

**Finding of No Significant Impact (FONSI) and
Summary of Final Coordination for**

Townsend - South



**Revised Environmental Assessment
and
“Nationwide” Section 4(f) Evaluations**

Project NH-F 8-4(16)78; Control No. 1420
Broadwater County, Montana



Montana Department of Transportation
and



U.S. Department of Transportation
Federal Highway Administration

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT

for

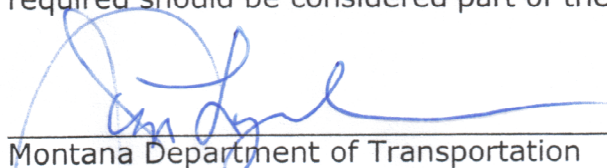
Project Number: NH-F 8-4(16) 78
Project Name: TOWNSEND-SOUTH
Control Number: 1420

in

Broadwater County

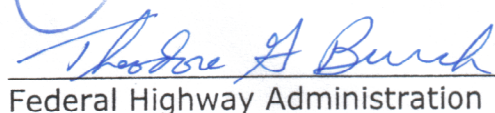
The Montana Department of Transportation (MDT) and the U.S. Department of Transportation Federal Highway Administration (FHWA) have determined that the Preferred Alternative as described in the Revised Environmental Assessment (EA) dated October 2006 will have no significant impact on the human environment. This Finding of No Significant Impact (FONSI) is based on the October 2006 Revised EA. After an independent evaluation of the Revised EA, MDT and FHWA conclude that the Revised EA adequately and accurately discusses the needs, environmental issues and environmental impacts of the proposed project and appropriate mitigation measures. The Revised EA provides sufficient evidence and analysis for determining an Environmental Impact Statement (EIS) is not required. MDT and FHWA take full responsibility for the accuracy, scope, and content of the October 2006 Revised EA.

For purposes of compliance with the Montana Environmental Policy Act (MEPA) (ARM 17.4.609(3)(j) and ARM 18.2.239(3)(j)), this FONSI and conclusion that an EIS is not required should be considered part of the Revised EA.



Montana Department of Transportation

Date: 1/10/07



Federal Highway Administration

Date: 01/10/2007

PROJECT ABSTRACT AND LOCATION:

The Townsend-South project, located on U.S. Highway 287, begins at the south city limits of Townsend at reference point (RP) 78.1 and extends 13.2 km (8.2 miles) southward to end north of Toston at RP 86.3. The purpose of the project is to enhance the operational characteristics, safety and physical conditions of the existing facility through the consideration of contemporary design practices. Reconstruction is necessary to ensure the facility meets applicable MDT geometric design standards and provides the desired improvements in safety and highway operations for the traveling public.

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Introduction

This document summarizes the final coordination activities undertaken by the Montana Department of Transportation (MDT) and Federal Highway Administration (FHWA) for the Townsend-South Revised Environmental Assessment (EA). The Revised EA describes the potential environmental effects of reconstructing 13.2 kilometers (km), or about 8.2 miles, of U.S. Highway 287 in Broadwater County, Montana. The proposed work is being implemented under a project designated as "Townsend-South" [Project Number NH-F 8-4 (16) 78, Control Number 1420].

The original EA for this project was approved by MDT and FHWA in October 2005 and circulated for public review and comment in November 2005. Due to several changes in the Preferred Alternative made in response to public comments and to enhance safety, MDT elected to prepare and circulate a Revised EA. Issuing a Revised EA also allowed MDT to address several errors and inconsistencies in the original EA. A detailed discussion of changes made to the Preferred Alternative and why a Revised EA was issued can be found in the **Introduction** section of the attached Revised EA.

The primary purpose of the FONSI is to document and explain the finding of the Revised EA. This document also provides the opportunity to respond to comments received during the public review period for the Revised EA; present new and relevant information; and identify changes or revisions to the text of the Revised EA distributed in October 2006. Additionally, this document demonstrates that the proposed action has been coordinated with the appropriate federal, state, and local agencies as required by the *National Environmental Policy Act* (NEPA) and the *Montana Environmental Policy Act* (MEPA).

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PART 1.0: Revised EA Coordination

1.1 PUBLIC NOTICE AND AVAILABILITY OF REVISED EA

APPROVAL OF REVISED EA FOR PUBLIC AVAILABILITY.

The FEDERAL HIGHWAY ADMINISTRATION (FHWA) approved the Townsend-South Revised EA and "Nationwide" *Section 4(f)* Evaluations for public availability on October 6, 2006. The Revised EA was subsequently published and distributed to local, state, and federal agencies and others who previously expressed interest in receiving the document.

PUBLIC NOTICE OF REVISED EA AVAILABILITY. On October 19, 2006, a news release announcing the availability of the Revised EA was posted on MDT's website. The news release was also sent to the following area newspapers and radio and television stations on October 23, 2006:

Newspapers

- *Independent Record* (Helena)
- *Townsend Star* (Townsend)
- *Three Forks Herald* (Three Forks)
- *Queen City News* (Helena)

Radio and Television Stations

- KBLL AM/FM
- KMTX AM/FM
- KCAP
- KHKR
- KZMT
- KVCM
- Carroll College Radio
- KHBB-TV
- KTVH-TV

A copy of the news release posted on MDT's website and provided to local newspapers and broadcast media outlets can be found on page 5 of this document.

Display advertisements announcing the availability of the Townsend-South Revised EA were published in area newspapers as shown below:

Independent Record – Thursday, October 19, 2006

Townsend Star – Thursday, October 19, 2006

Three Forks Herald – Wednesday, October 23, 2006

A copy of the display advertisement as published in these local newspapers can be found on page 7 of this document.

DISTRIBUTION OF THE REVISED EA. Copies of the Revised EA were mailed to all agencies and persons on the Circulation List (as shown in **PART 5.0** of the Revised EA) by October 19, 2006. MDT provided a letter with each copy of the Revised EA indicating how to submit comments on the document and when comments were due.

Additionally, letters announcing the availability of Townsend-South Revised EA were mailed to more than 30 individuals including landowners along the project corridor; those who attended previous project meetings or previously submitted comments; and other interested groups. The letter indicated where copies of Revised EA could be viewed; how copies of the Revised EA could be obtained; and how and when to submit written comments on the Revised EA.

REVISED EA VIEWING LOCATIONS. MDT's notices of availability and letters to interested parties advised that copies of the Townsend-South Revised EA were available for public review beginning October 19, 2006 at the following locations:

- **Broadwater County Museum/Library**
631 North Pine (Townsend)
- **Broadwater County Clerk & Recorder's Office**
515 Broadway (Townsend)
- **Montana State Library**
1515 East Sixth Avenue (Helena)
- **MDT Environmental Services Bureau**
2701 Prospect Avenue, Room 111 (Helena)
- **MDT Butte District Office**
3751 Wynne (Butte)

Multiple copies of the Revised EA were provided to the Montana State Library. This allowed for the distribution of the document to state agencies and other libraries including the Montana Historical Society and those affiliated with state universities.

An on-line version of the document was made available for viewing or downloading from MDT's website: www.mdt.mt.gov/pubinvolve/eis_ea.shtml. An opportunity to submit comments on the Townsend-South Revised EA via e-mail was also provided from MDT's website.

PUBLIC REVIEW PERIOD. The Revised EA was available for public review for 40 calendar days beginning on October 19, 2006 and ending on November 27, 2006.

REQUESTS FOR COPIES OF THE REVISED EA. MDT did not receive any requests for copies of the Revised EA from the public or other interested parties during the public review period.

