

August 2, 2024

Lucia Olivera
Division Administrator
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9784

Attention: Joe Weigand

Subject: Re-Evaluated Environmental Impact Statement/Record of Decision
Project Name: US Highway 93 Mountainside to MP 133
Project Number: NH-STPP 5-3(104)130
Control Number: 2017002

Dear Lucia Olivera:

The Montana Department of Transportation (MDT) has re-evaluated the previously prepared Environmental Impact Statement/Record of Decision (EIS/ROD) for the referenced project and has prepared this re-evaluated EIS/ROD. This document complies with 23 Code of Federal Regulations (CFR) 771.129(c), Administrative Rules of Montana (ARM) 18.2.237(2), and ARM 18.2.239. The purpose of this letter is to provide updated project and environmental information and provide information on minor design changes.

This letter provides:

1. A summary of the project history;
2. An original project description;
3. A summary of the proposed design changes and rationale for changes;
4. A re-evaluation of potential environmental impacts; and
5. A conclusion/concurrence statement.

1.0 PROJECT HISTORY

The US 93 corridor from Somers to Whitefish was evaluated for environmental impacts in the 1994 US 93 Somers to Whitefish West Final Environmental Impact Statement (FEIS) with the ROD signed on November 30, 1994. The FEIS analyzed reference post (RP) 104.3 to 133.0. A re-evaluation of the FEIS pertaining only to the Whitefish West segment (RP 127.8 to 133.0) was completed and signed on December 12, 2008. Subsequent supplemental re-evaluations for Segment 2 (Karrow to Mountainside, RP 128.48 to 129.67) and Segment 3 (Mountainside to Milepost 133, RP 129.67 to 133.0) were completed and signed on January 15, 2013 and March 24, 2014, respectively.

This re-evaluation analyses changes and additional information for Segment 3. Construction of project segments from RP 104.3 to 129.67 has been completed. See **Figure 1** for the project location. The purpose and need for the project has not changed.

