

Appendix G:
Public Involvement

Montana Department of Transportation



Public Involvement Activities
&
Final Study Comments and Edits
Final

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and

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Purpose of the Document

This document's purpose is two-fold. First, this document presents a summary of the public involvement activities that took place during the course of the US 2 / MT 16 TRED Study. Secondly, this paper serves as a master document detailing the final comments received, any corresponding final report edits implemented, and the locations of any such edits within the final report.

TRED Public Involvement Activities

The study team involved interested parties and incorporated their advice into the design and report of the study. The following summarizes the public involvement efforts:

- **Site visits:** The study team maintained a consistent presence in the study region. Presence by the study team in the affected territory included visits by the Director (January 28), scoping tours (March 21-22), workshops (July 11, November 8) and expert meetings (July 12, August 15, November 8), environmental scan (August 1-2), Saskatchewan (May 16-17).
- **E-Access:** The project web site was maintained as a one-stop information source including draft documents, public presentations, newsletters, contact information, link to MDT comment system.
- **Expert advice:** An expert panel was formed to help refine and review the study. Three national experts were selected based on their expertise and national-scale perspective on the subject. Local representatives were chosen for their specific expertise in the key industries of agriculture, energy, tourism and general industry development. Both the national and local experts commented on the opportunity matrix, and helped refine the probabilities and traffic impacts of prospective developments. In addition, the panelists were thoroughly briefed on the study's overall process and findings and were asked to comment on it. The panel was convened July 11, August 15, and November 8, and comments were accepted from individual panelists throughout the project.
- **Local facilitation:** The Great Northern Development Corp. facilitated the study team's involvement efforts with the local populations by helping identify and make contact with community, business, and public leaders, and in assisting with on-site meetings.
- **Ground-level technical input:** 120 interviews conducted, May – July, 2006, with business leaders, academic experts, governmental agency leaders, and knowledgeable public stakeholders. Most of these interviews were with people in the immediate study area, but many were conducted at the larger regional scale.
- **Peer agency technical input:** Briefings with transportation agencies were held for states and provinces touching the TRE route. Primary contacts were established with each of the state and provincial peer agencies, and these contacts were periodically advised of the status of the project and asked to comment on it. Interviews were conducted with peer agencies in neighboring states and provinces concerning their future plans for highway projects connecting directly or indirectly with the TRE within Montana.
- **FHWA involvement:** MDT's federal peer agency was routinely engaged in project team meetings from pre-contracting through project completion. FHWA was

engaged in weekly briefings, monthly briefings, and all expert process and public meetings. Preliminary and final conclusions were vetted with FHWA, and it received documentation throughout the study. The agency has played a key advisory role.

- **Executive briefings:** Formal briefings for key agencies and interested-parties were held (March 23, September 13).
- **Resource agency involvement:** A workshop was held for resource agencies so they could understand and comment on the study and its potential relationship to federal environmental assessment processes. Comments were requested of the resource agencies on the environmental scan and draft study report.
- **Consultation with peer agencies from other states / provinces:** A briefing of peer agencies in other states was held on February 16, 2006. The study team conducted a site visit to Saskatchewan to learn more about that Province's dispositions regarding comparable improvements, and to gather private and institutional views as they informed this study. Also, a survey of state and provincial agencies along the TRE corridor was conducted to assess their situation with regard to potential improvements.
- **Public workshops:** Public workshops were held to brief local citizens on the project and to ask for citizen input. Those workshops were publicized through local advertising, press releases, and newsletters.
- **Press releases:** News announcements were distributed to regional and state press contacts on July 7, October 5, and November 22.
- **Newsletters:** Newsletters were sent to citizens interested in the process on June 30 and October 27.
- **Draft and comment:** The draft was distributed to resource agencies with a request for comment. The comment period lasted over 30 days. The complete draft was made available by web, CD, print, and local and state depository libraries).

Comments Received

FHWA Comments

Page ii - ...previous efforts to justify a four-lane expansion of rural segments of US 2.... If this is referring to the NEPA actions previously completed on US 2, we weren't trying to 'justify' a prior decision. We were analyzing alternatives to determine which met the purpose and need with the least impacts.

