



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

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

MDT-ENV-020 04/2020

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Control Number

NA

Date

2020-11-09

Part 1 - Project Summary

Project Name

Mullan BUILD

Project Number

NA

Control Number

NA

Part 2 - Environmental Classification

2.a. Status of Categorical Exclusion (CE):

Draft

Final

Re-Evaluation

Date

Nov 9, 2020

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

Explain

23 CFR 771.117(d) Additional actions that meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of 23 CFR 771.117 may be designated as CEs only after Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of 23 CFR 771.117. The applicant must submit documentation that demonstrates that the specific conditions or criteria for these CEs are satisfied, and that significant environmental effects will not result. Examples of such actions include but are not limited to..." (Emphasis added.)

The regulation goes on to itemize specific actions that typically do not involve significant environmental impacts. The subject action is not specifically listed. However, the action is supported with sufficient documentation to demonstrate that significant environmental effects will not result.

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.

NOTE TO READER:

The proposed Mullan BUILD project is being funded with a 2019 grant under the U.S. Department of Transportation "Better Utilizing Investments to Leverage Development", or BUILD, Transportation Discretionary Grant Program. Use of federal funds provided by the BUILD Grant makes this project subject to the requirements of the National Environmental Policy Act (NEPA). The Montana Department of Transportation (MDT) will review the proposed project as it relates to project effects to the state routes through its Systems Impact Action Process (SIAP). MDT is not designing this project. That said, the Grant recipient has chosen to largely follow the MDT process for documenting NEPA compliance through use of this MDT-ENV-020 Categorical Exclusion (CE) Documentation Form.

MDT may choose to contribute some of its federal funds to construct a portion of the project, specifically the intersection at Mary Jane Boulevard and Broadway Street. If that is the case, MDT may choose to adopt portions of this NEPA analysis to support their NEPA decision. However, MDT's NEPA action will be documented separately.

The following MDT CE Form and associated supporting information was prepared by Missoula County, in cooperation with the City of Missoula, to substantiate its conclusion that the proposed Mullan BUILD project qualifies for a CE. The Federal Highway Administration (FHWA) will use this information to evaluate the proposed Mullan BUILD project under NEPA. As it relates to Part 9 of this form, FHWA Signature Rationale, FHWA concurrence is not required on this project, but rather FHWA is the lead federal agency and signatory for this federal action.



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See Part 8, FHWA Comments, in this form for additional details for certain resource categories, especially for sections of this form that require additional information where no space is provided .

PROJECT DESCRIPTION:

The proposed project would construct a portion of the transportation and bicycle and pedestrian improvements as identified in the 2019 Missoula County Federal BUILD Transportation Discretionary Grant application. The proposed project involves constructing approximately 1.6 miles of new major collector roads that would extend the existing Mary Jane Boulevard, George Elmer Drive, and England Boulevard and complete a currently disconnected grid network by extending the roadways to connect with Reserve Street (US-93) to the east, Mullan Road (Secondary Highway 263) to the south, and West Broadway Street (US Highway 10) to the north. The proposed project also includes construction of the Flynn Lane Trail along Flynn Lane.

In 2019, Missoula County, in partnership with the City of Missoula, was awarded \$13 million in funding from the BUILD program. The \$13 million awarded fell short of the \$23.2 million requested from the 2019 Federal BUILD program grant application. As a result of partial funding, the entire project cannot be constructed using Federal dollars as originally proposed in the 2019 grant application. An evaluation committee, comprised of members of the Missoula County Commission, Missoula City Council, Missoula Building Industry Association, Missoula Organization of Realtors, Missoula Chamber of Commerce, and the public works directors for both the City and County, ranked overall project elements based on evaluation criteria following an establish prioritization process. Two prerequisite criteria were established in the process requiring that the project elements needed to have: (1) Independent Utility/Logical Termini: project elements must be usable and functional, independent of other projects or improvements, in order to provide value to the public; and (2) Right-of-Way Availability: project elements must have adequate public right-of-way, or satisfactory evidence that the public right-of-way is in the process of being established. The project elements were further evaluated based on criteria related to safety, traffic congestion, access to land for economic development, transportation choice, and environmental/regulatory approvals. More information on the prioritization process and overall project can be found on the project website (www.mullanbuild.com).

