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Montana Department of Transportation

Jim Lynch, Director
Brian Schweitzer, Governor

August 21, 2006

2701 Prospect Avenue
PO Box 20100
Helena, MT 59620-1001
**LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE**

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Janice W. Brown, Division Administrator
Federal Highway Administration
585 Shepard Way
Helena, MT 59601

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**MTD
SECRETARY'S DIVISION**

AUG 31 2006

**Subject: Categorical Exclusion Concurrence Request
STPHS 453-1(3)2
2000 – Safety Imp – Lincoln Road 4 km E of I-15
Control Number 4725**

ENVIRONMENTAL

Dear Janice W. Brown:

This submittal is a request for the FHWA's concurrence that the subject 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 MCA). A copy of the project location map is attached.

The proposed project is a reconstruction of an existing S-curve along State Secondary Route 453 (Lincoln Road). The roadway segment is located in Lewis and Clark County approximately 14.5 km (9.0 mi) north of Helena on Lincoln Road, 4 km (2.5 mi) east of I-15. The project begins at Reference Point (RP) 2.3± and continues east approximately 1.2 km (0.75 mi) to RP 3.05. The roadway is currently classified as a major collector. The project would not add capacity to the existing roadway facility.

The proposed project is located within the following legal description:

<u>Township</u>	<u>Range</u>	<u>Sections</u>
11 N	3 W	14, 15

The intent of the proposed reconstruction is to improve safety and reduce accidents along the corridor by flattening the S-curve. The existing horizontal alignment consists of a sharp S-curve with a short tangent section. The existing vertical alignment consists of three closely spaced curves, none of which meet the standard minimum length of 300 m (984 ft) for rural highways. As described in the Preliminary Field Review Report (PFR), the proposed project would reconstruct the horizontal alignment with flatter curves in an attempt to avoid violating driver expectancy. The proposed alignment would cut north into the farmyard of 2580 E. Lincoln Road, a former dairy farm, and south into an irrigated field. Currently, two private driveways and two public roads (Ferry Drive and Smith Lane) are along the existing alignment. Realignment of those four approaches and relocation of the associated mailboxes would be necessary. The vertical alignment would be reconstructed according to geometric design criteria. The typical section would include two 12-foot travel lanes with four-foot shoulders, but would be paved to 10.4 m (34 ft) wide to provide enough width for a future 9.6 m (32 ft) overlay.

The proposed project has been evaluated for and has no adverse effects on the following environmental areas of concern:

- Visual
- Section 4(f) / NL&WCF Act Section 6(f)
- Social/Economic
- Stream Preservation/Water Quality
- Air Quality

Hazardous Materials

A dairy farm located adjacent to the proposed project area contains a pipe that once carried animal waste to a drain field. DEQ permits Concentrated Animal Feeding Operations (CAFOs) with at least 1,000 head of cattle. DEQ also regulates wastewater discharges into State waters. Because this dairy farm is no longer active, a DEQ permit is not required. Additionally, no other hazardous materials were identified within the proposed project area.

Threatened/Endangered Species and Habitats

The Lake Helena Wildlife Management Area is located on the south side of the proposed project area. According to Montana Natural Heritage Program data, there is historical record of a bald eagle nest on the west shore of Lake Helena. No evidence of an active nest was observed during the 2003 field visits conducted by the MDT staff biologist. The existence and/or use of the nest would be verified prior to construction. The nest location is slightly over 1.6 km (1 mi) away from the project and is remote from any nearby roads. Although no construction-related disturbance is anticipated, a special provision would be drafted to notify the contractor of the site in order to avoid inadvertent activities near a nest that would trigger consultation with the US Fish and Wildlife Service. No other threatened, endangered, or candidate species or their critical habitats were identified in the project area. With implementation of the conservation measures described above, there would be **no effect** on threatened, endangered, or candidate species.

Terrestrial Resources and Species

Any impacts to common terrestrial species found in this proposed project's area would be negligible and of short-term duration.

Noise

A traffic noise study report for the proposed project was prepared on September 1, 2005, in accordance with 23 CFR 772 and the MDT Traffic Noise Policy and Procedure Manual, as amended. Five noise-sensitive receptors were identified within 150 m (492 ft) of the proposed roadway, including three single-family residences and two mobile homes. No traffic noise impacts are predicted for the project within the project limits, and therefore, noise abatement measures were not analyzed.

