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Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

September 25, 2001

Janice W. Brown
Division Administrator
Federal Highway Administration
2880 Skyway Drive
Helena, MT 59602-1230

Subject: NH 1-10(46)626
Brockton - East
CN 4058

This is to request your concurrence that the proposed project meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR Part 771.117(d). This proposed action also qualifies as Categorical Exclusion under the provisions of ARM 18.2.261 (Sections **75-1-103** and **75-1-201, MC.A.**). A project location map is attached.

The proposed action involves the reconstruction of a two lane highway located on Primary Route 1 (U.S. Highway 2) T-28-N R-53-E Sections 21, 22, 23, 24, 27, 28, 29; T-28-N R-54-E Sections 19, 20, 21, 22, 23, 24; T-28-N R-55-E Sections 19, 20 and 21 MPM in Roosevelt County. Brockton-East begins at the east city limits of Brockton (RP 626.15) and extends 21.7 km easterly to RP 639.64. This route is classified as a principal arterial. The entire project, with the exception of the last 0.8 km, is located within the boundaries of the Fort Peck Indian Reservation. A location map is attached. The route is situated in rolling hills and land use is livestock grazing. No alternative locations for the roadway are being considered.

The proposed action will include clearing and grubbing, grading, cement treated base, plant mix surfacing, drainage improvements, replacing bridges and other hydraulic structures, intersection improvements, replacing conflicting utilities, signing, striping, seeding, fencing and other related items. Right-of-way acquisition, construction permits and easements will be necessary throughout the project's length.

The new horizontal alignment of the project will be shifted 18 meters to the north for the entire length of the project. The horizontal alignment is designed for a 100-km/hr design speed. There are a total of four (4) horizontal curves along the alignment, none of which require spiral curves. Only one (1) curve requires superelevation. The proposed vertical alignment is designed for a 100-km/hr

design speed. There are a total of nineteen (19) vertical curves along the alignment. A major grade change is located in the Box Elder Creek area from RP 629.0 to RP 929.21. The grade coming to this vertical curve is -0.286% and the grade coming out 5.995% . A design exception has been requested at location for the 5.995% grade. All other grades are less than 4% .

All existing pipe and structures along the project, with the exception of the 3350 mm SSPP at Box Elder Creek, are being replaced. (The SSPP is being extended to the north and is to remain in place. This pipe was recently replaced and is in good condition).

The project includes four structures throughout the project limits. The first structure completed in 1942 is located at RP 626.46 and is an 11.9 m two-span treated timber structure. The next structure is found at RP 631.20 and is a 3.7 m treated timber stock pass built in 1946. The third structure was also completed in 1946 and is a 5.8 m treated timber stock pass found at RP 632.3. These structures will be replaced with pipe. The final structure, at RP 639.20, crosses Big Muddy Creek and was completed in 1952. This bridge is a 50.6 m three-span continuous steel structure, which has a clear roadway width of 8.53 meters (28.0 feet). The current sufficiency rating of the structure is 45.1. It will be replaced with a 66.5 m three-span concrete structure. The existing bridge will remain in operation during construction.

The project has been extended approximately 30 m to the west to install culverts at the east city limits of Brockton. This area has experienced some flooding and additional culverts in this area should help alleviate that situation.

The existing right-of-way width ranges between 18.29 m to 36.58 m (60 to 120 feet) on the north side of the highway and between 15.24 m to 48.77 m (50 to 160 feet) on the south side of the highway. This section of NHS primary is not a controlled access section of highway. Therefore private approaches will be constructed to meet existing conditions.

The proposed alignment will move the right-of-way line 12.7 to 84.4 m to the north. The shift in the alignment will result in the taking of 65.6 ha (162.1 acres). For the majority of the project the right-of-way on the south side of the road will remain in its' current location. Approximately .4 ha (3.6 acres) of construction easements and 3.6 ha (8.9 acres) construction permits will also be needed.

Access controls are not included in the proposed action. Unused and/or unneeded approaches will be eliminated. Other approaches will be relocated or realigned for safety purposes.

The proposed project has been evaluated for, and will have minor effect on the following environmental area(s):

Wetland Impacts – The project, as originally proposed, would have resulted in the loss of 0.92 hectare (2.28 acres) of category III & IV wetlands. A concerted effort was made to avoid and minimize impacts to the project wetlands. Of particular interest were wetlands number 13, 14 and 15. These wetlands have the highest “function and value” scores of the project wetlands. In order to avoid and minimize impacts to wetlands, the project was shortened approximately 1.1 km and 4:1 fill slopes were proposed for portions of the project. 4:1 slopes, in lieu of the standard 6:1 slopes, are proposed for those portions of the road that impact the high value wetlands.

