

# Volume I

FONSI

Appendix A EA Distribution Letters

Appendix B Press Releases and Purchased Display  
Ads Announcing EA and Public Meetings

Appendix C Public Hearing Materials

# Kearl Module Transportation Project Finding of No Significant Impact

Module Transport and  
Required Utility and Road Modifications



February 2011



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# Finding of No Significant Impact

for

## Kearl Module Transportation Project

in

**Missoula, Powell, Lewis and Clark, Teton, Pondera, Cascade,  
Glacier, and Toole Counties, Montana**

The Montana Department of Transportation (MDT) has determined that the Preferred Alternative, as described in this document and the attached Environmental Assessment (EA) dated April 2010, will have no significant impact on the human environment. This Finding of No Significant Impact (FONSI) is MDT's Decision Document and is based on the April 2010 EA, information obtained during the public and agency review process, and the additional information included in this document. After an independent evaluation of the EA, MDT concludes that the EA adequately and accurately discusses the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. MDT takes full responsibility for the accuracy, scope, and content of this EA and Decision Document.

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



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Montana Department of Transportation

2 - 7 - 2011

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Date



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## 1.0 INTRODUCTION

In April 2010 an Environmental Assessment (EA) for the Kearsarge Module Transportation Project (KMTP) was released for public review and comment. The KMTP EA was prepared in response to a request from Imperial Oil for MDT to issue certain permits to facilitate the KMTP. MDT's issuance of those permits would be considered a "state action", requiring MDT to conduct an environmental review and demonstrate compliance with the Montana Environmental Policy Act (MEPA). MDT permits required for the proposed project are oversized load permits, utility occupancy permits, and encroachment permits. This document is intended to provide additional clarification to the April 2010 EA for the KMTP and to document the decision regarding the proposed KMTP.

Section 2.0 of this document describes the public and agency review of the EA that have occurred subsequent to the release of the EA. Section 3.0 summarizes comments received and MDT's response to those comments. Section 4.0 outlines corrections or clarifications to the EA. Section 5.0 states the selection of the Preferred Alternative.

## 2.0 PUBLIC AND AGENCY REVIEW

MDT conducted an extensive effort to notify the public of the availability of the EA and of the hearings that would be held regarding the EA, and to solicit public and agency comments regarding the EA. Public involvement efforts met and exceeded applicable Administrative Rules of Montana (ARM), including ARM 18.2.240 and ARM 18.2.257. The public review period for this document was April 13, 2010 to May 14, 2010. Comments on the EA were due to MDT by May 14, 2010. Some comments were received subsequent to May 14, 2010. MDT has made efforts to consider those late comments.

### 2.1 Public Notice and Availability of EA

MDT signed the EA on April 8, 2010, published the EA on its website on April 13, 2010, distributed copies of the EA to 18 public viewing locations, and distributed the EA to local, state, federal, and tribal offices/agencies. **Table 1** summarizes the public viewing locations. **Table 2** summarizes the governmental offices and agencies to which MDT sent copies of the EA for review and comment. EA recipients were independently confirmed by Imperials Oil’s consultant through review of FedEx records. **Appendix A** includes copies of the EA Distribution Cover Letters.

**Table 1  
EA Viewing Locations**

Viewing Location Name	Viewing Location Mailing Address	Viewing Location City
State Library	1515 East 6th Avenue	Helena, MT 59620
Missoula Public Library	301 East Main	Missoula, MT 59801
William K. Kohrs Library	501 Missouri Avenue	Deer Lodge, MT 59722
Lincoln Branch Library	102 9th St.	Lincoln, MT 59639
Augusta Branch Library	205 Main St	Augusta, MT 59410
Choteau/Teton Public Library	17 Main Ave. N	Choteau, MT 59422
Conrad Public Library	15 4th Ave. SW	Conrad, MT 59425
Valier Public Library	400 Teton Ave.	Valier, MT 59486
Browning Branch Library	9 1st St. NW	Browning, MT 59417
Glacier County Public Library	21st Ave. SE	Cut Bank, MT 59427
Toole County Library	229 2nd Ave. S.	Shelby, MT 59474
Great Falls Public Library	301 2nd Ave. N	Great Falls, MT 59401
MDT Headquarters	2701 Prospect Avenue	Helena, MT 59620
MDT Great Falls District Office	200 Smelter Ave. NE	Great Falls, MT 59403
MDT Missoula District Office	2100 W Broadway	Missoula, MT 59807
MDT Butte District Office	3751 Wynne Ave.	Butte, MT 59702
Lewis and Clark Public Library	120 So. Last Chance Gulch	Helena, MT 59601
Butte/Silver Bow Public Library	226 West Broadway	Butte, MT 59701



**Table 2**  
**List of Local, State, Federal, and Tribal Offices/Agencies that Received the EA**

<b>Agency</b>	<b>Name</b>	<b>Title</b>
Blackfeet Environmental Office	Gerald Wagner	Director
Blackfeet Nation	John Murray	Tribal Historic Preservation Officer
Blackfeet Tribal Council	Willie A. Sharp, Jr.	Tribal Chairman
Cascade County	Joe Briggs	Commissioner
City of Butte	Paul Babb	Chief Executive Officer
City of Choteau	Jay Dunckel	Mayor
City of Cut Bank	Doug Embody	Mayor
City of Great Falls	Michael Winters	Mayor
City of Helena	James Smith	Mayor
City of Missoula	John Engen	Mayor
City of Valier	MacKenzie Grayde	Mayor
Deer Lodge County	Peter Lorello	Commissioner
Department of Environmental Quality	Jeff Ryan	Water Protection – Water Quality Discharge Permits Section Environmental Science Specialist
Department of Environmental Quality	Kari Smith	Water Protection - Compliance and Technical Support Section Supervisor
Montana Highway Patrol	Capt. Gary Becker	District 3 Commander
Montana Highway Patrol	Capt. Brad Snagray	District 8 Commander
Environmental Quality Council	Todd Everts	Legislative Environmental Analyst, Staff Attorney
Glacier County	Michael Des Rosier	Commissioner
Granite County	Cliff Nelson	Commissioner
Jefferson County	Tom Lythgoe	Commissioner
Lewis and Clark County	Mike Murray	Chairman - County Commissioners
Missoula County	Michele Landquist	Chair of County Commissioners
Montana Department of Environmental Quality	Tom Ellerhoff	MDEQ Director's Office
Montana Department of Fish, Wildlife and Parks	Jim Darling	Habitat Section Supervisor
Montana Department of Fish, Wildlife and Parks	Walt Timmerman	Recreation Section Chief
Montana State Library	Ann Retzinger	State Publications Content Specialist
National Park Service	Mary G. Scott	Acting Regional Director
Northern Tier Investigation and Security	Art Rooney	Owner
Pondera County	Sandra J. Broesder	Chair of County Commissioners
Powell County	Ralph Mannix	Chair of County Commissioners
Silver Bow County	Dave Palmer	Chair of County Commissioners
State of Montana	Brian Schweitzer	Governor
State of Montana Historical Society	Dr. Mark Baumler	Montana State Historic Preservation Office
Teton County	Arnold Gettel	County Commissioner
Toole County	Allan Underdal	Chair of County Commissioners
US Army Corps of Engineers	Todd Tillinger	Montana Program Manager
US Environmental Protection Agency, Region 8	Steve Potts	Region 8 Montana Operations Officer
US Fish and Wildlife Service	Scott Jackson	Fish/Wildlife Biologist

**Table 2**  
**List of Local, State, Federal, and Tribal Offices/Agencies that Received the EA**

Agency	Name	Title
US Forest Service - Lewis and Clark National Forest	Spike Thompson	Forest Supervisor
US Forest Service - Lolo National Forest	Debbie Austin	Forest Supervisor
US Forest Service - Lolo National Forest	Ed DeClava	Archaeologist
US Forest Service - Helena National Forest	Steve Wyatt	Realty Specialist

MDT submitted news releases to 54 media outlets listed in **Table 3**, and purchased advertisements in 12 publications summarized in **Table 4**. These news releases and advertisements announced the availability of the EA, summarized the EA contents, provided information on EA viewing locations, public hearing times/locations, and provided information on submitting public comment. **Appendix B** includes copies of MDT’s Press Releases and Display Ads.

**Table 3**  
**List of News Releases Publications**

Associated Press	KRTV – TV GREAT FALLS
Blackfoot Valley Dispatch	KRTV-TV
Carroll Radio 88.5	KSEN-AM-KZIN-FM
Choteau Acantha	KTGF-TV GREAT FALLS
Cut Bank Pioneer Press	KTVH-TV
Glacier-Reporter - News	KUFM-TV / KUFM-FM
Great Falls Tribune	KVCM-FM
Helena Civic Television	KVVR-FM
Helena Independent Record	KXLH-TV
Independent-Observer	KZOQ – KBQQ
Jefferson County Courier	Lee State Bureau
KAAC-FM	Lolo Peak News
KBGF	Lumen Press
KBLL-AM/FM Helena	Missoula Independent
KCAP	Missoulia
KDTR-FM	Montana Living
KECI-TV	Prospector
KEIN-AM/KTZZ-FM	Queen City News
KFBB Helena	Rural Montana
KFBB-TV	Seeley Swan Pathfinder
KGFC-FM	Shelby Promoter
KGGL - KGRZ - KYLT	Silver State Post
KGVO-KYSS-KLCY	Sun Times
KLFM-FM & KVVR-FM	The Kaimin
KMSO-FM	The Prairie Star
KPAX	The Valerian
KQRV-FM/KBCK-AM	Traders Dispatch

**Table 4  
Paid Advertisements**

<b>Town</b>	<b>Newspaper</b>	<b>Town</b>	<b>Newspaper</b>	<b>Town</b>	<b>Newspaper</b>	<b>Town</b>	<b>Newspaper</b>
Browning	Glacier Reporter	Helena	Independent Record	Seeley Lake	Seeley-Swan Pathfinder	Fairfield	Sun Times
Great Falls	Tribune	Missoula	Missoulian	Lincoln	Blackfoot Valley Dispatch	Choteau	Acantha
Valier	The Valerian	Conrad	Independent Observer	Cut Bank	Pioneer Press	Shelby	Promoter

## 2.2 Public Meetings and Hearings

Imperial Oil and MDT hosted three public meetings to provide information to the public and hearings to collect comments. The gatherings provide opportunities for:

- Imperial Oil and MDT to present the EA and the proposed project,
- the public to pose technical questions on the EA, and
- the public to provide formal testimony on the EA.

The public meetings were held in Cut Bank on April 27, 2010, Lincoln on April 28, 2010, and Missoula on April 29, 2010. Each public meeting followed the same format with an open house followed by a presentation and technical question and answer (Q & A) period, and then a formal hearing and recording of testimony. Approximately 26 people attended the Cut Bank hearing; approximately 57 people attended the Lincoln hearing; and approximately 173 people attended the Missoula hearing. **Appendix C** contains copies of the visual aids from the public meetings.

MDT representatives also attended public meetings before the Missoula Transportation Policy Coordinating Committee (TPCC) on April 20, 2010, and the Missoula City Council on May 10, 2010.

### 3.0 COMMENTS ON THE EA

A 30-day public comment period for the EA was provided from April 13, 2010 to May 14, 2010. Comments on the EA were due to MDT by May 14, 2010. Some comments were received subsequent to May 14, 2010. MDT has made efforts to consider late comments.

MDT’s process allowed for a variety of means for the public to comment. MDT established a web link that allowed for submittal of email comments. Comments could also be mailed to the MDT headquarters building in Helena or the MDT District Headquarters buildings in Missoula, Great Falls, and Butte. Comments could also be faxed to MDT. Written comments were solicited and accepted at the three public hearings. Verbal comments, via formal testimony, were accepted at the three public hearings. Comments were also received over the phone by MDT personnel and via MDT voicemail. Verbal comments have been transcribed for inclusion in the public process. Comments received and responses to those comments are included in **Appendix D**.

#### 3.1 Summary of Comments Received

At the three public hearings, 35 people gave testimony either on their own behalf or on the behalf of their organizations. In addition to testimony taken at the hearings, MDT received 17 written comments at the hearings. **Table 5** summarizes comments collected at the hearings.

**Table 5  
Comments Collected at MDT Hearings**

Hearing Location	Number of People Providing Verbal Testimony	Number of Written Comments
Cut Bank	3	0
Lincoln	4	1
Missoula	28	16
Total	35	17

MDT received comment from approximately 7,200 individuals, organizations, and/or agencies via public hearing verbal and written comments, mail, facsimile, email, and telephone. **Table 6** lists agencies and organizations that submitted comments during the public review period. **Table 7** shows the percentage of comments that came from each state with one or more percent. MDT received at least one comment from every state in the US.

Many of the comments received were identical or nearly identical to two different form letters. One of the form letters consisted of approximately 6,300 emails forwarded by the Natural Resources Defense Council (NRDC) on behalf of individuals. The other form letter consisted of approximately 290 post cards produced by the Clark Fork Coalition and submitted by individuals. Some individuals included handwritten comments. Approximately 24 people submitted the text of the post card as e-mails. To a large extent those submittals followed a similar format and included similar information.

Approximately 13% of the comments received came from Montana addresses. The other approximately 87% were received from addresses in other states, US territories, and foreign countries. International comments were received from Canada, Mexico, Ireland, United Kingdom, Spain, New Zealand, Greece, Brazil, Australia, Costa Rica, Thailand, Columbia, Japan, Argentina, Germany, France, Netherlands, Portugal, Czech Republic, Belgium, and United Arab Emirates or there was no address provided.

**Table 6  
Agencies and Organizations that Provided Comments During the Comment Period**

Adventure Cycling Association	Montana Ecosystem Defense Council
Alberta Pressure Vessel Manufactures Association	Montana Environmental Information Center
Alliance for the Wild Rockies	Montana Outdoor Learning Adventures
Bike/Walk Alliance for Missoula (BWAM)	Montana Petroleum Association
Bonner Milltown Community Council	Motor Carriers of Montana
Clark Fork Coalition	National Wildlife Federation
Community Action for Justice in the America, Africa, Asia	Native Ecosystems Council
Ecology Project	Natural Resources Defense Council
Friends of the Clearwater	Northern Rockies Rising Tide
Friends of Two Rivers	Pondera County Commission
Idaho Rivers United	Ponderosa Snow Warriors
Lewis and Clark County Commission	Rocky Mountain Contractors, Inc.
Lochsa River Conservancy	Save Our Wild Salmon Coalition
Lolo Watershed Group	SAROC, Inc
Missoula Advocates for Sustainable Transportation	State Representative Michele Reinhart
Missoula City Council	State Representative Susan Malek
Missoula Board of County Commission	State Representative Betsy Hands
Montana Audubon	Teton County Board of County Commissioners
Montana Contractors' Association	Toole County Commission
Montana Chapter of the Sierra Club	UM Climate Action Now
	Upper Blackfoot Valley Community Council

**Table 7  
Origination of All Comments**

State	Percent of Total	State	Percent of Total	State	Percent of Total
Arizona	2	Maryland	1	Ohio	2
California	22	Maine	1	Oregon	4
Colorado	4	Michigan	2	Pennsylvania	3
Connecticut	1	Minnesota	1	Tennessee	1
Florida	3	Missouri	1	Texas	3
Georgia	1	Montana	13	Utah	1
Hawaii	1	North Carolina	2	Virginia	2
Idaho	1	New Hampshire	1	Vermont	1
Illinois	3	New Jersey	2	Washington	5
Indiana	1	New Mexico	1	Wisconsin	1
Kansas	1	Nevada	1		
Massachusetts	2	New York	6		

Note: All other states had less than one percent (1%).

## 3.2 Common Comments and Responses

Imperial Oil and MDT have reviewed the comments received and identified many common comments. Those common comments and responses are included below.

***Common Comment A: The analysis should have been a NEPA analysis rather than a MEPA analysis.***

**Response to Comment A:** MDT has no authority to conduct the analysis in terms of the National Environmental Policy Act (NEPA). NEPA is a federal law that is applicable to federal agencies conducting federal actions. MDT is not a federal agency. MDT is a state agency conducting a state action. In Montana, state agencies conducting a state action must comply with the Montana Environmental Policy Act (MEPA), which is why MDT conducted the environmental analysis in terms of MEPA.

Most MDT projects receive federal funds through the Federal Highway Administration (FHWA). As a result, those projects constitute both state and federal actions. In those cases, MDT and FHWA conduct environmental reviews jointly in compliance with NEPA, as well as MEPA.

The KMTP proposal is different from most MDT projects in that the encroachment permits, utility use permits, and 32-J permits required for the KMTP are state actions. FHWA's involvement with the KMTP proposal is limited to the utility modifications and one turnout modification on I-90. Utility crossings and turnout modifications on the interstate are regulated by both FHWA and MDT.

FHWA reviewed the interstate utility modifications and turnout modification, and concluded that the proposed modifications are categorically excluded under 23 CFR 771.117(c)(2) and (d)(1).

The US Forest Service (USFS) has concurrent jurisdiction with MDT for utility modifications within existing right-of-way on certain USFS lands. Initially, the USFS reviewed the KMTP utility modification proposal and concluded it was categorically excluded under USFS rules. Subsequently, the USFS rescinded that categorical exclusion and re-initiated their NEPA process to include additional consultation with the Nez Perce Tribe, public participation and analysis of impacts on lands recently acquired by USFS. At this point, USFS intends to conduct the review in terms of a categorical exclusion, but acknowledges that information gained through the review process may necessitate a higher level of environmental documentation.

Although MDT's analysis was not conducted in terms of NEPA, MDT has coordinated with FHWA, USFS, and other federal agencies. Those coordination efforts are documented in Section 4.1.1 of the EA and in Section 4.5 of the Decision Document.

***Common Comment B: The analysis should have been an EIS instead of an EA.***

**Response to Comment B:** MEPA environmental analyses can take several forms, including Categorical Exclusions (CEs), Environmental Assessments (EAs), and Environmental Impacts Statements (EISs). The substantive requirements for EAs and EISs are similar. However, an EIS is conducted when a proposal has "significant" impacts. An EA is prepared when it is unclear whether a proposed action may generate impacts that are significant. The EA process is used to help determine the potential significance of the impacts of the proposal. If the EA determines that the proposed action will have significant impacts, then an EIS must be conducted prior to initiation of the proposed action. If no significant impacts are identified, the EA analysis is sufficient.

In this case, MDT initially considered conducting the environmental analysis in terms of a CE. Under the provisions of ARM 18.2.261, utility installations, installation of traffic signals, modernization of an existing highway for parking or turning, and hauling of oversized loads may be categorically excluded and do not require the preparation of an EA. However, due to the number of proposed modifications and the number of oversized load permits requested, MDT concluded that an EA was the appropriate level of review to allow additional public input and to determine if the actions would significantly impact the natural or human environment. Through the EA process, MDT has concluded that the project will not result in significant

environmental impacts, as described in ARM 18.2.238. Therefore, pursuant to MEPA, there is no need to conduct an EIS.

***Common Comment C1: The analysis should have included a programmatic review for the KMTF proposal.***

***Response to Comment C1:*** According to ARM 18.2.251, MDT is required to prepare a programmatic review whenever it is contemplating a series of agency-initiated actions which in part or in total may constitute a major state action significantly affecting the human environment. In this case, the KMTF is not an agency-initiated action as discussed in ARM 18.2.236. As a result, a programmatic review is not necessary. In any event, the analysis conducted for the EA does in fact meet the requirements for the preparation, content, and distribution of a programmatic review. Through the EA process, MDT has concluded the KMTF will not significantly affect the human environment.

***Common Comment C2: The analysis should have included a programmatic review for the establishment of a permanent industrial transportation corridor.***

***Response to Comment C2:*** The proposed KMTF route is an existing transportation corridor that facilitates oversize and commercial loads. This route currently and historically has been used to move materials and freight, including oversize loads. The issuance of the KMTF permits does not establish a permanent high wide corridor that would allow for the unrestricted movement of future oversized loads along this route. As a result, a programmatic review of a high wide corridor is not necessary.

ARM 18.2.251 requires MDT to prepare a programmatic review whenever it is contemplating a series of agency-initiated actions which in part or in total may constitute a major state action significantly affecting the human environment. In this case, the KMTF is not an agency-initiated action as discussed in ARM 18.2.236. In any event, the analysis conducted for the EA does in fact meet the requirements for the preparation, content, and distribution of a programmatic review. Through the EA process, MDT has concluded the KMTF will not significantly affect the human environment.

Many commenters expressed concern that the KMTF modifications would make the route attractive for future oversize loads. Some commenters requested MDT to evaluate the potential for heavy use of the route by oversized vehicles. While MDT concludes it is reasonably foreseeable that oversized vehicles will use the route in the future, transport of oversize loads along this existing route must be independently reviewed pursuant to 61-10-101, et. seq. MCA (Montana Code Annotated). MDT is required to consider cumulative impacts of a proposed project. However, according to 75-1-208(11) MCA, related future actions may only be considered when the actions are under concurrent consideration by any agency through preimpact studies, separate impact statement evaluations, or permit processing procedures. MDT considered the proposed action individually and cumulatively in conjunction with Emmert International's proposed actions, and concluded that no significant adverse impacts would result. MDT has received an incomplete application from ATS Specialized Inc. Based on the review of the incomplete information, no adverse impacts have been identified. The review process for ATS Specialized Inc. is ongoing.

***Common Comment D1: The analysis should have included detailed studies of other routes through British Columbia using Canada's existing transportation system, through Houston and north using existing transportation systems in the US, or via the St. Lawrence River.***

***Response to Comment D1:*** The KMTF is not an agency-initiated action; rather, the state action involves the issuance of permits. MDT can approve the permit, conditionally approve the permits, or deny the permits, with cause. Imperial Oil presented MDT with the proposed route after it considered and eliminated alternate routes as infeasible. See Section 2.3 of the EA. Pursuant to 75-1-201(1)(b)(iv)(C)(II), MCA, MDT gave due weight and consideration to the sponsor's comments regarding those proposed alternatives. MDT has no jurisdiction to approve routes outside its boundaries.

MDT considered denying the permits in the No Action Alternative of the EA. MDT's authority to deny or conditionally approve permits must be based upon MDT's permitting statutes. In this case, the No Action Alternative does not meet the purpose of or need for the Project, and the analysis demonstrated no reasonable or scientific basis upon which to deny the permits. The no action alternative is considered a reasonable alternative according to ARM 18.2.236 (2). The alternatives considered in the EA meet the requirements of MEPA.

