serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

RECEIVED
JUL 19 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

County **BIG HORN**

July 18, 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 by

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

S:\ADMIN\48_GEN_CORRESP\MAILINGS\COOP AGENCY LTR.DOC\HARDIN_EAST_CN5204

Attachment

serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

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JUL 08 2005
FHWA
MONTANA DIVISION

July 7, 2005

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

MASTER FILE COPY

Subject: STPS 384-1(14)0
Hardin - East
Control Number: 5204

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 (PFR) 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, MCA**).

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 23 CFR 771.117(a).	☐	☒	☐	☐
2.	This proposed project involves (an) unusual circumstance(s) as described under 23 CFR 771.117(b).	☐	☒	☐	☐
3.	This proposed project involves one (or more) of the following situations where:				
A.	Right-of-Way, easements, and/or construction permits would be required.	☒	☐	☐	☐
1.	The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s).	☐	☒	☐	☐

		YES	NO	N/A	UNK
2.	There is a high rate of residential growth in this proposed project's area.	☐	☒	☐	☐
3.	There is a high rate of commercial growth in this proposed project's area.	☐	☒	☐	☐
4.	Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation.	☒	☐	☐	☐
5.	There are parks, recreational, or other properties acquired/improved under *Section 6(f)* of the *1965 National Land & Water Conservation Fund Act* (**16 USC 460L**, *et seq.*) on or adjacent to proposed the project area.	☐	☒	☐	☐
	The use of such *Section 6(f)* sites would be documented and compensated with the appropriate agencies. (*e.g.*: MDFWP, local entities, etc.).	☐	☐	☒	☐
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 *Section 106* of the *National Historic Preservation Act* (**16 USC 470**, *et seq.*) by the State Historic Preservation Office (SHPO), which this would affect proposed project.	☐	☒	☐	☐
7.	There are parks, recreation sites, school grounds, wildlife refuges, historic sites, historic bridges, or irrigation that might be considered under *Section 4(f)* of the 1966 *US DEPARTMENT OF TRANSPORTATION Act* (**49 USC 303**) on or adjacent to the project area.	☐	☒	☐	☐
a.	"Nationwide" Programmatic *Section 4(f)* Evaluation forms for these sites are attached.	☐	☐	☒	☐
b.	This proposed project requires a full (*i.e.*: DRAFT & FINAL) *Section 4(f)* Evaluation.	☐	☐	☒	☐
B.	The activity would involve work in a streambed, wetland, and/or other water body(ies) considered as "waters of the United States" or similar (*e.g.*: "state waters").	☐	☒	☐	☐
1.	Conditions set forth in *Section 10* of the *Rivers and Harbors Act* (**33 USC 403**) and/or *Section 404* under 33 CFR Parts 320-330 of the *Clean Water Act* (33 USC 1251-1376) would be met.	☐	☐	☒	☐

		YES	NO	N/A	UNK
2.	Impacts in wetlands, including but not limited to those referenced under Executive Order (EO) #11990, and their proposed mitigation would be coordinated with the Montana Inter-Agency Wetland Group.	☐	☐	☒	☐
3.	A 124SPA Stream Protection permit would be obtained from the MDFWP?	☐	☒	☐	☐
4.	There is a delineated floodplain in the proposed project area under FEMA's Floodplain Management criteria.	☒	☐	☐	☐
	The water surface at the 100-year flood limit elevation would exceed floodplain management criteria due to an encroachment by the proposed project.	☐	☒	☐	☐
5.	Tribal Water Permit would be required.	☐	☒	☐	☐
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 US Department of Agriculture, or the US Department of the Interior.	☐	☒	☐	☐
	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 USC 1271 – 1287**), this work would be coordinated and documented with either the Flathead National Forest (Flathead River), or US Bureau of Land Management (Missouri River).	☐	☐	☒	☐
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.	☐	☒	☐	☐
1.	If yes, are there potential noise impacts?	☐	☐	☒	☐

