

August 10, 2009

Jeff Patten, P.E., Operations Engineer
Federal Highway Administration (FHWA)
585 Shepard Way
Helena, MT 59601

Subject: **Categorical Exclusion Group (d) Action Letter**

Reference: Federal-aid Project Number: STPE 1 (55)
Federal-aid Project Name: Laknar Lane Path - Dillon
MDT Uniform Project Number: 6863

This is a request for FHWA concurrence that the proposed project meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR 771.117(d). This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (MCA Sections 75-1-103 and 75-1-201). A project location map is attached.

This proposed project is a bike and pedestrian path.

The location of the proposed project is northeast of Dillon, Montana and begins at the intersection of Highway 41 and Laknar Lane. The project extends from Highway 41 approximately 1.1 miles along Laknar Lane to its intersection with Schuler Lane. The project is located in the NE 1/4 of Section 18 and the E 1/2 of Section 7, Township 7 South, Range 8 West in Beaverhead County Montana.

The intent of the proposed project is to provide a safe bike/pedestrian route that will connect a rural residential area north of Dillon to existing pedestrian facilities along Highway 41 (North Montana Street). Highway 41 was reconstructed by MDT through this area to a three lane paved roadway with wide shoulders, curb and gutter, and sidewalk within the last five years. The new Highway 41 facilities lead directly into downtown Dillon and the connection to the proposed bike/pedestrian path along Laknar Lane will allow rural residents in this area to access downtown Dillon by alternative means of transportation. The first 0.43 mile of Laknar Lane was also reconstructed by MDT within the last 5 years for a bridge replacement project over the Beaverhead River. The reconstructed portion of Laknar Lane has a 42-foot wide paved top width with two 12-foot travel lanes and two 9-foot shoulders. It is proposed to allow the bike and pedestrian route to be designated along the west shoulder of the road for this portion of the path. The remaining 0.67 mile of Laknar Lane has a paved top width of 24 feet that accommodates two 12-foot travel lanes. This portion of the route has no shoulders to allow for safe passage of bike and pedestrian traffic. Therefore, a 10-foot wide separated bike and pedestrian path is proposed for this section of the project.

The proposed project 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 and Unique Farmlands | <input checked="" type="checkbox"/> Section 404 – <i>Clean Water Act</i> |
| <input checked="" type="checkbox"/> Floodplains (EO 11988/FEMA) | <input checked="" type="checkbox"/> Social/Economic |

- | | |
|---|---|
| <input checked="" type="checkbox"/> Hazardous Waste | <input checked="" type="checkbox"/> Stream Preservation/Water Quality |
| <input checked="" type="checkbox"/> Historical/Cultural Resources | <input checked="" type="checkbox"/> Threatened/Endangered Species |
| <input checked="" type="checkbox"/> Changes in Land Use | <input checked="" type="checkbox"/> Wetlands (EO 11990) |
| <input checked="" type="checkbox"/> USDOT – 4(f)/NL&WCF – 6(f) Acts | |

PROJECT IMPACTS

The proposed project will have a minor effect on the following environmental area(s):

Historic/Cultural Resources – A letter dated January 7, 2009 from Jon Axline, an MDT Historian, indicated that there maybe possible historical and cultural resources effected by this project. He recommended that a cultural resources report be prepared for the section of new path that will be separated from the existing road and will be constructed outside of the existing right-of-way. A cultural resources report was conducted by Stephen Moore and Associates of Dillon Montana on July 30, 2009. A Section 106 Determination of Effect has resulted in a finding of "No Adverse Effect."

PERMITS

Permits Required – The following permits will be acquired prior to any relevant disturbance: (also see the FEMA Floodplain Development Permit, following):

- Approximately 1.0 acre of new easement/construction easements will be needed for the proposed project. There will be utility involvement.

PUBLIC INVOLVEMENT

Public Involvement – A public meeting was held on September 18th, 2006 for the purpose of soliciting ideas for CTEP projects. Beaverhead County has also worked closely with the North Dillon Bikepath Committee to get this project underway.

EROSION CONTROL PLAN

An Erosion Control Plan (SWPPP) will be submitted to the Montana DEQ Permitting and Compliance Division in compliance with their Montana Pollutant Discharge Elimination System Regulations (*ARM* 16.20.1314) for the proposed project. BMPs will be included in the design of this Plan using guidelines as established in MDT's Highway Construction Standard Erosion Control Workplan. The objective is to minimize erosion of disturbed areas during and following construction of this proposed project.

In accordance with *MCA* 7-22-2152 and 60-2-208, Beaverhead County will re-establish a permanent desirable vegetation community along all areas disturbed by the proposed construction. A set of revegetation guidelines will be developed by WWC Engineering that must be followed by the contractor. These specifications will include instructions on seeding methods, seeding dates, types and amounts of mulch and fertilizer, along with seed mix

components. Seed mixes include a variety of species to ensure that areas disturbed by construction are immediately stabilized by vegetative cover.

AMERICANS WITH DISABILITIES ACT

Americans with Disabilities Act – Truncated domes and striping for crosswalks will be installed in compliance with the *Americans with Disabilities Act* (PL 101-336).

CONCLUSION

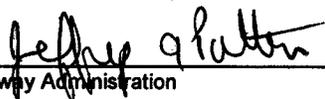
The project will not induce significant land use changes or promote unplanned growth. There will be no significant affects on access to adjacent properties or present traffic patterns. The project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (EO 12898) and complies with Title VI of the *Civil Rights Act of 1964* (42 USC 2000d). In accordance with 23 CFR 771.117(a), this action will neither individually nor cumulatively, have any significant environmental impacts. Therefore, we are requesting FHWA's concurrence that the proposed project is properly classified as Categorical Exclusion.

"ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED ON REQUEST"


Signature of Environmental Certifying Official or Chief Elected Official

Rick Hartz, Beaverhead County Planner
Type Name and Title

Concur:  Aug 18, 2009
CTEP Section Supervisor Date

Concur:  Aug 28, 2009
Federal Highway Administration Date

Attachment: Project Location Map

cc: Jeff Ebert, P.E., MDT, District Administrator – Butte
Tim Conway, P.E., MDT, Consultant Design Engineer
Tom Martin, P.E., MDT, Bureau Chief – Environmental Services Bureau
Daivid Jensen, MDT, Fiscal Planning Administrator
Michael Wherley, MDT, CTEP Section Supervisor
Environmental Quality Council
Rick Hartz, Beaverhead County Planner
Jeremy Fadness, P.E., WWC Engineering