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

Jim Lynch, Director
Brian Schweitzer, Governor

August 1, 2005

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AUG 02 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

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

**Subject: MDT Statewide Maintenance Projects**
**X-81064**
**Gallatin and Madison Counties**
**Reference Post from: 0.0**
**Reference Post to: 9.2**

The Environmental Services Unit 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
Environmental Services Bureau

Attachments

copies: Loran Frazier, Engineering Division
Jon Swartz, Maintenance
Jeff Ebert, Butte District Engineer
Ross Gammon, Bozeman Maintenance Chief
Mark Wissinger, Construction
Suzy Althof, Contract Plans
File

S:\MAINTENANCE\MAINT-CHK-LST\BUTTE\BOZEMAN-MAINTENANCE-X81064-0805-EQC.DOC

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT) Aug 2006

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

# ENVIRONMENTAL CHECKLIST FOR MAINTENANCE PAVEMENT PRESERVATION ACTIVITIES (CHIP SEALING, THIN LIFT OVERLAYS, & COLD IN-PLACE RECYCLING)

**Project No.:** State Funded **ID:** X-81064 (MT-84) **Designation:** Big Sky Spur

**Proposed Date of Pavement Preservation Activity:** Spring or Fall of 2006

**Reference Post (Station)** 0.0 **to Reference Post (Station)** 9.2

**Applicants Name:** Ross Gammon **Address:** 907 North Rouse Av/ P.O. Box 1110 Bozeman, MT 59771-1110

**Type of Proposed Pavement Preservation Activity:** Contract Overlay from milepost 0.0 to 3.77 , Seal & Cover from 0.0 to 9.2

**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 special provisions. |
| 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:** Ross Gammon — Applicant (Maintenance Chief) — Bozeman Maintenance Chief — Title — 6/21/2005 — Date

**Approved by:** [signature] — ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR — 8/1/05

Project Number: _____ ID: _____ Designation: _____

**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.**

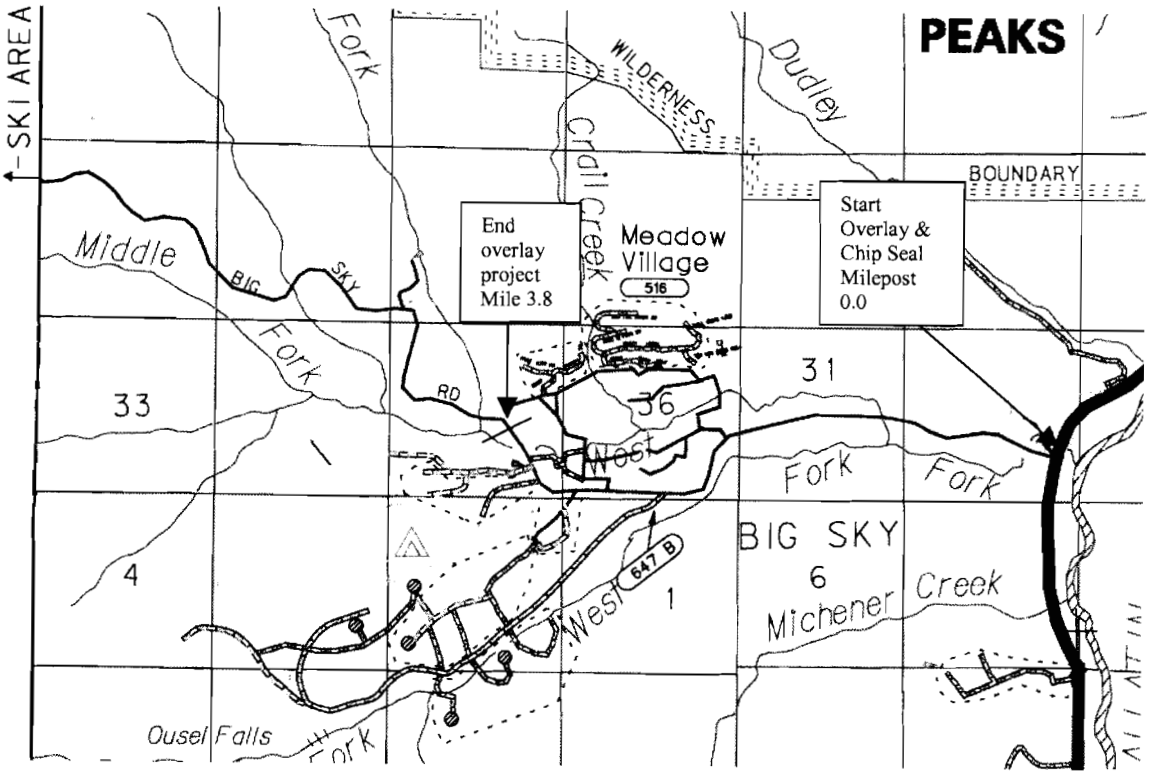
**C.** **If the applicant checks "Yes" for any one item, the checklist and the applicant's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services. Contact Number 444-7228.**

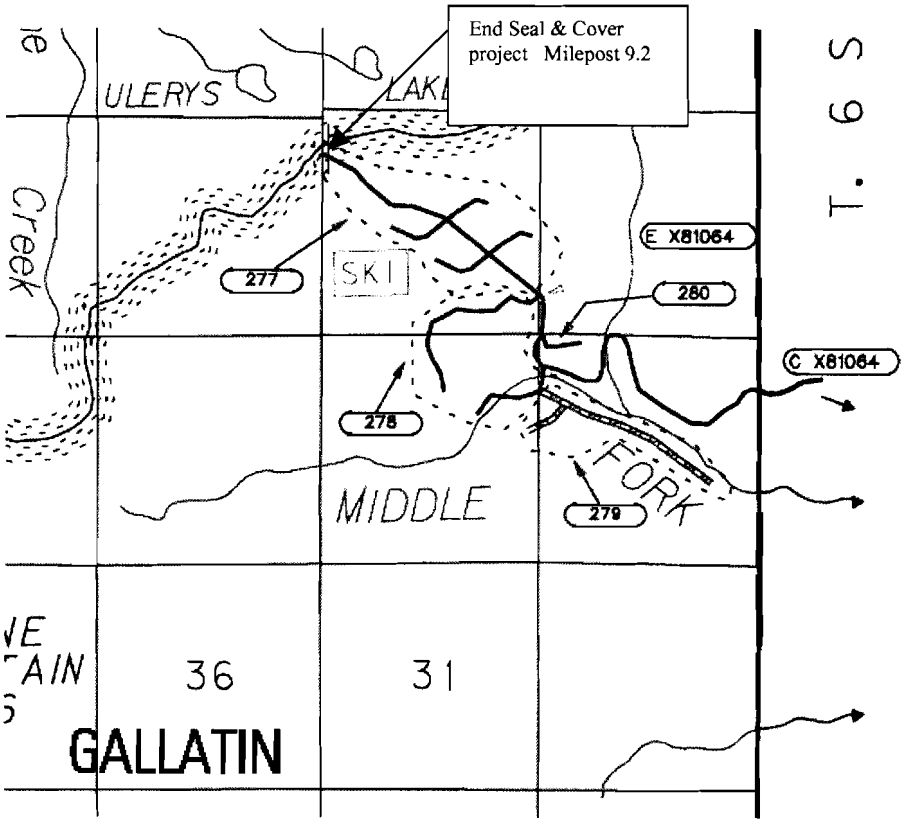
**D.** **When the applicant checks a "Yes" item, the applicant cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

**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)


PEAKS
SKI AREA
WILDERNESS
BOUNDARY
Dudley
Fork
Crail Creek
Meadow Village
516
End overlay project Mile 3.8
Start Overlay & Chip Seal Milepost 0.0
Middle
BIG
SKY
Fork
RD
33
36
31
West
Fork
Fork
BIG SKY
6
Michener Creek
4
1
West
647 B
Ousel Falls
Fork


End Seal & Cover
project Milepost 9.2
ULERYS
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MIDDLE
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GALLATIN
T. 6 S

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## 1. THREATENED AND ENDANGERED SPECIES

Bald eagles or other raptors may actively nest 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 an active nest, submit the location of such site(s) to MDT-Environmental Services Bureau for review, prior to commencing operation.

Large carnivores such as wolves, lynx and other cats, or bears may occupy some areas 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 an actively occupied area, submit the location of such site(s) to MDT-Environmental Services Bureau for review, prior to commencing operation.

If you are unsure about any of the above listed requirements or require on-site guidance, contact Deb Wambach, Butte District Biologist, at 444-0461.

## 2. 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 Butte District Biologist at 444-0461 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.

(*) Also - lambing period for Big Horn Sheep 994-6936 please contact Craig Jourdonnais of MFWP for timing concerns and further coordination.

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ENVIRONMENTAL

MONTANA
Natural Heritage
Program

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.5354 • http://mtnhp.org

July 7, 2005

Deborah Wambach
MDT
2701 Prospect Ave.
Helena, Montana 59620

Dear Deborah,

I am writing in response to your request for information on plant and animal species of special concern in the vicinity of Big Sky Spur Road in T6S, R3E, Sections 35, 36 and T6S, R4E, Sections 31, 32 in Gallatin County. I was unable to reach you by phone to confirm the location, so please feel free to resubmit the request if the location is not correct or complete. We checked our databases for information in this general area and have enclosed 4 species of concern reports and one map. Regarding your request for information for lambing period for big horn sheep in the area, I suggest you see our Animal Field Guide, referenced below. Information and further references are provided in the Field Guide. If further information is needed, do not hesitate to contact us and one of our zoologists will be able to help you.

Please keep in mind the following when using and interpreting the enclosed information and maps:

(1) These materials are the result of a search of our database for species of concern that occur in an area defined by requested road segment with an additional one-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area. Reports are provided for the species of concern that are located in your requested area with a one-mile buffer. Species of concern outside of this area may be depicted on the map but are not reported.

(2) On the map, polygons represent one or more source features as well as the locational uncertainty associated with the source features. A source feature is a point, line, or polygon that is the basic mapping unit of an EO Representation. The recorded location of the occurrence may vary from its true location due to many factors, including the level of expertise of the data collector, differences in survey techniques and equipment used, and the amount and type of information obtained. Therefore, this inaccuracy is characterized as locational uncertainty, and is now incorporated in the representation of an EO. If you have a question concerning a specific EO, please do not hesitate to contact us.

(3) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.

(4) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.

(5) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).

**(6) Additional information on species habitat, ecology and management is available on our web site in the Plant and Animal Field Guides, which we encourage you to consult for valuable information. You can access these guides at http://mtnhp.org. General information on any species can be found by accessing the link to NatureServe Explorer.**

The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments. The information is intended for project screening only with respect to species of concern, and not as a determination of environmental impacts, which should be gained in consultation with appropriate agencies and authorities.

I hope the enclosed information is helpful to you. Please feel free to contact me at (406) 444-3321 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,

Karen V. Walker
Montana Natural Heritage Program
kwalker@mt.gov

MONTANA Natural Heritage Program
Natural Resource Information System
Montana State Library
PO Box 201800
Helena, MT 59620-1800
(406) 444-3009 mtnhp@state.mt.us

# Species of Concern Data Report

Thursday, July 7, 2005

Visit http://mtnhp.org for additional information.

## *Lynx canadensis*

**Element Occurence Map Label:** **4303**

**Common Name:** Lynx

**Species of Concern (Y) / Potential Concern W):** **Y**

**Element Subnational ID:** 13134

**EO Number:** 450

**Description:** Vertebrate Animal

**Natural Heritage Ranks:**

**State:** S3
**Global:** G5

**Federal Agency Status:**

**U.S. Fish & Wildlife Service:** LT
**U.S. Forest Service:** THREATENED
**U.S. Bureau of Land Management:** SPECIAL STATUS

**Survey Site:**
**Survey Date:**
**First Observation Date:**
**Last Observation Date:**
**Acreage:** 22,494,298
**Min Elevation Feet:** 1,870
**Max Elevation Feet:** 11,187

**EO Data**

**General Comment**

**General Description**

MONTANA Natural Heritage Program
Natural Resource Information System
Montana State Library
PO Box 201800
Helena, MT 59620-1800
(406) 444-3009 mtnhp@state.mt.us

# Species of Concern Data Report

Thursday, July 7, 2005

Visit http://mtnhp.org for additional information.

## *Discus shimekii*

**Element Occurence Map Label:** **2617**

**Common Name:** Striate Disc

**Species of Concern (Y) / Potential Concern W):** **Y**

**Element Subnational ID:** 12498

**EO Number:** 6

**Description:** Invertebrate Animal

**Natural Heritage Ranks:**

**State:** S1
**Global:** G4

**Federal Agency Status:**

**U.S. Fish & Wildlife Service:**
**U.S. Forest Service:**
**U.S. Bureau of Land Management:**

**Survey Site:** GALLATIN CANYON
**Survey Date:**
**First Observation Date:** 1960-04-23
**Last Observation Date:** 1960-04-23
**Acreage:** 3,089
**Min Elevation Feet:** 6,004
**Max Elevation Feet:** 8,019

**EO Data**

**General Comment**

**General Description**

MONTANA Natural Heritage Program
Natural Resource Information System
Montana State Library
PO Box 201800
Helena, MT 59620-1800
(406) 444-3009 mtnhp@state.mt.us

# Species of Concern Data Report

Thursday, July 7, 2005

Visit http://mtnhp.org for additional information.

## *Ursus arctos horribilis*

**Element Occurence Map Label:** **3894**

**Common Name:** Grizzly Bear

**Species of Concern (Y) / Potential Concern W):** **Y**

**Element Subnational ID:** 13697

**EO Number:** 1

**Description:** Vertebrate Animal

**Natural Heritage Ranks:**

**State:** S3
**Global:** G4T3T4

**Federal Agency Status:**

**U.S. Fish & Wildlife Service:** LT
**U.S. Forest Service:** THREATENED
**U.S. Bureau of Land Management:** SPECIAL STATUS

**Survey Site:** GREATER YELLOWSTONE AREA
**Survey Date:**
**First Observation Date:**
**Last Observation Date:**
**Acreage:** 6,956,970
**Min Elevation Feet:** 5,000
**Max Elevation Feet:** 12,500

### EO Data

Total Greater Yellowstone population was about 180 bears as of 1988. The boundaries for this occurrence are based on the recovery zone boundary.

### General Comment

"Occupied habitat" is based on the Greater Yellowstone Area recovery zone boundary and the professional judgement of the MTNHP zoologist. The recovery zone boundary and bear management units are available from MTNHP.

### General Description

Grizzlies use a wide range of habitats, from low-elevation riparian areas to alpine and talus slopes.

Natural Resource Information System
Montana State Library
P.O. Box 201800
Helena, MT 59620-1800
(406) 444-3009 mtnhp@state.mt.us

# Species of Concern Data Report

Thursday, July 7, 2005

Visit http://mtnhp.org for additional information.

## *Castilleja gracillima*

**Element Occurence Map Label:** **2093**

**Common Name:** Slender Indian Paintbrush

**Species of Concern (Y) / Potential Concern W):** **W**

**Element Subnational ID:** 11513

**EO Number:** 5

**Description:** Vascular Plant

**Natural Heritage Ranks:**

**State:** SU
**Global:** G3G4Q

**Federal Agency Status:**

**U.S. Fish & Wildlife Service:**
**U.S. Forest Service:**
**U.S. Bureau of Land Management:** WATCH

**Survey Site:** GALLATIN RIVER
**Survey Date:**
**First Observation Date:** 1994-07-28
**Last Observation Date:** 1994-07-28
**Acreage:** 159
**Min Elevation Feet:** 6,000
**Max Elevation Feet:**

### EO Data

More than 100 plants on forest service land. More than 100 scattered plants on private land with fewer stems per plant.

### General Comment

Area on forest service land unfenced from horse pasture and horse access spring through fall, moderate level of disturbance; horses appear to stay out of the willow. Past disturbance evident on private land with old (more than 50 years) concrete dams. Development could threaten population.

### General Description

Moist, silty alluvium soil along spring creeks on private land. Open spruce canopy, sedge, and tall, thick reed grass. Forest service land somewhat drier on moist seep. Associated species (forest service population): Salix geyeriana, Salix wolfii, Pentophyloides floribunda, Rosa sayi, Ribes spp., Poa spp., Smilacina racemosa, Senecio sphaerocephalus, Pedicularis groenlandica, Potentilla gracilis, Galium boreale, Taraxicum officinale. Associated species (private population): Picea engelmannii/Equisetum arvense habitat with Carex interior, Carex aquatilis, Habenaria hyperborea, Geranium richardsonii, Cirsium arvense, Mimulus guttatus and Pedicularis groenlandica.

# Montana Species of Concern
# T6SR3E, Sections 35,36
# T6SR4E, Sections 31, 32
# Big Sky Spur Road

**Species of Concern**

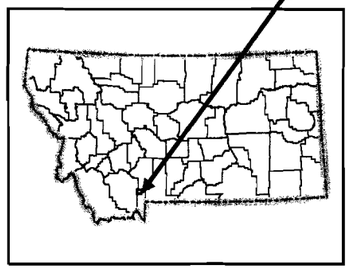
- Vascular Plant
- Nonvascular Plant
- Other Botanical
- Vertebrate Animal
- Invertebrate Animal
- Other Zoological
- Animal Inferred Extent

SPECIES OF CONCERN: A polygon feature representing only what is known from direct observation with a defined level of certainty regarding the spatial location of the feature.

INFERRED EXTENT: Areas that can be inferred to be probable occupied habitat based on the spatial location of the direct observation of a species and general information available for the foraging area and home range size of the species.

**Land Management**

- US Bureau of Land Management
- US Bureau of Reclamation
- US Fish and Wildlife Service
- National Park Service
- US Forest Service
- Other USDA
- Army Corps of Engineers
- Other Department of Defense
- Undifferentiated state
- DNRC (state trust lands)
- Montana Fish, Wildlife & Parks
- University, Institutions, MDT
- DNRC (water project lands)
- Local Government
- Bureau of Indian Affairs Trust
- Tribal Lands
- Plum Creek
- Private Land Trusts



Not all legend items may occur on the map.

Features shown on this map do not imply public access to any lands.

This map displays management status, which may vary from ownership.

Refer to accompanying documentation for full explanation of map features.


Montana Natural Heritage Program

Natural Resource Information System
Montana State Library
P O Box 201800
Helena, MT 59620-1800
(406) 444-3009 mnhp@state.mt.us

Map Document: (K:\Requests\05\05mdt0103\05mdt0103.mxd) 7/7/2005

0 0.2 0.4 0.8 1.2 1.6 2 Miles

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

Jim Lynch, Director
Brian Schweitzer, Governor

County **PARK**

August 3, 2005

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AUG 05 2005
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

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

S:\ADMIN\48_GEN_CORRESP\MAILINGS\COOP AGENCY LTR.DOC\CEDARCREEK_16KMNGARDNER_4577

Attachment

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

Jim Lynch, Director
Brian Schweitzer, Governor

July 26, 2005

Carl James, Program Development Engineer
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena, MT 59602

Subject: NH 11-1(41)10
CEDAR C-16KM N OF GARDNER
Control No. 4577

Environmental Services has reviewed the above proposed project's impacts and has determined that this proposed project still qualifies as a CATEGORICAL EXCLUSION under the provisions of 23 CFR 771.129(c). The original categorical exclusion was signed 12/10/04. This proposed action also continues to qualify as a categorical exclusion under the provisions of ARM 18.2.261 (Sections **75-1-103** and **75-1-201, M.C.A.**). This determination is based on the following:

The Scope-of-Work for the proposed project has been reviewed and has changed. The PFRR had indicated that the project would utilize a pipe at the Cedar Creek Crossing. The current intent is to construct a bridge at the crossing. The bridge ends will be slightly higher than the existing roadway elevations , however , changes to the existing vertical alignment will be negligible. This is partially due to the high fill that the existing culvert is in that allows the bridge grade to be kept so close to existing. Hydraulics has recommended a new bridge in lieu of new culverts because the stream gradient is steep, bed load is significant, Right-of-way is restricted, fish passage and long term maintenance requirements.

As a result of these changes, we have reviewed the biological report and found that in accordance with 23 CFR 771.117(a), this action will neither individually or cumulatively, have any significant environmental impacts. The minor alignment modifications result in only minor impacts that will be handled through our permitting process with the regulatory agencies.

In accordance with the Federal Highway Administration's (FHWA) concurrence letter of April 15, 1999, this notification documents that this proposed action is still properly classified as a CE under the provisions of 23 CFR 771.117(d).

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

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

bcb
cc: Jeff Ebert, P.E. - Butte District Administrator
Paul Ferry , P.E. – Highway Engineer
Kent Barnes, P.E. - Bridge Engineer
David W. Jensen, Supervisor - Fiscal Programming Section
Jean Riley, Manager - Environmental Services
file

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Montana Department of Transportation
Butte District Office
PO Box 3068
Butte, MT 59702-3068

**Memorandum**

To: Damian Krings, P.E., Road Design Engineer DMK

From: For Joe Olsen, P.E., Engineering Services Supervisor JAL

Date: July 15, 2005

Subject: NH 11-1(41)10; CN: 4577
Cedar Creek – 16km North of Gardiner
Work Type – 210 (New Bridge)

## SCOPE OF WORK REPORT

1. SCOPE OF WORK

The intent of this project is to replace the double 1981mm CMP culvert at the Cedar Creek crossing on NH Primary Route 11, approximately 16km north of Gardiner. The existing culverts are badly rusted and in very poor condition. Initially, the culverts were to be replaced with appropriate culvert features, but based on recommendations set forth in the Preliminary Field Review Report it was determined a bridge would be the appropriate feature for this location.

2. LOCATION AND LIMITS

The project is on NH Primary Route 11 (US 89) in Park County. It is located at RP 10.02 in Section 13, T8S, R7E.

The culverts to be replaced are station 105+44.16 (English sta.= 345+95).

3. PHYSICAL CHARACTERISTICS

A) GENERAL

Original construction of the roadway at this location was completed as part of Project F 43-1(2) in 1969. The existing paved top is 9.8m.

The project traverses rolling terrain. Two or three private homes and several outbuildings occupy the adjacent land. The Yellowstone River is to the west of the project, but beyond the project limits.

B) EXISTING SURFACING SECTION

According to as built plans, the existing surfacing consists of the following.

76mm compacted plant mix surfacing.
203mm compacted crushed gravel.

C) EXISTING CULVERTS

The existing 1981mm SSPP's have skew bevels with a concrete headwall at the inlets. Both culverts are badly rusted and in poor condition. Scouring is present at the outlets.

The culvert to the north has a fish ladder at the outlet end. The bottom of the beveled end of this pipe has rusted completely away. The rusted pipe end and scour have made the fish ladder relatively ineffective.

Existing cover over the pipes is about 2.5 meters.

D) HORIZONTAL ALIGNMENT

There are no horizontal curves within the project limits.

E) VERTICAL ALIGNMENT

The roadway at the culvert location is on a tangent grade of 0.4831%.

F) EXISTING SLOPES

Existing fill slopes in the vicinity of the culvert range from 4:1 to 1½:1 and vary from about 3 to 5 meters in height.

G) BRIDGES

There are no existing bridges on the project, however a new bridge is planned to replace the culverts.

H) TRAFFIC DATA

| | |
|---|---|
| 2001 ADT | 2260 |
| 2002 ADT | 2340 |
| 2022 ADT | 4650 |
| DHV | 720 |
| D | NA |
| Com Trks | 5.4% |
| ESAL | 87.56 |
| AGR | 3.500% |

4. ACCIDENT ANALYSIS

Safety Management conducted a computer accident record search between RP 9.6 and RP 10.4 for the dates January 1, 1991 through December 31, 2000. There were no recorded crashes on this section of N-11 during the ten-year study period.

5. MAJOR DESIGN FEATURES

A) DESIGN SPEED

The design speed for this project will be 100km/h, which is appropriate for rolling terrain.

B) HORIZONTAL & VERTICAL ALIGNMENT

This project follows the existing horizontal alignment. The new bridge ends will be slightly higher (less than 0.1m) than the existing roadway elevations, however, changes to the existing vertical alignment will be negligible. This is due in part to the high fill the existing culverts are in, which allows the bridge grade to be kept so close to existing.

C) TYPICAL SECTION

The preliminary surfacing section is as follows.

90mm Plant Mix Surfacing
345mm Crushed Aggregate Course

This typical was designed when it was planned to use a pipe. It is based on A-1 soils class assuming an R-Value of 30 for backfilling the roadway. Surfacing Design will review the section to determine if it is still adequate now that a bridge will be constructed.

The finished top will be 12 meters. Both ends will transition from the existing width of 9.8 meters to 12 meters.

D) GRADING

Preliminary quantities show about 3000 cubic meters of grading on the project. The bid item will be Embankment in Place.

E) GUARDRAIL

Guardrail is warranted for all four corners of the new bridge and for some fill slopes. Due to the close proximity of existing approaches to the bridge ends, Intersecting Roadway Transitions will be utilized for end treatment on the guardrail. Guardrail will be installed where warranted.

F) HYDRAULICS

The Location Hydraulic Study Report and Preliminary Hydraulic Report have been completed. Bridge opening recommendations have been sent to Bridge.

Hydraulics has recommended a new bridge in lieu of new culverts because of the steep stream gradient, significant bed load, R/W restrictions, special engineering for fish passage, and long term maintenance. A bridge instead of new culverts will significantly reduce or eliminate these concerns. This is discussed in more detail in the Preliminary Hydraulic Report dated April 6, 2004.

There is no delineated floodplain for Cedar Creek, however, the project is upstream and in the vicinity of the Yellowstone River floodplain. The Hydraulics Section will contact the Park County Foodplain Administrator to determine any permitting requiremints. No other drainage features are involved with this project.

G) BRIDGE

The preliminary bridge layout indicates the new bridge will be a 31m clear span prestressed concrete structure. Preliminary bridge end stations and elevations have been determined. Animal paths will be included under the bridge on both sides of the creek.

H) MATERIALS AND GEOTECHNICAL

The District Materials Lab has completed the soils survey. The Geotechnical Section has provided the bore logs requested by the Bridge Bureau. The Geotechnical Analysis will be completed when load information has been received from Bridge.

I) DETOUR

The detour will have a paved riding surface 7.2m wide. The proposed detour is approximately 234m long and located on the left (upstream) side of the existing stream crossing. The design speed for the detour is 80km/h. A detour pipe or bridge will be required for the temporary stream crossing. If a detour culvert is to be used instead of a bridge, a culvert large enough to provide fish passage will be specified.

J) TRAFFIC

Traffic will furnish pavement marking quantities and signing plans for the project. There are no intersections within the project limits. Existing approaches will be perpetuated.

K) SLOPES

Fill slopes at the bridge ends will be 2:1. Other slopes will be standard except as noted under Item 6, DESIGN EXCEPTIONS.

6. DESIGN EXCEPTIONS

Some fill slopes will be warped to stay within existing R/W and avoid impacts to the residence and outbuildings that exist just outside the R/W on the right.

The following mainline fill slopes will be warped. All of these slopes will be protected with guardrail.

-Station 104+90 to 105+30, Rt.: Standard fill slopes are 6:1 and 4:1. 3:1 slopes will be utilized to stay within existing R/W and avoid conflicts with a residence and outbuildings adjacent to the roadway.

-Station105+75 to 106+50, Rt.: Standard fill slopes are 4: 1. 2:1 and 3:1 slopes will be utilized to stay within the existing R/W.

A design exception will be requested for these warped fill slopes.

7. RIGHT-OF-WAY

The new bridge can be constructed within the existing R/W. However, temporary construction permits are needed for the detour and possibly for other construction activities.

8. UTILITIES/RAILROAD

Conflicts with underground and overhead utilities will be encountered. There is no Railroad involvement.

9. ENVIRONMENTAL

Minor impacts to Cedar Creek and associated wetlands are unavoidable. The impacts will be concentrated to the immediate vicinity of the mainline and detour stream crossings. All impacts will be minimized to the extent possible by warping fill slopes. Environmental Services will identify the environmental and biological concerns and complete the necessary permit applications.

SPA 124 and CWA 404 permits will be needed. FHWA approved the Categorical Exclusion for the project in December 2004, however the document states the culverts in place will be replaced with new culverts. Environmental Services will amend the document to indicate a new bridge will be used. The document will be resubmitted to FHWA for approval.

Current design and construction specifications will minimize any water quality impacts. In stream timing restrictions from June 1 to September 1 will be required. This will have a bearing on when this project is let.

10. PUBLIC INFORMATION

A news release was distributed in December 2002. An informational public meeting was held on April 17, 2003. Because it was planned to utilize new culverts at the time of the public meeting, District personnel will contact local government and landowners to

inform them that a new bridge will be constructed instead of new culverts.

11. TRAFFIC CONTROL

A detour will be utilized to maintain traffic through the project during construction. Access to adjacent properties will be maintained. A Traffic Control Plan will be written for the project.

12. READY DATE

The current ready date for this project is December 2006.

15. ESTIMATED COSTS

| | |
|---|---|
| New structure | $314,000 |
| Detour | $ 50,000 |
| Road | $155,000 |
| SUBTOTAL | $519,000 |
| Mobilization (18%) | $ 93,400 |
| SUBTOTAL | $612,400 |
| Contingencies (10%) | $ 61,000 |
| SUBTOTAL | $673,490 |
| Inflation (3%/yr. for 1yr.) | $ 7,900 |
| **TOTAL CN** | **$681,300** |
| **CE (15%)** | **$102,000** |
| **GRAND TOTAL** | **$783,300** |

JAO/MSH/mh
4577rdsow0001.doc

copies: District File

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 4, 2005

RECEIVED
AUG 05 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Environmental Quality Council
Capitol Station
Helena, MT 59626

Subject: **Turn Lanes – East of Wolf Point**
**SFCN 22-1(9)0**
**CN 5957**

This is notification that this proposed project qualifies as a Categorical Exclusion (CE) 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.**). A copy of its Scope of Work Report is attached.

The following 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*), Sections **75-1-103** and **75-1-201, M.C.A.**, as amended.

(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 in accordance with ARM 18.2.239 .**

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 1. An Environmental Assessment (EA), or an Environmental Impact Statement (EIS) is not required for this proposed project as determined under ARM 18.2.237(5). | X | ☐ | | |
| 2. This proposed project would have (a) significant environmental impact(s) as-defined under ARM 18.2.238 and ARM 18.2.237(5). | ☐ | X | | |
| 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. | | X | | |
| 1. The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s). | ☐ | X | | |
| 2. There is a high rate of residential growth in this proposed project's area. | | X | | |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 3. There is a high rate of commercial growth in this proposed project's area. | | X | | |
| 4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation. | X | | | |
| 5. There are parks, recreational, or other properties acquired/improved under *Section 6(f)* of the *1965 National Land & Water Conservation Fund Act* (**16 U.S.C. 460L**, *et seq.*) on or adjacent to proposed the project area. | | X | | |
| The use of such *Section 6(f)* sites would be documented and compensated with the appropriate agencies. (*e.g.*: MDFW&P, local entities, etc.). | | ☐ | X | |
| 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 U.S.C. 470**, *et seq.*) by the State Historic Preservation Office (SHPO), which would be affected by this proposed project. | | X | | |
| 7. There are parks, recreation sites, schoolgrounds, wild-life refuges, historic sites, historic bridges, or irrigation that might be considered as defined under ARM 18.2.261(2) (a) on or adjacent to the project area. | | X | | |
| a. "Nationwide" Programmatic *Section 4(f)* Evaluation forms for these sites are attached. | | ☐ | X | |
| b. This proposed project requires a full (*i.e.*: DRAFT & FINAL) *Section 4(f)* Evaluation. | ☐ | X | | |
| 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"). | | X | | |
| 1. Conditions set forth in *Section 10* of the *Rivers and Harbors Act* **(33 U.S.C. 403)** and/or *Section 404* under 33 CFR Parts 320-330 of the *Clean Water Act* **(33 U.S.C. 1251-1376)** would be met. | X | ☐ | | |
| 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. | X | ☐ | | |
| 3. A 124SPA Stream Protection permit would be obtained from the MDFW&P? | | X | | |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 4. There is a delineated floodplain in the proposed project 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 would be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy. | X | | | |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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 | |
| 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-same. | X | | | |
| 2. Adverse effects to through-traffic dependant businesses would be avoided or minimized. | X | | | |
| 3. Interference to local events( *e.g.*: festivals) would be minimized to all possible extent. | X | | | |
| 4. Substantial controversy associated with this pending action would be avoided. | X | | | |
| 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. | | X | | |
| All reasonable measures would be taken to avoid and/or minimize substantial impacts from same. | X | | | |
| G. The Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314), including temporary erosion control features for construction would be met. | X | | | |
| H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas. | X | | | |
| I. Documentation of an "invasive species" review to comply with both E.O.#13112 and the *County Noxious Weed Control Act* (**7-22-21, M.C.A.**), including directions as specified by the county(ies) wherein its intended work would be done. | X | | | |

| | 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. | | X | | |
| 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 U.S.C. 4201**, *et seq.*). | | | X | |
| K. Features for the *Americans with Disabilities Act* (**P.L. 101-336**) compliance would be included. | | | X | |
| L. A written Public Involvement Plan, would be 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 | | |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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 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 (E.O.#12898). It also complies with the provisions of *Title VI* of the *Civil Rights Act* of 1964 (**42 U.S.C. 2000d**).

In accordance with the provisions of ARM 18.2.261, this pending action would not cause any significant individual, secondary, or cumulative environmental impacts. Therefore, the MDT's concurrence is that this proposed project is properly classified as a *MEPA* Categorical Exclusion.

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

TLH:s/5957 MEPA CATEX.doc

Attachments

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

cc: Ray Mengel - MDT Administrator Glendive District
Paul Ferry, P.E. - MDT Highway Engineer
John H. Horton, J - MDT Right-of-Way Bureau Chief
Suzy Althof - MDT Contract Plans Section Supervisor
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Jean Riley, P.E. - Environmental Services Bureau Chief

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

Memorandum

MASTER FILE COPY

RECEIVED

AUG 05 2005

LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

To: Distribution

From: Paul Ferry, P.E.
Highways Engineer

Date: July 26, 2005

Subject: **SFCN 1-10(56)593**
**Turn Lanes – East of Wolf Point**
**CN 5957**
**Work Type 150 - Widening**

Attached is the **Combined Preliminary Field Review/Scope of Work Report** for the subject project, dated July 26, 2005. We request that those on the distribution review this report and submit your concurrence **ASAP** from the above, signed date. **(This project is to be let in August 2005).**

Your comments and recommendations are also requested if you do not concur or concur subject to certain conditions. When all personnel on the distribution list have submitted their concurrence, this report will be submitted to the Engineering Division Administrator for final approval.

Distribution:

| | |
|---|---|
| J. H. Horton, R/W | w/attachment |
| M. Strizich, Materials | " |
| K. M. Barnes, Bridge | " |
| D. J. Blacker, Maintenance | " |
| Sandy Straehl, Planning | " |
| J. Riley, Environmental | " |
| R. Mengel, Glendive District | " |
| Mac McArthur, Construction | 2 copies |
| D. E. Williams, Traffic | " |
| cc: | |
| L. Frazier, Engineering | w/attachment |
| D. W. Jensen, Fiscal Programming | " |
| Highways File, | " |

DK:gll:5957RDPFRSOW.doc

I Recommend approval

_____

Date_____ (w/Comments)

Return to Tom H. When "Initial Column" Completed By 8/3/05

| Comments? | Y | N | Initials/Date |
|---|---|---|---|
| Biological | | X | F.D. 7/29 |
| Cultural | | X | Jon 8/3 |
| Haz Mat | X | | [illegible] 8/1 |
| Erosion Control | | X | [illegible] 8/3 |
| Engineer | X | | [illegible] P. 2 of 4 |
| Seeding | | X | [illegible] |

Environmental Consideration

AUG 03

SENT AROUND 7/28/05

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

Memorandum

To: Paul Ferry, P.E.
Highways Engineer

From: Damian Krings, P.E.
Road Design Engineer

Date: July 26, 2005

Subject: **SFCN 1-10(56)593**
**Turn Lanes – East of Wolf Point**
**CN 5957**
**Work Type 150 - Widening**

**This is a combined Preliminary Field Review & Scope of Work Report**

We request that you approve the Preliminary Field Review/Scope of Work Report for the subject project.

Approved Signed Date 7/26/05
Paul Ferry, P.E.
Highways Engineer

We are requesting comments from the following individuals, who have also received a copy of the Report. We will assume their concurrences if no comments are received by two weeks from the above, signed date. **The report is also being distributed under a separate cover as a Scope of Work Report for comments and approval.**

Distribution:

| | | |
|---|---|---|
| P. Ferry, Highways | P. A. Jomini, Safety | J. A. Walther, Engineering |
| Damian Krings, Road Design | B. A. Larsen, Survey | R. Jackson, Geotechnical |
| M. A. Goodman, Hydraulics | Susan Rowell, Proj. Mngmnt | P. Langve-Davis, Planning |
| Danielle Bolan, Traffic | B. F. Juvan, Proj. Mngmnt | Susan Sillick, Research |

cc: D. W. Jensen, Fiscal Programming
File

DK:gll:5957RDPFRSOW.doc

**SFCN 1-10(56)593**
**TURN LANES-EAST OF WOLF POINT**
**CN 5957**
**Work Type 150**

## Combined Preliminary Field Review And Scope of Work Report

A preliminary field review was held May 4, 2005 for this project. The following attended:

James Frank, District Engineering Services Engineer - Glendive
Gary Lundman, District Design – Glendive

### Proposed Scope of Work

This project is programmed as a Major Rehabilitation project to include widening to add turn lanes for the section of NH Primary Route 1/US 2 from reference point (RP) 593.49 to RP 593.91. The geometrics of one public (County Road) approach will be upgraded to include truck turning radii and the grade will be reduced from what is existing. Work will also include seal and cover, and pavement markings. The District will design this project. **(This project will be developed in English units.)**

### Project Location and Limits

LOCATION:

Roosevelt County, on NH Primary Route 1, in the following townships, ranges, and sections:
T 27 N, R 47 E, section 12
T 27 N, R 48 E, section 7

LIMITS: Project begins at RP 593.49, English as-built station 183+59.29, extends northeast about 0.42 miles and ends at RP 593.91, English as-built station 205+76.29. See map at the end of this report.

### Physical Characteristics

EXISTING WIDTHS:

| | |
|---|---|
| RP 593.49 to RP 593.91 | 28.0 ft on NH 1-10(45)590 (Measured 29.2 ft) |

EXISTING GEOMETRICS:

The project proceeds through level terrain and its functional classification is principal arterial. The horizontal and vertical alignments will be perpetuated for this project.

### Major Design Features:

#### Design Speed

The design speed for this NHS Primary road in level terrain is 70 mph.

#### Alignment

Both the horizontal and vertical alignments will be perpetuated with this project.

#### Surfacing

The widening will be obtained with 4" plant mix atop 2.0 ft. Crushed Aggregate Course with a finished width, at the widest part of the turn lanes, of 52 ft with 6:1 surfacing inslopes.

**Rumble Strips**
No rumble strips will be installed with this project.

**Guardrail**
There will be no guardrail on this project.

**Geotechnical Considerations**
No geotechnical considerations are anticipated on this project.

**Hydraulics**
Existing culverts will be lengthened where necessary.

**Bridges**
There are no bridges on this project.

**Traffic**
State Maintenance will complete pavement markings.

**Miscellaneous**
The mailboxes will be upgraded and the turnouts will be overlayed.

**Design Exceptions**
No design exceptions are anticipated for this Project.

**Right-of-Way**
No new right-of-way is anticipated for this project.

**Utilities/Railroads**
There are underground utilities, but no conflict is anticipated, therefore there will be no utility involvement.

There is no railroad present within the project limits.

**Survey**
The District has performed a survey of the existing roadway and pick up of existing topog.

**Environmental Considerations**
A Categorical Exclusion is the level of MEPA document proposed for the project.

The proposed widening project constitutes modernization of the highway. During the preliminary field review, there did not appear to be any significant environmental impacts. We believe that a Categorical Exclusion provides a sufficient level of documentation for the proposed project.

The preliminary review did not indicate that the project would adversely affect any threatened or endangered species. The effect of the project on these species will be assessed and documented in the Biological Resources report. There does not appear to be any wetland impacts associated

with work being accomplished on this project.

The project will not affect any hazardous waste sites. No 4(f) sites are in evidence. The project will have no 6(f) involvement.

We anticipate that the social impacts will be minimal and will generally be focused on the effects of increased traffic on the route.

Air and water quality impacts will be minor and short-term in duration and limited to the period of construction. These will be regulated by MDT's standard construction specifications for contractor licensing and erosion control.

No farmlands of prime or unique or statewide or local importance will be impacted on this project.

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 (2005 English edition) for erosion and sediment control Best Management Practices. The installation of temporary erosion control measures will be paid as "Temporary Erosion Control." No water quality permits are anticipated at this time. IF GROUND DISTURBANCE EXCEEDS 1 ACRE, AN NPDES PERMIT WILL BE NECESSARY.

Environmental will provide any necessary environmental related special provisions.

**Traffic Control**

A traffic control plan will be developed as the design of the project progresses. Traffic will be maintained during construction activities throughout the project.

Appropriate traffic control devices and signing will be used throughout the project in accordance with the *Manual of Uniform Traffic Control Devices.*

**Public Involvement**

The County Commissioners have been made aware of this project and there will be no further public involvement.

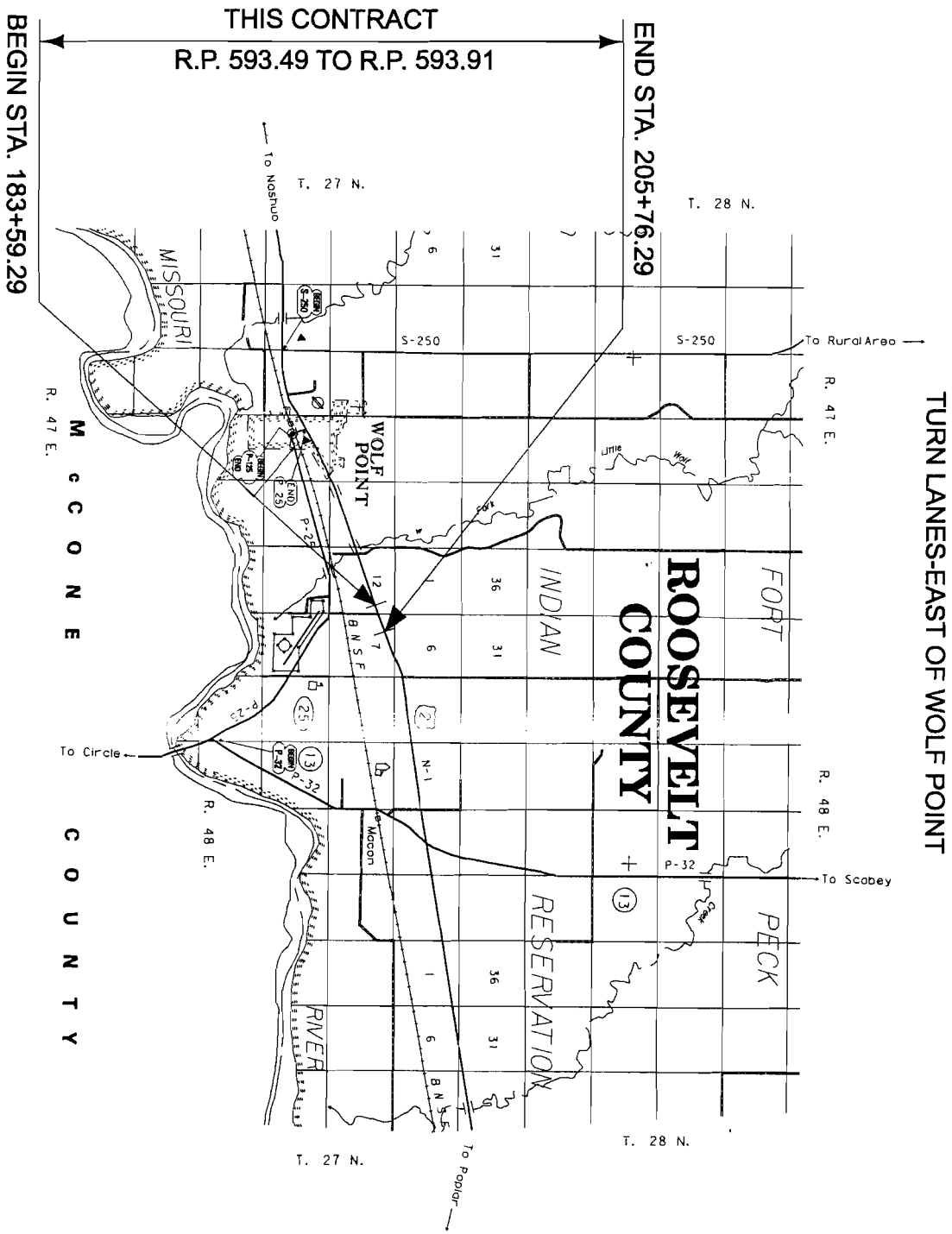
**Cost Estimate and Ready Date**

The preliminary cost for this project is $375,000.00. This cost includes 10% for construction engineering and does not include indirect costs.

**Scheduled to be let August 2005.**

**SFCN 1-10(56)593**
**TURN LANES-EAST OF WOLF POINT**
**CN 5957**
**Work Type 150**

**SFCN 1-10(56)593**
**TURN LANES-EAST OF WOLF POINT**
**CN 5957**
**Work Type 150**

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serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

County **MISSOULA**

August 3, 2005

RECEIVED
AUG 05 2005
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 by

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

S:\ADMIN\48_GEN_CORRESP\MAILINGS\COOP AGENCY LTR.DOC\D-1SLOPEFLATTENINGGUARDRAIL_CN5014

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

RECEIVED
JUL 27 2005
ENVIRONMENTAL

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JUL 22 2005
FHWA
MONTANA DIVISION

MASTER FILE COPY

July 21, 2005

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

Subject: STPHS 0002(656)
D-1 Slope Flattening Guardrail
Control Number: 5014

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.

Keith Meredith, Date: 7/21/05
Keith Meredith
MDT Environmental Services

Concur _____, Date: 7/21/05
Thomas L. Hansen, P.E.
MDT Environmental Services Engineering Section Supv.

Concur _____, Date: 7/26/05
Federal Highway Administration

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Attachments

cc: Dwane Kailey ----------Missoula District Administrator
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

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# Preliminary Field Review Report

STPHS 0002(656)
2001-D1-SLOPE FLATTEN/GDRAIL
UPN 5014

A preliminary field review was held on-site November 21, 2002. The following attended the field review:

Bill Squires, Road Design Section - MDT Helena
Dennis Foy, District Engineering Services Supervisor - MDT Missoula
Jeremy Fadness, Road Design Section, MDT Helena
Tom Hanek, Safety Management Section, MDT Helena

1. **Proposed Scope of Work** - We propose to install guardrail or flatten slopes at three locations on N-1, S-206, and S-567, all in the Missoula District. The Safety Management Section identified the locations as accident clusters, and recommended the proposed work as cost-effective countermeasures. The project is needed to provide a safer roadside environment for the traveling public.

   The work will include remove and new guardrail, grading, topsoil and seeding along with proper delineation. There will also be right-of-way acquisition and utility relocation for the locations on S-206 and N-1

   Safety Management computed the following Benefit/Cost (B/C) for each of the three sites:

| Site | Correctable Accidents | Const Cost Est. | B/C |
|---|---|---|---|
| N-1 | 7 | $115,100 | 3.58 |
| S-206 | 13 | $177, 220 | 7.21 |
| S-567 | 2 | $ 21,360 | 12.46 |
| | TOTAL | $ 313,680 | |

   Road Design's more detailed cost estimate is $299,800 (including 15% construction engineering). That figure inflates at 3% annually to $327,600 at a possible letting date in 2006.

2. **Project Location and Limits** – Two of the three locations are in Flathead County. The first location, on N-1 (U.S. 2), begins at Reference Post (RP) 189.1±, about 13.9 kilometers southeast of Essex. It extends easterly 0.800± km to RP 189.4±, and is entirely within the Flathead National Forest.

   The second location in Flathead County is on S-206. It begins at RP 1.8±, just north of Fairview X-Rd, and extends northerly 1.130± km to RP 2.5 ±, just south of the Austin Crossroad Road.

   The third location is in Lincoln County on S-567, about 19.3 km north of Libby. It begins at R.P. 10.8±, and extends northerly 0.650± km to RP 11.2±. The site is entirely within the Kootenai National Forest.

No other locations are being considered. See the attached location map.

3. **Physical Characteristics** –
N-1: This section of N-1 was originally constructed under FHP 13 in 1967, and was most recently overlayed in 1991. The paved width is 9.75 m, with two 3.66 m travel lanes and two 1.22 m shoulders.

This section consists almost entirely of two spiraled curves: a 291.06 m radius curve right extends from RP 189.10± to 189.228±, and a 349.28 m radius curve left extends from RP 189.229± to 189.417.

The area of concern is on the south side of the road, which has intermittent ditch and embankment sections. The ditches are 1 to 3± meters deep, with 2:1± inslopes, a fairly narrow ditch bottom, and 2:1 and flatter backslopes. The embankments are 2 to 3 meters high, and steeper than 3:1.

Roadside obstacles scattered on the inslopes and beyond it include medium sized trees (diameters of 100± to 250± mm) and very large rocks, some easily the size of a compact car.

The left (north) side of the road is adjacent to Bear Creek, and is guardrailed. Some of these features can be seen in the following photo:

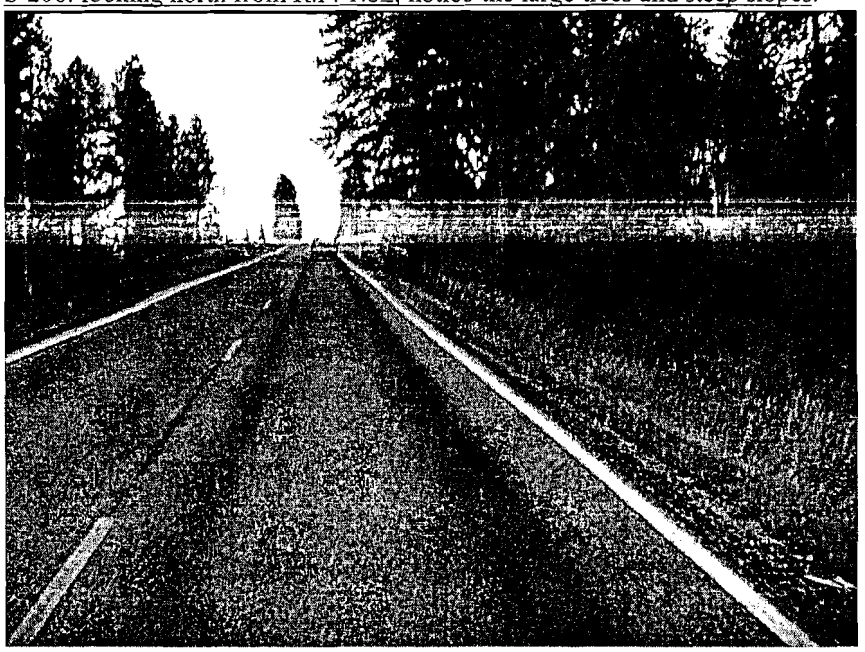
N-1: Looking west toward the beginning of the project, slope of interest is on the left.

S-206: S-206 was originally constructed under NRHP 257-C in 1934. The original construction was a gravel surface and was later paved in 1939 under the same project name. Since then there have been numerous projects along this route, mostly overlays and safety projects. The paved width is currently 7.2± meters. The last project was a signing project; STPHS 206-1(6)0, Safety Improv.-S of Columbia Heights [3120].

S-206 passes through rolling terrain in a rural area. The roadside development includes a few residences scattered among the pastures and farmland. It appears the road was built using the borrow-ditch method with steep inslopes, and a deep ditch that does not necessarily convey drainage. The fill slopes vary from very flat (6:1±) to steep (1½:1±). The back slopes are generally 2:1 or steeper in most locations.

There are also a few short areas with objects, mostly trees, within the clear zone. The most obvious of these areas is between RP 1.8± and 1.9±., where there are large coniferous trees, ranging in diameter from 300 to 450 mm, at the base of a 3.0± m high embankment with 1½:1 slopes. This area is shown below:

S-206: looking north from R.P. 1.8±, notice the large trees and steep slopes.



The inslopes of the approaches are generally fairly high and 1:1 or steeper and are in a deep V ditch section.

S-567: S-567 was originally built as a logging road with a gravel surface. The road was then improved by the Forest Service with bituminous surface treatments, asphalt and chip seals. The 6.10-m road has two travel lanes 3.05 m wide and no shoulders.

