



Montana Department of Transportation

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Jim Lynch, Director  
Brian Schweitzer, Governor

July 15, 2008

Kevin McLaury  
Division Administrator  
Federal Highway Administration  
585 Shepard Way  
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ENVIRONMENTAL

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Subject: Advanced Right-of-Way Acquisition  
2001-Sun River-2 KM S Vaughn  
STPHS 7(36)  
Control Number: 5031000

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 22 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 which includes the last deed of record for parcels 3 and 6.

The request for advanced right-of-way acquisition includes parcels 3 and 6 on the attached map. Both parcels will be heavily impacted by the subject project, as the construction limits will encompass the residence on both parcels. Right-of-way could be purchased from parcel 6 at this location at this time. The owner of parcel 6 has indicated they intend to list the property with a real estate agent in the very near future but would be willing to sell to MDT instead. The owner of parcel 3 is currently in the process of deciding what to do with the property. MDT would acquire parcels 3 and 6 to prevent imminent development of the area needed for the proposed subject project.

MDT requests early authorization of these purchases 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 southeast of Vaughn. Parcels 3 and 6 are located in the SE ¼ of the NW ¼ of Section 30, Township 21 North, Range 2 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 would replace the existing single-lane, two-span steel pony truss structure over the Sun River with a three-span, prestressed concrete structure located on an alignment located slightly downstream. Vertical alignment may be raised slightly to meet current design standards. The proposed project would address a safety problem with the existing horizontal curve on the south approach to the bridge.

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 3.0 acres of right-of-way would be purchased from the present owner of parcel 3 and approximately 0.65 acres of right-of-way would be purchased from the present owner of parcel 6 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: 7/15/2008  
Eric Thunstrom  
Great Falls District Project Development Engineer  
MDT Environmental Services Bureau

Concur Heidy Bruner Date: 7/15/08  
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, deed of record for parcels 3 and 6, location maps

Kevin McLaury  
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cc (w/o attach): 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  
Kevin McCray, P.E.                            Bridge Area Engineer  
Stacy Hill, P.E.                                Great Falls District Environmental Engineering Specialist  
Paul Sturm                                      Environmental Services District Biologist  
Tom Martin, P.E.                               Environmental Services Bureau Chief  
Heidy Bruner, P.E.                            Environmental Services Engineering Section Supervisor  
Eric Thunstrom                                Environmental Services Project Development Engineer  
cc (w/attach): File                            MDT Environmental Services  
Montana Legislative Branch Environmental Quality Council (EQC)