# Record of Decision

*for*

# U.S. Highway 93 Ninepipe/Ronan Improvement Project

Lake County, Montana

NH-F 5-1(9) 6F
B744

## Final Supplemental Environmental Impact Statement and Final Section 4(f) Evaluation

FHWA-MT-EIS-95-01-FS

U.S. Department of Transportation
Federal Highway Administration
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By: _____ Date: 5/21/08

Kevin L. McLaury, P.E. - Division Administrator

# MONTANA DEPARTMENT OF TRANSPORTATION
# RECORD OF DECISION

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In accordance with Title 18, Chapter 2, Section 252, Administrative Rules of Montana (ARM 18.2.252), I hereby accept and concur with the findings and decision as documented in the US Department of Transportation Federal Highway Administration's Record of Decision for this project as approved on 5/21/2008.

By: _____ Date: 5/21/2008
Director, Montana Department of Transportation

# DECISION

The Federal Highway Administration hereby identifies Alternative Rural 3 and Alternative Ronan 4 as the selected alternatives for improvement along the 18 kilometers (11.2 miles) of roadway in the Ninepipe/Ronan section of the existing U.S. Highway 93 (US 93) corridor in Montana. This decision is based on the information presented in the U.S. Highway 93 Ninepipe/Ronan Final Supplemental Environmental Impact Statement (SEIS) and Section 4(f) Evaluation, released for public review on April 11, 2008. The final SEIS presents a complete description and analysis of the alternatives considered and identifies Alternative Rural 3 and Alternative Ronan 4 as the preferred alternatives. Copies of the final SEIS are available by request to the Montana Department of Transportation (MDT).

Alternative Rural 3 is composed mostly of two-lane roadway, with the addition of a separated bicycle/pedestrian path, a passing lane, and a section of four-lane divided roadway at the following locations:

- A 3.0-meter (10-foot) wide separated bicycle/pedestrian path from Red Horn/Dublin Gulch to Buchanan Street in Ronan.
- A 2.9-kilometer (1.8-mile) northbound climbing passing lane from West Post Creek Road/East Post Creek Road (RP 38.2) to the top of Post Creek Hill (RP 40).
- A 2.2-kilometer (1.4-mile) section of four-lane divided roadway from Brooke Lane (RP 44.6) to the south Ronan city limits (RP 46).

Alternative Ronan 4 is a couplet, with a two-lane one-way northbound roadway on existing US 93, and a two-lane one-way southbound roadway on First Avenue SW with a wide neighborhood buffer. A 3.0-meter (10-foot) wide separated bicycle/pedestrian path is included throughout the urban portion of the project.

As required by 23 CFR 450.216(h), the next phase of the project has been included in Amendment #8 to the 2007-2009 State Transportation Improvement Plan (STIP).

# ALTERNATIVES CONSIDERED

This Record of Decision (ROD) is based upon evaluation of a No-Action Alternative and 10 widening alternatives for the rural portion of the project, ranging from minor widening to a four-lane roadway, and a No-Action Alternative and five action alternatives for the urban portion of the project through the City of Ronan. These alternatives are fully described in Part 3 and evaluated in Part 5 of the final SEIS.

## No Action

The No-Action Alternatives would retain the existing highway with no substantial improvements. Regular maintenance would continue.

## Action Alternatives

All of the action alternatives include reconstruction of the existing roadway. The reconstruction provides for curvilinear horizontal alignment roughly following the existing roadway. The action alternatives include the construction of wider shoulders and adjustment of the vertical alignment to accommodate structures crossing waterways, streams, and riparian areas. Many of these structures will also serve as wildlife crossings.

### Rural Alternatives

The rural portion of the project corridor extends from the Dublin Gulch Road/Red Horn Road intersection (approximate RP 37.1) northerly to the Ronan south city limits (approximate RP 46).

***Alternative Rural 1***
Alternative Rural 1 consists of a two-lane undivided highway throughout the length of the section.

***Alternative Rural 2***
Alternative Rural 2 includes a two-lane undivided highway with a 2.9 km (1.8 mile) northbound passing lane from Post Creek Road to the top of Post Creek Hill just south of Gunlock Road.

***Alternative Rural 3 (Selected)***
Alternative Rural 3 includes a two-lane undivided highway with a 2.9 km (1.8 mile) northbound passing lane from Post Creek Road to the top of Post Creek Hill and a four-lane divided section from Brooke Lane to the south Ronan City limits. As a result of 100+ comments on the draft SEIS, a bicycle/pedestrian path from Red Horn/Dublin Gulch Road to Buchanan Street in Ronan was added to this alternative.

***Alternative Rural 4***
Alternative Rural 4 includes a two-lane undivided highway with the addition of a 1.6+ km (1+ mile) southbound passing lane extending from south of the project limits to Post Creek, a 2.9 km (1.8 mile) northbound passing lane from Post Creek Road to the top of Post Creek Hill, a 1.6 km (1 mile) southbound passing lane from Mollman Pass Trail to Brooke Lane, and a four-lane divided section from Brooke Lane to the south Ronan City limits.

***Alternative Rural 5***
Alternative Rural 5 includes a two-lane undivided highway with the addition of a 2.4 km (1.3 mile) southbound passing lane extending from south of the project limits to Post Creek Road, a 2.9 km (1.8 mile) northbound passing lane from Post Creek Road to the top of Post Creek Hill, and a 1.5 km (0.9 mile) four lane divided roadway from Innovation Lane to the south Ronan City limits.

***Alternative Rural 6***
Alternative Rural 6 provides a two-lane undivided highway from Red Horn Road to Post Creek Road with a 1.6 km (1.0 mile) southbound passing lane from south of the project limits to Post

Creek, a 2.9 km (1.8 mile) section of four-lane divided roadway with independently aligned southbound and northbound travel lanes from Post Creek Road to the top of Post Creek Hill, two lanes undivided from the top of Post Creek Hill to Bouchard Road, and four lanes divided from Bouchard Road to the south Ronan City limits.

