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DIVISION

Subject: **DEWEY BOULEVARD EXTENSION - BUTTE**
CM 1899 (17)
Control No. 4919

OCT 28 2005

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

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 extend Dewey Boulevard (U1899) to complete an important east-west connection within the urban area of Butte. When completed, Dewey Boulevard would link two important north-south arterial corridors within the community-- Montana Street (U1805) and Harrison Avenue (P-29). The proposed project, known as "Dewey Boulevard Extension-Butte," lies about 1.07 kilometers (km) (0.67 miles) south of the Montana Street Interstate 15/90 Interchange and directly east of Montana Street. The project area is located entirely within Section 25 of Township-3-North, Range-8-West as shown on the attached location map.

The proposed project would construct a new section of Dewey Boulevard between Reference Point (RP) 1.24 and the intersection of Montana Street, Hanson Road (U1820) and Beef Trail Road (a local road) at RP 1.51 on the urban route. Due to the reconfiguration of the intersection at the western terminus of this project, construction would also occur on Montana Street between RPs 1.39 and 1.48 and on Hanson Road between RPs 1.41 and 1.71. This project would not improve Beef Trail Road west of the new intersection. Ultimately, the north/south traffic (Montana Street and Hanson Road) would be the through route while east/west traffic (Dewey Boulevard and Beef Trail Road) would be required to stop at this intersection.

Dewey Boulevard would have a width of approximately 47 feet and be striped to designate two 12 foot wide travel lanes, two bike lanes, and one 10 foot wide shoulder along the south side of the new street. Montana Street would be reconstructed to a width accommodating two 12 foot wide travel lanes and two 10 foot wide shoulders. Hanson Road would be rebuilt to provide two 12 foot wide travel lanes and two 5 foot wide shoulders. New sidewalks would be provided along both sides of the reconstructed streets

Work proposed for this project includes excavation and grading, the placement of gravel and plant

mix surfacing and the installation of curb and gutter, a piped storm drainage system, signing and pavement markings. Additionally, conduits would be placed at the intersection of Dewey Boulevard and Montana Street to accommodate the future installation of traffic signals. Right-of-way acquisition would be necessary from property adjacent to Dewey Boulevard and Hanson Road.

PURPOSE AND NEED

The Dewey Boulevard Extension project is intended to complete an important east-west connection between Harrison Avenue and Montana Street to increase efficiency, safety and improve access within this portion of Butte. Harrison Avenue and Montana Streets are important commercial corridors that lack a direct connection south of Interstate 15/90. The primary connector between these two corridors is presently the west to northwest route of Holmes Avenue and Rowe Road. Extending Dewey Boulevard to Montana Street would provide a more direct connection between these two corridors.

An east-west connection in this part of Butte has long been recognized as a needed street improvement in previous transportation plans prepared by the local government—including the *Urban Transportation Plan* completed in 1973 and the *Transportation Study Updates* completed in 1986 and 1996. The Butte Transportation Plan is currently being updated for 2005. Public comments from meetings held by MDT for this project in 2003 reiterated the need for an east-west connection in this general area and identified the intersection of Dewey Boulevard and Rowe Road as a safety concern.

Vacant land separates this intersection from the three-way intersection of Montana Street, Hanson Road and Beef Trail Road. This configuration, combined with existing horizontal and vertical alignments, has poor geometrics and questionable sight distance.

A five-year study period revealed four recorded crashes in the vicinity of the intersection of Montana Street, Hanson Road and Beef Trail Road. These crashes included an angle collision, a sideswipe collision and two run-off-the-road accidents (one of which resulted in a fatality) and are indicative of alignment and sight distance concerns.

Access to this part of Butte is limited because of the lack of an east-west connection between Montana Street and Harrison Avenue. This may have restricted development in this area of the community. Completing an east-west connection between these routes would better serve the development that has occurred in the area and would allow for future street linkages to be made north and south of Dewey Boulevard.

MDT completed a travel demand model for Silver Bow County for the ongoing update to the *Butte-Silver Bow Transportation Plan* in September 2004. The model considered historic traffic counts, recent population and land use data, and information from local officials regarding the potential for development in the Dewey Boulevard area to develop future traffic growth rates. Based on this

information, the model showed the following traffic forecast for Dewey Boulevard:

- 2007 average daily traffic (ADT) = 1,260 vehicles per day
- Annual Growth Rate = 1 percent
- 2027 ADT = 1,540 vehicles per day

Approximate traffic volumes on Montana Street south of Greenwood Avenue (four blocks north of the proposed project area) were 2,040 vehicles per day in 2002. Average Daily Traffic volumes on Hanson Road south of the proposed project area were 2,500 in 2004 and are estimated to be about 6,000 in 2027.

ENVIRONMENTAL IMPACTS

The proposed project has been evaluated for, and would have **no effects** on the following environmental areas of concern:

Prime, Unique and Important Farmlands
Threatened/Endangered Wildlife
Rare and Sensitive Plant Species
Other Wildlife Resources and Fisheries
Section 6(f) Impacts

The proposed project has been evaluated for, and would have **minor effects** on the following environmental areas of concern:

Stream Modifications and Water Quality

The MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ) is responsible under *Section 401* of the federal *Clean Water Act* (33 U.S.C. 1251 – 1376) and the *Montana Water Quality Act* (75-5-101 M.C.A., *et seq.*) to monitor and assess the quality of Montana surface waters and to identify impaired or threatened stream segments and lakes. The MDEQ sets limits, known as Total Maximum Daily Loads (TMDL's), for each pollutant entering a body of water. TMDL's are established for streams or lakes that fail to meet certain standards for water quality and describe the amount of each pollutant a water body can receive without violating water quality standards.

Grove Gulch Creek is an urban creek that flows through the project area. It originates from a spring about one mile west of the project area and flows for a few miles before its confluence with Blacktail Creek. Grove Gulch Creek has been encroached upon from mining activity and business development since the late 1940's and was channelized during the 1970's. This creek runs northeasterly through the proposed project area and crosses under Hanson Road approximately 70 m (230 feet) north of the Montana Street/Hanson Road intersection through three culverts.

