



June 8, 2016

Kevin L. McLaury
Division Administrator
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

Attention: Jeff Patten

Subject: Categorical Exclusion Concurrence Request
Toston Structures
NH 8-4(65)86
UPN 7668001

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ENVIRONMENTAL



Dear Mr. McLaury:

This submittal is a request for the Federal Highway Administration's (FHWA) concurrence that this proposed project meets the criteria for classification as a Categorical Exclusion (CE) under the provisions of 23 CFR 771.117(d). This proposed action also qualifies as a CE under the provisions of ARM 18.2.261(1).

Project Background

The Toston Structures project proposes the replacement of two structures in the Toston vicinity over the Missouri River and the MRL Railroad with reconstruction of roadway to connect each with contiguous projects.

The Toston Structures project was nominated to reconstruct US Highway 287 (US 287) between the Townsend-South Passing Lanes project and the recently completed Toston-South project. MDT in cooperation with Broadwater County initiated a planning study that assessed and identified improvement options associated with multiple highway alignments for the 2.8-mile segment between Route Post (RP) 86.3 and RP 89.1. This planning level corridor study grouped highway alignments into three general corridors, the west, central and east. The Corridor Study concluded that either the central corridor path or the eastern corridor path would be suitable for development of a new US 287 alignment.

Consequently preliminary structure designs and a single roadway alignment were advanced in both the central and east corridors to determine and compare resource impacts, environmental, traffic, bridge, hydraulics, soils, irrigation and floodplain considerations, as well as right-of-way requirements and project costs. Based on the outcome of a Risk Assessment workshop conducted by MDT on September 24, 2014, a Value Analysis study performed by MDT from September 29 to October 3, 2014, the Alternatives Analysis prepared by Morrison-Maierle, Inc. (October 2014), and comments received at a public meeting held on October 29, 2014, where

MDT expressed its preference for an alignment in the central corridor, MDT made the decision to advance an alignment in the central corridor at a meeting on December 8, 2014.

Project Location

The project is located in Broadwater County Montana, south of Townsend along National Highway Route 8 / US 287 near Toston. Project limits begin in Section 10, Township 5 North, Range 2 East and end in Section 27, Township 5 North, Range 2 East and are tied to mileage reference posts, RP 85.9 on the north end of the project to RP 89.3 on the south.

Project stationing increases from north to south; the reference points also increase from north to south. Within this segment is the intersection with Secondary 285 (Radersburg Road), on the south side of the Missouri River. The project length is approximately 3.5 miles. The functional classification is Rural Principal Arterial.

Refer to Figure 1 for approximate project limits.

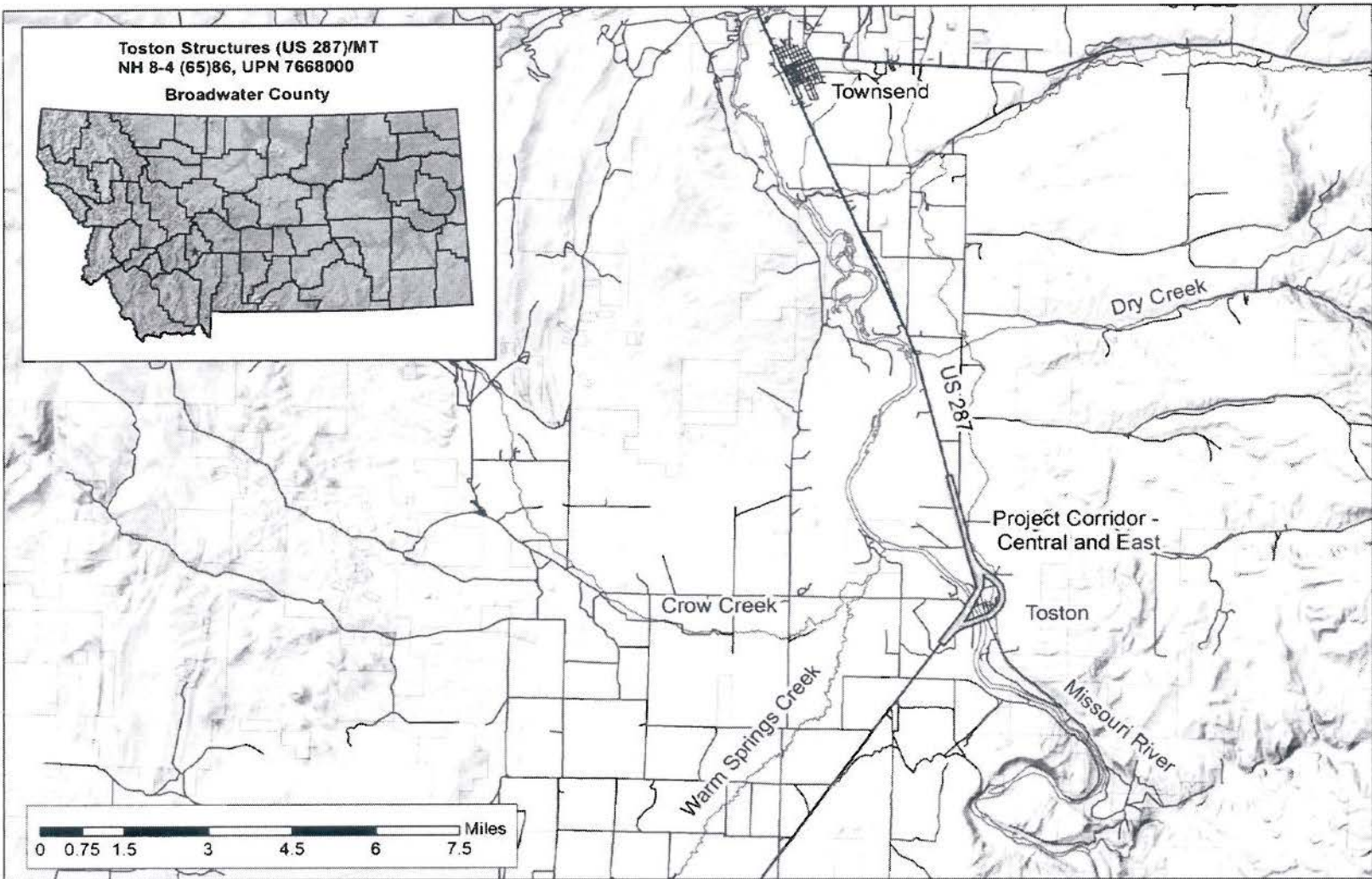


Figure 1. Project Location Map

 <p>MORRISON MAIERLE, INC. <i>An Engineer/Owner Company</i></p> <p><i>Engineers Surveyors Scientists Planners</i></p> <p>1 Engineering Place Helena, MT 59602 Phone: (406) 442-3053 Fax: (406) 442-7882</p>		DRAWN BY: GH CHK'D BY: _____ APPR. BY: _____ DATE: 11/15/2013	Toston Structures		PROJECT NO. 0275138
			Vicinity Map		FIGURE NUMBER FIGURE 1

