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Montana Department of Transportation

2701 Prospect
PO Box 201001
Helena MT 59620-1001

Steve Bullock, Governor
Michael T. Tooley, Director

December 11, 2019

Brian Hasselbach, Division Administrator - Acting
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

MASTER FILE
COPY

Subject: Request for Concurrence of Continued Validity of FEIS/ROD
Billings Bypass – BBP Yellowstone River
NCPD-MT 56(55)
CN: 4199003

Dear Brian Hasselbach,

Due to availability and type of funding, the Montana Department of Transportation (MDT) will implement Phase 1 of the Billings Bypass Project as six separate construction projects. The second project to be constructed as part of Phase 1 is the Yellowstone River project segment. This segment of the Billings Bypass is located east/northeast of the Heights area of the City of Billings, within Yellowstone County, Montana. The project begins at the newly proposed intersection with Five Mile Road. The project then proceeds east and southeast approximately 0.7 mile, crossing over the Yellowstone River with a newly constructed bridge. The Yellowstone River project is located within Section 12 of Township (T) 1 North (N), Range (R) 26 East (E); and Section 07 of T1N, R27E. A project location map is provided in Attachment 1.

The Billings Bypass Final Environmental Impact Statement (FEIS) was signed by your agency on March 18, 2014, and the Final Record of Decision (ROD) was signed by your agency on July 25, 2014. MDT Environmental Services Bureau has reviewed the Yellowstone River project, the previously approved FEIS/ ROD for the Billings Bypass, current regulatory requirements, and current conditions along the Yellowstone River project corridor. Based on this analysis, MDT concludes that the requirements of both the National and Montana Environmental Policy Acts (NEPA and MEPA) are met for the subject project through a Re-evaluated Environmental Impact Statement (REIS) as described in 23 Code of Federal Regulations (CFR) 771.129(b) rather than a Supplemental Environmental Impact Statement (SEIS) as described in 23 CFR 771.130. However, notable design changes along the Yellowstone River segment will require an amendment to the ROD, as described in 23 CFR 771.127(b).

The purpose of this letter is to demonstrate MDT NEPA/MEPA compliance by documenting any changes to environmental conditions within the project segment and to the proposed project design since the 2014 FEIS and ROD and explaining why these differences do not constitute a significant change that would trigger an SEIS as opposed to a REIS. This letter also requests Federal Highway Administration (FHWA) concurrence that the following proposed design

changes for the Yellowstone River project and the updated environmental information would not require preparation of a SEIS, but that a Revised ROD would be required in accordance with 23 CFR 771.127(b).

As stated in the ROD, MDT and the FHWA selected Mary Street Option 2 as the Preferred Alternative. This alternative included constructing a new bypass bridge crossing over the Yellowstone River. The proposed scope of work for the Yellowstone River segment outlined in the FEIS and ROD was to construct a new roundabout at the proposed Billings Bypass and five Mile Road intersection, construct a new roadway alignment to the east/southeast of the new roundabout, and construct a new bridge crossing over the Yellowstone River. The full build-out typical section for the roadway consists of four 12-foot travel lanes, a 16-foot center turn lane or median, and 8-foot shoulders. Horizontal and vertical alignments and side slopes were proposed to meet criteria for a 55 mile-per-hour (mph) design speed. The Yellowstone River crossing proposed in the FEIS/ROD included side-by-side bridges approximately 1,890 feet long with up to nine piers within or directly adjacent to the water. Two travel lanes and 8-foot shoulders were proposed for each bridge.

The following re-evaluation discusses new information or circumstances relevant to the development of the Yellowstone River project and ensures that current environmental requirements are addressed. The re-evaluation focuses on the changes to the design, the potential for new impacts, and new project-related issues that have arisen since approval of the Billings Bypass FEIS/ROD.

As described in Chapter 1.3 of the FEIS, the purpose of the Billings Bypass project is to improve access and connectivity between Interstate 90 (I-90) and Old Highway 312 and to improve mobility in the eastern area of Billings. The purpose of and need for the Yellowstone River project segment of the Billings Bypass has not changed since the approval of the FEIS/ROD.

DESCRIPTION OF CHANGED CONDITIONS

The Billings Bypass project has been split into six project segments. Yellowstone River is the second of those segments to be designed. Construction is expected to begin during the 2020 construction season. Since the Billings Bypass ROD in July 2014, there have been refinements/changes in the project design and supporting evaluations for the Yellowstone River segment of the Bypass, including a re-evaluation of the Biological Resources along the Yellowstone River proposed alignment (revisiting threatened and endangered species, species of concern, and greater sage-grouse), an update to the wetlands evaluation along the new roadway corridor and bridge alignment, and refinement to the design criteria related primarily to the bridge. Additional public involvement has also been conducted since the ROD was issued. The associated design changes/refinements, environmental changes, and public involvement updates, which are the subject of this re-evaluation, are described below.

Design Refinement/Change 1: As outlined in the FEIS/ROD, the Preferred Alternative for the Yellowstone River crossing would construct side-by-side bridges that are approximately 1,890 feet long. The current bridge design is to construct a single, four-lane structure using a full deck at a length of approximately 1,850-feet. Constructing a single structure would reduce impacts to the Yellowstone River, by decreasing the overall footprint within the active river channel, the

floodplain, and within adjacent riparian and wetland areas. A single structure would also result in cost savings over time due to reduced initial construction costs and long-term maintenance costs. The new bridge structure is designed as a full buildout section and would include four 12-foot travel lanes, with 8-foot shoulders, and a 10-foot-wide multi-use path on the west side of the bridge. A traffic barrier would be installed between the path and the adjacent travel lane/shoulder.

Design Refinement/Change 2: The FEIS/ROD stated that 8-foot shoulders would be provided along the Yellowstone Bridge segment of the project, which would be suitable for pedestrian and bicycle access. As part of the refined design, 8-foot shoulders would still be provided for bicyclists and pedestrians along the new roadway alignment; however, the refined bridge design would now include a 10-foot-wide multi-use path on the west side of the bridge, with a traffic barrier installed between the path and the adjacent travel lane/shoulder. At each end of the bridge, a multi-use path would be constructed down to the MDT right-of-way limits. This connection would provide access points to the bridge crossing which the John H. Dover Memorial Park (Yellowstone River Parks Association) could connect to with their internal trail system north of the structure, and the Community of Lockwood and/or the planned Targeted Economic Development District (TEDD) could connect to with their own trail system south of the structure.

In addition, during the installation of the northern bridge abutment, a portion of the cliff wall adjacent to the abutment would be over excavated to provide an opening for a possible future trail by the Yellowstone River Parks Association. A future trail under the bridge structure is not part of the Yellowstone Bridge project.

Design Refinement/Change 3: As outlined in the FEIS/ROD, Phase 1 would design and construct the first two lanes of the primary corridor for the Preferred Alternative alignment. The current design for the Yellowstone River segment calls for the alignment north of the proposed four-lane Yellowstone River bridge to taper down to include one 12-foot westbound travel lane, two 12-foot eastbound travel lanes, and 8-foot shoulders. At the Five Mile Road and Bypass Mainline Roundabout, this alignment would then taper down to two 12-foot travel lanes as defined under Phase 1.

Environmental Change 1: Biological Resources Update

Threatened and Endangered Species and State Species of Concern

A Final Biological Resources Report/Biological Assessment (BRR/BA) was completed for the Billings Bypass EIS in November 2011. Two addendums to that report were completed in June 2012 and August 2013. The 2011 BRR/BA Report and the 2012 report addendum served as a basis for informal consultation with the US Fish and Wildlife Service (USFWS) concerning potential effects of future Billings Bypass projects on federally listed species. In a letter dated July 26, 2012, the USFWS concurred with MDT's determination that the Billings Bypass project is not likely to adversely affect whooping crane (*Grus Americana*), would have no effect on the black-footed ferret (*Mustela nigripes*), and is not likely to jeopardize the existence of the greater sage-grouse (*Centrocercus urophasianus*) and Sprague's pipit (*Anthus spragueii*). The August 2013 addendum was completed to confirm there had been no changes to the USFWS

Yellowstone County list of threatened and endangered species since the 2012 addendum and confirm the USFWS determination was still current.

Due to the Billings Bypass project now being split into six construction projects, and due to the five-year time lapse since the August 2013 addendum, BRR/BA Addendum Reports are being prepared for each project segment as updates to the original BRR/BA and addendums. A BRR/BA Addendum Report was completed for the Yellowstone River project on May 14, 2019. According to the Yellowstone River Addendum Report, the greater sage-grouse, black-footed ferret, and Sprague's pipit have been removed from the October 2018 list of endangered, threatened, proposed, and candidate species for Yellowstone County. Red knot (*Calidris canutus rufa*) has been added to the Yellowstone County list. Whooping crane remains on the list.

The report also states that there are no records of whooping crane or red knot breeding in the state. They are known to migrate through Montana on occasion in the spring and fall as they head to breeding territories in northern Canada and the Arctic, respectively. There are three observations for whooping crane within a 30-mile radius of the proposed Yellowstone River project over the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010. One observation of red knot is documented less than 1.5 miles southwest from the proposed Yellowstone River project area. This individual was a transient (non-breeding and short-term) documented in 1975. No additional sightings within the project vicinity have been made since 1975. Two other red knot observations in the general geographic area are greater than 30 miles from the project vicinity. Neither of these species would be anticipated in the Yellowstone River project area, as limited appropriate habitat is present. Therefore, a **No Effect** determination has been made for the proposed Yellowstone River project activities for both the whooping crane and red knot.

The Yellowstone River 2019 addendum includes an updated state species of concern recorded occurrence list from Montana Natural Heritage Program (MTNHP) and updated data on bald eagle nests in the area. The MTNHP list identified 38 species of concern within three miles of the Yellowstone River Project. Eleven of these species of concern were discussed in the 2011 BRR/BA, 2012 addendum, and 2014 FEIS. No additional impacts or concerns related to the 11 original species have been identified since the 2011 BRR/BA, 2012 addendum, and 2014 FEIS. Of the remaining 27 species not discussed in the 2011 BRR/BA, 2012 addendum, and 2014 FEIS, suitable habitat is found within the Yellowstone River project vicinity for many of the listed species. Permanent vegetation impacts would occur within the proposed construction limits, with both upland and riparian/wetland habitat being impacted. For smaller species, direct mortality may occur due to disturbance of habitat and inability to disperse during construction. Temporary noise related impacts would also occur during construction.

The 2016 Montana Fish, Wildlife, and Parks (FWP) Bald Eagle nest data documented a Bald Eagle nest approximately 0.25 miles southwest of the proposed Yellowstone River bridge crossing. However, FWP has since noted that this nest has blown down. The MTNHP 2017 observation data shows several documented occurrences of Bald Eagles within 0.25 to 0.5 miles of the project limits, and an observation of an adult Bald Eagle within the project limits was recorded during a September 2017 field visit. While Bald Eagles have been observed within the project limits, there are not currently any active nests within the 0.25-mile project buffer. Based

on the historical nesting data, the recent Bald Eagle observations and given that suitable Bald Eagle nesting habitat is present in the vicinity of the project, a timing restriction for the Yellowstone Bridge segment will be included in the project's contract document to ensure the protection of nesting Bald Eagles in the event that nesting activity resumes in the project corridor.

The Yellowstone River BRR/BA Addendum Report dated May 14, 2019, is included in Attachment 2.

Greater Sage Grouse

On September 22, 2015, USFWS determined that the protection for the greater sage grouse under the Endangered Species Act was no longer warranted and withdrew the species from the candidate species list. In Montana, the state has management authority over sage grouse as outlined under the 2015 Greater Sage Grouse Stewardship Act and Montana Governor's Executive Orders 10-2014, 12-2015, and 21-2015. The Sage Grouse Habitat Conservation Program was created to facilitate implementation of the Executive Orders. State actions implemented by MDT in designated greater sage-grouse habitat must comply with the conservation program.

