



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

October 12, 2006

ENVIRONMENTAL QUALITY COUNCIL
Legislative Environmental Policy Office
P.O. Box 201704
Helena, MT 59620-1704

RECEIVED

OCT 13 2006

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Subject: **NH 37-3(10)96**
EPSIE - EAST
(PPMS-OPX2 Control #4056)

Attached is one (1) copy of the Re-Evaluation (R-E) as-sent-to the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration (FHWA) on October 3, 2006. That R-E's for the Finding of No Significant Impact on this proposed project's portion in the "Epsie NHS Corridor" Environmental Assessment (EA) the FHWA approved-for distribution on November 29, 2001. Attached with that R-E is a copy of the "Nationwide" Programmatic *Section 4(f)* Evaluation form [P4(f)] approved-by the FHWA on October 4, 2006. That P4(f)'s for documenting this proposed project's "use" of a historic road section, and complies-with the provisions of 23 CFR 771.135 for the *U.S. DEPARTMENT OF TRANSPORTATION Act (49 U.S.C. 303)*.

The attached R-E and documentation with-same is to further *Montana Environmental Protection Act*, Title **75** compliance as applicable to the DEPARTMENT OF TRANSPORTATION (MDT).

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

JAR:TLH: [W] [S:\PROJECTS\GLENDDIVE\4056\A740\EQC-DST_LET.DOC]

Attachment

copy: project main/"white label" file



MASTER FILE
DATE
OCT 3 2006

October 3, 2006

U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration (FHWA)
585 Shephard Way
Helena, MT 59601-9785

Attention: Carl D. James,
Program Development Engineer

Subject: **NH 37-3(10)96**
EPSIE - EAST
(PPMS-OPX2 Control #4056)

This office has reviewed this proposed project's environmental impacts, and determined that it still qualifies for a Finding of No Significant Impact (FoNSI) under the provisions of 23 CFR 771.129(c). Its original FoNSI (copy attached) was issued by the FHWA on February 27, 2002. This proposed action also continues to qualify as an Environmental Assessment under the provisions of ARM 18.2.239(j) (Sections **75-1-103** and **75-1-201, M.C.A.**). This determination is based on the following:

The Scope-of-Work Report (S-o-W, approved on August 20, 2002 copy also attached) for this proposed project has been reviewed, and has not changed. This action was included with two others in an Environmental Assessment (EA) the FHWA approved for distribution on November 29, 2001. Changes involve the following parts in that EA:

- I.A.** the S-o-W Report matches the proposed beginning and ending "Reference" (Mile) Posts. However, the actual intended Length for this project is nearly 12.2 kilometers (km, 7.55 miles), or about 0.2 km (0.1 mile) less than that part of the EA stated.
- IV.C.9.** – **Table 7 for Historic Sites in the Epsie-East Project Area** (EA p.-56-) omitted **Site Number 24PR1297**, a Historic Road Segment. This was included with two other listed sites in an October 13, 2000 letter to the State Historic Preservation Office (SHPO).
- V.A.2.** – **Table 9 for Total Estimated Important Farmlands Impacts** (EA p.-61-) should be increased on this project to 19.205 hectares (ha, 47.57 acres). Consequently, the **Corridor Total** ought to then be raised 5.485 ha (13.55 acres). However, that larger amount does not result in any changes to the **Total Points** on the AD-1006 Farmland Conversion Impact Rating Form in that EA's **APPENDIX B**.
- V.A.6.** – **Noise Impacts**, the North-NorthEasterly "offset" horizontal alignment proposed between this project's westerly beginning at "Reference" (Mile) Post 95.7 and "Reference" (Mile) Post 101.55+ is being "shifted" South-SouthWesterly back towards the existing route's in the vicinity of "Reference" (Mile) Post 96.8+. No changes in land-use or other impacts will result from this "shift" which is to avoid a noise impact perceived by the residents at a ranch dwelling.

(concludes on next page)

(Changes from EA's part **V.A.6.** - **Noise Impacts**, concluded:)

The originally-proposed "offset" centerline was not greater-than half the horizontal distance between the existing route's and the residence. Nor was it more-than six meters (twenty feet) above the present vertical profile in that locale. Both the first proposed and "shifted offset" alignments therefore do not exceed the criteria listed-under part **IV.C.4's** "**Existing Noise Levels**" paragraph on the EA's p.-52-.

V.A.8. – **Table 10** (EA p.-71-), the wetlands listed are near the following stations from this project's preliminary plans: 421+80 Left to 426+00 Left (**Site No's** 10, 10A & 11), and 427+10 Left to 428+20 Left (**Site No** 12). However, each-of their respective estimated impact areas remain unchanged.

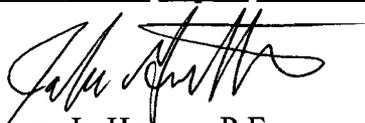
V.B.2. – **Table 12** (EA p.-79-), the Right-of-Way amounts for this project are as follows: Existing 39.437 ha (97.45 acres) plus an additional 17.825 ha (44.05 acres) = total of 57.262 ha (141.5 acres). There are also 1.275 ha (3.15 acres) of temporary-use construction permits, plus 0.105 ha (0.26 acre) of easements (for channel-changes beyond culvert inlets or outlets).

V.B.7. – SHPO's November 6, 2000 concurrence that **Site Number 24PR1297** was covered-by the Programmatic Agreement on Historic Roads and Bridges between them, MDT, the FHWA, and the Advisory Council on Historic Preservation (ACHP) was missing-from this Part of the EA (on p.'s -85- & -86-).

V.B.8. – The preceding was (also) not listed-in this Part of the EA (on p.-87-), and requires a "Nationwide" Programmatic *Section 4(f)* Evaluation form [P4(f)]. That P4(f) form for HISTORIC SITES (EXCLUDING HISTORIC BRIDGES) is therefore included as a separate document.

The preceding changes result-in only minor impacts for this proposed project's portion in the EA lists only, and do not invalidate its FoNSI. Those under regulatory requirements will be handled through the permitting processes with the appropriate agencies for-same.

This notification documents consultation that this proposed action does not require an Environmental Impact Statement under the provisions of 23 CFR 771.129(b).



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

MDT attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program or activity of the DEPT. Alternative accessible formats of this document will be provided on request. For further information please call (406) 444-7228 or TTY (800) 335-7592, or the Montana Relay at 711.

Carl D. James
Page 3
October 3, 2006

NH 37-3(10)96
EPSIE - EAST
(PPMS-OPX2 Control #4056)

JAR:TLH:asj: [W] [S:\PROJECTS\GLENDDIVE\4056\A740\R-E.DOC]

Attachments

copies: Ray E. Mengel, Administrator – MDT Glendive District (No 4)
Paul R. Ferry, P.E. – MDT Highways Engineer
John H. Horton, Jr. – MDT Right-of-Way Bureau Chief
D. Suzy Price, Supervisor – MDT Contract Plans Section
David W. Jensen, Supervisor – MDT Fiscal Programming Section
Jean A. Riley, P.E. – MDT Environmental Services Bureau Chief

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APR 01 1999

ENVIRONMENTAL

Montana Department of Transportation
Helena, Montana 59620-1001

MASTER FILE
COPY

Memorandum

To: Carl S. Peil, P.E.
Preconstruction Engineer

From: Ronald E. Williams, P.E. *REW*
Road Design Engineer

Date: March 22, 1999

Subject: NH 37-3(10)96
East of Epsie - East ..
Control No. 4056
Project Work Type - 140

We request you approve the Preliminary Field Review Report for the subject project.

Approved

Carl S. Peil

Carl S. Peil, P.E.
Preconstruction Engineer

Date

3/24/99

We request comments from the following individuals, who have also received a copy of the report. We will assume their concurrence if no comments are received by April 14, 1999.

Distribution:

C. S. Peil
J. M. Marshik
R. E. Williams
M. P. Johnson
J. P. Kolman
D. Kaihlanen
D. R. McIntyre
R. E. Fischer
FHWA

P. Saindon
B. A. Larsen
K. H. Neumiller
R. D. Tholt
D. J. Blacker
B. A. Wade
D. P. Dusek
B. F. Juvan
Precon File

Carl S. Peil
Page 2
March 22, 1999

Preliminary Field Review Report

A field review of the subject project was held on October 14, 1998 with the following people in attendance:

L. G. Peterson	District Construction Engineer	Glendive
R. E. Mengel	Engineering Services Supervisor	Glendive
J. Tompkins	Surfacing Design Section	Helena
J. Gutowsky	Road Design Section	Helena
D. Krings	Road Design Section	Helena
P. R. Ferry	Road Design Section	Helena
J. S. Michel	Hydraulics Section	Helena
W. Warfield	Geotechnical Section	Helena
R. Dahlke	Right-of-Way Bureau	Helena
L. Sickerson	MDT Biologist	Helena
D. Grenfell	FHWA	Helena

Introduction

This project will be designed by the Road Design Section in Helena. It has a ready date of December 2003.

Purpose

This project has been nominated for widening and surfacing reconstruction to a 10.8 m finished top width. After an evaluation of the existing surfacing and vertical alignment, we recommend that the project include surface reconstruction as well as the reconstruction of the vertical alignment at a number of locations.

The no-build alternative is not feasible, as the pavement is continuing to deteriorate to the extent that maintenance costs have become excessive. If the deterioration is allowed to continue, the pavement condition will eventually present a hazard to road users. The additional design features will result in an overall improvement in the safety of this segment of the route.

The project will utilize new metric stationing. This stationing will tie to the metric stationing of the Epsie E&W project currently being designed. The as-built project is F 334(14). As-built station ties are:

Begin Station = 579+76.0

End Station = 987+37.6

The as-built stationing referenced in this report is English stationing.

Carl S. Peil
Page 3
March 22, 1999

Project Location and Limits

The project is located on U.S. Highway 212 in Powder River County. The project will begin approximately 54 km east of Ashland (RP 95.8) and will extend 12.4 km easterly to RP 103.6. The project proceeds through rolling terrain used primarily for grazing with some dryland farming. A county map showing the approximate limits of the project is attached.

This route is classified as a principle arterial. U.S. 212 is an integral part of the regional transportation network, connecting interstate population/commerce centers. It is the major east-west route for southeastern Montana serving local population/commerce centers. We anticipate that this project in conjunction with the other projects on this route will result in increases in traffic volumes, particularly heavy truck traffic. The increased traffic will tend to somewhat improve the economy of the area.

Existing Conditions

The existing roadway was constructed under a single contract in 1960. The surfacing consisted of 76 mm of plant mix atop 183 mm of cement-stabilized base. The project received various surfacing treatments, including a 122 mm plant mix overlay in 1969. The existing roadway has an 8.4 m top width.

Three sag and two crest vertical curves do not provide the desirable stopping sight distance (SSD) a 100 km/h design speed, but meet minimum SSD. One crest provides the minimum SSD for 90 km/h. The maximum grade = 5.97%. Grades exceed 4% at three locations. The existing horizontal alignment meets the criteria for a 100 km/h design speed. The cut and fill slopes do not meet current standards for principle arterials.

Traffic & Accident Data

The traffic data is summarized below:

1998 ADT = 880
1999 ADT = 890
2019 ADT = 1090
DHV = 160
T = 32.4 %
8165 kg ESALS = 205.08
Annual Growth Rate = 1.0 %

On this project 26 accidents were reported for the period from July 1988 through June 1998, including 2 fatal accidents resulting in 3 fatalities. There were also 8 accidents

Carl S. Peil
Page 4
March 22, 1999

resulting in injury, including 2 accidents resulting in 6 incapacitating injuries. The accident rate is 1.23 and the severity index is 2.54 compared to statewide rural primary averages of 1.33 and 2.55 respectively. There are no accident clusters on this project.

This segment had significantly higher percentages of off-road accidents, accidents involving large trucks, and overturning accidents than the statewide average for National Highway System routes. The proposed reconstruction will significantly improve a number of features including sight distance, roadway width, cut and fill slopes, rumble strips, and delineation, which should reduce the overall accident frequency and severity.

Structures

There are no bridges within the project limits.

Major Design Features

Design Speed

This route will have a posted speed limit of 70 mph in the daytime and 65 mph at night. The design speed for this project is 100 km/h commensurate with the design criteria for rolling terrain on principle arterials. All design features will meet the criteria for the 100 km/h design speed, with the possible exception of grades greater than 4%.

Horizontal Alignment

We anticipate that the horizontal alignment will be slightly left (north) of the PTW. The new alignment will be adjusted as needed to avoid or reduce impacts to utilities and sensitive environmental features, as well as enhance constructability. We will revise the alignment after the survey has been completed. The offset distances and the locations of the alignment shifts will be determined during the project development. The final alignment will be resolved at the alignment and grade review.

We anticipate that the alignment for Epsie E&W will be offset with a connection to the PTW. We recommend that the connection be eliminated with this project, and a similar offset maintained. There are utilities on both sides of the roadway. We will generally stay on the left side of the PTW to minimize impacts to these utilities.

We anticipate shifting the alignment back on to the PTW at as-built station $\pm 930+00$ to avoid a large wetland area on the left. This shift will be accomplished using curves with small delta angles and radii large enough to allow a normal crown section rather than superelevation. We will then remain on the PTW to the end of the project.

Carl S. Peil
Page 5
March 22, 1999

Vertical Alignment

The vertical alignment will be designed to provide the desirable stopping sight distance for the 100 km/h design speed. We will attempt to provide grades of 4% or less. However, the project is mainly a surfacing reconstruct and we would like to utilize as much of the roadway template as possible.

Where we closely follow the existing alignment, we anticipate a grade raise of 0.5 – 1 meter. Reconstruction of vertical curves may provide material needed for the construction of the new subgrade.

Surfacing, Typical Section

We recommend that the surfacing section include 0.6 m of special borrow. Judging from the distortion in the template and the soils survey on the adjacent project, we believe the existing base material is quite poor. We believe that special borrow is readily available in the area and that its use will reduce the amount of surfacing aggregate needed for the project. The special borrow will be treated as part of the surfacing section in the design of the project. It will be shown as part of the typical section and will be constructed on 6:1 surfacing inslopes. The subgrade used for grading and shown on the cross sections will be the width required at the bottom of the special borrow.

In addition to the special borrow, the use of CTB and recycled plant mix should be considered, as there is no good surfacing aggregate available in the area. If CTB is used on the project, the specification for the aggregate should be modified to prevent the use of thermally altered clays (scoria). Since a large part of the cost of the aggregate will be in the haul, Grade S plant mix should also be considered. Both Grade S and CTB will perform better under the heavy traffic loads on U.S. 212.

The surfacing section will provide a 10.8 m finished top width and will utilize 6:1 surfacing inslopes. All surfacing section alternates are designed for a 20-year life. The PG Binder will be provided by the Materials Bureau.

Grading

Grading on this project will be designed and paid for as Unclassified Excavation. We will attempt to design a balanced grading project. However, borrow may be needed depending on the extent of grading on the vertical curves. An appropriate shrinkage factor should be determined early in the project's development process.

Carl S. Peil
Page 6
March 22, 1999

We will use as much of the old roadbed as possible in constructing the new embankment. This may cause some sequencing problems if traffic is to be maintained on the PTW during construction. The remainder of the roadway template will have to be obliterated if it is not excavated during normal construction of the roadway template. This will include additional excavation to daylight the slopes where standard cut sections are used to excavate segments of the PTW.

We will use snow slopes (11:1 from the edge of the pavement to the top of the cut) wherever practical in cuts to prevent snow drifting.

Drainage

The existing culverts will be inspected. If they are found to have 25 to 50 years of service life remaining, they will be used and extended in place. If they need to be replaced, detours or greater offset alignments may be required, particularly for the larger pipes. Some inlet and outlet ditch work will be required.

There are no delineated floodplains within the project limits. Overtopping of the roadway has not been a problem on this project.

No irrigation facilities were denoted in the as-built plans or observed at the time of the review.

Right-of-Way & Utilities

The acquisition of new R/W will be necessary throughout the project. Existing R/W is 21.3 to 30.5 m each side of centerline, with most being 24.4 m.

A fiber optic cable extends throughout the project, but we anticipate that it can generally be avoided. An overhead power line is also present at various locations. Care should be taken to minimize impacts to the power line. A microwave tower right of as-built station 880+00 will be avoided.

There will be no railroad involvement on the project. There will be no limited access control on the project.