Existing Conditions

The existing two-lane roadway is in a rural setting within the valley formed by the Missouri River as it flows north from the Toston Dam to Canyon Ferry Lake between the Elkhorn Mountains to the west and Big Belt Mountains on the east. This valley is primarily composed of irrigated and dry land agricultural uses on level terrain. The majority of the land adjacent to the highway is privately owned residential homes, ranches and agricultural land. Land use adjacent to the roadway includes irrigated agriculture fields, livestock management and grazing, and rural residential properties. There are also a few small businesses and commercial operations in the area.

The existing roadway north of Toston was initially constructed in the late-1930's, with two 12' driving lanes and 4' shoulders. The segment of roadway crossing the Missouri River and the MRL railroad tracks was constructed in the mid-1950's with 12' driving lanes and 4' shoulders.

The MRL railroad bridge is classified as functionally obsolete; eligible for rehabilitation. Five connection plates and fracture critical transverse girders are cracked. Connection plate crack growth was documented in Spring 2014. The bridge is currently on a special quarterly inspection cycle to monitor the cracks.

Purpose and Need

US 287 is an important state highway connecting Three Forks and Interstate 90 to Helena, Montana, and surrounding communities. The segment of US 287 between RP 85.9 and 89.3 is inadequate for future traffic volumes and desired operating characteristics. The following needs within this segment have been identified:

- The existing roadway is over 70 years old and does not meet current geometric design standards as outlined in MDT's Road Design Manual.
 - Inslopes are steep, ranging from 4:1 to 1.5:1.
 - One horizontal curve has a radius less than current minimum.
 - No spiral curves are used to introduce the transition from tangent to curve.
 - Two vertical curve lengths do not meet minimum standards.
- In a recent 5-year period, this segment of the corridor had higher crash and severity rates than the statewide averages for similar highways.
- The bridge over the BNSF/Montana Rail Link railroad tracks is functionally obsolete and nearing the end of its useful life.

The purpose of the proposed Toston Structures project is to improve highway traffic safety, functionality, and operations on this segment of US 287 to accommodate existing and future traffic demands for the diverse nature of traffic on the corridor, and to cost-effectively improve the physical conditions of the roadway surface and bridge structures. Reconstructing the roadway is needed to bring this section of US 287 up to the contemporary geometric design criteria applicable to this National Highway System route. This project also needs to replace the existing bridges on this segment with new structures that will be functional over their 75-year design life.

More specifically, the purpose of this project is to continue highway widening improvements from the end of the Townsend-South Passing Lanes project through the Toston area to efficiently connect to highway improvements of the Toston-South project with a highway crossing over the Missouri River and the BNSF/Montana Rail Link railroad tracks.

To accomplish this purpose, specific project elements will:

- 1) Design new bridges to a minimum of 4-lane (64 feet) width;
- 2) Construct horizontal and vertical curves to applicable MDT design criteria;
- 3) Construct slopes to applicable MDT design criteria;
- 4) Improve the geometric layout at major intersections to reduce traffic conflicts and crashes;
- 5) Improve safety for through traffic;
- 6) Improve the driving surface;
- 7) Replace all existing culverts, structures and bridges to accommodate the wider roadway;
- 8) Maintain the grade separation between the highway and the railroad tracks;
- 9) Maintain access to the community of Toston and adjoining properties;
- 10) Incorporate physical changes to the roadway and its adjoining environment so the highway's design complies with MDT's geometric design criteria for Rural Principal Arterials;
- 11) Preserve railroad operations during construction; and
- 12) Maintain traffic flow on Highway 287 during construction.

Project Description

Expected construction activities with this alignment include:

- Construct 3.5 miles of new roadway to current geometric standards;
- Provide two through-lanes in each direction, 8' wide outside shoulders, and where required a 12' wide center lane striped for use as either a dedicated left-turn lane at major intersections, or as a two-way left-turn lane for minor approaches;
- Replace the bridge over the Missouri River with a new 4-lane structure;
- Replace the bridge over the BNSF railroad tracks (managed by Montana Rail Link) with a new 4-lane structure;
- Construct a new 5-lane box culvert structure spanning Sixmile Creek;
- Install new guardrail;
- Improve drainage with roadway ditch modifications; and
- Remove existing bridges and structures.

Impact Assessment Methodology

In order to assess the environmental consequences of the proposed action, the direct, indirect, and cumulative effects must be identified and their significance determined. Direct effects are caused by the action and occur at the same time and place (as defined in 40 CFR 1508.8). Indirect effects are also caused by the action but farther removed in distance or are later in time. Indirect effects must be reasonably foreseeable, and may include growth-inducing effects.

The impacts of the proposed action also must be evaluated in context with other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such activities. This process of cumulative effects analysis may indicate increased level of impacts or may reveal unique or new impacts that are not identifiable at an individual project level.

The significance of the specific impacts is determined by considering both context and intensity. Significance determinations of the proposed action are made by evaluating the direct, indirect and cumulative effects.

Past, Present, and Future Actions

US 287 was constructed in the 1930's, with the segment over the Missouri River and railroad tracks reconstructed in the mid-1950's.

