



Memorandum

U.S. Department
of Transportation

**Federal Highway
Administration**

WESTERN FEDERAL LANDS HIGHWAY DIVISION
610 EAST FIFTH STREET
VANCOUVER, WA 98661-3801

INFORMATION: Montana Forest Highway 59

Subject: Beartooth Highway, US Highway 212, MP 0.0 to 8.4
Reevaluation of the Environmental Assessment/FONSI

Date: March 12, 2003

From: Edwin (Ted) M. Wood, Jr.
Design Operations Engineer

Reply to
Reference

To: Ronald W. Carmichael
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THROUGH: Ricardo Suarez
Director of Project Development

The following is a reevaluation of the Environmental Assessment (EA), amended in May 1998, and the May 1998 Finding of No Significant Impact (FONSI) for a proposed road improvement project on the Montana Forest Highway 59, also known as the Beartooth Highway. This memo describes the methods and results of the NEPA reevaluation performed by the Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA).

BACKGROUND

U.S. Highway 212, also known as the Beartooth Highway (Highway) begins at the Northeast Entrance to Yellowstone National Park (YNP) and extends easterly 103 kilometers (64.0 miles) from Montana into Wyoming and back into Montana ending at Red Lodge, Montana. A project has been proposed to upgrade a segment of the highway in Montana (identified as Segment 1 in the EA) from the YNP Northeast boundary at MP 0.0 to the Wyoming state line at MP 8.4. The easternmost 0.5-mile portion of the Northeast Entrance Road between the YNP Visitor Entrance Station east to the park boundary is also being reconstructed with the upgrading of Segment 1 of the Beartooth Highway. An EA for the reconstruction of Segment 1 of the Highway was distributed for public comment in August 1997, and resulted in an amended EA in May 1998. A FONSI was prepared and approved by WFLHD in May 1998. Since that time, design and ROW activities have been conducted to advance this project.

An environmental re-evaluation was prepared on June 6, 2002, to address changes in the proposed project design and in resource issues in the highway corridor. This re-evaluation did not find any changes in the project need, selected alternative, affected environment, impacts or mitigation that would invalidate the existing NEPA approvals.

In an entirely separate action, Central Federal Lands Highway Division (CFLHD) of FHWA began to develop a project to upgrade Segment 4 of the Beartooth Highway, within Park County, Wyoming. Segment 4 begins at MP 24.5 and ends at MP 43.1 on the Wyoming/Montana state line, and is currently maintained by YNP through an agreement with the Forest Service.

Segment 1 project activities predate the Segment 4 studies by five (5) years and the Segment 1 project will serve the transportation needs along this western portion of the route whether or not any other segments of the highway are improved. The Montana project segment has its own logical termini (which involve jurisdictional boundaries), major changes in the conditions of the existing highway, independent utility, and separate construction funding as compared to Segment 4 in Wyoming.

FINDINGS

The WFLHD reevaluation of the amended EA/FONSI was conducted in cooperation with partner agencies (USDA Forest Service, MDT and Park County, Montana) and included input from other affected publics. The reevaluation addressed changes in the proposed project and highway corridor as described in the following categories:

- Need
- Selected Alternative
- Affected Environment
- Impacts
- Mitigation

Need for Project:

There is no change in the need for the project that warrants a review under this reevaluation. The June 6, 2002 reevaluation referenced a reduction in current and future traffic volumes for Segment 1. This was an indication that traffic growth had slowed in this part of the highway. As a result of this finding, the design SADT was adjusted to be consistent with recent traffic counts and growth rates being used by MDT and YNP.

The June 6, 2002 reevaluation concluded that the overall need for the highway improvements and the road uses described in the 1998 amended EA have not substantially changed along Segment 1 of the Beartooth Highway.

Selected Alternative:

There is no change in the selected alternative that warrants a review under this reevaluation. The proposed road improvements have moderately changed from those described as the selected alternative in the FONSI and the preferred alternative in the 1998 amended EA. The 1998 EA set roadway design standards for the project based on AASHTO guidelines and MDT standards. Based on the ADT and design speeds, full AASHTO standards required a 36-ft. roadway width.

The selected alternative contained a design exception of a 32-ft. roadway width. This narrower width was considered a good balance between environmental impacts, ROW costs and construction.

The June 6, 2002 reevaluation addressed the decision to lower roadway width to 28 ft. on the western half of the segment, due to the reduction of the future SADT numbers and changes in traffic volume projections. This 28-ft. roadway width meets the minimum recommended MDT highway standards for a rural arterial functional classification on this portion of the Beartooth Highway. Additionally, route continuity is maintained by matching the reconstructed segments in Wyoming and YNP.

Affected Environment:

Some minor changes to the affected environment have occurred since the 1998 amended EA and 2002 re-evaluation.

