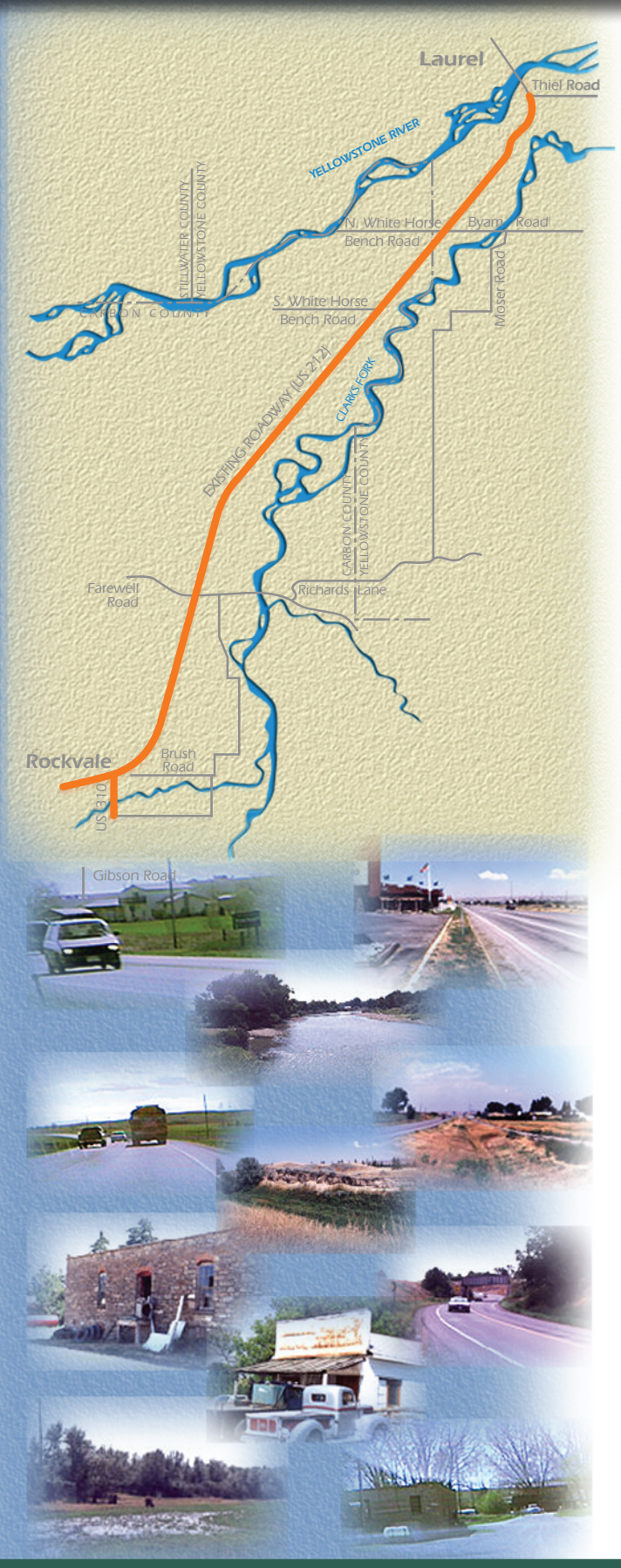
US 212 Reconstruction

ROCKVALE *to* LAUREL



Record of Decision

for the Final Environmental Impact Statement

Montana Department of Transportation

NH 4-1(21)43
Control No. 4070

U.S. Department of Transportation
Federal Highway Administration

September 2009

Record of Decision

For the

U.S. 212 Reconstruction of Rockvale to Laurel

NH 4-1(21)43
Control No. 4070

Final Environmental Impact Statement

FHWA-MT-EIS-09-01-F

U.S. Department of Transportation
Federal Highway Administration
Helena, Montana

By: _____ Date: 09/08/2009

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Record of Decision

For the

U.S. 212 Reconstruction of Rockvale to Laurel

NH 4-1(21)43
Control No. 4070

Final Environmental Impact Statement

FHWA-MT-EIS-09-01-F

U.S. Department of Transportation
Federal Highway Administration
Helena, Montana

In accordance with Title 18, Chapter 2, Section 252, Administrative Rules of Montana (ARM 18.2.252), I hereby accept and concur with the findings and decision as documented in the US Department of Transportation Federal Highway Administration's Record of Decision for this project as approved on 09/08/2009.

By: D. John Bloch Date: 9/24/09

Montana Department of Transportation

1.0 Introduction and Background

The Montana Department of Transportation (MDT) and the U.S. Department of Transportation, Federal Highway Administration (FHWA) propose a highway reconstruction project for a 17.4-kilometer (10.8-mile) section of U.S. Highway 212/310 between Carbon and Yellowstone Counties in south-central Montana, along with a short section of U.S. Highway 310 (US 310) southwest of Rockvale. For simplicity, the route is referred to as US 212 in the remainder of this document.

The purpose of the proposed project is to accommodate growing traffic volumes; resolve safety conflicts between the highway's dual purpose of transporting regional tourist and truck traffic and transporting local traffic; and provide access for local roadways and land use.

The following critical needs for improving the US 212 transportation corridor between Rockvale and Laurel have been identified:

- There is conflict between local and regional traffic needs, including slow versus faster travel desires, sightseeing versus destination-oriented driving, and frequent stops versus through connectivity with other portions of the National Highway System (NHS).
- Accidents are most frequently located at points of access (such as driveways and local roadways connecting to US 212) and stationary objects.
- Accident rates involving truck traffic are more than double the state average for similar roadways in Montana.
- The existing two-lane US 212 is undersized for carrying anticipated traffic volumes within the next 20 years and beyond.
- The distance for storing vehicles stopped between US 212 and railroad crossings (vehicle storage distance) is inadequate.
- Residential development and other physical features constrain the ability to widen the existing right-of-way within the project area.

2.0 Decision

Based on the information provided in the US 212 Reconstruction of Rockvale to Laurel Final Environmental Impact Statement (Final EIS) and Section 4(f) Evaluation (Final EIS approved March 24, 2009, and released for public review on April 10, 2009), MDT and FHWA have selected Alternative 5B—Combined West Bench for implementation (Selected Alternative).

The Selected Alternative would provide a widened four-lane divided facility. To the extent practicable, the new roadway would meet MDT design standards for a rural principal arterial. The cross-section of the improved roadway would include four 3.6-meter (12-foot) travel lanes with two 2.4-meter (8-foot) outside shoulders and an 11-meter (36-foot) depressed median including two 1.2-meter (4-foot) shoulders. The total width of the new roadway

would be 30.2 meters (100 feet). The Selected Alternative would also include improvements to the intersection of US 212 and US 310 south of Rockvale. Exhibit 1, featured in the Final EIS as Figure 2-1, highlights the selected Alternative 5B—Combined West Bench route.

The route of Alternative 5B (selected) is as follows:

- Starting on US 212 southeast of Rockvale at Reference Post (RP) 42.1, following US 212 to approximately RP 43.7.
- Leave US 212 and turn northwest through irrigated farmland, ascending the hills.
- Intersect Farewell Road west of Silesia.
- Cross Farewell Creek upstream from a small reservoir.
- Proceed northeast through rangelands and wheat fields.
- Turn north through more wheat fields and irrigated croplands onto White Horse Bench.
- Intersect White Horse Bench Road north of the old White Horse School.
- Continue northeast through irrigated croplands on the Yellowstone Valley's southern bluffs to within approximately 0.5 kilometer (0.3 mile) north of the Krug (Gravel) Pit.
- Turn east, crossing both US 212 near RP 52.4 and the railroad tracks.
- Turn north through more croplands, joining US 212 at approximately RP 52.7.
- Continue on US 212 and ending just south of Laurel at RP 52.9.

The Final EIS presents a complete description of the alternatives considered and identifies Alternative 5B as the preferred alternative. Copies of the Final EIS are available by request from MDT and on the Internet at: http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml.

Specific objectives that MDT and FHWA will achieve with this project are as follows:

- Improve safety for local and regional traffic needs.
- Accommodate capacity needs for local and regional travelers over the next 20 years and beyond using prudent planning principles.
- Accommodate the variety of transportation needs along US 212, including local circulation and access for residents with existing access needs.
- Support mobility of goods and people connecting Interstate 90 (I-90) with the rural communities of Silesia, Rockvale, Red Lodge, and Bridger, and with destinations in Wyoming.

