



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

County **MUSSELSHELL/GOLDEN VALLEY**

April 26, 2005

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

S:\ADMIN\48_GEN_CORRESP\MAILINGS\COOP AGENCY LTR.DOC\LAVINAEAST_CN5185
Attachment



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

Musselshell/
Golden Valley

RECEIVED

APR 21 2005

ENVIRONMENTAL

MASTER FILE
COPY

RECEIVED

APR 18 2005

FHWA
MONTANA DIVISION

April 15, 2005

Janice W. Brown, Division Administrator
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena, MT 59602-1230

Subject: STPP 14-4(20)146
LAVINA-EAST
Control #5185

This is to request approval of this proposed project as a Categorical Exclusion (CE) under the provisions of 23 CFR 771.117(d), and the Programmatic Agreement as signed by the MONTANA DEPARTMENT OF TRANSPORTATION (MDT) and the FHWA on April 12, 2001. Copies of its Preliminary Field Review Report and Project Location Map are attached. This proposed action also qualifies as a CE under ARM 18.2.261 (Sections **75-1-103** and **75-1-201, M.C.A.**).

The following form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion Approval (PCE) as initially agreed by the (former) MONTANA DEPARTMENT OF HIGHWAYS (MDOH) and the FHWA on December 6, 1989. (Note: An "X" in the "N/A" column is "Not Applicable" to, while one in the "UNK" column is "Unknown" at the present time for this proposed project.)

NOTE: A response in a box will require additional documentation for a Categorical Exclusion request in accordance with 23 CFR 771.117(d).

	YES	NO	N/A	UNK
1. This proposed project would have (a) significant environmental impact(s) as-defined under <u>23 CFR 771.117(a)</u> .	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
2. This proposed project involves (an) unusual circumstance(s) as described under <u>23 CFR 771.117(b)</u> .	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3. This proposed project involves one (or more) of the following situations where:				
A. Right-of-Way, easements, and/or construction permits are required.		<input checked="" type="checkbox"/>		
1. The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s).	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
2. There is a high rate of residential growth in this proposed project's area.		<input checked="" type="checkbox"/>		

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
(3.A. – concluded:)				
3. There is a high rate of commercial growth in this proposed project's area.	___	<u>x</u>	___	___
4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation.	___	<u>x</u>		
5. There are parks, recreational, or other properties acquired/improved under <i>Section 6(f)</i> of the <i>1965 National Land & Water Conservation Fund Act (16 U.S.C. 460L, et seq.)</i> on or adjacent to the proposed project's area.	___	<u>x</u>		
The use of such <i>Section 6(f)</i> sites would be documented and compensated with the appropriate agencies. (e.g.: MDFW&P, local entities, etc.).	___	<input type="checkbox"/>	<u>x</u>	
6. Are there any sites either on, or eligible for the National Register of Historic Places with concurrence in determination of eligibility or effect under <i>Section 106</i> of the <i>National Historic Preservation Act (16 U.S.C. 470, et seq.)</i> by the State Historic Preservation Office (SHPO), which would be affected by this proposed project.	___	<u>x</u>		
7. There are parks, recreation sites, school grounds, wildlife refuges, historic sites, historic bridges, or irrigation that might be considered under <i>Section 4(f)</i> of the <i>1966 U.S. DEPARTMENT OF TRANSPORTATION Act (49 U.S.C. 303)</i> on or adjacent to the proposed project's area.	<u>x</u>	___		
a. "Nationwide" Programmatic <i>Section 4(f)</i> Evaluation forms for these sites are attached.	___	<input type="checkbox"/>	<u>x</u>	
b. This proposed project requires a full (i.e.: DRAFT & FINAL) <i>Section 4(f)</i> Evaluation.	<input type="checkbox"/>	<u>x</u>	___	
B. The activity would involve work in a streambed, wetland, and/or other waterbody(ies) considered as "waters of the United States" or similar (e.g.: "state waters").	___	<u>x</u>		
1. Conditions set forth in <i>Section 10</i> of the <i>Rivers and Harbors Act (33 U.S.C. 403)</i> and/or <i>Section 404</i> under <u>33 CFR Parts 320-330</u> of the <i>Clean Water Act (33 U.S.C. 1251 - 1376)</i> would be met.	___	<input type="checkbox"/>	<u>x</u>	
2. Impacts in wetlands, including but not limited to those referenced under Executive Order (E.O.) #11990, and their proposed mitigation would be coordinated with the Montana Inter-Agency Wetland Group.	___	<input type="checkbox"/>	<u>x</u>	
3. A 124SPA Stream Protection permit would be obtained from the MDFW&P?	___	<u>x</u>	___	

