

Part V: Final Section 4(f) Evaluation

A. Purpose and Requirements

Section 4(f) of the U.S. Department of Transportation Act was originally enacted in 1966. The initial statutes were amended and recodified in 49 U.S.C. 303 in 1983. Current regulations state that "special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." Section 4(f) requirements apply if a proposed highway project:

"Requires the use of publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge, of national, state, or local significance, or land of a historic site of national, state, or local significance."

Additionally, the requirements of Section 4(f) are stated in 23 CFR Subsection 771.135(a) as follows:

"The Administration may not approve the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge or any significant historic site unless a determination is made that:

- (i) There is no feasible and prudent alternative to the use of land from the property; and
- (ii) The action includes all possible planning to minimize harm to the property resulting from such use."

The purpose of the following parts of this evaluation is to identify affected and potentially affected properties, assess the impacts of each alternative on the properties, and demonstrate that the project complies with the requirements of Section 4(f) of the DOT Act.

B. Proposed Action

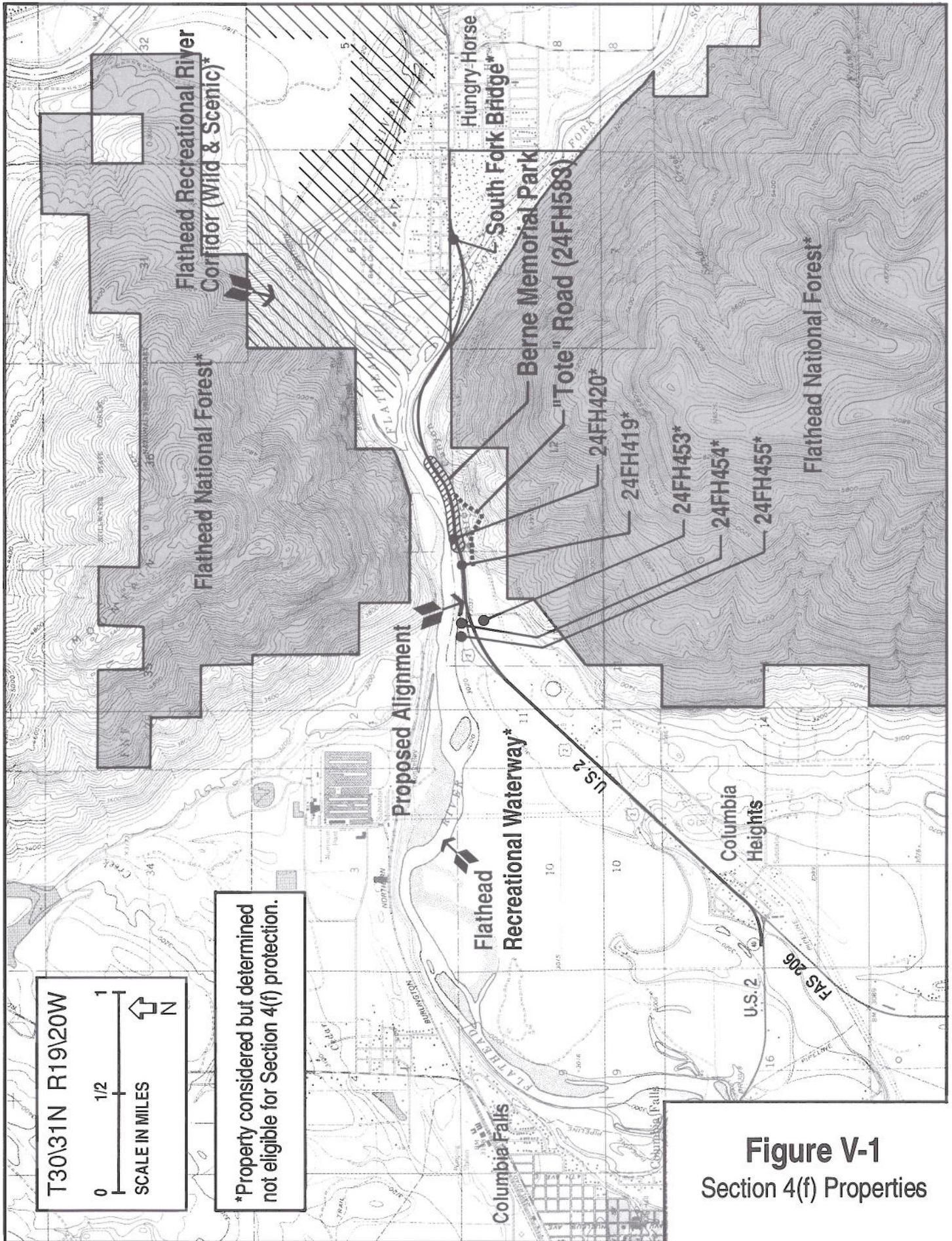
The proposed action would improve 4.4 miles of highway located between Columbia Falls and Hungry Horse in Flathead County, Montana. The proposed action would reconstruct the existing two-lane highway from the intersection of US 2 and FAS 206 at Columbia Heights to the west edge of Hungry Horse. The project would also reconstruct the US 2/FAS 206 intersection and replace the existing two-lane bridge over the South Fork of the Flathead River. A complete project description, the purpose and need for the action, and alternatives considered are discussed in Parts I and II of the **Final EIS**.

C. Section 4(f) Properties

1. PROPERTIES CONSIDERED FOR 4(f) APPLICABILITY

Eleven properties located in the project corridor were examined for their applicability to Section 4(f). Each of the properties were identified and described in Part III of the EIS. **Cultural resource evaluations of historic and prehistoric sites and contacts with the administrators of other properties provided the basis for determining which properties would be afforded protection under Section 4(f)**. The properties initially considered for this evaluation are shown in **FIGURE V-1** and listed below.

- **The remains of a small logging operation (24FH455) and two prehistoric sites containing scattered lithic flakes and fire-cracked rock (24FH453 and 24FH454) west of Badrock Canyon.**



T30/31N R19/20W

0 1/2 1

SCALE IN MILES

↑ N

*Property considered but determined not eligible for Section 4(f) protection.

Figure V-1
Section 4(f) Properties

- The archaeological remains of a building, small refuse area, and linear rock alignment associated with the Frieda Wilkes Herrig/Berne homesite (24FH419) and a carving on an outcrop of Badrock Canyon near Berne Memorial Park (24FH420).
- The remnants of an old roadway in Badrock Canyon (24FH583), locally known as the "tote" road.
- Berne Memorial Park in Badrock Canyon.
- Publicly owned multiple-use lands of the Flathead National Forest.
- The Flathead Recreational Waterway.
- The Middle Fork Recreational River, a segment of the Flathead Wild & Scenic River System, near Hungry Horse
- The South Fork of the Flathead River Bridge west of Hungry Horse.

Evaluations of historic and prehistoric properties affected by the proposed action concluded that none of the sites were on or eligible for the National Register of Historic Places. As a result, 24FH419, 24FH420, 24FH453, 24FH454, and 24FH455 are not subject to consideration under the provisions of Section 4(f).

The remnant of the Badrock Canyon "Tote" Road was not considered in the Draft Section 4(f) Evaluation because the property was thought to be subject to the terms of a Programmatic Agreement regarding historic roads and bridges in Montana. According to the Programmatic Agreement between MDT, FHWA, SHPO, and the Advisory Council on Historic Preservation (ACHP), determinations of eligibility for the National Register are not needed for individual road segments because technical materials documenting the history of roads in Montana have already been prepared. A plan for preserving significant and representative road segments will also be developed under the terms of the Programmatic Agreement.

After reviewing public comments and further consultation with SHPO, it was concluded that the construction and much of the use of the "tote" road likely occurred before the period covered in the existing documentation of road building in Montana. As a result, cultural resource evaluations were performed to determine if the remaining segment of the "tote" road qualifies for inclusion in the National Register.

A cultural resource evaluation of the "tote" road, completed in May, 1994 provided the information needed to determine if the property is eligible for listing on the National Register. Based on the evaluation, the "tote" road was found eligible for listing in the National Register of Historic Places for its associations with the construction of the Great Northern Railroad and for the way in which it illustrates road engineering of the time. Correspondence from the SHPO (dated May 28, 1994) indicates the agency's concurrence with this determination of eligibility. A copy of this letter can be found in APPENDIX 8. Because the property was found eligible for the National Register, the "tote" road is considered in this Section 4(f) evaluation.

Berne Memorial Park is a public park subject to consideration under Section 4(f).

Because none of the publicly-owned multiple use lands of the Flathead National Forest affected by the proposed action are managed specifically for purposes subject to Section 4(f), publicly-owned forest lands are not considered in this evaluation.

The Administrator of the Montana Department of Fish, Wildlife, & Parks (FWP), Parks Division indicated that the Flathead Recreational Waterway itself is not subject to Section 4(f), however, individual recreation sites along the waterways may be subject to the provisions. Based on this determination, Fisherman's Rock was identified as an informal recreation site along the Flathead River at Berne Memorial Park and considered to be a feature of the park.

The Middle Fork Recreational River segment and its associated management zone are not considered in this Section 4(f) Evaluation. This determination was made because lands within the river management zone affected by the proposed action are not managed specifically for recreation or other Section 4(f) activities. This conclusion was also based on correspondence from the Flathead National Forest Hungry Horse District Ranger dated May 4, 1990 and March 12, 1991 included in Part VI of the Final EIS. The District Ranger's March 12, 1991 letter indicated that the proposed action is not likely to produce any significant impacts on the Flathead Wild and Scenic River Corridor.

Since the South Fork of the Flathead River Bridge at Hungry Horse was constructed more than 50 years ago and was not included in the Montana Historic Preservation Plan for Roads and Bridges, the historical significance of the bridge was examined. If the bridge was determined eligible for listing on the National Register of Historic Places under the provisions of Section 106 of the National Historic Preservation Act, then the structure would be considered significant and eligible for Section 4(f) protection. Investigations determined that the South Fork Bridge is not significant for Section 4(f) purposes because it does not possess features that would make the bridge eligible for the National Register. The SHPO concurred with this determination in the agency's December 17, 1991 letter included in Part VI of the EIS. APPENDIX 12 contains an evaluation of the historical significance of the South Fork Bridge.

Therefore, of the eleven properties considered in this evaluation, only Berne Memorial Park and the Badrock Canyon "Tote" Road (24FH583) were determined eligible for Section 4(f) protection according to 23 CFR 771.135(d). Correspondence regarding the Section 4(f) applicability of other properties is included in Part VI of the EIS.

