



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



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

RECEIVED

AUG 26 2005

**LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE**

Attachments:

TLH:tgg: S:\PROJECTS\GREAT-FALLS\5571\5571ENCSPFW01.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)

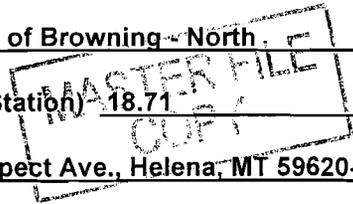
Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

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



Type of Proposed Pavement Preservation Activity: Overlay, Seal & Cover, Pavement Markings

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)

Table with 2 main columns: Impact Questions and [Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s). Includes rows 1 through 7 with checkboxes and handwritten notes.

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

Checklist prepared by: Jere Stoner Applicant Area Engineer Title June 13, 2005 Date

Approved by: [Signature] ENVIRONMENTAL ENGINEERING SECTION SUPERVISOR Title Date 8/24/05

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 (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)

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.