



**Montana Department of Transportation
Environmental Services Bureau
Categorical Exclusion (CE) Documentation**

PO Box 201001
2701 Prospect Avenue
Helena, MT 59620
(406) 444-7203

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Control Number

Date

Part 1 - Project Summary

Project Name

Project Number

Control Number

Part 2 - Environmental Classification

2.a. Status of Categorical Exclusion (CE): Draft Final Re-Evaluation Date

2.b. Applicable laws and funding mechanisms:

- NEPA - FHWA (23 CFR 771.117)
- NEPA - Other (Other Federal Agency and CFR Citation)
- MEPA - MDT (ARM 18.2.261)
- MEPA- Other (Other State Agency and ARM Citation)

(If additional NEPA and/or MEPA rules are triggered, cite applicable rules and discuss additional requirements in Part 7 below.)

2.c. Classification of FHWA NEPA CE: N/A Listed CE(c) Listed CE(d) Not listed CE

CE(c) Number and Title

If CE(c)(23) is used, confirm estimated project cost CN-CE w/INF+IDC is less than \$5 million by checking box.

2.d. Is FHWA concurrence on the CE being requested. Yes No

Part 3 - Project Information

3.a. Project Description (i.e., reconstruct, rural/urban, bridge replacement, rehab, new through lane). Include milestone document reference.

Per the March 3, 2022 Alignment and Grade Review (AGR) Report, he proposed scope of work for this project is to reconstruct I-90 to current MDT design standards and replace the existing plant mix bituminous surface with PCCP [Portland Cement Concrete Pavement] from Reference Post (RP) 0.0 (Idaho State Line) to RP 5.7 (Taft Interchange). The project will also include drainage, environmental [e.g., Permanent Erosion and Sediment Control measures], traffic and safety improvements. I-90 is classified as a Rural Freeway (NHS – Interstate) in mountainous terrain within the project limits and a design speed of 50 mph will be used to meet current design standards.

- Yes No Horizontal alignment shift?
- Yes No Vertical alignment shift?
- Yes No Does the project result in capacity expansion of a roadway by addition of one or more through lanes?

If the project results in capacity expansion of a roadway by addition of one or more through lanes, FHWA signature is required.

3.b. Project Location Description (include beginning and ending RPs; Section, Township, Range, County, town/nearest town).

The proposed project is located in Mineral County on Interstate 90 (I-90) from the Idaho border at reference post (RP) 0.0 to the Taft Interchange at RP 5.7. The project is located within the Lolo National Forest. The project area is within Protracted Block 49 of Township 20 North, Range 32 West and Sections 2, 3, 4, 5, 11, and 12 of Township 19 North, Range 32 West, Montana Principal Meridian. The project is located approximately 5 miles west of Saltese, MT, and approximately 5.5 miles east of Mullan, ID.



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3.c. Have the local officials (city and/or county) been consulted on the project? Explain below.

No coordination with local officials has been conducted to date. As the project progresses, coordination with the Mineral County Board of Commissioners will occur as necessary.

3.d. Are relevant local planning documents available?

Yes No N/A

The limited scope of the project will not affect or be affected by local planning efforts. (Describe below.)

There are no local planning documents that pertain to the proposed project.

3.e. Right-of-Way

Yes No Will acquisition of right-of-way be required?

Yes No Will construction permits or temporary easements be required?

**Part 4 - Municipal Separate Storm Sewer System (MS4) Issues
(See Storm Water Management Plan and Environmental Manual Chapter 46)**

Yes No TBD Is the project within a regulated MS4 Area?

Part 5 - Permits and Approvals (Environmental Manual Chapter 29)

| Yes | No | TBD | | Permit or Approval | Describe |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | US Army Corps of Engineers <input checked="" type="checkbox"/> CWA Sec 404 | <input type="checkbox"/> Section 10 |
| | | | <input type="checkbox"/> | Exempt Activity | |
| | | | <input type="checkbox"/> | Non-Notification Nationwide | |
| | | | <input checked="" type="checkbox"/> | Notification Nationwide Type | NWP 14 or NWP 23. |
| | | | <input type="checkbox"/> | Individual Permit <i>(If individual permit is required, the PA threshold is exceeded, FHWA must concur with CE finding for federally funded project)</i> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | CW 401 Certification Authority <input checked="" type="checkbox"/> DEQ | <input type="checkbox"/> EPA <input type="checkbox"/> Tribal Govt |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Individual 401 Certification | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Tribal Permit for Aquatic Resources <input type="checkbox"/> ALCO | <input type="checkbox"/> ALPO |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | Stream Protection Act - SPA 124 | |

Notes (Provide additional explanation as needed.) A Section 404 Clean Water Act permit is anticipated due to in-stream work required for culvert replacements and likely unavoidable wetland impacts. An SPA 124 Notification through MT Fish, Wildlife, and Parks (FWP) is anticipated to be required for the project based on proposed improvements to the culverts carrying the St. Regis River, Chippy Creek, and Mephisto Creek.

