



Montana Department of Transportation  
 2701 Prospect Avenue  
 PO Box 201001  
 Helena MT 59620-1001

Jim Lynch, Director  
 Dan Schweitzer, Governor

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**ENVIRONMENTAL**

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**RECEIVED** MONTANA DEPARTMENT OF TRANSPORTATION

AUG 30 2006

LEGISLATIVE ENVIRONMENTAL  
 POLICY OFFICE

August 3, 2006

Janice W. Brown, Division Administrator  
 Federal Highway Administration (FHWA)  
 585 Shepard Way  
 Helena, MT 59601-9785

Subject: **NH 27(21)**  
**Schrieber Meadows Wetland Mitigation**  
**UPN A027**

This is to request approval of this proposed project as a Categorical Exclusion (CE) under the provisions of 23 CFR 771.117(d), and the Programmatic Agreement as signed by the MONTANA DEPARTMENT OF TRANSPORTATION (MDT) and the FHWA on April 12, 2001. Copies of its Preliminary Field Review Report (May 29, 2001) and Project Location Map are attached. This proposed action also qualifies as a CE under ARM 18.2.261 (Sections **75-1-103** and **75-1-201, MCA**).

The following form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion Approval (PCE) as initially agreed by the (former) MONTANA DEPARTMENT OF HIGHWAYS (MDOH) and the FHWA on December 6, 1989. (Note: An "X" in the "N/A" column is "Not Applicable" to, while one in the "UNK" column is "Unknown" at the present time for this proposed project.)

**NOTE:** A response in a box will require additional documentation for a Categorical Exclusion request in accordance with 23 CFR 771.117(d).

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
1. This proposed project would have (a) significant environmental impact(s) as-defined under <u>23 CFR 771.117(a)</u> .	<input type="checkbox"/>	<u>X</u>		
2. This proposed project involves (an) unusual circumstance(s) as described under <u>23 CFR 771.117(b)</u> .	<input type="checkbox"/>	<u>X</u>		
3. This proposed project involves one (or more) of the following situations where:				
A. Right-of-Way, easements, and/or construction permits would be required.	<u>X</u>			
1. The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s).	<input type="checkbox"/>	<u>X</u>		
2. There is a high rate of residential growth in this proposed project's area.		<u>X</u>		

Environmental Services  
 Phone: (406) 444-7228  
 Fax: (406) 444-7245

Web Page: [www.mdt.state.mt.us](http://www.mdt.state.mt.us)  
 Road Report: (800) 226-7623  
 TTY: (800) 335-7592

YES   NO   N/A   UNK

3. There is a high rate of commercial growth in this proposed project's area.                 X                    

4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation.                 X                    

5. There are parks, recreational, or other properties acquired/improved under *Section 6(f)* of the 1965 *National Land & Water Conservation Fund Act (16 U.S.C. 460L, et seq.)* on or adjacent to proposed the project area.                 X                    

The use of such *Section 6(f)* sites would be documented and compensated with the appropriate agencies. (e.g.: MDFW&P, local entities, etc.).                    X           

6. Are there any sites either on, or eligible for the National Register of Historic Places with concurrence in determination of eligibility or effect under *Section 106* of the *National Historic Preservation Act (16 U.S.C. 470, et seq.)* by the State Historic Preservation Office (SHPO), which would be affected by this proposed project.                 X                    

7. There are parks, recreation sites, schoolgrounds, wild-life refuges, historic sites, historic bridges, or irrigation that might be considered under *Section 4(f)* of the 1966 U.S. DEPARTMENT OF TRANSPORTATION Act (**49 U.S.C. 303**) on or adjacent to the project area.                 X                    

a. "Nationwide" Programmatic *Section 4(f)* Evaluation forms for these sites are attached.                    X           

b. This proposed project requires a full (i.e.: DRAFT & FINAL) *Section 4(f)* Evaluation.                    X           

B. The activity would involve work in a streambed, wetland, and/or other waterbody(ies) considered as "waters of the United States" or similar (e.g.: "state waters").        X                             

