



February 10, 2012

CTEP Supervisor, CTEP Section
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

Subject: **Categorical Exclusion Group (c) Action Letter**

Reference: Federal-aid Project Number: SRTS 12099(1)
Federal-aid Project Name: SIDEWALKS - WHITEFISH
MDT Uniform Project Number: CN 7483

This is a request for the Montana Department of Transportation concurrence that the proposed project study will not involve unusual circumstances as described in 23 CFR 771.117(b). It therefore qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), part 3. The proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (MCA Sections 75-1-103 and 75-1-201).

In accordance with FHWA's letter (3/29/99) to MDT's Environmental Services, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c).

Signature of Environmental Certifying Official or Chief Elected Official

Charles C. Stearns, City Manager

Type Name and Title

Concur: *Heidy Bruner*

5/30/12

~~CTEP Engineer~~

Date

*Environmental Engineering Section
Supervisor*

cc: Ed Toavs, MDT, District Administrator – Missoula District
Tim J. Conway, MDT, Consultant Design Engineer
Tom Martin, MDT, Bureau Chief – Environmental Services Bureau
David W. Jensen, Supervisor, MDT, Fiscal Planning Administrator
Michael J. Wherley, MDT, CTEP Section Supervisor
~~Todd Everts, Environmental Council - EQC~~
FHWA – Helena – Gene Kaufman
Ryan Mitchell, Robert Peccia & Associates, Inc. - Kalispell Office
Karin Hilding - City of Whitefish Project Engineer

Heidy Bruner - Environmental Engineering Section. Supervisor
Susan Kilcrease - Environmental Engineering Section - Missoula District

Nicole Pallister
Maureen Theisen

ENVIRONMENTAL CHECKLIST

Project Name and Project Number: SIDEWALKS - WHITEFISH

UPN: CONTROL No. 7483

Area of Statutory-Regulatory Compliance (Provide precise citations for applicable statutes and regulations at the end of this Checklist.)		N/A	Review Required*	Permits Required*	Conditions and/or Mitigation Actions Required*	Note and Attach Documentation
1.	Historic Properties (SHPO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Floodplain Management (County)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Wetlands Protection (COE)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Noise (DEQ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Air Quality (DEQ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Manmade Hazards					
	Abandoned Underground Storage Tanks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Leaking Underground Storage Tanks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Possible Hazardous Waste Sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Airport Clear Zones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	Water Quality (DEQ or EPA for reservation projects)					
	Surface Water/Water Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Groundwater & Aquifers ¹	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Farmlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.	Threatened or Endangered Species, Fish & Wildlife (USF&WS)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Area of Statutory-Regulatory Compliance (Provide precise citations for applicable statutes and regulations at the end of this Checklist.)		N/A	Review Required*	Permits Required*	Conditions and/or Mitigation Actions Required*	Note and Attach Documentation
11.	Biological Resources - Habitat containing sensitive species; either nesting, foraging, or inhabiting (MDFW&P/MSL)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12.	Is there substantial, local, regional or other controversy on environmental grounds?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13.	Section 4(f) – Would project change use of park, recreation area, wildlife refuge, or waterfowl refuge (23 CFR 771.135)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14.	Section 6(f) – Would project change use of protected properties acquired or developed with Land and Water Conservation Funds administered by the Department of Fish, Wildlife and Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15.	List other agencies contacted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
*Attach evidence that required actions have been taken.						
¹ Including the Missoula Sole Source Aquifer; contact the CTEP Section for further information regarding Missoula area projects.						

Certification

I certify that the findings on the proceeding Environmental Checklist accurately reflect the status of compliance with applicable laws and regulations for the proposed transportation project.



