



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

County STATEWIDE

March 9, 2005

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MAR 10 2005

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

To Whom It May Concern:

Subject: Cooperating Agency Environmental Documentation

As a Cooperating Agency under the provisions of 23 CFR 771.111 the Montana Department of Transportation (MDT) is providing you a copy of this project's environmental documentation.

This environmental documentation complies with the provisions of 23 CFR 771.117(a) and (d) for categorically excluding this proposed project from further National Environmental Policy Act (NEPA) (42 U.S.C. 4321, et seq.) documentation requirements. The attached also complies with the provisions of 75-1-103 and 75-1-201, MCA (see ARM 18.2.237 and 18.2.261, MEPA "Actions that qualify for a Categorical Exclusion" as applicable to the MDT).

If you have any questions concerning the attached environmental documentation please call the MDT Environmental Services Division at (406) 444-7228.

Sincerely,

Jean A. Riley, P.E.
Engineering Bureau Chief
Environmental Services Division

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Attachment



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

RECEIVED

February 18, 2005

Janice W. Brown, Division Administrator
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena, MT 59602

MASTER FILE
COPY

FEB 22 2005
FHWA
MONTANA DIVISION

Subject: **Statewide Pavement Preservation Projects**
Types of Projects: Crack Sealing, Seal & Cover, Thin Lift Overlays (less than or equal to 60 mm), Mill & Fill (less than or equal to 60 mm), Plant Mix Leveling, Mill OGFC, Micro Surfacing, and Fog Seal *0.2 ft*

This is to request approval of these proposed projects as a Categorical Exclusion (CE) under the provisions of 23 CFR 771.117(d), and the Programmatic Agreement as signed by the MONTANA DEPARTMENT OF TRANSPORTATION (MDT) and the FHWA on April 12, 2001. This proposed action also qualifies as a CE under ARM 18.2.261 (Sections **75-1-103** and **75-1-201, MCA**).

The following process shall be utilized after the Preliminary Field Review has been completed;

1. Determine if the project is eligible for this Programmatic Categorical Exclusion based upon the criteria identified above under "Types of Projects" and this Categorical Exclusion.
2. The project qualifies as a pavement preservation project as defined in the Guidelines for Nomination and Development of Pavement Projects, as agreed upon by MTC, MDT and FHWA on October 17, 2000.
3. Complete the environmental Checklist for pavement preservation projects.
4. Submit the Preliminary Field Review Report and Checklist to Environmental Services.
5. The Environmental Services staff will determine if there are any restrictions or special procedures to be followed. A letter to FHWA will be prepared explaining the anticipated work and that the work is covered by this PCE. The letter will include any restrictions or concerns. The Environmental Engineering Services Bureau Chief or the Environmental Engineering Section Supervisor will sign the Checklist and a copy of the Preliminary Field Review Report and a map of the project will be attached to the letter explaining coverage.
6. If controversy, complications or significant impacts are encountered, a standard NEPA document will be prepared.

The following restrictions shall apply on all projects;

1. Crack Seal; The work will not extend beyond the existing paved surface.
2. Seal & Cover; The work will not extend beyond the existing paved surface.

Environmental Services
Phone: (406) 444-7228
Fax: (406) 444-7245

Web Page: www.mdt.state.mt.us
Road Report: (800) 226-7623
TTY: (800) 335-7592

YES NO N/A UNK

3. Thin Lift Overlay; May extend slightly beyond the existing pavement. Some removal of vegetation may be necessary, but flattening of the slopes will not be done.
4. Mill & Fill; The work will not extend beyond the existing paved surface.
5. Plant Mix Leveling; The work will not extend beyond the existing paved surface.
6. Mill Open-Graded Friction Course; The work will not extend beyond the existing paved surface.
7. Micro Surfacing; The work will not extend beyond the existing paved surface.
8. Fog Seal; The work will not extend beyond the existing paved surface.
9. Work may include the following work items if done within the existing Right-of-Way limits; upgrading bridge rails, minor work on bridge decks, new ADA ramps, curbs and sidewalks associated with the installation of new ADA ramps, minor repairs to existing curb and sidewalk including replacement sections, road approaches (see attached "Standard Pavement Preservation Approach Paving" detail sheet), guardrail or signing.

(Note: An "X" in the "N/A" column is "Not Applicable" to, while one in the "UNK" column is "Unknown" at the present time for this CE. An "#" indicates that this item will be completed as part of the ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS.)

