-style-type: none"> <li>Existing noise levels along US 93 approach or exceed FHWA NAC. Truck noise would continue to increase downtown.</li> </ul>	<ul style="list-style-type: none"> <li>No receptors are expected to receive a noticeable increase in noise.</li> </ul>	<ul style="list-style-type: none"> <li>Similar to FEIS Preferred Alternative.</li> </ul>
<b>Water Resources and Quality</b>	<ul style="list-style-type: none"> <li>No new impervious surfaces.</li> <li>No new river encroachment.</li> </ul>	<ul style="list-style-type: none"> <li>Increased impurities in storm water runoff due to 3 ha (7.9 ac) of new impervious surface.</li> <li>There would be 14 m<sup>3</sup> (18 yd<sup>3</sup>) of new river encroachment.</li> </ul>	<ul style="list-style-type: none"> <li>Increased impurities in storm water runoff due to 5.77 ha (14.26 ac) of new impervious surface.</li> <li>The areas of river encroachment would be similar to the areas discussed in the FEIS.</li> </ul>
<b>Wetlands</b>	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>No wetland impacts were identified at the level of detail analyzed.</li> </ul>	<ul style="list-style-type: none"> <li>There would be new wetland impacts that were not identified in the FEIS.</li> <li>Approximately 1.015 ha (2.508 ac) of wetlands would be impacted.</li> </ul>
<b>Fisheries and Wildlife</b>	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Impacts to fish and wildlife are expected to be minor due to the lack of important habitat features in the project area and due to the current urbanization of the project area.</li> </ul>	<ul style="list-style-type: none"> <li>Similar to FEIS Preferred Alternative.</li> <li>Minor increase in wildlife habitat converted.</li> </ul>
<b>Floodplains</b>	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Minor new encroachments at bridge.</li> </ul>	<ul style="list-style-type: none"> <li>Similar to FEIS Preferred Alternative.</li> </ul>
<b>Threatened and Endangered Species</b>	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>No adverse indirect, direct, or cumulative impacts were anticipated to bald eagles and their nests, or to peregrine falcons as a result of the proposed project.</li> </ul>	<ul style="list-style-type: none"> <li>Listed threatened and endangered species have changed since the FEIS was written.</li> <li>The proposed action would have no effect on the gray wolf and Canada lynx.</li> <li>A may affect, not likely to adversely affect determination is rendered with regard to grizzly bear, and bull trout.</li> </ul>
<b>Cultural Resources</b>	<ul style="list-style-type: none"> <li>Increased traffic congestion and noise along 2<sup>nd</sup> St would have a negative affect on cultural resources.</li> </ul>	<ul style="list-style-type: none"> <li>The project would affect visual characteristics of the setting of eligible properties.</li> <li>All construction would be confined to the existing right-of-way and no trees would be removed, therefore no direct or indirect impacts would occur.</li> <li>The addition of sidewalks where none currently exist along West Second Street would constitute an Adverse Effect to the setting of the historic neighborhood.</li> </ul>	<ul style="list-style-type: none"> <li>A portion of six historic properties would be acquired. One historic property would be temporarily impacted during construction. Although portions of properties along Second Street and US 93 west of Lion Mountain Road would be incorporated into MDT's right-of-way, MDT determined and SHPO concurred there would be <b>NO ADVERSE EFFECT</b> to the setting of the historic properties.</li> </ul>
<b>Parks and Recreation</b>	<ul style="list-style-type: none"> <li>Increased noise and traffic congestion at parks.</li> </ul>	<ul style="list-style-type: none"> <li>There would be minor indirect impacts related to access and visual criteria.</li> <li>There would be no purchase or direct conversion of use of parks and recreation properties.</li> </ul>	<ul style="list-style-type: none"> <li>There would be new temporary impacts during construction at Kay Beller Park and Grouse Mountain Park.</li> <li>There would be new permanent, beneficial changes to the under crossing at the Whitefish Lake Golf Club.</li> <li>A portion of the road to the Skyles Lake Fishing Access Site would be improved and permanently incorporated into MDT right-of-way.</li> </ul>