2. SECTION 4(f) PROPERTIES CONSIDERED IN THIS EVALUATION

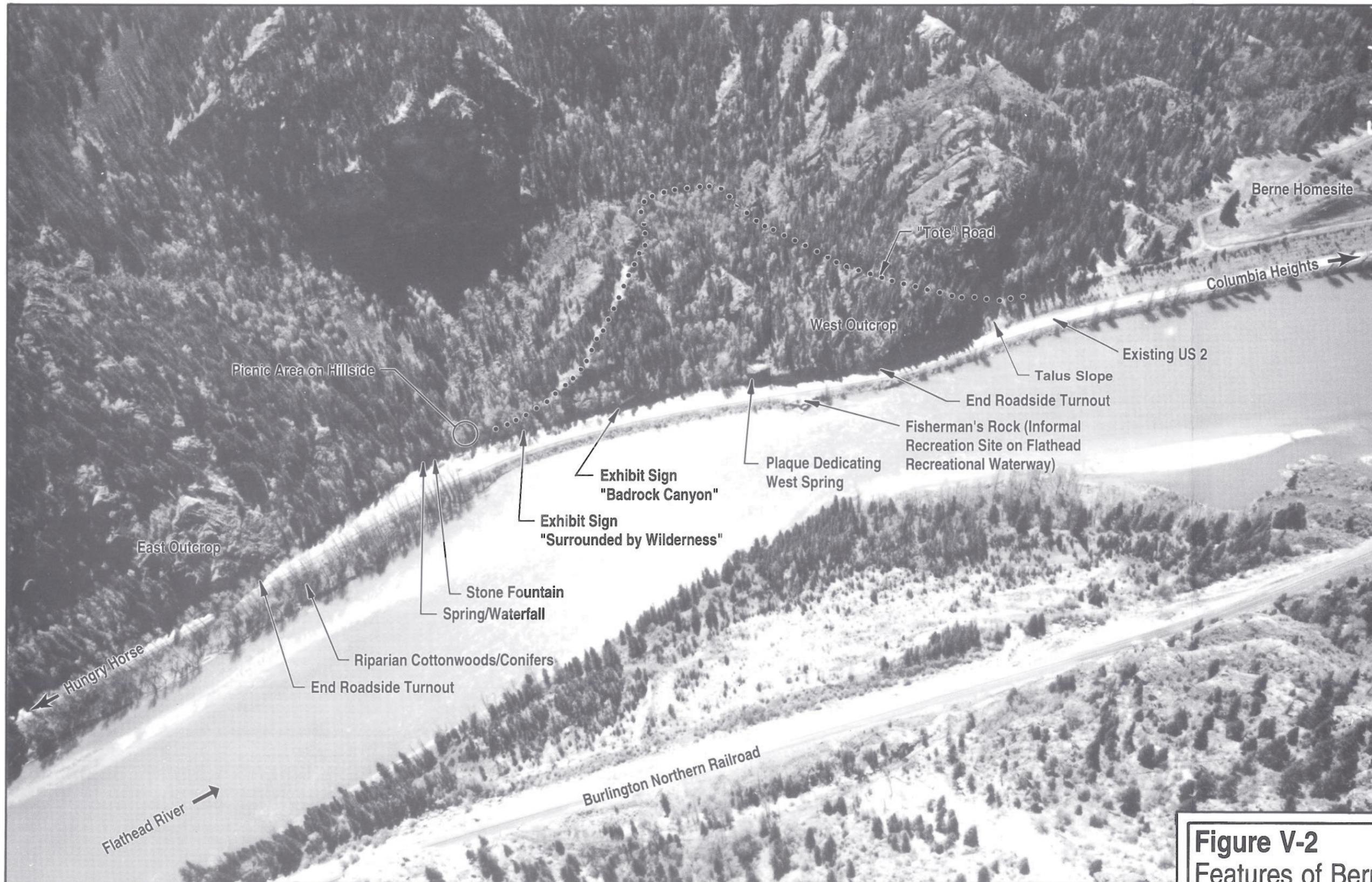
The following text provides maps showing the locations of 4(f) properties in the project corridor, describes the ownership and use of each property, and discusses the characteristics and features unique to the properties affected by the proposed action.

BERNE MEMORIAL PARK

Map of the Property - FIGURE V-2 shows Berne Memorial Park and the location of the existing roadway through this part of Badrock Canyon. Berne Roadside Park is legally described as the tract of land between boundary lines located parallel to the existing centerline of US 2 and lying 100 feet and 200 feet to the south of the existing centerline between Project Stations 18+00.0 and 37+00.0 for Project FAP 257 A. APPENDIX 8 contains the legal description from the Bargain and Sale Deed for the property (page A8-2) and a highway plan drawing for Project FAP 257-A showing the property boundaries of the park (page A8-4).

Size and Location of the Property - Berne Memorial Park lies adjacent to US 2 between the main stem of the Flathead River and a series of steep rock cliffs some 1.5 miles west of Hungry Horse. The park's general location in the project corridor was previously presented in FIGURE V-1.

The total area of Berne Memorial Park consists of some 8.45 acres. This total includes a 0.10 acre area



NORTH

No Scale
Locations Shown for Some Features Are Approximate

Aerial Photo Date: 5/93

Figure V-2
Features of Berne Memorial Park
and Location of Badrock Canyon
"Tote" Road (24FH583)

at Fisherman's Rock, 3.87 acres of existing highway right-of-way between the edge of US 2 and the legally described roadside park, and 4.48 acres area the north boundary of the legally described park. A map showing the area considered as Section 4(f) property is included in APPENDIX 8.

Ownership and Type of Property - The property was purchased by the Montana Department of Highways in 1953 through a Bargain and Sale Deed with John P. and Hazel M. Simpson. A copy of the deed and other title documents are included in APPENDIX 8. The property was acquired as highway right-of-way for Project FAP 257-A and use as a roadside park. The park was named after Mike and Billy Berne, early settlers who maintained a home near Badrock Canyon.

The property was known as Berne Roadside Park until 1959 when a deed correction was filed with Flathead County changing the property's name to Berne Memorial Park.

Function of or Available Activities - The park primarily serves as a brief rest stop for motorists on US 2. Limited picnic facilities and trails are available in the rock outcrops of the park. **The park also provides a location for some park users to view scenery or wildlife.**

One of the springs in Berne Memorial Park provides a year-round source of water for park users. The park also serves as an interpretive site for visitors since exhibit signs relating information about the natural features and historical background of the region have been placed at the turnout.

Fisherman's Rock and adjacent river banks are locally known as fishing sites. Fishermen and floaters on the Flathead River sometimes use Berne Memorial Park as a vehicle parking area and for general river access. Vendors have been known to use the roadside park during the summer. **Commercial enterprises may occur, however, these activities are not permitted within highway rights-of-way.**

Description and Location of Existing Facilities - The park consists of a wide, gravel-surfaced turnout bounded by massive rock outcrops at the east and west ends of the park. **FIGURE V-2** shows the locations of major features in Berne Memorial Park. Berne Memorial Park contains the following features:

- A roadside exhibit (sign) titled "Bad Rock Canyon" describing the area as the site of a battle between the Blackfeet and Flathead Indian tribes.
- A roadside exhibit (sign) titled "Surrounded By Wilderness" describing the Canyon's location relative to the Bob Marshall and Great Bear Wilderness Areas.
- A free-flowing spring and a stone fountain.
- A bronze plaque (24" x 37") dedicating the spring at the west end of the park to Walter H. Griffin and Perley N. Bernard, two people instrumental in promoting the construction of a highway over the Continental Divide.
- Three picnic tables **located on the hillside above the vehicle turnout.**
- Fisherman's Rock, a rocky point located across highway on the bank of the Flathead River.
- A small waterfall and stream near the stone fountain.

Several refuse containers are located at the park but no rest room facilities available. Photographs of these park features are shown contained in **PHOTO PLATES 8 and 9.**

Access and Usage - Berne Memorial Park is located directly adjacent to US 2 and is easily accessible

Photo Plate 8 - Berne Memorial Park Features

Photo 1 - This photograph shows the east end of Berne Memorial Park. The park, a large gravel-surfaced turnout adjacent to US 2, is bounded by steep rock cliffs at its east and west ends.

Photo 2 - The proposed action would excavate the cliff at the west end of Berne Memorial Park to improve the alignment of US 2. River users sometimes park in this area and cross the highway to access the Flathead.

Photo 3 - The Flathead River opposite Berne Memorial Park is often used by fishermen and floaters. Fisherman's Rock (near the top of the photo) protrudes into the river and is a notable feature of Badrock Canyon.

Photo 4 - Several picnic tables are located on the hillside at Berne Memorial Park. There are no restroom facilities at the park.



Photo 1



Photo 2



Photo 3

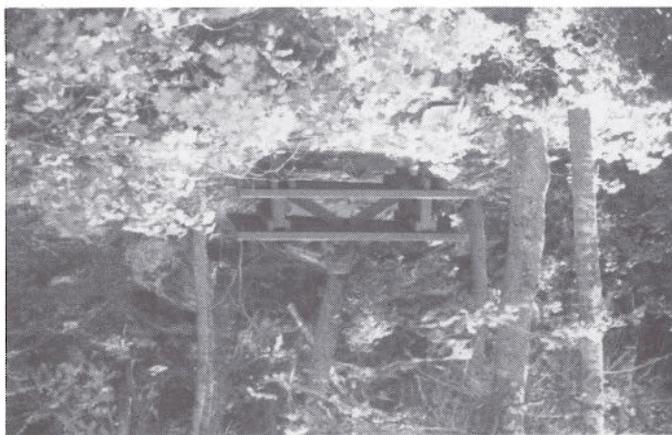


Photo 4

Photo Plate 9 - Berne Memorial Park Features

- Photo 1 -** This plaque, mounted on a rock face, dedicates the spring at the park to two people who promoted the construction of a highway over the Continental Divide in the region.
- Photo 2 -** The spring and fountain at Berne Memorial Park. The spring is an important source of water for area residents and tourists.
- Photo 3 -** This large interpretive sign provides information about the region for visitors.
- Photo 4 -** This interpretive sign discusses a battle between the Blackfeet and Flathead Tribes which may have occurred in the area. There is no evidence that shows the project area was the site of this battle.



