

Appendix G

Minutes from Resource Agency Meetings

Boulder - South Environmental Assessment

Agency Coordination Meeting

Wednesday, July 30, 2008

1:00 to 4:00 p.m.

**Montana Department of Transportation
Commission Room, 2nd Floor**

MEETING MINUTES

This memo is a summary of the Agency Coordination Meeting held on July 30, 2008.

The following were in attendance:

Gabe Priebe	MDT- Consultant Design
Jeff Ebert	MDT-Butte District Administrator
Jim Davies	MDT-Road Design
Dennis Dietrich	MDT-Road Design
Tom Martin	MDT-Environmental Services Bureau Chief
Barry Brosten	MDT-Environmental Services
Deb Wambach	MDT-Environmental Services
Jeff Patten	FHWA
Carl James	FHWA
Darryl James	HKM Engineering
Sarah Nicolai	HKM Engineering
Scott Jackson	USFWS
Tom Carlsen	FWP
Doug McDonald	FWP
Ron Spoon	FWP
Mike Wyatt	BLM
Kelly Acree	BLM
Mark Kelley	DEQ
Jeff Ryan	DEQ
Steve Potts	EPA
Deborah Blank	USACE
Tom Lythgoe	Jefferson County

SAFETEA-LU Discussion

Darryl James began the meeting with a brief overview of SAFETEA-LU's Section 6002 provisions regarding agency and public involvement opportunities throughout the project development process. Carl James elaborated that the intent is to ensure early and continuous coordination with agencies and members of the public in order to share information and address any concerns before critical project decisions are made.

Project Description and History

Darryl described the project location and provided a brief history of the project, noting the initial public scoping meeting in June 2005 and the Alternatives Analysis completed in the September 2006. Darryl also stressed that the Alternatives Analysis was intended to compare planning-level costs and impacts for the existing and alternate alignment alternatives to determine if one could be eliminated prior to full NEPA/MEPA analysis.

Project Purpose and Need

Darryl began this discussion by presenting draft versions of the Purpose and Need statements. A few agency representatives felt that the Purpose and Need language was too narrow. Jeff Ryan asked if the Purpose could be expanded to include provision of environmental enhancements. Scott Jackson asked if additional detail could be included in the Need statement regarding crashes involving domestic and wild animals. Tom Carlsen noted that the Elkhorn Management Area is bounded by MT 69.

Darryl and Deb Wambach stressed that the Purpose and Need language should be a statement of the transportation problem and should be kept relatively simple. Carl James noted that this is important given the restrictions associated with funding sources. Funds intended for transportation projects generally cannot be used for projects whose primary purpose is to enhance the environment.

It was agreed that the Purpose statement would be altered to reflect the following changes:

“To improve safety for users of ~~along~~ the project corridor while mitigating project impacts to the surrounding built and natural environments.”

Deborah Blank noted that the term safety can be interpreted in a number of ways, and could include safety of the environment or of wildlife in addition to human or vehicular safety. Steve Potts requested the Need statement be expanded to include a description of the environmental constraints in the corridor. Jeff Ryan echoed this request.

Darryl asked the group to list resources of concern in the project area. Agency representatives noted the river corridor, wetlands, floodplains, fisheries, and potential gravel pit locations.

Deborah noted that the project could result in increased speeds on MT 69, which could in turn result in greater animal – vehicle conflicts. Jeff Ebert stated that the project would not affect the posted speed limit on MT 69. Deb Wambach also noted that even if actual travel speeds were to increase, evidence from national studies on speed and wildlife conflicts suggests that the wider shoulders and clear zones provide improved visibility of wildlife and decrease the risk of conflict.

Deb Wambach noted that all resources would be considered during project development and design and that enhancement and mitigation concerns could be included under goals and objectives, as opposed to the Purpose and Need statements.

Darryl asked Agency Representatives to formulate potential goals and objectives for the project. The group identified the following as goals and objectives for the project:

- Improve / maintain fishing access sites
- Maintain integrity of river corridor and minimize encroachment on river corridor and habitat
- Meet water quality standards (TMDLs to be developed in future)
- Seek opportunities for wildlife crossings

The discussion turned to the Alternatives Analysis completed in September 2006. Tom Lythgoe noted that originally the county had informally agreed to accept responsibility for maintaining the existing MT 69 alignment if the Alternate Alignment were to be constructed. In response to strong public opposition to this option, the county later determined that they could not accept maintenance responsibility for the roadway segment.

