



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

County GALLATIN

June 23, 2005

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JUN 27 2005

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

To Whom It May Concern:

Subject: Cooperating Agency Environmental Documentation

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

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

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

Sincerely,

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

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Attachment



Montana Department of Transportation

Jim Lynch, Director
Brian Schweitzer, Governor

2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

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JUN 22 2005

ENVIRONMENTAL

June 16, 2005

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

Subject: Babcock to Kagy – Bozeman
STPU 1201 (10)
Control No. 4952
and
South 19th and College – Bozeman
CM 1201(9)
Control No. 4918



This is a request for the FHWA's concurrence that this proposed project meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR 771.129(c). These proposed actions also qualify as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.). A project location map is attached, see Figure 1.

The location of this project is in Sections 11,12,13 and 14, Township-2 South, Range-5 East P.M.M., Bozeman, Gallatin County, Montana.

The proposed projects consist of reconstruction and widening of the South 19th from Babcock to Kagy and the intersection of South 19th Avenue and College Street. This involves improving it from a two-lane and three-lane highway with insufficient shoulder width. The proposed roadway will include four driving lanes, a raised median with left turn lanes, curb and gutter, sidewalks on both sides of the roadway, a paved bicycle path on both sides of the roadway, and where possible, grass boulevards.

Improvements at the intersection of S. 19th & College include the following:

- North leg – one right turn/thru lane, one thru lane and one left turn lane.
- South leg – one right turn/thru lane, one thru lane and one left turn lane.
- East leg – one thru lane, one right turn lane and one left turn lane.
- West leg – one thru lane, one right turn lane and one left turn lane.

Other proposed improvements along S. 19th Avenue include grading, asphalt surfacing, pavement markings, new storm drain system, traffic signal adjustment at the intersections with College Street and Kagy Blvd., new signals at the intersections with Koch Avenue and Lincoln Road, lighting, medians, landscaping and signing. These improvements will be designed and constructed in accordance with the Montana Department of Transportation's (MDT) current design guidelines.

Purpose and Need

The purpose of this project is to reconstruct the roadway to increase capacity and efficiency of the roadway to match current and projected traffic volumes, to increase safety for the traveling public, and to bring the roadway up to current design standards.

This proposed project has been evaluated for, and does not have any adverse effect on the following environmental areas of concern:

Prime Farmlands

The US Department of Agriculture and the Natural Resources Conservation Service, Soil Survey of Gallatin National Forest, Montana was used to identify prime farmlands within the project corridor. According to this survey, there are two areas adjacent to the project who's soils have the characteristics associated with prime farmlands. These areas either have existing buildings on them or have been subdivided.

Hazardous Waste

A Phase I Environmental Site Assessment was conducted within the proposed project area. The Montana Department of Environmental Quality's website of registered leaking underground storage tanks was queried for leaking tanks within a 0.5 mile radius of the project site. This query indicated there were six leaking UST's registered with the State. They are:

- Bozeman Ford located at 1800 West Main
- Bozeman Exxon located at 1801 West Main
- Former Gasamat located at 1216 West Lincoln
- JC Billion Inc. located at 1919 West Main
- Mini Mart #729 located at 1910 West Main
- Town Pump Food Store located at 2607 West Main

Of these sites, only the former Gasamat and the Town Pump Food store are listed as active sites. All of the sites with the exception of the Gasamat are located down gradient of the project area. The Gasamat is located 2200 feet west of the project corridor. The Phase I ESA indicated that the migration of petroleum products from the recorded leaking underground storage tanks in the vicinity of the subject area is unlikely. The findings of this study indicate that the probability of contamination from any hazardous waste or petroleum product spills is small. Since the likelihood of contamination is small, no further assessment work (Phase II) is recommended.

Land Use

The current land use for the property on either side of the roadway is urban with some agricultural land at the southwest portion of the project. Montana State University student housing is located at the southeast corner of S. 19th and College. There are also residential and commercial properties adjacent to the majority of the project. The majority of the proposed

roadway is being constructed within existing right-of-way. Some additional easements will be necessary at the intersections and along College Street. The road reconstruction will not adversely affect land use for homes or businesses along the corridor.