Historic/Cultural Resources

No previously recorded archaeological sites or historic properties were identified within the project area. The Helena Valley Irrigation Unit was the only previously identified architectural resource within the project area. In 1994, the conveyance structures for the Helena Valley Irrigation Unit were recommended not eligible for listing in the NRHP. There are two newly identified historic properties within the project area. The Onstott House buildings are not eligible for listing in the NRHP. The Armstrong Farmstead consists of 26 buildings, several of which are eligible for listing in the NRHP under Criterion C for architecture, including the farmhouse, log house, barn, garage, log barn, shed, chicken house, and horse barn. The proposed project would have **no effect** to the NRHP-eligible features of the Armstrong Farmstead. (Please see also the attached SHPO concurrence dated July 15, 2005.)

Floodplains

There are no floodplains within the limits of this project. A floodplain permit would not be required prior to construction.

This proposed project would have a minor effect on the following environmental areas:

Land Use

With this project approximately 2.40 hectares (5.92 acres) would be converted from agricultural to transportation uses. That amount of land use change would not have a substantial impact on the location, distribution, density, or growth rate of the area population. The total of new/additional right-of-way that is expected to be required to implement the Preferred Alternative is approximately 77 ha (191 ac). No relocations of residences or businesses would be required.

Important Farmlands

The proposed project would result in the conversion of approximately 5.92 acres of Locally Important Farmland to non-productive use. In accordance with the Farmland Protection Policy Act, a Farmland Conversion Impact Rating Form has been completed for this proposed project. The proposed project would result in total points of less than 160; therefore, under the provisions of 7 CFR 658.4(c)(2), no additional consideration for protection is necessary. (Please see attached Farmland Conversion Impact Rating Form.)

Wetlands

Some minimal emergent wetlands occur within the adjacent irrigation ditch, which is connected to Lake Helena, considered a Water of the US. Projected potential impacts to those jurisdictional wetlands are estimated to be less than 0.5 acre. A “Nationwide” Clean Water Act Section 404 permit would be obtained if required.

Waterbodies / Fisheries

Lake Helena lies approximately 305 m (1,000 ft) to the south (down-gradient) of the Lincoln Road S-curve. According to the MFISH database, numerous fish species are present in the lake. No work is planned within the lake or within the bed or banks of any stream. Accordingly, a Stream Protection Act (SPA) 124 authorization is not required. Indirect impacts to down-gradient waters would be avoided and/or minimized with contractor implementation of MDT Standard Best Management Practices for erosion control, sediment transport, waste disposal, and timely establishment of permanent desirable vegetation on all disturbed areas within MDT right-of-way and construction easements. The adjacent Lake Helena Wildlife Management Area property would not be impacted by the project.

Water Quality / Resources

Water quality impacts are anticipated to be minor due to the proposed scope of work for this project. MDT current design and construction specifications require temporary water pollution control measures to minimize potential effects of construction activities. Mitigation of water quality impacts caused by stormwater runoff and erosion would be achieved through engineering controls such as grading, revegetation, design of culverts/ditches, and the use of Best Management Practices. If the area of disturbance is greater than 1 acre, construction of the new roadway would require an MPDES Stormwater Pollution Prevention Plan and field monitoring/oversight to ensure impacts to water quality due to construction and demolition associated with this project are minimal.

Lake Helena is subject to Total Maximum Daily Load (TMDL) requirements. With implementation of the above mitigation measures, there are no anticipated impacts to the lake.

Irrigation

There are several irrigation features within the project area. At station 54±, there is a 750 mm corrugated metal pipe that drains an irrigation waste ditch south of the roadway. That crossing would be replaced with a new drain of similar size. At station 53±, there is a 600 mm reinforced concrete

pipe that crosses the road and “tees” into an existing irrigation ditch, which parallels the road east and west. All irrigation features would be perpetuated.

Erosion Control

In order to minimize erosion of disturbed areas during the construction and operational phases of this proposed project, an Erosion Control Plan, including a Stormwater Pollution Prevention Plan (SWPP), would be submitted to DEQ’s Permitting and Compliance Division in compliance with their Montana Pollutant Discharge Elimination System Regulations (ARM 16.20.1314), as required. Best Management Practices would be included in the design of this plan using guidelines as established in MDT’s Highway Construction Standard Erosion Control Work Plan.