In addition to the proposed Toston Structures NH 8-4(65)86 project, Townsend - South Passing Lanes (NH 8-4(53)82, CN: 1420001), and Townsend – South (MT-NH_STPE 8-4(44)78, CN 1420), hereinafter referred to as “Townsend – South” was constructed in 2011 and 2012, and Toston – South (NH 8-4(47)89, CN: 5814), was constructed in 2015. Traffic growth is anticipated at 1.5% through the 2038 design year, and based on the large agricultural land uses in the area and sparse population densities, substantial land development is not expected to occur as a result of MDT's proposed projects in the area.

No other current or future activities were identified for the project area.

Project Impacts, Proposed Mitigation and Determination of Significance

Table 1 summarizes the direct, indirect and cumulative impacts anticipated for the proposed Toston Structures project; the proposed mitigation, monitoring, and/or special coordination for each resource; and the determination of significance of identified impacts. Significance determinations were based on the criteria specified in 40 CFR 1508.27 and ARM 18.2.238.

Resource	Description	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
Vegetation	<p>The project area primarily consists of grassland foothills with riparian forested areas. The grasslands consist of irrigated and non-irrigated pasture / rangeland, open meadows, and roadside areas with species of crested wheatgrass (<i>Agropyron cristatum</i>), needle and thread grass (<i>Hesperostipa comata</i>), and fescue (<i>Festuca spp.</i>).</p> <p>Pastures have been heavily grazed and have species composition associated with grazing. Vegetation includes spotted knapweed (<i>Centaurea maculosa</i>), cheatgrass, tall tumble mustard (<i>Sisymbrium altissimum</i>), common dandelion (<i>Taraxacum officinale</i>), crested wheatgrass, spreading bent (<i>Agrostis stolonifera</i>), musk thistle (<i>Carduus nutans</i>), and field bindweed (<i>Convolvulus arvensis</i>).</p>	<p>Temporary: In order to construct the proposed project, some removal of trees, shrubs, and vegetation would be required. These losses would be limited to the minimum amount necessary to construct the project.</p> <p>Additionally, clearing and grubbing activities conducted during construction may result in the invasion and/or spread of noxious weeds.</p> <p>Permanent: Bridge replacements, highway realignment and widening would have a net impact of approximately 20 acres of vegetation permanently removed and replaced with paved surface.</p> <p>Implementation of topsoil, seeding and revegetation components would be a long term benefit to natural resources.</p>	<p>In accordance with Standard Specification 201, clearing and grubbing activities would occur only within staked construction limits. To control the spread of noxious weeds, the contractor would be required to wash equipment prior to transport into the project area as specified in Standard Specification 107.11.5.</p> <p>To re-establish permanent vegetation and to reduce the spread and establishment of noxious weeds, disturbed areas within MDT right-of-way and easements would be seeded with desirable plant species, as soon as practicable, as recommended and determined feasible by the MDT Botanist.</p> <p>Post-construction, the site would be monitored until final stabilization criteria are met.</p>	<p>Cumulative impacts to vegetation were approximately 44 acres permanently removed and replaced with paved surface for Townsend - South and Toston - South combined.</p>	<p>Not Significant.</p> <p>Although some loss of vegetation is expected, the loss is considered minor when compared to the amount of vegetation present in the project area.</p>

Resource	Description	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
Prime Farmland	<p>No farmland of statewide, local, or of unique importance is present in the project area. Approximately 50 acres of prime if irrigated designated soils exist within the limits of the project. Of these, approximately 25 acres appear to be irrigated resulting in the equivalent amount of prime farmland that would be impacted by ROW acquisition.</p>	<p>ROW acquisition would have impacts to prime farmlands <i>if irrigated</i>, especially at locations where center pivot irrigation systems are affected. Based on the requirements of the Farmland Protection Policy Act a Farmland Conversion Impact Rating form NRCS-CPA-106 was completed and then reviewed by NRCS for this project and scored 167 out of a total of 260 points. The corridor study process evaluated the alternatives to minimize impacts to farmland and determined this alignment was preferred.</p> <p>However, there is the potential for one parcel that is currently farmed to have approximately four acres of farmland indirectly converted to non-farmable from the ROW acquisition for this project.</p>	<p>Work with farmers to modify center pivot irrigation systems and minimize impacts to irrigated farmland to the extent practicable.</p>	<p>Approximately 60 acres of prime farmland was directly converted with Townsend - South and 24 acres with Toston – South.</p>	<p>Not Significant.</p> <p>As a percentage of the prime farmlands in the area, project impacts are minor.</p>
Cultural and Historic sites, including Section 4(f) Properties	<p>The cultural investigation documented eight historic sites within the inventory area. Four previously recorded sites were</p>	<p>Three NRHP eligible sites including one of the irrigation ditches (24BW0836) and two of the bridges (24BW1123 and 24BW1124) would be</p>	<p>Although no adverse impacts to cultural or historic resources are anticipated, should evidence of historic or pre-historic sites be</p>	<p>SHPO concurred with either No Effect or No Adverse Effect determinations made for eligible or impacted</p>	<p>Not significant.</p> <p>Bridges are not eligible for inclusion in the NRHP and the project was</p>

