



April 16, 2012

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Subject: Request for Concurrence on Re-Evaluation of Environmental Impact Statement  
NH 1-6(76)384  
Havre-East Phase II  
CN: 4951003

Dear Kevin McLaury:

The Montana Department of Transportation (MDT) Environmental Services Bureau has reviewed the proposed subject Havre-East Phase II project (proposed project), the previously approved Final Environmental Impact Statement (FEIS)/Record of Decision (ROD) for the US 2, Havre to Fort Belknap Corridor, the previously approved FEIS/ROD Re-evaluation for the Havre-East (CN: 4951001) project corridor, current regulatory requirements, and current conditions at the project site. Based on this analysis, MDT concludes that National and Montana Environmental Policy Act (NEPA and MEPA) requirements can be met through a Re-evaluated Environmental Impact Statement (REIS) as described at 23 CFR 771.129(b) rather than a Supplemental Environmental Impact Statement (SEIS) as described at 23 CFR 771.130.

The FEIS was signed by your agency on September 30, 2004, and the ROD was signed by your agency on November 22, 2004.

The FEIS/ROD Re-evaluation for the Havre-East (CN: 4951001) project corridor was signed by your agency on March 31, 2009. The Havre-East project corridor extended from approximate Reference Post (RP) 384 to approximate RP 393.5. The MDT split the project for construction into the following two phases:

Phase I-The Havre-East (CN: 4951001) project is located from RP 386.382 to RP 393.334 and is currently under construction.

Phase II-The proposed project is located from RP 383.965 to RP 386.646.

The proposed suburban (urban) typical section in the previous Scope of Work Report for the Havre-East (CN: 4951001) project, dated December 22, 2008, was designed with two 3.6-meter (12 feet) wide travel lanes and a 4.2-meter (14 feet) wide center two-way-left-turn lane, a 2.4-meter (8 feet) wide shoulder on the right, a 1.5-meter wide shoulder on the left, which included a painted separation and rumble strips on the shoulder stripe, and a 2.4-meter (8 feet) wide adjacent shared-use path on the left for a finished top width of 17.7 meters (58 feet) to 38<sup>th</sup> Avenue NE. The area between the beginning of the project and 26<sup>th</sup> Avenue NE was to be milled, overlaid and widened the full width to make use of the connection completed with the US-2 Havre project. A summary of the changes included in the March 2009 FEIS/ROD Re-evaluation for the Havre-East (CN: 4951001) project corridor, is as follows:

- A new landfill approach location;
- Adjusted passing lane locations and lane lengths;



- reduced width of the two-way left-turn lane between approximate Station 3+65.75 and approximate Station 27+00;
- reduced shoulder width adjacent to the bicycle/pedestrian path between approximate Station 3+65.75 and approximate Station 20+66 on the right;
- reduced width of the bicycle/pedestrian path from approximate Station 3+65.75 and approximate Station 20+66 and no curb and gutter in this section.

A substantial amount of public involvement has continued after the completion of the original FEIS/ROD. In February, 2010, MDT determined that four 3.4-meter (11 feet) wide travel lanes, with a 4.2-meter (14 feet) wide two-way left-turn lane and 1.2-meter (4 feet) wide shoulders on the left and right for a total finish top width of 20.2 meters (66 feet) was acceptable for the first mile of the project. This mile is the segment that includes the shared-use path and is in a transitional zone between urban and rural. MDT concluded that in this suburban area, the reduced lane and shoulder widths would satisfy the public desire for additional lanes while still providing the needed improvements in safety. Rumble strips will be provided for the full length of the project on the left and right sides.

### **Design Exception Summary**

A design exception for the Havre-East corridor project was approved by FHWA on December 5, 2008, for the following:

- Nonstandard fill slopes  
4:1 fill slopes between Stations 4+20 and 5+00 on the left;  
3:1 fill slopes between Stations 5+00 and 8+20 on the left; and  
4:1 fill slopes between Stations 12+00 and 12+60 on the left
- Nonstandard back slopes  
Backslopes of 3:1's and 2:1's between Stations 5+40 and 6+40 on the left;  
3:1 backslopes between Stations 6+93 and 7+20 on the right;  
2:1 backslopes between Stations 8+80 and 9+60 and then 4:1 backslopes to Station 10+60 on the right;  
3:1 backslopes between Stations 14+20 and 14+71 on the right;  
3:1 backslopes between Stations 14+40 and 19+93 on the left; and  
3:1 backslopes between Stations 44+40 and 45+20 on the left.
- Nonstandard "V" ditches  
V-ditches with 3:1 fill slopes at 1.5-meter wide between Stations 5+40 and 6+00 on the right, between Stations 8+96 and 15+00 on the right, and between Stations 5+40 and 6+42 on the left; and  
V-ditches with 3.0-meter wide fill slopes were accepted between Stations 12+60 and 20+73 on the left and between Stations 44+40 and 46+60 on the left.

A design exception for the Havre-East corridor project was approved by FHWA on February 20, 2009, for the following:

- Allow the use of a 1.5-meter wide left shoulder in the suburban portion of the project compared to the 2.4-meter wide requirement in the MDT design criteria.

A design exception to the design criteria for Urban Principal Arterials (NHS primary) between RP 383.965 and RP 385.227, was approved by FHWA on March 3, 2011, to allow the use of the following proposed design features in the suburban portion of the proposed project:

- A 3.4-meter wide travel lanes rather than 3.6-meter wide travel lanes (Stations 3+65 to 22+80);
- A 4.2-meter wide two-way left-turn lane rather than a 4.8-meter wide two-way left-turn-lane (Stations 3+65 to 27+00);
- 1.2-meter wide shoulders rather than 2.4-meter wide shoulders (Stations 3+65 to 22+80);
- Previously approved design exception to be adjusted. Extend the nonstandard V ditch stationing from Stations 4+55 to 6+00 on the right (previously was from Station 5+40 to 6+00). The fill slopes will remain standard 6:1's at 3.0-meter wide and the backslopes will use standard slope ratios. The extension is to reduce the impact to the operation of the facility at the top of the hill. A V ditch exists here currently.

A design exception to the design criteria for Urban Principal Arterials (NHS primary), was approved by FHWA on March 31, 2011, to allow the use of the following proposed design features of the proposed project:

- Allow the use of a V-ditch having a 6:1 fore slope and a 3:1 back slope between Stations 3+60 and 4+82 left and 3:1 fore slope and a 3:1 back slope between Stations 6+40 to 8+40 left.

