



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

March 29, 2005

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

ENVIRONMENTAL QUALITY COUNCIL
Legislative Environmental Policy Office
P.O. Box 201704
Helena, MT 59620-1704

Subject: **NH 63-1(7)0**
HARLOWTON - NORTH
(PPMS-OPX2 Control #4072)

NH 63-1(7)7
11 KM N OF HARLOWTON - N
(OPX2 Control #A072)

and

NH 14-3(18)101
HARLOWTON REST AREA
(PPMS-OPX2 Control #4978)

Attached is one (1) copy of the Categorical Exclusion request for each-of these proposed projects as approved by the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration (FHWA) on March 11, 2005.

The attached also complies-with the *Montana Environmental Policy Act (75-1-103 & 75-1-201, M.C.A.)* provisions under ARM 18.2.261, "Actions that qualify for a Categorical Exclusion" as applicable to the MONTANA DEPARTMENT OF TRANSPORTATION (MDT).

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

JAR:TLH:asj: [W] [S:\PROJECTS\BILLINGS\HARLOWTON-3\A784-EQC_DST.doc]

Attachment

copy: project main/"white label" file



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**MASTER FILE
COPY**

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FHWA
MONTANA DIVISION

February 25, 2005

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

Subject:

NH 63-1(10)0	NH 14-3(18)101	NH 63-1(7)0
Harlowton – North	Harlowton Rest Area	11 km North of Harlowton – North
(Control Number: <u>4072</u>)	(Control Number: <u>4978</u>)	(Control Number: <u>A072</u>)

This is a request for the FHWA’s concurrence that the proposed projects meet the criteria for classification as a Categorical Exclusion under provisions of 23 CFR 771.117(d). The proposed projects also qualify as a Categorical Exclusion under provisions of ARM 18.2.26 (Sections 75-1-103 and 75-1-201, M.C.A.). A map with the locations of the proposed projects is attached.

The Harlowton – North project is to reconstruct 10.7 kilometers (km) (6.6± miles (mi)) of US Highway 191 (National Highway System (NHS) Route 63 (N-63)) beginning at the intersection of US Highway 12 (N-14) and 191 at reference post (RP) 0.0 and continuing north to RP 6.6. Approximately 1.0 km (0.6 mi) of US Highway 12 will reconstructed from RP 100.7 to 101.3, including the reconfiguration of the intersection of US Highway 12 and 191. The proposed project scope of work was selected because of the age of the alignment, inadequate width, and poor overall roadside geometrics. The roadway will be designed for a 12.8 meter (m) (42.0± feet (ft)) paved surface, consisting of two 3.6 m (11.8± ft) travel lanes, and two 2.8 m (9.0± ft) shoulders. A 3.6 m (11.8± ft) acceleration lane will be located between RP 0.0 and 0.8 for northbound traffic.

A new scale site will be located to the south of US Highway 12 and Ray’s Sports & Western Wear. The existing scale site north of US Highway 12 and east of the intersection of US Highway 12 and 191 will be replaced due to the relocated intersection encroaching on the site.

The proposed Harlowton - North project is located within the following legal descriptions in Wheatland County:

<u>Township</u>	<u>Range</u>	<u>Section</u>
8 N	15 E	13, 23, 24
8 N	16 E	6, 7, 18
9 N	15 E	24, 25, 36
9 N	16 E	19, 30, 31

The Harlowton Rest Area project is to construct a new rest area south of the intersection of US Highway 12 (N-14) and 191 (N-63), approximately 1.0 km (0.6 mi) east of Harlowton at RP 101. The 2.6 hectare (ha) (6.42 acre (ac)) rest area will include a rest area building, picnic shelters, extension of the City water and sanitary sewer, paved roads and parking area, sidewalks, seeding and landscaping, lighting, grading, and other associated items.

The Harlowton Rest Area was included in the priority list of the *2004 Montana Rest Area Plan Update*. Constructing a rest area at this proposed location would help MDT implement its plan to provide the traveling public with quality facilities at key locations.

The proposed Harlowton Rest Area project is located within the following legal description in Wheatland County:

<u>Township</u>	<u>Range</u>	<u>Section</u>
8 N	15 E	23

The 11 km North of Harlowton – North project is to reconstruct 11.7 km (7.3± mi) of US Highway 191 (N-63) north of Harlowton between RP 6.8 and 14.3. The proposed project scope of work was selected because of the age of the alignment, inadequate width, and poor overall roadside geometrics. The roadway will be designed for a 12.8 m (42.0± ft) paved surface, consisting of two 3.6 m (11.8± ft) travel lanes, and two 2.8 m (9.0± ft) shoulders. No truck climbing lanes are proposed on this project.

The proposed 11 km North of Harlowton – North project is located within the following legal descriptions in Wheatland County:

<u>Township</u>	<u>Range</u>	<u>Section</u>
9 N	15 E	1, 12, 13, 24, 25
9 N	16 E	6, 7, 18, 19, 30
10 N	15 E	13, 24, 25, 36
10 N	16 E	18, 19, 30, 31

The proposed projects listed above have been evaluated for, and do not have any adverse effects on the following environmental areas of concern:

- Visual
- Social/Economic
- *N.L. & W.C.F. – 6(f) Acts*
- Floodplains

Noise

The proposed projects will not increase the number of through traffic lanes. Through field measurements and analysis it was determined that no traffic noise impacts were predicted for the projects. The proposed projects will also comply with the provisions of 23 CFR 772.5(h) and 772.7(a), and are also in compliance with MDT's Noise Policy.

Air Quality

The proposed projects are located in an "unclassifiable" attainment area of Montana for air quality under 40 CFR 81.327, as amended. As such, the proposed projects are not covered under the U.S. ENVIRONMENTAL PROTECTION AGENCY's **Final Rule** of September 15, 1997 on air quality conformity. Therefore, the proposed projects comply with Section 176 (c) of the *Clean Air Act* (**42 U.S.C. 7521(a)**), as amended.

Hazardous Waste

A Preliminary Environmental Site Assessment (PESA) of the Harlowton – North project was conducted on January 22, 2004. The PESA report dated March 24, 2004 states that there was no significant petroleum hydrocarbon or hazardous materials present in the project area. A Phase I and II Environmental Site Assessment (ESA) was conducted for the Harlowton Rest Area project due to the close proximity of former and existing gasoline stations in the area. The Phase I ESA was conducted on January 22, 2004 and the Phase II ESA was conducted on March 8, 2004. The Phase I/II ESA report for the Harlowton Rest Area dated April 2, 2004, states that concentrations of petroleum hydrocarbons were detected at levels well below DEQ action limits and no additional investigation activities are recommended. A Phase I ESA was conducted for the 11 km North of Harlowton – North project on June 18-19, 2004. The Phase I ESA report dated July 15, 2004 states that no current or previous uses of the properties adjoining the project corridor were identified that would warrant recommendations for further investigative or remedial services.

Important Farmlands

The majority of land adjacent to US Highway 191 is used for agricultural purposes. The 1981 *Farmland Protection Policy Act* (FPPA) requires that the effects of proposed highway projects be examined before any farmland is acquired. The FPPA uses the Farmland Conversion Impact Rating form (AD-1006) to assess farmland impacts. The FPPA definition of farmlands includes all areas in non-urban use. This

does not mean that these lands are currently in crop production, since the definition also includes forested, idle, pasture, open and recreational lands, as well as unpaved roads, rural residences and farm buildings. Form AD-1006 was used to identify the potential farmland impacts that would be associated with the proposed project. This impact analysis was conducted for the area within the proposed right-of-way (R/W). The NATURAL RESOURCES CONSERVATION SERVICE (NRCS) provided mapping of soils associated with Farmland of Statewide Importance.

The Harlowton – North project as currently proposed would impact 1.73 ha (4.28 ac) of Farmland of Statewide Importance. The proposed project received a total score of less than 160 and therefore, under provisions of 7 CFR 658.4(c) part (2), no mitigation will be necessary. Best Management Practices (BMP's) will be used to limit disturbance and control erosion, and to reclaim disturbed vegetation within the construction limits.

The Harlowton NRCS office has reviewed the completed Form AD-1006. Form AD-1006 is attached to the CE.

Historic/Cultural Resources

A cultural resources field survey of the Harlowton – North project area was conducted the week of September 20, 1999. Four cultural sites and six isolated finds were recorded. The sites included a prehistoric lithic scatter (24WL153), a historic dump (24WL155), an abandoned homestead site (24WL154), and the Corral Club (24WL156). The four sites were determined ineligible for the National Register of Historic Places (NRHP).

A cultural resources survey of the Harlowton Rest Area was conducted during the survey of the Second Street – Harlowton project (STPP 14-3(15)99, Control Number 4373) in 2001. Two historic sites were identified including the Milwaukee Road Overpass (24WL221), and Harlowton – Great Falls Branch of the Milwaukee Road Railroad (24WL222). Both sites are covered under the terms of programmatic agreements and no Determinations of Eligibility for Section 106 purposes are required. Copies of the programmatic agreements are included as attachments.

In October 2004, a cultural resources survey and assessment was conducted for the utility corridor for the Harlowton Rest Area. No new historic or prehistoric sites were identified during the survey, and it was determined that there would be no direct or indirect impacts to previously recorded NRHP eligible sites.

A cultural resources field survey of the 11 km North of Harlowton – North project was conducted the week of September 20, 1999 and November 13, 2003. In the Cultural Resource Inventory and Evaluation report dated January 2004 three historic

sites were identified in the project area including a historic homestead (24WL154), historic dump (24WL155), and the Martin Homestead (24WL243). The three sites were inventoried and determined ineligible for listing in the NRHP. The project as proposed will not impact any known significant cultural resources.

MONTANA STATE HISTORIC PRESERVATION OFFICE (SHPO) concurrences dated December 29, 1999, August 8, 2001, and February 9, 2004 for the proposed projects are included as attachments.

Section 4(f)

There is a parcel of land on the Harlowton – North project that is owned by Wheatland County and was designated on the 1927 plat as a public park. Wheatland County currently leases out the property for grazing and has no intention of developing the property into a park or recreational area. See attached letter dated June 17, 2004 from Wheatland County regarding the subject property.

See attached letters with SHPO's stamp of concurrence that no 4(f) impacts will occur to the former Harlowton – Great Falls Branch of the Milwaukee Road Railroad and Milwaukee Road Overpass.

