Planning & Community Services Department

"Serving Billings, Broadview and Yellowstone County"

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January 27, 2010

Michael Wherley, P.E., CTEP Section
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

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

Reference: Federal-aid Project Number: STPE 1099(56)
Federal-aid Project Name: Lake Elmo Drive Path
MDT Uniform Project Number: 6401

The City of Billings, Montana has determined that the proposed project study will not involve unusual circumstances as described in 23 *CFR* 771.117(b). It therefore qualifies as a Categorical Exclusion under the provisions of 23 *CFR* 771.117(c), parts 3 & 7. The 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).

In accordance with FHWA's letter (3/29/99) to MDT's Environmental Services, please notify FHWA that the proposed action is being processed in accordance with 23 *CFR* 771.117(c).

Lora Mattox

Signature of Environmental Certifying Official or Chief Elected Official

Lora Mattox, Transportation Planner
Type Name and Title

Concur: Mike Wherley

CTEP Engineer, Michael Wherley, P.E.

Jan. 8, 2010

Date

cc: Stefan Streeter, MDT – Billings District Administrator
Tim Conway, MDT – Consultant Design Engineer
Tom Martin, MDT – Bureau Chief – Environmental Services Bureau
Dave Jensen, MDT – Fiscal Planning Administrator
Michael Wherley, MDT – CTEP Section Supervisor
Environmental Quality Council
FHWA – Helena
Lora Mattox, Yellowstone County CTEP Coordinator – City of Billings
Debi Meling, City Engineer – City of Billings

ENVIRONMENTAL CHECKLIST

Project Name and Project Number: Lake Elmo Drive Path/STPE1099(56),

UPN: 6401

	Area of Statutory-Regulatory Compliance (Provide precise citations for applicable statutes and regulations at the end of this Checklist.)	N/A	Review Required*	Permits Required*	Conditions and/or Mitigation Actions Required*	Note and Attach Documentation
1.	Historic Properties (SHPO)	☒	☐	☐	☐	☐
2.	Floodplain Management (County)	☒	☐	☐	☐	☐
3.	Wetlands Protection (COE)	☒	☐	☐	☐	☐
4.	Noise (DEQ)	☒	☐	☐	☐	☐
5.	Air Quality (DEQ)	☒	☐	☐	☐	☐
6.	Manmade Hazards					
	Abandoned Underground Storage Tanks	☒	☐	☐	☐	☐
	Leaking Underground Storage Tanks	☒	☐	☐	☐	☐
	Possible Hazardous Waste Sites	☒	☐	☐	☐	☐
	Airport Clear Zones	☒	☐	☐	☐	☐
7.	Water Quality (DEQ or EPA for reservation projects)					
	Surface Water/Water Quality	☒	☐	☐	☐	☐
	Groundwater & Aquifers[1]	☒	☐	☐	☐	☐
8.	Farmlands	☒	☐	☐	☐	☐
9.	Environmental Justice	☒	☐	☐	☐	☐
10.	Threatened or Endangered Species, Fish & Wildlife (USF&WS)	☒	☐	☐	☐	☐

Area of Statutory-Regulatory Compliance (Provide precise citations for applicable statutes and regulations at the end of this Checklist.)		N/A	Review Required*	Permits Required*	Conditions and/or Mitigation Actions Required*	Note and Attach Documentation
11.	Biological Resources - Habitat containing sensitive species; either nesting, foraging, or inhabiting (MDFW&P/MSL)	☒	☐	☐	☐	☐
12.	Is there substantial, local, regional or other controversy on environmental grounds?	☒	☐	☐	☐	☐
13.	Section 4(f) – Would project change use of park, recreation area, wildlife refuge, or waterfowl refuge (23 *CFR* 771.135)?	☒	☐	☐	☐	☐
14.	Section 6(f) – Would project change use of protected properties acquired or developed with Land and Water Conservation Funds administered by the Department of Fish, Wildlife and Parks?	☒	☐	☐	☐	☐
15.	List other agencies contacted.	☒	☐	☐	☐	☐

*Attach evidence that required actions have been taken.

[1] Including the Missoula Sole Source Aquifer; contact the CTEP Section for further information regarding Missoula area projects.

Certification

I certify that the findings on the proceeding Environmental Checklist accurately reflect the status of compliance with applicable laws and regulations for the proposed transportation project.

Lora Mattox

Signature

Lora Mattox, Transportation Planner

Type Name and Title of Environmental Certifying Official

01/07/2010

Date