



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

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

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Control Number

Date

**Part 1 - Project Summary**

**Project Name**

**Project Number**

**Control Number**

**Part 2 - Environmental Classification**

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

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

The previous categorical exclusion, dated June 14, 2019, has surpassed the 3 year expiration limit. All previous findings were reviewed and revised as necessary.

Date

2.b. Applicable laws and funding mechanisms:

NEPA - FHWA (23 CFR 771.117)

NEPA - Other (Other Federal Agency and CFR Citation)

MEPA - MDT (ARM 18.2.261)

MEPA- Other (Other State Agency and ARM Citation)

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

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

CE(c) Number and Title

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

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

**Part 3 - Project Information**

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

The Scope of Work Report, dated November 5, 2021, states that the proposed scope of work is to reconstruct a section of Montana 41 to provide geometric improvements, shoulder widening, and structure replacements at Stone Creek and the Beaverhead River. The route was classified as a Rural Minor Arterial (State Primary System) when the project was nominated. MT 41 has since been reclassified as a Rural Principal Arterial (National Highway System).

The work will include clearing, grubbing, grading, drainage, structure replacement, gravel, plant mix surfacing, culverts, riprap, fencing, and other miscellaneous items. Extensive right-of-way and utility relocations will be required.

Yes  No Horizontal alignment shift?

Describe

The project includes 9 horizontal curves with radii from 2,515 ft to 15,000 ft; no spirals are needed for these horizontal curves. The proposed curves meet the 60-mph design criteria. Generally, the horizontal alignment is flattening curves and straightening the alignment. The alignment is offset from the PTW at the NE end where the alignment crosses a wetland complex. This offset alignment was developed to balance the aquatic resource impact, geothermal impact, geotechnical concerns, and R/W impacts.

Yes  No Vertical alignment shift?



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The project includes 26 vertical curves evenly split between sag/crest curves. All curves meet the 60-mph design speed; the grades range from 0.170% to -4.000%. Generally, the vertical alignment is flattening the existing curvature, which tends to be rolling until station 750+00, where the new roadway generally has gentle grades (less than 1.5% absolute value). No truck climbing lanes are proposed.

**Describe** After the AGR report was finalized, the vertical alignment was adjusted in one location. The profile was raised at the crossing over the Beaverhead River at station 753+50. Bridge Bureau requested and the design team agreed to change the structure from a two-span to a single span bridge. This was to remove the pier in the channel, by using a steel superstructure with deeper girders that allowed for the clear span of the channel. The resulting increase in girder depth was accounted for in a grade raise. This decision was made to maximize the clearance under the bridge for wildlife passage.

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 takes place on Highway 40, south of Twin Bridges and north of Dillon, from MP 9.0 to MP 16.3. The project is in Beaverhead County and Madison County.

T6S, R8W, Sec 12  
T6S, R7W, Sec 06  
T5S, R7W, Sec 32, 33, 28, 27, 22, 15

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

Yes, the county officials from Beaverhead and Madison Counties have been consulted.

3.d. Are relevant local planning documents available?

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 type="checkbox"/> CWA Sec 404	<input type="checkbox"/> Section 10
			<input type="checkbox"/> Exempt Activity	
			<input type="checkbox"/> Non-Notification Nationwide	
			<input type="checkbox"/> Notification Nationwide Type	
			<input checked="" 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>	Greater than acre of special aquatic sites (wetland and fen) disturbance is proposed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CW 401 Certification Authority <input type="checkbox"/> DEQ	<input type="checkbox"/> EPA <input type="checkbox"/> Tribal Govt
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual 401 Certification	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tribal Permit for Aquatic Resources <input type="checkbox"/> ALCO	<input type="checkbox"/> ALPO



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Stream Protection Act - SPA 124

Notes (Provide additional explanation as needed.) The proposed project would impact more than an acre of wetlands and fen, both are considered under the CWA to be unique aquatic resources. A LEDPA will be required with the 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?

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)

As of the most recent wetland delineation conducted in summer 2023, there are 48.88 acres delineated within the project area. MDT-hired consultant, Confluence Inc. completed the original wetland delineation, including fen identification and mapping, in 2016-2017, and reverified aquatic resource delineations in 2023.

