

Printed Date: 07/21/2022

**Applicant Information****First Name \*****Last Name \*****Email \*****Company****Mailing Address \*****Contact Phone \*****City \*****State \*****Zip \*****Alternate Contact/Co-Applicant Information (Optional)**

First Name	Last Name	Email	Phone	Contact Type
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Co-Applicant <input type="radio"/> Alternate Contact
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Co-Applicant <input type="radio"/> Alternate Contact
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Co-Applicant <input type="radio"/> Alternate Contact
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Co-Applicant <input type="radio"/> Alternate Contact
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Co-Applicant <input type="radio"/> Alternate Contact

**Location Information****Sign Route \*****Route Name****Mile Post Start \*****Mile Post End****Physical Address \*****City \*****County \*****Legal Description****Township****Range****Section**

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**Permit Information**

**Nature of Permit (Give sufficient detail of anticipated build/structure/activities that the applicant is requesting to occur in MDT's right-of-way.) \***

**Apply Date \***

**For how long a period is the permit desired? (e.g. Permanent, 30 days, May 1-June 30, 202x)?**

**Project Scope (Please describe location of work and entire project scope. Include distance from existing highway survey station (if applicable), milepost, centerline, or right-of-way line near which installations of structures will be installed. Please attach a map depicting location.)**

**If a Corporation, give State of Incorporation and names of President and Secretary**

**Are there environmental actions involving hazardous waste sites? (Superfund, Spills, Underground Storage Tanks, Old Mines, etc.) If Yes you will need to fill out additional environment questions.**

☐ Yes ☐ No

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**Additional Environment Questions**

**Only fill out this section if checking Yes to the Environmental Actions involving hazardous waste.**

**Facility Name**

**Facility ID**

**Address**

**City**

**State**

**Zip Code**

Check the boxes that are applicable below and provide subsequent details. Please attach a Traffic Control Plan.

☐ Leaking underground storage tank site?

**MDEQ Identification #**

☐ Petro Fund Eligible?

☐ Remediation Response Sites  
(State Superfund Site)?

**State Identification # and/or site name**

☐ Federal Superfund Site?

**Federal Identification # and/or site name**

☐ Mine that Is Active

**Mine Site ID#**

**Mine Description or Name**

☐ Mine that is Abandoned

☐ Spill?

**Spill Site**

**Spill Description**

**Other Environmental Action**

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## Environmental Checklist

The Montana Environmental Checklist Help Guide can be found on the web at

<https://www.mdt.mt.gov/other/webdata/external/planning/forms/environmental-checklist-helpsheet.pdf>

### Checklist Conditions and Required Approvals

- A. The applicant is not authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.
- B. Complete the checklist items 1 through 16, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- C. If "Yes" is indicated on any of the items, the Applicant must explain the impacts as applicable. Appropriate mitigation measures that will be taken to avoid, minimize, and/or mitigate adverse impacts must also be described. Any proposed mitigation measures will become a condition of approval. Use attachments if necessary. If the applicant checks "No" and the District concludes there may in fact be potential impacts, the Environmental Checklist must be forwarded to Transportation Planning for review and approval.
- D. If "Yes" is indicated in item 11 a. (threatened or endangered species), the Applicant should provide information naming the particular species and the expected location, distribution and habitat use in the proposed action area, i.e. within the immediate area of the proposed action; or, in the general area on occasion (seasonally passes through) but does not nest, den or occupy the area for more than a few days.
- E. If the applicant checks "Yes" for any item, the approach permit, occupancy agreement or permit, along with the checklist and supporting information, including the Applicant's mitigation proposal, documentation, evaluation and/or permits must be submitted to Transportation Planning. Electronic format is preferred.
- F. When the applicant checks "Yes" to any item, the Applicant cannot be authorized to proceed with the proposed work until the MDT Environmental Services Bureau and/or Transportation Planning, as appropriate, reviews the information and signs the checklist.
- G. Applicant must obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the proposed action or activity. The Applicant is solely responsible for any environmental impacts incurred as a result of the project; obtaining any necessary environmental permits, notifications, and/or clearances; and ensuring compliance with environmental laws and regulations.