Changed "previous efforts to justify a four-lane expansion" to "previous efforts failed to justify a four-lane expansion" and adjusted the syntax of the rest of the sentence.

Page v & vi - Key Findings, Item #1 Need to show how this conclusion relates to the 7 steps under Methodology & Framework. Item #2 four-lane configuration is expected to provide AN INCREMENTALLY safer corridor... Item #3 opportunities will have AN INCREMENTAL BENEFIT IN INCREASING THE likelihood of materializing...

Item 1. The 7 steps are at WP3, page 9, and they deal with modeling methodology. Substituted text: "Ensuring continuity of design ... is important for future development of the corridor and its surrounding area."

Added to both Item 2 and Item 3 "While considerable, these positive effects are not alone sufficient to warrant a four lane design."

Page vi – Strategic: Four-lane ensures true interconnectivity.....Two-lane cannot?

Changed to "Strategic: Four-lane continuity ensures speed, safety, and consistent design through the northern TRE corridor by linking to a planned four-lane extension of US 2, west of Williston, ND to the Montana border. When completed, a four-lane US 2 will extend to Williston, then east through North Dakota and into Minnesota. Given unused capacity at the Port of Raymond and the growth of the region, four-lane continuity would strategically position the TRE corridor as a freight corridor and as a NAFTA corridor that handles long term growth."

Page x – Second bullet – Opportunities related to the agriculture and energy sectors in the region have AN INCREMENTAL BENEFIT of being realized with four-lane configurations that with two-lane configurations.

The text is "...a higher likelihood..." which is accurate given the opportunity matrix probabilities in WP3 for both two-lane and four-lane scenarios.

Page x – Fourth bullet - The conclusion that we need a 4-lane to ensure system continuity may not get us very far since the entire corridor from Rapid City north is 2-lane (no projects started or underway for 4-lane construction.)

The text states that “four-lane continuity with adjoining segments of the TRE provides regional interconnectivity...” This refers to the US 2 section of the TRE in ND, which is planned to be four-laned to the Montana border, and is currently four-laned to Williston, a regional population center. Further regional interconnectivity would come from the additional sections of US 2 that are currently four-laned from Williston, east through North Dakota and into Minnesota. Text to this effect was added to page vi of this document.

Page xii – The first full paragraph should be modified to “The improvement of ~~US 2 from the Montana/North Dakota border to Culbertson~~ *the Theodore Roosevelt Expressway corridor in Montana* to four-lane divided standards would...”

Edited as suggested above.

Page xii – The executive Summary and Appendix A indicate that the use of \$2 million in Federal-aid funds along with \$310,000 in state funds to move forward with reconsideration of a four lane highway will not violate MCA 60-2-133 because it will not jeopardize any future highway project and MDT will continue to seek additional federal funds that do not require a state match. This is a different position and interpretation of MCA 60-2-133 than what the Department has taken in the past.

The US-2 Havre-Fort Belknap Final EIS, Chapter 4 for both the Four-Lane Undivided and Four-Lane Divided Alternatives states: “This alternative is consistent with the requirements of MCA 60-2-133 if MDT is successful in obtaining additional federal funding that does not require a state funding match needed for the additional costs to build the added lanes and the effort does not jeopardize other highway projects.”

The US-2 Havre-Fort Belknap Record of Decision states: “As discussed in the Project Funding sections of Chapters 3 and 4 of the EIS, funding for the cost difference between four-lane and two-lane improvements must be federal funding that does not require state matching funds, per Montana Code Annotated (MCA) 60-2-133. Most federal highway money requires a state match, and therefore a special appropriation from Congress would be needed to fund the four-lane improvements. This type of funding is uncertain at this time. In contrast, the two-lane alternatives are eligible for several funding sources and therefore have more opportunity to be implemented in the near term. Cost and funding can affect the ability to implement a project, and therefore this information is disclosed in the EIS. The information on cost and funding, although important, is only one of many factors considered by FHWA and MDT in selecting a preferred alternative on any roadway project.”