The area of concern includes 90 meters of a tangent beginning at RP 10.9± and a 175 meter radius curve that extends from RP 10.96± to 11.02± and is followed by

a 120 meter tangent section. The roadside along the right side has a 1:1± fill slope about 10 meters high covered with large riprap. Pipe Creek flows along the toe of the slope. The location is shown in the following photo:

S-567: Looking north toward the curve at RP 10.93±

The existing guardrail is only on the curve, has blunt end treatments, and is in generally poor condition.

4. **Traffic Data** – The traffic data shown in the table below covers N-1 from R.P. 189.0 to 189.5, S-206 from R.P. 1.8 to 2.5, and S-567 from R.P. 10.8 to R.P. 11.2.

| | N-1 | S-206 | S-567 |
|---|---|---|---|
| 2002 ADT (Present) = | 1,160 | 4,410 | 200 |
| 2004 ADT (Letting) = | 1,230 | 4,630 | 210 |
| 2024 ADT (Design Year) = | 2,180 | 7,590 | 280 |
| DHV = | 370 | 1,060 | 40 |
| T = | 8.8% | 7.0% | 21.5% |
| ESAL's = | 81 | 211 | 20 |
| Growth Rate (Annual) = | 2.9% | 2.5% | 1.4% |

5. **Accident History** – Safety Management completed an accident analysis for each of the three locations for a ten-year period from 1992 through 2002. The analysis covered sections of S-206 from R.P. 1.8 to 2.5, S-567 from R.P. 1.8 to 11.2 and N-1 from R.P. 189.0 to 189.5. The following table shows the accident rate, severity index, severity rate, and respective statewide averages for the three locations:

| Location | Accident Rate | Severity Index | Severity Rate |
|---|---|---|---|
| N-1 | 5.71 | 2.08 | 11.88 |
| Statewide Average | 1.33 | 2.35 | 3.12 |
| S-206 | 2.36 | 4.38 | 10.34 |
| Statewide Average | 1.73 | 2.43 | 4.21 |
| S-567 | 6.79 | 5.50 | 37.35 |
| Statewide Average | 1.73 | 2.43 | 4.21 |

The N-1 location in Flathead County had the following variations from the average occurrence:

- 84.6% off road/shoulder vs. 32.8% statewide average
- 76.9% daylight vs. 57.9% statewide average
- 61.5% snow/icy road vs. 17.4% statewide average
- 38.5% snow/blowing snow vs. 10.9% statewide average

Seven of the thirteen recorded crashes are considered correctable by the proposed slope flattening and road side object removal. The most common type of crash occurred under snowy or icy pavement conditions; this was followed by a collision with a roadside object and/or overturning. The proposed slope flattening and roadside hazard removal on the south side of N-1 will create a safer, more traversable clear zone than what currently exists.

The S-206 location had the following variations from the average occurrence:

- 66.7% off road/shoulder vs. 49.4% statewide average rural state secondary
- 28.6% icy road vs. 17.1% statewide average rural state secondary
- 19.1% wet road vs. 7.5% statewide average rural state secondary

Fourteen of the twenty-one total crashes on S-206 are considered correctable by the proposed slope flattening and removal of roadside objects. The most common type of crash is loss of vehicle control in wet or icy pavement conditions; this was typically followed by a collision with a roadside object and/or overturning. The proposed work will remove the roadside obstacles and flatten slopes to create a traversable clear zone.

Both of the two recorded crashes on the S-567 location during the ten-year study period are addressable by the proposed guardrail work. Although the number of crashes is low for this section, the severity of the accidents justifies their inclusion into the Safety Engineering Improvement Program. Therefore the recommended replacement of existing guardrail and installation of new at this location is appropriate.

This location is located within the reconstruction project **STPS 567-1(4)7 11km N of Libby – North [4789]**. The reconstruction project is not fundable until late 2006 at the earliest. The proposed guardrail should be installed long enough before the reconstruction project is let to be a cost effective use of safety funds.

6. **Major Design Features** - The intent will be to design the project to comply with the geometric design criteria for the pertinent design elements (i.e. slopes and guardrail), as presented in Figure 12-3 (Rural Principal Arterials) and Figure 12-5 (Rural Collector Roads) of the Road Design Manual, and as presented in the Geometric Design Standards (pages 3 and 9).

However, given the inherent constraints of a safety project, it may not be feasible to meet full standards along the entire length of each location. We will strive to provide a recoverable area within the clear zone, or shield roadside hazards with the appropriate length of guardrail. A metric design is proposed.

We intend to flatten slopes and improve the roadside recovery area at the N-1 and S-206 locations. The work at the S-567 location will be limited to guardrail installation. Road Design will be the lead agent. The design will be assigned to the Helena crew.

a. **Design Speed** – The terrain and functional classification of the individual segments are relevant to design speed. Design speed criteria will be used to determine clear zone widths, appropriate slopes (on Secondary routes), guardrail advancement lengths, and the selection and placement of terminal treatments.

N-1: An 80 km/h design speed is appropriate for a rural principal arterial in mountainous terrain.

S- 206: An 80 km/h design speed is appropriate for a rural collector in rolling terrain.

S-567: A 70 km/h design speed is appropriate for a rural collector in mountainous terrain.

b. **Horizontal Alignment** –
N-1: No changes are proposed to the two curves, which have design speeds of 90 km/hr and 95 km/hr, respectively.

S-206: The horizontal alignment is on tangent the full length of the location. No changes are proposed.

S-567: No revisions are proposed to the existing curve, which has a radius less than the 175 m minimum for 70 km/h design. Sight distance is limited along the inside of the curve (west side) by the steep back slope about one meter from the edge of pavement. The curve will be addressed under the reconstruction project **STPS 567-1(4)7, 11 Km N of Libby – North [4789]**.

c. **Vertical Alignment** –
N-1: No changes are proposed to the profile, which is on a 0.26% grade that provides desirable stopping sight distance (SSD) at 110+ km/h.

S-206: The vertical alignment provides desirable SSD at 90 km/h for three of the four curves, and 60 km/h on the fourth curve. The steepest grade within the project limits is 2.82%. No changes are proposed.
S-567: No changes are proposed to the existing profile, which appears to provide desirable SSD at speeds well above 70 km/h, with a grade in the 3% to 4% range.

d. **Typical Sections** – No changes are proposed to the surfacing at any of the three locations. Slope work will generally begin at the hinge point of the surfacing inslope and ditch/fill inslope, and extend outward.

e. **Grading** -
N-1: The review recommends the slope work be limited to the south side of the road from RP 189.10±, the P.C.S. of the 291.06 m curve Right at English Station 445+12.52; to RP 189.42±, the end of the 349.28 m radius curve left at English Station 428+56.72. (stationing increases from east to west on the as-builts). The ditch inslopes and fill slopes along the south are generally steeper than 3:1.

Ideally, we'd like to regrade the ditch sections to the standard 6:1 inslope, with a 3.0 m flat-bottom ditch and appropriate backslope. The material excavated from the existing backslope (2:1± and 6 to 9 meters high) would be available to flatten inslopes and the fill slopes to the east. The wider ditch would have the added benefit of increasing sight distance along the inside of the curve. The backslope is heavily timbered, so the Forest Service may have input on whether clearing is appropriate.

The minimum work envisioned would flatten the inslopes to 4:1 or flatter, maintain ditch drainage and provide the appropriate clear zone which ranges from 5.5 meters (6:1 on tangent) to 11.2 meters for a 4:1 slope on the outside of the 349.28 m curve.

S-206: Generally slopes on both sides of the road will be addressed. We'll strive to flatten inslopes to meet standards (6:1 on fills < 3 m and 4:1 on fills 3 to 6 m high) and flatten ditch inslopes to 6:1, with 3.0 m flat-bottom ditches and backslopes 3:1 or flatter. Backslope excavation will be placed on the inslopes.

If right-of-way or constraints arise, we'll try to at least flatten inslopes to 4:1 or flatter, provide a clear zone, and maintain drainage with a v-ditch whose bottom is outside the clear zone. The clear zone in fill sections ranges from 6.5 m on 6:1 slopes to 8.5 m on 4:1 slopes. Approach slopes will also be flattened to 4:1 or flatter where practical (i.e. drainage can be maintained

The roadside will be cleared of hazards (mostly trees) to the appropriate clear zone or greater if needed for slope work or utility relocation.

S-567: Minimal grading work will be needed. We'll specify 2.4-meter guardrail posts to avoid widening the steep embankment behind the guardrail and above Pipe Creek. The guardrail can probably be designed so that the optional terminal sections are on relatively flat areas.

f. **Geotechnical Considerations** – There do not appear to be any major geotechnical issues. We did not notice any signs of slope instability at the N-1 location, where we'll consider excavation of the 6 to 9 meter high back slopes.

g. **Hydraulics** –
N-1: There are two small streams at either end of the proposed slope flattening areas. These streams flow into Bear Creek via pipes at RP 189.09± and RP 189.47±. The ends of the pipes are 5 to 6 meters from edge of driving lane. We do not propose to lengthen the pipes, but we will request survey information on them.

S-206: There are four cross drains that may have to be extended in slope flattening areas. Due to their age, they should be evaluated for total replacement. It was observed during the field review that many of the pipes are buried and/or in disrepair.

S-567: There will be no hydraulics considerations

h. **Bridges** – There are no bridges within the project limits.

i. **Traffic Engineering** – We recommend the existing signing and delineation be evaluated for upgrading at all three locations, and these items be included in the project where appropriate.

j. **Pedestrian/Bicycle** – It is beyond the scope of work to include specific pedestrian and bicycle features. The flatter slopes and the hazard free roadside will provide a safer environment for bicyclists and pedestrians as well as motorists.

k. **Miscellaneous Features** – Miscellaneous features will include fencing and may include mailboxes and possibly mailbox turnouts on the S-206 location. The guardrail on S-567 will be designed to provide adequate run out length and end treatment to shield the motorist from the roadside hazard.

7. **Design Exceptions** – N/A

8. **Right-of-Way** – There will be right of way involvement on the N-1 and S-206 locations. The existing right of way on the N-1 location is 24.4 m measured from the centerline. The as-built construction plans also show a set-back line 60.96 meters from centerline, with the note "Set-back line for special treatment occupied and used only upon approval of the Regional Forester." Most of the work can be done within the existing right-of-way, but new acquisition will likely be needed if there is extensive backslope excavation along the inside of the curve from RP 189.1± to 189.2±.

The existing right of way on S-206 at the project location varies between 15.2 m to 18.3 m as measured from the centerline. New right-of-way and/or construction permits will likely be required along intermittent segments throughout the

location. The most substantial acquisition may be from R.P. 1.89 to R.P. 1.92, where the fill on both sides of the road is about 3+ meters high.

There will be no right of way involvement on the S-567 location.

9. **Utilities/Railroads** –
N-1: There are two utility markers within the location limits. One indicates an AT&T buried cable. The other marker may indicate a buried power line. There may be conflicts with these facilities. There are no overhead poles.

S-206: There is an overhead power line along the west (left) fence the entire length of the location. The power line poles will probably be in conflict around R.P. 1.9, because of the 3.0± m fill, and at other intermittent segments. There may be buried utilities such as gas, fiber optics and telephone, but none were noticed at the field review.

S-567: There will be no utility involvement.

The survey will locate and identify all utilities.

There will be no railroad involvement at any of the three locations.

10. **Survey** – A survey will be required for the N-1 and S-206 locations. The required data will include alignment, cross sections, utility and drainage topog, sign inventory, and cadastral information.

Survey will not be requested for the S-567 location. Design personnel will collect the required information when they are in the area for other business in the near future. If we later determine survey is needed, the data collected for **STPS 567-1(4)7, 11 Km N of Libby – North [4789]** can probably be used.

The survey request is attached.

11. **Public Involvement** – A Level "A" public involvement plan is appropriate. A news release for the project will be distributed to the various local media.

12. **Environmental Considerations** - No significant environmental impacts or issues were identified. There may be wetland involvement at the N-1 location. A categorical exclusion is proposed for the environmental document.

13. **Traffic Control** – Traffic will be maintained through the project with the appropriate signing, flagging, detours, etc., in accordance with the Manual on Uniform Traffic Control Devices. Local residents will have access to their property at all times.

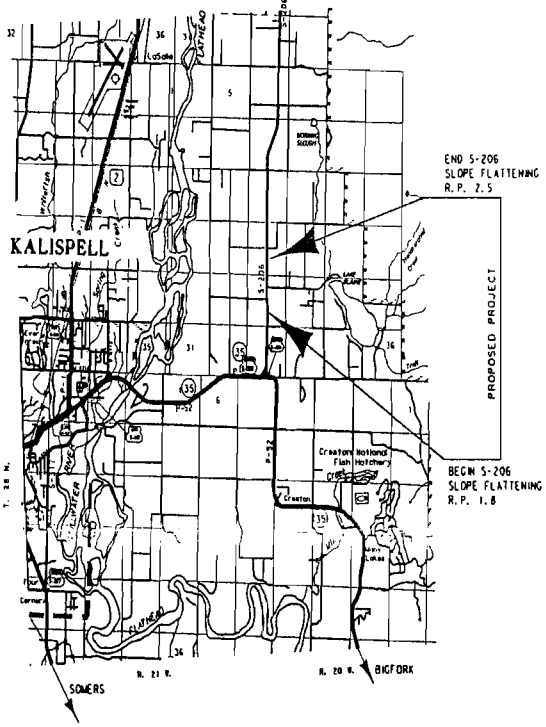
# PROJECT STPHS 0002(656)

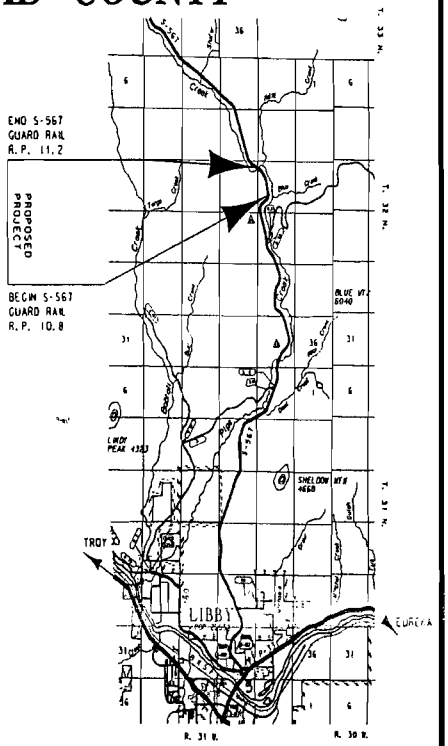
# SLOPE FLATTENING AND GUARD RAIL

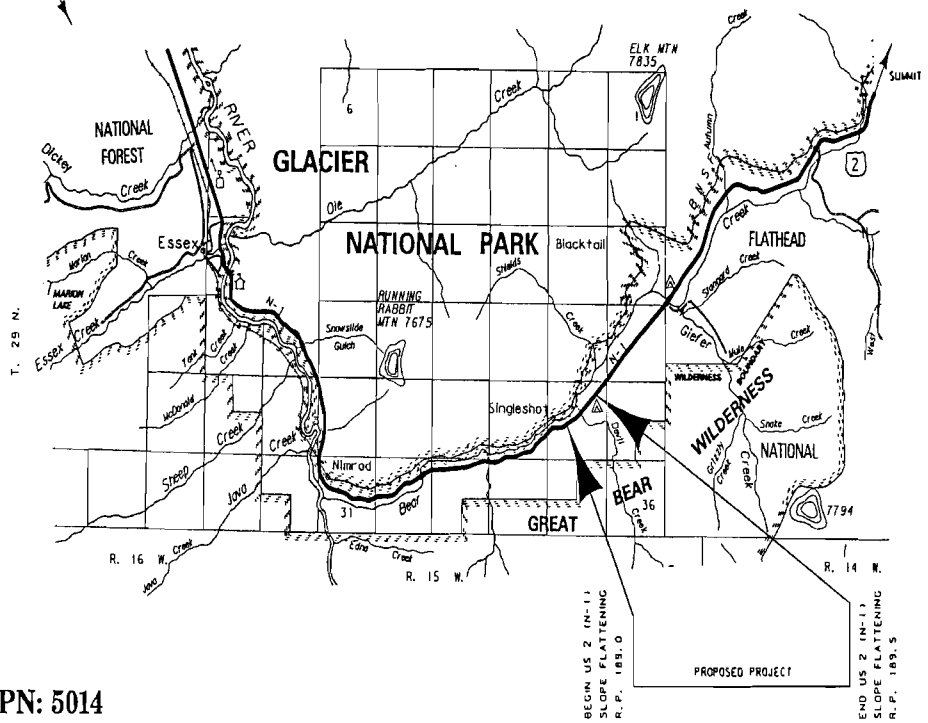
# 2001-D1-SLOPE FLATTEN/GDRAIL

# LINCLON & FLATHEAD COUNTY

**2.6 Km +/-**




**UPN: 5014**

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 3, 2005

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

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AUG 05 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

**Subject: MDT Statewide Maintenance Projects**
**Armells Creek South Overlay**
**Fergus County, US 191**
**Reference Post from: 78.5**
**Reference Post to: 86.6**

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
Environmental Services Bureau

Attachments

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

S:\MAINTENANCE\MAINT-CHK-LST\BLGS\LEWISTOWN-MAINTENANCE-US191-0805-EQC.DOC

# 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:** C000061-US-191 **Designation:** Armells Creek South Overlay

**Proposed Date of Maintenance Activity:** May to August 2006 **Federal Funds Involved?** Yes ☐ No ☒

**Reference Post (Station)** 78.5 **to Reference Post (Station)** 86.6

**Applicants Name:** Doug Lutke **Address:** PO Box 491, Lewistown, Mt.

**Type of Proposed Maintenance Activity:** Maintenance Funded Thin Lift Overlay & 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) | ☐ | ☒ | Project will include paving and sealing up to the bridge over Armells Creek. However, no work is planned off of the pavement. |
| 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 special provision |
| 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.**

**No impacts are anticipated. All project related work will be on the surface of the roadway.**

**Checklist prepared by:**

Douglas Lutke
Applicant (Maintenance Chief)

Lewistown Area Maintenance
Bureau Chief 6/30/2005
Date

ENVIRONMENTAL ENGINEERING
SECTION SUPERVISOR

**Approved by:**

Environmental Services Title Date 8/3/05

**(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.**

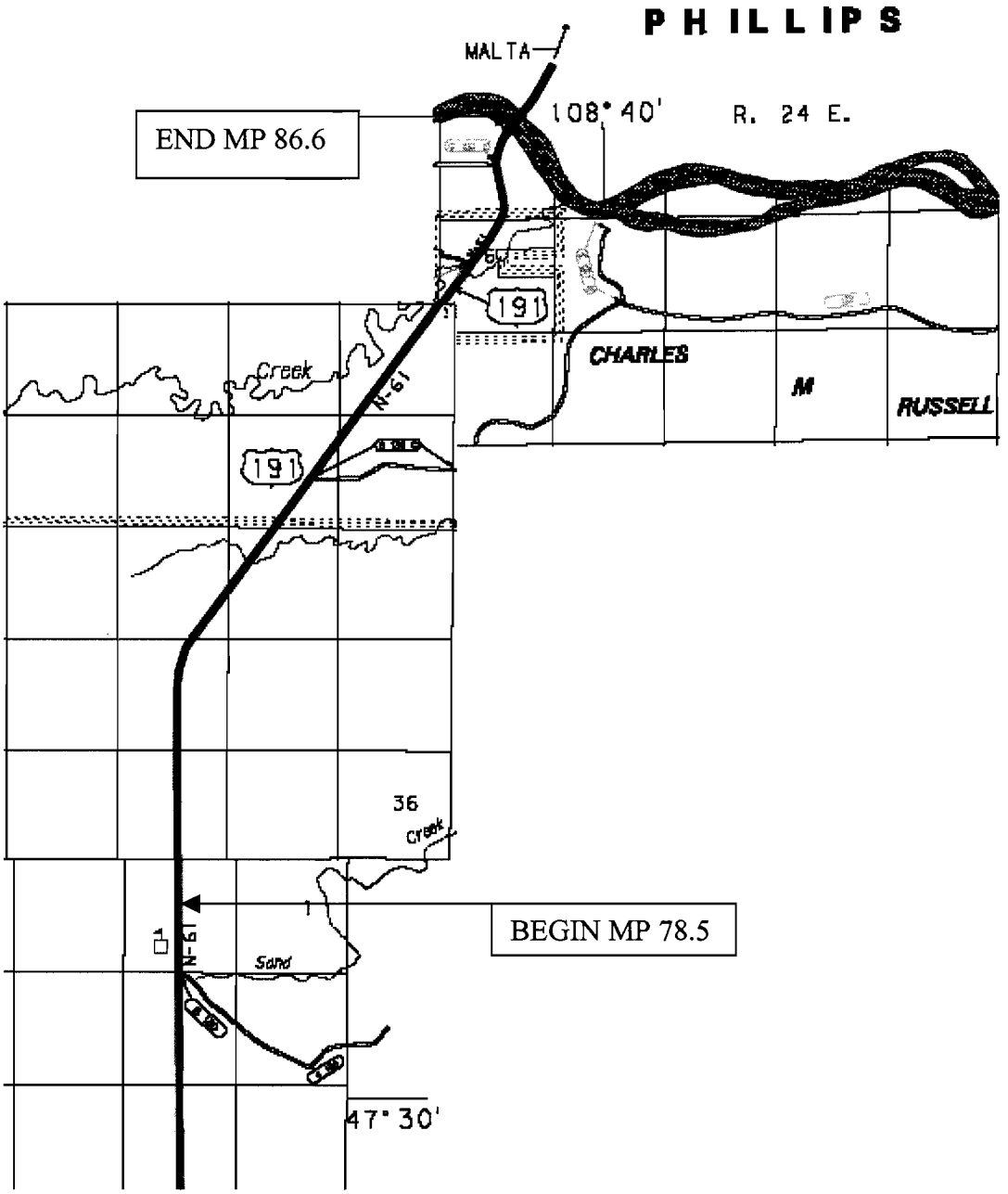
**D. When the applicant checks a "Yes" item, the applicant cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

**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)

AMELLS CREEK SOUTH OVERLAY
MP 78.5 TO 86.6



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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: July 25, 2005

Subject: Biological Resources Memorandum
**C000061-US-191**
**Armells Creek South Overlay**

## Project Location & Description

This proposed project is a maintenance funded thin lift overlay and chip seal project. There will be no grading involved with this project.

This project is located in Fergus County on US 191. The project begins at Route Post 78.5 (Section 2, Township 20 North, Range 23 East), and ends at Route Post 86.6 (Section 31, Township 22 North, Range 24 East).

## Biological Resources and Impact Analysis

There are several records of sensitive species within the one-mile of the proposed project. There are pallid sturgeon (*Scaphirhynchus albus*), a federally endangered species, and several other sensitive species located in and near the Missouri River, which lies on the north end of the proposed project. No work is anticipated within the Missouri River. There are several records of black-tailed prairie dogs (*Cynomys ludovicianus*) colonies within 2 miles of the proposed project. The prairie dog towns are located in Sections 13 and 14, Township 21 North, Range 23 East, Sections 6 and 7, Township 20 North, Range 24 East, and Section 31, Township 22 North, Range 24 East. There should be no aggregate borrow source, gravel, crushing, storage or staging areas, or processing plants located within a ½-mile of the Missouri River or any of the above-mentioned sections. The attached special provision should be included in the contract bid package.

If the attached special provision is adhered to, there will be **no effect** on any threatened, endangered, proposed, candidate, rare, or sensitive species.

No wetlands, streams, or other aquatic resources will be affected. Therefore, **a Stream Protection Act 124 permit and a Clean Water Act 404 permit are not required**. The attached special provision should be added to the Contract Bid Package.

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.

Copy: Bruce Barrett - Billings District Administrator
Paul Ferry – Highways Engineer
Douglas Lutke – Lewistown Area Maintenance Chief
Heidy Bruner- 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 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.

2. THREATENED, ENDANGERED, & CANDIDATE SPECIES CONSERVATION MEASURES

A. Informational Note: Pallid Sturgeon (*Scaphirhynchus albus*) are protected under the Endangered Species Act as well as other statutes, acts and regulations. Pallid Sturgeon are present in the Missouri River near the proposed project. Black-tailed prairie dogs (*Cynomys ludovicianus*) are a sensitive species in Montana.

Description: There are several records of black-tailed prairie dog colonies within 2 miles of the proposed project. The prairie dog towns are located in Sections 13 and 14, Township 21 North, Range 23 East, Sections 6 and 7, Township 20 North, Range 24 East, and Section 31, Township 22 North, Range 24 East. Proposed work within the limits should not affect either the black-tailed prairie dogs or the pallid Sturgeon. Therefore, this special provision is included in the contract documents/bid package to notify the Contractor of the approximate location of the above-mentioned species occurrences and the potential restrictions or conditions that may apply if certain activities are conducted in the vicinity of these species occurrences. It is recommended that the Contractor contacts and coordinates with MDT Environmental (Paul Sturm 444-9438) before using or developing aggregate sources or borrow sites, or conducting high intensity activities such as gravel-crushing, pavement plant operations, pile driving, heavy equipment operation, etc. in the vicinity of the Missouri River or any of the above-listed sections.

1) Construction Requirements. No new aggregate borrow source, gravel, crushing, storage or staging areas, or processing plants may be located within a ½-mile of the Missouri River or any of the above-mentioned sections.

2) Basis of Payment. All work and other costs required to coordinate with the governmental agencies and any restrictions to construction or other requirements associated with this provision are considered incidental to other items of work and no separate payment will be made.

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

Jim Lynch, Director
Brian Schweitzer, Governor

County **BIGHORN**

August 3, 2005

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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 by

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

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Attachment

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**Montana Department of Transportation**

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 15, 2005

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JUL 18 2005
FHWA
MONTANA DIVISION

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

MASTER FILE COPY

Subject: Busby – East and West
NH 37-1(25)19
Control Number: 4844

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: 7/15/05
Heidy Bruner
MDT Environmental Services
Billings District

Concur _____, Date: 7/15/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____, Date: 18 July 05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\4844\4844ENPCEFHWA01.DOC

Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 3, 2005

Carl James
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena MT 59602

MASTER FILE COPY

Subject: Statewide Pavement Preservation Projects Concurrence
**NH 1-4(30)292**
**Devon – E. & W.**
**CN 5763000**

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report and the Environmental Checklist for Pavement Preservation Projects. We have determined that the Statewide PCE for these types of projects would cover this project.

The following special provision will be included in this project:

- Protection of Wetland Areas and Other Drainages

I have attached the Preliminary Field Review/Scope of Work Report, location map, Environmental Checklist for Pavement Preservation Projects, and the special provision listed above.

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

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

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Attachments:

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copies: Michael P. Johnson – District Administrator-Great Falls
Loran Frazier, P.E. – Chief Engineer
Paul Ferry, P.E. – Highway Engineer
Jean A. Riley, P.E. – Environmental Services
Mark Wissinger, P.E. – Construction
Suzy Althof – Contract Plans
Dave Jensen – Fiscal Planning
✓Environmental Quality Council
File

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

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

# ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS (CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project No.: NH 1-4(30)292 ID: UPN 5763000 Project Name: Devon – E. & W.

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Reference Post (Station) RP 291.8+/- To Reference Post (Station) RP 299.8+/-

Applicants Name: Montana Department of Transportation Address: PO Box 201001, Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Work Type 181 Resurfacing – Asphalt (Thin Lift ≤ 0.15'

| 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? | ☐ | ☒ | None Anticipated. |
| 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.) | ☐ | ☒ | None Anticipated |
| 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: Christie McOmber. Area Engineer June 30, 2005

Applicant Title Date

Approved by: ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR 8/4/05

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, MDT 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 MDT'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, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

E. **MDT 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)

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 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.

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 8, 2005

ENVIRONMENTAL QUALITY COUNCIL
Legislative Environmental Policy Office
P.O. Box 201704
Helena, MT 59620-1704

Subject: **BR 9044(17)**
SAND CR-7 KM E OF CARTERSVILLE
(PPMS-OPX2 Control #4692)

Attached is one (1) copy of the Programmatic Categorical Exclusion request for this proposed project as approved by the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration (FHWA) on June 6, 2005.

The attached also complies-with the *Montana Environmental Policy Act* (**75-1-103 & 75-1-201, M.C.A.**) provisions under ARM 18.2.261, "Actions that qualify for a Categorical Exclusion" as applicable to the MONTANA DEPARTMENT OF TRANSPORTATION (MDT).

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

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POLICY OFFICE

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Attachment

copy: project main/"white label" file

D
6/28/05

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JUN - 7 2005
ENVIRONMENTAL

May 23, 2005

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

MASTER FILE COPY

Subject: BR 9044(17)
Sand Crk. – 7 km E of Cartersville
Control Number: 4692

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). | ☐ | ☒ | ☐ | ☐ |

Environmental Services
Phone: (406) 444-7228
Fax: (406) 444-7245

Web Page: www.mdt.state.mt.us
Road Report: (800) 226-7623
TTY: (800) 335-7592

| | | 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. | "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.). | ☐ | ☐ | ☒ | ☐ |
| 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: 5/27/05

Thomas L. Hansen, P.E.
MDT Environmental Services
Glendive District

Concur _____, Date: 5-31-05
Jean A. Riley, P.E. Bureau Chief
MDT Environmental Services

Concur _____, Date: 6/6/05
Federal Highway Administration

TLH:kem:S:\PROJECTS\GLENDIVE\4692\PCE (D) PROGRAMMATIC FHWA.DOC

Attachments

cc: Ray Mengel ---------- Glendive 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

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**Montana Department of Transportation**
**Helena, MT 59620-1001**

**Memorandum**

**To:** Joseph P. Kolman, P.E.
Bridge Engineer

**Thru:** William S. Fullerton, P.E.
Bridge Design Engineer

**From:** Mark J. Studt, P.E.
Structural Engineer

**Date:** January 25, 2002

**Project:** BR 9044(17)
Sand Creek – 7 km East of Cartersville
Control No. 4692
Project Work Type – 221

**Subject:** **Preliminary Field Review Report**

Please approve the **Preliminary Field Review Report** for the subject project.

Approved Joseph P. Kolman Date 1/25/02
Joseph P. Kolman, P.E.

We are requesting comments from the following individuals, who have also received a copy of the Report. **We will assume concurrences if no comments are received by (February 11, 2002).**

MJS:4692PFR.doc

Distribution: (all with attachment)
J. H. Horton
K.M. Barnes
C. S. Peil
P. Saindon
W.L. McChesney
S. Sternberg
R. E. Williams
J. A. Walther
R. D. Morgan
M.A. Goodman
G. Larson
B.A. Larsen
D. W. Jensen
M.A. Wissinger
B. F. Juvan
W. Scott
J. J. Moran
D. Grenfell – FHWA
Rosebud County Commissioners
File

## Preliminary Field Review Report

**BR 9044(17)**
**Sand Creek – 7 km East of Cartersville**
**Control No. 4692**
**Project Work Type - 221**

The preliminary field review for the subject project was conducted on June 6, 2001 with the following people in attendance.

| | | |
|---|---|---|
| R. E. Mengel | Engineering Services Supervisor | Glendive |
| J. Tompkins | Surfacing Design Supervisor | Helena |
| M. Studt | Bridge Bureau | Helena |
| L. Sickerson | Environmental Services | Helena |
| G. Michel | Hydraulics Section | Helena |
| P. R. Ferry | Road Design Section | Helena |
| Joanne Stahl | Rosebud County Commissioners | |
| Wayne Buck | Rosebud County Road Foreman | |
| Virgil Satterthwait | Rosebud County Bridge Foreman | |

### Project Intent

The intent of the project is to replace the existing bridge over Sand Creek with a new bridge. We anticipate that the new bridge will be constructed on the existing alignment. The project will include enough approach work to tie to the existing roadway and should be limited to about 250 m on each end of the bridge. The roadway design features will meet the current criteria for low-volume off-system roads.

### Location and Route Description

The existing bridge over Sand Creek is located on an off-system county road approximately 7 km northeast of Rosebud in Rosebud County (T 6 N, R 43 E, SEC 5). The terrain adjacent to the project is level and is used primarily for irrigated and dry land farming. The off-system road provides local access to communities and the greater transportation network. It is also a school bus route. We do not believe that the proposed project will alter existing traffic volumes or characteristics. We also do not anticipate that the use of the land adjacent to the project will change in the foreseeable future.

### Purpose and Need

We intend to construct the new bridge on the existing alignment. The use of an offset alignment would have greater impacts to the Sand Creek channel and cultivated land adjacent to the project. Offset alignments would also require the introduction of an additional horizontal curve. The use of a significantly different alignment would require substantially more road construction and would have greater right-of-way and environmental impacts.

The no-build alternative is not feasible, because of the structural deficiency of the existing bridge. If the bridge is not replaced, it will reduce the effectiveness of the route as a transportation facility, as well as potentially creating safety problems.

### Existing Road Conditions

The project was constructed under the following single project as a part of a Secondary Highway project S-259(2)1.

Bridge End Stations (English)
324+30.0

324+68.0

The project length will depend on the required hydraulic opening and configuration of the new bridge.

The roadway was constructed to an 8.53 m finished top width. The surfacing consisted of 61 mm of plant mix atop a 472 mm gravel base. The surfacing was placed on 5:1 inslopes.

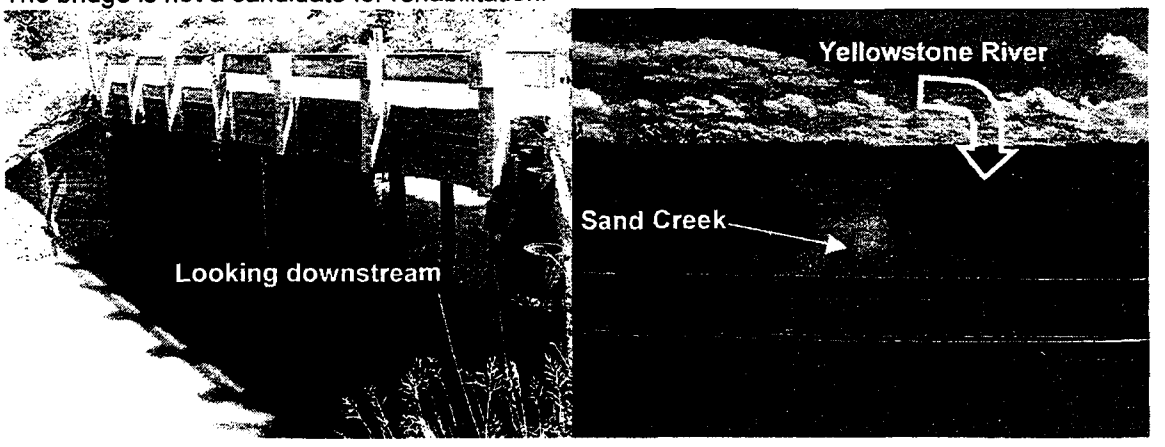
The bridge is located on simple horizontal curve having a radius of 1164.2 m. The bridge is located on a 0.006% vertical tangent. A sag vertical curve that provides the desirable stopping sight distance (SSD) for a 100 km/h design speed is located approximately 125 m east of the bridge.

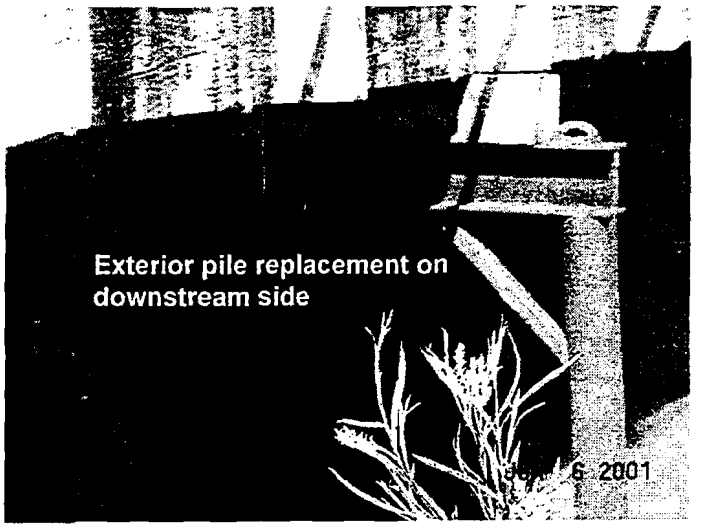
The cut and fill slopes meet the criteria for off-system rural roads. The fills are generally less than 1 m high. The cuts are minimal throughout the potential project limits.

**Existing Bridge Condition**

| | **Sand Creek**<br>**7 km East of Cartersville**<br>**L 44201004+07001** |
|---|---|
| Year Built | 1963 |
| As-Built Station | 324+49 |
| Drawing No. | 5235 |
| Length (m) | 11.89 |
| Number of Spans | 2 |
| Span Lengths (m) | 5.79/5.79 |
| Width, rail to rail (m) | 8.53 |
| Superstructure Type (each span) | Timber / Timber |
| Substructure Type | Timber cap and piles |
| Bridge Rail Type | Wood Fence |
| Deck Type | Timber with asphalt topping |
| Sufficiency Rating | 39.6 |
| Structure Status | Structurally Deficient |
| Posting (mton) | 21.7 Inventory |

The bridge is not a candidate for rehabilitation.






**Existing Sand Creek Bridge**
(Date of Photo 6-6-01)

**Traffic Data**

The traffic data for the project is as follows:

2002 ADT = 200
2005 ADT = 210
2025 ADT = 260
DHV = 40
D = 55-45 %
T = 6.5 %
EAL = 5 (Daily)
AGR = 1 %

There were no reported accidents at this location (SEC 5, T 6 N, R 43 E) between October 1, 1991 through September 31, 2001.

## Design Criteria

**Design Speed**
The design speed for low volume off-system gravel roads is 70 km/h. We anticipate that all design features will meet the criteria for a 70 km/h design speed. There is no posted speed limit in the vicinity of the project.

**Drainage**
The drainage area for Sand Creek at this crossing is 287.5 square kilometers. The channel is deeply incised and well defined. Water overtopped the road in 1986 and washed out the western approach. The flooding also cut off a meander loop of the creek reducing the channel length approximately 600 m. The bridge is now located 100 m upstream of its confluence with the Yellowstone River. Water surface elevations at the crossing may be affected by flooding and ice jams in the Yellowstone River.

County officials have indicated that heavy debris occurs at the existing crossing during spring

runoff. Consequently, we recommend that the bridge span the low water channel. The creek's banks are fairly well vegetated to the low-water channel. The channel appears stable although the reduction in channel length caused by the flood may have some long-term effect on the stability of the channel banks.

We will investigate the possibility of closing the road. Rather than providing a temporary detour. This is discussed in more detail in the "Detour" section of this report. If a detour is needed, the required waterway opening will be determined by the Hydraulics Section.

The crossing is located in a delineated floodplain and a floodplain permit will be required.

An irrigation wastewater ditch is located in the NW quadrant. It will not be affected by the construction. A temporary detour could potentially impact the ditch. The project should not affect any other drainages or irrigation facilities.

**Horizontal Alignment**
We recommend that the new bridge be constructed on the existing horizontal alignment. Although the existing crossing is on a horizontal curve, its proximity to the Yellowstone River makes in unfeasible to locate the new bridge downstream from the existing bridge. Locating the crossing upstream would result in impacts to an irrigation wastewater ditch and cultivated land. The creek channel also bends to the right and parallels the roadway. The roadway template could encroach on the channel if the new crossing was located upstream. Both upstream and downstream locations would require more road construction.

**Vertical Alignment**
A grade raise will be necessary since the depth of the new bridge's superstructure will be greater than the superstructure depth of the existing bridge. We propose that the new alignment provide the desirable SSD for a 90 km/h design speed. We recommend that the greater design speed be used, because the roadway adjacent to the project provides the SSD for higher design speeds. The perpetuation of an overtopping elevation is not a consideration at this site.

**Surfacing and Typical Section**
We request that the Surfacing Design Section provide a recommendation for the new plant mix surfacing based on a specific structural loading and R-value. The surfacing will utilize 4:1 surfacing inslopes.

The new bridge will provide an 8.4 m roadway width. Since the existing roadway width is 8.53 m, we recommend that the approaches also be constructed to an 8.4 m top throughout the project length.

If the actual PTW width is less than 8.4 m, we recommend that the new roadway maintain an 8.4 m width at least through the limits of the horizontal curve.

**New Bridge**
The new bridge will provide an 8.4 m width from face of rail to face of rail. Standard T-101 bridge rail will be used. We anticipate a single span structure using prestressed concrete beams. The substructure will most likely have semi-integral abutments.

**Grading**
The grading on the project should be accomplished using Embankment-in-Place. We anticipate that the grading will involve less than 20 000 cubic meters of material. Since a grade raise will be necessary for the new structure, off-site borrow will be needed to construct the approaches. Some of the material from the temporary detour may be used to construct the standard fill slopes.

**Detour**
We recommend that the road be closed during construction of the new bridge. Traffic would be detoured on an alternate route located north of the project. The alternate route has a total length of 5.5 km and would add approximately 1 km to the trip length. The bridge on the alternate route was constructed in 1987. It has a Sufficiency Rating of 89 and no load restrictions.

We discussed closing the road with Joanne Stahl and she will present it to the County Commission.

If the County allows us to close the road, we will upgrade the surfacing on the alternate route. This will involve some reshaping of the road surface and the placement of additional gravel. We believe the improvements to the alternate route are much less costly than constructing a detour.

If road is closed the County would like it open by September. They would like to have traffic back on the original route, because of the increased traffic due to harvest and cattle sales.

If a detour is needed it should be located on the downstream (south) side. The south side would not impact the irrigation wastewater ditch or the Sand Creek channel. However, it also is close to the Yellowstone River, which may restrict the amount of offset that can be used.

A bridge would be required for the detour structure. The detour design speed would have to be evaluated. The detour should have a gravel surface.

**Geotechnical Consideration**
No geotechnical problems were noted at the time of the review. A subsurface investigation will be needed for the design of the bridge foundation.

**Traffic & Geometric Considerations**
The project has no unique traffic problems and requires no special geometric features. New signing will be provided. The existing signs will be salvaged to Rosebud County. Pavement markings will be needed.

**Exceptions to Standards**
We may request an exception for the use of a reduced length of guardrail. Since this is off system, any request for exceptions will be included in the Scope of Work Report. We do not anticipate the need for any other exceptions to the design criteria.

**Miscellaneous**
We recommend that the guardrail on the project be limited to bridge approach sections with optional terminal end treatments with the exception of the rail in the NW quadrant. This segment of approach rail will require an intersecting roadway transition. This option will be evaluated after we have a preliminary alignment and grade.

There are no mailboxes within the project limits.

We will attempt to relocate the field approach located in the SW quadrant. The approach in the NW quadrant cannot be relocated because of the wastewater ditch.

**Right-of-Way & Utilities**
The existing right-of-way widths are 9.14 m on the north and 15.24 m on the south side of the roadway.

The acquisition of new right-of-way will be necessary, because of the increased elevation of the new structure. A temporary construction permit will be necessary if a detour is used.

An overhead power line is located very close to the north side of the PTW. This line will be impacted by construction. A buried telephone line on the south is attached to the bridge and will have to be relocated. The project should have no other utility involvement.

An old railroad bed is located south of the PTW. The work may affect this bed so we will need to determine if the property is still owned by the railroad.

**Environmental Considerations**
The proposed scope of work, replacing the existing bridge, constitutes modernization of the transportation facility. In addition, the initial review did not identify any significant environmental effects, issues or cumulative effects of the proposed work. Therefore, we anticipate that a Categorical Exclusion will provide a sufficient level of documentation for the proposed project in accordance with the guidelines of 23 CFR 771.117. However, the level of documentation may be revised pending information obtained from on-site reviews during the early stages of the project's development

No significant environmental effects or issues were identified. The project should have no 4(f) or 6(f) involvement. It should not affect any hazardous waste sites. The project's effect on any threatened or endangered species will be evaluated.

We anticipate that riprap will be placed at the bridge ends to protect them from scour. The riprap will be keyed into the channel bottom. The placement of riprap should have a minimal effect on the riparian fringe as the existing bridge also has riprap at the ed bents.

Check old railroad bed for historical significance.

If a detour is needed, it will have minor temporary impacts.

Although the impacts should be minimal, a cultural resource survey should be conducted.

**Field Survey**
We recommend that an aerial survey should be performed for this project. Additional survey will be needed to locate channel elevations below the water surface. Refer to the Location Hydraulic Study Report for the hydraulic survey requirements.

A section corner survey will be necessary, since we anticipate the need for R/W acquisition. A soils survey will be needed since the surfacing will be designed for specific structural values.

**Traffic Control**
As noted above, we anticipate that we will be able to close the road during construction and route traffic onto a detour. If a temporary detour needs to be constructed, it will be designed to the parameters outlined in the "Detour" section of this report.

**Salvage**
Salvage all usable timber stringers and decking from the existing bridge for Rosebud County.

**Public Involvement**
A draft news release will be submitted. If a detour is used, the project will have a limited effect on the area residents, and a public informational meeting should not be needed. If the road can be closed, a public meeting may be needed. We will coordinate with Rosebud County during the development of the project.

No groups having unique needs or specific concerns have been identified.

**Cost Estimate**

The preliminary cost estimate for this project is given below.

| | |
|---|---|
| Bridge Work | $147,000. |
| Road Work | 325,000*. |
| Remove Structure | 4000. |
| **Subtotal** | **$476,000.** |
| Inflation (3 years at 3%) | 43,000. |
| Construction Engineering (15%) | 78,000. |
| Contingencies (10%) | 60,000. |
| **Total** | **$657,000.** |

The estimate is based on a lump sum estimate for road work and a 25 m long, 8.4 m wide bridge at $700 per square meter. The estimated cost of the roadway items includes detour and mobilization. No allowance was included for right of way and utilities.

*The estimated cost of the roadway items is $325,000 including the additional gravel placed on the county detour and all mobilization.

**Project Management**

The Bridge Bureau will manage this project.

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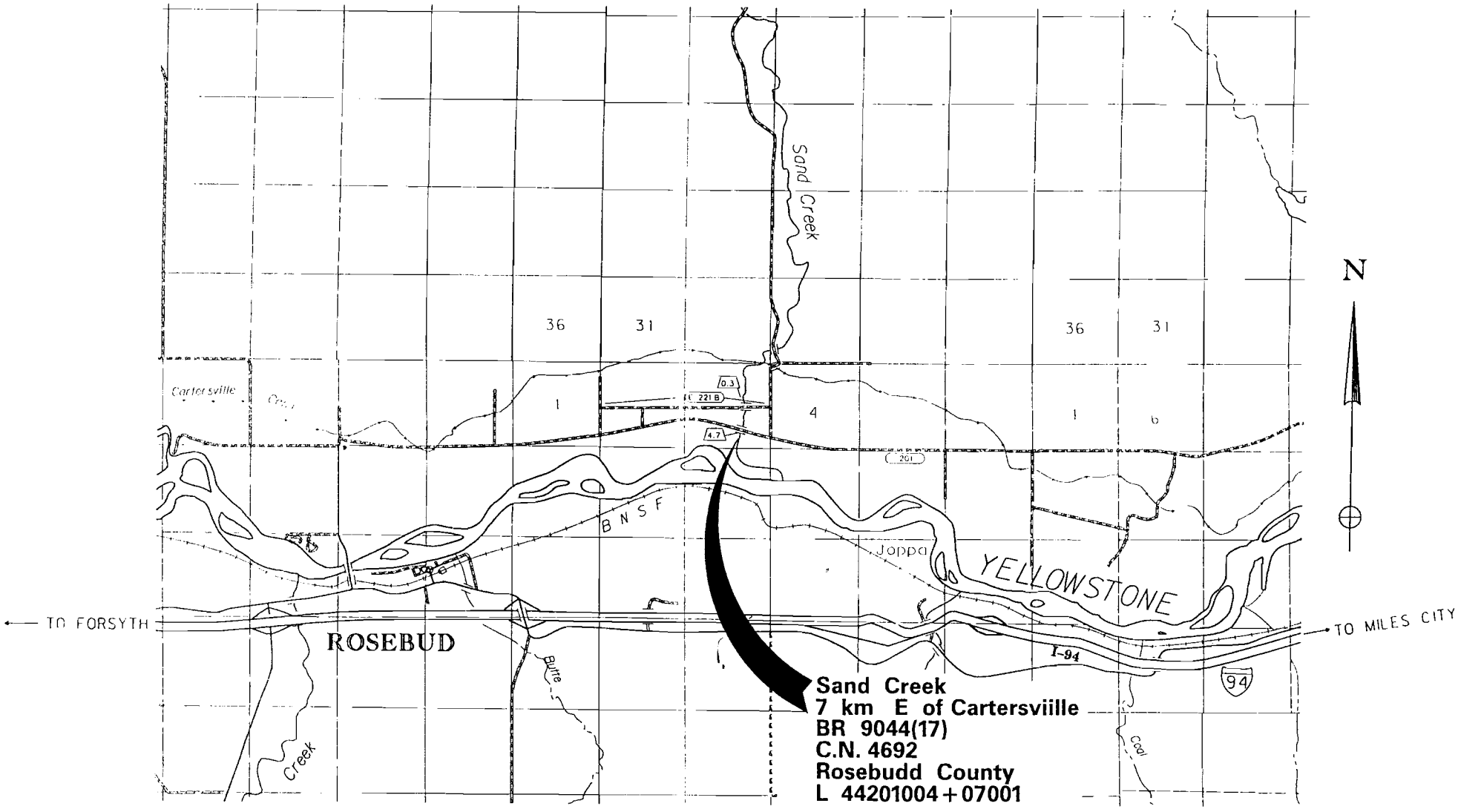
Sand Creek
36
31
36
31
Cartersville
Coal
1
4
1
6
0.3
221 B
4.7
261
B N S F
Joppa
YELLOWSTONE
TO FORSYTH
ROSEBUD
Butte
Creek
I-94
94
Coal
TO MILES CITY
N
Sand Creek
7 km E of Cartersviille
BR 9044(17)
C.N. 4692
Rosebudd County
L 44201004+07001

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**Montana Department of Transportation**

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

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LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

MASTER FILE COPY

August 10, 2005

Carl James
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena MT 59602

Subject: Statewide Pavement Preservation Projects Concurrence
**STPS 365-1(7)14**
**23 KM EAST OF BRADY - EAST**
**CN 5773000**

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report and the Environmental Checklist for Pavement Preservation Projects. We have determined that the Statewide PCE for these types of projects would cover this project.

The following special provision will be included in this project:

- Protection of Wetland Areas and Other Drainages

I have attached the Preliminary Field Review/Scope of Work Report, location map, Environmental Checklist for Pavement Preservation Projects, and the special provision listed above.

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

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

Attachments:

TLH:tgg: S:\PROJECTS\GREAT-FALLS\5509000\5509ENCSPFHW01.DOC

copies: Michael P. Johnson – District Administrator-Great Falls
Loran Frazier, P.E. – Chief Engineer
Paul Ferry, P.E. – Highway Engineer
Jean A. Riley, P.E. – Environmental Services
Mark Wissinger, P.E. – Construction
Suzy Althof – Contract Plans
Dave Jensen – Fiscal Planning
✓ Environmental Quality Council
File

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

**Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.**

# ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS (CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project No.: 5773000 ID:STPS 365-1(7)14 Project Name: 23 km East of Brady - East

Reference Post (Station) 14.3 to Reference Post (Station) 17.3

Applicants Name: Montana Department of Transportation Address: 200 Smelter Ave., Great Falls, MT 59403

Type of Proposed Pavement Preservation Activity: Plant Mix Overlay, Leveling, Seal & Cover

| 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? | ☐ | ☒ | |
| 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.
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.

Checklist prepared by: Damian Krings, ROAD DESIGN ENG. ~~Billings District Project Design Manager~~ 04/19/04
Applicant (Design Project Manager) Title Date

Approved by:
ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR 8/10/05
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, MDT 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 MDT'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, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

**E. MDT 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)

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

Memorandum

To: Paul R. Ferry, P.E.
Highways Engineer

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

Date: July 25, 2005

Subject: STPS 365-1(7)14
23 km East of Brady - East
Control No. 5773000
Work Type 181 Resurfacing – Asphalt (Thin Lift<=60 mm)(Scheduled Maintenance)

We request that you approve the **Preliminary Field Review/Scope of Work** for the subject project.

Approved _____ Date 7/25/05
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 approval date.