1.2 WRITTEN COMMENTS RECEIVED ON REVISED EA

MDT received written comments from the following agencies and individuals during the public review period for the Revised EA:

- **Broadwater County Development Corporation**
Ernie Forrey, President
- **G. B. Carson**
- **Townsend Tree Board**
Patrick Plantenburg
- **Chuck Hahn, Hahn Ranch**

These written comments along with MDT/FHWA responses can be found in **APPENDIX A**. Original copies of these comments are in MDT's project files.

1.3 AVAILABILITY OF THE FONSI

MDT will post a news release on its website announcing the availability of this Finding of No Significant Impact (FONSI) and Summary of Final Coordination for the Revised Environmental Assessment.

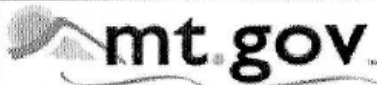
Online versions of this document will be made available on MDT's website at:

www.mdt.mt.gov/pubinvolve/eis_ea.shtml. The Revised EA will also remain available via MDT's website.

Copies of the FONSI and this Summary of Final Coordination will be provided to persons and agencies on the Revised EA Circulation List and those who commented on the Revised EA.

NEWS RELEASE

NOTICE OF REVISED EA AVAILABILITY



Montana's Official State Website

MONTANA DEPARTMENT OF TRANSPORTATION

About MDT

Traveler Information

Public Involvement

Doing Business

Publications

(Broadwater) Available For Review - Revised E A - Hwy 287

October 19, 2006

FOR IMMEDIATE RELEASE

For further information, contact:

Jeff Ebert, MDT Butte District Administrator, (406) 494-9600
Jean A. Riley, PE, MDT Environmental Services Bureau Chief, (406)
444-7228
Dan Norderud, Robert Peccia & Associates, (406) 447-5000

Revised Environmental Assessment for U.S. Highway 287 available for public review - South of Townsend

(Broadwater County) - The Montana Department of Transportation (MDT) invites the public to review and comment on the REVISED Environmental Assessment (EA) for the proposed reconstruction of 8.2 miles of U.S. Highway 287 south of Townsend. The proposed project begins south of Townsends city limits near milepost 78.1 and ends north of Toston at milepost 86.3. The purpose of the project is to enhance traffic operations and safety within the corridor and to improve the physical condition of the highway. Rebuilding the roadway is needed to bring this section of U.S. Highway 287 up to current geometric design standards.

MDT distributed an EA for this project in November 2005 and held a public hearing on December 15, 2005. As a result of comments received and to further enhance safety within the project corridor, several minor design changes have been incorporated into the proposed project. These changes include: combining the southern two passing areas into one long passing area; incorporating a center median and left turn lane at the approach for the York's Island Fishing Access Site; and developing school bus turnarounds at two locations adjacent to county roads near U.S. Highway 287. The revised EA discusses the associated effects of these changes and clarifies where areas of two-lane, three-lane, and five-lane highway are proposed. Responses to comments received on the EA distributed in November 2005 and at the Public Hearing can be also found in the document.

Community participation is an important part of the project development process, and the public is invited to review the revised EA during normal working hours at the following locations beginning Thursday, October 19, 2006:

- Broadwater County Clerk & Records Office, 515 Broadway, Townsend
- Broadwater County Museum/Library, 631 North Pine, Townsend
- Montana State Library, 1515 East Sixth Avenue, Helena
- MDT Environmental Services Bureau, MDT Headquarters, 2701 Prospect Avenue, Room 111, Helena
- MDT Butte District Office, 3751 Wynne, Butte
- Online at http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml

To request a copy of the Revised EA, contact Environmental Services at (406) 444-7228.

Written opinions, comments and/or concerns about this project may be

submitted until November 27, 2006 to Jean Riley, MDT Environmental Services, 2701 Prospect Avenue, P.O. Box 201001, Helena, MT 59620-1001, or online at http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml.

For more information about the project, please contact Jeff Ebert, MDT - Butte District Administrator at (406) 494-9600. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592, or call Montana Relay at 711.

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Project name: Townsend-South
Project ID: NH-F 8-4 (16) 78 F
Control Number 1420
City of Townsend, community of Toston, Broadwater County

Cameras, Roads & Weather	Maps	Contracting/Consulting
Privacy & Security	Accessibility	Contact Us

COPY OF DISPLAY ADVERTISEMENT PUBLISHED IN AREA NEWSPAPERS

Montana Department of Transportation



Revised Environmental Assessment Public Review Notice

Highway 287 Reconstruction - South of Townsend

The Revised Environmental Assessment (EA) for the proposed reconstruction of 8.2 miles of U.S. Highway 287 south of Townsend, MT is available for public review and comment. The proposed project begins at the south city limits of Townsend near Milepost 78.1 and ends north of Toston at milepost 86.3.

Review the Revised EA at:

- Broadwater County Clerk & Records Office, 515 Broadway, Townsend
- Broadwater County Museum/Library, 631 North Pine, Townsend
- Montana State Library, 1515 East Sixth Avenue, Helena
- Montana Department of Transportation (MDT) Environmental Services Bureau, Headquarters, 2701 Prospect Avenue, Room 111, Helena
- MDT Butte District Office, 3751 Wynne, Butte
- Online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

Comment period: October 19, 2006 - November 27, 2006

- Submit written comments to Jean Riley, MDT, 2701 Prospect Ave., Helena, MT 59620
- Online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

For more information:

- Jean Riley, MDT, (406) 444-7228
- Jeff Ebert, MDT Butte District, (406) 494-9600

MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any service, program or activity of the department. Alternative accessible formats of this information will be provided upon request. For further information call MDT at (406) 444-9415 or TTY (406) 444-7696 or (800) 335-7592, or Montana Relay at 711.

PART 2.0: Modifications to the Revised EA

2.1 NECESSARY TEXT CHANGES

The following changes should be made to the Revised EA distributed in October 2006 based on comments received by MDT. Page numbers listed refer to those in the Revised EA document.

Deleted text is shown in **strikeout** font and new text additions are shown in **bold and highlighted** text.

Page S-6

A typographical error was corrected in the second item listed in **Table S-1** under Threatened or Endangered Species, Impacts of the Preferred Alternative. The item was changed to read:

A determination of **May Affect, Likely to Adversely Affect** was made **with respect to** **for project-related effects** to Ute ladies' tresses.

Page S-11

Since uncertainties exist regarding the amount of new wetlands that could potentially be developed with a mitigation project on the Hahn Ranch, the following change was made to the second bullet item under mitigation measures for wetland impacts in **Table S-2**:

- Compensatory mitigation for the projected wetland loss is being developed in cooperation with the COE and according to the agency's regulations and guidelines. MDT is currently investigating a potential wetland mitigation project on the Hahn Ranch near the Townsend-South corridor **that could yield between 6 and 10 ha (16 and 25 acres) of new wetlands**. As necessary, MDT will also purchase COE-approved wetlands at a privately-owned mitigation site on Woodson Creek near Ringling in Meagher County to mitigate the impacts of this project.

This text change is not required in the fourth paragraph on page 77 of the Revised EA.

Page S-12

In response to a public comment, the following new measure was added under **Conservation Measures for Ute Ladies' Tresses**:

- **MDT will develop a weed management plan as part of this project.**

Page S-15

The following bullet item was added to the mitigating measures under **Visual** in **Table S-2**.

- MDT will work with the community on future capital projects that could provide sidewalks to help address pedestrian needs and enhance the U.S. Highway 287 corridor in Townsend.