These changes resulted in a wetland impact reduction of .35 ha (.87 acres) from the original wetland assessment. This leaves .57 ha (1.41 acres) of unavoidable wetland impacts. Of these .57 ha of impacted wetlands, 0.37 hectare (0.91 acres) are on the Fort Peck Reservation and 0.20 hectare (0.5 acres) are off the reservation.

Wetland Mitigation – Suitable on-site mitigation sites were identified during the field surveys of the project corridor. These mitigation sites are off the FPT Reservation, in the area of Big Muddy Creek. Wetland mitigation is being coordinated with the Fort Peck Tribes.

Historical/Cultural Resources - A cultural resources survey for the project corridor was prepared for MDT by Ethnoscience in January, 2000. 20 potential cultural resource sites were identified during the inventory. Upon further investigation to determine eligibility, test excavations were performed on the seven of the twenty sites that were threatened by construction activity. Two sites of the seven (24RV282 & 24RV283) were determined eligible for the National Register of Historic Places (NRHP) under criterion D. A Memorandum of Agreement between MDT and SHPO is under preparation, which will govern mitigation measures. Mitigation measures will be accomplished in spring of 2002. Attached are SHPO concurrence letters.

As per the terms of MDT's Programmatic Agreement on Historic Roads and Bridges, no determination of eligibility is required for the three timber bridges within the corridor (24RV287, 24RV289 and 24RV294). Section 106 of the National Historic Preservation Act has been complied with pursuant to the programmatic agreement. The three timber bridges in the survey corridor will not be offered for adoption under MDT's "Adopt-a-Bridge" program. The existing structures are aged timber structures. It is not practicable or feasible to disassemble and reassemble the timber structures for "adoption." Non-salvaged materials shall be disposed of properly.

Copies of the cultural resource survey and all SHPO correspondence relating to this project are on file with MDT.

THE PROPOSED PROJECT HAS BEEN EVALUATED FOR, AND DOES NOT HAVE ANY ADVERSE EFFECT ON THE FOLLOWING ENVIRONMENTAL AREA(S):

Section 4(f) and 6 (f) Impacts – No public parks, recreation areas, wildlife or waterfowl refuges, or historical sites will be impacted as a result of the proposed action. The Parks Division of the MDFW&P did not indicate that any Section 4(f) or Section 6(f) impacts would occur as a result of the proposed project. Cultural sites within the construction limits of this project are important chiefly because of what can be learned by data recovery and have minimal value for preservation in place. Therefore, Section 4(f) does not apply to these sites.

Land Use – Since the project is located almost entirely in rural lands used for production of livestock and crops, no adverse impacts are foreseen. The proposed action would not disrupt or divide residential areas and would not adversely affect any social or ethnic groups. Direct economic benefits from this proposed project will be limited to the period of its construction. Completion of the project will result in long-term indirect economic benefits through the provision of a safer and more efficient route for the traveling public. The proposed project will have no effect on prime, unique, statewide or local important farmlands according to the U.S. Department of Agriculture's Soil Conservation Service "Important Farmlands" designated areas (see attached Form AD-1006). Therefore, under 7 CFR 658.4 (c) no additional consideration for protection is necessary.

Air Quality – This proposed project is located in an "classifiable" attainment area of Montana for air quality under 40 CFR 81.327, as amended. This proposed project is located in a "Class I" airshed. Opacity limits for construction will be kept under 15%. Therefore, this proposed project complies with Section 176(c) of the Clean Air Act, as amended (**42 U.S.C. 7521(a)**).

Floodplains – Floodplains have been delineated under Federal Emergency Management Administration (FEMA) criteria along the Big Muddy Creek and immediately east of the town of Brockton (RP 626.15 to approximately RP 626.27). The proposed project will encroach on these floodplains. Roosevelt County and the Fort Peck Tribe jointly administer a floodplain management program. A Floodplain Development Permit will be required for the encroachments. The floodplain coordinator and tribe have been notified of project encroachment. The roadway and bridge openings will be designed to the required elevations that will not affect the floodplain. This proposed project will not promote or encourage development within this delineated floodplain, nor

increase flood liability hazards from its construction. This proposed project is therefore considered to be in compliance with E.O. #11988.

Hazardous Waste Sites – An Initial Site Assessment was conducted for the project corridor and it was determined (December 1, 1999) that there are no potential issues concerning Hazardous substances, groundwater quality or solid waste.

