



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

Control Number 6141000 Date 2023-10-24

Part 1 - Project Summary

Project Name West of Missoula - NW
Project Number STPS 263 - 1(28)6 Control Number 6141000

Part 2 - Environmental Classification

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

Explain reason for re-evaluation and any new and/or amended information from previous analysis.

The Categorical Exclusion (CE) was approved by the Federal Highway Administration on September 14, 2022, under 23 CFR 771.117(d)(13). A re-evaluation of the environmental document is necessary to update Part 6.15, Right-of-Way (ROW), to document changes that have reduced right-of-way impacts since approval of the environmental document, as well as to update Part 6.9, Hazardous Materials and Substances, to include the results from the Preliminary Site Investigation (PSI) technical memorandum that was completed on August 1, 2023.

RIGHT-OF-WAY CHANGES:

Due to design changes in the vicinity of Reference Post (RP) 8, right-of-way impacts have been reduced from that described in the September 2022 CE and no longer is a primary residential structure on the north side of the highway being impacted and no residential relocation will occur. These changed conditions are reflected in the responses provided under Part 6.15. Because a residential relocation have been avoided, the project meets the criteria for a Categorical Exclusion under 23 CFR 771.117(c) (26), as noted below in Part 2.c.

HAZARDOUS MATERIALS AND SUBSTANCES:

A PSI was conducted on May 10, 2023, to sample soils within the former Smurfit-Stone mill site in areas where right-of-way acquisition and ground disturbing activities are planned. Contaminants were encountered but at concentrations below thresholds for the soil to be classified as hazardous waste. Refer to Part 6.9 for more information.

Date Oct 24, 2023

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 23 CFR 771.117(c)(26) - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in 23 CFR 771.117(e).

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.

As stated in the November 9, 2022 Scope of Work Report, the proposed project has been nominated and programmed to improve the driving surface and safety by widening the roadway shoulders, flattening the side slopes,



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improving the horizontal and vertical alignments, and upgrading the clear zone to meet current MDT Design Standards for a Rural Collector (Secondary System). Guardrail, pavement markings, signing and fencing will also be improved and/or replaced as a part of this project. With the proposed alignment, irrigation facilities and structures will need to be relocated outside of MDT right-of-way. Per the Construction, Maintenance, and Funding Agreement executed in March 2021, between MDT and Missoula County, a 10-foot Shared-use Path (SUP) along the northeast side of Mullan Road will be included in the design.

Based on MDT's Route Segment Plan, Mullan Road has a recommended 8-foot shoulder width from RP 4.54 to RP 7.30. It was determined during the design coordination meeting with MDT and Missoula County on January 22, 2018, that the typical section for Mullan Road would include roadway reconstruction with 6-foot shoulders for the extents of the project limits. The proposed roadway will consist of two 12-foot travel lanes (one in each direction) with 6-foot shoulders for a total roadway width of 36-feet. The proposed alignment will be shifted from the existing alignment to allow for the additional width and reduce impacts. Irrigation facilities will need to be realigned in areas to allow for the wider roadway.

Intersection improvements at Pulp Mill Road and Deschamps Lane will be included as part of the project. Turn lanes are not required at these intersections. The widened shoulder section will be carried through the Pulp Mill Road intersection and tapered down to meet the existing lane configuration of two 12-foot lanes with no shoulder. Deschamps Lane will be realigned to intersect Mullan Road at a 90-degree angle to correct the existing skewed intersection to improve sight distance. The radius between Mullan Road and the existing Deschamps Lane will be designed to accommodate farm equipment from neighboring properties. One bridge exists within the project limits just west of Primrose Lane that spans the Primrose Irrigation Canal that will be replaced by the project to accommodate the increased roadway width and SUP.

The Preliminary Field Review Report for this project was approved on October 27, 2017. The Alignment and Grade Review Report was approved on March 7, 2022. The Scope of Work Report was issued 11/09/2022.

Yes No Horizontal alignment shift?

Describe

The proposed alignment differs from the existing alignment in that curves are flattened to meet current design standards and improve safety. Tangents have been shifted to avoid major structures, utilities, irrigation features and large trees where possible.