Construction of Dewey Boulevard would require a new crossing of Grove Gulch Creek approximately 120 m (390 feet) east of the Montana Street/Hanson Road intersection. The new creek crossing would be accommodated by installation of a new culvert. Grove Gulch Creek was not included in MDEQ's "2002 Montana 303(d) Impaired Waters" or "2004 Montana Water Quality Integrated Report" lists.

An open water pond and associated wetlands lie in the bottomland over which the new Dewey Boulevard extension would be constructed. Potential effects to wetland resources associated with this project are discussed later in this document.

The proposed action would have no long-term effect on the water quality of the area. The construction activities associated with the proposed street construction, including clearing and grading, would increase the short-term and long-term potential for soil erosion and sediment transport. Runoff carrying sediments or other contaminants from disturbed surface areas within the work zone has a minor potential to adversely affect water quality during construction of the proposed project. However, measures to control erosion would be in place during this time to minimize or avoid such temporary impacts.

A Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) would be designed for the proposed project and submitted to the MDEQ Permitting and Compliance Division in accordance with their Montana Pollutant Discharge Elimination System Regulations (ARM 16.20.1314).

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.

According to Flood Insurance Rate Map (FIRM) 30770187D produced by the FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) in February 1982, a portion of this proposed project lies within the 100-year floodplain of Grove Gulch Creek. The proposed action would require a transverse encroachment on and involve work within this delineated floodplain—which would require a floodplain permit to be obtained from Butte-Silver Bow County.

This proposed project would not promote or encourage development within this designated floodplain or increase flood liability hazards from its construction. Therefore, this proposed project is considered to be in compliance with **Executive Order 11988**.

Erosion Control and Seeding

Construction activities associated with this project, including clearing and grading, would increase the short-term and long-term potential for soil erosion and sediment transport. This potential for erosion and adverse sedimentation impacts would vary depending upon the area disturbed, the nature of the soils disturbed, the steepness of slopes, the proximity of the disturbance to wetlands

and surface waters and the duration of the soil disturbances.

The proposed project would cause temporary soil disturbances during road construction. Because the area of soil disturbances for this project would exceed 0.4 ha (1.0 acre), a Storm Water Pollution Prevention Plan (SWPPP) and permit administered by the MDEQ would be required. 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.

In accordance with 7-22-2152 and 60-2-208, M.C.A., MDT would re-establish a permanent desirable vegetation community along all areas disturbed by the proposed construction. A set of revegetation guidelines would be developed by MDT, which the contractor would be required to follow. The Seeding Special Provisions developed for the project would be forwarded to the Butte-Silver Bow County Weed Board for review.

Executive Order No. 13112 addresses the responsibilities of federal agencies with respect to invasive species. Of the 31 listed or proposed noxious weeds in Montana, at least 13 occur in Butte-Silver Bow County. During the survey conducted by this project's biological resources consultant, two prominent noxious weed species were encountered. Spotted knapweed (*Centaurea maculosa*) was found throughout the upland portions of the project area while butter-n-eggs (*Linaria vulgaris*) was scattered in patches closer to Grove Gulch Creek and the pond.

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

This proposed project is located within the Butte PM₁₀ nonattainment area, designated with the enactment of the *Clean Air Act, (42 U.S.C. 7521 (a))*, as amended. PM₁₀ is particulate matter 10 microns or less in diameter. The primary sources of PM₁₀ related to street and highway use are re-entrained dust from road surfaces and vehicle tailpipe emissions. Studies conducted by the MDEQ showed that re-entrained road dust was the predominant PM₁₀ emission source at monitoring sites in Butte. During the winter season, residential wood burning is a significant source of PM₁₀ emissions.

Because the project is located in a nonattainment area, analysis by MDEQ was required to be conducted according to 23 CFR Part 45 and 40 CFR Part 93 to support a finding that the project conforms to the control strategy state implementation plan (SIP) for the area. This analysis also complies with the transportation conformity consultation requirements of ARM 17.8 1304 et.seq.

The proposed project's estimated impact on air quality was determined by consulting the emission

factors available from the Butte PM₁₀ State Implementation Plan and applying them to estimated average daily traffic volumes within the project limits. Through consultation with MDEQ, it was determined the estimated emissions are within the calculated growth rate for the Butte PM₁₀ control plan. A letter from MDEQ indicating the agency's concurrence with this document's conclusions about air quality impacts is attached.

Based on the information presented above, the proposed extension of Dewey Boulevard and the reconfiguration of the Montana Street/Hanson Road intersection meet conformity guidelines and comply with the EPA's **Final Rule** of September 15, 1997 on Air Quality Conformity.

The Butte PM₁₀ SIP, submitted to the U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) in 1991, identified control strategies to reduce PM₁₀ emissions related to re-entrained road dust that would enable the nonattainment area to reach National Ambient Air Quality Standards (NAAQS) for PM₁₀. SIP control strategies for reducing emissions from street and highway use included a prioritized street sweeping and flushing program, requirements for hard traction sand use; and strategies to reduce emissions from residential wood stove use.

Short-term air quality impacts would 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 would be minor and limited to the construction period. If necessary, such effects could also be readily mitigated by implementing measures to control dust.

Wetlands

Land and Water Consulting, Inc. delineated wetlands in the project area in May 2004 according to criteria and methods outlined in the U.S. ARMY CORPS OF ENGINEERS (COE) *1987 Wetlands Delineation Manual* and the *MDT Montana Wetland Assessment Method* and analyzed this project's potential impacts to them in a Biological Resources Report (BRR) published in November 2004. The COE manual and MDT method provide guidance for determining the presence of jurisdictional wetlands based on observations of vegetation, soils and hydrology. 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.