<b>Environmental Element</b>	<b>No-Build</b>	<b>FEIS Preferred Alternative</b>	<b>Current Proposed Action</b>
<b>Hazardous Materials</b>	<ul style="list-style-type: none"> <li>Sites with potential hazardous materials would continue to exist in the project area, but would not be disturbed by construction of this project.</li> </ul>	<ul style="list-style-type: none"> <li>Potential concerns with 2 sites were identified at the level of detail analyzed.</li> </ul>	<ul style="list-style-type: none"> <li>A total of 5 additional sites were identified as having documented or potential hazardous material contamination issues.</li> </ul>
<b>Visual Quality</b>	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Special design concepts would be an improvement.</li> <li>There would be expanded roadway fill and clear zones, and new cut and fill sections</li> </ul>	<ul style="list-style-type: none"> <li>Similar to the FEIS Preferred Alternative.</li> </ul>
<b>Energy</b>	<ul style="list-style-type: none"> <li>No energy impacts to construct and greater energy would be lost to traffic congestion.</li> </ul>	<ul style="list-style-type: none"> <li>Construction operations consume energy.</li> <li>Decreased vehicular fuel consumption due to better traffic flow.</li> <li>Greater roadway surface requires more energy for maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>Similar to FEIS Preferred Alternative.</li> <li>Further reductions in congestion would result in greater reductions in fuel consumption.</li> </ul>
<b>Implementation</b>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>Traffic would be delayed during construction. A temporary rerouting of vehicles on to city side streets would increase trip times.</li> <li>Construction improvements would have positive short-term impacts on the local economy and would cause a small short-term increase in the local population.</li> <li>Construction improvements would expose persons living or working near the project area to noise and dust inconveniences.</li> <li>Utility relocation is time consuming.</li> </ul>	<ul style="list-style-type: none"> <li>Similar to FEIS Preferred Alternative.</li> <li>One lane traffic control with flagging may be required for short durations, which would increase delays during construction.</li> </ul>

## 5.22 PERMITS NEEDED

### FEIS Findings

The FEIS and Record of Decision (ROD) listed the following permits which must be obtained prior to the construction of the Preferred Alternative:

- Section 404 permit from the US Army Corps of Engineers.
- Section 401 water quality certification from Montana Department of Environmental Quality (DEQ), Water Quality Bureau in support of a Section 404 permit.
- Montana Pollutant Discharge Elimination System Permit from the DEQ, Water Quality Bureau.
- Flathead County Floodplain Development Permit.
- Montana Stream Protection Act (SPA) 124 Permit from the Montana Department of Fish, Wildlife and Parks.

- As a condition of the SPA 124 Permit, 3A Authorization from the DEQ for construction activities that may cause unavoidable short-term violations of state surface water quality standards for turbidity, total dissolved solids, or temperature.
- Montana Land Use License or Easement on Navigable Waterways from the Montana Department of Natural Resources and Conservation (DNRC).
- Beneficial Water Use Permit, a temporary water use permit under the Montana Water Use Act, would be required from the DNRC if water is needed for dust control or other construction-related purposes.
- Local Air Pollution Control Permits would be required for open burning, asphalt plant and gravel crushing operations during construction. Compliance with current city and county ordinances would be met.
- Construction Blasting Permit would be required from any contractors performing any blasting required. The contractor must be licensed from the Safety and Health Bureau of the Montana Department of Labor and Industry.

## **Changed Conditions**

The Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Water Bodies would be used to apply for the local, state and federal permits that would be required for the project. The joint application form was revised in July 2008.

3A Authorization is now known as 318 Authorization from the DEQ for activities that would cause unavoidable short-term violations of water quality standards for any state water.

Stormwater Discharge General Permits require construction activities, which result in a disturbance of one or more total acres, to obtain permit authorization under a Montana Pollutant Discharge Elimination System (MPDES) "General Permit". Permit authorization is effective upon DEQ receipt of a complete Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and fee.

## **Conclusion**

The basic permitting requirements are similar to those identified in the 1994 FEIS. However, many permit application procedures and submittal requirements have evolved or have been amended since that time, and would require attention to details as defined in current rules. It is anticipated that coordination with permitting agencies and compliance with current regulations would effectively serve to minimize impacts and protect resources commensurate with the current environmental needs in the project area. The permitting process would have the flexibility to address current conditions of the environmental impacts identified in the FEIS and this re-evaluation.