YES NO N/A UNK

(3.B. – concluded:)

4. There is a delineated floodplain in the proposed project's area under FEMA's Floodplain Management criteria.

___ x

The water surface at the 100-year flood limit elevation would exceed floodplain management criteria due to an encroachment by the proposed project.

 x ___

5. Tribal Water Permit would be required.

___ x

6. Work would be required 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 as published by the U.S. DEPARTMENT OF AGRICULTURE, or the U.S. DEPARTMENT OF THE INTERIOR.

___ x

The designated National Wild & Scenic River systems in Montana are:

- a. Middle Fork of the Flathead River (headwaters to South Fork confluence).
- b. North Fork of the Flathead River (Canadian Border to Middle Fork confluence).
- c. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir).
- d. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge).

In accordance with *Section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1271 – 1287)*, this work would be coordinated and documented with either the Flathead National Forest (Flathead River), or U.S. Bureau of Land Management (Missouri River).

___ x

C. This is a "Type I" action as defined under 23 CFR 772.5(h), which typically consists of highway construction on a new location or the physical alteration of an existing route which substantially changes its horizontal or vertical alignments or increases the number of through-traffic lanes.

___ x

1. If yes, are there potential noise impacts?

___ ___ x

2. A Noise Analysis would be completed.

___ x

3. There will be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy.

x ___

D. There would be substantial changes in access control involved with this proposed project.

___ x

If yes, would they result in extensive economic and/or social impacts on the affected locations?

 ___ x

YES NO N/A UNK

(3. – continued:)

- | | |
|--|---|
| <p>E. The use of a temporary road, detour, or ramp closure having the following conditions when the action(s) associated with such facilities:</p> <p>1. Provisions would be made for access by local traffic, and be posted for-same.</p> <p>2. Adverse effects to through-traffic dependant businesses would be avoided or minimized.</p> <p>3. Interference to local events(e.g.: festivals) would be minimized to all possible extent.</p> <p>4. Substantial controversy associated with this pending action would be avoided.</p> <p>F. Hazardous wastes/substances, as defined by the U.S. Environmental Protection Agency (EPA) and/or the MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ), and/or (a) listed "Superfund" (under CERCLA or CECRA) site(s) are currently on and/or adjacent-to this proposed project.</p> <p>All reasonable measures will be taken to avoid and/or minimize substantial impacts from same.</p> <p>G. The Montana Pollutant Discharge Elimination System's conditions (<u>ARM 16.20.1314</u>), including temporary erosion control features for construction will be met.</p> <p>H. Permanent desirable vegetation with an approved seeding mixture will be established on exposed areas.</p> <p>I. Documentation of an "invasive species" review to comply with both E.O.#13112 and the <i>County Noxious Weed Control Act (7-22-21, M.C.A.)</i>, including directions as-specified by the county(ies) wherein its intended work is to be done.</p> <p>J. There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent-to this proposed project's area.</p> <p>If the proposed work would affect Important Farmlands, then an AD-1006 Farmland Conversion Impact Rating form would be completed in accordance with the <i>Farmland Protection Policy Act (7 U.S.C. 4201, et seq.)</i>.</p> <p>K. Features for the <i>Americans with Disabilities Act (P.L. 101-336)</i> compliance would be included.</p> | <p><u>x</u> <input type="checkbox"/> <u> </u></p> <p><u>x</u> <u> </u> <u> </u></p> <p><u>x</u> <input type="checkbox"/> <u> </u></p> <p><u>x</u> <u> </u> <u> </u></p> <p><u>x</u> <input type="checkbox"/> <u> </u></p> <p><u> </u> <u>x</u> <u> </u></p> <p><u> </u> <input type="checkbox"/> <u>x</u></p> <p><u> </u> <input type="checkbox"/> <u>x</u></p> |
|--|---|

YES NO N/A UNK

(3. – concluded:)

L. A written Public Involvement Plan is being completed in accordance with MDT's Public Involvement Handbook.

x

4. This proposed project complies with the *Clean Air Act's Section 176(c) (42 U.S.C. 7521(a))*, as amended) under the provisions of 40 CFR 81.327 as it's either in a Montana air quality:

A. "Unclassifiable"/attainment area. This proposed project is not covered under the EPA's September 15, 1997 Final Rule on air quality conformity.