1. Conditions set forth in *Section 10* of the *Rivers and Harbors Act (33 U.S.C. 403)* and/or *Section 404* under 33 CFR Parts 320-330 of the *Clean Water Act (33 U.S.C. 1251-1376)* would be met.        X                       

2. Impacts in wetlands, including but not limited to those referenced under Executive Order (E.O.) #11990, and their proposed mitigation would be coordinated with the US Army Corps of Engineers and other Resource Agencies (Federal, State and Tribal) as required for permitting.        X

YES    NO    N/A    UNK

3. A 124SPA Stream Protection permit would be obtained from the MDFW&P?

  X                  

4. There is a delineated floodplain in the proposed project area under FEMA's Floodplain Management criteria.

  X          

The water surface at the 100-year flood limit elevation would exceed floodplain management criteria due to an encroachment by the proposed project.

     X          

5. Tribal Water Permit would be required.

          X  

6. Work would be required 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 as published by the U.S. Department of Agriculture, or the U.S. Department of the Interior.

          X  

The designated National Wild & Scenic River systems in Montana are:

- a. Middle Fork of the Flathead River (headwaters to South Fork confluence).
- b. North Fork of the Flathead River (Canadian Border to Middle Fork confluence).
- c. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir).
- d. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge).

      
      
      
    

In accordance with *Section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1271 – 1287)*, this work would be coordinated and documented with either the Flathead National Forest (Flathead River), or U.S. Bureau of Land Management (Missouri River).

              X  

C. This is a "Type I" action as defined under 23 CFR 772.5(h), which typically consists of highway construction on a new location or the physical alteration of an existing route which substantially changes its horizontal or vertical alignments or increases the number of through-traffic lanes.

          X  

1. If yes, are there potential noise impacts?

                  X  

2. A Noise Analysis would be completed.

              X  

3. There would be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy.

  X

YES   NO   N/A   UNK

D. There would be substantial changes in access control involved with this proposed project.

\_\_\_   X

If yes, would they result in extensive economic and/or social impacts on the affected locations?

  \_\_\_   X

E. The use of a temporary road, detour, or ramp closure having the following conditions when the action(s) associated with such facilities:

1. Provisions would be made for access by local traffic, and be posted for same.

\_\_\_      X

2. Adverse effects to through-traffic dependant businesses would be avoided or minimized.

\_\_\_      X

3. Interference to local events( e.g.: festivals) would be minimized to all possible extent.

\_\_\_      X

4. Substantial controversy associated with this pending action would be avoided.

\_\_\_      X

F. Hazardous wastes /substances, as defined by the U.S. Environmental Protection Agency (EPA) and/or the Montana Department of Environmental Quality (MDEQ), and/or (a) listed "Superfund" (under CERCLA or CECRA) site(s) are currently on and/or adjacent to this proposed project.

\_\_\_   X

All reasonable measures would be taken to avoid and/or minimize substantial impacts from same.

\_\_\_      X

G. The Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314), including temporary erosion control features for construction would be met.

X      \_\_\_

H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas.

X   \_\_\_   \_\_\_

I. Documentation of an "invasive species" review to comply with both E.O.#13112 and the *County Noxious Weed Control Act (7-22-21, M.C.A.)*, including directions as specified by the county(ies) wherein its intended work would be done.

X      \_\_\_

YES    NO    N/A    UNK

J. There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area.

\_\_\_    X

If the proposed work would affect Important Farmlands, then an AD-1006 Farmland Conversion Impact Rating form would be completed in accordance with the *Farmland Protection Policy Act (7 U.S.C. 4201, et seq.)*.

\_\_\_        X

K. Features for the *Americans with Disabilities Act (P.L. 101-336)* compliance would be included.

\_\_\_        X

L. A written Public Involvement Plan, would be completed in accordance with MDT's Public Involvement Handbook.

X   

4. This proposed project complies with the *Clean Air Act's Section 176(c) (42 U.S.C. 7521(a))*, as amended) under the provisions of 40 CFR 81.327 as it's either in a Montana air quality:

A. "Unclassifiable"/attainment area. This proposed project is not covered under the EPA's September 15, 1997 Final Rule on air quality conformity.