The Yellowstone River project segment is not within greater sage-grouse designated core habitat, connectivity habitat, or general habitat. The nearest designated sage-grouse habitat, which is general habitat, is approximately 1.6 mile north of the proposed Yellowstone River segment of the Billings Bypass and Five Mile Road intersection. The Yellowstone River project activities are consistent with the Montana Sage Grouse Conservation Strategy.

Wetlands

A wetland delineation was completed in 2011 during the development of the Billings Bypass EIS. As it has been more than five years since the original wetland delineation was conducted and to ensure all wetlands were identified within the refined design alignment for the Yellowstone River project, a new wetland delineation, following US Army Corps of Engineers (USACE) delineation guidelines, was conducted in May and September 2017. To compare wetland impacts, the 2017 delineated wetlands and refined Yellowstone River project design were reviewed against the FEIS conceptual design and 2011 wetland information in the FEIS. Under the Preferred Alternative outlined in the FEIS, approximately 1.12 acres of wetland impact was identified for the Yellowstone River segment. Permanent wetland impact as a result of the refined Yellowstone River project design and updated wetland delineation is approximately 0.006 acre. The decrease in wetland impacts is due to a reduction in wetland boundaries during the 2017 field delineation and a more refined bridge design. However, the difference for the purposes of comparing impacts is minor and would not alter the conclusion in the FEIS and ROD.

A Clean Water Act Section 404 permit from USACE will be required for impacts to wetlands, streams, rivers, and irrigation considered waters of the United States. It is expected that a Nationwide 404 Permit/Section 10 Permit, will be required. Potential wetland impacts require compensatory mitigation in accordance with applicable USACE regulations and Executive Order

11990. Wetland mitigation may occur in the form of credits from one of MDT's wetland mitigation reserves, purchasing credits from a wetland mitigation bank, in-lieu fee credits, or developing on-site wetland restoration, enhancement, or creation.

MDT concludes that the impacts of the Yellowstone River project on wetlands are consistent with the findings of the FEIS and ROD.

Public Involvement Update

Public informational meetings for the Billings Bypass project were conducted on September 27 and 28, 2017. The intent of the informational meetings was to provide an update to the public on project schedule, project phasing (i.e., the Bypass being split into six project segments), and design refinements. The Yellowstone River project was included as part of these meetings, with Yellowstone River bridge exhibits showing a single, four-lane bridge, with 8-foot shoulders, and a 10-foot-wide multi-use path. Both meetings were conducted in a public open house format, with the public encouraged to provide comments/input at the meeting or to submit a comment via mail, email, or through the project website. The meeting scheduled on September 27, 2017, took place at Independent Elementary School located on US 87 to accommodate the public located north of the Yellowstone River. The meeting scheduled on September 28, 2017, took place at Eileen Johnson Middle School in Lockwood to accommodate the public located south of the Yellowstone River.

Five comments specific to the Yellowstone River segment of the bypass project were received during and following the September 2017 public information meetings. Issues, concerns, and opportunities noted in those comments include the following.

- Support for the 10-foot-wide multi-use path across the new Yellowstone River Bridge.
- Potential opportunities to construct a new boat ramp and fishing access near the new bridge.
- Number of lanes at the bridge and the location of intersections in relation to the bridge.
- Concerns about the alignment through John Dover Memorial Park and traffic noise.

Personal contacts with adjacent landowners explaining the work to be performed will be offered during the right-of-way phase for the Yellowstone River project.

RE-EVALUATION

The scope of this re-evaluation includes updated design/environmental information. This re-evaluation includes a review of the Billings Bypass 2014 FEIS and the 2014 ROD for changes in previously identified environmental resources and impacts and any mitigation commitments associated with the environmental changes.

Resource Category Re-Evaluation

The following resource categories were previously examined in the Billings Bypass FEIS and have been re-evaluated in the context of the Yellowstone River project as currently proposed and, where applicable, new or updated information is provided. Table 1 provides an overview of

the resource category and whether a change in impact or a change in mitigation has occurred along the Yellowstone River bridge and roadway segment. Resource categories with changed conditions are described in greater detail below.

Table 1. Re-evaluation of Resource Categories

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Traffic Operations	No	No	No additional impacts to or concerns related to traffic operations have been identified since the FEIS/ROD.
Access	No	No	No additional impacts to or concerns related to access have been identified since the FEIS/ROD.
Safety	Yes	No	The refined bridge design would now include a 10-foot-wide multi-use path on the west side of the bridge. For safety, a traffic barrier would be installed between the path and the adjacent travel lane/shoulder, and a pedestrian rail would be installed on the western edge of the bridge. The change would not affect the findings made in the FEIS/ROD. No additional impacts to or concerns related to safety have been identified since the FEIS/ROD.
Pedestrian and Bicycle Considerations	Yes	No	The refined bridge design would now include a 10-foot-wide multi-use path on the west side of the bridge, with a traffic barrier installed between the path and the adjacent travel lane/shoulder. At each end of the bridge, a multi-use path would be constructed down to the MDT right-of-way limits. This connection would provide access points to the bridge crossing which the John H. Dover Memorial Park (Yellowstone River Parks Association) could connect to with their internal trail system north of the structure, and the Community of Lockwood and/or the planned TEDD could connect to with their own trail system south of the structure. Eight-foot shoulders are still proposed, accommodating bicycle/pedestrian travel for the rest of the roadway segment. The change would not affect the findings made in the FEIS/ROD.
Land Use	No	No	No change in land use has occurred since the FEIS/ROD.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Parks and Recreation	Yes	No	No additional parks or recreational facilities have been identified along the proposed Yellowstone River road/bridge alignment. As part of the negotiations with the Yellowstone River Parks Association (John H. Dover Memorial Park), a new box culvert would be installed along this segment of the Billings Bypass to allow for a trail crossing underneath the roadway. The change would be consistent with the findings made in the FEIS/ROD.
Social	No	No	The social conditions described in the FEIS are based on 2010 Census data. 2015 American Community Survey data related to population, income and race was reviewed. There have been no substantial changes in social characteristics within the project area since the FEIS. Any subtle changes in project area demographics would not affect the final decision made by the ROD. No change to social conditions has been identified since the FEIS/ROD.
Economic	No	No	No change to the economic conditions has been identified since the FEIS and ROD.
Environmental Justice	No	No	No potential impacts have been identified since the FEIS/ROD that would disproportionately impact low-income or minority populations.
Right-of-Way	No	No	The right-of-way proposed under the current Yellowstone River project is consistent with the findings of the FEIS/ROD.
Railroad	No	No	No railroads are located within or adjacent to the Yellowstone River project segment. No impacts to or concerns with railroads have been identified in the FEIS for this segment of the Billings Bypass.
Utilities	No	No	Impacts to utilities are consistent with the findings in the FEIS/ROD.
Historic and Cultural Resources	No	No	The proposed Yellowstone River project remains within the Area of Potential Affect (APE) outlined in the FEIS. The Determination of Effect, and the impacts identified in the FEIS, remain valid. Based on the proposed design, MDT concludes that the impacts of the Yellowstone River project on historic and cultural resources are consistent with the findings of the FEIS/ROD.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Section 4(f) and Section 6(f) Resources	No	No	<p>A Section 4(f) Evaluation was prepared as part of the original FEIS. The Yellowstone River project will not impact Section 4(f) resources and there will be no “use,” as no Section 4(f) resources were identified in the FEIS and ROD, nor have any been identified since the FEIS and ROD, within the Yellowstone River project area. The proposed John H. Dover Memorial Park is a private park and is not considered a Section 4(f) property.</p> <p>No Section 6(f) resources have been identified within the Yellowstone River project area.</p> <p>No change in impacts to Section 4(f) or Section 6(f) resources has occurred since the FEIS/ROD.</p>
Visual Resources	Yes	No	<p>A slight change in visual impacts has been identified since the FEIS/ROD as the proposed Yellowstone River crossing is now being designed as one bridge instead of two side-by-side bridges. However, this change would not alter the conclusion in the FEIS/ ROD and is consistent with the findings in the FEIS/ROD.</p>
Noise	No	No	<p>No new sensitive noise receptors have been identified since the FEIS and ROD, and there have been no major changes to the horizontal and vertical alignment of the roadway and bridge within the Yellowstone River segment. Therefore, no additional impacts or concerns related to noise have been identified since the FEIS/ROD.</p>
Farmland	No	No	<p>No change in impacts or concerns related to farmland has occurred since the FEIS/ROD.</p>
Irrigation	No	No	<p>No change in impacts or concerns related to irrigation has occurred since the FEIS/ROD.</p>
Energy	No	No	<p>No change in impacts or concerns related to energy has occurred since the FEIS/ROD.</p>
Air Quality	No	No	<p>No additional impacts or concerns related to air quality have been identified since the FEIS/ROD.</p>

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Hazardous Materials	Yes	No	<p>A review of current aerials and the Montana Department of Environmental Quality mapping database for hazardous waste handlers, hazardous substance releases, petroleum fund claims, underground and leaking underground storage tanks, and open cut mines was conducted. Gravel Pit 12 (GP 12) indicated in the FEIS/ROD has been reclaimed, and a new active gravel pit has been excavated to the north of GP 12. The Yellowstone River project would impact the northwest portion of this gravel pit. No additional hazardous materials sites were identified during the review.</p> <p>The change would not affect the overall findings made in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p>
Water Resources and Water Quality	Yes	No	<p>An unnamed drainage, shown as part of wetland AF in the FEIS, was delineated as open/surface water in the 2017 wetland delineation. The construction of a new bridge across the Yellowstone River would require constructing new bridge piers in the vicinity of the unnamed drainage. Current designs for the bridge indicate the piers would have no permanent impact on the unnamed drainage, as the piers would be located away from the channel and no realignment of the channel is proposed to accommodate the new piers. Temporary impacts to the drainage would be anticipated during construction of the bridge. The difference in impacts is negligible and would not alter the conclusion in the FEIS/ ROD. The change in impacts to water resources is consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p> <p>No additional impacts or concerns related to water quality have been identified since the FEIS/ROD.</p>
Wild and Scenic Rivers	No	No	<p>The Yellowstone River project will not impact a Wild and Scenic River, as the Yellowstone River is not designated as a Wild and Scenic River. No changed conditions have occurred since the FEIS/ROD.</p>

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Waterbody Modifications	Yes	No	<p>An unnamed drainage, shown as part of wetland AF in the FEIS, was delineated as open/surface water in the 2017 wetland delineation. The construction of a new bridge across the Yellowstone River would require constructing new bridge piers in the vicinity of the unnamed drainage. Current designs for the bridge indicate the piers would have no permanent impact on the unnamed drainage, as the piers would be located away from the channel and no realignment of the channel is proposed to accommodate the new piers. Temporary impacts to the drainage would be anticipated during construction of the bridge.</p> <p>This change would not alter the conclusion in the FEIS/ ROD. The change in waterbody modifications is consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p>
Floodplains	No	No	<p>The project will impact delineated floodplains as identified in the FEIS. The appropriate floodplain permits will be obtained for encroachment in the regulated floodplains. No changed conditions have occurred since the FEIS/ROD.</p>

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Wetlands	Yes	No	<p>A wetland delineation was completed in 2011 as part of the developing Billings Bypass FEIS. As it has been more than five years since the original wetland delineation was conducted and to ensure all wetlands were identified within the refined design alignment for the Yellowstone River segment, a new wetland delineation was conducted in May and September 2017.</p> <p>Under the proposed roadway and bridge construction outlined in the FEIS, approximately 1.12 acres of wetland impact was determined for the Yellowstone River segment. Permanent wetland impacts as a result of the refined Yellowstone River project design and updated wetland delineation is approximately 0.006 acre. The decrease in wetland impacts results from a reduction in wetland boundaries during the 2017 field delineation and a more refined bridge design. However, the difference for the purposes of comparing impacts is minor and would not alter the conclusion in the FEIS and ROD.</p> <p>The change in impacts to wetlands is consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p>
Vegetation	No	No	No additional impacts or concerns related to vegetation impacts have been identified since the FEIS/ROD.
Wildlife and Aquatic Resources	No	No	No additional impacts or concerns related to wildlife and aquatic resources have been identified since the FEIS/ROD. The Yellowstone River project will incorporate special provisions into the final bid package to ensure compliance with the Migratory Bird Treaty Act.

