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Greg Gianforte, Governor
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August 27, 2024

Lucia Olivera
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Federal Highway Administration
585 Shepard Way
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Subject: Request for Concurrence of Re-evaluation of FEIS/ROD
STPP 3-2(101)34
Choteau - South
CN: 9343000

Dear Lucia Olivera:

The Montana Department of Transportation (MDT) Environmental Services Bureau has reviewed the subject project, the previously approved Final Environmental Impact Statement (FEIS)/Record of Decision (ROD) for the Fairfield to Dupuyer Corridor, current regulatory requirements, and current conditions at the project site. Based on this analysis, MDT concludes that the requirements of the National and Montana Environmental Policy Acts (NEPA and MEPA) can be met for the subject project through a Re-evaluated Environmental Impact Statement (REIS) as described at 23 CFR 771.129(b) rather than a Supplemental Environmental Impact Statement (SEIS) as described at 23 CFR 771.130. The FEIS was signed by your agency on August 21, 2003, and the ROD was signed by your agency on December 2, 2003.

The purpose of this letter is to request Federal Highway Administration (FHWA) concurrence that the following proposed design changes and the updated environmental information would not require preparation of a SEIS.

The proposed project as described in the Scope of work 6/16/2023 and Scope of Work Amendment dated 3/12/2024 is located in Teton County on US 89 (P-3) beginning at RP 34.3, North of the intersection with 7th RD NW / Priest Butte Rd and proceeds north for approximately 6.3 miles to RP 40.6, ending just south of the Choteau city limits. The project is located within Township 24N, Range 4W, Section 30 & 31; Township 23 North, Range 4 West, Sections 5, 6, 8, 9, 14, 15, 22, 23. A project location map is attached.

As stated in the ROD, MDT and the FHWA selected the following preferred alternatives as the Selected Alternative, within the project limits of the proposed project:

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.

The alignment for the proposed project follows the preferred alternative presented in the FEIS. The standard finished typical section has been reduced from 36 feet to 34 feet. The typical section will still include 12-foot wide travel lanes, but a reduction from 6-foot wide shoulders to 5-foot wide shoulders.

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

The purpose of and need for the subject project has not changed since the approval of the FEIS/ROD. As described in Section 1 of the FEIS, the purpose of the subject project is to provide highway improvements to US 89 to address the following needs:

- Provide a facility with updated design features,
- Improve safety of travel through the corridor,
- Provide an acceptable Level of Service in the corridor through the year 2023, and
- Provide enhancements for recreational users.

The 2023 date provided in the FEIS reflected a 20-year design life from completion of the EIS. The 20-year design life of the project remains consistent with this project segment.

Changes to the subject project that are the subject of this re-evaluation are described in the next section, Description of Changed Conditions.

DESCRIPTION OF CHANGED CONDITIONS

There have been five changes in the project design which have been considered in this re-evaluation. Additionally, all resource categories and underlying resource reports referenced in the FEIS have been reviewed for changes to the current environment. Since the publication of the FEIS, several of the underlying resource reports have been revised. The following resource areas were identified to have updated information and are discussed in further detail below: Biological Resources (threatened and endangered species), an update to the wetland delineation, an update on right-of-way, 4(f) update, an updated initial site assessment, and an update to the Section 106 Historic and Cultural Resources since the issuance of the ROD in November 2003.

Design Change 1: Reduced typical width

The Selected Alternative identified in the FEIS/ROD would have provided a paved width of 36 feet to accommodate two 12 ft wide travel lanes and two 6 ft wide shoulders. In refining the design elements noted in the FEIS, MDT considered alternatives that would reduce the impacts to the environment while achieving more cost-effective projects. MDT is proposing a reduced top surfacing width of 34 feet (two-12 ft wide travel lanes and two-5 ft wide shoulders) South of RP 39, with a 36' width north of RP 39. These surfacing widths are consistent with the reconstruction along the corridor and will meet the driver expectancy for the traveling public. Careful consideration was given to meeting the intent of the FEIS/ROD, while reducing the overall roadway width and associated impacts. (See SOW 6/16/2022)

Design Change 2: MCS type Scale Sites

Montana Motor Carrier Services requested the implementation of two type B scale sites, to be located at RP 38. (See SOW 6/16/2022)

Design Change 3: Rumble Strips

Current MDT standards call for both shoulder and centerline rumble strips to be incorporated into the project. According to the SOW amendment 3/12/2024, where the typical section includes 5' shoulders, rumble strips will

be a reduced width of 6 inches and offset 6" from the shoulder stripe. The offset will reduce roadside noise while providing adequate alert to drivers and 4' of useable shoulder beyond the rumble strips for bicycling. This extends from the beginning of the project to the vicinity of Miller Lane (RP 39).

Where the typical section includes 6' shoulders, north of Miller Lane, rumble strips will be a reduced width of 6 inches and offset 1.5' from the shoulder stripe to reduce roadside noise near dwellings while maintaining 4' of useable shoulder beyond the rumble strip.

Centerline and shoulder rumble strips will end at the beginning of the 45-mph zone at RP 40.227. The proposed centerline rumble strips would be an additional safety improvement measure, as the original FEIS did not recommend centerline rumble strips.

Design Change 4: Horizontal Alignment

The 2003 FEIS identified the alignment from RP 34 north to RP 40.5 to be constructed 50 feet east of the existing alignment, for ease of construction. The proposed horizontal alignment generally parallels the existing alignment, with shifts to reduce impacts to adjacent facilities. The alignment consists of long tangents and five normal crown curves as follows: two 15,000' radius curves, a pair of 30,000' radius reverse curves, and a 9,750' radius curve. All features are adequate for a 70-mph design speed, with the exception of the 9,750' radius curve at the end of the project entering Choteau, which is adequate for 55 mph.

These alignment shifts minimize impacts to the Freezeout Lake Wildlife Management Area (FLWMA). Impacts to the FLWMA are further discussed in the 4(f) update below.

The proposed revised alignment also reduces right-of-way impacts and adjacent wetland impacts, when compared to the 50' alignment shift selected in the FEIS.

Design Change 5: Change in Project Limits

The Scope of Work Amendment 3/12/2024 stated that the approach at 7th Rd NW will not be reconstructed with this project but will be constructed in its final configuration with the future UPN 9537000 Freezeout Lake – North project. This is desirable to eliminate railroad involvement on this project. Design of the intersection and Freezeout Lake – North alignment will be simplified by changing the begin project location of the subject project from RP 34.0 to RP 34.3 which is just north of the 7th Rd intersection. The new location also allows flexibility for design of the Freezeout alignment and additional offset from the railroad to improve geometrics of the intersection.

Environmental Change 1: Biological Resources Update

Threatened and Endangered Species Updated Conditions.

A Final Biological Resources Report-Biological Assessment (BRR/BA) was completed for the Fairfield to Dupuyer EIS in March 2002. The BRR/BA Report evaluated the potential biological consequences of the proposed widening and realignment of US Highway 89. The BRR/BA Report served as a basis for informal consultation with the US Fish and Wildlife Service (USFWS) concerning the potential effects of future projects within the corridor on federally listed species. The BRR/BA determined that the corridor project as a whole "may affect, but is not likely to adversely affect" the grizzly bear provided the mitigation/coordination measures presented in the BRR/BA were implemented. Also "no effect" determinations were made for Canada lynx (*Lynx canadensis*), bald eagle (*Haliaeetus leucocephalus*), gray wolf (*Canis lupus*), mountain plover (*Charadrius*

montanus), and arctic grayling (*Thymallus arcticus*). The USFWS concurred with these determinations for the corridor study in a letter to MDT dated February 24, 2003.

Due to the amount of time passed since the original consultation, MDT has prepared a project specific amended Biological Resource Report and Biological Assessment.

Since the original informal consultation bald eagle, gray wolf, mountain plover and arctic grayling have been removed from listed (threatened and endangered species), proposed listed, and/or candidate status under the ESA. Also, according to U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) website, Canada lynx (*Lynx canadensis*) is no longer listed in the project area.

A search of the IPaC website (March 14, 2024) lists the Threatened grizzly bear, Threatened Piping Plover (*Charadrius melodus*), Threatened Rufa Red Knot (*Calidris canutus rufa*), and the Candidate monarch butterfly (*Danaus plexippus*) as having a potential to occur in the project area. The amended Biological Resource Report found that this project will have "no effect" on the Piping Plover and the Rufa Red Knot; and is "not likely to jeopardize the continued existence" of the Candidate Monarch Butterfly.

On 3/27/2024, MDT re-initiated consultation with USFWS regarding the Threatened grizzly bear utilizing an amended Biological Assessment (BA). The amended BA proposes several modifications to the previous consultation and mitigation measures. The updated determination of effect and conservation measures are provided below. At this time, the new Biological Opinion from USFWS has not been received, however, if there are major changes to the conservation/mitigation measures listed in the BA, this REIS will be re-evaluated to reflect those changes.

Grizzly Bear

The February 2002 BRR/BA and 2003 concurrence from USFWS found a "may effect, not likely to adversely affect" grizzly bear.

The updated BA Amendment dated March 27, 2024 has an effect change for the grizzly bear. The amendment states that if grizzly bear(s) happen to be near the project area at time of implementation, construction activities may temporarily impact individuals of this species through noise, human activity, and operation of construction equipment. This effect may result in a behavioral response in that the bear may choose to move around the project area due to the disturbance and human activity. It is reasonable to assume that indirect effects in the form of accidental mortality of grizzly bears by vehicle collisions could increase on this portion of US 89 in the future. Based on the above information, it is determined that implementation of the proposed action "**May Affect, Likely to Adversely Affect**" the grizzly bear.

Mitigation Measures for Grizzly Bear:

The March 2002 BRR/BA listed a construction timing restriction to minimize impacts to foraging and bedding grizzly bears on portions of the entire EIS project corridor, from RP 39.0 to RP 56.0. This timing restriction prohibited construction activities from April 1 to June 30. Based on further discussions with Montana FWP and USFWS regarding this project and on previous projects in the corridor, it was agreed that there is no need for a seasonal prohibition of work in the open environments where the project will take place. To reduce the chance for human-grizzly bear interactions during construction activities with increased use of the project area

throughout the spring, summer, and fall, a nighttime timing restriction from 9:00 pm-6:00 am should be implemented for the entire construction season.

The March 27, 2024 BA amendment states the remainder of the mitigation/coordination measures contained in the March 2002 BRR/BA (pages 33 and 34) will be followed. A summary of those measures is listed below:

- The Special Provision, Environmental Mitigation and Coordination Measures for Grizzly Bears, will be included in the Contract for this project. This Special Provision addresses the removal and storage of garbage and other possible attractants during project construction.
- Road killed game animals should be promptly and properly disposed of during and following construction.
- Vegetation clearing within the right-of-way will be kept to a minimum.

The March 2002 BRR/BA also committed to planting native shrubs and trees with affinities for riparian areas at stream crossings within the right of way to improve cover for grizzly bears.

According to the March 27, 2024 BA amendment, the Teton River is the only natural stream along this project, and it does have woody riparian vegetation (primarily sandbar willows (*Salix exigua*)) where it crosses US 89. Sandbar willows will be planted along the streambanks as part of the revegetation effort at the Teton River. MDT will topsoil and seed all disturbed areas.

Wetlands Update.

