

MEMORANDUM

To: Susan Lenard
MDT Billings District Biologist

From: Jon Schick, CEP
Environmental Planner, HDR Engineering

Date: February 21, 2022

Subject: **Addendum #1 to Biological Resource Report/Preliminary Biological Assessment**
(Final Report dated May 19, 2020)
Lockwood Interchange - Billings
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UPN 9588000

1.0 Introduction

This memorandum provides an addendum to the Biological Resource Report/Preliminary Biological Assessment (BRR/PBA) completed on May 19, 2020, for the Lockwood Interchange - Billings project located on Interstate 90 (I-90) between reference post (RP) 452.5 to 455.3 near Billings, MT. Since completion of the original BRR/PBA, a preferred alternative has been identified that proposes roadway improvements to off-system routes adjacent to the Lockwood Interchange (i.e., Rosebud Lane, Coburn Road, and Lockview Lane), areas that were outside of the project area limits previously evaluated in the BRR/PBA. The project team is currently working with the public to determine the scope of potential improvements to these off-system routes and the full scope of improvements will be identified later in the design process.

The purpose of this memorandum is to update the environmental information pertaining to the proposed project's potential effects on biological resources due to the expanded project scope, update recommended conservation measures where applicable, and identify changes that have since occurred in Endangered Species Act listed species. The expanded project area is shown in that attached Figures 1 and 2. An on-site investigation of the expanded project area was conducted on October 15, 2021. Representative photos from the field investigation are included in the attachments.

The sections below provide updated information as applicable. If a certain section from the May 19, 2020, BRR/PBA is not included below, then the impacts previously described in the BRR/PBA remain valid and no new avoidance and minimization measures or mitigation is recommended. Version 2.3 of the MDT *Standard Specifications for Road and Bridge Construction* was released in September 2021 and references to applicable standard specifications are provided below for specifications that have been renumbered or revised.

2.0 Terrestrial Resources

2.1 General Habitat and Vegetation

Vegetation within the expanded project area is consistent with species described in Section 2.1.2 of the BRR and includes grasses and forbs as well as mature shrubs and trees associated with residential lawns. More dense tree clusters that include species such as eastern cottonwood (*Populus deltoides*), Russian olive (*Elaeagnus angustifolia*), American elm (*Ulmus americana*), and chokecherry (*Prunus virginiana*) are established along the irrigation ditches that pass through the project area.

Potential Impacts

The extent of roadway improvements along Rosebud Lane, Coburn Road, and Lockview Lane are currently undetermined. Any widening of these roadways would result in additional impacts to roadside grasses and forbs and may require removal or trimming of trees that conflict with construction limits as well as modifications to some landscaped features on adjacent properties.

Avoidance and Minimization Recommendations

Given the residential nature of the expanded project area, a context sensitive design approach will be implemented and impacts to vegetation and shrub/tree clearing will be limited to the minimum area necessary to construct the project.

2.2 Noxious Weeds

Avoidance and Minimization Recommendations

The following standard specification is proposed to prevent and to minimize spread of noxious weeds.

- The MDT Standard Specification 208.03.5 – Noxious Weeds will be included in the final construction bid documents. This specification includes the requirement of cleaning all equipment and vehicles prior to transport into the project area.

2.2 General Wildlife Species - Birds

The October 2021 site visit was completed outside the nesting season for birds in Montana and, as such, bird use of the expanded project area was light at the time of the survey. Habitat in the immediate project area was surveyed for raptor nests and none were found. It is likely that migratory birds utilize habitat in the expanded project area for nesting, feeding, loafing, and roosting.

The following conservation measures are proposed to minimize project impacts on bird species and habitat.

- The Environmental Protection Specifications will be included in the final construction bid documents and include Migratory Bird Treaty Act Compliance – Structures Subsection 208.03.4A(2) to avoid and minimize potential impacts on migratory birds resulting from bridge work that may directly impact active nests. This subsection includes the following construction requirements:
 - It is permissible to remove non-active nests (without birds or eggs), partially completed nests or new nests as they are built (prior to occupation);

- Conduct work that may impact active nests outside of the nesting season, typically between the dates of August 16 and April 15, and when no active nests are present; or
- Install [approved] nesting deterrents prior to the nesting season
- The Environmental Protection Specifications special provision also include Migratory Bird Treaty Act Compliance – Vegetation Removal Subsection 208.03.4A(1) to avoid and minimize potential impacts on migratory birds resulting from vegetation removal. This special provision includes the following construction requirements:
 - Perform any required cutting of trees or shrubs between August 16 and April 15;
 - Remove only those trees and shrubs in direct conflict with the permanent construction limits; and
 - Where possible, do not remove, but trim trees and shrubs as necessary for equipment access and construction activities.