Survey

We recommend that an aerial survey be performed for this project. Additionally, some conventional survey will be needed for the control traverse, section corners, underground utilities, and additional topography. A soils survey will also be needed.

Carl S. Peil
Page 7
March 22, 1999

Environmental Considerations

An appropriate environmental evaluation and document will be prepared. The project's effect on the habitat of threatened or endangered species will be evaluated. No hazardous waste sites were in evidence at the time of the review.

Care will be taken to minimize impacts to wetlands. However, we anticipate some impacts. We will investigate the possibility for on-site mitigation.

A cultural resource survey will be needed. Unless sites eligible for the NRHP are discovered, the project should have no 4(f) involvement. The project should not have 6(f) involvement.

Geotechnical Considerations

No special geotechnical issues were noted at the time of the review.

Traffic and Geometric Considerations

Traffic will be carried through the project by staging construction longitudinally throughout the project. Where the new alignment is offset a sufficient distance from the PTW, traffic can be maintained on the existing roadway. Detours and part-width construction will be evaluated when the extent/location of pipe replacement is known. All traffic control will be in accordance with MUTCD.

No special geometric features are anticipated for this project. The intersection with Montana 59 at the end of this project will be done under the Olive - North & South job. New signing will be included in this project, as will new epoxy striping.

Miscellaneous Features

Guardrail warrants will be evaluated, although we do not anticipate that guardrail will be needed for this project.

Mailboxes are located within the project limits and mailbox turnouts are warranted on this route. Rumble strips are also warranted on this segment and will be included in the project design.

Exceptions to Standards

We anticipate that design exceptions may be required for the use of grades in excess of 4%. The accident history, costs and impacts of flattening the grades will be evaluated during the development of the project. No other exceptions should be needed.

Carl S. Peil
Page 8
March 22, 1999

Public Involvement

A draft news release will be submitted. A public informational meeting should be held as soon as a preliminary alignment is available.

No groups having unique needs or specific concerns have been identified.

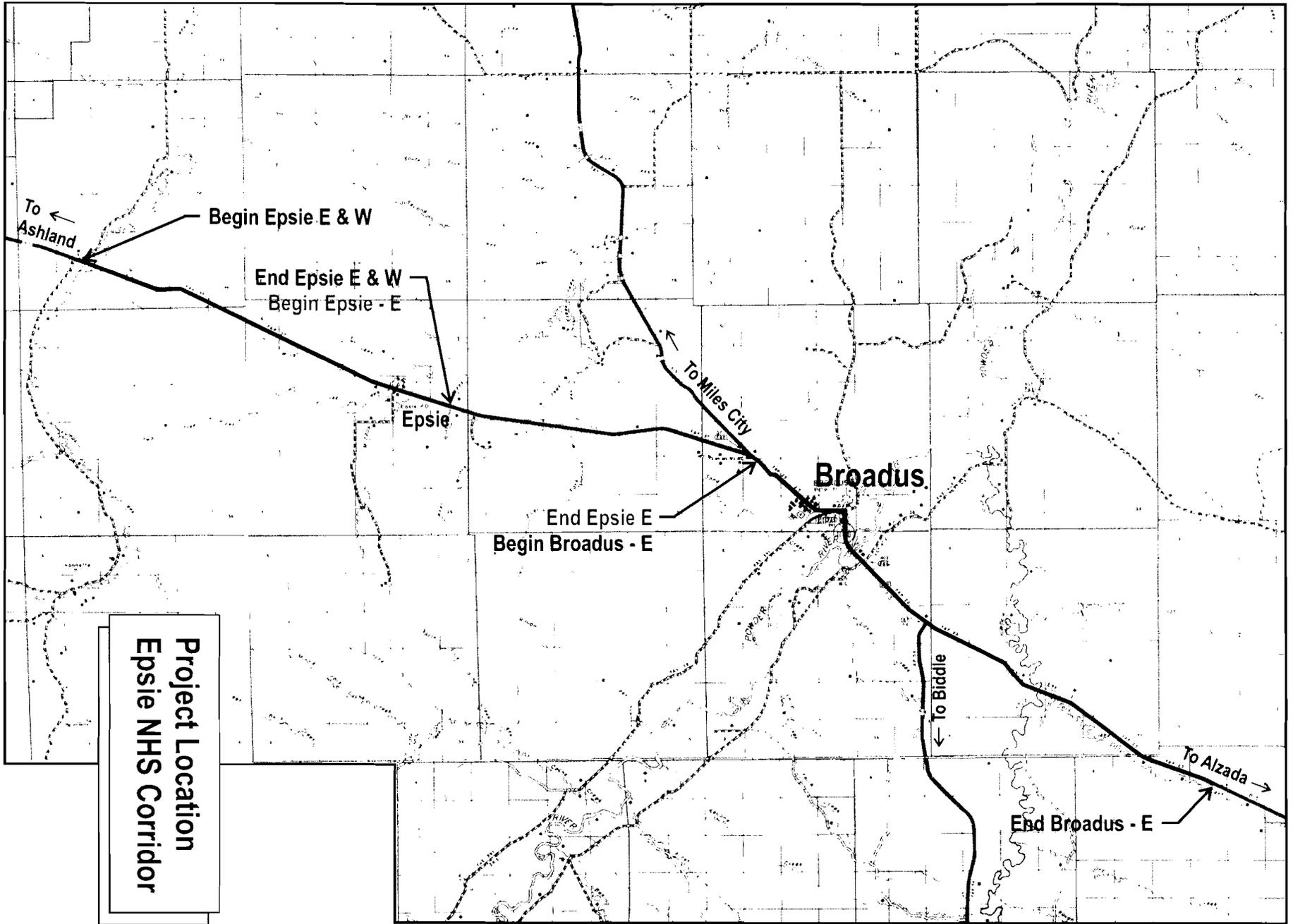
Cost Estimate

The estimated cost to construct this project is \$6,000,000 or \$470,000 per kilometer including construction engineering. This has been adjusted based on a December 2003 ready date and a 3% inflation rate.

REW.dmk

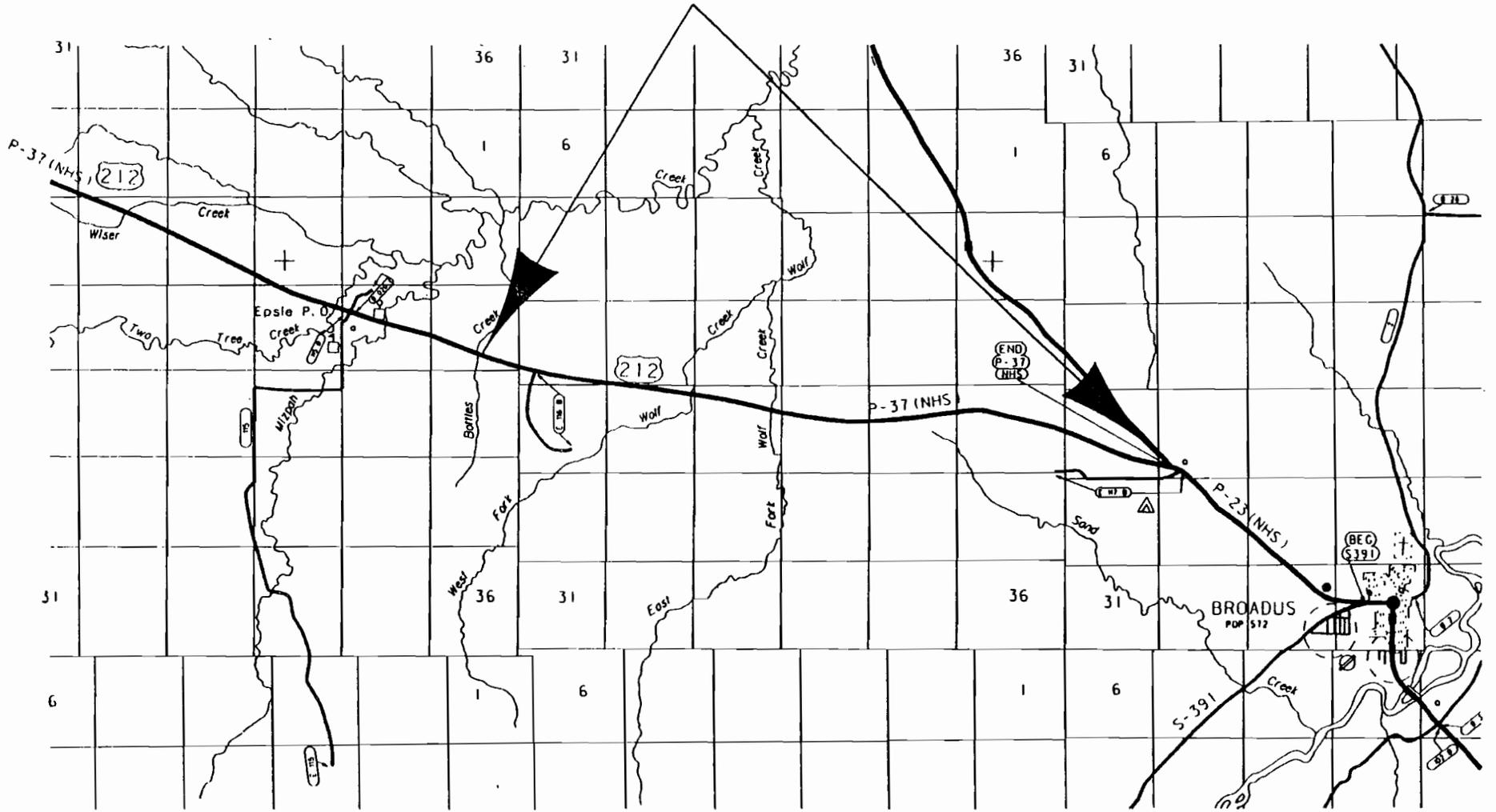
Attachment

**Project Location
Epsie NHS Corridor**



EPSIE - EAST

NH 37-3()96 UP# 4056



**Montana Department of Transportation
Helena, Montana 59620-1001**

Memorandum

To: Joel Marshik, PE,
Chief Engineer- Highways and Engineering Division

From: Carl S. Peil, P.E.
Preconstruction Engineer

Date: August 19, 2002

Subject: **NH 37-3(10)96**
Epsie - East
Control No. 4056
Work Type – 140

The Scope of Work Report for the subject project is attached with the approvals or concurrence from Bruce Wade (for John Horton), Kent Barnes, Jeff Ebert (for Pat Saindon), Joe Kolman, Doug Morgan, Jim Stephensen (for John Blacker), Gordon Stockstad (for Stan Sternberg), Ray Mengel (for Bill McChesney), Mark Wissinger (non responsive). *FHWA also approved*

Relative to comments received:

Bruce Wade had the following comment:

The construction limits for 11:1 snow slopes will be included in the new R/W design and may be changed to construction permits through negotiations with the property owner after R/W has been authorized for acquisition.

The District comments are:

D. Surfacing and Typical Section, Page 4

Excess milled material will be hauled and stockpiled at the Broadus Maintenance Section

E. Grading, Page 5

- At the Alignment and Grade Review (5/19/02), it was agreed by the review committee, to either adjust slopes and/or ditch location to reduce impacts to the residence left of station 321+20 ±.
- At the Alignment and Grade Review, it was agreed to pull the fill slopes in right of station 343+60 to reduce impacts to the garden.
- Some approach locations will require construction permits to improve the grades on the approach.

G. Hydraulics, Page 6

Some existing culverts will require cleaning and flushing, prior to extension.

Environmental Considerations, Page 8

Right of station 421+80±, there is an existing spring. This spring feeds the existing wetlands on the north side (left) of the PTW. A system needs to be incorporated into the project design to continue to capture the water from this spring and feed the existing wetland. This may require the installation of a small pipe under U.S. 212, to provide a continuous feed to the wetland area.

With your approval, we will proceed with the design in accordance with the attached Scope of Work Report and the recommendations described in this memo.

Approved for Carl S. Peil Date August 20, 2002
Joel Marshik, P.E.
Administrator, Highway Division

CSP:jad

Attachment

Cc: J.H. Horton
K.M. Barnes
J.P. Kolman
D.J. Blacker
Pat Saindon
S.E. Sternberg
M.A. Wissinger
R.D. Morgan
D. Grenfell, FHWA
J.A. Walther
C.S. Peil
P.R. Ferry
M.A. Goodman
Gary Larson
Dave Jensen
Sue Sillick
B.J. Juvan, w/attachment
R.E. Williams, "
W.L. McChesney, "
Preconstruction File, "

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AUG 01 2002

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Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Distribution
From: Carl S. Peil, P.E.
Preconstruction Engineer
Date: July 30, 2002
Subject: NH 37-3(10)96
Epsie - East
Control No. 4056
Project Work Type - 140

Return To JG When "Initials Column" Completed By 8/13/02

Comments?	Y	N	Initials/Date
Biological		X	JG 8/1
Cultural		X	JG 8/1
Haz Mat		✓	JG 8/1
Erosion Control			
		*	

The Scope of Work Report for the subject project is attached.

Please provide your concurrence of the Scope of Work for this project by **August 13, 2002**. Your comments and recommendations are requested if you do not concur, or concur subject to certain conditions.

After August 13th, or all on the distribution list have submitted their concurrence, this report will be submitted to the Engineering Division Administrator for final approval.

I recommend Approval [Signature] Date 8/16/02

Distribution:

John Horton,	w/attach	J. D. Blacker,	w/attach
K. M. Barnes,	"	Stan Sternberg,	"
P. Saindon,	"	W. L. McChesney,	"
J. P. Kolman,	"	M. A. Wissinger,	"
R. D. Morgan,	"		

CC: C. S. Peil,	w/attach	M. A. Goodman,	w/attach
J. M. Marshik,	"	J. J. Moran,	"
W. F. Scott,	"	D. P. Dusek,	"
B. F. Juvan,	"	P. A. Jomini,	"
Sue Sillick	"	J. A. Walther,	"
D. W. Jensen,	"	R. E. Williams,	"
FHWA,	"	Preconstruction File,	"

SK

Montana Department of Transportation
Helena, MT 59620

Memorandum

To: Carl S. Peil, P.E.
Preconstruction Engineer

From:  Stan Sternberg, Manager
Environmental Services 

Date: August 15, 2002

Subject: NH 37-3(10)96
Epsie - East
CN 4056

The Scope-of-Work Report dated July 30, 2002 for this proposed project has been reviewed. Environmental Services has no comments concerning this Report.

Environmental Services approves the Scope-of-Work Report on this project.

SS:JIG:4056.EB.SOW

cc: file

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Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

ACT	RTE	MAIL ROUTE	COPY	INT
		DISTRICT ADMINISTRATOR		
		CONSTRUCTION ENGR		
		ASST CONSTRUCTION ENGR		
		Eng Proj Mgrs		
		Eng Officer		
		MAINTENANCE CHIEF - GDV		
		MAINTENANCE CHIEF - MC		
		MAINTENANCE CHIEF - WP		
		Misc Supv G M W		
		Shop Supv G M W		
		Sectionmen G M W		
		ENGINEERING SERVICES ENGR		
		Design Supv		
		Materials Supv		
		Utility Agent		
		Traffic Engr		
		Right of Way		
		DIST ADMINISTRATIVE OFFICER		
		PERSONNEL SPECIALIST		
		District File		
		Bulletin Board		

Memorandum

FROM: ~~To:~~ ~~Distribution~~
WILLIAM L. MCCHESENEY
 DISTRICT ADMINISTRATOR

TO: ~~From:~~ Carl S. Peil, P.E.
 Preconstruction Engineer

Date: July 30, 2002

Subject: NH 37-3(10)96
 Epsie - East
 Control No. 4056
 Project Work Type - 140

The Scope of Work Report for the subject project is attached.

Please provide your concurrence of the Scope of Work for this project by **August 13, 2002**. Your comments and recommendations are requested if you do not concur, or concur subject to certain conditions.

After August 13th, or all on the distribution list have submitted their concurrence, this report will be submitted to the Engineering Division Administrator for final approval.

I recommend Approval WILLIAM L. MCCHESENEY Date 8/15/02
 by: Ray E. Mergel, O.G.S.S.

