

Record of Decision

For

**Miller Creek Road
Missoula County, Montana**

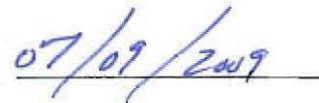
Final Environmental Impact Statement
FHWA Number: DTFH70-00-D-00016

US Department of Transportation
Federal Highway Administration
Helena, Montana

By:


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

Date:



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Decision

The Federal Highway Administration (FHWA) hereby identifies the **No-Action Alternative** as the selected alternative for Miller Creek Road project in Missoula County, Montana. This decision is based upon current fiscal constraints and the information presented in the *Miller Creek Road Final Environmental Impact Statement (FEIS)* prepared by FHWA, and released for public review on March 6, 2008. The FEIS presents a complete description of the alternatives considered and identifies build Alternative 5A as the Preferred Alternative. The FEIS is available for review by request to the Montana Division of FHWA.

The FEIS was developed in accordance with NEPA and related Federal regulations; however no available funding has been identified beyond development of the EIS. Alternative 5A (FEIS preferred), nor any of the other FEIS build alternatives, are in Missoula's current Transportation Improvement Program (TIP) or the updated, fiscally constrained Long Range Transportation Plan (LRTP) (adopted Dec. 18, 2008). A project must be included in a fiscally constrained LRTP before a build alternative can be selected in a Record of Decision (ROD). Therefore, the No-Action Alternative has been selected.

The Miller Creek Road reconstruction project included in the current 2009-2013 TIP will construct a portion of the No-Action Alternative using local funds.

Missoula recently updated the LRTP. During the long range transportation planning process, this project was weighed against other projects competing for funding to develop a fiscally-constrained plan. Area projects were evaluated to determine which mix of projects would best achieve community goals, operational objectives and air quality conformity requirements. Alternative 5A was considered during the transportation planning process but was not included as a funded project in the fiscally constrained LRTP.

Although there were some concerns expressed during the comment period, Alternative 5A is the Preferred Build Alternative considering all environmental, traffic, safety and cost criteria when compared to the other build alternatives. However, due to fiscal constraints, none of the build alternatives can be selected in this ROD.

Alternatives Considered

This Record of Decision (ROD) is based upon analysis and comparison of reasonable alternatives (in addition to a no-action alternative) described and evaluated in Chapter 2 of the FEIS. All of the build alternatives include improvements to Old US 93 and adjacent intersections, as well. Alternatives 2B, 3B, and 4C include an additional access out of the Miller Creek area via a new bridge crossing the Bitterroot River. Alternatives considered are as follows:

- Alternative 1: No-Action Alternative
- Alternative 2B: North Lower Miller Creek Grade-Separated Intersection
- Alternative 3B: Blue Mountain Road Grade-Separated Intersection
- Alternative 4C: South Lower Miller Creek Interchange
- Alternative 5A: Miller Creek Road At-Grade Intersection (Preferred Alternative)

The following sections briefly describe improvements associated with the above alternatives. For the complete analysis, refer to the FEIS.

No-Action Alternative (Selected)

The No-Action Alternative assumes completion of those reasonably foreseeable transportation, development, and infrastructure projects that are already in progress; have committed funds for

improvements; are programmed by the Montana Department of Transportation (MDT) or FHWA, Missoula County, the City of Missoula; or are required as a condition of future development.

Under the No-Action Alternative, the following modifications to Miller Creek Road are assumed to be completed with local funding:

- Lower Miller Creek Road would be realigned at the north “Y” (Upper/Lower Miller Creek Roads) intersection to form a “T” intersection with a traffic signal. A left turn would be accommodated at the northbound and eastbound approaches to this intersection.
- A northbound travel lane would be added on the segment of Miller Creek Road from the north “Y” intersection to Briggs Street, providing two northbound travel lanes on this segment. Traffic traveling northbound from Upper Miller Creek Road to Miller Creek Road would not be controlled by the proposed signal, allowing uninterrupted flow for northbound travel through the north “Y” intersection. A raised barrier would be required along the west edge of the northbound through lane at the intersection to prevent vehicles from turning into this free-flowing travel lane.
- Paved shoulders and sidewalks would be added along both sides of Miller Creek Road between Briggs Street and the north “Y” intersection.

