



November 7, 2011

Alan Woodmansey, P.E.  
Great Falls and Billings Districts Operations Engineer  
Federal Highway Administration  
585 Shepard Way  
Helena, MT 59601-9785



Subject: Programmatic Categorical Exclusion Concurrence Request  
SFCX STWD(082)  
Marias River Erosion  
Control Number: 7561000

Dear Alan Woodmansey:

The Programmatic Categorical Exclusion for the subject project was approved by your agency on September 20, 2011. At that time, right-of-way involvement was not necessary. As the design phase of the subject project has progressed, some new information has become available. The proposed design requires new riprap to be placed outside of the existing right-of-way. To allow for future maintenance activities of the riprap, new right-of-way is necessary for the proposed project.

Also, the project number and name have been edited since your September 20, 2011, approval date.

The Montana Department of Transportation has reviewed this new information in regard to NEPA/MEPA applicability and concludes that a Programmatic Categorical Exclusion is still the appropriate level of environmental documentation for the proposed subject project.

The new Programmatic Categorical Exclusion has been developed to reflect that right-of-way will be necessary and has been developed to reflect the revised project number and name.

Enclosed are two copies of the Programmatic Categorical Exclusion for the proposed subject project for your concurrence. This Programmatic Categorical Exclusion is intended to replace the original Programmatic Categorical Exclusion signed by your agency on September 20, 2011. Please sign and return one copy to me at the address shown in the letterhead and retain the other copy for your records.

If you have any questions or concerns, please contact me at 444-7648. I will be pleased to assist you.

Sincerely,

Eric Thunstrom  
Environmental Services Bureau Project Development Engineer

Enclosure

Alan Woodmansey, P.E.  
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SFCX STWD(082)  
Marias River Erosion  
CN: 7561000

copies:

Tom Martin, P.E.

Environmental Services Bureau Chief

Heidy Bruner, P.E.

Environmental Services Bureau Engineering Section Supervisor

Eric Thunstrom

Environmental Services Bureau Project Development Engineer

File

Environmental Services Bureau

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November 7, 2011

Kevin McLaury  
Division Administrator  
Federal Highway Administration  
585 Shepard Way  
Helena MT 59601



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NOV 08 2011  
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**Subject: Programmatic Categorical Exclusion (PCE) Concurrence Request  
SFCX STWD(082)  
Marias River Erosion  
Control Number: 7561000**

Dear Kevin McLaury:

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 MDT and FHWA on April 12, 2001. This proposed action also qualifies as a Categorical Exclusion under ARM 18.2.261 (MCA 75-1-103 and MCA 75-1-201).

The following form provides documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion. A project description, photographs, and the Preliminary Hydraulic Plans are 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).**

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>UNK</u>
1. This proposed project would have (a) significant environmental impact(s) as defined under 23 CFR 771.117(a).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. This proposed project involves (an) unusual circumstance(s) as described under 23 CFR 771.117(b).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. This proposed project involves one (or more) of the following situations where				
A. Right-of-way, easements and/or construction permits would be required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. The context or degree of the right-of-way action would have (a) substantial social, economic, or environmental effect(s).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. A high rate of residential growth exists in the area of the proposed project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. A high rate of commercial growth exists in the area of the proposed project.	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>UNK</u>
5. Parks, recreational, or other properties acquired/improved under Section 6(f) of the 1965 National Land & Water Conservation Fund Act (16 USC 460L, <i>et seq.</i> ) are on or adjacent to the proposed project area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The use of such Section 6(f) sites would be documented and compensated with the appropriate agencies (MDFWP, local entities, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Sites either on, or eligible for the National Register of Historic Places with concurrence in determination of eligibility or effect under Section 106 of the National Historic Preservation Act (16 USC 470, <i>et seq.</i> ) by the State Historic Preservation Office (SHPO) would be affected by this proposed project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Parks, recreation sites, school grounds, wildlife refuges, historic sites, historic bridges, or irrigation that might be considered under Section 4(f) of the 1966 US Department Of Transportation Act (49 USC 303) are 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. A de minimis finding has been secured for this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Nationwide Programmatic Section 4(f) Evaluation forms for those sites are attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. This proposed project requires a full Section 4(f) 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 water body (ies) considered as "waters of the United States" or similar (e.g., "state waters").	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. Conditions set forth in Section 10 of the Rivers and Harbors Act (33 USC 403) and/or Section 404 of the Clean Water Act (33 USC 1251-1376) codified at 33 CFR 320-330 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 (EO) #11990, and 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. A 124SPA would be obtained from the MDFWP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. A delineated floodplain exists in the proposed project area under FEMA's Floodplain Management criteria.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The water surface at the 100-year flood limit elevation would exceed floodplain management criteria due to an encroachment by the proposed project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. A Tribal Water Permit would be required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Work would be required in, across, and/or adjacent to a river that 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>UNK</u>
The designated National Wild and/or Scenic River systems in Montana are:				
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"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. If yes, are there potential noise impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. A Noise Analysis would be completed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. There would be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Substantial changes in access control would be associated with the proposed project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, would they result in extensive economic and/or social impacts on the affected locations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Adverse effects to through-traffic dependant businesses would be avoided or minimized.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Interference to local events would be minimized to all possible extent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Substantial controversy associated with this pending action would be avoided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>UNK</u>
All reasonable measures would be taken to avoid and/or minimize substantial impacts from same.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 County Noxious Weed Control Act (7-22-2152, MCA), including directions as specified by the county(ies) wherein its intended work would be done would be conducted.	<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. If the proposed work would affect Important Farmlands, then an AD 1006 Farmland Conversion Impact Rating form would be completed in accordance with the Farmland Protection Policy Act (7 USC 4201, <i>et seq.</i> ).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K. Features for the Americans with Disabilities Act (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 Clean Air Act's Section 176(c) (42 USC 7521(a), as amended) under the provisions of 40 CFR 81.327 as it is either in a Montana air quality:				
A. "Unclassifiable"/attainment area. This proposed project is not 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"/>
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 Air Quality Division, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Is this proposed project in a "Class I Air Shed" under 40 CFR 52.1382(c)(3)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Federally listed Threatened or Endangered (T/E) Species:				
A. Recorded occurrences, and/or critical habitat are in the vicinity of the proposed project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Would this proposed project result in a "jeopardy" opinion (under 50 CFR 402) from the Fish and Wildlife Service on any Federally listed T/E Species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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). The project also complies with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC 2000d) under FHWA regulations (23 CFR 200).