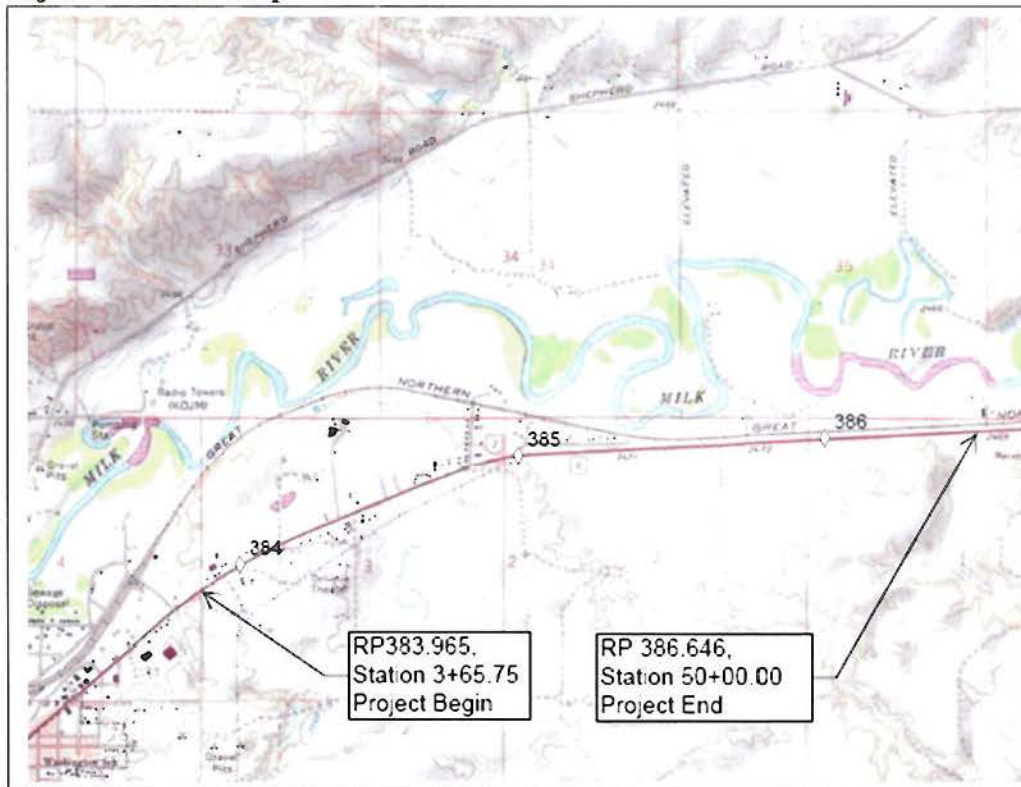
### Project Location

The proposed project is located on US Highway 2, beginning at RP 383.965, approximately 60 meters (approximately 200 feet) east of 22<sup>nd</sup> Avenue NE, and continues 4.6 kilometers (2.9 miles) easterly to RP 386.646. The first 2.3 kilometers (1.4 miles) of the proposed project will be designed as Urban Principal Arterial using multi-lane criteria to RP 385.227 (Station 27+00) and from there to RP 386.646 (Station 50+00), the proposed project will be designed as a Rural Principal Arterial. The Havre Urban Limit is at RP 383.928.

Begin Project: RP 383.965, Section 4, Township 32 North, Range 16 East, Hill County.  
End Project: RP 386.646, Section 2, Township 32 North, Range 16 East, Hill County.

See Figure 1, Project Location Map, below.

**Figure 1. Project Location Map**





### **Project Description**

The proposed work for the project includes reconstruction of 4.6 kilometers (2.9 miles) of US 2 east of Havre, including grading, gravel, plant mix surfacing, seal and cover, pavement markings, signing, culverts, and an adjacent shared-use path in the suburban (urban) portion. The proposed project will incorporate a two-way left-turn lane in the suburban portion, wider shoulders and passing lanes in the rural portion, and flatter roadway side slopes throughout. The proposed project will require the acquisition of new right-of-way and will require the relocation of utilities.

The following re-evaluation discusses new information or circumstances relevant to the development of the proposed project and ensures that current environmental requirements are addressed. The re-evaluation focuses on the changes to the design, the potential for new impacts, and new project-related issues that have arisen since approval of the FEIS/ROD.

The purpose of and need for the proposed project have not changed since the approval of the FEIS/ROD. The fundamental purpose of the proposed reconstruction of Havre-East (P-1, US 2) remains to replace the aging US 2 facility with an efficient and safe highway to serve the needs of local communities, agriculture, industry, commerce, and tourism.

### **Past, Present, and Future Actions**

Cumulative impacts are effects on the environment that result from the incremental effect of an action when added to past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor, but collectively significant, actions taking place over a period of time. The FEIS discussed active and planned projects by MDT, federal agencies, and others in the vicinity of the proposed project. MDT has evaluated Hill County, Blaine County, and the general area for past, present, and reasonably future public and private projects that may contribute to potential collective impacts.

In addition to the active and planned projects discussed in the FEIS, a reconstruction project proposed by MDT and an active MDT project are located within the US 2, Havre to Fort Belknap Corridor. The proposed MDT project and the active MDT project within the US 2, Havre to Fort Belknap Corridor are identified by Project Name, Project Number, and Control Number and are briefly described below:

-Lohman-E&W, NH 1-7(43)394, CN: 6281000-This proposed MDT project includes reconstruction of approximately 10.2 miles of US 2. The proposed project begins at approximate RP 393.0 and proceeding east for approximately 10.2 miles to RP 403.2, just west of Chinook. This proposed project is currently in the preliminary stages of project development.

-Havre-East, NH 1-6(58)384, CN: 4951001-This MDT project includes reconstruction of approximately seven miles of US 2. This project begins at approximate RP 386.382 and ends at approximate RP 393.334. This project borders the proposed project to the east and is currently under construction.

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.

### **Project Impacts and Proposed Mitigation**

In refining the design elements noted in the FEIS, the proposed project has been designed to avoid or minimize adverse social, economic, and environmental impacts. Potential impacts and proposed mitigation measures as a result of the proposed project in comparison to the FEIS are

summarized below in the following tables. Table 1 includes expected permanent impacts and cumulative impacts. Table 2 includes expected temporary impacts associated with construction activities. The subsequent sections, generally in the same order as presented in the FEIS, provide additional information related to the change in potential impacts and change in potential mitigation compared to the FEIS.



