



December 10, 2012

Brian Hasselbach
Federal Highway Administration (FHWA)
585 Shepard Way
Helena MT 59602

Subject: Statewide Programmatic Categorical Exclusion for Pavement Preservation Projects
NH 1-10(72)603
Poplar-West
UPN 7943000
Work Type: 160-Minor Rehabilitation

Dear Brian Hasselbach:

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project. For your information, I have attached a copy of the PFR/SOW and the signed Environmental Checklist. Environmental-related Special Provisions will be included in the Contract Plans (attached).

If you have questions or concerns, please contact Tom Atkins or me at 444.7202. We will be pleased to assist you.

Sincerely,

Heidy Bruner, P.E.
Environmental Services Bureau Engineering Section Supervisor

Attachments: PFR/SOW Report, Environmental Checklist
Enclosure

e-copies w/checklist encl.:

Shane Mintz, Glendive District Administrator
Tom Martin, P.E., Environmental Service Bureau Chief
Heidy Bruner, P.E., ESB Engineering Section Supervisor
Paul Ferry, P.E., Highways Engineer
Kevin Christensen, P.E., Construction Engineer
Suzy Price, Contract Plans Bureau Chief
Dawn Stratton, Fiscal Programming
Alyce Fisher, Fiscal Programming
Montana Legislative Branch Environmental Quality Council
File

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Project Number: [Click here to enter text.](#) **Control No.:** [Click here to enter text.](#) **Project Name:** [Click here to enter text.](#)

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.

PROTECTION OF AQUATIC RESOURCES

Aquatic resources include, but are not limited to, wetlands, springs, streams (perennial, ephemeral, and intermittent drainages), rivers, lakes, ponds, reservoirs, irrigation systems, and associated riparian areas.

Impacts to aquatic resources are not anticipated in association with this project. MDT has NOT acquired any water quality permits or authorizations, including a Clean Water Act Section 404 permit (COE), a Stream Protection Act 124 Authorization (MFWP), or a 318 Authorization (DEQ). Therefore, impacts to any and all aquatic resources (including the Poplar River) located adjacent to the project are not permitted.

Conduct this pavement preservation project in a manner that will avoid the placement of any deleterious materials in to any aquatic resource adjacent to the project including the Poplar River. Aquatic resources such as streams or irrigation ditches crossing the highway, wetland areas, and any other aquatic resources immediately adjacent to the highway can be adversely affected by, and facilitate, sediment transport. Therefore, avoid all equipment traffic, fill material, staging activities and other disturbances to all aquatic resources.

Any impacts to these areas and associated consequences, without the proper permitting, are the responsibility of the Contractor. If complete avoidance of these areas is not possible, the Contractor must secure the appropriate permits or authorizations prior to working in these areas. Contact the Project Manager immediately and coordinate any permitting effort with the District Biologist, Larry Sickerson, at 444-0462; AND with the Project Development Engineer, Tom Atkins, at 444-7202.