***Alternative Rural 7***
Alternative Rural 7 provides for a two-lane undivided highway from Red Horn Road to the south Ronan City limits, with the addition of a 1.3 km (0.8 mile) southbound passing lane from south of the project limits (RP 36.7) to approximately 180 m (600 feet) south of Post Creek, a 2.9 km (1.8 mile) northbound passing lane from Post Creek Road to the top of Post Creek Hill, a 2.1 km (1.3 mile) northbound passing lane from RP 44.2 (north of Crow Creek) to RP 45.5 (north of Bouchard Road), and a 1.0 km (0.6 mile) southbound passing lane from RP 45.5 (north of Bouchard Road) to RP 46.1 just north of Little Marten Road/Timber Lane Road. The vertical alignment is a departure from the other alternatives, as the major structures are much more extensive. There would be a major structure at Post Creek, and then from approximately Gunlock Road to just north of Crow Creek, the highway would be nearly entirely on structures. Passage of large animals throughout the lengths of these structures is the objective. Left-turn lanes would be provided only at Gunlock Road, Eagle Pass Trail, Montana Highway 212 (MT 212), and Mollman Pass Trail in the Gunlock Road to Crow Creek section. All other public roads would be terminated, and all accesses would be right-turn only, no left-turns provided. There would be a half round turnout at each end for parking and observing the pristine wetland areas. The elevated structure section would resemble an elevated parkway and would be constructed within the existing right-of-way. There would be additional observation areas constructed near Ninepipe Reservoir, MT 212, and Mollman Pass Trail.

***Alternative Rural 8***
Alternative Rural 8 consists of four lanes undivided throughout its length.

***Alternative Rural 9***
Alternative Rural 9 provides for four lanes divided throughout its length.

***Alternative Rural 10***
Alternative Rural 10 is similar to Alternative Rural 5, but has differing passing lane components. It would include two lanes undivided with the addition of a 0.8 km (0.5 mile) two-way left-turn lane extending from Dublin Gulch Road/Red Horn Road northward to a business entrance driveway on the east side, a 2.9 km (1.8 mile) northbound passing lane from Post Creek Road to the top of Post Creek Hill, a 1.9 km (1.2 mile) southbound passing lane from the top of Post Creek Hill to Eagle Pass Trail, and a 1.5 km (0.9 mile) section of four-lane divided roadway from Innovation Lane to the south Ronan City limits.

## Urban Alternatives

The urban portion extends from the south city limits of Ronan (approximate RP 46) northerly through Ronan to the Baptiste Road/Spring Creek Road intersection (approximate RP 48.3), which is the end of the proposed project. All of the Urban action alternatives include a separated

bicycle/pedestrian path extending west on Buchanan Street and north on Third Avenue and US 93 to the north end of the project.

***Alternative Ronan 1***
Alternative Ronan 1 consists of four lanes with a raised landscaped median on the existing alignment throughout most of the length, transitioning to a four-lane divided section at the north end of the proposed project between old US 93 and the Baptiste Road/Spring Creek Road intersection.

***Alternative Ronan 2***
Alternative Ronan 2 consists of four lanes on the existing alignment with a continuous two-way left-turn lane transitioning to a four-lane divided section at the north end of the proposed project between old US 93 and the Baptiste Road/Spring Creek Road intersection.

***Alternative Ronan 3***
Alternative Ronan 3 is a couplet with a two-lane one-way roadway northbound on the existing US 93 alignment and a two-lane southbound roadway constructed on the First Avenue SW alignment. This alternative would largely be constructed within the existing right-of-way of US 93 and First Avenue SW, except where the southbound transitions away from the existing and back again, where new right-of-way would be required. Transition sections would also be necessary at the southerly end to the selected rural lane configuration and to a four-lane divided section on the north end between old US 93 and the Baptiste Road/Spring Creek Road intersection.

***Alternative Ronan 4 (Selected)***
Alternative Ronan 4 is a couplet with the northbound roadway on the existing alignment, and the southbound roadway on First Avenue SW, nearly identical to Alternative Ronan 3 except the southbound roadway on First Avenue SW would consist of a wider section which would include a 3-meter (10-foot) planting area and a 3.6-meter (12-foot) buffer on the west side of the street, and a 3-meter (10-foot) planting area and a 1.8-meter (6-foot) buffer on the east side. Transition sections, as described under Alternative Ronan 3, would also be necessary under this alternative.

***Alternative Ronan 5***
Alternative Ronan 5 is similar to the existing roadway configuration except that the three lanes would include curb and gutter on the existing alignment, with sidewalks for pedestrians and bicycle lanes for the bicyclists. Transition sections would also be necessary at the southerly end to the selected rural lane configuration, and to a four-lane divided section on the north end between old US 93 and the Baptiste Road/Spring Creek Road intersection. It would also include improvements to First Avenue SW and First Avenue SE to provide for additional traffic circulation parallel to the US 93 roadway. This circulation would be for local traffic and may also be used as a bypass to the main roadway during periods of congestion.

The major environmental impacts and benefits of the rural and urban action alternatives are summarized in Sections 1.4.1 and 1.4.2 of the final SEIS.

# FACTORS IN THE DECISION PROCESS

In choosing the final preferred alternatives, the project proponents needed to balance multiple factors, including the key factors of traffic operations and safety, ecological impacts, cultural impacts, impacts to wildlife, and cost. Although Alternative Rural 3 and Alternative Ronan 4 have greater potential environmental impacts than some of the other action alternatives, the differences are minor and are offset considerably by cost, improvements to safety and traffic flow, and in addressing public concerns. In addition to these key factors, an assessment of all other relevant factors and impacts were evaluated in the final SEIS. The factors presented below represent important values for addressing the project purpose and need or main areas that distinguish the differences among alternatives.

## Public Comment for a Separated Bike Path

Approximately 190 comments were submitted during the 45-day public comment period for the draft SEIS. Of these comments, more than 100 requested the addition of a separated bicycle/pedestrian path. As a result of these comments, several options were examined to provide a separated bicycle/pedestrian path for portions of the project south of Buchanan Street in Ronan. After review and analysis of the proposed options, the project proponents endorsed the inclusion of a bike path from Red Horn/Dublin Gulch Road to Buchanan Street in Ronan in the project.

## Wildlife Crossings

An important aspect of all of the rural action alternatives was the addition of wildlife crossing structures. Although Alternative Rural 7 would have provided the greatest crossing opportunities, it was determined that the crossing structures provided in the other rural action alternatives provide adequate crossing opportunities at a substantial savings in cost. A full discussion of wildlife crossings can be found in Section 3.2.2 Rural Action Alternatives of the final SEIS.

