

SPA 124 PROCESS FOR PRECONSTRUCTION

1. Purpose

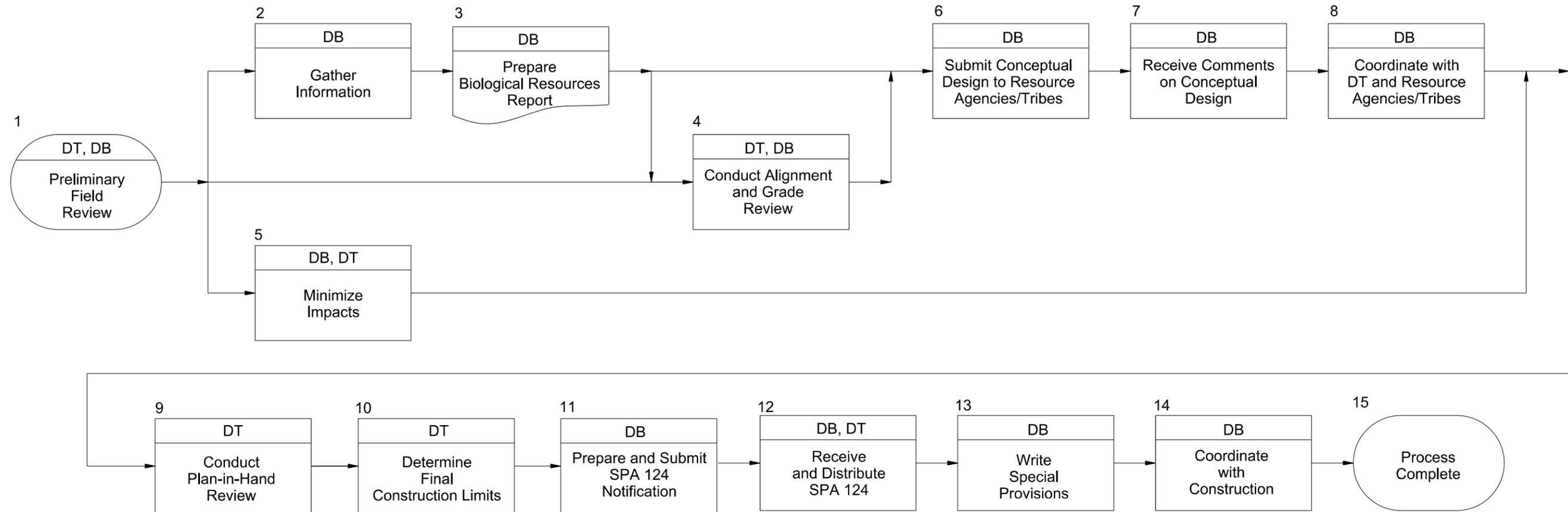
This work instruction describes the process for ensuring that Preconstruction activities on projects that may affect any streams or tributaries in Montana are in full compliance with the requirements of the *Montana Stream Protection Act 124* (SPA 124).

2. Scope

The District Biologists (DB) within the MDT Environmental Services Bureau (ESB) administer the SPA 124 process for Preconstruction in cooperation with the Design Team (DT). The process begins with the Preliminary Field Review for a proposed project and is completed with the implementation of any special provisions incorporating SPA 124 conditions prepared by the DB for inclusion in the construction contract plan documents.

3. Process

[Figure 1](#) presents a flowchart that illustrates the SPA 124 process for Preconstruction. Following the Figure is a description of each process task included within the flowchart.



Legend

- BRR = Biologist Resource Report
- DB = District Biologist
- DT = Design Team
- PD = Project Designer (i.e., Road, Bridge, Traffic)
- PDE = Project Development Engineer
- SPA 124 = (Montana) Stream Protection Act, Section 124

Figure 1 — SPA 124 PROCESS (Preconstruction)

PROCESS TASK

Task Title: Preliminary Field Review

Task No.: 1

Task Description

The Preliminary Field Review (PFR) is the initial step that begins the SPA 124 Preconstruction process for a proposed project. The PFR includes preliminary evaluation of the scope of work and the potential for social, economic and environmental impacts. The Design Team (DT) ensures that appropriate MDT personnel are notified of the field review and invited to participate.

