



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

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October 20, 2005

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Carl James
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena MT 59602

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Subject: Statewide Pavement Preservation Projects Concurrence
NH 1-4(31)278
SHELBY - EAST
CN 5765

The Environmental Services Bureau of the Montana Department of Transportation has reviewed the Preliminary Field Review/Scope of Work Report and the Environmental Checklist for Pavement Preservation Projects. We have determined that the Statewide PCE for these types of projects would cover this project.

The following special provision will be included in this project:

- Protection of Wetland Areas and Other Drainages

I have attached the Preliminary Field Review/Scope of Work Report, location map, Environmental Checklist for Pavement Preservation Projects, and the special provision listed above.

If you have any questions concerning this letter, please contact me at 444-0456.

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

Attachments:

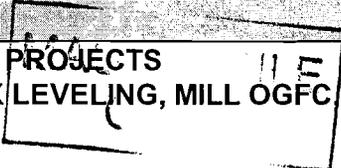
TLH:tgg: S:\PROJECTS\GREAT-FALLS\5765000\5765ENCSPFW01.DOC

copies: Michael P. Johnson – District Administrator-Great Falls
Loran Frazier, P.E. – Chief Engineer
Paul Ferry, P.E. – Highway Engineer
Jean A. Riley, P.E. – Environmental Services
Mark Wissinger, P.E. – Construction
Suzy Althof – Contract Plans
Dave Jensen – Fiscal Planning
✓ Environmental Quality Council
File

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

**ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS
(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC MICRO SURFACING, FOG SEAL)**



Project No.: NH 1-4(31)278 ID: UPN 5765000 Project Name: Shelby – East

Reference Post (Station) RP 278.09+/- to Reference Post (Station) RP 280.02+/-

Applicants Name: Montana Department of Transportation Address: PO Box 201001, Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Work Type 180 Resurfacing – Asphalt (Thin Lift<=0.2')

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)		
Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).	
	Yes	No
1. Does the proposed action require work in, across, and/or adjacent to a river which is a component of, or proposed for inclusion in Montana's Wild and/or Scenic Rivers system. (See listing on page 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are there any recorded occurrences, and/or critical habitat for Federally-listed Threatened and Endangered Species in the vicinity of the proposed activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/> None Anticipated P.S. 10/6
3. Does the proposed action have an impact on water quality? If answer is NO go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3a. If the answer to number 3 is yes, is a Clean Water Act ' Section 402 permit required? (MPDES issued by MDEQ)	<input type="checkbox"/>	<input type="checkbox"/> N/A
4. Does the proposed project have impacts to wetlands or waters of the U.S.? If answer is NO go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4a. If the answer to number 4 is yes, is a Clean Water Act ' 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/> N/A
4b. If the answer to number 3 or 4 is yes, is a Stream Protection Act ' 124SPA permit required? (Issued by MDFWP)	<input type="checkbox"/>	<input type="checkbox"/> N/A
5. Does the proposed project involve hazardous waste site[s]? (Superfund, spills, underground storage tanks, etc.)	<input type="checkbox"/>	<input type="checkbox"/> Petroleum contaminated soil lies beneath the project area. Contaminated soil is not likely to be encountered with the roadwork.
6. Is the proposed activity on and/or within approximately 1.6 Km (1 mile) of an Indian Reservation? If answer is NO go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" (Some Indian Reservations)?	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A

8. Magnitude and significance of potential impacts: To be completed by applicant.

Although the possibility of a few minor temporary construction permits exists, the existing features outside of the existing right-of-way at these locations will not be significantly impacted.

Checklist prepared by: Jere Stoner Area Engineer September 23, 2005
Applicant Title Date

Approved by:



ENVIRONMENTAL ENGINEERING
SECTION SUPERVISOR

10/19/05'

- | Environmental Services | Title | Date |
|---|--|------|
| (when items 1, 2, 3, 3a, 4, 4a, 4b, 5, 6, 6a, or 7 are checked "Yes") | | |
| A. | The applicant shall complete the checklist indicating a "Yes" or "No" for each item, except number 8 which may require a narrative response. | |
| B. | When a "Yes" is indicated on any number of items 1 through 7, MDT must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. | |
| C. | If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services. Contact Number 444-7228. | |
| D. | When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services reviews the information and signs the checklist. | |
| E. | MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity. | |

Montana's Wild and/or Scenic Rivers system as published by the U.S. DEPARTMENT OF AGRICULTURE (USDA), or the U.S. DEPARTMENT OF THE INTERIOR (USDol)

1. Middle Fork of the Flathead River (headwaters to South Fork of the Flathead River confluence)
2. North Fork of the Flathead River (Canadian Border to Middle Fork of the Flathead River confluence)
3. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir)
4. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge)

1. PROTECTION OF WETLAND AREAS AND OTHER DRAINAGES

Impacts to any and all wetland areas and other drainages, including spring drainages, located adjacent to the project are not anticipated in association with this project. MDT has NOT acquired any water quality permits, including a Clean Water Act Section 404 permit, a Stream Protection Authorization 124 permit, or a 318 Authorization permit. Therefore, impacts to any and all wetland areas and other drainages, including spring drainages, located adjacent to the project are not permitted. Avoid all equipment traffic, fill material, staging activities and other disturbances to the wetland areas and other drainages. If situations are observed during construction that may potentially impact water quality, including wetland areas, utilize Best Management Practices (BMP) and/or Temporary Erosion Control measures as necessary to protect the resource. Refer to Section 208 of the MDT Detailed Drawings (2004 metric edition) for Erosion and Sediment Control Best Management Practices.

Install Temporary Erosion Control measures as deemed necessary by the Engineer. Payment to be determined using the Erosion and Sediment Control rate schedule and paid under Miscellaneous Work.

If complete avoidance of all impacts to these areas is not possible, contact the District Biologist at 444-9438 or the Construction Permit Coordinator at 444-7648, so that the proper permits can be secured prior to working in these areas. Any impacts to these areas and associated consequences, without the proper permitting, are the responsibility of the Contractor.