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FHWA  
MONTANA DIVISION

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Subject: **STPS 354-1(9)5**  
**8 km S. of Polson - South**  
**UPN 3606**

This is a request for the FHWA's concurrence that the proposed project meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR 771.117(d). The proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.).

**PROJECT DESCRIPTION**

The MONTANA DEPARTMENT OF TRANSPORTATION (MDT) plans to improve transportation on Secondary Highway Route 354 (FAS 354) by reconstructing 11.48 kilometers (km) (7.13 miles) of the route south of Polson. This roadway is locally referred to as the "Back Road." The proposed work will be done under a project designated as "8 km S of Polson-South" [STPS 354-1(9)6; UPN 3606]. FAS 354 is on the State Secondary Highway System and is functionally classified as a rural collector. A project location map is attached.

The proposed project is located in Lake County and begins approximately 8 km (5 miles) south of Polson at R.P. 5.45. The project extends 11.48 km (7.13 miles) south to R.P. 12.6—the end of Secondary 354 at the T-intersection with FAS 211 (Round Butte Road). The project area is located in Sections 5, 6, 7, 8, 31 and 32 of Township-22-North, Range-21-West and Sections 18 and 17, 19 and 20, 30 and 29 and 31 and 32 of Township-21-North, Range-21-West. This proposed project is located entirely within the boundaries of the Flathead Indian Reservation.

The existing roadway has a gravel surface 6.7 to 7.6 meters (m) (22 to 25 feet) in width. The proposed reconstruction project on FAS 354 will increase the road's width to provide a uniform 9.2 m (30 feet) wide paved surface throughout the project area. The new road will accommodate two 3.6 m (12-foot) wide driving lanes and two 0.9 m (3-foot) wide shoulders. The proposed roadway construction will meet MDT's geometric design standards for Rural Collectors.

The initial 1.36 km (0.84 miles) of the route south of Eli Road [from approximately Station 76+40 to Station 90+00] will be built on a new alignment. The remainder of the project will maintain the existing centerline of the roadway as much as possible to minimize impacts to

adjacent properties. A 535 m (1,755 foot) radius horizontal curve is planned for the project's northern terminus on Paulson Road to its connection with Eli Gap Road and FAS 354.

Much of the existing road is at or slightly below the elevation of the surrounding terrain so MDT plans to raise the grade of the road wherever possible to ensure that the facility is above roadside irrigation ditches that lead to wet subgrades. This will also help reduce right-of-way impacts.

Public road approaches will be rebuilt to match the new highway alignment at the following locations:

- Eli Gap Road;
- Pablo West Road;
- Carbine Road;
- Stinger Road;
- Rolling Road;
- Robertson Road
- Round Butte Road.

In addition, existing private property and farm field approaches will be reconstructed to match the new highway alignment.

A 4.88 m (16 foot) by 2.44 m (8 foot) by 56.5 m (185 foot) box culvert will be installed to replace the existing 5.5m (18 foot) by 20.25 m (66.44 foot) bridge over the Pablo A Canal near the north end of the project.

Other activities associated with the project include: right-of-way acquisition, relocating conflicting utilities, installing drainage improvements, grading, gravel placement, plant mix surfacing and installing new signs and pavement markings.

Improving the safety of this roadway is a priority for MDT and Lake County. The following construction activities are proposed for FAS 354.

- widen the road to a 9.2 m (30 foot) paved surface;
- flatten curves;
- grading to improve sight distance;
- improve drainage;
- right-of-way acquisition;
- installation of a box culvert in the Pablo Canal; and
- utility relocation

## **PURPOSE AND NEED**

The principal purpose of the proposed project is to enhance traffic operations and safety on Montana FAS 354 by reconstructing and widening the existing roadway to meet MDT's geometric design

standards for Rural Collectors (Non-NHS Secondary). To accomplish this purpose, the proposed action would:

- incorporate physical changes to the roadway and its adjoining environment so the road's design complies with MDT's geometric design standards;
- provide a paved roadway surface;
- safely accommodate current and expected increases in traffic;
- replace aging or deteriorated highway infrastructure including associated bridges, culverts and pipes;
- improve the operation and efficiency of the facility for the traveling public by enhancing sight distance within the corridor.

FAS 354 was constructed by Lake County in 1945 and has since received little improvement. The road has a gravel surface and MDT proposes to pave it to make it a smoother, safer, all-weather facility that meets MDT's design standards. FAS 354 fails to meet at least two of the Geometric Design Criteria for Rural Collector Roads adopted by MDT (secondary highways not in the National Highway System). These criteria include requirements for a paved surface, minimum widths of 8.4 m (27.5 feet), horizontal and vertical alignment and roadside slopes.

Improving FAS 354 to meet MDT's design standards will result in several benefits. First, paving the roadway eliminates costs associated with continual requirements for grading to maintain a decent driving surface. Among other problems, gravel roads are prone to washboarding and the loss of fines over time. Paved roads are not subject to these problems and offer the added benefits of road dust reduction, easier snow removal and decreased vehicle wear and tear.

An accident history was completed for the ten year period from January 1, 1995 through December 31, 2004. There were 17 recorded accidents, 12 of which resulted in no injuries. No fatal accidents were reported in this time period. Three of the crashes were partially attributed to ruts, holes and bumps in the road while a hill obstruction contributed to another. Other common factors in these crashes included careless driving, excessive speeds and alcohol.

The accident rate assigned to this road was 4.50—2.6 times higher than the statewide average rural secondary highways. The accident severity rate for FAS 354 was 9.81—2.4 times higher than the statewide average.

The areas south of Polson and west of Pablo and Ronan have recently experienced increases in population and land use changes that have contributed to increased traffic volumes on FAS 354. Reconstruction of FAS 354 will improve emergency service access, north-south travel and the safety and operational efficiency of the roadway in this developing area. The road will better serve improved access to recently completed and planned residential and development west of U.S. Highway 93 and south of Polson.

The average daily traffic (ADT) volume for FAS 354 in 2003 was 230 vehicles per day. Design year (2024) ADT is expected to be 330.

## ENVIRONMENTAL IMPACTS

The proposed project has been evaluated for, and will have minor effects on the following environmental areas of concern:

### Prime, Unique and Important Farmlands

The U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) was contacted on February 15, 2005 about the presence of farmland in the project area. A Soil Conservationist for the NRCS indicated that the proposed project would cross six areas containing three different soil types that meet the requirements for Prime Farmland If Irrigated. These soils (listed by soil number and name) include:

- 165 Truscreek silt loam, 0 to 2 percent slopes;
- 84 Kerl loam, 2 to 4 percent slopes; and
- 95 Lonepine silt loam, 2 to 4 percent slopes.

The proposed project will directly convert an estimated 0.91 ha (about 2.25 acres) of these soil types to new right-of-way. A Farmland Conservation Impact Rating form (#AD-1006) was processed for this project in accordance with the *Farmland Protection Policy Act* (FPPA - 7 U.S.C. 4201, et seq.). The *Total Points* for this project's Site Assessment Criteria are 146 points. The NRCS completed the attached (#AD-1006) form and concurred that under 7 CFR 658.4(c), no additional consideration for protection is necessary.

### Stream Modifications and Water Quality

The CSKT manages the federal *CLEAN WATER ACT (CWA) SECTION 303* Water Quality Standards Program and *CWA SECTION 401* Water Quality Certification Program under an agreement with the ENVIRONMENTAL PROTECTION AGENCY (EPA). In addition to these programs, the CSKT administers the Water Quality Management Ordinance 89B to "restore and maintain the chemical, physical and biological integrity of Reservation waters" and a nonpoint source management plan prescribing best management practices for development at the watershed level.

