RECORD OF DECISION

US-95 THORNCREEK ROAD TO MOSCOW PROJECT, LATAH COUNTY IDAHO

FHWA –ID-EIS-12-01-F

Project No. DHP-NH-4110 (156)

Key No. 9294

U.S. Department of Transportation (USDOT) Federal Highway Administration (FHWA)

And

Idaho Transportation Department (ITD)

And

Cooperating Agency

U.S. Army Corps of Engineers (USACE)

Peter J. Hartman 03/21/2016

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Boise, Idaho

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LIST OF ACRONYMS AND ABBREVIATIONS

Acronym	Definition
AASHTO	American Association of State Highway and Transportation Officials
ADT	Average Daily Traffic
AVC	Animal Vehicle Collision
BMP	Best Management Practice
CFR	Code of Federal Regulations
CGP	Construction General Permit
CRP	Construction Reserve Program
DEIS	Draft Environmental Impact Statement
DOT	Department of Transportation
D2	(ITD) District 2
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
ft	Feet
GIS	Geographic Information System
HAL	High Accident Location
IDAPA	Idaho Administrative Procedures Act
IDFG	Idaho Department of Fish and Game
ITD	Idaho Transportation Department
LEDPA	Least Damaging Practical Alternative
LOS	Level of Service
MP	Milepost
MH	Moderately high
mph	miles per hour
MUTCD	Manual on Uniform Traffic Control Devices
NEPA	National Environmental Policy Act
NLHD	North Latah County Highway District
NOI	Notice Of Intent
DEIS	Draft Environmental Impact Statement
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency

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Acronym	Definition
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
ft	Feet
HAL	High Accident Location
IDAPA	Idaho Administrative Procedures Act
IDEQ	Idaho Department of Environmental Quality
IDFG	Idaho Department of Fish and Game
ITD	Idaho Transportation Department
IDWR	Idaho Department of Water Resources
ITD	Idaho Transportation Department
LOS	Level of Service
MP	Milepost
MH	Moderately high
mph	miles per hour
NEPA	National Environmental Policy Act
NHS	National Highway System
NLHD	North Latah County Highway District
NOA	Notice of Availability
NOI	Notice Of Intent
NPDES	National Pollutant Discharge Elimination System
NRCS	National Resources Conservation Service
PSS	Palustrine Scrub Shrub
SGCN	Species of Greatest Conservation Need
SWPPP	Stormwater Pollution Prevention Plan
TA	Technical Advisory
TDM	Transportation System Management
TMDL	Total Maximum Daily Load
TSM	Transportation System Management
US	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
SATR	Safety Analysis Technical Report
SGCN	Species of Greatest Conservation Need

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Acronym	Definition
SWPPP	Stormwater Pollution Prevention Plan
TA	Technical Advisory
TDM	Transportation System Management
TMDL	Total Maximum Daily Load

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1 INTRODUCTION

This Record of Decision (ROD) documents the Federal Highway Administration's (FHWA's) selection of the E-2 Alternative as presented in the Final Environmental Impact Statement (FEIS) for the proposed US-95 Thorncreek Road to Moscow Project in Latah County, Idaho. The E-2 Alternative was selected after careful evaluation of a range of reasonable alternatives, a screening process and detailed analysis and public comment on the four alternatives in the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS).

The process of developing the project began in 1999 when FHWA and the Idaho Transportation Department (ITD) began developing an Environmental Assessment (EA) for a 20.4-mile improvement of US-95 from the Top of Lewiston Hill to Moscow. The project intent was to widen the existing highway in the southern 15.8 miles of the project and to construct 4.6 miles of a new four-lane highway in the northern section. Eleven alternatives for the northern-most section of the corridor were narrowed to two. EA Alternative 6 would have widened to four-lanes along the existing highway and Alternative 10A would have constructed a four-lane highway on new alignment near the base of Paradise Ridge.

Alternative 10A was selected by FHWA and ITD and a Finding of No Significant Impact (FONSI) was issued in May 2002. The project was litigated by the Paradise Ridge Defense Coalition, Inc. in 2003. The US District Court for the District of Idaho (Court) in the judgment for Civil Case number 03-0156-S-BLW decided that the EA and issuance of a FONSI were not appropriate. The court found that an Environmental Impact Statement (EIS) would be required for the northern 4.6-mile segment between Reisenauer Hill and Moscow to allow full consideration of the impacts by the public and agencies. The southern 15.8 miles was allowed to proceed and construction was completed in October 2007. A Notice of Intent (NOI) to prepare an EIS for the northern section between Thorncreek Road and Moscow was published in the Federal Register on November 13, 2003. Studies were completed and extensive public involvement was conducted.

Pursuant to the National Environmental Policy Act (NEPA) [42 USC 4332], Highways; Environmental Impact and Related Procedures [23 CFR 771] and the Final Section 4(f) Rule [23 CFR 774], the FHWA and ITD in cooperation with the US Army Corps of Engineers (USACE) prepared an EIS and Section 4(f) Evaluation for the project.

The DEIS was published in the Federal Register, distributed and made available for public comment from January 4, 2013 to February 25, 2013. The comment period was then extended to March 25, 2013. A public hearing was held in Moscow on January 23, 2013. Approximately four hundred comment letters were received during the DEIS comment period.

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The FEIS was prepared following the DEIS comment period and presented new, changed, and corrected information since the DEIS was published. It addressed substantive public comments, provided rationale for identifying the E-2 Alternative as the Preferred Alternative, and listed mitigation measures for the alternatives evaluated in detail. The FEIS was approved by FHWA and ITD on July 28, 2015. A Notice of Availability (NOA) was published in the Federal Register on August 14, 2015. The FEIS was available for a 30-day public review period, which ended September 14, 2015. The Environmental Protection Agency (EPA), Idaho Department of Fish and Game (IDFG) and the US Army Corps of Engineers (USACE) were granted an additional week to submit their comments. These three public agencies have had a role as participating agencies in the development of the EIS and specifically requested additional time to complete their review and comment on the FEIS.

FHWA and ITD made the decision not to combine the FEIS and ROD as directed by Section 1319(b) of the *Moving Ahead for Progress in the 21st Century Act.* One of the factors in this decision was to allow greater public involvement in the NEPA process due to the substantial degree of controversy surrounding the project. Pursuant to 23 CFR 771.127, this ROD states the FHWA decision, presents the basis for the decision and summarizes mitigation measures (avoidance, minimization of harm and compensatory mitigation), which will be incorporated into the project as well as monitoring and enforcement. The ROD also describes the project purpose and need, identifies alternatives considered in reaching the decision and identifies the environmentally preferred alternative.

1.1 Project Location

The project is located along US-95 south of the City of Moscow in Latah County, Idaho. The project begins at Thorncreek Road (MP 337.67) and continues north for approximately 6.34 miles, ending at the South Fork Palouse River Bridge (MP 344.00). This section of US-95 travels primarily through the rolling hills and agricultural fields of the Palouse Region. See Figure 1. Project Location.

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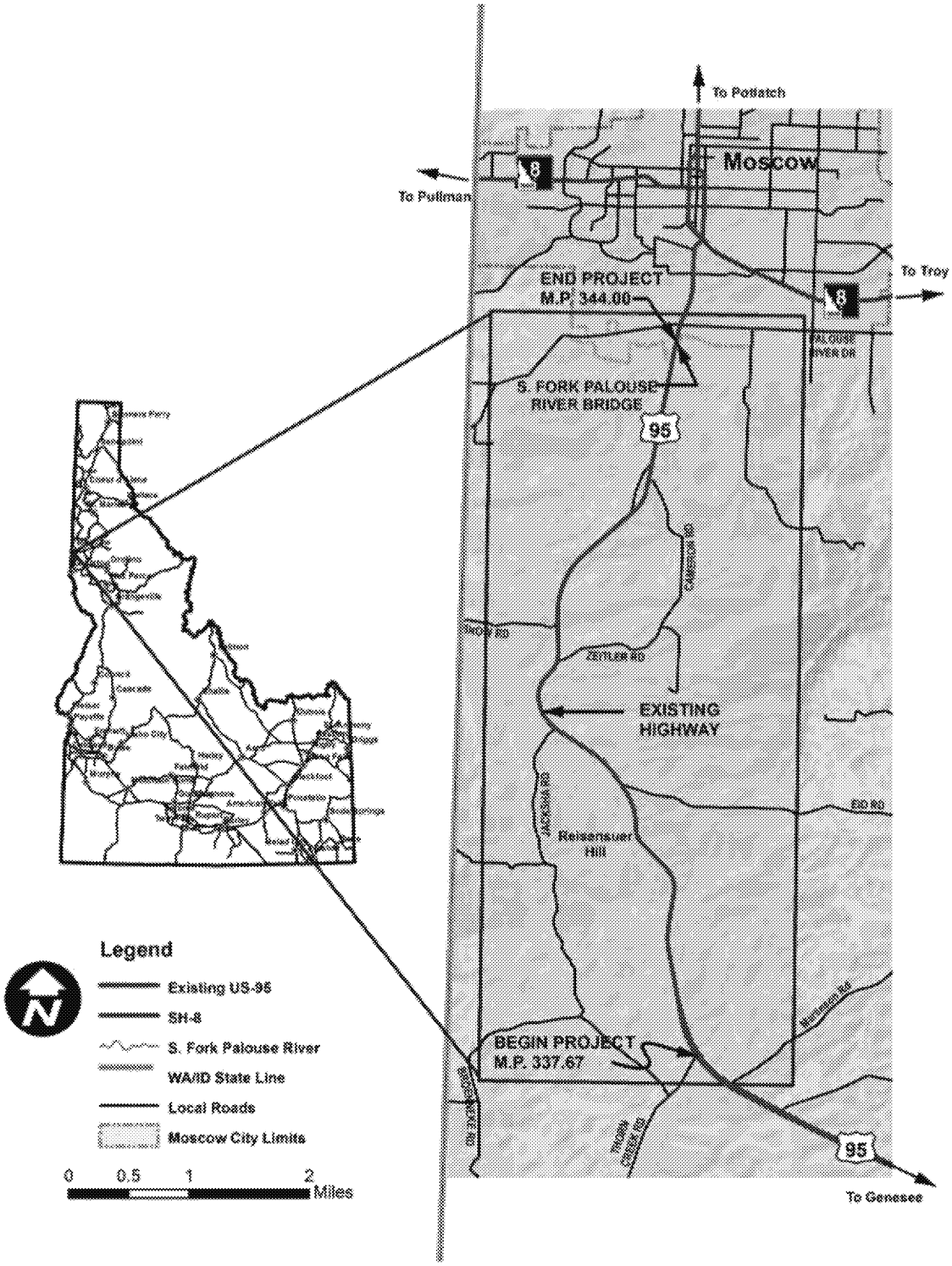
Figure 1. Project Location



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1.2 Purpose and Need

The project purpose and need is summarized below. See the FEIS Chapter 1 for detail.

Purpose: The purpose of this project is to improve public safety and increase highway capacity on US-95 south of Moscow between Thorncreek Road (MP 337.67) and the South Fork Palouse River Bridge (MP 344.00). See Figure 1. Project Location.

Need: The project need is based on several factors; regional importance, public safety, and capacity.

- *Regional importance*-US-95 is part of the National Highway System (NHS), is classified as a principal arterial, and provides the only continuous north-south highway connection between the Idaho Panhandle and the rest of the State.
- *Public safety*-The existing highway horizontal curves and vertical grades do not meet AASHTO standards. This stretch of highway has crash rates higher than the statewide average and includes ITD identified High Accident Locations (HALs). The many approaches do not meet the ITD Access Control Policy due to spacing, sight distance, and the width and grade of the approaches, which contribute to intersection-related conflicts.
- *Highway Capacity*-The American Association of State Highway and Transportation Officials (AASHTO) Standards and ITD Policy for capacity for a rural highway is a Level of Service (LOS) B. This segment of US-95 currently has a volume of 5,364 average daily traffic (ADT) and is operating at a LOS C. This is considered a high-density traffic flow with restricted movements and delays for short periods. By the 2037 design year, the volume for this segment of US-95 is projected to be 8,524 ADT and will be operating at LOS D. This is at-capacity and will result in delays due to congestion. This two-lane segment of US-95 is also a bottleneck for the four-lane highway at the northern and southern ends of the project.

1.3 Logical Termini

The logical termini are the rational end points for a transportation improvement project and its resulting environmental effects [FHWA 1993].

The US-95 Thorncreek Road to Moscow project is located along US-95 south of Moscow, in Latah County, Idaho. The logical termini established for the project begins at Thorncreek Road (MP 337.67) and runs north to the South Fork Palouse River Bridge (MP 344.00). These logical termini will not restrict consideration of other reasonably foreseeable improvements.

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The US District Court of Idaho's (Court) decision on the Environmental Assessment (EA) for the US-95 Lewiston Hill to Moscow project (Civil Case number 03-0156-S-BLW) found that an EIS would be required for the northern 4.6 mile segment of new alignment to allow full consideration of the impacts by the public and agencies. The southern 15.8 miles was allowed to proceed and construction was completed in October 2007.

The US-95 Thorncreek Road to Moscow project abuts the northern terminus of the constructed four-lane divided highway between the Top of Lewiston Hill and Thorncreek Road (MP 337.67) and the southern terminus of the South Fork Palouse River Bridge project (MP 344.00).

The segment of US-95 between Thorncreek Road and Moscow generates approximately 14 percent more traffic than US-95 between Genesee and Thorncreek Road. The change in traffic reflects the transition from agricultural to a higher density of commercial and residential use. Thorncreek Road is also the first county road intersection south of Reisenauer Hill and was therefore identified as a logical terminus for the project. It is also the break between north and south Latah Highway Districts.

There were four times the number of injury and fatality crashes between Thorncreek Road and Moscow when compared to US-95 between the Top of Lewiston Hill and Thorncreek Road (MP 323.36 to 337.67) between October 2007 and December 2011. During this time period, thirty-one injury and fatality crashes occurred on the newly constructed four-lane divided highway between the Top of Lewiston Hill and Thorncreek Road. This is 2.17 injuries and fatalities per centerline mile. During the same time period, 68 injury and fatality crashes occurred between Thorncreek Road and Moscow (MP 337.67 to 344.00). This is 10.7 injuries and fatalities per centerline mile.

The Thorncreek Road to Moscow segment represents a change in topography from rolling hills to more mountainous terrain, which contributes to the deficiencies in curvature and grade through the corridor.

2 ALTERNATIVES CONSIDERED

NEPA does not require an infinite number of alternatives be evaluated but requires that a range of reasonable alternatives, including a No Action Alternative, be evaluated in detail. The Council on Environmental Quality (CEQ) defines "reasonable alternatives" as those that are practicable or feasible from a technical and economic standpoint and those that achieve the project's purpose and need. The alternatives were developed in consideration of natural and social effects, engineering design considerations, and input from the public, agencies, and local elected officials. The alternatives were developed, evaluated and screened in two phases as summarized below. A more

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extensive discussion on the screening of alternatives and the public involvement process is available in the FEIS Chapter 2 and FEIS Chapter 10.

2.1 Level One Screening

The goal of the Level One screening process was to collect preliminary information and to evaluate broad transportation concepts. Early in the project scoping, traffic and safety data for the corridor was collected and analyzed. This information helped to identify the roadway deficiencies and to identify the project purpose and need. ITD conducted community interviews and initiated an extensive public involvement process in 2004 to introduce the proposed project and to obtain community input.

Transportation concepts that were evaluated included the No Action, Action Alternative, Transportation System Management (TSM), Transportation Demand Management (TDM) and Mass Transit. The TSM, TDM and Mass Transit alternatives were not forwarded for further consideration because of the rural nature and low population density of the project area and because they would not address the safety deficiencies of the existing roadway; therefore, would not address the purpose and need. The No Action and Action Alternatives were forwarded for further consideration. Design elements to address the roadway deficiencies were evaluated and incorporated into typical sections for the Action Alternatives.

2.2 Level Two Screening

The goal of the Level Two screening process was to identify a range of alternatives and to screen them. The No Action and 10 Action Alternatives were identified and categorized into the western, central and eastern corridors. See Figure 2. Initial Alternatives.

One alternative from each corridor was forwarded for detailed analysis to give a range of alignment alternatives. Seven alternatives were eliminated from further consideration during the Level Two screening process. These alternatives were not advanced due to high adverse effects on the natural or built environment or provided less benefit compared to the other alternatives.

During the DEIS and FEIS public review periods, agencies and the public also suggested other potential solutions or alternatives. These were considered and dismissed because either they were outside of the project's logical termini, they did not address the project purpose and need, or because they had less benefit or greater impacts compared to other alternatives.

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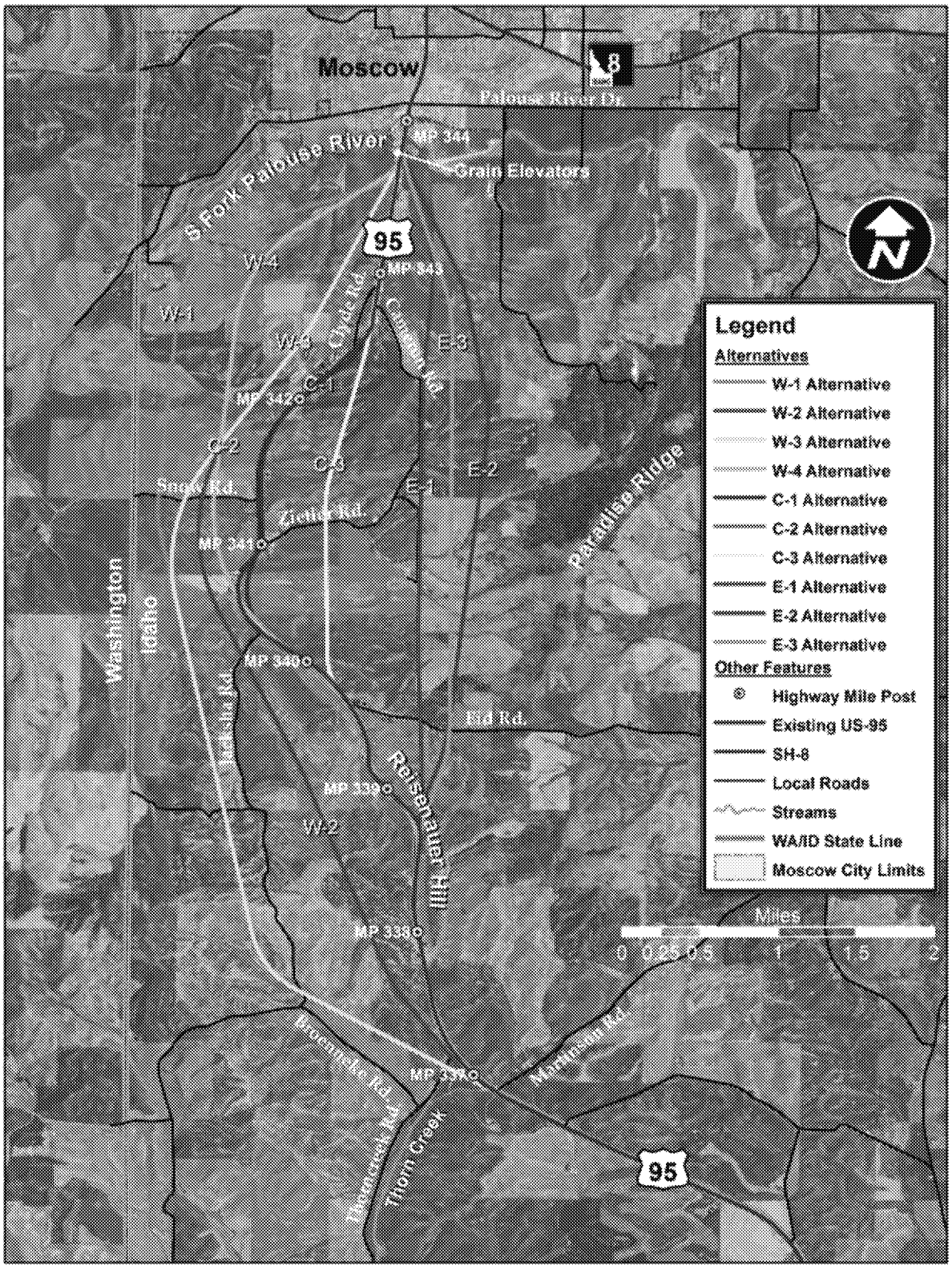
Figure 2. Initial Alternatives



The alternatives' benefits and effects to the natural and human environments were evaluated and organized into a comparative spreadsheet. See Table 1. Level Two Screening for the results of the Level Two Screening. Criteria used to screen the alternatives are listed below.

- Air Quality
- Archaeological Sites
- Design Standards
- Displacements
- Environmental Justice
- Estimated Construction Cost
- Hazardous Materials
- Historic Sites
- Noise
- Plant Species and Communities of Concern
- Prime Farmland
- Regulatory Floodways and Floodplains
- Right-of-Way Acres
- Safety
- Socio-Economic
- State Sensitive Species
- Threatened and Endangered Species
- Ungulates
- Visual Analysis
- Water Quality
- Weather
- Wetlands and Tributaries

Table 1. Level Two Screening

Alternative	Screening Results	Summary of Rationale for Eliminating or Forwarding Alternatives
No Action	Forwarded for detailed analysis	Minimal environmental effect. Required to be evaluated in an EIS per NEPA regulations
W-1	Eliminated	Highest effect to floodplains and prime farmland of all alignment alternatives. Highest anticipated crash rate for the western corridor alternatives. Higher effects to ungulate habitat, cultural resources, a historic resource and rare plant communities than other alternatives in the western corridor. Other alternatives would have less environmental effects.
W-2	Eliminated	High effects to floodplains, visual resources and prime farmlands. Adverse effects to one historic resource. Other western corridor alternatives had less effect to historic/cultural resources.
W-3	Eliminated	High effects to visual resources, prime farmlands, rare plant communities and floodplains. This alignment also crossed an area known to support ungulate populations.

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W-4	Forwarded for detailed analysis	Least cultural resource (based on preliminary information), floodplain and visual quality effects compared to the other western corridor alternatives. No direct effects to ungulate habitat or rare plant communities.
C-1	Eliminated	High effects to historic resources Highest predicted number of crashes. High effects to cultural resources, residential displacement and wetlands.
C-2	Eliminated	High effects to cultural resources. High effects to floodplains, wetlands and visual resources.
C-3	Forwarded for detailed analysis	Least floodplain, visual and wetland effects in the central corridor. No effects to cultural resources.
E-1	Eliminated	Only alternative in the eastern corridor that affects a historic resource. High direct effects to wetlands and rare plant communities.
E-2	Forwarded for detailed analysis	Less effect to wetlands and tributaries compared to other corridor alternatives. Avoided cultural resources. Greater safety benefit compared to alternatives in other corridors
E-3	Eliminated	Similar to E-2 but with slightly higher effects to wetlands. Directly affected two rare plant communities.

2.3 Alternatives Forwarded for Detailed Analysis

NEPA laws and regulations require that a No Action Alternative be considered in the range of reasonable alternatives. In addition to the No Action Alternative, a range of reasonable alternatives was forwarded for detailed analysis, the W-4, C-3, E-2 alternatives. All three Action Alternatives and the No Action Alternative were evaluated in the DEIS and FEIS. See Figure 3. FEIS Alternatives for a map of the alternatives. See Figures 6-12 for maps of the alternatives that were forwarded for detailed analysis in the DEIS and FEIS.

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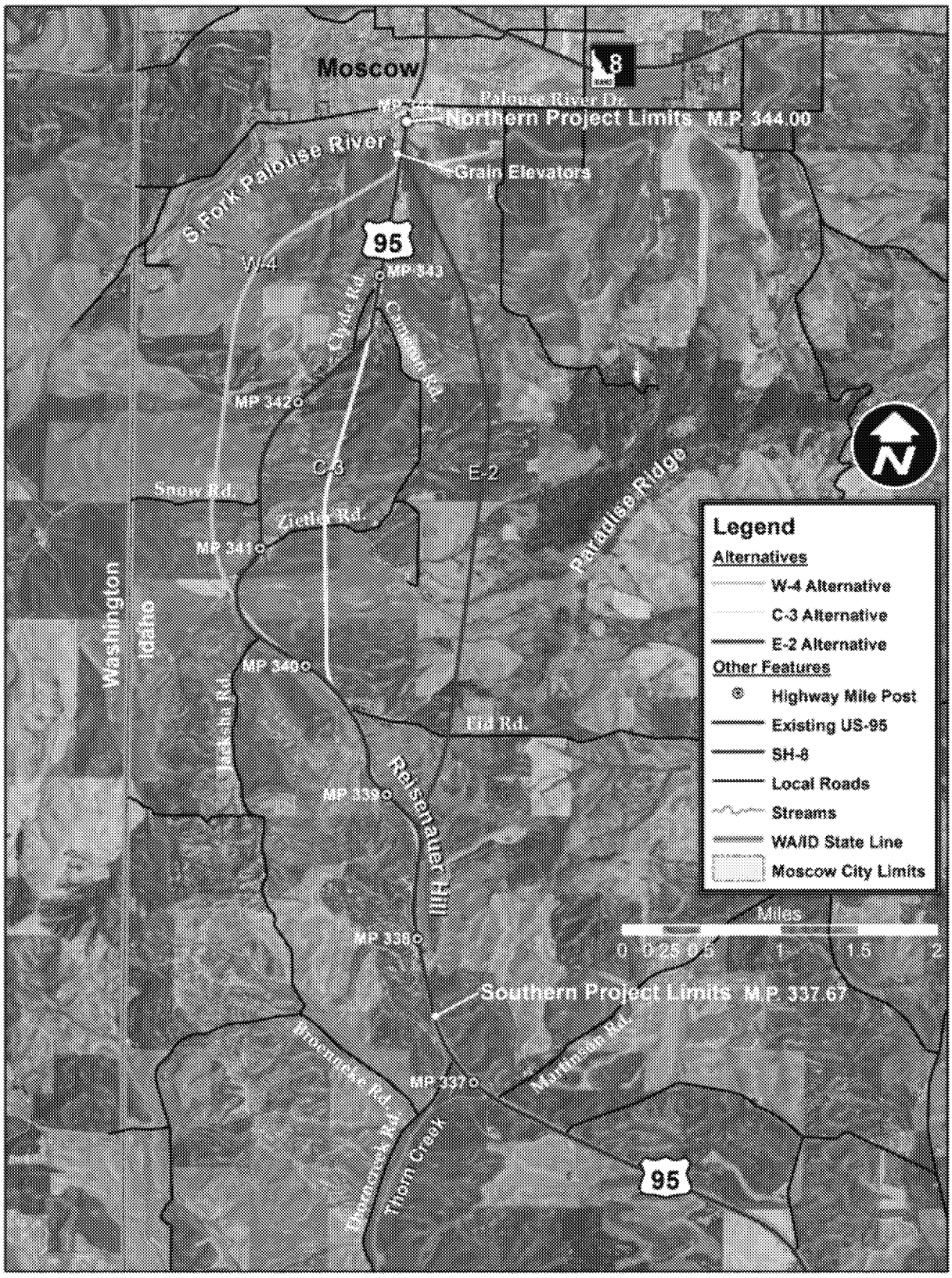
Figure 3. FEIS Alternatives



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2.3.1 No Action

The No Action Alternative would not involve any major improvements to US-95 but would include short-term minor restoration activities to the existing approximately 6.34-mile segment. Improvements would include minor safety, paving and maintenance activities for the continued operation of the existing roadway. It would not involve improving or widening this segment of US-95 to meet AASHTO standards. The No Action Alternative provides a baseline for comparison of the other alternatives.

2.3.2 W-4 Alternative

The W-4 Alternative that was evaluated in the DEIS was shifted during the FEIS development to avoid a historic farmstead that is a Section 4(f) resource. This alternative is called the Modified W-4 Alternative and is evaluated in detail in the FEIS.

2.3.3 Modified W-4 Alternative

This alternative would be approximately 6.65 miles long. It would begin at Thorncreek Road and would closely follow existing US-95 between Thorncreek and Jacksha roads. The alignment would then shift west of existing US-95. Modified W-4 would cross Snow Road, stay west of Clyde Hill and connect back into the existing US-95 near the grain elevators south of Moscow. Existing US-95 between Jacksha Road and the grain elevators (2.91 miles) may be turned over to the North Latah Highway District (NLHD).

2.3.4 C-3 Alternative

This alternative would be approximately 5.94 miles long. It would begin at Thorncreek Road and would closely follow existing US-95 to just north of Eid Road. The alignment would then shift to the east of existing US-95 and cross Zeitler Road. C-3 would connect back into existing US-95 just south of Cameron Road, near Johnson Trucking. From Johnson Trucking north to the South Fork of Palouse River Bridge this alternative would utilize the existing alignment. Existing US-95 north of Eid Road to south of Cameron Road (2.71 miles) may be turned over to the NLHD.

2.3.5 E-2 Alternative (Preferred)

This alternative would be approximately 5.85 miles long. It would begin at Thorncreek Road and would closely follow existing US-95 to the top of Reisenauer Hill where it would then shift to the east of existing US-95. The alignment would connect back into existing US-95 near the grain elevators south of Moscow. Existing US-95 from the top of Reisenauer Hill to the grain elevators (5.43 miles) may be turned over to the NLHD. This is FHWA and ITD's Preferred Alternative.

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2.4 Alternatives' Benefits and Effects

Each of the four alternatives was analyzed for a full spectrum of environmental effects in compliance with 23 CFR 771 and FHWA Technical Advisory (TA) 6640.8A NEPA Implementation-Guidance for Preparing and Processing Environmental and Section 4(f) Documents. The major differences between alternatives are summarized in Table 2. Summary of Alternatives' Benefits and Effects. See the FEIS for a detailed analysis of the benefits and effects of the alternatives.

Table 2. Summary of Alternatives' Benefits and Effects

Resources	Alternatives*			
	No Action	Modified W-4	C-3	E-2
Access Points	66	36	47	22
Residential Impacts	0	3	2	7
Additional Potential Residential Impacts	0	2	5	6
Business Impacts	0	0	0	0
Additional Potential Business Impacts	0	0	8	0
Environmental Justice	No disproportionate impact	No disproportionate impact	No disproportionate impact	No disproportionate impact
Right-of-Way new/existing/total (acres)	0	206/45/251	154/55/209	207/22/229
Prime Farmland (acres)	0	49.7	25	50.8
Cultural/Section 4(f) Resource Use	0/0	0/0	0/0	0/0
Air Quality	Attainment Area	Attainment Area	Attainment Area	Attainment Area
Wetlands (acres)	0	1.85	0.99	3.61
Tributaries Number of Crossings/(Linear Ft)	0	10/3,592	5/7,808	5/2,592
Impervious Surface (acres) New alignment/New alignment plus remaining Old US-95 Loop	0/21	58/68	49/58	55/72
Floodplains (acres)	0	1.6	1.8	0
Pine Stand (acres)	0	0	0	3.9

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Resources	Alternatives*			
Ungulate - (Deer, Elk & Moose) Population/ Effects to identified Ungulate Impact Area** (acres)	No Population Effect / none	No Population Effect / none	No Population Effect / none	No Population Effect / 4.4
Palouse remnants within 1 km (3280 ft.)	0	12	14	24
Threatened and Endangered Species Effects	No Effect	Not Likely to Adversely Affect	Not Likely to Adversely Affect	Not Likely to Adversely Affect
Hazardous Material Sites	0	4	13 (1 potential cleanup)	4
Noise impacted receptors***	9	No noise impacted receptors would remain after construction	No noise impacted receptors would remain after construction	1 noise impacted receptor would remain after construction
Visual Quality	No Impact	Low = 11% Mod = 58% Mod high (MH) = 23% High = 8% MH + H = 31%	Low = 9% Mod = 68% MH = 15% High = 8% MH + H = 23%	Low = 3% Mod= 47% MH = 25% High = 25% MH + H = 50%
Construction/Total Cost (million $) ****	Minimal	52/62	43/58	46/55

* The lengths of the W-4, C-3 and E-2 alternatives early in the screening process differ from the lengths analyzed in the DEIS due to a modification of the project limits following the level two screening and the conceptual level of detail. As a result the calculations presented during the screening process may differ from the calculations presented in the EIS for the W-4, C-3 and E-2 alternatives.

** Identified Ungulate Impact Area, which contains agricultural fields with nearby draws, small drainages, ponds, and cover as described in Melquist 2005a.

***Noise impacted receptors that would be removed due to right-of-way acquisition are not included in these numbers.

****The estimated construction costs includes excavation, rock ballast, plant mix, structures, traffic control and illumination. It excludes engineering, construction engineering, mitigation and right-of-way.

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2.5 Clarification of Specific Methodologies and Findings

Several experts conducted technical reports to identify vegetation, wildlife and habitat in the study area and to assess the potential effects of the alternatives to these species as described in the FEIS Section 3.8.2. These numerous reports as well as additional resource information included in the FEIS, demonstrate a hard look at the existing wildlife, vegetation and ecosystems that could be affected by the proposed alternatives and are summarized in the DEIS and FEIS. This section focuses on addressing specific comments raised during the FEIS review regarding the methodologies used to assess vegetation and wildlife effects, the rigor of the analysis and the resources that were evaluated.

2.5.1 Vegetation Studies

A Scientific Evaluation for Noxious and Invasive Weeds of the Highway 95 Construction Project between the Uniontown Cutoff and Moscow (January 2007). This report describes the potential weeds in the study area. It also describes the potential for the proposed project to spread weeds and discusses mitigation for the potential effects (Lass and Prather 2007).

Biological Assessment, Thorncreek Road to Moscow Highway Construction Project (December 2007). This study describes the project effects to federally listed and proposed species and designated critical habitat (ITD 2007a). This report was reviewed in November 2011. USFWS provided concurrence that the findings are still valid in December 2011. USFWS provided a clarification to the Spalding's catchfly mitigation in April 2012. See Appendix 1, Key Agency Correspondence and Forms.

Memo Documenting Resurvey for Spalding's catchfly in the Project Area (May 2014) summarized an updated plant survey. The report was prepared after the DEIS publication. (Lichthardt 2014).

Biological Evaluation of Plant Species and Communities of Conservation Concern in the US Highway 95 Thorncreek Road to Moscow Project Area (December 2005). This report discusses the potential occurrence and extent of Palouse remnants and rare plants in the project area. It analyzes the potential effects for the proposed project on plant species of conservation concern and remnant native plant communities that potentially provide habitat for these species (Lichthardt 2005).

Memo: Effects Analysis of the US Highway 95-Thorncreek Road to Moscow Project for Plant Species and Communities of Conservation Concern (December 1, 2008). This report prepared by IDFG provides information regarding indirect and cumulative effects to Palouse remnants and to communities of conservation concern. Information from this memo was incorporated into the FEIS.

Methodology for Identifying Palouse Remnants

During the FEIS review the Paradise Ridge Defense Coalition and the EPA both questioned the methods and assumptions used to identify and characterize Palouse remnants for the project. The definition of a Palouse grassland remnant in the Biological Evaluation of Plant Species and Communities of Concern (Lichthardt 2005) stated that remnants must be greater than one-tenth acre in size and have less than 50 percent cover of weeds. Details of how these criteria were developed is provided in response to public comments on the FEIS.

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Lichthardt created the criteria prior to the fieldwork and mapping. Since there was no precedent, a size was chosen which was considered so small that most people would accept it as reasonable. The standard selected was reasonable and explicit criteria were necessary prior to fieldwork in order to be useful for evaluating highway alignments.

The size criterion is not believed to underestimate the amount of prairie on Paradise Ridge. In Palouse grassland studies subsequent to this study, Janice Hill (Hill et al. 2012) chose to use a minimum 0.01 ac (435 ft2) criterion and called those remnants between 0.01 and 0.1 ac "small grassland remnants"–still subjective, but more liberal. Hill's surveys overlapped this study on Paradise Ridge, and yet she only mapped four such "small grassland remnants" totaling 0.12 ac (476 m2; 5220 ft2).

Further evidence that the Lichthardt estimate of the amount of prairie on Paradise Ridge was not overly conservative is the fact that the entire 30-ac South End Paradise Ridge (SEPR) conservation site was considered to be a prairie remnant. Idaho Natural Heritage Program (INHP) botanists previously surveyed this site before designating it as a Conservation Site and drawing the boundaries shown in the Lichthardt report. Rather than remapping this site, Lichthardt simply surveyed it for rare plants, and then used aerial imagery at 1:8400 to identify additional potential remnants in the project area that had not yet been identified.

The 50 percent native cover requirement, allowed Lichthardt to be explicit about what was considered a remnant. Calling a plant community a "grassland remnant" insinuates it bears some resemblance to the original, pre-European condition. The further it diverges from that condition due to weed invasion and expansion of exotics, the less it resembles that community and the less it functions like that community. A 50 percent tolerance for weed cover marks the point where the community can no longer be considered predominantly native. To reach 50 percent cover, the exotic component must have displaced a portion of the native component, and it is likely to have altered not just the amount of native cover, but also the balance of species, because species vary in their resilience to disturbance and competition. A common situation is an area of unplowed ground that is 50 percent annual (exotic) grasses and 45 percent arrow leaf balsamroot and lupine (native plants that do well under stress) and maybe only two to five percent native perennial bunchgrass. If that is presented to the public at large as worthy of protection and financial input it will undermine efforts to protect rare areas of predominantly native, often richly diverse vegetation that resemble closely the original condition of the Palouse.

2.6 Methodologies for Wildlife Studies and Findings

The following lists the numerous wildlife studies that were completed in order to evaluate the available wildlife habitat, describe the species occurrences, analyze the effects and propose mitigation. Additional clarification is provided for the General Wildlife Assessment and big game studies in response to public comments.

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General Wildlife Assessment, Thorncreek to Moscow (December 2006). This report is a general assessment of wildlife impacts for the US-95 Thorncreek to Moscow Project. IDFG evaluated alternatives' impacts to a limited number of species that could serve as surrogates for all other wildlife species expected to be present in the project area (IDFG 2006). The initial list of wildlife species was generated from reviewing Idaho state sensitive species lists, primarily the Idaho Comprehensive Wildlife Conservation Strategy (WCS), which summarizes the Species of Greatest Conservation Need (SGCN) information. The Washington State Comprehensive WCS was also reviewed. Of the 229 SGCN, IDFG identified 32 species, including 13 vertebrate and 19 invertebrate species that could reasonably be expected to be present in the project area and, therefore, potentially be impacted by the project.

Of these, various species were expected to be present in the project area for all, some or none of the proposed alternatives. Some species (e.g., Spur throated Grasshoppers, California Myotis) were retained for consideration because there was not sufficient information to remove them from the list and/or IDFG determined they could serve as an appropriate surrogate for other species. The giant Palouse earthworm was considered in the analysis due to high local and academic interest in the species (IDFG 2006).

Habitat associations described in the WCS were compared with available habitat in the project area using maps (IDFG 2006; Lichthardt 2005; Lichthardt and Mosely 1997), aerial photos provided by ITD and local knowledge was used to determine whether suitable habitat was present in or near the project area. Species were removed from consideration if suitable habitat was not present, even though the potential exists for some species to occasionally range far from suitable habitat. IDFG suggested protections and mitigations for unavoidable impacts. (IDFG 2006).

Biological Evaluation on the Potential Impacts of Corridor Alternatives from Thorncreek Road to Moscow on Large Ungulates (December 2005). This report evaluates the potential effects of alignments through different corridors (west, central and east) on the habitat and survival of white-tailed deer (*Odocoileus virginianus*), elk (*Cervus elaphus*), and moose (*Alces alces*) in the project area (Melquist 2005a).

Biological Evaluation on the Long-eared myotis and Pygmy nuthatch (December 2005). This report describes the potential effects of the proposed project on the long-eared myotis (*Myotis evotis*) and Pygmy nuthatch (*Sitta pygmaea*) which were classified as Species of Special Concern (SSC) by the IDFG (Melquist 2005b).

Final Review of Wildlife Mitigation for the Thorncreek Road to Moscow Highway Development Project (US-95) (September 2007). This report reviews and summarizes the information in the Biological Evaluation on Potential Impacts of Corridor Alternatives (Melquist 2005a) and evaluates the effects of the alternatives to deer, elk and moose and makes mitigation recommendations (Ruediger 2007).

Assessment of Potential Big Game Effects and Mitigation Associated with Highway Alternatives from Thorncreek Road to Moscow (December 2010). This report summarizes the wildlife reports

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prepared by Melquist and Ruediger and provides ITD with an independent assessment of the project's effects to potential big game. It also discusses mitigation (Sawyer 2010).

Multiple Ungulate Studies

ITD commissioned four different wildlife experts to assess impacts and mitigation for large ungulates. The general descriptions of the reports are in the Section 3.8.2 Wildlife Studies. Each of the experts had similar conclusions regarding the quality of available habitat in the study areas and the relative impacts of the alternatives on that habitat which is stated; however, mitigation recommendations differed.

The Sawyer report was intended to evaluate the mitigation recommendations for the project. Sawyer evaluated and summarized ungulate habitat in the corridors and the relative impacts by alternative. The Sawyer report found that the Melquist and Ruediger reports were consistent regarding general habitat quality and the relative alternatives' effects to habitat. The Sawyer report also provided new information that was available since the previous reports were prepared which also supported the conclusions of the reports.

Both Ruediger and Melquist stated that while the E-2 Alternative would affect the highest quality wildlife habitat compared to the other alternatives, none of the alternatives would have population level effects to ungulates and that no mitigation was required for population level effects. Both offered optional recommendations that included wildlife crossing, fencing, habitat preservation and other measures that could benefit individuals and mitigate for animal vehicle collisions; however, these were not required, nor are they likely to be effective without land use control in the surrounding properties (Ruediger 2007).

Melquist acknowledges that there may be impacts to individual ungulates through increased road kills, possible habitat avoidance, and increased risks to motorists and offers seven recommended actions that would benefit deer, elk, moose, and other wildlife should transportation corridors be constructed. These recommendations include one or two possible wildlife crossings near draws, fencing associated with the crossings, habitat preservation near those crossings and other measures. However, he further states that not implementing a recommended action would not jeopardize populations of any of the species.

Animal/vehicle collisions (AVCs) and associated risks to motorists were considered in the AASHTO Safety Analysis and are mitigated for in the proposed alternatives' design. Clearing vegetation from the clear zone (highway right-of-way), widening the roadway and improving the sight distance are all mitigating factors that are expected to significantly reduce the animal vehicle crashes (AVC). On US-20 between MP 369 and 375, similar improvements reduced the AVC by 85 percent (ITD 2012a).

ITD will monitor AVCs near Paradise Ridge using their existing programs including the ITD/IDFG Road Kill & Wildlife Salvage Database, which is a road kill reporting and mapping tool. ITD will also continue to evaluate highway accident data annually and identify high accident locations (HALs) based on the previous three years of crash data. These locations are investigated to determine contributing factors to accidents, including AVCs, and solutions are proposed and

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programmed. Should AVCs be identified as contributing to accidents, ITD will take action to implement appropriate solutions, which ITD has recommended for other areas with high rates of AVCs that include fencing, driver awareness, animal deterrents, cattle guards, wildlife underpasses, and wildlife advanced detection and warning systems. ITD will collaborate with IDFG as needed to identify the most effective solutions for the project area. AVC's along the E-2 Alternative alignment would be monitored after construction and if high crashes are identified, then mitigation will be implemented. See Chapter 9, Environmental Commitments for details of this mitigation.

Ruediger did not recommend stand-alone large game crossings nor did he recommend replacement of lost wildlife habitat. However, in recognition of the resource agencies' desire for mitigation, he made three optional recommendations, all of which were considered and included in the DEIS Chapter 9, Environmental Commitments. These were 1) to provide a wildlife/vehicle crossing at county road underpasses of US-95 where wildlife use is expected and where wildlife are welcome on private lands (deer, elk and moose), 2) to provide oversized culverts to allow for small terrestrial movement and 3) to replace water sources on the east side of the highway should water sources be impacted. See Chapter 9, Environmental Commitments for a list of the mitigation measures that will be implemented for each alternative.

2.7 Paradise Ridge Boundary for EIS

ITD recognizes that Paradise Ridge has ecological, visual, and recreational value to the community; however, Paradise Ridge, except for the Palouse remnant defined by the ICDC and shown in the DEIS Figure 24, does not appear to have a specific boundary. For the purposes of the DEIS and FEIS, Paradise Ridge was shown in FEIS Figure 20 based on the topography of the area (3100 ft and above) and includes the forested area and most of the native habitats described. The FEIS is clear in stating how the boundary was defined and that it was necessary to define it to provide clarity in the discussions of Paradise Ridge. None of the alternatives, including the E-2 Alternative, would go over Paradise Ridge or directly impact it. The E-2 Alternative would be located along the base of Paradise Ridge and would be the closest alternative to Paradise Ridge.

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3 DECISION

The FHWA and ITD selected the E-2 Alternative as described in the FEIS for the proposed US-95 Thorncreek Road to Moscow Project. The proposed solution or "action" is described in detail in the FEIS and will be constructed to meet AASHTO standards. The existing two-lane undivided highway from Thorncreek Road to the South Fork Palouse River Bridge will be replaced as described below. See Figure 4. Typical Section: Four Lane Divided Highway and Figure 5. Typical Section: Four-Lane Highway with Center Turn Lane and Curb, Gutter and Sidewalk. The elements of the proposed action are described in detail in the FEIS Chapter 2, Alternatives.

Figure 4. Typical Section: Four Lane Divided Highway

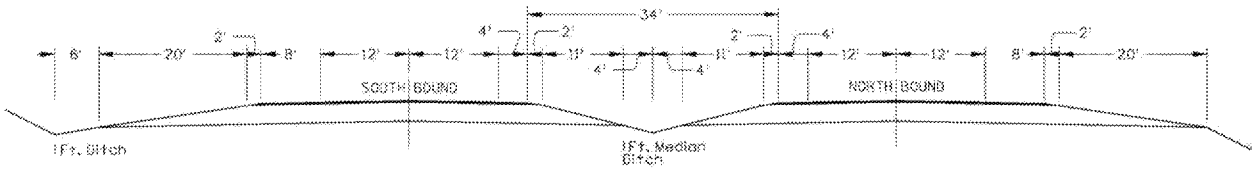
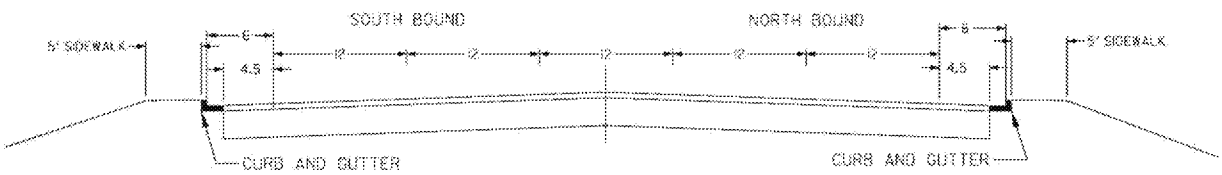


Figure 5. Typical Section: Four-Lane Highway with Center Turn Lane and Curb, Gutter and Sidewalk



The highway will be designed to meet the capacity and safety needs for the 2037 design year. It will be designed to include the following:

- *Lanes* – Four travel lanes with a 34-foot median, four-foot wide shoulders on the left and eight-foot paved shoulder on the right, will transition to four travel lanes with a continuous 12-foot center turn lane and six-foot shoulders, curb, gutter and a five-foot wide sidewalk. This will match the existing US-95 cross sections at the South Fork Palouse River Bridge and south of Thorncreek Road.
- *Speed Limit* – The posted speed will be 65 miles per hour (mph) for the four-lane divided highway section. It will be 35 mph in the section with a four-lane highway with center turn lane, curb, gutter, and sidewalk at the north end of the project where there are no curves.
- *Turn Lanes* – Right and left turn lanes will be constructed at all county road intersections.

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- *Stormwater* – In the rural sections, a minimum one-foot deep, V-shaped ditch will be located on either side of the roadway in cut sections and in the center median. The urban section will have curbs and gutters and will be designed to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) and treated in accordance with applicable state and federal laws. A Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented to comply with the Construction General Permit (CGP). Stormwater in this area will be collected and managed with temporary and permanent Best Management Practices (BMPs) such as grassy swales and check-dams in order to meet the requirements of the CGP and Total Maximum Daily Loads.
- *Access Control* – The existing US-95 is currently designated as Statewide Access Control. The proposed US-95 Action Alternatives were designated as Expressway Access Control through an Idaho Transportation Board action on January 15 &16, 2014. Expressway Access Control is a segment of a highway designated by the Idaho Transportation Board for use as a through highway, with partially controlled access, accessible only at locations specified by ITD, and characterized by medians, limited at-grade intersections, and high speeds. ITD will be required to comply with their access policy and will have the regulatory power to limit access. Access locations will be determined in collaboration with the landowner during the right-of-way process. ITD will buy access rights from adjacent properties during right-of-way acquisition, and access will be recorded in the deeds. Existing approaches[1] will be allowed to remain at locations where construction of joint access is not economically justified.
- *Clear Zone* – The clear zone will be a minimum of 30 feet for the four-lane divided highway.
- *Vertical Grade* – The roadway will have a maximum of a five percent vertical grade.
- *Horizontal Curve* – The rural section will have a 2910-foot minimum radius at a 5.4 percent super elevation, which is adequate for a design speed of 70 mph. The urban section will have a 1760-foot minimum radius at a three percent super elevation, which is adequate for design speeds of 35 mph and 45 mph.
- *Stopping Sight Distance*[2]– the stopping sight distance will be a minimum of 730 feet, which is adequate for a design speed of 70 mph on level grades. This will increase or decrease depending on the grade.