***Common Comment D2: The analysis should have included detailed study of other routes through Montana, such as the interstate system.***

**Response to Comment D2:** MDT considered and rejected use of I-90 and I-15 as infeasible because approximately 25 existing overpasses are too low and have no by-pass ramps or feasible detours to allow passage of the modules. Please refer to Section 2.3 of the EA and Response to Common Comment D1.

***Common Comment D3: Commenters suggested that MDT should analyze the feasibility of manufacturing the modules in Alberta or reducing the size of the modules prior to transport.***

**Response to Comment D3:** Manufacturing the modules in Alberta would eliminate the need for a permit (the No Action Alternative). MDT considered denying the permits in the No Action Alternative of the EA. However, MEPA is strictly procedural, and MDT's authority to deny or conditionally approve permits must be based upon MDT's permitting statutes. In this case, the No Action Alternative does not meet the purpose of or need for the Project, and the analysis demonstrated no reasonable or scientific basis upon which to deny the permits.

Reducing the size of the modules would eliminate the need for a permit. MDT considered denying the permits in the No Action Alternative of the EA. The modules are considered non-divisible under 61-10-124(6)(a)&(b), MCA. See Section 4.3 of the Decision Document. As previously stated, MDT's authority to deny or conditionally approve permits must be based upon MDT's permitting statutes. In this case, the No Action Alternative does not meet the purpose of or need for the Project, and the analysis demonstrated no reasonable or scientific basis upon which to deny the permits.

***Common Comment E1: The analysis should have included environmental impacts of the Alberta Oil Sands development.***

**Response to Comment E1:** It is not within MDT's decision-making authority to grant or deny permits based on the ultimate location or use of items transported over Montana highways. While NEPA requires recognition of worldwide and long-range environmental problems, MEPA is silent on global environmental issues. MEPA does not apply outside of Montana nor does MDT have authority to review decisions made by foreign nations. MDT's authority to deny or conditionally approve permits must be based upon MDT's permitting statutes. MDT has no authority to deny or conditionally approve permits based upon the potential impacts of the Alberta Oil Sands development. Since the data cannot impact the decision, MDT is not required to analyze the information in the EA.

***Common Comment E2: The analysis should have included environmental impacts in Idaho.***

**Response to Comment E2:** MEPA does not apply outside of Montana nor does MDT have authority to review decisions made by neighboring states. MDT has no authority to deny or conditionally approve permits based upon potential environmental impacts in Idaho. Since the data cannot impact the decision, MDT is not required to analyze the information in the EA.

***Common Comment F1: The comment period for the EA should have been extended due to the length of the EA and the complexity of the KMTP.***



**Response to Comment F1:** MDT provided appropriate opportunities for public review and comment pursuant to ARM 18.2.240

Several commenters indicated that the document was too long and complex to be adequately evaluated in the 30-day comment period. In MDT's experience, the document would not be considered excessive in length (approximately 70 pages of text) or unusual in complexity. MDT provided public review opportunities appropriate to the level of public interest. (See Section 2.0 of the Decision Document and ARM 18.2.240.) MDT considered, but found no good cause to extend the public review period.

**Common Comment F2: The comment period for the EA should have been extended due to a disruption of one of MDT's email comment systems.**

**Response to Comment F2:** If email delivery was affected, the sender was notified that their email had not been received. Electronic commenting is provided as a service to the public to promote efficiency and involvement in the environmental process, but it is not the only available means of commenting. Various other means of providing comment were still available, including mail, hand delivery, facsimile, and use of MDT's "Contact Us" web link. As a result, MDT concludes that an extension of the comment period was not necessary or appropriate. MDT has considered all substantive comments received on the project. (See Section 3.1 of the Decision Document.)

**Common Comment G: Some commenters expressed concern that the KMTF would adversely impact traffic safety or inconvenience the traveling public.**

**Response to Comment G:** MDT is mindful of its responsibilities for planning, designing, constructing and maintaining State Highways, roadways, and associated transportation facilities, including associated pull-offs, parking areas, and rest areas for the use and benefit of the traveling public, in a safe and efficient manner in accordance with Title 23 United States Code (USC) and Title 60 Montana Code Annotated (MCA).

MDT has required the applicant to develop the Montana Transportation Plan (MTP). The MTP, which is available for public review, details how traffic flow will be maintained during module transportation and considers such factors as road use by other vehicles, road conditions, weather conditions, and community events. MDT has independently reviewed the MTP and has determined that traffic safety and flow will be maintained, as reflected in the Section 3.5.2.5 of the EA. MDT concluded that the KMTF would not significantly impact traffic safety or significantly inconvenience the traveling public.

Module movements will be tracked and module movement schedule and location information will be posted on a web site maintained by Imperial Oil so that the public has real time information on the location of the modules and the shipping schedule. (See Section 2.2.1.7 of the EA.)

MDT has prohibited Imperial Oil from transporting modules during weekends or holidays. Additionally, to minimize disruption to the traveling public, MDT required Imperial Oil to modify its anticipated travel times to occur at night on most of the route, as discussed in Section 2.3.3 of the EA. Imperial Oil has also agreed not to haul when it would interfere with local events. (See Section 3.6.2.6 of the EA.)

**Common Comment H1: Some commenters expressed concern that the KMTF would pose a significant safety risk in terms of spills/hazardous materials.**

**Response to Comment H1:** These issues are discussed in a variety of places in the EA. No hazardous materials or ancillary petroleum products will be transported in the modules. (See Section 2.2.1.7 and 3.8 of the EA.) The pull/push trucks will carry only those products necessary for their operation. Imperial Oil will ensure that all vehicles are equipped with spill kits. (See MTP Section 4.7.) Spill pans will be used, if necessary, when the vehicles are parked to catch any dripping fluid. Refueling of the pull/push trucks will occur by disconnecting the trucks from the module trailers at a turnout area and traveling to the nearest truck service center. MDT concludes that the risk of a spill is minimal. If a spill occurs, Imperial Oil will

implement the Emergency Response Plan in the revised MTP. (See Section 4.7 of the MTP and the Incident Specific Emergency Response Plan - Appendix 14 of the MTP.) MDT does not consider potential for spills/hazardous materials to present a significant impact or significant safety risk. Imperial Oil will post a surety bond in the amount of two million dollars to ensure sufficient funds for removal of turnouts and potential environmental rehabilitation or remediation of any environmental damage resulting from the design and construction of the turnouts or use of the turnouts and transportation route.

***Common Comment H2: Some commenters expressed concern that the KMTP would pose a significant safety risk in terms of an accident/event (such as a rollover or road blockage).***

**Response to Comment H2:** During the EA process, MDT concluded that the risk of a specific incident or accident event is minimal and not reasonably foreseeable. As a result, MDT does not consider the potential for a serious accident/event to present a significant impact or a significant safety risk. If an incident occurs, Imperial Oil will implement the Emergency Response Plan and the Incident Specific Emergency Response Plan. (See Section 4.7 of the MTP and Appendix 14 of the MTP.) The MTP is available for public review on MDT's website.

In response to public comment, Imperial Oil provided information regarding a planned response to a specific catastrophic incident. (See Section 4.3 of the Decision Document and Appendix 14 of the MTP.) Upon review of the supplemental information, MDT does not consider the potential for a serious accident/event to present a significant impact or a significant safety risk.

***Common Comment H3: Some commenters expressed concern that the KMTP would pose a significant risk in terms of emergency response time.***

**Response to Comment H3:** MDT concludes that the module transport poses no significant impact to emergency response time. The Montana Highway Patrol (MHP) will provide constant escort to the modules through the State. MHP escort will assure constant communication with local law enforcement and emergency responder agencies including fire departments, ambulances, and EMTs. See Section 2.2.1.7 of the EA.

During the public hearing process, some commenters expressed concern that the Emergency Response Plan did not account for private citizen's accessing emergency services. That information is summarized in Section 4.3 of this document. Upon review of the supplemental information by Imperial Oil in its Incident Specific Emergency Response Plan, MDT still concludes that the safety risk is minimal and that if a specific incident or event were to occur, implementation of the Emergency Response Plan and the Incident Specific Emergency Response Plan (see Section 4.7 of the MTP and Appendix 14 of the MTP) will minimize impacts. This revised MTP is available for public review on the MDT website.

***Common Comment I: Some commenters expressed concern that the KMTP would adversely affect biological resources.***

**Response to Comment I:** Potential impact to biological resources were investigated and summarized in a variety of places within the EA. See Section 3.9, 3.10, and 3.11 of the EA. Many commenters made general reference to biological impacts, but identified no information that would require new or additional analyses. One commenter provided specific substantive comments. That comment is included and addressed in Specific Comment A found in Section 3.3 of the Decision Document. Associated corrections and clarifications to the EA are included in Section 4.4 of the Decision Document.

**RAPTORS:** The EA prohibits construction activities within ½ mile of an active nest after January 1 and prior to August 1. Subsequent to publication of the EA, Montana Fish, Wildlife and Parks (FWP) informed MDT of three nest locations identified during a Spring 2010 survey. One nest located on Highway 12, at Woodman School, west of Lolo was determined to be more than ½ mile from proposed modification. Two nests located along Highway 200 near Ovando at Monture Hill and Ovando-Warren Creek are located within ½ mile of

proposed turnout modifications and utility relocations. MDT reviewed this information and concluded that the KMTF is in compliance with the requirements of the Bald and Golden Eagle Protection Act. Through informal consultation, on November 26, 2010, the US Fish and Wildlife Service (USFWS) provided written concurrence that the KMTF is not expected to disturb eagles in the vicinity of the route.

**AVIAN LINE STRIKES:** With or without inclusion of techniques to reduce line strikes, MDT concludes that impacts to trumpeter swans, raptors, and other birds will not be significant. Approximately 1/3 of the overhead lines will be relocated underground, reducing the potential for strikes. Lines will only be raised where they cross the highway, not for the entire length of the line. Overhead utility relocations will be raptor-proofed, in accordance with APLIC guidelines. After publication of the EA, additional coordination with USFWS and FWP resulted in identification of localized areas of concern where trumpeter swan mitigation measures are appropriate. Imperial Oil has agreed to fund those mitigation measures.

**WATER RESOURCES:** Since the EA was published, wetland specialists conducted field reviews for potential wetlands (areas that showed any sign of past or present standing water or riparian vegetation) and streams near all utility crossings, turnout work locations, and road modifications. The wetland specialists revisited all sites near potential wetlands with the construction supervisors and utility engineers. Areas to be avoided were flagged, avoidance measures developed, and sediment control measures specified to avoid wetland impacts. (See Section 4.4 of the Decision Document.)

Twenty-four existing utility pole locations were identified that had the potential to be in a wetland or affect a nearby stream. In those locations, utility companies have modified their plans to avoid impacting wetlands or streams.

One existing turnout (Highway 12 at MP 15.4) originally proposed for modification would have impacted an adjacent wetland. To avoid wetland impact, Imperial Oil has identified a different existing turnout (at MP 16.4) for use instead. The new location does not require modification other than additional pavement to allow snow removal.

Imperial Oil has hired environmental compliance inspectors to monitor and document implementation of the mitigation measures identified in the EA, with particular emphasis on wetlands, riparian areas and streams. Imperial Oil will monitor and document mitigation measures and will submit a report to MDT periodically. MDT will also inspect construction to ensure mitigation measures are followed.

**THREATENED AND ENDANGERED SPECIES (T&E Species):** The EA discloses the listed species and critical habitat that may occur in the project areas, along with a summary of potential effects of the KMTF, and the rationale for those determinations. (See Section 3.10 of the EA.) In evaluating the effects on T&E Species, Imperial Oil's consultant worked with MDT biologists and conferred with the USFWS regarding determinations of effect. (See Table 28, Section 3.10 of the EA.)

Wolves were recently re-listed due to a federal court ruling. In anticipation of potential re-listing, Imperial Oil consulted with the USFWS regarding wolves on February 8, 2010. USFWS indicated that the KMTF did not present concerns for wolves; further consultation with the USFWS was not necessary; and that the KMTF would result in a "no effect" determination in the event of wolves re-listing. (See Section 4. 1.1.4 of the EA.)

**WILDLIFE AND FISHERIES:** MDT has analyzed the potential impact of the KMTF on wildlife along the route. Due to the slow speed that the modules would travel, there would be fewer impacts on wildlife species from transportation of the modules than normal traffic. (See Section 3.11 of the EA.) MDT has likewise analyzed the potential impact of the KMTF on fisheries as related to water quality and determined that no measurable impact on fish or their habitat is expected. (See Sections 3.9 and 3.11 of the EA.)

**NATIVE VEGETATION AND WEEDS:** MDT has analyzed the impact of the KMTF on native vegetation and potential for weed establishment and determined there would be no significant impact. Topsoil will be salvaged and replaced at construction locations. Disturbed areas will be seeded with desirable plant species as

soon as practicable after construction, and seed mixes will be certified weed free. (See page S-3 and Section 3.13 of the EA.)

Based on the original analysis included in the EA and subsequent investigation and analysis, MDT still concludes that the impact to biological resources will not be significant.

***Common Comment J: Some commenters expressed concern that the KMTP would have negative visual/scenic impacts on Highway 12 and 200.***

**Response to Comment J:** The proposed KMTP route is an existing permanent transportation corridor that currently facilitates oversize and commercial truck traffic. The route is currently and has historically been used to move materials and freight and provide easement areas for utilities.

All proposed modifications are set to occur within the existing right-of-way of this transportation corridor, and all new turnouts would conform to MDT Standard Design Specifications and Procedures. The highways that make up the proposed route already have a number of turnouts. Placement of one new turnout along an approximately 32-mile stretch of Highway 12 and 12 new turnouts on an approximately 112-mile stretch of Highway 200 will not appreciably change the visual character of the corridor.

There are three locations where modules are planned to be parked during the day, weekends and holidays along Highway 12 and 200. These are existing turnouts located at the junction of Highway 12 and 93 (old weigh station in Lolo), at MP 1.9 on Highway 200 (east of the Bonner Mill) and MP 75.0 on Highway 200 (an existing, large snowmobile parking area). It is common to see large or multiple commercial vehicles parked at these locations. The use of other turnouts for extended parking would only occur if there was an emergency, inclement weather, or some other delay.

At numerous locations along the route, overhead utilities will be replaced by underground utilities, which will permanently improve the visual quality along the route.

MDT concludes that the visual/scenic impact of the proposed KMTP will not be significant.

A few commenters raised specific concerns about the visual effects of the tree trimming in Bonner along Highway 200. The tree trimming in Bonner will entail removing a few of the lowest branches from approximately seven trees. (See page 11 of the EA.) The amount of trimming would be consistent with normal tree maintenance. The impact would be minor to negligible and temporary. (See Section 4.4 and Appendix G of the Decision Document). Some commenters expressed concern that trees would be cut down. No trees will be cut down.

***Common Comment K: Some commenters expressed concern that the project sets a precedent for future hauling of large loads or establishes a high-wide corridor through the state of Montana.***

**Response to Comment K:** The proposed KMTP route is an existing permanent transportation corridor that currently and historically has been used to move materials and freight, including oversize and commercial loads. Imperial Oil is proposing to improve the existing transportation corridor by relocating some utilities and by modifying existing turnouts and/or constructing new turnouts to comply with the “10-minute Rule” for its large freight. Following Imperial’s construction of these improvements, the proposed KMTP route will remain a permanent transportation corridor, as it is currently, and as it has been historically. To the extent that the improvements made by Imperial remain after the project, it is anticipated that these improvements would improve safety and reduce delays for future transportation of oversize materials and freight in comparison to transports that occurred prior to the improvements by Imperial. Because the KMTP route traverses from Idaho to Alberta, Canada, any changes to the transportation of freight, positive or negative, would be limited to freight traveling between those two points.

Some individuals have commented that the proposed KMTP route will be used by Imperial to haul similar size freight in the future. In order to meet Montana’s “10-minute Rule,” Imperial’s transportation plan

requires the existence of each new and existing turnout along the KMTF route. Imperial Oil has signed a Memorandum of Agreement with MDT that requires Imperial Oil to remove turnouts at MDT's request, and it has posted a surety bond to ensure sufficient funds for the removal of turnouts. MDT will assess the removal of turnouts along the KMTF route based upon a variety of factors such as safety and maintenance. Turnout removal will reduce the functionality of this route for loads with similar size and weight. As always, MDT retains the discretion under Montana law to reject or condition future permit requests for oversized loads.

***Common Comment L: Some commenters expressed concern that the KMTF will create a financial burden for Montana due to costs associated with damage and repairs to Montana roads and bridges, additional maintenance costs, design and construction costs.***

**Response to Comment L:** MDT is mindful of its responsibility for maintaining state highways for the use and benefit of the traveling public in a safe and efficient manner. MDT has analyzed the KMTF and concludes that it will not create a financial burden for Montana. Financial responsibilities are discussed in ARM 18.8.1101(10) and Section 2.2.1.2 of the EA. Additional information is provided below.

Damage and Repairs to Montana's Roads and Bridges: MDT has reviewed the KMTF and through engineering analysis established the maximum transport vehicle axle loading to comply with road and bridge design along the KMTF route. MDT will confirm each transport complies with appropriate axle weights.

Prior to turnout construction and module transport, Imperial Oil will develop a video log of the route to establish baseline visual conditions of the roadway. In addition, at Imperial Oil's expense, an independent contractor will conduct engineering analyses to determine accelerated damage to the roadway and infrastructure as a result of the KMTF. MDT will review that analysis. During the transports, MDT will monitor the road and bridge conditions. After completion of the project, Imperial Oil will pay for any repairs to roadways and bridges identified by MDT associated with the project and removal of any turnouts directed by MDT.

MDT will require Imperial Oil to post a twenty million dollar bond and Imperial Oil's transport company (Mammoet Canada Western Ltd.) to post a ten million dollar bond to ensure compliance with the provisions and conditions of the special permits and agreements for the KMTF and damage to persons and property.

Additional Road Maintenance Costs: The new turnouts will result in additional maintenance costs after the completion of the KMTF. Imperial Oil will retain maintenance responsibility for the turnouts that it uses for the duration of the project. Following completion of the project, MDT will identify those locations where turnouts will be removed and where turnouts will remain in place. Imperial Oil at its sole cost and expense will remove any turnouts identified by MDT following the project. For those turnouts that will remain in place, MDT will inspect the condition and accept ownership and responsibility for turnouts brought into an acceptable condition. If the turnouts are not in acceptable condition, MDT will provide Imperial Oil a list of improvements that must be made before the turnouts will be accepted. Once the turnouts are accepted, MDT assumes responsibility for those turnouts, and will cover the cost of routine road maintenance.

Design and Construction Costs: Imperial Oil will pay the design and construction costs including MDT's staff time and associated expenses incurred by MDT for oversight during construction of permitted improvements, and any MDT construction engineering activities.

***Common Comment M: The economic analysis in the EA should consider the costs to Montanans through loss of revenue from tourism and recreation.***

**Response to Comment M:** Impacts on tourism and recreation would be minimized by meeting the 10-minute delay rule (See Section 3.6.2.6 of the EA); traveling at night (See Section 2.3.3 of the EA.); and avoiding travel on weekends, federal holidays, days of community events such as Valier's Homesteader Days and the Augusta Rodeo. Impacts are not expected to be significant. See Section 3.6.2.6. for information on the financial responsibilities of Imperial Oil, see the response to Common Comment L.

**Common Comment N: Some commenters expressed concern that the proposed project would adversely impact Historic Landmarks and Scenic Highways.**

**Response to Comment N:** The Lolo Trail/Nez Perce Historical Trail is a National Historic Landmark that is located near the proposed project area along Highway 12. Imperial Oil investigated potential impacts to the Lolo Trail/Nez Perce Historical Trail and documented those potential impacts in a Cultural Resources Report. MDT determined the KMTP project would have no impact to the National Historic Landmark. SHPO concurred. In addition, ground disturbing work along Highway 12 will be observed by a cultural resources monitor.

In regard to the Scenic Highways comment, there are eight federal scenic byways and the Beartooth All American Road in Montana. However, none are located along the KMTP route in Montana.

**Common Comment O: Some commenters expressed concern that the proposed project would adversely impact Lolo Creek and/or the Blackfoot River.**

**Response to Comment O:** As discussed in Table 26 (Section 3.9.2.1 of the EA), the KMTP will involve seven turnout modifications and one newly constructed turnout on Highway 12. Utility work on Highway 12 will include 43 above ground and 32 underground utility relocations. On Highway 200 between Bonner and Rogers Pass (a distance of approximately 86 miles), approximately 175 utility relocations (15 to be removed, 69 to be buried, and 91 to be raised), eight turnout modifications and eight newly constructed turnouts are proposed.

During the field review for wetlands at each turnout, a field evaluation of the distance to water resources was conducted. The field investigation verified the location of the streams so that a more accurate distance could be measured on the aerial photos. That new information on turnouts less than 100 feet from Lolo Creek and Blackfoot River is provided in **Table 8** below.

**Table 8  
All Turnouts Less than 100 Feet from Lolo Creek or Blackfoot River**

Highway	Turnout	Type	Mile Post	Feet From Lolo Creek
12	Existing	Park	MP 16.4*	45 (opposite side of road from Lolo Ck)
12	Existing	Park	MP 19.1	52 (opposite side of road from Lolo Ck)
12	Existing	Park	MP 20.3	30
12	Existing	Clear	MP 21.8	95 (opposite side of road from Lolo Ck)
Highway	Turnout	Type	Mile Post	Feet From Blackfoot River
200	Existing	Night/ Extended	MP 62.9	45
200	Existing	Park	MP 85.0	38

\* This turnout is relocated. See response to Common Comment I.

None of the new turnouts are closer than 100 feet to Lolo Creek or the Blackfoot River.

**Lolo Creek:** Four existing turnouts are less than 100 feet from Lolo Creek (see **Table 8** above). Three turnouts are on the other side of Highway 12 from Lolo Creek. The third location is the turnout at MP 20.3 on Highway 12 which is being extended approximately 40 feet to the east. The extension of the turnout is along the highway rather than toward the stream. At all sites, existing drainage will be maintained and BMPs will be implemented. No adverse impacts are expected to Lolo Creek.

**Blackfoot River:** Two of the turnouts are less than 100 feet from the Blackfoot River. The turnout work at MP 62.9 on Highway 200 will be adding gravel and paving. BMPs will be used to minimize sediment transport. The work on the turnout on Highway 200 at MP 85.0 is limited to paving.

Utility modifications associated with the KMTF are not expected to adversely impact Lolo Creek or the Blackfoot River since disturbance areas will be minimal and BMPs will be implemented.