Based on the evaluation results, the following five project elements were selected as providing the greatest public benefit and are therefore the proposed scope of the federal project evaluated under NEPA.

1. Mary Jane Boulevard South: This element includes a new street between Mullan Road extending north to the existing southern terminus of Mary Jane Boulevard at Melrose Place. It includes a new recommended single-lane roundabout intersection with Mullan Road that will be designed for future expansion to a multi-lane roundabout.

2. Mary Jane Boulevard North: This element includes a new street between West Broadway Street extending south to the existing northern terminus of Mary Jane Boulevard at Camden Street. It includes a new signalized intersection with West Broadway Street. Improvements are also proposed along the existing Mary Jane Boulevard that include a new single-lane roundabout intersection at England Boulevard and new striping. As a side note, the new signalized intersection at Mary Jane Boulevard and West Broadway Street will be funded by MDT using Highway Safety Improvement Program (HSIP) funds.

3. George Elmer South: This element includes improvements (i.e., sidewalks, bike lanes, landscaping) to the existing George Elmer Drive from Mullan Road extending north to its terminus at Pius Way. It includes an intersection upgrade at its connection to Mullan Road and constructs a new road from Pius Way to the proposed England Boulevard extension. The existing intersection at Mullan Road and George Elmer Drive would be reconstructed to include a new recommended single-lane roundabout intersection that will be designed for future expansion to a multi-lane roundabout. The intersection of George Elmer Drive and England Boulevard would be a single-lane roundabout.

4. England Boulevard: This element includes a new street from the existing western terminus of England Boulevard at Flynn Lane to the proposed intersection of George Elmer Drive. A single-lane roundabout would be constructed at the intersection of England Boulevard and Mary Jane Boulevard, as previously described above.

5. Flynn Lane Trail: This element includes a new trail on the west side of Flynn Lane. The trail will connect to the existing trail system at Hellgate Elementary School (at Chelsea Drive) and parallel Flynn Lane on its west side and extend north to Camden Street. The Flynn Lane Trail would be constructed within existing right-of-way and would provide a connection to bike lanes on Mary Jane Boulevard via ADA-accessible ramp improvements on Camden Street. In addition to this trail, the project will incorporate other bike/pedestrian improvements throughout the project that include high visibility green pavement markings at crossing locations and rectangular rapid flashing beacons at trail crossing locations.

In general, the typical roadway sections were designed in coordination with the Mullan Area Master Plan and include 6-foot sidewalks, 7-foot boulevards, 6-foot bike lanes with 3-foot buffer, 8-foot parking lanes, and 10-foot travel lanes. The typical roadway width is 36 feet and the total typical section width is 80 feet. The project will include new proposed water distribution, wastewater collection, and storm water utilities, which will serve as the backbone for the project area. All new proposed



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infrastructure will be located within the roadway right-of-way and will tie into existing utility infrastructure. Proposed wastewater collection infrastructure includes new proposed gravity sewer lines that will be constructed along most, but not all, of the planned street improvements and will tie into existing wastewater infrastructure. The majority of proposed roads would be constructed within existing rights-of-way or easements. Approximately 4 acres of new right-of-way is required for the proposed Mary Jane Boulevard South extension. Acquisition on new right-of-way will not be significant and will meet the requirements in 23 CFR 771.117(a).

Additional information, analyses, and technical reports have been completed for the project and are provided as appendices to this environmental document, as follows: Appendix A: ISA Form, Air Quality Analyses, and Agency Coordination; Appendix B: Scope of Work Document (October 30, 2020); Appendix C: Indirect and Cumulative Analysis (November 9, 2020); Appendix D: Noise Analysis Report (September 4, 2020); Appendix E: Biological Assessment (July 30, 2020); Appendix F: Aquatic Resources Report (October 8, 2020); and Appendix G: Cultural Resources Inventory Report (September 2020).

Yes No Horizontal alignment shift?

Describe

The proposed project will include new roadways on new horizontal alignments. The proposed project will not involve horizontal shifts to existing alignments. The proposed project will include improvements to the existing George Elmer Drive and Mary Jane Boulevard; however, the existing horizontal alignment will be maintained to these alignments.

Yes No Vertical alignment shift?

Describe

The proposed project will include new roadways on new vertical alignments. The proposed project will include improvements to the existing George Elmer Drive; however, the existing vertical alignment will be maintained to the extent possible.