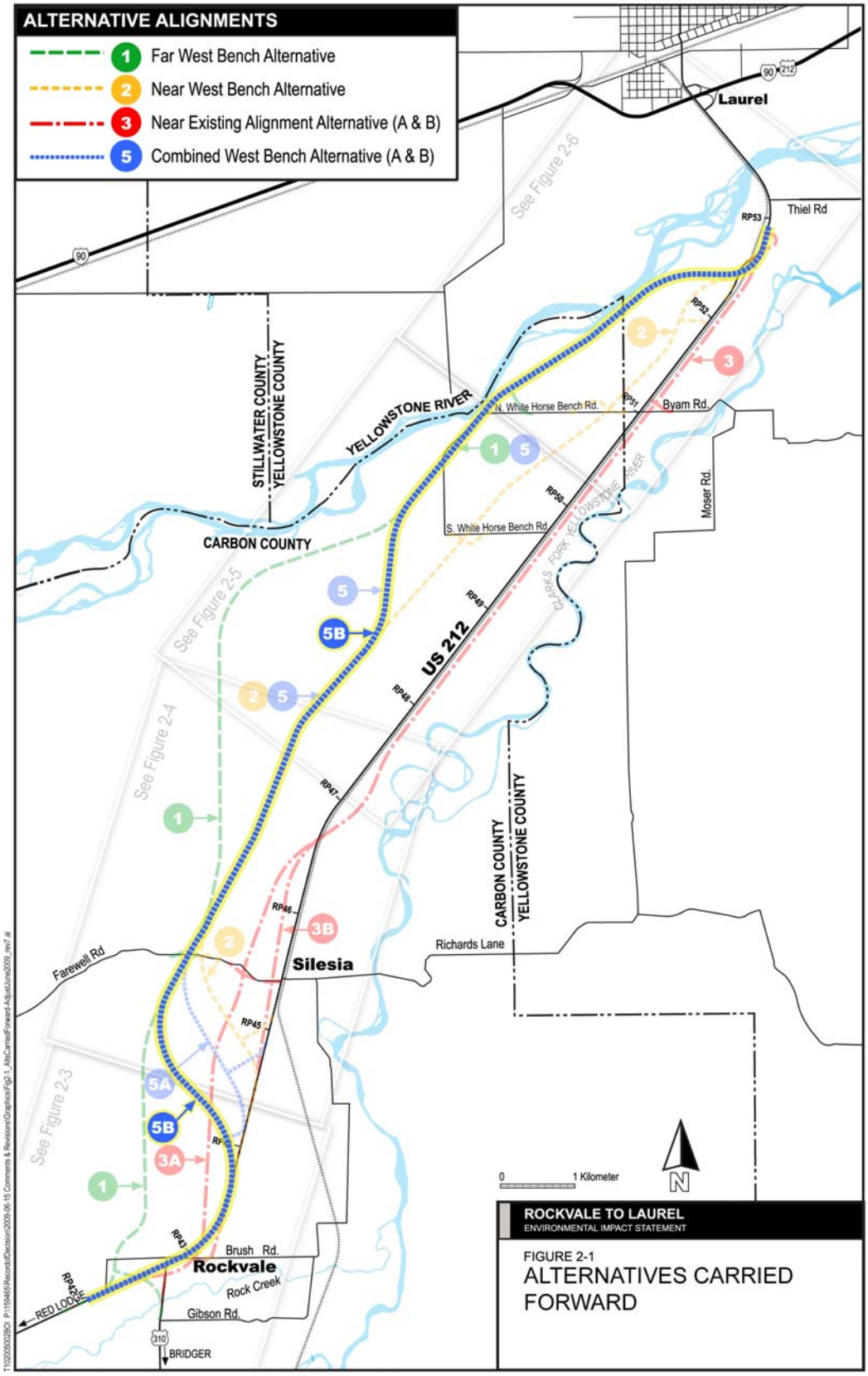

EXHIBIT 1
Highlighted Selected Alternative 5B—Combined West Bench Route from Figure 2-1 of the Final EIS

3.0 Alternatives Considered

This Record of Decision is based upon the evaluation of a No Build Alternative and six build alternatives (Alternatives 1, 2, 3A, 3B, 5A, and 5B) Those alternatives are described in the Final EIS Chapter 2, *Alternatives,* and evaluated in the Final EIS Chapter 4, *Environmental Consequences*.

All build alternatives would satisfy the Purpose and Need of the proposed project. All build alternatives would shift the alignment of the existing roadway to provide improved traffic flow and highway safety. The cross-section for all build alternatives would widen the road to four lane configuration with an 11-meter (36-foot) depressed median providing a total width of 30.2 m (100 feet) as shown in figure 2-8 in the Final EIS.

Additional alternatives considered but not carried forward for evaluation are described in Chapter 2 of the Final EIS.

3.1 No Build Alternative

The No Build Alternative involves continued maintenance of the existing roadway with minimal road improvements. Existing structures would receive safety and necessary structural improvements. Travel lanes and shoulders would retain their current width. Cut-and-fill slopes would remain as they are with no changes to the footprint of the road. The roadway alignment would not change and no additional right-of-way would be obtained. The No Build Alternative does not meet the Purpose and Need for the project.

Physical, operational, and safety improvements on the presently travelled way (PTW) would either not occur or be very limited. The existing roadway alignment and two-lane configuration of US 212's PTW would be maintained, but not improved.

3.2 Alternative 1—Far West Bench

Under Alternative 1 the roadway would leave the existing road approximately 1.2 kilometers (0.75 mile) southwest of Rockvale and continue to the west of the existing roadway. It would ascend the hills and continue through a variety of rangelands and agricultural areas, turn east across both the existing road and the railroad tracks, and end on the existing roadway just south of Laurel.

3.3 Alternative 2—Near West Bench

Under Alternative 2 the roadway would leave the existing road approximately 1.6 kilometers (1 mile) north of Rockvale and continue to the west of the existing roadway. It would ascend the hills through a variety of rangelands and agricultural areas, turn east across both the existing road and the railroad tracks, and end on the existing roadway just south of Laurel.

3.4 Alternative 3A—Near Existing Alignment

Under Alternative 3A the roadway would leave the existing road immediately north of Rockvale and continue to the west of the existing roadway. It would ascend the hills through a variety of agricultural areas, turn east across both the existing road and the railroad tracks approximately 1.6 kilometers (1 mile) north of Silesia where it would closely parallel the railroad tracks for the remainder of its length. It would end on the existing roadway just south of Laurel.

3.5 Alternative 3B—Near Existing Alignment

Under Alternative 3B the roadway would leave the existing road 2.4 kilometers (1.5 miles) north of Rockvale and continue to the west of the existing roadway. It would ascend the hills through a variety of agricultural areas, turn east across both the existing road and the railroad tracks approximately 1.6 kilometers (1 mile) north of Silesia where it would closely parallel the railroad tracks for the remainder of its length. It would end on the existing roadway just south of Laurel.

3.6 Alternative 5A—Combined West Bench

Under Alternative 5A the roadway would consist of portions of Alternatives 1 and 2, differing only in the short connection between the two alternatives. The route would follow Alternative 2 to a point approximately 1.8 kilometers (1.1 miles) north of Rockvale and then run northwest, connecting to Alternative 1. It would follow Alternative 1 for a short distance prior to rejoining Alternative 2 and following it for approximately 4.8 kilometers (3 miles). At that point Alternative 5A would leave Alternative 2 for a short distance and join Alternative 1 for the remainder of the route.

3.7 Alternative 5B—Combined West Bench (Selected Alternative)

Under Alternative 5B the roadway would consist of portions of Alternatives 1 and 2, differing only in the short connection between the two alternatives. The Alternative 5B route would be identical to Alternative 5A except it would leave Alternative 2 approximately 0.5 kilometer (0.3 mile) before Alternative 5A and join Alternative 1 approximately 0.5 kilometer (0.3 mile) before Alternative 5A.

3.8 Environmentally Preferred Alternative

Based on the analysis presented in the Final EIS, Alternative 5B, the Selected Alternative, is the Environmentally Preferred Alternative since it has fewer impacts to homes and wetlands, and improved safety when compared to Alternative 3, and it has the most public and landowner support. All other environmental impacts are similar to Alternatives 1, 2, and 5A. MDT and FHWA determined that Alternatives 1, 2, 5A and 5B (selected) all have similar impacts and are all environmentally preferred over Alternatives 3A and 3B for the following comparative reasons:

- Fewer impacts to homes

- Fewer impacts to wetlands
- Improved access management considerations for mobility
- Improved safety because of fewer access points and reduced railroad conflicts

4.0 Factors in the Decision Process

All of the build alternatives meet the purpose of and the need for the project, in addition to improving traffic operations through decreasing congestion and improving safety, The No Build Alternative would not satisfy the Purpose and Need of the proposed project.

The Selected Alternative would provide a roadway design that is similar to the other build alternatives but is sited in different locations. The selection of Alternative 5B as the Selected Alternative for this project is based on public input and relevant factors analyzed in the development of the Final EIS and as discussed in this Record of Decision.

Alternatives 1, 2, 5A and 5B (selected) all have very similar impacts and were considered environmentally preferred over Alternatives 3A and 3B. Alternative 5B (selected) has the most landowner support, and is, therefore, the alternative selected for implementation.