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	<p>updated, including two irrigation ditches (the Broadwater-Missouri Canal [24BW0499] and the Big Springs Ditch [24BW0836]), one railroad (the Northern Pacific Railway Main Line [24BW0818]) and the Radersburg Historic Mining District (24BW0887).</p> <p>Four new sites were identified, consisting of two highway bridges - the Missouri River Bridge and the Northern Pacific Railway Overpass (24BW1123 and 24BW1124 respectively), the Toston Fire Department (24BW1126), and the Bunkhouse Bar and Grill (24BW1127).</p> <p>Both irrigation ditches, the railroad and the mining district were previously determined eligible for listing in the National Register of Historic Places (NRHP) by Consensus Decision. The remaining four sites are recommended ineligible</p>	<p>impacted by this project. SHPO concurred with MDT that the proposed project would have No Effect to the Broadwater-Missouri Canal, and No Adverse Effect to the Big Springs Ditch. Although 370 feet of the Big Springs Ditch would be impacted by placement of the canal in a box culvert, this impact is not anticipated to affect the integrity or operation of the historic irrigation facility. The two bridges would be replaced by this project.</p> <p>SHPO concurred with MDT's determination that the Toston Fire Department, and the Bunkhouse Bar and Grill are ineligible for listing in the NRHP.</p> <p>SHPO also concurred with MDT's decision to treat the Missouri River Bridge and the Northern Pacific Railway Overpass bridges as NRHP-ineligible under FHWA's <i>Program Comment Issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges</i>. Subsequent</p>	<p>discovered during construction, in accordance with MDT Standard Specifications 107, the contractor would be required to immediately stop work in the area until the significance of the site is determined and appropriate measures implemented.</p>	<p>historic cultural resource sites eligible for the NRHP from the Townsend - South project.</p> <p>For the Toston – South project, No Effect determinations were also made by MDT for impacted historic cultural resource sites eligible for the NRHP. SHPO has concurred with these determinations.</p>	<p>determined to have No Effect on the Broadwater-Missouri Canal. Although 370 feet of the Big Springs Canal would be impacted by placement of the canal in a box culvert, this impact is not anticipated to affect the integrity or operation of the historic irrigation facility.</p>

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	<p>for NRHP listing.</p> <p>No additional historic or cultural resources were identified during the inventory within the project area.</p>	<p>to SHPO's signing of the determination and as part of the FAST Act, the Advisory Council on Historic Preservation (ACHP) issued a Program Comment at the request of FHWA to relieve it and other Federal Agencies of the requirement under Section 106 of the NHPA to consider the effects of undertakings of common bridges and culverts constructed of concrete and steel after 1945.</p>			
Air Quality	<p>The project area is not in a non-attainment area. Air quality is generally considered good.</p>	<p>Temporary: Construction activities would have a short-term impact on air quality. Wind erosion of exposed areas and material stockpiles would generate PM emissions. Additionally, combustion emissions from construction equipment would be expected.</p>	<p>In accordance with MDT Standard Specification 107, the contractor would be required to adhere to applicable air quality rules and regulations, which may require the use of dust suppression and emission control measures to minimize short-term construction-related impacts.</p> <p>Additionally, the Contractor would be required to re-vegetate disturbed areas as described above.</p>	<p>Additional impacts from construction of MDT's previous corridor improvements resulted in similar short-term, construction-related impacts to air quality. However, these construction activities are not expected to occur at the same time as the proposed project. As such, no cumulative impacts are expected. No potential cumulative impacts have been identified.</p>	<p>Not Significant.</p> <p>Anticipated impacts are localized, temporary and considered minimal.</p>

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Water Quality	<p>Bridge improvements over the Missouri River and replacement of the bridge over Sixmile Creek would include the removal and replacement of existing structures within the bed and banks of the water bodies, and replacement with new structures. The new bridge over the Missouri River would not drain storm water and runoff directly to the river.</p> <p>The only Public Water Supply System in the project area is the transient non-community system serving the Bunkhouse Bar and Grill.</p> <p>Private well locations are not anticipated to be impacted by the project.</p>	<p>Temporary: Temporary, construction-related impacts to water quality include increased potential for erosion, reduced slope stability, storm water runoff, and increased turbidity resulting from the disturbance of waterway bottoms and re-suspension of existing sediments in the water column. Minor increase in sedimentation and turbidity would likely occur within and downstream from these areas.</p> <p>Permanent: A small increase of impervious surface area through roadway widening is expected, resulting in increased runoff with negligible change to water quality.</p> <p>Long-term impacts to water quality within the project corridor are not anticipated due to requirements for revegetation of disturbed areas.</p> <p>One public water supply well (Bunkhouse Bar) and two private domestic wells exist in the immediate vicinity of the</p>	<p>In accordance with MDT Standard Specifications 107 and 208, the contractor would be required to adhere to applicable water quality rules, regulations, and permit conditions.</p> <p>Erosion and sediment control(s) would be required as necessary to minimize damage to the highway and adjacent properties and abate pollution of surface and groundwater resources. Routine site monitoring would be conducted as necessary to ensure pollution control measures are installed, maintained, and functioning correctly.</p> <p>The location of the Bunkhouse Bar Public Water Supply well will be noted on the project plans and the Contractor will not be allowed to stage equipment or work within the 100 foot radius of the well (well isolation zone).</p> <p>The realignment of HWY 287 Bypass Road is being designed to avoid the private well. In the event the well is</p>	<p>Work within stream channels tributary to the Missouri River for new structures at Deep Creek, the Deep Creek Overflow, Greyson Creek, and Dry Creek was performed on the Townsend - South project. No work in natural streams occurred on the Toston – South project.</p>	<p>Not Significant.</p> <p>Although it is anticipated that there would be a small increase in impervious surface, and resulting runoff, with this project as well as past actions, this increase is limited to a small percentage of the overall land in the corridor vicinity. Therefore, only negligible increases of runoff would be expected.</p> <p>The effects of increased sedimentation and turbidity are anticipated to be short term and minor.</p> <p>No interruption of water service, or decrease in water quality at the Bunkhouse Bar and Grill is anticipated, as the new highway</p>

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		<p>project. Public and private well locations have been identified by the subsurface utility survey, photogrammetry and pick-up survey for the project. A public comment was received regarding concerns for a private well located in close proximity to the HWY 287 Bypass which is a county road. Current plans do not indicate that this well will be impacted with the relocation of a portion of this county road with the project.</p>	<p>impacted, the project would mitigate this impact by redrilling the well in a new location on their property and reconnecting their domestic water service line.</p> <p>Permanent erosion and sediment controls would be installed at box culvert ends, bridge abutments, and bridge deck drainage outfall locations as appropriate.</p> <p>Bridge deck drainage and runoff would be designed so as not to discharge directly to the Missouri River or its tributaries.</p> <p>Tree clearing adjacent to streams would be limited to the minimum amount necessary to construct the project.</p>		<p>construction would not encroach on the Bar and Grill property.</p> <p>Other existing private wells in the project area would not be affected.</p>
Floodplains	The project is within the FEMA delineated floodplain for the Missouri River.	Localized impacts may occur. However, the Broadwater County floodplain administrator has indicated the County will require that this project would not increase the existing 100-year Base Flood Elevation (BFE) at a LOMA property approximately 1,200'	With the exception of removal of the existing structure, no additional mitigation or monitoring is proposed.	The Townsend - South project resulted in transverse encroachments on delineated floodplains at Deep Creek and Greyson Creek and a longitudinal encroachment on the delineated floodplain of the Missouri River	Not Significant With the 'No-Rise' requirement, the overall impact to the floodplain is not anticipated to be significant.