**The report is also being distributed under a separate cover as a Scope of Work Report for comments and approval.**

Distribution: (all with attachment)
Jim Walther, Engineering
Ivan Ulberg, Traffic & Safety
Mark Goodman, Hydraulics
Pierre Jomini, Safety Mgmt.
Sue Rowell, E.I.S.S.
Greg Pizzini, Access Management-R/W
Becky Duke, Traffic Data & Collection - Planning
Highways File
Jere Stoner, Road Design
Bret Boundy, Geotechnical
Dave Jensen, Fiscal Programming
Walt Scott, Utilities
Alice Flesch, Acting ADA Coord.
Pamela Langve-Davis, Bicycle & Peds
Drew Livesay, M.C.S.

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

**Preliminary Field Review/Scope of Work**
STPS 365-1(7)14
23 km East of Brady - East
UPN 5773000

## I. Proposed Scope of Work:

A. This project is nominated as a preventative maintenance overlay. The intent is to overlay the existing roadway with (0.15 ft.) of Plant Bituminous Surfacing Grade S (NV), and apply a seal and cover.

B. The existing horizontal and vertical alignment will be used throughout the project.

C. The project was originally nominated for $300,000. The cost of the proposed project is estimated to be $325,000. the complete estimate breakdown is at the end of this report.

## II. Project Location and Limits:

A. This project is located in Pondera County on Secondary Route 365 beginning at RP 14.31 and proceeds easterly for approximately 2.96 miles ending at RP 17.27.

B. The Mile Posts have been measured using a distance meter from a recorded point of origin from the road log, and may not match the image viewer.

## III. Physical Characteristics:

A. The P.T.W. traverses level/rolling terrain and is used primarily for farm and range land.

B. The following table identifies the as-built projects and construction activities prior to this project:

| RP to RP | As-Built Project | Year | Activity |
|---|---|---|---|
| 14.306 – 17.265 | County Construction | 1973 | N/A* |

* Denotes that plans were unavailable for reference.

C. The existing vertical and horizontal alignments meet current design standards for preventative maintenance overlays.

D. **PVMS Data:** This project was proposed as a thin overlay in the 2005 STIP. The following year 2004 indices for the roadway are listed in the PVMS database:

**RP 14.306 TO RP 17.265**
C_AC Minor Rehabilitation

| PVMS INDICES | |
|---|---|
| Ride | 47.5 (Poor) |
| Rut | 51.9 (Fair) |
| Alligator Cracking | 73.6 (Fair) |
| Miscellaneous Cracking | 60.8 (Fair) |

Even though the PVMS recommendation calls for a Minor Rehabilitation in the project area, a field review revealed that an overlay is the warranted method of treatment. This is due to the fact that the project area has a low ADT and is located at the end of a roadway section, connecting to a gravel roadway.

**IV.Traffic Data:**

The Traffic Data for this project is as follows:

| | | |
|---|---|---|
| 2005 | ADT | = 280 Letting Year |
| 2025 | ADT | = 340 Design Year |
| | DHV | = 50 |
| | T | = 10.4% |
| | ESAL | = 17 |
| | AGR | = 1.0% |

**V. Accident History:**

A. The accident analysis for this project was taken from October 1, 1994 through September 30, 2004, from MPs 14.3 to 17.3.

B. The average accident rate of 0.48 for this project is **below** the statewide average of 1.73 for Rural State Interstate.

C. The severity index is 3.00 compared to the statewide average of 2.39.

D. The severity rate is 1.44 compared to the statewide average of 4.16.

E. Accidents: 1 Total

F. Variations from Average Occurrence:

There was insufficient accident history for comparison to statewide average occurrences.

G. Clusters:

There were no accident clusters identified and no safety projects within the 10-year study period from 1994 to 2004.

F. Remarks:

There was one (1) injury accident reported on S-365 from RP 14.3 to 17.3 during the 10-year study period.

## VI. Major Design Features:

A. **Design Speed:**

Design speed is not an applicable design criterion since this project is a preventative maintenance overlay.

B. **Alignment:**

The existing vertical and horizontal alignments are adequate for a preventative maintenance overlay.

C. **Typical Section:**

The existing surface width according to the survey is 26 feet. The proposed overlay will result in a finished roadway width of 24 feet, providing 12-foot travel lanes with no shoulders.

There is some existing additional width outside of the plant mix edge of the roadway that can be used as needed to ensure a 24.0 ft. top.

D. Although the project is over 20 years old, it has been nominated for the Pavement Preservation Program due to the relatively good condition of the overall roadway.

E. **Surfacing Design:**

1. Due to the nature of this project, no surfacing design was requested. Milling is required on the connections to the P.T.W at the beginning of the project only.
2. A leveling course will be required on this project.
3. The removed cold milled material will be utilized within the vicinity of the milled areas on public approaches as a surface dressing to correct surface irregularities.

F. **Slope Design:**

1. Generally, the existing surfacing in-slopes will not be altered. Overlay in-slopes of 6:1 will be used on top of the existing roadway surface. There will be no disturbance to slopes outside of the existing finish top surface, except for minor shaping of shoulders and approaches. All disturbed shoulder areas will be revegetated where necessary.
2. Shoulder gravel will be used as a shoulder dressing throughout the overlay sections.

G. **Grading:**

There is no grading involved with this project.

H. **Hydraulics:**

Due to the nature of this project, hydraulic considerations will not be

addressed.

I. **Geotechnical Considerations:**

Due to the nature of this project, Geotechnical recommendations are not necessary.

J. **Bridges:**

There are no bridges located in this project area.

K. **Traffic and Safety:**

New pavement markings will be required. No signing or rumble strips are proposed on this project.

L. **Safety Enhancements:**

1. No trends or clusters were identified that require a safety upgrade.
2. There are no "blunt end" guardrail ends on this project.
3. No revisions to existing fill slopes or clear zone encroachments will be made.

**VII. Design Exceptions:**

No design exceptions are anticipated for this project.

**VIII.Right–of-Way:**

No new Right-of-Way will be required for this project.

**IX. Utilities/Railroad:**

A. Due to the nature of this project, no utility involvement is anticipated.

B. There are no railroads in the vicinity of the project.

**X. Environmental Considerations:**

No apparent significant environmental impacts or issues were identified. We believe the project meets the criteria for the Programmatic Agreement as a Categorical Exclusion. The appropriate environmental documentation will be provided in order to comply with NEPA regulations.

**XI. Traffic Control:**

Traffic will be maintained throughout the project during construction with the appropriate signing, flagging, etc. All signing will be in accordance with the Manual on Uniform Traffic Control Devices.

**XII. Public Involvement:**

There will be a news release in the local newspaper.

**XIII. Cost Estimate**

| | |
|---|---|
| Roadwork | $220,000 |
| Traffic Control (8%) | $ 22,000 |
| Subtotal | $242,000 |
| Mobilization (15%) | $ 36,000 |
| Subtotal | $278,000 |
| Contingency (5%) | $ 14,000 |
| Subtotal | $292,000 |
| Inflation (3%/yr. for 1 yr.) | $ 8,800 |
| **Total CN:** | **$300,800** |
| **CE** (10%) | **$ 24,000** |

FEDERAL AID PROJECT NO. STPS 365-1(7)14

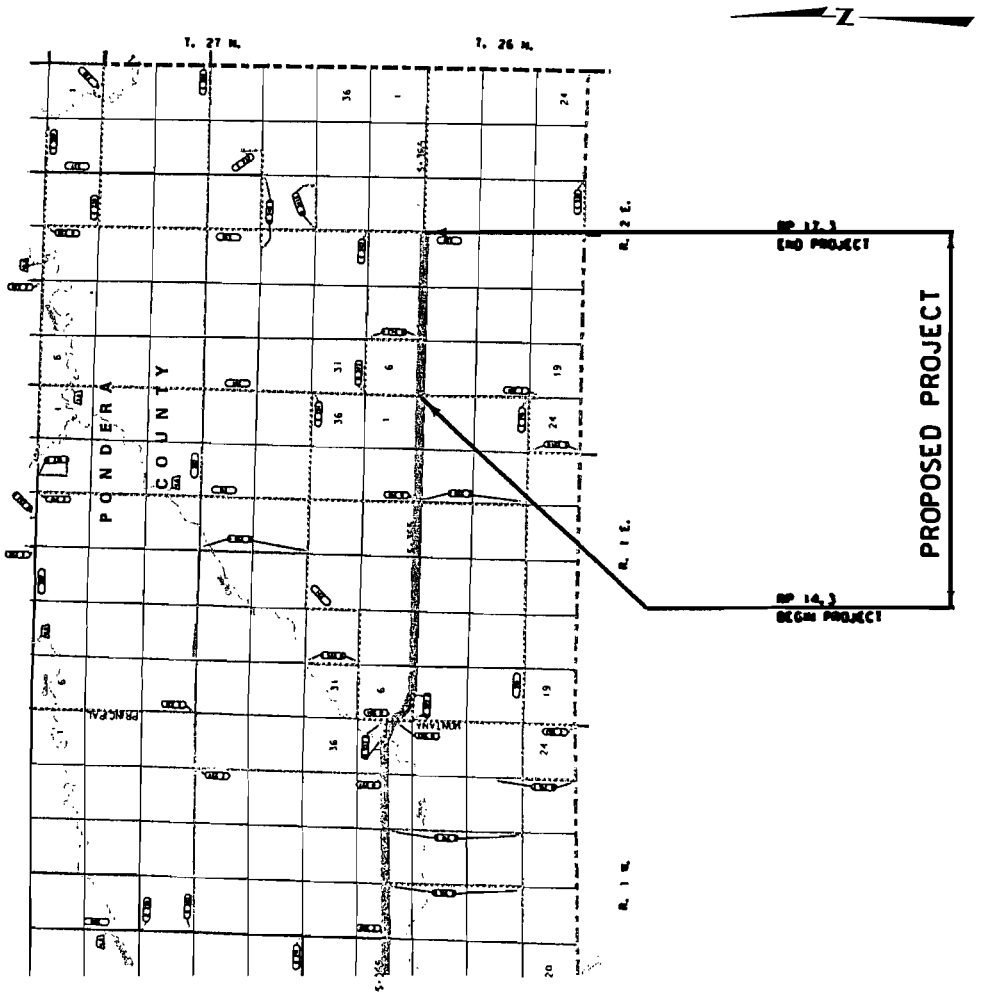
WORK TYPE 181 RESURFACING - ASPHALT (THIN LIFT)

23 km EAST OF BRADY - EAST

PONDERA COUNTY

UPN 5773000

3.0 Miles



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2701 Prospect Avenue
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Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

August 12, 2005

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POLICY OFFICE

Todd Everts, Environmental Analyst
Environmental Quality Council
Legislative Environmental Policy Office
P.O. Box 201704
Helena MT 59620-1704

**Subject: Statewide Pavement Preservation Projects Concurrence**

**Project Name: Park City - Laurel**
**Project Number: SFCX 81015(2)**
**Control Number: 4389**

Dear Todd Everts:

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the above project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we have determined that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project. For your information, I have attached a copy of the PFR/SOW (including the location map), the Checklist, and the Biological Resources Memorandum (including special provisions.)

If you have any questions or concerns, please contact me at hbruner@mt.gov or 444-7203. I will be pleased to assist you.

Sincerely,

Heidy Bruner
Billings District Project Development Engineer
Environmental Services Bureau

HSB:S:\PROJECTS\BILLINGS\4389\4389ENEQCCSPPP.DOC

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT, Billings District Administrator |
| | Jean A. Riley, P.E. | MDT, Environmental Services Bureau Chief |
| | Paul Ferry, P.E. | MDT, Highway Engineer |
| | Mark Wissinger, P.E. | MDT, Construction Engineer |
| | Suzy Althof | MDT, Contract Plans Section Supervisor |
| | Dave Jensen | MDT, MDT Fiscal Programming Section Supervisor |
| | Alan Woodmansey, P.E. | FHWA, Operations Engineer |
| | File | |

encl.

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

Memorandum

To: Paul Ferry, P.E.
Highways Engineer

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

Date: July 19, 2005

Subject: **SFCX 81018(2)**
**Park City - Laurel**
**Control No. 4389**
**Project Work Type – 181 – Resurfacing - Asphalt**

We request that you approve the Preliminary Field Review Report/Scope of Work Report for the subject project.

Approved _____ Date 7/19/05
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 approval date.

Distribution: (with attachment)
James Walther – Helena – Preconstruction Engineer
Damian Krings – Helena – Road Design Engineer
Dave Jensen – Helena – Fiscal Programming
Bryce Larsen – Helena – Photogrammetry
Gary Larson – Helena – Planning
Pierre Jomini – Helena – Traffic-Safety
Alice Flesch – Helena – ADA Coordinator
Greg Pizzini – Helena – Access Management
Wayne Noem – Helena – Planning
Bill Henning – Billings District Materials
Cameron Kloberdanz – Helena – Geotechnical Manager
Highways File
Mark Goodman – Helena – Hydraulics
Danielle Bolan – Helena – Traffic
Jim Mullins – Helena – Right-of-Way
Bonnie Steg – Helena – Environmental
Walt Scott – Helena – Utilities
Jon Watson – Helena – Surfacing
Pamela Langve-Davis – Helena – Planning
Sue Sillick – Helena – Research
Ben Juvan – Helena – EISS

# Preliminary Field Review/Scope of Work Report

A preliminary field review for the subject project was held on April 21, 2005. The following personnel participated in this review.

| | | |
|---|---|---|
| Gary Neville | District Eng. Services Supv. | Billings |
| Ryan Dahlke | Project Design Engineer | Helena |
| Rodney Nelson | District Projects Engineer | Billings |
| Aaron Eschler | District Design Supervisor | Billings |
| Ed Shea | Pavement Analysis & Research | Helena |
| Wayne Noem | Transportation Planning | Helena |
| Chris Jones | Bridge Bureau | Helena |
| Ray Sacks | Constructability Reviewer | Butte |

## Proposed Scope of Work

The proposed project was nominated as a resurfacing – asphalt – thin lift project (Pavement Preservation). The recommended treatment as stipulated in the MDT 2003 pavement conditions and 2004 pavement treatments report is not available for this roadway. Due to the narrow existing width and thin existing plant mix section, it is proposed to use foamed asphalt on this project. The proposed scope of work is summarized below.

- Cold-in-Place recycle with Foamed Asphalt
- Seal and Cover
- New pavement markings
- New bridge guardrail if deemed practical
- New bridge approach and terminal end section guardrail
- New chevrons, delineators and curve warning signs

## Project Location and Limits

This project is located in Stillwater and Yellowstone County on State Route X-81015. This project is classified as a major collector with the surrounding terrain generally level. This project is to begin near the Park City Interchange and end near the City of Laurel's urban limit.

The project limits are: RP 0.0 to 6.7

## Physical Characteristics

1. As-Builts:

   RP 0.0 to 6.7 MDT does not have any as-builts for this location.

2. Existing Surfacing Thickness according to the 2003 Montana Road Log:

   RP 0.0 to 6.7 This roadway is not in the Road Log.

3. Existing Roadway Geometrics:

   RP 0.0 to 6.7 23.5 top surfacing width (Field Measurements)

4. Pavement Management System Recommendations:
RP 0.0 to 6.7 Not available

**Traffic Data**

| | | | |
|---|---|---|---|
| 2005 | ADT (Present) | = | 1010 |
| 2006 | ADT (Letting) | = | 1030 |
| 2026 | ADT (Design) | = | 1470 |
| | DHV | = | 180 |
| | T | = | 1.4% |
| | EAL | = | 9 |
| | AGR | = | 1.8% |

**Accident History**

Data Time Frame: 1-1-1995 to 12-31-2004

| | Statewide* | Study Area |
|---|---|---|
| All vehicles accident rate: | 1.73 | 2.32 |
| All vehicles severity index: | 2.39 | 2.86 |
| All vehicles severity rate: | 4.16 | 6.64 |
| Truck Accidents | 1 | |
| Total recorded accidents: | 56 | |

* Statewide average for Rural State Secondary

*Variation From Average Occurrence*

There were no significant variations from statewide average occurrences on rural state secondary roads.

*Accident Clusters or Safety Projects*

There were no accident clusters identified and no safety projects during the 10-year period.

*Remarks*

There was a concentration of crashes at the curve +/- 2.6 miles northeast of the Park City Interchange. All eight of the recorded crashes at this curve involved a single westbound passenger vehicle leaving the roadway and, in seven of the eight, the vehicle overturned. Six of the crashes occurred in daylight and two occurred at night. The eight crashes resulted in five injuries and on fatality. The advance warning signs for this curve should be checked and chevrons or additional delineation should be considered. Please let us know if the curve could be reconstructed in this project.

The remaining crashes were not concentrated at any one location and did not indicate any trends.

**Major Design Features**

*Design Speed* - The design speed for this project is 60 mph as stipulated in the MDT Geometric Design Criteria for a rural major collector with level terrain.

*Horizontal and Vertical Alignments* – Given the scope of this project, the horizontal and vertical alignments will be used as is.

*Typical Sections* – The existing asphalt is not thick enough to allow a mill and overlay. In addition, the existing finished top width is less than 24 feet. Therefore, in order to maintain existing width without extensive inslope work, it is proposed that the existing typical section be treated with foamed asphalt. Leveling will be needed to correct minor dips that currently exist in the roadway. All public approaches are to be paved to the right of way. All private and field approaches are to receive a 3' wide plant mix strip adjacent to and parallel to the roadway.

*Grading*- No grading will be required on this project.

*Geotechnical Considerations*- No geotechnical issues are anticipated at this time.

*Hydraulics Considerations* - No hydraulic considerations are anticipated at this time.

*Bridges*- The condition of the existing concrete bridges is very poor. The proposed bridge guardrail upgrade would have to attach to this degraded concrete. At the time of this review, it is not known if it would be possible/practical to upgrade the bridge guardrail. Bridge Bureau will investigate the available options and provide further recommendations. The locations of the four bridges on this project are as follows.

RP 0.16 – A proposed bridge rail upgrade along with new bridge approach and terminal end sections. There are approaches and utilities that may conflict with these guardrail upgrades.
RP 0.20 – A proposed bridge rail upgrade along with new bridge approach and terminal end sections. There are utilities that may conflict with these guardrail upgrades.
RP 2.00 – A proposed bridge rail upgrade along with new bridge approach and terminal end sections. There are utilities that may conflict with these guardrail upgrades.
RP 3.80 - A proposed bridge rail upgrade along with new bridge approach and terminal end sections. There are approaches and utilities that may conflict with these guardrail upgrades.

*Traffic*- Pavement markings will be upgraded with this project. New chevrons, delineators and curve warning signs are proposed to be installed for the curve at RP +/- 2.6 where there is a concentration of crashes. The reconstruction of this curve is beyond the scope of this project.

*Guardrail*- New guardrail bridge approach and terminal end sections are proposed at four bridge locations. The use of longer then standard guardrail posts is also proposed for those locations that are impractical to install the standard guardrail widening.

*Fencing*- No fencing is anticipated on this project.

*Rumble Strips* –Shoulder rumble strips will not be installed on this project due to insufficient shoulder widths.

**Design Exceptions**
No design exceptions are anticipated for this project.

**Right of Way**
No new right of way will be required for this project.

**Utilities/Railroad**
There are potential utility conflicts at all four bridge locations with the installation of guardrail. A survey is being requested to locate all utilities and will be used to identify any conflicts. There are no railroad conflicts.

**Environmental Considerations**
A Statewide Programmatic Categorical Exclusion applies for this project. The checklist has been submitted.

**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 topography survey and cross sections are being requested for 200 feet on each end of all four bridges. The survey request is attached to this report.

**Public Involvement**
This project's public involvement plan will be level A.

1. A news release explaining the project that includes a department point of contact.

**Cost Estimate**
The nomination cost, which does not include indirect costs, to construct this project was estimated to be:

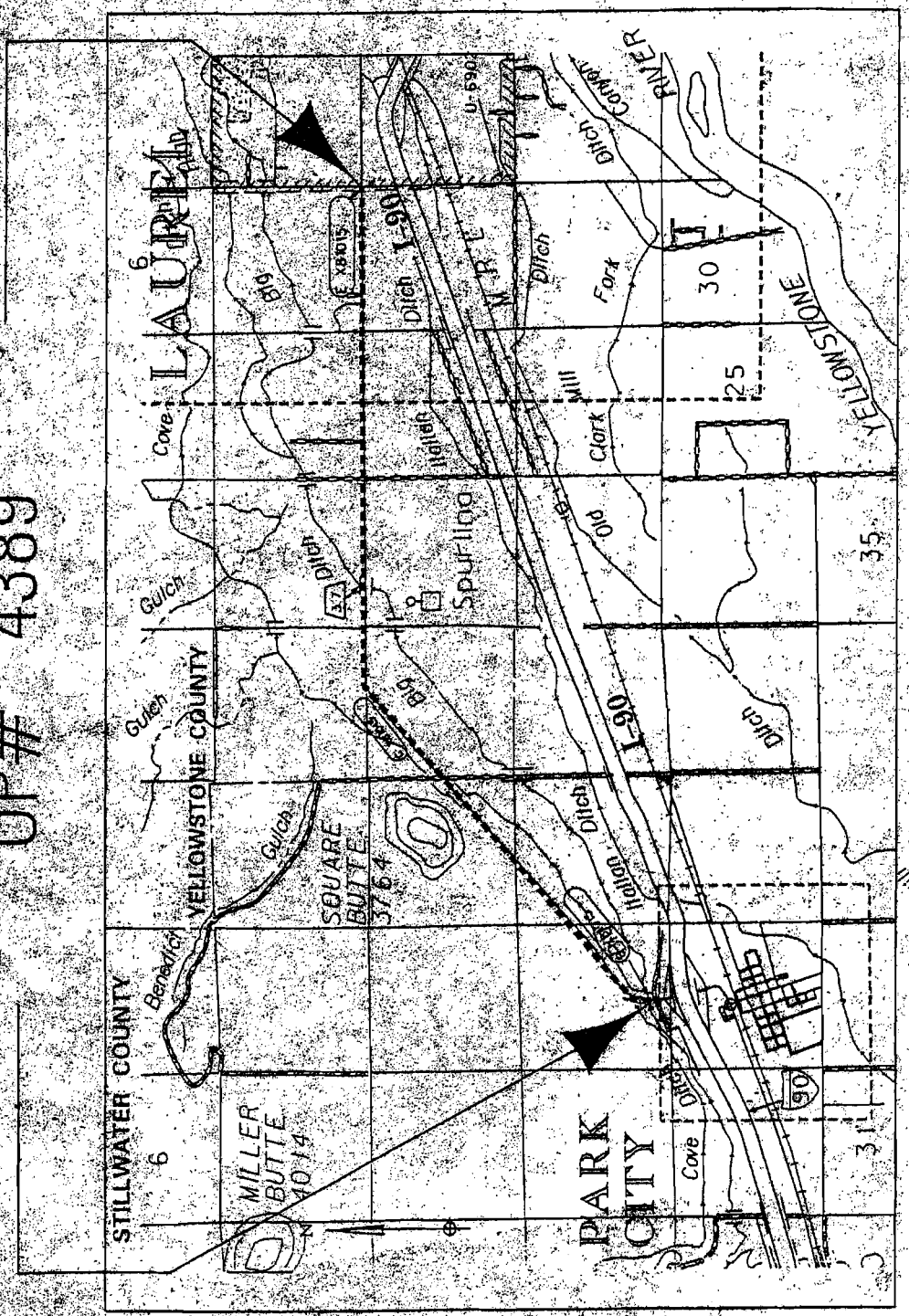
| | | |
|---|---|---|
| PE = | $ | 80,000 |
| CN = | $ | 663,000 |
| CE = | $ | 66,000 |
| Total = | $ | 809,000 |

**Ready Date**
This project has a July 1, 2005 ready date listed in OPX2.

**Project Management**
The Billings District will be designing this project with Rod Nelson as the design project manager.

Attached: site map

UP # 4389


STILLWATER COUNTY
YELLOWSTONE COUNTY
LAUREL
PARK CITY
MILLER BUTTE 4014
SQUARE BUTTE 3764
SPUR-100
I-90
U-90
Benedict
Gulch
Big
Cove
Ditch
Holman
Mill
Clark
Fork
Old
Coulee
RIVER
YELLOWSTONE
6
25
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35
31

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

**Memorandum**

To: Bonnie Steg, Resources Bureau Chief

From: Paul Sturm, Billings District Biologist

Date: August 9, 2005

Subject: Biological Resources Memorandum
**Park City - Laurel**
**SFCX 81018(2)**
**Control Number - 4389**

## Project Location & Description

This proposed project is nominated as a resurfacing – asphalt – thin lift project (Pavement Preservation). The proposed scope of work includes cold in-place recycle with foamed asphalt, seal and cover, new pavement markings, new bridge guardrail if deemed practical, new bridge approach and terminal end section guardrail, and new chevrons, delineators, and curve warning signs.

This project is located in Stillwater and Yellowstone Counties on State Route X-81015. The project begins at Route Post 0.0 (Section 29, Township 2 South, Range 23 East), and ends at Route Post 6.7 (Section 8, Township 2 South, Range 24 East).

## Biological Resources and Impact Analysis

There are no records of any sensitive species within the vicinity of the proposed project. No threatened, endangered, proposed, or candidate species are known to be within the vicinity of the proposed project. Due to the location and limited scope and nature of this project, there are not expected to be any project-related impacts to biological resources.

This project will have **no effect** on any threatened, endangered, proposed, candidate, rare, or sensitive species.

No wetlands, streams, or other aquatic resources will be affected. Therefore, **a Stream Protection Act 124 permit and a Clean Water Act 404 permit are not required**. The attached special provision should be added to the Contract Bid Package.

As the project does not include any grading or removal of vegetation, the work will disturb very little ground or existing vegetation and therefore would not contribute to the spread of noxious weeds.

Copy: Bruce Barrett – Billings District Administrator
Paul Ferry – Highways Engineer
Heidy Bruner- 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 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.

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

**Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.**

# ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS (CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project No.: SFCX 81015(2) ID: CN 4389 Project Name: Park City - Laurel

MASTER FILE COPY

Reference Post (Station) 0.0 to Reference Post (Station) 6.7

Applicants Name: MDT Address: PO BOX 201001, Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: OVERLAY, SEAL/COVER, GUARDRAIL,PAVE MARK,SIGNING

| 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) | ☐ | X | |
| 2. | Are there any recorded occurrences, and/or critical habitat for Federally-listed Threatened and Endangered Species in the vicinity of the proposed activity? | ☐ | X | |
| 3. | Does the proposed action have an impact on water quality? If answer is NO go to question 4. | ☐ | X | |
| 3a. | If the answer to number 3 is yes, is a Clean Water Act ' Section 402 permit required? (MPDES issued by MDEQ) | ☐ | ☐ | X 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. | ☐ | X | |
| 4a. | If the answer to number 4 is yes, is a Clean Water Act ' 404 permit authorization required? | ☐ | ☐ | X N/A |
| 4b. | If the answer to number 3 or 4 is yes, is a Stream Protection Act ' 124SPA permit required? (Issued by MDFWP) | ☐ | ☐ | X N/A |
| 5. | Does the proposed project involve hazardous waste site[s]? (Superfund, spills, underground storage tanks, etc.) | ☐ | X | |
| 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. | ☐ | X | |
| 6a. | Are any Tribal water permits required? | ☐ | ☐ | X N/A |
| 7. | Is the proposed project in a "Class I Air Shed" (Some Indian Reservations)? | ☐ | ☐ | X N/A |

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

Checklist prepared by: Rod Nelson, P.E. — Applicant
Billings District Projects Engineer — Title
7/19/2005 — Date

Approved by:
ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR
Environmental Services — Title
8/12/05 — 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, MDT 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 MDT'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, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.

E. MDT 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)

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**Montana Department of Transportation**

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

August 8, 2005

MASTER FILE COPY

Carl James
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena MT 59602

Subject: Statewide Pavement Preservation Projects Concurrence
**IM 15-8(61)380**
**Sunburst - South**
**CN 5760000**

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report and the Environmental Checklist for Pavement Preservation Projects. We have determined that the Statewide PCE for these types of projects would cover this project.

The following special provision will be included in this project:

- Protection of Wetland Areas and Other Drainages

I have attached the Preliminary Field Review/Scope of Work Report, location map, Environmental Checklist for Pavement Preservation Projects, and the special provision listed above.

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

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

RECEIVED
AUG 15 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

Attachments:

TLH:tgg: S:\PROJECTS\GREAT-FALLS\5760000\5760ENCSPFHW01.DOC

copies: Michael P. Johnson – District Administrator-Great Falls
Loran Frazier, P.E. – Chief Engineer
Paul Ferry, P.E. – Highway Engineer
Jean A. Riley, P.E. – Environmental Services
Mark Wissinger, P.E. – Construction
Suzy Althof – Contract Plans
Dave Jensen – Fiscal Planning
Environmental Quality Council
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 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.

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

**Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.**

# ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS (CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project No.: IM 15-8(61)380 ID: UPN 5760000 Project Name: Sunburst – South

Reference Post (Station) RP 380.25+/- to Reference Post (Station) RP 389.47+/-

Applicants Name: Montana Department of Transportation Address: PO Box 201001, Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Work Type 183 Resurfacing – Seal & Cover

## 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? | ☐ | ☒ | None Anticipated P.S. 8/5 |
| 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: Jere Stoner — Area Engineer — July 8, 2005

Applicant — Title — Date

Approved by: [signature] — ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR — 8/10/05

Environmental Services — Title — Date

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

Project Number: UPN 5760000 ID: IM 15-8(61)380 Designation: Sunburst – South

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, MDT 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 MDT'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, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

E. **MDT 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)

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

Memorandum

To: Paul R. Ferry, P.E.
Highways Engineer

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

Date: July 8, 2005

Subject: IM 15-8(61)380
Sunburst - South
UPN 5760000
Work Type 183: Resurfacing- Seal & Cover

We request that you approve the **Preliminary Field Review/Scope of Work Report** for the subject project.

Approved _____ Date 7/11/05
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 above approval date.

**The same report is also being distributed under a separate cover as a Scope of Work Report for comments and approval.**

DMK:JJS:TD:server:5760000RDPFRSOW.DOC

Distribution (all w/ attachment)
Jim Walther, Engineering
Ivan Ulberg, Traffic & Safety
Mark Goodman, Hydraulics
Pierre Jomini, Safety Management
Bob Seliskar, FHWA(HOP-MT)
Greg Pizzini, R/W - Access Management
Alice Flesch, Acting ADA Coordinator
Pamela Langve-Davis, Bicycle & Peds.
Jere Stoner, Road Design
Bret Boundy, Geotechnical
Dave Jensen, Fiscal Programming
Walt Scott, Utilities
Sue Rowell, EISS
Drew Livesay, M.C.S.
Becky Duke, Traffic Data & Collection
Highways File

Toole County Commissioners
226 1st Street South
Shelby, MT 59474-1920

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

**Preliminary Field Review/Scope of Work Report**

**IM 15-8(61)380**
**Sunburst - South**
**UPN 5760000**

## I. INTRODUCTION

This report was developed from information taken from the preliminary field review conducted on May 2nd, 2005 with the following personnel in attendance:

| | | |
|---|---|---|
| Steve Prinzing | D.E.S.E. | Great Falls |
| Christie McOmber | District Projects Engineer, P.M. | Great Falls |
| Jeania Cereck | Road Design Supervisor | Great Falls |
| Teresa Davidson | Road Design | Great Falls |
| Jere Stoner | Road Design, Area Engineer | Helena |
| James H. Cornell Jr. | Traffic & Safety | Helena |
| Jon Watson | Pavement Analysis | Helena |
| Gerry Brown | Construction Oversight | Helena |

## II. PROPOSED SCOPE OF WORK

A. The proposed project has been nominated as a preventative maintenance seal and cover. The plans for the proposed project will utilize reference posts.

B. The existing horizontal and vertical alignments will be used throughout the project. No work on the existing guardrail or end treatments is planned.

C. Traffic has recommended that the delineation be upgraded along with the pavement markings.

D. The project is being designed in the Great Falls Design unit and has a ready date of July 2005.

## III. PROJECT LOCATION AND LIMITS

A. The project is located in Toole County, between the Kevin Interchange and the Sunburst Interchange. It begins approximately one mile north of the Kevin Interchange on Interstate15 at RP 380.25 and proceeds 9.2 miles northwesterly to RP 389.47 just south of the Sunburst Interchange. Note that the ending reference post was changed at the field review to match the begin point of IM 15-8(55)389, Sunburst – Sweetgrass [UPN 2802], which was a mill and fill overlay project.

B. The project includes the northbound and southbound lanes and the ramps and cross road at the Swayze Interchange. The cross road will be chip sealed from R/W fence to R/W fence excluding the bridge deck.

## IV. PHYSICAL CHARACTERISTICS

The P.T.W. traverses level terrain and is classified as a National Highway System Interstate Route. The land adjacent to the project primarily consists of farm and rangeland.

### A. Project History

1. This project, from RP 380.3 to RP 389.5, was originally constructed in 1969 under I 15-8(27) with 0.35' of plant mix surfacing and 1.0'of crushed base course.
2. In 1988, this section of roadway was overlaid with 0.25' of plant mix surfacing under project IR 15-8(44)380.
3. In 1999, this section of roadway was milled 0.10' and overlaid with 0.15' of plant mix surfacing (Grade D) under project IM 15-8(51)380.

### B. PVMS Index Numbers & Recommended Treatment for 2005

The following table shows the latest information (2004 survey year) from the Pavement Analysis Section's PvMS Pavement Conditions and Recommended Treatments data in Oracle.

| PVMS INDICES | | |
|---|---|---|
| **RP 380.3 to RP 389.4** | **Left Lane** | **Right Lane** |
| Ride | 81.8 (Good) | 81.4 (Good) |
| Rut | 88.7 (Good) | 89.9 (Good) |
| Alligator Cracking | 100.0 (Good) | 100.0 (Good) |
| Miscellaneous Cracking | 98.5 (Good) | 98.5 (Good) |
| Recommended Treatment (Construction) | AC Crack Seal & Cover | AC Crack Seal & Cover |
| **RP 389.4 to RP 398.2 *** | **Left Lane** | **Right Lane** |
| Ride | 83.5 (Good) | 83.3 (Good) |
| Rut | 78.5 (Good) | 87.4 (Good) |
| Alligator Cracking | 100.0 (Good) | 99.6 (Good) |
| Miscellaneous Cracking | 93.6 (Good) | 92.0 (Good) |
| Recommended Treatment (Construction) | AC Crack Seal | AC Crack Seal |

* This project ends at RP 389.5.

### C. Bridges

There are three bridges located within the limits of the project. All of the bridges are overpass structures; however, only one location provides access to the interstate. The bridge at the Swayze Interchange serves as a crossing for local route X51028. The MDT Bridge Log lists the bridge as having a length

of 224 ft., a roadway width of 31.6 ft., and a total width of 38.0 feet.

## V. TRAFFIC DATA

The AADT according to the TIS Road Log for this section of interstate is 3160.

## VI. ACCIDENT ANALYSIS

An accident analysis was not requested due to the limited scope of the project.

## VII. MAJOR DESIGN FEATURES

### A. Design Speed

Design speed is not an applicable design criterion since this project is a preventative maintenance seal & cover.

### B. Horizontal Alignment & Vertical Alignment

The existing horizontal and vertical alignments are adequate for a preventative maintenance seal & cover. No changes are proposed.

### C. Surfacing Design

Due to the nature of this project, no surfacing design was requested.

### D. Typical Sections

1. The typical section for this project will be a 38.0' wide finished driving surface with 12' driving lanes, a 10.0' outside shoulder and a 4.0' inside shoulder for both northbound and southbound roadways.
2. The ramps for the Swayze Interchange are 24.0' wide.
3. The crossroad at the Swayze Interchange is 28' outside of the guardrail areas.

### E. Geotechnical Considerations

Due to the nature of this project, no geotechnical issues will be addressed.

### F. Grading

There will be no grading with this project

### G. Hydraulics

Due to the nature of this project, hydraulics considerations will not be addressed.

### H. Bridge

No Bridge involvement is anticipated. No work on the bridge rail or bridge approach rail is planned.

I. **Traffic and Safety**

New pavement markings will be required. It was determined at the field review that the delineation would be upgraded with this project. No signing or rumble strips are proposed on this project.

## VIII. DESIGN EXCEPTIONS

The design exception process does not apply to pavement preservation projects.

## IX. RIGHT-OF-WAY

No new right-of-way will be required on the project.

## X. UTILITIES/RAILROADS

A. There will be no utility involvement.

B. There are no railroads in the vicinity of the project.

## XI. ENVIRONMENTAL CONSIDERATIONS

No apparent significant environmental issues have been identified. It is anticipated that the project meets the criteria for the Programmatic Agreement as a Categorical Exclusion. An environmental checklist is being supplied with the Preliminary Field Review/Scope of Work Report.

## XII. PUBLIC INVOLVEMENT

Due to the limited scope of the project, a level "A" public involvement plan should suffice. This will include a news release to the local media.

## XIII. TRAFFIC CONTROL

Traffic will be maintained throughout project construction through the use of appropriate signing, flagging, lane closures, etc. Local access will be maintained to the maximum extent possible. The MUTCD will be utilized to guide the application of all traffic control.

## XIV. READY DATE

The current ready date for the project is July 1, 2005.

## XV. COST ESTIMATE

| | |
|---|---|
| Roadwork | $ 370,000 |
| Subtotal | $ 370,000 |
| Mobilization (10%) | $ 37,000 |

| | |
|---|---|
| Subtotal | $ 407,000 |
| Traffic Control (7%) | $ 28,490 |
| Contingency (5%) | $ 20,350 |
| Subtotal | $ 455,840 |
| Inflation (3% per year for 1 year) | $ 13,680 |
| **Construction Total** | **$ 469,520** |
| Construction Engineering (10%) | $ 46,950 |
| **Total Project Estimate** | **$ 516,470** |

# FEDERAL AID PROJECT NO. IM 15-8(61)380

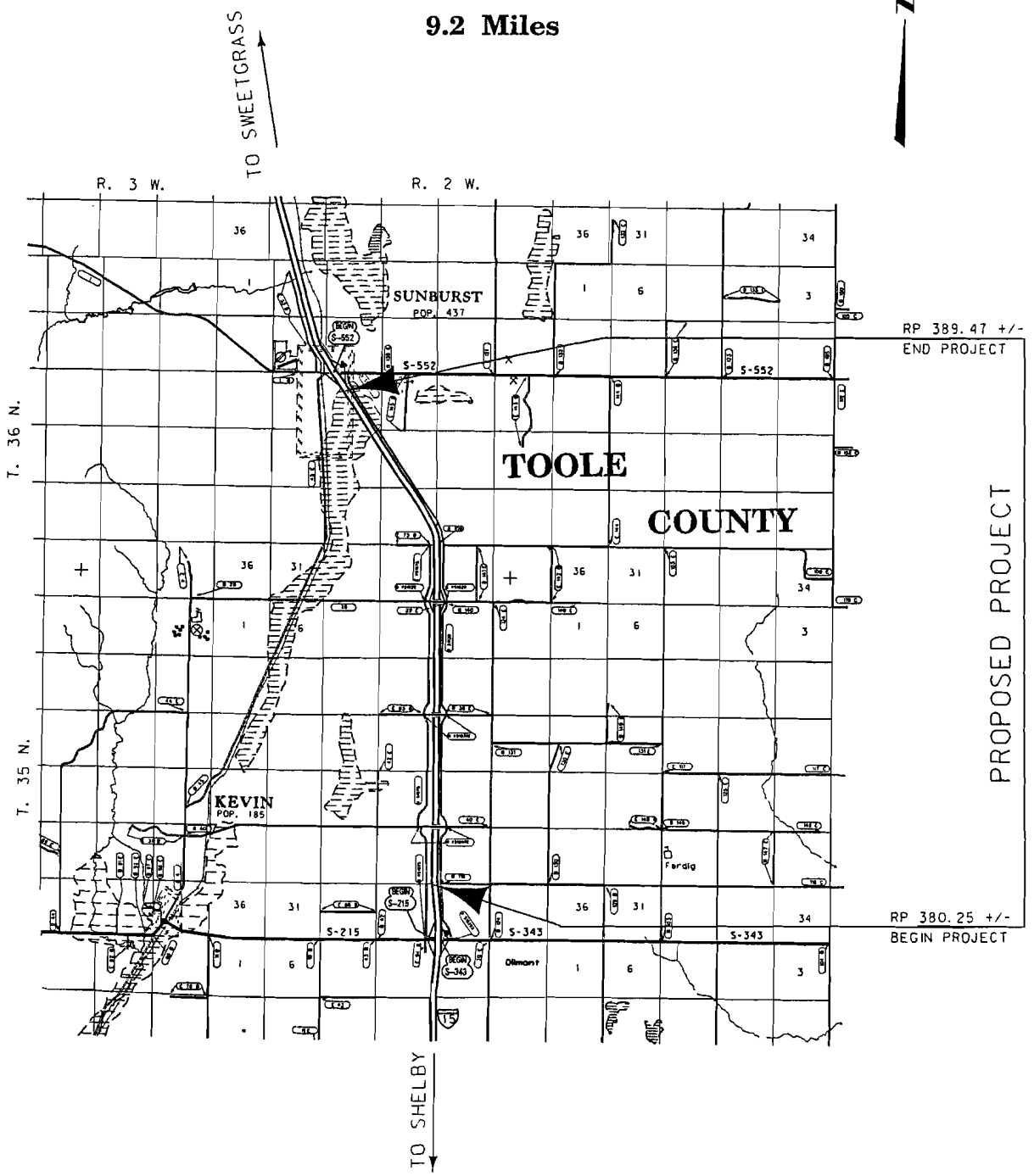
# WORK TYPE 183 RESURFACING - SEAL & COVER

# SUNBURST - SOUTH

# TOOLE COUNTY

## UPN 5760000

**9.2 Miles**

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 5, 2005

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ENVIRONMENTAL

Carl James
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena MT 59602

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AUG [illegible]
LEGISLATIVE [illegible]
POLICY [illegible]

**Subject: Statewide Pavement Preservation Project Concurrence**

**Project Name: JCT 418 – West**
**Project Number: STPS 416-1(11)9**
**Control Number: 5746**

Dear Carl James:

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the above project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we have determined that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project. For your information, I have attached a copy of the PFR/SOW (including the location map), the Checklist, and the applicable Special Provision.

If you have any questions or concerns, please contact Heidy Bruner at 444-7203 or me at 444-0456. We will be pleased to assist you.

Sincerely,

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

TLH:hsb:S:\PROJECTS\BILLINGS\5746\5746ENCEDCSP1.DOC

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT, Billings District Administrator |
| | Jean A. Riley, P.E. | MDT, Environmental Services Bureau Chief |
| | Loran Fraser, P.E. | MDT, Chief Engineer |
| | Paul Ferry, P.E. | MDT, Highway Engineer |
| | Mark Wissinger, P.E. | MDT, Construction Engineer |
| | Suzy Althof | MDT, Contract Plans Section Supervisor |
| | Dave Jensen | MDT, MDT Fiscal Programming Section Supervisor |
| | Alan Woodmansey, P.E. | FHWA, Operations Engineer |
| | File | |

EPC

encl.

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 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.

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

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

# ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS (CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project No.: STPS 416-1(11)9 ID: CN 5746 Project Name: JCT 418-West

Reference Post (Station) 9.2 to Reference Post (Station) 13.2

Applicants Name: MDT Address: PO BOX 201001, Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: OVERLAY, SEAL/COVER, PAVE MARK

| 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) | ☐ | X | |
| 2. | Are there any recorded occurrences, and/or critical habitat for Federally-listed Threatened and Endangered Species in the vicinity of the proposed activity? | ☐ | X | |
| 3. | Does the proposed action have an impact on water quality? If answer is NO go to question 4. | ☐ | X | |
| 3a. | If the answer to number 3 is yes, is a Clean Water Act ' Section 402 permit required? (MPDES issued by MDEQ) | ☐ | ☐ | X 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. | ☐ | X | |
| 4a. | If the answer to number 4 is yes, is a Clean Water Act ' 404 permit authorization required? | ☐ | ☐ | X N/A |
| 4b. | If the answer to number 3 or 4 is yes, is a Stream Protection Act ' 124SPA permit required? (Issued by MDFWP) | ☐ | ☐ | X N/A |
| 5. | Does the proposed project involve hazardous waste site[s]? (Superfund, spills, underground storage tanks, etc.) | ☐ | X | |
| 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. | X | ☐ | |
| 6a. | Are any Tribal water permits required? | ☐ | X | N/A |
| 7. | Is the proposed project in a "Class I Air Shed" (Some Indian Reservations)? | ☐ | ☒ | ~~N/A~~ JZ |

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

Checklist prepared by: Rod Nelson, P.E. — Applicant
Billings District Projects Engineer — Title
7/19/2005 — Date

Approved by: [signature]
ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR — Title
8/9/05 — Date

Environmental Services

(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, MDT 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 MDT'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, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.

E. MDT 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)

# Preliminary Field Review/Scope of Work Report

A preliminary field review for the subject project was held on April 20, 2005. The following personnel participated in this review.

| | | |
|---|---|---|
| Gary Neville | District Eng. Services Supv. | Billings |
| Ryan Dahlke | Project Design Engineer | Helena |
| Rodney Nelson | District Projects Engineer | Billings |
| Aaron Eschler | District Design Supervisor | Billings |
| Ed Shea | Pavement Analysis & Research | Helena |
| Wayne Noem | Transportation Planning | Helena |
| Chris Jones | Bridge Bureau | Helena |

## Proposed Scope of Work

It is proposed to change the project number from a STPS project to a SFCS project. It was nominated as a resurfacing – asphalt – thin lift project (Pavement Preservation). The recommended treatment as stipulated in the MDT 2003 pavement conditions and 2004 pavement treatments report is an "AC Thin Overlay". The proposed scope of work is summarized below.

- 0.15'Overlay
- Seal and Cover
- New pavement markings

## Project Location and Limits

This project is located in Yellowstone County on State Secondary Route 416. This project is classified as a rural major collector with the surrounding terrain generally rolling. This project is to begin at the Crow Reservation Boundary and ends at the intersection with Secondary Highway 418.

The project limits are: RP 9.2 to 13.2

## Physical Characteristics

1. As-Builts:
   RP 9.2 to 13.2 MDT does not have any as-builts for this location.

2. Existing Surfacing Thickness according to the 2003 Montana Road Log:
   RP 9.2 to 13.2 This location is not in the Road Log

3. Existing Roadway Geometrics:
   RP 9.2 to 13.2 20' top surfacing width (2003 Montana Road Log)
   23.1' to 24.0' top surfacing width (Field Measurements)

avement Management System Recommendations:

The 2004 pavement conditions and 2005 pavement treatments report lists the following information:

RP 9.2 to 13.2

Performance indexes:

Ride – 71.2
Rut – 74.3
ACI – 86.2
MCI – 64.6
Recommended Treatment - "AC Thin Overlay"

**ıffic Data**

| | | | |
|---|---|---|---|
| 2005 | ADT (Present) | = | 840 |
| 2006 | ADT (Letting) | = | 860 |
| 2026 | ADT (Design) | = | 1470 |
| | DHV | = | 180 |
| | T | = | 1.7% |
| | EAL | = | 15 |
| | AGR | = | 2.7% |

**cident History**

Data Time Frame: 10-1-1994 to 9-30-2004

| | Statewide* | Study Area |
|---|---|---|
| All vehicles accident rate: | 1.73 | 0.89 |
| All vehicles severity index: | 2.39 | 5.09 |
| All vehicles severity rate: | 4.16 | 4.51 |
| Truck Accidents | 1 | |
| Total recorded accidents: | 11 | |

*Statewide Average for Rural State Secondary

*Variation From Average Occurrence*

- 81.8% injury crashes (36.4% incapacitating injuries) vs. 38.8% (11.2% incapacitating injuries) statewide average for rural secondary routes.
- 81.8% crashes on dry road conditions vs. 66.8% statewide average for rural secondary routes.
- 81.8% off road crashes vs. 44.8% statewide average for rural secondary routes.
- 63.6% overturn crashes (first harmful) and 72.7% overturn crashes (most harmful) vs. 22.3% (first harmful) and 27.2% (most harmful) statewide average for rural secondary routes.

*Accident Clusters or Safety Projects*

There were no accident clusters identified and no safety projects within the 10-year study period from 1994 to 2004.

According to our records, the Crow Tribe had some funding through Public Health and Human Services and a flasher was installed at the intersection of S-416 and S-418. The flasher at this intersection is being upgraded under project STPU-NH-STPP-STPS 002(710), 2001-D5, Electrical, UPN 4588000. This project was let on January 27, 2005.

*Remarks*

The Montana Highway Patrol may not have received all accident investigation reports.

All eleven (11) crashes were single vehicle crashes, ten crashes had injuries and eight vehicles overturned. The 1996 fatal crash reported at the intersection of S-416 and S-418 prompted the installation of the flasher. There are transverse rumble strips in the travel lane on S-416 at the approach to S-418, replace them with this project.

## Major Design Features

*Design Speed* - The design speed for this project is 50 mph as stipulated in the MDT Geometric Design Criteria for a rural major collector with rolling terrain.

*Horizontal and Vertical Alignments* – Given the scope of this project, the horizontal and vertical alignments will be used as is.

*Typical Sections* – It is proposed the existing typical section be overlaid with 0.15' of asphalt plant mix. The 24-foot surfacing width will be maintained by using shoulder gravel and 4:1 surfacing inslopes. Leveling will be needed to correct minor dips that currently exist in the roadway. All public approaches are to be paved to the right of way. All private and field approaches are to receive a 3' wide plant mix strip adjacent to and parallel to the roadway.

*Grading*- No grading will be required on this project.

*Geotechnical Considerations*- No geotechnical considerations currently exist.

*Hydraulics Considerations* - No hydraulic considerations are anticipated at this time.

*Bridges*- No bridges are located within the project limits.

*Traffic*- Pavement markings will be upgraded with this project. Replacement of the existing signs and delineators is not anticipated.

*Guardrail*- No guardrail currently exists within the project limits and none is proposed for new installation.

*Fencing*- No fencing is anticipated on this project.

*Rumble Strips* – The existing intersection warning rumble strips near the intersection of S-416 and S-418 will be replaced with rumble strips that meet current design standards. Shoulder rumble strips will not be installed on this project due to insufficient shoulder widths.

Miscellaneous Features- None are proposed.

**Design Exceptions**
No design exceptions are anticipated for this project.

**Right of Way**
No new right of way will be required for this project.

**Utilities/Railroad**
No utility or railroad conflicts are anticipated.

**Environmental Considerations**
A Statewide Programmatic Categorical Exclusion applies for this project. The checklist has been submitted.

**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**
It is not anticipated any survey will be required on this project.

**Public Involvement**
This project's public involvement plan will be level A.

1. A news release explaining the project that includes a department point of contact.

**Cost Estimate**
The nomination cost, which does not include indirect costs, to construct this project was estimated to be:

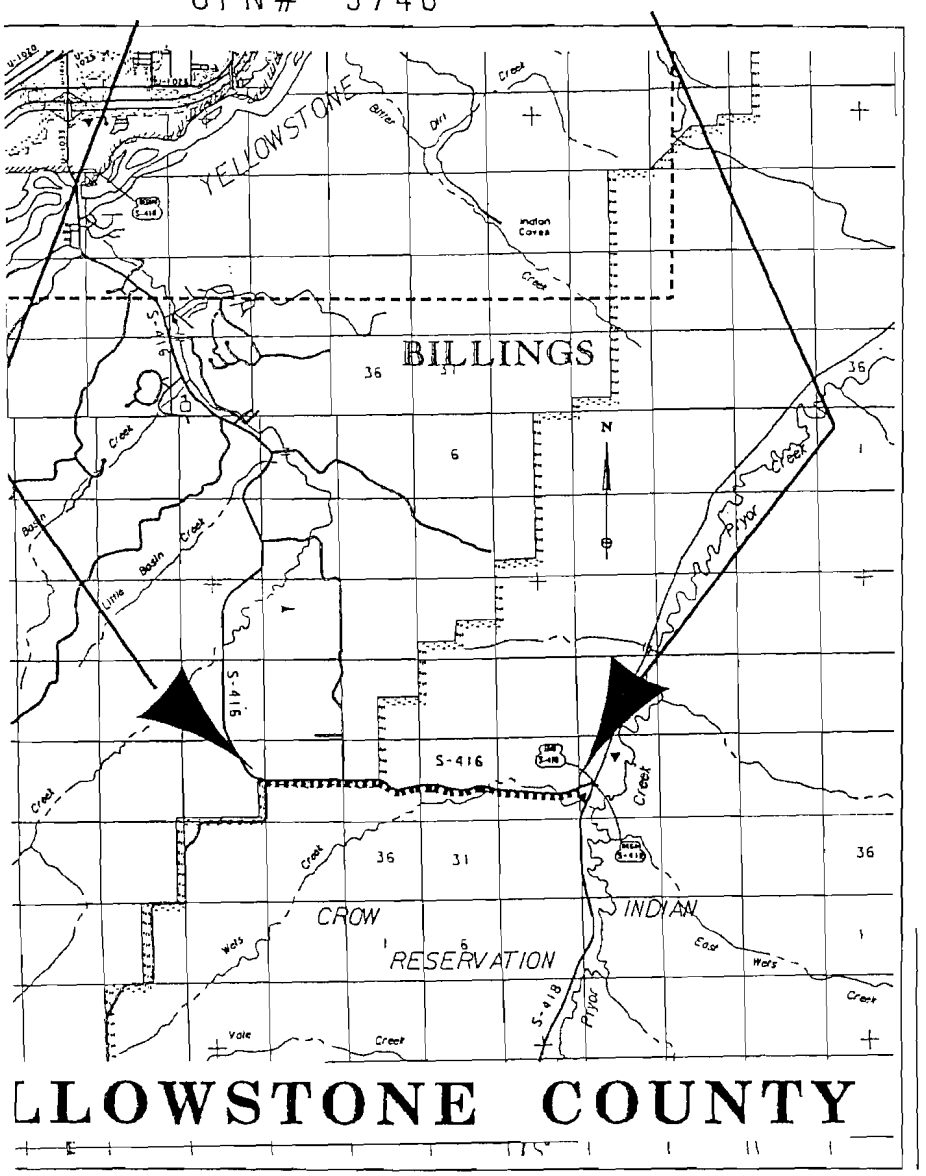
PE = $ 35,000
CN = $ 1,034,000
CE = $ 103,400
Total =$ 1,172,400

**Ready Date**
This project has a July 1, 2005 ready date listed in OPX2.

**ent**

:t will be designing this project with Rod Nelson as the design project

JCT S-418 - WEST
UPN# 5746



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**Montana Department of Transportation**

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

August 12, 2005

Todd Everts, Environmental Analyst
Environmental Quality Council
Legislative Environmental Policy Office
P.O. Box 201704
Helena MT 59620-1704

RECEIVED
AUG 16 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

**Subject: Approved Categorical Exclusion**

**Project Name: Warm Springs Creek – 20 km SW Hilger**
**Project Number: BR 81-1(8)34**
**Control Number: 4693**

Dear Todd Everts:

The Environmental Services Bureau of the Montana Department of Transportation has received Federal Highway Administration (FHWA) concurrence that the above-named project qualifies as a Programmatic Categorical Exclusions. For your information, I have attached a copy of the FHWA concurrence.