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

Describe

Although the proposed project does not add capacity to existing roadways, it would increase capacity by adding approximately 1.6 miles of new major collector roads that connect the existing Mary Jane Boulevard, George Elmer Drive, and England Boulevard to Reserve Street (US-93) to the east, Mullan Road (Secondary Highway 263) to the south, and West Broadway Street (US Highway 10) to the north. The proposed project would construct what are considered federal-aid highways per definition found at 23 CFR 470.103 and would meet the definition of a Type I project per 23 CFR 772.

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 area is located at the western edge of Missoula, Montana and is partially located within the City of Missoula limits. The project area is generally bound by West Broadway Street to the north, Reserve Street to the east, Mullan Road to the south, and Grant Creek and Missoula International Airport to the west. The study area is located within portions of Sections 6, 7, and 18 of Township 13 North, Range 19 West and Sections 10, 11, 12, and 13 of Township 13 North, Range 20 West in Missoula County. The proposed project location is within the Missoula Carbon Monoxide (CO) Maintenance Area. The proposed project is not located within the PM-10 Maintenance Area, which was reclassified from Non-Attainment status effective June 24, 2019. The project area is also partially within the Missoula MS4 urbanized area boundary.

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

Yes, the City of Missoula and Missoula County are project proponents and recipients to the federal BUILD grant. Local officials from City of Missoula and Missoula County (City/County) have been involved in the project since its inception, jointly developed the 2019 grant application, and continue to be involved in the design and implementation of the project. An advisory committee has been established that includes local officials from the City/County.

3.d. Are relevant local planning documents available?

Yes No N/A



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If yes, see below, select one of the following:

- A copy of the plan is on file. The proposed project is consistent with the plan.
- A copy of the plan is on file. The proposed project is not consistent with the plan. Additional documentation is attached.

3.e. Right-of-Way

- Yes No Will acquisition of right-of-way be required?
- Yes No Will construction permits or temporary easements be required?

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

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

Yes (Area) A Low Impact Development (LID) Practice analysis will be conducted and documented in the file. Coordination with local MS4 coordinator will occur and be documented.

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 See Notes below.
			<input type="checkbox"/> Exempt Activity	
			<input type="checkbox"/> Non-Notification Nationwide	
			<input checked="" type="checkbox"/> Notification Nationwide Type	Nationwide Permit 14
			<input type="checkbox"/> Individual Permit <i>(If individual permit is required, the PA threshold is exceeded, FHWA must concur with PE finding for federally funded project)</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CW 401 Certification Authority <input checked="" type="checkbox"/> DEQ	<input type="checkbox"/> EPA <input type="checkbox"/> Tribal Govt
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual 401 Certification	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tribal Permit for Aquatic Resources <input type="checkbox"/> ALCO	<input type="checkbox"/> ALPO
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stream Protection Act - SPA 124	

Notes (Provide additional explanation as needed.)

The proposed project requires roadway crossings of two irrigation ditches: Mary Jane Boulevard near its intersection with Mullan Road will cross the Flynn-Lowney Ditch and England Boulevard will cross Lateral 1 of the Flynn-Lowney Ditch. The U.S. Army Corps of Engineers was contacted on Aug. 28, 2020 to discuss permitting requirements for the project in light of the recent Navigable Waters Protection Rule, which became effective on June 22, 2020. Christina Schroeder, USACE project manager, advised that most streamlined approach for the project would be to assume Section 404 permit coverage under Nationwide Permit #14 - Linear Transportation Projects. A pre-construction notification is anticipated due to potential impacts on waters of the U.S. exceeding 0.1-acre. No wetland impacts would occur under the proposed action. The anticipated impact on waters of the U.S. is expected to be within the threshold to qualify for a Nationwide Permit and compensatory mitigation is not anticipated.

Part 6 - Social, Economic and Environment Considerations

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

6.1. Access**6.1.a. Permanent Access Control Changes**

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

6.1.b. Temporary Access or Changes in Access Control

- Yes No



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

6.2 Air Quality (Environmental Manual Chapter 42)

6.2.a. Criteria Pollutants

Yes No Is the project subject to conformity?

Yes No Is the project exempt from conformity?

