

**FHWA-WYDOT-FONSI-01-04**  
**FINDING OF NO SIGNIFICANT IMPACT**

on the  
ENVIRONMENTAL ASSESSMENT  
for

FHWA-WYDOT-EA-01-03  
Lander - Hudson  
P-20 (WY 789)  
Fremont County  
Wyoming Project NH0N20-02(050)

Submitted Pursuant To  
42 USC 4332(2)(c)

by the  
U.S. Department of Transportation Federal Highway Administration  
and  
State of Wyoming  
Department of Transportation

WYOMING DEPARTMENT OF TRANSPORTATION  
PROJECT STATUS REPORT

WYDOT Project NH0N20-02(050)

Lander - Hudson

P-20 (WY 789)

Fremont County

The Wyoming Department of Transportation proposes to widen and overlay Wyoming State Highway 789 between the towns of Lander and Hudson in Fremont County.

Alternatives considered included the "no action" alternative, construction of a five lane highway from Lander to Hudson, and widen and overlay with additional lanes added to segments of the highway corridor to accommodate increasing traffic volumes and turning movements. The selected alternative is the widen and overlay alternative.


Concerns raised through environmental evaluation and public input were mainly from adjacent landowners concerned how the project may specifically affect their property. Several comments were in support of the project and/or pointing out the need for the project due to increasing traffic and difficulty making left hand turns. Some comments expressed concern about the potential for impeded traffic and timely access during construction to adjacent properties. The concerns have been resolved to my satisfaction.

The project will respond to program commitments and be developed within design criteria and mitigation measures that will assure achievement of environmental, traffic safety and engineering goals.

It is my decision to approve this project. Comments received from the circulation of the Environmental Assessment indicate no significant effect on the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) will not be prepared. For further information contact:

Timothy L. Stark, P.E.  
Wyoming Department of Transportation  
Environmental Services  
5300 Bishop Blvd.  
Cheyenne WY 82009  
(307)777-4379  
tstark@state.wy.us

Galen Hesterberg, P.E.  
Wyoming Division  
Federal Highway Administration  
1916 Evans Avenue  
Cheyenne WY 82001-3716  
(307)772-2004 Ext. 45  
Galen.Hesterberg@fhwa.dot.gov

  
B. Patrick Collins, P.E.  
Engineering and Planning Engineer  
Wyoming Department of Transportation

8-8-01

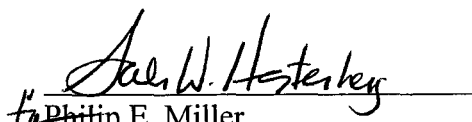
Date

## Finding of No Significant Impact

for

FHWA-WYDOT-EA-01-03  
**Lander -Hudson**  
Wyoming Project NH020-02(050)

THE FEDERAL HIGHWAY ADMINISTRATION HAS DETERMINED THAT THIS PROPOSED PROJECT WILL HAVE NO SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT. THIS FINDING OF NO SIGNIFICANT IMPACT IS BASED ON THE *LANDER-HUDSON ENVIRONMENTAL ASSESSMENT (FHWA-WYDOT-EA-01-03)* WHICH HAS BEEN INDEPENDENTLY EVALUATED BY THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND DETERMINED TO ADEQUATELY AND ACCURATELY DISCUSS THE NEED, ENVIRONMENTAL ISSUES, AND IMPACTS OF THE PROPOSED PROJECT AND APPROPRIATE MITIGATION MEASURES. IT PROVIDES SUFFICIENT EVIDENCE AND ANALYSIS FOR DETERMINING THAT AN ENVIRONMENTAL IMPACT STATEMENT IS NOT REQUIRED. THE FHWA TAKES FULL RESPONSIBILITY FOR THE ACCURACY, SCOPE AND CONTENT OF THE ENVIRONMENTAL ASSESSMENT.

  
for Philip E. Miller  
Division Administrator  
Wyoming Division  
Federal Highway Administration

