



Montana Fish, Wildlife & Parks

1400 S. 19th Ave.
Bozeman, MT 59718

October 1, 1999

TO: Governor's Office, Julie Lapeyre, Room 204, State Capitol, POB 200801, Helena, MT 59620-0801
Environmental Quality Council, Capitol Building, Room 106, POB 201704, Helena, MT 59620
Dept. Environmental Quality, Metcalf Building, POB 200901, Helena, MT 59620-0901
Montana Fish, Wildlife & Parks

Director's Office Legal Unit
Design & Construction Lands Section
FWP Commissioners

MT Historical Society, State Historic Preservation Office, POB 201202 Helena, MT 59620-1202
MT State Parks Association, POB 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., POB 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, POB 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, POB 595, Helena, MT 59624
George Ochenski, POB 689, Helena, MT 59624
Beaverhead County Commissioners, County Courthouse, Dillon, MT 59725
Jerry DiMarco, POB 1571, Bozeman, MT 59771
Montana Wildlife Federation, POB 1175, Helena, MT 59624
Wayne Hurst, POB 728, Libby, MT 59923
Glen Hockett, 745 Doane Road, Bozeman, MT 59715
Skyline Sportsman's Association, POB 173, Butte, MT 59701
Beaverhead Outdoors Association, Bill Knox, POB 1401, Dillon, MT 59725
Representative Bob Raney, 212 South 6th, Livingston, MT 59047
Sen. Charles Swysgood, 506 South Atlantic St., Dillon, MT 59725
John Gatchell, Montana Wilderness Association, Box 635, Helena, MT 59624
Public Lands Access Association, William Fairhurst, Box 247, Three Forks, MT 59752
Jack Atcheson, State Land Coalition, 3210 Ottawa St., Butte, MT 59701

Dear Ladies and Gentlemen:

Please find attached a draft Montana Environmental Protection Act (MEPA) categorical exclusion document prepared by the Montana Department of Transportation (MDT) on a proposal to replace an unsafe bridge over the Beaverhead River at the Henneberry Fishing Access Site in Beaverhead County. The proposed project would be funded and managed by MDT but would be constructed on property owned and administered by FWP. For this reason FWP is distributing the attached document to individuals, agencies and organizations known to be interested in FWP's environmental compliance activities.

FWP is soliciting comments on the attached proposal and will forward them to MDT for consideration. Although FWP can't guarantee action on all comments, MDT has assured FWP that they will work with FWP to address public concerns related to the project. FWP is committed to facilitating communications between the public and MDT throughout the project. **Comments will be accepted until 5:00 p.m., Monday, November 1, 1999.** Comments should be sent to Patrick Flowers, Montana Fish, Wildlife & Parks, 1400 S. 19th Ave., Bozeman, MT 59718.

Sincerely,

Patrick J. Flowers
Regional Supervisor

DRAFT

August 19, 1999

Environmental Quality Council
Capitol Station
Helena, MT 59626

Subject: SF 1(37)
HENNEBERRY BRIDGE - S. of DILLON
Control No. 4102

This is a notification that this proposed project qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 for the MONTANA DEPARTMENT OF TRANSPORTATION (MDT). This is being documented in compliance with the *Montana Environmental Policy Act (MEPA, see Sections 75-1-103 and 75-1-201, M.C.A.)*. The form listing the qualifications of this proposed project as a MEPA Categorical Exclusion, and copies of its location map are attached.

This proposed project is a bridge replacement.

The location of this project is in Beaverhead County. The off-system bridge over the Beaverhead River is located approximately 24 km (15 miles) south of Dillon and west of I-15. The bridge is located in Section 15, Township-9-South, Range-10-West, M.P.M.

The intent of this project is to replace the existing bridge with a new concrete bridge. The existing bridge is the property of the Montana Department of Fish, Wildlife & Parks (MDFWP). The structure is currently closed to traffic due to safety concerns related to public use of the structure. This closure has inconvenienced property owners and the general public wishing to access property west of the river.

The old highway was never formally abandoned by MDT. Beaverhead County currently has jurisdiction over the old Highway 91 right-of-way. The old Highway 91 route is a non-maintained public access route and cattle access trail. The question of who has ownership and who is to maintain the old highway has been debated. In order to receive federal funds, the road would have to be declared a public road. The proposed project would be funded 100% by the State of Montana. MDFWP would like MDT to commit to retaining control of the old highway 91 and maintain it as a public access route. MDT considers the cattle trail unsafe. It should only be used to move cattle by the adjacent landowners and must not remain open for public use. Upon investigation, MDT discovered the cost of fixing the road to be at least as much as the cost of replacing the bridge. Replacement of the bridge is really the only acceptable alternative that

landowners, area legislators, and local government could agree on. MDT and MDFWP have agreed to expend funds on this proposed project towards replacing the bridge.