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		upstream from the existing Missouri River bridge. This will require a 'No-Rise' analysis to document that the proposed bridge crossing, along with removal of the existing US 287 bridge, would meet this requirement.		between RP 83 and RP 84. Toston – South had no impacts to designated floodplains.	
Wild and Scenic Rivers	The Missouri River is only designated Wild and Scenic from Fort Benton downstream to Robinson Bridge. Therefore no Wild or Scenic River segments are within the project area.	N/A	N/A	N/A	N/A
Wetlands	Approximately 5.5 acres of wetlands were delineated within the Toston Structures project area. The wetlands delineated within the project corridor were classified as Category III or IV.	<p>Temporary: Some wetland/riparian areas may be compacted or trampled due to movement and operation of construction equipment.</p> <p>Permanent: Final impact areas will be determined as the design progresses. Impacts to any individual wetland is anticipated to be less than 0.5 acre and total project impacts are expected less than one acre to complete project activities.</p>	<p>Impacts to wetlands would be avoided and minimized to the maximum extent practicable, including through consideration of design exceptions.</p> <p>Unavoidable permanent wetland impacts would be mitigated in accordance with the Clean Water Act and Executive Order #11990.</p>	<p>The Townsend – South Project resulted in 14.2 acres of permanent impacts to delineated wetlands.</p> <p>Those impacts were permitted through the US Army Corps of Engineers and were mitigated at the Woodson wetland mitigation site.</p> <p>Toston – South had no impacts to wetlands.</p> <p>Wetland impacts from other projects or activities by other entities besides</p>	<p>Not Significant.</p> <p>These wetland impacts are less than one acre and considered minor and all permanent impacts to wetlands for this project and other projects in the area have been (or will be) mitigated to ensure no net loss of wetland acreage.</p>

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				<p>MDT are not known. However, the low rate of growth and land development in this area likely limits the possibility of significant additional wetland impacts.</p>	
<p>Fish and Wildlife</p>	<p>The Toston Structures project area is a travel corridor for wildlife as they move seasonally or daily between the Big Belt Mountains in the east to the open valley agriculture fields and plains to the west. The Missouri River also provides an important dispersal pathway and water source for animals in the general vicinity.</p> <p>Wildlife habitat for a range of species including moose, deer, coyote, skunk, raccoon, neotropical migrant birds, raptors, game birds, and waterfowl. Aquatic species present in the general project area include numerous fish species.</p> <p>Six animal species of</p>	<p>Temporary: Construction activity would likely disrupt some animal use including foraging, denning, nesting, and migration.</p> <p>Construction activities could disrupt migratory movements of deer and their use of adjacent habitat through their temporary avoidance of the area. This should not prevent them from moving between seasonal ranges.</p> <p>Sediment generated from construction activities could have short-term impacts on water quality and fish. Fish and their offspring generally are most vulnerable to increase in sediment delivery during their spawning season. Rainbow trout, white sucker, long-nosed dace, mottled sculpin spawn in spring and early summer.</p>	<p>Timing restrictions on certain construction activities are anticipated and would be coordinated with MT Fish Wildlife and Parks (FWP) or other agencies and included in the contract documents as special provisions.</p> <p>To reduce potential impacts to native fish, construction activities in the stream and river and on the river and stream banks should occur late summer/fall. Specific dates would be determined through agency coordination.</p> <p>A wildlife mitigation feasibility study was completed as part of this project. The study focused on public safety, animal-vehicle collisions / carcasses, as well as wildlife connectivity issues. The following wildlife mitigation measures incorporated into</p>	<p>Townsend - South was constructed in 2011 and 2012, and Toston – South was constructed in 2015. Therefore, construction-related noise, construction traffic and water quality impacts occurred intermittently at each project area within the Townsend to Three Forks corridor.</p>	<p>Not Significant.</p> <p>Although some habitat would be permanently lost, impacts to fish and wildlife are expected to be short-term and minor. The decision of whether to include or not include wildlife mitigation measures will not affect the determination of the significance of the wildlife impacts from this project.</p>

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	<p>concern occur or potentially occur in the project area. These are: great blue heron, bald eagle, pinyon jay, golden eagle, ferruginous hawk, and bobolink.</p> <p>No aquatic species of concern are listed in the MNHP database within a 1 mile radius of the project.</p>	<p>Brook and brown trout along with the mountain whitefish spawn in the fall.</p> <p>There would likely be noise disturbance associated with construction activities that displaces animals or renders habitat less desirable or unusable.</p> <p>Permanent: Direct and permanent loss of wildlife habitat would occur with the realignment and widening of the highway and structures. There would likely be some loss of riparian area. However, areas impacted are anticipated to be small and not of high quality due to the proximity to a major highway.</p> <p>A loss of individual birds, nests, and/or broods could occur if ground disturbing activities, such as clearing ground for the new alignment, take place during the nesting and brood-rearing period (May through August) and if nests or broods are in the construction zone.</p>	<p>project:</p> <ol style="list-style-type: none"> 1. Wildlife Crossing Signs (Passive) 2. Exclusion fencing 3. Wildlife jumpouts <p>To minimize potential loss of individuals, nesting activities should be discouraged by removing trees and shrubs identified for elimination between August 16 and April 15 (prior to nesting season). Similar considerations should be given for removal of vegetation for ground nesters.</p> <p>Timing restrictions for vegetation and structure removal, as outlined in the Bald and Golden Eagle Protection Act and Migratory Treaty Act, would be implemented through special provisions, as appropriate. If active nests are found, additional agency coordination would occur and timing restrictions may apply.</p> <p>BMPs for erosion and sedimentation control would be employed by the contractor to limit potential silt impacts on aquatic</p>		