Date August 15, 2001

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## 1.0 Project Description

The proposed project begins at the junction with U.S. Highway 287 in Lander (milepost 81.05) and extends northeast along the existing centerline of Wyoming Highway 789 for approximately 9.6 miles (15.0 km), ending at the Little Popo Agie River Bridge at the west town limits of Hudson (milepost 90.6). The project corridor is the major route for commerce between Lander and Riverton. The highway also has use as a tourist route. A wide variety of vehicle types use the project corridor on a daily basis for multiple trip purposes. Local and through traffic with differing intents and speeds are conflicting to the point that provisions to separate and accommodate these two types of traffic are needed.

Highway improvements are needed to improve safety, upgrade pavements, correct roadway deficiencies, accommodate current and projected land use including increased turning movements and accommodate projected future traffic volumes. The project will be designed to meet the standards of the American Association of State Highway and Transportation Officials.

### 1.1 Description of Preferred Alternative

Proposed roadway widths are:

5 lane section - 72 feet (6' shoulder, 2 - 12' west bound travel lanes, 12' center turn lane, 2 - 12' east bound travel lanes, 6' shoulder) from station 38+50 to 313+00 including starting transition.

4 lane section - 60 feet (6' shoulder, 2 - 12' west bound travel lanes, 2 - 12' east bound travel lanes, 6' shoulder) from station 313+00 to 379+00 including starting transition.

3 lane section - 52 feet (10' shoulder, 12' west bound travel lanes, 12' east bound travel lanes, 12' east bound climbing lane, 6' shoulder) from station 451+77 to 491+58 including starting transition.

2 lane section - 44 feet (10' shoulder, 12' west bound travel lanes, 12' east bound travel lanes, 10' shoulder) from station 379+00 to 451+77 and from station 491+58 to 500+25 including starting transitions.

Under this alternative the existing roadway would be chip sealed from station 4+58 to station 38+50, with some sidewalk placement and drainage repair. Widen, level, overlay and chip seal the existing roadway from station 38+50 to Station 61+50 with sidewalk, curb and gutter placement. Reconstruct with widened road section, sidewalk and curb and gutter from station 61+50 to station 63+50. Reconstruct with widened road section from station 63+50 to station 95+50. Widen, level, overlay and chip seal the existing roadway from station 95+00 to station 165+00. Reconstruction of the road from station 165+00 to station 335+00, including raising the grade. Widen, level, overlay and chip seal from station 335+00 to station 500+25. Bridge Deck overlay and repair from station 500+25 to station 501+56.

## 1.2 Summary of Mitigation

Category	Mitigation Measure
<b>Air Quality</b>	Particulate or dust emissions will be minimized during construction by implementation of techniques to control dust, such as regular watering of construction disturbed areas.
<b>Cultural</b>	If unanticipated cultural materials are discovered during construction, all work in the vicinity of the discoveries will cease, and WYDOT will consult with SHPO to develop evaluation and treatment plans appropriate to the discovery.
<b>Hazardous Waste</b>	If hazardous waste is encountered during construction, DEQ will be consulted and appropriate action taken. The highway contractor will be required to prepare a spill contingency plan for any petroleum products, solvents or other hazardous materials in use or in storage at the work site.
<b>Socioeconomic/ Construction</b>	Traffic will be maintained through the project during construction. Access off the highway to businesses and homes will be maintained during construction.
<b>Water Quality</b>	A Storm Water Pollution Prevention Plan (SWPPP) will be prepared and implemented. The highway contractor will be required to prepare a spill contingency plan for any petroleum products, solvents or other hazardous materials in use or in storage at the work site.
<b>Wetlands</b>	Wetlands of similar types as those impacted will be created at a wetland mitigation site adjacent to the project corridor. Approximately seven acres of wetlands will be created.
<b>Wildlife</b>	WYDOT will coordinate with the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Service on appropriate measures to reduce disturbance to nesting raptors. WYDOT will contact the adjacent landowners and where the adjacent land owner is agreeable to change to Type E fence so as to facilitate game movement, Type E fence will be constructed. WYDOT will provide appropriate signs to warn motorists of the potential for wildlife on the road. The highway right-of-way will be planted with a seed mix that contains species that are not highly palatable to big game.

