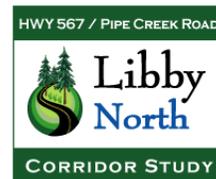




Montana Department of Transportation



Appendix H

Comment Matrix and Forest Service Letter

APPENDIX H – COMMENT MATRIX FOR LIBBY NORTH CORRIDOR STUDY

Comments Received during Libby North Corridor Study Public Comment Period	Response (and where addressed in document if changes made to Public Review version):
<p>Submission 1 – Van Swearincen</p> <p>I feel in proposal #6, a 45 MPH posted speed is critical of safely driving in a 9' driving lane when accepted log truck widths at 9' (not withstanding frequent oversized hauling) would be dangerous. Not making the vertical improvements enhances the snaking of truck traffic. Would the 6" striping be that effective?</p>	<p>Comment noted. No changes needed to be made to the document.</p>

APPENDIX H – COMMENT MATRIX FOR LIBBY NORTH CORRIDOR STUDY

Comments Received during Libby North Corridor Study Public Comment Period	Response (and where addressed in document if changes made to Public Review version):
<p>Submission 2 – Senator Aubyn Curtiss via Leslie Heisel:</p> <p>1. Is this road an RS 2477 road?</p> <p>2. Sen. Curtiss said she believes the state has an easement for this road over Forest Service land and she is wondering if the easement is in perpetuity -- she is concerned that all of this money will be spent and the Forest Service could at any time cancel the easement (unlikely I know, but I think she is looking for some assurance along those lines...)</p> <p>3. She has heard figures of the project costing \$13.5 million and \$20 million and she is wondering which is correct.</p> <p>4. She would like to know which projects are ahead of this one, priority-wise."</p>	<p>No changes made to the document. Letter from Forest Service included separately from this matrix, also in Appendix H.</p> <ol style="list-style-type: none"> 1. It is the understanding of MDT, the County, and Forest Service that this roadway, Highway 567 is not eligible as an R.S. 2477 claim. Revised Statute 2477, or R.S. 2477 as it is commonly known, dates from 1866 when it was included in the Mining Act of 1866. The statute was meant to facilitate western expansion. Its language is as follows: "The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted." The Pipe Creek Road, or Highway 567, is an existing highway on Montana's Secondary Highway System that runs through mostly publicly owned (Forest Service) lands and MDT has no intention of closing the highway to public travel due to any provision of R.S. 2477. 2. MDT does not intend to ask the Forest Service to vacate the existing easements through Kootenai National Forest lands on which the Highway 567 roadway is built. If the Forest Service were to vacate the easement the traveling public would not be allowed to use the roadway, only Forest Service employees could. In place of vacating the easements, MDT plans to go through a process such as creating either a memorandum of understanding (MOU), or memorandum of agreement (MOA). The MOU or MOA would outline future use of the Highway as a Montana Secondary Highway which MDT will seek to obtain funding to maintain in perpetuity. 3. The cost estimates for Option 6 of \$15,500,000 and \$20,700,000 are both detailed in the Libby North Corridor Study document available for review at http://www.mdt.mt.gov/pubinvolve/libby/. Costs in 2006 dollars are estimated at \$15,500,000, and in 2012 at \$20,730,000 (2012 costs include an estimated Indirect Cost Recovery (varies year to year) of 12% and 3% per year inflation). 4. These are the order of Secondary Highway priorities in MDT's Missoula District as of October, 2007: <ul style="list-style-type: none"> • Powell County Line North - Letting 2008 • South of Polson South - Letting 2009 • Blue Slide Road (two projects) - Lettings 2010 & 2011 • Florence East - Letting 2012 <p>Letting years beyond 2008 are tentative. All of these projects are further along in design than Pipe Creek Road Project. If there is a holdup in one of these projects then the next project would be moved forward for letting pending available funding in the next transportation bill. The next project for tentative letting is Pipe Creek Road in 2013 or 2014. Because of the potential delay in funding for the major improvements identified in the draft study, MDT is exploring options for phasing improvements.</p>

APPENDIX H – COMMENT MATRIX FOR LIBBY NORTH CORRIDOR STUDY

Comments Received during Libby North Corridor Study Public Comment Period	Response (and where addressed in document if changes made to Public Review version):
<p>Submission 3 – Ms. Dianne Dunning via MDT website:</p> <p>I would like to request that care be taken that the paved roadbed be graded so that existing dirt road entrances to neighborhood creek accesses be maintained and/or improved, rather than dropping off so much that vehicles are damaged, people try to reroute, and erosion gets bad.</p> <p>1. Coming from Libby on Pipe Ck. Rd.(Hwy. 567). Swimming hole loop past mm 7 on left before the bridge over Pipe Ck. and before the campground (Timberlane)</p> <p>2. fishing access single entrance on right directly across from campground, past bridge. Drops off badly now and is showing sign of being rerouted. Spurs recently badly kelly humped/bermed by Forest Service.</p> <p>3. Past mm.8 a former loop creek access , now kelly humped. Off on the right. Exit about 3/4 mi. further up.</p> <p>There are actual FS road numbers to these last two roads. I'll try to locate them as they don't show on the larger FS maps. I've been trying to get the FS to reverse it's closure of these creek accesses for over 2 years, and I haven't given up yet.</p>	<p>During the design phase of a project the access and grading of roadbed will be specifically addressed</p>