Part 6 - Social, Economic and Environment Considerations

The following sections describe resources that may be present and the potential impacts (direct, indirect, permanent and temporary) that may result from the proposed project. If a resource may be adversely impacted by the project, cumulative impacts, including growth impacts, will need to be identified and discussed. Describe potential mitigation measures that will be employed. Attach additional pages or supplemental information if necessary.

6.1. Access

6.1.a. Permanent Access Control Changes

Yes No Will this action result in the creation or modification of an access control resolution for a particular roadway.

6.1.b. Temporary Access or Changes in Access Control

Yes No



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Will the following conditions be met: The proposed project will not involve major traffic disruptions because the following provisions will be made for access by local traffic and be posted. Through-traffic dependent businesses would not be adversely affected. Interference to local events such as festivals or parades would be avoided or minimized. The temporary road, detour or ramp closure will not substantially change the environmental consequences of the action. There will not be substantial controversy associated with the use of temporary road, detour, or ramp closure.

6.2 Air Quality (Environmental Manual Chapter 42)

6.2.a. Criteria Pollutants

Yes No Is the project subject to conformity?

The project is not subject to conformity. The project is located in an area that is in attainment of the National Ambient Air Quality Standards (NAAQS) for all regulated criteria pollutants. Therefore, the project is not subject to conformity. No additional analysis or discussion is required.

6.2.b. Is this project exempt from Mobile Source Air Toxins (MSAT'S) analysis?

Yes. Rationale is documented in the ISA.

No. The project has low potential for MSAT effects. Rationale is documented in the ISA.

No. The project has high potential for MSAT effects. MDT will conduct and document an MSAT analysis.

In accordance with MDT Standard Specification 208.03.7, the contractor would be required to adhere to applicable air quality rules and regulations, which may required the use of dust suppression and emission control measures to minimize short-term construction-related impacts.

6.3 Aquatic Resources

Due to the nature and scope of the project, no impacts to aquatic resources are expected. Adequate supporting information is included in Part 3. No detailed analysis is necessary.

6.3.a. Wetlands

Yes No TBD Are wetlands present on or adjacent to the project site?

All practicable means to avoid and minimize impacts will be employed. All unavoidable impacts will be mitigated in accordance with applicable requirements (e.g., US Army Corps, Tribal, and/or EO 11990).

Available Wetland Mitigation Site(s) or mitigation strategy, as needed: (Discussion)

Per the November 5, 2021-date Biological Resource Report (BRR): Requirement for compensatory wetland mitigation will be determined during final design and the permitting phase for the project. The project is located within the Lower Clark Fork watershed (#3), which contains six MDT wetland mitigation sites: Tucker Crossing, Lee Metcalf, Shammel, Lone Pine, Hoskins Landing, and Camp Creek. If the proposed project results in unavoidable loss of jurisdictional wetlands requiring compensatory mitigation, available credits at these sites would be reviewed and a mitigation plan will be developed accordingly in coordination with the USACE.

6.3.b. Streams

Yes No TBD Are stream(s) present on or adjacent to the project site.

All practicable means to avoid and minimize impacts will be employed. All unavoidable impacts will be mitigated in accordance with applicable requirements (e.g., US Army Corps).

Available Stream Site(s) or mitigation strategy, as needed: (Discussion)

Per the BRR: Potential stream impacts are anticipated to be minor and not expected to exceed the thresholds triggering compensatory stream mitigation requirements. Stream impacts will be quantified and described in detail in the AFR Report and the Section 404 permit application.

6.3.c Other Regulated Aquatic Resources (Irrigation features, lakes, etc.)

Yes No TBD Are other aquatic resources present on or adjacent to the project site.

Available Other Aquatic Resource Site(s) or mitigation strategy, as needed: (Discussion)

No other regulated aquatic resources are present within the project limits.

Additional Discussion (Explanation)



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The contractor will be required to adhere to the terms and conditions of MDT Standard Specification Section 208 for Water Pollution Control and Aquatic Resource Preservation.