## **5.23 CUMULATIVE IMPACTS**

### **FEIS Findings**

Cumulative impacts are defined as impacts which “result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what the agency (federal or non-federal) undertakes such other actions.” Cumulative impacts include indirect or secondary impacts which are addressed in each section of the FEIS and impacts associated with other projects. The FEIS identified the following known projects in the vicinity with potential cumulative impacts to the US 93 project:

- A Final EIS was prepared for the reconstruction of Highway 2 between Columbia Falls and Hungry Horse, Montana. These improvements would compliment the planned US 93 upgrades with no direct or indirect effects.
- The Flathead County Master Plan is under development to define desired future land use for Flathead County.

### **Changed Conditions**

The following projects in the vicinity are planned or ongoing and may have potential cumulative impacts on the Current Proposed Action. The US 93 Whitefish West project is not currently funded and is not likely to be constructed until after 2011. As a result many of the projects listed below may be completed before the Whitefish West project is constructed.

The following projects may have potential cumulative impacts in the Whitefish area:

- The City of Whitefish is planning several bicycle path projects, which could influence bicycle movement in the project area.
- MDT is currently working on a design for the US 93 Kalispell bypass. Potential improvements implemented as a result of the bypass would not influence traffic in the Whitefish area.
- The City of Whitefish is planning to construct medians on US 93 north of MT 40 which could result in minor delays during construction.
- MDT is reconstructing a portion of US 93 north of Stillwater River which could result in minor delays during construction.
- MDT and the City of Whitefish are completing the Whitefish Transportation Plan and Urban Corridor Study of US 93, which could influence traffic in the project area, if implemented.
- The Flathead County Growth Policy (the Flathead County Master Plan as referenced in the FEIS) was completed in 2007, which could influence traffic in the project area.

- The City of Whitefish completed the Downtown Business District Master Plan in 2005, which could influence traffic on US 93 in the project area, if implemented.
- The City of Whitefish is planning improvements to the sewer and water system within the project area, which could result in additional delays during construction.

## **Conclusion**

Continued growth is expected in the area, and it is impossible to forecast the exact details of where, when, and how the growth will occur (see **Section 5.2** Land Use and **Section 5.6** Economic). New projects have been identified that may have potential cumulative impacts on the Whitefish West project. It is anticipated that due to funding limitations, many of these projects would be complete prior to the Whitefish West project; therefore potential cumulative impacts are not likely. Continued coordination between the City of Whitefish and the Montana Department of Transportation would mitigate potential impacts of concurrent projects.

## **5.24 RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY**

### **FEIS Findings**

Local short-term uses of the environment that would occur are:

- Some loss of soils through erosion.
- Short-term disruptions in traffic and economic conditions.
- Some increases in turbidity during construction.
- Vegetation would be lost due to construction clearing.
- Wetlands would be filled for construction.
- Some wildlife would be displaced and/or would die during construction.
- Some fish or aquatic resource habitat would be temporarily destroyed.
- Temporary changes to visual quality would occur.

Long-term productivity that would be maintained or enhanced by this action includes:

- Long-term improved safety.
- Long-term improved use of energy from vehicular fuel consumption.
- Long-term enhancement in traffic capacity.
- Long-term improvements in economic conditions.
- Long-term replacement of wetland values lost.

### **Changed Conditions**

Current conditions reflect expanded population growth, increased land development, and higher traffic volumes. However, the expected short-term uses and long-term productivity relationships are anticipated to remain unchanged from those identified in the FEIS.

## **Conclusion**

The FEIS adequately addresses any short-term environmental use, impacts, or long-term productivity issues within the Whitefish West project area.

## **5.25 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES**

### **FEIS Findings**

Land used to construct any build alternative would be considered an irreversible commitment during the time period that such land was used for a highway facility. There was no reason to believe the highway project area would ever be converted to another land use.