Noise – A traffic noise assessment has been conducted for the proposed project. Calculations indicate that design year (2019) noise levels will not increase substantially (less than 10 dBA) over existing conditions. Additionally, design year noise levels will not exceed the Federal Noise Abatement Criteria of 67 dBA for category B (schools, residences, churches, public-meeting facilities) **23 CFR 772**. Noise levels also comply with MDT's noise policy. Overall, traffic noise level increases will not be significant.

Erosion Control – An Erosion Control Plan will be submitted to the Montana Department of Environmental Quality's Permitting and Compliance Division in compliance with Montana Pollutant Discharge Elimination System Regulations (ARM 16.20.1314) for this proposed project. Best Management Practices will be included in the design of this Plan using guidelines as established in MDT's Highway Construction Standard Erosion Control Work plan. The objective is to minimize erosion of disturbed areas during and following construction of this proposed project. In accordance with 7-22-2152 and 60-2-208 M.C.A., MDT will reestablish a permanent desirable vegetation community along all areas disturbed by the proposed construction. A set of revegetation guidelines will be developed by MDT that must be followed by the contractor. These specifications will include instructions on seeding methods, seeding dates, types and amounts of mulch and fertilizer, along with seed mix components. Seed mixes include a variety of species to assure that areas disturbed by construction are immediately stabilized by vegetative cover.

Threatened/Endangered Species – The following Threatened/Endangered Species were identified in the draft **Biological Resources Report** (Western Eco Tech April, 2000) in accordance with the USF&WS's letter of March 31, 2000 as being in the vicinity of this proposed project:

- pallid sturgeon (*Scaphirhynchus albus*; endangered)
- bald eagle (*Haliaeetus leucocephalus*; threatened, but USFWS has proposed to remove this species from the list of threatened and endangered species)
- interior least tern (*Sterna antillarum athalassos*; endangered)
- piping plover (*Charadrius melodus*; threatened)
- whooping crane (*Grus americana*; endangered)

- mountain plover (*Charadrius montanus*; proposed threatened)
- black-footed ferret (*Mustela nigripes*; endangered)

It was the conclusion of the Draft Biological Resources Report that the proposed action is not likely to adversely affect the pallid sturgeon, bald eagle, whooping crane, interior least tern, or piping plover. The project is not likely to jeopardize the proposed threatened mountain plover.

The Draft Biological Resources Report also concluded that the project would not affect the black-footed ferret as no prairie dog towns were known to occur within several miles of the project (MT Blackfooted Ferret Working Group 1990; Magna pers. comm).

Permits Required - This proposed project will be in compliance with the provisions for both Water Quality under **75-5-401(2) M.C.A.** for *Section 3(a)* authorizations, and Stream Protection under **87-5-501** through **509 M.C.A.**, inclusive. All work will also be in accordance with the *Water Quality Act* of 1987 (**P.L. 100-4**), as amended.

The following permits will be acquired prior to any relevant disturbance:

A 124 SPA Stream Protection Permit will be required by the MDFW&P.

A National Pollutant Discharge Elimination System Notice of Intent and a Storm Water Pollution Prevention Plan from the Environmental Protection Agency will be required.

A Section 404 Permit from the U.S. Army – Corp of Engineers. The CoE will be notified that this proposed project qualifies for a “Nationwide” 404 Permit under the provisions of **33 CFR 330**.

A Joint Floodplain permit will be required from Roosevelt County and the Fort Peck Tribes.

News Release – Display advertisements announcing a March 6, 2000 workshop and an informational meeting were published in each of the following newspapers:

- *The Searchlight*, Culbertson, MT (Feb. 17 & 24, 2000);
- *The Herald-News*, Wolf Point, MT, (Feb. 16 & 23, 2000);
- *Sidney Herald*, Sidney, MT (Feb. 16 & 20, 2000); and
- *Wotanin*, Poplar, MT, (Feb. 17 & 24, 2000).

The only environmental issues raised were, had there been an archeological study of the area and would "Idol Rock" be developed. It was explained that a class III cultural survey had been conducted and that the project would not affect "Idol Rock". Another news release will be distributed to the local media prior to construction.

Cooperating Agencies – The Fort Peck Tribes (FPT) are a cooperating agency on this proposed project. The FPT will be included in the distribution list and will have the opportunity to comment on the rough draft copy of this document.

Cumulative Impacts – MDT currently has seven proposed projects in this area of its Glendive District No. 4 not including this proposed project. Those proposed projects are as follows:

Active

Project ID: NH 1-9(37)541	County: Valley
Location: Glasgow E&W	Award Date: July 2001
Control No.: 4061	Length: 3.2 Miles

This project involves plant mix surfacing.