Photo 1



Photo 2

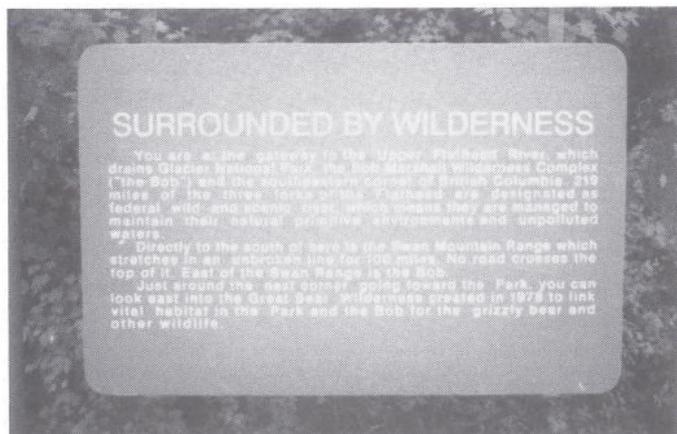


Photo 3

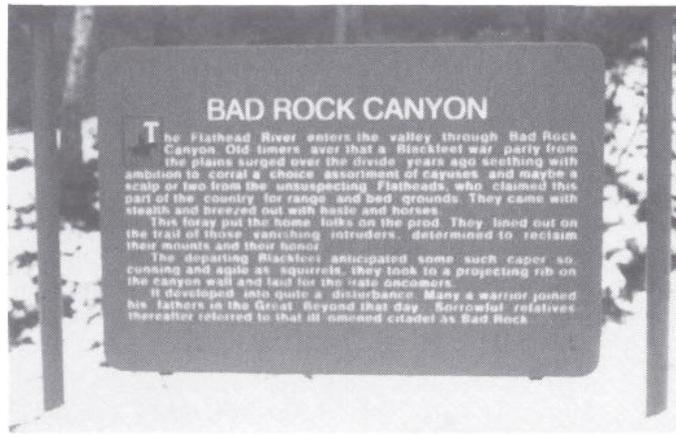


Photo 4

to all traffic. The predominant location where activities occur in Berne Memorial Park is a large turnout located adjacent to the highway. The turnout is used every time a park user stops to view the roadside exhibits, collects water at the spring, picnics or hikes in the cliffs above the park, or just pulls over to allow traffic to pass.

Most of the man-made features at Berne Memorial Park occur on about 1.80 acres of the 8.45 acre property. This acreage includes the area occupied by the existing roadside turnout. Recreational uses of one kind or another can occur on nearly all of the property. Limits have been placed on the duration of parking in the roadside turnout.

No data is collected to document the number of users, the type of recreational use, or the duration of recreation activities by visitors to Berne Memorial Park. The Coalition for Canyon Preservation (CCP), a local environmental group, submitted vehicle and recreational use data for the park during scoping for the EIS. The CCP conducted eight total hours of vehicle counts at the park for various days in July and August of 1986, 1988, 1989 (1). This data is presented below in TABLE V-1.

TABLE V-1 CCP VEHICLE USE COUNTS AT BERNE MEMORIAL PARK																
Month/Year	July 1986			August 1986		July 1988					July 1989					
Date of Count	17	18	29	12	19	3	4 (AM)	4 (PM)	5	14	4	6	9	12	14	21
Westbound Traffic	9	8	7	11	9	13	9	10	14	8	23	8	6	11	12	13
Eastbound Traffic	12	11	10	7	11	13	3	14	11	7	14	8	12	11	7	9

The totals presented in TABLE V-1 represent the number of vehicles parked in the turnout at the beginning of the count period plus the number of westbound or eastbound vehicles that turned off US 2 into the turnout during the period. Based on the data in TABLE V-1, the CCP concluded that on the average, about 10 vehicles per 15-minute period (or 40 vehicles per hour) use the park during the peak travel months. Extrapolating a single average hourly use figure for the park from this information is misleading because it is based on short-term counts for different half-hour long intervals on various days over three different years. However, the information provided by the CCP does suggest frequent use of the park area during the peak travel months on US 2.

Relationship to Other Similarly Used Lands in Vicinity - Other public lands near Berne Memorial Park are managed by the Flathead National Forest for dispersed recreational activities. As indicated previously, informal trails exist in the cliffs above the roadside turnout at Berne Memorial Park. These trails were made over the years by users of the park and are not part of the Columbia Mountain or Fawn Lake trails designated within the Flathead National Forest. It is conceivable that some park users could access these trails from Berne Memorial Park. However, the park does not function as a trailhead for either trail. The trailhead for the Columbia Mountain trail is accessed via Monte Vista Drive or Berne Road and the Fawn Lake trail is accessed by a primitive road near the existing US 2 bridge over the South Fork of the Flathead River.

The nearest roadside park for motorists on US 2 is located in Hungry Horse, some two miles west of Berne Memorial Park. This public park offers similar opportunities for passive recreation, like picnicking, but is

located in a developed area away from the Flathead River.

Applicable Clauses Affecting Ownership - A provision of the 1953 transaction with John P. and Hazel M. Simpson requires that the land be used as highway right-of-way and a roadside park or port-of-entry and never for commercial purposes. The title documents state that any breach of the original conditions of the deed will forfeit the title to the property and ownership will revert to the Simpson family.

Unusual Characteristics of the Property - The unusual characteristics of the property are related to operational problems and safety hazards which exist at the park. The outcrops at each end of the roadside park severely obstruct sight distance and make it difficult for through traffic to see vehicles entering or leaving the turnout. During the summer, dust from traffic on the gravel-surfaced turnout often makes this condition worse by briefly obscuring pedestrians or vehicles in the park from traffic on US 2. There are no designated parking areas or defined circulation within the existing park. It is not uncommon for vehicles to enter the park from US 2 at or near travel speeds similar to those on the highway. These unusual conditions contribute to the traffic conflicts which often occur at this site.

Another unusual and **potentially** hazardous condition is presented by pedestrians crossing the highway to view or access the river at Berne Memorial Park. Due to the lack of a convenient alternate site, floaters and fishermen **sometimes** enter or leave the river at this location. These river users must cross the highway, often carrying their boats or other gear and scale the guardrail adjacent to the river. River users may leave vehicles at the park for extended periods.

Comments during scoping indicated that US 2 at Berne Memorial Park was overtopped by the 1964 flood, the largest on record for the Flathead River system.

BADROCK CANYON "TOTE" ROAD (24FH583)

Map of the Property - FIGURE V-2 shows the approximate location of the "tote" road in the outcrops above the roadside turnout at Berne Memorial Park and at the west end of Badrock Canyon. Portions of the "tote" road are within the legally described boundaries of Berne Memorial Park.

Size and Location of the Property - Cultural resource inventories have shown that approximately 640 meters (2,100 feet) of the Badrock Canyon "Tote" Road remain relatively intact in the steep outcrops above Berne Memorial Park and US 2. The exact location of the Badrock Canyon "Tote" Road west of the Canyon is less certain. Investigations of the road's location in this area suggest that it likely continued southwesterly along the base of the mountains or generally paralleled the Flathead River. Previous highway construction and other modern developments have obscured or removed traces of the "Tote" Road in the area west of Badrock Canyon. The old road is located about 4.5 miles east of Columbia Falls and 1.5 miles west of Hungry Horse.

The remaining section of the "tote" road has a road bed that averages 4 to 5 meters (13 to 16 feet) in width. The road is contained by an excavated road bed that roughly parallels the alignment of existing US 2. The east end of the "tote" road above the turnout at Berne Memorial Park begins at an elevation of 3,020 feet and ascends the steep lower slopes of Columbia Mountain to an elevation of 3,260. The west end of the tote road is located in an open meadow at an elevation of 3,080 feet.

The "tote" road lies within parcels legally described as Lot 3 in the northeast quarter of Section 11, Township 30 North, Range 20 West and Lots 1 and 2 in the northwest quarter of Section 12, Township 30 North, Range 20 West.

Ownership and Type of Property - The "tote" road crosses private lands owned by the Simpson Family Trust and lands owned by the State of Montana that serve as right-of-way for US 2 and as

Berne Memorial Park. Portions of the "tote" road are also located within easements for overhead electrical transmission lines operated by the Bonneville Power Administration.

The property is classified as a historic road. Comments received on the Draft EIS/Section 4(f) Evaluation suggest that the "tote" road followed a trail used by Native Americans passing through the area. The historical record and personal accounts show that Badrock Canyon was used as a travel corridor by Native Americans. Curly Bear Wagner, Cultural Coordinator for the Blackfeet Tribe, indicates that a trail through Badrock Canyon was part of a trail system over Marias Pass used during expeditions to trade with the Salish, Kootenai, Flathead, Kalispell, and Coeur d'Alene Tribes. However, little evidence exists to relate Native American travel through Badrock Canyon to the specific route followed by the "tote" road. The most notable and readily observed features of the "tote" road relate to its construction and use after 1891.

Function of Property - The property is a remnant of a supply road constructed by the Great Northern Railroad in 1890-91. Although supply roads were typically located adjacent to or even on the same alignment as the actual rail line under construction, the steep and rocky terrain of Badrock Canyon required that the road be built on the opposite side (south) of the Flathead River from the track location.

Currently, the "tote" road provides a trail for use by hikers, horse traffic, and possibly mountain bikers. A game trail also parallels the road from end to end.

Description and Location of Existing Facilities - Some of the best evidence of this remaining section of the "tote" road exists where the road grade is cut into the rock outcrop immediately west of Berne Memorial Park. The road cuts directly through bedrock at this location and required considerable amounts of cut and fill. These features plus the steepness of the grade in this section attest to the difficult challenges faced by both builders and users of the road.

Features relating to the construction and/or use of the "tote" road were found during field investigations of the property. In addition to the excavated road bed, a broken wood pry bar, dynamite bore holes, fragmented rock retaining walls used to support the roadway, and trees scarred by ropes during the lowering of wagons down steep grades can be seen along the remaining segment of the "tote" road. An artifact identified as an end-battered cobble tool was found on a dirt access road near the point where the tote road emerges onto the meadow to the west of Badrock Canyon. No other artifacts were noted and the origin of the artifact found in the area remains uncertain. PHOTO PLATES 10 and 11 present photographs which illustrate typical features associated with the construction and use of the historic road.

Access and Usage - The "tote" road can be accessed through a meadow located south of US 2 on private property immediately west of Badrock Canyon. Several more modern dirt roads cross the meadow and provide access to a trail in the rock outcrop at the west end of Badrock Canyon. The "tote" road's eastern end can be accessed immediately west of the picnic tables on the hillside in Berne Memorial Park.

The road was used as a main access route through Badrock Canyon following the completion of the Great Northern Railroad. Research shows that it is likely that a stage line begun in 1891 also followed this route. However, by 1911, the "tote" road was replaced by a "meandering buggy road" through the Canyon. The impetus for abandoning the original "tote" road was increased automobile travel through the area and the need to develop a route more suitable for automobiles. Initial road building efforts by the Montana Department of Highways through Badrock Canyon began in 1929 and were completed in 1938. The State Highway Commission's construction plans for Highway 2 show that prior to 1929, a road was established at the base of the cliff through Badrock Canyon.

Photo Plate 10 - Features of the "Tote" Road (24FH583)

Photo 1

Photo 1 - This photo is taken looking to the north along a steeply cut section of the "tote" road, midway down the east side of the route. The excavated road bed of the "tote" road is clearly seen. The road bed of the "tote" road averages between four and five meters wide (13 to 16 feet).

Photo 2 - This photo, showing dynamite bore holes made in one of the rock outcrops above Berne Memorial Park, was taken looking to the northeast along the eastern segment of the "tote" road. Four such bore holes are clustered in the westward facing rock walls of this section of the "tote" road. The rock at this location is more completely metamorphosed and finer textured than at other locations along the route. Use of explosives indicates that this rock was not easily broken by prying as was apparently done in other areas along the route.

