

Jackson South

Record of Decision

**FHWA Project Number:
FHWA-EIS-08-01**

**Prepared for:
Federal Highway Administration
Wyoming Department of Transportation**

August 2011

Record of Decision

for

US 26/89/189/191 South of Jackson, Wyoming Teton County

FHWA Project Number: FHWA-EIS-08-01
Wyoming Project Nos. 104066/104083

Wyoming Department of Transportation
U.S. Department of Transportation
Federal Highway Administration

August 2011

Table of Contents

	Page No.
A. Decision	1
Introduction	1
Selected Alternative	1
Selected Pathway Option	4
B. Alternatives Considered.....	6
Alternatives Dismissed from Detailed Study.....	6
Alternatives Advanced for Detailed Study	11
Values Considered in Decision-Making Process and the Environmentally Preferred Alternative	13
C. Section 4(f)	13
Measures to Minimize Harm.....	14
Mitigation	14
Finding of <i>De Minimis</i>	14
D. Measures to Minimize Harm.....	14
E. Monitoring or Enforcement Program.....	15
F. Distribution of Final EIS	24
G. Public Meeting.....	24
H. Comments Received on the Final EIS.....	25
I. Clarifications to the FEIS	26
J. Additional Commitments Following Publication of the FEIS	27
K. Conclusion/Signatures	29

Appendices

Appendix A: Public Involvement

Appendix B: Final Environmental Impact Statement Comments and Responses

Page No.

List of Figures

Figure 1 Study Corridor 2
Figure 2 Selected Alternative (Combination Alternative) 3
Figure 3 Level of Service Definitions 5
Figure 4 Teton County Alternative 9

List of Tables

Table 1 Features of Teton County Alternative 8
Table 2 Summary of Mitigation 16
Table 3 FEIS Review Locations 24
Table 4 General FEIS Comments and Responses 25

List of Acronyms and Abbreviations

BMPs	Best Management Practices
BTNF	Bridger-Teton National Forest
CFR.....	Code of Federal Regulations
EO	Executive Order
FEIS.....	Final Environmental Impact Statement
FHWA	Federal Highway Administration
ID Team	Interdisciplinary Team
LOS	Level of Service
MOA	Memorandum of Agreement
MP.....	Milepost
mph	Miles per Hour
NHS.....	National Highway System
NOA.....	Notice of Availability
ORV	Outstandingly Remarkable Value
ROD	Record of Decision
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFS.....	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
WGFD	Wyoming Game and Fish Department
WYDOT	Wyoming Department of Transportation

A. Decision

Introduction

This Record of Decision (ROD) documents decisions made concerning highway improvements presented in the Final Environmental Impact Statement (FEIS) for the Jackson South Project.

The Proposed Action involves improvements to U.S. 26/89/189/191 in Teton County, Wyoming. The Study Corridor is located south of the Town of Jackson, from milepost (MP) 148.6 in the north to MP 141.4 to the south, as shown in **Figure 1**. The highway is located in a valley in a fairly mountainous area. The Snake River parallels the highway through much of the southern portion of the Study Corridor. The seven-mile Study Corridor travels through privately-owned residential and commercial land as well as public lands. Approximately 1.2 miles of the corridor is managed by the Bridger-Teton National Forest (BTNF), while roughly two miles is managed by the Bureau of Land Management, the Wyoming Game and Fish Department (WGFD), and Teton County.

This highway section is a critical travel link within the region. Commuters from Pinedale and Bondurant (via U.S. Highway 189/191) and Alpine (via U.S. Highway 26/89) use U.S. 26/89/189/191 to commute to and from Jackson. The highway is heavily used by commercial vehicles, as well as winter and summer seasonal traffic.

Selected Alternative

The Selected Alternative, the "Combination Alternative," meets the project's purpose and need to resolve existing roadway deficiencies while safely and efficiently accommodating current and future traffic volumes and improving system linkage, while minimizing environmental impacts, as documented in Chapter 4.0 of the *Jackson South Final Environmental Impact Statement (FEIS)*, August, 2010.

The Selected Alternative combines features of the 3-Lane, 4-Lane, and 5-Lane alternatives that were developed and screened during the EIS process (see Section B). The Selected Alternative includes a three-lane rural cross-section portion that would tie into the three-lane urban section at MP 141.4 immediately north of Hoback Junction. Vehicles traveling north from Hoback Junction in this three-lane rural section would have a general purpose travel lane and a passing lane to improve traffic flow in this uphill section. The three-lane section would extend roughly 0.6 mile to MP 142.0, where it would transition to a four-lane undivided cross-section. This section then would extend 0.5 mile to MP 142.5 and include two northbound travel lanes, one southbound travel lane, and a center turn lane. Next, it would transition to a five-lane rural cross-section. The five-lane rural section would be the longest segment of the Selected Alternative and would continue for 6.1 miles to MP 148.6. **Figure 2** illustrates the Selected Alternative.

Figure 1 Study Corridor

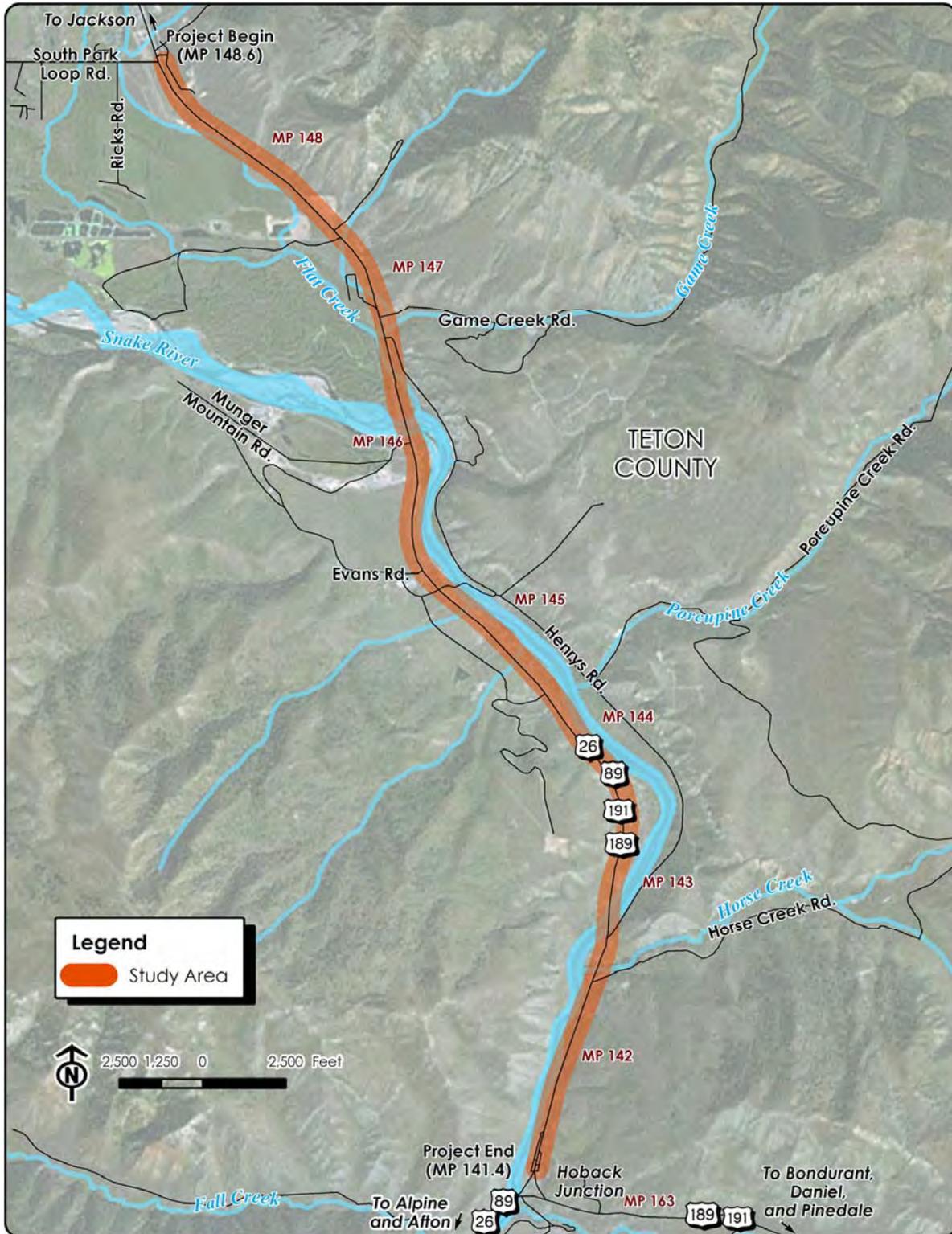
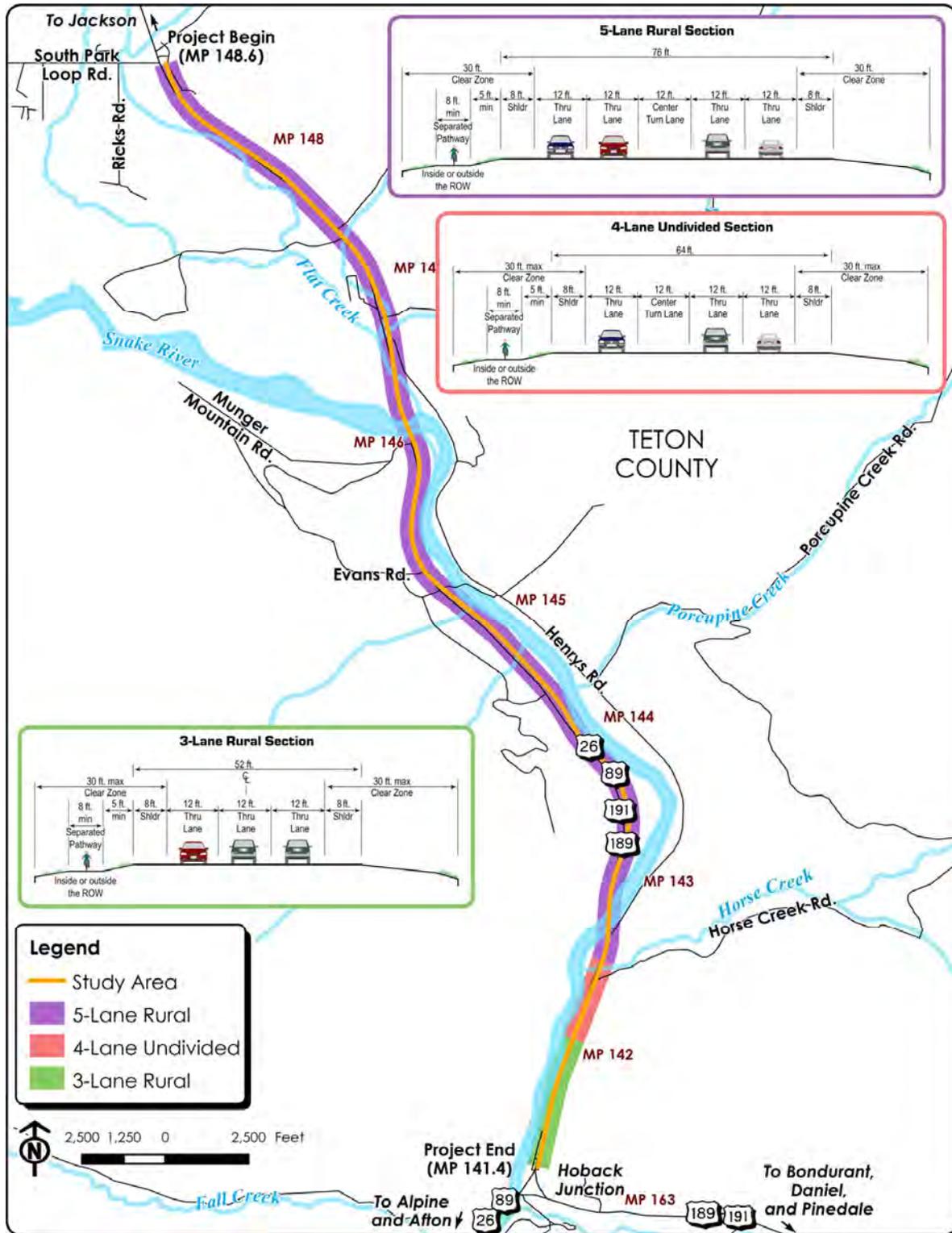