Yes No Vertical alignment shift?

Describe

The vertical profile generally follows the existing alignment but is modified to maintain a minimum of 0.2% grade where practical. The vertical curves are proposed to meet current passing sight distance and stopping sight distance for a secondary roadway. The existing bridge within the project limits is in need of full replacement. The roadway grade will be raised to provide an adequate hydraulic opening. Also, the roadway profile was adjusted near the LaValle Creek floodplain to maintain a no-rise condition as part of the floodplain modeling, while trying to minimize wetland impacts.

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 project is located in Missoula County and outside the urban limits of Missoula. The project is located in Sections 4, 5, and 9 of Township 13 North, Range 20 West; Sections 30, 31, and 32 of Township 14 North, Range 20 West; and Sections 13, 24, and 25 of Township 14 North, Range 21 West.

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

Yes. Coordination with Missoula County Public Works is ongoing. Missoula County has been consulted on the proposed design, and in particular with regard to the agreement of the shared-use path, and will continue to be involved in the project as design progresses.

3.d. Are relevant local planning documents available?



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Yes No N/A

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 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	NWP14, NWP23
		<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>	See Notes.
<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 type="checkbox"/>	<input checked="" 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.)

The proposed project is anticipated to result in unavoidable impacts to streams, irrigation canals, and wetlands. Preliminary estimated wetland impacts total 0.61 acre and impacts to waters of the U.S. have not been quantified. The project may require Section 404 authorization through a Nationwide Permit or an Individual Permit. Additional coordination with the USACE will be necessary to determine the appropriate 404 permit. Once final design is complete and construction limits established, impacts on aquatic resources would be quantified and described in greater detail in the Aquatic Resources Finding Report (AFR) and the Section 404 permit application.

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 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?



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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)

Eleven wetlands were delineated in the project area. Unavoidable wetland impacts and compensatory mitigation requirements are anticipated. Wetland mitigation will be determined during final design and the Section 404 permitting process in consultation with the MDT District Biologist and/or MDT Wetland Mitigation Specialist. Off-site mitigation, if required, may be accomplished through use of wetland credits from existing MDT wetland reserves, if available, or by purchasing wetland mitigation credits through a USACE approved wetland mitigation bank or in-lieu fee program.

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)

Two perennial streams exist in the project area: O'Keefe Creek and LaValle Creek. Minor impacts are anticipated at existing culverts that would be replaced with larger/longer structures to accommodate the wider road surface. Approximately 260 feet of LaValle Creek will need to be realigned. Requirements for stream mitigation will be determined at a later date during the Section 404 permitting process once the design is finalized and impacts are known. Stream mitigation, if required, may be accomplished through use of stream credits from existing MDT stream reserves, if available, or by purchasing stream mitigation credits through a USACE approved mitigation bank or in-lieu fee program.

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.

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

The project will require modifications to and relocation of existing irrigation ditches and structures. Efforts have been made during the design phase to minimize impact on these facilities. Construction would occur outside of the irrigation season to the extent possible to allow for work to occur in the dry to minimize sediments and erosion potential and to avoid impact on irrigation users. Relocated irrigation ditches will be in-kind replacement and no diminution of flows to irrigation users would occur.

Additional Discussion (Explanation)

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.



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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?

List Species

Grizzly Bear, Canada Lynx, Whitebark Pine, Bull Trout, Bull Trout Critical Habitat, Yellow-billed Cuckoo, Red Knot, Wolverine, Monarch Butterfly.

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

Will have no effect.

May affect.

*****Grizzly Bear*****

As reported by KPAX on October 29, 2021, the Montana Fish, Wildlife & Parks confirmed a grizzly sow and two cubs have taken up residence in the North Hills area of Missoula, which spans from Hellgate Canyon to the Wye area (KPAX 2021). Despite that grizzly bear populations in Missoula County continue to rise and the recent observation, Interstate 90 and substantial road and urban development present a formidable barrier between the proposed project and the North Hills and grizzlies are not expected to occur in the project action area. "No Effect" on grizzly bears is expected to occur as a result of the proposed project.