Threatened/Endangered Species

In accordance with *Section 7* of the Endangered Species Act (16 U.S.C. 1531 – 1543), the projects were evaluated to determine the effects on plant and animal species listed by the U.S. DEPARTMENT OF THE INTERIOR's Fish & Wildlife Service (USFWS) as Threatened, Endangered, Candidate, or Proposed. According to the USFWS in a letter dated January 14, 2004, three Threatened, Endangered, Candidate, or Proposed species may occur within the vicinity of the proposed Harlowton – North and Harlowton Rest Area projects. In addition to these three species, the Whooping Crane was also analyzed for the 11 km North of Harlowton – North project.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened
Black-footed Ferret	<i>Mustela nigripes</i>	Endangered
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	Candidate
Whooping Crane	<i>Grus americana</i>	Endangered

Analyses in the Biological Resources Reports (BRR's) prepared for the projects and dated March 2004 and July 2004, determined that the proposed projects will have the following affects on the above noted Threatened and Endangered (T/E) species:

<u>T/E Species</u>	<u>Analysis Summary</u>	<u>Determination of Effect</u>
Bald Eagle	No nest sites are recorded near the project area. Bald Eagles likely occur in the project area in the winter and in the spring and fall during migration.	No effect
Black-footed Ferret	Not documented in the project area. Populations reintroduced in Phillips and Blaine Counties to the north.	No effect
Black-tailed Prairie Dog	Not documented in the project area. A prairie dog town was mapped approximately 0.8 km (0.5 mi) west of the northern terminus of the project. MFWP has mapped a prairie dog town approximately (4.0 mi) south of Harlowton.	No effect
Whooping Crane	No nesting in Montana. May stopover in project area during migration although there are no records of this species occurring in the project area.	No effect

No other T/E species have been observed within the vicinity of the projects.

The proposed projects will have a minor effect on the following environmental areas:

Biological Resources

The BRR's reference the common terrestrial and aquatic species found in the proposed project areas. Any impacts to these species will be negligible, and of short-term duration. Construction techniques and BMP's for erosion control, and a temporal restriction or other suitable mitigation measure to prevent the destruction of active bird nests at a timber stockpass will minimize impacts to terrestrial and aquatic resources. Additional mitigation measures proposed specifically for biological resources on the 11 km North of Harlowton – North project are referenced in the project's BRR dated July 2004.

The BRR's list 15 species of special concern that could potentially occupy habitats within the project areas. The majority of these species have not been documented in the project corridor and/or are uncommon and appear as transients only.

There will be relatively little overall impact to terrestrial and aquatic resources as a result of the proposed projects. The vegetation and habitat that will be impacted is only a small portion of comparable plant communities in the vicinity of the projects. Vegetation impacts will be mitigated as stated in the "Seeding" paragraph, following. Therefore, the projects are not likely to jeopardize sensitive terrestrial or aquatic resources.

Wetlands

All wetland areas that may be affected by the proposed projects are defined under the U.S. ARMY's 1987 *Corps of Engineers (CoE) Wetlands Delineation Manual* criteria. These criteria require the presence of 1) hydric soils, 2) hydrophytic vegetation, and 3) a hydrologic regime for an area to be classified as a wetland. Areas meeting all three of those criteria as wetlands are rated by function, value, and classification. A wetland's function is based on its ecological relationship absent any artificial influence(s). Its value is based on the benefits derived from one or more functions and the physical characteristics associated with that wetland. Wetland functions and values are rated as either low, moderate, or high. Wetlands are ranked by four classifications using their functions, values, and other criteria with Class I being the highest.

Field biologists with MDT's environmental consultants delineated potential wetlands within the vicinity of the proposed projects according to these procedures. Complete results of the "Wetland Resource Inventory & Impact Assessment" are included in the BRR's dated March 2004 and July 2004. Category III and IV wetland areas were delineated within the vicinity of the projects with a combined area of approximately 0.34 ha (0.84± ac).

The proposed projects will impact approximately 0.15 ha (0.38± ac) of Category III wetlands, and 0.19 ha (0.46± ac) of Category IV wetlands. A summary of these impacts follows.

Wetland Category	Approximate Total Area	Approximate Area of Impact
III	1.38 ha (3.41± ac)	0.15 ha (0.38± ac)
IV	0.25 ha (0.63± ac)	0.19 ha (0.46± ac)
Total	1.63 ha (4.04± ac)	0.34 ha (0.84± ac)

As noted in the BRR's, complete wetland avoidance is not possible due to the orientation of these wetlands perpendicular to the existing and proposed roadway alignments; however, the proposed alignment minimizes wetland impacts by keeping the alignment as close to the existing as possible and steepening side slopes where practicable.

Executive Order (E.O.) 11990, and provisions in *Section 404* of the *Clean Water Act* (33 U.S.C. 1251 – 1376, see the "Permits Required" section following) require that impacted wetlands be mitigated with replacement on-site and in-kind wherever feasible. Mitigation for these impacts may occur on-site or off-site, but within the same watershed as the impacts.

A minor amount of potential on-site compensatory mitigation was identified on the 11 km North of Harlowton – North project where the majority of the wetland impacts will occur. Off-site mitigation may occur at the Roundup mitigation site in the Musselshell River watershed #10, where wetland mitigation credits currently exist.

Stream Preservation/Water Quality

Some in-stream work will occur at Antelope Creek, Alkali Creek, Roberts Creek and a few unnamed drainages. In the course of extending the city water line from Harlowton to the new rest area the water line will be bored under the channel of Antelope Creek. At Alkali Creek, Roberts Creek, and other drainages, culverts will be replaced.

Antelope Creek is a waterbody on Montana's 303(d) lists of impaired waters, and therefore, reconstruction activities will be coordinated with the MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ). Antelope Creek is classified as B-1 water, with the probable cause(s) and source(s) for the impairment being salinity/TDS/chlorides, with the source unknown.

All in-stream work will also be in accordance with the Water Quality Act of 1987 (P.L. 100-4), as amended.

Erosion Control

A Stormwater Pollution Prevention Plan (SWPPP) will be prepared, and include an Erosion Control Plan (ECP) to be submitted to the DEQ's Permitting and Compliance Division in compliance with their Montana Pollutant Discharge Elimination System (MPDES) Regulations (ARM 16.20.1314) for the proposed projects. BMP's will be included in the design of this plan using guidelines as established in MDT's Erosion & Sediment Control Best Management Practices Manual. Particular care will be given to minimize sedimentation during construction work at Antelope Creek, Alkali Creek, Roberts Creek, and unnamed drainages. This will be accomplished through BMP's or other appropriate measures. The objective is to minimize erosion of disturbed areas during construction and operational phases of the proposed projects (see also the "Permits Required" section, following).

Seeding

MDT will re-establish a permanent desirable vegetation community with respect to areas disturbed by the proposed construction in accordance with **7-22-2152**, and **60-2-208 M.C.A.** The contractor will follow revegetation guidelines developed by MDT. These specifications include instruction on seeding methods, seeding dates, types and amounts of mulch and fertilizer, along with seed mix components. Seed mixes include a variety of species to assure that vegetation cover immediately stabilizes

areas disturbed by construction. The Seeding Special Provisions developed for the proposed projects will be forwarded to the Wheatland County Weed Board for approval.

Traffic Control

It will be necessary to maintain traffic through the project areas while the road reconstruction projects are under construction. It is intended to utilize a “half-at-a-time” construction technique and have traffic use a portion of the existing alignment while the new roadway is being constructed.

Appropriate signing and flagging will be maintained in accordance with the Manual on Uniform Traffic Control Devices.

Land Use and Right-of-Way

The existing roadway passes through rolling prairie, which is ranchland primarily used for dryland farming and grazing. The Sportsman’s Restaurant, Corral Motel, and two U.S. Air Force missile sites are located within the vicinity of the projects.

As-Built plans show 30.5 m (100± ft) of R/W on both sides of the existing roadway centerline. The acquisition of new R/W will be required throughout the project and new R/W limits will be established using present primary standards.

WHEATLAND COUNTY administers land in the NE ¼ NE ¼ of Section 23, T 8 N, R 15 E that will be impacted by the proposed Harlowton – North project. The land is bisected by US Highway 191 at RP 0.2. The U.S. AIR FORCE administers land west of US Highway 191 at RP 1.3 in the NE ¼ NE ¼ of Section 23, T 8 N, R 15 E that will be impacted by the proposed Harlowton – North project. Construction of the new alignment in this section will require an easement from the USAF. The USAF also administers land east of US Highway 191 at RP13.1 in Section 19, T10N, R16E, of the 11 km North of Harlowton – North project. The STATE OF MONTANA administers three parcels of land along the project corridor as follows: both east and west of US Highway 191 between RP 1.2 and 1.5 in the NW ¼ NW ¼ of Section 24, T 8 N, R 15 E; west of US Highway 191 between RP 5.0 and 6.0 in Section 36, T 9 N, R 15 E; and west of US Highway 191 between RP 11.0 and 12.0 in Section 36, T 10N, R 15 E. The land in the NW ¼ NW ¼ of Section 24, T 8 N, R 15 E will be impacted by the proposed Harlowton – North project. Construction permits and rip-rap easements will also be required for the projects.

New R/W required will not impact any residential dwellings or other structures. No relocation of residential, commercial, and/or farm buildings will be necessary. Therefore, the land use impacts of the proposed projects are not regarded as substantial.

Secondary Impacts

Secondary impacts resulting from the proposed projects are generally related to pedestrian and/or bicycle use, utilities, or highway maintenance. While not intended to affect those items, the proposed projects construction will improve both pedestrian/bicycle use along, and reduce maintenance on its portion of US Highway 12 and 191. Any impacts to utilities will be very negligible related to relocations. Each of these items is discussed in more detail below.

- **Pedestrian and Bicycle Concerns**

Pedestrian/bicycle use of US Highway 12 and 191 in this area is very limited and primarily associated with recreation in the areas surrounding the projects. The proposed projects will not include any special features (i.e., sidewalks or bike paths) for such use, but will better accommodate both pedestrians and bicyclists due to the improved width of the road. The improved alignment will also provide a safety improvement by providing improved sight distance.

- **Utilities**

Overhead power lines and telephone lines are located parallel and on the west side of the existing alignment. Three underground missile cable crossings are located in the Harlowton – North project area; the one at approximately RP 1.0 will require relocation the other two will be left undisturbed. One missile cable crossing is located in the 11 km North of Harlowton – North project area but will not be disturbed. Both the phone and power lines (and pedestals) are in conflict with the proposed projects and will require relocation at the intersection of US Highway 12 and 191.

Utility relocations will be coordinated with the line's owner, and will be done prior to the proposed projects construction. Notification of service interruptions due to relocations will be the responsibility of that utility line's owner. Such disruptions are normally minor in nature, and are usually limited to the customers connected to the affected lines.

- **Maintenance**

Maintenance on the proposed projects portion of US Highway 12 and 191 will either be unaffected or reduced as a result of these project improvements.

Cumulative Impacts

MDT currently has the following seven projects in this part of its Billings District:

- ◆ Judith Gap – N & S, NH 63-1(8)14, Control Number 4073
- ◆ Shawmut – West, NH 14-3(13)108, Control Number 4075
- ◆ Second Street – Harlowton, STPP 14-3(15)99, Control Number 4373

- ◆ Wheatland County Line - East, STPP 14-3(17)78, Control Number 4889
- ◆ Harlowton – South, STPP 45-2(7)38, Control Number 5188
- ◆ Wheatland County Line – West, STPP 45-2(5)28, Control Number 4074
- ◆ Carbon County Line – East, STPS 421-2(2)9, Control Number 4487

Other City and private projects proposed include a Downtown Rejuvenation project with bulb outs and landscaping on Central Avenue in Harlowton; converting the old Milwaukee Road Railroad grade south of Harlowton into a pedestrian walking and bike path; and a private “Wind Energy” venture south of Judith Gap. Wheatland County does not have any proposed projects in the Harlowton area.

