Montana Department of Transportation

2701 Prospect
PO Box 201001
Helena MT 59620-1001

Greg Gianforte, Governor
Malcolm "Mack" Long, Director

VISION ZERO
zero deaths
zero serious injuries

August 4, 2023

Sage Joyce, Program Manager
US Army Corps of Engineers
Helena Regulatory Office
100 Neill Avenue
Helena, MT 59601-3326

Subject: Application for a Clean Water Act Section 404 Nationwide Permit 14
District: 1; Missoula
Project Name: Taft - West
Project Number: IM 90-1(227)0
Control Number: 9487000
US Army Corps File Number: TBD

Dear Ms. Joyce:

The Montana Department of Transportation (MDT) is requesting from the US Army Corps of Engineers a Clean Water Act – Section 404 Permit. Based on projected impacts to waters of the US, this project appears to meet the terms and conditions for Nationwide Permit 14 as described in 33 CFR 330, Appendix A, Part 14 – Linear Transportation Project and the Montana Regional Conditions for Nationwide Permits. The current Categorical Exclusion for the proposed project was approved on March 18, 2022.

The Montana Department of Transportation (MDT) is proposing a surfacing reconstruction of Interstate 90 (I-90) to the geometry and standards in place at the time of original construction or inclusion in the interstate system. The proposed project begins at the Montana-Idaho border and continues on I-90 for 5.7 miles, ending just east of the Taft Interchange. The project will replace the existing plant mix bituminous surface with Portland Cement Concrete Pavement (PCCP). Pavement preservation, or mill and overlay, is included on the Lookout Pass Interchange ramps and Taft Interchange ramps. The project will also include drainage, traffic, and safety improvements. The project is federally funded.

To assist with your agency's review of this application, the following supplemental information is attached:

- A completed joint application form.
- Attachment A - A copy of the MDT- and FHWA-approved Environmental Documentation demonstrating compliance with the Montana and National Environmental Policy Acts.
    - Categorical Exclusion (c)(26), approved March 18, 2022
- Attachment B - Aquatic Resources Finding Report dated August 4, 2023;
- Attachment C - The Biological Resources Report (BRR) dated November 5, 2021 and Biological Assessment dated March 27, 2023.
- Attachment D - Scope of Work, dated April 22, 2022;
- Attachment E - Road Construction Plans dated May 16, 2023.

The project as designed will result in 0.386 acres of unavoidable permanent wetland impact due to (1) roadway fill and grading encroaching on wetlands located immediately adjacent to the highway and (2) culvert replacements that include flared end terminal sections (FETS) and riprap aprons for velocity dissipation encroaching on wetlands. Based on the level of impact, wetland mitigation is anticipated. The proposed project is anticipated to result in 0.02 acre of cumulative stream impacts due to culvert ends, and riprap aprons encroaching on several named and unnamed streams. Approximately 70 feet of an unnamed tributary to Chippy Creek would be graded within the median of I-90 to create positive drainage between culverts. The design team has made all practicable efforts to avoid and minimize impacts to wetlands and streams, and particularly the St. Regis River. Please see the attached permit application for project details.

The Montana Department of Environmental Quality (MDEQ) has authority of the Clean Water Act Section 401 Water Quality Certification Program in the area of the proposed project. The MDEQ has granted the 401 Water Quality Certification for Nationwide Permit 14, provided certain general and special conditions are met. MDT has reviewed the proposed project and concludes the conditions of the 401 Water Quality Certification for a Nationwide Permit 14 are met.

To reduce the spread and establishment of noxious weeds and to re-establish permanent vegetation, disturbed areas within MDT right-of-way or easements will be seeded with desirable plant species as soon as practicable, as recommended and determined feasible by MDT.

The proposed project will take place entirely within existing MDT right-of-way. No other historic or cultural resources were identified on the project. No historic or cultural resources will be impacted by the proposed project. The finding is documented in Attachment A – The approved c(26) Categorical Exclusion.

For threatened and endangered species, a finding of “May effect, not likely to adversely effect” was made for Grizzly Bear and Canada Lynx. The project will have “no effect” on all other listed species, and “is not likely to jeopardize the continued existence” of any candidate species. Findings are documented in Attachment D. Consultation with the US Fish and Wildlife Service is in progress; the Biological Opinion will be provided when received.

If your agency determines that a public notice is required, names and addresses of adjacent property owners can be provided on request.

Construction on this project is slated to begin in Spring 2024, with a scheduled letting in March 2024. To incorporate Special Conditions specified by your agency into the contract, we request authorization as soon as possible.

Please refer to the above listed Project Name, Project Number, and Control Number on correspondence regarding this proposed project. If you have questions, please contact me at 406-444-7648 or dffleming@mt.gov. I am available to meet with you or your staff if you would like to review the application packet together.

Sincerely,

Derek Fleming
Project Development Engineer
Environmental Services Bureau

e-copies (cover letter and application only):

Bob Vosen, P.E., Missoula District Administrator
Ben Schendel, P.E., Project Manager, Consultant Design
Kelly Williams, P.E., Consultant Design
Jon Rainwater, P.E., Hydraulics Engineer
Darin Reynolds, P.E., Engineering Construction Contracting Bureau Chief
Tom Martin, P.E., Environmental Services Bureau Chief
Tom Gocksch, P.E., Environmental Services Bureau Engineering Section Supervisor
Bill Semmens, Environmental Services Bureau Resources Section Supervisor
Grant Rodway, Environmental Services Bureau Project Development Engineer
Shane Talley, Glendive District Biologist
Michael Ivanoff, P.E., Missoula District Environmental Engineering Specialist
Environmental Services Bureau File[\

copy (all attachments): File, Environmental Services Bureau

Revised: 5/12/2021 310 Form 270 and Instructions may be downloaded from: http://dnrc.mt.gov/licenses-and-permits/stream-permitting	**CD/AGENCY USE ONLY** Application # Click to enter text. Date Received Date Date Accepted Date Initials Initials Date FW: to FWP Date

This space is for all Department of Transportation and SPA 124 permits (government projects).