Figure 2 Selected Alternative (Combination Alternative)



The Selected Alternative consists of 12-foot through lanes with 8-foot shoulders throughout its length (see **Figure 2**). This alternative would be a multilane section designed to meet access requirements and accommodate left turns. The laneage configurations and other aspects of the Selected Alternative were developed to meet the project purpose and need, including safety and capacity needs. Further, the alternative would:

- function at an acceptable Level of Service (LOS) and improve access to adjacent properties where it is currently needed (LOS is described by a letter designation ranging from A to F, with LOS A representing almost free-flow travel, while LOS F represents congested conditions [see **Figure 3**]);
- meet driver expectations by providing road widths consistent with the surrounding topography;
- provide a transition from the proposed higher speed, five-lane section in the north part of the Study Corridor to the three-lane section at the Hoback Junction intersection while maintaining adequate LOS;
- reduce environmental and right-of-way impacts compared to the other alternatives studied that met the project purpose and need.

Additional information about improvements associated with the Selected Alternative is presented in Section B.

Selected Pathway Option

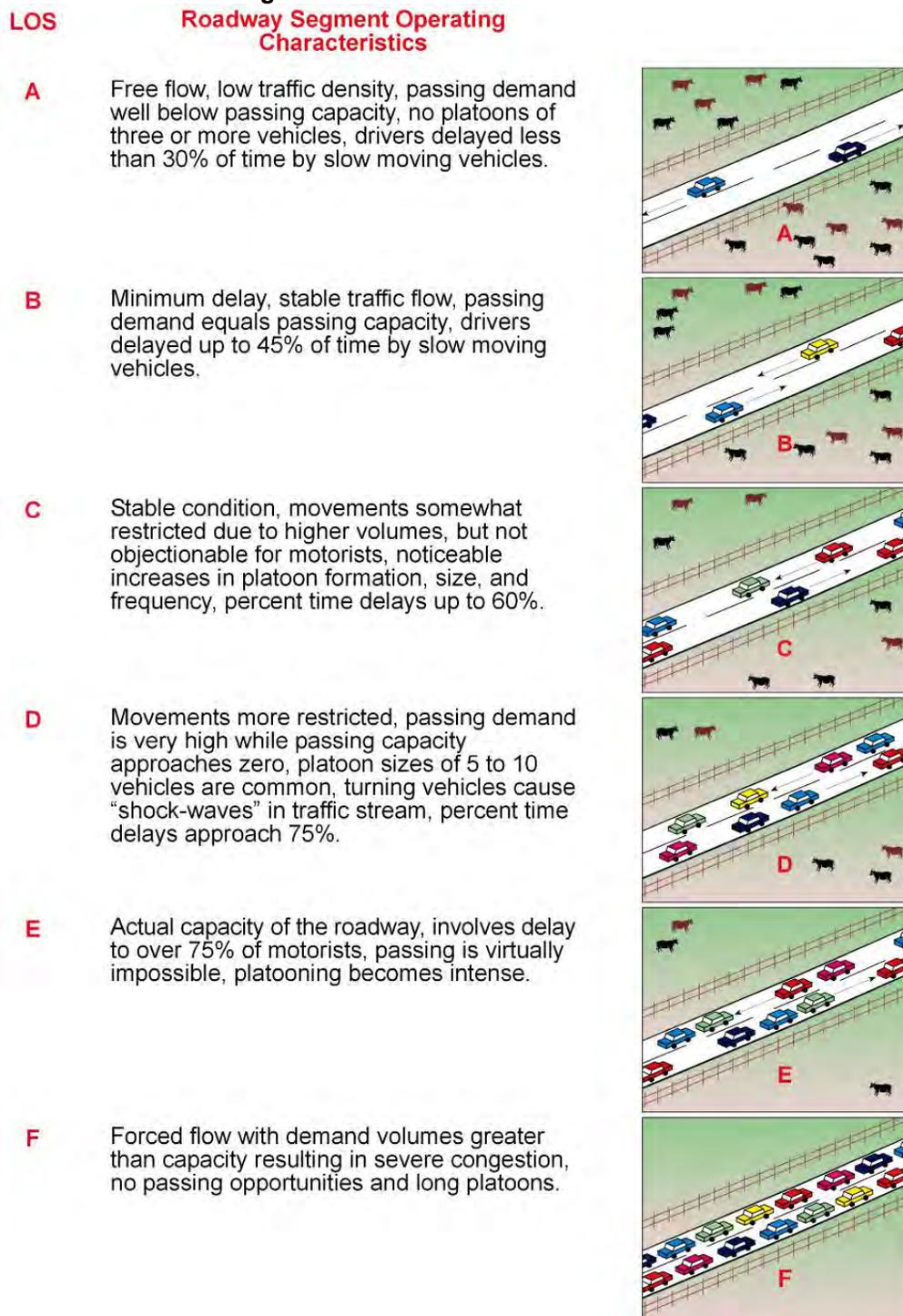
Pathway Option 1 has been identified as the selected pathway option based on comments received from Teton County, citizens, and stakeholder groups who voiced a preference for the pathway to be located adjacent to the highway throughout the Study Corridor.

This pathway option would better serve the populations located along the highway and provide a more direct route than Pathway Option 2 (which differed from Option 1 where it veered along Henry's Road). As such, it is anticipated that Pathway Option 1 would experience a higher level of use and better serve the community than Pathway Option 2. Pathway Option 1 would also provide access to the South Park boat launch area and the environmental justice community along the Study Corridor. For these reasons, Pathway Option 1 best meets the Purpose and Need of the project.

This pathway option would provide a separated pedestrian and bicycle pathway that would parallel the highway on the west side. The pathway would be ten feet wide, but the width could be reduced to eight feet in certain locations to minimize impacts to sensitive environmental resources. Pathway crossings on bridges would be separated from traffic flow by a barrier.

The Wyoming Department of Transportation (WYDOT) commits to build the pathway within the roadway template. The Game Creek underpass would serve as a wildlife and bicyclist/pedestrian crossing. Pathway may be closed during periods of wildlife migration. Near Horse Creek, a pathway can be placed on the bench under the Snake River Bridge.