		YES	NO	N/A	UNK
2.	A Noise Analysis would be completed.	☐	☐	☒	☐
3.	There would be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy.	☒	☐	☐	☐
D.	There would be substantial changes in access control involved with this proposed project.	☐	☒	☐	☐
	If yes, would they result in extensive economic and/or social impacts on the affected locations?	☐	☐	☒	☐
E.	The use of a temporary road, detour, or ramp closure having the following conditions when the action(s) associated with such facilities:				
1.	Provisions would be made for access by local traffic, and be posted for it.	☒	☐	☐	☐
2.	Adverse effects to through-traffic dependant businesses would be avoided or minimized.	☒	☐	☐	☐
3.	Interference to local events(*e.g.*: festivals) would be minimized to all possible extent.	☒	☐	☐	☐
4.	Substantial controversy associated with this pending action would be avoided.	☒	☐	☐	☐
F.	Hazardous wastes /substances, as defined by the US 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.	☐	☒	☐	☐
	All reasonable measures would be taken to avoid and/or minimize substantial impacts from same.	☐	☐	☒	☐
G.	The Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314), including temporary erosion control features for construction would be met.	☒	☐	☐	☐
H.	Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas.	☒	☐	☐	☐
I.	Documentation of an "invasive species" review to comply with both EO #13112 and the *County Noxious Weed Control Act* (7-22-21, MCA), including directions as specified by the county (ies) wherein its intended work would be done.	☒	☐	☐	☐

		YES	NO	N/A	UNK
J.	There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area.	☒	☐	☐	☐
	If the proposed work would affect Important Farmlands, then an AD-1006 Farmland Conversion Impact Rating form would be completed in accordance with the *Farmland Protection Policy Act* (**7 USC 4201**, *et seq.*).	☐	☐	☒	☐
K.	Features for the *Americans with Disabilities Act* (PL 101-336) compliance would be included.	☐	☐	☒	☐
L.	A written Public Involvement Plan would be completed in accordance with MDT's Public Involvement Handbook.	☒	☐	☐	☐
4.	This proposed project complies with the *Clean Air Act*'s *Section 176(c)* (**42 USC 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.	☒	☐	☐	☐
	and/or				
B.	"No attainment" 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.).	☐	☐	☒	☐
C.	Is this proposed project in a "Class I Air Shed" (Indian Reservations) under 40 CFR 52.1382(c)(3)?	☐	☒	☐	☐
5.	Federally listed Threatened or Endangered (T/E) Species:				
A.	There are recorded occurrences, and/or critical habitat in this proposed project's vicinity.	☐	☒	☐	☐
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?	☐	☒	☐	☐

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

This proposed project would not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations (EO #12898). It also complies with the

provisions of *Title VI* of the *Civil Rights Act* of 1964 (**42 USC 2000d**) under the FHWA's regulations (23 CFR 200).

In accordance with the provisions of 23 CFR 771.117(a), this pending action would 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.

_____, Date: July 7, 2005
Heidy Bruner
MDT Environmental Services
Billings District Area Engineer

Concur _____, Date: 7/7/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Section Supervisor

Concur _____, Date: 11 July 05
Federal Highway Administration

S:\PROJECTS\BILLINGS\5204\PCE (D) PROGRAMMATIC FHWA.DOC

Attachments

cc: Bruce Barret ----------Billings District Administrator
Kent Barnes, P.E. ---- Bridge Engineer
Paul Ferry, P.E. ------ Highway Engineer
John H. Horton ------- Right-of-Way Bureau Chief
Suzy Althof ---------- Contract Plans Section Supervisor
David W. Jensen ----- Fiscal Programming Section Supervisor
Jean Riley, P.E. ------ Environmental Services Bureau Chief

Preliminary Field Review Report

A preliminary field review for the subject project was held on July 9, 2003. The following personnel participated in this review:

