

U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

RECORD OF DECISION

for

STPP 3-2(27)28

Fairfield to Dupuyer – Corridor Study

Control No. 4051

Teton and Pondera Counties, Montana

A. DECISION

The Federal Highway Administration (FHWA) hereby selects the Preferred Alternative as presented in the *Fairfield to Dupuyer – Corridor Study Final Environmental Impact Statement (FEIS)*. This decision is based upon the data and analysis presented in the FEIS. A complete description of the Preferred Alternative, henceforth referred to as the Selected Alternative, is provided in the FEIS. The FEIS and the entire project record are available for review by request to the Montana Department of Transportation (MDT).

The Selected Alternative will improve, reconstruct, and widen a 74 kilometer (km) [46 mile (mi)] portion of US 89 from approximately 5.8 km (3.6 mi) north of Fairfield [Reference Post (RP) 28.9], to a location approximately 0.6 km (0.4 mi) south of Dupuyer (RP 74.9). Portions of the existing alignment will be shifted to improve safety and reduce impacts. The reconstructed roadway will provide a paved width of 10.8 m (36 ft) to accommodate two 3.6 m (12.0 ft) travel lanes and 1.8 m (6.0 ft) shoulders. The Selected Alternative alignment (See Section 2.2 of the FEIS), is defined between Reference Posts as follows;

RP 28.9 +/- to RP 40.5+/-; This segment of the corridor would be constructed as close to the existing centerline as feasible.

RP 40.5+/- to RP 42.0+/-; This segment generally follows the existing alignment through Choteau with one exception which requires straightening the alignment in the northern part of town near the Old Trail Museum.

RP 42.0+/- to RP 45.8+/-; This segment generally follows the existing alignment to RP 43 +/-, where it shifts approximately 15 m (50 ft) to the east of the existing alignment and continues at this offset to RP 45.8+/-.

RP 45.8+/- to RP 50.0+/- (Alignment A); This segment returns from the offset to the existing alignment and then generally follows said existing alignment to RP 48+/-, where it shifts approximately 15 m (50 ft) to the west of the existing alignment. At RP 49.8+/-, the alignment again shifts back to the east side of the existing roadway and utilizes the abandoned railroad right-of-way to the extent feasible.

RP 50.0+/- to RP 54.8+/- (Alignment E); This segment continues on the east side approximately 15 m (50 ft) east of the existing alignment.

RP 54.8+/- to RP 55.4+/-; This segment returns from the offset to generally follow the existing

alignment through Bynum as described in the FEIS and shifts to the east of the existing roadway at Muddy Creek for a new bridge location.

RP 55.4+/- to RP 60.0+/-; This segment generally parallels the existing alignment with a 15 m (50 ft) offset to the east.

RP 60.0+/- to RP 64.5+/- (Alignment H); Returns from the offset to generally follow the existing alignment, but smooths the curve south of Pendroy Junction.

RP 64.5+/- to RP 66.0+/- (Alignment I); Leaves the existing alignment to an offset of approximately 15 m (50 ft) east until it reaches the curve above Spring Creek. From there, the new alignment will eliminate a large, reverse curve directly north of RP 65 and return to parallel the existing alignment near RP 65.5+/-, as shown in Figure 2-8 in the FEIS. Crossing the existing roadway in the area of RP 65.5+/-, the new alignment would continue with an offset to the west of the existing roadway to RP 66.0+/- where it would return to the existing alignment.

RP 66.0+/- to RP 69.5+/- (Alignment K); Generally follows the existing alignment to RP 66.9+/- where it leaves the existing alignment in a long curve through the bottom lands to reconnect with the existing alignment in the vicinity of RP 68.1+/- . See Figure 2-9 in the FEIS.

RP 69.5+/- to RP 73.0+/- (Alignment N); Generally follows the existing alignment with some straightening of the existing curves.

RP 73.0+/- to RP 74.9+/-; Leaves the existing alignment to an offset approximately 15 m (50 ft) east of the existing alignment, making minor corrections to various curves and returning to the existing alignment at 74.9+/-.

Additional Enhancement Elements

Specific items and features identified during the public involvement process to address safety and efficiency concerns are described in Section 2.3 of the FEIS.

Traffic Circle in Choteau; improvements which would provide islands to help direct traffic, require one-way travel on the entire circle, and eliminate the parking area on the north side of the courthouse.

Traffic Signal at 1st and Main; replace the existing overhead flasher assembly with an upgraded four-way red assembly and place stop signs on all four legs of the intersection.

Curve correction north of Choteau; elimination of this curve will improve the sight-line on the north end of town. Modifications to the parking area entrance at the Old Trail Museum will be required.

Sidewalk Improvements in Choteau; install curb/gutter, and extend the sidewalks up to 10th Street NW on the west side and up to the Stage Stop Inn on the east side of US 89.

Pullout Areas; enhancements of the existing parking areas will be completed in the Freezeout Lake area and several new scenic pullouts will be developed in the northern portion of the corridor.