**Table 1. Summary of Potential Permanent Impacts and Proposed Mitigation**

Resource	Change in Potential Impact Compared to FEIS	Potential Cumulative Impact Anticipated for the Proposed Project	Change in Potential Mitigation Compared to FEIS
Access	<p>No change in impacts. Access will be perpetuated to residential areas and businesses. Some mail pickup locations will be consolidated in the suburban area. Mailbox locations in the rural area will remain where they currently exist. The design features included in the proposed project, such as the two-way left-turn lane, would improve access along the project corridor.</p>	<p>No cumulative impacts are anticipated.</p>	<p>No change in mitigation.</p>
Safety	<p>The design features included in the proposed project, such as the addition of passing lanes, additional through lanes, the two-way left-turn lane, wider shoulders, and the rumble strips should reduce the potential for off-road crashes. MDT has determined the safety of the traveling public is not compromised by the design exceptions approved to date.</p> <p>The multi-use path, wider shoulders, and rumble strips will increase the safety for pedestrians and bicyclists. Additional information about the multi-use path is contained in the Pedestrian and Bicycle Considerations section below.</p> <p>MDT concludes that the impact of the proposed project on safety is consistent with the findings of the FEIS/ROD.</p>	<p>The proposed project, when combined with other road projects that have been completed, would have positive cumulative effects on safety for the traveling public.</p>	<p>No change in mitigation.</p>
Traffic Operations	<p><b>Lane Locations</b>-The proposed eastbound passing lane between approximate Station 19+00 to approximate Station 35+00 remains in the same location as previously designed and approved. Two additional lanes have been added between the beginning of the proposed project at approximate Station 3+65 and the end of the path at approximately Station 20+80, resulting in a five lane configuration for the first 1715 meters (one mile) of the proposed project. The travel lanes are proposed to be 3.4 meters (11 feet) in width to reduce impacts to adjacent properties. The adjusted lane configurations meet the requirement to improve the operational efficiency and safety</p>	<p>No cumulative impacts are anticipated.</p>	<p>No change in mitigation.</p>

Resource	Change in Potential Impact Compared to FEIS	Potential Cumulative Impact Anticipated for the Proposed Project	Change in Potential Mitigation Compared to FEIS
	<p>of the highway and provide a Level of Service of B throughout the corridor.</p> <p><b>Turning Lane Locations</b>-The proposed 4.8-meter (16 feet) wide two-way-left-turn lane between Station 3+65.75 and Station 27+00 was previously reduced and approved at a 4.2-meter (14 feet) width to lessen impacts to adjacent features. This width will adequately serve turning vehicles in this lower-speed suburban setting.</p> <p><b>Shoulders</b>-The proposed project will include 1.2-meter (4 feet) wide shoulders on the left and right for about the first mile (1715 meters) of the proposed project. This is a change from the previously designed and approved 1.5-meter (5 feet) wide left shoulder and a 2.4-meter (8 feet) wide right shoulder. The 1.2-meter (4 feet) shoulders meet the Geometric Criteria for multilane Urban Principal Arterial Highway design. Non-motorized traffic will be accommodated on the shared-use pathway. The proposed project will include 2.4-meter (8 feet) wide shoulders left and right for the remainder, rural portion, of the proposed project. Rumble strips will be included on the left and right shoulders throughout the project limits.</p>		
<p>Pedestrian and Bicycle Considerations</p>	<p>The FEIS recommended bicycle or multi-use paths east of Havre. The shared-use path, originally planned to be 2.4-meter (8 feet) wide and placed adjacent to the shoulder of the highway with a 1.5-meter (5 feet) wide paved separation, is now proposed to be shifted to an independent alignment to the north of the highway. The path is designed to be 2.4-meter (8 feet) wide to approximate Station 8+20 and then transitions to a 3.0-meter (10 feet) wide path to the end of the path at approximate Station 20+77, at 38<sup>th</sup> Avenue NE. The multi-use path will increase the safety for pedestrians and bicyclists. MDT concludes that the impacts of the proposed project on pedestrian and bicycle facilities are</p>	<p>No cumulative impacts are anticipated.</p>	<p>No change in mitigation.</p>



Resource	Change in Potential Impact Compared to FEIS	Potential Cumulative Impact Anticipated for the Proposed Project	Change in Potential Mitigation Compared to FEIS
	consistent with the findings of the FEIS/ROD.		
Railroad	MDT concludes that the impacts of the proposed project on railroad are consistent with the findings of the FEIS/ROD. No change in impacts.	No cumulative impacts are anticipated.	No change in mitigation.
Land Use	The land use in the area of the proposed project has not changed. No change in impacts.	No cumulative impacts are anticipated.	No change in mitigation.
Farmland	No change in impacts. MDT concludes that the impacts of the proposed project on farmland are consistent with the findings of the FEIS/ROD.	Although farmland impacts are anticipated as a result of the proposed project, as well as from present and future actions, these impacts would be minimized to the extent practicable.	No change in mitigation.
Irrigation	No change in impacts. MDT concludes that the impacts of the proposed project on irrigation are consistent with the findings of the FEIS/ROD.	No cumulative impacts are anticipated.	No change in mitigation.
Social	No change in impacts. MDT concludes that the impacts of the proposed project on social conditions are consistent with the findings of the FEIS/ROD.	No cumulative impacts are anticipated.	No change in mitigation.
Economics	No change in impacts.	No cumulative impacts are anticipated.	No change in mitigation.
Environmental Justice	No change in impacts. MDT concludes that the impacts of the proposed project on environmental justice are consistent with the findings of the FEIS/ROD.	No cumulative impacts are anticipated.	No change in mitigation.
Right-of-Way and Utilities	In the suburban (urban) section (approximately the first mile), the proposed project will require approximately 0.79 acres of additional right-of-way compared to the original design at the Scope of Work Phase. The increase in easement areas is due to the bus pullout side road between approximate Station 13+99 left to approximate Station 14+00 left, the Milk River outfall easement near approximate Station 29+80 left, and the addition of a connection at the beginning of the project for grade to drain ditches and drainage chutes. In the rural section, the proposed right-of-way impacts remain the same compared to the original design at the Scope of Work Phase. The proposed project will not result in relocations of homes or businesses.	Additional right-of-way acquisition would be required for MDT's present and future roadway improvement projects. This right-of-way acquisition would be developed in accordance with both the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 and the Uniform Relocation Act Amendments of 1987.	No change in mitigation.