Figure 3 Level of Service Definitions



B. Alternatives Considered

The National Environmental Policy Act requires that the Environmental Impact Statement process consider a reasonable range of alternatives, including a No-Action Alternative, and objectively evaluate them at comparable levels. Reasonable alternatives are those that are practical and feasible from a technical and economical standpoint, and achieve the Purpose and Need for the project.

In considering preliminary alternatives, FHWA and WYDOT (lead agencies) determined that any off-alignment alternative would result in considerable environmental impacts, and therefore would not be reasonable (refer to Section 2.2.2 of the FEIS for more information). Six preliminary alternatives focusing on improving the existing highway were initially identified based on their ability to meet the transportation needs outlined in Chapter 1.0 of the FEIS. Another alternative was then developed that combined elements from three of the preliminary alternatives. Later, Teton County submitted an alternative for consideration. These eight alternatives are documented in Chapter 2.0 of the FEIS, and are listed below:

- No-Action (Do Nothing) Alternative
- 2-Lane Rural Alternative
- 3-Lane Rural Alternative
- 4-Lane Divided Alternative
- 4-Lane Undivided Alternative
- 5-Lane Rural Alternative
- Combination Alternative
- Teton County Alternative

A description of improvements associated with the above alternatives and reasons that they were dismissed or advanced is provided below:

Alternatives Dismissed from Detailed Study

- **2-Lane Rural Alternative:** This alternative would consist of improvements to bring the roadway to current design standards, including construction of eight-foot shoulders and clear zones. Initial screening results indicated that this alternative would require 1 relocation and 20 acres of land disturbance¹. This alternative was dismissed because the traffic analysis showed that without additional travel lanes, the LOS would degrade and operate at a LOS E (see **Figure 3**) in 2026 (same as the No-Action Alternative). Also, the 2-Lane Rural Alternative would not address safety problems caused by turning vehicles, and the lack of passing opportunities could induce drivers to make unsafe passing maneuvers. As a result, this alternative would not adequately reduce the crash rate. For these reasons, it was determined that this alternative did not meet the Purpose and Need and was dismissed from further evaluation.

¹ Early in the process, the Core Team and ID Team agreed to use the amount of land disturbance as a surrogate measure for indicators under the "Minimize Impacts" criterion for Initial Screening. Actual right-of-way required was only assessed for the two build alternatives advanced for detailed analysis in the FEIS.

- **4-Lane Divided Alternative:** This alternative would add lanes and a depressed median ranging in width from 26 to 65 feet. It would require 36 relocations—the highest number of all alternatives (other build alternatives evaluated would require 1 to 3 relocations). Also, it would not minimize impacts to the natural environment; long-term impacts total approximately 160 acres of land disturbance. While it would meet the Purpose and Need, other alternatives would meet these needs with much fewer environmental, relocation, and right-of-way impacts. Therefore, this alternative was dismissed from further evaluation.
- **3-Lane Rural:** The 3-Lane Rural Alternative consists of two 12-foot through lanes, a 12-foot passing lane, and 8-foot shoulders. Initial screening results indicated that this alternative would require 2 relocations and approximately 40 acres of land disturbance. A passing lane system consists of a mile-long passing lane every three to four miles to allow passing maneuvers that are unrestricted by opposing traffic. The LOS analysis indicated that the 3-Lane Rural Alternative would operate at a LOS D (see **Figure 3**) in 2026, and, therefore would not accommodate growing travel demand. Also, turning movements could not be accommodated safely because the maneuvers would occur from the passing lane and would violate driver expectations. If this alternative included left-turn lanes at all access points, the result would be a continuous left-turn lane and the section would be a four-lane highway. Therefore, this alternative was dismissed from further evaluation.

It should be noted that a three-lane option consisting of two through lanes plus a center turn lane was not considered reasonable from both a LOS and safety standpoint. The center turn lane would not allow any passing, which in turn would result in LOS E/F (using 2026 volumes). Also, this configuration would be unsafe because slower drivers would frustrate faster drivers, and illegal passing maneuvers in the center turn lane would likely occur. Any driver attempting to turn left from the turn lane could be exposed to either a head-on or rear-end crash.

- **4-Lane Undivided:** The 4-Lane Undivided Alternative consists of four 12-foot through lanes with 8-foot shoulders. Initial screening results indicated that this alternative would require 3 relocations and approximately 60 acres of land disturbance. This alternative would not provide median separation, but would include left-turn lanes at all access points to accommodate left turns. If a median or center lane were included with this alternative, it would effectively result in a 5-lane cross-section, which is assessed under the 5-Lane Rural Alternative.

While this alternative improves the traffic operations to a LOS A (see **Figure 3**), the alternative has the same turning movement hazards identified for the 3-Lane Rural Alternative discussed above, except in both directions. Therefore, this alternative would not safely accommodate turning movements because the maneuvers would occur from the passing lane and would violate driver expectations. If the alternative included left-turn lanes at all access points, the result would be a continuous left-turn lane and the section would be a five-lane highway. Therefore, this alternative was dismissed from further evaluation.

- Teton County Alternative:** In 2006, Teton County had a planning-level analysis conducted, which led to development of a new alternative; that alternative is summarized in **Table 1** and shown on **Figure 4**.

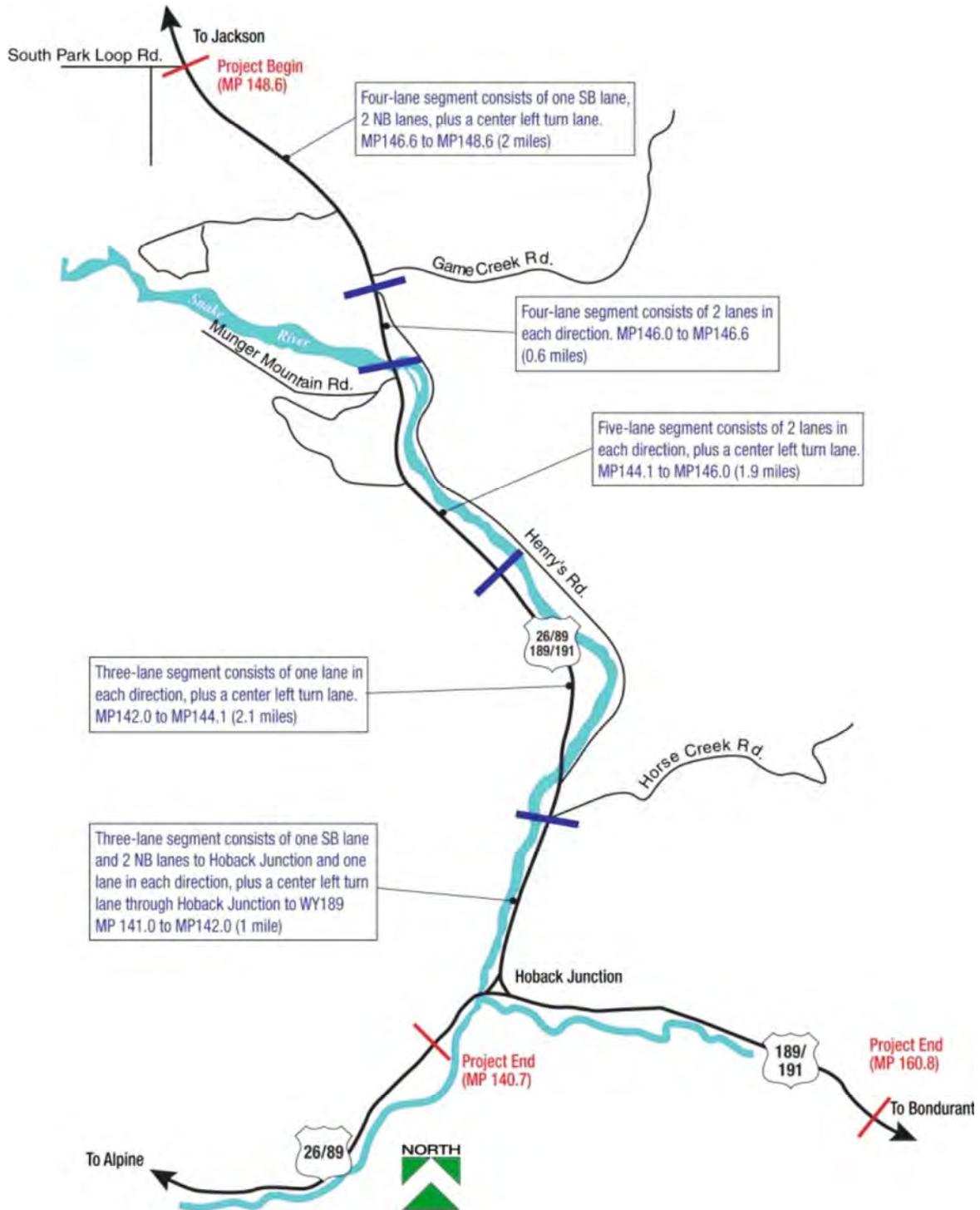
Table 1
Features of Teton County Alternative

Location		Number of Lanes	Configuration
From	To		
End of current five-lane section (MP 148.6)	Game Creek Road (MP 146.6)	Four lanes	One southbound lane, two northbound lanes, plus a center left-turn lane
Game Creek Road (MP 146.6)	South side of first Snake River bridge (MP 146.0)	Four lanes	Two lanes in each direction
South side of first Snake River bridge (MP 146.0)	Just north of Ross Gravel Pit Road (MP 144.1)	Five lanes	Two lanes in each direction plus a center left-turn lane
Just north of Ross Gravel Pit Road (MP 144.1)	Just south of Horse Creek Road (MP 142.0)	Three lanes	One lane in each direction plus a center left-turn lane
Just south of Horse Creek Road (MP 142.0)	Hoback Junction (MP 141.0)	Three lanes	Two northbound lanes and one southbound lane north of Hoback Junction, and one lane in each direction plus a center left-turn lane through Hoback Junction to the intersection with WY 189

FHWA and WYDOT conducted a design-level analysis of the Teton County Alternative, which provided greater detail than the planning-level analysis that had been prepared. WYDOT compared the Teton County Alternative to the Combination Alternative (Selected Alternative) because it is more similar to the Teton County Alternative than the 5-Lane Alternative.