3.0 Aquatic Resources

3.1 Waterways

Two irrigation canals owned and operated by the Lockwood Irrigation District are located within the expanded project limits (see attached Figure 2). Both irrigation ditches, described below, are actively utilized annually from approximately May through September. The 60-ft Lift Ditch (Lower Lift Ditch) crosses I-90 from the north at the Lockwood Interchange. The Lower Lift Ditch is within the project limits and was previously described in the May 2020 BRR. On the east side of the I-90 Lockwood Interchange, the ditch daylights on the north side of Old US-87 near the interstate eastbound on-ramp, flows eastward, then crosses under Old US-87 just south of Lockview Lane. Approximately 200 feet of open ditch is located on the south side of Old US-87 (see Photo 3 in the attachments). The Lower Lift Ditch then flows under Lockview Lane at the intersection where Lockview Lane tees into Old US-87 and remains in a pipe extending outside of the project limits.

The second irrigation ditch is the Lockwood Irrigation District 100-ft Lift Ditch (Upper Lift Ditch), which crosses underneath I-90 west of the project area and flows in an easterly direction under Coburn Road near its intersection with Rosebud Lane (see Photo 5 in the attachments). The Upper Lift Ditch then flows generally in an easterly direction outside of the project limits.

Potential Impacts

The proposed off-system roadway improvements may require widening at the intersections of Lockview Lane/Old US-87 and Coburn Road/Rosebud Lane to accommodate the addition of a turn lane (if warranted), which would require lengthening the existing irrigation culverts and result in minor grading impacts to the ditches. No impact to the open ditch segment paralleling Old US-87 is anticipated.

Avoidance and Minimization Recommendations

The following conservation measures are proposed to minimize project impacts on surface water resources.

- Standard Specification 208.03.1 Water Pollution Control will be included in the final construction bid documents. This specification details the processes with which the contractor must comply to prevent or minimize pollution and control impacts on aquatic resources, including installation, inspection, and maintenance of standard best management practices (BMPs).
- Standard Specification 208.03.2 Aquatic Resource Protection will be included in the final construction bid documents.
- Standard Specification 208.03.3 Regulations and Permitting will be included in the final construction bid documents. This specification details the regulatory requirements that must be followed including compliance with the Montana Pollutant Discharge Elimination System (MPDES) General Permit.

Permitting Required

The potential for additional permitting requirements will be determined once the complete scope of improvements within the expanded project area are identified. Impacts to aquatic resources would be limited to the minor grading impacts within the two irrigation ditches as previously described. Potential impacts to these ditches are not anticipated to trigger the requirement for a Clean Water Act Section 404 permit, however. The Lower Lift Ditch (referred to in the May 2020 BRR simply as the Lockwood Irrigation Ditch) has been determined by the U.S. Army Corps of Engineers (USACE) to be non-jurisdictional per the May 11, 2021, Approved Jurisdictional Determination (AJD). An AJD has not been determined for the Upper Lift Ditch. Should the project require modification to the Upper Lift Ditch at the Coburn Road/Rosebud Lane intersection, additional coordination with the USACE will be necessary to determine if a Section 404 permit is necessary.

3.2 Wetlands

The expanded project area was inventoried for wetlands during the October 15, 2021, field investigation and no wetlands were identified. There is no change in potential wetland impacts, avoidance and minimization measures, or proposed mitigation from the May 2020 BRR.

4.0 Preliminary Biological Assessment

4.1 Methods

The October 1, 2021, publication of Endangered, Threatened, Proposed and Candidate Species by Montana County available through the U.S. Fish & Wildlife Service's (USFWS) Montana Ecological Field Office (USFWS 2021) was reviewed to determine the federally listed species potentially occurring in Yellowstone County and compared to the list of species evaluated in the May 19, 2020, PBA. Table 1 outlines the changes in Endangered Species Act (ESA) listings from the May 19, 2020, PBA and lists the previous and current effect determinations.