## Cost

The estimated costs associated with the rural action alternatives range from $49 million (Rural 1) to $227 million (Rural 7). Although the Rural 7 alternative has the fewest permanent impacts on wetland and wildlife, it is estimated to cost $162 million more than the selected alternative (Rural 3). Action Alternatives Rural 8 and 9 are four-lane with substantially more impacts and higher in cost (excluding estimated cost of bike/pedestrian pathway). The balance of the action alternatives were similar in cost to the selected alternative, but not selected due to consideration of environmental impacts, balancing against an acceptable level of service.

The inclusion of a separated bike path to the rural portion would add an additional $12 million to the cost of the selected alternative.

The costs associated with the urban action alternatives ranged from $12 million (Ronan 5) to $21 million (Ronan 4 - Selected). Even though the cost for the selected alternative exceeds that of the other action alternatives, the improvements to safety and mobility over the other action alternatives outweighs the additional cost.

## Traffic Operations

### Rural Alternatives

Potential positive impacts on traffic operations include improved operational levels of service (LOS) for all action alternatives. Future levels of service for the No-Action Alternative are expected to decrease from the existing condition (LOS D) to LOS E as traffic demand increases over time. The four-lane alternatives (Rural 8 and Rural 9) provide the highest level of service in the design year of 2024, but the costs and impacts far exceed those of the selected alternative. Alternatives Rural 1 and 2 do not have an acceptable level of service. The remaining action alternatives have similar levels of service, but were not selected due to greater impacts and/or additional costs.

The project proponents, in weighing the social, economic, environmental and 4f impacts, determined that the selected alternative operates at an acceptable LOS C through most of the design life, with it dropping to LOS D between 2020 and 2024.

### Urban Alternatives

Under the No-Action Alternative traffic operations would decrease in LOS as traffic and congestion build within Ronan. The analysis of traffic operation for intersections in the urban portion indicates that the one-way couplet alternatives – Ronan 3 and Ronan 4 (Selected) would yield generally better levels of service (B to C) when compared to the No-Action and other action alternatives (D to F). The couplet alternatives (3 and 4), due to the simplified intersection operations, generally provide for better intersection levels of service. Ronan 4 was selected over Ronan 3 due to the additional safety and aesthetics provided by the wider buffer.

## Safety

All of the action alternatives would provide safety and design improvements that meet or exceed current standards.

It is estimated that the number of accidents in the rural portion would be reduced under all action alternatives as compared to the No-Action Alternative. The four-lane alternatives (Rural 8 and Rural 9) would provide the highest reductions (24.5 and 37.1 percent, respectively), with most of these reductions being associated with the added lanes. Alternatives Rural 3 and 4 would provide greater accident reduction than Rural 1, 2, 5, 6, 7, and 10.

## Ecological and Wetland Values

### Rural Alternatives

There is minimal difference in the permanent wetland impacts of Rural Alternatives 1, 2, 3, 4, 5, and 10, ranging from 6 to 6.5 hectares. Rural Alternatives 6, 8 and 9 have substantially more impacts (7.4 to 12.1) and only Rural 7 has less with 4.7 hectares. However, as indicated earlier, the costs associated with Rural 7 far outweigh the reduction in wetland impacts.

### Urban Alternatives

There would be minimal permanent wetland impacts from any of the action alternatives, ranging from 0 to 0.008 hectares.

# ENVIRONMENTALLY PREFERRED BUILD ALTERNATIVES

Alternative Rural 7 would have the fewest permanent environmental impacts and as such, would be the environmentally preferred alternative for the rural portion of the project.

Alternative Ronan 5 would be the environmentally preferred urban alternative due to minimal or no impacts to wetlands and the environment.

## Reasons for Not Selecting the Environmentally Preferred Alternatives

Although Alternative Rural 7 has the fewest permanent impacts on wetlands and wildlife, and includes structures that would span a greater portion of floodplains, which would also improve fish habitat, the exorbitant costs associated with the alternative far outweigh the benefits. In addition to the additional costs, complex construction techniques and funding shortages could possibly delay any construction for years

Alternative Ronan 5 does not adequately address the operational or safety needs within the city of Ronan, with minimal differences in environmental impacts from the selected alternative.

# SECTION 4(f) EVALUATION

Section 4(f) of the 1966 Department of Transportation Act prohibits the Federal Highway Administration from approving the use of land from a significant publicly owned public park, recreation area, wildlife or waterfowl refuge, or any significant historic site unless a determination is made that:

(1) there is no feasible and prudent alternative to the use of land from the property, and

(2) the action includes all possible planning to minimize harm to the property.

The selected alternatives, Alternative Rural 3 and Alternative Ronan 4, have less use of Section 4(f) resources than the other action alternatives. All of the rural and urban action alternatives would require realignment of culverts and canals which are part of the historic Flathead Irrigation Project. Those modifications would have no material effect on the historic character of the resource or its eligibility for the NRHP.

Pursuant to 23 USC 139 (Section 6009 of SAFETEA-LU), FHWA has determined that protection of Section 4(f) resources would be satisfied by the new de minimis regulations, as there is minimal (no adverse) effect on the historic irrigation system. (See Section 6.1 of the final SEIS for a complete description of the evaluation.)

## Mitigation and Measures to Minimize Harm

All practicable measures to avoid or minimize harm from the selected alternative have been incorporated into the preliminary design. Mitigation measures to minimize harm to the environment are discussed in detail in *Part 5 – Environmental Consequences* of the final SEIS. The selected measures to minimize harm are briefly described below.

### Section 4(f)

- MDT will provide a turn-out and funding for a historic interpretive marker.
- MDT will provide $6,000 to the CSKT as partial funding for the inventory and evaluation of the Flathead Irrigation Project.

### Traffic Operations and Safety

- Include shoulder rumble strips.
- Edge line and centerline stripes will be 15 centimeters (6 inches) wide.
- Include turn lanes at all public road intersections.
- A public information plan will be prepared and implemented to inform motorists in advance of construction activity and possible alternate routes.
- A detailed traffic control plan will be developed by the contractor that describes methods for maintaining access to adjoining properties and minimizing traffic delays.
- Agreements would be drafted with jurisdictions whose adjacent roads or streets might be damaged when used as a designated detour route during construction.