x

and/or

B. "Nonattainment" area. However, this type of proposed project is either exempted from the conformity determination requirements (under EPA's September 15, 1997 Final Rule), or a conformity determination would be documented in coordination with the responsible agencies (Metropolitan Planning Organizations, MDEQ's Air Quality Division, etc.).

 x

C. Is this proposed project in a "Class I Air Shed" (Indian Reservations) under 40 CFR 52.1382(c)(3)?

 x

5. Federally listed Threatened or Endangered (T/E) Species:

A. There are recorded occurrences, and/or critical habitat in this proposed project's vicinity.

 x

B. Would this proposed project result in a "jeopardy" opinion (under 50 CFR 402) from the Fish & Wildlife Service on any Federally listed T/E Species?

 x

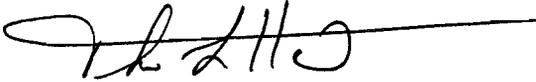
The proposed project will not induce significant land use changes, nor promote unplanned growth. There are no significant effects on access to adjacent property, nor to present traffic patterns.

This proposed project does not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations (E.O.#12898). It also complies with the provisions of *Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)* under the FHWA's regulations (23 CFR 200).

Janice W. Brown
Page 6
April 15, 2005

STPP 14-(4)146
LAVINA-EAST
C#5185

In accordance with the provisions of 23 CFR 771.117(a), this pending action will not cause any significant individual, secondary, or cumulative environmental impacts. Therefore, the FHWA's concurrence is requested that this proposed project is properly classified as a Categorical Exclusion.



Thomas L. Hansen, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

Concur , Date: 19 APR 2005
Federal Highway Administration

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

JAR:TLH:asj:  [S:\PROJECTS\BILLINGS\5185\A722\FORM_LET.DOC]

Attachments

copies: Bruce H. Barrett, Administrator - MDT Billings District (No 5)
Paul R. Ferry, P.E. - MDT Highways Engineer
Kent M. Barnes, P.E. - MDT Bridge Engineer
John H. Horton, Jr. - MDT Right-of-Way Bureau Chief
D. Suzy Althof, Supervisor - MDT Contract Plans Section
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Jean A. Riley, P.E. - MDT Environmental Services Bureau Chief



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

MASTER FILE
COPY

RECEIVED

Memorandum

JAN 18 2005

To: Paul Ferry, P.E.
Highways Engineer

ENVIRONMENTAL

From: Damian M. Krings, P.E. *DMK*
Road Design Engineer

Date: January 3, 2005

Subject: STPP 14-4(18)146
Lavina - East
Control No. - 5185
Project Work Type - 181 - Resurfacing - Asphalt

We request that you approve the Preliminary Field Review Report for the subject project.

Approved *Paul R. Ferry* Date 1/5/05
for Paul R. Ferry, P.E.
Highways Engineer

We are requesting comments from those on the distribution list. We will assume their concurrences if no comments are received within two weeks of the Engineering Management Unit release date: 1-14-05

Distribution: (with attachment)

- Bruce Barrett - Billings - D.A.
- James Walther - Helena - Preconstruction Engineer
- Damian Krings - Helena - Road Design Engineer
- Matt Strizich - Helena - Materials
- Kent Barnes - Helena - Bridge
- Jean Riley - Helena - Environmental
- Duane Williams - Helena - Traffic
- Dave Jensen - Helena - Fiscal Programming
- John Blacker - Helena - Maintenance
- Sandra Straehl - Helena - Planning
- Cameron Kloberdanz - Helena - Geotechnical Manager
- Joan Scott - Helena - Public Involvement
- Access Management Coord. - Helena - Right-of-Way
- Mac McArthur - Helena - Construction Bureau (2 copies)
- Highways File
- Mark Goodman - Helena - Hydraulics
- Danielle Bolan - Helena - Traffic
- Bryce Larsen - Helena - Photogrammetry
- Bonnie Steg - Helena - Environmental
- Gary Larson - Helena - Planning
- Jim Mullins - Helena - Right-of-Way
- Pierre Jomini - Helena - Traffic-Safety
- Walt Scott - Helena - Utilities
- Alice Flesch - Helena - ADA Coordinator
- Jon Watson - Helena - Surfacing
- Carol Strizich - Helena - Planning
- Sue Sillick - Helena - Pavement Analysis
- Ben Juvan - Helena - Eng. Info. Services

Preliminary Field Review Report

A preliminary field review for the subject project was held on February 25, 2004. The following personnel participated in this review.

