



Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

JUN 27 2006  
Jim Lynch, Director  
Brian Schweitzer, Governor

June 13, 2006

Janice W. Brown, Division Administrator  
Federal Highway Administration (FHWA)  
585 Shepard Way  
Helena, MT 59601-9785



JUN 28 2006

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

Subject: STPS 472-1(5)1  
2 km North of Jct MT 200 - N  
Control No. 4467  
Advanced Acquisition for Parcel #30-Porter

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 771.117(d). 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, M.C.A.**). A project location map is attached.

This proposed project is a reconstruction of a portion of Secondary Highway 472 (Blue Slide Road) north of Thompson Falls, in Sanders County. The project begins at reference point 1.3 at the "Y" intersection with a local road known as Birdland Bay Road and extends northerly 6.8 miles (10.94 kilometers) to reference point 8.1

This proposed action is an advanced Right-of-Way (R/W) acquisition as defined under 23 CFR 771.117(d)(12) for "hardship or protective purposes". This action would involve acquiring Parcel #30 (1.82 acres) from the landowner, Drew A. Porter as shown on the attached Right of Way plan sheet 14 of 20. The parcel is adjacent to Secondary Highway 472 in Township 22 North, Range 30 West, in the SE ¼, SE ¼ of Section 11, M.P.M. in Sanders County, Montana north of Thompson Falls.

This parcel is owned and used by a single owner. Due to the land owner's business and personal concerns, earlier this year he decided to make plans for some remodeling improvements to the house, sell the property and move. Upon finding out about MDT's proposed project at the informational meeting held in February 2006, he put those plans on hold until he could get more information about the project and his choices.

The preliminary plans for the project show the construction limits requiring approximately 0.41 acres of right of way and going through the house. Road design has evaluated the possibility of using an MSE wall to prevent the acquisition of the house. Using a rough design the estimate for the wall was higher than the estimated value of the house and property, in addition constructing the wall would introduce a risk of damaging the house during excavation for the wall and there could be a possible subsequent settling of the house.

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

Web Page: [www.mdt.mt.gov](http://www.mdt.mt.gov)  
Road Report: (800) 226-7623  
TTY: (800) 335-7592

The land owner has requested an advanced acquisition of Parcel #30 to expedite the purchase of his property which would allow him to move forward with his personal and business plans as quickly as possible.

This proposed action involves only a change of land ownership. The type of land acquisition will not limit the development of the project, including shifts in alignment for planned construction. No project development will occur on the MDT acquired parcels until total project related impacts are assessed in a separate environmental document.

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Storm Water Runoff                         | <input checked="" type="checkbox"/> Noise                                |
| <input checked="" type="checkbox"/> Prime & Unique Farmlands                   | <input checked="" type="checkbox"/> <i>Section 404 - Clean Water Act</i> |
| <input checked="" type="checkbox"/> Floodplains (E.O. 11988/FEMA)              | <input checked="" type="checkbox"/> Social/Economic                      |
| <input checked="" type="checkbox"/> Hazardous Waste                            | <input checked="" type="checkbox"/> Stream Preserv./Water Quality        |
| <input checked="" type="checkbox"/> Historical/Cultural Resources              | <input checked="" type="checkbox"/> Threatened/Endangered Species        |
| <input checked="" type="checkbox"/> Changes in Land Use                        | <input checked="" type="checkbox"/> WetlandsX(E.O. 11990)                |
| <input checked="" type="checkbox"/> <i>USDOT - 4(f)/NL&amp;WCF - 6(f) Acts</i> |  |

Air Quality - This proposed project is located in an "unclassifiable"/ attainment area of Montana for air quality under 40 CFR 81.327, as amended. As such, this proposed project is not covered under the U.S. Environmental Protection Agency's **Final Rule** of November 24, 1993 on Air Quality conformity. Therefore, this proposed project complies with Section 176(c) of the *Clean Air Act* as amended (**42 U.S.C. 7521(a)**).

A news release and public informational meetings will be used to inform the public of the proposed construction project.

This proposed action (advanced Right-of-Way acquisition) 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 pattern. 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**). In accordance with 23 CFR 771.117(a), this action will neither individually nor cumulatively, have any significant environmental impacts. Therefore, we

Janice W. Brown  
June 13, 2006  
Page 3

2 km North of Jct. MT 200 - N  
STPS 472-1(5)1  
Control No. 4467

are requesting FHWA's concurrence that this proposed project is properly classified as a Categorical Exclusion.