Four wetland areas (Sites 1 through 4) were delineated in the analysis area adjoining the proposed street construction project. All of these wetlands are considered to be jurisdictional by the COE.

Wetland 1 surrounds a pond in the vicinity of the proposed project and is approximately 0.53 ha (1.3 acres) in size. This wetland is a scrub-shrub/emergent wetland dominated by willows and herbaceous vegetation. The perennial pond within Wetland 1 is supplied by ground water. Wetlands 2, 3 and 4 are approximately 0.04 ha (0.09 acre), 0.006 ha (0.01 acre) and 0.007 (0.01 acre), respectively, in size and are fringe wetlands along Grove Gulch Creek. All of these wetlands received a functional rating of Category III according to MDT's Wetland Rating System.

Wetland 1 has higher function and value scores than the others because of its value for general wildlife habitat, flood attenuation, short and long-term surface water storage, production export/food chain support and ground water discharge/recharge. All of these wetlands are considered highly disturbed as evidenced by horse grazing and encroachment from residential, business and road development.

All wetland sites would be impacted by the proposed project. Direct wetland impacts include fill placement and potential culvert installation. Based on preliminary plans, construction of this project would result in approximately 0.44 ha (1.09 acre) of wetland impacts at these wetland sites. This impact estimate may change slightly as the design progresses. Most of Wetlands 1 and 2 would be removed by placing fill and potentially installing culverts in association with the extension of Dewey Boulevard. Wetlands 3 and 4 would be removed in association with the widening of Hanson Road.

MDT is attempting to minimize impacts to Wetland 1 by creating 4:1 fill slopes and by employing an equalizer culvert to maintain water levels on both sides of the new road. On-site mitigation may be possible by meandering Grove Gulch Creek and reconnecting it to the pond.

Land Use

Current zoning in the Dewey Boulevard project area is R2 (two family residential) from the Montana Street/Hanson Road intersection east to Grove Gulch. From that point east to Dewey Boulevard's intersection with Lexington Avenue, the project area is within an M1 (light industrial) zone. The area to the west of the Montana Street/Hanson Road intersection is currently zoned as R1S (one family suburban residential).

The R-2 zone is intended primarily to accommodate two-family residences in specified low-density residential areas. Permitted structures in the area include single and two-family homes as well as manufactured and modular homes.

Dewey Boulevard, east of the project area between Rowe Road and Harrison Avenue, is rapidly becoming a commercial "strip" and is characterized by residences intermixed with offices and other commercial uses. However, several public properties are also located near the project area. These are the Mount Moriah, B'Nai Israel and St. Patrick Cemeteries; Stodden Park; and Highland View Golf Course. Moreover, at least one residential subdivision development is planned for the area around the Montana Street/Hanson Road intersection reconfiguration.

The *Butte-Silver Bow Urban Area Master Plan* designates two zoning classifications for the Dewey Boulevard project area—residential to the west of Rowe Road and industrial to its east. The proposed Dewey Boulevard/Montana Street/Hanson Road intersection reconfiguration lies within residential zoning yet is bordered to its west by institutions/open space zoning. The proposed action is consistent with the *Butte-Silver Bow Urban Area Master Plan* because it would address

important issues or needs identified in the plan by: 1) making the project corridor safer for vehicle, pedestrian, and bicyclist traffic; 2) adding capacity improvements and traffic controls needed to accommodate increasing traffic volumes in the corridor and at major intersections; 3) providing facilities for pedestrians and bicyclists; and 4) installing a storm drainage system along the roadway.

No adverse land use impacts are expected to occur as a result of this proposed project. Since construction would simply extend an existing road facility through an area that was planned for such a development, the proposed improvements would not alter the commercial/residential/industrial makeup of the Dewey Boulevard neighborhood. Overall, the land use impacts of the project are considered to be minor and beneficial to the community since this improvement project is occurring within the context of a recognized and accepted plan for community transportation improvements. The proposed improvements to Dewey Boulevard and its intersection with Montana Street would facilitate access to and from adjacent lands and make travel through the corridor safer and more efficient.

Right-of-Way and Utilities

The existing right-of-way for Dewey Boulevard is typically 15.2 m (50 feet) while the existing right-of-way for Montana Street in the proposed project area is 18.2 m (60 feet). The existing right-of-way for Hanson Road is not known at this time and would be researched and resurveyed by MDT as the project's design progresses.

Although this project has been designed to minimize the need for new right-of-way, various amounts of new right-of-way must be acquired over most of the project's length on Dewey Boulevard, Montana Street and Hanson Road. An estimated 2.31 ha (5.73 acres) of additional right-of-way would be acquired to accommodate the planned street improvements.

The acquisition of land or improvements for road construction is governed by state and federal laws and regulations designed to protect both the landowners and taxpaying public. Landowners affected are entitled to receive fair market value for any land or buildings acquired and any damages as defined by law to remaining land due to the effects of highway construction. This action would be in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act* of 1970 (P.L. 91-646 as amended), (42 U.S.C. 4601, et. seq.) and the *Uniform Relocation Act Amendments of 1987* (P.L. 100-17).

Conflicts with underground telephone cables, underground power and overhead power are anticipated for this proposed project. Conflicting utilities would be relocated prior to construction. Sanitary sewer lines run through the area, however, it is not anticipated that these would require relocation or any modifications. MDT does not anticipate having to relocate or adjust any water mains. There would likely be some impacts to service lines, laterals and valves. The impacts would require adjustments for depth and for matching new grades. Most of these impacts would be on Montana Street, where the grades would be lowered.

Traffic and Circulation Impacts

This project would change travel patterns in the area by providing a continuous east-west connection between Harrison Avenue and Montana Street. However, this connection has been planned for by the community and MDT and would produce a desirable change in travel patterns.

