VISION ZERO
zero deaths
zero serious injuries

Montana Department of Transportation

2701 Prospect
PO Box 201001
Helena MT 59620-1001

Greg Gianforte, Governor
Malcolm "Mack" Long, Director

April 23, 2021

Lucia Olivera, Division Administrator
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

Subject: Request for Concurrence of Continued Validity of FEIS/ROD
BBP – Railroad O'pass
NCDP-MT 56(55)
CN: 4199005

Dear Lucia Olivera,

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 third project to be constructed as part of Phase I is the Railroad Overpass project segment. This segment of the Billings Bypass is located north/northeast of the community of Lockwood within Yellowstone County, Montana. The project begins at the southern terminus of the Yellowstone River project segment and proceeds southeast and south approximately 1.2 miles, crossing over the Montana Rail Link (MRL) railroad tracks and Coulson Road with a newly constructed overpass bridge. The segment ends just south of Coulson Road. The Railroad Overpass project is located within Sections 07, 17, and 18 of Township 1 North, Range 27 East. 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. A Revised ROD was prepared in 2019 to address design modifications to the proposed Yellowstone River Bridge and changes to lane configurations within the Yellowstone River segment of the Billings Bypass. The Revised ROD was signed by your agency on December 18, 2019.

MDT Environmental Services Bureau has reviewed the Railroad Overpass project, the previously approved FEIS/ROD for the Billings Bypass, the Revised ROD, the current regulatory requirements, and the current conditions along the Railroad Overpass 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 Railroad Overpass 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 Railroad Overpass 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 FHWA selected Mary Street Option 2 as the Preferred Alternative. The proposed scope of work for the Railroad Overpass segment outlined in the FEIS and ROD, under Mary Street Option 2, was to construct a new roadway alignment to the southeast of the newly constructed Yellowstone River bridge crossing and construct a new bridge crossing over the MRL railroad tracks and Coulson Road. The full-buildout typical section for the new roadway consists of four 12-foot travel lanes and 8-foot shoulders. The horizontal and vertical alignments and side slopes were proposed to meet criteria for a 45 mile-per-hour (mph) design speed. The full-buildout proposed in the FEIS/ROD for the MRL and Coulson Road crossing included side-by-side bridges with two 12-foot travel lanes and 8-foot shoulders for each bridge.

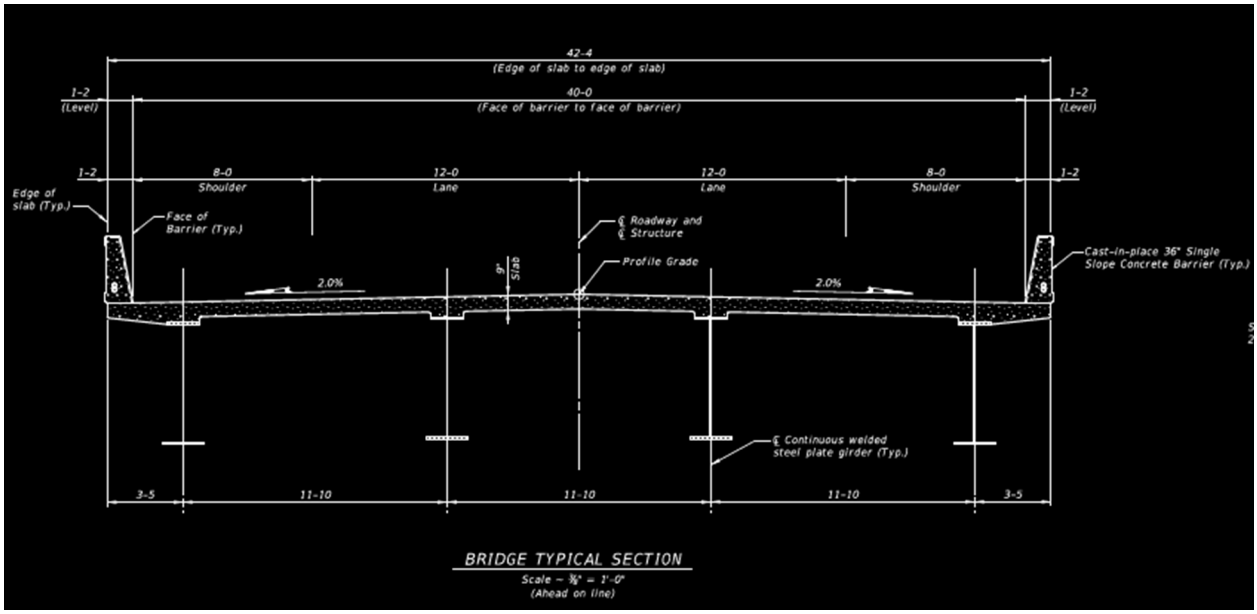
The following re-evaluation discusses new information or circumstances relevant to the development of the Railroad Overpass project and ensures that current environmental requirements are addressed. The re-evaluation focuses on the changes to the design, the potential for new impacts, and new project-related 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 Railroad Overpass project segment of the Billings Bypass has not changed since the approval of the FEIS/ROD.