Stone Creek has a wetland fringe. Wetland impacts at the Stone Creek crossing are expected with the structure replacements and roadway realignment. Any unavoidable wetland impacts associated with the project would be mitigated at a USACE approved MDT Mitigation Reserve located in Watershed 06 - Upper Missouri. A wetland credit ratio of 1:1 is proposed.



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An expansive wetland complex including fen is located along and immediately south of the Beaverhead River. Wetland impacts at the Beaverhead River crossing are expected with the structure replacement and roadway realignment. Additional wetland impacts, including impacts to fen, are expected north of the Beaverhead River crossing with the roadway realignment. Expected impacts will be quantified when project design is completed; initial estimates were for more than 5 acres of permanent impacts east and north of the Beaverhead River crossing, including approximately 1.63 acres of fen. Because of the impacts to special aquatic sites (>1 acre of wetland and fen), an individual 404 permit for fill associated with the new alignment will likely be required.

MDT anticipates the individual permit for this project from the USACE will have wetland and fen mitigation requirements. In preparation for the pending application, MDT began pre-permitting consultation with USACE staff with a meeting on December 10, 2018, and discussed proposed impacts, a pending LEDPA (least environmentally damaging practicable alternative) with the application, and wetland mitigation. Based on USACE advice, MDT submitted wetland delineations to the USACE on February 1, 2019, for an agreement with the findings and data. The USACE did not comment on the original wetland delineations. On December 6, 2022, the USACE authorized MDT to conduct a field reverification, rather than full re-delineation, of wetlands delineated in 2016-2017 to determine that they were still accurate and update boundaries and Montana Wetland Assessment Method scoring as necessary. Confluence, Inc. completed the field reverification in summer 2023, and submitted findings to MDT in December 2023. As of March 21, 2024, the MDT designers were using these delineations to calculate expected wetland and fen impacts to continue advancing permit and mitigation requirements.

Source: BRR Addendum dated March 21 2024.

**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)

Three drainages were identified in the project area; these are Stone Creek, an unnamed drainage near RP 12.7 (approximate station 654), and the Beaverhead River. The proposed culvert for the Stone Creek crossing would be less than 150', or the mitigation threshold required by the USACE stream mitigation guidance.

The 2013 Biological Resources Report (BRR) states that the drainage at RP 12.7 appears to be spring fed. Up-gradient of the PTW, several ponds have been created. Down-gradient of the PTW, the BRR states that the spring creek continues to an irrigation ditch that goes to the Beaverhead River.

The AGR documents that the proposed structure at the Beaverhead River would be a 40' x 181' two-span concrete structure that would incorporate unequal spans to keep the pier(s) out of the active channel of the Beaverhead River. The new structure would be located slightly downstream of the current and with a slightly eastern skew to help straighten the curve with the crash cluster. The existing bridge is a two span structure with the main channel on one side of the concrete piers and a high water overflow on the other side. No stream mitigation is anticipated for the Beaverhead River structure replacement.

Source: BRR dated October 2013; findings were reviewed by MDT biologist.

**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 Mailey Ditch crosses under the current PTW at approximately station 733+78. As stated in the AGR, the proposed wider road would lengthen the culvert. Impacts to the ditch would be minimized during design.

Warm Springs ditch is an irrigation ditch that originates from an approximately 2.3 acre pond (Google Maps). The AGR states a box culvert is proposed for Warm Springs Ditch (approximate station 798+00). The new alignment would transition back to the PTW, and impacts to the ditch will be minimized. The transition back to the PTW would occur about 1400 feet east of a large irrigation pivot. The unlined irrigation channel flows north along the PTW eastern shoulder (approximate RP 784+80 to 850+00). It eventually flows into the Baker Slough, which appears to be a remnant feature of the Beaverhead River. Warm Springs



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ditch gets its name from a warm thermal springs complex that exists along the eastern to southeastern base of Beaverhead Rock and outward south and east under the PTW. The warm thermal springs complex consists of innumerable warm water springs and are considered the contributing source water for the fen that is described above in Section 6.3.a Wetlands.

The Co-op Irrigation ditch originates from the Beaverhead River approximately two miles due west of the current PTW bridge over the river. The ditch flows from the western side of the Beaverhead River around the eastern flank of Beaverhead Rock, then north on the western side of the PTW (approximately from from 782+62 to 798+50) and discharges into the West Baker Slough, which appears to be a remnant feature of the Beaverhead River. No impacts are proposed to the Co-op Ditch (per the AGR report).