An wooden stick, believed to be a pry bar, was found wedged between layers of rock on the western segment of the "tote" road.



Photo 2

Photo Plate 11 - Features of the "Tote" Road (24FH583)



Photo 1

Photo 1 - Both the eastern and western segments of the "tote" road contain locations where fragmented rock was piled to support the outside edge of the road and create a level driving surface. Rocks used for constructing retaining wall sections were typically less than 20 by 20 inches in size.

Photo 2 - The archaeologist investigating the "tote" road identified four trees along the route which appear to contain rope scars sustained while wagons were lowered down steep grades. Historical accounts say that supply wagons were tied off to trees with ropes and slowly eased down steep sections of the road. The trees with scars are all nearly 12 inches in diameter and located along the outside edges of the road. The scars occur from ground level to about three feet above the ground and are always on the upward and road-facing sides of the trees.



Photo 2

Information documenting the number of people that use the "tote" road for recreational purposes does not exist. Recreational use of the "tote" road would be expected to be quite low since the existence of the "tote" road is not widely publicized; points where the "tote" road can be accessed are relatively obscure and unmarked; and the steep terrain through which the road passes probably discourages use by some individuals.

Relationship to Other Similarly Used Lands in the Vicinity - There are no other segments of the original Badrock Canyon "Tote" Road remaining. The old road does not provide direct connections to any trails designated and maintained by the USFS.

Applicable Clauses Affecting Ownership - The conditions of the 1953 transaction between the Montana Department of Highways and John P. and Hazel M. Simpson would apply to portions of the "tote" road that lie within the described boundaries of Berne Memorial Park. There are no known clauses which affect the ownership of other lands crossed by the "tote" road.

Unusual Characteristics of the Property - Previous road and electrical transmission line construction eliminated other sections of the original "tote" road. With the exception the east and west ends where the "tote" road joins US 2, the impacts of highway construction on this remaining section of the road have been minimal. Much of the road segment through the outcrops above Berne Memorial Park remains intact and easily definable.

D. Impacts to Section 4(f) Properties

In addition to no-action, one location alternative (**Improve the Existing Alignment**) and four design alternatives were identified as build alternatives for the proposed action. The basis for selecting these alternatives is described in detail in Part II of the EIS. All of the build alternatives affect similar features of Berne Memorial Park and the "tote" road and the extent of the impacts varies only slightly because they are on the same location in the vicinity of these Section 4(f) properties. The following paragraphs describe these impacts.

The two-lane build alternatives, identified as Alternatives 3 and 4 in the EIS, are not reasonable alternatives because they do not meet the stated purpose or adequately address the identified needs for the proposed action. However, the costs, benefits, operational characteristics, and environmental impacts of Alternatives 3 and 4 have been discussed in the EIS and Section 4(f) Evaluation due to public expectations and to document that detailed analyses were completed for each of the two-lane designs.

FIGURE V-3 shows the proposed alignment and construction limits of the build alternatives in relation to Berne Memorial Park and the Badrock Canyon "Tote" Road.

1. IMPACTS COMMON TO ALL ALTERNATIVES

Berne Memorial Park - None of the alternatives would affect the spring, the stone fountain, the picnic sites at the park, or the east outcrop at Berne Memorial Park.

Noise studies have shown that the FHWA Noise Abatement Criteria (NAC) are exceeded at Berne Memorial Park during peak hours under current traffic conditions. NAC will be exceeded at this site in design year for all alternatives, including no-action. The roadside location and cliffs that border the park contribute to traffic generated noise impacts at this site.

Badrock Canyon "Tote" Road (24FH583) - None of the alternatives would affect portions of the property which exist between the west outcrop of Badrock Canyon and the eastern end of the "tote"

road located near the picnic area above the roadside turnout at Berne Memorial Park. The unaffected portion of the "tote" road generally lies between Project Stations 593+00 and 606+00 (see FIGURE V-3 or the preliminary design drawing on page A4-4 in APPENDIX 4 of the EIS).

2. IMPACTS UNIQUE TO ALTERNATIVE 1 - (PREFERRED ACTION)

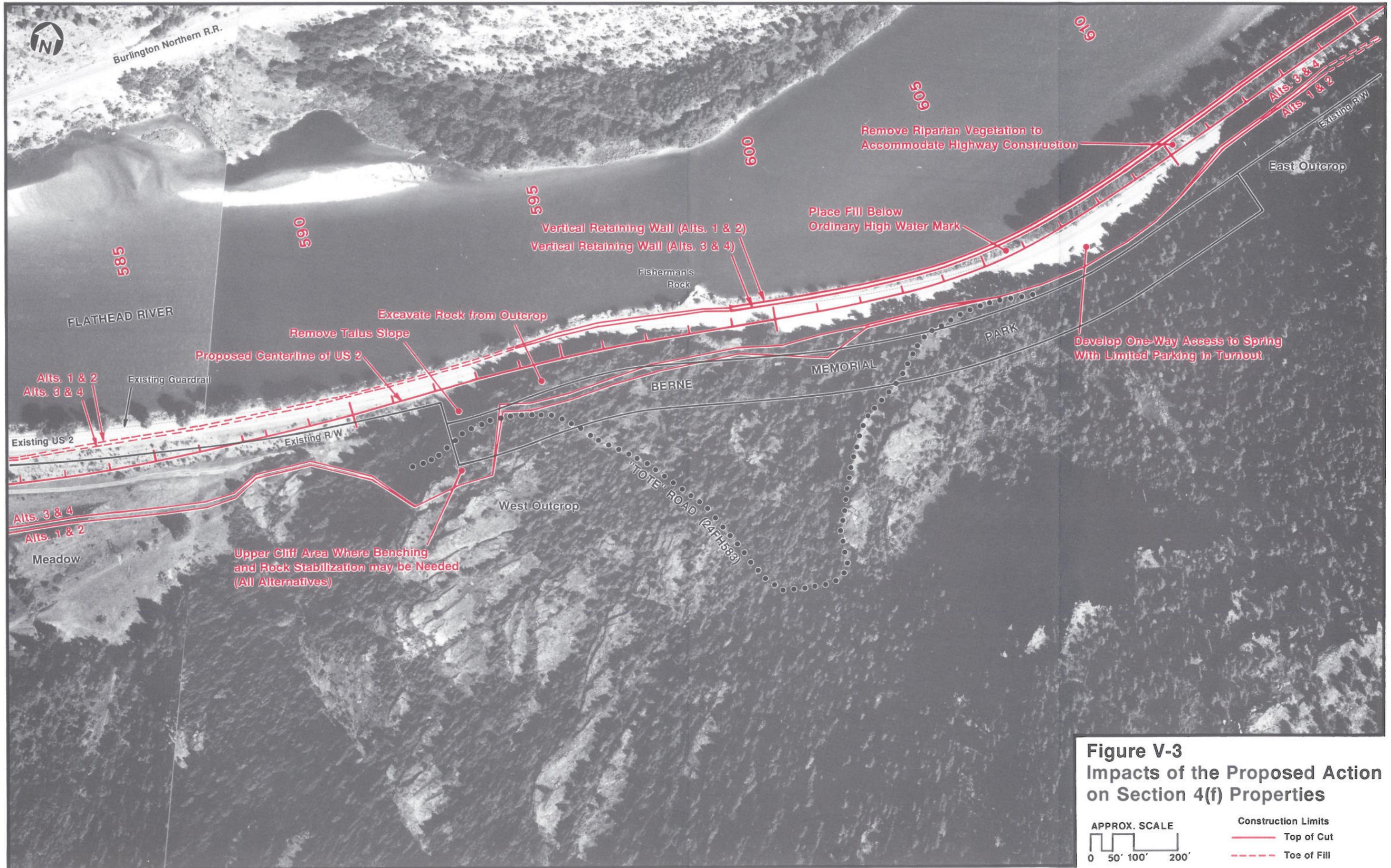
Berne Memorial Park - Construction of the preferred alternative would disturb 2.90 of the 8.45 total acres in Berne Memorial Park. Nearly 1.20 acres of the 1.80 acres of the existing roadside turnout area at the park would be affected by construction. Although construction would disturb a substantial amount of the turnout at the park used for recreation, most manmade features at the park and the natural area above the fountain would not be directly impacted by the proposed alternative. The westernmost exhibit sign lies within the construction limits identified for the preferred design. The use of some park facilities would be adversely affected by the loss of vehicle parking areas and convenient access to the river.

The primary impacts of Alternative 1 would occur at the extreme west end of Berne Memorial Park where a massive outcrop must be excavated to improve the alignment of US 2. The excavation would extend for some 1,000 feet and would produce rock cuts varying in height from 40 to 150 feet. Exposed cliff faces in this area of the park currently range from 25 to 60 feet in height. Vegetation on the affected outcrop would be cleared during construction. This rock excavation would also increase the area of exposed rock face at the west end of the park where an area of seeping water occurs. Construction is not expected to disrupt water flows in this area because the seep is fed by groundwater surfacing above the area to be excavated. The plaque commemorating this spring area would have to be removed and remounted on the rock face at the completion of construction activities. **PHOTO PLATE 6 in Part IV of the EIS shows the area where excavation would occur.**

The park would be indirectly affected by shifting the alignment toward the Flathead River to avoid the outcrop at the east end of Berne Memorial Park. **This action would affect about 700 feet of unvegetated river bank and 1,400 feet of vegetated river bank east of Fisherman's Rock. A vertical retaining wall, proposed for this riparian area as a means of minimizing the amount of fill placed below the ordinary high water mark of the river, would begin immediately east of Fisherman's Rock. The effects of placing fill in the river is described in the discussion of floodplain impacts in Part IV and in the Draft Section 404(b)(1) Evaluation included as APPENDIX 14 in the Final EIS. Fill was placed along portions of this river area during previous road construction and subsequent improvements to US 2.**

The construction of a vertical retaining wall between the new highway and the river would remove varying amounts of riparian cottonwoods, conifers, and shrubs that exist opposite Berne Memorial Park. These trees provide habitat for bald eagles and other wildlife. Construction of the highway and the retaining wall would clear all vegetation in some areas but would leave isolated bands of vegetation some 20-30 feet deep along other portions of the impacted river bank area. Potential impacts of the removal of riparian vegetation on wildlife and visual resources of the project area are described in Part IV of the EIS.

Badrock Canyon "Tote" Road (24FH583) - Approximately 270 feet of the remaining 2,100 feet of the "tote" road (or 13% of the road's length) would be lost due to the excavation of the outcrop at the west end of Badrock Canyon. Alternative 1 would eliminate about 60 feet of relatively intact road bed and 210 feet of trail and more recent road where the "tote" road probably existed. The most notable impact of this alternative would be the loss of access to the "tote" road from private lands west of Badrock Canyon. Currently, a narrow (2-3 foot wide) trail which accesses the old road from the west crosses the top of a talus slope at the base of the west outcrop in Badrock Canyon. Highway construction would remove the talus material at the base of the outcrop and eliminate access to the historic road from the west.