[1] IDAPA 39.03.42 definition of approach is a connection between the outside edge of the shoulder or curb line and the abutting property at the highway right-of-way line, intended to provide access to and from said highway and the abutting property. An approach may include a driveway, alley, street, road or highway.

[2] Stopping sight distance on a roadway should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path. The design speed for the proposed alternative is 70 mph for rural sections.

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- *LOS* – The LOS for the 2037 design year will be LOS A for both the rural section with the four-lane divided highway and the urban four-lane with center turn lane, curb, gutter and sidewalk.
- *Bicycle/Pedestrian Facilities* – The shoulders on the outside lanes of the highway in the rural and urban sections will be shared use lanes but will not be specifically marked for bicycle use. The five-lane section will have sidewalk for pedestrian use.

Adding a lane in each direction to create a four-lane section will alleviate the bottleneck caused by the existing two-lane segment, improving the capacity and traffic flow safely. Improving the grades, curves, stopping sight distance, access control and clear zone widths to meet AASHTO standards will improve the safety and capacity of the highway. The proposed actions will reduce the projected crash rate for this segment of US-95 by more than 50 percent. See Figures 6-11 FEIS Alternatives.

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Figure 6. FEIS Alternatives-(Map 1)

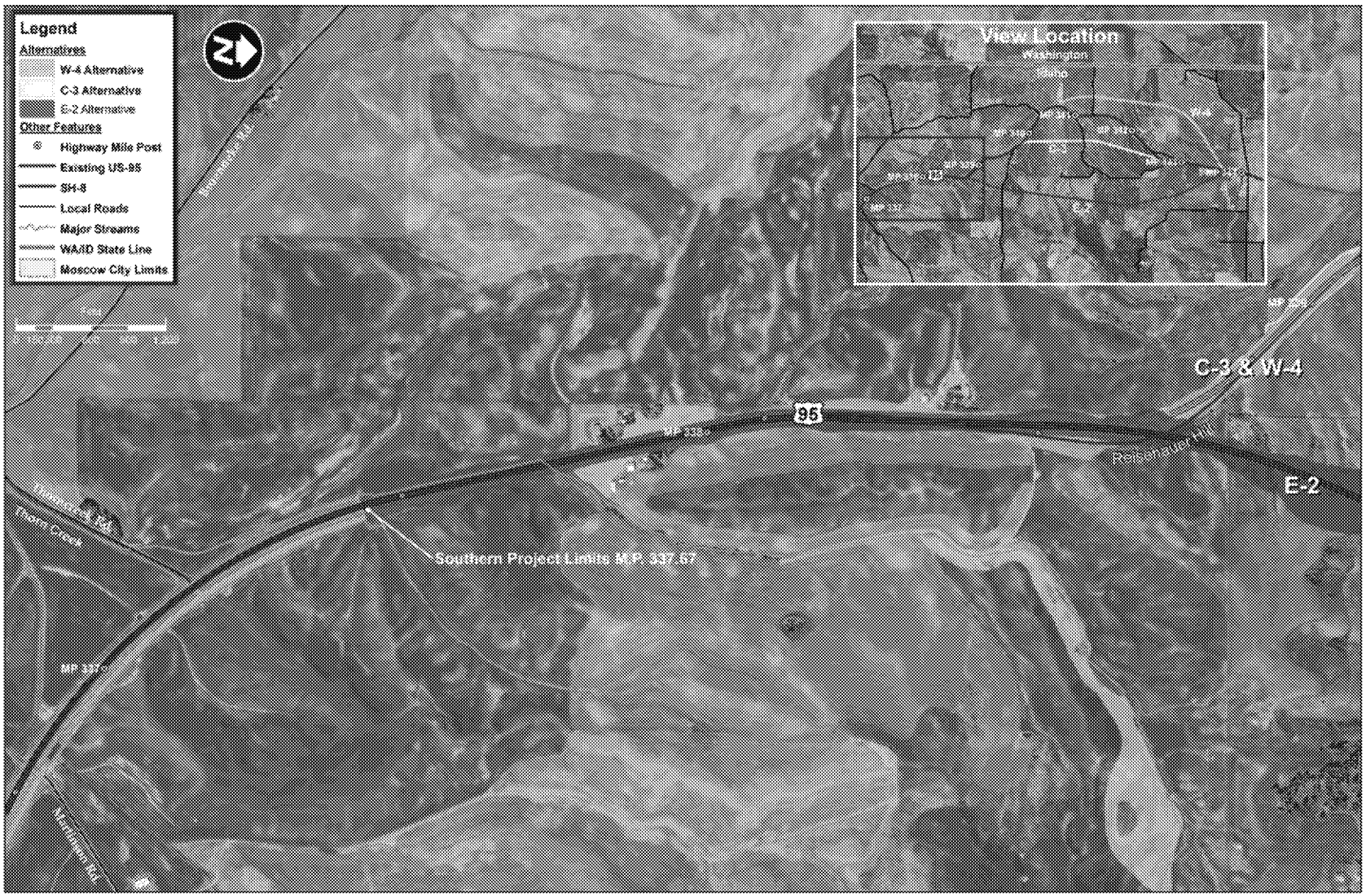

Figure 7. FEIS Alternatives-(Map 2)

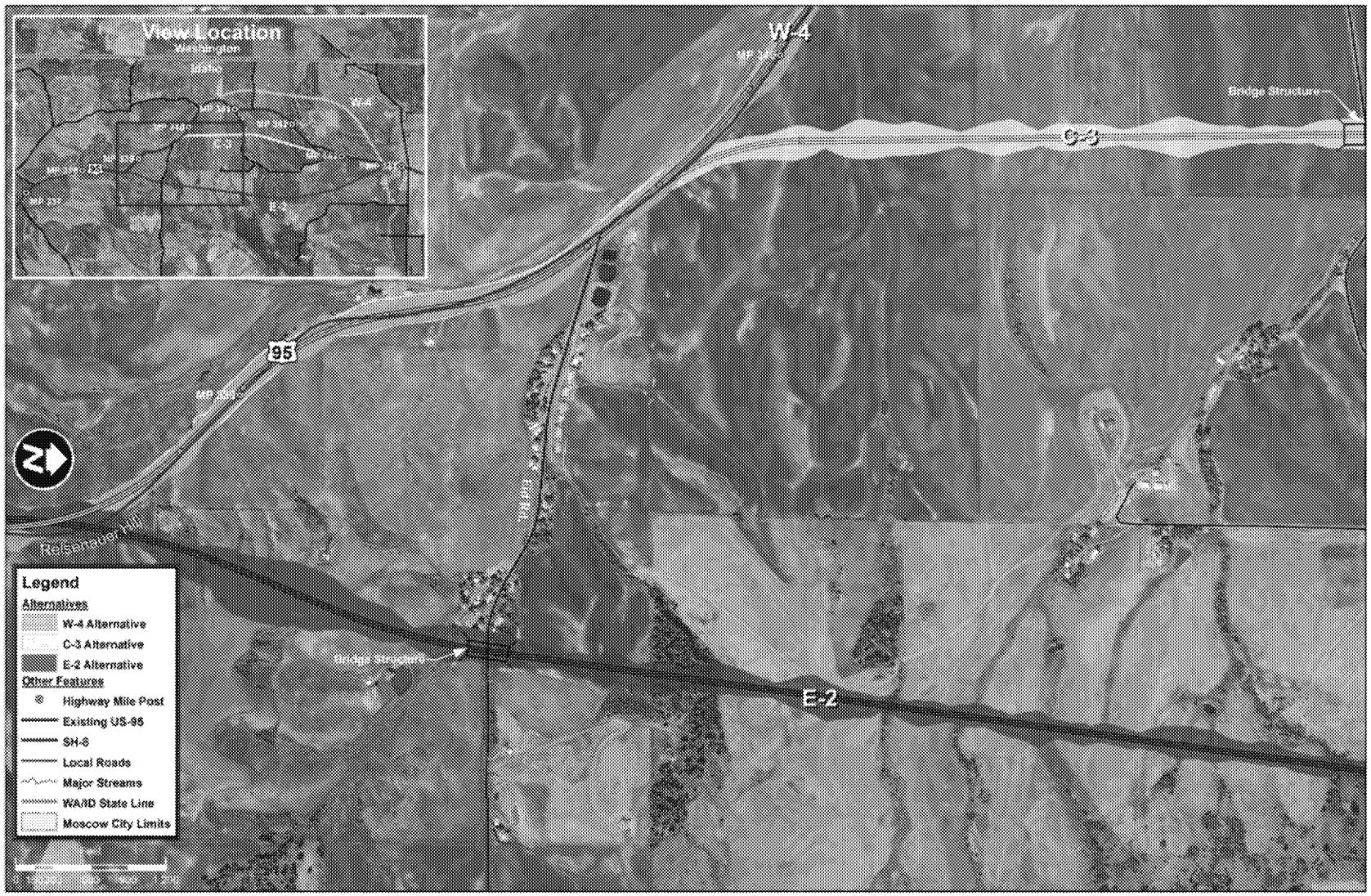

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Figure 8. FEIS Alternatives-(Map 3)

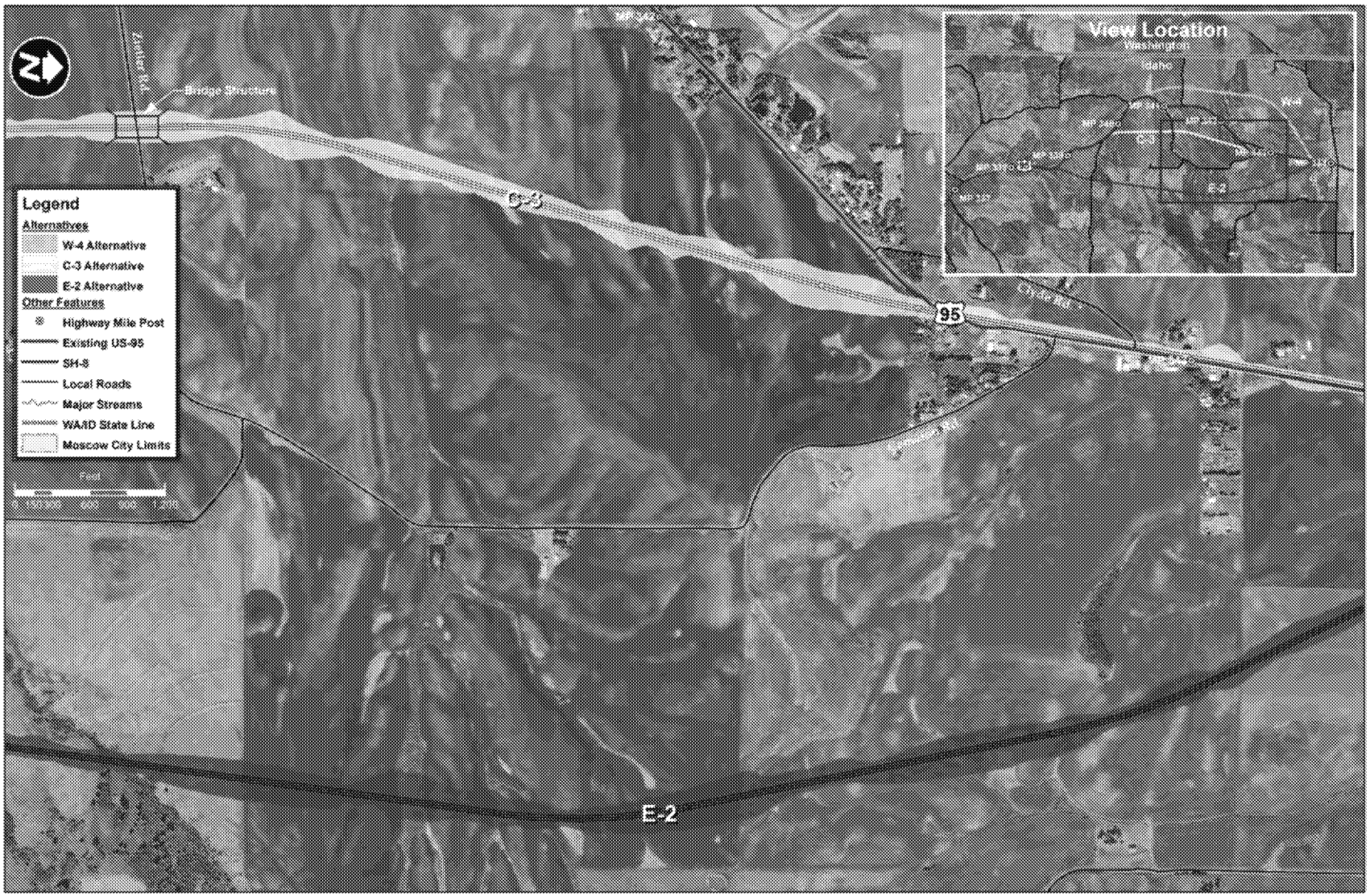

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Figure 9. FEIS Alternatives-(Map 4)

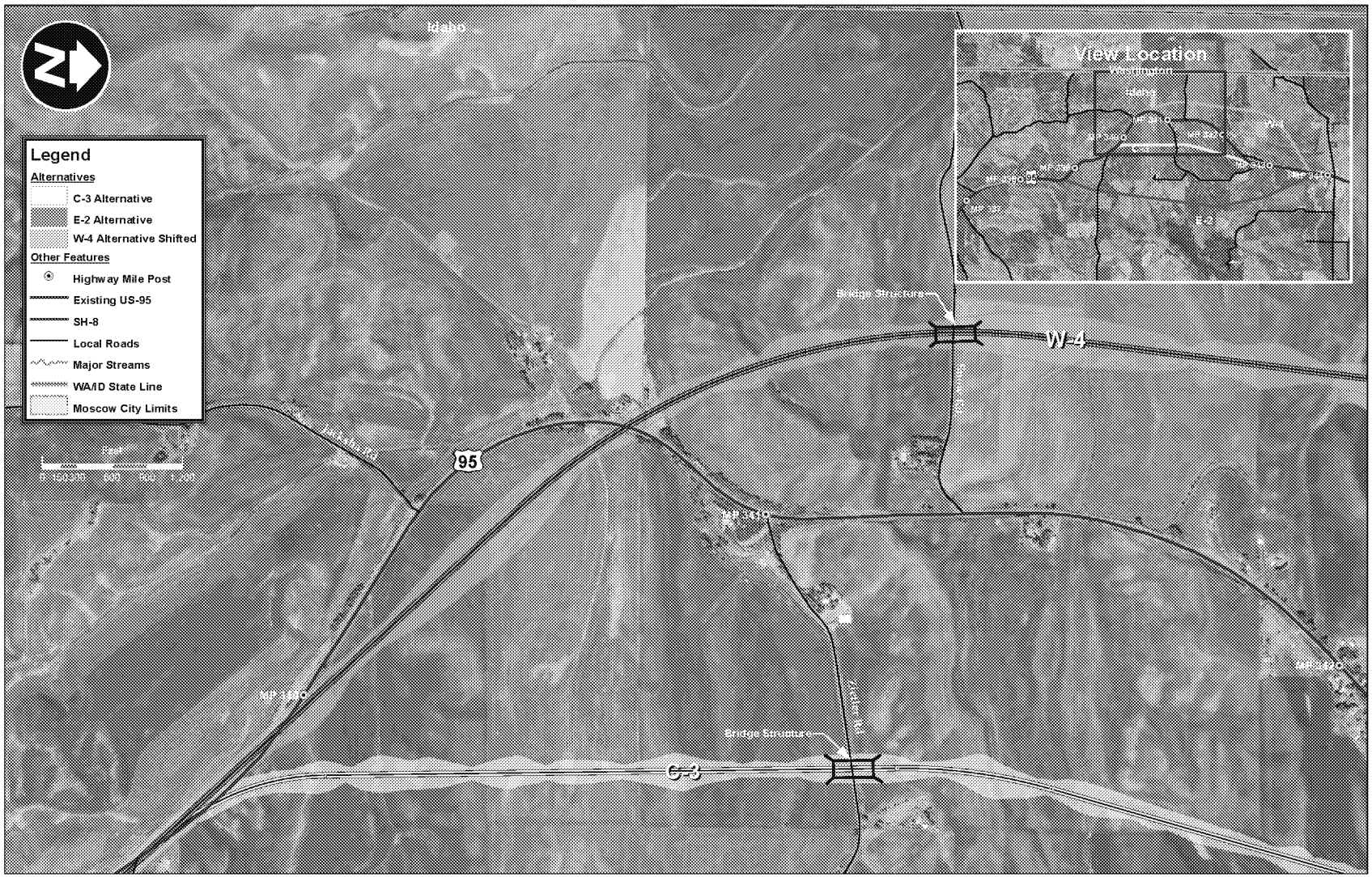

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Figure 10. FEIS Alternatives-(Map 5)

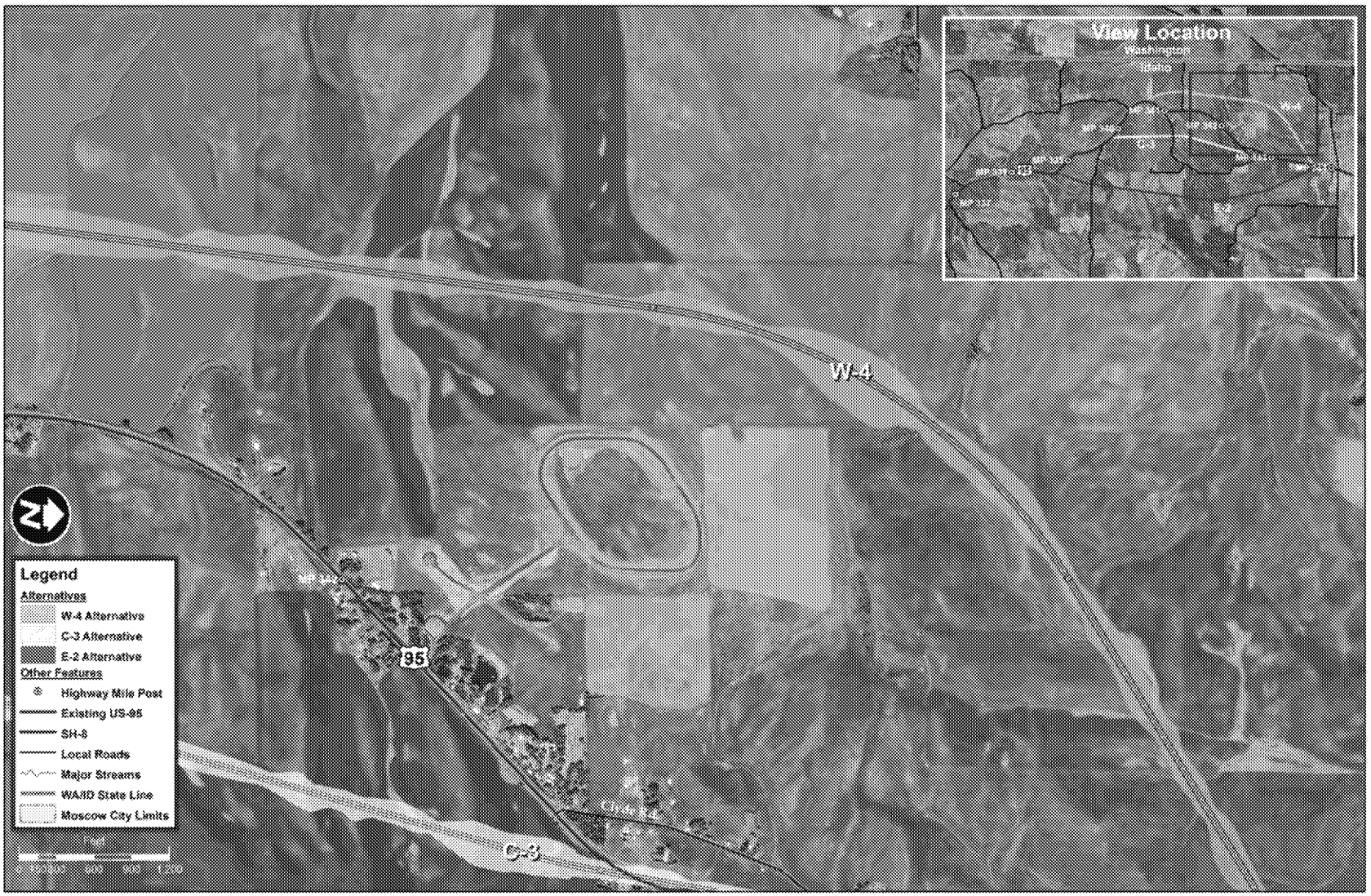

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Figure 11. FEIS Alternatives-(Map 6)

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4 BASIS FOR DECISION

4.1 Selection of Preferred Alternative

The FHWA and ITD selected the E-2 Alternative which was the Preferred Alternative in the FEIS. The primary advantages of the E-2 Alternative are that it is aligned through flatter topography, has the fewest US-95 access points, and has the greatest safety improvement. E-2 will affect the least amount of tributary channel distance and will avoid floodplains. Similarly to the other alternatives, it will avoid cultural and Section 4(f) resources. The primary disadvantage of E-2 over the other alternatives is that it will be located closer to Paradise Ridge, which supports a Ponderosa pine stand and various shrubs that provide the best ungulate habitat in the project area (Sawyer 2010). The affected pine stand is pygmy nuthatch habitat and potential habitat for long-eared myotis and northern alligator lizard. It will impact the greatest number of wetlands and the highest quality wetlands (i.e. scrub-shrub) and headwater tributaries. The E-2 Alternative will have the greatest indirect effects to Palouse remnants, planned and ongoing Palouse restoration projects and a key conservation area for Spalding's catchfly recovery primarily due to potential weed establishment and spread outside the right-of-way compared to the other alternatives. Although E-2 will have the highest noise impacts to residences of the action alternatives, E-2 is compatible with land use plans.

The evaluation of effects during the screening process, detailed analyses presented in the DEIS and FEIS, and the public and agency comments on the DEIS and FEIS resulted in the lead agencies, FHWA and ITD, selecting the E-2 Alternative. The E-2 Alternative was selected for the following reasons:

- It will have the greatest safety improvement.
- It will have the fewest access points and at-grade county intersections.
- It will have the least effect to streams.
- It will avoid potential business impacts and floodplains.
- It will have the shortest five-lane typical section and overall shortest length.
- It meets the project purpose and need.

While the difference between the total length of the C-3 and E-2 alternatives is just 0.09 miles, over a 20-year period the travel times and road user costs are substantial. Compared to C-3, the E-2 Alternative will save 800 hours of travel time and is estimated to save $19 million in the total cost of travel time, related vehicle depreciation, and vehicle operating costs for road users. This is explained in the US-95 Thorncreek Road to Moscow; Mobility and Road User Cost Study on Alternatives Carried Forward (ITD 2014a), which is summarized in the FEIS Sections 3.10 and 4.10.

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An important difference as it relates to safety is the length of the five-lane sections (four-lane section with a center turn lane) between alternatives. The five-lane section has approximately three times more predicted crashes than the divided four-lane rural section because the travel lanes are closer together and the turning movements from the center lane and approaches are predicted to generate more crashes. The E-2 alternative has the shortest five-lane section of the alternatives forwarded for detailed analysis. Other factors also contribute to the differences in safety including intersections and approaches. The E-2 Alternative will have the fewest county road intersections and the fewest residential and commercial approaches.

4.2 Environmentally Preferred Alternative

40 CFR 1505.2(b) requires that, the ROD specify the alternative(s), which were considered to be environmentally preferable. The environmentally preferred alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

The No Action Alternative is the environmentally preferred alternative because it will not require major roadway improvements, additional right of way and would not result in new environmental impacts; however, it would not meet the project purpose and need.

See FEIS Section 10.2.1 General Response to Issues under Preferred Alternative regarding why the No Action Alternative, which is the Environmentally Preferred Alternative, was not selected.

5 SECTION 4(F)

The Selected (E-2) Alternative will not result in a Section 4(f) use per 23 CFR 774.

6 PERMITS

Table 3. Permits and Approvals lists the permits and approvals that may be required to construct the E-2 Alternative. Each permit may have additional environmental requirements. Should an individual Section 404 permit be required, the USACE will make their decision regarding the Least Environmentally Damaging Practicable Alternative (LEDPA) during the project permitting process and after the Section 404(b)(1) Analysis has been completed. All of the alternatives that were evaluated in detail in the FEIS are considered to be practicable and one is not more

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practicable than the other. The USACE's determination of the LEDPA will be based upon a range of human and natural environmental factors.

Table 3. Permits and Approvals

Agency	Permits or Approvals
USACE	Section 404 Permit
EPA	NPDES Construction General Permit
EPA	Notice of Demolition
IDEQ	401 Water Quality Certification
IDWR	Stream Channel Alteration Permit

7 MITIGATION-AVOIDANCE, MINIMIZATION AND COMPENSATORY MITIGATION

All practicable measures to avoid and minimize environmental effects of the Selected Alternative have been adopted. The applicable best management practices (BMPs) specified in ITD's BMP Manual will minimize the remaining unavoidable effects associated with project construction and operation. In addition to the BMPs, the project-specific mitigation measures described below will be incorporated. The environmental consequences of this project, including direct, indirect and cumulative effects, are described in the DEIS and FEIS. ITD Standard Specifications require that all federal, state, and local laws and regulations be followed. All of the mitigation measures in Table 4. Mitigation Measures and all future permit conditions will be implemented during the design and construction of the Selected Alternative.

Table 4. Mitigation Measures

Resource	Mitigation Measure
Socio-Economic	ITD will maintain access to and from the right-of-way at existing public road connections and existing approaches.
Socio-Economic	ITD will coordinate with city, county and university officials to identify scenic turnout locations, including potential signage for the university and Paradise Ridge.
Socio-Economic	ITD will meet with landowners during the design process and find opportunities to minimize impacts to properties.
Socio-Economic/ Environmental Justice	ITD will coordinate with the Hidden Village/Benson Mobile Home parks and the Woodland Heights Mobile Home Court residents and owners during final design to use engineering solutions to minimize direct and indirect impacts (i.e. noise, visual and property impacts)

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Resource	Mitigation Measure
Land Use and Recreation	In accordance with the Latah County Comprehensive Plan the project will provide shoulders for bicyclists and pedestrians and sidewalks in the curb and gutter section. The project will follow ITD's Access Management Policy for Expressway access standards, which will only allow access at ITD designated locations. The E-2 Alternative will not affect access to Paradise Ridge and other recreational resources.
Farmland	ITD will limit the accesses or approaches on the new US-95 to limit farmland conversion.
Farmland	ITD will work with adjacent landowners to construct farmable slopes that will quickly be converted back to pre-existing uses.
Wetlands and Tributaries	Effects to tributaries will be mitigated according to the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (33 CFR 325 and 33 CFR 332, 40 CFR 230). Affected stream channels and wetlands will be mitigated by using the credits from the Cow Creek Mitigation Area, which has already been constructed. If after detailed design, it is determined that additional mitigation is required, then the Valencia Mitigation Bank or other mitigation methods will be used to meet mitigation requirements.
Wetlands and Tributaries	BMPs such as silt fences or fiber wattles will be installed along the perimeter of the work area during construction and maintained throughout construction to reduce sediment from entering waterways. Highly visible orange fencing will be installed and maintained during construction around wetlands and waterways. These areas will not be used for temporary crossings or staging areas. Turbidity testing will occur daily during in-water work. Riparian areas disturbed will be reestablished with deep rooted native vegetation that can provide shade. All chemicals used during construction will be stored away from waterways or will have secondary containment measures in place to minimize the potential for contamination and spills. Channel alteration will provide sinuosity to simulate natural channel paths and reduce scour.
Wetlands and Tributaries	ITD will evaluate the use of engineering solutions such as reducing the fill slopes or using crossings that span the wetlands where practicable to allow for large wildlife movement and to minimize impacts to PSS wetlands.
Groundwater	ITD will work with Idaho Department of Water Resources to decommission or restrict well construction within 300 feet of the roadway for the Selected Alternative.
Vegetation, Fish and Wildlife	Based on the ITD and IDFG meeting on 10-13-15, ITD will gain IDFG approval of the mitigation during the design process when topographic, geotechnical, and design detail is available to produce an accurate design. IDFG will approve details of the mitigation measures proposed including culvert sizing for small animal movement, bridge width and clearance for wildlife movement, wing fencing, wildlife fencing, sidewalls and paths, bat and bird boxes and other wildlife considerations.

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Resource	Mitigation Measure
Vegetation, Fish and Wildlife	ITD will monitor Animal Vehicle Collisions (AVCs) near Paradise Ridge in the identified ungulate crossing area. ITD will use their existing programs to monitor AVCs including the ITD/IDFG Road Kill & Wildlife Salvage Database, which is a road kill reporting and mapping tool. ITD will also continue to evaluate highway accident data annually and identify high accident locations (HALs) based on the previous three years of crash data. These locations are investigated to determine contributing factors to accidents, including AVCs, and solutions are proposed and programmed. Should AVCs be identified as contributing to accidents, ITD will take action to implement appropriate solutions, which ITD has recommended for other areas with high rates of AVCs, include fencing, driver awareness, animal deterrents, cattle guards, wildlife underpasses, and wildlife advanced detection and warning systems. ITD will collaborate with IDFG as needed to identify the most effective solutions for the project area.
Vegetation, Fish and Wildlife	ITD will clear vegetation along the roadside to improve sight distance and visibility of wildlife. In addition, vegetation will be managed to be unpalatable to wildlife to discourage them from grazing along the road.
Vegetation, Fish and Wildlife	ITD and IDFG will work together to locate impacted water features (ponds, tributaries or wetlands) away from the roadway on the east side of the roadway to benefit many wildlife species and minimize crossing.
Vegetation, Fish and Wildlife	ITD and IDFG will install bat boxes at selected sites to provide bat roosts. See the Bat Conservation International website at www.batcon.org or Nongame Wildlife Leaflet No. 11 on bats (Wackenhut and McGraw 1996) for details on building a bat house.
Vegetation, Fish and Wildlife	ITD and IDFG will install nuthatch nest boxes near the affected ponderosa pine stands to augment the nesting sites currently available.
Vegetation, Fish and Wildlife	Tree removal will be between August 2 and March 30 to minimize effects to nesting birds.
Vegetation, Fish and Wildlife	ITD, IDFG, and USFWS will survey the grasslands for nesting activities prior to construction to avoid affecting nesting of migratory grassland birds.
Vegetation, Fish and Wildlife	ITD and IDFG will design under crossings of county roads to accommodate ungulates and to include appropriate wildlife fencing.
Vegetation, Fish and Wildlife	ITD and IDFG will design culverts for streams and riparian areas with adequate width to provide passage of small terrestrial and aquatic wildlife. Culvert designs could include box culverts, bottomless box culverts, and corrugated metal culverts placed at grade or the use of stream simulation designs. This may include retrofitting existing structures where appropriate.

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Resource	Mitigation Measure
Vegetation, Fish and Wildlife	ITD will work with USFWS and local weed experts during final design to develop project seed mixes designed to compete against weed establishment and infestations and to discourage wildlife foraging near the roadway. The seed mixes will be used on all appropriate disturbed areas within project limits.
Vegetation, Fish and Wildlife	ITD will work with USFWS, IDFG, and the Latah County Conservation District to salvage native trees and shrubs that may be removed for construction as practical, and to make them available for use in local restoration projects.
Vegetation, Fish and Wildlife	ITD will continue to implement the established District Roadside Vegetation Management Program as outlined in the ITD Operations Manual. This is an established ongoing program for roadside vegetation management that applies to all ITD rights-of-way. ITD will work with USFWS, IDFG, NRCS, and Latah County Conservation District to develop a Project-Specific Vegetation Management Plan that will help control weeds within the highway right-of-way in the project limits. This Project Specific Vegetation Management Plan will describe the areas of soil disturbance and weed risk, define the erosion control planting areas and timing, describe construction of farmable slopes, target weed species for control, and outline the specific methods for weed control. It will propose the type and frequency of herbicide applications with consideration of the herbicide impacts to the native species and habitats. In addition, during the right-of-way process, ITD will work with willing landowners, to fund measures to prevent weed establishment and infestation in proximity to the Palouse remnants that are within 0.6 miles of the proposed highway right-of-way. The controls related to this funding will be developed with each landowner during the right-of-way negotiation process.
Vegetation, Fish and Wildlife	ITD and IDFG will install special reflective posts or delineators near the highway for protection of Short-Eared Owls.
Vegetation, Fish and Wildlife	ITD and IDFG will install day and night roosting facilities for displaced birds and wildlife. Roosting installations will be relocated away from the highway to reduce collisions. New structures will be designed with sealed joints to discourage roosting.

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Resource	Mitigation Measure
Vegetation, Fish and Wildlife	Waste, material, staging and stockpile areas will be identified by the contractor and approved by ITD before construction activities begin. Sensitive areas will be identified in consultation with agencies and will be indicated on plan sheets and contract documents to retain and protect these areas. Material sources will be commercial sites and therefore will be in compliance with applicable laws and regulations. The staging and stockpile sites are expected to be within the existing alternatives' footprints. If during design it is determined that non-commercial sources, staging or stockpile sites outside of the evaluated footprints are needed, then the sites will be subject to a NEPA review and will meet all applicable federal, state and local laws and regulations.
Threatened and Endangered Species	Adequate uninterrupted hydraulic flow will be maintained in the streams prior to and after construction.
Threatened and Endangered Species	Ground disturbing activities will occur during periods of low rainfall to minimize the potential for introducing sediment to ephemeral streams and to control or minimize erosion.
Threatened and Endangered Species	Sediment fences will be installed between areas of disturbance and ephemeral streams, and will be cleaned regularly to maintain function.
Threatened and Endangered Species	Immediately (no longer than 30 days) after construction activities are completed in an area, all disturbed areas adjacent to the highway will be treated with tackifier or similar methods to minimize weed establishment or will be seeded according to Standard Specification 621 during the ITD approved seeding window.
Threatened and Endangered Species	To minimize the potential for introducing hazardous materials to ephemeral streams in the project area, precautionary measures will be taken to reduce the risk of spills. A spill prevention and contingency plan will be prepared by the construction contractor, approved by ITD prior to construction, and submitted to EPA prior to project implementation.
Threatened and Endangered Species	Staging, stockpiling, fueling, storage, wasting, and maintenance areas will be located at least 150 feet away from ephemeral streams and adequately buffered from drainage areas.
Threatened and Endangered Species	Hazardous Materials Spill Kits that are appropriate for the solvents involved in operation and maintenance of vehicles and machinery used will be kept on site during construction.
Threatened and Endangered Species	ITD will conduct annual surveys for Spalding's catchfly at Palouse remnants within 0.6 miles of the highway until construction begins. If Spalding's catchfly plants are found at any remnant locations that may be affected, ITD will work with the USFWS to establish appropriate vegetation management practices suitable for the location and the species occurrence.

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Resource	Mitigation Measure
Transportation	ITD will request a Road Closure Maintenance Agreement from the local agency (NLHD) on any existing roadway that will be transferred to the local agency as part of the new US-95 alignment. ITD will negotiate the transfer of existing US-95 loop road to NLHD. Once the agreement has been signed, all documents pertaining to that section of roadway (right-of-way plans and descriptions, roadway plans and agreements) will be turned over to the local agency.
Transportation	ITD will coordinate with the City of Moscow regarding the undeveloped City street access and the accommodation of the proposed Ring Road project.
Visual Quality	ITD will utilize specific geotechnical information and topographic survey data to more specifically design cuts and fills and look for opportunities to minimize the visual impacts of the project.
Visual Quality	ITD will implement measures to help blend highly visible roadway features with the existing landscape through measures such as use of native grass species, balancing cut and fills, and painting metal beams to blend with the surrounding environment.
Hazardous Materials	ITD will complete a Phase II Hazardous Materials Study during design to identify sites requiring cleanup and special handling and disposal of hazardous materials. If there are sites requiring hazardous materials cleanup, that work will be accomplished by a qualified contractor specializing in hazardous materials cleanup before or during construction.
Hazardous Materials	Demolition of structures will be in compliance with applicable laws and regulations regarding lead and asbestos.

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7.1 Effectiveness of Mitigation

Detail regarding the effectiveness of measures to minimize impacts caused by AVCs and weed control measures are provided below to address FEIS comments.

7.1.1 Wildlife Crossing Structures and Fencing

FHWA issued *Best Practices Manual: Wildlife Vehicle Collision Reduction Study; Report to Congress* (FHWA 2008), which details the causes and impacts of wildlife-vehicle collisions and identified potential solutions to reduce AVCs. The report discusses the recommended approaches to identify and prioritize statewide linkage areas, wildlife hot spots and evaluates the effectiveness of wildlife mitigation measures. This report is the result of a comprehensive literature review and findings from the FHWA, which support the selection of wildlife crossing structures and fencing for reducing AVCs.

Wildlife fencing is generally not effective unless it is able to funnel wildlife into a wildlife crossing area (FHWA 2008). The specific wildlife crossing structure locations and sizes will be determined in close collaboration with IDFG during final design when detailed topography, geotechnical information and design details are available. There will be multiple culvert crossings and one multiple use undercrossing located at Eid Road which is within a Wildlife Linkage Area identified in the ITD and IDFG Statewide Linkage Report as a low priority. The Statewide Linkage Report used road kill data, GIS layers and imagery, wildlife experts and GIS analysis. It used the Rapid Assessment format that has been utilized throughout Idaho and Western Montana (Ruediger, 2004) to identify and prioritize linkage areas into low, medium and high categories.

US-95 will cross over Eid Road but will provide additional room on either side of the road for ungulate movement. Fencing will be designed to funnel wildlife through the undercrossing. Since Eid Road is expected to be a low volume road with low speeds compared to US-95, the vehicle conflicts with wildlife are expected to be low. Fencing along either side of the road will be placed to funnel wildlife to the undercrossing and to discourage them from crossing US-95.

The Report to Congress found that the effectiveness of multiple use underpasses, (underpasses designed for use by wildlife as well as water flow, roads, livestock or railroads), is estimated to be between 79 and 97 percent effective in reducing large mammal AVCs and an average of 86 percent effective when used in combination with large-mammal fencing (FHWA 2008; Section 4.2 and 4.3.1). There are many different crossing structure types, dimensions, fencing designs,

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substrate consideration and enhancements for terrestrial and aquatic species passage that will be incorporated into the design to help ensure the effectiveness.

7.1.2 Vegetation Management

The Report to Congress evaluated clearing vegetation in the right of way in order to reduce AVCs by improving sight distance, improving visibility of wildlife and discouraging wildlife from grazing along the roadway. Reducing the number of large trees near roads may also result in fewer collisions with stationary obstructions. (FHWA 2008). ITD will work closely with IDFG to ensure these measures are effectively designed and implemented.

The FEIS describes a section of US-20 that experienced an 85 percent reduction in AVC's after vegetation clearing. This section was reevaluated based on the last five years of data and it was found to have a 60 percent reduction in wildlife crashes after the vegetation removal. (Artzen 2015). Vegetation removal along a railway (66-98 ft) on each side in Norway caused a 56 percent (+/- 16 percent) reduction in moose-train collisions (Jaren, 1991); however the collision reduction potential is possibly over stated according to the Report To Congress. Clearing vegetation from roadsides resulted in a 20 percent reduction in moose-vehicle collisions in Sweden (FHWA 2008). In addition to vegetation clearing, vegetation will be managed to be unpalatable to wildlife to prevent them from grazing along the road.

7.2 Weed Control

There is a potential for weeds to establish within the project limits and to disperse which could degrade Palouse Prairie ecosystems within approximately 0.6 miles of the highway. ITD will continue to implement the established District Roadside Vegetation Management Program as outlined in the ITD Operations Manual. This is an established ongoing integrated vegetation management program for roadside vegetation management that applies to all ITD rights-of-way.

ITD will work with USFWS, IDFG, NRCS, and Latah County Conservation District to develop a Project-Specific Vegetation Management Plan that will help control weeds within the highway right-of-way in the project limits. This Project Specific Vegetation Management Plan will describe the areas of soil disturbance and weed risk, define the erosion control planting areas and timing, describe construction of farmable slopes, target weed species for control, and outline the specific methods for weed control which could include cultural, biological, mechanical and/or chemical methods of control. It will propose the type and frequency of herbicide applications with consideration of the herbicide impacts to the native species and habitats.
In addition, during the right-of-way process, ITD will work with willing landowners, to fund measures to prevent weed establishment and infestation in proximity to the Palouse remnants

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that are within 0.6 miles of the proposed highway right-of-way. The controls related to this funding will be developed with each landowner during the right-of-way negotiation process.

7.3 Monitoring and Enforcement

The mitigation measures described above will be incorporated into the construction contract, plans, and specifications as appropriate. They will be monitored in accordance with a construction monitoring plan developed to include all monitoring commitments in this ROD and those required to comply with specific permits.

8 COMMENTS ON THE FEIS AND RESPONSES

Fifty-two comment letters were received on the FEIS between August 14 and September 21, 2015. See Table 5. FEIS Public Comments. The EPA, IDFG and the USACE were granted an additional week to submit their comments. These three public agencies have had a role as participating agencies in the development of the EIS and specifically requested additional time to complete their review and comment on the FEIS.

The responses and comments are organized differently in the ROD to assist the reader when referencing comments with responses.

- Table 5. FEIS Public Comments shows the Comment Letter identifier and the corresponding commenter.
- **Appendix A** contains the General Response to Issues to address repeated comments that was prepared for the FEIS but it is updated in the ROD. These general responses to issues are referred to within the comment responses in Appendix C.
- **Appendix B** contains the scanned comment letters and emails with unique identifiers corresponding to each substantive comment.
- **Appendix C** is organized by the unique identifier and provides a corresponding response to substantive comments.

Table 5. FEIS Public Comments lists the unique comment letter identifier for each letter or email.

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Table 5. FEIS Public Comments

Comment Letter Identifier	Commenter / Organization
F-1	David Stowers
F-2	Norbert & Janelle Niehenke
F-3	Christina Baldwin
F-4	Sara Holup
F-5	Stephan Flint
F-6	Victoria Seever
F-7	Mary Ulrich
F-8	Steven Ulrich
F-9	Joann Muenta
F-10	Jennie Hall
F-11	Helen Yost / Wild Idaho Rising Tide
F-12	Mary Fauci
F-13	Ian Von Lindern
F-14	Margrit Von Braun
F-15	Selma Yocum
F-16	Susannah (Soona) Schmidt
F-17	John R. Porter
F-18	Cathy Porter
F-19	Joshua Yeidel
F-20	Susan Westervelt
F-21	Sue Weaver
F-22	Jim Roach
F-23	Ronnie Hatley
F-24	Kota Inoue
F-25	Karen Ward
F-26	Stephan Flint
F-27	Dave & Molly Hallock
F-28	Steve Redinger
F-29	Wayne L. Olson / Citizens for a Safe 95
F-30	Victoria A. Seever
F-31	Terry Johnson-Huhta
F-32	Delitha & Dwight Kilgore
F-33	Diane Baumgart
F-34	Del Hungerford
F-35	Diana Armstrong
F-36	Kevin Renfrow
F-37	Mark (no last name given)
F-38	Lynn Haagensen
F-39	Bill Gibson
F-40	John & Sara Holup
F-41	Del Hungerford
F-42	Paradise Ridge Defense Coalition
F-43	Stephan Flint

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Comment Letter Identifier	Commenter / Organization
F-44	Bev Anderson-Citizens for a Safe 95
F-45	Willie R. Taylor / US Dept. of the Interior-USFWS
F-46	Sharon Kiefer / Idaho Dept. of Fish and Game
F-47	bettab@frontier.com (no name given)
F-48	Dan Rudolph / Idaho House of Representatives
F-49	David Hall
F-50	David Hall / President, Palouse Prairie Foundation
F-51	Christine B. Reichgott / US Environmental Protection Agency, Region 10
F-52	Ross Applegren

9 LIMITATION OF CLAIMS

A statute of limitation pursuant to 23 USC 139(1), indicating that FHWA has taken final action on approval of the US-95 Thorncreek Road to Moscow Project, will be published by the FHWA. Claims seeking judicial review of those federal agency actions will be barred unless such claims are filed within 150 days after the date of publication or within a time period as is specific in the federal laws pursuant to which judicial review of the federal agency action allowed. If no notice is published, then the periods of time that otherwise are provided by the laws governing such claims will apply.

10 CONCLUSION

FHWA has determined that the E-2 Alternative meets the US-95 Thorncreek Road to Moscow project purpose and need and has the greatest safety benefit. FHWA has further determined that with the application of specified avoidance, minimization, and mitigation measures, the Selected Alternative adequately addresses environmental, safety, and socio-economic considerations, meets Section 4(f) requirements, and is in the public interest. All practicable measures to avoid and minimize environmental effects of the Selected Alternative have been adopted; therefore, FHWA approves the E-2 Alternative for implementation of the US-95 Thorncreek Road to Moscow Project.

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11 REFERENCES

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ITD 2012b. US-95 Thorncreek Road to Moscow Hydraulic Study for Affected Floodplains on Alternatives Carried Forward. Prepared by ITD District 2, Lewiston ID. Curtis J. Arnzen, P.E. April 2012.

ITD 2013. US-95 Thorncreek Road to Moscow AASHTO Highway Safety Manual Analysis for Alignments Carried Forward. Idaho Transportation Department District 2. Curtis J. Arnzen, P.E. September 2013.

ITD 2014a. US-95 Thorncreek Road to Moscow; Mobility and Road User Cost Study on Alternatives Carried Forward. Idaho Transportation Department District 2. Curtis J. Arnzen, P.E. March 2014.

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TECHNICAL REPORTS

The following technical reports were prepared to evaluate the existing conditions and alternative effects during the DEIS preparation. Additional reports prepared after the DEIS publication are added under the FEIS Technical Reports.

DEIS Technical Reports

The following technical reports were prepared which support the DEIS and were circulated with the DEIS.

BIOLOGICAL ASSESSMENT TECHNICAL REPORT

Biological Assessment, Thorncreek Road to Moscow Highway Construction Project (ITD 2007a)

COMMUNITY IMPACT TECHNICAL REPORTS

Community Profile Update (HDR 2011a)
Environmental Justice Update (HDR 2011b)
Induced Development Update (HDR 2011c)
Community Impact Assessment Update (HDR 2011d)
Community Impact Assessment (HDR 2006)
Community Profile & Induced Development (HDR 2005a)
Environmental Justice (HDR 2005b)

CULTURAL RESOURCES TECHNICAL REPORTS

Historic Resources Survey Update to An Historic Buildings/Structures Survey (Cardno-Entrix 2011)
Cultural Resources Surveys; Short Report 898 (AHS 2006)
An Historic Buildings/Structures Survey; Short Report 832 (Sharley 2005)

FARMLAND TECHNICAL REPORT

Farmland Protection Policy Act (Haagen 2006)

FLOODPLAIN TECHNICAL REPORT

Hydraulic Study for Affected Floodplains on Alternatives Carried Forward (ITD 2012b)

HAZARDOUS MATERIALS TECHNICAL REPORTS

Phase I Database Inquiry 3134591.1s (EDR 2011)
Hazardous Materials Scan (North Wind 2005)

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TRAFFIC NOISE TECHNICAL REPORT

Analysis of Noise Environment and Impacts (Bionomics 2012)

SCREENING OF ALTERNATIVES TECHNICAL REPORT

Alignment Screening 1-US-95 Thorncreek Road to Moscow; Alignment Screening Report (ITD 2006)

SAFETY TECHNICAL REPORT

US-95 Thorncreek Road to Moscow AASHTO Highway Safety Manual Analysis for Alignments Carried Forward (ITD 2012a)

VEGETATION TECHNICAL REPORTS

A Scientific Evaluation for Noxious and Invasive Weeds of the Highway 95 Construction Project between Uniontown Cutoff and Moscow (Lass & Prather 2007)

Biological Evaluation of Plant Species and Communities of Conservation Concern in the US Highway 95 Thorncreek Road to Moscow Project Area (Lichthardt 2005)

VISUAL RESOURCES TECHNICAL REPORT

Final Visual Resources Report (Visual Genesis 2005)

WEATHER TECHNICAL REPORT

Final Report for Weather Analysis of Proposed Realignments (Qualls 2005)

WETLAND DELINEATION TECHNICAL REPORT

Wetland Delineation Technical Report (Gilmore 2012)

WILDLIFE TECHNICAL REPORTS

Assessment of Potential Big Game Impacts and Mitigation Associated with Highway Alternatives from Thorncreek Road to Moscow (Sawyer 2010)

Final Review of Wildlife Mitigation for the Thorncreek Road to Moscow Highway Development Project (US-95) (Ruediger 2007)

General Wildlife Assessment (IDFG 2006)

Biological Evaluation on the Potential Impacts of Corridor Alternatives from Thorncreek Road to Moscow on Large Ungulates (Melquist 2005a)

Biological Evaluation on the Potential Impacts of Corridor Alternatives from Thorncreek Road to Moscow on Long-eared Myotis and Pygmy Nuthatches (Melquist 2005b)

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FEIS Technical Reports

The following additional technical reports were prepared which support the FEIS. All reports are circulated with the FEIS with the exception of *A Cultural Resources Probability Study for Idaho Transportation Department's Proposed US 95 Thorn Creek Road to Moscow, Stage 1 Project, Latah County, Idaho* (Sharley and Gough, 2005). This was not released due to the confidentiality of the content.

