



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

Control Number NA Date June 9, 2019

Part 1 - Project Summary

Project Name Port of Montana Expansion
Project Number NA Control Number NA

Part 2 - Environmental Classification

2.a. Status of Categorical Exclusion (CE): Draft Final Re-Evaluation Date June 9, 2019

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

This project will not involve FHWA funds. This action qualifies as MEPA CE.

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 Port of Montana (Port) proposes to expand its' rail footprint by adding approximately 4,903 lineal feet of new transload track. Current track space at the Port has reached its maximum capacity and restricts its transloading capabilities and service to its clients. The Port is unable to accommodate new or expanding business due to these limitations. Adding new track allows for more efficient movement of rail cars and allows the Port to accept more business. The additional rail allows private industries throughout the region who are not directly served by rail to utilize the cost savings advantage of shipping by rail, while reducing freight congestion and highway surface deterioration.

- Horizontal alignment shift?
Vertical alignment shift?
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).

Port of Montana, 119041 German Gulch Road, Silver Bow, MT. Section 24, T3N, R8W, PMM, Butte-Silver Bow, Montana.

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

Local officials have worked closely with the Port as it is located within the City and County of Butte-Silver Bow's Montana Connection Business Development Park; a tax increment district created to foster economic growth and bring new businesses to the state. Enhanced rail service at the Port will benefit the Montana Connections Business Park with additional transload track and a second phase of rail development that will create 130 acres of rail served industrial sites.



**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 04/2019

Page 2 of 11

Control Number

NA

Date

June 9, 2019

3.d. Are relevant local planning documents available?

Yes  No  N/A

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?

**Part 5 - Permits and Approvals (Environmental Manual Chapter 29)**

Yes	No	TBD	Permit or Approval	Describe
<input type="checkbox"/>	<input checked="" 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 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 checked="" 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
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stream Protection Act - SPA 124	

Notes (Provide additional explanation as needed.) No portion of the proposed project will result in the discharge of dredge or fill materials into any waters of the United States, or wetlands. No construction activities will affect streams or tributaries in Montana.

**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.



**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 04/2019

Page 3 of 11

Control Number

Date

**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 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?

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)

The project area is adjacent to excavated wetlands (Map 1) that are the result of remediation activities conducted by the MT Department of Environmental Quality (DEQ), pursuant to the Streamside Tailings Operable Unit (SSTOU) Consent Decree filed June 19, 1998 and the Record of Decision (ROD) dated November 29, 1995 (Map 2) The DEQ has recorded a "Declaration of Restrictive Covenants/Institutional Controls on Real Property" that restricts construction on the remediated and restored floodplain (Attachment 1), which includes the Silver Bow Creek stream channel and excavated wetlands, and allow perpetual access to these areas for ongoing and necessary operation and maintenance.

**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 is adjacent to Silver Bow Creek, to the northwest (Map 1.) Silver Bow Creek has been the subject of remediation efforts conducted by the MT Department of Environmental Quality (DEQ), pursuant to the Streamside Tailings Operable Unit (SSTOU) Consent Decree filed June 19, 1998 and the Record of Decision (ROD) dated November 29, 1995 (see Map 2) The DEQ has recorded a "Declaration of Restrictive Covenants/Institutional Controls on Real Property" that will restrict construction on the remediated and restored floodplain, which includes the Silver Bow Creek stream channel (Attachment 1). The Institutional Controls allow DEQ perpetual rights to access the property for the purpose of ongoing and necessary operations to protect the remediation and restoration activities conducted within the Silver Bow Creek Corridor. This includes protection of the stream channel, stream banks, riparian areas and surrounding floodplain area that contains emerging wetlands and habitat.

**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.

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

See above.

Additional Discussion (Explanation)



**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 04/2019

Page 4 of 11

Control Number  Date

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?

Threatened and endangered species identified in Butte-Silver Bow Montana are Bull Trout, Grizzly Bear, and Canada Lynx (LT - Listed Threatened).

While the extent of the Bull Trout range includes the Upper Clark Fork River, Silver Bow Creek is not part of the designated bull trout critical habitat and it is rare to see bull trout in the Upper Clark Fork River as a result of low flows, habitat and competition with rainbow trout; bull trout are cold-water fish (MT FWP, MT Standard 5/18/2017.)

The Grizzly Bear range in Silver Bow County included the project area. However, according the Montana Field Guide for the Grizzly Bear, observations of grizzly bears in the area of the project exceed 20+ years (Recency) and the number of observation (Relative Density) is less than 0-9 (# of observations.) It would appear that the presence of this threatened species in the project area is extremely low.

