



Montana Department of Transportation

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Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

May 11, 2009

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

RECEIVED
MAY 14 2009
ENVIRONMENTAL

Subject: Request for Concurrence of Continued Validity of EA/FONSI
Jct S-284-West
ARRA 430-1(8)5
Control Number: 4480001

MASTER FILE
COPY

Dear Kevin McLaury:

The Montana Department of Transportation (MDT) Environmental Services Bureau has reviewed the subject project and concluded that the previously approved Environmental Assessment (EA) and Nationwide Section 4(f) Evaluation and Finding of No Significant Impact (FONSI) for the Canyon Ferry Road remains valid for the subject project under the provisions of 23 CFR 771.129(c). The EA was signed by your agency on June 9, 2003 and the FONSI was signed by your agency on March 16, 2004.

MDT split the Canyon Ferry Road project into two projects identified as:

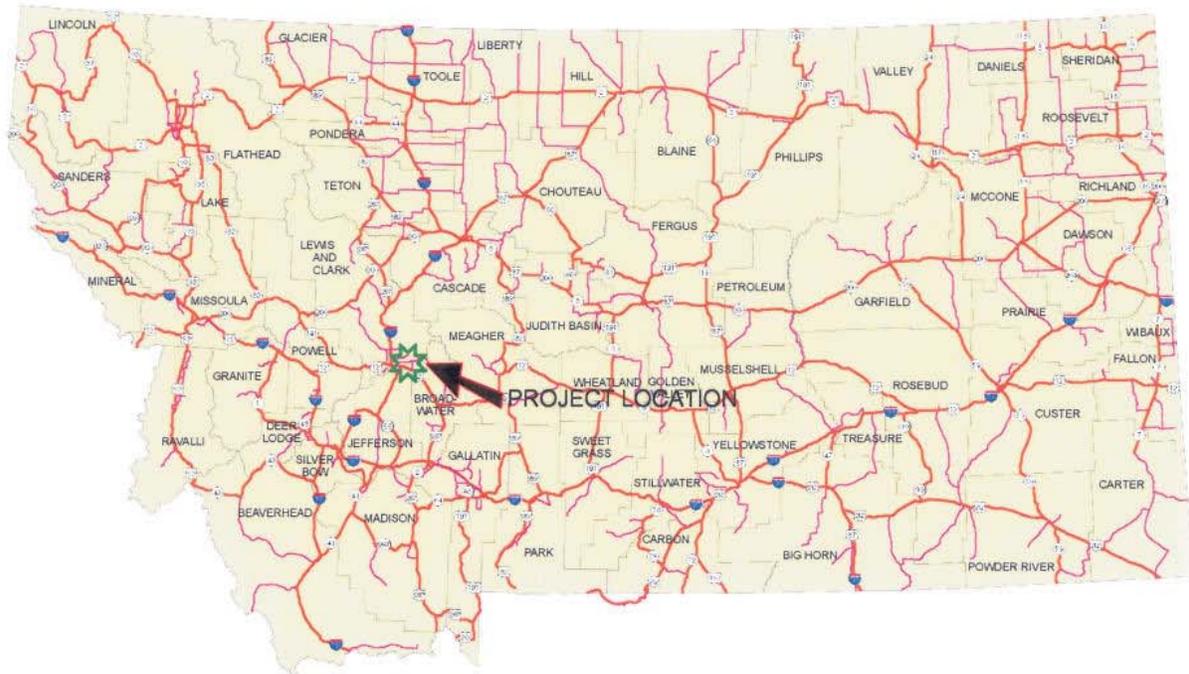
- Canyon Ferry Road, STPS 430-1(6)1, CN: 4480000
- Jct S-284-West, ARRA 430-1(8)5, CN: 4480001

The Canyon Ferry Road project begins at Reference Post (RP) 1.20 and ends east of Lake Helena Drive at RP 5.03 located just west of Danny K Drive. The project also includes the replacement of the existing bridge over No Name Spring Creek located at RP 8.68. The EA and FONSI re-evaluation for the Canyon Ferry Road project was approved by your agency on June 6, 2008. The Canyon Ferry Road project was let to contract in late 2008.

