



Montana Department of Transportation

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Jim Lynch, Director
Brian Schweitzer, Governor

August 16, 2006

RECEIVED

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Environmental Quality Council
Capitol Station
Helena, MT 59626

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Subject: Maintenance Project
MT Highway 43 Reference Post 4
Beaverhead County, Township 2 S, Range 18 W, NE 1/4 Section 7

This is notification that this proposed project qualifies as a Categorical Exclusion (CE) under the provisions of ARM 18.2.261 for the MONTANA DEPARTMENT OF TRANSPORTATION (MDT). This is being documented in compliance with the Montana Environmental Policy Act (MEPA, see Sections 75-1-103 and 75-1-201, M.C.A.). MDT maintenance proposes to build a pullout area to be used as a chain-up area for trucks climbing Chief Joseph Pass on Highway 43 at Reference Post 4, in Beaverhead County. The pullout will also be used by the recreating public as a parking area to access U.S. Forest Service trails in the immediate vicinity. On the north side of the highway the pull out area will be west of the bridge guardrail on the bridge over Joseph Creek and approximately 50 ft. wide and 350 ft long. On the south side of the highway the pull out area will be 25 ft wide and 150 ft long and be used as a chain removal area and snowplow turnaround area. Appropriate signage will be placed. A Project Location Map is attached.

The following form provides the documentation required to demonstrate that all of the following conditions are satisfied to categorically exclude this proposed project under the Montana Environmental Policy Act (MEPA), Sections 75-1-103 and 75-1-201, M.C.A., as amended.

(Note: An "X" in the "N/A" column is "Not Applicable" to, while one in the "UNK" column is "Unknown" at the present time for this proposed project.)

NOTE: A response in a box will require additional documentation in accordance with ARM 18.2.239.

Table with 4 columns: YES, NO, N/A, UNK. Row 1: An Environmental Assessment (EA), or an Environmental Impact Statement (EIS) is not required for this proposed project as determined under ARM 18.2.237(5). Row 2: This proposed project would have (a) significant environmental impact(s) as-defined under ARM 18.2.238 and ARM 18.2.237(5). Row 3: This proposed project involves one (or more) of the following situations where: A. Right-of-Way, easements, and/or construction permits would be required.

YES NO N/A UNK

1. The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s).

 — X

2. There is a high rate of residential growth in this proposed project's area.

— — X —

3. There is a high rate of commercial growth in this proposed project's area.

— — X —

4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation.

— X —

5. There are parks, recreational, or other properties acquired/improved under *Section 6(f)* of the *1965 National Land & Water Conservation Fund Act (16 U.S.C. 460L, et seq.)* that would be impacted by the proposed project.

— X —

The use of such *Section 6(f)* sites would be documented and compensated with the appropriate agencies. (e.g.: MDFW&P, local entities, etc.).

— X

6. Are there any sites either on, or eligible for the National Register of Historic Places with concurrence in determination of eligibility or effect under *Section 106* of the *National Historic Preservation Act (16 U.S.C. 470, et seq.)* by the State Historic Preservation Office (SHPO), which would be affected by this proposed project.

— X —

7. There are parks, recreation sites, schoolgrounds, wild-life refuges, historic sites, historic bridges, or irrigation that might be considered as defined under ARM 18.2.261(2) (a) would be affected by this proposed project.

 X —

B. The activity would involve work in a streambed, wetland, and/or other waterbody(ies) considered as "waters of the United States" or similar (e.g.: "state waters").

X —

1. Conditions set forth in *Section 10* of the *Rivers and Harbors Act (33 U.S.C. 403)* and/or *Section 404* under 33 CFR Parts 320-330 of the *Clean Water Act (33 U.S.C. 1251-1376)* would be met.

X —

2. Impacts in wetlands, including but not limited to those referenced under Executive Order (E.O.) #11990, and their proposed mitigation would be coordinated with the Montana Inter-Agency Wetland Group.

