



Montana Department of Transportation

PO Box 201001
Helena, MT 59620-1001

VISION ZERO

zero deaths
zero serious injuries

Memorandum

To: Terry Voeller, Consultant Design Project Manager

From: Tom S. Martin, Environmental Services Bureau Chief *TSM*

Date: August 2, 2017

Subject: Bitterroot River – W of Missoula
BR 9032(65)
CN 6296000

Attached are MDT and FHWA comments on the draft Categorical Exclusion for this project. A meeting with MDT, County\Consultant and FHWA staff is requested to discuss these comments and provide clarification. The County\Consultant should then address these comments and prepare a comment response table for MDT and FHWA review.

Attachment

copies: Ed Toavs, Missoula District Administrator
Kent Barnes, Bridge Engineer
Tom Gocksch, Engineering Section Supervisor
Susan Kilcrease, Project Development Engineer
Ryan Dahlke, Consultant Bureau Chief

Comment Description	MDT Comments	Response
General	The document would benefit from a table of contents and an executive summary	
General	Recommend more narrative in the document, less in the Table. Support Table with references to document. Table should be a summary of information presented in the document. It should not contain the primary analysis. Significance determinations should be analyzed based on context. The phrase “the potential impacts have been determined to be insignificant as defined by NEPA and MEPA, appears perfunctory. Should be based on standards such as context, duration and intensity.	
CE Analysis	The document declares the action qualifies as a CE under Mont. Admin. Rule 18.2.261 (3)(j); however it lacks an analysis and citation to relevant portions of the document. Document should include analysis of whether Mont. Admin. Rule 18.2.261(5) exceptional circumstances apply.	
Purpose & Need	<p>The purpose and need statement should be clear, concise and measurable.</p> <ul style="list-style-type: none"> • Paragraph 1: Replace imprecise language (eg “enhance the operational characteristics, increase safety (to what boaters, pedestrians, vehicles?), improve physical conditions for the traveling public over the foreseeable future...”) with measurable objectives, by way of example: <ul style="list-style-type: none"> o Correct existing safety hazards (approaches, one lane bridge connecting 2 lane facilities; o Correct structural deficiencies (load limits); o Capacity (ability to meet present and projected traffic demands, pedestrian/bike traffic) <p>Meeting current design standards is not the purpose of the project.</p> <ul style="list-style-type: none"> • General Comments Paragraphs 2-9: Text leaves reader guessing if document is discussing the projects purpose, the need for the project or just providing unnecessary content. For example the reference to the 2013 Study needs to be removed or tied to purpose and need. Information in paragraphs 3-7, appears to support the need for the project, but it is not clear. • Paragraphs 8-9: This is a transportation project. The purpose of this project is not to remedy channel constriction or flood plain issues ~ please tie this discussion to the need, do not leave the reader guessing. • Paragraph 11: Needs to be restated to address concerns discussed herein. 	
Cumulative Impact	<p>Information in this section must be tailored to the documents’ cumulative impact analysis. For example some actions in this section are not referenced anywhere else in the document, while the author discusses related actions in the table that are not identified here.</p> <p>Induced growth analysis would fit well here instead of discussing it in the land use and social impact section of the Table.</p>	
Coordination	Documents typically separate agency coordination and public involvement.	

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Vegetation	Logging activity on the Lolo National Forest: This activity not identified in document’s cumulative analysis section. Remarkable that the activity is identified for the first time in the Table.	
4(f) Analysis	<p>49 U.S.C. 303(c) provides: “The Secretary may approve a transportation program or project ... requiring the use of (NRHP) property only if~ (1) there is no prudent and feasible alternative to using that land; and (2) the...project includes all possible planning to minimize harm to the...site.</p> <p>These standards are incorporated into the Programmatic Agreement.</p> <p>To satisfy 49 USC 303(c), the document must analyze the feasible alternatives, including those proposed by the Maclay Bridge Alliance (MBA), for example, leaving the historic bridge in place for alternative uses (pedestrian/bike access). The document’s conclusion that the “only feasible option is to remove Maclay Bridge” is unsupported and lacks analysis.</p> <p>CSKT monitoring for all ground disturbance activities is inconsistent with MDT’s usual provisions, please explain.</p>	
Wetlands	Not impacting wetlands, say that in the document.	
Fish & Wildlife	Reference to USFS actions not discussed in documents’ cumulative impact section; thus, it is remarkable that the document identifies this activity for the first time in the Table.	
T&E Species	Move analysis to the document narrative.	
Visual	Not sure how document gets to non-significant determination. Are there guidelines? If so cite them and use them. Lacking context for intensity analysis. Which views are “irreversibly affected” (homes, drivers, recreationists); and the analysis should quantify how many homes’ views are irreversibly affected.	
Land Use	<p>Induced growth analysis should be in the reasonably foreseeable impact section of the document not in land use analysis. The substance of the induced growth analysis needs further work. The Step 3 accessibility analysis indicates that the project does not fit under the Growth list set forth in MDT’s Assessing the Extent & Determination of Induced Growth (Induced Growth.)</p> <p>Page 109 of MDT’s Induced Growth publication identifies adding travel lanes to an existing roadway as a factor that indicates improvement to accessibility. I understand that adding capacity of one lane to a bridge that connects two lane facilities may not improve accessibility; but that needs to be fleshed out. The statement that the project does not add a travel lane is imprecise, and it may require further analysis.</p>	

