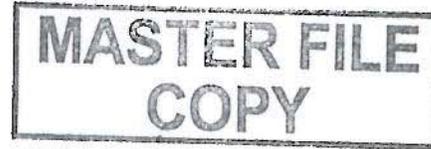




September 17, 2012



Environmental Quality Council  
Legislative Environmental Policy Office  
PO Box 201704  
Helena MT 59620-1704

RECEIVED

SEP 27 2012

ENVIRONMENTAL

**Subject: Categorical Exclusion  
Montana Essential Freight Rail Loan Program  
Fort Peck Tribes  
Rehabilitation Project within the Poplar Industrial Park**

Dear Environmental Quality Council Members:

This submittal is to notify you that the subject proposed project qualifies as a Categorical Exclusion under the provisions of Administrative Rules of Montana (ARM) 18.2.261, which is codified at Montana Code Annotated (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 categorically exclude the proposed project from conducting an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under the Montana Environmental Policy Act, Title 75 Chapter 1 MCA. A description of the project including a project location map is 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 in accordance with ARM 18.2.261.**

|  | <u>Yes</u>                          | <u>No</u>                           | <u>N/A</u>                          | <u>UNK</u>               |
|--|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 1. An EA or EIS is not required for this proposed project as determined under ARM 18.2.237(5).   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| 2. This proposed project would have (a) significant environmental impact(s) as defined under ARM 18.2.238 and ARM 18.2.237(5).   | <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<br><b>Note: The proposed action is a rehabilitation project within the existing Poplar Industrial Site. No right-of-way acquisition, easements, or construction permits will be required for the proposed subject project.</b> |                                     |                                     |                                     |                          |
| A. Right-of-way, easements and/or construction permits would be required.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 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 type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. A high rate of residential growth exists in the area of the proposed project.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 3. A high rate of commercial growth exists in the area of the proposed project.  | <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. <b>Fort Peck Indian Reservation</b>   | <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>               |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 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. Publicly owned parklands, recreation areas, wildlife or waterfowl refuges, and/or significant historic sites that might be considered under ARM 18.2.261(2)(a) 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/>            | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. A 124SPA would be obtained from the MDFWP.  | <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>               |
|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 4. A delineated floodplain exists in the proposed project area under FEMA's Floodplain Management criteria.   | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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"/> |
| 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 type="checkbox"/>            | <input checked="" 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 type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" 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 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>               |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 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 CERCLA or CECRA) site(s) are currently on and/or adjacent to this proposed project.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| All reasonable measures would be taken to avoid and/or minimize substantial impacts from same.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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.<br>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> )<br><b>Note: Farmland, as defined in the Farmland Protection Policy Act, existed in the project area. The proposed project is located in the existing Poplar Industrial Park. No impacts to farmland are proposed with this project.</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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"/> |

|  | <u>Yes</u>                          | <u>No</u>                           | <u>N/A</u>                          | <u>UNK</u>               |
|--|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 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.<br>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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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).

In accordance with the provisions of ARM 18.2.261, this pending action would not cause significant individual, secondary, or cumulative environmental impacts. Therefore, the MDT's concurrence is that this proposed project is properly classified as a MEPA Categorical Exclusion.



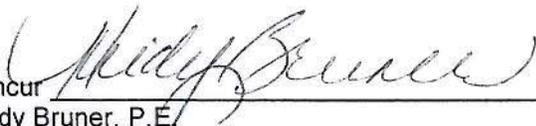
Date: 9/17/12

Eric Thunstrom  
Environmental Services Bureau  
Great Falls District Project Development Engineer



Concur  
Floyd G. Azure, Chairman  
Fort Peck Assiniboine & Sioux Tribes

Date: 9/24/2012



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

Date: 10/2/12

#### Attachments

#### electronic copies with attachments:

Tom Martin, P.E.  
Heidi Bruner, P.E.  
Paul Ferry, P.E.  
Doug McBroom  
Jeff Patten, P.E.

