

Chapter 13

ENVIRONMENTAL ASSESSMENT/FONSI

MDT ENVIRONMENTAL MANUAL

October 2010

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Chapter 13

ENVIRONMENTAL ASSESSMENT/FONSI

13.1 OVERVIEW

The decision to prepare an environmental assessment (EA) for an MDT project is generally based on the results of the class of action determination process (see [Chapter 10 “Class of Action Determination”](#)). An EA is prepared when it is uncertain whether a project will result in significant environmental impacts. The purpose of the EA is to determine whether the action involves a significant impact requiring preparation of an environmental impact statement (EIS) (see [Chapter 14 “Environmental Impact Statement/ROD”](#)) or qualifies for a finding of no significant impact (FONSI). The *National Environmental Policy Act* (NEPA) (42 USC 4321, et seq.), the *Montana Environmental Policy Act* (MEPA) (MCA 75-1-101, et seq.) and associated implementing rules (*Council on Environmental Quality (CEQ) Regulations* and MDT “Rules Implementing the *Montana Environmental Policy Act*”) establish the basis for preparing an EA for this purpose.

The NEPA and MEPA implementing rules also recognize other reasons for preparing an EA. Examples include the following:

- to assist agency planning and decision-making;
- to assist in the evaluation of reasonable alternatives and the development of conditions, stipulations or modifications to be made a part of a proposed action; and
- to ensure appropriate opportunity for public review and comment on proposed actions, including alternatives and planned mitigation, where the residual impacts do not warrant the preparation of an EIS.

Regardless of the reason for preparing an EA, the following principles apply:

- Use a systematic, interdisciplinary approach and effective public involvement (see [Chapter 16 “Public Involvement”](#)) to identify and analyze the social, economic and environmental effects of project alternatives.
- Concentrate on the issues that are truly important to the action in question, discussing only briefly issues other than important ones.
- Make the EA concise, clear and to the point, and ensure that it is supported by evidence of necessary environmental analyses. Summarize technical reports and analyses and incorporate them by reference.
- Use the EA to document compliance with other applicable environmental laws, regulations and executive orders.
- Prepare EAs that will help MDT and Federal Highway Administration (FHWA) make decisions based on the understanding of environmental consequences.

If the EA process results in the determination that a proposed project will not cause significant impacts, either individually or cumulatively, a FONSI is prepared for NEPA/MEPA compliance. If environmental analyses and coordination for preparing the EA indicate the proposed project will have a significant impact, preparation of the EA stops and the process switches to preparation of an EIS for NEPA/MEPA compliance.

See the “[Environmental Document Process](#),” in Appendix C of this *Manual*, for guidance on the steps for development and processing of an EA and FONSI. [Chapter 13](#) provides guidance on the preparation of EA and FONSI documents.

13.2 LAWS, REGULATIONS AND GUIDANCE

13.2.1 23 USC 139 “Efficient Environmental Reviews for Project Decision-Making”

This part of the *United States Code (USC)*, enacted as Section 6002 of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)*, implements a number of changes in the environmental review process for Federally-funded/approved transportation projects. All projects requiring an EIS for which the original Notice of Intent was/is published in the *Federal Register* after August 10, 2005 must comply with the environmental review process requirements in 23 USC 139. These requirements also may be applied to projects developed as EAs. The FHWA Division Office makes the decision on application of the requirements for EA projects on a case-by-case basis, with concurrence of the other lead agency(ies). The following are some of the key changes:

- The lead agencies must invite any Federal or non-Federal agencies that may have an interest in the project to become participating agencies in the environmental review process. SAFETEA-LU, thus, defines a new category of participating agencies.
- The lead agencies must prepare a coordination plan for the project, which may include a schedule with deadlines and the coordination plan must be shared with participating agencies and the public (e.g., through a public meeting, on a website).
- The lead agencies determine the purpose and need and range of alternatives after opportunity for involvement by participating agencies and the public.
- The lead agencies must collaborate with participating agencies in determining the methodologies to be used and level of detail for the analyses of alternatives.

13.2.2 40 CFR 1500 through 1508 CEQ Regulations

These parts of the *Code of Federal Regulations (CFR)* establish the policy and procedural framework for Federal agency compliance with NEPA. The regulations provide direction on when to prepare an EA (Section 1501.3) and include definitions and guidance for key terms. These terms include “Effects” (Section 1508.8), “Environmental Assessment” (Section 1508.9) and “Significantly” (Section 1508.27). For the word “significantly,” the regulations provide guidance on its meaning as used in NEPA and the factors that must be considered when applying the term in evaluation of the effects of specific actions.

13.2.3 23 CFR 771 “Environmental Impact and Related Procedures”

These regulations prescribe FHWA policies and procedures for compliance with NEPA, the *CEQ Regulations* and Federal requirements for public involvement. They address the responsibility and timing for the class of action determination on projects involving funding or approvals from FHWA (Section 771.111). They also discuss requirements and procedures applicable to projects determined to be “Class III” (EA) actions (i.e., actions where the significance of the environmental impact is not clearly established). All actions in this class require the preparation of an EA to determine the appropriate environmental document required

(i.e., a FONSI or an EIS). Specific requirements and procedures for EAs are identified in Section 771.119 and requirements and procedures for FONSIs are provided in Section 771.121.

13.2.4 Executive Order 11988 “Floodplain Management”

Section 2(a)(4) of this Executive Order states:

Each [Federal] agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains in accordance with Section 2(b) of Executive Order No. 11514 [Protection and Enhancement of Environmental Quality], as amended. This includes the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

13.2.5 Executive Order 11990 “Protection of Wetlands”

Section 2(b) of this Executive Order states:

Each [Federal] agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands, in accordance with Section 2(b) of Executive Order No. 11514, as amended. This includes the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

13.2.6 MCA 75-1-101, et seq. Montana Environmental Policy Act

These parts of the *Montana Code Annotated* (MCA) establish State environmental policy and include provisions to “...provide for the adequate review of State actions in order to ensure that environmental attributes are fully considered.” Part 2 of the statute (MCA 75-1-201 through 220) addresses requirements for environmental impact statements.

13.2.7 ARM 18.2.235 through 18.2.261 “Rules Implementing the Montana Environmental Policy Act”

These MDT rules in the *Administrative Rules of Montana* (ARM) include the following definition in ARM 18.2.236:

“Environmental Assessment” means a written analysis of a proposed action to determine whether an EIS is required or to serve one or more of the other purposes described in ARM 18.2.237(2).

ARM 18.2.237 discusses criteria for determining the level of environmental review required for a proposed action to comply with MCA 75-1-201. ARM 18.2.237(2) describes the following purposes for preparing an EA:

- Ensure that the agency uses the natural and social sciences and the environmental design arts in planning and decision-making. An EA may be used independently or in conjunction with other agency planning and decision-making procedures.
- Assist in the evaluation of reasonable alternatives and the development of conditions, stipulations or modifications to be made a part of a proposed action.
- Determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action.
- Ensure the fullest appropriate opportunity for public review and comment on proposed actions, including alternatives and planned mitigation, where the residual impacts do not warrant the preparation of an EIS.
- Examine and document the effects of a proposed action on the quality of the human environment. Provide the basis for public review and comment, whenever statutory requirements do not allow sufficient time for an agency to prepare an EIS.

ARM 18.2.238 describes the criteria to be considered in determining the significance of impacts on the human environment. Note that these criteria differ slightly from the criteria considered under NEPA. For example, under MEPA, public controversy that a proposed action will generate is not considered in determining significance. It is considered, however, under the CEQ regulations for NEPA.

13.2.8 *A Guide to the Montana Environmental Policy Act*

The Legislative Environmental Policy Office of the Montana Environmental Quality Council publishes this 2009 *Guide*. It includes a broad range of information on the *Montana Environmental Policy Act* (MEPA) including the purpose and history of the *Act*, the purpose and makeup of the Montana Environmental Quality Council, the role of public participation in the MEPA process and the relationship of the *Act* to the *National Environmental Policy Act* (NEPA) and other statutes. The *Guide* includes information on the following subjects:

- *Montana Environmental Policy Act*,
- Environmental Quality Council,
- when an environmental review is required,
- type of review an agency is required to perform,
- elements of an environmental review,
- public participation,
- final analysis and action,
- relationship between MEPA and other statutes,
- comparison of NEPA and MEPA,
- information sources and agency references,
- glossary and index to definitions of MEPA terms,
- model statutes, and
- model rules.

13.2.9 MDT “Environmental-Environmental Documents” Activity Descriptions

These activity descriptions are for Management Unit 2700 “Environmental – Environmental Documents.” They are a part of MDT’s OPX2 project management system. They describe the various tasks, timeframes and procedures for preparing and processing environmental documentation. The activity descriptions apply to environmental documentation prepared by consultants or by the Environmental Services Bureau (ESB).

13.2.10 FHWA Technical Advisory T 6640.8A

The Technical Advisory, dated October 30, 1987, provides guidance for the preparation of NEPA compliance documentation. Section II discusses the purpose of an EA and includes guidance on suggested format and content.

13.2.11 FHWA “SAFETEA-LU Environmental Review Process Final Guidance”

This guidance addresses changes in the environmental review process for transportation projects as required by Section 6002 of SAFETEA-LU, codified in 23 USC 139. The changes in the environmental review process apply to projects involving preparation of an EIS for which the original Notice of Intent was/is published in the *Federal Register* after August 10, 2005. The changes also may apply on a case-by-case basis to projects involving preparation of an EA. The purpose of the guidance is to provide explanations of new and changed aspects of the environmental review process. This guidance supplements the *CEQ Regulations* and the FHWA “Environmental Impact and Related Procedures.”

13.2.12 FHWA “SAFETEA-LU Environmental Review Process Toolkit”

This Toolkit, accessible through the FHWA website, provides information on implementation and updates of the SAFETEA-LU environmental review process. It includes frequently asked questions (FAQs) about the environmental review process, an environmental review process checklist and examples of implementation.

13.2.13 “Forty Most Asked Questions Concerning CEQ’s NEPA Regulations”

These questions, published in March 1981, are accessible via the CEQ website. CEQ compiled the questions (and answers) and issued them in a memorandum to Federal agencies after holding meetings with Federal, State and local officials to discuss administration of the regulations for implementing NEPA.

13.2.14 “The Importance of Purpose and Need in Environmental Documents”

This September 1990 FHWA guidance, accessible through the FHWA website, discusses the importance of the purpose and need information in an environmental document, recommended content, and how to use purpose and need in decision-making.