Project Name Taft - WestM

Control Number 9487000 Contract Letting Date March, 2024

MEPA/NEPA Compliance ☒Yes ☐No If yes, #C5 of this application does not apply.

JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS & OTHER WATER BODIES

This is a standardized application to apply for one or all local, state, or federal permits listed below.

- Refer to instructions to determine which permits apply and submit a signed application to each applicable agency.
- Incomplete applications will result in the delay of the application process.
- The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.
- **Other laws may apply.**

	PERMIT	AGENCY	FILL OUT SECTIONS	FEE
	310 Permit	Local Conservation District	A - E and G	Inquire locally
	SPA 124 Permit	Department of Fish, Wildlife and Parks	A - E and G	No fee
	318 Authorization 401 Certification	Department of Environmental Quality	A - E and G	$250 (318); $400 - $20,000 (401)
	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	A - E and G	$50, plus additional fee
✓	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers (USACE)	A - G F1-8	Varies ($0 - $100)
	Floodplain Permit	Local Floodplain Administrator	A - G	Varies by city/county ($25 - $500+)

A. APPLICANT INFORMATION

APPLICANT NAME (person responsible for project)**:** Montana Department of Transportation (MDT)
Has the landowner consented to this project? ☒ Yes ☐ No
Mailing Address: PO Box 201001
Physical Address: 2701 Prospect Avenue, Helena, MT 59620-1001
Cellphone:406.444.7648 Home Phone: Click here to enter or N/A. E-Mail: dffleming@mt.gov

LANDOWNER NAME (if different from applicant): same as applicant
Mailing Address: Click here to enter mailing address or N/A.
Physical Address: Click here to enter physical address or N/A.
Cellphone: Click here to enter or N/A. Home Phone:Click here to enter or N/A. E-Mail:Click here to enter or N/A.

CONTRACTOR/COMPANY NAME (if applicable): Click here to enter name or N/A.
PRIMARY CONTACT NAME: Click here to enter name
Mailing Address: Click here to enter name or N/A.
Physical Address: Click here to enter name or N/A.
Cellphone:Click here to enter or N/A. Home Phone:Click here to enter or N/A. E-Mail:Click here to enter or N/A.

B. PROJECT SITE INFORMATION

1. NAME OF **STREAM** or **WATER BODY** at project location St. Regis River
   Project Address/Location: Interstate 90, Reference Post 0.0 to RP 5.7 Nearest Town Idaho Border to Taft, MT
   County Mineral County Geocode: Click here to enter text.
   Choose.1/4 of the Choose. 1/4 of, Section 2, 3, 4, 5, 11, 12 Township 20N, Range 32W
   Latitude (see below) Longitude (see below) Refer to section B1 in the instructions.

The beginning of the project is located at 47.45605°, -115.6953°, which is on Interstate 90 (I-90) at the Montana/Idaho border. The project extends 5.7 miles and ends at 47.42028°, -115.6035°, just east of the Taft interchange. Specific locations of proposed work within a named stream are provided in Table B-1. Project work will also occur within several unnamed streams and wetlands, as identified in tables D-1 and D-2 of this application.

Table B-1: Project Location Summary

Stream or Water Body	Project Station[a]	Latitude, Longitude
St. Regis River	203+74 267+82	47.435356°; -115.677582° 47.433731°; -115.654268°
Chippy Creek	2055+34	47.422487°; -115.633943°
Mephisto Creek	428+71	47.419694°; -115.614506°

2. Is the proposed activity within **SAGE GROUSE** areas designated as general, connected, or core habitat?
   Yes ☐ No ☒ Attach consultation letter if required. Refer to section B2 in the instructions. N/A

3. Is this a **STATE NAVIGABLE WATERWAY**? The state owns beds of certain navigable waterways**.**
   Yes ☐ No☒ If yes, send a copy of this application to the appropriate DNRC land office. Refer to section B3 in the instructions.

4. **WHAT IS THE CURRENT CONDITION** of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands. What vegetation is present? Refer to section B4 in the instructions.

The proposed scope of the overall project is a surfacing reconstruction of I-90 to the geometry and standards in place at the time of original construction or inclusion in the interstate. The project will replace the existing plant mix bituminous surface with Portland Cement Concrete Pavement (PCCP) to construct a more durable highway surface. Other project components include improvements to storm water infrastructure and drainage, as well as other traffic and safety improvements. The standard ditch width for a rural interstate is 10 feet; however, due to the topographical constraints in the project area, insufficient area exists to widen the shoulders and ditches to meet standards. By matching the existing conditions, right-of-way impacts to the neighboring Lolo National Forest will not be required. Also, by not widening the interstate, impacts to adjacent wetlands and streams are minimized to the extent possible. The project area is in rugged, mountainous, and heavily forested terrain and roughly parallels the upper reaches of the St. Regis River. The area is used for recreational activities during both summer and winter, and access is provided at two interchanges including Lookout Pass and Taft. The Dena Mora Rest Area is located near the eastern end of the project area. The current condition of the project area generally includes a steep hillside cut on the north side of I-90 and a steep embankment on the south side of I-90.

In general, the proposed project is limited to reconstruction of the road surface and widening of the roadway fill prism is not proposed. Stream impacts are occurring to both named and unnamed streams due to the replacement of existing culverts and the extension of the culvert ends and, where applicable, riprap aprons encroaching into the perennial stream. With the exception of the St. Regis River, the streams being affected by the project have the similar characteristics of being narrow, steep gradient, first-order perennial streams that generally flow north to south and cross I-90 through cross drain culverts and flow into the St. Regis River on the south side of I-90. Existing vegetation near the streams is forested predominantly by lodgepole pine dominated stands. Riparian vegetation surrounding streams includes red-osier dogwood and willow, among other less dominant species. Several wetland vegetation types documented in project area wetlands are also present within and along the margins of the streams. Refer to the November 5, 2021, BRR (Attachment C) for more information on vegetation.