Rock excavation (benching), rock bolting, and other forms of rock stabilization may be required in the cliffs above the western section of the "tote" road to minimize rockfall hazards and ensure the safety of the traveling public on US 2. Mitigation of rockfall hazards would cause minor alterations to the appearance of the western outcrop of Badrock Canyon. However, these actions would have little if any impacts on the setting of the "tote" road since the work would occur away from where the old road enters the outcrop.

New highway construction through private lands west of Badrock Canyon would disturb areas where the "tote" road probably existed. However, cultural resource investigations did not yield clear evidence of the historic road's exact location or identify features associated with its construction in this area. Modern development on these lands and previous highway construction have eliminated or obscured evidence of the "tote" road's location.

The remainder of the historic road would be left intact. None of the engineering features associated with the road would be impacted by the proposed highway reconstruction. Access to the eastern terminus of the Badrock Canyon "Tote" Road would be perpetuated at Berne Memorial Park.

FIGURE V-3 shows the location of the Badrock Canyon "Tote" Road in relation to the construction limits of the build alternatives.

Based on the impacts of this highway reconstruction alternative on the "tote" road described above, a Determination of No Adverse Effect was prepared and submitted to the Montana SHPO and the ACHP. Both agencies concurred that the proposed project would have no adverse effect on the Badrock Canyon Tote Road. Correspondence from these agencies is included in APPENDIX 8.

3. IMPACTS UNIQUE TO ALTERNATIVE 2

Berne Memorial Park - Alternative 2 follows the same alignment and has the same design features as Alternative 1 through Badrock Canyon. Therefore, the impacts to Berne Memorial Park would be similar to those described in the paragraphs above.

Badrock Canyon "Tote" Road (24FH583) - Alternative 2 would be constructed on the same alignment and have the same road width and design features as Alternative 1 through Badrock Canyon. Therefore, the impacts to the "tote" road would be similar to those described in the previous paragraphs.

4. IMPACTS UNIQUE TO ALTERNATIVES 3 AND 4

Berne Memorial Park - Alternatives 3 and 4 would construct similar two-lane roads through Badrock Canyon and would affect Berne Memorial Park in the same manner. The kinds of impacts caused by these alternatives are similar to those associated with the four-lane designs. The extent of the impacts are reduced somewhat because the area disturbed by two-lane construction would be narrower (generally 10 feet less on each side of the highway) than that of the four-lane designs. **The construction limits for Alternatives 3 and 4 in the vicinity of Berne Memorial Park are shown on FIGURE V-3.**

The construction of these two-lane designs would disturb 2.20 acres of the 8.45 acres in Berne Memorial Park. **About 1.00 acres of the 1.80 acres of the existing roadside turnout would be lost to construction.** Alternatives 3 and 4 would not disturb the exhibit signs at the park. As indicated previously, the parking areas and convenient access to the river would be adversely affected by road construction.

Alignment modifications would require major excavation of the rock outcrop at the west end of Berne Memorial Park. A new rock face 900 feet long and ranging in height from 33 to 140 feet will be exposed

by the construction of the two-lane alternatives. Like the four-lane alternatives, the plaque commemorating the spring in the west outcrop would have to be removed and remounted on the rock face at the completion of construction activities.

Alternatives 3 and 4 would have similar, but slightly less impacts than Alternatives 1 and 2 on the riparian area opposite Berne Memorial Park because the location of the new road would be the same. If a vertical retaining wall were constructed with the two-lane alternatives, the amount of fill material placed below the ordinary high water mark of the river would be about 80% less than the four-lane designs. The two-lane designs would leave varying amounts of the existing riparian vegetation standing along the entire segment of US 2 where the retaining wall would be constructed. These impacts are discussed in Part IV of the EIS.

Fisherman's Rock would not be disturbed by these build alternatives.

Badrock Canyon "Tote" Road (24FH583) - The alignment modifications associated with Alternatives 3 and 4 would require that portions of the west outcrop of Badrock Canyon be excavated. The resulting impacts on the "tote" road would be similar even though the area disturbed by construction would be less than for Alternatives 1 and 2. Construction of Alternatives 3 or 4 would result in the eliminate 210 feet of trail and more recent road where the "tote" road probably existed. Impacts to the relatively intact portion of the "tote" road in the west outcrop would be slightly less than those associated with the four-lane alternatives. Since the talus slope at the west outcrop would be removed to construct a two-lane road, access to the "tote" road from the west would also be eliminated with these alternatives.

E. Avoidance Alternatives

Alternatives which would avoid Section 4(f) properties must be identified and evaluated according to 23 CFR 771.135(i). The following narrative identifies the location and design alternatives which were considered to avoid impacts on Berne Memorial Park and the "tote" road. Transportation System Management (TSM) activities and mass transit options also received initial consideration for this proposed action but were eliminated because they were not responsive to the project's purpose and need.

1. LOCATION ALTERNATIVES CONSIDERED

The location of this project has been established by the existing topography and previously completed improvements on US 2. The only alternatives which totally avoid impacting Berne Memorial Park and the remaining section of the "tote" road are construction on an alternate route and the no-action alternative. Other location alternatives, like constructing a tunnel or grade-separated roadway through Badrock Canyon and closing US 2, were suggested during scoping activities for this project.

Investigations showed that a tunnel for US 2 through Badrock Canyon could be constructed to avoid impacts on Berne Memorial Park. A tunnel would also be a way to avoid impacting all but the western end of the "tote" road. The minimum costs for constructing a two-lane tunnel or a four-lane tunnel through Badrock Canyon were estimated at \$46.5 million and \$93.0 million, respectively. Due to the unreasonably high costs associated with constructing a tunnel, potential impacts on flows of the springs at Berne Memorial Park due to rock boring, and the loss of convenient access to the Badrock Canyon for some facility users, this alternative was eliminated from consideration.

Closing US 2 was considered but eliminated from consideration because the facility is part of the interim National Highway System, an essential part of the State and national surface transportation network.

The construction of an elevated "double deck" roadway in Badrock Canyon was identified by the public as a measure that would minimize or avoid impacts on the Flathead River, Berne Memorial Park, and the "tote" road by reducing the extent of road widening near these features. This alternative was eliminated due to impacts on the use of the roadside park for some motorists, the visual intrusion of an elevated roadway in Badrock Canyon, the length and complex design of the required structure, and the high cost of building and maintaining such a facility.

All of these location alternatives were initially considered as ways to avoid 4(f) impacts but were rejected due to their excessive costs, their inability to fulfill the purposes and needs for this project, or their adverse effects on the environment. Part II of the EIS contains detailed descriptions of the location alternatives initially considered and a discussion of whether or not they are reasonable for the proposed action.

2. DESIGN ALTERNATIVES CONSIDERED

In addition to the specific two-lane and four-lane road designs identified in Part II of the EIS, several other design alternatives were investigated for this Section 4(f) Evaluation. Minor alignment shifts, a reduced facility, and special construction provisions were evaluated as design options to avoid or minimize impacts on Berne Memorial Park and the "tote" road. These alternatives are briefly discussed in the following paragraphs.

Minor Alignment Shifts - Minor alignment adjustments were evaluated as a way to avoid or minimize impacts on **Section 4(f) properties in Badrock Canyon**. The only alignments that **completely** avoid the park and remaining segment of the "tote" road would require that **US 2** be shifted towards the Flathead River or onto the steep lower slopes of Columbia Mountain. Shifting the road south onto **Columbia Mountain** would require that the road be constructed some 300 feet away from the existing highway. Although this alignment would avoid impacts to **Berne Memorial Park**, it would eliminate much of the **Badrock Canyon "Tote" Road** and produce other adverse environmental impacts like:

- extensive rock excavation on Columbia Mountain;
- disruptions of terrain that provides important wildlife habitat;
- substantial visual impacts from rock cuts and tree removal; and
- relocations of BPA towers and transmission lines and other electrical lines above the Park.

Shifting the alignment towards the Flathead River through Badrock Canyon was investigated in further detail for this evaluation. Some comments received on the Draft EIS/Section 4(f) Evaluation stated that impacts to Berne Memorial Park, the "tote" road, and the west outcrop of Badrock Canyon could be avoided if US 2 was cantilevered over the river. As a result of these comments, additional information about cantilever support structures, bridge structures, and other designs modifications that could be used in areas adjacent to the Flathead River is provided in Part II of the EIS.

An alignment for US 2 that would minimize impacts on Berne Memorial Park and the Badrock Canyon "Tote" Road is shown in FIGURE V-4. As the figure shows, the area disturbed by construction in the vicinity of the park would generally extend only to the southern edge of the existing highway where the roadside turnout begins. This alignment would require that most of US 2 between Project Stations 585+00 and 608+00 be supported by cantilever or bridge support structures since at least half of the new road would be located directly above the river or its banks. A vertical retaining wall would be necessary between Project Stations 608+00 and 620+00 to minimize encroachment on the river and impacts to riparian vegetation.

The avoidance alignment shown in FIGURE V-4 would produce adverse impacts to other resources in Badrock Canyon including:

- the removal of riparian vegetation opposite the park that provides screening and perching sites for bald eagles and habitat for other wildlife;
- potential changes to current patterns and other hydraulic characteristics of the Flathead River due to the construction of numerous piers and the placement of fill below the ordinary high water mark required to support the new road along at least 2,000 feet of river bank,
- potential adverse effects on floodplains, and
- the loss of recreational activities at Fisherman's Rock opposite Berne Memorial Park since the new road would be constructed directly over this notable Flathead River feature.

The avoidance alternative shown in FIGURE V-4 would affect riparian vegetation used by bald eagles and other wildlife to about the same extent as the preferred alternative. Varying amounts of riparian vegetation would remain between Stations 608+00 and 620+00. Perching opportunities and screening vegetation important to bald eagles in this portion of Badrock Canyon would be reduced but not eliminated by the avoidance alternative.

Both the preferred alternative and building the highway along the alignment to avoid the park would require the placement of fill below the ordinary high water mark of the Flathead River. However, the effects of the encroachment caused by building a vertical retaining wall included with the preferred alternative would likely be less than the effects of building multiple piers in the river channel. The preferred alternative would place about 1,350 cubic yards of fill below the ordinary high water mark for a distance of 600 feet along the river bank. With the avoidance alternative, the construction of piers would occur at multiple locations well into the river channel over distance of at least 2,300 feet. The total amount of excavation and fill associated with building numerous piers would probably exceed the amount of fill below the ordinary high water mark needed to construct the preferred alternative.

Shifting the alignment of US 2 into the Flathead River to avoid the park could affect the current patterns and other hydraulic characteristics due to the placement of multiple piers in the river channel. Piers would obstruct river flows and cause changes in the patterns of erosion or sediment deposition at areas downstream. Adverse floodplain effects could occur if the construction of piers increased the elevation of the 100-year flood by more than 0.5 feet. Calculations have shown that the preferred alternative would have little or no effect on the elevation of the 100-year floodplain in this area and would not substantially alter the current patterns or other hydraulic characteristics of the Flathead River.