None of these proposed projects would have adverse cumulative impacts.

Permits Required

The following permits will be acquired prior to any relevant disturbances on the proposed projects:

The proposed projects will be in compliance with the provisions for both Water Quality under **75-5-401(2) M.C.A.** for *Section 3(a)* authorizations, and Stream Protection under **87-5-501** through **509 M.C.A.**, inclusive. A **124SPA Stream Protection** Permit will also be acquired from MONTANA FISH, WILDLIFE & PARKS (MFWP).

The proposed projects will require the following permits under the *Clean Water Act* (**33 U.S.C. 1251-1376**):

A *Section 402/MPDES* permit from DEQ’s Permitting and Compliance Division.

A *Section 404* permit from the CoE. The CoE will be notified about the proposed projects under the “Nationwide” permit’s criteria.

Public Information

A public meeting was held on February 14, 2002 at the Youth Center in Harlowton from 6:30 to 8:30 pm. Twenty people attended the meeting. The meeting format included an open house, formal presentation, and a question/comment period. The purpose of the meeting was to introduce the project and to receive public input on the proposed improvements planned for the Harlowton – North, 11 km North of Harlowton – North, and Harlowton Rest Area projects.

At the meeting, the public opposed the re-alignment of US Highway 191, because the proposed intersection with US Highway 12 was approximately 457.0 m (1,500 ft) east of the current location, and the local businesses were concerned about being bypassed. However, there was support for locating a rest area south of US Highway 12 provided intersection with US Highway 191 could be moved as close as possible to the existing intersection. The community responded that the rest area could be used to promote the community of Harlowton by advertising Chamber of Commerce business as well as being an information center.

In January and February 2004, several meetings were held in Harlowton at the County Courthouse with the with the surrounding business owners including Ray's Sports and Western Wear, Wades Drive-Inn, Corral Motel, and Sportsman's Restaurant. The purpose of the meetings was to discuss the access and parking issues associated with the proposed intersection and rest area configuration. As a result of the meetings, the alignment of US Highway 191 was redesign to be as close as possible to the existing intersection, and the preferred configuration for the rest area, weigh station site, and truck-parking area was developed.

On April 15, 2004, a second public meeting was held at the Youth Center in Harlowton from 6:30 to 8:30 pm. Twenty-eight people attended the meeting. The meeting format included an open house, formal presentation, and a question/comment period. The purpose of the meeting was to present the revised highway alignment, rest area, intersection and utility plans developed for the Harlowton – North and Harlowton Rest Area projects and to receive public input.

At the meeting, the public accepted the relocated intersection and generally approved of the improvements being made to the highway, intersection and weigh station. However, there was some opposition to the rest area because of the increased noise and potential for crime. Written comments received included, a letter of approval for the project from the CITY OF HARLOWTON, HARLOWTON CHAMBER OF COMMERCE and several comment cards from meeting attendees with positive statements. See attached letters from the CITY OF HARLOWTON and HARLOWTON CHAMBER OF COMMERCE.

In May 2004, informational letters with maps, additional data from the noise study, and clarifications from the public meeting were sent to the residential landowners with property near the rest area. Subsequently, several of these landowners were met with personally on site to discuss the specifics of the project. Based on the comments received, several design adjustments were made including, realigning the waterline and the addition of a chain link fence on the south and west sides of the rest area.

Cooperating Agencies

The CoE, USFWS, USAF, DEQ, MFWP, NRCS, MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC), and the CITY OF HARLOWTON were requested to participate as Cooperating Agencies on the Harlowton – North and Harlowton Rest Area projects under the provisions of 23 CFR 771.111(d). Responses were received from the CoE, USFWS, NRCS, DNRC, DEQ, USAF, and MFWP. The USFWS and DEQ stated in their letters of response that they agreed to participate as cooperating agencies. The NRCS stated that they declined participation as a cooperating agency, while the CoE, DNRC, USAF, and MFWP did not indicate their interest in participating as a cooperating agency. The CITY OF HARLOWTON did not respond to the cooperating agency letter. Copies of the cooperating agency letters are attached.

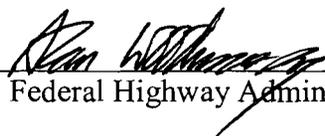
The CoE, USFWS, USAF, DEQ, MFWP, NRCS, and DNRC were requested to participate as Cooperating Agencies on the 11 km North of Harlowton – North project under the provisions of 23 CFR 771.111(d). Responses were received from the CoE, NRCS, DNRC, USAF, and MFWP. The CoE was the only responding agency that agreed to participate as a cooperating agency. The NRCS stated that they declined participation as a cooperating agency, while the DNRC, USAF, and MFWP did not indicate their interest in participating as a cooperating agency. The USFWS and DEQ did not respond to the cooperating agency letter. Copies of the cooperating agency letters are attached.

The proposed projects will not induce significant land use changes, nor promote unplanned growth. There will be no significant affects on access to adjacent properties, nor to present traffic patterns. The proposed projects are also in accordance with E.O. 12898 and will not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations. This proposed projects are also in compliance with *Title VI* provisions of the *Civil Rights Act* (42 U.S.C. 2000d) under the FHWA's regulations (23 CFR 200).

These actions will neither individually nor cumulatively have any significant environmental impacts, and complies with the provisions of 23 CFR 771.117(a). Therefore, the FHWA's concurrence is requested that the proposed projects are properly classified as a Categorical Exclusion.



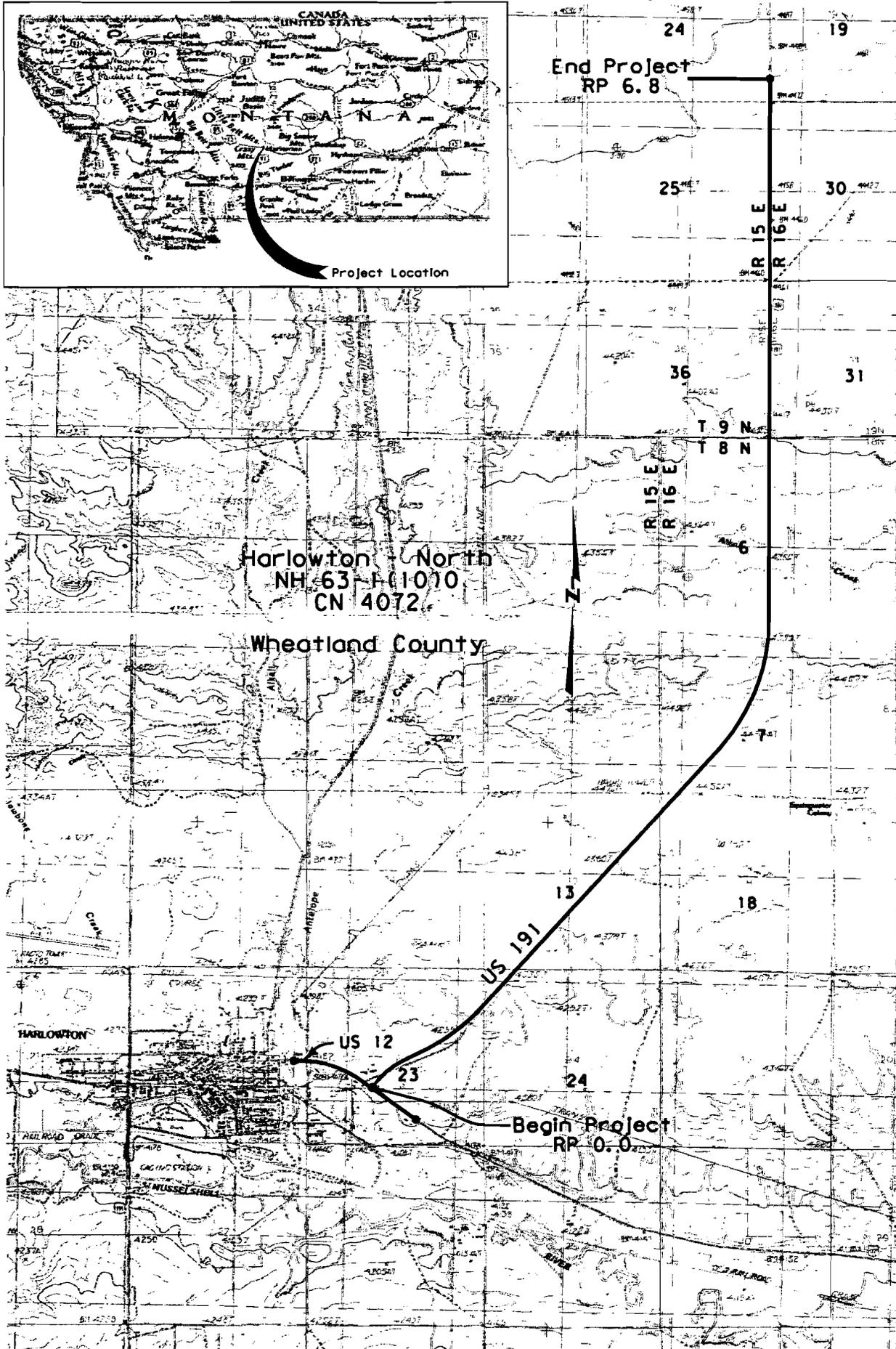
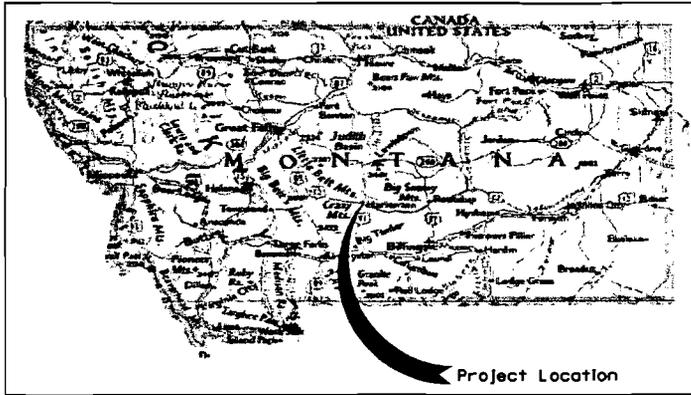
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Engineering Section Supervisor
Environmental Services Bureau