Resource	Change in Potential Impact Compared to FEIS	Potential Cumulative Impact Anticipated for the Proposed Project	Change in Potential Mitigation Compared to FEIS
	MDT concludes that the impacts of the proposed project on right-of-way/utilities are consistent with the findings of the FEIS/ROD.		
Cultural and Historic Resources	No change in impacts.	No cumulative impacts are anticipated.	No change in mitigation.
Air Quality	MDT concludes that the impacts of the proposed project on air quality are consistent with the findings of the FEIS and ROD.	No cumulative impacts are anticipated.	No change in mitigation.
Noise	MDT analyzed the proposed project with regard to noise. MDT has determined that there will be no noise impacts as a result of the proposed project.	No cumulative impacts are anticipated.	No change in mitigation.
Water Resources and Water Quality	<p>A new stormwater outfall to the Milk River and a riprap drainage chute in the Bullhook channel will be necessary.</p> <p>The proposed project would widen the highway creating a minor amount of additional impervious surface area which will result in a negligible increase in additional runoff compared to the previous design at the Scope of Work Phase and compared to existing conditions.</p>	Although it is anticipated that there will be an increase in impervious surface, and resulting runoff, with the proposed project as well as present and future actions, this increase is limited to a small percentage of the overall land in the corridor vicinity. Therefore, only negligible increases of runoff would be expected.	No change in mitigation. The proposed project has been designed to be in compliance with applicable water quality regulations and standards. MDT would coordinate with the appropriate agencies throughout the design to obtain any necessary permits/authorizations.
Wetlands	There are no wetland impacts as a result of the proposed project.	No wetland impacts; therefore, a cumulative impact analysis is not required.	No change in mitigation.
Vegetation	Additional impacts to vegetation would be expected due to the wider roadway. MDT concludes that the impacts of the proposed project on vegetation are consistent with the findings of the FEIS/ROD.	Although it is anticipated that there will be impacts to vegetation with the proposed project as well as present and future actions, these losses would be limited to the minimum amount necessary to construct the projects and provide the necessary clear zones.	No change in mitigation.
Wildlife and Aquatic Resources	MDT concludes that the impacts of the proposed project on wildlife and aquatic resources are consistent with the findings of the FEIS/ROD.	Although it is anticipated that there will be impacts to wildlife with the proposed project as well as present and future actions, these losses	No change in mitigation. The proposed project has been designed to be in

Resource	Change in Potential Impact Compared to FEIS	Potential Cumulative Impact Anticipated for the Proposed Project	Change in Potential Mitigation Compared to FEIS
		would be limited to the minimum amount necessary to construct the projects and provide the necessary clear zones.	compliance with applicable water quality regulations and standards. MDT would coordinate with the appropriate agencies throughout the design to obtain any necessary permits/authorizations.
Threatened and Endangered Species	MDT concludes that the impact of the proposed project on threatened and endangered species is consistent with the findings of the FEIS/ROD. There will be no impact to either the black-tailed prairie dog or bald eagle as a result of the proposed project. The proposed project will have no effect to the black-footed ferret. The proposed project is not likely to jeopardize the continued existence of the greater sage-grouse. The proposed project is not likely to jeopardize the continued existence of the Sprague's pipit.	No cumulative impacts are anticipated.	No change in mitigation.
Floodplains	MDT concludes that the impacts of the proposed project on floodplains are consistent with the findings of the FEIS/ROD.	Additional encroachments from future MDT road improvement projects have been and would be designed in accordance with 23 CFR 650 Subpart A and in coordination with the appropriate regulatory agencies.	No change in mitigation.
Wild and Scenic Rivers	The proposed project will not impact a Wild and Scenic River.	There will be no impacts to a Wild and Scenic River; therefore, a cumulative impact analysis is not required.	No change in mitigation.
Water Body Modifications	A new stormwater outfall to the Milk River and a riprap drainage chute in the Bullhook channel will be necessary.	Although it is anticipated that there will be water body modifications with the proposed project as well as present and future actions, these losses would be limited to the minimum necessary to construct the projects.	No change in mitigation. The proposed project has been designed to be in compliance with applicable water quality regulations and standards. MDT would coordinate with the appropriate agencies throughout the design to obtain any necessary



Resource	Change in Potential Impact Compared to FEIS	Potential Cumulative Impact Anticipated for the Proposed Project	Change in Potential Mitigation Compared to FEIS
			permits/authorizations.
Hazardous Materials	No change in impacts.	No cumulative impacts are anticipated.	No change in mitigation.
Visual Resources	No change in impacts.	No cumulative impacts are anticipated.	No change in mitigation.
Section 4(f) and Section 6(f) Resources	<p>The proposed project will impact the Sunset Drive-in Theatre that is protected by Section 4(f) of the US Department of Transportation Act of 1966. No additional impacts to the Sunset Drive-In Theatre will occur as a result of the modified design. The proposed impact to the Sunset Drive-in Theatre as identified in the previous design and as identified in the FEIS/ROD remain the same. Approximately 0.02 acres of new right-of-way would be required from this property for grading near the access.</p> <p>No acquisition of any properties protected by Section 6(f) of the Land and Water Conservation Fund Act of 1965 will be required.</p>	No cumulative impacts are anticipated.	No change in mitigation.
Public Involvement	<p>A substantial amount of public involvement has continued after the completion of the original FEIS/ROD. A second public meeting was held on January 28, 2010, to explain the project details and final design and to gather local input. Public comments received at this meeting were supportive of a 4-lane design.</p> <p>Personal contacts with adjacent landowners explaining the work to be performed will be offered during the Right-of-Way phase. The main portion of the public involvement plan occurred during the EIS process and controversial issues have been identified and addressed in the FEIS.</p>	Not applicable.	Not applicable.