Signature

Chuck Stearns, City of Whitefish, City Manager

Type Name and Title of Environmental Certifying Official

2/13/12

Date

SIDEWALKS – WHITEFISH

CONTROL No. 7483

Notes and Documentation for Environmental Checklist

Area of Statutory-Regulatory Compliance

1. Historic Properties

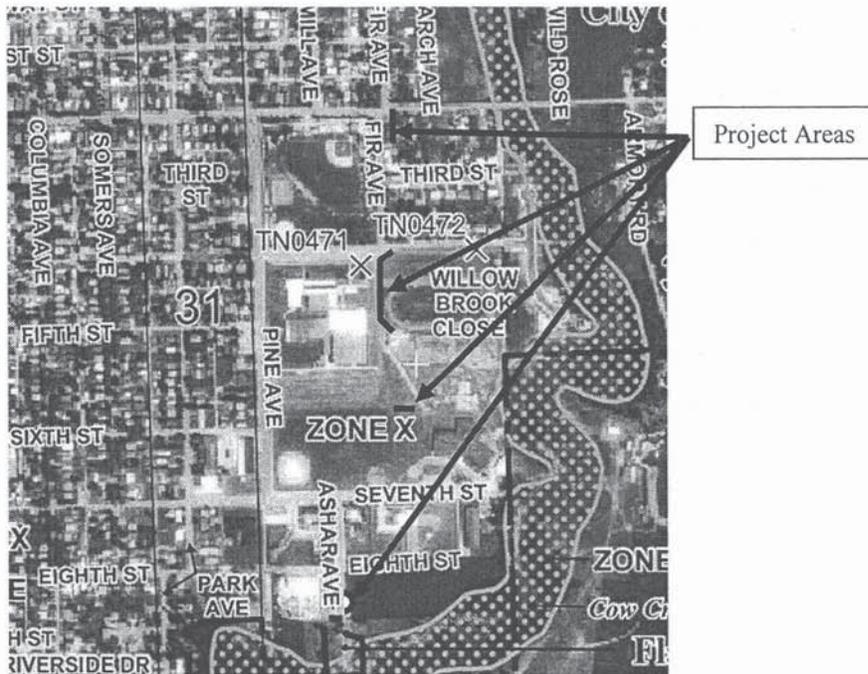
Two historic properties – The First Presbyterian Church of Whitefish (24FH0991) and the Great Northern Railway Passenger and Freight Depot and Division Office (24FH0353) – are listed on the National Register of Historic Places in Whitefish. These historic properties are not located in the vicinity of the proposed project and would not be affected by the development of the proposed sidewalk reconstruction.

There is a low likelihood of encountering unknown cultural resources along the route of the sidewalk because work would occur entirely within existing rights-of-way and previously developed areas.

Source: The Montana Historical Society online listing of National Register of Historic Places for Flathead County; accessed at <http://mhs.mt.gov/shpo/register/NRmap/NRmap.asp> on January 24, 2012.

2. Floodplain Management

The project area is located east of the Whitefish River, a tributary to the Flathead River and west of Cow Creek a tributary of the Whitefish River. The project area falls within an area covered by Flood Insurance Rate Map (FIRM) panel 30029C1090G. In reviewing the digital FIRM map for Cow Creek, which is shown below, location of the proposed project falls entirely outside of the floodplain.



3. Wetlands Protection

According to the National Wetlands Inventory (NWI) accessed on January 24, 2012 (<http://www.fws.gov/wetlands/Data/Mapper.html>) there are no wetlands located in the project area.

4. Noise

The proposed project involves the reconstruction of a sidewalk within the City of Whitefish. Since the project will not affect the alignment or increase the number of through lanes on any roadways within the community, there are no noise impacts associated with this project.

5. Air Quality

The proposed project is located within the Whitefish PM-10 Nonattainment Area identified in the Federal Register (58 FR 53887) on October 19, 1993. PM-10 is particulate matter less than 10 microns in diameter. The primary sources of PM-10 related to street and highway use are dust re-entrained (re-suspended) in the air by vehicles traveling over road surfaces, particles from pavement wear, vehicle tailpipe emissions, and particles from brake and tire wear. Studies conducted by the MDEQ showed that re-entrained road dust was the predominant PM-10 emission source during the year at monitoring sites in Whitefish. During the winter season, residential wood burning is also a significant source of PM-10 emissions.

The Clean Air Act requires that local communities not meeting ambient air standards adopt an implementation plan (SIP), of remedial measures. As part of the required SIP, the Whitefish Air Pollution Control District was established. The rules adopted within this area focus on reduction of road dust. Requirements include paving of new streets and large parking lots, limitations on sanding of streets and large parking lots, limitations on sanding of streets and large parking lots,

prioritized street sweeping and dust control for major construction and land clearing projects. These measures have been effective in helping reduce particulate emissions.