Deb Wambach noted that if the Alternate Alignment were pursued, there would be greater cumulative impacts because there would be two paved highways instead of one.

Deborah Blank requested that the EA document the rationale used for the Alternatives Analysis. Jeff Ryan requested that the EA briefly explore abandonment of the existing alignment over the entire corridor, or at minimum, over the portion between the trailer park and MP 32 in order to move the roadway out of the floodplain. Doug McDonald echoed this request. Doug also noted that there are greater safety concerns relating to ice and snow cover as compared to the Alternate Alignment, which tends to be sunnier and more open. Scott Jackson noted that it would be helpful to have a map showing the extent of the floodplain within the project area.

Jeff Ebert stressed that the Alternate Alignment option was a non-starter and would not be forwarded.

Tom Martin asked for clarification regarding the proposed project on the existing alignment. Jim Davies and Dennis Dietrich confirmed that the project would generally follow the existing alignment, with the exception of the curve near the Little Boulder River (approximately MP 35± - 36±), where the road would move farther into the rock face and may also move farther into the river. Jim noted that MDT would like to propose moving forward as a rehabilitation project.

Darryl confirmed that the EA would document the Alternatives Analysis, which would be incorporated by reference. Deborah Blank stated that it would not be acceptable to throw out alternatives early in the process. Tom Lythgoe stated that due in part to public outcry, the Alternate Alignment has already been eliminated and the project will stay on the existing alignment. Deborah stated that the EA must evaluate more than two alternatives. Darryl noted that the Alternate Alignment was previously explored in the Alternatives Analysis. Deborah stated that the EA must still show alternatives that minimize impacts.

Environmental Analyses

A discussion of the methodologies for the environmental analyses followed. Deb Wambach asked if it would be acceptable to perform wetland delineations using the old USACE forms and the 1987 manual. Deborah Blank stated that Alan Steinle would need to address this issue, which is pertinent to a number of ongoing projects.

Deb noted that the BRR would be distributed to agencies for review following completion of the survey for Ute Ladies' Tresses and the wetlands verification work. Jeff Ryan asked when the permitting phase would begin. Jeff Ebert stated that the project is currently scheduled for 2012, with permitting applications to potentially occur in 2011. Jeff Ryan noted that by 2011, there may be new USACE stream mitigation regulations and it may be helpful to speak with Allan Steinle on this issue as well.

Doug McDonald asked if mitigation costs have been identified for each alternative as a line item in the total cost estimate. Darryl confirmed that these costs were included in the Alternatives Analysis estimates.

Doug also asked if MDT has identified mitigation locations. Deb Wambach noted that there are a lot of options in Watershed 6. Jeff Ebert noted that the Boulder Hot Springs may be a potential mitigation location.

Mark Kelley noted that DEQ anticipated completing TMDLs by 2012, including the Boulder River. New regulations may include requirements for remedial actions for current practices.

Scott Jackson asked if roadkill data are addressed in the BRR. Deb Wambach noted that MDT and HKM have asked for more detail on this topic.

Ron Spoon brought up the issue of slickins and the instability of the river. Mark Kelley noted that there are sinuosity and river movement issues in the corridor and that there may be a need for a geomorphological analysis. Ron Spoon asked if hazardous materials have been addressed. Darryl James noted that the project team will talk with MDT Hydraulics to address this issue.

Upcoming Agency Coordination Opportunities

Darryl noted that the Draft BRR should be completed in September or October and that the next agency meeting will likely be scheduled in late October or early November after agencies have had an opportunity to review the Alternatives Analysis document and the Draft BRR. A final agency meeting would likely occur next summer.

Deborah Blank stressed that additional alternatives must be considered, including those proposed by the public such as slowing speeds in the corridor and adding pullout locations while leaving the roadway alone.

Darryl and Jeff Ebert noted that only the legislature can change the speed limit. Darryl stated that various design options would be included in the EA. Deborah stated that agencies would prefer to receive information on any additional analysis of alternatives early in the process.

Jeff Ryan noted that it may be beneficial to have a 404(b)(1) analysis in the EA document. Steve Potts echoed this sentiment.

Ron Spoon asked if agencies would have the opportunity to review potential gravel sites. Darryl stated that it may be too early in the process to identify specific sites, but that perhaps agencies should provide information on areas where gravel pits should not be located. Agency representatives noted that gravel pits should be kept outside of the floodplain.