The funding discussion on Page xii of the Executive Summary is consistent with MCA 60-2-133 and the discussion about similar funding issues in the US 2 Havre to Fort Belknap Record of Decision and Environmental Impact Statement. If MDT decides to pursue improvement projects following the completion of this study, funding for the initial phases, including the environmental and design phases, would come from an existing US Highway 2 Federal earmark matched with State funds available to MDT that would not

jeopardize other highway projects. If the initial phases support a four-lane configuration, MDT will seek Federal funding that does not require non-Federal matching funds for the remaining phases including construction and construction engineering.

FHWA-Helena asked for the Department's further clarification regarding the legality of proceeding to programming the US 2 segment of the TRE, particularly in light of SB 3 (MCA 60-2-133). We made the following clarifying changes:

Executive Summary, p. xii, last para, was clarified as follows.

... If reconsideration is justified, the non-federal match is approximately \$310,000. and would not jeopardize any future highway project, and thus would not violate MCA 60-2-133. MDT review of project design and planning workloads concludes that the project would not jeopardize any future highway project. MDT would also continue to seek additional federal funds that do not require a state funding math for future phases, including construction.

Summary & Conclusions, Appendix A, p 15-16, bottom para was clarified as follows:

The statutory language associated with the potential four-laning of US 2 may be viewed as limiting restricts MDT's ability to use National Highway System (NHS) funds. This is because NHS funds are fully allocated to construction projects and forcing including a four-lane project into the future construction program would may appear to "jeopardize" another future highway projects, and thus FHWA asked if further steps could be viewed as consistent with violate MCA 60-2-133. MDT reviewed this issue and concluded that, should the department proceed to environmental assessment and preliminary engineering, that would be within the law. The uses of State matching funds would not jeopardize any future highway project, and that federal-aid highway funds have been earmarked specifically for review of a four-lane design in the area.

The 2005 Safe Accountable & Flexible Transportation Efficiency Act-A Legacy for Users (SAFETEA-LU) included funding earmarks for US 2 improvements in Eastern Montana, shown in Table 2. These funds require a non-federal match of 13.42%. These earmarks are being allocated to the first eligible US 2 project moving into construction. These projects include full reconstructions of US 2 in the following areas: Bainville, Havre, Nashua, and Cut Bank. MDT has reserved \$2 million from project #239 (see Table 2 below) to move forward into next steps on US 2, if the US 2/MT 16 TRED Study justifies augmenting already scheduled reconsideration of planned improvements on the US 2 segment of the Theodore Roosevelt Expressway corridor. If reconsideration is justified, the non-federal match is estimated at about \$310,000 and would not jeopardize any future highway project. Should the project advance to detailed design and construction, MDT would also

continue to seek additional federal funds that do not require a state funding match for these future phases. We conclude that such action would be consistent with , and thus not violate MCA 60-2-133. MDT would also continue to seek additional federal funds that do not require a state funding match for future phases including construction. A letter to that effect is included in Appendix C.

For the sake of accuracy, we believe most of the traffic increases will be due to traffic being diverted from other parallel corridors. The TRED study uses “induced” traffic which is okay from the general definition of “induced” but probably not accurate against the traffic profession’s definition of “induced.”

Our modeling has shown that traffic will be generated from the economic effects of the corridor, and hence, is a true “induced” effect, not merely a diversion from existing routes. Thus HDR | HLB believes “induced” is used appropriately in this context.

Design consistency also is used in a context that differs from materials prepared by FHWA. In the context of FHWA materials, consistency applies to the match or mismatch of specific elements at a specific location. Example: 40’ 2-lane highway with miles of straight road followed by a 30 mph curve.

Changed references to “design consistency” to “design continuity”.

Recommend stating that both induced traffic and design consistency are being used in a different context.

Replaced “design consistency” as stated above.

