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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

March 14, 2006

City of Helena

Michael Wherley, P.E., CTEP Engineer
Montana Department of Transportation
Consultant Design Bureau
P.O. Box 201001
Helena, MT 59620-1001

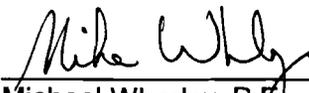
Subject: Categorical Exclusion Group (c) Action Letter
Federal-aid Project Number: STPE 5899(29)
Federal-aid Project Name: Smith School Sidewalks – Helena
MDT Control Number: 6067

The City of Helena has determined that this proposed project study will not involve unusual circumstances as described under 23 CFR 771.117(b). It therefore qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), parts (2 & 7). This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, MCA).

In accordance with the Federal Highway Administration's (FHWA) letter of March 29, 1999 to MDT's Environmental Services, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c).


Signature of Environmental Certifying Official
or Chief Elected Official

Allen Cormany Engineering Technician
Type Name and Title

Concur 
Michael Wherley, P.E.
CTEP Project Engineer

MAY 3, 2006
Date

cc: Mick Johnson, P.E., MDT, Great Falls District Administrator
Tom S. Martin, P.E., MDT, Consultant Design Engineer
Jean A. Riley, MDT, Manager - Environmental Services
David W. Jensen, MDT, Supervisor – Fiscal Programming Section
Michael Wherley, P.E., MDT, CTEP Engineer
Environmental Quality Council
Allen Cormany, City of Helena

1. Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 USC 307; approval of a unified work program and any findings required in the planning process pursuant to 23 USC 134; approval of statewide programs under 23 CFR 630; approval of project concepts under 23 CFR 476; engineering to define the elements of a proposed action or alternatives so that social, economic and environmental effects can be assessed; and federal-aid system revisions which establish classes of highways on the federal-aid highway system.
2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths and facilities.
4. Activities included in the State's highway safety plan under 23 USC 402 (*section 402 funds are no longer available*).
5. Transfer of Federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action.
6. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7. Landscaping.
8. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
9. Emergency repairs under Title 23 USC 125.
10. Acquisition of scenic easements.
11. Determination of payback under 23 CFR 480 for property previously acquired with federal-aid participation.
12. Improvements to existing rest areas and truck weigh stations.
13. Ride share activities.
14. Bus and rail rehabilitation.
15. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16. Program administration, technical assistance activities and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
18. Track and rail bed maintenance and improvements when carried out within the existing right-of-way.
19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20. Promulgation of rules, regulations and directives.

Environmental Checklist

Project Name and Project Number: Smith School Sidewalks - Helena, STPE 5899(29)

Are all activities of this project exempt from NEPA procedures? Yes No

Are activities of this project Categorically Excluded from NEPA procedures? Yes No

Area of Statutory-Regulatory Compliance		N/A	Consultation Required	Review Required *	Permits Required *	Conditions and/or Mitigation Actions Required *	Note and attach Documentation
(Precise citations for applicable statutes and regulations are printed at the end of this Checklist.)							
1.	Historic Properties (SHPO)	x					
2.	Floodplain Management (County)	x					
3.	Wetlands Protection (COE)	x					
4.	Noise (DEQ)	x					
5.	Air Quality (DEQ)	x					
6.	Manmade Hazards	x					
	Thermal/Explosive Hazards	x					
	Abandoned Underground Storage Tanks	x					
	Leaking Underground Storage Tanks	x					
	Possible Hazardous Waste Sites	x					
	Airport Clear Zones	x					
7.	Water Quality (DEQ or EPA for reservation projects)	x					
	Surface Water/Water Quality	x					
	Groundwater & Aquifers ¹	x					

8.	Solid/Hazardous Waste Disposal (DEQ)	x					
9.	Farmlands Protection	x					
10.	Wild & Scenic Rivers	x					
11.	Threatened or Endangered Species, Fish & Wildlife (USF&WS)	x					
12.	Biological Resources-habitat containing sensitive species: either nesting, foraging, or inhabiting (MDFW&P/MSL)	x					
12.	Environmental Justice (EO 12898) – Minority and Low Income Populations.	x					
13.	Is there substantial, local, regional or other controversy on environmental grounds?	x					
14.	Section 4(f) – would project change use of Park, Recreation Area, Wildlife refuge, waterfowl refuge (23 CFR 771.135)	x					
15.	State or Local Statutes	x					
16.	Section 6(f) – would project change use of protected properties, for public outdoor recreation, acquired or developed with Land and Water Conservation Funds. Administered by the Department of Fish, Wildlife and Parks.	x					
17.	Public involvement efforts after initial project approval by MDT.	x					
18.	List other agencies contacted.	x					

* Attach evidence that required actions have been taken.