Considerable amounts of fossil fuel, labor and highway construction materials would be expended in the construction of a build alternative. These items are generally not retrievable. Labor and construction materials were not in short supply and their use would not have an adverse effect on continued availability of the resources. Any construction would require a substantial expenditure of both state and federal funds. These funds would require allocation, which could be used by other projects.

### **Changed Conditions**

Irreversible and irretrievable commitment of resources would be similar to those discussed in the FEIS.

### **Conclusion**

The FEIS adequately addresses the irreversible and irretrievable commitments of resources in the Whitefish West project area.

## **5.26 SUMMARY OF MITIGATION**

Mitigation commitments as stated in the 1994 FEIS and Record of Decision (ROD), as well as new mitigation commitments resulting from the Current Proposed Action are summarized in the following table. These would be implemented and monitored by appropriate MDT staff.

Avoidance and minimization measures would be incorporated into the Whitefish West project through design changes and exceptions during final design. These may include increasing the vertical slope, adding guardrail, retaining walls, and v-ditches where feasible. Avoidance and minimization measures implemented at specific locations would include the following:

- Lupfer Avenue to Second Street Bridge - Existing trees and on-street parking would be retained. Minor adjustments to existing on-street parking may be made during final design in order to accommodate current design standards and to comply with the Americans with Disabilities Act of 1990, but a reduction in the number of existing parking spaces is not anticipated.

- Second Street Bridge to Karrow Avenue - Retaining walls and guardrail would be added to reduce impacts to adjacent properties. The travel lanes and the center turn lane would be reduced from 4.2 m (14 ft) to 3.6 m (12 ft). There would be a 0.6-m (2-ft) shoulder on both sides of the road. 1.5-m (5-ft) boulevards would be added between the curb and sidewalk where feasible to separate pedestrians from vehicles. A reduced clear zone would be considered where appropriate.
- Karrow Avenue to West of Lion Mountain Road (State Park Road) - The raised median width would be revised from 5.5 m (18 ft) to 4.2 m (14 ft) and the shoulder width would be revised from 2.4 m (8 ft) to 1.5 m (5 ft) to reduce impacts to the golf course and parks. Retaining walls and guardrail would be added to avoid impacts to the golf course and parks. A 2.4-m (8-ft) bicycle/pedestrian path would be added. The underpass at the golf course would be perpetuated and improved.
- West of Lion Mountain Road to West of Mountainside Drive - Curb and gutter would extend to station 32+00 (approximately 350 meters west of Mountainside Drive) which would reduce some right-of-way impacts. The travel lanes and the center turn lane would be reduced from 4.2 m (14 ft) to 3.6 m (12 ft). There would be a 0.6-m (2-ft) shoulder on both sides of the road. The truck climbing lane would also be modified which would also reduce some right-of-way impacts.
- Mountainside Drive to MP 133.0 – The standard shoulder width of 2.8 m (9 ft) would be reduced to 2.4 m (8 ft) and inslopes would be steepened from 6:1 to 4:1 to reduce right-of-way impacts. West of Skyles Lake, the bicycle/pedestrian path would be revised to cross US 93 and follow the highway on the south side. An underpass would be provided at this location (depending on availability of funding). The bike path would be revised to end at Twin Bridges Road, where it would connect with other planned trail systems.
- Throughout the project corridor, the proposed vertical alignment was adjusted to improve sight distance to the extent possible, while seeking to minimize impacts on adjacent development and maintain access to adjoining properties.

**Summary of mitigation**

	<b>FEIS and ROD mitigation</b>	<b>Current Proposed Action mitigation</b>
<b>Traffic Operations and Circulation Impacts</b>	<ul style="list-style-type: none"> <li>• Some special access designs would be necessary depending on the extent of access control as described in the access control guideline.</li> </ul>	<ul style="list-style-type: none"> <li>• Adjustments were made to project design, and as a result, a reduction in the number of existing parking spaces is not anticipated.</li> </ul>
<b>Traffic Safety</b>	<ul style="list-style-type: none"> <li>• Sight distance would be improved by prohibiting parking near intersections and tree limbs/ foliage would be removed.</li> <li>• Speed limit signs would be installed.</li> <li>• Permanent marking tape for pavement markings would be considered.</li> <li>• Advance signage for street names at major intersections would be posted.</li> </ul>	<ul style="list-style-type: none"> <li>• Wide striping would be used to improve lane delineation.</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>• Supplemental business/residential access would be considered for adjacent cross-streets or parallel streets.</li> <li>• Signage to alternative access points would be provided.</li> </ul>	<ul style="list-style-type: none"> <li>• The intersection of Lion Mountain Road might warrant a traffic signal in future years. The Lion Mountain Road intersection would be designed to accommodate a future traffic signal.</li> </ul>