Cultural Resources – As input to the 1998 EA, WFLHD conducted a cultural resource inventory and Section 106 consultation on the project. The cultural resource inventory completed for the project did not consider the potential National Register eligibility of the Highway as a historic property. There were two properties located during the inventory – a mining prospect site and the Cooke City Cemetery – that were considered but determined not to be eligible. The Montana State Historic Preservation Office (MTSHPO) concurred with the 1997 recommendation of No Effect on the properties discovered during the inventory.

CFLHD conducted a cultural resource inventory on Segment 4 of the Beartooth Highway in Wyoming. As a result of this inventory, CFLHD determined that the road and four bridges located within Segment 4 were eligible for listing on the National Register of Historic Places under Criteria A and C. During CFLHD consultation with the Wyoming State Historic Preservation Office (WYSHPO) in 2002, questions of potential effects to Segment 1 in Montana were raised. WFLHD contracted the Gallatin National Forest to perform an evaluation of the historic importance of the Highway, which resulted in the recommendation of Segment 1 as eligible for listing on the National Register as a Historical Road, under Criteria A. The principle recommendation for Criteria A was premised upon “...a unique history (Park Approach Act) and while Segment 1, mile marker 0.0 to 8.4 at the Wyoming border does not retain the physical integrity that is recognized in portions of the road in Wyoming, 48PA2310, it does retain intrinsic values of isolation and remoteness, scenery and associative history.” The reconstruction of Segment 1 was proposed to have “an effect” based upon “integrity of historical association and historical events along the highway corridor.” (Allen 2002:4). As a mitigation of the effect, and effects to Segment 4, FHWA is to formally nominate the entire Highway to the National Register, as well as restore the Cooke City Cemetery perimeter fence.

Impacts:

There are minor changes in impacts to the project corridor with the newly nominated status of the Beartooth Highway since the 1998 amended EA. The discovery of the eligibility of Segment 4 for National Register status and subsequent Section 106 consultation on Segment 1 has resulted in additional mitigation obligations. The project does not create any substantial secondary impacts in the area. There are no changes in land use or proposed access as a result of the project.

There are no planned changes in the use or character of the road over the long term. It will remain a moderate scale, double-lane paved highway and extensive efforts will be made to retain its scenic values when improvements are made.

4(f) Impacts – The Section 4(f) requirements have been met for this project. In consultation with the Advisory Council on Historic Preservation (ACHP), the MT SHPO has concurred with the recommendation with “no adverse effect”. Supporting documentation can be found in the Programmatic 4(f) Determination document, dated March 14, 2003.

Mitigation:

The mitigation measures outlined in the amended EA to minimize project impacts are still applicable and valid. Additional mitigation has been proposed as a result of the Highway’s eligibility for nomination to the National Historic Register. The WFLHD and CFLHD proposed measures (conference call February 3, 2003) to address and mitigate potential effects and arrive at a conditioned determination of “no adverse effect” for the entire route.

Representatives from the Advisory Council on Historic Preservation, the WYSHPO, the MTSHPO, WFLHD, CFLHD and Headquarters agreed on the following mitigation measures:

- 1) WFLHD shall provide resources to restore the perimeter fence by “in kind preservation and maintenance” of the Cooke City Cemetery by the completion of construction in Segment 1.
- 2) WFLHD and CFLHD shall, utilizing the services of a professional consultant acceptable to the WYSHPO and the MTSHPO, research and cause to be prepared, a formal nomination package for the Beartooth Highway in Montana and Wyoming, for listing to the National Register under Criteria A.
- 3) This nomination package will be prepared by December 31, 2004, assuming that a preferred build alternative for Segment 4 has been identified. If a preferred build alternative for Segment 4 has not been identified, CFLHD will reinitiate consultation with the WYSHPO, and will notify MTSHPO, WYSHPO, and WFLHD of the need to reinitiate consultation within 30 days of December 31, 2003.
- 4) CFLHD will coordinate the submission of the nomination package with the Federal Preservation Officer of the appropriate land management or road maintenance agency (NPS, USDA Forest Service, and/or State Department of Transportation) to the Keeper of the National Register.

These new mitigation measures will not conflict with other committed mitigation for the Beartooth Highway, as outlined in the 1998 amended EA.

CONCLUSION

This re-evaluation of the Montana Beartooth Highway Project and its 1998 EA/FONSI environmental compliance documents identified and examined all changes in the project need, selected alternative, affected environment, impacts and mitigation that affected the existing NEPA and related environmental approvals. None of these changes were found to be substantial or invalidated the existing NEPA approvals.

The nomination of the Highway to the National Register of Historic Places will document the historic importance of this Highway and make this information available to the public. At this point in time, the proposed upgrading of Segment 1 of the Beartooth Highway is still satisfactorily addressed in the 1998 EA/FONSI as described in this reevaluation, and a supplemental or new NEPA document is not deemed necessary.