



February 22, 2011

Environmental Quality Council
Capitol Station
Helena, MT 59626

Subject: SFCN 50-2(74)48
Gallatin Canyon/Big Sky
Control No. 7587

This is a notification that this proposed project qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 for the MONTANA DEPARTMENT OF TRANSPORTATION (MDT). This is being documented in compliance with the *Montana Environmental Policy Act (MEPA)*, see Sections **75-1-103** and **75-1-201, M.C.A.**. The form listing the qualifications of this proposed project as a MEPA Categorical Exclusion, is attached.

This proposed action is to use state funds to install an aesthetic treatment onto an existing MSE retaining wall. The MSE wall was constructed under the Slope Flattening Gallatin Canyon project. It is inside the project limits of SLOPE FLAT.-WID-GALLATIN CANYON, STPHS-NH 50-1(14)8 which met the criteria for a FONSI and received FHWA approval on 9/29/2006.

The location of this project is in Gallatin County and is in Range-4- East, Township-6-South, Section 32, M.P.M. The work site is just north-east of the highway bridge that is north of the U.S. 191 junction with Highway 64 to Big Sky.

The intent of this project is to install wood facing on the MSE wall that supports the highway bridge approaches. The recently constructed MSE retaining wall is in direct view from an adjacent residential property. To mitigate the visual impact, a wood facing material will be constructed to cover the wall. There is approximately 1700 square feet of wall from the start of the MSE wall at the bridge to the beginning of the staircase at the property.

The attached MEPA Categorical Exclusion form identifies the environmental impacts being avoided or mitigated on this proposed project. The following environmental issues have also been identified on this proposed project:

Permits - The following permits will not need to be acquired:

This proposed project will be in compliance with the provisions for both Water Quality under **75-5-401(2) M.C.A.** for *Section 3(a)* authorizations, and Stream Protection under **87-5-501** through **509 M.C.A.**, inclusive:

All work will also be in accordance with the *Water Quality Act* of 1987 (**P.L. 100-4**) as amended.

No new right-of-way or construction permits will be needed. There will be no utility involvement.

Cumulative Impacts

Cumulative impacts which result from nearby proposed and/or recently completed projects have been evaluated and determined to not exist. MDT currently has one active project, A544 SLOPE FLAT.-WID-GALLATIN CANYON, STPHS-NH 50-1(14)8, in this part of its Butte District not including this proposed project. The proposed project will not have a cumulative impact with these nearby projects since it follows the existing alignment and only has minor environmental effects. The land that surrounds the highway is rural and presents few sensitive areas with the potential for individual impacts, therefore, cumulative impacts are unlikely to occur.

The project will not induce significant land use changes or promote unplanned growth and will not affect existing access to adjacent property or change present traffic patterns. This project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (**E.O. 12898**) and complies with Title VI of the Civil Rights Act of 1964 (**42 U.S.C. 2000d**) as amended. This proposed project does not individually, collectively, and/or cumulatively require the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) under *MEPA*.



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

**"ALTERNATIVE ACCESSIBLE FORMATS
OF THIS
DOCUMENT WILL BE PROVIDED ON
REQUEST."**

Attachments

HB:BB:s:\projects\butte\2000\2544\A544\mepa doc at wall.docx

- copies: Jeff Ebert, P.E. - Butte District Administrator
- Paul Ferry, P.E. - Highway Engineer
- Kent Barnes, P.E. - Bridge Engineer
- Dawn Stratton, Acting Supervisor - Fiscal Programming Section
- Heidy Bruner, P.E. - Environmental Services



Montana Dept. of Transportation

MEPA CATEGORICAL EXCLUSION FORM

Project No SFCN 50-2(74)48

Date: February 22, 2011

Project Name: Gallatin Canyon/Big Sky

Control #: 7587

The following conditions apply to this proposed project which qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261(1). This provides the documentation demonstrating that all of the following conditions are satisfied to categorically exclude this proposed project under the Montana Environmental Policy Act (MEPA, 75-1-103 & 75-1-201 M.C.A., as amended).

NOTE: A response in a box requires an Environmental Assesment (EA) in accordance with the provisions of ARM 18.2.239. An "N/A" means "Not Applicable" to this proposed project.