***Common Comment P: Some commenters indicated that the analysis should have included an analysis of global warming impacts and/or greenhouse gas emissions.***

**Response to Comment P:** Unlike NEPA, MEPA does not require agencies to consider global environmental issues and impacts. Montana law does not include applicable provisions related to global warming or greenhouse gas emissions. MEPA is a procedural rather than substantive law. MDT's authority to deny or conditionally approve permits must be based upon MDT's permitting statutes. MDT has no authority to grant or conditionally approve permits based upon potential impacts of greenhouse gas emissions or global warming. Since the data cannot impact the decision, MDT is not required to analyze the information in the EA.

That said, as with all other vehicles that use highways in Montana, emissions, including greenhouse gas emissions, would be produced from the combustion of fuels in the trucks and equipment. The volume of emissions produced would be negligible when added to the emissions emitted by vehicles that travel on Montana roadways each day. As shown in Table 1, Summary Section of the EA, overall the KMTF would result in a slight increase in emissions and dust, with no long-term or significant impacts.

***Common Comment Q: Some commenters noted that there is no requirement for Imperial Oil to hire Montana residents for the work and therefore the economic analysis was misleading.***

**Response to Common Comment Q:** It is true that there is no requirement for Imperial Oil to hire Montana residents, nor is it within MDT's authority to require Montana residents to be hired. Imperial Oil has used Montana contractors or in some instances required their contractors to use Montana resources. The economic analysis is based on existing contracts with Montana employees currently residing within Montana. The EA also recognizes that some work will be done by non-Montana residents. Economic benefits from those workers would be limited to fuel, hotel, and food purchases.

***Common Comment R: Some commenters noted that the Montana constitution states that all the people of the state of Montana have an inalienable right to a clean and healthful environment.***

**Response to Common Comment R:** MDT is mindful of the right to a clean and healthful environment under Article II, Section 3 of the Montana Constitution. Through the MEPA process, MDT has analyzed the proposed project and found no significant impacts to the environment and no impacts that would violate the right to a clean and healthful environment under Article II, Section 3.

***Common Comment S: Some commenters noted that the MDT has to meet the requirements under MEPA to analyze the direct, indirect, secondary and cumulative impacts of projects.***

**Response to Common Comment S:** MDT is mindful of its obligations under MEPA. The EA analyzed potential permanent and temporary direct, indirect, secondary and cumulative impacts of the overall proposal in accordance with 75-1-208(11) MCA. Subsequent to the publication of the EA, MDT received permit applications for proposed similar projects, and analyzed the cumulative impacts as reflected in Section 4.4 of the Decision Document. State agencies may only consider related future actions when these actions are under concurrent consideration by any agency through pre-impact statement studies, separate impact statement evaluations or permit processing procedures. (See Section 3.2 of the EA and Section 4.4 of the Decision Document.) MDT considered the proposed action individually and cumulatively in conjunction with other proposed actions, and concluded that no significant adverse impacts would result.

***Common Comment T: Some commenters voiced concern that MDT counted the bulk comments (emails and postcards) as one comment.***

**Response to Common Comment T:** MDT appropriately considered the bulk emails. A representative sample of the text included in the bulk comments is included in the response to comments section (Appendix D of the Decision Document) along with an appropriate response. A list of the names of the people who submitted the bulk comment is also included in Table D-1. While the level of public participation can be an indication of the level of public acceptance of a proposal, MEPA is not a public referendum.

### 3.3 Additional Substantive Comments and Responses

**Specific Comment A:** *One commenter expressed concern about potential impacts to raptors. This commenter noted that the EA referenced an outdated set of raptor safe guidelines. This commenter also noted that while the recommendations include modifications to power pole structures, they do not include techniques to reduce line strikes, such as application of bird flight diverters or fireflies.*

**Response to Specific Comment A:** Imperial Oil will require its contractors to adhere to the most recent set of raptor safe guidelines (APLIC 2006). With or without inclusion of techniques to reduce line strikes, MDT concludes that impacts to raptors will not be significant, as approximately 1/3 of the overhead lines will be removed and placed underground, reducing the potential for strikes, and those that are raised are only raised where they cross the highway, not for the entire length of the line. All overhead utility relocations will be raptor-proofed, in accordance with APLIC guidelines. After publication of the EA, additional coordination with USFWS and FWP resulted in identification of localized areas of concern where trumpeter swan mitigation measures are appropriate. Imperial Oil has agreed to fund those mitigation measures.

**Specific Comment B:** *One landowner expressed concern with the location of a new turnout on Highway 287 because of the proximity to his driveway.*

**Response to Specific Comment B:** Imperial Oil has proposed relocating this particular turnout to alleviate the landowner's concern. This change is reflected in Section 4.3 of the FONSI.

**Specific Comment C:** *Concern was expressed in regard to the impact tree trimming may have on the historic resource in Bonner.*

**Response to Specific Comment C:** The Bonner Company Town Historic District was nominated for listing on the National Register of Historic Places in April 2009. Subsequent to the publication of the EA, the Keeper of the National Register of Historic Places rejected the nomination for technical and substantive revisions. Although the nomination has been rejected, the Bonner Company Town Historic District remains eligible for listing on the National Register and MDT analyzed potential impacts as such. The EA, Section 3.3.2.4 Tree Trimming, noted that the tree trimming would likely be noticeable, but the visual effect would be minor and temporary and would not affect the Bonner historic district. To illustrate the effects from tree trimming in Bonner, an artist's rendering of the visual effects has been included in Section 4.4 of this Decision Document and new Appendix G of the EA.

**Specific Comment D:** *Some commenters expressed concern regarding the use of the Montana Highway Patrol for escorts, either because of taxpayer expense or because it would divert the Patrol from their normal duties.*

**Response to Specific Comment D:** Imperial Oil will enter into a contract with MHP to pay for vehicles, gas, and salary (including overtime pay). MHP officers will be used on a voluntary basis; therefore it will not impact normal MHP services.



## 4.0 CORRECTIONS AND CLARIFICATIONS TO THE EA

The following corrections and clarifications are to be considered part of the approved EA prepared for this project. These corrections and clarifications are in response to modifications to the KMTP proposal, new information, public comment, or additional consultation. The EA text is italicized, a strikeout indicates deletion and new text is shown as underlined. Page numbers refer to the EA which is provided in Appendix E. Recognizing these changes and clarifications, MDT has determined that the original EA adequately addressed the proposed action and issuance of a revised EA is not necessary.

One change that is reflected throughout the EA is that the return trailer route has been modified. Trailers will be reconfigured, will no longer be oversized, and will not require 32-J permits for the return trip. In the following sections, this change is referred to “Due to the change in the return trailer route, the following changes have been made.”

### 4.1 Corrections and Clarifications to EA Summary

#### Page S-1 Summary

Due to the change in the return trailer route, the following changes have been made:

*The return trailer route enters at Sweetgrass and follows ~~mostly the interstate transportation system before exiting Interstate 15 to the junction with US Highway 200 near Vaughn, proceeds west on Highway 200 to Interstate 90, then south on Highway 93 and west on Highway 12 over Lolo Pass (Montana/Idaho border).~~*

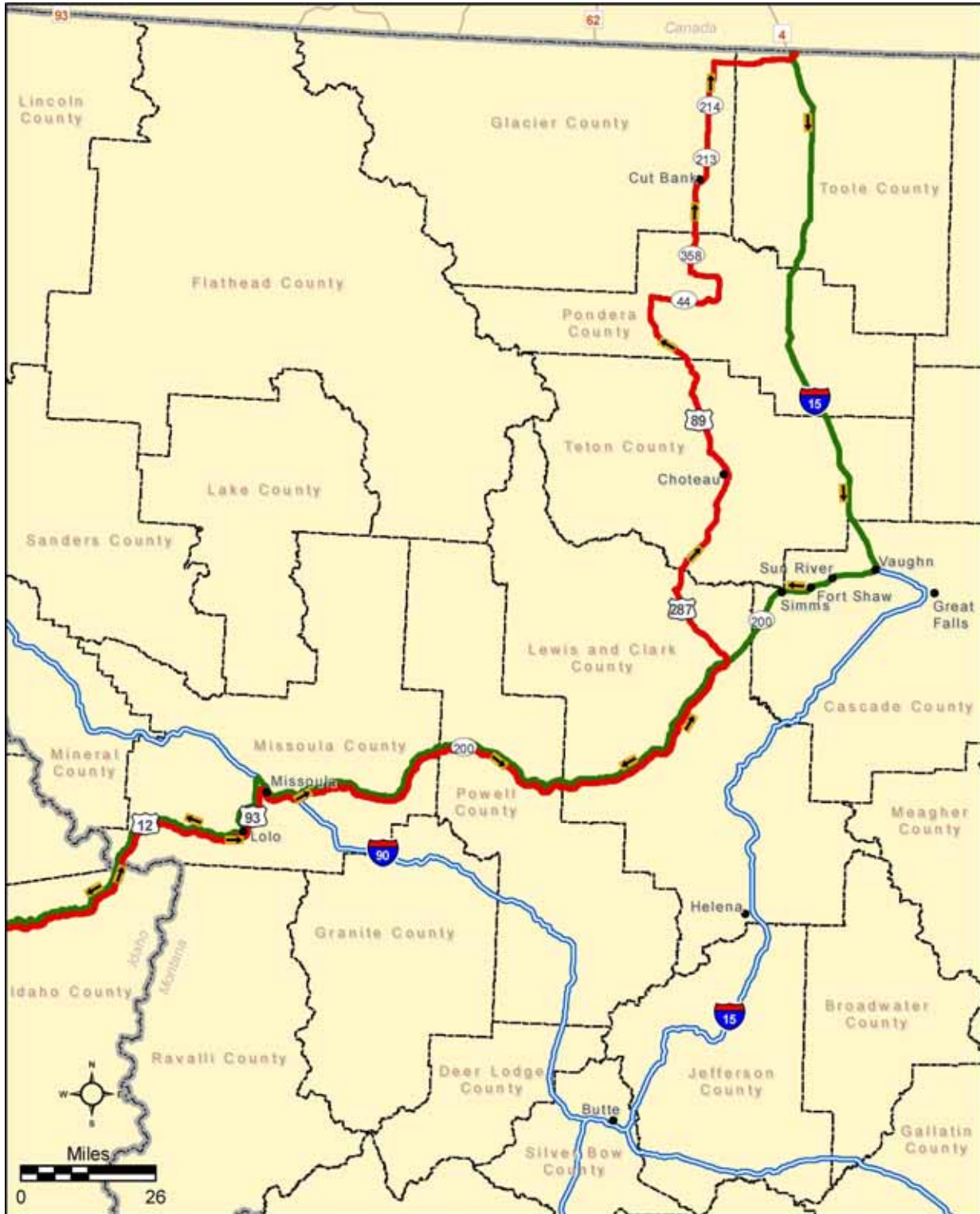
*Since the returning haul trailers ~~do not have the same height restrictions and can travel at speeds up to 50 miles per hour, the interstate return trailer route was selected to minimize public impacts and for efficiency will be reconfigured, they will not be oversized (in height, weight, length, or width), and will not need 32-J permits.~~*

One turnout location was changed due to its proximity to a cultural site. Originally, the turnout to be used was an existing turnout at MP 17.7. The replacement turnout would be a new turnout at MP 17.8. As a result, the following changes are made to the required infrastructure improvements.

- Permanently modifying ~~22~~ 21 existing highway turnouts;
- Building ~~5354~~ new highway turnouts;

#### Page S-2 Figure 1

Figure 1 has been revised to reflect the revised return trailer route as noted above.



- Towns
- Route Direction
- Module Transportation Route
- Interstate
- Return Route for Empty Trailers
- County Boundary
- State Boundary



**Figure 1**  
**Location Map**  
**Transportation Route**  
 Kerl Project

**Planned Mitigation to Avoid Impacts**

**Utility Relocations**

The APLIC guidelines cited in the EA were not the most current. The following sentence has been changed.

- *All overhead utility structures will be constructed in compliance with raptor safe guidelines (APLIC ~~1996~~2006).*

The following sentence has been changed.

- *To avoid impacts on eagles, construction within 1/2 mile of active nests will not be allowed ~~after~~ between January 1 and prior to August 1 at utility locations unless the with active nests is vacated ~~within 1/2 mile.~~*

The following sentence has been added.

- *Imperial Oil will install bird strike diverters at locations along Highway 200 to reduce the risk to trumpeter swans.*

**Page S-6**

**Planned Mitigation to Avoid Impacts**

**Module Transport**

Based on consultation with the USFS National Trails Coordinator, in order to protect interpretive signs along the highways, the following sentence has been added:

- *Imperial Oil will ensure that any roadside interpretive signs damaged during module transportation activities will be repaired or replaced.*

**Page S-7**

**Table 1, Conclusion and Summary of Effects**

The text has been revised to accurately summarize the effects on grizzly bears.

**Table 1  
Conclusion and Summary of Effects**

	<i>Road Modifications</i>	<i>Utility Relocations</i>	<i>Traffic Structures</i>	<i>Tree Trimming</i>	<i>Module Transport</i>	<i>Overall</i>
<i>T&amp;E Species</i>	<i>No effect</i>	<i>No effect</i>	<i>No effect</i>	<i>No effect</i>	<i>No Impact for all except grizzly bears, May effect, not likely to adversely affect.</i>	<i><u>No Impact for all except grizzly bears, May effect, not likely to adversely affect.</u></i>

**4.2 Corrections and Clarifications to EA Chapter 1 Purpose and Need**

**Page 1**

**1.2 Purpose of the Project**

Due to the change in the return trailer route, the following change has been made:

The purpose of the proposed project is for Imperial Oil to improve Montana infrastructure to facilitate a safe and efficient movement of over-dimension loads through Montana to the Canadian border ~~and return trailers through Montana to the Idaho border.~~

**Page 2**

**1.4 Brief Description of the Proposed Action**

Due to the change in the return trailer route, the following changes have been made:

~~The return route for 16-foot wide trailers would be south on Interstate 15 (I-15), west on Highway 200 and I-90, south on Highway 93, then west on US Highway 12 to the Montana/Idaho border. An alternative route for the 10-foot wide trailers would be south on I-15 to Helena, then travel west on US Highway 12 from I-15 in Helena, to I-90 at Garrison then west on I-90, south on US Highway 93, then west on US Highway 12 to the Idaho/Montana border.~~

One turnout location was changed due to its proximity to a cultural site. Originally, the turnout to be used was an existing turnout at MP 17.7. The replacement turnout would be a new turnout at MP 17.8. As a result, the following changes are made to the required infrastructure improvements:

- Permanently modifying ~~22~~ 21 existing highway turnouts;
- Building ~~53~~ 54 new highway turnouts;

**Page 3**

**1.6 Permits**

These changes are to clarify the permits granted or needed.

**Table 2, State, Federal and Tribal Permits.**

**Table 2  
State, Federal and Tribal Permits**

<i>Agency</i>	<i>Permit</i>
<i>USDA Forest Service</i>	<del><i>Amend existing Special Use Permit for utility occupation and highway modifications</i></del>
<i>Missoula County Conservation District</i>	<i>MEC secured a 310 Permit for work near Lolo Creek.</i>

**4.3 Corrections and Clarifications to EA Chapter 2 Alternatives**

**Pages 5 and 6**

**2.2.1.1 Location**

Due to the change in the return route, the following change is made.

~~The return route for 16-foot wide trailers would be south on I-15, west on Highway 200 and I-90, south on Highway 93, then west on US Highway 12 to the Montana/Idaho border. An alternative route for the 10-foot wide trailers would be south on I-15 to Helena, then travel west on US Highway 12 from I-15 in Helena, to I-90 at Garrison then west on I-90, south on US Highway 93, then west on US Highway 12 to the Idaho/Montana border.~~

## Page 6

The Memorandum of Agreement was finalized after the EA was distributed to the public. Based on the Memorandum of Agreement, the following changes to the financial responsibility section have been made.

### **2.2.1.2 Financial Responsibility**

*Imperial Oil and the MDT are currently in the process of negotiating ~~Memorandums of Agreements~~ regarding the responsibilities of each party should the decision be made to proceed with the project. It is anticipated that the responsibilities will be as described as follows; however, until the ~~memorandums Agreements~~ are completed and signed, it is possible that some responsibilities will change.*

*Generally, Imperial Oil will cover the cost of the planning, permitting, construction, and operation of the project in Montana. Imperial Oil will hire and pay for consultants to manage project design, engineering (including utility relocations through the utility companies), permit application preparation, environmental investigation and review, document preparation, and public consultation. Should permits be approved, Imperial Oil will hire and pay for construction activities (turnouts, utilities, traffic structures, and tree trimming), construction compliance inspections, and costs associated with module transport including public notification of module movements via newspaper and internet, highway patrol escort vehicles and traffic control. Imperial Oil will reimburse MDT for snow-removal efforts in excess of normal snow removal efforts. Once hauling is complete, Imperial Oil will pay for any needed repairs to roadways and bridges due to their activities and removal of any improvements deemed unneeded by the MDT.*

*MDT will require Imperial Oil to post a twenty million dollar bond and Imperial Oil's transport company (Mammoet Canada Western Ltd.) to post a ten million dollar bond to ensure compliance with the provisions and conditions of the special permits and agreements for the KMTF and damage to persons and property.*

*Additional Road Maintenance Costs: The new turnouts will result in additional maintenance costs after the completion of the KMTF. Imperial Oil will retain maintenance responsibility for the turnouts that it uses for the duration of the project. Following completion of the project, MDT will identify those locations where turnouts will be removed and where turnouts will remain in place. Imperial Oil at its sole cost and expense will remove any turnouts identified by MDT following the project. For those turnouts that will remain in place, MDT will inspect the condition and accept ownership and responsibility for turnouts brought into an acceptable condition. If the turnouts are not in acceptable condition, MDT will provide Imperial Oil a list of improvements that must be made before the turnouts will be accepted. Once the turnouts are accepted, MDT assumes responsibility for those turnouts, and will cover the cost of routine road maintenance.*

*Design and Construction Costs: Imperial Oil will pay the design and construction costs including MDT's staff time for oversight during construction of permitted improvements, and any MDT construction engineering activities.*

*The MDT will cover the cost of MDT's review of permit applications, review of the EA, construction oversight, as needed, and normal obligations for road maintenance, including normal snow removal efforts. Following completion of the project, MDT will assume the responsibility for maintenance of any improvements they decide should remain for the benefit of the public.*

## Page 7

### **2.2.1.3 Turnout Construction and Road Modifications**

The EA described an existing turnout at MP 1.75 on Highway 12. This turnout is located at MP 1.8.

The existing turnout at MP 15.4 on Highway 12 will not be used due to proximity of adjacent wetlands. An existing turnout at 16.4 will be used instead. Additional pavement will be placed on the turnout.

The new turnout proposed at MP 36.1 on Highway 287 will not be constructed at the request of the adjacent landowner. A new turnout will be constructed at MP 35.6 instead.

The EA described using an existing turnout at MP 17.7 on Highway 358. Instead of using the existing turnout at MP 17.7, Imperial Oil is now proposing a new turnout at MP 17.8. This new location was chosen to increase the distance from the cultural resource located near MP 17.7.

**Table 5  
Turnout Construction**

<i>Highway</i>	<i>Mile Post</i>	<i>Status</i>	<i>Turnout Type</i>	<i>Work to be Completed</i>
12	<del>17.5</del> 1.8	Existing	Night/extended	Place additional aggregate, grade and pave
12	15.4	Existing	Park	Place additional aggregate, grade and pave
287	<del>36.1</del> 35.6	New	Clear	Construct new turnout and pave
358	<del>17.7</del> 17.8	<del>Existing</del> New	Park	<del>Place additional aggregate, grade and pave</del> Construct new turnout and pave
Total		New	<del>53</del> 54	
Total		Modified	<del>22</del> 21	
Total		New and Modified	75	

**Page 7**

**2.2.1.3 Turnout Construction and Road Modifications**

To more accurately reflect MDT’s requirements for KMTP, the following changes have been made.

*All turnouts and minor road modifications will be designed in accordance with MDT Standard Design Specifications, Codes, and Standards and Procedures, including sediment control, drainage, traffic safety, material handling, weed control, waste disposal and revegetation and constructed by a qualified contractor.*

**Page 11**

**2.2.1.5 Traffic Structures and Road Sign Modifications**

To more accurately reflect MDT’s requirements for KMTP, the following changes have been made.

*All turnouts and minor road modifications will be designed in accordance with MDT Standard Design Specifications, Codes, and Standards and Procedures, including sediment control, drainage, traffic safety, Americans with Disabilities Act, material handling, weed control, revegetation and waste disposal.*

*The intended modifications include the following:*

- *Installation of rotator bases (retrofit) and associated electrical work on 25 traffic signals in Missoula and Lolo, 1 in Lincoln, 1 in Choteau, 1 in Valier, and 2 in Cut Bank;*
- *Removing 2 sign bridges on Interstate 90 and replacing with roadside signs;*
- *Installation of 1 railroad crossing signal on rotator base in Bonner, ~~and~~*
- *Relocation of a gas line to facilitate one rotator base installation; and*

- Reinstallation of 2 sign bridges on Interstate 90 following project completion.

**2.2.1.7 Module Transportation**

Due to changing the number of new turnouts, the following changes have been made.

*The MTP discusses the logistics of the module movement, including the overall transportation strategy, traffic clearing procedures, major stages of travel, emergency response, and empty trailer return routes. There are a total of 123 traffic clearing locations that would be utilized (48 existing turnouts, ~~22~~ 21 modified, ~~53~~ 54 new) (see Appendix A).*

**Page 12**

**2.2.1.7 Module Transportation**

Table 9 on page 12 of the EA has been clarified. The following changes have been made.

**Table 9**  
**Combined Dimensions of Module, Truck and Trailer**  
**Truck and Trailers Maximum and Minimum Configurations**

Trailer Type	Percent of Loads	<u>Weight of Truck, Trailer and Module Weight (pounds)</u>		Length (feet)		Width (feet)		Height (feet)	
		Min	Max	Min	Max	Min	Max	Min	Max
10 feet wide	22	73,753	179,400	170	210	20	24	18	30
	40 %	263,300	398,000						
16 feet wide	78	133,206	334,568	170	210	<del>13</del>	24	14	30
	60 %	316,500	580,000			16			

Source: Mammoet Canada Ltd.

**Notes:**

- 1) Weights above do not include push trucks.
- 2) The modules cannot reasonably be dismantled and are non-divisible. (61-10-124(6)(a) and (b) MCA.)

Due to the change in the return trailer route, the following change has been made.

