



**Montana Department of Transportation**

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

Jim Lynch, Director  
Brian Schweitzer, Governor

November 23, 2005

**RECEIVED**

NOV 25 2005

Environmental Quality Council  
Legislative Environmental Policy Office  
P.O. Box 201704  
Helena MT 59620-1704

**LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE**

Subject: Project No.: MT-STPE 16(51)  
Project Name: Gallatin River Trail – East Manhattan  
Control No.: 5434

Attached is one (1) copy of the Categorical Exclusion group (d) environmental document for this proposed project for your files.

This document complies with the provisions of **75-1-103** and **75-1-201 M.C.A.** (see ARM 18.2.261, MEPA "Actions that qualify for a Categorical Exclusion" as applicable to the Montana Department of Transportation).

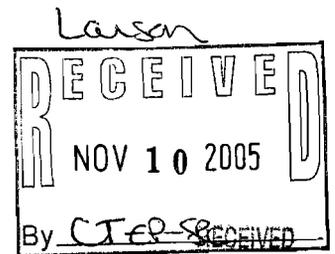
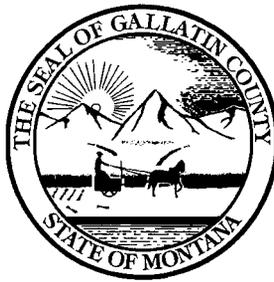
David C. Larson, P.E.  
CTEP Project Engineer

DCL:

Attachment

copy: Project File

S:\CTEP\_PROJECTS\216\_GALLATIN\_CO\5434\_GLTN-RVR-TRL-E-MANHTTN\ENV-DOC\5434EQC DIST LTR.DOC



## GALLATIN COUNTY

NOV 16 2005

FHWA  
MONTANA DIVISION

November 7, 2005

Janice W. Brown, Division Administrator  
Federal Highway Administration (FHWA)  
2880 Skyway Drive  
Helena, MT 59602

Subject: Categorical Exclusion Group (d) Action Letter

Federal-aid Project Number: STPE 16[51]  
Federal-aid Project Name: Manhattan Pedestrian Trail  
MDT Control Number: 5434

This is a request for the FHWA's concurrence that this proposed project meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR 771.117(d). This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201 MCA). A project location map is attached.

This proposed project is a bike/pedestrian path originating at Manhattan Public School and running east for a distance of 1.75 miles.

The location of this proposed project is along Montana Secondary Highway 346 (Dry Creek Road), running east from the Town of Manhattan, Gallatin County. The route runs along a section line dividing sections 1 & 2 from 11 & 12, T3E, T1N. The project begins at the entrance to Manhattan School (MP 1.0) and continues east for 1.75 miles (MP 2.75)

The intent of this proposed project is to provide increased safety to school children, pedestrians and bicyclists who frequent the route. The roadway contains a paved surface with narrow shoulders that presently provide unsafe travel route for pedestrians and cyclists.

This proposed project has been evaluated for, and does not have any adverse effect on the following environmental areas of concern:

- |   |   |
|---|---|
| <input type="checkbox"/> Stormwater Runoff                          | <input checked="" type="checkbox"/> Noise                         |
| <input checked="" type="checkbox"/> Prime & Unique Farmlands        | <input type="checkbox"/> Section 404 - Clean Water Act            |
| <input type="checkbox"/> Floodplains(E.O. 11988/FEMA)               | <input checked="" type="checkbox"/> Social/Economic               |
| <input checked="" type="checkbox"/> Hazardous Waste                 | <input type="checkbox"/> Stream Preserv./Water Quality            |
| <input checked="" type="checkbox"/> Historical/Cultural Resources   | <input checked="" type="checkbox"/> Threatened/Endangered Species |
| <input checked="" type="checkbox"/> Changes in Land Use             | <input checked="" type="checkbox"/> Wetlands(E.O. 11990)          |
| <input checked="" type="checkbox"/> USDOT - 4(f)/NL&WCF - 6(f) Acts |   |

