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July 16, 2012

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

Reference: Federal-aid Project Number: STPE 45(44)  
Federal-aid Project Name: RR Park L'Scape - Thompson Falls  
MDT Uniform Project Number: 7663

This is a request for FHWA concurrence that the proposed project meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR 771.117(d). This 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). A project location map is attached.

The location of the proposed project is Thompson Falls, Montana.

The intent of the proposed project is to install irrigation and landscaping components in Phase IV of the Thompson Falls Railway Park Mater Plan area.

The proposed project has been evaluated for, and does not have any adverse effect on the following environmental areas of concern:

- Stormwater Runoff
- Prime and Unique Farmlands
- Floodplains (EO 11988/FEMA)
- Hazardous Waste
- Historical/Cultural Resources
- Changes in Land Use
- USDOT - 4(f)/NL&WCF - 6(f) Acts
- Noise
- Section 404 - Clean Water Act
- Social/Economic
- Stream Preservation/Water Quality
- Threatened/Endangered Species
- Wetlands (EO 11990)

## PROJECT IMPACTS

The proposed project will have a minor effect on the following environmental area(s):

**Historic/Cultural Resources** As per the April 11, 2011 memo from Jon Axline to Ross Tervo, based on the scope of the work for the project, no Section 106 compliance is necessary for this project. A copy of this memo is attached.

**Threatened/Endangered Species** – Bruce Sterling, Wildlife Biologist with the Montana Department of Fish, Wildlife & was contacted on Monday, July 16, 2012 for identifying Federally listed Threatened/ Endangered Species. No Threatened/Endangered Species were identified by MT FW&P as being in the vicinity of the proposed project.

**Floodplains** – Based on FEMA's Flood Insurance Rate Map (FIRM), Map Number 30089C1375D (Effective Date of June 5, 2012), the project area does not lie within a Flood Hazard Area.

**Air Quality** – The proposed project is located in a (CO/PM10) "nonattainment" area of Montana for air quality under 40 *CFR* 81.327, as amended. However, this type of proposed project is listed in EPA's Final Rule of September 15, 1997 on Air Quality conformity as being exempt from the requirement of a conformity determination. Therefore, the proposed project complies with Section 176(c) of the *Clean Air Act* as amended (42 *USC* 7521(a)).

**Section 4(f)** – There are no properties protected under Section 4(f) within the project area.

**Section 6(f)** – There is no Conversion of Use involvement as protected property acquired or developed with Land and Water Conservation Funds (LWCF) are not within the project limits.

**Cumulative Impacts** – There are currently no other active or proposed projects in the vicinity of the proposed project.

Therefore, there will be no significant cumulative environmental impacts.

## PERMITS

**Permits Required** – The following permits will be acquired prior to any relevant disturbance:

- All work will be in accordance with the *Water Quality Act of 1987* (PL 100-4), as amended.
- An MDT ROW/construction permit may be needed for the proposed project. There will be limited utility involvement.

## PUBLIC INVOLVEMENT

**Public Involvement** – As part of the CTEP application process, a public hearing regarding this project was conducted by the City Council on February 7, 2011.

## EROSION CONTROL PLAN

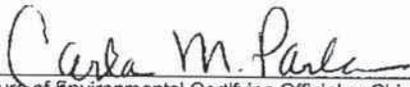
Based on the nature of the project and the area of disturbance, an Erosion Control Plan will not be prepared for this proposed project. As an irrigation and landscaping project, the primary objective of this project is to improve the health and viability of the existing turf areas within the project boundaries (i.e. stable, vegetative cover).

## AMERICANS WITH DISABILITIES ACT

**Americans with Disabilities Act** – No features requiring compliance with the *Americans with Disabilities Act* (PL 101-336) are included within this project.

## CONCLUSION

The project will not induce significant land use changes or promote unplanned growth. There will be no significant affects on access to adjacent properties or present traffic patterns. The project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (EO 12898) and complies with Title VI of the *Civil Rights Act of 1964* (42 USC 2000d). In accordance with 23 CFR 771.117(a), this action will neither individually nor cumulatively, have any significant environmental impacts. Therefore, we are requesting FHWA's concurrence that the proposed project is properly classified as Categorical Exclusion.

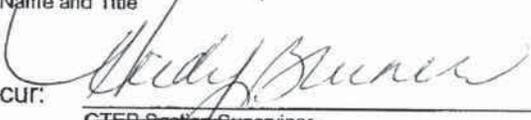


Signature of Environmental Certifying Official or Chief Elected Official

CARLA M. PARKS, MAYOR

Type Name and Title

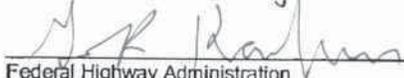
Concur:

  
CTEP Section Supervisor  
Environmental Engineering Section Supervisor

Date

7/24/12

Concur:

  
Federal Highway Administration

Date

7/27/12

Attachment: Project Location Map

cc: MDT, District Administrator  
MDT, Consultant Design Engineer  
MDT, Bureau Chief – Environmental Services Bureau  
MDT, Fiscal Planning Administrator  
MDT, CTEP Section Supervisor  
Environmental Quality Council