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			<p>species.</p> <p>In accordance with MDT Special Provisions 107-20 through -26 and 208-1, the contractor would be required to adhere to applicable water quality rules, regulations, and permit conditions.</p> <p>Additional coordination with agencies would be required if any individuals or active nesting are found and timing restrictions may be required.</p>		
Plant Species of Special Concern	The MNHP database did not identify plant SOC within 1.0 mile of the project area. However, Ute ladies' tresses do occur in the project area and are discussed in the T&E Section of this Table.	None.	N/A	None were identified	Not Significant.
Threatened and Endangered (T&E) Species	Two listed T&E species could potentially occur within the project area. Ute ladies' tresses is listed threatened and suitable habitat as well as identified plant locations are located within the project area. Sprague's pipit, a candidate species, has	<p>Temporary: Short-term, construction-related impacts to Ute ladies' tresses and Sprague's pipit are not expected.</p> <p>Permanent: Limited loss of fish, wildlife and plant habitat may occur as described above.</p>	<p>Ute ladies' tresses: Ute ladies' tresses and their typical habitat do exist within the project area.</p> <p>MDT will continue annual population surveys up to and during construction during the flowering period in late August.</p>	Although design for the proposed project was developed with a goal of avoiding known populations of Ute ladies' tresses, Townsend - South was determined to May Affect, Likely to Adversely Affect Ute ladies' tresses since the	The Townsend South Project has been constructed and did not have any known impact on the Ute ladies' tresses population in that location. Therefore we consider any

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	<p>very limited potential to occur in the project area.</p> <p>Surveys for the Ute ladies tresses have indicated their presence within the project area. However, the Sprague's pipit has not been observed and is typically associated with native grasslands which are not present within the project area.</p>	<p>Ute ladies' tresses typical habitat is within the project area north of the Missouri River and west of US 287. Preliminary design efforts have avoided known populations and habitat resulting in a preliminary determination of no effect for the ESA listed threatened Ute ladies' tresses.</p> <p>Based on existing habitat conditions and professional opinion of this species' requirements, it is preliminarily determined that this project is not likely to jeopardize the continued existence of the ESA listed candidate Sprague's pipit.</p>	<p>A "Do Not Disturb" area around the plants would be designated on the plans and included in the contract documents.</p> <p>Prior to construction, a qualified botanist/biologist from Morrison-Maierle, (MDT's design consultant for this project) under the direction of the MDT District Biologist, will verify the extent of the population within project area and delineate the appropriate "Do Not Disturb" area for staking in the field. This requirement will be included in the contract documents.</p> <p>Although direct impacts to Ute ladies tresses are not anticipated, mitigation of indirect impacts to suitable Ute ladies tresses habitat will be included into the project construction documents with MDT standard specifications and special provisions.</p>	<p>project was impacting suitable habitat for this plant species.</p>	<p>impacts associated with this resource would be Not Significant.</p>
Utilities and Railroads	<p>Utilities within the project area include underground power, phone, and fiber optic lines and overhead</p>	<p>Few, if any, impacts to utilities are expected. A temporary interruption of service may occur if</p>	<p>Proposed mitigation for utilities includes relocating power poles and lines, phone lines and</p>	<p>The Townsend - South and Toston - South projects also had minor impacts to utilities that</p>	<p>Not Significant. Few impacts are anticipated.</p>

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	<p>power distribution lines along the corridor.</p> <p>Montana Rail Link has an operating lease on the BNSF-owned trackage that exists within the project area.</p>	<p>relocation of lines becomes necessary.</p> <p>Utility relocations may be necessary as a part of this project and if necessary would include limited overhead power and pole adjustments. The utility companies would make the final determination on the nature, type and degree of relocation necessary.</p> <p>The existing bridge over the RR tracks would be removed and replaced with a new structure that meets the RR's requirements for access, expansion and drainage through their ROW. An easement for occupancy of the bridge and appurtenances on RR property would be required.</p>	<p>appurtenances within the project limits.</p> <p>The fiber optic line located in MRL right-of-way would be protected in-place.</p> <p>Coordination with utility companies would occur as necessary. Notification of service interruption due to relocation would be the responsibility of the appropriate utility line owner.</p>	<p>were mitigated through relocations.</p>	<p>Impacts that do occur are expected to be short-term, construction related impacts that would be coordinated with the appropriate entities.</p> <p>Since replacement of the existing bridge structure over MRL operated BNSF RR trackage would be done to meet RR requirements this impact is not considered significant.</p>
Hazardous Materials	<p>A desktop review of existing information did not reveal the presence of hazardous waste or substances on and/or adjacent to the proposed project.</p>	N/A	N/A	N/A	<p>Not Significant.</p> <p>No impacts anticipated.</p>

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Visual Resources	The Toston Structures project will have layouts and aesthetics similar to the existing facility.	<p>Temporary: Short-term visual impacts are anticipated from construction equipment and activity.</p> <p>Permanent: Some changes to visual impacts are anticipated from the revised roadway alignments and bridges because these facilities would add traffic capacity and turn lanes.</p>	Disturbed areas would be re-vegetated as described above.	The Townsend - South and Toston – South projects also had minor impacts to visual resources through additions of passing lanes	<p>Not Significant.</p> <p>Visual impacts are considered localized and relatively minor at the landscape scale.</p>
Noise	Because the project includes the addition of through-traffic lanes the activities associated with the proposed road/bridge construction meet a "Type I" project, as defined in 23 CFR 772.5(h) and therefore, a preliminary traffic noise analysis was completed and evaluated potential noise impacts related to both corridors.	<p>Depending on the type of land use, traffic noise impacts occur if the predicted traffic noise levels are between 66 and 71 dBA or greater in the Design Year of a project, or if the predicted traffic noise levels are at least 13 dBA higher than the Present Year noise levels.</p> <p>Temporary: Short-term, localized noise impacts are anticipated from construction equipment.</p> <p>Permanent: Based on the preliminary traffic noise analysis completed for the Toston Structures project, no traffic noise impacts are anticipated to occur through the 2038 Design Year.</p>	In accordance with MDT Standard Specification 107, the contractor would be required to comply with applicable laws and regulations regarding noise pollution.	Townsend - South was constructed in 2011 and 2012, and Toston – South was constructed in 2015.	<p>Not significant.</p> <p>Although short-term construction related impacts are anticipated, these impacts are considered minor and no permanent noise impacts were identified by the preliminary noise analysis.</p>