The CSKT also established the Aquatic Lands Conservation Ordinance (ALCO) 87A to protect wetland resources on the reservation. ALCO prevents the degradation of Reservation waters and aquatic lands by regulating construction projects that may cause erosion, sedimentation or other disturbances. MDT will apply for an 87A (ALCO) permit prior to construction.

There are two major irrigation crossings and numerous minor crossings throughout the project. In several locations, the roadside borrow ditch is being used to carry irrigation water. MDT intends to raise the road grade and relocate irrigation facilities (including irrigation wastewater ditches) outside the right-of-way. Adjacent property owners and the Flathead Irrigation District will be involved with all irrigation design decisions.

The seasonal Pablo Canal—which originates from Pablo Reservoir to the north and east of the project area—is the primary feature influencing hydrology. The main canal flows underneath the existing roadway at RP 6.6, with various other irrigation ditches and canals crossing and paralleling the roadway over the entire length of the project.

The U.S. ARMY CORPS OF ENGINEERS (COE) views Headwaters, Inc. v. Talent Irrigation District, 243 F.3d 526 (9<sup>th</sup> Cir. 2001) as binding in the geographical jurisdiction of the U.S. Court of Appeals for the Ninth Circuit. In that case, the court held that irrigation canals—even those with intermittent flows—that receive water from natural streams and lakes, and divert water to streams and creeks, are connected as “tributaries” to those other waters. The Ninth Circuit further held that a “stream which contributes its flow to a larger stream or other body of water is a tributary and a ‘water of the United States.’” The Pablo Canal is considered jurisdictional because of its downstream connection to waters of the United States (Crow Creek and the Flathead River). These connections suggest that a Section 404 Permit will need to be acquired from the COE in the event that any placement of fill or excavation impacts the Pablo Canal.

Although impacts in the immediate project vicinity are expected to be negligible, construction activities will have the potential to deliver sediment down gradient of the project, potentially affecting aquatic resources downstream.

The potential for temporary decreases in water quality in the streams that collect runoff from the project area will be increased during construction since soils along the road will be disturbed. Without effective erosion control measures in place, sediments and nutrients could be transported by storm water runoff to surface waters. MDT's current design and construction procedures have been developed to minimize such impacts. All proposed work would be in accordance with the *Water Quality Act* of 1987 (P.L. 100-4, as amended). A Storm Water Pollution Prevention Plan (SWPPP) would be developed and implemented to assess the characteristics of the site, identify potential sources of pollutants, identify Best Management Practices (BMP's) to minimize or eliminate potential for pollutants to reach surface water through storm water runoff. Best Management Practices (BMPs), including temporary and long-term erosion control measures, would be considered in the design of a SWPPP for this project. The SWPPP would be developed using procedures and methods established in MDT's "Erosion and Sediment Control Best Management Practices: Reference Manual" whose main objective is to minimize erosion of disturbed areas during and after construction of the project. No long-term adverse effects on the water quality of the streams in the area are expected to result from this proposed project.

A Storm Water Pollution Prevention Plan will be designed for the proposed project and submitted to the National Pollutant Discharge Elimination System Coordinator at the CSKT Water Management Division.

## **Floodplains**

**Executive Order No. 11988** and the Federal Highway Administration's (FHWA) floodplain regulations (23 CFR 650, Subpart A) require that the effects of the proposed action be evaluated to determine if it encroaches on the “base” (or 100-year) floodplain.

The FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) produced Flood Insurance Rate Map (FIRM) panels for Lake County that identify 100-year floodplains. The project plans demonstrate that it is entirely within the area covered by FIRM panels 30047C0275B[1] and 30047C0335B[1] and is considered Zone X (areas determined to be outside the 100 and 500-year flood plain) and therefore complies with **Executive Order 11988**.

### **Erosion Control and Seeding**

The EPA and CSKT share regulatory authority over activities that may cause discharges of sediment into "state waters" on the Flathead Reservation (which include, but are not limited to lakes/reservoirs, rivers, streams, unnamed tributaries to state waters, wetlands, and irrigation channels). Permanent seeding of areas disturbed by construction activities beyond roadway surfaces is required on MDT's projects in rural areas and coordination must occur with the CSKT and Lake County.

Road construction will not cause notable adverse effects on surface water quality because Best Management Practices (BMP's) will be implemented during and after construction.

In accordance with **7-22-2152** and **60-2-208, M.C.A.**, MDT will re-establish a permanent desirable vegetation community along areas MDT right of way and construction easements disturbed by the proposed construction. A set of revegetation guidelines will be developed and required to be followed by MDT's contractor. These specifications include instructions on seeding methods, dates, mix components, and the types and amounts of mulch and fertilizer. Seed mixes include a variety of species to assure that vegetative cover immediately stabilizes areas disturbed by construction. The Seeding Special Provisions developed for the project will be forwarded to the Lake County Weed District and CSKT Natural Resources Department for review and approval.

**Executive Order No. 13112** addresses the responsibilities of federal agencies with respect to invasive species. A biological resources report (BRR) prepared for this project identified the presence of six noxious weeds in the project area. These invasive species included the following species considered to be Category 1: spotted knapweed (*Centaurea maculosa*), Canada thistle (*Cirsium arvense*), ox-eye daisy (*Chrysanthemum leucanthemum*), houndstongue (*Cynoglossum officinale*), and dalmatian toadflax (*Linaria dalmatica*). Category 1 noxious weeds are currently established and generally widespread in many counties of the state. Only one Category 3 species, yellowflag iris (*Iris pseudacorus*), was observed in the project area. Category 3 noxious weeds may be found only in small, scattered, localized infestations.

The proposed project's contractor must also follow the requirements of both the *County Noxious Weed Management Act (7-22-2101, M.C.A.)* as well as all county and contract noxious weed control provisions.

## Air Quality

The EPA is responsible for administering the federal *Clean Air Act*, as amended (**42 U.S.C. 7521(a)**) on this portion of Lake County, which overlaps the Flathead Indian Reservation. According to the *Clean Air Act*, Indian tribes are eligible to seek EPA approval to manage their own air quality programs. The CSKT is currently developing such a program and already has a functioning air quality monitoring program. This area is designated a Class One Airshed, which provides the highest level of protection from future air quality deterioration by limiting ambient pollution and reviewing new sources of air pollution. Because the proposed project is not located within or near the Polson or Ronan PM-10 Nonattainment Areas, the proposed reconstruction on FAS 354 will not contribute to new violations of air quality standards within the Nonattainment Areas.

“The proposed project is located in an “unclassifiable/attainment” area of Montana for air quality under 40 CFR 81.327, as amended. As such, this proposed project is not covered under the EPA’s **Final Rule** of September 15, 1997 on Air Quality conformity. Therefore, this proposed project complies with *Section 176(c) of the Clean Air Act (42 U.S.C. 7521 (a))*, as amended.

The only air quality concerns in the project area itself relate to dust generated by travel on the existing road. The proposed paving will provide localized benefits to air quality, as road dust generated by travel on this gravel-surfaced section of FAS 354 will be eliminated.

Short-term air quality impacts will be anticipated during construction of the proposed project due to the disturbance of relatively large areas and operation of heavy equipment in work zones. These impacts will be minor and limited to the construction period. Dust control may be needed for construction and for any unpaved routes used as detours.

