



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

County RICHLAND

April 7, 2005

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

To Whom It May Concern:

Subject: Cooperating Agency Environmental Documentation

As a Cooperating Agency under the provisions of 23 CFR 771.111 the Montana Department of Transportation (MDT) is providing you a copy of this project's environmental documentation.

This environmental documentation complies with the provisions of 23 CFR 771.117(a) and (d) for categorically excluding this proposed project from further National Environmental Policy Act (NEPA) (42 U.S.C. 4321, et seq.) documentation requirements. The attached also complies with the provisions of 75-1-103 and 75-1-201, MCA (see ARM 18.2.237 and 18.2.261, MEPA "Actions that qualify for a Categorical Exclusion" as applicable to the MDT).

If you have any questions concerning the attached environmental documentation please call the MDT Environmental Services Division at (406) 444-7228.

Sincerely,

Jean A. Riley, P.E.
Engineering Bureau Chief
Environmental Services Division

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Attachment



Montana Department of Transportation

Jim Lynch, Director

Brian Schweitzer, Governor

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

March 25, 2005

Janice W. Brown, Division Administrator
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena, MT 59602

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ENVIRONMENTAL

Subject: STPS 261-2(4)28
Richland County Line - North
Control No. 4482

This is a request for the FHWA's concurrence that this proposed project meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR 771.117(d). This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.). A Project location map is attached.

The proposed project is located on Secondary Highway 261 and begins approximately 2 km south of the Wibaux/Richland County line in Wibaux County, and ends approximately 2 km north of the Wibaux/Richland County line in Richland County.

This proposed project is to reconstruct approximately 4.9 km of the existing roadway and provide an asphalt driving surface with an 8.0 m finished top width to allow for future overlays. A new 3-span concrete bridge structure will be required where the proposed roadway crosses Smith Creek. The work involves major grading, the installation of new drainage structures, and the placement of gravel and plant mix surfacing. The proposed alignment requires substantial modifications to the horizontal and vertical alignments. As shown in the attached Project Location Map, the proposed project would provide a new northeasterly tangent alignment shifted south of the existing curved alignment by as much as 1.9 km. The proposed horizontal and vertical alignments meet the design requirements for an 80 km/hr design speed. The majority of the existing alignment and the existing structure over Smith Creek will be left in place to maintain access to private roads to the west and northwest of the existing alignment. A small segment from approximately Station 51+95 to Station 55+75 would be obliterated.

This proposed project has been evaluated for, and does not have any adverse effect on the following environmental areas of concern:

Hazardous Waste
Noise
Air Quality

USDOT - 4(f)/NL&WCF - 6(f) Acts
Social/Economic
Changes in Land Use

Historical/Cultural Resources

A cultural resources inventory was prepared for this project in September 2003. Field investigations did not reveal any sites that would be adversely affected by this proposed project.

Floodplains

There are no delineated floodplains in the proposed project area.
The proposed project will have a minor effect on the following environmental area(s):

Threatened/Endangered Species

The Biological Resources Report (BRR) prepared for this project identified fifteen (15) plant and animal species listed as threatened or endangered, and five species listed as candidates which could potentially be affected by this project. The BRR concluded that this project will have **No Effect** on any of these species.

If power lines in the project area are not properly constructed, they could pose an electrocution hazard for migrating bald eagles and other raptors. To protect these large raptors, any power lines that are relocated within MDT right-of-way as a result of the project must be raptor-proofed in accordance with MDT policy.

Terrestrial and Aquatic Resources and Species

According to the BRR, there are no records of any Species of Concern in the project vicinity, and will have **no effect** on these species or on any habitat that is considered critical for the continued existence of these species.

The BRR also noted that the project **may affect, is not likely to adversely affect** general resident wildlife or their habitat.

Wetlands

The BRR identified unavoidable impacts to approximately 0.4 ha (0.9± ac) of Category II wetlands associated with Parson Creek and Smith Creek. Every effort will be given to secure an on-site wetland mitigation project within the Smith Creek Watershed. A willing landowner will be sought and a feasibility analysis conducted to insure that the unavoidable wetland impacts associated with this project are successfully mitigated.

Farmlands

According to the NRCS offices in Richland and Wibaux Counties, the project area contains land that would be designated as Prime if Irrigated; however, there is no irrigated cropland in the project area and no official designation of Prime, Unique, or Statewide Important farmlands in the project area. No further analysis has been conducted or is necessary under the Farmland Protection Policy Act (FPPA - 7 U.S.C. 4201, et seq.).

