



Montana Department of Transportation

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Jim Lynch, Director
Brian Schweitzer, Governor

November 2, 2005

Janice W. Brown
Division Administrator
Federal Highway Administration
2880 Skyway Drive
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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Subject: Request to recertify environmental documentation
STPP 9-1(9)21
Bowman's Corner - Augusta
CN 4048

Environmental Services has reviewed the above proposed project's impacts and has determined that this proposed project still qualifies as a CATEGORICAL EXCLUSION under the provisions of 23 CFR 771.129(c). The original categorical exclusion was signed January 24, 2001 and is attached. This proposed action also continues to qualify as a categorical exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.). This determination is based on the following:

The Scope-of-Work for the proposed project has been reviewed and has not changed. Due to funding issues, the original Bowman's Corner – Augusta project has been split into two projects:

Bowman's Corner – North
STPP 9-1(9)21
CN 4048000

Augusta - South
STPP 9-1(12)32
CN 4048001

This document will act as the reevaluation of the original Categorical Exclusion that covers all the work that will now be split between these 2 projects.

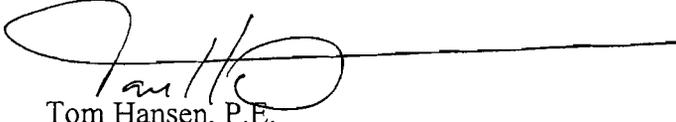
During the time period between the approval of the original Categorical Exclusion and today, the *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3d 526 (9th Cir. 2001) court decision has required that irrigation canals and ditches be subject to permit requirements of the Federal Clean Water Act. In response to that decision, irrigation canals and ditches in the project corridor were evaluated to determine their points of origin and likely discharge locations. The result of this evaluation is a change in total wetland impact from 10.35 acres (4.19ha), to 10.58 acres (4.28ha).

In accordance with 23 CFR 771.117(a), these actions will neither individually or cumulatively, have any significant environmental impacts. The change in wetland impacts described above is minor and will be handled through our permitting process with the regulatory agencies.

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In accordance with the Federal Highway Administration's (FHWA) concurrence letter of April 15, 1999, this notification documents that this proposed action is still properly classified as a CE under the provisions of 23 CFR 771.117(d).



Tom Hansen, P.E.
Engineering Section Supervisor
Environmental Services Bureau

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

TLH:tgg: S:\PROJECTS\GREAT-FALLS\4048\4048\ENCDRECERT01.DOC

cc: Michael P. Johnson - District Administrator-Great Falls
Tom S. Martin, P.E. - Consultant Design Engineer
Paul R. Ferry, P.E. - Highway Engineer
John H. Horton - Chief, Right-of-Way Bureau
Suzy Althof - Chief, Contract Plans Bureau
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✓ Environmental Quality Council
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