Gary Neville	DESS	Billings
Aaron Eschler	Design Supervisor	Billings
Damian Krings	AE-Road Design	Helena
Wayne Noem	Planning	Helena
Jim Tompkins	Surfacing Design	Helena
Geno Liva	Road Design	Helena
Carson Buffington	Maintenance	Hardin
Leonard Zier	Maintenance	Lodge Grass

Proposed Scope of Work

The proposed project is nominated as a 45mm overlay. It is anticipated at this time that a full width 45mm mill and fill will be the appropriate treatment. Anticipated work:

- Overlay 45mm;
- Guardrail Upgrade;
- Seal and Cover;
- Pavement Markings; and
- Possibly new fencing.

Project Location and Limits

This project begins at RP 0.000 and goes to RP 12.600 on S - 00384, in Big Horn County. This project is entirely on the Crow Indian Reservation. The surrounding area is generally ranching country.

Physical Characteristics

1. As-Builts:

I 90(9)31 (RP 0.000 to RP 0.133) year 1971
FAP 188 (A, B, and C) (PR 0.133 to RP1.168) year 1934
S 322 5 year (RP 1.168 to RP 6.279) 1961
S 322 7 year (RP 6.279 to RP 12.587) 1961

The entire section of road for this project was overlayed with RTS 384-1(10) year 1995.

2. Existing Surfacing, according to 2003 Road Log:

RP 0.000 to RP 1.168
50.8 mm (2.0 in) Plant Mix Bit Surf
152.4 mm (6.0 in) Gravel
RP 1.168 to RP 12.587
76.2 mm (3.0 in) Plant Mix Bit Surf
203.2 mm (8.0 in) Gravel

3. Existing Roadside Geometrics:
The existing roadway is 8.23 to 9.14 meters (27 to 30 feet) wide, with 10:1± surfacing inslopes and variable fill slopes. The ditch sections have 6:1 inslopes, 10 feet of 20:1 bottom slopes, and variable backslopes. Slopes of 6:1 were constructed for a distance of 15 feet from the finished shoulder.

Traffic Data

RP 0.0 - 1.195				*RP 1.195 – 12.600*			
2002	ADT (Present)	=	1570	2002	ADT (Present)	=	280
2004	ADT (Letting)	=	1600	2004	ADT (Letting)	=	280
2024	ADT (Design)	=	2380	2024	ADT (Design)	=	420
	DHV	=	240		DHV	=	60
	Com Trks	=	3.6%		Com Trks	=	11.1%
	ESAL	=	34		ESAL	=	17
	AGR	=	2.0%		AGR	=	2.0%

Accident History

There were 33 total accidents reported for the study period from 1-1-1993 to 12-31-2002. The following are the study area rates/indices compared with the statewide Rural Secondary system averages:

	statewide average	study area
All vehicles accident rate	1.73	1.66
All vehicles severity index	2.43	2.67
All vehicles severity rate	4.21	4.43

Variations from average occurrence:
97% non-junction vs. 74.4% statewide rural secondary system average,
87.9% dry vs. 66.1% statewide rural secondary system average,
72.7% dark-not lighted vs. 39.9% statewide rural secondary system average,
69.7% on roadway vs. 44.7% statewide rural secondary system average, and
57.6% domestic animal (most harmful event) vs. 4.3% statewide rural secondary system average.

HES Clusters or Projects:
The section between RP 1.300 and RP 1.800 in 1993 was identified as an accident cluster area. No feasible countermeasures to address a specific accident trend were identified.

Remarks:
The trend on this section of State Secondary is collisions with a domestic animal. Nineteen of the thirty-three total recorded crashes were collisions with a cow. The majority of these domestic animal crashes (89.5%) took place in dark, unlighted conditions. Check the cattle crossing signs within the study area. Verify if there are herd districts along this route.

PvMS Recommendation

The PvMS 2002 Pavement Conditions and 2003 Pavement Treatments recommends an AC Thin Overlay for this section of S 00384. Performance indices are SCI 98.8; Ride 68.24, Rut 71.1, ACI 97.6; and MCI 83.7. There is some miscellaneous cracking present in the existing surfacing.