Note: A traffic signal at Miller Creek Road and the “Y” is currently warranted.

Build Alternatives

Elements included with the build alternatives are summarized in the table below.

Elements of Build Alternatives

Element	Alt. 2B	Alt. 3B	Alt. 4C	Alt. 5A
Old US 93 Improvements and adjacent intersections	X	X	X	X
Bridge over Bitterroot River and new roadway	X	X	X	
Miller Creek Road Limited Improvements	X	X	X	
Stand-Alone Improvements to Miller Creek Road				X

Old US 93 and Adjacent Intersections Design Features Common to All Build Alternatives (2B, 3B, 4C, 5A)

All of the build alternatives include improvements to Old US 93, the intersection of Old US 93 and Reserve Street, the intersection of Old US 93 and Brooks Street, and the intersection of Reserve Street and Brooks Street. For complete information, see section 2.6.2.1 of the FEIS. These improvements would include:

- Old US 93 between Brooks Street and Reserve Street (US 93) would be widened to provide three travel lanes (two northbound and one southbound); a center left-turn lane; and bicycle lanes and sidewalks.
 - The existing drainage ditch and eight-foot shoulder along the north side of Old US 93 would be replaced with an underground stormwater system with curb and gutter and a five-foot bicycle lane.
 - The five-foot bicycle lane would replace the existing shoulder that currently may be used as a bicycle lane.

- Small, three-foot-high retaining walls are anticipated to be used behind the curb to further reduce right-of-way impacts.
- Additionally, parking in the right-of-way adjacent to the businesses on the south side of Old US 93 would be eliminated.
- The intersection of Old US 93 and Reserve Street would include the installation of a new traffic signal and widening for additional turn lanes.
 - The intersection lane configuration of the Reserve Street southbound approach to Old US 93 would be changed from one left-turn lane, one through lane and one through/right-turn lane to two through lanes and one right-turn lane.
 - Left turns from southbound Reserve Street to eastbound Old US 93 east of Reserve Street would be prohibited.
 - The eastbound approach on Old US 93 would provide two left-turn lanes onto Reserve Street. US 93 turning.
- The northbound and southbound left-turn lanes onto Old US 93 east of Reserve Street would be removed.
- The intersection of Old US 93 and Brooks Street would be modified to accommodate additional turning lanes. New sidewalk would be constructed where existing ones are impacted.
- The intersection of Reserve and Brooks Streets would be modified to accommodate additional turning lanes and a second southbound thru lane. New sidewalk would be constructed where existing ones are impacted.
 - A second southbound through travel lane would be added on Reserve Street by modifying the striping to permit two through lanes. Currently, there are two southbound lanes south of the intersection, but the intersection is configured for only one southbound through lane. The other existing lane accommodates right turns from Brooks Street to southbound Reserve Street.
 - The intersection configuration for the southbound approach to Brooks Street would be changed from one left-turn lane, one through lane and two right-turn lanes to two left-turn lanes, one through lane, one through/right-turn lane, and one right-turn lane. This additional lane on Reserve Street north of Brooks Street would be accommodated by removing the existing left-turn lane between Old US 93 and Brooks Street.

Design Features Common to Bridge Alternatives (2B, 3B, and 4C)

Bridge Design Considerations

The criteria and practices of the MDT Bridge Design Section represent modern, economical bridge practice within this region. It is anticipated that these criteria would be supplemented to a limited extent by applicable City of Missoula and Missoula County criteria; however, the MDT criteria adequately represent regional bridge practice for the purposes of this initial, conceptual selection study.

- **Bridge deck width:** An overall deck width of 48 to 66 feet, including bridge barrier railings, was assumed for all bridges depending on turn lane configurations.
- **Vertical clearance over US 93:** The specified minimum vertical clearance of overpasses over US 93 is 16.6 feet.
- **Vertical clearance over Montana Rail Link (MRL) track:** The required minimum vertical clearance for railroad grade separations is 23.3 feet (MRL).