6.4 Biological Resources

6.4.a. Threatened and Endangered Species Act

Due to the nature and scope of the project, no impacts to protected resources would be expected. Adequate supporting information is included in Part 3. No detailed analysis is necessary.

Yes No Are there any recorded occurrences of T&E Species and/or critical habitat in the proposed project's vicinity?

The following information is summarized from the Biological Resource Report (BRR)/Preliminary Biological Assessment (PBA), which was completed on November 5, 2021.

The project area was reviewed using the USFWS Information for Planning and Consultation (IPaC) tool to confirm or to augment the list of federally listed species for Mineral County. The IPaC identifies Canada lynx (*Lynx canadensis*), bull trout (*Salvelinus confluentus*), yellow-billed cuckoo (*Coccyzus americanus*), whitebark pine (*Pinus albicaulis*), and monarch butterfly (*Danaus plexippus*) as potentially affected by project activities. The IPaC does not identify grizzly bear (*Ursus arctos*); however, the potential for grizzly bear to be present or pass through the project area during construction exists (as explained in the PBA) and, therefore, grizzly bear are also evaluated in the PBA. Monarch butterfly is a candidate species that is identified in the IPaC. Due to the slow-moving nature of the work, which will involve negligible vegetation impacts and be limited primarily to the existing paved surface, no impacts to monarch butterfly are anticipated. As such, the monarch butterfly is not evaluated in the PBA and the proposed project is not likely to jeopardize the continued existence of this species.

List Species

In regard to federally listed threatened and endangered species, the proposed project:

Will have no effect.

May affect.

PA threshold exceeded, FHWA must concur with the CE finding for a federally funded project.

Consultation with the USFWS will be coordinated and documented.

Consultation with the USFWS is completed.

Per the BRR/PBA:

The proposed project rendered a "May Affect" determination for Canada lynx and grizzly bear. Based on the "May Affect" determination for these two species, a Biological Assessment will be prepared and a final determination of effect will be made at a later phase in project development in coordination/consultation with the USFWS. The environmental document will be re-evaluated following conclusion of the consultation process.

The following conservation measure is recommended to minimize impacts to Canada lynx habitat:

- Clearing and grubbing should not be allowed within the ROW beyond the construction limits or required clear zone. Any temporary clearing outside the construction limits (e.g. for culvert installation, etc.) but within the ROW should be kept to the smallest area possible and reclaimed immediately following construction.

To minimize and avoid impacts to grizzly bear, the Work in Bear Habitat Standard Specification 208.03.4(E) will be incorporated into the final construction bid documents.

The following conclusions are provided in the BRR/PBA for the species where "No Effect" was determined:

Bull Trout

The proposed project is determined to have "No Effect" on bull trout for the following reasons:

- Bull trout are not documented within the upper reaches of the St. Regis River or its



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Additional information, if needed.

tributaries in the vicinity of the proposed project.
• No critical habitat is designated within the vicinity of the project. The St. Regis River is designated bull trout critical habitat from the confluence of Twelvemile Creek downstream to the confluence with the Clark Fork River. The confluence of Twelvemile Creek is approximately 17.5 river miles downstream from the eastern edge of the project area.
• Minor water quality impacts may occur during culvert rehabilitation/replacements; however, water quality effects would negligible and would not reach downstream segments of the St. Regis River (approximately 17 miles downstream from the project) where bull trout are known to exist.
Yellow-billed Cuckoo
The proposed project is determined to have "No Effect" on yellow-billed cuckoo for the following reasons:
• Suitable habitat of adequate size (i.e., 25-acre dense, riparian forest) does exist in the vicinity of the project; however, no impact on suitable riparian areas potentially used by migrating yellow-billed cuckoos would occur.
• The potential for a transient individual to be present during construction within the vicinity of the project is extremely low to non-existent due to the overall decline of species presence in western Montana and lack of suitable habitat within the immediate project limits.
• Potential impacts on the yellow-billed cuckoo due to in-air noise from construction activities are not expected to occur.
Whitebark Pine
The proposed project is determined as "Not Likely to Jeopardize the Continued Existence" of the proposed whitebark pine for the following reasons:
• Based on the MTNHP suitability model and general lack of suitable habitat within the action area, whitebark pine are not expected to occur in the vicinity of the project.
• Negligible vegetation impacts are anticipated as a result of the project. Disturbance is expected to be limited to areas immediately adjacent the existing highway along the previously disturbed shoulders. No mature tree clearing is necessary for the project and no impact on whitebark pine is anticipated.