13.2.15 “Considering Cumulative Effects Under the National Environmental Policy Act”

This January 1997 CEQ guidance, accessible through the CEQ website, provides detailed information on the analysis of cumulative effects. It includes the following sections:

- Introduction to Cumulative Effects Analysis;
- Scoping for Cumulative Effects;
- Describing the Affected Environment;
- Determining the Environmental Consequences of Cumulative Effects; and
- Methods, Techniques and Tools for Analyzing Cumulative Effects.

13.2.16 Montana Business Process to Link Planning Studies and NEPA/MEPA Reviews

This May 2009 document provides guidance on linking MDT transportation planning processes and NEPA/MEPA processes as provided for in SAFETEA-LU and 23 CFR 450, Appendix A “Linking the Transportation Planning and NEPA Processes.” The Business Process presents a strengthened Corridor Planning Process that feeds directly into the NEPA/MEPA processes, helps advance viable alternatives into NEPA/MEPA and provides the opportunity for partner involvement at all stages.

13.2.17 “Consideration of Cumulative Impacts in EPA Review of NEPA Documents”

This May 1999 publication, accessible through the US Environmental Protection Agency (EPA) website, provides guidance to assist EPA reviewers of NEPA documents in providing accurate, realistic and consistent comments on the assessment of cumulative impacts. The guidance focuses on specific critical issues in EPA’s review of NEPA documents under Section 309 of the *Clean Air Act*.

13.2.18 Improving the Quality of Environmental Documents

This May 2006 Report was prepared and issued by a joint committee of the American Association of State Highway and Transportation Officials (AASHTO) and the American Council of Engineering Companies (ACEC), in cooperation with FHWA. It documents the results of an initiative of transportation practitioners nationwide to improve the quality of EIS and EA documents. The Report addresses quality and clarity of NEPA documents and offers recommendations on ways to make the documents more effective, engaging and useful. The Report also provides guidance on legal sufficiency intended to provide a better understanding of the FHWA legal sufficiency review.

13.2.19 Reader-Friendly Document Tool Kit

The Tool Kit, prepared by the Washington State Department of Transportation (WSDOT), provides tips and tools for creating “reader-friendly” environmental documents (i.e., that are easier for the public and reviewers to read and understand). The *Reader-Friendly Document Tool Kit* is a companion document to WSDOT’s *Environmental Procedures Manual*.

13.2.20 AASHTO Practitioner's Handbooks

The following AASHTO Practitioner's Handbooks provide guidance and information that may be useful in preparing and processing an EA and FONSI for NEPA compliance:

- Practitioner's Handbook 01 *Maintaining a Project File and Preparing an Administrative Record for a NEPA Study*, July 2006;
- Practitioner's Handbook 09 *Using the SAFETEA-LU Environmental Review Process (23 U.S.C. 139)*, January 2008;
- Practitioner's Handbook 10 *Using the Transportation Planning Process to Support the NEPA Process*, February 2008; and
- Practitioner's Handbook 11 *Complying with Section 4(f) of the US DOT Act*, May 2009.

13.3 PREPARING AN EA

13.3.1 Introduction

13.3.1.1 Coordination

13.3.1.1.1 Purpose

There is no formal scoping requirement for a NEPA EA. However, the “CEQ Regulations” mandate in 40 CFR 1501.4(b) that Federal agencies involve environmental agencies, applicants and the public, to the extent practicable, in the preparation of EAs. In addition, for projects determined by FHWA to be subject to the requirements of 23 USC 139 “Efficient Environmental Reviews for Project Decision-Making,” any Federal or non-Federal agency that may have an interest in the project must be invited to become a participating agency in the environmental review process. On these projects, participating agencies and the public must be afforded an opportunity for involvement in developing the project purpose and need and determining the range of alternatives for study. In addition, the lead agencies must collaborate with participating agencies in determining the methodologies to be used and level of detail for the environmental analyses of proposed project alternatives.

In addition to complying with NEPA requirements, EAs prepared for MDT projects also must comply with the requirements of MEPA. Under MEPA, a scoping process is not required for an EA. If MDT elects to initiate a scoping process for an EA, the process must be the same as that used for an EIS. The scoping process for an EIS requires MDT to accomplish the following actions:

- invite the participation of affected Federal, State and local government agencies, Indian Tribes, the applicant, if any, and interested persons or groups;
- identify the issues related to the proposed action that are likely to involve significant impacts and that will be analyzed in depth;
- identify the issues that are not likely to involve significant impacts, thereby, indicating that unless unanticipated effects are discovered during the preparation of the environmental document, the discussion of these issues will be limited to a brief presentation of the reasons they will not significantly affect the quality of the human environment;
- identify those issues that have been adequately addressed by prior environmental review, thereby indicating that the discussion of these issues in the EIS will be limited to a summary and reference to their coverage elsewhere; and
- identify possible alternatives to be considered.

For any EA project, coordination with interested and affected agencies and the public is important in defining the purpose and need, determining alternatives, evaluating environmental impacts and mitigation, establishing potential permit requirements and anticipating issues or concerns that may affect the project design, cost and/or schedule.

13.3.1.1.2 Preliminary Field Review

Identification of interested and affected agencies begins at the Preliminary Field Review (PFR) stage. Background research and the PFR establish potential environmental constraints and identify various governmental agencies with jurisdiction or expertise regarding environmental issues potentially involved with the project. The Design Team (DT) documents the identified environmental issues in the PFR Report. The Project Development Engineer (PDE) coordinates with appropriate MDT Environmental Services Bureau (ESB) personnel to identify technical study requirements and initiates coordination with local, Tribal, State and Federal agencies.

13.3.1.1.3 Initial Coordination

The PDE coordinates with the DT to initiate contacts with potentially interested and/or affected agencies and organizations to request information for assessing project-related environmental impacts. Depending on the proposed preliminary scope of work, type of project and geographic/jurisdictional location, the PDE sends Request for Environmental Information Letters to various organizations and community, county, State, Tribal and Federal agencies. The PDE also coordinates with appropriate offices within MDT to request information to assist in evaluating the project's potential environmental impacts.

For EA projects, the PDE prepares a letter for signature by the Environmental Services Bureau Chief (ESBC) to inform FHWA that MDT is ready to proceed with the NEPA phase of project development. After the letter is submitted to FHWA, the PDE proceeds with additional coordination. This coordination is for defining the project purpose and need, determining the range of alternatives and environmental information gathering.

As a part of this coordination, agencies with jurisdiction by law or special expertise regarding applicable environmental issues (e.g., US Army Corps of Engineers (COE), US Fish and Wildlife Service (USFWS), Montana Department of Environmental Quality (DEQ)) are invited to be cooperating agencies. These agencies are also invited, in writing, to participate in early coordination meetings to discuss issues and permits that may be involved with the action. For projects that will require an Individual Section 404 permit (see [Chapter 29 "Permits Required"](#)), the coordination with COE, the Environmental Protection Agency (EPA) and USFWS includes actions for integration of NEPA and Section 404 requirements so the EA meets the NEPA compliance requirements for the FHWA approval action and COE permit approval.

Where a project affects Tribal lands or causes controversy with a Tribe, the PDE contacts the Tribe(s) to initiate the early coordination process.

The PDE includes copies of early coordination letters in the appendices of the EA. Meetings and substantive contacts with agencies are also documented.

For projects subject to 23 USC 139, the PDE coordinates with FHWA to invite participating agencies and develop the required coordination plan before proceeding with the coordination on purpose and need, range of alternatives and methodologies and level of detail for analysis of alternatives. See the ["Environmental Document Process"](#) in Appendix C of this *Manual* for additional details.

13.3.1.2 Public Involvement

The implementing rules for NEPA and MEPA acknowledge that public participation can play a role in defining the scope of issues to be addressed in an EA. The level of public involvement and the means of soliciting public input are determined on a case-by-case basis. The PDE considers the results of the public involvement efforts at the planning and programming stages, degree of public interest and potential for controversy. Where there is potential for controversy on environmental grounds, informal environmental scoping may be of value in defining environmental issues of concern to the affected communities.

Executive Order 11990 “Wetlands Protection” specifically requires opportunity for early public review of an EA when the proposed action involves new construction in a wetland. Executive Order 11988 “Floodplain Management” similarly requires opportunity for early public review of an EA for plans or actions in floodplains. In addition, Section 106 of the *National Historic Preservation Act* requires public participation in the identification and evaluation of historic resources, even if no historic properties are found within the area of potential effects for the project.

See [Chapter 16 “Public Involvement”](#) for additional information on public involvement requirements and procedures for EA projects.

13.3.2 EA Format/Content

13.3.2.1 General

The *CEQ Regulations* encourage clarity and brevity in EA documents and recommend that most EAs be less than 15 pages. In the interest of producing a concise document, focus the discussions in the EA on data, information, issues and values that have a bearing on potential impacts. To minimize volume, make effective use of maps and exhibits, and summarize and incorporate by reference background data and technical analyses to support the impact discussions for the proposed alternatives. When the EA is made available for public review, make separate technical reports associated with the EA available upon request.

13.3.2.2 Standard Format

Organize EAs for MDT projects using the following standard format:

- Cover Sheet
- Table of Contents
- Conversion Factors (for an EA that uses both US customary and metric units)
- List of Acronyms and Abbreviations
- Summary (that includes a Summary Table of impacts and mitigation)
- Chapter 1 – Purpose of and Need for the Proposed Action
- Chapter 2 – Alternatives
- Chapter 3 – Affected Environment, Impacts and Mitigation
- Chapter 4 – Permits and Authorizations
- Chapter 5 – Comments and Coordination
- Chapter 6 – List of Preparers

- Chapter 7 – Distribution List
- Chapter 8 – List of Sources/Documents (when appropriate)
- Appendices (including a draft 404(b)(1) analysis and Section 4(f) Evaluation, when applicable)

The following sections provide further guidance and details for each of the EA components.