- **Bridge length over US 93 and Bitterroot River:** US 93 is a four-lane principal arterial within the project area. Future widening of US 93 is not included in any local, state, or Federal plans. However, MDT criteria requires a life span for a bridge of at least 75 years. Therefore, it would be reasonable to assume that widening of US 93 could occur within the lifetime of a new bridge and that bridges should be of sufficient length to accommodate adding one lane to US 93 in each direction.

The bridge alternatives include a span over the Bitterroot River long enough to accommodate a 20-foot-wide envelope for a trail under the bridge along the southern bank of the river. The trail would be constructed and maintained by others. The bridge would be designed with adequate vertical clearance to accommodate equestrians and wildlife.

- **Hydraulic considerations for bridges over Bitterroot River:** The minimum waterway opening would be determined by hydraulic analysis of the design year flood. The actual bridge length used for this study includes an initial assessment of the waterway opening required, plus a determination of abutment location relative to the waterway in accordance with county, state, and federal floodplain regulations.
- **Bridge superstructure types:** The primary element that determines the bridge configuration, cost, and appearance is the type of superstructure selected. The superstructure is the portion of the bridge above the girders. Everything below the girders is considered substructure. The alternative bridge configurations for the Miller Creek project utilize spans in the range of 100 to 200 feet, which has proven to be an economical span range for conventional water crossings and roadway/railroad overpasses.

Miller Creek Road Limited Improvements

Alternatives 2B, 3B, and 4C would require the limited improvements to Miller Creek Road to accommodate forecasted AM and PM peak period traffic volumes on US 93 and Miller Creek Road.

- **Miller Creek Road widening:** Miller Creek Road between the north “Y” intersection and US 93 would be widened to provide three through travel lanes (two northbound and one southbound), bicycle lanes, and sidewalks.
- **Briggs Street/Miller Creek Road intersection:** The intersection approach lanes at Briggs Street and US 93 would be configured as follows:
 - Miller Creek Road northbound approach to Briggs Street: one through lane, one combination through lane/right-turn lane, and one left-turn lane.
 - Miller Creek Road southbound approach to Briggs Street: one combination through lane/right-turn lane and one left-turn lane.
- **US 93/Miller Creek Road approach:** Miller Creek Road northbound approach to US 93 would include one left-turn lane, two through lanes, and two right-turn lanes.
- **North “Y” intersection:** It is assumed that a portion of these intersection modifications would occur as part of the City of Missoula and Missoula County locally funded and planned No-Action Alternative improvements to Miller Creek Road anticipated for 2008 and are currently in the design stages. Lower Miller Creek Road at its approach to Upper Miller Creek Road would be realigned to the north and west of its current configuration to form a perpendicular “T” intersection with Upper Miller Creek Road at the north “Y” intersection. A new signal would be installed at this intersection, and the intersection approach lanes would be configured as follows:
 - Miller Creek Road southbound approach: one through lane and one right-turn only lane.
 - Lower Miller Creek Road eastbound approach: one lane for left and right turns.

- Upper Miller Creek Road northbound approach: one left-turn lane and one through lane with a raised curb barrier located between the lanes and extending north through the intersection area to allow for unrestricted (not signal-controlled) northbound travel and to prevent vehicles from turning into this lane in the intersection area.

The proposed improvements at the northern “Y” intersection of Upper and Lower Miller Creek Roads include flattening of the grade on both Upper Miller Creek Road and Lower Miller Creek Road as they approach the intersection. The existing grade of Upper Miller Creek Road at the intersection is approximately 12 percent and the proposed new grade would be 8 percent. The existing grade of Lower Miller Creek Road at the intersection is approximately 6 percent and the proposed new grade would be 4 percent.