The project is located in a Nonattainment/Maintenance Area.

Nonattainment/Maintenance Area

Yes No N/A Is the project included in a conforming plan?

This project is included in the STIP, TIP, or LRIP adopted on the following date:

No addition analysis is necessary.

Date

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 107.11.3, 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?

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

A field investigation was conducted on May 26-27, 2020 that consisted of a detailed inventory of potential wetlands and streams within the aquatic resource survey area. No wetlands were identified within the immediate project area and no wetland impacts would occur as a result of the proposed project.

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)

The project area vicinity includes approximately 2.3 miles of Grant Creek between West Broadway Street to Hiawatha Road. The segment of Grant Creek located within the project area vicinity has been substantially altered and channelized, most notably the realigned segment of the "horseshoe bend," a deeply incised section of the creek with eroding banks. Grant Creek restoration was included in the 2019 BUILD grant application; however, due to a funding shortfall, this element will not be completed by this project and no impact on Grant Creek will occur.

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).



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

The project area includes several irrigation ditches: the Flynn-Lowney Ditch, two laterals of the Flynn-Lowney Ditch, and the Flynn-Dougherty Ditch.

Additional Discussion (Explanation)

Impacts on aquatic resources and water quality are determined to be not significant and no long-term impacts are anticipated. The proposed roadway crossings of the Flynn-Lowney Ditch and Lateral 1 of the Flynn-Lowney Ditch would require placing a short ditch segment in a pipe and not affect the availability or quantity of irrigation water. The ditches are assumed to be jurisdictional under Section 404 of the Clean Water Act. See Part 5 above for more information. Missoula County has also decided to adopt Section 208 from the MDT Standards Specifications for Water Pollution Control and Aquatic Resource Preservation.

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?

Explain (List)

Grant Creek within the project area vicinity is designated critical habitat for the federally threatened bull trout. The Biological Assessment (BA) developed for the proposed project rendered a "may affect, not likely to adversely affect" (NLAA) determination relative to bull trout and bull trout critical habitat. The BA includes conservation measures that would be implemented to avoid and/or minimize effects to natural resources in the project area.

Additional threatened and endangered species are documented in Missoula County and are addressed in detail in the BA. In summary, the proposed project would have No Effect on water howellia, red knot, Canada lynx, grizzly bear, and yellow-billed cuckoo, and is Not Likely to Jeopardize the Continued Existence of the proposed wolverine or candidate whitebark pine. These effect determinations are appropriate given the lack of suitable habitat and general improbability for these species to be present in the action area during construction and no conservation measures are necessary for these species.

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

Will have no effect.

May affect.

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

Consultation with the USFWS will be coordinated and documented.

Consultation with the USFWS is completed.

Additional information, if needed.

Based on the NLAA effect determination for bull trout and bull trout critical habitat, informal consultation between FHWA and the USFWS is required and has been completed. The USFWS reviewed the project and, in a letter dated October 29, 2020, concurred with the effect determinations rendered within the BA (see attachments). Based on this concurrence, informal consultation is complete pursuant to the regulations implementing Section 7(a)(2) of the Endangered Species Act.

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

6.4.b. Bald and Golden Eagle Protection

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

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

No additional analysis necessary.



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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).

No additional analysis necessary.

Additional Discussion on Biological Resources

The proposed project would be implemented in compliance with the MBTA through inclusion of MDT standard MBTA special provisions. Special Provision number 107-25c, Migratory Bird Treaty Act Compliance – Vegetation Removal (Added 9-26-13), will be included in the final construction bid documents to avoid and minimize potential impacts on migratory birds resulting from vegetation removal. This special provision requires that any cutting of trees or shrubs be completed during the non-nesting periods (August 16 through April 15 of any given year).

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.

Explain not "significant"

Potential economic impacts are determined to be not significant because no adverse economic effects have been identified. The proposed project is intended to develop the backbone transportation infrastructure to respond to and facilitate organized growth that will be occurring in the project area. A detailed analysis can be found in the Indirect and Cumulative Effects Analysis report.

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.