If you have any questions or concerns, please contact me at hbruner@mt.gov or 444-7203. I will be pleased to assist you.

Sincerely,

Heidy Bruner
Billings District Project Development Engineer
Environmental Services Bureau

HSB:S:\PROJECTS\BILLINGS\4693\4693ENEQCCEDCVR.DOC

cc: File

encl.

4/27/05

Ferguson

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**Montana Department of Transportation**

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

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April 14, 2005

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

Subject: BR 81-1(8)34
WARM SPRINGS CR-20 KM SW HILGER
Control #4693

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 23 CFR 771.117(a). | | x | | |
| 2. This proposed project involves (an) unusual circumstance(s) as described under 23 CFR 771.117(b). | | x | | |
| 3. This proposed project involves one (or more) of the following situations where: | | | | |
| A. Right-of-Way, easements, and/or construction permits are required. | x | | | |
| 1. The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s). | | x | | |
| 2. There is a high rate of residential growth in this proposed project's area. | | x | | |

Environmental Services Bureau
Phone: (406) 444-7228
Fax: (406) 444-7245

Engineering Division
TTY: (800) 335-7592
WebPage: www.mdt.mt.gov

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

| | 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 | |

(3. – continued:)

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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-same. | x | | | |
| 2. Adverse effects to through-traffic dependant businesses would be avoided or minimized. | x | | | |
| 3. Interference to local events( *e.g.*: festivals) would be minimized to all possible extent. | x | | | |
| 4. Substantial controversy associated with this pending action would be avoided. | x | | | |
| 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. | | x | | |
| All reasonable measures will be taken to avoid and/or minimize substantial impacts from same. | x | | | |
| G. The Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314), including temporary erosion control features for construction will be met. | x | | | |
| H. Permanent desirable vegetation with an approved seeding mixture will be established on exposed areas. | x | | | |
| I. Documentation of an "invasive species" review to comply with both E.O.#13112 and the *County Noxious Weed Control Act* (**7-22-21, M.C.A.**), including directions as-specified by the county(ies) wherein its intended work is to be done. | x | | | |
| 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. | x | | | |
| The proposed work will affect Important Farmlands, and a CPA-106 Farmland Conversion Impact Rating form for Corridor projects has been completed in accordance with the *Farmland Protection Policy Act* (**7 U.S.C. 4201**, *et seq.*). | x | | | |
| K. Features for the *Americans with Disabilities Act* (**P.L. 101-336**) compliance would be included. | | | x | |

(3. – continued:)

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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-same. | x | | | |
| 2. Adverse effects to through-traffic dependant businesses would be avoided or minimized. | x | | | |
| 3. Interference to local events( *e.g.*: festivals) would be minimized to all possible extent. | x | | | |
| 4. Substantial controversy associated with this pending action would be avoided. | x | | | |
| 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. | | x | | |
| All reasonable measures will be taken to avoid and/or minimize substantial impacts from same. | x | | | |
| G. The Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314), including temporary erosion control features for construction will be met. | x | | | |
| H. Permanent desirable vegetation with an approved seeding mixture will be established on exposed areas. | x | | | |
| I. Documentation of an "invasive species" review to comply with both E.O.#13112 and the *County Noxious Weed Control Act* (**7-22-21**, **M.C.A.**), including directions as-specified by the county(ies) wherein its intended work is to be done. | x | | | |
| 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. | x | | | |
| The proposed work will affect Important Farmlands, and a CPA-106 Farmland Conversion Impact Rating form for Corridor projects has been completed in accordance with the *Farmland Protection Policy Act* (**7 U.S.C. 4201**, *et seq.*). | x | | | |
| K. Features for the *Americans with Disabilities Act* (**P.L. 101-336**) compliance would be included. | | | x | |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| (3. – concluded:) | | | | |
| L. A written Public Involvement Plan has been 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).

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:W[S:\PROJECTS\BILLINGS\4693\A722\FORMLET.DOC]

Attachments

copies: Bruce H. Barrett, Administrator - MDT Billings District (№ 5)
Kent M. Barnes, P.E. - MDT Bridge Engineer
Paul R. Ferry, P.E. - MDT Highways 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**
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

August 15, 2005

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LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

Environmental Quality Council
Legislative Environmental Policy Office
P.O. Box 201704
Helena MT 59620-1704

Subject: Project No.: STPE 2(750)
Project Name: Makawasha Ave. Walks – Crow Agency
Control No.: 5704

Attached is one (1) copy of the Categorical Exclusion group (c) environmental document for this proposed project for your files.

This document complies with the provisions of **75-1-103** and **75-1-201 M.C.A.** (see ARM 18.2.261, *MEPA* "Actions that qualify for a Categorical Exclusion" as applicable to the Montana Department of Transportation).

Mike Wherley, P.E.
CTEP Engineer

MJW:mjw

Attachment

copy: Project File

S:\CTEP_PROJECTS\202_BIGHORN_CO\5704_MAKAWASHA-AVE-WALKS\ENV-DOC\5704EQCDISTLTR.DOC

***BOARD OF COMMISSIONERS***
***BIG HORN COUNTY***
***P.O. BOX 908***
***HARDIN, MT 59034***
*Fax (406) 665-9706* *(406) 665-9700* *E-mail to: cwells@co.bighorn.mt.us*

April 14, 2005

RECEIVED
APR 18 2005
By CTEP - MJW

Michael Wherley, P.E., CTEP Engineer
Montana Department of Transportation
Consultant Design Bureau
P.O. Box 201001
Helena, MT 59620-1001

Subject: Categorical Exclusion Group ( c ) Action Letter
Federal-aid Project Number: STPE 2(750)
Federal-aid Project Name: MAKAWASHA AVE WALKS-CROW AGENCY
MDT Control Number: 5704

Big Horn County, Hardin, MT has determined that this proposed project study will not involve unusual circumstances as described under 23 CFR 771.117 ( b ). It therefore qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117 ( c ), parts 3 and 7. 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, MCA ).

In accordance with the Federal Highway Administration's (FHWA) letter of March 29, 1999 to MDT's Environmental Services, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117 ( c ).

Chairman, Big Horn County Commissioners
John Pretty On Top, Chairman
Typed name and title

Concur Mike Wherley
Michael Wherley, P.E.

Aug. 5, 2005
Date

cc: Bruce Barrett, MDT District Administrator-Billings District
Tom S. Martin, P.E., MDT, Consultant Design Engineer
Jean A. Riley, MDT, Manager-Environmental Services
David W. Jensen, MDT, Supervisor-Fiscal Programming Section
Michael Wherley, P.E., MDT, CTEP Engineer
Environmental Quality Council
Glenn & Glenn Design Associates
Little Big Horn College
Crow Tribe

# Preliminary Field Review Report
**BR 213-1(14)10**
**Rocky Coulee – NW of Santa Rita**
**Control No. 5123**
**Project Work Type 221**

## Introduction

A preliminary field review for the project was held on October 20, 2004. The following personnel participated in this review:

| | | |
|---|---|---|
| Steve Prinzing | DESS | Great Falls |
| Christie McOmber | Assistant DESS | Great Falls |
| Jere Stoner | Road Design | Helena |
| Kevin McCray | Bridge Bureau | Helena |
| Dustin Rouse | Hydraulics Unit | Helena |
| Dan Maze | Bridge Bureau | Helena |
| Gerry Brown | Construction Eng. Services | Lewistown |
| Don Parsons | MDT Field Crew | Cut Bank |
| Wayne Noem | Planning | Helena |
| Ray Salois | Commissioner | Glacier County |
| Bill Bandel | Road Department | Glacier County |
| Tom Johnson | Road Department | Glacier County |
| Jerry Swenson | Road Department | Glacier County |

## Proposed Scope of Work

The proposed project was nominated to replace the existing single span steel and timber structure over Rocky Coulee. The bridge is located on Secondary Highway 213 approximately five miles northwest of Santa Rita. The existing bridge will be replaced with a single span, prestressed concrete structure located on the existing alignment. The vertical alignment will need to be raised slightly to meet current design standards.

This bridge was originally included in the STPS 213-1(11)7, Jct. S. 214 – Northwest project. Due to the limited scope of that pavement preservation project, the District decided to nominate this bridge replacement as a separate project.

Bridge replacement, rather than rehabilitation, is proposed due to the age and condition of the structure.

## Project Location and Limits

The proposed project is located on Secondary Route 213, approximately 5 miles northwest of Santa Rita where it crosses Rocky Coulee (See the attached map.) The structure rests in Glacier County in Section 34, T. 35 N., and R. 6 W. at reference post 10.437. Reference posting begins at Secondary 213's junction with US Highway 2 in Cut Bank and increases to the north. The route is functionally classified as a Major Collector.

The project is located within the Blackfeet Indian Reservation. The limits of the project will be based on the minimum required approach lengths to tie the new bridge to the existing roadway. The project will extend from approximately RP 10.3 to RP 10.6.

## Physical Characteristics

The existing bridge is a single-span steel girder structure, 51 feet long with a curb-to-curb width of 27 feet. The bridge was built in 1938 and has no bridge rails, only timber curbs. The current sufficiency rating is 59.0.

The existing structure is currently listed as Not Deficient. The structure was Structurally Deficient and Eligible for Rehabilitation prior to recent repairs on the deck made by Glacier County and therefore is still eligible for Bridge Replacement funding.

Numerous cracks exist in ' overlayed PMS bridge deck surface. The ber decking is still deteriorating. The steel girders and cross-frames are rusty throughout. The left side of Abutment No. 1 is cracked under the two outside girders. Scour has undermined the footings of both abutments.

Rehabilitation is not being considered due to concrete deck weight vs. the existing timber and the condition of the abutments. The bridge is approaching 67 years of age and is near the end of its useful life.

The cost of rehabilitation of the existing structure is estimated at $207,000. This is $2000 more than the estimate for a new structure. In order to not overload the existing substructure a new steel superstructure is required, which is lighter, but more expensive than the prestressed concrete beams proposed for the new bridge. The existing steel superstructure probably wouldn't support a concrete deck, has some extremely poor weld details and cannot be re-used. The existing abutments would need to be widened and built-up with new piling as they are undermined and their method of support (pile or spread footing) is unknown. No plans are available for the existing structure.

Rehabilitation would not improve the existing substandard vertical alignment. Design exceptions would be required for maximum grade and stopping sight distance.

The terrain at the crossing is rolling and the adjacent land use is primarily grazing coexisting with oil and gas wells. The existing surfacing is bituminous surfacing of unknown depth, and the approach roadway width is approximately 26 feet. The existing inslopes appear to be 2:1. Following is information on the existing structure:

| | |
|---|---|
| Year Built | 1938 |
| Inventory Number | S00 213 010 + 0.437-1 |
| Length | 51'-0" |
| Width (curb to curb) | 27'-2" |
| Number of Spans | 1 |
| Span Lengths | 50'-0" |
| Bridge Rail Type | None |
| Superstructure Type | Steel Stringer and Timber Deck |
| Substructure Type | Concrete Vertical Abutment |
| Sufficiency Rating | 59.0 |
| Structure Status | * Not Deficient |

* Inspection dated Jan. 10, 2002 stated eligible for rehabilitation. Temporary fix to deck made by County improved structure status.

*Rocky Coulee – Northwest of Santa Rita*

**Traffic Data**

| | | |
|---|---|---|
| 2004 ADT | = | 200 Present |
| 2007 ADT | = | 210 Letting Date |
| 2027 ADT | = | 260 Design (Future) |
| DHV | = | 40 |
| Com Trucks | = | 5.5% |
| 18 Kip ESALs | = | 7 |
| Growth Rate | = | 1.0% |

**Accident History**

State Secondary 213 by reference point 10.437 had no recorded crashes between the dates July 1, 1994 and June 31, 2004.

**Major Design Features**

*Functional Classification* – This roadway is functionally classified as a Major Collector.

*Design Speed* - The terrain adjacent to the project is generally level, however, the roadway within the project has characteristics of rolling terrain as it crosses Rocky Coulee. As a minimum, the design speed for the project will be 50 miles per hour based on the design criteria for a Rural Collector Road (Secondary System) in rolling terrain. Attempts will be made to exceed the 50 miles per hour design speed criteria where feasible.

*Horizontal Alignment* – The new structure will be built on the existing horizontal alignment. The long tangent at this location does not promote building to either side, as two "S" curves would be required to tie back to the PTW.

The length of bridge approaches will be determined based on the horizontal connection to the PTW or the required grade raise for the new structure. The total length of the project is expected to be approximately 0.3 mile.

*Vertical Alignment* – The existing bridge is located within a 500 ft sag vertical curve, which provides desirable stopping sight distance (SSD) at 35 miles per hour. It is anticipated that the roadway elevation will be raised at the new bridge in order to provide a longer sag vertical curve that meets standard SSD for the design speed.

According to as-built plans, the approach grade-in of the existing sag vertical curve is –4.50% and the grade-out is +5.54%. Both grades are below the maximum for a major collector in rolling terrain.

*Typical Sections* – The new structure width will be 28 feet rail to rail. The approach roadway finished surface will be 28 feet wide to match the structure width and will transition to match the existing

roadway width at the proje nits. We will strive for utilizing standard i pes and cut/fill slopes. This includes 6:1 surfacing inslopes, 6:1 ditch inslopes (10 ft. wide), and 20:1 ditch slopes (10 ft wide). Since the Design Standards allow deviations from these for low traffic volumes (DHV<200), minor modifications may be considered to fit the sight.

*Grading* – Grading for this project will be accomplished with Embankment-In-Place. Due to a raise in grade and standard fill slopes, off site borrow may be required.

*Hydraulics* – Glacier County does not regulate the Rocky Coulee floodplain and a county floodplain development permit will not be required for the transverse floodplain encroachment. Channel modifications are not anticipated other than riprap placement beneath the new structure. Construction activities in and around flowing water are anticipated including riprap placement. Current design and construction specifications will minimize any water quality impacts. The Glacier County Water Resources Survey indicates no irrigation impacts will be encountered as part of this project. For additional information, see the Location Hydraulic Study Report.

## Design Exceptions

No design exceptions are currently anticipated for this project. The need for design exceptions will be further evaluated as design progresses.

## Right of Way

The as-built plans indicate that the existing right-of-way width is 50 ft. each side of centerline. It will be necessary for the Right-of-Way Bureau to verify and plot the existing right-of-way on the strip map. The project may require new right of way and will need a construction permit for the detour.

## Traffic and Safety

This project will involve new delineation and pavement markings. Hazard panels at the bridge ends were the only existing signs noted.

## Utilities/Railroad

Fiber optic and high-pressure gas pipeline warning signs were observed in the project area. A full utility topog is requested on the Field Survey Request. This project will have no railroad involvement.

## Environmental Considerations

Environmental Services will prepare the appropriate environmental evaluation and documentation for the project. No apparent significant environmental impacts or issues have been identified at this time. A programmatic categorical exclusion is anticipated.

Will need a cultural resource survey.

## Stream Access

Swallow provision needed, SPA & 404 permits, minor wetland impacts (CE Ex (a)), 404 permit per 12/23/03 B.R. Report

There is currently no existing public access or parking, particularly at the ends of the bridge. No changes in public access or parking are anticipated as a requirement of this project.

## Traffic Control

Traffic will be maintained with an on-site detour during construction. It appeared a downstream location is preferred due to a sharp drop off on the upstream side. Appropriate signing and flagging will be maintained in accordance with the Manual on Uniform Traffic Control Devices.

## Survey Requirements

A conventional survey is requested for this project. A survey request is attached to this report.

## Salvage

The existing timber stringers will be offered to State Maintenance forces. Any remaining salvageable timber stringers will be offered to the Department of Fish Wildlife and Parks. The contractor will dispose of any unwanted materials.

## Public Involvement

Level B public involvement is recommended. This would include a news release to the appropriate newspapers explaining the project, contacts with local governments, interest groups and adjacent landowners and an opportunity for an informational meeting. The County agreed this level of public involvement would be adequate.

## Other Projects

This bridge crossing was located within the recently completed STPS 213-1(11)7, Jct. S-213 – Northwest project. That project was a preventative maintenance overlay.

## Ready Date

A firm ready date has not been set. OPX-2 indicates a ready date of September 2008. This will be adjusted after completion of overrides and availability of funding is established.

## Project Management

The Bridge Bureau will manage the preconstruction phase of this project.

## Cost Estimate

The current cost estimate for the project is **$750,000**, which includes 15% for mobilization, 10% for contingencies, 15% for construction engineering and a 3% annual inflation rate for three years. PE costs are not included. The bridge cost is based on a unit cost of $90 per square foot. Construction cost from Road Design for the road approaches is estimated at $175,000.

Cost breakdown is as follows:

| | | | |
|---|---|---|---|
| New Bridge | | 205,000 | |
| New Approach Roadways | | 175,000 | (Road Design Est.) |
| Remove Existing Bridge | | 10,000 | |
| Detour | | 80,000 | |
| Subtotal | | $470,000 | |
| +10% Contingencies | | $517,000 | |
| +15% Mobilization | | $595,000 | |
| +15% Construction Engr. | | $685,000 | |
| + 3 yrs. Inflation | **Total =** | **$750,000** | |

# SURVEY REQUEST

Project No.: BR 213-1(14)10
Date of Review: 10-20-04
Proposed Letting Date: September 2008
Control No.: 5123

Project Name: Rocky Coulee – NW of Santa Rita
Design Assignment:
Work Type: 221

Contact Person (Helena): Kevin McCray
Lead Agency (Br., Rd., etc.): Bridge

**FIELD SURVEY TO PROVIDE:**

Comments:

**CONTROL SURVEY**

Level Datum Selection:

- ☐ Assumed
- ☐ As-built
- ☒ NAVD 1988

Horizontal Datum (x,y)

- ☒ 1) State Plane Coordinates (requires GPS control survey)
- ☐ 2) Local Datum (i.e., 10,000 10,000)

  Basis of Bearing: ☐ Solar ☐ As-built ☐ Other

Comments:

☒ 1) **Digital Terrain Model/XYZ Survey** (Includes Geopak mapping requirements: ground shots, spot elevs., break lines, planimetric features, strip map, inverts, etc.)

☒ **Specify corridor width:** 600 ft

Comments: 300 ft LT and RT, 1000 ft off each end of the existing bridge. Profile the roadway centerline 1500 ft each way from the bridge.

☐ 2) **Alignment/Cross Sections** (Special request; independent of DTM, staked, cross section interval and offsets, etc.)

Comments:

☒ 3) **Utilities**

☒ **Locate all utilities by: Dept. Forces** ☐ **S.U.E. Forces** ☒

Comments/Exceptions:

☐ **Other non-utility underground information that should be provided by S.U.E.**

Comments:

☐ **Strip map with closed traverse and vertical control information will be available for S.U.E. by**

| Utility/Other | Location | Survey Requirements (depth/height) |
|---|---|---|
| Gas | south side of roadway | |
| Water | | |
| Power | | |
| Sanitary Sewer | | |
| Fiber Optics | south side of roadway | |
| | | |

**NOTE: Please obtain any other utility not specifically identified above.**

Control No.: 5123

☒ 4) **Existing Culvert Survey** ( xyz, size, length, invert, type, end section, cleaning requirements, etc. for all culverts.)

☐ 5) **Supplement to Photo Mapping** (Field check photogrammetric mapping, check cross sections, map editing, underground utilities, etc. pick up items.)
Pg. 5-24, Survey Manual

**RIGHT-OF-WAY TIES:**

Extent of existing R/W monumentation visible, comments: _____

☐ Tie Project BOP & EOP (With as-built stations)

☒ ROW, Property & Section Corners (Identified by R/W after PFR)
(R/W will supply the specific requests for which entities to tie; this will take approximately 30-45 days after PFR.)

Comments: _____

☐ **SOIL SURVEY** (Includes corrosive soil report, pipe condition, R-values.)

☐ Topsoil Report

## *Special Hydraulic Considerations*

(Refer to Chapter 10, Survey Manual)

Contact Person: Contact Dustin Rouse-- See LHSR

### I. WATERWAYS

**Existing Bridge Site Survey** ☒ yes ☐ no

Location: See forthcoming LHSR

Hyd-1: Section required - ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐all

River Cross-Sections - location & width: _____

DTM Mapping [extent, intervals]: (Strip map containing planimetric features, spot elevations, break lines, etc. for use in Geopak)

☐ Include topog. of existing (piers, abutments, low beam elev., etc.) _____

Comments: _____

**Existing Large Culvert Site Survey** ☐ yes ☐ no

(Hyd-1 not required when photo mapping is available.)

Location: _____

☐ length ☐ invert elevations

Hyd-1: Section required - ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐all

Comments: _____

Control No.: 5123

**II.** IRRIGATION SURVEY: ☐ yes ☒ no

Location: _____

☐ length ☐ invert elevations

Hyd-1: Section required ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐all

Comments: _____

**III.** URBAN SURVEY: ☐ yes ☒ no

Location: _____

☐ **Supplemental DTM Mapping** (Strip map containing planimetric features, spot elevations, break lines, threshold elevs., width of corridor, etc. for use in Geopak.)

Comments: _____

Storm Drain Outfall/Location: _____

Comments: _____

**IV.** ADDITIONAL HYDRAULIC SURVEY REQUIREMENTS:

_____

**Standard Disclaimer**: Not all portions required on a typical survey can be included in this document. Typical users of this form should use judgement in determining any additional or extraordinary information required to fulfill the intent of this document. The Survey Manual should be used in conjunction with work types, project types and this form to portray a complete survey.

Project No.: BR 213-1(14)10
Date of Review: 10-20-04
Control No.: 5123

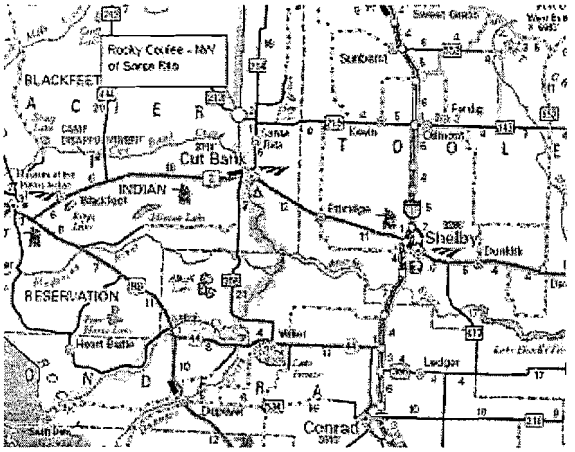
Project Name: Rocky Coulee – NW of Santa Rita
Work Type: 221

# *Special Wetland Considerations*

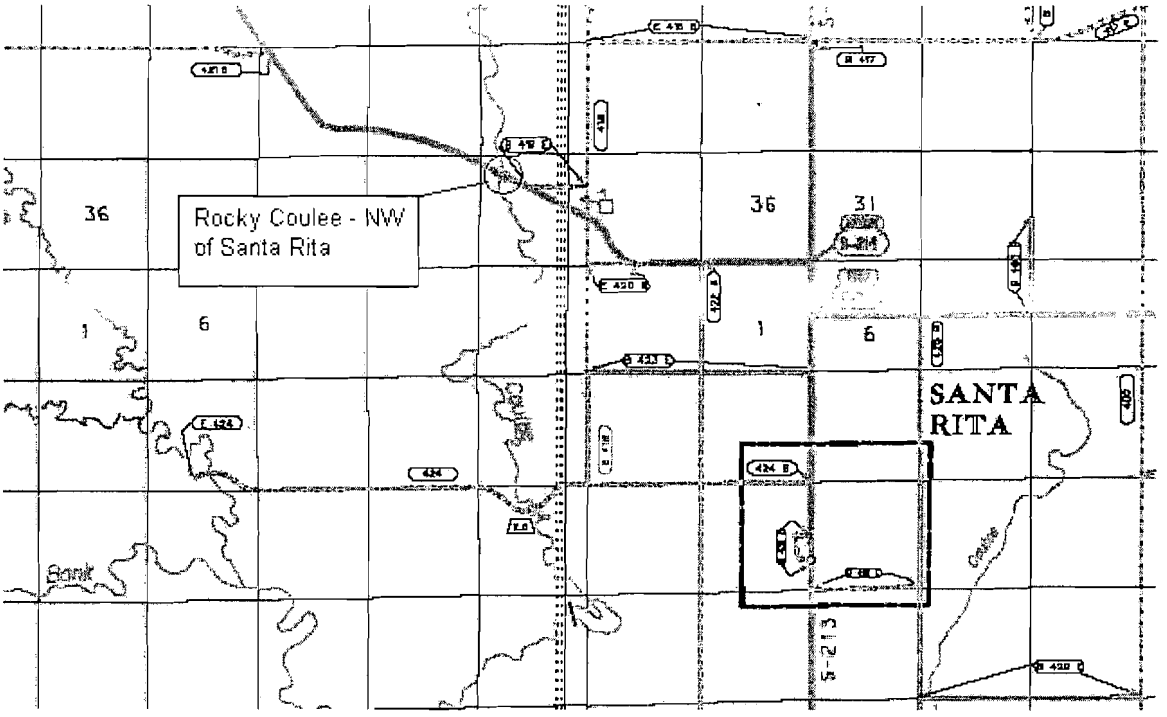
Contact Person in Environmental: Bob Effinger

**NOTE:** This request area for STAND ALONE WETLAND MITIGATION projects ONLY. Please complete Aerial/Field Survey portions as appropriate.

Comments: _____




**Location Map**




**Local Map**

serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 9, 2005

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

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

Subject: **BR 213-1(14)10**
**Rocky Coulee – NW of Santa Rita**
**5123**

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 (1/10/05) 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). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☒ | ☐ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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 would be affected by this 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 waterbody(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. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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 same. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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. | ☒ | ☐ | ☐ | ☐ |
| 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. "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.). | ☐ | ☐ | ☒ | ☐ |
| 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.

Thomas S. Gocksch, Date: 8/9/05
Tom Gocksch P.E. – Environmental Area Engineer
MDT Environmental Services Bureau

Concur _____, Date: 8/9/05
Tom Hansen, P.E. - Engineering Section Supervisor
Environmental Services Bureau

Concur Robert J. Seliskar, Date: 8/10/05
Federal Highway Administration

TLH:tgg: S:\PROJECTS\GREAT-FALLS\5123\5123ENCED001.DOC

Attachments

cc: Michael P. Johnson - District Administrator-Great Falls
Paul R. Ferry, P.E. - Highway Engineer
John H. Horton - MDT Right-of-Way Bureau Chief
Suzy Althof - MDT Contract Plans Section Supervisor
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Jean A. Riley, P.E., Chief - Environmental Services Bureau
Tom Gocksch P.E. – Environmental Services Bureau
✓ Environmental Quality Council

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

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
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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

August 18, 2005

ENVIRONMENTAL QUALITY COUNCIL
Capitol Station
Helena, MT 59620

Subject: Statewide Pavement Preservation Projects Concurrence

**SFCS 290-1(5)3**
**Belgrade - North**
**CN 5472**

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report and the Environmental Checklist for Pavement Preservation Projects. We have determined that the Statewide PCE for these types of projects would cover this project.

Special Provisions – attached

I have attached the Scope of Work Report, Checklist and the location map for your information.

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

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

Attachments:

tlh:s:\5472ENPCE EQC Pave Pres Cover Ltr.DOC

copies: Jeff Ebert, P.E. - Butte District Administrator
Jean A. Riley, P.E. – Environmental Services, Bureau Chief
Paul Ferry, P.E. - Highway Engineer
Mark Wissinger, P.E. - Construction
Jeff Patten - FHWA
Suzy Althof - Contract Plans
Dave Jensen - Fiscal Planning
File

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

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

# ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS (CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

MASTER FILE COPY

Project No.: 5472 ID: SFCS 290-1(5)3 Project Name: Belgrade North

Reference Post (Station) 2.88 to Reference Post (Station) 8.33

Applicants Name: MT DOT Address: 2701 Prospect Ave. Helena, MT 59620

Type of Proposed Pavement Preservation Activity: Resurfacing - Asphalt

## 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 SPECIAL |
| 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. The proposed project does not have any potential impacts, and the Statewide Programmatic Categorical Exclusion for Pavement Preservation projects is the appropriate Environmental Document for the proposed work.

Checklist prepared by:

| | | |
|---|---|---|
| Jim Davies JAD | Butte District Project Design Engineer | 7/28/05 |
| Applicant (Design Project Manager) | Title | Date |

Approved by:

| | | |
|---|---|---|
| | ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR | 8/18/05 |
| 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, MDT 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 MDT'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, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.

E. MDT 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 (DOI)**

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)

## 1. THREATENED AND ENDANGERED SPECIES

Bald eagles or other raptors may actively nest 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 an active nest, submit the location of such site(s) to MDT-Environmental Services Bureau for review, prior to commencing operation.

Large carnivores such as wolves, lynx and other cats, or bears may occupy some areas 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 an actively occupied area, submit the location of such site(s) to MDT-Environmental Services Bureau for review, prior to commencing operation.

If you are unsure about any of the above listed requirements or require on-site guidance, contact Deb Wambach, Butte District Biologist, at 444-0461.

## 2. PROTECTION OF WETLAND AREAS AND OTHER DRAINAGES

Impacts to any and all wetland areas and other drainages, including spring, perennial, ephemeral or intermittent 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 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 Butte District Biologist at 444-0461 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.

Montana Department of Transportation
Butte District Office
PO Box 3068
Butte, MT 59702–3068

MASTER FILE COPY

**Memorandum**

To: Damian Krings, P.E., Road Design Engineer

From: Joe Olsen, P.E., Engineering Services Supervisor-Butte

Date: June 24, 2005

Subject: SFCS 290-1(5)3
Belgrade North
CN: 5472
WORK TYPE: 181

## SCOPE OF WORK REPORT

**Scope of Work**

This is a pavement preservation project. The project includes a plant mix overlay, seal & cover, bridge rail revision, guardrail revisions, and pavement markings. The Butte District Design Section, Management Unit 3207, is designing the project. English units are being used.

**Project Location and Limits**

LOCATION: Gallatin County, T. 1 N., R. 4 E., Sections 25, 24, 13, 12, 1, and 2; and T. 1 N., R. 5 E., Sections 19, 18, and 7 on S-290.

LIMITS: The project begins at RP 2.889 (English as-built station 108+24 approximate) and extends northerly to the S-346/S-290 junction at RP 8.764 (English as built station 418+70 approximate). The total length is 5.875 miles. The functional classification is minor arterial. The as-built plans are FAS S-40(2) dated 1957.

The intended end for this project is at the S-346/S-290 junction. The Road Log shows the junction at RP 8.335, which is also the RP noted in the Preliminary Field Review Report. Field measurements indicate that the junction is at RP 8.764, not 8.335. Also, the length of this project is 5.875 miles instead of 5.446 as shown in the PFR.

**Physical Characteristics**

Existing Roadside Geometrics: The horizontal and vertical alignments will be perpetuated for this project. The terrain is rolling in a rural setting.

Existing Surfacing:

| *From* | *To* | *Surfacing Thickness (in)* | *Base Thickness (in)* | *Top Width (ft)* |
|---|---|---|---|---|
| RP 2.89 | RP 8.338 | 0.7 BST | 4.0 | 25 |

PvMS Index Numbers & Recommended Treatment for 2004:

| *Section (RP)* | *Survey Year* | *Ride* | *Rut* | *ACI* | *MCI* | *Recommendations* | |
|---|---|---|---|---|---|---|---|
| | | | | | | *Construction* | *Maintenance* |
| 56.5-66 | 2003 | 57.8 | 51.4 | 53.1 | 80.2 | AC Minor Rehabilitation | AC Reactive Maintenance |

Existing Bridges: There are three bridges on this project; they are East Gallatin River, East Gallatin River Overflow, and Reese Creek.

| *Structure* | *Feature Crossed* | *Approximate Location* | *County* |
|---|---|---|---|
| S00290004+05001 | East Gallatin River | 3 mi N Belgrade | Gallatin |
| S00290004+07001 | E. Gallatin R. Overflow | 4 mi N Belgrade | Gallatin |
| S00290005+03001 | Reese Creek | 4 mi N Belgrade | Gallatin |

| *Structure* | *Year Built* | *DWG No.* | *Length (ft)* | *Rdwy. Width (ft)* | *Sufficiency Rating* | *Structure Status* |
|---|---|---|---|---|---|---|
| S00290004+05001 | 1957 | 3621 | 50 | 24 | 71.9 | Not Deficient |
| S00290004+07001 | 1957 | 3621 | 50 | 24 | 70.6 | Not Deficient |
| S00290005+03001 | 1957 | 3728 | 38 | 24 | 71.9 | Not Deficient |

SFCS 290-1(5)3
Belgrade-North
CN: 5472000
Scope of Work Report

Traffic Data
Traffic data from RP 2.88 to 8.33:

| | | | |
|---|---|---|---|
| 2004 | ADT= | 1,240 | PRESENT |
| 2004 | ADT= | 1,240 | LETTING YEAR |
| 2024 | ADT= | 2,470 | DESIGN YEAR |
| | DHV= | 300 | |
| | T= | 2.3% | |
| | ESAL= | 17 | |
| | AGR= | 3.5% | |

**Accident History**

**The following information is summarized from Safety Management's memo dated June 9, 2004:**

The analysis is for State Secondary 290, reference posts 2.88 to 8.33, for the dates January 1, 1994 through December 31, 2003.

| STATEWIDE AVERAGE FOR RURAL STATE SECONDARY | | STUDY AREA |
|---|---|---|
| ALL VEHICLES ACCIDENT RATE: | 1.71[1)] | 1.57 |
| ALL VEHICLES SEVERITY INDEX: | 2.40[2)] | 1.76 |
| ALL VEHICLES SEVERITY RATE: | 4.12[3)] | 2.76 |
| TRUCK ACCIDENTS: | | 1 |
| TOTAL RECORDED ACCIDENTS: | | 34 |

I. VARIATIONS FROM AVERAGE OCCURRENCE:
- 14.7% dusk vs. 3.38% statewide average for rural state secondary routes.
- 38.2% wild animal as first harmful event vs. 13.4% statewide average for rural state secondary routes.

II. ACCIDENT CLUSTERS OR SAFETY PROJECTS:
No accident clusters have been identified at this location. No Safety projects have been done or are scheduled for this location.

III. REMARKS:
The percentage of crashes involving wild animals is above statewide average for rural secondary routes. If deer warning signs are not already in place, they should be considered. Otherwise, the crash statistics are at or below the statewide average for rural secondary routes.

*(NOTE: In regard to the deer warning signs mentioned above, a study should be done to determine the proper sign locations. The entire corridor from Belgrade to Manhattan via S-290 and S-346 should be considered. This work is beyond the scope of this pavement preservation project.).*

**Major Design Features:**

Design Speed – The design speed for this Non-NHS Secondary Route in level terrain, classified as a major collector, is 60 mph.

Horizontal and Vertical Alignments - Both the horizontal and vertical alignments will remain as-is on this project.

Typical Section – Surfacing Design recommends a 0.15 ft Pl. Mix overlay with PG 64-28 binder. The District has determined that 200 tons per mile of Plant Mix should also be included for a leveling course. Shoulder gravel will be placed to accommodate the inslopes of the overlay. Prior to placing shoulder gravel, the existing vegetation will be peeled back and then replaced over the gravel inslopes. The finished top width will be 25 ft. The existing roadway is wide enough to accommodate the overlay and shoulder gravel.

Although the Pavement Management Report recommends major rehabilitation of the surfacing, the proposed pavement preservation treatment is the only option available at this time. Currently, projects on Secondary highways that involve more extensive treatment than pavement preservation must be nominated and prioritized through a process involving the District, the Secondary Roads Engineer and all of the counties in the District. Intermediate level treatments (surfacing rehabilitation) have typically been given a low priority. Consequently, the treatment proposed for this project is necessary to keep the road serviceable even though it would not normally be the preferred treatment.

As a result of the treatment, we are using state funds for this project.

Geotechnical Considerations – There are no geotechnical issues on the project.

Hydraulics – There are no hydraulics issues on the project.

Bridges – The Bridge Bureau will provide bridge rail revision details and plans for the three timber structures. The existing asphalt surfacing on the decks will be removed by cold milling. A 0.15 ft. lift of PMS will be placed on the decks prior to overlaying. This will provide a final plant mix thickness of 4 inches on the bridge decks.

Guardrail – Guardrail will be installed at the bridge corners to eliminate blunt ends. The northeast corner of the Reese Creek structure is too close to the existing County Road to place a Bridge Approach Section and IRT, therefore an impact attenuator will be installed at this corner. IRT end sections will be used for two other corners because of the proximity of approaches. All other corners will receive a Bridge Approach Section, Optional Terminal Section, and the appropriate advancement length of guardrail. Although this is a pavement preservation project, it was decided that the appropriate advancement lengths could be incorporated into the new guardrail installations with only minor quantities of embankment needed for guardrail slopes. Therefore, they are included in this project.

Traffic – Pavement markings will be upgraded on this project. Miscellaneous Features – Public approaches will be paved 25 ft. Private and farm field approaches will be paved with a 3 ft plant mix strip, and mailbox turnouts will receive a strip of plant mix 3ft. x 8ft.

**Design Exceptions**

No design exceptions are required for this project.

**Right-of-Way**

Right-of Way will investigate whether all the approaches next to the bridges are being used. In addition to the formal approaches, at some locations there are gates in the fences indicating that access in necessary but with no defined approach.

**Utilities/Railroads**

There is underground telephone cable hanging on the bridges. Some underground telephone cable in the vicinity of the bridges will be in conflict with the proposed guardrail work. The conflicts will be minor. There are no railroads on the project.

**Environmental Considerations**

A programmatic categorical exclusion environmental checklist has been prepared for this project. The following requirements will be included in the project as special provisions.

Bald eagles may actively nest 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.

Large carnivores such as wolves, lynx and other cats, or bears may occupy some areas 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 an actively occupied area, submit the location of such site(s) to MDT-Environmental Services Bureau for review.

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 for erosion and sediment control Best Management Practices. The installation of temporary erosion control measures will be paid as "Miscellaneous Work." No water quality permits are anticipated at this time.

If you are unsure about any of the above listed requirements or require on-site guidance, contact Deb Wambach, Butte District Biologist, at 444-0461.

**Traffic Control**

A traffic control plan will be developed as the design of the project progresses. Traffic will be maintained during construction activities throughout the project. Appropriate traffic control devices and signing will be used throughout the project in accordance with the *Manual of Uniform Traffic Control Devices.*

**Public Involvement**

Level A involvement is appropriate for this project. A news release has been prepared.

**Estimated Costs**

| | |
|---|---|
| Road: | $500,000 |
| Mobilization (15%) | 75,000 |
| SUBTOTAL | $575,000 |
| Contingency (10%) | 57,500 |
| SUBTOTAL | $632,500 |
| CE Cost (8%): | 50,600 |
| Total Cost: | $683,100 |

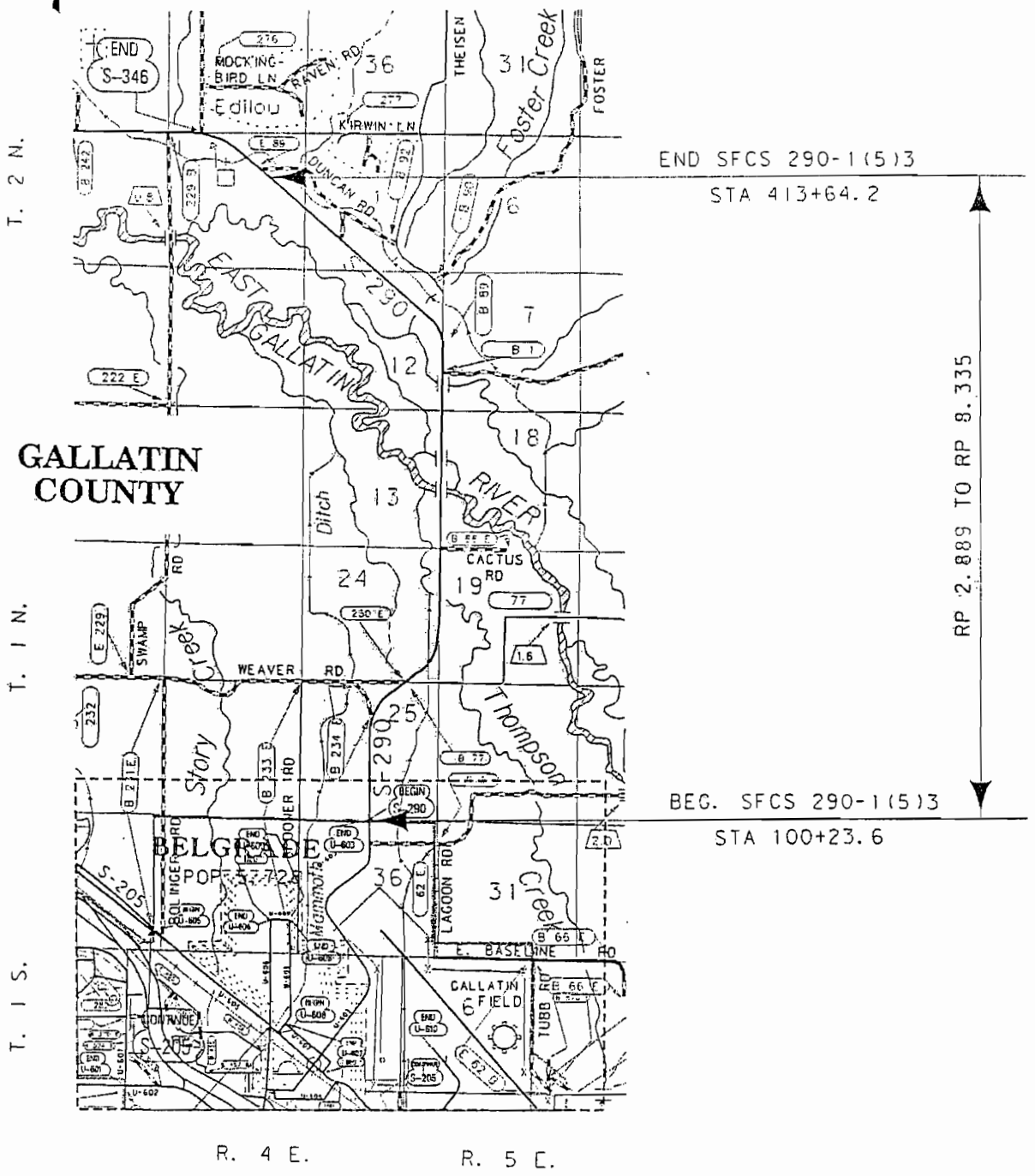
SFCS 290-1(5)3
Belgrade-North
CN: 5472000
Scope of Work Report

**Ready Date**
This project will be ready by September 2005.

JAO/MSH/mh
5472000RDSOW001

copies: District File

# SFCS 290–1(5)3
# BELGRADE–N
# CN 5472



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

Jim Lynch, Director
Brian Schweitzer, Governor

MISSOULA COUNTY

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MASTER FILE COPY

August 17, 2005

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

Subject: **IM 90-1 ( )57**
**I 90 Fire Repair – W of Missoula**
**UPN 6009000**

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 / Scope of Work Report (August 15, 2005) 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). | ☐ | X | | |
| 2. This proposed project involves (an) unusual circumstance(s) as described under 23 CFR 771.117(b). | ☐ | X | | |
| 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. | | X | | |
| 1. The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s). | ☐ | X | | |
| 2. There is a high rate of residential growth in this proposed project's area. | | X | | |

Environmental Services
Phone: (406) 444-7228
Fax: (406) 444-7245

Web Page: www.mdt.state.mt.us
Road Report: (800) 226-7623
TTY: (800) 335-7592

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 3. There is a high rate of commercial growth in this proposed project's area. | | X | | |
| 4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation. | | X | | |
| 5. There are parks, recreational, or other properties acquired/improved under *Section 6(f)* of the *1965 National Land & Water Conservation Fund Act* (**16 U.S.C. 460L**, *et seq.*) on or adjacent to proposed the project area. | | X | | |
| The use of such *Section 6(f)* sites would be documented and compensated with the appropriate agencies. (*e.g.*: MDFW&P, local entities, etc.). | | ☐ | X | |
| 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 U.S.C. 470**, *et seq.*) by the State Historic Preservation Office (SHPO), which would be affected by this proposed project. | | X | | |
| 7. There are parks, recreation sites, schoolgrounds, wild-life refuges, historic sites, historic bridges, or irrigation that might be considered under *Section 4(f)* of the 1966 *U.S. DEPARTMENT OF TRANSPORTATION Act* (**49 U.S.C. 303**) on or adjacent to the project area. | | X | | |
| a. "Nationwide" Programmatic *Section 4(f)* Evaluation forms for these sites are attached. | | ☐ | X | |
| b. This proposed project requires a full (*i.e.*: DRAFT & FINAL) *Section 4(f)* Evaluation. | ☐ | | X | |
| 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"). | | X | | |
| 1. Conditions set forth in *Section 10* of the *Rivers and Harbors Act* **(33 U.S.C. 403)** and/or *Section 404* under 33 CFR Parts 320-330 of the *Clean Water Act* **(33 U.S.C. 1251-1376)** would be met. | | ☐ | X | |
| 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. | | ☐ | X | |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 3. A 124SPA Stream Protection permit would be obtained from the MDFW&P? | | X | | |
| 4. There is a delineated floodplain in the proposed project 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 would be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy. | X | | | |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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 | |
| 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-same. | X | | | |
| 2. Adverse effects to through-traffic dependant businesses would be avoided or minimized. | X | | | |
| 3. Interference to local events( *e.g.*: festivals) would be minimized to all possible extent. | X | | | |
| 4. Substantial controversy associated with this pending action would be avoided. | X | | | |
| 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. | X | | | |
| All reasonable measures would be taken to avoid and/or minimize substantial impacts from same. | X | | | |
| G. The Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314), including temporary erosion control features for construction would be met. | | | X | |
| H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas. | | | X | |
| I. Documentation of an "invasive species" review to comply with both E.O.#13112 and the *County Noxious Weed Control Act* (**7-22-21, M.C.A.**), including directions as specified by the county(ies) wherein its intended work would be done. | | | X | |

| | 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. | ___ | X | | |
| 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 U.S.C. 4201**, *et seq.*). | ___ | ☐ | X | |
| K. Features for the *Americans with Disabilities Act* (**P.L. 101-336**) compliance would be included. | ___ | ☐ | X | |
| L. A written Public Involvement Plan, would be 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 | ___ | | |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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 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 (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).

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.

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

Concur _____, Date: 8/17/05
Federal Highway Administration

Attachments

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

cc: Dwane Kailey, P. E. - MDT Missoula District Administrator
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
Suzy Althof, - MDT Contract Plans Section Supervisor
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Doug Moeller - Missoula District Maintenance Chief
Susan Kilcrease – MDT Environmental Services
Environmental Quality Council

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August 19, 2005

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

Subject: **IM- STPS 0002(814)**
**Fire Damage – Alberton E&W**
**CN 6009000**

Formerly **IM 90-1( )57**
**I 90 Fire Repair – W of Missoula**
**UPN 6009000**

Due to a change in the Project Name and Number, MDT is re-submitting the Programmatic Categorical Exclusion per your request with the new project name and number noted. Please find enclosed two copies of the Programmatic Categorical Exclusion for your concurrence.

Please sign and return one copy.

If you have any questions, please contact Susan Kilcrease at (406) 523-5842, E-mail skilcrease@mt.gov or Tom Hansen at 444-0456, E-mail thansen@mt.gov.

