

1.0 INTRODUCTION

This document provides a re-evaluation of the September 1994 US 93 – Somers to Whitefish - Final Environmental Impact Statement (FEIS) as it pertains to the Kalispell Bypass alternative only. The Somers to Whitefish Project on US 93 is located in northwest Montana, near Glacier National Park. The proposed bypass is located on the west side of the City of Kalispell. The bypass is a 7.6 miles (12 kilometer [km]) component of the 29 miles (46 km) Preferred Alternative recommended in the FEIS and selected in the subsequent November 1994 Record of Decision (ROD). Since the ROD was finalized, several design changes have been proposed by the Montana Department of Transportation (MDT) for the bypass that require evaluation to determine if they result in new significant environmental impacts not previously considered in the FEIS. **Figure 1.1** provides a regional location map and **Figure 1.2** depicts the bypass project location.

This document contains seven sections. In addition to this introduction, **Section 1.0** includes project background and history. **Section 2.0** contains a summary of findings from the original 1994 FEIS and ROD as they relate to the Kalispell Bypass including the purpose and need, Preferred Alternative, impacts, and mitigation. **Section 3.0** contains an overview of the currently proposed design changes for the Kalispell Bypass. **Section 4.0** provides an evaluation of new impacts to human, social, and environmental resources compared to those identified in the 1994 FEIS. A summary of impacts and potential mitigation is provided in **Section 5.0**, and public and agency coordination are discussed in **Section 6.0**.