NOTE: A response in a box will require additional documentation for a Categorical Exclusion request in accordance with 23 CFR 771.117(d).

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
1. These proposed projects would have (a) significant environmental impact(s) as defined under <u>23 CFR 771.117(a)</u> .	<input type="checkbox"/>	<u>X</u>		
2. These proposed projects involve (an) unusual circumstance(s) as described under <u>23 CFR 771.117(b)</u> .	<input type="checkbox"/>	<u>X</u>		
3. These proposed projects involve one (or more) of the following situations where:				
A. Right-of-Way, easements, and/or construction permits would be required.	___	<u>X</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"/>	<u>X</u>	___	
2. There is a high rate of residential growth in these proposed projects' areas.	___	___	<u>X</u>	___
3. There is a high rate of commercial growth in these proposed projects' areas.	___	___	<u>X</u>	___
4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation.	___	___	___	<u>X#</u>

Statewide PCE
 Pavement
 Preservation Projects

YES NO N/A UNK

5. There are parks, recreational, or other properties acquired/improved under *Section 6(f)* of the *1965 National Land & Water Conservation Fund Act (16 U.S.C. 460L, et seq.)* within these proposed projects areas.

___ X

The use of such *Section 6(f)* sites would be documented and compensated with the appropriate agencies. (e.g.: MDFW&P, local entities, etc.).

___ X

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 *Section 106* of the *National Historic Preservation Act (16 U.S.C. 470, et seq.)* by the State Historic Preservation Office (SHPO), which would be affected by these proposed projects.

___ X

7. There are parks, recreation sites, school grounds, wildlife refuges, historic sites, historic bridges, or irrigation that might be considered under *Section 4(f)* of the *1966 U.S. DEPARTMENT OF TRANSPORTATION Act (49 U.S.C. 303)* within the proposed projects areas.

___ X

a. "Nationwide" Programmatic *Section 4(f)* Evaluation forms for these sites are attached.

___ X

b. These proposed projects require a full (i.e.: DRAFT & FINAL) *Section 4(f)* Evaluation.

___ X

B. The activity would involve work in a streambed, wetland, and/or other waterbody (ies) considered as "waters of the United States" or similar (e.g.: "state waters").

___ ___ ___ X#

1. Conditions set forth in *Section 10* of the *Rivers and Harbors Act (33 U.S.C. 403)* and/or *Section 404* under 33 CFR Parts 320-330 of the *Clean Water Act (33 U.S.C. 1251-1376)* would be met.

X ___

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 Montana Inter-Agency Wetland Group.

X ___

3. A 124SPA Stream Protection permit would be obtained from the MDFW&P?

___ ___ ___ X#

4. There is a delineated floodplain impacted in the proposed project area under FEMA's Floodplain Management criteria.

___ X

Statewide PCE
 Pavement
 Preservation Projects

YES NO N/A UNK

The water surface at the 100-year flood limit elevation would exceed floodplain management criteria due to an encroachment by the proposed project.

 X

5. Tribal Water Permit would be required.

 X#

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 U.S. Department of Agriculture, or the U.S. Department of the Interior.

 X#

The designated National Wild & 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 U.S.C. 1271 – 1287)*, this work would be coordinated and documented with either the Flathead National Forest (Flathead River), or U.S. Bureau of Land Management (Missouri River).

 X

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.

 X

1. If yes, are there potential noise impacts?

 X

2. A Noise Analysis would be completed.

 X

3. There would be compliance with the provisions of both 23 CFR 772 for FHWA's Noise Impact analyses and MDT's Noise Policy.

 X

D. There would be substantial changes in access control involved with these proposed projects.

 X

YES NO N/A UNK

If yes, would they result in extensive economic and/or social impacts on the affected locations?

 X

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.

 X

2. Adverse effects to through-traffic dependant businesses would be avoided or minimized.

 X

3. Interference to local events(e.g.: festivals) would be minimized to all possible extent.

 X

4. Substantial controversy associated with this pending action would be avoided.

 X

F. Hazardous wastes /substances, as defined by the U.S. 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.

 X#

All reasonable measures would be taken to avoid and/or minimize substantial impacts from same.

 X

G. The Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314), including temporary erosion control features for construction would be met.

 X

H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas.

 X

I. Documentation of an "invasive species" review to comply with both E.O.#13112 and the *County Noxious Weed Control Act (7-22-21, M.C.A.)*, including directions as specified by the county (ies) wherein its intended work would be done.