<p>State Species of Concern and Special Status Species</p>	<p>Yes</p>	<p>Yes</p>	<p>A BRR/BA Addendum Report was completed for Yellowstone River segment on May 14, 2019. The report includes an updated species of concern recorded occurrence list from MTNHP and updated data on bald eagle nests in the area. The MTNHP list identified 38 species of concern within three miles of the Yellowstone River Project. These include 11 species that were discussed in the FEIS; and 27 new species, which were not discussed in the FEIS.</p> <p>Of the 27 species not discussed in the 2011 BRR/BA, 2012 addendum, and 2014 FEIS, suitable habitat is found within the Yellowstone River project vicinity for many of the listed species. Permanent vegetation impacts would occur within the proposed construction limits, with both upland and riparian/wetland habitat being impacted. For smaller species, direct mortality may occur due to disturbance of habitat and inability to disperse during construction. Temporary noise related impacts would also occur during construction.</p> <p>In addition, the closest documented Bald Eagle nest to the project limits was approximately 0.25 miles to the southwest of the proposed Yellowstone River bridge. However, FWP has since noted that this nest has blown down. An observation of an adult Bald Eagle within the project limits was recorded during a September 2017 field visit. MTNHP 2017 observation data also shows several Bald Eagle occurrences within 0.25 to 0.5 miles of the Yellowstone River bridge crossing. While Bald Eagles have been observed within the project limits, no active nests currently occur within the 0.25-mile project buffer. Based on the historical and recent Bald Eagle observation data and given that suitable Bald Eagle nesting habitat is present in the vicinity of the project, a timing restriction for the Yellowstone Bridge segment will be included in the project’s contract document to ensure the protection of nesting Bald Eagles..</p> <p>The change in impacts to state species of concern and special status species are consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p>
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Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Threatened and Endangered Species	Yes	No	<p>A BRR/BA Addendum Report was completed for Yellowstone River segment on May 14, 2019. According to the report, the greater sage-grouse, black-footed ferret, and Sprague’s pipit have been removed from the October 2018 list of endangered, threatened, proposed, and candidate species for Yellowstone County. Red knot has been added to the Yellowstone County list. Whooping crane remains on the list. There are no records of either of these species breeding in the state. They are known to migrate through Montana on occasion in the spring and fall as they head to breeding territories in northern Canada and the Arctic, respectively. There are three observations for whooping crane within a 30-mile radius of the proposed Yellowstone River project over the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010. One observation of red knot is documented less than 1.5 miles from the proposed Yellowstone River project area. This individual was a transient (non-breeding and short-term) documented in 1975. No additional sightings within the project vicinity have been made since 1975. Two other red knot observations in the general geographic area are greater than 30 miles from the project vicinity. Neither of these species would be anticipated in the Yellowstone River project area, as limited appropriate habitat is present. Therefore, a <i>No Effect</i> determination has been made for the proposed Yellowstone River project activities for both the whooping crane and red knot.</p> <p>The change in impacts to Threatened and Endangered species is consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p>

CONCLUSION

Through this re-evaluation, MDT has determined that no substantive changes along the Yellowstone River project segment have occurred since the FEIS and ROD were signed. The design and environmental updates described in this re-evaluation would not affect the ability of

the Yellowstone River segment of the Billings Bypass to meet the stated purpose as described in the FEIS and ROD. Additionally, MDT has determined that the impacts of these design and environmental updates are not, individually or cumulatively, significant nor significantly different from those impacts described in the FEIS and ROD. However, a Revised ROD will be required to document the notable design changes to the Preferred Alternative for the Yellowstone River Segment, per 23 CFR 771.127(b).

MDT has determined that the design and environmental updates would have no effect on the ultimate decision documented in the ROD and that approving this updated NEPA/MEPA evaluation and forthcoming Revised ROD for the Yellowstone River project segment is consistent with 23 CFR 771.



Tom Martin, P.E.
Environmental Services Bureau Chief

Date: 12/11/2019



Federal Highway Administration

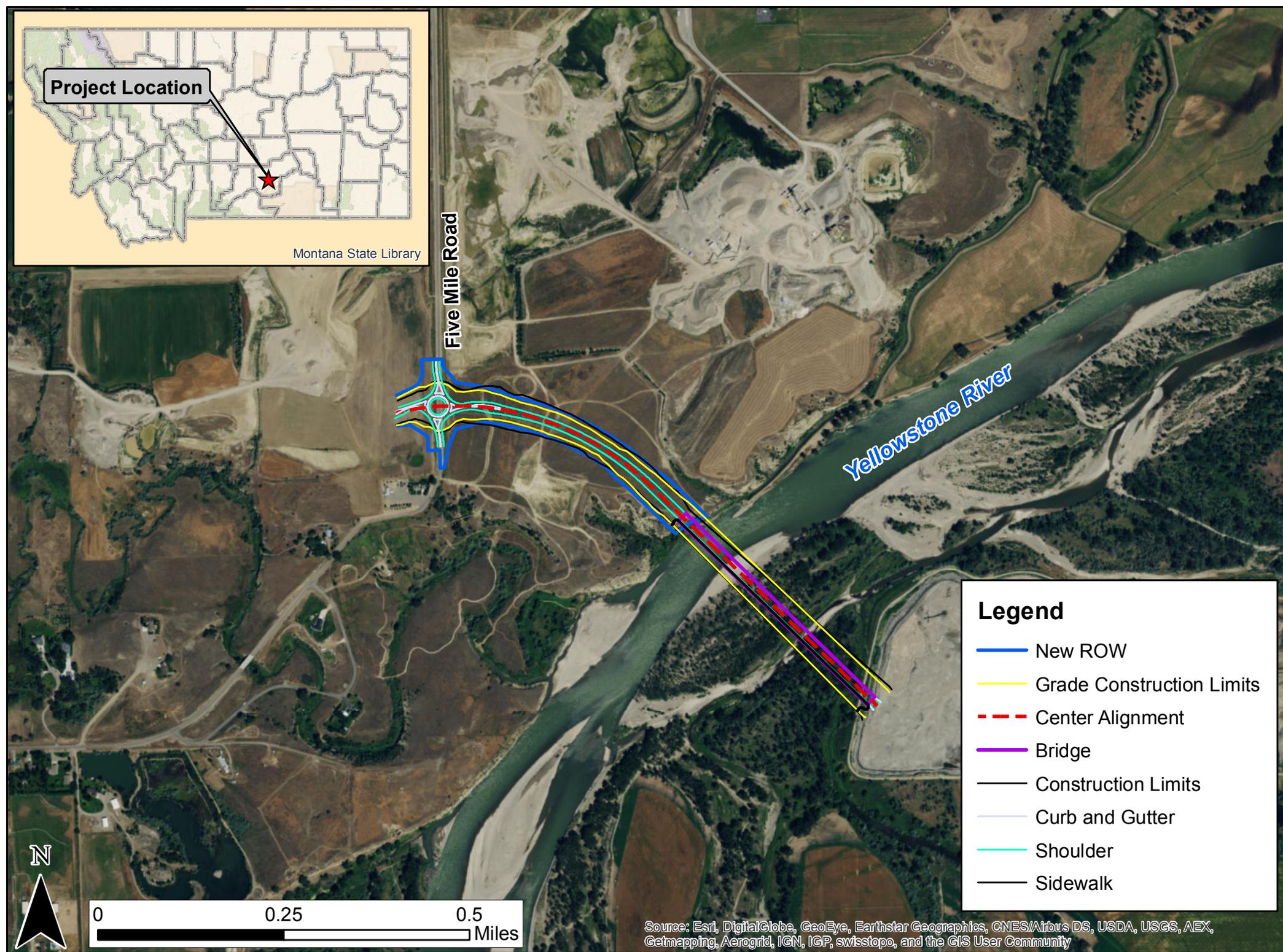
Date: 12/18/19

Electronic copies:

Rod Nelson, P.E.	Billings District Administrator
Tom Martin, P.E.	Environmental Services Bureau Chief
Tom Gocksch, P.E.	Environmental Services Bureau Engineering Section Supervisor
James Combs, P.E.	Highway Engineer
Robert Stapley	Right-of-Way Bureau Chief
Fred Bente	Consultant Design
Jake Goettle, P.E.	Contract Plans Bureau Chief
Lisa Hurley	Fiscal Programming Section Supervisor
Tommy Griffith	Billings District Project Development Engineer
Heidy Bruner, P.E.	FHWA Environmental Specialist
Montana Legislative Branch Environmental Quality Council (EQC)	

copies: Environmental Services Bureau File

Attachment 1: Project Limits and Vicinity



Project Location

Montana State Library

Five Mile Road

Yellowstone River

Legend

- New ROW
- Grade Construction Limits
- Center Alignment
- Bridge
- Construction Limits
- Curb and Gutter
- Shoulder
- Sidewalk

N

0 0.25 0.5 Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Figure 1. Project Limits and Vicinity

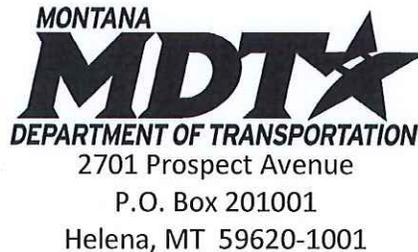
Attachment 2: Yellowstone River BRR/BA Addendum Report

Yellowstone River Addendum to Final Biological Resources Report / Biological Assessment

MDT Activity 196

Billings Bypass – BBP Yellowstone River
NCPD-MT 56(55)
CN: 4199003

Prepared for:



Prepared by:



1300 Cedar Street
Helena, Montana 59601

May 14, 2019

Principal Author:

Emily Peterson
DOWL Environmental Manager
406.442.0370

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B	Montana Species of Concern in Project Vicinity
C	US Fish and Wildlife Species List for Yellowstone County, Montana

LIST OF ACRONYMS

BA.....	Biological Assessment
BMP.....	Best Management Practices
BRR.....	Biological Resources Report
CWA.....	Clean Water Act
FEIS.....	Final Environmental Impact Statement
FWP.....	Montana Fish, Wildlife, and Parks
MDT.....	Montana Department of Transportation
MTNHP.....	Montana Natural Heritage Program
NRCS.....	Natural Resource Conservation Service
NWI.....	National Wetland Inventory
USACE.....	United States Army Corps of Engineers
USGS.....	United States Geological Service
USFWS.....	United States Fish & Wildlife Service

EXECUTIVE SUMMARY

A Final Biological Resources Report/Biological Assessment (BRR/BA) was completed for the Billings Bypass in November 2011. Two addenda to that report were completed in June 2012 and August 2013. The 2011 BRR/BA Report and the 2012 report addendum served as a basis for informal consultation with the US Fish and Wildlife Service (USFWS) concerning potential effects of future Billings Bypass projects on federally listed species. The August 2013 addendum was completed to confirm there had been no changes to the USFWS Yellowstone County list of threatened and endangered species since the 2012 addendum and confirm the USFWS determination was still current. Impacts to biological resources were also evaluated in the 2014 Billings Bypass Final Environmental Impact Statement (FEIS).

Due to the Billings Bypass project now being split into six construction projects and the time lapse since the August 2013 addendum and 2014 FEIS, BRR/BA Addendums are being prepared for each project segment as updates to the original BRR/BA, addenda, and Billings Bypass FEIS.