**Table 2: Summary of Potential Temporary Construction Impacts and Proposed Mitigation**

Resource	Potential Impact	Proposed Mitigation
Traffic	Minor, short-term temporary inconveniences to the traveling public including occasional increased travel times, detours, and temporary closures. Additional short-term, localized impacts from construction of MDT's present and future road improvements projects are expected. However, these construction activities are not expected to occur at the same time as the proposed project.	A traffic control plan will be developed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) to ensure the appropriate access is maintained and/or provided and delays are kept to a minimum.
Utilities	Temporary, short-term interruption to utility services may result from conflicts with including overhead power lines and buried gas, water, telephone and fiber optic lines.	MDT Standard Specifications require the contractor to cooperate with utility owners to minimize service interruption.
Economics	No adverse impacts. Additional short-term, beneficial impacts from construction of MDT's present and future road improvement projects would be expected.	None.
Air Quality	Minor, short-term, localized adverse air quality impacts due to fugitive dust emissions from earth moving operations and combustion emissions from construction equipment. Additional impacts from construction of MDT's present and future road improvements projects would result in similar short-term, construction-related impacts on air quality. However, these construction activities are not expected to occur at the same time as the proposed project. The cumulative impacts to air quality would be minor, short-term and would not exceed air quality regulations.	MDT Standard Specifications require that the Contractor comply with applicable state and federal air quality rules. The Contractor will be required to revegetate disturbed areas.
Noise	Construction activities may cause minor, short-term, localized adverse noise impacts due to construction equipment. Additional short-term, localized noise impacts from construction of MDT's present and future road improvements projects are expected. However, these construction activities are not expected to occur at the same time as the proposed project. The cumulative impacts to noise would be short-term and would not exceed noise regulations.	MDT Standard Specifications require compliance with applicable laws, regulations, and requirements contained in the contract regarding noise pollution.
Water Resources and Water Quality	Potential for short-term adverse impact on water quality due to erosion and sediment. Additional impacts from construction of MDT's present and future road improvements projects would result in similar short-term, constructed-related impacts on water quality. However, these construction activities are not expected to occur at the same time as the proposed project.	The Contractor will be required to revegetate disturbed areas.  MDT and its contractor will adhere to applicable conditions including CWA 404 Permit conditions, CWA 401 Certification requirements, SPA 124 Notification Process, and MPDES Permit.
Wetlands	Potential for short-term adverse impact on wetlands due to erosion	Throughout design and construction, avoidance and



Resource	Potential Impact	Proposed Mitigation
	and sediment.	<p>minimization measures will continue to be employed where practicable.</p> <p>MDT and its contractor will adhere to applicable conditions including CWA 404 Permit conditions, CWA 401 Certification requirements, SPA 124 Notification Process, and MPDES Permit.</p>
Wildlife, Vegetation, and Aquatic Resources	<p>Potential for short-term adverse impact on vegetation due to erosion, sedimentation and weed infestation in disturbed areas. Temporary habitat and vegetation loss. Temporary displacement of wildlife, migratory birds, and aquatic species from human-related disturbance. Wildlife mortality may occur for individuals with limited mobility and/or those that could be occupying their burrows at the time of construction.</p>	<p>The Contractor will be required to revegetate disturbed areas.</p>
Threatened and Endangered Species	<p>There will be no impact to either the black-tailed prairie dog or bald eagle as a result of the proposed project. The proposed project will have no effect to the black-footed ferret. The proposed project is not likely to jeopardize the continued existence of the greater sage-grouse. The proposed project is not likely to jeopardize the continued existence of the Sprague's pipit.</p>	<p>Mitigation measures from the original FEIS/ROD were analyzed. They remain appropriate and applicable to the proposed project. No change in mitigation.</p>
Historical and Cultural Resources	<p>Previously unknown historical or cultural materials may be unearthed during construction.</p>	<p>In the unlikely event that archeological or historical artifacts are encountered during construction, MDT Standard Specifications require the Contractor to immediately stop work and notify the Project Manager of the find. The Project Manager is required to stake the area to remain undisturbed until the significance of the site has been determined and appropriate measures are carried out.</p>
Hazardous Materials	<p>Previously unknown hazardous materials may be encountered during construction.</p>	<p>MDT Standard Specifications require any hazardous materials discovered, generated, or used during implementation of the proposed project to be handled and disposed in accordance with applicable local, State, and Federal regulations.</p>
Visual Resources	<p>Additional impacts from construction of present and future actions would result in similar short-term, construction-related impacts. However, these construction activities are not expected to occur at the same time as the proposed project. Although short-term,</p>	<p>The Contractor will be required to revegetate disturbed areas.</p>

Resource	Potential Impact	Proposed Mitigation
	construction-related impacts are anticipated, these impacts are considered minor. The right-of-way clearing would be limited to the minimum amount necessary to construct the proposed project and disturbed areas would be revegetated.	



**Access:** Access will be perpetuated to residential areas and businesses.

**Impacts:** Some mail pickup locations will be consolidated in the suburban area. Mailbox locations in the rural area will remain where they currently exist. The design features included in the proposed project, such as the two-way left-turn lane, would improve access along the project corridor. MDT concludes that the impact of the proposed project on access is consistent with the findings of the FEIS/ROD.

**Mitigation:** No change in mitigation.

**Safety-** The design features included in the proposed project, such as the addition of passing lanes, additional through lanes, the two-way left-turn lane, wider shoulders, and the rumble strips should reduce the potential for off-road crashes.

**Impacts:** MDT has determined the safety of the traveling public is not compromised by the design exceptions approved to date. The multi-use path, wider shoulders, and rumble strips will increase the safety for pedestrians and bicyclists. MDT concludes that the impact of the proposed project on safety is consistent with the findings of the FEIS/ROD.

**Mitigation:** No change in mitigation.

### **Traffic Operations**

**Lane Locations-** The proposed eastbound passing lane between approximate Station 19+00 to approximate Station 35+00 remains in the same location as previously designed and approved. Two additional lanes have been added between the beginning of the proposed project at approximate Station 3+65 and the end of the path at approximately Station 20+80, resulting in a five lane configuration for the first 1715 meters (one mile) of the proposed project. The travel lanes are proposed to be 3.4 meters (11 feet) in width to reduce impacts to adjacent properties. The adjusted lane configurations meet the requirement to improve the operational efficiency and safety of the highway and provide a Level of Service (LOS) of B throughout the corridor.

**Impacts:** The lane adjustments balance the desires of the public with the project needs and goals. The proposed lane configurations considered factors in the FEIS/ROD and meet the requirement to improve the operational efficiency, safety of the highway, and provide a LOS of B throughout the corridor. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

**Turning Lane Locations-**The ROD noted (page 4 of 13): For example, east of Havre, a center two-way left-turn lane or series of left-turn lanes will extend approximately 2.4 kilometers (1.5 mile) east from the western project limits to provide turn lanes for the multiple accesses in this area.