It was noted that there will be a web site for the project and that pertinent documents will be posted at some point in the future. Agency representatives will be notified when the web site has been established.

Carl James concluded the meeting by commending MDT for undertaking the new SAFETEA-LU process for this project and stressed the benefits of early coordination efforts with agencies.

cc: Meeting attendees
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Agency Coordination Meeting

Wednesday, December 17, 2008
9:00 to 11:30 a.m.
Montana Department of Transportation
Commission Room, 2nd Floor

MEETING MINUTES

This memo is a summary of the Agency Coordination Meeting held on December 17, 2008.

The following were in attendance:

Gabe Priebe	MDT-Consultant Design
Jeff Ebert	MDT-Butte District Administrator
Jim Davies	MDT-Road Design
Roger Schultz	MDT-Road Design
Damian Krings	MDT-Road Design
Bryan Miller	MDT-Bridge
Tom Martin	MDT-Environmental Services Bureau Chief
Heidy Bruner	MDT-Environmental Services
Deb Wambach	MDT-Environmental Services
Bonnie Steg	MDT-Environmental Services
Carl James	FHWA
Darryl James	Gallatin Public Affairs
Jamie Jespersen	DOWL HKM
Wendy Roberts	Garcia and Associates
Scott Jackson	USFWS
Tom Carlsen	FWP
Doug McDonald	FWP
Jim Darling	FWP
Mike Wyatt	BLM
Kelly Acree	BLM
Scot Franklin	BLM
Mark Kelley	DEQ
Jeff Ryan	DEQ
Chris Romankiewicz	DEQ
Steve Potts	EPA
Tom Lythgoe	Jefferson County

Summary of Key Points from Meeting

- Agencies feel they were left out of the initial decision-making process and that the Alternate Alignment was prematurely eliminated. It is important now to identify ways to address agency concerns and move forward collaboratively.
- Agencies noted that different methods were used to calculate impacts resulting from the Existing and Alternate Alignments. Agencies disagreed with MDT's characterization of relatively small differences in impacts between these two alternatives. Agencies requested a full discussion of impacts resulting from the Alternate Alignment.
- Agencies requested consideration of other options, including pullouts, reduced speeds, and other new alignments. Agencies requested the use of Quantm or other means to identify new alignments. Agencies noted the public's request for consideration of less impactful improvements.
- Due to physical, fiscal, and legal constraints, a new alignment is not feasible in this corridor. An engineering study would need to be completed to assess speed issues. In order to be effective, several pullouts would be needed in the corridor, but opportunities are limited.
- In order to address agency concerns regarding the Alternatives Analysis, it may be helpful to re-package information and expand the discussion on practicability.
- Regarding the Biological Resources Report (BRR), agencies appreciated the extra effort to identify species of concern. Agencies requested consideration of additional wildlife crossing measures.
- All agencies need to be concerned with the health, safety, and welfare of the public. The existing roadway has exceeded its design life and needs to be rehabilitated / reconstructed.
- Early agency coordination under SAFETEA-LU is only required for an EIS. MDT has voluntarily chosen this as a pilot project.

Governing Principles and SAFETEA-LU Discussion

Darryl James began the meeting with the governing principles behind the agency meeting. This meeting is to maintain open communication with regulatory agencies. Darryl James continued with a brief overview of SAFETEA-LU's Section 6002 provisions regarding agency and public involvement opportunities throughout the project development process, as well as purpose and need and methodologies. Carl James added that SAFETEA-LU is a new process and we're all still figuring it out.

Alternatives Analysis

Darryl James described the history of the Alternatives Analysis. The project started with two alternatives—the existing alignment and a county road option. However, the public was vehemently opposed to the county road option, so MDT and FHWA decided to pursue a pre-NEPA screening process, and the Alternatives Analysis was initiated.

Steve Potts noted that in reviewing the transcript of the June 2005 meeting, the locals thought speed and commercial trucks were an issue. The locals were also concerned about impacts to the river and wetlands. Steve then asked what level of improvement was needed. He questioned the process of changing speed limits and the Transportation Commission's involvement in that process. He noted that if environmental impacts are present, lowering the speed limit should be considered to avoid environmental impacts.

