

NORTH FORK LANDOWNERS' ASSOCIATION
ROAD COMMITTEE
Final Report 2008-2009

At the Sept 2008 NFLA meeting members voted to establish a road committee to study North Fork road problems. President Molly Shepherd appointed Margaret Heaphy, Betsy Holycross, Ed Heger, Steve Berg and Steve Weber to the road committee (NFRC). The NFRC held its first meeting Dec 12, 2008, at which time Molly reviewed the history of the road related issues and charged the committee to:

1. Explore dust abatement and maintenance options and potentially recommend solutions.
2. Make relevant information available to the NF community.
3. Receive and process member suggestions and concerns about the road.

We were advised that the board expected us to be independent of advocacy organizations and pursue the interests of NFLA members. Betsy Holycross was elected chairperson, Steve Berg to the position of secretary, and it was agreed to post meeting minutes or a summary on the website.

At this meeting we discussed:

1. The Nov 20 meeting held in Columbia Falls with county commissioner Gary Hall, county road department, Park Service, Forest Service, and three North Fork community organizations represented: North Fork Landowners' Association, NFLA; North Fork Preservation Association, NFPA; and the North Fork Road Coalition for Health and Safety, NFRCHS.
2. The county dust abatement cost share program.
3. Some of Mark Heaphy's research on dust abatement on Alaskan roads.
4. Betsy presented detailed information about the 1980-1983 environmental documentation process involved in improving the Canyon Creek to Camas portion of the North Fork Road. The US Forest Service and the County had intended to pave that 9 mile portion but in 1980 and again in 1982 the US Fish and Wildlife Service issued Biological Opinions which stated that the proposed project would threaten the gray wolf and grizzly bear, both listed on the Threatened and Endangered Species list. Consequently, a gravel alternative which did not pose the same kind of risk was selected for construction instead. This information clarified for the committee what had occurred in the past and made it clear that obstacles to paving weren't just about money. She emphasized the continuing importance of, and difficulties inherent in, the environmental impact analysis process for improvements on the North Fork road.

The NFRC chose to keep all options on the table in moving forward, and planned to begin meeting with parties with an interest in the North Fork road. In addition to committee work meetings the NFRC met or corresponded with the following agencies:

Flathead County Road Department: Dave Prunty, Public Works Director and Guy Foy, Operations Manager

Flathead County Commissioner: Jim Dupont

Glacier National Park: Chas Cartwright, Superintendent

U.S. Forest Service: Jimmy DeHerrera, Flathead National Forest District Ranger, and Earl Applekamp, Flathead National Forest engineering and administrative staff officer

U.S. Fish and Wildlife Service: (USFWS), Ben Conard, wildlife biologist and Scott Jackson, wildlife biologist
Interlocal Meeting
Resource Advisory Council (RAC), Larry Wilson, RAC member
Montana State Department of Transportation, (MTDOT) Jim Lynch, Head of the department

Summaries of road committee meetings were posted on the road page of the NFLA website.

The following is a report of the committee's efforts for the 2008-2009 year. It summarizes and highlights meetings which we had and provides information on additional research the road committee has completed to date.

Summary of Past Paving Project and Federal Agency Interviews

Background on EIS: Thirty years ago, Flathead County and the US Forest Service (USFS) wanted to get the Canyon to Camas portion of the North Fork road paved. That section of the road was, and is, a specially designated road called a Forest Highway. Not to be confused with a Forest SERVICE road, a Forest Highway is a public road which provides major access to federal lands, specifically Forests, Parks and Sanctuaries. There is a special Division of the Federal Highway Administration (FHA)which is responsible for the engineering of these roads and all major construction and reconstruction. Today, this is the Western Federal Lands Highway Division (WFLHD). The WFLHD is an important player when it comes to the road; and in 1980, they were what is called the "proponent agency" for the paving project. Because paving the road was a federal project using federal dollars, the proponent agency had to comply with federal law and do an environmental impact statement (EIS) to assess the impacts of the project on the natural and human environments.

Five alternatives were analyzed in the Draft Environmental Impact Statement: no-action, two paved alternatives one 72' wide designed to 50mph and one 70 ' wide designed to 35mph; a gravelling alternative designed to 35mph; and an upgrade to the existing surface with gravelling only in critical spots. Of those, the proposed action was the paved surface designed to 35mph. Then, because the project area had threatened and endangered species (T&Es), specifically grizzly bear and gray wolf, the proponent agency had to comply with the Endangered Species Act (ESA) and have a consultation with the US Fish and Wildlife Service (USFWS), called a Section 7 Consultation because of the Section of the ESA that it's based on. The USFWS issued an opinion that stated that the proposed action would "likely threaten the continued existence of the grizzly bear and gray wolf."