¹ Including the Missoula Sole Source Aquifer; contact MDT for further information regarding Missoula area projects.

INDEX OF APPLICABLE FEDERAL STATUTES AND REGULATIONS INCLUDED IN THE ENVIRONMENTAL CHECKLIST AND COMPLIANCE CERTIFICATION

1. Historic Properties

- a. The National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.), particularly sections 106 and 110 (16 USC 470 and 470h-2), except as provided in '58.17 for Section 17 projects.
- b. Executive Order 11593 - Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971-1975 Compilation, particularly section 2(c).
- c. 36 CFR Part 800-Advisory Council on Historic Preservation
- d. The Reservoir Salvage Act of 1960 as amended by the Archaeological and Historic Preservation Act of 1974 (16 USC 469 et seq.), particularly section 3 (16 USC 469a-1).

2. Floodplain Management

- a. Executive Order 11988, Floodplain Management, May 24 1977 (42 FR 26951, 3 CFR, 1977 Comp., as interpreted in FHWA regulations at 23 CFR 650.101-650.117.
- b. Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128).
- c. National Flood Insurance Program (44 CFR 59-79).

3. Wetlands

- a. Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Compilation, particularly sections 2 and 5; and Applicable State Legislation or Regulations.

4. Noise

- a. Noise Abatement and Control, 24 CFR 51.100 (44 FR 40861, 7/12/79, as amended at 61 FR 13333, 3/26/96).

5. Air Quality

- a. Clean Air Act (42 USC 7401 et seq.) as amended; particularly section 17(c) and (d) (42 USC 7506(c) and (d)).
- b. Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency, 40 CFR parts 6, 51, and 93).

6. Man-made Hazards

- a. Siting of FHWA Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields, 23 CFR 620.101-620.104 (39 FR 35145, 9/30/74)

7. Water Supply/Quality

- a. Federal Water Pollution Control Act, as amended (33 USC 1251-1376).
- b. The Safe Drinking Water Act of 1974, as amended (42 USC 69-01-6978, 300f-300j-10).
- c. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR 100-149.
- d. Missoula, Montana Sole Source Aquifer, in accordance with Section 1424 (e) of the Safe Drinking Water Act, 42 USC 300h-3 (1982).

8. Solid Waste Disposal

- a. Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 USC 6901-6987).
- b. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR 240-265.

9. Farmlands Protection

- a. Farmland Protection Policy Act of 1981 (7 USC 4201 et seq.) particularly sections 1540(b) and 1541 (7 USC 4201(b) and 4202).
- b. Farmland Protection Policy (U.S. Department of Agriculture 7 CFR 658).

10. Wild and Scenic Rivers

- a. Wild and Scenic Rivers Act of 1968 (16 USC 1271 et. seq.) as amended, particularly section 7(b) and (c), (16 USC 1278 (b) and (c)).

Note: *In Montana, this act applies to the North Fork of the Flathead River from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir; and, the Missouri River consisting of the segment from Fort Benton, one hundred and forty-nine miles downstream to the Russell Wildlife Refuge boundary (Fred Robinson Bridge).*

11. Endangered Species

- a. The Endangered Species Act of 1973 (16 USC 1531 et seq.) as amended; particularly section 7 (16 USC 1536).
- b. Fish and Wildlife Coordination Act (16 USC 661-666c).

12. Environmental Justice

- a. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Compilation Page 859 (24 CFR 58.5, April 30, 1996).

CERTIFICATION

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

Allen Cormany
Engineering Technician, City of Helena

Type Name and Title of
Environmental Certifying Official


Signature

Date
March 30, 2006



March 14, 2006

City of Helena

Michael Wherley, P.E., CTEP Engineer
Montana Department of Transportation
Consultant Design Bureau
P.O. Box 201001
Helena, MT 59620-1001

Re: DESIGNATION OF ENVIRONMENTAL CERTIFYING OFFICIAL

Ref: Project Number: STPE 5899(29)
Project Name: Smith School Sidewalks – Helena
Control Number: 6067

This is to notify you that Allen Cormany, City of Helena Engineering Technician, is designated as the Environmental Certifying Official responsible for all activities associated with the environmental review process to be completed in conjunction with the development of the approved transportation project referenced.

A handwritten signature in black ink, appearing to read "Tim Burton", is written over a horizontal line.

Signature*

Tim Burton , City Manager
Typed Name and Title

* *This letter should be signed by the chief elected official (mayor or chairperson of county commission).*