The Teton County Alternative consists of five different cross-section configurations. From north of Hoback Junction, it begins with a three-lane cross-section (two northbound lanes and one southbound lane) for approximately one mile, then transitions to a different three-lane cross-section (one lane in each direction plus a center turn lane) for approximately 2.1 miles. It then changes to a five-lane cross-section (two lanes in each direction plus center left-turn lane) for approximately 1.9

Figure 4 Teton County Alternative



miles, then a four-lane cross-section (two lanes in each direction) for approximately 0.6 mile, and then a different four-lane cross-section (one southbound lane, two northbound lanes, and a center left-turn lane) for approximately 2.0 miles. It transitions to the existing five-lane cross-section south of Jackson.

The Preferred Alternative includes three different cross-sections. It begins north of Hoback Junction with a 3-Lane Rural cross-section (two lanes plus a passing lane) for approximately 0.6 mile, then a 4-Lane Undivided cross-section (two northbound lanes, one southbound lane, and a center turn lane) for approximately 0.5 mile. Next, it transitions to a 5-Lane Rural cross-section (four lanes with one continuous two-way left-turn lane) for the remaining approximate 6.1 miles of the Study Area, and would tie into the existing five-lane cross-section south of Jackson.

Differences between the Teton County Alternative and the Combination Alternative centered around: 1) safety issues; and 2) travel demand, capacity, and LOS considerations. The analysis focused on these two elements of the project's Purpose and Need. The analysis results are presented below (please refer to Section 2.6 of the FEIS and Appendix E of the FEIS for more information).

Safety

- A highway's design must include areas between different cross-sections that allow for a gradual transition from one cross-section to another to provide for safe and efficient operation. The different cross-sections included in the Teton County Alternative would result in numerous transition areas, such that the length of a transition area would "eat into" the next cross-section. As a result, a driver would spend almost as much time driving in the transition areas as the different cross-sections themselves. Further, these variable cross-sections and design inconsistencies would violate driver expectations. Drivers would need to constantly maneuver to simply stay in one lane, which would become a safety issue, especially at higher speeds. This problem would worsen in snowy conditions when lane markings are less visible. By comparison, the Preferred Alternative would provide a consistent cross-section for approximately 6.1 miles, from MP 148.6 to MP 142.5, where it would begin transitioning into narrower cross-sections as it approaches Hoback Junction. The fewer transition areas under the Preferred Alternative would provide a consistent highway design that would meet driver expectations and provide a safe and efficient highway operation.
- A well-designed roadway allows drivers of vehicles traveling at higher/lower speeds to instinctively separate (or "sort") themselves from each other, so that slower-moving vehicles do not impede the movement of vehicles moving at a higher speed. The numerous transition areas between the different cross-sections, combined with the reduced laneage compared to the Combination Alternative, would not allow safe "sorting" of vehicles to occur.
- Currently, the highway has 4.0 miles of no passing zones in the southbound direction; the Teton County Alternative would provide 4.6 miles of no passing zones in the southbound direction. The highway has about 4.0 miles of no passing

zones in the northbound direction, while the Teton County Alternative would provide 2.6 miles of no passing zones northbound. Lane configurations under the Teton County Alternative would favor northbound movement into Jackson, but would result in delays for the corresponding southbound movement. Two segments of the Teton County Alternative that would not allow for passing are located between MP 141.5 and MP 144.1 and between MP 146.6 and MP 148.6. The limited passing opportunities provided under the Teton County Alternative could induce impatient drivers to attempt unsafe passing maneuvers that would create a potential head-on collision situation. Further, traffic modeling indicates that the Teton County Alternative would operate at LOS D.

Travel Demand/Level of Service

- WYDOT conducted traffic modeling based upon a 55 mph design speed, which is an appropriate design speed for this roadway because it is a principal arterial, has numerous access points, and has areas frequently crossed by wildlife. The traffic modeling indicated that the Teton County Alternative would function at LOS D at best, which does not meet the LOS C standard that WYDOT has established for this National Highway System (NHS) designated principal arterial and state highway.
- The numerous transition areas required between the different cross-section widths would “eat up” the roadway, as described under “Safety,” above. This results in a substandard LOS for this alternative.
- As discussed under “Safety” above, the numerous transition areas would not allow “sorting” of vehicles, which reduces the alternative’s capacity and results in a substandard LOS D.
- The limited passing opportunities would reduce capacity and result in LOS D (as described under “Safety” above).

Because of the safety and capacity deficiencies outlined above, WYDOT and FHWA determined that the Teton County Alternative would not meet the project’s Purpose and Need and was dismissed from further consideration.

For more information, please refer to **Appendix E**.

Alternatives Advanced for Detailed Study

As a result of the alternatives screening process, the following alternatives were advanced for detailed analysis in the FEIS:

- **No-Action Alternative:** The No-Action Alternative includes only those projects that have funds committed for improvements. These improvements would be made regardless of whether a build alternative is implemented. The No-Action Alternative would include standard maintenance activities on the surfacing, structures and other roadway appurtenances within the Study Corridor, as well as projects contained in WYDOT’s *2009 State Transportation Improvement Program*. The No-Action Alternative would require no relocations or land disturbance. Although it does not

meet Purpose and Need, this alternative was retained for further study to serve as a baseline for comparison.

- **5-Lane Rural:** The 5-Lane Rural Alternative consists of four 12-foot through lanes with one continuous two-way 12-foot left-turn lane with 8-foot shoulders. This alternative would be a multilane section designed to meet access requirements and accommodate left turns. Initial screening results indicated that this alternative would require 3 relocations and approximately 80 acres of land disturbance. (Note that during detailed analysis when more design detail was available, it was determined that this alternative would require 17.3 acres of right-of-way.) This alternative would also include replacement of the bridge over Flat Creek (MP 146.39), widening or replacing the bridge over the Snake River (MP142.79 and MP 146.09), and culvert reconstruction at Game Creek (146.4) and Horse Creek (MP 142.22). This alternative met the purpose and need with fewer impacts than the 4-Lane Divided Alternative, and was advanced for further evaluation. After a detailed analysis, this alternative was not selected because it would result in greater environmental impacts than the Combination Alternative.
- **Combination Alternative (Selected Alternative):** In an effort to reduce the width of the proposed highway improvements, the Combination Alternative was developed that combines features of the 3-Lane, 4-Lane, and 5-Lane alternatives. Although the 3-Lane Rural Alternative and the 4-Lane Undivided Alternative were dismissed because they did not meet the Purpose and Need as stand-alone alternatives, it was determined that combined features of both those alternatives and the 5-lane Rural alternative, as included in the Combination Alternative (Selected Alternative), would meet the Purpose and Need.

The five-lane and four-lane portions of this alternative would include a two-way, left-turn lane to provide and improve access to adjacent properties where it is currently needed. It also includes a three-lane portion where fewer access points exist, which reduces the need for a center lane to accommodate turning vehicles. In this area, the roadway width for the Combination Alternative (Selected Alternative) can be narrowed to reduce right-of-way and environmental impacts. Detailed analysis indicated that this alternative would require 3 relocations and approximately 15.8 acres of right-of-way. (Note that although total land disturbance was estimated for other build alternative during the Initial Screening phase, right-of-way requirements were estimated for this alternative because it was developed later in the process when more design detail was available.)

Because of the reduced access needs, transitioning to Hoback Junction, and the short length of the three- and four-lane sections, the Combination Alternative (Selected Alternative) would function at an acceptable LOS and still meet the project Purpose and Need. The three- and four-lane sections would operate at LOS C or better during the design year, while the five-lane section would function at LOS A.

The Combination Alternative (Selected Alternative) would include replacement of the bridge over Flat Creek (MP 146.39), widening or replacing the bridge over the

Snake River (MP142.79 and MP 146.09), and culvert reconstruction at Game Creek (146.4) and Horse Creek (MP 142.22).

Values Considered in Decision-Making Process and the Environmentally Preferred Alternative

The project's purpose and need reflects the value placed on addressing existing safety issues and accommodating current and future traffic volumes in the Study Corridor while minimizing environmental impacts. Both build alternatives evaluated in the FEIS (the 5-Lane Rural Alternative and the Combination Alternative) would improve the existing roadway deficiencies by improving the highway to current design standards and widening and/or replacing existing bridges. Further, both build alternatives would address existing safety issues, reduce crashes, and accommodate existing and future traffic volumes in the Study Corridor by providing additional travel lanes and turn lane that would improve level of service to acceptable levels (LOS A under the 5-Lane Rural Alternative and LOS A-C under the Combination Alternative).