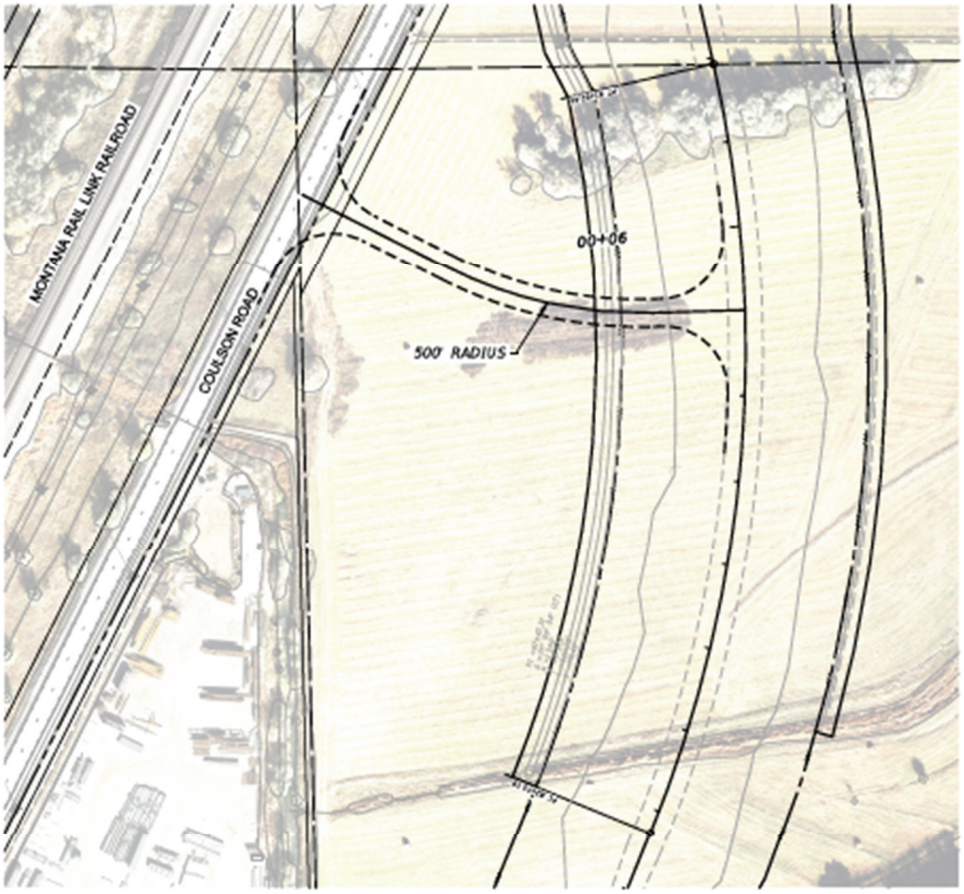
DESCRIPTION OF CHANGED CONDITIONS

The Billings Bypass project has been split into six project segments. Railroad Overpass is the fourth of those segments to be designed. Construction is expected to begin during the 2023 construction season; however, this schedule could be advanced to 2022. Since the Billings Bypass ROD in July 2014, there have been refinements/changes in the project design and supporting evaluations for the Railroad Overpass segment of the Bypass, including a re-evaluation of the Biological Resources along the Railroad Overpass 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 and ROD, the full-buildout preferred alternative for the MRL and Coulson Road crossing included side-by-side, two-lane bridges at one location. The current bridge design is to construct a single steel structure, with five spans and four lines of welded steel girders, that is approximately 730 feet in length. Constructing a single structure would reduce potential impacts to the railroad and result in a cost savings over time. The new bridge structure would include two 12-foot travel lanes, 8-foot shoulders, and 1-foot concrete barriers for a total width of 42-feet. The vertical clearance of the bridge over the MRL railroad tracks is proposed at 23.75 feet (Figure 1). The bridge structure is designed to allow for future widening of the bypass to full-buildout, accommodating two additional 12-foot travel lanes.



Design Refinement/Change 2: Because the Railroad Overpass segment ends just south of Coulson Road, and one or two construction seasons may pass before the subsequent segment (4199006 – Johnson Lane Interchange-RR O'Pass segment) is built, connecting the Railroad Overpass segment to the Johnson Interchange, a temporary connector from the new bypass to Coulson Road would be constructed to allow access/connectivity to Coulson Road in the interim. The temporary connection would be a two-lane, double tee connection that extends from the west side of the bypass alignment to Coulson Road (Figure 2). The temporary connector would be removed when the subsequent project segment is built. This design change was not outlined in the FEIS and ROD.



DOUBLE TEE CONNECTION PLAN

SCALE: 1" = 100'

DOUBLE TEE CONNECTION GENERAL PROFILE INFORMATION:

BEGINNING ELEV. = 3074± END ELEV. = 3088±
THIS IS A 14 FOOT CHANGE IN ELEVATION OVER A 549 FOOT CONNECTION.
THE APPROXIMATE STRAIGHT LINE SLOPE IS ±2.55%. MAX FILL IS ±14 FEET.