Air Quality

This proposed project is located in an "unclassifiable"/ attainment area of Montana for air quality under 40 CFR 81.327, as amended. As such, this proposed project is not covered under the U.S. Environmental Protection Agency's "Final Rule" of September 15, 1997 on Air Quality conformity. Therefore, this proposed project complies with Section 176(c) of the *Clean Air Act* as amended (**42 U.S.C. 7521(a)**, as amended).

Water Resources/Quality

There are no waterbodies contained on the TMDL list in the proposed project area. This proposed project may impact water quality through storm water runoff and erosion. Mitigation of these impacts is achieved through engineering controls such as grading, re-vegetation, design of culverts/ditches, and the use of Best Management Practices. Construction of the new structure and approach roadways will require an MPDES Stormwater Pollution Prevention Plan (SWPPP) and field monitoring/oversight to ensure the impacts to water quality due to construction and demolition associated with this project is minimal.

The following permits will be required 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 MFWP.

This proposed project will require the following permit(s) under the *Clean Water Act* (33 U.S.C. 1251 - 1376):

A *Section 402*/Montana Pollutant Discharge Elimination System permit from the Montana Department of Environmental Quality's Permitting and Compliance Division.

A *Section 404* permit from the U.S. Army - Corps of Engineers. The COE will be notified that 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.

In accordance with 7-22-2152, and 60-2-208 M.C.A., MDT will re-establish a permanent desirable vegetation community along all areas disturbed by the proposed construction. A set of re-vegetation guidelines will be developed by MDT that must be followed by the contractor. These specifications will include instructions on seeding methods, seeding dates, types and amounts of mulch and fertilizer, along with seed mix components. Seed mixes include a variety of species to assure that areas disturbed by construction are stabilized by vegetative cover. The Seeding Special Provisions developed for this proposed project will be forwarded to the responsible County Weed Board for approval.

Right-of-Way and Relocations

Approximately 29.9 ha (73.9± ac) of new Right-of-Way, and 0.9 ha (2.2 ac) of construction permits will be needed for this proposed project. There will be utility involvement but no residential or business relocations. Preliminary right-of-way plans are available upon request.

Cumulative Impacts

MDT currently has one other project programmed in the general vicinity of this proposed project:

Smith Creek – 47 km N of Wibaux (BR 9055(9); CN 4829) This is an off-system bridge replacement project and will not have any significant cumulative environmental impacts on this proposed action. This proposed reconstruction project will also have no significant cumulative environmental impacts on other MDT projects in this part of its Glendive District.

Construction Impacts

Short-term, temporary impacts to traffic, noise, and air quality are anticipated with this project. During the construction period, traffic impacts would include increased construction truck traffic with some traffic delays. However, the existing alignment and bridge structure will be left in place, so detours and disruptions to traffic flow should be minimized. Noise and dust will also increase during construction. Contractors will be required to adhere to local ordinances and BMP's to minimize noise during construction, and fugitive dust and mobile source emissions will be minimized by requiring contractors to adhere to all state and local regulations and to BMP's.

Janice W. Brown
March 25, 2005
Page 4

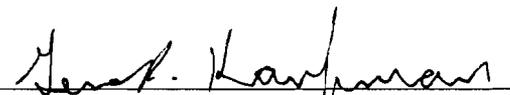
A public information meeting was held on September 21, 2000, and those in attendance supported the offset alignment option. A news release was also distributed on February 12, 2001. No further public involvement is anticipated.

This project will not induce significant land use changes or promote unplanned growth. There will be no significant affects on access to adjacent properties or 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) under FHWA's regulations (23 CFR 200). In accordance with 23 CFR 771.117(a), this action will neither individually nor cumulatively, have any significant environmental impacts. Therefore, we are requesting FHWA's concurrence that this proposed project is properly classified as a Categorical Exclusion.



Tom Hansen, P.E.
Engineering Section Supervisor
Environmental Services

Concur


Federal Highway Administration

Date

4/4/05

**"ALTERNATIVE ACCESSIBLE
FORMATS OF THIS DOCUMENT WILL**

Attachments

cc: Ray Mengel - District Administrator
Paul R. Ferry, P.E. - Highways Engineer
Kent Barnes, P.E. - Bridge Engineer
John H. Horton, P.E., Right-of-Way Bureau Chief
Mark A. Wissinger, P.E., Supervisor - Contract Plans Section
Jean A. Riley, P.E., Bureau Chief - Environmental Services
Darryl L. James, AICP - HKM Engineering Inc.
File