## **2.0 Coordination Process**

The proposed action has been coordinated with all appropriate federal, state and local agencies in order to comply with the National Environmental Policy Act. The Notice of Availability of the *Lander -Hudson Environmental Assessment* (EA) was published in the *Lander Journal and the Casper Star Tribune* on June 27 2001, beginning the 30-day public comment period. The Notice of Availability was again published on July 4, 2001 in the *Lander Journal*. The Notice of Availability was also mailed to federal state and local government officials expected to have an interest in the project as well as all individuals that provided scoping comments. An expression of willingness to hold a public hearing on the EA was contained in the published Notice of Availability. These notices can be found in Appendix A.

No request for a public hearing was received within the comment period. Written comments were received from the State of Wyoming Office of Federal Land Policy. The Office of Federal Land Policy supports the project. The Office of Federal Land Policy also provided comments from the Wyoming Game and Fish Department. The Wyoming Game and Fish Department requested that their Lander Office be contacted to discuss the proposed Bendway weir installation along the Popo Agie River. The WYDOT Lander Resident Engineer will contact Mr. Dennis Oberlie at the Lander Game and Fish Office to discuss this issue. No other comments on the environmental assessment were received. Comments on the environmental assessment can be found in Appendix B.

## **3.0 Selection of the Preferred Alternative**

Based on the Lander - Hudson Environmental Assessment and the summary of comments and responses, the Federal Highway Administration (FHWA) has determined that the preferred alternative as described in section 2-2 of the Lander- Hudson Environmental Assessment is the selected alternative.

## **Appendix A - Public Notices**



**Notice of Availability  
Wyoming Highway 789, Lander - Hudson  
Environmental Assessment  
and  
Invitation for Comments**

The Wyoming Department of Transportation (WYDOT) in conjunction with the Federal Highway Administration (FHWA) has prepared an Environmental Assessment (EA) to determine the impacts of the proposed improvements to Wyoming Highway 789 between Lander and Hudson Wyoming (milepost 81.1 to 90.6), in Fremont County. (WYDOT Project NH0N20-02(050)). The proposed action consists of widening and overlay of the existing highway with areas of total reconstruction. Additional travel lanes and turn lanes are proposed for segments of the project corridor to accommodate increasing traffic volumes and turning movements. A final decision document will be issued after the public comment period. Public comments on the document are requested.

**Copies of the Environmental Assessment are available for public review at the following locations beginning Monday, June 25, 2001:**

**Fremont County Library**  
451 N. Second Street  
Lander WY

**WYDOT**  
101 Buena Vista  
Lander WY

**Hudson Town Hall**  
333 N. Main  
Hudson WY

**Fremont County Library**  
1330 W. Park  
Riverton WY

**WYDOT, Environmental Services**  
5300 Bishop Blvd.  
Cheyenne WY

The document may also be accessed at <http://wydotweb.state.wy.us/Docs/eDocs/eDocs.html>

**Written comments on the EA can be submitted to:**

Timothy L. Stark, P.E.  
Wyoming Department of Transportation  
Environmental Services Engineer  
5300 Bishop Blvd.  
Cheyenne WY 82009-3340  
Fax: 307-777-4193  
Email: [tstark@state.wy.us](mailto:tstark@state.wy.us)

**The public comment period extends for 30 days from the Notice of Availability. Comments must be postmarked by Friday July 27, 2001.**

WYDOT is willing to hold a public hearing if there is sufficient need. An open house was advertised by public notice and held on August 10, 2000 to explain the project and gather input from the public. Public Comments from the open house are contained and addressed in the EA. Persons desiring a public meeting should contact Timothy Stark by or before July 27, 2001 to express their desire and need for the hearing.