Environmental Services Bureau Chief  
Environmental Services Bureau Engineering Section Supervisor  
Highways Engineer  
Multimodal Programs Bureau Chief  
FHWA Operations Engineer

#### copies with attachments:

Floyd G. Azure  
File

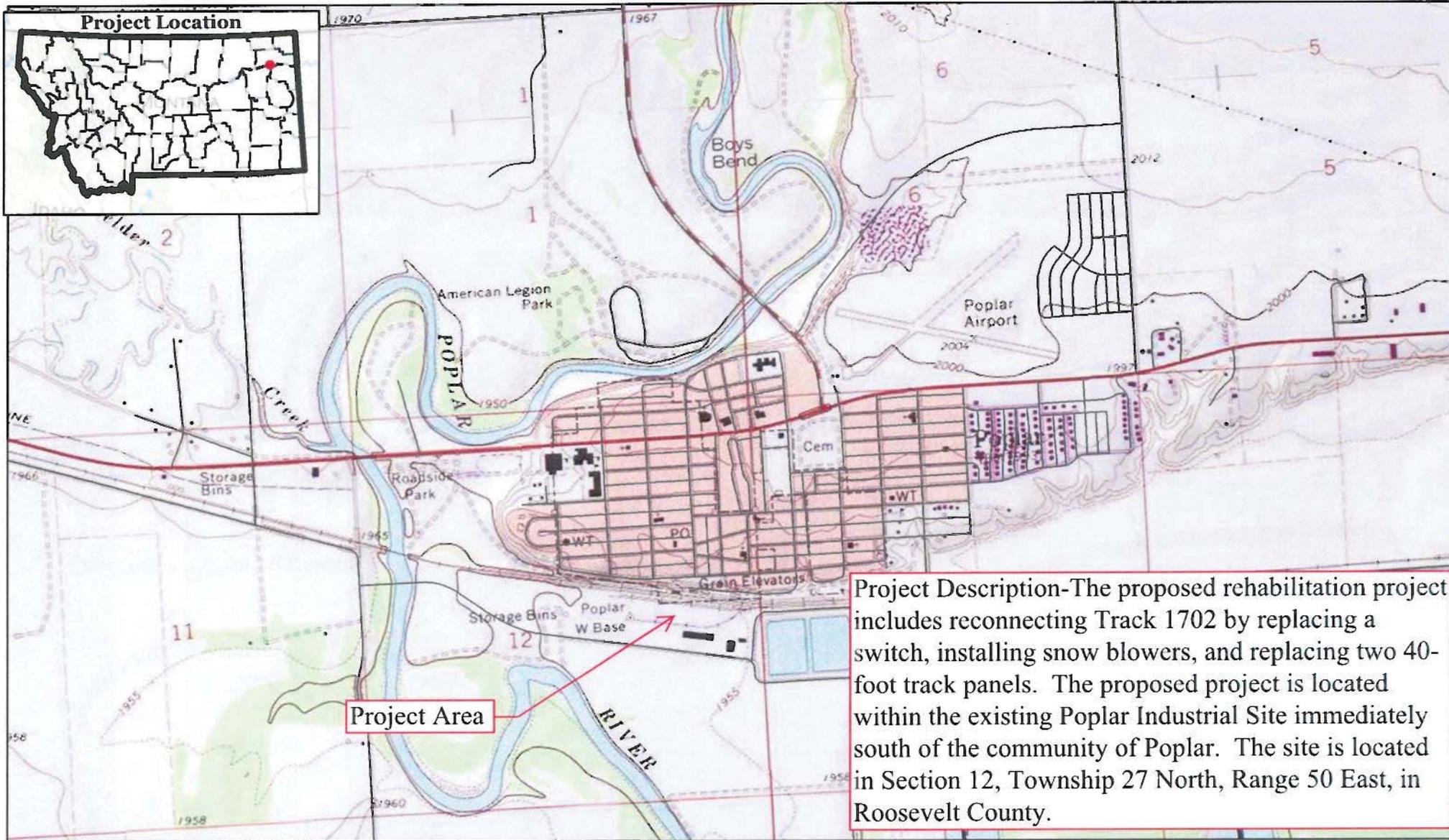
Chairman, Fort Peck Assiniboine & Sioux Tribes  
Environmental Services Bureau

