



SANDERS COUNTY BOARD OF COMMISSIONERS

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MONTANA DIVISION

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ENVIRONMENTAL

July 24, 2012

Gene Kaufman, Operations Engineer
Federal Highway Administration (FHWA)
585 Shepard Way
Helena, MT 59601

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

Reference: Federal-aid Project Number: MT 45(42)
Federal-aid Project Name: Historic High Bridge Renovations - Phase II
MDT Uniform Project Number: 7508000

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.

This proposed project is for the rehabilitation of a 600' +/- long steel truss bridge. The project also includes road rehabilitation of Iff Road and the vehicular parking area at the south end of the bridge. The bridge rehabilitation is not intended for vehicular use.

The location of the proposed project is in Sanders County. The bridge is over the Clark Fork River, south of Thompson Falls. This project is located in Township 21 North, Range 29 West, Sections 7, 8, and 17.

The intent of the proposed project is to rehabilitate the existing bridge structure. Project activities include the cleaning and painting of joints; rehabilitation of expansion bearings; replacement of bolts and cotter pins; installation of drainage features along the bottom chord of the truss; and the clearing and grubbing of existing trees in close proximity to the structure. Road rehabilitation activities include reconstruction and realignment of the Cherry Creek Road and Iff Road intersection; the grading and paving of a vehicle parking area at the south bridge approach; as budget allows, the resurfacing of Iff Road between Cherry Creek Road and the bridge parking area; and related ancillary work.

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

- Stormwater Runoff
- Noise
- Prime and Unique Farmlands
- Section 404 – Clean Water Act

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- | | |
|---|---|
| <input checked="" type="checkbox"/> Floodplains (EO 11988/FEMA) | <input checked="" type="checkbox"/> Social/Economic |
| <input checked="" type="checkbox"/> Hazardous Waste | <input checked="" type="checkbox"/> Stream Preservation/Water Quality |
| <input checked="" type="checkbox"/> Historical/Cultural Resources | <input checked="" type="checkbox"/> Threatened/Endangered Species |
| <input checked="" type="checkbox"/> Changes in Land Use | <input checked="" type="checkbox"/> Wetlands (EO 11990) |
| <input checked="" type="checkbox"/> USDOT – 4(f)/NL&WCF – 6(f) Acts | |

PROJECT IMPACTS

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

Historic/Cultural Resources – The main channel bridge (24SA294) is eligible for the National Register of Historic Places (NRHP) in May 1985. A Section 106 Determination of Effect has resulted in a finding of "No Adverse Effect," which has been reviewed and concurred with by the State Historic Preservation Office (SHPO) on April 13, 2012. A copy of their concurrence letter is attached.

Threatened and Endangered Species - The US Department of the Interior's Fish & Wildlife Service (USFWS) was contacted on February 24, 2012 for identifying Federally listed Threatened/ Endangered Species, and the USFWS provided comments in a letter dated March 27, 2012 regarding the proposed project. The following Threatened/Endangered Species were identified by the USFWS as possibly occurring in Sanders County: the threatened Canada lynx (*Lynx Canadensis*), threatened grizzly bear (*Ursus arctos horribilis*), threatened Spalding's Campion (*Silene spaldingii*), threatened bull trout (*Salvelinus confluentus*) and bull trout critical habitat, which has been designated in the Clark Fork River. Mr. McGrath stated that to protect the bull trout critical habitat (Clark Fork River), efforts should be made to maintain water quality and a complex shoreline aquatic environment, and to limit sedimentation. In addition, Mr. McGrath stated that if construction is completed in a manner to prevent any potential pollution from entering the river, (resurfaced parking lot and Iff Road's storm water runoff) that a *no effect* determination for bull trout would apply. Mr. McGrath concurred that a *no effect* determination for grizzly bear, Canada lynx, Spalding's Campion and bull trout critical habitat is appropriate for the proposed project.

Additionally, Mr. McGrath stated that the project site is also located within one mile of two bald eagle nests. The USFWS recommends that the bald eagle nest site locations be identified, their proximity to the proposed project site, and implement the Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan (1994), as necessary. The USFWS recommends that any construction related to cutting of trees or shrubs be performed between August 16th and April 30th to ensure compliance with the terms of the MBTA.

Based on the preliminary determination provided by Mr. McGrath and the analysis of potential impacts to the above-listed species, it was concluded that the proposed project will have *No Effect* on the federally-threatened grizzly bear, Canada lynx, Spalding's campion and bull trout or bull trout critical habitat.

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Floodplains – The proposed work includes work to the deck structure of the bridge but does not include any work on the bridge structure within the 100-year waterway area. As referenced on the Federal Emergency Management Administration (FEMA) FIRM Community Panel Number 300072 0017C, a floodplain is delineated by approximate methods (Zone A) for Clark Fork River beneath the bridge. However, the proposed project would not encroach upon the floodplain. Sanders County administers this floodplain for the State of Montana and FEMA. Because the proposed activity does not lie within the 100-year floodplain, a Floodplain Development Permit is not required for the proposed work.

The proposed project will not promote or encourage development within this delineated floodplain, or increase flood liability hazards from its construction. The proposed project is therefore considered to be in compliance with Executive Order 11988.

Air Quality – The proposed project is located in an “unclassifiable”/attainment area of Montana for air quality under 40 *CFR* 81.327, as amended. As such, this proposed project is not covered under the EPA’s Final Rule of September 15, 1997 on Air Quality conformity. Therefore, the proposed project complies with Section 176(c) of the *Clean Air Act* as amended (42 *USC* 7521(a)).