Comment Description	MDT Comments	Response
	Statement that the project “has the potential to accelerate pressure on undeveloped lands” is unsupported; if this is supposed to be an induced growth discussion, it needs to be moved to that section and analyzed.	
Recreation	<p>Permanent impact should not reference prohibited activity: “no longer provide opportunities for bridge jumping...” The existing bridge is posted “no loitering, fishing, jumping from bridge” so why identify this as a permanent impact in the documents?</p> <p>With regard to FWP’s interest in maintaining access – “No formal plan has been proposed ... to improve river access,” so what is the purpose of including this information in the document?</p>	
Social	<p>In the significance determination section, the document concludes, sans support that the project will permanently change the community character: How? If it is due to the plan to remove the historic bridge, the document should analyze the feasibility of MBA’s alternative to leave the bridge in place.</p> <p>Traffic analysis needs to be moved in its entirety to the traffic section.</p> <p>Growth discussion needs to be analyzed in the induced growth section.</p>	
Traffic	<p>“Long term changes in traffic volumes are expected.” Why the narrow analysis? In the direct impact section (of the social category), the document describes minimal effect on traffic patterns. Here it describes no long-term redistribution. The increase of traffic on South Avenue is offset by a decrease on North Avenue. Should have discussion of whether South Avenue is sufficient to handle change in pattern – is it an inferior to North Avenue?</p> <p>Without context it is difficult to analyze intensity: increase in vpd of 2,700 by 2040 is not particularly helpful without reference to current counts and projected counts in 2020 when bridge project should be completed.</p> <p>Again increase in vpd in front of the school by 2040 should be discussed in context. Is this a 5% increase, a 500% increase? Do we have projections for 2020? Analysis should include a discussion of existing facilities for traffic and pedestrians, and whether they are sufficient for expected increases.</p> <p>Analysis may benefit from a map.</p> <p>Should directly respond to MBA’s traffic study in this section.</p>	
Pedestrian	See comments in traffic section regarding projections, existing safety features, lack of context (failure to discuss in terms of percentage	

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	<p>increase).</p> <p>Discussion of Missoula County’s proposed action should not be in the Table’s potential impact section: If Missoula County has committed to improving the pedestrian facility it should be discussed as a proposed mitigation; if there is no commitment, it is just superfluous information.</p>	

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Concept	<p>The NEPA document might benefit from a strong 1 to 2 page Executive Summary that rounds-up the important arguments on a single location to explain the linking of planning and NEPA processes, support the proposed action as meeting purpose and need and justify why other alternatives are not advanced for NEPA analysis (procedural law) while they were evaluated for 4(f) and 106 (substantive law). We can discuss this further if that would be helpful.</p>	
Concept	<p>The document package might benefit from someone who can identify some of the areas where we are force fitting an argument or have incomplete thoughts or are connecting dots that needn’t be connected. Perhaps that person can independently review all questions/comments/concerns expressed in correspondences sent by citizens and groups to ensure that they are addressed directly in the document.</p>	
Content	<p>Section 106 / Section 4(f) for Maclay Bridge. The documentation needs to acknowledge the Maclay Bridge Alliance (MBA) as a consulting party and acknowledge the information they submitted as a consulting party. The document should explain the role of a “Consulting Party” in the 106 process in general and the role of the “Consulting Party” as discussed in the Section 106 Programmatic Agreement. Copies of the MBA’s request, FHWA’s response, and MBA’s 106 Submittal(s) should be included. Documentation should include assessment of and responses to the comments provided by MBA. Demonstrate that the comments were investigated and considered. Are the suggested alternatives valid, reasonable, and feasible alternatives? If not, directly explain why not. MBA’s submittal was provided to SHPO subsequent to SHPO’s DOE. Include the MBA transmittal to SHPO in the documentation. Along with documentation that an additional comment period was given to the MBA as a consulting party. A new or re-affirmed DOE should be sought. The DOE submittal cover letters from MDT to SHPO should be included. The information on the listing on the register should also be included.</p> <p>An item of note that MDT should discuss with SHPO is that IF the bridge can indeed be modified to meet load requirements and 2-lane capacity requirements, would the extent of the rehab work be so extensive as to preclude the bridge from remaining eligible for inclusion on the</p>	