**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.**

SPECIAL PROVISION  
FOR CONTAMINATED SOILS

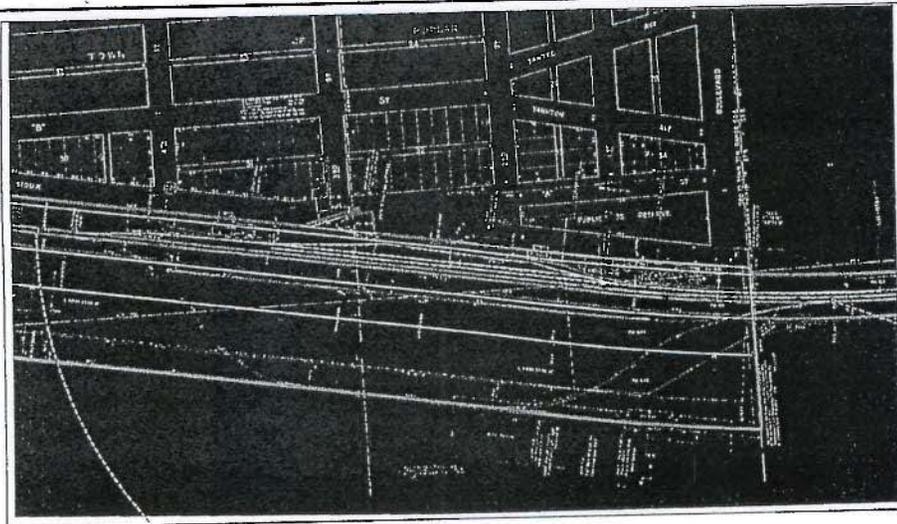
Petroleum-contaminated soils from a nearby sludge pit or other subsurface wastes could be encountered at one or more locations within the proposed project area. It is the responsibility of the Fort Peck Tribes to be aware of the nature and location of petroleum-contaminated soils or other wastes that may be encountered during the course of the proposed work. If petroleum-contaminated soils or other wastes are encountered during the course of project work, the Fort Peck Tribes must comply with all applicable Federal, State, Tribal, and local regulations regarding the reporting, handling, and disposal of such wastes and/or soils. The Montana Department of Transportation will not be responsible for reporting, handling, or disposal of such wastes and/or contaminated soils encountered during construction of the proposed work. Within 24 hours of the discovery of any hazardous wastes or petroleum-contaminated soils, the Fort Peck Tribes must notify the Fort Peck Tribes Office of Environmental Protection, the United States Environmental Protection Agency, and/or other appropriate agencies.

# Fort Peck Tribes Montana Essential Freight Rail Loan Program Poplar, Montana

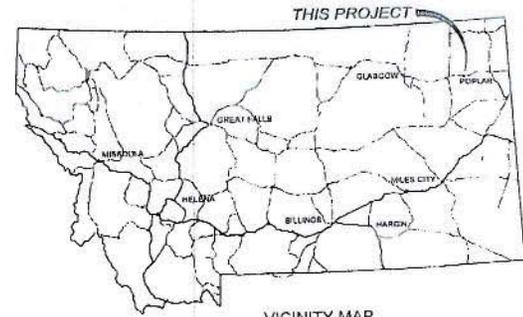


**Project Description-**The proposed rehabilitation project includes reconnecting Track 1702 by replacing a switch, installing snow blowers, and replacing two 40-foot track panels. The proposed project is located within the existing Poplar Industrial Site immediately south of the community of Poplar. The site is located in Section 12, Township 27 North, Range 50 East, in Roosevelt County.