Page S-16

The second bullet item in **Table S-2** under **Pedestrian and Bicyclists** was revised to read:

- MDT will work with the community on future capital projects that could provide sidewalks to help address pedestrian needs and enhance the U.S. Highway 287 corridor in Townsend.

Page 83

In response to a public comment, the following new mitigation measure was under **Conservation Measures for Ute Ladies' Tresses**:

- MDT will develop a weed management plan as part of this project.

Page 103

The following text discussing the *Broadwater County Resource Assessment* was added under Section **4.3.5 Economic Impacts, Existing Conditions**.

"In June 2004, the Montana Economic Developers Association (MEDA) facilitated a local effort to evaluate Broadwater County's assets and liabilities and develop suggestions for improving the environment, social and economic future of the county. This effort resulted in the publication of the *Broadwater County Resource Assessment* which identified a variety of issues facing county residents and businesses and provided recommendations from the resource team assembled by MEDA. Among other things, the *Resource Assessment* indicated that improving the physical appearance of Townsend's main streets (including U.S. Highway 287) and other beautification efforts could be a way to help increase economic vitality in the community."

Page 121

A new paragraph was added at the end of Section **4.3.12 Visual Resources, Existing Conditions** that says:

"The *Broadwater County Resource Assessment* prepared in 2004, identified local concerns about the physical appearance of the City of Townsend's main streets, including the U.S. Highway 287 corridor. The *Resource Assessment* advocated beautification efforts to enhance the community's appearance. Comments received from the Broadwater County Development Corporation (BCDC) and the Townsend Tree Board suggested that improving the appearance of the U.S. Highway 287 corridor through Townsend by providing sidewalks and landscaping elements would be a way to support the recommendations made in the *Resource Assessment*."

Page 120

The second bullet item under Section **4.3.11, *Pedestrian and Bicyclist Considerations, Mitigation Measures*** was revised to read:

- MDT will work with the community on future capital projects that could provide sidewalks to help address pedestrian needs and enhance the U.S. Highway 287 corridor in Townsend.

Page 122

The following mitigation measure was added to Section **4.3.12, *Visual Resources, Mitigation Measures***. This measure was previously listed on page 120 of the Revised EA.

- MDT will work with the community on future capital projects that could provide sidewalks to help address pedestrian needs and enhance the U.S. Highway 287 corridor in Townsend.

Page 145

Two of the individuals who submitted comments on the Revised EA were added to the Circulation List for the document. The following additions were made under the **OTHERS** category.

**Patrick Plantenburg
Townsend Tree Board
City of Townsend
110 Broadway
Townsend, MT 59644**

**G. B. Carson
Box 2
Townsend, MT 59644**

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PART 3.0: Responses to Comments on the Revised EA

Four written comments were received during the public review period for the Revised EA. Copies of the letters and email messages received are in MDT's project files.

Reproduced text from these comments and detailed responses from MDT and FHWA are provided in **APPENDIX A**.

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PART 4.0: Selected Alternative

4.1 SELECTED ALTERNATIVE

Based on the analysis contained in the Revised EA and consideration of public and agency comments, MDT and FHWA have identified a Selected Alternative for the Townsend-South reconstruction project. The Selected Alternative is the Preferred Alternative as described in the Revised EA.

Specific features of the Selected Alternative can be found in **PART 3.0** of the Revised EA.

4.2 IMPACTS OF THE SELECTED ALTERNATIVE

The anticipated impacts of both the Selected Alternative and the No Action Alternative are summarized in **Table S-1** of the Revised EA. A detailed discussion of these impacts can be found in **PART 4.0** of the Revised EA.

4.3 MITIGATING MEASURES FOR THE SELECTED ALTERNATIVE

The mitigating measures to be included with the Selected Alternative are listed in **Table S-2** and in **PART 4.0** of the Revised EA.

4.4 CONCLUSIONS

The Selected Alternative satisfies the Purpose and Need for the project as discussed in **PART 2.0** of the Revised EA.

The Townsend-South Revised EA did not identify the likelihood of any significant impacts resulting from the implementation of this proposed project. Therefore, the Preferred Alternative, along with the mitigating measures identified in the Revised EA, was chosen as the Selected Alternative.

23 CFR 771.119 (h), states, "If, at any point in the EA process, the Administration determines that the action is likely to have a significant impact on the environment, the preparation of an EIS will be required." Since there were no significant impacts identified, an EIS is not required for this proposed action.

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APPENDIX A: Comments on the Revised EA and MDT/FHWA Responses

- Broadwater County Development Corporation
Ernie Forney, President
Letter dated November 18, 2006
(Pages A-1 through A-5)
- G.B. Carson
Letter dated November 20, 2006
(Pages A-6)
- Townsend Tree Board, Patrick Plantenburg
E-mail comment dated November 26, 2006
(Pages A-7 through A-14)
- Hahn Ranch, Chuck Hahn
(Pages A-15 through A-17)

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RESPONSES TO COMMENTS FROM BROADWATER COUNTY DEVELOPMENT CORPORATION (BCDC)

November 18, 2006

*Re: Revised Townsend-South Environmental Assessment (EA) and Nationwide 4F Evaluations,
Project NH-F 8-4(16) 78, Broadwater County, Montana*

Dear Ms. Riley:

COMMENT: *The Broadwater County Development Corporation (BCDC) is comprised of nearly 70 members including many of the local businesses, county commissioners, the Mayor of Townsend and numerous individuals. We appreciate the opportunity to participate in the review and revision of the Townsend-South EA and also appreciate the changes made to the preferred alternative as a result of feedback from affected landowners and businesses in Broadwater County. However, we do not feel the preferred alternative has gone far enough to address our concerns and comments. We herein identify the needed changes prior to the issuance of Finding of No Significant Impact for this project and respectfully request to meet with you to discuss our concerns in person.*

RESPONSE: Your comment has been noted and is fully addressed in the responses found on the following pages. MDT has met with your organization during development of this assessment and will continue to be available during project design.

COMMENT: *Broadwater County is a rural, yet growing area sandwiched between the rapidly growing Helena and Bozeman areas. Townsend, a city of approximately 2,100 people, is the county seat and business hub of the county. Our city, as statistics in the Revised EA for the Townsend-South project identify, averages lower annual household incomes than the statewide average, includes higher proportions of elderly, and has to work hard to compete with commercial markets in neighboring counties.*

Because of these disadvantages, the civic and volunteer organizations, city and county government, and businesses in our community have made concerted, coordinated efforts to improve the attractiveness, livability, and business climate in our community., Our business districts are clearly struggling to survive in the face of competition in Helena and Bozeman and we are working toward making positive improvements to stay viable. We have accomplished the following projects in the past 5 years:

- 1. Front Street drainage improvement project Phase I - 2005*
- 2. Front Street drainage improvement project Phase II – 2006*
- 3. Broadway St (Highway 12 East) sidewalks and lighting Phase I – 2006*
- 4. Heritage Park Improvement – 2002-2006 – “Welcome to Townsend” rock, new play area, new pavilion*
- 5. BCDC Storefront Improvements – 2001 – present – (Includes numerous \$500 grants for improving business appearances. Has been utilized by over 15 Front St and Broadway Businesses)*

-
6. *Townsend City Street replacement – 2006*
 7. *New jail and courthouse landscaping – 2004-2006*
 8. *Major business renovations – TY Timber, State Bank of Townsend, Pro Auto, Bob's Thriftway, and more*
 9. *Silos Area Recreation Improvements – 2003- present*
 10. *Canyon Ferry Lake area/Indian Road Ponds Project and Bike Path – 2001-present*
 11. *Fuels for Schools Heating system for Townsend Schools – 2005-present*

The City of Townsend is growing much faster than identified in the EA. We now have more than 2,100 residents. The city has also been informed about several proposals for annexing land to develop residential areas on the south side of Townsend. Indeed the south side of Townsend is one of the few places where our city can grow due to topography and the Missouri River and it is the only area where commercial activities can grow while having highway access. It is with this improved accomplishment and momentum in mind, and our understanding of one of the stated missions of the Montana Department of Transportation, local economic development, that we find ourselves responding to you again, prior to a Townsend-South project decision being made.