******Canada Lynx*****

There is a lack of suitable habitat and no previous documentation of occurrence in the project vicinity. The project would have "No Effect" to Canada lynx or Canada lynx critical habitat.

*****Whitebark Pine*****

Due to the lack of suitable habitat and no documented occurrences within the project action area, the proposed project will have "no effect" on whitebark pine.

*****Bull Trout*****

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

- The proposed project does not involve work within any bull trout stream and does not involve direct disturbance to or modification of bull trout critical habitat.
- The project is crossed by two perennial streams, O'Keefe Creek and LaValle Creek, both of which have a downstream connection to the Clark Fork River (bull trout critical habitat); however, the distance from the project is greater than one mile and any short duration point-source turbidity resulting from the project would not be expected to reach bull trout waters.
- The proposed project is not expected to directly or indirectly adversely affect water quality conditions of the Clark Fork River and therefore would have no impact on bull trout or bull trout critical habitat.

*****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 not exist within the project limits.
- 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 low 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.

*****Red Knot*****

Explain No Effect



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Suitable habitat for this species does not exist within the project limits. The proposed project is determined to have "No Effect" on red knot.

Wolverine

Due to the lack of suitable habitat and no documented occurrences within the project action area, the proposed project would have no effect on wolverine, the proposed project is "Not Likely to Jeopardize the Continued Existence" of wolverine.

Monarch Butterfly

Monarch butterfly has been previously documented in Missoula County and in the vicinity of the project in September 2012 and July 2015 as reported by the Montana Natural Heritage Program (MTNHP) Generalized Observations database. The primary larval host plant for the species, milkweed (*Asclepias* sp.), was not identified within the project limits during the field investigations conducted in September 2017; however, suitable habitat for milkweed exists in the project area. Several weedy species that are a food source providing nectar to adult monarch butterflies were identified within the project area (e.g., *Cirsium*, *Taraxacum* spp.).

Per Migratory Bird Treaty Act (MBTA) special provisions, vegetation removal will occur outside of the growing season between August 16 and April 15, which will reduce the likelihood of the presence of plants preferred by monarch butterfly during the growing season and thus minimize the potential for monarch butterfly feeding or egg laying within the project boundaries. As such, the proposed project is "Not Likely to Jeopardize the Continued Existence" of the monarch butterfly. No additional conservation measures are recommended specific to monarch butterfly.

Due to lack of suitable habitat and vegetation clearing occurring during a time when this species would not be present, would not be affected by the proposed project. The proposed project is "Not Likely to Jeopardize the Continued Existence" of the monarch butterfly.

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.

Yes No Are there recorded Bald and/or Golden Eagle nests in the proposed project's vicinity?

Explain (List)

A review of the MTNHP database indicates that no direct or indirect evidence of breeding or bald eagle nests are located in the immediate project area. Spatial data from FWP indicates the potential presence of an eagle nest near or within Council Grove State Park. The park was surveyed on June 14, 2018, to verify presence/absence of the nest. Neither a nest nor a bald eagle were observed during the site visit.

No impact on individual bald eagle or nests is anticipated. Temporary construction noise is unlikely to disrupt bald eagle behavior or reproduction because the proposed project is not within a one half-mile radius of bald eagle nest sites, concentrated foraging areas, and communal roost sites.

Yes No The proposed project will have impacts subject to the conditions of the Bald and Golden Eagle Protection Act.

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.

Yes No 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 removal of trees and shrubs will be required to complete the project. The Environmental Specifications special provision 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 resulting from vegetation removal and Migratory Bird Treaty Act Compliance Structures Subsection 208.03.4A(2) to avoid and minimize potential impacts on migratory



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birds resulting from bridge work that may directly impact active nests.

Additional Discussion on Biological Resources

Information on Biological Resources are documented in the, June 2018 PBA, 2022 addendum, and 2023 Addendum to the Biological Resources Report and Preliminary Biological Assessment.