*~~Returning empty trailers are over width, but not over height, generally up to 10 feet wide and up to 175 feet long or up 16 feet wide and up to 175 feet long will not require 32-J permits.~~*

**Page 13**

The EA used “police” and “Montana Highway Patrol” interchangeably. For clarity, the text has been revised.

***Emergency Response***

*~~Police~~ Montana Highway Patrol escorts will increase the safety of the module transport and provide a means for the module transport crew to coordinate with authorities in the event of an emergency. The motoring public is more inclined to yield to blue/red flashing lights than conventional amber lights. ~~Police~~ Montana Highway Patrol embedded with the module transport entourage will provide added visibility for approaching traffic, increasing the public safety.*

*~~Police~~ Montana Highway Patrol communication with local agencies will be a means of keeping the module transport crew informed on local conditions. The convoy will also be traveling with a satellite phone to*

*ensure communication in areas with limited wireless coverage. Montana Highway Patrol costs will be paid by Imperial Oil.*

Additional information was provided in the MTP to address certain specific situations. The following summary of the new Appendix (Appendix 14 – Incident Specific Emergency Response Plan) that has been included in the MTP (available for review at MDT’s website) is added to the text in the EA.

**Incident Specific Emergency Response Plan**

*In addition to the emergency response procedures discussed above, Imperial Oil has developed and included an Incident Specific Emergency Response Plan in the MTP, illustrating four specific incident scenarios.*

- *Jack knifing situation with the transporter*
- *Load sliding partially off the trailer situation*
- *Rollover situation into water*
- *Private vehicle in an emergency situation*

**Page 14**

Subsequent to the issuance of the EA and at the request of the affected utility companies, MDT issued some priority utility relocation permits under a categorical exclusion prior to making the decision on the overall Project. MDT’s issuance of those permits was not predecisional and did not commit MDT to any course of action with regards to the overall Project. Imperial Oil assumed all risk and cost associated with any priority utility relocations undertaken prior to final Project approval. The following clarification has been added to the EA.

**2.2.1.8 Schedule**

Table 10 shows the preliminary overall duration of activities. Construction associated with utilities, traffic structures, and turnouts will begin as soon as permits are issued and would take approximately 6 months to complete depending on the weather and availability of labor, equipment, and materials. *MDT issued some priority utility relocation permits under a categorical exclusion prior to making the decision on the overall Project. MDT’s issuance of those permits was not predecisional and did not commit MDT to any course of action with regard to the overall Project. Imperial Oil assumed all risk and cost associated with any priority utility relocations undertaken prior to final Project approval. Module transportation will begin as soon as construction work is completed and 32-J permits are issued. The module transportation ~~continue until completion, anticipated to be~~ is expected to be completed approximately one year from date of permit issuance ~~fourth quarter 2011.~~* Imperial Oil and their contractors will coordinate with and schedule the module movements around construction activities planned by MDT and local community events.

**Page 15**

**2.3.4 Reducing the Size of the Modules**

*Alternate configurations of the modules were considered and eliminated as the loads were considered "nondivisible loads" pursuant to 61-10-124(6)(a)&(b), MCA. The loads are considered "nondivisible" since they could not be readily or reasonably dismantled, had been reduced to a minimum practical size and weight, and if separated into smaller loads, would have either destroyed the value of the load or required more than 8 work hours to dismantle using appropriate equipment.*



## 4.4 Corrections and Clarifications to EA Chapter 3 Environmental Impacts

### Page 16

Subsequent to the publication of the EA, MDT received permit applications from Emmert International and ATS Specialized Inc. concerning the transport of oversized loads in Montana. Also subsequent to the publication of the EA, some of MDT's projects have been completed and one additional project has been scheduled for construction.

### 3.2 Past, Present and Reasonably Foreseeable Actions

#### *Present and Reasonably Foreseeable Activities by MDT:*

- *Highway 89 southeast of Dupuyer, road reconstruction, approximately milepost 64.5 - 70.5 in 2012-2013*
- *Highway 358, asphalt overlay, approximate milepost 7.5-17.5, completed in summer 2010*
- *Highway 287 northeast of Augusta road reconstruction and rehabilitation at approximate milepost 38.5 – 39.8 during summer ~~2010~~ 2011*
- *Highway 200 at Roger's Pass culvert replacement at approximate milepost 99.5, 2010 or 2011*
- *Highway 358 slide, completed in summer and/or fall 2010*
- *Highway 89, Bynum Bridge repair, currently active*
- *Cut Bank Rail Road Overpass, 2011*
- *Highway 89, crack seal, approximate milepost 8.5 - 40.8, spring 2012*

#### **Present and Reasonably Foreseeable Activities by Others:**

- *Emmert International, on behalf of ConocoPhillips, applied for and MDT issued 32-J permits for the movement of four oversized loads. Emmert International's proposed route overlaps the KMTF route from the Idaho border to Bonner. The transport would enter Montana on Highway 12 and the final destination is an oil refinery near Billings. This proposed action must comply with the 10-minute maximum traffic delay rule, would be limited to travel at night and not during holidays or weekends, and will be required to post appropriate bond and insurance and develop an emergency response plan. The proposed action requires minor utility modifications and interruptions, but does not require the construction of new turnouts or modification to existing turnouts. Prior to ground disturbing activities associated with the utility relocations along Highway 12, a cultural resource specialist field reviewed the sites and cleared them for cultural resources. Prior to ground disturbing activities along Highway 12, a wetland specialist field reviewed proposed work sites for wetland features. One of the utility relocations was moved to avoid impacting a potential wetland. Additionally, the utility companies provided estimates of durations of utility interruptions and number of customers affected and means by which customers would be notified of the interruptions.*

*MDT considered the proposed action individually and cumulatively in conjunction with Emmert International's proposed actions, and concluded that no significant adverse impacts would result.*

- *On January 5, 2011, ATS Specialized Inc., on behalf of Berry Y&V, submitted two 32-J permit applications to MDT. One application was for 15 fifteen loads. The other application was for 90 loads. The 15 loads would travel between April 1, 2011 and October 1, 2011. The 90 loads would travel between August 1, 2011, and July 31, 2012. Oversized loads would originate in Billings and travel to the Port of Sweetgrass. The proposed route overlaps the KMTF route for less than a mile prior to the Port of Sweetgrass. The applications indicate that the proposed action would not involve*

construction, ground disturbing activities, or utility interruptions. The review process for the ATS Specialized Inc. applications is ongoing.

- MDT has received 32-J permit applications indicating that Imperial Oil will be hauling greater than 50 loads along Interstates 90 and 15 from the Idaho border to the Port of Sweetgrass. This route overlaps the KMTP route on I-90 from the Reserve Street Interchange to the Bonner Interchange and then on I-15 for less than a mile prior to the Port of Sweetgrass. The proposed loads are different weights and dimensions than those included in the KMTP. The applications indicate that the proposed action would not involve construction, ground disturbing activities, or utility interruptions. The review process for the applications is ongoing.

## Page 19

### 3.3.2.4 Tree Trimming

The town of Bonner has an historic district (Bonner Dam and Mill (24MO938)) that was recently submitted for admission to the National Register of Historic Places. Subsequent to the publication of the EA, the nomination was rejected for technical and substantive revisions. Although the nomination has been rejected, the Bonner Company Town Historic District remains eligible for listing on the National Register and MDT analyzed potential impacts as such. The district consists of the mill and historic residences along Highway 200. It is unclear based on the nomination documents whether the trees contribute to the historic setting. In any event, the proposed tree trimming will consist of cutting the lower, overhanging branches of approximately seven trees along the highway, similar to tree trimming that is regularly conducted along public streets. Although the trimming will likely be noticeable, the visual effect will be minor and temporary and would not impact the Bonner historic district. Appendix G shows an artist's rendering of the visual setting in Bonner following tree trimming.

## Page 21

### 3.5 Transportation System

Due to the change in the return route, the following change has been made.

*The discussion of the transportation system includes traffic, safety, and access. Most of the proposed module transportation route is two-lane highway; however, there is some four-lane controlled access (Interstate 90) and a county gravel road. Highways that would be used for module transport include US 12, US 93, Interstate 90, MT 200, US 287, MT 44, US 89, S-213, S-214, and Santa Rita Road. The return trailer route would include Interstate 15, US 200, Interstate 90, US 93, and US 12 (see revised **Figure 1**).*

#### 3.5.2.1 Turnout Construction and Road Modifications

Due to the change in the number of new versus existing turnouts, the following change to Table 11 has been made.

**Table 11**  
**Estimated Dump Truck Loads of Gravel and Asphalt Needed for Turnout Work**

<i>Type</i>	<i>New or Modify</i>	<i>Average Dump Truck Loads of Gravel per Turnout</i>	<i>Average Dump Truck Loads of Asphalt per Turnout</i>	<i>Number of Turnouts</i>	<i>Total Loads</i>
<i>Night/extended parking</i>	<i>New</i>	<i>60</i>	<i>12</i>	<i>6</i>	<i>432</i>
<i>Parking</i>	<i>New</i>	<i>60</i>	<i>8</i>	<del><i>10-11</i></del>	<del><i>680-748</i></del>
<i>Clearing</i>	<i>New</i>	<i>30</i>	<i>4</i>	<i>38</i>	<i>1,292</i>
<i>Clear/Park/Storage</i>	<i>Modify</i>	<i>20</i>	<i>4</i>	<del><i>22-21</i></del>	<del><i>528-504</i></del>
<b><i>Total</i></b>				<i>75</i>	<del><i>2,93276</i></del>

## Page 23

### 3.5.2.5 Module Transportation

Due to the change in the return route, the following change has been made.

*The returning empty trailers would also require oversized load permits for width and length, but not height. The route would be slightly different, with the majority on interstate highways will not require 32-J permits. The return trailer route is shown on (revised **Figure 1**).*

## Page 24

### 3.6 Economic and Community Impacts

Due to the change in the return route, the following change has been made.

*The module transportation route would traverse Missoula, Powell, Lewis and Clark, Teton, Pondera, Glacier and Toole Counties. The return trailer route would move through Toole, Pondera, Teton, Cascade, Lewis and Clark, Jefferson, Silver Bow, Deer Lodge, Powell, Granite, and Missoula Counties. Since the The return trailers can travel at speeds of 50-65 miles per hour and will not require 32-J permits travel mostly on four lane highways, they They would have minimal impact on other road users. The impact of the module transportation is discussed in detail in Section 3.5.*

## Page 25

### Table 14

Due to the change in the return route, the following changes to Table 14 have been made.

**Table 14  
Population of Towns Along the Trailer Return Route**

<i>Trailers Greater Than 10 Feet Wide</i>			<i>Trailers 10 feet or Less Wide</i>		
<i>Town</i>	<i>County where Located</i>	<i>Population (2000)</i>	<i>Town</i>	<i>County where Located</i>	<i>Population (2000)</i>
<i>Great Falls</i>	<i>Cascade</i>	<i>56,690</i>	<i>Great Falls</i>	<i>Cascade</i>	<i>56,690</i>
<i>Helena</i>	<i>Lewis and Clark</i>	<i>25,780</i>	<i>Helena</i>	<i>Lewis and Clark</i>	<i>25,780</i>
<i>Butte</i>	<i>Silver Bow</i>	<i>33,892</i>	<i>Fort Harrison</i>	<i>Lewis and Clark</i>	<i>N/A</i>
<i>Missoula</i>	<i>Missoula</i>	<i>57,053</i>	<i>Elliston</i>	<i>Powell</i>	<i>225</i>
<i>Lolo</i>	<i>Missoula</i>	<i>3,388</i>	<i>Avon</i>	<i>Powell</i>	<i>124</i>
			<i>Garrison</i>	<i>Powell</i>	<i>112</i>
			<i>Missoula</i>	<i>Missoula</i>	<i>57,053</i>
			<i>Lolo</i>	<i>Missoula</i>	<i>3,388</i>
<i>Vaughn</i>	<i>Cascade</i>	<i>701</i>	<i>Ovando</i>	<i>Powell</i>	<i>71</i>
<i>Sun River</i>	<i>Cascade</i>	<i>131</i>	<i>Milltown/Bonner</i>	<i>Missoula</i>	<i>1,693</i>
<i>Fort Shaw</i>	<i>Cascade</i>	<i>274</i>	<i>Missoula</i>	<i>Missoula</i>	<i>57,053</i>
<i>Simms</i>	<i>Cascade</i>	<i>373</i>	<i>Lolo</i>	<i>Missoula</i>	<i>3,388</i>
<i>Lincoln</i>	<i>Lewis and Clark</i>	<i>1,100</i>			

**3.6.1 No Action Alternative**

The No Action Alternative discussion does not take into account the potential economic and community benefits that would not be realized if the utility modifications were not incorporated. Additional information is found below.

*Selection of the No Action Alternative would mean that plans to modify utilities by converting above ground facilities to below ground facilities would not occur. As a result, those utility customers would not realize the improvement of increased service and reliability that would be associated with the proposed utility work. Alternatively, the costs of converting above ground facilities to below ground facilities would be passed on to the customer. Another benefit that would not be realized is the positive impacts to the view shed.*

**Page 26**

**3.6.2 Proposed Action**

*The income to Montana residents (approximately ~~\$40.7~~ \$31.9 million, including modules transportation is subject to a Montana income tax and an indirect impact would be the revenue the state would gain on the income earned over the construction life (Table 16).*

**Table 16**  
**Estimated Direct Tax Revenue to Montana**

<i>Tax</i>	<i>Revenue</i>
<i>Fuel Tax Paid in Montana</i>	\$62,000
<i>Income Tax Paid to Montana<sup>1</sup></i>	<del>\$2,235,000</del> 2,849,000
<i>Bed Tax on Hotel Rooms</i>	<del>\$15,000</del> 16,000
<i>Total Direct Tax Paid</i>	<del>\$2,312,000</del> 2,931,000

*1. Montana income tax varies from 2 to 11% depending on income, this analysis assumes an average 7% state income tax rate of the approximately \$40.7 million income to Montana residents (see Table 13 total direct value). Income tax does not consider secondary effects from merchants/hoteliars paying income tax.*

**Page 32**

**3.6.2.6 Module Transportation**

The listing of events that would be avoided by module transportation included an inadvertent typographical error. The listing for Valier should read:

**Valier**

*Homecoming Steader Days: last weekend June or first weekend July (2-4 July 2010).*

**Page 33**

The addition of the Incident Specific Emergency Response Plan appendix in the MTP resulted in the modification of the following statement.

*Section 2.7 (Communications) and Section 4 (Emergency Response Plan and Incident Specific Emergency Response Plan) of the MTP (available on the MDT website) address how transportation of the modules would be modified in the case of vehicle accidents, mechanical breakdowns, jackknifed trailers, module sliding partially off the trailer, module rollover into water, private vehicle in emergency situation, medical emergencies, fires, spills, extreme weather conditions and getting the module out of the way of emergency vehicles.*

**Page 34**

**Table 23**

Reconfiguring the trailers for the return route so that they would not be oversized will reduce the amount of permit fees for oversized loads. This modification results in a change in the analysis of the economic impacts from module hauling indicated in Table 23. The overall total effect remains the same due to rounding.

**Table 23  
Estimated Value of Module Transportation to Montana**

	<b>Worker Hours</b>	<b>Direct Value (\$ million)</b>	<b>Economic Multiplier</b>	<b>Total Economic Activity Generated (\$ million)</b>
<i>Permit Fees Paid to MDT<sup>1</sup></i>	-	<del>\$1.00</del> .9	1.2 <sup>2</sup>	<del>\$1.2</del> 1
<i>Transportation Operations Labor benefiting Montana<sup>3</sup></i>	170,000	\$15.5	1.9 <sup>4</sup>	\$29.5
<i>Fuel</i>	-	\$0.5	1.5 <sup>5</sup>	\$0.8
<i>Food/Lodging</i>		\$0.5	1.1 <sup>6</sup>	\$0.6
<b>Total</b>		<del>\$17.5</del>		\$32.0

*1/ Estimated at \$4500 per module trip, ~~\$500 for the returning trailers~~ 2/ Minnesota IMPLAN Group 2001. SAM Multiplier for the State of Montana. State and Local Non-Education (504)*

*3/ Traffic control, security, Montana Highway Patrol add percentage*

*4/ Minnesota IMPLAN Group 2001. SAM Multiplier for the State of Montana. Truck Transportation (394)*

*5/ Minnesota IMPLAN Group 2001. SAM Multiplier for the State of Montana. Gasoline Stations (407)*

*6/ Minnesota IMPLAN Group 2001. SAM Multiplier for the State of Montana. Food Services and Drinking Places (481)*

**Page 34**

**3.7 Air Quality and Noise**

Due to the change in the return route, the following changes have been made.

*County and city ordinances and regulations were searched and reviewed along the module transportation and return trailer routes. Missoula County (Missoula City-County 2000) and Missoula City (Missoula City Municipal Code Title 9) have ~~direction and~~ regulations associated with noise. ~~Helena and Missoula County are the only locations on the return route with noise ordinances.~~*

**Page 35**

**3.7.2.2 Utility Relocations**

Subsequent to the publication of the EA, the USFS rescinded its previous decision to allow the burial of approximately 10 miles of utility lines in the Lolo National Forest and is reconsidering that decision. Due to the delay of the USFS in reconsidering its decision, temporary utility moves may be necessary along Highway 12. To minimize adverse impact to utility customers, temporary emergency generators may be necessary. Due to this change, the following changes have been made to the EA.

*Trucks and construction equipment used for the utility work will contribute minimally to air emissions.*

*The short-term construction activities require the use of trucks and heavy equipment which will add noise to the environment. Construction contractors will meet the standards for noise. Because all municipal code standards that apply to noise generation by equipment will be met, noise impacts would be minimal. If emergency generators are necessary, they will also add noise to the environment but will adhere to applicable noise regulations. Additional noise contributed by the generators would be short term and temporary; therefore, no adverse impacts are expected.*

*Temporary emergency generators may be employed during the KMTP to minimize utility interruptions to customers. While the generators will produce combustion emissions, the proposed emission rates are below permitting thresholds for regulated pollutants. No air quality permit is necessary. Emissions rates are not considered to contribute a significant adverse impact to air quality.*

**Page 36**

**3.7.2.6 Conclusion**

Due to the change in the return route, the following change has been made.

*There would be minimal, short-term impacts on air quality and noise. The only noise ordinance limits are for the section of the proposed route in Missoula County and through the City of Missoula. Noise would not increase above current levels and would not exceed the Missoula County and City of Missoula ordinance limits during transportation of the modules nor would noise levels increase above current levels from hauling the return trailers through the Missoula areas ~~and the City of Helena~~. Residences near parking turnouts would not be noticeably affected.*

**Page 40**

**3.9 Water Resources**

**3.9.2.1 Turnout Construction and Road Modifications**

One turnout was relocated to avoid impacting a wetland and one turnout was relocated at the request of an adjacent landowner. A field review for wetlands was conducted during the first week of May 2010, and distances calculated between turnouts and water resources. In locations where the field review indicated a stream was within 100 feet of the turnout, the information has been corrected in Table 26 below. The distance to a new turnout at MP 35.6 on Highway 287 is also included.

**Table 26**  
**Turnout Construction Distance to Streams**

<i>Highway</i>	<i>Mile Post</i>	<i>Status</i>	<i>Type</i>	<i>Feet from Stream</i>
12	<del>15.4</del> 16.4	Existing	Park	<del>206</del> 45*
12	19.1	Existing	Park	9552*
12	20.3	Existing	Park	230
12	21.8	Existing	Clear	<del>127</del> 95*
200	62.9	Existing	Night/ Extended	<del>137</del> 45
200	85.0	Existing	Park	<del>158</del> 38
287	<del>36.1</del> 35.6	New	Clear	4,3413,112
287	38.1	New	Night/ Extended	<del>145</del> 88
358	<del>17.7</del> 17.8	New	Park	1,4471,063
* Turnout located on the opposite side of the highway from the water resource.				

**Page 43**

**3.10 Threatened and Endangered Species**

Subsequent to the publication of the EA, a federal court restored the listing of the gray wolf as an experimental non-essential population. In anticipation of potential relisting of wolves, impacts to wolves were evaluated in the EA.

**3.10.2.1 Turnout Construction and Road Modifications**

*While turnout locations may occur within Canada lynx ~~and~~ grizzly bear, or wolf habitat, the proposed activities would occur within areas of long-term disturbance.*

**3.10.2.2 Utility Relocations**

*While turnout locations may occur within Canada lynx ~~and~~ grizzly bear, or wolf habitat, the proposed activities would occur within areas of long-term disturbance.*

**Page 44**

**3.10.2.5 Module Transportation**

Due to the change in the return route, the following changes have been made.

*Due to the slow speed ~~that of the modules and empty return trailers would move~~, there would be no additional impacts on listed or proposed threatened or endangered species from transportation of the modules. Special provisions (Appendix D) will be attached to the hauling contracts. Return trailers would have the same effect as current use by commercial vehicles.*

**3.10.2.6 Conclusion**

*Bull trout, bull trout Critical Habitat, Canada lynx, Canada lynx Critical Habitat, ~~and~~ grizzly bears and wolves are the only threatened or endangered species and/or habitats that occur in the analysis area (Table 28).*

**Page 46**

Wolves have been added to Table 28.

**Table 28**

**Threatened and Endangered Species Identified to Potentially Occur within the Project Area**

<i>Scientific Name</i>	<i>Common Name</i>	<i>Status</i>	<i>Counties With Potential Occurrence*</i>	<i>Potential to be Impacted by Proposed Activities</i>
<i>Canus lupus</i>	<i>Gray Wolf</i>	<i>Experimental, non-essential</i>	<i>All</i>	<i>No effect: There would be no effect on gray wolves. The project would not affect their breeding habitat or their prey base.</i>

**Page 47**

The No Action Alternative discussion does not take into account the potential benefits to wildlife that would not be realized if the utility modifications were not incorporated. Additional information is found below.

*Selection of the No Action Alternative would mean that plans to modify utilities by converting above ground facilities to below ground facilities would not occur. As a result, those areas where modifications are proposed would not realize the benefit of eliminating the potential for avian line strikes.*

*Selection of the No Action Alternative would mean that plans to modify above ground utilities would not occur. As a result, those areas where utility modifications are proposed would not realize the benefit of raptor-proofing the lines in accordance with APLIC 2006 guidelines.*

**Page 48**

**3.11.2.2 Utility Relocations**

The EA cited an older version of APLIC. The following correction is made.