**Impacts:** The proposed 4.8-meter (16 feet) wide two-way left-turn lane between Station 3+65.75 and Station 27+00 (2.33 kilometers (1.45 miles) in length) was previously reduced and approved at a 4.2-meter (14 feet) width to lessen impacts to adjacent features. This width will adequately serve turning vehicles in this lower-speed suburban setting. This width is less than the desirable width for the Geometric Design Criteria for Rural Principal Arterials, but is adequate. No cumulative impacts are anticipated.



**Mitigation:** No change in mitigation.

**Shoulders-**According to the ROD (page 3 of 13), the typical section will consist of MDT's standard minimum width for a rural Non-Interstate NHS highway: 3.6-meter (12 feet) wide travel lanes and 2.4-meter (8 feet) wide shoulders for a total paved roadway width of 12 meters (40 feet).

**Impacts:** The proposed project will include 1.2-meter (4 feet) wide shoulders on the left and right for the first 1715 meters (1.065 miles) of the proposed project. This is a change from the previously designed and approved 1.5-meter (5 feet) wide left shoulder and 2.4-meter (8 feet) wide right shoulder. The proposed 1.2-meter (4 feet) wide shoulders meet the Geometric Criteria for Multilane Urban Principal Arterial Highway design in un-curbed areas. The adjacent Havre Urban area has existing 0.45-meter (1.5 feet) wide shoulders. Non-motorized traffic will be accommodated on the shared-use pathway. The proposed project will include 2.4-meter (8 feet) wide shoulders left and right for the remainder, rural portion, of the project. Rumble strips will be included on the left and right shoulders throughout the project limits. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

**Pedestrian and Bicycle Considerations-**The conceptual design in the FEIS also included a 3.1-meter (10 feet) wide path extending along the north side (left) of US 2 within the proposed highway right-of-way from west of 22<sup>nd</sup> Avenue Northeast in Havre to 38<sup>th</sup> Avenue Northeast near the Halliburton business. This conceptual design, coupled with the proposed lane configurations, impacted adjacent development, low-income properties, a Section 4(f) resource, noise sensitive receptors, and business operations.

**Impacts:** The proposed project includes a partially separated 3.0-meter (10 feet) wide path on the north side of the highway as identified in the FEIS. The majority of the path users are on the north side of the roadway. The path will join in with the new curb and gutter section of the US 2 Havre project at 22<sup>nd</sup> Avenue. The proposed design of the path has been modified to increase the separation from the traffic lanes where possible. A short transitional segment of 2.4-meter (8 feet) wide path may be necessary at the beginning of the proposed project to tie to the existing sidewalk. In the rural section, the 2.4-meter (8 feet) wide shoulder will be sufficient for one way travel of bicyclists with traffic both left and right of centerline. MDT concludes that the impacts of the proposed project on pedestrian and bicycle facilities are consistent with the findings of the FEIS/ROD. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

**Railroad:** MDT concludes that the impacts of the proposed project on railroad are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

**Land Use:** The land use in the proposed project area has not changed.

**Impacts:** No change in impacts. No cumulative impacts are anticipated.



**Mitigation:** No change in mitigation.

**Farmland**

MDT concludes that the impacts of the proposed project on farmland are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. Although farmland impacts are anticipated as a result of the proposed project, as well as from future roadway improvements, these impacts would be minimized to the extent practicable.

**Mitigation:** No change in mitigation.

**Irrigation**

MDT concludes that the impacts of the proposed project on irrigation are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

**Social**

MDT concludes that the impacts of the proposed project on social conditions are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

**Economics**

MDT concludes that the impacts of the proposed project on economics are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

**Environmental Justice**

MDT concludes that the impacts of the proposed project on environmental justice are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

### Right-of-Way/Utilities

**Impacts:** The proposed right-of-way areas compared to the original design at SOW Phase are shown in the table below.

	New right-of-way area (acres)	Construction Permit Area (acres)	Easement Area (acres)
Original Design (SOW Phase)	19.70	0.36	0.02
Proposed Design (five lanes with path)	20.49	0.67	0.70

In the suburban (urban) section (approximately the first mile), the proposed project will require approximately 0.79 acres of additional right-of-way compared to the original design at the Scope of Work Phase. The increase in easement areas is due to the bus pullout side road between approximate Station 13+99 left to approximate Station 14+00 left, the Milk River outfall easement near approximate Station 29+80 left, and the addition of a connection at the beginning of the project for grade to drain ditches and drainage chutes. In the rural section, the proposed right-of-way impacts remain the same compared to the original design at the Scope of Work Phase. The proposed project will not result in relocations of homes or businesses.

MDT concludes that the impacts of the proposed project on right-of-way/utilities are consistent with the findings of the FEIS/ROD.

Additional right-of-way acquisition would be required for MDT's future corridor projects. This right-of-way acquisition would be developed in accordance with both the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 and the Uniform Relocation Act Amendments of 1987.

**Mitigation:** Acquisitions will be in accordance with both the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 and the Uniform Relocation Act Amendments of 1987. No change in mitigation.

### Cultural and Historic Resources

MDT concludes that the impacts of the proposed project on cultural and historic resources are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts.

**Mitigation:** No change in mitigation.

### Air Quality

MDT concludes that the impacts of the proposed project on air quality are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts.

**Mitigation:** No change in mitigation.



### **Noise**

MDT analyzed the proposed project with regard to noise.

**Impacts:** MDT has determined that there will be no noise impacts as a result of the proposed project.

**Mitigation:** No change in mitigation.

### **Water Resources and Water Quality**

MDT concludes that the impacts of the proposed project on water quality are consistent with the findings of the FEIS/ROD.

**Impacts:** A new stormwater outfall to the Milk River and a riprap drainage chute in the Bullhook channel will be necessary.

The proposed project would widen the highway creating a minor amount of additional impervious surface area which will result in a negligible increase in additional runoff compared to the previous design at the Scope of Work Phase and compared to existing conditions.

Additional impacts from future MDT corridor projects would result in further increases in impervious surface, resulting in increased runoff. Although it is anticipated that there will be an increase in impervious surface, and resulting runoff, with the proposed project as well as present and future actions, this increase is limited to a small percentage of the overall land in the corridor vicinity. Therefore, only negligible increases of runoff would be expected.

**Mitigation:** No change in mitigation. The proposed project has been designed to be in compliance with applicable water quality regulations and standards. MDT would coordinate with the appropriate agencies throughout the design to obtain any necessary permits/authorizations.