Social/Economic

The reconstruction of this roadway is being undertaken to increase capacity of the roadway to match current and projected traffic volumes and to increase safety for the traveling public. The addition of signals at the intersections of S. 19th with Koch Avenue and Lincoln Road as well as new signing will result in improved safety along the roadway. Right of way requirements will not have a high social, economic or environmental impact.

Irrigation

One historic irrigation canal, Farmers Canal, and two historic irrigation laterals, the Middle Creek Ditch which consists of the Aakjer lateral and an unnamed lateral, were identified within the project boundaries. The Farmers Canal falls under the Programmatic Memorandum of Agreement (PMOA) of February 1991 between the City of Bozeman, SHPO and the advisory Council on Historic Preservation. The agreement mandates that ditches currently in use simply be recorded on a short form without making eligibility determinations. The Farmers canal continues in its capacity as an active irrigation system. According to the Bureau of Reclamation, this canal does not belong to their agency. There will be no adverse effect to the irrigation system from the proposed project.

Air Quality

This proposed project is located in a (CO/PM10) "nonattainment" area of Montana for air quality under 40 CFR 81.327 as amended. However, this type of proposed project is listed in the U.S. Environmental Protection Agency's **Final Rule** of November 24, 1993 on Air Quality conformity as being exempt from the requirement of a conformity determination. Therefore, this proposed project complies with Section 176 (c) of the *Clean Air Act* as amended (42 U.S.C. 7521 (a)).

Noise

In July 2004, the consulting firm of Big Sky Acoustics, LLC conducted a draft Traffic Noise Study for the Babcock to Kagy and South 19th & College roadway projects. The following information was taken from this study and is included in the draft report.

For the Babcock to Kagy project, the traffic noise impact criteria was predicted to be met or exceeded by each alternative, including the No Build Alternative in the Present and Design Years.. Therefore, the impact criteria will be met or exceeded whether the Build Alternative for the Babcock to Kagy project is constructed or not.

For the South 19th & College project, the traffic noise impact criteria was predicted to be met or exceeded by each alternative, including the No Build Alternative in the Design Year. Therefore, the impact criteria will be met or exceeded whether the Build Alternative for the South 19th & College project is constructed or not.

Abatement measures for the mitigation of traffic noise were evaluated for the noise impacted receptors. Shifting the alignment of the Build Alternative centerline for the South 19th Avenue may be a feasible abatement measure, but it may not be reasonable due to factors such as cost of additional right of way, impacts to other structures, etc. Restricting certain vehicle types such as heavy trucks from South 19th Avenue or limiting the time of day that certain vehicles may use the roadway are not feasible mitigation measures. Reducing the speed limits along South 19th Avenue may be a reasonable and feasible abatement measure and would eliminate three noise impacted receptors for the Babcock to Kagy project. Barriers were considered as possible abatement measures, however, the location of driveways and intersection would hinder the effectiveness of a barrier, and the required height to shield the second stories of buildings would make a barrier cost prohibitive. Alternative pavement types were also evaluated as mitigation measures, but the alternative material may not be considered reasonable due to increased maintenance costs and durability issues.

Biological Resources

Several biological studies were performed for the proposed roadway projects. The study for the S. 19th corridor from Kagy Boulevard to Babcock St. was completed in March 1996 by Les Reichelt. A study for this project was also completed by Vaughn Environmental Services in 2003. An additional plant survey for rare and sensitive species was completed in July 2004 by Vaughn Environmental Services.

Vegetation –The species of special concern identified by the MNHP databases within the project vicinity were dwarf purple monkey flower – *Mimulus nanus*, slender wedgegrass - *Sphenopholis intermedia*, and small dropseed - *Sporobolus neglectus*. Although the project –specific database query by MHNP found no federally listed, proposed or candidate threatened or endangered species within a five-mile radius of the study area, Mr. Mincemeyer, an MHNP botanist, requested that the survey include Ute ladies' tresses – *Spiranthes diluvalis*

The MNHP field guides identify the peak flowering time for the dwarf purple monkey flower as June thru July. No species of special concern were observed during the field survey completed in July 2004 within the study area.

Threatened and endangered, rare or sensitive species and their habitats were not identified within the general vicinity of the development area. Consequently, no impacts to plant species of concern are likely to occur as a result of this project.