If there is a finding of "may affect, likely to adversely affect" action may not be processed under paragraphs CE(c)(26), (c)(27), and (c)(28).

6.4.b. Bald and Golden Eagle Protection

Due to the nature and scope of the project, no impacts to protected resources would be expected. Adequate and supporting information is included in Part 3. No detailed analysis is necessary.

Are there recorded Bald and/or Golden Eagle nests in the proposed project's vicinity?

No additional analysis necessary.

6.4.c. Migratory Bird Treaty Act

Due to the nature and scope of the project, no impacts to protected resources would be expected. Adequate and supporting information is included in Part 3. No detailed analysis is necessary.

The proposed project may have impacts subject to the conditions of the Migratory Bird Treaty Act (MBTA).

Explain. List. Describe potential for Special Conditions including timing restrictions.

The Environmental Specifications Section 208 will be included in the final construction bid documents and include Migratory Bird Treaty Act Compliance – Vegetation Removal Subsection 208.03.4A(1) to avoid and minimize potential impacts on migratory birds. This standard specification requires cutting of trees and shrubs outside of the nesting season between August 16 and April 15, and when no active nests are present.

Additional Discussion on Biological Resources

The proposed project would not intersect greater sage grouse habitat.



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6.5 Economic Impacts (Environmental Manual Chapter 20)

- Due to the nature and scope of the project, no effects on the local economy are expected. No detailed analysis necessary.
- Due to the nature and scope of the project, minor or temporary effects on the local economy are expected. A detailed analysis is necessary. The following explanation will justify that the impact is not "significant". (Explain below)
- A detailed economic analysis has been conducted and is documented in the file and/or summarized in Section 7. Analysis does not indicate potential for significant adverse impact.

6.6 Environmental Justice (EJ) (Environmental Manual Chapter 24).

Would the proposed project likely create disproportionately high and/or adverse impact on the health or environment of minority and/or low-income populations as described in Executive Order 12898?

- Due to the nature and scope of the project, no disproportionately high and/or adverse EJ impact is expected. No detailed analysis necessary.
- Due to the nature and scope of the project, minor effects on EJ populations may occur. A detailed analysis is not necessary. The following explanation will justify that the impact is not "disproportionately high and/or adverse". (Explain below.)
- An EJ analysis has been conducted and is documented in the file and/or summarized in Section 7. Analysis does not indicate potential for significant adverse impact.

6.7 Farmland Protection Policy Act (FPPA) (Environmental Manual Chapter 33)

Due to the nature and scope of the project, no impacts to farmland resources are expected. Adequate supporting information is included in Part 3. No detailed analysis is necessary.

Yes No Is the project within existing ROW acquired on or before 8/4/84 or located within an area of existing development?

Project is not subject to FPPA. No additional analysis or discussion is required.

6.8 Floodplains

All stream crossing would be designed in accordance with Executive Order (EO) 111988 amended and 23 CFR 650 Subpart A and in coordination with the appropriate regulatory agencies. Projects within a designated 100-year floodplain will have a floodplain development permit prior to the start of construction. MDT Hydraulics will secure and document the permit for the permanent facility. In accordance with Standard Specification 107.11.2.H, the contractor is required to secure applicable floodplain permits for temporary facilities.

Due to the nature and scope of the project, no impacts to floodplains are expected. Adequate supporting information is included in Part 3.a above. No detailed analysis is necessary.

Yes No Does a delineated floodplain exist in the project area under FEMA's Floodplain Management Criteria?

Yes No Does the project involve work encroaching on a regulatory floodway such that the water surface at the 100-year flood limit elevation would exceed floodplain management criteria.

Additional Information if needed

The flood map for the project area is number 3001590001B. The St. Regis River is designated as Zone A from approximately RP 2.5 to the end of the project limits. A floodplain permit is not anticipated for the project because the project design does not involve work encroaching on the regulatory floodplain.

6.9. Hazardous Materials and Substances (Environmental Manual Chapter 44.).

Due to the nature and scope of the project, no impacts to hazardous materials and substances are expected. Adequate supporting information is included in Part 3. No detailed analysis is necessary.

Yes No The project occurs in an area where local permitting is required for ground disturbance activities in a Superfund Site.

Yes No Hazardous materials, hazardous substances, and/or petroleum products are currently on and/or adjacent to the proposed project.

No additional analysis necessary.

The Initial Site Assessment (ISA) was completed on May 19, 2021. The ISA did not identify



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Additional information if needed

Should evidence of hazardous materials and/or underground storage tanks be discovered during construction, in accordance with MDT Standard Specifications 107.23 and 107.24, the contractor would be required to immediately stop work in the area until the significance of the site is determined and appropriate measures implemented.