Explain Not "Adverse"

The proposed project is located within U.S. Census Bureau (USCB) Census Tract 2.02, which encompasses a broad area surrounding Mullan Road west of Reserve Street. Demographic data (Tables B02001 and S1701) available from the USCB American Community Survey (ACS) 2014-2018 5-year Estimates were examined for Census Tract 2.02 and compared to Missoula County and the State of Montana to identify, if any, minority and/or low-income populations that may be potentially affected by the proposed project. According to the ACS, Census Tract 2.02 has a minority population of 7.4 percent, which is lower than Missoula County at 8.3 percent or the state at 11.1 percent. Similarly, Census Tract 2.02 has a lower percentage of low-income population at 7.2 percent as compared to Missoula County at 14.9 percent or the state at 13.7 percent. Based on this information, potential effects on minority and/or low-income populations are determined to be not significant because the proposed project is not anticipated to result in disproportionately high or adverse human health and environmental effects on minority or low-income populations and would therefore be in accordance with Executive Order No. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

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.



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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.

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 proposed project will not involve any work or fill placement within the regulatory floodplain of Grant Creek. The project area is within the FEMA DFIRM map panels 30063C1190E and 30063C1195E.

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.

Additional information if needed

No impacts to hazardous materials and substances are expected as a result of the proposed project. An Initial Site Assessment (ISA) Form has been completed and is attached.

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

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

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

Yes No Are any historic, archaeological or cultural resources on or eligible for listing on the National Register present within the project's Area of Potential Effect?

Historic Resources

Smithsonian #	Name	Eligible?	Date of Concurrency in Eligibility	Effect Determination	Date of Effect Determination



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24MO1781	The Dougherty Ranch	Yes	Oct 15, 2020	No Adverse Effect	Oct 15, 2020
24MO0901	Flynn-Dougherty Ditch	No	Oct 15, 2020	NA	NA
24MO0902	Field-Dougherty Ditch	No	Jun 20, 2006	NA	NA

Add Row

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.

A cultural resources investigation and report was completed for the project. A total of three sites (24MO0550, 24MO0901, 24MO0902) were reevaluated and one newly identified resource, 24MO1781 (the Dougherty Ranch), was recorded. Previously recorded sites 24MO0901 (Flynn-Dougherty Ditch) and 24MO0902 (Field-Dougherty Ditch) are considered to be not eligible for inclusion in the NHRP. Site 24MO0550 (Flynn-Lowney Ditch main channel) is recommended as eligible for inclusion in the NRHP. The primary laterals have been reconfigured and, while serving the same intent, their integrity has been compromised and are recommended as non-contributing to the site's recommended eligibility. Site 24MO1781 (Dougherty Ranch) is recommended as eligible for inclusion in the NRHP.

The cultural resources report was provided digitally to the SHPO on September 29, 2020, and hard copies of the report were mailed the same day. In a letter to the SHPO dated September 28, 2020, FHWA determined that the proposed project would have No Adverse Effect to Site 24MO0550 (Flynn-Lowney Ditch) and No Adverse Effect to Site 24MO1781 (Dougherty Ranch) and requested concurrence. In a letter dated October 15, 2020, the SHPO concurred with the determinations of No Adverse Effect to Site 24MO0550 and Site 24MO1781 (see attachments). The October 15, 2020 letter from the SHPO also concurred that Site 24MO0901 is not eligible for inclusion on the National Register. SHPO has previously determined Site 24MO0920 as not eligible for inclusion on the National Register on June 20, 2006.

Should evidence of historic or pre-historic sites be discovered during construction, in accordance with MDT Standard Specifications 107.11, 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?

Yes No Does the project have an economic development purpose?

Detailed analysis will be conducted and documented in the file.

Additional information, if needed.

The proposed project was assessed for its potential for project-influenced growth (e.g., increased population and/or traffic, changes in land use, etc.). Potential indirect land use effects resulting from the proposed project were evaluated consistent with the MDT publication "Assessing the Extent and Determinants of Induced Growth" (Tidd et. al. 2013). Significant impacts were not identified. Refer to the Mullan BUILD Indirect and Cumulative Effects Analysis for more information.