Induced traffic is being used correctly, we believe. In our modeling, additional traffic effects are being generated by economic growth, thus the traffic is being induced to the region due to economic factors, not simply diverted from other roadways. Energy sector growth due to the region’s oil reserves and the high world price of oil is triggering and will trigger increases in energy traffic (inducing the traffic to the area, not simply diverting it from other roadways). Correspondingly, the high price of oil is stimulating the growth in the agricultural sector through demand for ag-based fuels, such as ethanol, bio-diesel, and the resulting demand for those ag-inputs such as oil seed crops. These are a couple of the major drivers of the area’s economy and reasons for the resulting traffic growth that the region is forecasted to experience.

Corps of Engineers Comments

The Corps of Engineers submitted a further letter in comment, which has been added to the Environmental Scan, Appendix C.

To the Environmental Scan (section 3.3, p8, following paragraph 2 of that section), added:

The federal Corps of Engineers (COE) notes that that agency is responsible to review transportation projects to ensure compliance with the federal Clean Water Act. The agency has permitting authority whenever highway projects intersect wetlands under its jurisdiction, and provides coordinated review by the federal Fish and Wildlife Service and others. Generally, COE may elect to use a simpler, national permit if (a) FHWA finds the project is categorically excluded from detailed NEPA review, or (b) if no wetland fill is proposed that exceeds 0.50 acres. Alternatively, the COE conducts a project specific analysis, and evaluates alternatives against its own assessment of project purpose and needs to identify the least environmentally damaging practicable alternative. The COE commented, "If MDT ultimately submits an alternative other than the least damaging practicable alternative for a permit, denial is the likely outcome." Therefore, if an individual permit is required by the COE, it would be important for MDT, FHWA, and COE to coordinate on the purpose and need statement, the identification of alternatives carried forward for further review and selection of the preferred alternative to ensure compatibility of the National Environmental Policy Act and Clean Water Act documents.

US Fish and Wildlife Service Comments

“Montana Highway 16 crosses through a portion of Medicine Lake National Wildlife Refuge. Increasing traffic volume and its attendant impacts to wildlife, and the risk of vehicle accidents and pollutant spills on the Refuge that may affect water quality are some aspects of the existing roadway that are of concern to the Service. Future improvements to that roadway that would widen or realign it through the Refuge would also be likely to affect adjacent habitats. Pursuant to section 4(f) of the U.S. Department of Transportation Act of 1966, coordination with Refuge staff would be required relative to these concerns and others that may become apparent if a project is proposed for this stretch of highway.”

In Environmental Scan, section 4.1.3 (page 32), paragraph 1, added:

... habitat for a vast array of wildlife. Improvements to the roadway that would widen or realign it through the Medicine Lake NWR would likely affect adjacent habitats. Pursuant to section 4(f) of the U.S. Department of Transportation Act of 1966, the U.S. Fish and Wildlife Service notes that coordination with Refuge staff would be required relative to these concerns and others that may become apparent if a project is proposed for this stretch of highway.

“At this time, the federally-listed threatened or endangered species that may occur in the vicinity of this project corridor are threatened piping plovers (*Charadrius melodus*), threatened bald eagles (*Haliaeetus leucocephalus*) and endangered whooping cranes (*Grus americana*). Critical habitat has been designated for piping plovers in some areas along the TRED study corridor, primarily shoreline habitats of Medicine Lake. Projects proposed by the Department in this area that may affect these species of designated critical habitat would require consultation with the Service pursuant to section 7 of the Endangered Species Act of 1973.”

These species and others are noted and discussed in the Environmental Scan section of the report (section 4.1.1.2, page 30). A specific discussion of the Medicine Lake National Wildlife Refuge is included, and that part, too, is consistent with the FWP comments (section 4.1.3, page 32)

“If a proposed project in this corridor may impact streams or wetlands, permits may eventually be required pursuant to section 404 of the Clean Water Act. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the U.S. Army Corps of Engineers as may appear reasonable and prudent based on the information available at that time.”

Response to this point is embodied in COE comment and response, elsewhere.