The DB participates in the PFR to make a preliminary evaluation of available information on the proposed project scope relative to the full range of environmental resource issues associated with the affected streams.

Following the field review, the DT prepares a PFR Report summarizing the issues discussed during the field review, including potential impacts to any stream. The DT distributes the final PFR report for review and comment. Within ESB, the Project Development Engineer (PDE) serves as the document champion to collect and coordinate comments from the other sections. The PDE compiles the comments into a PFR review memorandum for signature by the Environmental Services Bureau Chief (ESBC).

Regulations and Guidance

MDT Road Design Manual, Chapter One, "Road Design Process"

PROCESS TASK

Task Title: Gather Information

Task No.: 2

Task Description

After the PFR and receipt of the PFR Report, the DB coordinates with resource agencies, reviews available environmental data and conducts any necessary field work to gather additional information on fish and wildlife resources and other environmental concerns associated with the affected streams.

PROCESS TASK

Task Title: Prepare Biological Resources Report

Task No.: 3

Task Description

Upon completion of data gathering, the DB prepares a Biological Resources Report (BRR) for incorporation in project design development. The BRR includes information on the following, as applicable:

- Executive Summary
- Introduction
- General Study Methods
- Terrestrial Resources
 - + General Vegetation
 - + Noxious Weeds/Invasive Species
 - + General Wildlife Species
- Aquatic Resources
 - + Aquatic Sites
 - + General Aquatic Species
- Sensitive Species of Special Concern
 - + Plant Species
 - + Terrestrial Species
 - + Aquatic Species
- Threatened and Endangered Species – Biological Assessment
- Wetlands
- References
- List of Tables and Figures
- List of Appendices

Regulations and Guidance

Table of Contents for Consultant Biological Resource Reports/Biological Assessments

PROCESS TASK

Task Title: Conduct Alignment and Grade Review

Task No.: 4

Task Description

When the DT completes preparation of preliminary plans for the proposed project, the DT coordinates with appropriate MDT personnel to schedule an Alignment and Grade Review (AGR).

The AGR involves establishing the horizontal and vertical alignments. The AGR should address key design issues, including impacts to Montana streams. The AGR entails extensive coordination among the DT, including the DB.

After incorporating changes from the AGR in the design, the DT prepares the AGR Report documenting the issues discussed during the field review, including potential impacts to any stream, and incorporates any necessary changes into the design. The DT distributes the final AGR Report for review and comment. Within ESB, the PDE serves as the document champion to collect and coordinate comments from the other sections. The PDE compiles the comments into an AGR review memorandum for signature by the ESBC.

Regulations and Guidance

MDT Road Design Manual, Chapter One, "Road Design Process"

PROCESS TASK

Task Title: Minimize Impacts

Task No.: 5

Task Description

Throughout the entire design process, the DB coordinates with the DT on an ongoing basis to avoid and minimize project impacts on fish and wildlife resources in affected streams and to maintain the streams in their natural or existing state, consistent with the SPA 124.

PROCESS TASK

Task Title: Submit Conceptual Design to Resource Agencies/
Tribes

Task No.: 6

Task Description

When preliminary project plans are complete, the DT provides preliminary plan documents to the DB. The DB transmits the preliminary plans, reflecting the conceptual design for the project, to the Montana Department of Fish, Wildlife and Parks (FWP), other resource agencies and, when the project affects streams on Tribal lands, to appropriate officials of the affected Tribal governments. The transmittal requests the agencies and, as applicable, Tribes to review the conceptual design and provide any comments or concerns to the DB within a specified timeframe.

PROCESS TASK

Task Title: Receive Comments on Conceptual Design

Task No.: 7

Task Description

The DB initiates and maintains a file of all comments received from FWP, other resource agencies and Tribal governments based on the DB's transmittal of the preliminary conceptual design plan information for the project.

