



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

RECEIVED

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

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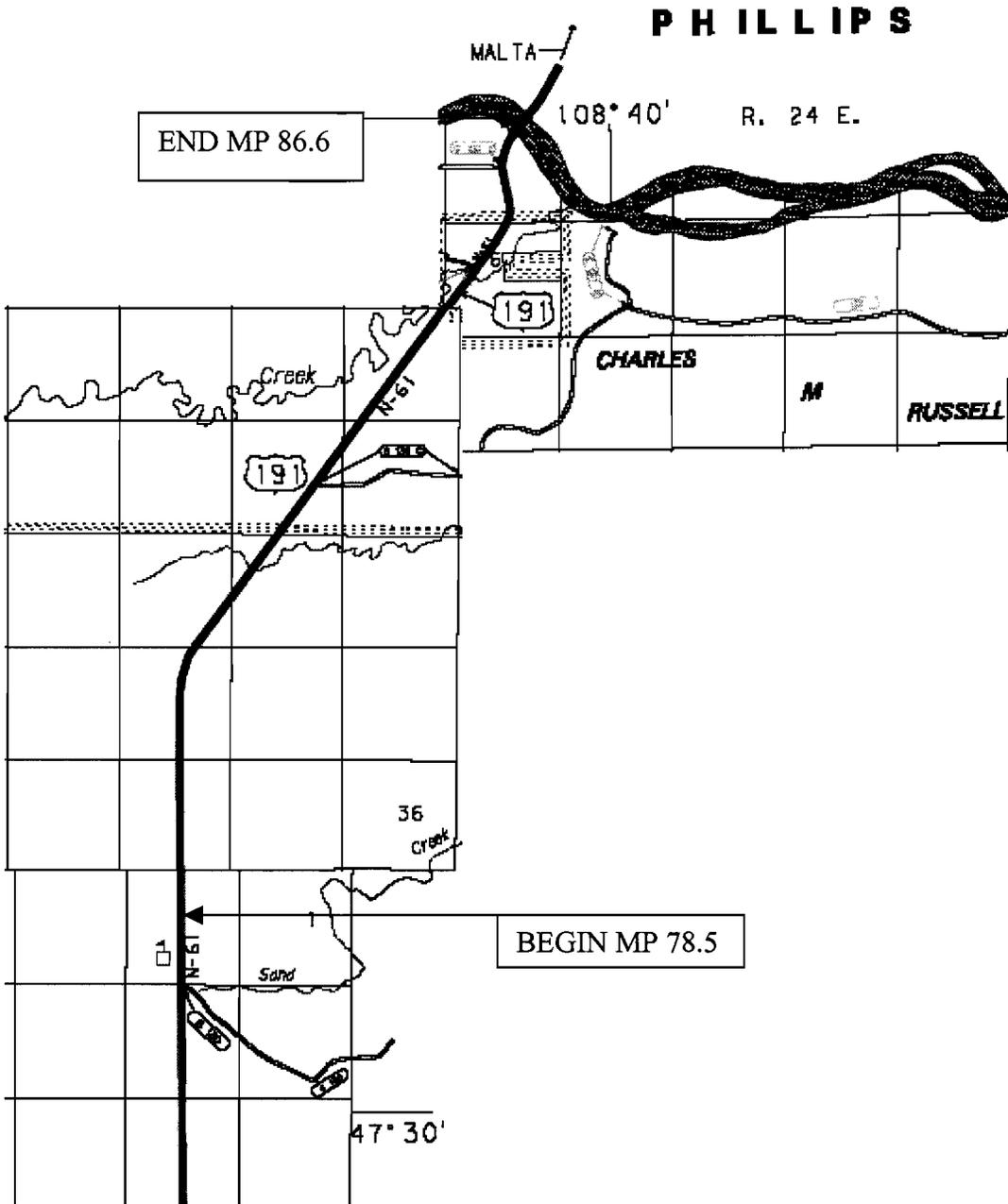
(when items 1, 2, 3, 3a, 4, 4a, 4b, 5, 6, 6a, or 7 are checked "Yes")

- 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 (USDol)

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



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

MASTER FILE
COPY

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.