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	<p>register? Would the rehab efforts be so extensive as to change the bridge rehab from being an “avoidance alternative” to being an “alternative”?</p> <p>Also, IF the bridge can indeed be modified to meet load requirements and 2-lane capacity requirements, would the bridge rehab efforts be so extensive as to negate the “grandfathered” status of the bridge to comply with free-board requirements, triggering a need for additional rehab efforts?</p> <p>Addressing this comment should create multiple changes through the Attachments and the main CE Analysis.</p>	
<p>Concept / Content</p>	<p>Table 1: Edits to the table are required. Each column has a specific purpose related to the column header. Info in the table should be targeted to the column and row headers and should not be re-stated redundantly in multiple columns and rows.</p> <p>The description column is to concisely describe the resource or subject area. The level of explanation should be somewhat proportional to the impact. If there is no impact to that resource area, there is no need to go into lengthy discussions. That information can be contained in referenced documents. (For example, the EJ discussion in the table can be much abbreviated with a reference to the 711 Activity.)</p> <p>The impacts column is to provide a quantitative or qualitative statement of potential impacts to the specific resource described in the first column. This column represents the “hard look” required by NEPA. If potential direct and indirect impacts are zero, the other columns generally need not be populated. (It should generally be obvious that a zero effect is “not significant”.) If there is an impact, the description should provide enough information to explain the context and intensity of the impact. Confirm you are satisfied with the evidence you have to back up the impact assessment. Foer example, the ESA impact is challenging to explain when we do not have the surveys complete to identify presence of yellow-billed cuckoo. Also, it is okay to describe adverse impacts. Adverse impacts may occur. If those impacts are significant, we can re-look mitigations or elevate the level of document.</p> <p>Mitigation column is to describe the commitments being implemented by the County, MDT, and/or FHWA to minimize the direct and indirect impacts. These are commitments. Not “should”s or “maybe”s. These are actions that will be taken by the signing parties not by other agencies. For example, the relevance of the FWP future potential actions is unclear. Some other, but not all, specific examples and concerns are highlighted below. Please take a second look at all the mitigations discussions.</p> <p>Cumulative impacts are the impacts from the “past, present, and reasonably</p>	

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	<p>foreseeable future actions” described earlier in the document starting on page 10. (In general, the NEPA “jargon” of past, present, and reasonably foreseeable future” should be used for NEPA context clarity unless some other meaning is intended. Perhaps that is the case and we can discuss.) The statement that “that the proposed project would cause minor cumulative impacts on...” is repeated throughout the cumulative analysis. That intent of that statement is unclear, since the cumulative impacts are not associated with the proposed action, but rather the other actions.</p> <p>The significance column is to say clearly if the impacts are significant or not and how that decision was made. Explain the rationale and reasons why the net impact (direct + indirect – mitigation + cumulative) is not significant. If mitigation is being relied upon to reach the insignificance conclusion, be sure it is the right kind of mitigation and it actually mitigates the adverse impacts and does not just create a new positive impact elsewhere. There is no need to restate redundant info here. The intent of the repeated statement of “not significant as defined by NEPA MEPA is unclear”.</p>	
Content	<p>4(f) De Minimis Finding Letter. No need to include the Maclay house in this correspondence. Since there is no 4(f) “use”, there is no de minimis impact. With regard to the de minimis action for the ditch, our process no longer includes a separate concurrent for the 4(f) de minimis action. The de minimis statement likely was included, as agreed upon, in the cover letter of the original Section 106 No Adverse Effect determination. Please confirm with MDT if this extra letter is necessary. Please include the original cover letter in the attachments. If that agreed upon process was not followed, please explain the deviation. If we do need a second letter to document the de minimis action, please modify the letter so as to reference the agreed upon process and not require an additional SHPO concurrence. “As we have agreed, since you concurred with the determination of “no adverse effect’ for Big Flat Ditch...” Also, signatory on this letter is Bruner.</p>	
Content	<p>Endangered Species Act. We should discuss the timing of the ESA clearance in relation to the NEPA clearance. The discussion should be bolstered to provide a logical reason and sufficient evidence to understand the impacts and to draw a supported conclusion that there are no significant adverse impacts expected. Key pieces that are outstanding include data from the study, a determination of effect, USFWS concurrence, a clear understanding of mitigation measure and assurance that MDT and the County can adhere to whatever mitigation commitments and conservation measure may be required. Is the consultation process held up due to the cuckoo surveys? The deference to the final determination of effect seems to leave wide gap in the understanding of the impacts. Do we have a logical reason to believe there will be nothing significant? Please provide a better explanation of why</p>	