The proposed Jct S-284-West project will reconstruct Canyon Ferry Road between approximate RP 5.03 and RP 9.65 and includes the realignment of the intersection of Canyon Ferry Road and Spokane Creek Road. Refer to Figure 1 and the attached plan sheet title page for the project location. Because the EA and FONSI were signed more than three years ago by your agency, MDT is re-evaluating the proposed Jct S-284-West project to determine whether the current design and the associated impacts are consistent with the design and impact discussions contained in the EA and FONSI.

The following re-evaluation discusses new information or circumstances relevant to the development of the proposed project and ensures that current environmental requirements are addressed. The re-evaluation focuses on the changes to the design, the potential for new impacts, and new project-related issues that have arisen since approval of the EA/FONSI.

Figure 1. Project Location



The purpose of and need for the proposed project have not changed since the approval of the EA and FONSI. The fundamental purpose of the proposed reconstruction of Canyon Ferry Road remains upgrading the highway to provide for the safe and efficient movement of traffic. To accomplish this purpose, the EA and FONSI identified the following overall project needs:

- Incorporate physical changes to the roadway and its adjoining environment to increase the facility's efficiency, safety, comfort, and convenience for the traveling public;
- Bring the road's design into compliance with MDT's design standards for Non-NHS Rural Major Collectors; and
- Reduce maintenance requirement and costs associated with the deteriorating roadway, bridges and other drainage facilities on the route.

The proposed project's purpose and need has not changed since the EA and FONSI were approved.

Potential impacts and proposed mitigation measures as a result of the proposed project in comparison to the EA/FONSI are summarized below in Table 1. The subsequent sections, in the same order as presented in the EA, provide additional information related to the change in potential impacts and change in potential mitigation compared to the EA/FONSI.

Table 1. Summary of Potential Impacts and Proposed Mitigation

Section	Resource	Change in Potential Impact Compared to EA/FONSI	Change in Potential Mitigation Compared to EA/FONSI
1.1	Landforms, Geology and Soils	No change in impacts.	No change in mitigation.
1.2	Important Farmland	No change in impacts	No change in mitigation.
1.3	Water Resources and Water Quality	No change in impacts.	No change in mitigation.
1.4	Floodplain	No change in impacts.	No change in mitigation.
1.5	Air Quality	A Mobile Source Air Toxics (MSAT) analysis is not required for the proposed project since the design year traffic is not projected to meet the 140,000 to 150,000 annual average daily traffic criterion.	No change in mitigation.
1.6	Vegetation	No change in impacts.	No change in mitigation.
1.7	Wetlands	Total estimated wetland impacts are 0.64 acres. The total wetland impacts have increased from approximately 0.53 acres to approximately 0.64 acres since the time of the EA.	No change in mitigation.
1.8	Threatened and Endangered Wildlife	A no effect determination has been made on this proposed project for all Federally Listed Threatened and Endangered species.	No change in mitigation.
1.9	Other Wildlife and Fisheries Resources	No change in impacts.	No change in mitigation.
1.10	Land Use	No change in impacts.	No change in mitigation.
1.11	Right-of-Way and Utilities	No change in impacts.	No change in mitigation.
1.12	Transportation/Safety/Circulation	Design exceptions to standard fill slopes have been approved to minimize impacts to wetlands and to reduce construction costs. The steepened nonstandard slopes will not compromise the highway's safety in comparison to current conditions.	No change in mitigation.
1.13	Social/ Environmental Justice	No change in impacts.	No change in mitigation.
1.14	Economic	No change in impacts.	No change in mitigation.
1.15	Noise	No change in impacts.	No change in mitigation.
1.16	Hazardous Substances	No change in impacts.	No change in mitigation.
1.17	Cultural, Archaeological/ Historical	No change in impacts.	No change in mitigation.
1.18	Section 4(f)	No change in impacts.	No change in mitigation.
1.19	Section 6(f)	No change in impacts.	No change in mitigation.
1.20	Pedestrian and Bicyclist Facilities	No change in impacts.	No change in mitigation.
1.21	Visual	No change in impacts.	No change in mitigation.
1.22	Secondary and Cumulative Impacts	No change in impacts.	No change in mitigation.
1.23	Construction Impacts	No change in impacts.	No change in mitigation.
1.24	Permits	No change in impacts.	No change in mitigation.