PROCESS TASK

Task Title: Coordinate with DT and Resource Agencies/Tribes

Task No.: 8

Task Description

After the review and comment period for the preliminary conceptual design plan information, the DB coordinates with the DT, FWP, other resource agencies and, as applicable, Tribal governments to respond to the comments received regarding the conceptual design. This may be an iterative process to achieve resolution of submitted comments.

The DT incorporates the appropriate design changes in the project plans.

PROCESS TASK

Task Title: Conduct Plan-in-Hand Review

Task No.: 9

Task Description

After all design changes are incorporated to the extent practicable, the DT prepares the detailed preliminary design plans for the project. The DT distributes the preliminary detailed design plan package and invites participation in a Plan-in-Hand (PIH) Review of the project. The DB participates to address stream impact issues and associated impact avoidance and minimization measures.

The DT documents all comments received during the PIH Review in the PIH Review Report and distributes the Report to participants for review and comment. The DT uses the recommendations contained in the PIH Review Report to revise the plans, special provisions and cost estimate.

Regulations and Guidance

MDT Road Design Manual, Chapter One, "Road Design Process"

PROCESS TASK

Task Title: Determine Final Construction Limits

Task No.: 10

Task Description

After the DT incorporates all necessary changes in the project plans resulting from the PIH Review and comments on the PIH Review Report, the DT determines the final limits of construction for the project and documents them in the project plans. The DT distributes project plans that include the final construction limits to a variety of bureaus, including the ESB. The DB uses these plans in submitting SPA 124 notification to FWP for work affecting any Montana stream.

Regulations and Guidance

MDT Road Design Manual, Chapter One, "Road Design Process"

PROCESS TASK

Task Title: Prepare and Submit SPA 124 Notification

Task No.: 11

Task Description

The DB completes the Joint Application Form for the SPA 124 notification. The information required for the application includes the following:

Project Location

- map or sketch of project site;
- name of stream at project location;
- name of nearest town; and
- section, township, range, county (and longitude/latitude, if available).

Project Description

- plan or drawing of the proposed project;
- type of project;
- purpose of project;
- proposed construction start and finish dates;
- current condition (e.g., vegetation, bank condition) of the proposed project site;
- brief description of the project;
- project dimensions;
- type and amount of vegetation to be affected;
- materials and methods to be used;
- equipment to be used;
- planned efforts during and after construction to:
 - + minimize erosion, sedimentation or turbidity;
 - + minimize stream channel alterations;
 - + minimize effects on stream flow or water quality caused by materials used or removal of ground cover;
 - + minimize effects on fish and aquatic habitat;
 - + minimize risks of flooding or erosion problems upstream or downstream; and
 - + revegetate/protect existing vegetation and control weeds; and
- natural resource benefits of the proposed project.

After obtaining all necessary information, the DB submits copies of the completed Form, along with a set of preliminary plans or sketches and any other supporting documentation to FWP.

Regulations and Guidance

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Water Bodies

PROCESS TASK

Task Title: Receive and Distribute SPA 124

Task No.: 12

Task Description

FWP has up to 30 days from receipt of the completed notification to review, perform an on-site investigation, if needed, and provide any recommendations in writing.

The DB coordinates with the DT to implement the SPA 124 recommendations. This may be an iterative process to achieve resolution of FWP recommendations.

Once SPA 124 recommendations are accepted by the DT, the recommendations are considered conditions of the project. The DB distributes the SPA 124 to the DT and any other affected MDT Sections.

PROCESS TASK

Task Title: Write Special Provisions

Task No.: 13

Task Description

The DB prepares any special provisions necessary to implement SPA 124 conditions.

The DB coordinates with the DT and MDT Contract Plans Bureau to ensure the special provisions associated with the SPA 124 conditions are accurately reflected in the final engineering plan documents.

Regulations and Guidance

MDT Road Design Manual, Chapter Six, "Specifications/Special Provisions/Detailed Drawings"

PROCESS TASK

Task Title: Coordinate with Construction

Task No.: 14

Task Description

The DB coordinates with Construction personnel to ensure the conditions of the SPA 124 and associated special provisions are implemented during project construction.

PROCESS TASK

Task Title: Process Complete

Task No.: 15

Task Description

The process is complete upon implementation of the SPA 124 conditions during construction.