- **Property and access impacts:** A private residence on the east side of the north “Y” intersection and a former church (currently owned by Wal-Mart) at the Miller Creek Road and Briggs Street intersection would be acquired. Access changes would include modification of the entrance into the subdivision on the west side of Miller Creek Road between Briggs Street and US 93; closure and relocation of a residential driveway at a property on the west side of the north “Y” intersection that would be relocated; relocation of a driveway at a residence located on the east side of the north “Y” intersection; and closure of two driveways on the east side of Miller Creek Road for a church located south of Briggs Street. The proposed improvements to Miller Creek Road also include a slightly modified access to Wal-Mart, rather than a new access. The existing access is proposed to be relocated approximately 100 feet away from the Miller Creek Road and US 93 intersection to better accommodate proposed turning lanes and the intersection. Additionally, it is recommended that turn movements from this relocated access be restricted to right-in/right-out only. Finally, many of these access changes may occur as part of the City of Missoula/Missoula County Miller Creek Road No-Action locally funded improvements.

Alternative 2B: North Lower Miller Creek Grade-Separated Intersection

With Alternative 2B, a bridge over the Bitterroot River and new roadway would be constructed into the Miller Creek area. The new road would connect to Lower Miller Creek Road, then extend to a new intersection with US 93. One of the approach roads would be constructed along the Missoula County-owned Old Bitterroot Road right-of-way. The road would cross over the MRL railroad track (avoiding an at-grade railroad crossing) and US 93 on a bridge, then descend to a location approximately 660 feet north of US 93 near Yuhas Ranch Lane. From this point, the new roadway would curve to the east and south to a new intersection with US 93 approximately 350 feet northeast of the proposed bridge crossing over US 93. This alternative would require an approximately 1,560-foot-long bridge to cross the Bitterroot River, the MRL railroad track, and US 93. Proposed intersections at Old Bitterroot Road and Totem Lane could be conventional or roundabouts.

Both signalized and unsignalized intersections were initially considered at US 93. Both types of intersection treatments have similar impacts. The primary disadvantage of the unsignalized option is the proximity of the southbound (westbound) acceleration/merge lanes that would terminate near the Blue Mountain Road intersection. The proximity of this lane to the Blue Mountain Road intersection would result in an undesirable condition when a vehicle that is accelerating to merge onto US 93 conflicts with another vehicle on US 93 that is decelerating to turn from the highway onto Blue Mountain Road. For these reasons a signalized intersection was analyzed.

See Page 2-28 of the FEIS for details.

Alternative 3B: Blue Mountain Road Grade-Separated Intersection

Alternative 3B would align with Blue Mountain Road and cross over US 93, the MRL railroad track, and the Bitterroot River on a bridge structure connecting to Lower Miller Creek Road. A new two-lane access road would connect US 93 and Blue Mountain Road with right-in/right-out unsignalized intersections.

The existing Blue Mountain Road approach to US 93 would be closed and the signal at this intersection would be removed. US 93 traffic would no longer be required to stop at Blue Mountain Road. Blue Mountain Road would be reconstructed and continue to an intersection at Buckhouse Lane. Buckhouse Lane would be relocated to the north and would maintain access to a retail establishment, Loren's House of Carpet.

This alternative would require an approximately 1,030-foot-long bridge to cross the Bitterroot River, the MRL railroad track, and US 93. Right-of-way acquisitions, relocations, and access changes affecting multiple private properties on both sides of US 93 and in the Miller Creek area would be required. Access to local businesses and residences on both sides of US 93 would be consolidated and linked to the intersection connection to reduce entry points onto US 93 consistent with MDT's access control plans for US 93. Frontage roads would be constructed along both sides of US 93 for this purpose. Traffic would access US 93 southbound by proceeding north to the access ramp. Traffic desiring to access US 93 northbound would proceed south across the new bridge and utilize the access ramp on the south side of US 93.

See Page 2-29 of the FEIS for more details.