*All overhead utility structures would be constructed in compliance with raptor safe guidelines (APLIC ~~1996~~2006). Additional coordination with US Fish and Wildlife Service (USFWS) and FWP resulted in*



identification of localized areas of concern where trumpeter swan mitigation measures are appropriate. Imperial Oil has agreed to fund those mitigation measures.

## Page 49

### 3.11.2.4 Module Transportation

Due to the change in the return route, the following changes have been made.

*Due to the slow speed ~~that of the modules would travel~~, there would be fewer impacts on wildlife species from transportation of the modules than normal traffic. ~~Returning trailers would travel mostly on the interstate highway system at a maximum speed of 50 miles per hour, slower than the posted 75 mile per hour speed.~~ Impacts on wildlife from returning trailers are not expected to be substantially different from normal traffic. No impacts are expected to any fish, wildlife, or Montana Species of Concern from module transport or return trailers.*

## Page 50

### 3.13 Mitigation to Avoid Impact

#### Turnout Construction and Road Modifications

The intent of the following mitigation measure was to avoid impacts on wetlands and streams. As these impacts can be avoided by use of BMPs, the following change has been made to the mitigation measure.

- All but one ~~new~~ turnouts will be located a minimum of ~~approximately~~ 100 feet away from streams, irrigation canals, or wetlands (potential presence of wetlands will be determined by a field review prior to construction). The exception is the turnout at MP 38.1 on Highway 287, which is approximately 87 feet from a water resource. While the presence of a 100 foot buffer zone is preferred, BMPs will be used to ensure water resources are properly protected.

In response to concerns regarding potential impact on cultural resources Imperial Oil has agreed to the following measures:

- Imperial Oil has agreed to have cultural monitors on-site during ground disturbing activity along the portions of the Nez Perce Trail located on USFS land.

## Page 51

#### Turnout Construction and Road Modifications

Based on consultation with the USFS National Trails Coordinator, in order to protect interpretive signs along the highways, the following sentence has been added:

- Imperial Oil will ensure that any roadside interpretive signs damaged during construction activities will be repaired or replaced.

## Page 52

#### Utility Relocations

The APLIC guidelines cited in the EA were not the most current. The following sentence has been changed.

- All overhead utility structures ~~modifications~~ located within MDT right-of-way will be constructed in compliance with raptor safe guidelines (APLIC ~~1996~~2006).

The following sentence has been changed.

- *To avoid impacts on eagles, construction within 1/2 mile of active nests will not be allowed ~~after~~ between January 1 and ~~prior to~~ August 1 ~~at utility locations unless the~~ with active nests is vacated within 1/2 mile.*

The following sentence has been added.

- *Imperial Oil will install bird strike diverters at locations along Highway 200 to reduce the risk to trumpeter swans.*

In response to concerns regarding potential impact on cultural resources Imperial Oil has agreed to the following measures:

- *Imperial Oil has agreed to have cultural monitors on-site during ground disturbing activity along the portions of the Nez Perce Trail located on USFS land.*

**Page 54**

**Module Transport**

Based on consultation with the USFS National Trails Coordinator, in order to protect interpretive signs along the highways, the following sentence has been added:

- *Any roadside interpretive signs damaged during module transportation activities will be repaired or replaced.*

**4.5 Corrections and Clarifications to EA Chapter 4 Consultation**

**Page 58**

The EA Table 30 misidentified the titles of Joe Carter and Craig Doolittle. The following changes have been made to Table 30. Additional consultation has been conducted since the EA was published. Table 30 has been updated to reflect the additional consultation.

**Table 30  
Consultation Meetings**

<i>Date / Time</i>	<i>Entities / County / Location</i>	<i>Attendees</i>	
	<u>Jefferson County</u>	<u>Joe Carter</u>	<u>Sheriff/Coroner Road &amp; Bridge Supervisor</u>
	<u>Jefferson County</u>	<u>Craig Doolittle</u>	<u>Road &amp; Bridge Supervisor Sheriff</u>
<u>Apr 22, 2010</u>	<u>Northern Chrysler Cut Bank;</u>	<u>Matt Waller - Manager,</u>	
<u>Jun 15, 2010</u>	<u>Toole County / Shelby</u>	<u>Alan Underdal - Commissioner</u>	
<u>Jun 15, 2010</u>	<u>Cut Bank School Dist. / Cut Bank</u>	<u>Steve Kincad - Transportation Superintendent</u>	
<u>Jun 15, 2010</u>	<u>Sunburst School Dist. / Sunburst</u>	<u>John Hvindsten - School Superintendent</u>	
<u>Jul 8, 2010</u>	<u>Glacier County / Cut Bank</u>	<u>Bill Bandell - Road Superintendent</u>	
<u>Jul 9, 2010</u>	<u>Proposed turnout on Hwy 287</u>	<u>Jerry Dombrouske - property owner</u>	
<u>Jul 9, 2010</u>	<u>Lewis and Clark County / Augusta</u>	<u>Commissioners Murray and Brown, 24 members of the public</u>	
<u>Jul 26, 2010</u>	<u>Lewis and Clark / Helena</u>	<u>Commissioners Murray, Hunthausen and Brown; Eric Griffin - Public Works Director; Eric Bryson - County CAO</u>	
<u>Jul 27, 2010</u>	<u>City of Missoula</u>	<u>Eng &amp; Trans Director Steve King , Constr. Mgr Doug Harby</u>	
<u>Jul 27, 2010</u>	<u>Lolo Cmnty Council / Missoula</u>	<u>Sue Hadnot - Council Chair</u>	
<u>Jul 28, 2010</u>	<u>Toole County / Shelby; County</u>	<u>Alan Underdal - Commissioner (Chair)</u>	
<u>Aug 11, 2010</u>	<u>Valier Businesses / Valier</u>	<u>Holly Stoltz - Pony Expressions; Scott Curry - One Stop Cenex; Colleen Widhalm - Wells Fargo</u>	
<u>Aug 12, 2010</u>	<u>Augusta Resident / Augusta</u>	<u>Dwayne Nelson - Landowner</u>	
<u>Aug 12, 2010</u>	<u>Glacier County / Cut Bank</u>	<u>Bill Bandell - Road Superintendent</u>	
<u>Aug 12, 2010</u>	<u>Malmstrom AFB / Great Falls</u>	<u>Mike Miner - Engineer</u>	
<u>Sept 8, 2010</u>	<u>Glacier County / Cut Bank</u>	<u>Bill Bandell - Road Superintendent</u>	

**Table 30**  
**Consultation Meetings**

<u>Date / Time</u>	<u>Entities / County / Location</u>	<u>Attendees</u>
<u>Sept 9, 2010</u>	<u>Town of Valier</u>	<u>McKenzie Graye - Mayor</u>
<u>Sept 9, 2010</u>	<u>Lewis &amp; Clark County / Augusta</u>	<u>Linda Wolf - Manager of Augusta Senior Center</u>
<u>Sept 10, 2010</u>	<u>Montana Rail Link / Missoula</u>	<u>Steve Werner, Stan Boraz and Gary Lofferler – Eng. and Ops</u>
<u>Sept 10, 2010</u>	<u>City of Missoula</u>	<u>Eng &amp; Trans. Director Steve King, Const. Mgr Doug Harby -</u>
<u>Sept 22, 2010</u>	<u>BNSF / Shelby</u>	<u>Jane Wolf - Trainmaster ; Greg Vallard - Roadmaster</u>
<u>Sept 22, 2010</u>	<u>City of Cut Bank</u>	<u>Mayor Doug Embody , Public Works Superintendent Jim Suta</u>
<u>Sept 23, 2010</u>	<u>Big Sky Property Mngt / Lolo</u>	<u>Michelle Varady and Cy Kohn Property Managers in Lolo.</u>
<u>Sept 23, 2010</u>	<u>MHP / Big Sky;</u>	<u>Major Tom Butler</u>
<u>Sept 24, 2010</u>	<u>Town of Valier</u>	<u>Mayor Graye, Pubic Works Dir. Skogen, Council Member Leo Malinalk</u>
<u>Nov 2, 2010</u>	<u>Montana Highway Patrol</u>	<u>Major Tom Butler</u>
<u>Nov 4, 2010</u>	<u>Toole County / Shelby</u>	<u>Toole County Sherriff Donna Matoon &amp; Undersheriff Mike Lamey -</u>
<u>Nov 4, 2010</u>	<u>Pondera County / Conrad</u>	<u>Thomas Kuka - Sherriff; Cynthia Johnson and Joe Christiaens - Commissioners</u>
<u>Nov 4, 2010</u>	<u>Glacier County / Cut Bank</u>	<u>Wayne Dusterhoff - Sheriff; Vernon "Napi" Billedeaux - Sheriff elect; Jeff Kraft - Cut Bank</u>
<u>Nov 4, 2010</u>	<u>Teton County / Choteau</u>	<u>Keith Lloyd Van Setten - Sherriff</u>
<u>Nov 5, 2010</u>	<u>Lewis and Clark County / Helena</u>	<u>Leo Dutton - Sherriff; David Rau - Undersheriff</u>
<u>Nov 16, 2010</u>	<u>Teton County / Choteau</u>	<u>Emergency Responder Meeting with Sheriff, Montana Highway Patrol, and County Fire and Ambulance personnel.</u>
<u>Nov 17, 2010</u>	<u>Lewis and Clark County / Helena</u>	<u>Emergency Responder Meeting with Sheriff Department, Montana Highway Patrol, and County Fire and Ambulance personnel</u>
<u>Nov 18, 2010</u>	<u>Pondera County / Conrad</u>	<u>Emergency Responder Meeting with Sheriff Department, Montana Highway Patrol, and County Fire and Ambulance personnel</u>
<u>Nov 30, 2010</u>	<u>Town of Valier</u>	<u>Leo Malinak- Council Member, Jackie Sheble - President of Library Foundation</u>
<u>Dec 1, 2010</u>	<u>Glacier County / Cut Bank</u>	<u>Wayne Dusterhoff- Sheriff; Vernon "Napi" Billedeaux- Sheriff Elect; Jeff Kraft - Cut Bank Police</u>
<u>Dec 1, 2010</u>	<u>Toole County / Cut Bank</u>	<u>Emergency Responder Meeting with Sheriff Dept; Montana Highway Patrol; Homeland Security; and County Fire and Ambulance Personnel</u>
<u>Dec 2, 2010</u>	<u>Malmstrom Airforce Base / Great Falls</u>	<u>Mike Miner- Engineer, US Air Force; Aaron Jewett- US Air Force; Eric Lang- Malmstrom Plans and Scheduling</u>
<u>Dec 8, 2010</u>	<u>Powell County/ Helmville</u>	<u>Emergency Responder Meeting with Local fire and Ambulance Personnel; Montana Highway Patrol</u>
<u>Dec 16, 2010</u>	<u>Blackfeet Tribe / Browning</u>	<u>Emergency Responder Meeting - Local Fire, Ambulance and Police; Tribal Members and Disaster Emergency Services Personnel</u>

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### 4.1.1.2 Montana SHPO

Subsequent to the publication of the EA, the Montana State Historic Preservation Office (SHPO) provided a written request for submittal of a cultural resources report in addition to the EA it had previously received. The following information is added to the EA:

*Cultural resources along the proposed KMTF route have been documented in a cultural resources report, which was submitted to the SHPO. The report concluded that there would be no adverse impacts to cultural resources. SHPO responded to MDT, concluding that the KMTF would not adversely impact cultural resources protected under the Montana Antiquities Act.*

#### **4.1.1.3 US Army Corps of Engineers**

On June 3, 2010, the US Army Corps of Engineers (USACE) provided written comments regarding a pre-application consultation review of the KMTP. The USACE identified one wetland near a planned turnout (MP 43 on Highway 200). The following information was added to the EA.

The USACE identified a potential wetland near MP 43 on Highway 200. The KMTP will not impact this wetland or any other wetland along the route.

### **Page 62**

#### **4.1.1.4 US Fish and Wildlife Service**

Subsequent to the publication of the EA, the US Fish and Wildlife Service was consulted regarding trumpeter swans in the Blackfoot valley. After a field review with the USFWS and utility company personnel, MDT has adopted USFWS recommendations regarding the trumpeter swan bird diverters where appropriate. Imperial Oil will be funding the cost of installation of bird strike diverters in appropriate locations.

On July 22, 2010, FWP provided correspondence identifying new eagle nests along the route. MDT reviewed the new FWP data and concluded the proposed KMTP is in compliance with the requirements of the Bald and Golden Eagle Protection Act. Through informal consultation, on November 26, 2010, the US Fish and Wildlife Service (USFWS) provided written concurrence that the KMTP is not expected to disturb eagles in the vicinity of the route.

### **Page 62**

#### **4.1.1.5 USDA Forest Service**

The following information was inadvertently omitted from the EA.

Tetra Tech presented the project to the USFS National Trails Coordinator for the Nez Perce Trail and discussed the project's potential impacts on the Trail. The Trails Coordinator expressed a concern about the interpretive signs that occur in turnouts that will be used for traffic clearing. Modifications to these particular turnouts include only smoothing the surface and adding pavement. As a result, a mitigation measure has been added to the turnout construction and module transportation activities that require Imperial Oil to repair or replace any interpretive signs that are damaged by their activities.

Discussions regarding utility relocations within MDT right-of-way continue. The following information has been added.

At Forest Service request, a cultural survey was conducted on the Lolo National Forest in the locations where the utilities were moved underground on a 10-mile segment of Highway 12 and turnouts to be constructed or modified adjacent to National Forest land. The Forest Service also requested that a qualified archeologist be on site when ground disturbing activities occur where Highway 12 crosses National Forest lands. MDT has required a qualified archaeologist to monitor the ground disturbing activities.

The Forest Service is having further discussions with the public and Nez Perce Tribe to determine what concerns the Nez Perce may have with the proximity of the underground utility movement to the Nez Perce Trail Historic Landmark.

The Forest Service corresponded with MDT regarding concerns with the Nez Perce Tribe that work along Highway 12 corridor has the potential to cause adverse affects to the Nez Perce National Historic Trail and to cultural sites and artifacts that could be disturbed with work within the right-of-way. Imperial Oil has agreed to ensure that a qualified archaeologist will be onsite during ground disturbing activities adjacent to National Forest lands. If artifacts or cultural resources are discovered, work will cease immediately and the appropriate personnel will be notified.

MDT and the Forest Service have reached agreement regarding permitting authority on MDT easements located on National Forest lands. MDT has the permitting authority for utility work on land that the Forest Service acquired subject to MDT's existing easement. The Forest Service and MDT have joint permitting authority for utility work within areas of the easement that the Forest Service conveyed to MDT via Highway Easement Deed.

Consultation with the Forest Service is on-going.

#### **4.1.1.6 US Department of Interior National Park Service:**

After the close of the comment period, the Lewis & Clark National Historic Trail superintendent submitted a letter expressing the following concerns:

- The proposed turnouts could adversely impact tourists accessing the Lewis & Clark Auto Tour Route;
- Modules may obstruct tourists' view of interpretive signs at existing turnouts;
- The Project could adversely impact cultural resources;
- Certain turnouts on the route could adversely impact streams and fisheries; and
- The turnouts could have an adverse visual impact.

MDT has addressed these concerns in response to Common Comments G, M, N, I, O and J

#### **4.1.1.7 US Federal Highway Administration:**

During the EA process, MDT consulted with FHWA concerning the utility relocations and roadway modification on I-90. This consultation was inadvertently omitted from the EA.

Most MDT projects receive federal funds through the Federal Highway Administration (FHWA). As a result, those projects constitute both state and federal actions. In those cases, MDT and FHWA conduct environmental reviews jointly in compliance with NEPA, as well as MEPA.

The KMTF proposal is different in that the encroachment permits, utility use permits, and 32-J permits required for the KMTF are state actions. FHWA's involvement with the KMTF proposal is limited to the utility modifications and one turnout modification on I-90. Utility crossings and turnout modifications on the Interstate are regulated by both FHWA and MDT. Utility crossings and turnout modifications outside the Interstate are regulated solely by MDT.

FHWA reviewed the interstate utility modifications and turnout modification, and concluded that the proposed modifications are categorically excluded under 23 CFR 771.117(c)(2) and (d)(1).

#### **4.1.1.8 Montana Department of Fish, Wildlife and Parks**

Consultation with Montana Department of Fish, Wildlife and Parks was inadvertently left out of the EA. The following has been added.

Tetra Tech spoke with FWP Habitat Section Supervisor on October 4, 2009, regarding the Project's potential impact on streams, fish habitat, and fish. FWP had no concerns as long as a SWPPP was followed to prevent stream sedimentation. Further consultation with FWP in June 2010 yielded no new concerns.

Subsequent to the close of the comment period, FWP Region 2 submitted written comments identifying the following concerns:

- Potential impacts to Lolo Creek and Blackfoot River drainages;
- Potential conflicts between modules and recreationists using turnout locations;
- New turnouts facilitating public access to sensitive areas;
- Concerns about specific turnout locations;
- Potential impacts of raising utility crossings on birds, specifically raptors and trumpeter swans;
- Recently identified eagle nest locations; and

- Future use of the route by oversized loads.

These comments are addressed in the responses to Common Comments O, M, I, J and K and Specific Comment A. Additional consultation occurred with FWP subsequent to receipt of the written comments.

#### **4.1.2 Consultation with Indian NationsBlackfeet THPO**

##### **4.1.2.1 Consultation with Blackfeet THPO**

Ongoing consultation with the Blackfeet Tribal Historic Preservation Officer (THPO) is summarized as follows:

As utility work began on the Blackfeet Indian Reservation, Tetra Tech arranged with the THPO to have cultural monitors on site during ground disturbing activities. The Blackfeet Nation provided two cultural monitors to oversee priority utility relocations, and will provide monitors for future utility relocations and turnout construction activities on the reservation. As part of the overall environmental monitoring, Tetra Tech is coordinating the Tribal cultural monitors with the utility companies and turnout construction contractors. Imperial Oil will pay for the Tribal cultural monitors.

Three meetings have been held with the Blackfeet Nation; two meetings with Tribal Employment Office and one with the Blackfeet Tribal Council, members, and staff.

##### **4.1.2.2 Consultation with Nez Perce Tribe**

Prior to the publication of the EA, Imperial Oil consulted with the Nez Perce Nation concerning the Idaho portion of KMTP's route, and potential impacts on the Nez Perce Trail. While MDT values this cultural resource, MDT has no agreements with the Nez Perce Nation. Thus, the USFS, by and through the Lolo National Forest took the lead in consulting with the Nez Perce Nation, regarding potential impacts of the Project on the portion of the Trail located on USFS lands in Montana. Although MDT received no comments from the Nez Perce Nation, Imperial Oil completed a cultural survey and agreed to have cultural monitors on-site during ground disturbing activity on USFS lands in response to concerns conveyed through the USFS.

MDT herein includes information regarding Imperial Oils direct contact with the Nez Perce Nation.

Prior to publication of the EA, representatives from Imperial Oil met with the Nez Perce Tribal Council on a number of occasions to provide information on the module transportation through Idaho and Montana and the associated modifications needed from Lewiston, Idaho to the Idaho/Montana border at Lolo Pass.

##### **4.1.2.3 Consultation with Confederated Salish and Kootenai Tribes:**

The Confederated Salish and Kootenai Tribes expressed the following concerns:

- Potential impacts on aboriginal territories of the Salish, Pend d'Oreille, and Kootenai people;
- Potential impact to vital resources for fishing, hunting, gathering of food and medicinal plants, particularly camas; and
- Potential impacts of the Oil Sands development on global warming and the people of the Athabasca-Chipewyan Reserve.

All ground disturbing activity will occur within the existing right-of-way of an established transportation corridor. Other concerns are addressed in MDT's response to Common Comments I, E1 and P.

**Page 62**

#### **Consultation with ~~Counties and Cities~~ Local Agencies**

*Consultation with the counties along the KMTP route has been ongoing since the EA was published. The following changes update these sections to include the meetings and discussions between April 2010 and the signing of the Decision Document.*

## **Montana Association of Counties**

Imperial Oil attended ~~the~~ September 2009 meeting and provided an overview of the KMTF to the gathered attendees.

## **Missoula County and City of Missoula**

Two meetings were held with the County and ~~three~~ five meetings were held involving City Officials in Missoula. The stage of travel through Missoula is at night and contains a majority of the traffic structures to be modified along the route. ~~The~~ The discussions included resulted in an Memorandum of Understanding of between Imperial Oil and the City of Missoula for requirements and the need to create an agreement to meet these requirements and facilitate overview by the City Permits and Traffic Signal Modifications.

## **Lewis and Clark County**

~~Eight~~ Eleven meetings have been held in Augusta, Lincoln, and Helena. ~~Four~~ Five of the meetings were held on Government Days in Augusta and Lincoln and included members from the public. Topics of importance were the traffic structure in Lincoln, compatibility with the Main Street reconstruction in Augusta and parking restrictions along one end of Main Street in Augusta. Feedback was requested on the impact of night travel through the county and no concerns were raised. Through a Road Use Agreement, Lewis and Clark County has granted Imperial Oil the right to use a contingency route if Main Street construction prevents module movement. The Agreement requires Imperial Oil to pay the cost of any required modifications, maintenance and repairs if the contingency route is used.

## **Glacier County**

~~Three~~ Six meetings were held with the County, two meetings were held involving the Blackfeet Tribe and ~~one~~ three meetings with City of Cut Bank Public Works Superintendent. We clarified jurisdictional questions on N. Santa Rita Road and City of Cut Bank truck route along Railroad Street. Plans for traffic structure modifications and traffic control were reviewed and found acceptable. A County Road Use and Maintenance Agreement between Glacier County and Imperial Oil is pending in place. Other road modifications within the County have been discussed.

## **Pondera County**

Three meetings were held with the County and ~~two~~ four meetings with the Town of Valier. Plans for traffic structure modification and traffic control were reviewed and found acceptable. Parking restrictions were also discussed. The Town water system upgrade project may affect portions of the route, but is scheduled to be completed prior to first module shipment. Feedback received from the County on suitable County Road parking locations resulted in a change to avoid the school bus route. A County Road Use Agreement between Pondera County and Imperial Oil is pending in place.

## **Toole County**

~~Three~~ Five meetings were held with County and the County Road Board. The Loop Road / Highway 214 / N. Santa Rita Road / By-pass Road are gravel and a Road Use and Maintenance Agreement between Toole County and Imperial Oil is pending in place. No significant concerns were identified.

