

# BIG HORN COUNTY

## BOARD OF COMMISSIONERS

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July 12, 2013

CTEP Supervisor, CTEP Section  
Montana Department of Transportation  
2701 Prospect Avenue  
PO Box 201001  
Helena, MT 59620-1001

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

Reference: Federal-aid Project Number: NA  
Federal-aid Project Name: DEPOT/FAIRGROUNDS PATH- HARDIN  
MDT Uniform Project Number: 8170

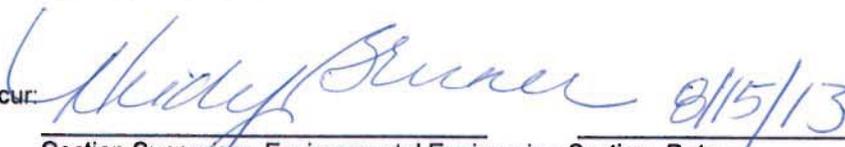
This is a request for the Montana Department of Transportation concurrence that the proposed project study will not involve unusual circumstances as described in 23 *CFR* 771.117(b). It therefore qualifies as a Categorical Exclusion under the provisions of 23 *CFR* 771.117(c), part 3. The proposed action also qualifies as a Categorical Exclusion under the provisions of *ARM* 18.2.261 (*MCA* Sections 75-1-103 and 75-1-201).

In accordance with FHWA's letter (3/29/99) to MDT's Environmental Services, please notify FHWA that the proposed action is being processed in accordance with 23 *CFR* 771.117(c).

  
\_\_\_\_\_  
Signature of Environmental Certifying Official or Chief Elected Official

Sidney W. Fitzpatrick, Chair, Big Horn County Commissioners  
Type Name and Title

Concur:

  
\_\_\_\_\_  
Section Supervisor, Environmental Engineering Section Date 8/15/13

ENVIRONMENTAL ENGINEERING  
SECTION SUPERVISOR

cc: Stefan Streeter, MDT, District Administrator – Billings  
Ryan Dahlke, MDT, Consultant Design Engineer  
Tom Martin, MDT, Bureau Chief – Environmental Services Bureau  
Lisa Hurley, MDT, Fiscal Planning Administrator  
Mike Wherley, MDT, CTEP Section Supervisor  
Maureen Theisen, Legislature, EQC  
Alan Woodmansey, FHWA – Billings District Operations Engineer  
Tom Erving, MDT, Fiscal Planning  
Tom Gocksch, MDT, Environmental Engineering Section, Billings District  
Heidi Bruner, MDT, Environmental Engineering Section, Supervisor  
Kristen Galbraith, Nittany Grantworks  
Candy Wells, Big Horn County, CTEP Administrator

Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 USC 307; approval of a unified work program and any findings required in the planning process pursuant to 23 USC 134; approval of statewide programs under 23 CFR 630; approval of project concepts under 23 CFR 476; engineering to define the elements of a proposed action or alternatives so that social, economic and environmental effects can be assessed; and federal-aid system revisions which establish classes of highways on the federal-aid highway system.

1. Approval of utility installations along or across a transportation facility.
2. Construction of bicycle and pedestrian lanes, paths and facilities.
3. Activities included in the State's highway safety plan under 23 USC 402 (*section 402 funds are no longer available*).
4. Transfer of Federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action.
5. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
6. Landscaping.
7. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
8. Emergency repairs under Title 23 USC 125.
9. Acquisition of scenic easements.
10. Determination of payback under 23 CFR 480 for property previously acquired with federal-aid participation.
11. Improvements to existing rest areas and truck weigh stations.
12. Ride share activities.
13. Bus and rail rehabilitation.
14. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
15. Program administration, technical assistance activities and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
16. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
17. Track and rail bed maintenance and improvements when carried out within the existing right-of-way.
18. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
19. Promulgation of rules, regulations and directives.

## ENVIRONMENTAL CHECKLIST

**Project Name and Project Number:** DEPOT/FAIRGROUNDS PATH - HARDIN

**UPN:** 8170

Area of Statutory-Regulatory Compliance (Provide precise citations for applicable statutes and regulations at the end of this Checklist.)		N/A	Review Required*	Permits Required*	Conditions and/or Mitigation Actions Required*	Note and Attach Documentation
1.	Historic Properties (SHPO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Floodplain Management (County)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Wetlands Protection (COE)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Noise (DEQ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Air Quality (DEQ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	<b>Manmade Hazards</b>					
	Abandoned Underground Storage Tanks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Leaking Underground Storage Tanks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Possible Hazardous Waste Sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Airport Clear Zones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	<b>Water Quality (DEQ or EPA for reservation projects)</b>					
	Surface Water/Water Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Groundwater & Aquifers <sup>1</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Farmlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Threatened or Endangered Species, Fish & Wildlife (USF&WS)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Area of Statutory-Regulatory Compliance (Provide precise citations for applicable statutes and regulations at the end of this Checklist.)		N/A	Review Required*	Permits Required*	Conditions and/or Mitigation Actions Required*	Note and Attach Documentation
11.	Biological Resources - Habitat containing sensitive species; either nesting, foraging, or inhabiting (MDFW&P/MSL)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Is there substantial, local, regional or other controversy on environmental grounds?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.	Section 4(f) – Would project change use of park, recreation area, wildlife refuge, or waterfowl refuge (23 CFR 771.135)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Section 6(f) – Would project change use of protected properties acquired or developed with Land and Water Conservation Funds administered by the Department of Fish, Wildlife and Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	List other agencies contacted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Attach evidence that required actions have been taken.						
<sup>1</sup> Including the Missoula Sole Source Aquifer; contact the CTEP Section for further information regarding Missoula area projects.						

### Certification

I certify that the findings on the proceeding Environmental Checklist accurately reflect the status of compliance with applicable laws and regulations for the proposed transportation project.

  
Signature

Sidney Fitzpatrick, Chairman

Type Name and Title of Environmental Certifying Official

07/18/2013

Date