4.1 Section 4(f) Evaluation

Section 4(f) of the U.S. Department of Transportation Act under Title 23 Code of Federal Regulations Part 774 (Section 4[f]) is a special provision that provides protection for public park and recreation lands, wildlife and waterfowl refuges, and historic sites. FHWA will not approve any project that requires the use of any publicly owned public park, recreation area, or wildlife or waterfowl refuge, or any land from an historic site of national, state, or local significance unless:

1. There is no feasible and prudent alternative to the use, and
2. All possible planning to minimize harm resulting from such use is included.

Through consultation with the Montana State Historic Preservation Office during the Section 106 of the National Historic Preservation Act process, it was determined that the Free Silver Ditch, the Rocky Fork Branch of the Northern Pacific Railroad, and the main house of the Nutting Farmstead are eligible for listing on the National Register of Historic Places. For the purposes of Section 106 consultation the Montana State Historic Preservation Office concurred with MDT, finding that the proposed project would have “no effect” to historic resources. Those historic sites would not be permanently incorporated into the transportation facility, so no Section 4(f) “use” would occur with this project.

5.0 Mitigation and Measures to Minimize Harm

All practicable means to avoid or minimize environmental harm from the Selected Alternative will be adopted. General mitigation measures will compensate for direct, indirect,

and cumulative impacts that might result from implementation of the Selected Alternative. These measures are discussed in the Final EIS Chapter 4, Environmental Consequences. The following subsections briefly describe proposed mitigation and measures to minimize harm.

5.1 Mitigation

5.1.1 Land Use

None. No impacts requiring mitigation were identified.

5.1.2 Social Conditions

None. No impacts requiring mitigation were identified.

5.1.3 Transportation Right-of-Way and Relocations

Develop the proposed project in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646 as amended, 42 United States Code 4601, et seq.) and the Uniform Relocations Act Amendments of 1987 (Public Law 100-17).

5.1.4 Noise

Final design will incorporate measures, if applicable, to adhere to MDT's *Traffic Noise Analysis and Abatement: Policy and Guidance* (2001).

5.1.5 Water Flow and Quality

Final design will incorporate measures, if applicable, to protect the integrity of the shallow water table. An erosion control and sediment plan in compliance with the Montana Pollutant Discharge Elimination System (MPDES) regulations employing best management practices (BMPs) will be implemented.

Contractors will be required to obtain and adhere to applicable permits and authorizations. Applicable permits and authorizations may include obtaining a 318 Authorization for short-term water quality standards for turbidity related to construction activity, obtaining a Clean Water Act Section 404 permit for dredge and fill in Waters of the U.S., and obtaining a Stream Protection Act Notification (SPA 124).

5.1.6 Wetlands

The estimated wetlands impacts (0.6 hectare [1.5 acre]) are based on conceptual design and have been avoided and/or minimized as much as can be determined at the conceptual design level. Avoidance and minimization of wetland impacts will continue in final design. Compensatory mitigation for loss of wetlands will be pursued under the MDT interagency Wetland Group operating procedures. Work below the normal high-water mark would require a Clean Water Act Section 404 permit from U.S. Army Corps of Engineers for dredge and fill in Waters of the U.S.

5.1.7 Water Bodies and Aquatic Resources

Stormwater controls and BMPs designed and constructed to prevent contamination from entering water bodies would be implemented. Contractors will be required to obtain and adhere to applicable permits and authorizations. Applicable permits and authorizations may include obtaining a 318 Authorization for short-term water quality standards for turbidity related to construction activity, obtaining a Clean Water Act Section 404 permit for dredge and fill in Waters of the U.S., and obtaining a Stream Protection Act Notification (SPA 124).

5.1.8 Wildlife Resources

None. No impacts requiring mitigation were identified.

5.1.9 Floodplains

None. No impacts requiring mitigation were identified.

5.1.10 Visual Resources

None. No impacts requiring mitigation were identified.

5.1.11 Geology and Soils

None. No impacts requiring mitigation were identified.

5.1.12 Construction Mitigation

The following are mitigation measures that will be implemented during construction:

- Transportation Right-of-Way and Relocations
  - Maintain access to business, residence, and agricultural lands, make arrangements prior to the start of each phase of construction.
  - Designate alternative access points for impacted businesses, residences, and farmlands.
- Economic Conditions
  - Create a traffic control plan to maintain traffic safety and provide opportunities for vehicle patrons to leave and reenter the roadway from roadside business establishments.
- Air Quality
  - Minimize air emissions by watering or a dust pallative.
  - Obtain an air quality permit, if necessary.
- Noise
  - Follow noise ordinances in accordance with MDT Standard Specifications.
- Water Flow and Quality
  - Obtain and adhere to permits and authorizations.

  - Preparing and maintain an erosion control and sediment control plan for an MPDES permit.
  - Revegetate disturbed areas within MDT right-of-way or easements.
  - Provide erosion and sediment control measures through use of BMPs such as fiber mats, catch basins, silt fences, and sediment barriers.

- Water Bodies and Aquatic Resources
  - Implement measures to minimize, avoid, or prevent increased sediment delivery to water bodies.
  - Secure the required authorization to perform work in streams and follow the conditions set forth.
  - During and after construction, implement stormwater controls and BMPs designed and constructed to prevent contamination from entering water bodies.
  - Follow provisions listed in permits from Montana Fish, Wildlife & Parks, the U.S. Army Corps of Engineers, and the Montana Department of Environmental Quality.

- Wildlife Resources
  - Conduct searches for nests in accordance with migratory bird treaties conventions required by the U.S. Fish and Wildlife Service.

- Threatened and Endangered Species and State Species of Concern
  - Prior to construction, contact and coordinate with U.S. Fish and Wildlife Service and Montana Fish, Wildlife & Parks to reconfirm the locations of known bald eagle nests, roosts, or concentration areas occurring within 1.6 kilometers (1 mile) of the project.

- Hazardous Materials
  - Determine whether buildings to be demolished are contaminated with asbestos-containing material or lead-based paint wastes. If they are contaminated, properly dispose of the materials.
  - Materials contained in the waste collection areas identified within the footprint of the roadway would be handled and disposed in appropriate ways such as evaluation for special handling and placement in landfills approved for those materials.
  - Home heating oil storage tanks (underground and aboveground) and associated fuel lines that may exist at residences that would be displaced would be identified and properly disposed.
  - Contaminated soil would be identified and properly disposed.
  - Polychlorinated biphenyls (PCBs) would be identified and properly disposed.

6.0 Comments on the Final EIS

A Notice of Availability (NOA) of the Final EIS was published in the *Federal Register* on April 10, 2009. A news release announcing the availability of the Final EIS was submitted to the *Billings Gazette* in Billings, *Laurel Outlook* in Laurel, and *Red Lodge Carbon County News* in Red Lodge. Interested-party letters and postcards announcing the availability of the Final EIS were mailed to those on the project mailing list on April 3, 2009. In addition, this information was made available through the Internet on the project Web site (http://projects.ch2m.com/rockvale/default.asp) and the MDT Web site (http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml).

Display ads were purchased to announce the availability of the Final EIS in the *Billings Gazette* in Billings, *Laurel Outlook* in Laurel, and *Red Lodge Carbon County News* in Red Lodge.

The Final EIS was available for a 30-day public review period beginning April 10, 2009, and ending May 11, 2009. The Final EIS was distributed for review to the federal, state, local, and Tribal agencies listed in the Final EIS, Chapter 6, and to members of the public at their request. The Final EIS was made available for the public review period at the viewing locations listed in the Final EIS, Chapter 6.

Twelve formal comments were received from the general public and various agencies during the 30-day comment period. Appendix A of this Record of Decision contains those comments and the associated responses.

Appendix A

Final EIS Comments and Responses

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 West 15th Street, Suite 3200
HELENA, MONTANA 59626

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Ref: 8MO

May 6, 2009

Mr. Tom Martin, P.E.
Bureau Chief, Environmental Services Bureau
Montana Dept. of Transportation
2701 Prospect Avenue, P.O. Box 202001
Helena, MT 59620-1001

MASTER FILE COPY

and

Alan C. Woodmansey, P.E.
Operations Engineer
Montana Division, Federal Highway Administration
585 Shepard Way
Helena, Montana 59601

Re: CEQ # 20090099; Comments on U.S. 212 Reconstruction, Rockvale to Laurel, Final Environmental Impact Statement

Dear Mr. Martin and Mr. Woodmansey:

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Final Environmental Impact Statement (FEIS) for the U.S. Highway 212 Reconstruction, Rockvale to Laurel Project, in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

We appreciate receipt of responses to EPA's DEIS comments in the Appendices of the FEIS. While we have some environmental concerns regarding the preferred alternative, Alternative 5B, involving construction of a four-lane highway on a new alignment closer to the Yellowstone River while leaving the existing roadway in place, we realize all the other build alternatives also involve construction of a four-lane roadway on a new alignment, and would have similar potential adverse impacts (e.g., erosion and sediment production/transport both during and after construction with associated adverse impacts to water quality, wetlands, vegetation, farmland, wildlife habitat and wildlife movement). We also recognize the need to accommodate growing traffic volume; provide mobility for goods and people; improve safety for local, regional tourist, and commercial truck traffic; and manage access for local roadways and land use. Alternative 5B appears to have slightly less impacts to wetlands than Alternative 2, Alternatives 3A and 3B, and less floodplain impacts than Alternatives 1 and Alternatives 3A and 3B. Accordingly, we support the selection of Alternative 5B as the preferred alternative.