Seeding

To reduce the spread and establishment of noxious weeds and to re-establish permanent vegetation, MDT would re-establish a permanent desirable vegetation community along disturbed areas within MDT right-of-way and construction easements in accordance with 7-22-2152 and 60-2-208 MCA. The contractor would be required to follow revegetation guidelines developed by MDT. Those specifications would include instruction on seeding methods, seeding dates, types and amounts of mulch and fertilizer, along with seed mix components. Seed mixes generally include a variety of species to ensure that vegetation cover stabilizes areas disturbed by construction. The Seeding Special Provisions developed for this proposed project would be forwarded to the Lewis and Clark County Weed Board for approval.

Traffic Control

Traffic would be maintained through the construction of the project with appropriate signing, flagging, detours, and other measures in accordance with the Manual on Uniform Traffic Control Devices. A traffic control plan would be developed as the design proceeds.

Right-of-Way and Relocations

The existing right-of-way width varies from 15 m to 18 m (49 ft to 59 ft) from the centerline. New right-of-way and construction permits would be required. Preliminary right-of-way requirements are estimated to be approximately 2.40 hectares (5.92 acres). Preliminary construction permit requirements are estimated to be approximately 0.26 hectares (0.64 acres). Preliminary easement requirements are estimated to be approximately 0.03 hectares (0.07 acres).

Construction Impacts

An overhead power line follows the project on the south. The line crosses the project midway through the first curve and extends north away from the project location. It is possible that utility relocations would be required throughout the project area. Any utility relocations would be coordinated with the lines’ owners, and done prior to this proposed project’s construction. Notification of service interruptions due to these relocations would be the responsibility of these utility lines’ owners. Disruptions are normally minor and usually limited to the customers on the affected lines.

Permits Required

The following permits are expected to be required prior to any relevant disturbance:

This proposed project would be in compliance with the provisions for Water Quality under 75-5-401(2) M.C.A. for Section 3(a) authorizations.

Under the Clean Water Act (33 U.S.C. 1251-1376), this proposed project would require a Section 402/Montana Pollutant Discharge Elimination System permit from DEQ’s Permitting and Compliance Division.

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

Additionally, work would be in accordance with the Water Quality Act of 1987 (P.L. 100-4), as amended.

Cumulative Impacts

The following project was recently completed in the area:

- The Lincoln Road Interchange is a safety improvement project for the I-15 Interchange at Lincoln Road north of Helena. The project would widen the existing bridge and improve safety at the intersections at each end. The project was completed in December 2005.

The above project has safety enhancement and improved operations as key objectives and its implementation would have positive cumulative effects on safety. There are no other projects in the area that would contribute to cumulative environmental impacts when considered in conjunction with the proposed project.

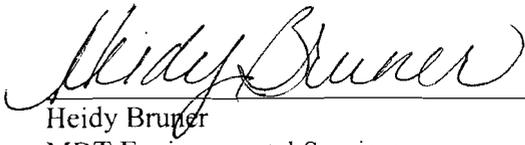
Public Involvement

A public information meeting was held on January 13, 2004 to present basic concepts about the project and to gather local input. A public notice was issued approximately one week prior to the meeting. Individual notices were also mailed to adjacent landowners.

Informal meetings were also held with adjacent landowners along the project in order to address concerns and gather information.

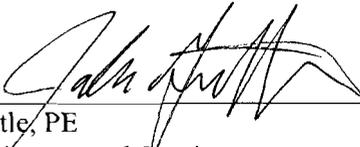
This project would not induce significant land use changes or promote unplanned growth. There would be no significant effects on access to adjacent properties or present traffic patterns. This project would not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations (as required by Executive Order 12898) and complies with Title VI of the Civil Rights Act of 1964 (42 USC 2000d, as amended) under FHWA regulations (23 CFR 200).

This action would neither individually nor cumulatively have any significant environmental impacts in accordance with the provisions of 23 CFR 771.117(a). Therefore we request FHWA concurrence that this proposed project is properly classified as a Categorical Exclusion.



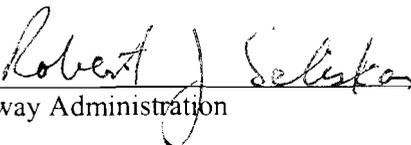
Heidy Bruner
MDT Environmental Services
Great Falls District Project Development Engineer

Date: 8/21/06



Concur
Jake Goettle, PE
MDT Environmental Services
Acting Engineering Section Supervisor

Date: 8/21/06



Concur
Federal Highway Administration

Date: 8/28/06

Attachments

cc (w/ attachments):

