

# **ENVIRONMENTAL ASSESSMENT**

**FHWA-WY-EA-2002-02**

**WYOMING PROJECT ON31-01(074)**

**CODY - GREYBULL**

**CODY EAST SECTION**

**PARK COUNTY**

**Prepared by:  
Jeff Weinstein  
WYDOT Environmental Services**

**JUNE 2002**

FHWA-WY-EA-2002-02

ENVIRONMENTAL ASSESSMENT

Wyoming Project ON31-01(074)

Park County

P-31 (US 14-16-20)

Cody - Greybull

Cody East Section

Prepared for:  
Wyoming Department of Transportation  
and  
Federal Highway Administration

Prepared by:  
Jeff Weinstein  
Environmental Service Section  
Wyoming Department of Transportation

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

APPROVED:

Timothy L. Stark

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

for Philip E. Miller

Division Administrator  
Wyoming Division  
Federal Highway Administration

6-13-02

Date

JUNE 13, 2002

Date

Comments on this Environmental Assessment are due by July 31, 2002 and should be sent to Timothy L. Stark at the address on the Summary Sheet.

## SUMMARY SHEET

Department of Transportation, Federal Highway Administration

1. TYPE OF ACTION

Administrative-Environmental Assessment

2. FOR FURTHER INFORMATION, CONTACT:

Timothy L. Stark, P.E.  
Environmental Services Engineer  
Wyoming Depart of Transportation  
5300 Bishop Boulevard  
Cheyenne, WY 82009-3340  
Telephone: (307)777-4379  
FAX: (307)-777-4379  
E-mail: Timothy.Stark@state.wy.us

or

Marion M. Barber, P.E.  
Operations Engineer  
Federal Highway Administration  
1916 Evans Avenue  
Cheyenne, Wyoming 82001-3764  
Telephone: (307)772-2004 ext. 47  
FAX: (307)772-2011  
E-mail: Marion.Barber@fhwa.dot.gov

3. DESCRIPTION

This Environmental Assessment examines roadway design and the potential environmental impacts associated with proposed reconstruction, widening, and overlay of US Highway 14/16/20 between Cody and Greybull. The project covers 2.61 miles, beginning east of the Sage Creek Bridge (MP 57.25) and ending east of the junction with WYO 120 (MP 54.64). The proposed plans call for additional travel and turn lanes.

4. POTENTIAL IMPACTS

- A. Traveling safety will be improved along this section of US Highway 14/16/20.
- B. Accessibility and mobility for commercial, commuter and tourist related traffic would be improved.
- C. Construction will temporarily disrupt traffic and increase noise.
- D. About four acres of additional right-of-way may be acquired from private landowners, City of Cody, and Transportation Commission property.
- E. Additional impacts include loss of trees, inconvenience, noise, dust, and relocation of irrigation ditches and utilities.
- F. Approximately .15 acres of wetlands will be filled.

Mitigation measures for these impacts have been identified in Section 3 of this document.

## TABLE OF CONTENTS

### 1.0 Purpose of and Need for Action

- 1.1 Project Description
- 1.2 Purpose
- 1.3 Need
  - 1.3.1 Traffic Volumes
  - 1.3.2 Crash Data

### 2.0 Alternatives

- 2.1 No Action Alternative
- 2.2 Preferred Alternative
  - 2.2.1 Materials Source and Plant Site
- 2.3 Alternatives Dismissed From Further Consideration

### 3.0 Affected Environment, Environmental Consequences, and Mitigation Measures

- 3.1 Air Quality
- 3.2 Environmental Justice
- 3.3 Farmlands
- 3.4 Flood Plains
- 3.5 Geology
- 3.6 Hazardous Waste
- 3.7 Cultural Resources and 4(F) Evaluation
- 3.8 Land Use
- 3.9 Noise
- 3.10 Right-of-Way / Relocation
- 3.11 Socioeconomic
- 3.12 Threatened and Endangered Species
- 3.13 Utilities
- 3.14 Vegetation and Visual Resources
- 3.15 Water Quality and Fisheries
- 3.16 Wetlands
- 3.17 Wildlife
- 3.18 Summary of Mitigation Measures

### 4.0 Comments and Coordination

- 4.1 Public Involvement
- 4.2 Agency Coordination
- 4.3 Remaining Public Involvement

Appendix A: Public Comments

Appendix B: Comments and Coordination with Public Agencies

Appendix C: Support Documents

## **1.0 Purpose of and Need for Action**

### **1.1 Project Description**

The Wyoming Department of Transportation is proposing to reconstruct, widen and overlay part of US Highway 14/16/20 between Cody and Greybull in Park County. The proposed project begins east of the Sage Creek bridge (milepost 57.25) and ends east of the junction with State Highway 120 (milepost 54.64). The project follows existing centerline for a total length of 2.61 miles.

WYDOT classifies this highway as urban/rural principal arterial with rolling terrain. The highway serves travelers crossing northern Wyoming, and residents commuting to Cody from numerous subdivisions in the area. Cody's Official Master Street Plan identifies 14/16/20 as a major arterial, and the various subdivision roads along the corridor as secondary collector streets.

The Cody and Greybull highway was established by Park County in 1932 and taken on the State Highway System in 1934. A variety of easements through private, state, and federal land were used for construction and maintenance. Multiple projects were completed along the highway between 1930 and 1960. In 1979, this highway section was reconstructed. In 1993, the section from MP 57.25 to MP 55.12 was chip sealed, and in 1994 the section from MP 55.12 to MP 54.64 was leveled and overlaid.

Currently, the speed limit is 55 mph in the five lane section and 65 mph in the two lane section. The existing horizontal alignment is fairly straight and the vertical alignment is rolling.

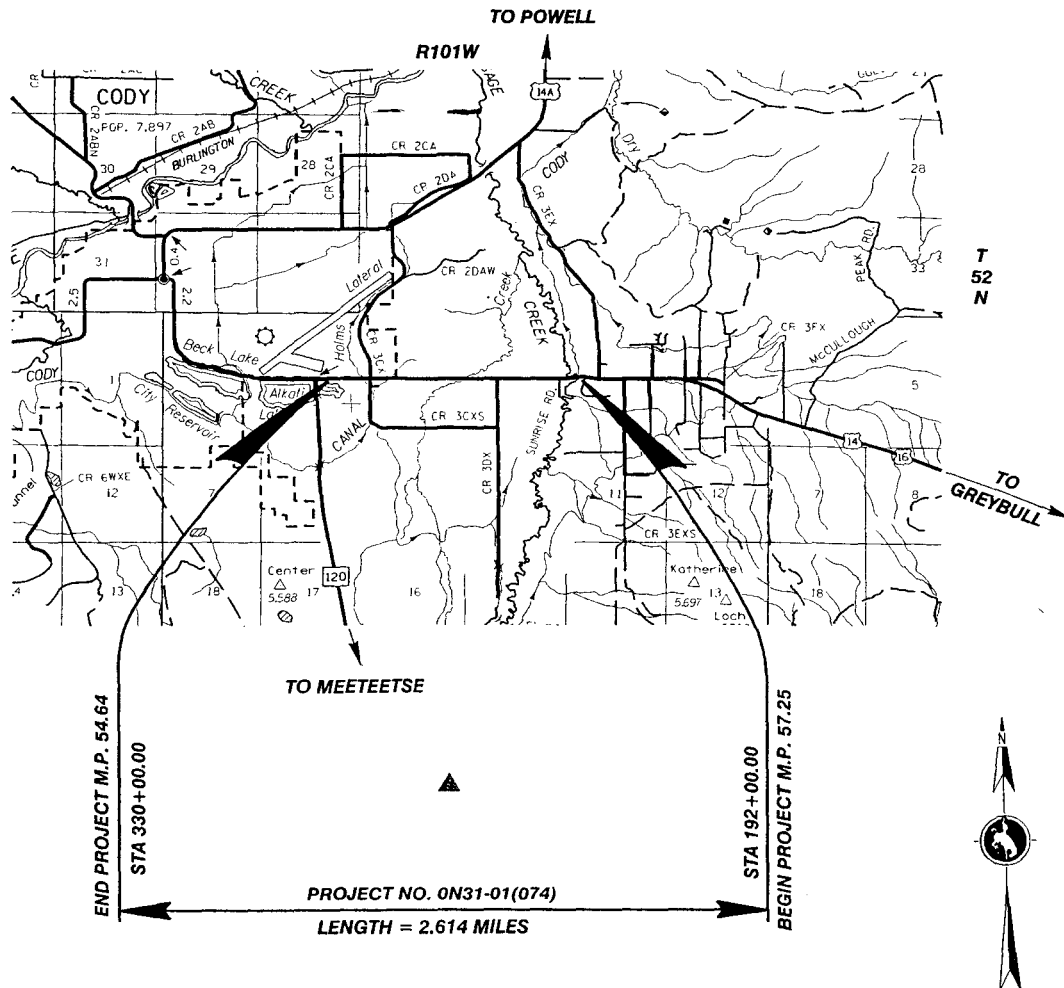
From the beginning of the project (MP 57.25) through the Beacon Hill Road (MP 55.20), the highway has two twelve foot travel lanes and ten foot shoulders, for a total top width of 44 feet. The road widens to 58 feet from the Beacon Hill Road to the weigh station (MP 54.80), and widens to 84 feet from the weigh station to the west end of the project near the junction with Highway 120 (MP 54.64).