13.3.2.3 Cover Sheet

Figure 13-1 shows the basic format and content for the EA cover sheet. Note the following:

- For documents that include a Full Section 4(f) Evaluation or documentation for a Programmatic Section 4(f) Evaluation, add wording to that effect in the title after “Environmental Assessment” (e.g., Environmental Assessment and Section 4(f) Evaluation). Include the reference to “Section 4(f) of the *United States Department of Transportation Act*” in the first paragraph of the cover sheet example and the reference to “49 USC 303” in the second paragraph.
- In the second paragraph, include references to Executive Orders 11990, 11988, 12898 or other key directives only when the project has involvement with the resources or issues addressed by those directives.
- For projects involving cooperating agencies, list the agency names in the location indicated. If cooperating agencies are not involved, delete the “Cooperating Agencies:” wording from the cover sheet.

13.3.2.4 Table of Contents

In the table of contents, list the names and page numbers for the main parts and subparts of the EA. Also, include separate listings of figures, tables, maps and exhibits. Provide sufficient detail in the table of contents to allow readers to easily navigate the document.

13.3.2.5 Conversion Factors

When an EA uses both US customary and metric units of measurement, include a table of conversion factors. Show the conversion factor for a single unit of each metric value used in the document (e.g., 1 meter = 3.281 feet, 1 meter² = 10.764 feet², 1 kilometer = 0.621 mile, 1 hectare = 2.471 acres, 1 kilogram = 2.205 pounds) and the conversion factor for a single unit of each US customary value used in the document (e.g., 1 foot = 0.305 meter, 1 foot² = 0.093 meter², 1 mile = 1.609 kilometers, 1 acre = 0.405 hectares, 1 pound = 0.454 kilograms). For area measures used in the EA, also indicate the value of a single unit in the corresponding metric or US customary sub-unit (e.g., 1 hectare = 10,000 meters², 1 acre = 43,560 feet²).

Environmental Assessment

[Project Name]
[Project Number]
[(Control Number #)]
[County], Montana

This document is prepared in conformance with the *Montana Environmental Policy Act* (MEPA, 75-1-201 MCA) requirements and contains the information required for an Environmental Assessment (EA) under the provisions of *Administrative Rules of Montana* (ARM) 18.2.237(2) and 18.2.239. This EA is also prepared in conformance with the *National Environmental Policy Act* (NEPA) requirements for an Environmental Assessment under 23 CFR 771.119, and Section 4(f) of the *United States Department of Transportation Act* under 23 CFR 774.

Submitted pursuant to 42 USC 4332(2)(C), 49 USC 303, Sections 75-1-201 and 2-3-104, MCA and Executive Orders 11990, 11988 and 12898

by the
United States Department of Transportation, Federal Highway Administration
 and the

Montana Department of Transportation

Cooperating Agencies:
[List Agency Names in *Bold*]

Submitted by: _____ Date: _____
 Montana Department of Transportation

Reviewed and
 Approved for
 Distribution: _____ Date: _____
 US Department of Transportation
 Federal Highway Administration

The following persons may be contacted for additional information concerning this document:

[Name], PE
 Environmental Services Bureau Chief
 Montana Department of Transportation
 2701 Prospect Ave.
 PO Box 201001
 Helena, Montana 59620-1001
 (406) 444-0879

[Name], PE
 Montana Division Operations Engineer
 Federal Highway Administration
 US Department of Transportation
 585 Shepard Way
 Helena, Montana 59601
 (406) 449-5302

ABSTRACT: *[Provide a brief description of the nature of the proposed project, its location/termini and purpose.]*

Comments on this Environmental Assessment are due by **[Date]**, and should be sent to **[Name of MDT Environmental Services Bureau Chief]**, at the address above. This document may also be viewed on the MDT Web site at www.mdt.gov/pubinvolve/eis_ea.shtml. MDT attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program or activity of the Department. Alternative accessible formats of this information will be provided upon request. For further information call (406) 444-6331 or TTY (800) 335-7592, or Montana Relay at 711.

Figure 13-1 — EA COVER SHEET

13.3.2.6 List of Acronyms and Abbreviations

A list of acronyms and abbreviations is optional for an EA.

13.3.2.7 Summary

At a minimum, include the following information in the Summary section of the EA:

- brief description of the proposed project, indicating route, location, type of improvement and, as applicable, number of lanes, termini, length, etc.;
- brief description of the project's purpose and need;
- brief descriptions of alternatives considered, including the no-build alternative, with an indication of the preferred alternative and a brief explanation of the basis for its selection;
- summary comparison of estimated potential impacts of the alternatives, preferably in a tabulated format;
- summary of estimated potential impacts and mitigation measures for the preferred alternative, preferably in a tabulated format; and
- brief discussion of permits or other authorizations expected to be required for the preferred alternative.

13.3.2.8 Chapter 1 – Purpose of and Need for the Proposed Action

The discussion of a project's purpose and need is a key component of an EA. It establishes the type of improvement the project will provide and why it is being proposed, based on the needs it will address and the objectives it will fulfill. These needs and objectives provide the criteria used for developing and analyzing proposed alternatives and for selecting a preferred alternative.

The following sections discuss the topics to be addressed in this part of the EA. For EA projects that FHWA determines are subject to the provisions of 23 USC 139 "Efficient Environmental Reviews for Project Decision-Making," MDT, in cooperation with FHWA, must afford participating agencies and the public an opportunity for involvement in determining the purpose and need. For those projects, reflect consideration of input received from participating agencies and the public in the discussions of the various aspects of the action's purpose and need.

13.3.2.8.1 Project Description and Background

Provide a brief description of the existing facility and the scope of the proposed project, including the location (e.g., county, township, range, section(s), nearby communities), length, termini, proposed improvements, planned timing, etc. Address the range of potential design and construction activities for the project and related actions that will be involved. Include maps, tables, charts and other illustrations (e.g., typical cross section, photographs) to aid in

describing the proposed action. For projects that are regionally significant¹ or that are within metropolitan areas, provide a brief summary of anticipated funding sources.

Briefly describe the project history and how it came about. Include a discussion of how the project originated, actions taken to date, other agencies and governmental units involved, actions pending, etc.

List and briefly describe planning, environmental and other documents that have implications for the proposed project and/or project area. Examples include:

- zoning regulations;
- State, county and/or city planning documents;
- environmental documents for other proposed actions in the project area; and
- scientific studies for resources or concerns in the project area.

For each document listed, provide its title, date of issuance/approval, a description of the type of document, how it affects the proposed project and how the effect(s) will be addressed. If a planning study will be used for decision-making in the NEPA/MEPA process, briefly explain how the planning process complied with the provisions of Appendix A to 23 CFR 450 “Linking the Transportation Planning and NEPA Processes” and the *Montana Business Process to Link Planning Studies and NEPA/MEPA Reviews*.

Provide a brief overview of the key decision points for MDT/FHWA in the NEPA/MEPA process for an EA (e.g., decision on preferred alternative, consideration and disposition of comments received during EA public availability period, final evaluation of impacts and decision on approval of FONSI or need to prepare EIS).

13.3.2.8.2 Purpose of the Project

Describe the desired outcomes and/or desired future conditions associated with the proposed project. Base these desired outcomes/future conditions (purposes) on addressing identified transportation needs. Discuss each project purpose as a separate topic. The purposes guide the determination of the range of alternatives for the proposed project. Ensure that they are clearly stated, but not so narrowly defined that they unreasonably restrict the range of possible alternatives.

¹ The *Montana Business Process to Link Planning Studies and NEPA/MEPA Reviews* defines “Regionally Significant” as a transportation project that is on a transportation facility that serves regional transportation needs and would normally be included in the modeling of the metropolitan area’s transportation network. In Montana’s rural areas, regionally significant projects include all projects on principal arterial highways that add potential capacity or significantly change the highway’s operational characteristics.

The Federal *Clean Air Act* conformity regulations in 40 CFR 93.101 define “Regionally Significant Project” as a transportation project (other than an exempt project) that is on a facility that serves regional transportation needs (e.g., access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area’s transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

13.3.2.8.3 Need for the Project

Describe specific undesirable conditions related to transportation features (e.g., inadequate capacity, safety concerns, operational deficiencies, structural deficiencies) and/or other transportation-related needs and opportunities. Discuss each need issue as a separate topic. Explain why it is a problem that requires action and include summaries of data and analyses that support that determination. These discussions should clearly establish the need for the project and the basis for its location, scope and timing. See [Chapter 7 “Purpose and Need”](#) for further guidance. In many cases the project need can be adequately explained in one or two paragraphs.

On projects where a law, Executive Order or regulation (e.g., Section 4(f), Executive Order 11990, Executive Order 11988) mandates an evaluation of avoidance alternatives, make the explanation of the project need more specific so that avoidance alternatives that do not meet the stated project need can be readily dismissed.

13.3.2.9 Chapter 2 – Alternatives

Discuss alternatives to the proposed action, including the no-action alternatives. The EA may either discuss the preferred alternative and identify other alternatives considered, or, if MDT has not identified a preferred alternative, discuss the alternatives under consideration. The EA does not need to evaluate in detail all reasonable alternatives for the project, and may be prepared for one or more build alternatives. For alternatives that were eliminated from detailed study, briefly describe the rationale for that decision.

Address the topics discussed in the following sections. For EA projects that FHWA determines are subject to the provisions of 23 USC 139 “Efficient Environmental Reviews for Project Decision-Making,” MDT, in cooperation with FHWA, must afford participating agencies and the public an opportunity for involvement in determining the range of alternatives. For these projects, reflect consideration of input received from participating agencies and the public in the discussions of the project alternatives.

13.3.2.9.1 Development of Alternatives

Briefly describe how the alternatives were developed; results of collaboration with stakeholders, affected communities and the public; and how the initial screenings were carried out, applicable design criteria, goals and recommendations of local plans, access and capacity requirements, etc., that shaped the field of alternatives.

13.3.2.9.2 Description of Alternatives

Include a subsection for each proposed reasonable alternative, including the no-build alternative. For each alternative, indicate its specific name and describe the principal actions it will involve. Use maps and other illustrations (e.g., typical cross section, photographs) to aid in describing the alternatives. Ensure that the information for each alternative provides a clear understanding of its location, termini, cost and the project concept. When MDT knows that land has been or will be reserved or dedicated by local government(s), donated by individuals or acquired through advance or hardship acquisition for use as highway right-of-way for an

alternative under consideration, identify the extent and status of the property and the alternative(s) involved. When MDT is aware that lands are reserved, include a statement in the EA that the reserved lands will not influence the selection of a final alternative for approval.