Source: BRR dated October 2013; findings were reviewed by MDT biologist.

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.

**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

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

Will have no effect.

May affect.

\*\*\*Canada lynx\*\*\*  
The nearest recorded occurrence to the project area was in 1983, in the mountains approximately 20 miles to the west of the project at an elevation of 7,000 feet. The nearest recorded occurrence of a lynx to the project area within the last fifteen years was approximately 50 miles away to the north east. No suitable habitat occurs within the project area, therefore Canada lynx are not expected to occur in the project area.

As the Canada lynx does not occur in the project area due to the lack of suitable habitat and the moderate human development and activity, the project will have "no effect" on the Canada lynx.

\*\*\*Grizzly bear\*\*\*  
The nearest recorded occurrence to the project area was in 1998 in Sweetwater Basin, approximately 15 miles to the southeast of the project location. The nearest recorded occurrence of a grizzly bear to the project area within the last fifteen years was approximately 45 miles to the south east. The current estimated extent of grizzly bear range extends no closer than 25 miles to the project site, therefore grizzly bears are not expected to occur in the project area.

As the grizzly bear is not expected to occur in the project area due to limited suitable habitat and moderate human development and activity, the project will have "no effect" on the Grizzly bear.

\*\*\*Ute ladies'-tresses\*\*\*  
The field surveys were conducted during the early and middle portion of the growing season. As this orchid generally flowers for only a few weeks in the latter part of the growing season, field surveys conducted as part of this analysis would likely not have identified the presence of Ute Ladies' Tresses. It is recommend that a MDT Biologist or other qualified professional conduct a plant survey for this species during the appropriate time of the year prior to construction. Additional survey efforts for Ute Ladies' Tresses within the project should occur during late August to early September and concentrate along the Beaverhead River valley from RP 14.6 to 15.5 and along the irrigation canal to the east of the highway from RP 14.6 to 16.2.



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Explain No Effect

No impacts are expected to this species as this species has no documented occurrence within the project area, and was not identified within the potential footprint of the project during the vegetation inventory performed for this analysis. As noted above, the timing of the field survey may have thwarted detection of the Ute Ladies' Tresses.

Due to the limited availability of suitable habitat and the lack of documented occurrences within the project area, the proposed project will have "no effect" on Ute Ladies' Tresses.

**\*\*\*North American wolverine\*\*\***

North American wolverines are habitat specialists that occur in high-elevation, undeveloped terrain. The nearest reported wolverine observations in the Montana Natural Heritage Program database are in the Pioneer Mountains about 25 miles west of the project area. North American wolverine occurrence in the project area is likely rare as the project area is in low-elevation terrain that is unsuitable habitat for wolverines. Wolverines are therefore unlikely to encounter or be disturbed by this project, and the project will not impact potential wolverine habitat.

Due to the lack of expected disturbance to wolverines or impacts to wolverine habitat, the project is expected to have "no effect" on North American wolverine.

**\*\*\*Monarch butterfly\*\*\***

Monarch butterflies occur in open spaces with a diversity of vegetation including milkweed plants (an obligate host species for monarch butterfly larva) and nectar-rich flowering plants while breeding and foraging, as well as dense tree stands (particularly conifers) while resting. Monarch butterflies have been reported in the project area, according to MNHP. The project is not expected to disturb monarch butterflies that may occur in the project area because construction activities will not increase the intensity or severity of baseline disturbance caused by highway traffic. The project will impact a minimal amount of potential habitat for monarch butterflies, which will be insignificant compared to abundant potential habitat available in the vicinity of the project area.

Due to minimal disturbance to monarch butterflies and impact on potential monarch butterfly habitat, the project is "not likely to jeopardize" monarch butterfly.

Source: BRR dated October 2013 and BRR Addendum dated March 21 2024.

**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)

Neither bald nor golden eagle nests were observed within 0.5 miles of the project area. Two bald eagle nests have been recorded but over a mile from the project site. The project site lacks the large trees required for bald eagle nesting. The Montana Natural Heritage Program (MTNHP) indicates the presence of golden eagles at Beaverhead Rock, approximately 0.3 miles from the project corridor. While no golden eagles were present during the field survey for the BRR, a golden eagle could find suitable habitat to nest in the area. The document recommends resurveying every 2-3 years. As of the date of this environmental document, recommend resurveying has not been documented.