Distribution: *(SEE ATTACHED COMMENTS)*

John Horton,	w/attach	J. D. Blacker,	w/attach
K. M. Barnes,	"	Stan Sternberg,	"
P. Saindon,	"	W. L. McChesney,	"
J. P. Kolman,	"	M. A. Wissinger,	"
R. D. Morgan,	"		

CC: C. S. Peil,	w/attach	M. A. Goodman,	w/attach
J. M. Marshik,	"	J. J. Moran,	"
W. F. Scott,	"	D. P. Dusek,	"
B. F. Juvan,	"	P. A. Jomini,	"
Sue Sillick	"	J. A. Walther,	"
D. W. Jensen,	"	R. E. Williams,	"
FHWA,	"	Preconstruction File,	"



Montana Department of Transportation
Glendive District Office
PO Box 890
Glendive, MT 59330-0890

Memorandum

To: Carl S. Peil, P.E.
Preconstruction Engineer

From: William L. McChesney *REM*
District Administrator *FOR*

Date: August 15, 2002

Subject: NH 37-3 (10) 96
Epsie - East
Control No. 4056

Per your request, following are the District's comments on the Scope of Work Report, dated July 30, 2002.

D. Surfacing and Typical Section, page 4

Excess milled material will be hauled and stockpiled at the Broadus Maintenance Section.

E. Grading, page 5

- At the Alignment & Grade Review (5/19/02), it was agreed by the review committee, to either adjust slopes and/or ditch location to reduce impacts to the residence left of station 321+20±.
- At the Alignment & Grade Review, it was agreed to pull the fill slopes in right of station 343+60 to reduce impacts to the garden.
- Some approach locations will require construction permits to improve the grades on the approach.

G. Hydraulics, page 6

Some existing culverts will require cleaning & flushing, prior to extension.

Carl S. Peil, P.E.
Page Two
August 15, 2002

Environmental Considerations, page 8

Right of station 421+80±, there is an existing spring. This spring feeds the existing wetlands on the north side (left) of the PTW. A system needs to be incorporated into the project design to continue to capture the water from this spring and feed the existing wetland. This may require the installation of a small pipe under U.S. 212, to provide a continues feed to the wetland area.

We thank you for the opportunity to review the report. It is a well-written document.

copies: District File

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Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

RECEIVED
AUG - 1 2002

MATERIALS BUREAU

Memorandum

To: Distribution
From: *CS* Carl S. Peil, P.E. *CS*
Preconstruction Engineer
Date: July 30, 2002
Subject: NH 37-3(10)96
Epsie - East
Control No. 4056
Project Work Type - 140

RECEIVED

AUG 1 2 2002

GEOTECHNICAL SECTION

The Scope of Work Report for the subject project is attached.

Please provide your concurrence of the Scope of Work for this project by **August 13, 2002**. Your comments and recommendations are requested if you do not concur, or concur subject to certain conditions.

After August 13th, or all on the distribution list have submitted their concurrence, this report will be submitted to the Engineering Division Administrator for final approval.

I recommend Approval *[Signature]* Date E-15-02

Distribution:

John Horton,	w/attach	J. D. Blacker,	w/attach
<i>CS</i> K. M. Barnes,	"	Stan Sternberg,	"
P. Saindon,	"	W. L. McChesney,	"
J. P. Kolman,	"	M. A. Wissinger,	"
R. D. Morgan,	"		

CC: C. S. Peil,	w/attach	M. A. Goodman,	w/attach
J. M. Marshik,	"	J. J. Moran,	"
W. F. Scott,	"	D. P. Dusek,	"
B. F. Juvan,	"	P. A. Jomini,	"
Sue Sillick	"		
D. W. Jensen,			
FHWA,			

Scope Comments	Y	N	Date
1. Scott Barnes <i>SB</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8-9-02
2. Jim Tompkins <i>LA</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8-5-02
3. Jon Watson <i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8/12/02
4. John Moran <i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08-10-02
5. Kent Barnes <i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8-15

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PO Box 201001
Helena, MT 59620-1001

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AUG 01 2002

TRANSPORTATION PLAN

Memorandum

To: Distribution
From: Carl S. Peil, P.E.
Preconstruction Engineer
Date: July 30, 2002
Subject: NH 37-3(10)96
Epsie - East
Control No. 4056
Project Work Type - 140

The Scope of Work Report for the subject project is attached.

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I recommend Approval John M. Horton Date 8/13/02

Distribution:

John Horton,	w/attach	J. D. Blacker,	w/attach
K. M. Barnes,	"	Stan Sternberg,	"
P. Saindon,	"	W. L. McChesney,	"
J. P. Kolman,	"	M. A. Wissinger,	"
R. D. Morgan,	"		

CC: C. S. Peil,	w/attach	M. A. Goodman,	w/attach
J. M. Marshik,	"	J. J. Moran,	"
W. F. Scott,	"	D. P. Dusek,	"
B. F. Juvan,	"	P. A. Jomini,	"
Sue Sillick	"	J. A. Walther,	"
D. W. Jensen,	"	R. E. Williams,	"
FHWA,	"	Preconstruction File,	"
J. DAVIES			

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Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Distribution

From: Carl S. Peil, P.E.
Preconstruction Engineer

Date: July 30, 2002

Subject: NH 37-3(10)96
Epsie - East
Control No. 4056
Project Work Type - 140

Date Received						AUG 01 2002	
Info	Act	File	R/W	Bureau	Init	Comments	
				60 Chief			
	4	✓		61 Operations			GDH
	2			62 Plans			PCW
				63 Project Acquisition			
				64 Real Estate			
				65 Special Programs			
				66 Access Management			
				67 Office Manager			
				68 Secretary			
File Due						8-8-02	

The Scope of Work Report for the subject project is attached.

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After August 13th, or all on the distribution list have submitted their concurrence, this report will be submitted to the Engineering Division Administrator for final approval.

I recommend Approval JOHN HORTON Date 8-9-02
Bruce A. Wade for:
W/ATTACHMENT

Distribution:

John Horton,	w/attach	J. D. Blacker,	w/attach
K. M. Barnes,	"	Stan Sternberg,	"
P. Saindon,	"	W. L. McChesney,	"
J. P. Kolman,	"	M. A. Wissinger,	"
R. D. Morgan,	"		

CC:

C. S. Peil,	w/attach	M. A. Goodman,	w/attach
J. M. Marshik,	"	J. J. Moran,	"
W. F. Scott,	"	D. P. Dusek,	"
B. F. Juvan,	"	P. A. Jomini,	"
Sue Sillick	"	J. A. Walther,	"
D. W. Jensen,	"	R. E. Williams,	"
FHWA,	"	Preconstruction File,	"

Montana Department of Transportation
Helena, Montana 59620-1001

Memorandum

To: Carl S. Peil, P.E.
Preconstruction Engineer

Bruce A. Wade for:

From: John H. Horton, Chief
Right-of-Way Bureau

Date: August 9, 2002

Subject: NH 37-3(10)96
Epsie – East
C.N.4056

Right-of-Way

The construction limits for 11:1 snow slopes will be included in the new R/W design and may be changed to construction permits through negotiations with the property owner after R/W has been authorized for acquisition.

JH:bw

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Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

RECEIVED
AUG 05 2002
FHWA
MONTANA DIVISION

Memorandum

To: Distribution

From: *CS* Carl S. Peil, P.E. *CS*
Preconstruction Engineer

Date: July 30, 2002

Subject: NH 37-3(10)96
Epsie - East
Control No. 4056
Project Work Type - 140

The Scope of Work Report for the subject project is attached.

Please provide your concurrence of the Scope of Work for this project by **August 13, 2002**. Your comments and recommendations are requested if you do not concur, or concur subject to certain conditions.

After August 13th, or all on the distribution list have submitted their concurrence, this report will be submitted to the Engineering Division Administrator for final approval.

I recommend Approval *Darin Garfield* Date *8/6/02*

Distribution:

John Horton,	w/attach	J. D. Blacker,	w/attach
K. M. Barnes,	"	Stan Sternberg,	"
P. Saindon,	"	W. L. McChesney,	"
J. P. Kolman,	"	M. A. Wissinger,	"
R. D. Morgan,	"		
CC: C. S. Peil,	w/attach	M. A. Goodman,	w/attach
J. M. Marshik,	"	J. J. Moran,	"
W. F. Scott,	"	D. P. Dusek,	"
B. F. Juvan,	"	P. A. Jomini,	"
Sue Sillick	"	J. A. Walther,	"
D. W. Jensen,	"	R. E. Williams,	"
<i>CS</i> FHWA,	"	Preconstruction File,	"

MASTER FILE
COPY



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Distribution
From: *CS* Carl S. Peil, P.E. *CS*
Preconstruction Engineer
Date: July 30, 2002
Subject: NH 37-3(10)96
Epsie - East
Control No. 4056
Project Work Type - 140

The Scope of Work Report for the subject project is attached.

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After August 13th, or all on the distribution list have submitted their concurrence, this report will be submitted to the Engineering Division Administrator for final approval.

I recommend Approval *for James Stevens*
D. John Blacker Date 8/5/02

Distribution:

John Horton,	w/attach	<i>J.D.</i> J. D. Blacker,	w/attach
K. M. Barnes,	"	Stan Sternberg,	"
P. Saindon,	"	W. L. McChesney,	"
J. P. Kolman,	"	M. A. Wissinger,	"
R. D. Morgan,	"		

CC: C. S. Peil,	w/attach	M. A. Goodman,	w/attach
J. M. Marshik,	"	J. J. Moran,	"
W. F. Scott,	"	D. P. Dusek,	"
B. F. Juvan,	"	P. A. Jomini,	"
Sue Sillick	"	J. A. Walther,	"
D. W. Jensen,	"	R. E. Williams,	"
FHWA,	"	Preconstruction File,	"



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Distribution
From: Carl S. Peil, P.E.
Preconstruction Engineer
Date: July 30, 2002
Subject: NH 37-3(10)96
Epsie - East
Control No. 4056
Project Work Type - 140

To: [Handwritten mark]
From: [Handwritten mark]

The Scope of Work Report for the subject project is attached.

Please provide your concurrence of the Scope of Work for this project by **August 13, 2002**. Your comments and recommendations are requested if you do not concur, or concur subject to certain conditions.

After August 13th, or all on the distribution list have submitted their concurrence, this report will be submitted to the Engineering Division Administrator for final approval.

I recommend Approval [Signature] Date 8/1/02

Distribution:

John Horton,	w/attach	J. D. Blacker,	w/attach
K. M. Barnes,	"	Stan Sternberg,	"
P. Saindon,	"	W. L. McChesney,	"
J. P. Kolman,	"	M. A. Wissinger,	"
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B. F. Juvan,	"	P. A. Jomini,	"
Sue Sillick	"	J. A. Walther,	"
D. W. Jensen,	"	R. E. Williams,	"
FHWA,	"	Preconstruction File,	"



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Carl S. Peil, P.E.
Preconstruction Engineer,

From: Ronald E. Williams, P.E. *REW*
Road Design Engineer,

Date: July 30, 2002

Subject: NH 37-3(10)96
Epsie - East
Control No. 4056
Project Work Type – 140

Scope of Work Report

Proposed Scope of Work

The proposed scope of work for this project is to reconstruct the existing roadway and provide an 11.6 m finished top width to provide a 10.8 m future top width. The work involves major grading, plant mix surfacing and the improvements of existing drainage structures. The new alignment will improve the overall geometrics of the route. The horizontal alignment will meet the criteria for a 100 km/h design speed, and the vertical alignment will provide the desirable stopping sight distance (SSD) for a 100 km/h design speed. The project will require the acquisition of new right-of-way and the relocation of utilities.

The project is scheduled to be let to contract in November 2003.

Project Location and Limits

The project is located on U.S. Highway 212 in Powder River County. The project will begin approximately 54 km east of Ashland (RP 95.8) and will extend 12.4 km easterly to RP 103.6. The project proceeds through rolling terrain used primarily for grazing with some dry land farming.

This route is classified as a principal arterial. U.S. 212 is an integral part of the regional transportation network, connecting interstate population/commerce centers. It is the major east-west route for southeastern Montana serving local population/commerce centers. We anticipate that this project in conjunction with the other projects on this route will result in increases in traffic volumes, particularly heavy truck traffic. The increased traffic will tend to somewhat improve the economy of the area.

The project will utilize new metric stationing. This stationing will tie to the metric stationing of the Epsie-E&W project currently being designed. The as-built project is F 334(14). As- built English station ties are:

Begin Station = 579+76.0

End Station = 987+37.6

New Metric station ties are:

Begin Station = 313+92.35

End Station = 435+21.27

Physical Characteristics

The existing roadway was constructed under a single contract in 1960. The surfacing consisted of 76 mm of plant mix atop 183 mm of cement-stabilized base. The project received various surfacing treatments, including a 122 mm plant mix overlay in 1969. The project also received a Maintenance overlay verified by Joe Sanders of 45 mm in 1999. The existing roadway has an 8.4 m top width.

Three sag and two crest vertical curves do not provide the desirable stopping sight distance (SSD) for a 100 km/h design speed, but meet minimum SSD. One crest provides the minimum SSD for 90 km/h. The maximum grade is 5.97%. Grades exceed 4% at three locations. The existing horizontal alignment meets the criteria for a 100 km/h design speed. The cut and fill slopes do not meet current standards for principle arterials.

The soils survey found soils ranging in class from A-1-b(0) to A-7-6(33) with the majority of soils being A-2 or A-4.

Traffic Data & Accident History

1998 ADT = 880

1999 ADT = 890

2019 ADT = 1090

DHV = 160

T = 32.4 %

8165 kg ESALS = 205.08

Annual Growth Rate = 1.0%

On this project 26 accidents were reported for the period from July 1988 through June 1998, including 2 fatal accidents resulting in 3 fatalities. There were also 8 accidents resulting in injury, including 2 accidents resulting in 6 incapacitating injuries. The accident rate is 1.23 and the severity index is 2.54 compared to the statewide rural primary averages of 1.33 and 2.55 respectively. There are no accident clusters on this project.

This segment had significantly higher percentages of off-road accidents, accidents involving large trucks, and overturning accidents than the statewide average for National Highway System routes. The proposed reconstruction will significantly improve a number of features including sight distance, roadway width, cut and fill slopes, rumble strips, and delineation, which should reduce the overall accident frequency and severity.

Major Design Features

A. Design Speed

This route will have a posted speed limit of 70 mph in the daytime and 65 mph at night. The design speed for this project is 100 km/h commensurate with the design criteria for rolling terrain on principle arterials. All design features will meet the criteria for the 100 km/h design speed, with the exception of grades greater than 4%.

B. Horizontal Alignment

The horizontal alignment meets the criteria for a 100 km/h design speed having a minimum radius of 1750 m. None of the curves on the project require transition spirals. The new alignment begins by completely eliminating the end connection on the Epsie-East & West project. By eliminating this connection we begin with the new alignment offset 3.5 m LT. (north), which creates a smooth transition for the alignments of Epsie-East & West and the subject project. The new alignment then transitions to a 10 m offset LT. using two normal crown curves. The 10 m offset allows minimal impacts to the power lines on the RT. (south) of the alignment.

This offset holds until the curve at STA 403+90 where the alignment moves back to the centerline of the PTW. We continue on the PTW centerline for the rest of the project. This minimizes wetland impacts and lines up the new alignment for the end connection.

C. Vertical Alignment

The vertical alignment provides at least the desirable stopping sight distance for a 100 km/h design speed throughout the project. The maximum grade on the project is 4.500% which has a complete design exception.

The new alignment results in the elimination of some short vertical curves. The alignment utilizes snow slopes on the LT. (north) in areas of cut for snow storage. The alignment has also been adjusted as needed to balance the grading and to reduce impacts to environmentally sensitive areas. Also, adequate cover for culverts is provided and minimizing the culvert extension lengths has been incorporated. The perpetuation of overtopping elevations for flood relief was not necessary on this project.

D. Surfacing and Typical Section

The project will provide an 11.6 m finished top width. This width will allow the placement of a future 60 mm plant mix overlay to a 10.8 m finished top width required by the Route Segment Plan.

The following surfacing treatment has been provided by the Surfacing Design Section and District recommendations:

55 mm	Plant Mix Surfacing Grade S Seal and Cover
50 mm	Hot Recycled Plant Mix, 25% RAP
200 mm	Cement Treated Base
600 mm	Special Borrow

The surfacing is designed for a 20-year life based on a daily loading of 205 Daily ESALs and a minimum R-value of 30 for the special borrow. The PG-binder of 70-28 will be used for the asphalt cement and the grade S plant mix and 58-28 will be used for the asphalt cement and the 25% RAP. The surfacing and the special borrow will be placed on 6:1 inslopes.