13.3.2.9.3 Identification of the Preferred Alternative

Provide summary comparisons of the project alternatives (e.g., scope, anticipated impacts, mitigation and each alternative's predicted achievement of the project objectives). The information may be presented in tabular or narrative format. Also, use this section to identify the preferred alternative and briefly explain the basis for its selection over the other alternatives (e.g., achievement of project objectives, consideration of potential impacts and/or consideration of input from stakeholders).

13.3.2.9.4 Alternatives Eliminated from Detailed Study

List alternatives that were considered, but eliminated from detailed study. Indicate the name of each of these alternatives. Explain the factors that were considered and the basis for the decision to eliminate it from detailed study. Be as specific as possible in describing the criteria used, the parties involved in establishing and applying the criteria, and the point in the process when the decision was made to eliminate the alternative. If an alternative is eliminated because it does not meet the project purpose and need, provide an adequate explanation of how and/or why it does not meet the purpose and need.

13.3.2.9.5 Other Relevant Actions

Include a discussion of past, present and reasonably foreseeable future actions that are not part of the proposed project, but may have a bearing on the proposed project alternatives. Related actions can include public or private actions (e.g., other State or local highway projects, city or county planning and zoning decisions, subdivision development, construction of a new industrial facility).

13.3.2.10 Chapter 3 – Affected Environment, Impacts and Mitigation

13.3.2.10.1 Introduction

In the introduction, explain that the primary purpose of the Chapter is to present the results of the analyses of potential social, economic and environmental impacts for the proposed project alternatives. Note that those results provide the basis for determining whether the project will involve a significant impact.

As a part of the introduction, list the environmental resource/issue areas that were not studied in detail and indicate that the reasons are explained in the applicable subsections that address those resources/issues. Also, explain the approach to be used for presenting the information, in the applicable subsections, for each of the resource/issue areas that were studied in detail. Provide a brief discussion of the affected environment for the particular environmental resource/issue and, for each alternative, discussion of direct, indirect and cumulative impacts on the resource/issue and proposed mitigation measures for addressing the impacts.

Include in the Introduction a general comment that for each environmental issue area involving commitments (e.g., for mitigation) associated with the alternative that is ultimately selected, the commitments will be incorporated in the construction contract documents to ensure appropriate implementation. Also include in the general comment a statement that, to the extent possible, the DT will prepare the contract documents using the *MDT Standard Specifications* to minimize the need for special provisions to address the environmental commitments.

13.3.2.10.2 Social, Economic and Environmental Resources/Issues

In this part, include subsections for each social, economic and environmental resource/issue area; see Chapters 19 through 44. For resource/issue areas not studied in detail, briefly explain the reason(s) why (e.g., the resource/issue is not applicable to any of the project alternatives). For each resource/issue area studied in detail, provide a brief description of the affected environment for that resource/issue. Only briefly discuss identified impact areas that do not have a reasonable possibility for individual or cumulative significant environmental impacts.

After the description of the affected environment for a resource issue/area studied in detail, list each alternative, using its specific name and the resource being discussed (e.g., Impacts of Alternative A: [*Specific Name*] on Resource #1: [*Specific Name*]). For each alternative, describe the nature and extent of its potential impacts on the resource/issue area including direct effects, indirect (secondary) effects and cumulative effects. The level of analysis and discussion should be sufficient to adequately identify impacts and appropriate mitigation measures and address known and foreseeable public and agency concerns. It should also address impact avoidance and minimization efforts and explain why unavoidable impacts are considered not significant. For each alternative, also include brief discussion of the proposed mitigation for addressing adverse impacts on the resource/issue.

For each alternative, discuss unavoidable adverse impacts, the relationship between local short-term uses of the environment and long-term productivity (see [Chapter 26 “Short-term Uses and Long-term Productivity”](#)), and irreversible and irretrievable commitments of resources (see [Chapter 27 “Irreversible and Irretrievable Commitments of Resources”](#)). In accordance with the guidance in FHWA Technical Advisory T 6640.8A, the discussion of potential impacts should not use the term “significant” in describing the level of impacts.

The following Sections provide guidance on the types of information to include in the discussions of each of the various environmental resource/issue areas when they are determined to be relevant for a specific project.

13.3.2.10.3 Social Impacts

Briefly describe the key requirements for consideration of social impacts (see [Sections 19.1 and 19.2](#)). Use information from the social impacts analysis (see [Chapter 19 “Social Impacts”](#)) to briefly explain the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the social aspects that one or more of the project alternatives potentially will impact. Possible examples include community/neighborhood characteristics, population trends, existing public services and facilities, existing circulation patterns and access, and existing safety issues. As appropriate, depict the information (e.g., locations of potentially affected neighborhoods, public facilities, areas where access may be affected) on maps or other

exhibits showing the project location/alternatives. For aspects that none of the proposed alternatives are expected to impact, include a statement to that effect, identifying the aspect(s) and briefly explaining the basis for the determination.

For each alternative, briefly describe the results of the social impacts analysis regarding the nature and extent of the anticipated impacts for each aspect of the social environment that one or more of the alternatives potentially will impact. Include a discussion of the results of coordination with agencies, organizations and individuals for identification and assessment of potential social impacts and impact avoidance and minimization measures. Examples of possible social impacts include:

- impacts on community cohesion, interaction, social values and quality of life;
- changes in growth patterns or planned growth patterns;
- impacts on public properties (e.g., compromised access, construction noise and dust, loss of parking, project noise, traffic safety issues);
- impacts on access to public services and facilities; and
- public safety issues associated with potential impacts on neighborhoods, pedestrians, bicyclists and surrounding land uses.

For each alternative, briefly describe proposed measures to avoid, minimize and/or mitigate anticipated adverse social impacts, as documented in the results of the social impacts analysis.

Where alternatives involve use of land from publicly owned parks or recreation areas that are subject to Section 4(f), include a cross-reference to the Section 4(f) documentation in the EA Appendices.

13.3.2.10.4 Economic Impacts

Briefly describe the key requirements for consideration of economic impacts (see [Sections 20.1](#) and [20.2](#)). Use information from the economic impacts analysis (see [Chapter 20 “Economic Impacts”](#)) to briefly explain the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the economic aspects that one or more of the project alternatives potentially will impact. Possible examples include economic base/businesses, planned growth, employment status and income levels, property values, tax base/tax revenues and tourism. Depict information on maps of the project area, as appropriate (e.g., the locations of affected businesses and/or developments). For aspects that none of the proposed alternatives are expected to impact, include a statement to that effect, identifying the aspect(s) and briefly explaining the basis for the determination.

For each alternative, briefly describe the results of the economic impacts analysis regarding the nature and extent of the anticipated impacts for each aspect of the economic environment that one or more of the alternatives potentially will affect. Include a discussion of the results of coordination with agencies, organizations and individuals for identification and assessment of potential economic impacts and impact avoidance and minimization measures. Examples of possible economic impacts include:

- encouraging new development;
- affecting the tax base/tax revenues, through removal of taxable property from the tax base, changes in property values, changes in business activity, etc.;
- encouraging businesses to move into an area, relocate to other locations within the area, close or move outside the area;
- altering business visibility for traffic-based businesses; and
- generating construction-related jobs.

For each alternative, briefly describe proposed measures to avoid, minimize and/or mitigate anticipated adverse economic impacts, as documented in the results of the economic impacts analysis.

13.3.2.10.5 Right-of-Way and Relocations Impacts

Briefly describe the key requirements for consideration of relocation impacts (see [Sections 21.1 and 21.2](#)). Use information from the right-of-way and relocations analysis (see [Chapter 21 "Right-of-Way and Relocations"](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the number of residences, businesses and farm operations that may be subject to displacement for one or more of the project alternatives. Identify the locations and types of potentially affected properties on maps or other exhibits showing the project location/alternatives. For residences, include information on the types (e.g., multi-unit homes, single family, rural residential), the estimated numbers of residents that could be affected and potentially affected residents with special needs (e.g., disabled, minority, elderly). For businesses and farm operations, include information on the type(s) and whether they have unique characteristics (e.g., specialty products, unique customer base).

Include the following language as a part of the discussion of the affected environment:

Acquisition of land, and improvements, for highway construction is governed by State and Federal laws and regulations that are designed to protect both the landowners and the taxpaying public. Landowners affected are entitled to receive just compensation for any land or improvements acquired and for any depreciation in value of the remaining land due to the effects of highway construction pursuant to Montana law. Acquisition will be accomplished in accordance with applicable laws; specifically, Title 60, Chapter 4 and Title 70, Chapter 30, Montana Code Annotated; and Title 42, USC, Chapter 61, "Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally-Assisted Programs."

For each alternative, briefly describe the estimated number and type(s) of potential displacements it would involve. Ensure that the discussion clearly indicates the information represents estimates of potential displacements and, as applicable, that potential displacements discussed may be avoided and/or minimized as project design details are finalized.

For residential displacements, include an estimate of the number of households affected, including family characteristics (subject to privacy considerations where the number of households displaced is very small) and a discussion of the availability of decent, safe and sanitary housing in the area compared to the housing needs of the persons to be displaced. Include information on price ranges, sizes and occupancy status (owner/tenant) of the available housing.

For business/farm operation displacements, provide an estimate of the numbers of displacements and include descriptions indicating the type(s) of business/farm operation(s), the types of occupancy (owner/tenant) and sizes (number of employees). Also, discuss the availability of sites in the area where affected businesses may relocate, the likelihood of relocation and potential impacts on individual businesses and farms caused by displacement, or proximity to the project if not displaced.

For each alternative, discuss affected neighborhoods, public facilities, non-profit organizations and families having special composition (e.g., ethnic, minority, elderly, disabled) that may require special relocation considerations. Also, discuss the measures proposed to resolve these relocation concerns. Prepare the discussion of affected neighborhoods and families having special composition in a manner that balances the level of disclosure with the need to respect the privacy of those affected (i.e., keep descriptions general and ensure they are sensitive to the values and sensibilities of those being described). Discuss the measures taken when the existing housing inventory is insufficient, does not meet relocation standards or is not within the financial capability of the households to be displaced. Include a commitment to last resort housing where sufficient comparable replacement housing may not be available. Summarize the results of contacts with local governments, organizations, groups and individuals regarding residential and business relocation impacts, including any measures or coordination needed to reduce general and/or specific impacts.