Year 2000 census indicates Cody and Park County grew roughly 1% per year since 1990. Population growth over the next 20 years is estimated at 1 to 2% per year. Daily traffic volumes have grown over the past 30 years at an annual rate from 3% to 7%. Traffic volumes peak during the summer, in association with tourists on their way to Yellowstone National Park.

City and County zoning promote rural residential, commercial, agricultural, and industrial development along the corridor. Since 1956, developers have platted 22 subdivisions along this corridor, averaging 12 lots per plat. Park County Assessors' records indicate there were twice as many lots platted in the 1990's as compared to the 1980's. Subdivision without a formal plat is also popular. Informal subdivision added 129 lots since December 12, 1990. At the present time the general area is approximately 30% developed. Two new subdivisions near County Road 3DX were recently platted. Rural residential development will continue along this corridor, based on predicted economic growth and demand for housing in the Cody area.

## Project Area

# CODY - GREYBULL CODY EAST SECTION PARK COUNTY



## **1.2 Purpose**

- ▶ Improve safety and accommodate turning movements by widening and construction of turn lanes.
- ▶ Provide for future traffic volumes and capacity by constructing an additional lane between Blair Road and Beacon Hill Road and extending the five lane from Beacon Hill Road to the weigh station.
- ▶ Improve road surface with new plant mix pavement.
- ▶ Improve function, provide truck parking, and improve access in and out of the weigh station.

The proposed project will be designed to meet the standards of the American Association of State Highway and Transportation Officials.

## **1.3 Need**

A wide variety of vehicles use this highway, including cars, semi-tractors with trailers, farm machinery, and large motor homes. Traffic growth has created access problems for commercial and rural subdivisions in the project area. Tourists present safety concerns due to vehicle size, travel speeds, and turning movements in and out of the KOA Campground. Residential and business access in the area is difficult, and will deteriorate in the future due to conflicts with traffic growth.

Presently, there are areas where the pavement is distressed; rough approaches at the ends of the Sage Creek bridge (MP 57.1), rutting across the Spring Creek drainage (MP 56.0), and a soft area along the crest of the hill east of Beacon Hill Road (MP 55.2).

The grade will be raised approximately two to three feet in the vicinity of the weigh station to correct a continual problem of ground water seeping into the scale pit. The weigh station area will be enlarged to provide the standard length of acceleration and deceleration lanes, prevent dangerous turning movements, and provide a safe parking area for trucks.

### **1.3.1 Traffic Volume**

Recorded and projected traffic volumes are listed on the following page. The actual Average Annual Daily Traffic (AADT) is listed for volumes in 2001 and projected for the year 2021. The average daily traffic is not evenly distributed over the 24 hour period. Traffic often peaks during the day when people are driving to and from work. The Design Hourly Volume (DHV) is a measure of traffic congestion expected during the peak times. The DHV of 17.3% indicates there will be 1,571 vehicles on the highway during the peak hour, or 17.3% of 9,080 vehicles, between MP 54.6 and 55.2 in 2021. The percent of the vehicles that are trucks is also indicated.

MP - MP	AADT: 2001	AADT: 2021	DHV%	TRUCK %
54.6-55.2	5610	9080	17.3	4.2
55.2-56.36	4390	7100	17.3	6.0
56.36-57.25	4150	6714	17.3	6.0

**TABLE 1 - Traffic Data**

Multiple lane facilities are considered when the AADT approaches 6,000 within the design life of the project. A majority of the 32 highway approaches are in the western half of the project corridor. The need for additional travel and turn lanes in the western half of the project is identified by higher traffic volumes and associated turning movements.

Level of Service (LOS) is defined by the 2001 "A Policy On Geometric Design". LOS is a qualitative measure of driver comfort. LOS, ranging from A to E, is determined by existing traffic restrictions on a given road. LOS A reflects free flow of traffic, while LOS E is severe traffic congestion. At the present time, the two lane between the beginning of the project and County Road 3DX and is LOS B, the two lane between County Road 3DX and Beacon Hill is LOS C, and the five lane portion between Beacon Hill and the end of the project is operating at LOS A. The LOS for the corridor will decline as the traffic volumes increase to the projected 2021 levels. The exception is the existing five lane section which will remain the same. In 2021, under the Proposed Alternative, the LOS would be A for the five lane, C for the three lane, and C for the two lane.

### **1.3.2 Crash Data**

From January 1995 to October 2001, there were a total of 26 accidents in this section. There were five injury crashes, with nine injuries, and no fatalities. Eleven of the accidents, or 42%, occurred at intersections or driveway accesses in the western half of the project. The highway shoulders are presently used to make right turns and to pass vehicles making left turns into subdivision access roads. The shoulders are designed to accommodate emergency parking and safe bicycle/pedestrian movements. When they are used illegally to accommodate turning movements the potential for accidents increases. Historically, the crash rate on this highway section falls below the statewide average crash rate for primary rural highways.

## **2.0 Alternatives**

### **2.1 No Action Alternative**

The existing roadway configuration would not change under this alternative. Minor maintenance activities, such as patching, would continue. Accelerated deterioration is expected at Beacon Hill, Spring Creek, and the Sage Creek Bridge. This action would not address the need to accommodate the projected increases in traffic volumes, turning movements, and the potential safety problems.

## 2.2 Preferred Alternative

The Preferred Alternative includes areas of overlay, widening, and total reconstruction. Additional travel and turning lanes will be added in areas to facilitate increasing traffic volumes and turning movements.

The existing weigh station parking area will be adjusted to accommodate the proposed roadway widening and allow area for proper acceleration and deceleration lanes. The truck parking area will be lengthened to allow parking for detained trucks.

The existing approaches along the project will be reconstructed and resurfaced to match the widened roadway. Residential and business approaches will be paved to the right-of-way line, while field approaches will be paved only around the radius. In the reconstructed areas, the approach culverts and flared ends will be replaced.

The approaches within the two lane overlay section will not be reconstructed, but will be overlaid. The field approaches will be constructed to a minimum 16 ft top width, while the county road and other major approaches will be constructed to a 24 ft or wider top width. The approaches to the airport property will be widened to 30 ft to match the proposed airport service road widths.

Utilities in conflict with the project will be relocated prior to construction. Irrigation structures will be evaluated and replaced as needed. All irrigation work will be completed prior to April 1. Temporary fence will be installed during construction, as well as new fence and delineators after construction. Cattleguards, gates, and approaches will be evaluated and replaced depending on need. Traffic and private advertising signs will be moved. Approximately 100 trees and shrubs will be relocated. Mailboxes will be replaced with crash approved posts and mailbox turnouts will be evaluated.

The Preferred Alternative includes repairs to the Sage Creek Bridge approaches. The corrugated beam guardrail will be replaced. The bridge will not be widened, and the Sage Creek channel will not be disturbed. The existing pipe at the Spring Creek crossing will remain in place.

Proposed roadway widths are:

**2 lane section** - 40 feet (8' shoulder, 12' west bound travel lane, 12' east bound travel lane, 8' shoulder) from the beginning of the project (MP57.25) to Moller Drive (MP 55.7). Right and left turning lanes will be added at County Road 3DX .

**3 lane section** - 56 feet (10' shoulder, 12' west bound travel lane, 12' center turn lane, 12' east bound travel lane, 10' shoulder) from Moller Drive (MP 55.7) to the Beacon Hill Road (MP 55.2).

**5 lane section** - 76 feet ( 8' shoulder, 2- 12' west bound travel lanes, 12' center turn lane, 2 - 12' east bound travel lanes, 8' shoulder) from the Beacon Hill Road (MP 55.2) to the end of the project (MP 54.6)

The proposed speed limit will be 55 mph in the five lane and three lane sections, increasing to 65 mph in the two lane section.

The surfacing recommendations in the widening locations are ten inches of crushed base and two inches of hot plant mix bituminous pavement. The overlay locations will receive one inch of hot plant mix bituminous pavement leveling and four inches of hot plant mix bituminous pavement. Both situations will receive a cover coat material placed across traveled ways. In the isolated reconstruction areas the surfacing recommendations are ten inches of crushed base, six inches of hot plant mix bituminous pavement, and cover coat material placed across the traveled ways.