Section	Resource	Change in Potential Impact Compared to EA/FONSI	Change in Potential Mitigation Compared to EA/FONSI
1.25	Public Involvement	News releases will be provided describing the proposed scope of work and the need for the project to local media, radio, and television stations broadcasting in the area. Personal contacts with adjacent landowners explaining the work to be performed will be offered during the Right-of-Way phase. The main portion of the public involvement plan occurred during the EA process and all controversial issues have been identified and addressed in the EA.	No change in mitigation.

1.1 Landforms, Geology and Soils – MDT concludes that the impact of the proposed project on landforms, geology and soils are consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.2 Important Farmland – MDT concludes that the impact of the proposed project on important farmland is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.3 Water Resources and Water Quality – MDT concludes that the impacts of the proposed project on water resources and water quality are consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.4 Floodplain – MDT concludes that the impact of the proposed project on floodplains is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.5 Air Quality - This proposed project is located in an unclassified/attainment area of Montana for air quality as defined under 40 CFR 81.327. This statement was provided in Section 5 (page 67) in the EA and remains valid regarding the current design.

A Mobile Source Air Toxics (MSAT) analysis is not required for the proposed project since the design year traffic is not projected to meet the 140,000 to 150,000 annual average daily traffic criterion. MDT concludes that the impact of the proposed project on air quality is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.6 Vegetation – MDT concludes that the impact of the proposed project on vegetation is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.7 Wetlands – The proposed Jct S-284-West project would impact approximately 0.64 acres of wetlands. The Canyon Ferry Road EA projected a total of approximately 0.53 acres of wetland impacts. A comparison of the anticipated wetland impacts shows that the proposed project would impact approximately 0.11 acres more wetlands than presented in the EA. This additional wetland impact is considered to be insignificant because the wetland impact totals presented in the EA were developed from preliminary design information. To minimize wetland impacts, design exceptions for standard fill slopes have been approved. The approximate locations (station limits) in which design exceptions to standard fill slopes have been approved are:

- From Station 149+20 to 149+80 left;
- From Station 149+80 to 150+40 right;
- From Station 151+40 to 151+90 right;
- From Station 151+90 to 152+30 left and right; and
- From Station 152+30 to 154+67 left and right.

MDT concludes that the impact of the proposed project on wetlands is consistent with the findings of the EA and FONSI. Current wetland impacts as compared to the EA are noted below in Table 2.

Table 2. Summary of Wetland Impacts.

EA		Jct S-284-West	
Wetland ID	Approximate Impacts (acres)	Wetland ID	Approximate Impacts (acres)
5A	0.34	5A	0.45
5B	0.02	5B	0.05
5C	0.09	5C	0.05
6	0.08	6	0.09
Totals	0.53	Totals	0.64

Note: The data in Table 2 was taken from the current design of the proposed project, the Biological Resources Report dated May 20, 2003 and the Verification of Wetland Delineation Memorandum dated March 5, 2009.

Impacts: Total estimated wetland impacts are 0.64 acres. The total wetland impacts have increased from approximately 0.53 acres to approximately 0.64 acres since the time of the EA.

Mitigation: No change in mitigation.

1.8 Threatened and Endangered Wildlife – The following species listed under the Endangered Species Act were identified as potentially occurring near the proposed Canyon Ferry Road project at the time of the EA/FONSI.:

- Bald Eagle (*Haliaeetus leucocephalus*) – Threatened
- Mountain Plover (*Charadrius montanus*) – Proposed threatened species
- Black-tailed Prairie Dog (*Cynomys ludovicianus*) – Candidate species

None of the above species are currently listed by the U.S. Fish and Wildlife Service (USFWS) within Montana. Bald eagles occur throughout Lewis and Clark County and could occasionally occur in the vicinity of the Canyon Ferry Road project. However, the bald eagle was officially delisted on June 28, 2007 and the species is no longer considered as a threatened species under the Endangered Species Act. Bald eagles remain protected under the federal Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. The USFWS withdrew its proposal to list the mountain plover as a threatened species in September 2003. The black-tailed prairie dog was removed as a candidate for listing under the Endangered Species Act in August 2004.