Darryl James noted that the speed issue was a recurring theme in all public meetings. Jeff Ebert responded to Steve's question about the involvement of the Transportation Commission. Jeff stated that the issue could be presented to the Transportation Commission, but the law states that there needs to be an engineering study completed. There is also a concern that there is no place in the existing corridor to pull people over safely for enforcement. Steve asked if they would consider pullouts in the southern portion of the corridor. Jeff responded that it was being considered but there would need to be a couple of pullouts in order to be effective. Steve stressed the overwhelming public concern and that the public only needs minor fixes and to reduce the speed and this could lower crash rates.

Jeff Ebert noted that they were somewhat liable for setting speed zones. There was a similar situation in Gallatin Canyon. In that area they found that when the speed limit was lifted from 55 mph to "reasonable and prudent," the crash rates decreased. Jeff Ryan asked who would perform the engineering study. Jeff Ebert responded that MDT usually does this internally and takes the results back to the county. There might already be a study done, but the data may be five years old. Jeff Ebert also relayed that the engineering studies looked at the 85th percentile and pace. Jeff Ryan asked how the speed results from the engineering study would affect the design of the roadway. Bryan Miller first asked if the local perception about the speed issue was in fact accurate. Jeff Ebert relayed to the group that trucks were legislated to go 10 mph slower than cars which causes a speed differential. Darryl James noted that a closer look could be given to the crash analysis to see if speed was truly a factor. Mark Kelley asked where the crash data was located. Darryl James noted that MDT does not release raw crash data publicly due to liability issues until safety measures are identified. Bryan Miller noted that the need statement says that this project should make the highways safer. Darryl James noted that safety improvements would be provided by flattening side slopes while minimizing impacts.

Doug McDonald relayed that the accident data shows that the accidents were due more to driver's error during dry conditions and not necessarily along curves. The preferred alternative refers to horizontal and vertical curve deficiencies, but only two horizontal curves corrected and one vertical curve corrected. The letter given to them says that a careful comparison of the two alternatives showed no difference in impacts. However, the BRR shows that there would be even more environmental impacts if the existing road were rebuilt. What is the reason for throwing the other alternative out? Doug McDonald suggested that there are not as many wetlands as stated in the BRR; the lands are riparian areas instead of wetlands. He would like the 30 acres of wetland impacts verified.

Darryl James provided some clarification of the differences in wetland impacts. He noted that the only impacts for the county road options were at the northern and southern junctions with MT 69. The county road option appears to have substantially fewer wetland impacts than reconstruction on existing, but it may not be fiscally or politically possible to build on the county road alignment. Steve Potts noted his concern about the portrayal of the amount of wetland impacts. The Alternatives Analysis estimated 45 acres of impacts on the existing alignment, 30 acres of wetlands along the alternate alignment, and also 30 acres of impacts on the alternate alignment. He noted that this was confusing and there could possibly be an error. Darryl James noted that the problem would be investigated but he wanted to know if the agencies were comfortable with the methodologies used.

Wendy Roberts gave a statement about Garcia and Associates' involvement and methods used. She noted that Leanne Roulson performed the field investigation and primarily focused on the

preferred route. She did not mind hopping a few fences to investigate further, but due to the timing of her investigation so soon after the public meeting, she did not want to upset landowners.

Doug McDonald confirmed Steve Potts's comment about the amount of wetland impacts. Doug noted that on page 20 of the Alternatives Analysis infers the basis for estimating the 45 acres on the existing alignment was different than methods used on the alternate alignment. If the group conducts wetland delineation on the north and south ends of the project, they will confirm that there are only two to three acres of wetlands on the alternative route and the rest are riparian areas. Doug also noted that for the existing alignment, the Alternatives Analysis does not define clearly the stream impacts. Also, the resources with these streams and the impacts associated with these are not clearly identified. Darryl James acknowledged that the detailed level of impact analysis Doug was looking for is not included in the Alternatives Analysis, and was probably not appropriate for a pre-NEPA planning document.

Tom Lythgoe asked why time was spent on the alternate route. He thought it was a waste of time and money to study this because it is either a No Build or build on the existing route. No further study is warranted. Darryl noted that the regulatory agencies had permitting requirements they would have to consider, and needed to make sure they had considered other reasonable alternatives. Tom Lythgoe added that he has been getting phone calls from people that think the alternate alignment is still considered a viable option. Tom added that when he met the team on the ground, they asked him if he would be interested in the alternate alignment. He thought it was a viable option at the time but admitted that he was wrong.