We recommend the use of special borrow for the following reasons:

1. The existing subgrade and gravel base exhibits severe distortion at many locations throughout the project. In addition, soil samples indicated higher than optimum moistures in areas of the subgrade. The 0.6 m of special borrow should bridge the weak subgrade areas.
2. The special borrow is readily available and will reduce the amount of aggregate needed for the surfacing. We anticipate that the aggregate will be expensive, since the haul distance will probably be in excess of 160 km.

We recommend that RAP be used in the first lift of plant mix, because the project received a 45 mm plant mix overlay during the 1999 construction season. Since this material will only be in place for 3 or 4 years, it will be in good condition and should be utilized in the new roadway. The 45 mm plant mix overlay will be milled prior to the placement of special borrow and recycled with additional

aggregate and asphalt cement. The remainder of the existing pavement will be scarified prior to placing new embankment or surfacing material.

We recommend that Grade S plant mix be used, because the project has more than 200 ESALs. We anticipate that the heavy truck traffic will increase with the improvements to U.S. 212. In addition, a large portion of the cost of the aggregate is the result of the haul distance, which, as noted above, may be in excess of 160 km.

The specifications for the cement-treated base (CTB) will be modified to ensure that scoria cannot be used for the aggregate. Scoria requires a much higher cement content and its long-term performance is questionable.

Traffic gravel will be used only in areas where the new road profile requires the removal of the existing plant mix. The quantity will be based on 60 mm of traffic gravel placed to a 7.2 m top in these areas. The special borrow or CTB will provide an adequate driving surface during construction.

E. Grading

The project will involve approximately 730,000 cubic meters of grading and will be paid as Unclassified Excavation. The grading is designed to balance the earthwork using a shrinkage factor of 32%.

The project will utilize the cut and fill slopes in accordance with the required design criteria for principal arterials through the majority of the project. A design exception was received to steepen the fill slopes at two locations to avoid or minimize impacts to wetlands.

Back slopes will be flattened at a number of locations to provide 11:1 snow slopes on the north side of the roadway wherever practical. At a number of locations the distance to a catch point that would provide an 11:1 slope is excessive. In these areas, a somewhat steeper back slope was utilized. We believe that these slopes will provide adequate snow storage.

The connection at the end of the project will transition to the wider subgrade width of the Olive-N & S project and slopes will transition to this roadway template.

F. Geotechnical Considerations

There are no special geotechnical problems with the construction of this project. Although, there are a few geotechnical recommendations that will be used. The recommendation to include embankment slopes no steeper than 3H:1V and cut slopes no steeper than 2H:1V will be used. Also, subsurface foundation

investigations will be required for major culvert extensions, high embankments and a possible existing spring at STA 421+85.

G. Hydraulics

There are about 15 drainages on this project. All but 2 drainage areas are less than 1.5 square miles (3.9 square km). The two largest drainage areas are the East Fork Wolf Creek crossing, (about 12 square miles, 31 sq. km.) and the West Fork Wolf Creek crossing (about 11 square miles, 28.5 sq. km). Estimated flood flows, based on 1992 USGS equations, range from 0.75 cms (26 cfs) to 18.48 cms (653 cfs) for the estimated 50 year flood flows, and from 1 cms (35.33 cfs) to 24.71 (873 cfs) for the estimated 100 year flood flows.

All of the crossings on the project are provided by culverts. Most of the pipes are in good conditions and will be extended in place. Pipes that are not in good condition or can not perform efficiently with the new design will be replaced. We have estimated that the pipes that are in good condition have a remaining service life of 25 to 50 years. The Hydraulics Section has concurred with this estimate. Some minor inlet and outlet ditch work will be performed in conjunction with the pipe extensions. More extensive channel modification at the pipe inlet and/or outlet will be required at STA 314+50, 323+30, 366+40, and 428+10.

There is no record of water overtopping the roadway at any of the crossings. No other drainage problems or scour/erosion problems have been identified.

There are no delineated floodplains on this project. A floodplain permit will not be required.

H. Bridges

There are no bridges within the project limits.

I. Traffic

The project has no unique traffic or geometric concerns.

The project will receive new signing and pavement markings.

J. Miscellaneous Features

There is no guardrail within the project limits and no new guardrail will be installed. The required clear zone for a 6:1 inslope, at the project ADT and a 100 km/h design speed is 6.0 m. The shoulder and the 6:1 surfacing inslope extend 8.4 m beyond the edge of travel lane. Consequently, no guardrail will be required on the project.

All private approaches will be surfaced to the R/W line. A plant mix strip extending 3.6 m from the paved shoulder will be placed on all farm field approaches. There are no public approaches on this project.

The mailboxes that are located within the project limits will be replaced with approved boxes and posts. Turnouts are warranted and will be installed.

The installation of rumble strips will be included in the project.

Design Exceptions

A design exception was received for the use of grades in excess of 4%. There are two areas where this is needed and they are as follows: STA 368+80 to 382+00 and STA 401+80 to 418+80. Neither one of these areas will exceed a 4.5% grade. Truck climbing lanes are not warranted.

Also, an exception for the use of nonstandard fill slopes was received for two sections on the project. They will be used to reduce the impacts to wetlands and the springs feeding the wetlands.

Right-of-Way

The acquisition of new right-of-way will be required for this project. Existing R/W is 21.3 to 30.5 m each side of the PTW centerline, with most being 24.4 m. Temporary construction permits will be needed for the construction of 11:1 snow slopes, inlet and outlet ditches needed for pipe extensions and some private approaches.

Utilities/Railroad

The offset alignment used throughout the project will reduce utility involvement. However, the overhead power line on the right will be in conflict with the construction in areas where the grade will be significantly modified. The project will also be in conflict with a buried telephone cable and fiber optic cable at various locations.

There will be no railroad involvement on this project. There will be no limited access control on this project.

Environmental Considerations

An environmental assessment was completed for the Epsie NHS Corridor, which includes the subject project. A finding of no significant impact (FONSI) was issued for the project on February 27, 2002.

Biological resources and wetland finding reports have been completed. The USFWS concurred with the findings of the biological resources report on December 28, 2000, that this project is not likely to adversely affect an endangered or candidate species. A consultant has determined that the new alignment will impact Class III wetland areas. We will avoid and minimize impacts to these and other wetlands where possible, by adjusting the alignment.

The following alignment shift is currently being evaluated to avoid and minimize wetland impacts:

- Sta. 421+60 – 428+60 – Re-construct the new roadway on the same centerline as the PTW, and steepen fill slopes wherever possible, to avoid and minimize wetland and stream impacts.

The following area is being evaluated for on-site, project specific, wetland mitigation:

- Sta. 425+00 – 428+60 – Excavate an upland area outside of right-of-way

No hazardous waste sites were in evidence.

A cultural resource survey has been conducted and there are no sites eligible for NRHP.

The socioeconomic effects of the project have been evaluated and will be negligible.

Traffic Control

Traffic will generally be carried through the project by staging construction longitudinally. Traffic will be maintained on the existing roadway wherever the offset alignment provides adequate separation. However, the new construction will encompass the majority of the PTW template.

The traffic control plan will be reviewed by the District and the Construction Bureau. All signing, flagging, etc. will be in accordance with MUTCD.

Public involvement

A news release was distributed on April 25, 1999.

No public meetings have been held to date for this project. A public meeting is not planned. However, the option to hold one is open if there are requests.

Carl S. Peil, P. E.

Page 9 of 9

July 30, 2002

CN: 4056

Cost Estimate

The estimated cost to construct this project is \$6,000,000 or \$470,000 per kilometer including \$600,000 in Construction Engineering. The estimate has been adjusted for inflation based on an annual inflation rate of 3%.

Ready Date

The current PMS anticipated ready date for this project is August 2003 and the letting date is November 2003.

REW:JD:lmz

FINDING OF NO SIGNIFICANT IMPACT

ON THE

ENVIRONMENTAL ASSESSMENT AND "NATIONWIDE" SECTION 4(F) EVALUATION

FOR THE

EPSIE NHS CORRIDOR PROJECTS

Epsie-East & West; STPP 37-3(6)85; Control No. 2149

Epsie-East; NH 37-3(10)96; Control No. 4056

Broadus-East; F 23-2(11)78; Control No. 1517

Powder River County, Montana

THE FEDERAL HIGHWAY ADMINISTRATION HAS DETERMINED THAT THESE PROJECTS WILL NOT HAVE A SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT. THIS FINDING OF NO SIGNIFICANT IMPACT IS BASED ON THE ATTACHED SUMMARY OF FINAL COORDINATION, "NATIONWIDE" SECTION 4(F) EVALUATION, AND INPUT FROM THE PAST PUBLIC MEETINGS HELD TO DISCUSS THE PROJECTS. THIS FINDING HAS BEEN INDEPENDENTLY EVALUATED BY THE FEDERAL HIGHWAY ADMINISTRATION AND DETERMINED TO ADEQUATELY AND ACCURATELY DISCUSS THE NEED, ENVIRONMENTAL ISSUES AND IMPACTS OF THE PROPOSED PROJECTS AND APPROPRIATE MITIGATION MEASURES. IT PROVIDES SUFFICIENT EVIDENCE AND ANALYSIS FOR DETERMINING THAT AN ENVIRONMENTAL IMPACT STATEMENT IS NOT REQUIRED. THE FEDERAL HIGHWAY ADMINISTRATION TAKES FULL RESPONSIBILITY FOR THE ACCURACY, SCOPE AND CONTENT OF THE SUMMARY OF FINAL COORDINATION AND ITS ATTACHMENTS.



Dale Paulson
Program Development Engineer
Federal Highway Administration

February 27, 2002

Date

ENVIRONMENTAL ASSESSMENT

for the

EPSIE NHS CORRIDOR

Epsie-East & West; STPP 37-3(6) 85; Control No. 2149

Epsie-East; NH 37-3(10) 96; Control No. 4056

Broadus-East; F 23-2(11) 78; Control No.1517

Powder River County, Montana

This document is prepared in conformance with the *Montana Environmental Policy Act (MEPA)* requirements and contains the information required for an Environmental Assessment under the provisions of ARM 18.2.237(2) and 18.2.239. It is also prepared in conformance with the *National Environmental Policy Act (NEPA)* requirements for an Environmental Assessment under 23 CFR 771.119.

Submitted pursuant to:

42 U.S.C. 4332(2)(c), 49 U.S.C. 303 and

Sections 2-3-104, 75-1-201, M.C.A.

by the

U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

and the

MONTANA DEPARTMENT OF TRANSPORTATION

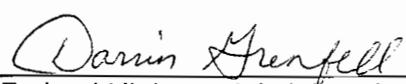
Submitted by:


MONTANA DEPARTMENT OF TRANSPORTATION
Environmental Services

Date:

10/9/01

Reviewed & Approved for
Distribution:


Federal Highway Administration

Date:

11/29/01

I. DESCRIPTION OF THE PROPOSED ACTION

A. Project Location, Length and Termini

The MONTANA DEPARTMENT OF TRANSPORTATION (MDT) plans to improve transportation on U.S. Highway 212 and Montana Highway 59 in Powder River County by implementing three projects. The projects would reconstruct the existing roadway and make changes to its alignment to provide an improved driving surface and safer road for highway users. The proposed work would be done under projects designated by MDT as:

"Epsie-East & West"; STPP 37-3(6) 85; Control No. 2149

"Epsie-East"; NH 37-3(10) 96; Control No. 4056

"Broadus-East"; F 23-2(11) 78; Control No.1517

U.S. Highway 212 and Montana Highway 59 are included on the National Highway System (NHS) in Montana. The NHS consists of over 6,196 km (3,850 miles) of the state's most important transportation routes including the Interstate highway system, other principal arterials, and other highways that are essential to the nation's strategic defense policy or that link military installations.

The three proposed projects are being developed and evaluated as a NHS corridor. MDT and the Federal Highway Administration (FHWA) determined the projects should be evaluated as a corridor because they adjoin one another, their "Ready" dates are less than a year apart, and a uniform road design is planned for construction on the routes. References made in this environmental document to the "proposed projects," "proposed improvements," "proposed action" should be assumed to include all three reconstruction projects. Where needed to identify unique features or to clarify the discussion in the document, projects will be specifically referenced. "The "project area" or "Epsie NHS Corridor" refers to the roadway and lands adjacent to all three highway projects.

Regional Location. The project area occurs in southeastern Montana near the center of Powder River County. The Town of Broadus is the County Seat of Powder River County. Broadus is located about 119 kilometers (km) or 74 miles south of Miles City and about 53 km (33 miles) north of the Wyoming state line. Ashland, the only other community of size in the project area, is located 71 km (44 miles) west of Broadus on U.S. Highway 212. Epsie, which now consists only of an abandoned post office, is located about 19 km (12 miles) northwest of Broadus on U.S. Highway 212. The general location of the project area in Montana and in Powder River County is shown in **FIGURE 1**.

The Custer National Forest is located just west of the project area in Powder River and Rosebud Counties. Lands comprising the Northern Cheyenne Indian Reservation lie immediately west of Ashland in Rosebud County.

Project Locations. The proposed projects occur on adjoining sections of U.S. Highway 212 and Montana Highway 59 in the Broadus area. Together, the Epsie-East & West, Epsie-East, and Broadus-East projects comprise a highway corridor 55.5 km (34.5 miles) long. The project

corridor begins about 34.9 km (21.7 miles) northwest of Broadus on U.S. Highway 212 and extends southeasterly through Broadus on U.S. Highway 212 and Montana Highway 59. The corridor ends about 20.6 km (12.8 miles) southeast of Broadus on U.S. Highway 212. A more specific description of each project's location follows.

- **Epsie-East & West; STPP 37-3(6) 85.** This proposed road reconstruction project on U.S. Highway 212 begins 34.9± km (21.7± miles) northwest of Broadus at Reference Post (RP) 84.8 and extends 17.7± km (11.0± miles) southeasterly to end at RP 95.8. The beginning of the project would be at the end of MDT's recently completed Camps Pass-East project.
- **Epsie-East; NH 37-3(10) 96.** This proposed road reconstruction project begins approximately 17.2± km (10.7± miles) northwest of Broadus at RP 95.8 and continues easterly for 12.4± km (7.7± miles) to end at RP 103.6. The project would end west of the intersection of U.S. Highway 212 and Montana Highway 59.
- **Broadus-East; F 23-2(11) 78.** The Broadus - East project begins near the intersection of U.S. Highway 212 and Montana Highway 59 northwest of Broadus and extends southeasterly for 25.4± km (15.8± miles) to end at RP 92.3 on U.S. Highway 212. The proposed project passes through the Town of Broadus and includes an intersection with Secondary Highway 391 and major stream crossings at Cottonwood Creek, the Powder River, and at the Little Powder River. Highway 59 diverges from the route about 6.1 km (3.8± miles) east of Broadus.

FIGURE 2 shows the approximate locations of the Epsie-East & West, Epsie-East, and Broadus-East projects. Typical landscapes in the Epsie NHS Corridor are shown in **PHOTO PLATES 1, 2 and 3.**

B. Scope and Nature of the Proposed Work

The proposed projects would reconstruct the existing 7.2 meter (m) (24-foot) wide paved roadway to provide a consistent horizontal and vertical alignment to blend with the topography, enhance safety, and provide more uniform driving conditions for motorists. The proposed reconstruction would be done to comply with MDT's design standards for Rural Principal Arterials. The proposed roadway would have a finished top width of 10.8 m (35.4± feet) and accommodate two 3.6 m (11.8± foot) wide driving lanes and two 1.8 m (5.9± foot) wide shoulders. Roadside slopes would be flattened to improve safety.

The proposed improvements through the Town of Broadus include "urban" roadway features such as curbs and gutters, sidewalk, and a storm drain system. The proposed road would be widened to 12.5 m (41.0± feet) through the Town of Broadus where curb and gutter would be installed. The roadway would be striped to delineate two 3.6 m (11.8± foot) wide driving lanes and two 2.4 m (7.9± foot) wide shoulders between the curb faces.

The Town of Broadus offers several notable developed recreation sites. A roadside park and the local fairgrounds exist west of U.S. Highway 212 and Highway 59 at the south edge of the community. Powder River Golf Course is located near the junction of U.S. Highway 212 and Highway 59 northwest of the community.