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

Concur  Date 6/20/06  
Federal Highway Administration

"ALTERNATIVE ACCESSIBLE FORMATS OF THIS

DOCUMENT WILL BE PROVIDED ON REQUEST."

TLH:SMK

#### Attachments

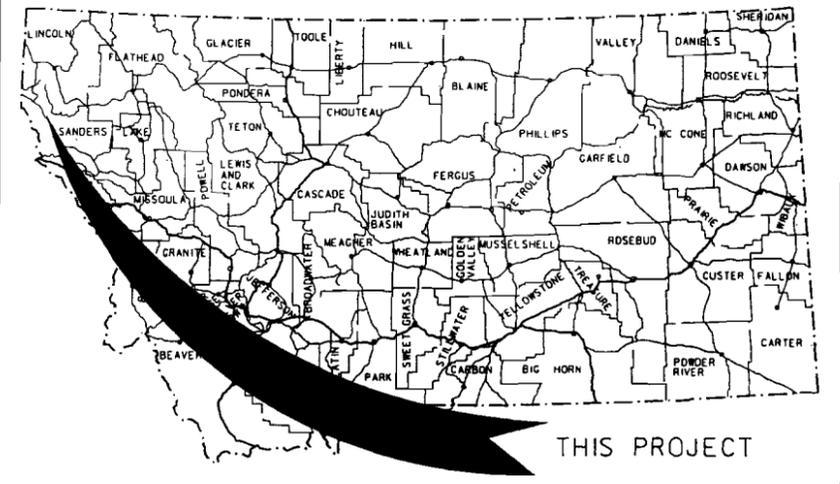
cc: Dwane Kailey, P.E. - Missoula District Administrator  
Paul R. Ferry, P.E. - Highways Engineer  
John Horton - Right-of-Way Bureau Chief  
David W. Jensen, Supervisor - Fiscal Programming Section  
Suzy ~~Allen~~ <sup>Riley</sup>, P.E., ~~Supervisor~~ <sup>Chief</sup> - Contract Plans Section  
Jean Riley, P.E. - Chief Environmental Services Bureau  
Susan Kilcrease - Missoula Project Development Engineer  
Suzan Patterson, Missoula Right-of-Way Design Supervisor  
Environmental Quality Council  
File

STATE	RIGHT OF WAY ID.	SHEET NO.	TOTAL SHEETS
MONTANA	STPS 472-1(5)1	1	20
PROJECT NUMBER 4467-005		2 KM N OF JCT MT 200-N	