RESPONSE: Thank-you for this new information about growth in the Townsend area. We recognize that annexations and new developments can quickly change population statistics. The population estimate for the City of Townsend (1,950) listed in the Revised EA was released by the Montana Department of Commerce Census and Economic Information Center in June 2006. The cited population figure was prepared by the U.S. Census Bureau and is identified as an estimate of population as of July 1, 2005. Growth between that date and the present are not accounted for in the Census Bureau's estimate. The projected populations for the City were based on an estimated annual growth rate of 1.2% considering the population for Townsend at the time of the 1990 Census and the 2005 estimate of population from the Census Bureau.

COMMENT: *1. Economic Development as part of the project Purpose and Need – we hereby request that you amend the Purpose and Need to directly incorporate this part of MDT's mission into the Townsend-South project. The EA identifies on pages (11 and 12) that U.S. 287 is an important transportation facility for linking interstate and regional populations and meeting the needs of local commerce. However, the project items that would actually meet the stated importance of this project (this is also Main Street for Townsend) have not been considered for the project – sidewalks, pedestrian path, landscaping infrastructure, and landscaping.*

RESPONSE: The purpose of this project (as stated on page 9 of the Revised EA) is “to enhance the operational characteristics, safety and physical conditions of the existing facility through the consideration of contemporary design practices.” We do not believe it's appropriate to make local economic development one of the principal elements of this project's purpose and need. U.S. Highway 287 is a regional transportation route that passes through Townsend. All highway users would indirectly realize some minor economic benefits through this project by the provision of a safer and more efficient highway.

Responses to your other specific comments addressing sidewalks/pedestrian path and landscaping are provided below.

COMMENT: *2. Sidewalk and landscaping as City and Business District infrastructure – We hereby request the project scope include completion of the sidewalk on the east side of U.S.*

Highway 287 to the Post Office, the south end of the City limits and then extend it through to the south end of the current commercial district. We also request that the scope incorporate the infrastructure needed to provide for quality landscaping (growth medium, irrigation infrastructure) along this important municipal corridor. We are doing our part to install the landscaping that was not included in the City of Townsend highway improvement project in 2001. We believe it more efficient, cost effective, and less disruptive to implement these improvements as part of the Townsend-South project, than after the fact.

We will also seek funds to work with you on this effort. While CTEP has been identified as an appropriate avenue to fund such improvements, we know that our level of CTEP may not be adequate to take care of the entire scope of this work.

RESPONSE: We recognize the BCDC's desire to see sidewalks developed along the east side of the highway in the southern portion of the City and in the area at the south edge of Townsend. However, other than work necessary to ensure the project transitions to the adjoining area, the work associated with the Townsend-South project must occur within the designated project limits. The southern city limits were previously chosen as a logical place to end MDT's Townsend-Urban project and to begin the Townsend-South project. Consequently, MDT advanced reconstruction work on U.S. Highway 287 through Townsend as separate projects corresponding to the previously established project limits for the Townsend-Urban and Townsend South projects.

Designating and adhering to established project limits is important so MDT can establish the purpose and need and the necessary scope of work, make planning and budgeting decisions, and complete environmental reviews for our projects. For these reasons, we recommend that a separate project/effort be pursued to install sidewalk and landscaping along the highway corridor in the City of Townsend instead of changing the Townsend-South project to include such improvements.

MDT is willing to work with the City of Townsend and BCDC to help make some of these desired improvements. As we've already indicated we will consider including a sidewalk (or paved path) along the east side of the highway within the Townsend-South project area. We will also consider the suggestion for tree planting within the Townsend-South project area if the Townsend Tree Board (or BCDC) provides a plan showing locations for tree plantings, what type of trees would be planted, and details on how the trees would be maintained.

CTEP funds are typically used for transportation enhancements like installing sidewalks and landscaping efforts within Montana communities. Since these funds are distributed to local governments based on population, we recognize the amount of CTEP funds available to Townsend is not sufficient to complete all desired enhancements in a short amount of time.

MDT faces a similar problem of having transportation needs that exceed our available funding which means our projects have to be prioritized and implemented based upon needs and available funding. The Townsend-South project is unique in that \$10 million in funds were "earmarked" specifically for this project in the most recent federal transportation spending bill. However, the estimated cost of the project already substantially exceeds the earmarked amount, meaning that MDT must make use of other funding to complete the project. The other funds are typically obtained by reallocating money intended for other highway projects. Reallocating funds detracts from our ability to implement needed highway projects in other areas.

COMMENT: *3. Municipal Infrastructure and business disruption – The business owners in the northern end of the project area also identified to Mr. Davies last winter their concerns that this*

project should include the installation of municipal infrastructure (water, sewer) while everything is already disturbed and business is disrupted. We would like to discuss this option in further detail.

RESPONSE: We agree that business disruptions could be minimized if work to extend municipal infrastructure (like new water and sewer lines) in the project area occurs at the same time or just ahead of highway reconstruction. MDT should not be expected to pay for extending municipal infrastructure as part of this project. However, we are willing to coordinate with City of Townsend to help ensure our project is compatible with the future extension of municipal infrastructure.

Utility work (like relocating conflicting utilities) frequently occurs ahead of highway projects to avoid conflicts with construction activities in the work zone. For this reason, we would prefer that new municipal infrastructure (like water and sewer lines) be installed shortly before the highway reconstruction project begins. Alternately, the construction of new water or sewer lines could be included with the Townsend-South contract but paid for separately with City funds.

We ask that the City of Townsend provide us with information about plans for extending water and sewer lines in this area and when such improvements could be implemented. This will help us determine what accommodations might be needed as the final design for the Townsend-South project moves forward. Please coordinate this matter with MDT's Project Design Engineer in Helena (447-6227) or with MDT's Butte District staff (406-494-9600).

COMMENT: *4. Designation of Bike Lane – We urge MDT to continue to seek proactive means to identify and validate that bicycle use of our highways is appropriate. While it may be instituted in law, there are few signs that the public highway users see to “remind” them. Signs and painting also send a welcome message to non-local bicyclists who are part of our tourism dollar in Montana.*

RESPONSE: A detailed response to this comment (similar to a comment submitted by the BCDC on January 16, 2006) can be found in the Revised EA. Please review pages D-8 through D-11 of the Revised EA for discussions about the guidelines used to justify adding bicycle lanes and about permanent signs advising motorists of bicyclists on the highway.

As indicated in the Revised EA, we believe the 8-foot-wide shoulder provided with this project is the most economical and practical means of accommodating bicycle use in this corridor.

COMMENT: *5. Scenic Turnouts – Perhaps in project design MDT could consider the bus turnouts as possible stopping spots/information points, in addition to being a wide area to turn busses. We could respond to two needs with one location.*

RESPONSE: Proposed turnouts were added to this project in an effort to provide safe locations for school buses to drop off and pick up school children. The turnouts are not proposed as “roadside turnouts” and would be accessed by turning off the highway onto either Shelley Road or Litening Barn Lane. We are concerned that adding information signs at these turnouts would change their intended function or potentially conflict with school-related traffic.