Notice of Availability  
Wyoming Highway 789,  
Lander-Hudson  
Environmental Assessment  
and

Invitation for Comments  
The Wyoming Department of  
Transportation (WYDOT) is  
in conjunction with the Federal  
Highway Administration (FH-  
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of the proposed improvements  
to Wyoming Highway 789 be-  
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(WYDOT Project NH0N20-  
02(050)). The proposed action  
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lay of the existing highway with  
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Additional travel lanes and turn  
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Lander WY

Fremont County Library  
1330 W. Park  
Riverton WY

WYDOT  
101 Buena Vista  
Lander WY

WYDOT, Environmental  
Services  
5300 Bishop Blvd.  
Cheyenne WY

Hudson Town Hall  
333 N. Main  
Hudson WY

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cessed at  
[http://wydotweb.state.wy.us/  
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Written comments on the EA  
can be submitted to:  
Timothy L. Stark, P.E.  
Wyoming Department of  
Transportation  
Environmental Services  
Engineer  
5300 Bishop Blvd.  
Cheyenne, WY 82009-3340  
Fax: 307-777-4193  
Email: [tstark@state.wy.us](mailto:tstark@state.wy.us)

The public comment period  
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Notice of Availability.

Comments must be post-  
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July 27, 2001.

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put from the public. Public  
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dressed in the EA. Persons de-  
siring a public meeting should  
contact Timothy Stark by or be-  
fore July 27, 2001 to express  
their desire and need for the  
hearing.

Legal No. 460531. Publish:  
June 27, 2001

<http://wydotweb.state.wy.us/Docs/eDocs/eDocs.html>

<http://wydotweb.state.wy.us/Docs/eDocs/eDocs.html>

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<http://wydotweb.state.wy.us/Docs/eDocs/eDocs.html>

## AFFIDAVIT OF PUBLICATION

### STATE OF WYOMING NATRONA COUNTY

I, the undersigned, being a person in the employ  
of the CASPER STAR-TRIBUNE, a newspaper  
published in CASPER, NATRONA COUNTY,  
WYOMING, and knowing the facts herein set  
forth do so solemnly swear that a copy of the  
notice as per clipping attached was printed and  
published

daily

weekly

in the regular and entire issue of said newspaper,  
and not in any supplement thereof, for

1 consecutive days

weeks

commencing with issue dated

June 27, 2001

ending with issue dated

June 27, 2001

Signed [Signature]

Subscribed in my presence and sworn to before  
me this

27 day of June  
2001

HENRY J. GROENBERG

NOTARY PUBLIC

County of Natrona State of Wyoming

My Commission Expires Jan 31, 2005

Lander Journal, Wednesday, July 4, 2001 - A-13

**NOTICE OF FINAL PAYMENT TO CONTRACTOR**

WHEREBY GIVEN THAT City of Lander has accepted the work according to the plans, specifications, and rules set forth in the contract for Lander and 71 Construction pursuant to the completion of the Black and Vista Drive Water System Reconstruction Project and that 71 Construction is entitled to final settlement therefore. On July 30, 2001 the forty first publication of this notice, City of Lander will pay to 71 Construction, due under said contract, unless protests to this final payment have been made prior to that date. Protests to this final payment may be made in person at City of Lander, 240 Lincoln Street, Lander, Wyoming 82520; Attention: City Clerk/Treasurer.

15, 2001.

Journal

July 11, 2001

**THE DISTRICT COURT OF FREMONT COUNTY, WYOMING  
NINTH JUDICIAL DISTRICT**

OF THE

IRAM A.

Probate No. 9722

DECEASED.

**NOTICE OF PROBATE**

PERSONS INTERESTED IN SAID ESTATE:

By notified that on the 11th day of June, 2001, the estate of the above named decedent was admitted to probate by the above-named Court and that Floyd S. Gist was appointed personal representative thereof.