This BRR/BA Addendum has been prepared for the Yellowstone River project segment of the Billings Bypass to document changes in the Yellowstone River project vicinity from what was presented in the November 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 FEIS. This addendum includes updates to the Yellowstone River project description. It also provides general wildlife and vegetation updates, aquatic resources and wetlands updates, state species of concern updates, and updated information on federally threatened and endangered species within the Yellowstone River project vicinity. The addendum will be included as part of the FEIS Re-evaluation for Yellowstone River.

ADDENDUM SUMMARY

The Yellowstone River study area, proposed design, existing conditions, avoidance and minimization measures, impacts, and recommended conservation measures described in the 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 Billings Bypass FEIS are still valid and remain unchanged except as detailed below.

- Refinements/changes in the Yellowstone River project design since the BRR/BA and FEIS include constructing a single bridge, rather than two side-by-side bridges, with four, 12-foot travel lanes, 8-foot shoulders, and a 10-foot multi-use path on the west side of the bridge. A traffic barrier would be installed between the path and the adjacent travel lane/shoulder. At each end of the bridge, a multi-use path would be constructed down to the MDT right-of-way limits.
- A wetland delineation was completed in 2011 as part of the developing Billings Bypass EIS. As more than five years has passed since the original wetland delineation was conducted and to ensure all wetlands were identified within the refined design alignment for the Yellowstone River project, new wetland delineations were conducted in May and September 2017. During the 2017 wetland delineation effort the 2011 wetland boundaries were updated to current conditions. No additional wetlands along this segment of the bypass were identified. Under the proposed roadway and bridge construction outlined in the 2014 FEIS, approximately 1.12

acres of wetland impact was calculated. Permanent wetland impact as a result of the refined Yellowstone River project design and updated wetland delineation is approximately 0.006 acre. The decrease in wetland impacts results from a reduction in wetland boundaries during the 2017 field delineation and a more refined bridge design.

- A 2017 state species of concern recorded occurrences list from Montana Natural Heritage Program (MTNHP) identified 38 species of concern within three miles of the Yellowstone River Project. Eleven of these species of concern were discussed in the 2011 BRR/BA and 2014 FEIS. No additional impacts or concerns related to the 11 original species have been identified since the 2011 BRR/BA and 2014 FEIS. Of the remaining 27 species not discussed in the 2011 BRR/BA and 2014 FEIS, suitable habitat is found within the Yellowstone River project vicinity for many of the listed species. Direct mortality to some species may occur due to inability to disperse during construction. Temporary noise related impacts would also occur during construction.

Current 2016 Montana Fish, Wildlife, and Parks (FWP) data on Bald Eagles shows the nearest Bald Eagle nest documented within 0.25 mile of the proposed Yellowstone River bridge crossing. Additionally, MTNHP observation data shows several Bald Eagle occurrences within 0.25 to 0.5 miles of the proposed bridge. An adult Bald Eagle was also observed during the September 2017 field visit.

- The Greater Sage-Grouse (*Centrocercus urophasianus*), black-footed ferret (*Mustela nigripes*), and Sprague's Pipit (*Anthus spragueii*) have been removed from the October 2018 list of endangered, threatened, proposed, and candidate species for Yellowstone County. Red Knot (*Calidris canutus rufa*) has been added to the Yellowstone County list. Whooping Crane (*Grus americana*) remains on the list.

There are no records of Red Knot or Whooping Crane breeding in the state. Both species are known to migrate through Montana on occasion in the spring and fall as they head to breeding territories in northern Canada and the Arctic, respectively. There are three observations for Whooping Crane within a 30-mile radius of the proposed Yellowstone River project over the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010. One observation of Red Knot is documented less than 1.5 miles southwest of the proposed Yellowstone River project limits. This individual was a transient (non-breeding and short-term) documented in 1975, and not since. Two other observations in the general geographic area are greater than 30 miles from the project vicinity. Neither of these species would be anticipated in the Yellowstone River project vicinity as limited-to-no-appropriate habitat is present. The documented observations of these species are individuals flying over the general area, or, as in the case of the Red Knot, an unanticipated short-term stopover. Therefore, a *No Effect* determination has been made for the proposed Yellowstone River activities for both the Whooping Crane and Red Knot.

- On September 22, 2015, USFWS determined that the protection for the Greater Sage-Grouse under the Endangered Species Act was no longer warranted and withdrew the species from the candidate species list. In Montana, the state has management authority over Sage Grouse

as outlined under the 2015 Greater Sage-Grouse Stewardship Act and Montana Governor's Executive Orders 10-2014, 12-2015, and 21-2015. The Sage Grouse Habitat Conservation Program was created to facilitate implementation of the Executive Orders. State actions implemented by MDT in designated Greater Sage-Grouse habitat must comply with the conservation program.

The Yellowstone River project segment is not within Greater Sage-Grouse designated core habitat, connectivity habitat, or general habitat. The nearest designated Sage Grouse habitat, which is general habitat, is approximately 1.6 miles north of the proposed Yellowstone River segment of the Billings Bypass and Five Mile Road intersection. The Yellowstone River project activities are consistent with the Montana Sage Grouse Conservation Strategy.

1.0 INTRODUCTION

Due to availability and type of funding, the Montana Department of Transportation (MDT) will implement Phase I of the Billings Bypass Project as six separate construction projects. The second project to be constructed as part of Phase I is the Yellowstone River project. This segment of the Billings Bypass is located east/northeast of the Heights area of the City of Billings, within Yellowstone County, Montana. The project begins at the newly proposed intersection with Five Mile Road. The project then proceeds east and southeast approximately 0.7 miles, crossing over the Yellowstone River with a newly constructed bridge. The Yellowstone River project is located within Section 12 of Township (T) 1 North (N), Range (R) 26 East (E); and Section 07 of T1N, R27E (refer to Figure 1).

This Biological Resources Report/Biological Assessment (BRR/BA) Addendum Report has been prepared as part of BRR/BA re-evaluation of the Yellowstone River segment of the Billings Bypass project. This report provides general biological resources updates, aquatic resources and wetlands updates, state species of concern updates, and updated information on federally threatened and endangered species within the Yellowstone River project vicinity since the August 2013 BRR/BA addendum and 2014 Billings Bypass Final Environmental Impact Statement (FEIS). The report also includes an updated assessment of potential impacts to these resources as a result of the proposed Yellowstone River project.

For the purposes of this document, project limits refers to the limits of potential construction; whereas, project vicinity refers to a three-mile radius around the project limits in which specific biological resources are evaluated.

2.0 BRR/BA SECTION 1.1 – PROJECT DESCRIPTION UPDATES

The preferred alternative for the Yellowstone River Project segment outlined in the 2014 Billings Bypass FEIS includes constructing a new bridge over the Yellowstone River, approximately 1,890 feet long with up to nine piers within or directly adjacent to the water, and constructing a new roadway from the south bridge abutment north across the river to a new roundabout at the Five Mile Road and Bypass intersection. The roadway from the bridge to the intersection at Five Mile Road would be developed with four, 12-foot travel lanes and two, 8-foot shoulders, except where the westbound lanes approach the roundabout at Five Mile Road. Here the two westbound lanes would merge into a single travel lane. These Yellowstone River improvements are still valid and remain unchanged except as detailed below.

Design Refinement/Change 1: As outlined in the FEIS, the preferred alternative for the Yellowstone River crossing would construct side-by-side bridges at one location that are approximately 1,890 feet long; however, the current bridge design is to construct a single structure using a full deck at a length of approximately 1,850-feet. Constructing a single structure would reduce impacts to the Yellowstone River and result in a cost savings over time. The new bridge structure would include four, 12-foot travel lanes, 8-foot shoulders, and a 10-foot multi-use path on the west side of the bridge. A traffic barrier would be installed between the path and the adjacent travel lane/shoulder.

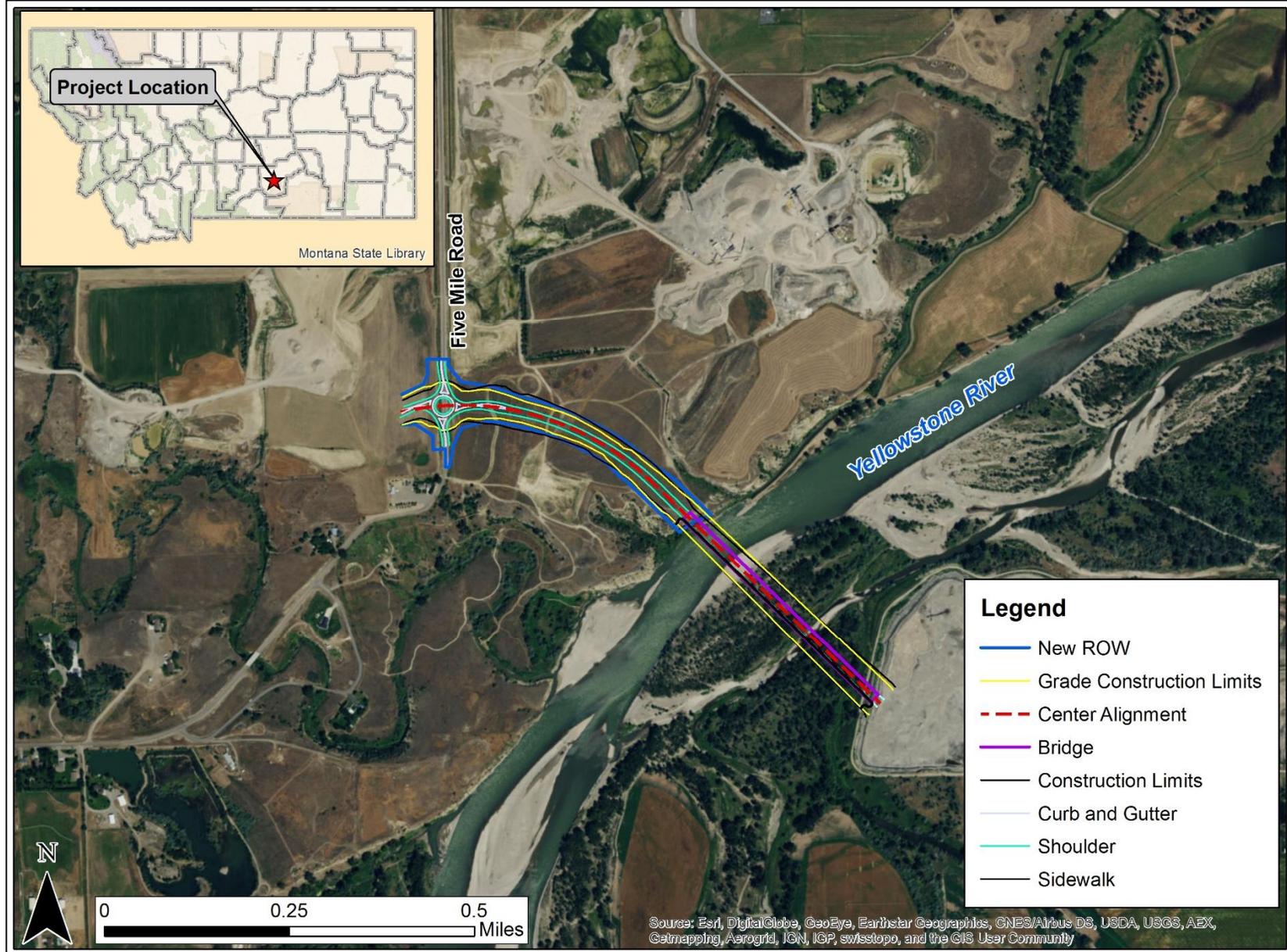


Figure 1. Project Limits and Vicinity

Design Refinement/Change 2: The FEIS stated that 8-foot shoulders would be provided along the Yellowstone Bridge segment of the project, which would be suitable for pedestrian and bicycle access. As part of the refined design, 8-foot shoulders would still be provided for bicyclists and pedestrians along the new roadway alignment; however, the refined bridge design would now include a 10-foot-wide multi-use path on the west side of the bridge, with a traffic barrier installed between the path and the adjacent travel lane/shoulder. At each end of the bridge, a multi-use path would be constructed down to the MDT right-of-way limits. This connection would provide access points to the bridge crossing which the John H. Dover Memorial Park (Yellowstone River Parks Association) could connect to with their internal trail system north of the structure, and the Community of Lockwood and/or the planned Targeted Economic Development District (TEDD) could connect to with their own trail system south of the structure.

