



November 3, 2010

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ENVIRONMENTAL

Heidy Bruner, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau
2701 Prospect Ave.
Helena, MT 59620

Attention: Heidy Bruner, P.E.

Subject: Programmatic Categorical Exclusion (PCE) Concurrence Request
MT Secondary 480 (Missouri River Bridge to County Road 149)
Richland County, MT
IE# S09-37

Dear Heidy Bruner:

This submittal requests approval of the above-mentioned proposed project as a Categorical Exclusion under the provisions of 23 CFR 771.117(d) and the Programmatic Agreement as signed by the Montana Department of Transportation (MDT) on April 12, 2001. This proposed action also qualifies as a Categorical Exclusion under ARM 18.2.261 (Sections 75-1-103 and 75-1-201, MCA).

The following form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a PCE. A copy of the Preliminary Plans is attached. In the following form, "N/A" indicates not applicable; "UNK" indicates unknown.

NOTE: A response in a large box will require additional documentation for a Categorical Exclusion request in accordance with 23 CFR 771.117(d).

Form with columns YES, NO, N/A, UNK and rows of questions regarding environmental impact, unusual circumstances, and Right-of-Way requirements.

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	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
2. There is a high rate of residential growth in this proposed project's area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. There is a high rate of commercial growth in this proposed project's area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. There are parks, recreational, or other properties acquired/improved under <i>Section 6(f)</i> of the 1965 <i>National Land &amp; Water Conservation Fund Act</i> (16 USC 460L, <i>et seq.</i> ) on or adjacent to proposed the project area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The use of such <i>Section 6(f)</i> sites would be documented and compensated with the appropriate agencies. (e.g.: MDFWP, local entities, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Are there any sites either on, or eligible for the National Register of Historic Places with concurrence in determination of eligibility or effect under <i>Section 106</i> of the <i>National Historic Preservation Act</i> (16 USC 470, <i>et seq.</i> ) by the State Historic Preservation Office (SHPO), which would be affected by this proposed project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. There are parks, recreation sites, school grounds, wildlife refuges, historic sites, historic bridges, or irrigation that might be considered under <i>Section 4(f)</i> of the 1966 <i>US DEPARTMENT OF TRANSPORTATION Act</i> (49 USC 303) on or adjacent to the project area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. The proposed project would not impact the site(s), so a 4(f) evaluation is not necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. De minimis finding(s) is/are necessary for this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. "Nationwide" Programmatic <i>Section 4(f)</i> Evaluation forms for these sites are attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. This proposed project requires a full (i.e.: DRAFT & FINAL) <i>Section 4(f)</i> Evaluation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. The activity would involve work in a streambed, wetland, and/or other waterbody(ies) considered as "waters of the United States" or similar (e.g., "state waters").	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\*MT  
12/12/19

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	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
1. Conditions set forth in <i>Section 10</i> of the <i>Rivers and Harbors Act</i> (33 USC 403) and/or <i>Section 404</i> under 33 CFR Parts 320-330 of the <i>Clean Water Act</i> (33 USC 1251-1376) would be met.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Impacts in wetlands, including but not limited to those referenced under Executive Order (E.O.) #11990, and their proposed mitigation would be coordinated with the US Army Corps of Engineers and other Resource Agencies (Federal, State and Tribal) as required for permitting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. A 124SPA Stream Protection Authorization would be obtained from the MDFWP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. There is a delineated floodplain in the proposed project area under FEMA's Floodplain Management criteria.  The water surface at the 100-year flood limit elevation would exceed floodplain management criteria due to an encroachment by the proposed project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Tribal Water Permit would be required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Work would be required in, across, and/or adjacent to a river which is a component of, or proposed for inclusion in Montana's Wild and/or Scenic Rivers system as published by the US Department of Agriculture, or the US Department of the Interior.  The designated National Wild & Scenic River systems in Montana are:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Middle Fork of the Flathead River (headwaters to South Fork confluence).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. North Fork of the Flathead River (Canadian Border to Middle Fork confluence).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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YES    NO    N/A    UNK

In accordance with *Section 7 of the Wild and Scenic Rivers Act* (16 USC 1271 – 1287), this work would be coordinated and documented with either the Flathead National Forest (Flathead River), or US Bureau of Land Management (Missouri River).