Effective Signing; applies mainly to the public information signs regarding the availability of rest areas and local specific services. Signs should be included that clearly identify the parking areas, scenic pullouts, local attractions, historical/archeological sites and regional attractions.

Intersection Improvements; visibility and alignment improvements will be completed at several intersections in the northern portion of the corridor.

The proposed improvements will be completed during project development. Any necessary minor modifications and adjustments will be completed during final design.

B. ALTERNATIVES CONSIDERED

No-Build Alternative (Section 2.2 of the FEIS).

Build Alternatives;

Typical Section Width Alternatives (Section 2.1 of the FEIS).

(32.0 ft) - The first typical section alternative identified a width for US 89 of 9.6 m (32.0 ft) from Fairfield to just north of Choteau, and narrowing to 8.4 m (28.0 ft) from Choteau to the end of the route. This width did not provide for identified bicycle and pedestrian needs along the corridor.

(36.0 ft - Selected): This typical section alternative was developed based on operational needs and input from the local communities expressing a desire to encourage bicycle and pedestrian travel in this corridor. This 10.8 m (36 ft) typical section width is the Selected width for the entire corridor.

Alignment Alternatives considered, but eliminated;

-RP 45.8± to RP 50.0± (south of the Eldorado Ditch); *Alignment Alternatives B and C* (Section 2.2 of the FEIS).

-RP 54.8 and RP 55.4 (south end of Bynum to immediately north of Muddy Creek); *Alignment Alternative D* (Section 2.2 of the FEIS).

-RP 60.0± (south of Bynum Canal) to RP 64.5±; *Alignment Alternatives F and G* (Section 2.2 of the FEIS).

-RP 66.0± to RP 69.5±; *Alignment Alternatives J and L* (Section 2.2 of the FEIS).

-RP 69.5± to RP 73.0± (south of the North Fork); *Alignment Alternative M* (Section 2.2 of the FEIS).

Environmentally Preferred Alternative

Since the No-Build Alternative does not meet the purpose and need, the typical section and alignment that would provide the least environmental impact would be the 9.6 m (32.0 ft) typical section generally following the existing alignment. Where alternative alignments were developed, the sections with the least environmental impacts would be segments A, E, H, L and N. (See Section 2.2 of the FEIS). L is the only segment that is not along the Selected Alignment and retains much of the poor alignment (sharp curves with small radii), of the original road. Alignment K (Selected), is a superior alignment in terms of a shorter road, reduction in the number of curves and traffic flow. Based upon public input and identified needs, a 10.8 m (36.0 ft) typical section was selected to accommodate bicycle traffic and enhance safety.

C. MITIGATION

Rights-of-Way Acquisitions; Will be in accordance with both the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646), and the Uniform Relocation Act Amendments of 1987 (P.L. 100-17).

Farmlands; Any irrigation ditches impacted by the proposed improvements will be reconstructed during the non-growing season to the extent feasible. These construction impacts will be short term and temporary, and will be coordinated with the ditch owner(s).

Water Quality;

- Encroachments into watercourses will be avoided or minimized to the extent possible.
- MDT will re-establish a permanent desirable vegetation community over all landform surface areas disturbed by construction for this project.
- MDT will develop a set of re-vegetation guidelines that must be followed by the contractor.
- A Notice of Intent (NOI), and a storm water pollution prevention plan (SWPPP) for the proposed construction will be submitted to the MDEQ's Permitting and Compliance Division, Water Protection Bureau, in compliance with the Montana Pollutant Discharge Elimination System Regulations (ARM 16.20.1314).
- Best Management Practices (erosion control, water protection, re-vegetation), will be used in the design of this plan, based on guidelines being developed by MDT.
- Culverts and bridges will be designed to accommodate flood flows with no substantial changes in 100 year flood water elevations according to State and Federal regulations.
- Culverts will be designed to match the hydraulic traits of natural streams to the extent feasible.
- During the permitting process, culvert and bridge design will be coordinated with appropriate resource and permitting agencies.

Wetlands;

- Avoid and/or minimize impacts to Category I and II wetlands throughout the corridor by reducing fill slopes where practicable.
- Impacts to wetland areas through Freezout Lake will be avoided and/or minimized by maintaining the proposed alignment on the existing roadway centerline, or immediately adjacent to the existing roadway centerline where feasible.
- Where wetland impacts are unavoidable, compensatory mitigation will be completed.

Species of Concern;

- To prevent disturbance to nesting Black Tern at Freezout Lake WMA, all detrimental construction activities (as determined in consultation with the Montana Department of Fish, Wildlife and Parks) will be discontinued from May 1 to August 1 between RP 30.4 and 32.4 if nesting Black Tern are present in the construction area.
- Gravel sources and batching areas will be placed outside of the Freezout Lake WMA and away from known nesting areas.
- A qualified biologist will check the existing bridges, culverts, and irrigation pipes along the project corridor prior to construction to determine the status of any migratory bird nests. If nests are present, one of the following will occur:
 - The bridge or culvert will be removed outside of the nesting season (sometime between September and early April); or
 - Prior to, or after nesting, all nests will be removed (sometime between September and early April) and meshing will be placed around the structure(s) to prevent nesting.