The existing structure is composed of two spans of dual flat cars with a total length of 33 meters (108 feet) and a total width of 5.5 meters (18.0 feet). The proposed project would provide a single span structure about 28 meters (92 feet) long and about 5.9 meters (19.4 feet) wide on the same alignment. With new standard bridge rail, the finished roadway width would be 5.2 meters (17.0 feet). Roadway approaching the bridge would be reconstructed on both sides for an overall project length of about 100 meters (328 feet), including the bridge.

The bridge has a Sufficiency Rating of 35 on a 100 point scale. The Sufficiency Rating is a composite of several ratings of individual bridge items that rate the structural condition and geometry of the bridge. A bridge with low ratings on the structural condition items will be designated structurally deficient and a bridge with poor ratings for geometry items will be designated as functionally obsolete. This bridge is rated structurally deficient.

The attached MEPA Categorical Exclusion form identifies the environmental impacts being avoided or mitigated on this proposed project. The following environmental issues have also been identified on this proposed project:

Permits Required - The following permits will be acquired prior to any relevant disturbance:

This proposed project will be in compliance with the provisions for both Water Quality under 75-5-401(2) M.C.A. for *Section 3(a)* authorizations, and Stream Protection under 87-5-501 through 509 M.C.A., inclusive:

A *124SPA Stream Protection* Permit will be required by the MDFW&P. and

A *Section 404* permit from the U.S. Army - Corps of Engineers. The COE will determine if this proposed project qualifies for a "Nationwide" 404 permit under the provisions of 33 CFR 330.

All work will also be in accordance with the *Water Quality Act* of 1987 (P.L. 100-4) as amended.

Section 6(f) of the National Land and Water Conservation Fund Act – Section 6(f) of the National Land & Water Conservation Fund Act (16 U.S.C. 460) requires that coordination be under taken to determine if federal funds were used to acquire or improve any lands in the project area for recreation or water conservation purposes. The National Park Service has designated the MDFWP as the agency responsible for administering the Land and water conservation Fund program at the state level in Montana. Coordination with the MDFWP indicates that the Henneberry Fishing Access Site (FAS) was partially developed with money from the LWCF. Correspondence from the MDFWP regarding this Section 6(f) involvement is attached.

The potential impacts of the proposed project through the FAS would involve the conversion of a 9 meter (30 foot) wide right-of-way through the site. As mitigation, MDT must provide replacement land of reasonably equivalent usefulness and location and of at least comparable value. The impacted parcel will be appraised and the value will be applied to the Motherell property for mitigation of the 6(f) conversion. The Motherell property is located adjacent to the Lewis & Clark Caverns State Park.

Right-of-Way - MDFWP will grant a 9.1 meter (30 feet) wide right-of-way through the Henneberry FAS to MDT. The right-of-way will extend from the edge of the FWP property boundary. There will be utility involvement where overhead power lines cross the road west of the bridge and would need to be relocated. The telephone line attached to the upstream side of the existing bridge would be relocated.

A news release was submitted to The Dillon Tribune on April 23, 1999. A public meeting was held in Dillon on May 11, 1999. The public comments heard at the meeting were generally favorable to the project.

Cumulative Impacts

Cumulative impacts which result from nearby proposed and/or recently completed projects have been evaluated and determined to not exist. MDT currently has no active or proposed projects in this part of its Butte District not including this proposed project.

The project will not induce significant land use changes or promote unplanned growth and will not affect existing access to adjacent property or change present traffic patterns. This project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (E.O. 12898) and complies with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) as amended. This proposed project does not individually, collectively, and/or cumulatively require the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) under *MEPA*.

Karl M. Helvik, P.E., Engineering Bureau Chief
Environmental Services

"ALTERNATIVE ACCESSIBLE FORMATS OF THIS
DOCUMENT WILL BE PROVIDED ON REQUEST."

KMH:BCB

Attachments

cc: Jason Giard, P.E. - MDT Butte District Administrator
Carl S. Peil, P.E. - MDT Preconstruction Engineer
Joseph P. Kolman, P.E. - MDT Bridge Engineer
Thomas E. Martin, P.E., Chief, MDT Right-of-Way Bureau
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Mark A. Wissinger, P.E., Supervisor - MDT Contract Plans Section
Joel M. Marshik, P.E., Manager - MDT Environmental Services
Tom Reilly, Asst. Admin., - MDFWP - Parks Division
Beaverhead County Commissioners - Dillon MT



MONTANA DEPARTMENT OF TRANSPORTATION
MEPA CATEGORICAL EXCLUSION FORM

Project N° SF 1(37) CN# 4102 Date: August 19, 1999
Project Name: HENNEBERRY BRIDGE - S. of DILLON Location: Beaverhead County

A description and location map of this proposed project are attached.