C. This is a "Type I" action as defined under 23 CFR 772.5(h), which typically consists of highway construction on a new location or the physical alteration of an existing route which substantially changes its horizontal or vertical alignments or increases the number of through-traffic lanes.

    MDT 12/8/10       

1. If yes, are there potential noise impacts?

2. A Noise Analysis would be completed.

3. There would be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy.

D. There would be substantial changes in access control involved with this proposed project.

If yes, would they result in extensive economic and/or social impacts on the affected locations?

E. The use of a temporary road, detour, or ramp closure having the following conditions when the action(s) associated with such facilities:

1. Provisions would be made for access by local traffic, and be posted for same.

2. Adverse effects to through-traffic dependant businesses would be avoided or minimized.

3. Interference to local events ( e.g. festivals) would be minimized to all possible extent.

4. Substantial controversy associated with this pending action would be avoided.

F. Hazardous wastes /substances, as defined by the US Environmental Protection Agency (EPA) and/or the Montana Department of Environmental Quality (MDEQ), and/or (a) listed "Superfund" (under CERCLA or CECRA) site(s) are currently on and/or adjacent to this proposed project.

All reasonable measures would be taken to avoid and/or minimize substantial impacts from same.

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	YES	NO	N/A	UNK
G. The Stormwater Discharge conditions (ARM 17.30.1101-1117), including temporary erosion control features for construction would be met.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Documentation of an "invasive species" review to comply with both EO #13112 and the <i>County Noxious Weed Control Act</i> (7-22-2152, MCA), including directions as specified by the county(ies) wherein its intended work would be done.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the proposed work would affect Important Farmlands, then a CPA 106 Farmland Conversion Impact Rating form would be completed in accordance with the <i>Farmland Protection Policy Act</i> (7 USC 4201, <i>et seq.</i> ).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
K. Features for the <i>Americans with Disabilities Act</i> (PL 101-336) compliance would be included.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
L. A written Public Involvement Plan would be completed in accordance with MDT's Public Involvement Handbook.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. This proposed project complies with the <i>Clean Air Act's Section 176(c)</i> (42 USC 7521(a), as amended) under the provisions of 40 CFR 81.327 as it's either in a Montana air quality:				
A. "Unclassifiable/Attainment" area. This proposed project is <u>not</u> covered under the EPA's September 15, 1997 Final Rule on air quality conformity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
and/or				
B. "Nonattainment" area. However, this type of proposed project is either exempted from the conformity determination requirements (under EPA's September 15, 1997 Final Rule), or a conformity determination would be documented in coordination with the responsible agencies (Metropolitan Planning Organizations, MDEQ's Air Resources Management Bureau, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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12/8/10

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<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. Is this proposed project in a "Class I Air Shed" under 40 CFR 52.1382(c)(2-4) and 40 CFR 81.417? (Northern Cheyenne, Flathead, and Fort Peck Indian Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L. Bend Wilderness Areas)

5. Federally listed Threatened or Endangered (T/E) Species:

A. There are recorded occurrences and/or critical habitat in this proposed project's vicinity.

*MAT 12/8/10*

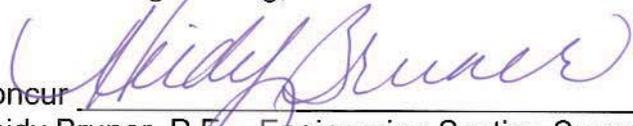
B. Would this proposed project result in a "jeopardy" opinion (under 50 CFR 402) from the Fish & Wildlife Service on any Federally listed T/E Species?

The proposed project would not induce significant land use changes, nor promote unplanned growth. There would be no significant effects on access to adjacent property, nor to present traffic patterns.

This proposed project would not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations (EO #12898). It also complies with the provisions of *Title VI* of the *Civil Rights Act* of 1964 (42 USC 2000d) under the FHWA's regulations (23 CFR 200).

In accordance with the provisions of 23 CFR 771.117(a), this pending action would not cause any significant individual, secondary, or cumulative environmental impacts. Therefore, the FHWA's concurrence is requested that this proposed project is properly classified as a Categorical Exclusion.

  
 \_\_\_\_\_, Date: 11/3/10  
 Josh Johnson – Project Manager  
 Interstate Engineering, Inc.