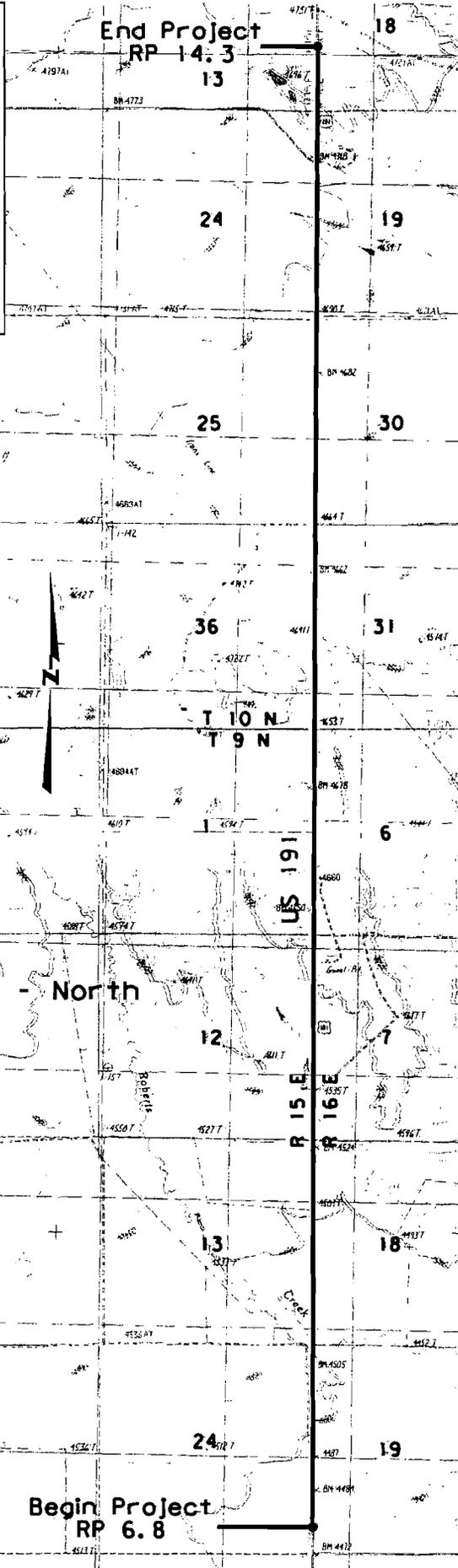
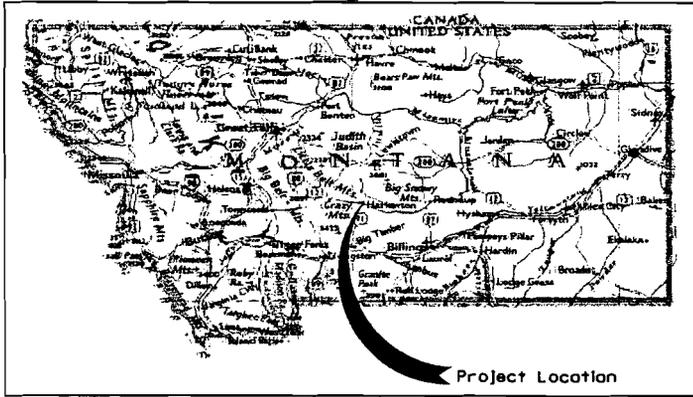
Concur  _____ Date 11 MAR 05
Federal Highway Administration

"ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED UPON REQUEST."

Attachments

- cc: Bruce H. Barrett, Administrator – MDT Billings District (No. 5)
- Paul R. Ferry, P.E. – MDT Preconstruction Engineer
- Thomas S. Martin, P.E. – MDT Consultant Design Engineer
- John H. Horton, Jr. – MDT Right-of-Way Bureau Chief
- David W. Jensen, Supervisor – MDT Fiscal Programming Section
- Suzy Althof, P.E. – MDT Contract Plans Bureau Chief
- Jean A. Riley, P.E. – MDT Environmental Services Bureau Chief
- file

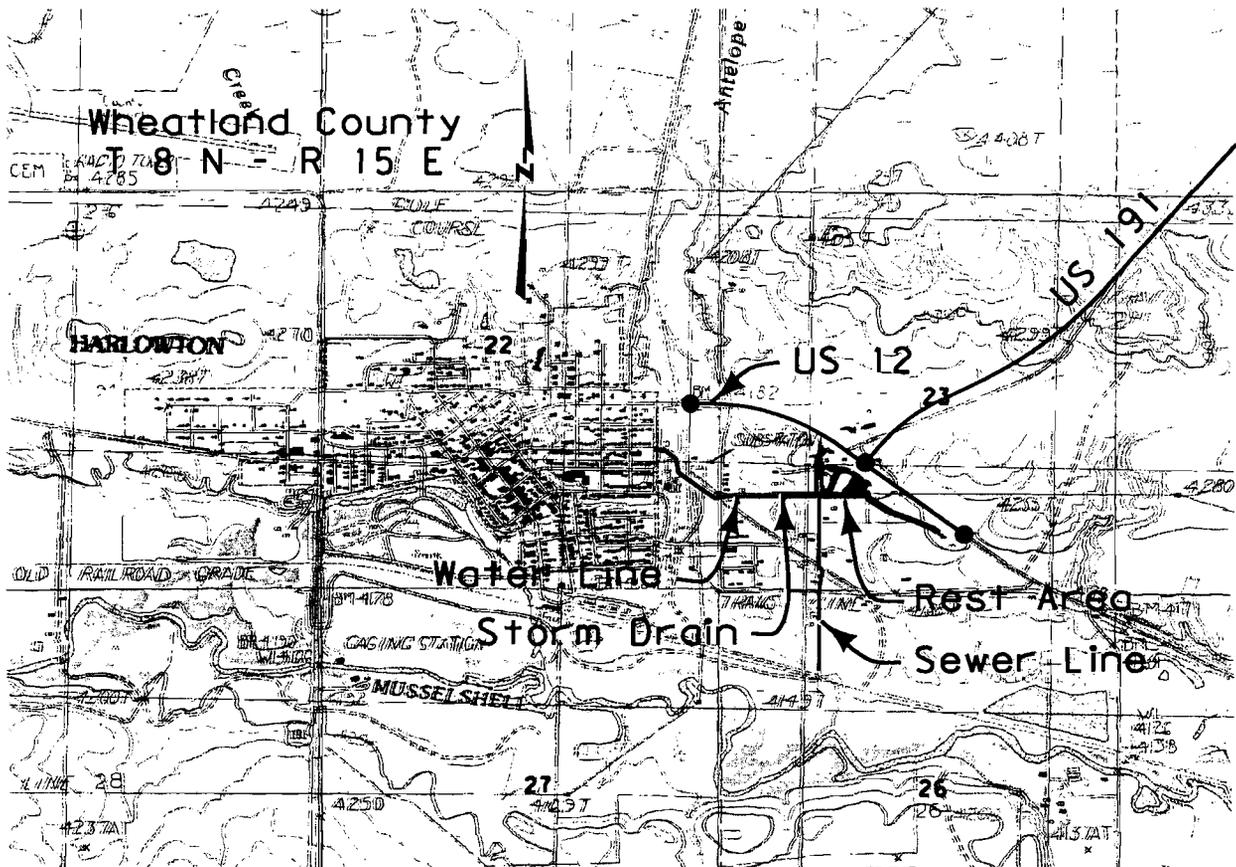
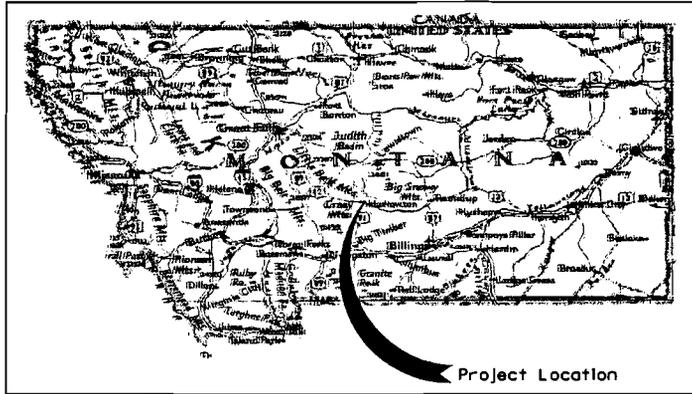




11 km North of Harlowton - North
NH 63-1(12-7)
CN A072
Wheatland County

Begin Project
RP 6.8

End Project
RP 14.3



Harlowton Rest Area
 NH 14-3(18)101
 CN 4978

**FARMLAND CONVERSION IMPACT RATING
(FORM AD-1006)**

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request August 12, 2004			
Name of Project Harlowton - North		Federal Agency Involved Federal Highway Administration			
Proposed Land Use Highway		County and State Wheatland, MT			
PART II (To be completed by NRCS)		Date Request Received By NRCS		Person Completing Form:	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Acres Irrigated 24,050	Average Farm Size 5790	
Major Crop(s) Winter Wheat, Spring Wheat, Barley, Oats	Farmable Land in Govt. Jurisdiction Acres: * %	Amount of Farmland As Defined in FPPA Acres: * %			
Name of Land Evaluation System Used LESA	Name of State or Local Site Assessment System None	Date Land Evaluation Returned by NRCS 11/3/2004			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		1.98			
B. Total Acres To Be Converted Indirectly		2.30			
C. Total Acres In Site		4.28			
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		0			
B. Total Acres Statewide Important or Local Important Farmland		4.28			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		*			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		*			
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)		62			
PART VI (To be completed by Federal Agency) Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)	15		
2. Perimeter In Non-urban Use		(10)	10		
3. Percent Of Site Being Farmed		(20)	2		
4. Protection Provided By State and Local Government		(20)	0		
5. Distance From Urban Built-up Area		(15)	15		
6. Distance To Urban Support Services		(15)	10		

7. Size Of Present Farm Unit Compared To Average	(10)	5			
8. Creation Of Non-farmable Farmland	(10)	0			
9. Availability Of Farm Support Services	(5)	5			
10. On-Farm Investments	(20)	0			
11. Effects Of Conversion On Farm Support Services	(10)	0			
12. Compatibility With Existing Agricultural Use	(10)	0			
TOTAL SITE ASSESSMENT POINTS	160	62			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	62			
Total Site Assessment (From Part VI above or local site assessment)	160	62			
TOTAL POINTS (Total of above 2 lines)	260	124			
Site Selected: A	Date Of Selection February 7, 2005	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO X <input checked="" type="checkbox"/>			
Reason For Selection: Site A was chosen as the best alternative.					
Name of Federal agency representative completing this form: Kirk Eakin – URS Corporation				Date: February 7, 2005	

(See Instructions on reverse side)

Form AD-1006 (03-02)

*Soil Survey is not completed in Wheatland County, so these acres can not be obtained.

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 – NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step 4 – In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 – NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

Part I: In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

Part III: In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5 (b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

Total points assigned Site A = $\frac{180}{200} \times 160 = 144$ points for Site "A."

Maximum points possible 200

PROGRAMMATIC AGREEMENTS

The 1989 Historic Roads and Bridges Programmatic Agreement.

PROGRAMMATIC AGREEMENT

Among the Federal Highway Administration (FHWA), the Montana State Historic Preservation Office (MSHPO), and the Advisory Council on Historic Preservation (ACHP), to develop a historic preservation plan to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of the FHWA's mission to provide safe, durable and economical transportation.