### Land Use

- Land use impacts are minor and avoidance or mitigation measures are unnecessary.

### Prime and Unique Farmland

- Use steeper side slopes where environmentally sensitive areas occur.
- Investigate further opportunities to reduce the roadway prism.
- Where impacts on prime farmlands are unavoidable, MDT will coordinate with the NRCS to complete the required documentation.

**Social**

- Purchase properties or acquire easements and provide relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law [P.L.] 91-636 as amended), and the Uniform Relocations Act Amendments of 1987 (P.L. 100-17).
- The relocation of the Tribal Health facility will be coordinated with CSKT to minimize disruption to health services.
- Place adequate signage in the project area informing travelers and residents of revised traffic patterns.
- Coordinate the construction schedule with fire departments and police service in the area.
- Coordinate with utility companies to minimize potential utility service disruptions.
- Maintain reasonable access to businesses and residences during construction.

**Economics**

- The Indian Preference Ordinance requires that Indians be given hiring preference for construction work that occurs on Tribal lands.
- The MDT and the CSKT have agreed to develop a Memorandum of Agreement that would guide construction contracting activities.
- Business organizations will be informed of impending contracts through the standard state policy for advertising contracts.
- Maintain reasonable access to businesses and use appropriate signing to inform the traveling public that businesses are open.

**Pedestrians and Bicyclists**

- Provide separated bike path and pedestrian signal heads at signalized intersections.
- A Transportation Management Plan (TMP) will be developed for the corridor.

**Air Quality**

- Paving approaches within the US 93 right-of-way in Ronan.
- Surfacing gravel and dirt shoulders.
- Minimize the tracking of sediment offsite.
- Implement a traffic control plan.
- Implement best management practices (BMPs) to reduce the generation and dispersion of particulates.

**Noise**

- Where impacts on sensitive noise receptors are expected, alternative pavement materials that would reduce noise would be considered during development of the final designs for the proposed project.

**Water Quality**

- Infiltration of stormwater would be encouraged where conditions are favorable to prevent pollutant discharge to surface waters.

- Include new or reconfigured stormwater outfalls and drainage ditches.
- The use of treatment facilities where stormwater would discharge to category I and II wetlands.
- Appropriate BMPs.

**Wetlands**

- Steepen fill slopes or install retaining walls at sensitive areas, including the two kettle ponds.
- Add culverts and increase bridge lengths and culvert sizes at major wetland and stream crossings.
- Implement wetland and stream restoration at the wildlife crossing structures.
- All activities within and adjacent to wetlands will be required to adhere to the BMPs outlined in the MDT standard specifications and described in the SWPPP.
- Minimize project impacts by installing preservation fencing to prevent unnecessary vegetation clearing and minimize intrusion into surrounding habitats, following the Evaro to Polson Integrated Invasive Weed Management Plan.
- Where possible, salvage of wetland vegetation from construction areas for use in revegetation activities.

**Floodplains and Streams**

- Peak flows from newly developed impervious areas draining directly to sensitive receiving waters (category I and II wetlands and associated streams) should be reduced to match pre-developed peak flows for 24-hour duration storms with recurrence intervals of 2, 10, and 50 years.
- Include stormwater retention systems as necessary.

**Fish and Wildlife**

The wildlife crossing structures included in the project will reduce fragmentation of habitats, facilitate wildlife movement and enhance fisheries resources by opening a greater area of the floodplain which would improve hydrologic connections and provide greater vegetative cover on the stream banks and in riparian areas. Additional measures that will be incorporated into the final design include:

- Steepened fill slopes at key features in the project corridor.
- Wetland and stream restoration occurring at the Post Creek, Ninepipe Reservoir, and Crow Creek wildlife crossing structures.
- Wing fencing in the vicinity of Post Creek to prevent turtles, duck nestlings, and other large and small mammals from penetrating the mesh and entering the road corridor.
- Constructing wildlife crossing structures of concrete box culverts or some other similar materials if turtle passage is desired.
- If power lines require relocation, they would be raptor-proofed.
- The project proponents have agreed that if it is determined that power lines require relocation, the following options would be considered in order to determine the most appropriate means for power line relocation: burying the power line; rerouting the power line; applying visible marking to the lines; or implementing no action.

- Permanent stormwater treatment measures would be designed to reduce suspended solids in stormwater discharged into receiving waters.
- In fish bearing streams, culverts would be designed and installed to accommodate fish passage.
- Stream channels that would be affected by roadway widening must be relocated. During final design onsite restoration and enhancement will be explored at Ashley Creek and unnamed tributaries to Post Creek 1, 2, and 3.
- Populations of Oregon checker-mallow will be identified and avoided or salvaged where possible.
- In addition to the MDT BMPs and standard specifications, additional measures would be added to the project specifications to only allow work in area streams during times as determined by the United States Fish and Wildlife Service (USFWS) and CSKT biologists, install preservation fencing to protect identified vegetation sites at specific riparian areas, implementing measures to effectively keep birds from returning to their nests at existing structures or establishing nests at structures during the construction period, timing restrictions to protect nesting areas or key migration periods for wildlife, placing limitations on the locations of staging areas to avoid key habitat features located in close proximity to the proposed project and requiring the contractor to notify CSKT Tribal Preservation Office of the construction schedule and providing opportunities for Tribal members to salvage culturally significant plants from the construction site.
- Maintenance of the highway right-of-way would follow MDT's Maintenance Operations and Best Management Practices Manual, which includes provisions for controlling the spread of noxious weeds.

**Threatened and Endangered Species**

***Bull Trout***

- Work in project area streams would comply with appropriate work windows as determined by the USFWS and CSKT biologists.
- Preservation fencing would be installed to protect identified vegetation sites at specific riparian areas.

***Grizzly Bears***

- Educate contractors and construction crews regarding the need for proper sanitation in grizzly bear habitat, and instruct workers to report all grizzly bear sightings immediately to Tribal wildlife program biologists.
- Ensure that contractors and construction crews store all food and garbage in bear-proof containers or inside a secured hard-sided dwelling, storage building, vehicle or bear-resistant container when unattended.
- In the vicinity of Post Creek, locate construction staging areas, field offices, and sleeping quarters according to the following restrictions:
  - On the west side of the corridor, locate these facilities south of Dublin Gulch Road/Red Horn Road or north of RP 38.2 (approximately West Post Creek Road/ East Post Creek Road).
  - On the east side of the corridor, locate these facilities south of Dublin Gulch Road/Red Horn Road.