FIGURE 1.1 - REGIONAL LOCATION MAP

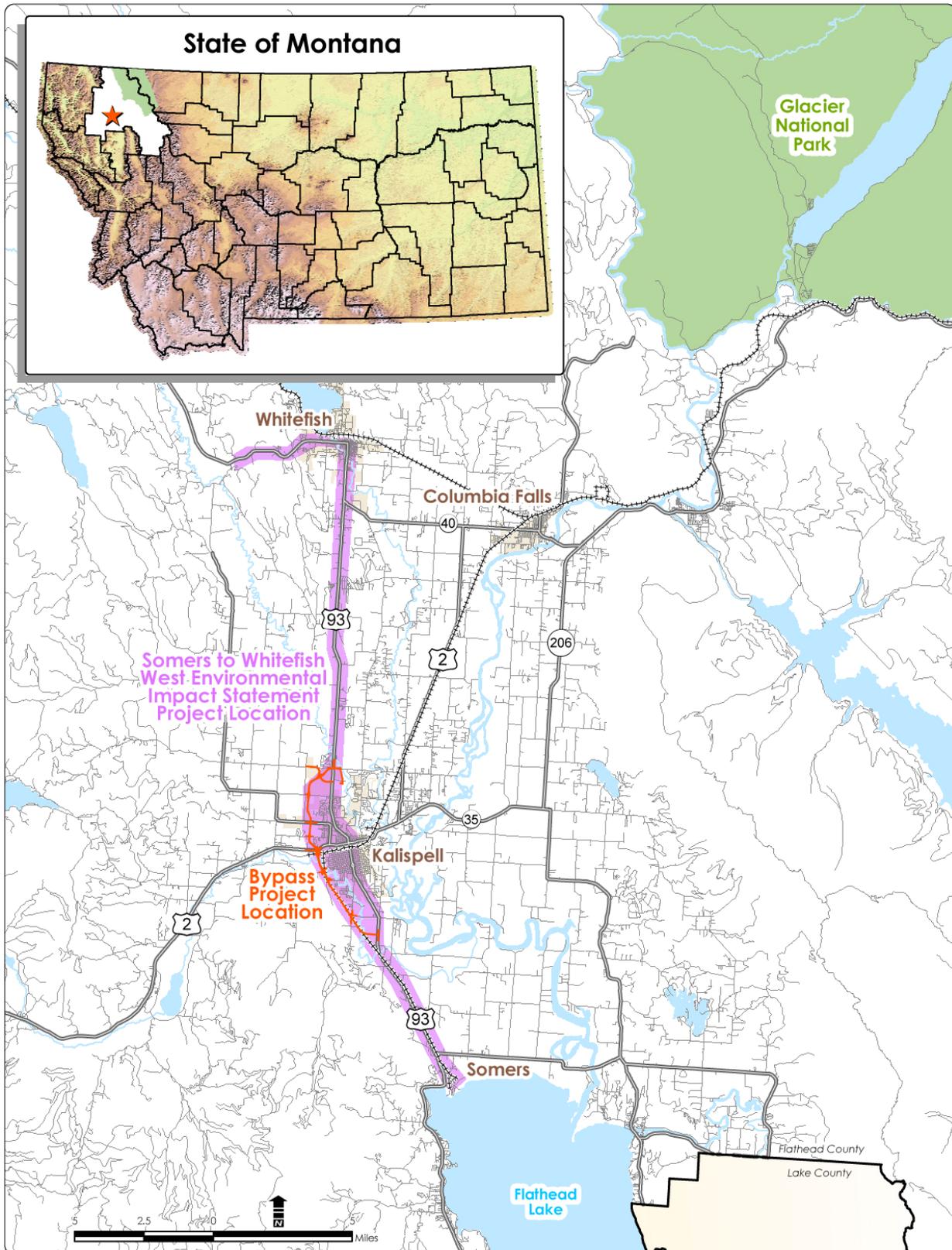
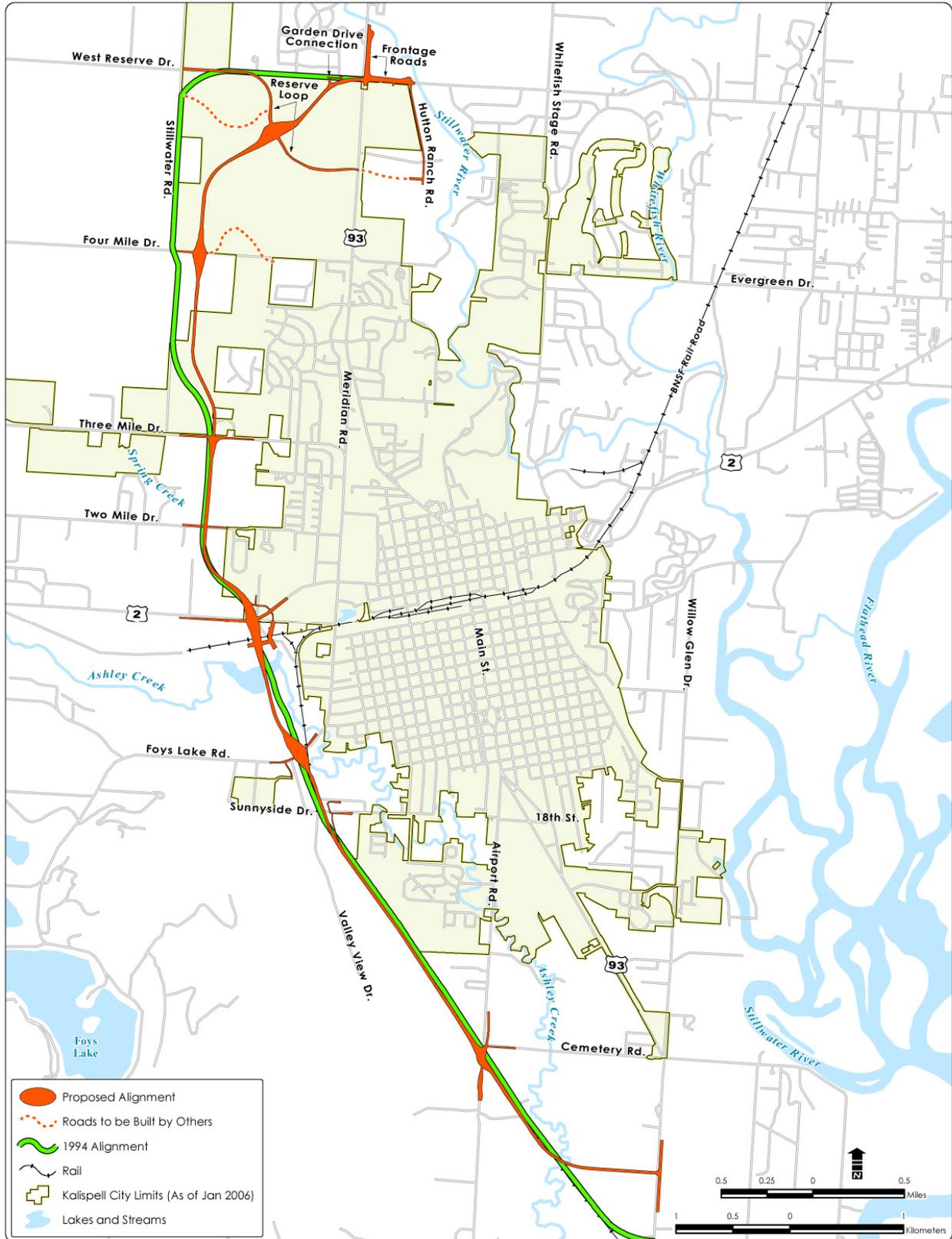