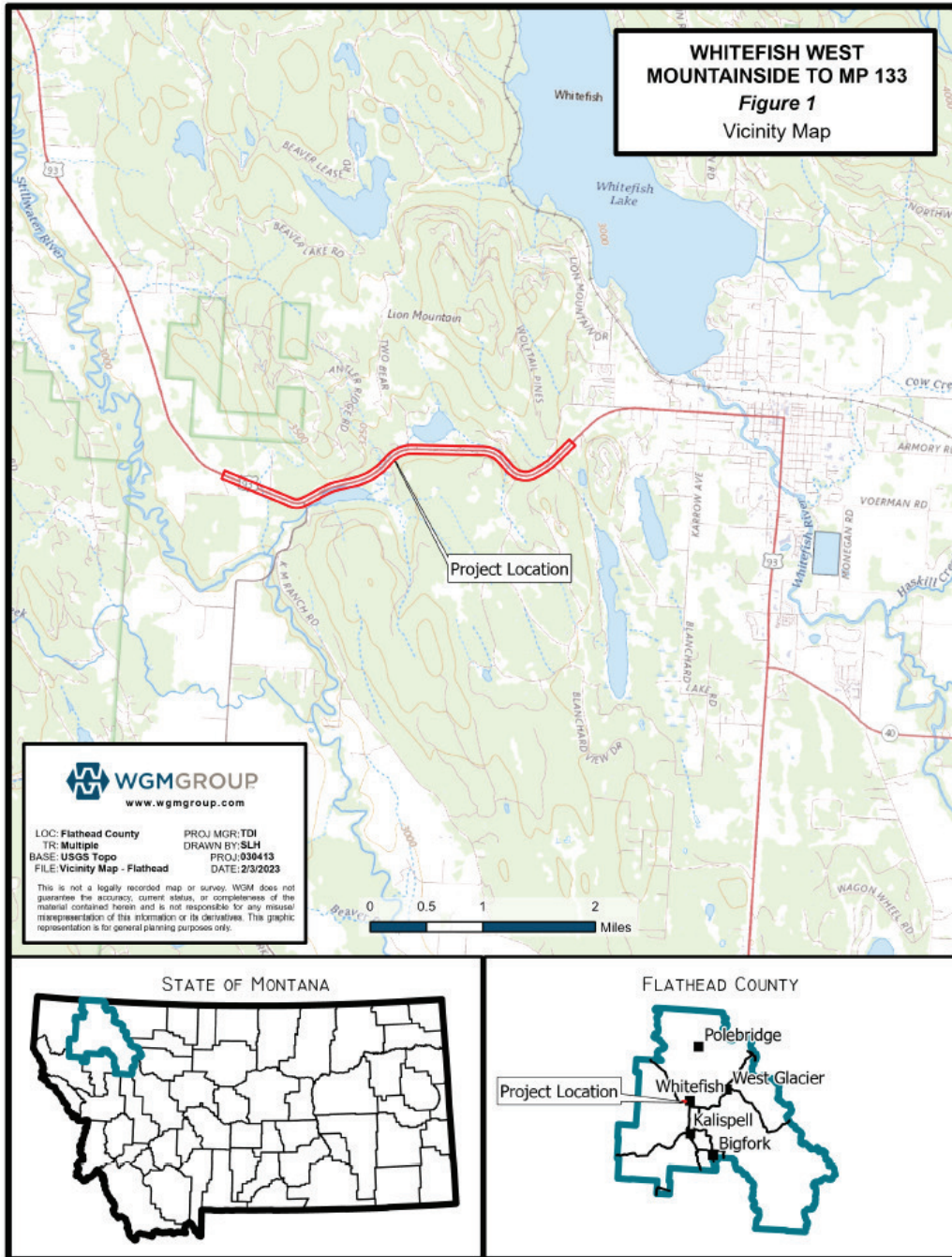


FIGURE 1: VICINITY MAP

2.0 ORIGINAL PROJECT DESCRIPTION

The project site is located entirely in Flathead County, Montana, approximately 1.75 miles west of Whitefish, Montana, at its eastern termini. The proposed project is located in S34 T31N R22W, S33 T31N R22W, S4 T30N R22W, and S5 T30N R22W. The elevation ranges from approximately 3,025 feet at the western termini to 3,320 feet near Mountainside Drive.

The project would widen and reconstruct approximately 3.5 miles of US 93 and project activities will include clearing, grubbing, grading, gravel, curb and gutter, sidewalk, plant mix surfacing, signing, striping, fencing, landscaping, right-of-way (ROW) acquisition, utility relocation, and replacement of city water, sewer, and storm drain features. The project design will be consistent with Alternative A (COMBO), the selected alternative in the 1994 FEIS.

3.0 PROPOSED DESIGN CHANGES

The scope of this re-evaluation is limited to design changes and updated environmental information. The 1994 FEIS, along with subsequent re-evaluations, adequately addressed impacts within Segment 3. The proposed design changes would have no new impacts to the following environmental resources: transportation, land use, farmland, social structure, economics, pedestrians and bicyclists, air quality, noise, floodplains, hazardous materials, visual quality, energy, and implementation.

Parcel 23 and 24 Design Changes

Proposed changes to the Skyles Lake fishing access road (parcel 24) will not take place. The proposed right-of-way (ROW) acquisitions on parcel 23 required for the changes will no longer be obtained. MDT will no longer acquire 0.19 hectares (ha) (0.47 acres(ac)) and Montana Fish, Wildlife and Parks (FWP) will no longer acquire 0.037 ha (0.09 ac) of parcel 23. Project activities in this parcel will stay entirely within the existing ROW. Design changes proposed at parcel 24 will result in 0.023 ha (0.06 ac) of net area incorporation at the access road. Temporary construction permit easements totaling 0.136 ha (0.34 ac) will be required at the site. These design changes will reduce the amount of permanent ROW acquisition required for the project by 0.25 ha (0.62 ac).