As part of developing the EIS, the original wetland delineation was conducted in June/October 2000. Due to the amount of time since the original wetland delineation was conducted and to ensure all wetlands are identified, a new wetland delineation was conducted in July 2020. With an addendum to the Scope of Work, an updated wetland delineation was completed in 2024. To compare wetland impacts between the subject project and the FEIS conceptual design, Table 4.3 (page 4-11 of the FEIS) and table B-1 from appendix B, were reviewed. The FEIS anticipated approximately 5.48 acres of wetland impacts. Plan set updated on August 8, 2024 shows the current wetland impacts are estimated at 5.13 acres. Wetland impacts associated with the subject project have been reduced since the time of the FEIS and ROD. The reduction in wetland impacts is due to a more refined design, continued avoidance and minimization measures, utilization of the latest wetland delineation information, and also due to a reduction in the typical section from 36 feet to 34 feet. A Clean Water Act Section 404 Permit from the US Army Corps of Engineers will be required for impacts to wetlands, streams, and irrigation considered Waters of the United States. It is anticipated that an Individual 404 Permit, will be required. Potential wetland impacts for the subject project will exceed 1/10 acre, which will require compensatory mitigation requirements in accordance with applicable US Army Corps of Engineers regulations. The subject project will also comply with Executive Order 11990. Wetland mitigation will likely be accomplished off site at the MDT Alkali Lake wetland reserve located in Marias Watershed (#8).

Environmental Change 2: Right-of-Way Update

The subject project will require approximately 38.54 acres of right-of-way, 1.23 acres construction permits, 0.10 acres of county road easements, and 0.42 acres of adjacent landowner easements. To compare right-of-way impacts between the subject project and the FEIS conceptual design, the right-of-way information in the FEIS was reviewed. The original ROW estimate in the 2003 FEIS was 57.7 acres from RP 28.5 to RP 42.1. The present project limits are from RP 34.3 to 40.6

Design changes #1: The FEIS called for a finished top width of 36.0'. The route segment plan calls for 32.0' with 36.0' north of RP 39 (Miller Lane). As a compromise and to accommodate future overlays, a width of 34.0' is proposed south of RP 39 and 36.0' north to the end of the project.

Design change #4: change in alignment from (Approx RP 35.8 – 36.6), increases right-of-way through the length of the curve, and results in impacts to the Freezeout Lake Wildlife Management Area, which are further discussed under Section 4(f) impacts. Overall, the level of right-of-way required for the project is consistent the level of impact described in the FEIS. The subject project will not result in relocations of homes or businesses. MDT concludes that the impacts of the subject project on right-of-way are consistent with the findings of the FEIS and ROD.

Environmental Change 3: Traffic Noise Update

The 2002 FEIS found the Fairfield – Dupuyer Corridor Project to be classified as a Type I project for potential traffic noise impacts. A traffic noise study for the Fairfield – Dupuyer Corridor was completed in 2002 in support of the FEIS. The results of the traffic study found impacts to be below the abatement thresholds of 67 dB, and no mitigation was proposed in the FEIS/ROD.

An updated initial site assessment (ISA) for the Choteau – South project segment was completed August 30, 2023. The ISA stated that the proposed changes in horizontal and vertical alignment did not shift enough towards the nearest noise receptor to meet the definition of significant alteration. As a result, the Choteau – South project would not be classified as a Type I project.

Environmental Change 4: Section 106 Historic and Cultural Resources Update

Historic and Cultural Resources and State Historic Preservation Office Coordination

A Class I Cultural Resources Survey was completed for the Fairfield to Dupuyer corridor in February 2000. Due to the amount of time since the original survey, an updated cultural resources survey was completed in December 2018. Along with the seven resources evaluated in the 2000 Survey, five new potential resources were evaluated for historic eligibility.

As a result of the December 2018 Cultural Resources Survey:

- The following historic resources were determined “not eligible” for National Register of Historic Places (NRHP) SHPO concurred on December 31, 2018:
 - Hammond Ditch (24TT0735)
 - Previously determined eligible, no longer eligible.
 - Warehime Place (24TT0737)
 - Previously determined eligible, no longer eligible.
 - Kravens-Kenyon Home (24TT0438)
 - McCollum Place (24TT0439).
- The following historic resources were determined “eligible” for the NRHP listing with the following determinations of effect:
 - Cascade Canal (24TT0417)
 - “no effect” determination, SHPO concurred on September 16, 2020.
 - Freezeout Drain / Eastham Junction(24TT0723)
 - “no effect” determination, SHPO concurred on September 16, 2020.
 - US Highway 89 Segment (24TT0637)
 - “no effect” determination, SHPO concurred on September 16, 2020.
 - Agawam Branch of the Milwaukee Road Railroad(24TT0408)

- “no effect” determination, SHPO concurred on September 16, 2020.
- Great Northern Railway’s Power to Penroy Branch Line (24TT0409).
 - “no effect” determination, SHPO concurred on September 16, 2020.
 - A Scope of Work (SOW) amendment dated March 12, 2024, states that the project will be moved 0.3 miles to the North of the original starting RP. By shifting the starting RP, the project will not be adjacent to the historic Great Northern Railroad bed (24TT0409) and therefore will not impact the historic site.
- S-T Ditch (24TT0552)
 - “no adverse effect” determination, SHPO concurred on September 16, 2020.
- Freezeout Lake WMA (24TT0435)
 - “no adverse effect” determination, SHPO concurred on September 16, 2020.
- Teton River Bridge (24TT0284)
 - “Adverse Effect” determination, SHPO concurred on September 16, 2020.
 - The “Adverse effect” will be addressed under the historic roads and bridges programmatic agreement.
 - On December 1, 2021, HAER approved the level 2 documentation and will transmit the documentation to the Library of Congress for permanent storage.
 - The existing bridge will be made available for adoption under the bridge adoption program.

Environmental Change 4: 4(f) Update

Teton River Bridge (24TT0739)

The 2003 FEIS identified replacement of the Teton River Bridge as part of the proposed work within the corridor, but did not identify the bridge as a NHRP-eligible resource. In December 2018, the bridge was determined eligible for NHRP listing, and the proposed project was determined to have an adverse effect on the bridge, as discussed above. The adverse effect will also constitute a “use” under 4(f). The 4(f) use will be addressed through the *Nationwide Programmatic Section 4(f) Evaluation for FHWA Projects that Necessitate the Use of Historic Bridges*. The Nationwide Programmatic Section 4(f) Evaluation is attached.

Freezeout Lake Wildlife Management Area (FLWMA) (24TT0435)

The 2003 FEIS identified the FLWMA as a 4(f) Recreational resource, but failed to identify the Priest Butte Lake section of the FLWMA. The current proposed design substantially reduces impacts to the Priest Butte Section when compared to FEIS. Impacts to the FLWMA have been minimized through the horizontal alignment design changes identified in Design Change 4 above. In addition to the avoidance and minimization measures, the proposed project will make the following enhancements:

- Improved Signing
- Improved approaches into the FLWMA
- Improved approach and access road at Priest Butte Lake (Sta 410+34)
- Resurfaced/improved parking area at Priest Butte Lake (Sta 410+34)
- Wildlife friendly fencing and gate along R/W.

The proposed project would result in the acquisition of approximately 7.71 acres of the 11,350 acres, 0.07% of the total acreage of the FLWMA. MDT determined, with FWP concurrence, that the 4(f) use of FLWMA is a "Net Benefit" level of impact. It was determined that this meets the criteria and procedures of the *Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property*. See attached evaluation.

The FLWMA is also a 4(f) resource due to its eligibility for the NHRP. SHPO concurred in the finding of "no adverse effect" to the FLWMA on September 16, 2020 and FHWA informed SHPO that a finding of "no adverse effect" would result in a *de minimis* finding as a cultural 4(f) resource.

S-T Ditch (24TT0552)

The S-T Ditch is an eligible resource already located within the highway right of way. On September 16, 2020 SHPO concurred in a finding of "no adverse effect" to the ST Ditch. According to question 7D of the FHWA SECTION 4(f) POLICY PAPER, "When a future transportation project is advanced resulting in a Section 106 determination of no historic properties affected or no adverse effect to such resources, there would be no Section 4(f) use.

Public and Agency Involvement

The main portion of the public involvement plan occurred during the EIS process and controversial issues were identified and addressed in the FEIS. The public, regulatory agencies, and resource agencies were provided opportunity to comment on the subject project since the approval of the FEIS and ROD through the following:

- News release published on May 22, 2018.
- Personal contacts with local government officials, interest groups.
- Open house for input from community members held September 29, 2021
- Another open house on September 20, 2023 to present project updates and take public comment.
- Individual notification of new/relocation of rumble strips within 600 feet of residences as appropriate.

RE-EVALUATION

The scope of this re-evaluation includes the updated environmental information. This re-evaluation includes a review of the 2003 FEIS and the 2003 ROD for changes in previously identified environmental resources and impacts, and any mitigation commitments associated with the environmental changes.

Resource Category Re-evaluation

The following resource categories were previously examined in the FEIS and have been re-evaluated in the context of the project as currently proposed and, where applicable, new or updated information is provided. Table 1 provides an overview of the resource category and whether a change in impact or a change in mitigation has occurred. Resource categories with changed conditions are described in greater detail below.

Table 1. Re-evaluation of Resource Categories

Resource Category	Change in impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Safety	Yes	No	<p>The Selected Alternative identified in the FEIS/ROD would have provided a paved width of 36 feet to accommodate two 12 ft wide travel lanes and two 6 ft wide shoulders. In refining the design elements noted in the FEIS, MDT considered alternatives that would reduce the impacts to the environment while achieving more cost-effective projects. MDT is proposing a reduced top surfacing width of 34 feet (two-12 ft wide travel lanes and two-5 ft wide shoulders) South of RP 39, with a 36' width north of RP 39. These surfacing widths are consistent with the reconstruction along the corridor and will meet the driver expectancy for the traveling public. Careful consideration was given to meeting the intent of the FEIS/ROD, while reducing the overall roadway width and associated impacts.</p> <p>To allow more room on the 5 ft shoulders to accommodate bicycle usage, MDT is proposing a modified shoulder rumble strip by placing the rumble strip adjacent to the lane edge stripe (zero offset) instead of leaving a space between the lane edge stripe and rumble strip. The change in impact to safety to a driver, pedestrian, and bicyclist by would not be considered "significant" in terms of context and intensity.</p> <p>The change in impact to safety to pedestrians and bicyclists by reducing the shoulder width from 6 ft to 5 ft would not be considered "significant" in terms of context and intensity.</p> <p>Current MDT standards call for both shoulder and centerline rumble strips to be incorporated into the project. According to the SOW amendment 3/12/2024, where the typical section includes 5' shoulders, rumble strips will be a reduced width of 6 inches and offset 6" from the shoulder stripe. The offset will reduce roadside noise while providing adequate alert to drivers and 4' of useable shoulder beyond the rumble strips for bicycling. This extends from the beginning of the project to the vicinity of Miller Lane (RP 39). The original FEIS did not recommend centerline rumble strips; however, the addition of this safety improvement measure would not be considered "significant" in terms of context and intensity.</p>
Land Use	No	No	<p>Teton County has published an updated 2023 Teton County Growth Policy Plan was reviewed for changes in land use relevant to the proposed project. The revised growth plan appears to be consistent with the land use affected environment described in the FEIS.</p> <p>No change in land use has occurred since the FEIS.</p>
Public Lands, Parks, and Recreational Facilities	Yes	Yes	<p>The original FEIS design showed impacts to the FLWMA, however, The proposed FEIS design would also have resulted in impacts the Priest Butte portion of the FLWMA. This impact was not correctly identified in the FEIS.</p> <p>The current proposed design minimizes impacts when compared the FEIS, and provides for several enhancements to facilities associated with the FLWMA. Impacts to the FLWMA have been re-evaluated and determined to be a "net benefit" 4(f) use, as discussed above. Accordingly, the change in impacts to</p>

