

Chapter 5

Compliance with Federal and State Regulations



Historical photo of the Belton Bridge, constructed in 1920 over the Middle Fork of the Flathead River

Photo by R.E. Marble, CNPA #8151

The NPS will comply with all applicable federal, state, and local regulations when implementing improvements to the Going-to-the-Sun Road. Regulatory requirements for this project are expected to include the following permits and approvals:

National Environmental Policy Act (NEPA) and Regulations of the Council on Environmental Quality — The National Environmental Policy Act applies to major federal actions that may significantly affect the quality of the human environment. This generally includes major construction activities that involve the use of federal lands or facilities, federal funding, or federal authorizations.

This Environmental Impact Statement meets the requirements of the NEPA and regulations of the Council on Environmental Quality in evaluating potential effects associated with activities on federal lands. The DEIS was released for a 60-day public comment period. This Final EIS contains minor changes in response to comments including a formal response in Appendix D to substantial comments received on the DEIS. The NPS will prepare a Record of Decision (ROD) to document the decision on the proposed project and any modifications in the selected alternative 30 days after release of the FEIS.

Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) — Section 7 of the Endangered Species Act is designed to ensure that any action authorized, funded, or carried out by a federal agency likely would not jeopardize the continued existence of any endangered or threatened plant or animal species. If a federal action may affect threatened or endangered species, then consultation with the FWS is required. The NPS has initiated consultation with the FWS to determine the potential impacts on federally listed species from the preferred action. The results of the NPS evaluation on threatened and endangered species were documented in a Biological Assessment (BA) and Programmatic Agreement submitted to the FWS on February 14, 2003. The FWS will issue a Biological Opinion documenting its determination of effects to listed species prior to issuance of the Record of Decision.

The findings of the BA are based on the best data and scientific information currently available. If new information in the future reveals effects that may impact threatened, endangered, or proposed species or their habitats in a manner or to an extent not considered in this EIS or BA, or the proposed action is subsequently modified in a manner that causes a new effect, or if new species are listed or habitat is identified that may be affected by the action, a revised BA would be prepared.

The Programmatic Agreement allows annual consultations with the FWS and the preparation of brief BAs to address site-specific project impact assessments as details of final project design and implementation are refined for each phase of construction. If the Park concludes there are no changes from the original determination of effects to listed species in the BA, concurrence from the FWS would be requested on those species with a “may effect” determination. Should a determination of “not likely to adversely affect” change to “likely”

based on the potential for new adverse effects, the Park would enter into formal consultation with the FWS.

Clean Water Act (CWA); Montana Stream Protection Act; and Executive Order 11990, Protection of Wetlands — The U.S. Army Corps of Engineers (COE) is responsible for authorizing the discharge of dredge or fill materials into waters of the U.S. including wetlands under Section 404 of the Clean Water Act. No loss of wetlands has been identified from project implementation. During each phase of final design and construction, the NPS would further evaluate potential impacts to wetlands and identify measures to avoid and mitigate if necessary. Should unavoidable impacts to wetlands occur, a Statement of Findings for Wetlands would be prepared and the Park would consult with the U.S. Army Corps of Engineers and FWS for any regulatory authorizations. Any modifications to the streambed also would require compliance with the Montana Stream Protection Act and submittal of a Form 24 application to the Montana Department of Fish, Wildlife and Parks.

Executive Order 11988, Floodplain Management — The proposed action is exempt from compliance with E.O. 11988. The use of low water crossings near Divide Creek would result in changes within the floodplain; however, proposed changes would be beneficial, and allow more natural flow and dispersion of floodwaters.

Montana Floodplain and Floodway Management Act — The Montana Department of Natural Resources or local floodplain administrator regulates construction activities in the 100-year floodplain. The Park would apply for a Floodplain Development Permit prior to any changes in the Road elevation within the Divide Creek floodplain.

Wild and Scenic River Act — In 1976, Congress designated the Middle Fork of the Flathead River as

a part of the national Wild and Scenic River system. The Middle Fork is designated as “recreational” for the entire length bordering Glacier National Park. The Middle Fork of the Flathead River is jointly administered by the Forest Service and the NPS under the Wild and Scenic Rivers Act. In accordance with Section 7(b) of the Wild and Scenic Rivers Act (16 U.S.C.), the administering agency of the river is responsible to determine if a “water resources project” has “direct and adverse” effects on the values for which a river is recommended for designation. The NPS has a Memorandum of Agreement with the Forest Service (September 2001), which provides for U.S. Forest Service (Flathead National Forest) concurrence on NPS projects within Wild and Scenic River designated rivers. Consultation with the Forest Service is not required so long as projects within the Park do not affect the values of the Wild and Scenic River designations. The proposed Road rehabilitation would not affect the outstandingly remarkable scenic, recreation, geologic, fish and wildlife, historic, and cultural values for which the river was designated. The proposed action would preserve the Flathead River in a free-flowing condition.