Extending Dewey Boulevard and reconstructing the Montana Street/Hanson Road intersection would provide a more efficient transportation network in this area of Butte benefiting local residents, commercial operations and other road users. Road design and construction would reconfigure the Montana Street/Dewey Boulevard/Hanson Road intersection; improve lighting; provide a new driving surface; remove conflicting utility poles and by incorporate other measures such as parallel sidewalks for pedestrians and designated bike lanes on Dewey Boulevard.

The proposed project would cause a minor disruption to the local circulation of traffic during the period required for construction. MDT would implement a traffic control plan to minimize the effects of construction on traffic circulation and to ensure work zone safety. Reasonable access to properties adjacent to the project area would be maintained during construction.

Social Impacts/Environmental Justice

No adverse social impacts are foreseen since much of the property adjoining the project is currently vacant land. The proposed project would not require any commercial or residential relocation, or affect the location, distribution, density or growth rate of the population in the vicinity. The proposed improvements would not adversely affect any social or ethnic groups nor would they isolate or divide any existing residential areas.

The proposed project would be in accordance with **Executive Order No. 12898**, and would not create disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. The proposed project would 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 would be limited to the period of its construction. The Butte-Silver Bow County area could see minor benefits if local workers and craftsmen are used for construction of the project or if workers on the project require housing in the area.

Road construction may also represent indirect benefits to the local economy. Improving the flow of traffic and increasing the accessibility of the area for vehicles could benefit the commercial/industrial zone east of the project area.

Noise

Since this project involves the construction of a street on a new location, the Dewey Boulevard Extension project qualifies as Type I project per 23 CFR 772, and therefore, requires the completion of a traffic noise study. A Traffic Noise Study for the Dewey Boulevard Extension project was completed in February 2005 by Big Sky Acoustics, LLC according to the *Procedures for Abatement of Highway Traffic Noise and Construction Noise (23 CFR 772)* and MDT's *Traffic Noise Analysis and Abatement: Policy and Procedure Manual*.

The project is in an urban area, with residential and commercial properties adjacent to the roadways. Traffic noise levels were studied at noise-sensitive receptors within the project limits including four single-family residences and 20 mobile homes. Three field noise level measurements were conducted to determine the existing ambient noise levels and were also used to verify that the computer model used to predict the traffic noise levels was reasonably accurate.

Field measurements showed that ambient Leq(h) noise levels in the Dewey Boulevard project area typically ranged from 45 -64 dBA. Leq(h) refers to equivalent hourly noise level and dBA means decibels at level A. Calculations performed for the noise study using projected 2004 and Design Year (2027) traffic volumes are presented below.

Predicted Leq(h) Traffic Noise Levels in the Project Area

Receptor	(meters/feet)	Description	2004	2027 (Without Project)	2027 (With Project)
Dewey Boulevard Extension					
MH1	13 m/43 ft	Mobile home	55	59	60
R1	30 m/98 ft	Single-family residence	43	46	51
R2	90 m/295 ft	Single-family residence	48	52	53
R3	68 m/223 ft	Single-family residence	45 ^a	UK	43
MH2	20 m/66 ft	Mobile home	45 ^a	UK	52
Dewey Boulevard					
R4	44 m/144 ft	Single-family residence	54	57	57
MH3	45 m/148 ft	Represents 7 mobile homes	50	53	53
MH4	113 m/371 ft	Represents 11 mobile homes	46	48	48

Notes:

UK Unknown

^a Estimated based on measured Leq(h) at Receptor Location R2.

MDT's *Traffic Noise Analysis and Abatement: Policy and Procedure Manual* indicates traffic noise impacts occur if predicted Leq(h) traffic noise levels are 66 dBA or greater in the project Design Year for the proposed project, or if the predicted Leq(h) noise levels in the Design Year for the proposed project are 13 dBA or greater than the noise levels in the current year of the project under existing conditions. If either criterion is met, then an impact occurs, and traffic noise abatement

measures need to be considered. According to the calculated noise data shown in the table, the proposed project would not cause noise levels in the project area to significantly increase. Therefore, the analysis performed for this project suggests that no traffic noise impacts would occur. Since impacts are not predicted, noise abatement measures were not analyzed.

However, because the construction of the Dewey Boulevard Extension would provide a continuous east-west connection between Harrison Avenue and Montana Street for the first time, it is possible that traffic on Dewey Boulevard east of Rowe Road (outside the project limits) and its associated noise may increase. It is unknown at this time if such traffic increases would occur and potentially represent noise impacts in that area.

It is important to note that the provisions of MDT's *Traffic Noise Analysis and Abatement: Policy and Procedure Manual* do not relate to the values of property in either appraisals or condemnation.

Hazardous Materials

A hazardous material investigation (HMI) was conducted for the proposed project in March 2004 by Land and Water Consulting, Inc. who searched county, state and federal databases for information about regulated sites within the project area and interviewed the relevant county, state and federal site managers. The work included limited sampling of soils in the project area and a visual reconnaissance of each property adjacent to the proposed project.

The HMI determined that the project area is contained within the Butte Soils Operable Unit of the Silver Bow Creek/Butte Area National Priorities List (NPL) or Superfund site. With the exception of one surface soil sample, all railroad bed and soil samples collected within the project area were below federal EPA Action Levels for remediation. The potential for encountering contaminated mine tailings within the project area is expected to be low. It is likely, however, that waste-impacted soils from wind-blown particles would be encountered. The EPA's standard practice within the Butte Soils Operable Unit is to accept impacted soils as on-site fill if they would be capped with asphalt.

No other Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS—national Superfund priority list), Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA), Resource Conservation and Recovery Act (RCRA), Treatment, Storage and Disposal (TSD) facilities, hazardous waste generating, Emergency Response Notification (ERNS) List nor State Solid Waste List facilities were discovered within 1.6 km (one mile) of the project area.

One leaking underground storage tank (LUST) facility (Town Pump #3) is located within 0.8 km (0.5 miles) of the project and one registered underground storage tank (UST) facility (Morris Card Lock) is adjacent to the project. The Morris Card Lock underground storage tanks have no history of leaks. The Town Pump #3 LUST site does not represent a hazard to this project because it is about 0.8 km (0.5 miles) hydraulically down-gradient from the project area.