The Biological Resource Report/Preliminary Biological Assessment (BRR/PBA) was completed in June 2018 and an addendum was completed on February 9, 2022. The June 2018 PBA evaluated potential project effects on bull trout and bull trout critical habitat, yellow-billed cuckoo, and red knot due to the potential for these species to occur in the vicinity of the project.

The February 2022 PBA Addendum was developed to identify changes that have occurred in Endangered Species Act listed species since completion of the June 2018 PBA. Since June 2018, the proposed status for wolverine was vacated; whitebark pine has been proposed for listing; and monarch butterfly has been determined a candidate species. Since the 2022 PBA Addendum, wolverine is once again a proposed threatened species per a federal judge decision in the spring of 2022. The February 2022 PBA Addendum confirmed that, for the federally listed grizzly bear, Canada lynx, bull trout, yellow-billed cuckoo, and red knot, the previous effect determinations rendered in the June 2018 PBA remain valid.

Whitebark Pine was listed as threatened on December 15, 2022. The 2023 BRR Addendum assessed impacts to the threatened Whitebark Pine.

The proposed project does not intersect greater sage-grouse habitat.

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?

Yes No Is the project specifically for the purposes of national defense?

6.7.a. Will farmland (as defined in 7 CFR 658.2) be directly or indirectly converted as a result of the project?



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- No. Project is not subject to FPPA. No additional analysis or discussion required.
- Yes. A farmland impact analysis was conducted in accordance with the most current NRCS procedures and is documented in the file. Analysis does not indicate potential for significant adverse impact.
- Yes. A farmland impact analysis will be conducted in accordance with the most current NRCS procedures and will be documented in the file. Analysis will not indicate potential for significant adverse impact or else the level of environmental documentation will be re-evaluated.

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 applicable floodplain FIRM panels include: 30063C1155E, 30063C1160E, and 30063C1170E. The proposed project encroaches on the 100-year floodplain of LaValle Creek and will require a floodplain development permit from Missoula County.

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.

A preliminary Site Investigation will be conducted and documented in the file. Appropriate special conditions will be included in the contract.

Describe

The former Smurfit-Stone mill site located at the northwest end of the project area contains contaminated soils and potentially contaminated groundwater. On December 12, 2013, the Smurfit-Stone Mill site was proposed to be added to the National Priorities List (NPL). The proposed project intersects with Operable Units (OU) 2 and 3. Soil sampling results within OU2 immediately adjacent to the proposed project show levels of toxicity equivalents (TEQ) dioxins and metals that exceed DEQ risk-based screening levels. Due to the proposed improvements, right-of-way acquisition from within OU2 and OU3 is necessary.

Due to the need to acquire right-of-way and the potential for encountering contaminated soils, a PSI was conducted to evaluate the concentrations of contaminants in shallow soil within the planned disturbance area. On May 10, 2023, 10 soil borings were advanced up to 4-ft below ground surface and 28 soil samples were sent to a lab for analysis. The PSI is available in the project file. The following provides a summary of the results:

- Analytes detected include metals, polychlorinated biphenyls (PCBs), dioxins, and furans.
- Arsenic was the only analyte detected above the commercial regional screening levels (RSLs); however, these exceedances did not exceed soil background threshold values (BTVs) for naturally occurring arsenic in Montana.
- PCBs, dioxins, and furans were detected in some samples but at concentrations less than RSLs.
- Based on this investigation, the metals in the soil are not at concentrations for the soil to be classified as hazardous waste.

Coordination with DEQ and the EPA is ongoing and a copy of the PSI report was provided to the agencies on August 15, 2023. In addition, the project involves a bridge demolition, and an asbestos inspection of the



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structure is required and will be conducted during Fall 2023 (see ISA Form for more information). No local permitting requirements have been identified for ground disturbance activities in a Superfund Site.

Additional information if needed

A Contaminated Soils special provision will be prepared to inform the contractor of the PSI results and note that landfill acceptance of this soil will need to be based upon individual landfill acceptance criteria. Special provisions may be necessary based on asbestos inspection of the bridge. As necessary, additional coordination with DEQ will be conducted as final design progresses.