Wildlife and Aquatic Resources –One animal species of concern was identified within a five-mile radius of the project area. A stonefly (*Isocapnia crinita*) was observed at the Montana State University Experiment Station located in Section 31, T1S, R6E of Gallatin County. The last date of observation was not listed.

The U.S. Department of the Interior's Fish & Wildlife Service (USF&WS) was contacted in March 1996 for identifying Federally-listed Threatened/ Endangered Species under *Section 7(a)* of the *Endangered Species Act (16 U.S.C. 1531 - 1543)*. They did not believe there to be any project-related impacts to wildlife, including threatened and endangered species. A copy of their response letter is included in the Appendix of the 1996 report. Direct impacts to aquatic resources from the proposed project are expected to be minimal as a result of the lack of perennial streams within the study area. A request for comments was also made to the Montana Department of Fish, Wildlife and Parks. They did not provide comments about the proposed project for the March 1996 Biological Resources Report by Les Reichelt.

According to the 2003 Biological Report, the Field Supervisor of Fish and Wildlife Service was contacted about the proposed project. He stated that "... the project was located within developed areas of the City of Bozeman.... We do not anticipate the occurrence of any listed, proposed, or candidate species in the vicinity of the proposed project. Therefore the Service (FWS) does not anticipate any project related adverse impacts to threatened, endangered, proposed or candidate species, nor any critical habitat". In addition to contacting The US Fish and Wildlife Service, Vaughn Environmental Services contacted the following agencies about the proposed project:

- Montana Department of Fish, Wildlife and Parks
- US Army Corp of Engineers

Their response letters are included in the Appendix of the 2003 Biological Report.

Direct impacts to wildlife resources from the project are expected to be minimal as a result of the lack of diverse, well-vegetated habitat and riparian systems within the study area. There is a potential for disturbance or loss of habitat for small mammals and nesting birds. The removal of large, mature trees may result in the loss of nesting habitat. Since no threatened or endangered species are listed within the project area, impacts to rare or sensitive species are not expected to occur.

Historical/Cultural Resources

GMC Services, Inc. performed a Cultural Resources Inventory and Evaluation along this proposed project corridor to insure compliance with Federal Cultural Resource Legislation: the National Historic Preservation Act (Public Law 89-665, as amended); the National Environmental Policy Act of 1969 (Public Law, 91-190); the Department of Transportation Act of 1966 (Public Law, 89-670).

Four historic residences, one historic irrigation canal, and two historic irrigation canal laterals were recorded on this project. They are:

- Anacker residence Site No. 24GA1624
- Gray residence Site No. 24GA 1346
- Brumfield residence Site No. 24GA1345
- Wiegand residence Site No. 24GA1347
- Farmers Canal Site No. 24GA1348
- Middle Creek Ditch Site No. 24GA1349*

*This site consists of the Aakjer lateral and an unnamed lateral

The Farmers Canal falls under the Programmatic Memorandum of Agreement (PMOA) of February 1991 between the City of Bozeman, SHPO and the advisory Council on Historic Preservation. The agreement mandates that ditches currently in use simply be recorded on a short form without making eligibility determinations. The Farmers canal continues in its capacity as an active irrigation system.

All the other sites were found to be ineligible for inclusion in the National Register of Historic Places (NHRP). Building decay, site alteration, and residential and commercial development has destroyed the integrity of the sites. The sites don't meet the following criteria: sites are not associated with persons of historic significance, nor are there examples of significant architecture or technology, and there is no sub-surface potential to reveal important historical information. No further cultural resource work was recommended for this project.

Section 4(f)

This project will have no significant impacts on historical and archaeological resources adjacent to this project. There are no parks near the project corridor. There were no Section 6(f) lands within the project corridor.

Utilities

Utilities located along S. 19th Avenue and adjacent to the MDT right-of-way include water distribution mains, sanitary sewer collection lines, storm drainage, gas, electric, telephone and the Farmer's canal. Since the proposed roadway will be excavated during this project, these utilities may need to be relocated by the responsible utility company or the City of Bozeman. The water and sewer mains will be adjusted, a new storm drainage system will be constructed, and the telephone and gas utilities will need to be relocated. No upgrades of City water or sewer mains are anticipated.