Resource Category	Change in impact? Yes/No	Change in Mitigation? Yes/No	Discussion
			public lands, parks, and recreational facilities would not be considered “significant” in terms of context and intensity.
Right-of-way/ Services/Utilities	Yes	No	<p>The amount of right-of-way required for the subject project with a 34-ft wide roadway is less than the FEIS estimated amount of right-of-way for a 36-foot-wide roadway. The original ROW estimate in the 2003 FEIS was 57.7 acres from RP 28.5 to RP 42.1. The present project limits are from RP 34.3 to 40.6. Current right-of-way estimates for the proposed project are approximately 38.54 acres of right-of-way, 1.23 acres construction permits, 0.10 acres of county road easements, and 0.42 acres of adjacent landowner easements.</p> <p>MDT concludes that the impacts of the subject project on right-of-way are consistent with the findings of the FEIS and ROD and the decrease in the amount of right-of-way required for the subject project compared to a 36-ft wide roadway would not be considered “significant” in terms of context and intensity. Mitigation of right-of-way impacts has not changed from the ROD.</p> <p>No change in impacts to services and utilities has occurred since the FEIS.</p>
Farmland	Yes	No	The 2003 FEIS found that the subject project does not impact farmland protected by the Farmland Protection Policy Act. However, with the current design multiple tracts of “farmland of statewide importance” are located along the project, and right-of-way will be acquired from these tracts. A farmland conversion impact rating form will be completed if necessary.
Social Impacts	No	No	The social conditions described in the FEIS are based on the 2000 U.S. Census decennial survey. A review of the latest data available from the U.S. Census Bureau (2022 American Community Survey and 2020 Census) found no substantial changes to the social characteristics within the project area since the FEIS. Any subtle changes to project area demographics would not affect the final decisions made by the ROD. No change to the social conditions has been identified since the FEIS.
Environmental Justice	No	No	No potential impacts have been identified since the FEIS that would disproportionately impact low-income or minority populations.
Economic Impacts	No	No	No change to the economic conditions has been identified since the FEIS.
Pedestrian and Bicycle Facilities	Yes	No	<p>The Selected Alternative identified in the FEIS/ROD will provide a paved width of 34 feet to accommodate two 12 ft wide travel lanes and two 5 ft wide shoulders. MDT is proposing to reduce the shoulder width from 6 ft to 5 ft to better fit the needs of the corridor while still providing updated design features, improved safety and operation of the facility and enhancements for recreation users of the corridor. The surfacing width of 34 feet is consistent with the reconstruction along the corridor.</p> <p>According to the SOW amendment 3/12/2024, where the typical section includes 5’ shoulders, rumble strips will be a reduced width of 6 inches and offset 6” from the shoulder stripe. The offset will reduce roadside noise while providing adequate alert to drivers and 4’ of useable shoulder beyond the rumble strips for</p>

Resource Category	Change in impact? Yes/No	Change in Mitigation? Yes/No	Discussion
			<p>bicycling. Where the typical section includes 6' shoulders, north of Miller Lane, rumble strips will be a reduced width of 6 inches and offset 1.5' from the shoulder stripe to reduce roadside noise near dwellings while maintaining 4' of useable shoulder beyond the rumble strip.</p> <p>The change in impact to pedestrian and bicycle facilities by reducing the shoulder width from 6 ft to 5 ft would not be considered "significant" in terms of context and intensity.</p>
Air Quality Impacts	No	No	<p>The August 30, 2023 ISA reviewed potential air quality impacts from the proposed project. MDT concluded that the proposed project is not expected to change traffic volumes or mix and would therefore not be expected to cause an increase in mobile source air toxins (MSAT). The ISA did not identify any other potential air quality issues with the proposed project, which is consistent with the findings of the 2003 FEIS.</p> <p>No additional impacts or concerns related to air quality have been identified since the FEIS.</p>
Noise Impacts	No	No	<p>The 2002 FEIS found the Fairfield – Dupuyer Corridor Project to be classified as a type I project for potential traffic noise impacts. A traffic noise study for the Fairfield – Dupuyer Corridor was completed in 2002 in support of the FEIS. The results of the traffic study found impacts to be below the abatement thresholds of 67 dB, and no mitigation was proposed in the FEIS/ROD.</p> <p>An updated initial site assessment (ISA) for the Choteau – South project segment was completed August 30, 2023 and stated that the horizontal and vertical alignment shifts did not have the distance to the nearest noise receptor between existing condition and proposed alignment and therefore did not meet the definition of significant alteration. As a result, the Choteau – South project segment would not be classified as a Type I project, and no further noise analysis is required.</p>
Water Quality Impacts	No	No	<p>No additional impacts or concerns related to water quality have been identified since the FEIS.</p>
Wetland Impacts	Yes	No	<p>Proposed wetland impacts are less than the wetland impacts estimated during the FEIS conceptual design stage. A decrease from 5.48 acres to 5.13 acres is a result of a more refined design, continued avoidance and minimization measures implemented during project development, utilization of the latest wetland delineation information (2024), and also due to a reduction in the typical section from 36 feet to 34 feet. Potential wetland impacts for the subject project will exceed 1/10 acre, which will require compensatory mitigation requirements in accordance with applicable US Army Corps of Engineers regulations. The subject project will also comply with Executive Order 11990. Wetland mitigation will likely be accomplished off site at the MDT Alkali Lake wetland reserve located in Marias Watershed (#8). The change in wetland impacts would not be considered "significant" in terms of context and intensity.</p>
Water Body Modifications and	No	No	<p>No additional impacts or concerns related to water body modifications and wildlife have been identified since the FEIS. The project will incorporate special</p>

Resource Category	Change in impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Wildlife Resource Impacts			provisions into the final bid package to ensure compliance with the Migratory Bird Treaty Act and Grizzly Bear Habitat.
Floodplain Impacts	No	No	<p>According to the Flood Insurance Rate Map (FIRM) panels 3001680383B, 3001680391B, and 3001680400B for Teton County, Zone C floodplain lies along both sides of the highway from the beginning of the project and runs in a northwesterly/northerly direction to about RP 39.3. From there, the floodplains vary between Zone B and Zone A until the end of the project. The floodplain is attributed to the Teton River and Spring Creek.</p> <p>Floodplain impacts from the proposed project are not significantly different from the impacts described in the FEIS/ROD. Mitigation will be accomplished by adhering to floodplain rules and regulations, and acquiring the floodplain permit from the Teton County Floodplain Administrator for the project, as laid out in the FEIS/ROD</p>
Threatened and Endangered Species	Yes	Yes	<p>The February 2003 concurrence letter also acknowledged a “no effect” determination for Canada lynx (<i>Lynx canadensis</i>), bald eagle (<i>Haliaeetus leucocephalus</i>), gray wolf (<i>Canis lupus</i>), mountain plover (<i>Charadrius montanus</i>), and arctic grayling (<i>Thymallus arcticus</i>). Since the original informal consultation bald eagle, gray wolf, mountain plover and arctic grayling have been removed from listed (threatened and endangered species), proposed listed, and/or candidate status under the ESA. According to U.S. Fish and Wildlife Service’s Information for Planning and Consultation (IPaC) website, Canada lynx (<i>Lynx canadensis</i>) is no longer listed in the project area.</p> <p>A search of the IPaC website (March 14, 2024) lists the Threatened grizzly bear, Threatened Piping Plover (<i>Charadrius melodus</i>), Threatened Rufa Red Knot (<i>Calidris canutus rufa</i>), and the Candidate monarch butterfly (<i>Danaus plexippus</i>) as having a potential to occur in the project area. This project will have “no effect” on the Piping Plover and the Rufa Red Knot; and “not likely to jeopardize the continued existence” of the Candidate Monarch Butterfly.</p> <p><u>Grizzly Bear</u></p> <p>The amended BA dated March 27, 2024 finds the project “May Affect, Likely to Adversely Affect” Grizzly Bears. The proposed mitigation for grizzly bear is as follows:</p> <ul style="list-style-type: none"> • A nighttime work restriction, with no construction activities allowed between 9:00 pm and 6:00 am, will be implemented on the subject project. • Sandbar willows are the primary vegetation along the Teton River and will be planted along the streambanks as part of the revegetation effort at the Teton River. The remainder of the mitigation/coordination measures contained in the March 2002 BRR/BA (pages 33 and 34) will be followed, as listed below: • The Special Provision, Environmental Mitigation and Coordination Measures for Grizzly Bears, will be included in the Contract for the subject project. This

Resource Category	Change in impact? Yes/No	Change in Mitigation? Yes/No	Discussion
			<p>Special Provision addresses the removal and storage of garbage and other possible attractants during project construction.</p> <ul style="list-style-type: none"> • Road killed game animals should be promptly and properly disposed of during and following construction. • Vegetation clearing within the right-of-way will be kept to a minimum.
Section 106 Historic and Cultural Resources	Yes	Yes	<p>A Class I Cultural Resources Survey was completed for the Fairfield to Dupuyer corridor in February 2000. Due to the amount of time since the original survey, an updated cultural resources survey was completed in December 2018. The following are the changes from the original Cultural Resource Survey:</p> <p>As a result of the December 2018 Cultural Resources Survey:</p> <ul style="list-style-type: none"> • The following historic resources were determined “not eligible” for National Register of Historic Places (NRHP) SHPO concurred on December 31, 2018: <ul style="list-style-type: none"> ○ Hammond Ditch (24TT0735) <ul style="list-style-type: none"> ▪ Previously determined eligible, no longer eligible. ○ Warehime Place (24TT0737) <ul style="list-style-type: none"> ▪ Previously determined eligible, no longer eligible. ○ Kravens-Kenyon Home (24TT0438) ○ McCollum Place (24TT0439). • The following historic resources were determined “eligible” for the NRHP listing with the following determinations of effect: <ul style="list-style-type: none"> ○ Cascade Canal (24TT0417) <ul style="list-style-type: none"> ▪ “no effect” determination, SHPO concurred on September 16, 2020. ○ Freezeout Drain / Eastham Junction(24TT0723) <ul style="list-style-type: none"> ▪ “no effect” determination, SHPO concurred on September 16, 2020. ○ US Highway 89 Segment (24TT0637) <ul style="list-style-type: none"> ▪ “no effect” determination, SHPO concurred on September 16, 2020. ○ Great Northern Railway’s Power to Penroy Branch Line (24TT0409). <ul style="list-style-type: none"> ▪ “no effect” determination, SHPO concurred on September 16, 2020. ▪ A Scope of Work (SOW) amendment dated March 12, 2024, states that the project will be moved 0.3 miles to the North of the original starting RP. By shifting the starting RP, the project will not be adjacent to the historic Great Northern Railroad bed (24TT0409) and therefore will not impact the historic site. ○ S-T Ditch (24TT0552)

Resource Category	Change in impact? Yes/No	Change in Mitigation? Yes/No	Discussion
			<ul style="list-style-type: none"> ▪ “no adverse effect” determination, SHPO concurred on September 16, 2020. ○ Freezeout Lake WMA (24TT0435) <ul style="list-style-type: none"> ▪ “no adverse effect” determination, SHPO concurred on September 16, 2020. ○ Teton River Bridge (24TT0284) <ul style="list-style-type: none"> ▪ “Adverse Effect” determination, SHPO concurred on September 16, 2020. ▪ The “Adverse effect” will be addressed under the historic roads and bridges programmatic agreement. <ul style="list-style-type: none"> • On December 1, 2021, HAER approved the level 2 documentation and will transmit the documentation to the Library of Congress for permanent storage. • The existing bridge will be made available for adoption under the bridge adoption program.
Section 4(f) Resources	Yes	Yes	<p>The 2003 FEIS identified replacement of the Teton River Bridge as part of the proposed work within the corridor, but did not identify the bridge as a NHRP-eligible resource. In December 2018, the bridge was determined eligible for NHRP listing, and the proposed project was determined to have an adverse effect on the bridge, as discussed above. The adverse effect will also constitute a “use” under 4(f). The 4(f) use will be addressed through the <i>Nationwide Programmatic Section 4(f) Evaluation for FHWA Projects that Necessitate the Use of Historic Bridges</i>.</p> <p>The 2003 FEIS identified the FLWMA as a 4(f) Recreational resource, but failed to identify the Priest Butte Lake section of the FLWMA. The current proposed design substantially reduces impacts to the Priest Butte Section when compared to FEIS. Impacts to the FLWMA have been minimized through the horizontal alignment design changes identified in Design Change 4 above. In addition to the avoidance and minimization measures, the proposed project will make the following enhancements:</p> <ul style="list-style-type: none"> • Improved Signing • Improved approaches into the FLWMA • Improved approach and access road at Priest Butte Lake (Sta 410+34) • Resurfaced/improved parking area at Priest Butte Lake (Sta 410+34) • Wildlife friendly fencing and gate along R/W. <p>The proposed project would result in the acquisition of approximately 7.71 acres of the 11,350 acres, 0.07% of the total acreage of the FLWMA. MDT determined, with FWP concurrence, that the 4(f) use of FLWMA is a “Net</p>

