

ANACONDA-DEER LODGE COUNTY
PLANNING DEPARTMENT

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August 10, 2010

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

Subject: **Categorical Exclusion Group (d) Action Letter**
Federal-aid Project Name: ADLC Parks & Trails Project
Reference: Federal-aid Project Number: MT 12(149)
Segment
Federal-aid Project Name: Beaverdam Playground and Park Project
MDT Uniform Project Number: 6636

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 an 11 acre park improvement project that includes the installation of a picnic shelter, vault toilet, maintenance shed, playground area, bike/pedestrian path, parking lot and access road. The site will also be landscaped and an irrigation system will be provided.

The location of the proposed project is in Opportunity, Montana at the site of the old Beaverdam School, more specifically in the NW1/4 of the SE1/4 of Section 10, T.4N., R.10W.

The intent of the proposed project is to provide a park and recreation area for the residence of Opportunity and the surrounding area. The proposed park will also be a trail head for several bike and pedestrian trails proposed throughout Opportunity, Deer Lodge County and the Opportunity Ponds area. This project is proposed to enhance the reclamation efforts of the Opportunity Ponds area.

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 – The original Beaverdam school building was evaluated for historical significance by MDT and SHPO. It was determined that the original building has historical value, but the addition to the school does not. The park plans include provisions to remove the school building addition and secure the original school building due to its historic value. A Section 106 Determination of Effect, performed by MDT, has resulted in a finding of “No Adverse Effect,” which has been reviewed and concurred with by the State Historic Preservation Office (SHPO) on July, 22, 2010. A copy of their concurrence letter is attached.

PERMITS

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

- This proposed project will be in compliance with the provisions for both Water Quality under *MCA 75-5-401(2)* for Section 3(a) authorizations, and 124 SPA Stream Protection Notification under *MCA 87-5-501* through 509, inclusive.
- A Notice of Intent for Storm Water Discharges under the National Pollutant Discharge Elimination System General Permit (PL 92-500) will be required with the EPA for the control of water pollution for both specific and non-point sources.
- All work will be in accordance with the *Water Quality Act of 1987* (PL 100-4), as amended.

PUBLIC INVOLVEMENT

Public Involvement – The proposed park project was included in the Anaconda – Deer Lodge County Parks and Trails Master Plan. The Parks and Trails Master Plan were reviewed by the public at four separate public meetings to solicit comments and ideas. Specifically two public meetings were held in Opportunity to solicit comments and ideas for the proposed park.

EROSION CONTROL PLAN

An Erosion Control Plan 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*, the contractor 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 Peaks to Plains 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, ADA ramps, sidewalks and bike and pedestrian trails 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"

Connie T Daniels

Signature of Environmental Certifying Official or Chief Elected Official

Connie Ternes Daniels

Type Name and Title

Concur: *Mike Whely*
CTEP Section Supervisor

Aug. 13, 2010
Date

Concur: *Jeffery Patten*
Federal Highway Administration

Aug 26, 2010
Date

Attachment: Project Location Map

- cc: Jeff Ebert – MDT Butte District Administrator
Tim Conway, PE – MDT Consultant Design Engineer
Tom Martin, PE – MDT Environmental Bureau Chief
David Jensen – MDT Fiscal Planning Administrator
Michael Wherley, PE – MDT CTEP Supervisor
Todd Everts – Environmental Quality Council
Jeff Patten, PE – FHWA Project Engineer
Shawn Higley PE, WWC Engineering
Connie Daniels, ADLC Planning Director