Shifting US 2 towards the Flathead River to avoid Berne Memorial Park and the Badrock Canyon "Tote" Road would impact Fisherman's Rock, an informal recreation site along the Flathead River. Fisherman's Rock would lie directly under the cantilever or bridge support structure for the new road making access to the feature extremely difficult. Recreational use of Fisherman's Rock would be adversely affected since limited room between the top of the rock and the bottom of the support structure for the road would exist. The preferred alternative would not affect Fisherman's Rock.

Shifting the alignment of US 2 toward the river would eliminate the need to excavate the western outcrop of Badrock Canyon. Although a cost savings could be realized by avoiding excavation of the outcrop, the costs associated with constructing a cantilevered road or bridge structures to

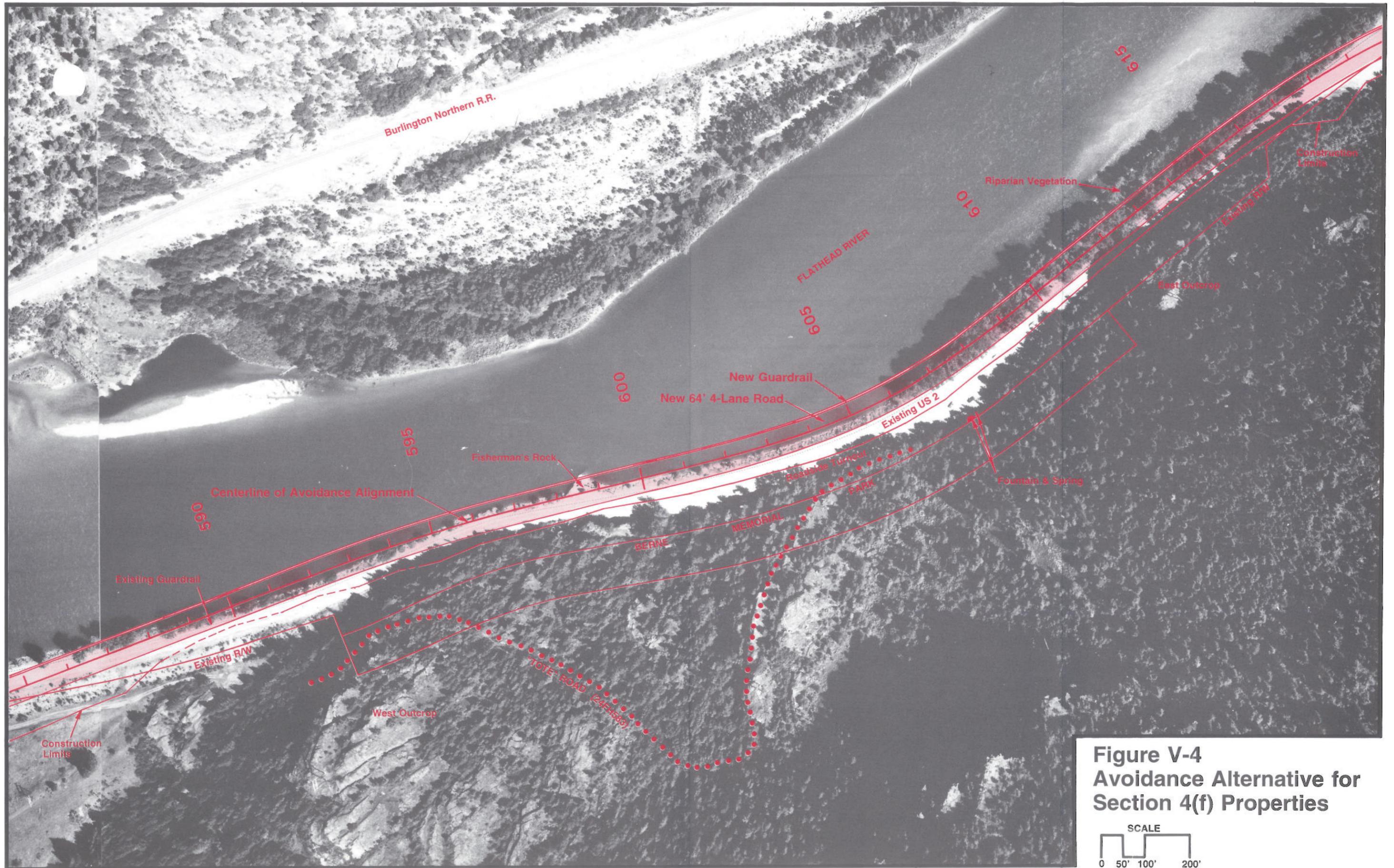
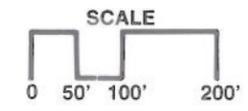


Figure V-4
Avoidance Alternative for
Section 4(f) Properties



support the highway would far exceed any savings in excavation costs. Estimates show that the total cost of this reconstruction project would be about \$29.6 million if US 2 were shifted towards the river to avoid Berne Memorial Park and the west outcrop of Badrock Canyon. This estimated cost is more than twice as high as the cost of the preferred alternative.

Since the costs and overall environmental impacts associated with shifting the alignment for US 2 to avoid all Section 4(f) properties in Badrock Canyon would exceed those of other alternatives considered for this action, minor alignment shifts are not considered to be a feasible or prudent means of avoiding impacts to Berne Memorial Park or the Badrock Canyon "Tote" Road.

Consideration of a Reduced Facility - Providing a reduced facility would also be a means to avoid or minimize impacts to the roadside park and the "tote" road. Such a road design would reduce the areas disturbed by construction and used for right-of-way. This would also translate to an overall savings in project costs.

In order to avoid the 4(f) properties, a facility narrower than 44 feet would have to be constructed on an alignment similar to that of the existing road. This design would not be consistent with the stated purposes and needs of this project. A road narrower than 44 feet is not consistent with AASHTO guidelines and geometric design standards for rural arterials with traffic volumes like those of the project corridor. Further, a reduced facility would not provide an acceptable level of service for the corridor.

Special Construction Provisions - There are few special construction provisions that can be implemented to avoid impacts to the features of Berne Memorial Park and the "tote" road. The preferred alternative as well as other avoidance options investigated for the proposed action would affect the rock outcrop at the west end of Berne Memorial Park, manmade features of the Park, the forested terrain above the park, or the Flathead River to varying degrees.

The construction of a vertical retaining wall between the Flathead River and US 2 near Berne Memorial Park is a special construction measure that has been proposed with the preferred alternative. The retaining wall would minimize the placement of fill below the ordinary high water mark near Fisherman's Rock and would limit the loss of riparian vegetation along the Flathead River opposite Berne Memorial Park.

Conclusion - Due to the extraordinary costs and environmental impacts resulting from the use of location or design alternatives that avoid Berne Memorial Park and the Badrock Canyon "Tote" Road, there are no feasible and prudent alternatives to the use of these Section 4(f) lands.

F. Summary of Impacts to Section 4(f) Properties

Previous discussions identified the potential impacts to Berne Memorial Park and the Badrock Canyon "Tote" Road (24FH583) that may result from the implementation of the alternatives considered for the proposed action. TABLE V-2 summarizes these impacts and other important considerations for each alternative.

FIGURE V-5 shows the simulated appearance of the Berne Memorial Park area in Badrock Canyon following construction of the preferred alternative (Alternative 1). This figure graphically summarizes the impacts of the proposed action on features of Berne Memorial Park, the riparian area of Flathead River near the park, and the west entrance to Badrock Canyon. The location of the "tote" road is also shown on FIGURE V-5.

The figure also shows the proposed turnout for spring users, the location of the vertical retaining wall along the river, and the likely areas where riparian vegetation would remain following

reconstruction. The impacts of the proposed action can be compared with the existing appearance of the area shown in FIGURE V-2 presented earlier in this Part.

TABLE V-2 SUMMARY OF IMPACTS TO SECTION 4(f) PROPERTIES							
SECTION 4(f) IMPACT OR CONSIDERATION	BUILD ALTERNATIVES				AVOIDANCE ALTERNATIVES		
	Alternative 1	Alternative 2	Alternative 3	Alternative 4	No-Action (Alt. 5)	New Location/ Alignment Shift	Reduced Facility
Uses land from Berne Memorial Park	Yes	Yes	Yes	Yes	No	No/Yes	No ¹
Area of Park Lost to Construction	2.90 of 8.45 Total Acres		2.20 of 8.45 Total Acres		None	None/0.35 of 8.45 Total Acres	Undetermined ²
Active Recreation Area Lost	1.20 of 1.80 Acres		1.00 of 1.80 Acres		None	None/0.27 of 1.80 Total Acres	Undetermined ²
Features of Berne Memorial Park Directly Impacted	Outcrop and Spring at West End of Park, Westernmost Exhibit Sign, Loss of Convenient Access and Parking Areas in Turnout				None	None/ West Outcrop, Fisherman's Rock	West Outcrop
Indirect Impacts to Berne Memorial Park	Lateral Encroachment on Flathead River, Loss of Riparian Vegetation Opposite Park, Visual Qualities Affected ¹				None	Encroachment, Loss of Riparian Vegetation, Visual Impacts	Loss of Riparian Vegetation
Traffic Noise at Park Exceeds FHWA Noise Abatement Criteria (NAC)	Yes	Yes	Yes	Yes	Yes	No/Not Applicable	Yes
Uses land from Badrock Canyon "Tote" Road (24FH583)	Yes	Yes	Yes	Yes	No	No/No	No
Direct Impacts to "tote" road	About 270 feet of the 2,100 long remnant of the "tote" road would be lost to construction. This includes 60 feet of relatively intact road bed and 210 of trail and more modern access road.		About 210 feet of trail and a more modern road at the extreme west end of the "tote" road would be lost. Less than 60 feet of the intact road bed would be impacted.		None	River Encroachment, Loss of Riparian Vegetation, Visual Impacts	None
Indirect Impacts to "tote" road	Build alternatives would eliminate section of trail and parts of dirt roads now used to access the west end of "tote" road above Berne Memorial Park.				None	None	None
Feasible and Prudent Alternative	Yes	Yes	No	No	No	No/No	No

¹ Assumes reduced facility rebuilt following existing alignment.