X    \_\_\_

and/or

B. "Non-attainment" area. However, this type of proposed project is either exempted from the conformity determination requirements (under EPA's September 15, 1997 Final Rule), or a conformity determination would be documented in coordination with the responsible agencies: (Metropolitan Planning Organizations, MDEQ's Air Quality Division, etc.).

\_\_\_        X

C. Is this proposed project in a "Class I Air Shed" (Indian Reservations) under 40 CFR 52.1382(c)(3)?

\_\_\_    X

5. Federally listed Threatened or Endangered (T/E) Species:

A. There are recorded occurrences, and/or critical habitat in this proposed project's vicinity.

X    \_\_\_

YES    NO    N/A    UNK

B. Would this proposed project result in a "jeopardy" opinion (under 50 CFR 402) from the Fish & Wildlife Service on any Federally listed T/E Species?

   X        

The proposed project would not induce significant land-use changes, nor promote unplanned growth. There would be no significant effects on access to adjacent property, nor to present traffic patterns.

This proposed project would not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations (E.O.#12898). It also complies with the provisions of *Title VI* of the *Civil Rights Act* of 1964 (**42 U.S.C. 2000d**) under the FHWA's regulations (**23 CFR 200**).

In accordance with the provisions of **23 CFR 771.117(a)**, this pending action would not cause any significant individual, secondary, or cumulative environmental impacts. Therefore, the FHWA's concurrence is requested that this proposed project is properly classified as a Categorical Exclusion.

Prepared By: Susan Kilcrease, Date: August 3, 2006  
Susan Kilcrease  
MDT Environmental Services Project Development Engineer

Concur [Signature], Date: 8/3/06  
Thomas L. Hansen, P.E.  
MDT Environmental Services Engineering Section Supervisor

Concur Mark A. Zilman, Date: 8-22-06  
Federal Highway Administration

TLH:smk    S:\PROJECTS\MISSOULA\1027SCHRIEBER\_MEADOWS\A027ENPCE001.DOC

Attachments

- cc: Dwane Kailey, P.E. - Missoula District Engineer  
Paul R. Ferry, P.E. - Highway Engineer  
Tom Martin, P.E. - Consultant Design Bureau  
John H. Horton - Right-of-Way Bureau Chief  
Suzy Price - Contract Plans Bureau Chief  
David W. Jensen - Fiscal Programming Section  
Jean Riley, P.E. - Environmental Services Bureau Chief  
Environmental Quality Council  
File

Montana Department of Transportation  
Helena, Montana 59620-1001

MASTER FILE  
COPY

Memorandum

To: Carl S. Peil, P.E.  
Preconstruction Engineer

From: Joel M. Marshik, P.E.  
Environmental Services Manager *June 5/31/01*

Date: May 29, 2001

Subject: NH 27(21)  
Schrieber Meadows Wetland  
UPN A027  
Work Type – 510 Stream Restoration/Wetland Mitigation Project

We request that you approve the Preliminary Field Review Report for the subject project.

Approved *Carl S. Peil* Date *May 30, 2001*  
Carl S. Peil, P.E. Preconstruction Engineer

We are requesting comments from the following individuals, who have also received a copy of the report. We will assume their concurrence if no comments are received by **two weeks** of the Project Management release date: *June 4, 2001*

Distribution: (all with attachments)

C. S. Peil	P. Saindon	J.J. Moran
J. M. Marshik	B. A. Larsen	B.F. Juvan
D. R. McIntyre	R. E. Williams	R.D. Morgan
K. Barnes	L.E. Frazier	J. H. Horton
R. D. Tholt	J. D. Blacker	
S.A. Naseem	Bob Castaneda - Kootenai National Forest	
John Snyder (FHWA HOP-MT)		

cc: D. W. Jensen, w/attachment  
Preconstruction File, w/attachment  
Environmental File, w/attachment  
Sean Lawlor – USGS  
Dick Harlow – Kootenai National Forest  
Tom Grabinski – Kootenai National Forest

## Preliminary Field Review Report

A field review of the subject project was held April 18, 2001 with the following individuals in attendance.