Resource Category	Change in impact? Yes/No	Change in Mitigation? Yes/No	Discussion
			<p>Benefit” level of impact. It was determined that this meets the criteria and procedures of the <i>Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property</i>.</p> <p>The FLWMA is also a 4(f) resource due to its eligibility for the NHRP. SHPO concurred in the finding of “no adverse effect” to the FLWMA on September 16, 2020 and FHWA informed SHPO that a finding of “no adverse effect” would result in a de minimis finding as a cultural resource.</p> <p>The S-T Ditch (24TT0552) is an eligible resource already located within the highway right of way. On September 16, 2020 SHPO concurred in a finding of “no adverse effect” to the ST Ditch. According to question 7D of the FHWA SECTION 4(f) POLICY PAPER, “When a future transportation project is advanced resulting in a Section 106 determination of no historic properties affected or no adverse effect to such resources, there would be no Section 4(f) use.</p>
Section 6(f) Resources	No	No	No impacts to Section 6(f) resources. No change in impacts to Section 6(f) resources has occurred since the FEIS.
Hazardous Waste Impacts	No	No	<p>The August 20, 2023 ISA reviewed the potential for impacts to the proposed project from hazardous waste. No additional hazardous waste was identified, but lead and asbestos testing was recommended.</p> <p>Lead and Asbestos sampling was conducted, on October 17, 2023, on the Teton River Bridge and stock pass structures. Test results showed no asbestos was found, but lead paint was identified on all structures. Special provisions will be implemented to ensure proper disposal and handling of the lead-based paint containing structures.</p> <p>No change in Hazardous Waste Impacts has occurred since the FEIS.</p>
Visual Resource Impacts	No	No	No change in impacts to visual resources has occurred since the FEIS.
Energy Implications	No	No	No change in impacts to energy has occurred since the FEIS.
Construction Impacts	No	No	No change in construction impacts have been identified since the FEIS.

Through this re-evaluation, MDT has determined that no substantive changes have occurred since the FEIS and ROD were signed. The environmental updates described in this re-evaluation would not affect the ability of the Selected Alternative to meet the subject project’s stated purpose as described in the FEIS and ROD. Additionally, MDT has determined that the impacts of these environmental updates are not individually or cumulatively significant or significantly different from those described in the FEIS or ROD. For these reasons,

MDT has determined that the environmental updates would have no effect on the ultimate decision documented in the ROD and that approving this updated NEPA/MEPA evaluation for the subject project would be consistent with 23 CFR 771.



Tom Martin, P.E.
Environmental Services Bureau Chief

REVIEWED/AUTHORIZED

Date: By Tom Martin at 9:09 am, Aug 28, 2024

LUCIA HAYDEE
OLIVERA

 Digitally signed by LUCIA
HAYDEE OLIVERA
Date: 2024.08.27 15:45:29 -06'00'

Date: 8/27/2024

Federal Highway Administration

electronic copies:

Jim Wingerter, P.E.	Great Falls District Administrator
James Combs, P.E.	Great Falls District Preconstruction Engineer
Tom Martin, P.E.	Environmental Services Bureau Chief
Tom Gocksch, P.E.	Environmental Services Bureau Engineering Section Supervisor
Damian Krings, P.E.	Highways Engineer
Chris Ward, P.E.	EPS Project Engineer
Jason Gilliam	Right-of-Way Bureau Chief
Lisa Hurley	Fiscal Programming Section Supervisor
Darin Reynolds, P.E.	Engineering Construction Contracting Bureau Chief
Dan Harrington, P.E.	Environmental Services Bureau Project Development Engineer
Montana Legislative Branch	Environmental Quality Council (EQC)
Joe Weigand	FHWA Environmental Specialist
copies: File	Environmental Services Bureau

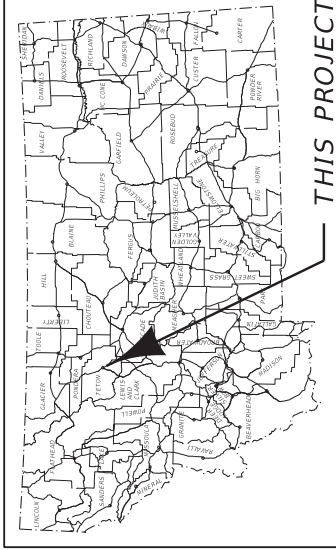
ATTACHMENT #1
Project location Map

MONTANA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROJECT STPP 3-2(102)34

GRADE, GRAVEL, PMBS, S&C, & STRUCTURE

CHOTEAU - SOUTH TETON COUNTY

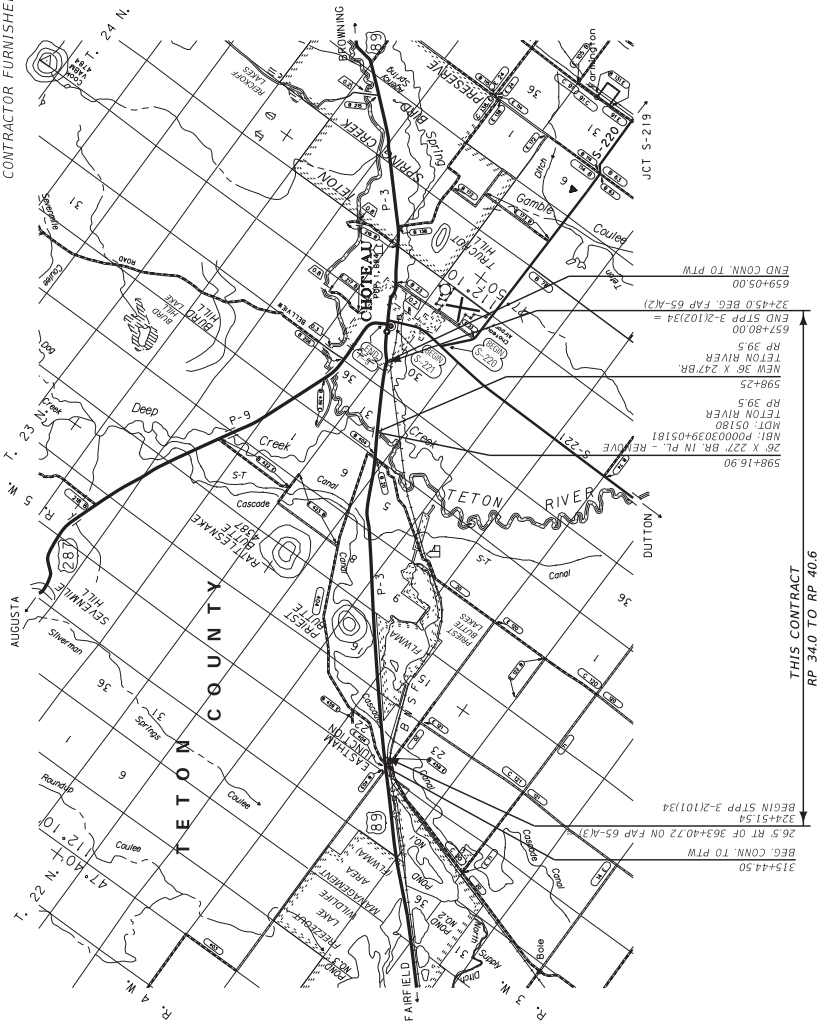


PROJECT DESIGN DATA

PRESENT 2024	A.D.T. = 1,040
LETTING 2025	A.D.T. = 1,050
DESIGN 2045	A.D.T. = 1,280
	D.H.V. = 150
	TRUCKS = 8.3%
	V. = 55 MPH
	18 KIP ESALS = 42 DAILY
	GROWTH RATE = 7% ANNUALLY

LENGTH 6.6 MILES

SUBFACING SOURCES -
CONTRACTOR FURNISHED



MONTANA
DEPARTMENT OF TRANSPORTATION

APPROVED BY: **PAMALA KRINGS**
HIGHWAYS ENGINEER

DATE: _____

ASSOCIATED PROJECT AGREEMENT NUMBERS	
R/W	
I.C.	
P.E.	STPP 3-2(101)34

PRELIMINARY
FOR PLAN IN HAND REVIEW ONLY

3	C:\DOK\9343000\411001\001	DESIGNED BY	CHRIS WARD	1/10/2023	ROAD PLANS	UPN 9343000
2	8/18/2024	CHECKED BY				
	9:47:46 AM	CPS	0494			

MONTANA
Department of Transportation

ATTACHMENT #2

Nationwide Programmatic Section 4(f) Evaluation for FHWA Projects that
Necessitate the Use of Historic Bridges Evaluation

MONTANA DIVISION
Nationwide Programmatic Section 4(f) Evaluation for FHWA Projects that Necessitate the Use of Historic Bridges

Project #: STPP 3-2(102)34; CN: 9343000	Date: August 6, 2024
Project Name: Choteau - South	Location: Teton River Bridge (24TT0284); Lewis & Clark County, Montana

Project Description / Overview

The Montana Department of Transportation (MDT) has identified the US 89 corridor for improvements generally due to its outdated design, including inadequate passing opportunities, narrow shoulders, sharp curves, and poor operations due to the mix of recreational vehicles, trucks, and passenger vehicles. Another factor in its identification for improvements is the corridor’s attractiveness as a recreational route. In order to improve the safety and efficiency of the route, MDT proposes to reconstruct the roadway on US 89 with a wider paved surface and improved horizontal and vertical curves. The MDT also proposes to replace the existing bridge over Teton River located on US-89 South of Choteau in Teton County. The Teton River Bridge (24LC0284) was constructed in 1935 and MDT has determined it is eligible for the National Register of Historic Places (NRHP). The eligibility determination was submitted to the Montana State Historic Preservation Office (SHPO) on July 10, 2013. SHPO concurred with the NRHP-eligibility determinations July 22, 2013. MDT determined the proposed project would have an adverse effect on the Teton River Bridge, the effect determined was submitted to the Montana SHPO on September 3, 2020, and concurrence on the finding was received September 16, 2020. An E106 submittal and notification of the undertaking and adverse effect was submitted via FHWA to the Advisory Council on Historic Preservation (ACHP) on January 12, 2021. ACHP did not respond within the fifteen (15) days of submittal and therefore declined to participate in consultation.

MDT prepared a Historic American Engineering Record (HAER) for the Teton River Bridge, which was accepted by the National Park Service on December 1, 2021.

