



March 8, 2012

Kevin L. McLaury
Division Administrator
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785



Attention: Jeff Patten

Subject: Categorical Exclusion
GREELEY CREEK I-90
IM 90-7(99)349
Control Number: 7749

This is to request approval of this proposed project as a Categorical Exclusion (CE) under the provisions of 23 CFR 771.117(d), and the Programmatic Agreement as signed by the Montana Department of Transportation (MDT) and the FHWA on April 12, 2001. A Copy of the Project Spilt Report dated January 25, 2012 is attached. This document is for both segments. This proposed action also qualifies as a CE under ARM 18.2.261 (Sections 75-1-103 and 75-1-201, MCA).

The following form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion Approval (PCE) as initially agreed by the (former) MONTANA DEPARTMENT OF HIGHWAYS (MDOH) and the FHWA on December 6, 1989. (Note: An "X" in the "N/A" column is "Not Applicable" to, while one in the "UNK" column is "Unknown" at the present time for this proposed project.)

NOTE: A response in a shaded 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 <u>23 CFR 771.117(a)</u> .	<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 <u>23 CFR 771.117(b)</u> .	<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"/>

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
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. There is a high rate of residential growth in this proposed project's area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. There is a high rate of commercial growth in this proposed project's area.	<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"/>
5. There are parks, recreational, or other properties acquired/improved under <i>Section 6(f)</i> of the <i>1965 National Land & Water Conservation Fund Act</i> (16 USC 460L, <i>et seq.</i>) on or adjacent to proposed the project area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The use of such <i>Section 6(f)</i> sites would be documented and compensated with the appropriate agencies. (<i>e.g.</i> : MDFWP, local entities, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Are there any sites either on, or eligible for the National Register of Historic Places with concurrence in determination of eligibility or effect under <i>Section 106</i> of the <i>National Historic Preservation Act</i> (16 USC 470, <i>et seq.</i>) by the State Historic Preservation Office (SHPO), which would be affected by this proposed project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. There are parks, recreation sites, school grounds, wildlife refuges, historic sites, historic bridges, or irrigation that might be considered under <i>Section 4(f)</i> of the 1966 <i>US DEPARTMENT OF TRANSPORTATION Act</i> (49 USC 303) 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. De minimis finding(s) is/are necessary for this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. "Nationwide" Programmatic <i>Section 4(f)</i> Evaluation forms for these sites are attached.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. This proposed project requires a full (<i>i.e.</i> : DRAFT & FINAL) <i>Section 4(f)</i> Evaluation.	<input checked="" 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 waterbody(ies) considered as "waters of the United States" or similar (<i>e.g.</i> : "state waters").	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
1. Conditions set forth in <i>Section 10</i> of the <i>Rivers and Harbors Act</i> (33 USC 403) and/or <i>Section 404</i> under <u>33 CFR Parts 320-330</u> of the <i>Clean Water Act</i> (33 USC 1251-1376) 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 (E.O.) #11990, and their 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. A 124SPA Stream Protection Authorization would be obtained from the MDFWP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. There is a delineated floodplain 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. 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 which 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"/>
The designated National Wild & 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 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 type="checkbox"/>	<input type="checkbox"/>
c. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In accordance with <i>Section 7</i> of the <i>Wild and Scenic Rivers Act</i> (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"/>

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
C. This is a "Type I" action as defined under <u>23 CFR 772.5(h)</u> , 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 <u>23 CFR 772</u> for FHWA's Noise Impact analyses and MDT's Noise Policy.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. There would be substantial changes in access control involved with this 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Adverse effects to through-traffic dependant businesses would be avoided or minimized.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Interference to local events(e.g.: festivals) would be minimized to all possible extent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Substantial controversy associated with this pending action would be avoided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 <i>CERCLA</i> or <i>CECRA</i>) 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"/>
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 Montana Pollutant Discharge Elimination System's conditions (<u>ARM 16.20.1314</u>), 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"/>

