



January 4, 2012

Alan Woodmansey
Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

MASTER FILE
COPY

Subject: Statewide Pavement Preservation Project
NH 14-3(28)116
Shawmut - East
Control Number: 7596 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provision will be included in this project:

- PROTECTION OF AQUATIC RESOURCES
- ENVIRONMENTAL CONSERVATION & COORDINATION MEASURES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provision listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

Heidi Bruner, P.E.
Engineering Section Supervisor
Environmental Services Bureau

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidi Bruner, P.E.	Environmental Services Bureau Engr. Section Supervisor
Kevin Christensen, PE	Construction Engineer
Suzu Price	Contract Plans Bureau Chief
Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):

Montana Legislative Branch Environmental Quality Council (EQC)
Environmental Services File

HSB:egg:SAPROJECTS\BILLINGS\7000-7999\7596\7596ENPPCSPFHWA01.DOC

PROTECTION OF AQUATIC RESOURCES

Aquatic resources include, but are not limited to, wetlands, springs, streams (perennial, ephemeral, and intermittent drainages), rivers, lakes, ponds, reservoirs, irrigation systems, and associated riparian areas.

Impacts to aquatic resources are not anticipated in association with this project. MDT has NOT acquired any water quality permits or authorizations, including a Clean Water Act Section 404 permit (COE), a Stream Protection Act 124 (MFWP), or a 318 Authorization (DEQ). Therefore, impacts to any and all aquatic resources located adjacent to the project are not permitted. Avoid all equipment traffic, fill material, staging activities and other disturbances to aquatic resources.

In areas adjacent to any water body; including streams, irrigation ditches, wetland areas or in areas immediately adjacent to the highway susceptible to sediment transport conduct operations in a manner to avoid placement of materials in these areas.

Any impacts to these areas and associated consequences, without the proper permitting, are the responsibility of the Contractor. The Contractor must secure the appropriate permits or authorizations prior to working in these areas. If complete avoidance of these areas is not possible, contact the Project Manager immediately and coordinate the permitting effort with the District Biologist at 444-7227 or the District Environmental Engineering Specialist at 657-0273.

ENVIRONMENTAL CONSERVATION & COORDINATION MEASURES

Description. This provision specifies requirements to avoid and minimize impacts to bald and golden eagles which are state sensitive species and receive Federal protections pursuant to the Federal laws. Eagles are protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

General. There are two known golden eagle nests located to the south of this project, one nest is located in Section 32, T7N, R18E 0.40 miles south of US 12 and the other nest is located in Section 10 (NE ¼) of T6N, R19E 0.52 miles south of US 12.

A. Construction Requirements. The restrictions listed below pertain to all construction activities, including activities located outside of the construction limits (borrow sites, staging areas, etc.).

Eagle Protection and Conservation:

- Activities not allowed within a ½ mile of an active eagle nest -- Between February 15 and August 1, do not conduct operations that produce extremely loud noises such as blasting, driving piling, gravel crushing, etc.
- Activities not allowed within a ¼ mile of an active eagle nest -- Between February 15 and August 1, do not conduct the above mentioned activities plus any linear construction activities such as grading, cutting or removal of over story trees, etc.
- Promptly remove any animal carcasses from near the road to reduce the chance of eagles being attracted to the carcass and being killed or injured by vehicles collisions.

If the contractor anticipates that any construction related activities will be performed within ½ mile of an active eagle nest, roost site or seasonal concentration area, or has any questions concerning the application of the regulations promulgated to protect this species, contact the MT Fish, Wildlife and Parks or the MDT District Biologist (406)-444-7227 to identify any restrictions that may apply to your project planning, anticipated construction activities, and project scheduling.

B. Basis of Payment. All work and other costs associated with coordinating with the appropriate governmental agencies and any restrictions to construction or other requirements associated with this provision are considered incidental to other items of work and no separate payment will be made.

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

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

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

Project Number: NH 14-3(28)116 Control No 7596000 Project Name: Shawmut - East
 Reference Post (Station): 116.456 To Reference Post (Station): 124.95
 Applicant's Name: Montana Department of Transportation Address: PO Box 201001; Helena, MT 59620-1001
 Type of Proposed Pavement Preservation Activity: Mill and overlay

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)			
Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
	Yes	No	Comment (Use attachments if necessary)
1. Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a. Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Unknown <i>Greater Sage Grouse (candidate species)</i>
2b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Unknown <i>Due to limited scope of work, this project not likely to jeopardize critical habitat of this species</i>
3. Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
3b. Is the proposed project within an MS4 Permit Area? (See http://deq.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp.x). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input type="checkbox"/>	<input type="checkbox"/>	
4. Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
4b. If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
5. Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deq/remsitequery/portal.aspx)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deq.mt.gov/AirQuality/Planning/AirNonattainment.mcp.x) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L. Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

Ryan Dahlke
Applicant
[Signature]
Approved by:
[Signature]
Environmental Services

Project Design Engineer
Title
ENVIRONMENTAL ENGINEERING
SECTION SUPERVISOR
Title

12/20/2011
Date
1/3/12
Click here to enter a date.
Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.