### **2.2.1 Materials Source and Plant Site**

The materials source for road building aggregate will be the Windy Flat Community Pit. The pit was originally established to furnish gravel for the Cody-Meeteetse highway resurfacing in 1978. After WYDOT completed the project, the pit was kept open by the BLM as a Community pit. This community pit is used by private contractors, BLM, other federal agencies, state, county, and local government agencies as a free use permit. This avoids establishment of a separate pit for each entity. The Windy Flat Pit is south of the project near the Cody Landfill. The location is off WYO 120 in the NE1/4 of Section 28, T52N, R101W. The plant site will also be located at the Windy Flats Pit. The plant site will be returned to a condition suitable for the intended use after the construction project. No crushing operations are allowed before June 1 due to Sage Grouse concerns.

### **2.3 Alternative Dismissed From Further Consideration**

A two lane facility from the beginning of the project to County Road 3DX, then widening to a three lane to Moller Drive, then widening to a five lane to the end of the project was brought forth for consideration in the planning and preliminary design process. This alternative was dismissed from further consideration due to additional right-of-way, wetland, and 4(f) impacts compared to the preferred alternative.

## **3.0 Affected Environment, Environmental Consequences and Mitigation Measures**

### **3.1 Air Quality**

The Cody to Greybull area is classified as an air quality attainment area. Air emissions in the study area are below the National Ambient Air Quality Standards. This attainment classification is not expected to be affected by either the No-Action or the Preferred Alternative. The Environmental Protection Agency Region 8 Office in Denver, Colorado was contacted for scoping comments on this project.

Localized increases in carbon monoxide due to increased congestion may occur over the long term in the No-Action Alternative. Short term impacts due to the No-Action are minimal because there would be no increased emissions as a result of construction activities.

The Preferred Alternative would enhance traffic flow over time, thus decreasing emissions associated with traffic congestion. Construction activities would result in short term increases in traffic and particulate emissions. There will be increases in dust and particulate emissions during construction. Regular watering will minimize dust emissions in disturbed areas.

### **3.2 Environmental Justice**

On February 11, 1994, President Clinton issued Executive Order 12898 requiring federal agencies to incorporate Environmental Justice considerations into the NEPA planning process. The purpose of this order is to ensure that low-income households, minority households, and minority business enterprises do not suffer a disproportionate share of adverse environmental impacts resulting from federal actions.

The study area does not include any residential or business areas that are dominated by low-income or minority residents. The proposed widening, overlay, and reconstruction of the highway will be contained as much as possible within the existing right-of-way. This project will not disproportionately or adversely effect the health or environment of any population.

### **3.3 Farmlands**

There is farm and ranch land in the study area. However, this land is not prime or unique in the agricultural sense according to the U.S. Natural Resource Conservation Service Office in Cody. The growing season, soil types, soil depth, and natural precipitation are too limited for this land to be considered prime or unique. Right-of-way impacts will be limited to narrow strips along the highway if needed. The project could affect the irrigation water delivery systems. If irrigation ditches, siphons, or waste water drains are affected by the Proposed Alternative, they will be replaced during the reconstruction.

### **3.4 Flood Plains**

WYDOT Hydraulics reviewed flood plain impacts. Both the Spring and Sage Creek drainages are in designated Zone A flood plains. Neither the No Action, or Preferred Alternative will not have impacts because the proposed roadway alignment and associated fills will not encroach into the flood plains of Spring and Sage Creeks.

### **3.5 Geology**

There are areas of unstable soils in the project corridor. WYDOT Geology prepared a soils profile. The major contributing factors to soil instability are the drainages near the beginning of the project. The No Action Alternative will not address these areas and they will be a continual maintenance problem. These areas will be subexcavated, separated with fabric, and the unstable material replaced with a pit run base under the Preferred Alternative.

### **3.6 Hazardous Waste**

Preliminary Geology investigations indicate there may be contaminated soil at the KOA Campground. At one time, the KOA had underground tanks that could have contributed to this problem. If further investigation reveals hazardous waste will be encountered during construction, the Wyoming Department of Environmental Quality (DEQ) leaking underground storage tank section will be consulted and appropriate action will be taken. All work shall conform to local, state and federal regulations.

### **3.7 Cultural Resources and 4(F) Evaluation**

A Class III cultural resource inventory (D. Wolf 2001) was completed on the existing and proposed right-of-way, associated construction permit areas, and the Windy Flats Community Pit (BLM 2001) (See Appendix C). Three previously recorded sites occur adjacent to the project area; the Sage Creek Community Club (48PA1679), the Red Lodge to Meeteetsee Trail (48PA644), and the Quintin Blair House (48PA1238). The Sage Creek Community Club has not been evaluated for eligibility to the National Register of Historic Places (NRHP) because it is outside the area of potential effects.

Under the Preferred Alternative, there will be no work beyond the existing pavement on the highway adjacent to the Club. This results in no direct or indirect affects to the Club. According to the inventory, no evidence of the Red Lodge to Meeteetsee Trail was found in the corridor (D. Wolf 2001). There will be no affect to the Trail. The Quintin Blair House, designed by Frank Lloyd Wright, is enrolled on the NRHP. The house itself sits well away and out of sight of the highway. However, the enrolled lot is adjacent to the existing highway. The Preferred Alternative will require permanent and temporary easements to widen the road and regrade approaches. The State Historic Preservation Office (SHPO) (J. Wolf 2002) has concurred that these actions will have no adverse affect on the Quintin Blair property.

In conclusion, SHPO advises that no historic properties will be adversely affected by either the No Action or the Preferred Alternative. 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.

The proposed construction adjacent to the Quintin Blair property will involve a minor right-of-way acquisition of property currently enrolled in the NRHP, thus necessitating an evaluation under Section 4(f). WYDOT and FHWA have determined that the National Programmatic, Final Nationwide Section 4(f) Evaluation and Approval For Federally-Aided Highway Projects With Minor Involvements With Historic Sites is applicable to this project for the following reasons.

The proposed project is being designed to improve the operational characteristics, safety, and physical condition of the existing highway on essentially the same alignment. Proposed safety improvements include additional turning and travel lanes to accommodate projected traffic levels. The historic site involved is adjacent to the existing highway. The proposed project only involves land, and does not require the removal or alteration of historic buildings or structures. The project does not require the disturbance or removal of archeological resources. The impact resulting from the acquisition of a narrow strip of land is considered minor. SHPO has concurred with this assessment in writing.

The No Action Alternative will not meet the purpose and need for the project because it does not correct the safety and capacity problems of this highway. A minor alignment shift to the north would have a much higher environmental impact due to encroachment on wetlands, the Sage Creek Community Club, and occupied homes. A new alignment would cause serious disruption of established travel patterns, sever farmlands, and impact rural subdivisions.

Preliminary Grading and Environmental Plans indicated a 10 by 300 foot strip of additional right-of-way, plus a temporary construction permit were needed to construct the clear safety zone along the highway in the extreme northwest corner of the Blair property. Project designers advised the permanent acquisition could be narrowed to five feet by placing the right-of-way fence on outer edge of the clear zone, thereby reducing the width of the proposed acquisition by five feet. This proposed design minimizes the impacts to the Blair property.

### **3.8 Land Use**

The project is located just east of Cody, in the northwest corner of Wyoming. Cody, the Park County Seat, sits just east of Yellowstone National Park. The 2000 census estimated Cody's population at 8,835. Behind Jackson, Cody is the second most popular tourist destination in Wyoming. Park County is also Wyoming's leading oil and gas producer.

Agriculture is the predominant land use along the project and is primarily irrigated hay and pasture land. Rural residential is the second most common use and is increasing as agricultural land is subdivided. There are minor commercial and industrial uses adjacent to the highway including the Yellowstone Regional Airport, Wyoming Department of Transportation Shop, City of Cody Humane Society, a veterinary clinic, and KOA Campground. There is a private wildlife refuge at the west end of the project.

All of the corridor area is zoned. The extreme west end is within Cody's City Limits and is covered by city zoning. The balance of the corridor is governed by county zoning regulations. The west end of the project, north of the highway, is in Cody's Industrial E Zone. This zoning covers the airport, WYDOT shop, and Humane Society properties. The vet clinic south of the highway is General Business or D-2 Zone. The area outside the city limits is in Park County's Sage Creek Planning Area. Special site plan standards addressing steam corridors, steep slopes, and wildlife habitats apply to larger commercial developments. The areas nearest the city limits are zoned Transitional. There are areas zoned R-H (Residential .5 acre) and RR-2 (Rural Residential 2 acres). Larger parcels include GR-5 (General Rule 5 acres), GR-20, and GR-35 which accommodate a wide range of uses.

The Preferred Alternative will not directly cause a change in land use compared to the No Action Alternative. Land use is controlled by county and city zoning regulations. The proposed project will provide better access for the adjacent land uses. Additional travel and turning lanes are proposed where more intensive land use and associated approaches are located. These features will allow slower moving vehicles to safely enter or exit the highway. Pedestrian and bicycle use will be accommodated on the shoulders. Rumble strips will be installed under a future project so that a minimum of four feet of clear space is available for bicyclists on the outside the strip.