6.12 Noise (Environmental Manual Chapter 43)

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

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



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Compliance with provisions of 23 CFT 772 and MDT's Noise Policy will be ensured and documented in the file. Noise abatement will be examined for reasonableness and feasibility. A final decision of the installation of the abatement measure(s) will be made upon completion of the project's final design and the public involvement process. At any point in the design process, if new or different information is identified that could impact the significance assessment associated with the noise impact, an amended NEPA/MEPA analysis could be required. If significant impacts were identified, an Environmental Impact Statement (EIS) process may need to be initiated or the project design may need to be modified. (Explain below)

A Detailed Noise Analysis was conducted in accordance with the requirements of Title 23 of the Code of Federal Regulations (CFR) Part 772, "Procedures for Abatement of Highway Traffic Noise and Construction Noise," and the Montana Department of Transportation (MDT) Traffic Noise Analysis and Abatement Policy (January 1, 2017). The proposed project is predicted to increase traffic noise levels relative to existing conditions. The 2050 design year alternative noise level is on average 6.2 dB(A) greater than the noise level predicted for the existing year (2020) alternative, with a maximum 18.0 dB(A) increase in noise level. Sixty-three (63) noise receptor locations are predicted to experience noise impacts due to noise levels approaching or exceeding the FHWA Noise Abatement Criteria (NAC) during the design year (2050) Build Alternative or due to substantial increases (increase of 13 dB(A)) over existing noise levels.

Noise impacts are determined to be not significant. The proposed project would complete Mary Jane Boulevard, connecting the Pleasant View subdivision to Mullan Road and West Broadway Street and thus completing the City of Missoula's long-term plan for that roadway to become the major collector in the vicinity. In short, major collector future traffic volumes ranging from 5,000 to 7,000 AADT as projected in the City's regional travel demand model and modeled in the noise analysis have been anticipated on Mary Jane Boulevard since the subdivision was first constructed. In the absence of Mary Jane Boulevard, Flynn Lane is currently acting as the major collector in the area; however, it is not designed for the current and projected traffic volumes. Completing Mary Jane Boulevard has the added benefit of reducing traffic on Flynn Lane and thus improving safety at the existing pedestrian crossings on Flynn Lane at Hellgate Elementary School, an important project objective identified in the 2019 BUILD grant application.

Noise abatement was evaluated for feasibility and reasonableness. Noise barriers have been determined not feasible due to engineering considerations as it relates to safety and maintenance for the following reasons.

- Maintenance access is needed to both sides of the barrier, unless agreements are made with landowners otherwise. Due to the constraints of the existing roadway, access would not be available on the side of the noise barrier opposite the roadway.
- Noise barriers would create a safety issue by adversely affecting sight distances at the intersections of Mary Jane Boulevard and intersecting roadway approaches.
- City ordinance related to fences (Chapter 12.31) prohibits obstructions of sight visibility and front yard fences exceeding 4 feet in height.
- Locating noise barrier in the landscaping zone would create issues with snow storage and require removal of a substantial number of mature trees.
- Noise barriers would eliminate homeowner access to on-street parking along Mary Jane Boulevard.
- It is undesirable for a barrier to be placed in an area where it would create a dark tunnel effect.

Because none of the noise barriers analyzed for construction met the feasibility requirements, the criteria of reasonableness of the noise barriers was not considered in the study.

6.13. Public Involvement

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

Explain

A public involvement plan was completed by Big Sky Public Relations in coordination with the City of Missoula and Missoula County. The Mullan BUILD project public involvement activities have included developing a robust project webpage; media relations and traditional media placements; engaging with residents and stakeholders remotely; staffing community partner meetings; and the latest focus has been on the steering committee and engaging with the public online and in neighborhood locations. An online comment form is available through the project website and consideration of comments is ongoing and is intended to build upon the input received during the master planning effort. Direct advertising will also be executed to reach residents online later in the project timeline and as the project moves closer to construction. A series of bi-weekly virtual public meetings are being conducted for the project between the dates October 16th, 2020 through January 8th, 2021. The meetings are one hour in length and will



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cover a variety of project-related topics, including updates on the Mullan Area Master Plan (Oct. 30, 2020); intersection improvements (Nov. 13, 2020); design aesthetics (Dec. 4, 2020); construction details (Dec. 18, 2020); and a yet-scheduled final meeting to discuss environmental and NEPA (anticipated on Jan. 8, 2021).

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.

No additional analysis necessary.