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Land Use	Land use adjacent to the project corridor consists of private pasture land and irrigated agricultural lands, a public fishing access site, rural residential and a few commercial lands and enterprises.	<p>This highway and bridge replacement and improvement project is not expected to change adjacent land use.</p> <p>Although right-of-way would be acquired, it is expected that this acquisition would result in negligible land use changes in the project area.</p>	No mitigation or monitoring is proposed.	Although new right-of-way was acquired on the Townsend - South and Toston - South projects, these acquisitions did not result in substantial land use changes in the project area, therefore no cumulative impacts were identified.	<p>Not significant.</p> <p>The proposed project is not anticipated to induce changes to the surrounding land use.</p>
Locally-Adopted Plans, Policies and Controls	No locally-adopted plans, policies and controls have been identified in association with this project.	N/A	N/A	N/A	<p>Not significant.</p> <p>No impacts are anticipated. The proposed projects would not induce growth, nor promote changes in land use.</p>
Publicly-owned Parklands and Recreation Areas, including Section 4(f) and Section 6(f) Properties	<p>The FWP Fisheries Division manages the 4.24-acre Toston Fishing Access Site (FAS) located on the south bank of the Missouri River, east of US 287.</p> <p>No Section 6(f) properties have been identified in the project area.</p>	<p>Toston Structures impacts to Toston Fishing Access Site</p> <p>Temporary: Impacts due to construction related access and activity may include limited public access during construction windows. These temporary occupancies of land are considered very minimal and do not constitute a use under Section 4(f). FWP provided written</p>	<p>Mitigation Measures:</p> <p>On June 24, 2015, FWP concurred with mitigation measures proposed by MDT in a June 17, 2015, letter. Mitigation measures described in this letter include: reestablishing landscaping, replacing fencing with wildlife friendly fencing (or exclusion fencing along ROW as determined</p>	No potential cumulative impacts were identified.	Impacts and associated mitigation measures to the Toston FAS are considered to be an overall net benefit and this action would not adversely affect the activities, features, or attributes of the park property.

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		<p>concurrency of the proposed activities and mitigation measures and therefore these temporary impacts qualify as exempt since they meet the requirements of Section 774.13(d). Refer to the June 17, 2015 letter from FWP signed by Darlene Edge.</p> <p>Permanent: Approximately 1.1 acres from the FAS would be converted to highway ROW but the design would be completed to minimize the area required. Because it is unfeasible to avoid this ROW impact, MDT intends to use transportation funding for mitigating impacts to the FAS so that there is an overall net benefit to the Section 4(f) property. These reasonable mitigation measures are being negotiated with FWP.</p>	<p>as project continues to evolve), resetting and/or replacing existing directional signing for the FAS, removing and relocating the existing access off US 287, perpetuating public access on Missouri River through bridges (except for temporary closures for safety), prohibiting contractor use of the FAS during construction, getting necessary permits for the project and paying FWP fair market value for the 1.1 acre parcel acquisition. Construction activities requiring temporary river closures will be addressed in special provisions for the project.</p> <p>Monitoring Activities:</p> <p>The Toston FAS would be photo surveyed before and after construction activities to document construction related impacts.</p> <p>The Contractor will have to follow terms or conditions set forth by the FWP for temporary use and restore disturbed areas to the original condition.</p>		

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Recreational Opportunities	Recreational opportunities in the Toston Structures project area generally consist of bank and boat fishing, boating, and hunting (with landowner permission) on private property.	<p>Temporary: Short-term impacts are expected as access to the fishing access site could be temporarily impeded. Temporary impacts are discussed above.</p> <p>Permanent: No permanent adverse impacts to recreational opportunities are expected. Permanent impacts are discussed above.</p>	Recreational access would be maintained during construction to the extent practicable.	No potential cumulative impacts were identified.	The final design of the project is considered to result in an overall net benefit
Right-of-Way Acquisition and Relocations	Up to 54 acres of right-of-way would be acquired for this project.	<p>Temporary: Construction easements and temporary use permits for construction may be required.</p> <p>Permanent: Up to 54 acres of right-of-way acquisitions on public and private lands would be necessary for project activities.</p> <p>One commercial relocation would be anticipated.</p>	<p>All right-of-way acquisitions and the commercial relocation would be completed in accordance with Title 49, Part 24 of the Code of Federal Regulations.</p> <p>No mitigation and monitoring would be necessary for right-of-way acquisitions and relocations.</p>	Townsend - South resulted in 90 acres of ROW acquisition and Toston – South resulted in 24 acres of new ROW.	<p>Not Significant.</p> <p>While there have been ROW acquisitions from some property owners adjacent to the highway corridor 54 acres of right-of-way does not significantly alter the use or function of public or private property within the project area.</p>
Environmental Justice	The Toston Structures project is located in Broadwater County which has a lower percentage of minorities and a higher	Temporary: Road improvements would take place and construction activities would occur.	No mitigating measures are required or proposed.	Townsend - South was constructed in 2011 and 2012, and Toston – South was constructed in 2015. These projects had no	<p>Not Significant.</p> <p>No disproportionate impacts to minority and / or low-income</p>