The proposed project would not create new violations of the Federal air quality standards, increase the frequency or severity of existing violations of the standards, or delay attainment of the standards in the Whitefish PM-10 Nonattainment Area.

The Sidewalks – Whitefish project may help to reduce particulate emissions in the community as walking trips may replace a portion of vehicle trips in the area.

6. Manmade Hazards

In January 2012, RPA searched on-line data bases of federal, state, and local agencies for information on regulated facilities within a reasonable distance of the proposed project. The following table summarizes the results of the environmental records review for the project area.

Environmental Record	Search Distance	Regulated Facilities
NPL (Superfund Sites) Source: NRIS Interactive mapping for project area	1.0 mile	Burlington Northern Fueling Facility Whitefish
CERCLIS Database Source: NRIS Interactive mapping for project area	0.5 miles	NONE
CECRA (State Superfund Sites) Source: http://deq.mt.gov/StateSuperfund/Cecra.mcp	1.0 mile	Burlington Northern Fueling Facility Whitefish
RCRA Treatment, Storage, Disposal Facilities Source: http://www.epa.gov/enviro/html/rcris/rcris_query_java.html	0.5 mile	NONE
RCRA Hazardous Waste Generator Source: http://www.epa.gov/enviro/html/rcris/rcris_query_java.html	Project Area and adjoining properties	NONE
Solid Waste Facilities Source: NRIS Interactive mapping for project area	0.5 miles	NONE
Registered Underground Storage Tanks (UST) Source: NRIS Interactive mapping for project area	0.1 miles	NONE
Leaking Underground Storage Tanks (LUST) Source: NRIS Interactive mapping for project area	0.1 miles	NONE
Petroleum Tank Release Compensation Sites Source: NRIS Interactive mapping for project area	0.2 miles	NONE
Abandoned and Active Mines Source: NRIS Interactive mapping for project area	Project Area and adjoining properties	NONE
Priority List of Abandoned Mines Source: NRIS Interactive mapping for project area	Project Area and adjoining properties	NONE
Crude Oil Pipelines Source: NRIS Interactive mapping for project area	Project Area and adjoining properties	NONE

Based on the file search, it has been determined that there is a Superfund site within 1.0 miles of the project. The Superfund site is known as Burlington Northern Fueling Facility Whitefish. The proposed project will only involve the removal of existing sidewalks and 6" of base material, as well as the replacement of said materials. All work associated with the project will lie outside of the designated Superfund site boundary. Therefore, the removal and replacement of sidewalks on this project does not appear to pose any hazardous waste/substance concerns.

The project are does not lie within any airport clear zones.

7. Water Quality

Cow Creek is the only surface waters located near the proposed sidewalk reconstruction in Whitefish. At its nearest point, Cow Creek is over 900 feet east of the proposed segments of sidewalk reconstruction. The proposed reconstruction would not require work adjacent to or within Cow Creek.

Because the area of soil disturbances for this project will be less than 1.0 acre, a Montana Pollutant Discharge Elimination System (MPDES) storm water permit administered by the MDEQ will not be required. The City of Whitefish does require an erosion and sediment control plan (ESCP) for all construction related activities that disturbs, stores, disposes of or uses as fill a volume of material that exceeds five (5) cubic yards. The Contractor will be required to prepare an ESCP for the construction of this project.

8. Farmlands

The *Farmland Protection Policy Act* (FPPA) is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of "farmland" to nonagricultural uses. For the purposes of the FPPA, "farmland" includes those soils classified by the NRCS as being prime farmland, unique farmland, and farmland of statewide or local importance. Farmland subject to the FPPA does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

A review of the NRCS soils database using the agency's Web Soil Survey maps shows one soil, Half Moon silt loam, in the project area that is considered to be "prime farmland".

The existing sidewalk is constructed on this soil type. However, this project is located within the City of Whitefish on lands already developed or committed to residential uses. None of the lands affected by this proposed project are used for agricultural purposes. Prime Farmland which is already in or committed to urban development is by definition not subject to the FPPA. For this reason, a Farmland Conversion Impact Rating form (form AD-1006) is unnecessary for this project.