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

Tlh:S:\PROJECTS\MISSOULA\6009-I90FIREREPAIR\6009ENPCE FHWA CVR.DOC

cc: Dwane Kailey, P. E. - MDT Missoula District Administrator
Paul R. Ferry, P.E. - MDT Highways Engineer
Kent M. Barnes, P.E. – MDT Bridge Engineer
John H. Horton - MDT Right-of-Way Bureau Chief
Suzy Althof, - MDT Contract Plans Section Supervisor
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Doug Moeller - Missoula District Maintenance Chief
Jean Riley, P.E. – Environmental Services Bureau Chief
Susan Kilcrease – MDT Environmental Services
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2701 Prospect Avenue
PO Box 201001
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Jim Lynch, Director
Brian Schweitzer, Governor

August 19, 2005

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

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**Subject: MDT Statewide Maintenance Projects**
**S-287, Willow Creek Road**
**Gallatin County**
**Reference Post from: 0.0**
**Reference Post to: 7.9**

The Environmental Services Unit 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
Environmental Services Bureau

Attachments

copies: Loran Frazier, Engineering Division
Jon Swartz, Maintenance
Jeff Ebert, Butte District Engineer
Maurice DeDycker, Bozeman Maintenance Superintendent
Mark Wissinger, Construction
Suzy Althof, Contract Plans
File

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# ENVIRONMENTAL CHECKLIST FOR MAINTENANCE ACTIVITIES

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**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:** S-287 **Designation:** Willow Creek Road

**Proposed Date of Maintenance Activity:** Spring 2006 **Federal Funds Involved?** Yes ☐ No ☒

**Reference Post (Station)** 0.0 **to Reference Post (Station)** 7.9

**Applicants Name:** Ross Gammon **Address:** P.O. Box 1110, Bozeman, Montana 59771-1110

**Type of Proposed Maintenance Activity:** Overlay, Seal and Cover

| 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 special provision. |
| 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:** Maurice DeDycker — Applicant (Maintenance Chief) | Mtc. Supt. — Title | 8/10/05 — Date

**Approved by:** ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR | 8/22/05

Environmental Services (when items 1, 2, 3, 3a, 4, 4a, 4b, 5, 6, 6a, or 7 are checked "Yes") — Title — Date

**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.**

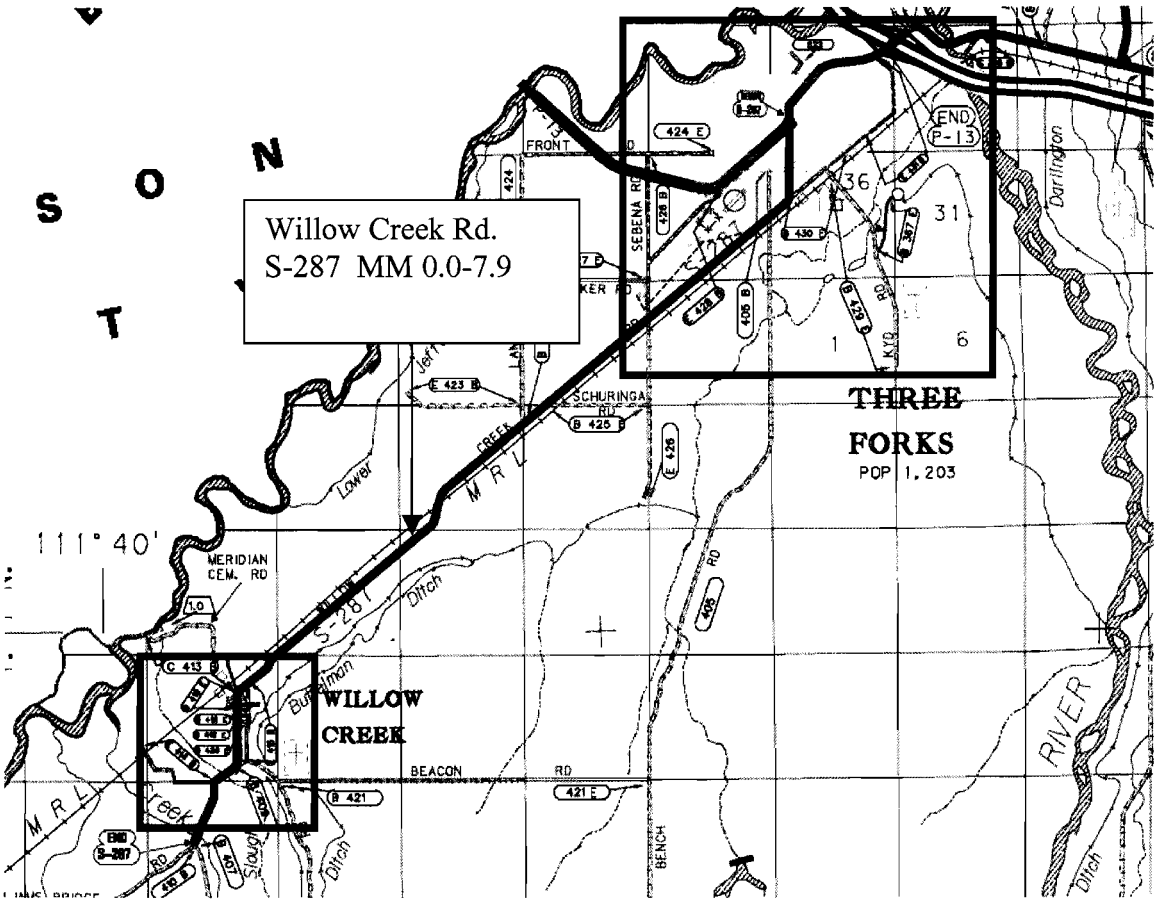
**C.** **If the applicant checks "Yes" for any one item, the checklist and the applicant's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services. Contact Number 444-7228.**

**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)




WILLOW CREEK ROAD
S-287, MM 0.0 to 7.9
OVERLAY, SEAL and COVER

## 1. THREATENED AND ENDANGERED SPECIES

Bald eagles or other raptors may actively nest 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 an active nest, submit the location of such site(s) to MDT-Environmental Services Bureau for review, prior to commencing operation.

serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 22, 2005

Carl James
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena MT 59602

MASTER FILE COPY

Subject: Statewide Pavement Preservation Projects Concurrence
**STPS 464-1(9)13**
**N OF BROWNING - NORTH**
**CN 5571000**

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report and the Environmental Checklist for Pavement Preservation Projects. We have determined that the Statewide PCE for these types of projects would cover this project.

The following special provision will be included in this project:

- ENVIRONMENTAL MITIGATION AND COORDINATION MEASURES FOR GRIZZLY BEARS
- PROTECTION OF WETLAND AREAS AND OTHER DRAINAGES

I have attached the Preliminary Field Review/Scope of Work Report, location map, Environmental Checklist for Pavement Preservation Projects, and the special provisions listed above.

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

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

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Attachments:

TLH:tgg: S:\PROJECTS\GREAT-FALLS\5571\5571ENCSPFHW01.DOC

copies: Michael P. Johnson – District Administrator-Great Falls
Paul Ferry, P.E. – Highway Engineer
Jean A. Riley, P.E. – Environmental Services
Mark Wissinger, P.E. – Construction
Suzy Althof – Contract Plans
Dave Jensen – Fiscal Planning
Environmental Quality Council
File

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

**Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.**

# ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS (CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project No.: 5571000 ID: STPS 464-1(9)13 Project Name: N. of Browning - North

Reference Post (Station) 12.86 to Reference Post (Station) 18.71

Applicants Name: Montana Department of Transportation Address: 2701 Prospect Ave., Helena, MT 59620-1001

MASTER FILE COPY

Type of Proposed Pavement Preservation Activity: Overlay, Seal & Cover, Pavement Markings

| 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? | ☒ | | In Grizzly Bear Recovery Zone. No effect but special Provision will be added to Contract. |
| 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.) | ☐ | ☐ | None Anticipated |
| 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: Jere Stoner — Area Engineer — June 13, 2005
Applicant — Title — Date

Approved by: [signature] — ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR — 8/24/05
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, MDT 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 MDT'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, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

E. **MDT 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)**

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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)

1. ENVIRONMENTAL MITIGATION AND COORDINATION MEASURES FOR GRIZZLY BEARS

A. Description. This project is located within grizzly bear habitat. Grizzly bears are known to use the project area. Transient grizzly bears may infrequently occur within the vicinity of the project throughout the construction season but particularly during the spring, especially in the vicinity of the Sun River, Deep Creek, and the Teton River. To reduce the chance of bear-human conflicts and to minimize impacts to grizzly bears, adhere to the following requirements:

1) Keep all areas in a neat condition; promptly clean up any spills, litter, garbage, etc.

Keep all food and food related items inside a closed, hard-sided vehicle or special bear resistant container (see Note below) except when preparing or eating food or.

Store petroleum products, antifreeze, and personal items such as deodorants, toothpaste, soap and lotions in the same manner as food, as these products may attract bears.

Deposit garbage and waste items in grizzly bear-resistant containers. Remove the accumulated garbage and waste from the project site daily and dispose of in accordance with all Tribal, Federal, State and local laws, regulations and ordinances.

No overnight camping within the project vicinity, except in designated campgrounds, by any crew member or other personnel associated with this project.

Note: A bear-resistant container is a securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than 6.35 mm (¼ inch), that would allow a bear to gain entry by biting or pulling with its claws.

2) Promptly notify the Project Manager of any road killed game animals found in the vicinity of the project. The Project Manager will arrange to have the animals picked-up and disposed of.

Promptly notify the Project Manager of any grizzly bears observed in the vicinity of the project, or contact Environmental Services District Biologist at 444-9438 or 444-7228.

B. Basis of Payment. Consider all costs associated with this provision incidental to performance of the work. Include the cost in the cost of other items.

2. 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 District Biologist at 444-9438 or 444-7228 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.

serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 15, 2005

Carl James
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena MT 59602

MASTER FILE COPY

Subject: Statewide Pavement Preservation Projects Concurrence
**IM 15-7(30)343**
**PONDERA COUNTY LINE - SOUTH**
**CN 5761000**

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report and the Environmental Checklist for Pavement Preservation Projects. We have determined that the Statewide PCE for these types of projects would cover this project.

The following special provision will be included in this project:

- Protection of Wetland Areas and Other Drainages

I have attached the Preliminary Field Review/Scope of Work Report, location map, Environmental Checklist for Pavement Preservation Projects, and the special provision listed above.

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

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

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AUG 26 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

Attachments:

TLH:tgg: S:\PROJECTS\GREAT-FALLS\5761000\5761ENCSPFHW01.DOC

copies: Michael P. Johnson – District Administrator-Great Falls
Paul Ferry, P.E. – Highway Engineer
Jean A. Riley, P.E. – Environmental Services
Mark Wissinger, P.E. – Construction
Suzy Althof – Contract Plans
Dave Jensen – Fiscal Planning
Environmental Quality Council
File

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

**Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.**

# ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS (CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

MASTER FILE COPY

Project No.: 5761000 ID: IM 15-7(30)343 Project Name: Pondera Coutny Line - South

Reference Post (Station) 343.30 to Reference Post (Station) 354.30

Applicants Name: Montana Department of Transportaion Address: 2701 Prospect Ave., Helena, MT 59620

Type of Proposed Pavement Preservation Activity: 183- Seal and Cover

| 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? | ☐ | ☒ | Special Provision Attached. |
| 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: No impacts anticipated

Checklist prepared by: Damian Krings Road design Engineer 01 - Aug - 05

Applicant (Design Project Manager) Title Date

Approved by: ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR 8/24/05

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, MDT 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 MDT'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, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

**E. MDT 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)
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3. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir)
4. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge)

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 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.

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 24, 2005

Carl James
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena MT 59602

MASTER FILE COPY

Subject: Statewide Pavement Preservation Projects Concurrence

**STPP 66-2(6)16**
**Hays – FT. Belknap**
**CN 5570**

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report and the Environmental Checklist for Pavement Preservation Projects. We have determined that the Statewide PCE for these types of projects would cover this project.

I have attached the Preliminary Field Review/Scope of Work Report, Checklist and the location map for your information.

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

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

RECEIVED
AUG 26 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

Attachments:

tlh:s:\5570ENPCE-Pave Pres FHWA Cover Ltr.doc

copies: Mick Johnson – Great Falls District Administrator
Paul Ferry, P.E. - Highway Engineer
Mark Wissinger, P.E. - Construction
Bob Seliskar - FHWA
Suzy Althof - Contract Plans
Dave Jensen - Fiscal Planning
Jean A. Riley, P.E. – Environmental Services
Russ McDonald - Tribal Coordinator
Don White, Planner,Blackfeet Tribal Planning Department
PO Box 850
Browning, MT 59417-0850
File

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

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

# ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS (CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project No.: 5570000 ID: STPP 66-2(6)16 Project Name: Hays - Ft. Belknap

MASTER FILE COPY

Reference Post (Station) 15.74 to Reference Post (Station) 50.02

Applicants Name: Montana Department of Transportaion Address: 2701 Prospect Ave., Helena, MT 59620

Type of Proposed Pavement Preservation Activity: 181- Resurfacing (Thin lift overlay <= 0.15')

## 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? | ☐ | ☒ | P.S. - 8/15/05 |
| 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: No impacts anticipated

Checklist prepared by: Damian Krings — Applicant (Design Project Manager)

Road design Engineer — Title

01 - Aug - 05 — Date

Approved by: [signature]

ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR

Environmental Services — Title

8/24/05 — 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.

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C. If the applicant checks "Yes" for any one item, the checklist and MDT'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, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.

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

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3. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir)
4. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge)

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

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Memorandum

To: Distribution

From: Paul R. Ferry, P.E.
Highways Engineer

Date: August 1, 2005

Subject: STPP 66-2(6)16
Hays – Ft. Belknap
Control No. 5570000
Work Type 181 Resurfacing – Asphalt (Thin Lift<= 0.20')(Scheduled Maintenance)

The combined **Preliminary Field Review (Revised)/Scope of Work Report** for the subject project has hereby been released on 8/2 2005. We request that those on the distribution review this report and submit your concurrence within **two weeks** of the above release date.

Your comments and/or recommendations are also requested, if you do not concur, or concur subject to certain conditions. When all the personnel on the distribution list have submitted their concurrence, this report will be submitted to the Administrator, Highways Division for final approval.

PRF:DMK:JJS:LJD:server:5570000RDPFRSOW.DOC

Distribution w/Attach:
John Blacker, Maintenance
Kent Barnes, Bridge
John Horton, Right-of-Way
Sandra Straehl, Planning
Mick Johnson, Great Falls District Administrator
Jean Riley, Environmental
Matt Strizich, Materials
Duane Williams, Traffic & Safety
Mac McArthur, Construction (2 copies)

I Recommend Approval:

_____

Date _____
(w/out Comments)

cc: All w/ Attach
Steve Prinzing, G.F. D.E.S.E.
Dave Hand, Havre Maintenance
Bob Seliskar, FHWA(HOP-MT)
Highways File

Return To Bill When "Initials Column" Completed By 8-16-05

| Comments? | Y | N | Initials / Date |
|---|---|---|---|
| Biological | | X | D.S. 8/15 |
| Cultural | | X | 8/3 |
| Seeding | | X | |
| [redacted] | | | |
| Erosion Control | | X | 8/15 |
| Engineer TGAT | | X | 8/8 |

checklist OK. special sent to contract plans 8/15

return to me last

PCE Check List Attached - Please Review Both!

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

# Revised Preliminary Field Review/Scope of Work

**STPP 66-2(6)16**
**Hays – Ft. Belknap**
**UPN 5570000**

## I. Introduction

This report was developed from information taken from the preliminary field review conducted on May 23, 2005 with the following personnel in attendance:

| | | |
|---|---|---|
| Christie McOmber | District Design | MDT - Great Falls |
| Jeania Cereck | District Design | MDT - Great Falls |
| Keri O'Reilly | District Design | MDT - Great Falls |
| Scott Bunton | District Design | MDT - Great Falls |
| Jere Stoner | Road Design | MDT - Helena |
| Ed Shea | Pavement Management | MDT - Helena |
| Jim Cornell | Traffic & Safety | MDT - Helena |
| Kevin McCray | Bridge | MDT - Helena |
| Tom Gocksch | Environmental | MDT - Helena |
| Gerry Brown | CES Bureau | MDT - Lewistown |
| John Yeoman | Construction | MDT - Havre |

## II. Proposed Scope of Work:

A. This project is nominated as a preventative maintenance overlay. The intent is to overlay the existing roadway with 0.15' of plant bituminous surfacing (Grade S ½"), and apply a seal and cover.

B. New guardrail and bridge rail will be installed on the seven bridges within the project limits.

C. The plans for the proposed project will be in English units. The existing horizontal and vertical alignment will be used throughout the project.

D. The current ready date of the project is July 2005. A cost breakdown is provided on the last page of the report.

## III. Project Location and Limits:

A. This project is located in Blaine County on Primary Route 66. It begins at RP 15.74 and proceeds north for approximately 34.28 miles, to RP 50.02. The entire project is located within the Fort Belknap Indian Reservation.

B. The Reference Posts have been measured using a distance meter from a recorded point of origin from the road log, and may not match the image viewer.

## IV. Physical Characteristics:

A. The functional classification is a minor arterial. The P.T.W. traverses level and rolling terrain and the land adjacent to the project primarily consists of farm and rangeland.

B. The existing roadway was constructed in 1959 under S-187(6). The surfacing consists of 0.25' plant mix bituminous surfacing, 0.15' of top course, and 1.00' of total S.B.B.C.

C. Two additional projects have been constructed in the project length. The first was from RP 15.752 to RP 26.00 and was completed in 1995 under 66-2(1). The second was from RP 26.000 to RP 36.00 and was completed in 1996 under 66-2(3). Although no as-built records for either 66-2(1) or 66-2(3) could be located, it is probable that these projects were thin lift overlays. The roadlog shows the area between RP 15.752 to RP 26.000 as currently having a 5.4" (0.45') surfacing thickness. The roadlog also shows the area between RP 26.000 to RP 36.000 as currently having a 4.8" (0.40') surfacing thickness.

D. The horizontal alignment meet minimum standards for 60 mph design. The grades on the vertical alignment range from –7.00% to +6.18%.

E. **PVMS Data:** The recommended treatment in the Pavement Analysis Section's 2004 Pavement Conditions/2005 Pavement Treatment Report is AC Crack Seal & Cover for construction and AC Crack Seal & Cover for maintenance activities. The indices and condition levels for the 2004 survey year are given in the following table:

**RP 15.7 TO RP 26.0**

| PVMS INDICES | |
|---|---|
| Ride | 74.3 (Fair) |
| Rut | 69.0 (Good) |
| Alligator Cracking | 100.0 (Good) |
| Miscellaneous Cracking | 99.8 (Good) |

**RP 26.0 TO RP 36.0**

| PVMS INDICES | |
|---|---|
| Ride | 73.6 (Fair) |
| Rut | 86.8 (Good) |
| Alligator Cracking | 100.0 (Good) |
| Miscellaneous Cracking | 99.3 (Good) |

**RP 36.0 TO RP 50.018**

| PVMS INDICES | |
|---|---|
| Ride | 73.3 (Fair) |
| Rut | 84.4 (Good) |
| Alligator Cracking | 100.0 (Good) |
| Miscellaneous Cracking | 99.2 (Good) |

1. Cracks from 15.738 to 36.062 were recently filled by maintenance.
2. From 15.738 to 35.000 the treatment will be Seal & Cover as recommended by PVMS.
3. From 35.000 to 36.062 the roadway is in worse condition than the surrounding areas. This section of roadway was part of a cold recycle and overlay project (RTF 66-2(3)26) that was done in 1996. It is thought that a test section from RP 35 to RP 36 included a cold recycle with a chip seal only. An analysis of this test section was never completed. The recommended scope is to overlay 0.15', Seal and Cover.
4. From 36.062 to 50.018 the recommended scope is Overlay 0.15' and S. & C.
5. Although some of the project is over 20 years old, it has been nominated for the Pavement Preservation Program due to the relatively good condition of the overall roadway.

## IV. Traffic Data:

The Traffic Data for this project is as follows:

| | | |
|---|---|---|
| 2005 | ADT | = 410 Letting Year |
| 2025 | ADT | = 510 Design Year |
| | DHV | = 70 |
| | Com Trks | = 13.7% |
| | ESAL | = 34 |
| | AGR | = 1.0% |

## V. Accident History:

A. A computer accident analysis was conducted for the project. The analysis was performed on P-66 from RP 15.74 to RP 50.02 for the ten-year period from July 1st 1994 to June 30th 2004. The following table shows how the data in the study area compared to the statewide averages:

| | Statewide Average for Rural State Primary | Study Area |
|---|---|---|
| All Vehicles Accident Rate: | 1.30 | 0.24 |
| All Vehicles Severity Index: | 2.32 | 4.12 |
| All Vehicle Severity Rate: | 302 | 0.99 |
| Truck Accidents | 5 | |
| Total Recorded Accidents | 33 | |

B. **Variations from Average Occurrence:**

- 21.2% Incapacitating Injuries (Accident Severity) vs. 11.1% Statewide rural state primary average.
- 18.2% Fatal Accidents (Accident Severity) vs. 2.0% Statewide rural state primary average.
- 93.9% Dry (Road Condition) vs. 68.6% State wide rural state primary average.
- 72.7% Clear (Weather Condition) vs. 53.2% State wide rural state primary average.
- 33.3% Overturn (Most Harmful) vs. 22.9% State wide rural state primary average.
- 18.2% Domestic Animal (Most Harmful) vs. 0.0% State wide rural state primary average.

C. **Clusters:**

No accident clusters were identified in this study area.

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.

D. **Remarks:**

This section of roadway had 33-recorded accidents between the dates July 1, 1994 and June 30, 2004. Out of the 33-recorded crashes there were six fatal crashes.

This roadway segment shows a high incidence of off roadway crashes, and a higher severity than the rural state primary average.

There were six domestic animal-vehicle crashes involving calves (2), cows (2) and horses (2). There was one fatal crash, one injury crash, and four property damage only crashes. In all six crashes the animals were in the fenced right-of-way. The Great Falls District is leading a research project to address this issue.

This roadway segment is within the Fort Belknap Reservation and the Montana Highway Patrol may not have all the accident investigator's reports.

## VI. Major Design Features:

### A. Design Speed:

Design speed is not an applicable design criterion since this project is a preventative maintenance overlay.

### B. Alignment:

The existing horizontal and vertical alignments are adequate for a preventative maintenance overlay. Due to the limited scope of the project, no changes are proposed.

### C. Typical Section:

The minimum roadway width for a rural minor arterial is 28 feet. The existing surface widths according to the survey are as follows:

| MP to | MP | Length/mi | FTW/ft |
|---|---|---|---|
| 15.738 | 35.000 | 19.262 | 28.0 |
| 35.000 | 43.958 | 8.958 | 29.4 |
| 43.958 | 49.270 | 5.312 | 28.8 (min. width) |
| 49.270 | 49.528 | 0.258 | 44.4 |
| 49.528 | 50.018 | 0.470 | 29.4 |

The new designed widths will be as follows:

| RP to | RP | Bottom Width/ft | FTW/ft | Work Performed |
|---|---|---|---|---|
| 15.738 | 35.000 | 28.0 | 28.0 | Seal & Cover |
| 35.000 | 43.958 | 29.4 | 28.0 | Overlay, S. & C. |
| 43.958 | 49.270 | 28.8 | 28.0 | Overlay, S. & C., Inslope Dressing |
| 49.270 | 49.528 | 44.4 | 43.0 | Overlay, S. & C. |
| 49.528 | 50.018 | 29.4 | 28.0 | Overlay, S. & C. |

### D. Surfacing Design:

1. Due to the nature of this project, no surfacing design was requested.
2. Milling is required on connections to the P.T.W. Milling is also required at the bridges in the overlay section (RP 40.949 to RP 41.001 and RP 47.295 to RP 47.353).
3. A leveling course, not to exceed 25% of the plant mix overlay quantity, is proposed to correct irregularities in the surface in the overlaying section of the project.
4. The removed cold milled material will be utilized within the vicinity of the milled areas on gravel public approaches as a surface dressing to

correct surface irregularities, in guardrail sections or donated to public entities.

5. A 7.5' plant mix apron on a 50:1 taper will be placed on all adjacent approaches.

E. **Slope Design:**

1. Generally, the existing surfacing in-slopes will not be altered. In the overlay sections, in-slopes of 4:1 will be used on top of the existing roadway surface.

2. There will be no disturbance to slopes outside of the existing finish top surface, except for minor shaping of shoulders, approaches, inslope dressing between RP 43.958 and RP 49.250, and for shoulder gravel in the guardrail areas. All disturbed shoulder areas will be re-vegetated where necessary.

3. Shoulder gravel will be used as a shoulder dressing throughout the overlay sections and in guardrail sections.

4. Inslope dressing will be placed as needed to achieve a 28.0' finished top width with the use of shoulder gravel and plant mix between RP 43.958 and RP 49.270.

F. **Grading:**

There is no grading involved with this project. Minor widening with Shoulder Gravel will be required in all guardrail locations.

G. **Hydraulics:**

Due to the nature of this project, hydraulic considerations will not be addressed.

H. **Geotechnical Considerations:**

Due to the nature of this project, Geotechnical recommendations are not necessary.

I. **Bridges:**

| *Bridge* | *MP* | *MP* |
|---|---|---|
| Little Peoples Creek | 16.642 | 16.647 |
| Little Peoples Creek | 18.037 | 18.042 |
| Little Peoples Creek | 22.397 | 22.405 |
| South Fork Peoples Creek | 26.297 | 26.316 |
| Peoples Creek | 31.630 | 31.649 |

| | | |
|---|---|---|
| White Bear Creek | 40.968 | 40.982 |
| Three Mile Coulee | 47.314 | 47.334 |

All existing bridges need new bridge rail installed and the length of need checked. None currently have bridge approach sections or end treatments.

J. **Traffic and Safety:**

New pavement markings will be required. No signing or delineation are proposed on this project.

K. **Safety Enhancements:**

1. No trends or clusters were identified that require a safety upgrade.
2. All guardrail end sections will be updated to present standards as required.
3. No revisions to existing fill slopes or clear zone encroachments will be made.
4. New advancement lengths for the new bridge rail will be required.
5. The NW bridge end at RP 18.042 and the SW bridge end at RP 31.630 are located too close to existing approaches to allow for the installation of a bridge approach guardrail section and an OTS. Since the scope of pavement preservation projects does not allow for the realignment of an approach but still requires a safety upgrade of the bridge end hazards, an IRT will be attached to the bridge approach section at both of these locations.

## VII. Design Exceptions:

The design exception process does not apply to Pavement Preservation projects.

## VIII. Right–of-Way:

No new Right-of-Way will be required for this project.

## IX. Utilities/Railroad:

A. There is a telephone utility line located on the bridge at MP 16.6. A special on how to address the line during construction will be written by the Bridge Bureau.

B. There are no railroads in the vicinity of the project.

## X. Environmental Considerations:

No apparent significant environmental issues have been identified. The project meets the criteria for the Statewide Programmatic Categorical Exclusion, and the checklist

has been distributed for approval.

## XI. Memorandum of Understanding

A MOU and a PSA with the Fort Belknap Tribe are currently being negotiated and will be required.

## XII. Traffic Control:

Traffic will be maintained throughout the project during construction with the appropriate signing, flagging, etc. All signing will be in accordance with the Manual on Uniform Traffic Control Devices.

## XIII. Public Involvement:

Due to the limited scope of the project, a Level "A" public involvement plan should suffice. This will include a news release to the local media.

## XIV. Ready Date:

The current ready date for the project is July 1, 2005.

## XV. Cost Estimate:

| | |
|---|---|
| Roadwork | $ 1,777,763 |
| Subtotal | $ 1,777,763 |
| Mobilization (10%) | $ 177,776 |
| Subtotal | $ 1,955,539 |
| Traffic Control | $ 120,000 |
| Contingency (5%) | $ 97,777 |
| Subtotal | $ 2,173,316 |
| Inflation (3% per year for 1 year) | $ 65,199 |
| **Construction Total** | **$ 2,238,515** |
| Construction Engineering (10%) | $ 223,852 |
| **Total Project Estimate** | **$ 2,462,367** |

FEDERAL AID PROJECT NO. STPP 66-2(6)16

WORK TYPE 181 RESURFACING - ASPHALT (THIN LIFT)

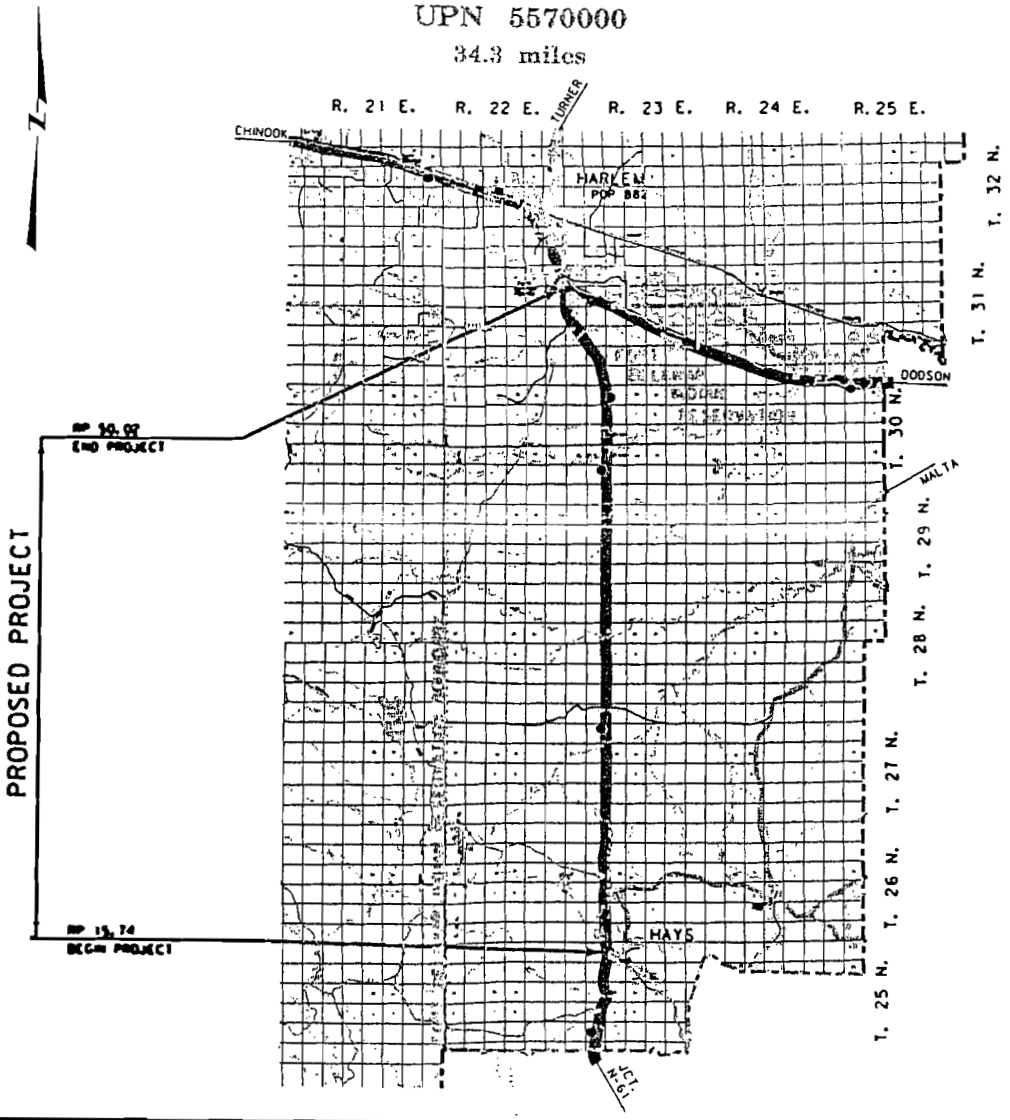
HAYS - FT. BELKNAP

BLAINE COUNTY & FORT BELKNAP

INDIAN RESERVATION

UPN 5570000

34.3 miles



Environmental Services
MONTANA DEPARTMENT OF TRANSPORTATION
Helena, Montana 59620

**Memorandum**

RECEIVED
AUG 3 1 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

To: David W. Jensen, Supervisor
Fiscal Programming Section

From: Thomas L. Hansen, P.E.
Engineering Services Supervisor
Environmental Services Bureau

Date: August 29, 2003

**Subject: Categorical Exclusion**
**Project Name: 2002-Electrical-W of Billings**
**Project Number: STPHS 56(61)**
**Control Number: 5391**

Environmental Services has determined that this proposed project will not involve unusual circumstances as described under 23 CFR 771.117(b). Further, the project qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), part (8). 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.).

In accordance with the Federal Highway Administration's (FHWA) letter of March 29, 1999, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c).

TLH:hsbS:\PROJECTS\BILLINGS\5391\5391ENCECFHWA01_CATEX(C).DOC

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | FILE | MDT Environmental Services |
| | Alan Woodmansey, P.E. | Federal Highway Administration |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

9/1/05

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 3, 2005

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ENVIRONMENTAL

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

MASTER FILE COPY

**Subject: Big Ditch – 9 km W of Billings**
**BR 532-1(10)12**
**Control Number: 4884**

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 large box will require additional documentation for a Categorical Exclusion request in accordance with 23 CFR 771.117(d).** Attached is documentation regarding applicability of the Clean Water Act and the National Historic Preservation Act.

| | | 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). | ☐ | ☒ | ☐ | ☐ |
| 2. | There is a high rate of residential growth in this proposed project's area. | ☐ | ☒ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| 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. | ☐ | ☐ | ☒ | ☐ |
| 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. | ☐ | ☐ | ☒ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 2. | A Noise Analysis would be completed. | ☐ | ☐ | ☒ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| 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. | ☐ | ☐ | ☒ | ☐ |
| J. | There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area. | ☒ | ☐ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| | 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. | "Non 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.

Heidy Bruner, Date: 8/3/05
Heidy Bruner
MDT Environmental Services
Billings District

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SEP 01 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Concur _____, Date: 8/2/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____, Date: 8 AUG 05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\4884\4884ENPCEFHWA01_CATEX(D).DOC

Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

Lewis + Clark County
9/2/05

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

Jim Lynch, Director
Brian Schweitzer, Governor

August 16, 2005

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AUG 29 2005
FHWA
MONTANA DIVISION

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

Subject: STPHS 25(53)
2003 – Guardrail – Marysville Road
CN 5860

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 (8/4/05) 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). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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 would be affected by this 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 waterbody(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. | ☐ | ☐ | ☒ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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 same. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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. | ☒ | ☐ | ☐ | ☐ |
| 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. "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.). | ☐ | ☐ | ☒ | ☐ |
| 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.

Thomas S. Gocksch, Date: 8/16/05
Tom Gocksch P.E. – Environmental Area Engineer
MDT Environmental Services Bureau

Concur _____, Date: 8/25/05
Tom Hansen, P.E. - Engineering Section Supervisor
Environmental Services Bureau

Concur Robert J. Seliskar, Date: 8/29/05
Federal Highway Administration

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Attachments

cc: Michael P. Johnson - District Administrator-Great Falls
Paul R. Ferry, P.E. - Highway Engineer
John H. Horton - MDT Right-of-Way Bureau Chief
Suzy Althof - MDT Contract Plans Section Supervisor
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Jean A. Riley, P.E., Chief - Environmental Services Bureau
Tom Gocksch P.E. – Environmental Services Bureau
Environmental Quality Council
LOC copy

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

*Montana Department of Transportation*
*Helena, Montana 59620-1001*

**Memorandum**

TO: Duane E. Williams, P.E.
Traffic and Safety Engineer

FROM: Ivan B. Ulberg, P.E.
Traffic Project Engineer
Traffic and Safety Bureau

DATE: August 4, 2005

SUBJECT: STPHS 25(53), U.P.N. 5860
2000 – Guardrail – Marysville Road
Work Type 310 – Roadway and Roadside Safety Improvements

## PFR / SCOPE OF WORK REPORT

This project consists of one location in Lewis and Clark County – Marysville road. The location is strictly guardrail, and will be designed by MSU MDT Design. Project management will be transferred from the Road Design Section in the Traffic Section. Final plans will be submitted to Contract Plans from this office.

The field review for the subject project was held on August 3, 2005 with the following personnel in attendance:

Scott Keller, MSU Design Supervisor, Bozeman
Ivan Ulberg, Traffic Project Engineer, Helena
Tom Hanek, Safety Management, Helena

### Proposed Scope of Work

This project is being designed to address single vehicle, off road accidents involving collision with a fixed object or overturning of the vehicle. The proposed scope of work includes installing guardrail on the downhill side for Marysville Road.

Marysville Road – This location is to receive guardrail through a single curve as shown on the attached map. Scott Keller's student design unit in Bozeman will design the guardrail.

This location is included within the project limits of the planned reconstruction of the Marysville Road. The reconstruction project is currently being designed through Consultant Design.

## Project Location and Limits

This safety project is located in the Great Falls District, within Lewis and Clark County. A map showing these locations is attached to this report.

Marysville Road – On off-system route L-25501, northwest of Helena, between RP 0.0 and 1.0. The stretch of road is located between the town of Marysville and the turnoff to Ottawa Gulch.

## Physical Characteristics

This location is on a gravel roadway, with no as-builts, in a rural area, mountainous terrain and curvilinear alignment. This is a two-lane facility, with limited or no existing shoulder. Side slopes range from 1 ½:1 to 3:1.

## Traffic Data

*Note: Traffic data taken from a 2002 PFR for STPHS 25(36), which is directly adjacent to this location. The volumes may be slightly higher at this location based on the additional traffic that may be turning at Ottawa Gulch, but the traffic increase is negligible for the purposes of this report.*

Location 3 – Marysville Road
2002 ADT = 300 (Present)
2003 ADT = 300 (Letting)
2018 ADT = 500 (Future)
DHV = 80
D = N/A
T = 1.0%
ESAL = 2
AGR = 2.5%

## Accident History

Between July 1, 1998 and June 30, 2003 there were nineteen (19) investigated accidents. The addressable trend for this location is off road accidents involving the collision with a fixed object or overturning of the vehicle. Eleven (11) of the nineteen accidents were considered addressable with the proposed improvement. Of these, there were no fatal accidents, four injury accidents resulting in six injuries, and seven property damage accidents.

## Major Design Features

Design Speed:
The existing roadway traverses mountainous terrain in a rural area. The design speed is 40 mph.

Horizontal Alignment:
The horizontal alignment will not change.

Vertical Alignment:
The vertical alignment will not change.

Grade:
The existing grades will not change.

Surfacing Requirements:
No surfacing will be required.

Guardrail:
W-beam guardrail will be installed with this project. The county will be assuming maintenance responsibility for the installation after construction.

Bridge:
There is no bridge involvement.

Hydraulics:
There is no hydraulics involvement.

Survey:
Scott Keller will be using his students to conduct any survey required for the design.

Right-of-Way:
No new right-of-way is required. No construction permits are anticipated.

Access Control:
Access Control is not being implemented on this project.

Utilities:
No utility involvement is anticipated. The plans will specify that a utility locate should be performed prior to installation of the guardrail, and will be the responsibility of the contractor.

Railroad:
There is no railroad involvement.

Geo-technical:
There is no geo-technical involvement.

ADA Requirements:
There are no ADA requirements.

## Environmental

A Categorical exclusion is anticipated for this project. Final design approval will not be secured until the environmental document is complete.

## Traffic Control

Traffic will be maintained through each location of the project during construction with appropriate signing, flagging, etc. in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

## Public Involvement

Level A public involvement is required. A news release will be published, and should be sufficient for this project.

## Cost Estimate

Note: The original cost estimates and B/C ratios were completed in 2003.

| Location | Cost Estimate | Benefit/Cost Ratio |
|---|---|---|
| Marysville Road | $20,500 | 103.48 |

The initial cost estimate provided by the Safety Management Section was $20,500 in 2003. Applying inflation of 3% per year, an updated estimate of $21,750 for 2005 can be projected. If we apply 10% C.E. and 15% for contingencies, the new estimate would be **$27,190**.

Traffic control estimates are not included in either cost estimate. These will be secured from the District.

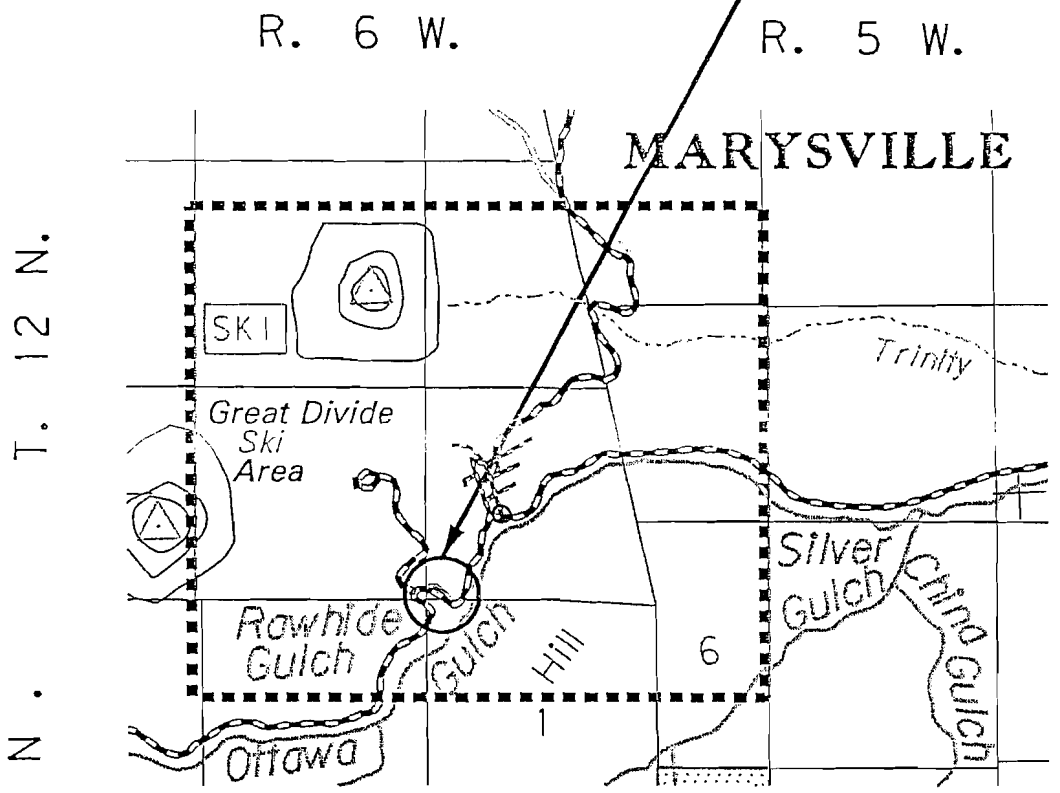
## Letting Date

The letting date has not been established at this time. The STPHS 25(36) project is scheduled for an October 1st, 2005 ready date, and a January 25, 2006 letting. We will try and tie these two for construction, so a late 2005 ready date can be anticipated.

IBU:5860SASOW001

STPHS 25 (53)
2003 - GUARDRAIL - MARYSVILLE RD
UPN 5860000

L - 25 - 501 RP 0 - 1.0




SW OF MARYSVILLE

NOMINATION #

Z:\ 65_PROGR_PROJS\ 2003_NOM_MAPS\STPHS_25.dgn

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

Jim Lynch, Director
Brian Schweitzer, Governor

County **LINCOLN**

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POLICY OFFICE

September 8, 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.
by

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

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Attachment

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2701 Prospect Avenue
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Jim Lynch, Director
Brian Schweitzer, Governor

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MONTANA DIVISION

August 11, 2005

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

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Subject: BR 9027(24)
Grave Creek – 10 km N of Fortine
Control Number: 4852

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.

Keith Meredith, Date: 8/15/05
Keith Meredith
MDT Environmental Services
Missoula District

Concur _____, Date: 8/15/05
Thomas Hansen, P.E.
MDT Environmental Services

Concur _____, Date: 8/31/05
Federal Highway Administration

S:\PROJECTS\MISSOULA\4852\PCE (D) PROGRAMMATIC FHWA.DOC

Attachments

cc: Dwane Kailey ----------Missoula District Administrator
Kent Barnes, P.E. ---- Bridge 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

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Jim Lynch, Director
Brian Schweitzer, Governor

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September 8, 2005

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

Subject: Request to recertify environmental documentation
NH 1-3(20)247
Cut Bank - West
CN 1310

Environmental Services has reviewed the above proposed project's impacts and has determined that this proposed project still qualifies as a CATEGORICAL EXCLUSION under the provisions of 23 CFR 771.129(c). The original categorical exclusion was signed 8/7/02 and is attached. This proposed action also continues to qualify as a categorical exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.). This determination is based on the following:

The Scope-of-Work for the proposed project has been reviewed and has not changed.

In accordance with the Federal Highway Administration's (FHWA) concurrence letter of April 15, 1999, this notification documents that this proposed action is still properly classified as a CE under the provisions of 23 CFR 771.117(d).

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

TLH:tgg: S:\PROJECTS\GREAT-FALLS\1310\1310ENCEDRECERT01.DOC

cc: Michael P. Johnson - District Administrator-Great Falls
Tom S. Martin, P.E. - Consultant Design Engineer
Paul R. Ferry, P.E. - Highway Engineer
John H. Horton – Chief, Right-of-Way Bureau
Suzy Althof – Chief, Contract Plans Bureau
David W. Jensen, MDT, Supervisor – Fiscal Programming Section
Jean A. Riley, P.E. – Chief, Environmental Services Bureau
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2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

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August 29, 2005

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FHWA
MONTANA DIVISION

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

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

**Subject: Bridger - South**
**NH 4-1(16)13**
**Control Number: 3179**

Dear Janice W. Brown:

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 large 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. | ☒ | ☐ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| 1. | The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☒ | ☐ | ☐ | ☐ |
| J. | There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area. | ☒ | ☐ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| | 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.

Heidy Bruner, Date: Aug. 29, 2005
Heidy Bruner
MDT Environmental Services
Billings District

Concur _____, Date: 8/31/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____, Date: 2SEP05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\3179\3179ENPCEFHWA01.DOC

Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

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POLICY OFFICE

August 29, 2005

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

**Subject:** **Project Name:** **Musselshell River – 10 km West of Two Dot**
**Project Number:** **BR9054(10)**
**Control Number:** **4885**

Dear Janice W. Brown:

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 large 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. | ☒ | ☐ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| 1. | The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☒ | ☐ | ☐ | ☐ |
| J. | There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area. | ☐ | ☐ | ☐ | ☒ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| | 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.

Heidy Bruner, Date: Aug. 29, 2005
Heidy Bruner
MDT Environmental Services
Billings District

Concur _____, Date: 8/31/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____, Date: 2 SEP 05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\4885\4885ENPCEFHWA01.DOC

Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

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2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

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POLICY OFFICE

September 15, 2005

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

Subject: **MDT Statewide Maintenance Projects**
**Billings East** – Yellowstone County
ID: I-90
Reference Post from: 452.9
Reference Post to: 462.5

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 checklists and the location maps for your information.

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

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

Attachments

TH:jjr

copies: Jon Swartz, Maintenance
Bruce H. Barrett, District Administrator-Billings
James Stevenson, Maintenance Chief-Billings
Mark A. Wissinger, P.E., Construction Engineer, Highways and Engineering Division
File

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# ENVIRONMENTAL CHECKLIST FOR MAINTENANCE ACTIVITIES

RECEIVED
SEP 7 8 2005
ENVIRONMENTAL

**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 WITHOUT RIGHT-OF-WAY INVOLVEMENT)

**Project No.:** State Funded **ID:** Billings East **Designation:** I-94 & I-90

**Proposed Date of Maintenance Activity:** Completion June 16, 2006 **Federal Funds Involved? Yes** ☐ **No** ☒

**Reference Post (Station)** 7.9.0 (I 94) & 452.9 (I 90) **to Reference Post (Station)** 13.2 ( I 94) & 462.5 ( I 90)

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

**Type of Proposed Maintenance Activity:** Crack 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 Attachment for protection of wetland areas / drainages. |
| 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.) | ☐ | ☒ | Checked NRIS. JZ |
| 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 | 8/30/2005 — Date

**Approved by:** [signature] ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR 9/15/05

Project Number: _____ ID: _____ Designation: _____

**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.**

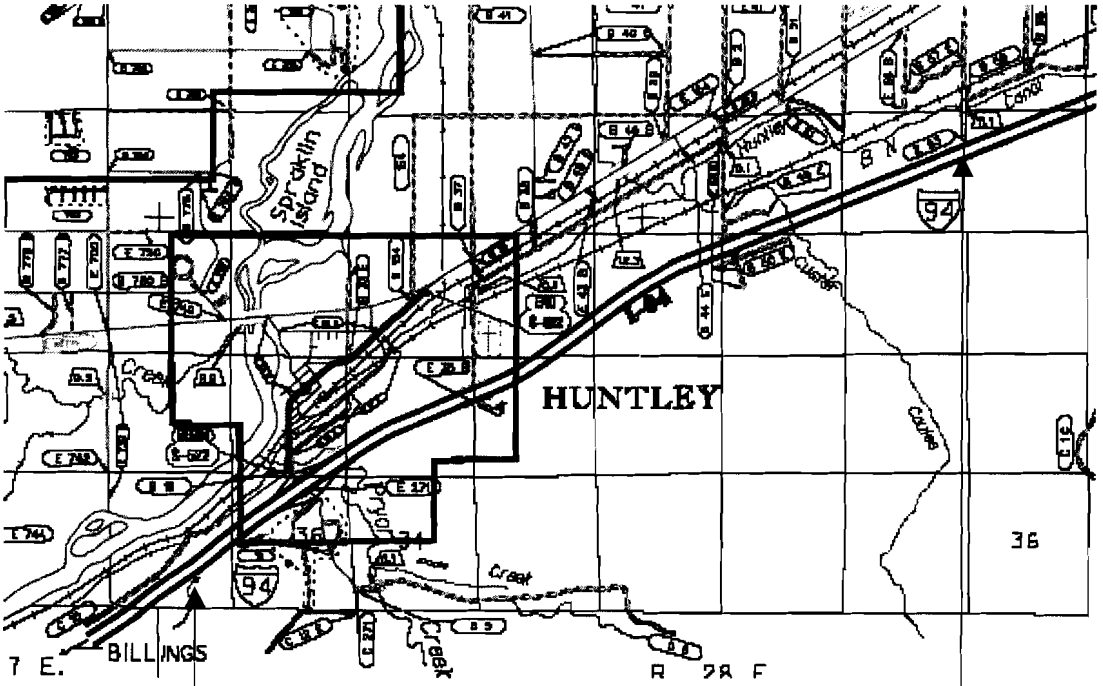
**D.** **When the applicant checks a "Yes" item, the applicant cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

**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)

BILLINGS EAST I-94
MP 7.9-13.2




I-94
MP 7.9

I-94
MP 13.2

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 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.

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 15, 2005

RECEIVED
SEP 19 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

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

Subject: **MDT Statewide Maintenance Projects**
**Billings East** – Yellowstone County
ID: I-94
Reference Post from: 7.9
Reference Post to: 13.2

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 checklists and the location maps for your information.

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

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

Attachments

TH:jjr

copies: Jon Swartz, Maintenance
Bruce H. Barrett, District Administrator-Billings
James Stevenson, Maintenance Chief-Billings
Mark A. Wissinger, P.E., Construction Engineer, Highways and Engineering Division
File

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# ENVIRONMENTAL CHECKLIST FOR MAINTENANCE ACTIVITIES

RECEIVED
SEP 2 2005
ENVIRONMENTAL

**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 WITHOUT RIGHT-OF-WAY INVOLVEMENT)

**Project No.:** State Funded **ID:** Billings East **Designation:** I-94 & I-90

**Proposed Date of Maintenance Activity:** Completion June 16, 2006 **Federal Funds Involved?** Yes ☐ No ☒

**Reference Post (Station)** 7.9.0 (I 94) & 452.9 (I 90) **to Reference Post (Station)** 13.2 ( I 94) & 462.5 ( I 90)

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

**Type of Proposed Maintenance Activity:** Crack 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 attachment for protection of wetland areas / drainages. |
| 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.) | ☐ | ☒ | Checked NRIS. JR |
| 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

8/30/2005 — Date

**Approved by:** [signature]

ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR

9/15/05

**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.**

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**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)**

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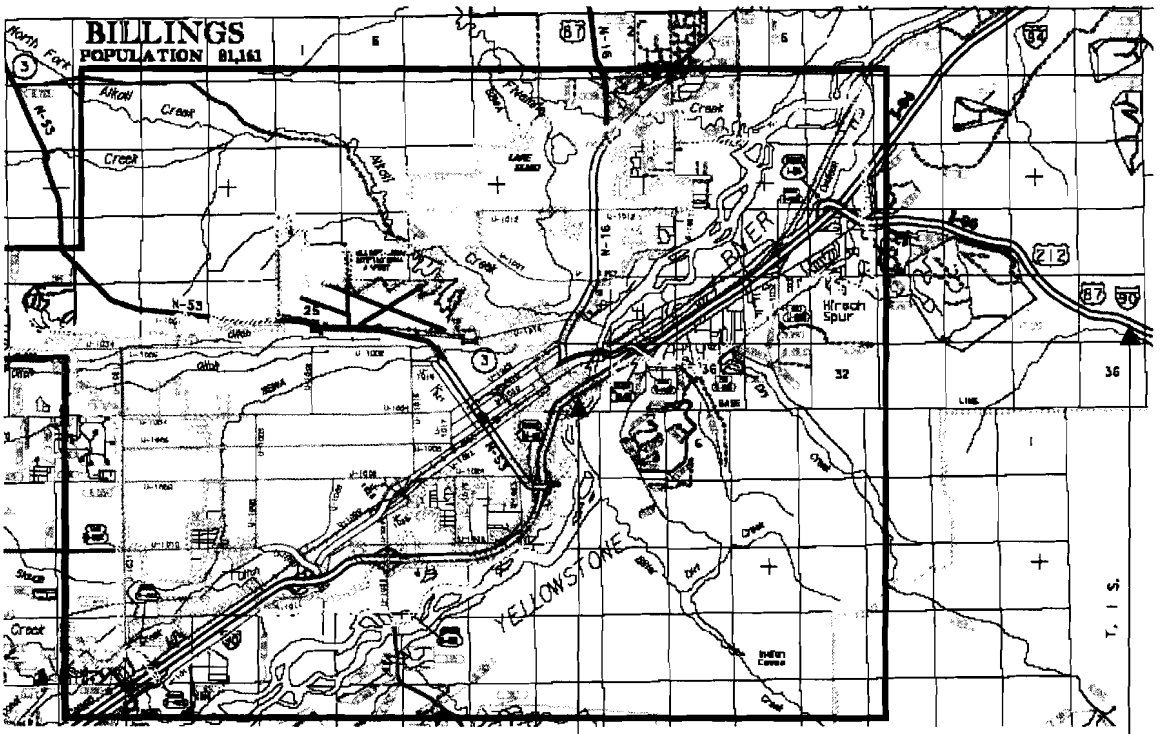
4. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge)

BILLINGS EAST I-90
MP 452.9-462.5




I-90
MP 452.9

I-90
MP 462.5

SPECIAL PROVISIONS *

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.

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serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 9, 2005

MASTER FILE COPY

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

RECEIVED
SEP 22 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

**Subject:** **Categorical Exclusion Worksheet**

**Project Name:** **7 km East of Windham - East**
**Project Number:** **NH 57-2(22)47**
**Control Number:** **4845**

Dear Janice W. Brown:

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 large 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. | ☒ | ☐ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| 1. | The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☒ | ☐ | ☐ | ☐ |
| J. | There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area. | ☒ | ☐ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| | 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.