Evidence of various hazardous substances (petroleum products or containers) included storage tanks, drums, odors, pools of liquid, PCB-containing equipment, drains and sumps, pits, ponds, lagoons, stained soil or pavement, stressed vegetation, solid waste and waste water. The hazardous materials observed in the project area may be attributed to the presence of a towing and automobile repair shop, other small businesses and a pole-mounted transformer near Grove Gulch Creek. MDT's consultant advised that the sources of hazardous materials found adjacent to and within the vicinity of the project would not impact the Dewey Boulevard Extension project, nor would this project contribute to existing or potential hazardous materials issues in the area.

Historical/Cultural Resources

The MONTANA HISTORICAL SOCIETY (MHS) was contacted in March 2004 to determine the potential impacts of this proposed project on cultural resources in the area around Dewey Boulevard. The records search by the MHS revealed five previously recorded sites to the southwest of the proposed project area. The sites listed by the MHS included a historic district, mine and stamp mill. The two remaining sites were related to the historic abandoned spur line of the Chicago, Milwaukee, St. Paul and Pacific Railway discussed in a June 2004 cultural resource inventory and evaluation completed for the project.

The Butte-Silver Bow Historic Preservation Office was contacted in March 2004 to determine if the proposed project would impact any of the five previously recorded sites. A copy of a letter from the Preservation Office stating that neither extending Dewey Boulevard nor reconfiguring the Montana Street/Hanson Road intersection would impact any of the sites is included with this document.

The cultural resource inventory and evaluation of this project area documented three historic cultural properties within the project's limits (identified by a historian and archaeologist as a 200-foot wide corridor centered on the proposed Dewey Boulevard extension route), including the abandoned Milwaukee Road/Northern Pacific Interchange Spur Line (24SB439), the James and Annie Gavin Residence (24SB672) and the Hansen Packing Company House (24SB673). Since the Gavin Residence and Hansen Packing Company House have both been significantly altered, it was concluded that neither site is eligible for listing in the National Register of Historic Places (NRHP). The MONTANA STATE HISTORIC PRESERVATION OFFICE (SHPO) concurred with this determination on June 18, 2004. A record of their concurrence is attached with this document.

Despite alterations to the abandoned rail line, its grade and many of its related hardware remain intact. Although this property may be eligible for NRHP listing, a formal evaluation of the rail line was not needed since a 1990 Programmatic Agreement between the FHWA and SHPO allows MDT to forego formal inventory, NRHP evaluation and effects assessment.

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. The proposed project would not significantly impact any public parks, recreation lands, NRHP-eligible historical sites or wildlife or waterfowl refuges.

The proposed work on Hansen Road associated with this project would cross a portion of the abandoned Milwaukee Road/Northern Pacific Interchange Spur Line (24SB439) identified in the cultural resources inventory. For this reason, a "Nationwide" Section 4(f) Evaluation for Minor Impacts on Historic Sites" form was completed.

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.

Projects Planned by MDT. MDT currently has three planned projects in Butte-Silver Bow County within about 3.2 km (2 miles) of the Dewey Boulevard-Extension project, not including the proposed project. These projects are identified and briefly described below:

- **Montana & Rowe Rd-Butte; CM-STPU 1805(10); Control No. 4173** – This MDT project would reconfigure and reconstruct the Montana Street and Rowe Road intersection, north of the Dewey Boulevard-Extension project. This project is scheduled for completion in June 2005.
- **RR Crossing-Montana Street-Butte; STPRP 1805(14); Control No. 5475** – This project would upgrade the circuitry at the railroad crossing south of the Montana Street and Rowe Road intersection. Construction work for this project is finished and final completion is expected in June 2005.
- **Holmes-Harrison to Rowe-Butte, SFCU 1820(1);Control Number 5428** – MDT plans to resurface a portion of Holmes Avenue in Butte, Montana in the Spring of 2005. The project begins at the intersection of Holmes Avenue with Harrison Avenue, and extends west for 1.3 km (0.8 miles), ending at the intersection with Rowe Road. Construction would include cold milling a portion of the existing surfacing, plant mix surfacing overlay, seal and cover (chip-seal), upgrading curb ramps for ADA pedestrian accessibility, and new pavement markings. The purpose of this pavement preservation project is to extend the service life of the existing roadway. No new right-of-way would be required.

The MDT projects described above are being undertaken in response to the demands of increasing traffic volumes and would provide additional roadway capacity and improve the operation and safety of local roads and streets. Growth and changes in land use have already occurred in this area of Butte and MDT's projects are simply an attempt to respond to that growth. The most apparent

cumulative effect of implementing these projects would be a safer and more efficient road and street system.

Road improvements do not directly cause growth and development changes, but they may indirectly contribute to such impacts and can be a factor in how the growth is managed. However, there are too many other factors that promote growth to make accurate predictions about how much, where, and when such growth may occur. Some growth or new development is likely to happen with the proposed improvements on Dewey Boulevard and MDT's other planned projects - probably with some type of commercial buildup at intersections along major travel routes, but it is impossible to say with any precision where or when or how such impacts might occur. It is certain that such development, should it occur, would happen independently of MDT's projects.

Planned Projects by Others in the Area.

Brandon-Legg Development Company of Butte is planning a 24 ha (60 acre) subdivision on the old stockyard property south of the proposed project area. About 2.5 ha (5 acres) of this development south and east of the proposed Dewey Boulevard/Montana Street/Hanson Road intersection were donated to the Butte YMCA for construction of a new facility.

The Dewey Boulevard Extension project would provide an improved connection to the Copper Mountain Recreational Facility on Beef Trail Road to the west of the reconfigured intersection. This facility includes softball fields and a walking path. Butte-Silver Bow County plans to convert the abandoned railroad in the area to bicycle/pedestrian paths that would connect Stodden Park to the Copper Mountain Recreational Facility.