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
Flynn-Lowney Ditch	Yes	Permanent	De Minimis	Sep. 28, 2020
The Dougherty Ranch	No		NA	NA
Add Row	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:

The proposed Mary Jane Boulevard South road segment will cross over the Flynn-Lowney Ditch near its intersection with Mullan Road. The ditch will be placed in either a CMP or precast concrete crossing that has been determined acceptable by the ditch company and designed and sized to meet hydraulic requirements. The existing ditch alignment would be perpetuated as would its historic function and there would be no diminution in the amount of water it carries. Significant impacts are not anticipated. No mitigation is currently proposed or required for the effect on the Flynn-Lowney Ditch. Based on the No Adverse Effect determination to the Flynn-Lowney Ditch, FHWA made a de minimis impact finding for this resource and this information was provided to the SHPO in FHWA's letter dated September



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28, 2020 (see attachments).

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

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

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

No additional analysis necessary.

6.18 Social Impacts (Environmental Manual Chapter 19.)

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

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

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

The potential social impacts identified as a result of the proposed project have been determined to be not significant. The proposed new roadways are being developed in currently vacant agricultural fields and, as such, will not result in the displacement or relocation of any businesses or residents. The proposed project is consistent with adopted land use and zoning policy and plans and is included in the Long Range Transportation Plan 2020 update that is currently being prepared. Potential adverse social impacts are anticipated to be substantially mitigated through the implementation of comprehensive planning and zoning regulations that are currently being developed for the study area by the Missoula County-led Mullan Area Master Plan. The Mullan Area Master Plan is being developed concurrently with the Mullan BUILD project and has included a series of virtual charrettes held from March 23rd to 27th, 2020, to engage the public on a variety of issues facing the area (e.g., housing development; parks, recreation and placemaking; agriculture, environment and climate adaptation, etc.). Additional virtual meetings were held in July 2020. The project will develop a comprehensive zoning plan and drainage and infrastructure recommendations. The master plan will include elements related to growth management strategies and resource management and preservation. The draft plan (Sep. 11, 2020) is available and the final plan is anticipated to be completed towards the end of 2020. A final public hearing at the Missoula City-County Planning Board occurred on September 29, 2020. Formal adoption of the plan has not yet occurred. Final adoption of the plan and future development in accordance to the adopted plan will ensure the study area is developed in a manner congruent with established codes and regulations and community desires.

Explain not "significant".

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.



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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.

Missoula County will adopt in their final contract bid documents MDT Standard Specifications 201 and 107.11.5. The contractor will be required to wash all equipment prior to transport into the project area as specified in the MDT Supplemental Specification 107.11.5, Noxious Weed Management, to control the spread of noxious weeds. Missoula County will be responsible for developing construction contract special provisions and include coordination with an MDT Botanist or a City/County reclamation specialist, as needed, to determine appropriate revegetation plans. Missoula County will be responsible for post-construction monitoring of the re-vegetated areas to ensure final stabilization is met. The Contractor will be responsible for compliance with the MPDES and SWPPP, including post-construction final stabilization requirements.

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?

Explain

The proposed project will result in permanent changes to the visual character of the project area. Construction of new roads will replace existing agricultural fields, which will lead indirectly to additional residential, commercial, and industrial development within the project area vicinity. The proposed project would complete a grid network of major collector roadways consistent with existing plans and zoning regulations, and in a manner congruent with the in-progress Mullan Area Master Plan. The proposed project, when taken in context with the surrounding built environment that includes the Reserve Street commercial corridor, development along West Broadway, and the Missoula International Airport, would not be a substantial contrast and the impact is therefore considered not significant. A context sensitive design approach substantially influenced by public input is being implemented as described in the draft Mullan Area Master Plan.

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?

Explain

The Montana Bureau of Mines and Geology Ground Water Information Center (GWIC) GIS well database was reviewed to identify any public water supply wells located within the project area. Specifically, a buffer distance of 100 feet on either side of the proposed roads was applied to query the well data. Ten individual wells are identified within the query area that are identified as either a domestic or unknown well type. No public water supply wells exist within a 100 foot distance of the project and the proposed project is not anticipated to impact any public water supply wells. Detailed survey has been completed mapping existing utilities in the area. The project team will avoid utility and well conflicts to the maximum extent practicable.

Ensure the DEQ setback requirements of a 100-foot isolation zone in which no source of pollutant can be located is accounted for in project plans.