Major Design Features

Design Speed- The design speed for this project is 100 km/hr based on the Geometric Design Criteria for Rural Collector roads (Standards Secondary System) in level terrain.

Horizontal and Vertical Alignments- The horizontal and vertical alignments will be used as is. Design units will be metric (soft converted) as-built stationing.

Typical Sections- This project will have a 45 mm overlay, with a finished top width of 8.4 meters. The Route Segment Plan width for this roadway (based on its functional class and traffic volumes) is 9.6 meters for the first 1.195 miles, and 7.2 meters for the remainder. There will be a leveling quantity of 225 metric tons/kilometer added due to rutting and cracking along the project.

Grading- There will be no grading on this project.

Geotechnical Considerations- There are no geotechnical issues that will be addressed on this project.

Hydraulics- There are no hydraulic issues that will be addressed on this project.

Bridges- There are two bridges on this project.

- S00384000+05101, Little Bighorn River
- S00384001+06281, Little Bighorn River

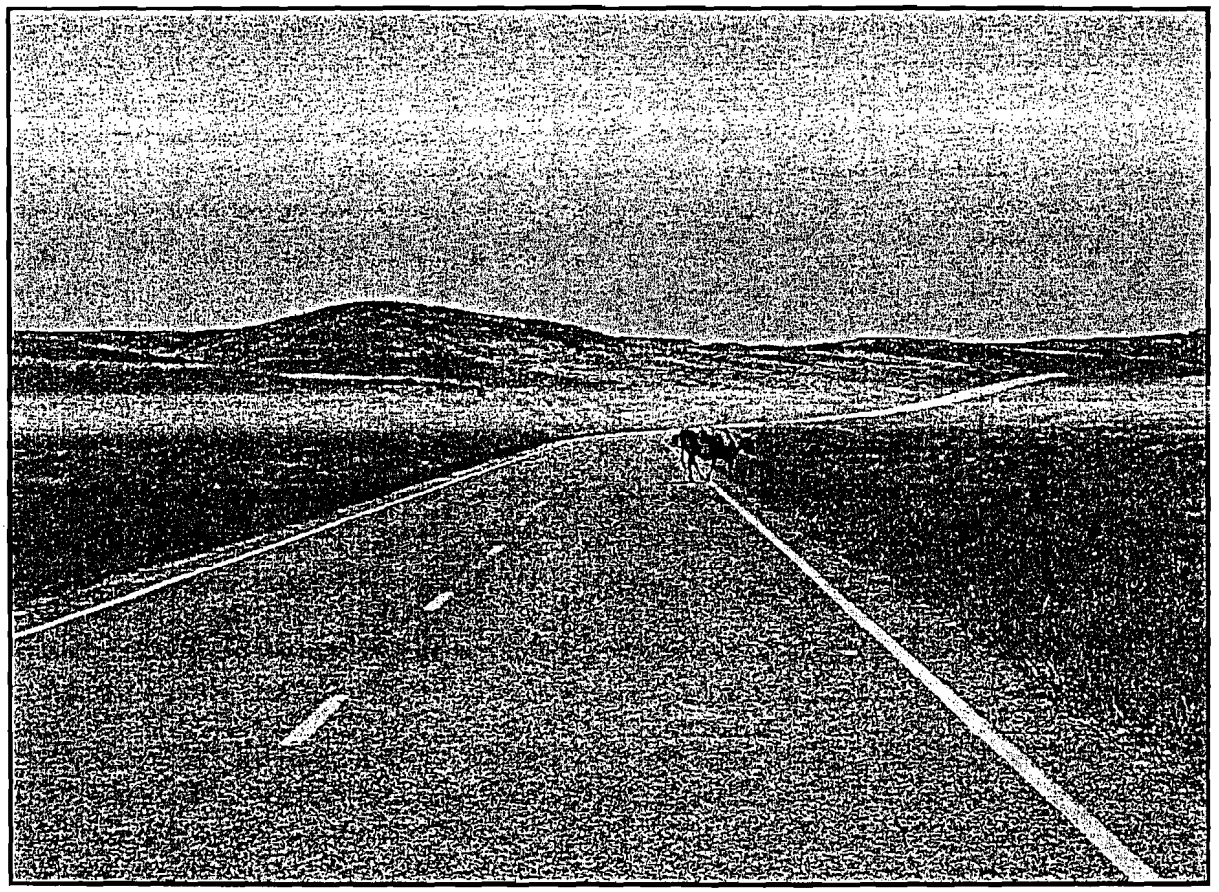
According to the Bridge Management System structure S00384000+05101 is deficient (structurally insufficient and functionally obsolete) and is eligible for replacement. The deck has one square meter of un-repaired spalls and the bridge rail has many impact area and moderate corrosion throughout. Replacement of the structure is beyond the scope of work for this pavement preservation project, however the bridge rail will be upgraded with the project.