The proposed project will have a minor effect on the following environmental area(s):

Historic/Cultural Resources - The Montana State Historic Preservation Office (SHPO) was conducted on September 30, 2005 for comment and identification of historic/cultural resources potentially impacted by the project. SHPO responded on October 4, 2005 stating due to a low likelihood of cultural resources within the project limits, a survey would not be required. However, if resources were found during planning and construction activities their office should be contacted. A copy of their concurrence letter is attached

Threatened/Endangered Species - The U.S. Department of the Interior's Fish & Wildlife Service (USF&WS) was contacted on September 30, 2005 for identifying Federally listed Threatened/Endangered Species. The following Threatened/Endangered Species were identified by the USF&WS as possibly being in the vicinity of this proposed project.

The bald eagle (*Haliaeetus leucocephalus*) is a threatened raptor species. The population in the area is non-nesting, migratory, and the Montana Natural Heritage Program (MNHP) indicates an observation 0.75-1.25 miles north of Highway 346. The wetland obligate plant species, Ute Ladies-tresses (*Spiranthes diluvialis*) is found within 2 miles of the project. However, the project would not affect wetland areas or the species.

The conclusion is that there are no biological concerns on this project.

Permits Required - The following permits will be acquired prior to any relevant disturbance: (see also the FEMA Floodplain Development Permit, following):

This proposed project will be in compliance with the provisions for both Water Quality under **75-5-401(2) MCA** for *Section 3(a)* authorizations, and Stream Protection under **87-5-501** through **509 MCA**, inclusive.

A **124SPA Stream Protection Permit** will be required by the MDFW&P prior to construction.

This proposed project will require the following permit(s) under the Clean Water Act (**33 USC 1251 - 1376**):

A *Section 402*/Montana Pollutant Discharge Elimination System permit from the Montana Dept. of Environmental Quality's Permitting and Compliance Division

A *Section 404* permit from the U.S. Army - Corps of Engineers. The COE will be notified that this proposed project qualifies for a "Nationwide" 404 permit under the provisions of **33 CFR 330**.

All work will also be in accordance with the *Water Quality Act* of 1987 (**PL 100-4**), as amended.

An Erosion Control Plan will be prepared for this proposed project. Best Management Practices will be included in the design of this Plan using guidelines as established in MDT's Highway Construction Standard Erosion Control Workplan. The objective is to minimize erosion of disturbed areas during and following construction of this proposed project.

An Erosion Control Plan will be submitted to the Montana Department of Environmental Quality's Permitting and Compliance Division in compliance with their Montana Pollutant Discharge Elimination System Regulations (ARM 16.20.1314) for this proposed project. Best Management Practices will be included in the design of this Plan using guidelines as established in MDT's Highway Construction Standard Erosion Control Workplan. The objective is to minimize erosion of disturbed areas during and following construction of this proposed project.

In accordance with **7-22-2152**, and **60-2-208 MCA**, Gallatin County will re-establish a permanent desirable vegetation community along all areas disturbed by the proposed construction. A set of revegetation guidelines will be developed by Stahly Engineering & Associates that must be followed by the contractor. These specifications will include instructions on seeding methods, seeding dates, types and amounts of mulch and fertilizer, along with seed mix components. Seed mixes include a variety of species to assure that areas disturbed by construction are immediately stabilized by vegetative cover. The Seeding Special Provisions developed for this proposed project will be forwarded to the responsible County Weed Board for approval.

Floodplains - A floodplain delineated under Federal Emergency Management Administration (FEMA) criteria along the Gallatin River and Baker Creek are encroached by this proposed project. Gallatin County administers this floodplain for FEMA, and a Floodplain Development Permit will be required for this encroachment.

The floodplain encroachments from this proposed project occur at stations 71+77 & 72+69 and 90+ 82 & 92+52. This proposed project will not promote or encourage development within this delineated floodplain, nor increase flood liability hazards from its construction. This proposed project is therefore considered to be in compliance with E.O. #11988.