# MONTANA DEPARTMENT OF TRANSPORTATION

## RIGHT OF WAY PLAN OF FEDERAL AID PROJECT STPS 472-1(5)1 2 KM N OF JCT MT 200-N SANDERS COUNTY

10.9 Kilometers



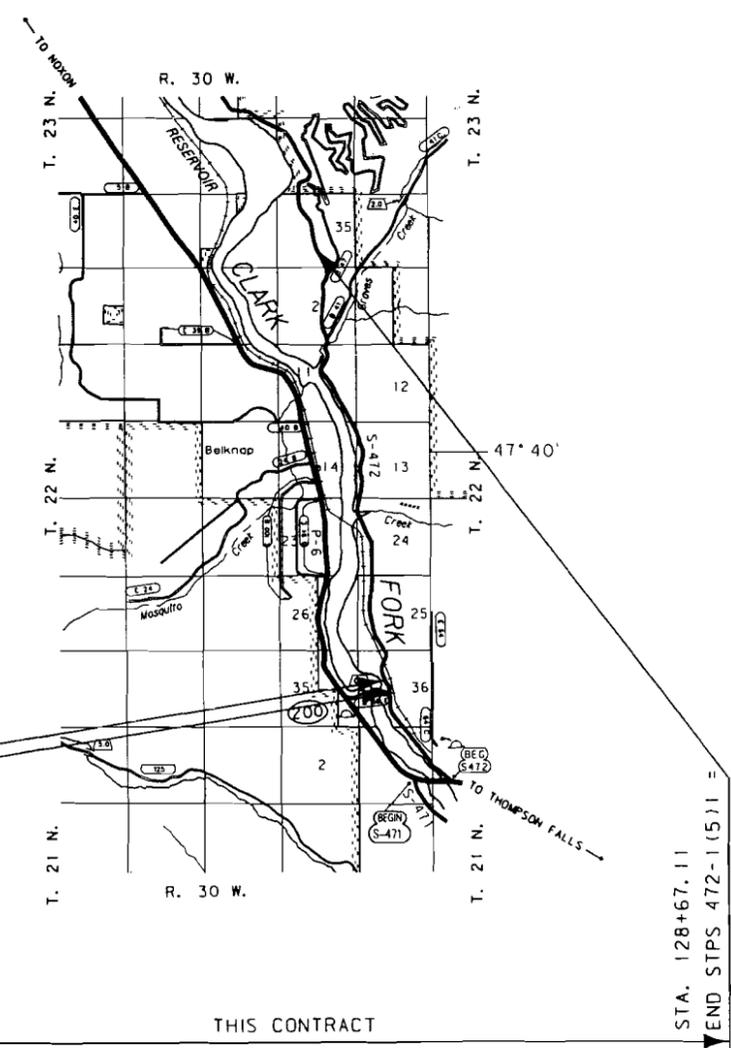
### CONVENTIONAL SIGNS

- PROPOSED RIGHT OF WAY LINE
- EXISTING RIGHT OF WAY LINE
- RAILROAD RIGHT OF WAY LINE
- RIGHT OF WAY BASELINE
- STK'D CENTERLINE
- SECTION LINE
- OWNERSHIP BOUNDARY
- FULL ACCESS CONTROL
- LIMITED ACCESS CONTROL
- EXISTING ACCESS CONTROL
- PRESENT TRAVELED WAY (P.T.W.)
- FENCE LINE
- EXISTING GUARDRAIL
- PROPOSED GUARDRAIL
- GATE IN FENCE
- CATTLE GUARD: EXIST. - PROPOSED
- SECTION CORNER
- 1/4 SECTION CORNER
- CLOSING CORNER
- MEANDER CORNER
- CENTER OF SECTION
- RIGHT OF WAY MONUMENT
- PROPERTY CORNER PIN
- POWER POLE IN PLACE
- TELEPHONE POLE IN PLACE
- TELEGRAPH POLE IN PLACE
- LIGHT POLE
- PROPOSED CULVERT
- EXISTING CULVERT
- OUTLET DITCH
- INLET DITCH
- EXISTING DITCH
- CHANNEL CHANGES
- DITCH BLOCK
- RIPRAP
- BRIDGES
- RAILROADS
- PARCEL NUMBERS
- APPROACH: EXIST. - PROPOSED



ASSOCIATED PROJECT ID.  
STPS 472-1(5)1 P.E.

RELATED PROJECTS



SEE SHEETS NO. 2 - 4 FOR OWNERSHIP NAMES, ADDRESSES, AREAS, ETC.

GRID STATE PLANE COORDINATES  
THIS IS A STATE PLANE COORDINATE PROJECT. ALL DIMENSIONS, DISTANCES AND AREAS ON THIS PROJECT ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD. THE COMBINATION SCALE FACTOR IS 0.99934539

PRELIMINARY

NOTES: 1. ALL MEASUREMENTS ARE METRIC EXCEPT AS NOTED

RDROW

MONTANA CADD

3  
2

FHWAMDT APPROVAL  
MAP REVISED

STATE	RIGHT OF WAY ID.	SHEET NO.	TOTAL SHEETS
MONTANA	STPS 472-1(5)1	14	20
PROJECT NUMBER 4467-005			
2 KM N OF JCT MT 200-N			