- | | |
|--------------------|--|
| Kent Barnes, PE | MDT Bridge Engineer |
| Heidy Bruner | MDT Environmental Services |
| Paul Ferry, PE | MDT Highway Engineer |
| Tom Hansen, PE | MDT Environmental Services Bureau Engineering Section Supervisor |
| Stacy Hill | MDT Great Falls Environmental |
| John H. Horton | MDT Right-of-Way Bureau Chief |
| David W. Jensen | MDT Fiscal Programming Section Supervisor |
| Mick Johnson | MDT Great Falls District Administrator |
| Suzy Price | MDT Contract Plans Bureau Chief |
| Steve Prinzing, PE | MDT Great Falls District Engineering Services Supervisor |
| Jean Riley, PE | MDT Environmental Services Bureau Chief |
| FILE | MDT Environmental Services |
- ✓ Montana Legislative Branch Environmental Quality Council (EQC)
Lewis and Clark County Office (316 N Park Ave / Helena MT 59623)
HKM (7 West 6th Ave Ste 4W / PO Box 1009 / Helena MT 59624)

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Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 15, 2005

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AUG - 2 2005

ENVIRONMENTAL

JUL 15 2005

BY: SHPO

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

Subject: STPHS 453-1(3)2
2000-Safety Improvements - 4 km East of I-15
Control No. 4725

Josef
MDT
2000-SAFETY
IMPROVE - 4 KM
E OF I-15
ARMSTRONG &
FARMSTEAD ETC

Dear Mark:

Enclosed is the Determination of Effect for the above project in Lewis & Clark County. We have determined that the proposed project would have No Adverse Effect to the NRHP-eligible Armstrong Farmstead (24LC1980) for the reasons specified in the document. We request your concurrence.

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

Jon Axline
Jon Axline, Historian
Environmental Services

MONTANA SHPO
DATE *7/15/05* SIGNED *Jon Axline*

cc: Mick Johnson, Great Falls District Administrator
Tom Martin, P.E., Consultant Design
Bonnie Steg, Resources Section

file: MDT/2005

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)	Date of Land Evaluation Request
Name Of Project STPHS 453-1(3)2 2000 - Safety Imp - Lincoln Road 4 km E of I-15 Control No. 4725	Federal Agency Involved Federal Highway Administration
Proposed Land Use Highway Right-of-Way	County and State Lewis and Clark County, Montana

PART II (To be completed by SCS)	Date Request Received By SCS		
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form).	YES	NO	Acres Irrigated
	X		
Major Crop(s)	Farmable Land In Jurisdiction		Average Farm Size
	Acres:	%	Acres: %
System Used	Name Local Site Ass. System	Date Land Evaluation Returned By SCS	

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	No Build	Preferred Alternative	Site C	Site D
A. Total Acres To Be Converted Directly	0	5.92		
B. Total Acres To Be Converted Indirectly	0	0		
C. Total Acres In Site	0	5.92		
PART IV (To be completed by SCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percent Of Farmland In County Or Local Unit To Be Converted				
D. Percent Of Farmland In Jurisdiction: Same Or Higher Rel. Value				
PART V (To be completed by SCS) Land Evaluation Criterion Relative Value To Be Converted (Scale of 0 to 100 Points)	100	100		
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points	No Build	Preferred Alternative	
1. Area In Non-urban Use	15	0	15	
2. Perimeter In Non-urban Use	10	0	10	
3. Percent Of Site Being Farmed	20	0	15	
4. Protection Provided By State/Local Government	20	0	0	
5. Distance From Urban Built up Area	-na-	-na-	-na-	
6. Distance To Urban Support Services	-na-	-na-	-na-	
7. Size Of Present Farm Unit Compared To Average	10	0	0	
8. Creation Of Non-farmable Farmland	25	0	8	
9. Availability Of Farm Support Services	5	0	2	
10. On-Farm Investments	20	0	5	
11. Effects Of Conversion On Farm Support Services	25	0	0	
12. Compatibility With Existing Agricultural Use	10	0	0	
TOTAL SITE ASSESSMENT POINTS	160	0	55	
PART VII (To be completed by Federal Agency) Relative Value Of Farmland (From Part V)	100	100	100	
Total Site Assessment (From Part VI above or a local site assessment)	160	0	55	
TOTAL POINTS (Total of above 2 lines)	260	100	155	
Site Selected Preferred Alternative	Date Of Selection 8/01/06	Was A Local Site Assessment Used?		
		YES	NO	X

Reason For Selection:
Pursuant to 7CFR 658.4(c), sites receiving a Total Score of less than 160 will be given a minimum level of consideration for protection, and no further sites need be evaluated.