6.10. Historic and Archaeological Resources (Environmental Manual Chapter 30.)

- Due to the nature and scope of the project, no impacts to historic and archaeological resources are expected. Adequate supporting information is included in Part 3. No detailed analysis is necessary.
- Yes No Are any historic, archaeological or cultural resources on or eligible for listing on the National Register present within the project's Area of Potential Effect?
- Yes No Is there confirmed potential for adverse effect on cultural/historic resources?

Provide additional information below, if needed or reference Section 7. Include specific information related to each resource by Smithsonian Number. Cut and paste from existing reports.

Per the March 8, 2022, Environmental Engineering Existing Conditions report: Due to the limited scope of the project and no anticipated ROW impacts, MDT determined that potential impacts to cultural resources is low and a cultural resources survey is not necessary (Axline 2021).

Should evidence of historic or pre-historic sites be discovered during construction, in accordance with MDT Standard Specifications 107.22, the contractor would be required to immediately stop work in the area until the significance of the site is determined and appropriate measures implemented.

6.11. Induced Growth Analysis - Impacts to Planned Growth and Land Use ([Induced Growth Guidance](#))

- Yes No Is this project exempt from screening due to the nature and scope of the project?

No detailed analysis necessary - Explain exemption

Per Table 1 in the Indirect Effects Desk Reference (Appendix 1) of the MDT publication "Assessing the Extent and Determinants of Induced Growth" (Tidd et al. 2013), due to the nature and scope of the proposed project it is exempt from indirect effects screening.

Additional information, if needed.

The proposed project is an interstate highway system rehabilitation project on the same alignment and does not have an economic development purpose, does not increase vehicle or transit lanes (capacity), and does not involve changes in access that could affect land use. Due to the nature of the project and rural location, the proposed project does not have the potential for induced growth effects. No avoidance, minimization, or proposed mitigation is necessary with regard to induced growth.

6.12 Noise (Environmental Manual Chapter 43)

- Yes No Is this a Type I action as defined in 23 CFR 772?

Explain

6.13. Public Involvement

- Yes No A public involvement plan would be completed in accordance with MDT's Public Involvement Handbook.

According to the March 3, 2022 AGR Report, the project Level of Impact (LOI) has been determined to be Moderate, and level of public involvement B, as defined by MDT's Public Involvement Plan.



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Explain

A Public Involvement Plan (PIP) has been completed for the project. Project website materials have also been drafted and provided for MDT's review including a project logo, map, fact sheet, project photo and web content. This information will be posted on the project website once approved by MDT. Individual stakeholder meetings will be held between AGR and PIH to inform and educate the public about the project. Stakeholders include the USFS, Idaho Transportation Department (ITD), Mineral County (MT) and Shoshone County (ID), emergency officials, heavy truck traffic and recreational users and local interest groups. No open house public meetings are scheduled for the project as this time but will be evaluated as the design progresses.

Updates during construction will be important in order to identify lane closures and detours for users. The project team will continue to coordinate with ITD and other key stakeholders to identify any events or recreational access in the area that may be impacted during construction. Crashes or disabled vehicles along I-90 will require quick attention in order to keep traffic moving when traffic is limited to one lane in each direction.

6.14 Recreational Resources

- Due to the nature and scope of the project, no impacts to publicly-owned recreation resources are expected. Adequate supporting information is included in Part 3. No detailed analysis is necessary.
- Yes No Publicly-owned recreational resources are present on or adjacent to the project site.

| Recreational Resources | | | |
|--|--|---------|--------------------------------------|
| Resource Name | Agency with Jurisdiction | Impact? | Description of Impact |
| Northern Pacific Rail Trail | USFS | No | NA. No impact to trail anticipated. |
| Cooper Lake Trail | USFS | No | NA. Trail not within project limits. |
| Route of the Hiawatha Trail system | USFS | No | NA. Trail not within project limits. |
| <input type="button" value="Add Row"/> | <input type="button" value="Delete Last Row"/> | | |

- Work has been coordinated with the managing agency/agencies. Documentation is available upon request.
- Work will be coordinated and documented with the managing agency/agencies.

Additional information, if needed:

No impact on any publicly owned recreation resource is anticipated to occur and no additional coordination with the USFS regarding recreational resources is necessary. The Northern Pacific Rail Trail, more commonly known as the NorPac, occupies the old Northern Pacific Railroad alignment and grade adjacent to the project limits. See Part 6.16 below for more information.