The implementation of the Preferred Alternative to accommodate future traffic growth is consistent with the zoning in this area.

### **3.9 Noise**

The proposed project was analyzed in accordance with WYDOT "Noise Analysis and Abatement Guidelines (WYDOT 1996). Noise levels are affected by the type and volume of traffic, speed, and distance to the receptor. Noise levels for the existing conditions and for future conditions under the proposed improvements were estimated using the FHWA Traffic Noise Model (Lee et al. 1998).

Existing and predicted future noise levels were compared to the Noise Abatement Criteria (NAC) for Activity Category B with a threshold of 67 dBA. Category B includes picnic areas, recreation areas, playgrounds, and residences. The modeled traffic noise levels for the No-Action and Preferred Alternative are approaching the threshold levels, but do not exceed the NAC.

The existing noise level in the two lane section at the right-of-way fence in front of the Sage Community Center was estimated at 64.0 dBA. The noise level increases to 66.9 dBA, at the 2021 traffic volumes, even though the highway does not move any closer to the existing right-of-way at this location. Highway traffic noise level was also modeled in the proposed three lane section. The present noise level at the right-of-way fence in front of the McDonald Property was estimated at 62.0 dBA. The highway moves six feet closer to the present right of way fence in the Preferred Alternative. At this location the noise level

increases to 66.2 dBA, using the 2021 traffic projections. The noise level in the five lane section was not modeled due to the type of property located in this area. This area consists of properties such as the airport, WYDOT shop, animal shelter, and vet clinic which are not considered sensitive receptors. If the Proposed Alternative is constructed, short term, heavy equipment noise will increase.

Noise abatement measures were considered because of the potential noise impacts. The typical earth berm or free-standing walls are most effective when a dense concentration of residences occurs directly adjacent to the highway and they can be constructed without gaps. In these instances, one barrier can result in the protection of a substantial number of houses at a relatively low cost per house. Wall or berm construction in the proposed three lane section is not reasonable due to the widely separated residences and numerous approaches. Another possibility is the acquisition of right-of-way to create buffer zones. This action would result in disruptive relocations. Foliage, such as trees and bushes, is a third consideration. To achieve any substantial sound reduction, vegetation must be at least 100 feet deep and dense enough to block the line-of-sight. Many of the residences and associated buildings were constructed within 100 feet of the existing highway right-of-way.

Based on the above analysis, there are no reasonable and feasible noise abatement measures for the sites potentially impacted. Therefore, no abatement measures are proposed for the project.

### **3.10 Right-of-Way/Relocation**

No additional right-of-way or relocation is needed for the No-Action Alternative. Approximately 50% of the Preferred Alternative can be constructed within the existing right-of-way. However, narrow strips of additional right-of-way and temporary construction permits will be needed for work on private lands outside of the existing right-of-way. The additional right-of-way is needed to enlarge the weigh station and construct the additional travel and turning lanes. Most construction permits are needed for sloping and blending of approaches, drainage ditches, top soil storage areas, and utility relocation. No relocations of residences or businesses will be necessary. The Preferred Alternative requires additional right-of-way totaling of 3.92 acres. Trees lining the developed portion of this project will be impacted. An important feature of the clear safety zone is the removal of trees. Moving small trees outside the clear safety zone with a tree spade and using tree wells to save large trees in fills outside the clear zone will be evaluated.

### **3.11 Socioeconomic**

The population of Cody will continue to grow. The local racial, ethnic, and various other demographic characteristics will be influenced by this growth. Cody's police, fire ambulance, and bus services along this highway will also be affected by this growth. The local economy is based on tourism and energy production, and the availability of jobs is directly related to the business climate of these sectors. A steady increase in rural property values reflects the growing demand for rural residential housing.

As traffic volumes increase, turning movements on and off the highway to residences and businesses will become more difficult in the No Action Alternative. Under the No Action Alternative, travel routes will not be disrupted, commuters and tourists will not experience construction delays, and residents will avoid heavy equipment noise, dust, and air pollution associated with highway construction.

Construction of the Preferred Alternative will have little impact on the Cody area population. Most jobs provided by this project are expected to be filled by Cody residents. The indirect and secondary employment will not be large enough, last long enough, or pay well enough to induce substantial growth in Cody. The Preferred Alternative will not substantially alter local racial, ethnic, or other demographic characteristics or trends. The Preferred Alternative will have no effects upon existing or planned households.

Under the Preferred Alternative, the highway will be reconstructed in the existing location and the project will not permanently alter travel routes. During the construction period, the operation of heavy equipment and associated noise, dust, and air pollution, will adversely affect human activities along the highway. The Preferred Alternative construction will create obstacles to automobiles, pedestrians, and bicycle movement for about nine months. Access to adjoining businesses and homes will be maintained during the construction. Cody's police, fire, ambulance, and bus services along this highway will not be affected under the Preferred Alternative. Construction of the Preferred Alternative will have no long term effects on rural residential housing. No businesses will be displaced by the Preferred Alternative.

### **3.12 Threatened and Endangered Species**

The US Fish and Wildlife Service State Office (USF&W) was contacted to determine the presence of any threatened or endangered species in the study area. They identified the black-footed ferret, bald eagle, and mountain plover as species potentially found in this area. A wildlife survey for these species concluded no impacts to threatened, endangered, or candidate species (Biota 2001).

The small, six acre white-tailed prairie dog colony does not represent suitable black-footed ferret habitat. No bald eagle nesting, perching, or roosting habitat is present in or near the project area. The impact area does not represent mountain plover habitat. No raptor nests were found within this 400 foot corridor; however the area is part of a red-tailed hawk nesting territory. Therefore, no impacts to threatened and endangered species are anticipated with the No-Action or Preferred Alternative.

### **3.13 Utilities**

QWEST underground telephone lines, Energy West gas lines, TCT West phone and fiber optic lines, Pacific Power and Light power lines, oil pipeline crossings belonging to Amoco Oil, City of Cody water and sewer lines, Northwest Rural Water facilities, Cody Canal irrigation facilities, and WYDOT electrical lines are located along the project.

The No-Action Alternative would not affect these utilities. Some relocation of these utilities may be required with the Preferred Alternative if they are within the new highway template, reconstruction zones, and clear zone. Where utility companies are on WYDOT right-of-way under license or agreement, and their location interferes with the highway reconstruction, the WYDOT utility officer will inform the utility and arrange for relocation or adjustment. If the highway construction involves adjustment in utility locations where the utility company has a prior right, the adjustments will be made at WYDOT expense.

### **3.14 Vegetation and Visual Resources**

The project traverses rural and semi-urban landscapes. The view to the east is rolling hay and grazing land. The view to the west is Cody and the Carter Mountains. The Preferred Alternative will widen the highway within the existing right-of-way where possible. Visual impacts of the Preferred Alternative beyond those of the No-Action Alternative are expanded fill slopes. In the Preferred Alternative, most of the vegetation that would be lost along the corridor are common trees, shrubs, forbs, and grasses. Successful reclamation can mitigate the loss of plant communities in the project area.

### **3.15 Water Quality and Fisheries**

Highway 14-16-20 crosses Spring Creek and Sage Creek which are class 3 trout fishery supporting food populations of wild brown trout. Spring Creek also contains populations of mountain suckers, a Status 3 species. There are no plans to replace the structures or disturb the vegetation at these drainages, so potential highway construction impacts will be minimized.

The Wyoming Department of Environmental Quality (DEQ) Water Quality Division classifies waterways into four classes. Class 1 Waters are the most heavily regulated and have the highest water quality and/or other qualities with extraordinary value to the people of Wyoming. Spring and Sage Creeks are Class 2 Waters according to DEQ criteria. Class 2 waterways are "Those surface waters...which are determined to: i) Be presently supporting game fish, or ii) Have the hydrologic and natural water quality to support game fish, or iii) Include the nursery areas or food sources for game fish."

A Storm Water Pollution Prevention Plan (SWPPP) will be prepared, reviewed by the DEQ, and implemented on the project. This is in conformance with National Pollutant Discharge Elimination System (NPDES) to prevent degradation of water quality during construction of the Preferred Alternative. Best Management Practices (BMPs) employed under the SWPPP may include silt fences, ditch checks, contour interception ditches, slope drains, and erosion control blankets. A WYDOT revegetation plan will address all disturbances along the proposed project to control roadway runoff and prevent soil erosion. 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 construction site. These actions will protect the water quality and fishery habitats.

### **3.16 Wetlands**

All wetlands along the highway corridor were delineated following routine wetland determination procedures suggested by the U.S. Army Corps of Engineers (Biota 2001). Generally, wetlands are associated with Sage and Spring Creeks, roadside ditches, and Alkali Lake. The wetlands are dominated by willows, sedges, rushes, cattails, and wetland grasses. Water sources include natural drainage flow, roadside drainage, and irrigation run-off.