Floodplains;

- A hydraulic analysis will be prepared in accordance with Section 4.11 of the FEIS.
- Note: A determination that the longitudinal encroachment along Spring Creek was not 'significant' was identified in the FEIS.
- A floodplain development permit will be required from the Teton County Floodplain Administrator.

Threatened and Endangered Species;

-The Selected Alternative **May Affect, is not likely to adversely affect** the grizzly bear. Mitigation/coordination measures are identified in Section 4.12 of the FEIS.

-Any power lines that are modified or reconstructed as a result of the project will be raptor-proofed in accordance with MDT policy.

Hazardous Wastes;

-Further investigation will be conducted regarding hazardous material spills and UST leaks based on the information found during database searches as necessary.

-Proper disposal procedures will be adhered to for treated railroad timbers, old tires, abandoned pipeline, tanks and drums.

-Disposal procedures for oil field wastes will be verified since US 89 provides access to active oil wells and oil fields where necessary.

-Soils in areas of potential hazardous waste will be monitored for the presence of volatile organic vapors. The status and monitoring results of the four existing sites will be reviewed prior to construction.

-Disposal of soils potentially contaminated with hydrocarbon fuel compounds will be done in accordance with guidance and approvals obtained from the MDEQ, Teton County, and Pondera County, which are decided on a case-by-case basis.

Visual Resources; Side slopes will be reseeded with desirable vegetation to minimize the visual impact.

Construction;

-Property owners will be given early notification of construction in order to address potential construction impacts. Businesses in Choteau will be given early notification of construction work to address potential access, parking or operational impacts.

-MDT will implement a public information program to alert the community of construction activities.

-A traffic control plan will be developed to minimize disruptions to traffic and maintain reasonable access to affected businesses and residents during the construction period(s).

-Existing bridges will remain in place as long as feasible during construction to limit the need for detours and minimize disruptions to traffic flow.

-In or near residential areas, construction hours will be limited to daylight hours to avoid noise impacts at night to the extent practicable.

-Construction staging and storage areas will be at least 30.5 m (100 +/- ft) from the ordinary high water mark of all drainages, or as otherwise permitted.

-Unaffected wetland areas will not be disturbed during construction and protected with temporary fencing if necessary.

-No staging or storage of construction equipment/supplies will be allowed in a wetland or near areas with surface waters.

-No fertilizers, hydro-fertilizers, or hydro-mulching will be allowed within 30.5 m (100 +/- ft) of any stream, intermittent drainage or wetland or as otherwise permitted.

-Hazardous material, refueling activities, fuels and lubricating oils will not be stored within 30.5 m (100 +/- ft) of wetlands or streams or as otherwise permitted.

-If archeological resources are discovered during construction, all construction in the immediate area will stop and MDT Environmental Services will be contacted immediately to determine the necessary course of action.

-MDT and the contractor will work with utility providers to develop utility agreements to

coordinate utility relocation and minimize impacts.

All practicable means to avoid or minimize environmental harm

The plans for the improvement, reconstruction, widening, and realignment of US 89 from Fairfield to Dupuyer have undergone numerous changes to minimize adverse impacts. This process is described in Chapters 1 and 2 of the FEIS. The US 89 corridor improvements are needed to improve safety and travel efficiency, encourage bicycle and pedestrian travel, and to accommodate increases in traffic. All practicable means to avoid or minimize environmental harm has been adopted for the affected resources.

Cumulative and indirect impacts were analyzed and not considered significant for this project. No impacts are disproportionately borne by any minority or low-income group, thus meeting the goals of the Executive Order on Environmental Justice. There will be no impacts to any historical features, parks or recreational facilities in the Corridor, thus a 4(f) analysis is not required.

D. COMMENTS ON THE FINAL EIS

Notice of release of the FEIS was published in the Federal Register on September 5, 2003. The FHWA provided a 30-day waiting period that ended on October 5, 2003. The FEIS was distributed to federal, state, regional, and local agencies, as well as members of the public who requested copies. In addition, copies were placed in local libraries for use by the general public.

Twenty comments were received on the Final EIS document. The comments and responses are included as Attachment A.

Date: 12-2-03

By: Michael J. Duman
Janice Weingan Brown
Division Administrator
Federal Highway Administration, Montana Division

Attachment

RECEIVED
SEP 18 2003
ENVIRONMENTAL

9/16/03

Jean A. Riley, P.E.
Environmental Services
Montana Department of Transportation
P. O. Box 201001
Helena, Mt. 59620-1001

Mr & Mrs Robert McDonald
PO Box 909
Choteau, MT 59422

MASTER FILE
COPY

Dear Ms. Riley:

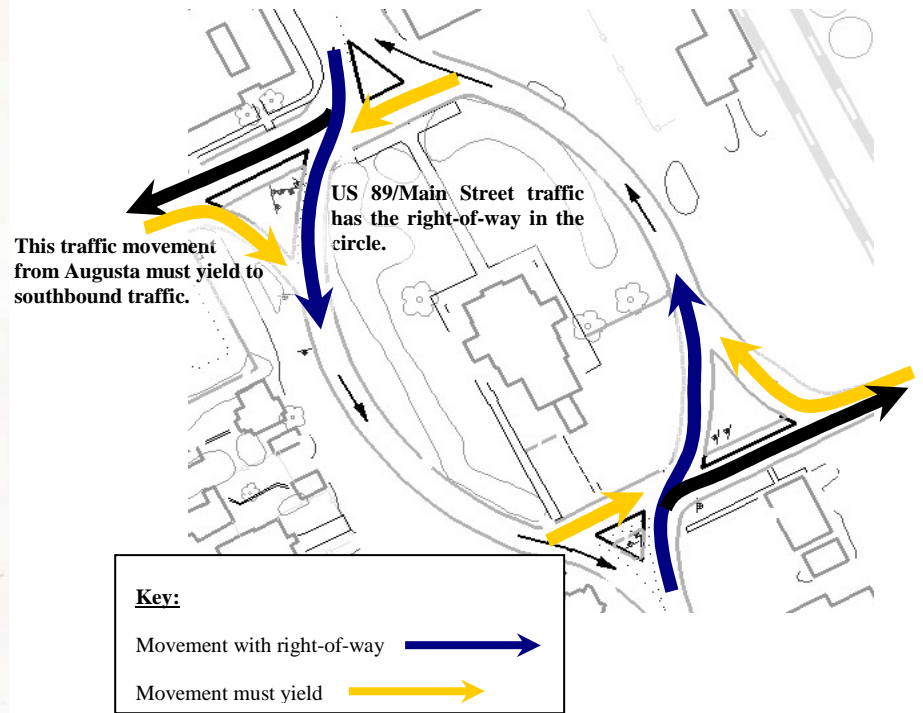
1 I have recently read the Final Environmental Impact Statement Re: the Fairfield to Dupuyer Corridor Study. I feel that there has been a lot of work and research put into this document and am in agreement with your choice of alternatives. I would like to know a couple of things: One is if the traffic from Augusta will be turning to their right and going around the Court House to come up on Hwy. 89 through town, what does the traffic coming from the north on Hwy. 89 do when they want to go to the Drive Inn, the lumber yard, and even the Court House? Can they make a left turn to yield with the Augusta traffic? Also, I am not sure what your plan is where we leave Hwy. 89 to go up Teton Canyon to the lake and various other places west.

2 Also, I understood from the Statement, that the road will be east of the present Hwy 89 and you will be using the old railroad right of way. We live just beyond mile post 43, our address no. is 4330, and I noticed that a mention was made to widen areas out so people could stop to take pictures and look for wild life. Presently there is a widened out place immediately east of our land and our buildings. I was wondering if it would be possible, since that area will be redone anyway, if a place between mile post 42 and 43 could be made into the scenic turn out where they could get a much better picture of the mountains and wildlife, and would take away the noise of the truckers and the turn arounders from our area. We would really appreciate not having that located so close to our buildings. Because of the brush, a person could be on our doorstep or around our buildings without our ever seeing them, which gives us a feeling of unease.

Thank you for giving us the opportunity to contact you.

Sincerely,
E. Rae McDonald
E. Rae McDonald
Robert D. McDonald
Robert D. McDonald

1 The figure below illustrates the traffic movements and right-of-way around the Courthouse. The movement you described – coming from the north on US 89/Main Street destined for the Log Cabin Café – has the right-of-way. Traffic entering the circle from the west (presumably from Augusta) would yield to traffic coming from the north.



2 The intersection at Teton Canyon Road would be redesigned to provide a “T” intersection where Teton Canyon road intersects the new curve at a right-angle.

3 There are currently no plans to provide a scenic pull-out in the area you have described. The widened area that currently exists at that location is an old weigh station pad that is no longer in use. The proposed roadway and shoulder widening would envelop this old pad, and no further widening or provision for scenic pull-outs is proposed.



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

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ENVIRONMENTAL

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Ref: 8MO

September 30, 2003

Ms. Jean A. Riley, P.E.
Environmental Services,
Montana Dept. of Transportation
2701 Prospect Ave., P.O. Box 201001
Helena, MT 59620-1001

Re: CEQ # 030405
Final Environmental Impact Statement, U.S. 89
Highway, Fairfield to Dupuyer Corridor Study

Dear Ms. Riley:

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Final Environmental Impact Statement for highway improvements to U.S. 89 Highway, Fairfield to Dupuyer.