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	<p>the absence of the data from the study, DOE, USFWS concurrence and required mitigation does not minimize our ability to come to a significance determination. The phrase, “Additional conservation measures and project-specific BMPs would be incorporated as appropriate into final design.” seems ambiguous. Can you reshape that to tie it to the impacts discussion? The USFWS recommendations are all listed as mitigation. Confirm whether or not the MDT/County are willing to commit to those recommendations and adjust text accordingly. Edit to eliminate redundancy and increase clarity of the significance determination.</p>	
<p>Concept /Content</p>	<p>The Maclay Bridge Alliance. MBA has provided multiple letters expressing their concerns about the project. Please provide assurance to FHWA that all correspondence has been thoroughly reviewed and considered. Ensure all legitimate questions are addressed within the context of the CE, 106, and 4(f) analyses.</p>	
<p>Comment for discussion</p>	<p>Please review 23 CFR 630.112 and FHWA Order 5020.1. Once the NEPA document is signed, FHWA would expect the project to be built. If the County were to change its mind and terminate the project later after the NEPA decision document for a build project, FHWA would require the County to reimburse the federal-aid funds expended after the NEPA doc. FHWA does not pay for work for projects that never get built. If the County were to have a no-build NEPA doc now, no payback would be required, but that is not what is proposed.</p>	
<p>Concept/ Question</p>	<p>Since this project is in the MPO area, fiscal constraint will apply. In accordance with FHWA policy, funding for the NEPA document (EIS, EA, or CE) with FHWA funds must be included in the STIP and TIP prior to FHWA authorization for NEPA. The FHWA cannot sign a final NEPA document (approve a ROD, EA, or CE) unless the project is included in an adopted, fiscally-constrained, metropolitan transportation plan. Additionally, one subsequent project phase must be programmed into the STIP/TIP. Note that a TIP amendment will be necessary for FHWA signature. Also, we recommend including a brief funding discussion in the front of the document.</p>	
<p>Concept</p>	<p>Search for “any”, “all” and delete or revise as needed to avoid use of absolutes where it is not appropriate to do so.</p>	
<p>Concept</p>	<p>Search for “significant” and edit text as necessary to avoid potential misinterpretation of “significance” in the context of NEPA. Generally, in the NEPA document, we prefer to use “significant” only where it is appropriate in a NEPA, 4(f), or similar regulatory context.</p>	
<p>Concept</p>	<p>Search for “possible” and edit text as necessary to avoid potential misinterpretation of MDT’s/the county’s intent. Just about anything is “possible” if you throw enough money at it, but it might take an unreasonable sum. Avoid use of “possible” where it is not appropriate to do so.</p>	

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Concept	Who will be providing construction oversight? MDT? Missoula County? There are mitigations that say that Missoula county will pull in MDT staff in construction oversight activities (See vegetation section and attachment A) which makes roles and responsibilities unclear.	
Concept/ Content	<p>CE Page 3. Purpose and Need. Is the first sentence both the purpose of and need for the project? This first paragraph provides a great place to provide the reader with a clear direct match between the need for the action and the proposal for the action. Please provide something right up front here to concisely describe the existing needs and proposal to remedy those needs in layman terms. Is the second sentence part of the purpose and need statement or is it an objective or additional benefit? What do the proposed pedestrian facilities tie into?</p> <p>The subsequent information is good, but some key points get a bit buried. Perhaps there would be a better way to highlight these key points. We have attempted to capture a few of them here:</p> <p>...rehabilitation of Maclay Bridge or construction of new bridge in the same location is not feasible due, in part, to the existing roadway geometry of the approaches and the potential impacts to residential structures.</p> <p>... Maclay Bridge is categorized as <i>functionally obsolete</i> due to the single-lane width of the bridge being sub-standard for the current traffic volumes, and the sub-standard curves on both approaches to the bridge.</p> <p>...The existing road geometrics of the bridge and approaches create safety hazards and roadway deficiencies that rehabilitation alone would not fully resolve.</p> <p>...The existing Maclay Bridge is sited at an elevation that does not meet current local floodplain regulations.</p> <p>... neither option would correct the sub-standard conditions including approaches for the bridge, i.e., bridge deck width could not be corrected, thus perpetuating a single-lane structure for two-way traffic unsuitable from a capacity or operational standpoint to handle projected traffic volumes. Furthermore, rehabilitating Maclay Bridge is not eligible for funding under MDT's Off-System Bridge Program because safety objectives would not be met.</p>	
Concept /Content	CE Page 4, Figure 2: Can this figure be used (or maybe even better, can you insert another figure) to show the location of the target Range School, the FMRA, and other locations mentioned in the document?	
Content	Page 5, Paragraph 1: Federal eligibility is no longer dependent on the	