In addition, during the installation of the northern bridge abutment, a portion of the cliff wall adjacent to the abutment would be over excavated to provide an opening for a possible future trail by the Yellowstone River Parks Association. A future trail under the bridge structure is not part of the Yellowstone Bridge project.

3.0 BRR/BA Section 3.0 – General Vegetation and Wildlife

The Yellowstone River study area, existing general vegetation and general wildlife conditions, avoidance and minimization measures, impacts, and recommended conservation measures described in the 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 Billings Bypass FEIS are still valid and remain unchanged. The refined design for Yellowstone River is not anticipated to greatly increase or reduce impacts to general vegetation and general wildlife, and will not be addressed further in this addendum report.

4.0 BRR/BA SECTION 4.0 – AQUATIC RESOURCES

4.1 WATERWAYS

Methods

In 2011, a wetland delineation was completed as part of the developing Billings Bypass EIS. As it has been more than five years since the original wetland delineation was conducted and to ensure all wetlands and other waters were identified within the refined design alignment for the Yellowstone River project, new wetland delineations were conducted in May and September 2017. Prior to the field visit, the Yellowstone River project limits were researched for the potential presence of aquatic resources. Various mapping resources were used, including the USFWS National Wetland Inventory (NWI) maps, USGS topographic quad maps, and aerial photographs. During the site visit, the project limits were investigated for waterways and other aquatic resources according to the US Army Corps of Engineers (USACE) Regulatory Guidance Letter No. 05-05: Ordinary High Water Mark Identification (USACE, 2005). Wetlands and waterways identified during the May and September 2017 field visits are shown in Appendix A.

Results

One wetland, identified during the 2011 delineation (refer to Wetland YR-WL2 in Section 7), includes a small unnamed drainage that flows into the Yellowstone River. In the 2011 delineation, the drainage was delineated as wetland. However, a review of the USFWS NWI database identified this drainage as Riverine, Lower Perennial, Unconsolidated Bottom, which is Semi-permanently Flooded (R2UBF). During the 2017 delineation effort, flowing surface water, approximately 3 to 4 feet deep was noted in the channel (Unnamed Drainage 1). This wetland has been updated to include surface water within the unnamed drainage (Figure 2). The approximate width of the channel varies from 6 to 18 feet wide.

In addition to the identified waterway (Unnamed Drainage 1), the Yellowstone River and a high-flow channel of the Yellowstone River are also found within the project limits. Information on these waterways was outlined in the 2014 EIS and is still valid and remains unchanged; therefore, no additional discussion is included in this addendum.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

The construction of a new bridge across the Yellowstone River would require constructing new bridge piers in the vicinity of the unnamed drainage. Current designs for the bridge indicate the piers would have no permanent impact on the unnamed drainage (Unnamed Drainage 1), as the piers would be located away from the channel and no realignment of the channel is proposed to accommodate the new piers. Temporary impacts to Unnamed Drainage 1 would be anticipated during construction of the bridge. Impacts to the Yellowstone River and Yellowstone River high-flow channel within the project limits, along with avoidance/minimization measures and recommended conservation measures, are described in the 2014 Billings Bypass FEIS, and still remain valid and primarily unchanged.

The unnamed drainage within the project limits is preliminarily determined to be USACE jurisdictional due to its downstream connection to the Yellowstone River. The Yellowstone River and adjacent high-flow channel are already known waters of the US. The USACE reserves the final determination of any jurisdictional status. Due to the potential jurisdictional status of the drainage, and the already determined jurisdiction of the Yellowstone River, any placement of fill material within these channels would require permitting under Section 404 of the Clean Water Act (CWA) as well as a Section 10 permit for the Yellowstone River. The USACE is the regulatory agency with authority to permit the placement of fill or dredged materials into aquatic resources under their jurisdiction. A permit application would be submitted to the USACE. In addition, any proposed impacts to the bed and/or bank of these waterways would require authorization from Montana FWP under a Stream Protection Act 124 permit.

MDT Standard Specifications for Road and Bridge Construction (2014) effectively address resources including water pollution controls as defined by state, local, and federal laws and regulations. These requirements limit vegetation disturbance within the staked boundaries of the project, thus minimizing effects on surrounding, more productive habitats, and reducing erosion during construction.

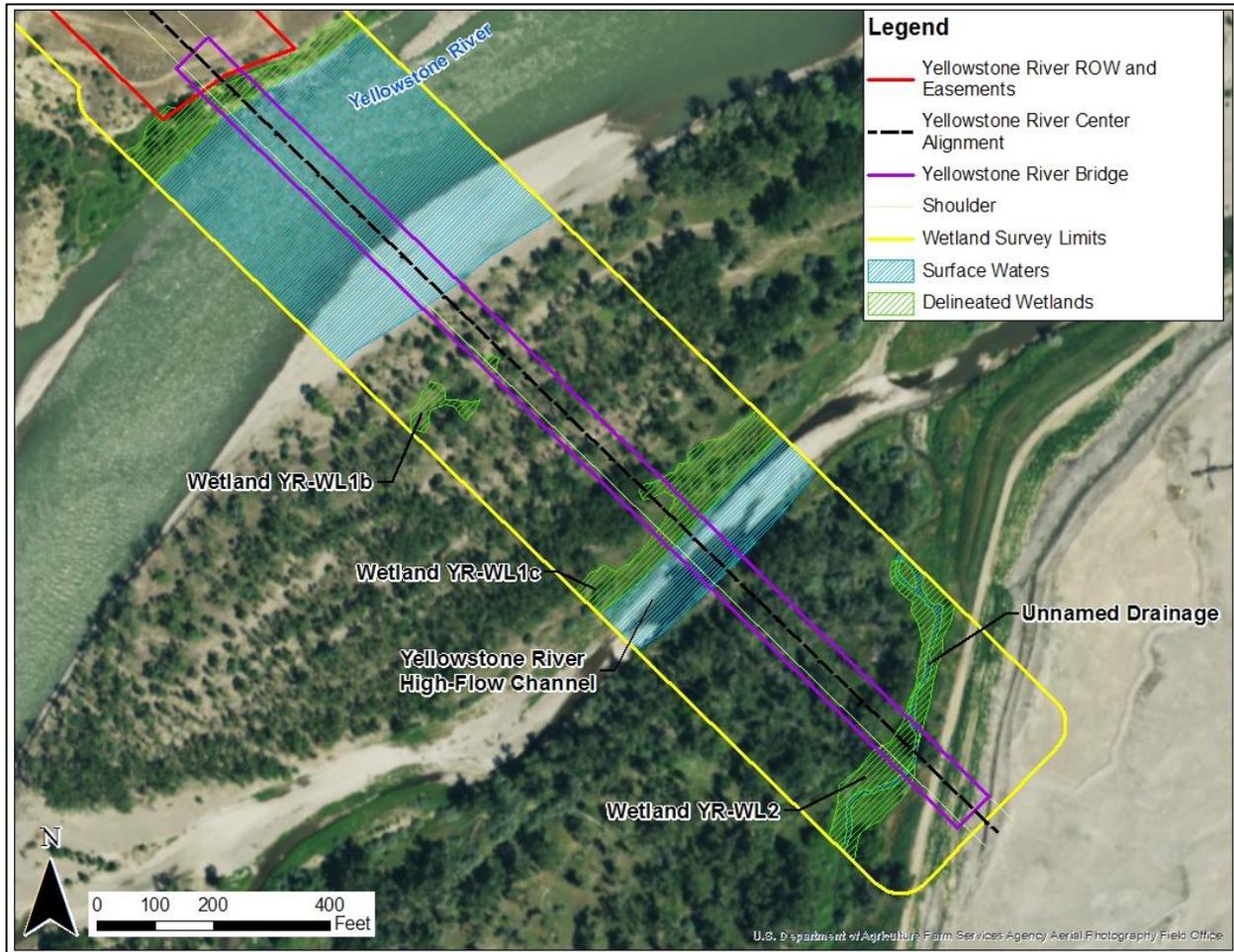


Figure 2. Updated Waterways within project vicinity

4.2 GENERAL AQUATIC SPECIES

Existing aquatic species found within the Yellowstone River, avoidance and minimization measures, impacts, and recommended conservation measures described in the 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 Billings Bypass FEIS are still valid and remain unchanged. The refined design for this project is not anticipated to greatly increase or reduce impacts to aquatic species, and it will not be addressed further in this addendum report.

5.0 BRR/BA SECTION 5 – SPECIES OF CONCERN and SPECIAL STATUS SPECIES

Methods

A data request was submitted to Montana Natural Heritage Program (MTNHP) to determine if there were any changes to species of concern or special status species in or near the Yellowstone River project vicinity since the 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 Billings Bypass FEIS (MTNHP, 2017). Additionally, Montana FWPs Bald and Golden Eagle information was requested from MDT. Appendix B provides all information received from the formal MTNHP request.

Results

Documented observations of 38 species of concern were recorded within 3.0 mile of the Yellowstone River Project limits (Appendix B, MTNHP 2017). Eleven of these species have been addressed in the 2011 BRR/BA and 2014 FEIS. Information on these species is still valid and remains unchanged; therefore, no additional discussion on these 11 species is included in this addendum. Observations of 27 additional species of concern, not addressed in the 2011 BRR/BA or the 2014 FEIS, their conservation status, habitat requirements, and potential to occur in the project limits are outlined below in Table 1.

Table 1. Updates to State Species of Concern within the Yellowstone River project vicinity

Species	Status*	Last Observed in Project Vicinity	Habitat Requirements	Potential to Occur in Project Limits
Birds				
American White Pelican (<i>Pelecanus erythrorhynchos</i>)	S3B, G4	2011	Occur on a variety of aquatic and wetland habitats, including rivers, lakes, reservoirs (both large and small), estuaries, bays, marshes, and sometimes in inshore marine habitats. Rest on islands and peninsulas, as well as exposed rocks in rivers.	Potential to occur within project area due to presence of suitable habitat, but the species is not documented as breeding in Yellowstone County.
Eastern Screech-Owl (<i>Megascops asio</i>)	S3, S4, G5	2016	Primarily cottonwood bottoms.	Potential to occur within project area due to presence of suitable habitat.
Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	S3B, G5	2014	Preferred breeding habitat includes open woodland, parks, and deciduous riparian woodland.	Potential to occur within project area due to presence of suitable habitat.
Golden Eagle (<i>Aquila chrysaetos</i>)	S3, G5	2017	Nest on cliffs and in large trees; hunt over prairie and open woodlands.	Potential to occur within project area due to presence of suitable habitat.
Red-headed Woodpecker (<i>Melanerpes erythrocephalus</i>)	S3B, G5	2016	Usually observed along major rivers having riparian forest associated with them; may be found in savannah country.	Potential to occur within project area due to presence of suitable habitat.
Ovenbird (<i>Seiurus aurocapilla</i>)	S4B, G5		Relatively mature, large, contiguous tracts of deciduous or mixed coniferous/deciduous forest with closed canopy.	Potential to occur within project area due to presence of suitable habitat.