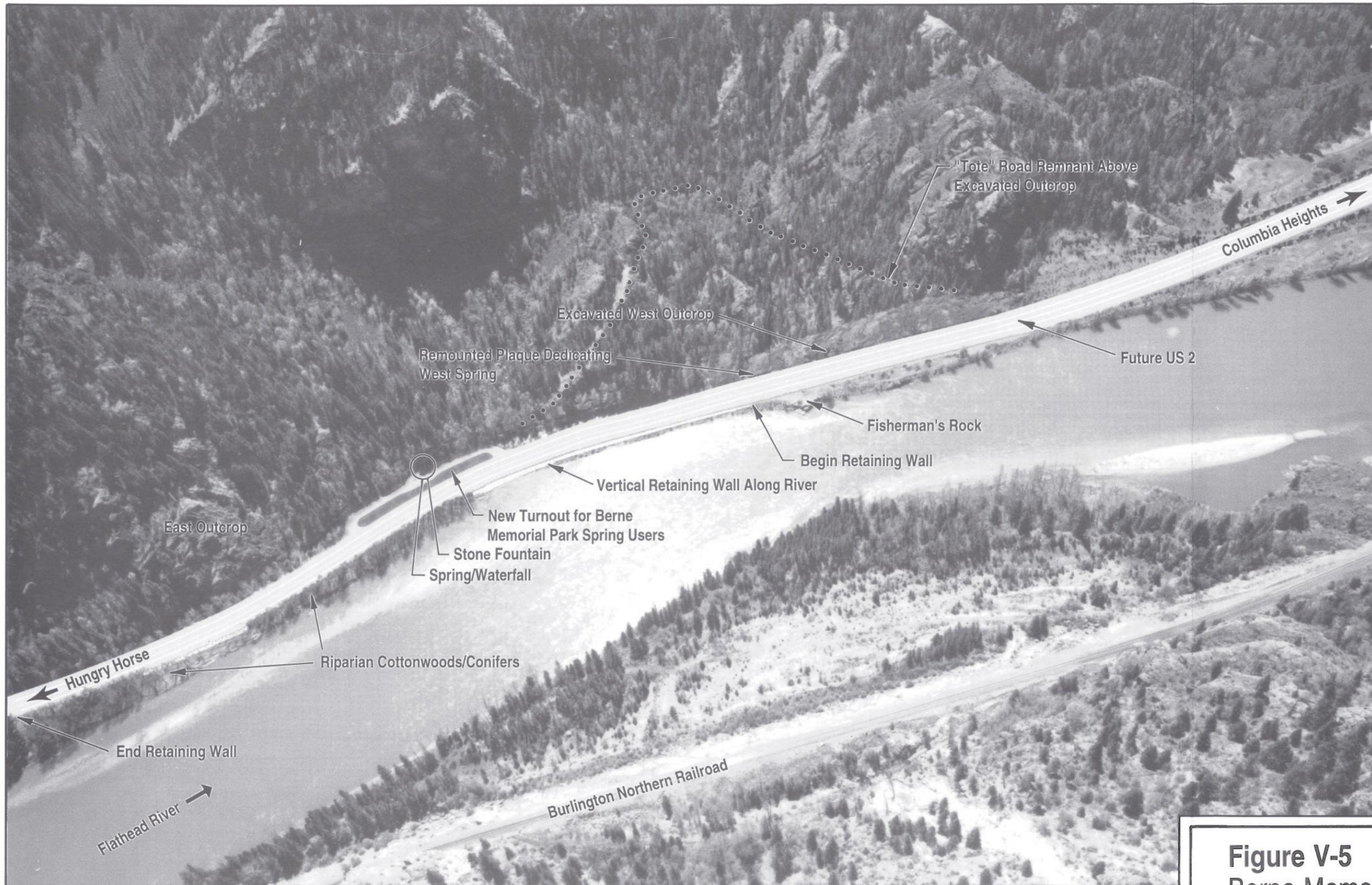
² A design for a reduced facility was not developed because a facility narrower than Alternative 4 does not meet design standards used by MDT. The impacts of this avoidance measure was estimated when possible.

G. Measures to Minimize Harm

Several measures which would minimize the impacts of the proposed action on Berne Memorial Park and the "tote" road have been identified for this Section 4(f) Evaluation. These mitigating measures are described below.

1. PERPETUATION OF THE SPRING AT BERNE MEMORIAL PARK

Public use of the spring at Berne Memorial Park would be perpetuated at its present site. However, the access, parking, and internal circulation would be modified to improve traffic safety at the site. The



No Scale
Locations Shown for Some Features Are Approximate

Figure V-5
Berne Memorial Park Area
With Preferred Alternative

proposed development for the spring area is shown and discussed in Part IV of the EIS.

2. PROVISION OF REPLACEMENT PARKLAND

The development of replacement parkland in the immediate corridor is proposed as a **mitigating measure** for impacts to Berne Memorial Park. Owners of properties both in and out of Badrock Canyon were contacted **during the** preparation of the Section 4(f) Evaluation to determine the feasibility of acquiring land for use as a public park (2,3,4). Based on these contacts and an examination of potential sites, the most appropriate location for replacement parkland **was determined to be** west of Badrock Canyon, near the House of Mystery.

In July, 1990, **actions were initiated** to acquire or option private lands near the House of Mystery and adjacent to the Flathead River. A Categorical Exclusion which considered the environmental effects of acquiring this property was approved by FHWA on September 4, 1990. Copies of the document are on file in Helena. The location of the replacement area is shown in **FIGURE V-6**. This property was selected because:

- the site's location would not require users to cross US 2 to access the river,
- the area is near the original Berne home site, and
- safe approaches to the replacement area can be developed.

On January 13, 1992, Joseph and Marguerite Hauber signed a Right-of-Way Agreement for the purchase of 38.108 acres of property surrounding the House of Mystery. This early acquisition ensures the property is available for use as replacement parkland if and when the project is constructed. Approximately 9 acres of the property would be developed as replacement parkland.

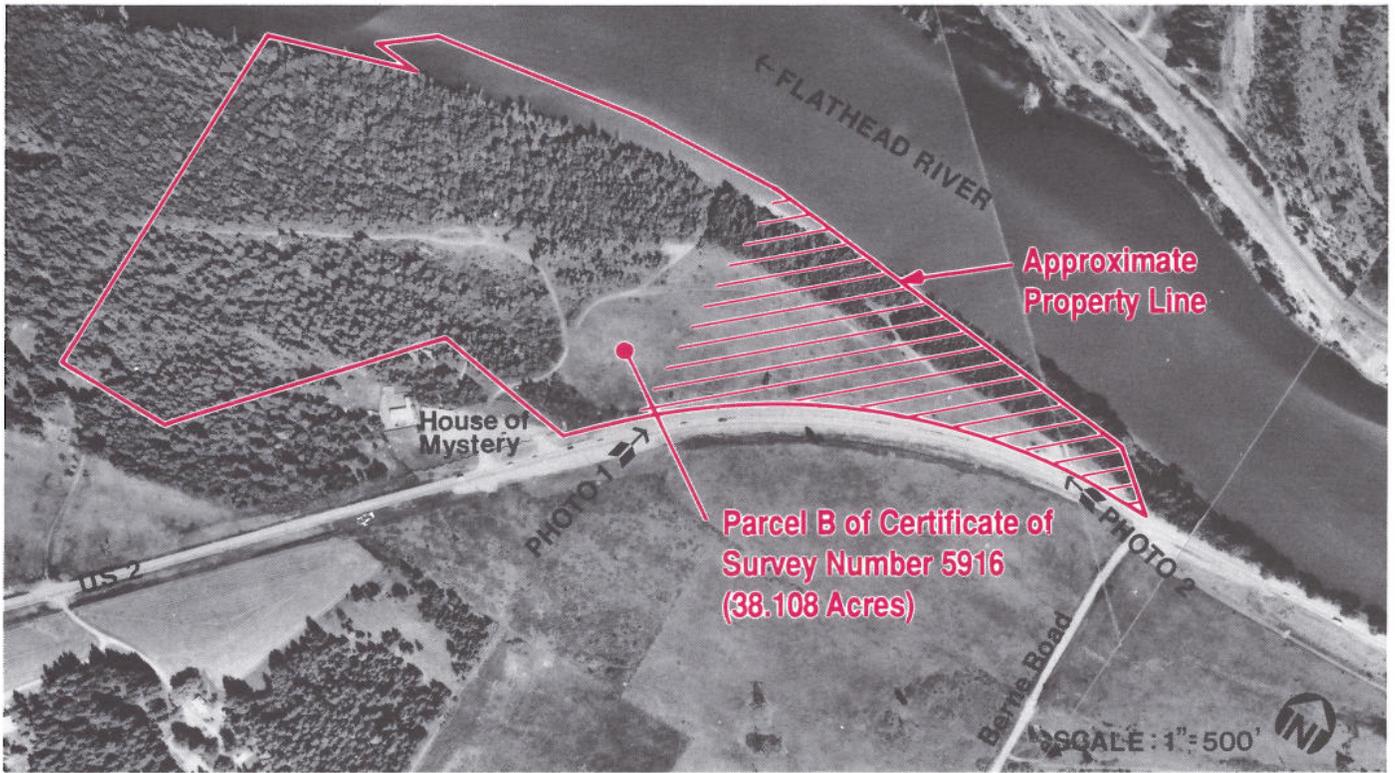
A cultural resources survey for the replacement parkland and the new right-of-way area for Berne Road **was conducted** during October, 1991 as a supplement to the cultural resources survey of the US 2 corridor performed by Historical Research Associates in 1989.

The historical and natural exhibit signs **would be relocated** to the replacement parkland. The existing format of these signs (large, wooden hanging signs) may be changed to conform with the overall design concept for the area. Smaller, low-level signs geared to pedestrian viewing may be suitable to the new area so views of the river or surrounding terrain would be unobstructed. If a change in the format of the signs occurs, the information on the new signs would be similar to that contained on the existing signs.

Initial contacts with members of the Berne family indicated that relocation of the park would be acceptable if the new site continues to commemorate the Berne brothers (5). Prior to construction of the project, the family would be contacted to determine the most appropriate way this can be accomplished. Consideration will be given to adding another exhibit sign describing the role these early residents played in the settlement of the upper Flathead Valley. Advance signing on US 2 would identify the replacement area as a historic site.

The proposed replacement parkland (shown in **FIGURE V-7**) would consist of a two-way circulation loop with controlled approaches on US 2. Parking areas for automobiles and RV's will be provided near the exhibit locations. The alignment of Berne Road would be modified to allow for construction of a four-way approach at the east entrance to the replacement park. Landscaping for the site will be **identified** during the design of the project. Maintenance of the roadside area will be the responsibility of **highway maintenance personnel**.

Proposed Replacement Parkland Area



N 12 Sec. 11, T30N, R20W

 Area Proposed for Development of a New River Access and Historical Exhibit.

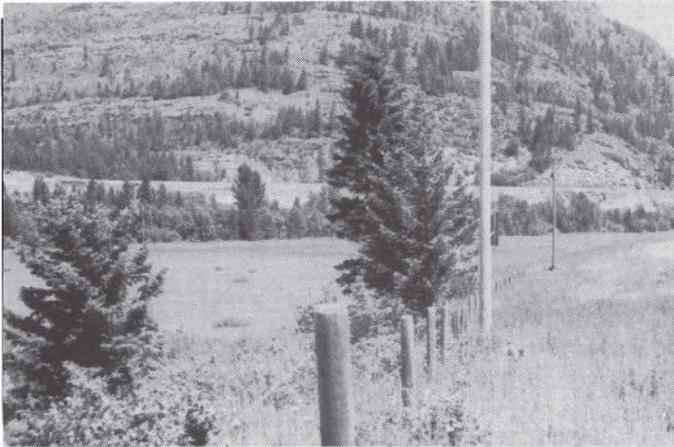


Photo 1 Looking northeast across proposed replacement parkland near the House of Mystery.