Project ID: STPP 25-1(28)9	County: McCone
Location: 14 km North of Circle North	Award Date: February 2001
Control No.: 3968	Length: 27.2 Miles

This project involves crack sealing and seal and covering.

Project ID: NH 62-2(18)21F	County: Richland
Location: Sioux Pass South	Award Date: Dec 2001
Control No.: 1041	Length: 5.7 Miles

This project involves Grading, gravel surfacing and plant mix surfacing.

Project ID: SFCS 251-1(2)0	County: Roosevelt
Location: JCT US 2 North	Award Date: January 2002
Control No.: 4253	Length: 31.7 Miles

This project involves crack sealing.

Proposed

Project ID: NH 1-9(39)555	County: Valley
Location: Nashua E&W	Est. Award Date: March 2004
Control No.: 2144	Length: 10.2 Miles

This project involves widening and plant mix surfacing.

Project ID: NH 1-9(38)573	County: Valley
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Location: Oswego E&W
Control No.: 2147

Est. Award Date: November 2003
Length: 8 Miles

This project involves widening and plant mix surfacing.

Project ID: NH 1-10(47)656

County: Roosevelt

Location: Bainville E&W

Est. Award Date: January 2004

Control No.: 2145

Length: 10.8 Miles

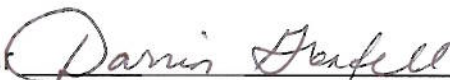
This project involves grading, gravel surfacing, plant mix surfacing and structures.

Due to either the distance from the Brockton-East project or the fact that these projects are routine maintenance project, no cumulative impacts are foreseen. Therefore, none of these MDT projects will have any significant cumulative environmental impacts on this proposed action. Also, the proposed Brockton-East project will not have significant cumulative environmental impacts on other MDT projects.

The Brockton-East project will not induce significant land use changes or promote unplanned growth. There will be no significant affects on access to adjacent properties or present traffic patterns. This project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (E.O. 12898) and complies with Title VI of the *Civil Rights Act of 1964 (42 U.S.C. 2000d)*. In accordance with 23 CFR 771.117(a), this action will neither individually nor cumulatively, have any significant environmental impacts. Therefore, we are requesting FHWA's concurrence that this proposed project is properly classified as Categorical Exclusion.


Terry Yarger
Engineering Bureau Chief
Environmental Services

Concur



Date

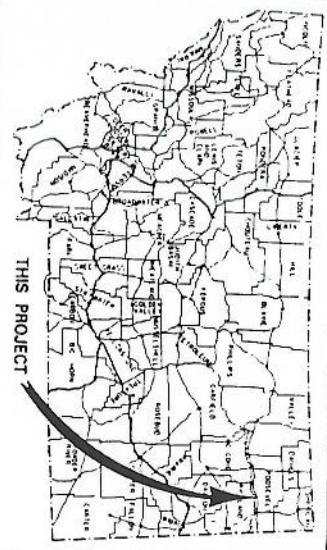
10/16/01

Federal Highway Administration

Alternative accessible formats of this document will be provided upon request.

Janice W. Brown
Page 9
September 25, 2001

Cc: William L. McChesney – Glendive District Administrator
Carl S. Peil, P.E. – Preconstruction Engineer
Joseph P. Kolman, P.E. – Bridge Engineer
John Horton – Right-of-Way Bureau Chief
David W. Jensen, Supervisor – Fiscal Programming Section
Arlyn Headdress – Fort Peck Tribe



MONTANA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROJECT NO. NH 1-10(48)626