9. Environmental Justice

Executive Order 12898 (*Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*) has been observed for this proposed project. This proposed project would not have any significant impact on the location, distribution, density or growth rate of the population of the City of Whitefish or Flathead County. This proposed project would not cause disproportionately high adverse human health or environmental effects on any minority and low-income populations.

10. Threatened or Endangered Species

RPA reviewed a current list of endangered, threatened, proposed, and candidate species that occur in Flathead County. The U.S. Fish and Wildlife Service (USFWS) online summary for January 2012 of listed species shows the following Threatened/Endangered species occur in Flathead County:

- Bull Trout (*Salvelinus confluentus*) – Listed Threatened
- Canada lynx (*Lynx Canadensis*) – Listed Threatened, Critical Habitat
- Grizzly Bear (*Ursus arctos horribilis*) – Listed Threatened
- Spalding's Campion (*Silene spaldingii*) – Listed Threatened

Bull Trout. The project area falls within the Flathead Recovery Subunit of the Clark Fork Bull Trout Recovery Unit which includes Flathead Lake and its tributary system (North and Middle Fork Flathead, Stillwater, and Whitefish Rivers), Swan Lake and its tributaries, and the South Fork Flathead River watershed upstream of Hungry Horse Dam. In the Whitefish area, bull trout occur in the Whitefish River. However, because the limited work for the proposed sidewalk reconstruction would not occur in surface waters occupied by the species, there would be no impact to bull trout.

Canada Lynx and Grizzly Bear. Canada lynx and grizzly bear are threatened wildlife species that occur throughout much of northwestern Montana. However, due to the location of this project within an urbanized area and the general lack of suitable habitat for these species, it is unlikely that Canada lynx or grizzly bears would occur in the project area. For these reasons, the proposed sidewalk construction project would have no effect to these species.

Spalding's Campion. Spalding's Campion (also known as Spalding's Catchfly) is a threatened plant that is native to portions of Idaho, the intermountain valleys of northwestern Montana, Oregon, Washington, and British Columbia. The distribution and habitat of the plant is primarily restricted to moist slopes, flats or depressions in grassland, sagebrush-steppe, or open pine forest vegetation dominated by native perennial grasses. In Montana, Spalding's campion has only been found near Eureka on the Tobacco Plains, in the Niarada and Flathead Lake area, and on the Lost Trail National Wildlife Refuge. The Montana Field Guide does not list any occurrence of the Spalding's Campion near the project area.

Given the lack of suitable habitat and known occurrences of the species, the Spalding's Campion would not be affected by the reconstruction of sidewalks in the City of Whitefish.

Candidate Species. The USFWS online summary for Flathead County also showed three candidate species—Meltwater Lednian Stonefly (*Lednia tumana*), Wolverine (*Gulo gulo luscus*), and Whitebark Pine (*Pinus albicaulis*). Candidate species are plants and animals for which the Service has sufficient information on their biological status and threats to propose them for listing as endangered or threatened under the ESA, but for which development of a proposed listing regulation is precluded by higher priority listing actions to address species in greater need. A review of species information shows the project area lacks habitat suitable for these species. For this reason, the proposed sidewalk construction project would have no effect to these candidate species or their habitats.

11. Biological Resources

Wildlife Species of Special Concern. Animal species of concern are native Montana animals that are considered to be “at risk” due to declining population trends, threats to their habitats, and/or restricted distribution. Designation of a species as a Montana Animal Species of Concern is not a statutory or regulatory classification.

In an effort to identify wildlife species of concern that could occur in the project area, online information from the Montana Natural Heritage Program (MNHP) about the occurrence of animal species of concern was obtained by Township and Range for the Whitefish area (Township-31-North, Range-21-West). This query of approximately 36 square miles showed occurrences of 7 species of concern in the general Whitefish area including: 3 species of mammals, 2 species of birds and 2 fish species. The Whitefish area (and specifically the project area) would not be expected to provide habitat for many of these species.

Bald eagles are a species that would be expected to occasionally occur in the project area since it is relatively close to the Whitefish and its tributaries. Bald eagles were originally listed as a threatened species in 1973; however, the species was officially delisted on June 28, 2007 and is no longer considered as a threatened species under the *Endangered Species Act*. Bald eagles remain protected under both the federal *Bald and Golden Eagle Protection Act* and the *Migratory Bird Treaty Act*.