Parcel 27 Design Changes

This parcel previously had a gabion wall that partially failed, creating a landslide. A rock buttress wall and gabion basket retaining wall are proposed to reinforce the area and maintain Bonneville Power Administration's powerline easement access. Construction of the walls will increase the construction area limits by 0.19 ha (0.46 ac). Construction of the walls will reduce ROW take by 0.07 ha (0.17 ac) from 1.0 ha (2.48 ac) to 0.93 ha (2.31 ac). Construction permits needed to complete project activities will increase by 0.64 ha (1.58 ac) from 0.38 ha (0.93 ac) to 1.02 ha (2.51 ac). Project activities would be completed by MDT and ownership of the walls would be private.

Minor Changes

The proposed project has undergone various insignificant design changes to balance reducing impacts to wetlands and ROW acquisition to the maximum extent possible, while meeting engineering specifications for project implementation. Small changes in construction limits, access road locations, horizontal and vertical alignment and fill slope location have occurred.

4.0 RE-EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

The following re-evaluation discusses impacts relevant to the proposed changes to the design of Segment 3 and ensures that current environmental requirements are addressed. Changes in impacts and new project-related information that has arisen since approval of the FEIS and subsequent re-evaluations are discussed for the subsections below.

Relocations

The FEIS identified approximately 6.52 ha (16.1 ac) of ROW acquisition. The 2008 REIS proposed approximately 12 ha (33 ac) of ROW acquisition including two commercial relocations, nine residential relocations, and four outbuilding relocations in the Whitefish West corridor, including five displacements in Segment 3. Following these documents, measures for reducing ROW impacts such as guardrail, mountable curb, and v-ditch sections were incorporated into the design due to the high cost of real estate in the project corridor. The 2014 REIS anticipated that potential relocations would decrease from that documented in the 2008 REIS and that precise relocation counts and locations would be determined during the final design phase of the project. The current Proposed Action would require 8.8 ha (21.7 ac) net area ROW acquisition. Changes in design at parcels 23, 24, and 27 have reduced ROW impacts by .32 ha (.79 ac) and no relocations of residential/commercial properties or outbuildings will occur.

Section 4(f)

The FEIS identified the following publicly owned, recreationally used Section 4(f) properties located in the Whitefish West project area: Whitefish Lake Golf Club, Grouse Mountain Park, and Skyles Lake Fishing Access Site. No purchase or direct conversion of use of any of the properties was anticipated. Of these, only the Skyles Lake Fishing Access Site (parcel 24) is located in Segment 3. The 2008 REIS identified a 0.07 (0.18 ac) permanent incorporation at the Skyles Lake Fishing Site access road. A de minimis impact determination for the site was made and a concurrence letter was signed by the Federal Highway Administration (FHWA) and FWP. No changes to the determination occurred due to design changes proposed in the 2013 REIS or 2014 REIS. Design changes proposed at parcel 24 will reduce permanent incorporation at the site by 0.05 ha (0.12 ac) to 0.02 ha (0.06 ac). These changes will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f) and do not change the de minimis impact criteria determination for the site.

Wetlands

In 2021, a wetland delineation of project Segment 3 was completed by WGM Group, Inc (WGM). It identified one new wetland area (Wetland 11.5) not previously identified in the FEIS or FEIS re-evaluations. The current Proposed Action will result in 0.494 ha (1.223 ac) of wetland impacts. Wetland impacts are summarized in **Table 1**, below. In general, wetland impacts have decreased since the 1.16 ha (2.86 ac) calculated in the 2008 BRR/PBA; however, impacts have increased slightly from the 0.457 ha (1.129 ac) estimated in the 2014 REIS. Impacts to Wetland 11 will exceed the 0.5 ac U.S. Army Corps of Engineers (USACE) Nationwide Permit threshold and the project will require an Individual Permit. Compensatory wetland mitigation will be pursued according to USACE requirements. A Least Environmentally Damaging Practicable Alternative Analysis will be prepared in support of the USACE Individual Permit that outlines design measures taken to avoid and minimize impacts to wetlands to the maximum extent practicable.

The 2008 BRR/PBA identified potential on-site mitigation locations on a privately owned wet meadow near WL 14, and by creating more meanders on the Skyles Lake outlet channel that

parallels the project from Station 58+40 to 59+50. If mitigation cannot occur on-site, an MDT off-site mitigation reserve located in Watershed 4, Flathead River Basin Batavia Wetland Mitigation Site, will be utilized.