The Canada Lynx range included the project area. However, according to the Montana Field Guide, Canada Lynx west of the Continental Divide generally occur in subalpine forests between 1,220 and 2,150 meters in stands composed of pure lodgepole pine but also mixed stands of subalpine fir, lodgepole pine, Douglas-fir, grand fir, western larch and hardwoods. The project area supports none of this habitat. Further, the number of observation (Relative Density) ranges from 0-9 (# of observations) within the last 20 years (Recency.)

Explain (List)

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

Will have no effect.

May affect.

**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.

**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

**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.



**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 04/2019

Page 5 of 11

Control Number

Date

**6.6 Environmental Justice (EJ)** (Environmental Manual Chapter 24).

Would the proposed project likely create disproportionately high and/or adverse impact on the health or environment of minority and/or low-income populations as described in Executive Order 12898?

- Due to the nature and scope of the project, no disproportionately high and/or adverse EJ impact is expected. No detailed analysis necessary.
- Due to the nature and scope of the project, minor effects on EJ populations may occur. A detailed analysis is not necessary. The following explanation will justify that the impact is not "disproportionately high and/or adverse". (Explain below.)
- An EJ analysis has been conducted and is documented in the file and/or summarized in Section 7. Analysis does not indicate potential for significant adverse impact.

**6.7 Farmland Protection Policy Act (FPPA)** (Environmental Manual Chapter 33)

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

- Yes  No Is the project within existing ROW acquired on or before 8/4/84 or located within an area of existing development?
- Yes  No Is the project specifically for the purposes of national defense?

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

- 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 terms of the Restrictive Covenants/Institutional Controls on the property to be transferred from the Montana Department of Environmental Quality to the Port of Montana restrict construction within the remediated and restored floodplain. The project does not propose any work within the floodplain, nor will the project require a floodplain development permit.

**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.

If yes, check one:

- Permitting will be completed by MDT during design.
- A special provision will be inserted in the Contract Plans requiring the Contractor to secure permitting.

In the event of the discovery of hazardous materials, consultation with Butte-Silver Bow County Superfund



**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 04/2019

Page 6 of 11

Control Number  Date

Describe

Yes  No Hazardous materials, hazardous substances, and/or petroleum products are currently on and/or adjacent to the proposed project.

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

Describe

Additional information if needed

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?

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.

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?

No detailed analysis necessary - Explain exemption

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

**6.13. Public Involvement**

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

Explain



**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 04/2019

Page 7 of 11

Control Number

NA

Date

June 9, 2019

**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
Silver Bow Creek Greenway	MT DEQ, Port of Montana (pending) and the Greenway Service District	No	NA
Add Row	Delete Last Row		

- Work has been coordinated with the managing agency/agencies. Documentation is available upon request.
- Work will be coordinated and documented with the managing agency/agencies.

Additional information, if needed:

The Greenway Service District, in partnership with the Port of Montana as the future landowner, plans to extend its passive recreation trail within the Silver Bow Creek Corridor, adjacent to the project area. The Silver Bow Creek Greenway, providing passive recreation opportunities, was cited in the ROD related to the SSTOU as the intended end land use for the remediated and restored floodplain.

If there is a "use" of Section 4(f) property, document it in Section 6.16 below.  
If there is a "conversion" of Section 6(f) property, document it in Section 6.17 below.

**6.15 Right-of-Way (ROW)**

- Yes  No Will acquisition of ROW be required?
- Yes  No Will construction permits or temporary easement be required?
- Yes  No  N/A Will ROW acquisition be considered "minor" per the Programmatic Agreement (PA)? *For purposes of the PA, an acquisition is considered more than minor if it will substantially affect the functionality of the property and/or primary structure on the property.* If no, action may not be processed under paragraphs CE(c)(26), (c)(27), and (c)(28).
- Yes  No  N/A Will residential or commercial displacement be required? If yes, action may not be processed under paragraphs CE(c)(26), (c)(27), and (c)(28).
- Yes  No  N/A Will acquisition of land for hardship or protective purposes, or early acquisition be required?

**6.16 Section 4(f) of the US Department of Transportation Act** (Environmental Manual Chapter 15.)

- Due to the nature and scope of the project, no impacts to Section 4(f)-protected resources would be expected. Adequate supporting information is included in Part 3.1 above. No detailed analysis is necessary.

**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.



**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 04/2019

Page 8 of 11

Control Number

NA

Date

June 9, 2019

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

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

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

Yes  No Is the project located within a current American Indian Reservation border?

Yes  No Is the project located outside a current American Indian Reservation border, but in an area of interest to the Tribal government?

Documentation of coordination with the Tribal government is on file for overall project coordination, and any coordination related to aquatic resource permitting, 401 certification, and/or history and cultural resources.

**6.20 Vegetation** (Environmental Manual Chapter 37)

Due to the nature and scope of the project and the site, a seeding special provision is not necessary.