FIGURE 1.2 - PROJECT LOCATION MAP FOR KALISPELL BYPASS



1.1 PROJECT BACKGROUND AND HISTORY

The US 93 is a north-south principal arterial that extends along the western portion of the state of Montana and is part of the National Highway System. The segment of US 93 that was covered by the 1994 FEIS is an approximately 29-mile (46-km) segment from Somers to west of Whitefish, Montana (see **Figure 1.1**). This segment of US 93 serves as a major traffic corridor between Missoula in the south, the region’s largest city, and the Kalispell, Whitefish, and Columbia Falls urban areas in the north. In addition, this segment of the highway serves tourist traffic that is destined for Glacier National Park and the Flathead Lake area, which results in a higher than average percentage of recreational vehicles. Other heavy users of the highway include the logging industry with vehicles that exceed a 60-foot (18-meter) wheelbase, smaller trucks serving local commerce and agricultural needs, and local commuters.

Improvements to US 93 between Somers and Whitefish were originally proposed by MDT in the 1980s to reduce congestion on the existing facility, provide for planned growth and development, improve safety, provide for improved intermodal facility connections, and provide for enhanced scenic values. **Table 1.1** contains a historical timeline for this project. Of importance is the steady and continued progress that MDT has made on the overall construction project along US 93 from Somers to Whitefish since the FEIS and ROD were finalized in 1994. Approval of the ROD initiated project activities that began with right-of-way acquisition, final design awards, and construction services segment by segment.

TABLE 1.1 - PROJECT HISTORY

| |
|---|
| 1992 – 1994 |
| US 93, Somers to West of Whitefish Draft Environmental Impact Statement (DEIS) evaluates alternatives for US 93. The DEIS combined several ongoing and planned projects from Somers to Whitefish, including the Kalispell Bypass. An Advisory Committee is involved in the process. |
| 1993 |
| The Kalispell Transportation Plan and Bypass Feasibility Study issued in October recommend a bypass around Kalispell. |
| 1994 |
| The FEIS recommends western bypass around Kalispell as the Preferred Alternative. |
| The Federal Highway Administration (FHWA) issues a ROD on US 93, Somers to West of Whitefish, in November. In the ROD, FHWA selects Alternative A (COMBO) as the Preferred Alternative, but includes Alternative B West (the bypass) as part of the Preferred Alternative. |

TABLE 1.1 (CONTINUED) - PROJECT HISTORY

| |
|--|
| 1995 |
| MDT identifies six of the projects covered in the FEIS on which to begin design work. |
| 1996 |
| MDT begins design on the six projects — final design on five projects and preliminary design for corridor preservation on the Kalispell Bypass. Several revisions to the alignment shown in the FEIS for the Kalispell Bypass are proposed based on community input. |
| Montana 40 South project awarded for construction in April. (US 93, Reference Post [RP] 122.3-122.5, construction complete) |
| Grandview North project awarded for construction in April. (US 93, RP 114.9-117.6, construction complete) |
| 1997 |
| MDT and FHWA approve right-of-way plans for the Kalispell Bypass project in February and begin passive right-of-way acquisition of corridor footprint. |
| The Advisory Committee reconvenes to consider design modifications to the Stillwater River project. The Advisory Committee agrees to modify the design from the FEIS to accommodate changed conditions. |
| Montana 40 North project awarded for construction in June. (US 93, RP 125.5-126.9, construction complete) |
| 1999 |
| Somers Ashley Creek South project awarded for construction in June. (US 93, RP 103.2-106.0, construction complete) |
| 2000 |
| Somers Ashley Creek North project awarded for construction in May. (US 93, RP 106.0-109.1, construction complete) |
| 2003 |
| MDT begins design of US 93 in the Whitefish Urban area. (US 93, RP 126.9-127.9) |
| 2004 |
| Ashley Creek Kalispell project awarded for construction in February. (US 93, RP 109.1-111.6, under construction) |
| In June, MDT begins re-evaluation of the Kalispell Bypass portion of the 1994 FEIS and begins preliminary designs for the bypass. |
| MDT holds public meetings in June and August to review the Kalispell Bypass project with members of the community and to obtain comments. |
| 2005 |
| In August, the City of Kalispell and Flathead County issue resolutions recommending the currently proposed design for the bypass. |
| MDT holds a third bypass public meeting in August to update members of the community on design changes and preliminary environmental findings. |

Source: Compiled by Carter & Burgess, Inc.