Impact Questions *			Comment, Explanation, and/or Information Source (Attach supporting information, as necessary.)
Actions that qualify for Categorical Exclusion under MEPA and/or NEPA (See ARM 18.2.261 and 23 CFR 771.117)			
1	Will the proposed action impact any known historical or archaeological site(s)?	<input type="radio"/> YES <input type="radio"/> NO	
2	Will the proposed action impact any publicly owned parkland(s), recreation area(s), wildlife or waterfowl refuge(s)?	<input type="radio"/> YES <input type="radio"/> NO	
3	Will the proposed action impact prime farmlands? (If "YES", attach a completed Farmland Conversion Impact Rating Ad-1006.)	<input type="radio"/> YES <input type="radio"/> NO	
4a	Will the proposed action have an impact on the human environment that may result from relocations of persons or businesses, changes in traffic patterns, changes in grade, or other types of changes?	<input type="radio"/> YES <input type="radio"/> NO	
4b	Has the proposed action received any preliminary or final approval from the local land use authority?	<input type="radio"/> YES <input type="radio"/> NO	
5	For the proposed action, is there documented controversy on environmental grounds? (For example, has the applicant received a letter of petition from an environmental organization?)	<input type="radio"/> YES <input type="radio"/> NO	
6	Will the proposed action require work in, across or adjacent to a listed or proposed Wild or Scenic River?	<input type="radio"/> YES <input type="radio"/> NO	

## Montana Department of Transportation

### Encroachment Application

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7	Will the proposed action require work in a Class I Air Shed or nonattainment area?	<input type="radio"/> YES <input type="radio"/> NO	
8	Will the proposed action impact air quality or increase noise, even temporarily?	<input type="radio"/> YES <input type="radio"/> NO	
9a	Is the proposed action located within an MS4 area? ( <a href="https://tinyurl.com/3h54cnmd">https://tinyurl.com/3h54cnmd</a> )	<input type="radio"/> YES <input type="radio"/> NO	
9b	Will the proposed action have potential to affect water quality, wetlands, streams or other water bodies? If "YES", an environment-related permit or authorization may be required.	<input type="radio"/> YES <input type="radio"/> NO	
10	Are solid or hazardous wastes or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, understorage tanks, or abandoned mines.)	<input type="radio"/> YES <input type="radio"/> NO	
11a	Are there any listed or candidate threatened or endangered species, or critical habitat in the vicinity of the proposed action?	<input type="radio"/> YES <input type="radio"/> NO	
11b	Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="radio"/> YES <input type="radio"/> NO	
12	Will the proposed action require an environmental-related permit or authorization? If the answer is "YES", please list the specific permits or authorizations.	<input type="radio"/> YES <input type="radio"/> NO	
13	Is the proposed action within designated sage grouse habitat ( <a href="https://sagegrouse.mt.gov">https://sagegrouse.mt.gov</a> ). (If "YES", a consultation letter issued from the Montana Sage Grouse Habitat Conservation Program is required.)	<input type="radio"/> YES <input type="radio"/> NO	
14a	Is the proposed action on or within approximately 1 mile of an Indian Reservation?	<input type="radio"/> YES <input type="radio"/> NO	
14b	If "YES", will a Tribal Water Permit be required?	<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> N/A	
15	Will the proposed action result in increased traffic volumes, increased wait or delays on state highways, or have adverse impacts on other forms of transportation (rail, transit or air movements)?	<input type="radio"/> YES <input type="radio"/> NO	
16	Is the proposed action part of a project that may require other governmental permits, licenses or easements? If "yes," describe the full extent of the project and any other permits, licenses or easements that may be necessary for the applicant to acquire in the Project Scope Box above.	<input type="radio"/> YES <input type="radio"/> NO	
17	<p>Attach representative photos of the site(s) where the proposed action would be implemented. Photos are to include any structures, streams, irrigation canals, and/or potential wetlands in the project area.</p> <p>Attach map(s) showing the location(s) of the proposed action(s); Section, Township, Range; highway or route number and approximate route post(s).</p>	<input type="radio"/> YES <input type="radio"/> NO	

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**Checklist preparer:**

\_\_\_\_\_  
(Signature)

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Please make sure all necessary attachments are included prior to submitting the application. These may include traffic control plan, map of area, plans of project and images showing the existing area.