The USFWS online summary of listed species (accessed via the Montana Ecological Field Offices website on February 5, 2009) shows the following species as occurring in Lewis and Clark County:

- Grizzly Bear (*Ursus arctos horribilis*) – Threatened
- Gray Wolf (*Canis lupus*) – Endangered
- Canada Lynx (*Lynx canadensis*) – Threatened, Proposed Critical Habitat

- Bull Trout (*Salvelinus confluentus*) – Threatened, Critical Habitat
- Black-footed Ferret (*Mustela nigripes*) – Endangered

Due to the lack of suitable habitats and/or known occurrences of these species in the immediate project area, a no effect determination has been made on this proposed project for all Federally Listed Threatened and Endangered Species.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.9 Other Wildlife and Fisheries Resources – MDT concludes that the impact of the proposed project on wildlife and fisheries resources is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.10 Land Use – MDT concludes that the impact of the proposed project on land use is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.11 Right-of-Way and Utilities – The EA noted (page 83) that right-of-way needs would vary in rural areas along Canyon Ferry Road due to planned alignment shifts, road widening, and need to provide adequate clear zone and allow for utility relocations. The EA also identified the possibility of 4 or 5 residential relocations to accommodate the proposed reconstruction near the intersection of Canyon Ferry Road and Spokane Creek Road. MDT concludes that the impact of the proposed project on right-of-way and utilities is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.12 Transportation/Safety/Circulation – A design exception to standard fill slopes at No Name Spring Creek and adjoining wetlands between approximate stations 151+90 to 152+30 left and right was approved. This design exception minimizes impacts to wetlands and reduces construction costs. The steepened nonstandard slopes will not compromise the highway's safety in comparison to current conditions. Conditions will be mitigated by the addition of 2.4 m shoulders, rumble strips, and guardrail. Additional design exceptions to standard fill slopes were approved to minimize impacts to wetlands and to reduce construction costs. The steepened

nonstandard slopes will not compromise the highway's safety in comparison to current conditions.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.13 Social/Environmental Justice – MDT concludes that the impact of the proposed project on social/environmental justice is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.14 Economic – MDT concludes that the impact of the proposed project on economics is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.15 Noise – MDT concludes that the impact of the proposed project on noise is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.16 Hazardous Substances – MDT concludes that the impact of the proposed project on hazardous substances is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.17 Cultural, Archaeological/Historical – MDT concludes that the impact of the proposed project on cultural, archaeological/historical is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.18 Section 4(f) – MDT concludes that the impact of the proposed project on Section 4(f) is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.19 Section 6(f) – MDT concludes that the impact of the proposed project on Section 6(f) is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.20 Pedestrian and Bicyclist Facilities – MDT concludes that the impact of the proposed project on pedestrian and bicyclist facilities is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.21 Visual – MDT concludes that the impact of the proposed project on visual is consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.22 Secondary and Cumulative Impacts – The EA/FONSI discussed active and planned projects by MDT, federal agencies, and others in the vicinity of the proposed project. Many of the identified projects (particularly those projects planned by MDT) have been implemented or are actions that would not potentially affect or be affected by the proposed project. The status of several other identified projects has not changed since the EA/FONSI.

MDT's 2007-2009 Final Statewide Transportation Improvement Program was reviewed to identify any new highway projects near the proposed project that have been identified since the approval of the EA/FONSI. This review showed MDT currently has one active project and four proposed projects in the general vicinity of the proposed project. These projects are identified and briefly described below:

- Canyon Ferry Road; CN: 4480 – This project involves reconstruction of approximately 3.8 miles of the Canyon Ferry Road and improvement at the No Name Spring Creek crossing. This project was let to contract in late 2008 and is currently under construction.

- 2000-Safety Improvements-4 km E Jct I-15; CN: 4725 – This proposed project involves reconstruction of approximately 0.7 miles of Secondary Highway 453. The project is planned for implementation in 2010.
- 2000-Safety-Wylie Drive-North East Helena; CN: 4724 – This proposed project would reconstruct a sharp curve on Wylie Drive located about 0.6 miles south of Canyon Ferry Road. This project is planned for implementation in 2009.
- SF079-York Road-NE Helena; CN: 6424000 – This proposed project involves the installation of guardrail, skid treatment, and bridge railing on Secondary Highway 280. The project is planned for implementation in 2010.
- Canyon Ferry Road – Helena; CN: 6412000 – This proposed project involves shoulder widening, guardrail, and superelevation adjustment on Secondary 284 (Canyon Ferry Road). The project is planned for implementation in 2010.