Air Quality - This proposed project is located in an "unclassifiable"/ attainment area of Montana for air quality under 40 CFR 81.327, as amended. As such, this proposed project is not covered under the U.S. Environmental Protection Agency's **Final Rule** of September 15, 1997 on Air Quality conformity. Therefore, this proposed project complies with Section 176(c) of the *Clean Air Act* as amended (**42 USC 7521(a)**).

There is no "use" of a Section 4(f) resource as protected land is not permanently incorporated into a State/Federal transportation facility. There is also no "constructive use" of protected lands. (Constructive use occurs when a transportation facility not on protected land substantially impairs the activities, features, or attributes that qualify a resource for protection under Section 4(f)).

NL&WCF - 6(f) - There is no Conversion of Use involvement as protected property acquired or developed with Land and Water Conservation Funds (LWCF) are not within the project limits.

Americans with Disabilities Act – The path will be installed in compliance with the Americans with Disabilities Act (**PL 101-336**).

Public Involvement – A Plan-in-Hand public meeting was held in the Town of Manhattan in September 2005.

Cumulative Impacts – MDT currently has no active and proposed projects in the vicinity of this proposed project. Therefore, the proposed project, will not have any significant cumulative environmental impacts.

This project will not induce significant land use changes or promote unplanned growth. There will be no significant affects on access to adjacent properties or present traffic patterns. This project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (E.O. 12898) and complies with Title VI of the *Civil Rights Act of 1964 (42 USC 2000d)*. In accordance with 23 CFR 771.117(a), this action will neither individually nor cumulatively, have any significant environmental impacts. Therefore, we are requesting FHWA's concurrence that this proposed project is properly classified as Categorical Exclusion.

Larry W. Watson  
Signature of Environmental Certifying Official

Larry W. Watson, Grants Administrator  
Type Name and Title

Concur Mike Wherley  
Michael Wherley, P.E.  
CTEP Engineer  
Consultant Design Bureau