## Wetlands

Land and Water Consulting, Inc. delineated wetland areas for this project in June 2004 according to criteria and methods outlined in the *COE 1987 Wetlands Delineation Manual* and the *MDT Montana Wetland Assessment Method* and completed a biological resources report (BRR). Wetland location maps, found plant species lists, COE Routine Wetland Determination forms and MDT Montana Wetland Assessment forms were completed for wetland sites identified within the project area. The BRR contains these materials.

A total of twenty-nine wetland sites (including three subsites) were delineated within the project area. These delineated wetland sites include:

- roadside ditch and irrigation ditch wetland sites;
- natural drainages with undefined channels fed by groundwater and supplemented by irrigation flows;
- two roadside ditch wetlands with associated large wet meadows fed by seepage from the main Pablo Canal; and
- two shallow ponds.

Twenty-eight of the delineated wetland sites may be directly affected by the proposed highway improvements project.

Wetland sites associated with roadside ditches, irrigation ditches, and naturally occurring drainages with high groundwater conditions are typically dominated by emergent species like broad-leaf cattail, reed canarygrass, creeping foxtail, hard-stem bulrush and reed meadowgrass. Beaked sedge, stalk-grain sedge, Baltic rush, curly dock, field mint and annual rabbit-foot grass are common species often found in wet meadows in the project area. The shallow ponds in the project area support emergent wetland vegetation around the periphery, with lesser duckweed being a common species at both sites.

A preliminary jurisdictional determination was made for each of the wetland sites identified in the project corridor. Twelve of the identified wetland sites bisected by this project will be considered likely jurisdictional because of their direct downstream connection to a water of the United States or because they have been determined to be adjacent to a water of the United States. Jurisdiction will ultimately be decided by the COE relative to each of the wetlands identified along this project.

As previously mentioned, 28 of the 29 wetland sites may be directly, permanently affected by construction; primarily as a result of fill placement and relocation of irrigation canals and ditches. In total, construction of the proposed project could result in the loss of approximately 3.33 wetland hectares (8.21 acres). This total includes 2.39 ha (5.90 acres) of Category III wetlands and 0.94 ha (2.31 acres) of Category IV wetlands. The largest individual impact along the project will occur at Wetland 13 with 0.56 ha (1.38 acres). The preliminary design plans also indicate that individual wetland impacts exceeding 0.2 ha (0.5 acres) may occur at four locations, including Wetlands 5, 12, 13 and 24.

Minor, temporary impacts within the right-of-way and temporary construction easements may also occur, although these impacts cannot be quantified as precise construction techniques/approaches are unknown at this time.

To date, MDT does not have revised plan sheets representing avoidance and minimization of wetlands along the proposed project. However, it is expected that the majority of impacts will occur at sites immediately adjacent to the existing road, often on both sides, and are largely unavoidable regardless of the direction of centerline shift or fill slope angle. MDT's road designers are analyzing various avoidance and minimization measures that could potentially be included with this project.

Compensatory mitigation for the projected wetland loss is being pursued under the 1996 MDT Interagency Wetland Group operating procedures. MDT is currently working with the CSKT to include the mitigation of this projects' wetland impacts in the wetland mitigation reserve agreement being developed for the Finley Creek Flats site. Temporary impacts to wetlands within the right-of-way and construction easement areas will be restored to original contours and revegetated immediately following construction.

### Threatened or Endangered Species

In accordance with *Section 7(a)* of the *Endangered Species Act (16 U.S.C. 1531-1543)*, MDT contacted the U.S. FISH AND WILDLIFE SERVICE (USFWS) for a list of endangered, threatened, proposed, and candidate species that could occur in the project area. Based on this consultation, the following threatened species could potentially occur in the project area.

- Bald Eagle (*Haliaeetus leucocephalus*)
- Gray wolf (*Canis lupus*)
- Grizzly bear (*Ursos arctos horribilis*)
- Bull trout (*Salvelinus confluentus*)
- Spalding's Campion (*Silene spaldingii*)
- Slender moonwort (*Botrychium lineare*), a candidate plant species

Based on research and field reviews, MDT's consulting biologists concluded in a biological resources report (BRR) that only the bald eagle and Spalding's Campion may occur in the vicinity of the proposed highway reconstruction project. These species and potential project-related effects are discussed below.

The BRR noted that there are no known occurrences of Spalding's Campion within 8 km (5 miles) of this project and the project area contains no habitat for this species. Because there are no known occurrences of this species or its habitat in the project area, the proposed project will have **no effect** on this threatened plant species.

Bald Eagle. According to bald eagle nesting records compiled by the MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS (MDFWP), three bald eagle nest sites are known to occur within a 8 km (5 mile) radius of the project. One nest site is known to occur at Pablo Reservoir approximately 2.4 km (1.5 miles) east of the project's northern terminus. The other two nests occur over 3.2 km (2 miles) south of the project's southern terminus near Crow Reservoir and Crow Creek. This project likely falls within the outer home range, an area defined to be within a 4 km (2.5 mile) radius of the nest site, at the three known bald eagle nests in the area. However, due to the lack of perch and roost trees and the lack of fish bearing streams in the project area, these resident birds likely spend little time in the immediate project area.

Eagles are known to winter in the project area, feeding primarily on winter and road-killed big game animals, fish and waterfowl. Migratory birds are also likely to use the project area as they travel between summer and winter ranges. Perch, nest and roost trees are limited in the project area and likely receive little use by resident or migratory eagles because of their close proximity to rural home sites.

Due to the potential year-round presence of bald eagles in the project vicinity, construction activities during all seasons could conceivably temporarily disturb or displace eagles where the project is visible from nesting, roosting and foraging habitat. However, these impacts are not considered substantial because the areas and duration of disturbance will be relatively confined and occur in an

already disturbed transportation corridor. Additionally, undisturbed similar habitat for displaced birds is abundant in the surrounding area.

A **may affect, not likely to adversely affect** determination was made for project-related effects to the bald eagle in the BRR. The BRR outlined several coordination measures to ensure any impacts to bald eagles area minimized including:

- confirming the nesting status of bald eagles in the project area prior to construction;
- coordinating with the MDFWP and CSKT to determine if any spatial or temporal restrictions are warranted if new nests are identified in the area at the time of construction; and
- implementing best management practices for erosion control to safeguard water quality.

### **Rare and Sensitive Species**

In addition to species listed by the USFWS under the *Endangered Species Act*, other species have been designated as rare, sensitive, or of special concern by the MONTANA NATURAL HERITAGE PROGRAM (MNHP) and the MDFWP.

A MNHP data search indicated only one known occurrence of a wildlife species of concern within several kilometers of the project. A small Great Blue Heron rookery has been documented at Pablo Reservoir north of the project. Although not documented by MNHP records of occurrence, the northern leopard frog, the Common loon, Trumpeter Swan and Peregrine Falcon are species of special concern listed by the MNHP that could occur in the general project area.

The MNHP database revealed that three rare plant species are known to occur within 8 km (5 miles) of the project—Chaffweed, Yellow-staining Collomia and Oregon Checker-mallow. However, none of these occurrences are located in the immediate vicinity of the project area.

No long-term negative impacts or irretrievable losses to rare and sensitive plants or wildlife or habitat are likely to occur as a result of this project. The cumulative impacts of this project and other developments in the area will not result in a decline of these species or populations.

### **Other Wildlife Resources**

The project area provides habitat for a wide variety of birds, mammals, reptiles and amphibians. Overall, the effects to wildlife in the project area would be minor since it will be built within an area that provides low to moderate quality habitat due to the relatively high level of human disturbance. Habitat for species potentially displaced by project activities is abundant and exists nearby. The most notable impacts to the wildlife species in the project area will be displacement during the reconstruction of the roadway. This impact will be temporary and no long-term negative impacts or irretrievable losses to wildlife or habitat are expected to occur. Disturbances to native plant communities that provide habitat for wildlife will be minimized and unnecessary disturbance beyond the construction zone will be avoided.