The Teton Bridge has insufficient deck geometry and is nearing the end of its useful life, so MDT is proposing to replace the bridge with a new bridge that is wider to accommodate higher traffic flows and match the new geometry of the roadway. The proposed bridge replacement will require the demolition of the historic bridge prior to constructing the new bridge. MDT is handling the ADVERSE EFFECT to this property under the terms of the Programmatic Agreement Among the Federal Highway Administration, Montana Department of Transportation, Advisory Council on Historic Preservation, and the Montana State Historic Preservation Regarding Historic Roads and Bridges Affected by MDT Undertakings in Montana.

An excerpt from MDT’s preliminary plans showing the location of 24TT0284 and the proposed new bridge at the Teton River crossing is attached.

Applicability

This programmatic Section 4(f) evaluation may be applied by the Federal Highway Administration (FHWA) to projects which meet the following criteria:

NOTE: Any response in a box requires additional information and may result in an individual evaluation/statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

		YES	NO
1.	The bridge is to be replaced or rehabilitated with Federal funds.	X	<input type="checkbox"/>
2.	The project will require the use of a historic bridge structure which is on or is eligible for listing on the National Register of Historic Places.	X	<input type="checkbox"/>
3.	The bridge is not a National Historic Landmark.	X	<input type="checkbox"/>

4.	The FHWA Division Administrator determines that the facts of the project match those set forth in the sections of this document labeled Alternatives, Findings, and Mitigation.	X	<input type="checkbox"/>
5.	Have agreements been reached through procedures pursuant to <i>Section 106</i> of the <i>National Historic Preservation Act</i> with the following:		
	STATE HISTORIC PRESERVATION OFFICE (SHPO)?	X	<input type="checkbox"/>
	ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)?	X	<input type="checkbox"/>

Alternatives

The following **alternatives** avoid the use of the historic bridge:

1. Do Nothing
2. Build a new structure at a different location without affecting the historic integrity of the old bridge, as determined by procedures implementing the NHPA.
3. Rehabilitate the historic bridge without affecting the historic integrity of the structure, as determined by procedures implementing the NHPA.

Findings

The above **alternatives** have been applied in accordance with this PROGRAMMATIC SECTION 4(F) EVALUATION and are supported by **EACH** of the following **FINDINGS**:

		YES	NO
1.	Do Nothing. The do nothing alternative has been studied. The do nothing alternative ignores the basic transportation need. For the following reasons this alternative is not feasible and prudent:		
	a) Maintenance - The do nothing alternative does not correct the situation that causes the bridge to be considered structurally deficient or deteriorated. These deficiencies can lead to collapse and potential injury or loss of life. Normal maintenance is not considered adequate to cope with the situation.	X	<input type="checkbox"/>
	b) Safety - The do nothing alternative does not correct the situation that causes the bridge to be considered deficient. Because of these deficiencies the bridge poses serious and unacceptable safety hazards to the traveling public or places intolerable restriction on transport and travel.	X	<input type="checkbox"/>
	Supporting Documentation: The Teton River Bridge (24TT0284) has a history of overtopping, most notably during the June 1964 flood. This bridge also has a moderate amount of ice and debris passage. In addition to the overtopping and ice buildup, the structure has insufficient deck geometry and is nearing the end of its useful life. The proposed bridge replacement will raise the elevation to provide additional freeboard and the design will improve the hydraulic function of the river within the floodplain. The proposed bridge will be wider to accommodate higher traffic flows and match the new geometry of the roadway.		

		YES	NO
2.	Build on New Location Without Using the Old Bridge. Investigations have been conducted to construct a bridge on a new location or parallel to the old bridge (allowing for a one- way couplet), but, for one or more of the following reasons, this alternative is not feasible and prudent:		
	a) Terrain - The present bridge structure has already been located at the only feasible and prudent site, i.e., a gap in the landform, the narrowest point of the river canyon, etc. To build a new bridge at another site will result in extraordinary		<input checked="" type="checkbox"/>

	bridge and approach engineering and construction difficulty or costs or extraordinary disruption to established traffic patterns.			
	b) Adverse Social, Economic, or Environmental Effects - Building a new bridge away from the present site would result in social, economic, or environmental impact of extraordinary magnitude. Such impacts as extensive severing of productive farmlands, displacement of a significant number of families or businesses, serious disruption of established travel patterns, and access and damage to wetlands may individually or cumulatively weigh heavily against relocation to a new site.	X		<input type="checkbox"/>
	Supporting Documentation: Construction of a new bridge off-alignment of the existing bridge would require substantial impacts to adjacent wetlands and river oxbows that are located to both the north and south of the existing bridge, on both the east and west sides of the road. The re-alignment of the highway required for a bridge on a new location would result in residential displacements as well.			
	c) Engineering and Economy - Where difficulty associated with the new location is less extreme than those encountered above, a new site would not be feasible and prudent where cost and engineering difficulties reach extraordinary magnitude. Factors supporting this conclusion include significantly increased roadway and structure costs, serious foundation problems, or extreme difficulty in reaching the new site with construction equipment. Additional design and safety factors to be considered include an ability to achieve minimum design standards or to meet requirements of various permitting agencies such as those involved with navigation, pollution, and the environment.			<input checked="" type="checkbox"/>
	d) Preservation of Old Bridge - It is not feasible and prudent to preserve the existing bridge, even if a new bridge were to be built at a new location. This could occur when the historic bridge is beyond rehabilitation for a transportation or an alternative use, when no responsible party can be located to maintain and preserve the bridge, or when a permitting authority, such as the Coast Guard requires removal or demolition of the old bridge.			<input checked="" type="checkbox"/>

		YES		NO
3.	Rehabilitation Without Affecting the Historic Integrity of the Bridge. Studies have been conducted of rehabilitation measures, but, for one or more of the following reasons, this alternative is not feasible and prudent:			
	a) The bridge is so structurally deficient that it cannot be rehabilitated to meet minimum acceptable load requirements without affecting the historic integrity of the bridge.			<input checked="" type="checkbox"/>
	b) The bridge is seriously deficient geometrically and cannot be widened to meet the minimum required capacity of the highway system on which it is located without affecting the historic integrity of the bridge. Flexibility in the application of the American Association of State Highway and Transportation Officials geometric standards should be exercised as permitted in 23 CFR Part 625 during the analysis of this alternative.	X		<input type="checkbox"/>

Supporting Documentation:			
The center span is a truss structure that cannot be widened to provide the appropriate width to match the new roadway.			

Measures to Minimize Harm

This programmatic Section 4(f) evaluation and approval may be used only for projects where the FHWA Division Administrator, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm. This has occurred when:

1.	For bridges that are to be rehabilitated, the historic integrity of the bridge is preserved, to the greatest extent possible, consistent with unavoidable transportation needs, safety, and load requirements.		
	Comment/Response: Rehabilitation of the existing structure to meet transportation and safety needs is not feasible. In addition to the overtopping and ice buildup, the structure has insufficient deck geometry and is nearing the end of its useful life.		
2.	For bridges that are to be rehabilitated to the point that the historic integrity is affected or that are to be moved or demolished, the FHWA ensures that, in accordance with the Historic American Engineering Record (HAER) standards, or other suitable means developed through consultation, fully adequate records are made of the bridge.		
	Comment/Response: The existing bridge will be removed with subsequent replacement. MDT completed and submitted documentation to satisfy HAER requirements. The NPS accepted the HAER documentation on December 1, 2021.		
3.	For bridges that are to be replaced, the existing bridge is made available for an alternative use, provided a responsible party agrees to maintain and preserve the bridge.		
	Comment/Response: The existing bridge will be removed with subsequent replacement. The existing bridge will be made available through MDT's Bridge Adoption Program.		
4.	For bridges that are adversely affected, agreement among the SHPO, ACHP, and FHWA is reached through the Section 106 process of the NHPA on measures to minimize harm and those measures are incorporated into the project. This programmatic Section 4(f) evaluation does not apply to projects where such an agreement cannot be reached.		
	Has agreement been reached through the <i>Section 106</i> process of the <i>National Historic Preservation Act</i> ?	YES	NO
	SHPO (Date: 09/16/2020)	X	<input type="checkbox"/>
	ACHP (Date: 01/12/2021)	X	<input type="checkbox"/>
	FHWA (Date:	X	<input type="checkbox"/>
	A copy of the Programmatic Agreement regarding historic roads and bridges affected by MDT undertakings signed/approved by these agencies is attached.	X	<input type="checkbox"/>

COORDINATION

There has been additional **COORDINATION** with the following agencies regarding this proposed project (other than those listed previously):

- City/County government: Teton County
- Tribal Government: The proposed project is not located within or near a tribal reservation or tribal-owned lands.
- Local historical society: None
- Adjacent property owners: Landowners - Project Notice and Right-of-Entry Letters in August 2018

Others:

Public Involvement Firm has had several public meetings.

This proposed project is also documented as a **Categorical Exclusion (9343000ENEISR01)** under the requirements of the *National Environmental Policy Act (42 U.S.C. 4321, et seq.)*.

SUMMARY & APPROVAL

The existing Bridge has a history of overtopping, most notably during the June 1964 flood. This bridge also has a moderate amount of ice and debris passage. In addition to the overtopping and ice buildup, the structure has insufficient deck geometry and is nearing the end of its useful life. The "Do Nothing" alternative ignores the basic transportation needs at this river crossing by failing provide a safe crossing to the traveling public.

Rehabilitation of the existing bridge is not feasible due to the freeboard issues and insufficient geometry.

Constructing a new bridge at a location which would present no adverse effect on the existing structure cannot be accomplished without causing extraordinary environmental impacts or substantially increasing engineering and construction costs. The existing bridge could not safely be kept in place regardless, due to the overtopping and ice buildup, the structure has insufficient deck geometry, and the bridge is nearing the end of its useful life.

The existing bridge will be removed with subsequent replacement. The existing bridge will be made available through MDT's Bridge Adoption Program.

The proposed action meets all criteria regarding the required **ALTERNATIVES, FINDINGS, and Measures to Minimize Harm** which will be incorporated into this proposed project. All possible planning to minimize harm to 24ST0215 has been undertaken. This proposed project therefore complies with the July 5, 1983 Programmatic Section 4(f) Evaluation by the U.S. Department of Transportation's Federal Highway Administration. This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.



Tom Martin, P.E., Engineering Bureau Chief
MDT Environmental Services

REVIEWED/AUTHORIZED

Date: By Tom Martin at 9:08 am, Aug 28, 2024

LUCIA HAYDEE

Digitally signed by LUCIA HAYDEE OLIVERA
Date: 2024.08.27 15:46:03 -06'00'

Approved: OLIVERA
Federal Highway Administration

Date: 8/27/2024

Big Sky. Big Land. Big History.
Montana
Historical Society

*Historic Preservation
Museum
Outreach & Interpretation
Publications
Research Center*

September 16, 2020

Jon Axline, Historian
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

Re: STPP 3-2(101)34
Choteau – South
UPN 9434000

Dear Mr. Axline:

Thank you for your letter (received September 9, 2020) regarding the Choteau-South road reconstruction project. We concur that this project will have an Adverse Effect on one Historic Property, 24TT0284 (the Teton River Bridge). This undertaking will not pose an adverse effect to the other historic properties mentioned in the determination of effect document.

If you have any questions or concerns, do not hesitate to contact me at (406) 444-7719 or Laura.Evilsizer@MT.gov. Thank you for consulting with us.

Sincerely,



Laura Evilsizer, M.A.
Review and Compliance Officer
Montana State Historic Preservation Office

225 North Roberts Street
P.O. Box 201201
Helena, MT 59620-1201
(406) 444-2694
(406) 444-2696 FAX
montanahistoricalsociety.org



June 10, 2021

Ms. Heidy Bruner
Environmental Specialist
Federal Highway Administration
Montana Division
585 Shepard Way, Suite 2
Helena, MT 59601

Ref: *Proposed Removal of the Teton River Bridge (24TT0284) on US Highway 89
Teton County, Montana
STPP 3-2(101)34; Choteau – South; UPN 9343000
ACHP Project Number: 16401*

Dear Ms. Bruner:

On January 12, 2021, the Advisory Council on Historic Preservation (ACHP) received a notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Because the ACHP did not respond within 15 days with a decision regarding our non-participation, the ACHP assumes that the Federal Highway Administration has continued the consultation to resolve adverse effects.

