



Montana Department of Transportation

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Jim Lynch, Director
Brian Schweitzer, Governor

August 12, 2008

Alan Woodmansey, P.E.
Great Falls and Billings Districts Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785



Subject: Continued Validity of CE Designation
Judith Gap - N & S
MT-NH 63-1(11)14
Control Number: 4073000

Dear Alan Woodmansey:

As the project development activities for the subject project have progressed, some new information has become available. The project is still proposed as a reconstruction project to widen the existing roadway, correct the substandard vertical alignment, and replace the railroad overpass structure. The new information is MDT has prospected local material sources in the vicinity of this project and has identified a Department-optioned source of gravel. MDT will not be obtaining the necessary permits to operate the mine site. MDT has an agreement with the landowner to lease the site and sell material from the source to the successful contract bidder for use on this project, if the successful contract bidder chooses to use the source. MDT concludes there is a reasonably foreseeable chance that the successful contract bidder will choose to use the Department-optioned source. As a result, MDT has analyzed NEPA/MEPA applicability and potential impacts.

The Department-optioned gravel source site is located within the following legal descriptions:

Table with 4 columns: Section, Township, Range, County. Rows include Section 35, 2, 1 in Township 10 N, 9 N, 9 N, Range 16 E, County Wheatland.

As you are aware, the project formerly known as Judith Gap N & S, NH 63-1(8)10, CN 4073 has been split into two separate projects:

Judith Gap - N & S
MT-NH 63-1(11)14
CN: 4073000

Judith Gap
NH 63-1(16)18
CN: 4073001

The original project categorical exclusion was signed by FHWA on January 15, 2003. The categorical exclusion for the subject project that was split was signed by FHWA on April 10, 2008. MDT has reviewed this new information in regard to NEPA/MEPA applicability. MDT concludes that in accordance with 23 CFR 771.117(a), this proposed action will neither individually nor cumulatively, have any significant environmental impacts, will still qualify as a CE under 23 CFR 771.117(d), and will still qualify as a CE under ARM 18.2.261. Please see the attached checklist environmental assessment prepared for the Montana Department of Environmental Quality for the Department-optioned gravel site.

If you have questions, please contact Eric Thunstrom at 406-444-7648.

Sincerely,



Heidi Bruner, P.E.
Environmental Services Bureau Engineering Section Supervisor

Attachment

copies without attachment:

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|-------------------------|--|
| Stefan Streeter, P.E. | Billings District Administrator |
| Paul Ferry, P.E. | Highway Engineer |
| Kent Barnes, P.E. | Bridge Engineer |
| Tim J. Conway, P.E. | Consultant Design Bureau Chief |
| John H. Horton | Right-of-Way Bureau Bureau Chief |
| Suzy Price | Contract Plans Bureau Chief |
| Kevin Christensen, P.E. | Construction Engineer |
| David W. Jensen | Fiscal Programming Section Supervisor |
| Tom Martin, P.E. | Environmental Services Bureau Chief |
| Heidi Bruner, P.E. | Environmental Services Bureau Engineering Section Supervisor |
| Tom Gocksch, P.E. | Environmental Services Bureau |
| Bill Semmens | Billings District Biologist |
| Eric Thunstrom | Environmental Services Bureau |

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File
Montana Legislative Branch Environmental Quality Council (EQC)

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