In accordance with the *Migratory Bird Treaty Act (16 U.S.C. 703-712* as amended) and **Executive Order No. 13186**, the project was reviewed for evidence of nesting and roosting sites to ensure this proposed project does not result in the death or injury to migratory birds. Field investigations for the BRR did not identify any nesting concerns for migratory birds. Therefore, this project does not warrant any special provisions to protect nesting bird species.

### **Land Use**

Land ownership in the project area includes private farmland, tribal trust and fee lands, federal lands and state lands. This area is primarily used for agriculture yet also includes a few scattered rural residences. Agriculture in the area is largely irrigated, cultivated farmland. Public recreational opportunities also exist at the Pablo Reservoir—just north of the project.

Overall, the land use impacts of the project are considered to be minor since this improvement project will not alter current land uses nor require the relocation of any residences or businesses. Minor amounts of land adjacent to the existing facility will be converted from their present uses to highway right-of-way. The proposed improvements to this highway will facilitate access to and from adjacent lands and make travel through the corridor safer and more efficient.

The *Lake County Growth Policy* (August 2003) cited the demand for improved transportation infrastructure in Lake County in response to increasing population. The proposed project will help address this identified need.

The CSKT have adopted the Flathead Reservation Comprehensive Resources Plan, a plan for protection and development of land-related resources. This proposed project will not conflict with the goals and policies of the Comprehensive Resources Plan.

### **Right-of-Way and Utilities**

The right-of-way report prepared for this project revealed that 48 property parcels are crossed by the proposed project. These parcels are primarily agricultural-dry land and irrigated cropland. No residential or commercial relocations are required for the proposed project.

The existing right-of-way for FAS 354 is typically 18.2 m (60 feet) on either side of the centerline. The proposed new right-of-way corridor will typically range from 17 m (56 feet) to 67 m (220 feet) from the centerline. The majority of the new right-of-way will range from 20 m (66 feet) to 24 m (79 feet) from the centerline. Completion of the proposed project will require acquisition of about 21 ha (51.90 acres) of right-of-way and an additional 2.8 ha (7 acres) of land for irrigation easements.

Acquisition of land, and improvements, for highway construction is governed by state and federal laws and regulations that are designed to protect both the landowners and the taxpaying public. Landowners affected are entitled to receive just compensation for any land or improvements acquired and for any depreciation in value of the remaining land due to the effects of highway construction. Acquisition will be accomplished in accordance with applicable laws; specifically,

Title 60, Chapter 4 and Title 70, Chapter 30, Mont. Code Ann.; and Title 42, U.S.C., Chapter 61, "Uniform Relocation Assistance And Real Property Acquisition Policies For Federal And Federally Assisted Programs."

### **Traffic and Circulation Impacts**

The provision of an improved, paved two-lane roadway on this section of FAS 354 will not be expected to substantially change local traffic patterns. This route functions as a rural collector roadway and the type of improvements being proposed meet MDT geometric design criteria for such facilities. Average daily traffic volumes are currently estimated to be about 230 vehicles per day and projected to increase to about 330 vehicles per day over the next twenty years.

Paving FAS 354 may lead to somewhat higher travel speeds on the route. The new paved roadway will be designed to a higher engineering standard and offer a substantially improved driving surface and safer roadside environment than that associated with the existing gravel roadway.

The proposed project will cause a minor disruption to the local circulation of traffic during construction. MDT will implement a traffic control plan to minimize the adverse effects of construction on traffic circulation, to ensure access to adjacent properties during the construction period and to promote work zone safety.

### **Social Impacts/Environmental Justice**

The proposed project will not significantly affect the location, distribution, density or growth rate of the population in the vicinity. The proposed improvements will not adversely affect any social or ethnic groups nor will they isolate or divide any existing residential areas.

The proposed project will be in accordance with **Executive Order No. 12898**, and will not create disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. The proposed project will also comply with the provisions of *Title VI of the Civil Rights Act* of 1964 (**42 U.S.C. 2000d**, as amended) under the FHWA's regulations (23 CFR 200).

### **Economic Impacts**

Direct economic benefits from this proposed project will be limited to the period of its construction. Lake County could see minor benefits if local workers and craftsmen are used for construction of the project or if project workers require housing in the area.

### **Noise**

This proposed project involves roadway reconstruction in a rural area with scattered residences. Only minor changes in vertical and horizontal alignment will occur within the project area. Paving and striping the road will designate travel lanes and shoulders on this route; however, the facility will continue to accommodate two-way travel.

MDT assessed the potential noise impacts from this project. The assessment concluded that the houses in the vicinity of the existing FAS 354 will not experience noise impacts as a result of this project. MDT's assessment also concluded that due to the nature of this project, a detailed noise analysis is not required.

### **Hazardous Materials**

The potential for the presence of hazardous wastes in the project area was researched in April 2005 and in an initial site assessment in 1999. This work did not identify any hazardous materials concerns or sources of hazardous wastes. Disposal of non-salvageable and leftover materials will be in accordance with all applicable laws, rules, and regulations, including the *Montana Solid Waste Management Act (75-10-203, M.C.A.)*.

The Contractor will be required to take precautions to minimize the effects of construction operations and to prevent leakage or spilling of fluids from construction equipment.

### **Historical/Cultural Resources**

An intensive survey of the project area was conducted in 2002 by the CSKT Tribal Preservation Department and included letters to area landowners to provide them an opportunity to participate in the cultural resource evaluation process. CSKT staff members walked the length of the proposed project and drove a group of Salish-Pend d' Oreille Elders through the area to help identify cultural issues and concerns.

The cultural resources report was completed for the proposed project in December 2002. The report identified 60 cultural resource sites within the project area, including historic buildings, structures, residences, stores, farms, irrigation systems, a bridge and a railroad. No historic tribal allotments were identified in the project area and no prehistoric cultural resources were discovered.

CSKT documented nine previously unreported cultural resource properties within the project area. Eight of the sites are historic agricultural settlements dating from the period after the opening of the Flathead Indian Reservation to white settlement. The remaining site is the extensive Pablo Canal A system and timber bridge. The canal system and timber bridge was the only one of the nine sites recommended as eligible for listing in the National Register of Historic Places. The 56.5m (18 foot) by 20.25 m (66.44 foot) timber bridge on the Pablo Canal (listed as site 24LA263 in the CSKT Cultural Resource Inventory) will be removed and replaced with a 4.88 m (16 foot) by 2.44 m (8 foot) box culvert. MDT has prepared a Determination of Effect document stipulating that removal of this bridge represents a minor impact to this NRHP resource and does not compromise the overall integrity of the site. Concurrence with this determination by the CSKT Tribal Preservation Department is pending.

### **Section 4(f) Impacts**

*Section 4(f)* of the 1966 *Department of Transportation Act* (49 U.S.C. 303) provides for the protection of publicly owned parks, recreation lands, historical sites and wildlife and waterfowl refuges. MDT's Determination of Effect document states that the proposed project will not impact any public parks, recreation lands, wildlife or waterfowl refuges nor significantly impact historical sites. A "Nationwide" Section 4(f) Evaluation for this project's minor impact on Pablo Canal A (site 24LA263) is attached.