7. Pedestrian and Bicycle Facilities

Although counts are not available to quantify such use, the Epsie NHS Corridor receives only limited use by pedestrians and bicyclists. Most pedestrian and bicyclist activity would be expected to occur within the Town of Broadus. Bicyclists on U.S. Highway 212 and Highway 59 must travel on the existing road's paved shoulder that ranges from 0.3 m (1 foot) or less to 0.6 m (2 feet) wide or use vehicle travel lanes for riding through rural portions of the project area. Pedestrians must also use the shoulder or roadside slopes for walking along the highway in rural areas of the roadway corridor.

An existing walkway/bike path is located west of Broadus on the south side of U.S. Highway 212 and Highway 59. The facility begins approximately 1 km (0.6 miles) west of the intersection of Park Avenue and Holt Street and extends to a point about 0.4 km (0.25 miles) west of town. Wider shoulders and sidewalks also exist within the Town of Broadus.

8. Visual Resources

The natural features of the Epsie NHS Corridor can be characterized as rolling short-grass prairie with occasional isolated ridges and rocky outcrops. Many uplands in the corridor are covered with stands of Ponderosa pine and Rocky Mountain juniper. Lands adjacent to the highway are covered with common grasses, sagebrush, prickly pear, and saltbush. Riparian corridors are notable due to the presence of thick stands of cottonwoods. The dominant man-made features in the Epsie NHS Corridor include: the existing road and its associated features; intersecting roads and streets; fencing; buildings, parking areas, and landscaping within Broadus area and at other locations along the highway; overhead utilities, a power substation, and a microwave tower; and cultivated agricultural land.

The land area seen from the highway corridor is dominated by background landscapes (eroded uplands and isolated ridges and buttes) and foreground landscapes (the rolling hills and agricultural lands adjacent to the road, isolated stream corridors, the Powder River and Little Powder River and their associated riparian areas, and the developed lands and buildings in the Broadus community). Those who view the existing highway and who would see the reconstructed transportation facilities in the Epsie NHS Corridor include permanent residents, seasonal visitors to the area, and commercial haulers and other motorists passing through the area on U.S. Highway 212 and Highway 59.

9. Archaeological and Historical Resources

Cultural resources are protected by the *NATIONAL HISTORIC PRESERVATION ACT OF 1966*, as amended (16 U.S.C. 470 et seq.). This law and its implementing regulations require the

identification and evaluation of significant historical resources that a project may impact. It further requires that resources so identified be avoided, if possible, or when avoidance is not possible, that any adverse effects of the project on the resources be mitigated. Coordination is also required with the MONTANA STATE HISTORIC PRESERVATION OFFICE (SHPO) and the ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP).

Consultants performed cultural resource surveys for the proposed Epsie NHS Corridor projects June 1998, and during August and October 1999. TABLES 7 and 8 list previously recorded sites and newly recorded cultural sites within the Epsie NHS Corridor and presents their National Register of Historic Places (NRHP) eligibility status.

Table 7: Archaeological and Historic Sites in the Epsie-East & West and Epsie-East Project Areas

Site Number	Project Area	Name/Description	NRHP* Eligible?
24PR1793/1807	Epsie-East & West	Pumpkin Creek Site (previously recorded) Prehistoric Site	Eligible
24PR1556	Epsie-East & West	Epsie Post Office Historic Site	Not Eligible
24PR1903	Epsie-East & West	Charles Lovett Homestead Historic Site	Not Eligible
24 PR1792	Epsie-East & West	Isolated find (previously recorded) Prehistoric Site	Not Eligible
24PR1900 24PR1901 24PR1902	Epsie-East & West	Isolated finds - Prehistoric Sites	Not Eligible
24 PR1295	Epsie-East	Lithic Scatter Prehistoric Site	Not Eligible
24 PR1296	Epsie-East	Peerless Coal Mine	Not Eligible
24 PR1298	Epsie-East	Earth Dam and Stock Pond	Not Eligible
24 PR764	Epsie-East	Rock Alignment (previously recorded) Prehistoric Site	Not retested - landowner denied entry
24 PR1795	Epsie-East	Rock cairn (previously recorded) Prehistoric site	Not retested - landowner denied entry

* NRHP National Register of Historic Places

Table 8: Archaeological and Historic Sites in the Broadus-East Project Area

Site Number	Property Type	Site Name	NRHP* Eligible?
24 PR1944	Historic Site Residence/Garage	"Judge's Chambers" (101 South Wilbur)	Eligible
24 PR1945	Historic Site Residence	L.L.C. Amsden Property	Not Eligible
24 PR1946	Historic Site Residence	E. Lee Wilson House (209 Holt Street)	Not Eligible
24 PR1947	Historic Site Community Building	Powder River Masonic Lodge No. 135 (205 Holt Street)	Not Eligible
24 PR1948	Historic Site Commercial Building	McCurdy Laundromat	Not Eligible
24 PR1949	Historic Site Commercial Building	Ned's Antiques	Eligible
24 PR1950	Historic Site Residence/Sheds	Miller Building	Not Eligible
24 PR1951	Historic Site Garage	Garage (at Park and South Streets)	Not Eligible
24 PR1952	Historic Site Residence/Garage/Shed	Nalley Residence	Not Eligible
24 PR1953	Historic Site Residence/Garages	Webster Residence	Not Eligible
24 PR931	Timber Bridge	Cottonwood Creek	Not Eligible

* NRHP National Register of Historic Places

SHPO concurred with NRHP eligibility determinations for cultural sites recorded in the Epsie-East & West project area on November 20, 1998. SHPO concurred with NRHP eligibility determinations for cultural sites recorded in the Epsie-East project area on November 6, 2000 and with similar determinations for cultural sites recorded in the Broadus-East project area on February 27, 2001. Copies of letters indicating SHPO's concurrence can be found in **APPENDIX B**.

MDT conducted supplemental archaeological testing within the Pumpkin Creek Site prehistoric site (24PR1793/1807) during October 2001. The excavation of numerous shovel probes and test units failed to identify any significant cultural materials from the portion of the NRHP-eligible site that would be disturbed by the proposed Epsie-East & West project.

10. Section 4(f) Properties

Section 4(f) of the U.S. DEPARTMENT OF TRANSPORTATION ACT, as amended (49 U.S.C. 303), applies to Federally-funded transportation actions that affect sites on or eligible for the NRHP, publicly-owned parks, recreation lands, and wildlife and waterfowl refuges. Letters from several

agencies concerning *Section 4(f)* issues are provided in **APPENDIX B**.

The proposed reconstruction of the Epsie NHS Corridor would not affect any wildlife or waterfowl refuges. However, the proposed highway reconstruction project would affect the Pumpkin Creek Site (24PR1793/1807) located at the western terminus of the Epsie-East & West project. Because the site is NRHP-eligible, a *Section 4(f)* evaluation must be completed by MDT.

Road reconstruction in the Broadus area would occur adjacent to the Powder River Golf Course (located northwest of town) and adjacent to Cottonwood Park located west of Park Avenue (U.S. Highway 212/Montana Highway 59) near the county fairgrounds. Both public recreation sites are considered significant for *Section 4(f)* purposes. However, the proposed highway improvements have been designed to avoid the need for new right-of-way from either public recreation site.

11. Section 6(f) Lands

Section 6(f) of the *NATIONAL LAND & WATER CONSERVATION FUND ACT (16 U.S.C. 460)* requires that coordination be done to determine if federal funds were used to acquire or improve any lands in the project area for recreation or water conservation purposes. The MDFWP, the agency that administers the Land and Water Conservation Fund (LWCF) in Montana, was contacted about the use of federal monies to acquire or develop recreation facilities in the Epsie NHS Corridor. Letters from the MDFWP concerning *Section 6(f)* lands and sites can be found in **APPENDIX B**.

The MDFWP indicated that the Powder River Golf Course is the only recreation site in the Epsie NHS Corridor where LWCF funds were used. LWCF Project #30-00508 provided funds to improve the to improve golf course and the facility is protected under *Section 6(f)* of the *NATIONAL LAND & WATER CONSERVATION FUND ACT*.

- To stabilize slopes and to minimize the visual effects of new cuts and fills, slopes would be rounded and revegetated to blend with the adjoining lands.
- An Erosion Control Plan employing Best Management Practices for controlling erosion and sediment transport would be implemented in each project area.
- The existing roadbed would be incorporated into the new road where possible.

2. Impacts to Important Farmland

Impacts of the Preferred Alternative. The NRCS District Conservationist identified twenty-four soils crossed by U.S. Highway 212 and Highway 59 as either "Prime Farmland If Irrigated" or as "Farmland of Statewide Importance." The information provided by NRCS and preliminary right-of-way plans for the proposed improvements were reviewed to determine the area of farmland that would be affected by the Epsie NHS Corridor projects.

Of importance under the *FARMLAND PROTECTION POLICY ACT* of 1981 (*FPPA - 7 U.S.C. 4201*, et seq.) are the areas of direct and indirect conversion of farmland. Direct conversions occur when soils meeting the definition of farmland are included in the proposed highway right-of-way. Indirect conversions of farmland occur when the areas remaining in a tract of land partially taken for right-of-way 1) would no longer be capable of being farmed due to access restrictions; or (2) would likely be converted to a non-farm use due to the accessibility of the highway. **TABLE 9** summarizes the area of farmland directly and indirectly converted by the proposed highway improvements projects.

Table 9: Total Estimated Farmland* Impacts in Epsie NHS Corridor

NHS Corridor Project	Area of Farmland Directly Converted to New R/W	Area of Farmland Indirectly Converted	Total New Area of Farmland Affected
Epsie - East & West	15.64 ha/38.65 ac	0.0 ha/0.0 ac	15.64 ha/38.65 ac
Epsie-East	13.72ha/33.88 ac	0.0 ha/0.0 ac	13.72ha/33.88 ac
Broadus - East (Includes Little Powder River Realignment)	24.79 ha/61.26 ac	0.0 ha/0.0 ac	24.79 ha/61.26 ac
Corridor Total	54.14 ha/133.78 ac	0.0 ha/0.0 ac	54.14 ha/133.78 ac

* Farmland includes soils designated as prime farmland, unique farmland, or farmland of statewide or local importance by the NRCS.

Based on the information presented above, the construction of the proposed projects would directly convert 54.14 ha (133.8 acres) of "Prime Farmland If Irrigated" or as "Farmland of Statewide Importance." The proposed projects would not indirectly convert any farmland in the Epsie NHS Corridor.

A Farmland Conservation Impact Rating form (#AD-1006) was processed for the proposed highway improvement projects in accordance with the *FPPA*. It should be noted that the NRCS was contacted in February 2001 to complete Parts II, IV, or V of the form; however, no response was received from the agency. MDT assumed a relative value of 100 for farmland in the corridor and assigned points for the site assessment criteria in Part VI of the form. The *Total Points* for the projects were calculated to be 152. Since this total is less than 160 points, no further consideration for protection is necessary and no additional Important Farmlands evaluations are required. The completed form was not submitted to the NRCS but a copy is provided in **APPENDIX B**.

Cumulative Impacts. The proposed Epsie NHS Corridor improvements together with the impacts of present and future development activities, such as the improvements on Montana Highway 59 between Broadus and Miles City, would continue to convert minor amounts of farmland in Powder River County (and nearby counties) to other uses. These conversions would not represent a substantial loss of important farmland in Powder River County or other counties in southeastern Montana.

Impacts of the No Build Alternative. The No Build Alternative would not convert any prime, unique or important farmland in the Epsie NHS Corridor.

3. Water Quantity and Quality Impacts

Impacts of the Preferred Alternative. Erosion and sedimentation during construction and surface runoff after construction are the principal ways that water quality could be affected by the proposed highway reconstruction projects. Unless preventative measures are taken, erosion and sedimentation and highway runoff have the potential to affect water quality and aquatic resources. Since the Powder River, Little Powder River, and Mizpah Creek are all listed as "water quality limited" by the MDEQ, it is important that impacts to these resources be minimized.

As indicated earlier, vegetation clearing and grading for the realigned highway would increase the potential for soil erosion and sediment transport. Additionally, lengthening or replacing culverts and reconstructing adjacent roadway approaches would expose soils and increase the potential for erosion. Although erosion occurs naturally to some extent, the erosion of areas disturbed by the construction could contribute additional sediments to surface waters. Increased sediment loads, particularly for a long duration, may alter downstream deposition patterns, cause water temperatures and turbidity levels of the water to rise, increase the level of nutrients (nitrates and phosphorus), decrease the quality of existing fisheries, and promote algal growth.

Since most of the streams crossed by U.S. Highway 212 and Highway 59 are intermittent and no work is proposed at the existing Powder River and Little Powder River bridges, construction would not occur in flowing water. Because MDT's Erosion Control Plan would also be implemented to control erosion and sediment transport during and after construction, the Epsie NHS Corridor projects would not cause notable adverse effects on surface water quality. The fact that these highway improvements would be implemented at different times also ensures that

- *A revegetation plan would be developed for each highway project to be followed by the Contractor. The plan would include specifications on seeding methods, seeding dates, types and amounts of mulch and fertilizer, and seed mix components. The plan would also be submitted to the Powder River County Noxious Weed Board, the DNRC, and BLM for review.*
- *The Contractor must also follow the requirements of the COUNTY NOXIOUS WEED MANAGEMENT ACT and all county and contract noxious weed control provisions.*
- *Mulch used for revegetation would be certified as weed-free.*
- *Inspect borrow sites prior to use so that sites with chronic weed problems can be excluded from use during construction.*

8. Wetlands Impacts

Impacts of the Preferred Alternative. Construction of the proposed highway improvements would result in unavoidable encroachments into wetlands at some locations in the Epsie NHS Corridor due to realignments, road widening, slope flattening, and stream crossings. Wetland vegetation would be removed and hydric soils would be covered with the roadbed and fill slopes in impacted areas. The preliminary designs of the proposed highway improvements projects have been developed to minimize encroachment into wetlands. However, at some locations wetlands exist on both sides of the highway making it impossible to improve the road or replace culverts without encroaching on wetlands.

The estimated amount of wetlands that would be impacted by the project is approximately 0.35 hectares (0.76) acres. **TABLE 10** shows a break down of this total by site. As the table shows, most of the impact would occur at three wetland sites, Site 2 (a Category III wetland), Site 8 (a Category IV wetland), and Site 15 (a Category III wetland).

Wetland Sites 21 and 22 are the only wetlands that exist in the area of the proposed Little Powder River Realignment. Site 21 is associated with a flowing well on land between the existing highway and the proposed new location for U.S. Highway 212. This site exists only on the south side of the existing highway and does not extend across the present highway. Site 22 is associated with a stock pond located on the north side of the existing highway. Preliminary plans show the proposed Little Powder River Realignment would not impact either Wetland Site 21 or 22.

Cumulative Impacts. The potential exists for other highway reconstruction projects and developments in and around Powder River County to impact wetlands. However, no cumulative impacts to wetlands are foreseen if efforts are taken to avoid wetlands or to adequately mitigate for wetlands affected by ongoing and future development activities in the area.

Impacts of the No Build Alternative. This alternative would cause no further impacts to wetlands within the Epsie NHS Corridor.

Table 10: Wetland Locations and Estimated Impacts in the Epsie NHS Corridor

Site No.	Approximate Station No.	Location and Description	Estimated Area within Proposed R/W hectares (acres)	Estimated Area of Impact hectares (acres)
EPSIE- EAST & WEST				
1	145+60	Pumpkin Creek, north and south of highway	0.03 (0.08)	0.03 (0.08)
2	149+00 to 150+04	Pumpkin Creek, north of highway	0.06 (0.16)	0.06 (0.16 ^a)
3	149+00	Tributary to Pumpkin Creek, south of highway	0.01 (0.03)	0.01 (0.03)
4	149+60 to 150+02	Tributary to Pumpkin Creek, south of highway	<0.01 (<0.01)	<0.01 (<0.01)
7	199+08	Tributary to Sixmile Creek, south of highway, stock pond upstream	<0.01 (<0.01)	<0.01 (<0.01)
8	219+00 to 218+80	Near stock pond on tributary to Sixmile Creek, north of highway; saline	0.08 (0.19)	0.08 (0.19)
PROJECT SUBTOTAL			0.20 (0.48)	0.20 (0.48)
EPSIE EAST				
10	RP 102.4 to 102.7 ^b 935+10 to 950+00	Tributary west of pond on North Fork Sand Creek, north of highway, near US 212/US 59 junction	<0.01 (0.01)	<0.01 (0.01)
10A	RP 102.5 ^b 942+40	Saline depression near pond on North Fork Sand Creek, north of highway, near US 212/US 59 junction	<0.01 (0.01)	<0.01 (0.01)
11	RP 102.7 ^b 953+60	Depression below pond on North Fork Sand Creek, north of highway, near US 212/US 59 junction	<0.01 (0.01)	<0.01 (0.01)
12	RP 102.8 ^b 955+73	Drainage channel below pond on North Fork Sand Creek, north and south of highway, near US 212/US 59 junction	<0.01 (0.01)	<0.01 (0.01)
PROJECT SUBTOTAL			<0.04 (0.04)	<0.04 (0.04)
BROADUS-EAST				
14	19+10 to 19+60	Riparian wetland east side of Powder River, south of highway	0.01 (0.03)	0 ^c
15	200+00 to 201+00	Tributary to East Fork Little Powder River, north of highway, stock pond upstream	0.06 (0.14)	0.06 (0.14)
16	194+70	Tributary to East Fork Little Powder River, north and south of highway	<0.01 (0.01)	<0.01 (0.01)
17	188+60	Tributary to East Fork Little Powder River, north of highway	0.02 (0.05)	0.02 (0.05)

^a Channel relocation area

^b Design plans are not available for the Epsie East section, therefore, Reference Posts and As-Built stations were referenced and the proposed right-of-way was estimated.