BIOLOGICAL ASSESSMENT TECHNICAL REPORT

Memo Documenting Resurvey for Spalding's Catchfly along US-95 Thorncreek to Moscow Project Area, (Lichthardt 2014)

Updated USFWS Species List (USFWS 2015)

CULTURAL RESOURCES TECHNICAL REPORT

Addendum A to the Cultural Resource Survey Reports for Modified W-4 Alternative (ITD 2015c)

A Cultural Resources Probability Study for Idaho Transportation Department's Proposed US 95 Thorn Creek Road to Moscow, Stage 1 Project, Latah County, Idaho (Sharley and Gough, 2005)-Not circulated to the public

FLOODPLAIN TECHNICAL REPORT

Hydraulic Study for Affected Floodplains on Alternatives Carried Forward (ITD 2014c)

VEGETATION TECHNICAL REPORT

Memo: Effects Analysis of the US Highway 95-Thorncreek Road to Moscow Project for Plant Species and Communities of Conservation Concern (Lichthardt 2008)

WATER RESOURCES TECHNICAL REPORT

Hydrogeologic Analysis of Alternative Alignments of Highway 95 from Thorncreek to Moscow (Ralston 2014)

TRAFFIC NOISE TECHNICAL REPORT

Addendum to the Analysis of Noise Environment and Impacts (ITD 2015a)

Analysis of Noise Environment and Impacts (Bionomics 2012)-updated in 2015 to correct right-of-way impacts)

SAFETY TECHNICAL REPORT

Idaho Transportation Board Agenda and Minutes and sample of ITD 0606 Form.

US-95 Thorncreek Road to Moscow; AASHTO Highway Safety Manual Analysis on Alternatives Carried Forward (ITD 2013)

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Addendum 1 US-95 Thorncreek Road to Moscow AASHTO Highway Safety Manual Analysis on Alternatives Carried Forward. (ITD 2015b)

US-95 Thorncreek Road to Moscow; Mobility and Road User Cost Study on Alternatives Carried Forward (ITD 2014a)

Addendum 1 US-95 Thorncreek Road to Moscow; Mobility and Road User Cost Study on Alternatives Carried Forward. (ITD 2014b)

WEATHER TECHNICAL REPORT

Weather Analysis and Climate Study for US Highway 95, Thorncreek Road to Moscow, Four Proposed Alternatives, No-Build, W-4, C-3 and E-2 (Qualls 2014)

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APPENDIX A

US-95 THORNCREEK ROAD TO MOSCOW PROJECT, LATAH COUNTY IDAHO

GENERAL RESPONSES TO ISSUES FROM THE FEIS

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General Response Name	General Comment	General Response
Access	What will the access be for the new highway? How will access control be enforced? Will growth along the highway result in more approaches and accesses and worsened safety for the alternatives?	The access control for this segment of US-95 is currently Statewide Access Control. The proposed US-95 Action Alternatives were designated as Expressway Access Control through an Idaho Transportation Board action on January 15 & 16, 2014. (See the Safety Analysis Technical Report for the agenda and board minutes). Expressway Access Control is a segment of a highway designated by the Idaho Transportation Board for use as a through highway, with partially controlled access, accessible only at locations specified by ITD, and characterized by medians, limited at-grade intersections, and high speeds. An existing segment of state highway may only be designated as an expressway if payment is made to adjacent property owners for the restriction of existing access rights [IDAPA 39.03.42]. While the District Engineer has the authority to approve a decrease in the spacing requirements for other access types, the Expressway Access Control does not have spacing requirements; therefore, access is allowed only at locations designated by ITD which will be determined in collaboration with the landowner during the right-of-way process. This is stated in the IDAPA 39.03.42 Section 400.03, which is reflected in ITD's 0606 Form for Current Access Purchase Determination. A blank sample of the ITD 0606 Form that would be used is provided in the Safety Analysis Technical Report. ITD will be required to comply with their access policy and will have the regulatory power to limit access. The FHWA and ITD would purchase access rights in accordance to Idaho Board Policy-4005, which incorporated the recently revised IDAPA Rule 39.03.42 *Rules Governing Right-of-Way Encroachments on State Rights-of-Way* and *Management of Department-Owned Property*. The appraiser will perform a before and after appraisal that will specifically address the access. The deed for the properties will specify the access points at specific locations discussed with the property owner stating width, location and the type of use of the access. This is expected to reduce development pressures and associated environmental impacts along the new highway alignment and preserve the safety benefit of the alternatives. Ultimately, development is regulated by land use planning agencies in the City of Moscow and Latah County. See FEIS Chapter 6, Indirect and Cumulative Effects. Additional information was added regarding past, present, and reasonably foreseeable future impacts to Paradise Ridge and Palouse remnants as a result of the project. Expressway Access Control is discussed in the FEIS, Sections ES.6, 2.4.2 and 4.10.3.

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General Response Name	General Comment	General Response
Agency	Idaho Department of Fish and Game (IDFG), US Environmental Protection Agency (EPA), and the US Fish and Wildlife Service (USFWS) prefer the central route. Why did ITD identify the E-2 Alternative as their Preferred Alternative?	The IDFG, EPA and USFWS expressed support for the C-3 Alternative based upon their respective missions to prioritize natural resources including wildlife, water resources and threatened and endangered species. National Environmental Policy Act (NEPA) requires FHWA and ITD to evaluate and consider the alternatives' impacts to both the human and natural environment while taking into account the purpose and need statement and the public's need for a safe and efficient transportation system. See DEIS and FEIS Section 1.4. See the DEIS and FEIS Section 2.6, Preferred Alternative for additional information regarding why the E-2 Alternative was identified as ITD's and FHWA's Preferred Alternative. Although individual resource agencies and others focus on their specific resource issues, FHWA and ITD have avoided and minimized the overall environmental impacts as practicable and will implement the mitigation measures outlined in the FEIS Chapter 9, Environmental Commitments to further mitigate the environmental impacts. ITD met with IDFG during the FEIS development and agreed upon the mitigation measures described in Chapter 9, Environmental Commitments. ITD will collaborate with IDFG on refining the details of mitigation before final design to help ensure mitigation success. For clarification, the US Army Corps of Engineers did not support or object to any of the alternatives. They will make their decision regarding the Least Environmentally Damaging Practicable Alternative (LEDPA) during the project permitting process and after the Section 404(b)(1) Analysis has been completed.
Alternative	Why did FHWA and ITD identify the E-2 Alternative as their preferred alternative?	The E-2 Alternative was identified as FHWA's and ITD's Preferred Alternative because it balances the human and natural resource impacts with the public need for a safe and efficient transportation system. Some of the considerations are: • It would have the greatest safety improvement • It would have the fewest access points • It would have the shortest length of five lane section and therefore would be safer • It would have the least effect to streams • It would avoid effects to cultural/Section 4(f) resources, floodplains and business impacts. The primary disadvantages of E-2 Alternative compared to the other alternatives are that it will be located along the base of Paradise Ridge and will be closer to it but will not go over it. This could increase weed establishment and spread up to 0.6 miles from the roadway. Paradise Ridge provides moderate or marginal ungulate habitat and E-2 will affect pine stands that offer long-eared myotis, northern alligator lizard and pygmy nuthatch habitat. The pine stands also provide habitat for other diverse species. See General Response NEPA for detail regarding the NEPA process.

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<table>
<tr><th>General Response Name</th><th>General Comment</th><th>General Response</th></tr>
<tr><td>Displacement-1</td><td>Why were there inconsistencies between the number of displaced residences and businesses published in the DEIS and what was communicated by ITD's right-of-way staff during the public hearing?
–</td><td>ITD reviewed the residential and business displacements after the public hearing. The displacement numbers in the DEIS are based on a conceptual level of detail using conservative estimates; however, they were correct based upon the assumptions used at the time. Determination of exact displacements requires a greater level of detail than is available at this time because detailed topographic, survey data; geotechnical information and design detail is currently not available. If an action alternative is selected, then the design process would use specific topographic, detailed survey data and geotechnical information to determine right-of-way needs and design detail. ITD will work with landowners and business owners one-on-one during the right-of-way and design processes to explore engineering solutions that could minimize visual or other proximity impacts. All residents and property owners will be compensated equitably according to the Uniform Relocation Act.
The assumptions and terminology for residential and business effects were reviewed and revised in the FEIS. Residential and business effects are now described as "impacts" and "potential impacts". An "impact" was considered to be when the conceptual level alignment cut and fill boundaries and right-of-way encroached upon a structure, well, septic, access or otherwise appears to substantially impair the property so that relocation is assumed. A "potential impact" was considered where the conceptual level alignment cut and fill boundaries and right-of-way falls close to a structure, well, septic, access or other important property features and have the potential to result in impact but does not physically encroach upon it so relocation is not assumed. The residential and business effects are shown in the tables below:

Table 75. Residential Effects
<table>
<tr><th>Alternative</th><th>DEIS Residential Displacement</th><th>FEIS Residential Impacts</th><th>FEIS Potential Residential Impacts</th></tr>
<tr><td>No Action</td><td>0</td><td>0</td><td>0</td></tr>
<tr><td>W-4/Modified W-4</td><td>3</td><td>3</td><td>2</td></tr>
<tr><td>C-3</td><td>7</td><td>2</td><td>5</td></tr>
<tr><td>E-2</td><td>5</td><td>7</td><td>6</td></tr>
</table></td></tr>
</table>

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<table>
<tr><th>General Response Name</th><th>General Comment</th><th>General Response</th></tr>
<tr><td>Displacement-1 (continued)</td><td></td><td>

Table 76. Business Effects

Alternative	DEIS Business Displacements	FEIS Business Impacts	FEIS Potential Business Impacts
No Action	0	0	0
W-4/Modified W-4	0	0	0
C-3	8	0	8
E-2	0	0	0

The revised numbers resulted in relative differences in the residential and business impacts so that the C-3 Alternative would have 5 fewer residential impacts than the E-2 Alternative and 8 potential business impacts. The Green Acres RV Park spaces were counted as one business impact. The potential business impacts include; Mr. Cabinet, an RV park, Singar Inc., and home based businesses. The residential and business effects are revised in the FEIS Sections ES.6, 2.6, and 4.1 and 4.12. Indirect and cumulative effects are discussed in the FEIS Chapter 6. See Appendix 5, Uniform Relocation Act for detail regarding the requirements under the Act.

</td></tr>
<tr><td>Displacement-2</td><td>There are inconsistencies in numbers of residential and business displacements between different parts of the documents. E.g., C-3 eliminates 7 residences in Table 8 of the DEIS but only 3 in the Screening of Alternative document on page 17.</td><td>The FEIS distinguishes the residential and business right-of-way impacts by categorizing them into term “impact” and “potential impact.” Determining exact displacements requires a greater level of detail than is currently available. The differences between displaced residences and businesses that are referenced in the comments differ because Table 8 of the DEIS refers to the displacements from the alternatives analyzed in the DEIS while page 17 refers to the 11 initial alternative alignments which were screened, which had different project limits, a more conceptual level of detail without cut and fill lines, and with differing assumptions for what constituted a displacement. This difference in numbers of displacements is explained in the DEIS Section 2.5.1, in the middle of page 39. “It should be noted that the lengths of the W-4, C-3 and E-2 alternatives early in the screening process differ from the lengths analyzed in the DEIS due to a modification of the project limits. As a result, the lengths and calculations presented during the screening process may differ from those presented in this FEIS for the Modified W-4, C-3 and E-2 alternatives.” The DEIS, page 53 and the footnote to Table 8, Summary of Alternatives’ Benefits and Effects at the top of page 54 also make similar statements. This statement has been further clarified to explain the differences in the assumptions for what constituted a displacement. The displacements and differences in the numbers are clarified in the FEIS Sections 4.1. The discrepancy between displacement numbers in the DEIS has been corrected.</td></tr>
</table>

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General Response Name	General Comment	General Response
Displacement-2 (continued)		Displacements of the noise receptors were reviewed and updated based upon the changes to the assumptions for residential and business impacts and potentially impacted residences and business structures. There are some residential structures and trailer spaces that were not listed as noise receptors because there were no permanent structures when monitored. Noise-impacted receptors that meet the FHWA noise abatement criteria but would be physically impacted and assumed not to exist after construction were noted. Those structures that would only be potentially impacted were assumed to exist after construction. This information was reconciled and explained in the different FEIS sections. See the FEIS Section 4.12. The impacts and potential impacts in the Noise Analyses were also corrected.
Maintenance-1	Will the remaining US-95 loop be maintained? How much will winter maintenance cost?	ITD will negotiate the transfer of ownership of the remaining US-95 loop to the North Latah Highway District (NLHD). If the NLHD accepts ownership of the remaining US-95 loop, they will be responsible for safely maintaining it. The NLHD budgets consist of revenues from local, state and federal funding sources, which are used for road maintenance, such as plowing and dust control, equipment maintenance and labor costs. Funding for maintenance is allocated based on priorities and annually approved budgets, which would also consider the remaining US-95 loop. The additional pavement may eventually require improvements over the long term; however, the lower traffic volumes and reduced truck travel on the remaining US-95 loop would result in less overall maintenance requirements. Information regarding alignment lengths and the lengths that may be turned over to NLHD is in the DEIS Summary of Alternatives. Additional information regarding total pavement length by alternative and maintenance has been added to the FEIS, Section 4.10. The NLHD crews currently travel through this section of US-95 during winter maintenance of the county roads; therefore, additional mobilization costs for winter maintenance would not be substantial. Also see DEIS and FEIS Section 4.15 for a discussion of maintenance energy effects.
Maintenance-2	Will the remaining US-95 loop continue to have the existing safety hazards?	ITD will negotiate the transfer of the remaining US-95 loop with the NLHD. While it is not known yet what the conditions of the transfer will be, NLHD will be responsible for safely maintaining it as part of their local roadway system. While some of the remaining deficiencies may still be present on the existing US-95 loop, the traffic volumes will be reduced by 95 to 97 percent depending on the alternative and the numbers of crashes are predicted to decrease significantly. See the Revised Safety Analysis (ITD 2013).

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General Response Name	General Comment	General Response
NEPA	What is the required environmental process?	FHWA and ITD are required to follow the National Environmental Policy Act (NEPA) of 1966 as amended and the FHWA NEPA implementing regulations [23 CFR 771]. NEPA requires Federal agencies to prepare environmental impact statements (EISs) for major Federal actions that significantly affect the quality of the human environment and consider the effects of the alternatives. As stated in the DEIS and FEIS, Chapter 1, the US District Court for the District of Idaho in the judgment for Civil Case number 03-0156-S-BLW decided an EIS would be required for the northern 4.6 mile segment between Thorncreek Road and Moscow to allow full consideration of the impacts by the public and agencies. An EIS is a full disclosure document that details the process through which a transportation project was developed, includes consideration of a range of reasonable alternatives, analyzes the potential impacts resulting from the alternatives, and demonstrates compliance with other applicable environmental laws and executive orders. FHWA TA 6640.8A NEPA Implementation-Guidance for Preparing and Processing Environmental and Section 4(f) Documents provides detailed guidance on the preparation of the EIS. Four milestones in the EIS process are listed below. 1. Notice of Intent (NOI) 2. Draft EIS (DEIS) 3. Final EIS (FEIS) 4. Record of Decision (ROD) The NOI was published in the Federal Register by FHWA in November 2003 and signaled the initiation of the EIS process. Scoping, an open process involving the public and other federal, state and local, agencies, identified the major and important issues for consideration during the study. Public involvement and agency coordination continued through Levels 1 and 2 screening and throughout the entire process. See FEIS Chapter 7, Public Involvement and Agency Coordination, for details. The DEIS provided a detailed description of the proposal, the purpose and need, a range of reasonable alternatives, the affected environment, and presented analysis of the anticipated beneficial and adverse environmental effects of the alternatives. The DEIS evaluated the No Action, W-4, C-3 and E-2 alternatives in detail. The DEIS was made available for public comment from January 4 to March 25, 2013. The FEIS was prepared after the end of the DEIS public comment period. It addresses the substantive public comments, makes corrections and provides additional information as a result of public comment. It identifies the Preferred Alternative and lists the mitigation measures that would offset the environmental effects. A Notice of Availability was published in the Federal Register. The ROD will select an action alternative, a combination of the action alternatives, or the No Action Alternative. The ROD will also provide the rationale for the decision and identify mitigation measures.

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General Response Name	General Comment	General Response
Safety-1	Could the C-3 Alternative be as safe as the E-2 Alternative if frontage roads are added to the five-lane suburban section?	The C-3 Alternative with frontage roads added along the five-lane suburban section was evaluated after the DEIS comment period. The additional frontage roads would create an excessively wide right-of-way footprint, would have high impacts to businesses, would increase environmental impacts and would have less safety benefit than the E-2 Alternative. If frontage roads are added to the C-3 Alternative, the five-lane section would be changed to a four-lane section with a two-lane frontage roads on each side of US-95 from the top of Clyde Hill to the grain elevators. Each frontage road would have two-12-ft. lanes with curb, gutter and sidewalk, with a minimum of two-ft. shoulders. The width of the C-3 Alternative would increase from 120 feet (for the five-lane section), to 250-300 ft (for the C-3 Alternative with frontage roads). The wider footprint would result in approximately $7.2 million additional cost for construction, which does not include the additional right-of-way or relocation costs. Adding the frontage roads would result in greater impacts to 11 businesses, six of which were not originally considered impacted by the C-3 Alternative. There would also be greater impacts to floodplains, prime farmland and more impervious surface compared to the original C-3 Alternative. Adding frontage roads to the C-3 Alternative would reduce the number of predicted crashes because the length of the five-lane suburban section with a two-way left turning lane would be reduced and the four-lane divided highway would be increased. The five-lane suburban section with a two-way left turning lane generates 3.4 crashes per centerline mile and the four-lane divided highway generates 1.1 crashes per mile. However, the C-3 Alternative would still have a higher crash rate than the E-2 Alternative because it would still have more county road intersections than the E-2 Alternative.
Safety-2	Why doesn't the Safety Analysis include crash factors to account for a greater number of predicted wild animal crashes on the E-2 Alternative than W-4 and C-3 alternatives?	The frequency of wild animal crashes is difficult to predict; however, the severity is observed to be very low compared to other crash types. Wild animal crash potential was expected to be greater on the E-2 Alternative based on opinions of wildlife experts because it would pass through 1.98 miles of low to moderate quality ungulate habitat identified through the Wildlife Technical Reports (Melquist 2005a, Ruediger 2007) and through the IDFG Fish and Wildlife Linkage Area Project, a statewide assessment and prioritization of wildlife corridors (Geodata 2008); however, crash counter measures (improved typical sections, straightened alignments and accommodating wildlife crossing) may mitigate for this. The Highway Safety Manual (HSM) Analysis Technique predicts some wild animal crashes within the base formula; therefore, the predicted crashes for each alternative generated using the Safety Analysis include wild animal predictions. The crash countermeasures are predicted to reduce the total number of wild animal crashes to a rate similar to the number of wild animal crashes predicted in the base rate of the HSM. See General Response Safety-7 regarding the validity of the Safety Analysis.

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General Response Name	General Comment	General Response
Safety-2 (continued)		Sight distance on E-2 is greater than Modified W-4 and C-3 due to its straighter roadway geometry and may offset the higher wild animal crash potential in that corridor. Roadside clearing is predicted to greatly reduce wild animal crash potential on all action alternatives, because brush and vegetation where wild animals can hide would be removed close to the highway. This would also improve sight distance and driver reaction time. The roadside clearing technique was found to reduce wild animal crashes up to 90 percent as demonstrated on US-20 between MP 369 and MP 375 which had similar improvements (ITD 2013). This was revised with 5-years of data resulting in 60 percent decrease in wild animal crashes. Under-crossings at county roads and fencing will be used to direct wildlife to appropriate crossing locations and accommodate wildlife. Culverts at drainages will also be designed to accommodate movement of small terrestrial and aquatic species. If the E-2 Alternative is selected, ITD will monitor wild animal crashes to determine whether future mitigation is warranted. More detailed information regarding wild animal crashes was added to the FEIS Section 3.10 and 4.10 and the Revised Safety Analysis (ITD 2013). See FEIS Chapter 9, Environmental Commitments for additional mitigation measures. See ROD Section 7, mitigation.
Safety-3	If the safety of the remaining US-95 loop is considered, would the relative safety of the alternatives change?	After the DEIS comment period, ITD revised the Safety Analysis to include the predicted crashes on the remaining US-95 loop which may be turned over to the NLHD. Only a fraction of the motorists that use US-95 today are predicted to use the remaining US-95 Loop if an action alternative is selected. The traffic on the rural section of the remaining US-95 loop is expected to decrease by 95 to 97 percent depending upon the alternative. The traffic in the suburban section south of Moscow is expected to reduce by 80 percent. This significant predicted reduction will result in much fewer crashes on the remaining US-95 Loop than existing conditions. The Revised Safety Analysis (ITD 2013) predicts that even considering the existing safety deficiencies on the remaining US-95 Loop, the relative safety benefits of the alternatives are consistent with the findings in the DEIS, although the total numbers of predicted crashes have changed for the alternatives. The E-2 Alternative would still result in the greatest safety benefit compared to the other alternatives. The E-2 Alternative would have 9 fewer predicted fatal and injury crashes than the C-3 Alternative and 16 fewer fatal and injury crashes than the Modified W-4 Alternative in the 20-year design period. See General Response Safety-6 for a summary of the differences in the safety between alternatives. See FEIS Section 4.10 Transportation Effects and the Revised Safety Analysis (ITD 2013) for more detail.

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General Response Name	General Comment	General Response
Safety-4	Can improvements such as adding signage, flashing lights, rumble strips, medians or guardrails and speed limit reductions, be made to existing US-95 to address the safety deficiencies?	Safety improvements on existing US-95 that do not require realignment may offer modest improvements but would not provide a comprehensive, long-term solution, nor would it effectively address the project purpose and need because they would not effectively address the most serious roadway deficiencies related to access, horizontal and vertical grade and sight distance. Realigning the road along a flatter grade and creating a straighter road alignment would improve sight distance, curvature and grade. It would also reduce accidents due to maneuvering steep grades or sharp curves, which can be more dangerous during hazardous road conditions. **Reduction in Speed Limit:** Speed limits are based on guidance from the Manual on Uniform Traffic Control Devices (MUTCD), which is used by all 50 State Departments of Transportation (DOTs) and the ITD Traffic Manual. Adoption and use of the MUTCD is a regulatory requirement (23CFR 655.603) and it is incorporated into Idaho Administrative Code, IDAPA 39.03.41. The manuals follow fundamental concepts based on engineering studies to establish realistic and reasonable speed zones so that the majority of motorists observe it voluntarily. The MUTCD states that speed zones should be posted within five mph of the 85th percentile speed (the speed at or below which 85 percent of the vehicles travel) of free-flowing traffic. The lowest crash rate occurs when vehicles are traveling one standard deviation above the mean speed, which is approximately equivalent to the 85th percentile speed or slightly above. If speed limits are arbitrarily posted low, people will disregard them, which results in vehicles traveling at varying or differential speeds, which would result in more crashes (ITD Traffic Manual Section 103.3). FHWA Report No. FHWA-RD-92-084 supports these basic engineering principals. The report was written to determine the effects of arbitrarily raising and lowering the posted speed limits on different highways on driver behavior. In 34 locations, the posted speed limit was within 5 mph of the 85th percentile speed. When the speed limits were reduced by 5, 10, 15, or 20 mph at these locations the mean difference in percentile speeds were less than one mph. Lowering the speed limit does not mean that traffic will slow down. A speed study conducted on US-95 between Thorncreek Road and Moscow by the ITD from September 17 through September 20, 2012 confirmed that a 60-mph speed limit is appropriate because the 85th percentile speed is 64 mph. **Warning Signs and Flashing Warning Beacons:** The MUTCD provides the standards that all 50 State DOT's use for guidance on signing and pavement marking. The MUTCD states, "The use of warning signs should be kept to a minimum as the unnecessary use of warning signs tends to breed disrespect for all signs." It also states that if warning signs are used in excess, they lose their effectiveness. The existing highway already has 28 warning signs relating to county road intersections, horizontal curvature, school bus stop locations, and merging lanes. In the judgment of the District 2 Traffic Engineer, additional warning signs would not reduce the crash rate.

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General Response Name	General Comment	General Response
Safety-4 (continued)		No flashing warning beacons are attached to the existing warning signs. Flashing warning beacons are typically used in a short term application for a night time work zone and the MUTCD does not recommend adding the flashing warning beacons to the permanent warning signs on rural highways. **Rumble Strips:** Adding rumble strips to the existing highway would add some safety benefit to the highway; however, the existing shoulder is very inconsistent and is too narrow to add the rumble strips. While they could offer a safety benefit, they would not be a comprehensive solution to address the other identified safety deficiencies. **Median and Side Barriers (Guardrail):** Median and side barriers, also known as guardrail, have varying levels of effectiveness; however, the existing highway is too narrow to add the barriers without reducing the lane or shoulder width. Adding the barriers without widening the existing highway would increase the crash rate and is not recommended. Widening the highway just to add the barriers would be costly and is not recommended because the Thorncreek to Moscow project is currently proposed. Adding barriers close to the travel lanes of the highway would decrease the severity of crashes, but would increase the frequency of crashes because of the additional crashes into the barrier. Adding two more lanes to the existing alignment would improve capacity and allow slower vehicles to pass; however, there could still be head-on crashes due to lack of median, the steep grades and sharp curves would not be repaired and the accidents that are caused by traffic entering and exiting the highway through the numerous accesses would continue to occur and would worsen as traffic volumes increase.
Safety-5	How will the action alternatives improve safety at Reisenauer Hill?	All three action alternatives would improve roadway safety over the existing conditions at Reisenauer Hill. The new roadway in this section would be a four-lane divided highway and designed to AASHTO Standards with greatly improved sight distance, clear zone distance, vertical alignment, horizontal alignment, and shoulder widths. The maximum grade of decent on Reisenauer Hill for any of the action alternatives would be 4.9 percent. The Modified W-4 and C-3 alternatives would descend Reisenauer Hill near the existing location at 4.9 to 4.8 percent grades respectively but at a reduced grade compared to existing conditions. The descent from Reisenauer Hill with the E-2 Alternative would be more gradual (4.4 percent) and located further north where weather conditions are better compared to the Modified W-4 and C-3 alternatives. See FEIS Section 4.10 and the Revised Safety Analysis (ITD 2013) for details regarding the improvement to Reisenauer Hill. All action alternatives would be safe and would greatly improve the safety of US-95 between Thorncreek Road and Moscow compared to existing conditions since they would add additional lanes, a divided median and would be upgraded to meet AASHTO Standards.

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<table>
<tr><th>General Response Name</th><th>General Comment</th><th>General Response</th></tr>
<tr><td>Safety-6</td><td>Is there a significant difference in length, safety and travel time between alternatives?</td><td>
The total lengths of the alternatives are shown in the table below.

Table 77. Alignment Lengths

Alternative	Five-lane Section (four-lane divided with center turn lane) (miles)	New Alignment Length (miles)	Travel Time (minutes: seconds)
No Action	N/A	6.34	6:49
Modified W-4	0.3	6.65	6:16
C-3	1.42	5.94	6:05
E-2	0.24	5.85	5:31

Source: Mobility and Road User Cost Study, (ITD 2014a)

The differences in total length between alternatives range from 0.09 miles and 0.84 miles. While the difference between the total length of the C-3 and E-2 alternatives is just 0.09 miles, over a 20-year period the travel times and travel user costs are substantial. The E-2 Alternative would save 800 hours of travel time compared to the C-3 Alternative. When monetary value is applied to the travel hours, the E-2 Alternative is estimated to cost $19 million less over a 20 year period compared to the C-3 Alternative. This is explained in the US-95 Thorncreek Road to Moscow; Mobility and Road User Cost Study on Alternatives Carried Forward (ITD 2014a), which is summarized in the FEIS Sections 3.10 and 4.10.

An important difference as it relates to safety is the lengths of the five-lane sections (four-lane section with a center turn lane) between alternatives. The five-lane section has approximately three times more predicted crashes than the divided four-lane rural section because the travel lanes are closer together and the turning movements from the center lane and approaches are predicted to generate more crashes. Other factors also contribute to the differences in safety including intersections and approaches. The E-2 Alternative would have the fewest county road intersections and the fewest residential and commercial approaches.
</td></tr>
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<tr><th>General Response Name</th><th>General Comment</th><th>General Response</th></tr>
<tr><td>Safety-6 (continued)</td><td></td><td>

Table 78. Crashes 2017 through 2036

Alternative	Fatal and Injury Crashes	Total Crashes
No Action	256.5	642.5
Modified W-4	116.2	244.9
C-3	110.0	260.2
E-2	100.7	213.9

Table 79. Economic Costs of Crashes 2017 through 2036

Alternative	Cost (million dollars)
No Action	140
Modified W-4	35
C-3	33
E-2	29.5

The E-2 Alternative is predicted to have the fewest total crashes and fatal and injury crashes over the 20-year design period, which would be an important benefit to the victims and their families. These crash rates were determined on a per year basis with a 1.63 percent increase per year for all alternatives to account for an increase in traffic volume. Societal costs can be calculated for the predicted accidents using costs of crashes published by the FHWA for different crash types. More information on crash predictions and the economic costs of the predicted crashes can be found in the FEIS Section 4.10 and the Revised Safety Analysis (ITD 2013).

</td></tr>
<tr><td>Safety-7</td><td>Is the data in the Safety Analyses (ITD 2012a), in the DEIS and FEIS valid?</td><td>The crash predictions are based on calculations from the First Edition of the American Association of State Highway and Transportation Officials (AASHTO) Highway Safety Manual (HSM). The HSM provides the most current and accepted knowledge and practices relating to safety management according to AASHTO and Transportation Research Board Task Forces. The FHWA and all 50 State DOTs have reviewed and accepted the HSM methods for crash predictions. A better method of crash prediction does not exist. Nearly 2000 pages of calculations for the 20-year design period were used to make the safety predictions reported in the FEIS and the Revised Safety Analysis, Appendix E. More detail regarding the methods of calculations used by the HSM are on Pages 9 through 11 of the Safety Analysis (ITD 2013).</td></tr>
</table>

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General Response Name	General Comment	General Response
Schedule	What steps in the environmental process remain? When will the project be constructed?	The EIS process is a lengthy but thorough process. It requires that a range of reasonable alternatives be evaluated for their impacts to the human and natural environment before a decision is made. In making their decision, FHWA and ITD must balance the environmental impacts with the engineering/safety benefits to the public. The public and agency comments have been considered and are responded to in the FEIS. A Notice of Availability for the FEIS was published in the Federal Register on August 14, 2015, and the FEIS was distributed to those submitting comments, agencies and those requesting a copy. FHWA is issuing a Record of Decision (ROD) selecting the E-2 Alternative. This ROD was distributed to those who commented on the FEIS and DEIS, agencies, those requesting copies and was posted on the project website. ITD will proceed with project design[3] and right-of-way acquisition 30 days from the ROD Federal Register notice. Design will require collecting detailed geotechnical data, survey data, determining specific right-of-way needs and producing detailed designs for the roadway. ITD will contact affected landowners regarding right-of-way acquisition, access and design details during the design process. Any improvement to properties prior to acquisition will be compensated for according to the Uniform Relocation Act. See the Uniform Relocation Summary in the FEIS Appendix 5. Construction will occur after the ROD is issued and after the right-of-way and design processes have been completed. The anticipated schedule is as follows: • Issue and Distribute ROD-early 2016 • Begin Preliminary Design-2016 • Begin Right-of-way Acquisition Process-2017 • Construction 2017-2018 FHWA and ITD recognize that 6 fatalities and 152 injuries have occurred in 253 total crashes between 2003 and 2012 on this section of highway (ITD 2013) during this lengthy environmental process; however, we remain committed to implementing a comprehensive solution to the identified deficiencies. In doing so, we must comply with NEPA regulations. See General Response NEPA for a description of the NEPA process. See the FEIS Chapter, 8, Construction Phasing and Funding for additional details regarding construction and funding.

[3] Should an action alternative be selected in the ROD, ITD will perform design concurrently with the 150-day statutory appeal period.

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General Response Name	General Comment	General Response
Water	How will the project impact the water table and wells?	A Hydrogeologic Analysis (Ralston 2014) was prepared to address possible ground-water impacts from construction of the alternatives. Information from the report has been prepared and is incorporated into the FEIS, primarily in Section 4.7. This analysis concluded that there is very low to no potential to impact groundwater or wells from any of the alignments. Granite underlies most of the length of the proposed alternative routes of Highway 95 south of Moscow. The Modified W-4 has the greatest length of roadway that overlies basalt. All three alternatives overlie basalt at the northern end of the project. Most of the existing wells in the area are completed to obtain water from local ground-water flow systems in granitic or metamorphic rock. Most of these wells exceed 100 feet in depth and obtain water from a producing zone at the bottom of the well. Wells that are completed in basalt are located mostly at the north end of the project. These wells obtain water from the Wanapum Formation, which hosts the upper aquifer in the Moscow area. The potential for highway construction along any of the three alignments to impact ground-water flow systems in either recharge and discharge areas is very low. Highway construction has the potential to increase recharge to shallow ground water because of runoff from paved areas and snow drifts created by plowing. The amount of this increase will be very small. Impacts on topographically low ground-water discharge areas should be minimal because these portions of the roadway will be constructed on fill or using bridges. The potential for impacts on domestic wells is extremely small except for those wells, which will be destroyed because they are located within the selected road alignment. Relocation of utilities will be specified during final design. Best Management Practices (BMPs) will be implemented during construction to minimize impacts to water resources including groundwater and wells. ITD will coordinate with residents and businesses and notify them in advance of utility relocation activities. See the FEIS Section 4.7 and the Hydrogeologic Analysis Technical Report for supplemental information regarding impacts to groundwater.
Weather-1	Was there sufficient data and evaluation of the C-3 Alternative in the Weather Analysis?	The weather analysis was revised after the DEIS hearing in order to help clarify the information and to provide additional data. In the weather analysis (Qualls 2014), three climatic regions were identified which corresponded to air flow over and around Paradise Ridge and elevation and were named and mapped as Lowland, Flow-Over Ridge (LFO), Highland, Flow-Over Ridge (HFO) and Highland, Flow-Around Ridge (HFA). One climate station was placed in each of these regions and referred to in the Revised Weather Analysis. The LFO is the Western Corridor (WC) and best encompasses the W Alternatives, the HFO is the Eastern Corridor (EC) and best represents the E Alternatives and the HFA is the Reisenauer Hill area (RH) and represents the southern section of all of the alternatives. While there is no specific climate station for the C Alternatives, A Central Corridor (CC) is referenced in the report, which runs in a north-

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General Response Name	General Comment	General Response
Weather-1 (continued)		south direction generally encompassing the existing US-95 and the C Alternatives. Weather and climate within the Central Corridor is determined either by interpolation between the Western and Eastern corridor measurement sites or by spatially and temporally distributed satellite observations. Except in some cases with spatial data from satellites and historical accident records on the existing US-95, no attempt is made in this report to specify weather or climate conditions exactly on a particular existing or potential roadway alignment but rather the conditions within the general corridors are discussed. See the FEIS Sections 3.10 and 4.10 and the Revised Weather Analysis (Qualls 2014) for clarifications and additional information.
Weather-2	Why did the DEIS Weather Analysis only include five months of data during a dry and mild weather year? The study should include more months and additional years of data.	The five-month data set was not the sole source of weather data but is a valid methodology used to establish the relative conditions among the EC, WC and RH weather stations within their respective climate regimes. This smaller five-month data set was used to rank the larger 30+-year data set available at the UI Plant Sciences Center, which is about five miles from the study area. Knowledge of the relative conditions among the three on-site weather stations and the UI weather station allowed estimation of the long-term climate at each of the on-site weather stations through calibration with the long-term UI climate records. This is an accepted method for correlating the data and the weather information since the relative weather conditions at the three stations behaved in accordance with established principles of physics and thermodynamics, and comparisons with similar locations and/or elevation trends published in scientific literature (Qualls 2014). It Is common practice in scientific field studies to conduct short-term data collection, on the order of a few months, to determine spatial variability of weather characteristics (for example, the First International Satellite Land Surface Climatology Project (ISLSCP) Field Experiment (FIFE), (Hall and Sellers 1995) from which more than 1000 scientific publications were produced. A Revised Weather Analysis (Qualls 2014) has been prepared which provides more detail about additional weather elements, additional weather data collected after the 2005 weather study, including year-around coverage, which generally includes winter weather conditions. Additionally, satellite remote sensing data from 2002 through 2012, document the spatial distribution of snow ranging from mild to harsh winters. Additional information regarding the methodology and findings has also been added to the FEIS Section 3.10 and 4.10.

ED_002888_00000103-00071

General Response Name	General Comment	General Response
Weather-3	How does elevation affect the temperature and ice formation temperature? Would there be differences in safety between alternatives due to the higher elevation and weather conditions such as frost and ice?	Weather stations were placed at different elevations within the study area to capture the elevation effects. There is an approximately 400-foot difference in elevation between the WC and EC weather stations. Satellite remote sensing was also used to observe the spatial distribution of snow accumulation and melting across the study area and at different elevations. The WC weather station, which is lower in elevation, was often colder than the higher EC weather station, by 15 to 20 °F. This is due to cold air drainage, when cold air, which is denser, flows downhill and pools in low elevation areas. When WC was colder than EC, the average temperature difference is 5.4 °F and WC was colder than EC by 12 °F about 5 percent of the time. This creates greater potential for frost formation, freezing roads, and black ice on low areas of the Modified W-4 and C-3 alternatives compared to most of the length of the E-2 Alternative. Temperatures were below freezing at the low elevation WC weather station when the higher elevation EC weather station was above freezing approximately three times longer than when the EC station was below freezing and the WC station was above freezing. The observations agreed well with principles of physics and thermodynamics, as well as published scientific studies (Qualls 2014). Air temperature may decrease with increasing elevation under well-mixed atmospheric conditions (e.g., windy weather or a sunny day with strong solar heating of the ground). Across the 400 feet of elevation difference between WC and EC, this averaged about 1.8 °F if only the data when WC was warmer than EC are included, due to atmospheric thermodynamics. This difference exceeds 2.9 °F less than 5 percent of the time. Under these well-mixed circumstances, the E-2 Alternative at its highest point could average 1.8 °F cooler than the lowest point of the Modified W-4 Alternative alignment. Combining all the data when either WC or EC is colder than the other, yields an overall average temperature difference of about 1 °F with WC being colder on average, because of the significantly colder temperatures which occur at WC due to cold air drainage compared to the mildly colder temperatures at EC associated with well-mixed atmospheric conditions. All of the action alternatives have a similar peak height in elevation on Reisenauer Hill at around 2875 ft. However, the E-2 Alternative would be on level grade through this area and would descend in elevation further north where weather conditions are improved. The C-3 and Modified W-4 Alternatives would descend in elevation near Reisenauer Hill at a slightly steeper grade. The spatial distribution of weather-related accidents on the existing US-95 from Thorncreek Road to Moscow is predominantly associated with the spatial distribution of road characteristics such as tight radii curves located down slope on hills, and ingress/egress associated with road junctions and driveways, rather than due to spatial distribution

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General Response Name	General Comment	General Response
Weather-3 (continued)		of weather. Since all proposed alignments are designed to current AASHTO standards, all will result in a great improvement over existing conditions and will be safe. Because the road characteristics, rather than the spatial distribution of weather dominate the distribution of accidents, the prescribed Safety Analysis (ITD 2013) for each of the proposed alternatives, reflects the relative safety between alternatives. The distinction between alternatives considered road alignment characteristics such as length, slopes, and curvature, which are already considered in the Safety Analysis (ITD 2015b). Weather was discussed in the DEIS 3.10 and 4.10. A Revised Weather Analysis (Qualls 2014) was completed and additional information has been added to the respective sections in the FEIS.
Weather-4	How would precipitation and snow accumulation differ between alternatives?	Regionally, precipitation decreases on a gradient from Moscow south to the top of the Lewiston grade. Countering this is the localized topography of Paradise Ridge and the fact that precipitation generally increases with elevation on the upwind side of a slope. Both the on-site weather station measurements and the satellite images provide useful information pertaining to snow accumulation between alternatives. Reisenauer Hill is the most critical location within the study area, including both the north-facing slope on the north end and the region to the south toward Thorncreek Road, due to greater accumulation and retention of snow compared to the rest of the study area. Annual precipitation at the EC and RH weather stations are similar to the UI long-term climate station, and are an average of 2.5 inches per year lower at the WC weather station. Due to the short horizontal distance in the upwind direction from the peak of Paradise Ridge to the valley floor, much of the precipitation lands and accumulates downwind of the ridgeline to the south and east of Reisenauer Hill and Paradise Ridge. There would be approximately 5 to 7 inches more snowfall per year at EC and RH compared to WC, or a melted snow liquid depth (also called Snow Water Equivalent (SWE)) difference of 0.5 to 0.7 inches. On-site measurements and satellite remote sensing, summarized below, show greater persistence of snow around Reisenauer Hill than along the central and northern portion of the E-2 Alternative's alignment. Landsat satellite images of the study area and the surrounding region provide an excellent picture of the spatial distribution of snow. Examples of these images spanning 2002 through 2012 are provided in the FEIS Sections 3.10 and 4.10 and in the Revised Weather Analysis (Qualls 2014). The key satellite findings are: • When there is six to eight inches depth or more at the UI Plant Sciences Farm (PSF), either accrued as a single, large snowfall event, accrued in small increments over multiple days, or while melting down to 6-8 inches from greater depths at PSF, the satellite images show continuous spatial coverage of the study area and

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General Response Name	General Comment	General Response
Weather-4 (continued)		surrounding region by snow. • When the snow depth at PSF drops below about six inches during melting, the central portion (E-2 and C-3 Alignments) will have patchy conditions. The emergence of these patches is strongly controlled by hill slope orientation. South-facing slopes, which have much greater exposure to the sun, melts off faster than north-facing slopes. The patch quickly spreads westward, and then begins to melt off north-facing slopes in the central area defined above and including west of US 95. • Snow persists substantially longer south and east of the ridgeline of Paradise Ridge, including the ridgeline as it passes Reisenauer Hill, which during the winter months is usually the downwind side of the ridgeline. Snow also persists down the north-facing slope of Reisenauer Hill, particularly from the existing US-95 toward the west. Additionally, snow persists on the north end of the study area on north-facing slopes north of Clyde Hill and the east-west power lines of the eastern alignment, though it does not persist there for as long as on either the north face or the south side of Reisenauer Hill. • Regional coverage snowfall of a few inches can provide relatively complete coverage of the study area, and it begins to melt off following the pattern described in 2 and 3 above. • All of the action alternatives would be upgraded to meet AASHTO standards and safety would be greatly improved compared to the No Action Alternative. Therefore considering only spatial distribution of weather, especially snow, Modified W-4 and C-3 will be exposed to greater snow accumulation during descent of Reisenauer Hill compared to the E-2 Alternative which is flatter near Reisenauer Hill but descends in elevation further north in the study area with less snow accumulation. • Since all proposed alignments are designed to current AASHTO standards, all will result in a great improvement over existing conditions and will be safe. Because the road characteristics, rather than the spatial distribution of weather dominate the distribution of accidents, the prescribed Safety Analysis (ITD 2013) for each of the proposed alternatives, reflects the relative safety between alternatives. The distinction between alternatives considered road alignment characteristics such as length, slopes, and curvature, which are already considered in the Safety Analysis (ITD 2015b). See the FEIS Sections 3.10 and 4.10 and the Revised Weather Analysis (Qualls 2014) for additional information.

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General Response Name	General Comment	General Response
Weather-5	How will fog vary between alternatives?	Fog or clouds are formed when the temperature of the air decreases enough that atmospheric water vapor reaches the saturation point, causing condensation of vapor into fine liquid water droplets. This can happen because temperature decreases or by increasing atmospheric humidity. Measurements of visibility distances associated with fog at EC, WC, and RH showed RH (Southern Highland Flow) to have the poorest visibility conditions, followed by EC and then WC. Since all roadway alternatives pass RH, all alternatives will be subject to the poorest visibility conditions of the area. However, with the improved typical section the safety of the action alternatives would be greatly improved over the No Action Alternative. The relative safety between alternatives is therefore reflected in the results of the Revised Safety Analysis (ITD 2013). See FEIS Section 3.10 and 4.10 and the Revised Weather Analysis (Qualls 2014) for additional information.
Weather-6	How will wind vary between alternatives? How will blowing snow and snowdrifts vary between alternatives?	As stated in the DEIS, wind speeds were similar between all corridors. Wind was measured at all three stations, whose locations are shown on the Study Area Map of the Climate Report (Qualls 2014), and on the ITD alignment maps. These included one station in each of the three climate regimes, Highland Flow Around (HFA- (RH)), Highland Flow Over (HFO- (EC)), and Lowland Flow Over (LFO- (WC)), as defined in the Climate Report. Measurements at EC showed winds were modestly lower than at WC for high wind speeds. The fastest individual gusts and highest average wind speeds were at Reisenauer Hill. Gust speeds of 30 mph or greater correspond to sustained wind speeds of 25 mph or greater. This would be typical of wind speeds warranting a Wind Advisory from the National Weather Service. Gusts generally come from a westerly direction except Reisenauer Hill, which have some gusts up to 38 mph from the east. However, all the alternatives must pass through the Reisenauer Hill area (Qualls 2014). Consequently, the direct effect of wind on vehicles in general, and on large trucks in particular, should be no worse for any of the proposed alternatives than what is currently experienced on the existing US-95. As stated in General Response Weather-1, while there is no specific climate station for the C Alternatives, The Central Corridor referenced in the report, runs in a north-south direction generally encompasses the existing US-95 and the C Alternatives. Weather and climate within the Central Corridor is determined either by interpolation between the WC and EC measurement sites or by spatially and temporally distributed satellite observations. Each of the proposed alternatives will be designed to have an elevated roadbed on fill material, which will produce localized acceleration of wind across the road surface (Qualls 2014), which will help prevent accumulation of drifted snow on the road surface. There may be specific features in this area which locally reduce the wind such as trees along the roadway, or deep road cuts which can have localized effects on road ice and snow accumulation, and sudden

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General Response Name	General Comment	General Response
Weather-6 (continued)		exposure to wind gusts during transitions from road fill to cut sections. With the improved typical section the safety of the action alternatives would be greatly improved over the No Action Alternative. The relative safety between alternatives is therefore reflected in the results of the Revised Safety Analysis (ITD 2013). Additional information regarding weather is provided in the FEIS Section 4.10 and in the Revised Weather Analysis (Qualls 2014).
Weather-7	How were the microclimates in the study area evaluated and considered?	The local microclimates have been captured through weather station measurements, evaluation of the satellite remote sensing images, consideration of principles of physics and thermodynamics, and published scientific studies. The weather study included measurements from a weather station installed west of Paradise Ridge on the bench traversed by the E-2 Alternative in the EC. There were also weather stations that collected data for the RH and WC (Modified W-4 Alternative). Multiple measurements were collected each minute, and these were reported as samples, averages or accumulations, depending on the variable, several times per hour. Satellite remote sensing images also provided information about the spatial distribution of snow across the study area under a wide range of winter weather conditions. These provide a detailed high spatial resolution, and consistent description of the microclimates of the study area. These measurements were compared with measurements from other weather stations in the study area to determine the relative severity of various weather elements in different parts of the study area. Additional detail is provided in the FEIS Sections 3.10 and 4.10 and the Revised Weather Analysis (Qualls 2014).
Weather-8	Would the limited data set and the difference in weather conditions between alternatives change the findings in the Safety Analysis?	The findings in the Safety Analyses as they pertain to weather remain valid for the following reasons: • Spatial variability of weather exists across the study area. • Weather-related accidents are predominantly associated with frozen surface conditions (i.e., snow, ice or slush). • Most often when frozen surface conditions exist, they occur across the entire study area. • Very few accidents are associated with wind and fog. • The spatial distribution of weather-related accidents on the existing US-95 from Thorncreek Road to Moscow is predominantly associated with the spatial distribution of road characteristics such as tight radii curves located downslope on hills, and ingress/egress associated with road junctions and driveways, rather than due to spatial distribution of weather. • All proposed new alignments (i.e., Modified W-4, C-3 and E-2) are designed in accordance with current AASHTO (American Association of State Highway Transportation Officials) standards, which are much safer than the existing US-95.