### **Section 6(f) Impacts**

*Section 6(f)* of the *National Land & Water Conservation Fund Act* (16 U.S.C. 460) requires that coordination be undertaken to determine if federal funds were used to acquire or improve any lands in the project area for recreation or water conservation purposes. There are no public lands (public recreation sites) in the project area that have been acquired or improved with *Section 6(f)* funds located within the project area.

### **Indirect Effects**

Indirect (secondary) effects are those caused by the proposed highway reconstruction project but that occur at a different time and/or place. Transportation improvements often have the potential to induce growth and change patterns of land use, population density or growth rates, social and economic conditions, accessibility, traffic volumes, noise levels. Such induced changes may in turn, affect air and water quality and other natural systems.

The indirect effects associated with the 8 km S of Polson-South project are expected to be minor and several indirect effects may be beneficial. This conclusion was made because the primary purpose of the proposed project is to improve the safety and operational characteristics of an existing roadway through design changes and paving. The resulting facility will make travel on FAS 354 safer, more efficient, and more convenient for area residents and other highway users.

Other minor indirect impacts that could occur as a result of this project include:

- Paving the gravel surfaced road will increase in the amount of impervious surface area in the highway corridor. As a result, groundwater infiltration on and along the roadway will be reduced and larger quantities of runoff from the highway will transport roadway pollutants to area drainages.
- Providing a facility meeting MDT's geometric design standards for Rural Collectors may result in increased vehicle speeds and thereby reduce travel times for road users.
- Road users will benefit as wear and tear on vehicles will be reduced through road paving.
- Localized air quality benefits will be realized since paving the roadway will substantially reduce the generation of road dust

- Upgrades or minor enhancements to utilities in the project corridor will occur due to utility relocations.
- The minor loss of “Prime Farmland If Irrigated” will contribute to the continuing loss of farmland resources in Lake County.

Lake County has been, and continues to be, one of Montana’s most rapidly growing counties since 1970. Between 1990 and 2000, the County’s population increased by nearly 26 percent. Similarly, the population of the Flathead Indian Reservation increased over the same time period and showed a 23 percent increase in population between 1990 and 2000. The largest share of this population growth has occurred in rural areas and not within incorporated communities of Lake County. This growth has occurred for many years even without major transportation improvements being implemented in this area.

The proposed road reconstruction project may indirectly contribute to further growth and development in Lake County by providing a route that will make commuting to and from Polson from outlying areas to the southwest of the community quicker and safer. While this is a possibility, there are too many other factors that promote growth to make accurate predictions about exactly where and when such growth may occur. The factors include items such as the general economy, land prices, tax levels and the existence of services and infrastructure. Reconstructing this section of FAS 354 will not substantially change the character of the project area or cause current property owners and developers to build faster or any differently than they will have without the proposed project. For these reasons, it is not believed that reconstructing this existing roadway will be a major cause of additional residential growth and development in this part of Lake County and the Flathead Indian Reservation.

### **Cumulative Impacts**

Cumulative impacts are those effects that result from the incremental consequences of an action when added to other past and reasonably foreseeable future actions regardless of what agency (federal or non-federal) undertakes such actions. In order to help evaluate possible cumulative effects, research was conducted to identify other known or planned projects in the vicinity of the 8 km S of Polson-South corridor. Recently completed, ongoing, and reasonably foreseeable projects by MDT and others are described in the following paragraphs.

Projects Planned by MDT. The most notable work proposed by MDT in the project area involves the reconstruction of more than 90 km (56 miles) of U.S. Highway 93 between Evaro and Polson. The U.S. Highway 93 corridor is located about 6.4 km (4 miles) east of the 8 km S of Polson-South project corridor. The following projects (shown by their anticipated construction phasing) have been proposed for U.S. Highway 93 between Evaro and Polson:

- N of Arlee-Vic White Coyote Rd; NH 5-2 (119)19
- Minesinger Trail – MT 35; NH 5-2 (124)55
- Vic White Coyote Rd-S Ravalli; NH 5-2 (120)20

- Medicine Tree-Vic Red Horn Rd; NH 5-2 (122)32
- Spring Creek Rd-Minesinger Trl; NH 5-2 (123)48
- South of Ravalli-Medicine Tree; NH 5-2 (121)27
- Evaro-McClure Road; NH 5-1 (30)7
- McClure Rd-N of Arlee Couplet; NH 5-1 (31)13

Two of these projects, N of Arlee-Vic White Coyote Rd and Minesinger Trail – MT 35, were let to contract in September 2004 and March 2005, respectively. Both projects are currently under construction. MDT will implement the remainder of the reconstruction projects over the next three years.

Reconstruction of U.S. Highway 93 between Ronan and Polson may result in temporary increases in traffic on the Back Road if motorists choose this route to avoid construction delays associated with the Spring Creek Rd-Minesinger Trail project. There is no accurate way to predict how many motorists will choose to use FAS 354 as an alternate travel route during reconstruction on U.S. Highway 93 in the area. However, the route may tend to be an attractive alternative to delays on U.S. Highway 93 for some local road users.

In addition, MDT is currently preparing a Supplemental EIS (SEIS) addressing reconstruction of U.S. Highway 93 in the Ninepipe/Ronan area. The north end of the Ninepipe/Ronan SEIS project area is located about 6.4 km (4 miles) southeast of the 8 km S of Polson-South project corridor. The SEIS will identify alternatives and the associated environmental effects of reconstructing an 18 km (11.2 mile) long segment of the route from south of St. Ignatius (Red Horn Road) to Ronan (Spring Creek Road). The Draft SEIS should be completed and available for review in the fall of 2005 and should be finalized in 2006. A schedule for reconstruction of the route in the Ninepipe/Ronan area will be determined after a Record of Decision is made on the SEIS.

Efforts are also underway to determine the appropriate improvement project for U.S. Highway 93 from its intersection with Montana 35 north through Polson to the vicinity of the U.S. Highway 93/Rocky Point Road intersection.

One additional MDT project, Polson-East; STPP-NH 52-1(20) 0, was let to contract in December 2004 and is currently under construction. This reconstruction project will reconstruct 4.5 km (2.8 miles) of Montana Highway 35 beginning immediately east of U.S. Highway 93 at the south edge of Polson.

The MDT projects described above are being undertaken in response to the demands of increasing traffic volumes and the need to upgrade outdated facilities. The most apparent cumulative effect of implementing these projects will be a safer and more efficient road and system.

Because these projects are located considerable distances from the 8 km S of Polson-South project corridor and the timing of their construction activities will not coincide, none of these other MDT projects will have any significant cumulative environmental impacts on this proposed action. This proposed highway reconstruction project will also not cause significant cumulative environmental impacts on other MDT projects.

Planned Projects by Others in the Area. The Lake County Planning Office was contacted on April 14, 2005 to determine if any projects were underway or proposed in the vicinity of this project. The Lake County Planning Office confirmed that the MDT projects were the only developments planned for this area.

Conclusions. Based on the review of ongoing and planned projects by MDT and others, it was concluded that the proposed reconstruction of FAS 354 will not cause significant cumulative impacts to environmental resources in the 8 km S of Polson-South project area.

MDT will continue to coordinate future projects with the public and other appropriate agencies, complete a review of potential impacts to the environment, and identify requirements for mitigation of any adverse effects as projects are developed and implemented. Likewise, other future federal and state projects will be subject to reviews under NEPA and MEPA to determine if significant environmental impacts are likely and identify measures to mitigate any identified adverse effects.

Lake County's Growth Policy Plan and the CSKT's Flathead Reservation Comprehensive Resource Plan recognize that growth and development, if not planned, may cause adverse cumulative effects and change the "character" of the County and the Reservation. Lake County and the CSKT ultimately have the ability to control many potential cumulative effects associated with new growth and development through land use planning and environmental regulations.