1-1

Printed on Recycled Paper

1-1 Thank you for your comments.

We are pleased that the Montana Dept. of Transportation (MDT) will coordinate with Montana Dept. of Environmental Quality (MDEQ) in regard to assuring consistency of highway construction activities with MDEQ's development of the Clarks Fork Yellowstone River Total Maximum Daily Load (TMDL), which is scheduled for completion by 2012. We are also pleased that an erosion and sediment control plan will be prepared to assure compliance with the Montana Pollutant Discharge Elimination System (MPDES) stormwater runoff requirements. We understand that a Wetland Mitigation Plan will be prepared during the final design process, and that MDT will make every effort to replicate the functions and values of wetlands impacted by highway construction in coordination with the Clean Water Act Section 404 permitting program administered by the U.S. Army Corps of Engineers.

We appreciate the opportunity to review and offer comments during the NEPA process. If you have any questions please contact Mr. Steve Potts of my staff in Helena at (406) 457-5022 or in Missoula at (406) 329-3313. Thank you for your consideration.

Sincerely,

John F. Wardell
Director
Montana Office

cc: Larry Svoboda/Connie Collins, EPA, 8EPA-N, Denver

2

No comments were delineated for the part of the letter shown on the facing page.

From: Gary Everson
To: mdtcommentsrockvale@mt.gov
Cc: Knight, Jen/BOI; Alters, Steve/CIP
Subject: Rokvale to Laurel FEIS Comment
Date: Friday, April 10, 2009 4:30:55 PM

This isn't a comment on the EIS, but a question about the road.
Provided the EIS is finally approved, what are the next steps and what is the timeframe for construction of the road?
When will the final road design be done? Will we be able to comment on the road design and the specific access provided? 2-1
When will you start acquiring right of way and when do you think construction will start?
Thank you.

2-1 Thank you for your recent comments concerning the project. The issuance of this Record of Decision marks a milestone for this project. Now that the Record of Decision is signed, MDT can begin the detailed design process. This is a large project that will be designed and constructed in pieces. The first piece will be the "South of Laurel—RR Overpass" project which is approximately 1 mile of the northern-most segment of the proposed route, published in MDT's 2009-2013 Statewide Transportation Improvement Program. An expanded discussion on construction phasing is in the Final EIS on pages v-vi, *Construction Phasing, Cost Estimate, and Funding*. The design could take up to 2 to 3 years. Right-of-way acquisition should begin in 3 to 4 years, and if funding is available, the first project could be under construction in the range of 5 to 6 years. These times are estimates and may be extended or reduced depending on complexity of final design. During the detailed design, information would be solicited from the affected land owners and business owners to ensure that reasonable access would be maintained to existing parcels adjacent to the highway.

-----Original Message-----
From: dennis grunseth [redacted]
Sent: Sunday, May 10, 2009 9:16 AM
To: Baker, David/BOI
Subject: Rockvale Comments

Name: dennis grunseth
Address: 3018 us highway 212 south
City: laurel
State: MT
Zip: 59044
Phone: [redacted]
E-mail: [redacted]

Comments:
Hi:
When will we know if and when this project will start. We live on 212 south right at White Horse North and since we moved here in 1999 have had 4 deaths within a couple hundred yards of our home. Thanks in advance for your reply. 3-1

Dennis Grunseth
3018 Highway 212 South
Laurel, Mt. 59044

3-1 Thank you for your recent comments concerning the project. The issuance of this Record of Decision marks a milestone for this project. Now that the Record of Decision is signed, MDT can begin the detailed design process. This is a large project that will be designed and constructed in pieces. The first piece will be the "South of Laurel—RR Overpass" project which is approximately 1 mile of the northern-most segment of the proposed route, published in MDT's 2009-2013 Statewide Transportation Improvement Program. An expanded discussion on construction phasing is in the Final EIS on pages v-vi, *Construction Phasing, Cost Estimate, and Funding*. The design could take up to 2 to 3 years. Right-of-way acquisition should begin in 3 to 4 years, and if funding is available, the first project could be under construction in the range of 5 to 6 years. These times are estimates and may be extended or reduced depending on complexity of final design. During the detailed design, information would be solicited from the affected land owners and business owners to ensure that reasonable access would be maintained to existing parcels adjacent to the highway.

Comment Letter 4—William M. Hanna

From: Susan Hanna
To: mdtcommentsrockvale@mt.gov
Cc: Knight, Jen/BOI; Alters, Steve/CIP; billhanna96@yahoo.com; Susan Hanna
Subject: Rokvale to Laurel FEIS Comment
Date: Monday, May 11, 2009 7:57:49 PM

May 11, 2009

FROM:

William M. Hanna
31 Chilcott Road
Joliet, MT 59041

New concerns:

1. I would like the curve radius out of Rockvale maintained to hasten the traffic and related noise and lights out to the back hills sooner than what your plan indicates. 4-1

2. Do the noise receptors and test data take into account the noise of "jake brakes" from semis coming off the back hills relative to the location of my residence? 4-2

3. Do you have plans to mitigate the negative visual impact of the road relative to my property? 4-3

4. Please send me a set of the colored aerial photos like those depicted in the FEIS for the 5B Alternative. 4-4

Previous concerns sent to you are reiterated:

1. The proposed route and subsequent devaluation of my property will adversely affect on my retirement assets. This is particularly evident when the property is viewed as a whole or subdivided. 4-5

2. The new road's gradual angle to my back pasture means I will have constant nighttime headlights shining into the 10 picture windows of my house. 4-6

3. The proposed route will cause me to endure vehicle noise and in particular, "jake" brakes from semis. I currently have no road noise. It will also affect my air quality. It will also affect my privacy and seclusion. 4-7

4. My home was built on a view location that currently looks out on the Pryor Mountains and the valley below. Alternate 5B will destroy the view and peace I currently enjoy. My view is so important to me that I had all my utilities buried to preserve the beauty. 4-8

5. Alternate 5B will cut my back pasture into two parts and prevent me from accessing the entire pasture with my pickup to fix fence, feed and move my 4-9

4-1 The Final EIS and Record of Decision are based on a 30 percent design level. Additional coordination with affected landowners would be initiated during detailed design to ensure that impacts are minimized as much as practicable.

4-2 Noise impacts and possible mitigations are detailed in the Final EIS in *Section 4.9, Noise*. The noise analysis is based on the FHWA-approved Traffic Noise Model, Version 2.5. The predicted noise levels are based on traffic projections taking into account site observations, terrain, and the proposed alternative alignments. Traffic Noise Model, Version 2.5 is a volume/speed model and accounts for the dominant noise source as related to speed and volume. Engine ("Jake") brakes are not specifically accounted for.

4-3 Visual resources were evaluated in the Final EIS, *Section 4.19, Visual Resources*, and proposed mitigation measures are listed. Additional measures specific to your property are not anticipated.

4-4 Colored aerial prints were mailed on June 24, 2009, as requested.

4-5 Comment 4-5 was previously addressed in the Final EIS on page I-153 with the following response: MDT does not compensate for changed property value. During final design, each affected landowner will be contacted to ensure that reasonable access to his or her property is maintained and that other impacts are minimized as much as practicable.

4-6 Comment 4-6 was previously addressed in the Final EIS on page I-153 with the following response: Additional coordination with affected landowners would be done during detailed design to ensure that impacts are minimized as much as practicable.

4-7 Comment 4-7 was previously addressed in the Final EIS on page I-153 with the following response: Noise impacts and possible mitigation are detailed in *Section 4.9, Noise*. Air quality impacts are discussed in *Section 4.8, Air Quality*, and it was determined that the proposed project would not require mitigation.

4-8 Comment 4-8 was previously addressed in the Final EIS on page I-153 with the following response: Visual resources were evaluated in the Draft EIS. The highway would be visible from various residences.

4-9 Comment 4-9 was previously addressed in the Final EIS on page I-153 with the following response: Access to this property would be handled with the property owner during final design.

livestock.

6. **Mule deer and white tail deer migration will be interrupted by the proposed route as they reside in my back pasture coulees and drink from the Free Silver Ditch.** 4-10

Bill Hanna

4-10 Comment 4-10 was previously addressed in the Final EIS on page I-153 with the following response: Based on consultation with Montana Fish, Wildlife and Parks, no specific or potential "hot spots" have been identified, therefore the construction of full-fledged wildlife crossings are not currently being considered. As stated under the Final EIS *Section 4.14.2.6, Mitigation,* "…as the design process evolves, MDT will continue to evaluate appropriateness and necessity of wildlife crossing mitigation measures such as signage, wildlife detection systems, over-sized culverts, etc."