	<b>FEIS and ROD mitigation</b>	<b>Current Proposed Action mitigation</b>
<b>Construction</b>	<ul style="list-style-type: none"> <li>Contractors would be required to develop construction schedules and adequate traffic control plans.</li> <li>Safety and convenience to motorists, pedestrians and workers would be ensured at all times.</li> <li>The progress of the project would be advanced in a manner that would be most beneficial for the public.</li> <li>Traffic control would be implemented for all construction activities.</li> <li>Construction signage would be appropriately managed and various communication media would be used to inform motorists of construction delays.</li> <li>Work plans would restrict certain construction activities and include some nighttime construction where traffic volumes warrant.</li> </ul>	<ul style="list-style-type: none"> <li>No new mitigation is proposed.</li> </ul>
<b>Relocation</b>	<ul style="list-style-type: none"> <li>The standard provisions of Public Law 91-646 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) as amended by Public Law 100-17 (Surface Transportation Act of 1987) would be followed.</li> <li>There would be no relocation from dwellings until comparable replacement based on functional rather than physical similarity has been made available.</li> <li>Reasonable and necessary moving costs as established by procedural requirements would be provided.</li> </ul>	<ul style="list-style-type: none"> <li>Avoidance and minimization options would be explored to the extent practicable throughout final design. These measures may include reduced shoulder widths, steepened slopes, guardrail, retaining walls, v-ditches, and curb and gutter sections where appropriate.</li> </ul>
<b>Pedestrian and Bicycle</b>	<ul style="list-style-type: none"> <li>There would be continued coordination with county bicycle groups regarding the design of pedestrian and bicycle facilities.</li> </ul>	<ul style="list-style-type: none"> <li>Additional pedestrian and bicycle facilities are included in the Current Proposed Action. These include expansion of the underpass at the golf course and the addition of a bicycle/pedestrian crossing near Skyles Lake.</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>Permanent design features would include surfacing gravel and dirt shoulders and constructing curbs and gutters from the beginning of the Whitefish project through Lion Mountain Road. These permanent design features have been shown to reduce PM<sub>10</sub> levels in Whitefish to below No-Build levels by reducing carry-on dust.</li> <li>Construction phase actions would include street sweeping as needed, watering or chemically stabilizing unpaved detours, following open burn permit conditions, securing air quality permits for asphalt plants and gravel crushers.</li> </ul>	<ul style="list-style-type: none"> <li>No new mitigation is proposed.</li> </ul>
<b>Noise</b>	<ul style="list-style-type: none"> <li>If noise problems due to construction activities are identified, construction activities would be limited as needed to daytime hours. Additional measures would be considered including temporary noise barriers, and planning detours that do not create additional noise impacts for sensitive receptors.</li> </ul>	<ul style="list-style-type: none"> <li>No new mitigation is proposed.</li> </ul>
<b>Water Resources and Quality</b>	<ul style="list-style-type: none"> <li>Storm water pollution prevention plans would be developed during construction phases. The use of procedures described in the MDT Highway Construction Standard Erosion Control Work Plan would be considered as needed.</li> </ul>	<ul style="list-style-type: none"> <li>No new mitigation is proposed.</li> </ul>
<b>Wetlands</b>	<ul style="list-style-type: none"> <li>The CEQ priority sequence would be followed – avoid, minimize impacts, repair/rehabilitate/restore, preserve and maintain, replace.</li> <li>A Section 404 permit would be secured from the USACE, and a mitigation plan would be developed with resource agencies.</li> </ul>	<ul style="list-style-type: none"> <li>Additional wetland avoidance and minimization opportunities including adjusting slopes, and installation of guardrail would be explored during final design where practical.</li> <li>Compensatory mitigation for the wetland loss would be pursued according to the United States Army Corps of Engineers requirements.</li> <li>On-site and off-site wetland mitigation opportunities would continue to be explored.</li> </ul>