13.3.2.10.6 Visual Resources/Aesthetics

Briefly describe the key requirements for consideration of visual resources/aesthetics impacts (see [Sections 22.1](#) and [22.2](#)). Use information from the visual resources/aesthetics analysis (see [Chapter 22 "Visual Resources/Aesthetics"](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the general visual character and locations sensitive to visual impacts that one or more of the project alternatives potentially will affect. Possible examples include residential areas, areas of recognized beauty, geological features (e.g., the Rims in Billings), parks and recreation areas, historic or other culturally important resources (e.g., Pompey's Pillar), water bodies, public facilities (e.g., hospitals, colleges and universities, hiking trails, scenic byways). Depict the location of important visual/aesthetic resources on maps or other exhibits showing the project location/alternatives.

For each alternative, describe direct impacts (e.g., removal or alteration of an important visual resource), compatibility of the alternative with the visual setting, effects on the viewshed (e.g., blocking the view of important visual features, introducing elements that are out of character with the scenic qualities of the viewshed, screening undesirable views) and the relationship of the impacts to potential views of and from the project alternative. Also, summarize the results of coordination with the public, appropriate local officials and State, Tribal and Federal agencies regarding potential visual/aesthetic impacts of the alternative and impact avoidance and

minimization measures. Include a discussion of any initiatives for using the principles of Context Sensitive Solutions (CSS) (see [Chapter 9 “Context Sensitive Solutions”](#)).

For each alternative, briefly describe proposed measures to avoid, minimize and/or mitigate anticipated adverse visual resource/aesthetics impacts, as documented in the results of the visual resources/aesthetics analysis. As applicable, also include a discussion of aesthetic enhancements to be implemented for CSS.

13.3.2.10.7 Energy

Projects involving preparation of an EA typically do not require an energy analysis. If an analysis is necessary, see [Chapter 23 “Energy”](#) for guidance on conducting the analysis and documenting the results.

13.3.2.10.8 Environmental Justice

Briefly describe the key requirements for consideration of Environmental Justice (see [Sections 24.1 and 24.2](#)). Use information from the Environmental Justice analysis (see [Chapter 24 “Environmental Justice”](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of minority and/or low-income populations that one or more of the project alternatives potentially will impact. Discuss the geographic distribution of the potentially affected populations in the study area by race, ethnicity, national origin and income level.

For each alternative, discuss any disproportionately high and adverse impacts (e.g., economic, social, human health effects) to minority and/or low-income populations identified for the alternative. Describe the affected population(s) and the nature of the adverse impacts. Document the results of public involvement and other coordination/consultation with the affected community or communities for identifying and evaluating potential effects and mitigation measures.

For each alternative, describe proposed measures to avoid, minimize and/or mitigate disproportionately high and adverse impacts on minority and/or low-income populations, as documented in the results of the Environmental Justice analysis.

13.3.2.10.9 Construction Impacts

Briefly describe the key requirements for consideration of construction impacts (see [Sections 28.1 and 28.2](#)). Include a statement indicating that impacts associated with project construction are discussed separately in the EA to clearly distinguish them from other longer-term impacts resulting from the project. Use information from the construction impacts analysis (see [Chapter 28 “Construction Impacts”](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of land uses (e.g., residential, commercial, outdoor recreation) and/or environmental resources (e.g., water bodies, threatened and endangered species, spawning fish, nesting birds) present that would be sensitive to anticipated short-term construction impacts from one or more of the project alternatives.

For each alternative, briefly describe the nature and anticipated duration of construction impacts of concern and the land use(s) and/or environmental resource(s) they potentially would affect (e.g., noise and/or vibration affecting residences and/or wildlife; dust affecting residences and/or businesses; in-stream work affecting wildlife and/or recreation; and detours, bypasses and or lane closures affecting businesses, residential areas and/or public facilities/services). Also, briefly discuss any construction-related temporary permits required for each alternative, including the name of the permit, the actions to which it applies and how it affects the conduct of the work. Include a discussion of the results of coordination with agencies, organizations and individuals for identification and assessment of potential construction impacts and impact avoidance and minimization measures.

For each alternative, reference and briefly describe provisions in the *MDT Standard Specifications* that address identified potential construction impacts (e.g., 107.10 “Protection and Restoration of Property and Landscape,” 107.11.3 “Air Quality,” 107.11.4 “Noise Pollution,” 107.22 “Protection of Archeological and Historical Findings,” 208.03.2 “Water Pollution Control,” 208.03.4 “Stream Protection”). Discuss the extent to which the specifications will adequately address the temporary construction impacts. Where additional measures are necessary to avoid or minimize the impacts, briefly describe the measures for each alternative, and the impacts they will address, as documented in the results of the construction impacts analysis.

13.3.2.10.10 Historic and Archaeological Resources

Briefly describe the key requirements for consideration of historic and archaeological resources (see [Sections 30.1](#) and [30.2](#)). Use information from the historic and archaeological resources analysis (see [Chapter 30 “Historic and Archaeological Resources”](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the presence of important historic and archaeological resources that one or more of the project alternatives may affect. Important resources include those subject to protection under Section 106 of the *National Historic Preservation Act* (NHPA) (i.e., resources on or eligible for inclusion on the National Register of Historic Places (NRHP)) and/or subject to the *Native American Graves Protection and Repatriation Act* (NAGPRA), the *Archaeological Resources Protection Act* (ARPA), the *Montana Antiquities Act* or the *Montana Human Skeletal Remains and Burial Site Protection Act*. Describe the methodologies used in identifying historic, archaeological and cultural resources and briefly describe each resource and the basis for its NRHP eligibility and/or eligibility for protection under another of the aforementioned statutes. Identify the locations of historic sites/structures on maps or other exhibits showing the project location/alternatives. To discourage looting or other damage to archaeological sites, do not include their locations on the maps. For historic and/or archaeological resources that are subject to Section 4(f), include a cross-reference to the Section 4(f) Evaluation documentation in the EA Appendices. For resources on Tribal land or that have traditional religious and cultural significance to Tribes, include a cross-reference to the part of the document that discusses Tribal lands/issues.

As a part of the discussion of the affected environment, briefly describe any paleontological sites that may be affected by one or more of the project alternatives.

For each alternative, briefly discuss the results of the Section 106 process regarding determination of effects on NRHP or eligible sites, sites affected, identification of adverse effects and proposed mitigation to respond to the adverse effects. Include documentation of

coordination with the State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO), other consulting parties and interested persons and, if applicable, the Advisory Council on Historic Preservation regarding assessment and resolution of adverse effects. As applicable, also describe and include documentation of coordination and consultation for compliance with the *Montana Antiquities Act* (including proposed mitigation for any unavoidable impacts to paleontological resources) and the *Montana Human Skeletal Remains and Burial Site Protection Act*. For potential impacts to resources on Tribal land or that have traditional religious and cultural significance to Tribes, reference the part of the document that addresses Tribal lands/issues for the discussion of compliance with the aforementioned directives, NAGPRA and ARPA, as applicable, for each alternative.

13.3.2.10.11 Tribal Lands/Issues

Briefly describe the key requirements associated with Tribal lands/issues (see [Sections 31.1 and 31.2](#)). Use information from the analysis of Tribal lands/issues (see [Chapter 31 “Tribal Lands/Issues”](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the presence of Tribal reservations and/or properties of traditional religious and cultural significance to Tribes that may be affected by one or more of the project alternatives. Identify each potentially affected Tribal property and the Tribe(s) with which it is associated. For reservation land and other properties that are not subject to confidentiality concerns for protection of the sites, depict the location/boundaries of the properties on maps or other exhibits showing the project location/alternatives. For properties that are subject to protection under the NHPA, NAGPRA, ARPA, the *Montana Antiquities Act* or the *Montana Human Skeletal Remains and Burial Site Protection Act*, include a cross-reference to the part of the document that discusses historic and archaeological resources.

For each alternative, briefly discuss anticipated impacts on Tribal properties. Describe each Tribal property the alternative may affect, indicate the nature and extent of the potential impacts and discuss any compliance requirements associated with the impacts.

Where one or more alternative affects waters on Tribal lands, compliance requirements could include Tribal permits and/or water quality certification. For each alternative, identify Tribal water(s) affected and the specific applicable permitting and/or certification requirements. Include documentation of the results of coordination with Tribal officials regarding the assessment of each alternative’s aquatic resource impacts.

Where one or more alternative affects properties of religious or cultural significance to Tribes, compliance requirements could include NHPA, NAGPRA, ARPA, the *Montana Antiquities Act* and/or the *Montana Human Skeletal Remains and Burial Site Protection Act*. For each alternative, identify properties affected and the project’s potential impacts on each property. Discuss the results of coordination/consultation for compliance with applicable directives, including coordination/consultation with the THPO and/or other Tribal officials, and include documentation of the coordination/consultation contacts. Include a discussion of the proposed measures to avoid, minimize and mitigate adverse impacts on Tribal properties, as discussed in the results of the Tribal lands/issues analysis.

13.3.2.10.12 Section 6(f)

Briefly describe the key requirements associated with Section 6(f) lands (see [Sections 32.1](#) and [32.2](#)). Use information from the Section 6(f) analysis (see [Chapter 32 "Section 6\(f\)"](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the presence of properties acquired or developed with *Land and Water Conservation Fund Act* (LWCF) assistance that may be affected by one or more of the project alternatives. Describe each property (e.g., location, size, recreational resources and opportunities it provides) and indicate its location/boundaries on maps or other exhibits showing the project location/alternatives.

For each alternative, describe potential unavoidable conversion of Section 6(f) land that the alternative would involve. Indicate the amount of land that would be converted and the recreational functions and uses that would be affected. Discuss the availability of potentially suitable replacement property for the land that would be converted. Describe the replacement property and include information (e.g., results of coordination with Montana Department of Fish, Wildlife and Parks (FWP), Section 6(f) property owner/manager) to support the preliminary determination that it would meet the requirements in the Section 6(f) regulations (36 CFR 59.3) regarding fair market value, usefulness and location, and eligibility for LWCF-assisted acquisition. For each alternative that would convert Section 6(f) land, show the replacement property on a map indicating its size and location in relation to the property involving the proposed conversion. Include documentation of the results of coordination with FWP, the Section 6(f) property owner/manager and the National Park Service regarding the proposed Section 6(f) property conversion and replacement land.

13.3.2.10.13 Farmland Impacts

Briefly describe the key requirements for consideration of farmland impacts (see [Sections 33.1](#) and [33.2](#)). Use information from the farmland analysis (see [Chapter 33 "Farmland Impacts"](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the presence of farmland classified as prime, prime if irrigated, unique or of State or local importance that may be affected by one or more of the project alternatives. Depict farmland areas on maps or other exhibits showing the project location/alternatives and indicate the respective classification of each area.