## **Local Emergency Responder Meetings**

A series of meetings have been held or are scheduled in each of the seven Counties where module transportation will take place. The County Sheriffs have assisted in identifying the appropriate local response agencies such as fire and ambulance services. Structured workshops with the County Sherriff's Departments, Montana Highway Patrol, fire, ambulance, and other response agencies (including Blackfeet Tribal Police) are taking place. Information is exchanged and different response scenarios are reviewed and discussed.

## **Page 64**

Due to the change in the return route, the following changes have been made.

**Counties on the Trailer Return Route and Malmstrom AFB**

~~Five meetings were held with these~~ Discussions were held with the cCounties along the trailer return route and one meeting with the Malmstrom AFB Missile Support Group. Cascade County provided an introduction to Malmstrom AFB as they are an important traveler on some of these roads. The empty trailers move at highway speed ~~and will utilize interstate highway systems which has provision for following traffic to pass.~~ No significant concerns were identified. The return route has changed and will no longer go through Meagher, Jefferson, Silver Bow, Deer Lodge or Granite Counties.

**Page 64-65**

The agreements in Table 31 have been updated.

**Table 31  
Agreements**

<b>Stage</b>	<b>Entity</b>	<b>Description</b>	<b>Comments</b>
All	Montana Department of Transportation	Memorandum of Agreement covering fundamental duties and responsibilities regarding the KMTP, including financial responsibility.	<del>These Memorandum Agreements are</del> <u>is in development.</u>
All	Montana Highway Patrol	Agreement with Montana Highway Patrol for transport escort services	Meetings held at District land Headquarters levels. <del>Once</del> <u>Transportation plan is finalized, a schedule will be developed for resource planning and contract formation. Major Tom Butler observed the movement of modules through the city of Edmonton on November 2, 2010.</u> <u>Montana Highway Patrol agrees to escort the loads. Contract details are being finalized.</u>
2	City of Missoula	House Moving Ordinance Permit with City of Missoula for Reserve Street. This document will address the ordinance requirements and includes details of traffic structure rotation.	<del>Draft MOU wording to be provided by City. Agreement pending after MOU with MDT finalized. City overview requirements will be part of this agreement. Two MOUs are in place dealing with the traffic signal reconstruction and permitting of the loads.</del>
2	Montana Rail Link	Structure modification agreement at Railway crossing light at Bonner and intermittent rotation of structure for each shipment.	<del>Structure modification design submitted for review. Agreement pending for construction and rotation by Rail Link staff. The traffic structure has been modified and agreement for the rotation is in place.</del>
3	Lewis and Clark County (Lincoln)	Reviewed location specific details of MTP including: time of travel, traffic structure modification, utility relocation and shared use of Hwy 200, MP 75, snowmobile parking turnout, traffic control plan for location at Hwy 200 MP 71.5.	<del>Confirmation letter to be sent to</del> <u>received from the County on traffic structure modifications, traffic structure rotation and Traffic Control Plan.</u>



**Table 31  
Agreements**

<i>Stage</i>	<i>Entity</i>	<i>Description</i>	<i>Comments</i>
4	Lewis and Clark Co. (Augusta)	Reviewed location specific details of MTP including: time of travel, Traffic detour and Control Plan, utility relocations and schedule for Main St. reconstruction project.	Confirmation letter <del>to be sent to</del> <u>received from the County on Traffic detour and Control Plan. Augusta contingency route Road Use Agreement is in place.</u>
5	Teton County and City of Choteau	Reviewed location specific details of MTP including: time of travel, Traffic detour and Control Plan, tree trimming, traffic structure modifications, utility relocations, parking restriction areas and schedule for city construction activities.	Confirmation letter <del>to be was</del> sent to City on Traffic detour and Control Plan, traffic structure modification, traffic structure rotation and night parking restrictions.
5	Pondera County and Town of Valier	Reviewed location specific details of MTP including: time of travel, Traffic Control Plan, traffic structure modifications, utility relocations, restricted night parking and schedule for town construction activities.	Confirmation letter <del>to be was</del> sent to Town of Valier on Traffic Control Plan, restricted night parking, traffic structure modification and traffic structure rotation.
5/6	Pondera County	Road Use Agreement with Pondera County for parking Buena Vista Rd. at MP 3.0, on HWY 358.	<del>Draft a</del> <u>Agreement for parking with County is pending in place.</u>
<u>5/6</u>	<u>BNSF Railroad</u>	<u>Permits and agreements for coordination and flagging at public railway crossings at Valier, Cut Bank, and Sweetgrass.</u>	<u>Applications have been made. Agreements are pending.</u>
6	Dupuyer	Reviewed location specific details of MTP including: time of travel and detour at rest area Hwy 89 MP 76 and side street traffic control.	A meeting was held with Commissioner and Dupuyer resident, Joe Christiaens, and no concerns were raised.
6	Glacier County and City of Cut Bank	Reviewed location specific details of MTP including: time of travel, Traffic detour and Control Plan, traffic structure modifications, utility relocations, restricted day parking and schedule for railroad overpass construction activities.	Confirmation letters sent to City on Traffic Control Plan, traffic structure modification, traffic structure rotation, use of Railroad Street, <del>and a</del> <u>No City permit is required for Railroad Street utilities relocations.</u>
6	Glacier County	Road Use Agreement with Glacier County for N. Santa Rita Rd. (cold rolled portion) including new turnouts and maintenance. No formal agreement required for Losing Rd. detour.	<u>Glacier County Agreements are in place with County is pending.</u> <del>Confirmation letter to be sent on Losing Rd. detour.</del>
6	Toole County	Road Use agreement for Hwy 214 / N. Santa Rita Road / Loop road / By-pass.	<del>Agreement with County is pending.</del> <u>Road use and maintenance agreements are in place for Toole County roads.</u>

## 4.6 Corrections and Clarifications to EA Chapter 5 References

### Page 67

The APLIC guidelines cited in the EA were not the most current. The following sentence has been changed.

Avian Powerline Interaction Committee (APLIC). ~~1995~~2006. Suggested practices for raptor protection on powerlines: The state of the art in ~~1996~~2006. Edison Electric Institute, Avian Powerline Interaction

Committee, and California Energy Commission/Raptor fount., 701 Pennsylvania Ave. NW, CEC-500-2006-022, Washington D.C.20004-2696 and Sacramento, CA.

## 4.7 Corrections and Clarifications to EA Chapter 6 List of Preparers and Reviewers

### Page 69

A typographical error appeared in the title of section 6.0. The following change has been made.

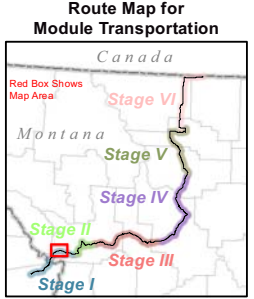
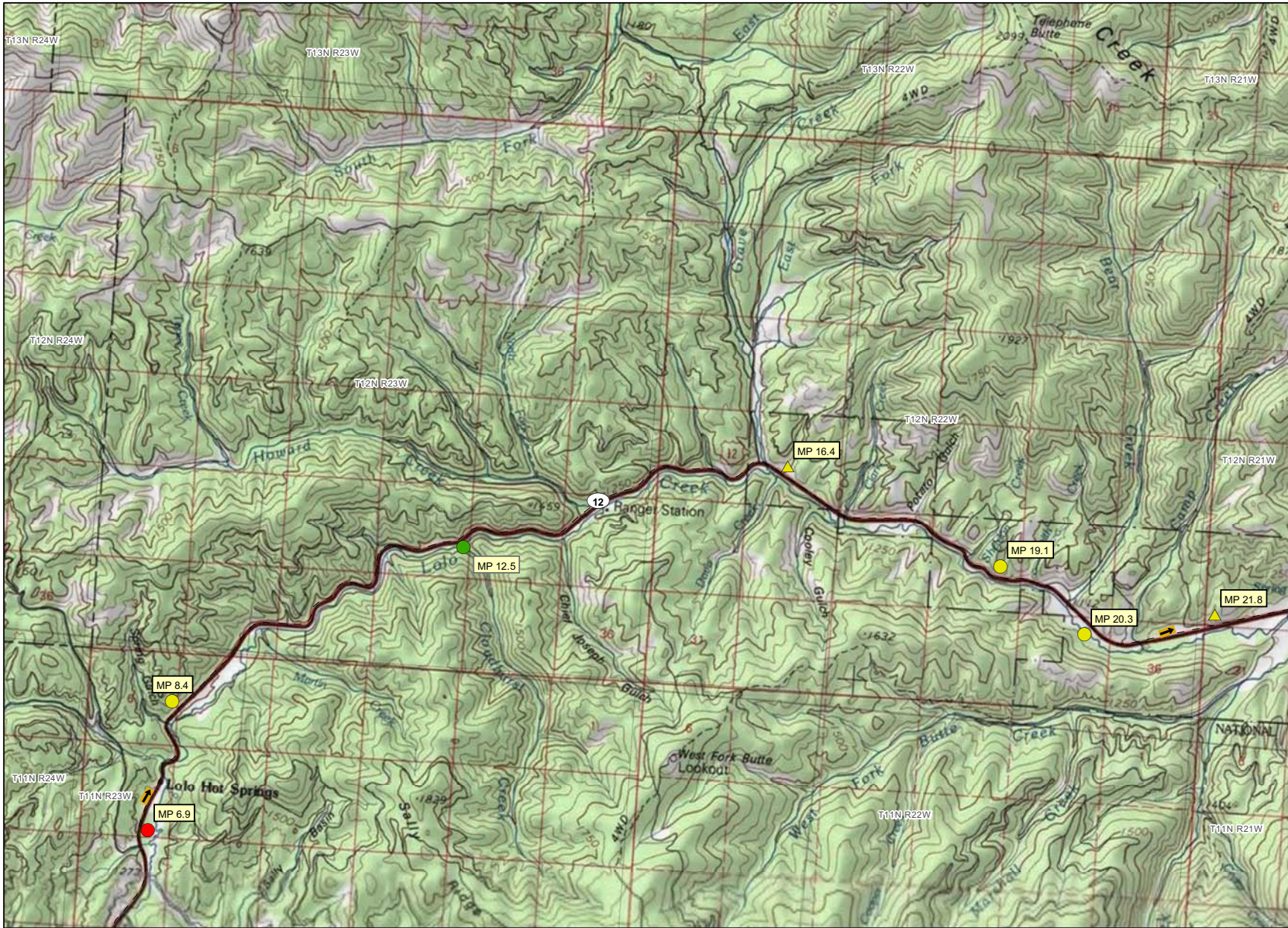
### 6.0 LIST OF PREPARERS AND REVIEWERS

Additional individuals and information on what each did were added to the list of preparers

<i>Preparer Name</i>	<i>Preparer Responsibility</i>
<u>Tetra Tech Project Manager, Cameo Flood</u>	<i>Community, Economics, Traffic, Transportation, Cumulative Impacts, <u>wetland review of utilities and turnouts</u></i>
<u>Tetra Tech Wetland Specialist/Biologist, Vicki Regula</u>	<i>Wetland <del>Delineator</del> investigations for turnouts and utilities, eagle nests</i>
<u>Tetra Tech Biologist, Stacy Pease</u>	<i>Wildlife, Water Quality, Threatened and Endangered Species, Farmlands</i>
<u>Tetra Tech Cultural Specialist/Archaeologist, Lynn Peterson</u>	<i>Historical/Cultural Resources</i>
<u>Tetra Tech GIS Specialist, Patricia Williams</u>	<i>Database, GIS, Maps</i>
<u>Tetra Tech GIS Specialist, Mark R. Pearson</u>	<i>Maps</i>
<u>Tetra Tech GIS Specialist, Corey Richardson</u>	<i>Cultural, Maps</i>
<u>Tetra Tech Wetland Specialist/Biologist, Thad Jones</u>	<i>Wetland Aerial interpretation, <u>wetland review for utilities, eagle nests</u></i>
<u>Tetra Tech Hydrogeologist, Natalie Morrow</u>	<i>Hazardous Materials, Contaminated Sites</i>
<u>Tetra Tech Manager, Ed Surbrugg, Ph. D.</u>	<i>MEPA Review</i>
<u>Tetra Tech Hydrogeologist, Bill Craig</u>	<i>MEPA Review</i>
<u>Tetra Tech Manager, Richard Dombrowski, P.E.</u>	<i>MEPA Review</i>
<u>Tetra Tech Graphics, Mitch Paulson</u>	<i>Graphics, Document Production</i>
<u>Imperial Oil Project Manager, Ken Johnson</u>	<i><u>Effects analysis and project description. MEPA review</u></i>
<u>Fluor Canada Project Manager, Anindya Gaine</u>	<i><u>Project description, contract value data. MEPA review</u></i>
<u>Kiewit Infrastructure Group Project Manager, Jeff Gaudet</u>	<i><u>Turnout locations and descriptions, contract value data</u></i>
<u>Kiewit Infrastructure Group Job Engineer, Justin Garza</u>	<i><u>Utility locations description</u></i>
<u>Fluor Canada Communications, Bruce Brockmann</u>	<i><u>Consultation documentation, MEPA review</u></i>

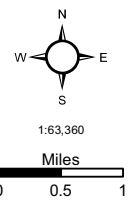
## 4.8 Corrections and Clarifications to EA Appendix A

To reflect the new locations of turnouts, the following three maps (sheet 2 of 29, sheet 15 of 29, and sheet 24 of 29) have been updated. The rest of the maps in Appendix A remain the same. The turnout located on Highway 12 at MP 15.4 has been relocated to MP 16.4. The turnout on Highway 200 at MP 36.1 has been relocated to MP 35.6. The turnout on Highway 358 at MP 17.7 has been relocated to MP 17.8.



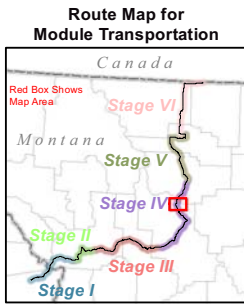
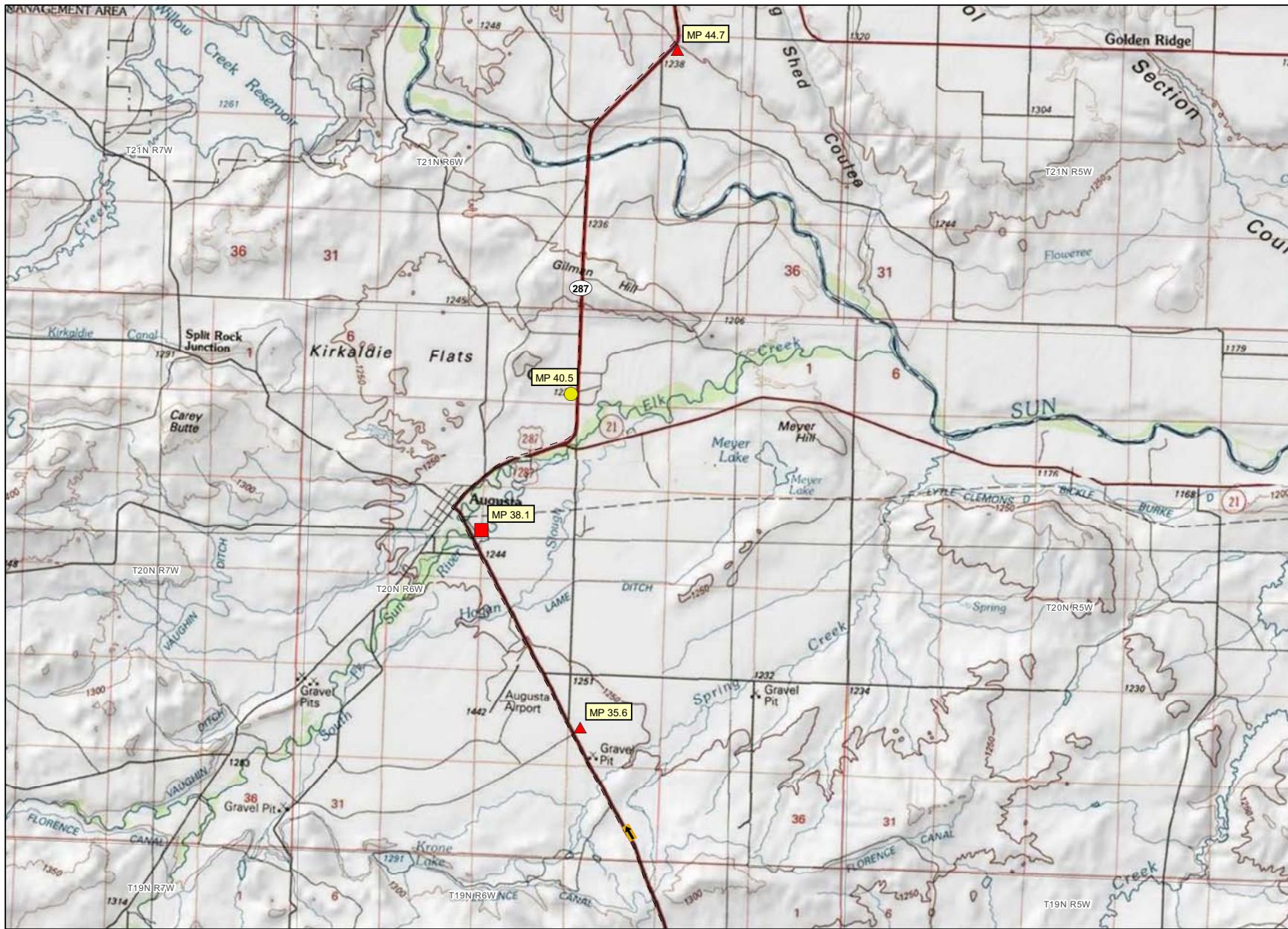
- #### Legend
- Detour
  - Clear
  - Park
  - Night Parking
  - Miscellaneous Road Modifications
  - Existing
  - Requires Modification
  - New
  - Mile Marker
  - Route Direction

Turnout 15.4 changed to 16.4



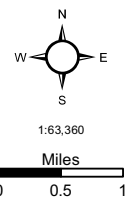
Traffic Clearing Location and Miscellaneous Road Modifications In Montana

Kearl Module Transportation Project Stage I



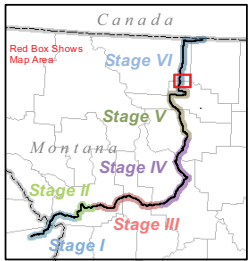
- Legend**
- ⊕ Detour
  - Clear
  - △ Park
  - Night Parking
  - ◇ Miscellaneous Road Modifications
  - Existing
  - Requires Modification
  - New
  - MP 1.2 Mile Marker
  - Route Direction

Turnout 36.1 changed to 35.6

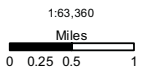
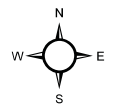


Traffic Clearing Location and Miscellaneous Road Modifications In Montana

Kearl Module Transportation Project Stage I



- Legend**
- ⊕ Detour
  - △ Clear
  - Park
  - Night Parking
  - ◇ Miscellaneous Road Modifications
  - Existing
  - Requires Modification
  - New
  - MP 1.5 Mile Marker
  - ➔ Route Direction



**Traffic Clearing Locations and Miscellaneous Road Modifications In Montana**

**Kearl Module Transportation Project Stage VI**

## 4.9 Corrections and Clarifications to the EA – Appendix D

Included below are amended special provisions for bears and aquatic resources. These revisions supersede and replace those shown in the EA. The amendments were needed to allow for some text revisions and to correct a printing error in some of the documents. (Some of the EAs included two copies of the special provision for bears and omitted the special provision for aquatic resources.)

### **SPECIAL PROVISION: ENVIRONMENTAL MITIGATION AND COORDINATION MEASURES FOR BEARS**

Portions of the Kearsarge Module Transport Project (KMTP) corridor are located within bear habitat. Bears are known to occur within the region of the project area and transient bears may infrequently occur within the vicinity of the project. To reduce the chance of bear-human conflicts and to minimize impacts to bears, all persons involved with the KMTP shall abide by the following provisions:

- Keep all areas in a neat condition; promptly clean up any project related spills, litter, garbage, etc.
- Keep all food and food related items inside a closed, hard-sided vehicle or special bear resistant container\* except when preparing or eating food.
- Store petroleum products, antifreeze, and personal items such as deodorants, toothpaste, soap and lotions in the same manner as food, as these products may attract bears.
- Deposit garbage and waste items in bear-resistant containers. Remove the accumulated garbage and waste from the project site daily and dispose of it in accordance with all Tribal, Federal, State and local laws, regulations and ordinances.
- No overnight camping is allowed within the project vicinity, except in designated campgrounds, by any crew member or other personnel associated with this project.
- Promptly notify MDT Environmental Services (406-444-7228) of any road killed game animals found in the vicinity of the project. MDT will arrange to have the animals picked-up and disposed of.
- Promptly notify MDT Environmental Services (406-444-7228) and USFWS (Anne Vandehey at 406-449-5225) if a grizzly bear is observed in the vicinity of the project.

\*A bear-resistant container is a securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than 6.35 mm (¼ inch), that would allow a bear to gain entry by biting or pulling with its claws.

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## **SPECIAL PROVISION: ENVIRONMENTAL MITIGATION AND COORDINATION MEASURES FOR AQUATIC RESOURCES**

Impacts to aquatic resources\* are not expected for this project. Through the Environmental Assessment and Decision Document, Imperial Oil has agreed that impacts to aquatic resources will not occur. In order to ensure that impacts would not occur, all agents associated with the Kearn Module Transport Project (KMTF) shall abide by the following provisions:

- Avoid all equipment traffic, fill material, staging activities and other disturbances to aquatic resources;
- Conduct utility operations and construction work in a manner to avoid placement of materials in any water body including streams or irrigation ditches crossing the highway and any wetland areas;
- Impacts to any aquatic resources and associated consequences, without proper permitting, are the responsibility of Imperial Oil and/or its contractor; and
- If complete avoidance of impacts to aquatic resources is not possible, Imperial Oil and/or its contractor must secure the appropriate permits and/or authorizations prior to working in these areas.
- MDT must be notified immediately if impacts to aquatic resources are expected to occur or if permits are determined to be necessary.

\* Aquatic resources for this project include but are not limited to streams (perennial, ephemeral, and intermittent), rivers, lakes and reservoirs, irrigation systems and impoundments, springs, and wetlands.