Jim Darling noted that the project was under the SAFETEA-LU and therefore required early agency involvement. Tom Martin apologized to the agencies noting that MDT should have involved the agencies upfront. He realized that the agencies were uncomfortable not having been involved upfront. MDT now has an Alternatives Analysis, which he thought was a useful tool, particularly in a financially difficult time. So, if we can make the Alternatives Analysis work, if it could be beefed up, that would be beneficial. He added that DEQ already gave some comments about requesting additional work completed on the resources.

Bryan Miller asked if it would make a difference in the public's eyes even if there were not any wetland impacts. Darryl James noted that public opposition was not enough in itself to drop an alternative. However, in the face of numerous condemnations and/or potential lawsuits, an alternative could be dropped if there is another viable alternative. In this corridor, reconstruction along the existing alignment is a viable alternative. Bryan asked what circumstances would be necessary to show the existing alignment as a nonviable option. Darryl responded that the impacts would have to reach an extraordinary level, and based on preliminary findings, the impacts along the existing route are not so high as to necessitate elimination of that option.

Carl James recalled that the Department considered the county road option and dropped it due to substantial public opposition. Carl also noted that a new alignment would have additional stream impacts and MDT would have to maintain two separate roadways in the corridor. Now MDT and FHWA need resource agencies to specify what information and analyses they need to keep the project moving forward. Jim Darling noted he felt that the agencies came in on a throw away and did not feel involved in the process. Carl reiterated that the agencies need to determine what they need in order to get to the next level.

Doug McDonald mentioned his concern with rip-rapping, whether there would be fill going into the river, if there would be disruption to river dynamics, and whether there would be disruption to mine tailings. He also wanted to know if bridges and culverts would be designed for fish and wildlife

passage. He asked that they look at readdressing the cost with these issues and put into the cost comparison of all alternatives and their mitigation to have support or documentation. He also noted that the 30 wetland acres would cost \$900,000 but if dropped to two to three acres, this would reduce the cost substantially. He asked that they look at another viable option other than major road reconstruction, such as pullouts or another alternative.

Darryl James noted that these were all detailed design issues which would not be carried forward in the Alternatives Analysis. If you do this detailed analysis for both the existing alignment and the county road option, you've moved into an Environmental Assessment (EA). All these issues have to be addressed in an EA for reasonable alternatives. The idea is to see if there is a way to screen out alternatives at the planning level and minimize the number of alternatives analyzed in the EA.

Deb Wambach informed the group that there are currently two separate documents out for their review—the Alternatives Analysis and the BRR. The Alternatives Analysis is a tool used to identify a broad scope of issues. The BRR is done on the existing conditions to set a baseline of conditions and couples as a support document for an EA. At this point, they don't have that level of detailed design. The question is whether or not the identification of the existing conditions was done in enough detail. Once the project proceeds beyond 30 percent design and into conceptual design, they will then coordinate permitting issues with the agencies. When the process comes to the permitting stages, they will have quantities and structure types. At this time, MDT does not have that level of detail.

Steve Potts asked to further discuss the opportunity to dismiss the alternate alignment. The letter that was sent to the agencies states "minimal difference in impacts" and the agencies disagree. There are different types of impacts. If there would be a complete and good description of these impacts and the issues associated with a new alignment, then the alternate alignment could be eliminated. The county road alignment was eliminated due to public opposition but at that same meeting, the public expressed a desire to reduce speed limits. The speed limit should be another alternative.

Jeff Ryan asked Tom Martin if he had had time to distribute the DEQ letter that was sent. Tom replied that he had sent it to a few people but they may not have had time to review the letter. Jeff Ryan explained the contents of DEQ's letter to the group. DEQ is not endorsing one alignment over the other. Their primary concern is the process of eliminating the alternate alignment—they feel it is flawed. The letter also suggests a few things to help the agency feel more comfortable with this elimination. Jeff noted that recent meetings with other studies seem less biased. He thought the Sidney Bypass meeting showed that that project was primarily an alternatives analysis. He asked that the Department step back entirely and apply the software to ensure a level of comfort.

Mark Kelley noted that premature decisions lead to lack of comfort for the agencies. Due to their current lack of comfort, the agencies feel they cannot make a justifiable decision. He hoped SAFETEA-LU would be a better model than the path they are on right now.