Heidy Bruner, Date: Sept. 9, 2005
Heidy Bruner
MDT Environmental Services
Billings District Project Development Engineer

Concur _____, Date: 9/9/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____, Date: 15 SEP 05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\4845\4845ENPCEFHWA01_CATEX(D).DOC

Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 9, 2005

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

**Subject:** **Project Name:** **Big Horn County Line East**
**Project Number:** **IM 90-9(94)473**
**Control Number:** **5175**

Dear Janice Brown:

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 large 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. | ☐ | ☒ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| 1. | The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s). | ☐ | ☐ | ☒ | ☐ |
| 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. | ☒ | ☐ | ☐ | ☐ |
| J. | There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area. | ☐ | ☐ | ☒ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| | 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.

Heidy Bruner, Date: Sept 9, 2005
Heidy Bruner
MDT Environmental Services
Billings District Project Development Engineer

Concur _____, Date: Sept 9, 2005
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____, Date: 15 SEP 05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\5175\5175ENPCEFHWA01.DOC

Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
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2701 Prospect Avenue
PO Box 201001
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Jim Lynch, Director
Brian Schweitzer, Governor

September 9, 2005

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

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LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

**Subject:** **Project Name:** **Wheatland County Line – North**
**Project Number:** **STPP 45-2(5)28**
**Control Number:** **4074**

Dear Janice Brown:

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 large 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. | ☒ | ☐ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| 1. | The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☒ | ☐ | ☐ | ☐ |
| J. | There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area. | ☐ | ☒ | ☐ | ☐ |

| | | YES | NO | N/A | UNK |
|---|---|---|---|---|---|
| | 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.

Heidy Bruner, Date: Sept. 9, 2005
Heidy Bruner
MDT Environmental Services
Billings District Project Development Engineer

Concur _____, Date: 9/8/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____, Date: 15 SEP 05
Federal Highway Administration

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Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 21, 2005

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LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

ENVIRONMENTAL QUALITY COUNCIL
Legislative Environmental Policy Office
P.O. Box 201704
Helena, MT 59620-1704

Subject: Maintenance Number 4206602
Pipe Replacement on S-363 @ "Reference"(Mile)Post 7.4
4.6 miles west-southwesterly from Malta

This is notification that this proposed project qualifies as a Categorical Exclusion (CE) 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.**). Copies of its plans, Special Provisions and Location Map are attached.

The following 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*), Sections **75-1-103** and **75-1-201 M.C.A.**, as amended:

(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. **A response in a box will require additional documentation in accordance with ARM 18.2.239.**)

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 1. An Environmental Assessment (EA), or an Environmental Impact Statement (EIS) is not required for this proposed project as determined under ARM 18.2.237(5). | X | | | |
| 2. This proposed project will create (a) significant environmental impact(s) as-defined under ARM 18.2.238 and ARM 18.2.261(2). | | X | | |
| 3. This proposed project involves one (or more) of the following situations where: | | | | |
| B. Right-of-Way, easements, and/or construction permits would be required. | | X | | |
| 1. The context or degree of the Right-of-Way action would have both (a) substantial social, economic, or environmental effect(s) and involves "large acquisitions of" Right-of-Way (R-o-W) as referenced under ARM 18.2.261(2)(c). | | X | | |
| 2. There is a high rate of residential growth in this proposed project's area. | | X | | |
| 3. There is a high rate of commercial growth in this proposed project's area. | | X | | |
| 4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation. | | X | | |

(concludes-on next page)

(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. **A response in a box will require additional documentation in accordance with ARM 18.2.239.**)

| ("3.A." R-o-W/easements/construction permits - concluded:) | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 5. There are sites defined within the *Montana Antiquities Act* (**22-3-400 M.C.A.**, as amended) that would be affected by this proposed project. | | X | | |
| If so, the MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION (MDNR&C) has been notified in accordance with the Antiquities Permit (in **22-3-432 M.C.A.**, as amended). | | ☐ | X | |
| 6. There are publicly owned parks, recreation areas, school-grounds, wildlife or waterfowl refuges, and/or any significant historic sites as defined under ARM 18.2.261(2)(a) on, or adjacent-to the proposed project's area. | ☐ | X | | |
| C. The activity involves work in a streambed, wetland, and/or other waterbody(ies) considered as "waters of the United States" or similar (*e.g.*: "state waters"). | X | | | |
| 1. Conditions set forth in *Section 10* of the *Rivers and Harbors Act* (**33 U.S.C. 403**), and/or *Section 404* of the *Clean Water Act* (**33 U.S.C. 1251 - 1376**) under 33 CFR Parts 320-330 will be met. | X | ☐ | | |
| 2. Impacts in wetlands, including but not limited to those identified by MDT's Wetlands Assessment form, and their proposed mitigation would be coordinated with the Montana InterAgency Wetland Group. | | ☐ | | |
| 3. A ***124SPA*** Stream Protection permit would be obtained from MONTANA FISH, WILDLIFE & PARKS (MFW&P). | | ☐ | X | |
| 4. There is a delineated floodplain in the proposed project area under the Federal Emergency Management Agency's (FEMA) Floodplain Management criteria. | X | | 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. A Tribal Water Permit would be required. | | X | | |
| 6. Work would be required in, across, and/or adjacent to a river that 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 (USDA), 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). | | X | | |
| 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 | |

(continues-on next page)

(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. **A response in a box will require additional documentation in accordance with ARM 18.2.239.**)

("3. This proposed project involves one (or more) of the following situations where:" - continued:)

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| C. This is a "Type I" action as defined in section 2.1 of MDT's Noise Policy, 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. There is a potential for increasing traffic noise impacts. | ___ | X | | |
| 2. A Noise Analysis would be completed. | ___ | X | | |
| 3. There will be compliance with the MDT Noise Policy's provisions. | X | ☐ | | |
| D. There would be substantial changes in access control involved with this proposed project. | ___ | X | | |
| If so, they would result-in extensive economic and/or social impacts on the affected locations. | ☐ | ___ | X | |
| 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 will be made for access by local traffic, and be posted for-same. | X | ☐ | | |
| 2. Adverse effects to through-traffic dependant businesses avoided or minimized. | X | ☐ | | |
| 3. Interference to local events (*e.g.*: festivals) minimized to all possible extent. | X | ☐ | | |
| 4. Substantial controversy associated with this pending action avoided. | X | ☐ | | |
| 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. | ___ | X | | |
| All reasonable measures will be taken to avoid, and/or minimize substantial impacts from same. | X | ☐ | | |
| G. The Montana Pollutant Discharge Elimination System's conditions (under ARM 16.20.1314), including temporary erosion control features for construction would be met. | X | ☐ | ___ | |
| H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas. | X | ☐ | ___ | |
| I. Documentation of an "invasive species" review to comply with the *County Noxious Weed Control Act* (**7-22-21 M.C.A.**, as amended), including directions as specified by the county(ies) wherein its intended work will be done. | X | ☐ | | |
| J. There are "Prime" or "Prime if Irrigated" Farmlands designated by the USDA's Natural Resources Conservation Service on, or adjacent-to this proposed project's area. | ___ | X | | |

(concludes-on next page)

(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. **A response in a box will require additional documentation in accordance with ARM 18.2.239.**)

("3. This proposed project involves one (or more) of the following situations where:" - concluded:)

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| K. Features for the *Americans with Disabilities Act* (**P.L. 101-336**) compliance would be included. | | ☐ | X | |
| L. A written Public Involvement Plan has been completed in accordance with MDT's Public Involvement Handbook ("Level B" pending "steps" 1 & 4). | 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 therefore 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. This proposed project's in a "Class I Air Shed" (some 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. This proposed project's construction would result in a "jeopardy" opinion (under 50 CFR 402) from the Fish & Wildlife Service on any Federally listed T/E Species. | ☐ | | X | |

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

This proposed project also complies with the provisions of *Title VI* of the *Civil Rights Act* of 1964 (**42 U.S.C. 2000d**).

In accordance with both the provisions of ARM 18.2.261 and the preceding items as-marked, this pending action will not cause any significant individual, secondary, or cumulative environmental impacts.

(concluded-on next page)

Therefore, this proposed project is properly classified as a *MEPA* Categorical Exclusion.

Thomas L. Hansen, P.E.
Engineering Section Supervisor

Concur _____, Date: 9/21/05
Jean A. Riley, P.E.
MDT Environmental Services Bureau Chief

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

JAR:TLH:asj:W[S:\MAINTENANCE\GLENDIVE\MAINTENANCE_PROJECTS\S-363_RP7_PIPE\MCE_LETFORM.DOC]

Attachments

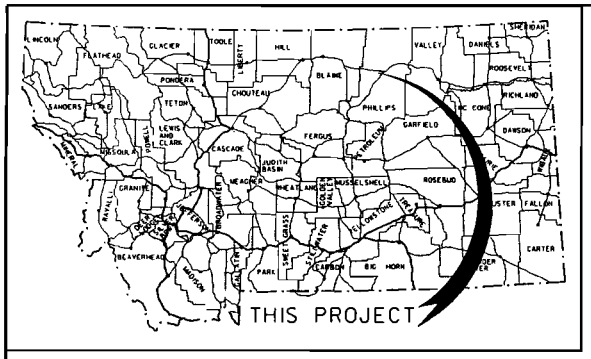
copies: Ray E. Mengel, Administrator - MDT Glendive District (№ 4)
Bill W. Juve, Chief - MDT Wolf Point Maintenance
Paul R. Ferry, P.E. - MDT Highways Engineer
John H. Horton, Jr. - MDT Right-of-Way Bureau Chief
Ric D. Ranf, Agent - MDT Purchasing Services Bureau
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Jean A. Riley, P.E. - MDT Environmental Services Bureau Chief
PHILLIPS COUNTY COMMISSION, w/attachments
Larry Johnson, Supervisor - PHILLIPS COUNTY Roads, w/attachments

# MONTANA DEPARTMENT OF TRANSPORTATION

## MAINTENANCE PROJECT No. 4206602
## PIPE REPLACEMENT
## R.P. 7.4 ON S-363
## PHILLIPS COUNTY

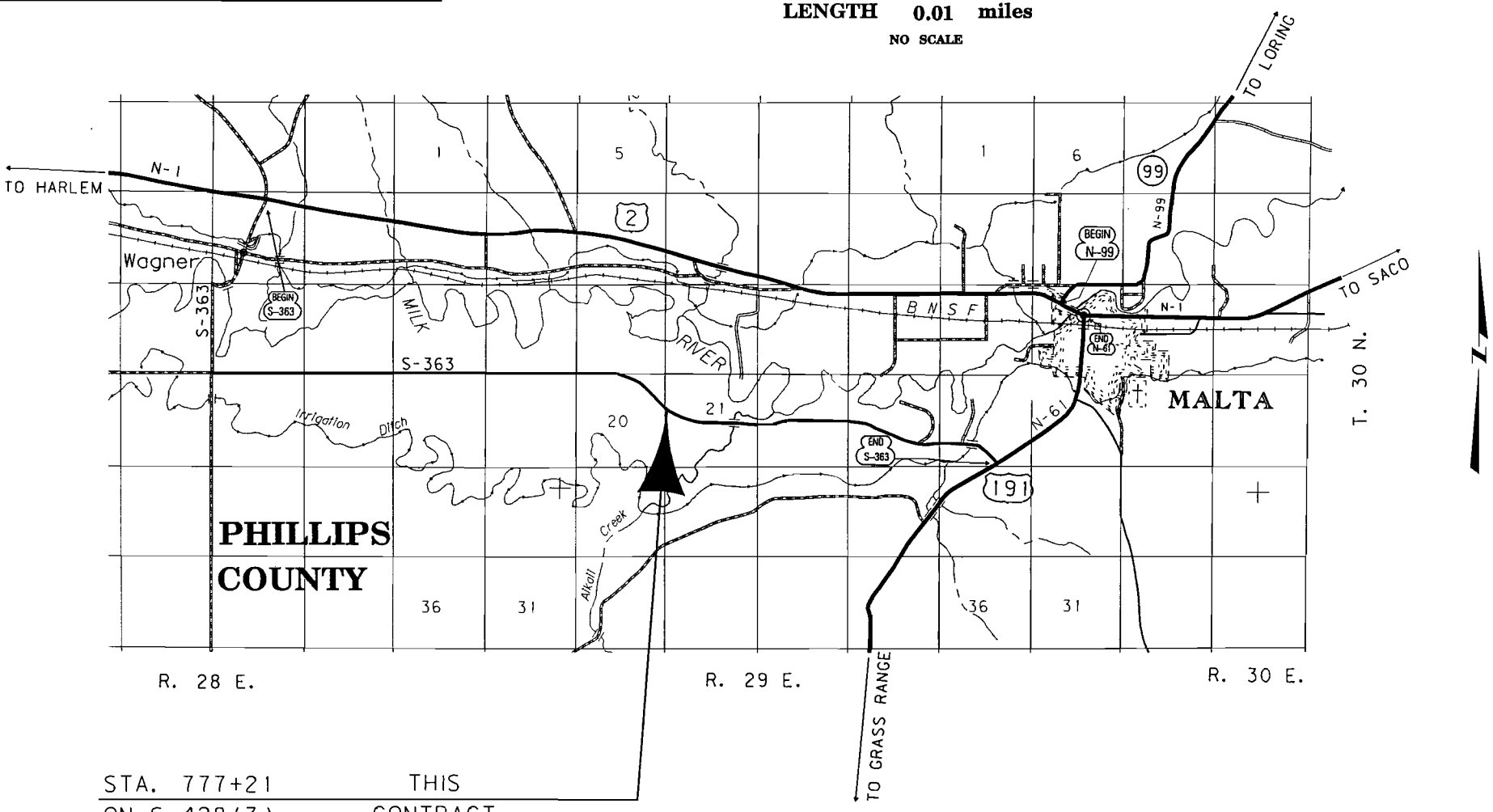
LETTING DATE -

SURFACING SOURCES -
CONTRACTOR FURNISHED




**LENGTH 0.01 miles**

NO SCALE




STA. 777+21 THIS
ON S 428(3) CONTRACT

| | | | | | | |
|---|---|---|---|---|---|---|
| MONTANA DEPARTMENT OF TRANSPORTATION | C:\dgn\S363RDPVP001.DGN | DESIGNED BY | u1511 | 7/27/2005 | S-363 | 0000 |
| | 8/18/2005 | REVIEWED BY | | | | |
| | 2:42:24 PM u5379 | CHECKED BY | | | PROJ. NUMBER 4206602 | SHEET 1 OF 9 |

# NOTES

## BASIS OF PLAN QUANTITIES

(QUANTITIES FOR ESTIMATING PURPOSES ONLY)

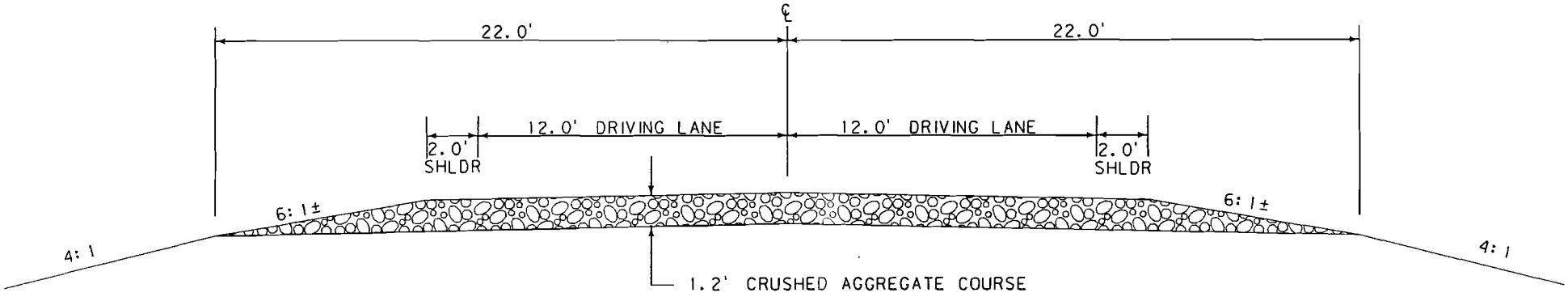
COMP. AGGREGATE WEIGHT = 3700 LBS per cubic YARD

## TEMPORARY EROSION AND SEDIMENT CONTROL

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 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.

# TYPICAL SECTION




| | | | | | | |
|---|---|---|---|---|---|---|
| MONTANA DEPARTMENT OF TRANSPORTATION — serving you with pride | C:\dgn\S363RDPVP001.DGN | DESIGNED BY | u1511 | 7/27/2005 | S-363 | 0000 |
| | 8/18/2005 | REVIEWED BY | | | | |
| | 2:42:25 PM u5379 | CHECKED BY | | | PROJ. NUMBER 4206602 | SHEET 3 OF 9 |

# SUMMARY

## CULVERTS

| STATION | linear feet | | | | | linear feet | cubic yards | REMARKS |
|---|---|---|---|---|---|---|---|---|
| | # CSP IRRIGATION 0.079" THICK | | | END SECTIONS | | REMOVE CULVERT | CULVERT EXC. ** | |
| | CSP - 2 2/3" x 1/2" CORR. | | | | | | | |
| | | 30" | | LEFT | RIGHT | | | |
| 777+21.0 | | | | | | 22"R X 36'S X 66' CSP | 60 | INCLUDE REMOVAL OF HEADWALLS IN COST OF CULVERT REMOVAL |
| 777+21.0 | | 70 | | FETS | FETS | | 5 | |
| TOTAL | | 70 | | ~ | ~ | 66 | ~ | |

# PIPE SHALL BE COATED AS PER SECTION 709.05 OF THE STANDARD SPECIFICATIONS
** FOR INFORMATION ONLY

## GRADING

| STATION | | cubic yards | | REMARKS |
|---|---|---|---|---|
| | | EXC. | EMB. IN PLACE | |
| FROM | TO | | | |
| 777+21.0 | | | 70 | |
| TOTAL | | ~ | * 70 | |

* INCLUDES SHAPING EXISTING IRRIGATION DITCH TO FIT NEW F.E.T.S.

## SURFACING

| STATION | | AGGREGATE tons | REMARKS |
|---|---|---|---|
| | | CRUSHED AGG. COURSE | |
| FROM | TO | | |
| 777+21.0 | | 27 | |
| TOTAL | | 27 | |

## TEMPORARY ROADWAY *

| STATION | | lump sum | REMARKS |
|---|---|---|---|
| | | CONST., MAINTAIN & REMOVE TEMP. RDWY. | |
| FROM | TO | | |
| 775+46.0 | 778+96.0 | 0.5 | TEMPORARY ROADWAY - NORTH END |
| 775+46.0 | 778+96.0 | 0.5 | TEMPORARY ROADWAY - SOUTH END |
| TOTAL | | 1.0 | |

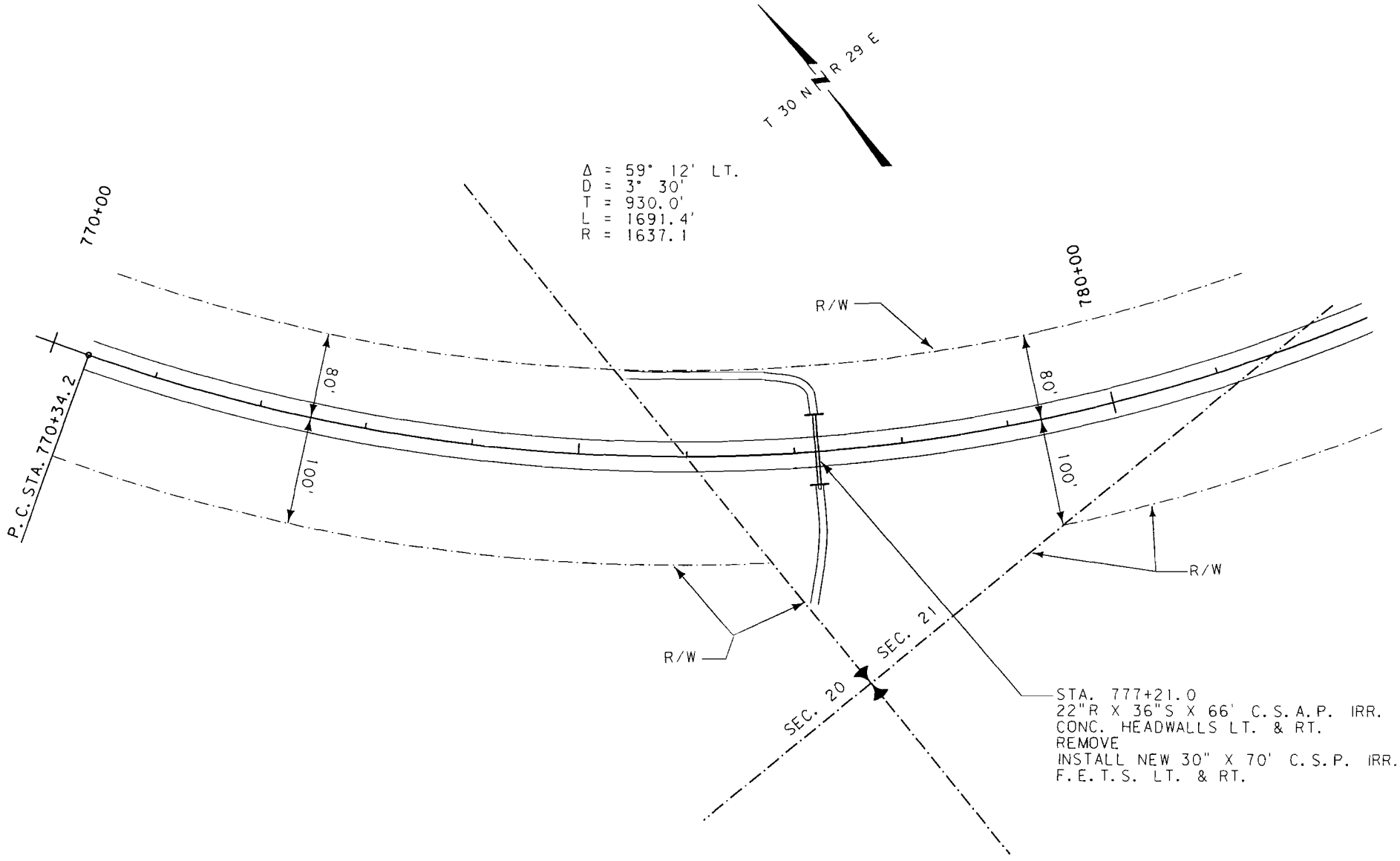
* SEE DETAIL SHEETS

## REVEGETATION

| STATION | | acres | square yards | acres | | | REMARKS |
|---|---|---|---|---|---|---|---|
| | | REVEGE-TATION | TOPSOIL SALVAGING & PLACING * | SEED * | FERTI-LIZER * | CONDITION SEEDBED * | |
| FROM | TO | | | | | | |
| | | 0.1 | 72 | 0.02 | 0.02 | 0.02 | |
| TOTAL | | 0.1 | ~ | ~ | ~ | ~ | |

* FOR INFORMATION ONLY

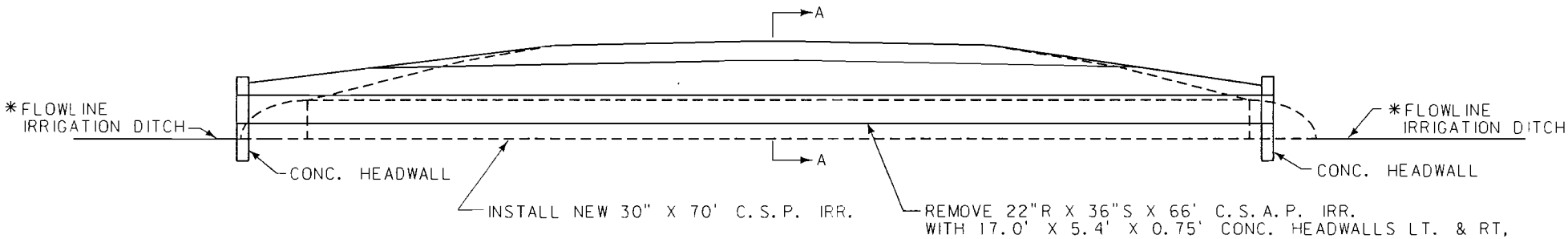
# INSTALLATION AREA



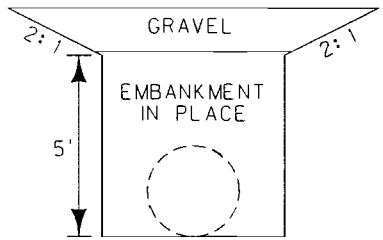

| | | | | | | |
|---|---|---|---|---|---|---|
| MDT serving you with pride — MONTANA DEPARTMENT OF TRANSPORTATION | C:\dgn\S363RDPVP001.DGN 8/18/2005 2:42:27 PM u5379 | DESIGNED BY u1511 | 7/27/2005 | S-363 | | 0000 |
| | | REVIEWED BY | | | PROJ. NUMBER 4206602 | SHEET 5 OF 9 |
| | | CHECKED BY | | | | |

# DETAIL

## CULVERT REMOVAL & INSTALLATION




* SHAPE IRRIGATION DITCH TO FIT NEW F.E.T.S.



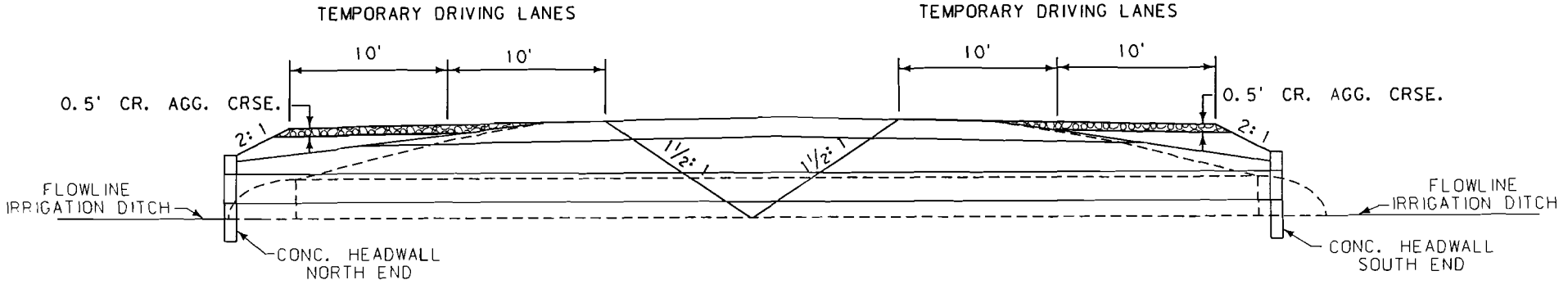

SECTION A - A

# DETAIL

## TEMPORARY ROADWAY TYPICAL SECTION

### THRU CONSTRUCTION AREA - STA. 776+96 TO STA. 777+46

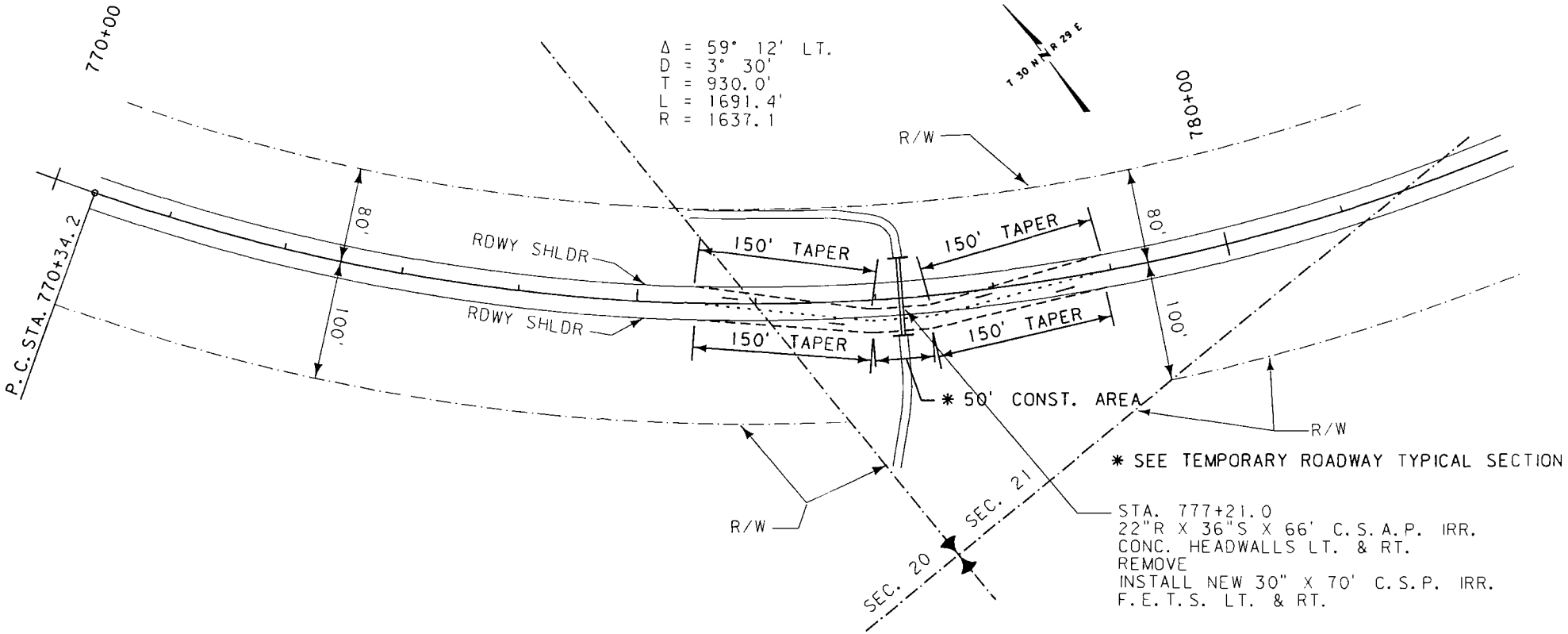
**REMOVE AND INSTALL PIPE IN 2 STAGES, NORTH HALF THEN SOUTH HALF**



# DETAIL

## TEMPORARY ROADWAY

### USE WHEN REMOVING AND INSTALLING NORTH END OF PIPE



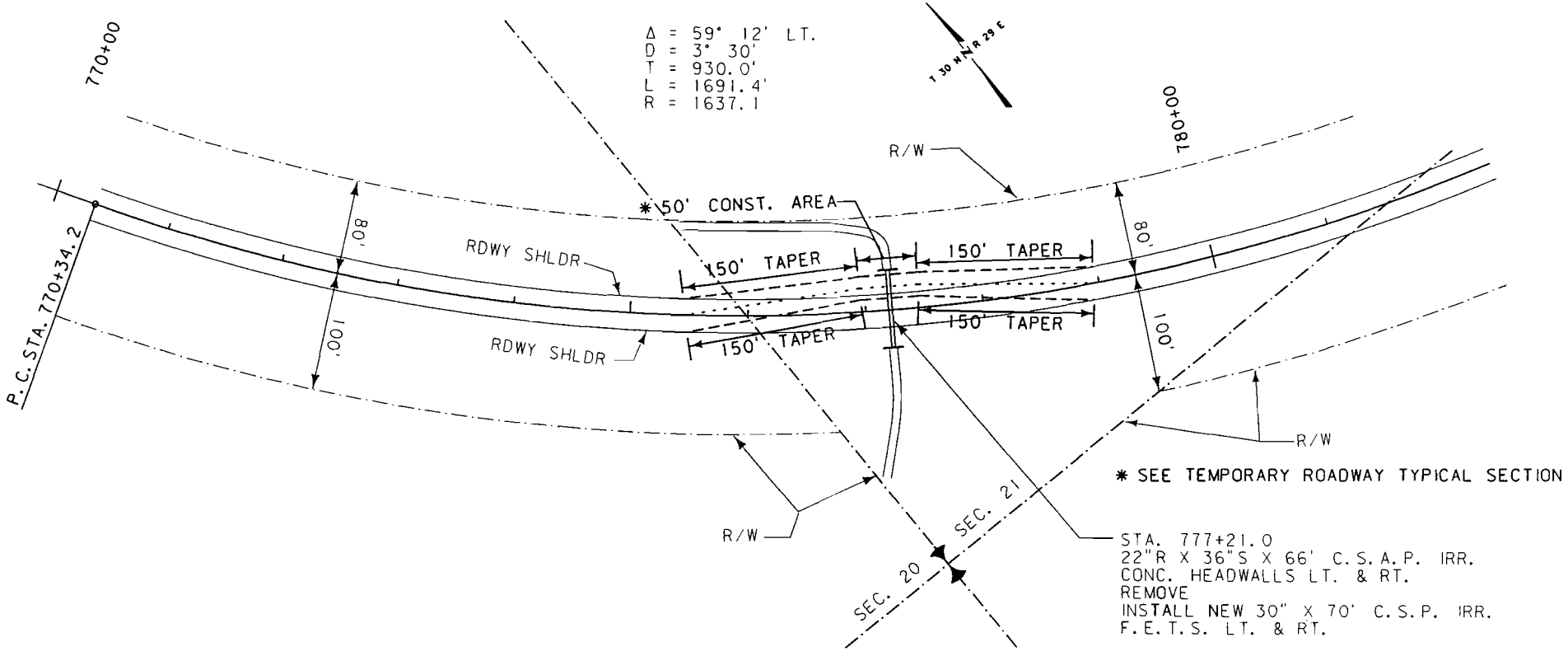

| TEMPORARY ROADWAY ITEMS # - SOUTH END | | | | |
|---|---|---|---|---|
| STATION | | QUANTITY | DESCRIPTION | REMARKS |
| FROM | TO | | | |
| 775+46.0 | 778+96.0 | 160 CU. YDS. | EMBANKMENT | |
| 775+46.0 | 778+96.0 | 89 TONS | CRUSHED AGGREGATE COURSE | |
| 775+46.0 | 778+96.0 | 0.19 ACRES | REVEGETATION | |
| | | | | |
| | | | | |

# FOR INFORMATION ONLY - QUANTITIES INCLUDED IN LUMP SUM BID

# DETAIL

## TEMPORARY ROADWAY

### USE WHEN REMOVING AND INSTALLING SOUTH END OF PIPE



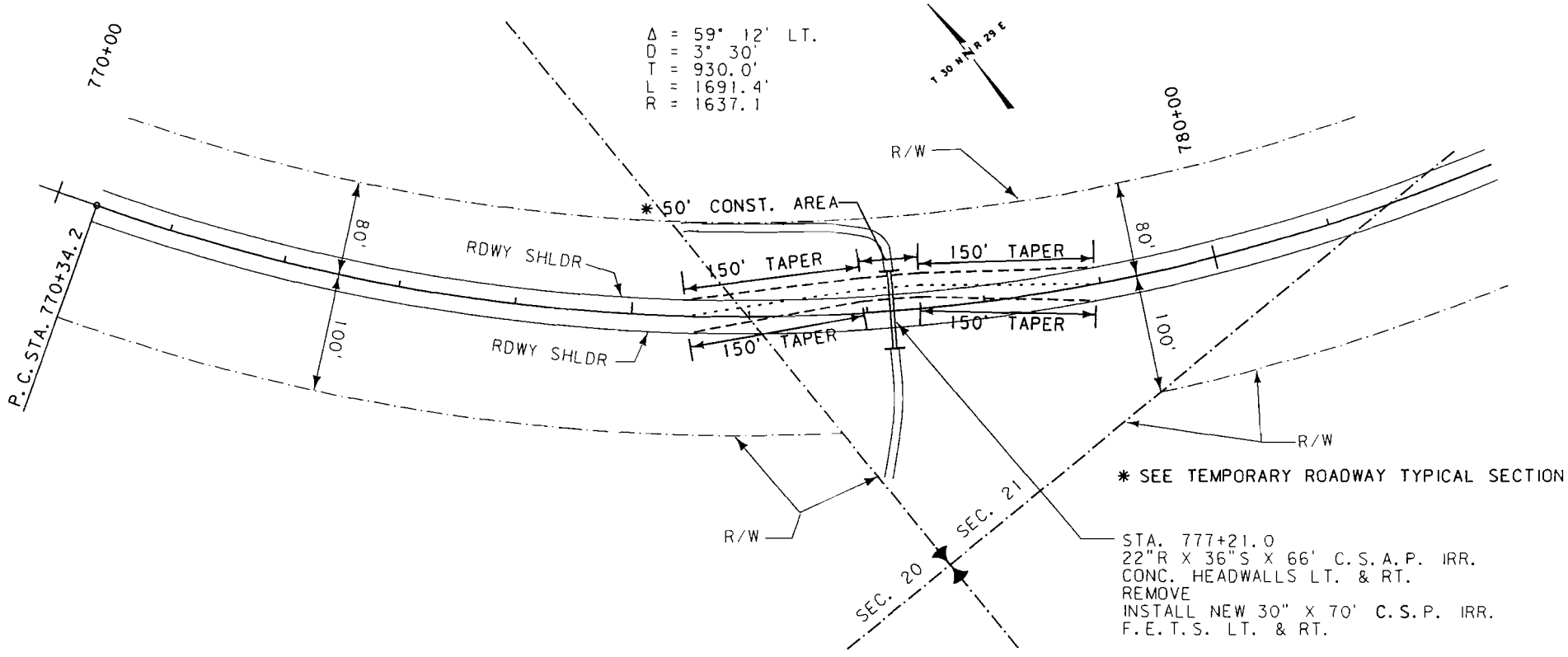

| TEMPORARY ROADWAY ITEMS # - NORTH END | | | | |
|---|---|---|---|---|
| STATION | | QUANTITY | DESCRIPTION | REMARKS |
| FROM | TO | | | |
| 775+46.0 | 778+96.0 | 170 CU. YDS | EMBANKMENT | |
| 775+46.0 | 778+96.0 | 98 TONS | CRUSHED AGGREGATE COURSE | |
| 775+46.0 | 778+96.0 | 0.19 ACRES | REVEGETATION | |
| | | | | |
| | | | | |

# FOR INFORMATION ONLY - QUANTITIES INCLUDED IN LUMP SUM BID

# DETAIL

## TEMPORARY ROADWAY

### USE WHEN REMOVING AND INSTALLING SOUTH END OF PIPE




| TEMPORARY ROADWAY ITEMS # - NORTH END | | | | |
|---|---|---|---|---|
| STATION | | QUANTITY | DESCRIPTION | REMARKS |
| FROM | TO | | | |
| 775+46.0 | 778+96.0 | 170 CU. YDS | EMBANKMENT | |
| 775+46.0 | 778+96.0 | 98 TONS | CRUSHED AGGREGATE COURSE | |
| 775+46.0 | 778+96.0 | 0.19 ACRES | REVEGETATION | |
| | | | | |
| | | | | |

# FOR INFORMATION ONLY - QUANTITIES INCLUDED IN LUMP SUM BID

# SPECIAL PROVISIONS
# MAINTENANCE PROJECT NO. 4206602

The following special provisions are hereby made a part of this project.

1. PROJECT DESCRIPTION

Remove existing 22"r x 66' corrugated metal arch irrigation pipe and concrete headwalls and install new 30" x 70' CSP irrigation, gravel surface and temporary roadways at R.P. 7.4 on Secondary 363 in Phillips County.

The project is located on S-363 in Phillips County. The project is in Section 21-T30N-R29E at Reference Post 7.4.

2. CONTRACT TIME

The work begins on the effective date stated in the "Notice to Proceed" and is to be completed in 10 Working Days.

3. CULVERT EXCAVATION

A. Method of Measurement. Culvert excavation, trench excavation and excavation for bedding material are not measured for payment.

Excavation required to remove pipe culverts is not measured for payment. Pipe culvert removal is measured by the linear meter (linear foot) of pipe removed to the nearest 0.1 meter (0.3 foot).

Excavation required to relay pipe culverts is not measured for payment.

B. Basis of Payment. Payment for all costs associated with culvert and trench excavation, furnishing and installing culverts is included in the unit price bid per linear meter (linear foot) of Pipe (Type and Size).

4. CRUSHED AGGREGATE COURSE

A. Description. This work is producing and placing crushed aggregate course on a prepared surface.

B. Materials. Furnish aggregate material meeting the following requirements:

Crushed Base Course Type "A" Grade 6

| Percentage by Weight Passing Square Mesh Sieves | |
|---|---|
| Sieve Size | Grade 6 |
| 1 ½" | 100 |
| ¾" | 75-95 |
| 3/8" | 40-75 |
| No. 4 | 25-60 |
| No. 40 | 13-34 |
| No. 200 | 0-8 |

Construction Requirements. Construct the aggregate surfacing section to the required typical cross section and profile.

C. Method of Measurement. Crushed aggregate course is measured under Subsection 301.04. The entire aggregate surfacing section will be measured as crushed aggregate course regardless of the construction option selected.

D. Basis of Payment. Payment for the completed and accepted quantities is made under the following:

| Pay Item | Pay Unit |
|---|---|
| Crushed Aggregate Course | cubic yard (cubic meter) or ton (metric ton) |

Payment at the contract unit price is full compensation for all resources necessary to complete the item of work under the contract.

5. FLAGGING OPERATIONS

Provide flaggers that are certified by the Montana Flagger training program, the ATSSA flagger program, or Idaho, Oregon, or Washington state flagger training programs. Ensure the flagger's certification is current.

6. WORK ZONE TRAFFIC CONTROL DEVICES

Effective January 15, 2005, provide work zone traffic control devices that meet the National Cooperative Highway Research Council Test Report 350 (NCHRP 350) crash test requirements. Submit documentation stating that the device(s) meet NCHRP 350 requirements. Include the documentation with the proposed traffic control plan.

7. TRAFFIC CONTROL-LUMP SUM

Payment for all costs associated with performing traffic control for this contract is included in the lump sum bid for Traffic Control. Provide a written request for compensation resulting from a change in scope of work, differing site conditions or additional work. Payment for quantities approved by any requested change will be in accordance with the Traffic Control Rate Schedule contained in this contract at a unit price of $0.80 per unit.

Partial payments for Traffic Control will be based on the lump sum contract price as follows:

| | |
|---|---|
| First Partial Payment After Start of Contract Work | 50% of Traffic Control Lump Sum Contract Price |
| | |
| | |
| | |
| Final Partial Payment After Completion of Work | Remainder of Traffic Control Lump Sum Contract Price |

8. TRAFFIC CONTROL DEVICE LOCATION AND INSTALLATION

Ensure that construction zone and work zone speed limit signs comply with the desired minimum speed limit values in Table 618-4. The Project Manager may direct adjustments to the speed limits or device locations to fit site conditions.

Submit two copies of a written recommendation to the Project Manager at least five calendar days before installation if the contractor's proposed limits differ from those in Table 618-4. Give the location(s) and reason(s) for limits differing from those provided in Table 618-4. Reasons should be based upon the conditions of the roadway and the ability of traffic to flow safely and uniformly through the construction zone or

activity area. The Project Manager will provide a written response to the recommendation, detailing the speed limit signs to be used.

Table 618-4

Traffic Control Speed Limits in Construction Zones

| Speed Limit | Activity Description |
|---|---|
| Normal Limit | Construction activities are 30 feet beyond edge of traveled way and construction vehicles are not crossing traveled way. |
| 65 mph | Two way traffic on interstates. |
| 45 mph | Two- and four-lane roadways with construction activity adjacent to roadway but not encroaching on the roadway surface (Shoulders and driving lanes). |
| 35 mph | Seal and Cover for two-lane two way and Multiple-lane two-way roadways. |
| 35 mph | Four-lane roadways with construction activity in one lane or two-lane roadways with activity on the shoulders. This speed limit only applies within construction activity areas. |
| 45 mph | Seal and Cover for Interstate. |
| 35 mph | Paved roadways with a short temporary detour over a gravel surface. This speed limit only applies within detour areas. The design speed of the detour geometrics should be at least 35 mph. |
| 35 mph | In advance of flagging stations |
| 25 mph | Two- or four-lane roadways in an urban area with construction activity in a lane. |
| 25 mph | Survey crew activity when survey crew has to occupy a portion of the traveled way. |
| 35 mph | Survey crew activity requires occupying a portion of the shoulder. This speed limit only applies within survey activity areas. |
| Normal Limit | Survey crew activities are not on the highway or parking shoulder. |

9. TRAFFIC CONTROL PLAN & SEQUENCE OF OPERATIONS

A. Traffic Control

Conduct work so as to insure to the greatest possible degree the uninterrupted convenience and safety of the public in addition to the following

1. Carry out work requiring blockage of the traveled way in the most expedient manner and provide at least one lane to clear traffic.

B. Sequence of Operations

In addition to the requirements of Subsection 104.05, Maintenance of the Work, and Subsection 108.04, Limitation of Operations, schedule operations to provide the least amount of inconvenience possible to the traveling public and adjacent property owners.

C. Pipe Remove and Install

Construct Temporary roadway, either side, move traffic onto temporary roadway, remove half of pipe on opposite side of temporary roadway, install new section of pipe, backfill and place gravel surface. Repeat for opposite side of roadway. Provide traffic control in accordance with the Manual for Uniform Traffic Control Devices.

10. MALTA IRRIGATION DISTRICT

Contact Bud Mavencamp at the Malta Irrigation District, 509 S 3 East Malta, MT 59538, Ph. 406-654-1440 prior to mobilizing equipment or commencing work on this project to coordinate irrigation water shut off in the existing ditch.

11. REVEGETATION

A. Description. This work consists of providing the necessary equipment and materials to accomplish revegetation of all non-paved surfaces (excluding top of finished roadway) through selective soil salvage and replacement and seeding.

B. Construction Requirements. Prior to placement of millings or shoulder gravels, remove a 150 mm layer of soil material from that portion of the right-of-way where milling or gravel will be placed. Store the soil material in a berm or stockpile parallel and just downslope of where the millings or gravel will be placed, or at a location approved by the engineer.

Respread soil material over millings or shoulder gravel after placement. Condition the soil material by disking, harrowing or cultipacking to break up soil clods and root clumps.

Drill seed the replaced soil material with the following seed mixture and rates. Seed the area immediately after soil replacement, regardless of time of year.

| Species | (lbs) of PLS per (acre) |
|---|---|
| Luma pubescent wheatgrass | (6.0) |
| Sodar streambank wheatgrass | (6.0) |
| Rosana western wheatgrass | (6.0) |
| Canbar canby bluegrass | (2.0) |
| Sand dropseed | (0.5) |

C. Basis of Payment. Topsoil salvage, replacement, soil conditioning and reseeding are paid for as REVEGETATION at the contract unit price per acre.

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

Jim Lynch, Director
Brian Schweitzer, Governor

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September 22, 2005

Carl James
Environmental Engineer
Federal Highway Administration
2880 Skyway Drive
Helena, MT 59602-1230

Subject: Request to recertify environmental documentation
CM 44(14)
Off System Paving – Lame Deer
CN 4647

Environmental Services has reviewed the above proposed project's impacts and has determined that this proposed project still qualifies as a CATEGORICAL EXCLUSION under the provisions of 23 CFR 771.129(c). The original categorical exclusion was signed 9/23/02 and is attached. This proposed action also continues to qualify as a categorical exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.). This determination is based on the following:

The Scope-of-Work for the proposed project has been reviewed and has not changed.

In accordance with the Federal Highway Administration's (FHWA) concurrence letter of April 15, 1999, this notification documents that this proposed action is still properly classified as a CE under the provisions of 23 CFR 771.117(d).

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

TLH:s:\Project\Glendive\4647ENCED Recert

cc: Ray Mengel - District Administrator Glendive
Paul R. Ferry, P.E. - Highway Engineer
John H. Horton – Chief, Right-of-Way Bureau
Suzy Althof – Chief, Contract Plans Bureau
David W. Jensen, MDT, Supervisor – Fiscal Programming Section
Jean A. Riley, P.E. – Chief, Environmental Services Bureau
Environmental Quality Council
File

EQC

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Helena MT 59620-1001

Governor

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September 13, 2005

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

Subject: **CM 15(50)**
**BIKE/PED PATH - WHITEFISH**
**UPN 4922**

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. A Project Location Map is 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). | | X | | |
| 2. This proposed project involves (an) unusual circumstance(s) as described under 23 CFR 771.117(b). | | X | | |
| 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. | X | | | |
| 1. The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s). | | X | | |
| 2. There is a high rate of residential growth in this proposed project's area. | | X | | |

Environmental Services
Phone: (406) 444-7228
Fax: (406) 444-7245

Web Page: www.mdt.state.mt.us
Road Report: (800) 226-7623
TTY: (800) 335-7592

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

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 3. A 124SPA Stream Protection permit would be obtained from the MDFW&P? | | | X | |
| 4. There is a delineated floodplain in the proposed project 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 would be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy. | X | ☐ | | |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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 | | |
| 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-same. | X | | | |
| 2. Adverse effects to through-traffic dependant businesses would be avoided or minimized. | X | | | |
| 3. Interference to local events( *e.g.*: festivals) would be minimized to all possible extent. | X | | | |
| 4. Substantial controversy associated with this pending action would be avoided. | X | | | |
| 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. | X | | | |
| All reasonable measures would be taken to avoid and/or minimize substantial impacts from same. | X | | | |
| G. The Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314), including temporary erosion control features for construction would be met. | X | | | |
| H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas. | X | | | |
| I. Documentation of an "invasive species" review to comply with both E.O.#13112 and the *County Noxious Weed Control Act* (**7-22-21, M.C.A.**), including directions as specified by the county(ies) wherein its intended work would be done. | X | | | |

| | 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. | X | | | |
| 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 U.S.C. 4201**, *et seq.*). | | | X | |
| K. Features for the *Americans with Disabilities Act* (**P.L. 101-336**) compliance would be included. | X | | | |
| L. A written Public Involvement Plan, would be 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 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.

YES NO N/A UNK

This proposed project would 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).

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.

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

Concur _____, Date: 9/19/05
Federal Highway Administration

Attachments

cc: Dwane Kailey, P.E. – MDT Missoula District Administrator
Paul Ferry, P.E. – MDT Highway Engineer
John Horton - MDT Right-of-Way Bureau Chief
Tom Martin, P.E. – MDT Consultant Design Engineer
Jean A. Riley, P.E. – MDT Environmental Services Bureau Chief
Susan Kilcrease – MDT Environmental Services - Missoula
David W. Jensen, Supervisor – MDT Fiscal Programming Section
Suzy Althof, Supervisor - MDT Contract Plans Section
Todd Everts, Montana Environmental Quality Council
project file

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

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

Jim Lynch, Director
Brian Schweitzer, Governor

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September 19, 2005

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

**Subject: MDT Statewide Maintenance Projects**
**Huntley River Bridge - East**
**Yellowstone County, US-312**
**Reference Post from: 8.9**
**Reference Post to: 17.8**

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: Jon Swartz, Maintenance
James Stevenson, Billings Maintenance Chief
File

S:\MAINTENANCE\MAINT-CHK-LST\BLGS\BILLINGS-MAINTENANCE-US312-0905-EQC.DOC

# ENVIRONMENTAL CHECKLIST FOR MAINTENANCE ACTIVITIES

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**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:** US-312 **Designation:** Huntley River Bridge -East

**Proposed Date of Maintenance Activity:** June 16, 2006 **Federal Funds Involved?** Yes ☐ No ☒

**Reference Post (Station)** 8.9 **to Reference Post (Station)** 17.8

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

**Type of Proposed Maintenance Activity:** Chip Seal & Striping

| 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? | ☐ | ☒ | |
| 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 | 1/7/05 — Date

**Approved by:** [signature] — Environmental Services | ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR — Title | 9/20/05 — 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.**

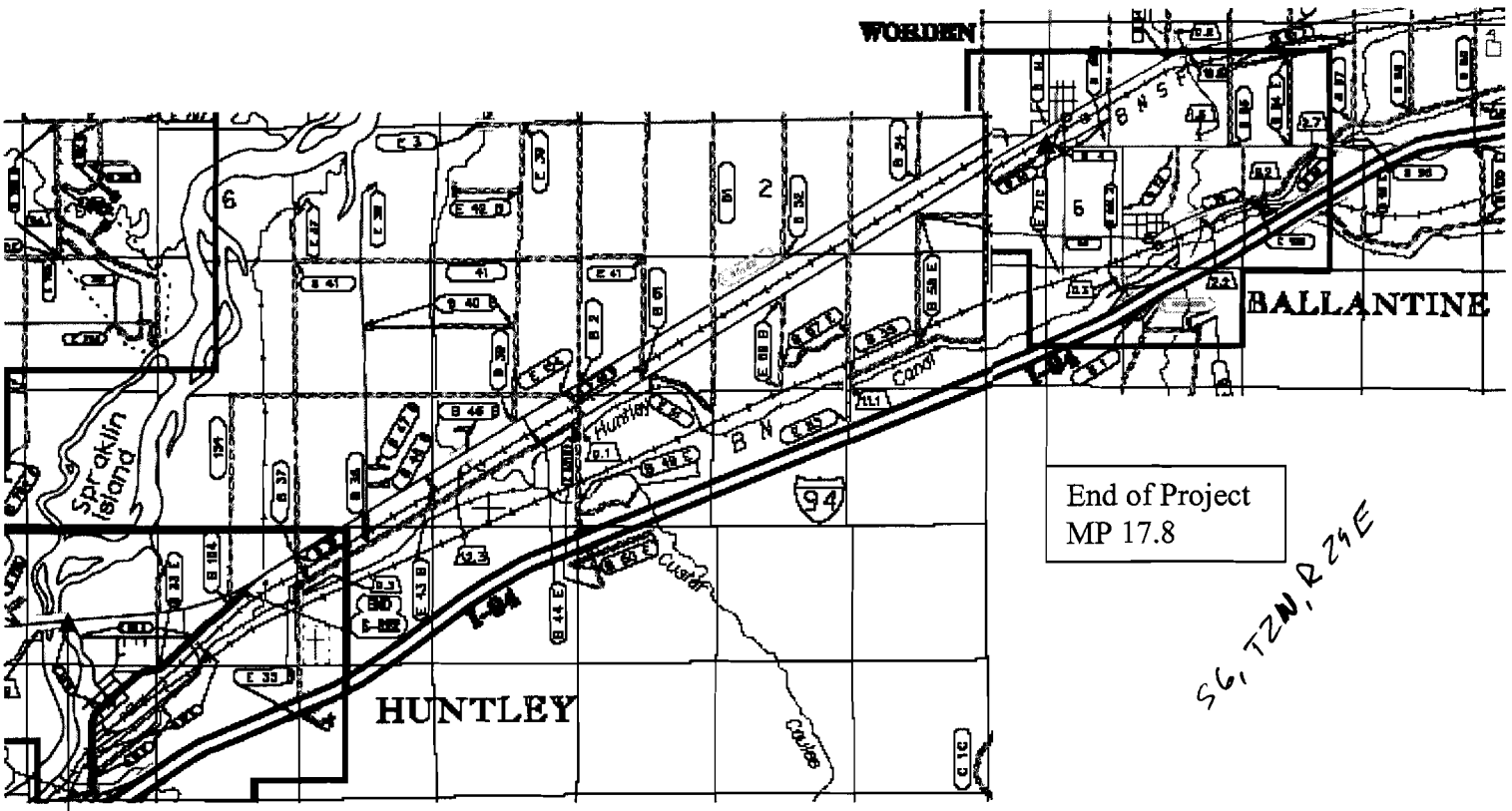
**D. When the applicant checks a "Yes" item, the applicant cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

**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)

US-312
CHIP SEAL
MP 8.9-17.8



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 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.