Include a copy of the completed Form AD-1006 or Form NRCS-CPA-106 in the EA. For each alternative, describe the potential impacts to farmland from direct conversion, indirect conversion (e.g., due to reasonably foreseeable induced development), impacts to farm operations (e.g., creation of uneconomical remnants) and impacts to farm support services. Identify the preferred alternative and the reason for its selection. Include documentation of the results of coordination with Natural Resources Conservation Services (NRCS) for evaluation of farmland impact avoidance and minimization measures for the preferred alternative. Briefly describe the farmland impact avoidance and minimization measures to be implemented for the preferred alternative, as described in the results of the farmland impacts analysis.

13.3.2.10.14 Land Use Impacts

Briefly describe the key requirements for consideration of land use impacts (see [Sections 34.1 and 34.2](#)). Use information from the land use impact analysis (see [Chapter 34 “Land Use Impacts”](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the existing and planned major land uses (e.g., residential, commercial, industrial, agricultural, parkland, open space) in the area the project alternatives would affect. Depict the current and planned land uses on maps or other exhibits showing the project location/alternatives. Discuss policies in place for all or part of the project area regarding land use controls and community growth management.

For each alternative, summarize information from the land use impacts analysis concerning potential direct land use changes (i.e., from acquisition of right-of-way), potential indirect/secondary land use changes the alternative may induce and the consistency of the alternative with local and regional planning and/or local zoning. For direct land use changes, describe the estimated amount of right-of-way to be acquired and the current uses of the land that would be acquired. Discuss the anticipated effects of converting the land to transportation use. For indirect/secondary land use changes, discuss the nature of the potential changes and the anticipated social, economic and environmental impacts that could result from substantial, foreseeable induced development. For alternatives that are inconsistent with planning and/or zoning aspects, identify and discuss the elements that are not consistent. Discuss the alternative’s potential impacts on development trends in the project area. Include documentation of the results of coordination with regional, local and/or Tribal planning agencies regarding identification and assessment of the alternative’s potential land use impacts and potential impact avoidance and minimization measures.

Discuss proposed measures for mitigating adverse impacts resulting from direct and/or indirect (secondary) land use changes caused by the alternative, as described in the results of the land use impacts analysis.

13.3.2.10.15 Wild and Scenic Rivers

Briefly describe the key requirements applicable to Wild and Scenic Rivers (see [Sections 35.1 and 35.2](#)). Use information from the Wild and Scenic Rivers analysis (see [Chapter 35 “Wild and Scenic Rivers”](#)) to briefly describe the methodologies used to evaluate the affected environment.

Describe the affected environment in terms of the presence of designated Wild and Scenic River segments or Study River segments that one or more of the project alternatives may affect. Depict the location and boundaries of the river(s) on maps or other exhibits showing the project location/alternatives. For designated Wild and Scenic Rivers, indicate the designated reach, the classification and the administering agency. For Study Rivers, indicate the administering agency and the status of the study. If the potentially affected river corridor(s) include parks, recreation areas, wildlife and waterfowl refuges and/or historic sites that may be subject to Section 4(f) and that would be affected by one or more project alternative, describe the affected properties and indicate their locations on the maps of the project area. Include a cross-reference to the Section 4(f) Evaluation information in the EA Appendices for further discussion regarding the potential use of land from those sites.

For each alternative, describe potential adverse impacts on the natural, cultural or recreational values of the river segment(s). Include documentation of the results of coordination with the administering agency of each potentially affected river segment regarding assessment of the alternative's potential impacts and evaluation of measures for avoiding, minimizing or mitigating adverse impacts. Describe proposed measures for avoiding, minimizing or mitigating adverse impacts as documented in the results of the Wild and Scenic Rivers analysis.

For the preferred alternative, include documentation of consent for project approval from the Secretary of the Interior or the Secretary of Agriculture, as applicable.

13.3.2.10.16 Plant Communities/Vegetation

Briefly describe the key requirements for consideration of plant communities/vegetation (see [Sections 36.1](#) and [36.2](#)). Use information from the plant communities/vegetation analysis as documented in the Biological Resource Report (BRR) (see [Chapter 36 "Plant Communities/Vegetation"](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the characteristics of the plant communities and vegetation that the project alternatives would affect. Summarize information from the BRR on the baseline conditions/general vegetation, noxious weeds/invasive species and plant species of concern. For noxious weeds/invasive species, identify species present, their distribution and the degree of infestation. For sensitive plant species of special concern, discuss important plant communities and sensitive species present and their distribution. Depict the location/distribution of noxious weeds/invasive species and sensitive plant species of special concern on maps or other exhibits showing the project location/alternatives. As appropriate, include cross-references to the parts of the EA that address threatened and endangered species and wetlands for further discussion of sensitive plant species of special concern.

For each alternative, discuss the potential effects on plant communities and vegetation including the following, as appropriate:

- general vegetation impacts (e.g., effects of removal or disturbance of plant communities/vegetation);
- invasive species/noxious weed impacts (e.g., potential for encouraging the spread of objectionable species); and
- impacts to sensitive species of special concern (e.g., effects of removal or disturbance of plant species of special concern).

For each alternative, discuss measures for avoidance and minimization of potential adverse impacts, as documented in the BRR.

13.3.2.10.17 Terrestrial Wildlife Impacts

Briefly describe the key requirements for consideration of terrestrial wildlife impacts (see [Sections 37.1](#) and [37.2](#)). Use information from the terrestrial wildlife impacts analysis as documented in the BRR (see [Chapter 37 "Terrestrial Wildlife Impacts"](#)) to briefly describe the methodologies used to evaluate the affected environment (e.g., field surveys, published

information, contacts with State, Federal and Tribal agencies). Discuss the general ecological setting of the area the project alternatives would affect and describe the general wildlife species and sensitive terrestrial species of special concern. Identify the wildlife species, their distribution and their potential to occur in the area the project alternatives would affect.

For each alternative, discuss potential impacts to terrestrial wildlife species and their habitat, both for general wildlife species and sensitive species of special concern. For potential impacts to listed or candidate threatened or endangered species and/or for potential impacts to designated or proposed critical habitat for threatened and endangered species, include a cross-reference to the part of the EA that discusses threatened and endangered species. For potential wildlife impacts that are subject to additional specific legal requirements (e.g., the *Migratory Bird Treaty Act*, the *Fish and Wildlife Coordination Act* or the *Bald and Golden Eagle Protection Act*), discuss and include documentation of the results of coordination with appropriate regulatory and resource agencies regarding the assessment of effects and actions for compliance with applicable requirements. For potential impacts to listed or proposed Montana Species of Concern, discuss and include documentation of the results of coordination with appropriate resource agencies regarding assessment of effects and identification and evaluation of measures to avoid and minimize impacts to the species.

For each alternative, discuss proposed measures for avoidance and minimization of adverse project impacts to wildlife as documented in the BRR. Also, include a discussion of the proposed conservation measures for potentially affected species as documented in the BRR.

Where alternatives involve use of land from publicly owned wildlife or waterfowl refuges that are subject to Section 4(f), include a cross-reference to the Section 4(f) documentation in the EA Appendices.

13.3.2.10.18 Threatened and Endangered Species

Briefly describe the key requirements applicable to threatened and endangered species (see [Sections 38.1](#) and [38.2](#)). Use information from the threatened and endangered species analysis as documented in the BRR (see [Chapter 38 "Threatened and Endangered Species"](#)) to briefly describe the methodologies used to evaluate the affected environment (e.g., field surveys, published information, coordination with State and Federal agencies). Discuss the presence of Federally listed, proposed and candidate threatened and endangered species and critical habitats that one or more of the project alternatives may affect. Identify each potentially affected species, its status, distribution, habitat needs and occurrence in the project area. Identify and describe each designated or proposed critical habitat site. Depict the locations of the species/critical habitats on maps or other exhibits showing the project location/alternatives. For candidate species, include a cross-reference to the parts of the EA that address sensitive plant and wildlife species of concern.

For each alternative, briefly describe the potential impact to listed and/or proposed threatened and endangered species and/or critical habitat. Discuss and include documentation of the results of informal consultation with the US Fish and Wildlife Service (USFWS) and the resulting effect determination(s). If a Biological Assessment (BA) was prepared, summarize information from the document in describing the potential impacts. If informal consultation with USFWS resulted in a finding that the alternative may be likely to adversely affect listed or proposed threatened or endangered species or designated or proposed critical habitat, discuss and

include documentation of the results of formal consultation with USFWS (for listed species/designated critical habitat) or a conference with USFWS (for proposed species/proposed critical habitat). For formal consultation, include a copy of the Biological Opinion from USFWS in the EA. For a conference, include the documentation of the results provided by USFWS. Describe the proposed measures for avoiding and minimizing impacts to threatened and endangered species and critical habitat and proposed measures for promoting conservation of the species and habitat as documented in the BRR/BA.

13.3.2.10.19 Water Resource Impacts

Briefly describe the key requirements for consideration of water resource impacts (see [Sections 39.1 and 39.2](#)). Use information from the water resource impacts analysis (see [Chapter 39 "Water Resource Impacts"](#)) to briefly describe the methodologies used to evaluate the affected environment. Identify drainage basins/watersheds for the area the project alternatives will affect. Show the boundaries of drainage basins, sub-basins and watersheds on maps or other exhibits showing the project location/alternatives and discuss their drainage characteristics, topography, elevations and current and planned development. On the project area maps/exhibits, identify the name and location of natural and constructed surface water resources the project alternatives may affect. For each surface water resource, provide information on its type, water quality classification, whether it is a community water supply (and, if so, the entity or entities with jurisdiction) and applicability and conditions of any Total Maximum Daily Load (TMDL) provisions for impaired waters. On the project area maps, identify the name and location of major groundwater aquifers for the area the project alternatives may affect. For each aquifer, provide information on:

- depth below ground level and well yield data;
- aquifer composition, groundwater transmissibility and topography;
- sources of recharge and discharge;
- uses;
- whether it is designated as a sole source aquifer; and
- presence and boundaries of wellhead protection areas/certified source water protection areas and/or controlled groundwater areas.

Where project alternatives may involve water quality impacts, include monitoring data for surface/groundwater resources in the discussion of the affected environment. Describe other water quality requirements affecting the project area (e.g., local water quality district, Tribal).

