



June 30, 2011

Alan Woodmansey  
Operations Engineer  
Federal Highway Administration  
585 Shepard Way  
Helena, MT 59601-9785

Subject: Statewide Pavement Preservation Project  
STPS 421-1(7)0  
Columbus – East  
Control Number: 7445 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provision will be included in this project:

- PROTECTION OF AQUATIC RESOURCES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provision listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

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

e-copy (w/ all attach):

- |                       |  |
|-----------------------|--|
| Stefan Streater, P.E. | Billings District Administrator                        |
| Paul R. Ferry, P.E.   | Highway Engineer                                       |
| Tom S. Martin, P.E.   | Chief, Environmental Services Bureau                   |
| Heidi Bruner, P.E.    | Environmental Services Bureau Engr. Section Supervisor |
| Kevin Christensen, PE | Construction Engineer                                  |
| Suzy Price            | Contract Plans Bureau Chief                            |
| Dawn Stratton         | Fiscal Programming Section                             |
| Alyce Fisher          | Fiscal Programming Section                             |
| Bill Semmens          | Billings District Biologist                            |
| Tom Gocksch, PE       | Environmental Services                                 |

Hard copy (w/ checklist):

- Montana Legislative Branch Environmental Quality Council (EQC)
- Environmental Services File

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## PROTECTION OF AQUATIC RESOURCES

Aquatic resources include, but are not limited to, wetlands, springs, streams (perennial, ephemeral, and intermittent drainages), rivers, lakes, ponds, reservoirs, irrigation systems, and associated riparian areas.

Impacts to aquatic resources are not anticipated in association with this project. MDT has NOT acquired any water quality permits or authorizations, including a Clean Water Act Section 404 permit (COE), a Stream Protection Act 124 (MFWP), or a 318 Authorization (DEQ). Therefore, impacts to any and all aquatic resources located adjacent to the project are not permitted. Avoid all equipment traffic, fill material, staging activities and other disturbances to aquatic resources.

In areas adjacent to any water body; including streams, irrigation ditches, wetland areas or in areas immediately adjacent to the highway susceptible to sediment transport conduct operations in a manner to avoid placement of materials in these areas.

Any impacts to these areas and associated consequences, without the proper permitting, are the responsibility of the Contractor. The Contractor must secure the appropriate permits or authorizations prior to working in these areas. If complete avoidance of these areas is not possible, contact the Project Manager immediately and coordinate the permitting effort with the District Biologist at 444-7227 or the District Environmental Engineering Specialist at 657-0273.

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**(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)**

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

**ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS**

(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

**Project Number:** STPS 421-1(7) **Control No.:** 7445000 **Project Name:** Columbus – East

**Reference Post (Station):** 0.00 **To Reference Post (Station):** 5.89

**Applicant's Name:** Montana Department of Transportation **Address:** PO Box 201001; Helena, MT 59620-1001

**Type of Proposed Pavement Preservation Activity:** 0.1' Mill, 0.2' Overlay, Seal and Cover

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)			
Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
	Yes	No	Comment (Use attachments if necessary)
1. Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See <a href="http://www.rivers.gov/wildriverslist.html">http://www.rivers.gov/wildriverslist.html</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a. Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Unknown <i>Per BRR 6/17/11</i>
2b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Unknown
3. Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
3b. Is the proposed project within an MS4 Permit Area? (See <a href="http://deg.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp.x">http://deg.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp.x</a> ). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <i>MS</i>
4. Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
4b. If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
5. Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See <a href="http://nris.mt.gov/deg/remsitequery/portal.aspx">http://nris.mt.gov/deg/remsitequery/portal.aspx</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See <a href="http://deg.mt.gov/AirQuality/Planning/AirNonattainment.mcp.x">http://deg.mt.gov/AirQuality/Planning/AirNonattainment.mcp.x</a> ) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck 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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

C. Nemfakos  
Applicant

Project Design Engineer  
Title

6/16/2011  
Date

Approved by:

*[Signature]*  
Environmental Services

*[Signature]*  
Project Design Engineer  
Title

*[Signature]*  
Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.