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	sufficiency rating. The State may however, still be choosing to use this as a criteria. Review this paragraph and compare with MDT's policies to determine if an edit is necessary.	
Content	Page 5, Paragraph 3: There is specific reference to a Type I fire engine in line 7, but no supporting info to give context. This is an important part of purpose and need that you can strengthen. Can we explain that a Type I engine is the smallest engine? Can we explain the other types of engines that are available but have to use the detour? Could we say how much those engines weigh and that their weight would be specifically supported by the proposed bridge? Could we easily provide a graphic that would show the direct route from the rural fire station and then the detour via US 93 that the larger trucks would have to take?	
Content	Page 6, Paragraph 2: "The bridge in its current location, including piers, pilings and abutments, constricts the river channel because of its inadequate length, <i>which has led to negative impacts to the natural performance of the river channel...</i> " (emphasis added). Comment: Please explain "negative" impacts in a factual manner or re-phrase the sentence.	
Content	Page 6, Paragraph 2: Per FHWA Bridge Engineer, this is no longer scour critical since countermeasures have been installed.	
Concept/ Content	<p>Page 6, Paragraph 4 says, "Missoula County, MDT, and FHWA have together developed the scope and project limits. In so doing they have determined that the project limits previously described represent logical termini for the proposed project and that this investment of federal and state funds has independent utility even if no other improvements are made within the South Avenue corridor or areas west of the Bitterroot River." Is this in reference to the Planning Study or standalone meetings? We should discuss this.</p> <p>The connections or lack thereof to existing pedestrian facilities has been questioned. A summary of how the proposed project represents logical termini for both pedestrian and roadway traffic should be included here.</p>	
Content	Page 7, Paragraph 2: Please re-work this paragraph for clarity. As written, it implies that the 1994 document was a NEPA document. However, FHWA was not a lead agency and provided signature indicating "Document review for content and approved for circulation." We need to have some additional conversation about the paragraph.	
Content	Page 7, Paragraph 3: This paragraph should be expanded to better describe the extensive public outreach efforts that occurred in conjunction with the Planning Corridor Study. The first sentence is phrased a bit awkwardly.	
Content	Page 7, Paragraph 4: Consider referencing "Bridge Design Standards".	
Concept /Content	Page 10, Past, Present, and Reasonably Foreseeable Future Actions: Ensure that the bulleted list is complete. Should we include the Target Range Homeowners 2010 plan here? What about the LRTP? Include some	

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	<p>discussion on how “reasonably foreseeable” actions were determined. This would be the more appropriate place to include the information on MDT’s Induced growth policy and use it to show why induced growth is not “reasonably foreseeable” and thus explain the scope of the future actions analysis. This section should describe all activities that will play into the cumulative impact analysis. As it is, the analysis that is summarized in the table includes impacts from other actions not listed here.</p> <p>MBA stated that a Missoula County Commissioner indicated that South Avenue would require upgrades due to the proposed project. Is that true? Does the county have any roadway upgrades in the vicinity that they would consider “reasonably foreseeable” in addition to the shared-use path on South Ave between Humble Road and the proposed bridge? Do we need to just acknowledge that conceptually upgrades may be required but they have not yet been committed to?</p>					
Concept / Content	<p>Page 11-12 Present and Future Projects: For each of these projects, state if there was a NEPA or MEPA analysis or some other document that itemized the potential impacts. Then in the subsequent cumulative impacts analyses, use that data and cite those documents if they are the source of the quantified or qualified impact assessment. Is it possible to produce a graphic showing the locations of these other actions in relation to the proposed action?</p> <p>With regard to the FMRP, who expressed the concerns about the traffic? Are they valid concerns?</p>					
Content	<p>Page 12-14 Coordination. Mention the extensive outreach efforts that were associated with the development and maintenance of the website and the continuous solicitation for and collection of comments via the web form. Consider adding in the other coordination meetings and events that are itemized on the website. The website mentions a TDC meeting in January 2017.</p>					
Concept (not mandatory)	<p>Table 1: Conceptual Comments. The document is pleasantly written, but editing for brevity will allow a clearer demonstration of NEPA requirements. One of the EDC principles is tell the story and keep it brief. Consider editing for brevity and clarity. This comment applies to the entire table, but for example:</p> <table border="1" data-bbox="349 1640 1263 1896"> <thead> <tr> <th data-bbox="349 1640 808 1717">Current text Description:</th> <th data-bbox="808 1640 1263 1717">Suggested edits for brevity:</th> </tr> </thead> <tbody> <tr> <td data-bbox="349 1717 808 1896">Native vegetation within the immediate project area has largely been modified by past residential and roadway development and agricultural uses. Vegetation</td> <td data-bbox="808 1717 1263 1896">Development and agriculture have impacted native vegetation in the project area. Field brome, Idaho fescue, field mustard, spotted knapweed, Canadian thistle,</td> </tr> </tbody> </table>	Current text Description:	Suggested edits for brevity:	Native vegetation within the immediate project area has largely been modified by past residential and roadway development and agricultural uses. Vegetation	Development and agriculture have impacted native vegetation in the project area. Field brome, Idaho fescue, field mustard, spotted knapweed, Canadian thistle,	
Current text Description:	Suggested edits for brevity:					
Native vegetation within the immediate project area has largely been modified by past residential and roadway development and agricultural uses. Vegetation	Development and agriculture have impacted native vegetation in the project area. Field brome, Idaho fescue, field mustard, spotted knapweed, Canadian thistle,					