^c Assumed no instream work associated with bridge repairs at this location, therefore assumed no impact to wetland.

Table 10: Wetland Locations and Estimated Impacts in the Epsie NHS Corridor (Continued)

Site No.	Approximate Station No.	Location and Description	Estimated Area within Proposed ROW hectares (acres)	Estimated Area of Impact hectares (acres)
BROADUS-EAST				
18	119+40 to 119+60	Fringe wetlands adjacent to Little Powder River, north and south of highway	0.01 (0.03)	0 ^c
19	125+10 to 125+20	Fringe wetlands adjacent to East Fork Little Powder River, north and south of highway	<0.01(<0.01)	0 ^c
20	157+70	Tributary to East Fork Little Powder River, north and south of highway, stock pond upstream	0.02 (0.04)	0.02 (0.04)
21	N/A ^d	Wetland associated with flowing well on private land south of existing right-of-way, north of proposed realignment	--	--
22	N/A ^d	Wetland associated with private pond north of existing right-of-way in realignment area	--	--
PROJECT SUBTOTAL			0.14 (0.31)	0.11 (0.24)
EPSIE NHS CORRIDOR TOTAL			0.38 (0.83)	0.35 (0.76)

^c Assumed no instream work associated with bridge repairs at this location, therefore assumed no impact to wetland.

^d Wetland not in the existing right-of-way or proposed re-alignment, but included as a possible avoidance area depending on construction needs for realignment.

Mitigating Measures. The following measures would be implemented to minimize impacts to wetlands in the project corridor.

- *The designs for the proposed highway improvements projects would be developed to avoid or minimize encroachment into wetlands.*
- *MDT would continue to seek wetland mitigation opportunities in the area of these proposed projects.*

9. Impacts to Wildlife and Fisheries Resources

Impacts of the Preferred Alternative on Wildlife. In general, the impacts on wildlife associated with the reconstruction of US Highway 212 and Highway 59 would include: the temporary loss of and avoidance of habitats adjacent to the construction area; direct mortality from vehicles and construction equipment; and permanent habitat degradation and/or displacement.

The Little Powder River Realignment would have few if any adverse effects on land use in adjoining areas since affected properties are primarily used for livestock grazing. With the proposed realignment, U.S. Highway 212 would be shifted away from a ranch house near the east end of the proposed realignment benefiting residents with reduced traffic noise levels and increased privacy.

The proposed reconstruction of U.S. Highway 212 and Highway 59 would not be inconsistent with Powder River County's Comprehensive Plan.

The proposed highway improvements would not be likely to affect the goals or objectives employed by the BLM and DNRC for managing land uses and activities on federal and state lands in the Epsie NHS Corridor.

Cumulative Impacts. The planned highway improvements would not encourage new or undesirable growth and development and would not substantially change property values in the Broadus area.

Impacts of the No Build Alternative. This alternative would cause no changes to existing land uses along U.S. Highway 212 and Montana Highway 59 within the Epsie NHS Corridor.

2. Right-of-Way and Utility Impacts

Impacts of the Preferred Alternative. TABLE 12 shows the estimated area of new right-of-way required for each of the Epsie NHS Corridor projects. Together, the projects would require about 138.8 ha (342.3 acres) of new right-of-way.

Table 12: Anticipated Right-of-Way (R/W) Impacts by Project in the Epsie NHS Corridor

Project	Additional R/W Area Needed	New Easement Area Needed	Construction Permit Area
Epsie - East & West	31.8 ha (77.9 ac)	2.8 ha (6.7 ac)	0.10 ha (0.26 ac)
Epsie-East (Estimated from As-Built Plans)	24.0 ha (59.3 ac)	Unknown*	Unknown*
Broadus - East (With Little Powder River Realignment)	83.0 ha (205.1 ac)	0.2 ha (0.4 ac)	2.6 ha (6.5 ac)
Corridor Total	138.8 ha/342.3 ac		

* Preliminary Design work not completed to point where this is known.

Please note that the right-of-way information presented in TABLE 12 is based on preliminary designs and is subject to change. Right-of-way acquisitions are presented to provide a general indication of the extent of the highway improvement projects' impacts. During the process of final design, specific right-of-way needs would be identified and individual landowners contacted.

Roadway improvements would result in minor reductions of agricultural and grazing lands adjacent to the highway. Such impacts would be most notable in the vicinity of the Little Powder River Realignment where the existing highway and the proposed alignment of the new road are separated by some 300 m (985 feet). The Little Powder River Realignment would primarily affect five landowners, with the majority of the new right-of-way for the realignment being needed from the T & C Smith Ranch.

The proposed corridor projects would require new easements or new rights-of-way across lands owned and managed by the BLM and the State of Montana. Any existing right-of-way on BLM land no longer needed for the planned highway improvements would revert to the federal agency. MDTs' preliminary Right-of-Way Plans show that the proposed Epsie-East & West project would require a total of 1.03 ha (2.29 acres) of new easement across BLM land in Section 34 of Township-3-South, Range-48-East and in Section 6 of Township-4-South, Range-49-East, M.P.M. The project would also require an estimated 1.79 ha (4.42 acres) of new easement on State of Montana land in Section 36 of Township-3-South, Range-48-East, M.P.M.

The Broadus-East project would require about 3.79 ha (9.36 ac) of new right of way in Section 36 of Township-5-South, Range-52-East, M.P.M.

The Epsie-East project would not affect any state or federal lands.

The proposed Epsie NHS Corridor projects would not require the relocation of any residents or businesses. All lands needed for right-of-way from private ownerships on this proposed project would be acquired by MDT in accordance with both the *UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACT* of 1970 (**P.L. 91-646**), and the *UNIFORM RELOCATION ACT AMENDMENTS* of 1987 (**P.L. 100-17**). Compensation for right-of-way acquisitions is made at "fair market value" for the "highest and best use" of the land.

Prescriptive, temporary, or permanent easements for existing highway right-of-way abandoned as a result of the proposed improvements to the Epsie NHS Corridor would revert to adjoining landowners. Any abandoned rights-of-way held in fee by MDT and that were acquired with federal highway funds, would be offered to a federal agency or typically sold at fair market value.

Overhead power lines, underground telephone cables, and buried fiber optic lines exist adjacent to the roadway throughout the Epsie NHS Corridor. These utilities may be in conflict with the proposed highway reconstruction at various locations. MDT conducted a Subsurface Utility Engineering (SUE) investigation for the Broadus-East project to determine the exact locations and depths to oil lines, natural gas lines, television and communication lines, and municipal water and sewer lines. The SUE investigation identified numerous instances within the Broadus community where the proposed reconstruction would conflict with existing underground utilities. Conflicting utilities would be relocated prior to construction.

Cumulative Impacts. Except for the incremental and minor loss of important farmland in Powder River County mentioned earlier in this Part, no other cumulative impacts are foreseen from the proposed right-of-way acquisition for the Epsie NHS Corridor projects. The utility relocations required by the proposed highway projects could motivate utility providers to update or make

other improvements to their facilities within the corridor.

Impacts of the No Build Alternative - The No Build Alternative would not require any additional right-of-way, affect existing utilities, or result in the relocation of residents or businesses in the area.

Mitigating Measures. The following measures would be implemented to minimize the right-of-way and utilities impacts associated with the proposed highway improvements:

- *MDT's Right-of-Way design for each project would attempt to minimize the area required for the new highway and potential effects on adjoining landowners. Temporary construction permits would be used when possible to minimize the need for new right-of-way.*
- *MDT would coordinate with the appropriate utility companies and the Town of Broadus prior to construction to determine the timing and details of relocating conflicting utilities.*
- *Where replacement of existing barbed wire right-of-way fence on Federal land is proposed, the fence would be constructed to facilitate passage by pronghorn antelope. The bottom strand would be barbless and at least 41 centimeters (16 inches) above the ground and the number of stays between posts would be minimized to allow for looser wiring. Where the right-of-way is currently fenced with woven wire, the fence would be replaced with four- or five-strand barbed wire to contain sheep. In accordance with BLM fencing requirements, the bottom strand should be barbless and 20 centimeters (8 inches) off the ground.*

3. Transportation/Circulation Impacts

Impacts of the Preferred Alternative. The reconstruction of the Epsie NHS Corridor would provide traffic safety benefits and a more efficient facility for local residents and other road users. Road design and construction would address safety issues by increasing the width of the roadway, flattening fill slopes adjacent to the road, adjusting grades, curve radii, surfacing, and sight distance, and incorporating other safety measures to produce a roadway that is safe for its intended use. These measures would reduce the chances for and severity of accidents. The Epsie NHS Corridor would be reconstructed to MDT standards that reflect designs appropriate for both the type and level of traffic using the highway facilities.

Traffic circulation and safety would be enhanced within Broadus through the provision of a right turn lane for eastbound traffic at the intersection of Holt Street and Park Avenue and the installation of right turn and left turn lanes for traffic movements into an existing Rest Area/Weigh Station. The intersection of Holt and Park would also be revised from its current 3-way stop configuration to a 4-way stop.

No long-term changes to overall travel patterns would be likely except in the vicinity of the Little Powder River Realignment. However, road construction within the Epsie NHS Corridor could deter some commercial traffic from using the route if work causes notable delays in traffic.

been documented since 1989. Investigations by MDT indicate that construction of the proposed highway improvements should not affect any areas of known contamination, including a spill site at a gas station near the intersection of Park and Holt in the Town of Broadus.

The only known source of hazardous wastes for these proposed projects are associated with the equipment used for construction of the new roadway and its related features. These are the fuels, lubricants, hydraulic fluids, and related items needed for the contractor's vehicles and equipment. A slight risk of the release of these hazardous fluids exists since vehicles and heavy equipment would be operating within the project areas throughout the construction period.

Special provisions for salvaging and disposing of any treated timbers from the Cottonwood Creek bridge or other structures associated with the roadway would be included in the contract plans for the project. Disposal of non-salvageable and left-over materials would be in accordance with all applicable laws, rules, and regulations, including the *MONTANA SOLID WASTE MANAGEMENT ACT*.

Cumulative Impacts. The cumulative impacts of the generation and handling of hazardous materials for the proposed Epsie NHS Corridor projects together with other developments in the project area would be negligible. This conclusion was made due to the undeveloped nature of lands and the general absence of hazardous materials in rural portions of Powder River County and adjoining areas.

Impacts of the No Build Alternative. This alternative would have no impacts on hazardous waste sites, generators, or substances. A low potential for the release of hazardous fluids exists since MDT would operate trucks and other heavy equipment during the performance of required road maintenance activities.

Mitigating Measures. The following measures would be implemented to minimize hazardous waste impacts of the proposed projects:

- *The contractors for the projects would be required to store fuel and other hazardous materials away from surface waters and wetlands to reduce the potential adverse effects of an accidental spill.*
- *The contractors for the projects would be required to plan for and implement containment procedures in response to any accidental spills of fuel or other hazardous materials.*

7. Impacts to Cultural, Archaeological/Historical Resources

Impacts of the Preferred Alternative. Cultural resource surveys performed for the proposed projects indicate that three cultural sites eligible for the *National Register of Historic Places* (NRHP) exist within the Epsie NHS Corridor. These sites include:

24PR1793/1807 - Pumpkin Creek Prehistoric Site
24 PR1944 - Historic Site ("Judge's Chambers")

24 PR1949 - Historic Site (Ned's Antiques)

The Epsie-East & West project would affect the 24PR1793/1807. The site occurs on the west side of Pumpkin Creek on both sides of U.S. Highway 212 and consists of a widely distributed cultural material scatter and intact buried cultural deposits including a number of heat-altered rock features. The majority of the 9.7 ha (24.0 acre) site is situated within the historic floodplain of Pumpkin Creek and much of the site south of the existing highway occurs on undisturbed lands. Lands within the site north of the highway have been cultivated. The most important finds to date have been made in the southwestern portion of the site.

The proposed Epsie East & West project would shift the road northward so the centerline for the new road is at the north edge of the present pavement. Preliminary plans for the new road indicate that most new highway construction would occur within the existing right-of-way (much of which has already been disturbed) for the highway. MDT's preliminary plans show that an area at the eastern edge of 24PR1793/1807 totaling about 0.36 ha (0.89 acres) would be needed as new right-of-way for the highway. The proposed highway improvements would disturb less than half of the area needed for new right-of-way within the Pumpkin Creek site.

Subsurface archaeological testing was performed during October 2001 to determine the potential effects of reconstructing U.S. Highway 212 on the Pumpkin Creek site. Testing failed to identify any significant cultural materials and MDT's consulting archaeologist recommended that the impacted portion of the site does not contribute to the significance of 24PR1793/1807. These findings support a "no effect" determination by MDT. However, MDT will seek concurrence from SHPO for this Determination of Effect when a report detailing the results of site testing is completed in November 2001.

Sites 24PR1944 and 24PR1949 are located in the Town of Broadus within the Broadus-East project area. The Preferred Alternative would not require any new right-of-way from the lots housing 24PR1944 or 24PR1949. The Broadus-East project would provide a slightly wider roadway with curbs and gutters adjacent to each of these historic sites. However, the proposed highway improvements would not adversely affect any of the features or the setting that makes these historic structures eligible for the NRHP.

The existing Cottonwood Creek Bridge, a timber structure built in 1939, is covered under MDT's historic roads and bridge Programmatic Agreement with the FHWA, the Montana SHPO, and the Advisory Council on Historic Preservation (ACHP). As such, there is no need to evaluate, assess, and mitigate the proposed action's effects on this structure. The Programmatic Agreement was enacted in lieu of regular procedures for compliance with the Section 1-6 of the *National Historic Preservation Act* (16 U.S.C. 470f) as applied only to historic roads and bridges in Montana.

Federally-funded actions affecting historic sites that are on, or considered as eligible for the NRHP also must comply with *Section 4(f)* of the *U.S. DEPARTMENT OF TRANSPORTATION Act* of 1966, as amended (49 U.S.C. 303). This compliance is discussed later in this Part.

Cumulative Impacts. The likelihood for encountering cultural materials increases as new lands

are disturbed by the Epsie NHS Corridor projects and other ongoing and future developments in the area.

Impacts of the No Build Alternative. The No Build Alternative would not cause any further effects on the cultural resources in the Epsie NHS Corridor.

Mitigating Measures. The following measures would be implemented to minimize potential impacts on cultural resources due to implementation of the proposed projects:

- *The proposed projects would be coordinated with the Montana SHPO and ACHP (if necessary) to ensure that appropriate protection is afforded to cultural resources in the Epsie NHS Corridor.*
- *If unanticipated cultural materials were encountered during construction, MDT would require the contractor(s) to temporarily suspend work in the immediate vicinity of the find until the significance of the cultural materials can be assessed.*

8. Section 4(f) Impacts

Impacts of the Preferred Alternative. *Section 4(f) of the U.S. DEPARTMENT OF TRANSPORTATION Act, as amended, applies to Federally-funded transportation actions that affect sites on or eligible for the NRHP, publicly-owned parks, recreation lands, and wildlife and waterfowl refuges. The proposed action would not affect any public parks, recreation lands, or wildlife or waterfowl refuges.*

As indicated previously, the proposed Epsie-East & West project would affect the NRHP-eligible Pumpkin Creek Site (24PR1793/1807). *Section 4(f)* applies to all archaeological sites on or eligible for inclusion on the NRHP and which warrant preservation in place (including those discovered during construction). *Section 4(f)* does not apply if FHWA, after consultation with the SHPO and the ACHP, determines that the archaeological resource is important chiefly because of what can be learned by data recovery (even if it is agreed not to recover the resource) and has minimal value for preservation in place.