However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Montana State Historic Preservation Office and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

If you have any questions or require our further assistance, please contact Ms. Mandy Ranslow at 202 517-0218 or by e-mail at mranslow@achp.gov and reference the ACHP Project Number above.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ATTACHMENT #3

Section 4(f) Evaluation and Approval for Transportation Projects That Have a
Net Benefit to a Section 4(f) Property Evaluation

July 22, 2024

Montana Department of Fish, Wildlife & Parks
Attn: Brent Lonner
Wildlife Biologist
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620-0701

Subject: **Freezeout Lake Wildlife Management Area 4(f) Net Benefit
STPP 3-2(101)34
CHOTEAU - SOUTH
UPN 9343000**

MDT is proposing to reconstruct a section of US 89 from RP 34.3 to 40.6. The project site is in Teton County, near the town of Choteau. The work consists of widening the roadway surface and shifting the horizontal and vertical alignments to enhance safety and efficiency of the route. The proposed change in Right of Way will impact the Freezeout Lake Wildlife Management Area (WMA) as shown in blue in Figure 1.

MDT has identified the US 89 corridor for improvements generally due to its outdated design, including, narrow shoulders, sharp curves, and poor operations due to the mix of recreational vehicles, trucks, and passenger vehicles. Another factor in its identification for improvements is the corridor's attractiveness as a recreational route.

MDT concludes that the Freezeout Lake (WMA) is subject the requirements of federal law contained in Section 4(f) of the Department of Transportation Act of 1966. Based on the level of impact and enhancement measures proposed, MDT has found the proposed project will result in a "net benefit" level of 4(f) use of the WMA. A "net benefit" finding is achieved when a transportation use and the mitigation measures result in an overall enhancement of a Section 4(f) property, when compared to the avoidance alternatives and its present condition. A "net benefit" finding also requires the concurrence from the officials with jurisdiction that the project meets said criteria. With this letter, MDT is formally seeking this concurrence.

Mitigation Measures

As a result of the coordination efforts with FWP, the following measures have been presented to MDT for the impacts to Freezeout Lake WMA:

- 1. MDT will re-locate an approach from station 438+25 to station 434+00.** MDT will establish the edge of pavement and construct an approach at approximate station 434+00 as directed by FWP.

2. **MDT will replace a gate at station 434+00.** MDT will place a gate, constructed of wire, metal, or wood, on the R/W boundary line at the same location as the new approach at 434+00. MDT will consult with FWP regarding any new wildlife exclusion fencing along the common property line between US 287 and the FAS.
3. **MDT will revegetate impacted areas.** A revegetation special will be used for all disturbed areas within the impacted areas. FWP will be consulted on the seed blend.
4. **For the Priest Butte new approach to the WMA, at approximate station 410+00.** Please note all of the work listed below, is shown in Figure 2, and will be completed under the R/W Agreement with FWP. A temporary construction permit is not required.
 - a. MDT will widen and flatten the approach landing to alleviate the sight concern for traffic from the North.
 - b. MDT will provide a pull-out area (approximately a 4-car capacity) inside the new R/W along the approach road from the fence line down to the turnaround area.
 - c. MDT will re-grade and gravel the turnaround area. This will include between the lower parking area and the OHWM.
 - d. MDT will move the existing fence line on the South side of approach 300 feet to the south. This will keep the fence line on the South side of the new approach.
5. **Wildlife friendly type fence along the WMA where the fence has been removed.** MDT will install wildlife friendly type fence where applicable and use either the FWP fencing standard or the MDT fencing standard.

The overall result of these mitigation measures is a “net benefit” to the Freezeout Lake WMA; improving the operation, use and enjoyment of this site by the public. Specific improvements resulting from these mitigation efforts are:

1. Sight distance at the new approach and better access to the turnaround area near the lake.
2. An improved pull-out area to view the wildlife to keep vehicles from parking on the roadway shoulder.
3. An improved approach road and turnaround area for tourists.

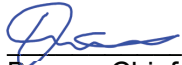
MDT has agreed to all of the mitigation measures listed above. If you concur with our conclusions about the mitigation measures proposed and the net benefits to the Freezeout Lake WMA, please sign on the appropriate line below and email me a copy back. If you do not agree or believe other measures should be implemented as mitigation, please provide me with a written response outlining your reasons so we can further coordinate this project and its effects with you or other representatives of your agency.

We would appreciate your prompt response since FWP’s concurrence is needed before we can complete the Final Section 4(f) Evaluation and the environmental document for this project. If you need additional information concerning the proposed project in the meantime, please contact me at (406) 444-0879. Thank you for your continued cooperation and assistance.

Tom Martin, P.E.

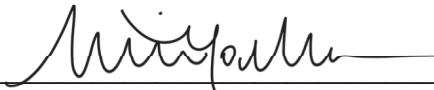
REVIEWED/AUTHORIZED

By Tom Martin at 1:00 pm, Jul 22, 2024



Bureau Chief
Environmental Services

Date: _____

Concur: 

Montana Department of Fish, Wildlife & Parks

Date: 8/20/24

Enclosures: Figure 1: Right of Way Impacts
Figure 2: Approach and turn around detail

e-copy:

Jim Wingerter - MDT Great Falls District Administrator
Chris Ward - MDT Project Design Manager
Ryan Dahlke, P. E. - MDT Preconstruction Engineer
Jason Gilliam - MDT Right-of-Way Bureau Chief
Tom Gocksch, P.E. – MDT ESB, Engineering Section Supervisor
Dan Harrington, P.E., MDT Great Falls District Project Development Engineer
Paul Sturm, MDT Great Falls District Biologist
Brent Lonner, FWP Wildlife Biologist
Rick Northrup, FWP wildlife habitat bureau chief
Jason Rhoten, Region 4 FWP regional supervisor
Cory Loecker, Region 4 wildlife manager
Derrick Miller, Region 4 maintenance manager
Jude May, Region 4 maintenance team supervisor

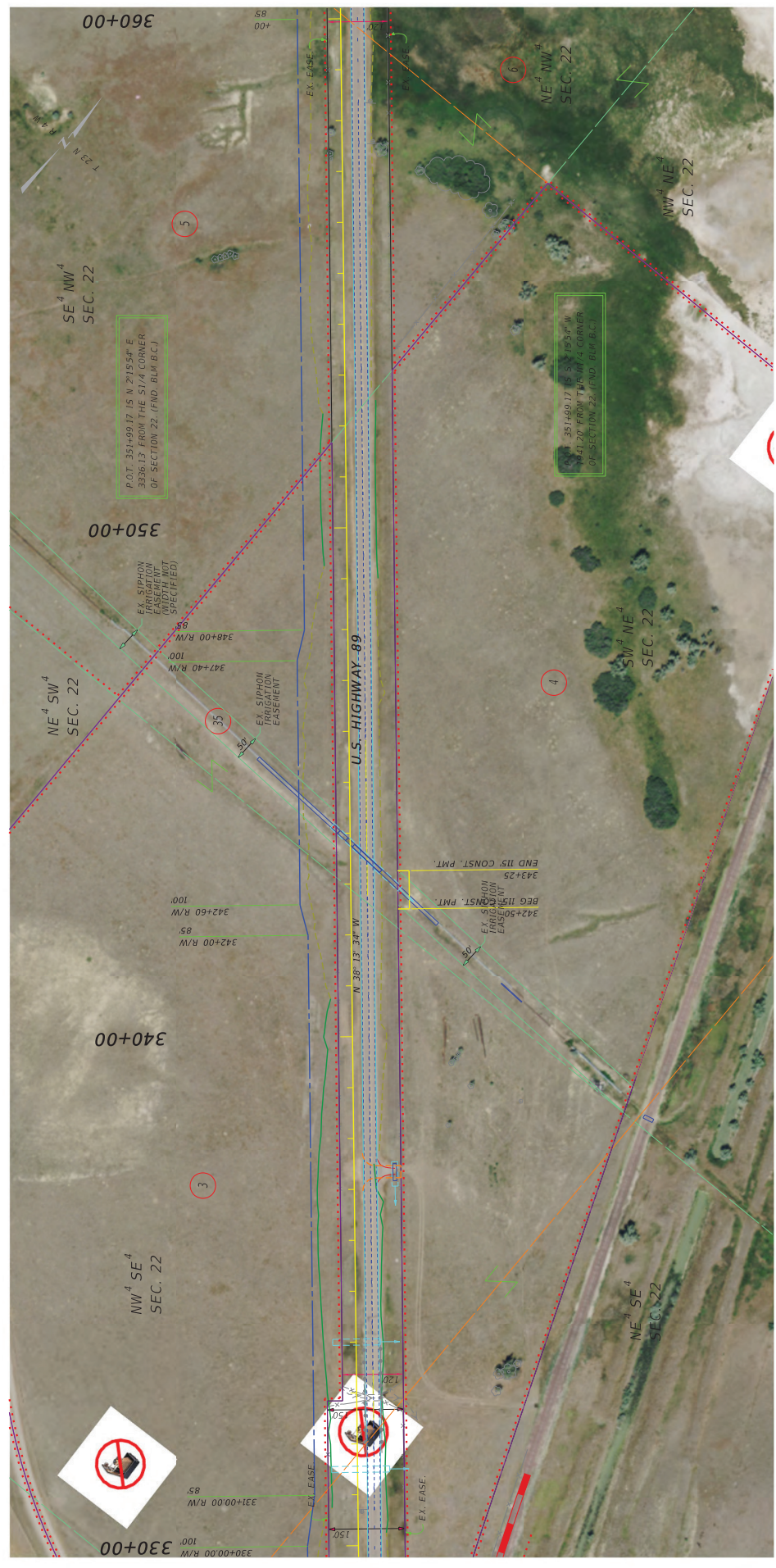
Project File

Figure 1a

SEE SHEET NO. 2 FOR OWNERSHIP NAMES, ADDRESSES, AREAS, ETC.

STATE	MONTANA	RIGHT OF WAY	
SHEET NO.	4	R/W ID.	STPP 3-2101134
TOTAL SHEETS	14	PROJECT NO.	9343-101-000

CHOTEAU - SOUTH



PRELIMINARY

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAN
TETON COUNTY



GRID STATE PLANE COORDINATES

THIS IS A STATE PLANE COORDINATE PROJECT. ALL POINTS ON THIS PLAN ARE IN THE STATE PLANE COORDINATE SYSTEM. DIMENSIONS ARE GIVEN IN FEET. DIMENSIONS ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD. THE COMBINATION SCALE FACTOR IS 0.99930115.

- NOTES:
1. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
 2. ALL STATIONING AND OFFSETS FOR R/W AREAS ARE IN REFERENCE TO THE R/W CENTERLINE.