APPENDIX H – COMMENT MATRIX FOR LIBBY NORTH CORRIDOR STUDY

Comments Received during Libby North Corridor Study Public Comment Period	Response (and where addressed in document if changes made to Public Review version):
<p>Submission 4 – Mr. Bob Habeck, Montana Department of Environmental Quality:</p> <p>(1) I suggest including a dedicated 'air quality' section to these corridor studies - even if there is not much to say.</p> <p>(2) Highway 567 project is located north of Libby, a current PM-10 and PM-2.5 nonattainment area.</p> <p>(3) Analysis of the project location indicates it is (or is just on the northern line) of the PM-2.5 nonattainment boundary. Therefore, federal transportation conformity requirements (40 CFR 93) do not apply.</p> <p>(4) Recent technical studies indicate that PM-2.5 air pollution caused by re-entrained road dust or vehicle tailpipe emissions to be minor.</p> <p>(5) Air pollution caused by construction activities is considered 'temporary'. However, DEQ strongly encourages that project construction contracts include requirements for water trucks to reduce ambient levels of surface dust during operations. This also improves visibility to vehicular traffic.</p> <p>(6) The Air Quality Rules of Montana (ARM) at 17.8.308 - Particulate Matter, Airborne requires 'reasonable precautions' to be taken such that emissions from shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes. i.e. - use water trucks to keep dust down.</p> <p>(7) The Cabinet Mountain Wilderness is in proximity to this project. However, road dust / vehicle exhaust is not considered to be a major contributor to regional haze visibility impairment.</p> <p>(8) Increased lane width and paved shoulders will limit the amount of track-on / carry-on materials subject to re-entrainment. Paving major road entry ways will also reduce track-on / carry-on materials.</p> <p>(9) Increased vehicle speeds / movements will reduce carbon monoxide (CO) tailpipe emissions - although CO emissions are not an issue within the project area.</p> <p>(10) Reconstruction of this facility will not (likely) result in any population growth concerns that would increase area source emissions (woodstoves, road dust). The area is primarily federal land.</p>	<p>Section 4.14, Air Quality, was added to the document</p>

APPENDIX H – COMMENT MATRIX FOR LIBBY NORTH CORRIDOR STUDY

Comments Received during Libby North Corridor Study Public Comment Period	Response (and where addressed in document if changes made to Public Review version):
<p>Submission 5 – Mr. Jay Ramlo, Montana Department of Environmental Quality:</p> <p>"As an impacted landowner, I strongly support the chosen option No. 6. MDT should make every effort to expedite this project. R/W acquisition will not be a problem from my perspective. My minor concerns in the area of MP 13 can be resolved during the design phase of this project. I stand ready and willing to help anyway possible to help this process along."</p>	<p>Comment noted. No changes needed to be made to the document.</p>

Libby North Corridor Planning Study
Hwy 567/ Pipe Creek Road
MDOT STSP 567-1(4)7

Two questions were raised by State Senator Curtiss & Leanne Heisel:

1. *“Is this road an RS 2477 road?”*

2. *“Sen. Curtiss said she believes the state has an easement for this road over Forest Service land and she is wondering if the easement is in perpetuity... and the Forest Service could at any time cancel the easement...”*

ANSWERS TO THE ABOVE QUESTIONS:

1. This road, Forest Service System Road #68 is not a RS 2477 road.

2. The proposed Montana Department of Transportation (MDOT) project for improvement to the Forest Service System Road # 68 is from MP 6.1 (Bobtail Cutoff road junction) to MP 20.1 (Turner Mtn Ski Area road junction). This road segment is currently under Forest Service jurisdiction with an agreement to Lincoln County to allow snowplowing to the Turner Mountain Ski Area. No road right of way easement grants have yet been issued to the MDOT for this proposed segment.

Once the project is moved forward by the MDOT and funding is secured, MDOT then will request the Montana Office of the Federal Highway Administration (FHWA) for an easement. The FHWA then requests consent from the Department of Agriculture, Forest Service for granting a Federal Department of Transportation easement to the State. An easement grant from FHWA is then issued to MDOT. This easement grant is in perpetuity to the MDOT.

There is currently a road right of way easement grant to the MDOT for the lower portion of this road that crosses National Forest System lands from the beginning at State Highway 37 road junction to the beginning of this proposed project at milepost 6.1. This easement grant was issued in the same manner as described above.

Tom Grabinski
Lands Officer
Kootenai National Forest
Libby, MT