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General Response Name	General Comment	General Response
Weather-8 (continued)		• Because road characteristics, rather than the spatial distribution of weather, dominate the distribution of accidents, the prescribed AASHTO safety analysis of each of the proposed alternatives (Arnzen, pers. comm 2012) should be taken at face value for the comparison of the accident safety of the proposed alternatives. Additional information is provided in the FEIS Sections 3.10 and 4.10 and in the Revised Weather Analysis (Qualls 2014). See General response Weather-1 and Weather-2 regarding details on methodology.
Weeds	Will the E-2 Alternative destroy Palouse remnants, rare plants, and endangered plants and native vegetation?	As stated in the DEIS, Palouse remnants, rare plants and populations of native vegetation occur within the project study area. These are described, mapped and assessed in Biological Evaluation of Plant Species and Communities of Conservation Concern in the US Highway 95 Thorncreek Road to Moscow Project Area (Lichthardt 2005), which was distributed with the DEIS. The study identified different vegetative communities, located rare plants and generally assessed condition based on size and exotic species infestations. Paradise Ridge contains the largest remaining Palouse remnant in the study area. The E-2 Alternative would not go over the top of the ridge, but would parallel the grasslands on Paradise Ridge, about 0.7 mi from the summit and about 0.25 mi from the large Palouse remnant associated with the ridge summit. The E-2 Alternative would not directly impact any rare plants, threatened or endangered species or Palouse prairie remnants. The E-2 Alternative could result in indirect effects such as increased spread of weeds, establishment of new weeds as a result of the closer alignment as stated in the DEIS and FEIS Chapter 6, Indirect and Cumulative Effects. Weeds populations could affect potential habitat for rare and native plant species affecting their future success. Information regarding weed species, weed dispersal and potential effects has been incorporated into the FEIS Sections 3.8 and 4.8. This information was from the DEIS Technical Report titled A Scientific Evaluation for Noxious and Invasive Weeds of the Highway 95 Construction Project between Uniontown Cutoff and Moscow (Lass & Prather 2007). Spalding's Catchfly is the only federally listed plant known to occur in the project area. The USFWS determined that all of the alternatives may affect but are not likely to adversely affect Spalding's Catchfly, a federally listed plant, based on potential indirect effects as stated in the DEIS and FEIS Section 4.9. An additional survey for Spalding's catchfly was conducted in the project area in the summer of 2013 and no new populations were identified. The alternatives could increase weed dispersal to private lands that have been identified as high priority areas for Palouse prairie restoration and for Spalding's Catchfly establishment. As stated in the DEIS Section 4.8 the E-2 Alternative crosses a property which is enrolled in a USFWS restoration program, however, the alignment would not go through any portion of the property for which restoration activities are ongoing or planned. The Paradise Ridge remnant is ranked as a high-quality remnant, but is not a pristine, weed-free, or a publicly accessible resource, although several landowners allow some public use. Paradise Ridge consists of privately owned

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General Response Name	General Comment	General Response
Weeds (continued)		parcels with approximately 55 existing residential and commercial developments which are continuing to increase and develop on and around the Ridge. Information about rare plants, Palouse remnants, and restoration sites is included in the FEIS Sections 3.8 and 4.8. Information regarding the indirect and cumulative effects of the alternatives to Palouse remnants and rare plants in combination with past, present and reasonably foreseeable future impacts, including residential and commercial development, is in the FEIS Chapter 6, Indirect and Cumulative Effects. The indirect effects from the alternatives will be mitigated through a number of different commitments: ITD will continue to implement the established District Roadside Vegetation Management Program as outlined in the ITD Operations Manual. This is an established ongoing program for roadside vegetation management that applies to all ITD right-of-ways. ITD will work with USFWS, IDFG, NRCS, and Latah County Conservation District to develop a Project-Specific Vegetation Management Plan that will help control weeds within the highway right-of-way in the project limits. This Project Specific Vegetation Management Plan will describe the areas of soil disturbance and weed risk, define the erosion control planting areas and timing, describe construction of farmable slopes, target weed species for control, and outline the specific methods for weed control. It will propose the type and frequency of herbicide applications with consideration of the herbicide impacts to the native species and habitats. In addition, during the right-of-way process, ITD will work with willing landowners, to fund measures to prevent weed establishment and infestation in proximity to the Palouse remnants that are within 0.6 miles of the proposed highway right-of-way. The controls related to this funding will be developed with each landowner during the right-of-way negotiation process. See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation. The E-2 Alternative will have Expressway Access Control, which will help minimize future development along the roadway and associated indirect effects. See General Response Access. Additional information regarding indirect and cumulative effects to Palouse remnants and Paradise Ridge has been added to FEIS Chapter 6, Indirect and Cumulative Effects. The full list of mitigation measures is provided in the FEIS Chapter 9, Environmental Commitments and in ROD Section 7, Mitigation.
Wildlife	How will the alternatives impact flora, fauna and wildlife habitat on Paradise Ridge?	ITD recognizes that Paradise Ridge has ecological, visual, and recreational value to the community; however, Paradise Ridge, except for the Palouse remnant defined by the ICDC and shown in the DEIS Figure 24, does not appear to have a specific boundary. For the purposes of this EIS, Paradise Ridge is shown in FEIS Figure 20 and is based on the topography of the area (3100ft and above) and includes the forested area and most of the native habitats described. None of the alternatives, including the E-2 Alternative, would go over Paradise Ridge or directly impact it. The E-2 Alternative would be located along the base of Paradise Ridge.

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General Response Name	General Comment	General Response
Wildlife (continued)		As discussed in the DEIS, the E-2 Alternative would primarily directly affect farmland, Conservation Reserve Program (CRP) land, and would remove 3.9 acres with cultivated pine trees near Eid Road. CRP land is commonly marginal farmland that has been taken out of production and enrolled in the program voluntarily. It is not subject to special protections or preservation outside of that program. The landowner can determine to put land into or take it out of the CRP program; there is no assurance of its long-term preservation. The wildlife reports all concluded that the project area does not contain any high quality or critical big game habitat. The E-2 Alternative would affect more land that is considered moderate or marginal quality ungulate habitat compared to other alternatives as summarized in DEIS and FEIS Sections 3.8 and 4.8. The impacted pine stand near Eid Road offers habitat for pygmy nuthatch; however there is similar available habitat located on Paradise Ridge and elsewhere in the region. See Section 4.8.1 Vegetation and Habitat Effects under Pine Stand Effects. As stated in the DEIS Section 3.8 and 4.8, the pine stand also offers habitat for many other species including northern alligator lizard and long-eared myotis. Additional information has been added throughout the FEIS regarding the diversity of species on Paradise Ridge, the ecological function of CRP land, updated occurrence data and information about effects to the giant Palouse earthworm, traffic noise effects on birds, bumblebees, matrix habitat, and habitat fragmentation. While Paradise Ridge contains an important Palouse remnant and provides wildlife habitat, it is not a pristine, weed-free, or a publicly accessible resource. Paradise Ridge is entirely privately owned residential and commercial parcels zoned for rural residential development. There are currently approximately 55 existing residential and commercial developments on and around the ridge. The houses, buildings, fences, septic, utility lines, driveways, roads, agriculture, pets and other human activities already have an effect on wildlife, habitat, visual effects and the setting of the ridge. These human activities could transport and introduce weeds, fragment habitat, and introduce light and noise affecting the setting of the ridge. As described in the DEIS and FEIS 3.8, there are also active restoration projects for reestablishment of Spalding's catchfly, native vegetation and ecological weed control on private lands. The E-2 Alternative would cross one property that is enrolled in a restoration project but the impacted portion of land is not planned for any restoration activities. Latah County through its land use planning and zoning has the ability to provide protective measures to prevent further development of this area. ITD does not have the ability to regulate private development but may control access from the highway. Highways often have the potential to increase development pressures along their corridor; however, enforcing Expressway Access Control, which is described in General Response Access, will help mitigate this development

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General Response Name	General Comment	General Response
Wildlife (continued)		pressure. The direct and indirect effects of current and ongoing growth on Paradise Ridge, has been considered in addition to the highway's indirect effects. Additional information regarding the indirect and cumulative effects of the alternatives to Paradise Ridge has been added to the FEIS Chapter 6, Indirect and Cumulative Effects. While there are no strongly defined migratory corridors through the project area animals do traverse the project area. If an Action Alternative is selected, there are many mitigation measures, BMPs and standard practices that would be implemented to minimize harm and mitigate for impacts to vegetation, wildlife and habitat. Culverts in drainages will be designed to allow small terrestrial species to move through. Under-crossings at county road intersections will be designed to accommodate animal movement. If the E-2 Alternative is selected, ungulates would be able to cross at Eid Road. Under-crossings will require fencing and other design elements to help ensure success. See General Response Weeds for additional information on weeds and vegetation. See Chapter 9, Environmental Commitments for the list of wildlife mitigation measures.

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APPENDIX B

US-95 THORNCREEK ROAD TO MOSCOW PROJECT, LATAH COUNTY IDAHO

FEIS PUBLIC COMMENTS

ED_002888_00000103-00081

ED_002888_00000103-00082

F-1

September 11, 2015

RECEIVED
SEP 15 2015

Adam Rush, Public Involvement Coordinator
ITD Office of Communications
1311 W. State Street
Boise, ID 83703

Dear Mr. Rush:

Thank you for the opportunity to reflect on the Thorncreek to Moscow Corridor construction project. There have been far too many deaths on Highway 95 over the past 20 years; therefore, it is now time for this project to begin with no more delays. 1a

After reviewing the latest three route options and considering the future growth of the area, thre is no doubt in my mind that the Eastern Route is superior to the other options. The Eastern Route will provide for the present and future transportation needs. I will publically support the state on this route in whatever ways I can.

In closing, the Thorncreek to Moscow Corridor construction project needs to be a priority for the State of Idaho.

Sincerely,

David Stowers
913 Warner Avenue
Lewiston, Idaho 83501
208 746-9379
ettamae49@yahoo.com

ED_002888_00000103-00083

F-2

RECEIVED
SEP 15 2015

3125 Highway 95 South
Moscow, Idaho 83843
Phone: 208 883 9686
September 8, 2015

To: Adam Rush
Public Involvement Coordinator
ITD Office of Communication
3311 West State
Boise, ID 83703
Re: US 95 Thorncreek to Moscow

We support the FHWA's and ITD's preferred Eastern alternative (E-2) route for the new alignment of Highway 95. Since we have lived along the existing highway we have seen far too many emergency vehicles respond to accidents so are anxious to support the safest route. We have driven Highway 95 all of our lives and know that you must be prepared to drive in snow, ice and fog in the wintertime no matter where the new highway is located. Wildlife will also be an issue no matter which alternative is chosen. We've hit a deer on Reisenauer Hill and straddled a carcass killed near Eid Road and have observed numerous road kills through the years. We have seen herds of deer and moose in our own backyard west of 95 and if they migrate to Paradise Ridge they'll cross any of the proposed routes. 2a 2b

E-2 Alternative will displace the fewest number of homes and businesses and therefore disrupt the fewest peoples lives. Mobile homes can be moved more easily than permanent residences. To displace businesses with the livelihood and jobs they provide would seem foolhardy in this economic climate. We've been farmers all of our lives and know that (W-4) the Western alternative would destroy the most productive farmland in Latah County and (C-3) would take the best farmland out of the Clyde Farm. Again we think the economic impact the highway realignment will have on the people affected must have top consideration. 2c 2d

The Final Environmental Impact Statement you have prepared for us is a remarkable in-depth study of the alternatives and we thank you. We agree with your determination that E2 will be the shortest, straightest and (with fewer access points) the safest with the least impact to those of us who live here. After the Sept 14th deadline for public comment we urge you to proceed with the Record of Decision mitigating the areas of concern for the Eastern route and get on with building the road we've all been waiting for.

Respectfully submitted,

Norbert Niehenke
Norbert Niehenke
Janelle Niehenke
Janelle Niehenke

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RECEIVED
SEP 01 2015

F-3

August 23, 2015

Adam Rush,
Public Involvement Coordinator
ITD Office of Communications
3311 W. State Street
Boise 83700

Dear Mr. Rush,

I disagree with ITD's decision to choose alignment E-2 of Hwy. 95 south of Moscow, ID. 3a

I believe it is an unnecessary and negligent choice because it will so negatively impact the unique, irreplaceable and sensitive environment on Paradise Ridge ESPECIALLY when alternatives are available to meet Federal highway safety standards. To me, this amounts to intentionally deciding to harm rather than protect the environment which is the key not only to our health and welfare but also that of our children and grandchildren. 3b

Sincerely,

Christina Ann Baldwin

Christina Ann Baldwin
1372 Four Mile Rd.
Viola, ID 83872

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RECEIVED
SEP 01 2015

F-4

534 No. Eisenhower
Moscow, ID 83843
Aug. 27, 2015

Adam Rush, Public Involvement Coordinator
ITD Office of Communications
3311 W. State St., Boise, ID 83703

Dear Adam Rush,

4a I disagree with the ITD choice of E-2 for the realignment of Hwy. 95, Thorncreek Rd. to Moscow. It is a poor choice because of its negative impact on the native environment, of Paradise Ridge. Other choices better fit the

4b needs of those traveling west (W-4) which is almost everyone. C-3 would be a fitting choice also, as it would disrupt farmland the least of the three.

Sincerely,
Sara Holup
sholup@palouse.net
8/27/15
member, PRDC,
Great Old Broads for Wilderness

ED_002888_00000103-00086

RECEIVED
SEP 08 2015

F-5

Stephan Flint
4961 Lenville Rd
Moscow ID 83843
August 31, 2015

Mr Adam Rush, Public Involvement Coordinator
ITD Office of Communications
3311 W State Street, Boise ID 83703

Dear Mr. Rush,

Thank you for providing the CD of the Thorncreek – Moscow FEIS and also for getting the paper copy to the Moscow Public Library in a timely manner.

In this letter I am focusing solely on issues of accessing the information in the document. I have found the document difficult to navigate regardless of which media I use. A large part of evaluating a document involves referring from one section to another. Following are some barriers to easy access:

The new safety technical report is arranged without an initial table of contents or page numbers for the first 66 pages. These initial pages seem to be primarily appendix-type material. The table of contents for the main document is on ~ p. 68. The middle section has page numbers; the appendices only have occasional internal page numbers but usually no headers or footers, so when scanning through it is difficult to tell which appendix you are in. It seems just haphazardly flung together. 5a

I find the section containing the responses to issues difficult to use. The comment number and person's name should be in the columns on each page, not just at the start. The way it is arranged requires excessive paging back and forth to find ones' location. The responses to the comments should have been placed parallel to the location in the comment where the issue was raised. This may have required a little extra space on occasion but would have made it much easier to track the responses. Clearly space does not seem to be an issue as repetitive identical form letters were always printed in their entirety. 5b

The agency section is inserted in the center of the FEIS document between p. 322 and 323, without page numbers, and without headers or footers having been put on the letters so that one could know which agency wrote it. Again, excessive paging back and forth to find anything. 5c

The wildlife technical report has similar problems – there is no table of contents. Several reports are simply aggregated there, but someone looking at the start of the document might assume it is nothing beyond Sawyer's report. 5d

One could interpret these problems as a deliberate attempt to limit public examination of the document, given the immense amount of material and the brief comment period. I am requesting that, because of these organizational problems within the document, the public review period be extended for 30 days and the issue of the ROD delayed accordingly. 5e

Sincerely,
Stephan Flint

Copy: Natalie Havlina, Attorney

ED_002888_00000103-00087

F-6

RECEIVED
SEP 08 2015

TO: Adam Rush, Public Involvement Coordinator
ITD Office of Communications, 3311 W. State Street, Boise ID 83703
adam.rush@itd.idaho.gov 208.334.8119

RE: US 95, Thorncreek Road to Moscow Project
4 September 2015

FROM: Victoria A. Seever, 121 N. Lilly St., Moscow ID 83843
vaseever@uidaho.edu 208.882.0763

I select the C-3 alignment. I disagree with ITD's preferred E-2 alignment.

After considerable study and thought, my summary comments are:

- Abandoning C-3 does not fix safety issues which will continue to result in more deaths; 6a
- A second highway is a huge expenditure in construction and maintenance with additional deaths being generated by E-2 or shifted from C-3 to E-2; 6b
- E-2 cannot avoid doing irreparable harm to habitat, wildlife, the remnant Palouse prairie, and generates highway construction weed infestation; 6c
- Trucks decreasing elation near Moscow generates traffic issues and any E-2 impediment to a future Moscow "ring road" is detrimental to re-routing truck and heavy traffic outside the city. 6d

Respectfully,

Victoria A. Seever

[Submitted by email and attachment 9/4/2015]

letter herein

Victoria A. Seever
9/4/15

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RECEIVED
AUG 2 6 2016

F-7

Mary Ullrich
1133 Paradise Ridge Rd.
Moscow, Idaho 83843

To: Adam Rush, Public Involvement Coordinator

I disagree with ITD's preferred alignment, E-2. It is unnecessary and irresponsible to choose this alignment which negatively impacts the sensitive environment of Paradise Ridge when other alternatives, engineered to meet Federal highway safety standards, exist !! 7a

Sincerely,

Mary Ullrich

Mary Ullrich

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F-8

RECEIVED
AUG 2 5 2015

Steven E. Ullrich
1133 Paradise Ridge Rd.
Moscow, Idaho 83843

To: Adam Rush, Public Involvement Coordinator, US 95 Thorn Creek Rd. to Moscow Re-alignment Project

Based on considerable study of the DEIS and FEIS, I conclude that ITD's preferred alignment, E-2, is not the best choice. It is unnecessary and irresponsible to choose this alignment, which negatively impacts the sensitive natural environment of Paradise Ridge with its rare Palouse Prairie remnants, wildlife, and wildlife habitat. E-2 also displaces more people/homes than the other alignments and takes more agricultural land than C-3. And E-2 is not significantly safer than the other alignments contrary to flawed safety, wildlife, and weather studies. 8a 8b

The C-3 alternative is the logical alternative, which requires the least new footprint, really fixes Reisenauer Hill, saves the homes and huge overpass on/over Eid Road, reduces needless wildlife and weather related accidents... 8c

Since the final directive includes the options to choose an alternative, or **combination of alternatives**, or no action, it is suggested that a compromise might be to select C-3 for the approximate south "half" of the route and shift to E-2 for the north "half" or some merging of C-3 and E-2. This would eliminate the Eid Road problems and avoid the natural habitats of Paradise Ridge. 8d

Sincerely,

Steven E. Ullrich

ED_002888_00000103-00090

E-9

Dear ITD,

I am writing to oppose the proposed use of E2 for the improvement of Hwy 95. I realize this is a few days past your deadline, but I did not have enough time to look over your lengthy information. 9a

The people of the area have asked for a route that will maximize safety and minimize environmental impact. E2 does neither. 9b
The current unsafe Hwy 95 will be abandoned by ITD and will be a safety hazard that will continue to be used by local travelers.
The safety discussion you provide does not take into account collisions with large animals which will be more likely on the E2 route. 9c
The weather is not carefully researched taking into account the higher elevation on E2. 9d
Damage to the flora and fauna could be avoided by using C3. 9e
Please reconsider your choice.

Thank you.
Joann Muneta
203 S Howard
Moscow ID 83843

(jmuneta@uidaho.edu)

ED_002888_00000103-00091

E-10

To whom it may concern,
I wish to voice my absolute support for the expansion of highway 95 from Moscow south to Thornecreek where the highway divides into a four-lane divided highway. This project has been needed for many years to increase safety on what is now, probably one of the most dangerous sections of highway 95 south of Moscow to the I-84 interstate. 10a

Thank you,
Jennie Hall
Moscow resident

(jenniej@uidaho.edu)

ED_002888_00000103-00092

F-11

September 14, 2015

Adam Rush, Public Involvement Coordinator
Office of Communications
Idaho Transportation Department
3311 West State Street
Boise, Idaho 83703
adam.rush@itd.idaho.gov

Brent Inghram, Environmental Program Manager
Kyle Holman, Operations Engineer
Federal Highway Administration Idaho Division
3050 Lakeharbor Lane, Suite 126
Boise, Idaho 83703
brent.inghram@dot.gov
kyle.holman@dot.gov

Sent via email and attachment

WIRT Comments on U.S. Highway 95 Thorncreek Road to Moscow Project Final Environmental Impact Statement

Mr. Rush, Mr. Inghram, Mr. Holman, and ITD and FHWA staff,

On behalf of over 3200 members, friends, and allies of Wild Idaho Rising Tide (WIRT), including potentially impacted, concerned Idaho citizens and residents near the proposed and existing alignments of U.S. Highway 95 south of Moscow, Idaho, I respectfully offer and request inclusion in the public record of these comments regarding the U.S. Highway 95 Thorncreek Road to Moscow Project Final Environmental Impact Statement (FEIS, http://us95thorncreek.com/). On Friday, August 14, the Federal Highway Administration (FHWA) and Idaho Transportation

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Department (ITD), in cooperation with the U.S. Army Corps of Engineers, published a notice of availability of this FEIS in the Federal Register, starting a 30-day public agency and citizen review period. WIRT and associates collectively object to the choice by ITD and FHWA of their preferred alternative, the easternmost E-2 route along the flanks of Paradise Ridge, from among the no action and three action alternatives (modified W-4, C-3, and E-2) of the FEIS for this Highway 95 realignment and expansion project. In support of this official letter of opposition to ITD/FHWA selection of E-2 and resulting, destructive, implementation activities on Paradise Ridge, we incorporate the concerns, oral testimony, and comments of the Paradise Ridge Defense Coalition (PRDC) and its attorney and members, to which WIRT contributes as a member organization and board member. 11a 11b

Contrary to the mandates of the National Environmental Policy Act (NEPA), the FEIS insufficiently provides the basis for rational public and agency evaluation and decisions about this project's predictable adverse impacts, questionable benefits, and un- or under-explored alternatives of Highway 95 modification on Paradise Ridge. It contains numerous deficiencies, including inaccuracies, misstatements, and errors, as well as omission of substantive responses to citizen comments. In addition to the absence or misrepresentation of data and its analyses in technical reports accompanying the FEIS, the huge document presents several new or extensively revised reports, like those assessing highway safety, weather, and affected groundwater. 11c

WIRT thus strongly encourages several corrective courses of action for ITD and FHWA, before their issuance of the Record of Decision (ROD) on this project. We insist that these agencies prepare a Supplemental Environmental Impact Statement examining citizen-suggested alternatives not considered in the FEIS. WIRT accordingly urges an extension of the comment period on this project, to accommodate greater opportunities for 11d

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public involvement necessitated by a combination of intense public interest, the size and intricacies of the FEIS and consequent time required for informed public review and discussion, and ITD's characteristic withholding of public records from fellow PRDC board members, like similar instances of denial to WIRT. 11d

But, in light of myriad delays during a decade-plus of concerned citizen contentions over ITD's ongoing promotion of the least environmentally and socially suitable reconfiguration of the six miles of Highway 95 south of Moscow – which have caused numerous traffic accidents and deaths – WIRT activists and members also urgently request that ITD and FHWA, prior to project ROD issuance, reconsider their selection of the E-2 realignment and instead approve and adopt the most readily available and reasonable FEIS alternative, C-3. WIRT thoroughly concurs with the PRDC comments submitted by attorney Natalie Havlina on September 14, 2015, although we also suggest that ITD and FWHA completely overlooked in their project FEIS a few further considerations, addressed nowhere in the FEIS: The separate and compounded damages imposed by climate change, highway relocation, and the transportation of overlegal and oversize loads on plant and animal populations around the proposed E-2 route. 11e 11f

Thank you for your consideration of these comments,

/s/ Helen Yost, MSEE
Wild Idaho Rising Tide
P.O. Box 9817, Moscow, Idaho 83843
wild.idaho.rising.tide@gmail.com
WildIdahoRisingTide.org
Facebook.com/WildIdaho.RisingTide
208-301-8039

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F-12

Mr. Rush,

All three alternatives would be an improvement. The C3 route is the lease controversial and should be your preferred alternative. Public comments do not seem to influence ITD, so this is a short letter. Pick C3. 12a

Mary Fauci

(maryfauci@gmail.com)

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E-13

Dear Mr. Rush,
I write to again express my support of Preferred Alternative E-2 for Highway 95 between Thorncreek Rd and Moscow. The alternatives are well-researched and conclude, much as in the many years that this process has been underway, that Route E2 is the safest, shortest, least expensive, and least disruptive alternative. The majority of us who live and work in the area, overwhelmingly support Alternative E-2. We support ITD, commend you for your thoroughness, and urge you to move quickly to the Final ROD and construction of the highway. Thank you. 13a
Sincerely,
Ian von Lindern

(vonbraun@uidaho.edu)

ED_002888_00000103-00097

F-14

Dear Mr. Rush,
I write to support the Preferred Alternative E-2 for the Thorn Creek to Moscow section of Highway 95.
ITD has done a thorough review of the Draft EIS and addressed the many comments and concerns. I look forward to the Record of Decision (ROD) and completion of the Highway as soon as possible. 14a
Thank you for your efforts.
Sincerely, Margrit von Braun
1075 Snow Rd, Moscow

(vonbraun@uidaho.edu)

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F-15

To Adam Rush,

Since it was first proposed, I have totally disagreed with the E-2 reroute of Highway 95 from Thorncreek Road to Moscow, Idaho, when other safer alternatives, such as C-3, exist. Route C-3 will cause less disruption to human stakeholders, and it takes the almost extinct Palouse Prairie environment into account. The E-2 route is unnecessary, and it will cause more harm than good. 15a 15b

Yours for a less destructive route than E-2,

Selma Yocom
PO Box 8591
Moscow, ID 83843-1091

(selma.deer.dreamer@gmail.com)

ED_002888_00000103-00099

F-16

Dear Mr. Rush,

As a person who lives in Moscow and commutes daily to Lewiston for work, I am very excited about the prospect of highway improvements on US-95 between Thorn Creek and Moscow. I recognize the necessity for a safer road in that area. However, I was disheartened to learn that the preferred route determined by the 2015 Final Environment Impact Statement is the E-2 alternative. While the E-2 alternative may provide the "greatest safety improvements" over the other alternatives, it also poses the greatest threat to the Palouse Prairie remnants lying on or adjacent to Paradise Ridge. 16a

The Palouse prairie ecoregion is one of the most endangered ecosystems in the United States, with less that 1% remaining intact[1]. As the FEIS for this highway rerouting mentions, building the new US-95 in close proximity to the rare Palouse prairie ecosystem, dramatically increases the threat of invasive weeds. My background as a biology teacher has taught me that because of the extensive coevolution of the native plants and animals of the Palouse prairie, introducing non-native species would likely have a dramatic effect on the stability and productivity of this ecosystem. Once damage has occurred to a system, recovery and restoration to the original diversity and resiliency is near impossible. 16b

I appreciate all the hard work that has gone into the US-95, Thorn Creek to Moscow, highway improvement project, but I hope for a solution that will not threaten Paradise Ridge and the dwindling Palouse prairie. I would prefer either option Modified W-4 or C-3 to the FEIS "preferred option" of E-2. Thank you very much for your time and consideration. 16c

ED_002888_00000103-00100

Sincerely,

Susannah (Soona) Schmidt

234 Circle Drive
Moscow, Idaho

[1] Noss, R.F., LaRoe III, E.T., Scott, J.M., 1995. Endangered ecosystems of the United States: a preliminary assessment of loss and degradation. US National Biological Service Biological Report 28

(silverspoona@hotmail.com)

ED_002888_00000103-00101

F-17

Mr. Rush, I strongly disagree with ITD's choice of the "E-2" route for the realignment of US 95 near Moscow. I'm particularly concerned about collisions with wildlife crossing the highway and the hazards of snow, ice, and fog at those higher elevations. I'm also opposed to unnecessary destruction of wild areas and farm land and burdening Latah County with responsibility for maintaining the existing highway as an access road for farms and residences. 17a 17b 17c 17d

John R. Porter
725 East E Street
Moscow ID 83843

(jack.r.porter@gmail.com)

ED_002888_00000103-00102

F-18

Mr. Rush,

I have to disagree with ITD's choice of the "E-2" route for the realignment of US 95 near Moscow. It is still quite a mystery why this route is chosen. I am suspicious to certain interest groups guiding this choice. 18a

But, I need to express my concerns about collisions with wildlife crossing the highway and the hazards of snow, ice, and fog at those higher elevations. 18b 18c

I'm also opposed to unnecessary destruction of wild areas and farm land and burdening Latah County with responsibility for maintaining the existing highway as an access road for farms and residences. 18d 18e

And I don't see paving more land, when not needed, is a good thing. 18f

This project is not needed in my estimation. If safety is, indeed, the real concern, then lowering the speed limits and enforcing them would have been instituted long ago if even as a stopgap to an "improved" highway. 18g 18h

Cathy Porter

725 East E St.
Moscow, ID 83843

(cathy.b.porter@gmail.com)

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F-19

Mr Rush,

The E-2 alternative routing is far worse for the environment and has greater social costs than the C-3 alternative. Predicted differences in safety can be made up with very little cost. Palouse Ridge Defense Coalition has details on their website at Paradise-Ridge-Defense.org. 19a 19b

Please reconsider!

-- Joshua Yeidel
1185 Chaney Rd
Viola, ID 83872

"It is music and dancing that makes me at peace with the world... and at peace with myself."*Nelson Mandela*

(longeagle@gmail.com)

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F-20

I disagree with your preferred E-2 alternative. The C-3 route would increase highway safety better than E-2 without negatively impacting Paradise Ridge. 20a 20b

Susan Westervelt
PO Box 223
Deary, ID 83823

(smsw948@yahoo.com)

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F-21

Dear Adam,

I am concerned that you are recommending the E-2 route. This alignment would negatively affect the Paradise Ridge ecosystem. We only have a little bit of natural Palouse Prairie left and this route would damage this piece. The E-2 route is also higher in elevation than the other two routes which could contribute to more accidents due to weather and animals crossing the road. Our commuters need a safer option. 21a 21b 21c

Please reconsider and choose one of the other routes. 21d

Thank you for your time and work on this.

- - Sue Weaver

--
Sue Weaver, graphic/web designer & artist
Susan Baily Weaver Design, LLC
Moscow, Idaho USA
Custom website/WordPress design at http://www.susanweaver.net
View my art at http://www.susanbailyweaver.com

(sue@susanweaver.net)

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F-22
Jim Roach

(208) 301-4487

I.T.D.- I am writing this comment is in support of the alternate route C-2 for finishing the expansion of U.S. Highway 95 from Thorn Creek to Moscow. Everyone knows the I.T.D. prefers the E-2 route, citing "increased safety" as the main rational. This may be true, but the difference is too small to affect U.S. Highway 95 safety in this area. Near the top where E-2 is to be routed black ice will manifest no matter which route is selected. Sorry, but I think the trucking corporations profit at all cost mantra is unsustainable. If the Paradise Ridge Defense Coalition "donated" a similar amount to the state, we would be hearing your support for C-3. More importantly, the destruction of rare flora and fauna found here negates any financial obligations from ANY corporation, who's attitude about the environment only revolves around profit. Profit is a good thing, but the much larger picture says we're killing the Earth. Keep up the good works. JR 22a 22b 22c 22d 22e

(jfrjr52@hotmail.com)

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F-23

Please listen to the ordinary citizens and householders who have made clear that the E-2 destroys their homes and significant amounts of native Palouse habitat in ways that the other options don't. Please don't build E-2. 23a

For more than a decade we in Moscow have pushed by developers and engineers, in meeting after meeting, report after report, to locate the new road on the "wasteland" of Paradise Ridge, AND so that it is convenient to the proposed eastern highway 95 bypass of Moscow along which new businesses could be built. These are rational of the car economy of the past, not of the future which will require environmental enhancement instead of destruction. 23b

Or if you want a bypass that doesn't have to go through WA (God forbid!) build it where it would really be useful, on the west of Moscow connecting with the traffic to and from Pullman, through the western edge of the campus and shopping mall, as an extension of W-4. 23c

The best route is clearly C-3. That helps everyone not just the engineers and developers. 23d

Thank you,
Ronnie Hatley
820 1st St., Moscow

Thanks

(ronniehatley@yahoo.com)

ED_002888_00000103-00108

F-24

Dear Mr. Rush,

The proposed E-2 alignment for Highway 95 south of Moscow (http://us95thorncreek.com/) is quite puzzling to me. The FEIS's statements on "Vegetation, Fish, and Wildlife" (pp.282-283) actually predict more serious negative impacts (particularly on ungulates) on E-2 and only propose limited mitigating measures. Why not consider C-3, then, so that those predicted serious negative impacts can be avoided to begin with? 24a

The elevated position of E-2 is also troubling. Given the heightened potential of frost and ice on the elevated section of E-2, the lower-lying C-3 seems more reasonable to me. I've drove the current route many times in the winter, and I've observed the road condition. I don't want to drive up on the Ridge under an icy condition. 24b

Thank you.

Kota Inoue
Assistant Professor
Washington State University

(kota.inoue@wsu.edu)

ED_002888_00000103-00109

F-25

Dear Mr. Rush: I oppose the E-2 alternative route for Hwy 95 south of Moscow for the following reasons:

The data for winter driving conditions on Paradise Ridge in the FEIS on the E-2 alternative is flawed. I have driven on other Paradise Ridge roads in the winter time, and they're treacherous. The E-2 route WILL be dangerous in the winter high on that ridge. 25a

For a fraction of the cost of realigning the roadway, certain measures such as the portable speed limit indicators could be used every two feet on the current roadway . . . and of course that would be too many. I've driven that road many times, and have never seen any heightened advisory speed limit methods being used. 25b

Finally, we don't need any more of the Paradise Ridge Palouse Prairie being destroyed. It's not only the actually roadway and shoulders that are impacted: the weeds that inevitably follow the highway will be a real threat to the remaining Palouse Prairie. That patch of ground is an absolute gem in terms of species diversity, not just of the plants but of the insects that utilize them. 25c

If the current roadway must be realigned, please use alternative C-3.

Your fellow Idahoan,

Karen Ward
Moscow

(heartofidaho@moscow.com)

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F-26

Dear Mr. Rush,

I will focus my comments on the safety issues discussed in the US95 Thorncreek to Moscow FEIS, as the predicted safety of the different alternatives appears to be the criteria driving ITD's selection of E2. I appreciate the calculations ITD made to include the "Old 95 loop" in the predicted corridor accident numbers for the different alternatives. The difference in predicted accidents between E2 and C3 is now much smaller than the difference calculated in the DEIS. I do take issue with ITD's conclusions that a number of the issues we raised on potential causes of accidents on E2 could be disregarded. The dramatically increased duration of dense fog on the E2 corridor cannot be denied (Revised Weather Fig 6.1), There is a higher frequency of strong wind gusts on E2 (Revised Weather Fig 5.2 shows RH has a dramatically greater frequency of higher speed gusts, and E2 will remain at that elevation while C3 rapidly descends). The potential for E2 to be above snowline during storms while C3 is below snowline was not really considered: The elegant calculations in the Revised Weather Report deal with snowmelt - something that occurs **after** the road is plowed and the danger of snow and slush on the roadway is past. The clumping of immense amounts of data in Revised Weather Fig 4.1 and 4.2 obscures the dates of interest for this snowline phenomenon. Regarding wild animals, an obvious increased presence of big game in the E2 corridor and consequently on the roadway is dismissed with a great deal of verbage but no actual observational information pertinent to the E2 corridor. All these factors will lead to more accidents on E2. I believe the logic and calculations in the FEIS that address these issues are either wrong or are addressing a different issue, and C3 is actually a safer and overall more desirable option than E2. I am disappointed that ITD has chosen to ignore these problems of the E2 route.

26a

26b

26c

26d

26e

26f

Sincerely,

Stephan Flint
4961 Lenville Rd

ED_002888_00000103-00111

Moscow ID 83843

copy: Natalie Havlina, attorney

(flint.stephan@gmail.com)

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F-27
Dear Mr. Rush,

We have reviewed the FEIS and are more convinced than ever that C-3 is a more logical choice than E-2. Although there are advantages and disadvantages to both options, ultimately, for us, the critical factor is that E-2 disturbs so much more undeveloped land than C-3. For much of the length of C-3, the work takes place in an already existing road corridor. The additional acres of pavement and road corridor required by E-2 are simply not necessary. 27a

One of the strongest arguments for E-2 is that it is predicted to have fewer crashes than C-3. Compared to "no action", E-2 and C-3 are estimated to average 22.5 and 20.1 fewer crashes per year, respectively (data restated from Revised Safety Analysis Table 2). However, as we pointed out in our review of the draft, no error estimates are provided; these estimates could well be within the margin of error of the model. In other words, there may be no real difference in predicted accident rates between the two routes. 27b

Dave and Molly Hallock
119 Flint Street
Moscow, ID 83843

(mdhallock2@yahoo.com)

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F-28

Adam Rush, Public Involvement Coordinator
ITO Office of Communications
3311 W. State Street, Boise, ID 83703.
(208) 334-8119; adam.rush@itd.idaho.gov

Adam,

Thank you and ITD for your work on this project. After growing up on Jacksha Rd and being partners in farm ground at this location. I agree with you that E-2 will be the safest and best route for the highway.

Having hunted both sides of the highway since the 60's I have noticed based on water and food available no matter where the highway is located you will have crossing between Paradise Ridge in Latah county in Idaho and Bald Butte in Whitman county in Washington which has abundant fruit trees that make excellent food source in the fall of the year. 28a

Also I have noticed new houses being built higher on Paradise Ridge, in the native vegetation area, than the proposed route with no opposition to them. 28b

Thanks again,

Steve

Stephen Redinger

702 N Meyer Rd

Colton WA 99113

sredinger@metriguard.com

Cell 509 595 3871

Partner In Redinger Farms LLC Property owners at 1200 Jacksha Rd

(sredinger@metriguard.com)

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F-29

Re: *Final Environmental Impact Statement (FEIS) and Final Section 4(f) Evaluation US-95 Thorncreek Road to Moscow*

Dear Mr. Rush:

Citizens for a Safe 95 have reviewed the FEIS for the Thorn Creek to Moscow section of Highway 95. We wish to thank ITD for its thoroughness in responding to the numerous comments presented in the Draft EIS in 2013. Our position has not changed. We continue to support the selection of the Preferred Alternative Route E2 and proposed mitigation strategy you have developed with Idaho Fish and Game and other relevant agencies. We believe ITD has been most comprehensive in addressing the many comments, and should proceed with the Record of Decision (ROD) and complete the design and construction of the Highway as soon as possible. 29a

This stretch of highway remains much too dangerous and too many accidents, injuries and fatalities have occurred since this selection process was initiated over 15 years ago. We realize that this has been a difficult and challenging undertaking for ITD and that there are several differing opinions and concerns that have been raised by people in the area, and others solicited from afar. ITD has diligently and comprehensively considered their comments and concerns, weighed the opinions appropriately, and come to sound conclusions, as required by law. Our view remains that safety is the first and overwhelming priority, followed by accommodation of the lifestyle and quality of life of those of us whose property is directly affected by the highway. We are also mindful of, respect, and wish to preserve and protect, the environment and natural resources in our neighborhood and believe ITD will appropriately mitigate any impacts, should these occur. 29b 29c

I have been part of the Thorncreek to Moscow alignment project, starting back to when the monthly meetings were held in

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the Mark IV / Sandpiper restaurant which doesn't even exist anymore. The restaurant hasn't been there for years. This is telling on how long this has taken, though I know that ITD has moved the project along as quickly and as diligently as possible. I still drive this stretch of Hwy 95 as I'm now retired and yet work part time in Genesee, Idaho.

Nevertheless, this process has dragged on for far too long, has been disruptive to our lifestyle, business pursuits, use of our property, and homes. We drive this road every day, using those dangerous accesses you point out in the document, and have too long endured this risk and disruption in our lives. Your own data and analyses indicate more than one of the 1/2 mile segments in this section rank in the top ten most dangerous in all of Idaho. Please move this Project to the highest priority and accelerate the process to complete construction of the new route as soon as possible. Thank you. 29d

Sincerely,

Wayne L. Olson
1049 John Ruby Road
Moscow, ID 83843

Phone: 208.596.6133

(olson.wayne.moscow@gmail.com)

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F-30

TO: Adam Rush, Public Involvement Coordinator
ITD Office of Communications, 3311 W. State Street, Boise ID 83703
adam.rush@itd.idaho.gov 208.334.8119

RE: US 95, Thorncreek Road to Moscow Project
4 September 2015

FROM: Victoria A. Seever, 121 N. Lilly St., Moscow ID 83843
vaseever@uidaho.edu 208.882.0763

I select the C-3 alignment. I disagree with ITD's preferred E-2 alignment.

After considerable study and thought, my summary comments are:

- Abandoning C-3 does not fix safety issues which will continue to result in more deaths; 30a
- A second highway is a huge expenditure in construction and maintenance with additional deaths being generated by E-2 or shifted from C-3 to E-2; 30b
- E-2 cannot avoid doing irreparable harm to habitat, wildlife, the remnant Palouse prairie, and generates highway construction weed infestation; 30c
- Trucks decreasing elation near Moscow generates traffic issues and any E-2 impediment to a future Moscow "ring road" is detrimental to re-routing truck and heavy traffic outside the city. 30d

Respectfully,

[Submitted by email and attachment 9/4/2015]

ED_002888_00000103-00117

F-31

Adam Rush ITD Office of Communications 311 W. State Street Boise, Idaho 83703

RE: Thorncreek Road to Moscow

Hopefully, US Highway 95 can now move forward with E2 improvements after 10 plus years, countless wasted dollars and the search for a worm and the salvation of some grass. This decision is long overdue. The attention and time given to trying to find some sort of elusive species or habitat to halt this highway borders on the absurd. The safety of the folks ought to be the FIRST principal concern. The thorough, in-depth analysis and thousands of pages of public input and study clearly point to E2 as being the best route. As it has been over the last 10 years the nay sayers will again mount objections because their view of the ridge (and we all know this is REALLY their concern, not the worm or the prairie) will be marred with the glow of headlights (they seem to forget the view is currently polluted with the light shine of homes), their perceived pristine environment will NOT impacted (it currently has numerous residences with more to follow) , and that white worm will once again rear it's ugly giant head. E2 route unmistakably will have the least impact on residences and businesses, be more cost effective and most importantly will provide for a safer highway. Because after all PEOPLE are the most important. The Paradise Ridge Defense Coalition surely cannot have a clear conscience with blood on their hands with the lives lost while they stall this important improvement. To mis-quote from one of the coalition's most vocal members (Daily News, Sept 4, 2015) "first rule of intelligent tinkering" is to move forward with E2.

31a

31b

31c

31d

Most passionately, Terry Johnson-Huhta 3462 Foothill

ED_002888_00000103-00118

Rd Moscow, Idaho 83843

Terry Johnson-Huhta

(thuhta@moscow.com)

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F-32

We support the E-2 alternative. It appears from your analysis there is no perfect answer to the location of the road but it appears to be the best. This topic has been studied to death and now it is time to make a decision and get on with it. We need a better road. 32a

Delitha and Dwight Kilgore
3225 8th St. E
Lewiston, ID 83501

(d-kilgore@lewiston.com)

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F-33

I have attached my comments in a letter, see attachment below. I

I have added other comments.

I read through much of the massive document and find that the selection of E-2 is based in large part on ignoring professional consultations of some in favor of other consultants (one on wildlife not ever on the site and one on site 1 day, an anecdotal one day example) to support what it appears ITD selected. I read this as negligence in inadequately addressing issues of Wildlife, especially Wildlife issues. 33a

Other major concerns are the intermittent steams mentioned in the C-3 area without mentions of even more intermittent streams on E-2 or addressing these in the E-2 discussion. E-2 cuts across many drainages beginning higher up on the ridge. The difficulty of rerouting or moving those are serious and not adequately addressed. 33b The mention of drainages on C-3 as problematic is misleading as what is referred to in the report as a drainage is a man-made ditch, not a stream. 33c

Diane Baumgart

The final EIS published August 14, 2015, designates E-2 , the eastern route over Paradise Ridge, as a preferred route for reconstructed U.S, 95. I want a safe route. That was always a top priority. However, safety is embedded within the construction of the highway **and** the conditions in the environment of the constructed highway. The Federal Highway Safety standards ensure us highway construction will meet Federal safety standards for all routes. However, the **conditions** in the area of E-2, conditions affecting safety, remain a serious issue. State agency reviews attest to serious 33d

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safety concerns. I want a SAFE highway in its construction **and** conditions! 33d

Yes, I am disappointed with the selection of E-2. I want a safely built Federal highway and mitigation or avoidance of conditions that are inherently unsafe. We deserve a safely built highway within an area with the safest conditions, necessary mitigations to meet all Federal Policies, increased traffic capacity, and preservation of our beautiful landscape, our farmland, our wildlife, and our Palouse Prairie. That choice is available with C-3. 33e

(dianeb208@gmail.com)

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F-34

Hi Adam,

I wrote you last week sharing my concerns about being left at the bottom of an embankment for the new highway. I failed to include the chart that NASM (National Association of Schools of Music) requires all music schools in the US to put into our course syllabi. I've included that chart below.

In anticipation of this move, I looked at some houses yesterday, two that were close to a rural highway with a speed limit of 55 miles per hour. While standing outside, I couldn't hear the person I was talking with. So, once again, I'm reminded of how noisy vehicles are. And, another item to note... None of the vehicles that drove by us were 18-wheel (or other large trucks). I guess people in these houses never spend time outside, which is opposite of what I do. Even as I'm writing this, I'm sitting on my front porch, which is typical for me during the summer months. With the slope of the new highway coming down before it crosses Eid Road, truckers would have to use compression brakes, which not only adds to the noise level, but creates a shaking effect, too. As I stated in earlier comments to Ken Helm, I 've lived next to Highway 95 before and the constant noise of truckers was too much. I had to move.

With that, here's the wording from NASM that we're required to put into our syllabi:

Protecting Your Hearing Health

An NASM – PAMA Student Information Sheet on Noise-Induced Hearing Loss

Hearing health is essential to your lifelong success as a musician (and one who listens to music). Your hearing can be permanently damaged by loud sounds, including music. Technically, this is called Noise-Induced Hearing Loss (NIHL). Such danger is constant.

Noise-induced hearing loss is generally preventable. You must avoid

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overexposure to loud sounds, especially for long periods of time. The closer you are to the source of a loud sound, the greater the risk of damage to your hearing mechanisms.

Sounds over 85 dB (your typical vacuum cleaner) in intensity pose the greatest risk to your hearing.
Risk of hearing loss is based on a combination of sound or loudness intensity and duration.
Recommended maximum daily exposure times (NIOSH) to sounds at or above 85 dB are as follows:

- 85 dB (vacuum cleaner, MP3 player at 1/3 volume) – 8 hours
- 90 dB (blender, hair dryer) – 2 hours
- 94 dB (MP3 player at 1/2 volume) – 1 hour 34a
- 100 dB (MP3 player at full volume, lawnmower) – 15 minutes
- 110 dB (rock concert, power tools) – 2 minutes
- 120 dB (jet planes at take-off) – without ear protection, sound damage is almost immediate

Certain behaviors (controlling volume levels in practice and rehearsal, avoiding noisy environments, turning down the volume) reduce your risk of hearing loss. Be mindful of those MP3 earbuds. (See chart above).

Thank you for taking my comments.

Del Hungerford
1071 Eid Road #3
Moscow, ID 83843
delh@uidaho.edu

ED_002888_00000103-00124

F-35

What makes ITD so stubborn? Or rather, who is pulling your strings? Why are you beholden to narrow special interests instead of the big picture and public good? ITD's preferred realignment route of highway 95, E-2, is less safe (it takes only common sense to see this, numbers aside) and many times more disruptive of the sensitive environment on Paradise Ridge than the central alternative, C-3, which is a little lower and slower and uses much of the present roadbed for its realignment. It is irresponsible for ITD, public servants, to choose the E-2 route. 35a 35b 35c 35d

Diana Armstrong
Moscow, ID

(diauladell43@yahoo.com)

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F-36

Adam -

This is a very good and worthwhile project. It is much needed and very much overdue. I think the E2 route makes the most sense. I am very much in favor of this, as well as the South Latah Highway District. 36a

Kevin Renfrow
Chairman
South Latah Highway District

(lkrenfrow@hotmail.com)

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F-37

I support the E2 alternative. Let's get it done and stop all this in-fighting. 37a

Mark

(marks123@yahoo.com)

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F-38

Dear Mr. Rush,

I am a Latah County citizen. I object to the choice of E-2 for a Highway 95 improvement entering Moscow from the south. This route would degrade our beautiful Paradise Ridge. Another route that meets Federal safety standards is available, the Central Route c-3 along the existing highway. That is the route that would least impact our scenic rural environment, one of Moscow's important assets. 38a

Thank you for this opportunity to express my disapproval of the E2 choice.

Lynne Haagensen
1060 Lamb Road
Troy,ID

(lynneh@uidaho.edu)

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F-39

Dear Sir:

I disagree with your preferred alignment, E-2. It is unnecessary and irresponsible to choose this alignment which negatively impacts the sensitive environment of Paradise Ridge when other alternatives, engineered to meet Federal highway safety standards, exist. 39a

The increase in elevation will expose travelers to weather conditions conducive to accidents. Please reconsider this choice. 39b

I care deeply about the wildlife on the ridge and I will oppose vigorously their endangerment. 39c

Sincerely,
Bill Gibson
Paradise Ridge Resident

(wtg2@wsu.edu)

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F-40

Do not agree with your choice of E2 over Paradise Ridge. Why not take traffic where most want to go? 40a

John and Sara Holup

Sent from my iPad

(jholup@palouse.net)

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F-41

Hello Adam,

I received the FEIS in the mail (thank you) and tried to open the DVD but it was blank. However, I was able to go online and download most of the materials. A couple of them are not opening up so I'm hopeful things will work the next time I try.

After reading some of the information in the FEIS, there are a couple of items that are still incorrect. I'm a resident of Bensons' Mobile Home Park on Eid Road. We are in the section where all the displacements will be taking place. Please note the following corrections:

- 1071 Eid Road #2, #5, #7, and #9 are owned by Gary Lester. He rents them out through Welcome Home Properties
- 1071 Eid Road #8 is owned by Steve Clyde and he rents it out himself
- 1071 Eid Road #3 is owned by me and I live in it. The FEIS states that all the homes are rentals. I'm the only home owner in the 1071 grouping.
- 1061 Eid Road: There are two RV spaces (Edd Benson who built the park is in one of them) along with a rental house (possibly a different address?) that Steve Clyde rents out. There's a blue trailer on the corner facing Eid Road that is owned by the occupant. Two of the properties in the 1061 grouping are owned by ITD.