Except for the two St. Regis River culvert crossings, the hydraulic recommendations include replacing all cross-drain culverts throughout the length of the project. The two St. Regis River culvert crossings are recommended to be rehabilitated and not replaced. Replacing all culverts is not practicable due to several of them being within a deep fill section of the roadway, which can reach up to 60-feet deep in some locations, thus requiring excessive excavation work. In general, the project will be replacing all culverts that are approximately less than 15-feet deep, and, where deep fill situations exist, the culverts would be rehabilitated or abandoned and replaced. In general, all existing 24-inch culverts to be replaced would be upsized to 30-inch and existing 48- and 54-inch culverts would be rehabilitated in place.

Many of the existing culverts are cross drains that do not carry a surface water resource and were dry during the field investigations. Culvert improvements at these locations would have no direct impact on surface waters. Culvert replacement or rehabilitation of the perennial streams as identified by the OHWM delineations (see attached maps) require minor impacts and grading within the stream.

C. PROPOSED PROJECT OR ACTIVITY INFORMATION

1. **TYPE OF PROJECT** (check all that apply) Refer to section C1 in the instructions.

☐ **Agricultural and Irrigation Projects:** Diversions, Headgates, Flumes, Riparian fencing, Ditches, etc.

☐ **Buildings/Structures:** Accessory Structures, Manufactured Homes, Residential or Commercial Buildings, etc.

☒ **Channel/Bank Projects:** Stabilization, Restoration, Alteration, Dredging, Fish Habitat, Vegetation or Tree Removal, or any other work that modifies existing channels or banks.

☒ **Crossings/Roads:** Bridge, Culvert, Fords, Road Work, Temporary Access, or any project that crosses over or under a stream or channel.

☐ **Mining Projects:** All mining related activity, including; Placer Mining, Aggregate Mining, etc.

☐ **Recreation related Projects:** Boat Ramps, Docks, Marinas, etc.

☐ **Other Projects:** Cistern, Debris Removal, Excavation/Pit/Pond, Placement of Fill, drilling or directional boring, Utilities, Wetland Alteration. Other project type not listed here _____

_____

2. IS THIS APPLICATION FOR an annual maintenance permit? ☐ Yes ☒ No
(If yes attach annual plan of operation to this application) – Refer to section C2 in the instructions.

3. WHY IS THIS PROJECT NECESSARY? STATE THE PURPOSE OR GOAL of the proposed project. Refer to section C3 in the instructions.

The proposed scope of work for this project is to reconstruct I-90 to meet current MDT design standards and replace the existing plant mix bituminous surface with PCCP from Reference Post (RP) 0.0 (Idaho State Line) to RP 5.7 (Taft Interchange). Pavement preservation, or mill and overlay, is included on the Lookout Pass Interchange ramps and Taft Interchange ramps. The project also includes drainage, environmental, traffic and safety improvements.

The purpose of this project is to remove the existing plant mix bituminous surface that is deteriorating due to the harsh weather environment in this area. The plant mix will be replaced with a more durable concrete surface. Additional improvements to drainage, signing and roadway lighting are also included.

4. PROVIDE A BRIEF DESCRIPTION of the proposed project plan and how it will be accomplished. Refer to section C4 in the instructions.

The Montana Department of Transportation (MDT) is proposing a surfacing reconstruction of Interstate 90 (I-90) to the geometry and standards in place at the time of original construction or inclusion in the interstate system. The project will replace the existing plant mix bituminous surface with Portland Cement Concrete Pavement (PCCP). Pavement preservation, or mill and overlay, is included on the Lookout Pass Interchange ramps and Taft Interchange ramps. The project will also include drainage, traffic, and safety improvements.

Drainage improvement on this project will include culvert rehabilitation, replacement, outlet protection, and channel grading. Specific work items locations are identified in Table B-2 of the application.

The project is located in Mineral County on 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.

5. **WHAT OTHER ALTERNATIVES were considered to accomplish the stated purpose of the project?** Why was the proposed alternative selected? Refer to section C5 in the instructions.

A no-action alternative on the proposed project was discarded, as it did not meet the project's purpose and need,

An alternative that included 10-ft ditch sections to meet interstate design standards was considered but rejected due to environmental and right of way impacts. This alternative would result in right-of-way impacts to U.S. Forest Service lands as well as increase the impacts to adjacent aquatic resources. Full replacement of the two St. Regis River culverts was considered but dismissed because of the deep fill sections in these locations and digging up the culverts is cost prohibitive.

6. **NATURAL RESOURCE BENEFITS OR POTENTIAL IMPACTS. Please complete the information below to the best of your ability**.

* Explain any temporary or permanent changes in erosion, sedimentation, turbidity, or increases of potential contaminants. What will be done to minimize those impacts?

A total of 5.79 acres of wetlands were delineated within the project area, which is defined as all areas within 200 feet of the interstate centerline in each direction. The project as designed will result in 0.386 acre of unavoidable permanent wetland impact due to (1) roadway fill encroaching on wetlands located immediately adjacent to the highway, (2) culvert replacements that include flared end terminal sections (FETS) and riprap aprons for velocity dissipation encroaching on wetlands, and (3) excavation of roadway ditches to improve drainage. Note that no impact on Wetlands 2, 5, and 8 is expected to occur as a result of the proposed project.

The proposed project is anticipated to result in 0.02 acre of cumulative stream impacts due to culvert ends and riprap aprons encroaching on several named and unnamed streams. A cumulative total of 158.7 linear feet of streams would be impacted occurring on nine separate streams at 12 locations. The maximum single linear length of impact is 76.3 feet, where, located at Station 3054+11, Unnamed Stream #6 flows across the median of I-90 in a constructed drainage channel and this area will be graded to create positive drainage between proposed new culverts. The second largest linear length of impact is 17.5 feet (see tables in Section D for greater detail).