Source: BRR dated October 2013; findings were reviewed by MDT biologist.

MDT Biologist is in the process of reaching out to FWP regarding eagle resurveys in the area. A resurvey will be conducted as necessary.

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.



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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.

Swallows actively nest on Stone Creek Bridge.

The final contract documents will includes special provisions for compliance with Migratory Bird Treaty Act.

Source: BRR dated October 2013; findings were reviewed by MDT biologist.

**Additional Discussion on Biological Resources**

Since the original BRR was written, the U.S. Fish and Wildlife Service has listed North American wolverine as threatened, and identified monarch butterfly as a candidate species for ESA listing. A 3/11/2024 query of the U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) tool adds these species to three species included in the original BRR (Canada lynx, grizzly bear, and Ute ladies'-tresses). The project will have no effect on North American wolverine, and will not jeopardize the continued existence of monarch butterfly. This addendum does not affect the original determinations of effect for the other three species.

Source: BRR Addendum dated March 21 2024.

**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 or the project, no impacts to farmland resources are expected. Adequate supporting information is includes 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?

- 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.



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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 30001C1434C, 30001C1432C, 30001C1451C.

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

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

- Yes No The project occurs in an area where local permitting is required for ground disturbance activities in a Superfund Site.
Yes No Hazardous materials, hazardous substances, and/or petroleum products are currently on and/or adjacent to the proposed project.

No additional analysis necessary.

Bridges inspected on June 13, 2014 and reinspected on April 15, 2022. No asbestos detected in inspection. Beaverhead River Structure has LBP.
A highway spill occurred within the project boundary. The spill was 10 gallons of liquid asphalt, which should not impact the project.
There is a resolved petroleum release. No impacts are anticipated to the project.
Lead based paint and asbestos notification special provisions will be included with this project.
Source: Revised ISA dated 3/5/2024.

Additional information if needed

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?

Table with 6 columns: Smithsonian #, Name, Eligible?, Date of Concurrence in Eligibility, Effect Determination, Date of Effect Determination. Rows include Washington Nyhart Ranch and Mailey Ditch.





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Historic Resources					
24MA1819	Co-op Ditch	No	8/8/2013	No Effect	12/16/2015
24MA1820	Nyhart Ditch	No	8/8/2013	No Effect	12/16/2015
24MA2255	Warm Springs Ditch	No	8/8/2013	No Effect	12/16/2015
<input type="button" value="Add Row"/>		<input type="button" value="Delete Last Row"/>			

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.

The two bridges that would be included in the project (24BE2305 and 24MA2318) were both constructed in 1948 and fall under the Program Comment (PC) for Post-1945 Common Bridges. Under the PC, MDT is not required under Section 106 or 4(f) to record and determine the National Register eligibility of bridges built after 1945.

Two survey and shovel probing programs were completed along the proposed project. In 2013, RTI, Inc, completed the cultural resources survey. No prehistoric sites or isolated finds were identified during the 2013 cultural resource inventory.

The second survey was completed in August 2015 by Ethnotech, LLC. Based on their submitted report to MDT, "(t)ight survey transect intervals were employed due to the potential significance and anticipated high potential for cultural resources within the Beaverhead Rock vicinity". In addition, subsurface shovel test probing was also completed in sample areas that appeared to contain intact surface depositions and to investigate potential buried cultural deposits. All soil removed was sieved through 1/4" screen. No artifacts were discovered. The conclusion of the professional was that the likelihood for intact, significant, or historic properties within the study area is considered to be low. The author also states that the project area has received cumulative agricultural impacts, as well as natural floodplain erosion and channelization. Additionally, a review of previous documented sites in the vicinity indicates that no NRHP-eligible historic properties would be impact by the proposed realignment.

Beaverhead Rock a State Park is outside the project limits. It became a state park in 1975 when the property was deeded to the state of Montana. It is on the National Register of Historic Places and was listed in Feb. 1970.

Findings were reviewed and confirmed by MDT Historian, Jon Axline, per and email dated March 5, 2024.

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

Project does not increase automobile or transit capacity or involve other changes in access that could affect land use.

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 

Although there will be physical alteration of the highway, the vertical and horizontal are not substantial. They do not halve the distance between the source and the nearest closest receptor(s). No truck climbing lanes are proposed. Source: Revised ISA dated 3/5/2024.