Gary Neville	District Eng. Services Supv.	Billings
Rodney Nelson	District Projects Engineer	Billings
Aaron Eschler	District Design Supervisor	Billings
Jackie Miller	District Road Design	Billings
Damian Krings	Area Engineer-Road Design	Helena
Kerry Robertson	Road Design	Helena
Steve Erath	Road Design	Helena
Jeff Olsen	Bridge Bureau	Helena
Jim Tompkins	Pavement Analysis & Research	Helena
Jon Watson	Pavement Analysis & Research	Helena
Ed Shea	Pavement Analysis & Research	Helena
Doug Lutke	Division Maintenance Chief	Lewistown

Proposed Scope of Work

The proposed project was nominated as a resurfacing – asphalt – thin lift project. The proposed scope of work is summarized below.

- Mill full width 0.15 feet deep
- Overlay with 0.15 feet of Grade S asphalt plant mix
- Seal and Cover
- Upgrade guardrail terminal end sections
- Guardrail widening for new terminal end sections.
- New Pavement Markings

Project Location and Limits

This project is located in both Musselshell and Golden Valley County on State Primary Route 14/US Route 12. It is classified as a rural minor arterial. The surrounding terrain is generally rolling and is in a rural environment. This project begins at RP 146.081 and ends at RP 160.456 with a section from RP 154.4 to RP 154.9 that was just reconstructed with another project and will not be included in this project. The Musselshell and Golden Valley County line is located at RP 151.679.

Physical Characteristics

1. According to the 2003 Montana Road Log and as-builts plans:

RP 146.081 to 146.605

Reconstruction in 1937

Project Number FAP 268-A

RP 146.605 to 154.4

Reconstruction in 1935

Project Number FAP 268-B

RP 154.4 to 154.9 (Not included in this project) (30 foot surfacing width)

Reconstruction in 2002

Project Number BR 14-5(23)155

RP 154.9 to 155.077
Reconstruction in 1935
Project Number FAP 268-B
RP 155.077 to 160.456
Reconstruction in 1956
Project Number F-268(6)
RP 146.081 to 160.456
Improvement in 1989 (Overlay)
Project Number Unknown

2. Existing Surfacing:

According to the 2003 Montana Road Log:
RP 146.081 to 146.605
4.3 inches Plant Mix Bit. Surf.
12.0 inches Gravel base
RP 146.605 to 155.077
4.3 inches Plant Mix Bit. Surf.
12.0 inches Gravel base
RP 155.077 to 160.456
3.8 inches Plant Mix Bit. Surf.
14.0 inches Gravel base

3. Existing Roadside Geometrics:

According to the 2003 Montana Road Log and as-builts plans:

RP 146.081 to 146.605
Top Surfacing width: 20 feet
Surfacing inslopes: +/- 5:1
Fill Slopes: 1.5:1

RP 146.605 to 155.077
Top Surfacing width: 20 feet
Surfacing inslopes: +/- 5:1
Fill Slopes: 1.5:1

RP 155.077 to 160.456
Top Surfacing width: 24 feet
Surfacing inslopes: +/- 5:1
Fill Slopes: 1.5:1 to 4:1

4. Pavement Management System Recommendations:

The 2003 pavement conditions and 2004 pavement treatments report lists the following information:

RP 146.08 to 155.16

Performance indexes:

Ride - 64.7

Rut - 52.9

ACI - 97.9

MCI - 98.7

Recommended Treatment - "AC_Thin Overlay"

RP 155.16 to 160.46

Performance indexes:

Ride – 72.6

Rut – 53.1

ACI – 100.0

MCI – 98.8

Recommended Treatment - “Do Nothing”

Traffic Data

2004	ADT (Present) =	440
2005	ADT (Letting) =	450
2025	ADT (Design) =	710
	DHV	= 130
	Trucks	= 7.4 %
	EAL	= 25
	AGR	= 2.3 %

Accident History

Variations from Average Occurrence:

- 24.0 % Incapacitating Injuries (Accident Severity) vs. 11.1% Statewide rural state primary average.
- 24.0% Other Injuries (Accident Severity) vs. 13.2% Statewide rural state primary average.
- 64.0% Clear (Weather Condition) vs. 53.2% Statewide rural state primary average.