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
I. Documentation of an “invasive species” review to comply with both EO #13112 and the <i>County Noxious Weed Control Act</i> (7-22-21, MCA), including directions as specified by the county(ies) wherein its intended work would be done.	<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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the proposed work would affect Important Farmlands, then an AD-1006 Farmland Conversion Impact Rating form would be completed in accordance with the <i>Farmland Protection Policy Act</i> (7 USC 4201, <i>et seq.</i>).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
K. Features for the <i>Americans with Disabilities Act</i> (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 <i>Clean Air Act’s Section 176(c)</i> (42 USC 7521(a), as amended) under the provisions of <u>40 CFR 81.327</u> as it’s either in a Montana air quality:				
A. “Unclassifiable”/attainment area. This proposed project is <u>not</u> 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"/>
and/or				
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’s 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” (Indian Reservations) under <u>40 CFR 52.1382(c)(3)</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Federally listed Threatened or Endangered (T/E) Species:				
A. There are recorded occurrences, and/or critical habitat in this proposed project’s vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Would this proposed project result in a “jeopardy” opinion (under <u>50 CFR 402</u>) from the Fish & 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. There would be no significant effects on access to adjacent property, nor to present traffic patterns.

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

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

Barry Brosten, Date: 3/8/2012
Barry Brosten - Butte District Project Development Engineer
MDT Environmental Services Bureau

Concur Heidy Bruner, Date: 3/8/12
Heidy Bruner, P.E. - Engineering Section Supervisor
MDT Environmental Services Bureau

Concur Jeffrey A. Patten, Date: 3/12/12
Federal Highway Administration

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

Attachment: Split memo

- Copy (w/o attach.):
- | | |
|--|--------------------------------------|
| Jeff Ebert | Butte District Administrator |
| Paul Ferry | Highway Engineer |
| Kent Barnes | Bridge Engineer |
| Tom Martin | Chief, Environmental Services Bureau |
| Robert Stapley | Right-of-Way Bureau Chief |
| Suzy Price | Contract Plans Bureau Chief |
| Nicole Pallister | Fiscal Programming Section |
| Tom Erving | Fiscal Programming |
| Tim Conway | Consultant Design Engineer |
| Barry Brosten | Environmental Services |
| Environmental Services File | |
| Montana Legislative Branch Environmental Quality Council (EQC) | |

Project Split Report

Introduction

The project is located on Interstate 90 in Park County. This project involves the replacement of the westbound interstate structures over Greeley Creek which were damaged by recent flood events and the necessary approach work required for the project. It also includes stream restoration work in Greeley Creek.

Due to the potential risk of additional damage to the noted structure (and of potential interstate closure) due to future flood events (in the coming spring), it is proposed to complete a separate plans package for the west interstate crossover segment of the project and construct this crossover element as soon as possible so that the crossover could be available for use prior to the next spring run-off period if needed. The remainder of the project (mainline approaches, bridge construction and stream restoration) would follow as soon as the environmental and design process allows.

The project is currently programmed as a single project beginning at approximately RP 348.7 and ending at approximately RP 349.5. We are proposing to split this parent project into two segments for construction purposes. The following construction project name, control number, and construction project number have been assigned to the separate segments for construction (the P.E., R/W and IC numbers will remain with the parent project)

Segment A

Construction Project Name:	Greeley Creek (I-90)/MT11
Control Number:	7749000
Construction Project Number:	IM 90-7(100)348

Segment B

Construction Project Name:	Greeley Creek Crossovers/MT11
Control Number:	7749001
Construction Project Number:	IM 90-7(104)348

Proposed Scope of Work

Segment A

This segment will continue as the parent project. It includes construction of the eastern crossover and the main bridge, stream and interstate construction work. It will also include removing the western crossover and replacing it with a permanent turnaround. This segment is currently in the PFR/SOW phase (a combined PFR/SOW report is planned).

Segment B

This segment will involve constructing the western crossover. A separate plans package will be completed and submitted to MDT so that it can be let to contract as soon as possible. This plans package is in the process of being prepared. The only OPX-2 activity anticipated is Transmit to Contract Plans Activity 295.

Project Split Report

Project Limits

Segment A

The project limits for Segment A are MP 347.7 to 349.5.

