



Montana Department of Transportation

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Helena MT 59620-1001

Jim Lynch, Director  
Brian Schweitzer, Governor

December 24, 2008

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

RECEIVED  
DEC 30 2008  
ENVIRONMENTAL

Subject: Request for Concurrence of Continued Validity of CE Designation  
2002 – Curves – N of Tracy  
STPHS 227-1(10)2  
Control Number: 5303

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Dear Kevin McLaury:

As the design phase of the subject project has progressed, some new information has become available. The previous design, outlined in the original Alignment and Grade Review Report July 12, 2007, has been abandoned due to constructability issues and considerable hydraulic costs. The new alignment reduces the original project length by approximately 1 mile. Originally it was thought that cutting through the large hill in the center of the project would be cost prohibitive. But due to poor soils through the floodplain, the number of box culverts and cross drains necessary to meet hydraulic requirements and long term stability and construction issues, the costs were increasing. Please see the enclosed December 9, 2008, draft Scope of Work Report for additional project information.

The previous project design impacted the Great Northern Railway's Stockett Spur (24CA632) which is eligible for inclusion in the National Register of Historic Places. The Montana State Historic Preservation Office (SHPO) concurred on February 15, 2008, that the proposed project would have a No Adverse Effect to 24CA632. The original categorical exclusion (CE), including the Nationwide Programmatic Section 4(f) form, was signed by your agency on April 10, 2008.

The new proposed project design also impacts the Great Northern Railway's Stockett Spur. SHPO concurred on August 21, 2008, that the new proposed project would still have No Adverse Effect to 24CA632.

MDT has reviewed this new information in regard to NEPA/MEPA applicability. MDT concludes that the proposed action will still 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 is still properly classified as a CE under 23 CFR 771.117(d).

*Eric Thunstrom*

Date: 12/24/08

Eric Thunstrom  
Environmental Services Bureau  
Great Falls District Project Development Engineer

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

Date: 12/24/08

Concur [Signature]  
Federal Highway Administration

Date: 29 DEC 2008

enclosure

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- |                        |  |
|------------------------|--|
| Tom Martin, P.E.       | Environmental Services Bureau Chief                          |
| Heidy Bruner, P.E.     | Environmental Services Bureau Engineering Section Supervisor |
| Michael P. Johnson     | Great Falls District Administrator                           |
| Paul Ferry, P.E.       | Highway Engineer   |
| Kent Barnes, P.E.      | Bridge Engineer  |
| Steve Prinzing, P.E.   | Great Falls District Engineering Services Supervisor         |
| Christie McOmber, P.E. | Great Falls District Projects Engineer                       |
| John Horton            | Right-of-Way Bureau Chief                                    |
| David Jensen           | Fiscal Programming Section Supervisor                        |
| Suzy Price             | Contract Plans Bureau Chief                                  |
| Stacy Hill, P.E.       | Great Falls District Environmental Engineering Specialist    |
| Paul Sturm             | Environmental Services Bureau District Biologist             |

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| File | Environmental Services Bureau                                  |
|      | Montana Legislative Branch Environmental Quality Council (EQC) |

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