Where project alternatives involve water resource/water body modification impacts, include information in the affected environment discussion on the following:

- jurisdictional status for COE permitting,
- description of streams and irrigation systems,
- identification of potentially affected Wild and Scenic Rivers and/or candidate rivers, and
- the number and location of domestic water wells.

Where project alternatives involve storm water impacts, include information in the affected environment discussion on potential involvement with areas covered by a Montana Pollutant Discharge Elimination System (MPDES) or National Pollutant Discharge Elimination System

(NPDES) Municipal Separate Storm Sewer System (MS4) permit (see [Chapter 46 “Municipal Separate Storm Sewer System Permits”](#)). Also, discuss current storm water drainage associated with existing highway facilities.

For each alternative, discuss potential impacts on water resources under subsections for water quality impact, water resource/water body modification impact and storm water impact. For each heading, discuss both construction-related impacts and post-construction impacts. Include the following information for each subsection:

1. Water Quality Impact. Discuss potential impacts, including identification of the affected water resources and the nature and extent of the effects. Also, discuss other compliance requirements associated with the impacts (e.g., TMDLs, Tribal or local water quality ordinances and/or standards). Describe proposed impact avoidance and minimization measures as documented in the results of the water resource impacts analysis. Summarize and include documentation of the results of coordination with affected water quality agencies. The coordination may address assessment of impacts, evaluation of impact avoidance and/or minimization measures and compliance with special requirements.
2. Water Resource/Water Body Modification Impact. Discuss potential impacts, including identification of the affected water resources and the nature and extent of the effects. Also, discuss permits or other compliance requirements associated with the impacts (e.g., the *Fish and Wildlife Coordination Act*, COE Section 404 permit or Section 10 permit, US Coast Guard Section 9 permit, Tribal permits, SPA 124 Notification, 318 Authorization). Describe proposed impact avoidance and minimization measures as documented in the results of the water resource impacts analysis. Summarize and include documentation of the results of coordination with appropriate agencies. The coordination may address assessment of impacts, evaluation of impact avoidance and minimization measures and/or compliance with special requirements.
3. Storm Water Impact. Discuss potential impacts, including identification of the affected water resources and the nature and extent of the effects. Also, discuss permits or other compliance requirements associated with the impacts (e.g., NPDES or MPDES construction permit or MS4 permit, TMDLs). Describe proposed impact avoidance and minimization measures as documented in the results of the water resource impacts analysis. Summarize and include documentation of the results of coordination with appropriate agencies. The coordination may address assessment of impacts, evaluation of impact avoidance and minimization measures and/or compliance with special requirements.

13.3.2.10.20 Wetland Impacts

Briefly describe the key requirements for consideration of impacts to wetlands (see [Sections 40.1 and 40.2](#)). Use information from the wetland impacts analysis (see [Chapter 40 “Wetland Impacts”](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the presence of wetlands that one or more of the project alternatives may affect. Identify the location and delineated boundaries of the wetlands on maps or other exhibits showing the project location/alternatives. For each wetland, indicate the wetlands classification and summarize the results of the wetlands functional assessment,

including discussion of the relative importance of the functions to the area and any unique characteristics that increase the importance of particular wetlands.

For each alternative, describe unavoidable direct and indirect adverse impacts to wetlands. Include an indication of the size of the wetlands area(s) impacted, the effects on the functions of the wetlands and the importance of any loss or impairment of those functions.

For each alternative that affects wetlands, describe proposed measures for minimizing adverse impacts and providing mitigation for unavoidable adverse impacts as documented in the BRR/Wetland Findings Report. For proposed mitigation, include information on the following:

- amount(s), location(s) and type(s) of wetlands to be provided for mitigation;
- explanation of applicable mitigation ratios;
- whether the mitigation will be on-site and/or off-site;
- whether, and to what extent, it will involve use/purchase of credits from a wetland bank; and
- whether, and to what extent, it will involve wetland restoration, wetland creation, wetland enhancement and/or wetland preservation.

Also, identify and discuss applicable permit requirements for unavoidable adverse wetland impacts (e.g., Section 404).

If the preferred alternative involves unavoidable adverse wetland impacts, the EA or FONSI (see [Section 13.4](#)) will need to include a separate section entitled “Only Practicable Alternative Finding” that will contain the following supporting information for the finding, as required by Executive Order 11990:

- a reference to Executive Order 11990,
- an explanation why there are no practicable alternatives to the proposed action,
- an explanation why the proposed action includes all practicable measures to minimize harm to wetlands, and
- a concluding statement similar to the following:

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands that may result.

13.3.2.10.21 Floodplains

Briefly describe the key requirements applicable to floodplains (see the FHWA “Environmental Guidebook” website and the Montana Department of Natural Resources and Conservation “Floodplain Management” website). Use information from the Location Hydraulic Study Report,

prepared by the Hydraulics Section in the MDT Highways Bureau, to describe the affected environment. Depict the locations and limits of base (100-year) floodplains and, as applicable, regulatory floodways on maps or other exhibits showing the project location/alternatives. Briefly discuss current uses and functions of the floodplain(s) (e.g., flood control, habitat and ground water recharge) and include cross-references to other parts of the EA, as appropriate (e.g., sections discussing plant communities/vegetation, terrestrial wildlife, water resources). Also, discuss development and proposed actions in the affected watersheds. Summarize information from the Location Hydraulic Study Report regarding the hydrologic factors affecting the floodplain(s) in the project area.

For each alternative, identify the number and location of floodplain encroachments and discuss potential direct and indirect (secondary) floodplain impacts including the following:

- flooding risks associated with the alternative, including the potential for property loss and hazard to life;
- impacts to natural and beneficial floodplain values (e.g., fisheries, wetlands, plants, threatened/endangered species, water quality, public access or boat passage, potential to increase upstream flooding, scour); and
- support of probable incompatible floodplain development (i.e., development that is not consistent with local floodplain development plans).

Summarize the results of consultation with local, State and Federal water resource and floodplain management agencies for determining consistency of the project alternative with existing watershed and floodplain management programs. Also, discuss applicable permit requirements for floodplain encroachments.

For each alternative, include a discussion of measures to minimize floodplain impacts (e.g., avoidance of longitudinal encroachments) and measures to restore and preserve natural and beneficial floodplain values (e.g., flood storage volume, habitat). For each alternative encroaching on a designated or proposed regulatory floodway, indicate whether the encroachment would be consistent with or require a revision to the regulatory floodway. Summarize the results of coordination with the Federal Emergency Management Agency (FEMA) and appropriate State and local government agencies regarding encroachments in floodways.

If the preferred alternative includes a “significant encroachment” as defined in 23 CFR 650.105(q), the EA or FONSI (see [Section 13.4](#)) will need to include a separate section entitled “Only Practicable Alternative Finding” that will contain the following supporting information for the finding, as required by Executive Order 11988 and 23 CFR 650.113:

- the reasons why the proposed action must be located in the floodplain,
- the alternatives considered and why they were not practicable, and
- a statement indicating whether the action conforms to applicable State or local floodplain protection standards.

If any of the alternatives include a floodplain encroachment having significant impacts, preparation of an EIS is required.

If the preferred alternative encroaches on a regulatory floodway, the EA or FONSI (see [Section 13.4](#)) should discuss the consistency of the action with the regulatory floodway. If a floodway revision is necessary, include evidence from FEMA and appropriate State or local agencies indicating the proposed revision is acceptable.

13.3.2.10.22 Pedestrian and Bicycle Facilities

Briefly describe the key requirements for consideration of project effects on pedestrian and bicycle facilities (see [Sections 41.1](#) and [41.2](#)). Use information from the pedestrian and bicycle facilities analysis (see [Chapter 41 "Pedestrian and Bicycle Facilities"](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of existing and planned pedestrian/bicycle facilities in the project area. Depict the locations of existing sidewalks, pedestrian bridges, footpaths, bike routes and/or designated trails on maps or other exhibits showing the project location/ alternatives. Summarize the results of coordination with local officials and/or review of planning documents to identify locally proposed pedestrian/bicycle facilities. Identify the location and type of proposed facilities on maps/exhibits of the project area. Discuss the current and anticipated extent and type(s) of use of existing and proposed pedestrian and bicycle facilities.

For each alternative, describe potential impacts to existing pedestrian and/or bicycle facilities (e.g., physical destruction or relocation of facilities, temporary disruption during construction) and discuss the consistency of the alternative with planned pedestrian/bicycle facilities. Summarize the results of public involvement activities concerning pedestrian/bicycle facilities.

For each alternative that includes proposed new pedestrian/bicycle facilities, describe the proposed facilities and their intended use, identify their location and explain the basis for providing the facilities.

For each alternative that impacts pedestrian and/or bicycle facilities, discuss proposed measures for avoiding or reducing adverse impacts to the facilities and their users, as documented in the results of the pedestrian and bicycle facilities analysis.

If the preferred alternative will sever an existing major route for non-motorized transportation traffic, in accordance with 23 USC 109(n), the project must provide a reasonable alternative route or demonstrate that a route exists. Compliance with this requirement must be documented in the EA or FONSI (see [Section 13.4](#)).

13.3.2.10.23 Air Quality Impacts

Briefly describe the key requirements for consideration of project effects on air quality (see [Sections 42.1](#) and [42.2](#)). Use information from the air quality analysis (see [Chapter 42 "Air Quality Impacts"](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of general characteristics associated with air quality (e.g., urban versus rural setting, light industry area versus heavy industry area, major sources of emissions affecting air quality). Use the results of the air quality impacts

analysis to identify the location and boundaries of air quality non-attainment and/or maintenance areas that one or more of the project alternatives are totally or partially within. Identify the criteria air pollutant(s) associated with the non-attainment or maintenance classification for each area.

For each alternative, indicate the extent to which it is located within an air quality non-attainment or maintenance area. For alternatives located totally or partially within a non-attainment or maintenance area, identify the area and the criteria pollutant(s) involved and indicate the results of the conformity analysis as documented in the Air Quality Impacts Analysis Report. Include information on the results of Carbon Monoxide (CO) and/or Particulate Matter (PM) hot-spot analyses and follow-up coordination conducted for conformity purposes.

For each alternative, use the information in the Air Quality Impact Analysis Report to document whether it has the potential for meaningful impacts on Mobile Source Air Toxics (MSAT) emissions. For alternatives determined to have potential for MSAT impacts, summarize information from the Air Quality Impacts Analysis Report on the results of the qualitative analysis or quantitative analysis.