Section 4(f) – It has been determined that Section 4(f) does not apply to restoration, rehabilitation or maintenance of historic facilities when there is a “No Adverse Effect” determination, and when SHPO and the advisory council have been consulted and have not objected to this finding.

There is no “use” of a Section 4(f) resource as protected land is not permanently incorporated into a State/Federal transportation facility. There is also no “constructive use” of protected lands. (Constructive use occurs when a transportation facility not on protected land substantially impairs the activities, features, or attributes that qualify a resource for protection under Section 4(f)).

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 – Sanders County currently has active and/or proposed projects in the vicinity of the proposed project. In a letter dated April 17, 2012, Sanders County Commissioners identified a plan to undertake improvements to Cherry Creek Road in the vicinity of its intersection with Iff Road. See attached letter. It has not been determined when those improvements will occur, however planning efforts for the timing and extent of the Cherry Creek Road improvements are underway. The utility company PPL, Montana owns the lands adjoining this project and is currently reviewing the concept of constructing a pedestrian bridge over Prospect Creek near its confluence with the Clark Fork River, located approximately 700 feet NW of the proposed parking area. The construction of the PPL project would likely increase the amount of the traffic utilizing Iff Road and the proposed parking area.

PERMITS

Permits Required – The following permits will be acquired prior to any relevant disturbance: (also see the FEMA Floodplain Development Permit, following):

- This proposed project will be in compliance with the provisions for both Water Quality under MCA 75-5-401(2) for Section 3(a) authorizations, and 124 SPA Stream Protection Notification under MCA 87-5-501 through 509, inclusive.

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- A 124 SPA Stream Protection Notification will not be required by the MDFW&P.
- The proposed project will have no impact to jurisdictional waters of the United States, therefore, the activity is not subject to Department of the Army (DA) regulatory authorities and no permit pursuant to Section 404 of the Clean Water Act is required from the Corp of Engineers.
- All work will be in accordance with the *Water Quality Act of 1987* (PL 100-4), as amended.
- No ROW or construction permits will be needed for the proposed project. There may be minor utility involvement at the Iff Road intersection. The utilities will be notified and coordinated with during construction activities. However, it is anticipated that relocation of two fiber optic lines and an overhead power line will not be required.

PUBLIC INVOLVEMENT

Public Involvement – Sanders County has conducted the following public involvement and stakeholder focused presentations:

- Project Seeping Meeting (Concurrent with County Commission Meeting) - 10/6/05
- Alternative Selection (Concurrent with County Commission Meeting)- 115106
- Public Involvement Meeting- 2119108
- Several High Bridge Committee Meetings - 2006 thru 2008

EROSION CONTROL PLAN

An Erosion Control Plan will be prepared for this proposed project. Best Management Practices (BMPs) will be included in the design of this Plan using guidelines as established in MDT's Highway Construction Standard Erosion Control Workplan. The objective is to minimize erosion of disturbed areas during and following construction of this proposed project.

An Erosion Control Plan will be submitted to the Montana DEQ Permitting and Compliance Division in compliance with their Montana Pollutant Discharge Elimination System Regulations (*ARM 16.20.1314*) for the proposed project. BMPs will be included in the design of this Plan using guidelines as established in MDT's Highway Construction Standard Erosion Control Workplan. The objective is to minimize erosion of disturbed areas during and following construction of this proposed project.

In accordance with *MCA 7-22-2152* and *60-2-208*, Sanders County will re-establish a permanent desirable vegetation community along all areas disturbed by the proposed construction. A set of revegetation guidelines will be developed by the Consultant that must be followed by the contractor. These specifications will include instructions on seeding methods, seeding dates, types and amounts of mulch and fertilizer, along with seed mix components.

Seed mixes include a variety of species to ensure that areas disturbed by construction are immediately stabilized by vegetative cover. The Seeding Special Provisions developed for this proposed project will be forwarded to the responsible County Weed Board for approval.

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AMERICANS WITH DISABILITIES ACT

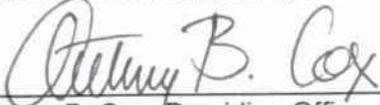
Americans with Disabilities Act – ADA features will be installed in compliance with the *Americans with Disabilities Act* (PL 101-336).

CONCLUSION

The project will not induce significant land use changes or promote unplanned growth. There will be no significant effects 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.

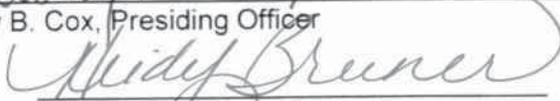
"ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED ON REQUEST"

Signature of Environmental Certifying Official or Chief Elected Official



Anthony B. Cox, Presiding Officer

Concur:


GTEP Section Supervisor
Environmental Engineering Section Supervisor

Date

8/10/12

Concur:


Federal Highway Administration

Date

8/23/12

Attachment: Project Location Map
SHPO Concurrence Letter
Sanders County Commissioners Consultation Letter
USFWS Consultation Letter
Phone Record from Bruce Sterling, MWFP

cc: Ed Toaves, MDT, District Administrator – Missoula
Tim Conway, MDT, Consultant Design Engineer
Tom Martin, MDT, Bureau Chief – Environmental Services Bureau
Nicole Pallister, MDT, Fiscal Planning Administrator
Mike Wherley, MDT, CTEP Section Supervisor
Maureen Theisen, Environmental Quality Council
Tom Erving, MDT Financial Specialist
John Pavsek – Morrison-Maierle Inc.

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