Segment B

The project limits for Segment B are MP 347.7 to 347.9.

Major Design Features

The project split will not affect any major design features.

Work Zone Safety and Mobility

The project split will have no effect on work zone safety and mobility issues and strategies.

Intelligent Transportation Systems (ITS) Features

No ITS features will be affected by the project split.

Materials

The project split will require no additional involvement from the Materials Bureau.

Geotechnical

The project split will required no additional involvement from the Geotechnical Section.

Grading

There will be no significant impact on the grading for the project due to the project split.

Hydraulics

The project split will require no additional involvement from the Hydraulics Section.

Bridge

The project split will require no additional involvement from the Bridge Bureau.

Traffic

The project split will require no additional involvement from the Traffic Engineering Section.

Project Split Report

Special Provisions

Segment A

There will be no significant change to the special provisions for Segment A as a result of the project split.

Segment B

A separate set of special provisions including only those required for Segment B will be prepared.

Environmental

Segment A

There will be no changes in environmental issues as a result of this project split. All environmental issues (permits, timing restrictions, etc.) in place for the original project prior to the project split will continue to require resolution/completion for Segment A. There will be no change in terms of required coordination with the resource agencies as a result of the project split.

Segment B

Since it is intended to let Segment B to contract prior to completion of the Segment A design/plans completion, a separate environmental document for Segment B is anticipated. It is assumed that this will be a low level document, since no environmental resources would be affected by Segment B.

Right of Way

Any R/W (or construction permits) required would be acquired under the parent (first) project. No additional R/W involvement would be required as a result of the split.

Utilities/Railroads

The project split will require no additional utility impacts. The project split will require no additional involvement from the railroad.

Survey

No additional survey will be needed as a result of the project split.

Design Exceptions

No design exception will be needed because of this project split.

Public Involvement

No public involvement process is needed for this project split.

Project Split Report

IM 90-7(99)348, Greeley Creek (I-90)/MT11
 Project Manager :Fred Bente

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Cost Estimate

Segment A

The costs for Segment A below are general since design/plans have not been prepared.

	Estimated cost	Inflation (INF) (from PPMS)	TOTAL costs w/INF + IDC (from PPMS)
Construction Work	\$1,363,636		\$1,505,741

Subtotal			
Mobilization (_ %)			
Subtotal			
Contingencies (_ %)			
Total CN	<u>\$ 1,363,636</u>	<u>\$</u>	<u>\$ 1,505,741</u>
CE (10%)	<u>\$136,364</u>	<u>\$</u>	<u>\$ 150,574</u>
TOTAL CN+CE	<u>\$ 1,500,000</u>	<u>\$ 0.00</u>	<u>\$ 1,656,315</u>

IDC = 9.64% as of FY 2012.
 Assumed Letting Date = early 2012

Segment B

	Estimated cost	Inflation (INF) (from PPMS)	TOTAL costs w/INF + IDC (from PPMS)
Road Work	\$142,292		

Subtotal			
Mobilization (10%)	\$14,229		
Subtotal			
Contingencies (5%)	\$7,115		
Total CN	<u>\$ 163,636</u>	<u>\$</u>	<u>\$ 207,891</u>
CE (10%)	<u>\$16,363</u>	<u>\$</u>	<u>\$ 20,789</u>
TOTAL CN+CE	<u>\$179,999</u>	<u>\$ 0.00</u>	<u>\$ 210,600</u>

IDC = 9.64% as of FY 2012.
 Assumed Letting Date = Middle 2012

Project Split Report

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Project Manager :Fred Bente

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Ready Date

Segment A

This segment (the parent project) currently has a ready date of March 1, 2012 in OPX-2. At the last Design Coordination Meeting it was decided to set an April 30 ready date for these ER projects.

Segment B

As noted above, the intent is to have this segment let ASAP and plans should be completed in a couple of weeks. We would propose a ready date of late February 2012. The only OPX-2 activity anticipated is Transmit to Contract Plans Activity 295.

Agreement/MOU's

No modifications to project specific agreements (PSA) or MOU's will be needed as a result of the project split.