GRADE, GRAVEL, PL. MIX SURF., STRUCTURE, SEAL & COVER

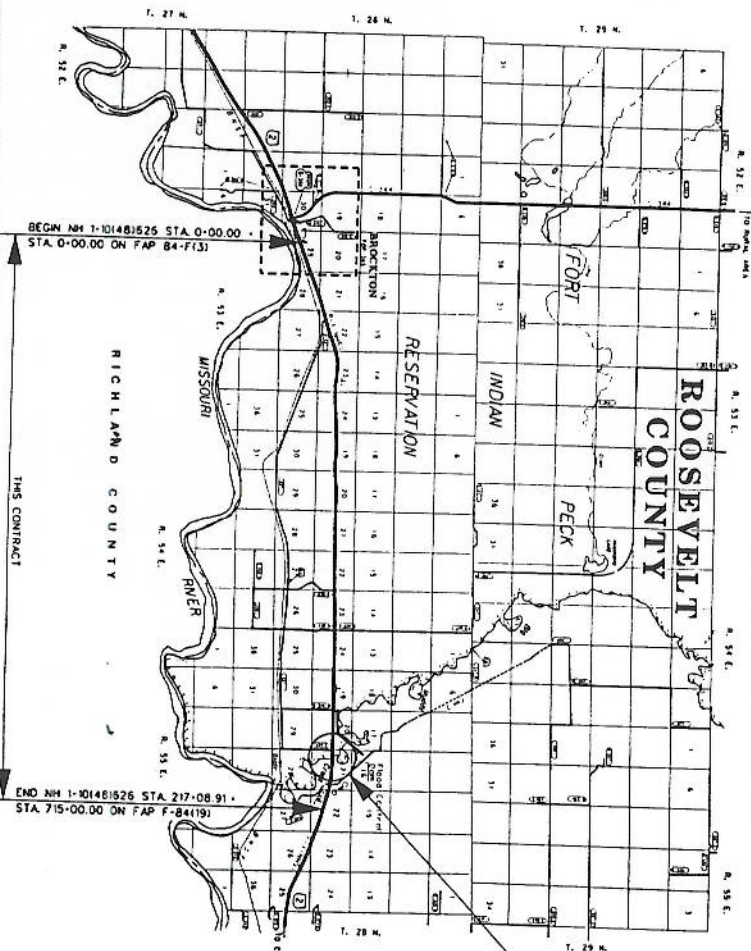
BROCKTON - EAST

ROOSEVELT COUNTY

LENGTH 21.7 Kilometers

SURFACING SOURCE - CONTRACTOR PROVIDED

SCALES
 VERTICAL: 1:100
 HORIZONTAL: 1:1000
 CROSS SECTION - HORIZONTAL & VERTICAL: 1:100
 REDUCED PRINTS APPROXIMATELY 1/2 ORIGINAL SCALE



BIG MUDDY CREEK BRIDGE
 STATION 209+15.08

PLANS PREPARED BY
 Kadmas Lee & Jackson, P.C.
 P.O. Box 200
 Dickinson, ND 58602
 701-483-1284

RELATED PROJECTS

ASSOCIATED PROJECT AGREEMENT NUMBERS

R.W. B.C.

P.L.

CONTROL NO. 009

PRELIMINARY

FOR PLANS BY

Kadmas Lee & Jackson, P.C.

MONTANA DEPARTMENT OF TRANSPORTATION

RECORD NO. _____ DATE _____

BY: _____ DATE _____

U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION

APPROVED: _____ DATE _____

BY: _____ DATE _____

DEPARTMENT OF TRANSPORTATION

DESIGN DATA

1998 A.D.T. - 1000
1999 A.D.T. - 1000
2008 A.D.T. - 1300
D.V.M. - 100
T. - 0.0%
V. - 100 ft/min
80 ft SCALE - 55.48 DATE
GROWTH RATE - 10%

LETTING DATE -



MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201
(406) 444-2694 ♦ FAX (406) 444-2696 ♦ www.montanahistoricalsociety.org ♦

JUL 25 2001

ENVIRONMENTAL
Tuesday, July 24, 2001

MASTER FILE
COPY

Steve Platt
MDT

RE: Brockton East - Archaeological Testing and Eligibility
NH 1-10(46) 626 CN 4058

Steve:

Thank you for requesting our comments regarding the testing of seven archaeological sites for Brockton East. We **concur** that **24RV0282** and **24RV0283** are **eligible** under criterion d. We are not sure that lithic density should ultimately be the threshold for determining eligibility of surface stone feature habitation sites, as Lynelle correctly points out their surface manifestations provide in and of them self more information than most material scatter sites (with or without higher lithic densities). However, these two sites do seem to stand out in terms of additionally recoverable information.

We also concur that it does not appear that additional information can at this time be obtained from **24RV0285**, **24RV0288**, **24RV0290** and **24RV0291** and may be considered **not eligible**. We note that while 24RV0286 testing was negative, that the report states on page 15 that 286 may actually be part of 24RV0293, which was not tested and is unresolved. In determining 286 not eligible we may be having an effect on 293. I have not figured out a clean way out of that situation. We **concur** that **24RV0286** does not appear at this time to have information potential (criterion d) values but may ask that this issue be re-addressed after you have had time to consider whether or not 286 and 293 may be one site, or if an eligibility determination of 293 become necessary. I continue to believe that inter and intrasite comparisons are as important or more so than lithic densities when it comes to ring site eligibility. Any thoughts you may have on this matter would be appreciated.

Thank you,

Stan Wilmoth, Ph.D.
State Archaeologist/Deputy SHPO

File MDT Brockton East
NR 24RV0282 and 24RV0283