This is commonly known as a "jeopardy opinion." Jeopardy opinions are not vetoes. However, if a project is pursued despite a jeopardy opinion, the proponent agency runs the risk of violating the ESA and there will almost inevitably be lawsuits. Jeopardy opinions cannot be shunted aside by governors or anybody else. They can be temporarily ignored if there is an emergency, but other than that, they stand. And it stood back in the early '80's. The plan to

pave the road was scrapped and the proposed action in the subsequent Final Environmental Impact Statement (FEIS) was for the gravel road, 35-mph alternative.

Positions that Federal Agencies took in the early '80's:

In reading both the DEIS and the FEIS, one can see that the USFS and Glacier National Park took opposite positions on the road. The USFS was an advocate for paving the road because, among other reasons, it was used by loggers who were logging on forest land. The Park was against paving as being inconsistent with its mandate to manage the western portion of the park to retain its primitive value. And the USFWS wrote the jeopardy opinion.

Positions these Agencies take today:

USFWS. Bottom line is that a new proposed action would require a new EIS and a new Section 7 consultation. They offered no predictions on what the findings of a new Biological Opinion might be but they did offer some insights into what may have changed. Because project impacts are measured against what is called "baseline" information, the first and most obvious change is that the baseline has changed: more development, more traffic, more bears and more wolves. In fact wolves are currently delisted.

On the other hand, the Canada lynx and bulltrout have been added to the Threatened and Endangered Species list. Another notable difference is that the approach to analyzing impacts has changed in that it is no longer just the project "footprint" which is analyzed but the broader ecological impacts. The USFWS defines an "action area" as the entire area that would be affected directly or indirectly by the federal action.

Glacier National Park: The Park was against the paving project in 1980 and it still is. The Park has a General Management Plan and a 1992 North Fork Plan, developed with input from the public. These state that the Park's mission is to preserve and protect the primitive values inherent in the North Fork portion of the Park. The Park strongly recommends against paving any of the road including the nine miles between Canyon and Camas. It is the Park's position that significant road improvement would lead to significant increase in traffic and development and a degradation of the primitive values of the North Fork portion of the Park.

USFS: Whereas the Forest Service was a paving proponent in the earlier effort to pave, they are now neutral on the subject. The road is no longer their responsibility. However, information about the road was offered by Earl Applekamp, a road engineer for the USFS.

1. Magnesium chloride or calcium chloride are not good choices for dust palliatives on the NF road because it can be very sloppy and slimy and cause winter maintenance problems when the road is plowed.
2. The north Fork road is not a good candidate for chip and seal because of the road base which consists of glacial till soil that has rounded rocks with silt. This irregular density and moisture capacity will often "bust apart" a chip seal if it doesn't have an extremely good crushed aggregate base.

3. The road design itself is a problem. Standards have changed since the work was done in the mid-80's and a tremendous amount of work would have to be done to upgrade the road. For example, increasing the number of grades would improve drainage by avoiding flat spots that allow water to stand; narrowing the road to improve the crown and drainage, and reduce maintenance costs; and adding wide sweeping curves to increase wildlife security. All of the above would slow traffic , reduce dust and preserve gravel .
4. General guidelines for road engineering if based solely upon vehicles per day are:
 - 1.VPD > 50 : convert dirt to gravel
 - 2.VPD > 100: add dust abatement
 - 3.VPD > 200: pave if vehicle wear and tear a factor
 4. VPD >400: pave

Federal Highway Administration: The Division of the FHA which is responsible for major actions on Forest Highways is the Western Federal Lands Highway Division (WFLHD). All major actions using federal dollars require completion of the appropriate environmental documentation to comply with the National Environmental Protection Act (NEPA). (Actions that are not major, such as maintenance and repair, are, generally speaking, “categorically excluded” from NEPA.)

Because of the nature of the roads which WFLHD administers, namely those leading to National Forests, Parks and Sanctuaries, many of their projects, including the North Fork Road, involve the ESA and can be controversial and contentious. Consequently, project costs are not just those associated with constructing or reconstructing a road. They also include the required environmental documentation which may be multi-year, extremely costly EISs. Controversy and environmental issues have ended up torpedoing many projects which can be a waste of time and money. In an effort to avoid these costly outcomes, the WFLHD has started to work earlier and more closely with the USFWS and other resource agencies in Montana in an effort to determine ahead of time what kind of project is going to be feasible. Basically, they are now doing “feasibility studies” to look at what the public wants for a particular road and what is feasible given whatever environmental constraints there may be. The idea is to start looking at the broader picture before money is invested in preliminary design and before the community gets invested in either stopping or pushing a project. This “pre-NEPA” feasibility study is a Montana Department of Transportation process by which the county, community, state, USFWS, WFLHD and other appropriate federal agencies work to ascertain what is really wanted.

