



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Timothy W. Reardon, Director
Brian Schweitzer, Governor

May 9, 2012

RECEIVED

MAY 25 2012

ENVIRONMENTAL

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



Subject: Programmatic Categorical Exclusion (PCE) Concurrence Request
Little Peoples Creek Flood Damage Repair

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 and a project location map 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).

Form with columns: Yes, No, N/A, UNK. Rows 1-4 with sub-rows A, 1, 2, 3, 4. Includes checkboxes for each response option.

	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>). No right-of-way is required. No farmland impacts.	<input checked="" type="checkbox"/>	<input 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 and/or	<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.

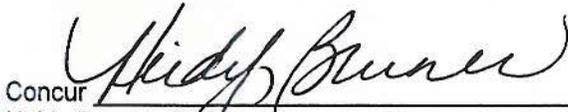
This proposed project would not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations (EO #12898). The project also complies with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC 2000d) under FHWA regulations (23 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.



Date: 5/9/2012

Eric Thunstrom
Environmental Services Bureau
Great Falls District Project Development Engineer



Date: 5/9/12

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



Date: 24 May 2012

Concur
Federal Highway Administration

Attachment

electronic copies without attachment (unless otherwise noted):

Tom Martin, P.E.	Environmental Services Bureau Chief
Heidi 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
Steve Prinzing, P.E.	Great Falls District Preconstruction Engineer
Rob Stapley	Right-of-Way Bureau Chief
Christie McOmber, P.E.	Great Falls District Projects Engineer
Nicole Pallister	Fiscal Programming Section Supervisor
Tom Erving	Fiscal Programming Section
Suzy Price	Contract Plans Bureau Chief
Tim Tilton	Contract Section Supervisor
Vacant	Great Falls District Environmental Engineering Specialist
Montana Legislative Branch Environmental Quality Council (EQC) (with attachment)	

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

Little Peoples Creek Flood Damage Repair

The proposed project is from the 2011 Flood Damage Risk Assessment. The project includes scour remediation and riprap at three bridges on P-66 on the Fort Belknap Indian Reservation. The proposed project is intended to be let to contract through maintenance summer 2012. The proposed project includes remediation for flood damage at three bridges crossing the Little Peoples Creek. The bridges are located at milepost 16.63, 18.02, and 22.39. The work includes placing riprap, site revegetation, surface restoration, and traffic control. Site details are provided below.

Project Site: Little Peoples Creek-2 Miles NW of Hays

Route: P-66

Milepost: 16.63

Legal Description: Sections 13 and 14, Township 26 North, Range 23 East, Blaine County

Description of remediation

Buttress existing riprap at left downstream abutment with approximately five cubic yards of Class I riprap. Place approximately 30 cubic yards of a Partially Grouted Class II riprap apron along the full length of the left abutment and in the scour hole to protect the backing planks. Depth of repair may exceed the estimated 6 ft. Dewatering and traffic control will be required. Access is within MDT ROW. Guardrail may need to be removed and reset if material cannot be lowered over the guardrail.

Project Site: Little Peoples Creek-4 Miles NW of Hays

Route: P-66

Milepost: 18.02

Legal Description: Section 11, Township 26 North, Range 23 East, Blaine County

Description of remediation

Protect right abutment to prevent sloughing and erosion from behind the abutment backing planks by placing approximately 33 cubic yards of Partially Grouted Class II riprap along the right abutment and approximately 11 cubic yards of Class II riprap in the scour hole. Tie riprap into the existing riprap at the upstream and downstream wing walls. Dewatering and traffic control will be required. Removal of approximately 30 ft of guardrail may be required to access under the bridge. Repair roadway erosion at the right downstream abutment corner by placing approximately 2 cubic yards of fill in the hole along the road and in the rill on the abutment. Repair pavement and revegetate the area outside the guardrail. Sweep bridge deck to prevent runoff from draining towards the abutment.

Project Site: Little Peoples Creek-8 miles NW of Hays

Route: P-66

Milepost: 22.39

Legal Description: Sections 13 and 14, Township 27 North, Range 23 East, Blaine County

Description of remediation

Fill the scour hole with approximately 66 cubic yards of Class II riprap until obtaining a 1.5:1 slope at each abutment. Protect both abutments and right downstream bank by installing approximately 115 cubic yards of Partially Grouted Class II riprap at a 1.5:1 slope. Key the right downstream Partially Grouted riprap section into the bank. This will require dewatering. The entire quantity of riprap at each abutment is assumed to be under the ordinary high water, while the repair to the right downstream bank is only partially submerged. Access behind the guardrail

is available on MDT ROW. Traffic control will be required. Uneven terrain and/or riparian area may require removal and resetting of guardrail for access.

All work is to be completed within MDT Right-of-Way. The contractor will be responsible for locating all utilities or other buried lines prior to beginning any excavation work.

Traffic will be maintained through the work sites in accordance with MDT Detailed Drawings and the MUTCD. Guardrail may need to be removed for site access. Consideration for blunt ends may be necessary. The contractor will provide traffic control and project signing per Standard Specification Sections 618 & 715. A traffic control plan will be provided to MDT's project manager for approval prior to beginning work. Maintain a minimum of one way traffic at all times. Work to be conducted during daylight hours only. All Flagging operations will use certified flaggers. Traffic control will be a lump sum payment item.

The proposed project will require work in the Little Peoples Creek 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 wetland impacts as a result of this project. Environmental-related special provisions will be included in the contract package.

Christie McOmber, P.E., is responsible for compiling the plans package. Matt Ladenburg, Havre Maintenance, and Great Falls District construction will monitor the construction.

BLAINE COUNTY