  
 Concur \_\_\_\_\_, Date: 12/10/10  
 Heidy Bruner, P.E. - Engineering Section Supervisor  
 MDT Environmental Services Bureau

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Attachment: Location Map  
FEMA Map (FIRMette)  
Preliminary Alignment Plans

VIA-EMAIL

Ray Mengel  
Wayne Noem  
Tom Martin, P.E.  
Maureen Theisen

Glendive District Administrator  
Secondary Roads  
Environmental Services Bureau Chief  
Montana Legislative Branch  
Environmental Quality Council

CC

Russ Huotari, DPW  
File

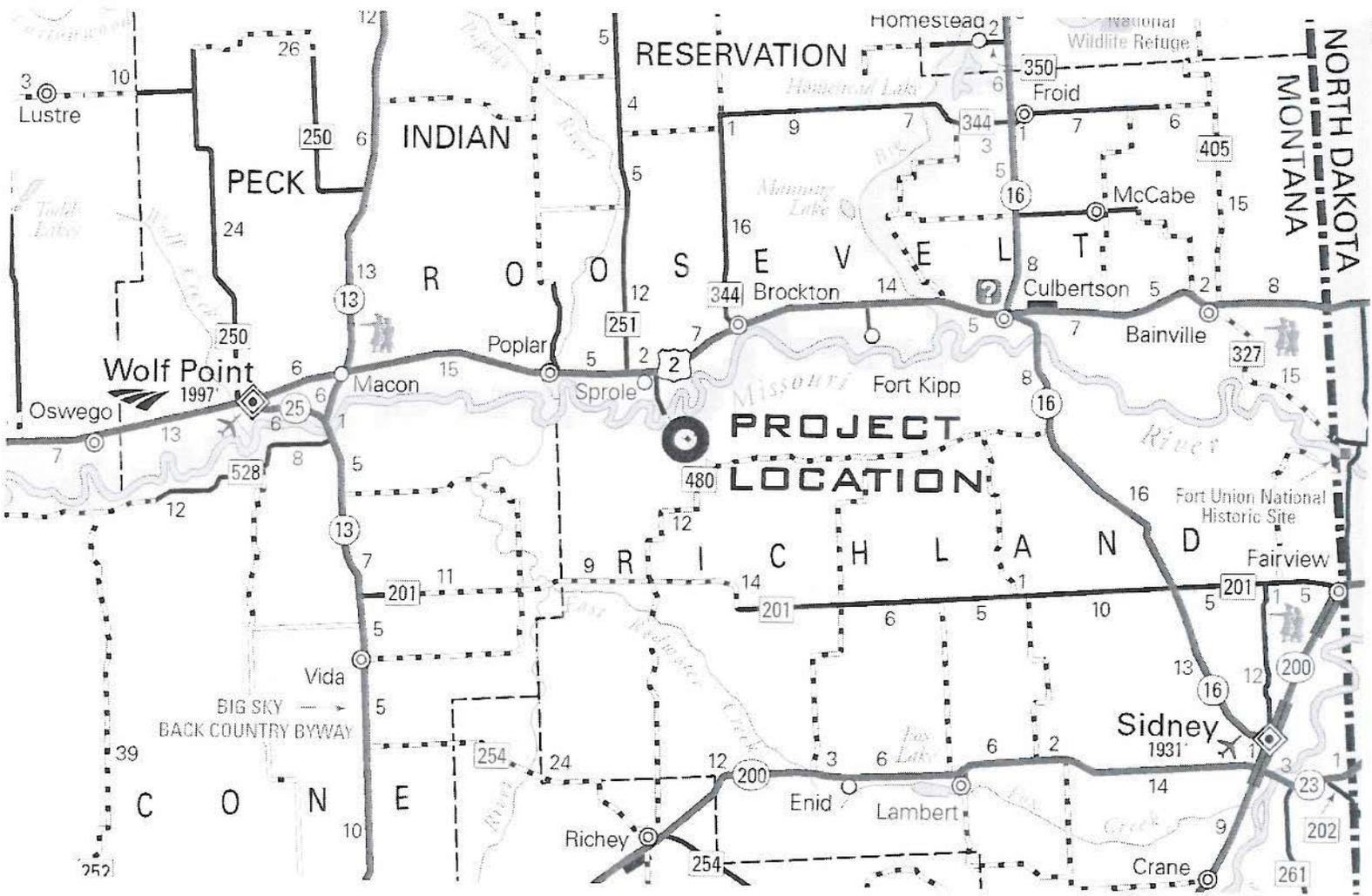
Richland County  
Interstate Engineering, Inc.