The York's Island FAS is an interpretive site already located in the project area. We suggest contacting the Montana Fish, Wildlife & Parks to see if there might be an opportunity to develop a scenic/informational stopping point at or near the FAS.

COMMENT: *6. Work with local landowners and business owners – We understand that a project of this scope and complexity requires communication and cooperation with many landowners and business owners. We pledge our support to assist in any way we can to help your negotiations/discussions to secure rights of way, design stock pass/irrigation system improvements, design of approaches and any other landowner-related issues go smoothly. Many of these individuals are members of BCDC.*

RESPONSE: We welcome your offer of assistance.

Thank you for taking time to review our concerns and interests. We realize the cost and complexity of the project makes it difficult to meet every need, however, we are pledging to work with MDT to see this project reach a successful completion. Please contact me at (406) 266-5886 to set up a meeting with BCDC, County, and City representatives to review and discuss our concerns.

*Sincerely,
Ernie Forrey, President
Broadwater County Development Corporation*

RESPONSE: MDT recognizes your concerns and will continue to coordinate the Townsend-South project with local stakeholder groups, including the BCDC.

RESPONSES TO COMMENTS FROM G. B. CARSON

November 20, 2006

RE: Hwy 287 Reconstruction-South of Townsend

Dear Jean Riley,

I fundamentally oppose any changes to Hwy 287 between Townsend and Toston, but recognize the need to make some safety improvements given the lack of a shoulder or turn outs.

This lovely stretch of highway should not be ruined in the course of an improvement, and the beauty of the valley should be kept firmly in mind by MDT.

The Deep Creek overspill sloughs must not be disturbed. Landscaping at the edges of Townsend and Toston must be added, as in tree planting.

*Sincerely,
G. B. Carson*

RESPONSE: We acknowledge your comments. The project's purpose and need, discussed at length in **Part 2** of the Revised EA, identifies specific reasons why both safety and operational improvements are needed on this section of U.S. Highway 287.

Some level of disturbance to Deep Creek and other surface waters within the project area is unavoidable due to the proposed road widening and the need to replace existing structures (culverts or bridges) at locations where the roadway crosses these features. MDT has and will continue to coordinate proposed work at stream crossings in the project area with permitting agencies like the Montana Departments of Fish, Wildlife & Parks and Environmental Quality and the Army Corps of Engineers. These coordination efforts ensure that water quality impacts associated with the project are minimized to the extent practicable.

Please review our previous responses to similar comments from Ernie Forrey of the BCDC regarding landscaping at the edge of Townsend. Since the proposed project ends about 1.5 miles north of Toston, no work would occur in the immediate vicinity of the community.

RESPONSES TO COMMENTS FROM TOWNSEND TREE BOARD (Patrick Plantenburg) E-mail Comment made on November 26, 2006

MEMO

TO: Jean Riley, MDT

FROM: Patrick Plantenburg, Townsend Tree Board

RE: Comments on the Revised Townsend South EA.

General Comments: I have been asked to comment on the Revised Townsend South EA as a member of the Townsend Tree Board. The Tree Board has been actively trying to implement one of the highest priorities identified in a 2004 Broadwater County Resource Assessment- beautify the corridors through Townsend. We have applied for and been successful in getting several permits from MDT to plant trees and landscape portions of the MDT right through town. No projects have been completed south of where the 2000 Highway 287 project ended and where the Townsend South project begins.

Townsend residents have complained to the Tree Board about why Townsend did not get the beautification work that Boulder got when MDT did highway work through Townsend in 2000. I understand that an offer was made by MDT. We are not asking for that level of commitment and funding from MDT.

The Townsend South Project offers an opportunity to enhance the corridor on the south side of Townsend but it appears nothing has been committed to in the EA. The Tree Board has been actively soliciting grants, donations, etc. to plant trees along Broadway and Front Street since the Resource Assessment was completed in 2004. Over 40 trees have been planted on Broadway in 2005-2006 and only 8 on Front Street from 2004-2006.

The Tree Board has been actively draining stormwater ponds along Front Street in 2005 and 2006. Jeff Demars and the local maintenance crew in Townsend have been very cooperative on the projects and have supplied safety equipment and highway dividers for the projects.

The Townsend Tree Board would like to request MDT's help implementing the goals for Front Street by helping complete the corridor beautification goals on the south end of Townsend as part of the Townsend South Project.

Commenters to date have stressed the need to connect up the sidewalk from the 2000 highway project to the end of the business district in town. This would help. The Tree Board would like to have trees on at least one side of the corridor from the edge of the business district to where the 2000 project left off. The Tree Board could plant the trees and water them with drip lines from the existing businesses in the area.

There are some areas that the Tree Board believes could be filled as part of the Townsend South Project to enhance the look of the south end of town and not complicate drainage problems. These requests would not increase the cost of the project significantly. As mentioned above we

are not asking for the funding needed to complete a project like that built through Boulder- although that would be our ultimate goal if funding were available.

The Tree Board has been trying to tap CTEP funding but the CTEP funds have been committed for new sidewalks on Broadway- which was identified as another high priority on the 2004 Resource Assessment. CTEP monies will not be available to help improve the south end of Townsend.

The Tree Board would gladly meet with the project officer to review our ideas for the south end of town and to see what could be provided by MDT as part of the Townsend South project. Thank you for considering this request.

RESPONSE: We acknowledge your organization's motivation and efforts to enhance the community. Since the comments made earlier in the "General Comments" section of your letter are similar to those in the "Specific Comments" section below, please review the responses provided on the following pages.

SPECIFIC COMMENTS

COMMENT 1: *Table S-2, page S-11, Wetlands and page 76 and 77, Compensation: The Tree Board would not support the idea of replacing lost wetlands in Broadwater County with wetlands in Meagher County. The wetlands project on the Hahn Ranch and other wetlands projects can be located with the help of the Tree Board, Broadwater County Conservation District, local FWP officials, and Ducks Unlimited members in Broadwater County. Our wetlands are very important habitat and losing them to another county would be unacceptable.*

RESPONSE: MDT has not yet finalized mitigation measures for wetlands impacts associated with the proposed highway reconstruction. We have actively sought and evaluated numerous potential wetland mitigation sites in the project area for more than a decade. While the most desirable mitigation for wetlands impacts would be replacement in or near the project, this is not always possible. If on-site mitigation is not possible, the commonly accepted practice is to provide replacement wetlands in the same watershed where the impacts occur. Mitigating wetland impacts does not have a requirement of replacing wetlands in the same county where the impacts occur.

Because no viable opportunities for mitigating wetland impacts are apparent along the existing alignment, we identified two opportunities for wetland mitigation – purchasing wetland credits at the existing Woodson Creek Wetland Mitigation site in Meagher County or potentially a wetland mitigation project on the Hahn Ranch. Both of these potential mitigation sites are within the Missouri-Sun-Smith Rivers Watershed, the same watershed as the wetlands impacted by the Townsend-South reconstruction project.