Should evidence of hazardous materials and/or underground storage tanks be discovered during construction, in accordance with MDT Standard Specifications 208.03.8, 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?

Historic Resources					
Smithsonian #	Name	Eligible?	Date of Concurrence in Eligibility	Effect Determination	Date of Effect Determination
24MO01793	14520 Mullan Road, Frenchtown Substation	No	Dec 14, 2021	NA	NA
24MO01794	14377 Pulp Mill Road and 14540 Mullan Road, former Stone Container pulp mill site	No	Dec 14, 2021	NA	NA
24MO01795	13225 Mullan Road	Yes	Dec 14, 2021	No Adverse Effect	Mar 30, 2022
24MO01796	13000 Mullan Road	No	Dec 14, 2021	NA	NA
24MO01797	12795 Mullan Road	Yes	Dec 14, 2021	No Adverse Effect	Mar 30, 2022
24MO01798	12025 Mullan Road	No	Dec 14, 2021	NA	NA
24MO01799	11950 Mullan Road	No	Dec 14, 2021	NA	NA
24MO01800	116000 Mullan Road	No	Dec 14, 2021	NA	NA
24MO01801	11451 Mullan Road	Yes	Dec 14, 2021	No Adverse Effect	Mar 30, 2022
24MO01802	11450 Mullan Road	No	Dec 14, 2021	NA	NA
24MO0713	Chicago, Milwaukee & St. Paul Railway grade	Yes	Dec 14, 2021	No Adverse Effect	Mar 30, 2022
24MO0789	Frenchtown Irrigation District Canal	Yes	Dec 14, 2021	No Adverse Effect	Mar 30, 2022
24MO0295	10300 Mullan Road, Beebe Ranch Residence/Dussault Ranch employee housing	Yes	Dec 14, 2021	No Adverse Effect	Mar 30, 2022
Add Row		Delete Last Row			



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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.

A cultural resource report was completed in October 2021 and included thirteen potentially eligible sites in the Area of Potential Effect (APE). The study updated the site forms for three sites (24MO0295, 24MO0713, and 24MO0789) that have previously been determined eligible for the National Register of Historic Places (NRHP). The study also recorded and evaluated ten properties within the Area of Potential Effect (APE) that date to the historic period and had never been inventoried. Three of the newly evaluated properties (24MO01801, 24MO01797, and 24MO01795) were recommended eligible for the NRHP in the October 2021 report. Seven of the properties were recommended as ineligible: 24MO01793, 24MO01794, 24MO01796, 24MO01798, 24MO01799, 24MO01800, and 24MO01802. The State Historic Preservation Office (SHPO) concurred with the recommendations on December 14, 2021.

MDT provided SHPO a Determination of Effect on March 23, 2022, that identified No Adverse Effect to 24MO0713, 24MO0789, 24MO01795, 24MO01797, and 24MO01801. The SHPO concurred with the determination on March 30, 2022. No impact to 24MO0295 would occur as this property is outside the project limits.

The proposed project will impact Site 24MO0789 (Frenchtown Irrigation District Canal) due to realignment; however, this impact was determined to have No Adverse Effect. Similarly, the project is anticipated to require a minor amount of right-of-way from Site 24MO01797, although no impact on the structures or trees immediately adjacent to the residence would be affected. This was determined to have No Adverse Effect.

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

The proposed project meets the criteria for a Categorical Exclusion with no added capacity and no increase to accessibility. No additional travel lanes or auxiliary lanes are being proposed. As such, the proposed project does not have potential for induced growth effects.

Additional information, if needed.

6.12 Noise (Environmental Manual Chapter 43)

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

Explain

This project team has evaluated the proposed project against project classification definitions found at 23 CFR 772. A memo was developed for Consultant Design Activity 179, Preliminary Noise Determination and/or Analysis, that documented the findings and is available in the project file. In summary, the proposed project does not meet the definition of a Type I project and therefore is considered a Type III project.