No new placement of fill into wetlands are required in the No Action Alternative. Efforts were taken during the design of the Preferred Alternative to avoid or minimize impacts to wetlands. The primary means of avoiding or minimizing was to minimize disturbance in the overlaid section. The Preferred Alternative will place fill in .15 acres of wetlands. Wetland impacts less than .3 acres do not require a mitigation site. Riparian vegetation will be included in the revegetation plans.

### **3.17 Wildlife**

The Wyoming Game and Fish Department provided terrestrial and aquatic considerations. They identified Spring Creek as the most important area for wildlife along the project. Both mule and whitetail deer with fawns frequently cross the highway in this area, and motorist killed deer are common.

A right-of-way fence design with a smooth bottom wire at least 16 inches off the ground and a 12-inch spacing between the top two wires will minimize entanglement of fawns and adults in the wire. The WG&FD has requested the use of WYDOT Type E fence to reduce deer entanglements. In general, all fences are replaced in kind on the proposed project. However, in the Spring Creek area, WYDOT will contact the adjacent landowners and will change to Type E fence if the landowners are agreeable. WYDOT traffic engineers were informed about the crossing area, and will provide appropriate signs to warn motorists of the potential wildlife on the road.

A survey for raptor nests was conducted August 31 and July 1, 2001. No raptor nests were found during the survey. Two adult and one recently fledged juvenile red-tailed hawks were observed perching within the survey area, suggesting the corridor is part of a red-tailed hawk nesting territory. WYDOT will coordinate with the WG&FD and the USF&WS on appropriate measures to reduce disturbance to nesting raptors if they are encountered during the proposed construction.

A small, six acre white-tailed prairie dog colony is present on the west end of the project near Alkali Lake. The preferred alternative would impact an estimated 0.5 acres of this colony. The loss is not expected to jeopardize the survival of the colony or other prairie dogs in the region. The colony does not appear to be part of an extensive complex and does not represent suitable black-footed ferret habitat.

Alkali Lake and its associated wetlands support a variety of migratory waterfowl, shorebirds, and songbirds. The proposed road project will not impact the lake or wetlands. Construction related disturbances will be avoided wherever possible.

Removal and/or alteration of the vegetation outside the right-of-way will be limited to that which needs to be cleared for borrow areas and slope work within the construction permit areas. The highway right-of-way will be seeded with a mix that contains species that are not highly palatable to big game.

### 3.18 SUMMARY OF MITIGATION MEASURES

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 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>Noise</b>	Highway construction will be limited to day time operations.
<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>	The wetland impacts are below the threshold requiring mitigation. Revegetation of disturbed wetlands will include wetland species.

<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 if encountered. WYDOT will contact the adjacent landowners to see if they are agreeable to change to Type E fence to facilitate game movement. 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.
-----------------	--

**4.0 Comments and Coordination**

**4.1 Public Involvement**

A Scoping Notice was published in the Cody Enterprise on June 19 and 26, 2000. Notices were also mailed to adjoining landowners. The notice requested written comments by July 15, 2000.

Several individuals mailed in comments. All comments are included in the Appendix A . Several of the comments are supportive of the project and/or point out the need for the project due to increasing traffic and difficulty making left turns. Others advise that the project is unnecessary. The scoping comments will be addressed in the decision document, taken into account in the final design, and negotiated with the landowners.

All adjoining landowners were also contacted by the Resident Engineer.

**4.2 Agency Involvement**

On June 15, 2000 a mailing was sent out to federal state and local agencies expected to have interest in the highway project. The Agency correspondence is contained in Appendix B.

**4.3 Remaining Public Involvement**

This environmental assessment will be made available for public comment. Written comments will be included in the official record. WYDOT will accept comments for 30 days following the Notice of Availability. All comments received during the comment period will be reviewed by WYDOT and the FHWA prior to issuance of a decision document.

**Appendix A**

**Public Comment**

**Albert L. and Jeanne B. Atkins**

32 Wild Horse Road  
Cody, Wyoming 82414  
Home Phone (307) 527-4063

June 21, 2000

Mr. Timothy L. Stark  
Environmental Services Engineer  
Wyoming Department of Transportation  
5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340

Dear Sir,

This letter is written in response to the ad, placed by your office, in the Cody Enterprise, Monday, June 19, 2000.

The "governmentese" vocabulary used in the ad, left readers with only supposition and assumption as to the full purpose of the EA Study. Certainly your readers have the right to clear, concise and declarative written information in order that they may be able to properly assess and respond to your call for input and information.

The assumption of this writer is that "at some future time" highway 14-16-20, between the Meeteetse turn off to highway 120 and the Sage Creek bridge will either be re-surfaced, widened or in some fashion improved.

When one considers the section of 14-16-20 from hwy 120 to the DOT scales as four-lane and the remaining extent to the Sage Creek bridge as two-lane, the first assumption is that ALL the section to the Sage Creek bridge will be widened to four lanes. This brings to light that the Sage Creek bridge is two-lane and that a narrowing from four lanes to two lanes at a bridge approach is warranting a designation of "CRASH CENTRAL"! This would be particularly true when the long down hill approach and the 65 MPH speed limit is factored into the equation.

Surely the Department is NOT considering ANOTHER three lane "SUICIDE CORRIDOR" as has been suggested and/or planned for the Cody-Powell highway "improvement"!!

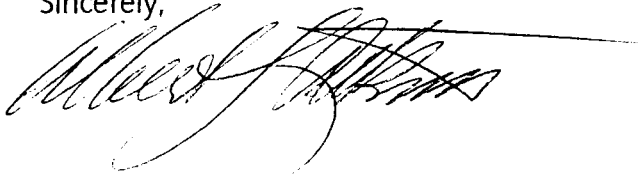
There is one area of need near and including the entrance to the KOA Campground. Often a driver comes over the crest of the hill by the DOT building and finds him or her self facing the rear or side of a turning RV, entering or leaving the campground. Creation of turning lane/s at this location and the resurfacing of the section from Beacon Hill Road and the scales are real needs for the area.

Any widening of the highway through the area would only create additional disregard for the speed limits and safe operation as is evident every day along the approach to Cody past the YRA and the Beck lake area.

**An increase of enforcement would improve the use of the highway as much as most improvements that may be planned!**

I would appreciate, and look forward, to your comments in response to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter J. Johnson", written in a cursive style.

**From:** "Jack/Jennifer Watson" <watsonj@wavecom.net>  
**To:** <wydotweb@missc.state.wy.us>  
**Date:** 7/5/00 10:55am  
**Subject:** Comments/Scoping Notice US Highway 14/16/20 Cody East Section      **ATTN:**

Timothy L. Stark  
Environmental Services Engineer  
WYDOT  
Cheyenne, Wyoming

Dear Sir:

Thank you for the opportunity to comment on the EA southeast of Cody. I live at the en

I would like to make the following suggestions/observations:

1. Motor homes and vehicles towing trailers constitute a traffic hazard at the loca  
A westbound merging lane would be helpful at this location and could prevent acc
2. Deer crossing signs immediately past the KOA (eastbound) and immediately past the  
3DX might be helpful. Deer often use the small drainage between these two point  
wife (and Cody Paint and Body) can attest to this particular problem.
3. There is a small prairie dog town on the south side of the highway (SE of the WYD  
prairie dogs are not listed as of yet, cement barricades could possibly prevent  
are "listed" as a threatened species in the future). These barricades could be  
section of the county road (west of the veterinary clinic) and run approximately  
station building).
4. A bike path running on the north side of the highway (in the right-of-way) from t  
airport would be especially helpful. The highway is narrow until you get near th  
tourist traffic (especially older drivers of motor homes) represent a hazard to b  
to see a bike path run all the way from the KOA to the Wyoming Vietnam Veterans M  
allow residents (such as myself) to bike safely from their homes in the 3DX area.  
be preferable but a lower cost alternative (packed gravel) would be an immense im

Thank you for the opportunity to comment.

Jack Watson  
18 Ranch Lane  
Cody, Wyoming 82414  
307-527-4349  
watsonj@wavecom.net



5561 GREYBULL HWY.  
TELEPHONE (307) 587-2369



## Cody KOA

Franchisee of Kampgrounds of America, Inc.

CODY, WYOMING 82414

July 14, 2000

Mr. Timothy L. Stark  
Environmental Services Engineer  
Wyoming DOT  
5300 Bishop Boulevard  
Cheyenne, WY 82009-3340

Re: EA US 14-16-20, Cody, Wyoming

Dear Mr. Stark,

Thank you for the opportunity for input into your planning for the project East of Cody. We own and operate the KOA campground within the affected area. We are looking forward to the opportunity to enhance our guests' safety as they approach and leave our campground. Many of our guests drive large motorhomes or tow large trailers that require a lot of time to slow down to turn in or to accelerate as they pull out onto the highway. You will hopefully consider a turning lane into the campground and an acceleration lane as they leave. Directional signing warning that our turn is imminent would also eliminate some panic stops or backing up on the highway, which occasionally occurs as our guests are going too fast to make the turn. As our campground continues its growth pattern, these considerations become even more critical.