COMMENT 2: *Table S-2, page S-12, Threatened and Endangered Species and page 82, Impacts to Ute ladies' tresses: The Tree Board believes that MDT should purchase private land with a small private population of Ute ladies' tresses to compensate for the potential loss of the local population in Broadwater County along the highway. The purchase could be negotiated with the help of the Montana Native Plant Society Conservation Committee.*

RESPONSE: While potential habitat for Ute ladies' tresses (wetlands and floodplain areas) is quite common, actual occurrences of the plants are rare. There are only 12 known occurrences in Montana at locations within Beaverhead, Broadwater, Gallatin, Jefferson, and Madison Counties. Conducting extensive plant surveys within all likely habitat would be necessary to actually locate a site with Ute ladies' tresses. Such surveys are time-consuming and expensive with no guarantee of success since the

plants may remain below the ground surface for several years.

The area with known occurrences of Ute ladies' tresses is located within the existing highway right-of-way. MDT's preliminary design has been developed to avoid impacts in the area where previous plant surveys found Ute ladies' tresses. While there would be no direct impact to known populations of the plant, there would be unavoidable impacts to areas where Ute ladies' tresses could potentially occur.

Formal consultation with the U.S. Fish and Wildlife Service (USFWS) regarding impacts to the listed plant species has been completed as required by *Section 7* of the *Endangered Species Act*. Through this formal consultation process, the USFWS and MDT have acknowledged the potential loss of some Ute ladies' tresses and impacts on habitat where the species could possibly occur due to highway reconstruction. The Biological Opinion prepared by the USFWS did not identify purchasing replacement property containing populations of the threatened plant as a Conservation Recommendation.

For the above reasons, we do not believe acquiring land elsewhere to compensate for the potential loss of Ute ladies' tresses in the project area is necessary or reasonable.

COMMENT 3: Table S-2, page S-16, Pedestrians and Bicyclists: The Tree Board is glad that MDT will consider the potential for a sidewalk in the final design. Please add the potential to fill some areas and plant trees to the list to be considered in the final design as discussed above.

RESPONSE: We will consider the Tree Board's suggestions for tree planting but need more information to properly evaluate this proposal. For example, it's important for us to know if trees are proposed for planting in the highway right-of-way or not since trees can become obstructions within the highway clear zone. Therefore, we ask that the Tree Board develop and provide a plan showing desired locations for tree plantings, what type of trees would be planted, and details on how the trees would be watered and maintained. Please provide this information to MDT's Project Design Engineer in Helena (447-6227).

Please review our response to a similar comment (Comment #11 below) discussing the issue of filling in roadside areas.

COMMENT 4: The mitigation to work with the community is based on the potential for future CTEP funding. As explained above, the CTEP funds are committed to a higher priority in the community-sidewalks on Broadway- which are a safety hazard. The community would like some funding from the Townsend South project to help with the beautification needs on the south side of town.

RESPONSE: Montana has many transportation needs and funding for highway projects in the state is limited. The Townsend-South project is unique in that \$10 million in funds were "earmarked" specifically for this project in the most recent federal transportation spending bill. However, the cost of the project already exceeds the earmarked amount, meaning that MDT must make use of other funding to complete the project. The other funds are typically obtained by reallocating money intended for other highway projects. Reallocating funds detracts from our ability to implement needed highway projects in other areas.

COMMENT 5: Page 24, Section 3.1: The Tree Board is surprised that one of the high priorities identified in the 2004 Broadwater County Resource Assessment was not identified in the list of actions and measures: "to improve the looks of the highway corridors through Townsend." Please add.

RESPONSE: The purpose of this project (as stated on page 9 of the Revised EA) is “to enhance the operational characteristics, safety and physical conditions of the existing facility through the consideration of contemporary design practices.” The actions and measures you refer to on page 24 are directly related to the project’s purpose and were the principal factors driving the development of alternatives for the Townsend-South project. The alternatives considered and evaluated in the Revised EA were developed to support the project’s purpose by:

- Eliminating deteriorated conditions and replacing substandard road features;
- Enhancing the overall safety and efficiency of the highway; and
- Ensuring the reconstructed highway is responsive to its current and future roadside environment and uses.

We do not believe it’s appropriate to modify the project’s fundamental purpose as you request. Virtually all the work associated with the Townsend-South project would occur outside the City of Townsend. If we indicate that part of the project’s purpose is “to improve the looks of the highway corridors through Townsend” then it implies that work will occur in the City and beyond. Changing the project’s purpose at this stage also creates other concerns. The alternatives we evaluated in the Revised EA would no longer be responsive to the project purpose since they fail to consider any actions in or through the City of Townsend. Developing new alternatives would require additional evaluations and another revision to the EA. We do not want to take a step backward in our efforts to advance this necessary and important reconstruction project on U.S. Highway 287.

As indicated in our responses to comments from the BCDC, we will consider adding a sidewalk (or paved path) and landscaping measures in the Townsend-South project area. However, we recommend developing a separate project(s) to add such features in Townsend.

COMMENT 6: Page 37, Table 3-2, Effects on the Human Environment: *The Tree Board believes that based on the 2004 Broadwater County Resource Assessment, improving the highway corridors should have been considered in the effects on the human environment discussion.*

COMMENT 6A: Page 50, Table 3-3, Screening Criteria, Bicycle and Pedestrian Transportation Goal B: *The Tree Board believes that one of the high priorities identified in the 2004 Broadwater County Resource Assessment should have been identified as a screening criterion: “to improve the looks of the highway corridors through Townsend.” Please add.*

- *Under Consistent with Applicable Goals of Broadwater County Growth Policy: The Tree Board believes that one of the high priorities identified in the 2004 Broadwater County Resource Assessment should have been identified: “to improve the looks of the highway corridors through Townsend.” Please add.*
- *Under the System Impacts section; “Would improve the aesthetics of the corridor through Townsend” should have been identified.*

COMMENT 6B: Page 51, Table 3-3, Economic and Social: *Under “Would the location option alter the character...” “Improving the aesthetics of the highway corridor through Townsend” should have been identified based on the 2004 Resource Assessment.*

COMMENT 6C: Page 53, Table 3-3, Effects on the Human Environment: *“Improving the aesthetics of the highway corridor through Townsend” should have been considered as a screening criterion based on the 2004 Resource Assessment.*

RESPONSE: Comments 6 through 6C all relate to the screening criteria for location and/or design alternatives considered in the Revised EA. While we recognize that the appearance of highway corridors through Townsend is locally important, we do not believe that this factor would have much of a bearing on where the road should be developed (location alternatives) or what lane configurations should be included (design alternatives) with this project.

COMMENT 7: *Page 68 and 69: Mitigation Measures: The measures listed should include the potential for weed control chemicals to kill Ute ladies' tresses and plans should be modified accordingly and coordinated with future weed control contracts awarded in the project area.*

RESPONSE: Your comment is noted. The USFWS made no comments specific to weed control in the areas of known populations of Ute ladies' tresses in the Conservation Recommendations in their Biological Opinion. However, MDT will prepare a weed management plan for this project that will be used for future weed control contracts in the project area.

COMMENT 8: *Page 103, Section 4.3.5, Existing Conditions: The 2004 Resource Assessment should have been cited and the priority to improve the looks of the corridor through Townsend identified.*

- ***Under the Impacts of the Preferred Alternative, if nothing is proposed to address improving the aesthetics of the corridor through Townsend, this should be identified as an impact.***

RESPONSE: We will add the following text on page 103 discussing the Broadwater County Resource Assessment under Section 4.3.5 *Economic Impacts, Existing Conditions* to the Revised EA.

“In June 2004, the Montana Economic Developers Association (MEDA) facilitated a local effort to evaluate Broadwater County’s assets and liabilities and develop suggestions for improving the environment, social and economic future of the county. This effort resulted in the publication of the *Broadwater County Resource Assessment* which identified a variety of issues facing county residents and businesses and provided recommendations from the resource team assembled by MEDA. Among other things, the *Resource Assessment* indicated that improving the physical appearance of Townsend’s main streets (including U.S. Highway 287) and other beautification efforts could be a way to help increase economic vitality in the community.”

