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Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

March 23, 2005

RECEIVED
MAR 24 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Environmental Quality Council
Room 171, State Capitol
PO Box 201704
Helena, MT 59620-1704

Subject: MDT Statewide Maintenance Projects
Bridger Creek - East
Sweet Grass County, C049106
Reference Post from: 0.0
Reference Post to: 4.0

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Environmental Checklist for the Maintenance Pavement Preservation Activities. We have determined that the Statewide PCE for these types of projects would cover this project.

If there are special provisions for these projects, the special provisions are attached or included on the checklist. I have attached the checklist and the location map for your information.

If you have any questions concerning this letter, please contact me at 444-0456.

Tom Hansen, P.E.
Engineering Section Supervisor

Attachments

copies: Loran Frazier, Engineering Division
Jon Swartz, Maintenance
Bruce Barrett, Billings District Administrator
James Stevenson, Billings Maintenance Chief
Mark Wissinger, Construction
Suzy Althof, Contract Plans
File

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ENVIRONMENTAL CHECKLIST FOR MAINTENANCE ACTIVITIES

Applicant (Maintenance Chief) cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Project No.: State Funded **ID:** C049106 **Designation:** Bridger Creek - East

Proposed Date of Maintenance Activity: Completion August 30, 2005 **Federal Funds Involved? Yes** ☐ **No** ☒

Reference Post (Station) 0.0 **to Reference Post (Station)** 4.0

Applicants Name: James R Stevenson **Address:** 424 Morey Street, P.O. Box 20437, Billings, MT 59104

Type of Proposed Maintenance Activity: Chip Seal

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)				
	Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
		Yes	No	Comment or List Documentation, Evaluation, Mitigation Measure, and/or (a) Permit(s) Required for Items 1 through 7.(Use attachments if necessary)
1.	Does the proposed action require work in, across, and/or adjacent to a river which is a component of, or proposed for inclusion in Montana's Wild and/or Scenic Rivers system. (See listing on page 3)	☐	☒	
2.	Are there any recorded occurrences, and/or critical habitat for Federally-listed Threatened and Endangered Species in the vicinity of the proposed activity?	☒	☐	see Attached BRM
3.	Does the proposed action have an impact on water quality? If answer is NO go to question 4.	☐	☒	
3a.	If the answer to number 3 is yes, is a Clean Water Act ' Section 402 permit required? (MPDES issued by MDEQ)	☐	☐	☒ N/A
4.	Does the proposed project have impacts to wetlands or waters of the U.S.? If answer is NO go to question 5.	☐	☒	
4a.	If the answer to number 4 is yes, is a Clean Water Act ' 404 permit authorization required?	☐	☐	☒ N/A
4b.	If the answer to number 3 or 4 is yes, is a Stream Protection Act ' 124SPA permit required? (Issued by MDFWP)	☐	☐	☒ N/A
5.	Does the proposed project involve hazardous waste site[s]? (Superfund, spills, underground storage tanks, etc.)	☐	☒	
6.	Is the proposed activity on and/or within approximately 1.6 Km (1 mile) of an Indian Reservation? If answer is NO go to question 7.	☐	☒	
6a.	Are any Tribal water permits required?	☐	☒	☐ N/A
7.	Is the proposed project in a "Class I Air Shed" (Some Indian Reservations)?	☐	☒	☐ N/A

8. **Magnitude and significance of potential impacts: To be completed by applicant.**

Checklist prepared by: James R. Stevenson — Applicant (Maintenance Chief) | Maintenance Chief - Billings — Title | 3/1//05 — Date

Approved by:

Project Number: _____ ID: _____ Designation: _____

	ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR	3/23/08
Environmental Services	**Title**	**Date**

(when items 1, 2, 3, 3a, 4, 4a, 4b, 5, 6, 6a, or 7 are checked "Yes")

A. The applicant shall complete the checklist indicating a "Yes" or "No" for each item, except number 8 which may require a narrative response.

B. When a "Yes" is indicated on any number of items 1 through 7, the applicant must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary.

C. If the applicant checks "Yes" for any one item, the checklist and the applicant's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services. Contact Number 444-7228.