	<b>FEIS and ROD mitigation</b>	<b>Current Proposed Action mitigation</b>
<b>Fisheries and Wildlife</b>	<ul style="list-style-type: none"> <li>• Proper erosion control techniques would be used during construction.</li> <li>• Bridge structures or underpasses would be sized to accommodate wildlife if possible.</li> <li>• Loss of trees would be avoided wherever possible.</li> </ul>	<ul style="list-style-type: none"> <li>• Any temporary clearing outside the construction limits but within the right-of-way would be kept to the smallest area possible and reclaimed immediately following construction.</li> <li>• Disturbed wetland and streamside areas would be revegetated with desired plant material obtained from local sources as quickly as possible following construction. In accordance with 7-22-2152 MCA and 60-2-208 MCA, MDT would re-establish a permanent desirable vegetation community along all areas disturbed by proposed construction. A set of revegetation guidelines would be developed by MDT, which the construction contractor must follow.</li> <li>• No construction equipment would be allowed within the active Whitefish River channel unless specifically permitted to do so.</li> <li>• Clearing and grubbing would not be allowed within the right-of-way beyond the construction limits or required clear zone.</li> <li>• All State and Federal water quality permit conditions would be adhered to.</li> </ul>
<b>Floodplain</b>	<ul style="list-style-type: none"> <li>• Standard MDT erosion control measures would be used to minimize impacts to beneficial floodplain values during construction.</li> <li>• Any floodplain encroachment would be coordinated with Flathead County.</li> </ul>	<ul style="list-style-type: none"> <li>• No new mitigation is proposed.</li> </ul>
<b>Threatened and Endangered Species</b>	<ul style="list-style-type: none"> <li>• No conservation measures are proposed</li> </ul>	<ul style="list-style-type: none"> <li>• All State and Federal water quality permits would be adhered to.</li> <li>• Operating in wetlands would be limited to that which is needed to perform the necessary work.</li> <li>• Disturbed streamside areas would be revegetated with appropriate plant material as recommended by MDT's agronomist. Coconut fiber masts (or an acceptable equivalent) would be used to help stabilize disturbed streambank areas until permanent vegetation becomes established.</li> <li>• If MDT becomes aware of any threatened, endangered, proposed or candidate species located in the vicinity of construction activities, they would inform the contractor of those locations and of potential restrictions that may be associated with avoiding impacts to those species.</li> </ul>
<b>Cultural Resources</b>	<ul style="list-style-type: none"> <li>• The MDT proposed to mitigate impacts to historic properties by conducting additional survey work and by preparing the nomination of the historic district to the National Register of Historic Places. After the nomination was accepted, MDT proposed to prepare a NRHP sign describing the Whitefish Residential Historic District and its significance to the history of the community.</li> </ul>	<ul style="list-style-type: none"> <li>• Landscaped boulevards, a bicycle path, lighting, and sidewalks would be added from the Second Street Bridge to Lion Mountain Road, which would provide improved visual quality, safety and access.</li> <li>• Visual impacts would be minimized through the use of landscaped medians and boulevards, weathered steel guardrail, and rock-texture facing treatments on retaining walls.</li> <li>• Additional avoidance and minimization opportunities including, but not limited to alignment modification, adjusting slopes, and installation of guardrail would be explored during final design.</li> </ul>

