



Montana Department of Transportation

2701 Prospect Avenue
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Helena MT 59620-1001

Michael T. Tooley, Director
Steve Bullock, Governor

March 21, 2013

Kevin L. McLaury
Division Administrator
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

Attention: Alan Woodmansey

Subject: Programmatic Categorical Exclusion (PCE) Concurrence Request
I-15 Rock: MP 225.5 SB
Great Falls District

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MONTANA DIVISION

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Dear Kevin McLaury:

This submittal requests approval of the above-mentioned proposed project as a Categorical Exclusion under the provisions of 23 CFR 771.117(d) and the Programmatic Agreement as signed by the Montana Department of Transportation (MDT) and the Federal Highway Administration (FHWA) on April 12, 2001. This proposed action also qualifies as a Categorical Exclusion under ARM 18.2.261 (Sections 75-1-103 and 75-1-201, MCA).

The following form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a PCE. A Project Description and project location map are 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 request in accordance with 23 CFR 771.117(d).

- 1. This proposed project would have (a) significant environmental impact(s) as defined under 23 CFR 771.117(a). YES NO N/A UNK
2. This proposed project involves (an) unusual circumstance(s) as described under 23 CFR 771.117(b). YES NO N/A UNK
3. This proposed project involves one (or more) of the following situations where:
A. Right-of-Way, easements, and/or construction permits would be required. YES NO N/A UNK

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. There is a high rate of residential growth in this proposed project's area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. There is a high rate of commercial growth in this proposed project's area.	<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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. There are parks, recreational, or other properties acquired/improved under <i>Section 6(f)</i> of the 1965 <i>National Land & Water Conservation Fund Act</i> (16 USC 460L, <i>et seq.</i>) on or adjacent to proposed the project area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The use of such <i>Section 6(f)</i> sites would be documented and compensated with the appropriate agencies. (<i>e.g.</i> : MDFWP, local entities, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Are there any sites either on, or eligible for the National Register of Historic Places with concurrence in determination of eligibility or effect under <i>Section 106</i> of the <i>National Historic Preservation Act</i> (16 USC 470, <i>et seq.</i>) by the State Historic Preservation Office (SHPO), which would be affected by this proposed project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. There are parks, recreation sites, school grounds, wildlife refuges, historic sites, historic bridges, or irrigation that might be considered under <i>Section 4(f)</i> of the 1966 <i>US DEPARTMENT OF TRANSPORTATION Act</i> (49 USC 303) 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. De minimis finding(s) is/are necessary for this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. "Nationwide" Programmatic <i>Section 4(f)</i> Evaluation forms for these sites are attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. This proposed project requires a full (<i>i.e.</i> : DRAFT & FINAL) <i>Section 4(f)</i> 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 waterbody(ies) considered as "waters of the United States" or similar (<i>e.g.</i> , "state waters").	<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>
1. Conditions set forth in <i>Section 10</i> of the <i>Rivers and Harbors Act</i> (33 USC 403) and/or <i>Section 404</i> under 33 CFR Parts 320-330 of the <i>Clean Water Act</i> (33 USC 1251-1376) 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 (E.O.) #11990, and their 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 Stream Protection Authorization would be obtained from the MDFWP?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. There is a delineated floodplain in the proposed project area under FEMA's Floodplain Management criteria.	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. 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 which 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 & 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 <i>Section 7</i> of the <i>Wild and Scenic Rivers Act</i> (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"/>

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. There would be substantial changes in access control involved with this 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Adverse effects to through-traffic dependant businesses would be avoided or minimized.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Interference to local events (e.g. festivals) would be minimized to all possible extent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Substantial controversy associated with this pending action would be avoided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All reasonable measures would be taken to avoid and/or minimize substantial impacts from same.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
I. Documentation of an “invasive species” review to comply with both EO #13112 and the <i>County Noxious Weed Control Act</i> (7-22-2152, MCA), including directions as specified by the county(ies) wherein its intended work would be done.	<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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the proposed work would affect Important Farmlands, then a CPA 106 Farmland Conversion Impact Rating form would be completed in accordance with the <i>Farmland Protection Policy Act</i> (7 USC 4201, <i>et seq.</i>).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
K. Features for the <i>Americans with Disabilities Act</i> (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"/>
4. This proposed project complies with the <i>Clean Air Act’s Section 176(c)</i> (42 USC 7521(a), as amended) under the provisions of 40 CFR 81.327 as it’s either in a Montana air quality:				
A. “Unclassifiable/Attainment” area. This proposed project is <u>not</u> covered under the EPA’s September 15, 1997 Final Rule on air quality conformity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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’s Air Resources Management Bureau, 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)(2-4) and 40 CFR 81.417? (Northern Cheyenne, Flathead, and Fort Peck Indian Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L. Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES NO N/A UNK

5. Federally listed Candidate, Threatened or Endangered (T/E)
Species:

- A. There are recorded occurrences and/or critical habitat in this proposed project's vicinity.
- B. Would this proposed project result in a "jeopardy" opinion (under 50 CFR 402) from the Fish & Wildlife Service on any Federally listed T/E Species?