Obviously, we would encourage you to accomplish the work near the KOA during our off-season to avoid inconveniencing visitors to our area with dust, noise, and delays. If the project includes fencing, we would like to work with you to incorporate decorative fencing along our boundary to enhance our guests' first impressions. We are assuming that no taking of property will be required to accomplish your work and that we will maintain at least as much driveway width as we now have. More would be better to allow for a left turn lane exiting the campground.

Bicycle enthusiasts are a growing part of the travel industry. A bike path/bike lane connecting us to Cody would improve safety for our current bicycle users and allow us to encourage more bicycle use.

Thanks again for considering our concerns in your planning process. Please let me know if I can supply any other information.

Yours truly,

A handwritten signature in black ink, appearing to read "J. Alan Johnson". The signature is fluid and cursive, with a large loop at the beginning and end.

J. Alan Johnson, V.P.

1-800-562-8503

**IKE AND ROBERTA SANKEY**

220 Road 3CXS  
Cody WY 82414

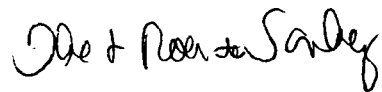
(307) 527-6365

June 28, 2000

Dear Dept. of Transportation,

In response to your letter requesting input on the 2.5 mile construction on US 14-16-20 east of Cody. We have lived here many years and travel this road daily. We feel that any widening project would be a huge waste of time and money. THIS DOES **NOT** NEED TO BE DONE!!!! The road is safe with very few accidents, most of them due to icy conditions which cannot be helped.

Sincerely,



Ike and Roberta Sankey

1704 Eaglenest Tr.  
Powell, WY 82435  
August 7, 2000

Mr. Tim Stark P.E.  
Environmental Services Engineer  
Wyoming Dept. of Transportation  
P. O. Box 1708  
Cheyenne, WY 82003-1708

Dear Mr. Stark:

This is in response to your request for input re: project on Greybull Highway. The area outlined for study (ON31-01(074)), presents the same concerns to residents, drivers and businesses as the area between Lovell and Cody. Vehicles are traveling too fast thru congested farms, residences and businesses. The speed limit should be reduced to 45 MPH @ 5900 and again @ 5800 to 35 MPH.

A 65 MPH speed limit is not safe thru farms, residences and businesses. There are too many distractions for drivers and result in rollovers. Drivers tend to over-correct when dodging animals, vehicles and people who get in their line of travel.

The speed limit on 14-16-20 from 5900 westward should be reduced to 45 MPH now. Tourists, truckers, bus drivers and anyone wishing to travel at speeds above 45 MPH would find it more convenient to use a route which is not intersected by numerous lanes and roads and driveways, and does not pass thru small towns and is not used by various slow moving cows, horses, humans, pheasants, children, farm machinery, racoons, birds, dogs, cats, school buses, bicycles, pedestrians, etc., and will withstand the roaring engines, screaming tires, and emissions; a route which will not require compensation to private landowners, or redirection which involves uprooting of trees and demolition of buildings.

Mr. Tim Stark

- 2 -

August 7, 2000

Such a route would not require the relocation of natural gas lines, electric utility poles, irrigation canals, ditches, the rebuilding of bridges, the movement of an entire railroad and tearing up newly installed fiber optic transmission lines and citizens would not have to suffer thru the "widening" again and again and again.

The same problems are presented on 14A. This route is not suitable for vehicle traffic over 45 MPH.

Sincerely yours,



Carroll W. Baird

CWB/pb

cc: Principal Engineer  
Cody, WY  
Mr. Keith Grant  
Mr. Charlie Johnstone  
Mr. Joe Hart  
Mr. Hank Coe

Cody Chamber of Commerce  
Powell Chamber of Commerce  
Lovell Chamber of Commerce

**Appendix B**

**Agency Correspondence**



JIM GERINGER  
GOVERNOR

State Of Wyoming  
*Office of Federal Land Policy*



ART REESE  
DIRECTOR

July 14, 2000

Timothy L. Stark  
Environmental Services Engineer  
Wy. Department of Transportation  
5300 Bishop Boulevard  
Cheyenne, WY 82009-3340

Re: U.S. Highway 14-16-20, Cody East Section, Scoping Statement

Dear Tim:

On behalf of the State of Wyoming, this Office has reviewed the scoping letter regarding the referenced project. We also provided the information to all affected State agencies for their review, in accordance with State Clearinghouse procedures. Enclosed you will find letters from the State Historic Preservation Office and the Wyoming Game and Fish Department which resulted from their reviews.

State agency comments are specific to their respective agency missions. While the State defers to their respective technical expertise in developing the State's position, the responsibility to ultimately articulate the official state policies and positions lies with the Governor or the Office of Federal Land Policy. At this juncture, we do not have any objections to the project.

This Office will require five copies of future information and documents regarding this project for continued distribution and review.

The State of Wyoming appreciates this opportunity to comment.

Sincerely,

Julie L. Hamilton  
Planning Consultant

Enclosures (2)

cc: Park County Commissioners  
State Historic Preservation Office  
Wy. Game and Fish Department

Herschler Building 1W ♦ 122 W. 25th Street ♦ Cheyenne, Wyoming 82002-0060  
Phone (307) 777-7331 ♦ Fax (307) 777-3524

# WYOMING

## DEPARTMENT OF STATE PARKS & CULTURAL RESOURCES STATE HISTORIC PRESERVATION OFFICE

Barrett Building  
2301 Central Ave.  
Cheyenne, WY 82002

(307) 777-7697  
FAX (307) 777-6421

June 28, 2000

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

RE: Environmental Assessment-U.S. Highway 14-16-20/cody East Section Scoping  
Statement (State Identifier Number: 2000-087); SHPO #0600RLC042


Dear Mr. Reese:

Richard Currit of our staff has received information concerning the  
aforementioned project. Thank you for allowing us the opportunity to comment.

Management of cultural resources on Federal Highway Administration (FHWA)  
projects is mandated by, and conducted in accordance with, Section 106 of the  
National Historic Preservation Act and Advisory Council regulations 36 CFR  
Part 800. These regulations require the FHWA to initiate the Section 106  
process (36 CFR Part 800.3), identify historic properties which may be  
affected by the project (36 CFR Part 800.4), assess any adverse affects which  
may result from the project (36 CFR Part 800.5) and to resolve these adverse  
effects (36 CFR 800.6). These efforts must be conducted in consultation with  
the Wyoming State Historic Preservation Office and any interested publics,  
Native American Tribes, and the Advisory Council on Historic Preservation as  
appropriate. All documentation of these efforts must meet the Secretary of  
the Interior's Standards for Archaeology and Historic Preservation (48 FR  
44716-42). Provided the FHWA follows the procedures required by federal law  
and established in the regulations, we have no objections to the project.  
Specific comments on the project's effect on cultural resource sites will be  
provided to the FHWA when we review the cultural resource documentation called  
for in 36 CFR Part 800.

Please refer to SHPO project control number #0600RLC042 on any future  
correspondence dealing with this project. If you have any questions contact  
Richard Currit at 307-777-5497 or me at 307-777-6311.

Sincerely,

  
Judy K. Wolf  
Deputy State Historic Preservation Officer

JKW:RLC:jh

Jim Geringer, Governor



John T. Keck, Director

# WYOMING GAME AND FISH DEPARTMENT

Jim Geringer, Governor



John Baughtman, Director

*"Conserving Wildlife — Serving People"*

July 12, 2000

WER 9777  
Wyoming Department of Transportation  
Scoping Notice  
U.S. Highway 14-16-20/Cody East Section  
State Identifier Number: 2000-087  
Park 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:

The staff of the Wyoming Game and Fish Department has reviewed the scoping notice for the junction of U.S. Highway 14-16-20 and Cody East Section in Park County. We offer the following comments.

### **Terrestrial Considerations:**

This notice does not specify what type of construction or activities the project will involve. The most important area for wildlife in the project area is the vicinity and crossing of Spring Creek. Both mule and whitetail deer frequently cross the highway in this area, and highway fatalities of deer are common. Sight distances should be maintained to aid in preventing increased deer losses. This is also a parturition area, and deer with fawns travel back and forth across the roadway. We recommend evaluation of a right-of-way fence design with a smooth bottom wire at least 16 inches off the ground to allow juvenile deer to move through the fence, and a 12-inch spacing between the top two wires to minimize entanglement of adult deer trying to jump the fence. A highway department Type E fence should be considered for use along the entire stretch.

### **Aquatic Considerations:**

The proposed project will cross two significant fishery resources, Sage Creek and Spring Creek. Both of these streams are considered class 3 trout fisheries supporting good populations of wild brown trout. Both streams also contain populations of mountain suckers, a Status 3 species. The environmental assessment should address measures to protect these stream habitats and fish populations.



