Jeff Patten, PE – FHWA Project Engineer
Federal Highway Administration (FHWA)
585 Shepard Way
Helena, MT 59601

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

Reference:	Federal-aid Project Number:	STPE 39 (40)
	Federal-aid Project Name:	Rialto Preservation- Deer Lodge
	MDT Uniform Project Number:	6602

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 exterior façade restoration.

The location of the proposed project is 418 Main Streeet, Deer Lodge, MT 59722.

The intent of the proposed project is to replace entry doors and windows damaged by fire in 2006. Alternates provide for cleaning and patching of masonry.

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

- ☒ Stormwater Runoff
- ☒ Prime and Unique Farmlands
- ☒ Floodplains (EO 11988/FEMA)
- ☒ Hazardous Waste
- ☐ Historical/Cultural Resources
- ☒ Changes in Land Use
- ☒ USDOT – 4(f)/NL&WCF – 6(f) Acts
- ☒ Noise
- ☒ Section 404 – *Clean Water Act*
- ☒ Social/Economic
- ☒ Stream Preservation/Water Quality
- ☒ Threatened/Endangered Species
- ☒ Wetlands (EO 11990)

PROJECT IMPACTS

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

Historic/Cultural Resources – The Rialto Theater was put on the National Register of Historic Places (NRHP) in February of 1998. A Section 106 Determination of Effect has resulted in a finding of "No Adverse Effect," which has been reviewed and concurred with by the State Historic Preservation Office (SHPO) on 12 August 2010. A copy of their concurrence letter is attached.

PUBLIC INVOLVEMENT

Public Involvement –

City Council Meeting 18 June 2007:

possibility of using grant money to help fund Rialto Theater repairs was discussed.
Reported in Silver State Post 20 June 2007.

Community Assessment Meeting- Sept 2007 (?)

Powell County Economic Development Corporation
Location: Powell Co. Community Center

Restoration of the Main Street facade of the Rialto Theater using CTEP funds was suggested and discussed.

Public Meeting: Held 30 Aug 2007:

Location: Powell Co. Community Center
Notice given in Silver State Post Aug 29 2007.

Priority given to Rialto Theater for use of local CTEP funds.

City Council Meeting ? Oct 2007:

Preliminary application for the Rialto Theater to access CTEP funds approved by City Council.
Reported in Silver State Post 13 Oct 2007.

City Council Meeting. Special Session 9 Oct 2007:

City Council approved sending a request to the State for CTEP funds for restoration of the Rialto Theater Facade for $63K. Reported in Silver State Post 17 Oct 2007.

AMERICANS WITH DISABILITIES ACT

Americans with Disabilities Act – Entry doors 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"

Mary Ann Fraley, Mayor
Signature of Environmental Certifying Official or Chief Elected Official

Mary Ann Fraley, Mayor
Type Name and Title

September 2, 2010
Date

Concur: Mike Wherley
CTEP Section Supervisor

Sept. 8, 2010
Date

Concur: Jeffrey A Patten
Federal Highway Administration

9-13-10
Date

Attachment: Project Location Map

cc: Jeff Ebert, PE – MDT Butte District Engineer
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

PROJECT LOCATION MAP
FROM COVER OF 24x36
CONSTRUCTION DRAWINGS

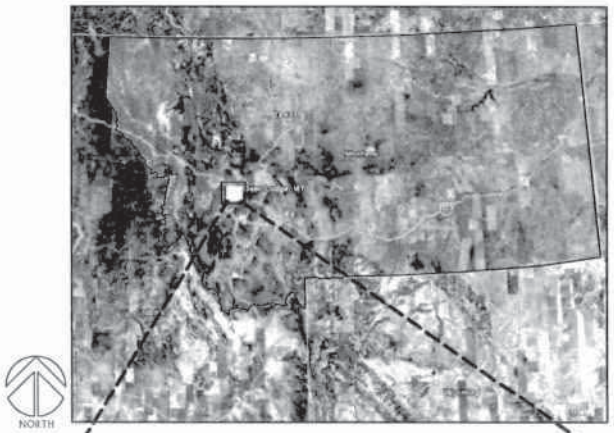
RIALTO THEATER CTEP FACADE RESTORATION

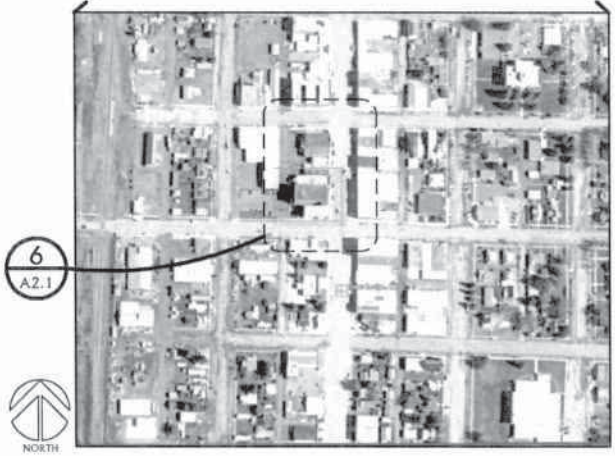
418 MAIN STREET
DEER LODGE, MT

THE RIALTO THEATER IS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES. ALL IMPROVEMENTS AND REPAIRS MUST COMPY WITH THE SECRETRY OF INTERIOR'S STANDARDS OF PRESERVATION FOR HISTORIC STRUCTURES.