The Combination Alternative would result in lower environmental impacts where it tapers to four lanes and three lanes entering into Hoback Junction, including lower wildlife habitat impacts, lower visual impacts, and lower increase in impervious surface (resulting in lower water quality impacts) compared to the 5-Lane Rural Alternative. Therefore, the Combination Alternative was determined to be the Selected Alternative because it would minimize environmental impacts compared to the 5-Lane Rural Alternative. Similarly, the Selected Alternative (Combination Alternative) is also identified as the Environmentally Preferred Alternative, in accordance with 40 CFR 1505.2(b).

C. Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966, codified at 49 USC 303, declares a national policy that a special effort should be made to preserve the natural beauty of the countryside, public park and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation may not approve transportation projects that adversely affect such resources unless a determination is made that there is no feasible and prudent alternative, and that all possible planning has been done to minimize harm (23 CFR 774.3).

Two existing trails (Paul Merrit Trail and Von Gontard Trail) are located in the Study Corridor. Construction would temporarily impact these trails where they are located within the existing WYDOT right-of-way. Both trails would be relocated and opened to recreational use before the existing trails are impacted so that recreational activities are not interrupted and use of the trails would be protected.

Outside WYDOT right-of-way, the proposed footprint would encroach on the County-owned easement for the Von Gontard Trail. In this area, the existing pathway extends outside of the easement such that the existing pathway would not be impacted; only the easement would be impacted. The easement is afforded Section 4(f) protection. The Selected Alternative would require conversion of approximately 0.05 acre of the trail easement to transportation use. For approximately 0.5 mile of this location, the Selected Alternative would temporarily

impact the existing trail where it extends outside its intended easement, but not the easement itself. Since the easement would not be impacted, Section 4(f) would not apply. WYDOT would reconstruct and reroute the trail to eliminate the conflict. If practicable, WYDOT would reroute the trail onto the easement.

Measures to Minimize Harm

WYDOT conducted an analysis to attempt to avoid impacts to the trail easement near Little Horsethief Lane. The analysis indicated that avoiding the easement would require shifting the highway alignment roughly 33 feet to the east. This would affect approximately 3,750 feet of proposed highway, increase backslope cuts and right-of-way impacts on the east side of the highway, and impact two residences. WYDOT then evaluated increasing the fill slope to avoid and minimize trail-easement impacts. To avoid the existing pathway and reduce easement impacts, WYDOT has proposed increasing the fill slope from the 3:1 slope originally proposed to a 2:1 slope and building guardrail to shield motorists. These measures allow for impacts to the Von Gontard Trail to be minimized.

Mitigation

WYDOT proposes to purchase an easement where the existing bikepath extends outside of the easement for which it was intended and convey the easement to the County. This would enhance the trail facility by ensuring the county retains an easement for that portion of the trail where it currently does not.

Finding of *De Minimis*

Section 6009(a) (1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) added a new subsection to Section 4(f) that authorizes the FHWA to approve a project that uses Section 4(f) lands that are part of a recreational resource, without preparation of an Avoidance Analysis, if it makes a finding that such uses would have *de minimis* impacts upon the Section 4(f) resource.

Based on the evaluation conducted for the Von Gontard Trail, FHWA determined that impacts to the trail easement meet the definition of *de minimis*, and, therefore, analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required. Consultation with the Teton County/Jackson Parks and Recreation Department was conducted, and written concurrence for *de minimis* use was obtained in accordance with the requirements of 23 USC § 138(b) and 49 USC § 303(d).

D. Measures to Minimize Harm

This ROD includes all practical measures to avoid or minimize harm to the environment. The Selected Alternative was based on a balanced decision-making process including consideration for impacts to all environmental resources and the need to provide a safe transportation system. Impacts, as presented in the FEIS, are based on best information available and will be minimized to the extent possible during final design through coordination and mitigation commitments identified through the environmental study process for landslides, land use, environmental justice (low-income and minority populations), right-of-way, bicycle and pedestrian facilities, water resources, water quality, waters of the U.S.

including wetlands, floodplains, wild and scenic rivers, wildlife and fisheries, vegetation, cultural resources, hazardous waste, visual character, and Section 4(f) resources. Coordination and mitigation commitments are summarized in the FEIS in Table ES-2 (and summarized in **Table 2**). This mitigation will be incorporated into the project, and implemented before, during, or after construction, as appropriate.

E. Monitoring or Enforcement Program

Copies of this ROD will be provided to recipients of the FEIS. Implementation of this document, including the above referenced mitigation measures, will be administered through construction contracts developed for projects within this area. WYDOT and the FHWA Wyoming Division Office have primary responsibility for monitoring and enforcing environmental commitments and ensuring the commitments are fulfilled during construction. WYDOT will maintain a record of adopted mitigation measures and implementation progress and will provide this information, upon request, to the public or interested commenting agencies. Plan reviews and the permitting processes will ensure that mitigation measures identified in the FEIS are implemented.

As the design process continues, the project will undergo further review by other agencies and additional mitigation commitments may arise, but those commitments are not relied upon for this decision. **Table 2** details specific mitigation commitments.

Specific mitigation commitments are detailed below. The timeframe for implementation of mitigation measures will vary based on the specific measure, but generally would extend from final design, through construction, to several years following completion of construction. Any mitigation commitments requiring individual monitoring are noted below. Additionally, future mitigation commitments are noted where likely to arise, but are not relied upon for this decision.

**Table 2
Summary of Mitigation**

Resource	Mitigation for Combination Alternative (Selected Alternative)
Landslides	WYDOT has monitored the two active landslide areas in the study area for several years; however, more monitoring and investigation is required to identify mitigation measures specific to each site. At the final design stage, WYDOT will conduct this investigation, incorporate landslide corrections into the design for the Preferred Alternative and determine appropriate mitigation measures.
Land Use and Zoning	Because the build alternatives are generally consistent with future land use plans and would have a negligible effect on current growth trends and development patterns, no mitigation is necessary. Mitigation for property acquisition is discussed under Right-of-Way.
Farmland	Because no Prime, Unique, or farmland areas of Statewide Importance are located in the Study Corridor, no mitigation is required. Acquisition of unprotected farmland would comply with procedures and policies contained in the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended.
Social Conditions	Short-term construction impacts will be mitigated by good communication with communities, residents, emergency service providers, and river outfitters regarding road delays, access, and special construction activities.
Environmental Justice	Noise impacts to Evans Mobile Home Park were avoided and minimized by shifting proposed highway alignment slightly to the west and including a four-foot-high earthen berm. Otherwise, no mitigation measures will be required.
Right-of-Way	Right-of-way acquisitions will comply with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended. WYDOT will coordinate with Lower Valley Energy regarding the recently constructed natural gas pipeline to try to avoid relocation of the pipeline during construction of the Preferred Alternative.
Economic	Because the Combination Alternative would be beneficial to study corridor businesses and tourism. No mitigation is necessary.
Parks and Recreation	Since this alternative would not directly impact recreation resources, mitigation is not required. Existing pathway will remain open for recreational use until new pathway construction is completed, at which time use would shift to the new pathway. Pathway use will not be interrupted during construction. WYDOT and FHWA will review informal recreation access points during final design and identify opportunities to improve safety, circulation, and coordinate recreation access. Parking needs at Flat Creek/dike access area will be considered, as well as signage for trailheads and the South Park boat access area. Access to the BLM parcel at South Park will be provided as currently shown on the draft site plan depicted in the <i>Recreation Project Plan South Park River Access</i> , September 2004. WYDOT will coordinate with the Snake River Fund and Snake River Task Force regarding site access during final design. WYDOT will require contractor to provide one-day notice for channel disturbing activities to allow anglers to avoid turbid sections of the river.

**Table 2
Summary of Mitigation**

Resource	Mitigation for Combination Alternative (Selected Alternative)
Transportation	Because the Combination Alternative would improve efficiency of the transportation system, improve safety, meet goals in the Jackson/Teton County Comprehensive Plan, not adversely affect transit operations, operate at LOS A-C in 2026, and address bridge deficiencies, no mitigation is necessary.
Bicycle and Pedestrian Facilities	Von Gontard Trail will be replaced with new pathway in certain areas. The existing pathway will remain open for recreational use until the new pathway construction is completed, at which time use would shift to the new pathway. Pathway use will not be interrupted during construction. Teton County representatives have stated that they are agreeable to closing either pathway option during periods of high wildlife migration/presence to minimize wildlife disturbance. Pathway/trail system closures to protect wildlife are common in the Jackson area. Temporary pathway closures to protect migrating wildlife would not be extraordinary. No additional mitigation is necessary. Also refer to Section 4(f) mitigation at end of this table.
Air Quality	Because the Combination Alternative would result in no exceedances of the National Ambient Air Quality Standards, no mitigation is necessary.
Noise	No mitigation was determined to be reasonable, beyond the four-foot-berm at mobile home park included in proposed roadway design.
Water Resources	WYDOT has attempted to avoid and minimize impacts to water resources during preliminary design, and will continue to do so during final design. Final design will incorporate best management Practices (BMPs) to mitigate unavoidable adverse effects to water resources, as described under Water Quality below. WYDOT will prepare a hydrology report during final design that evaluates the character of each channel affected, and will address effects to channels in the detailed design of the drainage structures.
Water Quality	<p>WYDOT has attempted to avoid and minimize impacts to water resources during preliminary design, and will continue to do so during final design. WYDOT will prepare a Stormwater Pollution Prevention Plan that includes BMPs to meet the following goals:</p> <ul style="list-style-type: none"> • Control and minimize erosion and sedimentation during and after the construction phase of a project. • Minimize the potential for contaminants entering stormwater and receiving waters during construction activities. • Reduce pollutants in post-construction stormwater runoff (stormwater quality management). • Implement permanent erosion control and stormwater measures to address cut and fill slope erosion and highway runoff. • Continue BMPs during maintenance. • Develop a spill prevention and emergency response plan for use during construction concerning the storage, handling, and use of chemicals and other such products. <p>WYDOT and its contractors will adhere to criteria in WYDOT's Standard Specifications for Road and Bridge Construction, 2003.</p>