**From:** Tim Stark  
**To:** JWEINS  
**Date:** 6/27/00 3:21pm  
**Subject:** EPA Cody-Greybull

I talked with Dana Allen of the EPA Office in Denver. The only issue she had for the project would be the wetlands. She will be sending me formal scoping comments via e-mail shortly. Please coordinate all correspondence with the following address:

**Cindy Cody**  
**EPA Region 8 (EPR-EP)**  
**999 18th Street**  
**Suite 300**  
**Denver, CO. 80202-2466**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

**Ecological Services  
4000 Airport Parkway  
Cheyenne, Wyoming 82001**

ES-61411  
cmc/W38.(WY3730)

June 29, 2000

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

Dear Mr. Stark:

Thank you for your letter of June 15, 2000, regarding the Environmental Assessment for the proposed transportation project in Park County, Wyoming. The proposed project area is southeast of Cody, starting at the junction of US 14-16-20 and WYO 120 and running east approximately 2.5 miles.

In accordance with section 7(c) of the Endangered Species Act of 1973, as amended (Act), my staff has determined that the following threatened or endangered species, or species proposed for listing under the Act, may be present in the project area.

### Listed and Proposed Species

<u>Species</u>	<u>Status</u>	<u>Expected Occurrence</u>
Black-footed ferret ( <i>Mustela nigripes</i> )	Endangered	Potential resident in prairie dog ( <i>Cynomys</i> sp.) colonies.
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	Threatened	Nesting. Winter resident. Migrant.
Mountain plover ( <i>Charadrius montanus</i> )	Proposed	Grasslands statewide

### Black-footed Ferret

Black-footed ferrets may be affected if prairie dog colonies are impacted. If white-tailed prairie dog (*C. leucurus*) colonies or complexes greater than 200 acres will be disturbed, surveys for

**This is your future. Don't leave it blank. - Support the 2000 Census**

ferrets should be conducted even if only a portion of the colony or complex will be disturbed. A white-tailed prairie dog town or complex consists of two or more neighboring prairie dog towns each less than 7 kilometers (4.34 miles) from each other (Black-footed Ferret Survey Guidelines, USFWS, 1989) . If a field check indicates that prairie dog towns may be affected, you should contact this office for guidance on ferret surveys.

### **Bald Eagle**

Work that may affect bald eagles, their young, eggs, or nests (for example, if you are going to undertake construction in the vicinity of a nest), should be coordinated with our office before any actions are taken in order to determine if consultation under the Act may be necessary. The Service recommends the project area be surveyed for nesting eagles and roost areas. If any active nests or roost areas are identified within 1 mile of the proposed route, we recommend avoiding work in the area between February 15 and August 15 and avoiding impacts to nest and roost sites. If location and timing of the work cannot be modified to avoid possible impacts you should contact this office to discuss consultation requirements pursuant to the Act.

### **Mountain Plover**

In the Federal Register dated February 16, 1999, the U.S. Fish and Wildlife Service gave notice of a proposal to list the mountain plover (*Charadrius montanus*) as a threatened species pursuant to the Endangered Species Act of 1973, as amended (Act). Available data indicate that population numbers have declined range-wide by more than 50 percent since 1966 to fewer than 10,000 birds. The mountain plover is a small bird associated with shortgrass prairie, plains, alkali flats, agricultural lands, cultivated lands, sod farms, prairie dog towns, and shrub-stepped landscapes at both breeding and wintering locales. Plovers may nest on sites where vegetation is sparse or absent, or near closely cropped areas, manure piles or rocky areas. Mountain plovers are rarely found near water and show a preference for previously disturbed areas or modified habitat. It occupies suitable breeding habitat in many of the great Plains states from Canada south to Texas from late March through July. If a field check indicates that suitable habitat for mountain plovers may be affected, surveys should be conducted prior to construction.

### **Consultation**

Section 7(c) of the Act requires that a biological assessment be prepared for any Federal action that is a major construction activity to determine the effects of the proposed action on listed and proposed species. If a biological assessment is not required (i.e., all other actions), the lead Federal agency is responsible for review of proposed activities to determine whether listed species will be affected. We would appreciate the opportunity to review any such determination document. If it is determined that the proposed activities may affect a listed species, you should contact this office to discuss consultation requirements. If it is determined that any Federal agency program or project "is likely to adversely affect" any listed species, formal consultation should be initiated with this office. Alternatively, informal consultation can be continued so we can work together to determine how the project could be modified to reduce impacts to listed

**This is your future. Don't leave it blank. - Support the 2000 Census**

species to the "not likely to adversely affect" threshold. If it is concluded that the project "is not likely to adversely affect" listed species, we should be asked to review the assessment and concur with the determination of not likely to adversely affect.

For those actions where a biological assessment is necessary, it should be completed within 180 days of receipt of a species list, but can be extended by mutual agreement between the lead agency and the Fish and Wildlife Service (Service). If the assessment is not initiated within 90 days of receipt of a species list, the list of threatened and endangered species should be verified with me prior to initiation of the assessment. The biological assessment may be undertaken as part of the agency's compliance of section 102 of the National Environmental Policy Act (NEPA), and incorporated into the NEPA documents. The Service recommends that biological assessments include:

1. a description of the project;
2. a description of the specific area potentially affected by the action;
3. the current status, habitat use, and behavior of threatened and endangered species in the project area;
4. discussion of the methods used to determine the information in item 3;
5. direct and indirect impacts of the project to threatened and endangered species, including impacts of interrelated and interdependent actions;
6. an analysis of the effects of the action on listed and proposed species and their habitats including cumulative impacts from Federal, State, or private projects in the area;
7. measures that will reduce or eliminate adverse impacts to threatened and endangered species;
8. the expected status of threatened and endangered species in the future (short and long term) during and after project completion;
9. determination of "is likely to adversely affect" or "is not likely to adversely affect" for listed species;
10. determination of "is likely to jeopardize" or "is not likely to jeopardize" for proposed species;
11. alternatives to the proposed action considered, a summary of how impacts of those alternatives on listed and proposed species would differ from the proposed action, and the reasons for not selecting those alternatives;
12. citation of literature and personal contacts used in the assessment.

A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare biological assessments. However, the ultimate responsibility for section 7 compliance remains with the Federal agency, and written notice should be provided to the Service upon such a designation. We recommend that Federal agencies provide their non-Federal representatives with proper guidance and oversight during preparation of biological assessments and evaluation of potential impacts to listed species.

**This is your future. Don't leave it blank. - Support the 2000 Census**

Section 7(d) of the Act requires that the Federal agency and permit or license applicant shall not make any irreversible or irretrievable commitment of resources which would preclude the formulation of reasonable and prudent alternatives until consultation on listed species is completed.

Regarding species proposed for listing, Federal agencies must determine whether any of their proposed activities are likely to jeopardize the continued existence of the species. If jeopardy is likely, that agency must confer with the Fish and Wildlife Service.

We will work with the lead Federal agency in the section 7 consultation process. The analysis of project impacts must assess direct impacts of the project, as well as those impacts that are interrelated to or interdependent with the proposed action. Impacts to listed species on non-Federal lands must be evaluated along with such impacts on Federal lands. Any measures that are ultimately required to avoid or reduce impacts to listed species will apply to Federal as well as non-Federal lands.

Please be aware that section 9 of the Act prohibits the "take" of any threatened or endangered species. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. If the project may result in the take of a listed species the project proponent should contact this office to discuss the need for appropriate permits under section 10 of the Act.

### **Migratory Birds**

Please recognize that consultation on listed species may not remove your obligation to protect the many species of birds, raptors, and eagles protected under the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA). Work that could lead to the take of a migratory bird or eagle, their young, eggs, or nests should be coordinated with our office before any actions are taken. Removal or destruction of such nests, or causing abandonment of a nest could constitute violation of the above statutes. Removal of nests or nest trees is prohibited, but may be allowed once young have fledged and/or a permit has been issued. In either case, timing is a significant consideration and you need to allow for this in your project planning.

### **Wetlands/Riparian Areas**

The Service recommends measures be taken to avoid any wetland losses in accordance with Section 404 of the Clean Water Act, Executive Order 11990 (wetland protection) and Executive Order 11988 (floodplain management) as well as the goal of "no net loss of wetlands." If wetlands may be destroyed or degraded by the proposed action, those (wetlands) in the project area should be inventoried and fully described in terms of functions and values. Acreage of wetlands, by type, should be disclosed and specific actions outlined to minimize impacts and compensate for all unavoidable wetland impacts.

**This is your future. Don't leave it blank. - Support the 2000 Census**

Riparian or streamside areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian areas are the single most productive wildlife habitat type in North America. They support a greater variety of wildlife than any other habitat. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation as well as improving water quality, maintaining the water table, controlling flooding, and providing shade and cover. In view of their importance and relative scarcity, impacts to riparian areas should be avoided. Any potential, unavoidable encroachment into these areas should be minimized and quantitatively assessed in terms of functions and values, areas and vegetation type lost, potential effects on wildlife, and streams (bank stability and water quality). Measures to compensate for unavoidable losses of riparian areas should be developed and implemented as part of the project.