There is a grade separation at structure S00384001+06281, both of the approaches to the structure need to be tapered to eliminate the separation. The Bridge Management System lists the structure as not deficient and there are not any un-repaired spalls. The bridge rail does have areas of freckled rust and corrosion and is deficient and requires revision. The Bridge Bureau will determine the appropriate revision.

Traffic- Pavement markings will be upgraded.

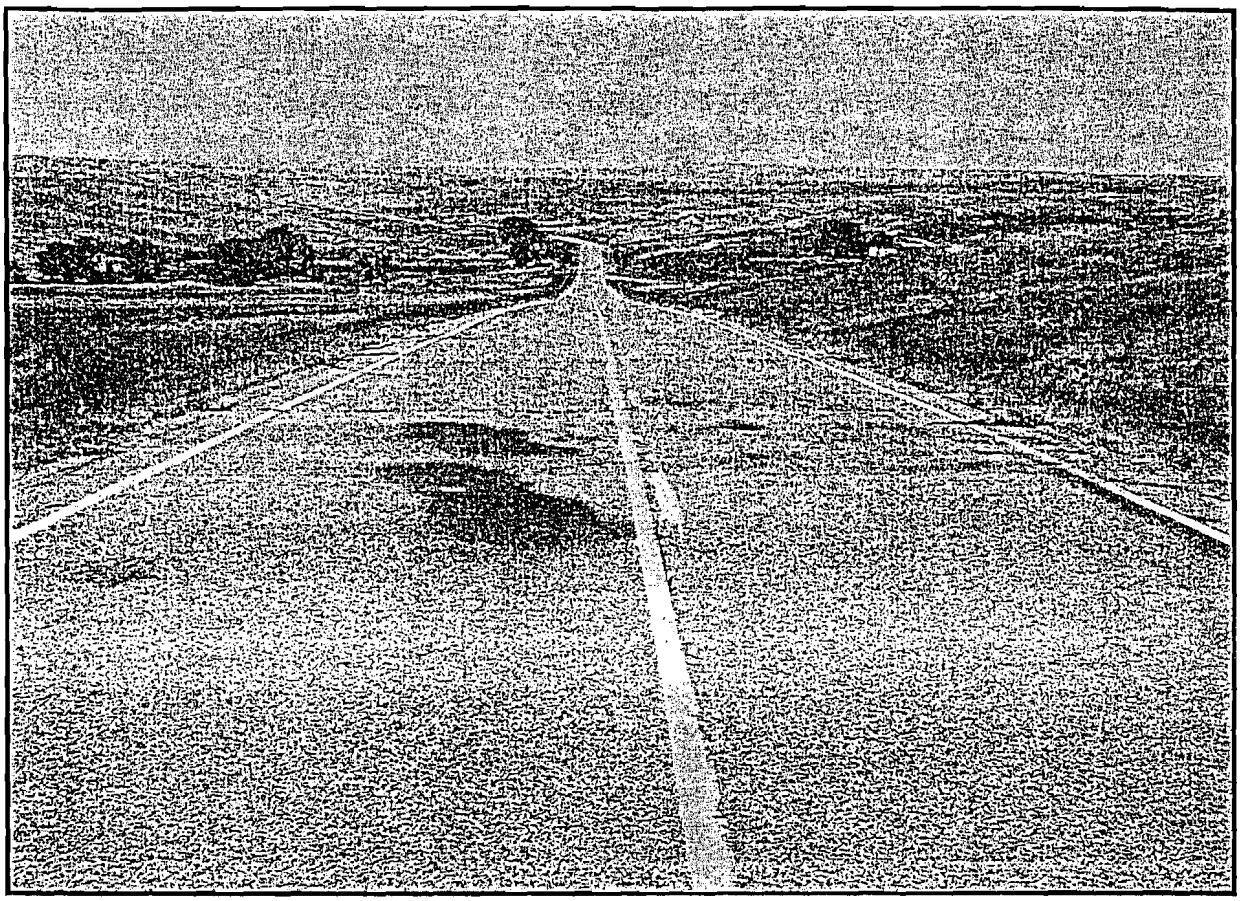
Guardrail- All guardrail on this project is associated with bridge approach sections. The rail is not connected to the bridge rail and all end sections are blunt end sections. All guardrail related to the bridge approach sections will be replaced (type based upon bridge rail revision) with this project. All blunt end sections will be replaced with terminal sections meeting NCHRP report 350 crash tests with this project.