41a

I was also able to download the noise report and noticed that they took extra care to do an assessment on my place (I'm receptor #7). As a musician and music teacher, the noise levels from the proposed highway would be damaging. I teach at the Washington State University School of Music and we are required to put decibel levels into our syllabi. What's listed as the expected noise levels for leaving me at the base of a 60 embankment would cause damage to my hearing. That's unacceptable. My profession is at stake with this kind of noise level. I see that it's recommended ITD put a noise barrier to

41b

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the tune of around $140,000 just to help lower the decibel levels for my place, and that's not even enough. That money would be better spent moving me out of Benson's Mobile Home Park. 41b

In talking with Ken Helm at some point, I know they will need a staging area. If my home is left, I will have about two years of extreme noise to deal with. I can't imagine they would be able to work around my house when the bottom of the embankment will be at the edge of my driveway. Please tell me that I won't be left to deal with this! My hope is that ITD will move everyone out of Benson's Mobile Home Park. Our well will be gone anyway so ITD would have to drill a new one for the few of us that are left. I know that before the Paradise Ridge Defense Coalition sued ITD, ITD purchased two homes in the 1061 grouping. I was told that they planned to use our entire area for staging. Let's hope they continue with that plan. Sorry, but I cannot live at the base of this highway nor do I desire to live with the construction noise of building an overpass over Eid Road. Even if ITD chose another staging area, they still have to build the overpass, which I'd have to listen to for a very long time. Not only that, but think of the noise created from burying the whole trailer park under 60+ feet of dirt...

Thank you for listening to my concerns. My best to ITD as they continue on with this project. My last and final comment... please don't leave me here.

Del Hungerford
1071 Eid Road, #3
Moscow, ID 83843
delh@uidaho.edu

ED_002888_00000103-00132

F-42

Paradise Ridge Defense Coalition

P.O. Box 8804
Moscow, ID 83843

Adam Rush, Public Involvement Coordinator
Idaho Transportation Department
3311 W. State Street
Boise, ID 83703
adam.rush@itd.idaho.gov

September 14, 2015

Re: Final Environmental Impact Statement (FEIS) and Final Section 4(g) Evaluation U.S. 95 Thorncreek Road to Moscow

Dear Mr. Rush,

These comments are submitted on behalf of the Paradise Ridge Defense Coalition ("PRDC") on the above-referenced Final Environmental Impact Statement ("FEIS") prepared by the Idaho Transportation Department and the Federal Highway Administration (collectively, "the Transportation Agencies").

PRDC is a nonprofit organization that represents a coalition of individuals and groups committed to protecting the wildlife and diverse ecosystems on Paradise Ridge, including one of the largest remnants of endangered Palouse Prairie. PRDC is also committed to keeping Highway 95 off of any portion of Paradise Ridge and ensuring that a comprehensive environmental analysis is conducted that considers all alternatives for the Lewiston to Moscow segments of the Highway 95 realignment and expansion.

PRDC submitted written comments on the Draft Environmental Impact Statement ("DEIS") for the Thorncreek Road to Moscow project in 2013. In addition, many PRDC

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members offered oral testimony at the public meeting held on January 23, 2013. Although the Transportation Agencies have corrected a number of the errors and deficiencies of the DEIS, the FEIS still contains inaccuracies that render it an insufficient basis for either informed public discussion or agency decision-making. The FEIS also fails to address many of the questions raised and omissions identified during the public comment period. Accordingly, PRDC incorporates its prior comments on the DEIS, as well as those of its members, into these comments on the FEIS.

In light of the deficiencies of the FEIS, the Transportation Agencies should prepare a Supplemental Environmental Impact Statement analyzing those alternatives not considered in the FEIS. However, ITD's stubborn insistence upon the least suitable route has delayed the 95 realignment long enough. PRDC accordingly requests that the Transportation Agencies instead issue a Record of Decision adopting the most reasonable alternative ready for approval: the C-3 alternative. 42a

PREDETERMINATION

PRDC is concerned that ITD, with the acquiescence of FHWA, has used the entire NEPA process to "justify decisions already made" in violation of NEPA. 40 C.F.R. § 1502.2 (g). It appears to PRDC that, for reasons unrelated to safety, ITD fixed upon rerouting U.S. 95 through the eastern corridor at the outset of the Thorncreek Road to Moscow project and has since done whatever seemed necessary to defend that decision. 42b

ITD has remained determined to proceed with E-2 over objections from the U.S. Fish and Wildlife Service, the Environmental Protection Agency ("EPA"), and Idaho's own Department of Fish and Game ("IDFG"). Rather than recognize the shortcomings of E-2, ITD has put itself in 42c

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the unprecedented position of arguing that neither the vagaries of Idaho winter weather nor the movements of its wildlife affect highway safety. Most Idahoans— at least those who have not been subjected to ITD's E-2 promotion campaign— would beg to differ. 42d

Perhaps most tellingly, ITD has engaged in what might be called "expert shopping." The biologist originally commissioned to analyze the project's impacts on wildlife found that an eastern alignment would have the greatest impact on wildlife and that mitigation would be necessary. Rather than adopting his recommendations, ITD hired another biologist. After that, ITD retained yet another. Each successive wildlife report further downplays the eastern corridor's impacts on wildlife. Each successive report suggests weaker and weaker mitigation measures. 42e

PUBLIC PARTICIPATION

PRDC's comments on the DEIS expressed concern that ITD's zeal in pursuing the E-2 alternative has prejudiced the public participation process. Compounding this concern, the Transportation Agencies' delays and failures in providing public records have interfered with PRDC's ability to provide informed comments. PRDC accordingly requests that the comment period on the FEIS be extended by thirty days. 42f

ITD has not only continued to present the eastern corridor as the "Preferred Alternative" throughout the National Environmental Policy Act ("NEPA") process, it has actively promoted the E-2 alternative. As described in PRDC's comments on the DEIS, the "Guide to the DEIS" brochure provided at the public meeting presented information about the DEIS's alternatives in a manner that was clearly designed to persuade, rather than inform. It also contained factual errors. On a similar note, the Safety Analysis Technical Report ("SATR") prepared to support 42g

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the FEIS's revised safety analysis is written in a persuasive style inappropriate for what is presented as a scientific study. 42h

Our review of our fellow Moscow residents' comments confirms that the inaccuracies in the DEIS and the biased presentation at the public hearing have convinced many of our fellow Idahoans that E-2 is dramatically safer than C-3. While many comment letters opposing the selection of E-2 are detailed and provide additional information, comments submitted in support of E-2 generally restate the message ITD has promoted: "E-2 is the safest. E-2 is a straight line. E-2 is the shortest." 42i

PRDC appreciates that not everyone in the community has the time and the level of interest to review documents, conduct research, and/or write detailed comments. This is precisely why the Transportation Agencies need to not only provide accurate information, but also to present the information in a manner that enables interested members of the public to become informed and make an independent assessment of the agencies' reasoning.

The Transportation Agencies have also prejudiced the public participation process by delaying and denying PRDC access to documents that would help inform their review. Specifically, FHWA unlawfully delayed release of documents responsive to PRDC's last request for public records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 551. PRDC submitted its request on June 8, 2015. FHWA was required to respond with a determination no more than twenty working days later. Yet, FHWA's release of the documents coincided with release of the FEIS. 5 U.S.C. § 552(a)(6)(A)(i). 42j

Similarly, ITD unlawfully denied PRDC member Stephan Flint's request to review the destination survey prepared in 2004. In response to Mr. Flint's communication about a potential

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alternative, discussed further below, ITD's Adam Rush stated that ITD had hired a consultant to perform a destination survey in 2004. Mr. Flint subsequently requested a copy of the survey. Although this request should have been honored under the Idaho Public Records Law, the survey was never provided. This has become problematic in providing comments on the SAIR. PRDC finds some of the Average Daily Traffic predictions in the FEIS questionable, based not only on their own knowledge of the area but also the number of businesses and residences on various stretches of road. PRDC does not have the Traffic Destination survey with which to compare these numbers. 42k

PRDC is accordingly requesting an extension of the comment period so that it may supplement its comments, if necessary, once it has had the opportunity to review the belatedly supplied public records. An extension of time will also enable the public to provide more informed comments on the FEIS. This is appropriate because the FEIS includes several reports that are either new or extensively revised in response to public comments, including revised safety, weather, and groundwater reports. 42l

Finally, ITD interfered with the public's opportunity to participate by blocking access to agency experts. PRDC appreciated the opportunity to speak directly to the agency personnel responsible for various aspects of the project during the public meeting. After the meeting, however, PRDC members were informed that they must speak, and could **only** speak, with ITD project lead Ken Helm, regardless of the nature of their questions. While Mr. Helm may be knowledgeable about the overall project, ITD employs individuals with expertise in a variety of areas for good reason. PRDC believes that ITD limited the information available to the public by essentially putting a gag order on its subject matter experts after the public meeting. 42m

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PURPOSE AND NEED

As PRDC member Kas Dumroese pointed out in his comments, the purpose of the Thorncreek Road to Moscow project is to improve highway capacity and safety. The purpose is not to maximize safety at the expense of all other considerations and without conducting proper analysis. Nor is the purpose to maximize the speed with which commercial vehicles pass through Moscow. The FEIS emphasizes that the E-2 alternative will shorten travel time, but reliance on this factor is inappropriate in light of the purpose and need of the project. 42n

PRDC is also concerned that Section 1.5.1, which is presented as part of the purpose and need, does not include all factors that affect the safety of the road. Section 1.5.2 is also presented as part of the purpose and need. 42o

ALTERNATIVES

Since the publication of the DEIS, citizens have proposed multiple alternatives that were not considered during ITD's highly structured process for developing alternatives. For instance, John Thomas formally requested that ITD consider and analyze a hybrid route that would combine the northern portion of the E-2 alternative and the southern portion of the C-3 alternative. Similarly, multiple commenters discussed the need for a bypass around Moscow, rather than a mere realignment of the existing through highway. 42p

Stephan Flint refined the vision for this alternative, proposing that ITD construct the C-3 or W-4 alternative to the northern end of Reisenauer Hill in order to address the major safety issue while a western bypass around the city of Moscow was considered. The existing road could then be "US95 Business" and remain relatively unchanged. A number of other commenters discussed the need for a bypass around Moscow and urged the adoption of an alternative that would allow for, or even include, a bypass. 42q

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In addition, multiple comments recommended improvements to the existing road that would not require road realignment. Such measures could include lowering the speed limit, putting up warning signs, or placing rumble strips on the curves. PRDC has repeatedly petitioned ITD to take such measures immediately in order to improve safety during the interim period while the NEPA process for the Thorncreek Road to Moscow project is completed and construction occurs. These low-cost measures were again recommended during the comment period. 42r

The FEIS fails to provide a sufficient explanation for the elimination of these reasonable alternatives. NEPA requires transportation agencies to consider combinations of alternatives. *Davis v. Mineta*, 302 F.3d 1104 (10th Cir. 2002). Yet, the FEIS does not even acknowledge the alternative proposed by Mr. Flint and it dismisses Mr. Thomas's suggestion in a mere two sentences buried in the agencies' response to comments. Unsubstantiated assertions of the type used to dismiss Mr. Thomas's proposal do not provide a valid reason for eliminating an alternative from detailed consideration. 42s

Similarly, the FEIS fails to consider incorporating one or more smaller improvements, such as a warning sign or a reduced speed limit, into any of the action alternatives. While these measures might not provide a comprehensive solution on their own, they could further increase safety as part of one or more alternatives. Would the projected fatality rate of the C-3 alternative change if the Transportation Agencies incorporated rumble strips and guardrails into the design? Or if ITD reduced the speed limit on the segment of C-3 with the most approaches? The FEIS's failure to answer these and similar questions precludes the Transportation Agencies from making an informed choice between alternatives. 42t

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The Transportation Agencies' proffered reasons for rejecting each of these low-cost measures individually are also unreasonable. For example, the response to comments indicates that "arbitrarily" lowering the speed limit does not improve safety, but reducing a speed limit over a short distance, or a single curve in response to a series of fatal accidents is the antithesis of "arbitrary." 42u

Likewise, the Transportation Agencies claim that the "unnecessary use of warning signs breeds disrespect for all signs." Given the accident rates at the locations recommended for signage by the public, putting signs up cannot be considered "unnecessary." The Transportation agencies' rejection of this alternative is all the more unreasonable because a portable sign warning of snow and ice on Reisenauer Hill was activated south of the hill during the winter.

Moreover, there are many warning signs in other parts of Idaho. ITD's willingness to put up these signs, yet refusal to do so on Reisenauer Hill, is arbitrary and unreasonable. If ITD is truly concerned about there being too many warning signs on Idaho's highways, then it should do a statewide reevaluation of how these signs can be distributed most effectively. Moscow should not have to pay the price for ubiquitous signage in other areas of the state.

SAFETY

ITD bases its choice among alternatives and its rejection of environmental concerns on the assertion that E-2 is the safest of the action alternatives. Given the airtime and resources ITD has devoted to promoting this claim, one would think broad agreement and undisputed evidence supported it. As PRDC has pointed out in its previous comments, however, no such bright line exists. Rather, all of the action alternatives would be safe and the DEIS overlooked multiple factors that render the E-2 alternative less safe. 42v

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Continued use of existing Highway 95, along with the most dangerous section of Reisenauer Hill, has now been incorporated into the FEIS's revised safety analysis. However, the Transportation Agencies' evaluation of safety is unreliable because the FEIS is unable to provide a standard error, standard deviation, or confidence interval for the SATR's numeric prediction of crashes. The FEIS's safety analysis also remains incomplete because the SATR still does not factor in ungulate activity or adverse weather conditions. In addition, structural issues that undermine the safety of E-2 were brought up during the public comment period and in the FEIS's responses to comments.

Standard Error, Standard Deviation, or Confidence Interval

ITD's summary assertion that "E-2 is safer than C-3," the claim upon which it bases its choice among alternatives and that it used to convince the public that C-3 is an inferior choice, rests on the prediction that there would be approximately 1.9 more crashes on C-3 annually than on E-2. The revised safety analysis's prediction wouldn't have to be very far off for this difference to disappear and C-3 to become the apparent "safest" alternative.

The SATR uses a model to predict future accidents for the three action alternatives. A model should include a standard error, standard deviation, or confidence interval for the accident values. This is necessary to determine whether the values generated are the same or different from a statistical/probability standpoint. If the accident numbers are not statistically different, then the 1.9 extra accidents purported for E-2 are not real, but rather within the range of variability from the model. 42v

ITD was asked to provide estimates of the variability of the projected accidents from their model during the public comment period. Rather than doing so, the FEIS's response to

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comments merely reiterates the factors upon which ITD has focused. The FEIS then admits that confidence intervals **cannot** be calculated for each of the action alternatives, but assumes the confidence intervals will be roughly the same for all three. The FEIS states, "The only slight differences between confidence intervals exist because the action alternatives have different lengths of rural and suburban highway sections." As Kas Dumroese explained in his comments, relying on length is problematic because final engineering has not been completed and actual lengths could differ from those cited in the SATR. 42v

Relying on a difference of 1.9 is unjustified without a confidence interval.

Wildlife

In their comments on the DEIS, PRDC pointed out that there will be more collisions with large ungulates if E-2 is selected than C-3. The FEIS's revised safety analysis addresses the potential for ungulate collisions, but unreasonably excludes projected wildlife-related accidents from its quantitative prediction of accidents. This renders the SATR inaccurate and makes the Transportation Agencies' reliance upon it unreasonable.

The SATR's conclusion that ungulate crashes on E-2 will be too infrequent or too minor to affect its crash calculation is untenable because it is based on insufficient data. In predicting the number and severity of wildlife-related collisions that would occur on E-2, the SATR relied upon the number and severity of such accidents that occur on current U.S. 95 and in other areas of ITD's District 2. The SATR did not, however, consider the correlation between wildlife crossings and the quality of nearby habitat. E-2 itself may be classified as "marginal habitat," but it is adjacent to the superior habitat on Paradise Ridge. Without considering the unique 42w

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characteristics of Paradise Ridge and comparing its conditions with those at other animal crash sites, this comparison does not provide a valid basis for predicting wildlife behavior along E-2. 42w

Moreover, it does not appear that the SATR considered increased road width and speed limit when it estimated wildlife crashes using data from the existing highway. The new section of highway ITD wishes to build would be wider and have a higher speed limit than the existing highway. IDFG has found that increasing the speed limit and width of a road increases wildlife-related crashes. Common sense suggests that increasing the speed limit would also increase the severity of crashes. 42x

While relying on a faulty comparison, the SATR failed to consider actual conditions on Paradise Ridge and in the E-2 corridor. Despite the fact that more than two years have elapsed since the publication of the DEIS — and more than a decade since the United States District Court for the District of Idaho ordered ITD to prepare an EIS, *Paradise Ridge Defense Coalition v. Idaho Transp. Dep't*, 03-CV-156-S-BLW (D. Idaho 2003) — ITD failed to hire anyone to document big game trails across the E-2 route, the use of water sources, the use of forage west of the E-2 route, or other wildlife behavior that could affect collision rates. 42y

The SATR's conclusion that wildlife collisions will not significantly impact safety also relies on the assumption that clearing space beside the highway will increase sight distance and reduce the number and severity of crashes. This assumption is flawed.

As a primary matter, wildlife are more likely to cross open spaces at night than during the day, which limits the utility of increasing sight distance. The SATR also fails to account for the impacts of weather on visibility. The FEIS's own weather report found that the E-2 alignment would experience more fog than the W-4 alternative. 42z

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Moreover, the effectiveness of roadside clearing is unproven. In support of the claim that roadside clearing will reduce ungulate collisions, the SATR cites a study that was conducted along a railway. However, the review article that cites this work reached the overall conclusion that there is insufficient evidence for the impact of roadside clearing. 42aa

The SATR also describes how roadside clearing reduced wildlife collisions on US Highway 20 in southeast Idaho. The results of the Highway 20 study are preliminary. The baseline for the study was the number of crashes during a ten year period, but only two and a half years had elapsed since the roadside clearing. 42ab

The Highway 20 example is also inapplicable to E-2 because the section of road along Highway 20 appears from the photo to be located in relatively dense forest. In contrast, E-2 would run through the rolling hills of the Palouse where the landscape would impact visibility differently. The E-2 alignment crosses "stringers" of vegetation that descend from Paradise Ridge onto the surrounding fields. These narrow stringers are funnels for ungulates. It does not appear that the Transportation Agencies have considered whether the stringers would reduce the effectiveness of the fencing they claim will funnel ungulates into crossing structures. 42ac

Weather

PRDC and other members of the commenting public pointed out that the DEIS's safety analysis was incomplete because it failed to consider the role of inclement weather in highway safety. The increased danger associated with driving in fog, wind, ice and/or snow is (or should be) beyond question. The FEIS even acknowledges that inclement weather was present for fully sixty percent of reported crashes between Mileposts 338 and 342 during the past ten years. FEIS at 29. Yet, neither the FEIS nor the SATR factors accidents related to inclement weather 42ad

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into the quantitative analysis of safety on which the Transportation Agencies purport to base their selection of the E-2 alternative. 42ad

The SATR incorrectly assumes that weather does not cause a sufficient number of severe accidents to warrant inclusion in the accident predictions. Common sense and common experience belie this assumption. The fact that the SATR, and the Transportation Agencies by extension, could make this assumption at all reveals a flaw in the report's methodology; by assigning a single cause to traffic accidents, it overlooks the potential for multiple factors to interact and either cause or intensify the impacts of an accident. Curves and the number of approaches— both factors the FEIS identifies among the root causes of accidents— become more dangerous when sight distance is limited by fog, the road is slippery due to ice or snow, or a strong gust of wind pushes a tired or inattentive driver over the center line (of the current two-lane highway) or off the roadway.

In addition to relying on this flawed, single factor classification of accidents, the weather report— and by extension the SATR and the FEIS— are based on inadequate information. The FEIS fails to describe the baseline weather conditions of the three alternatives and even admits, "no attempt is made to specify exact weather or climate conditions for a particular alternative, but instead general corridors are discussed." FEIS at 128. This "discussion of general corridors" uses data taken at three points in the study area and then extrapolates from data collected at the Plant Science Farm ("PSF") to predict weather patterns for the three corridors. The data generated by this methodology are unreliable. 42ae

First, the extrapolation is based on the inaccurate assumption that the PSF is only one mile from the data collection points in the study area. The legends in the maps in the weather 42af

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report reveal that the PSF is actually closer to five miles away. This is consistent with the knowledge of PRDC's members. 42af

Second, regardless of the distance between the PSF and the data collection sites, relying on or extrapolating from data on the general weather patterns of the larger area is inappropriate here. It is the micro-weather conditions on the roadway that affect safety. PRDC's members know from having lived on the Palouse for many years, many on Paradise Ridge itself, that small variations in elevation and landscape **do** have impacts on weather and road conditions. The formation of frost, for instance, is a highly localized phenomenon. The large volume of testimony that the E-2 corridor is subject to adverse weather conditions should not be ignored in favor of theoretical modeling. ITD has had more than ten years in which it could have collected data on actual weather conditions within the project corridors. It has not done so. 42ag

The weather report's modeling is also unreliable because it failed to address important factors. Specifically, the weather report focuses on the persistence of snow cover, but Highway 95 is plowed regularly. What affects safety is the condition of the highway during storm events, before the road has been plowed. Satellite data cannot address this question. The weather report also discounts orographic lifting. 42ah

Even if one accepts the validity of the weather report's modeling, the data in the weather report confirm that the E-2 alignment will experience wind and fog. According to Figure 5.1, higher sites tend to have more high-wind gusts. Figure 6.1 confirms that fog, particularly dense fog with visibility of less than 660 feet is more common at higher elevations. The eastern route has four times the number of hours of dense fog as the western route. The FEIS's claim that fog 42ai

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does not cause accidents runs contrary to common experience and is based on a set of data too small to be scientifically credible. Certainly fog can be a contributing factor to an accident. 42ai

Perhaps most fatally, the weather report does not differentiate between E-2 and C-3. The weather report uses a single set of data, taken from a single station, to represent conditions for both the E-2 and C-3 alternatives. *See* FEIS at 198 (acknowledging, "The Central Corridor does not have a specific weather station; instead the corridor was described based on interpolation of weather data from the eastern and western corridors.") The topography of the eastern and central corridors is very different and, as PRDC and other members of the community have described at length, weather differs greatly between the two. 42aj

Structural Issues

Finally, the revised safety analysis overlooks structural issues that undermine the conclusion that E-2 is the "safest" alternative.

The FEIS acknowledges, "The predicted crashes are based on the assumption that the number of approaches does not increase or decrease on any alignment." This assumption is unreasonable because ITD cannot guarantee that the number of approaches will remain constant over the next twenty years. There is no binding authority, or even a policy, that would prevent ITD from authorizing additional approaches to US 95 in the future. Even if there were, ITD can and has changed its regulations in the past in response to pressure from industry. 42ak

The Transportation Agencies' safety analysis also assumes that the county will be able to maintain the most dangerous segment of the current US 95, the stretch of Reisenauer Hill that C-3 would improve and E-2 would abandon. How much does ITD spend maintaining this stretch of road every year? Will the County have sufficient funds available to maintain the road to the 42al

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same degree? Will it be improved to meet current safety standards before it is transferred to Latah County? 42am

C-3 has other advantages over E-2 that go unacknowledged in the SATR. It would provide a more gradual slowing of traffic before entering Moscow. As one person explained at the public hearing, C3 "will allow travelers the mental stimuli to transition into slower speeds before entering town." 42an

Safety Conclusion

Given the number of inaccurate assumptions and the data gaps in safety analysis, the projected 1.9 accidents per year difference between E-2 and C-3 is an insufficient basis for the Transportation Agencies to choose E-2 over less environmentally destructive alternatives. 42ao

ENVIRONMENTAL IMPACTS

While the FEIS addresses some of the issues raised in public comments, it still leaves many questions unanswered and understates the significance of the environmental impacts that constructing a highway on Paradise Ridge will cause. 42ap

Wildlife

While the superiority of E-2's safety is hotly contested, there is broad agreement that E-2 would have the greatest impacts on wildlife and vegetation. IDFG and the U.S. Fish and Wildlife Service ("FWS"), the agencies expertise in wildlife, have repeatedly expressed their concerns about building a new highway segment on Paradise Ridge. ITD's own expert specifically recommended against constructing along the eastern edge of the eastern corridor where the removal of timbered areas would be necessary. 42aq

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While the FEIS supplies some additional analysis, it still fails to provide important baseline information, presents inaccurate information, and relies on unproven mitigation measures. It also disregards the opinions and recommendations of qualified experts without a reasoned explanation. 42aq

Baseline information

As a primary matter, the FEIS does not contain baseline information about wildlife populations and how they use the area. The absence of such baseline information is fatal to an EIS and with good reason. *See N. Plains v. Surf. Transp. Brd.*, 668 F.3d 1067, 1075 (9th Cir. 2011). No wildlife surveys have been conducted in the vicinity of the alternatives. IDFG's assessment of wildlife impacts was general and focused on a subset of species. Representative species were chosen, not by surveying the area, but by consulting the State's Comprehensive Wildlife Conservation Strategy and then predicting which species "were expected to be in the project area." FEIS at 104. Neither the FEIS nor the wildlife reports identify which species are actually present in the project area or describes the status of their populations. Migration corridors have not been mapped and, as the FEIS acknowledges, "very little is known about the bumble bee communities associated with small, isolated habitat remnants such as the Palouse Prairie."

42ar

Nor do the reports and recommendations of ITD's three wildlife experts provide a sufficient basis for the FEIS's conclusions about wildlife. The first expert ITD hired, Dr. Melquist, made four driving site visits to different aspects of the three alternative routes and then hiking visits to E-2 and W-4. ITD's two subsequent experts, Ruediger and Sawyer, each made only one visit to the project area each, and neither specifies what each did while he was there.

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Although Melquist spent the most time in the project area, he only hiked on Paradise Ridge on a single occasion in mid-May. That single visit is not enough to get a clear picture of ungulate presence throughout the year in the vicinity of E-2. An expert can use his or her expertise to draw conclusions from the literature and qualitative descriptions from others, but this is no substitute for being on the ground, especially at different times of the year. 42ar

Disregard for qualified expert opinions

As PRDC explained in its earlier comments, the DEIS did not seriously consider input from wildlife agencies and experts. The FEIS devotes more ink to the issues raised by IDFG, U.S. Fish and Wildlife Service, and Dr. Melquist. Despite all of the lip service, the FEIS ultimately disregards the opinions of these experts by relying on the less accurate and less informed assertions of Ruediger and Sawyer.

As explained above, Dr. Melquist was the best informed of ITD's experts. He found that mitigation measures would be necessary to reduce impacts to wildlife if E-2 were chosen. He also recommended a number of specific measures. Ruediger and Sawyer contradicted Melquist, stating that mitigation measures would not be necessary if E-2 were chosen, though they were recommended. Ruediger and Sawyer also downplayed the impacts of E-2 on wildlife. 42as

The FEIS does not explain why ITD chose to reject Melquist's conclusions in favor of those of Rendiger and Sawyer. This is all the more puzzling because the two later experts make a number of questionable and inaccurate statements about E-2 and Paradise Ridge. For instance, Ruediger states categorically that there are low ungulate populations in the area when local residents have observed that deer populations are high.

Inaccurate information

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As a result of the lack of baseline data and ITD's selective use of experts, the FEIS contains inaccurate information, much of which could have been corrected if ITD or its contractors had done more work on the ground. For example, the FEIS incorrectly states that the draws do not connect Paradise Ridge with other ungulate habitat. In fact, it is known that there is ungulate movement between Paradise Ridge and Bald Butte to the west. 42at

To cite another example, the FEIS suggests that E-2 would affect ungulate access to only a single pond. In fact, E-2 would cut wildlife off from four or five ponds in late summer/early fall, depending on the amount of fill. In addition, the pond that the FEIS does acknowledge as a source of water for ungulates is located on the property of PRDC member Bill Goesling and tends to dry up in the summer (as it did this year). The FEIS does not discuss how the seasonal drying up of some water sources will impact ungulates in combination with the barrier created by the highway. 42au

Vegetation

PRDC, along with the EPA, the Palouse Prairie Foundation, and many others, explained in their comments that the uniqueness, fragility, and importance of the Palouse Prairie were omitted from the DEIS's analysis. While the FEIS now admits that the Palouse Prairie is one of the most endangered ecosystems in North America, it still fails to address the severity of the impacts to vegetation that would result from the construction of E-2. 42av

Baseline

To begin with, the baseline description in both the DEIS and the FEIS is not a reliable basis for assessing impacts to Paradise Ridge's unique vegetation. The FEIS relies on Lichthardt's Vegetation Technical Report to map the prairie. The standards used in this report 42aw

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were strict, requiring remnants to be 1/10th of an acre or larger and to have greater than 50% of the plant community weed (i.e. exotic species) free. This is an arbitrary and highly subjective criterion, selected by Lichthardt based on her subjective view that "few people would be willing to invest in conservation of any smaller unit." Apart from being subjective, this criterion might be relevant to a policy-maker, but it is an inappropriate, non-scientific way to measure impacts.

How does one show the effect of 50% weediness on species or the ecological functions/ services that they provided in that remnant? One might be able to develop some quantitative measure for impairments with careful scientific studies, but that would cost many thousands of dollars and it hasn't been done for this project. Nor, as far as PRDC knows, has it been done for any study of Paradise Ridge. PRDC is concerned that Lichthardt's strict definitions biased the entire process by yielding an inaccurate description of the amount of prairie in the project area. 42aw

Direct impacts

The FEIS's discussion of impacts to vegetation is also fundamentally flawed because it assumes and insists that construction of the E-2 alternative would have no direct impacts to Paradise Ridge. As explained in the Palouse Prairie Foundation's comment on the DEIS, this assumption is inaccurate: "Alignment E-2 is not 'closer to the base of Paradise Ridge….' it is on Paradise Ridge and above the base of it!" In response to this comment, the FEIS states, "Paradise Ridge does not have a specific geographic boundary but for the purposes of this study a boundary is approximately the 3100-foot contour line in Exhibit 20." There is no scientific basis for this boundary. 42ax

For the purpose of evaluating impacts, the relevant distance is how far weed seed would travel from the highway. Drs. Lass and Prather show that there will be a 1 kilometer (0.6 mile) 42ay

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zone of encroachment by weeds due to highway construction. The weed seeds from the E-2 alignment would thus extend, as EPA put it, "to the summit of Paradise Ridge and beyond." 42ay

Impacts to critically endangered ecosystem

The FEIS's analysis of impacts to vegetation remains inadequate. PRDC again refers the Transportation Agencies to the expert[1] opinions provided by the Palouse Prairie Foundation in response to the DEIS, as well as the concerns expressed by the EPA.

To summarize, the construction of the E-2 alternative would put at risk almost all of the highest quality remnants of a critically endangered ecosystem that has been reduced to approximately one percent of its historic range. Affected areas would include the "South End Paradise Ridge" Conservation Site established by the Idaho Conservation Data Center (ICDC) in 1996. This Conservation Site is dominated by Palouse Prairie and targeted specifically to help conserve a very important remnant of the Palouse Prairie ecosystem. Other important sites that would be put in danger by E-2 include federally funded and community rare plant restoration areas, as well as conservation and recovery areas for Spalding's Catchfly, a plant species listed as threatened under the ESA.

42az

In response to the outpouring of concern and scientific information provided by expert agencies and organizations, the FEIS states that the E-2 alignment "could" contribute to the spread of weeds. It does not provide any detailed or quantified analysis about the threats to vegetation, particularly Palouse Prairie, from construction of the E-2 alignment. Instead, it provides the type of broad, conclusory allegations courts have repeatedly held to be legally insufficient for the purposes of NEPA.

[1] Please see the qualifications of Palouse Prairie Foundation's Board of Directors, including the sample of Dr. Hatten's publications cited in their DEIS comments.

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Rather than describing the impacts of the various alternatives, the FEIS devotes a substantial portion of its vegetation analysis to asserting that mitigation measures will be effective. The Transportation Agencies cannot accurately determine whether mitigation measures will be effective, however, until after they have determined the scope of the probable impacts. The FEIS fails to provide an accurate assessment of vegetation impacts here 42az

Aquatic Resources and Wetlands

The FEIS quantifies the number of acres that will be newly covered with impervious material and the number of tributary crossings. However, it provides only general, unquantified information about how these new elements would affect the environment. The FEIS lists "potential" impacts to aquatic resources, FEIS at 170, but these qualitative descriptions are common to all action alternatives and hence provide little basis for informed decision-making. 42ba

Where a comparison is theoretically possible, the information provided is not enough to make the comparison meaningful. The FEIS claims that C-3 would "affect" more linear feet of tributaries than E-2, but does not explain what "affect" means in this context, the severity of the effect, or how these numbers were determined. It likewise fails to compare the quality of the tributaries that will be affected. The reality is that the C-3 alignment would affect low-quality, low-functioning riparian waterways, many of them artificial. In contrast, E-2 would significantly impact high-quality, high-functioning areas.

Similarly, the FEIS admits that E-2 would increase impervious surfaces and stormwater discharge near headwaters, but fails to examine how this would impact 303(d) listed streams. Instead, the FEIS assumes that mitigation measures that have yet to be developed, including a Stormwater Pollution Prevention Plan, will minimize or control impacts to aquatic resources. As 42bb

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described in the Mitigation Section, however, reliance on unspecified mitigation measures does not satisfy NEPA. 42bb

Similarly, the FEIS admits that E-2 would affect more acres of wetlands than C-3, but relies on mitigation to dismiss wetland impacts as unworthy of consideration. In particular, the FEIS insists that the Cow Creek Mitigation Area would be used as compensatory mitigation to offset the loss of wetlands from construction of E-2. It is not enough, however, to theoretically replace the wetlands lost to E-2 with artificially constructed wetlands elsewhere in the watershed. The wetlands threatened by E-2 are important not only because they are wetlands, but also because of their proximity to Paradise Ridge. 42bc

Moreover, two of the wetlands that would be affected by E-2 are Palustrine Shrubstep ("PSS") wetlands. PSS wetlands are essentially "old-growth" riparian vegetation. These are more ecologically valuable than the more common Palustrine Emergent ("PEM") wetlands found elsewhere in the project area. The FEIS claims that U.S. Army Corps of Engineers ("the Corps") has already approved the Cow Creek Mitigation Area for use to offset the E-2 losses, but this overstates the case. The Corps has generally approved the Cow Creek Mitigation Area to provide compensatory mitigation for impacts of Highway 95 projects, but it has not yet examined the Thorncreek Road to Moscow project in detail. Has an ecologist evaluated the Cow Creek Mitigation Area, or solely engineers? 42bd

In addition, the FEIS does not provide sufficient information to demonstrate that E-2 is the Least Environmentally Damaging Practicable Alternative ("LEDPA"), as will be required to obtain the necessary 404 Clean Water Act permit. Based on the information provided in the 42be

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FEIS, as well as the expertise and experience of its members, PRDC believes that the E-2 alternative is the *most* environmentally damaging alternative and should not be selected. 42be

Finally, the selection of E-2 is contrary to the mandates of Executive Order 11990, Protection of Wetlands (May 24, 1977). The purpose of this Executive Order is "to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands." *Id.* The FEIS claims that selection of E-2 is consistent with this mandate because "there is no practicable alternative that avoids **all** construction in wetlands and tributaries." FEIS at 179. However, E-2 will affect more than three times as many wetland acres as C-3 and nearly twice as many as modified W-4. FEIS at 174. The selection of E-2 thus *maximizes* the impacts on wetlands. 42bf

The FEIS's claim that "there is no practicable alternative" to E-2 relies on wetland mitigation measures, including both the measures set out in Chapter 9 of the FEIS and compensatory mitigation drawn from the Cow Creek Mitigation Area and Valencia Wetland Mitigation Bank. FEIS at 177-178. This reliance is unjustified because the FEIS's analysis of the mitigation measures' effectiveness is insufficient. Even if one could assume that the mitigation measures would be effective, such reliance would be unreasonable. The federal agencies charged with protecting wetlands, the EPA and the Corps, do not allow reliance on compensatory mitigation when determining the LEDPA in the context of 404(b) permits. *See* Memorandum of Agreement Between The Department of the Army and The Environmental Protection Agency: Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines II.C.1 (Feb. 6, 1990).

Groundwater

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Several commenters, including EPA and the City of Moscow, raised concerns about how the Highway 95 realignment would affect groundwater and infiltration. While the FEIS now incorporates analysis from a new hydrogeologic report (Ralston 2014), neither the report nor the FEIS supplies sufficient baseline data or an adequate analysis of potential impacts to groundwater.

The FEIS states that the Ralston report evaluated wells in the area, but this evaluation consisted of reviewing Idaho Geological Survey maps and consulting the Idaho Department of Water Resources database. It does not appear that Ralston made any site visits or drilled test holes along the E-2 route to confirm the accuracy of the information he obtained from secondary sources. Ralston also consulted well driller reports, but more than half of these are more than fifteen years old. PRDC is concerned that this information is outdated.

The FEIS's analysis of impacts to groundwater is insufficient. It does not consider what the impacts of construction and operation of the new highway will be on current wells, recharge rates, and groundwater flows. This omission is particularly troubling for the E-2 alternative because at least two components appear to require extensive drilling and blasting: the bridge at the southern end and the 40' to 65' cut at the northern end. The impacts of constructing these features have not been considered. 42bg

As with other impacts, the FEIS relies largely on mitigation measures that have yet to be developed as a basis for dismissing public concerns about groundwater. For instance, the FEIS asserts that there would be "low risk of aquifer contamination from stormwater" because a theoretical Stormwater Pollution Prevention Plan will include effective Best Management Practices. ITD makes repeated references to a Vegetation Management Plan, but PRDC has been 42bh

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unable to locate any document identified as such on ITD's website. To cite another example, one resident of the Benson Mobile Home Park expressed concern about the potential for salt runoff from the road to contaminate groundwater. ITD's response, "ITD and FHWA will ensure that the project would not affect the quantity or quality of groundwater," amounts to "trust us." This does not satisfy NEPA. 42bh

Environmental Justice

PRDC's earlier comments brought attention to the fact that construction of the E-2 alternative would displace residents of a mobile home park. There are actually three mobile home parks located in the project corridor.

John Thomas, owner of the Hidden Village Mobile Home Park, provided comments on the DEIS and explained that the construction of E-2 would greatly impact the lives of Hidden Village residents, including by impeding their access to Highway 95, exposing them to increased highway noise, and disrupting the viewshed. Mr. Thomas also explained that many residents of the mobile home parks felt "intimidated by the public involvement process." Although the FEIS claims that ITD has now conducted additional meetings with park residents, the FEIS continues to overlook and understate impacts to mobile home park residents. 42bi

To begin with, the FEIS continues to insist that park residents do not qualify as "low-income" for the purposes of satisfying the Transportation Agencies' environmental justice responsibilities. This statement is unfounded. The FEIS admits that ITD identified potential low-income housing using a "windshield survey of the project corridor," and "Income data was not available for the residents and the mobile home park." Instead, ITD searched for records of

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rental assistance. FEIS at 73. This process does not satisfy the Transportation Agencies' responsibilities to identify low-income populations.

The FEIS devotes little more than a page to considering how E-2 would impact mobile home park residents. For reasons that are not explained, the FEIS discusses only potential impacts to the residents of the Benson Mobile Home Park. It ignores impacts to the residents of the other two parks in the corridor. 42b)

The Transportation Agencies' response makes light of Mr. Thomas's concerns about impacts to Hidden Village residents, asserting, "All of the alternatives would benefit park residents by improving the safety of US-95 and improving highway access and mobility . . . ." On the contrary, construction of E-2 would decrease access for park residents by making it necessary for them to backtrack at least a mile to access Highway 95. At the same time, park residents would continue to be subjected to the most dangerous stretch of current Highway 95, as the mile they would need to travel to access the highway would be up Reisenauer Hill.

ITD's response to comments also dismisses potential impacts to park residents with the assurance that "displaced residents will be treated equibly" under the Uniform Relocation Act. The Transportation Agencies, however, may not rely upon bare assertions that mitigation measures will be effective. PRDC also questions whether the Uniform Relocation Act will help those residents who stay in their homes and have to experience the impacts of the nearby highway.

Indirect and Cumulative Impacts

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The Transportation Agencies have attempted to address many of the cumulative impacts that were brought to their attention during the comment period. Unfortunately, there remain a number of indirect and cumulative impacts that are not adequately considered in the FEIS.

To provide one example, the FEIS is silent about the indirect impacts of the project's mitigation measures. ITD assures us that ungulate collisions will have limited impacts on highway safety because the area around E-2 will be cleared to increase sight distance. The FEIS does not, however, estimate the amount of herbicide that will be necessary to create the greater sight distance and it does not consider how applying one or more herbicides will affect local residents and wildlife. Some species, such as bees and the long-eared myotis, are sensitive to herbicide and pesticide applications. 42bj

Likewise, the FEIS fails to consider the cumulative impacts of constructing additional fencing to funnel wildlife to where they are "supposed to" cross the highway. The FEIS does not quantify, in feet or miles, the amount of fencing that will be used. Fences have many impacts on wildlife, including fragmentation, providing perches for predatory birds, and the risk of direct collisions.

MITIGATION

Finally, the FEIS relies on numerous mitigation measures as a basis, not only for claiming that the impacts of the project will be minimal, but also as an excuse to avoid analyzing the project's impacts in detail. Under NEPA, mitigation measures must be described and analyzed with "sufficient detail to ensure that environmental consequences have been fairly evaluated." 42bk *Roberson v Methow Valley Citizen Council*, 490 U.S. 332, 352 (1989). In order to be complete, a NEPA document must include an assessment of whether or not each mitigation measure will be

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effective. *See Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1281 (9th Cir. 1998). Hence, the Transportation Agencies may not rely on vague, uncertain, or untested mitigation measures. 42bk

Here, some of the mitigation measures upon which the FEIS relies are optional and the effectiveness of many others has not been analyzed. To cite a few examples, the installation of reflective posts to protect short-eared owls is "possible," staging and stockpile sites "are expected to be" (but not required to be) "within the existing alternatives footprints," and culvert designs "may" include box culverts. FEIS at 282-283.

Other mitigation measures are so vague as to be unenforceable and incapable of analysis. One "mitigation measure" includes the promise, "All alternatives will maintain access to Paradise Ridge and other recreational resources." FEIS at 278. *How* will ITD guarantee this? *Which* recreational resources? Another "mitigation measure" promises, "ITD will minimize the impacts to PSS wetlands" by "evaluating" the use of engineering solutions. 42bl

The FEIS defers the development, and consequently analysis, of other crucial mitigation measures, including, a "spill prevention and contingency plan," a "Phase II Hazardous Materials Study," a "Stormwater Pollution Prevention Plan," a traffic management plan, a "weed control plan and seed mixes," and "Additional weed control measures targeted toward Palouse remnants and mitigation sites." The Transportation Agencies need to provide a plan for how they would revegetate, and ultimately ensure that target species predominate. Mere promises are not enough, however well-intentioned. ITD's revegetation efforts on the Lewiston Grade to Thorncreek section of Highway 95 have failed to meet the standards for required coverage of 42bm

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target species. How would ITD ensure that revegetation would be any more effective for the Thorncreek Road to Moscow project?

Similarly, ITD asserts that it will "meet with" local officials, "work with" adjacent landowners, and "coordinate" with the residents of two (but not all three) mobile home parks to address socio-economic impacts. It will "discuss" retrofits to existing culverts with North Latah County Highway District. It will "work with," "consult with," and "coordinate with" IDFG and FWS. While these statements express laudable goals, goals are not mitigation measures and "trust us" is not an analysis of effectiveness. ITD has not agreed to abide by any recommendations IDFG and/or FWS might make during this consultation and coordination. On the contrary, ITD's conduct up to this point in time indicates that it is unlikely to do so. 42bm

Finally, mitigation is unlikely to be effective for two of the most precious resources threatened by E-2: remnant Palouse Prairie and PSS wetlands. The Palouse Prairie Foundation explained in their comments on the DEIS how and why avoidance of impacts to Palouse prairie remnants is the only realistic "mitigation" known to be effective for Palouse prairire remnants. Similarly, PSS wetlands are climax communities that cannot be replaced by mitigation. The Cow Creek Mitigation Area, whatever its merits may be, is not "old growth" and so can't provide the same types and levels of ecosystem services as PSS wetlands provide.

Conclusion

The FEIS fails to provide the basis needed for a rational evaluation of this project's impacts, benefits, or alternatives. In light of the questionable benefits and certain negative impacts of constructing a highway on Paradise Ridge, PRDC urges you to reconsider your choice of the E-2 configuration and instead issue a Record of Decision adopting the C-3 alternative. 42bn

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Thank you for your consideration.

Sincerely,

Diana Armstrong
Diana Armstrong, Acting President
Board of Directors, Paradise Ridge Defense Coalition

Natalie J. Havlina
Natalie J. Havlina
Attorney for PRDC

Attachment:
Letter from S. Flint to A. Rush (Mar. 18, 2014)

cc (via email):

Brent Inghram, FHWA Idaho Division, Brent.Inghram@dot.ov

Kyle Holman, FHWA Idaho Division, Kyle.Holman@dot.gov

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F-43

Stephan Flint
4961 Lenville Rd
Moscow ID 83843
March 18, 2014

Re: US95, Thorn Creek to Moscow EIS

Mr. Adam Rush, ITD Office of Communications
PO Box 7129
Boise ID 83707-1129

Dear Mr. Rush,

I am writing to express my concern that the US95 Thorn Creek to Moscow EIS was inadequately scoped and restricted to too small a geographic area. I realize it is late in the process to air this concern, but the problem should have been abundantly obvious to the professionals conducting the EIS process. 43a

Basically the problem is the document assumes that the desired northern destination or origin of all traffic is the south end of Moscow. No destination surveys were ever conducted to determine true traffic origins/destinations. While some segment of traffic has its ultimate origin/destination in downtown Moscow or points east toward Troy, clearly much does not. For a substantial segment of the traffic, Moscow is an obstacle rather than a destination (e.g., the 100+ chip trucks per day traveling N-S on US95). Also, an unknown segment of the traffic may be headed to western Moscow (the western side of the U of I campus or the mall, for example). There is also traffic headed west on the Moscow – Pullman highway (for example, to the airport or even Pullman as would be the case for Genesee to Pullman commuters). 43b

How can this problem be handled in an expeditious manner? I would suggest issuing a ROD that: 1. Removes the eastern route from consideration. 2. Segments the project in the vicinity of Eid Road. 3. Recommends the central/western routes be constructed from Thorn Creek to the vicinity of Eid Road (the two routes are identical in this portion of the project). 4. The northern portion of the project be rescoped and analyzed with traffic destination surveys while the southern portion is being built. 43c

One likely possibility that may emerge from the reevaluation of the northern portion of the route is that a new variant of the western route may be most realistic. A route that traveled close to the state line and intersected the Moscow-Pullman highway west of Moscow may be a viable option. This could be analyzed as a future connection to a bypass continuing north along the state line to rejoin current US95 in the vicinity of Trestle Road in Viola (avoiding the weather and wildlife issues encountered on US95 Steakhouse Hill). The existing route of US 95 north of Eid Road could become "US95 Business" and the other "US95 bypass". However, the efficacy of any route cannot be assessed until traffic destination/origin surveys are conducted and the impacts of any new route evaluated. 43d

Sincerely,

Stephan Flint

Copies: Scott Reed, attorney
FHWA Boise office

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September 14, 2015

Adam Rush, Public Involvement Coordinator
ITD Office of Communications
3311 W. State Street, Boise, ID 83703
(208) 334-8119; adam.rush@itd.idaho.gov

Re: *Final Environmental Impact Statement (FEIS) and Final Section 4(f) Evaluation US-95 Thorncreek Road to Moscow*

Dear Mr. Rush:

Citizens for a Safe 95 have reviewed the FEIS for the Thorn Creek to Moscow section of Highway 95. We wish to thank ITD for its thoroughness in responding to the numerous comments presented in the Draft EIS in 2013. Our position has not changed. We continue to support the selection of the Preferred Alternative Route E2 and proposed mitigation strategy you have developed with Idaho Fish and Game and other relevant agencies. We believe ITD has been most comprehensive in addressing the many comments, and should proceed with the Record of Decision (ROD) and complete the design and construction of the Highway as soon as possible.