Suzy Althof – Environmental Services  
Pat Basting – Environmental Services  
Bill Squires – Missoula Area Engineer  
John P. Smith – Missoula Road Design  
KC Yahvah – Hydraulics  
Sean Lawlor – USGS  
Todd Tillinger – Army Corps of Engineers

Personnel from the Kootenai National Forest were invited but failed to attend.

### Introduction

This site has been identified as partial on-site compensatory wetland mitigation for wetland impacts that are associated with the Swamp Creek – East reconstruction project #NH 1-1(34)45 F, Control No. 1027. The proposed wetland mitigation site is on US Forest Service's Kootenai National Forest (USFS) property and is approximately 16 acres in size. This project was originally brought to MDT's attention by the USFS in 1992. It is anticipated that the proposed project will yield a minimum of five acres of Corps approved wetland credit acres. The Swamp Creek – East roadway project is anticipated to impact approximately 20 acres of wetland therefore this proposed project will only cover a portion of the mitigation that will be required.

### Project Location

The proposed project is located adjacent to US Highway 2, approximately 19 miles south-southeast of the town of Libby in Sections 11 and 12, Township 27 North and Range 30 West, in Lincoln County, Montana. The project abuts the west side of Highway 2 from Reference Post 53.13 to 53.41. A location map is attached.

### History/Site Description

The site is currently a hay field that is located to the west of US Highway 2. There is a straightened stretch of stream that is severely incised and degraded. This channel was straightened for the purpose of draining the site approximately 70 years ago so the site could be used for pasture land. There are a few small trees on site which are adjacent to the stream. There is a spring on the east side of the road which contributes to the hydrology on the south end of the site. This hydrology is associated with the delineated wetland area of approximately 4.3 acres.

The proposed mitigation site is located adjacent to and south of the Historic Swamp Creek Ranger Station. A cultural resource survey and test excavation

was carried out at the Ranger Station in the fall of 1999. The Swamp Creek Ranger Station was constructed in 1908 and served as Fisher River District Ranger Station from 1908 until 1928. It was later used as a Forest Service Guard Station through the 1960's. That portion of the site which lies south and west of Highway 2 is considered eligible for the National Register of Historic Places for its archaeological value. The proposed project should not impact this site.

A Forest Service Biologist initiated the initial site visit with individuals from MDT. A follow-up letter from MDT dated September 23, 1999, was sent to the Forest Service outlining MDT's proposal to secure the site for wetland mitigation. The proposal was to develop the site in a phased approach with Phase I consisting of feasibility studies. The design of the project will occur in Phase II.

A presentation, which included the results of the feasibility studies to date as well as a conceptual design, was given to the Forest Service on February 7, 2001, and the Interagency Wetland Group on March 28, 2001. There was no opposition to this project at either presentation so it was agreed to proceed to phase II.

### Design

The purpose of the design is to put the existing approximate 1240 feet of ephemeral stream back into a more natural channel and restore riparian wetlands that once most likely existed along its length.

The wetland portion of the design will consist of two wetland areas, one to the east and one to the west of the stream realignment. The creation of the wetland areas will require some excavation and are proposed to be developed as a natural flow through system with water being diverted into the wetland area to the west during high flow events and flowing back into the stream once full.

A culvert is proposed to be incorporated into the Swamp Creek reconstruction project to divert high flows from the spring that is located east of the roadway for the purpose of supplying hydrology to the wetland area that will be located east of the stream realignment. Once this wetland is full it will flow back into the stream. A staff gage has been installed at the spring location to determine water levels during runoff periods.

Additional hydrology is expected to come from high groundwater levels during the spring and early summer. The depth of the wetlands will be determined from monitoring well information and are anticipated to replicate shallow wet meadow type wetlands. The excavated material will be utilized in filling in the existing channel and the remainder, if any, will be contoured within the easement area to form a natural appearance. It is anticipated that the wetlands will be dry in the latter part of the summer which will be beneficial to the diversity of plants that are anticipated to develop.