**Table 2
Summary of Mitigation**

Resource	Mitigation for Combination Alternative (Selected Alternative)
	<p>WYDOT will incorporate BMPs into a Stormwater Pollution Prevention Plan to minimize runoff to the Snake River and tributaries during bridge and highways construction. The plan will include inspection requirements to maintain compliance pursuant to state and Teton County stormwater regulations and ensure performance and adequate maintenance of water quality BMPs. BMPs common to WYDOT roadway projects include:</p> <ul style="list-style-type: none"> • Limiting land disturbance and preserving existing vegetation • Vegetative stabilization through seeding and mulching • Periodic monitoring of revegetation efforts until success criteria have been achieved • Silt fence • Erosion bales • Rock berms, channels, diversion or check dams • Inlet and outlet protection • Erosion control blankets <p>Additional BMPs will be identified during project design and will be based upon site-specific characteristics, such as adjacent vegetation type and density, proximity to waterways, topography, and physical constraints. These BMPs could include, but are not limited to:</p> <ul style="list-style-type: none"> • Compost berms • Slope drains • Ditch checks • Geotextiles • Sediment traps • Basins • Bituminous and burlap bag curbs <p>Following are average efficiency rates of a few common BMPs. Efficiency rate of sediment removal is affected by proper installation and maintenance of BMPs. Therefore, higher or lower efficiency rates are possible based on site-specific conditions (Urban Erosion and Sediment Control Best Management Practice, Definition and Nutrient and Sediment Reduction Efficiencies, Andrew H. Baldwin).</p> <ul style="list-style-type: none"> • Silt fence – 70 percent • Straw bale – 70 percent • Basins – 70 percent • Vegetative filter strip – 70 percent

**Table 2
Summary of Mitigation**

Resource	Mitigation for Combination Alternative (Selected Alternative)
	<ul style="list-style-type: none"> Temporary mulching – 87 percent <p>Actual effectiveness of BMPs will also depend on site conditions (steeper slopes and higher silt content lead to lower effectiveness). Related research indicates the need to install protection measures as soon as possible after construction since most material is eroded in the first few years after construction. Therefore, WYDOT will implement erosion and sediment BMPs as soon after ground disturbance as practical. Also, monitoring of revegetated areas will occur as specified in the revegetation plan that will be developed through coordination with the U.S. Forest Service (USFS), BTNF, WGFD, and U.S. Army Corps of Engineers (USACE) (see Section 4.19.4 of the FEIS).</p> <p>State-of-the-art erosion and sediment control BMPs will also be considered as they become available.</p> <p>When the Wyoming Department of Environmental Quality proposes a total maximum daily load for Flat Creek, maintenance requirements for the improved highway will support the waste load allocated to stormwater flow off the highway and into Flat Creek.</p>
Waters of the U.S., Including Wetlands	<p>WYDOT has attempted to avoid and minimize impacts to waters of the U.S. and wetlands during the preliminary design stage. WYDOT will continue to seek opportunities to avoid and minimize impacts to waters of the U.S. and wetlands during final design of the Combination Alternative (Preferred Alternative). A permit from the USACE will be required for all project-related wetland and waters of the U.S. impacts. Wetland mitigation will include creation or restoration of an estimated 1.41 to 1.88 acres (1.5:1 to 2:1 mitigation ratio) of wetland. Mitigation wetlands will be designed such that the total functional units lost will also be replaced at an estimated 1.5:1 to 2:1 ratio. However, actual mitigation ratios will be determined based on the information included in the Individual Permit application and through the Individual Permit evaluation process. Mitigation wetlands will include the same types of wetlands impacted by the project and will be located near the highway corridor, therefore mitigation wetlands will be considered on-site and in-kind. Based on the above information, the requirements under Executive Order (EO) 11990 have been met.</p>
Floodplains	<p>WYDOT will coordinate with Teton County Floodplain Administrator to ensure compliance with local regulations and inclusion of appropriate mitigation measures in construction plans. Designs and recommendations will comply with 23 CFR 650 A and EO 11988. WYDOT will attempt to minimize impacts to 100-year floodplain and any regulatory floodways. Specific avoidance, minimization and mitigation measures will be determined during final design. WYDOT's project floodplain mapping will provide more accurate contour data than used in the delineation of the Zone A flood boundary. WYDOT will provide their mapping to Teton County for their use in the floodplain ordinance administration.</p>
Wild and Scenic Rivers	<p>Free-flowing character of Snake River: To avoid and mitigate potential effects to the free-flowing characteristics of the Snake River, WYDOT will attempt to locate piers outside of the stream bed where practical if bridges are replaced (for bridge widening, pier locations would not change). If intermediate supports or piers are required, WYDOT will design the piers such that hydraulic eddies are not created. Scenic Outstandingly Remarkable Value (ORV): Because of the developed nature of adjacent private lands, the USFS has determined that this retaining wall would not have an adverse effect on the Scenic Quality ORV for the Snake River if mitigation techniques discussed in Section 4.22.4 of the FEIS are employed.</p>

**Table 2
Summary of Mitigation**

Resource	Mitigation for Combination Alternative (Selected Alternative)
	<p>Recreation ORV: WYDOT will coordinate with Teton County, Snake River Fund, and Snake River Taskforce on access management for the South Park area. WYDOT also will coordinate with BTNF during the design stage to manage access points immediately north of Hoback Junction. This plan will include eliminating informal access roads and seasonally gating formal access roads to prevent resource degradation and protect wildlife. Fish and Wildlife Resources ORV: WYDOT will provide fish passage structures where highway crosses Horse Creek, Flat Creek, and Game Creek. WYDOT will provide wildlife crossings at five locations: Game Creek, Flat Creek, South Park Bridge over the Snake River in the north and Snake River Bridge, and Horse Creek. Also, a wildlife crossing will be considered in the area south of Horse Creek. Wildlife fencing will be used to guide animals to these crossings. Exact design of wildlife crossing structures, wildlife fencing, and game trail benches adjacent to bridge abutments will be determined during final design.</p>
Roadless Areas	<p>Because the Combination Alternative would have no effect to Munger Mountain Roadless Area or Roadless Area characteristics, no mitigation is necessary.</p>
Wildlife and Fisheries	<p>A USACE Section 404 permit will be required. Measures to compensate for unavoidable loss of riparian areas will be addressed during final design.</p> <p>Bald Eagle: Because of the potential for adverse impacts from the project on nesting bald eagles, FHWA has conducted informal consultation with the U.S. Fish and Wildlife Service (USFWS), and will comply with USFWS's <i>National Bald Eagle Management Guidelines</i>, May 2007. In January 2010, the USFWS issued Wyoming Guidelines for Bald eagles. The guidelines refer to the <i>Bald Eagle Working Group Guideline for the Yellowstone Ecosystem</i>, 1982. FHWA and WYDOT will comply with the Wyoming Guidelines for the two bald eagle nests located over 0.5 mile outside the Study Corridor (the Munger Mountain 1 and Munger Mountain 2 nests). Two other bald eagle nests (the Porcupine nest and the Hoback nest) are located within 0.5 mile of the Study Corridor. Because of the potential for adverse impacts from the project on the Porcupine and Hoback nests, project-specific conservation measures were developed based on informal consultation with the USFWS, in lieu of mitigation measures outlined in the Wyoming Guidelines for Bald Eagles (see April 9, 2010 letter in Appendix A of the FEIS). FHWA and WYDOT will employ these measures, which include:</p> <ul style="list-style-type: none"> • Removal of vegetation within 0.5 mile of nests, including all tree cutting, will be conducted outside of the entire nesting season (approximately February 15th through July 15th). • After the first season of project implementation, WYDOT, FHWA, and the USFWS will review the Jackson South project reconstruction activities and the status of the bald eagle's nests to discuss whether any project modifications might be necessary to reduce impacts to the eagles. • WDOT will conduct a survey each year by late February or early March to identify any new or moved nests within 1.0 mile of the roadway. WYDOT will monitor bald eagle nests within 0.5 mile of the roadway during the construction phase and avoid removing bald eagle perch, roost, and forage trees where possible. • WYDOT will work with WGFD on wildlife issues during the final design process, and will notify WGFD and U.S. Fish