This stretch of highway remains much too dangerous and too many accidents, injuries and fatalities have occurred since this selection process was initiated over 15 years ago. We realize that this has been a difficult and challenging undertaking for ITD and that there are several differing opinions and concerns that have been raised by people in the area, and others solicited from afar. ITD has diligently and comprehensively considered their comments and concerns, weighed the opinions appropriately, and come to sound conclusions, as required by law. Our view remains that safety is the first and overwhelming priority, followed by accommodation of the lifestyle and quality of life of those of us whose property is directly affected by the highway. We are also mindful of, respect, and wish to preserve and protect, the environment and natural resources in our neighborhood and believe ITD will appropriately mitigate any impacts, should these occur. 44a

Nevertheless, this process has dragged on for far too long, has been disruptive to our lifestyle, business pursuits, use of our property, and homes. We drive this road every day, using those dangerous accesses you point out in the document, and have too long endured this risk and disruption in our lives. Your own data and analyses indicate more than one of the 1/2 mile segments in this section rank in the top ten most dangerous in all of Idaho. Please move this Project to the highest priority and accelerate the process to complete construction of the new route as soon as possible. Thank you. 44b

Sincerely,

On behalf of Citizens for a Safe 95:

Bev Anderson, owns property at Clyde Rd and Hwy 95, Moscow

Rami Attebury, 3455 Hwy 95 S, Moscow

Steve Barr, 204 E. A St., Moscow

Ted Bailey, 2936 Hwy 95 S, Moscow

David Barber, 3693 Hwy 95 S, Moscow

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Rita Bindl, 1125 Jacksha Rd, Moscow

Don Blair, 2949 Cameron Rd, Moscow

Sandy Blair, 2949 Cameron Rd, Moscow

Nancy Carter, 2836 Hwy 95 S, Moscow

Jan Clyde, 2895 Clyde Rd, Moscow

Lisa Clyde, 2940 Clyde Rd, Moscow

Sherman Clyde, 2895 Clyde Rd, Moscow

Tim Clyde, 2940 Clyde Rd, Moscow

Louise Davison 3697 Hwy 95 S, Moscow

Jack Flack, 2732 Snow Rd, Moscow

Susie Flack, 2732 Snow Rd, Moscow

Don Frei, 1031 Tolo Trail, Moscow

Lorian Geffre, 2880 Hwy 95 S, Moscow

Maria Geffre, 2880 Hwy 95 S, Moscow

Terry Johnson Huhta, 3462 Foothill Rd, Moscow

Marilyn Johnson, 2921 Cameron Rd, Moscow

Neil Marzolf, 3455 Hwy 95 S, Moscow

Deb Johnson Meaker, 62597 Jade Rd, Montrose CO

Bill Mabbutt 2824 Hwy 95 S, Moscow

Diane Mabbutt 2824 Hwy 95 S, Moscow

LeNelle McInturff, 1330 Eid Rd, Moscow

Frank Merickel, 2946 Hwy 95 S, Moscow

Cathy Merickel, 2946 Hwy 95 S, Moscow

Norb Niehenke, 3125 Hwy 95 S, Moscow

Janelle Niehenke, 3125 Hwy 95 S, Moscow

Wayne Olson, 1049 John Ruby Rd, Moscow

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Steve Redinger, 702 N. Meyer Rd, Colton WA 99113, owns land at 1200 Jacksha Rd, Moscow

Keith Renfrew, owns property at Clyde Rd and Hwy 95, Moscow

Ray Richmond 3672 Hwy 95 S, Moscow

Nancy Richmond 3672 Hwy 95 S, Moscow

Loreca Stauber, 1245 Campbell Loop Rd, Genesee 83832

Margrit von Braun, 1075 Snow Rd, Moscow

Ian von Linden, 1075 Snow Rd, Moscow

Doug Wasankari 2730 Hwy 95 S, Moscow

Stacy Wasankari 2730 Hwy 95 S, Moscow

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F-45

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1849 C Street, NW - MS 2462 - MIB
Washington, D.C. 20240

SEP 14 2015

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PEP/NRM

ER 13/0007

Mr. Adam Rush
Idaho Department of Transportation
Office of Communications
3311 W State Street
Boise, ID 83703

Dear Mr. Rush:

The Department of the Interior (Department) has reviewed the Final Environmental Impact Statement (FEIS), prepared by Federal Highway Administration (FHWA) and Idaho Transportation Department (ITD), for the proposed realignment of US 95 of Thorncreek Road to Moscow in Latah County, Idaho. The purpose of this project is to improve public safety and increase highway capacity on US 95 south of Moscow between Thorncreek Road (MP 337.67) and the South fork Palouse River Bridge (MPO 344.00). The Department offers the following comments and recommendations for your consideration.

The Department appreciates the FHWA and ITD efforts to address the Departmental comments on the Draft Environmental Impact Statement, including weed control mitigation measures for the potential substantial adverse impact on the Palouse prairie restoration and Spalding's catchfly preservation recovery projects on Paradise Ridge. Palouse prairie is a nationally recognized critically endangered ecosystem and its associated habitats and plant species include the Spalding's catchfly, a listed plant species under an Endangered Species Act, as amended (16 U.S.C. § 1531 *et seq.*). The Federal government, including the U.S. Fish and Wildlife Service (USFWS), has invested considerable funding and effort to project and restore Palouse prairie habitats which would be impacted by the E2 preferred alternative.

The increased weed pressure is substantial, from the construction and operation that the E2 preferred alternative would have on the Palouse prairie preservation and restoration, and Spalding's catchfly recovery projects on Paradise Ridge. The FEIS is not clear or consistent on the FHWA and ITD commitment to fund and implement a weed management plan for the proposed project in the 0.6 mile weed impact zone. The document states that replanting exposed soils with either native grasses or a seed mix developed will be accomplished in one of three ways: 1) with local weed experts; or 2) with USFWS and NRCS; or 3) using ITD Standard Specification 621. (See FEIS Section 9, Environmental Commitments, pages 277, 282 and 283.) 45a
The Record of Decision (ROD) should include a commitment to fully fund as well as provide a clear description of the implementation of a weed management plan in the 0.6 mile weed impact 45b

TRANSMITTED ELECTRONICALLY – NO HARDCOPY TO FOLLOW

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2

zone over the life of the proposed project. Including these environmental commitments in the ROD would support the substantial Federal investment in restoring and protecting the Palouse prairie habitat in the Paradise Ridge area and to recover the Federal listed Spalding's catchfly.

Thank you for the opportunity to review this document. Please contact Juliet Barenti at 509-893-8005 or at juliet_barenti@fws.gov, if you have any questions or need additional information regarding these comments.

Sincerely,

for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

adam.rush@itd.idaho.gov
cc: FHWA-ID kyle.holman@dot.gov
FHWA-ID brent.ingham@dot.gov
FWS-Northern Idaho Field Office juliet_barenti@fws.gov

TRANSMITTED ELECTRONICALLY – NO HARDCOPY TO FOLLOW

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F-46

IDAHO DEPARTMENT OF FISH AND GAME
600 S Walnut / P.O. Box 25
Boise, Idaho 83707

C.L. "Butch" Otter / Governor
Virgil Moore / Director

September 21, 2015

Mr. Adam Rush, Public Involvement Coordinator
ITD Office of Communications
3311 W. State Street
Boise, Idaho 83707
adam.rush@itd.idaho.gov

RE: Final Environmental Impact Statement and Section 4(f) Evaluation US-95 Thorncreek Road to Moscow

Dear Mr. Rush:

Idaho Department of Fish and Game (IDFG) has reviewed the Final Environmental Impact Statement US-95 Thorncreek Road to Moscow (FEIS). Our comments and recommendations are offered not to support or oppose the proposal, but to provide a technical review the potential effects of this proposal on wildlife, fish, and habitat and recommendations to mitigate these effects.

IDFG has been involved with review and offered our technical expertise to assist in the development of the US95 Thorncreek project since at least the early 2000s. We've participated as a technical resource in interdepartmental and public meetings. We provided a wildlife report in 2006 to Idaho Transportation Department (ITD) that identified some of the potentially affected wildlife species and suggested mitigations for some of the impacts of the highway on wildlife. We've reviewed wildlife and other resource reports developed for the project by other authors and consulted with ITD staff regarding content and applicability of reports to development of mitigations and NEPA analysis. This background formed the basis of our comments for the Draft EIS and related documents; our Draft EIS comments are enclosed for reference. (Letter to Mr. Rush, March 25, 2013).

We note the FEIS corrects many inaccuracies we identified in the Draft EIS and that some sections in the FEIS (e.g., cumulative effects and indirect impacts) were revised in part to respond to issues we raised. We focus our FEIS review on the following issues, raised in our comments about the DEIS, that we believe have not been fully addressed in the FEIS: the adequacy of the wildlife effects analysis, species selectivity, identification of mitigations for wildlife, and the role of these factors in developing the preferred alternative.

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Wildlife Effects Analysis:

We remain concerned that the FEIS is not grounded upon the full array of technical information about wildlife that has been provided to ITD in regards to potential direct and indirect effects of the project. We discussed this in our Draft EIS comments (attached). 46a

Species Selectivity:

The continued reliance on only three species of nongame wildlife for the effects analysis, while excluding a host of other potentially impacted non-game species identified in the IDFG General Wildlife Assessment (2006), remains without a compelling rationale. There have been no confirmed reports of northern alligator lizard in the project area. Pygmy nuthatch habitat is confined to habitat found only in the E2 Alternative, and long-eared myotis habitat is similarly confined to E2. It is not possible to compare the effects of the suite of alternatives for this project on these three species – two of which are likely present only on the eastern part of the project, and one of which may not be present at all. Further, based on knowledge about these species, we do not believe it is reasonable to expect mitigations for these species to provide protections for the several other species identified in our Wildlife Assessment that may be affected by the project. We believe this prevents appropriate comparison of potential wildlife effects of the preferred alternative (E2) with wildlife effects of the other alternatives. 46b 46c

We understand the EIS must evaluate effects to wildlife and other resources that may be impacted by the project, for each alternative. We remain concerned that the species were arbitrarily selected for analysis in the EIS without biological justification and they do not sufficiently inform the wildlife effects of all Alternatives. 46d

If the intent is to use a select group of species as a surrogate for analysis and development of mitigations, the EIS should: 1) establish that the impacts to the selected species will be the same for other wildlife in the area, 2) identify what the other species the surrogate species represent for the effects analysis and mitigation proposals, 3) demonstrate the extent to which project effects are similar or different between the surrogate species and the species they represent, and 4) demonstrate the extent to which effects are expected to be the same everywhere in the project area, or how they will differ among alternatives and demonstrate how mitigations proposed for impacts to the surrogate species are appropriate and effective for the other species. In our opinion, the three species selected do not meet these criteria (or at least the rationale is not provided), and are unsuitable as stand-alone surrogates in this assessment for the project and alternatives.

Mitigations:

ITD and IDFG have made appreciable progress in identifying and agreeing on mitigations for wildlife for the Thorncreek project, most of which are listed in the FEIS. These include provisions to install nest boxes for pygmy nuthatches, timing removal of trees to avoid nesting birds, installing bat roosting structures, design and installation of culverts and overpasses to allow for passage of big game at highway crossings, and others. However, the FEIS contains no 46e

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descriptions of the design of the mitigation structures identified or locations where they might be installed. Instead, the FEIS says those details will be ironed out during the design phase. We recognize the preliminary nature of the FEIS relative to implementation design of the project but believe providing even rudimentary design and location details assists with understanding whether mitigations will be adequate or effective and such information certainly strengthens FEIS conclusions. 46e

We appreciate that ITD has committed to consult with IDFG regarding identification of mitigations and the design and location of mitigation structures. Including such detail during FEIS development would further the FEIS analysis. We would be pleased to work with ITD through our Clearwater Regional staff to immediately start planning to conduct site visits and discussions to develop effective mitigation designs and siting so not to further delay the project.

Preferred Alternative:

The direct and indirect effects of the new highway will result in effects to wildlife and further diminishment of an important wildlife habitat type that is rare albeit already impacted and fragmented. 46f

As we have stated in previous correspondence regarding this project, the eastern alternative (E2) will have the greatest direct and indirect impacts on wildlife and other natural resources. No information in the FEIS or supporting documentation contradicts this assessment. We have previously offered information that would strengthen understanding of mitigation proposals for E2 in our DEIS comments and we are committed to work with ITD on developing more specificity relative to the design features and locations of appropriate mitigations for wildlife. 46g

Thank you for the opportunity to comment.

Sharon W. Kiefer

Sharon W. Kiefer
Deputy Director

Cc: J. Hansen, R. Hennekey, IDFG

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F-47

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 837
Lewiston, ID 83501-0837

(208) 799-5090
itd.idaho.gov

RECEIVED
SEP 04 2015
DIV. OF HIGHWAYS
LEWISTON, IDAHO

August 11, 2015

RE: Final Environmental Impact Statement (FEIS), Thorncreek Road to Moscow
Project Number: DHP-NH-4110(156) Key Number: 09294
Federal EIS Number: FHWA-ID-EIS-12-01-F

Dear Community member:

The FHWA and Idaho Transportation Department (ITD), in cooperation with the US Army Corps of Engineers (USACE), have prepared a Final Environmental Impact Statement (FEIS) for a highway improvement project in LatahCounty, Idaho. The project begins near Thorncreek Road (MP 337.67) and continues north for approximately 6.34 miles, ending at the South Fork Palouse River Bridge (MP 344.00). The purpose of this project is to improve the safety and capacity on this segment of U.S.95.

The FEIS analyzes the benefits and effects of the no Action and three Action Alternatives (Modified W-4, C-3and E-2) on the natural and human environment. It makes corrections to the Draft Environmental Impact Statement (DEIS) published in January of 2013. The FEIS also presents new information and the responses to public comments made during the DEIS public comment period.After intense review and study, the E-2 Alternative was identified as FHWA's and ITD's Preferred Alternative in the FEIS.

The FEIS for the U.S. 95, Thorncreek Road to Moscow project is in a 30-day public review period.After the 30-day review is completed,the FHWA will issue a Record of Decision (ROD) for the project.I have enclosed an electronic copy of the FEIS, Appendices and Technical Reports and a list of locations that printed copies of the FEIS are available for public viewing.Please send comments by September 14, 2015 to:

Adam Rush, Public Involvement Coordinator
ITD Office of Communications
3311 W. State Street, Boise, ID 83703
(208) 334-8119:adam.rush@itd.idaho.gov

830 Lynn
Moscow ID 83843
bellab@frontier.com

I appreciate your involvement in this project. Please contact me at (208) 799-5090 if you have any questions about the project, next steps or the final environmental document.

Sincerely,

Kenneth G. Heim

Kenneth G. Heim
Project Manager

Enc.

9/2/15 Please consider following comment in continuing plan to go over Paradise Ridge: 47a

On August 2015 an Sunday morning approximately 8:30 am, a moose was observed lying dead in the ~~southbound~~ northbound lane Hwy 95. At least one vehicle sustained serious damage & still 47b

wonder about passengers + drivers. What will ITD do to prevent the possibility of increased moose/deer/etc movement across corridors they may already be accustomed?

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F-48

Dan Rudolph
District 6
Nezperce and Lewis Counties

HOME ADDRESS
3211 4th Street
Lewiston, ID 83501
(208) 413-6337

COMMITTEES

Commerce and Human Resources
Transportation and Defense
Revenue and Taxation

House of Representatives
State of Idaho

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SEP 04 2015

DIV. OF HIGHWAYS
LEWISTON, IDAHO

September 2, 2015

Kenneth G. Helm
Idaho Department of Transportation
P.O. Box 837
Lewiston, ID 83501

Dear Ken:

48a The Thorncreek Project on US 95 between Lewiston and Moscow is critical to the safety of our citizens and the economy of North-Central Idaho. I support the work that has been done by the Idaho Department of Transportation and would strongly advocate for acceptance of the final plan and moving forward with the project as soon as possible. Please let me know how I can be of assistance.

Sincerely,

Dan Rudolph

Representative Dan Rudolph

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September 14, 2015

F-49

Adam Rush, Public Involvement Coordinator
ITD Office of Communications
3311 W. State Street
Boise, ID 83703
adam.rush@itd.idaho.gov

Quit harping on Alternative E-2 being the shortest. It is nine one hundredths of a mile shorter, over about 6 miles – only a few hundred feet. This is insignificant. 49a

Fully acknowledge that the safety among the alternatives is the same. Your model shows a small difference, but the numbers are not real.

Back in the DEIS days ITD stated that "...safety between Action Alternatives does not differ substantially." DEIS 204. I believe that I read an equivalent statement in the FEIS, but I have lost track of where. Modeled differences in safety for the FEIS are even smaller with consideration of accidents along the "US 95 loop" included in the calculation. 49b

The FEIS acknowledges that, "The predicted crashes are based on the assumption that the number of approaches does not increase or decrease on any alignment." A change in number of approaches could swing the safety balance. If the effect of induced development on accident rates along remaining old US 95 have not been included, then that would alter your safety numbers. If it has been, then they are estimates but unknowns. 49c

In addition, the safety modeling does not sufficiently reflect the difference in accidents across the action alternatives caused by proximity to more wildlife for E-2. You say that accidents involving wildlife are more likely for E-2 than for the other routes, but that with mitigation the numbers **may** be lowered for E-2. Or, they may not be lowered. If not, the accident rate for E-2 would be elevated compared to those for C-3. (Interestingly, ITD has been working tirelessly to **reduce** mitigation measures as recommended by IDFG to almost nothing, and to keep analysis of mitigation out of the FEIS; thus any mitigation effectiveness cannot be determined or predicted. **While on the one hand you are touting the all-importance of your tiny differences in safety calculations among the alternatives, you are on the other hand minimizing mitigation measures and thereby *decreasing the safety* of whichever alternative actually gets constructed.**) 49d 49e

There is extensive local knowledge that driving conditions along E-2 would be worse than along C-3 (two former school bus drivers, Queener and Judd; contractor Hume; landowners Ullrich and Gibson and others; and Baldwin and many other local folks). 49f

With these weather- and wildlife-related accidents properly considered, **E-2 likely would be less safe** than C-3 or modified W-4. **You are deceiving yourselves into thinking that your safety numbers are** 49g

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accurate and the modeled differences significant, and you are being duplicitous regarding your wildlife mitigation and quest for safety. 49g

As noted in comments on the DEIS by the EPA dated March 25, 2013, "all three proposed alternatives would meet safety needs described in the EIS. However, the preferred Alternative, E-2, would do so at the expense of many other social, cultural, and ecological needs and priorities. A context sensitive solution would balance these needs, resulting in an outcome that would meet the purpose and need for increased capacity and safety plus: 49h

(1) avoid and minimize direct, indirect, and cumulative impacts and risks to rare, sensitive, and ecologically valuable habitats and ecosystem services;
(2) protect the scenic, natural, and cultural values of the community;
(3) minimize farmland losses;
(4) provide sufficient ecological connectivity to prevent wildlife-vehicular collisions, facilitate ecosystem restoration, and support adaptation to climate change.

Of the three proposed alternatives ..., Alternative E-2 appears to be the least suitable to meet these needs." 49i

In order to obtain the necessary 404 Clean Water Act permit, the EIS needs to include a 404(b)(1) analysis that demonstrates that all practicable means have been exhausted to avoid and minimize harm to aquatic resources. The 404(b)(1) guidelines direct that, in addition to aquatic ecosystem impacts, the least environmentally damaging practicable alternative (LEDPA) determination must address whether or not other significant adverse environmental consequences would occur when considering alternatives. *Ibid.* This would include consideration of impacts to Palouse prairie habitat and species, to ponderosa pine habitat, and to community culture and values associated with Paradise Ridge and its biotic community. The FEIS does not provide sufficient information to demonstrate that E-2 is the least environmentally damaging practicable alternative. In fact, quite the opposite: 49j

"The Idaho Department of Fish and Game, US Environmental Protection Agency and US Fish and Wildlife Survey [sic] expressed support for the C-3 Alternative based upon their respective missions to prioritize natural resources including wildlife, water resources and threatened and endangered species." FEIS 299. The FEIS acknowledges that E-2 would have the greatest environmental impact (response to comments by the Department of Interior Office of Environmental Policy & Compliance: "We acknowledge that USFWS has determined that the E-2 Alternative would result in the greatest impact to Palouse Prairie habitat, including wildlife, sensitive plants and high value wetlands.") 49k

IDFG misses no opportunity to let ITD know that alternative E-2 should be avoided. 49l

With modelled safety arguably the same for all action alternatives (and actual safety unknowable), **there is no justification to select E-2.** Rather, the Least Environmentally Damaging Practicable Alternative must be selected. 49m

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The U.S. Department of Transportation Act of 1966 states, "It is the policy of the U.S. Government that special effort should be made to preserve the natural beauty of the countryside..." and "The Secretary [of Transportation] may approve a transportation program or project...only if: There is no prudent and feasible alternative to using that land..." (DEIS 5.1 Regulatory Framework and Policies, Section 4(f)).

ITD and FHWA are making no effort to preserve the natural beauty of the countryside with their preferred alternative E-2. As there is a feasible and prudent alternative, under the Transportation Act of 1966, the Secretary of Transportation must not approve Alternative E-2 for the US-95 Thorncreek to Moscow transportation project. 49n

Put appropriate weight on the effects of the project on the environment (this is, after all, an ENVIRONMENTAL Impact Statement), **acknowledge that the safety of all of the action alternatives is effectively the same** considering the data you have and the approach you have taken to measuring it, **and select the alternative with the least environmental damage. And then do a responsible job of mitigation.** 49o

The Record of Decision must not be to proceed with alternative E-2.

David Hall
1334 Wallen Road
Moscow, ID 83843

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Palouse Prairie Foundation
P.O. Box 8952
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www.palouseprairie.org

September 14, 2015

Adam Rush, Public Involvement Coordinator
ITD Office of Communications
3311 W. State Street
Boise, ID 83703
adam.rush@itd.idaho.gov

The Palouse Prairie Foundation continues to strongly object to the selection by the Idaho Transportation Department, and now also the Federal Highway Administration, of alignment E-2 as its preferred alternative in the Environmental Impact Statement for the US-95 Thorncreek Road to Moscow project. The Idaho Transportation Department's disingenuous mantra that was presented prejudiciously to the public from the start has been that alignment E-2 is "safer and shorter" than are the other alignments. As much as ITD tries to make it so, this is not demonstrably true.

Shorter? Alternative E-2 is projected to be slightly shorter: 0.09 miles (158 yards) shorter. FEIS 208. Maybe. 50a

Safer? Yes, safety is a primary concern. But alternative E-2 is not clearly safer. "...safety between Action Alternatives does not differ substantially". DEIS 204. And the numbers are closer now. With the inclusion in the analysis of the accidents to be expected along the remaining U.S. 95 (on Reisenauer Hill, etc.) within the FEIS over the DEIS, the "safety" numbers tighten to perhaps 2.1 fewer accidents per year with E-2 than with C-3. 50b

The FEIS acknowledges that, "The predicted crashes are based on the assumption that the number of approaches does not increase or decrease on any alignment." A change in approaches could swing the safety balance. And additional crashes on remaining US 95 due to induced development will change the safety figures as well. 50c

Then, factor in weather effects and collisions with big game, and E-2 could come out much worse in terms of safety than the others. "Wildlife crashes while predicted to be greater for the E-2 Alternative, may also be mitigated through the improvements of the typical section. However, all action alternatives would meet AASHTO standards and would be safe." FEIS 209. Then again, mitigation efforts, if any are actually expended, may be ineffective. 50d

Kas Dumroese, commenting on the DEIS, stated that "Using the predicted million vehicle miles (Appendix D in the Safety Technical Report) and route lengths (p 174), one can predicted [sic] the number of one way "trips" made across each route per year. Using the predicted crashes estimates (p 173), one can divide "safe trips" (no crashes) by "total trips". This shows that the chance of traveling the length of C-3 safely during a year is 99.99951% compared to 99.99966% for E-2. That [is a] 1.5 in a million improvement with E-2..." 50e

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Environmental Impact and Agency Input

"The Idaho Department of Fish and Game, US Environmental Protection Agency and US Fish and Wildlife Survey [sic] expressed support for the C-3 Alternative based upon their respective missions to prioritize natural resources including wildlife, water resources and threatened and endangered species." FEIS 299. The FEIS acknowledges that E-2 would have the greatest environmental impact (response to comments by the Department of Interior Office of Environmental Policy & Compliance, "We acknowledge that USFWS has determined that the E-2 Alternative would result in the greatest impact to Palouse Prairie habitat, including wildlife, sensitive plants and high value wetlands.") 50f

Table 41 shows that E-2 has 24 Palouse Prairie remnants within 1 km (3280 ft); C-3 has 14, and modified W-4 has 12. FEIS 153. The Palouse Prairie Foundation remains concerned over the original assessment methodologies used for assessing Palouse Prairie patches in the project area. It is likely that E-2 would affect more prairie than is stated in the DEIS, because the standards used to map the prairie were strict, and left out is any characterization of matrix habitats that prairie remnants are embedded in. Further, you arbitrarily set a "boundary" for Paradise Ridge at 3100 feet elevation, placing it outside the project area. 50g 50h

The U.S. Department of Transportation Act of 1966 states, "It is the policy of the U.S. Government that special effort should be made to preserve the natural beauty of the countryside..." and "The Secretary [of Transportation] may approve a transportation program or project...only if: There is no prudent and feasible alternative to using that land..." (DEIS 5.1 Regulatory Framework and Policies, Section 4(f)). E-2 is environmentally untenable, and there are feasible and prudent alternatives. It is irresponsible of ITD and FHWA to select E-2 as their preferred alternative. 50i

The Idaho Department of Fish and Game stated in a letter to ITD, "In closing, we feel it is important to repeat one additional mitigation recommendation we have made in the Wildlife Assessment and at every other opportunity: We recommend avoidance of the eastern alignment. It has been IDFG's position from the start – a position supported by recommendations from the other resource agencies – that the eastern alternative will have the greatest direct and indirect impacts to wildlife and other resources. Avoidance of impact is the primary mitigation tool available. We recommend avoidance of alternative alignment E2." [October 26, 2007 letter from IDFG (Dave Cadwallader, Clearwater Regional Supervisor) to ITD (James Carpenter, District Engineer)]. Similar sentiments expressed in a letter dated June 27, 2013, and, "Ray [Hennekey, IDFG Acting Regional Supervisor] also emphasized that IDFG still prefers alternative C# because that alternative would have the least impact to resources." [minutes from Idaho Fish and Game/ITD meeting for Key Number 9294 – Thorncreek Road to Moscow, May 29, 2014, FEIS Appendices] 50j

March 25, 2013 IDFG to ITD (FEIS 10-Response to comments) "If E-2 is chosen, i.e. avoidance of negative effects to this habitat is not possible, then sufficient mitigation actions should be considered. We continue to note that the Palouse Grassland Remnants/Palouse Prairie Remnants is an important, vanishing ecosystem relative to wildlife resources." 50k

ITD's own wildlife expert specifically recommended against constructing along the eastern edge of the eastern corridor. The FEIS does not explain why ITD chose to reject Mr. Melquist's conclusions. 50l

Heed the state and federal agencies' opinions. The FEIS provides no strong justification for dismissing their recommendations and guidance. Each of the alternatives is "safe;" use least environmentally damaging design unless a compelling reason otherwise. 50m

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Mitigation

Mitigation measures should be included within the EIS, not relegated to handwaving, decisions down the road, and suggestions that ITD will collaborate with IDFG, USFWS, NRCS, [Latah Soil and Water] Conservation District staff and employ consultants. Further, there is no indication that ITD will abide by any recommendations made by these agencies and individuals. 50n

The FEIS defers the development of, and analysis of the effectiveness of, crucial "additional weed control measures targeted toward Palouse [Prairie] remnants and mitigation sites." FEIS 282. 50o

Reliance on unspecified mitigation measures does not satisfy the National Environmental Protection Act (NEPA).

Be aware of FHWA's new report on Pollinator Habitat Enhancement and Best Management Practices in Highway Rights-of-Way. Consider the deleterious effects of clearing large swathes of growth along the highway for visibility of wildlife, including the use of herbicides needed for maintenance and their effect on native bees and other sensitive wildlife. Replant with natives. 50p

Other shortcomings

There are other unstudied alternatives. A non-divided (separated) highway along the C-3 corridor might be equally safe. Take for example the recent ID 8/WA 270 upgrade between Moscow and Pullman, or I-69 in Texas (also a NAFTA highway). Both were to be divided highways, and both were changed to a narrower, non-divided footprint. WA 270 was modified for financial reasons, and I-69 due to environmental concerns presented by the public citizenry. This alternative should have been studied and included in the EIS, and should yet be done in a Supplemental EIS. 50q

Any selected alternative should work hard to minimize impacts to residences – by narrowing the footprint of the road or any other means that are practical. 50r

Solution

Develop a Supplemental EIS with further alternatives analyzed. Include mitigation measures. 50s

At a minimum, select the least environmentally damaging alternative. Alternative E-2 would result in the greatest environmental impact. Listen to and heed the recommendations of the advising agencies.
ITD should stand with the resource agencies and follow the policies of the Federal Highway Administration (to take the least new right of way and maximize the use of existing infrastructure), the U.S. Environmental Protection Agency (to make the least impact on the environment and use context-sensitive design), and adhere to the U.S. Department of Transportation Act of 1966 (preserve the natural beauty of the countryside, Paradise Ridge). ITD must not select or build E-2. 50t 50u

With safety arguably the same for all action alternatives, there is no justification to select E-2 over the other alternatives. The Least Environmentally Damaging Practicable Alternative must be selected. The Record of Decision must reflect this and as such alternative E-2 cannot be chosen as the preferred alternative. 50v

David Hall, President
Palouse Prairie Foundation

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

September 21, 2015

Mr. Brent J. Inghram, P.E.
Federal Highway Administration, Idaho Division
3050 Lakeharbor Lane, Suite 126
Boise, Idaho 83703

Mr. Adam Rush, Public Involvement Coordinator
ITD Office of Communications
3311 W. State Street,
Boise, Idaho 83703

Dear Mr. Inghram and Mr. Rush:

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the US-95 Thorncreek Road to Moscow project in Latah County, Idaho (EPA Project Number 03-084-FHW). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. We appreciate this opportunity to offer comments.

In our review of the draft EIS for this project, we identified serious concerns regarding Alternative E-2 due to anticipated significant environmental degradation of aquatic resources, and Palouse prairie habitat and species that could be corrected by project modification or selection of another alternative. The document did not have information to support Alternative E-2 as the Least Environmentally Damaging Practicable Alternative under Section 404 of the Clean Water Act. We expressed concern about a lack of wildlife habitat connectivity and how that affects safety. Accordingly, we rated the DEIS as EO-2, Environmental Objections, Insufficient Information. 51a

Other than the Modified W-4 Alternative, which shifted the original W-4 alignment to avoid a historic farmstead that is also a Section 4(f) Resource, the alternatives are unchanged from the Draft EIS. Alternative E-2 remains the ITD/FHWA preferred alignment based on the most recent safety analysis, which projects that the E-2 alignment would have fewer predicted crashes compared to the other alternatives. However, E-2 is predicted to have the greatest number of wildlife-vehicular crashes. All three action alternatives would meet AASHTO design standards, and be considered safe.[1] 51b

In response to comments, ITD revised several of the technical reports, including the safety, weather, and wildlife analyses, with results that continue to support Alternative E-2 as the safest alignment. ITD also included a number of environmental commitments that acknowledge and address identified impacts to aquatic resources, Palouse prairie remnants, and wildlife. However, we believe that the commitments do not go far enough to meaningfully avoid and minimize negative impacts to critical aquatic and terrestrial 51c

[1] Final EIS, p. 209

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resources or demonstrate context sensitivity toward the affected community and landscape. Therefore, our environmental objections remain. 51c

We offer detailed comments below that we hope will be useful as guidance, and as stimulus toward revising design to meet goals for both safety and effective environmental protection.

Need for Context Sensitive Solutions

In the response to EPA comments, the FEIS states that E-2 continues to be the preferred alternative because it is designed and located to provide the greatest safety benefit, which best meets the project purpose and need. The NEPA process calls for a range of reasonable alternatives to achieve project needs so that other important environmental, community, socio-economic needs and values, all of which support long-term sustainability for present and future generations, are given meaningful consideration with the ability to affect outcomes. We appreciate that ITD is offering environmental commitments in response to concerns, but unfortunately the measures presented are unclear, have not been developed in consultation and collaboration with resource agencies and the public, and overall would not avoid or substantially reduce project impacts. It appears that some measures could even increase impacts. We discuss these issues further in the relevant sections below. 51d

Effects to Palouse Prairie Habitat

We are concerned that some of the mitigation measures would actually increase impacts to high value resources. For example, the extra clearing alongside the new highway to reduce wildlife-vehicular crashes would further reduce farmland and Palouse prairie remnants and expand weed dispersal. Similarly, de-prioritizing Palouse prairie restoration sites that are nearest the E-2 alignment would reduce and undermine future restoration efforts. 51e

Safety Analysis

We appreciate that the safety analysis, which calculated number of crashes anticipated on the various alternative alignments, was done with AASHTO methods.[2] The number of crashes predicted by the analysis are based on the assumption that the number of approaches does not increase or decrease on any alignment, and that this would be ensured through ITD's enforcement of the Expressway Access Control.[3] [4] The FEIS also indicates that left and right turn lanes would be constructed at all county road intersections except where overpass structures are specified.[5] In Chapter 9, Environmental Commitments, the FEIS indicates that undercrossings and overpass structures for county roads would be designed to accommodate ungulates or passage of small terrestrial wildlife.[6] Based on this information, it is unclear whether the safety analysis crash predictions are valid, given that an unknown number of county road intersections would be replaced by under- or overcrossing structures, thereby eliminating existing access/intersection safety risks. Because ITD/FHWA are relying upon the safety analysis for 51f

[2] The First Edition of the AASHTO Highway Safety Manual (ITD 2012a) was used. Final EIS, p. 195.
[3] Final EIS, p. 195
[4] Expressway Access Control is defined as a segment of a highway designated for use as a through highway, with partially controlled access, accessible only at locations specified by ITD, and characterized by medians, limited at-grade intersections, and high speeds. An existing segment of state highway may only be designated as an expressway if payment is made to adjacent property owners for the restriction of existing access rights [IDAPA 39.03.42]. Final EIS, p. 42
[5] Final EIS, p. 42
[6] Final EIS, p. 281. Provisions for wildlife crossings would only be made where wildlife use is expected and where wildlife are welcome on private lands (deer, elk and moose).

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preferred alternative selection, an accurate set of assumptions and conditions should be used, and disclosed, for making the calculations of predicted crashes. 51f

We also note that 142.9 of 179.5 total crashes predicted for Alternative E-2 would occur in the rural divided multilane segment. This is relevant because ITD would increase the number of lanes and the speed limit[7] on the new alignment, would straighten, flatten, and widen the road, and would expand cleared area/obstacle-free zones along its length. All of these changes contribute to higher speeds.[8] While some features, such as a wider road or a wider cleared area, may increase safety, they only partially compensate for the higher rate and severity of crashes due to higher speed.[9] For example, a wider obstacle-free zone, less vegetation alongside the road, and lack of vertical structure (such as removal of trees) result in higher speed by drivers. 51g

Numerous studies reveal the importance of speed on both the rate and severity of crashes.[10] A number of relevant conclusions are that:

* Higher driving speeds provide less time to process information and to act on it, and the braking distance is longer thereby reducing the ability to avoid collisions.
* Higher driving speeds lead to a higher crash rate.
* As speed increases, injury severity in crashes increases.
* The effect of an increase or decrease of speed is greater on rural than on urban roads, i.e., at the same percentage increase in speed, the crash rate on rural roads increases more than the crash rate on urban roads.
* Speed is dangerous if it is higher than the circumstances at that moment allow, e.g., because of rain, fog, or high traffic volume.
* The crash rate increases *more rapidly* when speed increases and vice versa.
* The crash rate is higher for an individual vehicle that drives faster than the other traffic on that road.

A long-term study on the effects of raising the speed limits on interstates across the U.S. found that the highest increases in road fatalities were on rural interstates (9.1%).[11] As stated in the FEIS, ITD is "balancing" safety with mobility when they accept safety reductions to increase travel speed. We request there also be balance for environmental and community values in selecting a preferred alternative.

Ecological Connectivity, Climate Change

We have emphasized that the selected alternative should (1) enable safe passage and dispersal for ungulates (moose, elk, deer), and other species, and (2) provide potential for connecting restored habitats and facilitating species' migration/adaptation to climate change. We appreciate that ITD would provide enlarged culverts to accommodate terrestrial wildlife at stream crossings. ITD also proposes to accommodate passage for ungulates at county road crossings, such as Eid Road, However, it is 51h

[7] To 65 mph
[8] Institute for Road Safety Research SWOV Fact sheet: Speed choice: the influence of man, vehicle, and road. SWOV, Leidschendam, the Netherlands, June 2012.
[9] Institute for Road Safety Research SWOV Fact sheet: Speed choice: the influence of man, vehicle, and road. SWOV, Leidschendam, the Netherlands, June 2012.
[10] Institute for Road Safety Research SWOV Fact sheet: The relation between speed and crashes. Leidschendam, the Netherlands, April 2012.
[11] Friedman, Hedeker, Richter. Long-Term Effects of Repealing the National Maximum Speed Limit in the United States. Am J Public Health, September 2009.

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important to locate crossings where they would be most effective for wildlife. The location and design of crossings/connectivity structures should be informed by close and continued consultation with area biologists, by the best available science for providing safe wildlife passage *and* maintenance of ecosystem processes, and by pre- and post-construction assessment/monitoring. In this project setting, it would be beneficial to also consider the need for successful restoration of Palouse prairie remnants and recovery of endangered plant species, such as water howellia. These require maintenance/restoration of natural hydrology, native seed dispersal, pollinator survival and access. We recommend the *Interstate 90 Snoqualmie Pass East Mitigation Development Team Recommendation Package* (July 2006) as a helpful resource. 51h

Aquatic Resources

Staff in our Aquatic Resources Unit offers the following comments regarding compliance with the 404(b)(1) Guidelines.

CWA Section 404(b)(1) Guidelines

Section 404 of the Clean Water Act (CWA) established the permitting program for the discharge of dredged and fill material into waters of the United States (U.S.) at specified disposal sites. This program is co-administered by the U.S. Army Corps of Engineers (Corps) and EPA. Section 404(b)(1) required the EPA, in conjunction with the Corps, to develop guidelines for the specification of disposal sites. The guidelines, referred to as the 404(b)(1) Guidelines (Guidelines), were to be patterned after the ocean discharge criteria developed by Congress and included in the CWA.

The purpose of the Guidelines is to restore and maintain the chemical, physical, and biological integrity of waters of the U.S. through control of discharges of dredged or fill material. They were codified in regulation (40 CFR Part 230) in 1980 and form the substantive environmental criteria used by the Corps when they review proposed discharges and issue permits under Section 404. The Guidelines prohibit issuance of a permit that would cause an avoidable or significant adverse impact to waters of the U.S.

Compliance with the Guidelines is required before a 404 permit can be issued by the Corps, and demonstrating compliance is the responsibility of the applicant. Section 230.10 contains the four principle requirements for compliance. Failure to *"clearly demonstrate"* that there is no *"practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem"*, in accordance with § 230.10(a), renders the project noncompliant with the Guidelines. Similarly, if an application contains insufficient information to determine compliance, the Guidelines require that no permit be issued. 51i

Alternatives Analysis

Pursuant to §230.10(a), an alternatives analysis is conducted to identify practicable alternatives to a proposed discharge. An alternative is practicable if it is available and capable of being done and would achieve the overall project purpose. Practicable alternatives with fewer adverse impacts are presumed to exist for non-water dependent activities unless *"clearly demonstrated otherwise."* The environmental impacts of the various practicable alternatives are then compared so that the Corps can ensure it is authorizing only the practicable alternative which generates the least environmental damage. This alternative is referred to as the Least Environmentally Damaging Practicable Alternative (LEDPA). Except as permitted under Section 404(b)(2), the Guidelines prohibit the authorization of any alternative that is not the LEDPA. 51j

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NEPA requires the evaluation of reasonable alternatives, which the Council on Environmental Quality defines as "*those that are practicable or feasible from a technical and economic standpoint and those that achieve the project's purpose and need*" (DEIS, ES.4, p7). In contrast, the Guidelines require the analysis of practicable alternatives, and the analysis required by the Guidelines is not limited to the alternatives evaluated in the NEPA document. The identification of practicable alternatives to be analyzed is constrained only by the definition of practicable alternative (see **Definition of Practicability**). 51k

Overall Project Purpose

The stated purpose of this project is to *"improve public safety and increase highway capacity on US-95 south of Moscow between Thorncreek Road (MP 337.67) and the South Fork Palouse River Bridge (MP 344.00)."* More specifically, the purpose is to meet the American Association of State Highway and Transportation Officials (AASHTO) Standards for widths, clear-zones, grades, and sight distance. According to the Screening of Alternatives Technical Report, these standards include a maximum of 5 percent grades, design speed of 70mph, a maximum of a 2,040-foot radius curve, and two 12-foot travel lanes with an 8-foot outside shoulder and 4-foot inside shoulder (p. 9). The same report notes that all roadway safety characteristics—such as curve geometry, lane width, shoulder width, shoulder slopes, clear zones, etc.—would be similar regardless of the alignment that is chosen (p. 10). In other words, all three proposed alternatives (Modified W-4, C-3, and E-2) would comply with AASHTO standards and achieve the purpose of improving public safety and increasing highway capacity. 51l

A related but less defined purpose and need of this project is to reduce crash rates. The Screening of Alternatives Technical Report mentions the safest roadway is one with a rate of 0.60 crashes per million vehicle miles traveled, and that constructing a four lane divided highway reduces the number of accidents per year by one half (p. 10). Since all three proposed alternatives were carried forward in the Final EIS, it is presumed that each would achieve the desired goal of reducing crash rates.

Definition of Practicability

"An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes" [§ 230.10(a)(2)]. As noted above, the overall project purpose plays a critical role in determining whether a particular alternative is practicable or not. The consideration of cost, existing technology, and logistics is to determine whether one or more of these factors render an alternative unavailable and/or incapable of being done. This is a very high standard, and an alternative must be demonstrated to be impracticable before it can be excluded from analysis.

The purpose of consideration of cost is not to compare the cost of different alternatives but to determine whether or not the costs of a specific alternative are so prohibitively high (beyond industry standard) that the alternative is rendered unavailable and capable of being done. As stated in the preamble to the Guidelines: *"The consideration of cost is not an economic analysis." "The mere fact that an alternative may cost somewhat more does not necessarily mean it is unreasonably expensive and therefore not practicable"* (45 FR 85339). For these reasons, the following statement in the Screening of Alternatives Technical Report cannot be supported: "[Weighing] *the proposed alignments against one another based on cost, it was determined that alignments that cost the least were preferred"* (p. 11). 51m

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The consideration of existing technology and logistics are handled similarly to that of cost. For example, an alternative that requires the use of advanced (but existing) technology that is available and capable of being done (e.g., horizontal directional drilling versus trenching) is a practicable alternative. Similarly, an alternative that is logistically more complex but is still available and capable of being done is a practicable alternative.

Although not included in ITD's construction cost estimates at this time, as general information, it is EPA policy that use of life cycle, including maintenance, cost in the 404(b)(1) analysis of practicable alternatives is not appropriate. The EPA considers maintenance and operating costs or long term costs over the life cycle of the project as "cost of doing business." It does not affect the capability of a project to be done, and thus is not appropriate to be considered for determination of practicable alternatives under the Guidelines. 51n

Evaluating practicability is a conclusive determination; that is to say, an alternative either is or is not practicable. Alternatives are evaluated independently. It is inappropriate to compare one alternative against another in determining practicability, for an alternative cannot be more or less practicable than another. For these reasons, the EPA cannot support ITD's reasoning that because Alternative E-2 would provide the "*greatest safety benefit which best meets the project purpose and need*", is it more practicable than the Modified W-4 or C-3 alternatives. If a particular threshold for crash rates must be met, this should be explicit in the definition and selection of practicable alternatives. Presently, all three alternatives carried forward in the Final EIS have been identified as being available and capable of being done, and would achieve the project purpose and need.

Compensatory Mitigation

A 1990 Memorandum of Agreement (MOA) between the Environmental Protection Agency (EPA) and the Department of Army established a three-part process, known as the mitigation sequence, to help guide mitigation decisions and determine the type and level of mitigation required under Clean Water Act Section 404 regulations. Compensatory mitigation is the third step in that sequence:

> Step 1. Avoid - Adverse impacts to aquatic resources are to be avoided and no discharge shall be permitted if there is a practicable alternative with less adverse impact.
> Step 2. Minimize - If impacts cannot be avoided, appropriate and practicable steps to minimize adverse impacts must be taken.
> Step 3. Compensate - Appropriate and practicable compensatory mitigation is required for unavoidable adverse impacts that remain. The amount and quality of compensatory mitigation may not substitute for avoiding and minimizing impacts (emphasis added).

The Final EIS acknowledges that the preferred alternative (E-2) would impact wetlands that are functioning higher for habitat, noting that these would be more difficult to replace (Chapter 4, Environmental Consequences, p. 176). The same section goes on to say, "*However, because the proposed wetland mitigation involves applying mitigation credit from the Cow Creek Mitigation Area, which is already established and fully functioning, there would be no temporal loss*" (p. 176). As highlighted under Step 3, above, it is inappropriate to rely on proposed compensatory mitigation as a substitute for avoidance and minimization. The Cow Creek Mitigation Area and/or Valencia Wetland Mitigation Bank may indeed offer the appropriate number and resource type of credits, such that there would be no temporal loss of wetlands. Before compensatory mitigation can be considered, however, an applicant must take all appropriate steps to first avoid and minimize impacts to aquatic resources. Additionally, even if/when there is no temporal loss of aquatic resources through compensatory 51o

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mitigation, the mitigation site is usually some distance from the impact site, such that an impact is still felt.

In general, the EPA supports the use of mitigation banks, as they are identified in the 2008 Final Mitigation Rule[12] (Mitigation Rule) as being the preferred method of compensatory mitigation. Unfortunately, the Final EIS does not provide complete details as to how ITD's proposed mitigation plan would comply with the Mitigation Rule. For example, permittees who intend to fulfill their compensatory mitigation obligations by securing credits from approved mitigation banks must address (c)(5) and (c)(6)—baseline information and determination of credits—of 40 CFR 230.94 or 33 CFR 332.4, Planning and documentation. 51o
The EPA does not object to a permittee-responsible compensatory mitigation project, provided that: (a) an analysis could show that the mitigation project would be sufficient to offset the authorized impacts; and (b) the mitigation project shall be conducted in accordance with a mitigation plan that complies with the Mitigation Rule. Because permittee-responsible mitigation may occur at the site of the permitted impacts or at an off-site location within the same watershed, this form of compensatory mitigation may be determined to be more appropriate.

NEPA/404 Merger Process

The Final EIS does not include a complete 404(b)(1) analysis. The Federal Highway Administration encourages merging the NEPA and 404 process, noting that it expedites project decision-making and leads to one overall public interest decision, at one point in time[13]. Several states have a Memorandum of Understanding between their Department of Transportation, Corps, EPA, U.S. Fish and Wildlife Service, and NOAA Fisheries regarding transportation projects requiring a 404 permit. One such agreement emphasizes that the NEPA preferred alternative must be considered the LEDPA for the Corps to proceed with authorization under the CWA[14]. Again, the alternatives analysis required by the Guidelines is not limited to the alternatives evaluated in the NEPA document. 51p

Conclusion regarding aquatic resources

The Final EIS does not adequately demonstrate how the proposed project complies with the Guidelines (i.e., that Alternative E-2 is the LEDPA). The Guidelines are explicit in that *"no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences"* [§230.10(a)].

The EPA continues to have the following concerns: 51q

1. The approach to selecting a preferred alternative is inconsistent with the Guidelines. The Final EIS inappropriately compares one alternative against another in determining practicability. An alternative either is or is not practicable; one cannot be more or less practicable than another. Additionally, the mere fact that an alternative may cost more than another does not necessarily mean it is unreasonably expensive and therefore not practicable.

