



Montana Department of Transportation

2701 Prospect Avenue
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Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

January 13, 2006

U.S. Army Corps of Engineers
Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, Montana 59626

**MASTER FILE
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Attention: Allan Steinle
Montana Program Manager

RECEIVED

JAN 23 2006

Subject: Jurisdictional Determination
NH 15-4(108)191
South Helena Interchange
Control No. 5587

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

This is to request your concurrence with our opinion that that three unnamed drainages affected by activities associated with the South Helena Interchange project are not jurisdictional waters subject to Clean Water Act – Section 404 permitting requirements.

This project proposes to upgrade the frontage road between Helena and the Jefferson County line, and construct an interchange on I-15, near Helena, south of the Capitol Interchange. There are a total of 7 drainage basins in the immediate area, as shown on the attached USGS quad map.

These drainages cross I-15 in the NW 1/4 and SE 1/4 of Section 3 of Township 9 North, Range 3 West and in the SE1/4 of Section 33 of Township 10 North, Range 3 West located southeast of the City of Helena. These drainages are shown as “blue lines” on the USGS quad map covering this area and generally flow in a south to north direction through this area. A portion of the USGS quad map showing drainage basins identified for the project, and photographs of these drainages are attached.

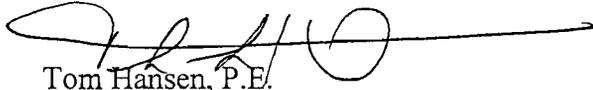
The drainages have been field reviewed and examined for the presence of defined bed and banks and ordinary high water marks both up and downstream from where they cross I-15 within the project area. The review showed that these drainages are grassed channels without any defined bed or banks and lack debris lines indicating ordinary high water marks (see attached photo's). Therefore, we believe that these drainages are not jurisdictional waters under the Clean Water Act.

Please provide written concurrence of this Jurisdictional determination. In order to facilitate ease of filing, please include the project name, number, and control number shown above, in the correspondence.

January 13, 2006
Allan Steinle
P.2

NH 15-4(108)191
South Helena Interchange
CN 5587

Thank you for your cooperation on this project. If you have any questions or concerns, please contact Tom Gocksch at (406) 444-9412.



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

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Attachments

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
David W. Jensen, MDT, Supervisor - Fiscal Programming Section
Jean A. Riley, P.E. - Chief, Environmental Services Bureau
✓ Environmental Quality Council
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