Sensitive fish species like westslope cutthroat trout and bull trout are known to occur in the Whitefish River. Since work for the proposed sidewalk reconstruction would not occur in surface waters, the reconstruction of the sidewalks in Whitefish would not affect these fish species or their habitats.

The MNHP information also indicates that the project area falls within the general range of other species like fishers, Canada lynx, and wolverine. As discussed above, these species are unlikely to occur in the project area due to its urban nature and the lack of habitats preferred by these species.

Plant Species of Special Concern. Online information from the MNHP for the township and range that includes Whitefish identified occurrences of six rare or sensitive plants: Maidenhair Spleenwort, Crested Shieldfern, Deer Indian Paintbrush, Short-Styled Thistle, Latah Tule Pea, and Aloina moss. Due to the urban nature, these species are unlikely to occur in the project area.

Other Wildlife Resources. Typical wildlife species in the project area include: whitetail deer, mule deer, a variety of small mammals including rabbits, raccoons, skunks and squirrels, and numerous nesting and migrant bird species. Wildlife in the surrounding area also include grizzly bear, black bear, elk, moose and mountain lions.

Aquatic Resources. The MFWP has assigned the main stem of the Flathead River a fishery resource value of “outstanding”. According to the Montana Fisheries Information System (MFISH) database, the Whitefish River contains a variety of fish species including: brook trout, bull trout, largescale sucker, longnose sucker, mountain whitefish, whitefish, northern pike, northern pike minnow, peamouth, rainbow trout, slimy sculpin, redbelly darter, and westslope cutthroat trout. Since work for the proposed sidewalk reconstruction would not occur adjacent to

or in surface waters, this project would be unlikely to affect any of these fish species or their habitats.

Vegetation. The sidewalk reconstruction would be located in an area that is dominated by residential landscape. All areas disturbed by the construction activities near existing homes will be topsoiled and sodded.

Weeds. Executive Order No. 13112 addresses the responsibilities of federal agencies with respect to invasive species. The INVADERS database (<http://invader.dbs.umt.edu/queryarea.asp>) shows that 45 species of noxious weeds are known to occur in Flathead County. A detailed review of the project area for noxious weeds and undesirable plants has not been conducted.

The proposed project's contractor must also follow any applicable noxious weed control contract provisions. Prompt revegetation and seeding as proposed with this project will help prevent the establishment and spread of noxious weeds.

12. Is there substantial, local, regional or other controversy on environmental grounds?

To date, this project has not been the subject of any controversy on environmental grounds.

13. Section 4(f) – Would project change use of park, recreation area, wildlife refuge, or waterfowl refuge (23 CFR 771.135)?

The proposed sidewalk reconstruction does not occur in the vicinity of any wildlife and waterfowl refuges. The project only involves the reconstruction of existing sidewalks within the City of Whitefish. No additional impacts are expected as a result of this project.

14. Section 6(f) – Would project change use of protected properties acquired or developed with Land and Water Conservation Funds administered by the Department of Fish, Wildlife and Parks?

No changes in the use of protected properties are expected as a result of the proposed project. The project only involves the reconstruction of existing sidewalks within the City of Whitefish. Land use will remain unaltered upon the completion of this project.

15. List other agencies contacted.

Montana Natural Heritage Program – On January 24, 2012 the Montana Natural Heritage Program online information database was accessed to identify wildlife and plant species of special concern in the Whitefish area.

U.S. Fish and Wildlife Service – The U.S. Fish and Wildlife Service (USFWS) online summary of listed threatened and endangered species was accessed on January 24, 2012.

Montana Department of Fish, Wildlife & Parks – On January 24, 2012 the MDFWP's online listing of LWCF project sites by County was accessed to identify projects within Whitefish.

Additionally, the agency's Montana Fisheries Information System (MFISH) database was accessed to identify fish species found in the Flathead River near Whitefish.

Environmental Review Completed By: Ian Wargo
Engineering Designer
Robert Peccia & Associates, Inc.

Environmental Review Completed On: February 10, 2012

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