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470, et. seq.) —The Secretary of the Interior designated Going-to-the-Sun Road as a National Historic Landmark in 1997. Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR Part 800, require all federal agencies to identify and evaluate historic properties eligible for listing in the National Register of Historic Places and to assess the effects of undertakings on eligible properties. The regulations include special requirements for minimizing harm to National Historic Landmarks.

The regulations permit federal agencies to coordinate Section 106 compliance with the National Environmental Policy Act. The development of this

Plan/EIS meets some of the consultation requirements of Section 106, but it does not meet the documentation standards required to support a finding of effect. This documentation will not be available until specific road rehabilitation construction documents are prepared. Glacier National Park has a long history of consulting with the Montana State Historic Preservation Office (SHPO) during road rehabilitation projects. Additionally, Glacier staff met with SHPO staff twice during the early planning phases for this document and provided SHPO staff an on-site tour outlining the general intent of the proposed road rehabilitation. Based upon past road rehabilitation projects and consultation with the SHPO, Glacier does not anticipate an adverse effect on the National Historic Landmark qualities of the road.

Glacier National Park would consult with the Montana State Historic Preservation Officer and, as appropriate, the Advisory Council on Historic Preservation during the development of construction drawings for specific road sections. Section 106 compliance procedures would be completed prior to each phase of construction.

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Chapter 6

Consultation and Coordination

This section includes a list of preparers and contributors to the EIS and a list of recipients of the Draft EIS. Information on public involvement, the scoping process, and key issues is included in Chapter 1.

LIST OF PREPARERS AND CONTRIBUTORS

| Name/Title | Responsibilities | Education | Experience |
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CHAPTER 6. CONSULTATION AND COORDINATION
GOING-TO-THE-SUN ROAD REHABILITATION PLAN/FINAL ENVIRONMENTAL IMPACT STATEMENT

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AGENCIES, ORGANIZATIONS AND INDIVIDUALS TO WHOM THIS EIS WAS SENT

Public officials, agencies, and organizations that received the Going-to-the-Sun Road Rehabilitation Plan/Environmental Impact Statement are listed below.

Elected Officials

Max Baucus, United States Senate
Blackfeet Tribal Business Council
Confederated Salish and Kootenai Tribal Council
Conrad Burns, United States Senate
Flathead County Commissioners
Glacier County Commissioners
Lake County Commissioners
Judy Martz, Governor of Montana
Dennis Rehberg, United States House of Representatives

Federal Agencies

Advisory Council on Historic Preservation
Bureau of Indian Affairs
Department of Interior, Intermountain Region
Department of Interior, Office of the Solicitor
Environmental Protection Agency
U.S. Forest Service, Flathead National Forest
U.S. Forest Service, Kootenai National Forest
U.S. Forest Service, Lewis and Clark National Forest
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service

Canadian Government Agencies

Department of Forestry, British Columbia and Alberta
Parks Canada, Regional Office
Waterton Lakes National Park

State and Provincial Agencies

Montana State Historic Preservation Office
Montana State Clearinghouse
Montana Department of Environmental Quality
Montana Department of Fish, Wildlife and Parks
Montana Department of Transportation

Organizations/Businesses

Alberta Community Development
Backcountry Horseman
Belton Chalets, Inc.
Browning Public County Library
Chinook Tourist Association, Alberta
Coalition for Canyon Preservation
Columbia Falls Branch Library
Columbia Falls Chamber of Commerce
Crowsnest Pass Chamber of Commerce, Town of Cardston, Alberta, Canada
Cut Bank Library
Daily Inter Lake
Environmental Media Sources
Flathead Valley Convention and Visitor Bureau
Flathead County Library
Flathead Economic Development Corporation
Flathead Regional Development Office
Friends of the Bitterroot
Friends of the Wild Swan
Glacier Park Boat Company
Glacier Country Regional Tourism Commission