We disagree that an impact will occur if the Townsend-South project does nothing to improve the appearance of the highway corridor through Townsend. Our review of the *Resource Assessment* indicates that many comments heard during community listening sessions were focused on poorly maintained buildings or storefronts, broken sidewalks and deteriorated streets as reasons for an undesirable physical appearance.

COMMENT 9: *Page 120, Section 4.3.11, Impacts of the Preferred Alternative: The need to connect up the sidewalk from the 2000 highway project to the end of the business district in town would help improve the aesthetics of the corridor through Townsend as identified in the Resource Assessment. The Tree Board recognizes that a sidewalk would be expensive. CTEP funds would not be available to help with this project as sidewalks on Broadway have been identified as a safety hazard and have the first priority. Funding from the Townsend South project would be the only short term option to get a sidewalk through the business district.*

RESPONSE: We acknowledge the Tree Board’s desire to see sidewalks developed along U.S. Highway 287 in and through the City of Townsend. However, as discussed in our response to a similar comment from the BCDC found on page A-3, MDT will not allocate funds from the Townsend-South project to pay for these improvements because they are outside the designated project limits.

We do not see the need for any text revisions on page 120 under the **Impacts of the Preferred Alternative** section.

COMMENT 10: *The Tree Board would like to have trees on at least one side of the corridor from the edge of the business district to where the 2000 project left off. The Tree Board could plant the trees and water them with drip lines from the existing businesses in the area.*

RESPONSE: Please see our previous response to a similar comment (Comment #3 on page A-9).

COMMENT 11: *There are some areas that the Tree Board believes could be filled as part of the Townsend South Project to enhance the look of the south end of town and not complicate drainage problems. These requests would not increase the cost of the project significantly.*

RESPONSE: The new roadway in the Townsend-South project has been developed as a “rural” design with roadside ditches. Unlike the section of highway in the City of Townsend where curbs and gutters and a storm drainage system were installed, roadside drainage ditches are needed to collect and transport runoff from the highway.

Please consider these requests as mitigation measures in the EA.

COMMENT 12: *Page 120, Section 4.3.12, Visual Resources: The Existing Conditions Section is misleading as the only landscaping in the Townsend South area is on private land not on the highway right of way. The Tree Board would like to see some landscaping in the highway right of way-ditches filled, sidewalk, and trees planted. We are not asking for Boulder style highway improvements.*

RESPONSE: The statement you reference on page 120 of the Revised EA is intended only to provide a general description of the type of man-made visual features within the project area. Your comments regarding landscaping and sidewalks are addressed in several of our previous responses and in responses to comments from the BCDC.

We will add a new paragraph at the end of Section **4.3.12 Visual Resources, Existing Conditions** on page 121 that says:

“The *Broadwater County Resource Assessment* prepared in 2004, identified local concerns about the physical appearance of the City of Townsend’s main streets, including the U.S. Highway 287 corridor. The *Resource Assessment* advocated beautification efforts to enhance the community’s appearance. Comments received from the Broadwater County Development Corporation (BCDC) and the Townsend Tree Board suggested that improving the appearance of the U.S. Highway 287 corridor through Townsend by providing sidewalks and landscaping elements would be a way to support the recommendations made in the *Resource Assessment*.”

COMMENT 13: *Page 122, Section 4.3.12, Visual Resources, Mitigation Measures: No mitigation measures have been listed addressing landscaping in the right of way on the south side of town. This is an oversight.*

RESPONSE: As indicated earlier, MDT requests that the Tree Board develop and provide a plan showing desired locations for tree plantings, what type of trees would be planted, and details on how the trees would be maintained. This information must be reviewed before a decision can be made about whether landscaping measures can be developed with the Townsend-South project.

We will add the following mitigation measure to Section 4.3.12, *Visual Resources, Mitigation Measures* on page 122.

- *MDT will work with the community on future **capital** projects that could provide sidewalks to help address pedestrian needs and enhance the U.S. Highway 287 corridor in Townsend.*

COMMENT 14: *Page 134, Section 4.5.6, Planned Projects by Others in the Area: No mention is made of the almost \$400,000 spent on beautification projects on the highway corridors through Townsend completed by Townsend Pride, Townsend Tree Board, Broadwater County Development Corporation, Broadwater Community Foundation, and the Townsend Rotary Club since the 2004 Resource Assessment was completed. No mention is made of the projects planned for 2007. MDT was aware of many of them as they required permits or cooperation from MDT (i.e. safety equipment and signs, etc.). Following is a partial list of the projects completed and planned along the Highway corridors through Townsend.*

- *2004 Welcome to Townsend Rock Project-the only landscaping completed on the south side of Townsend that required a permit from MDT. The first tree ever was planted on Front Street as part of the project. Project costs over \$10,000.*
- *2005 Tree for Broadway Fund-40 trees have been planted on Broadway in 2005 and 2006, 12 of which required a permit from MDT. Project costs over \$15,000.*
- *2005 Landscaping the new Broadwater County Detention Center. Project costs \$14,000.*
- *2005 Phase 1, North Front Street Stormwater Drainage and Beautification Project-stormwater was drained and the Highway Corridor in front of Amerigas Propane, Inc. and the Copy Cup was landscaped. Project costs \$40,000-50,000.*
- *Removal of accumulated dirt on the highway right of way in the 600, 700 and 800 blocks of Broadway in the spring to prepare for new tree plantings in spring of 2006. Project costs \$5,000.*
- *2006 Phase 2, North Front Street Stormwater Drainage and Beautification Project-stormwater was drained and the Highway Corridor in front of High Country Gardens Nursery was landscaped. Project costs \$80,000-\$100,000.*
- *2006 Landscaping south and west of the Medical Clinic on Broadway and planting of 6 Memorial Trees. Project costs \$4,000.*
- *2006 Installation of the Blue Star Memorial Garden for veterans in Memorial Park on Broadway. Project costs over \$10,000.*
- *2006 Installation of four new blocks of sidewalks and decorative lights on Broadway and planting of ten new trees and installation of 2500 decorative pavers in the sidewalks. The project also including 15 new cutouts in the sidewalks for future trees. \$ Project costs over \$150,000.*
- *2006 Filling an old irrigation ditch and planting of 25 new trees along the Highway 12 corridor at the Broadwater County Fairgrounds with the 4-H Clubs. Project costs over \$15,000.*
- *2007 Planting another 20 trees along the Broadway corridor through Townsend. Project costs \$12,500.*

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- *2007 Phase 1 Front Street Tree Planting and Landscaping Project-Plant 40 trees along the corridor, obtain power, install irrigation wells and drip lines, landscape two more areas along the corridor. Project cost \$50,000-depends on obtaining pending grant.*
 - *2007 Memorial Park Landscaping and tree planting project to honor Broadwater County veterans. Project costs \$10,000.*
 - *2007 Broadwater County Fairgrounds Phase 2 Tree Planting Project with 4-H Clubs. Project Cost \$5,000.*
 - *2007 Part 2 Decorative Light Project on Broadway. Project costs \$15,000.*
 - *2007 Welcome to Townsend Landscaping Project Phase 2 on the north end of Townsend. Project costs \$10,000.*
 - *2008 Welcome to Townsend Landscaping Project Phase 3 on the east end of Townsend. Project costs \$10,000.*
 - *2008 or 2009 Part 2 Broadway Sidewalk Replacement Project. Project costs \$150,000.*
 - *2008 Phase 2 Front Street Tree Planting and Landscaping project- Plant more trees along the corridor, obtain power, install irrigation wells and drip lines, landscape two more areas along the corridor. Project cost \$50,000-depends on obtaining grants.*
 - *2008 Planting more trees along Broadway. Project costs \$5,000.*
 - *2009 Phase 3 Front Street Tree Planting and Landscaping Project- Plant more trees along the corridor, obtain power, install irrigation wells and drip lines, landscape two more areas along the corridor. Potential for new sidewalk on the east side connecting 2000 Highway project to the end of the business district. Project cost-depends on obtaining grants and funding as part of Townsend South Project.*

