



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

WESTERN FEDERAL LANDS HIGHWAY DIVISION
610 EAST FIFTH STREET
VANCOUVER, WA 98661-3801

Subject: INFORMATION: Montana Forest Highway 59
Beartooth Highway, US Highway 212, MP 0.0 to 8.4
Re-evaluation of the Environmental Assessment/FONSI

Date: March 14, 2007

From: Terri L. Thomas
Environmental Program Manager

In Reply Refer To: HFL-17
#27098M_TLT

To: Robert B. Lale, III
Acting Director Project Delivery
THROUGH: Ted Wood
Project Development Engineer

The following is a re-evaluation of the Environmental Assessment (EA), amended in May 1998, and the May 1998 Finding of No Significant Impact (FONSI) for a proposed road improvement project on the Montana Forest Highway 59, also known as the Beartooth Highway. This memo describes the methods and results of the NEPA re-evaluation performed by the Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA).

U.S. Highway 212, also known as the Beartooth Highway (Highway) begins at the Northeast Entrance to Yellowstone National Park (YNP) and extends easterly 103 kilometers (64.0 miles) from Montana into Wyoming and back into Montana ending at Red Lodge, Montana. A project has been proposed to upgrade a segment of the highway in Montana (identified as Segment 1 in the EA) from the YNP Northeast boundary at MP 0.0 to the Wyoming state line at MP 8.4. As originally proposed, the easternmost 0.43-mile portion of the Northeast Entrance Road between the YNP Visitor Entrance Station east to the park boundary was to be reconstructed with the upgrading of Segment 1 of the Beartooth Highway. An EA for the reconstruction of Segment 1 of the Highway was distributed for public comment in August 1997, and resulted in an amended EA in May 1998. A FONSI was prepared and approved by WFLHD in May 1998. Since that time, design and ROW activities have been conducted to advance this project.

An environmental re-evaluation was prepared on June 6, 2002, and on March 12, 2003, to address changes in the proposed project design and in resource issues in the highway corridor. These re-evaluations did not find any changes in the project need, selected alternative, affected environment, impacts or mitigation that would invalidate the existing NEPA approvals. The WFLHD re-evaluations of the amended EA/FONSI were conducted in cooperation with partner agencies (USDA Forest Service, MDT and Park County, Montana) and included input from other affected publics.

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The re-evaluations addressed changes in the proposed project and highway corridor as described in the following categories:

- Need;
- Selected Alternative;
- Affected Environment;
- Impacts;
- Mitigation.

Need for Project:

There is no change in the need for the project that warrants a review under this re-evaluation. The June 6, 2002 re-evaluation referenced a reduction in current and future traffic volumes for Segment 1. This was an indication that traffic growth had slowed in this part of the highway. As a result of this finding, the design SADT was adjusted to be consistent with recent traffic counts and growth rates being used by MDT and YNP.

The June 6, 2002 re-evaluation concluded that the overall need for the highway improvements and the road uses described in the 1998 amended EA have not substantially changed along Segment 1 of the Beartooth Highway.

Selected Alternative:

The proposed road improvements have changed moderately from those described in the 2003 and 2002 Re-evaluations of the Environmental Assessment (EA), amended in May 1998, and the May 1998 Finding of No Significant Impact (FONSI). Due to a reprioritization of Yellowstone National Park (YNP) funding, the 0.43 mile (0.7 km) section of the Northeast Entrance Road from the YNP Visitor Entrance Station to the park boundary will not be reconstructed to the 28 feet road width identified in the 2002 Re-evaluation. Instead, this portion of the road will be re-paved in its current location and at its current width of 20 feet. No construction will occur outside of the existing road template.

The “Forest Service Administrative” site located in the southeast ¼ of the southeast ¼ of Section 19, Township 9 South, Range 15 East was used during Phase 1 of the project for staging of construction equipment. These activities will continue during Phase 2 of the project.

The “Woody Creek” site in Government Lot 37, Section 25, Township 9 South, Range 14 East was used during Phase 1 of the project for staging of construction equipment, stockpiling material, and disposal of material. These activities will continue during Phase 2 of the project. The “Old Pit” site located in the northeast ¼ of the northeast ¼ of Section 30 in Township 9 South, Range 15 East was used during Phase 1 of the project for staging of construction equipment and for disposal of material. These activities will continue during Phase 2.

A materials source located in the southeast ¼ of the northeast ¼ and the southeast ¼ of Section 19 in Township 9 South, Range 15 East, and the southwest ¼ of the northwest ¼ of Section 20 in Township 9 South, Range 15 East was developed during Phase 1 of the project and will be expanded during Phase 2.

Construction related activities include material production, stockpiling of material, and staging of equipment and supplies. Following construction, the site will be reclaimed and a portion is planned as a mitigation site for wetland impacts incurred on Phase 2.

Affected Environment:

Some minor changes to the affected environment have occurred since the 1998 amended EA and the subsequent 2002 and 2003 re-evaluations.

Wetlands: Due to the outdated previous wetland survey report from 1996, the Phase 2 portion of the project was re-surveyed in 2006. A total of 22 wetlands were identified during this survey. These wetlands are summarized in Table 1.