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



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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 will employ a variety of storm water management controls that include conveyance ditches and landscaped depressions that would function as infiltration basins, manholes and storm sewer pipe, and drywells. Dry wells are proposed near some infiltration basins to provide additional storage capacity and additional means of infiltration. As design progresses and storm water design is finalized, the design team will provide the appropriate notice to the EPA to determine if the operation would require a rule authorization or permit per the UIC Program under the SDWA.

If yes, appropriate notice will be provided to EPA to determine if the operation will require a rule authorization or a permit. Documentation is on file.

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

The proposed project involves construction of new roadways in agricultural parcels. No existing concerns of erosion have been identified.

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

Due to the nature and scope of the project and the site, local stormwater requirements do not apply.

Local stormwater requirement apply that are being coordinated with personnel on the Design Team.

Describe Local Stormwater Requirements:

The proposed project is located partially within the Missoula MS4 boundary and, as such, would be evaluated for the applicability of the requirement to incorporate Low Impact Development (LID) practices to comply with post-construction storm water management controls. This analysis will be conducted during final design and following additional site evaluations and will be documented on file.

Explain

[Empty box for explanation]

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: There are no rivers designated as Wild and Scenic within or in the vicinity of the project area.

Part 7 - Additional MDT Discussion/Comments

N/A.



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Part 8 - FHWA Comments

The following information provides additional details for certain resource categories, particularly for sections of this form that require additional information where no space is provided.

PART 6.2, Air Quality: The proposed project meets the applicable conformity requirements found in 40 CFR Part 93 for project-level air quality conformity. Interagency consultation has been completed to meet the state-level transportation conformity consultation requirements and procedures found at ARM 17.8.1305 through 17.8.1306. The proposed BUILD project has been included in the Amendment #4 to the 2016 Missoula LRTP and was determined to meet the applicable air quality conformity requirements found in 40 CFR Part 93, Subpart A, from FHWA and FTA, in consultation with the EPA, on July 15, 2020. The proposed project is being processed as an unlisted categorical exclusion under 23 CFR 771.117(d) and, therefore, an MSATs analysis was completed per FHWA's "Interim Guidance Update on Air Toxic Analysis in NEPA documents". An Initial Site Assessment (ISA) form and additional analysis has been completed as identified in Part 6.2 and documentation is attached.

PART 6.7, Farmland Protection Policy Act: The proposed roadway improvements will require conversion of approximately 17 acres of farmland subject to the requirements of the Farmland Protection Policy Act (FPPA). In accordance with the FPPA, a Farmland Conversion Impact Rating for Corridor Type Projects Form (NRCS-CPA-106) was completed for the proposed project in consultation with the NRCS on August 27, 2020. The completed NRCS-CPA-106 is attached.

PART 6.19, Tribal Lands/Issues: Missoula County has coordinated with the Confederated Salish and Kootenai Tribes (CSKT), Blackfeet Tribe, and Nez Perce Tribe through email correspondence providing a reasonable opportunity for input and comment on the proposed project and the Cultural Resources Report. Emails were sent to the CSKT on August 11, 2020 and to the Blackfeet and Nez Perce tribes on September 8, 2020. Missoula County also contacted the Tribes via phone call. None of the tribes have provided a response on the proposed project.

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.	Yes
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



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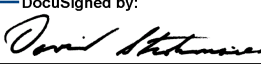
Date

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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.	Yes
9.n. T&E SPECIES and CRITICAL HABITAT. The action may affect federally listed or candidate endangered species, or proposed or designated critical habitat or projects with impacts subject to the conditions of the Bald and Golden Eagle Protection Act.	Yes
9.o. AIR QUALITY. The action does not conform to the State Implementation Plan (SIP) which is approved or promulgated by the US Environmental Protection Agency (EPA) in air quality non-attainment areas.	No
9.p. STIP. The action is not included in or is inconsistent with the statewide transportation improvement program (STIP), and in applicable urbanized areas, the transportation improvement plan.	No

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

Approval Signatures

DocuSigned by: 	11/19/2020 11:44 MST
E0FA9ECBCECC409... Local Agency Approving Authority	Date
N/A	
MDT Environmental Services Project Development Engineer	Date
N/A	
MDT Environmental Services Engineering Section Supervisor	Date
Federal Highway Administration	Date

 Standard Distribution List Maintenance Distribution List Custom Distribution List