Fencing- Fencing does not exist along most of the project as is indicated in the Accident History portion of this report Safety Management has proposed incorporating fencing into this project (between cattleguards located at RP 4.2 and 12.6) as a safety improvement. If the landowner/cattle co. is receptive to the fencing, and it can be incorporated without causing a delay in the project, we will include fencing along the existing easement. If it cannot be incorporated, the fencing will need to be included in a stand-alone safety project.



Cattle Crossing S 00384.

The fencing proposal includes fencing both sides of the roadway from the cattleguards at RP 4.2 and RP 12.6. Fence maintenance issues and stock passage mitigation will be addressed as necessary following a ownership/stock passage study and preliminary design.



Site where a calf was hit 300 yards beyond the previous picture.

Design Exceptions

Design exceptions are not anticipated.

Right of Way

Because of the fencing, we are requesting that a ownership study be performed on this section of Secondary 384 by the Right-of-Way Bureau. No new right of way is anticipated for this project.

Utilities/Railroad

It is not anticipated that any utilities will be impacted.

Environmental Considerations

An Individual Programmatic Categorical Exclusion will be prepared for this project.

Traffic Control

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

Survey

No field survey is required, due to the limited scope of work.

Public Involvement

The Public Involvement Plan will include a news release explaining the project to the proper newspapers and news organizations, personal contacts with local government officials and interest groups, personal contacts with adjacent landowners explaining final design, and construction notification and information during construction (Level B of the MDT Public Involvement Handbook). A public information meeting may be necessary due to the proposed fencing.

Cost Estimate

The cost to construct this project is estimated to be:

CN= $1,008,000
CE= $ 80,000
$1,088,000 total

An additional $280,000 will be needed to include the fencing project. It is recommended that National Transportation Safety Administrative (NTSA) funds be used for the fencing portion of the project.

Ready Date

The current ready date for this project is July 2004.