North Dakota Department of Transportation Comments

North Dakota Department of Transportation provided a letter in comment (see Environmental Scan, Appendix C), which states, in part:

“We do note an issue in the Executive Summary on page vi with respect to four lane continuity and regional interconnectivity. That section refers to the survey conducted on the future of the TRE Corridor with respect to neighboring states and their plans for future development of the corridor. That section states that ND is progressing toward four lane expansion of its portion of the TRE. The statement is not consistent with the comment that NDDOT had submitted to Montana in November 2006. At that time, NDDOT stated in response to the study survey that it currently has no plans to four-lane the US 85 segment of the Theodore Roosevelt Expressway. As per our phone conversations, MDT has modified that section to only reflect NDDOT’s interest in a possible four-lane design on the US 2 segment of the TRE.

“In a similar survey question with respect to future plans of US 2, NDDOT indicated that while not having current plans to four lane US 2 from the Montana border east to the junction of US 85, North Dakota would reconsider that position and advance to developing a project for a 4-lane design should Montana advance to four lane US 2 at the Montana/North Dakota border.

“In addition to that discussion, NDDOT would like to point out that the study correctly states that transportation in the area is fairly seamless with respect to state boundaries. Based on that, when Montana DOT proceeds forward to environmental clearance for 4-laning the Montana portion of US 2 on its approach to the North Dakota border, NDDOT would like to discuss the possibility of merging efforts toward advancing future phases for corridor improvement.”

Executive Summary, page vi, paragraph “The study findings revealed...” was revised as follows:

The study survey also found that some neighboring states, including North Dakota, are progressing toward four-lane expansion of their portions of the Theodore Roosevelt Expressway. In particular, NDDOT indicated that, while not having current plans relating to the US 85 segment of the TRE, NDDOT would advance to developing a project for a four lane road to the state border if Montana does so. Moreover, NDDOT and MDT are mutually disposed to coordinate efforts on future phases of improvements to the TRE corridor.

“On [Existing Conditions] page 89, paragraph 3, the authors state that most western Canadian provinces only allow 9-foot high vehicles.”

Existing Conditions, page 89, paragraph 3 was revised as follows:

... whereas most western Canadian provinces have somewhat more restrictive truck height limits. Saskatchewan, for instance, permits 4.15 meter (13.65 feet) heights. only allow 9-foot high vehicles.

Verbal comments from NDDOT also noted that information about cross-boundary regional economic integration of the area was covered too briefly in the Executive Summary, given the importance of intra-local traffic flows to the conclusions.

An expanded discussion of this was added by modifying Executive Summary, p. vi, section “Four Lane Continuity and Regional Interconnectivity” as follows:

The study findings revealed that the area shares many similarities with adjacent states and provinces that extend beyond political borders. The broader region is largely comprised of a comparable agriculture-based economy that is experiencing rapid expansion in the energy sector, and shares similar historical and cultural heritage. Owing to the rural character of the region and lack of larger trade centers in it, regional consumer trade and work-related traffic appears to flow quite readily across boundaries. Williston, North Dakota (pop. 12,200) is the nearest higher-order trade center to this part of Montana. Residents commonly travel interstate for consumer purchasing. Professional and financial services, too, are relatively concentrated in Williston, suggesting its central function for these services. Among major-order trade centers, Regina, Saskatchewan is by far the closest to the study region. If travel conditions improve, travel across the state and international borders can be expected to grow.

The study survey also found that some neighboring states, including North Dakota, are ...

Appendix A Comments

Since the cost estimates do not consider a realistic timeframe for construction or potential sources for funding, they probably are not accurate considering inflation, etc.

The cost estimates provided are as accurate as they can be at this time. It is true we can't pinpoint the date of construction now, but this study's approach neither creates nor exacerbates the problem of estimating the construction timeframe at this level of planning. The approach used here is common practice.

EPA E-mail and Letter

From: Potts.Stephen@epamail.epa.gov
[<mailto:Potts.Stephen@epamail.epa.gov>]
Sent: Wednesday, December 06, 2006 11:13 AM
To: Fossum, Hal
Subject: Re: Reminder: MDT TRED study comment period closes Dec. 7

I have not had time to review all of the Transportation Regional Economic Development (TRED) Study for the Theodore Roosevelt Expressway, and had difficulty opening some of the TRED Study files, but have read the Executive Summary, and the issues appear similar those involved in the proposal in 2004 to build a four lane highway on US 2 from Havre to Ft.