This will be an in-house design that will follow the activities outlined on the Wetland Mitigation flow chart and will be put out to bid through MDT's normal bidding process. Environmental Services will be the lead on the project. Road Design will develop the construction plans, but Hydraulics Section will do the actual design.

#### Fencing

There is currently a fence in place along the southern property boundary that should not be disturbed. It is anticipated that the area once established will not be subject to further haying and/or grazing pressures, and will be left to develop naturally. Additional fencing will most likely not be necessary due to the project being adjacent to the roadway and on Forest Service property. However, if fencing is necessary to protect the new wetland, MDT will coordinate with the Forest Service to install a fence around the perimeter of the wetland easement area.

#### Survey

A topographic survey will be ordered upon approval of this report. A Certificate of Survey has been ordered to determine the property boundaries for the easement that will be acquired from the Forest Service for this parcel.

#### Hydraulics

A Rosgen E6 stream type has been identified as best fitting the delineative criteria which is; landforms with gentle slopes in broad riverine or lacustrine valleys and silt/clay dominated cohesive channel materials with accumulations of organic material including peat and slopes of less than 1%. The design is proposed to have a highly meandering stream with a width/depth ration of less than 12 and sinuosity greater than 1.5.

The US Geological Survey will be assisting MDT Hydraulics Section by monitoring the wells and providing information from the continuous recorders that have been installed on the site for the purposes of determining spring runoff and any other hydrological event that occurs.

#### Water Rights

An initial review of the closed basins to water appropriations determined that this proposed project is not in a closed basin and therefore MDT will be securing a water right to protect the hydrology of the developing wetland areas.

In April of 2001, continuous recorders were installed by the USGS for the purpose of collecting runoff data to be used in the water right application and design. The stream that is proposed to be realigned appears to be an unnamed tributary to Schrieber Creek.

### Geotechnical

A Special Use Permit was obtained and an environmental document completed for the purpose of installing six monitoring wells. In June of 2000, the monitoring wells were installed for the purpose monitoring groundwater levels and are currently being monitored by the USGS on a monthly basis. Soil samples taken at the time of the monitoring well installation revealed predominately silts and organic clays with some layers of peat. The peat was generally found at depths between approximately 8 and 15 feet. The groundwater levels in the wells are varied with the shallowest groundwater occurring closest to the road. The wells will continue to be monitored up to construction for the purpose of obtaining design information for the depth of the wetland areas.

Further Geotechnical analysis will be necessary in the placement of overflow structures associated with the stream re-alignment and other evaluations as deemed necessary.

### Right-of-Way

The proposed project is located on National Forest Service land. An easement will need to be acquired for this project and after discussions with the Forest Service it is desired to acquire the easement for this project with the easements for the Swamp Creek East project. An amended application to the Forest Service will be made as soon as the Certificate of Survey for this parcel is completed. Environmental Services will coordinate with the Forest Service to determine easement boundaries.

### Environmental

No apparent significant environmental impacts or issues were identified. An appropriate environmental evaluation and document will be prepared for this project and will most likely be a categorical exclusion. The project should have no negative long-term effect on the habitat of any threatened or endangered species. The project will not affect any hazardous waste sites.

### Construction

If possible, this project should be tied to the Swamp Creek East reconstruction project in order to reduce mobilization costs. The Swamp Creek – East project is in the November 2001 letting. Wetland plans would be due in Contract plans in early August. This letting date is not realistic unless we get survey in the very near future. Due to the high groundwater table in the spring and the highly cohesive materials expected to be encountered it is preferred that the construction of this job take place in the fall or winter.

### Public Involvement

A news release for the proposed project will be distributed to the appropriate newspapers and if warranted a public meeting will be held. Discussions with the adjacent land owner have occurred and no adverse comments are anticipated.

Legal

MDT's legal department will review all Agreements pertaining to this project.

Estimated Costs

Preliminary Engineering \$20,000, Construction Engineering \$10,000, Right-of-Way \$15,000, Construction \$ 80,000 – Total Estimated Cost \$125,000.

Attachments: Map

# SCHRIEBER MEADOWS PROJECT LOCATION MAP NH 27(21) - CN 1027