 X

J. There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed projects areas.

 X

YES NO N/A UNK

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 U.S.C. 4201, et seq.)*.

___ X

K. Features for the *Americans with Disabilities Act (P.L. 101-336)* compliance would be included.

___ X

L. A written Public Involvement Plan, would be completed in accordance with MDT's Public Involvement Handbook.

X

4. This proposed project complies with the *Clean Air Act's Section 176(c) (42 U.S.C. 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 not covered under the EPA's September 15, 1997 Final Rule on air quality conformity.

___ X

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 Quality Division, etc.).

X ___

C. Is this proposed project in a "Class I Air Shed" (Indian Reservations) under 40 CFR 52.1382(c)(3)?

___ ___ ___ X#

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

A. There are recorded occurrences, and/or critical habitat in this proposed projects' vicinity.

___ ___ ___ X#

B. Would these proposed projects result in a "jeopardy" opinion (under 50 CFR 402) from the Fish & Wildlife Service on any Federally listed T/E Species?

 X ___

The ENVIRONMENTAL CHECKLIST PAVEMENT PRESERVATION PROJECTS will be completed for Pavement Preservation/Preventative Maintenance Projects.

YES NO N/A UNK

The proposed projects 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 projects would not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations (E.O.#12898). It also complies with the provisions of *Title VI* of the *Civil Rights Act* of 1964 (**42 U.S.C. 2000d**) under the FHWA's regulations (23 CFR 200).

In accordance with the provisions of 23 CFR 771.117(a), this pending actions 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.