Darryl gave a brief QUANTM overview for those not familiar with the software. He explained that the software had been used for both the Great Falls South Arterial project and the Sidney Bypass project. Both of these projects were looking at new alignments in untracked territory. He felt this project was different. Even if they find a different alignment, the same conditions apply—MDT can't build it. The process upfront is ideal but this project is too late in the game to do that now. The software costs approximately \$10,000/mile to run. Also, MDT's contract is up so they would need to set up a new contract with QUANTM. Darryl asked if there was another way besides

QUANTM, so that when the project went to permitting stages, the agencies felt well informed and that their decisions were defensible. Right now, the project team is trying to figure out what they need to do at the planning level, without specific design, or more detailed analysis on an alignment that simply cannot be constructed.

Jim Darling asked to view the remainder of the PowerPoint and maybe come back to the question.

Areas of Agency Concern

Darryl James explained that wetlands, fishing access sites, water quality, and wildlife habitat were raised as the most substantive concerns on the part of the agencies at the last meeting. That would likely be the focus of the analysis in any further comparison between alignment options in the Alternatives Analysis, and the substantive issues in the EA.

Biological Resources Report

Darryl James explained that the initial wetland delineations, identification of wildlife activity, and field investigation for species of concern was done in 2005. Garcia and Associates went back out into the field to verify their findings in August 2008. He also explained that the enhanced investigation of the Ute Ladies'-tresses was in fact a detailed genetic process to verify/refute the presence of this species of concern. Deb Wambach explained that the enhanced field investigations were conducted due to the sensitivity of the corridor. With the wetland areas, the Corps of Engineers accepted using the 2005 results with verification in 2008. She reiterated that they were looking for acceptance of the methodologies used and if they took an acceptable approach with other resources discussed in the BRR.

Darryl James continued with an overview of the delineated jurisdictional and non-jurisdictional wetlands. He added that there was a high use wildlife crossing area near MP 33, but no accident concentration at this location. Since there were no high concentrations of accidents, no crossing or grade separations were going to be recommended. Deb said they would be explored conceptually, but there were difficulties with a design at that location due to the flat terrain.

Darryl proceeded with BRR findings. He gave a summary of impacts to terrestrial resources including some loss of vegetation and wildlife habitat. He also noted that clearing of vegetation could reduce animal-vehicle conflicts. Impacts to aquatic resources were discussed. Darryl noted that Jim Davies was looking at retaining walls and other methods of minimizing potential encroachment into river channel in which would otherwise result in impacts to fisheries and water quality. Potential impacts to both nesting bald eagles and westslope cutthroat trout were discussed, along with the anticipation of no impacts to Threatened and Endangered Species. Scott Jackson conveyed his appreciation for the extra effort in the determination of species. He noted that the process would have been a lot more complicated if the species would have turned out to be protected. He did not have any other concerns.

Darryl stated that the BRR estimated 20 acres of wetland impacts compared to the 45 outlined in the Alternatives Analysis.

Deb Wambach noted that the area between MP 34 and 34.5 was identified as a high use area. Fencing, signage, and vegetation management were listed as viable options to address potential future conflicts in this area. Tom Carlsen mentioned that the BRR did not have any alternatives or opportunities for building crossing structures. Deb noted that this was very difficult due to the footprint. It was a balance of building a crossing versus the impacts to the adjacent environment.

They are currently trying to design a crossing at the Little Boulder River Bridge. Bryan Miller noted that they were trying to achieve just under six feet of clearance. Deb noted that they would need to consider the water height due to beaver activity. Tom Carlsen thought there were a couple of areas where crossings could potentially be developed. One was at Ryan Mountain and the other was Browns Gulch. Deb mentioned at-grade crossings, but Tom Carlsen noted he was not a proponent of signs. Deb said they were committed to exhausting all options. Bryan asked if there others they could copy/learn from.

Scott Jackson asked about the AADT of the area. Doug McDonald thought it was in the 900 to 1,000 range.

Tom Carlsen asked if there was an opportunity for smaller structures to enhance the movement of smaller animals such as beavers under the road. He did not think this was mentioned yet. Deb Wambach noted this was fairly easy to do. Roger Schultz noted that they may want flatter slopes rather than steeper for visibility.