### **Permits Required**

The proposed project will require the following be obtained prior to any relevant disturbances:

**Section 404 Permit.** A *CLEAN WATER ACT (33 U.S.C. 1251 - 1376) - Section 404* permit from the COE will be required for the placement of fill or excavation in delineated jurisdictional wetlands and irrigation ditches subject to the "Talent" decision associated with road construction. The COE will determine if this proposed project qualifies for a "Nationwide" permit under the provisions of 30 CFR 330.

**87 A (ALCO) Permit.** A Tribal Application for the Alteration of Aquatic Land or Wetland on the Flathead Reservation will be required for construction projects that could adversely affect the quality of Reservation waters and aquatic lands. This permit will be obtained from the CSKT Shoreline Protection Office.

### **COORDINATION**

This proposed project originally included two projects on FAS 354—8 km S. of Polson – South and 11 km S. of Polson – South. Coordination of the 8 km S of Polson project began in May 1998 when MDT conducted a preliminary field review. MDT conducted a preliminary field review for the 11 km S of Polson-South project in July 2000. MDT ultimately decided to combine the two projects in November 2001 to take advantage of the cost-effectiveness of reconstructing this highway as one project rather than two. This decision was endorsed by both Lake County and the CSKT.

MDT distributed a news release on the original 8 km S. of Polson project in September 1998 and received preliminary comments from the CSKT in December of that year. A second news release about this project was distributed by MDT in February 1999. A news release about the 11 km S. of Polson project was distributed by MDT in September 2000.

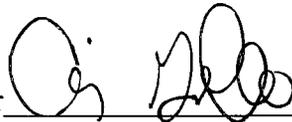
MDT held a public meeting about these two projects at the Polson Community Center in March 2001. One public comment was collected from the meeting urging MDT to construct the south portion of the route first.

In March 2004 letters were prepared and sent to the relevant state, federal and local agencies, the CSKT and others potentially interested in the project to provide an update on the project's status and request information for the environmental document.

## CONCLUSION

The proposed project will not induce significant land use changes or promote unplanned growth and will not affect existing access to adjacent property or change present traffic patterns. The proposed project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (**Executive Order No. 12898**) and complies with Title VI of the *Civil Rights Act of 1964 (42 U.S.C. 2000d)*. In accordance with 23 CFR 771.117(a), the proposed action will neither individually nor cumulatively have any significant environmental impacts. Therefore, the FHWA's concurrence is requested that the proposed project is properly classified as a Categorical Exclusion.

  
Thomas L. Hansen, P.E., Supervisor  
Engineering Section  
Environmental Services Bureau

Concur  Date 9/30/05  
Federal Highway Administration

### Attachments:

Project location map  
Form AD 1006  
Section 4(f) Evaluation Form

cc: all with attachments

Dwane Kailey – MDT Missoula District Administrator  
Paul Ferry, P.E. - Highway Engineer  
Kent Barnes, P.E. – Bridge Engineer  
John Horton - MDT Right-of-Way Bureau Chief  
Jean A. Riley, P.E. – Environmental Services Bureau Chief  
Susan Kilcrease – Environmental Services - Missoula

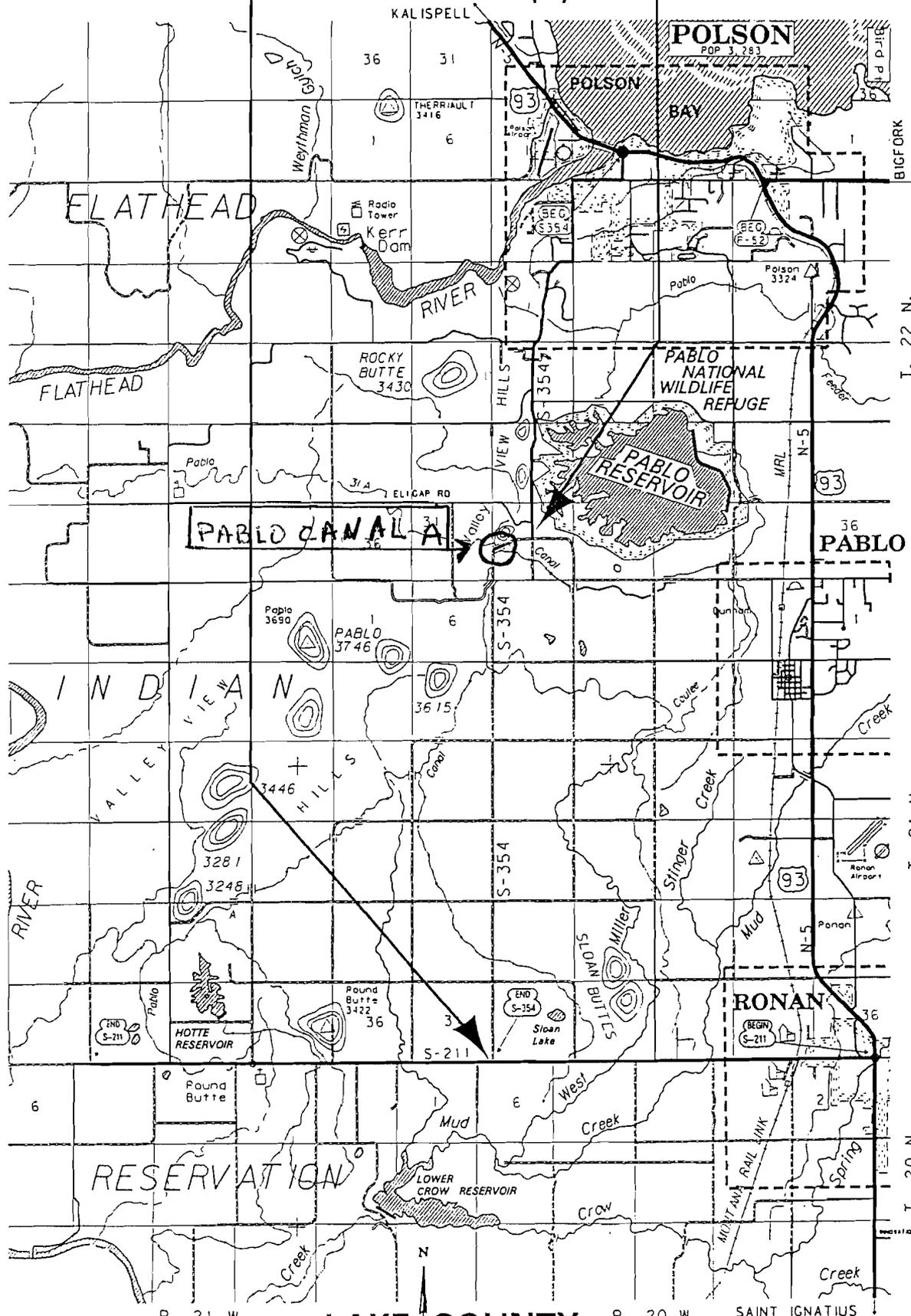
David W. Jensen, Supervisor - Fiscal Programming Section  
Suzy Althof, Supervisor - MDT Contract Plans Section  
D. Fred Matt, Tribal Council Chairman, CSKT  
Sue Shannon, Lake County Planning Director  
Bob Smith, Lake County Road Supervisor  
project file

Environmental Services Bureau  
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Engineering Division  
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# 8 KM SOUTH OF POLSON - SOUTH

## STPS 354-1(9)5



U7844  
29-OCT-2001  
X.S354-REV.DGN

MONTANA DIVISION  
**"NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS**  
**ON**  
**HISTORIC SITES**  
**EXCLUDING HISTORIC BRIDGE REPLACEMENTS**

Project # STPS 354-1(9)5

Date: June 29, 2005

Project Name: 8 Km South of Polson - South

Location: Pablo Canal A  
24LA263  
Lake County, Montana

The Confederated Salish and Kootenai Tribes documented the Pablo Canal A system and timber bridge as eligible for listing in the National Register of Historic Places. The 5.5m (18 foot) by 20.25 m (66.44 foot) timber bridge on the Pablo Canal (listed as site 24LA263 in the CSKT Cultural Resource Inventory) will be removed and replaced with a 4.88 m (16 foot) by 2.44 m (8 foot) box culvert. The location of this site is the SW1/4, SW1/4 of Section 32, Township 22 North; Range 20 West; Lake County, Montana (Longitude: 114°11'55" and Latitude 47°37'10").

