



November 17, 2010

Jeff Patten, Operations Engineer - Butte
Federal Highway Administration (FHWA)
585 Shepard Way
Helena, MT 59601-9785

Subject: Re-Evaluation of Categorical Exclusion Determination
NH 50-2(66)70
N GALLATIN CANYON - FOUR CORNERS
Control Number 6805

Dear Jeff Patten:

Environmental Services has reviewed the above proposed project's impacts and has determined that this proposed project still qualifies as a categorical exclusion under the provisions of 23 CFR 771.129(c). The original categorical exclusion (pavement preservation concurrence) letter was sent on May 13, 2009. This proposed action also continues to qualify as a categorical exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.). This determination is based on the following:

This project is located on US 191, between RP 70.2 and RP 81.6 approximately one mile south of Four Corners, east of Bozeman, in Gallatin County.

The Scope-of-Work for the proposed project has changed. Initially this project was pavement preservation extending from RP 70.2 to RP 81.6. The scope was to mill and fill then seal and cover and add new pavement markings. Currently, the scope of work would add the construction of two-way left turn bays at five intersections and the approach to one proposed gravel pit in addition to the initially proposed pavement preservation. The turn bay sites were added due to public comments received from public meetings held November 5, 2009 and May 12, 2010. It was decided to include the turn bays within the existing project to minimize disruption to the traveling public.

Design Feature	Initial Design	Proposed Design
Project Length	11.4 miles	11.4 miles
Cottonwood Road Intersection, RP 75.8, Station 280+22.10 to Station 307+94.35	Not included	<ul style="list-style-type: none"> • Add a left turn lane for both north and south bound traffic. • Realign Cottonwood and Jay's Way road to line up with each other. • Extend mainline pipes and replace all approach pipes. • Add a mailbox turnout.

Zachariah Lane Intersection, RP 77.7	Not included	<ul style="list-style-type: none"> • Left turn lane installed for southbound traffic at Zachariah Lane. • Guardrail will be installed because of substandard slopes in the location of a historical cemetery. • Extend pipes associated with the irrigation ditch. • Relocate the irrigation ditch.
Morgan Family Trust Gravel Pit approach RP 78.1	Not included	<ul style="list-style-type: none"> • Deceleration lane will be installed on US 191 for northbound traffic turning right at the gravel pit. • A left turn lane will also be installed for the southbound traffic to turn into their approach. • An acceleration lane will also be constructed for northbound traffic. • The walking path on the east from the bridge end at RP 77.6 (over Farmer's Canal) to Zachariah Lane will be perpetuated. • Extend all mainline pipes and replace the approach pipes.
Axtell Road Intersection, RP 78.5	Not included	<ul style="list-style-type: none"> • Left turn lane for the north bound traffic will be installed.
Blackwood Road Intersection, RP 79.4	Not included	<ul style="list-style-type: none"> • Left turn bay for south bound traffic will be installed.
Lower Rainbow Road Intersection, RP 80.3 to RP 81.5	Not included	<ul style="list-style-type: none"> • The guardrail will be upgraded for this structure • Right turn lane for southbound traffic at the Lower Rainbow Road intersection will be installed. • Center lane for left turning vehicles will be installed. • Two mainline pipes that will be extended. • Most approach pipes will be replaced. A few will be eliminated. • Mailboxes will be replaced.

The historical cemetery that is located on the east side of US 191 and just north of Zachariah Lane will be avoided.

An abandoned Milwaukee Road Railroad grade runs parallel to US 191 approximately forty feet west of the centerline throughout the project area. Approximately 10,400 feet of abandoned

railroad bed will be impacted by construction of the proposed 6:1 side slope and 50:1 flat bottom ditch. A Nationwide Section 4(f) Evaluation for the Milwaukee Railroad is attached.

A 404-permit would be required for pipe extension and channel change work in an irrigation ditch from station 407+00 to 411+00.

Guardrail at the two bridges on this project (at the north end of the farmer's canal at station 394+06.00 and south side of the irrigation ditch at Station 595+22) will be upgraded.

Some right of way will be necessary to construct the project. The new right-of-way will be needed from approximately Station 407+00 to 437+00 right.

Two monitoring wells within the right-of-way were likely installed to monitor wastewater discharges from an adjacent facility when it operated as Glacier Mountain Cheese. The district has no record of an encroachment permit for the wells as they are not in the GWIC database. Following contact with DEQ personnel, the decision was made to abandon the wells.

Because of the changes to the scope of work, we have reviewed environmental areas for changes in impact. The table below summarizes the difference in effects comparing the initial design to the proposed design.

As a result of these changes, we have updated or reviewed the conditions of the biological/cultural/hazardous waste reports and found that in accordance with 23 CFR 771.117(a), this action will neither individually or cumulatively, have any significant environmental impacts.

