PLANNING & COMMUNITY SERVICES DEPARTMENT

"SERVING BILLINGS, BROADVIEW AND YELLOWSTONE COUNTY"

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January 13, 2010

Alan Woodmansey
Billings Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601

Subject:	Categorical Exclusion Group (d) Action Letter	
	Federal Aid Project Numbers:	(CTEP) STPE 1099(57)
		(TCSP) 007-Q69
	Federal Aid Project Names:	(CTEP) Alkali Creek Drainage Path – Billings
		(TCSP) Alkali Creek Bike/Pedestrian Trail
	MDT Control Number:	6396

This is a request for the FHWA's concurrence that this 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. A project location map is included as Attachment 1.

This proposed project is the design and construction of a pedestrian/bicycle underpass and connector trails beneath Main Street (P-16 NHS) in Billings, Montana.

The location of the proposed project is beneath Main Street in Billings, Montana in Section 27, Township 1 North, Range 26 East, P.M.M., with the City of Billings and Yellowstone County, Montana. The trail will be located on property under the City of Billings jurisdiction (by the Billings Public Works Department and the Billings Parks, Recreation and Public Lands Department) and on property under Yellowstone County jurisdiction (Earl Guss Park). Main Street is a state highway under Montana Department of Transportation jurisdiction.

The intent of this proposed project is to complete a key piece of the City of Billings' Heritage Trail Plan. The Heritage Trail Plan is a system of off-street and on-street paths throughout the greater Billings area. The 10-foot wide, hard surface, off-street trail will allow bicycles and pedestrians to move freely between the east and west sides of Main Street in Billings and avoid an at-grade crossing of the busiest segment of street in the entire state (Main Street with 46,000 ADT at that point). The proposed underpass and connector trails will be designed and built in compliance with ADA requirements.

Benefits of the project for all future trail users utilizing the facility include increased health and fitness benefits, access to an existing trail system for commuting purposes, access to semi-natural setting and wildlife viewing opportunities. This project is considered a high priority project because it provides a vital link to an extensive, existing trail system and will serve a variety of trail users and physical ability, as well as provide an exceptional alternative mode of transportation.

The project complies with Title VI of the Civil Rights Act of 1964 and related statutes that assure that individuals are not excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance. Executive Order 12898 on Environmental Justice directs that programs, policies, and activities not have a disproportionately high and/or adverse human health and environmental effect on minority and low income populations. The project is not anticipated to have any disproportionately high and/or adverse effects on residents based on race, color, national origin, age, gender, or disability.

The proposed project has been evaluated for, and does not have any adverse effect on the following environmental areas of concern:

X Stormwater runoff
X Prime & Unique Farmlands
_ Floodplains (E.O. 11988/FEMA)
X Hazardous waste
X Historical/cultural resources
X Changes in land use
X USDOT-4(f)/NL&WCF-6(f) Acts
X Noise
X Section 404 – Clean Water Act
X Social/economic
X Stream Preservation/water quality
X Threatened/endangered species
Wetlands (E.O. 11990)

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

Floodplains – This project encroaches on a floodplain delineated under Federal Emergency Management Administration (FEMA) criteria along Alkali Creek. The City of Billings and Yellowstone County administer this floodplain for FEMA, and Floodplain Development Permits have been acquired from each agency for this encroachment.

The floodplain encroachments occur at Map Reference 4E of FEMA Community Panel Number 300085 0010 D (near Cross Section E) and generally between Elevation Reference Mark 201010 and Elevation Reference Mark 1-1010 of FEMA Community Panel Number 300142 1010 B. The proposed project will not promote or encourage development within this delineated floodplain, nor increase flood liability hazards from its construction. This proposed project is therefore considered to be in compliance with E.O. #11988.

Historic/Cultural Resources – The MDT Historian has reviewed this project and determined that no Section 106 compliance is necessary for this project. The State Historic Preservation Office (SHPO) determined that a cultural resources inventory was unwarranted for this project. A copy of the MDT Historian's email is included as Attachment 2, and the email from SHPO is included as Attachment 3.

Threatened/Endangered Species – The U.S. Department of Interior's Fish & Wildlife Service (USF&WS) was contacted on August 24, 2007, for identifying Federally listed Threatened/Endangered Species for the area of the underpass and trail project. Garcia and Associates (GANDA) prepared a Biological Resources Report for the area of this project (included as Attachment 4). GANDA's report noted that it is "unlikely the project will have significant effects" on the nine species of concern noted in the search of the Montana Natural Heritage Program (MNHP) records. GANDA's report further noted there are no plant species of concern within the project area, and no plant species of concern were noted by the MNHP within five (5) miles of the project area.