### **Wetlands**

MDT concludes that the impacts of the proposed project on wetlands are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. There are no wetland impacts as a result of the proposed project; therefore, a cumulative impact analysis is not required.

**Mitigation:** No change in mitigation.

**Vegetation:** MDT concludes that the impacts of the proposed project on vegetation are consistent with the findings of the FEIS/ROD.

**Impacts:** Additional impacts to vegetation would be expected due to the wider roadway. Although it is anticipated that there will be impacts to vegetation with the proposed project as well as present and future actions, these losses would be limited to the minimum amount necessary to construct the projects and provide the necessary clear zones.

**Mitigation:** No change in mitigation.

### **Wildlife and Aquatic Resources**

MDT concludes that the impacts of the proposed project on wildlife and aquatic resources are consistent with the findings of the FEIS/ROD.

**Impacts:** Although it is anticipated that there will be impacts to wildlife with the proposed project as well as present and future actions, these losses would be limited to the minimum amount necessary to construct the projects and provide the necessary clear zones.

**Mitigation:** No change in mitigation.

### **Threatened and Endangered Species**

MDT concludes that the impacts of the proposed project on threatened and endangered species are consistent with the findings of the FEIS/ROD.

**Impacts:** The black-tailed prairie dog (*Cynomys ludovicianus*), a Candidate species at the time of the EIS preparation, was removed as a candidate for listing under the Endangered Species Act (ESA) in August 2004. In December 2009 the USFWS found that listing the black-tailed prairie dog as either threatened or endangered was not warranted at that time. Bald eagles (*Haliaeetus leucocephalus*) may occur along the Milk River during winter and could occasionally be in the vicinity of the proposed project. However, the bald eagle was officially delisted on June 28, 2007 and the species is no longer considered as a threatened species under the ESA. Bald eagles remain protected under the federal Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. There are no known bald eagle nest locations in the vicinity of the proposed project. There will be no impact to either the black-tailed prairie dog or bald eagle as a result of the proposed project.

The USFWS Endangered, Threatened, Proposed and Candidate Species list for Montana Counties (February 2012) lists the black-footed ferret (*Mustela nigripes*), the greater sage-grouse (*Centrocercus urophasianus*), and the Sprague's pipit (*Anthus spragueii*) as having a reasonable expectation to occur in Hill County.

Habitat for the black-footed ferret, a listed endangered species, is not found within the project area. The proposed project will have no effect to the black-footed ferret.

The greater sage-grouse, a candidate species, has the potential to occur in the proposed project area. There are no records of greater sage-grouse in the vicinity of the proposed project. The proposed project is not likely to jeopardize the continued existence of the greater sage-grouse.

The Sprague's pipit, a candidate species, has the potential to occur in the proposed project area. There are no records of Sprague's pipit in the vicinity of the proposed project. The proposed project is not likely to jeopardize the continued existence of the Sprague's pipit.

**Mitigation:** The mitigation measures from the original FEIS/ROD were analyzed. The mitigation measures remain appropriate and applicable to the proposed project. No change in mitigation.



### **Floodplains**

MDT concludes that the impacts of the proposed project on floodplains are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. Additional encroachments from future MDT corridor projects have been and would be designed in accordance with 23 CFR 650 Subpart A and in coordination with the appropriate regulatory agencies.

**Mitigation:** No change in mitigation.

### **Wild and Scenic Rivers**

The proposed project will not impact a Wild and Scenic River. MDT concludes that the impacts of the proposed project on wild and scenic rivers are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. There will be no impacts to a Wild and Scenic River; therefore, a cumulative impact analysis is not required.

**Mitigation:** No change in mitigation.

### **Water Body Modifications**

A new stormwater outfall to the Milk River and a riprap drainage chute in the Bullhook channel will be necessary. MDT concludes that the impacts of the proposed project on water body modifications are consistent with the findings of the FEIS/ROD.

**Impacts:** Although it is anticipated that there will be water body modifications with the proposed project as well as present and future actions, these losses would be limited to the minimum necessary to construct the projects.

**Mitigation:** The proposed project has been designed to be in compliance with applicable water quality regulations and standards. MDT would coordinate with the appropriate agencies throughout the design to obtain any necessary permits/authorizations. No change in mitigation.

### **Hazardous Materials**

MDT concludes that the impacts of the proposed project on hazardous materials are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

### **Visual Resources**

MDT concludes that the impacts of the proposed project on visual resources are consistent with the findings of the FEIS/ROD.

**Impacts:** No change in impacts. No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

#### **Section 4(f) and Section 6(f) Resources**

MDT concludes that the impacts of the proposed project on Section 4(f) and Section 6(f) resources are consistent with the findings of the FEIS/ROD.

**Impacts:** The proposed project will impact the Sunset Drive-in Theatre that is protected by Section 4(f) of the US Department of Transportation Act of 1966. No additional impacts to the Sunset Drive-In Theatre will occur as a result of the modified design. The proposed impact to the Sunset Drive-in Theatre as identified in the previous design and as identified in the FEIS/ROD remain the same. Approximately 0.02 acres of new right-of-way would be required from this property for grading near the access.

No acquisition of any properties protected by Section 6(f) of the Land and Water Conservation Fund Act of 1965 will be required.

No cumulative impacts are anticipated.

**Mitigation:** No change in mitigation.

#### **Public Involvement**

A substantial amount of public involvement has continued after the completion of the original FEIS/ROD. A second public meeting was held on January 28, 2010, to explain the project details and final design and to gather local input. Public comments received at this meeting were supportive of a 4-lane design. Personal contacts with adjacent landowners explaining the work to be performed will be offered during the Right-of-Way phase. The main portion of the public involvement plan occurred during the EIS process and controversial issues have been identified and addressed in the FEIS.

**Construction Impact Related to the Build Alternative** - The contractor would determine construction methods after development of the final construction plans. In general, highway construction could likely involve demolition, excavation and grading, utility relocations, and placement of pavement. Sequencing of construction projects and the overall timeframe of construction have not been determined and would be based upon minimization of construction impacts, funding constraints, and coordination between MDT and local communities.