- Reasonable and prudent measures are those measures necessary and appropriate to minimize the incidental take resulting from the proposed action. These reasonable and prudent measures are non-discretionary and must be implemented by the project proponents. The reasonable and prudent measures for this proposed project as identified in the Biological Opinion include:
  - The FHWA and MDT shall identify and implement means to reduce the potential for incidental take of grizzly bears from direct mortality as a result of high traffic levels present on U.S. Highway 93, and from habitat fragmentation and displacement for these species as a result of project-related increases in highway width and increases in traffic volume and speed.
  - The FHWA and the MDT shall monitor reconstruction of the highway, as well as the construction of wildlife crossing structures, to ensure that these activities and structures comply with the Re-evaluation of the Final Environmental Impact Statement, BA, BA Supplement, Memorandum of Agreement, and biological opinion for the US 93 Evaro to Polson project, and the BA, BA addendum, and SEIS for the US 93 Ninepipe/Ronan project. The FHWA and the MDT shall also implement the reporting requirements as described in the terms and conditions of the biological opinion.

**Cultural and Historical Resources**

- A veneered retaining wall will be constructed at the Anderson Farmstead.
- No physical features of the site will be directly impacted.
- MDT will provide $6,000 to the CSKT Tribal Preservation Office as partial funding for the inventory and evaluation of the Flathead Irrigation Project.
- Provide a turn-out and funding for a historical interpretive marker describing the development and significance of the Flathead Irrigation Project on the Flathead Indian Reservation.
- If a cultural resource or human remains or materials subject to cultural patrimony (as defined in the Native American Graves and Repatriation Act) are encountered, the contractor would cease all work in the immediate area and contact the Tribal Preservation Office, the State Historic Preservation Office, and the MDT archaeologist.

**Parks and Recreation**

- Steepen fill slopes at key features in the project.
- A fence and shrub buffer or other screening may be placed along the Ronan City Park boundary adjacent to First Street SW to mitigate for the close proximity of the southbound portion of the new highway.

**Hazardous Materials**

- Avoid potential hazardous materials sites wherever possible.
- Sites with the potential for hazardous materials would be investigated in detail for soil and ground water impacts.
- MDT will inspect all buildings that have been or would be acquired for right-of-way purposes and that are slated for demolition for the presence of asbestos.

- Established methods and controls would be implemented to prevent worker and public exposure to lead paint and asbestos.
- Contractor will be required to submit a health and safety plan to MDT prior to beginning work.
- If hazardous materials remediation is necessary special provisions will address management of contaminated soil and ground water,
- Any encounters with hazardous materials would be documented and reported and if ongoing cleanup and monitoring become necessary, properties left with residual contamination would be clearly identified in documentation provided to the MDEQ.

**Visual Quality**

- Curvilinear alignment was added as appropriate to direct views from the road to enhance the visual quality of the landscape character.
- During final design, interpretive elements such as pull-offs at viewpoints, recreational resources, and culturally important sites will be considered, as well as, place names and other interpretive signs.
- Vegetative screening removed through construction between the road and any residences will be replaced where possible.

**Relocations**

- All real property interests needed for this project will be acquired as prescribed by the Uniform Relocation Act of 1970 and Sections 70-31-101 and 70-31-311 of the Montana Code Annotated (MCA).

**Geology and Soils**

- Excavation and grading along the roadways would be designed and executed in accordance with geotechnical standards of practice.
- Appropriate seismic criteria will be used in the final design.

# COMMENTS ON THE FINAL EIS

A Notice of Availability (NOA) of the final SEIS was published in the Federal Register on April 11, 2008.

A press release announcing the availability of the final SEIS was sent to the following local newspapers: the Char-Koosta News in Pablo; the Lake County Leader and The Advertiser in Polson; and the Missoula Independent (Legal Notices) in Missoula; the Missoulian in Missoula; and the Valley Journal in Ronan. A letter announcing the availability of the final SEIS was mailed to those on the project mailing list. This information was also made available on the project website.

The final SEIS was available for a 30-day public review period beginning April 11, 2008, and ending May 12, 2008. The final SEIS was distributed for review to Federal, state, local, and Tribal agencies, to members of the public that made substantive comments on the draft SEIS listed in Chapter 7 of the final SEIS, and to members of the public at their request. The final SEIS was made available for public review at the viewing locations listed in Chapter 7 of the final SEIS.

Ten comments on the final SEIS were received from the general public and reviewing agencies during the public review period. The comments and responses follow.

**From:** Janet Sucha [mailto:janet.sucha@ronank12.edu]
**Sent:** Thursday, April 17, 2008 9:04 AM
**To:** mdtcommentsninepipeeis@mt.gov
**Cc:** lrenz@skillings.com; acampbell@herrerainc.com
**Subject:** Ninepipe EIS

1.1 Our community is excited to see that a separated bicycle/pedestrian path will be added to the hwy 93 improvements through the Ninepipe area, section CN B744. Thank you for listening to our comments. My other concern is a turning lane at Eagle Pass Trail and Lake McDonald Road. I hope these are included. HOWEVER, please refrain from putting up street lamps at these

1.2 intersections. We need the darkness to remain intact in this raptor area and as a citizen I would like to keep viewing the night sky.

Sincerely, Janet Sucha

## Comment 1: Janet Sucha; email

Response to 1.1:
Thank you for your comment.

Response to 1.2:
The preliminary design included in the Final SEIS includes left turn lanes at all public road intersections, including Eagle Pass Trail and Lake McDonald Road. At this time a decision on lighting those intersections has not been made. This decision will be made during the final design phase, which is the next phase to be undertaken after the Record of Decision is made. Your comment will be considered when making a decision about lighting at these intersections.