TABLE 1: WETLAND SUMMARY

Wetland ID	Approximate Stationing	Delineated Area HA (AC)	Estimated Impacts HA (AC)	Source of Impact	Source of Wetland Hydrology	Narrative Description
WL 8	37+46 to 37+91 Right	0.065 (0.160)	0.000 (0.000)	N/A – None	Groundwater & surface runoff	Isolated depression.
WL 9	39+13 to 39+46 Right	0.021 (0.052)	0.021 (0.052)	Road Widening	Groundwater & surface runoff	Isolated depression within existing roadside ditch.
WL 10	42+46 to 42+86 Right	0.149* (0.368)	0.001 (0.002)	Bike path fill slope	Groundwater & surface runoff	Apparently isolated pothole wetland surrounded by coniferous forest habitat.
WL 11	47+05 to 49+79 Right	1.246* (3.079)	0.211 (0.521)	Bike path fill slope	Groundwater, Skyles lake	Upper end of Skyles lake – wetland is hydrologically connected to Skyles Lake.
WL 11.5	54+80 to 55+10 Left	0.016* (0.040)	0.011 (0.027)	DNRC access road at 54+95	Groundwater & surface runoff	Depressional wetland on the south end of Skyles Lake, between US-93 and an access road.
WL 12	58+31 to 59+61 Right	0.391* (0.966)	0.024 (0.059)	US-93 fill slope	Outflow from Skyles lake	Emergent marsh wetland influenced by surface flow out of Skyles lake.
WL 13	62+46 to 63+29 Right	0.283* (0.699)	0.012 (0.030)	US-93 fill slope	Perennial surface flow and groundwater	Emergent marsh and scrub/shrub wetland with drainage pattern through wetland that connects to Spencer Lake.
WL 13A	63+11 to 63+29 Left	0.008 (0.020)	0.008 (0.020)	Bike path and bike path fill slope	Perennial surface flow and groundwater	Emergent marsh and scrub/shrub wetland that is connected to Wetland 13 via a small culvert under highway. Drainage pattern through wetland

Wetland ID	Approximate Stationing	Delineated Area HA (AC)	Estimated Impacts HA (AC)	Source of Impact	Source of Wetland Hydrology	Narrative Description
						that connects to Spencer Lake.
WL 14	80+97 to 85+12 Right	0.224* (0.553)	0.071 (0.175)	US-93 fill slope	Groundwater & surface runoff	Roadside ditch wetland towards north end of project. Possible down-gradient connection to water of the U.S..
WL 15	80+34 to 85+20 Left	0.466* (1.152)	0.091 (0.225)	US-93 fill slope	Groundwater & surface runoff	Roadside ditch wetland towards north end of project. Possible down-gradient connection to water of the U.S.
WL 16	80+28 to 80+50 Right	0.303* (0.749)	0.032 (0.079)	US-93 fill slope	Groundwater & surface runoff	Roadside ditch wetland towards north end of project. Possible down-gradient connection to water of the U.S.
WL 17/17A	64+27 to 75+17 Left	3.910* (9.662)	0.013 (0.032)	Culvert installation at 63+05, approach road at 64+00, bike path fill slope	Spencer lake	Spencer Lake and its associated wetland fringe.

* Note: Area of existing wetland extends beyond study limits.

Cultural & Historical Resources

Due to the amount of time that has passed since the FEIS and subsequent re-evaluations, and in support of the USACE Individual Permit, a new cultural resources survey was needed. A compliance-level archaeological survey was completed to determine if the construction of Segment 3 would result in new significant impacts not previously evaluated. Ten previously documented properties with structures over 50 years old were re-evaluated. While the parcel boundaries for the parcels overlapped with the area of potential effect (APE), no structures or other built-environment resources extend into the APE. The survey concluded that the proposed project will not result in new impacts beyond those discussed in the FEIS or 2008 REIS. The Montana State Historic Preservation Office concurred with the determination on 7/3/2024.