The EA/FONSI acknowledged the possibility of a decision to construct a new I-15 interchange at Custer Avenue. Since the approval of the EA/FONSI, MDT has initiated preliminary design activities for the I-15 Custer Interchange and associated projects in the Helena area. The new interchange, located west of the proposed project, will provide a direct connection between I-15 and Canyon Ferry Road. In addition to the interchange, the planned work will likely include the widening of Custer Avenue between National Avenue and Kelleher Lane; the realignment of the Frontage Road; the widening of the southbound exit at Cedar Street; and the widening of Cedar Street. Work on the project is likely expected to begin in 2010.

The MDT projects listed above are generally being undertaken to provide additional roadway capacity and/or improve the operation and safety of the identified roads. Notable growth and changes in land use have already occurred and continue to occur in Helena and surrounding areas. MDT's projects are simply an attempt to respond to that growth. The most apparent cumulative effect of implementing these projects would be a safer and more efficient road and street system. MDT concludes that the impact of the proposed project on secondary and cumulative impacts is consistent with the findings of the EA and FONSI.

Impacts: The incremental impacts of this project, when added to past, present, and reasonably foreseeable projects in the area, would not expect to result in a significant cumulative impact. This conclusion was reached because the other projects considered are not located immediately adjacent to the project area. The expected timing of construction activities for this project and other known or foreseeable projects will generally not coincide. The impacts directly associated with other known or foreseeable projects will typically be identified through the development of environmental documents and mitigated through the permitting processes established by the federal, state, and local authorities. Therefore, none of the above projects, in conjunction with the proposed project, will have any significant cumulative environmental impacts.

Mitigation: No change in mitigation.

1.23 Construction Impacts

Impacts: No change in impacts.

Mitigation: No change in mitigation.

1.24 Permits Since the approval of the EA/FONSI, MDT has continued to coordinate with appropriate federal, state, and local agencies regarding permit approvals needed for construction of the proposed project. MDT concludes that the permits required for the proposed project are consistent with the findings of the EA and FONSI.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

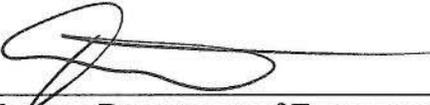
1.25 Public Involvement News releases will be provided describing the proposed scope of work and the need for the project to local media, radio, and television stations broadcasting in the area. Personal contacts with adjacent landowners explaining the work to be performed will be offered during the Right-of-Way phase. The main portion of the public involvement plan occurred during the EA process and all controversial issues have been identified and addressed in the EA.

Impacts: No change in impacts.

Mitigation: No change in mitigation.

Conclusions

The Canyon Ferry Road EA/FONSI has been re-evaluated as required by 23 CFR 771.129(c) with respect to the proposed Jct S-284-West project. Based on the re-evaluation, MDT determined that no substantial changes have occurred in the social, economic, or environmental setting of the project area. The project, as described in the original EA/FONSI is not substantially different or changed and there will be no environmental effects that were not previously identified. The proposed Jct S-284-West project is an action that would not significantly impact the quality of the human environment. Therefore, MDT requests the FHWA's concurrence that the proposed subject project is still covered under the EA/FONSI.

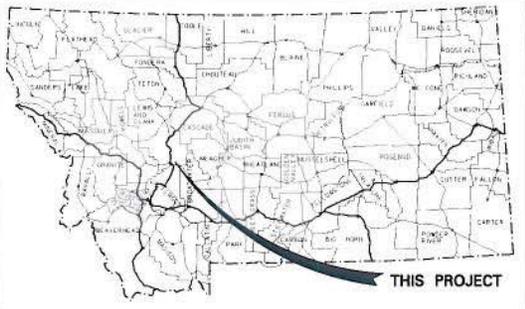

Tom MARTIN Date 5/12/09
Montana Department of Transportation

Concur 
Federal Highway Administration Date 13 May 2009

Attachment: Plan sheet title page.

copies with attachment:

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
John Horton	Right-of-Way Bureau Chief
David Jensen	Fiscal Programming Section Supervisor
Suzy Price	Contract Plans Bureau Chief
Kraig McLeod, P.E.	Consultant Project Engineer
Kevin McCray, P.E.	Bridge Area Engineer
Stacy Hill, P.E.	Great Falls District Environmental Engineering Specialist
Paul Sturm	Environmental Services Bureau District Biologist
Eric Thunstrom	Environmental Services Bureau Project Development Engineer
File	Environmental Services Bureau
Montana Legislative Branch Environmental Quality Council (EQC)	