MDT prepared a "Nationwide" Programmatic *Section 4(f)* Evaluation form for the Pumpkin Creek site because the Epsie-East & West project would result in minor effects to the NRHP-eligible archeological site. The word minor is narrowly defined as having either a "no effect" or "no adverse effect" (when applying the requirements of *Section 106* of the *National Historic Preservation Act* and 36 CFR Part 800) on the qualities that make the site eligible for the NRHP. Subsurface testing in the portion of the Pumpkin Creek site impacted by the proposed highway reconstruction shows there would be "no effect" to the archaeological site. A copy of the form can be found in **APPENDIX D**. A copy of the FHWA Programmatic Memorandum of Agreement for minor involvements with historic sites can also be found in the same appendix.

Cumulative Impacts. The potential for encountering *Section 4(f)* properties (principally archaeological or historic sites) increases as highway improvement projects disturb new lands along the U.S. Highway 212 and Montana Highway 59 corridors. *Section 4(f)* requires that planning to

identify alternatives that would not require the use of such properties and to minimize harm to the properties should adverse effects be unavoidable.

Impacts of the No Build Alternative. This alternative would not cause any new effects to sites on or eligible for the NRHP, publicly-owned parks, recreation lands, or wildlife and waterfowl refuges.

9. Section 6(f) Impacts

Section 6(f) of the *NATIONAL LAND & WATER CONSERVATION FUND ACT (16 U.S.C. 460)* requires that coordination be done to determine if federal funds were used to acquire or improve any lands in the project area for recreation or water conservation purposes.

As indicated in Part IV, the Powder River Golf Course is the only site within the Epsie NHS Corridor that that was acquired or developed with federal monies from the Land and Water Conservation Fund. Neither the Preferred Alternative nor the No Build Alternative would require any land from or otherwise affect the Powder River Golf Course.

10. Visual Impacts

Impacts of the Preferred Alternative. The Preferred Alternative would not change views of the background landscapes. However, this alternative would cause minor changes to the foreground landscape of the Epsie NHS Corridor. The width of the new roadway would be notably greater than that of the existing facility due to its increased pavement width and expanded right-of-way and clear zone areas.

Permanent visual changes within the Epsie NHS Corridor would be most apparent within the Town of Broadus. Users of the facility and local residents would notice the provision of concrete pavement instead of asphalt surfacing and new traffic controls at the intersection of Park and Holt. The addition of curb and gutters, storm drains, sidewalks and addition sections of paved walkway/bike path along the roadway in Broadus would also be obvious changes to the appearance of the community.

The shift in the road's location in the vicinity of the Little Powder River Realignment would cause minor changes in the views of foreground and background landscapes. The view of the new road would also be changed for the residents of a ranch house near the eastern end of the proposed realignment since the road would be shifted further away from the residence.

The Preferred Alternative would cause minor, short-term visual impacts during the construction period. Visual changes during construction would include: surface disturbances and clearing until revegetation occurs; temporary sign installations; the storage of excavated material, equipment, and material; and dust and debris from construction activities.

Cumulative Impacts. The implementation of MDT's numerous highway projects over the next five to ten years would subject motorists to views of disturbed lands within the U.S. Highway 212 and Montana Highway 59 corridors. This impact would be temporary and last until revegetation

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OCT 05 2006



MONTANA DIVISION

ENVIRONMENTAL
"NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS
ON
HISTORIC SITES
EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project Number **NH 37-3(10)96** (PPMS-OPX2 C#4056)
Project Name: EPSIE - EAST Description: Historic Road Section (site #24PR1297)
Location: South-SouthWesterly from U.S. highway № 212 (National Highway System route # 37) "Reference"(Mile)Post 101.7+, 3.05+ route-kilometers (1.9+ route-miles) West-NorthWesterly from junction with Montana highway № 59 [@ N-23 "R"(M)P 76.3+]

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

- | | Yes | No |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to and/or crossed by the existing highway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects? (alteration of setting) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Does the proposed project disturb or remove archaeological resources that are important to preserve in-place rather than to recover? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)? (under Programmatic Agreement and its Amendments) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Has the State Historic Preservation Office (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action in an Environmental Impact Statement (E.I.S.)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. The Scope-of-Work for the proposed project is one of the following: | | <input type="checkbox"/> |
| a) Improved traffic operation; | <input type="checkbox"/> | |
| b) Safety improvements; | <input type="checkbox"/> | |
| c) Resurfacing, Restoration, Rehabilitation, or Reconstruction ("4R"); | <input checked="" type="checkbox"/> | |
| d) Bridge replacement on essentially the same alignment; or | <input type="checkbox"/> | |
| e) Addition of lanes. | <input type="checkbox"/> | |

Alternatives Considered

Yes No

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. The "do-nothing" Alternative has been evaluated, and is not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. An Alternative has been evaluated which improves the highway without any 4(f) impacts, and is also not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

(concludes-on next page)

Project № NH 37-3(10)96, (PPMS-OPX2 C#4056)

Project Name: EPSIE - EAST

Description: Historic Road Section (site #24PR1297)

Location: SSW from U.S.№ 212 (N-37) "R"(M)P 101.7, 3.05 route-km (1.9 route-mi.) WNW from junction with MT № 59 [@ N-23 "R"(M)P 76.3]

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

(Alternatives Considered - conclusion:)

Yes No

- 3. An Alternative on a new location avoiding the 4(f) site has (also) been evaluated and is not considered to be feasible and prudent.

X

Descriptions of Alternatives 2. and 3. are as-follows:

X

An overlay-only Alternative would improve the highway without altering this site's setting. However, this type of Alternative would not meet the criteria for current National Highway System route surface widths for two-lane routes.

Shifting the alignment northerly (away-from) the site would still result in an altered setting since the new route would be beyond the present location. It would also require new culverts in two drainage crossings, which will only need short extensions on their existing culverts with the proposed project.

Minimization of Harm

Yes No

- 1. The proposed project includes all possible planning to minimize harm.
- 2. Measures to minimize harm include the following:

X

This project's location is on the existing route's centerline in the vicinity of this site. Essentially, the wider surface with extended slopes result in the minor change to the site's setting. Both the site's National Register of Historic Places eligibility and any effects on-same from this project are covered-under the Historic Bridges and Roads Programmatic Agreement and its Amendments.

Coordination

Yes No

- 1. The proposed project has been Coordinated with the following:

a) SHPO (on: 17-May-1999 & 13-Oct-2000)

X

b) Advisory Council on Historic Preservation (ACHP, in: May, 1989)

X

c) Property owner (in: May & October, 1999)

X

d) Local/State/Federal agencies

X

List: U.S. DEPARTMENT OF AGRICULTURE's Natural Resource Conservation Service (in: Feb., 2001)

U.S. DEPARTMENT OF THE INTERIOR's Fish & Wildlife Service (USF&WS, on: 08-Mar & 14-Dec-2000)

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY's Permitting & Compliance Division (in: May, 1999)

(concludes-on next page)

Project № **NH 37-3(10)96**, (PPMS-OPX2 C#4056)

Project Name: EPSIE - EAST

Description: Historic Road Section (site #24PR1297)

Location: SSW from U.S.№ 212 (N-37) "R"(M)P 101.7, 3.05 route-km (1.9 route-mi.) WNW from junction with MT № 59 [@ N-23 "R"(M)P 76.3]

(Coordination - concluded:)

- 2. Three of the preceding had the following comment(s) regarding this proposed project:
 - For item #1.a), SHPO concurred with the applicability of the Programmatic Agreement as Amended for this site on 06-Nov-2000 (see attached copy of MDT's letter to-same).
 - For item #1.b), The ACHP concurred with the (original) Programmatic Agreement for Historic Roads on 01-Jun-1989, and the its latest Amendment on 22-Oct-2001 (see attached copy of latter).
 - For item #1.d), The USF&WS responded-on 28-Dec-2000 with concurrence that this proposed project would not affect the Federally-listed Endangered or Threatened Species that may occur in its vicinity.

This proposed project is also documented as both an Environmental Assessment and a Re-Evaluation to-same under *National Environmental Policy Act (42 U.S.C. 4321, et seq.)* requirements.

Summary

The required Alternatives have been evaluated and the proposed project meets all the criteria in the "Nationwide Programmatic" *Section 4(f)* evaluation approved on December 23, 1986. This Programmatic Evaluation includes all possible planning to minimize harm that will be incorporated in this proposed project.

Approval

This document is both submitted pursuant-to **49 U.S.C. 303**, and in accordance with the provisions of **16 U.S.C. 470f**.

Date: 10/3/06

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

Approved:
Federal Highway Administration

Date: 10/4/06

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Project № NH 37-3(10)96, (PPMS-OPX2 C#4056)

Project Name: EPSIE - EAST

Description: Historic Road Section (site #24PR1297)

Location: SSW from U.S.№ 212 (N-37) "R"(M)P 101.7, 3.05 route-km (1.9 route-mi.) WNW
from junction with MT № 59 [@ N-23 "R"(M)P 76.3]

JAR:TLH:asj: [W] [S:\PROJECTS\GLENDDIVE\4056\A740\HR-P4(F).DOC]

Attachments

copies: R. E. Mengel
C. C. Blackwell
P. R. Ferry
J. H. Horton
D. S. Price
D. W. Jensen
J. A. Riley

NH 37-3(10)96

Historic Road Section (24PR1297) Location Map

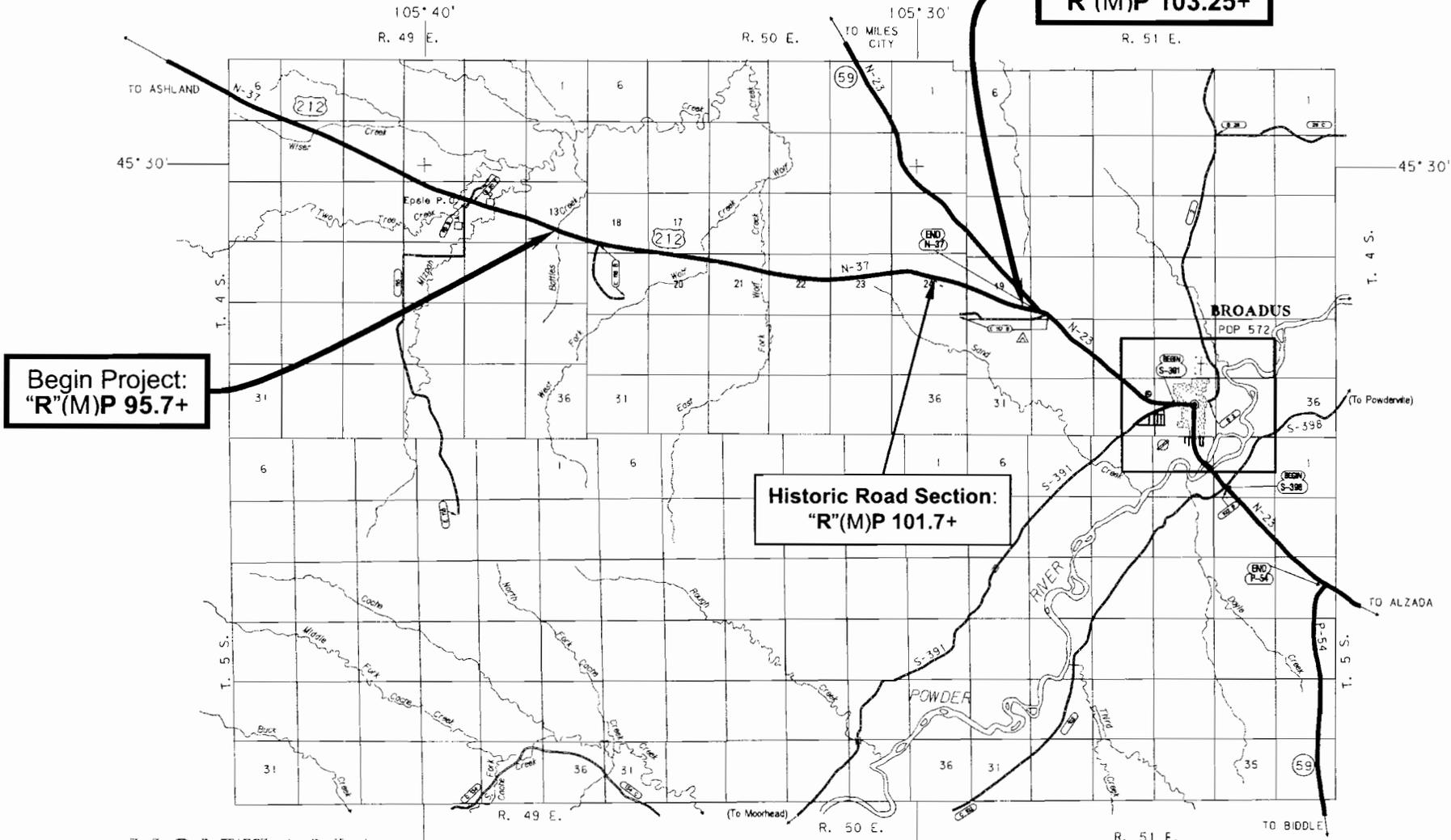
(PPMS-OPX2 C#4056)

EPSIE - EAST

POWDER RIVER COUNTY

End Project:
"R"(M)P 103.25+

Reconstruction



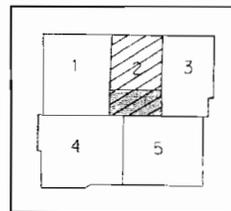
Begin Project:
"R"(M)P 95.7+

Historic Road Section:
"R"(M)P 101.7+

MONTANA



KEY TO COUNTIES



KEY TO SHEET



SCALE



POWDER RIVER COUNTY
 PREPARED BY THE
STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

IN COOPERATION WITH THE
 U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Marc Racicot, Governor

JOSEF
MDT

October 13, 2000

Mark Baumler
State Historic Preservation Office
Montana Historical Society
1410 East 8th Avenue
P.O. Box 201202
Helena, MT 59620

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NOV 09 2000

ENVIRONME

0002 21 100
17 2000

Subject: [East of Epsie East]
NH 37-3(10)96
Control Number 4056

CONCUR
MONTANA SHPO

DATE 6/6/2000 SIGNED *Joe J. Warbank*

Dear Mark,

Enclosed for your review and comment is the cultural resource inventory report prepared for the above Montana Department of Transportation (MDT) project.

Four sites were located within the project's area of potential effect. Ethnoscience found one new prehistoric site, 24PR1295, which consists of seven porcellanite flakes, and two isolated artifacts (both are porcellanite flakes). A 1 by 1 meter unit was placed in 24PR1295. It yielded a soil profile but no artifacts. Neither the lithic scatter nor the isolated finds are considered eligible under criterion D.

The other sites consist of an historic road segment, 24PR1297, a reclaimed, historic coal mine, 24PR1296, and an historic stock pond and earthen dam, 24PR1298. The historic road segment need not be evaluated per MDT's Programmatic Agreement on Historic Roads and Bridges. Neither the reclaimed coal mine nor the stock pond and dam are considered eligible under Criteria A, B, C, or D.

I realize that a portion of the project area was only surveyed to the present right of way fence. due to lack of landowner permission to survey outside current right of way. Once plans become available we will know whether or not the road work will impact areas outside of the present right of way limits. If impacts are anticipated, we will see to it that the area not covered in this report is surveyed, and any sites found in that area evaluated.

If you have questions please call me at 444-0455 or email at splatt@state.mt.us.

Steve Platt, Archaeologist
Environmental Services

Cc: Gordon Stockstad, Chief, Resources & Permitting

file: MDT/2000

The 1989 Historic Roads and Bridges Programmatic Agreement.

PROGRAMMATIC AGREEMENT

Among the Federal Highway Administration (FHWA), the Montana State Historic Preservation Office (MSHPO), and the Advisory Council on Historic Preservation (ACHP), to develop a historic preservation plan to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of the FHWA's mission to provide safe, durable and economical transportation.