If there is a "use" of Section 4(f) property, document it in Section 6.16 below.
If there is a "conversion" of Section 6(f) property, document it in Section 6.17 below.

6.15 Right-of-Way (ROW)

- Yes No Will acquisition of ROW be required?
- Yes No Will construction permits or temporary easement be required?

6.16 Section 4(f) of the US Department of Transportation Act (Environmental Manual Chapter 15.)

- Due to the nature and scope of the project, no impacts to Section 4(f)-protected resources would be expected. Adequate supporting information is included in Part 3.1 above. No detailed analysis is necessary.
- Yes No Are there any parks, recreation areas, wildlife and or waterfowl refuges, or historic sites on or adjacent to the project.



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| 4(f) Resources | | | | |
|--|--|--|---|--------------------|
| Resource | Use? | Type of Use (Permanent, Temporary, Constructive) | Documentation (De Minimis, Programmatic, Full 4(f)) | Date of Completion |
| Northern Pacific Rail Trail | <input type="text" value="No"/> | <input type="text"/> | NA | NA |
| The Mullan Road (24MN133) | <input type="text" value="No"/> | <input type="text"/> | NA | NA |
| The Northern Pacific Railroad (4MN120) | <input type="text" value="No"/> | <input type="text"/> | NA | NA |
| Lookout Pass Ski Lodge | <input type="text" value="No"/> | <input type="text"/> | NA | NA |
| <input type="button" value="Add Row"/> | <input type="button" value="Delete Last Row"/> | | | |

Yes No TBD Will there be a "use" of Section 4(f) protected sites?

Explain

All anticipated improvements will occur within existing ROW and no new ROW acquisition, easements, or construction permits are necessary to construct the project. No "use" of any Section 4(f) resource is anticipated to occur.

6.17 Section 6(f) of the National Land and Water Conservation Act (Environmental Manual Chapter 32) or Similar Deed Restriction.

Due to the nature and scope of the project, or the location, no impacts to protected resources would be expected. Adequate supporting information is included in Part 3 above. No detailed analysis is necessary.

Yes No Have any of the parks, recreation areas, or other properties on or adjacent to the project been acquired (in fee or in easement) and/or improved with funds from the Land and Water Conservation Act of 1965, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, or other public-use money that includes deed restrictions or covenants on the property.

No additional analysis necessary.

6.18 Social Impacts (Environmental Manual Chapter 19.)

Due to the nature and scope of the project, no social impacts would be expected. No detailed analysis is necessary.

Due to the nature and scope of the work potential for minor or temporary social impacts are expected. A detailed analysis is not necessary. The following explanation will justify that the impact is not "significant".

A detailed social impact analysis has been conducted and is documented in the file and/or in Section 7.

Explain not "significant".

As documented in the Environmental Engineering Existing Conditions Report completed on March 8, 2022, no public school, parks, or other facilities occur in the project area vicinity and no adverse social effects are anticipated.

6.19 Tribal Lands/Issues (Environmental Manual Chapter 31.)

Yes No Is the project located within a current American Indian Reservation border?

Yes No Is the project located outside a current American Indian Reservation border, but in an area of interest to the Tribal government?

Documentation of coordination with the Tribal government is on file for overall project coordination, and any coordination related to aquatic resource permitting, 401 certification, and/or history and cultural resources.



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6.20 Vegetation (Environmental Manual Chapter 37)

- Due to the nature and scope of the project and the site, a seeding special provision is not necessary.
- A seeding provision will be included in the contract documents to ensure appropriate re-vegetation of disturbed areas.

In accordance with Standard Specification 201, clearing and grubbing activities would occur only with staked construction limits.

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 Reclamation Specialist. The seeding mixture special provision will be included in the contract documentation.

Re-vegetation plan will conform to the requirements of 23 CFR 650 Subpart B. Post construction, the site would be monitored until final stabilization is met.

Additional information as needed. Document any deviations from standard procedures.

The following measures are proposed to minimize project impacts on general vegetation:

- Temporary clearing outside the construction limits but within the ROW of the project would be minimized and restored as soon as practicable following construction.
- Tree and large shrub removal would be minimized to the greatest extent practicable.
- Riparian areas affected during construction would be re-vegetated with appropriate species.

Additionally, the Standard Specification 208.03.5 Noxious Weeds and 208.03.6 Seeding will be included in the final construction bid package.

6.21 Visual Quality/Aesthetics (Environmental Manual Chapter 22)

- Yes No Will the project have the potential to impact roadside classification or visual aspects such as aesthetics, light, glare or night sky?

