MDT
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Timothy W. Reardon, Director
Brian Schweitzer, Governor

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September 17, 2012

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

Subject: **Categorical Exclusion**
Montana Essential Freight Rail Loan Program
Great Falls Development Authority
Agritech 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.

	Yes	No	N/A	UNK
1. An EA or EIS is not required for this proposed project as determined under ARM 18.2.237(5).	☒	☐	☐	☐
2. This proposed project would have (a) significant environmental impact(s) as defined under ARM 18.2.238 and ARM 18.2.237(5).	☐	☒	☐	☐
3. This proposed project involves one (or more) of the following situations where **Note: No right-of-way acquisition, easements, or construction permits will be required for the proposed subject project.**				
A. Right-of-way, easements and/or construction permits would be required.	☐	☒	☐	☐
1. The context or degree of the right-of-way action would have (a) substantial social, economic, or environmental effect(s).	☐	☐	☒	☐
2. A high rate of residential growth exists in the area of the proposed project.	☐	☒	☐	☐
3. A high rate of commercial growth exists in the area of the proposed project.	☐	☒	☐	☐
4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation.	☐	☒	☐	☐

	Yes	No	N/A	UNK
5. Parks, recreational, or other properties acquired/improved under Section 6(f) of the 1965 National Land & Water Conservation Fund Act (16 USC 460L, *et seq.*) are on or adjacent to the proposed project area.	☐	☒	☐	☐
The use of such Section 6(f) sites would be documented and compensated with the appropriate agencies (MDFWP, local entities, etc.).	☐	☐	☒	☐
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, *et seq.*) by the State Historic Preservation Office (SHPO) would be affected by this proposed project.	☐	☒	☐	☐
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.	☐	☒	☐	☐
a. The proposed project would not impact the site(s), so a 4(f) evaluation is not necessary.	☐	☐	☒	☐
b. A de minimis finding has been secured for this project.	☐	☐	☒	☐
c. Nationwide Programmatic Section 4(f) Evaluation forms for those sites are attached.	☐	☐	☒	☐
d. This proposed project requires a full Section 4(f) Evaluation.	☐	☐	☒	☐
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").	☐	☒	☐	☐
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.	☐	☐	☒	☐
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.	☐	☐	☒	☐
3. A 124SPA would be obtained from the MDFWP.	☐	☒	☐	☐

	Yes	No	N/A	UNK
4. A delineated floodplain exists in the proposed project area under FEMA's Floodplain Management criteria.	☐	☒	☐	☐
The water surface at the 100-year flood limit elevation would exceed floodplain management criteria due to an encroachment by the proposed project.	☐	☐	☒	☐
5. A Tribal Water Permit would be required.	☐	☒	☐	☐
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.	☐	☒	☐	☐
The designated National Wild and/or Scenic River systems in Montana are:				
a. Middle Fork of the Flathead River (headwaters to South Fork confluence).	☐	☐	☒	☐
b. North Fork of the Flathead River (Canadian Border to Middle Fork confluence).	☐	☐	☒	☐
c. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir).	☐	☐	☒	☐
d. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge).	☐	☐	☒	☐
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).	☐	☐	☒	☐
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.	☐	☐	☒	☐
1. If yes, are there potential noise impacts?	☐	☐	☒	☐
2. A Noise Analysis would be completed.	☐	☐	☒	☐
3. There would be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy.	☐	☐	☒	☐
D. Substantial changes in access control would be associated with the proposed project.	☐	☒	☐	☐
If yes, would they result in extensive economic and/or social impacts on the affected locations?	☐	☐	☒	☐
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.	☐	☐	☒	☐

	Yes	No	N/A	UNK
2. Adverse effects to through-traffic dependant businesses would be avoided or minimized.	☐	☐	☒	☐
3. Interference to local events would be minimized to all possible extent.	☐	☐	☒	☐
4. Substantial controversy associated with this pending action would be avoided.	☐	☐	☒	☐
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.	☐	☒	☐	☐
All reasonable measures would be taken to avoid and/or minimize substantial impacts from same.	☐	☐	☒	☐
G. The Stormwater Discharge conditions (ARM 17.30.1101-1117), including temporary erosion control features for construction would be met.	☒	☐	☐	☐
H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas.	☒	☐	☐	☐
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.	☒	☐	☐	☐
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, *et seq.*). **Note: Farmland, as defined in the Farmland Protection Policy Act, exists in the project area. The proposed project is located in the existing Agritech Industrial Park. No impacts to farmland are proposed with this project.**	☐	☐	☒	☐
K. Features for the Americans with Disabilities Act (PL 101 336) compliance would be included.	☐	☐	☒	☐
L. A written Public Involvement Plan would be completed in accordance with MDT's Public Involvement Handbook.	☒	☐	☐	☐

	Yes	No	N/A	UNK
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				
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.).	☐	☐	☒	☐
C. Is this proposed project in a "Class I Air Shed" under 40 CFR 52.1382(c)(3)?	☐	☒	☐	☐
5. Federally listed Threatened or Endangered (T/E) Species:				
A. Recorded occurrences, and/or critical habitat are in the vicinity of the proposed project.	☐	☒	☐	☐
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?	☐	☒	☐	☐

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.