1.2 PURPOSE OF THE FEIS RE-EVALUATION

The Council on Environmental Quality and FHWA's regulations require that a supplemental environmental impact statement be prepared whenever changes to a proposed action, or new circumstances or information may result in significant environmental impacts that were not evaluated in the FEIS. To determine if such changes are significant, the regulations require the development of appropriate environmental studies. MDT and FHWA use an environmental re-evaluation to determine whether an approved environmental document and approval document, such as an FEIS and ROD, remain valid. The results of the environmental re-evaluation are generally indicative of the need for preparing a supplemental environmental document.

Specific regulations regarding re-evaluations are contained in Title 23 of the Code of Federal Regulations (CFR) Part 771, Environmental Impact and Related Procedures. Specifically, 23 CFR 771.129 contains requirements for conducting re-evaluations:

- (a) A written evaluation of the draft EIS shall be prepared by the applicant in cooperation with the Administration if an acceptable final EIS is not submitted to the Administration within 3 years from the date of the draft EIS circulation. The purpose of this evaluation is to determine whether or not a supplement to the draft EIS or a new draft EIS is needed.
- (b) A written evaluation of the final EIS will be required before further approvals may be granted if major steps to advance the action (e.g., authority to undertake final design, authority to acquire a significant portion of the right-of-way, or approval of the plans, specifications and estimates) have not occurred within three years after the approval of the final EIS, final EIS supplement, or the last major Administration approval or grant.
- (c) After approval of the EIS, Finding of No Significant Impacts (FONSI), or Categorical Exclusion (CE) designation, the applicant shall consult with the Administration prior to requesting any major approvals or grants to establish whether or not the approved environmental document or CE designation remains valid for the requested Administration action. These consultations will be documented when determined necessary by the Administration.

Additionally, 23 CFR 771.130 contains requirements for conducting supplemental environmental impact statements:

- (a) A draft EIS, final EIS, or supplemental EIS may be supplemented at any time. An EIS shall be supplemented whenever the Administration determines that:

1. Changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or
2. New information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.

(b) However, a supplemental EIS will not be necessary where:

1. The changes to the proposed action, new information, or new circumstances result in a lessening of adverse environmental impacts evaluated in the EIS without causing other environmental impacts that are significant and were not evaluated in the EIS;
or
2. The Administration decides to approve an alternative fully evaluated in an approved final EIS but not identified as the preferred alternative. In such a case, a revised ROD shall be prepared and circulated in accordance with Sec. 771.127(b).

(c) Where the Administration is uncertain of the significance of the new impacts, the applicant will develop appropriate environmental studies or, if the Administration deems appropriate, an EA to assess the impacts of the changes, new information, or new circumstances. If, based upon the studies, the Administration determines that a supplemental EIS is not necessary, the Administration shall so indicate in the project file.

Re-evaluations are generally required three or more years after either environmental clearance or approval, if no additional major steps to advance the project have been taken; when design or scope changes occur; when new environmental impacts not discussed in the original environmental document are identified or impacts previously discussed change; or when environmental clearance requirements change.

While more than 10 years have passed since the signing of the ROD for the Somers to Whitefish West FEIS, as described previously, MDT has taken major steps to advance the overall project. As for the Kalispell Bypass segment of this overall project, MDT has undertaken major steps to identify and secure right-of-way. However, during this period, project development activities have refined the design for the bypass and allowed for more accurate quantification of some environmental effects disclosed in the FEIS. Flathead County continues to be one of Montana's fastest growing area and changes in traffic volumes and motor vehicle accident rates have occurred since the time of the FEIS. Changes to Federal and state regulations relevant to some

project activities have changes. Other concerns have been identified that have required design changes. Lastly, there is continued public interest associated with the development and effects of providing a bypass around the City of Kalispell. For these reasons, FHWA and MDT decided to re-evaluate the 1994 Somers to Whitefish West FEIS, for the Kalispell Bypass only, in accordance with provisions of 23 CFR 771.129 (b) and (c).

As the FHWA's Technical Advisory T 6640.8A states: "the entire project should be revisited to assess any changes that have occurred and their effect on the adequacy of the FEIS." This re-evaluation discloses new information or circumstances relevant to the development of the project and ensures that all current environmental requirements are addressed. The re-evaluation focuses on the changes with the bypass project corridor and its surroundings, the potential for new or previously undisclosed impacts, and new project-related issues that have arisen since the FEIS was approved.

Therefore, the primary purpose of this re-evaluation is to determine whether or not the approved FEIS for the proposed construction of the Kalispell Bypass remains valid. Additionally, the findings of this re-evaluation will provide the information needed for FHWA and MDT to determine whether or not a supplemental EIS is needed for the bypass project as provided for in 23 CFR 771.130(a) and (f).