Table 1. Wetland Summary and Impacted Acreage

Wetland #	Hydrogeomorphic Class ^a	U.S. Fish and Wildlife Service Class ^b	Functional Assessment Rating ^c	Impacted Acreage
1	Slope	PFO	Category III	0.00
2	Riverine	PSS	Category II	0.00
3	Riverine	PSS	Category II	0.03
4	Depressional	PEM	Category III	0.07
5	Depressional	PEM	Category III	0.10
6	Riverine	PSS/PEM	Category II	0.04
7	Riverine	PFO/PSS/PEM	Category III	0.05
8	Riverine	PSS/PEM	Category II	0.17
9	Slope	PSS	Category III	0.00
10	Riverine	PFO	Category II	0.20
11	Depressional	PEM	Category III	0.17
12	Riverine	PSS	Category II	0.12
13	Depressional	PEM	Category III	0.03
14	Riverine	PSS	Category II	0.03
15	Riverine	PFO	Category II	0.01
16/17	Riverine	PSS	Category II	0.07
19	Slope	PEM	Category III	0.04
20	Riverine	PFO/PSS	Category II	0.00
Quarry W-1	Slope/riverine	PEM	Category III	0.00
Quarry W-2	Riverine	PEM	Category III	0.00
Quarry W-3	Slope	PEM	Category III	0.00
Quarry W-4	Depressional	PEM	Category III	0.00
Total				1.13

^a Hydrogeomorphic class based on Smith et al. (1995)

^b U.S. Fish and Wildlife Service wetland classification: palustrine forested (PFO), palustrine scrub-shrub (PSS), palustrine emergent (PEM), palustrine open-water (POW) (Cowardin et al. 1979).

^c Montana Wetland Assessment Method (Berglund 1999)

Section 4(f): During the planning stage to expand the material source site, a previously unconsidered Section 4(f) resource known as the USFS Lady of the Lake Trail #563 was identified. This trail qualifies it as a Section 4(f) resource because it is a significant recreational resource that is publicly-owned and open to the public. Due to the expansion of the material source site, the trail will be relocated around the east side of the material source site and tied back into the existing trail. This will increase the trail distance approximately 470 meters.

Impacts:

Some minor changes to environmental impacts have occurred since the 1998 amended EA and the subsequent 2002 and 2003 re-evaluations.

Wetlands: Wetland impacts total 1.13 acres and are summarized in Table 1. This is in addition to the 0.81 acres of impacts associated with the Phase 1 portion of the project, which was previously mitigated for with the purchase of the Duffy's Meadow existing wetlands as described in the 1998 amended EA. No other additional impacts were identified.

Section 4(f): Expansion of the material source site will impact the Lady of the lake Trail by closing a small portion (250 meters) of the trail during construction and relocating that portion as described above once use of the material source site is complete. The relocated portion of the trail will be constructed to the existing trail's standards and will not alter the trail's functions as a recreational resource.

It is anticipated that the transportation use of the Lady of the Lake Trail Section 4(f) resource will not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). Therefore, the WFLHD intends to make a Section 4(f) *de minimis* finding and it is anticipated that the USFS, the officials with jurisdiction over the trail, will concur with this determination. The USFS has been informed of the WFLHD's intent and the public will be afforded an opportunity to review and comment on the effects of the project on the trail.

Mitigation:

The mitigation measures outlined in the amended EA and subsequent re-evaluations are still applicable and valid. A total of 0.54 acres of wetland credits are left over from the Duffy's Meadow wetlands purchase from Phase 1 and will be applied to the Phase 2 wetland impacts. This leaves a total of 0.59 acres of Phase 2 wetland impacts remaining. Additional mitigation has been proposed to offset the remaining Phase 2 wetland impacts.

The proposed mitigation consists of rehabilitating/creating additional wetland acreage by expanding an existing wetland located near the entrance to the material source site. The attached Conceptual Compensatory Mitigation Plan provides a more detailed description of the mitigation. At a 2:1 acre mitigation ratio for rehabilitation/creation, WFLHD would be required to rehabilitate/create at least 1.18 acres of wetland.

The proposed plan would rehabilitate/create an additional approximately 2.53 acres of wetlands. WFLHD is proposing the additional acreage to help improve successful wetland establishment. In addition, approximately 1.22 acres of vegetative buffer is planned to provide additional protection to the wetland.

These new mitigation measures will not conflict with other committed mitigation for the Beartooth Highway, as outlined in the 1998 amended EA and subsequent re-evaluations.

CONCLUSION

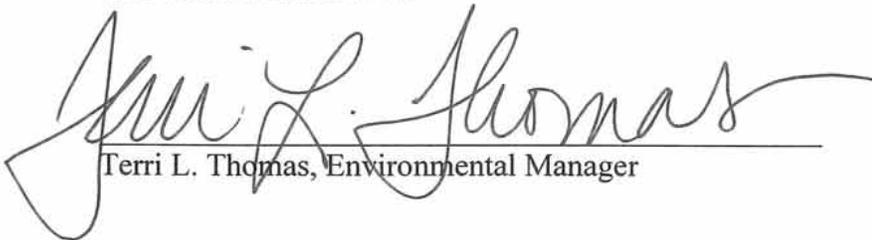
This re-evaluation of the Montana Beartooth Highway Project and its 1998 EA/FONSI environmental compliance documents identified and examined all changes in the project need, selected alternative, affected environment, impacts and mitigation that affected the existing NEPA and related environmental approvals. None of these changes were found to be substantial or invalidated the existing NEPA approvals.

At this point in time, the proposed upgrading of Segment 1 of the Beartooth Highway is still satisfactorily addressed in the 1998 EA/FONSI, as described in this re-evaluation, and a supplemental or new NEPA document is not deemed necessary.

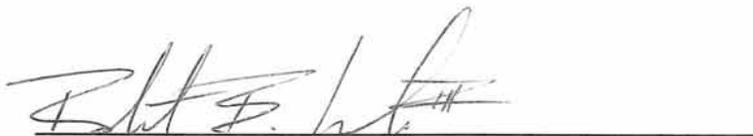
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