Glacier Natural History Association
Glacier Park Associates
Glacier Park Foundation
Glacier Park, Inc.
Glacier Pilot
Glacier-Waterton Visitor Association
Glacier Wilderness Guides, Incorporated
Going-to-the-Sun Road Advisory Committee
Great Falls Public Library
Great Falls Tribune
Hungry Horse News
Kalispell Chamber of Commerce
Lethbridge Herald, Alberta, Canada
Missoula Public Library
Missoulian
Montana Wilderness Association
Montanan's for Multiple Use
Mule Shoe Outfitters, LLC.
National Parks Conservation Association
Sun Tours

Waterton Natural History Association
Waterton Park Chamber of Commerce and
Visitors Association
Waterton Visitor Services Corporation
Waterton Inter-Nation Shoreline Cruise
Company, LTD.
Whitefish Branch Public Library
Whitefish Chamber of Commerce
Wilbur Force - Bozeman
Wild Wilderness
Wilderness Society, Northern Rockies Regional
Office
Wilderness Watch

A complete listing of agencies, organizations, public officials, and individuals whom a copy of the Draft Going-to-the-Sun Road Plan/Environmental Impact Statement is on file at Glacier National Park.

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Chapter 7

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GLOSSARY

Adfluvial. Found in lakes.

Statistical Model. A type of model where (in this case) visitation levels in the current year are explained by visitation levels in previous years.

Biodiversity. The range of organisms present in a given ecological community or system. It can be measured by the numbers and types of different species, or the genetic variations within and between species.

Cut slope. The excavated portion of a roadway located upslope from the road surface.

Drop inlet. Drainage structure that directs runoff from the road surface down into a culvert or drain.

Exotic vegetation or wildlife. Plant or animal species not native to a particular location.

Fill slope. The fill portion of the roadbed located down slope from the road surface.

Fluvial. Found in rivers or streams.

Guardwall. Typically referred to as low rock wall adjacent to the outside edge of a road. They may be located on top of a retaining wall or on their own foundation. Also include timber rails, avalanche resistant removable timber rails, and concrete barriers.

Indirect economic impact. The change in sales, income or employment within the local region in industries that supply goods and services to directly affected businesses.

Induced impact. The change in sales within the local impact region that result from changes in local household spending of income (on housing, utilities, groceries, etc.) earned in the tourism, construction and other supporting industries.

Input-Output Analysis. An analysis of the flows of economic activity between sectors, that captures what each sector must purchase from every other sector in order to produce a dollar's worth of goods or services.

Jersey barrier. Movable concrete wall used as a temporary guardwall.

Krummholz. The stunted trees that grow just below the treeline or in extremely windy locations.

Lacustrine wetlands. Wetlands associated with deep water such as lakes and ponds.

Mitigation measures. Measures taken by the NPS in an effort to offset the adverse impacts resulting from an action or activity.

Multipliers. Captures the size of secondary effects in the impact region. Multipliers are generally expressed as a ratio of the total change in economic activity in a region relative to the direct change. (Or the total impact relative to the direct impact).

Palustrine wetlands. Wetlands dominated by trees, shrubs, and herbaceous vegetation. May include wet meadows, swamps, bogs and fens.

Party day. A party day is equal to one party (or vehicle load) spending one day at GNP.

Party. A group of visitors to GNP. Generally, this refers to the people arriving within a single vehicle, since this is how visitation counts are completed by the Park.

Peak visitation season. The 1st of July until the 15th of September.

Recreational visit. A measurement used by the NPS to count visitors. One recreational visit is equal to one person participating in any recreational activity during a visit to GNP. This includes

activities such as sightseeing, touring, and driving, and is not directly related to any specific time period.

Retaining wall. A rock wall constructed on the outside of a road to support the roadway. It is often used in steep terrain and eliminates the need for a fill slope.

Riverine wetlands. Wetlands associated with river, streams and creeks.

Road prism. The road pavement plus additional cut and fill slopes required to construct the road.

Rock scaling. The removal of rock from steep cliff faces, typically where falling rocks are expected to occur in the near future.

Secondary economic impact. The change in economic activity that results from subsequent rounds of re-spending tourism dollars or direct road

construction expenditures. Secondary impacts may be further divided into indirect or induced impacts.

Sedimentation. The transport of sediment into a water body.

Shoulder visitation seasons. The month of June and the 16th of September until park closure (approximately October 15th).

Slump. A shifting in the ground, often caused by water intrusion on a steep slope.

Ungulate. Hoofed mammal such as elk, deer, bighorn sheep, mountain goat, and moose.

Visitor spending profile. A breakdown of average, daily visitor (or party) expenditures within relevant tourism sectors (e.g., lodging, restaurants, groceries, souvenirs, etc.).

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