Accident Clusters and Safety Projects:

- From 2002 to 2004, the section of road on P-14 from RP 157.4 to 157.9 was identified as an accident clusters area. No feasible countermeasures to address a specific crash trend were identified.
- There were no safety improvement projects within this location during the ten-year study period based on the criteria of the Safety Engineering Improvement Program and the information from the Safety Management Program.

Remarks:

- This roadway segment shows a high incidence of off roadway crashes, with 8 single vehicle crashes where the vehicle overturned, and a higher severity index than the rural state primary average. For the 10-year study period, there were 29 persons injured in this roadway segment.
- A roadway widening project should be considered for the future.

Major Design Features

Design Speed - The design speed for this project is 55 mph as stipulated in the Montana Road Design Manual for a rural minor arterial with rolling terrain.

Horizontal and Vertical Alignments - The horizontal and vertical alignments will be used as is due to the scope of this project.

Typical Sections - The existing roadway width varies from 20 feet to 24 feet. The route segment plan calls for a minimum of 28 feet. The following described typical section is currently being proposed knowing that it may change based upon recommendations from the Surfacing Design Section. The existing asphalt surfacing is to be milled full width 0.15 feet deep and then overlaid with 0.15 feet of Grade S asphalt plant mix. As a result, the existing roadway width will not be decreased.

Grading- No grading is anticipated on this project, except for topsoil as described under "Revegetation".

Revegetation – Isolated areas of revegetation may be necessary for guardrail widening. Prior to placing any shoulder gravel on the side slopes, the existing topsoil/vegetation material will be bladed into a windrow at the point where the shoulder gravel will catch on existing embankment. This material will be bladed back on top of the shoulder gravel, reseeded and fertilized. This work will be measured and paid by the hectare as Revegetation.

Geotechnical Considerations- No geotechnical considerations are anticipated on this project. Cores will not need to be taken due to low ESAL's and < 20 years old pavement.

Hydraulics- No hydraulic issues are anticipated on this project

Bridges- There are four timber bridges on this project, all of which have asphalt surfacing on the decks. Resurfacing will take place over the bridge decks. They are at the following locations:

RP 147.458
Crosses Twin Coulee.
RP 147.591
Crosses Twin Coulee
RP 148.600
Crosses an unnamed drainage
RP 152.389
Crosses Dean Creek

Traffic- Pavement markings will be replaced with this project.

Guardrail- The guardrail on this project was replaced in 1989 and is in good condition. The existing guardrail utilizes Breakaway Cable Terminals (BCT's). In accordance with Paul Ferry's memo dated July 12, 2004, all BCT are considered blunt ends and are required to be replaced on pavement preservation projects but not scheduled maintenance projects. This project is a scheduled maintenance project and even though the BCT's are not required to be replaced, it is proposed to replace them anyway in the best interest of safety. The existing bridge rail will not be replaced with this project.

Fencing- It is not anticipated any fencing will be required on this project.

Rumble Strips – Rumble strips will not be required due to the lack of adequate shoulder width per MDT's rumble strip policy.

Design Exceptions

No design exceptions are anticipated for this project.

Right of Way

No new right of way is anticipated for this project.

Utilities/Railroad

No utilities conflicts are anticipated at this time.

Environmental Considerations

It is anticipated the new guardrail terminal end section will require some widening beyond the surfacing inslopes. In accordance with Paul Ferry's memo September 3, 2004, a statewide Programmatic Categorical Exclusion cannot be utilized. Instead, an Individual Programmatic Categorical Exclusion will be prepared for this project.

Traffic Control

Traffic will be maintained through the construction project with the appropriate signing and flagging in accordance with the Manual of Uniform Traffic Control Devices.

Survey

A detailed survey will not be required for this project.

Public Involvement

This project's public involvement will be level A. This consists of the following:

- A news release explaining the project and this will include a department point of contact.

Cost Estimate

The following cost does not include indirect costs. The nomination cost to construct this project is estimated to be:

PE = \$ 60,000
CN = \$ 1,300,000
CE = \$ 120,000
Total = \$ 1,480,000

Ready Date

This project is programmed in the 2004 STIP and is a FFY 2006 pavement preservation project. A realistic ready date will be established in the future.