Tribal Coordination

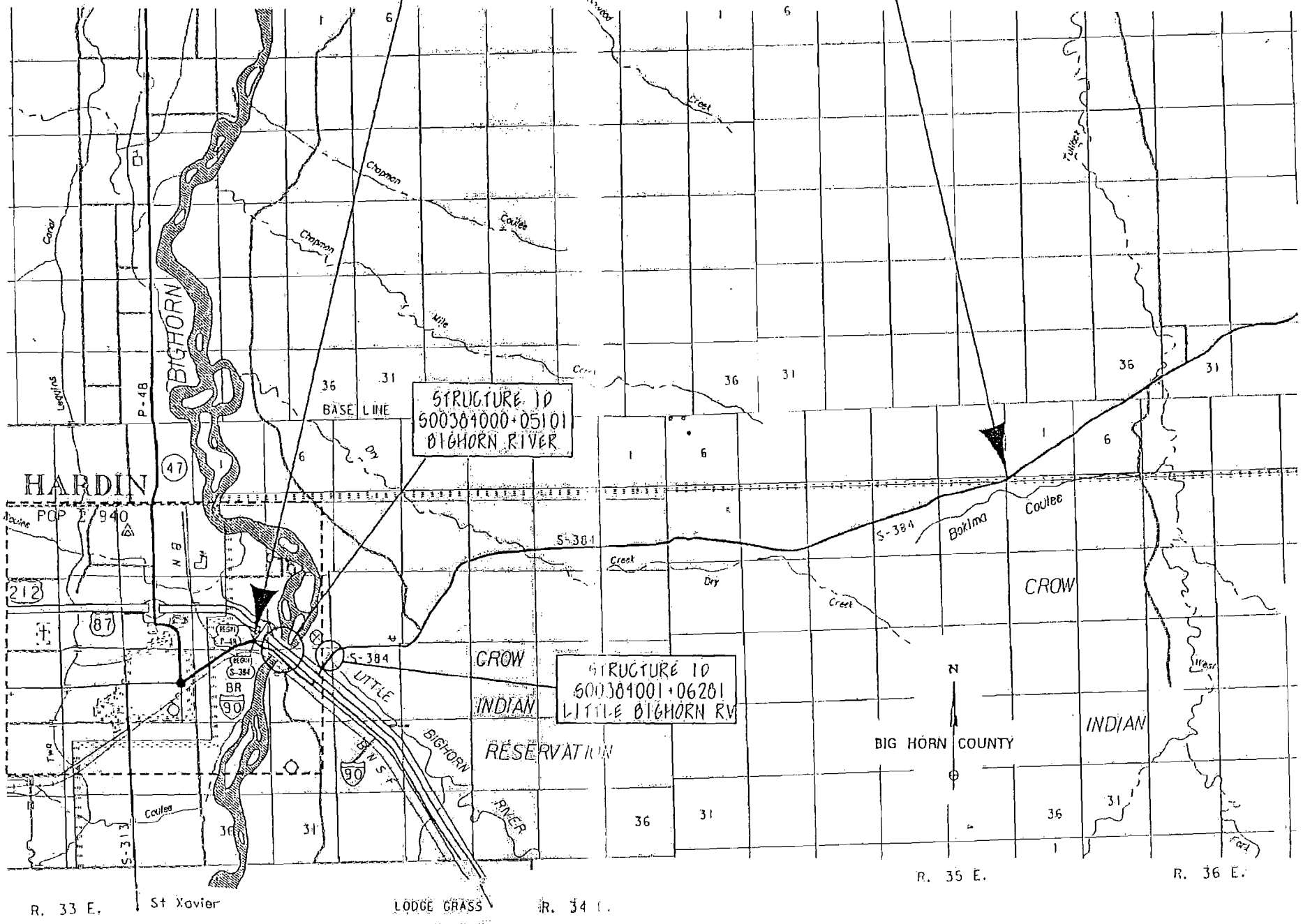
This project will require a PSA with the Crow Tribe. Rod Nelson handles tribal coordination for the MDT Billings District, and will provide this and future reports/plans as necessary to the appropriate tribal representatives.

Project Management

Gary Neville, Billings District Engineering Services Supervisor, will be the Preliminary Engineering phase PM for this project. District personnel will design the project, and Aaron Eschler, District Design Supervisor, will be the project FM for all remaining road design activities.

Attached: site map

HARDIN – EAST
STPS 384–1(14)0



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