Thank you for providing responses to EPA's DEIS comments. The EPA does not object to the preferred alternative using the offset alignment and Alignment Alternatives A, E, H, I, K, and N to update design features, improve safety of travel and level of service, and provide enhancements to recreational users of U.S. 89 from Fairfield to Dupuyer. However, EPA does have concerns about potential impacts to 30.2 acres of wetlands along the preferred alignment. It is important that a detailed Wetland Mitigation Plan be prepared for review by the U.S. Army Corps of Engineers, EPA and other members of the Montana Wetlands Interagency Group before implementation of the proposed project. We understand that a Wetland Mitigation Plan is in preparation which will describe how impacted wetlands will be compensated through wetlands restoration, enhancement and creation at the Freezeout Lake Waterfowl Management Area (WMA) and possibly at the Savik Waterfowl Production Area. The Wetland Mitigation Plan should contain a statement of goals that include adequate replacement of lost wetland functions and values; a monitoring plan; long-term management/protection objectives; a commitment to conduct additional work, if required, to meet the goals of the Plan.

Thank you for including an improved watershed map in the FEIS. We are pleased that MDT will actively coordinate with MDEQ to avoid impacts to streams. It is particularly important to avoid further degradation of streams in the project area that are on Montana's Clean Water Act Section 303(d) list of impaired waters (i.e., North and South Forks of Dupuyer Creek,



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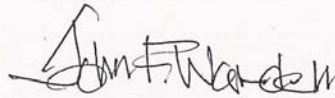
We understand EPA's concerns regarding wetland impacts associated with the proposed action. A detailed Wetland Mitigation Plan will be prepared for review by the U.S. Army Corps of Engineers, EPA, and other members of the Montana Wetlands Interagency Group prior to construction of each portion of this corridor reconstruction project in accordance with current MDT policy. This policy addresses each of your stated concerns.

the Dry Fork of the Marias River, Teton Spring Creek, Teton River, Priest Butte Lake, and Freezeout Lake).

5 The FEIS indicates all the pipes, culverts and bridges will be replaced in the corridor. We note that pipes, culverts and bridges should be designed with adequate capacity, size, configuration, and/or span to minimize encroachment upon the river channel, riparian area, and floodplain, and to transport bedload to avoid sediment deposition above stream crossings or scour below stream crossings (e.g., construction of bridges on pilings, as opposed to fill, can reduce encroachment). Bridges or open bottom arch culverts that allow natural stream bed substrate and stream grade, and sufficient width and capacity to pass flood flows and bedload transport with minimal encroachment upon the river channel and riparian area are preferred. Culverts that simulate the natural stream grade and substrate as much as possible should be used to avoid concerns with fish passage. We also note the need to incorporate wildlife passage in the design of new bridges and culverts, since the riparian corridors at stream crossings provide important travel corridors and cover for wildlife movement, and reduction of vehicle-wildlife collisions is also an important objective to improve highway safety.

6 The EPA appreciates the opportunity to review and comment on this NEPA document. If you have any questions please contact Mr. Steve Potts of my staff in Helena at (406) 457-5022 or in Missoula at 329-3313.

Sincerely,



John F. Wardell
Director
Montana Office

cc: Cynthia Cody/Julia Johnson, EPA, 8EPA-N, Denver
Todd Tillinger, COE, Helena
Dale Paulson, Program Development Engineer, FHWA, Helena
Scott Jackson, USFWS, Helena
Jeff Ryan, MDEQ, Helena
Carole Mackin, MDEQ, Helena

5 No detailed hydraulic analysis has been conducted in this corridor to date. All pipes, culverts, and bridges will be replaced as deemed appropriate through hydraulic requirements outlined under 23 CFR 650 and consideration of the issues raised by EPA.

6 With the exception of the Teton River crossing south of Choteau, there are no concentrated wildlife crossing areas in the corridor with grades or deep channels that would be considered conducive to a design specific for wildlife passage.

Thank you for your review of this EIS.

Riley, Jean

From: Julie Fink - McCartney - Hollar [julie4him@hotmail.com]
Sent: Monday, October 06, 2003 3:19 PM
To: jriley@state.mt.us
Cc: skolman@state.mt.us
Subject: Fairfield to Dupuyer - Corridor Study

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Montana Department of Transportation
201001

POB
Helena MT 59620-1003

Re: Fairfield to Dupuyer - Corridor Study

Thank you for this opportunity to voice personal concerns about this section of Montana Highway # 89.

I have a few concerns:

7 A.) There is a Transitional Living Group Home for Adults with Developmental Disabilities on the very south end of Choteau. These folks walk to their work place on a daily basis during the week, along Highway 89. This can be quite a challenge, esp. in the winter, as well as the crossing of the Highway, in town, in 2 places, to get to work. There are no sidewalks for them to stay within the guidelines of, nor are there crosswalks for them. Other townsfolk, as well as school-age children, often use the same route, as Choteau is small enough that there is a lot of 'foot traffic'.

The crosswalk area pertains specifically in the Teton County courthouse location.

8 B.) The Court House is located in such a manner that there should be 4 distinct crosswalks leading from it, with Pedestrian signs, at 10 o'clock - 2 o'clock - 5 o'clock as well as 7 o'clock, if you were facing north to the Court House with Fairfield at your back (south). From the Court House complex and lawn, the business district is at 2 o'clock - the Police Station is located at 5 o'clock - the Log Cabin Cafe at 7 and the Nursing Home and Swimming Pool at 10 o'clock.