[12] Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (40 CFR Part 230, 33 CFR Parts 325 and 332)
[13] https://www.environment.fhwa.dot.gov/projdev/tdmnepa404.asp
[14] https://admin.rtd-fastracks.com/media/uploads/sc/App_H_PA_1_M1.pdf

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2. Absent a final project design to review, the EPA is unable to determine whether ITD has taken all appropriate and practicable steps to avoid and minimize adverse impacts, to ensure compliance with the Guidelines. Exhibit 29, Wetland Effects, shows only conceptual areas of impacts; site-specific drawings (e.g., cross-section views) are not available to discern how the project would in fact be constructed across mapped waters of the U.S. 51q

3. The figures provided in Table 41 (Chapter 4, Environmental Consequences) do not provide the necessary detail to evaluate direct and indirect impacts to aquatic resources. For example, it is not clear whether the entire wetland acreage associated with each alternative would be filled—if so, E-2 would result in the greatest loss of wetlands; C-3, the least—or whether all tributary crossings would involve a discharge of fill below the ordinary high water mark. A practicable alternative may be a full span of these waters, rendering these figures somewhat immaterial. Comparing alternatives based on these figures, alone, is not sufficient in determining the LEDPA. 51r

4. Despite our March 25, 2013 recommendation, a 404(b)(1) analysis was not included in the Final EIS. Since only the LEDPA can be permitted by the Corps, ITD must accept that the permitted action may differ from what was evaluated during the NEPA process. Additionally, since the information pertaining to aquatic resources was not consolidated into a single 404(b)(1) analysis, readers have to shift between multiple chapters, tables, exhibits, appendices, and technical reports to compare and contrast the various alternatives. This created difficulty in our ability to evaluate compliance with the Guidelines. 51s

5. The wetlands within the project area drain into either the South Fork of the Palouse River or Thorn Creek, both of which are listed as impaired waterbodies by the Idaho Department of Environmental Quality (Chapter 4, Environmental Consequences, p. 173). Given that 97% of the Palouse wetlands have been lost, the remaining wetlands—albeit disturbed—serve a critical role in protecting and enhancing water quality of these and other downstream waters, as well as providing valuable habitat. Notably, the Total Maximum Daily Load (TMDL) Report for the South Fork Palouse River states: "*Most of the wetlands and flood plains in the Palouse have been eliminated by modern land use, urbanization, and transportation infrastructure. These activities have affected instream flows, channel sinuosity, and habitat diversity. The topography, soils, and climate make the Palouse watershed very susceptible to erosion. Land uses that contribute excess sediment, nutrients, and bacteria to the river can degrade water quality.*"[15] We noted in our March 25, 2013 letter that the approved TMDL for the South Fork Palouse River specifically recommends riparian area restoration and stream buffer zones to reduce temperatures and filter nutrients, sediment, and bacteria from direct delivery to the river. The Final EIS does not appear to seriously consider the issue of declining quality and quantity of aquatic resources in the area. 51t

6. The presumption that there are alternatives to non-water dependent activities that would not involve a discharge of fill (or that would involve less fill), has not been rebutted. 51u

[15] South Fork Palouse River Watershed Assessment and TMDLs, Executive Summary: http://www.epa.gov/waters/tmdldocs/palouse_river_sf_entire.pdf

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Thank you for the opportunity to provide comments. We would like to continue working with ITD and other agencies regarding these many issues of concern. We also look forward to working collaboratively with the Corps and ITD during the 404 permitting process to resolve the issues raised in this letter. For further coordination and clarification of these comments, please contact me at (206) 553-1601 or via electronic mail at reichgott.christine@epa.gov, or contact Elaine Somers at (206) 553-2966 or via electronic mail at somers.elaine@epa.gov. For questions regarding aquatic resources, contact Tracy DeGering in our Boise Operations Office at (208) 378-5756, or at degering.tracy@epa.gov. 51u

Sincerely,

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

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Federal Highway Administration, Idaho Div.
3050 Lakeharbor Lane, Suite 126
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Highway safety and cost effectiveness (tax dollars well spent) is apparent in the ITD choice of alt. E2 in Hwy. 95 Thorncreek Rd. to Moscow project

I fully agree with the ITD decision that the E2 route is preferred as it most closely fits the purpose and need for this project as stated in the Introduction of the FEIS. All arguments concerning Palouse prairie remnants and wildlife are of little importance in support of the purpose and need for this project. 52a

I will support the ITD and the State of Idaho as best I can if the Paradise Ridge Defense Coalition, Inc. or any other entity litigates the E2 route decision. I am completely opposed to the policy and tactics of The Paradise Ridge Defense Coalition, Inc.

Very Truly Yours:
Ross Appelgren
29 year resident of Moscow

(rsk79appel@frontier.com)

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APPENDIX C

US-95 THORNCREEK ROAD TO MOSCOW PROJECT, LATAH COUNTY IDAHO

FEIS COMMENT RESPONSES

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FEIS Letter-Comment #	First Name	Last Name	Response
F-1a	David	Stowers	See General Response Schedule.
F-2a	Norbert & Janelle	Niehenke	See General Responses Weather-3, Weather-4 and Weather-5 regarding snow, ice and fog respectively. The highway will be designed to AASHTO Standards and the improved roadway typical section will be wider, flatter with less curvature and will improve safety over existing conditions.
F-2b	Norbert & Janelle	Niehenke	See General Response Safety-2.
F-2c	Norbert & Janelle	Niehenke	See General Response Displacement-1. The E-2 Alternative will result in the greatest number of residential impacts, primarily in mobile home parks. All residents and property owners will be compensated and relocated equitably under the Uniform Relocation Act.
F-2d	Norbert & Janelle	Niehenke	The E-2 Alternative will have a greater impact on prime farmland but avoids the most productive farmland. See General Response Alternatives.
F-3a	Christina	Baldwin	See General Response Alternatives.
F-3b	Christina	Baldwin	The E-2 Alternative will not go over Paradise Ridge and will not directly affect any Palouse remnants but will be located along the base of Paradise Ridge. See General Responses Weeds and Wildlife regarding Paradise Ridge and Palouse remnants.
F-4a	Sara	Holup	See General Response Wildlife.
F-4b	Sara	Holup	The E-2 Alternative will have a greater impact on prime farmland but avoids the most productive farmland. See General Responses Wildlife and Alternatives.
F-5a	Stephan	Flint	A version of the Safety Analysis Technical Report with a Table of Contents and page numbers is posted on the project website.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-5b	Stephan	Flint	Your suggestion has been applied to the ROD response tables. In addition the responses and comments are organized differently in the ROD to assist the reader when referencing comments with responses. • **Table 5** lists the names of commenter with the Comment Letter identifier. • **Appendix A** contains the General Response to Issues to address repeated comments that was prepared for the FEIS but it is updated in the ROD. These general responses to issues are referred to within the comment responses in Appendix C. • **Appendix B** contains the scanned comment letters and emails with unique identifiers corresponding to each substantive comment within the letter or email. • **Appendix C** is organized by the unique identifier and provides a corresponding respond to substantive comments.
F-5c	Stephan	Flint	Since the agency letters were pdfs and not part of the word document, page numbers were not generated for that section of the FEIS. All sections of the ROD have page numbers.
F-5d	Stephan	Flint	A version of the Wildlife Technical Report with a Table of Contents and page numbers is posted on the project website.
F-5e	Stephan	Flint	The General Response to Issues section was prepared to provide the public an understanding of the common comments and provides comprehensive responses in one section. It guides the reader to other sections of the FEIS for additional detail or revisions as needed. The USACE, IDFG and EPA were granted an additional week to submit their comments. These three public agencies have had a role as participating agencies in the development of the EIS and specifically requested additional time to complete their review and comment on the FEIS. The additional week was not extended to the public as a whole, to not further delay improvement of this unsafe roadway. See General Response Schedule.
F-6a	Victoria	Seever	See General Response Safety-3.
F-6b	Victoria	Seever	See General Responses Maintenance-1, Maintenance-2 and Safety-3.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-6c	Victoria	Seever	See General Responses Alternative, Wildlife and Weeds.
F-6d	Victoria	Seever	See General Response Safety- 5 regarding grade and descent safety. The E-2 and W-4 alternatives would pose more challenges associated with connectivity of the proposed Ring Road alignments than the C-3 Alternative but none would conflict with or preclude construction of the Ring Road project. ITD will work closely with the City of Moscow to ensure that the design is consistent with and does not preclude construction of the Ring Road concept or any other planned projects. See FEIS 3.2 and 4.2 for clarification of the Ring Road concept.
F-7a	Mary	Ulrich	See General Responses Alternative and Wildlife.
F-8a	Steven	Ulrich	See General Responses Alternative and Wildlife. The E-2 Alternative will come closer to more remnants but will not be constructed over any Palouse remnants. See General Response Weeds regarding indirect effects to Palouse remnants.
F-8b	Steven	Ulrich	While some farmland will be taken out of production, the highway will have Expressway Access Control, which will help limit development along the highway. See General Response Access. The E-2 Alternative will also avoid the most highly productive farmland. The E-2 Alternative will offer the greatest safety benefit as explained in General Response Safety-3 and Safety-6. The Safety Analysis and the Weather Analysis technical reports were revised since the DEIS publication and the information was incorporated in the FEIS. See General Responses Safety-2, Safety-3, Safety-5, Safety-7, Weather-1, Weather-2 and Weather-8 regarding the revisions to the wildlife and weather reports and the validity of the methodology and findings. See FEIS General Response Wildlife regarding effects to Paradise Ridge.
F-8c	Steven	Ulrich	See General Responses Alternative, Safety-2, Safety-5 and Weather-8. Also see Response F-8b.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-8d	Steven	Ulrich	The NEPA process included extensive public and agency input to complete the Level One and Level Two Screening Processes as described in the FEIS Chapter 2, and in ROD Section 2. NEPA does not require an infinite number of alternatives be evaluated but requires that a range of reasonable alternatives, including a No Action Alternative, be evaluated in detail. The public involvement and screening processes resulted in evaluation of TSM, TDM, mass transit and eleven alternatives. The hybrid alternative combining the C-3 Alternative from the south with the E-2 alternative to the north was not identified as one of the reasonable alternatives. It combines parts of alternatives that were already evaluated but would be longer, would have variable grades descending from Reisenauer Hill then ascending to join the E-2 Alternative. It would descend again to Moscow. The changes in grade are expected to result in higher crash rates and would not offer greater benefit compared to the other alternatives evaluated; therefore, consistent with the considerations used during the screening process it would not have been forwarded for detailed analysis. See FEIS Section 7, Public Involvement and Agency Coordination, for details of the public involvement activities during development and screening of the initial alternatives. Also See General Response NEPA for an overview of the NEPA process.
F-9a	Joann	Muneta	Your comments have been incorporated into the public record.
F-9b	Joann	Muneta	See General Responses Safety-3, Safety-6, Maintenance-1 and Maintenance-2.
F-9c	Joann	Muneta	See General Response Safety-2.
F-9d	Joann	Muneta	See General Response Weather-3.
F-9e	Joann	Muneta	See General Responses Wildlife and Weeds.
F-10a	Jennie	Hall	See General Response Schedule.
F-11a	Helen Wild Idaho Rising Tide	Yost	See General Response Alternative.
F-11b	Helen Wild Idaho Rising Tide	Yost	See General Response Wildlife.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-11c	Helen Wild Idaho Rising Tide	Yost	The NEPA process included extensive public participation and resulted in the evaluation of TSM, TDM and mass transit and eleven alternatives representing a range of reasonable alternatives. See General Response NEPA for an overview of the NEPA process. See FEIS Chapter 2, Alternatives and the ROD Section 2 for more detail about the alternative development and the screening process. See FEIS Section 7, Public Involvement and Agency Coordination, for details of the public involvement activities. See General Response Alternative. The report revisions referred to in your comment were completed in response to public comments. While additional data was analyzed, methodology was clarified, and effects were further analyzed and incorporated in the revised reports, the relative differences in safety, weather and wildlife between alternatives did not result in findings that differed from what was stated in the DEIS.
F-11d	Helen Wild Idaho Rising Tide	Yost	FHWA NEPA regulations [23 CFR 771.130] require a SEIS be completed if changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or if new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS. There were no substantial changes to the alternatives, no changes to existing conditions, and or new information that would result in significant impacts that were not already evaluated in the EIS; therefore, a SEIS will not be prepared. The USACE, IDFG and EPA were granted an additional week to comment. These three public agencies have had a role as participating agencies in the development of the EIS and specifically requested additional time to complete their review and comment on the FEIS. The additional week was not extended to the public as a whole, to not further delay improvement of this unsafe roadway. See General Response Schedule. See Responses F-42j, F-42k and F-42l regarding the comment regarding withholding public records.
F-11e	Helen Wild Idaho Rising Tide	Yost	See General Responses Schedule and Alternative.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-11f	Helen Wild Idaho Rising Tide	Yost	See FEIS Section 4.13 for a discussion of the impact of greenhouse gas emissions, which are believed to be associated with climate change. Truck traffic was considered as part of the purpose and need, safety analysis and is included in the alternatives' effects. The highway typical section will improve the safety for all vehicular traffic including trucks. See General Responses Wildlife and Weeds.
F-12a	Mary	Fauci	See General Response Alternative. The public comments on the DEIS and FEIS are considered in the decision to select the E-2 Alternative.
F-13a	Ian	von Lindern	See General Response Schedule.
F-14a	Margrit	von Braun	See General Response Schedule.
F-15a	Selma	Yocom	See General Response Alternative.
F-15b	Selma	Yocom	See General Response Wildlife. The E-2 Alternative will not be constructed over any Palouse remnants but will come closer to more remnants. See General Response Weeds regarding indirect effects.
F-16a	Susannah (Soona)	Schmidt	See General Response Wildlife. See General Response Weeds regarding indirect effects. Mitigation measures are described in the ROD Section 7.
F-16b	Susannah (Soona)	Schmidt	See General Response Weeds and Wildlife.
F-16c	Susannah (Soona)	Schmidt	See General Response Alternative.
F-17a	John R.	Porter	See General Response Safety-2.
F-17b	John R.	Porter	See General Responses Weather-3, Weather-4, Weather-5 and Safety-5.
F-17c	John R.	Porter	See General Response Wildlife. The E-2 Alternative will not be constructed over any Palouse remnants but will come closer to more remnants. See General Response Weeds regarding indirect effects. While some farmland will be taken out of production, the new highway will have Expressway Access Control, which will help limit development along the highway. See General Response Access. The E-2 Alternative will also avoid the most highly productive farmland. The E-2 Alternative will offer the greatest safety benefit as explained in General Response Safety-3 and Safety-6. See also General Response Alternative.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-17d	John R.	Porter	See General Response Maintenance-1 and Safety-3.
F-18a	Cathy	Porter	See General Response Alternative. The E-2 Alternative was identified as FHWA's and ITD's Preferred Alternative because it balances the human and natural environmental effects with the best safety benefit for the public. It was not identified as the Preferred Alternative due to political, developer or personal gain. The purpose and need for the project is to improve safety and capacity for all users.
F-18b	Cathy	Porter	See General Responses Safety-2.
F-18c	Cathy	Porter	See General Responses Weather-3, Weather-4, Weather-5 and Safety-5.
F-18d	Cathy	Porter	See General Response Wildlife. The E-2 Alternative will not be constructed over any Palouse remnants but will come closer to more remnants. See General Response Weeds regarding indirect effects. While some farmland will be taken out of production, the new highway will have Expressway Access Control, which will help limit development along the highway. See General Response Access. The E-2 Alternative will also avoid the most highly productive farmland.
F-18e	Cathy	Porter	See General Response Maintenance-1.
F-18f	Cathy	Porter	See General Response Alternative.
F-18g	Cathy	Porter	See FEIS Sections 1.4 and 1.5 for descriptions of the purpose and need for the project.
F-18h	Cathy	Porter	See General Response Safety-4 regarding speed limits.
F-19a	Joshua	Yeidel	See General Response Alternative.
F-19b	Joshua	Yeidel	See General Responses Safety-3, Safety-4 and Safety-6.
F-20a	Susan	Westervelt	See General Responses Alternative.
F-20b	Susan	Westervelt	The E-2 Alternative will not be constructed over any Palouse remnants but will come closer to more remnants. See General Response Wildlife. See General Response Weeds regarding indirect effects.
F-21a	Sue	Weaver	The E-2 Alternative will not be constructed over any Palouse remnants but will come closer to more remnants. See General Responses Wildlife. See General Response Weeds regarding indirect effects.
F-21b	Sue	Weaver	See General Responses Weather-3 and Weather-8.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-21c	Sue	Weaver	See General Responses Safety-2 and Safety-6
F-21d	Sue	Weaver	See General Response Alternative.
F-22a	Jim	Roach	The C-2 Alternative was one of the 11 initial alternatives considered early in the NEPA process; however, it was eliminated from further study of the reasonable alternatives. See FEIS Section 2, Alternatives, for more detail about the outcome of the initial screening.
F-22b	Jim	Roach	See General Response Safety-6 regarding the significance of difference in safety between alternatives.
F-22c	Jim	Roach	See General Responses Weather-3, Weather-4 and Safety-5.
F-22d	Jim	Roach	See General Response Alternative. The E-2 Alternative was identified as FHWA's and ITD's Preferred Alternative because it balances the human and natural environmental effects with the best safety benefit for the public. It was not identified as the Preferred Alternative due to political, developer or personal gain. The purpose and need for the project is to improve safety and capacity for all users, which includes truckers and the industries that they support.
F-22e	Jim	Roach	See General Response Wildlife. The E-2 Alternative will not be constructed over any Palouse remnants but will come closer to more remnants. See General Response Weeds regarding indirect effects.
F-23a	Ronnie	Hatley	See General Response Displacement-1.
F-23b	Ronnie	Hatley	The E-2 Alternative will not go over Paradise Ridge and will not directly affect any Palouse remnants but will be located along the base of Paradise Ridge. See General Responses Weeds and Wildlife regarding Paradise Ridge and Palouse remnants.
F-23c	Ronnie	Hatley	ITD will work closely with the City of Moscow to ensure that the E-2 design is consistent with and does not preclude construction of a Moscow Bypass project if it is pursued. The route that you proposed west of existing US-95 was not considered because it is outside of the logical termini of the project. See the ROD Section 1.3 Logical Termini for details regarding how the project's logical termini were determined. The bypass would be outside the logical termini, would not accommodate users whose destination is Moscow and would not meet the project purpose and need.
F-23d	Ronnie	Hatley	See Response to F-23c and General Response Alternatives.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-24a	Kota	Inoue	See General Responses Safety-2 and Wildlife. The E-2 Alternative passes through areas with low to moderate quality wildlife habitat and is expected to have greater wildlife impacts compared to the other alternatives as stated in the FEIS Sections 3.8 and 4.8. The E-2 Alternative will not have population level impacts to ungulates (Sawyer 2010; Melquist 2005a). See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation regarding mitigation effectiveness and revisions to the proposed mitigation. ITD and IDFG met in October 13, 2015 to further discuss mitigation. As a result, IDFG's role in developing and approving the mitigation during the design process was strengthened. With this change, IDFG was satisfied with the mitigation.
F-24b	Kota	Inoue	See General Responses Weather-3, Weather-4, Weather-5, and Safety-5 and Safety-7.
F-25a	Karen	Ward	See General Responses Safety-5, Safety-7, Weather-1, Weather-2 and Weather-3.
F-25b	Karen	Ward	See General Response Safety-4.
F-25c	Karen	Ward	None of the action alternatives would directly impact Palouse remnants. See General Response Wildlife and Weeds for a discussion of the direct and indirect effects to Palouse remnants and wildlife near Paradise Ridge. Also see General Response Alternatives.
F-26a	Stephan	Flint	See General Response Safety-6 regarding the difference in safety between the E-2 and C-3 Alternatives.
F-26b	Stephan	Flint	See General Response Weather-5 regarding fog.
F-26c	Stephan	Flint	See General Responses Weather-6 regarding wind and Safety-5 regarding conditions on Reisenauer Hill.
F-26d	Stephan	Flint	See General Response Weather-4 regarding snow and precipitation. See General Responses Weather-1, Weather-2 and Weather-8 regarding the validity of the data and methodology used to evaluate weather. The scatterplots in this section of the report are not meant to capture a time variable because weather-related accidents are predominantly associated with the road characteristics rather than spatial distribution of weather.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-26e	Stephan	Flint	See General Response Safety-2. The wildlife reports all concluded that the project area does not contain any high quality or critical big game habitat, but acknowledges that E-2 Alternative will affect more land that is considered moderate or marginal quality ungulate habitat compared to other alternatives. This is stated in the DEIS and FEIS Sections 3.8 and 4.8. The potential AVCs may be mitigated using countermeasures (such as improved sight distance with wider roads and vegetation clearing). See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation. See General Response Safety-7 regarding the validity of the methodology for the Safety Analysis Technical Report.
F-26f	Stephan	Flint	See General Response Safety-7 regarding the methodology used for the Safety Analysis and the validity of the resulting conclusions of the FEIS. See General Response Alternatives regarding why ITD and FHWA selected the E-2 Alternative.
F-27a	Dave and Molly	Hallock	See General Response Alternative.
F-27b	Dave and Molly	Hallock	See General Response Safety-6 regarding the significance of the differences between alternatives. Confidence intervals or estimates of variance are not typically calculated with safety predictions made from the AASHTO Highway Safety Manual to analyze different proposed alignments, but in some instances it is possible to calculate confidence intervals. In the prediction of crashes on US-95 Thorncreek Road to Moscow, a confidence interval cannot be calculated because some of the crash modification factors do not have a standard error published with them. All of the crash modification factors used are widely accepted by committees who wrote the AASHTO Highway Safety Manual and generally have low standard error associated with them.
F-28a	Steve	Redinger	Thank you for the information. See General Responses Wildlife and Safety-2 for information regarding wildlife.
F-28b	Steve	Redinger	See General Response Wildlife.
F-29a	Wayne L. Citizens for a Safe 95	Olson	See General Response Schedule.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-29b	Wayne L. Citizens for a Safe 95	Olson	See General Response NEPA.
F-29c	Wayne L. Citizens for a Safe 95	Olson	See General Responses Alternatives. See the FEIS ROD under Mitigation regarding mitigation and its effectiveness.
F-29d	Wayne L. Citizens for a Safe 95	Olson	See General Response Schedule.
F-30a	Victoria A.	Seever	See General Responses Safety-3 and Maintenance-2.
F-30b	Victoria A.	Seever	See General Responses Maintenance-1, Safety-3 and Schedule. The E-2 Alternative would not generate more crashes and is actually predicted to have the fewest total crashes and fatal and injury crashes over the 20-year design period. It would improve safety above existing conditions and would have the greatest safety benefit of all the alternatives. See General Response Safety-6, Table 78. Crashes 2017 through 2036.
F-30c	Victoria A.	Seever	The E-2 Alternative will be closer to Paradise Ridge but will not directly affect the Ridge or Palouse remnants. See General Responses Weeds and Wildlife regarding effects including indirect and cumulative effects.
F-30d	Victoria A.	Seever	See General Response Safety-5 regarding safety on Reisenauer Hill. The E-2 and W-4 alternatives would pose more challenges associated with connectivity of the proposed Ring Road alignments than the C-3 Alternative but would not conflict with it. ITD will work closely with the City of Moscow to ensure that the E-2 Alternative design is consistent with and does not preclude construction of the Ring Road concept. See FEIS Sections 3.2 and 4.2 for clarification of the Ring Road concept.
F-31a	Terry	Johnson-Huhta	See General Responses NEPA and Schedule.
F-31b	Terry	Johnson-Huhta	See General Response Alternative.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-31c	Terry	Johnson-Huhta	The Paradise Ridge remnant is ranked as a high-quality remnant, but is not a pristine, weed-free, or a publicly accessible resource. See General Response Wildlife.
F-31d	Terry	Johnson-Huhta	The E-2 Alternative will have the greatest impact on residences. See General Response Displacement and Schedule.
F-32a	Delitha and Dwight	Kilgore	See General Response Schedule.
F-33a	Diane	Baumgart	Based on the various Wildlife Technical Reports, Melquist, Sawyer and Ruediger, all concluded that there is no critical or high quality ungulate habitat in the project area and that none of the alternatives would result in population level impacts to ungulates. All experts agreed that E-2 will affect higher quality habitat compared to the other action alternatives and would have the greater wildlife effects as disclosed in the DEIS and FEIS. The rationale for conducting multiple wildlife studies is explained in the FEIS Section 3.8.2. See General Response Agency for an explanation of the difference in opinions regarding FHWA's and ITD's Preferred Alternative. See General Response Wildlife.
F-33b	Diane	Baumgart	The FEIS describes and evaluates the alternatives' effects on tributaries, including intermittent stream and wetlands. The FEIS acknowledges that the E-2 Alternative will impact fewer linear feet of tributaries compared to the C-3 Alternative but it will affect headwater tributaries, many of which are also considered wetlands. It also acknowledges that it will affect higher functioning (PSS) wetlands. Refer to FEIS Sections 3.6 and 4.6, Wetland and Tributary Effects. (Pages 173).
F-33c	Diane	Baumgart	Man-made ditches may still be considered streams and regulated as waters of the US under the Clean Water Act.
F-33d	Diane	Baumgart	The E-2 Alternative does not go over Paradise Ridge but is closer to it. See General Responses Alternative, Safety-3, Safety-5, Safety-6, and Safety-7.
F-33e	Diane	Baumgart	See General Response Safety-6 regarding the difference in safety between alternatives. Mitigation is discussed in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-34a	Del	Hungerford	See General Response Displacement-1 for a clarification on residential and business impacts. ITD will work with landowners one-on-one during the right-of-way and design processes to apply engineering solutions to minimize impacts. Landowners will be compensated according to the Uniform Relocation Act. See the FEIS Appendix 5 for a Summary of the Uniform Relocation Act.
F-35a	Diana	Armstrong	See General Response Alternative. The E-2 Alternative was identified as FHWA's and ITD's Preferred Alternative because it balances the human and natural environmental effects with the public safety. It was not identified as the Preferred Alternative due to political, developer or personal gain. The purpose and need for the project is to improve safety and capacity for all users.
F-35b	Diana	Armstrong	See General Responses Alternative and Safety-6.
F-35c	Diana	Armstrong	The E-2 Alternative will be closer to Paradise Ridge but will not directly affect the Ridge or Palouse remnants. See General Responses Weeds and Wildlife regarding effects including indirect and cumulative effects.
F-35d	Diana	Armstrong	See General Responses Weather-3 and Alternatives.
F-36a	Kevin	Renfrow	See General Responses Alternative and Schedule.
F-37a	Mark	None Given	See General Response Schedule.
F-38a	Lynne	Haagensen	The E-2 Alternative will be closer to Paradise Ridge but will not directly affect the Ridge or Palouse remnants. See General Responses Weeds and Wildlife regarding effects including indirect and cumulative effects. See General Response Alternative.
F-39a	Bill	Gibson	See General Responses Wildlife and Weeds.
F-39b	Bill	Gibson	See General Response Weather-3.
F-39c	Bill	Gibson	See General Response Wildlife.
F-40a	John and Sara	Holup	See General Response Alternative. The E-2 Alternative will be closer to Paradise Ridge but will not directly affect the Ridge or Palouse remnants. See General Responses Weeds and Wildlife regarding effects including indirect and cumulative effects.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-41a	Del	Hungerford	Thank you for the corrections regarding the current renters and homeowners at the Bensons' Mobile Home Park.
F-41b	Del	Hungerford	See General Response Displacement-1 for a clarification of residential and business impacts. ITD will work with landowners one-on-one during the right-of-way and design processes to explore engineering solutions that may minimize impacts. Landowners will be compensated according to the Uniform Relocation Act. See the FEIS Appendix 5 for a Summary of the Uniform Relocation Act.
F-42a	Paradise Ridge Defense Coalition		FHWA NEPA regulations [23 CFR 771.130] require a SEIS be completed if changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS. There were no changes to the alternatives that resulted in greater impacts, no changes to existing conditions, and or new information that would result in significant impacts that were not already evaluated in the EIS; therefore, a SEIS will not be prepared. The USACE, IDFG and EPA were granted an additional week to comment. These three public agencies have had a role as participating agencies in the development of the EIS and specifically requested additional time to complete their review and comment on the FEIS. The additional week was not extended to the public as a whole, to not further delay improvement of this unsafe roadway. See General Response Schedule. See General Response Alternatives regarding why the E-2 Alternative was selected.
F-42b	Paradise Ridge Defense Coalition		ITD has been committed to fairly evaluating the reasonable alternatives as evidenced through the thorough NEPA process. ITD and FHWA conducted extensive public involvement and scoping to identify a range of reasonable alternatives. Screening criteria were identified with public and agency participation. As a result of the screening process, four alternatives were forwarded for detailed analysis in the DEIS and FEIS. After consideration of the human and natural environmental impacts and public comment on the alternatives, ITD and FHWA selected the E-2 Alternative; however no decision was made prior to the ROD. See General

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42b (continued)			Response NEPA and ROD Section 2, Alternatives for additional information regarding the NEPA process, alternatives and considerations in the screening process. See the General Response Alternatives regarding why the E-2 Alternative is the Preferred Alternative.
F-42c	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Agency.
F-42d	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The extensive discussions regarding weather and wildlife were in response to public comments and to clarify how these issues were considered in the Safety Analysis Technical Report.
F-42e	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See FEIS ES.8 and Section 3.8.2 Methodology, Wildlife Studies for an explanation of rationale for hiring the wildlife experts to assess existing conditions, impacts and mitigation. See General Response Agency regarding the difference in ITD and agency opinion regarding the Preferred Alternative. The wildlife experts that evaluated the existing conditions, project impacts and described mitigation concluded that the project area does not contain any critical ungulate habitat or high quality habitat but acknowledges that the E-2 Alternative will impact higher quality habitat compared to the other alternatives. The studies also concluded that the E-2 Alternative will not result in population level impacts to ungulates. Ruediger and Melquist made optional recommendations that could lower potential AVCs. The report by Sawyer (Sawyer 2010) was necessary to clarify findings of Melquist's and Ruediger's reports and to provide an independent evaluation of mitigation requirements. Clearing roadside vegetation, improving sight distance and improving shoulders and clear zones have been demonstrated to lower AVCs. See the FEIS Sections 3.8 and 4.8 and the ROD Section 7.2, Effectiveness of Mitigation. ITD and IDFG met following the FEIS publication and agreed to revise the mitigation measures to clarify the mitigations and the important role of IDFG in the development and approval of the mitigations.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42f	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See comment F-42i and F42-j regarding the public participation process and the public record requests respectively. The USACE, IDFG and EPA were granted an additional week to comment. These three public agencies have had a role as participating agencies in the development of the EIS and specifically requested additional time to complete their review and comment on the FEIS. The additional week was not extended to the public as a whole, to not further delay improvement of this unsafe roadway.
F-42g	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The referenced pamphlet was a public involvement tool intended to help the public understand the public hearing process, the alternatives and to notify them of the hearing but is not part of the DEIS document. The DEIS and FEIS are the decision making tools.
F-42h	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The Safety Analysis Technical Report was intended to present an objective evaluation of the alternatives' safety. All of the alternatives were evaluated equally and all alternatives were presented in tables within the report. Since the Safety Analysis Technical Report was revised to address public comment and there was extensive public interest in the differences between the E-2 and the other alternatives, the Safety Analysis tried to clarify this in the report. See General Response Safety-7 regarding the validity of the Safety Analysis Technical Report.
F-42i	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The public involvement process for this project was very extensive and provided all sectors of the public an opportunity to review and discuss the DEIS, FEIS, technical reports and to speak with technical experts. See FEIS Chapter 10, Public Involvement and Participation. While details in comment letters are appreciated to identify concerns, if there are no specific concerns, then great detail is not necessary. The findings of the safety analysis demonstrate that the E-2 Alternative will provide the greatest safety benefit, will be the straightest and is the shortest. This is accurate and is stated within the technical report, the DEIS and the FEIS.
F-42j	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	FHWA did not intentionally delay the response to the mentioned FOIA request. The FOIA response in question was released with the FEIS so all information was available during the comment period.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42k	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The referenced Destination Survey was mistakenly not provided within the 20-day period but it was not an attempt to deliberately withhold information. ITD D2 received the report request on June 12, 2014. The report was sent to ITD HQ on June 17, 2014 but was not forwarded to PRDC until release of the FEIS. The Destination Survey was prepared in 2004 to evaluate capacity between Highway 8 and US-95 through Moscow and is unrelated to this project, nor was it referenced in the DEIS, FEIS or supporting technical reports. The Destination Report had been made available to the public after it was prepared in 2004 through the ITD D2 website and had since been provided to the City of Moscow and other entities as requested which demonstrates that it was not intentionally misheld. The DEIS, FEIS and technical reports are based on actual traffic counters placed on the highway which is the most effective method for determining ADTs. ADT predictions are based upon established growth rates, which would change proportionally between alternatives and therefore would not have changed the relative findings.
F-42l	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See Responses F-42f and F-42a.
F-42m	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	Ken Helm, as the Project Manager, is responsible for the overall project; therefore, he is interested in being involved and aware of discussions so that he can ensure questions and concerns are effectively addressed. The consultants were not forbidden from talking to the public, but were asked to notify the Project Manager of all public interactions. Technical experts were available at public meetings to answer questions within their areas of expertise.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42n	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The purpose and need for the project is to improve public safety and increase capacity within this section of US-95. An important goal of the FHWA is to provide the highest practical and feasible level of safety for people and property associated with the Nation's highway transportation systems and to reduce highway hazards and the resulting number and severity of accidents on all the Nation's highways. FHWA's NEPA implementing regulations, 23 CFR 77123 CFR 626.2(c) An important goal of the FHWA is to provide the highest practical and feasible level of safety for people and property associated with the Nation's highway transportation systems and to reduce highway hazards and the resulting number and severity of accidents on all the Nation's highways. NEPA requires and FHWA is committed to the examination and avoidance of potential impacts to the social and natural environment when considering approval of proposed transportation projects. In addition to evaluating the potential environmental effects, we must also take into account the transportation needs of the public in reaching a decision that is in the best overall public interest. https://www.environment.fhwa.dot.gov/projdev/index.asp. Transportation planning and project development must reflect the desires of communities, and take into account the impacts on both the natural and human environments. Transportation projects are closely looked at to see how they might impact the community, the natural environment, and our health and welfare. Before any project can move forward to construction, the FHWA must address and comply with laws related to the environment. These laws cover social, economic, and environmental concerns ranging from community cohesion to threatened and endangered species. To get through this detailed process, FHWA and FTA use the National Environmental Policy Act (NEPA) process to evaluate impacts associated with each individual project. See General Response Safety-6 regarding the significance of the differences in safety between alternatives.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42o	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	NEPA states that the purpose and need statement "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action". [40 CFR 1502.13] The FEIS Section 1.5.1 provides supporting information for the purpose and need for the project, which is to improve safety and capacity within the logical termini. The need identifies the existing HALs, substandard elements contributing to crashes or capacity issues and compares it to statewide conditions. See General Responses Safety-6 and Safety-7 regarding the Safety Analysis. See the General Responses for Weather.
F-42p	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The referenced hybrid alternative was considered during the DEIS comment period and a response was provided to Mr. Thomas in the FEIS in response to his comment. (L-23). This hybrid alternative would create a longer route with a large variation in grades. This would be expected to have a higher crash rate compared to the E-2 Alternative. ITD and FHWA worked with the public and agencies during the scoping phase to identify a range of reasonable alternatives. ITD evaluated a range of reasonable alternatives but is not required to evaluate all possible alternatives an infinite number of alternatives are possible. See the ROD Section 2, Alternatives.
F-42q	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	ITD evaluated a full range of reasonable alternatives but is not required to evaluate all possible alternatives. An alternative bypassing Moscow was considered in response to comments in the FEIS; however, it would not meet the purpose and need of this project because it extends outside the project's logical termini and the milepost limits stated in the Purpose and Need. As stated in the FEIS Section 4.2, ITD and FHWA will coordinate with the City of Moscow and Latah County to ensure the E-2 Alternative is compatible with and would not preclude the Ring Road project or a Moscow Bypass if pursued.
F-42r	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Safety-4.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42s	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The alternatives that you mentioned were considered and explanations of the rationale for not further evaluating them were provided in the FEIS and restated in the ROD. The alternatives were not forwarded for further evaluation because they were either not within the project's logical termini, did not meet the project purpose and need or did not offer more benefit than the other alternatives evaluated. See the ROD Section 2, Alternatives. See General Responses Alternative and NEPA.
F-42t	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The application of smaller improvement such as rumble strips, guardrail or other design elements would not have been a comprehensive solution to the identified safety concerns; however, if during the design process they were demonstrated to provide a safety benefit, they would have been incorporated regardless of the the alternative. See General Response Safety-4 regarding consideration of the suggested safety features and the method of determining speed limits. The C-3 Alternative meets AASHTO Standards and was evaluated in the Safety Analysis. It was found to have less safety benefit compared to the E-2 Alternative. The 65 mph speed limit speed limit was based on guidance from the Manual on Uniform Traffic Control Devices (MUTCD), which is used by all 50 State Departments of Transportation (DOTs) and the ITD Traffic Manual. The MUTCD states that speed zones should be posted within five mph of the speed at or below which 85 percent of the vehicles travel, which for this road section is 64 mph. If speed limits are arbitrarily posted low, people will disregard them resulting in vehicles travelling at different speeds and resulting in more crashes.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42u	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	FHWA and ITD established a 65 mph speed limit as the maximum speed limit based on the MUTCD and ITD Traffic Manual. Speed limits lower than the statutory maximum may be posted where statutory limits do not fit specific road or traffic conditions, such as on a curve. However, people may disregard this signage, which may result in traffic travelling at variable speeds, and may result in more crashes. An engineering study is required for setting the limit for altered speed zones and will consider factors such as operating speeds of free-flowing traffic, crash experience, roadside development, and roadway geometry. The roadway improvements such as widening the roadway and eliminating steep grades and sharp curves to meet AASHTO standards will improve the safety over existing conditions and will eliminate the need to post lower speed limits in the corridor. ITD will implement some of the suggested safety features and signage during final design when design details are evaluated and after careful consideration. Existing Reisenauer Hill is an identified HAL, primarily due to grade and alignment, which is one reason we are reconstructing US-95 between Thorncreek Road and Moscow. The winter warning signage on Reisenauer Hill was a temporary measure but was not intended to be a long-term safety solution. The Manual on Uniform Traffic Control Devices (MUTCD), recommends keeping sign usage to a minimum as drivers often disregard overused signage. This temporary signage was consistent with this recommendation. See General Response Safety-4. There is currently a statewide evaluation of sign reflectivity. Signage will be designed to meet MUTCD requirements.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42v	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Safety-6 and Alternatives regarding the significance of the differences between alternatives and why the E-2 Alternative was selected. Confidence intervals or estimates of variance are not typically calculated with safety predictions made from the AASHTO Highway Safety Manual to analyze different proposed alignments, but in some instances it is possible to calculate confidence intervals. In the prediction of crashes on US-95 from Thorncreek Road to Moscow, a confidence interval cannot be calculated because some of the crash modification factors do not have a standard error published with them. All of the crash modification factors used are widely accepted by committees who wrote the AASHTO Highway Safety Manual and generally have low standard error associated with them. The Safety Analysis Technical Report recognizes that there will be impacts from AVCs. Due to the low severity of AVCs, the fact that the HSM predicts AVCs in the base formulas and that the countermeasures (such as wider roads, shoulders, and vegetation clearing) are expected to reduce crash numbers further, it was determined that additional crash factors for wildlife were not warranted. See General Responses Safety-2, and Safety-7. See ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation. Crash projections also account for weather in the base model. Impacts were considered in the Revised Weather Analysis and in FEIS Sections 3.10 and 4.10. All three proposed action alternatives use the same crash modification factors for each highway type. The facts used in the crash estimates are easily quantified for each of the proposed alternatives. All result in greater safety benefit for the E-2 Alternative. If you change any of the assumptions, the crash predictions on all three alignments increase or decrease similarly.
F-42w	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	Wildlife experts conducted technical reports to identify wildlife, habitat and ungulate movement through the area to assess the potential effects of the alternatives. Wildlife habitat and ungulate movement were extensively evaluated as described in the FEIS Section 3.8.2 Methodology. The existing habitat, deer, elk and moose occurrence and movement are described in the FEIS Section 3.8.3. The technical reports are listed below:

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42w (continued)			• *General Wildlife Assessment (IDFG 2006)* • *Biological Evaluation on the Potential Impacts of Corridor Alternatives from Thorncreek Road to Moscow on Large Ungulates (Melquist 2005a)* • *Biological Evaluation on the Long-eared myotis and Pygmy nuthatch (Melquist 2005b)* • *Final Review of Wildlife Mitigation for the Thorncreek Road to Moscow Highway Development Project (Ruediger 2007)* • *Assessment of Potential Big Game Effects and Mitigation Associated with Highway Alternatives from Thorncreek Road to Moscow (Sawyer 2010).* The existing conditions, available habitat, observed ungulates and ungulate movement are described in the FEIS Section 3.8.3. The detailed reports were based on field visits, interviews with landowners and IDFG, reviews of data and observations of habitat. ITD and IDFG also prepared a Statewide Wildlife Linkage Area Report and Database to identify wildlife movement areas, prioritize them and suggested mitigation measures. The process followed a Rapid Assessment format that has been utilized throughout Idaho and Western Montana. Melquist, Ruediger, IDFG, and ITD used this database and method to prioritize wildlife linkage areas statewide. IDFG identified four locations as ungulate crossing areas in Latah County through this Fish and Wildlife Linkage Area Project (Geodata 2008). US-95 Thorncreek to Moscow between MP 340 and 343.3 was identified as a low priority linkage area. The frequency of wild animal crashes in the project area is much less than many other sections of US-95 and many other highways in Idaho (Ruediger and DiGiorgio 2007). Specific wildlife monitoring data for ungulates in the project corridors was not collected; however, these studies and the project wildlife studies demonstrate that the E-2 Alternative passes through marginal and moderate quality habitat and an identified wildlife linkage corridor. This information was considered in the Safety Analysis Technical Report, in the DEIS and FEIS and is considered in this ROD. The severity of wildlife crashes is observed to be low compared to other crash types. Crash countermeasures include improved sight distance from roadside

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42w (continued)			clearing, typical sections, less horizontal and vertical curvature and wildlife mitigation measures. See General Response Safety-2, Wildlife Technical Reports. See ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation for details regarding monitoring AVCs, wildlife crossings, and demonstrating the effectiveness of Mitigation.
F-42x	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The formulas in the Safety Analysis Technical Report account for increased speed and the increased road width on the new highway. The divided highway will also reduce head-on crashes and the severity of accidents. Crash countermeasures include improved sight distance from road side clearing, typical sections, less horizontal and vertical curvature, and wildlife mitigation measures. As noted in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation, AVCs will be monitored near Paradise Ridge. See Safety-2.
F-42y	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Safety-2 and the Wildlife Technical Reports. Melquist, Ruediger and Sawyer all evaluated the big game uses of the project area, their general migration through the area and the use of water sources and forage as described in the FEIS Section 3.8 and in the Wildlife Technical Reports. In addition, ITD used data from the ITD and IDFG Wildlife Linkage Report, which applied a Rapid Assessment Method to identify and prioritize wildlife movement areas statewide. The results were consistent with the findings of the Wildlife Technical Reports and identified 1.98 miles of the Wildlife Linkage Area that crossed the E-2 alignment. This linkage area was identified as a low priority corridor when ranked statewide. This was considered in the Safety Analysis, the DEIS, FEIS and this ROD. See General Response Safety-2. Due to the low severity of AVCs, the fact that the HSM predicts AVCs in the base formulas, and that the counter measures would reduce crash numbers further, it was determined that additional crash factors for wildlife were not warranted. See General Responses Safety-2 and Safety-7. See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42z	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The Safety Analysis already considers wildlife collisions, improved sight distance and clear zone requirements. Nighttime visibility is also considered in the base assumptions of the Safety Analysis. See General Response Safety-2. The crash predictions take into account weather as a part of the base model assumptions. The Weather Technical Report indicates that the predicted crashes should be taken at face value and no modification factors should be added to any of the alignments as a result of weather. See General Response Weather-8. See General Response Weather-5 regarding fog.
F-42aa	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The effectiveness of roadside clearing has been demonstrated along US-20 and in the referenced railway study. The railroad study labels roadside clearing as a promising method where more information is needed. See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation for additional detail regarding the effectiveness of roadside clearing for reducing crashes. The US-20 project's original study calculating the effectiveness of vegetation clearing was reevaluated using five years of data. The measure reduced crashes by 60 percent. In addition, the engineering principles of greater sight distance to allow for maneuvering and stopping, as well as the elimination of fixed objects such as trees, along the roadway to reduce crashes, is supported in the AASHTO manual (AASHTO 2012). See General Response Safety-2.
F-42ab	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The effectiveness of clearing vegetation along Highway 20 was reevaluated with five years of data. The measure has reduced crashes by 60 percent, which, while less than the previously calculated reduction based on 2.5 years of data that was presented in the FEIS, is still a substantial reduction.
F-42ac	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	Roadside clearing is effective due to increased sight distance along the roadway; therefore, whether the alignment has adjacent "stringers" or forest would not change the findings. ITD will work with IDFG to construct fencing to funnel wildlife into crossing structures and will consider the surrounding habitat including the "stringers".