	<b>FEIS and ROD mitigation</b>	<b>Current Proposed Action mitigation</b>
<b>Parks and Recreation</b>	<ul style="list-style-type: none"> <li>• Landscape buffers are planned in raised medians to reduce visual impacts of the increased street width at the Whitefish Golf Club.</li> <li>• A bicycle and pedestrian trail is proposed for sections of this project.</li> </ul>	<ul style="list-style-type: none"> <li>• At the end of construction the disturbed park land would be returned to a condition which is at least as good as that which existed prior to the project.</li> <li>• A bicycle and pedestrian trail would be added throughout the length of the project area, which would provide improved access and connectivity to and from parks and recreation areas in Whitefish.</li> <li>• Improvements to the golf course underpass would provide improved safety and access for golf club maintenance crews, golf club users, and bicycle/pedestrian trail users.</li> <li>• Additional avoidance and minimization opportunities including adjusting slopes, the addition of retaining wall, and installation of guardrail would be explored during final design.</li> <li>• Mitigation measures at the Skyles Lake Fishing Access Site would include minor grading and base course gravel improvements for the length of the existing access road. Specific details regarding these improvements would be negotiated as part of right-of-way acquisition.</li> </ul>
<b>Hazardous Materials</b>	<ul style="list-style-type: none"> <li>• Detailed hazardous materials analysis, including sampling and testing of questionable soils or water would be conducted during final design.</li> <li>• Underground storage tanks adjacent to the highway would be located to avoid potential contact during construction.</li> <li>• Before roadway construction occurs on these sites, soil located adjacent to the roadway would be analyzed to determine if existing petroleum levels are higher than those accepted by the MT DEQ for this type of project.</li> <li>• If so, mitigation opportunities include excavation of contaminated soil, or landfarming (spreading contaminated soils over an evenly-distributed area and providing the area with nutrients and vegetation).</li> </ul>	<ul style="list-style-type: none"> <li>• Mitigation measures may also include appropriate construction techniques, use of best management practices, and performing work in the river when aquatic organisms are minimally active. All work related to the construction of the Whitefish West project would be subject to the provisions included in the current edition of Standard Specifications for Road and Bridge Construction as adopted by MDT and the Montana Transportation Commission.</li> </ul>
<b>Visual Quality</b>	<ul style="list-style-type: none"> <li>• The final design would be done in such a manner as to best fit the new highway within the existing topography.</li> <li>• This includes contour grading of cut and fill slopes, sensitive design of roadway alignment, and profile and design of roadside signage and lighting.</li> <li>• Slope cutting would be done in such a manner as to be compatible with the adjacent slope.</li> <li>• MDT would seek assistance from local communities in the maintenance of landscaping and streetscape features.</li> <li>• Special light fixtures would be used in sensitive areas to minimize stray light pollution.</li> </ul>	<ul style="list-style-type: none"> <li>• No new mitigation is proposed.</li> </ul>
<b>Energy</b>	<ul style="list-style-type: none"> <li>• Energy consumption would be reduced during construction through maximum use of on-site materials.</li> <li>• Construction vehicles would be maintained, and there would be adequate construction phasing and detour plans.</li> <li>• The design of construction access roads and staging areas would limit distances traveled.</li> </ul>	<ul style="list-style-type: none"> <li>• No new mitigation is proposed.</li> </ul>

	<b>FEIS and ROD mitigation</b>	<b>Current Proposed Action mitigation</b>
<b>Implementation</b>	<ul style="list-style-type: none"> <li>• Mitigation that would be implemented to minimize traffic disruption during construction is described in the “construction” section of this table.</li> <li>• Mitigation that would be implemented to minimize construction impacts at the Whitefish River crossing is described in the Water Resources &amp; Quality section.</li> <li>• MDT would develop landscape maintenance agreements with local jurisdictions to maintain the landscaped median and roadside area in the urban areas.</li> <li>• A construction staging plan would be developed to minimize impacts on adjacent property owners.</li> <li>• Construction involving discharges to streams shall not occur in spawning areas if practical alternatives exist.</li> <li>• Construction would be timed to prevent disruptions to migration of aquatic species.</li> </ul>	<ul style="list-style-type: none"> <li>• No new mitigation is proposed.</li> </ul>
<b>Section 4(f)</b>	<ul style="list-style-type: none"> <li>• For the Whitefish Residential Historic District, the MDT proposes to conduct additional survey work and prepare the nomination of the historic district to the National Register of Historic Places. When the nomination has been completed and accepted by the NRHP, the MDT would then prepare a NRHP sign to the local historical society describing the Whitefish Residential Historic District and its significance to the history of the community.</li> </ul>	<ul style="list-style-type: none"> <li>• Same as mitigation proposed in the Cultural Resources and Parks and Recreation sections of this table.</li> </ul>

## 5.27 FINAL SECTION 4(F) ANALYSIS

A Final Section 4(f) Evaluation for the US 93 Somers to Whitefish West project was prepared in conjunction with the FEIS. The following discussion refers only to properties in the Whitefish West project area.