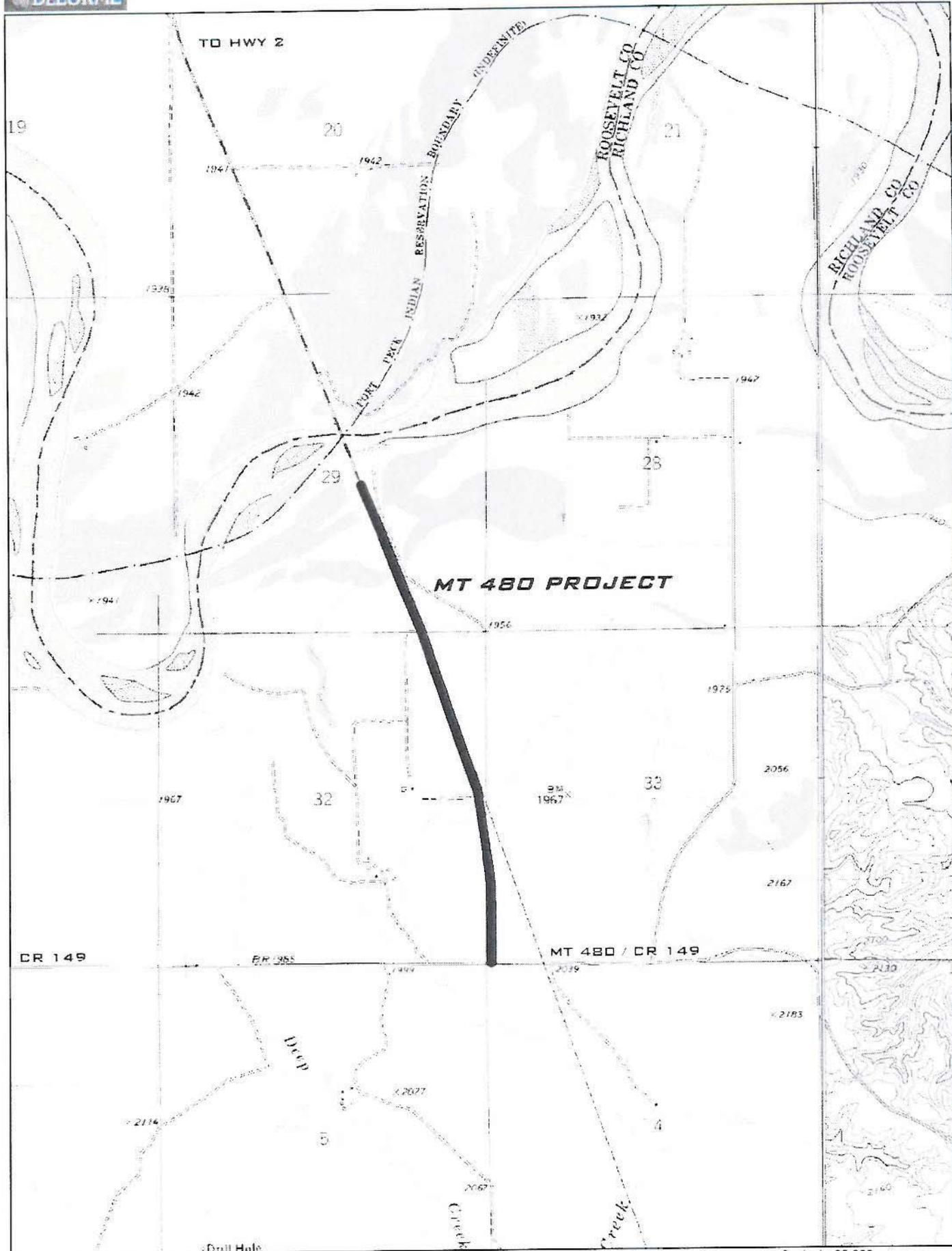
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