- | | <u>YES</u> | <u>NO</u> |
|---|--------------------------|--------------------------|
| 1. An EA, or an <u>Environmental Impact Statement (EIS)</u> is <u>not required</u> for this proposed project as determined under <u>ARM 18.2.237(5)</u> . | <u>X</u> | <input type="checkbox"/> |
| 2. This proposed project has (a) significant environmental impact(s) as-defined under <u>ARM 18.2.238 & ARM 18.2.261(2)</u> . | <input type="checkbox"/> | <u>X</u> |
| 3. This proposed project <u>does</u> involve one (or more) of the following actions: | | |
| a. Significant impacts on <u>publicly-owned parks, recreation areas, wildlife/waterfowl refuges, and/or significant historic sites</u> as-defined under <u>ARM 18.2.261(2)(a)</u> ? | <input type="checkbox"/> | <u>X</u> |
| b. Any large acquisitions of Right-of-Way as referenced under <u>ARM 18.2.261(2)(c)</u> ? | <input type="checkbox"/> | <u>X</u> |
| c. Involves activities under Part B, and meets all the conditions under Part C and the " <u>Section 404 Only Conditions</u> " in Appendix B of <u>33 CFR 330</u> for " <u>Nationwide</u> " Permits under <u>Section 404</u> of the <u>Clean Water Act (33 U.S.C. 1251 - 1376)</u> ? | <u>N/A</u> | <input type="checkbox"/> |
| d. Wetlands (as defined by U.S.ARMY - Corps of Engineers' "three-parameter" criteria) impacts: | | |
| 1) Will this proposed project impact any wetlands? | ___ | <u>N/A</u> |
| 2) If " <u>YES</u> " to the preceding, are the impacts and mitigation for-same summarized in the attached letter? | <u>N/A</u> | <input type="checkbox"/> |
| e. Work in, across, or adjacent to a river designated as a component of, or proposed for inclusion in the Wild and/or Scenic Rivers system as-published by the U.S. DEPARTMENT OF AGRICULTURE, or the U.S.DEPARTMENT OF THE INTERIOR? | <input type="checkbox"/> | <u>X</u> |
| f. Complies-with MDT's Noise Policy for highway projects? | <u>X</u> | <input type="checkbox"/> |
| g. Floodplain encroachment: | | |
| 1) Is there a delineated floodplain? | <u>X</u> | ___ |

	<u>YES</u>	<u>NO</u>
2) If "YES" to the preceding, will the water surface (at the 100-year-flood limit) elevation exceed floodplain management criteria due-to an encroachment?	<input type="checkbox"/>	<u>X</u>
h. Any permanent changes in access control?	<input type="checkbox"/>	<u>X</u>
i. The use of a temporary road, detour, or ramp closure unless the action(s) associated with such facilities meet the following conditions:		
1) Provisions are made for access by local traffic and posted for same?	<u>X</u>	<input type="checkbox"/>
2) Adverse effects to through-traffic-dependant business will be avoided?	<u>X</u>	<input type="checkbox"/>
3) Interference to a local event (e.g.: festival) will be minimized to all possible extent?	<u>X</u>	<input type="checkbox"/>
4) Avoidance of substantial changes in the environmental consequences by this action?	<u>X</u>	<input type="checkbox"/>
5) Substantial controversy associated with this action is avoided?	<u>X</u>	<input type="checkbox"/>
j. Hazardous wastes and/or substances as defined by the U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) and/or the MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ):		
1) Are there any known and/or potential source(s) on, or adjacent to this proposed project?	—	<u>X</u>
2) If "YES" to the preceding, will this proposed project's construction disturb or otherwise encounter these?	<input type="checkbox"/>	<u>N/A</u>
3) Is this proposed project in a listed "Superfund" (under CERCLA or CECRA) site?	<input type="checkbox"/>	<u>X</u>
k. Meets the Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314) for construction activity?	<u>X</u>	<input type="checkbox"/>
l. Establishes permanent desirable vegetation in all disturbed areas with an approved seeding mixture?	—	<u>N/A</u>
4. This proposed project complies with Section 176(c) of the Clean Air Act, as amended (42 U.S.C. 7521(a)); and 40 CFR 81.237, by being located-within:		
a. an "unclassifiable"/attainment area of Montana for air As such, is the proposed action <u>not</u> under EPA's September 15, 1997 Final Rule on air quality conformity?	<u>X</u>	—
and/or		
b. a "nonattainment" area of Montana for air quality. However, is this type of proposed action exempted from conformity determinations under that EPA September 15, 1997 Final Rule on air quality conformity?	—	<u>N/A</u>
5. Would this proposed project result in a "jeopardy" opinion (under 50 CFR 402) from the U.S. Fish & Wildlife Service regarding any Threatened or Endangered (T/E) Species?	<input type="checkbox"/>	<u>X</u>