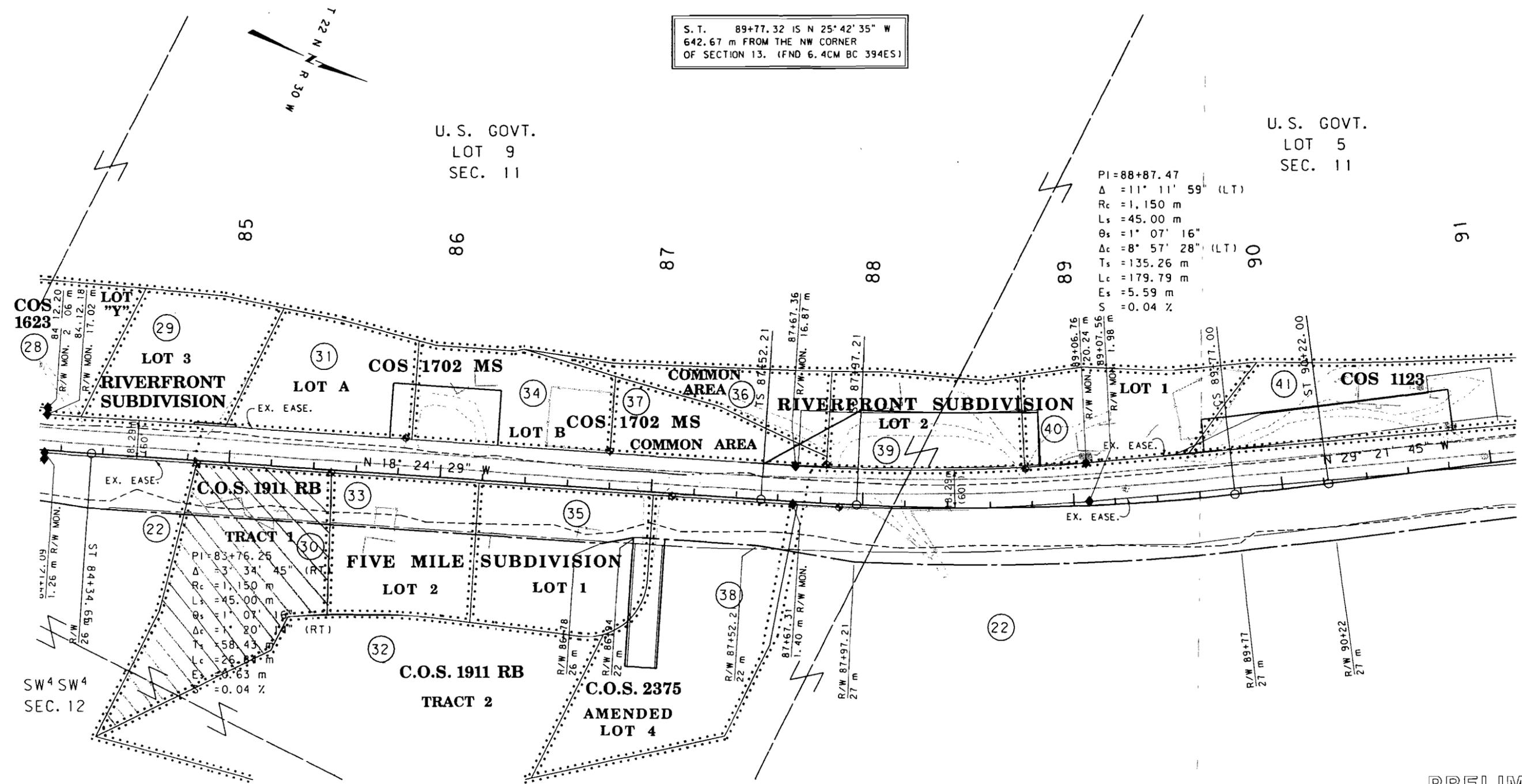
SEE SHEETS NO.2-4 FOR OWNERSHIP NAMES, ADDRESSES, AREAS, ETC.

S.T. 89+77.32 IS N 25° 42' 35" W  
642.67 m FROM THE NW CORNER  
OF SECTION 13. (FND 6.4CM BC 394ES)



RDROW

6:11:00 4467 ROP/NO.04 JGN  
 5/25/2006  
 9:11:52 AM  
 3  
 2  
 1518



PI=88+87.47  
 $\Delta = 11^\circ 11' 59''$  (LT)  
 $R_c = 1,150$  m  
 $L_s = 45.00$  m  
 $\theta_s = 1^\circ 07' 16''$   
 $\Delta_c = 8^\circ 57' 28''$  (LT)  
 $T_s = 135.26$  m  
 $L_c = 179.79$  m  
 $E_s = 5.59$  m  
 $S = 0.04\%$

**GRID STATE PLANE COORDINATES**

FOR EXISTING R/W RETRACEMENT, SEE CERTIFICATE OF SURVEY NO. 2436

THIS IS A STATE PLANE COORDINATE PROJECT. ALL DIMENSIONS, DISTANCES AND AREAS ON THIS PROJECT ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORDED. THE COMBINATION SCALE FACTOR IS 0.99934539

- NOTES:
1. ALL MEASUREMENTS ARE METRIC EXCEPT AS NOTED
  2. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
  3. THE ENGLISH AREAS ARE FOR INFORMATIONAL PURPOSES ONLY.
  4. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

BACKSLOPE LIMITS INCLUDE ROUNDING	TOP OF CUT
CONSTRUCTION LIMITS:	CUT SECTION
	TOE OF FILL
FHWA/DOT APPROVAL	
MAP REVISED	

**PRELIMINARY**

MONTANA  
 DEPARTMENT OF TRANSPORTATION  
 SANDERS COUNTY  
 SCALE 1:1000  
 0 50M 100M