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	<p>communities within the project area were documented during field investigations conducted on October 6 and 8, 2015. Roadside species observed at the east end of the project area along South Avenue include field brome, Idaho fescue, field mustard, spotted knapweed, Canadian thistle, common mullein, catnip, and burdock. Species observed at the west end of the project area along River Pines Road include field brome, field mustard, common tansy, common snowberry, and woods rose.</p> <p>Due west of the South Avenue cul-de-sac is a mature stand of deciduous trees consisting primarily of quaking aspen averaging approximately 40 to 50 feet in height, intermixed with balsam poplar. Understory vegetation observed included woods rose, burdock, weeping willow, and field brome. The tree stand is approximately two acres in size and extends to the south outside of the project limits.</p> <p>Riparian vegetation along the Bitterroot River in the general location of the proposed alignment is comprised of a narrow band of second-growth to mature black cottonwood, balsam poplar and weeping willow. Located below the ordinary high water mark are margins of emergent wetland vegetation consisting primarily of sedge and common spike-rush.</p>	<p>common mullein, catnip, and burdock exist along South Avenue. Field brome, field mustard, common tansy, common snowberry, and woods rose exist along River Pines Road. An approximately two-acre mature stand of aspen, balsam and poplar are due west of the South Avenue cul-de-sac. This stand also includes woods rose, burdock, weeping willow, and field brome and extends to the south outside of the project limits.</p> <p>Riparian vegetation along this section of the Bitterroot River includes a narrow band of second-growth to mature black cottonwood, balsam poplar and weeping willow. Margins of emergent wetland vegetation (sedge and common spike-rush) are located below the ordinary high water mark.</p>	

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	Refer to the Biological Resource Report/Preliminary Biological Assessment for more detail.	
Concept / Content	Biological Resource Report/Preliminary Biological Assessment: There are multiple times the reader is referred to this document for additional information. That statement could imply there is not enough information within this NEPA document to make a significance determination. Those references should be removed. Extract enough information out of the supporting documents to concisely populate the five columns to allow the reader to understand the impacts, the mitigations and the significance of the net impacts in one location. The supporting documents are then listed as references so they can provide details that the reader can seek if so inclined.	
Content	Table 1, Vegetation, Direct and Indirect impacts: Will 2.8 acres really be permanently impacted? Is this the increase in impervious surface? If that is just disturbance area, then that impact should be a temporary impact which should be remedied by revegetation efforts. "Permanent removal of native vegetation..." seems inconsistent with the first statement in the Description column that says the "Native vegetation within the immediate project areas has been largely modified". Does the county intend to delineate the areas that are native from the areas that are not native and exercise additional effort to limit impacts to the native vegetation? The following discussion should not be in this column: "Due to minimization of the project footprint and restoration and enhancement of disturbed riparian areas, the proposed project is not anticipated to have a long-term negative impact on riparian habitat along the Bitterroot River." Minimization efforts should be discussed in the mitigation column. An assessment of the magnitude and "significance" should be reserved for the last column.	
Content	Table 1 Vegetation, Mitigation and Monitoring: Phrases like, "it is anticipated that the existing roadway fill prism would be removed" should be re-shaped to be commitments to action with a mechanism to ensure that they will occur, such as, "In accordance MDT Specification 212 the existing roadway will be obliterated and..."	
Content	Table 1, Vegetation, Cumulative Impacts: Logging in Lolo National Forest seems like quite a wide berth for the cumulative impacts scope. If the Lolo logging ops are, in fact, part of the cumulative impacts analysis, then they should be included up front in the list of past, present, and reasonably foreseeable future action. Also, associated cumulative impacts need to be included in other resource areas as applicable.	
Concept	Table 1, Vegetation, Significance: The reference to terrestrial and aquatic species is misplaced here in the vegetation section. The discussion of the special provision is misplaced here in the significance section. The significance determination should be based on context and intensity and should be explained.	