The North Fork Land Ownership

The North Fork is a unique area, different from any other area in Flathead county. It offers limitless recreational opportunities on over 1/2 million acres of public land. Many tourists, valley residents and locals use the North Fork for hunting, river rafting, summer camping, firewood gathering, mushroom and berry picking. The North Fork road is a public road which

accesses public land, as can be seen from the breakdown of land ownership shown below (from North Fork Neighborhood Plan):

Forest Service: 47.1% of the area at approximately 246,000 acres
Park Service: 46.7% of the area at approximately 244,000 acres
State Land: 3.5% of the area at approximately 18,600 acres
Private Land: 2.7% of the area at approximately 14,480 acres

County Funding for the North Fork Road

Fifty percent of the county funds for the North Fork Road come from landowner taxes. The other 50% comes from vehicle taxes, gas taxes and two federal sources. Based on all federal lands within its boundaries, the county receives funding from two sources: The first is PILT, Payment In Lieu of Taxes and the second through Secure Rural Schools and Community Self Determination Act. In 2008, the county received 3.2 million dollars in PILT and Secure Rural Schools and Community Self Determination Act funding, approximately 2 million in PILT and 1.2 million in Secure Rural Schools and Community Self Determination Act. See attached documentation on [PILT and Secure Rural Schools and Community Self Determination Act](#).

Summary of County Actions on the North Fork Road

Road maintenance in the county has been reduced due to budgetary issues, with the dept down 8.5 positions (full time equivalent, FTE's). The department divides its resources between maintenance and improvement of infrastructure. Maintenance of the NFR is not scheduled but is done on an as needed basis with consideration to available resources. If the lower section of road were paved to Camas, the road would then become the responsibility of MTDOT, freeing up county resources to use elsewhere. The NFR is currently classified as a fair to poor gravel road, in serious need of new gravel. Flathead County Commissioner, Jim Dupont supports getting a lift of gravel and dust abatement on the North Fork road.

This summer and fall the county implemented a RAC project. The Forest Service allowed the county to use their Demer's gravel pit to crush gravel. The county added bentonite to the crushed gravel in hopes of reducing dust generated from the roadway and in hopes of reduced maintenance. In late October, the county was in the final stages of putting a lift of gravel from Camas to the Polebridge junction. Wet fall weather has caused the road to be a little soft in places. The county feels initial maintenance should be great and dust reduced. As traffic increases and blading occurs, dust will exist. There is no way not to have some dust on a gravel road.

A recent road count was conducted on the North Fork road in September. The county has conducted four traffic counts on the North Fork road in the past 11 years. Results are: The numbers refer to number of vehicles.

1998: 8/28 - 9/04 North of Big Creek = 272 South of Big Creek = 356

2005: 5/20 - 5/26 South of Big Creek = 334

2007: 6/14 - 6/18 = North of Camas = 385

2009: 9/4 - 9/10 = These are the preliminary results. Some counters were tampered with. Also, these counts include the three day Labor Day weekend.

North of Big Creek Campground, avg. = 324

South of Camas, avg. = 210

North of Camas, avg. = 444

South of Polebridge, avg. = 480

North of Polebridge, avg. = 266

For more information go to the Flathead County website.

In the spring of 2007, the county was found to be in violation of Montana DEQ's standard for air quality, due to dust coming from the 700+ miles of gravel roads county-wide. DEQ said the county, instead of paying a fine, could implement a dust abatement program. The county agreed to implement three mitigation measures. The first was to hire a dust deputy to enforce the speed limit which results in less particulate matter being dislodged into the air. Secondly they were required to put \$10,000.00 into dust abatement annually. The first year the county spent \$15,000.00 and this past year they set aside \$100,000.00 for the dust abatement cost share program. And lastly the county put up signs that have a 20 MPH speed limit if conditions are dusty. The county is reviewed annually each January by DEQ. They passed their review after the first year. The next review is set for January 2010.

On September 8, 2009, Laura Fay, a research scientist from Western Transportation Institute, gave a talk at Sondreson Hall on "Dust Control Options for the North Fork Road". Notes from the meeting are posted on the NFLA, road page. The committee did additional research on certain "environmentally friendly" dust abatement options for the North Fork road and these are also listed on the webpage.

So what does the future hold?

The "County Wide Roadway Management Plan" will come out in the fall and we will see where the North Fork road rates in relation to all the other 1100 miles of gravel and paved roads in the county. This plan will be the work plan for the road maintenance budget. The county would like to continue to request RAC money in future years to continue to put gravel on the road heading north from Polebridge to the border. The additional gravel should help with maintenance.

The county has talked about narrowing the lower section of road from the end of the pavement up to Camas. Currently the width is up to 50 feet wide. A normal county road has two 12 foot wide lanes, each with a 2 foot shoulder for a total road width of 28 feet. A narrower road would reduce maintenance costs both in plowing and blading. A potential additional benefit would be improved maintenance by collecting the gravel and fines from the wide road bed and having more gravel on a narrower road bed.

Jim Lynch, head of Montana Department of Transportation and Jim Dupont, county commissioner are talking of doing a feasibility study on the North Fork road. This is referenced in the recent meeting notes of Oct 16, 2009.

The road committee plans to continue to be a liaison between the North Fork community and the federal, state and county agencies. We are currently researching different dust abatement options. As we get information we will post what we learn about these options on the road page of the NFLA.