



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

S:\MAINTENANCE\MAINT-CHK-LST\BLGS\BLNGS_MAINT-X81014_09-05-EQC.DOC

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 SEP - 06-2006 have been satisfied.

(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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Are there any recorded occurrences, and/or critical habitat for Federally-listed Threatened and Endangered Species in the vicinity of the proposed activity?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	- see Attached memo for guidance
3. Does the proposed action have an impact on water quality? If answer is NO go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to number 3 is yes, is a Clean Water Act ' Section 402 permit required? (MPDES issued by MDEQ)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to number 4 is yes, is a Clean Water Act ' 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
4b. If the answer to number 3 or 4 is yes, is a Stream Protection Act ' 124SPA permit required? (Issued by MDFWP)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
5. Does the proposed project involve hazardous waste site[s]? (Superfund, spills, underground storage tanks, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" (Some Indian Reservations)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 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 9/27/05
Title Date

Approved by: 

ENVIRONMENTAL ENGINEERING
SECTION SUPERVISOR 9/20/05'

Environmental Services

Title

Date

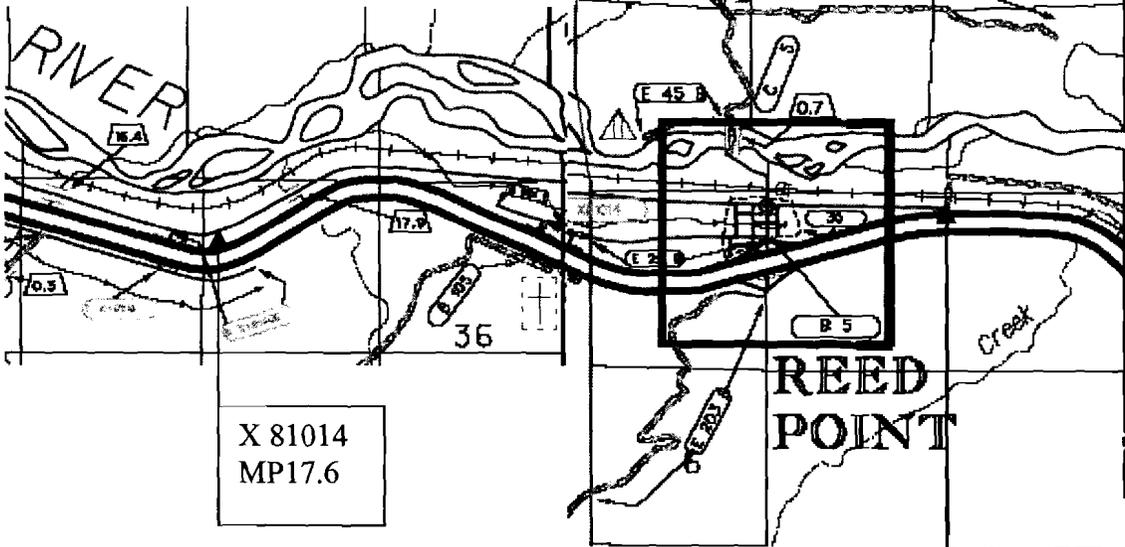
(when items 1, 2, 3, 3a, 4, 4a, 4b, 5, 6, 6a, or 7 are checked "Yes")

- 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 (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)

REED POINT WEST
X 81014
MP 17.6-22.5



X 81014
MP17.6

X 81014
MP 22.5

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



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 1/2 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 1/4 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

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.

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.