6.13. Public Involvement

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

Explain

A Level C public involvement in planned. This includes news releases as well as newspaper, radio, and TV contacts; personal contact with adjacent land owners; personal contact with local officials, interest groups, and other organizations; public informational meetings; and a project website hosted by MDT.

6.14 Recreational Resources



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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
Council Grove State Park	MT Fish, Wildlife & Parks	No	NA
<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:

The proposed project does not require permanent right-of-way or temporary construction easements from Council Grove State Park property owned by FWP. No impact on the park is anticipated.

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?

Yes No N/A Will ROW acquisition be considered "minor" per the Programmatic Agreement (PA)? *For purposes of the PA, an acquisition is considered more than minor if it will substantially affect the functionality of the property and/or primary structure on the property.* If no, action may not be processed under paragraphs CE(c)(26), (c)(27), and (c)(28).

Yes No N/A Will residential or commercial displacement be required? If yes, action may not be processed under paragraphs CE(c)(26), (c)(27), and (c)(28).

Yes No N/A Will acquisition of land for hardship or protective purposes, or early acquisition 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.

4(f) Resources				
Resource	Use?	Type of Use (Permanent, Temporary, Constructive)	Documentation (De Minimis, Programmatic, Full 4(f))	Date of Completion
Council Grove State Park	<input type="text" value="No"/>	<input type="text"/>	NA	NA
10300 Mullan Road, Beebe Ranch Residence (24MO0295)	<input type="text" value="No"/>	<input type="text"/>	NA	NA
Chicago, Milwaukee & St. Paul Railway grade (24MO0713)	<input type="text" value="No"/>	<input type="text"/>	NA	NA
Frenchtown Irrigation District Canal (24MO0789)	<input type="text" value="Yes"/>	<input type="text" value="Permanent"/>	De Minimis	March 30, 2022
11451 Mullan Road (24MO01801)	<input type="text" value="No"/>	<input type="text"/>	NA	NA



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4(f) Resources				
12795 Mullan Road (24MO01797)	<input type="text" value="Yes"/>	<input type="text" value="Permanent"/>	<input type="text" value="De Minimis"/>	<input type="text" value="March 30, 2022"/>
13225 Mullan Road (24MO01795)	<input type="text" value="No"/>	<input type="text"/>	<input type="text" value="NA"/>	<input type="text" value="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?

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

Work has been coordinated with and documented with the managing agency/agencies. Documentation is available on file.

The proposed project will require realigning the Frenchtown Irrigation District Canal (24MO0789), which has previously been determined eligible for the NRHP. As such, this would result in a "use" of this resource. This action was determined to have No Adverse Effect to the historic resource.

A permanent "use" is occurring to the property located at 12795 Mullan Road (24MO01797), a site determined eligible for the NRHP, where a minor amount of right-of-way would be acquired from the property. This action was determined to have No Adverse Effect to the historic resource.

Both "uses" were determined to be a de minimis impact under Section 4(f). MDT notified the SHPO of FHWA's intent to make a de minimis impact finding for these resources in a letter dated March 23, 2022. SHPO concurred with the determination in a letter dated March 30, 2022.

Additional Information if Needed:

The following information provides additional narrative for each resource where impacts were avoided and supports the no "use" determination:

- Council Grove State Park - No impact on the Council Grove State Park is occurring. The proposed design avoids all permanent and temporary impacts of the Park property. No permanent right-of-way or temporary easements will be necessary from the Park.
- 10300 Mullan Road (24MO0295) - This property was inventoried by the project cultural resource inventory; however, the property is located south of and outside the project area limits. No impact to this property will occur as a result of the proposed project.
- Chicago, Milwaukee & St. Paul Railway grade (24MO0713) - This resource is located adjacent to the proposed project; however, no direct impacts to the historic rail grade will occur as a result of the proposed project.
- 11451 Mullan Road (24MO01801) - The project design has been modified to avoid temporary and permanent impacts to this property.
- 13225 Mullan Road (24MO01795) - The project design has been modified to avoid temporary and permanent impacts to this property.

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.

List Sites



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Yes No Will property be acquired from the protected site(s)?

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.

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.

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.

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.

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.



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

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.
Yes No N/A TBD

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

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.