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**6.13. Public Involvement**

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

The project Level of Impact (LOI) has been determined to be Moderate and level of public involvement C, as defined by MDT's Public involvement Plan.

Some of the strategies already employed and planned for future use include:

- News release explaining the project and including a department point of contact. (completed)
- Public meeting informing the public of the project and getting their input (ongoing)
- Personal contacts with local government officials, and interest groups.
- Personal contacts with adjacent landowners explaining final design.
- Hiring a PI firm for the Right of Way and Construction phase. A tentative scope includes:

Explain

- Open House meeting(s)
- Flyers
- Project website
- Radio/News Updates
- Email and Social Media information distribution
- Construction coordination and notification

A Public Involvement firm will be hired for this project. However, based on the projects timeline and ready date hiring of the PI firm may need to be phased or even separate contracts/assignments as this project is slated for 2024. The PI firm would be hired ideally at the time when they could transition from design to construction without extensive negotiations or assignment extensions.

**6.14 Recreational Resources**

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

Yes  No Publicly-owned recreational resources are present on or adjacent to the project site.

Recreational Resources			
Resource Name	Agency with Jurisdiction	Impact?	Description of Impact
Beaverhead Rock State Park	MT Fish, Wildlife and Parks	None	N/A
<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:

**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).



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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
Washington Nyhart Ranch	<input type="text" value="No"/>	<input type="text"/>	N/A	N/A
Mailey Ditch	<input type="text" value="Yes"/>	<input type="text" value="Permanent"/>	De Minimus	11/21/2018
Beaverhead Rock State Park	<input type="text" value="No"/>	<input type="text"/>	N/A	N/A
<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.

Additional Information if Needed:

MDT Historian, Jon Axline, notified SHPO of FHWA's intent to make a de minimis impact finding on the Mailey Ditch in a letter dated Nov. 21, 2018.

The project is adjacent to Beaverhead Rock State Park but is not proposed to have any use of the protected resource.

Findings were reviewed and confirmed by MDT Historian, Jon Axline, per and email dated March 5, 2024.

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

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

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

No additional analysis necessary.

**6.18 Social Impacts** (Environmental Manual Chapter 19.)

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

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



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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.

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

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

**6.22.c Stormwater - Temporary Erosion and Sediment Control**

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

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

Due to the nature and scope of the project and the site, a PESC analysis is not necessary.

A PESC analysis is necessary and is being coordinated with personnel on the Design Team.



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

Riprap armoring of the bridge in-slopes over the Beaverhead River will use PESC features. In addition to new riprap additional stabilization measures will include bioengineered bank treatments and revegetation. New riprap at other PESC locations, include the inlet and outlet ends of the culvert over Stone Creek near the beginning of the project and a riprap revetement on the southern approach embankment to the bridge over the Beaverhead River.

It is anticipated that riprap chutes will be necessary to convey drainage down some of the steeper fill slopes. As the plans are finalized locations for these PESC features and others will be finalized and included in the contract documents.

**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

**6.23 Wild and Scenic Rivers** (Environmental Manual Chapter 35)

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

Additional information as needed:

**Part 7 - Additional MDT Discussion/Comments**

Required Special Provisions:

- MPDES
- CWA 404 IP
- SPA 124
- Revegetation
- Increase in Turbidity 318
- AIS Watercraft and Equipment Inspection
- Channel Reconstruction, Bank Restoration, and Revegetation
- Env Spec
  - MBTA-Structures
  - MBTA-Vegetation Revmoal
- Eagle Conservation Timing Restriction
- Protection of Aquatic Resources
- Lead based paint
- Asbestos 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.	Yes
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
<i>Sam Ahlrich</i>	3/27/2024
MDT Environmental Services Project Development Engineer	Date
<i>Thomas G Gocksch</i>	<b>APPROVED</b> <small>By Tom Gocksch at 9:10 am, Mar 27, 2024</small>
MDT Environmental Services Engineering Section Supervisor	Date
	3/28/2024
Federal Highway Administration	Date

- Standard Distribution List     Maintenance Distribution List     Custom Distribution List

Distribution List:

- Darin Reynolds, P.E., Engineering Construction Contracting Bureau Chief
- Damian Krings, P.E., Highways Engineer
- Rebecca Barbula, P.E., EPS 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
- Rich Nehl, P.E., Environmental Engineering Specialist