Wetlands – Garcia and Associates (GANDA) prepared a Wetland Determination Report for the area of this project (included as Attachment 5). GANDA's report delineated the wetlands and noted that the preliminary proposed alignment is outside of the delineated wetlands. The proposed alignment is shown on the project location map in Attachment 1.

Permits Required - The following permits will be acquired prior to any relevant disturbance:

- A Section 402/Montana Pollutant Discharge Elimination System (MPDES) permit will be required from Montana Department of Environmental Quality's Permitting and Compliance Division.
- An Erosion Control Plan (Stormwater Pollution Prevention Plan – SWPPP) will be submitted to the Montana Department of Environmental Quality's Permitting and Compliance Division in compliance with its Montana Pollutant Discharge Elimination System regulations (ARM 16.20.1314) for this proposed project. Best Management Practices will be employed in the design of this Plan using guidelines as established by MDT's Highway Construction Standard Erosion Control Work plan. The objective is to minimize erosion of disturbed areas during and following construction of this proposed project.

In accordance with 7-22-2152, and 60-2-208, MCA, the City of Billings will re-establish a permanent desirable vegetation community along all areas disturbed by the proposed construction. The project specifications will require the use of certified weed free seed to be used by the contractor. These specifications will also include instructions on seeding methods, seeding dates, types and amounts of fertilizer, along with seed mix components. Seed mixes include a variety of species to assure that vegetative cover immediately stabilizes areas disturbed by construction.

Air Quality – This proposed project is located in a "nonattainment" area of Montana for air quality under 40 CFR 81.327, as amended. However, this type of proposed project is listed in the U.S. Environmental

Protection Agency's Final Rule of September 15, 1997 on Air Quality conformity as being exempt from the requirement of conformity determination. Therefore, this proposed project complies with Section 176(c) of the Clean Air Act as amended (42 USC 7521(a)).
Americans with Disabilities Act – The underpass and connector trails will be installed in full compliance with the Americans with Disabilities Act (ADA).

No new right-of-way will be needed for this proposed project. There will be no utility involvement, simply coordination during construction.

Public Involvement – This proposed project was identified in the BIKENET Plan, the original non-motorized transportation plan for the Billings Urban Transportation Planning Area. The BIKENET Plan, prepared in 1994, had significant public input. Public comment was taken when the Yellowstone County Board of Planning, the Billings City Council, and the Yellowstone Board of County Commissioners reviewed and adopted the BIKENET Plan in early 1995. BIKENET has been updated (and renamed as The Heritage Trail Plan) and adopted by both the Billings City Council and the Yellowstone Board of County Commissioners in 2004. Additional public comment was taken when the Billings City Council and the Yellowstone Board of County Commissioners reviewed and adopted the Heritage Trail Plan in 2004.

This proposed project is consistent with the Alkali Creek Multi-Use Path Study and Route Selection Report, approved by the City of Billings in 2006, which was developed over a period of three years and involved several public meetings.

The City of Billings/Yellowstone County process for local approval of the Community Transportation Enhancement Program (CTEP) project included a public meeting held by the Yellowstone County Board of Planning, a public hearing by the Billings City Council, a public hearing by the Board of County Commissioners, and a public meeting at the Policy Coordinating Committee of the local Metropolitan Planning Organization.

In addition to the aforementioned public input process, the City of Billings' voters approved a general obligation bond to pay for specific park and trail improvements in 1999. The proposed project was listed as one of the improvements to be paid for with this bond.

Coordination with Other Agencies - Coordination with other agencies currently includes wildlife habitat consultation with the Montana Fish, Wildlife and Parks Department, U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Montana Department of Transportation, the Montana Department of Environmental Quality (to be done as part of the SWPPP), the Yellowstone County and City of Billings Floodplain Coordinators, and the City of Billings Public Works (Utilities).

Cumulative Impacts – The Montana Department of Transportation (MDT) currently has one proposed project (Federal Aid Project MT (009)) in the vicinity of this proposed project. MDT proposes a

reconstruction of Airport Road (U-1014) from the intersection of N. 27th Street (P-53, NHS) to Main Street (P-16, NHS) in Billings. It is expected that the MDT project will commence construction in 2008. This project lies north of the proposed Airport Road improvements. The distance between the proposed underpass and Airport Road is approximately one-quarter mile. See the project location map included as Attachment 1. Because it is expected that thi9s project will be completed prior to the construction of Federal Aid Project MT (009), no cumulative impacts are expected.

No other agencies have identified impacts due to this proposed project. Secondary impacts will be very minimal, including increased pedestrian and bicycle usage through the area, a marginal increase in run-off due to increased impermeable path surfaces and removal of some vegetation. However, the disturbed areas outside of the impermeable path surfaces shall have vegetation restored to their pre-construction state.