Species	Status*	Last Observed in Project Vicinity	Habitat Requirements	Potential to Occur in Project Limits
Long-billed Curlew (<i>Numenius americanus</i>)	S3B, G5	2017	Breeds in mixed grass prairie habitats and moist meadows throughout Montana. Prefers to nest in open, short-statured grasslands and avoids areas with trees.	Potential to occur within project area due to presence of suitable habitat.
Cassin's Finch (<i>Haemorhous cassinii</i>)	S3	2016	Occur in every major forest type and timber-harvest regime in Montana, including riparian cottonwood, but are especially common in ponderosa pine and postfire forests; they occur less often in lodgepole pine, sagebrush, and grassland.	Potential to occur within project area due to presence of suitable habitat.
Sharp-tailed Grouse (<i>Tympanuchus phasianellus</i>)	Sx, S4, G5		Found primarily in grasslands interspersed with shrub and brush-filled coulees. Prefer stands of inter-mixed tree and shrub grasslands.	Potential to occur within project area due to presence of suitable habitat.
White-faced Ibis (<i>Plegadis chihi</i>)	S3B, G5	2016	Nesting in Montana generally occurs on sparsely vegetated islands in large bodies of water, such as Medicine Lake and Bowdoin National Wildlife Refuge. Nest substrate at these locations includes sparsely sandy, pebbly, or stony substrate, surrounded by matted or sparsely scattered vegetation.	Unlikely to occur in project area due to lack of suitable habitat.
Franklin's Gull (<i>Leucophaeus pipixcan</i>)	S3B, G5	2016	Prefers large, relatively permanent prairie marsh complexes and builds nests over water on supporting structures.	Unlikely to occur in project area due to lack of suitable habitat.
Hooded Merganser (<i>Lophodytes cucullatus</i>)	S4, G5		Closely associated with forested wetland systems range-wide; a broad range of breeding habitats includes emergent marshes, small lakes, ponds, beaver wetlands, forested creeks and rivers, and swamps.	Potential to occur within project area due to presence of suitable habitat.
Caspian Tern (<i>Hydroprogne caspia</i>)	S2B, G5	2016	Prefers islands within large lakes or reservoirs, where sandy or stony beaches are used for nesting.	Unlikely to occur in project area due to lack of suitable habitat.

Species	Status*	Last Observed in Project Vicinity	Habitat Requirements	Potential to Occur in Project Limits
Black-necked Stilt (<i>Himantopus mexicanus</i>)	S3B, G5	2016	Breed on the edges of shallow marshes, often on islands, building a scrape that is lined with vegetation, pebbles, and feathers. In Montana, nest in medium to large wetland complexes of open marshes and meadows, often in alkali wetlands. Habitats used during migration similar are to those used in other seasons, but they also occur on coastal mud flats.	Unlikely to occur in project area due to lack of suitable habitat.
Horned Grebe (<i>Podiceps auritus</i>)	S3B, G5	2017	Use shallow freshwater ponds and marshes with beds of emergent vegetation (especially sedges, rushes and cattails). In spring and fall it is found mainly on large sized bodies of water, including rivers and small lakes. The winter range consists of large sized bodies of fresh and more commonly salt water; usually inshore.	Potential to occur within project area due to presence of suitable habitat.
Clark's Grebe (<i>Aechmophorus clarkia</i>)	S3B, G5	2017	Breed only at very large lakes and reservoirs in Montana. Nesting on Lake Helena was near mid-lake on mats of aquatic plants that had reached the surface.	Unlikely to occur in project area due to lack of suitable habitat.
Common Loon (<i>Gavia immer</i>)	S3B, G5	2017	Nest on lakes greater than 13 acres in size; small islands are preferred for nesting. Herbaceous shoreline areas and promontories are also selected.	Unlikely to occur in project area due to lack of suitable habitat.
Mammals				
Silver-haired Bat (<i>Lasionycteris noctivagans</i>)	S4, G3, G4		Found in mature conifer and deciduous forests, riparian woodlands, and aspen.	Potential to occur within project area due to presence of suitable habitat.
White-footed Mouse (<i>Peromyscus leucopus</i>)	S4, G5		Riparian woodland and semi-desert scrub near waterways. Builds nests in places that are warm and dry, such as hollow trees.	Potential to occur within project area due to presence of suitable habitat.

Species	Status*	Last Observed in Project Vicinity	Habitat Requirements	Potential to Occur in Project Limits
Hayden's Shrew (<i>Sorex haydeni</i>)	S3, S4, G5		Dry, grassy habitats	Potential to occur within project area due to presence of suitable habitat.
Black-tailed Prairie Dog (<i>Cynomys ludovicianus</i>)	S3, G4	2017	Found on flat, open grasslands and shrub/grasslands with low, relatively sparse vegetation. The most frequently occupied habitat in Montana is dominated by western wheatgrass, blue grama grass, and big sagebrush	Potential to occur within project area due to presence of suitable habitat.
Little Brown Myotis (<i>Myotis lucifugus</i>)	S3, G3	2017	Found in a variety of habitats across a large elevation gradient. Commonly forages over water. Summer day roosts include attics, barns, bridges, snags, loose bark, and bat houses. Known maternity roosts in Montana are primarily buildings. Hibernacula include caves and mines.	Potential to occur within project area due to presence of suitable habitat.
Fish				
Burbot (<i>Lota lota</i>)	S4, G5		Habitat includes large rivers and cold, deep lakes and reservoirs. They spawn in shallow water, usually in rocky areas.	Potential to occur within project area due to presence of suitable habitat.
Brook Stickleback (<i>Culaea inconstans</i>)	S4, G5		Associated with dense vegetation in slow, clear streams and shallow lakes.	Potential to occur within project area as the species has previously been documented in the project vicinity and suitable habitat is present.
Arctic Grayling (<i>Thymallus arcticus</i>)	S1, G4	2016	Found primarily in small, cold, clear lakes with tributaries suitable for spawning.	Unlikely to occur in project area due to lack of suitable habitat.
Invertebrates				
Blue-eyed Darner (<i>Rhionaeschna multicolor</i>)	S2, S4, G5		Found in lakes, ponds, marshes, and slow streams with edge vegetation.	Unlikely to occur in project area due to lack of suitable habitat.

Species	Status*	Last Observed in Project Vicinity	Habitat Requirements	Potential to Occur in Project Limits
Red-veined Meadowhawk (<i>Sympetrum madidum</i>)	S2, S3, G5		Prefers shallow, often saline and usually temporary, marshy ponds that often dry up during the summer months, as well as marshy pools in slow streams.	Unlikely to occur in project area due to lack of suitable habitat.

Source: MTNHP, 2017 and Montana Field Guide (fieldguide.mt.gov)

*Key to rankings: G=Global rank based on range-wide status, S=State rank based on status in Montana, S1: At high risk because of extremely limited and/or rapidly declining population numbers, range and/or habitat, making it highly vulnerable to global extinction or extirpation in the state; S2: At risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state; S3: Potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas; S4: Apparently secure, though it may be quite rare in parts of its range, and/or suspected to be declining; G4: Uncommon but not rare (although it may be in parts of its range), and usually widespread; G5: Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

Bald and Golden Eagles are dually-protected under the Bald and Golden Eagle Protection Act of 1940 and receive special state status. According to FWP 2016 data, the closest documented Bald Eagle nest is approximately 0.25 mile to the southwest of the proposed Yellowstone River bridge crossing (MDT communication, 2019). MTNHP observation data also shows several Bald Eagle occurrences within 0.25 to 0.5 mile of the proposed bridge crossing. MTNHP data shows one documented occurrence of a Golden Eagle 1.2 miles east of the project limits and one documented occurrence 1.7 mile south of the project limits. During the September 2017 field visit of the Yellowstone River project limits, one adult Bald Eagle was observed in a cottonwood tree within the vicinity of the proposed bridge crossing. No Golden Eagles or nests were observed within or adjacent to the project limits during the 2017 field visit.

A review of the Montana Sage-Grouse Habitat Conservation Map (2017) shows the project limits are not within core, general, or connectivity habitat for Greater Sage-Grouse. The nearest designated Sage-Grouse habitat, which is general habitat, is approximately 1.6 mile north of the proposed Five Mile Road and Yellowstone River segment (Billings Bypass) intersection.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

Impacts to 11 species of concern, along with avoidance/minimization measures and recommended conservation measures, are described in the 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 Billings Bypass FEIS, and still remain valid and unchanged. This includes potential requirements on timing restrictions regarding instream work for conservation of fisheries resources in the Yellowstone River, which relates to the Stream Protection Act 124 Authorization.

Of the 27 additional species of concern, several may occur within the Yellowstone River project limits, as suitable habitats for these species are present. The project limits would likely be primarily used for forage and migration, though some species, like the Hayden's shrew, may be more permanent.

Permanent vegetation impacts would occur within the proposed construction limits, with both upland and riparian/wetland habitat being impacted. For smaller species like the Hayden's shrew and the white-footed mouse, direct mortality may occur due to disturbance of habitat and inability to disperse during construction. Permanent impacts to mature trees and shrubs may also affect avian habitat. In order to maintain compliance with USFWS and Migratory Bird Treaty Act guidance, disruption to nesting birds and disturbance of active nests will be avoided. Measures would be implemented to avoid the taking of migratory birds, their eggs, hatchlings, or fledglings during construction. This will include removing any suitable nesting habitats (i.e., trees and shrubs) existing within the construction limits, and that would be affected by construction, outside of the nesting season (August 16 to April 15). If an active nest, including before or after the local nesting window, is discovered, the nest will be left in place and protected until the young hatch and depart.

Temporary impacts to species of concern that may be present in the area include loss of some habitat within the construction zone due to clearing for construction activities. Construction activities may also affect individuals through noise, vibration, human activity, construction equipment, and temporary disruption to foraging and migration.

One Bald Eagle nest has been documented within 0.25 mile southwest of the proposed Yellowstone River bridge crossing and an observation of an adult Bald Eagle within the project limits was recorded during the September 2017 field visit. Therefore, seasonal construction restrictions would be implemented to ensure the active nest is not disturbed during the breeding season.

6.0 BRR/BA SECTION 6 – THREATENED AND ENDANGERED SPECIES - BIOLOGICAL ASSESSMENT

Methods

The October 2018 USFWS Endangered, Threatened, Proposed, and Candidate Species list for Yellowstone County was reviewed to determine if there were any changes in federally listed species in or near the Yellowstone River project vicinity since the 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 Billings Bypass FEIS (USFWS, 2017). The MTNHP database for threatened or endangered species was also reviewed for occurrences within and adjacent to the project limits (MTNHP, 2017).

Results

Since the 2011 BRR/BA, subsequent addenda, and the 2014 FEIS, the Greater Sage-Grouse (*Centrocercus urophasianus*), black-footed ferret (*Mustela nigripes*), and Sprague's Pipit (*Anthus spragueii*) have been removed from list of endangered, threatened, proposed, and candidate species for Yellowstone County. The USFWS determined that the protection for the Greater Sage-Grouse under the Endangered Species Act was no longer warranted and withdrew the species from the candidate species list in September 2015. In April 2016, the USFWS determined that listing the Sprague's Pipit as an endangered or threatened species was not warranted throughout all or a significant portion of its range and removed the species from candidate status.

Currently, the USFWS list by county shows two federally listed species with the potential to occur in Yellowstone County, Montana (Appendix C). These include Whooping Crane (*Grus Americana*) and Red Knot (*Calidris canutus*). Whooping Crane was addressed in the 2011 BRR/BA, subsequent addenda, and 2014 FEIS. Red Knot was not assessed in the 2011 BRR/BA, subsequent addenda, and 2014 FEIS, because Red Knot was not listed until January 12, 2015. The following information is provided in this BRR/BA Addendum Report to supplement the effects analysis.

Red Knot

Species Description

Red Knot is a medium-sized sandpiper that is about 9 to 10 inches (23 to 25 centimeters [cm]) in length (Baker et al. 2013). Red Knot has a distinctive breeding plumage that is salmon-red to brick-red color. It has a light-colored lower belly and under tail region. The back and tail feathers are generally dark gray with light edges and subterminal rust-colored spots (Baker et al. 2013).

Red Knots annually migrate between arctic tundra breeding grounds and marine wintering habitats as far south as Tierra del Fuego, an annual migration distance of up to 30,000 km (Baker et al. 2013), using stopover sites in the Northern Great Plains of the United States and Canada.