Table 2
Summary of Mitigation

Resource	Mitigation for Combination Alternative (Selected Alternative)
	<p>and Wildlife Service of any new bald eagle nest sites that may be identified during project planning and implementation.</p> <p>WYDOT determined that no blasting or other high intensity disturbances would occur within 0.5 mile of the Hoback or Porcupine nest sites. Any changes to this determination will require further consultation with the USFWS, and WGFD will be notified.</p> <p>Migratory Birds: Large trees near the roadway will be preserved where feasible. A qualified biologist will conduct a survey for active migratory bird nests prior to construction activities (including clearing and grubbing). If no active nests are found, construction activities can proceed. If active nests are found, coordination with USFWS will determine an appropriate course of action, which may include, but is not limited to, a delay in construction to avoid the breeding season. Active nests found during construction will also require coordination with the USFWS. WYDOT will also notify and coordinate with the WGFD. WYDOT will evaluate the use of measures to mitigate impacts to Trumpeter Swan as part of their coordination with WGFD during the final design process.</p> <p>Wildlife: Wildlife crossings will be provided at five locations: Game Creek, Flat Creek, South Park Bridge over the Snake River in the north and Snake River Bridge, and Horse Creek. Also, a wildlife crossing will be considered in the area south of Horse Creek. Wildlife fencing will be used to guide animals to these crossings. Fish passage structures for Horse Creek and Game Creek will be provided where the highway crosses these waterways. The exact design of wildlife crossing structures, wildlife fencing, and game trail benches adjacent to bridge abutments will be determined during final design. WYDOT's standard box-beam or W-beam guardrail will be used at bridge ends and at isolated steep fill areas. In general, WYDOT will attempt to minimize guardrail use in the Study Corridor. FHWA and WYDOT will continue to work with the ID Team members, Wyoming Game and Fish Department, Bridger-Teton National Forest, and other interested parties to find ways to minimize wildlife-vehicle collisions. Options include use of retaining walls to help funnel wildlife to crossing locations, increasing visibility of wildlife to drivers by maintaining 30-foot clear zone and moderating steep side slopes, and posting advisory signs to warn drivers of high wildlife use periods. Teton County representatives have stated that they are agreeable to closing either pathway option during periods of high wildlife migration/presence to minimize wildlife disturbance. Pathway/trail system closures to protect wildlife are common in the Jackson area. Temporary pathway closures to protect migrating wildlife would not be extraordinary. WYDOT commits to three years of monitoring wildlife crossing structures after completion of project construction to determine how well the mitigation measures are functioning. Post-construction monitoring results will be coordinated with the WGFD. WYDOT will evaluate revegetation seeding with respect to palatability/attractiveness to wildlife within the corridor.</p>

**Table 2
Summary of Mitigation**

Resource	Mitigation for Combination Alternative (Selected Alternative)
Vegetation	<p>Fisheries: WYDOT will coordinate with the WGFD and incorporate BMPs in the project design to mitigate fishery impacts. WYDOT will perform an amphibian survey prior to construction at all wetlands adjacent to the roadway that will be impacted by construction and coordinate with WGFD on their concerns.</p>
Cultural Resources	<p>Revegetation plan will be developed through coordination with the USFS, WGFD, USACE, and BTNF. FHWA, WYDOT, and the State Historic Preservation Officer signed a Memorandum of Agreement (MOA) in May/June 2005, to mitigate adverse effects to the Game Creek Site. The MOA includes a Data Recovery Plan and procedures required to minimize disturbance of the site and procedures to follow if intact cultural remains are discovered during construction.</p>
Hazardous Waste	<p>WYDOT will include containment and mitigation measures for hazardous materials. If lead-based paint is found on bridges or other structures on the project that require demolition or renovation, measures will be taken to prevent release of lead-based paint to the environment. WYDOT will coordinate with Lower Valley Energy regarding the natural gas pipeline.</p>
Visual Character	<p>WYDOT will revegetate impacted areas with native trees, shrubs and grasses placed in appropriate sun exposure, soil and moisture conditions. Riparian vegetation will be planted at creek and wetland edges. Removal of vegetation from clear zones and replanted vegetation will be done in a random pattern to provide a natural appearance. Cut and fill slopes will be constructed to provide naturally appearing foreground views. Length and use of retaining walls will be minimized and designed to blend into the environment. WYDOT will coordinate the aesthetic treatment of the walls during the final design phase with the design advisory group, which will include USFS representatives. WYDOT will coordinate with Teton County during final design and incorporate measures identified in the <i>Wyoming Centennial Scenic Byway Plan</i>.</p>
Construction	<p>Air Quality WYDOT's Standard Specifications for Road and Bridge Construction (2003), require contractors to provide and use methods to control air pollution (section 11.1.4 Air Pollution Control). Construction impacts to air quality can be reduced by using dust suppression methods, such as water and/or commercial dust control agents. Particulate emissions in the form of fugitive dust are regulated by the Department of Environmental Quality (DEQ).</p> <p>Noise/Vibration</p> <ul style="list-style-type: none"> • Combine noisy operations to occur during the same time period. • Conduct pile-driving and other high-noise activities during daytime construction, where possible. <p>These mitigation measures would likely increase the overall duration of construction while limiting the actual timeframe in which construction would occur during the day.</p> <p>Water Quality Contractors will be required to adhere to measures outlined in WYDOT's Standard Specifications for Road and Bridge Construction (2003) to protect water quality during construction. These measures require implementation of a Stormwater Pollution Prevention Plan. BMPs will be implemented to control sediment and prevent erosion. Existing vegetation will be maintained and preserved where practical, and all disturbed soils will be seeded and re-vegetated. Silt fences, as well as</p>

**Table 2
Summary of Mitigation**

Resource	Mitigation for Combination Alternative (Selected Alternative)
	<p>erosion bales and burlap bag curb, will be used to trap sediments, contain runoff, and protect from erosion. WYDOT will require the contractor to provide at least one day of pre-notification before channel disturbing activities to allow anglers to avoid turbid sections of the river.</p> <p>Traffic Control</p> <ul style="list-style-type: none"> • Develop traffic management plans. • Maintain traffic flow during peak travel times by minimizing lane closures, if possible. • Coordinate with emergency service providers to minimize delays and ensure access to properties. • Use signage to announce/advertise timing of road closures. <p>Visual</p> <ul style="list-style-type: none"> • Store equipment and materials in designated areas only. • Remove any unused detour pavement or signs.
Energy	<p>Procedures available to reduce energy consumption during construction include reducing haul trips, re-use of construction forms, maintaining construction vehicles, developing adequate construction phasing and detour plans, turning off construction equipment when not in use, and designing construction access roads and staging to limit distances traveled.</p>
Cumulative	<p>Although improvements would not result in significant cumulative impacts, mitigation measures will be implemented to reduce the project's contribution to any cumulative impacts to resources of concern.</p>
Section 4(f)	<p>To compensate for impacts to the Von Gontard Trail easement, WYDOT proposes to purchase an easement where the existing bikepath extends outside of the easement for which it was intended and convey the easement to the County. This would enhance the trail facility by ensuring the county retains an easement for that portion of the trail where it currently does not.</p>

F. Distribution of Final EIS

WYDOT issued a Notice of Availability (NOA) of the FEIS for review through local newspaper advertisements, postcards sent to individuals on the project mailing list, and WYDOT’s Web site. The NOA also was published in the *Federal Register* on September 17, 2010. Notices are included in **Appendix A**. WYDOT distributed the FEIS for review to the federal, state, and local agencies listed in Chapter 8.0 of the FEIS, to members of the public at their request, and to the ID Team. The FEIS was made available for public review at the locations listed in **Table 3** and on WYDOT’s Web site at http://www.dot.state.wy.us/wydot/engineering_technical_programs/environmental_services/jackson_south.

Table 3 FEIS Review Locations

<ul style="list-style-type: none"> • WYDOT District Office 3200 Elk Street Rock Springs, Wyoming • Jackson City Hall 150 East Pearl Jackson, Wyoming • WYDOT Headquarters 5300 Bishop Boulevard Cheyenne, Wyoming • Federal Highway Administration 2617 East Lincoln Way Cheyenne, Wyoming 	<ul style="list-style-type: none"> • Teton County Library 125 Virginian Lane Jackson, Wyoming • Teton County Engineering Office 320 South King Street Jackson, Wyoming • WYDOT Jackson Office 1040 Evans Road Jackson, Wyoming • Hoback Market 10880 South US Highway 89 Jackson, Wyoming 83001
--	---

A 30-day period initially was provided for review of the FEIS, beginning on September 17, 2010 and concluding on October 18, 2010. After distribution of the FEIS, several members of the public requested that the review period be extended; therefore, the review period was extended another 30 days, to conclude on November 17, 2010. The review period extension was announced through a notice published in the October 8, 2010 *Federal Register*, letters mailed to FEIS recipients and viewing locations, postcards sent to individuals on the project mailing list, and a news release distributed to local emergency service providers, newspapers, radio stations, and television media. The notices, news release, and distribution list are included in **Appendix A**.

G. Public Meeting

WYDOT and FHWA held a public meeting on September 30, 2010, from 5:00pm to 7:00pm at WYDOT offices located at 1040 Evans Road in Jackson, Wyoming. The public meeting was announced through WYDOT’s website, postcards, and newspaper advertisements. The purpose of the public meeting was to obtain comments on the FEIS. The meeting was held in an open house format; no formal presentation was made. Project team members were present to discuss the project, explain the displays, listen to concerns, and answer questions. Thirty people signed in at the meeting. The meeting summary and sign-in sheets are included in **Appendix A**.