**BNSF RAILWAY STATION MAP**  
SCALE: 1"=200'



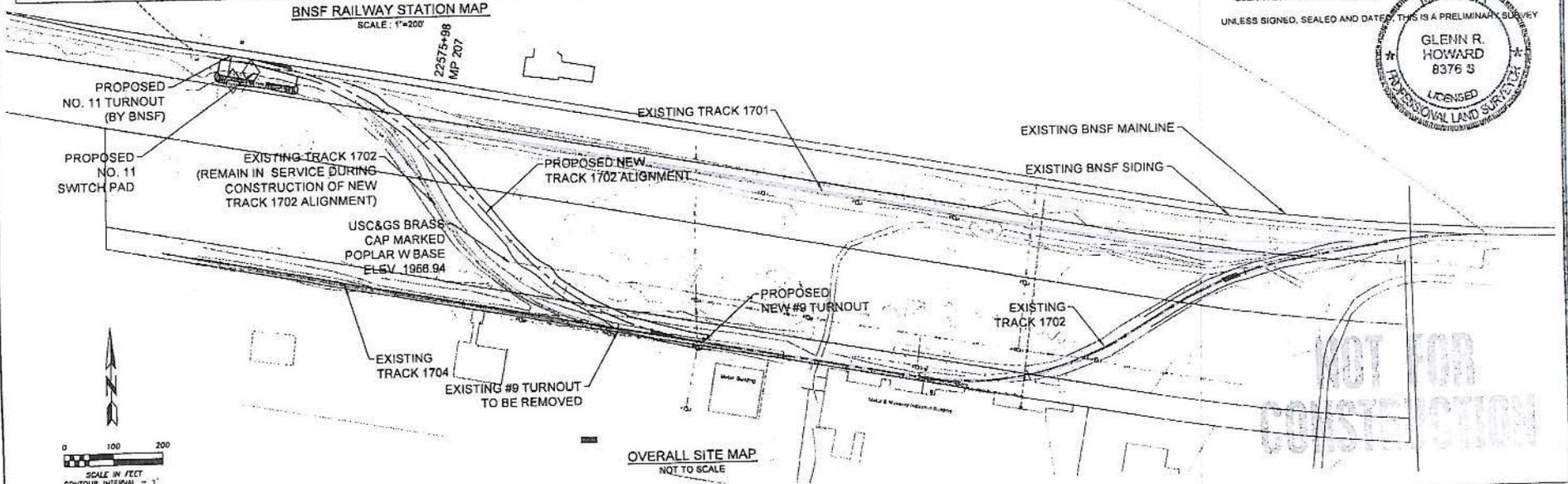
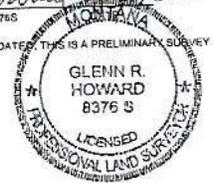
**VICINITY MAP**

**SURVEYOR NOTE:**

I HEREBY STATE THAT THIS SURVEY IS A REPRESENTATION OF A SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, DURING THE MONTHS OF APRIL 2012 THROUGH MAY 2012.

BY: *Glenn R. Howard* 5/29/2012  
GLENN R. HOWARD, P.L.S. 8376 S

UNLESS SIGNED, SEALED AND DATED, THIS IS A PRELIMINARY SURVEY.



**OVERALL SITE MAP**  
NOT TO SCALE

**NOT FOR CONSTRUCTION**

| BY | DATE | REVISION DESCRIPTION |
|----|------|----------------------|
|    |      |                      |
|    |      |                      |
|    |      |                      |

|         |    |                   |
|---------|----|-------------------|
| DESIGN  | —  | PROJ. NO. 8518.01 |
| DRAWN   | JH | DATE 5/29/12      |
| CHECKED | BJ | SURVEYED          |



SEATTLE TRANSLOAD & LOGISTICS  
620 OTHELLO STREET  
SEATTLE, WA. 98108

BNSF  
GLASGOW SUBDIVISION  
LINE SEGMENT 35

A&S INDUSTRIAL PARK  
INDUSTRIAL TRACK  
TRACK 1702 AND TRACK 1704

|       |    |
|-------|----|
| SHEET | OF |
| 1     | 18 |