MDT has prepared a Determination of Effect document stating that removal of this bridge represents a minor impact to this NRHP resource and does not compromise the overall integrity of the site. Concurrence with this determination by the CSKT Tribal Preservation Department is pending. A map showing the location of this site is attached.

*NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.*

- |   | <u>YES</u>                          | <u>NO</u>                           |
|---|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to the existing highway?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation?<br><b>This project is under the sole jurisdiction of the Confederated Salish and Kootenai Tribes (CSKT) Tribal Preservation Department and requires no SHPO coordination. Coordination with the CSKT Tribal Preservation Department has occurred and their concurrence with MDT's Determination of Effect is pending.</b> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6. Is the proposed action under an <u>Environmental Impact Statement (E.I.S.)</u> ?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location?<br><b>MDT will maintain the existing centerline of the roadway as much as possible to minimize impacts to adjacent properties. A 535 ± radius horizontal curve is planned for the project's northern terminus on Paulson Road to its connection with Eli Gap Road and FAS 354.</b>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

*NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.*

8. The Scope-of-Work for the proposed project is one of the following: X
- a) **Improved traffic operation;**
  - b) **Safety improvements;**
  - c) 3R;
  - d) **Bridge replacement on essentially the same alignment; or**
  - e) Addition of lanes.

### ALTERNATIVES CONSIDERED

- |  | <u>YES</u>               | <u>NO</u>                |
|--|--------------------------|--------------------------|
| 1. The "do-nothing" <b>ALTERNATIVE</b> has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>FAS 354 fails to meet at least two of the Geometric Design Criteria for Rural Collector Roads adopted by MDT (secondary highways not in the National Highway System). These criteria include requirements for a paved surface, minimum widths of 8.4 m (27.5 feet), horizontal and vertical alignment and roadside slopes.</b> | <u>X</u>                 | <input type="checkbox"/> |
| 2. An <b>ALTERNATIVE</b> has been evaluated on the existing alignment which improves the highway without any 4(f) impacts, and is also <u>not</u> considered to be feasible and prudent.<br><b>Any alternative on the existing alignment of FAS 354 would still require crossing the Pablo Canal.</b>  | <input type="checkbox"/> | <u>X</u>                 |
| 3. An <b>ALTERNATIVE</b> on a new location avoiding the 4(f) site has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>Any new alignment for FAS 354 would still require crossing the Pablo Canal.</b>   | <input type="checkbox"/> | <u>X</u>                 |

### MINIMIZATION OF HARM

- |  | <u>YES</u> | <u>NO</u>                |
|--|------------|--------------------------|
| 1. The proposed project includes all possible planning to minimize harm.   | <u>X</u>   | <input type="checkbox"/> |
| 2. Measures to minimize harm include the following:<br><b>The alignment of the proposed project will typically follow the existing alignment in the vicinity of this irrigation ditch thereby minimizing impacts to this historic feature.</b> | <u>X</u>   | <input type="checkbox"/> |

### COORDINATION

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. The proposed project has been <b>COORDINATED</b> with the following:  |                          |                          |
| a) SHPO (N/A)  | <input type="checkbox"/> | <u>X</u>                 |
| b) CSKT Tribal Preservation Department ( <b>pending</b> )  | <u>X</u>                 | <input type="checkbox"/> |
| b) ADVISORY COUNCIL ON HISTORIC PRESERVATION<br>( <b>August 16, 1993 - Programmatic Agreement</b> )  | <u>X</u>                 | <input type="checkbox"/> |
| c) Property owners<br><b>MDT distributed a news release on the original 8 km S. of Polson project in September 1998 and received preliminary comments from the CSKT in December of that year. A second news release about this project was distributed by MDT in February 1999. A news release about the 11 km S. of Polson project was distributed by MDT in September 2000. MDT held a Public meeting about these two projects at the Polson Community Center in March 2001.</b> | <u>X</u>                 | <input type="checkbox"/> |
| d) Local/State/Federal agencies<br><b>Lake County<br/>CSKT</b>   | <u>X</u>                 | <input type="checkbox"/> |

2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation: **No comments received.**

## SUMMARY

The proposed action is preferred because the No Build Alternative does not satisfy the specified purpose and need for improving FAS 354 south of Polson. The No Build Alternative does not improve traffic operations and safety and would not provide a facility that meets MDT's design standards for Rural Collectors on Montana's Secondary Highway System.

Rebuilding the road on a different alignment would not avoid the minor effects to the identified timber bridge and irrigation ditch. Therefore, no feasible and prudent alternative exists to avoid the minor effects associated with this proposed project in the vicinity of site 24LA263.

All possible planning to minimize harm to the identified irrigation ditch has been undertaken and will be incorporated in this proposed project. This proposed project therefore complies with the December 23, 1986 Final Nationwide Section 4(f) Evaluation by the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration.

## APPROVAL

This document is submitted pursuant to 49 U.S.C. 303 and in accordance with the provisions of 16 U.S.C. 470f.

  
\_\_\_\_\_  
Thomas L. Hansen, P.E., Supervisor  
Engineering Section  
Environmental Services Bureau

Date: 9/15/05

Approved:   
\_\_\_\_\_  
Federal Highway Administration

Date: 10/4/05

# FARMLAND CONVERSION IMPACT RATING

<b>PART I (To be completed by Federal Agency)</b>		Date of Land Evaluation Request		June 8, 2005	
Name of Project <b>8 Km S of Polson – South STPS 354-1(9)5</b>		Federal Agency Involved <b>U.S. DOT Federal Highway Administration/ MDT</b>			
Proposed Land Use <b>Highway Reconstruction and New Right-of-Way</b>		County and State <b>Lake County, Montana</b>			
<b>PART II (To be completed by SCS)</b>		Date Request Received by SCS			
Does the site contain prime, unique, statewide or local important farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form).</i>		Yes	No	Acres Irrigated	Average Farm Size
			: 9		
Major Crop(s)	Farmable Land in Govt. Jurisdiction	Amount of Farmland As Defined in FPPA			
	Acres: 289,200 39.5%	Acres: 280,511 38.3%			
Name of Land Evaluation System Used	Name of Local Site Assessment System	Date Land Evaluation Returned by SCS			
	none	June 20, 2005			
<b>PART III (To be completed by Federal Agency) Land Evaluation Information</b>		Alternative Site Rating			
		Proposed Action	Site B	Site C	No-Action
A. Total Acres To Be Converted Directly (New Right-of-Way thru Farmland)		2.25	N/A	N/A	0.00
B. Total Acres To Be Converted Indirectly		0	N/A	N/A	0.00
C. Total Acres in Site (Estimated Total Right-of-Way)		53.34	N/A	N/A	21.30
<b>PART IV (To be completed by SCS) Land Evaluation Information</b>					
A. Total Acres Of Prime And Unique Farmland		1.0			
B. Total Acres Of Statewide or Local Important Farmland		1.25			
C. Percentage Of Farmland in County or Local Govt. Unit To Be Converted		0.0008			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		23			
<b>PART V (To be completed by SCS) Land Evaluation Criterion</b>					
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		47			
<b>PART VI (To be completed by Federal Agency)</b>		Maximum			
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))		Points			
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	10	10			
3. Percent of Site Being Farmed	20	18			
4. Protection Provided by State and Local Government	20	0			
5. Distance From Urban Builtup Area	N/A	15			
6. Distance to Urban Support Services	N/A	15			
7. Size of Present Farm Unit Compared to Average	10	8			
8. Creation of Nonfarmable Farmland	25	3			
9. Availability of Farm Support Services	5	3			
10. On-Farm Investments	20	2			
11. Effects of Conversion on Farm Support Services	25	0			
12. Compatibility With Existing Agricultural Use	10	10			
<b>TOTAL SITE ASSESSMENT POINTS</b>		160	99		
<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)		100	47		
Total Site Assessment (From Part VI above or a local Site assessment)		160	99		
<b>TOTAL POINTS (Total of above 2 lines)</b>		260	146		
Site Selected:	Date of Selection	Was a Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>			
Reason For					