Residential development along Beef Trail Road to the west of the reconfigured intersection has experienced steady growth in recent years. Numerous 1.2-2.5 ha (3-5 acre) ranchettes with septic systems and wells have been developed and the old Beef Trail Ski Area at the end of Beef Trail Road was recently subdivided to provide approximately 100 residential units.

The cumulative effects from the Dewey Boulevard-Extension project on developments proposed by others were found to be minor. This conclusion was reached because: 1) the timing of construction activities for these projects would generally not coincide; 2) many of the projects are located a considerable distance from the proposed project area; and 3) implementation of the proposed project would ultimately benefit the operation of the road and street system in the area.

The residential and recreational developments proposed by others in the area may ultimately contribute to increased traffic volumes on Dewey Boulevard and other local roadways. However, this project was proposed as a measure to help manage the expected increases in traffic as a result of past and anticipated new developments in this area.

Permits Required

The proposed project would require the following be obtained prior to any relevant disturbances:

- **124SPA Permit.** A *124SPA* Permit as required under the *Montana Stream Protection Act* would be needed from the MDFWP because of the proposed work within Grove Gulch Creek.
- **Section 318 Authorization.** In accordance with **75-5-318, MCA**, a Section 318 Authorization for short-term turbidity may be required from the MDEQ Permitting and Compliance Division.
- **Section 402/Montana Pollutant Discharge Elimination System (MPDES) Permit.** The project would be in compliance with the *CLEAN WATER ACT (33 U.S.C. 1251 - 1376) - Section 402/Montana Pollutant Discharge Elimination System*. Accordingly, MDT would submit a Notice of Intent (NOI) package to MDEQ's Permitting and Compliance Division for coverage under the MPDES "General Permit for Storm Water Discharges Associated with Construction Activity." This permitting process would serve only as a notice of intent to discharge, rather than a submittal for agency review or approval of a SWPPP.
- **Section 404 Permit.** A *CLEAN WATER ACT (33 U.S.C. 1251 - 1376) - Section 404* permit from the COE would be required for the placement of fill or excavation associated with road construction in "Waters of the U.S." and delineated jurisdictional wetlands. The COE would determine if this proposed project qualifies for a "Nationwide" permit under the provisions of 30 CFR 330.
- **Floodplain Development Permit.** A floodplain development permit from Butte-Silver Bow County would be required for any work within the delineated 100-year floodplain of Grove Gulch Creek.

COORDINATION

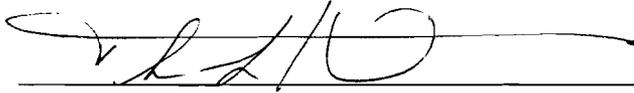
The Montana Transportation Commission discussed the proposed Dewey Boulevard-Extension project at its November 14, 2003 meeting in Butte. Details of the project and the other nearby projects including the Montana Street/Rowe Road intersection reconfiguration and Montana Street railroad crossing upgrade projects were discussed.

In February 2004, MDT's environmental consultant distributed letters notifying agencies potentially interested in the project about the planned extension of Dewey Boulevard and reconfiguration of the Montana Street/Hanson Road intersection. Various federal, state, and local agencies received the initial project notification letter. In some instances, the letter was also used to request information needed for the development of this document. Letters and information about the project were

subsequently sent by MDT to property owners along Dewey Boulevard and near the Montana Street/Hanson Road intersection in March 2004.

CONCLUSION

The proposed project would not induce significant land use changes or promote unplanned growth and would not affect existing access to adjacent property or change present traffic patterns. The proposed project would 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 would 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 Jeffrey C. Patten Date 10 20 05
Federal Highway Administration

Attachments

cc: Jeff Ebert – MDT Butte District Administrator
Paul Ferry, P.E. - MDT Highway Engineer
John Horton - MDT Right-of-Way Bureau Chief
Mike Hovan, P.E. - MDT Butte District
David W. Jensen, Supervisor - MDT Fiscal Programming Section
Jon Sesso, Director of Planning, Butte-Silver Bow County
John Van Daveer, Director of Public Works, Butte-Silver Bow County
Mark Wissinger, P.E. – MDT Construction Engineer
Suzy Althof - Contract Plans Bureau Chief
project file

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



Montana Department of
ENVIRONMENTAL QUALITY

Judy Martz, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.state.mt.us

RECEIVED

MAR 25 2004

ROBERT PECCIA
& ASSOCIATES

March 26, 2004

Mark Lambrecht
Robert Peccia & Associates
825 Custer Avenue
Helena, MT 59604

Re: Butte – Proposed Transportation Projects

Dear Mark:

Concerning the proposed transportation construction projects in Butte: I concur with your calculation of PM-10 emissions resulting from the proposed expansion of Dewey Boulevard. These emissions are within the growth estimates for the Butte PM-10 control plan. Therefore, the project conforms to the state air quality control plan. No additional analysis is necessary.

The proposed reconfiguration of the Montana Street/Hanson Road intersection is considered exempt from regional emissions analysis under 40 CFR Part 93.127, Table 3.

If you have any questions, please contact me at 406-444-7305, or by email at bhabeck@state.mt.us.

Sincerely,

Robert Habeck, Supervisor
Air Quality Policy & Planning Section
Air Resources Management Bureau

MONTANA DIVISION
"NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS
 ON
HISTORIC SITES

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SEP 08 2005

FHWA
 MONTANA DIVISION

MASTER FILE
 000000

Project # CM 1899 (17); CN 4919

Date: September 7, 2005

Project Name: Dewey Blvd. Ext-Butte

Location: Milwaukee Road/Northern Pacific
 Interchange Spur Line (24SB439)
 Butte, Montana

The abandoned Milwaukee Road/Northern Pacific Interchange Spur Line (24SB439) runs north by northwest through the proposed Dewey Boulevard-Extension project area and would be impacted by the proposed construction on Hanson Road. This 0.4-mile long spur line branches off of the Chicago Milwaukee, St. Paul and Pacific Railroad mainline on the western outskirts of Butte and intersects the Northern Pacific Railway mainline east of the project area. The integrity of the spur line has been diminished due to post-abandonment alterations. Over most of its length, the rails and ties have been removed; however, trackage and related hardware remain in place. Most of the raised grade of the spur line remains visible.