Darryl James discussed other analysis methodologies to be used in the EA analyses. He noted that since the corridor was in a rural valley we did not anticipate much discussion of social/economic issues. Hydraulic and geotechnical methodologies were discussed. Jim Davies noted that there was not much hydraulic information at this time but it would be developed after the alignment and grade stage. Geotechnically speaking, there needs to be approximately a two-foot rise in grade, which could increase impacts. However, the specifics will not be known until after drilling, which will come after the alignment and grade is determined. Bryan Miller added that a new single span pre-stressed beam bridge would be designed over the Little Boulder River. This would allow for 5 to 6 feet of clearance, and will be rip-rapped and covered. If the clearance should be increased, there are other options, but they are give-and-take scenarios. Jim added that it was typical of new construction to raise the grade at least two feet to get away from the water. Deb Wambach noted that two feet was due to the high water table and the need to dig out the substrate. Bryan reiterated that it was two feet for now until they had a better understanding of the materials.

Mark Kelley expressed an interest in the geohydrology for the stream movement and floodplains for areas immediately adjacent to the river. Due to the active floodplain, he had concerns about encroaching. Corps of Engineers' pending stream modification mitigation requirements were discussed in detail. Jeff Ryan noted that it would be a factor when this project is in the permitting process and would have implications in the alignments. Doug McDonald noted that the area was complex hydraulically. He questioned how the team would get a handle on the hydrology to ensure wetlands get the necessary water as they did before.

Scott Jackson asked if there were any areas noted in the accident analysis that were worse than other areas. He asked if there were any areas that would warrant greater safety design than other areas. He also asked if there were steep ditches throughout. Darryl James replied that the majority had steep side slopes. Darryl added that the project was originally a complete reconstruct but was now a rehabilitation and reconstruct project. The project team had a work session where they went through the project ¼ mile at a time to see where they could minimize wetland impacts.

Avoidance & Minimization

Darryl James continued to explain that over the timeframe of the project, the roadway width decreased from 34 feet, which gave room for future overlay while maintaining appropriate shoulders and side slopes, to 32 feet even knowing impacts to the life of the project. Damian

Krings noted that the 36 feet width on the bridge was wider than the roadway. This was designed to extend the life of the bridge. Darryl mentioned the consideration of using retaining walls in appropriate locations as well as minor alignment shifts to minimize/avoid impacts. Jeff Ryan asked why major alignment shifts were not considered on the side of the river that would give the river a lot more room. Darryl noted that due to the substantial amount of wetlands on either side, it would be a tradeoff. Jeff Ryan asked that they consider not just a 20 to 30 foot shift, but a shift way out in the valley. He added that there would be costs involved in researching this, but he felt it was a prudent alternative. Jeff Ebert relayed that the locals were very possessive of their trees in the valley. He added that to have minor shifts in alignment could help the traffic control as cars could travel on the old route while the new shifts in alignments were built. He also mentioned taking advantage of the ground that has settled for 40 years. Jeff Ryan noted that MDT may think that the construction is better, but it was not the better option from DEQ's point of view. Tom Carlsen mentioned developing wildlife crossings if the alignment was moved out of the floodplain.

Steve Potts asked what effects speed limits would have on design. Jeff Ebert noted that the width was based on future traffic. He thought the design speed had more to do with the slopes, alignment, and degrees of curvatures. Damian Krings added that these geometric features along with other issues such as site distance would be impacted by design speeds. Steve asked that the effect design speeds have on impacts be recorded in the EA. Darryl James noted that they were not considering a standard slope throughout the project but adjusting it to minimize impacts. Damian added that you can actually reduce impacts by raising the grade and that generalizations cannot be made but instead these are situational impacts.

Darryl James went around the room to ask one last time what information and analyses the agencies would need to feel like they were making an informed and defensible decision.

Kelly Acree noted that there was a tiny chunk of BLM as far as right-of-way was concerned.

Mark Kelley asked to take a step back and review the overall timeline and schedule of related projects. Overall the goal for this project was construction in 2012. Jeff Ebert confirmed this overall ballpark figure. Jeff Ebert added that they planned to start at Elk Horn to MP 22 for construction in 2010. That project had been scaled back to a widen and overlay project with minor curve modifications. Roger Schultz relayed to the attendees that this current project was originally part of the Elk Horn project. Mark noted that if the agencies got what they wanted, it might ultimately slow the process down.

Jim Darling asked how well what we've done so far follows the SAFETEA-LU process and early coordination. Have we given a good enough look at other reasonable alternatives? If not, what needs to transpire to satisfy the process?