WHEREAS, Congress has mandated that highway bridges be evaluated, and where found substandard, be rehabilitated or replaced and has provided funding for these purposes, to insure the safety of the traveling public (through the Highway Bridge Replacement and Rehabilitation Program); and

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has standards regulating the construction and the rehabilitation of highways and bridges that must be met by the FHWA to insure the safety of the traveling public; and

WHEREAS, Congress declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture; and

WHEREAS, the FHWA proposes to make Federal funding available to the Montana Department of Highways (MDOH) for its ongoing program to construct and rehabilitate roads and bridges, and MDOH concurs in and accepts responsibilities for compliance with this Agreement; and

WHEREAS, the FHWA has determined that the construction and improvement of highways may have an effect on historic roads and bridges that are listed in the National Register of Historic Places, or may be determined eligible for listing, and have consulted with the ACHP and the MSHPO pursuant to Section 800.13 of the regulations (36CFR800) implementing Section 106 of the National Historic Preservation Act (16U.S.C. 470f); and

WHEREAS, the parties understand that not all historic roads and bridges fall under the jurisdiction of sphere of influence of the FHWA, and that to encourage other parties to participate in preservation efforts, an education to foster a preservation ethic is needed; and

NOW THEREFORE, FHWA, MSHPO, and ACHP agree, and MDOH concurs, that the following program to enhance the preservation potential of historic roads and bridges, and to promote management and public understanding of and appreciation for these cultural resources will be enacted in lieu of regular Section 106 procedures as applied to historic roads and bridges only.

Stipulations

The Federal Highway Administration will ensure that the following program is carried out:

The Federal Highway Administration, in cooperation with the Montana Department of Highways, will develop a preservation plan to ensure the preservation and rehabilitation of the states [sic] significant historic roads and bridges, and will develop and on-going educational program to interpret significant historic roads and bridges that illustrate the engineering, economic, and political development of roads in Montana. Specifically:

A. For Public Education

1. MDOH will prepare technical documentation of the history of roads and road construction, and of the history of bridge building in the state, according to a format developed by MDOH in consultation with the MSHPO and in compliance with the Secretary of the Interior's Standards for Preservation Planning. From this documentation, MDOH will prepare narrative histories suitable for publication for the general public. Draft copies of the documentation and the narrative histories will be submitted to the FHWA, MSHPO and a list of qualified reviewers to be determined by FHWA, MDOH and MSHPO by December 1, 1990, and 45 days will be allowed for reviewers to comment. MDOH will prepare final documentation and histories by May 1, 1991. Final copies will be distributed to the district, area, and field offices of the MDOH, to the County Commissioners, county road and bridge departments, and county historical societies, to the owners of significant roads and bridges identified in the documentation, to the Montana Historical Society Library and the Montana State Library, and to the general public as requested.
2. MDOH will develop and make available to newspapers and publishers of historical and of engineering journals articles suitable for public information on historic roads and bridges and on their construction and significance.
3. MDOH will augment its historic sign program by developing interpretation for the traveling public at existing rest areas or pull-overs to explain Montana's road construction and bridge engineering. It will develop on-site interpretation for significant resources that can be viewed and appreciated by the public.
4. By April 15, 1990 MDOH will develop and circulate a traveling exhibit that portrays the history of the development of transportation in Montana.
5. By December 1, 1991 MDOH will develop and circulate a public program (slide/tape or video) of approximately 20 minutes, suitable for use at public or organization gatherings, classrooms, etc.

B. For Historic Road and Bridge Preservation

1. The FHWA, in co-operation with the MDOH, will prepare a plan for the preservation of significant and representative road segments and bridge types around the state as identified in the research in Part A. of this Agreement. The Historic Preservation Plan (HPP) will be presented to the FHWA, MSHPO, the ACHP and [a] list of qualified reviewers by September 1, 1991, and 45 days comment period will be allowed for discussion and adoption. FHWA will work to resolve disagreement on the proposed HPP. If agreement cannot be reached by December 1, 1991, all FHWA undertakings affecting historic roads and bridges will again become subject to 36 CFR 800 procedures.

The HPP for historic roads and bridges shall be prepared in accordance with the following guidelines:

- a. The essential purpose of the HPP will be to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA and the MDOH in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of FHWA's mission, to provide safe, durable and economical transportation;
 - b. In order to facilitate such integration, the HPP, including all maps and graphics, will be made consistent with the Federal Aid road and bridge numbering systems;
 - c. The HPP will be prepared in consultation with the owners, managers, caretakers, or administrators of historic roads and bridges, including county governments, city governments, federal agencies, and private individuals or corporations, and with interested parties or organizations, including the American Society of Civil Engineers - Montana Section, and the Montana Society of Engineers;
 - d. The HPP will be prepared with reference to the Secretary of Interior's Standards and Guidelines for Preservation Planning (48 FR 44716-20); and
 - e. The HPP will be prepared by or under the supervision of an individual who meets, or individuals who meet, at a minimum, the "professional qualifications standards" for historian and archaeologist in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).
2. The contents of the HPP will be developed in conjunction with the MSHPO, and will include, but not be limited to, a schedule for the anticipated implementation of the various elements, plus the formulation and presentation of programs to:

- a. Preserve historic bridges that do not meeting safety rating standards by rehabilitation in a manner that would preserve important historic features while meeting as many AASHTO standards as can be reasonable met;
 - b. When a historic bridge must be replaced, give full consideration and demolition savings to reuse of the historic bridge in place by another party.
 - c. When a historic bridge must be replaced and in place preservation is not feasible, give full consideration and financial assistance to relocating and rehabilitating the historic bridge as a part of the replacement project;
 - d. Develop and implement a program to encourage relocation and reuse of bridges of historic age that cannot be preserved in place or used on another location by the state or county;
 - e. Provide a financial incentive by offering demolition savings on all relocation and reuse of bridges of historic age;
 - f. Develop a list of historic roads and bridges that can be preserved. The list should include the variety available to reflect Montana highway construction history, while considering current condition and use. The list should be presented to and discussed with managing units to solicit their cooperation and/or participation in the preparation of the HPP; and
 - g. Devise a program to pursue the preservation of the state's representative and outstanding examples of road and bridge technology. A list of historic roads and bridges shall be preserved will be developed to implement this program, given currently known commitments to do so by property managers and subject to change by obtaining future commitments for other properties covered by this Agreement.
3. The HPP will not include information developed in Part A. above, narrative histories, but will be guided by and used in conjunction with Part A. above, and will be distributed to the same parties.
 4. MDOH will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, the SHPO, and the ACHP for review, comment, and consultation as needed.

C. Other Legal and Administrative Concerns

1. FHWA will continue to inventory, evaluate and seek determinations of eligibility, and fully comply with 36 CFR 800 for all undertakings with the potential to affect historic properties besides roads and bridges which are hereby excluded from such consideration.

2. The MSHPO, and the ACHP may monitor FHWA and MDOH activities to carry out this PA, by notifying FHWA in writing of their concerns and requesting such information as necessary to permit either or both MSHPO and ACHP to monitor the compliance with the terms of this Agreement. FHWA will cooperate with the SHPO, and the ACHP in carrying out their monitoring and review responsibilities.
3. FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.
4. If a dispute arises regarding implementation of this PA, FHWA will consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA will request further comments of the ACHP.
5. During any resolution of disagreements on the PA, and/or in the event MDOH does not carry out the terms of the PA, FHWA will carry out the procedures outlined in 36 CFR 800 for all undertakings otherwise covered by this agreement.

Execution of this PA evidences that FHWA has afforded the ACHP a reasonable opportunity to comment on FHWA's program to construct and improve Montana highways when those undertakings affect historic roads and bridges, and that FHWA has taken into account the effects of these undertakings on significant historic roads and bridges.

BY: FEDERAL HIGHWAY ADMINISTRATION

[Roger K. Scott]	[May 11, 1989]
Roger K. Scott	Date
Division Administrator	

BY: MONTANA STATE HISTORIC PRESERVATION OFFICER

[Marcella Sherfy]	[May 11, 1989]
Marcella Sherfy, MSHPO	Date

BY: ADVISORY COUNCIL ON HISTORIC PRESERVATION

[Robert D. Bush]	[June 1, 1989]
Executive Director	Date

CONCUR

BY: MONTANA DEPARTMENT OF HIGHWAYS

[Stephen C. Kologi]	[May 11, 1989]
Stephen C. Kologi, P.E., Chief	Date
Preconstruction Bureau	

**Amendment To The Programmatic Agreement Regarding
Historic Roads and Bridges In Montana**

We are hereby amending the following stipulations in the Programmatic Agreement.

A. For Public Education

1. In the third sentence December 1, 1990 becomes December 1, 1992.
In the fourth sentence, May 1, 1991 becomes May 1, 1993.
5. December 1, 1991 becomes December 1, 1993.

B. For Historic Road and Bridge Preservation

1. September 1, 1991 becomes September 1, 1993 and December 1, 1991 becomes December 1, 1993.

By: Federal Highway Administration

[D. C. Lewis for] _____ Date [February 27, 1992] _____
Hank Honeywell
Division Administrator

By: Montana State Historic Preservation Officer

[Marcella Sherfy] _____ Date [February 27, 1992] _____
Marcella Sherfy, MSHPO

By: Advisory Council on Historic Preservation

[Robert D. Bush] _____ Date [March 16, 1992] _____
Robert D. Bush, Executive Director

Concur

By: Montana Department of Transportation

[Edrie Vinson] _____ Date [February 25, 1992] _____
Edrie Vinson
Environmental & Hazardous Waste Bureau

**Appendix 11. Programmatic Agreement Implementing the Roads and Bridges
Preservation Plan**

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE MONTANA STATE HISTORIC PRESERVATION OFFICE
AFFECTING HISTORIC ROADS AND BRIDGES
IN MONTANA**

WHEREAS, the Federal Highway Administration, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's ongoing program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an effect upon a certain class of properties included in or eligible for inclusion on the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Office (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C.470f); and

WHEREAS, the FHWA and the MDT have developed a Historic Preservation Plan regarding roads and bridges and that document has been subject to review under 36 CFR 800.13 and has been agreed to by FHWA, SHPO and the Council; and

WHEREAS, the MDT participated in the consultation and has been invited to concur in this Programmatic Agreement;

NOW THEREFORE, the FHWA, the Council, and the Montana SHPO agree that the program addressed in this Programmatic Agreement shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual undertakings of the program.

Stipulations

The FHWA will ensure that the following measures are carried out:

- 1) The FHWA and MDT will implement the Roads and Bridges HPP in lieu of compliance with 36 CFR §§ 800.4 through 800.6.
- 2) This Programmatic Agreement will remain in force for as long as the roads and bridges HPP is in force or unless Stipulation 9 of this Agreement is invoked.
- 3) FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.

- 4) The MDT will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, Montana SHPO and the Council for review, comment and consultation as needed.
- 5) The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested by a signatory to this Agreement or by a member of the public. FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities as stipulated in 36 CFR 800.13
- 6) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties consult in accordance with 36 CFR 800.13 to consider such an amendment.
- 7) Any party to this Programmatic Agreement may terminate it by providing, in writing, forty-five (45) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek arrangement on amendments or other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.
- 8) Should the Montana SHPO object within sixty (60) days to any stipulation pursuant to this Historic Preservation Plan, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:
 1. provide the FHWA and Montana SHPO with recommendations, which the FHWA and Montana SHPO will take into account in reaching a final decision regarding the dispute; or
 2. notify the FHWA and Montana SHPO that it will comment pursuant to 36 CFR § 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA and Montana SHPO in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA and MDT's responsibility to carry out all actions under this Historic Preservation Plan that are not the subjects of the dispute will remain unchanged.
- 9) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Alan M. Suter

Date: 7/17/97

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: [Signature]

Date: 7-9-97

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: [Signature]

Date: 7-8-97

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By: Joel M. [Signature]

Date: 7/8/97

**AMENDMENT
TO
PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE MONTANA STATE HISTORIC PRESERVATION OFFICE
AFFECTING HISTORIC ROADS AND BRIDGES
IN MONTANA**

WHEREAS, the Federal Highway Administration, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's on-going program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an effect upon a certain class of properties included in or eligible for inclusion on the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Office (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the FHWA and the MDT developed a Historic Preservation Plan regarding roads and bridges and that document was reviewed and accepted by FHWA, SHPO and the Council, and

WHEREAS, that document did not include historic roads constructed before the creation of the Montana State Highway Commission in 1913, requiring the necessity of including those properties under a Programmatic Agreement as specified in Part VI, Section A(5)(1)(a) of the MDT's Roads and Bridges Historic Preservation Plan (See Attachment 2), and

WHEREAS, that the existing Programmatic Agreement/Historic Preservation Plan is supplemented by this amendment and its underlying provisions remain in effect to the extent that they have not been completed, and

WHEREAS, the MDT participated in the consultation and has been invited to concur in this Programmatic Agreement;

NOW THEREFORE, the FHWA, the Council and the Montana SHPO agree that the program addressed in this Programmatic Agreement shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual undertakings of the program.

Stipulations

The FHWA will ensure that the following measures are carried out:

- 1) The FHWA and MDT will implement this amendment to the Historic Roads and Bridges Programmatic Agreement in lieu of compliance with 36 CFR §§ 800.4 through 800.6.
- 2) The MDT will acquire a 2± mile (10,560± linear foot) segment of the Mullan Road (24MN133) in Mineral County, Montana. The trail will be preserved and developed as a historic recreational/interpretive trail. The MDT will provide funding toward the development and interpretation of the trail and obtain a conservation easement on the property to assure its future preservation. The interpretive plan for the trail will be developed in cooperation with the Montana SHPO, the Montana Department of Fish, Wildlife & Parks and the Salish-Kootenai Tribal Preservation Office. The Mullan Road segment will be acquired by the MDT by June 30, 1999.
- 3) The MDT will provide \$13,000 to the Montana Historical Society for partial funding of a conference regarding the historically significant Bozeman Trail. The conference will encourage research into the development and use of pre-1913 roads and trails, their preservation and development and interpretation for the public benefit. Other funding for the conference will be secured from the Montana Committee for the Humanities, Wyoming Humanities Council, Bozeman Trail Association, Frontier Heritage Alliance and other private organizations. The conference will be held July 28 – 31, 1999 (See Stipulation 2 above).
- 4) The MDT's financial contribution to the conference will function, along with other stipulations of the existing Plan, as mitigation for individual undertakings where segments of historic pre-1913 roads and trails may be affected by MDT road and bridge reconstruction projects.
- 5) A list of MDT projects that have the potential to affect segments of historic pre-1913 roads and trails is attached (See Attachment 1).
- 6) The MDT will provide funding for the installation of ten historic markers on pre-1913 historic roads and trails that are adjacent to Montana's primary and secondary highway system. The marker locations will be determined by MDT and SHPO.
- 7) The MDT will continue to record and assign Smithsonian trinomial site numbers to segments of historic 19th century roads and trails located within the MDT's five administrative districts. Where particular roads and trails segments involve features or historic significance on a statewide or national level, the MDT will consult with SHPO to develop a plan to avoid and/or incorporate the property into the MDT's undertaking as specified in Part VI, Section 4 of the existing Roads and Bridges Historic Preservation

- 8) The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested by a signatory to this Agreement or by a member of the public. FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities as stipulated in 36 CFR 800.13
- 9) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties consult in accordance with 36 CFR 800.13 to consider such an amendment.
- 10) Should the Montana SHPO object within sixty (60) days to any stipulation pursuant to this Programmatic Agreement, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:
1. Provide the FHWA with recommendations which it will take into account in reaching a final decision regarding the dispute; or
 2. Notify the FHWA that it will comment pursuant to 36 CFR § 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this Programmatic Agreement that are not subjects of the dispute will remain unchanged.
- 11) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Alan W. Fowler

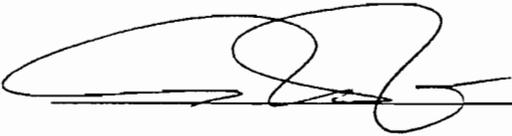
Date: 1/29/88

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: [Signature]

Date: 1-21-89

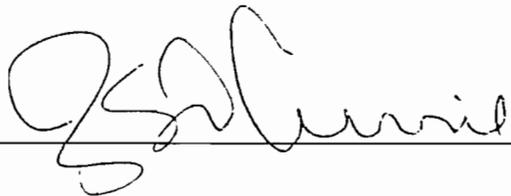
MONTANA STATE HISTORIC PRESERVATION OFFICER

By:  _____

Date: 1-14-99

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By:  _____

Date: 1/14/99