Alternative 4C: South Lower Miller Creek Interchange

Alternative 4C would provide a fully directional interchange with the addition of ramp merge and diverge lanes at US 93, north of the intersection of US 93 and Hayes Creek Road. Two 2-lane bridges would be required for this configuration: a six-span bridge of an approximately 1,000-foot overall length over the Bitterroot River and MRL track; and a two-span bridge of 265-foot overall length over the US 93 mainline and interchange ramp transitions. The grade of the railroad at this location is sufficiently lower than the grade of the highway and would permit a grade-separated crossing with an interchange. Discussions have occurred with Montana Fish, Wildlife & Parks (MFWP) representatives regarding the possible incorporation of a formal fishing access to Parcel 4 as part of the bridge construction.

East of the bridge that would cross the Bitterroot River, the two-lane roadway would connect with an intersection or roundabout at the realigned segment of Lower Miller Creek Road, as proposed under the Maloney Ranch development plan.

Alternative 4C would require right-of-way acquisition, relocations, and access changes affecting multiple private properties. These access changes would include closure of the existing Hayes Creek Road approach to US 93 and realignment of the south end of Hayes Creek Road to connect with the proposed roadway alignment on the north side of US 93. This alternative would create an opportunity to consolidate a number of highway approaches and to relocate and link Hayes Creek Road to the interchange, reducing potential traffic conflicts attributed to turn movements at these approaches. Access to some properties south (east) of US 93 would be directed to a new frontage road. These actions would be consistent with MDT's access control plans for US 93. The proposed intersection at Lower Miller Creek Road could be conventional or a roundabout.

See Page 2-32 of the FEIS for more details.

Alternative 5A: Miller Creek Road At-Grade Intersection (Preferred)

Alternative 5A would not require a bridge crossing of the Bitterroot River or a new roadway. This alternative includes improvements to Miller Creek Road, Old US 93, and adjacent intersections.

Alternative 5A would provide the following modifications to improve access between US 93 and the Miller Creek area:

- **Miller Creek Road** between the north “Y” intersection and Briggs would be widened to provide four through travel lanes (two northbound and two southbound), bicycle lanes, and sidewalks. Improvements to Miller Creek Road between Briggs and US 93 would include additional widening to accommodate two northbound right-turn lanes at US 93, and a left-turn lane (with signal-controlled left-turn arrow) at Briggs and US 93. Intersection approach lanes at Briggs and US 93 would be configured as follows:
 - A signal would be installed at Briggs Street to allow safe left and right turns onto Miller Creek Road. The light would provide the additional benefit of a protected crossing of Miller Creek Road for pedestrians and bicyclists.
 - Miller Creek Road northbound approach to Briggs: one through lane, one combination through lane and right-turn lane, and combination through lane and one left-turn lane.
 - Miller Creek Road southbound approach to Briggs: one through lane, one combination through lane and right-turn lane, and one left-turn lane.
 - Miller Creek Road northbound approach to US 93: two through lanes, two right-turn lanes; and one left-turn lane.
 - US 93 southbound approach to Miller Creek Road: a second left-turn lane would be added.
- **The north “Y” intersection** of Upper Miller Creek Road and Lower Miller Creek Road would be realigned to the north and west of its current configuration to form a perpendicular “T” intersection. A new signal would be installed at this intersection, and the intersection approach lanes would be configured as follows:
 - Miller Creek Road southbound approach: one through lane and one right-turn only lane.
 - Lower Miller Creek Road eastbound approach: one lane for left and right turns.
 - Upper Miller Creek Road northbound approach: one left-turn lane and one through lane with a raised curb barrier located between the two lanes and extending north through the intersection area to allow for unrestricted (not signal-controlled) northbound travel and to prevent vehicles from turning into this lane in the intersection area.