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Concept	Table 1, Pg 17-19, Farmland, Significance: Edit for brevity and to eliminate redundancy.	
Concept/ content, minor typo	<p>Table 1, Pg 19 -21, Cultural and Historic Resources: See also general comments regarding 4(f) and 106. The description sounds as though we are missing information about potential resources present on the site. Do we have a logical reason to believe there will be nothing significant? Please provide a better explanation of why the absences of this data does not threaten our significance determination. Minor typo. Change “o” to “on” in the paragraph beginning with, “The CSKT...” In the significance section refer to Attachment D as well as Attachment A.</p> <p>Explain timing on the offering of the bridge for adoption. The text in the mitigation column talks about the offering of the bridge for adoption as though it has not yet occurred. What is the timeframe for putting the bridge up for adoption? With regard to Tribal monitors, some sidebars need to be included. Let’s discuss the rationale for the solicitation to the CSKT. Were other tribal governments solicited for input?</p>	
Typo / Content	Table 1, Air Quality, Pg 22-25: Minor typo. Move the spelled out version of PM-10 up to the first place the acronym is used. Be consistent with the PM-10 and PM10 acronym. The discussion of potential air quality improvements (impacts) is misplaced in the significance discussion.	
Content/ Question that may or may not change the text	<p>Table 1, Water Quality, Pg 25-30: Please confirm that there is no MS4 applicability on this project. It appears that the east side of the project may be within the MS4 boundary. Typo in the cumulative impacts section “agricultural to agriculture”. It is unclear why the required permits are part of the significance determination. Would those be more appropriate in the impacts or mitigation columns? Mention CWA 402 as the source of the SWPPP requirement. Mention Contractor securing a 318 permit as needed.</p> <p>The involvement of the CWA 404 is unclear if the bridge is out of OHWM and if the map we reviewed is correct. As shown on the map, the ditch did not appear to feed back into the river. Please confirm. Also, if a 404 permit is required, please state if a NWP (rather than IP) is anticipated. Note the source of the timing restriction so it is not implied that it is due to water quality. Strike the sentence, “This would substantially minimize potential for roadway pollutants ...”</p>	
Content	Table 1, Floodplains, Pg. 30-34: Consider including a statement to recognize and commit to complying with the requirements on 23 CFR 650 rather than the statement about future unknown mitigation requirements that may imply that the project as we understand it cannot confidently be assumed to have insignificant impacts. The mitigation discussion about removing the bridge is unclear. Is this mitigation required to reach the insignificance determination? Is it a “must do” to receive the permit? Has the county provided the request in writing? Have they cited their authority to make the	

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	requirement? Explain this idea fully if it is intended to support the 4(f) analysis.	
Content	Table 1, Wetlands, Pg 34 -36: If there are no wetland impacts from the proposed project, then a cumulative analysis is not triggered and the insignificance of the impacts is quite straightforward.	
Content	Table 1, Fish and Wildlife, Pg 36-39: There are few typos to catch in this section. Is this the good place to mention the MBTA and the information regarding the osprey nest provided by USFWS or do you intend to add that in the T& E Section? Explain, “other conservation measures” and phrase in terms of a commitment to a future action. Modify mitigation discussion to be commitments to future actions rather than proposals put forth. Explain reference to “State of Montana BMPs”. Does this mean MDT’s BMP Manual or is this a reference to the DEQ Manual, which MDT co-sponsored or some other manual? Again, if USFS actions are included as part of cumulative impact, they should be referenced up front in the past, present, and reasonably foreseeable future actions. Do we actually expect wildlife – friendly fence in this area? Re-phrase future mitigation measure from permitting actions to be in the context of commitment to comply with future permit conditions so as to not imply concern about significance. The relevance of the cumulative impact discussion around Obrien Creek is unclear since the proposed action has no impact to O’Brien Creek.	
Content	Table 1, Pg 39 -44, Threatened and Endangered Species: See above.	
Content	Table 1, Utilities Pg 44-45: We may want a bit more discussion of indirect impacts. Would there be a cost to users with the utility impacts? Would there be an increase in future reliability to users? Rephrase mitigation discussion to be in terms of commitments.	
Content	Table 1, Hazardous Material, Pg 45-46: Mitigation should be stated in terms of a commitment rather than “should”. Modify the significance determination for brevity/clarity.	
Content	Table 1, Visual Resources, Pg46-48: Should we acknowledge the change of the view of the users of the bridge? Quantify the impact on the residents, as few homes will have a view of the new bridge. Re-phrase to separate the bridge removal and the bridge addition. The statement that the permanent impact would be offset “to some degree”... is unclear. The mitigation sounds very open-ended. How much of the visual aspect of the bridge will be left to public decision? Modify the significance determination for brevity/clarity.	
Content	Table 1, Noise, Pg 48-51: Please edit to eliminate redundant information. The first paragraph of the “description” section trails off without completing the thought. Looks like something got inadvertently cut. Modify significance determination to clarify “does not result in impact “ and “does not result in a “traffic noise impact that triggers mitigation”. Is the intent to append the whole Noise Report? Consider appending just the	