MDT's 1993 Amended Programmatic Agreement regarding the implementation of highway projects affecting the Chicago, Milwaukee, St. Paul & Pacific Railroad resources in Montana eliminates the need to evaluate the NRHP eligibility status for these historic features. A map showing the location of the Milwaukee Road/Northern Pacific Interchange Spur Line (24SB439) is attached.

NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.

- | | <u>YES</u> | <u>NO</u> |
|--|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to the existing highway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects?
<i>Ties and track in the vicinity of Hanson Road have been removed to accommodate past road construction.</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)?
<i>This proposed project will have little if any effect on 24SB439.</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation?
<i>On June 18, 2004, the Montana SHPO concurred that 24SB439 is covered by the Programmatic Agreement which allows MDT to forego formal inventory, National Register evaluation, and effects assessment.</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action under an <u>Environmental Impact Statement (E.I.S.)</u> ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location?
<i>The proposed project involves the westward extension of Dewey Boulevard and modifications to the intersection of Montana Street and Hanson Road where Dewey Boulevard will join these routes. The Dewey Boulevard section of the project will be built on a new location. However, the intersection improvements and approach road construction will occur on the existing alignments of Montana Street and Hanson Road.</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- | | <u>YES</u> | <u>NO</u> |
|--|------------|--------------------------|
| 8. The Scope-of-Work for the proposed project is one of the following: | <u>X</u> | <input type="checkbox"/> |
| a) Improved traffic operation; | | |
| b) Safety improvements; | | |
| c) 3R; | | |
| d) Bridge replacement on essentially the same alignment; or | | |
| e) Addition of lanes. | | |

ALTERNATIVES CONSIDERED

- | | | |
|---|----------|--------------------------|
| 1. The "do-nothing" ALTERNATIVE has been evaluated, and is <u>not</u> considered to be feasible and prudent. | <u>X</u> | <input type="checkbox"/> |
|---|----------|--------------------------|

The No Build Alternative does not meet the traveling public's needs because it does not address the identified need for providing an efficient east-west connection between Montana Street and Harrison Avenue in Butte. Taking no action would also not address the poor existing geometrics and questionable sight distance that exists at the intersection of Montana Street, Hanson Road and Beef Trail Road.

- | | | |
|--|----------|--------------------------|
| 2. An ALTERNATIVE has been evaluated on the existing alignment which improves the highway without any 4(f) impacts, and is also <u>not</u> considered to be feasible and prudent. | <u>X</u> | <input type="checkbox"/> |
|--|----------|--------------------------|

The proposed project cannot avoid crossing 24SB439 because Hanson Road, a north-south route, intersects the east-west running abandoned railroad spur. The only way to avoid effects to 24SB439 would be to eliminate work on Hanson Road. This would not meet the purpose and need for the project since geometric problems at the intersection of Montana Street, Hanson Road and Beef Trail Road would not be addressed.

- | | | |
|--|----------|--------------------------|
| 3. An ALTERNATIVE on a new location avoiding the 4(f) site has been evaluated, and is <u>not</u> considered to be feasible and prudent. | <u>X</u> | <input type="checkbox"/> |
|--|----------|--------------------------|

The location of this project was established by the existing configuration of the road and street system in the area. Building Dewey Boulevard, Montana Street, Hanson Road, or Beef Trail Roads on new locations could not be accomplished without extensive impacts to adjoining land use and significant new right-of-way acquisition.

MINIMIZATION OF HARM

- | | | |
|--|----------|--------------------------|
| 1. The proposed project includes all possible planning to minimize harm. | <u>X</u> | <input type="checkbox"/> |
| 2. Measures to minimize harm include the following: | <u>X</u> | <input type="checkbox"/> |

No impacts to the abandoned spur line are expected beyond the construction limits of the project. The proposed action would only upgrade an existing roadway (Hanson Road) in the vicinity of 24SB439. The project will be accomplished in a manner that does not alter the remaining track structure or change the overall appearance of the old spur line.

COORDINATION

- | | | |
|---|----------|--------------------------|
| 1. The proposed project has been COORDINATED with the following: | | |
| a) SHPO | <u>X</u> | <input type="checkbox"/> |
| <i>Concurrence that 24SB439 is covered by 1993 Programmatic Agreement on June 18, 2004. (See attachment)</i> | | |

	<u>YES</u>	<u>NO</u>
b) ADVISORY COUNCIL ON HISTORIC PRESERVATION <i>This project does not require coordination with the ACHP.</i>	—	<input checked="" type="checkbox"/>
c) Property owners	<input checked="" type="checkbox"/>	—
d) Local/State/Federal agencies	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 of the Dewey Boulevard Extension-Butte project. The No Build Alternative does not meet the traveling public's needs because it does not address the identified transportation need of providing an efficient east-west connection between Montana Street and Harrison Avenue. Taking no action would also not address the poor existing geometrics and undesirable sight distance at the present three-way intersection of Montana Street, Hanson Road and Beef Trail Road.

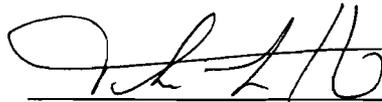
Rebuilding a portion of Hanson Road on its existing alignment is proposed as part of this project. However, effects to 24SB439 cannot be avoided because the spur line crosses the existing alignment of Hanson Road in a perpendicular manner. The only way to avoid impacts to the 4(f) resource would be to eliminate the planned improvements on Hanson Road or to limit work to within the existing road prism. This would not address the undesirable geometric conditions at Hanson Road's intersection with the new section of Dewey Boulevard, Montana Street and Beef Trail Road.