Explain No Analysis Per the approved AGR report, no known permanent erosion and sediment control features are necessary at this time. As design continues, the outfall of culverts and ditches sections will be evaluated to identify erosion potential and PESC features will be proposed, if necessary. A ditch liner will be included as an alternative as part of the proposed irrigation ditch improvements, pending the Irrigation Owner's approval.

6.22.e Stormwater - Non-MS4 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 The proposed project is located outside of the Missoula Urbanized Area MS4 Boundary and is therefore not subject to the requirements under the MS4 permit. No local stormwater requirements apply to this project.

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: No rivers designated as Wild and Scenic occur within the project area or vicinity.



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The Environmental Engineering Existing Conditions Report was completed on January 20, 2022.
The Initial Site Assessment (ISA) was initially completed on January 16, 2018, and updated on December 13, 2021, and again on October 10, 2023.
The Biological Resource Report/Preliminary Biological Assessment was initially completed on June 14, 2018. An addendum to the BRR/PBA was completed February 9, 2022.
The Preliminary Site Investigation Report was completed on August 1, 2023.

PART 6.6 ENVIRONMENTAL JUSTICE: Based on a review of available information, Census Tract 16 and the project area contain lower percentages of low-income and minority populations than the City of Missoula, Missoula County, and statewide. Because of this fact and due to the nature of the proposed project, no impact on any low-income or minority population is anticipated. New right-of-way is anticipated for the project; however, the proposed project is not anticipated to result in the displacement or relocation of any businesses or residents. Because of these reasons, the proposed project is not anticipated to result in disproportionately high or adverse human health and environmental effects on low-income or minority populations. No avoidance or minimization measures or proposed mitigation are proposed.

PART 6.15 RIGHT-OF-WAY: Right-of-way acquisition will be necessary from most of the parcels along the corridor to accommodate the additional footprint of the roadway and shared use path. A 10-foot clearance from the construction limits to the proposed right-of-way was used to relocate utilities within the new right-of-way and remain outside the roadway clear zone. Right-of-way impacts will include removal of six structures that are not residences (i.e., shed, barn). These impacts will be documented as the design progresses. Separate easements will be needed for the irrigation relocations. Coordination with the Frenchtown Irrigation District and Bureau of Reclamation will include a combined effort between the Missoula District and the consultant (HDR) for easement preparation.

- Anticipated Environmental Specifications and Special Provisions include:
1. Migratory Bird Treaty Act Compliance - Vegetation Removal Standard Specification (Subsection 208.03.4A(1))
2. Migratory Bird Treaty Act Compliance - Structures Standard Specification (Subsection 208.03.4A(2))
3. Storm Water Permitting Requirements Under Montana Pollutant Discharge Elimination System (MPDES) - 208-6
4. Increase in Turbidity - 208-8
5. CWA 404
6. SPA 124
7. Contaminated Soil
8. Bridge Demolition Notification

Part 8 - FHWA Comments



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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).	Yes
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.	No
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
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



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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

N/A	N/A
Local Agency Approving Authority 	Date 11/21/2023
MDT Environmental Services Project Development Engineer 	Date APPROVED <small>By Tom Gocksch at 10:22 am, Nov 21, 2023</small>
MDT Environmental Services Engineering Section Supervisor	Date 11/21/2023
Federal Highway Administration	Date

Standard Distribution List Maintenance Distribution List Custom Distribution List

Distribution List:

- Darin Reynolds, P.E., Engineering Construction Contracting Bureau Chief
- Kelly Williams, P.E., Consultant Design Engineer
- Fred Bente, P.E., Project Manager
- Lisa Hurley, Fiscal Programming Section Supervisor
- Jason Gilliam, Right-of-Way Bureau Chief
- Tom Martin, P.E., Environmental Services Bureau Chief
- Tom Gocksch, P.E. ESB, Engineering Section Supervisor
- Ginger Carter, Fiscal Programming
- Tjaden Pallister, Fiscal Programming
- Miki Lloyd, ECCB

Montana Legislative Branch Environmental Quality Council