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	map with the report listed as a reference.	
Content	Table 1, Land use, right of way, Pg 51-55: Re-look the significance discussion for consistency with MDT’s procedure for assessing induced growth. If what you have currently written is accurate, then you will need to conduct an induced growth analysis to support your assertion of insignificant. We presume that was not your intention. Please re-phrase or address. This row should just refer to the induced growth discussion which should be included in the front part of the document. We can discuss this further to provide additional direction if needed.	
Content	Table 1, Publicly owned parklands..., Pg 55-56: If no impact from the project, then the cumulative impact analysis is irrelevant. No need to include discussion.	
Concept / Content	Table 1, Recreational Opportunities, Pg 56-58: Avoid use of “significant”. This is an unusual section to include. It is unclear why Recreation opportunities should be separate from recreation areas. Perhaps a clearer delineation would be to combine these two or to create a separate 4(f) section that covers both historic and parkland. Is the current angler and swimmer access to the river legal? Is there ample and safe parking? Are the users safely out of the clear zone. Is the bridge jumping legal? If this recreational use is not legal and/or safe we should state that. We do need to address the impact of the elimination of an illegal activity. The relevance of the mitigation discussion is unclear. The relevance of the FWP interest in maintaining access to the river does not seem to be an appropriate discussion for Missoula/State/FHWA mitigation of impacts of the proposed project. If this is to be discussed in the table it must be “reasonably foreseeable” in the context of NEPA.	
Concept/ Content	Table 1, Social impacts and environmental justice, Pg. 58-61: This section seems to aggregate a bunch of issues that are and/or should be discussed elsewhere in the document. Consider focusing this area solely on environmental justice and find happy homes for the other topics, as needed. As such, there is a lot of information here for a subject matter with no impact. Perhaps house this information in a separate supporting study and just provide a concise summary here. Mitigation discussions about aesthetics are covered in the visual impacts section. Mitigation discussions about traffic are covered in the traffic section. The discussion about the neighborhood plan probably would be better suited to be upfront in the past present and reasonably foreseeable area, but its presence here bears mentioning that we need to just acknowledge that the current plan that meets the needs of the county as a whole may not line up perfectly with a neighborhood plan. Why did the neighborhood plan support status quo? Were their concerns primarily based on local considerations? Did they address safety, bridge deficiencies, etc? We know this is an issue for some of the citizens so let’s acknowledge and address it in a straightforward	

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	manner. A snap shot about this could also be included in the Executive Summary.	
Content / Concept	Table 1, Traffic and circulation, Pg. 61 – 67: There seems to be a typo in the last sentence of the “Description” section. Rework the impacts discussion as needed to make it clear this is an assessment of potential impacts, not an alternatives analysis. For example, you can strike this sentence, “The proposed project is expected to increase traffic volumes on South Avenue in the vicinity of the proposed project over a No Action condition.” The most important part of the traffic impacts discussion is the meeting of the purpose and need and the improvement of safety and mobility. Consider leading the discussion with that information. The relevance of the classification discussion is unclear. Modify the traffic calming exploration into a commitment to explore and incorporate as appropriate. Traffic in front of the school has been mentioned as a concern. We should discuss that here. Is that a valid concern? Will traffic in front of the school be higher than in front of other schools in Missoula? Could we add some context to that discussion?	
Content	Table 1, Ped and Bike Facilities, Pg. 68-73: Please flesh out the discussion of the potential indirect impact to existing pedestrian and crossing facilities in the vicinity of the school. In particular, is the existing crosswalk at Clements and South Ave adequate to safely accommodate the pedestrians crossing South Ave in light of the projected increase in traffic? If so, explain. If not, explain upgrades that the County will undertake and when or even explain if there has not been a firm commitment to address and why that is. Then include this information up front in the “reasonably foreseeable” future actions. Also, re-phrase mitigation from what “could” be used to make a commitment. If a commitment cannot be made then do not include the discussion or discuss in terms of tan adverse impact.	
	Table 1, Economic Impacts, Pg. 69-71: Why speculate about, “Although not studied in detail, there are likely also other home-based businesses, market-gardens and greenhouses, and small acreage agricultural producers within the project area vicinity.” If it is important flesh it out. If it is not, leave it out. Re-look the impacts discussion for consistency with MDT’s procedure for assessing induced growth. If what is currently written is accurate, then an induced growth analysis will likely need to be conducted to support your assertion of insignificance. I presume that was not your intention as it seems rather speculative to assume increased business. Please re-phrase or address. This row should just refer to the induced growth methodology discussion which should be included in the front part of the document.	
Concept	Page 72. Conclusion. It might be helpful to re-frame this discussion to explain that all the above analyses were conducted and no significant adverse impacts were identified. As a result, it was affirmed that the appropriate level of environmental document is indeed a Categorical	

Bitterroot River – West of Missoula
 BR 9032(65), CN 6296000
 Comments on draft Categorical Exclusion
 July 28, 2017

Comment Description	FHWA Comments	Response
	exclusion in accordance with the regulations.	
Content	Page 72, include reference to 23 CFR 771.117(b)(1)-(4).	
Concept / Content	The Attachments will need extensive updates to address the concerns presented above. We will provide more detailed comments on the text as written, after the edits are made to address the large concept issues.	