#### **Impacts:**

**Traffic Impacts:** Construction activities would cause minor, short-term temporary inconveniences to the traveling public including occasional increased travel times, detours, and temporary closures. Traffic will be maintained during project construction through the use of appropriate signing, flagging, land closures, etc. Short duration closures of US 2, if required, will be scheduled during low traffic periods. Reasonable access will be provided

**Utilities Impacts:** A number of utilities are located in close proximity to the proposed project, including overhead power lines and buried gas, water, telephone and fiber optic lines. The proposed project is expected to have some conflicts with utilities, but attempts will be made to



avoid and minimize them by modifying the alignment, where appropriate. Temporary, short-term interruption to utility services may result.

**Economic Impacts:** The proposed project is expected to have minor, short-term beneficial effects on the local and regional economies due to construction activities.

**Air Quality Impacts:** Construction activities may cause minor, short-term, localized adverse air quality impacts due to fugitive dust emissions from earth moving operations and combustion emissions from construction equipment.

**Noise Impacts:** Construction activities may cause minor, short-term, localized adverse noise impacts due to construction equipment.

**Water Resources and Water Quality Impacts:** Construction activities near surface waters have potential to have a short-term adverse impact on water quality due to potential for erosion and sediment.

**Wetlands Impacts:** Construction activities near surface waters have potential to have a short-term adverse impact on wetlands due to potential for erosion and sediment.

**Vegetation, Wildlife, and Aquatic Resources Impacts:** Construction activities facilitate increased potential for erosion, sedimentation and weed infestation in disturbed areas. Disturbed areas created during construction could create land and water erosion potential that could impact water quality and/or create temporary habitat and vegetation loss. Additional short-term construction impacts could include temporary displacement of wildlife and aquatic species from human-related disturbance. However, because of the different phases of construction, no single location would experience a long-term period of disruption. Wildlife populations found in the project area are likely accustomed to periodic human disturbances due to the presence of the existing roadway and agricultural activities. Construction activities could result in individual wildlife mortality primarily to those species with limited mobility and/or those that could be occupying their burrows at the time of construction (e.g., mice, voles, frogs, salamanders, snakes, badgers, ground squirrels). More mobile species, such as adult deer and coyotes, would be able to avoid mortality by moving into adjacent habitat. Permanent displacement of populations or increased habitat fragmentation would be unlikely to result from these proposed projects.

**Threatened/Endangered Species Impacts:** There will be no impact to either the black-tailed prairie dog or bald eagle as a result of the proposed project. The proposed project will have no effect to the black-footed ferret. The proposed project is not likely to jeopardize the continued existence of the greater sage-grouse. The proposed project is not likely to jeopardize the continued existence of the Sprague's pipit.

**Historical/Cultural Resources Impacts:** Previously unknown historical or cultural materials may be unearthed during construction.

**Hazardous Materials Impacts:** Previously unknown hazardous materials may be encountered during construction.

**Visual Resources Impacts:** Construction activities may cause minor, short-term, localized adverse visual impacts.

**Traffic Mitigation:** A traffic control plan will be developed as design proceeds. The Manual on Uniform Traffic Control Devices (MUTCD) will be utilized to guide the application of the traffic control plan.

**Utilities Mitigation:** MDT Standard Specifications require the contractor to cooperate with utility owners in the removal and rearrangement of utility facilities to minimize interruption to utility service and duplication of work by the utility owner. Notification of service interruptions due to these relocations would be the responsibility of these utility line's owners.

**Economic Impacts Mitigation:** No mitigation required or proposed.

**Air Quality Mitigation:** MDT Standard Specifications require that the Contractor comply with applicable state and federal air quality rules, which may require use of dust suppression and emission control measures to minimize short-term impacts related to construction dust and equipment usage. The Contractor will be required to revegetate disturbed areas.

**Noise Mitigation:** MDT Standard Specifications require compliance with applicable laws, regulations, and requirements contained in the contract regarding noise pollution.

**Water Resources and Water Quality Mitigation:** The Contractor will be required to revegetate disturbed areas. MDT design and construction specifications require temporary water pollution control measures to minimize potential effects of construction activities. Mitigation of water quality impacts caused by stormwater runoff and erosion would be achieved through engineering controls such as grading, revegetation, design of culverts/ditches, and the use of Best Management Practices.

MDT and its contractor will adhere to applicable conditions including CWA 404 Permit conditions, CWA 401 Certification requirements, SPA 124 Notification Process, and MPDES Permit.

**Wetlands Mitigation:** Throughout design and construction, avoidance and minimization measures will continue to be employed where practicable. MDT and its contractor will adhere to applicable conditions including CWA 404 Permit conditions, CWA 401 Certification requirements, and MPDES Permit.

**Vegetation, Wildlife, and Aquatic Resources Mitigation:** The Contractor will be required to revegetate disturbed areas.

**Threatened/Endangered Species Mitigation:** MDT and its contractor will adhere to the mitigation measures as contained in the FEIS/ROD.

**Historical/Cultural Resources Mitigation:** In the unlikely event that archeological or historical artifacts are encountered during construction, MDT Standard Specifications require the Contractor to immediately stop work and notify the Project Manager of the find. The Project Manager is required to stake the area to remain undisturbed until the significance of the site has been determined and appropriate measures are carried out.




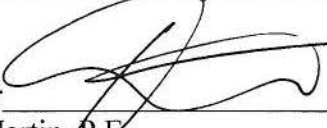
**Hazardous Materials Mitigation:** MDT Standard Specifications require any hazardous materials discovered, generated, or used during implementation of the proposed project to be handled and disposed in accordance with applicable local, State, and Federal regulations.


**Visual Resources Mitigation:** The Contractor will be required to revegetate disturbed areas.

**Conclusion**

The FEIS/ROD for the US 2, Havre to Fort Belknap Corridor has been re-evaluated as required by 23 CFR 771.129(c) with respect to the proposed project. Based on the re-evaluation, MDT determined that no substantial changes have occurred in the social, economic, or environmental setting of the project area. The project, as described in the original FEIS/ROD is not substantially different or changed and there will be no environmental effects that were not previously identified. The proposed project is an action that would not significantly impact the quality of the human environment. Therefore, MDT requests the FHWA's concurrence that the proposed subject project is still covered under the US 2, Havre to Fort Belknap Corridor FEIS/ROD.

  
Date: 4/16/2012  
Eric Thunstrom  
Environmental Services Bureau  
Great Falls District Project Development Engineer

  
Date: 4/16/2012  
Concur  
Tom Martin, P.E.  
Environmental Services Bureau Chief

  
Date: 4/17/12  
Concur  
Federal Highway Administration

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