Water Quality

Impacts to water quality during construction will be minimized by incorporating Best Management Practices as described in the Montana Pollutant Elimination System Storm Water Pollution Prevention Plan and the MDT Policy Guide. Water quality impacts will be short term and related to construction activities. All areas disturbed by construction (that are not part of the roadway) will be re-vegetated to reduce erosion and sediment loading to adjacent waterways.

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

Right of Way

The alignment of the reconstructed road will follow that of the existing road. The majority of the proposed roadway is being constructed within existing right-of-way. The City of Bozeman is in the process of acquiring the Farmer's Canal for the proposed project. A 315 square meter strip of additional right-of-way is expected to be purchased at the northeast corner of the College Street intersection. Some easements are necessary at the intersections to accommodate the new curb radiuses. Construction permits will be necessary from most of the landowners adjacent to the project corridors.

Americans With Disabilities Act – wheelchair ramps/ “curb cuts” are being installed for compliance with the Americans with Disabilities Act (P.L. 101-336). The locations of the wheelchair ramps/curb cuts will be at all intersections.

Wetlands

A wetland delineation was completed to determine the location, extent and characteristics of jurisdictional wetlands within the project boundaries in accordance with Section 404 of the Clean Water Act (CWA 1986). The following information from the Biological Resources Report (Vaughn, 2003) describes the wetlands within the project area.

A section of the East Fork of East Catron Creek (W-1) within the project area was identified as a jurisdictional wetland. The wetland is classified as riverine under the Hydrogeomorphic classification system (Smith et al 1995) and the Cowardin (Cowardin et al 1979) classification system.

Direct impacts to wetlands will result from construction activities such as culvert installations, placement of fill for road widening, vegetation removal for grading, and channel excavation for road construction. Portions of the East Fork of East Catron Creek and Farmer's Canal will likely be disturbed or impacted as a result of expansion of the intersection of S. 19th and College. Potential short-term impacts to wetlands may include temporary loss or disturbance of wetland habitat and aquatic resources, changes in species composition, modifications in surface water discharge, and increased risk of soil erosion and sediment loading. Other potential short-term impacts may include physical alteration of a wetland as a result of heavy equipment operation during the construction process. Temporary impacts would be reduced by the implementation of standard best management practices and by compliance with special conditions associated with permits obtained from the US Army Corps of Engineers (USACE) (404 permit). Disturbed areas would be revegetated (according to an MDT-specified seeding special provision) promptly to re-establish native wetland species and encourage the continued growth of existing desirable species. Long-term impacts would include the loss of portions of wetlands during road construction. The integrity of the surface water flow will be maintained through the use of properly sized culverts and BMPs that reduce sediment loads.

Approximately 0.197 ha (0.486 acre) of wetlands would be impacted within the project area. The following table describes the location and estimated amount of impact to the wetlands as a result of this proposed roadway project.

Table 1
Wetland Impacts

Wetland	Total Area (ha)	Total Estimated Impacts (ha)
W-1	0.079	0.042
W-2	<u>0.158</u>	<u>0.155</u>
Total Areas	0.237	0.197

Permits Required

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

Construction permits will be required for construction activities. These areas are shown on the construction plans.

An Erosion Control Plan will be submitted to the Montana Department of Environmental Quality's Permitting and Compliance Division in compliance with their Montana Pollutant Discharge Elimination System Regulations (ARM 16.20.1314) for this proposed project. Best Management Practices will be included in the design of this Plan using guidelines as established in MDT's Highway Construction Standard Erosion Control Workplan. The objective is to minimize erosion of disturbed areas during and following construction of this proposed project.

A **124SPA Stream Protection** Permit will be required by the MDFW&P. MDFW&P have classified the waterway that runs parallel to the east side of South 19th Avenue from Kagy BLVD. to Garfield street as a stream/ditch. The Gallatin County Conservation District has accepted the classification. This classifies this stream as a natural waterway and any work affecting the bed or banks will require a permit.

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

- A *Section 402*/Montana Pollutant Discharge Elimination System permit from the Montana Department of Environmental Quality's Permitting and Compliance Division.
- A *Section 404* permit from the U.S. Army - Corps of Engineers. The COE will determine if this proposed project qualifies for a "Nationwide" 404 permit under the provisions of 33 CFR 330. Since the waterway that runs parallel to South 19th Avenue is classified as a stream/ditch this permit will apply.