Doug McDonald noted that SAFETEA-LU advises agencies not to proceed forward unless they have reviewed the alternatives. He feels that this part has been skipped and so the group should now step back and review the upland alternative. Currently, comparing the No Build to the existing alignment is black and white. He is not comfortable all the impacts have been addressed. He suggested using the current analysis as a comparison to the upland route costs to eliminate the upland route. The process needs to compare the same kinds of information for all the alternatives. He does not think they are in NEPA/SAFETEA-LU compliance if they proceed without further analysis. Darryl James disagreed. He asked what the agencies would like to see improved with the knowledge that this is not NEPA analysis but a planning level document. Physical, fiscal, and legal constraints exist that will preclude moving forward with a new alignment.

Tom Lythgoe reminded the attendees that they are all doing a job for the health, safety, and welfare of the public. Everyone needs to figure out a way to make this work instead of putting up roadblocks to slow the process down and increase the cost already incurred to date. He found it inappropriate that anyone would say they would not permit this project at this stage. He again stressed figuring out a way to make the project work.

On a final poll around the room, Steve Potts asked that an alternative be considered that looks at reducing the speed limit and the impacts associated with a design based on the lower speed. Jeff Ryan asked for QUANTM. He considered the cost of running the program, and possibly doing a scaled down version of the program—QUANTM-lite—in order to eliminate the bias he felt was implemented into the project. He was not suggesting throwing out what has already been done, but adding a tool to compliment the progress.

Gabe Priebe asked what results QUANTM produces. Damian explained that you develop a general, digital model of the terrain and assign certain values to different aspects such as wetlands. Even if the model was built for free, if you cannot acquire the property, the alignment is a no go and can't progress any further.

Jeff Ryan noted that the MDT letter indicated insignificant differences between the existing alignment and the alternate alignment and he does not agree. Damian added that the existing alignment option does not necessarily mean on the center line. Darryl confirmed this and that the alignment would be generally along the existing. Different options with this general alignment will not be discounted in the EA, but completely different off-road alignment options should be screened out in the Alternatives Analysis. Jeff Ryan asked if/when the process goes into the EA stage, will they consider new alignments. Darryl noted that different design elements would be built into the design, but different alternatives would not be carried forward. Jeff Ryan added that only the no build and build on existing would be considered, and the Department wants concurrence. Darryl noted that the Department was saying that a new alignment was not feasible. Minor shifts will be addressed in the EA.

The difference between what is an entirely new alternative and what is considered the existing alternative with added design details was discussed. Mark Kelley noted that they were interested in the tradeoffs. Right now the tradeoffs and what has been considered seems to be in a black box. It was suggested to analyze these tradeoffs and say why the alternate route is not considered.

Jeff Ebert stressed the current condition of the existing road. It is beyond its design life and needs to be reconstructed. Mark Kelley asked about a No Build with minor modifications. Darryl James noted that this would not meet the purpose and need since it would fail to provide safety improvements. Mark mentioned the speed limit as a different alternative. He expressed that if the Department takes the public needs as rationale for not doing upland route they are contradicting themselves to not have a speed alternative that was expressed in the same meeting.

Damian addressed public comment misconceptions and how the existing road would not last 20 more years. He expressed the need to qualify their comments. To say that you want a reduced speed limit is completely different than saying you cannot buy my land.

Scott Jackson summarized the heartburn of the agencies. He noted that the agencies feel that there was an alternative that was dismissed but without any consideration to the environmental impacts. The Department needs to justify dropping the alternate route—environmental costs, condemnation, etc.—and clarify the statement “alternate alignment.” The Alternatives Analysis

could be cleared up by laying it out differently. MDT could do this with different options to avoid/minimize impacts rather than with different alignments.

Carl James noted that under SAFETEA-LU, agency involvement is only required for an Environmental Impact Statement (EIS). The Department is involving the agencies in the EA process as a learning experience and to allow everyone to go through the process together. The Department is currently looking at how helpful it is. It is an opportunity for the agencies, but not required for an EA.

Tom Martin thanked everyone for coming. He apologized again for not involving them earlier, but they were all together now and now have the opportunity to discuss and move forward collaboratively. The Department will continue to keep the agencies involved to progress toward a usable project.

Darryl wrapped up the meeting with a commitment to get the agencies meeting minutes. He also informed the agencies that they had until December 19, 2008 to submit comments on the BRR. He concluded that everyone would do their best to keep communication open.

cc: Meeting attendees
file