Belknap. EPA stated the following in its comments on the US 2 Havre to Ft. Belknap DEIS:

"The EPA believes that the DEIS clearly shows that existing and future traffic volumes do not warrant a four-lane facility, and that the two-lane highway alternatives fulfill the project purpose and need, and that the two-lane alternatives have fewer adverse environmental impacts than the four-lane alternatives. In addition, the two-lane alternatives are substantially less costly, and an economic analysis referenced in the DEIS reports that capacity improvements to U.S. 2 are unlikely to induce development, and none of the alternatives would create substantial growth in the economy of the area. The four-lane alternatives, therefore, would offer no improvement to the regions economy and potential for future growth over the improved two-lane alternatives."

Without more detailed review of a specific highway project proposal and associated NEPA analysis we can only offer a very preliminary EPA perspective, but it appears that similar issues would be present for a proposal to build a four lane highway on MT 16 south from the Saskatchewan border and US 2 east of Culbertson as those encountered for

US 2 from Havre to Ft. Belknap. As EPA stated in its July 7, 2006 letter to Mr. Dick Turner of the Montana DOT (see copy attached below), the results of the environmental analysis for the US 2 Havre to Ft. Belknap project may offer implications and guidance for the proposed TRED Corridor Study for the Theodore Roosevelt Expressway.

(See attached file: TRED-CorridorStudy-ltr-7-06.doc) Stephen Potts, NEPA Coordinator EPA Region 8 Montana Office 10 West 15th St., Suite 3200 Helena, Montana 59626
Phone: 406-457-5022; FAX: 406-457-5055
At Missoula Forest Service Office: 406-329-3313
E-mail: potts.stephen@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8. MONTANA OFFICE

Ref: 8MO

July 7, 2006

Mr. Dick Turner, Chief, Multi-Modal Planning
Montana Dept. of Transportation
2701 Prospect Ave., P.O. Box 201001
Helena, MT 59620-1001

Re: EPA Comments on TRED Study Scan

Dear Mr. Turner:

The Environmental Protection Agency (EPA) Region VIII Montana Office was not able to attend the June 23, 2006 TRED Corridor Study environmental review session, however, we have received information on the TRED Study including a set of maps showing the proposed study area along Montana Highway 16 from the Canada border to the Port of Raymond to the intersection with US Highway 2 at Culbertson; and from that intersection east along US 2 to the North Dakota state line, and want to offer input in response to your request.

We have not reviewed the proposed TRED Study area in the field, and cannot at this time provide much site-specific guidance regarding environmental issues in the area, but we want to draw your attention to a document that we drafted entitled, "*Guidance/Measures to Reduce Environmental Impacts of Highway Projects*" (see copy attached). This document was drafted in association with interagency discussions for development of an improved ecosystem approach for transportation project development. It is intended to identify general environmental issues and concerns with highway projects, as well as potential mitigation measures to minimize and reduce impacts. Ms. Jean Riley, of the Montana Dept. of Transportation Environmental Services Bureau, has reviewed and offered input on this draft document. This document may be of interest and helpful in identifying environmental issues as you proceed with this TRED Corridor Study.

One of the more significant environmental issues is

likely to be potential impacts to aquatic areas, including wetlands, particularly if widening of the existing roadway to four lanes is proposed. As noted in our draft *Guidance*, Clean Water Act Section 404 Dredge and Fill Permit rules and policies require that adverse impacts to aquatic resources be avoided and minimized, and only the least environmentally damaging alternative to aquatic resources may be permitted, so long as that alternative does not have significant adverse environmental consequences (40 CFR 230.10a).

It will be important, therefore, for proposed highway improvements along Montana Highway 16 and US Highway 2 to avoid and minimize adverse impacts to aquatic resources. There may be potential concerns about development of a four lane highway in the proposed study area if aquatic areas would be adversely affected by highway expansion, and adverse effects were not justified by the project purpose and need. It is important that existing and future traffic volumes demonstrate a need for a four-lane highway to justify potential adverse impacts, and allow a Section 404 Dredge and Fill permit to be issued in conformance with regulatory requirements.