Environmental Effect	Effect of initial design	Effect of proposed design
Irrigation ditch	No effect	260 feet of ditch relocation
Right-Of-Way	Not required	Approximately one acre to be acquired
Cemetery	No effect	Avoided
RR grade	No effect	Impacts to 10,400 linear feet
Wetland impacts	0 acre	0 acre
Monitoring Wells	No effect	Abandon

In accordance with the Federal Highway Administration's (FHWA) concurrence letter of April 15, 1999, this notification documents that this proposed action is still properly classified as a CE under the provisions of 23 CFR 771.117(d).

If you have any questions concerning this letter, please contact Barry Brosten at 444-0804.

Sincerely,



Heidi Bruner, P.E.
Environmental Services Bureau Engineering Section Supervisor

Concur Jeffrey A Patten, Date: 11-23-10
Federal Highway Administration

MDT attempts to provide accommodation for any known disability that may interfere with a person participating in any service, program or activity of the Dept. Alternative accessible formats of this information will be provided upon request. For further information, call 406-444-7228 or TTY (800-335-7592), or call Montana Relay at 711.

Attach: Section 4(f) evaluation

copies: Jeff Ebert, Butte Administrator - MDT
Paul Ferry, P.E. - Highway Engineer
Kent Barnes, P.E. - Bridge Engineer
Robert Stapley, - Bureau Chief Right-of-Way
David W. Jensen, Supervisor - Fiscal Programming Section
Suzy Price, Supervisor - Contract Plans Section
Tom Martin, P.E. - Bureau Chief Environmental Services
Heidi Bruner, P.E. - Environmental Services Engineering Section Supervisor
File

MONTANA DIVISION

"NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS
ON
HISTORIC SITES
EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project # NH 50-2(66)70, (P.M.S. C# 6805)

Date: November 16, 2010

Project Name: N GALLATIN CANYON - FOUR CORNERS Location: Milwaukee Road Railroad
Gallatin County

*NOTE: Any response in a box requires additional information.
Consult the "Nationwide" Section 4(f) Evaluation criteria.*

	<u>YES</u>	<u>NO</u>
1. Is the 4(f) site adjacent to the existing highway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed project require the removal or alteration of historic structures, and/or objects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action under an <u>Environmental Impact Statement (E.I.S.)</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the proposed project on a new location?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. The Scope-of-Work for the proposed project is one of the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Improved traffic operation;		
b) Safety improvements;		
c) 3R;		
d) Bridge replacement on essentially the same alignment; or		
e) Addition of lanes.		

ALTERNATIVES CONSIDERED

1. The "do-nothing" ALTERNATIVE has been evaluated, and is <u>not</u> considered to be feasible and prudent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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NOTE: Any response in a box requires additional information.
Consult the "Nationwide" Section 4(f) Evaluation criteria.

	<u>YES</u>	<u>NO</u>
<u>ALTERNATIVES CONSIDERED</u> (conclusion:)		
2. An ALTERNATIVE has been evaluated on the existing alignment which improves the highway without any 4(f) impacts, and is also <u>not</u> considered to be feasible and prudent.	<u>X</u>	<input type="checkbox"/>
3. An ALTERNATIVE on a new location avoiding the 4(f) site has been evaluated, and is <u>not</u> considered to be feasible and prudent.	<u>X</u>	<input type="checkbox"/>
Descriptions of ALTERNATIVES 2. and 3. are attached.*	<u>X</u>	<input type="checkbox"/>

MINIMIZATION OF HARM

1. The proposed project includes all possible planning to minimize harm.	<u>X</u>	<input type="checkbox"/>
2. Measures to minimize harm include the following:		

COORDINATION

1. The proposed project has been COORDINATED with the following:		
a) SHPO (date: <u>2/4/91, 10/27/01</u>)	<u>X</u>	<input type="checkbox"/>
b) ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP, date: <u>3/18/91</u>)	<u>X</u>	<input type="checkbox"/>
c) Property owner (date <u> </u>)	—	<input type="checkbox"/>
d) Local/State/Federal agencies	—	<input type="checkbox"/>

List:

County Commissioners (date:)

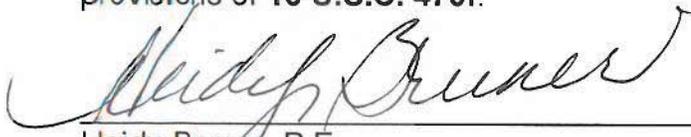
2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation:

SUMMARY

All required **ALTERNATIVES** have been evaluated and the proposed project meets all the **criteria** included in the "Nationwide Programmatic" *Section 4(f)* evaluation approved on December 23, 1986. This Programmatic Evaluation includes all possible planning to **minimize** harm which will be incorporated in this proposed project.

APPROVAL

This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.



Heidi Bruner, P.E.
Engineering Section Supervisor
Environmental Services

Date: 11/18/10

Approved: Jeffery A Patten
Federal Highway Administration

Date: 11-23-10

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