Table 1: Current and Formerly Federally Listed Species Occurring in Yellowstone County, MT

Common Name	Scientific Name	Current Status ^a	Change in Status Since May 2020 PBA	May 2020 PBA Effect Determination	Current Effect Determination
Whooping Crane	<i>Grus americana</i>	LE	No change	No Effect	No Effect
Red Knot	<i>Calidris canutus rufa</i>	LT	No change	No Effect	No Effect
Monarch Butterfly	<i>Danaus plexippus</i>	C	Not listed in Montana in 2020; currently a candidate species	--	Not Likely to Jeopardize the Continued Existence

Source: USFWS 2021

^a LE = Listed Endangered; LT = Listed Threatened; C = Candidate

4.2 Updated Preliminary Biological Assessment

For the federally listed whooping crane and red knot, the previous effect determinations rendered in the May 2020 PBA remain valid; the proposed project would have **no effect** on these species as a result of the proposed changes to the project scope.

On December 17, 2020, the USFWS found that listing the monarch butterfly as either Threatened or Endangered was “warranted but precluded by higher priority actions,” making it a candidate species for listing (85 FR 81813-81822). Monarch butterfly is currently a candidate species in Montana. Habitat preferences include open places, native prairie, foothills, open valley bottoms, open weedy fields, roadsides, pastures, marshes, suburban areas, and rarely above treeline in alpine terrain during migration (MTNHP 2021a). This species has not been previously documented in Yellowstone County by the MT Natural Heritage Program (MTNHP 2021b). Suitable habitat is generally lacking within the project area. The nature of the proposed project and anticipated vegetation impacts primarily affecting roadside vegetation and some trees and residential landscaping is not expected to affect monarch butterfly. The proposed project is **not likely to jeopardize the continued existence** of the monarch butterfly.

No additional conservation measures are recommended specific to the listed species identified in Table 1. No additional future federal, state, local, or private actions of regional significance that are reasonably certain to occur have been identified within the vicinity of the proposed project and, therefore, no long-term cumulative impacts are anticipated.

References

MTNHP. 2021a. Montana Field Guides. Accessed at <<http://fieldguide.mt.gov/default.aspx>>. Accessed on December 7, 2021.

MTNHP. 2021b. Natural Heritage Map Viewer. Generalized Observations. Accessed at <<http://mtnhp.org/mapviewer/>>. Accessed on December 21, 2021.

USFWS (U.S. Fish and Wildlife Service). 2021. Montana Ecological Field Office Endangered, Threatened, Proposed and Candidate Species by Montana County. Published October 1, 2021. Accessed at <http://www.fws.gov/montanafieldoffice/Endangered_Species/Listed_Species/countylist.pdf>. Accessed on December 21, 2021.