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

MAY 2008

Ref: 8MO

April 30, 2008

Craig Genzlinger, P.E.
Operations Engineer
Montana Division, Federal Highway Administration
2880 Skyway Drive
Helena, Montana 59602

and

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

Re: CEQ # 20080127; U.S. Highway 93, Ninepipe/Ronan Improvement Project, Final Supplemental Environmental Impact Statement

Dear Mr. Genzlinger and Mr. Martin:

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Final Supplemental Environmental Impact Statement (FSEIS) for the U.S. Highway 93 Ninepipe/Ronan Improvement Project, in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The EPA appreciates receipt of responses to agency comments on the draft SEIS. We commend the Federal Highway Administration, Montana Department of Transportation, and Confederated Salish and Kootenai Tribe for evaluating and considering environmental impacts along with many safety and traffic operational factors and trade-offs during development of the preferred alternative to improve U.S. 93 in the Ninepipe and Ronan area, including the sensitive Ninepipe National Wildlife Refuge.

We are pleased that the preferred alternative through the rural portion of the project, Rural Alternative 3, is largely a two-lane design that will avoid or minimize many direct and indirect environmental effects. We are also pleased with the inclusion of a separated bicycle/pedestrian path in this alternative, and the proposals to increase bridge lengths, add culverts and increase culvert sizes at major stream and wetland crossings to improve hydrologic

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## Comment 2: EPA

Response:
Your comments of support are appreciated.

connections, flood capacity, fish passage, wetland functioning and to provide improved opportunities for wildlife crossings. In addition, we appreciate the many proposed measures that would reduce impacts to water quality, fisheries, and aquatic habitat (e.g., erosion control BMPs, SWPPP, and stormwater treatment, timing restrictions for in-channel construction work would avoid impacts to spawning fish, wetland avoidance and minimization measures, etc.). We support your selection of Rural Alternative 3 as the preferred alternative for the rural portion of the proposed project.

We also support your selection of Ronan Alternative 4 as the preferred alternative for the urban portion of the project through the City of Ronan. We are pleased that the preferred alternative through Ronan, involving a couplet configuration with a two-lane, one-way northbound route on US 93 and two lane, one-way southbound route on First Avenue SW, includes a pedestrian/bicycle pathway, and will provide open channel flow for Ronan Spring Creek, which currently flows in a culvert between First Avenue SE and US 93.

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

Sincerely,

John F. Wardell
Director
Montana Office

cc: Larry Svoboda/Julia Johnson, EPA, 8EPA-N, Denver

To Tom Martin, Environmental Services Bureau
MDOT
PO Box 201001
Helena MT 59620-1001

I am writing with comments on the Final SEIS for the Ninepipe portion of Highway 93.

1) G Canal, on the map which shows the "Ninepipe Core" -- an important corridor used by wildlife, particularly Otter moving from Kickinghorse westward -may be misidentified on the "Wetland Maps" and/or on the Tables pertaining to the classification of wetlands.

On the Map, G Canal seems to be identified as H27E. H27E, on the tables, is identified as a "pothole wetland."

Since G Canal is both part of the "historic project" and an essential corridor for Otter and Geese in molt, I hope you will look into this discrepancy.

2) I think the closing of Duck Road will increase congestion in hunting season and inhibit fire control.

3) The "capacity problems", the "passing problems" would be greatly alleviated if the trucks on the road were not carrying "pups', were shorter, did not present obstacles , Nor Danger, along the corridors of HWY 93, or other Montana highways which follow water corridors.

Marie Dinwoodie

Marie Dinwoodie
70274 US HWY 93
Charlo MT 59824

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MAY - 1 2008
ENVIRONMENTAL

**Comment 3: Marie Dinwoodie; received May 1, 2008**

Response to 1:
You are correct. The G Canal on the east side of US 93 was identified as Wetland H27E and should not have been. Our project records will be modified accordingly. The crossing culvert for G Canal will be replaced with a slightly longer one; however, it should continue to function as well as it does now as a wildlife crossing. This issue will be reviewed again during the final design phase of the project.

Response to 2:
Your comments concerning closing of Duck Road will increase congestion in hunting season and that the closing will inhibit fire control are noted. These comments will be forwarded to the Lake County Commissioners for their consideration before final action to close this road.

Response to 3:
The issues of trucks carrying pups and the lengths of trucks allowed on Montana highways are regulatory issues which are beyond the scope of this SEIS.

MASTER FILE COPY

MAY 4, 2008
TOOTO HWY 93
CHARLO, MT. 59824

SUBJECT: HIGHWAY 93, NINEPIPE AREA
ATTENTION: SUSAN KILCREASE

AFTER LOOKING OVER PLANS FOR NEW HIGHWAY I HAVE MANY QUESTIONS, COMMENTS & THING I DO NOT UNDERSTAND:

4.1 MY LAND GOES FOR ½ MILE NORTH OF MCDONALD LAKE ROAD. WHY IS SO MUCH LAND TAKEN OFF THE EAST SIDE & LITTLE FROM WEST SIDE? IF MORE WAS TAKEN FROM WEST SIDE THERE WOULD BE LESS MOVING OF MAJOR RECLAMATION DITCHES ON MY PLACE & JENKINS PLACE, PLUS MOVING OF MINOR HEAD DITCHES FOR ½ MILE.

4.2 WITH PRESENT PLAN I WILL BE FORCED TO REDUCE THE NUMBER OF CATTLE, BECAUSE OF THE LOSS OF HAY & PASTURE LAND. I WILL BE SHORT 8-10 1200# BALES EACH YEAR FOR 10, 25 OR 100 YEARS. THIS HAY SELLING AT $200 PER TON THIS YEAR. I WILL ALSO BE SHORT PASTURE.

4.3 I THOUGH ORIGINAL PLAN WAS TO TAKE EQUAL AMOUNT OF LAND FROM BOTH SIDES.

4.4 WITH PASSING LANE GOING PAST MY PLACE IT WILL BE DIFFICULT TO GET ONTO HIGHWAY IN THE WINTER, GOING UPHILL ON APPROACH & SNOW FIZED FROM 2 LANES. I HAVE BEEN IN CONTACT WITH DWANE KAILEY & HAVE ASKED FOR A TRUCK RADIUS APPROACH INTO MY PLACE.

4.5 I HAVE TROUBLE UNDERSTANDING THE VALUE OF A BIKE - PEDESTRIAN PATH, THE ENTIRE LENGTH OF PROJECT. THE % OF PEOPLE USING IT THROUGH THE COUNTRY WILL BE SMALL. A LARGE % OF PEOPLE WILL BE PAYING FOR BENEFIT OF A FEW. I'RE GLAD IT IS PLANNED FOR WEST SIDE OF HIGHWAY. WHO PLOWS THE SNOW?