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42ad	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Responses Weather-8 and Safety-7 regarding the validity of the Safety Analysis. See General Responses Weather-5, Weather-3, Weather-4 and Weather-6 regarding fog, ice, snow and wind gusts respectively.
F-42ae	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See FEIS Section 4.10 under Weather Conditions, General Response Safety-7, Weather-7, and Weather-8.
F-42af	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The location of the Plant Science Center is indicated on maps in the Weather Analysis Technical Report. The difference in distance will not affect the accuracy of the data because the assumptions regarding elevation and environmental conditions remain unchanged. The methodology and principles used to collect data and analyze the weather conditions are standard and recognized methods as stated in General Responses Weather-2, Weather-7, and Weather-8.
F-42ag	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	Extrapolating from data on the general weather patterns of the larger area is appropriate. Using the relative conditions among the three on-site weather stations and calibration with the long-term UI climate records is an accepted method for correlating the data and the weather information. This is because the relative weather conditions at the three stations behaved in accordance with established principles of physics and thermodynamics, and comparisons with similar locations and /or elevation trends published in scientific literature (Qualls 2014). While ITD and FHWA acknowledge the importance of micro-climates and local weather knowledge, and that small variations in elevation and landscape can affect weather and road conditions, the spatial distribution of weather-related accidents on existing US-95 from Thorncreek Road to Moscow is predominantly associated with the spatial distribution of road characteristics such as tight radii curves located down slope on hills, and ingress/egress associated with road junctions and driveways, rather than due to spatial distribution of weather. Since all proposed alignments are designed to current AASHTO standards, all will result in a great improvement over existing conditions and will be safe. The road characteristics, rather than the spatial distribution of weather dominate the distribution of

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42ag (continued)			accidents, therefore, the Safety Analysis (ITD 2013) for each of the proposed alternatives, reflects the relative safety between alternatives. The distinction between alternatives considered road alignment characteristics such as length, slopes, and curvature, which are already considered in the Safety Analysis (ITD 2015b). See General Responses Weather-3, Weather-7 and Weather-8. It is common practice in scientific field studies to conduct short-term data collection, on the order of a few months, to determine spatial variability of weather characteristics (for example, the First International Satellite Land Surface Climatology Project (ISLSCP) Field Experiment (FIFE), (Hall and Sellers 1995) from which more than 1000 scientific publications were produced. See General Responses Weather-1 and Weather-2.
F-42ah	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The Weather Technical Report's (Qualls, 2014) analysis included evaluating air mass lifting and topographic effects. The report found that weather-related accidents are predominantly associated with the road characteristics rather than spatial distribution of weather. The improved curvature, grade and wider road will improve safety. See General Responses Weather-4 and Weather-3, and Weather-7.
F-42ai	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Responses Weather-5 and Weather-6.
F-42aj	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Weather-1.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42ak	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Access. All of the action alternatives including the E-2 Alternative would have Expressway Access Control. An expressway is a highway designated for use as a through highway and is accessible only at locations specified by the Idaho Transportation Department, and characterized by medians, limited at-grade intersections, and high speeds. Permits, approved by ITD, are required for access to be granted on Expressway Access Controlled highways to preserve the expressway as constructed. During project development, Expressway Access Control will require payment to be made to adjacent property owners for the restriction of their existing access rights that will be recorded on property deeds. This will occur thru the right-of-way process during project design. Access will only be allowed in locations specified and permitted by ITD. After construction, all applications for new access permits are required to be reviewed and evaluated by ITD for access control requirements, deed restrictions (which there will be for any new access requests), safety and capacity requirements, design and location standards, environmental impacts, location conflicts, and long-range planning goals. Expressway Access Control is expected to reduce development pressures along the new highway and preserve the safety benefit of the alternatives regardless of which one is constructed. The development pressures along all of the action alternatives was predicted to be low and if there was additional access granted, it would be very few and could happen regardless of the action alternative. While it may be possible for additional accesses to be granted in the future, it is not reasonably foreseeable at this point.
F-42al	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Responses Maintenance-1, Maintenance-2 and Safety-5.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42am	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Safety-3.
F-42an	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Responses Safety-4 and Safety-6.
F-42ao	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Responses Safety-6, Safety-7 and Alternative.
F-42ap	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The E-2 Alternative will not go over Paradise Ridge but will be located along its base. See General Response Wildlife.
F-42aq	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The FEIS states that the E-2 Alternative will affect the highest quality wildlife habitat compared to the other alternatives. See ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation. See General Response Alternative.
F-42aq	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Agency. The E-2 Alternative will not go over Paradise Ridge or directly impact it. The E-2 Alternative will be located along the base of Paradise Ridge. See General Responses Wildlife and Weeds.
F-42ar	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See FEIS Section 3.8.3 and the Wildlife Technical Reports regarding the fieldwork completed, which included discussions of general migration patterns through the project area, occurrences and habitat. FEIS Section 3.8.2 Methodology under Wildlife Studies also explains how the studies address general wildlife impacts in the project area. See Response F-42w.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42as	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See FEIS Section 3.8.2 regarding how the information in the reports were considered. The Sawyer report evaluated and summarized ungulate habitat in the corridors and the relative impacts by alternative. The Sawyer report found that the Melquist and Ruediger reports were consistent regarding general habitat quality and the relative alternatives' effects to habitat. Melquist and Ruediger both concluded there would be no population level impacts and therefore mitigation was not warranted; however, they made optional mitigation recommendations. Since there were differing mitigation recommendations between the three reports on wildlife, Sawyer was commissioned to provide an independent assessment of mitigation. The statement of low ungulate populations that you referenced is a relative assessment that considers the higher density populations statewide.
F-42at	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See Response F-42w. There were several wildlife reports prepared during the DEIS development and experts completed multiple field reviews as stated in the methodology sections in the technical reports. The technical reports support the FEIS conclusions that the E-2 Alternative would pass through higher quality habitat compared to the other alternatives. Additional field studies would have been unlikely to demonstrate that the relative impacts of the alternatives were different. The studies also describe the habitat and wildlife movement within the project area and connections to other nearby habitats which is disclosed in the respective reports within the Wildlife Technical Report and summarized in the DEIS and FEIS under "Ungulate Movement" The FEIS as well as the Sawyer report acknowledges big game likely travel along the wooded draws that extend west from Paradise Ridge, the draws do not extend beyond the current alignment and do no connect Paradise Ridge with other patches of high quality habitat. See General Response Safety-2 and Wildlife. See Section 2.5 regarding the commissioning of multiple wildlife experts. ITD will monitor AVCs near Paradise Ridge in the identified ungulate crossing area as described in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation. This will determine if there are AVCs that will need to be addressed.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42au	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	Ponds are discussed in the Wildlife Technical Report. The duration of the ponding is not stated in the reports; however, wildlife movement is already considered in the alternatives' effects. The FEIS acknowledges that the E-2 alternative will impact moderate to marginal ungulate habitat and will have greater impacts than the other alternatives. See General Response Safety-2. ITD will work closely with IDFG during final design to locate water sources to the east side of the E-2 Alternative.
F-42av	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The uniqueness, fragility and importance of the Palouse Prairie were not omitted from the DEIS analysis. The DEIS (DEIS pg. 95-96) describes the Palouse Prairie and Palouse Grasslands as one of the most endangered ecosystems in North America (Noss et. Al 1995) and describes the Palouse Bioregion, Palouse remnants and rare plants, as well as species that occur in those ecosystems. Multiple project specific reports were prepared to evaluate the existing native vegetation and the weeds and to analyze the alternatives' effects to the resources. In addition, other studies of the Palouse ecosystems were cited including but not limited to Noss et al. 1995; Lichthardt 2005, Lichthardt and Moseley 1997. See FEIS Sections 3.8 and 4.8 for details. There is a potential for weeds to establish within the project limits and to disperse which could degrade Palouse Prairie ecosystems within approximately 0.6 miles of the highway. ITD will continue to implement the established District Roadside Vegetation Management Program as outlined in the ITD Operations Manual. This is an established ongoing program for roadside vegetation management that applies to all ITD right-of-ways. ITD will work with USFWS, IDFG, NRCS, and Latah County Conservation District to develop a Project-Specific Vegetation Management Plan that will help control weeds within the highway right-of-way in the project limits. This Project Specific Vegetation Management Plan will describe the areas of soil disturbance and weed risk, define the erosion control planting areas and timing, describe construction of farmable slopes, target weed species for control, and outline the specific methods for weed control. It will propose the type and frequency of herbicide applications with consideration of the herbicide impacts to the native species and habitats.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42av (continued)			In addition, during the right-of-way process, ITD will work with willing landowners, to fund measures to prevent weed establishment and infestation in proximity to the Palouse remnants that are within 0.6 miles of the proposed highway right-of-way. The controls for this funding will be developed with each landowner during the right-of-way negotiation process. See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.
F-42aw	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The definition of a Palouse grassland remnant in the vegetation report stated that they must be greater than one-tenth acre in size and have less than 50 percent cover of weeds. The criteria were created prior to the fieldwork and mapping by Lichthardt. Since there was no precedent, a size was chosen which was considered so small that most people would accept it as reasonable. The standard selected was reasonable and explicit criteria were necessary prior to fieldwork in order to be useful for evaluating highway alignments. The size criterion is not believed to underestimate the amount of prairie on Paradise Ridge. In Palouse grassland studies subsequent to this study, Janice Hill (Hill et al. 2012) chose to use a minimum 0.01 ac (435 ft^2) criterion and called those remnants between 0.01 and 0.1 ac "small grassland remnants"–still subjective, but more liberal. Hill's surveys overlapped this study on Paradise Ridge, and yet she only mapped four such "small grassland remnants" totaling 0.12 ac (476 m^2; 5220 ft^2). Further evidence that the Lichthardt estimate of the amount of prairie on Paradise Ridge was not overly conservative is the fact that the entire 30-ac South End Paradise Ridge (SEPR) conservation site was considered to be a prairie remnant. Idaho Natural Heritage Program (INHP) botanists previously surveyed this site before designating it as a Conservation Site and drawing the boundaries shown in the Lichthardt report. Rather than remapping this site, Lichthardt simply surveyed it for rare plants, and then used aerial imagery at 1:8400 to identify additional potential remnants in the project area that had not yet been identified. The 50 percent native cover requirement, allowed Lichthardt to be explicit about what was considered a remnant. Calling a plant community a "grassland remnant" insinuates it bears some resemblance to the original, pre-European condition. The

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42aw (continued)			further it diverges from that condition due to weed invasion and expansion of exotics, the less it resembles that community and the less it functions like that community. A 50 percent tolerance for weed cover marks the point where the community can no longer be considered predominantly native. To reach 50 percent cover, the exotic component must have displaced a portion of the native component, and it is likely to have altered not just the amount of native cover, but also the balance of species, because species vary in their resilience to disturbance and competition. A common situation is an area of unplowed ground that is 50 percent annual (exotic) grasses and 45 percent arrow leaf balsamroot and lupine (native plants that do well under stress) and maybe only two to five percent native perennial bunchgrass. If that is presented to the public at large as worthy of protection and financial input it will undermine efforts to protect rare areas of predominantly native, often richly diverse vegetation that resemble closely the original condition of the Palouse.
F-42ax	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	There is no published or officially recognized boundary for Paradise Ridge except for the 30-ac South End Paradise Ridge (SEPR) conservation site identified as a Palouse remnant and the forested ridge shown on topographic maps, which depicts the steeper forested elevations of the feature. Drawing a boundary and explaining how it was developed was needed to clarify the projects' relation to this topographic feature and the comments from the public, as the public's description of Paradise Ridge was variable. A topographic elevation was used that seemed to define the general descriptions of the area by local residents that include native habitats, forested areas and native Palouse remnants. The elevation captures this habitat and excludes the primarily plowed fields and the developed land surrounding the native habitats. By providing maps and defining how and why the boundary was set, and acknowledging that it was defined solely for the purpose of the DEIS and FEIS discussion, ITD and FHWA allow the reader to understand the impacts based on their own perception of Paradise Ridge. Selecting a different boundary to define Paradise Ridge would not result in changed effects to resources.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42ay	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The FEIS acknowledges that weeds could spread up to 0.6 miles from the roadway. See General Response Weeds. See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.
F-42az	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Responses Wildlife and Weeds. Revised mitigation is presented in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.
F-42ba	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The conceptual level of detail provided is appropriate for the comparative analysis during the NEPA process. Additional detail regarding impacts will be determined during final design when specific cuts and fills for the selected alternative are known; however, ITD and FHWA are not permitted to proceed to a final design stage at this time. FHWA NEPA implementing regulations require that the alternatives evaluated in the EIS be developed to a comparable level of detail so that their comparative merits may be evaluated equally (40 CFR 1502.14(b) and (d)). Determining specific cuts and fills, performing geotechnical investigations and surveying the four corridors to develop a final design level of detail for the four alternatives evaluated in the FEIS would be an exorbitantly high level of effort and would not be expected to provide relevant information for comparing effects between alternatives over what is already provided through the concept level of detail. The FEIS presents the numbers and linear feet of impact at tributary crossings, rates wetlands to reflect their relative functions and values and provides narratives of their vegetative structure, functions and quality. The FEIS acknowledges that E-2 will adversely affect higher functioning wetlands and head water tributaries compared to the other alternatives as described in FEIS Section 4.6.2 Wetland Effects and a higher level of design detail could help to explore minimization measures but would not be expected to change the wetlands that are affected. See the FEIS Section 3.6 regarding wetland and tributary functions and values. The potential effects that are described in the FEIS include but are not limited to effects from increased stormwater, pollutants, and vegetation removal. Wetland effects are discussed in FEIS Section 4.6.1 Tributary Effects and tributary effects are discussed in FEIS Section 4.6.2 Wetland Effects.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42bb	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	All of the action alternatives would affect 303(d) listed waters as discussed in FEIS Section 4.6.1 Tributary Effects. Stormwater Pollution Prevention Plans (SWPPP) and a Spill Plans require detailed elevations, geotechnical data and a final design to accurately consider surface flows to a level where placement of BMPs can be determined. Therefore, a SWPPP and Spill Plan will not be completed until final design.
F-42bc	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See FEIS Section 4.6 under Executive Order 11990 for a discussion of the mitigation sequencing that was applied before compensatory mitigation was considered. The discussion of the Cow Creek Mitigation site and mitigation banking is presented to demonstrate the effectiveness of wetland mitigation in response to DEIS public comment. The proposed mitigation will replace the affected wetland functions and values and is consistent with the Mitigation Rule, which encourages use of mitigation banks.
F-42bd	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The E-2 Alternative will impact Palustrine Scrub Shrub (PSS) wetlands. While PSS wetlands support mature shrubs, they are not proven to be old growth. The wetland assessment; however, acknowledges that PSS wetland are higher functioning than the PEM wetlands. The effects to PSS wetlands and the proposed mitigation are discussed in FEIS Section 4.6 and in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation. During final design ITD will evaluate engineering solutions to further minimize harm to wetlands. If during design it is determined that additional mitigation is required, using mitigation banking, which is consistent with the Mitigation Rule will be used. Wetland Ecologists from private environmental firms and the US Army Corps of Engineers have monitored the Cow Creek Mitigation Site.
F-42be	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The USACE will make their decision regarding the Least Environmentally Damaging Practicable Alternative (LEDPA) during the project permitting process and after the Section 404(b)(1) Analysis has been completed.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42bf	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See FEIS Section 4.6 under Executive Order 11990.
F-42bg	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Water.
F-42bh	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	Components of ITD's District Roadside Vegetation Management Program can be accessed at https://itd.idaho.gov/highways/ops/maintenance/Roadside/Roadside_Management.htm. Details of stormwater collection and treatment will be determined during final design and will consider impacts from salt runoff at the Benson Mobile Home Park.
F-42bi	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The Community Impact Assessment (HDR 2006 and HDR 2011) and the Environmental Justice Report (HDR 2006 and 2011) evaluated the demographic characteristics of Latah County as a whole as well as the project corridor. Demographic data including age, race and Hispanic origin, employment, and income were analyzed. The data was further enhanced by using estimates from Claritas. Only the census blocks located in the corridor area were used to accurately reflect the resident population. Due to confidentiality, the census doesn't release sample-based income information by block. Rental housing information was considered as another possible indicator of income. Since the DEIS Public Hearing, ITD conducted a series of meetings with the owners and residents of the Hidden Village Mobile Home Court. These meetings were held in a smaller group and helped to obtain input from the residents and owners and to provide information regarding the potential impacts in the area. The Community Impact Assessment and Environmental Justice Reports were updated to include changes since 2006 as stated in the FEIS Section 3.1. Additional income data was obtained through correspondence with staff from the Idaho Housing and Community Action Partnership of Idaho. These efforts represent a good faith effort to identify low-income populations and are consistent

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42bi (continued)			with the FHWA recommended procedures for identifying Environmental Justice populations. See General Responses Displacement-1 and Access. Also see the Community Impact Report, Environmental Justice Report.
F-42bj	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The impacts of the mitigation measures are included with the alternatives' impact calculations. The roadside vegetation clearing will be within the highway right-of-way and is already considered. The majority of the E-2 Alternative passes through farmland where ITD will work with farmers to construct farmable slopes within the highway right-of-way. A competitive vegetation strip will minimize weed establishment and spread along the roadway and help minimize the use of herbicides. ITD maintains an approved list for roadside weed control to maximize effectiveness and to reduce adverse impacts to wildlife. ITD will follow labeled instruction and will work closely with IDFG to minimize impacts to wildlife due to herbicide application. See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation. See General Response Weeds. Fencing already occurs in residential areas and farms in the project area. New fencing along the highway will be minimal and only used to route wildlife into specific crossing areas. IDFG will approve any wildlife fencing. Specific wildlife crossing and wildlife fencing locations will be determined during final design. Fragmentation and other potential indirect and cumulative effects are discussed in the FEIS Chapter 6.
F-42bk	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The DEIS and FEIS evaluated the alternatives' existing conditions and impacts through extensive study and analyses, the methodologies of which are explained in the respective technical reports and summarized in Chapter 3 of the FEIS. The studies have enabled FHWA and ITD to comparatively analyze the significant impacts and to propose suitable mitigation, recognizing that some mitigation cannot be detailed at this level of design. See Response F-46a. Mitigation measures were modified to clarify IDFG roles in the design and approval of mitigation to help ensure mitigation is effective. See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-42bl	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	The statement in the FEIS that alternatives would maintain access to Paradise Ridge should have stated that ITD will not affect the access to Paradise Ridge and has no control over other developments. Evaluating engineering solutions to minimize impacts to PSS wetlands may involve steepening fill slopes, installing oversized culverts, or using soldier pile walls; however, this will be determined after design details, topographic data and geotechnical information is available.
F-42bm	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See Response F-42k. The development of Spill Plans, Stormwater Pollution Prevention Plans, Traffic Management Plans, Phase II Hazardous Materials Studies, Weed Control Plans and seed mixes are typically completed during final design because they require a greater level of design detail, which requires geotechnical investigation and survey detail. See Response F-42ba. ITD's revegetation of the Lewiston Grade has been monitored and reseeded as necessary to meet erosion control and ground coverage goals. The Thorncreek to Moscow project will be seeded or vegetated and will be maintained to ensure that the success criteria for the plantings are met. The language related to mitigation has been strengthened and clarified. One important change is that IDFG will work closely with ITD during the design process and ITD will defer to IDFG regarding the design and effective implementation of the mitigation. All of the alternatives, including the E-2 Alternative would avoid direct impacts to Palouse remnants. The mitigation for the wetlands including the PSS wetlands will replace the impacted wetland functions and values through the Cow Creek Mitigation Site and will also incorporate any additional mitigation if determined necessary during final design.
F-42bn	Paradise Ridge Defense Coalition	Paradise Ridge Defense Coalition	See General Response Alternative.
F-43a	Stephan	Flint	The purpose and need identifies deficiencies between MP 337.67 and 344.00. The US District Court of Idaho's decision on the Environmental Assessment (EA) for the US-95 Lewiston Hill to Moscow project required an EIS be completed for the section of proposed highway realignment. See the ROD Section 1.3, Logical

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FEIS Letter-Comment #	First Name	Last Name	Response
F-43a (continued)			Termini for more detail. ITD will work closely with the City of Moscow and Latah County during the design process and will not preclude the construction of future planned bypasses. See General Response NEPA for an overview of the NEPA process.
F-43b	Stephan	Flint	See Responses F-42q and F-43a.
F-43c	Stephan	Flint	See General Response NEPA and Alternatives. See Response F-42q.
F-43d	Stephan	Flint	See Response F-42q.
F-44a	Bev Citizens for a Safe 95	Anderson	See General Responses Alternative and Displacement-1. See Response F-42bk.
F-44b	Bev Citizens for a Safe 95	Anderson	See General Response Schedule.
F-45a	Willie R. US Dept. of the Interior-USFWS	Taylor	ITD is committed to funding and implementing a Weed Management Plan to control weeds within 0.6 miles of the roadway where the weed dispersal area overlaps Palouse remnants and Palouse prairie restoration sites. These funds will be provided to the landowners during the right-of-way process to help landowners control the weeds on their property and help minimize the spread of weeds off of their property. The mitigation measures have been clarified in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.
F-45b	Willie R. US Dept. of the Interior-USFWS	Taylor	In addition to ITD's District Vegetation Management Program, ITD will implement its Project Specific Vegetation Management Plan that will be developed with IDFG, USFWS, NRCS, and Conservation Districts and applicable, landowners within the project area. This will include providing funds to landowners for weed control near Palouse remnants within 0.6 miles of the roadway in the project limits, constructing farmable slopes to minimize weed establishment and spread, and revegetating slopes and fills with native grasses and forbs to minimize weed establishment and spread along the roadway. Species will be determined in consultation with IDFG, USFWS and NRCS to help ensure compatibility and successful establishment.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-46a	Sharon Idaho Department of Fish and Game	Kiefer	See the FEIS Section 3.8.2 regarding the methodology for the Wildlife Technical Reports. See the FEIS responses to the IDFG comments on the DEIS. Several technical reports were conducted by experts to identify wildlife, habitat and ungulate movement through the area and to assess the potential effects of the alternatives. Wildlife habitat and ungulate movement were extensively evaluated as described in the FEIS Section 3.8.2 Methodology. The existing habitat, deer, elk and moose occurrence and movement are described in 3.8.3. The technical reports are listed below: • *General Wildlife Assessment (IDFG 2006)* • *Biological Evaluation on the Potential Impacts of Corridor Alternatives from Thorncreek Road to Moscow on Large Ungulates (Melquist 2005a)* • *Biological Evaluation on the Long-eared myotis and Pygmy nuthatch (Melquist 2005b)* • *Final Review of Wildlife Mitigation for the Thorncreek Road to Moscow Highway Development Project (Ruediger 2007)* Summaries of existing conditions, available habitat, observed ungulates and ungulate movement are described in the FEIS Section 3.8.3. The detailed reports were based on field visits, interviews with landowners and IDFG, reviews of existing data and observations of habitat. Through their Fish and Wildlife Linkage Area Project (Geodata 2008) IDFG identified four locations as ungulate crossing areas in Latah County. US-95 Thorncreek to Moscow between MP 340 and 343.3 was identified as a low priority linkage area. As explained in the FEIS Section 3.8 the frequency of wild animal crashes in the project area is much less than many other sections of US-95 and many other highways in Idaho (Ruediger and DiGiorgio 2007). While specific wildlife monitoring data for ungulates in the project corridors was not available; the best available data and information was used, local wildlife experts were consulted and field reviews and review of maps and GIS data concluded that the E-2 Alternative passes through marginal and moderate quality habitat and the identified wildlife linkage corridor. This information was considered in the Safety Analysis Technical Report but the base model already

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FEIS Letter-Comment #	First Name	Last Name	Response
F-46a (continued)			considers wildlife crashes in its assumptions. The severity of wildlife crashes is observed to be low compared to other crash types. Crash countermeasures such as improved sight distance from roadside clearing, typical sections, straightened roads and wildlife mitigation measures are expected to reduce AVCs to meet the base model assumption. See General Response Safety-2 and the Wildlife Technical Reports. See ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation for details regarding monitoring AVCs, wildlife crossings, and demonstrating the effectiveness of Mitigation. See the FEIS Comment Responses to the IDFG letter for additional responses. ITD and FHWA appreciate the opportunity to meet on October 13, 2015 to discuss your comments on the FEIS. During our meeting we discussed additional studies on noise effects to birds, collecting additional ungulate migration data and providing additional information regarding wildlife species that could occur in the area. We also discussed whether there would be value in IDFG assisting ITD to specify what the representative species in the IDFG General Wildlife Assessment were surrogates for. During the meeting IDFG and ITD agreed that while adding more technical data could address IDFG's comments, it was unnecessary because it would not result in different impacts or conclusions. Instead, IDFG's asserted that their primary concern was to clarify that the IDFG would have a firm role in the development of the mitigation during the E-2 design and construction. It was also determined that size and location of crossing structures at this time would not be accurate and that it will be determined by IDFG during the design process. See the ROD, Section 7 Mitigation-Avoidance, Minimization and Compensatory Mitigation. *Assessment of Potential Big Game Effects and Mitigation Associated with Highway Alternatives from Thorncreek Road to Moscow (Sawyer 2010).*
F-46b	Sharon Idaho Department of Fish and Game	Kiefer	See the FEIS IDFG response letter under IDFG Wildlife Report, Species Selectivity. See FEIS 3.8 and 4.8. The pygmy nuthatch, long-eared myotis and northern alligator lizard were Species of Greatest Conservation Need (SGCN) for which effects differed between alternatives. Presenting detailed information regarding species that would be affected similarly between alternatives would not have resulted in different effects or conclusions.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-46c	Sharon Idaho Department of Fish and Game	Kiefer	The General Wildlife Assessment prepared by IDFG in states that for representative species, including the northern alligator lizard, project effects were based on occurrence of the species in the project area. If no suitable habitat were present for the species then the alternatives were be assumed to not impact the species. If suitable habitat for the species was present, regardless of whether there were known or recorded occurrences, the project was assumed to affect the species/ therefore the northern alligator lizard was assumed present. This was stated in the FEIS Section 4.8.2 and the IDFG General Wildlife Assessment Technical Report.
F-46d	Sharon Idaho Department of Fish and Game	Kiefer	See FEIS IDFG comment response under IDFG Wildlife Report and footnote comment #2. The pygmy nuthatch, northern alligator lizard, and long-eared myotis were SGCN that were impacted differently between alternatives. IDFG followed a systematic approach narrowing 229 SGCN to 32, which are presented in the FEIS 3.8 and 4.8. The SGCN are identified as species at risk, which demonstrates the importance of evaluating them. Other species were determined to be present in the alternative corridors but are all affected and therefore, were not discussed in great detail; however, the species evaluated and the effects are discussed in FEIS Table 50 Representative Wildlife Species Effects. Due to the methodology and assumption the amount of right of way demonstrates the relative impacts of the alternatives. Ungulates, federal threatened and endangered species, candidate species, aquatic species, grassland nesting birds, bumblebees, Giant Palouse earthworm, and other species were also discussed in the FEIS Sections 3.8 and 4.8. During the 10-13-15 IDFG and ITD meeting we further discussed the IDFG comment regarding specifying the surrogate species represented in IDFG report, effects on the represented species, differences in effects and mitigation between surrogates for the effects analysis and mitigation proposals and what the representative species in the IDFG General Wildlife Assessment were surrogates for. During the meeting IDFG and ITD agreed that while adding more technical data could address IDFG's comments, it was unnecessary because it would not result in different impacts or conclusions. Instead, IDFG's asserted that their primary concern was to clarify that the IDFG would have a firm role in the development of the mitigation during the E-2 design and construction.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-46e	Sharon Idaho Department of Fish and Game	Kiefer	Based on our meeting on 10-13-15 the commitments in the ROD were strengthened to clarify that ITD will gain IDFG approval of the mitigation during the design process when topographic, geotechnical, and design detail is available to produce an accurate design.
F-46f	Sharon Idaho Department of Fish and Game	Kiefer	E-2 will not go over Paradise Ridge. See General Responses Wildlife and Weeds.
F-46g	Sharon Idaho Department of Fish and Game	Kiefer	ITD and FHWA acknowledge that the E-2 alternative will have the greatest effects to wildlife and habitat compared to the other action alternatives. ITD & FHWA must balance the human and natural resource impacts and with the public safety benefits and an efficient transportation system. See General Responses Alternative, Wildlife, Weeds, and Agency.
F-47a	Not specified bettab@frontier.com	Not specified	See General Response Wildlife.
F-47b	Not specified bettab@frontier.com	Not specified	See General Responses Safety-2 and Agency, FEIS Chapter 9 and Response F-46e.
F-48a	Dan ID House of Representatives	Rudolph	See General Response Schedule.
F-49a	David	Hall	See General Response Safety-6.
F-49b	David	Hall	See General Response Safety-6.
F-49c	David	Hall	See General Response Access.
F-49d	David	Hall	See General Response Safety-2.
F-49e	David	Hall	See Response F-46e.
F-49f	David	Hall	See General Responses Weather-3, Safety-5, and Safety-6.
F-49g	David	Hall	See General Responses Weather-3, Weather-2 and Weather-8, Safety-2, and Safety-7.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-49h	David	Hall	See General Response Alternative.
F-49i	David	Hall	See General Response Alternative.
F-49j	David	Hall	ITD and FHWA will continue to work with USFWS, IDFG, EPA and the USACE during the design process to identify engineering solutions to minimize wetland impacts. If an individual Section 404 permit is required, a 404(b)(1) analysis will be completed during the permitting process. Additional information regarding the avoidance, minimization, and compensatory mitigation is summarized in the FEIS Section 4.6, under Executive Order 11990 and in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.
F-49k	David	Hall	See General Response Agency.
F-49l	David	Hall	See General Response Agency.
F-49m	David	Hall	See General Response Alternative.
F-49n	David	Hall	The text quoted from the USDOT Act of 1966 referring to prudent and feasible measures applies to Section 4(f) properties, which includes National Register eligible and listed cultural resources, publicly owned parks, and wildlife refuges. Paradise Ridge is made up of privately owned parcels and therefore, Section 4(f) does not apply. See FEIS Section 5.1, Regulatory Framework and Policies.
F-49o	David	Hall	See General Response Alternative.
F-50a	David President, Palouse Prairie Foundation	Hall	See General Response Safety-6.
F-50b	David President, Palouse Prairie Foundation	Hall	See General Responses Safety-3 and Safety-6.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-50c	David President, Palouse Prairie Foundation	Hall	See General Response Access.
F-50d	David President, Palouse Prairie Foundation	Hall	See General Responses Weather-3, Weather-4, Weather-5, Weather 8, Safety-2 and Safety-7.
F-50e	David President, Palouse Prairie Foundation	Hall	See General Responses Safety-6 and Safety-7. See Response F-42aw.
F-50f	David President, Palouse Prairie Foundation	Hall	See General Response Agency.
F-50g	David President, Palouse Prairie Foundation	Hall	See General Response Wildlife and F-42aw.
F-50h	David President, Palouse Prairie Foundation	Hall	See Response F-42ax.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-50i	David President, Palouse Prairie Foundation	Hall	The text quoted from the USDOT Act of 1966 referring to prudent and feasible measures applies to Section 4(f) properties, which includes parks and recreational areas, wildlife and waterfowl refuges, that are publicly owned and publicly accessible. It also applies to historic sites of national, state or local significance regardless of ownership. Although Paradise Ridge may be used recreationally, Section 4(f) does not apply to Paradise Ridge because it is made up of privately owned parcels and is not considered a historic site according to the Section 4(f) regulations. See FEIS Section 5.1, Regulatory Framework and Policies.
F-50j	David President, Palouse Prairie Foundation	Hall	See General Responses Agency and Alternatives.
F-50k	David President, Palouse Prairie Foundation	Hall	See General Responses Wildlife and Weeds and the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.
F-50l	David President, Palouse Prairie Foundation	Hall	See General Response Agency. See Response F-42e and FEIS 3.8.
F-50m	David President, Palouse Prairie Foundation	Hall	See General Responses Agency, Alternatives and Safety-6. See Response F-51a.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-50n	David President, Palouse Prairie Foundation	Hall	The ROD identifies the environmental commitments and mitigation measures for the Selected Alternative, E-2. ITD and FHWA fully commit to implementing these commitments and working closely with agencies to construct effective mitigation. All mitigation, including vegetation impacts due to weeds are discussed in General Response Weeds and FEIS Chapter 9. ITD will gain IDFG approval of the mitigation during the design process. See Response F-49n.
F-50o	David President, Palouse Prairie Foundation	Hall	See Response F-50n. ITD commits to implementing its weed control mitigations and the Project Specific Vegetation Management Plan that will be developed during the design process. ITD will be providing funding to landowners to minimize weeds within 0.6 miles of the roadway where there are Palouse remnants. This will be negotiated during the right-of-way process.
F-50p	David President, Palouse Prairie Foundation	Hall	Additional information regarding matrix habitats and species diversity, including pollinators and alternative effects to those resources, was added to the FEIS Sections 3.8 and 4.8. This will be one of the considerations when developing the Weed and Vegetation Management Plan. See also General Responses Wildlife and Weeds.
F-50q	David President, Palouse Prairie Foundation	Hall	See Response F-42a regarding why a SEIS was not prepared. NEPA does not require an infinite number of alternatives be evaluated but requires that a range of reasonable alternatives, including a No Action Alternative, be evaluated in detail. The alternatives were developed in consideration of natural and social effects, engineering design considerations, and input from the public, agencies, and local elected officials. The alternatives were developed, evaluated and screened in two phases. A more extensive discussion on the screening of alternatives and the public involvement process is available in the FEIS Chapter 2 and FEIS Chapter 10. A non-divided highway along the C-3 corridor if constructed to AASHTO standards would improve safety over existing conditions but would not be equally safe as a divided highway according to the AASHTO Highway Safety Manual and The AASHTO Policy on Geometric Design of Highways and Streets (Green Book). Median width is a variable that increases or reduces predicted crashes and narrower medians have higher crash rates associated with them than wider medians. In

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FEIS Letter-Comment #	First Name	Last Name	Response
F-50q (continued)			addition, many of the increased crashes associated with no median or a narrow paved median are expected to be severe head-on crashes or sideswipes that may result in fatality or serious injury. The Green Book also supports use of medians and has the following quote in Chapter 4.11, "Medians are highly desirable on arterials carrying four or more lanes." The reasoning is because median separate opposing traffic and provide a recovery area for out-of-control vehicles. As stated in the FEIS Section 4.10.7 Safety of Alternatives, a five-lane section has approximately three times more predicted crashes than the divided four-lane rural section because the travel lanes are closer together and the turning movements from the center lane and approaches are predicted to generate more crashes. Other factors also contribute to the differences in safety including intersections and approaches. While a five-lane section was proposed for all of the action alternatives in the northern urban section south of Moscow where there are more turning movements and accesses, the need for a center turn lanes south of Moscow diminishes due to its more rural nature. In addition, since right-of-way is still required to construct a center turn lane, there would not be a significant savings due to the lesser amount of right-of-way through the rural areas. Constructing a non-divided highway or a five-lane section as proposed would not best meet the project purpose and need.
F-50r	David President, Palouse Prairie Foundation	Hall	See FEIS Section 2.4.2 regarding the typical section. ITD will work closely with landowners during preliminary design to apply engineering solution to minimize impacts where practicable.
F-50s	David President, Palouse Prairie Foundation	Hall	See Responses F-42a and F-50n.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-50t	David President, Palouse Prairie Foundation	Hall	See General Responses Alternative and Agency. See Response F-51a.
F-50u	David President, Palouse Prairie Foundation	Hall	See Response F-50i.
F-50v	David President, Palouse Prairie Foundation	Hall	See General Responses Alternative, Safety-6, and NEPA.
F-51a	Christine B. US EPA Region 10	Reichgott	See General Response Alternatives regarding why the E-2 Alternative was selected as FHWA and ITD's Preferred Alternative. The LEDPA will be determined by USACE during the Section 404 permitting process when geotechnical information, topographic data and design details are available. See General Response Safety-2 regarding how wildlife was considered in the Safety Analysis. See Responses F-42be and F-42bj.
F-51b	Christine B. US EPA Region 10	Reichgott	See General Response Safety-2 regarding how wildlife was considered in the Safety Analysis. See the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.
F-51c	Christine B. US EPA Region 10	Reichgott	Since the FEIS was published, ITD met with IDFG and agreed to strengthen the mitigation and environmental commitments. See Response F-46e and the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-51d	Christine B. US EPA Region 10	Reichgott	See General Response Alternatives. See the FEIS EPA response letter. Since the FEIS was published, ITD met with IDFG and agreed to strengthen and clarify the mitigation and environmental commitments. ITD also met with USFWS, NRCS and the Latah Conservation District prior to the DEIS publication. ITD and FHWA will work with IDFG and other agencies to ensure the mitigations are successful. This language has been strengthened in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation. The E-2 alternative is cleared farmland and the right-of-way will include farmable slopes. The right-of-way clearing was considered in the impact calculations. See Response F-46e.
F-51e	Christine B. US EPA Region 10	Reichgott	See Response F-42j. The effects of the mitigation measures were considered during the impact analysis of the respective alternatives. Clearing vegetation along the roadside will occur within the existing road right-of-way and was considered in the impact calculations. Clearing was also considered when assessing effects to resources including but not limited to farmland, Palouse remnants and weed dispersal. ITD and FHWA disclosed the alternatives' potential effects to the USFWS and restoration project in the DEIS and FEIS. There are many other factors in addition to the highway alignment that could influence the restoration including funding, landowner participation, zoning and development patterns.
F-51f	Christine B. US EPA Region 10	Reichgott	As stated in the FEIS Section 4.10, Transportation Effects, each build alternative was designed with only one county road undercrossing, which for the E-2 Alternative, is located at Eid Rd. This undercrossing will be designed to accommodate ungulates and other wildlife. The remaining county roads will connect to US-95 at-grade at the entrance and exit points shown in this ROD Exhibits 6 through 11. The locations of overpass structures/county road under crossings for each alternative are detailed in FEIS Section 2.5.1. The Safety Analysis is consistent with these assumptions for at-grade and grade-separated intersections, and remains valid. See the FEIS Sections 4.10.1 and 4.10.3 and the Safety Analysis Technical Report (ITD 2015). See General Response Safety-7 regarding the validity of the Safety Analysis.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-51g	Christine B. US EPA Region 10	Reichgott	See General Response Safety-4 regarding speed. The Safety Analysis Technical Report and the relevant sections of the FEIS such as 4.10.1 consider the design speed and posted speed limits when analyzing the safety. While removal of roadside clearing could contribute to higher speeds, the removal of fixed objects (trees) will reduce severity of crashes and is also considered. As stated in General Response Safety-6, the E-2 alternative will have a shorter section of five-lane roadway, which is expected to have a higher crash rate. The divided highway is expected to reduce the numbers of head-on collisions. Since head-on collisions are typically more severe than other types of crashes, the longer 4-lane section with median in the E-2 alternative is anticipated to reduce the severity of accidents. See General Response Alternatives regarding how the E-2 Alternative balances the human and environmental effects. See General Response Safety-7.
F-51h	Christine B. US EPA Region 10	Reichgott	ITD will work closely with IDFG to design and locate the crossing structures and mitigation to help ensure effective wildlife passage as well as maintenance of ecosystem processes. See Response F-46e. See the revised mitigation language in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation. All of the alternatives would result in a may affect but not likely to adversely affect determination for Spalding's catchfly and the E-2 Alternative would avoid directly affecting all identified rare plants. While it is not the project purpose to fund restoration of Palouse Prairie remnants and endangered plant species outside of the road right of way, there are measures such as development and implementation of a Project Specific Vegetation Management Plan and working with landowners to fund weed control measures near remnants within 0.6 miles of the new highway. See response 42av. Cow Creek mitigation site and any other mitigation banks that could be utilized, include a diversity of wetland vegetation. Water howelia may not be specifically planted in these sites, but they will not be precluded. While climate change is an emerging concern, at this time there is no accurate method for predicting the effects of climate change on wildlife migration and ecosystem changes at a project level; therefore, the roadway cannot be designed to effectively accommodate unpredictable changes in ecosystems and migration due to climate change.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-51i	Christine B. US EPA Region 10	Reichgott	A Section 404(b)(1) analysis will be completed during the Section 404 permitting process when more topographic, geotechnical, and design detail is available. See FEIS Section 10.3.
F-51j	Christine B. US EPA Region 10	Reichgott	See FEIS Response to EPA comments (L-28) in FEIS section 10.3. The LEDPA will be determined by the USACE during the Section 404 permitting process after the 404(b)(1) analysis has been performed.
F-51k	Christine B. US EPA Region 10	Reichgott	NEPA requires a range of reasonable alternatives be evaluated which has been completed as demonstrated in the FEIS Chapter 2. While ITD and FHWA understand that the practicable alternatives could be alternatives not evaluated in the NEPA document, this will be determined by USACE during the Section 404 permitting process after a 404(b)(1) analysis has been completed.
F-51l	Christine B. US EPA Region 10	Reichgott	See General Response Alternative regarding why the E-2 Alternative was selected. See FEIS Safety-6 regarding the significance of the differences between alternatives.
F-51m	Christine B. US EPA Region 10	Reichgott	Thank you for your clarification of the definition of "practicability". The LEDPA will be determined by the USACE during the Section 404 permitting process after the 404(b)(1) analysis has been developed. While ITD has considered the maintenance and operating costs during the EIS analysis, these costs were not factored into the construction costs and is therefore consistent with EPA's policy of not including those costs in the 404(b)(1) analysis. Practicable alternatives will be evaluated by USACE during the Section 404 permitting process. See General Response Alternatives regarding the rationale for selecting the E-2 Alternative.
F-51n	Christine B. US EPA Region 10	Reichgott	See Response F-51m. See FEIS page 154 for a description of what is included in the costs stated in the FEIS. The clarification that the practicability of alternatives is not a relative comparison is clarified in the ROD under Section 6, Permits.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-51o	Christine B. US EPA Region 10	Reichgott	See the FEIS Section 4.6 Wetland Effects under Executive Order 11990 regarding the mitigation sequence. It describes the early screening of alternatives and explains that the E-2 Alternative was forwarded for detailed evaluation in the DEIS partly because it had less wetland impacts compared to the other Eastern Alternatives. This demonstrates avoidance of some wetlands and minimization of the total wetland effects by forwarding E-2. Additional engineering solutions to further minimize impacts will be evaluated when geotechnical, topographic and design details are available. The compensatory mitigation is described for unavoidable impacts. The referenced section regarding the Cow Creek Mitigation Site is not stating that compensatory mitigation is a substitute for avoidance and minimization but in the context, is explaining the effectiveness of the proposed mitigation because it is already constructed, functioning and successful. The fact that the E-2 Alternative was forwarded because it will have less wetland effect compared to the other Eastern Alternatives was stated in the same section.
F-51p	Christine B. US EPA Region 10	Reichgott	A 404(b)(1) Alternatives Analysis will be performed during the Section 404 permitting process. This project is not a NEPA/404 merger project.
F-51q	Christine B. US EPA Region 10	Reichgott	The FEIS alternatives are based upon a conceptual level of detail. Additional design detail will be available during final design when geotechnical and topographic information is available.
F-51r	Christine B. US EPA Region 10	Reichgott	Since the project is based on a conceptual level of detail, the wetland and tributary impacts are similarly calculated with the assumption that impacts are based upon the footprint of the alignments over the wetlands. The LEDPA will be determined during final design when more detail is available.
F-51s	Christine B. US EPA Region 10	Reichgott	A 404(b)(1) analysis will be completed during the Section 404 permitting process. The USACE will determine the LEDPA at that time.

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FEIS Letter-Comment #	First Name	Last Name	Response
F-51t	Christine B. US EPA Region 10	Reichgott	The FEIS disclosed that the E-2 Alternative will impact the greatest amount of wetlands and will affect higher quality wetlands compared to the other alternatives. It will affect headwater tributaries that drain to the South Fork Palouse River, a TMDL-listed water. Mitigation measures are discussed in the ROD Section 7, Mitigation-Avoidance, Minimization and Compensatory Mitigation.
F-51u	Christine B. US EPA Region 10	Reichgott	A 404(b)(1) analysis will be completed during the Section 404 permitting process. The USACE will determine the LEDPA at that time.
F-52a	Ross	Applegren	See General Responses Alternative and Schedule.

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APPENDIX D
US-95 THORNCREEK ROAD TO MOSCOW PROJECT, LATAH COUNTY IDAHO

CORRESPONDENCE

ED_002888_00000103-00247

Meeting with Idaho Department of Fish and Game
Review of US-95 Thorncreek Rd. to Moscow FEIS Comments
(10/13/15)

Participants:

- Curtis Arnzen-ITD
- Ken Helm-ITD
- Shawn Smith-ITD
- Ray Hennekey-IDFG
- Jerome Hansen-IDFG
- Michelle Anderson-AEC LLC

Purpose:
The purpose of the meeting was to review the IDFG comments submitted during the FEIS public review period and to address concerns as possible. Ken and Michelle gave some history about the DEIS comments and explained that a letter was received from IDFG providing similar and additional comments on the FEIS and that we were seeking clarification.

Meeting Notes:
The group went through the IDFG FEIS Comment letter during the meeting to discuss the IDFG concerns. The following was discussed:

- The DEIS and FEIS did not fully develop the direct and indirect effects to wildlife and that there could have been more in-depth technical analysis and field data collected.
- Ray suggested Sawyer made unsupported conclusions for example, he did not agree with statements made by Sawyer regarding the ability to monitor for big game. He stated that it is possible for IDFG to survey for big game regardless of the numbers present.
- Planting vegetation in the median and margins areas in right-of-way would not encourage wildlife. ITD explained we were wanting to clear vegetation along roadways and medians to discourage wildlife browsing and reduce animal vehicle collisions.
- Grading areas in right of way to create farmable slopes will further impact wildlife habitat. The contractor would construct a farmable slope then turn it over to the farmers. This would reduce weeds along the right of way. Michelle and Shawn explained that all right of way in the alternatives was considered impacted in the EIS calculations.
- Need to analyze the effects of mitigation measures proposed including clearing roadside vegetation. The study on Highway 20 was discussed and additional updated information will be provided in the ROD. Ray suggested clarifying what the studies told us and how it impacts the wildlife and habitat. We also need to discuss how vegetation clearing mitigates for other things including weed control and erosion control. Michelle explained that the roadside vegetation clearing is also in the right-of-way and was considered in the impact analysis for each alternative.
- IDFG is not looking for ITD to provide big game habitat mitigation because passage structures for big game would probably not be effective for this project.
- There are more and newer studies available about noise impacts to wildlife. There is research being conducted at Boise State on bird species that could be cited. Michelle explained that the studies cited in the FEIS related the noise to traffic volumes and was therefore, useful for comparison.
- Ray feels the FEIS states that we are hitting pine stands but there should be more mitigation for that. He doesn't feel we are straightforward with the E-2 alternative impacting wildlife. IDFG feels in general the degree of impact should result in a similar level of mitigation. ITD and Michelle explained that we do state repeatedly that the E-2 Alternative will impact more high quality habitat compared to the other alternatives, however, we will confirm this.
- IDFG stated big game mitigation does not make sense here but there are other mitigations for smaller animals that would be effective. ITD stated that there were many of these types of mitigations listed in the DEIS and FEIS and the group reviewed the Mitigation Measure table for measures for vegetation and wildlife.

- IDFG felt there was a lack of commitment of where the mitigation measures would be located, such as for the Eid Rd undercrossing and the oversized culverts. ITD explained that that detail of information would not be accurate at this time and that we need to have topographic data for the alignment, geotechnical information and more design detail to identify specific crossing locations. ITD and IDFG agreed to determine the specific locations during final design. ITD will defer to IDFG to determine the best locations and details of the mitigations so that they will be effective.
- IDFG felt the language in the mitigation measures was not firm enough. ITD agreed to make it a stronger commitment and change "may" or "could" to more firm words like "will". For the retrofit of culverts on existing US-95 this will remain as a "may" because it will have to be negotiated with the highway district.
- Ray feels we need to be upfront and state that the highway will affect wildlife and we should not minimize that fact and the mitigation. ITD stated that the EIS states the E-2 Alternative will affect more and higher quality habitat compared to the other alternatives including the pine stands, wetlands and pygmy nuthatch habitat but will ensure this is the case.
- IDFG felt more work could have been done early in the EIS process to do more fieldwork and to collect information on other species such as rabbits and skunks. There was discussion that the IDFG General Wildlife Assessment should have explained the impacts by species and alternative and explained what the representative species were surrogates for. However, IDFG felt at this point detailing this information, while providing additional detail, would not result in different impacts or changed conclusions. The E-2 Alternative would still have the greatest wildlife effect and would still be the preferred. Michelle pointed out the range of species evaluated in the FEIS including the table comparing impacts by alternative for each of the 32 species evaluated in the General Wildlife Assessment. She also stated other species were evaluated in 3.8 and 4.8. At the end of the discussion, ITD and IDFG state there would be little value in identifying the surrogate species and that we should instead focus on mitigation.
- IDFG suggested not providing additional studies and detail about the direct and indirect effects at this time or in the ROD but instead focus on mitigation.
- IDFG would prefer that the mitigation stay local where possible.

Conclusions:

- ITD and IDFG discussed how their concerns regarding needing more in-depth studies, identifying surrogates, and other technical analysis could be addressed in the ROD. These studies would not be likely to result in different results because E-2 already impacts more and higher quality wildlife. IDFG stated that we will have alleviated their concerns by clearly acknowledging that we are impacting wildlife. We should state that since the E-2 Alternative will impact wildlife species; mitigation is provided and it will be developed and approved in close coordination with IDFG during the design process. This language of IDFG involvement will be firm. Ray stated we should refer to this meeting in the ROD.
- ITD will make sure that the ROD clearly states that the E-2 Alternative will have the greatest impact to wildlife compared to the other alternatives.
- IDFG conceded that passage structures for big game would probably have limited effectiveness and should, therefore, not be required for mitigation for big game impacts at this time.
- The ROD will list and include a commitment to implement selected BMPs and mitigations, including oversized culverts for passage of terrestrial wildlife (other than big game) and a number of other mitigations for impacts to wildlife identified in the FEIS.
- The ROD will commit that the design and location of mitigation actions or structures for wildlife will be developed jointly with IDFG. Both ITD and IDFG understand that the specific design and location of mitigation actions or structures cannot be finalized until the design phase of the project begins; however, groundwork for the cooperative development of mitigation designs and locations may begin before the preliminary design or right-of-way process commences.
- Ray asked if we could get out on the ground now before the design to determine locations for mitigation? There was discussion regarding this, ITD stated we can start working with IDFG on mitigation after the ROD and during the preliminary design or right-of-way process.

From: **Ken Helm** Ken.Helm@itd.idaho.gov
Subject: FW: Revised IDFG Meeting notes; farmable slope revision
Date: February 22, 2016 at 7:34 AM
To: anderenv@q.com
Cc: Shawn Smith Shawn.Smith@itd.idaho.gov

Michelle, below is the response from Ray on the meeting notes. Ken

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From: Hennekey,Ray [mailto:ray.hennekey@idfg.idaho.gov]
Sent: Friday, February 19, 2016 2:51 PM
To: Ken Helm
Cc: Shawn Smith; Hansen,Jerome; Kiefer,Sharon
Subject: RE: Revised IDFG Meeting notes; farmable slope revision

Ken –

As I mentioned in the earlier email, my recollections of the details of our discussion in October are a little hazy. As to #2, in retrospect, Jerome and I recall discussing additional literature available with you, but neither of us clearly recall having reached any agreements during that discussion. Simply dropping #2 from the list of understandings would be acceptable to us.

ray

RAY HENNEKEY
Environmental Staff Biologist
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http://fishandgame.idaho.gov

From: Ken Helm [mailto:Ken.Helm@itd.idaho.gov]
Sent: Friday, February 19, 2016 9:25 AM
To: Hennekey,Ray
Cc: Shawn Smith; Hansen,Jerome; Kiefer,Sharon; Doral Hoff; Dave Kuisti
Subject: RE: Revised IDFG Meeting notes; farmable slope revision

Ray, after reviewing your comments received on the ITD / IDFG meeting we were still a little confused and request clarification.
#1. The Thorncreek to Moscow Alternative is E2 not E3 (We knew what you meant).
#2. ITD does not recall making these commitments. We thought it was decided at the meeting that any additional studies would be unnecessary and would not provide any additional benefit or different conclusions. Could you please clarify this comment.

If you could respond to this by the first part of next week that would be appreciated. Have a good

weekend.

Ken.

From: Hennekey,Ray [mailto:ray.hennekey@idfg.idaho.gov]
Sent: Wednesday, February 17, 2016 3:28 PM
To: Ken Helm
Cc: Shawn Smith; Hansen,Jerome; Kiefer,Sharon
Subject: RE: Revised IDFG Meeting notes; farmable slope revision

Ken –

Jerome and I have discussed the notes you sent along from our October 10, 2015 meeting on the US95 Thorncreek project. Our recollection of the details from an informal, wide ranging discussion that occurred nearly 5 months ago is predictably fuzzy. However, we were both in agreement that some of the notes you provided do not accurately reflect IDFG's opinions or our position on certain topics. For instance, although IDFG has conceded that passage structures for big game would probably not be effective on this project, we still believe that it is appropriate to consider other mitigations for impacts to big game. There are other similar differences, some more or less significant than others.

Rather than attempting to edit your notes to reflect our admittedly poor recollections of the details of the discussion during the October meeting, however, we suggest a summary of the outcomes of the meeting. We recall reaching a number of understandings regarding the Thorncreek EIS and potential future actions that would be reflected in the ROD; those understandings we recall having reached are alluded to in your notes. Our understanding of the outcomes of the meeting are:

1. ITD acknowledged that the E3 alternative would have the greatest impact to wildlife and other natural resources. ITD and IDFG agreed that mitigations should be commensurate with impacts.
2. ITD would include more information about wildlife impacts and surrogate species in the FEIS/ROD, and would expand other technical analyses of the impacts to wildlife in the FEIS/ROD.
3. IDFG conceded that passage structures for big game would probably have limited effectiveness and should, therefore, not be required for mitigation for big game impacts at this time.
4. The ROD will list and include a commitment to implement selected BMPs and mitigations, including oversized culverts for passage of terrestrial wildlife (other than big game) and a number of other mitigations for impacts to wildlife identified in the FEIS.
5. The ROD will commit that the design and location of mitigation actions or structures for wildlife will be developed jointly with IDFG. Both ITD and IDFG understand that the specific design and location of mitigation actions or structures cannot be finalized until the design phase of the project begins; however, groundwork for the cooperative development of mitigation designs and locations may begin before the preliminary design or right-of-way process commences.

Let us know if this is helpful.

RAY HENNEKEY
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http://fishandgame.idaho.gov

From: Ken Helm [mailto:Ken.Helm@itd.idaho.gov]
Sent: Friday, January 22, 2016 6:34 AM
To: Hennekey,Ray
Subject: FW: Revised IDFG Meeting notes; farmable slope revision

Ray, attached is a copy of the minutes from the 10/13/15 ITD/IDFG meeting where we discussed IDFG