The following conditions apply to this proposed project which qualify as Categorical Exclusions under the provisions of ARM 18.2.261(1). This form provides the documentation required to demonstrate that all of the following conditions are satisfied to categorically exclude this proposed project under the Montana Environmental Policy Act (MEPA): 75-1-103 and 75-1-201 M.C.A., as amended.

NOTE: A response in a box will require an Environmental Assessment (EA) in accordance with the provisions of ARM 18.2.239.

- | | <u>YES</u> | <u>NO</u> |
|--|-------------------------------------|-------------------------------------|
| 1. An <u>EA</u> , or an <u>Environmental Impact Statement (EIS)</u> is <u>not required</u> for this proposed project as determined under <u>ARM 18.2.237(5)</u> . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. This proposed project has (a) significant environmental impact(s) as-defined under <u>ARM 18.2.238</u> and <u>ARM 18.2.261(2)</u> . | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. This proposed project <u>does</u> involve one (or more) of the following actions: | | |
| a) Acquisition of more than <u>minor</u> amounts* of temporary, or permanent Right-of-Way for the construction of such items as clear-vision corners and/or grading. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) The acquisition of <u>minor</u> amounts* of temporary, and/or permanent Right-of-Way requires (a) residential and/or commercial displacement(s). | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Significant impacts on <u>publicly-owned</u> parklands, recreation areas, wildlife/waterfowl refuges, and/or any significant historic sites as-defined under <u>ARM 18.2.261(2)(a)</u> . | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Involves activities under Part B, and meets all the conditions under Part C and the " <u>Section 404 Only Conditions</u> " in Appendix <u>B of 33 CFR 330</u> for " <u>Nationwide</u> " Permits under <u>Section 404 of the Clean Water Act (33 U.S.C. 1251 - 1376)</u> . | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Wetlands (as defined by the U.S. ARMY - Corps of Engineers "three-parameter" criteria) impacts: | | |
| 1) Will this proposed project impact any wetlands? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) If "YES" to the preceding, are the impacts and mitigation for same summarized in the attached letter? | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Work in, across, or adjacent to a river designated as a component of, or proposed for inclusion in the Wild and/or Scenic Rivers system as-published by the U.S. DEPARTMENT OF AGRICULTURE, or the U.S. DEPARTMENT OF THE INTERIOR. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Complies-with MDT's Noise Policy for highway projects. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

***NOTE:** MDT's guidelines for "minor amounts" of Right-of-Way (including Construction Permits) are limited-to either 10% of a parcel under 10 hectares (25 acres), or 1% of a parcel equal-to or greater-than 10 hectares (25 acres) in size.

MEPA Categorical Exclusion Determination (conclusion:)

YES NO

3. This proposed project involves any of the following:
- h) Floodplain encroachment.
 - 1) Is there a delineated floodplain? _____ X _____
 - 2) If "YES" to the preceding, will the water surface (at the 100-year-flood limit) elevation exceed floodplain management criteria due to an encroachment? _____ NA _____
 - i) Any permanent changes in access control. _____ X _____
 - j) The use of a temporary road, detour, or ramp closure unless the action(s) associated with such facilities meet the following conditions:
 - 1) Provisions are made for access by local traffic and posted for same. _____ X _____
 - 2) Adverse effects to through-traffic-dependant business will be avoided. _____ X _____
 - 3) Interference to a local event (i.e.: festival) will be minimized to all possible extent. _____ X _____
 - 4) Avoidance of substantial changes in the environmental consequences by this action. _____ X _____
 - 5) Substantial controversy associated with this action is avoided. _____ X _____
 - k) Hazardous wastes/substances defined by the U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) and/or the MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ):
 - 1) Are there any known and/or potential source(s) on, or adjacent to this proposed project? _____ _____ X _____
 - 2) If "YES" to the preceding, will this proposed project's construction disturb or otherwise encounter these? _____ NA _____
 - 3) Is this proposed project in a listed "Superfund" (under CERCLA or CECRA) site? _____ X _____
 - l) Meets the Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314) for construction activity. _____ X _____
 - m) Establishes permanent desirable vegetation in all disturbed areas with an approved seeding mixture. _____ X _____
4. This proposed project complies with Section 176(c) of the Clean Air Act, as amended (42 U.S.C. 7521(a)); and 40 CFR 81.237, by being located-in:
- a) an "unclassifiable"/attainment area of Montana for air quality. As such, this action is not under the EPA's November 24, 1993 Final Rule on air quality conformity. _____ X _____
 - and/or
 - b) a "nonattainment" area of Montana for air quality. However, this type of action is exempt from conformity determinations under the EPA's November 24, 1993 Final Rule on Air Quality. _____ NA _____
5. This proposed project has either "No Effect" on, or "Will Not Adversely Affect" any Federally-listed Threatened/Endangered Species (50 CFR 402) as determined by MDT in accordance with the U.S. FISH & WILDLIFE SERVICE's November 19, 1996 letter. _____ X _____

KMH:BCB