Where given that all persons indebted to the decedent, or his estate are to make immediate payment to the undersigned at 150 North Third Street, Lander, Wyoming 82520.

Persons claiming against the decedent or the estate are required to file them with the necessary vouchers in the Office of the Clerk of said Court on or within 30 months after the date of the first publication of this notice and if such claims are not so filed, unless otherwise allowed or paid, they will be forever barred.

Richard D. Gist, Attorney for  
Personal Representative

Journal

July 1, 2001

**THE DISTRICT COURT OF FREMONT COUNTY, WYOMING  
NINTH JUDICIAL DISTRICT**

OF THE ESTATE OF

DONALD, aka

Probate No. 9723

D McDONALD,

**NOTICE OF PROBATE**

PERSONS INTERESTED IN SAID ESTATE:

By notified that on the 12th day of June, 2001, the Last Will and Testament of the above named decedent was admitted to probate by the above named Court and that MICHAEL McDONALD AND STEVEN PAUL McDONALD were appointed Co-Executors thereof. Any action to set aside the Will shall be filed in the Court within (3) months from the date of the first publication of this notice or forever barred.

Where given that all persons indebted to the Decedent, or his estate, are to make immediate payment to the undersigned at 150 North Third Street, Lander, Wyoming 82520.

Persons claiming against the Decedent or the Estate are required to file them with the necessary vouchers in the office of the Clerk of said Court within 30 months after the date of the first publication of this notice and if such claims are not so filed, unless otherwise allowed or paid, they will be forever barred.

30th day of June, 2001.

Richard D. Gist, Attorney for  
Co-Personal Representatives

Journal

July 1, 2001

**CITY OF LANDER****PUBLIC NOTICE****CONDITIONAL USE REQUEST**

A public hearing will be held by the Board of Adjustment on Tuesday, July 17, 2001, at 7:00 p.m. in the Council Chambers, City Hall, 240 Lincoln Street, Lander, Wyoming on a conditional use request, to operate a Group Day Care Home in an R-2 Zone, requested by Synda DeBolt, 915 Cliff, Lander, Wyoming 82520.

The conditional use request is to City Code Section 4-12-4(c)(ii) which allows a group day care in an R-2 zone as a conditional use. The group day care home will be for six (6) children, Monday through Friday, 7:00 a.m. to 6:00 p.m.

The public hearing affords anyone the opportunity to appear and speak for or against the conditional use application. Written testimony may be sent to the City Clerk, City of Lander, 240 Lincoln Street, Lander, Wyoming 82520.

Additional information may be obtained by contacting or phoning the City Clerk Sharon Anderson at City Hall, 332-2870.

Sharon Anderson  
City Clerk-Treasurer

PUB: Lander Journal  
July 4, 11, 2001

**Notice of Availability  
Wyoming Highway 789, Lander - Hudson  
Environmental Assessment  
and  
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Lander WY	Lander WY	Hudson WY

Fremont County Library	WYDOT, Environmental Services
1330 W. Park	5300 Bishop Blvd.
Riverton WY	Cheyenne WY

The document may also be accessed at

<http://wydotweb.state.wy.us/Docs/eDocs/eDocs.html>

Written comments on the EA can be submitted to:

Timothy L. Stark, P.E.  
Wyoming Department of Transportation  
Environmental Services Engineer  
5300 Bishop Blvd.  
Cheyenne WY 82009-3340  
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PUB: Lander Journal  
June 27/July 4, 2001