SINCERELY
DON OWEN
TOOTO HWY 93
CHARLO, MT 59824

**Comment 4: Don Owen; dated May 4, 2008**

Response to 4.1:
More land has been taken from the east side of the road to provide a gentle curve, instead of duplicating the existing straight road. A gentle curve should provide a safer road, especially at night with approaching headlights and fit better with the rolling landscape. Also, it will be necessary to provide a northbound passing lane at this location on the east side of the road.

Response to 4.2:
When the project commences and if this strip of land is ultimately required, you will be contacted directly by a representative of the Montana Department of Transportation. That direct contact should occur near the completion of the final design phase of the project which is likely at least two years in the future.
Necessary right-of–way acquisitions would be purchased at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-636 as amended), 42 United States Code Section 4651 and 4652 et seq., and the Uniform Relocations Act Amendments of 1987 (Public Law 100-17).

(Continued next page)

Response to 4.3:

It is unfortunate you were not previously aware of the plan to require more property from the east side of the road. The Draft Supplemental Environmental Impact Statement (draft SEIS) dated August 6, 2006, was circulated during August, September, and October of 2006 and contained the same roadway alignment and feature for requiring more right-of-way from the east side as is shown in the final SEIS. Also, there were two open houses, one in St. Ignatius and one in Ronan where large size maps were exhibited showing these same features.

Response to 4.4:

Your request to Dwane Kailey, MDT Missoula District Administrator, for an approach that will provide for a truck turning radius is noted. Please continue to work with the District during the final design phase of the project to ensure your need for a suitable approach is addressed.

Response to 4.5:

The separated bicycle/pedestrian path was added to this project as a result of approximately 110 comments from the public asking that it to be included in the project. Snow removal will be the responsibility of the MDT.

GOTTFRIED SERVICES
708 NO MAIN ST
POB 97
ST IGNATIUS MT 59865
MAY 6, 2008

MAY 2008

Tom Martin
MDOT
POB 20100
2701 Prospect
Helena MT 59620

Dear Mr. Martin,

Along with our friends and neighbors in the Mission Valley we are asking you to consider lowering the speed limit north of St. Ignatius where the new highway construction has not yet begun and, as we understand it, won't be completed for some time.

We are quite familiar with the reduced speed limits (55 and 45 mph) in the immediate St. Ignatius area and believe that has helped reduce people and animal collisions and fatalities.

We ask you to apply the same reduction north of Dublin Gulch or at least beginning at the top of Post Creek Hill to Crow Creek until the road construction is completed.

Sincerely,

Ed and Lee Ann Gottfried

## Comment 5: Ed and Lee Ann Gottfried

Response:
Speed limits are set by the State Legislature in accordance with 61-8-303 of the Montana Code Annotated. Lower speeds in the area indicated would have to be requested by a local authority in accordance with 61-8-309 of the Code. After an engineering and traffic investigation the transportation commission would decide if setting lower speeds is reasonable and safe.

**RONAN TELEPHONE COMPANY**
312 MAIN STREET SOUTHWEST • RONAN, MONTANA 59864
(406) 676-2751 • FAX NO. (406) 676-8889

May 8, 2008

MAY 12 2008

Tom Martin, P.E., Chief
MDT Environmental Services Bureau
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

VIA Federal Express

RE: US 93 Ninepipe/Ronan Improvement Project
NH-F 5-1(9)6F-CN B744

Dear Mr. Martin:

This letter is in response to the SEIS on the above project recently released for review. Ronan Telephone Company has significant facilities that will be affected by the plans for the US 93 Ninepipe/Ronan Improvement Project.

RTC's main distribution conduit system for telephone and broadband facilities for our entire network east of 2nd Avenue SW in Ronan will be severely affected by this project. In addition to our main distribution for the city of Ronan, all outlying areas south and north of the city along the highway corridor will be affected.

Ronan Telephone Company **will need at a minimum four (4) years** from the acceptance **of our design** by MDT to complete our portion of the project. In addition, RTC will be requesting cost reimbursement as telephone utility construction units of this project are completed.

Thank you.

Rosa E. Tougas
President/Operations Officer

Tim Conway, MDT Consultant Design
Fred Bente, MDT Project Manager
Lewis Yellowrobe, CSKT
Dwane Kailey, MDT, Missoula District Administrator
Susan Kilcrease, MDT, Missoula District
Lyle Renz, Skillings-Connolly, Consultant Team

## Comment 6: Rose E. Tougas

Response:
The project proponents are aware of the main distribution conduit system and broadband facilities and are prepared to work with the phone company to facilitate relocation/replacement. Your comment that you require a lead time of 4 years has been noted and passed on to the Missoula District staff.

May 9, 2008

Mr. Tim Martin,

My wife Virginia and I live on 28 Buchanan St SW Roman, our house is being [illegible] as a right of way for the project.

A year ago we bought the lot next door at 2 Buchanan St SW.

We are considering with the buy out going through to [illegible] to the house [illegible] and putting in a garage if it would be possible that the state could help with some landscaping for drainage.

Please contact us at Edwin Cornelius
28 Buchanan St SW
Roman, MT 59864
Email [illegible]
Tel 676-8129

Sincerely
Edwin Cornelius

**Comment 7: Edwin Cornelius; dated May 9, 2008**

Response:
The request for help in the landscaping for drainage could be an issue to be discussed with the MDT during negotiations for acquisition of land you own that is necessary for the project's construction.

Necessary right-of–way acquisitions will be purchased at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-636 as amended), 42 United States Code Section 4651 and 4652 et seq., and the Uniform Relocations Act Amendments of 1987 (Public Law 100-17).

**From:** Swanberg [mailto:cas@ronan.net]
**Sent:** Sunday, May 11, 2008 6:54 PM
**To:** mdtcommentsninepipeeis@mt.gov
**Cc:** irenz@skillings.com; acampbell@herrerainc.com
**Subject:** Ninepipe EIS

May 11, 2008

To whom it may concern:

My wife was born and raised in Ronan and has lived here all of her life. She never envisioned a four lane highway through parts of the Mission Valley. Nor would she imagine a bicycle/pedestrian path over most of that distance, why it's a dream come true. The benefits to all outdoor enthusiasts are apparent, and your farseeing decision was an act of immense generosity and vision. We are delighted and thrilled and look forward someday soon for a bike ride from Poison to Post Creek. That will be the day. Thank you for giving so much to our valley.