RESPONSE: Thank-you for the rundown on the beautification projects recently undertaken and planned for your community. The discussion of projects in Section **4.5.6 Planned Projects by Others in the Area** of the Revised EA was focused on large scale projects in an attempt to identify those with the potential to result in notable cumulative environmental impacts when considered with the proposed Townsend-South highway reconstruction. The type of activities and duration of the projects you identify above have little potential to result in notable cumulative effects.

Thank you for allowing the Tree Board to comment. The Tree Board looks forward to continued cooperation with MDT on beautification projects through the Townsend area.

Sincerely,

*Patrick Plantenberg
Townsend Tree Board member
City of Townsend
110 Broadway
Townsend, MT 59644*

RESPONSES TO COMMENTS FROM CHUCK HAHN, HAHN RANCH

*Hahn Ranch
7996 Hwy 287
Townsend, MT 59644*

RE: Comment on revised Townsend-South project and EA

COMMENT: *My first comment has to do with safety and LOS. Dennis Williams commented on why MDT was not redoing the Toston Bridge. It is the biggest safety issue on Highway 287 between the I-90 junction and Townsend. Although MDT implemented a speed limit and a flashing light and centerline rumble strips, there was just recently another fatal accident on the bridge. Is there anyway the southern terminus could be extended beyond the bridge as in Option E? Why wasn't the Toston Bridge nominated for replacement ten years ago? Ten years down the road for a less deadly bridge is not acceptable. Every improvement MDT does on the Highway 287 corridor (I-90 to Helena) encourages more traffic to use this highway. That traffic must cross the Toston Bridge. LOS on the highway corridor is diminished because of the bridge. Replace the bridge, build a new highway west of the river or discontinue making improvements to the highway that encourage more motorists to travel this route. Another option would be to put a 55 mile per hour speed limit on the whole corridor. It would improve safety and save fuel.*

RESPONSE: Your comments are noted. MDT cannot just extend this project to include the section of U.S. Highway 287 with the Toston Bridge without taking a step backward in the process. Doing so would require the full development and analysis of alternatives for the Toston Bridge area, conducting additional public involvement activities and agency coordination, and issuing another revision to this Environmental Assessment.

Improving safety and traffic operations is important along the entire stretch of U.S. Highway 287 between East Helena and I-90. MDT's commitment to accomplishing this is evidenced by the recent completion of two passing lane projects and the beginning of preliminary engineering activities for two other reconstruction projects between Toston and I-90. As indicated in the response to Mr. Williams' comments (found on pages B-29 and B-30 of the Revised EA) and in remarks made at the December 2005 public hearing, MDT hopes to soon begin a study of alignment options for reconstructing U.S. Highway 287 in the Toston Bridge area. After the study is done and the level of funding required is known, efforts can begin to program funds and advance a project in the Toston Bridge area.

COMMENT: *After reviewing the responses to my comments made to the original EA, I would conclude that MDT has no interest in pursuing either alternative A or B. If the City of Townsend would consent to being bypassed, would MDT then consider one of the west options as a preferred alternative?*

RESPONSE: Considering the findings of the environmental review process, comments received, and the letter from the City of Townsend (page D-20 in the Revised EA) opposing a bypass, rebuilding the highway generally following its existing alignment is the most preferable alternative. The reasons why this alignment option is preferred over building along an entirely new alignment west of the Missouri River are discussed at length in **Part 3** of the Revised EA and in the responses to several of your previous

comments (found on pages D-16 through D-18 of the Revised EA).

COMMENT: *I also asked about the Right of Eminent Domain. It was indicated there are instances where publicly owned property can be taken under the statute. What are those instances? Do they apply to not needing permission to bypass an incorporated municipality?*

RESPONSE: According to **70-30-103(b)** and **(c)**, **M.C.A.**, the instances where publicly-owned property can be taken include:

- “land that belongs to the state or to any county, city, or town and that is not appropriated to some public use;” and
- “property appropriated to a public use, but the property may not be taken unless for a more necessary public use than that to which it has already been appropriated.”

To our knowledge, the eminent domain statute has no relationship to the statute requiring consent from incorporated municipalities to bypass communities.

COMMENT: *I do note that a few suggestions made by those who commented were incorporated into the MDT preferred alternative design. The design now shows a roadway that is five-lane over sixty percent of its length. Why not make the other 3.4 miles of the project five-lane? Safety and LOS would both be enhanced. The wetlands impacted in this 3.4 mile stretch of road could also be mitigated.*

RESPONSE: The operational analysis completed for this project does not indicate the need for a five-lane facility over the entire length of the project. While a five-lane road would ensure this section of U.S. Highway 287 operates at a high level of service well into the future, the cost and associated impacts of such a facility would be greater than those associated with the Preferred Alternative.

MDT has a financial obligation to make prudent decisions with the funding it receives for highway projects. MDT also has an obligation to avoid or minimize impacts to wetlands. The Preferred Alternative incorporates substantial improvements in safety and traffic operations while balancing adverse effects to adjoining wetlands and populations of sensitive plants.

COMMENT: *This revised EA indicates COE approved wetland credits will likely be purchased in Meagher County to mitigate wetlands removed in Broadwater County. Does the purchase of those Meagher County credits contribute anything to the environment or the economy in Broadwater County? I noticed in the comments received from MFWP, that their first comment related to wetlands. They acknowledged unavoidable impacts to wetlands, and requested either on-site mitigation or local off-site mitigation (meaning in close proximity to the project area). Wouldn't it be wise to use the recommendations of the local MFWP biologists, since they are the people who need to sign off on the 310 permits required for this project? Doesn't it make more sense to spend some extra dollars for mitigation in the local area, and replace wetlands that benefit Broadwater County as well as the Upper Missouri River Watershed?*

RESPONSE: Strategies to mitigate wetlands impacts associated with the proposed Townsend-South project have not yet been finalized. While the most desirable mitigation for such impacts would be replacing wetlands in or near the project area, this is not always possible. Since viable opportunities for mitigating wetland impacts along the existing alignment are not apparent, the Revised EA identified two

wetland mitigation opportunities– purchasing wetland credits at the existing Woodson Creek Wetland Mitigation site in Meagher County or possibly developing a wetland mitigation project on the Hahn Ranch. Both of these potential mitigation opportunities are located within the Missouri-Sun-Smith Rivers Watershed, the same watershed as the wetlands impacted by the Townsend-South reconstruction project.

MDT is currently refining a concept for a wetland mitigation project on the Hahn Ranch. If the concept proves feasible, a project would likely be advanced at this local site. However, if this local mitigation project is not feasible, then MDT will purchase COE-approved wetlands at the privately-owned mitigation site in Meagher County.

Thank you for taking the time to consider my comments.

Chuck Hahn

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APPENDIX B: Revised EA as Circulated in October 2006

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