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April 27, 2009

Tom Martin
MDT
PO Box 201001
2701 Prospect Ave
Helena, MT 59602-1001

Dear Mr. Martin:

We are the only people living West of the preferred route (5) for the proposed highway. We own land in sections: 11, 2, 1, 14, 15, 21 and 22 of 35 23E. Our lane now goes east on the boundary between sections 1 + 12. (Whitehorse Ranch Rd)

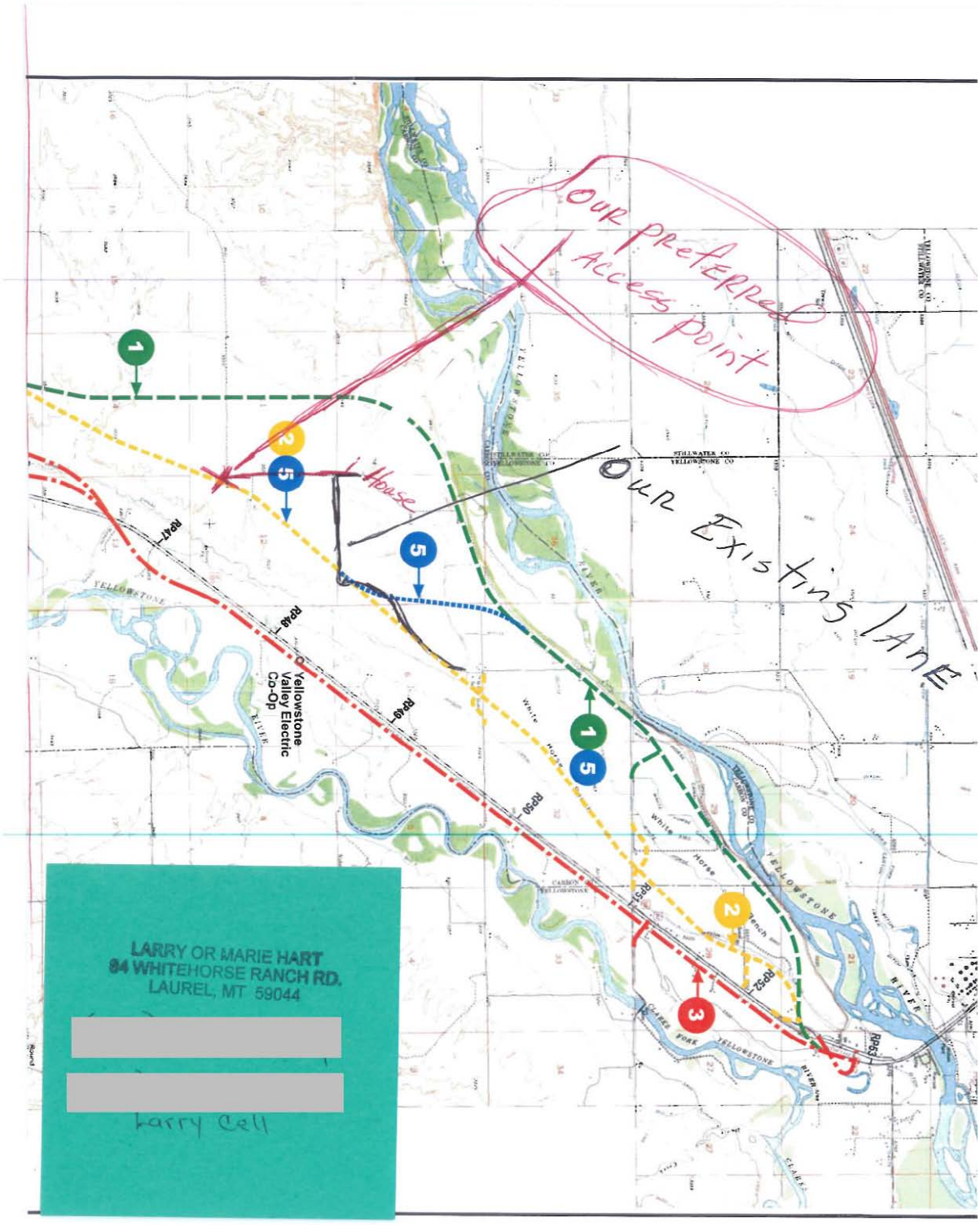
We would prefer an access point to the highway where the highway crosses the boundary between sections 11 + 12, which is directly South of our house and yard. 5-1

This point is also owned by James Anderson and Robert Hollister, who would also like an access point at this location. (See Enclosed Map)

We have an abundant supply of gravel. We would like to sell for construction of the highway. We would be willing to beat any other's price. Thank you.

Larry Hart Marie Hart

5-1 As stated in the Final EIS, *Section 2.2.3.2, General Access Management*, reasonable access would be maintained to existing parcels adjacent to the highway. Access to businesses and residences would be determined during the design phase of the project. Your recommendation would be considered at that time. When the projects are advertised for construction, potential bidders would be responsible for making their own arrangements for gravel sources. You can make arrangements with the bidders at that time.


Our Preferred Access Point
Our Existing Lane
House
Yellowstone Valley Electric Co-Op
LARRY OR MARIE HART
84 WHITEHORSE RANCH RD.
LAUREL, MT 59044
[redacted]
[redacted]
larry cell

No comments were delineated for the part of the letter shown on the facing page.

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May 8, 2009

Tom Martin

In regard to the proposed U S 212 highway from Laurel to Rockvale.
alignment 1 and 2 have obstacles with pivot irrigation systems that would put complete farms on the White Horse bench to non irrigated farmes.
The most logical alignment would be 3 and 3A,

6-1

Sincerely

Kaufman Brothers
Roy Kaufman

22 Whitehorse North Rd
Laurel, MT 59044-9208

6-1 We appreciate your concerns expressed regarding potential conflicts with your irrigation systems. MDT and FHWA have selected Alternative 5B—Combined West Bench (Selected Alternative), for implementation. The Selected Alternative will impact the pivot irrigation systems you refer to. During detailed design, contact would be made with affected land owners to identify impacts and minimize those as much as practicable. Mitigation of impacts would be negotiated on an individual basis during right-of-way acquisition.

Comment Letter 7—Michael Kroft

From: Michael Kroft
To: mdtcommentsrockvale@mt.gov
Cc: Knight, Jen/BOI; Alters, Steve/CIP
Subject: Rokvale to Laurel FEIS Comment
Date: Monday, May 11, 2009 11:49:41 PM

Tom Martin P.E.
Environmental Services Bureau Chief
Montana Department of Transportation

Whereas your study indicates that " the overall visual effects of the landscapes would not be greatly affected by the proposed project" (4.19.1.2) my family's visual landscape quality will be greatly impacted. Depending on which alternative is chosen, my residence could be surrounded by up to three sides of the new route (figure A-5C-Alt 5B option 3).

I am greatly concerned by the visual and noise impact that this will cause.

From your drawing it appears that my residence will be within 40-50 meters of the new proposal and within 100 meters to the peak of the railroad overpass. At what elevation is that overpass and it's on and off ramp compared to existing structures and residences in the immediate area? 7-1

What measures will be taken to minimize this visual and noise impact?

I am greatly concerned by these impacts.

Currently I have a very nice view of the Beartooth Mountain Range. From your drawings it appears that will be blocked and my family will get a clearer view of the new railroad overpass and on and off ramps. 7-2

What measures will be taken to minimize this visual and noise impact?

According to your study, my property has the greatest current impact from noise at 67 dBA. This level of impact is achieved even with a large earthen berm due to the current railroad underpass and being adjacent to the highway on only one side. Explain how your study found the noise impact to decrease by 4 dBA even though the new proposal will include an overpass which will no longer include any buffering structure. In addition the new proposal will be adjacent to my residence on at least 2 sides and possibly 3 sides. 7-3

What measures will be taken to minimize this visual and noise impact?

I strongly oppose my approach being relocated to include a railroad crossing and will seek any other access options. 7-4

Thank you for the opportunity to express our concerns. We look forward to addressing these matters.

Respectfully,

Mike Kroft
1934 Hwy. 212 S.
Laurel, Mt 59044
[redacted]

7-1 The noise analysis conducted in the project area is discussed in the Final EIS, *Section 4.9, Noise*. The analysis takes into account the elevation of the railroad structure which is approximately 30 feet above the railroad tracks. Noise impacts would be dealt with in accordance with MDT's *Traffic Noise Analysis and Abatement: Policy and Procedure Manual* (2001). A copy of the 2001 Noise policy can be obtained on the Internet at the following location: http://mdt.mt.gov/business/contracting/docs/npolicy.pdf, or by contacting MDT's Billings District Office at 424 Morey in Billings, Montana.