Also, these DD people use the downtown area frequently during their workday, as well as on weekends. I have observed too many 'close-calls' due to tourists in the summer, as well as teens in the school year, and would advise that there be a Pedestrian sign along with a 15 mph speed limit starting just before our business district in approximately the 300 block North Main Avenue from the northward direction and then another one in approximately the 300 block South Main Avenue.

9 C.) By the Old Trail Museum on North Main Avenue, there is a need for a crosswalk with a Pedestrian sign, as many tourists cross the highway at that location, to the Outpost Deli eating establishment across the highway to the west, and again at the Bella Vista Motel to the southwest of the Museum.

Thank you again, for a 'listening ear'.

Mrs. Julie M. Hollar

Julie ♡
POB 344

10/6/03

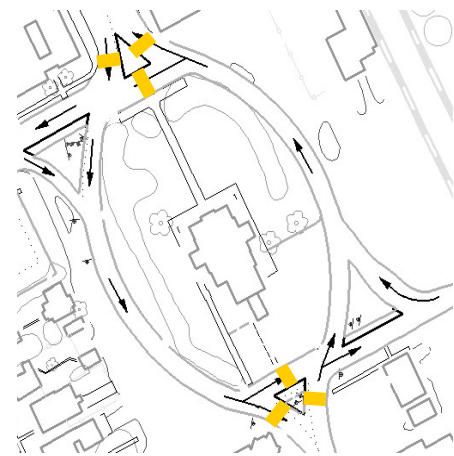
Thank you for your comments and concerns relating to pedestrian travel and safety in the Choteau area.

7 The current project does not include installation of sidewalks south of the Courthouse, however, the project does not preclude their installation under a separate action. Given the uncertain timeframe for the US 89 reconstruction project, it may be desirable to seek other opportunities to install the sidewalk, curb, and gutter in the southern portion of Choteau in the more immediate timeframe.

8 Pedestrian crossing in a traffic circle is always a challenge due to the fact that traffic is never required to stop for most movements. In the case of this modified traffic circle, or couplet, it may be best to locate crossings of US 89/Main Street at the north and south ends of the courthouse as depicted below. This minimizes the traffic movements the pedestrians must monitor and negotiate as they cross. They would be provided refuge on the traffic islands, and then only cross the low volume one-way segments at those ends.

Pedestrian crossing signage would be included in any such improvements, but a reduction in the posted speed limit is unlikely, and must be approved through a separate process.

9 Pedestrian crosswalk ideas are welcomed, and will be entered into the public record for future consideration. The design for this project is not at the stage for this level of detail, but these comments will be considered during upcoming design phases.



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Paul & Yvina Beard
4351 U.S. Hwy. 89
Choteau MT 5942
October 1, 2003

Montana Department of Transportation
Attention: Sean Riley

Dear Ms. Riley,

As a matter of personal concern and for public record we submit these comments regarding the proposed expansion of Highway 89 North of Choteau....

1. Any changes made in height to the present highway or old railroad bed would directly affect our protection from future flooding.
2. Bringing the east edge of the highway fifty-five feet further east places our front step approximately 120 feet from the highway edge. This presents a serious safety concern for both property and person.
3. The approach to our property line would be reduced by 55 feet as well. This would limit the ability for semi-tractor trailer trucks to deliver supplies to our cabinet business located on our property, making it very

11

No changes in the profile (or elevation) of the roadway are proposed in this area, primarily due to the floodplain issues you referred to.

12

The proposed centerline for the new alignment will be shifted approximately 50 feet east of the existing centerline in this area to avoid right-of-way impacts on both sides of the reconstructed roadway. This shift is not anticipated to require any new right-of-way and provides benefits during reconstruction of the roadway. The side of the roadway will be designed for errant vehicles to recover. Highway design policies strive to make a roadway facility perform as safe as possible. In this instance, the shift is within the safeguards of highway design policy and is expected to function safely. MDT continuously monitors the safety performance of State highways and provides correction to either prevent a condition from developing or remedy conditions that have developed.

13

No new right-of-way acquisition is anticipated for the shift in alignment to the east at this location. MDT representatives will need to discuss your current on-site operations to understand your concerns regarding semi-tractor movements on your property, and how they may be affected.

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difficult to turn around & exit. This could seriously affect business operations.

14

4. Increased traffic would travel closer, thereby increasing noise & affect privacy.

15

5. A wider & closer-in-proximity highway would make our property less attractive to prospective buyers & reduce the value of our property.

Remedies

16

A. Changing the location of our approach to the southeast corner of our property would adequately address the concerns presented in comment "3". We would require assurance of a new approach easement and an explanation regarding the D.O.T.'s responsibility both for removing the present approach & providing the structure for a new approach both on state property & into or on our property well in advance of actual construction.

