



Montana Department of Transportation

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ENVIRONMENTAL

July 16, 2008

Kevin McLaury
Division Administrator
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

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Subject: Advanced Right-of-Way Acquisition
2 KM N of Great Falls – North
STPS 225-1(2)0
Control Number: 4826

This is a request for the FHWA's concurrence that this proposed action meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR 771.117(d) part 12 for hardship or protective purposes. 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, M.C.A.). A request from the Right-of-Way Bureau is attached.

The request for advanced right-of-way acquisition includes the parcel shown on the attached plan sheet. The landowner is in the process of building storage units on the property. MDT would prefer to acquire the necessary right-of-way for this project in order to protect the needed right-of-way from further development. If MDT doesn't acquire the property now, it is likely that the acquisition cost of the needed right-of-way will escalate greatly due to the necessary relocation of the storage units and a possible drainfield issue. MDT would acquire the parcel to prevent imminent development of the area needed for the proposed subject project.

MDT requests early authorization of this purchase to secure the right-of-way, protecting it for future transportation use. This request is for purchase of the property only.

The proposed project is located north of Great Falls. The parcel is located in the Northwest ¼ of Section 31, Township 21 North, Range 4 East, in Cascade County.

A full environmental document has not been completed for this project due to the current stage of development of the project.

The proposed project is to reconstruct the roadway section by improving the surface, width, alignment, and drainage features.

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

<input checked="" type="checkbox"/>	Stormwater Runoff	<input checked="" type="checkbox"/>	Noise
<input checked="" type="checkbox"/>	Prime & Unique Farmlands	<input checked="" type="checkbox"/>	Section 404 – Clean Water act
<input checked="" type="checkbox"/>	Floodplains (E.O. 11988/FEMA)	<input checked="" type="checkbox"/>	Social/Economic
<input checked="" type="checkbox"/>	Hazardous Waste	<input checked="" type="checkbox"/>	Stream Preserv./Water Quality
<input checked="" type="checkbox"/>	Historical/Cultural Res.	<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)IN L&WCF – 6(f) Acts		

Approximately 0.05 acres of right-of-way would be purchased from the present owner under this proposed project. If the land is not used for the road project, it will be disposed of according to MDT/FHWA procedures.

Conclusion

This project (advanced right-of-way acquisition) 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 EO 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 are requesting FHWA's concurrence that this proposed project is properly classified as a Categorical Exclusion.

Eric Thunstrom Date: 7/16/2008
Eric Thunstrom
Great Falls District Project Development Engineer
MDT Environmental Services Bureau

Concur Heidy Bruner Date: 7/16/08
Heidy Bruner, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

Concur Carl Jam Date: 7/24/08
Federal Highway Administration

Attachments: Request memo from Right-of-Way Bureau and right-of-way plan sheets.

copies without attachments:

Michael P. Johnson	Great Falls District Administrator
Paul Ferry, P.E.	Highways Engineer
Kent Barnes, P.E.	Bridge Engineer
Steve Prinzing, P.E.	Great Falls District Engineering Services Supervisor
John Horton	Right-of-Way Bureau Chief
Jim Mullins	Right-of-Way Design Manager
Jerilee Weibel	Great Falls District Field Right-of-Way Manager
David Jensen	Fiscal Programming Section Supervisor
Suzy Price	Contract Plans Bureau Chief
Christie McOmber, P.E.	Great Falls District Project Engineer
Stacy Hill, P.E.	Great Falls District Env. Engineering Specialist
Paul Sturm	Environmental Services District Biologist
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copies with attachments:

File	MDT Environmental Services
Montana Legislative Branch	Environmental Quality Council (EQC)