### Historic Properties

#### FEIS Findings

The project area contains properties that are eligible for the National Register of Historic Places (NRHP). Properties eligible for listing in the National Register of Historic Places are discussed in Chapter 3 of the FEIS.

#### Changed Conditions

The existing conditions and the design of the highway in the Whitefish West project area have undergone several changes since 1994. As a result, determinations of effect and SHPO concurrences have changed over the years. See **Section 5.15** (Cultural and Historic Resources) of this document for a description of these changes.

The November 13, 2007 SHPO concurrence letter provides information showing the proposed impacts would be sufficiently minor and have “no adverse effect” for purposes of Section 106 of the National Historic Preservation Act (NHPA) and therefore be eligible for a *de minimis* finding based on 23 CFR 774.

### Parks and Recreational Properties

#### FEIS Findings

There are three publicly owned, recreationally used, Section 4(f) properties located adjacent to the Preferred Alternative in the Whitefish West project area. The properties listed below would incur minor indirect impacts related to access and visual criteria, but are located completely

outside of the existing highway right-of-way. There would be no purchase or direct conversion of use of the properties listed below.

- Whitefish Lake Golf Club
- Grouse Mountain Park (Whitefish Tennis Courts/Soccer Fields)
- Skyles Lake Fishing Access Site

### Changed Conditions

The existing conditions and the design of the highway have undergone several changes since 1994. As a result, impacts to parks and recreation areas have changed. The Current Proposed Action would result in direct temporary and permanent impacts to parks and recreational properties:

- Kay Beller Park 455 m<sup>2</sup> (4,898 ft<sup>2</sup>) temporary construction impacts
- Whitefish Lake Golf Club 1802 m<sup>2</sup> (19,397 ft<sup>2</sup>) temporary construction impacts
- Grouse Mountain Park 685 m<sup>2</sup> (7,373 ft<sup>2</sup>) temporary construction impacts
- Skyles Lake Fishing Access 718 m<sup>2</sup> (7,728 ft<sup>2</sup>) permanent incorporation

See **Section 5.16** (Parks and Recreation) of this document for a complete description of these changes.

On June 7, 2007 the Montana Department of Transportation met with the Montana Department of Fish Wildlife and Parks regarding potential project impacts to the Skyles Lake Fishing Access Site. The meeting was an agreement that the proposed project impacts would have no adverse effect to the activities, features, and attributes of the recreational area. Based upon that meeting and the recommendation of MDT and FHWA staff, a *de minimis* impact determination was made. A November 27, 2007 letter from FHWA to the Montana Department of Fish Wildlife and Parks documenting this meeting and confirming Montana Department of Fish Wildlife and Parks concurrence is included in **Appendix D**. Additional coordination letters with the City of Whitefish, the Whitefish Lake Golf Club and the Montana Fish Wildlife and Parks are also included in **Appendix D**.

## **Conclusion**

Portions of six historic properties in the Whitefish West project area would be permanently incorporated into the project right-of-way; however, all of the historic buildings would remain intact and their historic integrity would be perpetuated. There would be no adverse effect to any of the historic properties in the Whitefish West project area. It was determined that there would be *de minimis* impacts to the six historic properties.

Impacts to Kay Beller Park, Whitefish Lake Golf Club, and Grouse Mountain Park would be temporary and would not result in a change in recreational use. Impacts to Skyles Lake Fishing Access Site would be permanent, but would not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f). It was determined that there would be *de minimis* impacts to the Skyles Lake Fishing Access Site.

Because impacts to parks and historic properties would either be temporary or *de minimis*, preparation of an avoidance analysis is not necessary, although avoidance alternatives were considered during project design. The FEIS, along with the information presented in this re-evaluation, adequately addresses Section 4(f) impacts in the Whitefish West project area.