The proposed project would not induce significant land use changes, nor promote unplanned growth. There would be no significant effects on access to adjacent property, nor to present traffic patterns.

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). It also complies with the provisions of *Title VI* of the *Civil Rights Act* of 1964 (42 USC 2000d) under the FHWA's regulations (23 CFR 200).

In accordance with the provisions of 23 CFR 771.117(a), this pending action would not cause any significant individual, secondary, or cumulative environmental impacts. Therefore, the FHWA's concurrence is requested that this proposed project is properly classified as a Categorical Exclusion.

Eric Thunstrom, Date: 3/21/13

Eric Thunstrom
Great Falls District Project Development Engineer
MDT Environmental Services Bureau

Concur Heidy Bruner, Date: 3/21/13

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

Concur [Signature], Date: 22 MAR 2013
Federal Highway Administration

Attachment: Project Description and Project Location Map

electronic copies without attachment (unless otherwise noted):

Doug Wilmot, P.E.	Acting Great Falls District Administrator
Tom Martin, P.E.	Environmental Services Bureau Chief
Heidy Bruner, P.E.	Environmental Services Bureau Engineering Section Supervisor
Kent Barnes, P.E.	Bridge Engineer
Paul Ferry, P.E.	Highways Engineer

Kevin L. McLaury
March 21, 2013
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I-15 Rock: MP 225.5 SB
Great Falls District

Mark Goodman, P.E.	Hydraulics Engineer
Steve Prinzing, P.E.	Great Falls District Preconstruction Engineer
Robert Stapley	Right-of-Way Bureau Chief
Roy Peterson, P.E.	Traffic and Safety Engineer
James Combs, P.E.	Great Falls District Traffic Engineer
Suzy Price	Contract Plans Bureau Chief
Tim Tilton	Contract Section Supervisor
Nicole Pallister	Fiscal Programming Section Supervisor
Tom Erving	Fiscal Programming Section
Tim Holley	Great Falls District Environmental Engineering Specialist
Montana Legislative Branch Environmental Quality Council (EQC) (with attachment)	

copies with attachment

File

Environmental Services Bureau

Project Description

The scope of work for this proposed project is to remove rock hazards adjacent to Interstate 15 at approximate milepost 225.5 near Wolf Creek. This project is an emergency project to protect the traveling public. The use of explosives, air pillows, and scaling is anticipated. Work areas will be contained in the 'boulder' and 'slab' work areas identified on the project location map.

The work will occur within and outside of MDT's right-of-way. Construction permits will be required to perform the work.

A cultural resource survey is not necessary.

There will be no impact to resources protected by Section 4(f) and Section 6(f).

No impacts to waters of the United States are anticipated. A Clean Water Act Section 404 Permit from the US Army Corps of Engineers will not be required.

No stream or wetland impacts are anticipated. A Stream Protection Act 124 Notification from the Montana Department of Fish, Wildlife, and Parks will not be required. The proposed project will have no effect on a federally listed threatened or endangered species, is not likely to jeopardize the continued existence of a federally proposed or candidate species, will have no impact on species of concern, and will have no impact on the general wildlife species and natural resources occurring in the vicinity of this project.

No known hazardous wastes are located in the project area.

Traffic control will be required.

MDT has prepared a public involvement plan to inform the public of the proposed project.

**I-15 MP 225.5
ROCK REMOVAL EXIGENCY**



TO WOLF CREEK (1 MI)

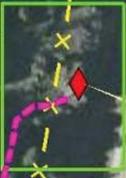
BOULDER EASEMENT AREA
(APPROXIMATE)



BOULDER

FENCE LOCATION
APPROXIMATE

SLAB EASEMENT AREA
(APPROXIMATE)



SLAB

WORK ACCESS TRAIL
(APPROXIMATE LOCATION)