Several permanent erosion and sediment control (PESC) features are being implemented to reduce the likelihood and quantity of sediments entering the St. Regis River and include:

1. Disturbed areas will be replanted with native grasses.
2. 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.
3. Additional PESC features anticipated to be incorporated as design progresses include check dams and ditch linings.
4. The contractor will be encouraged to utilize biodegradable wattles for erosion control and leave them in place following completion of the project.

Water quality impacts would be minimized through compliance with the various state and federal water quality regulations that are anticipated for the proposed project (i.e., Section 404/401, SPA 124, MPDES, 318 Authorization), including any regulatory permit special conditions. MDT Standard Specifications specify the processes with which the contractor must comply to prevent or minimize pollution and control impacts on aquatic resources, particularly Section 208 (Environmental Protection). Water quality impacts would be substantially avoided and minimized by the use of standard best management practices (BMPs) that include erosion and sediment control(s) to minimize temporary impacts and abate pollution of surface and ground water resources. The contractor would be responsible for conducting routine site monitoring to ensure all pollution control measures are installed, maintained, and functioning correctly.

Some temporary construction impacts are anticipated (i.e., erosion, sedimentation, and turbidity) due to in-water disturbances. These temporary impacts would be minimized through contractor implementation of BMPs, including Section 208 of the current MDT standard specifications manual. Specific information regarding temporary facilities, erosion control measures, and construction methodology, would be the responsibility of the contractor and covered in the construction application to the appropriate regulatory agencies.

- Will the project cause temporary or permanent impacts to fish and/or aquatic habitat? What will be done to protect the fisheries?

Impacts to aquatic habitat, including wetlands, have been minimized the greatest extent possible. Impacts to the St. Regis River are minor and negligible and would not have any long-term effects to fish. Chippy Creek and Mephisto Creek, both of which flow through the project area and are being negligibly impacted, are not documented to contain fish per Montana FWP databases.

There is potential for temporary impacts to water quality during the culvert replacements occurring within the perennial streams identified in the project area. Standard specifications included in the contract documents will ensure the contractor implements BMPs intended to reduce or eliminate temporary impacts from erosion and sedimentation. Similarly, PESC features will be implemented in the proposed design to the extent practicable. All in-stream work will be conducted in compliance with state and federal water quality regulations applicable for the project.

Specific information regarding temporary facilities, erosion control measures, and construction methodology will be covered in the construction application if applicable.

- What will be done to minimize temporary or permanent impacts to the floodplain, wetlands, or riparian habitat?

Professional engineers, following MDT's well-established procedures, have designed the proposed project to avoid or minimize permanent impacts to floodplains, wetlands, and other areas. There will be negligible impacts to the St. Regis River floodplain as a result of the project and the project will require a floodplain development permit. Efforts have been made with design to reduce the impacts to the floodplain by minimizing the amount of fill and matching existing elevations to the extent practicable.

The project will result in 0.386 acre of unavoidable permanent wetland impacts due to (1) roadway fill encroaching on wetlands located immediately adjacent to the highway,(2) culvert replacements that include flared end terminal sections (FETS) and riprap aprons for velocity dissipation encroaching on wetlands, and (3) excavation of roadway ditches to improve drainage. Wetland impacts have been minimized to the greatest extent possible. Impacts to riparian habitat would be minimized to the greatest extent possible as well through staking of the construction limits and ensuring that the minimum ground disturbance occurs.

Specific information regarding temporary facilities and construction methodology will be covered in the construction application, if applicable.

- What efforts will be made to decrease flooding potential upstream and downstream of project?

Professional engineers, following MDT's well-established procedures, have designed the proposed project to avoid or minimize risks of flooding or erosion problems upstream or downstream.

Some work within the St. Regis River floodplain is necessary to complete the project. Rise has been limited to less 0.5 foot in accordance with the floodplain regulations. The minimal floodplain impacts occurring will not impact any insurable structures upstream or downstream of the project. Work occurring within the floodplain will have a finished surface elevation that matches the existing condition.

- Explain potential temporary or permanent changes to the water flow or to the bed and banks of the waterbody. What will be done to minimize those changes?

No adverse effect on water flow will result from the project. The hydraulic capacity of the culverts will be maintained or increased throughout the project area. Water body bed and bank impacts are being minimized the greatest extent possible.

Specific information regarding temporary facilities, erosion control measures, and construction methodology will be covered in the construction application if applicable.

- How will existing vegetation be protected and its removal minimized? Explain how the site will be revegetated. Include weed control plans.

In accordance with Standard Specification 201, clearing and grubbing activities would occur only within 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 as required by the MPDES permit.

D. CONSTRUCTION DETAILS

1. PROPOSED CONSTRUCTION DATES. Include a project timeline. Start date 5/1/2024
Finish date 10/15/2025 How long will it take to complete the project? 17 months Is any portion of the work already completed? ☐ Yes ☒ No (If yes, describe previously completed work.)
Refer to section D1 in the instructions.

The project is currently in the final design phase and construction is anticipated to begin in the spring of 2024 and extend through 2025. The proposed construction schedule is subject to change.

2. PROJECT DIMENSIONS. Describe length and width of the project. Refer to section D2 in the instructions.

The project will reconstruct 5.7 miles of I-90. The overall dimensions of the interstate will not change. The first 3.4 miles of the project from RP 0.0 to RP 3.4 has an undivided four-lane interstate typical section consisting of 4 – 12-ft lanes, a 10-ft flush median, and 2 – 10-ft shoulders. For about 600 feet at the Lookout Pass Interchange the shoulders are 14-ft wide. The median has concrete barrier installed throughout the section and varies between tall and standard height. In addition to the Lookout Pass Interchange bridge crossing over I-90, this section has a bridge crossing over the old Northern Pacific railroad grade at RP 1.9 and crosses the St. Regis River twice using large culverts.