Plans for mitigating unavoidable impacts to wetland and riparian areas should include mitigation goals and objectives, methodologies, time frames for implementation, success criteria, and monitoring to determine if the mitigation is successful. The mitigation plan should also include a contingency plan to be implemented should the mitigation not be successful.

### **Water Quality**

We are concerned with potential impacts to water quality, particularly with respect to impacts downstream on fisheries, migratory birds, and Federally-listed threatened or endangered species. The EA should describe project activities that may affect water quality and/or streamflow or have the potential to expose fish and wildlife to hazardous substances.

### **Candidate Species**

Species that are candidates for listing as threatened or endangered that may occur within the project area are identified below. Many Federal agencies have policies to protect candidate species from further population declines. We would appreciate receiving any information available on the status of these species in or near the project area. In addition, if one or more of these species is listed prior to the completion of your project, unnecessary delays may be avoided by considering project impacts to candidates now.

#### **Species**

Swift fox

(*Vulpes velox*)

#### **Expected Occurrence**

Grasslands Statewide

Should any of these species be proposed for listing, the lead Federal agency would be required to confer with this office if that agency determines their action (e.g. approval of the project) is likely to jeopardize the continued existence of any of these species.

Thank you for the opportunity to review the proposed work. Please keep this office informed of any developments or decisions concerning this project.

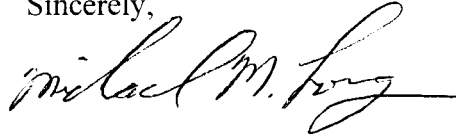
**This is your future. Don't leave it blank. - Support the 2000 Census**

Timothy Stark

6

If you have any questions please contact Colleen Cunningham of my staff at the letterhead address or phone (307) 772-2374 extension 24.

Sincerely,

A handwritten signature in black ink that reads "Michael M. Long". The signature is written in a cursive style with a long horizontal flourish at the end.

Michael M. Long  
Field Supervisor  
Wyoming Field Office

cc: Director, WGFD, Cheyenne, WY  
Nongame Coordinator, WGFD, Lander, WY

**This is your future. Don't leave it blank. - Support the 2000 Census.**



# United States Department of the Interior



## BUREAU OF RECLAMATION

Great Plains Region  
Wyoming Area Office  
P. O. Box 1630

Mills, Wyoming 82644-1630

IN REPLY REFER TO:

WY-4005

ENV-9.00

JUL 20 2000

Mr. Timothy Stark  
Wyoming Department of Transportation  
5300 Bishop Boulevard  
Cheyenne WY 82009-3340

Subject: Scoping Notice U.S. Highway 14-16-20 Cody East Section

Dear Mr. Stark:

Thank you for providing the Bureau of Reclamation (Reclamation) the opportunity to review and comment on the above-mentioned scoping notice. At this time, we have not identified any potential environmental, social, or economic effects on Reclamation lands resulting from a transportation project in the proposed area.

If you have questions, please contact Mr. Ken Randolph at (307) 261-5676.

Sincerely,

John H. Lawson  
Area Manager



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
215 NORTH 17TH STREET  
OMAHA, NEBRASKA 68102-4978

REPLY TO  
ATTENTION OF

July 6, 2000

Wyoming Regulatory Office  
2232 Dell Range Blvd., Suite 210  
Cheyenne, Wyoming 82009

Mr. Tim Stark  
Wyoming Department of Transportation  
P.O. Box 1708  
Jackson, Wyoming 82003

Dear Mr. Stark:

This is in reference to your request for comments on a scoping notice indicating your agency's intent to formulate an Environmental Assessment for the proposed upgrade of US Highway 14/16/20 located southeast of Cody, Wyoming. The project would be located in various sections of Township 52N, Range 101W, Park County, Wyoming.

As you are aware, the Corps of Engineers regulates the discharge of dredge and fill material into waters of the United States (including wetlands) as authorized primarily by section 404 of the Clean Water Act (33 U.S.C. 1344). A review of the National Wetland Inventory Maps for the project location indicates that wetlands and at least 2 streams will be within the project corridor. It is requested that a wetland and waters delineation be accomplished to aid in assessing the impacts of the project and determine the appropriate level of permit analysis required. Actual impacts to jurisdictional areas will dictate the type of authorization needed for the project.

If you have any questions regarding this matter, please contact me at (307) 772-2300. Be sure to reference file number 200040143.

Sincerely,

A handwritten signature in black ink, appearing to read "Chandler J. Peter", is written over the typed name.

Chandler J. Peter  
Project Manager  
Wyoming Regulatory Office

June 27, 2000

Timothy L. Stark  
Wyo Dept. Of Transportation  
5300 Bishop Boulevard  
Cheyenne, WY 82009-3340

Dear Timothy Stark:

As manager of Cody Canal Irrigation District my concerns deal with the canal laterals that are in the study area. We have three canals, or laterals and several waist ditches that may be affected in this area. The main concern would be that sufficient flow be maintained. Also runoff water from any finished surface is a concern to. If you have questions please contact me at 307-527-6644 or at 113 Lower Southfork RD, Cody, WY 82414

Sincerely,



Jerry Bales  
Manger Cody Canal

**PUBLIC WORKS  
DEPARTMENT**

**FRANK PAGE**  
County Engineer  
Engineering and Road & Bridge  
527-8520 or 754-8520

**DAVE HOFFERT**  
Superintendent  
Solid Waste and Bldg & Grounds  
527-8525 or 754-8525



PARK COUNTY, WYOMING  
ORGANIZED 1911

ORIGINAL PARK COUNTY COURTHOUSE  
CODY, WYOMING  
COMPLETED 1912

*County of Park*

June 27, 2000

Timothy L. Stark  
Environmental Services Engineer  
Wyoming Department of Transportation  
PO Box 1708  
Cheyenne, WY 82009-3340

RE: Scoping Notice – US Highway 14-16-20  
Cody East Section

Dear Mr. Stark:

The Park County Engineer's office has received the Scoping Notice for the above referenced project. Based on the limited information on the actual project, it is hard to identify all the issues that need to be addressed. After reviewing the area I would offer the following comments for your consideration:

1. Acceleration, deceleration and turning lanes need to be considered at the major intersections including County Roads 3 EX, 3 CXS and 3 DX. Of particular concern are the truck movements to and from Road 3 CX (Beacon Hill Road) to Highway 120.  
  
Other roads that have significant traffic, mainly due to residential development, are County Road 3 CXS and 3 DX. Arrow Ave, Equine Ave., Antique Lane are public roads.
2. Clear zone issues such as trees, mailboxes and steep side slopes.
3. Sage Creek has a tendency to carry a significant amount of debris during high water and flash flood events. The hydraulics section may want to review this structure and install a larger clear span structure crossing that would not stop the debris and clog as easily.

Letter to Timothy L Stark, WyDOT  
June 27, 2000  
Page Two

---

Once the project scope has been determined and preliminary plans are available, Park County would appreciate an opportunity to review and provide further comments. Should you have any questions regarding this matter or need further information, please contact me at 527-8523.

Sincerely,



Frank Page, P.E.  
County Engineer

cc: BOCC  
Todd Frost, WyDOT-Cody

# **Appendix C**

## **Support Documents**



THE STATE OF WYOMING

Jim Geringer, Governor

Sleeter C. Dover, Esq., Director

## *Department of Transportation*

5300 BISHOP BOULEVARD

CHEYENNE, WYOMING 82009-3340

### **SCOPING NOTICE U.S. HIGHWAY 14-16-20 CODY EAST SECTION**

The Wyoming Department of Transportation (WYDOT) is initiating an Environmental Assessment (EA) southeast of Cody. The study area starts at the junction of US 14-16-20 and WYO 120 and runs east approximately 2.5 miles. Please see attached Study Area Map. The EA will assess potential environmental, social and economic impacts resulting from this proposed transportation project. This study will discuss safety issues such as stopping sight distances, turning accidents at intersections and rutted surfacing. The EA will look into potential solutions for these problems and identify a preferred solution.

The EA process includes collection of data, analysis, and documentation. Public participation and interagency coordination are critical parts of this process. WE NEED YOUR HELP TO IDENTIFY THE ISSUES!!! Your comments on land use, right-of-way, economic/social, pedestrian/bicyclist, traffic/safety, floodplains, parks/recreation, air quality, noise, water quality/water resources, wetlands, wildlife/fisheries, threatened or endangered species, historic and archaeological resources, hazardous material sites, visual, construction, or any other issue associated with this proposed project are important. Written comments should be submitted by July 15, 2000 to:

Timothy L. Stark  
Environmental Services Engineer  
Wyoming Department of Transportation  
5300 Bishop Boulevard  
Cheyenne, WY 82009-3340

# CODY - GREYBULL CODY EAST SECTION PARK COUNTY