We note that when an EIS was prepared to evaluate alternative highway improvements along US Highway 2 east of Havre, Montana in 2004, it was found that the two-lane highway alternatives fulfilled the project purpose and need with fewer adverse environmental impacts than the four-lane alternatives. In addition, the two-lane alternatives were substantially less costly, and an economic analysis referenced in that EIS reported that capacity improvements to U.S. 2 were unlikely to induce development, and none of the alternatives would create substantial growth in the economy of the area. The four-lane alternatives, therefore, offered no improvement to the regions economy and potential for future growth over the improved two-lane alternatives, and would cost substantially more with greater environmental effects. These results may offer implications and guidance relevant to the proposed TRED Corridor Study.

If you have any questions or if we may provide further information regarding this project please contact Mr. Steve Potts of my staff in Helena at (406) 457-5022 or in Missoula at (406) 329-3313 or via e-mail at potts.stephen@epa.gov . Thank you for your consideration.

Sincerely,

John F. Wardell
Director
Montana Office

Enclosure

cc: Larry Svoboda/Julia Johnson, EPA, 8EPA-N, Denver
Allan Steinle/Todd Tillinger, COE, Helena

Jean Riley, MDOT, Environmental Services Bureau
Corps of Engineers Response Letter



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
BILLINGS REGULATORY OFFICE
2602 FIRST AVENUE NORTH, ROOM 309
BILLINGS MT 59101

Please reply to attention of:

December 5, 2006

Billings Regulatory Office
Phone (406) 657-5910
Fax (406) 657-5911

RE: US 2 / MT 16 TRED Study
Corps File No. 2006-244

Montana Department of Transportation
Attention: Mr. Hal Fossum
Post Office Box 201001
Helena, Montana 59620-1001

Dear Mr. Fossum:

Reference is made to your request for comments on the initial draft of the US 2 / MT 16 TRED Study. The Montana portion of the project extends from Port of Raymond, Montana, south to Culbertson, Montana, and east to the North Dakota state line.

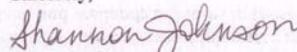
Under the authority of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the United States include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters.

Based on the information provided, the project area contains jurisdictional waters of the U.S., including wetlands. Wetlands along the project corridor will have to be delineated prior to any permitting or construction. However, we cannot determine at this time if an IP would be required for the 4-lane option. A condition that might require project review under IP procedures would be exceeding ½ acre of fill at any one crossing and/or filling of a jurisdictional water. If the project will be reviewed as an IP, it would be subject to 404(b)(1) guidelines review, which requires the least damaging practicable alternative in light of the overall project purpose as determined by the Corps.

When final design has been completed, please submit plans and a joint application to this office, along with project drawings and photographs of the proposed sites. Please also include an inventory of aquatic resources, including wetlands that may be affected by this project. The application can be downloaded from <http://www.nwo.usace.army.mil/html/od-rmt/applications.html>, or one can be mailed to you upon request. When the application is complete, a determination will be made as to whether or not authorization will be granted. The permit decision will be based on compliance with the guidelines and the Corps analysis may give different weight to some of the information that MDT used in deciding upon their preferred alternative.

If you have any questions, please call me at the Billings office at (406) 657-5910, and reference File No. 2006-244.

Sincerely,


Shannon Johnson
Project Manager

Printed on  Recycled Paper

Expert Panelist Comments

Martin Weiss

Martin Weiss was concerned we are inferring that the “sound economic theory” applies to the connectivity / continuity discussion by using such language as significance, importance, etc. He feels this discussion is qualitative, not quantitative and would like the study to have wording reflecting this.

Text has been added to the Executive Summary, page vi indicating that this connectivity/continuity discussion is based on qualitative interviews, it is not meant to infer that this argument arose from the economic modeling conducted.

Martin Weiss believes the Opportunities were too optimistic and did not reflect potential negatives.