H. Comments Received on the Final EIS

A total of 149 comments were received on the FEIS. **Appendix B** contains these comments and responses to each. While the nature of the comments varied considerably, several themes emerged. **Table 4** summarizes some of these themes and provides responses.

Table 4 General FEIS Comments and Responses

General Comment	Response
A five-lane highway is excessive to meet transportation needs.	Several other alternatives with fewer than five lanes were developed, evaluated, and dismissed because of safety deficiencies, capacity deficiencies, and because they did not meet the project’s purpose and need. FHWA and WYDOT determined that the Preferred Alternative will best meet the project’s purpose and need to resolve existing roadway deficiencies while safely and efficiently accommodating current and future traffic volumes and improving system linkage.
Wildlife crossings are needed.	Section 4.18.5 of the FEIS outlines measures WYDOT will undertake to mitigate potential impacts to wildlife in the Study Corridor. As stated in Section 4.18.5 of the FEIS, WYDOT will provide five wildlife crossings and has and continues to investigate two additional locations.
A pathway in the Study Corridor is needed.	The Preferred Alternative provides a 10-foot separated path (narrowed to 8 feet in environmentally constrained areas) along the west side of the highway from Hoback Junction north to the existing Von Gontard Trail.
Project termini established for the project are incorrect.	<p>MP 148.6 was determined to be a logical northern terminus because at that location, the existing highway transitions from a two-lane to a five-lane highway north toward Jackson. This location was the southern terminus for the five-lane improvement project south of Jackson, and that location was deemed logical as part of that project’s NEPA process. This location serves as a logical point from which to study transportation solutions because it is where previous improvements ended.</p> <p>MP 141.4 was determined to be a logical southern terminus because the highway improvements under the separate Hoback Junction project begin at that location.</p> <p>The project was also deemed to have independent utility or significance, where, construction of the preferred alternative would be usable even if no additional transportation improvements are made.</p>

Table 4 General FEIS Comments and Responses

General Comment	Response
<p>Traffic and growth projections are incorrect and/or based on outdated information and do not consider the current economic downturn.</p>	<p>The information contained in the FEIS is based on data obtained and analysis performed in accordance with industry standards. As stated in Section 1.5.1 of the FEIS, traffic forecasts were made based on available socioeconomic and demographic information. Teton County planning documents provided population, employment, and traffic projections. WYDOT traffic data and U.S. Census information also were used in preparing the forecasts. WYDOT’s traffic forecasts were quite conservative and on the low end of the reasonable range of future scenarios.</p> <p>The current economic downturn has slowed the rate of development. However, these changes are expected to be short-term relative to the study’s year 2026 planning horizon. These economic slowdowns can cause short-term annual variances in traffic forecasting, the effects of which are minor when averaged over many years. Therefore, they should not have a significant effect on long term growth projections.</p>

I. Clarifications to the FEIS

Clarifications to the FEIS are listed below. These clarifications do not represent changes that result in significant environmental impacts that were not evaluated in the FEIS.

- Executive Summary, Table ES-2, Water Quality, page ES-15, first paragraph, second sentence; and Section 4.13.1, Mitigation (Water Quality), page 4-26, second paragraph, first sentence: For clarity, change to read: WYDOT will prepare a Stormwater Pollution Prevention Plan that includes best management practices (BMPs) to meet the following goals:
- Executive Summary, Table ES-2, Water Quality, page ES-15, ninth bullet; Section 4.13.1, Mitigation (Water Quality), page 4-27, third bullet: In order for monitoring to not be restricted to only two years, change to read: Periodic monitoring of revegetation efforts until success criteria have been achieved.
- Executive Summary, Table ES-2, Waters of the U.S. Including Wetlands, page ES-16; Section 4.14.4, Mitigation (Waters of the U.S. Including Wetlands), page 4-30, second paragraph: Add statement that actual mitigation ratios will be determined based on the information included in the Individual Permit application and through the Individual Permit evaluation process.
- Section 2.3.1, Initial Screening, page 2-4, third paragraph: Add statement that pathway crossings on bridges would be separated from traffic flow by a barrier.
- Section 2.3.1, Initial Screening, page 2-4, after third paragraph: Add statement that WYDOT commits to build the pathway in the roadway template. If others are willing to fund separating the trail, WYDOT will work with them on this issue, assuming the design advisory committee concedes to such an alignment. The design

advisory committee would include representatives from WYDOT, FHWA, Teton County, Bridger-Teton National Forest, Wyoming Game & Fish Department, Conservation Alliance, business representatives, and possibly others as well. It should be noted that keeping the pathway in the roadway template would address WGFD concerns that pathways should not promote human access to crucial wildlife habitats.

- Section 2.3.1, Initial Screening, page 2-4, third paragraph: Add statement that the Game Creek underpass would serve as a wildlife and bicyclist/pedestrian crossing, with seasonal closure needed during migration. Near Horse Creek, a path can be placed on the bench under the Snake River bridge.
- Section 3.18.6, U.S. Forest Service Management Indicator Species, Table 3-23, page 3-83: Add Boreal Toad under Amphibians.
- Section 3.18.7, Non-Game and Other Wildlife Species, page 3-84: Include the following raptors as “known breeding,” not just “potential:”
 - Red-tailed Hawk – they nest within project area in a number of locations.
 - Northern Harrier – nest close or in study area.
 - Prairie Falcon – nests within or close to study area.
 - Great Gray Owl – winter resident in study area; documented mortality along that section of road.
 - Great Horned Owl – documented; mortality along that section of road.
- Section 3.18.7, Non-Game and Other Wildlife Species, page 3-85: Add Barrow’s Goldeneye, Common Merganser to common resident summer waterfowl that would occur within the study corridor.
- Section 3.18.7, Non-Game and Other Wildlife Species, page 3-86: Add wandering garter snake to list of reptiles.
- Section 4.18.1, page 4-40, end of first paragraph: Add statement that this holds true even in areas where the highway runs close to the river and fragments upland habitat and the river corridor.
- Appendix D, Draft EIS Comments and Responses, responses stating that speed enforcement in the Study Corridor falls under the jurisdiction of the Teton County Sheriff’s Department: Change to read: Speed enforcement in the Study Corridor falls under the jurisdiction of the Wyoming Highway Patrol.

J. Additional Commitments Following Publication of the FEIS

Additional commitments made by WYDOT following publication of the FEIS are summarized below:

- Section 4.15.3, Mitigation (Floodplains): WYDOT’s project floodplain mapping will provide more accurate contour data than used in the delineation of the Zone A flood boundary. WYDOT will provide their mapping to Teton County for their use in the floodplain ordinance administration.

- Section 4.18.5, Mitigation (Wildlife and Fisheries): WYDOT will evaluate the use of measures to mitigate impacts to Trumpeter Swan as part of their coordination with WGFD during the final design process.
- Section 4.18.5, Mitigation (Wildlife and Fisheries): WYDOT will work with WGFD on wildlife issues during the final design process, and will notify WGFD and U.S. Fish and Wildlife Service of any new bald eagle nest sites that may be identified during project planning and implementation.
- Section 4.18.5, Mitigation (Wildlife and Fisheries): WYDOT determined that no blasting or other high intensity disturbances would occur within 0.5 mile of the Hoback or Porcupine nest sites. Any changes to this determination will require further consultation with the USFWS, and WGFD will be notified.
- Section 4.18.5, Mitigation (Wildlife and Fisheries): WYDOT will conduct a survey each year by late February or early March to identify any new or moved nests within 1.0 mile of the roadway. WYDOT will monitor bald eagle nests within 0.5 mile of the roadway during the construction phase and avoid removing bald eagle perch, roost, and forage trees where possible.
- Section 4.18.5, Mitigation (Wildlife and Fisheries), first paragraph, page 4-57: WYDOT will also notify and coordinate with the WGFD.
- Section 4.18.5, Mitigation (Wildlife and Fisheries): WYDOT commits to three years of monitoring wildlife crossing structures after completion of project construction to determine how well the mitigation measures are functioning. Post-construction monitoring results will be coordinated with the WGFD.
- Section 4.18.5, Mitigation (Wildlife and Fisheries): WYDOT will evaluate revegetation seeding with respect to palatability/attractiveness to wildlife within the corridor.

K. Conclusion/Signatures

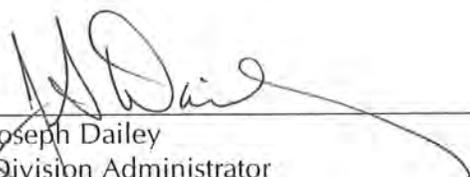
Based on the analysis and evaluation contained in this project's FEIS, and after careful consideration of all the social, economic, and environmental factors, as well as input from the public and agency involvement process, our decision is to adopt the recommended "Combination Alternative" and "Pathway Option 1" as the Selected Alternative for this project.



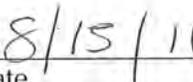
Timothy L. Stark, P.E.
Environmental Services Engineer
Wyoming Department of Transportation



Date



Joseph Dailey
Division Administrator
Wyoming Division
Federal Highway Administration



Date