Fisheries & Wildlife

An environmental Summary Report for species with potential to occur within a two-mile radius of the project area was generated from the Montana Natural Heritage Program (MTNHP) and compared with the 2008 Biological Resource Report (BRR), 1994 FEIS and FEIS re-evaluations. Two species of concern from the 2008 BRR (LeConte's Sparrow and buckler fern) are known to occur northwest of Whitefish and are not within two miles of this segment. Species present in the Whitefish River are not relevant to project Segment 3. Impacts to terrestrial and

aquatic resources, apart from wetlands, are anticipated to be equivalent to those identified in the 2008 BRR.

Seventeen additional species of concern (SOC) with State rank S3 or higher that may occur in the project area were identified. Impacts to SOC are anticipated to be equivalent those identified in the 2008 BRR, 1994 FEIS and FEIS re-evaluations. An updated detailed analysis of current SOC was completed for the 2024 BRR Update Memo.

Threatened & Endangered Species

The 2012 Biological Assessment (BA) analyzed seven threatened and endangered species: bull trout (*Salvelinus confluentus*), Canada lynx (*Lynx canadensis*), grizzly bear (*Ursus arctos horribilis*), Spalding's campion (*Silene spaldingii*), meltwater lednian stonefly (*Lednia tumana*), North American wolverine (*Gulo gulo luscus*), and whitebark pine (*Pinus albicaulis*) as well as bull trout and Canada lynx designated critical habitat. A **no effect** determination was made for Canada lynx, Canada lynx critical habitat and Spalding's campion. A **may affect, not likely to adversely affect determination** was rendered for bull trout, bull trout critical habitat, and grizzly bear. A **not likely to jeopardize the continued existence** determination was rendered for meltwater lednian stonefly, wolverine, and whitebark pine. The USFWS concurred with the determinations in 2012. Meltwater lednian stonefly, whitebark pine, and wolverine were listed as threatened in 2019, 2022, and 2023, respectively.


Due to the amount of time that has passed since the FEIS and subsequent re-evaluations, a BRR update memorandum was needed to reflect the changes in the listing statuses of affected species and location of the action area. The Information for Planning and Consultation (IPaC) system was used to generate a new list of species with the potential to occur in Segment 3 for the 2024 BRR Update Memo. Candidate monarch butterfly (*Danaus plexippus*) was identified as an additional species that could potentially be affected by project activities. Moreover, meltwater lednian stonefly, whitebark pine, Canada lynx critical habitat, and bull trout critical habitat are not included in the list of species and habitats with the potential to occur in Segment 3. None of the proposed design changes, changes to the affected environment, or changes to the list and listing status of species with the potential to be affected by the project will result in impacts to threatened and endangered species that were not identified in the FEIS and re-evaluations, 2008 BRR/PBA, 2012 BA and 2012 Letter of Concurrence. Current impacts, as well as mitigation requirements, are of a similar type and nature to those that have previously been identified. An effects analysis for monarch butterfly, and updated analysis for North American wolverine due to the species' change in listing status, are provided in the 2024 BRR. The proposed project will **not jeopardize the continued existence** of monarch butterfly and will have **no effect** on the North American wolverine.

5.0 CONCLUSION/CONCURRENCE

This re-evaluation concludes that the current conditions and design changes to the Preferred Alternative within the Mountainside to MP 133 project, Segment 3, would not result in any new significant impacts. The FEIS, 2008, 2013 and 2014 REISs, along with the information presented in this re-evaluation, adequately describes the impacts of the current Proposed Action, and provides mitigation for those impacts.

MDT has found that in accordance with 23 CFR 771.129, this action will neither individually nor cumulatively have any new significant environmental impacts and that a supplemental EIS for the project will not be necessary.

REVIEWED/AUTHORIZED

Concur  Date: By Tom Martin at 8:01 am, Aug 02, 2024
Tom Martin, P.E., Chief
Environmental Services Bureau
LUCIA HAYDEE
Concur OLIVERA Digitally signed by LUCIA HAYDEE OLIVERA
Date: 2024.08.06 11:48:19 -06'00' Date: 8/6/2024
Federal Highway Administration

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