## **4.10 Corrections and Clarifications to the EA – Appendix G**

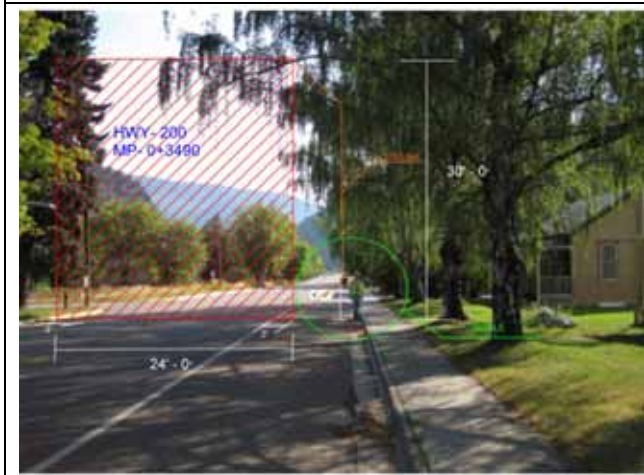
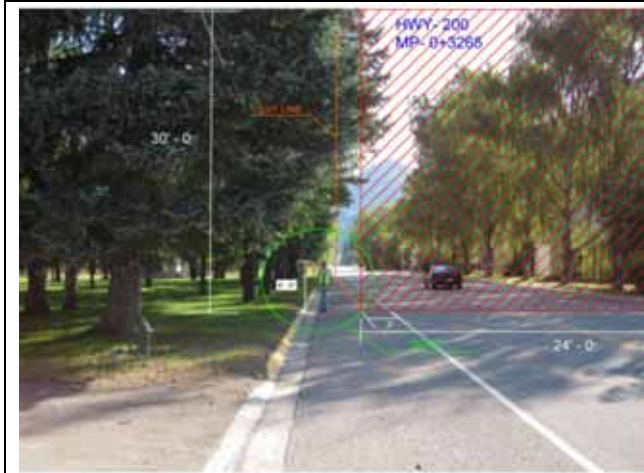
Add Appendix G – Artist’s Rendering of Tree Trimming in Bonner.



**Appendix G**  
**Artist's Rendering of Tree Trimming in Bonner**

The trees to be trimmed in Bonner were photographed. The left photo indicates the size of the module in relation to the trees (before) and the right is an artist's rendering of the visual setting of Bonner following the tree trimming (after).







## 5.0 SELECTION OF THE PREFERRED ALTERNATIVE

MDT has selected the preferred alternative set forth in the Attached EA and in this Decision Document as the proposed action. The preferred alternative includes issuing permits to allow:

- construction of 54 new turnouts,
- modification of 21 existing turnouts,
- minor modifications of roads at 6 locations,
- raising or burying approximately 572 utility crossings of highways,
- modifications of traffic structures,
- minor tree trimming, and
- transporting approximately 200 modules between Lolo Pass and Sweet Grass, Montana.

The preferred alternative achieves the purpose of and need for the project as described in the attached EA. The environmental analysis demonstrates that no significant impacts are expected with the KMTP. Therefore, an EA is the appropriate level of environmental analysis and an Environmental Impact Statement is not required.



**Appendix A**  
**EA Distribution Letter**







April 12, 2010

## Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

Jim Lynch, Director  
Brian Schweitzer, Governor

To: Agency Distribution List

**RE: Environmental Assessment for Proposed Kearsarge Module Transport Project**

As you are aware, the Montana Department of Transportation is considering Imperial Oil's proposal to haul over-dimension (height, width, and weight) loads through Montana from Lolo Pass to the Port of Sweetgrass. Transporting the large modules would require that they construct new turnouts; modify some existing turnouts; slightly modify road alignments at five locations; conduct surface repairs at one location; relocate existing utility lines, conduct some tree trimming, and modify some overhead signs and traffic signals. All modifications are proposed to occur within existing rights-of-way or easements. MDT would need to issue certain permits to Imperial Oil to carry out those activities.

The purpose of the proposed action is for Imperial Oil to improve Montana infrastructure to facilitate a safe and efficient movement of over-dimension loads through Montana. The proposed project is needed to transport specialized processing equipment through Montana to Alberta, Canada. In addition, the proposed project must adhere to a 10-minute maximum traffic delay rule and minimize potential for adverse impacts to the built and natural environment, the public, local businesses, and current uses.

The enclosed Environmental Assessment (EA) documents the purpose of and need for the project, the Preferred Alternative, and potential environmental impacts and mitigation measures. The EA is currently being distributed for public review. The EA can also be reviewed online at [www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml).

**The formal public review period is April 14 to May 14.** During this public review period we are welcoming public comments on this EA. **Please submit comments prior to May 14, 2010.** Written comments can be submitted online at [www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml) or mailed to Dwane Kailey at the address shown in the letterhead.

Formal comments can also be given verbally at a public hearing. We will hold three public hearings on this EA. Those public hearings will follow the same format and agenda. An open house will be scheduled from 6:00 p.m. to 6:30 p.m., followed by a brief presentation, technical Question and Answer period, and then the formal public hearing. **The public hearings are scheduled for April 27, 2010 at the Cut Bank Civic Center at 800 East Railroad in Cut Bank, April 28, 2010 at the Lincoln School Gymnasium at 808 Main Street in Lincoln, and April 29, 2010 at the Meadow Hill Middle School Old Gymnasium at 4210 Reserve in Missoula.**

I thank in advance for your review and comment on this proposal. We appreciate your participation in this process. If you have any questions, please phone me at 406.444.7228. I will be pleased to assist you.

Sincerely,

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

Copies:  
Dwane Kailey, P.E., Chief Engineer  
Doug Moeller, Missoula District Administrator  
Mick Johnson, Great Falls District Administrator

TSM:hb\astro\pccomm\mon\TRANPLAN\SYSTEM-IMPACT\EXXON\_TRANS\_CORRIDOR\EXXON\_EA\_REVIEW\_040110\PUBLIC REVIEW PROCESS\AGENCY REVIEW DISTRIB COVER.DOCX

*An Equal Opportunity Employer*



Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

To: Public Viewing Locations

RE: Environmental Assessment for Proposed Kearsarge Module Transport Project

The Montana Department of Transportation is considering Imperial Oil's proposal to haul over-dimension (height, width, and weight) loads through Montana from Lolo Pass to the Port of Sweetgrass. Transporting the large modules would require that they construct new turnouts; modify some existing turnouts; slightly modify road alignments at five locations; conduct surface repairs at one location; relocate existing utility lines, conduct some tree trimming, and modify some overhead signs and traffic signals. All modifications are proposed to occur within existing rights-of-way or easements. MDT would need to issue certain permits to Imperial Oil to carry out those activities. The enclosed Environmental Assessment (EA) documents the purpose of and need for the project, the Preferred Alternative, and potential environmental impacts and mitigation measures.

The purpose of the proposed action is for Imperial Oil to improve Montana infrastructure to facilitate a safe and efficient movement of over-dimension loads through Montana. The proposed project is needed to transport specialized processing equipment through Montana to Alberta, Canada. In addition, the proposed project must adhere to a 10-minute maximum traffic delay rule and minimize potential for adverse impacts to the built and natural environment, the public, local businesses, and current uses.

Please make this EA available in your location from April 14 to May 14, which is the formal public review period. (The EA can also be reviewed online at www.mdt.mt.gov/pubinvolve/eis\_ea.shtml.) During the public review period we are welcoming public comments on this EA. Please inform citizens to submit comments prior to May 14, 2010. Written comments can be submitted online at www.mdt.mt.gov/pubinvolve/eis\_ea.shtml or mailed to Dwane Kailey at the address shown in the letterhead.

Formal comments can also be given verbally at a public hearing. We will hold three public hearings on this EA. Those public hearings will follow the same format and agenda. An open house will be scheduled from 6:00 p.m. to 6:30 p.m., followed by a brief presentation, technical Question and Answer period, and then the formal public hearing. The public hearings are scheduled for April 27, 2010 at the Cut Bank Civic Center at 800 East Railroad in Cut Bank, April 28, 2010 at the Lincoln School Gymnasium at 808 Main Street in Lincoln, and April 29, 2010 at the Meadow Hill Middle School Old Gymnasium at 4210 Reserve in Missoula.

Public participation is a very important part of the process. Thank you for making this EA available for public review in your location. If you have any questions, please phone me at 406.444.7228. I will be pleased to assist you.

Sincerely,

[Handwritten signature]

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

- Copies:
Dwane Kailey, P.E., Chief Engineer
Doug Moeller, Missoula District Administrator
Mick Johnson, Great Falls District Administrator

TSM:\hb\astro\pccommon\TRANPLAN\SYSTEM-IMPACT\EXXON\_TRANS\_CORRIDOR\EXXON\_EA\_REVIEW\_040110\PUBLIC REVIEW PROCESS\AGENCY REVIEW DISTRIB COVER.DOCX

An Equal Opportunity Employer



**Appendix B**  
**Press Releases and**  
**Purchased Display Ads Announcing Public Meetings**



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## Press Releases

### Cut Bank

The following press release was delivered by e-mail announcing the availability of the EA and the Cut Bank public meeting.

- County Road Personnel
- Cut Bank Pioneer Press
- Glacier County Commissioners
- Glacier-Reporter - News
- Great Falls Tribune
- Independent-Observer
- KAAK-FM
- KBGF
- KEIN-AM/KTZZ-FM
- KFBB-TV
- KGFC-FM
- KLFM-FM & KVVR-FM
- KRTV – TV GREAT FALLS
- KSEN-AM-KZIN-FM
- KTGF-TV GREAT FALLS
- KVVR-FM
- Lumen Press
- Pondera County Commissioners
- Rural Montana
- Shelby Promoter
- Sinclair, John
- The Prairie Star
- The Valierian
- Toole County Commissioners
- Traders Dispatch

Subject: MDT Announces Notice of Availability and public hearing for Kearsarge Module Transport Project Environmental Assessment

April 12, 2010

FOR IMMEDIATE RELEASE

For further information, contact:

Charity Watt-Levis, Public Information Officer, (406) 444-7205, email: cwattlevis@mt.gov

Notice of Availability and public hearing for Kearsarge Module Transport Project Environmental Assessment

Cut Bank - The Montana Department of Transportation (MDT) has prepared an Environmental Assessment (EA) for the Kearsarge Module Transport Project, and the EA is available for public review and comment. The EA examines Imperial Oil's proposal to haul over-dimension (height, width, and weight) loads through Montana

from Lolo Pass to the Port of Sweet Grass and return trailers through Montana to the Idaho border. Transporting the large modules would require that they construct new turnouts; modify some existing turnouts; slightly modify the roadway at several locations; conduct some surface repairs; relocate existing utility lines; conduct some tree trimming and modify some overhead signs and traffic signals. All modifications are proposed to occur within existing rights-of-way or easements. MDT would need to issue certain permits to allow Imperial Oil to carry out those activities.

The MDT invites all interested parties to review the EA and provide comments at a public hearing on Tuesday, April 27, 2010, starting at 6:00 p.m. with an open house, followed by a presentation and public hearing at 6:30 p.m. The hearing will be held at the Cut Bank Civic Center, 800 E. Railroad, Cut Bank. The open house and brief presentation will be held prior to the official public comment period. The presentation will summarize the project history, present the Preferred Alternative, and describe the environmental process.

### **Lincoln**

The following press release was delivered by e-mail announcing the availability of the EA and the Lincoln public meeting.

- Associated Press
- Blackfoot Valley Dispatch
- Butte Silver Bow County Commissioners
- Carroll Radio 88.5
- Cascade County Commissioners
- Cascade County Road Supervisor
- Choteau Acantha
- Great Falls Tribune
- Helena Civic Television
- Helena Independent Record
- Jefferson County Courier
- KAAK-FM
- KBGF
- KBLL-AM/FM Helena
- KCAP
- KEIN-AM/KTZZ-FM
- KFBB Helena
- KFBB-TV
- KGFC-FM
- KLFM-FM & KVVR-FM
- KRTV-TV
- KRTV-TV
- KTGF-TV GREAT FALLS
- KTVH-TV
- KVCM-FM
- KVVR-FM
- KXLH-TV

- Lee State Bureau
- Lewis and Clark County Assistant Public Works Director
- Lewis and Clark County Commissioners
- Lewis and Clark County Road Supervisor
- Lumen Press
- Missoula County Commissioners
- Missoula County Road Supervisor
- Montana Living
- Powell County Commissioners
- Prospector
- Queen City News
- Rural Montana
- Seeley Swan Pathfinder
- Sinclair, John
- Sun Times
- The Prairie Star

Subject: MDT Announces Notice of Availability and Public Hearing for Kearl Module Transport project Environmental Assessment

April 12, 2010

FOR IMMEDIATE RELEASE

For further information, contact:

Charity Watt-Levis, Public Information Officer, (406) 444-7205, email: cwattlevis@mt.gov

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Lincoln - The Montana Department of Transportation (MDT) has prepared an Environmental Assessment (EA) for the Kearl Module Transport Project, and the EA is available for public review and comment. The EA examines Imperial Oil's proposal to haul over-dimension (height, width, and weight) loads through Montana from Lolo Pass to the Port of Sweet Grass and return trailers through Montana to the Idaho border.

Transporting the large modules would require that they construct new turnouts; modify some existing turnouts; slightly modify the roadway at several locations; conduct some surface repairs; relocate existing utility lines; conduct some tree trimming and modify some overhead signs and traffic signals. All modifications are proposed to occur within existing rights-of-way or easements. MDT would need to issue certain permits to allow Imperial Oil to carry out those activities.

The MDT invites all interested parties to review the EA and provide comments at a public hearing on Wednesday, April 28, 2010, starting at 6:00 p.m. with an open house, followed by a presentation and public hearing at 6:30 p.m. The hearing will be held at the Lincoln School Gymnasium, 808 Main St, Lincoln. The open house and brief presentation will be held prior to the official public comment period. The presentation will summarize the project history, present the Preferred Alternative, and describe the environmental process.

Anyone interested in viewing the EA may view it online or at one of the following locations in the Lincoln area:

- Lincoln Branch Library - 102 9th St., Lincoln
- William K. Kohrs Library - 501 Missouri Ave., Deer Lodge
- Augusta Branch Library - 205 Main St., Augusta

- Choteau/Teton Public Library - 17 Main Ave. N., Choteau
- Great Falls Public Library - 301 2nd Ave. N., Great Falls
- Lewis & Clark Public Library - 120 S. Last Chance Gulch, Helena
- Montana State Library - 1515 East 6th Ave., Helena
- Butte-Silver Bow Public Library - 226 W. Broadway, Butte
- MDT Great Falls District Office - 200 Smelter Ave. NE, Great Falls
- MDT Headquarters, 2701 Prospect Ave., Helena
- Online at [www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml)

Community participation is a very important part of the process, and the public is encouraged to attend. Oral or written opinions, comments, and concerns may be presented at the public hearing. Alternatively, written comments may also be submitted to Tom Martin, MDT Environmental Services Bureau, at 2701 Prospect Avenue, PO Box 201001, Helena, MT 59620-1001, or online at [http://www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml).

The review period for the EA will conclude on May 14, 2010. The comment period is from April 14 - May 14, 2010.

MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any service, program or activity of our department. If you require reasonable accommodations to participate in this meeting, please contact Paul Grant at (406) 444-9415 at least two days before the meeting. For the hearing impaired, the TTY number is (406)

444-7696 or 1 (800) 335-7592, or call Montana Relay at 711. Alternative accessible formats of pertinent information will be provided upon request.

### **Missoula**

The following press release was delivered by e-mail announcing the availability of the EA and the Missoula public meeting.

- KDTR-FM
- KECI-TV
- KGGL - KGRZ - KYLT
- KGVO-KYSS-KLCY
- KMS0-FM
- KPAX
- KQRV-FM/KBCK-AM
- KUFM-TV / KUFM-FM
- KZOQ – KBQQ
- Lolo Peak News
- Missoula County Commissioners
- Missoula County Road Supervisor
- Missoula Independent
- Missoulia
- Silver State Post
- The Kaimin

Subject: MDT Announces Notice of Availability and Public Hearing for Kearsarge Module Transport project Environmental Assessment



April 12, 2010

FOR IMMEDIATE RELEASE

For further information, contact: Charity Watt-Levis, Public Information Officer, (406) 444-7205, email: cwattlevis@mt.gov

Notice of Availability and public hearing for Kearsarge Module Transport project Environmental Assessment

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Transporting the large modules would require that they construct new turnouts; modify some existing turnouts; slightly modify the roadway at several locations; conduct some surface repairs; relocate existing utility lines; conduct some tree trimming and modify some overhead signs and traffic signals. All modifications are proposed to occur within existing rights-of-way or easements. MDT would need to issue certain permits to allow Imperial Oil to carry out those activities.

The MDT invites all interested parties to review the EA and provide comments at a public hearing on Thursday, April 29, 2010, starting at 6:00 p.m. with an open house, followed by a presentation and public hearing at 6:30 p.m. The hearing will be held at the Meadow Hill Middle School, Old Gymnasium, 4210 Reserve, Missoula. The open house and brief presentation will be held prior to the official public comment period. The presentation will summarize the project history, present the Preferred Alternative, and describe the environmental process.

Anyone interested in viewing the EA may view it online or at one of the following locations in the Missoula area:

- Missoula Public Library - 301 E. Main, Missoula
- William K. Kohrs Library - 501 Missouri Ave., Deer Lodge
- Great Falls Public Library - 301 2nd Ave. N., Great Falls
- Lewis & Clark Public Library - 120 S. Last Chance Gulch, Helena
- Montana State Library - 1515 East 6th Ave., Helena
- Butte-Silver Bow Public Library - 226 W. Broadway, Butte
- MDT Missoula District Office - 2100 W Broadway, Missoula
- MDT Headquarters, 2701 Prospect Ave., Helena
- Online at [www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml) and also for the full listing of EA viewing locations

Community participation is a very important part of the process, and the public is encouraged to attend. Oral or written opinions, comments, and concerns may be presented at the public hearing. Alternatively, written comments may also be submitted to Tom Martin, MDT Environmental Services Bureau, at 2701 Prospect Avenue, PO Box 201001, Helena, MT 59620-1001, or online at [http://www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml)


The review period for the EA will conclude on May 14, 2010. The comment period is from April 14 - May 14, 2010.

MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any service, program or activity of our department. If you require reasonable accommodations to participate in this meeting, please contact Paul Grant at (406) 444-9415 at least two days before the meeting. For the hearing impaired, the TTY number is (406)

444-7696 or 1 (800) 335-7592, or call Montana Relay at 711. Alternative accessible formats of pertinent information will be provided upon request.

**Paid Ads Announcing Public Meetings**

**Cut Bank**



**MDT**  
DEPARTMENT OF TRANSPORTATION

**NOTICE OF AVAILABILITY  
AND PUBLIC HEARING**

**Notice of Availability and Public Hearing for Kearl  
Module Transport Project Environmental Assessment**

The Environmental Assessment (EA) is now available for public review and comment. The EA examines Imperial Oil’s proposal to haul over-dimension (height, width and weight) loads through Montana from Lolo Pass to the Port of Sweet Grass and return trailers through MT to the ID border. Transporting the large modules would require that they construct new turnouts; modify some existing turnouts; slightly modify the roadway at several locations; conduct some surface repairs; relocate existing utility lines; conduct some tree trimming and modify some overhead signs and traffic signals. All modifications are proposed to occur within existing rights-of-way or easements. Montana Dept. of Transportation (MDT) would need to issue certain permits to allow Imperial Oil to carry out those activities.

**Review the EA in the Cut Bank area at:**

- Browning Branch Library, 9 1st St. NW, Browning
- Glacier County Public Library, 21st Ave., SE, Cut Bank
- Toole County Library, 229 2nd Ave. S, Shelby
- Valier Public Library, 400 Teton Ave., Valier
- MDT Great Falls District Office - 200 Smelter Ave. N.E., Great Falls
- MDT Headquarters, 2701 Prospect Ave., Helena
- Online at [www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml) and also for the full listing of EA viewing locations

**Comment Period:** April 14 - May 14, 2010

- Present oral or written comments at the public hearing
- Written comments to Tom Martin, MDT Environmental Services Bureau, PO Box 201001, 2701 Prospect Ave., Helena, MT 59620-1001
- Online at [www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml)

**For More Information:**

- Tom Martin, MDT Environmental Services Bureau, (406) 444-7228

MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any service, program, or activity of our department. For reasonable accommodations to participate in this hearing, call Paul Grant at (406) 444-9415 at least two days before the hearing. For the hearing impaired: TTY (406) 444-7696, (800) 335-7592, or Montana Relay at 711. Alternative accessible formats of information provided on request.

**Public Hearing: Tuesday, April 27, 2010**  
**Open House: 6:00 p.m Presentation and Public Hearing: 6:30 p.m.**  
**Cut Bank Civic Center, 800 E. Railroad, Cut Bank, MT**

## Lincoln



## NOTICE OF AVAILABILITY

### Notice of Availability and Public Hearing for Kearl Module Transport Project Environmental Assessment

The Environmental Assessment (EA) is now available for public review and comment. The EA examines Imperial Oil's proposal to haul over-dimension (height, width and weight) loads through Montana from Lolo Pass to the Port of Sweet Grass and return trailers through MT to the ID border. Transporting the large modules would require that they construct new turnouts; modify some existing turnouts; slightly modify the roadway at several locations; conduct some surface repairs; relocate existing utility lines; conduct some tree trimming and modify some overhead signs and traffic signals. All modifications are proposed to occur within existing rights-of-way or easements. Montana Dept. of Transportation (MDT) would need to issue certain permits to allow Imperial Oil to carry out those activities.

**Review the EA in the Lincoln area at:**

- Lincoln Branch Library - 102 9th St., Lincoln
- William K. Kohrs Library - 501 Missouri Ave., Deer Lodge
- Augusta Branch Library - 205 Main St., Augusta
- Choteau/Teton Public Library - 17 Main Ave. N., Choteau
- Great Falls Public Library - 301 2nd Ave. N., Great Falls
- Lewis & Clark Public Library - 120 S. Last Chance Gulch, Helena
- Montana State Library - 1515 East 6th Ave., Helena
- Butte-Silver Bow Public Library - 226 W. Broadway, Butte
- MDT Great Falls District Office - 200 Smelter Ave. NE, Great Falls
- MDT Headquarters, 2701 Prospect Ave., Helena
- Online at [www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml) and also for the full listing of EA viewing locations

**Comment Period:** April 14 - May 14, 2010

- Present oral or written comments at the public hearing
- Written comments to Tom Martin, MDT Environmental Services Bureau, PO Box 201001, 2701 Prospect Ave., Helena, MT 59620
- Online at [www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml)

**For More Information:**

- Tom Martin, MDT Environmental Services Bureau, (406) 444-7228
- MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any service, program, or activity of our department. For reasonable accommodations to participate in this hearing, call Paul Grant at (406) 444-9415 at least two days before the hearing. For the hearing impaired: TTY (406) 444-7696, (800) 335-7592, or Montana Relay at 711. Alternative accessible formats of information provided on request.