7-2 As stated in the Final EIS, the roadway would alter the existing landscape, including views from residences. The degree of visual change would be different from each viewing location. Techniques would be developed during final design to minimize the visual effect resulting from larger features such as bridges and road cuts.

7-3 Noise level measurements were not taken at receiver 1-R227W. Noise measurement 4 was made near the receiver in that area, but at the right-of-way line, 64 feet from centerline. The modeled receiver location (1-R227W) is approximately 160 feet from centerline. The noise model was validated within required parameters and 63 dBA represents the "existing" conditions for homes in that area. Design year noise levels are not expected to be higher than existing because the effect of raising the grade of the roadway will carry more noise from the road over the nearby structures, rather than directly to them. Also, eliminating the existing highway near receiver 1-R227W removes much of the sound energy that is currently directed at the home from the south. As noted in response 7-1 above, noise impacts would be dealt with in accordance with MDT's *Traffic Noise Analysis and Abatement: Policy and Procedure Manual* (2001).

7-4 During final design, each affected landowner would be contacted to ensure that reasonable access to his or her property is maintained, and that impacts to the property are minimized as much as practicable. In the case of Mr. Kroft's property, the configuration of the intersection for the Selected Alternative would allow an opportunity to explore access options. During final design, options that avoid a railroad crossing would be explored.

From: Keay Nutting
To: mdtcommentsrockvale@mt.gov
Cc: Knight, Jen/BOI; Alters, Steve/CIP
Subject: Rockvale to Laurel FEIS Comment - Nutting Property
Date: Tuesday, April 07, 2009 7:37:31 PM

On page I-115 in response R14.8. The response says that acquisition for right of way use would not affect the ability to farm the property. Exactly how would that work when the road affects 8-10 of the 5 acres parcels of Platted Subdivision Orchard Estates, or approximately 40-50 acres, and the road appears to go diagonally through this acreage?

What is the actual impact? Is it 8 parcels of Orchard estates as noted in response R14.6 or parcels 1-9 and 12 as noted in R14.3 or something different? The two answers in the Final EIS are conflicting. Again I ask the question, how can this not affect the ability to farm? Is there no way to minimize the impact to my property? 8-1

If there is an impact, when would acquisition of right of way begin? When would construction begin? I need to know what to communicate to my lender who has a stake in this too. 8-2

Keay Nutting
4339 US Highway 310
Joliet, MT 59041

Can you please do me a favor and black out my personal email address in the final EIS? That is not something I want plastered all over the internet. 8-3

8-1 You are correct that there is a discrepancy in the Final EIS between Responses R14-3 and R14-6 regarding the number of parcels in Hughes Orchard Tract No. 7. The Selected Alternative affects a total of 10 parcels. The affected parcels consist of Parcels 1 through 9 and Parcel 12. This would result in a reduction of your land available for farming. The proposed right-of-way requirement is estimated to be approximately 12 to 15 acres. During final design, exact impacts to your property would be finalized, and you would be contacted to ensure that reasonable access to your property is maintained and that impacts are minimized as much as practicable. Regarding your ability to farm, reference is made to *Appendix H: Section 106 Determination of Effect* in the Final EIS. In part, it states: "All of the buildings and structures associated with the site would remain intact and untouched by the project. Its current function as a working farmstead would be perpetuated and remain unchanged as a result to the proposed project."

8-2 Thank you for your recent comments concerning the project. The issuance of this Record of Decision marks a milestone for this project. Now that the Record of Decision is signed, MDT can begin the detailed design process. This is a large project that will be designed and constructed in pieces. The first piece will be the "South of Laurel – RR Overpass" project which is approximately 1 mile of the northern-most segment of the proposed route, published in MDT's 2009-2013 Statewide Transportation Improvement Program. An expanded discussion on construction phasing is in the Final EIS on pages v-vi, *Construction Phasing, Cost Estimate, and Funding*. The design could take up to 2 to 3 years. Right-of-way acquisition should begin in 3 to 4 years, and if funding is available, the first project could be under construction in the range of 5 to 6 years. These times are estimates and may be extended or reduced depending on complexity of final design. During the detailed design, information would be solicited from the affected land owners and business owners to ensure that reasonable access would be maintained to existing parcels adjacent to the highway. Please note that your property at this address is not affected by the "South of Laurel—RR Overpass" project.

8-3 All comments received on the Final EIS are publically disclosed to include names, addresses, and email addresses.

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April 28. 2009

Tom Martin
Montana Department of Transportation
P. O. Box 201001
2701 Prospect Avenue
Helena, MT 59602-1001

Dear Sir:

After reviewing the FEIS for the Rockvale to Laurel Highway Reconstruction Project, we feel that alternative 2 should be rejected!

The Rio Vista Estates Subdivision is bordered by South White Horse Bench Road and it appears that the intersection of Alternative 2 and South White Horse Bench Road will compromise the subdivision. To date there are nine new homes occupied in this subdivision and two additional homes are in the processes of planning;building. There are an additional eighteen (18) lots developed for sale.

Carbon County required a Public Water System (in compliance with MDEQ), an irrigation system with water from White Horse Canal and a large fire repression tank to be in place prior to the sale of any lots. All lots have the water systems and required improvements in place and are functioning well. However, if Alternative 2 were built it appears that it would destroy the water system in the subdivision as the connecting on ramps would replace the wells and pump house. An adequate water source was difficult to find on this property. Replacement wells may not be a possibility. A compromised water system would result in damage to the subdivision. We would expect to be fully reimbursed for the unsold lots. The eleven homeowners would also need to be considered if Montana Department of Transportation compromises this property. 9-1

There is also a gas pipeline, property of Williston Basin, that passes diagonally across Rio Vista Estates subdivision. Proposed Alternative 2 would compromise the integrity of the pipeline and therefore, the safety of residents and property in this subdivision.

We feel that Alternative 2 must be rejected.

Respectfully yours,
James M Quinn
Loretta M Quinn
James and Loretta Quinn
LJ Quinn, Inc.
63 Valley Creek Road
Park City, Montana 59063

9-1 The Preferred Alternative in the Final EIS is Alternative 5B. The Selected Alternative for implementation is also Alternative 5B.

Comment Letter 10—Wayne Schneider

From: Wayne Schneider
To: mdtcommentsrockvale@mt.gov
Cc: Knight, Jen/BOI; Alters, Steve/CIP
Subject: Rokvale to Laurel FEIS Comment
Date: Tuesday, April 28, 2009 9:19:38 AM

I would like to know what route option is going to be used. I am also concerned about the impact this project will have an my water well and also my spring. 10-1

Wayne Schneider
Motor Power Equipment Co.
[redacted]
Cell phone [redacted]
[redacted]

10-1 The Preferred Alternative in the Final EIS is Alternative 5B. The Selected Alternative for implementation is also Alternative 5B. A hydrogeologist has investigated concerns on affecting springs and groundwater, discussed in *Section 3.10.7, Groundwater* of the Final EIS. Impacts to groundwater are not expected.

Comment Letter 11—Lou Seymour

From: Grant, Paul
To: Studt, Mark; Gocksch, Thomas; Knight, Jen/BOI; Alters, Steve/CIP; Bruner, Heidy
Subject: FW: Comment on a Project Submitted
Date: Thursday, April 09, 2009 8:16:48 AM

FYI

-----Original Message-----
From: www@mdt.mt.gov [mailto:www@mdt.mt.gov]
Sent: Wednesday, April 08, 2009 4:52 PM
To: MDT Comments - Project
Subject: Comment on a Project Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Action Item: Comment on a Project
Submitted: 04/08/2009 16:51:34
Project Commenting On: Rockvale to Laurel Road Reconstruction
Project State Highway No.: 212/310
Nearest Town/City to Project: Rockvale
Name: Lou Seymour
Address Line 1: 27 Gibson Road
City: Joliet
State/Province: MT
Postal Code: 59041
Email Address: [redacted]
Phone Number: [redacted]

Comment or Question:
I see that the EIS is out for this project. Could you tell me what the schedule is from here as far as getting started on this project? When will one of the alternative routes be chosen? When is construction likely to start and finish? 11-1

As a CH2M Hill stockholder, I should be happy that this project has extended so far beyond the original schedule, because the company is undoubtedly doing well on this project. However, as a father of two teens who will be driving this road in the next few years, I would like to get this done now. There are 14 white crosses along this route now, plus another three deaths that I know of without crosses. The longer this takes, the more crosses will go up.

