



August 8, 2008

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

**MASTER FILE
COPY**

**RECEIVED
AUG 08 2008
ENVIRONMENTAL**

Subject: Request for Concurrence of Continued Validity of CE Designation
Two Medicine River Bridge-Scour Protection
BH 3-4(22)102
Control Number: 4046001

Dear Kevin McLaury:

As the design phase of the subject project has progressed, some new information has become available. As you are aware, the work proposed for the above scour protection project will include placement of cable-tied, concrete block mats at the two existing, round bridge piers of the bridge over the Two Medicine River. The concrete mats are intended to prevent future scour failures at the bridge. Additionally, rock riprap will be placed along the southern (right) bank of the Two Medicine River to protect the adjacent bridge abutment from erosion. Due to erosion observed on the northern (left) bank of the Two Medicine River as a result of high flows this past spring, MDT is also proposing to install rock riprap along the northern (left) bank of the Two Medicine River to protect the adjacent bridge abutment from erosion. The design of the rock riprap proposed for both bridge abutments is similar.

In addition to the new information provided above, this letter will also serve to address the US Army – Corps of Engineers (COE) concerns with temporary facilities installation and removal of such facilities with regard to the CE for this project. A Joint Application for Proposed Work in Montana’s Streams, Wetlands, Floodplains and Other Water Bodies (application) for the installation and removal of temporary facilities associated with this bridge scour protection project was submitted to the COE on July 17, 2008. A response received from the COE on July 18, 2008 claims that the CE for this project did not evaluate the temporary work and consequently, the COE will not approve the temporary work outlined in the application submitted to them on July 17, 2008. The application requested authorization for gaining access to the Two Medicine River waterway at the bridge site, as well as creating a temporary diversion in the flow of the river to help facilitate placement of riprap for the purpose of providing scour protection to the bridge. The project will likely be completed at a time of expected low flow conditions to minimize impacts.

MDT is of the understanding that the CE does indeed evaluate temporary work associated with the project. Although not all of the details of the temporary work were known at the time of the signing of the CE, we did know enough information to identify resources and potential for significant impacts. Section 3.B. of the CE states, “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”).” MDT marked “Yes” on Section 3.B. of the CE.

The original categorical exclusion (CE) was signed by your agency on December 3, 2001 and re-evaluated on December 15, 2005. MDT has reviewed this new information in regard to NEPA/MEPA applicability. MDT concludes that the proposed action will not have a significant environmental impact, will still qualify as a CE under 23 CFR 771.117(d), and will still qualify as a CE under ARM 18.2.261. At this time, we request the FHWA’s concurrence that the proposed action, including the associated temporary facilities, is still properly classified as a CE under 23 CFR 771.117(d).

Eric Thunstrom

Date: 8/8/08

Eric Thunstrom
Great Falls District Project Development Engineer
MDT Environmental Services Bureau

Heidy Bruner

Date: 8/8/8

Concur
Heidy Bruner, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

Steve Prinzing

Date: 8 AUG 2008

Concur
Federal Highway Administration

- copies: Michael P. Johnson
Paul Ferry, P.E.
Kent Barnes, P.E.
Steve Prinzing, P.E.
John Horton
David Jensen
Suzy Price
Christie McOmer, P.E.
Kevin Christensen, P.E.
Stacy Hill, P.E.
Paul Sturm
Tom Martin, P.E.
Heidy Bruner, P.E.
Eric Thunstrom
File
Montana Legislative Branch Environmental Quality Council (EQC)
- Great Falls District Administrator
Highway Engineer
Bridge Engineer
Great Falls District Engineering Services Supervisor
Right-of-Way Bureau Chief
Fiscal Programming Section Supervisor
Contract Plans Bureau Chief
Great Falls District Projects Engineer
Construction Engineer
Great Falls District Environmental Engineering Specialist
Environmental Services Great Falls District Biologist
Environmental Services Bureau Chief
Environmental Services Engineering Section Supervisor
Environmental Services Project Development Engineer
Environmental Services