Eric Thunstrom Date: 9/17/12
Eric Thunstrom
Environmental Services Bureau
Great Falls District Project Development Engineer

Concur Date: 10/9/12
Brett Doney, CEO/President
Great Falls Development Authority

Concur Heidy Bruner Date: 10/11/12.
Heidy Bruner, P.E.
Environmental Services Bureau
Engineering Section Supervisor

Attachments

electronic copies with attachments:

Tom Martin, P.E.	Environmental Services Bureau Chief
Heidy Bruner, P.E.	Environmental Services Bureau Engineering Section Supervisor
Paul Ferry, P.E.	Highways Engineer
Doug McBroom	Multimodal Programs Bureau Chief
Alan Woodmansey, P.E.	FHWA Operations Engineer

copies with attachments:

Brett Doney	CEO/President, Great Falls Development Authority
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.

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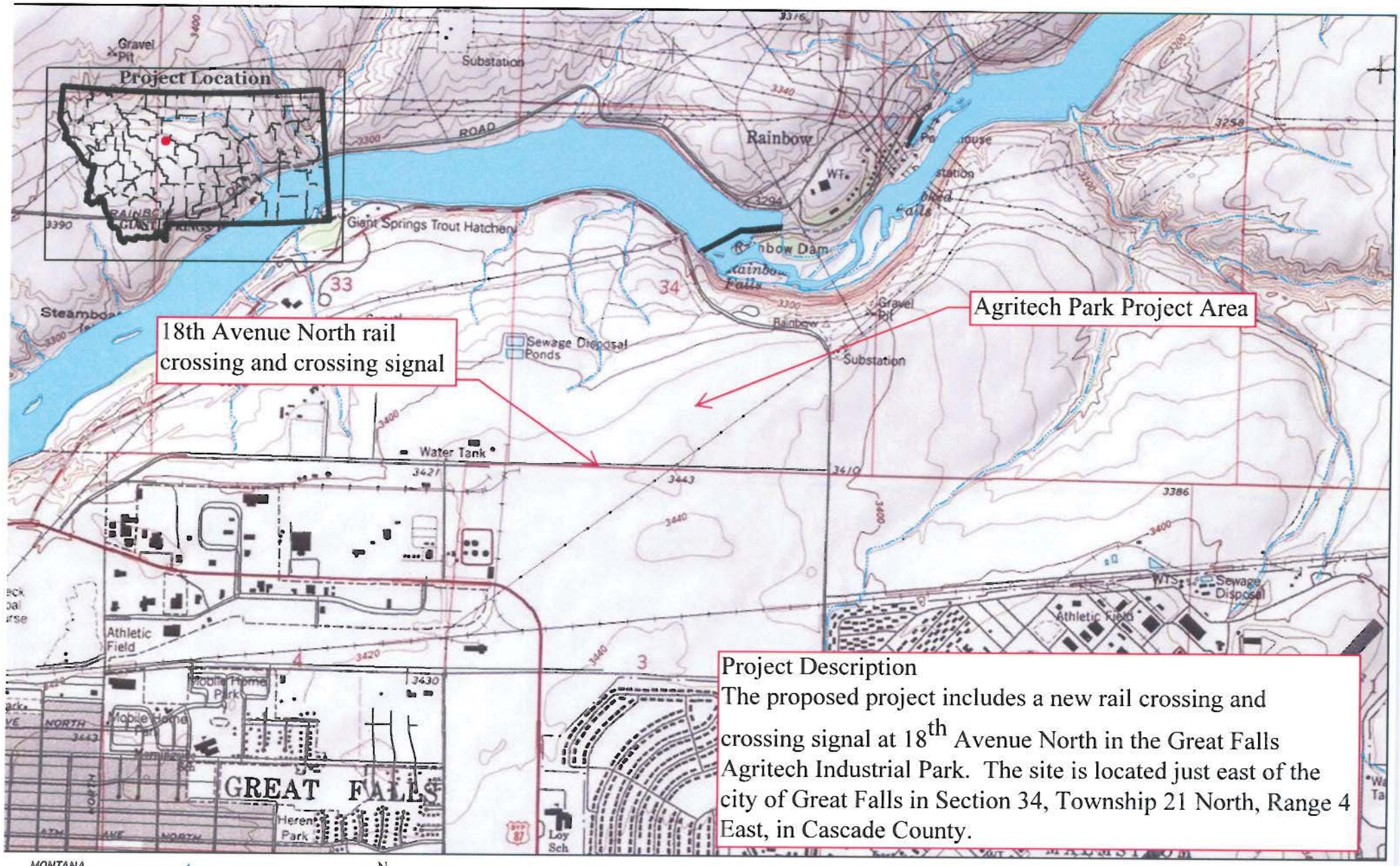
Great Falls Development Authority
Montana Essential Freight Rail Loan Program



Project Description
The proposed project includes a new rail crossing and crossing signal at 18th Avenue North in the Great Falls Agritech Industrial Park. The site is located just east of the city of Great Falls in Section 34, Township 21 North, Range 4 East, in Cascade County.