The location of this project was established by the existing configuration of the road and street system in the area. Therefore, building Dewey Boulevard, Montana Street, Hanson Road, or Beef Trail Roads on new locations could not be accomplished without extensive impacts to adjoining land use and significant new right-of-way acquisition. Therefore, no feasible and prudent alternatives exist to avoid the minor effects associated with reconstructing Hanson Road (part of the Dewey Boulevard Extension-Butte project) in the vicinity of the Milwaukee Road/Northern Pacific Interchange Spur Line (24SB439).

The proposed action meets all criteria regarding the required **Alternatives, Coordination, and Measures to Minimize Harm**. All possible planning to minimize harm to the Milwaukee Road/Northern Pacific Interchange Spur Line (24SB439) 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**.



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

Date: 9/8/05

Approved: Jeffrey A Patten
 Federal Highway Administration

Date: 10-20-05

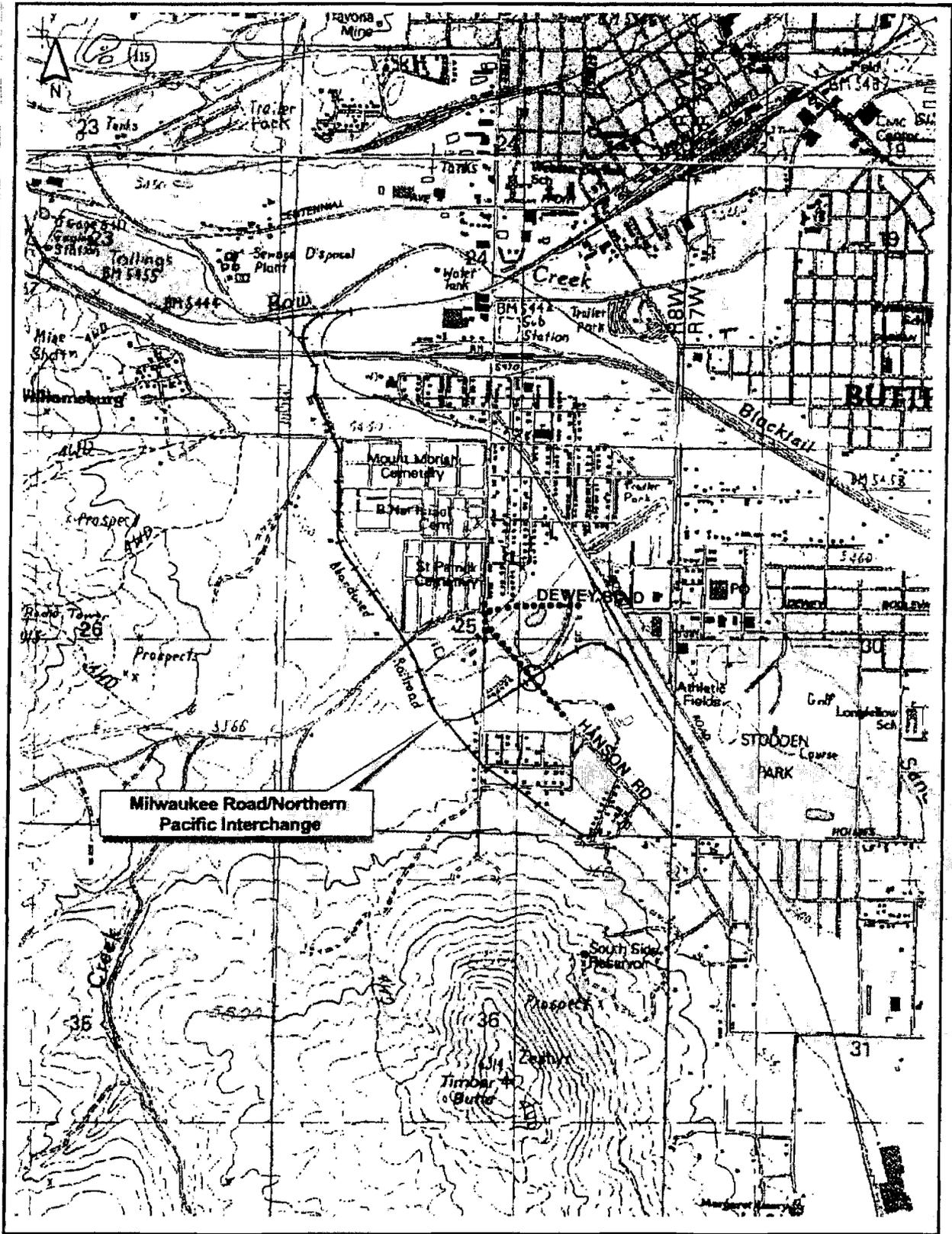


Figure 4. Map showing interchange line between Milwaukee Road and Northern Pacific main lines (24SB439) near southwest edge of Butte.

2004061720



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

RECEIVED

June 16, 2004

JUN 21 2004

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

ENVIRONMENTAL

Subject: CM 1899(17)
Dewey Boulevard Extension - Butte
Control No. 4919

BY _____
DATE _____

Josef
MDT
Dewey Blvd
Extension -
Butte

Dear Mark:

Enclosed is the cultural resource report, CRABS, and site forms for the above project in Butte. RTI recorded three historic sites in the designated survey area. The Milwaukee Road/Northern Pacific Interchange Spur Line (24SB439) is covered under a programmatic agreement. The other two sites are recommended ineligible for the National Register of Historic Places. We agree with their recommendation and request your concurrence. The project area is not located in the Butte Landmark Historic District.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

CONCUR
MONTANA SHPO

DATE 18 JUN 04 SIGNED

Josef Warhawk

Enclosures

cc: Jeff Ebert, P.E., Butte District Administrator
Tom Martin, P.E., Consultant Design Bureau
Bonnie Steg, Resources Section

file: MDT/2004