**Public Hearing: Wednesday, April 28, 2010**

**Open House: 6:00 p.m. Presentation and Public Hearing: 6:30 p.m.**

**Lincoln School, Gymnasium, 808 Main St., Lincoln, MT**

Missoula



## NOTICE OF AVAILABILITY

### Notice of Availability and Public Hearing for Kearl Module Transport Project Environmental Assessment

The Environmental Assessment (EA) is now available for public review and comment. The EA examines Imperial Oil's proposal to haul over-dimension (height, width and weight) loads through Montana from Lolo Pass to the Port of Sweet Grass and return trailers through MT to the ID border. Transporting the large modules would require that they construct new turnouts; modify some existing turnouts; slightly modify the roadway at several locations; conduct some surface repairs; relocate existing utility lines; conduct some tree trimming and modify some overhead signs and traffic signals. All modifications are proposed to occur within existing rights-of-way or easements. Montana Dept. of Transportation (MDT) would need to issue certain permits to allow Imperial Oil to carry out those activities.

**Review the EA in the Missoula area at:**

- Missoula Public Library - 301 E. Main, Missoula
- William K. Kohrs Library - 501 Missouri Ave., Deer Lodge
- Great Falls Public Library - 301 2nd Ave. N., Great Falls
- Lewis & Clark Public Library - 120 S. Last Chance Gulch, Helena
- Montana State Library - 1515 East 6th Ave., Helena
- Butte-Silver Bow Public Library - 226 W. Broadway, Butte
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**Public Hearing: Thursday, April 29, 2010**

**Open House: 6:00 p.m. Presentation and Public Hearing: 6:30 p.m.**  
**Meadow Hill Middle School, Old Gymnasium, 4210 Reserve,  
 Missoula, MT**

**Appendix C**  
**Public Hearing Materials**



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***KEARL MODULE TRANSPORTATION PROJECT  
ENVIRONMENTAL ASSESSMENT OVERVIEW***

**MONTANA PUBLIC MEETINGS**

**Cut Bank, April 27, 2010**

**Lincoln, April 28, 2010**

**Missoula, April 29, 2010**

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## **Background**

- The Environmental Assessment (EA) for the Kearl Module Transportation Project (KMTP) was produced to fulfill the environmental review requirements of the Montana Environmental Policy Act (MEPA).
- The overall Kearl Project requires world-wide sourcing of various pieces of equipment including pre-assembled process units (modules) that are manufactured in Korea.
- Imperial Oil investigated several module transportation routes through Canada and the United States (US).
- Imperial Oil's proposed route is from the Port of Vancouver, Washington, via barge up the Columbia / Snake River Inland Waterway System to the Port of Lewiston, Idaho. From the Port of Lewiston, the modules are transported by specialized load-moving equipment through Idaho and Montana before exiting at Sweetgrass, Montana at the US / Canada border.
- All other investigated routes through Canada and the US have height restrictions with overpasses (road and rail), bridges and tunnels with no feasible detours.



## **Purpose of the Project**

- The purpose of the proposed project is for Imperial Oil to improve Montana infrastructure to facilitate a safe and efficient movement of over-dimension loads (height, widths, and weight) through Montana to the Canadian border and return trailers through Montana to the Idaho border.
- The infrastructure improvements includes constructing new turnouts; modifying some existing turnouts; slightly modifying the roadway at several locations, conducting some surface repairs; relocating existing utility lines, conducting some tree trimming, and modifying some overhead signs and traffic signals.
- MDT would need to issue certain permits to allow Imperial Oil to carry out those activities.

## **Need for the Project**

- The proposed project is needed to transport specialized processing equipment through Montana to Alberta, Canada.
- In addition, the proposed project must adhere to a 10-minute maximum traffic delay rule and minimize potential for adverse impacts to the built and natural environment, the public, local businesses, and current uses.

## **Description of the Proposed Action**

The project consists of the following:

- Permanently raising or burying utility lines at approximately 572 locations.
- Modifying, or installing 33 traffic structures (traffic signals, signs, or street lights).
- Permanently modifying 22 existing highway turnouts.
- Building 53 new highway turnouts.
- Adding minor amounts of gravel infill to permanently modify the roadway in 5 locations to allow adequate turning radius of the load and other long vehicles.
- Road surface repairs to an approximately 8.5 mile section of Santa Rita Road and S-214 maintained by Glacier County.
- Minor amounts of tree trimming in along Highway 200 in Bonner and along Highway 287 and 89 in Choteau.
- The volume of modules planned to be transported through Montana is currently forecasted at about 200 and is forecasted to occur from the fall of 2010 to the fall 2011. The peak transportation volume will be no more than 2 modules per day at any particular location.
- All proposed action occurs in existing rights-of-way or easements in areas previously disturbed during road construction and utility placement.
- No infrastructure improvements are required for the return trailer route.

# ***Environmental Assessment - Purpose and Need***

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## **Applicable Laws and Regulations**

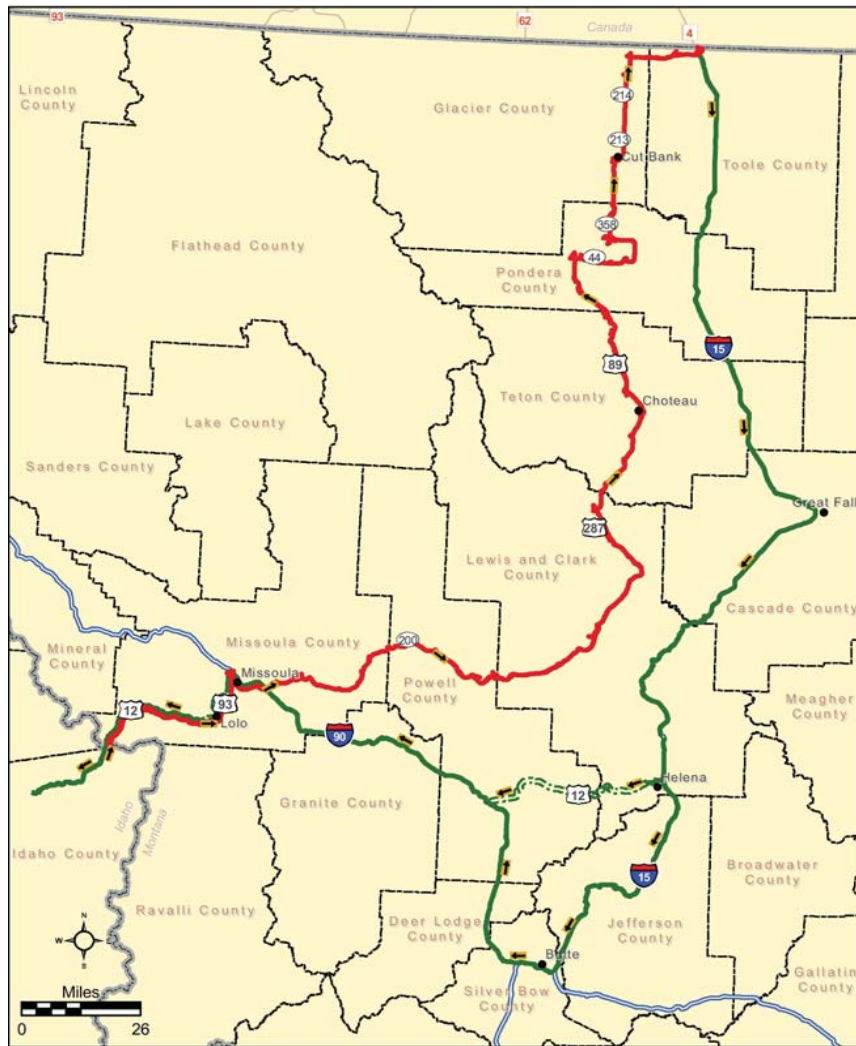
- Under the provisions of Administrative Rules of Montana 18.2.261, utility installations, installation of traffic signals, and modernization of an existing highway for parking or turning are categorically excluded and do not require the preparation of an EA.
- In this case, due to the volume of proposed modifications, the need for analysis to determine if the actions could cumulatively adversely impact the natural or human environment and the desire to ensure appropriate public involvement, MDT concluded that the preparation of an EA was the appropriate means to demonstrate compliance with MEPA.
- This EA is intended to identify, disclose, and analyze potential impacts associated with a proposed action. Other applicable laws include:
  - Clean Water Act
  - Clean Air Act
  - Bald and Golden Eagle Protection Act
  - Endangered Species Act
  - Migratory Bird Treaty Act
  - Montana Antiquities Act
  - Montana Stream Protection Act

## **Permits**

- Construction permits will be required for all utility line relocations, turnout work, road modifications and traffic structure modifications.
- 32-J and over dimensional load transportation permits will be required for module and return trailer movements.

# Environmental Assessment – Alternatives

## Proposed Action – Location (Route)



Montana Stages of Travel					
Starting Point	Ending Point	Start Time	End Time	Total Miles	Hauling Period
MP 0.0 Highway 12	Highway 12/US 93 Lolo	2:30 am	5:00 am	32.5	Night
Highway 12/US 93 Lolo	MP 1.9 Highway 200 Bonner	12:00 am	4:00 am	22.8	Night
MP 1.9 Highway 200 Bonner	MP 75.0 Highway 200 Lincoln	12:00 am	5:00 am	73.1	Night
MP 75.0 Highway 200 Lincoln	MP 63.6 Highway 287 Choteau	11:00 pm	5:30 am	75.8	Night
MP 63.6 Highway 287 Choteau	MP 3.0 Highway 358 Valier	11:00 pm	5:30 am	62.2	Night
MP 3.0 Highway 358 Valier	US / Canada Border Sweetgrass	9:00 am	4:00 pm	66.2	Day



- Towns
- Module Transportation Route
- Return Route for Empty Trailers
- Return Route for Trailers less than 10 feet wide
- Route Direction
- Interstate
- County Boundary
- State Boundary

Figure 1  
Location Map  
Transportation Route  
Kearl Project

# ***Environmental Assessment – Alternatives***

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## **Proposed Action – Turnout Construction and Road Modifications**

- Turnout and road modifications include construction of new turnouts (53), upgrades to existing turnouts (22), road surface repairs (1), and minor amounts of gravel infill at five corners or curves to allow adequate turning radius for the load and other long vehicles.
- All turnouts and minor road modifications will be designed in accordance with MDT Design Specifications, Codes and Standards.
- All construction will be performed under the supervision of construction personnel experienced in this type of work.
- All work will be done at Imperial Oil's expense. The proposed turnout construction and road modifications generates a total estimated economic activity of \$11.4 million for the state of Montana.
- All proposed action occurs in existing rights-of-way or easements in areas previously disturbed during road construction.
- Minimal to no environmental impacts.
- Planned mitigation to avoid impacts:
  - Turnouts were located to avoid impacts on historical resources.
  - New turnouts will be located a minimum of approximately 100 feet away from streams, irrigation canals, or wetlands.
  - Construction sites will be graded to maintain existing drainage patterns.
  - Topsoil will be salvaged and replaced at construction locations.
  - To reduce the spread and establishment of noxious weeds and to re-establish permanent vegetation, Imperial Oil will ensure disturbed areas will be seeded with desirable plant species as soon as practicable after construction.
  - Seed mix will be certified weed free to limit the spread of noxious weeds.
  - Imperial Oil will ensure that all contractors have a spill prevention and clean-up plan to minimize potential for effects.
  - A traffic control plan will be instituted to provide for safety of workers and the public.
  - Other mitigation steps included in EA document.

# ***Environmental Assessment – Alternatives***

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## **Proposed Action – Utility Relocations**

- Overhead utility lines crossing the route on state roads need to be permanently raised or buried to provide clearance for module transport at 572 locations within MDT ROW
- All utility work will be done by the utility companies in accordance with applicable Montana regulatory requirements.
- All construction will be performed under the supervision of construction personnel experienced in this type of work.
- All work will be done at Imperial Oil's expense.
- The proposed utility relocations generates a total estimated economic activity of \$21.6 million for the state of Montana.
- All proposed action occurs in existing rights-of-way or easements in areas previously disturbed utility placement.
- Minimal to no environmental impacts.
- Planned mitigation to avoid impacts:
  - Imperial Oil will ensure proper and full notice to all affected customers.
  - Imperial Oil will be responsible for coordinating the utility relocations to minimize disruption to affected customers and the traveling public and where practicable coordinate the timing of the utility relocations to facilitate combined efforts between individual utility companies.
  - Each site will be visited during the growing season, prior to any ground disturbing activities to determine if wetlands are located on or near proposed utility work.
  - If wetlands are determined to be on or near a utility work site, all practicable means will be used to avoid adverse impacts to those wetlands,
  - Imperial Oil will ensure that all contractors have a spill prevention and clean-up plan to minimize potential for effects.
  - A traffic control plan will be instituted to provide for safety of workers and the public.
  - Other mitigation steps included in EA document.

## **Proposed Action – Traffic Structures and Road Sign Modifications**

- Modifications to existing traffic structures (33) (traffic signals, signs, or street lights) are required between Lolo Pass (Idaho / Montana border) and Sweetgrass, Montana (USA / Canada border) to ensure adequate clearances are provided for the oversized loads along the proposed module transportation route.
- All work associated with traffic structures will be done by qualified contractors and in accordance with MDT Design Specifications, Codes and Standards.
- All work will be done at Imperial Oil's expense.
- The proposed traffic structure and road sign modifications generates a total estimated economic activity of \$1.5 million for the state of Montana.
- All proposed action occurs in existing rights-of-way or easements in areas previously disturbed road construction.
- Minimal to no environmental impacts.
- Planned mitigation to avoid impacts:
  - A traffic control plan will be instituted to provide for safety of workers and the public.
  - Traffic structure modifications in Missoula will occur at night to minimize traffic disruption.

## **Proposed Action – Tree Trimming**

- Minor amounts of tree trimming in along Highway 200 in Bonner (about 7 trees) and along Highway 287 and 89 in Choteau (about 21 trees)
- All work will be done at Imperial Oil's expense.
- Minimal to no environmental impacts.
- Planned mitigation to avoid impacts:
  - A traffic control plan will be instituted to provide for safety of workers and the public.
  - It is expected that the amount of trimming that will occur will be consistent with routine tree maintenance. The trees will be trimmed under the supervision of an experienced contractor, approved by the local municipality.
  - Tree trimming conducted between April 30th and August 16th will be inspected for nesting migratory birds. If occupied nests are found, branches will not be removed until after the nest is vacated.



# Environmental Assessment – Alternatives

## Proposed Action – Module Transportation



Front View of Typical Module in Transport

Trailer Type	Percent of Loads	Module Weight (pounds)		Length (feet)		Width (feet)		Height (feet)	
		Min	Max	Min	Max	Min	Max	Min	Max
10 feet wide	22 %	73,753	179,400	170	210	20	24	18	30
16 feet wide	78 %	133,206	334,568	170	210	13	24	14	30

# ***Environmental Assessment – Alternatives***

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## **Proposed Action – Module Transportation**

- The Montana Transportation Plan (MTP), which is available on the MDT website, was developed to adhere to the 10-minute maximum traffic delay rule imposed by MDT.
- The MTP includes Emergency Response Plans with emphasis on Emergency Vehicle Clearance.
- Peak hourly traffic volumes were considered in potential delay calculations.
- The volume of modules planned to be transported is currently forecasted at about 200 and is forecasted to occur from the fall of 2010 to the fall 2011. The peak transportation volume will be no more than 2 modules per day at any particular location.
- Movement from Lolo Pass to just north of Valier will be done at night to minimize impacts on the public.
- Hauling will not occur on weekends or Federal or State holidays and will consider other uses of the route, avoiding periods that coincide with commuters, school buses, and planned community events.
- For all night operations, auxiliary lighting will be used to ensure the safety of the workers and the public. Shields will be used to direct the lighting in the appropriate directions and to minimize impacts on the public and wildlife as long as safety can be maintained.
- Imperial Oil will establish a website available to the public with an updated module transportation schedule.
- Based on a comparison of the total traffic volume of the module transport and support vehicles to the total traffic volume for the one year when module hauling would occur and Imperial Oil's adherence to MDT weight restrictions, it is expected that the proposed project would result in minimal impact to Montana roadways and bridges.
- All work will be done at Imperial Oil's expense.
- The proposed module transportation generates a total estimated economic activity of \$32 million for the state of Montana.
- All module transportation occurs on existing roadways.
- Minimal to no environmental impacts.

## **Proposed Action – Alternatives Considered But Eliminated**

### **Transportation Routes**

- Alternate Canadian routes were investigated and all had numerous restrictions with no possible detours and therefore were found to be infeasible.
- An alternative US Interstate transportation route was investigated and rejected since about 25 existing overpasses along this route have height restrictions and do not have by-pass ramps or feasible detours to allow passage of the modules.

### **Daytime Hauling**

- Initially most of the haul route was planned, based on average annual daily traffic volumes, to occur primarily during daytime hours. The exception was the stretch from Lolo to Bonner, which was always identified for night-time haul due to traffic and business activities.
- However, at MDT's request, Imperial Oil recalculated the impact on traffic based on peak hour traffic volumes for all segments of the route. This subsequent analysis indicated that a daytime haul would meet the 10 minute rule in most cases, but would result in too many vehicles waiting for the module to pull into a turnout to clear traffic.
- In order to minimize potential inconvenience to other users of the highways, Imperial Oil modified their plan to allow for a night-time haul from Lolo Pass to just north of Valier.
- The change to night travel greatly reduces the potential for delays that could affect traffic safety, commercial business, and inconvenience to local residents, commuters, and other travelers. As a result, the preferred alternative was modified to incorporate night-time travel from Lolo Pass to just north of Valier.

# Environmental Assessments – Environmental Impacts

## Conclusion and Summary of Effects

	Road Modifications	Utility Relocations	Traffic Structures	Tree Trimming	Module Transport	Overall
<b>Historical and Archaeological Sites</b>	No impact	No impact anticipated	No impact	No impact	No impact	No impact anticipated
<b>Parklands</b>	No impact	No impact	No impact	No impact	No impact	No impact
<b>Transportation System</b>	Occasional traffic delays occurring at work locations. Some additional traffic due to turnout construction equipment.	Occasional traffic delays occurring at work locations.	Occasional traffic delays occurring at work locations.	Occasional traffic delays occurring at work locations.	Occasional delays, none exceeding 10 minutes.	Some traffic delays during construction. Occasional traffic delays during module hauling, non exceeding 10 minutes.
<b>Economic and Community Impacts</b>	\$11.4 million in total economic activity in Montana.	\$21.6 million in total economic activity in Montana.	\$1.5 million in total economic activity in Montana.	\$15,000 in total economic activity in Montana.	\$32.0 million in total economic activity in Montana.	\$67.8 million in total economic activity in Montana (including \$1.6 million in permitting).
<b>Air Quality</b>	Exhaust from trucks and equipment, localized dust from construction.	Minimal emissions from trucks and equipment.	Minimal emissions from trucks and equipment.	Minimal emissions from trucks and equipment.	Exhaust from trucks.	Slight increase in emissions and dust. No long-term or significant impacts.
<b>Noise</b>	Low level noise from equipment.	Low level noise from equipment.	Low level noise from equipment.	Short duration noise from equipment.	Low level noise from equipment.	Minor noise impacts during construction activities and module transport.
<b>Contaminated Sites/Hazardous Waste</b>	Slight risk of spill, minimal impacts.	Slight risk of spill, minimal impacts.	Slight risk of spill, minimal impacts.	Slight risk of spill, minimal impacts.	Slight risk of spill, minimal impacts.	Slight risk of spill, minimal impacts.
<b>Water Resources</b>	No impact expected	No impact expected	No impact expected	No impact expected	No impact expected	Negligible impact
<b>Threatened and Endangered Species</b>	No effect	No effect	No effect	No effect	No Impact for all except grizzly bears, May effect, not likely to adversely effect.	No Impact
<b>Wildlife and Fisheries</b>	No impact expected	No impact expected	No impact expected	No impact expected	No impact expected	No impact expected

# ***Environmental Assessments – Consultation Process***

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## **State and Federal Agencies Contacted**

- In developing the Environmental Assessment the following agencies were contacted:
  - Montana Department of Environmental Quality
  - Montana State Historic Preservation Office
  - US Army Corps of Engineers
  - US Fish and Wildlife Service
  - USDA Forest Service

## **Blackfeet Tribal Historic Preservation Office**

- In developing the Environmental Assessment the Blackfeet THPO was contacted.

## **Consultation with Counties**

- In developing the Environmental Assessment the following counties were contacted:

Cascade County	Granite County	Missoula County	Silver Bow County
Deer Lodge County	Jefferson County	Pondera County	Teton County
Glacier County	Lewis and Clark County	Powell County	Toole County

- Listed below is the main issues identified through these consultations.

Notification	Economic impacts on taxpayers and businesses
Emergency response situations	Traffic safety
Local community events	Traffic impedance
School bus routes and schedules	Historical and cultural resources
Residual benefits	Alternate routes

- All issues have been addressed in project plans.

## ***Environmental Assessments – Review Locations***

<b>Cut Bank Area</b>	<b>Lincoln Area</b>	<b>Missoula Area</b>
Browning Branch Library, 9 1st St. NW, Browning	Lincoln Branch Library, 102 9th St., Lincoln	Missoula Public Library, 301 E. Main, Missoula
Glacier County Public Library, 21st Ave., SE, Cut Bank	William K. Kohrs Library, 501 Missouri Ave., Deer Lodge	William K. Kohrs Library, 501 Missouri Ave., Deer Lodge
Toole County Library, 229 2nd Ave. S, Shelby	Augusta Branch Library, 205 Main St., Augusta	Great Falls Public Library, 301 2nd Ave. N., Great Falls
Valier Public Library, 400 Teton Ave., Valier	Choteau/Teton Public Library, 17 Main Ave. N., Choteau	Lewis & Clark Public Library, 120 S. Last Chance Gulch, Helena
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## **Comment Period**

- April 14 - May 14, 2010
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- Written comments to Tom Martin, MDT Environmental Services Bureau,
- PO Box 201001, 2701 Prospect Ave., Helena, MT 59620
- Online at [www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml)

## **For More Information**

- Tom Martin, MDT Environmental Services Bureau, (406) 444-7228





**Appendix D**  
**Comments and Responses**

See Attached CD



**Appendix E**  
**Environmental Assessment**

See Attached CD