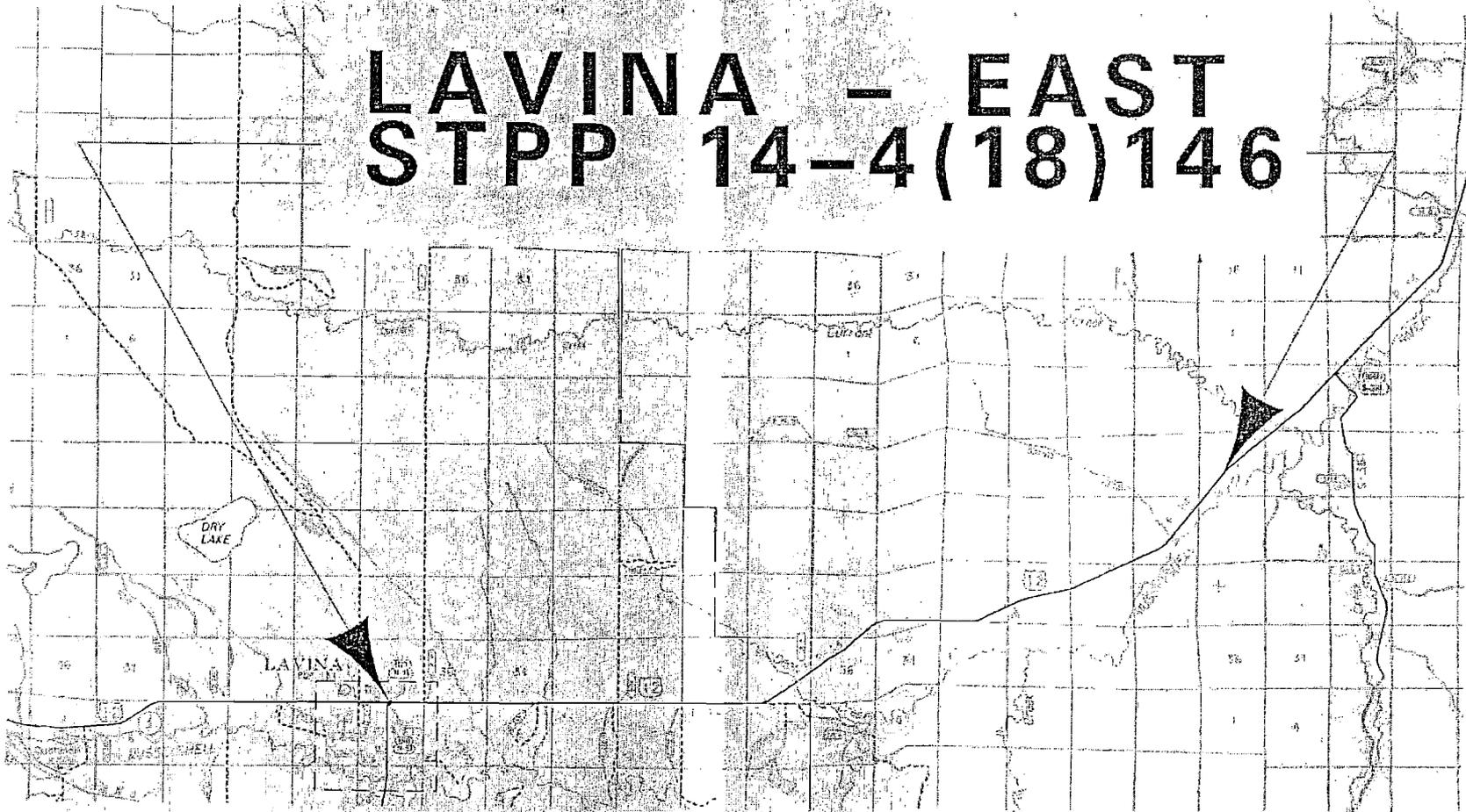
Project Management

Rod Nelson will be the design project manager with the Billings District designing this project.

Attached: site map

LAVINA - EAST

STPP 14-4(18)146



Montana Department of Transportation
Helena, Montana 59620

Memorandum

To: Tom Hansen, Environmental Engineering Section Supervisor

From: Steve Platt, Archaeologist



Date: March 29, 2005

Subject: **Lavina - East**
STPP 14-4(18) 146
Control Number 5185

This memo is written to address the above resurfacing project.

I spoke with Rod Nelson, the project manager for this job, this morning and asked him about the extent of work to be carried out behind the guardrail. Rod stated that the guardrail installation would require about two feet of grading beyond the guardrail itself.

In my professional opinion, no cultural resource inventory will be necessary for this project.

Cc: Bonnie Steg, Supervisor, Resources & Permitting
Art Jacobsen, Billings District, Environmental Engineer
Rodney Nelson, Billings District Project Manager