The section of Interstate from RP 3.4 to RP 4.8 is divided into two independent alignments, eastbound and westbound. The typical section for both the eastbound and westbound sides is 2 – 12-ft lanes, a 4-ft inside shoulder, and 10-ft outside shoulders. There is roughly a 200-ft wide median between the two alignments through most of this section. The median has a mixture of open grassy and forested areas with mature trees. There is one authorized-vehicle-only turnaround at RP 4.2. Chippy Creek runs in the median from RP 3.8 to RP 4.3. This section also includes the Dena Mora Rest Area at RP 4.7. There is a westbound chain-up area from RP 3.5 to RP 3.9 and an eastbound chain removal area from RP 4.4 to RP 4.6.

The last section of I-90 from RP 4.8 to RP 5.7 is an undivided alignment with 4 – 12-ft lanes, a 10-ft flush median, and 2 – 10-ft outside shoulders. The median has concrete barrier installed throughout the section and varies from tall to standard height. This section ends at the Taft Interchange and has two bridges. One bridge crosses over the old Northern Pacific railroad grade at RP 5.1 and the other bridge is the I-90 overpass at the Taft Interchange.

Existing and proposed dimensions of culvert replacements and culvert outlet protection are provided in Table D-2 of this application.

3. EQUIPMENT. List all equipment that will be used for this project. How will the equipment be used on the bank and/or in the water? Note: All equipment used in the water must be clean, drained and dry. Refer to section D3 in the instructions.

Standard highway construction equipment will be used and will likely include a variety of tracked and wheeled heavy construction equipment including, but not limited to, scrapers, backhoes, dozers, loaders, cranes, pile drivers, dump trucks, compaction equipment, concrete trucks, pump trucks, and paving equipment. The contractor will provide the equipment that will be used to construct the proposed project.

The following three questions related to equipment and locations of use are currently unknown. This information would need to be provided by the construction contractor, who has not yet been selected for the project.

Will equipment from out of state be used? YES ☐ NO ☐ UNKNOWN ☒
Will the equipment cross west over the continental divide to the project site? YES ☐ NO ☐ UNKNOWN ☒
Will equipment enter the Flathead Basin? YES ☐ NO ☐ UNKNOWN ☒

4. **MATERIALS**. Provide the total quantity and source of materials proposed to be used or removed. Note: This may be modified during the permitting process therefore it is **recommended you do not purchase materials until all permits are issued.** List soil/fill type, cubic yards and source, culvert size, rip-rap size, any other materials to be used or removed on the project. Refer to section D4 in the instructions.

Table D-1: Materials Proposed within Delineated Wetlands

Wetland ID	Cubic yards of fill / Acres / Square yards	Size and Type	Source	Component
Wetland 1 (WL-1)	2.53 c.y. / 0.001 ac. / 4 s.y.	Class I Riprap/Geotextile Fabric	Local source	Riprap apron and Culvert with FETS
Wetland 3 (WL-3)	0.001 ac. / 2 s.y.	Culvert/Geotextile Fabric	Local source	Culvert with FETS
Wetland 4 (WL-4)	10 c.y. / 0.003 ac.	Fill	Local source	Road fill
Wetland 6 (WL-6)	0.001 ac. / 4 s.y.	Culvert/Geotextile Fabric	Local source	Culvert with FETS
Wetland 7A (WL-7A)	400 c.y. / 0.099 ac.	Fill	Local source	Road fill
Wetland 7B (WL-7B)	0.001 ac. / 4 s.y.	Culvert/Geotextile Fabric	Local source	Culvert with FETS
Wetland 9 (WL-9)	30 c.y. / 0.018 ac.	Fill	Local source	Road fill
Wetland 10 (WL-10)	0.038 ac. / 7 s.y.	Culvert/Geotextile Fabric/ Excavation	Local source	Culvert with FETS / grading
Wetland 11A (WL-11A)	850 c.y. / 0.082 ac. / 4 s.y.	Fill/Culvert/Geotextile Fabric	Local source	Road fill/ Culvert with FETS
Wetland 11B (WL-11B)	10 c.y. / 0.033 ac.	Fill	Local source	Road fill
Wetland 12 (WL-12)	1 c.y. / 0.057 ac. / 2 s.y.	Fill/Culvert/Geotextile Fabric/Excavation	Local source	Ditch block/ Culvert with FETS/ grading
Wetland 13 (WL-13)	14.4 c.y. / 0.053 ac. / 4 s.y.	Fill/Culvert/Geotextile Fabric/Excavation	Local source	Ditch block/ Culvert with FETS/ grading

Note: Permanent wetland impacts total 0.386 acre for the entire project.

Table D-2: Materials Proposed below the OHWM of Streams

Stream	Station	Existing Structure Type and Dimensions	Proposed Structure Type and Dimensions	Square Feet/ Acres/ Square Yards	Linear Feet	Cubic Yards	Size and Type	Source	Component
Unnamed Stream 1	128+80	48" x 167' CMP	48" x 167' RCP	32.4 s.f. / .0007 ac. / 4 s.y.	2.5 L.F.	NA	Culvert and Geotextile fabric	Local source	Culvert replacement
Unnamed Stream 2	129+82	24" x 113.6' CMP	30" x 122' RCP	29.0 S.F. / 0.0006 AC. / 4 s.y.	18.4 L.F.	1.8 c.y.	Class 1 Riprap, Culvert Geotextile Fabric	Local source	Culvert replacement, Outlet Protection
Unnamed Stream 3	139+13	48" x 166' CMP	Rehab option per special provision*	17.9 s.f. / 0.0004 ac. / 2 s.y.	2.5 L.F.	1.3 c.y.	Class 1 Riprap Geotextile Fabric	Local source	Outlet Protection
Unnamed Stream 4	180+54	48" x 340' CMP	Rehab option per special provision*	117.2 s.f. / 0.0027 ac. / 13 s.y.	11.0 L.F.	8.7 c.y.	Class 1 Riprap Geotextile Fabric	Local source	Outlet Protection
St. Regis River	203+74	180" x 328' SSPP	Rehab option per special provision*	NA	NA	NA	See Table D-4*	Local source	Culvert rehabilitation
St. Regis River**	249+11	30" x 289.1' CMP	36" x 252' RCP	6.5 s.f. / 0.0001 ac. / 1 s.y.	2 L.F.	NA	Culvert	Local source	Outlet Protection