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	<p>percentage of residents over age 65 than the state. Median household income in the county is less than \$1000 below the state average</p> <p>The proposed project essentially follows the same alignment as the existing US 287. No impacts to neighborhoods, minority and / or low-income persons have been identified.</p>	<p>Permanent: Approximately 54 acres of ROW would be required from private land owners. The road would be improved and bridges would be made safer and more stable to improve transportation.</p> <p>Based on the demographics of Broadwater County and the location of the project, no disproportionate adverse impacts to low income and minority populations would occur as a part of this project.</p>		<p>environmental justice impacts.</p> <p>These projects had no notable effects on the location, distribution, density or growth rate of the population of Townsend or Broadwater County and did provide traffic safety benefits and more efficient facility for road users.</p>	<p>persons are anticipated.</p>
Social	<p>The road provides access between Townsend, MT and Three Forks, MT and essentially follows the same alignment as the existing US 287.</p>	<p>Temporary: Minor short-term inconveniences to the traveling public, including occasional increased travel times, detours, and temporary closures would be expected during construction of the project.</p> <p>Permanent: The proposed project involves improving road and bridge conditions creating a safer travel way. Travel efficiency and safety would be improved.</p>	<p>A Level B public involvement plan and a Transportation Management Plan (TMP) consisting of a Traffic Control Plan (TCP), and a limited Public Information (PI) component for this project would be developed.</p>	<p>Townsend - South was constructed in 2011 and 2012, and Toston – South was constructed in 2015. Both of these projects have improved highway safety and mobility and were completed with minimal disruptions to the traveling public and local community.</p>	<p>Not Significant. No adverse impacts are anticipated.</p>

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Changes in Grade and Traffic Patterns	<p>The road essentially follows the same alignment as the existing Highway 287 and provides access between Townsend, and Three Forks, MT. However, intersections of US 287 with Lombard Road and US 287 with S-285 including dedicated left turn bays on 287 are planned to improve visibility and safety.</p>	<p>Temporary: Minor short-term inconveniences to the traveling public, including occasional increased travel times, detours, and temporary closures would be expected during construction of the project.</p> <p>Permanent: Intersections of US 287 with US 287 Bypass and US 287 with S-285 (Radersburg Road) would include dedicated left turn bays on US 287.</p> <p>Minor increases in travel times are anticipated between Radersburg and Toston since this intersection would no longer be four-way.</p>	<p>A Transportation Management Plan (TMP) consisting of a Traffic Control Plan (TCP), and a limited Public Information (PI) component would be developed.</p>	<p>Townsend - South was constructed in 2011 and 2012, and Toston – South was constructed in 2015.</p> <p>Therefore, construction traffic has been occurring off and on for several years in the project area.</p> <p>Both of these projects have improved highway safety and mobility and were completed with minimal disruptions to the traveling public and local community.</p>	<p>Not Significant.</p> <p>Although short-term localized impacts are anticipated from the construction of the proposed project, a traffic control plan would be developed to ensure appropriate access is maintained and/or provided and traffic delays are kept to a minimum.</p>
Pedestrian and Bicycle Facilities	<p>There are no dedicated pedestrian or bicycle facilities located or proposed along the project.</p> <p>Continuous 8 foot wide shoulders would be provided on both sides of US 287.</p>	<p>Bicyclists and pedestrians would be accommodated on the proposed shoulders.</p>	<p>N/A</p>	<p>Townsend - South was constructed in 2011 and 2012, and Toston – South was constructed in 2015. Both provided 8 foot wide continuous shoulders for accommodation of bicyclists and pedestrians.</p>	<p>Not Significant.</p> <p>Beneficial impacts to pedestrian or bicycle uses are anticipated.</p>

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Economic	Commercial and residential growth is low in the project area. The economy in the Toston area is not expected to significantly change as a result of this project.	<p>Temporary: Short-term beneficial impacts to the economy are anticipated from construction of the proposed project. Local contractors would have an opportunity to bid on the project and/or offer services as subcontractors.</p> <p>Some temporary beneficial economic impacts (jobs and increased demands for local goods and services) may occur during construction.</p> <p>Permanent: Right-of-way acquisition would permanently remove about 54 acres of private property (mostly agricultural land) from the tax rolls. Taxes paid on the land would be lost to Broadwater County.</p> <p>Besides loss of taxes on land acquired for ROW, no other permanent, long-term impacts are anticipated to the economy of Broadwater County or the Toston area.</p>	No mitigation or monitoring is proposed.	Townsend - South was constructed in 2011 and 2012, and Toston – South was constructed in 2015.	No Significant. No adverse impacts are anticipated.
Public Controversy	MDT in cooperation with Broadwater County initiated a pre-NEPA corridor study to identify and assess improvement	N/A	Public involvement would be Level B. MDT has been and anticipates continued	N/A	Not significant. No impacts anticipated.

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	<p>options for US 287 in the project area. Three public meetings were held in association with that study.</p> <p>Minor public controversy related to corridor selection occurred with this project. However, since the central corridor was selected by MDT public comment has generally related to concerns about localized property impacts.</p>		<p>communications with major landowners impacted by the alignment and highway improvements proposed in the central corridor.</p>		

Conclusions:

In accordance with 23 CFR 771.117(a), this pending action would not cause any significant individual, indirect (secondary), or cumulative environmental impacts. No extraordinary circumstances as specified in ARM 18.2.261(2), or unusual circumstances as specified in 23 CFR 771.117(b), have been identified. Therefore, the FHWA's concurrence is requested that this proposed project is properly classified as a Categorical Exclusion.



Doug Ljeb
Engineering Section

Date: 6/8/16



Heidi Bruner, P.E.
Engineering Section Supervisor

Date: 6/13/16

Concur: Jeffery A. Patten
Federal Highway Administration

Date: 6/14/16

- References:
- CDM, *Toston Missouri River Crossing Corridor Pre-NEPA/MEPA Corridor Study*, February 25, 2011.
 - Big Sky Acoustics, LLC, *Toston Structures Preliminary Traffic Noise Analysis*, July 3rd, 2014.
 - Ethnoscience, Inc., *Toston Structures: A Class III Cultural Resource Inventory*, June 2014.
 - MDT, Letter to MT FWP Impacts to Toston Fishing Access Site June, 17, 2015
 - Morrison-Maierle, Inc., *Biological Resources Report* October 2014.
 - Morrison-Maierle, Inc., *Biological Resources Report Addendum* March 5, 2015.
 - Farmland Conversion Impact Rating form NRCS CPA 106 May 31, 2016

- Attachments: 4(f) Net Benefit Form
4(f) FWP Letter

- e-copies: Jeff Ebert, P.E. Butte District Administrator
Tom Martin, P.E. Environmental Services Bureau Chief
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