Sincerely, Dawson and Carey Swanberg,
Ronan

## Comment 8: Dawson and Carey Swanberg; email

Response:
Thank you for your comment.

**From:** Sandra Koelle [mailto:akoelle@ucsc.edu]
**Sent:** Monday, May 12, 2008 1:30 PM
**To:** mdtcommentsninepipeeis@mt.gov
**Cc:** lrenz@skillings.com; acampbell@herrerainc.com
**Subject:** Ninepipe EIS

Hello,

I'm writing to comment on the Ninepipe Supplemental FEIS (only on the rural portion). I'm writing as a resident of Missoula since 1996, as a traveler on highway 93, and as a former environmental scientist/consultant.

I am really impressed with the thorough and considerate development of the PA (Rural option 3) and I am writing to express my support for it. My only additional comment is that I would have preferred Kettle pond 1 option 3 and Kettle pond 2 option 3 -- bridge spans of 340 meters for both ponds -- to the PA and all other alternatives (except for #7) plan of two small bridges and two culverts.

Thanks for your work on this.

Best,

Sandra Koelle

Sandra Koelle
Ph.D. Candidate
History of Consciousness Department
University of California Santa Cruz
Santa Cruz CA 95064
akoelle@ucsc.edu

## Comment 9: Sandra Koelle; email

Response:
Thank you for your comment. The project proponents selected Option 2 for both of the Kettle Ponds because the shorter bridges will be positioned such that they provide both land and water connectivity at both ends of the Kettle Ponds, while the culverts will provide additional water connectivity at intermediate points. This solution provides many of the benefits of the longer structures in Option 3, but at far less cost and disruption to the Ponds.

-----Original Message-----
From: Janene Lichtenberg [mailto:j9lichtenberg@yahoo.com]
Sent: Monday, May 12, 2008 2:08 PM
To: irenz@skillings.com; acampbell@herrerainc.com
Subject: Ninepipe EIS

Comments on US Hwy 93 Ronan/Ninepipes EIS

10.1 I appreciate the inclusion of a separate paved bicycle pass from Polson to Evaro. This will greatly benefit the residents of local communities along Hwy 93. I am glad to see that there are plans to day light Ronan Spring Creek. The change from Rural Alternative 10 to Rural Alternative 3 as the Preferred Alternative is an improvement although I still have some concerns.
I appreciate the inclusion of wide buffers and plantings along the southbound couplet through Ronan and am hopeful that they will be designed properly and for immediate benefit. I am unsure whether a divided highway is the best alternative for Ronan, but prefer this alternative to a 4-lane single highway through town.

10.2 It seems that the biggest concern is human safety yet the speed limit has been increased on the new stretches of highway to 70 mph. I think this greatly reduces the safety of the highway. I would like to see lower speed limits south of Ronan through the Ninepipes area to perhaps 55 mph or at most 60 mph. Lower speed limits will also benefit wildlife by reducing the number of collisions. I also believe that the best way to ensure safety through Ronan is to keep the speed limit between 25 and 35 mph.

10.3 I think that stream and wetland restoration and the inclusion of wildlife crossings are important considerations. I would like to see the selection of Post Creek Rural Option 7; Ninepipe Reservoir Option 4; Kettle Pond 1 Option 3; Kettle Pond 2, Option 3; and Crow Creek, Option 4. I hope that the wildlife crossings in this section will be constructed specifically for the needs of turtles and other smaller animals and not just with larger animals in mind.

10.4 I do not like the lights that were placed during the highway work in Polson, Pablo and Ravalli. It seems that there must be a better way to improve safety.
Perhaps fewer lights that fit better with the landscape. I also wonder if there has been any consideration of burying the power lines in the area both for aesthetics and to decrease bird mortality.

10.5 I noticed that CSKT is planning to construct a pedestrian path along Timberland Rd. Perhaps there is an opportunity to offset the negative impacts of the highway in Ronan by linking the proposed path on Timberlane Rd with the path on Terrace Lake Rd and Round Butte Rd. This would provide an excellent exercise loop, link the Pache and Woodcock housing areas, and provide safer access for recreation on the canal and tribal logging roads.
Also, linking the path on Terrace Lake to the path on Round Butte would help connect east and west Ronan, especially now that there will be a bigger busier highway dividing the community.

Thank you for considering my comments.

Sincerely,

Janene Lichtenberg
33268 Terrace Lake Rd
Ronan, MT 59864

## Comment 10: Janene Lichtenberg; email

Response to 10.1:
Thank you for your comment. The addition of a bicycle/pedestrian path on the Ninepipe/Ronan project completes approval of a path from Polson to Red Horn Rd/Dublin Gulch Rd. To date a path has not been approved all of the way to Evaro.

Response to 10.2:
Speed limits are set by the State Legislature in accordance with 61-8-303 of the Montana Code Annotated. Lower speeds on the section of US 93 south of Ronan would have to be requested by a local authority in accordance with 61-8-309 of the Code. After an engineering and traffic investigation the transportation commission would decide if setting lower speeds is reasonable and safe. During project discussions the City of Ronan stated their intent was to keep the speed limit between 25 and 35 mph within their jurisdiction

Response to 10.3:
The project proponents gave serious consideration to the longer wildlife crossing structure options you prefer; however, they selected the options described in Alternative 3, the Preferred Alternative, as providing a fiscally responsible solution while also providing significantly improved wildlife crossings and stream and wetland continuity. Additional wildlife crossings will be designed to accommodate the needs of turtles and other small animals.

(Continued next page)

Response to 10.4:

The Montana Department of Transportation will work with the local jurisdictions to determine appropriate lighting for the Ninepipe/Ronan project. Please make any specific suggestions you may have on local lighting to them, so they may be considered during the final design process. Any power lines requiring relocation will be considered for burying.

Response to Comment 10.5:

It is our understanding that the Tribes and local jurisdictions are cooperatively considering linking the Terrace Lake and Round Butte paths.