

## Feds OK byway improvements

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ITD still needs corps permit

SANDPOINT -- The Federal Highway Administration says improvements to the proposed Sand Creek Byway will have no significant adverse impacts on the environment.

The Idaho Transportation Department announced on Friday it has obtained from federal highway officials a finding of no significant impact, one of the few remaining bureaucratic hurdles the controversial highway realignment project must clear before construction can start.

Some of the community's elected officials expressed delight over FHWA's ruling.

"This is great news," Sandpoint Mayor Ray Miller said on Friday. "It means that we get to move forward on a very significant project. I've been waiting and expecting good news like this about the byway for a long time."

Marcia Phillips, who chairs the Bonner County commission, said moving through-traffic off First Avenue will result in a safer and less clogged transportation corridor through town. It will also help downtown recapture ambiance that has been lost amid the clamor of traffic, she added

"The byway coming through Sandpoint will enable people to fully enjoy the city much more than they were previously able to do. You'll be able to sit at a table at an outdoor restaurant and not be engulfed by diesel fumes of big trucks going through Sandpoint," said Phillips.

The FHWA's decision, known as a "FONSI" in regulatory lingo, comes two weeks after the Idaho Department of Lands rejected three appeals of an encroachment permit covering the U.S. Highway 95 re-routing project's enhancements. The enhancements include a southbound off-ramp and auxiliary lane, a shoreline extension into Sand Creek and a loop ramp at the project's north interchange.

The appellants -- the North Idaho Community Action Network, Concerned Sandpoint Business Association and a downtown businessman -- asked the state to reconsider its issuance of the encroachment permit last fall.

They have argued, among other things, that the shoreline extension will promote erosion and flooding around the Sand Creek Peninsula, which threatens water quality and property values.

Messages left with representatives of NICAN and the Concerned Sandpoint Business Association were not returned on Friday.

The appellants can try to reverse IDL's permit approval in district court, although they will be required to post a bond in case the permit is upheld. The bond, the amount of which is determined by the court, insures ITD would be reimbursed for legal fees and the costs resulting from the project's delay.

"Any delays that we experience, they will be responsible for if the district court upholds the issuing of the permit," said Barbara Babic, ITD's District 1 spokeswoman.

Moreover, the appellants will be limited in its argument to the enhancements, not the project's route. The FHWA approved the byway route in 2000. Opponents of the bypass skewer and rend the route selection, arguing it will siphon away traffic downtown merchants rely on spoil the peninsula's natural beauty.

Still pending is the U.S. Army Corps of Engineers ruling on a companion encroachment permit. Adversaries of the bypass said they were not surprised the state approved the permit and contend the corps will not be so easy to win over.

But Babic said ITD remains confident the corps will sign off on the permit, clearing the way for the department to put the \$60 million project out to bid this summer.

"When the corps issues the permit, it's in the bag," Babic said. "That's what we're waiting for."