In accordance with 7-22-2152, and 60-2-208 M.C.A., The Contractor will re-establish a permanent desirable vegetation community along all areas (other than the roadway) disturbed by the proposed construction. A set of revegetation guidelines will be developed by MDT that must be followed by the contractor. These specifications include instructions 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 areas disturbed by construction are immediately stabilized by vegetative cover. The Seeding Special Provisions developed for this proposed project will be forwarded to the Gallatin County Weed Board for approval.

Public Involvement

A letter was sent on August 4, 1997 to all landowners that may be potentially impacted by the reconstruction of South 19th Avenue from Kagy Boulevard to Babcock Street. A public informational meeting was conducted by the Montana Department of Transportation on June 12, 2001 for this proposed project.

The following were requested to be Cooperating Agencies on this proposed project under the provisions of 23 CFR 771.111 (d). A copy of the Cooperating Agency's letter from the MT State Historical Society is included in the Appendix. The other Cooperating Agencies did not provide a response.

- Montana State Historical Society (a copy of their response letter is included in the Appendix)
- US Fish and Wildlife Service
- Army Corp of Engineers
- MT Department of Conservation and Natural Resources
- Department of Fish, Wildlife and Parks
- Natural Resource Conservation Service
- City of Bozeman

Cumulative Impacts

Cumulative impacts can result from nearby proposed and/or recently completed projects. This action will neither individually nor cumulatively have any significant environmental impacts. Depending on the Letting dates for the following projects and their proximity to these projects there is the potential for cumulative impacts. Roadway projects in the Bozeman area include:

- Main Street and South 19th Avenue reconstruction which ties to this project at RP 1+0.541. CM 50-2(37)88, Control Number 4179.
- North 19th Avenue and Valley Center Road - Bozeman SID 1299 (003), Control Number 5440.
- City Wide Signals Bozeman, signal interconnection at various intersections. CM – STPP 1299 (14), Control Number 4555.
- Bear Canyon – Bozeman mill, overlay, seal and cover along I-90. IM 90-6(83)307, Control Number 3612.
- Safety Improvement West of Bozeman, S-205, Nelson Road to Valley Center. STPHS 205-1(23)26, Control Number 4433.
- 2000 Signing and Electrical – Bozeman, College and Main. STPHS 1299(15), Control Number 4713.
- Peach-N. 7th to Rouse – Bozeman, seal and cover. CM 1204(2), Control Number 5092.
- Highland – Kagy to Main – Bozeman, cover. CM 1215(2), Control Number 5094.
- Bozeman Area Seismic Retrofit, retrofit for the I-90 bridges in the Bozeman area. IM 0002(447), Control Number 3871.
- Main Street – Bozeman, mill and overlay. STPP 50-2(39)88, Control Number 4312. Ready Date January 2005.
- Huffine Lane Corridor Study, traffic study. STPP 50-2(46)82, Control Number 4864. Ready Date February 2006.
- Rouse Avenue – Bozeman. STPP 86-1(27)0, Control Number 4805. Ready Date October 2006.
- Bozeman Area Seismic Retrofit, bridge replacement for N. 7th and Rouse overpasses. IM 0002 (447), Control Number A871. Ready Date November 2007.

The proposed project will not have a cumulative impact to nearby projects since it follows the same alignment and only has minor environmental effects. The land that surrounds the highway is rural and presents very few sensitive areas with the potential for individual impacts; therefore, cumulative impacts are unlikely to occur.

Janice W. Brown
May 24, 2005
Page 11

This project will not induce significant land use changes or promote unplanned growth. There will be no significant affects on access to adjacent properties or present traffic patterns. This project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (**E.O. 12898**) and complies with Title VI of the Civil Rights Act of 1964 (**42 U.S.C. 2000d**) as amended, in accordance with 23 CFR 771.117(a). Therefore, none of these MDT projects will have any significant cumulative impacts on this proposed action. This proposed road reconstruction project will also have no significant cumulative environmental impacts on these other MDT project in this part of the Butte District.

The FHWA's concurrence is requested that these proposed projects are properly classified as a Categorical Exclusion.