— X

YES NO N/A UNK

D. There would be substantial changes in access control involved with this proposed project.

___ X

If yes, would they result in extensive economic and/or social impacts on the affected locations?

 ___ X

E. The use of a temporary road, detour, or ramp closure having the following conditions when the action(s) associated with such facilities:

1. Provisions would be made for access by local traffic, and be posted for-same.

___ X

2. Adverse effects to through-traffic dependant businesses would be avoided or minimized.

___ X

3. Interference to local events(e.g.: festivals) would be minimized to all possible extent.

___ X

4. Substantial controversy associated with this pending action would be avoided.

___ X

F. Hazardous wastes /substances, as defined by the U.S. Environmental Protection Agency (EPA) and/or the Montana Department of Environmental Quality (MDEQ), and/or (a) listed "Superfund" (under CERCLA or CECRA) site(s) are currently on and/or adjacent to this proposed project.

___ X

All reasonable measures would be taken to avoid and/or minimize substantial impacts from same.

___ X

G. The Montana Pollutant Discharge Elimination System's conditions (ARM 16.20.1314), including temporary erosion control features for construction would be met.

___ X

H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas.

___ ___ X

I. Documentation of an "invasive species" review to comply with both E.O.#13112 and the *County Noxious Weed Control Act (7-22-21, M.C.A.)*, including directions as specified by the county(ies) wherein its intended work would be done.

X

YES NO N/A UNK

- J. There are "Prime" or "Prime if Irrigated" Farmlands designated by the Natural Resources Conservation Service impacted by the proposed project area.

___ X

If the proposed work would affect Important Farmlands, then an AD-1006 Farmland Conversion Impact Rating form would be completed in accordance with the *Farmland Protection Policy Act (7 U.S.C. 4201, et seq.)*.

___ X

- K. Features for the *Americans with Disabilities Act (P.L. 101-336)* compliance would be included.

___ X

- L. A written Public Involvement Plan, would be completed in accordance with MDT's Public Involvement Handbook.

X

4. This proposed project complies with the *Clean Air Act's Section 176(c) (42 U.S.C. 7521(a))*, as amended) under the provisions of 40 CFR 81.327 as it's either in a Montana air quality:

- A. "Unclassifiable"/attainment area. This proposed project is not covered under the EPA's September 15, 1997 Final Rule on air quality conformity.

X ___

and/or

- B. "Nonattainment" area. However, this type of proposed project is either exempted from the conformity determination requirements (under EPA's September 15, 1997 Final Rule), or a conformity determination would be documented in coordination with the responsible agencies: (Metropolitan Planning Organizations, MDEQ's Air Quality Division, etc.).

___ X

- C. Is this proposed project in a "Class I Air Shed" (Indian Reservations) under 40 CFR 52.1382(c)(3)?

___ X

5. Federally listed Threatened or Endangered (T/E) Species:

- A. There are recorded occurrences, and/or critical habitat in this proposed project's vicinity.

___ X

YES NO N/A UNK

B. Would this proposed project result in a "jeopardy" opinion (under 50 CFR 402) from the Fish & Wildlife Service on any Federally listed T/E Species?

 X

The proposed project would not induce significant land-use changes, nor promote unplanned growth. There would be no significant effects on access to adjacent property, nor to present traffic patterns.

This proposed project would not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations (E.O.#12898). It also complies with the provisions of *Title VI* of the *Civil Rights Act* of 1964 (**42 U.S.C. 2000d**).

In accordance with the provisions of ARM 18.2.261, this pending action would not cause any significant individual, secondary, or cumulative environmental impacts. Therefore, the MDT's concurrence is that this proposed project is properly classified as a MEPA Categorical Exclusion.



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

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Attachments

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

cc: Dwane Kailey - MDT Administrator Missoula District
Doug Moeller - MDT Maintenance Chief- Missoula
Jean Riley - MDT Environmental Services Bureau Chief
Susan Kilcrease - MDT Project Development - Missoula
File