This project will not induce significant land use changes or promote unplanned growth. Therre will be no significant effects on access to adjacent properties or present traffic patterns. This project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations and complies with Title VI of the Civil Rights Act of 1964. 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 this proposed project is properly classified as Categorical Exclusion.

Signature of Environmental Certifying Official

Candi Beaudry, AICP, Director, Planning and Community Services Department
Typed Name and Title

Concur: _____ JAN. 14, 2010
Mike Wherley, P.E. — Date
CTEP Supervisor

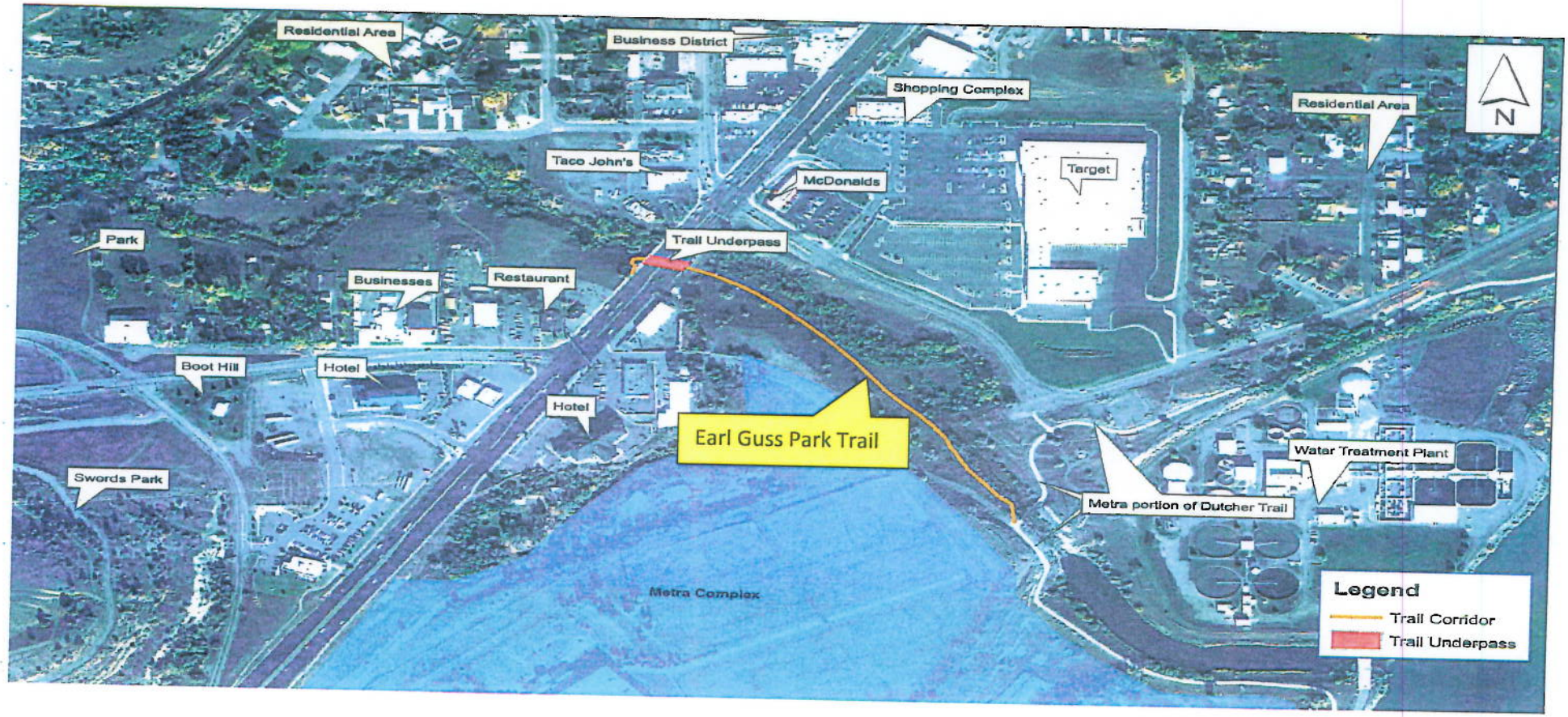
Concur: _____ 21 JAN 2010
Alan Woodmansey — Date
Federal Highway Administration

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

Attachments:

1. Project Location Map
2. MDT Historian email (dated 01/12/10)
3. SHPO email (dated 01/08/10)
4. GANDA Biological Resources Report (October 2007)
5. GANDA Wetland Determination Report (October 2007)

cc: Stefan Streeter, MDT, District Administrator – Billings Office
Michael Wherley, P.E., MDT, CTEP Supervisor
Terry Voeller, P.E., MDT, CTEP Engineer

ATTACHMENT 1

PROJECT LOCATION MAP