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 19, 2005

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

Subject: ER 58-1(23)30
US 89 – Damage – NW of Browning
CN 5236

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 Addendum (7/25/05, & 9/12/05), 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). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☒ | ☐ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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 would be affected by this 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 waterbody(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. | ☐ | ☐ | ☒ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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 same. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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. | ☒ | ☐ | ☐ | ☐ |
| 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. "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.). | ☐ | ☐ | ☒ | ☐ |
| 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.

RECEIVED
SEP 28 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

_____, Date: 9/19/05
Tom Gocksch P.E. – Environmental Area Engineer
MDT Environmental Services Bureau

Concur _____, Date: 9/19/05
Tom Hansen, P.E. - Engineering Section Supervisor
Environmental Services Bureau

Concur _____, Date: 9/21/05
Federal Highway Administration

TLH:tgg: S:\PROJECTS\GREAT-FALLS\5236\5236ENCED001.DOC

Attachments

cc: Michael P. Johnson - District Administrator-Great Falls
Paul R. Ferry, P.E. - Highway Engineer
John H. Horton - MDT Right-of-Way Bureau Chief
Suzy Althof - MDT Contract Plans Section Supervisor
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Jean A. Riley, P.E., Chief - Environmental Services Bureau
Tom Gocksch P.E. – Environmental Services Bureau
✓Environmental Quality Council

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

Environmental Services
MONTANA DEPARTMENT OF TRANSPORTATION
Helena, Montana 59620

**Memorandum**

To: David W. Jensen, Supervisor
Fiscal Programming Section

From: Thomas L. Hansen, P.E.
Engineering Services Supervisor
Environmental Services Bureau

RECEIVED
SEP 29 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

Date: September 27, 2005

**Subject: Categorical Exclusion**
**Project Name: 2003 Signing - Lewistown**
**Project Number: STPHS 7104(1)**
**Control Number: 5869000**

Environmental Services has determined that this proposed project will not involve unusual circumstances as described under 23 CFR 771.117(b). Further, the project qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), part (8). 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.).

In accordance with the Federal Highway Administration's (FHWA) letter of March 29, 1999, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c).

TLH:hsbS:\PROJECTS\BILLINGS\5869\5869ENCECFHWA01_CATEX(C).DOC

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 28, 2005

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SEP 30 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Environmental Quality Council
Room 171, State Capitol
P.O. Box 201704
Helena MT 59620-1704

**Subject: MDT Statewide Maintenance Projects**
**North of Santa Rita**
ID: S-214 (Toole County)
Reference Post from: 5.94
Reference Post to: 13.5

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 444-9456.

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

Attachments

TH:jjr

copies: Jon Swartz, Maintenance
Dave Hand, Maintenance Chief-Havre
Mark A. Wissinger, P.E., Construction Engineer, Highways and Engineering
File

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RECEIVED
AUG 29 2005
ENVIRONMENTAL

# 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:** S-214 **Designation:** North of Santa Rita

**Proposed Date of Maintenance Activity:** 2005 fall/2006 spring **Federal Funds Involved? Yes** ☐ **No** ☒

**Reference Post (Station)** 5.94 **to Reference Post (Station)** 13.5

**Applicants Name:** MDT-Havre Maintenance **Address:** 1649 Highway 2 NW, Havre MT 59501

**Type of Proposed Maintenance Activity:** Thinlift Overlay, chip production

| 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 wetland statement for guidance. |
| 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.) | ☐ | ☒ | Checked NRIS. JR |
| 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. | ☐ | ☒ | S 214 runs parellel to the Blackfeet Reservation boundary, approximately 2 miles to the east of the line. |
| 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:** Dave Hand — Applicant (Maintenance Chief) | Maintenance Chief — Title | 8-25-05 — Date

**Approved by:** [signature] — ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR — 9/28/05

Environmental Services — Title — Date

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

Project Number: _____ ID: _____ Designation: _____

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.**

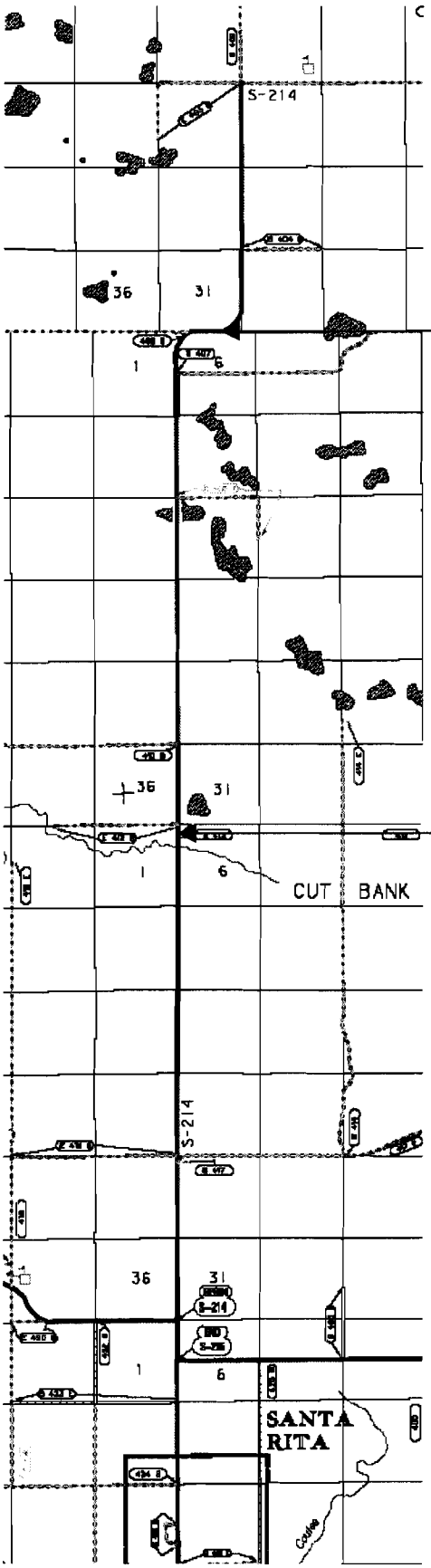
D. **When the applicant checks a "Yes" item, the applicant cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

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)

SANTA RITA NORTH OVERLAY
MP 5.94 TO 13.5




End of Project
MP 13.5

Beginning of Project
MP 5.94

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 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.

serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 28, 2005

Environmental Quality Council
Room 171, State Capitol
P.O. Box 201704
Helena MT 59620-1704

**Subject: MDT Statewide Maintenance Projects**
**Reed Point - West**
ID: X-81014 (Stillwater County)
Reference Post from: 17.6
Reference Post to: 22.5

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 444-9456.

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

Attachments

TH:jjr

copies: Jon Swartz, Maintenance
James Stevenson, Maintenance Chief-Billings
Mark A. Wissinger, P.E., Construction Engineer, Highways and Engineering
File

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# ENVIRONMENTAL CHECKLIST FOR MAINTENANCE ACTIVITIES

RECEIVED

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

SEP 6 2005

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

ENVIRONMENTAL

**Project No.:** State Funded **ID:** X 81014 **Designation:** Reed Point - West

**Proposed Date of Maintenance Activity:** Completion June 23, 2006 **Federal Funds Involved? Yes** ☐ **No** ☒

**Reference Post (Station)** 17.6 **to Reference Post (Station)** 22.50

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

**Type of Proposed Maintenance Activity:** Thin Lift Overlay & 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 memo for guidance |
| 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.) | ☐ | ☒ | Checked NRIS. JR |
| 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

1/27/05 — Date

**Approved by:** [signature]

ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR

9/20/05

**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.**

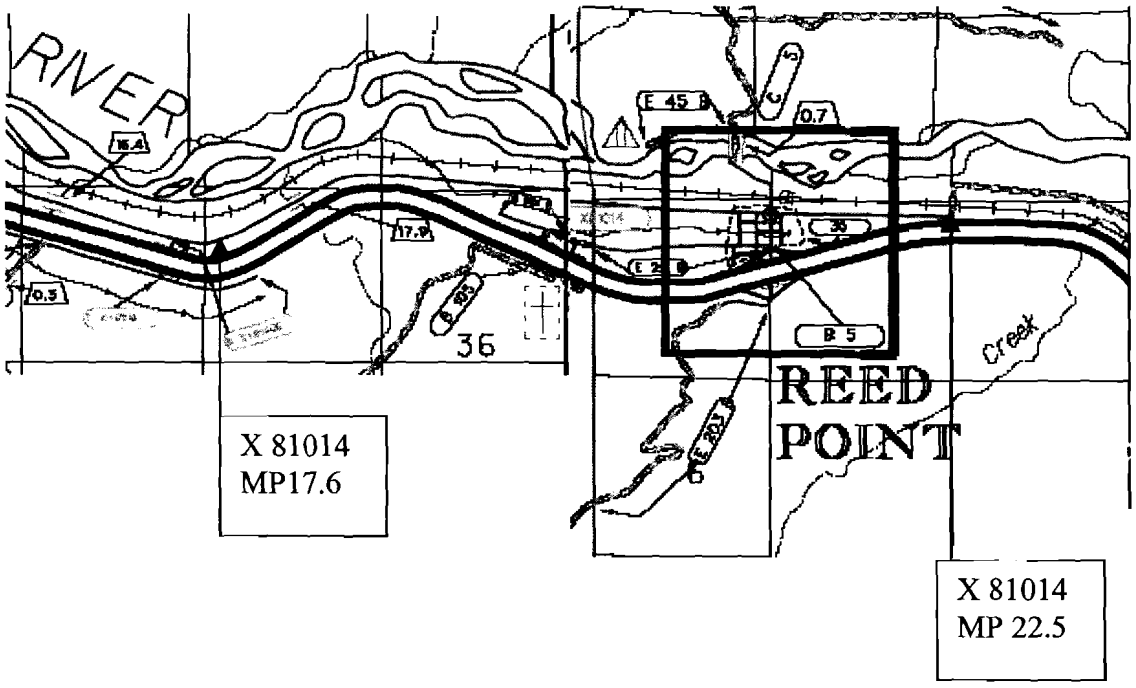
**D.** **When the applicant checks a "Yes" item, the applicant cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

**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)

REED POINT WEST
X 81014
MP 17.6-22.5



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

MASTER FILE COPY

**Memorandum**

To: Joe Radonich, Environmental Services

From: Paul Sturm, Billings District Biologist

Date: September 19, 2005

Subject: Biological Resources Memorandum
**Reed Point – West**
**Thin Lift Overlay & Chip Seal**

## Project Location & Description

This thin lift overlay and chip seal maintenance project is located on X-81014 in Sweet Grass and Stillwater Counties. The project begins at Reference Post 17.6 (Section 35, Township 1 South, Range 17 East) and continues east to Reference Post 22.5 (Section 32, Township 1 South, Range 18 East). There will be no grading required for this maintenance 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 along the Yellowstone River in Sections 25 and 26, Township 1 South, Range 17 East. The project is located approximately 1/2 mile away from the nest locations; therefore, these nests should not be impacted by the project. There may be additional unknown/new nests located along the Yellowstone River, which is in close proximity of the proposed project. To avoid impacts to any nesting bald eagles, the following general restrictions and limitations will be followed for the nest site located in Sections 25 and 26, Township 1 South, Range 17 East as well as any aggregate borrow source, gravel, crushing, storage or staging areas, or processing plants near the Yellowstone River:

- Between March 15 and May 15, no aggregate borrow source, gravel, crushing, storage or staging areas, or processing plants will be placed/conducted within ½ mile of the above listed sections or the Yellowstone River.
- Between May 15 and July 15, no aggregate borrow source, gravel, crushing, storage or staging areas, or processing plants will be placed/conducted within ¼ mile of the above listed sections or the Yellowstone River.

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.

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

Due to the location and limited scope and nature of this project, there are not expected to be any project-related impacts to biological resources. 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.

Copy: Paul Sturm - Environmental
Bonnie Steg - 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.

**BOARD OF COUNTY COMMISSIONERS**
POWDER RIVER COUNTY
PO Box 270
Broadus, Montana 59317

Fax: 406-436-2151
Phone: 406-436-2657

Ray Traub, Broadus
Betty Aye, Broadus
Nancy Espy, Broadus

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POLICY OFFICE

September 26, 2005

Michael Wherley, P.E., CTEP Engineer
Montana Department of Transportation
Consultant Design Bureau
P.O. Box 201001
Helena, MT 59620-1001

Subject: Categorical Exclusion Group (c) Action Letter
Federal-aid Project Number: STPE 38(12)
Federal-aid Project Name: Landscaping - Broadus
MDT Control Number: 5981

Powder River County has determined that this proposed project study will not involve unusual circumstances as described under 23 CFR 771.117(b). It therefore qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), parts (2,7& 8). 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, MCA).

In accordance with the Federal Highway Administration's (FHWA) letter of March 29, 1999 to MDT's Environmental Services, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c).

Karen A. Amende
Signature of Environmental Certifying Official
or Chief Elected Official

Karen D. Amende, Clerk + Recorder
Type Name and Title

Concur Mike Wherley
Michael Wherley, P.E.
CTEP Project Engineer

Sept. 28, 2005
Date

cc: Ray Mengal, P.E., MDT, District Administrator – Glendive
Tom S. Martin, P.E., MDT, Consultant Design Engineer
Jean A. Riley, MDT, Manager - Environmental Services
David W. Jensen, MDT, Supervisor – Fiscal Programming Section
Michael Wherley, P.E., MDT, CTEP Engineer
Environmental Quality Council
Karen Amende, Powder River County

serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 21, 2005

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MONTANA DIVISION

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ENVIRONMENTAL

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

**Subject:** **Programmatic Categorical Exclusion (PCE) Concurrence Request**

**Project Name:** **Judith River Slide**
**Project Number:** **STPS 426-2(7)15**
**Control Number:** **5209**

Dear Janice W. Brown:

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

This form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion Approval as initially agreed by the (former) Montana Department of Highways and the FHWA on December 6, 1989. In the form, "N/A" indicates not applicable; "UNK" indicates unknown.

**NOTE: A response in a large 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). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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 would be affected by this 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 waterbody(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. | ☐ | ☐ | ☒ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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 same. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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. | ☒ | ☐ | ☐ | ☐ |
| 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. "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.). | ☐ | ☐ | ☒ | ☐ |
| 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.

Heidy Bruner Date: Sept. 21, 2005
Heidy Bruner
MDT Environmental Services
Billings District Project Development Engineer

Concur _____ Date: 9/23/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____ Date: 29SEP05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\5209\5209ENPCEFHWA01_CATEX(D).DOC

Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

**ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED UPON REQUEST.**

serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 12, 2005

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

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ENVIRONMENTAL

**Subject:** **Programmatic Categorical Exclusion (PCE) Concurrence Request**

**Project Name:** **Crooked Creek – 3 km NE of Shepherd**
**Project Number:** **BR 9056(53)**
**Control Number:** **4886**

Dear Janice W. Brown:

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

This form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion Approval as initially agreed by the (former) Montana Department of Highways and the FHWA on December 6, 1989. In the form, "N/A" indicates not applicable; "UNK" indicates unknown.

**NOTE: A response in a large 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). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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 would be affected by this 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 waterbody(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. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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 same. | ☒ | | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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. | ☒ | ☐ | ☐ | ☐ |
| 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. "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.). | ☐ | ☐ | ☒ | ☐ |
| 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.

Heidy Bruner Date: 9/12/05
Heidy Bruner
MDT Environmental Services
Billings District Project Development Engineer

Concur _____ Date: 9/12/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____ Date: 27 SEP 05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\4886\4886ENPCEFHWA01_CATEX(D).DOC

Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

**ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED UPON REQUEST.**

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

Jim Lynch, Director
Brian Schweitzer, Governor

September 21, 2005

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MONTANA DIVISION

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

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OCT - 3 2005
ENVIRONMENTAL

**Subject:** **Programmatic Categorical Exclusion (PCE) Concurrence Request**

**Project Name:** **Busby MCS Scale**
**Project Number:** **NH 37-1 (27)24**
**Control Number:** **5181**

Dear Janice W. Brown:

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

This form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion Approval as initially agreed by the (former) Montana Department of Highways and the FHWA on December 6, 1989. In the form, "N/A" indicates not applicable; "UNK" indicates unknown.

**NOTE: A response in a large 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). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☒ | ☐ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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 would be affected by this 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 waterbody(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. | ☐ | ☐ | ☒ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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? | ☐ | ☒ | ☐ | ☐ |
| 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 same. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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. | ☒ | ☐ | ☐ | ☐ |
| 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. "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.). | ☐ | ☐ | ☒ | ☐ |
| 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.

Heidy Bruner Date: Sept 21, 2005
Heidy Bruner
MDT Environmental Services
Billings District Project Development Engineer

Concur _____ Date: Sept 23, 2005
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____ Date: 29 SEP 05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\5181\5181ENPCEFHWA01.DOC

Attachments

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| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
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| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

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MONTANA DIVISION

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

**Subject:** **Programmatic Categorical Exclusion (PCE) Concurrence Request**

**Project Name:** **East Fork – 16 km SE of Lewistown**
**Project Number:** **BR 238-1(8)11**
**Control Number:** **4882**

MASTER FILE COPY

Dear Janice W. Brown:

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

This form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion Approval as initially agreed by the (former) Montana Department of Highways and the FHWA on December 6, 1989. In the form, "N/A" indicates not applicable; "UNK" indicates unknown.

**NOTE: A response in a large 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). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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 would be affected by this 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 waterbody(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. | ☐ | ☐ | ☒ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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 same. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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. | ☒ | ☐ | ☐ | ☐ |
| 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. "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.). | ☐ | ☐ | ☒ | ☐ |
| 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.

Heidy Bruner Date: Sep 21, 2005
Heidy Bruner
MDT Environmental Services
Billings District Project Development Engineer

Concur _____ Date: 9/23/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur _____ Date: 29 SEP 05
Federal Highway Administration

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Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
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| | Montana Legislative Branch Environmental Quality Council (EQC) | |

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PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

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September 21, 2005

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FHWA
MONTANA DIVISION

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

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Subject: STPHS 25(36)
2000 – Slope Fltn/Grdrl – L&C Cnty
CN 4699

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 (4/24/2002) 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). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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 would be affected by this 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 waterbody(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. | ☐ | ☐ | ☒ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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 same. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | YES | NO | N/A | UNK |
|---|---|---|---|---|
| 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. | ☒ | ☐ | ☐ | ☐ |
| 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. "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.). | ☐ | ☐ | ☒ | ☐ |
| 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: 9/21/05
Tom Gocksch P.E. – Environmental Area Engineer
MDT Environmental Services Bureau

Concur _____, Date: 9/23/05
Tom Hansen, P.E. - Engineering Section Supervisor
Environmental Services Bureau

Concur _____, Date: 9/29/05
Federal Highway Administration

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Attachments

cc: Michael P. Johnson - District Administrator-Great Falls
Paul R. Ferry, P.E. - Highway Engineer
John H. Horton - MDT Right-of-Way Bureau Chief
Suzy Althof - MDT Contract Plans Section Supervisor
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Jean A. Riley, P.E., Chief - Environmental Services Bureau
Tom Gocksch P.E. – Environmental Services Bureau
Environmental Quality Council

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

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MONTANA DIVISION

September 15, 2005

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

Subject: **STPS 354-1(9)5**
**8 km S. of Polson - South**
**UPN 3606**

This is a request for the FHWA's concurrence that the proposed project meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR 771.117(d). The 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.**).

## PROJECT DESCRIPTION

The MONTANA DEPARTMENT OF TRANSPORTATION (MDT) plans to improve transportation on Secondary Highway Route 354 (FAS 354) by reconstructing 11.48 kilometers (km) (7.13 miles) of the route south of Polson. This roadway is locally referred to as the "Back Road." The proposed work will be done under a project designated as "8 km S of Polson-South" [STPS 354-1(9)6; UPN 3606]. FAS 354 is on the State Secondary Highway System and is functionally classified as a rural collector. A project location map is attached.

The proposed project is located in Lake County and begins approximately 8 km (5 miles) south of Polson at R.P. 5.45. The project extends 11.48 km (7.13 miles) south to R.P. 12.6—the end of Secondary 354 at the T-intersection with FAS 211 (Round Butte Road). The project area is located in Sections 5, 6, 7, 8, 31 and 32 of Township-22-North, Range-21-West and Sections 18 and 17, 19 and 20, 30 and 29 and 31 and 32 of Township-21-North, Range-21-West. This proposed project is located entirely within the boundaries of the Flathead Indian Reservation.

The existing roadway has a gravel surface 6.7 to 7.6 meters (m) (22 to 25 feet) in width. The proposed reconstruction project on FAS 354 will increase the road's width to provide a uniform 9.2 m (30 feet) wide paved surface throughout the project area. The new road will accommodate two 3.6 m (12-foot) wide driving lanes and two 0.9 m (3-foot) wide shoulders. The proposed roadway construction will meet MDT's geometric design standards for Rural Collectors.

The initial 1.36 km (0.84 miles) of the route south of Eli Road [from approximately Station 76+40 to Station 90+00] will be built on a new alignment. The remainder of the project will maintain the existing centerline of the roadway as much as possible to minimize impacts to

adjacent properties. A 535 m (1,755 foot) radius horizontal curve is planned for the project's northern terminus on Paulson Road to its connection with Eli Gap Road and FAS 354.

Much of the existing road is at or slightly below the elevation of the surrounding terrain so MDT

plans to raise the grade of the road wherever possible to ensure that the facility is above roadside irrigation ditches that lead to wet subgrades. This will also help reduce right-of-way impacts.

Public road approaches will be rebuilt to match the new highway alignment at the following locations:

- Eli Gap Road;
- Pablo West Road;
- Carbine Road;
- Stinger Road;
- Rolling Road;
- Robertson Road
- Round Butte Road.

In addition, existing private property and farm field approaches will be reconstructed to match the new highway alignment.

A 4.88 m (16 foot) by 2.44 m (8 foot) by 56.5 m (185 foot) box culvert will be installed to replace the existing 5.5m (18 foot) by 20.25 m (66.44 foot) bridge over the Pablo A Canal near the north end of the project.

Other activities associated with the project include: right-of-way acquisition, relocating conflicting utilities, installing drainage improvements, grading, gravel placement, plant mix surfacing and installing new signs and pavement markings.

Improving the safety of this roadway is a priority for MDT and Lake County. The following construction activities are proposed for FAS 354.

- widen the road to a 9.2 m (30 foot) paved surface;
- flatten curves;
- grading to improve sight distance;
- improve drainage;
- right-of-way acquisition;
- installation of a box culvert in the Pablo Canal; and
- utility relocation

## PURPOSE AND NEED

The principal purpose of the proposed project is to enhance traffic operations and safety on Montana FAS 354 by reconstructing and widening the existing roadway to meet MDT's geometric design

standards for Rural Collectors (Non-NHS Secondary). To accomplish this purpose, the proposed action would:

- incorporate physical changes to the roadway and its adjoining environment so the road's design complies with MDT's geometric design standards;
- provide a paved roadway surface;
- safely accommodate current and expected increases in traffic;
- replace aging or deteriorated highway infrastructure including associated bridges, culverts and pipes;
- improve the operation and efficiency of the facility for the traveling public by enhancing sight distance within the corridor.

FAS 354 was constructed by Lake County in 1945 and has since received little improvement. The road has a gravel surface and MDT proposes to pave it to make it a smoother, safer, all-weather facility that meets MDT's design standards. FAS 354 fails to meet at least two of the Geometric Design Criteria for Rural Collector Roads adopted by MDT (secondary highways not in the National Highway System). These criteria include requirements for a paved surface, minimum widths of 8.4 m (27.5 feet), horizontal and vertical alignment and roadside slopes.

Improving FAS 354 to meet MDT's design standards will result in several benefits. First, paving the roadway eliminates costs associated with continual requirements for grading to maintain a decent driving surface. Among other problems, gravel roads are prone to washboarding and the loss of fines over time. Paved roads are not subject to these problems and offer the added benefits of road dust reduction, easier snow removal and decreased vehicle wear and tear.

An accident history was completed for the ten year period from January 1, 1995 through December 31, 2004. There were 17 recorded accidents, 12 of which resulted in no injuries. No fatal accidents were reported in this time period. Three of the crashes were partially attributed to ruts, holes and bumps in the road while a hill obstruction contributed to another. Other common factors in these crashes included careless driving, excessive speeds and alcohol.

The accident rate assigned to this road was 4.50—2.6 times higher than the statewide average rural secondary highways. The accident severity rate for FAS 354 was 9.81—2.4 times higher than the statewide average.

The areas south of Polson and west of Pablo and Ronan have recently experienced increases in population and land use changes that have contributed to increased traffic volumes on FAS 354. Reconstruction of FAS 354 will improve emergency service access, north-south travel and the safety and operational efficiency of the roadway in this developing area. The road will better serve improved access to recently completed and planned residential and development west of U.S. Highway 93 and south of Polson.

The average daily traffic (ADT) volume for FAS 354 in 2003 was 230 vehicles per day. Design year (2024) ADT is expected to be 330.

## ENVIRONMENTAL IMPACTS

The proposed project has been evaluated for, and will have minor effects on the following environmental areas of concern:

### Prime, Unique and Important Farmlands

The U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) was contacted on February 15, 2005 about the presence of farmland in the project area. A Soil Conservationist for the NRCS indicated that the proposed project would cross six areas containing three different soil types that meet the requirements for Prime Farmland If Irrigated. These soils (listed by soil number and name) include:

165 Truscreek silt loam, 0 to 2 percent slopes;
84 Kerl loam, 2 to 4 percent slopes; and
95 Lonepine silt loam, 2 to 4 percent slopes.

The proposed project will directly convert an estimated 0.91 ha (about 2.25 acres) of these soil types to new right-of-way. A Farmland Conservation Impact Rating form (#AD-1006) was processed for this project in accordance with the *Farmland Protection Policy Act* (FPPA - **7 U.S.C. 4201**, et seq.). The *Total Points* for this project's Site Assessment Criteria are 146 points. The NRCS completed the attached (#AD-1006) form and concurred that under 7 CFR 658.4(c), no additional consideration for protection is necessary.

### Stream Modifications and Water Quality

The CSKT manages the federal *CLEAN WATER ACT (CWA) SECTION 303* Water Quality Standards Program and *CWA SECTION 401* Water Quality Certification Program under an agreement with the ENVIRONMENTAL PROTECTION AGENCY (EPA). In addition to these programs, the CSKT administers the Water Quality Management Ordinance 89B to "restore and maintain the chemical, physical and biological integrity of Reservation waters" and a nonpoint source management plan prescribing best management practices for development at the watershed level.

The CSKT also established the Aquatic Lands Conservation Ordinance (ALCO) 87A to protect wetland resources on the reservation. ALCO prevents the degradation of Reservation waters and aquatic lands by regulating construction projects that may cause erosion, sedimentation or other disturbances. MDT will apply for an 87A (ALCO) permit prior to construction.

There are two major irrigation crossings and numerous minor crossings throughout the project. In several locations, the roadside borrow ditch is being used to carry irrigation water. MDT intends to raise the road grade and relocate irrigation facilities (including irrigation wastewater ditches) outside the right-of-way. Adjacent property owners and the Flathead Irrigation District will be involved with all irrigation design decisions.

The seasonal Pablo Canal—which originates from Pablo Reservoir to the north and east of the project area—is the primary feature influencing hydrology. The main canal flows underneath the existing roadway at RP 6.6, with various other irrigation ditches and canals crossing and paralleling the roadway over the entire length of the project.

The U.S. ARMY CORPS OF ENGINEERS (COE) views Headwaters, Inc. v. Talent Irrigation District, 243 F.3d 526 (9th Cir. 2001) as binding in the geographical jurisdiction of the U.S. Court of Appeals for the Ninth Circuit. In that case, the court held that irrigation canals—even those with intermittent flows—that receive water from natural streams and lakes, and divert water to streams and creeks, are connected as "tributaries" to those other waters. The Ninth Circuit further held that a "stream which contributes its flow to a larger stream or other body of water is a tributary and a 'water of the United States.'" The Pablo Canal is considered jurisdictional because of its downstream connection to waters of the United States (Crow Creek and the Flathead River). These connections suggest that a Section 404 Permit will need to be acquired from the COE in the event that any placement of fill or excavation impacts the Pablo Canal.

Although impacts in the immediate project vicinity are expected to be negligible, construction activities will have the potential to deliver sediment down gradient of the project, potentially affecting aquatic resources downstream.

The potential for temporary decreases in water quality in the streams that collect runoff from the project area will be increased during construction since soils along the road will be disturbed. Without effective erosion control measures in place, sediments and nutrients could be transported by storm water runoff to surface waters. MDT's current design and construction procedures have been developed to minimize such impacts. All proposed work would be in accordance with the *Water Quality Act* of 1987 (**P.L. 100-4**, as amended). A Storm Water Pollution Prevention Plan (SWPPP) would be developed and implemented to assess the characteristics of the site, identify potential sources of pollutants, identify Best Management Practices (BMP's) to minimize or eliminate potential for pollutants to reach surface water through storm water runoff. Best Management Practices (BMPs), including temporary and long-term erosion control measures, would be considered in the design of a SWPPP for this project. The SWPPP would be developed using procedures and methods established in MDT's "Erosion and Sediment Control Best Management Practices: Reference Manual" whose main objective is to minimize erosion of disturbed areas during and after construction of the project. No long-term adverse effects on the water quality of the streams in the area are expected to result from this proposed project.

A Storm Water Pollution Prevention Plan will be designed for the proposed project and submitted to the National Pollutant Discharge Elimination System Coordinator at the CSKT Water Management Division.

**Floodplains**

**Executive Order No. 11988** and the Federal Highway Administration's (FHWA) floodplain regulations (23 CFR 650, Subpart A) require that the effects of the proposed action be evaluated to determine if it encroaches on the "base" (or 100-year) floodplain.

The FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) produced Flood Insurance Rate Map (FIRM) panels for Lake County that identify 100-year floodplains. The project plans demonstrate that it is entirely within the area covered by FIRM panels 30047C0275B[1] and 30047C0335B[1] and is considered Zone X (areas determined to be outside the 100 and 500-year flood plain) and therefore complies with **Executive Order 11988.**

**Erosion Control and Seeding**

The EPA and CSKT share regulatory authority over activities that may cause discharges of sediment into "state waters" on the Flathead Reservation (which include, but are not limited to lakes/reservoirs, rivers, streams, unnamed tributaries to state waters, wetlands, and irrigation channels). Permanent seeding of areas disturbed by construction activities beyond roadway surfaces is required on MDT's projects in rural areas and coordination must occur with the CSKT and Lake County.

Road construction will not cause notable adverse effects on surface water quality because Best Management Practices (BMP's) will be implemented during and after construction.

In accordance with **7-22-2152** and **60-2-208, M.C.A.**, MDT will re-establish a permanent desirable vegetation community along areas MDT right of way and construction easements disturbed by the proposed construction. A set of revegetation guidelines will be developed and required to be followed by MDT's contractor. These specifications include instructions on seeding methods, dates, mix components, and the types and amounts of mulch and fertilizer. Seed mixes include a variety of species to assure that vegetative cover immediately stabilizes areas disturbed by construction. The Seeding Special Provisions developed for the project will be forwarded to the Lake County Weed District and CSKT Natural Resources Department for review and approval.

**Executive Order No. 13112** addresses the responsibilities of federal agencies with respect to invasive species. A biological resources report (BRR) prepared for this project identified the presence of six noxious weeds in the project area. These invasive species included the following species considered to be Category 1: spotted knapweed (*Centaurea maculosa*), Canada thistle (*Cirsium arvense*), ox-eye daisy (*Chrysanthemum leucanthemum*), houndstongue (*Cynoglossum officinale*), and dalmatian toadflax (*Linaria dalmatica*). Category 1 noxious weeds are currently established and generally widespread in many counties of the state. Only one Category 3 species, yellowflag iris (*Iris pseudacorus*), was observed in the project area. Category 3 noxious weeds may be found only in small, scattered, localized infestations.

The proposed project's contractor must also follow the requirements of both the *County Noxious Weed Management Act* (**7-22-2101, M.C.A.**) as well as all county and contract noxious weed control provisions.

**Air Quality**

The EPA is responsible for administering the federal *Clean Air Act*, as amended **(42 U.S.C. 7521(a))** on this portion of Lake County, which overlaps the Flathead Indian Reservation. According to the *Clean Air Act*, Indian tribes are eligible to seek EPA approval to manage their own air quality programs. The CSKT is currently developing such a program and already has a functioning air quality monitoring program. This area is designated a Class One Airshed, which provides the highest level of protection from future air quality deterioration by limiting ambient pollution and reviewing new sources of air pollution. Because the proposed project is not located within or near the Polson or Ronan PM-10 Nonattainment Areas, the proposed reconstruction on FAS 354 will not contribute to new violations of air quality standards within the Nonattainment Areas.

"The 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 EPA'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* **(42 U.S.C. 7521 (a))**, as amended.

The only air quality concerns in the project area itself relate to dust generated by travel on the existing road. The proposed paving will provide localized benefits to air quality, as road dust generated by travel on this gravel-surfaced section of FAS 354 will be eliminated.

Short-term air quality impacts will be anticipated during construction of the proposed project due to the disturbance of relatively large areas and operation of heavy equipment in work zones. These impacts will be minor and limited to the construction period. Dust control may be needed for construction and for any unpaved routes used as detours.

**Wetlands**

Land and Water Consulting, Inc. delineated wetland areas for this project in June 2004 according to criteria and methods outlined in the COE *1987 Wetlands Delineation Manual* and the *MDT Montana Wetland Assessment Method* and completed a biological resources report (BRR). Wetland location maps, found plant species lists, COE Routine Wetland Determination forms and MDT Montana Wetland Assessment forms were completed for wetland sites identified within the project area. The BRR contains these materials.

A total of twenty-nine wetland sites (including three subsites) were delineated within the project area. These delineated wetland sites include:

- roadside ditch and irrigation ditch wetland sites;
- natural drainages with undefined channels fed by groundwater and supplemented by irrigation flows;
- two roadside ditch wetlands with associated large wet meadows fed by seepage from the main Pablo Canal; and
- two shallow ponds.

Twenty-eight of the delineated wetland sites may be directly affected by the proposed highway improvements project.

Wetland sites associated with roadside ditches, irrigation ditches, and naturally occurring drainages with high groundwater conditions are typically dominated by emergent species like broad-leaf cattail, reed canarygrass, creeping foxtail, hard-stem bulrush and reed meadowgrass. Beaked sedge, stalk-grain sedge, Baltic rush, curly dock, field mint and annual rabbit-foot grass are common species often found in wet meadows in the project area. The shallow ponds in the project area support emergent wetland vegetation around the periphery, with lesser duckweed being a common species at both sites.

A preliminary jurisdictional determination was made for each of the wetland sites identified in the project corridor. Twelve of the identified wetland sites bisected by this project will be considered likely jurisdictional because of their direct downstream connection to a water of the United States or because they have been determined to be adjacent to a water of the United States. Jurisdiction will ultimately be decided by the COE relative to each of the wetlands identified along this project.

As previously mentioned, 28 of the 29 wetland sites may be directly, permanently affected by construction; primarily as a result of fill placement and relocation of irrigation canals and ditches. In total, construction of the proposed project could result in the loss of approximately 3.33 wetland hectares (8.21 acres). This total includes 2.39 ha (5.90 acres) of Category III wetlands and 0.94 ha (2.31 acres) of Category IV wetlands. The largest individual impact along the project will occur at Wetland 13 with 0.56 ha (1.38 acres). The preliminary design plans also indicate that individual wetland impacts exceeding 0.2 ha (0.5 acres) may occur at four locations, including Wetlands 5, 12, 13 and 24.

Minor, temporary impacts within the right-of-way and temporary construction easements may also occur, although these impacts cannot be quantified as precise construction techniques/approaches are unknown at this time.

To date, MDT does not have revised plan sheets representing avoidance and minimization of wetlands along the proposed project. However, it is expected that the majority of impacts will occur at sites immediately adjacent to the existing road, often on both sides, and are largely unavoidable regardless of the direction of centerline shift or fill slope angle. MDT's road designers are analyzing various avoidance and minimization measures that could potentially be included with this project.

Compensatory mitigation for the projected wetland loss is being pursued under the 1996 MDT Interagency Wetland Group operating procedures. MDT is currently working with the CSKT to include the mitigation of this projects' wetland impacts in the wetland mitigation reserve agreement being developed for the Finley Creek Flats site. Temporary impacts to wetlands within the right-of-way and construction easement areas will be restored to original contours and revegetated immediately following construction.

**Threatened or Endangered Species**

In accordance with *Section 7(a)* of the *Endangered Species Act* (**16 U.S.C. 1531-1543**), MDT contacted the U.S. FISH AND WILDLIFE SERVICE (USFWS) for a list of endangered, threatened, proposed, and candidate species that could occur in the project area. Based on this consultation, the following threatened species could potentially occur in the project area.

- Bald Eagle (*Halieetus leucocephalus*)
- Gray wolf (*Canis lupus*)
- Grizzly bear (*Ursos arctos horribilis*)
- Bull trout (*Salvelinus confluentus*)
- Spalding's Campion (*Silene spaldingii*)
- Slender moonwort (*Botrychium lineare*), a candidate plant species

Based on research and field reviews, MDT's consulting biologists concluded in a biological resources report (BRR) that only the bald eagle and Spalding's Campion may occur in the vicinity of the proposed highway reconstruction project. These species and potential project-related effects are discussed below.

The BRR noted that there are no known occurrences of Spalding's Campion within 8 km (5 miles) of this project and the project area contains no habitat for this species. Because there are no known occurrences of this species or its habitat in the project area, the proposed project will have **no effect** on this threatened plant species.

Bald Eagle. According to bald eagle nesting records compiled by the MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS (MDFWP), three bald eagle nest sites are known to occur within a 8 km (5 mile) radius of the project. One nest site is known to occur at Pablo Reservoir approximately 2.4 km (1.5 miles) east of the project's northern terminus. The other two nests occur over 3.2 km (2 miles) south of the project's southern terminus near Crow Reservoir and Crow Creek. This project likely falls within the outer home range, an area defined to be within a 4 km (2.5 mile) radius of the nest site, at the three known bald eagle nests in the area. However, due to the lack of perch and roost trees and the lack of fish bearing streams in the project area, these resident birds likely spend little time in the immediate project area.

Eagles are known to winter in the project area, feeding primarily on winter and road-killed big game animals, fish and waterfowl. Migratory birds are also likely to use the project area as they travel between summer and winter ranges. Perch, nest and roost trees are limited in the project area and likely receive little use by resident or migratory eagles because of their close proximity to rural home sites.

Due to the potential year-round presence of bald eagles in the project vicinity, construction activities during all seasons could conceivably temporarily disturb or displace eagles where the project is visible from nesting, roosting and foraging habitat. However, these impacts are not considered substantial because the areas and duration of disturbance will be relatively confined and occur in an

already disturbed transportation corridor. Additionally, undisturbed similar habitat for displaced birds is abundant in the surrounding area.

A **may affect, not likely to adversely affect** determination was made for project-related effects to the bald eagle in the BRR. The BRR outlined several coordination measures to ensure any impacts to bald eagles area minimized including:

- confirming the nesting status of bald eagles in the project area prior to construction;
- coordinating with the MDFWP and CSKT to determine if any spatial or temporal restrictions are warranted if new nests are identified in the area at the time of construction; and
- implementing best management practices for erosion control to safeguard water quality.

**Rare and Sensitive Species**

In addition to species listed by the USFWS under the *Endangered Species Act*, other species have been designated as rare, sensitive, or of special concern by the MONTANA NATURAL HERITAGE PROGRAM (MNHP) and the MDFWP.

A MNHP data search indicated only one known occurrence of a wildlife species of concern within several kilometers of the project. A small Great Blue Heron rookery has been documented at Pablo Reservoir north of the project. Although not documented by MNHP records of occurrence, the northern leopard frog, the Common loon, Trumpeter Swan and Peregrine Falcon are species of special concern listed by the MNHP that could occur in the general project area.

The MNHP database revealed that three rare plant species are known to occur within 8 km (5 miles) of the project—Chaffweed, Yellow-staining Collomia and Oregon Checker-mallow. However, none of these occurrences are located in the immediate vicinity of the project area.

No long-term negative impacts or irretrievable losses to rare and sensitive plants or wildlife or habitat are likely to occur as a result of this project. The cumulative impacts of this project and other developments in the area will not result in a decline of these species or populations.

**Other Wildlife Resources**

The project area provides habitat for a wide variety of birds, mammals, reptiles and amphibians. Overall, the effects to wildlife in the project area would be minor since it will be built within an area that provides low to moderate quality habitat due to the relatively high level of human disturbance. Habitat for species potentially displaced by project activities is abundant and exists nearby. The most notable impacts to the wildlife species in the project area will be displacement during the reconstruction of the roadway. This impact will be temporary and no long-term negative impacts or irretrievable losses to wildlife or habitat are expected to occur. Disturbances to native plant communities that provide habitat for wildlife will be minimized and unnecessary disturbance beyond the construction zone will be avoided.

In accordance with the *Migratory Bird Treaty Act* (**16 U.S.C. 703-712** as amended) and **Executive Order No. 13186**, the project was reviewed for evidence of nesting and roosting sites to ensure this proposed project does not result in the death or injury to migratory birds. Field investigations for the BRR did not identify any nesting concerns for migratory birds. Therefore, this project does not warrant any special provisions to protect nesting bird species.

**Land Use**

Land ownership in the project area includes private farmland, tribal trust and fee lands, federal lands and state lands. This area is primarily used for agriculture yet also includes a few scattered rural residences. Agriculture in the area is largely irrigated, cultivated farmland. Public recreational opportunities also exist at the Pablo Reservoir—just north of the project.

Overall, the land use impacts of the project are considered to be minor since this improvement project will not alter current land uses nor require the relocation of any residences or businesses. Minor amounts of land adjacent to the existing facility will be converted from their present uses to highway right-of-way. The proposed improvements to this highway will facilitate access to and from adjacent lands and make travel through the corridor safer and more efficient.

The *Lake County Growth Policy* (August 2003) cited the demand for improved transportation infrastructure in Lake County in response to increasing population. The proposed project will help address this identified need.

The CSKT have adopted the Flathead Reservation Comprehensive Resources Plan, a plan for protection and development of land-related resources. This proposed project will not conflict with the goals and policies of the Comprehensive Resources Plan.

**Right-of-Way and Utilities**

The right-of-way report prepared for this project revealed that 48 property parcels are crossed by the proposed project. These parcels are primarily agricultural-dry land and irrigated cropland. No residential or commercial relocations are required for the proposed project.

The existing right-of-way for FAS 354 is typically 18.2 m (60 feet) on either side of the centerline. The proposed new right-of-way corridor will typically range from 17 m (56 feet) to 67 m (220 feet) from the centerline. The majority of the new right-of-way will range from 20 m (66 feet) to 24 m (79 feet) from the centerline. Completion of the proposed project will require acquisition of about 21 ha (51.90 acres) of right-of-way and an additional 2.8 ha (7 acres) of land for irrigation easements.

Acquisition of land, and improvements, for highway construction is governed by state and federal laws and regulations that are designed to protect both the landowners and the taxpaying public. Landowners affected are entitled to receive just compensation for any land or improvements acquired and for any depreciation in value of the remaining land due to the effects of highway construction. Acquisition will be accomplished in accordance with applicable laws; specifically,

Title 60, Chapter 4 and Title 70, Chapter 30, Mont. Code Ann.; and Title 42, U.S.C., Chapter 61, "Uniform Relocation Assistance And Real Property Acquisition Policies For Federal And Federally Assisted Programs."

**Traffic and Circulation Impacts**

The provision of an improved, paved two-lane roadway on this section of FAS 354 will not be expected to substantially change local traffic patterns. This route functions as a rural collector roadway and the type of improvements being proposed meet MDT geometric design criteria for such facilities. Average daily traffic volumes are currently estimated to be about 230 vehicles per day and projected to increase to about 330 vehicles per day over the next twenty years.

Paving FAS 354 may lead to somewhat higher travel speeds on the route. The new paved roadway will be designed to a higher engineering standard and offer a substantially improved driving surface and safer roadside environment than that associated with the existing gravel roadway.

The proposed project will cause a minor disruption to the local circulation of traffic during construction. MDT will implement a traffic control plan to minimize the adverse effects of construction on traffic circulation, to ensure access to adjacent properties during the construction period and to promote work zone safety.

**Social Impacts/Environmental Justice**

The proposed project will not significantly affect the location, distribution, density or growth rate of the population in the vicinity. The proposed improvements will not adversely affect any social or ethnic groups nor will they isolate or divide any existing residential areas.

The proposed project will be in accordance with **Executive Order No. 12898**, and will not create disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. The proposed project will also comply with the provisions of *Title VI of the Civil Rights Act* of 1964 (**42 U.S.C. 2000d**, as amended) under the FHWA's regulations (23 CFR 200).

**Economic Impacts**

Direct economic benefits from this proposed project will be limited to the period of its construction. Lake County could see minor benefits if local workers and craftsmen are used for construction of the project or if project workers require housing in the area.

**Noise**

This proposed project involves roadway reconstruction in a rural area with scattered residences. Only minor changes in vertical and horizontal alignment will occur within the project area. Paving and striping the road will designate travel lanes and shoulders on this route; however, the facility will continue to accommodate two-way travel.

MDT assessed the potential noise impacts from this project. The assessment concluded that the houses in the vicinity of the existing FAS 354 will not experience noise impacts as a result of this project. MDT's assessment also concluded that due to the nature of this project, a detailed noise analysis is not required.

**Hazardous Materials**

The potential for the presence of hazardous wastes in the project area was researched in April 2005 and in an initial site assessment in 1999. This work did not identify any hazardous materials concerns or sources of hazardous wastes. Disposal of non-salvageable and leftover materials will be in accordance with all applicable laws, rules, and regulations, including the *Montana Solid Waste Management Act* (**75-10-203, M.C.A.**).

The Contractor will be required to take precautions to minimize the effects of construction operations and to prevent leakage or spilling of fluids from construction equipment.

**Historical/Cultural Resources**

An intensive survey of the project area was conducted in 2002 by the CSKT Tribal Preservation Department and included letters to area landowners to provide them an opportunity to participate in the cultural resource evaluation process. CSKT staff members walked the length of the proposed project and drove a group of Salish-Pend d' Oreille Elders through the area to help identify cultural issues and concerns.

The cultural resources report was completed for the proposed project in December 2002. The report identified 60 cultural resource sites within the project area, including historic buildings, structures, residences, stores, farms, irrigation systems, a bridge and a railroad. No historic tribal allotments were identified in the project area and no prehistoric cultural resources were discovered.

CSKT documented nine previously unreported cultural resource properties within the project area. Eight of the sites are historic agricultural settlements dating from the period after the opening of the Flathead Indian Reservation to white settlement. The remaining site is the extensive Pablo Canal A system and timber bridge. The canal system and timber bridge was the only one of the nine sites recommended as eligible for listing in the National Register of Historic Places. The 56.5m (18 foot) by 20.25 m (66.44 foot) timber bridge on the Pablo Canal (listed as site 24LA263 in the CSKT Cultural Resource Inventory) will be removed and replaced with a 4.88 m (16 foot) by 2.44 m (8 foot) box culvert. MDT has prepared a Determination of Effect document stipulating that removal of this bridge represents a minor impact to this NRHP resource and does not compromise the overall integrity of the site. Concurrence with this determination by the CSKT Tribal Preservation Department is pending.

***Section 4(f)* Impacts**

*Section 4(f)* of the 1966 *Department of Transportation Act* (49 U.S.C. 303) provides for the protection of publicly owned parks, recreation lands, historical sites and wildlife and waterfowl refuges. MDT's Determination of Effect document states that the proposed project will not impact any public parks, recreation lands, wildlife or waterfowl refuges nor significantly impact historical sites. A "Nationwide" Section 4(f) Evaluation for this project's minor impact on Pablo Canal A (site 24LA263) is attached.

***Section 6(f)* Impacts**

*Section 6(f)* of the *National Land & Water Conservation Fund Act* (**16 U.S.C. 460**) requires that coordination be undertaken to determine if federal funds were used to acquire or improve any lands in the project area for recreation or water conservation purposes. There are no public lands (public recreation sites) in the project area that have been acquired or improved with *Section 6(f)* funds located within the project area.

**Indirect Effects**

Indirect (secondary) effects are those caused by the proposed highway reconstruction project but that occur at a different time and/or place. Transportation improvements often have the potential to induce growth and change patterns of land use, population density or growth rates, social and economic conditions, accessibility, traffic volumes, noise levels. Such induced changes may in turn, affect air and water quality and other natural systems.

The indirect effects associated with the 8 km S of Polson-South project are expected to be minor and several indirect effects may be beneficial. This conclusion was made because the primary purpose of the proposed project is to improve the safety and operational characteristics of an existing roadway through design changes and paving. The resulting facility will make travel on FAS 354 safer, more efficient, and more convenient for area residents and other highway users.

Other minor indirect impacts that could occur as a result of this project include:

- Paving the gravel surfaced road will increase in the amount of impervious surface area in the highway corridor. As a result, groundwater infiltration on and along the roadway will be reduced and larger quantities of runoff from the highway will transport roadway pollutants to area drainages.

- Providing a facility meeting MDT's geometric design standards for Rural Collectors may result in increased vehicle speeds and thereby reduce travel times for road users.

- Road users will benefit as wear and tear on vehicles will be reduced through road paving.

- Localized air quality benefits will be realized since paving the roadway will substantially reduce the generation of road dust

- Upgrades or minor enhancements to utilities in the project corridor will occur due to utility relocations.

- The minor loss of "Prime Farmland If Irrigated" will contribute to the continuing loss of farmland resources in Lake County.

Lake County has been, and continues to be, one of Montana's most rapidly growing counties since 1970. Between 1990 and 2000, the County's population increased by nearly 26 percent. Similarly, the population of the Flathead Indian Reservation increased over the same time period and showed a 23 percent increase in population between 1990 and 2000. The largest share of this population growth has occurred in rural areas and not within incorporated communities of Lake County. This growth has occurred for many years even without major transportation improvements being implemented in this area.