							Geotextile Fabric		
St. Regis River	267+82	180" x 528' SSPP	Rehab option per special provision*	NA	NA	NA	See Table D-4*	Local source	Culvert rehabilitation
Chippy Creek	2047+84 LT	24" x 74.1' CMP	24" x 88.0' RCP	31.1 s.f. / 0.0007 ac. / 4 s.y.	17.5 L.F.	NA	Culvert Geotextile Fabric	Local source	Culvert replacement
Chippy Creek	2055+34	54" x 201.1' CMP	54" x 220' RCP	40.2 s.f. / 0.0009 ac. / 5 s.y.	10.3 L.F.	NA	Culvert Geotextile Fabric	Local source	Culvert replacement
Unnamed Stream 5	3011+92	24" x 73.6' CMP	30" x 82' RCP	12.9 s.f. / 0.0003 ac. / 2 s.y.	4.7 L.F.	NA	Culvert Geotextile Fabric	Local source	Culvert replacement
Unnamed Stream 6	3054+11	48" x 159.5' CMP	48" x 172' RCP	522.7 s.f. / 0.012 ac. / 3 s.y.	76.3 L.F.	NA	Culvert Geotextile Fabric	Local source	Culvert replacement, Channel grading
Mephisto Creek	428+71	48" x 194' CMP	Rehab option per special provision*	112.0 s.f. / 0.0026 ac. / 13 s.y.	16 L.F.	8.7 c.y.	Class 1 Riprap Geotextile Fabric	Local source	Outlet Protection

* The contract bid documents include a special provision that provides several options for the contractor to rehabilitate this culvert located in a deep fill section. See Table D-3 for more information.
** The culvert at this location is carrying drainage from Wetland 3 underneath I-90 and the outlet protection is located within the OHWM of the St. Regis River.

Table D-3: Culvert Rehabilitations Options for Culverts Located in Deep Fill Sections

Station	Existing culvert	Length (ft)	Rehab option	Description	Thickness of Liner (inches)	Existing Diameter (inches)	Proposed Inside diameter (inches)	Quantity of Material (C.Y.)	Notes
139+15	48" CMP	166	Install New Pipe	Install New 48" RCP pipe	NA	48	48	NA	166 feet of new 48" RCP installed
			Insert New Pipe into Existing Pipe	Insert new pipe: Infrasteel	0.5	48	44	NA	166 feet of new steel casing pipe installed in existing culvert
			CIPP Lining	Insert CIPP Liner	1.1	48	45.8	6.9	C.Y. of resin
			Spray-On Liner	Apply geopolymer mortar	2	48	44	12.3	C.Y. of geopolymer mortar
180+54	48" CMP	340	Insert New Pipe into Existing Pipe	Insert new pipe: Infrasteel	0.5	48	44	NA	340 feet of new steel casing pipe installed in existing culvert
			CIPP Lining	Insert CIPP Liner	1.1	48	45.8	14.2	C.Y. of resin
			Spray-On Liner	Apply geopolymer mortar	2	48	44	25.3	C.Y. of geopolymer mortar
428+71	48" CMP	194	Insert New Pipe into Existing Pipe	Insert new pipe: Infrasteel	0.5	48	44	NA	194 feet of new steel casing pipe installed in existing culvert
			CIPP Lining	Insert CIPP Liner	1.1	48	45.8	8.1	C.Y. of resin
			Spray-On Liner	Apply geopolymer mortar	2	48	44	14.4	C.Y. of geopolymer mortar
203+74	180" SSPP	328	Insert New Pipe into Existing Pipe	Insert new pipe: Infrasteel	0.75	180	172.5	NA	166 feet of new steel casing pipe installed in existing culvert
			CIPP Lining	Insert CIPP Liner	2	180	172	93.3	C.Y. of resin
			Spray-On Liner	Apply SprayWall Polyurethane Lining	0.75	180	178.5	17.8	C.Y. of Polyurethane
				2" of Geopolymer mortar	2	180	176	47.2	C.Y. of geopolymer mortar
			Invert Paving	Apply 6" of concrete to invert	6	180	168	138.3	C.Y. of concrete
267+82	108" SSPP	528	Insert New Pipe into Existing Pipe	Insert new pipe: Infrasteel	0.75	108	101	NA	528 feet of new steel casing pipe installed in existing culvert
			CIPP Lining	Insert CIPP Liner	2	108	104	45.2	C.Y. of resin
			Spray-On Liner	Apply SprayWall Polyurethane Lining	0.75	108	106.5	17.2	C.Y. of Polyurethane
				2" of Geopolymer mortar	2	108	104	45.2	C.Y. of geopolymer mortar
			Invert Paving	Apply 6" of concrete to invert	6	108	96	130.6	C.Y. of concrete

E. REQUIRED ATTACHMENTS

1. **PLANS AND/OR DRAWINGS** of the proposed project. **Include**:
   - Plan/Aerial view
   - an elevation or cross section view
   - dimensions of the project (height, width, depth in feet)
   - location of storage or stockpile materials dimensions and location of fill or excavation sites
   - drainage facilities
   - location of existing/proposed structures, such as buildings, utilities, roads, or bridges
   - an arrow indicating north
   - Site photos

Please see the attached Aquatic Resource Findings Report (Attachment B) and construction plans (Attachment E).

