



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620

Jim Lynch, Director
Brian Schweitzer, Governor

RECEIVED

August 28, 2006

SEP 05 2006

RECEIVED

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

RECEIVED ENVIRONMENTAL

SEP 12 2006

RECEIVED MONTANA DIVISION

Subject: **STPHS 8128(3)**
2002-Signal – Palmer St. - Missoula
UPN 5363

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

MASTER FILE
COPY

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 Revised Preliminary Field Review Report (April 14, 2005) 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
Road Report: (800) 226-7623
TTY: (800) 335-7592

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
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 <i>Section 6(f)</i> of the <i>1965 National Land & Water Conservation Fund Act (16 U.S.C. 460L, et seq.)</i> on or adjacent to proposed the project area.	___	___ X ___	___	___
The use of such <i>Section 6(f)</i> sites would be documented and compensated with the appropriate agencies. (e.g.: MDFW&P, local entities, etc.).	___	___ <input type="checkbox"/> ___	___ 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 <i>Section 106</i> of the <i>National Historic Preservation Act (16 U.S.C. 470, et seq.)</i> 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 <i>Section 4(f)</i> of the <i>1966 U.S. DEPARTMENT OF TRANSPORTATION Act (49 U.S.C. 303)</i> on or adjacent to the project area.	___	___ X ___	___	___
a. "Nationwide" Programmatic <i>Section 4(f)</i> Evaluation forms for these sites are attached.	___	___ <input type="checkbox"/> ___	___ X ___	___
b. This proposed project requires a full (i.e.: DRAFT & FINAL) <i>Section 4(f)</i> Evaluation.	___ <input type="checkbox"/> ___	___	___ 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 <i>Section 10</i> of the <i>Rivers and Harbors Act (33 U.S.C. 403)</i> and/or <i>Section 404</i> under <u>33 CFR Parts 320-330</u> of the <i>Clean Water Act (33 U.S.C. 1251-1376)</i> would be met.	___	___ <input type="checkbox"/> ___	___ 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 Montana Inter-Agency Wetland Group.	___	___ <input type="checkbox"/> ___	___ 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. "Nonattainment" 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 ___