16

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B. In addition, by extending our present fence toward, into, or across our present approach with accompanying shelter belt plantings would provide somewhat of a solution to concerns named in "2, 4, 5". An explanation of Montana D.O.T.'s responsibility toward these remedies, especially in regards to safety barrier should be expressed well in advance of any construction. Your attention to these matters & concern is greatly appreciated by us & our family. Sincerely,
Paul & Gina Beard

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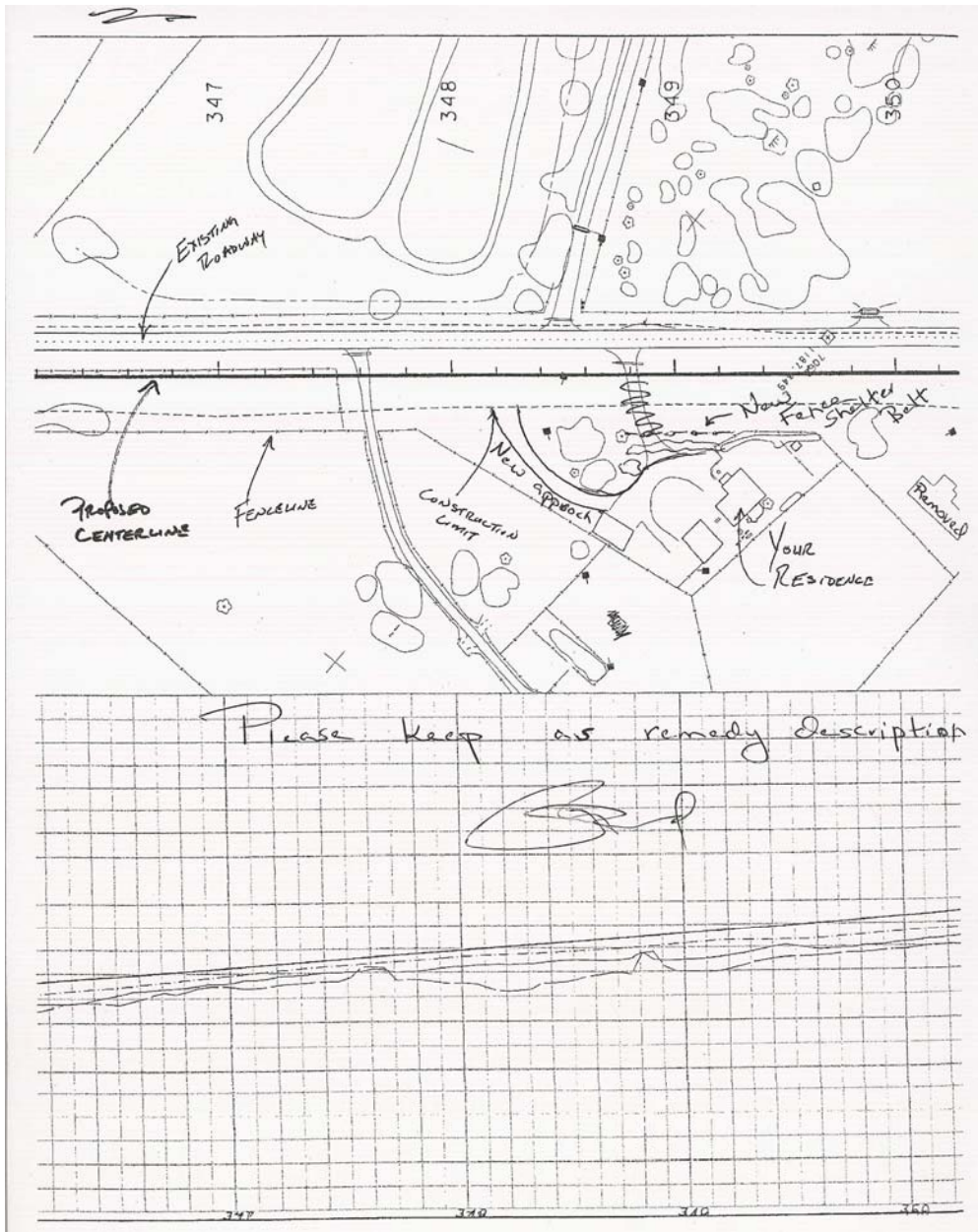
The noise analysis conducted for this project, as discussed in the FEIS, did not identify a noise impact for your property. As noted in earlier correspondence, the anticipated noise levels at your residence may reach approximately 53 decibels, and MDT noise policy does not identify an "impact" until the noise levels reach or exceed 67 decibels. This MDT policy conforms to the FHWA noise regulation.

15

We would point out that no new right-of-way will be acquired along the frontage of your property. MDT acquired the abandoned railroad right-of-way in previous years with the expressed intent of preserving those areas for future highway expansion.

This is a design detail that will need to be negotiated during the project's final design and right-of-way negotiation phase. Your request is part of the official record and will be considered as the project progresses.

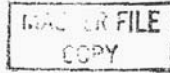
As no impacts have been identified for your property, no mitigation commitments have been made as part of this process. Your comments have been noted and will be considered as the project progresses.