Additional information as needed. Document any deviations from standard procedures.

As documented in the Environmental Engineering Existing Conditions Report completed on March 8, 2022, no adverse visual impacts are expected due to implementation of the proposed project. The visual impacts resulting from the project would be mostly temporary during construction, when large areas of disturbed roadway and construction equipment would affect the visual environment. The proposed project will slightly modify the visual character of the project area by changing the roadway surfacing material; however, the rural character and visual quality of the highway would not appreciably change. The effect will be minimal and negligible when taken into context with the surrounding vicinity. There are no context sensitive design issues considered for this project. No avoidance or minimization measures are necessary, and no mitigation is proposed.

6.22 Water Quality (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.)

- Due to the nature and scope of the project, no impacts to water quality would be expected. Adequate supporting information is included in Part 3. No detailed analysis is necessary.

6.22.a Groundwater (Domestic and irrigation well impacted by the project will be mitigated with the landowner)

- Yes No Are Public Water Supply Wells located on or adjacent to the project?

No additional analysis necessary.

6.22.b Underground Injection Control (UIC) Program Under the Safe Drinking Water Act (SDWA)

- Yes No N/A TBD Will the project include stormwater drainage wells such as dry wells, bored wells, and infiltration galleries that are regulated as Class V injection wells by EPA under the NPDES program.

Explain The proposed design does not include any stormwater drainage wells that are regulated as Class V injection wells by the EPA under the NPDES program.



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6.22.c Stormwater - Temporary Erosion and Sediment Control

MDT's contractor will be contractually obligated to provide temporary erosion and sediment control in accordance with FHWA rules at 23 CFR 650 Subpart B and applicable stormwater permit requirements at the MPDES and/or NPDES.

6.22.d Stormwater - Permanent Erosion and Sediment Control (PESC) *(If the scope of the project includes a rehabilitation or reconstruction, evaluate need for incorporation of PESC and discussed this with Road Design and Hydraulics.)*

- Due to the nature and scope of the project and the site, a PESC analysis is not necessary.
- A PESC analysis is necessary and is being coordinated with personnel on the Design Team.

Explanation of any deviations from MDT's Standard Practices and/or further coordination for incorporation of PESC into the project design.

According to the AGR report dated March 3, 2022, recommended PESC features for the project include ditch blocks, embankment protectors (both for mainline culvert crossings, spillway down drains, and bridge drainage), drainage chutes, sediment basins, and culvert outlet protection and velocity dissipation devices. Additional PESC features anticipated to be incorporated as design progresses include check dams, ditch lining, and possibly slope soil stabilization. Design of PESC features was limited and generally assessed as part of preliminary design. As design continues, required PESC features will be further evaluated and proposed, as necessary.

6.22.e Stormwater - Local Requirements *(Discuss compliance with local stormwater requirements with Road Design and Hydraulics.)*

- Due to the nature and scope of the project and the site, local stormwater requirements do not apply.
- Local stormwater requirement apply that are being coordinated with personnel on the Design Team.

Explain

6.23 Wild and Scenic Rivers (Environmental Manual Chapter 35)

Yes No Will the proposed project require work in, across or adjacent to a Wild and Scenic River?

Additional information as needed:

Part 7 - Additional MDT Discussion/Comments

The following sections provide additional analysis supporting the determination::

Part 6.5 Economic Impacts

Per the EEECR: No adverse economic effects are anticipated due to construction of the proposed project. Minor disruption and delays of interstate traffic may occur during construction; however, the project will maintain a minimum of one lane of traffic in either direction to the extent possible during construction to minimize delay of the traveling public. Access will be maintained during construction at the Lookout Pass interchange and Lookout Pass Resort.

Part 6.6 Environmental Justice (EJ)

Per the EEECR: Due to the limited scope and rural location of the proposed project, no impact on any low-income population is anticipated and no displacement or relocation of any businesses or residents will occur. Because of these reasons, the proposed project would not result in disproportionately high or adverse human health and environmental effects on low-income or minority populations. Construction of the project is not anticipated to impact community cohesion and would not require displacement or relocations of any businesses or residents.

Standard Environmental Specifications and Special Provisions will be required for this project. They include:

1. Work In Bear Habitat Standard Specification (Subsection 208.03.4E)
2. Migratory Bird Treaty Act Compliance -Vegetation Removal Standard Specification (Subsection 208.03.4A(1))
3. Storm Water Permitting Requirements Under Montana Pollutant Discharge Elimination System (MPDES) - 208-6



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Part 8 - FHWA Comments

Part 9 - FHWA Signature Rationale

Yes No Is FHWA Concurrence on the CE necessary?