MONTANA MDT DEPARTMENT OF TRANSPORTATION

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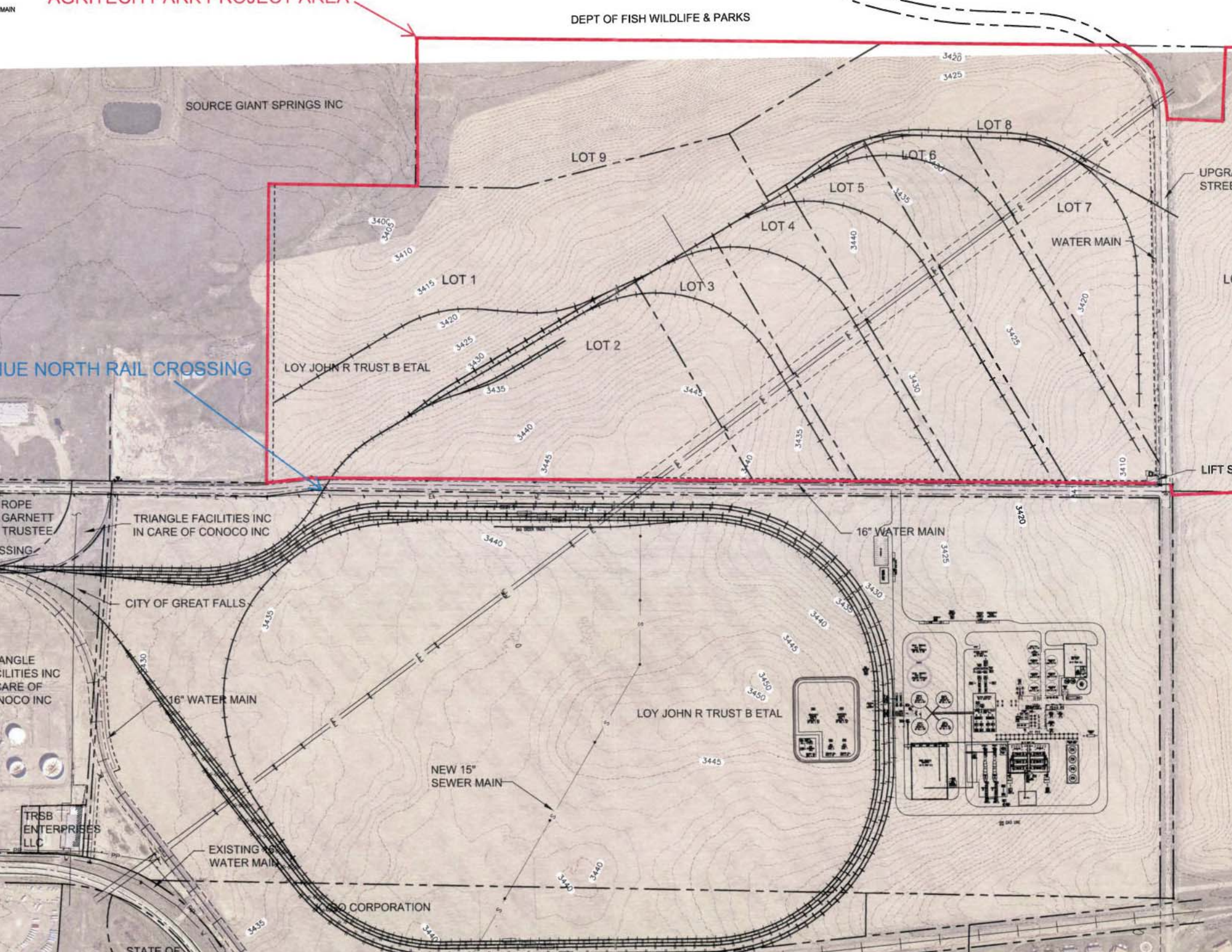

DEPT OF FISH WILDLIFE & PARKS
SOURCE GIANT SPRINGS INC
LOT 9
LOT 8
LOT 6
LOT 5
LOT 4
LOT 3
LOT 2
LOT 1
LOT 7
WATER MAIN
UPGRA
STREE
LIFT S
IUE NORTH RAIL CROSSING
LOY JOHN R TRUST B ETAL
ROPE
GARNETT
TRUSTEE
SSING
TRIANGLE FACILITIES INC
IN CARE OF CONOCO INC
16" WATER MAIN
CITY OF GREAT FALLS
ANGLE
CILITIES INC
CARE OF
NOCO INC
16" WATER MAIN
LOY JOHN R TRUST B ETAL
NEW 15"
SEWER MAIN
TRSB
ENTERPRISES
LLC
EXISTING 16"
WATER MAIN
CORPORATION
STATE OF