Property and access impacts: Alternative 5A would require right-of-way and access changes affecting multiple private properties. A private residence on the east side of the north “Y” intersection and a former church (currently owned by Wal-Mart) at the Miller Creek Road and Briggs intersection would be acquired. Access changes would include modification of the entrance into the subdivision on the west side of Miller Creek Road between Briggs Street and US 93. The proposed improvements to Miller Creek Road include a slightly modified access to Wal-Mart, rather than a new access. The existing access is proposed to be relocated approximately 100 feet away from the Miller Creek Road and US 93 intersection to better accommodate proposed turning lanes at the intersection. Additionally, from a traffic operations standpoint, it is recommended that turn movements from the relocated Wal-Mart access be restricted to right-in/right-out only. Access changes would also include closure and relocation of a residential driveway at a property on the west side of the north “Y” intersection, relocation of a driveway at a residence located on the east side of the north “Y” intersection, and closure of two driveways on the

east side of Miller Creek Road for a church located south of Briggs Street. The MRL crossing of Miller Creek Road would be reconstructed so that the traffic signal has a “clear-out” cycle that provides a green light to clear traffic off the railroad crossing prior to the crossing gates going down. This “clear-out” cycle would run in conjunction with the left-turn lane signals defaulting to a stop condition to prevent turning movements off US 93 into the railroad crossing.

Improvements proposed under Alternative 5A are similar to the limited Miller Creek Road improvements proposed for the bridge alternatives, except that Miller Creek Road would have an additional southbound through travel lane from US 93 to the north "Y" intersection, and there would be two left-turn lanes allowing southbound traffic on US 93 to turn onto Miller Creek Road.

Under Alternative 5A, the left-turn movement from Old US 93 to US 93 could be maintained during non-peak hours; however, it may need to be restricted in the future depending on intersection operations. While the exclusive left-turn lane is provided in other build alternatives (2B, 3B, and 4C), this left-turn movement under Alternative 5A is designed to occur as a shared left/through traffic lane when not restricted. This condition could result in increased delay for through traffic on Old US 93 destined to the Miller Creek area as drivers wait for left-turn movements to occur. The difference between Alternative 5A and the No-Action Alternative is that Alternative 5A would provide additional capacity in the form of an adjacent southbound through lane into the Miller Creek area, whereas the shared left/through lane provides the only through movement capacity under the No-Action Alternative.

With projected traffic increases, it will eventually be necessary to further increase or provide more efficient use of the available capacity of the Old US 93/Miller Creek Road/US 93 intersection. Increasing the capacity using available approach lanes would require a longer signal cycle length, beyond what may be acceptable to most drivers and to affected jurisdictions. For that reason, it will be possible to maximize the available capacity by removing the underutilized turn movement from the intersection. The left-turn lane from Old US 93 to US 93 has a low volume during peak and off-peak periods compared to other movements. Complete restriction of this left-turn movement may be warranted in the future at the discretion of the Montana Department of Transportation (MDT), who has jurisdiction of US 93.

See page 2-35 of the FEIS for more details.

FEIS selection as the Preferred Alternative: Alternative 5A provides the best operational performance based upon future traffic projections, costs the least, and has the least impact to the human and natural environment. In addition, the US Army Corps of Engineers (USACE) regulations require selecting the Least Environmentally Damaging Practicable Alternative (which is Alternative 5A) for issuance of a 404 Permit (see Section 4.4.10.9, page 4-101).

Based upon the projected increase in traffic on US 93, the majority of traffic exiting the Miller Creek area via a second bridge during the AM peak period would be forced to merge into a long queue of traffic extending to, or past Blue Mountain Road. Furthermore, most drivers would still have to travel through the Miller Creek Road intersection. Traffic modeling shows that with a bridge at Blue Mountain Road, the AM peak queue would extend to Blue Mountain Road. While Alternative 5A is expected to function at an acceptable LOS during typical weekday peak travel periods through the year 2025, a second connection to the Miller Creek area and other system improvements (including measures to reduce travel demand and/or increase capacity on the US 93 corridor) may be warranted if future traffic volumes on US 93 and Miller Creek Road exceed the year 2025 forecasts.