WHEREAS, Congress has mandated that highway bridges be evaluated, and where found substandard, be rehabilitated or replaced and has provided funding for these purposes, to insure the safety of the traveling public (through the Highway Bridge Replacement and Rehabilitation Program); and

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has standards regulating the construction and the rehabilitation of highways and bridges that must be met by the FHWA to insure the safety of the traveling public; and

WHEREAS, Congress declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture; and

WHEREAS, the FHWA proposes to make Federal funding available to the Montana Department of Highways (MDOH) for its ongoing program to construct and rehabilitate roads and bridges, and MDOH concurs in and accepts responsibilities for compliance with this Agreement; and

WHEREAS, the FHWA has determined that the construction and improvement of highways may have an effect on historic roads and bridges that are listed in the National Register of Historic Places, or may be determined eligible for listing, and have consulted with the ACHP and the MSHPO pursuant to Section 800.13 of the regulations (36CFR800) implementing Section 106 of the National Historic Preservation Act (16U.S.C. 470f); and

WHEREAS, the parties understand that not all historic roads and bridges fall under the jurisdiction of sphere of influence of the FHWA, and that to encourage other parties to participate in preservation efforts, an education to foster a preservation ethic is needed; and

NOW THEREFORE, FHWA, MSHPO, and ACHP agree, and MDOH concurs, that the following program to enhance the preservation potential of historic roads and bridges, and to promote management and public understanding of and appreciation for these cultural resources will be enacted in lieu of regular Section 106 procedures as applied to historic roads and bridges only.

Stipulations

The Federal Highway Administration will ensure that the following program is carried out:

The Federal Highway Administration, in cooperation with the Montana Department of Highways, will develop a preservation plan to ensure the preservation and rehabilitation of the states [sic] significant historic roads and bridges, and will develop and on-going educational program to interpret significant historic roads and bridges that illustrate the engineering, economic, and political development of roads in Montana. Specifically:

A. For Public Education

1. MDOH will prepare technical documentation of the history of roads and road construction, and of the history of bridge building in the state, according to a format developed by MDOH in consultation with the MSHPO and in compliance with the Secretary of the Interior's Standards for Preservation Planning. From this documentation, MDOH will prepare narrative histories suitable for publication for the general public. Draft copies of the documentation and the narrative histories will be submitted to the FHWA, MSHPO and a list of qualified reviewers to be determined by FHWA, MDOH and MSHPO by December 1, 1990, and 45 days will be allowed for reviewers to comment. MDOH will prepare final documentation and histories by May 1, 1991. Final copies will be distributed to the district, area, and field offices of the MDOH, to the County Commissioners, county road and bridge departments, and county historical societies, to the owners of significant roads and bridges identified in the documentation, to the Montana Historical Society Library and the Montana State Library, and to the general public as requested.
2. MDOH will develop and make available to newspapers and publishers of historical and of engineering journals articles suitable for public information on historic roads and bridges and on their construction and significance.
3. MDOH will augment its historic sign program by developing interpretation for the traveling public at existing rest areas or pull-overs to explain Montana's road construction and bridge engineering. It will develop on-site interpretation for significant resources that can be viewed and appreciated by the public.
4. By April 15, 1990 MDOH will develop and circulate a traveling exhibit that portrays the history of the development of transportation in Montana.
5. By December 1, 1991 MDOH will develop and circulate a public program (slide/tape or video) of approximately 20 minutes, suitable for use at public or organization gatherings, classrooms, etc.

B. For Historic Road and Bridge Preservation

1. The FHWA, in co-operation with the MDOH, will prepare a plan for the preservation of significant and representative road segments and bridge types around the state as identified in the research in Part A. of this Agreement. The Historic Preservation Plan (HPP) will be presented to the FHWA, MSHPO, the ACHP and [a] list of qualified reviewers by September 1, 1991, and 45 days comment period will be allowed for discussion and adoption. FHWA will work to resolve disagreement on the proposed HPP. If agreement cannot be reached by December 1, 1991, all FHWA undertakings affecting historic roads and bridges will again become subject to 36 CFR 800 procedures.

The HPP for historic roads and bridges shall be prepared in accordance with the following guidelines:

- a. The essential purpose of the HPP will be to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA and the MDOH in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of FHWA's mission, to provide safe, durable and economical transportation;
 - b. In order to facilitate such integration, the HPP, including all maps and graphics, will be made consistent with the Federal Aid road and bridge numbering systems;
 - c. The HPP will be prepared in consultation with the owners, managers, caretakers, or administrators of historic roads and bridges, including county governments, city governments, federal agencies, and private individuals or corporations, and with interested parties or organizations, including the American Society of Civil Engineers - Montana Section, and the Montana Society of Engineers;
 - d. The HPP will be prepared with reference to the Secretary of Interior's Standards and Guidelines for Preservation Planning (48 FR 44716-20); and
 - e. The HPP will be prepared by or under the supervision of an individual who meets, or individuals who meet, at a minimum, the "professional qualifications standards" for historian and archaeologist in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).
2. The contents of the HPP will be developed in conjunction with the MSHPO, and will include, but not be limited to, a schedule for the anticipated implementation of the various elements, plus the formulation and presentation of programs to:

- a. Preserve historic bridges that do not meeting safety rating standards by rehabilitation in a manner that would preserve important historic features while meeting as many AASHTO standards as can be reasonable met;
 - b. When a historic bridge must be replaced, give full consideration and demolition savings to reuse of the historic bridge in place by another party.
 - c. When a historic bridge must be replaced and in place preservation is not feasible, give full consideration and financial assistance to relocating and rehabilitating the historic bridge as a part of the replacement project;
 - d. Develop and implement a program to encourage relocation and reuse of bridges of historic age that cannot be preserved in place or used on another location by the state or county;
 - e. Provide a financial incentive by offering demolition savings on all relocation and reuse of bridges of historic age;
 - f. Develop a list of historic roads and bridges that can be preserved. The list should include the variety available to reflect Montana highway construction history, while considering current condition and use. The list should be presented to and discussed with managing units to solicit their cooperation and/or participation in the preparation of the HPP; and
 - g. Devise a program to pursue the preservation of the state's representative and outstanding examples of road and bridge technology. A list of historic roads and bridges shall be preserved will be developed to implement this program, given currently known commitments to do so by property managers and subject to change by obtaining future commitments for other properties covered by this Agreement.
3. The HPP will not include information developed in Part A. above, narrative histories, but will be guided by and used in conjunction with Part A. above, and will be distributed to the same parties.
 4. MDOH will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, the SHPO, and the ACHP for review, comment, and consultation as needed.

C. Other Legal and Administrative Concerns

1. FHWA will continue to inventory, evaluate and seek determinations of eligibility, and fully comply with 36 CFR 800 for all undertakings with the potential to affect historic properties besides roads and bridges which are hereby excluded from such consideration.

2. The MSHPO, and the ACHP may monitor FHWA and MDOH activities to carry out this PA, by notifying FHWA in writing of their concerns and requesting such information as necessary to permit either or both MSHPO and ACHP to monitor the compliance with the terms of this Agreement. FHWA will cooperate with the SHPO, and the ACHP in carrying out their monitoring and review responsibilities.
3. FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.
4. If a dispute arises regarding implementation of this PA, FHWA will consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA will request further comments of the ACHP.
5. During any resolution of disagreements on the PA, and/or in the event MDOH does not carry out the terms of the PA, FHWA will carry out the procedures outlined in 36 CFR 800 for all undertakings otherwise covered by this agreement.

Execution of this PA evidences that FHWA has afforded the ACHP a reasonable opportunity to comment on FHWA's program to construct and improve Montana highways when those undertakings affect historic roads and bridges, and that FHWA has taken into account the effects of these undertakings on significant historic roads and bridges.

BY: FEDERAL HIGHWAY ADMINISTRATION

[Roger K. Scott]	[May 11, 1989]
Roger K. Scott	Date
Division Administrator	

BY: MONTANA STATE HISTORIC PRESERVATION OFFICER

[Marcella Sherfy]	[May 11, 1989]
Marcella Sherfy, MSHPO	Date

BY: ADVISORY COUNCIL ON HISTORIC PRESERVATION

[Robert D. Bush]	[June 1, 1989]
Executive Director	Date

CONCUR

BY: MONTANA DEPARTMENT OF HIGHWAYS

[Stephen C. Kologi]	[May 11, 1989]
Stephen C. Kologi, P.E., Chief	Date
Preconstruction Bureau	

**Amendment To The Programmatic Agreement Regarding
Historic Roads and Bridges In Montana**

We are hereby amending the following stipulations in the Programmatic Agreement.

A. For Public Education

1. In the third sentence December 1, 1990 becomes December 1, 1992.
In the fourth sentence, May 1, 1991 becomes May 1, 1993.
5. December 1, 1991 becomes December 1, 1993.

B. For Historic Road and Bridge Preservation

1. September 1, 1991 becomes September 1, 1993 and December 1, 1991 becomes December 1, 1993.

By: Federal Highway Administration

[D. C. Lewis for] _____ Date [February 27, 1992] _____
Hank Honeywell
Division Administrator

By: Montana State Historic Preservation Officer

[Marcella Sherfy] _____ Date [February 27, 1992] _____
Marcella Sherfy, MSHPO

By: Advisory Council on Historic Preservation

[Robert D. Bush] _____ Date [March 16, 1992] _____
Robert D. Bush, Executive Director

Concur

By: Montana Department of Transportation

[Edrie Vinson] _____ Date [February 25, 1992] _____
Edrie Vinson
Environmental & Hazardous Waste Bureau

**Programmatic Agreement Implementing the Roads and Bridges
Preservation Plan**

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE MONTANA STATE HISTORIC PRESERVATION OFFICE
AFFECTING HISTORIC ROADS AND BRIDGES
IN MONTANA**

WHEREAS, the Federal Highway Administration, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's ongoing program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an effect upon a certain class of properties included in or eligible for inclusion on the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Office (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C.470f); and

WHEREAS, the FHWA and the MDT have developed a Historic Preservation Plan regarding roads and bridges and that document has been subject to review under 36 CFR 800.13 and has been agreed to by FHWA, SHPO and the Council; and

WHEREAS, the MDT participated in the consultation and has been invited to concur in this Programmatic Agreement;

NOW THEREFORE, the FHWA, the Council, and the Montana SHPO agree that the program addressed in this Programmatic Agreement shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual undertakings of the program.

Stipulations

The FHWA will ensure that the following measures are carried out:

- 1) The FHWA and MDT will implement the Roads and Bridges HPP in lieu of compliance with 36 CFR §§ 800.4 through 800.6.
- 2) This Programmatic Agreement will remain in force for as long as the roads and bridges HPP is in force or unless Stipulation 9 of this Agreement is invoked.
- 3) FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.

