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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

RECEIVED
AUG 08 2005
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

Attachments:

TLH:tgg: S:\PROJECTS\GREAT-FALLS\5763000\5763ENCSPFHW01.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.: 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.