Migratory stopovers in Montana are rare, but are most common at larger wetlands. The majority (60 percent) of the documented migratory stopovers in Montana have been at Freezeout Lake, Benton Lake National Wildlife Refuge, and Lake Bowdoin National Wildlife Refuge (FWP, 2017). All observations are of transient individuals with no breeding potential.

Reason for Decline and Federal Status

Red Knot was listed as Threatened on January 12, 2015, due to loss of breeding and nonbreeding habitat, disruption of natural predator cycles on breeding grounds, reduced prey availability throughout the nonbreeding range, and increasing frequency and severity of mismatches in the timing of the birds' annual migratory cycle relative to favorable food and weather conditions (Federal Register 79(238):73706-73748).

Occurrence in Project Limits

The last known observation of a Red Knot in the vicinity of the Yellowstone River project limits was on May 7, 1975. The observation was of a migratory bird.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

There are no records of Red Knot or Whooping Crane breeding in the state, although they are known to migrate through Montana on occasion in the spring and fall as they head to breeding territories in northern Canada and the Arctic, respectively. There are three observations for Whooping Crane within a 30-mile radius of the proposed Yellowstone River project over the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010.

One observation of Red Knot is documented less than 1.5 mile from the proposed Yellowstone River project limits. This individual was a transient (non-breeding and short-term) documented in 1975, and not since. Neither of these species would be anticipated in the project vicinity as limited-to-no-appropriate habitat is present and neither species is documented as spending any considerable time in the state. The documented observations of these species are individuals flying over the general area, or, as in the case of the Red Knot, an unanticipated short-term stopover. Therefore, a *No Effect* determination has been made for the proposed Billings Bypass Yellowstone River project activities for both the Whooping Crane and Red Knot.

7.0 WETLANDS

Methods

In 2011, a wetland delineation was completed as part of the developing Billings Bypass EIS. As more than five years has passed since the original wetland delineation was conducted and to ensure all wetlands and other waters were identified within the refined design alignment for the Yellowstone River project, new wetland delineations were conducted in May and September 2017. Prior to the field visits, the Yellowstone River project limits were researched for the potential presence of wetlands. Various mapping resources were used, including USFWS NWI maps, USGS topographic quad maps, aerial photographs, and Natural Resource Conservation Service (NRCS) soils maps. The 2011 Billings Bypass wetland delineation information was also reviewed.

During the site visits, wetland delineations were conducted following the Routine Method described in the USACE wetland delineation manual (USACE, 1987), and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0) (USACE, 2010). To capture all wetlands that could be potentially impacted by the project, a 60-foot survey buffer off of the proposed Yellowstone River project right-of-way line was used. Wetlands and waterways identified during the May and September 2017 field visits are shown in Appendix A.

Results

The 2011 wetland delineation effort within the Yellowstone River project limits identified three wetlands: Wetlands O, AG, and AF. As part of the 2011 wetland delineation effort, the boundaries for Wetland O and Wetland AG within the project survey limits were extrapolated using photo-interpretation due to safety concerns (i.e., field data was not collected).

During the May and September 2017 wetland delineations, the 2011 wetland boundaries for these three wetlands, within the project limits and 60-foot buffer area, were updated to current conditions. This included field verifying the extrapolated boundaries for Wetlands O and AG and delineating the boundaries with a map-grade GPS unit. In addition, during the 2017 wetland delineation effort, it was determined that Wetlands O and AG were essentially all part of the same wetland system, connected by the same surface water (i.e., the Yellowstone River). These wetlands were combined as part of Wetland YR-WL1. Wetland AF was relabeled as Wetland YR-WL2 to meet current naming conventions. No additional wetlands were identified within the Yellowstone River project survey limits during the 2017 delineation effort. Table 2 provides the

2017 updated information for all wetlands identified within the project limits and the 60-foot buffer area.

Table 2. 2017 Yellowstone River Segment Delineated Wetlands

Wetland		2017 Acreage	Wetland Cowardin Classification	MDT Functional Rating	Likely Jurisdictional	Wetland Description/Jurisdictional Justification
YR-WL1	WL1a	0.51	R2UB/PEM	II	Yes. Wetlands along Yellowstone River.	Emergent wetland associated with the Yellowstone River and high-flow channel of the Yellowstone River.
	WL1b	0.11	R2UB/PEM			
	WL1c	0.64	R2UB/PEM			
YR-WL2		0.56	PFO	II	Yes. Wetland along unnamed drainage that flows into Yellowstone River.	Emergent wetland associated with Unnamed Drainage, which directly flows into the Yellowstone River.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

Under the proposed scope of work for the Yellowstone River segment outlined in the 2011 BRR/BA, subsequent addenda, and the 2014 FEIS, approximately 1.12 acres of wetland impact was determined. Wetland impacts as a result of the refined Yellowstone River design and updated 2017 wetland delineation is approximately 0.006 acre. This includes impacts to Wetlands YR-WL1c and YR-WL2. The decrease in wetland impacts is due to a reduction in wetland boundary identified during the 2017 field delineation and a more refined bridge design.

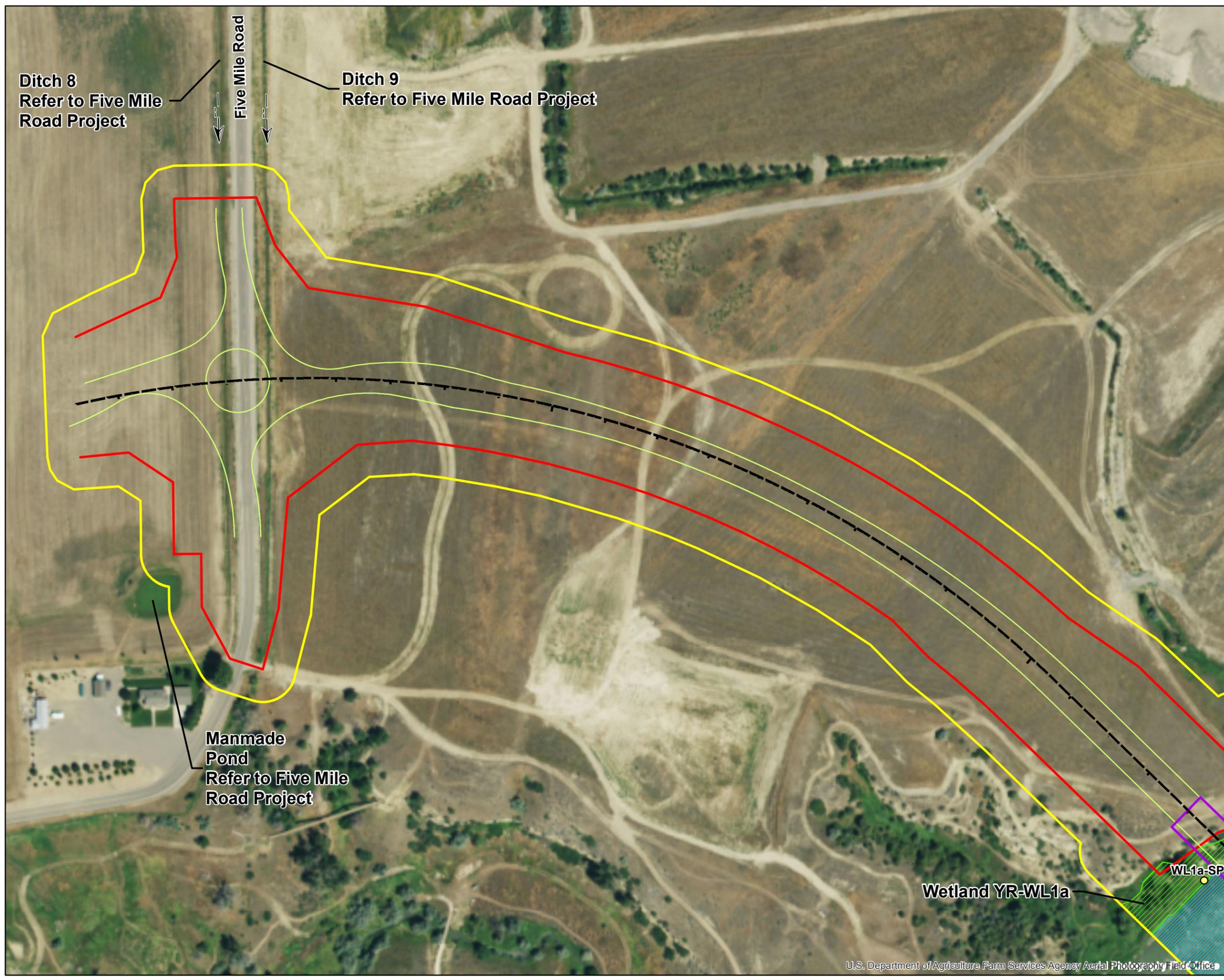
Impacted wetlands considered jurisdictional by the USACE would require permitting under Section 404 of the CWA. A permit application would be submitted to the USACE when final construction limits are finalized through design. The USACE has the authority to determine appropriate mitigation for jurisdictional wetlands that are impacted by fill placement or ground disturbance. Off-site wetland mitigation is recommended to accommodate the mitigation acreage that may be required to offset wetland impact acreage. Consultation with the USACE will be necessary to determine acceptable mitigation sites. Unavoidable wetland impacts may be mitigated at an established MDT Wetland Reserve or through an established in-lieu fee program. Final mitigation requirements to satisfy unavoidable impacts to wetlands require USACE approval prior to project construction and would occur during the project permitting phase. In addition, mitigation for wetland impacts would be required for federally funded highway projects under 23 CFR Part 777.

8.0 REFERENCES

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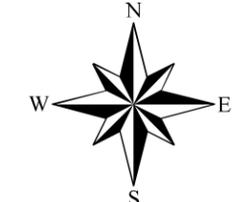
APPENDIX A

2017 YELLOWSTONE RIVER WETLAND DELINEATION FIGURES



Legend

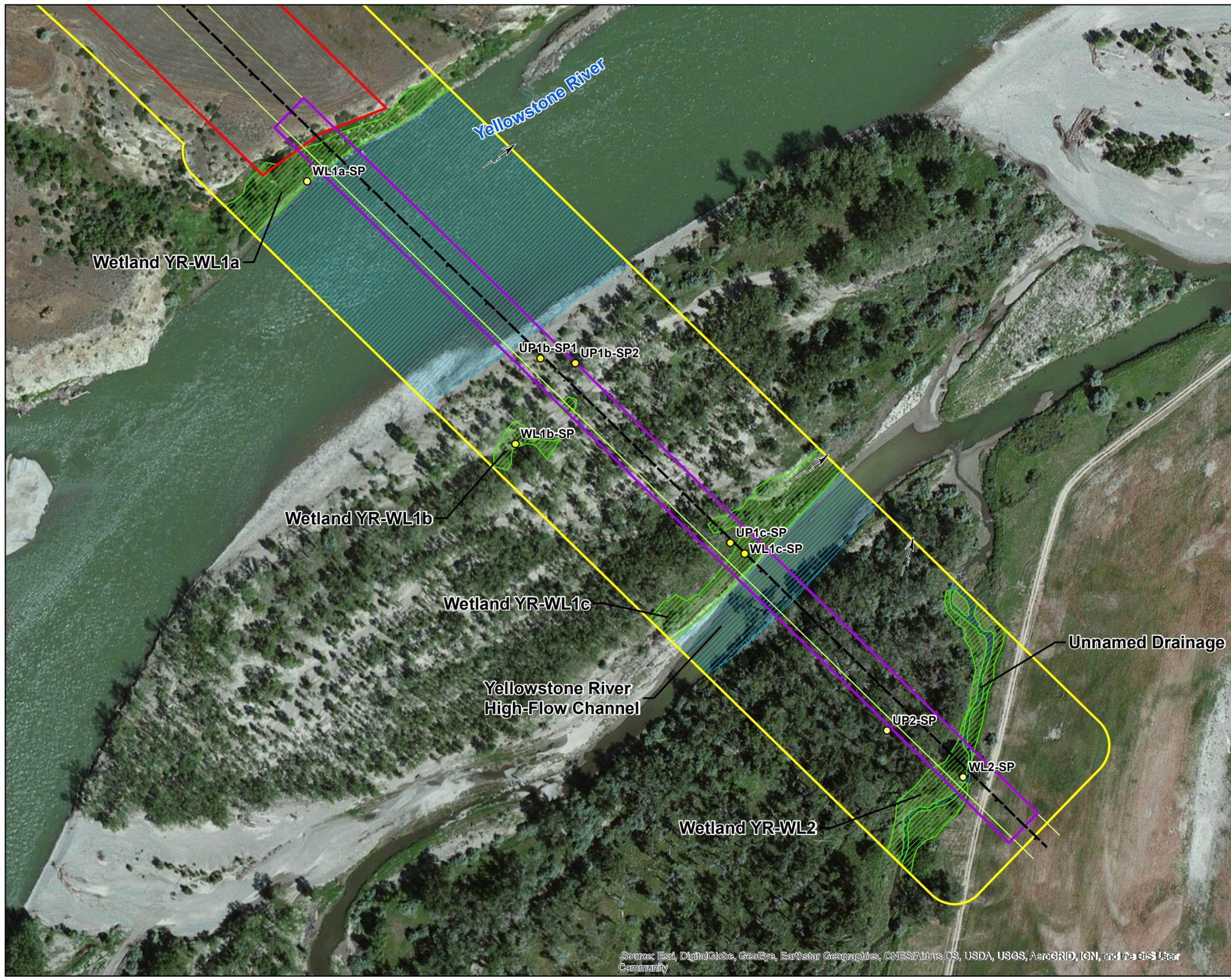
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- Delineated Wetlands
- Surface Waters
- Yellowstone River ROW and Easements
- Wetland Survey Limits
- Yellowstone River Center Alignment
- Yellowstone River Bridge
- Shoulder