ATTACHMENTS

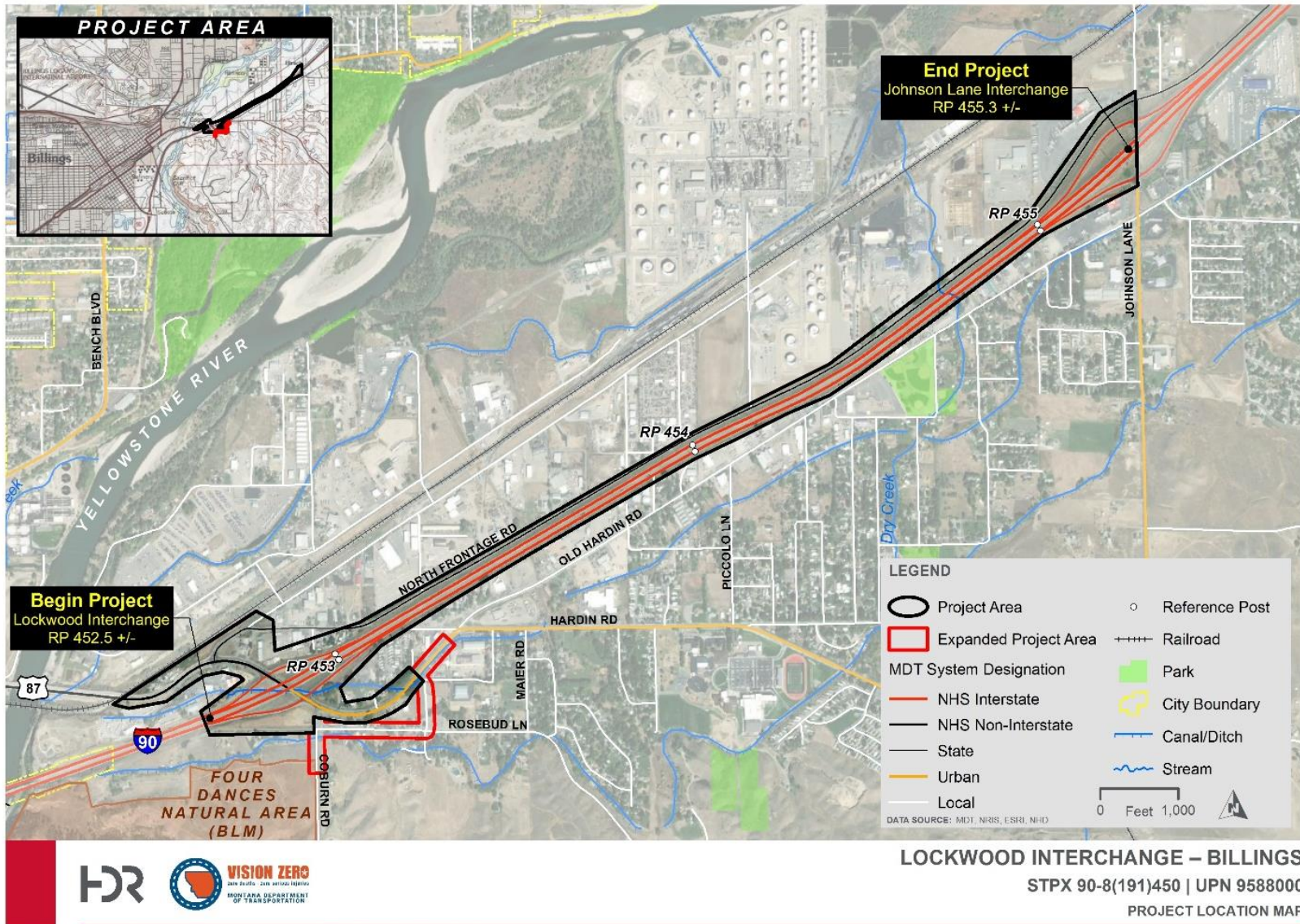
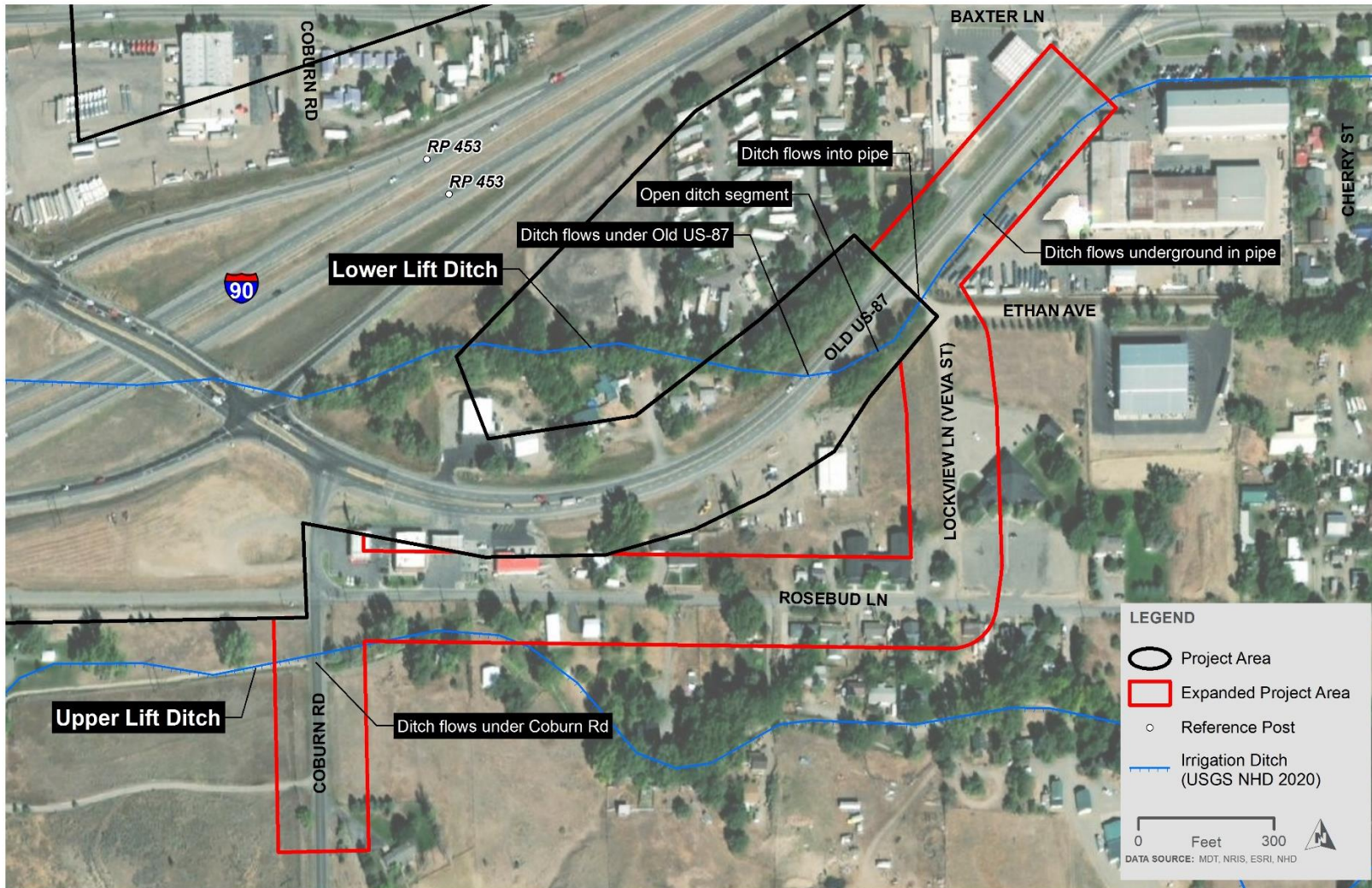