2. **ATTACH A VICINITY MAP OR A SKETCH** which includes: The water body where the project is located, roads, tributaries, other landmarks. Place an "X" on the project location. Provide written directions to the site. This is a plan view (looking at the project from above).

Please see the attached Aquatic Resource Findings Report (Attachment B) and construction plans (Attachment E).

3. **ATTACH ANNUAL PLAN OF OPERATION if requesting a Maintenance 310 Permit.**

   Not Applicable

4. **ATTACH AQUATIC RESOURCE MAP.** Document the location and boundary of all waters of the U.S. in the project vicinity, including wetlands and other special aquatic sites. Show the location of the ordinary high-water mark of streams or waterbodies. **if requesting a Section 404 or Section 10 Permit.** Ordinary high-water mark delineation included on plan or drawings and/or a separate wetland delineation.

   Please see the attached Aquatic Resource Findings Report (Attachment B) and construction plans (Attachment E).

F. ADDITIONAL INFORMATION FOR U.S. ARMY CORPS OF ENGINEERS (USACE) SECTION 404, SECTION 10 AND FLOODPLAIN PERMITS.

Section F should only be filled out by those needing Section 404, Section 10, and/or Floodplain permits. Applicants applying for Section 404 and/or Section 10 permits complete F 1- 8. Applicants applying for Floodplain permits, complete all of Section F. Refer to section F in the instructions.

FOR QUESTIONS RELATING TO SECTION F, QUESTIONS 1-8 PLEASE CONTACT THE USACE BY TELEPHONE AT 406-441-1375 OR BY E-MAIL MONTANA.REG@USACE.ARMY.MIL.

1. Identify the specific **Nationwide Permit(s)** that you want to use to authorize the proposed activity. Refer to section F1 in the instructions.

Authorization under NWP 14 – Linear Transportation Projects is request A preconstruction notification is required due to discharges within a special aquatic site (includes wetlands).

Additional permitting requirements may be necessary for temporary structures, dewatering activities, or fill during construction of the project depending on contractor means and methods. Temporary structures and construction impacts would be permitted separately under NWP 33 – Temporary Construction, Access, and Dewatering. It will be the responsibility of the contractor to determine additional permitting requirements and obtain the necessary 404 permit.

2. Provide the **quantity of materials** proposed to be used in waters of the United States. What is the length and width (or square footage or acreage) of impacts that are occurring within waters of the United States? How many cubic yards of fill material will be placed below the ordinary high-water mark, in a wetland, stream, or other waters of the United States? Note: Delineations are required of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Refer to section F2 in the instructions.

Refer to tables in Section D above for the quantities of materials proposed to be used in waters of the U.S., including wetlands. The dimensions of impacts occurring within waters of the U.S. are also presented in Section D above. A summary of permanent wetland and stream impacts is as follows:

- Permanent Wetland Impacts: 0.386 acre
- Stream Impacts: 0.02 acre / 158.7 linear feet

3. How will the proposed project avoid or minimize **impacts to waters of the United States?** Attach additional sheets if necessary. Refer to section F3 in the instructions.

Impacts to waters of the U.S. are largely avoided due to the minimization of the project footprint. The interstate ditch widths proposed match the existing conditions of approximately 4-ft, as opposed to the 10-ft standard. By not widening the top of the roadway, substantial wetland and stream impacts are avoided. The culverts being replaced for the project are not increasing in length but are increasing in diameter in many instances. Because the new culverts are not increasing in length, the resulting impacts to waters of the U.S. are kept to minimum to accommodate the ends of the culverts with flared end terminal sections and minor grading impacts.

Presently, final design of the project results in 0.386 acre of unavoidable permanent wetland impacts. Wetland impacts have been minimized to the greatest extent practicable. Due to the location of some ditch wetlands and streams immediately adjacent to the roadway, unavoidable wetland impacts will occur. The following list provides additional details on wetland avoidance and minimization measures employed by the design team and evidenced in the final design of the project:

- Typical Section: The proposed finished top width of I-90 will match existing and consist of 10-ft outside shoulders, 2 – 12-ft lanes, and a 10-ft flush median in the undivided sections, and 10-ft outside shoulders, 2 – 12-ft lanes, and 4-ft inside shoulders at the divided sections. By matching the existing typical section, potential impacts to aquatic resources immediately adjacent to the highway can be avoided and minimized. Pullout, chain-up and chain removal areas will be perpetuated and will match existing conditions, which further minimizes aquatic resource impacts that exist adjacent to the pullouts.

- Slope Design: The proposed slope design for the project matches existing conditions and provides a 4-ft wide ditch in cut sections, as opposed to the 10-ft standard. Fill slopes will tie into existing slopes in an effort to reduce the construction footprint for the project and minimize impacts to aquatic resources immediately adjacent to the highway. Slope stabilization and major excavation are not included, which further minimizes aquatic resource impacts.
- Hydraulics: The project involves replacing numerous minor drainage culverts. In general, existing metal culverts will be replaced by larger diameter concrete culverts. Because the roadway footprint is not widening, the replacement culverts will only minimally increase in length, and primarily to accommodate flared end terminal sections (FETS). Minimal increases to the new culverts minimize impacts to aquatic resources where the culverts extend into adjacent wetlands and streams..
- Permanent Erosion and Sediment Control (PESC) Features: Several PESC features are being implemented to reduce the likelihood and quantity of sediments entering the St. Regis River.
    - Disturbed areas will be replanted with native grasses.
    - 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 and ditch linings.

4. Will the project impact greater than 0.10-acre of wetland and/or more than 300 linear feet of stream or other waters? If yes, describe how the applicant is going to **compensate (mitigation bank, in-lieu fee program, or permittee responsible)** for these unavoidable impacts to waters of the United States. Refer to section F4 in the instructions.