For alternatives outside of non-attainment or maintenance areas where CO may be a concern, summarize the results of the CO hot-spot analysis, as documented in the Air Quality Impacts Analysis Report.

For each alternative involving potential air quality impacts, discuss proposed mitigation measures as documented in the Air Quality Impacts Analysis Report. Examples include:

- inclusion of special provisions for dust suppression in contract plans,
- increasing intersection capacity by adding traffic lanes,
- optimizing signal timing for air quality purposes, and
- diverting traffic to other locations.

To the extent that the proposed mitigation measures may involve other impacts, include a discussion of the impacts with the description of the proposed measures.

13.3.2.10.24 Noise

Briefly describe the key requirements for consideration of noise impacts (see [Sections 43.1](#) and [43.2](#)). For “Type I” projects, as defined in 23 CFR 772.5 and for projects that otherwise have the potential for creating a traffic noise impact, use information from the noise analysis (see [Chapter 43 “Noise Impacts”](#)) to briefly describe the methodologies used to evaluate the affected environment. Describe the affected environment in terms of the presence of noise sensitive areas that one or more of the project alternatives may affect. Examples include residences, businesses, schools and parks. Discuss the number and types of activities that may be affected and identify their locations on maps or other exhibits showing the project location/alternatives. Include potentially affected activities on developed and undeveloped lands where development is planned, designed and programmed.

For each alternative, as applicable, discuss the results of the detailed noise analysis conducted in accordance with the *MDT Noise Manual*, including the following:

- identification of traffic noise impacts (including extent of impact in dBA and comparison of predicted noise levels with the FHWA Noise Abatement Criteria and existing noise levels);
- discussion of impact avoidance and minimization measures, and the reasonableness and feasibility of noise abatement measures considered; and
- description of any noise abatement measures proposed for inclusion in the project (e.g., dimensions, estimated costs, decibel reductions).

For traffic noise abatement measures proposed for inclusion in the project, summarize information from the Noise Abatement Recommendation Worksheet or include a copy of the worksheet and reference it in the description of the abatement measures.

As applicable, also discuss potential construction noise impacts of each alternative and measures for avoiding and/or minimizing those impacts, as documented in the Detailed Noise Analysis Report.

13.3.2.10.25 Hazardous Materials/Substances

Briefly describe the key requirements for consideration of hazardous materials/substances (see [Sections 44.1](#) and [44.2](#)). Use information from the hazardous materials/substances analysis (see [Chapter 44 "Hazardous Materials/Substances"](#)) to briefly describe the methods used to identify and evaluate contaminated sites in the project area. Describe the affected environment in terms of the presence of contamination that may affect one or more of the project alternatives. Depict potential sites of concern on maps or other exhibits showing the project location/alternatives. For each site, include descriptive summary information from the results of the hazardous materials/substance analysis (e.g., type of contamination, magnitude, physical extent of the contamination).

For each alternative, describe potential involvements with contaminated sites. For each potential involvement, identify the site, the contaminant(s), the nature of the project-related work that could disturb the contamination, the estimated quantities of contaminated material to be handled, proposed cleanup and/or monitoring plans, and proposed groundwater and/or soil remediation options and methods as documented in the results of the hazardous materials/substances analysis. Also, summarize the results of coordination with Federal and State regulatory agencies regarding the development of cleanup and monitoring plans and groundwater and soil remediation options and methods.

13.3.2.11 Chapter 4 – Permits and Authorizations

Include subsections for "Permits," "Licenses/Entitlements" and "Coordination Requirements," as applicable. Under each subsection, list the names and provide a brief description of each potentially applicable requirement. List each type of Federal, Tribal, State or local permit or authorization that may be required for the preferred build alternative. For each permit or authorization, indicate the administering entity for the permit/authorization and briefly describe the associated applicability criteria (e.g., the type of work requiring the permit/authorization). See [Chapter 29 "Permits Required"](#) for further information on the various permits and

authorizations that may apply. Examples of potentially applicable permits include SPA 124 Notification, Section 404 permit, Tribal permits, Section 401 Certifications, NPDES permit, MS4 permits, Floodplain permit, etc. Examples of potentially applicable coordination requirements include Section 7 of the *Endangered Species Act*, Section 106 of the *National Historic Preservation Act* and coordination with Tribal governments for projects affecting Tribal lands or interests.

13.3.2.12 Chapter 5 – Comments and Coordination

Describe the early and continuing coordination efforts, summarize the key issues and pertinent information received from the public and government agencies through these efforts, and list the agencies and members of the public consulted, if appropriate.

List all agencies (e.g., Federal, Tribal, State, local), organizations and persons that will be provided a copy of the EA and/or that will be specifically contacted for comments on the document.

13.3.2.13 Chapter 6 – List of Preparers

List the names of MDT and/or consultant personnel who were primarily responsible for preparing the EA or performing associated environmental studies. Include technical editors and graphic support personnel. For each preparer, provide a brief summary of their qualifications including education, experience and professional disciplines, and indicate their area(s) of responsibility in preparing the EA.

Also, include the names and qualifications of FHWA personnel primarily responsible for preparation or review of the EA.

13.3.2.14 Chapter 7 – Distribution List

Include the agency name, mailing address and contact person's name for each Federal, Tribal, State and local agency that MDT will send a copy of the EA. Organize the information under headings for Federal Agencies, Tribal Agencies, State Agencies and Local Agencies, as applicable.

13.3.2.15 Chapter 8 – List of Sources/Documents

Include this Chapter as needed. List the technical studies used to substantiate analyses and conclusions in the EA and other relevant information sources used in preparing the EA (e.g., local or regional planning documents, pertinent scientific studies, impaired waters lists/TMDLs). Include materials prepared by other agencies in compliance with applicable regulatory processes (e.g., a biological opinion for threatened or endangered species).

13.3.2.16 Appendices

Appendices to an EA should contain analytical information that substantiates an analysis important to the findings presented in the document. Examples include:

- Section 4(f) compliance documentation (i.e., *De Minimis* Impact Determination, Programmatic Section 4(f) Evaluation documentation or Full Section 4(f) Evaluation (see [Chapter 15 “Section 4\(f\) Evaluations”](#)));
- a biological assessment for threatened or endangered species (see [Chapter 38 “Threatened and Endangered Species”](#)); or
- 404(b)(1) analysis for an Individual Section 404 permit (see [Chapter 45 “404\(b\)\(1\) Analysis”](#)).

The appendices also may include copies of correspondence associated with coordination of technical analyses or other information for compliance with applicable requirements.

The public involvement materials, including notices, presentation information, comments received and the associated responses also may be included as an appendix to the EA.

13.4 PREPARING A FONSI

After the public availability period for the EA and consideration of all comments received ([Tasks 15 and 16 in the “Environmental Document Process” in Appendix C](#)) and, if no significant impacts are identified or if MDT and FHWA select the no-build alternative, prepare a draft FONSI recommendation for FHWA review. Use the following format and content guidance:

1. Signature Page. See [Figure 13-2](#).
2. Table of Contents.
3. Summary and Conclusions. Provide a concise summary indicating the preferred alternative and the basis for its selection. Discuss the basis for the determination that the project will not involve a significant environmental impact.
4. Coordination Process. Briefly describe key aspects of the EA coordination process including the following, as applicable:
 - coordination with appropriate Federal, State and local agencies for compliance with NEPA, MEPA and associated implementing regulations;
 - date the EA was approved for public availability and the beginning and ending dates for the public review period;
 - names of entities (e.g., newspapers, television and radio stations) that were provided the Notice of Availability for the EA;
 - description of other initiatives to notify parties of the availability of the EA (e.g., individual mailers sent to known interested parties);
 - names of locations where copies of the EA were available for review;
 - date and location of public hearing(s) and/or public meeting(s), if held, and reference to public hearing transcript(s), if applicable, in an appendix to the FONSI; and
 - discussion of key concerns identified through the coordination process and a reference to the part of the FONSI containing comments received and the responses to the comments.
5. Corrections and Clarifications to the EA. Describe changes in the EA to correct information, respond to comments received, reflect changes in the project or impacts, etc. Include findings, agreements or determinations necessary for compliance with other applicable requirements (e.g., wetlands, floodplains, Section 106).
6. Public Hearing Transcript. Include this item if a public hearing was held for the project.
7. Comments and Responses. Include substantive written comments received on the EA and the responses to those comments. Place copies of the actual written comments in an appendix to the FONSI.

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT

for

Project Number: *[insert number]*

Project Name: *[insert name]*

Control Number: *[insert number]*

in

[insert name] **County, Montana**

The Montana Department of Transportation (MDT) and the US Department of Transportation, Federal Highway Administration (FHWA) have determined that the Preferred Alternative, as described in the attached Environmental Assessment (EA), dated *[insert date]*, will have no significant impact on the human environment. This Finding of No Significant Impact (FONSI) is based on the *[insert EA date]* EA and information obtained during the public and agency coordination process. After independent evaluation of the EA, MDT and FHWA conclude that the EA adequately and accurately discusses the need, environmental issues and impacts of the proposed project and appropriate mitigation measures. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. MDT and FHWA take full responsibility for the accuracy, scope and content of the attached *[insert EA date]* Environmental Assessment.

For purposes of compliance with the *Montana Environmental Policy Act* (MEPA) (Sections 75-1-101 et seq. MCA and ARM 18.2.239(3)(j)), this FONSI and conclusion that an EIS is not required should be considered part of the EA.

 Montana Department of Transportation

 Date

 Federal Highway Administration

 Date

Figure 13-2 — FONSI SIGNATURE SHEET

8. Summary of Impacts and Mitigation. Briefly describe, in table format, the impacts of the No-Build Alternative and the Selected Alternative for each of the impact topics discussed in the EA.
9. Environmental Assessment. Include the EA that was available for comment as an appendix to the FONSI.
10. Final Section 4(f) Evaluation. If the EA included a draft Section 4(f) Evaluation, include the final Section 4(f) Evaluation as an appendix to the FONSI.

13.5 REEVALUATIONS

In accordance with 23 CFR 771.129 “Reevaluations,” after FHWA approval of a FONSI ([Task 17 in the “Environmental Document Process” in Appendix C](#)), MDT must consult with the FHWA prior to requesting any major approvals or grants to establish whether or not the approved FONSI remains valid for the requested FHWA action. These consultations will be documented when determined necessary by the FHWA.