FIGURE 1: Project Area and Overview of Expanded Project Area



LOCKWOOD INTERCHANGE – BILLINGS
 STPX 90-8(191)450 | UPN 9588000
 EXPANDED PROJECT LIMITS

PATH: G:\PROJECTS\MDT\LOCKWOOD INTERCHANGE\MAP_DOCS\9588_PROJECT AREA_EXPANDED_DETAIL.MXD - USER: JSCHICK - DATE: 12/27/2021

FIGURE 2: Expanded Project Area

REPRESENTATIVE SITE PHOTOS



Photo 1: Photo taken along Coburn Road looking north at Rosebud Land and the Old US-87/Coburn Road intersection.



Photo 2: Photo taken on south side of Rosebud Land, looking east.

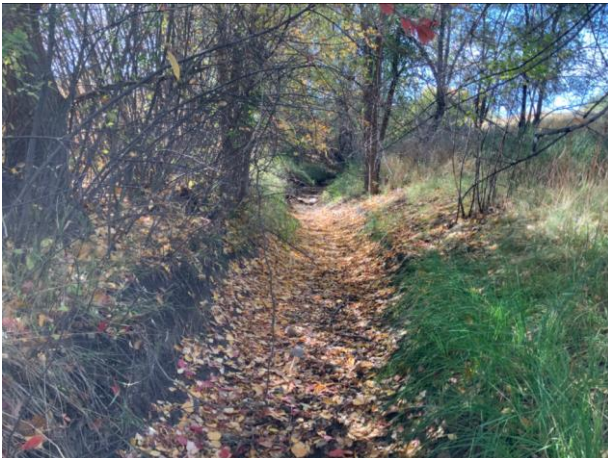


Photo 3: Lower Lift Ditch segment paralleling Old US-87 just south of Lockview Lane, looking southwest.



Photo 4: Narrow drainage ditch on the north side of Old US-87 to the northeast of where the Lower Lift Ditch crosses Old US-87, looking northeast.



Photo 5: Upper Lift Ditch at Coburn Road (west side of road), looking west.



Photo 6: Upper Lift Ditch at Coburn Road (east side of road).



Photo 7: Lockview Lane looking north towards Old US-87.



Photo 8: Old US-87 and segment of Lower Lift Ditch (hidden in trees), looking northeast.