Explain why FHWA concurrence is necessary:

- Action is not listed in 23 CFR 771.117.
- Action is listed in 23 CFR 771.117, no PA threshold is exceeded, but MDT is requesting FHWA concurrence.

Action is listed in 23 CFR 771.117, but a PA threshold is exceeded as documented below. Actions listed in 23 CFR 771.117 that exceed any of the thresholds below may not be approved by MDT. MDT May certify to FHWA that the action qualified for a CE. FHWA concurrence is required for the CE to be valid.

If "yes" is answered for any item below, FHWA concurrence is required.

| Abbreviated Signature Triggers from Programmatic Agreement | Yes/No |
|---|--------|
| 9.a. RIGHT-OF-WAY. The action involved acquisition of more than a minor amount of ROW. | No |
| 9.b. RIGHT-OF-WAY. The action involved acquisition that results in residential or non-residential displacements. | No |
| 9.c. RIGHT-OF-WAY. The action includes acquisition of land for hardship or protective purposes, or each acquisition pursuant to the Federal acquisition project. | No |
| 9.d. CAPACITY. The action results in capacity expansion of a roadway by addition of one or more through lanes. | No |
| 9.e. ACCESS. The action involves the construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions. | No |
| 9.f. ACCESS. The action results in changes in access control that affect traffic patterns. | No |
| 9.g. HISTORIC PROPERTIES. The action results in a determination of adverse effect on historic properties pursuant to Section 106 of the NHPA. | No |
| 9.h. SECTION 4(f). The action requires the "use" of properties protected by Section 4(f). | No |
| 9.i. SECTION 6(f). The action requires the acquisition of lands under the protection of Section 6 (f) or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property. | No |
| 9.j. CWA SECTION 404. The action requires an Individual CWA Section 404 permit. | No |
| 9.k. FLOODPLAIN PERMIT. The action requires work encroaching on a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of water course or lake, pursuant to Executive Order (EO) 11988 and 23 CFR 650 Subpart A. | No |
| 9.l. WILD AND SCENIC RIVERS. The action requires construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers published by the US Department of the Interior/US Department of Agriculture. | No |
| 9.m. NOISE. The action is defined as a "Type I Project" per 23 CFR 772.5 and MDT's Noise Policy. | No |
| 9.n. T&E SPECIES and CRITICAL HABITAT. The action may affect federally listed or candidate endangered species, or proposed or designated critical habitat or projects with impacts subject to the conditions of the Bald and Golden Eagle Protection Act. | Yes |
| 9.o. AIR QUALITY. The action does not conform to the State Implementation Plan (SIP) which is approved or promulgated by the US Environmental Protection Agency (EPA) in air quality non-attainment areas. | No |



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9.p STIP. The action is not included in or is inconsistent with the statewide transportation improvement program (STIP), and in applicable urbanized areas, the transportation improvement plan.

No

In accordance with the provisions of 23 CFR 771.117(a), this pending action would not cause any significant environmental impacts. Additionally, this pending action would not involve unusual circumstances as described at 23 CFR 771.117(b) or ARM 18.2.261(2). The proposed project is appropriately fiscally constrained in accordance with 23 CFR 450.104.

Approval Signatures

| | |
|---|---|
| NA | NA |
| Local Agency Approving Authority | Date |
| <i>Rebecca Ridenour</i> | Mar. 16, 2022 |
| MDT Environmental Services Project Development Engineer | Date |
| <i>Thomas G Gocksch</i> | APPROVED <small>By Tom Gocksch at 9:33 am, Mar 16, 2022</small> |
| MDT Environmental Services Engineering Section Supervisor | Date |
| Federal Highway Administration | Date |

- Standard Distribution List Maintenance Distribution List Custom Distribution List

Distribution List: Lisa Hurley, Fiscal Programming Section Supervisor
Jason Gilliam, Right-of-Way Bureau Chief

Ben Schendel, Engineering Project Manager
Dave Holien, acting Consultant Design Bureau Chief
Darin Reynolds, P.E., Engineering Construction Contracting Bureau Chief
Tom Martin, P.E., Environmental Services Bureau Chief
Tom Gocksch, P.E. ESB, Engineering Section Supervisor

Erin Murphy, Fiscal Programming
Montana Legislative Branch Environmental Quality Council
Miki Lloyd, ECCB