Thomas L. Hansen, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

Concur  , Date: 3/04/05
Federal Highway Administration

S/Projects/Statewide_Misc/PCE Statewide Pavement Pres_ Revised 2 18 05.doc

Attachments

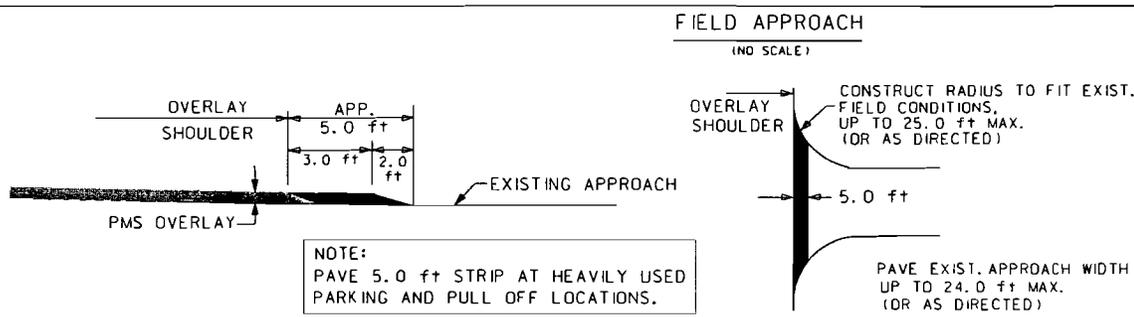
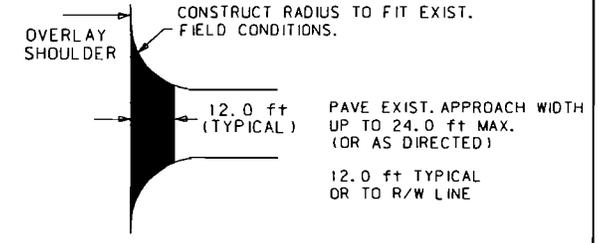
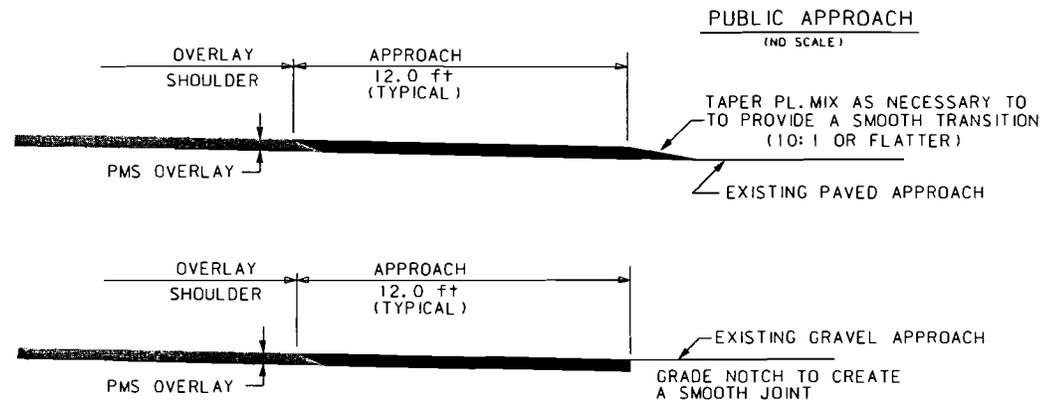
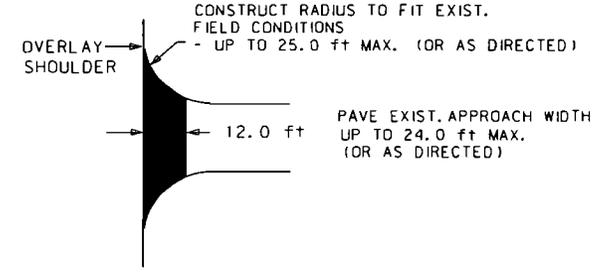
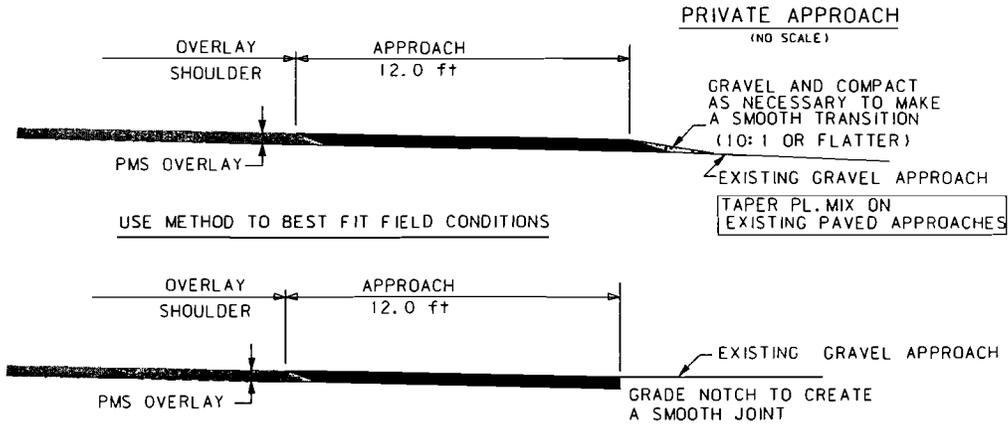
- cc: Dwane Kailey, P.E. – Missoula District Engineer
Jeff Ebert, P.E. - Butte District Engineer
Michael Johnson - Great Falls District Administrator
Ray Mengel - Glendive District Administrator
Bruce Barrett - Billings District Administrator
John Blacker - MDT Maintenance Division
Loran Frazier, P.E. - Chief Engineer
Paul Ferry, P.E. - Highway Engineer
John H. Horton - MDT Right-of-Way Bureau Chief
Suzy Altof - MDT Contract Plans Section Supervisor
David W. Jensen - MDT Fiscal Programming Section Supervisor
Jean Riley, P.E. – MDT Environmental Services Bureau Chief
Environmental Quality Council
File

**“ALTERNATIVE ACCESSIBLE FORMATS OF
THIS DOCUMENT WILL BE PROVIDED ON
REQUEST.”**

STANDARD PAVEMENT PRESERVATION APPROACH PAVING

STATE	PROJECT NUMBER	SHEET NO.
MONTANA		

MONTANA DEPARTMENT OF TRANSPORTATION
 MONTANA ROAD & BUILDING DIVISION



APPROACH PAVING PREPARATION

IF MINOR SHAPING OF EXISTING APPROACHES IS NECESSARY:

GRADE, GRAVEL AND COMPACT AS NEEDED TO PROVIDE A SATISFACTORY PAVING SURFACE.

GRAVEL USED FOR APPROACH PREPARATION WILL BE MEASURED AND PAID FOR AS SHOULDER GRAVEL

INCLUDE ALL OTHER COSTS FOR APPROACH PAVING PREPARATION IN THE PRICE BID FOR PLANT MIX.

CLAYTON APPROACH PAVING PREPARATION (D)
 DRAWN BY: J. R. BRYAN
 CHECKED BY: J. R. BRYAN
 REVISED BY: J. R. BRYAN
 DATE: 11/28/2014
 UTG08