- 4) The MDT will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, Montana SHPO and the Council for review, comment and consultation as needed.
- 5) The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested by a signatory to this Agreement or by a member of the public. FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities as stipulated in 36 CFR 800.13
- 6) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties consult in accordance with 36 CFR 800.13 to consider such an amendment.
- 7) Any party to this Programmatic Agreement may terminate it by providing, in writing, forty-five (45) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek arrangement on amendments or other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.
- 8) Should the Montana SHPO object within sixty (60) days to any stipulation pursuant to this Historic Preservation Plan, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:
 1. provide the FHWA and Montana SHPO with recommendations, which the FHWA and Montana SHPO will take into account in reaching a final decision regarding the dispute; or
 2. notify the FHWA and Montana SHPO that it will comment pursuant to 36 CFR § 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA and Montana SHPO in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA and MDT's responsibility to carry out all actions under this Historic Preservation Plan that are not the subjects of the dispute will remained unchanged.
- 9) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Alan M. Seiler

Date: 7/17/97

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: [Signature]

Date: 7-9-97

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: [Signature]

Date: 7-8-97

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By: Julie M. [Signature]

Date: 7/8/97

AMENDMENT
TO
PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE MONTANA STATE HISTORIC PRESERVATION OFFICE
AFFECTING HISTORIC ROADS AND BRIDGES
IN MONTANA

WHEREAS, the Federal Highway Administration, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's on-going program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an effect upon a certain class of properties included in or eligible for inclusion on the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Office (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the FHWA and the MDT developed a Historic Preservation Plan regarding roads and bridges and that document was reviewed and accepted by FHWA, SHPO and the Council, and

WHEREAS, that document did not include historic roads constructed before the creation of the Montana State Highway Commission in 1913, requiring the necessity of including those properties under a Programmatic Agreement as specified in Part VI, Section A(5)(1)(a) of the MDT's Roads and Bridges Historic Preservation Plan (See Attachment 2), and

WHEREAS, that the existing Programmatic Agreement/Historic Preservation Plan is supplemented by this amendment and its underlying provisions remain in effect to the extent that they have not been completed, and

WHEREAS, the MDT participated in the consultation and has been invited to concur in this Programmatic Agreement;

NOW THEREFORE, the FHWA, the Council and the Montana SHPO agree that the program addressed in this Programmatic Agreement shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual undertakings of the program.

- 8) The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested by a signatory to this Agreement or by a member of the public. FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities as stipulated in 36 CFR 800.13
- 9) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties consult in accordance with 36 CFR 800.13 to consider such an amendment.
- 10) Should the Montana SHPO object within sixty (60) days to any stipulation pursuant to this Programmatic Agreement, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:
1. Provide the FHWA with recommendations which it will take into account in reaching a final decision regarding the dispute; or
 2. Notify the FHWA that it will comment pursuant to 36 CFR § 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this Programmatic Agreement that are not subjects of the dispute will remain unchanged.
- 11) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Alan M. Jorale Date: 1/29/89

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: [Signature] Date: 1-21-89

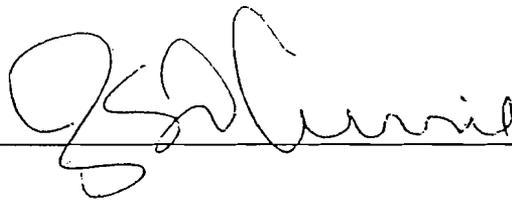
MONTANA STATE HISTORIC PRESERVATION OFFICER

By:  _____

Date: 1-14-99

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By:  _____

Date: 1/14/99

PROGRAMMATIC AGREEMENT

AMONG

THE FEDERAL HIGHWAY ADMINISTRATION

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

AND THE MONTANA STATE HISTORIC PRESERVATION OFFICE

REGARDING IMPLEMENTATION OF ALL HIGHWAY PROJECTS

AFFECTING THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC

RAILROAD RESOURCES FROM 1990 THROUGH 2010

WHEREAS, the Federal Highway Administration, Montana Division (FHWA), proposed to make Federal funding available to the Montana Department of Highways (MDOH) for its ongoing program to construct and rehabilitate highways; and

WHEREAS, the FHWA has determined that the highway construction and rehabilitation may have an effect upon the abandoned grade of the Chicago, Milwaukee, St. Paul and Pacific Railroad (CMSTP&PR), a property eligible for inclusion in the National Register of Historic Places, and the Great Northern Railway line from Havre to Great Falls (GN), and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Officer (MSHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act; (16 U.S.C. 470 f); and

WHEREAS, the MDOH participated in the consultation and has been invited to concur in this Programmatic Agreement; and

WHEREAS, the definition given in Appendix A attached hereto is applicable throughout this Programmatic Agreement;

NOW, THEREFORE, the FHWA, the Council, and the MSHPO agree, and the MDOH concurs, that the highway construction and rehabilitation shall be administered in accordance with the following stipulations to satisfy FHWA's Section 106 responsibility for all of the projects effecting the CMSTP&PR and the Havre - Great Falls GN.

Stipulations

FHWA will ensure that the following measures are carried out:

- 1) FHWA/MDOH will maintain a list of all Federally assisted Montana highway projects in which portions or segments of the historic CMSTP&PR and Havre - Great Falls GN may be impacted by construction activities. A draft of projects programmed to date is attached as Appendix B. The list will be updated as appropriate to include all projects programmed, designed and constructed through the year 2010.
- 2) FHWA/MDOH will conduct no cultural resource inventory or evaluation (as per 36 CFR 800.4) of CMSTP&PR or GN segments

in projects identified in Stipulation #1, nor reach any specific finding of effect (as per 36 CFR 800.5). For other resources regular procedures shall apply.

3) FHWA/MDOH will, by January 1, 1991, provide at least \$30,000 funding to one or more of the following entities to assist with their preservation and public interpretation of the CMSTP&PR resources:

a) The Bureau of Land Management, Butte District, for the stabilization of the CMSTP&PR substation at Ravenna;

b) The U.S. Forest Service, Deer Lodge National Forest, for stabilization and interpretive and directional signing for portions of the CMSTP&PR corridor near Butte, for use as a hiking and biking trail;

c) The Department of Commerce and the Town of Geraldine, for stabilization and preservation of the CMSTP&PR depot at Geraldine, for use as a community center; and

d) The City of Great Falls for stabilization and interpretive and directional signing for portions of the CMSTP&PR and the GN between the depot and Heritage Park, for use as a hiking and biking trail.

photographs. The MDOH agreement with the Montana Historic Society will require the Society to market the booklet for local sales by bookstores and local historical societies throughout the Milwaukee Road route.

The Council and the MSHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested. The FHWA will cooperate with the Council and the MSHPO in carrying out their monitoring and review responsibilities.

Any party to this Programmatic Agreement may request, in writing, that it be amended, whereupon the parties will consult in accordance with 36 CFR 800.13 to consider such amendment.

Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice, in writing, to the other parties; provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA will comply with 36 CFR 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

In the event the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 34 CFR 800.4

FHWA/MDOH will develop an agreement with the agency receiving preservation funds for the use of those funds, and will provide the MSHPO with 15 days in which to review and approve the proposed use of those funds.

Any agency receiving the funds described in this agreement will, when specific plans, specifications, construction drawings, sign design, architects plans are developed for the project for which the funds were received, provide the MSHPO 15 days in which to review and concur that the project plans will meet the Secretary of Interior's Standards for Preservation Projects. The agency will consult with the MSHPO until the SHPO determines that the project meets the Standards.

- 4) FHWA/MDOH will, by July 6, 1990, provide \$15,000 to the Montana Historical Society for research, writing, and preparation for production of an interpretive booklet on the impact of the Milwaukee Railroad on the economic, geographic, and social development of Montana, including maps and keys for Montana travelers, directing them to segments and resources of the Milwaukee Road visible from state and federal highways. The booklet will be of comparable length and design quality as the National Park Service Publication "A Clash of Cultures, Fort Bowie and the Chiricahua Apaches (GPO 1976-240 955/6, Stock Number 024-005-0061 3), but use both color and black and white

through 800.6 with regard to individual undertakings covered by the Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program as defined in Appendix A.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Robert D. Bush Date 7/26/90

FEDERAL HIGHWAY ADMINISTRATION

By: Logan K. Scott Date 6-20-90

MONTANA STATE HISTORIC PRESERVATION OFFICE

By: Maude Selby Date 6-20-90
Concur:

MONTANA DEPARTMENT OF HIGHWAYS

By: David Johnson Date June 20, 1990

MASTER FILE
COPY

July 6, 1992

Marcella Sherfy
State Historic Preservation Officer
Montana Historical Society
225 North Roberts
Helena, MT 59620

MTT 13 1992

Subject: Milwaukee Road Railroad Programmatic
Agreement/Section 4(f) Determinations:
Billings District

This is to advise you that the FHWA and MDT have determined that the segments of Chicago, Milwaukee, St. Paul & Pacific (Milwaukee Road) Railroad, located within the above listed district, are not significant for the purposes of Section 4(f) of 49 U.S.C. 303. Your concurrence is requested.

If you have any questions, please contact me at 444-7632.

Edrie Vinson

Edrie L. Vinson, Chief *45*
Environmental & Hazardous Waste Bureau

ELV:JA:D:ENV:53.dlw

cc: David S. Johnson, P.E., Preconstruction Engineer
Roy R. Ventura, Jr., P.E., District Engineer-Billings
Edrie L. Vinson, Chief
Environmental & Hazardous Waste Bureau
Dale Paulson, FHWA
Environmental and Hazardous Waste Bureau

RECEIVED

JUL 21 1992

ENVIRONMENTAL BUREAU

CONCUR
MONTANA SHPC

DATE 7 20 92 SIGNED *m. [signature]*

SHPO CONCURRENCE LETTERS



Montana Department
of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Montana Regional Governor

December 29, 1999

99123003

DEC 30 1999

Mark Baumler
State Historic Preservation Office
1410 8th Avenue
P.O. Box 201202
Helena, MT 59620-1202

Joseph
MDT

CONCUR
MONTANA SHPO

Subject: NH 63-1(8)0
[Harlowton - North]
Control No. 4072

~~25 Jan 2000~~ CONCURRED *Joseph*

Enclosed is the cultural resource survey report, CRABS, and site forms for the above project. RTI, Inc. recorded four cultural sites and 6 isolated finds during the course of the survey. The sites include a prehistoric lithic scatter (24WL153), an historic dump (24WL155), an abandoned homestead site (24WL154) and the Corral Club (24WL156). RTI recommends the four sites ineligible for the National Register of Historic Places. We agree with their recommendation and request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

Enclosures

cc: Bruce Barrett, Billings District Administrator
Carl Peil, P.E., Preconstruction Bureau
Gordon Stockstad, Resources Bureau
Patrick Rennie, DNRC



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director

Judy Martz, Governor

MASTER FILE
COPY

2 - 081005

August 8, 2001

RECEIVED

AUG 29 2001

ENVIRONMENTAL

*Josel
MDT*

Dr. Mark Baumler
State Historic Preservation Office
1410 8th Avenue
P.O. Box 201202
Helena, MT 59620-1202

CONCUR
MONTANA SHPO

Subject: STPP 14-3(15)99
Second Street - Harlowton
Control No. 4373

DATE 27 Aug 2001 SIGNED

Jon Axline

Enclosed is the cultural resource survey, CRABS, and site forms for the above project in Wheatland County. Two historic sites were located within the designated survey corridor: The Milwaukee Road Overpass (24WL221) and the Harlowton - Great Falls Branch of the Milwaukee Road Railroad (24WL222). Both sites are covered under the terms of programmatic agreements and no Determinations of Eligibility for Section 106 purposes are required. We request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline

Jon Axline, Historian
Environmental Services

Enclosures

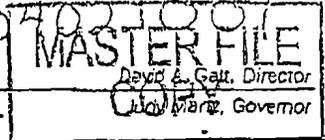
cc: Bruce Barrett, Billings District Administrator
Carl Peil, P.E., Preconstruction Bureau
Gordon Stockstad, Resources Bureau

file: MDT/2001



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001



February 9, 2004

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FEB 19 2004

ENVIRONMENTAL

Mark Baumler
State Historic Preservation Office
1410 East 8th Avenue
P.O. Box 201202
Helena, MT 59620

CONCUR
MONTANA SHPO

DATE: 18 Feb 04 SIGNED: *Josef*

Josef
MDT
11 Kilometers
N of Harlowton-N

Subject: 11 Kilometers North of Harlowton- North
NH 63-1(7) 0
Control Number A072

Dear Mark,

Enclosed is a cultural resource report that addresses the above federally funded Montana Department of Transportation (MDT) project.