PROJECT SUMMARY: (2006 I.B.C.)

PROJECT:	RECONSTRUCTION OF BURNED OUT THEATER
ADDRESS:	418 MAIN ST. DEER LODGE, MT
USE ZONE:	BUSINESS/MERCANTILE...?
OCCUPANCY:	MOTION PICTURE THEATER: A1
BUILDING TYPE:	TYPE III-B
ALLOWABLE AREA:	8,500 SF/STORY, 2 STORIES ALLOWABLE (FULLY SPRINKLED)
ALLOWABLE AREA INCREASE:	200% INCREASE FOR AUTOMATIC FIRESPRINKLER PER. SECTION 506.3 8,500 SF x 2 = 19.000 SF ALLOWABLE AREA
ACTUAL GROSS AREA:	1880 SQ FT TOTAL BALCONY LEVEL 2726 SQ FT MEZZANINE LEVEL 7290 SQ FT MAIN LEVEL 11,896 TOTAL SQ FT < 19.000 SF ALLOWABLE
MAXIMUM HEIGHT:	ALLOWABLE: 55 FEET ACTUAL: 51 FEET, 2 INCHES (VERIFY)
OCCUPANT LOAD:	555 SEATS + SUPPORT STAFF+ PERFORMERS= APPROX 600
REQUIRED EXITS:	MAIN FLOOR: 2 EXITS FROM AUDITORIUM, 1 TO ALLEY STAGE FLOOR: 2 EXITS TO ALLEY BALCONY: 2 EXITS, ONE IS FIRE ESCAPE STAIR





PROJECT HISTORY:

THE RIALTO THEATER BURNED IN 2006. THE INTERIOR SPACES WERE ALMOST COMPLETELY LOST. THE FIRE CURTAIN PRESERVED THE ORIGINAL THEATER STAGE AND THE EXTERIOR BRICK WALLS SURVIVED INTACT.

INTERIOR RE-CONSTRUCTION EFFORTS HAVE BEEN ON-GOING SINCE THE FIRE, AS VOLUNTEER FUND-RAISING HAS ALLOWED. MARTEL CONSTRUCTION HAS BEEN THE OFFICIAL GENERAL CONTRACTOR OF RECORD FOR THE PROJECT- MANAGING ALL PHASES OF WORK AND HUNDREDS OF VOLUNTEER LABOR HOURS.

THE EXTERIOR FACADE PROJECT DISCRIBED IN THESE DRAWINGS IS A SEPARATE, INDEPENDENT PROJECT THAT IS BEING PUBLICLY BID TO COMPLY WITH CTEP GRANT REQUIREMENTS. WORK MUST BE DONE IN COMPLIANCE WITH SHPO AND NRHP STANDARDS TO MAINTAIN STATUS ON THE REGISTER OF HISTORIC PLACES.

THE EXECUTION OF THESE CONSTRUCTION DOCUMENTS MAY OCCUR SIMULTANEOUSLY WITH CONTINUED INTERIOR RESTORATION WORK OUTSIDE OF THIS CONTRACT. COOPERTION WITH OWNERS AND OTHER CONTRACTORS ONSITE IS EXPECTED.

serving you with pride

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

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ENVIRONMENTAL

SHPO

8/25/10

• Pete
• CTEP
• RIALTO THEATRE (24PW0672) PRESERVATION, DEER LODGE, PW CO

August 12, 2010

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: STPE 39(40)
Rialto Preservation – Deer Lodge
UPN 6602

Dear Mark:

Powell County and the City of Deer Lodge has a CTEP project to restore the façade of the National Register of Historic Places-listed Rialto Theater (24PW0672) in Deer Lodge. The CTEP project would involve the removal and replacement of the existing windows, the restoration of the marquee, the cleaning and re-pointing of the masonry on the façade, and the replacement of the existing light fixtures. The County has been working closely with A & E Architects of Missoula and Pete Brown of your office on the project. The work meets the Secretary of the Interior's Standards. Based on our review of the plans, we have determined that the proposed CTEP project would have **No Adverse Effect** to the Rialto Theater. We request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline

Jon Axline, Historian
Environmental Services

Attachments

copies: Mike Wherley, P.E., Consultant Design
Phil Inman, P.E., CTEP
Bonnie Gundrum, Resources Section