\_\_\_\_\_  
Applicant Signature\_\_\_\_\_  
Date**Review Signatures****Project Name****Review for completeness by:**\_\_\_\_\_  
MDT Representative\_\_\_\_\_  
Title\_\_\_\_\_  
Date**Checklist approved by:**\_\_\_\_\_  
Environmental Services Bureau

(When any of the items 1 through 16 are checked 'Yes')

\_\_\_\_\_  
Title\_\_\_\_\_  
Date\_\_\_\_\_  
Transportation Planning

(When any of the items 15 or 16 are checked 'Yes')

\_\_\_\_\_  
Title\_\_\_\_\_  
Date\_\_\_\_\_  
Access Control

(Anytime a project is proposed in an access control area)

\_\_\_\_\_  
Title\_\_\_\_\_  
Date\_\_\_\_\_  
FHWA Approval

(Anytime a TCP is submitted on an interstate)

\_\_\_\_\_  
Title\_\_\_\_\_  
Date

**Encroachment Permits are subject to the following terms and conditions:**

**TERM** - This permit shall be in full force and effect from the date hereof until revoked as herein provided.

**FEE** - The fee for issuance of this permit is \_\_\_\_\_.

**REVOCATION** - This permit may be revoked by State upon giving 45 days notice to Permittee by ordinary mail, sent to the address shown herein. However, the State may revoke this permit without notice if Permittee violates any of its conditions or terms.

**COMMENCEMENT OF WORK** - No work shall be commenced until Permittee notifies the Maintenance Chief shown in application the date the Permittee proposes to commence work.

**CHANGES IN HIGHWAY** - If State highway changes necessitate changes in structures or installations installed under this permit, permittee will make necessary changes without expense to State.

**STATE SAVED HARMLESS FROM CLAIMS** - In accepting this permit the Permittee, its/his successors or assigns, agree to protect the State and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right of way, and in case any suit or action is brought against the State and arising out of, or by reason of, any of the above causes, the Permittee, its/his successors or assigns, will upon notice to it/him of the commencement of such action, defend the same at its/his sole cost and expense and satisfy any judgment which may be rendered against the State in any such suit or action.

**PROTECTION OF TRAFFIC** - The Permittee shall protect the work area with traffic control devices that comply with the Manual of Uniform Traffic Control Devices. The Permittee may be required to submit a traffic control plan to the Maintenance Chief for approval prior to starting work. During work, the Maintenance Chief or designee may require the Permittee to use additional traffic control devices to protect traffic or the work area. No road closure shall occur without prior approval from the District Engineer.

**HIGHWAY AND DRAINAGE** - If the work done under this permit interferes in any way with the drainage of the State highway affected, Permittee shall, at the Permittees expense, make such provisions as the State may direct to remedy the interference.

**RUBBISH AND DEBRIS** - Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and roadside left in a neat and presentable condition satisfactory to the State.

**INSPECTION** - The installation authorized by this permit shall be in compliance with the attached plan and the conditions of this permit. The Permittee may be required to remove or revise the installation, at sole expense of Permittee. If the installation does not conform with the requirements of this permit or the attached plan.

**STATES RIGHT NOT TO BE INTERFERED WITH** - All changes, reconstruction or relocation shall be done by Permittee so as to cause the least interference with any of the States work, and the State shall not be liable for any damage to the Permittee by reason of any such work by the State, its agents, contractor or representatives, or by the exercise of any rights by the State upon the highways by the installations or structures placed under this permit.

**REMOVAL OF INSTALLATIONS OR STRUCTURES** - Unless waived by the State, upon termination of this permit, the Permittee shall remove the installations or structures installed under this permit at no cost to the State and restore the premises to the prior existing condition, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.

**MAINTENANCE AT EXPENSE OF PERMITTEE** - Permittee shall maintain, at its sole expense, the installations and structures for which this permit is granted, in a condition satisfactory to the State.

**STATE NOT LIABLE FOR DAMAGE TO INSTALLATIONS** - In accepting this permit the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for the State, or by any State employee engaged in construction, alteration, repair, maintenance or improvement of the State highway, shall be at the sole expense of the Permittee.

**STATE TO BE REIMBURSED FOR REPAIRING ROADWAY** - Upon being billed, therefore, Permittee agrees to promptly reimburse State for any expense incurred in repairing surface of roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this permit.

The Permittee shall not discharge or cause discharge of any hazardous or solid waste by the installation or operation of the facility of a State Right-of-Way.

The Permittee will control noxious weeds within the disturbed installation area for two (2) years.

In accordance with Mont. Code Ann. 76-3-403(2), Permittee shall, at Permittees expense, employ the services of a Montana Licensed Professional Land Surveyor to re-establish all existing survey monuments disturbed by work contemplated under this permit.

The use of explosives is prohibited for the installation.