Submitter's IP address: [redacted]

Reference Number = picomment_7806396484375

11-1 Thank you for your recent comments concerning the project. The issuance of this Record of Decision marks a milestone for this project. Now that the Record of Decision is signed, MDT can begin the detailed design process. This is a large project that will be designed and constructed in pieces. The first piece will be the "South of Laurel—RR Overpass" project which is approximately 1 mile of the northern-most segment of the proposed route, published in MDT's 2009-2013 Statewide Transportation Improvement Program. An expanded discussion on construction phasing is in the Final EIS on pages v-vi, *Construction Phasing, Cost Estimate, and Funding*. The design could take up to 2 to 3 years. Right-of-way acquisition should begin in 3 to 4 years, and if funding is available, the first project could be under construction in the range of 5 to 6 years. These times are estimates and may be extended or reduced depending on complexity of final design. During the detailed design, information would be solicited from the affected land owners and business owners to ensure that reasonable access would be maintained to existing parcels adjacent to the highway. MDT and FHWA have selected Alternative 5B—Combined West Bench (Selected Alternative), for implementation.

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April 28, 2009

Tom Martin, PE
Environmental Services Bureau Chief
Montana Department of Transportation
2701 Prospect Ave.
P.O. Box 201001
Helena, MT 59620-1001

Subject: Final Environmental Impact Statement (FEIS)
Proposed Transportation Project, Rockvale to Laurel
NH 4-1(21)43
Control Number: 4070

Dear Mr. Martin:

Thank you for your letter and the copy of the Final Environmental Impact Statements.

On Figure 3-4 Public Water Sources, the Public Water Supply for the El Rancho Inn is in the wrong place. The El Rancho Inn is located on the west side of the highway. On Figure A-16, the El Rancho Inn is located in the right place. It is marked "Restaurant and Bar". They get their water from the Lehrkind Spring. 12-1

Also, on Figure A-16, there should be a residence on the south side of the proposed route going through the west side of Silesia. Will this residence be taken out?

There are 5 families using the water from the Lehrkind

12-1 Thank you for this valuable information regarding the water supply and the delivery system. During detailed design, individual property owners would be contacted to make sure the project would not impact any drinking water sources. The residence that you noted missing from Figure A-16, west of Silesia, will not be affected by this project. MDT and FHWA have selected Alternative 5B—Combined West Bench (Selected Alternative), for implementation, and that route is approximately 3/4 mile west of Silesia.

Spring. The Lehrkind Spring runs through a pipe from approximately 1/4 or 1/2 mile on the west side of the existing highway east until it reaches our residence. In some places, the pipe is not buried very deep. The Lehrkind Spring runs through Norm Hoferer's pasture and under the existing highway and railroad. The Lehrkind Spring then runs behind James Butler's residence down to our residence. We would like to know what is going to be done to keep our Lehrkind Spring running.

12-1 (cont.)

The proposed routes into Rockvale with raised medians and around Rockvale (Figure A-6 and A-12), would kill 3 or 4 businesses.

12-2

Thank you for your time and consideration.

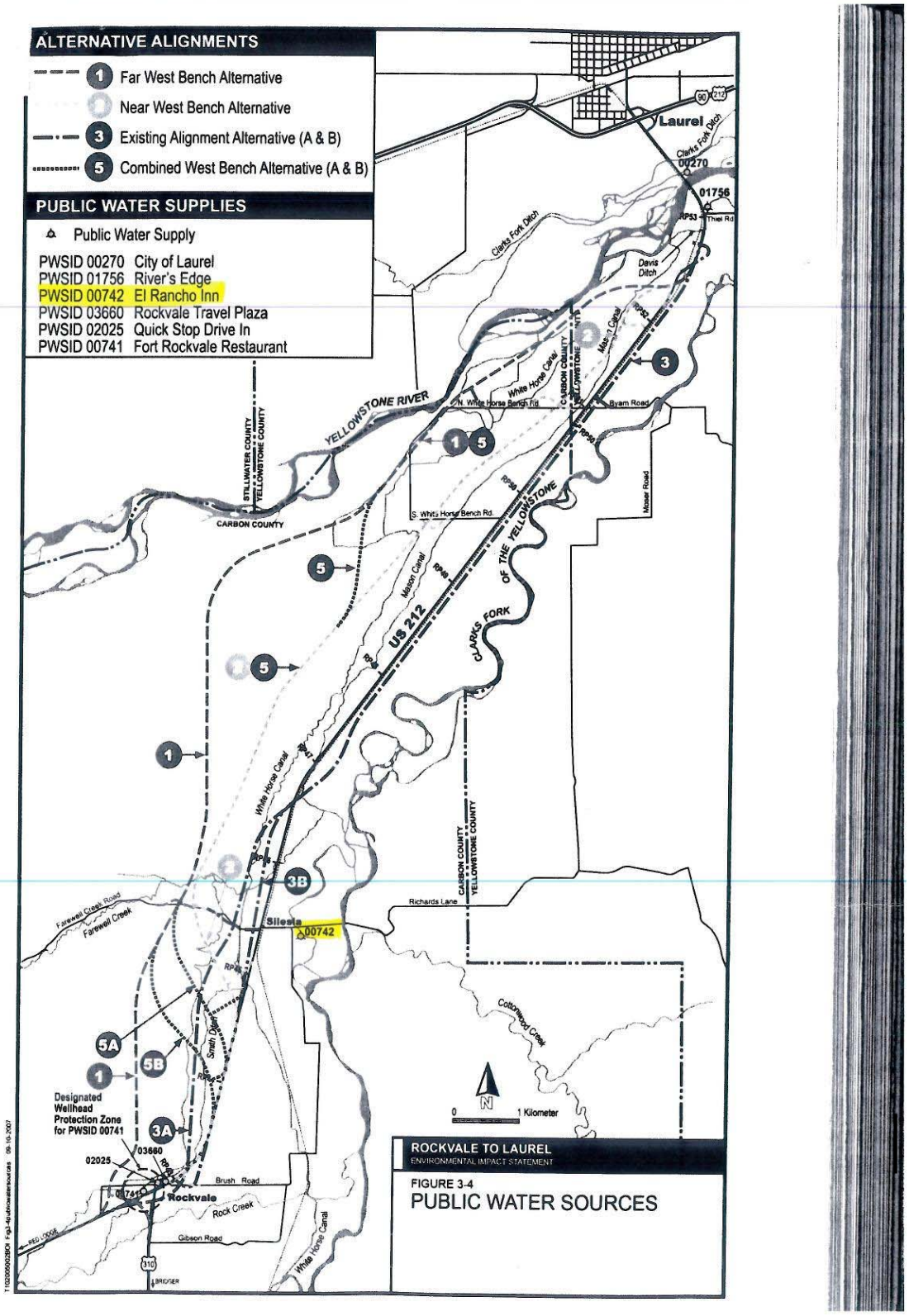
Sincerely,

Theodore & Maria Weis

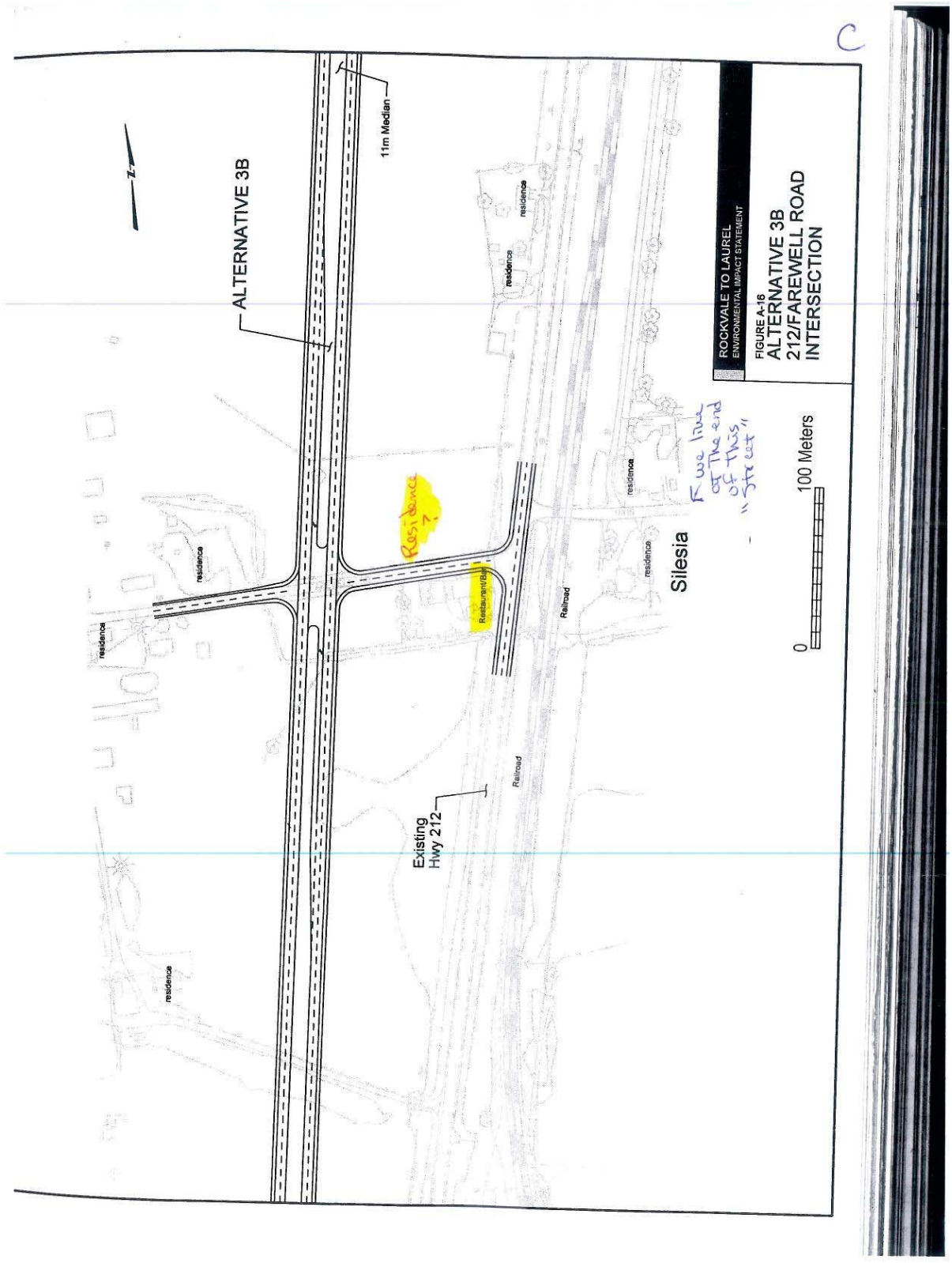
Theodore and Maria Weis
27 Broadway Ave.
Sileisa, MT 59041-9301