Renewable Technologies Inc. found three cultural sites along the project corridor. All three are archaeological remnants of 20th century homesteads. Sites 24WL154, 24WL155, and 24WL243 are considered not eligible for the National Register of Historic Places under Criteria A, B, C, or D.

I have attached a response from Patrick Rennie indicating his satisfaction with the report.

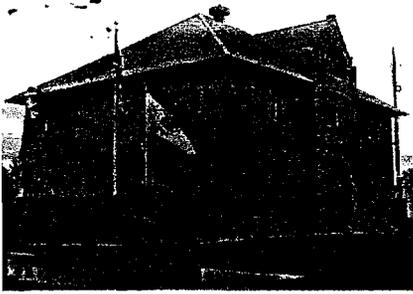
If you have questions about this matter please contact me at 406-444-0455 or splatt@state.mt.us.

Steve Platt, Archaeologist
Environmental Services

Cc: Bonnie Steg, Supervisor, Resources & Permitting
Patrick Rennie, DNRC Lands

File: MDT/2004

SECTION 4(f) PROPERTY



RECEIVED

JUL 07 2004

Wheatland County

PO Box 1903

Harlowton, Montana 59036-1903

Phone (406) 632-4891

FAX (406) 632-4880

COMMISSIONERS:

Tom Bennett
David Miller
Richard Moe

MARY E. MILLER, *Clerk and Recorder*

June 17, 2004

Dave Hedstrom, P.E.
URS Corporation
P.O. Box 220
Helena, MT 59624

Subject: Wheatland County property along Harlowton – North project.

Dear Mr. Hedstrom,

Wheatland County owns 4.61 acres of land immediately north of the intersection of U.S. Highway 12 and 191 in Section 23, Township 8 North, Range 15 East.

Currently, the property is bisected by U.S. Highway 191. Also, the property is currently being grazed by horses or livestock by the adjacent landowner and is fenced on all four sides with barbed wire fencing that precludes public access. Presently, the property is not being used as a public park or recreational area. The County intends to continue leasing the property and does not have any plans to develop the property into a public park or recreational area.

Sincerely,

Tom Bennett

Richard Moe

David Miller

Wheatland County Commissioners



COOPERATING AGENCY LETTERS



J.S. ARMY CORPS OF ENGINEERS

HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA, MONTANA 59626

RECEIVED

MAY 11 2004

REPLY TO
ATTENTION OF:

May 11, 2004

Billings Regulatory Office
Phone (406) 657-5910
Fax (406) 657-5911

**RE: Montna Department of Transportation – US 191
Corps File No. 2004-90-245**

Mr. David Hedstrom, P.E.
URS BRW, Inc.
Post Office Box 220
Helena, Montana 59624-0220

Dear Mr. Hedstrom

Reference is made to your letter requesting comments regarding reconstruction of 7 miles of Highway 191 in Wheatland County, and reconfiguring the intersection of US Highway 191 and US 12 to include a new rest area. The proposed project includes several stream crossings including Antelope Creek, alkali Creek and some other unnamed drainages. It is located in Carbon County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the United States include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters.

Based on the information provided, it appears that a Department of the Army permit will be required for the proposed crossings over Antelope Creek, Alkali Creek and any other unnamed drainages. For authorization under our Nationwide Permit Program, please follow the guidance and conditions of the enclosed Fact Sheet Nationwide Permit.

When final design has been completed, please fill out the enclosed joint application and submit to this office along with photographs of the river at the proposed site. This will aid in our review and the processing of your application.

If you have any questions, please call Shannon Warner of the Billings office at (406) 657-5910, and reference File No. 200490245.

Sincerely,

A handwritten signature in black ink that reads "Allan Steinle". The signature is written in a cursive style with a large initial 'A' and a long, sweeping underline.

Allan Steinle
Montana Program Manager

Enclosures



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
BILLINGS REGULATORY OFFICE
1629 AVENUE D, BUILDING A
BILLINGS MT 59102-3042

January 5, 2005

Billings Regulatory Office
Phone (406) 657-5910
Fax (406) 657-5911

RE: Reconstruction Project on U.S. Highway 191
Corps File No. 200490785

Mr. Kirk Eakin
URS Corporation
The Power Block
7 West 6th Avenue, Suite 3B
P.O. Box 220
Helena, MT 59624-0220

Dear Mr. Eakin:

Reference is made to your letter requesting comments regarding the proposed highway reconstruction project on U.S. Highway 191 in various sections between Harlowton and Judith Gap in Wheatland County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the United States include the area below the ordinary high water (OHW) mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels and ditches, may be waters of the United States, which must be determined on a case-by-case basis.

Per your request, the Corps agrees to be a cooperating agency, with our involvement commensurate to the magnitude of impacts to jurisdictional waters. If an individual permit is required for this project, the permissible alternative is the one with the least adverse impacts to jurisdictional aquatic resources.

Please complete and return the enclosed application form prior to doing any work. We will determine the type of permit required.

If you have any questions, please call me at (406) 657-5910, and reference File No. 200490785.

Sincerely,

A handwritten signature in black ink that reads "Cathy Juhas". The signature is written in a cursive style with a large initial "C".

Cathy Juhas
Project Manager

Enclosure:

404 Joint Application

United States Department of Agriculture



Natural Resources Conservation Service
Federal Building, Room 443
10 East Babcock Street
Bozeman, Montana 59715-4704

RECEIVED

APR 19 2004

April 14, 2004

David Hedstrom, P.E.
Project Manager
URS Corporation
Post Office Box 220
Helena, Montana 59624-0220

Dear Mr. Hedstrom:

Thank you for your letter of April 2, 2004, inviting the Natural Resources Conservation Service (NRCS) to participate as a cooperating agency on the Participating Agency Request for NH 63-1(8) 0 Harlowton North and NH 14-3(18)101 Harlowton Rest Area proposed MDOT projects. As you may be aware, the enactment of the 2002 Farm Bill, in addition to ongoing conservation programs, has placed particularly strong demands on the NRCS technical assistance resources at this time. Due to the requirements of meeting our workload, we, therefore, **do not** request to become a cooperating agency on these projects.

NRCS is an advocate for interagency coordination and we request to be kept informed of the progress of the projects, coordination of meetings, and *draft* environmental documents on an informal basis. We will comment and/or participate when appropriate and as time allows. Please coordinate completion of form AD-1006 with John Oiestad, District Conservationist in the NRCS Harlowton Field Office at P. O. Box 4918, Harlowton, Montana 59036-0918. Mr. Oiestad's phone number is 406/632-5534.

Thank you again for your correspondence and the opportunity to participate in this project.

A handwritten signature in cursive script that reads "Dave White".

DAVE WHITE
State Conservationist

cc:

Dennis Loreth, Assistant State Conservationist for Field Operations, Headwaters Area, Bozeman AO
Martin A. Jiminez, State Resource Conservationist, NRCS, Bozeman SO
John Oiestad, District Conservationist, NRCS, Harlowton FO

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DEC 10 2004



Natural Resources Conservation Service
Federal Building, Room 443
10 East Babcock Street
Bozeman, Montana 59715-4704

December 7, 2004

Kirk Eakin
URS Corporation
The Power Block
PO Box 220
Helena, Montana 59624-0220

Dear Mr. Eakin:

Thank you for your letter of November 23, 2004, inviting the Natural Resources Conservation Service (NRCS) to participate as a Cooperating Agency on Highway 63-1(12)7 improvement project. As you may be aware, the NRCS's technical assistance resources at this time are fully occupied with the delivery of a number of Farm Bill programs. Due to the requirements of meeting our workload, we therefore **do not** request to become a Cooperating Agency on this project.

The NRCS is an advocate for interagency coordination and requests to be kept informed of the progress of the projects, coordination meetings, and draft environmental documents on an informal basis. We will comment and/or participate when appropriate and as time allows.

Please coordinate completion of form AD-1006, Farmland Conversion Impact Rating Form or NRCS-CPA-106 (for corridor-type projects) with John Oistad, District Conservationist in the Harlowton NRCS Field Office, PO Box 4918, Harlowton, Montana 59036. Mr. Oistad's phone number is (406) 632-5534. Thank you again for your correspondence and the opportunity to participate in these projects.

Sincerely,

A handwritten signature in cursive script that reads "Dave White".

DAVE WHITE
State Conservationist

Attachments

cc w/o attachments:

Ronald Nadwornick, State Resource Conservationist, NRCS, Bozeman
Dennis Loreth, Assistant State Conservationist for Field Operations, NRCS, Bozeman

cc w/ attachments: (copy of original letter and enclosures)

John Oistad, District Conservationist, NRCS, Harlowton



Montana Department of
ENVIRONMENTAL QUALITY

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APR 23 2004

Judy H. Martz, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.state.mt.us

April 23, 2004

David Hedstrom, PE
 Project Manager
 URS
 PO Box 220
 Helena MT 59624-0220

Subject: NH 63-1(8)0
 Harlowton N
 CN 4072

NH 14-3(18)101
 Harlowton Rest Area
 CN 4978

The Musselshell River and Antelope Creek are classified as water quality limited streams. MDT must employ all reasonable land, soil and water practices to prevent further impairments of these streams. Table 1 lists the classification for each waterbody. The classification determines the beneficial uses of the water.

Table 1. Waterbodies on Montana's 303(d) lists of impaired waters and their associated level of Beneficial Use Support.

Waterbody & Stream Description	Waterbody #	Use Class	Year	Trophic Level	Aquatic Life	Fisheries: Warm or Cold	Drinking	Swimmable (Recreation)	Agriculture	Industry
Musselshell River N/S Fork confluence to Deadman's Basin diversion canal	MT40A001_010	B-1	1996		P	P-Cold				
			2002		P	P-Cold	X	X	F	F
Antelope Creek Headwaters to mouth (Musselshell R)	MT40A002_020	B-1	1998		T		T			
			2002		X	X-Cold	X	X	X	X

Legend: F= Full Support; P= Partial Support; N= Not Supported; T= Threatened; X= Not Assessed

Table 2. lists the probable causes and sources for each impairment.