MONTANA DIVISION  
**"NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS**  
 ON  
**HISTORIC SITES**  
EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project # STPS 354-1(9)5

Date: June 29, 2005

Project Name: 8 Km South of Polson - South

Location: Pablo Canal A  
24LA263  
Lake County, Montana

The Confederated Salish and Kootenai Tribes documented the Pablo Canal A system and timber bridge as eligible for listing in the National Register of Historic Places. The 5.5m (18 foot) by 20.25 m (66.44 foot) timber bridge on the Pablo Canal (listed as site 24LA263 in the CSKT Cultural Resource Inventory) will be removed and replaced with a 4.88 m (16 foot) by 2.44 m (8 foot) box culvert. The location of this site is the SW1/4, SW1/4 of Section 32, Township 22 North; Range 20 West; Lake County, Montana (Longitude: 114°11'55" and Latitude 47°37'10").

MDT has prepared a Determination of Effect document stating that removal of this bridge represents a minor impact to this NRHP resource and does not compromise the overall integrity of the site. Concurrence with this determination by the CSKT Tribal Preservation Department is pending. A map showing the location of this site is attached.

*NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.*

- |   | <u>YES</u>                          | <u>NO</u>                           |
|---|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to the existing highway?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation?<br><b>This project is under the sole jurisdiction of the Confederated Salish and Kootenai Tribes (CSKT) Tribal Preservation Department and requires no SHPO coordination. Coordination with the CSKT Tribal Preservation Department has occurred and their concurrence with MDT's Determination of Effect is pending.</b> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6. Is the proposed action under an <u>Environmental Impact Statement (E.I.S.)</u> ?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location?<br><b>MDT will maintain the existing centerline of the roadway as much as possible to minimize impacts to adjacent properties. A 535 ± radius horizontal curve is planned for the project's northern terminus on Paulson Road to its connection with Eli Gap Road and FAS 354.</b>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

*NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.*

- |  |          |                          |
|--|----------|--------------------------|
| 8. The Scope-of-Work for the proposed project is one of the following: | <u>X</u> | <input type="checkbox"/> |
| a) <b>Improved traffic operation;</b>                                  |          |                          |
| b) <b>Safety improvements;</b>   |          |                          |
| c) 3R;   |          |                          |
| d) <b>Bridge replacement on essentially the same alignment;</b> or     |          |                          |
| e) Addition of lanes.  |          |                          |

**ALTERNATIVES CONSIDERED**

- |  | <u>YES</u>               | <u>NO</u>                |
|--|--------------------------|--------------------------|
| 1. The "do-nothing" <b>ALTERNATIVE</b> has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>FAS 354 fails to meet at least two of the Geometric Design Criteria for Rural Collector Roads adopted by MDT (secondary highways not in the National Highway System). These criteria include requirements for a paved surface, minimum widths of 8.4 m (27.5 feet), horizontal and vertical alignment and roadside slopes.</b> | <u>X</u>                 | <input type="checkbox"/> |
| 2. An <b>ALTERNATIVE</b> has been evaluated on the existing alignment which improves the highway without any 4(f) impacts, and is also <u>not</u> considered to be feasible and prudent.<br><b>Any alternative on the existing alignment of FAS 354 would still require crossing the Pablo Canal.</b>  | <input type="checkbox"/> | <u>X</u>                 |
| 3. An <b>ALTERNATIVE</b> on a new location avoiding the 4(f) site has been evaluated, and is <u>not</u> considered to be feasible and prudent.<br><b>Any new alignment for FAS 354 would still require crossing the Pablo Canal.</b>   | <input type="checkbox"/> | <u>X</u>                 |

**MINIMIZATION OF HARM**

- |  | <u>YES</u> | <u>NO</u>                |
|--|------------|--------------------------|
| 1. The proposed project includes all possible planning to minimize harm.   | <u>X</u>   | <input type="checkbox"/> |
| 2. Measures to minimize harm include the following:<br><b>The alignment of the proposed project will typically follow the existing alignment in the vicinity of this irrigation ditch thereby minimizing impacts to this historic feature.</b> | <u>X</u>   | <input type="checkbox"/> |

**COORDINATION**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. The proposed project has been <b>COORDINATED</b> with the following:  |                          |                          |
| a) SHPO (N/A)  | <input type="checkbox"/> | <u>X</u>                 |
| b) CSKT Tribal Preservation Department ( <b>pending</b> )  | <u>X</u>                 | <input type="checkbox"/> |
| b) ADVISORY COUNCIL ON HISTORIC PRESERVATION<br>( <b>August 16, 1993 - Programmatic Agreement</b> )  | <u>X</u>                 | <input type="checkbox"/> |
| c) Property owners<br><b>MDT distributed a news release on the original 8 km S. of Polson project in September 1998 and received preliminary comments from the CSKT in December of that year. A second news release about this project was distributed by MDT in February 1999. A news release about the 11 km S. of Polson project was distributed by MDT in September 2000. MDT held a Public meeting about these two projects at the Polson Community Center in March 2001.</b> | <u>X</u>                 | <input type="checkbox"/> |
| d) Local/State/Federal agencies<br><b>Lake County<br/>CSKT</b>   | <u>X</u>                 | <input type="checkbox"/> |

2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation: **No comments received.**

## SUMMARY

The proposed action is preferred because the No Build Alternative does not satisfy the specified purpose and need for improving FAS 354 south of Polson. The No Build Alternative does not improve traffic operations and safety and would not provide a facility that meets MDT's design standards for Rural Collectors on Montana's Secondary Highway System.

Rebuilding the road on a different alignment would not avoid the minor effects to the identified timber bridge and irrigation ditch. Therefore, no feasible and prudent alternative exists to avoid the minor effects associated with this proposed project in the vicinity of site 24LA263.

All possible planning to minimize harm to the identified irrigation ditch has been undertaken and will be incorporated in this proposed project. This proposed project therefore complies with the December 23, 1986 Final Nationwide Section 4(f) Evaluation by the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration.

## APPROVAL

This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.



Thomas L. Hansen, P.E., Supervisor  
Engineering Section  
Environmental Services Bureau

Date: 9/15/05

Approved:



Federal Highway Administration

Date: 10/4/05