Enclosures

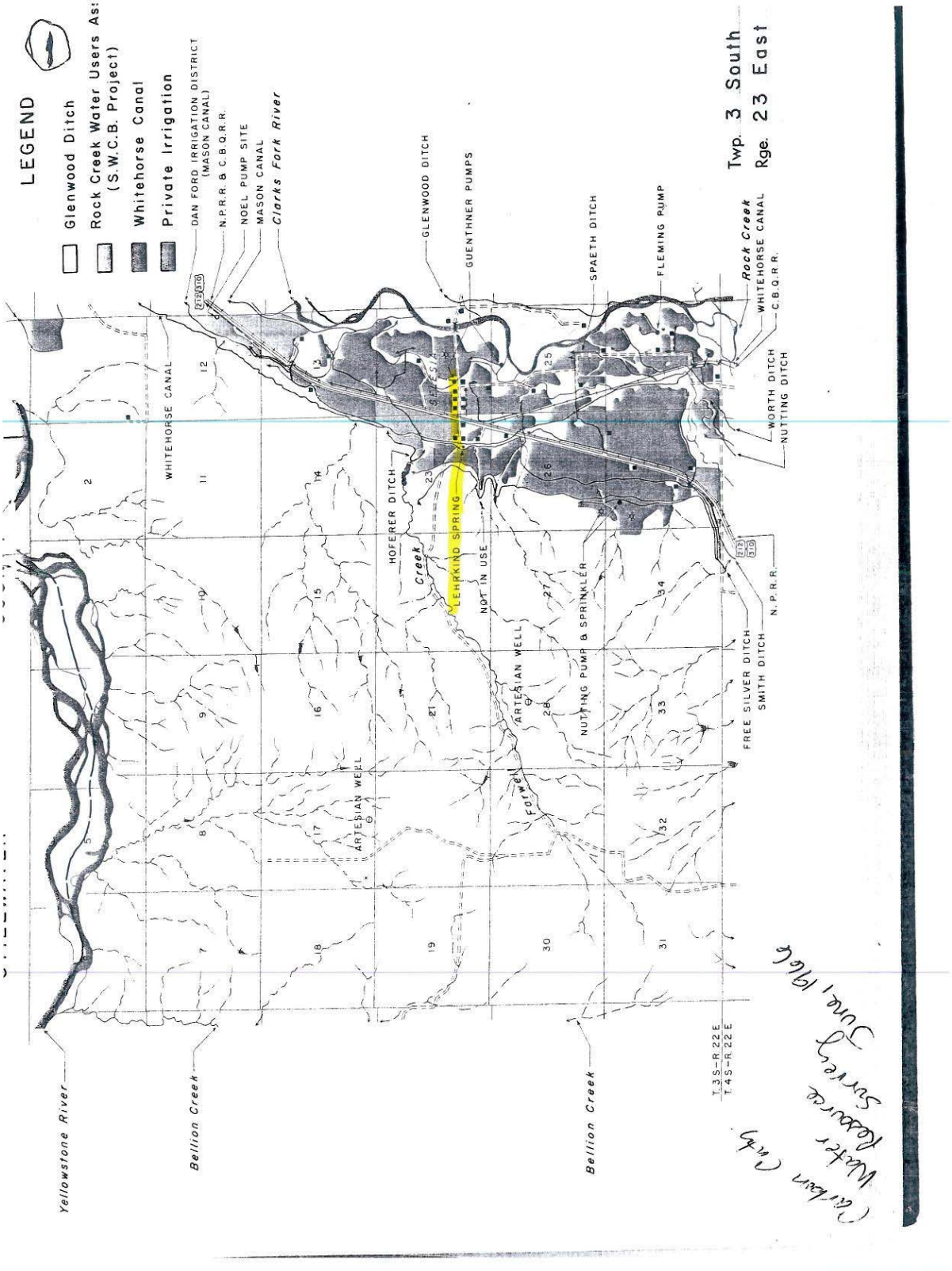
12-2 Final EIS, *Section 2.2.3, Access Management,* describes the purpose of access management and indicates the necessity to balance access needs of individuals with those of the transportation system, including providing a safe facility. For the purposes of evaluating the environmental impacts, the designer develops a conceptual design that satisfies these goals. Other details would be worked out during detailed design when the definition of the issues is clearer. This process may result in changes to the details of the project. During the detailed design, information would be solicited from the affected land owners and business owners to ensure that reasonable access would be maintained to existing parcels adjacent to the highway.


ALTERNATIVE ALIGNMENTS
1 Far West Bench Alternative
Near West Bench Alternative
3 Existing Alignment Alternative (A & B)
5 Combined West Bench Alternative (A & B)
PUBLIC WATER SUPPLIES
Public Water Supply
PWSID 00270 City of Laurel
PWSID 01756 River's Edge
PWSID 00742 El Rancho Inn
PWSID 03660 Rockvale Travel Plaza
PWSID 02025 Quick Stop Drive In
PWSID 00741 Fort Rockvale Restaurant
Laurel
Clarks Fork Ditch
00270
01756
Thiel Rd
Davis Ditch
Mason Canal
White Horse Canal
N. White Horse Bench Rd
Ryam Road
YELLOWSTONE RIVER
STILLWATER COUNTY
YELLOWSTONE COUNTY
CARBON COUNTY
S. White Horse Bench Rd.
Moser Road
CLARKS FORK OF THE YELLOWSTONE
US 212
Richards Lane
Farewell Creek Road
Farewell Creek
Silesia
00742
Cottonwood Creek
Smith Ditch
Designated Wellhead Protection Zone for PWSID 00741
03660
02025
00741
Rockvale
Brush Road
Rock Creek
Gibson Road
BRIDGER
0 1 Kilometer
ROCKVALE TO LAUREL
ENVIRONMENTAL IMPACT STATEMENT
FIGURE 3-4
PUBLIC WATER SOURCES

No comments were delineated for the part of the letter shown on the facing page.


ALTERNATIVE 3B
11m Median
residence
residence
residence
residence
residence
residence
residence
Restaurant/Bar
Railroad
Railroad
Silesia
Existing
Hwy 212
0
100 Meters
ROCKVALE TO LAUREL
ENVIRONMENTAL IMPACT STATEMENT
FIGURE A-16
ALTERNATIVE 3B
212/FAREWELL ROAD
INTERSECTION

No comments were delineated for the part of the letter shown on the facing page.


LEGEND
Glenwood Ditch
Rock Creek Water Users Ass (S.W.C.B. Project)
Whitehorse Canal
Private Irrigation
DAN FORD IRRIGATION DISTRICT (MASON CANAL)
N.P.R.R. & C.B.Q.R.R.
NOEL PUMP SITE
MASON CANAL
Clarks Fork River
GLENWOOD DITCH
GUENTHNER PUMPS
SPAETH DITCH
FLEMING PUMP
Rock Creek
WHITEHORSE CANAL C.B.Q.R.R.
WORTH DITCH
NUTTING DITCH
Twp. 3 South
Rge. 23 East
WHITEHORSE CANAL
HOFERER DITCH
Creek
LEHRKIND SPRING
NOT IN USE
ARTESIAN WELL
NUTTING PUMP & SPRINKLER
FREE SILVER DITCH
SMITH DITCH
N. P. R. R.
Yellowstone River
Bellion Creek
Bellion Creek
T 3 S—R 22 E
T 4 S—R 22 E
Water Resource Survey June 1966

No comments were delineated for the part of the letter shown on the facing page.