**DEPARTMENT OF INSURANCE  
STATE OF WYOMING**

**QUALITY COMPANY  
AE**

38-0865250  
FEIN

Y CENTER DRIVE, SCOTTSDALE, AZ 85258

**DEPARTMENT OF INSURANCE  
STATE OF WYOMING**

**TRITON INSURANCE COMPANY  
COMPANY NAME**

41211

NAIC NUMBER

ONE CITY PLACE DRIVE ST. LOUIS, MO 63141

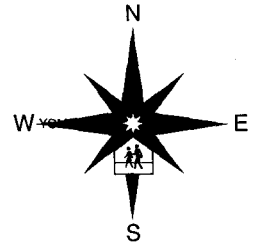
59-2174734  
FEIN

## **Appendix B - Comment Letters**



JIM GERINGER  
GOVERNOR

State of Wyoming  
***Office of Federal Land Policy***  
*Art Reese, Director*



July 27, 2001

Timothy L. Stark, P.E.  
Environmental Services Engineer  
Wyoming Department of Transportation  
5300 Bishop Boulevard  
Cheyenne, Wyoming 82002

Re: Wy. Highway 789 between Lander and Hudson, Environmental Assessment  
State Identification Number 2000-098

Dear Mr. Stark:

On behalf of the State of Wyoming, this Office has reviewed referenced document. We also provided the information to all affected State agencies for their review, in accordance with State Clearinghouse procedures. Attached you will find a letter from the Game and Fish Department which resulted from their review. State agency comments are specific to their respective agency missions. While the State defers to their respective technical expertise in developing a unified State position, the responsibility to ultimately articulate the official state policies and positions lies with the Governor or the Office of Federal Land Policy.

The Office of Federal Land Policy supports this project. It will address many safety and maintenance issues. Please provide this office with either two hard copies or an electronic copy (submit to [OFLP@state.wy.us](mailto:OFLP@state.wy.us)) of future information and documents regarding this project for continued review.

The State of Wyoming appreciates the opportunity to comment.

Sincerely,

Art Reese, Director  
Office of Federal Land Policy

AR:jh

Enclosure (1)

cc: Wyoming Game and Fish Department  
Fremont County Commissioners  
Joe Evans, Wy. County Commissioners Assoc.

**WYOMING  
GAME AND FISH DEPARTMENT**

Jim Geringer, Governor



John Baughman, Director

*"Conserving Wildlife — Serving People"*

July 23, 2001

WER 6667.01  
Department of Transportation  
Project No. NHON20-02(050)  
Wyoming Highway 789, Lander – Hudson  
State Identifier Number: 2000-098  
Fremont County

Art Reese, Director  
Office of Federal Land Policy  
Herschler Building, 1W  
122 W. 25<sup>th</sup> Street  
Cheyenne, WY 82002

Dear Mr. Reese:

These comments regarding the Environmental Assessment for Wyoming Highway 789 between Lander and Hudson have been approved by the Director and are specific to this agency's statutory mission within State government which is "Conserving Wildlife, Serving People". In that regard these comments are meant to, in association with all other agency comments, assist in defining the Official State Position. These comments defer to and are subordinate to the Official State Position.

**Terrestrial Considerations:**

We have no further comments concerning impacts to terrestrial wildlife. WYDOT has adequately addressed all of our recommendations for mitigation of potential impacts. We believe impacts to wildlife will be negligible when WYDOT's mitigation measures are implemented during and after reconstruction of this stretch of Highway 789.

**Aquatic Considerations:**

The EA mentions the use of Bendway weirs along the Popo Agie River but provides no additional information as to their design or location. We request that the local WYDOT

*These comments are reflective of a specific agency mission only. These comments defer to and are subordinate to the Official State Position.*

Mr. Art Reese  
July 23, 2001  
Page 2 – WER 6667.01

Engineer contact Mr. Dennis Oberlie of our Lander office to discuss this issue. Mr. Oberlie can be reached at (307) 332-2688.

Sincerely,

A handwritten signature in black ink that reads "Bill Wickers". The signature is written in a cursive, flowing style.

BILL WICHERS  
DEPUTY DIRECTOR

BW:TC:as

*These comments are reflective of a specific agency mission only. These comments defer to and are subordinate to the Official State Position.*