MONTANA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROJECT NO. ARRA 430-1(8)5 GRADE, GRAVEL, PL. MIX SURF., & STRUCTURE JCT S-284-WEST (A LIMITED ACCESS FACILITY) LEWIS & CLARK COUNTY

DESIGN DATA	
2004 A.D.T. =	2230
2024 A.D.T. =	4270
D.H.V. =	480
COM. TR. =	1.0%
V =	80 km/h
80 km ERAL'S =	18 (DAILY)
GROWTH RATE =	3.3% (ANNUAL)

LETTING DATE - _____
CSF = 0.99922286

LENGTH 7.4 kilometers

SCALES

VERTICAL : 1:100

HORIZONTAL : 1:1000

CROSS SECTION - HORIZONTAL & VERTICAL: 1:100

REDUCED PRINTS ONE-HALF ORIGINAL SCALE
ALL SCALES ARE APPROXIMATE

SURFACING SOURCES - CONTRACTOR FURNISHED

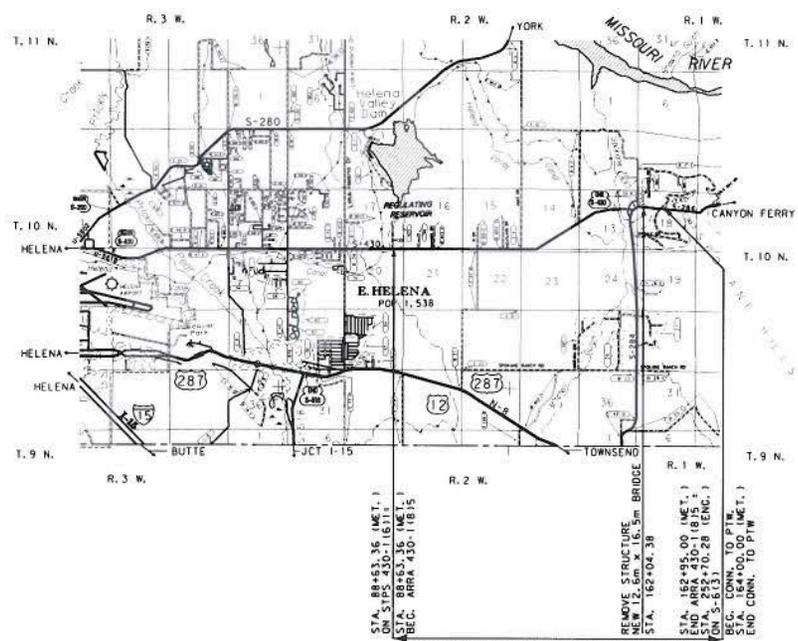


PLANS PREPARED BY
ROBERT PECCIA & ASSOCIATES
825 CLUSTER AVENUE
P.O. BOX 5653
HELENA, MONTANA 59601
PH: (406) 447-5000
FAX: (406) 447-5036

RELATED PROJECTS

ASSOCIATED PROJECT AGREEMENT NUMBERS	
R/W & L.C.	87PS 430-1(8)1
P.E.	87PS 430-1(8)1

CONTROL NO. 4480001



STA. 88+53.36 (MET.)
ON SPTS #430-1(8)31.1
STA. 88+53.36 (MET.)
ON SPTS #430-1(8)31.1
BEC. ARRA 430-1(8)35

REMOVE STRUCTURE
NEW 12.6m x 16.5m BRIDGE
STA. 162+04.38

STA. 182+95.00 (MET.)
ON SPTS #430-1(8)31.1
STA. 182+70.21 (8)31.1
ON SPTS #430-1(8)31.1
BEC. ARRA 430-1(8)35

BEC. COMM. TO P.T.E.
END CORN. TO P.T.E.
END CORN. TO P.T.E.

RP 5.03 (S-430) TO RP 9.65 (S-430 PROJECTED)
= RP 4.79 DN S-284
THIS CONTRACT

ROBERT PECCIA & ASSOCIATES	
BY: _____	
DATE: _____	
MONTANA DEPARTMENT OF TRANSPORTATION	
RECEIVED: _____	
BY: _____	DATE: _____
U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION	
APPROVED: _____	
_____ DIVISION ADMINISTRATOR	_____ DATE