CONSTRUCTION LIMITS	MAP REVISED:
CUT SECTION	
TOR OF FILL	
TOP OF CUT	
DATE: 5/6/2024	PROJECT: C:\GIS\3432000\0001134
DRAWN BY: 2/27/21 PW	UT860
APPROVED BY: [Signature]	
DATE: 5/6/2024	
PROJECT: C:\GIS\3432000\0001134	
DRAWN BY: 2/27/21 PW	
UT860	

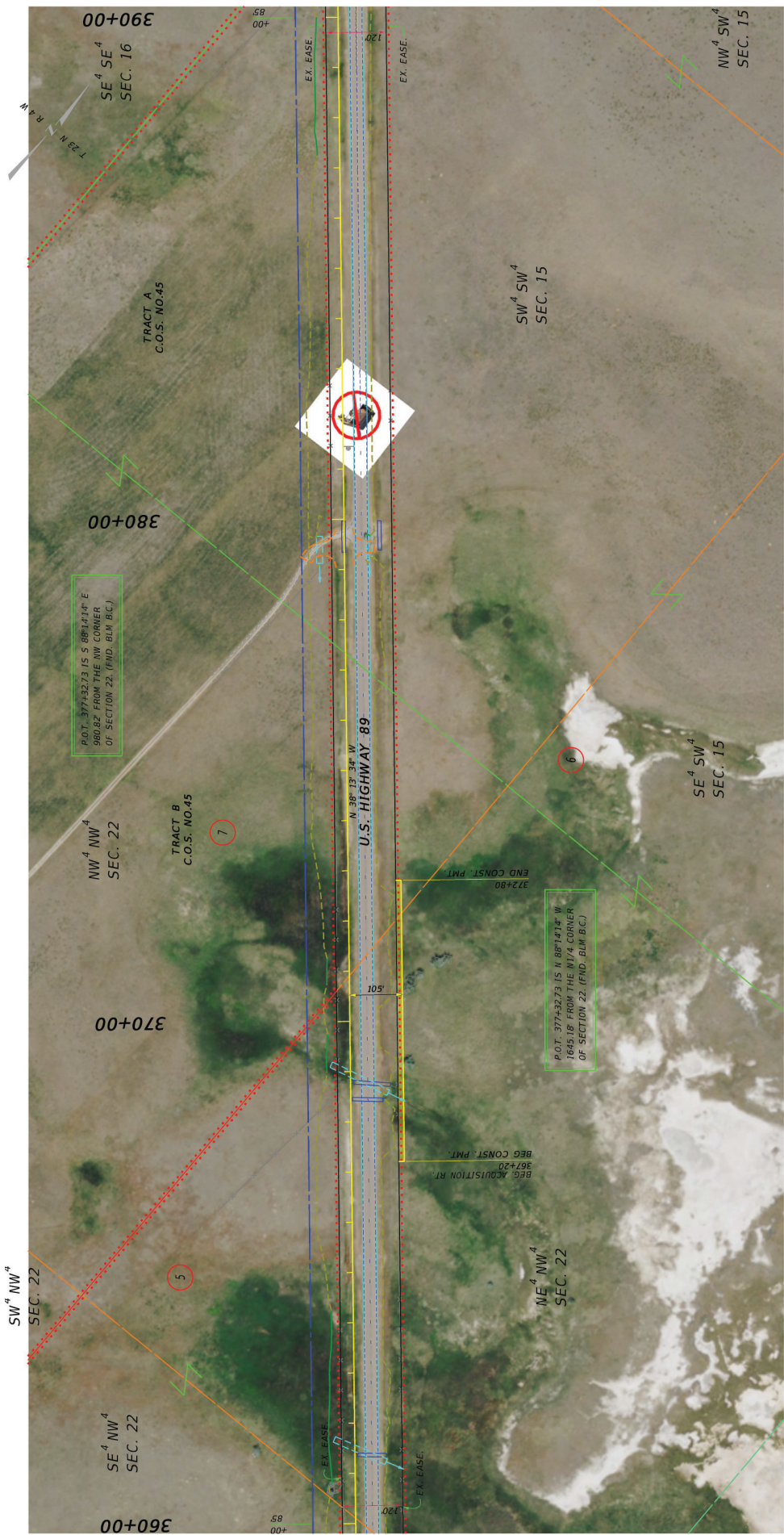


STATE	MONTANA	RIGHT OF WAY	SHEET NO.	5	TOTAL SHEETS	14
R/W ID.	STPP 3-210134	PROJECT NO.	9343-101-000	CHOTEAU - SOUTH		

Figure 1b

AREA OF TEMPORARY IMPACT = 0.14 AC
AREA OF PERMANENT IMPACT = 7.71 AC

SEE SHEET NO. 2 FOR OWNERSHIP NAMES, ADDRESSES, AREAS, ETC.



PRELIMINARY

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAN
 TETON COUNTY
 SCALE 1"=100'
 0 50' 100' 200' 300'

GRID STATE PLANE COORDINATES
 THIS IS A STATE PLANE COORDINATE PROJECT. ALL POINTS ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD.
 THE COMBINATION SCALE FACTOR IS 0.99930115.

- NOTES:**
1. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
 2. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W SUBLINE.

CONSTRUCTION LIMITS MAP REVISED

TOP OF CUT
 TIE OF FILL

FHW/MOT APPROVAL

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STATE	MONTANA	RIGHT OF WAY	SHEET NO.	6	TOTAL SHEETS	14
R/W ID.	STPP 3-210134	PROJECT NO.	9343-101-000			

Figure 1c

AREA OF TEMPORARY IMPACT = 0.14 AC
AREA OF PERMANENT IMPACT = 7.71 AC



SEE SHEET NO. 2 FOR OWNERSHIP NAMES, ADDRESSES, AREAS, ETC.

TOTAL GROSS	39.40 AC
EXISTING EASEMENT	0.55 AC
NET	0.55 AC
REMANINDER LT.	38.85 AC
EASEMENTS	0 AC
CONST. PERMITS	0 AC

P.O.C. 392+51.06 IS N 200° 00' E
 147.37' FROM THE SOUTHWEST CORNER
 OF SECTION 16. (FND. BLW D.C.)

PI = 400+46.23
 R = 30,000'
 T = 829.39'
 E = 117.65'

P.O.C. 392+51.06 IS S 700° 00' W
 147.37' FROM THE EAST CORNER
 OF SECTION 16. (CALC. MON.)



CONSTRUCTION LIMITS	MAP REVISED
C/W SECTION	TOP OF CUT
T/OE OF FILL	
	FHM/MDT APPROVAL
	MONTANA DEPARTMENT OF TRANSPORTATION
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	12:10:02 PM
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GRID STATE PLANE COORDINATES

THIS IS A STATE PLANE COORDINATE PROJECT. ALL POINTS ON THIS PLAN ARE REFERENCED TO THE NAD 83 DATUM. DIMENSION, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD.
 THE COMBINATION SCALE FACTOR IS 0.99930115.

- NOTES:
- THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
 - ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W SUBLINE.

PRELIMINARY

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAN
 TETON COUNTY
 SCALE 1"=100'
 0 50 100 200 300'

Figure 1d

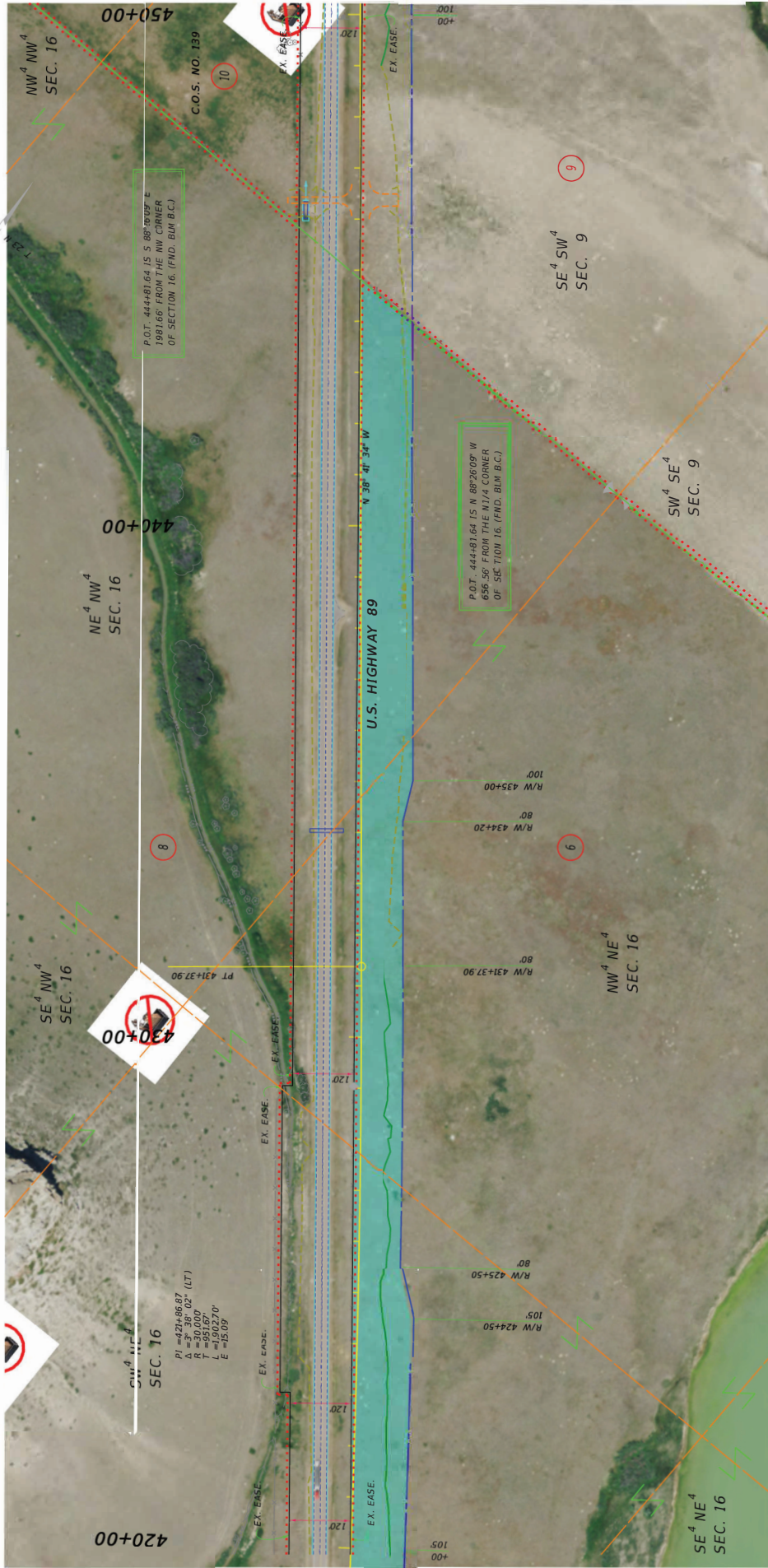
AREA OF TEMPORARY IMPACT = 0.14 AC
AREA OF PERMANENT IMPACT = 7.71 AC



SEE SHEET NO. 2 FOR OWNERSHIP NAMES, ADDRESSES, AREAS, ETC.

STATE	MONTANA	RIGHT OF WAY	STPP 3-210134
PROJECT NO.	9343-101-000		
SHEET NO.	7	TOTAL SHEETS	14

CHO/EAU - SOUTH



PRELIMINARY

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAN
 TETON COUNTY
 SCALE 1"=100'
 0 50' 100' 200' 300'

GRID STATE PLANE COORDINATES
 THIS IS A STATE PLANE COORDINATE PROJECT. ALL PROJECT AREAS ARE REFERENCED TO THE NAD 83 GRID. DIMENSIONS ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD.
 THE COMBINATION SCALE FACTOR IS 0.99930115.