Map attachment

Riley, Jean

From: Nancy Thornton [nancetho@montana.com]
Sent: Sunday, October 05, 2003 8:28 PM
To: mdteiscomments@state.mt.us
Subject: Highway 89 Fairfield to Dupuyer



Dear Ms. Riley,
As you know from the Highway 89 EIS, there exists a historical site called the Old Agency on the Teton about 3 miles north of Choteau on the east side of Highway 89.

I am the president of a nonprofit group called the Friends of Old Agency on the Teton Inc, whose mission is to acquire the site from the private landowner and develop the site for access by the public. This is a process that is only in the formative stages of talks, however, by the time the highway is being bid for reconstruction, I am hoping that our organization is well on its way to its goal.

18 Therefore I ask that MDT pass any designs to redo the Old Agency signage to interpret the site for the public by placing new signage, be sent to our group for review and suggestions before it is a "done deal."

It should also be said that the highway design should consider the fact that one day there may be an entrance to a parking lot adjacent and due west of the Old Agency site. We do not have a site plan developed yet, however, we will keep MDT notified of our progress to acquire and develop the site as we work through the negotiations which I hope will be successful. Please keep us on the mailing list for Highway 89 matters.

19 Sincerely,
Nancy Thornton
President, Friends of Old Agency on the Teton, Inc.
P.O. Box 1482

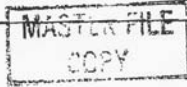
Thank you for your comments and concerns for the historical marker at the Old Agency.

18 MDT is aware of your interest in this site and the respective marker and will consult with both the Friends of Old Agency and the Blackfoot Tribe before the marker is designed and placed at this location.

19 You will be kept on the mailing list for the project, and you may also feel free to contact MDT Environmental Services for more information.

Riley, Jean

From: Hirschfeld Home Office [dthirsch@starband.net]
Sent: Monday, October 06, 2003 12:24 AM
To: mdteiscomments@state.mt.us
Cc: yea@3rivers.net; tlinton@montana.com; webster; reneria@3rivers.net; Mari McCracken; Jeff or Melody Martinsen; Dan Clark
Subject: Highway 89 construction EIS comment



Hi,

My name is David Hirschfeld and I am an attorney in Choteau. The following represents my views and those of several other small business owners in Choteau.

While I'm not sure if this is the time and place to raise this issue, I did not want it to be precluded for failure to bring it forward now. I would very much like to be involved in the design (or redesign) of U.S. Highway 89 through Choteau. Our local economy is becoming more and more dependent on tourism and our ability to attract and keep visitors will be important to our survival as a community in the future. While many currently find our town quaint and pleasant, without a lot of forethought, those opinions will wane. I strongly urge the MDT to invest some significant time in cultivating opinions on how to improve the appearance of our downtown area through the pending construction.

Following are some design proposals I would strongly urge through Choteau's city limits:

1. Incorporate a 6-7 foot wide median down the center of the street through town. These medians would be grass-covered with both shrubs and trees intermingled. The vegetation should be selected for species that have taproots and do not otherwise interfere with traffic flow or the road's structural integrity.
2. Install period lighting along said median to conform to current aesthetic trends and to minimize light pollution.
3. Remove existing lighting that is inefficient, unattractive and outdated.
4. Preserve the angle parking of Highway 89 by reducing the sidewalk width on both the east and west sides of the highway through town by 3 to 3.5 feet on each side.
5. Install curbing and new sidewalk along Highway 89 through town.
6. Make the sidewalks handicap accessible
7. Create at least one controlled pedestrian crossing in the downtown area.

Thank you for your consideration of these suggestions (or "objection" if that is the term required at this point). Please feel free to respond with questions or comments.

Yours,

David J. Hirschfeld
P.O. Box 7
Choteau, MT 59422
406.466.3333
lawoffice@montana.com

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Thank you for your ideas and suggestions. As the design progresses from its current conceptual phase to more detailed design, you are encouraged to remain active and continue to promote the suggestions that can be reasonably incorporated into the proposed action without changing the intent of the roadway reconstruction project.

In specific response to your suggestions, please note the following:

1. Inclusion of a landscaped median would have substantial implications for parking, which was an issue discussed at length during the alternatives development process. The current project meets the projects' purpose and need and will proceed without this feature. If sufficient need is identified in the future, an analysis would be completed to determine costs, benefits, impacts and any required mitigation.
- 2-3. There are no anticipated changes to the current lighting conditions in Choteau as part of this project.
4. Angled parking is preserved under the proposed action in direct response to public input. No other changes to the existing sidewalks were raised during the alternatives development process. If sufficient need is identified in the future, additional analysis would be necessary.
5. The proposed action includes reconstruction of US 89 / Main Street through Choteau from face of existing curb to face of existing curb. The EIS also committed to extending the curb, gutter, and sidewalks up to 10th Street NW on the west, and up to the Stage Stop Inn on the east.
6. Any alterations to the existing sidewalks will be in conformance with the guidelines of the Americans with Disabilities Act.
7. The intersection of 1st Street and Main Street will be stop-controlled on all approaches, and parking will be modified at the intersection to aid in the visibility of approaching vehicles and pedestrians.