A seeding provision will be included in the contract documents to ensure appropriate re-vegetation of disturbed areas.

In accordance with Standard Specification 201, clearing and grubbing activities would occur only with staked construction limits.

To re-establish permanent vegetation and to reduce the spread and establishment of noxious weeds, disturbed areas within MDT right-of-way and easements would be seeded with desirable plant species, as soon as practicable, as recommended and determined feasible by the MDT Reclamation Specialist. The seeding mixture special provision will be included in the contract documentation.

Re-vegetation plan will conform to the requirements of 23 CFR 650 Subpart B. Post construction, the site would be monitored until final stabilization is met.

Additional information as needed. Document any deviations from standard procedures.

The project is the expansion of transloading rails.

**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.

The project is the expansion of the Port of Montana's rail transloading capacity. The Port of Montana is a 55-acre transload and distribution facility that has been serving Montana shippers for over 30 years.

**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.

The project is the expansion of the Port of Montana's rail transloading capacity. The Port of Montana is a 55-





**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 04/2019

Page 9 of 11

Control Number

NA

Date

June 9, 2019

Explain acre transload and distribution facility that has been serving Montana shippers for over 30 years.

**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 purpose of a PESC analysis and subsequent development of permanent controls is intended to address long-term erosion that could ultimately result from highway construction of sedimentation from highway-related storm water runoff. This is a rail expansion project within an existing facility, unrelated to any highway development.

**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.

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:

There are no Wild and Scenic Rivers in Butte-Silver Bow County, Montana.

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

Part 4 - MS4 Issues - The Port of Montana is outside the limits of the Butte-Silver Bow Stormwater Management jurisdiction. This project's construction will disturb an area of land greater than one (1) acre. Therefore, a MPDES Construction General Permit will be required for this project.

Part 6.2 - Transportation conformity requirements apply only to FHWA/FTA actions on highway and transit projects. Therefore, a project in a nonattainment or maintenance area that is not a FHWA/FTA project, as defined in 40 CFR 93.101, would be subject to general conformity, rather than transportation conformity.

Part 6.2B - Mobile Source Air Toxins - An ISA was not completed for this project, however, the project will have no meaningful impacts on traffic volumes or vehicle mix. The purpose of this project is to expand the transload capacity of the Port of Montana by constructing additional transload trackage. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.

Part 6.16 Section 4(f) - Due to the nature and scope of this project, no impacts of Section 4(f)-protected resources would be expected.



**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 04/2019

Page 10 of 11

Control Number

Date

**Part 8 - FHWA Comments**

**Part 9 - FHWA Signature Rationale**

Yes  No Is FHWA Concurrence on the CE necessary?

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.	N/A
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.	N/A
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).	No
9.i. SECTION 6(f). The action requires the acquisition of lands under the protection of Section 6 (f) or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property.	No
9.j. CWA SECTION 404. The action requires an Individual CWA Section 404 permit.	No
9.k. FLOODPLAIN PERMIT. The action requires work encroaching on a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of water course or lake, pursuant to Executive Order (EO) 11988 and 23 CFR 650 Subpart A.	No
9.l. WILD AND SCENIC RIVERS. The action requires construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers published by the US Department of the Interior/US Department of Agriculture.	No
9.m. NOISE. The action is defined as a "Type I Project" per 23 CFR 772.5 and MDT's Noise Policy.	No
9.n. T&E SPECIES and CRITICAL HABITAT. The action may affect federally listed or candidate endangered species, or proposed or designated critical habitat or projects with impacts subject to the conditions of the Bald and Golden Eagle Protection Act.	No
9.o. AIR QUALITY. The action does not conform to the State Implementation Plan (SIP) which is approved or promulgated by the US Environmental Protection Agency (EPA) in air quality non-attainment areas.	No
9.p. STIP. The action is not included in or is inconsistent with the statewide transportation improvement program (STIP), and in applicable urbanized areas, the transportation improvement plan.	No

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.





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

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

Control Number  Date

## Approval Signatures

NA	NA
Local Agency Approving Authority	Date
	6-9-19
MDT Environmental Services Project Development Engineer	Date
	6/10/19
MDT Environmental Services Engineering Section Supervisor	Date
NA	NA
Federal Highway Administration	Date

Standard Distribution List     Maintenance Distribution List     Custom Distribution List

Distribution List:	Lynn Zanto, Division Administrator, Rail, Transit and Planning Division
	Tom Martin, Bureau Chief, Environmental Services Bureau
	Tom Gocksch, Supervisor, Engineering Services Section
	Rebecca Ridenour, Butte District Project Development Engineer
	Charity Watt, Transportation Planner, Multimodal Planning Bureau