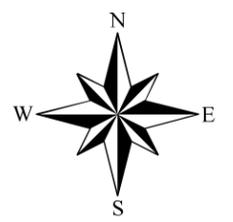
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**Billings Bypass
Yellowstone River
Wetland and Other Aquatic
Resources Delineation**

U.S. Department of Agriculture Farm Services Agency Aerial Photography Field Office



- Legend**
- Data Plot
 - Delineated Wetlands
 - Surface Waters
 - Yellowstone River ROW and Easements
 - Wetland Survey Limits
 - Yellowstone River Center Alignment
 - Yellowstone River Bridge
 - Shoulder
 - ➔ Flow Arrow

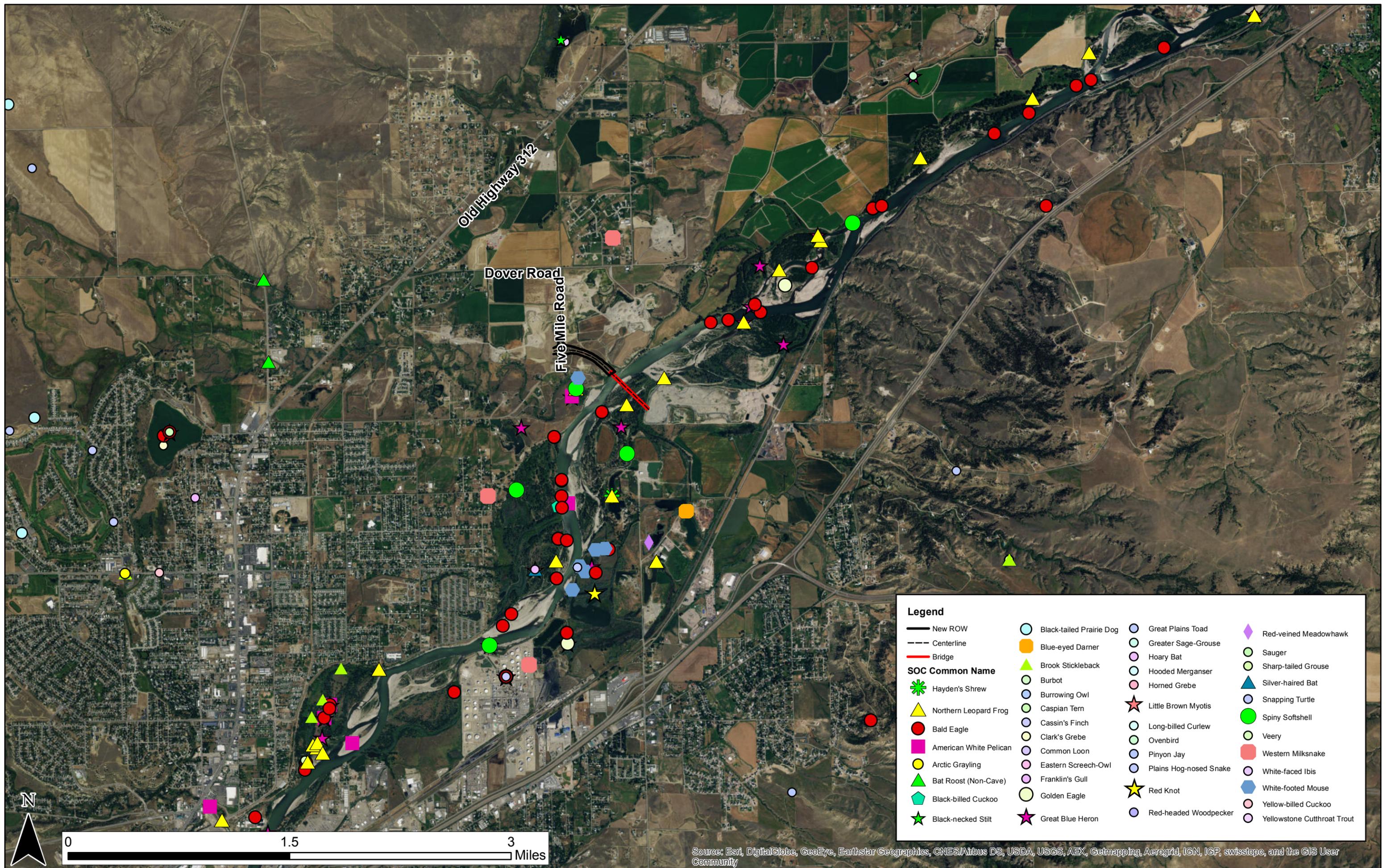


**Billings Bypass
Yellowstone River
Wetland and Other Aquatic
Resources Delineation**

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

APPENDIX B

MONTANA SPECIES OF CONCERN IN PROJECT VICINITY



Legend			
	New ROW		Black-tailed Prairie Dog
	Centerline		Blue-eyed Darter
	Bridge		Brook Stickleback
SOC Common Name			
	Hayden's Shrew		Great Plains Toad
	Northern Leopard Frog		Greater Sage-Grouse
	Bald Eagle		Hoary Bat
	American White Pelican		Hooded Merganser
	Arctic Grayling		Horned Grebe
	Bat Roost (Non-Cave)		Little Brown Myotis
	Black-billed Cuckoo		Long-billed Curlew
	Black-necked Stilt		Ovenbird
	Black-tailed Prairie Dog		Pinyon Jay
	Blue-eyed Darter		Plains Hog-nosed Snake
	Brook Stickleback		Red Knot
	Burbot		Red-headed Woodpecker
	Burrowing Owl		Red-veined Meadowhawk
	Caspian Tern		Sauger
	Cassin's Finch		Sharp-tailed Grouse
	Clark's Grebe		Silver-haired Bat
	Common Loon		Snapping Turtle
	Eastern Screech-Owl		Spiny Softshell
	Franklin's Gull		Veery
	Golden Eagle		Western Milksnake
	Great Blue Heron		White-faced Ibis
	Great Plains Toad		White-footed Mouse
	Greater Sage-Grouse		Yellow-billed Cuckoo
	Hoary Bat		Yellowstone Cutthroat Trout
	Hooded Merganser		
	Horned Grebe		

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

MTNHP Recorded Species of Concern (2017)

APPENDIX C

US FISH AND WILDLIFE SPECIES LIST FOR YELLOWSTONE COUNTY, MONTANA



United States Department of the Interior

Fish and Wildlife Service

Ecological Services

Montana Field Office

585 Shepard Way, Suite 1

Helena, Montana 59601-6287

Phone: (406) 449-5225, Fax: (406) 449-5339



ENDANGERED, THREATENED, PROPOSED AND CANDIDATE SPECIES MONTANA COUNTIES* Endangered Species Act

October 23, 2018

C = Candidate

LT = Listed Threatened

LE = Listed Endangered

P = Proposed

PCH = Proposed Critical Habitat

CH = Designated Critical Habitat

XN = Experimental non-essential population

*Note: Generally, this list identifies the counties where one would reasonably expect the species to occur, not necessarily every county where the species is listed

County/Scientific Name	Common Name	Status
BEAVERHEAD		
<i>Spiranthes diluvialis</i>	Ute Ladies' Tresses	LT
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Lynx canadensis</i>	Canada Lynx	LT
<i>Gulo gulo luscus</i>	Wolverine	P
<i>Pinus albicaulis</i>	Whitebark Pine	C
BIG HORN		
<i>Mustela nigripes</i>	Black-footed Ferret	LE
BLAINE		
<i>Scaphirhynchus albus</i>	Pallid Sturgeon	LE
<i>Mustela nigripes</i>	Black-footed Ferret	LE
<i>Charadrius melodus</i>	Piping Plover	LT
BROADWATER		
<i>Spiranthes diluvialis</i>	Ute Ladies' Tresses	LT
<i>Lynx canadensis</i>	Canada Lynx	LT
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Gulo gulo luscus</i>	Wolverine	P
<i>Pinus albicaulis</i>	Whitebark Pine	C
CARBON		
<i>Lynx canadensis</i>	Canada Lynx	LT, CH
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Gulo gulo luscus</i>	Wolverine	P
<i>Zapada glacier</i>	Western Glacier Stonefly	P
<i>Pinus albicaulis</i>	Whitebark Pine	C

County/Scientific Name	Common Name	Status
SWEET GRASS		
<i>Lynx canadensis</i>	Canada Lynx	LT, CH
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Gulo gulo luscus</i>	Wolverine	P
<i>Pinus albicaulis</i>	Whitebark Pine	C
TETON		
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Lynx canadensis</i>	Canada Lynx	LT, CH
<i>Calidris canutus rufa</i>	Red Knot	LT
<i>Charadrius melodus</i>	Piping Plover	LT
<i>Gulo gulo luscus</i>	Wolverine	P
<i>Pinus albicaulis</i>	Whitebark Pine	C
TOOLE		
<i>Calidris canutus rufa</i>	Red Knot	LT
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Pinus albicaulis</i>	Whitebark Pine	C
TREASURE		
No listings at this time		
VALLEY		
<i>Scaphirhynchus albus</i>	Pallid Sturgeon	LE
<i>Sterna antillarum athalassos</i>	Interior Least Tern	LE
<i>Grus americana</i>	Whooping Crane	LE
<i>Charadrius melodus</i>	Piping Plover	LT, CH
<i>Calidris canutus rufa</i>	Red Knot	LT
WHEATLAND		
<i>Lynx canadensis</i>	Canada Lynx	LT
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Gulo gulo luscus</i>	Wolverine	P
<i>Pinus albicaulis</i>	Whitebark Pine	C
WIBAUX		
<i>Scaphirhynchus albus</i>	Pallid Sturgeon	LE
<i>Sterna antillarum athalassos</i>	Interior Least Tern	LE
<i>Grus americana</i>	Whooping Crane	LE
<i>Myotis septentrionalis</i>	Northern Long-eared Bat	LT
<i>Charadrius melodus</i>	Piping Plover	LT
YELLOWSTONE		
<i>Grus americana</i>	Whooping Crane	LE
<i>Calidris canutus rufa</i>	Red Knot	LT