MDT

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Timothy W. Reardon, Director
Brian Schweitzer, Governor

December 20, 2011

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

Subject: Statewide Pavement Preservation Project
IM 90-9(113)503
Dunmore-East
Control Number: 7588 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 provisions will be included in this project:

- PROTECTION OF AQUATIC RESOURCES
- ENVIRONMENTAL CONSERVATION & COORDINATION MEASURES

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

Sincerely,

Heidy Bruner

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

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidy 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
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):

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

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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)

UPN: 75880000 ID: IM 90-9(113)503 Project Name: Dunmore-East

Reference Post (Station) 502.92 to Reference Post (Station) 508.70

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

Type of Proposed Pavement Preservation Activity: Mill/Fill

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 http://www.rivers.gov/wildriverslist.html)	☐	☒	
2a.	Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	☐	☒	☐ Unknown
2b.	Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	☐	☒	☐ 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.	☐	☒	
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.)	☐	☐	☒ N/A
3b.	Is the proposed project within an MS4 Permit Area? (See http://deq.mt.gov/wqinfo/MPDES/StormWater/ms4.mcpx). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	☐	☒	
4.	Does the proposed project have impacts to wetlands , streams, or other water bodies? If 'No', go to question 5.	☐	☒	
4a.	If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	☐	☐	☒ N/A
4b.	If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	☐	☐	☒ 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 http://nris.mt.gov/deq/remsitequery/portal.aspx.)	☐	☒	
6.	Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	☒	☐	
6a.	Are any Tribal water permits required?	☐	☒	☐ N/A
7.	Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deq.mt.gov/AirQuality/Planning/AirNonattainment.mcpx.) (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)	☐	☒	

Checklist prepared by:

Rod Nelson	Project Design Engineer	12/12/2011
Applicant	Title	Date

Approved by: Heidi Bruner — SECTION SUPERVISOR — 12/21/11

Environmental Services	Title	Click here to enter a date.
		Date

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

Environmental Services Bureau Form Revised: February 2011

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.

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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1. ENVIRONMENTAL CONSERVATION & COORDINATION MEASURES

Description. This provision specifies requirements to avoid impacts to black-tailed prairie dogs, which are designated as a Montana species of concern.

General. There is an active black-tailed prairie dog colonies located along the project corridor.

A. Construction Requirements to protect black-tailed prairie dogs. Do not conduct any construction, staging or borrow site activities within the following location:

Outside of the existing Right-Of-Way in:

Section 23 of T2S, R34E

Basis of Payment. Consider all costs associated with this provision incidental to performance of the work. Include the cost in the cost of other items.