Thomas Hansen, P.E.
Engineering Section Supervisor
Environmental Services

Concur Jeffrey A. Patten
Federal Highway Administration

Date 6-21-05

Attachments:

- cc: Jeff Ebert, Administrator – MDT Butte District
 - Paul R. Ferry, P.E. - MDT Highways Engineer
 - Tom S. Martin, P.E. – MDT Consultant Design Engineer
 - John H. Horton– MDT Right-of-Way Bureau Chief
 - David W. Jensen, Supervisor – MDT Fiscal Programming Section
 - Suzy Althof, Supervisor – MDT Contract Plans Section
- file

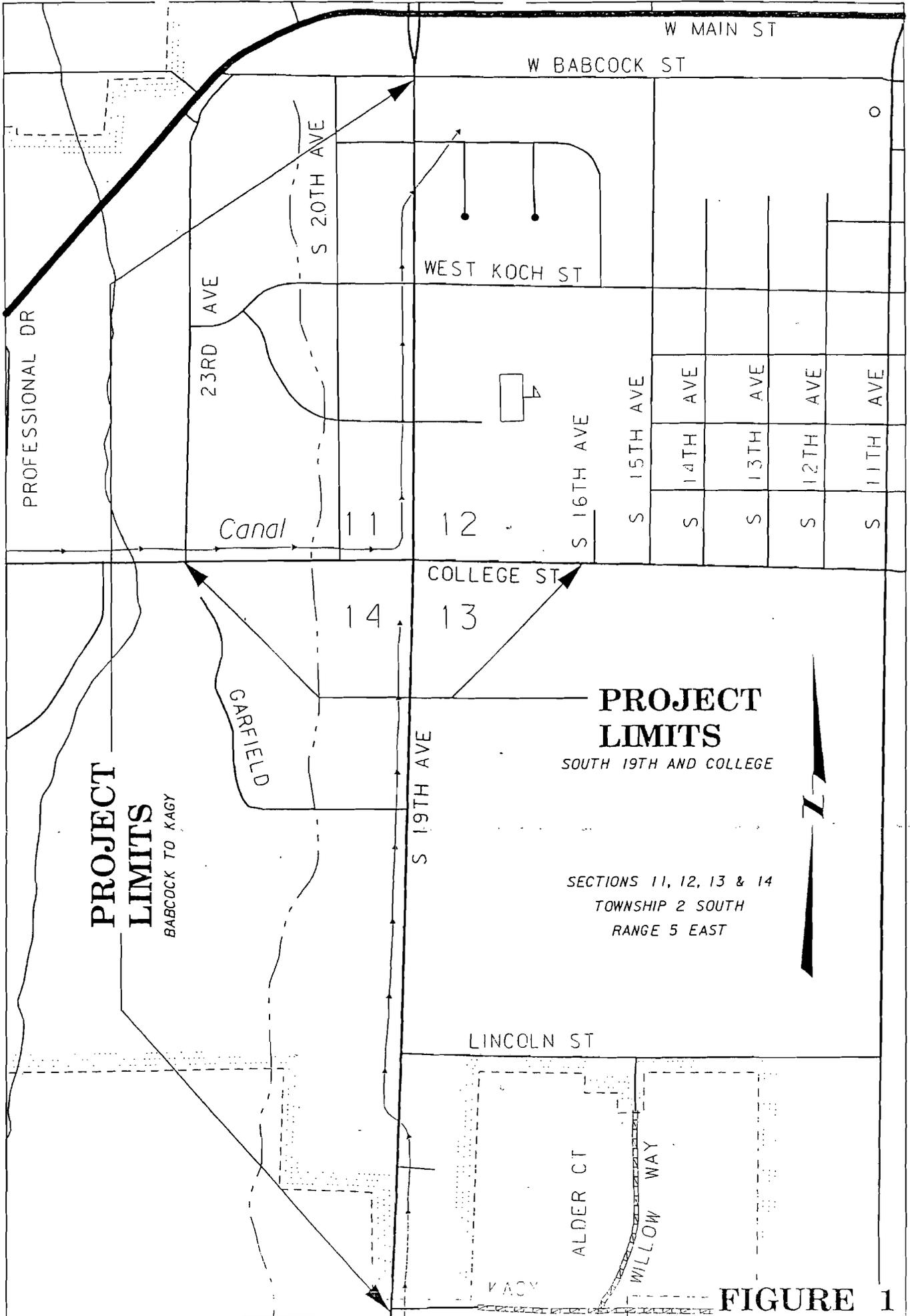


FIGURE 1