Photo 2 Looking northwest across replacement parkland acquired from Joseph Hauber.

Figure V-6
Location and Photo of Replacement Parkland Area

3. DEVELOPMENT OF A RIVER ACCESS SITE

A new river access on the Flathead River **would be jointly developed** with the U.S. Forest Service (USFS) in conjunction with the replacement parkland discussed above. This action presents an opportunity to enhance recreational use of the Flathead River for the public. The USFS has indicated that the replacement parkland site is the most suitable area along this reach of the Flathead for development of a river access. Development at this location would provide river accesses that are conveniently spaced for floaters and fishermen on the Flathead River system. The impacts of developing this new recreation site are discussed in Part IV of the EIS.

The facilities initially provided at the river access would include:

- a graveled access road to the parking area and boat ramp,
- a long-term parking area for river users,
- a boat ramp constructed of concrete planks, and a toilet for seasonal use.

A water source would not be developed at the river access. The area would be operated as a "pack-it-in/pack it out" facility to minimize maintenance requirements and costs. The name of the river access site would commemorate the Berne brothers in some manner. A conceptual sketch of the historic site and river access is shown in **FIGURE V-7**. **Note that a design for the new river access has not yet been prepared.**

Although approaches to the replacement parkland and the river access would be shared, the river access site would be separated from the roadside exhibits. A barricade would be installed to allow the USFS to control the use of the river access facilities. Natural terrain and vegetation would be used as much as possible to screen parking areas at the site from the highway and river. Maintenance of facilities at the river access would be the responsibility of the Flathead National Forest, Hungry Horse Ranger District.

Highway construction funds would be used to build the river access, however, the maintenance of the facility would be the responsibility of the Hungry Horse Ranger District. The river access would be operated on a seasonal basis like many other USFS recreation sites. A Memorandum of Agreement (MOA) between MDT, FHWA, and the USFS stipulating the conditions for the development, operation, and maintenance of the river access and replacement parkland must be approved by each agency prior to construction of the proposed recreation site. **A copy of the MOA is included in APPENDIX 8.**

Where possible, all facilities at the proposed river access (except the boat ramp) would be designed to lie above the elevation of the 100-year floodplain. A survey of the proposed site would be necessary to ensure that floodplains are avoided as much as possible.

4. ACQUISITION OF PRIVATE LANDS IN BADROCK CANYON

The acquisition of some 100 acres of private landholdings within Badrock Canyon **was proposed during the development of the EIS**. This land acquisition would provide the necessary right-of-way for the proposed highway reconstruction and place nearly all of Badrock Canyon in public ownership. Such an action would ensure that incompatible development does not occur along this section of US 2. Recreational opportunities for the public would also be enhanced by opening up **existing** private lands along the Flathead River.

A Categorical Exclusion examining the effects of this acquisition was approved by FHWA on September 4, 1990. **Actions** to secure options or acquire the properties in Badrock Canyon **were initiated** shortly after

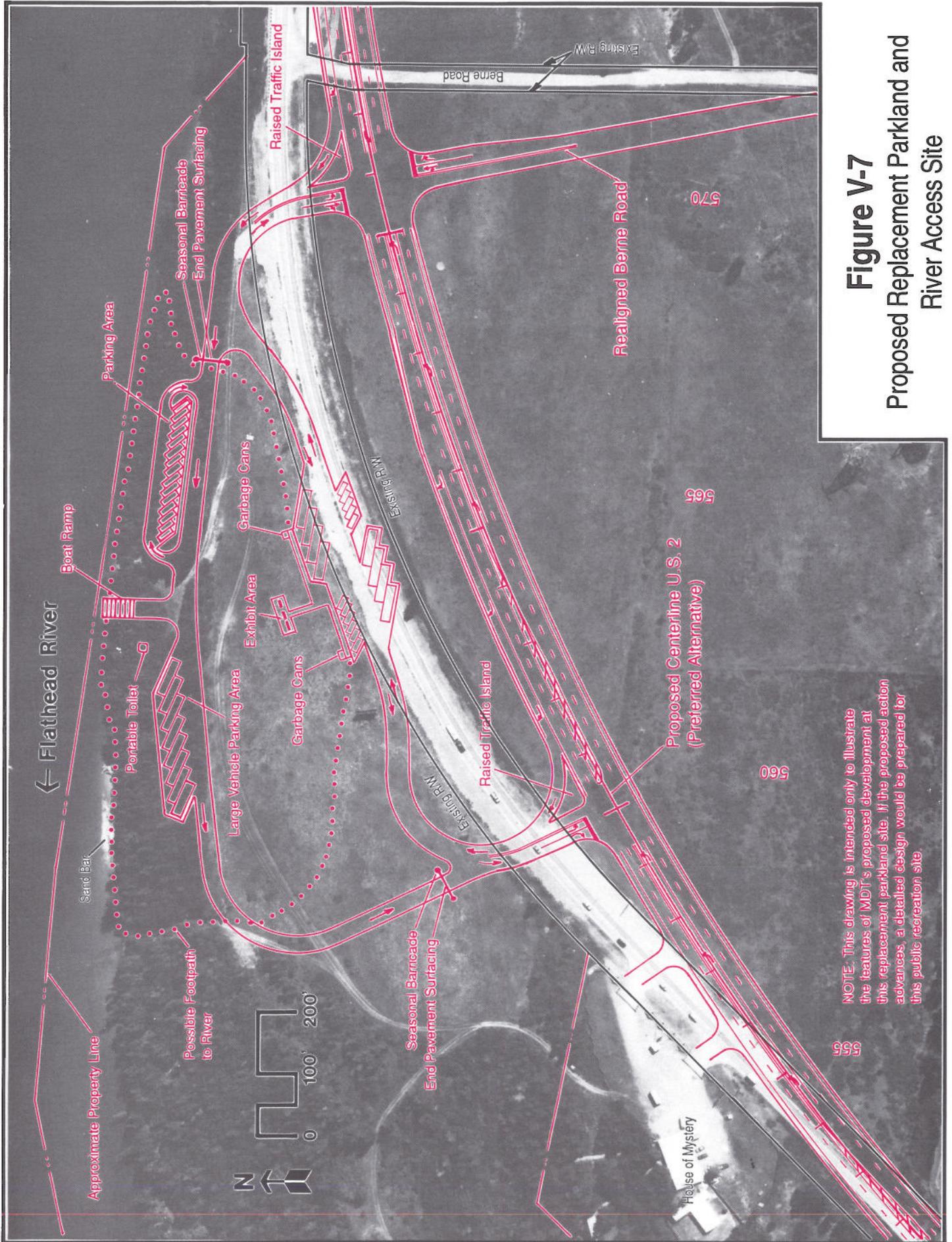


Figure V-7
Proposed Replacement Parkland and
River Access Site

NOTE: This drawing is intended only to illustrate the features of MDT's proposed development at this replacement parkland site. If the proposed action advances, a detailed design would be prepared for this public recreation site.

the approval of the environmental document. **Negotiations for acquiring private properties in Badrock Canyon have been unsuccessful.** To date, none of the private land in Badrock Canyon has been optioned or acquired.

5. REVEGETATION OF RIPARIAN AREAS

Where possible, fill or cleared areas adjacent to the Flathead River **would be revegetated.** The USFS suggested planting disturbed riverside areas with cottonwoods, one of the fastest growing trees in area.

6. MITIGATION FOR IMPACTS ON THE BADROCK CANYON "TOTE" ROAD

The removal of talus material at the base of the west outcrop in Badrock Canyon would eliminate a section of trail that accesses the west end of the Badrock Canyon "Tote" Road. The remaining segment of the "tote" road would end at a point in the west outcrop considerably above the roadside area adjacent to the new highway. A fence or barricade will be installed at an appropriate location near the west end of the "tote" road to prevent pedestrians from this potentially hazardous condition.

The east end of the Badrock Canyon "Tote" Road can be accessed from the hillside above the stone fountain and spring. Access to the "tote" road will still be possible from this location following reconstruction of US 2. A small interpretive marker discussing the construction and use of the old road will be provided for pedestrians and other trail users.

H. Coordination

Coordination efforts were initiated in August, 1989 when a letter of intent was issued to federal, state, and local agencies and private organizations. Comments and information relevant to this project were requested from those receiving the letter of intent.

The proposed action was coordinated with the USFS because they are the agency with jurisdiction over the Flathead Wild & Scenic River system, a resource often subject to Section 4(f) protection. Correspondence from USFS regarding Wild & Scenic Rivers in the area (May 5, 1990) is included in Part VI. Correspondence from the Montana FWP, Parks Division about Section 4(f)/6(f) lands (November 24, 1989) and the Flathead Recreational Waterway (July 26, 1990) is also included in Part VI of the EIS.

Contacts were made with members of the Culture Committees for the Blackfeet, Flathead, and Kootenai Tribes in June and July, 1990. **A meeting with a representative of the Kootenai Culture Committee occurred on June 26, 1990 during a visit to Badrock Canyon to review the potential impacts of the project.** A copy of a memo describing coordination with the Indian Cultural Committees is on file in Helena.

The Cultural Resources Survey for the project was transmitted to SHPO for review comments May, 1990 and in October, 1991. SHPO comments on the document were received in June, 1990 and in October 1991. Copies of these comments are contained in Part VI.

Following the circulation and review of the Draft EIS/Section 4(f) Evaluation, comments were received from the U.S. Department of the Interior, Office of the Secretary. The Department of the Interior concurred that there are no feasible and prudent alternatives to the use of property at Berne Memorial Park. The agency also concurred with the measures to minimize harm outlined in the Draft Section 4(f) Evaluation. A copy of this correspondence is included in Part VI of the Final EIS.

Other coordination with agencies and individuals with interests in the proposed action is included in Part VI of the EIS.

I. Concluding Statement

Based upon the above considerations, there is no feasible and prudent alternative to the use of land from Berne Memorial Park or the Badrock Canyon "Tote" Road (24FH583) and the proposed action includes all possible planning to minimize harm to each property resulting from such use.

References for Part V

1. Coalition for Canyon Preservation, in correspondence dated February 28, 1990.
2. Hauber, Joseph, corridor landowner, in personal communication on May 11, 1990.
3. Simpson, James, Trustee, Simpson Family Trust, in correspondence dated April 16, 1990.
4. Clark, Allen F. and Katherine S., Trustees, Clark Living Family Trust, in correspondence dated April 16, 1990.
5. Simpson, James, Trustee, Simpson Family Trust, in a personal communication on April 19, 1990.