The proposed road reconstruction project may indirectly contribute to further growth and development in Lake County by providing a route that will make commuting to and from Polson from outlying areas to the southwest of the community quicker and safer. While this is a possibility, there are too many other factors that promote growth to make accurate predictions about exactly where and when such growth may occur. The factors include items such as the general economy, land prices, tax levels and the existence of services and infrastructure. Reconstructing this section of FAS 354 will not substantially change the character of the project area or cause current property owners and developers to build faster or any differently than they will have without the proposed project. For these reasons, it is not believed that reconstructing this existing roadway will be a major cause of additional residential growth and development in this part of Lake County and the Flathead Indian Reservation.

**Cumulative Impacts**

Cumulative impacts are those effects that result from the incremental consequences of an action when added to other past and reasonably foreseeable future actions regardless of what agency (federal or non-federal) undertakes such actions. In order to help evaluate possible cumulative effects, research was conducted to identify other known or planned projects in the vicinity of the 8 km S of Polson-South corridor. Recently completed, ongoing, and reasonably foreseeable projects by MDT and others are described in the following paragraphs.

Projects Planned by MDT. The most notable work proposed by MDT in the project area involves the reconstruction of more than 90 km (56 miles) of U.S. Highway 93 between Evaro and Polson. The U.S. Highway 93 corridor is located about 6.4 km (4 miles) east of the 8 km S of Polson-South project corridor. The following projects (shown by their anticipated construction phasing) have been proposed for U.S. Highway 93 between Evaro and Polson:

- N of Arlee-Vic White Coyote Rd; NH 5-2 (119)19
- Minesinger Trail – MT 35; NH 5-2 (124)55
- Vic White Coyote Rd-S Ravalli; NH 5-2 (120)20

- Medicine Tree-Vic Red Horn Rd; NH 5-2 (122)32
- Spring Creek Rd-Minesinger Trl; NH 5-2 (123)48
- South of Ravalli-Medicine Tree; NH 5-2 (121)27
- Evaro-McClure Road; NH 5-1 (30)7
- McClure Rd-N of Arlee Couplet; NH 5-1 (31)13

Two of these projects, N of Arlee-Vic White Coyote Rd and Minesinger Trail – MT 35, were let to contract in September 2004 and March 2005, respectively. Both projects are currently under construction. MDT will implement the remainder of the reconstruction projects over the next three years.

Reconstruction of U.S. Highway 93 between Ronan and Polson may result in temporary increases in traffic on the Back Road if motorists choose this route to avoid construction delays associated with the Spring Creek Rd-Minesinger Trail project. There is no accurate way to predict how many motorists will choose to use FAS 354 as an alternate travel route during reconstruction on U.S. Highway 93 in the area. However, the route may tend to be an attractive alternative to delays on U.S. Highway 93 for some local road users.

In addition, MDT is currently preparing a Supplemental EIS (SEIS) addressing reconstruction of U.S. Highway 93 in the Ninepipe/Ronan area. The north end of the Ninepipe/Ronan SEIS project area is located about 6.4 km (4 miles) southeast of the 8 km S of Polson-South project corridor. The SEIS will identify alternatives and the associated environmental effects of reconstructing an 18 km (11.2 mile) long segment of the route from south of St. Ignatius (Red Horn Road) to Ronan (Spring Creek Road). The Draft SEIS should be completed and available for review in the fall of 2005 and should be finalized in 2006. A schedule for reconstruction of the route in the Ninepipe/Ronan area will be determined after a Record of Decision is made on the SEIS.

Efforts are also underway to determine the appropriate improvement project for U.S. Highway 93 from its intersection with Montana 35 north through Polson to the vicinity of the U.S. Highway 93/Rocky Point Road intersection.

One additional MDT project, Polson-East; STPP-NH 52-1(20) 0, was let to contract in December 2004 and is currently under construction. This reconstruction project will reconstruct 4.5 km (2.8 miles) of Montana Highway 35 beginning immediately east of U.S. Highway 93 at the south edge of Polson.

The MDT projects described above are being undertaken in response to the demands of increasing traffic volumes and the need to upgrade outdated facilities. The most apparent cumulative effect of implementing these projects will be a safer and more efficient road and system.

Because these projects are located considerable distances from the 8 km S of Polson-South project corridor and the timing of their construction activities will not coincide, none of these other MDT projects will have any significant cumulative environmental impacts on this proposed action. This proposed highway reconstruction project will also not cause significant cumulative environmental impacts on other MDT projects.

Planned Projects by Others in the Area. The Lake County Planning Office was contacted on April 14, 2005 to determine if any projects were underway or proposed in the vicinity of this project. The Lake County Planning Office confirmed that the MDT projects were the only developments planned for this area.

Conclusions. Based on the review of ongoing and planned projects by MDT and others, it was concluded that the proposed reconstruction of FAS 354 will not cause significant cumulative impacts to environmental resources in the 8 km S of Polson-South project area.

MDT will continue to coordinate future projects with the public and other appropriate agencies, complete a review of potential impacts to the environment, and identify requirements for mitigation of any adverse effects as projects are developed and implemented. Likewise, other future federal and state projects will be subject to reviews under NEPA and MEPA to determine if significant environmental impacts are likely and identify measures to mitigate any identified adverse effects.

Lake County's Growth Policy Plan and the CSKT's Flathead Reservation Comprehensive Resource Plan recognize that growth and development, if not planned, may cause adverse cumulative effects and change the "character" of the County and the Reservation. Lake County and the CSKT ultimately have the ability to control many potential cumulative effects associated with new growth and development through land use planning and environmental regulations.

**Permits Required**

The proposed project will require the following be obtained prior to any relevant disturbances:

**Section 404 Permit.** A *CLEAN WATER ACT* **(33 U.S.C. 1251 - 1376)** - *Section 404* permit from the COE will be required for the placement of fill or excavation in delineated jurisdictional wetlands and irrigation ditches subject to the "Talent" decision associated with road construction. The COE will determine if this proposed project qualifies for a "Nationwide" permit under the provisions of 30 CFR 330.

**87 A (ALCO) Permit**. A Tribal Application for the Alteration of Aquatic Land or Wetland on the Flathead Reservation will be required for construction projects that could adversely affect the quality of Reservation waters and aquatic lands. This permit will be obtained from the CSKT Shoreline Protection Office.

## COORDINATION

This proposed project originally included two projects on FAS 354—8 km S. of Polson – South and 11 km S. of Polson – South. Coordination of the 8 km S of Polson project began in May 1998 when MDT conducted a preliminary field review. MDT conducted a preliminary field review for the 11 km S of Polson-South project in July 2000. MDT ultimately decided to combine the two projects in November 2001 to take advantage of the cost-effectiveness of reconstructing this highway as one project rather than two. This decision was endorsed by both Lake County and the CSKT.

MDT distributed a news release on the original 8 km S. of Polson project in September 1998 and received preliminary comments from the CSKT in December of that year. A second news release about this project was distributed by MDT in February 1999. A news release about the 11 km S. of Polson project was distributed by MDT in September 2000.

MDT held a public meeting about these two projects at the Polson Community Center in March 2001. One public comment was collected from the meeting urging MDT to construct the south portion of the route first.

In March 2004 letters were prepared and sent to the relevant state, federal and local agencies, the CSKT and others potentially interested in the project to provide an update on the project's status and request information for the environmental document.

## CONCLUSION

The proposed 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. The proposed project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (**Executive Order No. 12898**) and complies with Title VI of the *Civil Rights Act of 1964* (**42 U.S.C. 2000d**). In accordance with 23 CFR 771.117(a), the proposed action will neither individually nor cumulatively have any significant environmental impacts. Therefore, the FHWA's concurrence is requested that the proposed project is properly classified as a Categorical Exclusion.

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

Concur _____ Date 9/30/05
Federal Highway Administration

Attachments:
Project location map
Form AD 1006
Section 4(f) Evaluation Form

cc: all with attachments
Dwane Kailey – MDT Missoula District Administrator
Paul Ferry, P.E. - Highway Engineer
Kent Barnes, P.E. – Bridge Engineer
John Horton - MDT Right-of-Way Bureau Chief
Jean A. Riley, P.E. – Environmental Services Bureau Chief
Susan Kilcrease – Environmental Services - Missoula
David W. Jensen, Supervisor - Fiscal Programming Section
Suzy Althof, Supervisor - MDT Contract Plans Section
D. Fred Matt, Tribal Council Chairman, CSKT
Sue Shannon, Lake County Planning Director
Bob Smith, Lake County Road Supervisor
project file

*Environmental Services Bureau*
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*Engineering Division*
*TTY: (800) 335-7592*
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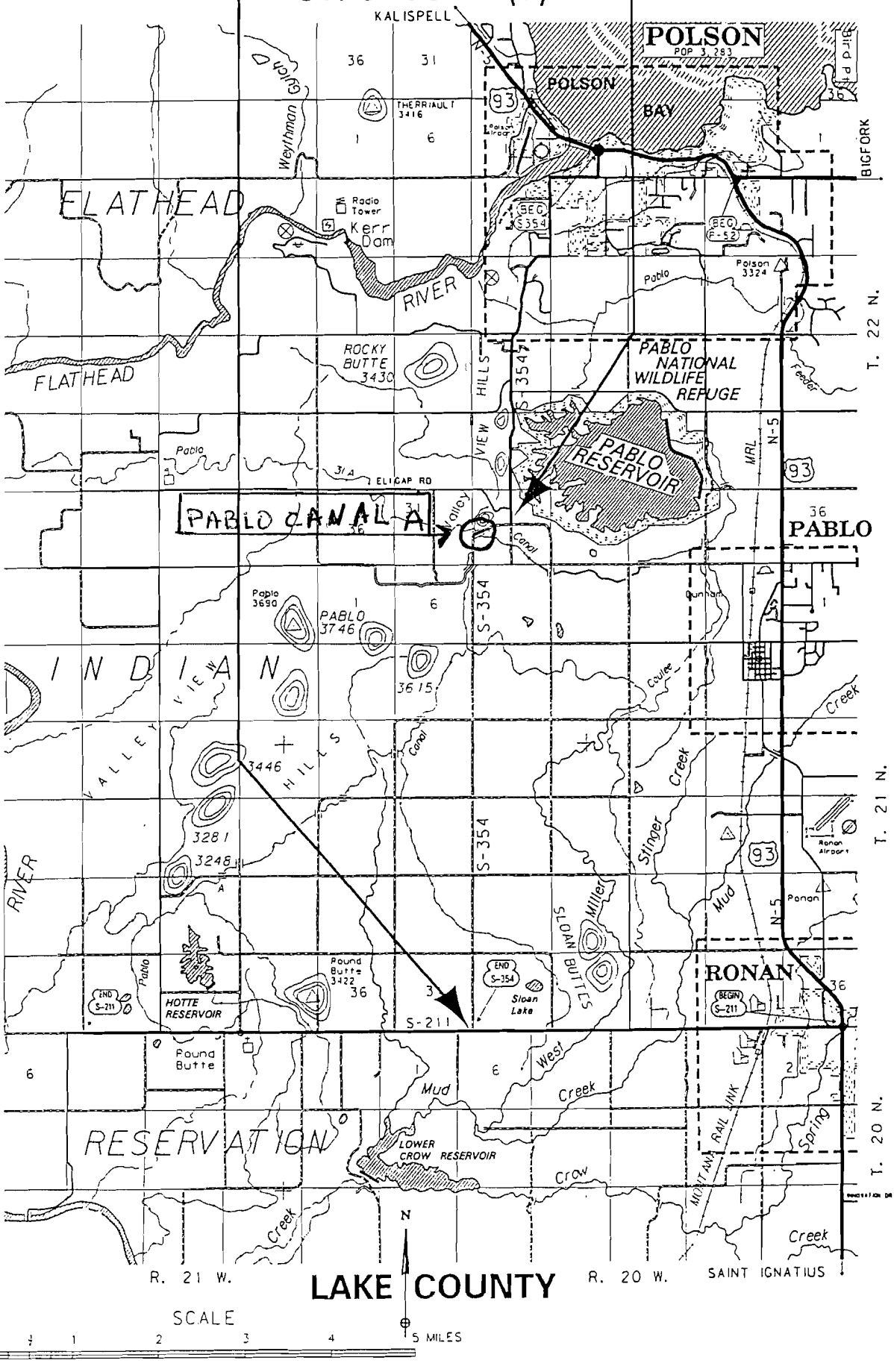
# 8 KM SOUTH OF POLSON – SOUTH

## STPS 354–1(9)5



MONTANA DIVISION

# "NATIONWIDE" *SECTION 4(f)* EVALUATION FOR MINOR IMPACTS ON HISTORIC SITES

## EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project # **STPS 354-1(9)5** Date: **June 29, 2005**

Project Name: **8 Km South of Polson - South** Location: **Pablo Canal A 24LA263 Lake County, Montana**

**The Confederated Salish and Kootenai Tribes documented the Pablo Canal A system and timber bridge as eligible for listing in the National Register of Historic Places. The 5.5m (18 foot) by 20.25 m (66.44 foot) timber bridge on the Pablo Canal (listed as site 24LA263 in the CSKT Cultural Resource Inventory) will be removed and replaced with a 4.88 m (16 foot) by 2.44 m (8 foot) box culvert. The location of this site is the SW1/4, SW1/4 of Section 32, Township 22 North; Range 20 West; Lake County, Montana (Longitude: 114°11'55" and Latitude 47°37'10").**

**MDT has prepared a Determination of Effect document stating that removal of this bridge represents a minor impact to this NRHP resource and does not compromise the overall integrity of the site. Concurrence with this determination by the CSKT Tribal Preservation Department is pending. A map showing the location of this site is attached.**

***NOTE:*** *Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.*

| | YES | NO |
|---|---|---|
| 1. Is the *4(f)* site adjacent to the existing highway? | X | [ ] |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects? | X | [ ] |
| 3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover? | [ ] | X |
| 4. Is the impact on the *4(f)* site considered minor (i.e.: no effect; or no adverse effect)? | X | [ ] |
| 5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation? **This project is under the sole jurisdiction of the Confederated Salish and Kootenai Tribes (CSKT) Tribal Preservation Department and requires no SHPO coordination. Coordination with the CSKT Tribal Preservation Department has occurred and their concurrence with MDT's Determination of Effect is pending.** | [ ] | X |
| 6. Is the proposed action under an Environmental Impact Statement (E.I.S.)? | [ ] | X |
| 7. Is the proposed project on a new location? **MDT will maintain the existing centerline of the roadway as much as possible to minimize impacts to adjacent properties. A 535 ± radius horizontal curve is planned for the project's northern terminus on Paulson Road to its connection with Eli Gap Road and FAS 354.** | [ ] | X |

***NOTE:*** *Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.*

8. The Scope-of-Work for the proposed project is one of the following: X [ ]
   a **Improved traffic operation;**
   b) **Safety improvements;**
   c) 3R;
   d) **Bridge replacement on essentially the same alignment**; or
   e) Addition of lanes.

## ALTERNATIVES CONSIDERED

| | YES | NO |
|---|---|---|
| 1. The "do-nothing" **ALTERNATIVE** has been evaluated, and is not considered to be feasible and prudent. **FAS 354 fails to meet at least two of the Geometric Design Criteria for Rural Collector Roads adopted by MDT (secondary highways not in the National Highway System). These criteria include requirements for a paved surface, minimum widths of 8.4 m (27.5 feet), horizontal and vertical alignment and roadside slopes.** | X | [ ] |
| 2. An **ALTERNATIVE** has been evaluated on the existing alignment which improves the highway without any *4(f)* impacts, and is also not considered to be feasible and prudent. **Any alternative on the existing alignment of FAS 354 would still require crossing the Pablo Canal.** | [ ] | X |
| 3. An **ALTERNATIVE** on a new location avoiding the *4(f)* site has been evaluated, and is not considered to be feasible and prudent. **Any new alignment for FAS 354 would still require crossing the Pablo Canal.** | [ ] | X |

## MINIMIZATION OF HARM

| | YES | NO |
|---|---|---|
| 1. The proposed project includes all possible planning to minimize harm. | X | [ ] |
| 2. Measures to minimize harm include the following: **The alignment of the proposed project will typically follow the existing alignment in the vicinity of this irrigation ditch thereby minimizing impacts to this historic feature.** | X | [ ] |

## COORDINATION

1. The proposed project has been **COORDINATED** with the following:

| | | |
|---|---|---|
| a) SHPO **(N/A)** | [ ] | X |
| b) CSKT Tribal Preservation Department **(pending)** | X | [ ] |
| b) ADVISORY COUNCIL ON HISTORIC PRESERVATION **(August 16, 1993 - Programmatic Agreement)** | X | [ ] |
| c) Property owners **MDT distributed a news release on the original 8 km S. of Polson project in September 1998 and received preliminary comments from the CSKT in December of that year. A second news release about this project was distributed by MDT in February 1999. A news release about the 11 km S. of Polson project was distributed by MDT in September 2000. MDT held a Public meeting about these two projects at the Polson Community Center in March 2001.** | X | [ ] |
| d) Local/State/Federal agencies **Lake County** **CSKT** | X | [ ] |

2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation: **No comments received.**

## SUMMARY

**The proposed action is preferred because the No Build Alternative does not satisfy the specified purpose and need for improving FAS 354 south of Polson. The No Build Alternative does not improve traffic operations and safety and would not provide a facility that meets MDT's design standards for Rural Collectors on Montana's Secondary Highway System.**

**Rebuilding the road on a different alignment would not avoid the minor effects to the identified timber bridge and irrigation ditch. Therefore, no feasible and prudent alternative exists to avoid the minor effects associated with this proposed project in the vicinity of site 24LA263.**

**All possible planning to minimize harm to the identified irrigation ditch has been undertaken and will be incorporated in this proposed project. This proposed project therefore complies with the December 23, 1986 Final Nationwide*Section 4(f)* Evaluation by the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration.**

## APPROVAL

This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.

Date: 9/15/05

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

Approved: Date: 10/4/05

Federal Highway Administration

U.S. Department of Agriculture

# FARMLAND CONVERSION IMPACT RATING

| | |
|---|---|
| **PART I** *(To be completed by Federal Agency)* | Date of Land Evaluation Request **June 8, 2005** |
| Name of Project<br>**8 Km S of Polson – South**<br>**STPS 354-1(9)5** | Federal Agency Involved<br>**U.S. DOT Federal Highway Administration/ MDT** |
| Proposed Land Use<br>**Highway Reconstruction and New Right-of-Way** | County and State<br>**Lake County, Montana** |
| **PART II** *(To be completed by SCS)* | Date Request Received by SCS |

| | | | |
|---|---|---|---|
| Does the site contain prime, unique, statewide or local important farmland?<br>*(If no, the FPPA does not apply - do not complete additional parts of this form).* | Yes No<br>: 9 | Acres Irrigated | Average Farm Size |
| Major Crop*(s)* | Farmable Land in Govt. Jurisdiction<br>Acres: 289,200 39.5% | Amount of Farmland As Defined in FPPA<br>Acres: 280,511 38.3% | |
| Name of Land Evaluation System Used | Name of Local Site Assessment System none | Date Land Evaluation Returned by SCS<br>June 20, 2005 | |

| **PART III** *(To be completed by Federal Agency)* Land Evaluation Information | Alternative Site Rating | | | |
|---|---|---|---|---|
| | Proposed Action | Site B | Site C | No-Action |
| A. Total Acres To Be Converted Directly (New Right-of-Way thru Farmland) | 2.25 | N/A | N/A | 0.00 |
| B. Total Acres To Be Converted Indirectly | 0 | N/A | N/A | 0.00 |
| C. Total Acres in Site (Estimated Total Right-of-Way) | 53.34 | N/A | N/A | 21.30 |
| **PART IV** *(To be completed by SCS)* Land Evaluation Information | | | | |
| A. Total Acres Of Prime And Unique Farmland | 1.0 | | | |
| B. Total Acres Of Statewide or Local Important Farmland | 1.25 | | | |
| C. Percentage Of Farmland in County or Local Govt. Unit To Be Converted | 0.0008 | | | |
| D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value | 23 | | | |
| **PART V** *(To be completed by SCS)* Land Evaluation Criterion<br>Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)* | 47 | | | |

| **PART VI** *(To be completed by Federal Agency)*<br>Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)* | Maximum Points | | | | |
|---|---|---|---|---|---|
| 1. Area in Nonurban Use | 15 | 15 | | | |
| 2. Perimeter in Nonurban Use | 10 | 10 | | | |
| 3. Percent of Site Being Farmed | 20 | 18 | | | |
| 4. Protection Provided by State and Local Government | 20 | 0 | | | |
| 5. Distance From Urban Builtup Area | N/A | 15 | | | |
| 6. Distance to Urban Support Services | N/A | 15 | | | |
| 7. Size of Present Farm Unit Compared to Average | 10 | 8 | | | |
| 8. Creation of Nonfarmable Farmland | 25 | 3 | | | |
| 9. Availability of Farm Support Services | 5 | 3 | | | |
| 10. On-Farm Investments | 20 | 2 | | | |
| 11. Effects of Conversion on Farm Support Services | 25 | 0 | | | |
| 12. Compatibility With Existing Agricultural Use | 10 | 10 | | | |
| TOTAL SITE ASSESSMENT POINTS | 160 | 99 | | | |
| **PART VII** *(To be completed by Federal Agency)* | | | | | |
| Relative Value Of Farmland *(From Part V)* | 100 | 47 | | | |
| Total Site Assessment *(From Part VI above or a local Site assessment)* | 160 | 99 | | | |
| TOTAL POINTS *(Total of above 2 lines)* | 260 | 146 | | | |

| | | |
|---|---|---|
| Site Selected: | Date of Selection | Was a Local Site Assessment Used?<br>Yes ☐ No ☐ |

**Reason For**

*(See Instructions on reverse side)*

Form AD-1006 (10-83)

MONTANA DIVISION

# "NATIONWIDE" *SECTION 4(f)* EVALUATION FOR MINOR IMPACTS ON HISTORIC SITES

## EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project # **STPS 354-1(9)5** Date: **June 29, 2005**

Project Name: **8 Km South of Polson - South** Location: **Pablo Canal A 24LA263 Lake County, Montana**

**The Confederated Salish and Kootenai Tribes documented the Pablo Canal A system and timber bridge as eligible for listing in the National Register of Historic Places. The 5.5m (18 foot) by 20.25 m (66.44 foot) timber bridge on the Pablo Canal (listed as site 24LA263 in the CSKT Cultural Resource Inventory) will be removed and replaced with a 4.88 m (16 foot) by 2.44 m (8 foot) box culvert. The location of this site is the SW1/4, SW1/4 of Section 32, Township 22 North; Range 20 West; Lake County, Montana (Longitude: 114°11'55" and Latitude 47°37'10").**

**MDT has prepared a Determination of Effect document stating that removal of this bridge represents a minor impact to this NRHP resource and does not compromise the overall integrity of the site. Concurrence with this determination by the CSKT Tribal Preservation Department is pending. A map showing the location of this site is attached.**

***NOTE:*** *Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.*

| | YES | NO |
|---|---|---|
| 1. Is the *4(f)* site adjacent to the existing highway? | X | [ ] |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects? | X | [ ] |
| 3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover? | [ ] | X |
| 4. Is the impact on the *4(f)* site considered minor (i.e.: no effect; or no adverse effect)? | X | [ ] |
| 5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation? **This project is under the sole jurisdiction of the Confederated Salish and Kootenai Tribes (CSKT) Tribal Preservation Department and requires no SHPO coordination. Coordination with the CSKT Tribal Preservation Department has occurred and their concurrence with MDT's Determination of Effect is pending.** | [ ] | X |
| 6. Is the proposed action under an Environmental Impact Statement (E.I.S.)? | [ ] | X |
| 7. Is the proposed project on a new location? **MDT will maintain the existing centerline of the roadway as much as possible to minimize impacts to adjacent properties. A 535 ± radius horizontal curve is planned for the project's northern terminus on Paulson Road to its connection with Eli Gap Road and FAS 354.** | [ ] | X |

***NOTE:*** *Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.*

8. The Scope-of-Work for the proposed project is one of the following: X [ ]
   a **Improved traffic operation**;
   b) **Safety improvements**;
   c) 3R;
   d) **Bridge replacement on essentially the same alignment**; or
   e) Addition of lanes.

## ALTERNATIVES CONSIDERED

| | YES | NO |
|---|---|---|
| 1. The "do-nothing" **ALTERNATIVE** has been evaluated, and is not considered to be feasible and prudent. **FAS 354 fails to meet at least two of the Geometric Design Criteria for Rural Collector Roads adopted by MDT (secondary highways not in the National Highway System). These criteria include requirements for a paved surface, minimum widths of 8.4 m (27.5 feet), horizontal and vertical alignment and roadside slopes.** | X | [ ] |
| 2. An **ALTERNATIVE** has been evaluated on the existing alignment which improves the highway without any *4(f)* impacts, and is also not considered to be feasible and prudent. **Any alternative on the existing alignment of FAS 354 would still require crossing the Pablo Canal.** | [ ] | X |
| 3. An **ALTERNATIVE** on a new location avoiding the *4(f)* site has been evaluated, and is not considered to be feasible and prudent. **Any new alignment for FAS 354 would still require crossing the Pablo Canal.** | [ ] | X |

## MINIMIZATION OF HARM

| | YES | NO |
|---|---|---|
| 1. The proposed project includes all possible planning to minimize harm. | X | [ ] |
| 2. Measures to minimize harm include the following: **The alignment of the proposed project will typically follow the existing alignment in the vicinity of this irrigation ditch thereby minimizing impacts to this historic feature.** | X | [ ] |

## COORDINATION

1. The proposed project has been **COORDINATED** with the following:

| | | |
|---|---|---|
| a) SHPO **(N/A)** | [ ] | X |
| b) CSKT Tribal Preservation Department **(pending)** | X | [ ] |
| b) ADVISORY COUNCIL ON HISTORIC PRESERVATION **(August 16, 1993 - Programmatic Agreement)** | X | [ ] |
| c) Property owners **MDT distributed a news release on the original 8 km S. of Polson project in September 1998 and received preliminary comments from the CSKT in December of that year. A second news release about this project was distributed by MDT in February 1999. A news release about the 11 km S. of Polson project was distributed by MDT in September 2000. MDT held a Public meeting about these two projects at the Polson Community Center in March 2001.** | X | [ ] |
| d) Local/State/Federal agencies **Lake County** **CSKT** | X | [ ] |

2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation: **No comments received.**

## SUMMARY

**The proposed action is preferred because the No Build Alternative does not satisfy the specified purpose and need for improving FAS 354 south of Polson. The No Build Alternative does not improve traffic operations and safety and would not provide a facility that meets MDT's design standards for Rural Collectors on Montana's Secondary Highway System.**

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## APPROVAL

This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.

Date: 9/15/05

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

Approved: Date: 10/4/05

Federal Highway Administration

serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

October 5, 2005

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

RECEIVED
OCT 12 2005
LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

**Subject: MDT Statewide Maintenance Projects**
**Billings North**
**Yellowstone County, MT-3**
**Reference Post from: 6.3**
**Reference Post to: 17.0**

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: Jon Swartz, Maintenance
James Stevenson, Billings Maintenance Chief
File

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# ENVIRONMENTAL CHECKLIST FOR MAINTENANCE ACTIVITIES

RECEIVED
SEP - 6 2005
ENVIRONMENTAL

**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:** Billings North **Designation:** US-87 & MT-3

**Proposed Date of Maintenance Activity:** Completion June 16, 2006 **Federal Funds Involved?** Yes ☐ No ☒

**Reference Post (Station)** 12.0 (US 87) & 6.3 (MT 3) **to Reference Post (Station)** 19.5 ( US 87) & 17.0 ( MT 3)

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

**Type of Proposed Maintenance Activity:** Crack 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? | ☐ | ☒ | |
| 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

8/30/2005 — Date

**Approved by:**

ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR

10/1/04

**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.**

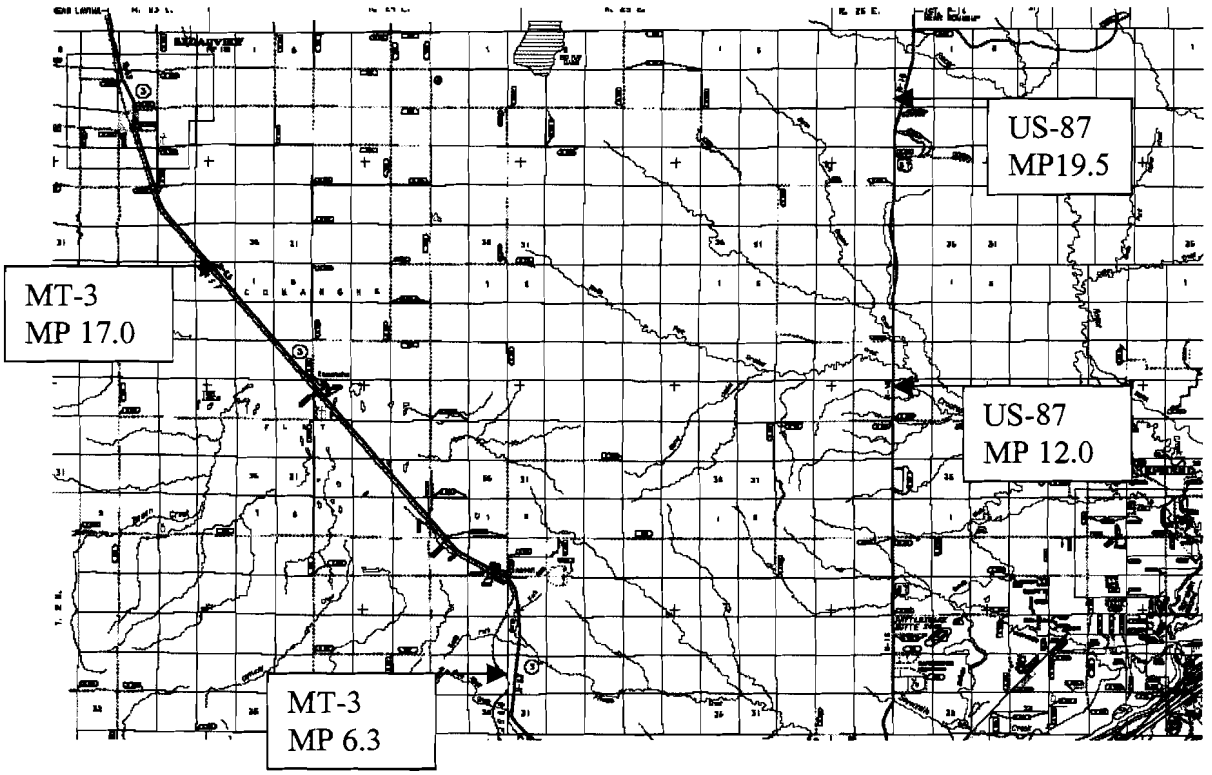
**D.** **When the applicant checks a "Yes" item, the applicant cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist.**

**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)

BILLINGS NORTH
US-87 MP 12.0-19.5
MT-3 MP 6.3-17.0



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 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.

serving you with pride

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

Jim Lynch, Director
Brian Schweitzer, Governor

October 5, 2005

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

RECEIVED
OCT 12 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

**Subject: MDT Statewide Maintenance Projects**
**Billings North**
**Yellowstone County, US-87**
**Reference Post from: 12.0**
**Reference Post to: 19.5**

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.

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Engineering Section Supervisor

Attachments

copies: Jon Swartz, Maintenance
James Stevenson, Billings Maintenance Chief
File

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# ENVIRONMENTAL CHECKLIST FOR MAINTENANCE ACTIVITIES

RECEIVED

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

SEP - 6 2005

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

ENVIRONMENTAL

Project No.: State Funded ID: Billings North Designation: US-87 & MT-3

Proposed Date of Maintenance Activity: Completion June 16, 2006 Federal Funds Involved? Yes ☐ No ☒

Reference Post (Station) 12.0 (US 87) & 6.3 (MT 3) to Reference Post (Station) 19.5 ( US 87) & 17.0 ( MT 3)

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

Type of Proposed Maintenance Activity: Crack 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). | | |
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| 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 |
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| 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. | ☐ | ☒ | |
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| 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

8/30/2005 — Date

Approved by: [signature]

ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR

10/6/05

**Environmental Services** **Title** **Date**
**(when items 1, 2, 3, 3a, 4, 4a, 4b, 5, 6, 6a, or 7 are checked "Yes")**

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4. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge)

Project Number: _____ ID: _____ Designation: _____

**Environmental Services** **Title** **Date**
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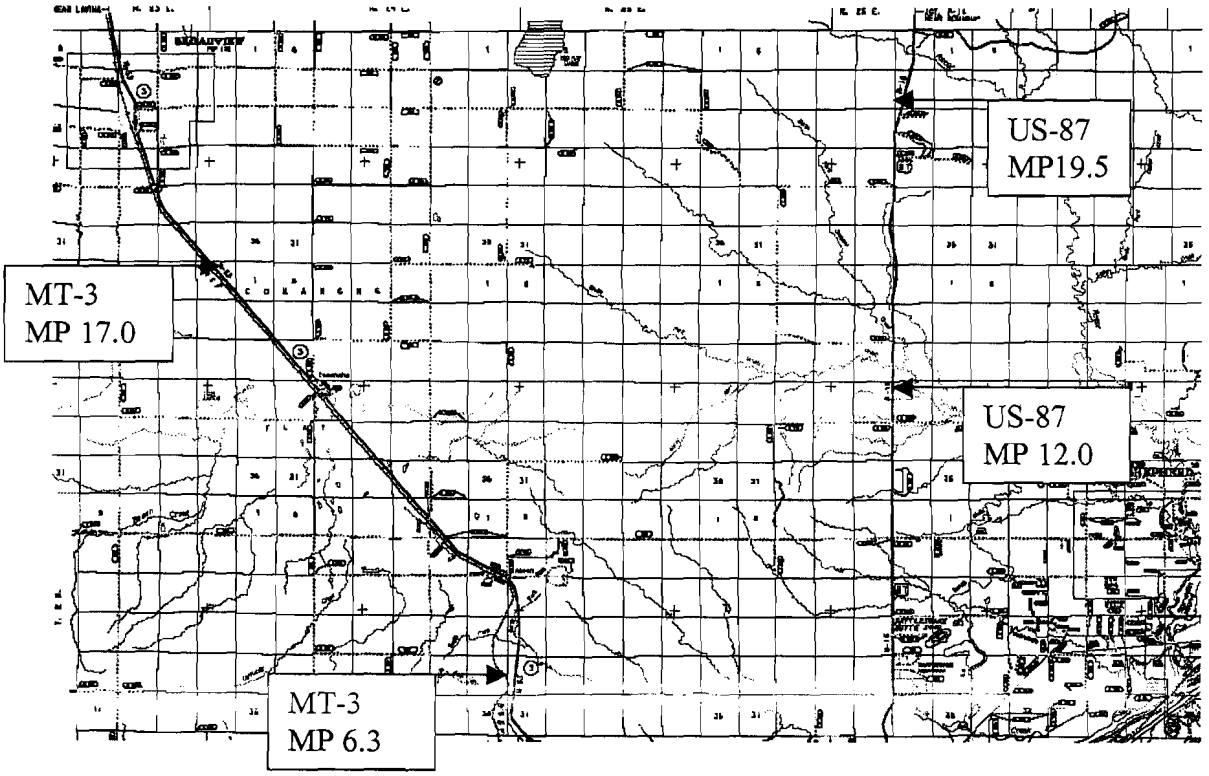
BILLINGS NORTH
US-87 MP 12.0-19.5
MT-3 MP 6.3-17.0



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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 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.

EQC

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

Jim Lynch, Director
Brian Schweitzer, Governor

MASTER FILE COPY

October 7, 2005

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

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OCT 12 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

Subject: Request to recertify environmental documentation
NH 0002(378)
Portable Scale Site - Msla
CN 3455

Environmental Services has reviewed the above proposed project's impacts and has determined that this proposed project still qualifies as a CATEGORICAL EXCLUSION under the provisions of 23 CFR 771.129(c). The original categorical exclusion was signed 5/30/2001 and is attached, along with the new scope amendment memo (2/15/05). This proposed action also continues to qualify as a categorical exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.). This determination is based on the following:

The Scope-of-Work for the proposed project has been reviewed and has changed. The original scope was to construct a portable scale site, where MCS officers would bring portable scales to weigh the trucks. The project has been changed to include the installation of the following items:

- Communications including phone, fax, and internet connections.
- A Fairbanks Scale, which is a permanent scale.
- A signal pole, and mast arm on the site for signaling trucks.
- A pedestal or signal cabinet to house the connections to the signs, signals, power, communications, and scale connection.
- An inspection pad.

These items will allow MCS officers to use a trailer scale house that connects to the pedestal, and open the scale site. The trailer can then be disconnected and used in other locations for weighing trucks. Although the scale will be located at the site permanently, the operation of the scale will still be a portable/temporary scale site, as the building in which the MCS officers will be working at will be portable, and visually, there will only be a cabinet permanently present onsite

.

As a result of these changes, we re-evaluated the biological/cultural/hazardous waste etc. impacts and found that in accordance with 23 CFR 771.117(a), this action will neither individually or cumulatively, have any significant environmental impacts. The minor modifications will not result in any additional impacts.

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

Jim Lynch, Director
Brian Schweitzer, Governor

October 03, 2005

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OCT 11 2005
ENVIRONMENTAL

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

**Subject:** **Programmatic Categorical Exclusion (PCE) Concurrence Request**

**Project Name:** **Shawmut - West**
**Project Number:** **NH 14-3(13)108**
**Control Number:** **4075**

Dear Janice W. Brown:

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

This form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion Approval as initially agreed by the (former) Montana Department of Highways and the FHWA on December 6, 1989. In the form, "N/A" indicates not applicable; "UNK" indicates unknown.

**NOTE: A response in a large 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). | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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 would be affected by this 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 waterbody(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. | ☒ | ☐ | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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 same. | ☒ | | ☐ | ☐ |
| 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. | ☐ | ☒ | ☐ | ☐ |

| | Yes | No | N/A | UNK |
|---|---|---|---|---|
| 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. | ☒ | ☐ | ☐ | ☐ |
| 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. "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.). | ☐ | ☐ | ☒ | ☐ |
| 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.

Heidy Bruner Date: October 3, 2005
Heidy Bruner
MDT Environmental Services
Billings District Project Development Engineer

Concur Date: 10/3/05
Thomas L. Hansen, P.E.
MDT Environmental Services
Engineering Section Supervisor

Concur Date: 6 OCT 05
Federal Highway Administration

TLH:hsb:S:\PROJECTS\BILLINGS\4075\4075ENPCEFHWA01_CATEX(D).DOC

Attachments

| | | |
|---|---|---|
| cc: | Bruce Barrett | MDT Billings District Administrator |
| | Kent Barnes, P.E. | MDT Bridge Engineer |
| | Paul Ferry, P.E. | MDT Highway Engineer |
| | John H. Horton | MDT Right-of-Way Bureau Chief |
| | Suzy Althof | MDT Contract Plans Section Supervisor |
| | David W. Jensen | MDT Fiscal Programming Section Supervisor |
| | Jean Riley, P.E. | MDT Environmental Services Bureau Chief |
| | Tom Hansen, P.E. | MDT Environmental Services Bureau Engineering Section Supervisor |
| | FILE | MDT Environmental Services |
| | Montana Legislative Branch Environmental Quality Council (EQC) | |

**ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED UPON REQUEST.**

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**Montana Department of Transportation**

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

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OCT 13 2005

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

October 11, 2005

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

Subject: **MDT Statewide Maintenance Projects**
**Wolf Point to Scobey** – Roosevelt County
ID: MT-13
Reference Post from: 17.0
Reference Post to: 17.3

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 checklists and the location maps for your information.

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

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

Attachments

TH:jjr

copies: Jon Swartz, Maintenance
Karl Pula, Maintenance Superintendent-Wolf Point
Mark A. Wissinger, P.E., Construction Engineer, Highways and Engineering Division
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.:** FAP 266 "A" 13A (MT-13) **ID:** _____ **Designation:** Wolf Point to Scobey MT. T30N, R48E, Sec. 34

**Proposed Date of Maintenance Activity:** Sept. 6, thru Nov. 30, 2005 **Federal Funds Involved?** Yes ☐ No ☒

**Reference Post (Station)** 17.0 , Sta. 912+00 **to Reference Post (Station)** 17.3, Sta. 945+00

**Applicants Name:** MT. Dept of Transportation (Maint.) **Address:** HC 31 Box 3000 Wolf Point MT 59201

**Type of Proposed Maintenance Activity:** Dirt removal. Remove a hill that is causes a blind spot for the traffic that has to meet on a curve. Trying to eliminate any more accidents in this area. And it is a snow trap in the winter months.

| 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) | ☐ | ☒ | Do not place material within 100 meters of A stream or wetland. |
| 2. | Are there any recorded occurrences, and/or critical habitat for Federally-listed Threatened and Endangered Species in the vicinity of the proposed activity? | ☐ | ☒ | |
| 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.) | ☐ | ☒ | Checked NR's. JR |
| 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:** Karl A. Pula — Applicant (Maintenance Chief) | Maintenance Superintendent — Title | August 23, 2005 — Date

**Approved by:** [signature] — ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR | 10/6/05

Project Number: _____ ID: _____ Designation: _____

**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.**

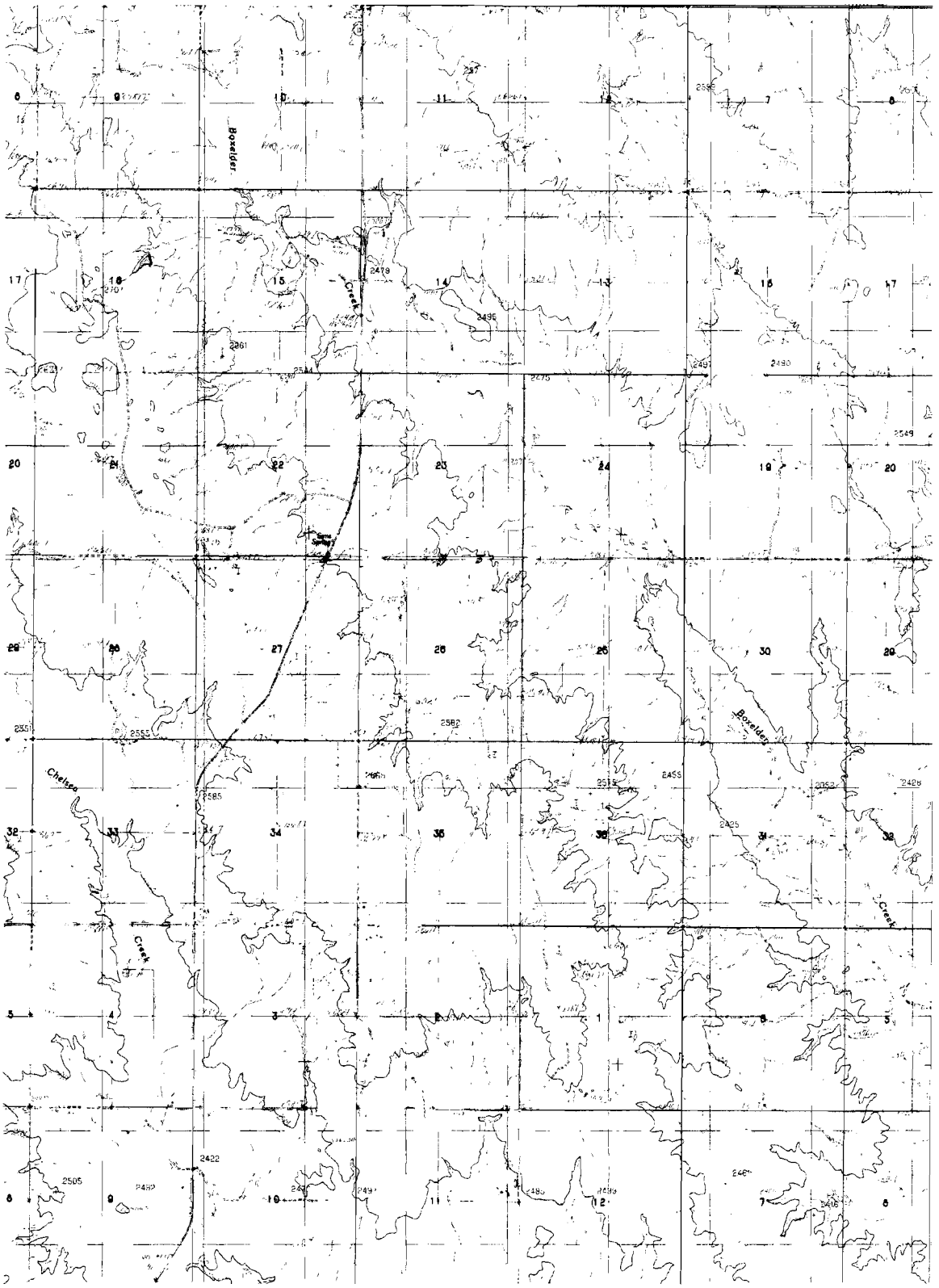
**C.** **If the applicant checks "Yes" for any one item, the checklist and the applicant's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services. Contact Number 444-7228.**

**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)




MT-13

Work proposed for

T 30 N, R 48 E, Sec. 34

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**Montana Department of Transportation**

2701 Prospect Avenue
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Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

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OCT 13 2005

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

October 11, 2005

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

Subject: **MDT Statewide Maintenance Projects**
**Poplar to Flaxville** – Roosevelt County
ID: S-251
Reference Post from: 23.9
Reference Post to: 24.1

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 checklists and the location maps for your information.

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

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

Attachments

TH:jjr

copies: Jon Swartz, Maintenance
Karl Pula, Maintenance Superintendent-Wolf Point
Mark A. Wissinger, P.E., Construction Engineer, Highways and Engineering Division
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.:** FAS ~~S-15~~ (3) 10 37 S-251 **ID:** _____ **Designation:** Poplar to Flaxville T31N, R51E, Sec. 10

**Proposed Date of Maintenance Activity:** Sept. 6, thru Nov. 30, 2005 **Federal Funds Involved?** Yes ☐ No ☒

**Reference Post (Station)** 23.9 (Sta. 1264+00) **to Reference Post (Station)** 24.1 (Sta.1272+00)

**Applicants Name:** Mt. Dept of Transportation **Address:** HC 31 Box 3000, Wolf Point Mt. 59201

**Type of Proposed Maintenance Activity:** Dirt move. Remove a hill that causes a snow problem in the winter months.

**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) | ☐ | ☒ | Do not place material within 100 meters of a stream or wetland |
| 2. | Are there any recorded occurrences, and/or critical habitat for Federally-listed Threatened and Endangered Species in the vicinity of the proposed activity? | ☐ | ☒ | |
| 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.) | ☐ | ☒ | Checked NRIS. |
| 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:** Karl A. Pula — Applicant (Maintenance Chief) | Maintenance Superintendent — Title | August 23, 2005 — Date

**Approved by:** [signature] — Environmental Services | ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR — Title | 10/4/05 — 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.**

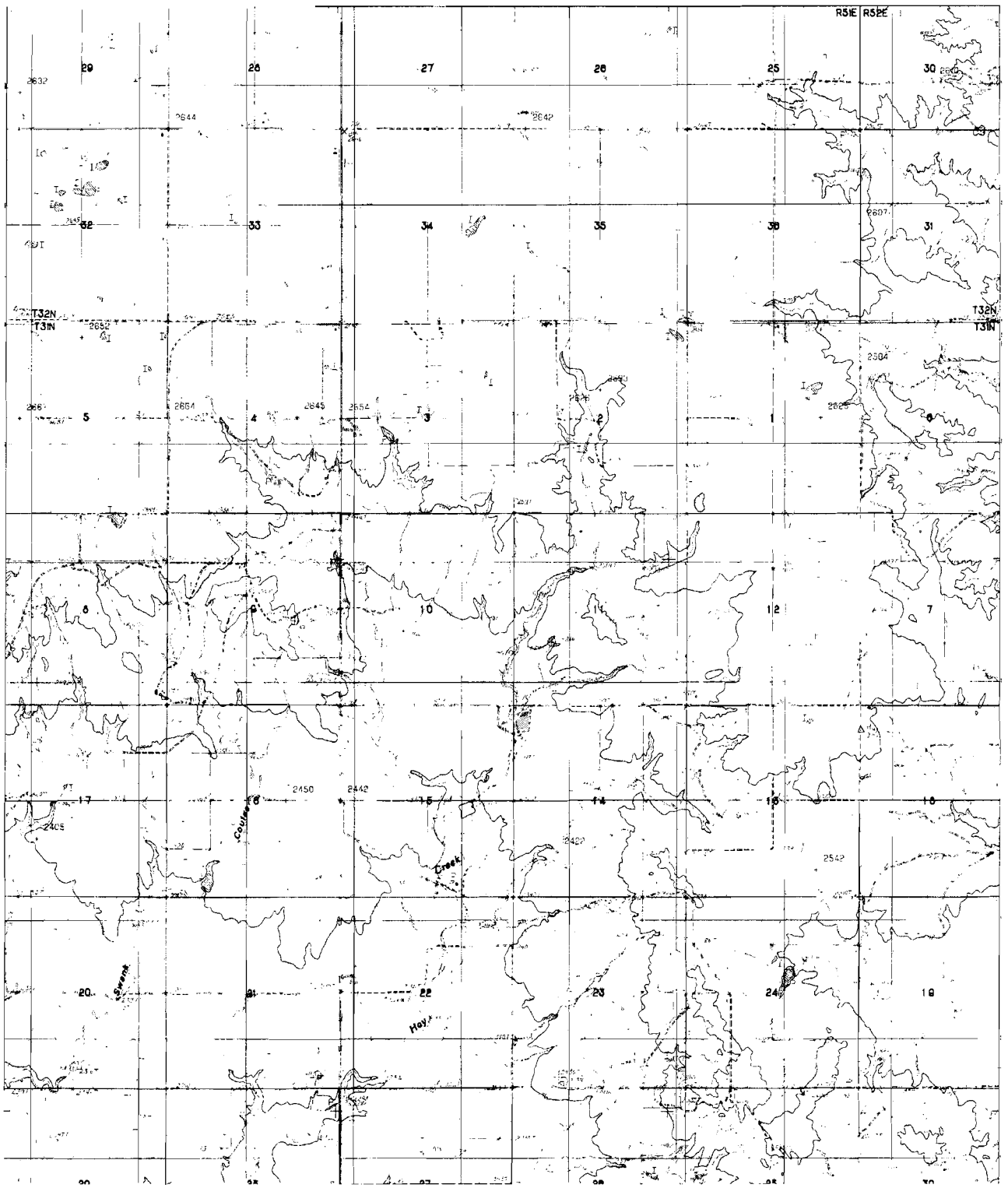
**C. If the applicant checks "Yes" for any one item, the checklist and the applicant's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services. Contact Number 444-7228.**

**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)




S-251

Work proposed for:

T31N, R51E, Sec. 10

GLACIER COUNTY
COMMISSIONERS

512 East Main
Cut Bank, Montana 59427
(406) 873-5063
(406) 873-2125 FAX

Raymond D. Salois,
Chairman, Ext. 14
John W. Ray,
Vice-Chairman, Ext. 25
Michael J. DesRosier,
Member, Ext. 13
Recording Desk, Ext. 24

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POLICY OFFICE

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By CTEP S&C

October 5, 2005

Michael Wherley, P.E., CTEP Engineer
Montana Department of Transportation
Consultant Design Bureau
P.O. Box 201001
Helena, MT 59620-1001

Subject: Categorical Exclusion Group (c) Action Letter
Federal-aid Project Number: STPE 18(34)
Federal-aid Project Name: Landscaping – Cut Bank
MDT Control Number: 5999

Glacier County has determined that this proposed project study will not involve unusual circumstances as described under 23 CFR 771.117(b). It therefore qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), parts (2 & 7). 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, MCA).

In accordance with the Federal Highway Administration's (FHWA) letter of March 29, 1999 to MDT's Environmental Services, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c).

Signature of Environmental Certifying Official
or Chief Elected Official

Raymond Salois, Glacier County Commissioner
Type Name and Title

Concur
Michael Wherley, P.E.
CTEP Project Engineer

Oct. 12, 2005
Date

cc: Mick Johnson, P.E., MDT, Great Falls District Administrator
Tom S. Martin, P.E., MDT, Consultant Design Engineer
Jean A. Riley, MDT, Manager - Environmental Services
David W. Jensen, MDT, Supervisor – Fiscal Programming Section
Michael Wherley, P.E., MDT, CTEP Engineer
Environmental Quality Council
Ray Solois, Glacier County Commissioner