Table 2. Probable Cause(s) and Source(s) for Montana's 303(d) lists.

Waterbody	1996 / '98 Causes	1996 / '98 Sources	2002 Causes	2002 Sources
Musselshell River MT40A001_010	Nutrients Other Inorganics Salinity/TDS/ Chlorides Siltation Thermal Mod. Flow Alteration	Agriculture Highway/Road/Bridge Construction Irrigated Crop Production Range Land Stream bank Modification	Siltation Nutrients Habitat Alterations Bank Erosion Flow Alteration	Irrigated Crop Production Grazing Related Sources Channelization
Antelope Creek	Salinity/TDS/ Chlorides	Source Unknown	(not assessed)	(not assessed)

75-5-703 (9b) MCA states: *“Pending completion of a TMDL on a water body listed pursuant to 75-5-702 new or expanded non-point source activities affecting a listed water body may commence and continue provided those activities are conducted in accordance with reasonable land, soil, and water conservation practices...”*

17.30.602 (21) ARM: *“Reasonable land, soil, and water conservation practices” means methods, measures, or practices that protect present and reasonably anticipated beneficial uses. These practices include but are not limited to structural and nonstructural controls and operation and maintenance procedures. Appropriate practices may be applied before, during, or after pollution-producing activities.”*

The beneficial uses of these streams are defined as B-1: *“Waters classified B-1 are suitable for drinking, culinary and food processing purposes, after conventional treatment; bathing, swimming and recreation; growth and propagation of salmonid fishes and associated aquatic life, waterfowl and furbearers; and agricultural and industrial water supply”* (17.30.623 ARM).

Standards specific to B-1 waters are: (f) *No increases are allowed above naturally occurring concentrations of sediment, settleable solids, oils, or floating solids, which will or are likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife* (17.30.623 ARM).

In addition, MDT should follow ARM 17.30.637 which states: *"Pollution resulting from storm drainage, storm sewer discharges, and non-point sources, including irrigation practices, road building, construction, logging practices, over-grazing and other practices must be eliminated or minimized as ordered by the department."*

Please call me at 444-7425 if you have questions.

Sincerely,



Carole Mackin
Information and Education Coordinator



"Ellerhoff, Thomas"
<tellerhoff@state.mt.us>

04/09/2004 11:27 AM

To: "Dave Hedstrom (E-mail)" <dave_hedstrom@urscorp.com>
cc: "Riley, Jean" <jriley@state.mt.us>, "Ryan, Jeff"
<jeryan@state.mt.us>, "Mathieus, George"
<gemathieus@state.mt.us>, "Mackin, Carole"
<cmackin@state.mt.us>
Subject: DEQ A Cooperating Agency for Harlowton Highway Projects

Dave:

The Department of Environmental Quality (DEQ) will be a "Cooperating Agency" for the proposed 7-mile reconstruction of U.S. Highway 191 north of Harlowton, MT, and the proposed new rest area at the junction of U.S. 191 and U.S. Highway 12, east of Harlowton.

It is noted that you also sent requests to Jeff Ryan, DEQ, regarding 401 water quality certification and George Mathieus, DEQ, for waterbodies listed in the 305(b) report.

If you have any questions, call (406-444-5263) or send an e-mail.

Tom

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
NORTHEASTERN LAND OFFICE



STATE OF MONTANA

(406) 538-7789 Telephone
(406) 538-7780 FAX

April 20, 2004

613 NE MAIN
PO BOX 1021
LEWISTOWN, MONTANA 59457-1021

URS BRW, Inc.
Attn: David Hedstrom, P.E.
PO Box 220
Helena MT 59624-0220

Subj: NH 63-1(8) 0

Dear Mr. Hedstrom:

The following is a reply to your requested information to be used in the preparation of the environmental documentation on this proposed project:

Have any cultural resource surveys or historical/archeological or paleontological resource discoveries been made on DNRC-owned land adjacent to, or on this proposed project?

There have been no known historical/archeological or paleontological resources found on the DNRC lands adjacent to, or on this proposed project.

Are any known active mineral leases or mining activities, abandoned mines, or reclaimed mines in the project vicinity?

There is an old gravel pit that appears to be abandoned and never reclaimed in the W2NW4 of section 24, T8N, R15E.

Any specific leases or land uses that may be adversely impacted, or that should be considered?

There is a right of way easement for the U.S. Air Force (missile cable) that is within the project area (NW4 of section 24, T8N, R15E) that should be considered.

Are there any lands that have present or planned usage as defined by Section 4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303). These include lands that are part of publicly owned significant, state or local parks, wildlife refuges or recreation areas. It also includes sites eligible for inclusion or in the National Register of Historic Places under Section 106 of the National Historic Preservation Act (16 U.S.C. 470).

No such lands exist within the project area.

MDT-04
April 20, 2004
Page 2

Have any lands in the project vicinity been purchased or are administered for recreational purposes under Section 6(f) of the National Land & Water Conservation Fund Act (16 U.S.C. 460)?

No.

Does the DNRC have any ongoing or presently planned projects for the particular area that could affect, or be affected by this proposed action? Is the DNRC aware of any proposed or current projects by others (public or private agencies) that pose similar affects?

The DNRC has no ongoing or presently planned projects within the project area and is not aware of any current projects by others.

If there are any other questions please contact the Northeastern Land Office.

Sincerely,

A handwritten signature in cursive script that reads "Bill Baumgartner". The signature is written in black ink and is positioned above the typed name.

BILL BAUMGARTNER
Land Use Specialist
Northeastern Land Office, DNRC

cc: Barny Smith, Lewistown Unit Manager, NELO

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
NORTHEASTERN LAND OFFICE

2004



STATE OF MONTANA

(406) 538-7789 Telephone
(406) 538-7780 FAX

December 3, 2004

613 NE MAIN
PO BOX 1021
LEWISTOWN, MONTANA 59457-1021

Kirk Eakin, Project Manager
URS Corporation
7 West 6th Ave Suite 3B
PO Box 220
Helena MT 59624-0220

RE: NH 63-1(12)7
Judith Gap/Harlowton-North & South Projects
Control # A072
State Leases #3757, #4561, & #4562

Dear Kirk,

There are only three sections of State Trust Lands that are affected by the above described projects. They are as follows: Section 20, Township 8 North, Range 15 East; Section 36, Township 9 North, Range 15 East, and Section 36, Township 10 North, Range 15 East.

The following statements answer your questions from your letter dated November 23, 2004:

- The State Trust Land tracts have updated lease appraisals that show that no cultural resources exist.
- There are no active mineral leases or mining activities located on the state tracts.
- There is a special "Wind Energy" lease on Section 36, Township 10 North, Range 15 East. Wind generator construction and system utility construction should begin in 2005.
- The State Trust Lands do not include local parks, wildlife refuges or significant recreation areas.
- There have not been any School Trust Lands purchased or administered for recreational purposes.

The "Wind Energy Project" is the only ongoing project in the area. If there are any specific questions about this, please contact Clive Rooney at 406-538-7789.

Sincerely,

A handwritten signature in black ink, appearing to read "Barny D. Smith".

BARNY D. SMITH, Lewistown Unit Manager
Northeastern Land Office, DNRC

RECEIVED

APR 13 2004



Montana Fish, Wildlife & Parks

1420 East Sixth Avenue
P O Box 200701
Helena MT 59620-0701
April 13, 2004

David Hedstrom, PE
URS/BRW, Inc.
P O box 220
Helena, Montana 59624-0220

Subject: NH 63-1(8)0 & NH 14-3(18)101
Harlowton North & Harlowton Rest Area

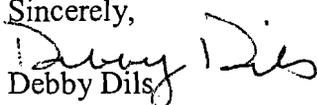
Dear Mr. Hedstrom:

In response to your letter regarding the above projects, Montana Fish, Wildlife & Parks (FWP) does not own any property in the project vicinity nor is any new acquisition in this area anticipated by this agency at this time.

In regard to other potential 4(f) properties, we do not keep information on lands owned or operated by others that would qualify for 4(f) treatment. This part of your inquiry would be better addressed through property ownership records or on the ground research.

FWP is also responsible for oversight of the state side of the Land and Water Conservation Fund (LWCF). There are many local municipalities with LWCF-assisted outdoor recreation sites. If proposed construction or land acquisition activities would affect such locally owned recreation or park facilities, please contact Walt Timmerman of the Helena FWP office with site names. Walt will be able to check LWCF database files and provide the LWCF status of each named site. Any such site would need to be addressed as a 6(f) property. Thank you for the opportunity to comment.

Sincerely,


Debby Dils
Land Section Supervisor

Cc: R5, Walt Timmerman



Montana Fish, Wildlife & Parks

1420 East Sixth Avenue
P O Box 200701
Helena MT 59620-0701
January 11, 2005

Kirk Eakin, Project Manager
URS Corporation
P O Box 220
Helena, Montana 59624-0220

Subject: NH 63-1(12)7 – 11 Km N. of Harlowton - North

Mr. Eakin:

In response to your letter regarding the above project, Montana Fish, Wildlife & Parks (FWP) does not own any property in the project vicinity nor is any new acquisition anticipated by this agency at this time. I will, however, forward your notice to the FWP Regional office in Billings in case they have additional comments on the proposed project.

~~In~~ regard to other potential 4(f) properties, we do not keep information on lands owned or operated by others that would qualify for 4(f) treatment. This part of your inquiry would be better addressed through property ownership records or on the ground research.

FWP is also responsible for oversight of the state side of the Land and Water Conservation Fund (LWCF). There are many local municipalities with LWCF-assisted outdoor recreation sites. If proposed construction or land acquisition activities would affect such locally owned recreation or park facilities, please contact Walt Timmerman of the Helena FWP office with site names. Walt will be able to check LWCF database files and provide the LWCF status of each named site. Any such site would need to be addressed as a 6(f) property. Thank you for the opportunity to comment.

Sincerely,

Debby Dile
Land Section Supervisor

Cc: R5, Walt Timmerman



**Montana Fish,
Wildlife & Parks**

RECEIVED

JAN 27 2005

1420 E. Sixth Avenue
P.O. Box 200701
Helena MT 59620-0701
January 24, 2005

Bonnie Steg, Supervisor
MDT Environmental Services
2701 Prospect Ave.
PO Box 201001
Helena, MT 59620-1001

RE: Preliminary Comments SPA 23-04
11 Km N of Harlowton - North
NH 63-1(12)7
CN A072

Dear Bonnie:

After conducting a site visit on January 21, 2005, we have the following comments. It appears that roadwork can be conducted with minimal or no adverse impacts to Section 124 waters.

- a. Culverts should be embedded and installed during the low flow summer season.
- b. It appears there would be no need for riprap in any of the proposed work.
- c. Roberts Creek appeared to be the only perennial stream in the project area.

Sincerely,

Doug McDonald

Doug McDonald
Stream Protection Coordinator
Habitat Protection Bureau
Fisheries Division

c: Region 5 - Darling
URS Corporation - Eakin
DEQ - Ryan
COE - Steinle