HDR | HLB believes that potential negatives were built into the analysis because of the ranges (10% and 90% intervals) and the probabilities attached to each opportunity. See footnote 1, WP#3, Page 3.

Bryan Richards, Expert Panelist, Yanke Group, Saskatoon, SK

Response to Exec Summary

My commentary is from Transport Company point of view.

Transport route drivers distance (miles) – shortest practical route is what is paid to drivers and what is cost customers. Excess miles are managed due to fuel expense and fuel taxes to be paid identified border crossings that allow above but based on viable truck routes and fueling opportunities

Safety – risk based on roads and weather

Assessing the TRED route and border crossing of Raymond is matched against mileage and routing settings of PC Miler version 20. Identifies a fairly narrow portion of the Midwest and South Central USA that would identify the “shortest practical route” as the path through Port of Raymond as opposed to Coutts, Sweetgrass, or Portal.

Positive situation going forward is the linkage between oil producing regions of Texas and Oklahoma and Alberta / Saskatchewan is strong for the near and distant future.

Noted in WP#2 Page 28

Other Restrictions

Impact of Homeland Security initiatives post 9/11 – disallows “in transit” moves through the USA. Significantly reduced the use of US 2 / east to west / west to east.

This used to be a primary corridor now restricted. Overturning this restriction and/or providing another method of securement (GPS tracked seals on trailers) would allow significantly increased transport activity through this corridor.

Added to WP#2 Page 30

Supporting page vi / Regional Interconnectivity.

Regions with natural linkages are Alberta / Saskatchewan, oil producing regions and the oil producing regions of USA, Texas and Oklahoma.

Follow ups on WP#3

- Page 19, item 7
- Page 20, item 15/16
- Page 22, item 31, 32
- Page 23, item 35

Personal trip along Sask highway 6 south of Regina and visits to Port of Raymond, and across 39 to Port of Portal to review

1. Road quality and amenities
2. Port access and amenities
3. And distances and fuel opportunities

In terms of item 31 and 32 and 35, assessments made against the probabilities of growth given the 2 versus 4 lane corridor.

The Ports offer similar services and access in terms of hours of operations and active departments. Indications are that customs broker access is not a limiting factor nor is access to fuel and minimum services for washroom/eating.

By preference, discussions with our own drivers appeared to indicate no particular bias against use of Raymond, but equally, no particular additional desire to not use Portal.

Predominate factors of distance and wait times (although additional wait times at Portal did not appear to be a deterrent, as most border crossings, given distance traveled from key points of Minneapolis/Chicago/or further south or east occurred in the 2100 to 0700 time frame), are the key drivers for port / border crossing usage.

Note: Drivers that are Owner Operators (i.e. Purchase their own fuel, and pay their own maintenance and are only suggested to travel a specific route for service/transit times or risk related situations) show a preference for port of Raymond and would probably increasingly do so with road and amenities improvements.

Item 31 – no particular benefit noted, from our position, to potential changes presented, agree with projected volumes.

Item 32 – Mileage differences are the critical element but overall volume growth will be considerable and could expect much of that to be Owner Operator rather than company

owned units. Crossings expected to double and this is reflected in item 32 but expect that more will be Owner Operator and more will be in the oil and gas industry sector which leads to projection that larger share of the increase could be Raymond rather than Portal. Thereby, increase could be understated here by 25 %, i.e. Median could be 12 to 15.

Item 35 and 36 – concur with percentage increases in this area

Reference Points

Transportation Sector Outlook in Alberta – Future Outlook – Apr 2005, page 13 – “by 2013, traffic between USA and Alberta to double”

Export Development Canada – Saskatchewan exports to expand by

- energy – 29 % in 2006
- agri products 19 % in 2006 and 7 % in 2007
- coarse grains – 10 % in 2006, 4 % in 2007
- industrial goods 7 % in 2007

Various interviews, straw polls taken with Operators

Review of Canadian CBSA and US Customs and Border Protection websites and stats

Personal visit to border areas

Knowledge and experience of 20 + years in transportation industry