The Preferred Alternative is identified as the alternative that best meets the project purpose and need after consideration of environmental impacts, technical feasibility, and cost. The purpose of the Miller Creek Road project is to provide for safe and improved access between US 93 and the Miller Creek area. The Miller Creek area is situated in one of the fastest growing areas in Missoula County. Population growth is

expected to continue into the future, and current development plans would result in approximately 3,000 dwelling units by 2025, thereby affecting the capacity, mobility, and safety of project area roads, including US 93 and Miller Creek Road. The existing primary roadway access to and from the project area is at capacity and traffic volumes are expected to increase over the next 20 years with expected full build-out of the Miller Creek area. Alternative 5A has been identified as the Preferred Alternative because it meets the purpose and need for the project, was found to be acceptable when evaluated against criteria established for the project (see FEIS Table 2-2, page 2-13), and is supported by the assessment conclusions documented in Chapter 4 of the FEIS. For additional information see Table 2-3 on page 2-37 to 2-38 in the FEIS.

Section 4(f) Evaluation

No impacts to any public parks, wildlife refuges, public recreational areas or trails were identified that require evaluation under Section 4(f).

Cultural resources identified in the study area that would be impacted by the build alternatives include:

- Miller-Kelley and Cave-Gannon Ditch (Missoula Irrigation District)
- Bitterroot Branch of the Northern Pacific Railroad (Mountain Rail Line)
- Big Flat Canal
- Prehistoric Encampment, South Miller Creek Site

The FHWA has determined that impacts to the historic properties, while causing *no effect* or *no adverse effect* for purposes of the National Historic Preservation Act (NHPA), would nonetheless be uses for purposes of Section 4(f) because they would require the permanent incorporation of small areas of Section 4(f) land into highway right-of-way. In August of 2005, Congress amended Section 138 of Title 23, USC, which authorizes the FHWA to approve a project that uses Section 4(f) lands that are part of a historic property, without preparation of an Avoidance Analysis, if it makes a finding that such uses would have *de minimis* impacts upon the Section 4(f) resource, with the concurrence of the relevant State Historic Preservation Office (SHPO). The FHWA has received concurrence from the Montana SHPO that the uses of historic Section 4(f) properties that would be affected would cause *no effect* or *no adverse effect* for purposes of Section 106 of the NHPA. Based on these determinations, FHWA has determined that a *de minimis* finding satisfies the Section 4(f) provisions amended by Section 6009 of SAFETEA-LU at 23 U.S.C. § 138(b)(2)(A)(i) and 49 U.S.C. § 303(d)(2)(A)(i). These findings reflect a conclusion that for each Section 4(f) historic resource impacted, those impacts will not “alter, directly or indirectly, any of the characteristics of [the] historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association”.

The historical property impact assessment reflects the use of *de minimis* with regards to the Section 4(f) assessment and, therefore, eliminates a separate Section 4(f) individual resource evaluation.

Mitigation Monitoring and Enforcement

Since the no-action alternative has been selected at this time, any mitigation needed for the locally funded improvements are the responsibility of the City and or County, as well as, any monitoring and enforcement of them. If the Preferred Alternative was selected a comprehensive mitigation plan that included mitigation strategies, monitoring programs and enforcement would have been developed.

Comments on the FEIS

A Notice of Availability (NOA) of the FEIS was announced in the *Missoulian*, the *Missoula Independent*, the *Ravalli Republic*, and local media. The NOA also was published in the *Federal Register* on March 14, 2008. A notification of the availability of the FEIS was mailed to those on the project mailing list and also bulk mailed to individuals and businesses located within the study area. In addition, this information was made available through the project website and the project telephone hotline.

The FEIS was available for a 30-day public review period commencing on March 14, 2008, and concluding on April 14, 2008. In response to public request, the comment period was extended to May 1, 2008. The comment period extension was announced in the *Missoulian*, the *Missoula Independent*, and the *Ravalli Republic*. The FEIS was distributed for official review to the Federal, state, and local agencies listed in Chapter 7 of the FEIS; to members of the public at their request who could not utilize the formal viewing locations; and to members of the Interdisciplinary Team and Social Economic Environmental Team. The FEIS also was made available for the public review period at eight viewing locations (see Table 5-4 of the FEIS for a list of viewing locations).

One hundred and twenty-two (122) comment letters were received from the general public and various agencies during the comment period. Those comments and responses to those comments are included as Attachment A to this ROD.