Yes, the project as proposed impacts greater than 0.10-acre of wetland. The proposed project is anticipated to result in 0.386 acre of unavoidable permanent wetland impacts. In accordance with NWP General Condition 23 and Executive Order 11990, wetland compensatory mitigation is required. Unavoidable impacts to jurisdictional wetlands will be mitigated at one of MDT's Wetland Mitigation Sites within Watershed #3, if Corps approved credits are available, or by purchasing available wetland mitigation credits through a USACE approved wetland mitigation bank or in-lieu fee program.

The project as currently proposed is not anticipated to require compensatory stream mitigation per the 2013 Montana Stream Mitigation Procedure for the following reasons:

- The proposed project would not result in more than 300 linear feet of new impact to any stream.
- The proposed project does not result in 150 linear feet or more of a single stream being placed in a new culvert, or the extension of any existing culvert by 150 linear feet or more.
- The stream impacts detailed in Section D (Table D-2) do not individually or cumulatively exceed the 0.03-acre threshold for stream compensatory mitigation as described in Nationwide Permit General Condition #23 – Mitigation.

5. Is the activity proposed within any component of the **National Wild and Scenic River System**, or a river that has been officially designated by Congress as a **"study river"**? Refer to section F5 in the instructions.

☐ Yes ☒ No

6. Does this activity require permission from the USACE because it will alter or temporarily or permanently occupy or use a **USACE authorized civil works project? (Examples include USACE owned levees, Fort Peck Dam, and others)**? Refer to section F6 in the instructions.

☐ Yes ☒ No

7. List the **ENDANGERED AND THREATENED SPECIES** and **CRITICAL HABITAT(s)** that might be present in the project location. Refer to section F7 in the instructions.

A Preliminary Biological Assessment (PBA) was completed for the proposed project on November 5, 2021. The November 2021 PBA assessed the proposed project's potential effects to grizzly bear, Canada lynx, bull trout, Whitebark pine, yellow-billed cuckoo, and monarch butterfly. Based on the analysis presented in the PBA, "may affect" determinations were rendered with regard to grizzly bear and Canada lynx. For bull trout, whitebark pine, and yellow-billed cuckoo (threatened species), a "no effect" determination was rendered in the PBA, and, monarch butterfly (candidate), a "not likely to jeopardize the continued existence of" determination was rendered in the PBA. Based on

these effect determinations, no further analysis on these species was conducted beyond the PBA. It should be noted that the listing status of whitebark pine has been changed from proposed to threatened since preparation of the PBA. This status change means the determination of effect has been changed from "not likely to jeopardize the continued existence of" to "no effect". No impact to this species will occur and no further evaluation was deemed necessary for whitebark pine.

Based on the preliminary determination of "may affect" for grizzly bear and Canada lynx, it was identified that the proposed project develop a final Biological Assessment to further evaluate potential effects to these species based on the most current project design details. At the time of the PBA, the proposed status of North American Wolverine had been withdrawn from consideration and therefore the species was not discussed in that document. Since that time, the species has been reinstated as a proposed threatened species with a final determination on its status expected in November 2023. In order to address the potential impacts of this proposed project on the wolverine, the species is addressed in greater detail in the BA.

A Biological Assessment (BA) was completed on March 27, 2023. The final BA rendered a "may affect, not likely to adversely affect" determination for both Canada lynx and grizzly bear. Concurrence on this determination from the U.S. Fish and Wildlife Service (USFWS) is pending, and will be provided when received. .

The Biological Resource report / Preliminary Biological Assessment and the Biological Assessment are provided in Attachment C.

8. List any **HISTORIC PROPERTY(S)** that are listed, determined to be eligible or are potentially eligible (over 50 years old) for listing on the National Register of Historic Places." Refer to section F8 in the instructions.

The proposed project is located entirely within existing right of way. There are no historic, archaeological or cultural resources on or eligible for listing on the National Register present within the project's Area of Potential Effect. No historic or cultural resources will be impacted by the proposed project. The finding is documented in Attachment A – The approved c(26) Categorical Exclusion. T

9. List **all applicable local, state, and federal** permits and indicate whether they were issued, waived, denied, or pending. Note: All required local, state, and federal permits, or proof of waiver must be issued prior to the issuance of a floodplain permit. Refer to section F9 in the instructions.

Section 404 permit – PENDING
Section 401 Certification – PENDING
SPA 124 permit – PENDING
318 Authorization - PENDING
Floodplain Permit - PENDING

10. List the **NAMES AND ADDRESSES OF LANDOWNERS** adjacent to the project site. This includes properties adjacent to and across from the project site. (Some floodplain communities require certified adjoining landowner lists).
    NAME OF **Adjacent Landowner**: Click here to enter name Click here to enter Address
    NAME OF **Adjacent Landowner**: Click here to enter name Click here to enter Address
    NAME OF **Adjacent Landowner**: Click here to enter name Click here to enter Address
    NAME OF **Adjacent Landowner**: Click here to enter name Click here to enter Address

11. **Floodplain Map Number** FIRM Panel 3001590001B Refer to section F11 in the instructions.

12. Does this project comply with **local planning or zoning regulations**? Refer to section F12 in the instructions.
    ☒ Yes ☐ No

G. SIGNATURES/AUTHORIZATIONS

Some agencies require original signatures. **After completing the form**, make the required number of copies and **then sign each copy.** Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possess' the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized. Refer to section G in the instructions.

APPLICANT (Person responsible for project):
Print Name: Montana Dept. of Transportation
Dead Fleming 08/04/2023
Signature of Applicant Date

LANDOWNER:
Print Name: Montana Dept. of Transportation
Dead Fleming 08/04/2023
Signature of Landowner Date

*CONTRACTOR'S PRIMARY CONTACT (if applicable):
Print Name: Click here to enter name.

_____
Signature of Contractor/Agent Date
*Contact agency to determine if contractor signature is required.