- NOTES:**
1. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
 2. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

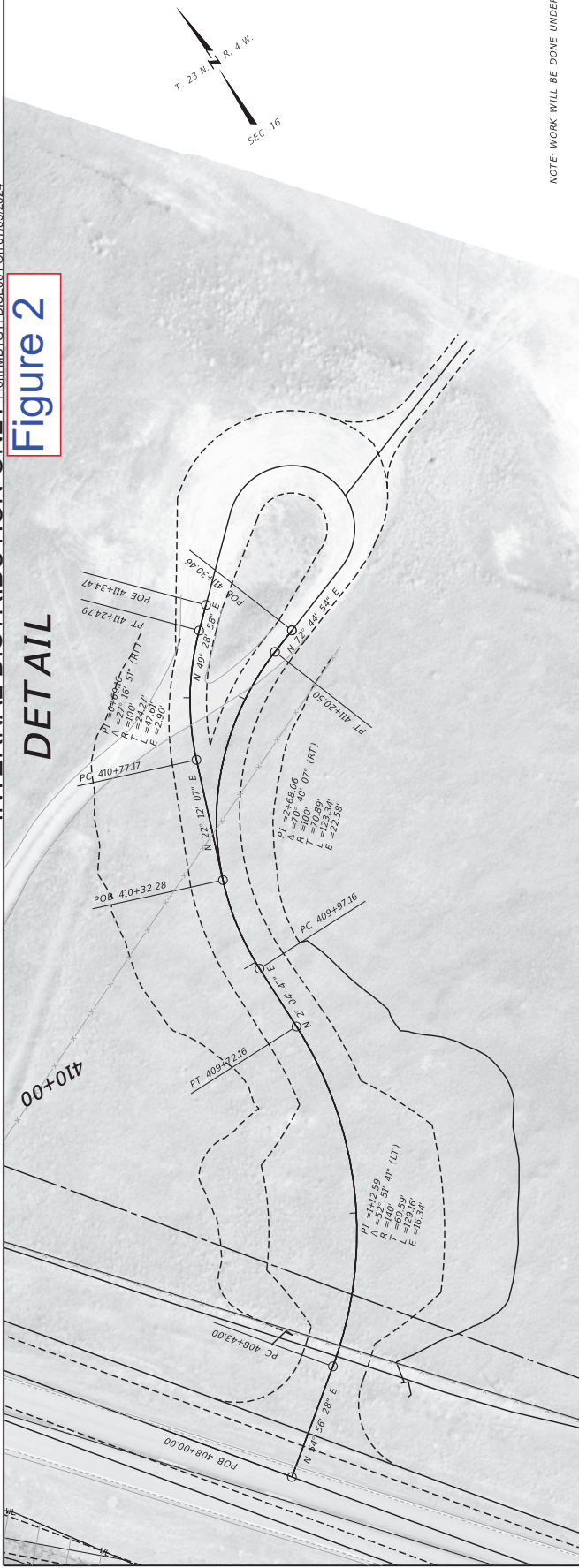
CONSTRUCTION LIMITS
 MAP REVISED
 TOP OF CUT
 TOE OF FILL

FHW/MDT APPROVAL

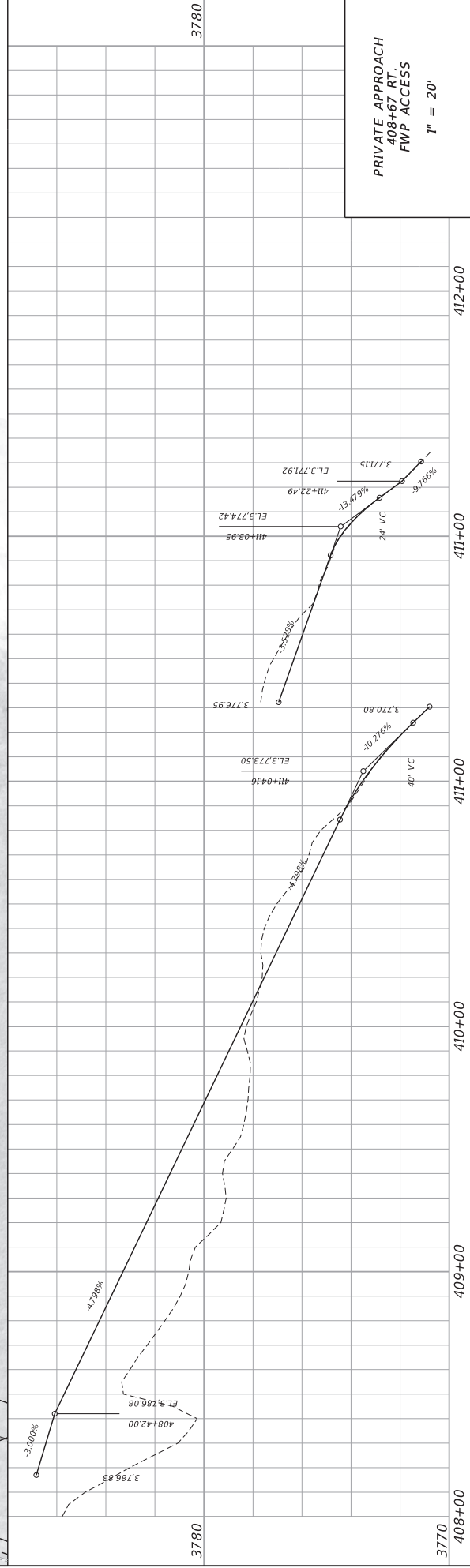
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MDTX

Figure 2



NOTE: WORK WILL BE DONE UNDER A R/W AGREEMENT



PRIVATE APPROACH
408+67 RT.
FWP ACCESS
1" = 20'

3780	408+00	409+00	410+00	411+00	412+00	3770
MONTANA Department of Transportation			ROAD PLANS TETON COUNTY		PRELIMINARY PIH	
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UPR433					STPP 3-2102134 27	

MONTANA
 FEDERAL HIGHWAY ADMINISTRATION
PROGRAMMATIC SECTION 4(f) DETERMINATION AND APPROVAL
 UNDER THE
 NATIONWIDE 4(f) EVALUATION FOR
NET BENEFIT TO SECTION 4(f) PROPERTY

Project Name:

Federal Aid ID: STPP 3-2(101)34
 Control Number: 9343000
 Route: US 89 (C000003A)
 Termini: Choteau - South
 County: Teton
 Description of resource: Priest Butte Wildlife Management Area

Consult the Nationwide Section 4(f) Evaluation as it relates to the following items. Complete all items. Any response in a shaded box requires additional information prior to approval. This determination will be attached to the corresponding project National Environmental Policy Act (NEPA) document.

Applicability Criteria	YES	NO
1. The proposed transportation project uses a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic site.	X	
2. The proposed project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.	X	
3a. For historic properties, the project does not require the major alteration of the characteristics that qualify the property for the National Register of Historic Places (NRHP) such that the property would no longer retain sufficient integrity to be considered eligible for listing. (Consultation as in 36 CFR part 800)	NA	
3b. For archeological properties, the project does not require disturbance or removal of the archaeological resources that have been determined important for preservation in place rather than for the information that can be obtained through data recovery. (Consultation as in 36 CFR part 800)	NA	
4. For historic properties, an agreement has been reached amongst the SHPO or THPO, the FHWA and the Applicant on measures to minimize harm when there is a use of Section 4(f) property. Mitigation and measures to minimize harm have been incorporated into the project. (See following section on "Mitigation and	NA	

Applicability Criteria		YES	NO
Measures to Minimize Harm.”)			
5.	The officials with jurisdiction over the Section 4(f) lands agreed in writing with the assessment of impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.	X	
6.	The administration determines that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of this programmatic evaluation. Documentation is attached	X	

Alternatives Considered		YES	NO
1.	The "Do Nothing" alternative has been evaluated and is considered not to be feasible and prudent because it would neither address nor correct the transportation need that necessitated the project.	X	
2.	An alternative has been evaluated to improve the transportation facility in a manner that addresses the project’s purpose and need without use of the Section 4(f) property and is considered not to be feasible and prudent.	X	
3.	An alternative has been evaluated to build the transportation facility at a location that does not require use for the Section 4(f) property and is considered not to be feasible and prudent.	X	
Supporting Documentation: A “Net Benefit” concurrence letter signed by FWP on August 20, 2024 is attached.			

Mitigation and Measures to Minimize Harm		YES	NO
1.	The proposed action includes all possible planning to minimize harm.	X	
2.	Mitigation measures include one or more of the following: (Check applicable mitigation measures.)		
	a. Replacement of lands used with lands of reasonably equivalent usefulness and location, and of at least comparable value.		
	b. Replacement of facilities impacted by the project including sidewalks, paths, benches, lights, trees, and other facilities.	X	
	c. Restoration and landscaping of disturbed areas.	X	
	d. Special design features. (Briefly describe.)	X	
	e. Payment of the fair market value of the land and improvements taken.		
	f. Improvements to the remaining 4(f) site equal to the fair market value of the lands and improvements taken.	X	
	g. Other measures. (describe briefly)		

Coordination		YES	NO
1.	The proposed project has been coordinated with the Federal, State, and/or local officials having jurisdiction over the 4(f) lands.	X	
2.	Land is unencumbered by other Federal actions or coordination with the Federal Agency responsible for the encumbrance has been complete. (Land and Water Conservation Fund Act, 16 USC 460(8)(f)(3))	X	
3.	<p>MDT and the official(s) with jurisdiction agree that:</p> <ul style="list-style-type: none"> a. use of the property does not result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection b. the project includes all possible planning to minimize harm, including mitigation; and c. the cumulative result is an overall improvement and enhancement of the Section 4(f) property when compared to both the future do-nothing or avoidance alternative and the present condition of the Section 4(f) property. <p>Supporting Documentation: MDT modified the design, steepened slopes, restricted roadway width, and adjusted alignments to help minimize and impacts to the 4(f) resource. An approved “net benefit” letter signed by the Fish, Wildlife, and Parks has been attached to this document.</p>	X	
4.	Public involvement activities have occurred, consistent with the specific requirements of “23 CFR 771.111, Early coordination, public involvement and project development”.	X	
5.	<p>For a project where one or more public meetings or hearings were held, information on the proposed use of Section 4(f) property was communicated at the public meeting(s) or hearings(s).</p> <p>Documentation is attached.</p> <p>The design changes in the “Net Benefit” letter were incorporated into the project after the most recent public meeting.</p>		X

Summary and MDT Approval

MDT has evaluated the proposed action and concludes that the proposed action meets all applicable criteria in the Nationwide Section 4(f) Evaluation and Determination for the Federal-

Aid Transportation Projects That Have a Net Benefit to a Section 4(f) Property approved April 20, 2005. This document is acceptable to be submitted for FHWA approval.

Dan Harrington
Project Development Engineer

Date: 8/22/2024

Tom
Tom Martin, P.E.
Environmental Services Bureau Chief

REVIEWED/AUTHORIZED
Date: By Tom Martin at 9:08 am, Aug 28, 2024

Determination and Approval:

Based on the documentation, the results of public and agency consultation and coordination as evidenced by the attachments to this document, the FHWA has determined that:

The project meets all applicable criteria in the Nationwide Section 4(f) Evaluation and Determination for the Federal-Aid Transportation Projects That Have a Net Benefit to a Section 4(f) Property approved April 20, 2005.

That alternatives set forth in the Alternatives Considered section of the above Nationwide Section 4(f) Evaluation have been fully evaluated.

The findings in the Alternative Considered Section conclude the recommended alternative is the only feasible and prudent alternative and results in a clear net benefit to the Section 4(f) property.

The project complies with the Mitigation and Measures to Minimize Harm Section of the above Nationwide Section 4(f) Evaluation and there are assurances that the measures to minimize harm will be incorporated in the project.

The coordination and public involvement efforts required in the above Nationwide Section 4(f) Evaluation have been successfully completed and necessary written agreements have been obtained.

Accordingly, the FHWA approves the proposed use of the subject lands under the Nationwide Section 4(f) Evaluation issued on April 20, 2005.

8/27/2024
Date Approved

LUCIA HAYDEE
OLIVERA

Digitally signed by LUCIA
HAYDEE OLIVERA
Date: 2024.08.27 15:46:52 -06'00'

Federal Highway Administration