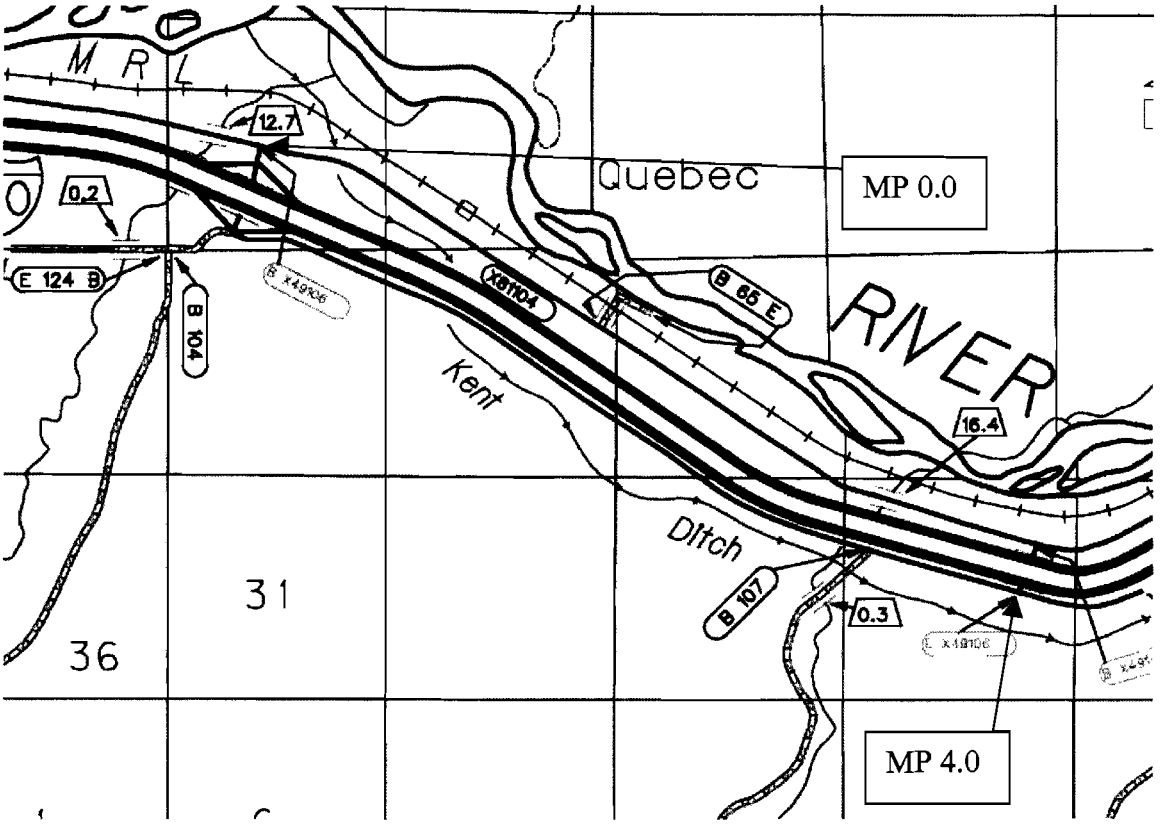
D. When the applicant checks a "Yes" item, the applicant cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.

E. Applicant will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.

Montana's Wild and/or Scenic Rivers system as published by the U.S. DEPARTMENT OF AGRICULTURE (USDA), or the U.S. DEPARTMENT OF THE INTERIOR (USDoI)

1. Middle Fork of the Flathead River (headwaters to South Fork of the Flathead River confluence)
2. North Fork of the Flathead River (Canadian Border to Middle Fork of the Flathead River confluence)
3. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir)
4. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge)

BRIDGER CREEK EAST
CHIP SEAL



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MASTER FILE COPY

Montana Department of Transportation
Environmental Services
Helena, MT 59620-1001

Memorandum

To: Bonnie Steg, Resources Bureau Chief

From: Paul Sturm, Billings District Biologist

Date: March 21, 2005

Subject: Biological Resources Memorandum
Maintenance
Bridger Creek – East Chip Seal

Project Location & Description

This proposed project is located in Sweet Grass County west of Reed Point. The project is on County Road 49106 (I-90 frontage road), beginning at Reference Post (RP) 0.0 (Township 1 South, Range 17 East, Section 19) and ending at RP ~~25.8~~ 4.0 (Township 1 South, Range 17 East, Section 34).

The project is a state funded chip seal. There will be no grading required for this project.

Biological Resources and Impact Analysis

There are active Bald Eagle (*Haliaeetus leucocephalus*) nest sites in the vicinity of the proposed project. These nests are located in Sections 19, 25, and 26, Township 1 South, Range 17 East. The project is located less than 0.5 miles away from the nest locations. The following general restrictions and limitations will be followed for the nest sites located in the above listed sections:

- Between March 15 and May 15, no construction activity will be conducted within ½ mile of these Sections.
- Between May 15 and July 15, no construction activity will be conducted within ¼ mile of these Sections.

Bald eagles actively nest along or in the vicinity of this project. If you suspect that any new aggregate borrow source, gravel, crushing, storage or staging areas, or processing plants may potentially be located within one mile of a bald eagle nest, submit the location of such site(s) to MDT-Environmental Services Bureau for review.

Due to the location and limited scope and nature of this project, there is not expected to be any project-related impacts to biological resources. As long as the above listed timing

restrictions on work in the area of bald eagle nests are followed, this project will have no effect on any threatened, endangered, proposed, candidate, rare, or sensitive species.

No wetlands, streams, or other aquatic resources would be affected. Therefore**, a Stream Protection Act 124 permit and a Clean Water Act 404 permit are not required**. As the project does not include any grading or removal of vegetation, the work would disturb very little ground or existing vegetation and therefore would not contribute to the spread of noxious weeds.

The attached special provision should be adhered to during these maintenance activities.

Copy: Doug Compton - Environmental
Paul Sturm - Environmental
File

1. PROTECTION OF WETLAND AREAS AND OTHER DRAINAGES

Impacts to any and all wetland areas and other drainages, including spring drainages, located adjacent to the project are not anticipated in association with this project. MDT has NOT acquired any water quality permits, including a Clean Water Act Section 404 permit, a Stream Protection Authorization 124 permit, or a 318 Authorization permit. Therefore, impacts to any and all wetland areas and other drainages, including spring drainages, located adjacent to the project are not permitted. Avoid all equipment traffic, fill material, staging activities and other disturbances to the wetland areas and other drainages. If situations are observed during construction that may potentially impact water quality, including wetland areas, utilize Best Management Practices (BMP) and/or Temporary Erosion Control measures as necessary to protect the resource. Refer to Section 208 of the MDT Detailed Drawings (2004 metric edition) for Erosion and Sediment Control Best Management Practices.

Install Temporary Erosion Control measures as deemed necessary by the Engineer. Payment to be determined using the Erosion and Sediment Control rate schedule and paid under Miscellaneous Work.

If complete avoidance of all impacts to these areas is not possible, contact the Billings District Biologist at 444-9438 or the Construction Permit Coordinator at 444-7648, so that the proper permits can be secured prior to working in these areas. Any impacts to these areas and associated consequences, without the proper permitting, are the responsibility of the Contractor.