Nov. 10, 2005  
Date

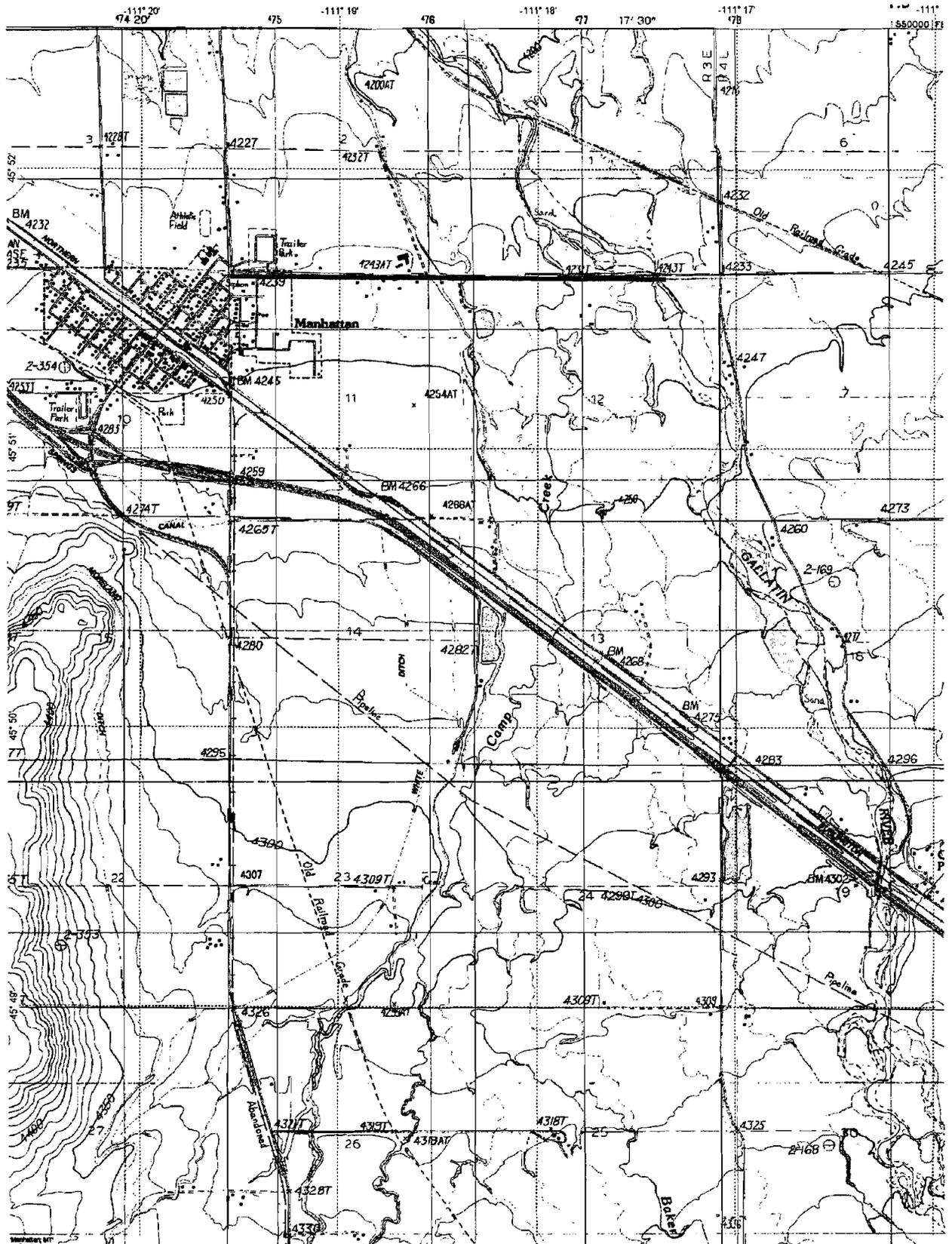
Concur Jeffrey A. Patten  
Federal Highway Administration

Nov 10, 2005  
Date

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

Attachment: Project Location Map

cc: Jeff Ebert, P.E., MDT, Butte District Engineer  
Tom S. Martin, P.E., MDT, Consultant Design Engineer  
Jean A. Riley, MDT, Manager - Environmental Services  
David W. Jensen, MDT, Supervisor - Fiscal Programming Section  
Michael Wherley, P.E., MDT, CTEP Engineer / Project File  
Environmental Quality Council  
Greg Benjamin, Stahly Engineering & Associates  
Larry Watson, Gallatin County Grants Administrator



MANHATTAN PEDESTRIAN TRAIL STPE 16[51] 1

RECEIVED

OCT 06 2005



# MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201  
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ [www.montanahistoricalsociety.org](http://www.montanahistoricalsociety.org) ♦

October 4, 2005

Murray Strong  
Stahly Engineering  
3530 Centennial Drive  
Helena MT 59601

RE: MANHATTAN BIKE/PEDESTRIAN TRAIL PROJECT. SHPO Project #:  
2005100319

Dear Mr. Strong:

I have conducted a cultural resource file search for the above-cited project located in Sections 1,2,11,12, T11N R3W. According to our records there have been no previously recorded historic or archaeological sites within the designated search locales. The absence of cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated none.

We feel that if the project is within the highway right-of-way there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated. Thank you for consulting with us.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at [dmurdo@mt.gov](mailto:dmurdo@mt.gov).

Sincerely,

Damon Murdo  
Cultural Records Manager

File: CTEP/2005



STATE HISTORIC PRESERVATION OFFICE ♦ 1410 8<sup>th</sup> Ave ♦ P.O. Box 201202 ♦ Helena, MT 59620-1202  
♦ (406) 444-7715 ♦ FAX (406) 444-6575