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

Eric Thunstrom Date: 11/7/2011  
Eric Thunstrom  
Environmental Services Bureau  
Great Falls District Project Development Engineer

Heidy Bruner Date: 11/7/11  
Heidy Bruner, P.E.  
Environmental Services Bureau  
Engineering Section Supervisor

Brian Hasselblad Date: 11/8/11  
Concur  
Federal Highway Administration

Attachment

electronic copies without attachment:

Tom Martin, P.E.	Environmental Services Bureau Chief
Heidy Bruner, P.E.	Environmental Services Bureau Engineering Section Supervisor
Michael P. Johnson	Great Falls District Administrator
Kent Barnes, P.E.	Bridge Engineer
Paul Ferry, P.E.	Highways Engineer
Mark Goodman, P.E.	Hydraulics Engineer
Rob Stapley	Right-of-Way Bureau Chief
Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Brad Burns	Budget and Planning Bureau
Nicole Pallister	Helena Purchasing
Steve Prinzing, P.E.	Great Falls District Engineering Services Supervisor
Suzy Price	Contract Plans Bureau Chief
Stacy Hill, P.E.	Great Falls District Environmental Engineering Specialist
Montana Legislative Branch Environmental Quality Council (EQC)	

copies with attachment:

File Environmental Services Bureau

**MDT attempts to provide accommodation for any known disability that may interfere with a person participating in any service, program or activity of the Department. 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.**

## **PROJECT DESCRIPTION**

### **SFCX STWD(082), Marias River Erosion, CN: 7561000**

The proposed Marias River Streambank Riprap Repair project on Interstate 15 at approximate milepost 356 is intended to be let to contract through maintenance fall 2011. The project is located in Section 20, Township 31 North, Range 2 West, in Toole County. Flooding and scour has created the loss of existing riprap bank protection that was placed with an interstate project called Pondera Co. Line-Canadian Line, I-15 8(28)343. The project was let in February 1975 and completed in July 1977. The project included armoring the easterly bank of the Marias River for approximately 2000 feet south of the new Marias River interstate bridge adjacent to I-15 from approximately milepost (MP) 356.5 to MP 357. The proposed project involves placing a riprap key section along approximately 225 feet of the east bank of the Marias River at approximately MP 356. This project also involves placing approximately 175 feet of additional riprap next to the remaining undisturbed riprap to provide sufficient rock volume to maintain the intent of the original design. Willow plantings will be incorporated into the riprap. Areas above the riprap will receive topsoil and will be reseeded. There will be right-of-way involvement to construct the riprap and to allow access to the riprap for future maintenance activities. Access will be required from the interstate since there is no viable alternate access. The proposed project will require work in the Marias River and will require a Clean Water Act Section 404 Permit from the US Army Corps of Engineers and will also require a Stream Protection Act 124 Notification from the Montana Department of Fish, Wildlife and Parks. There will be no wetland impacts as a result of this project. Environmental-related special provisions will be included in the contract package.