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 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. 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 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 addenda. A BRR/BA Addendum Report was completed for the Railroad Overpass project on October 29, 2020. According to the Railroad Overpass Addendum Report, the greater sage-grouse, black-footed ferret, and Sprague's pipit have been removed from the June 2020 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 Railroad Overpass 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 1.0 mile southwest of the proposed Railroad Overpass project limits. This individual was a transient (non-breeding and short-term) documented in 1975, and not seen since. Two other red knot observations in the general geographic area are greater than 30 miles from the project vicinity. Neither the whooping crane nor red knot would be anticipated in the Railroad Overpass project area, as limited-to-no-appropriate habitat is present. Therefore, a ***No Effect*** determination has been made for the proposed Railroad Overpass project activities for both the whooping crane and red knot.

The Railroad Overpass 2020 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 2020 list identified 14 wildlife Species of Concern and one plant Species of Concern within three miles of the Railroad Overpass 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 three wildlife species and one plant species not discussed in the 2011 BRR/BA and 2014 FEIS, suitable habitat is found within the Railroad Overpass project vicinity for listed species. Permanent vegetation impacts would occur within the proposed construction limits, with both upland and wetland habitat being impacted. Direct mortality to some species may occur due to inability to disperse during construction. Temporary noise related impacts would also occur during construction.

2019 Montana Fish, Wildlife, and Parks (FWP) observation data on Bald Eagles shows several documented occurrences of Bald Eagle and Bald Eagle nests along the Yellowstone River Corridor; however, no Bald Eagle nests or occurrences have been documented within 0.25 miles of the project limits. MTNHP data shows a nesting Bald Eagle was documented in May 2016 a little over 0.25 miles northwest of the Railroad Overpass northern limits. FWP noted that this nest has since blown down. Therefore, additional minimization measures and timing restrictions for the Railroad Overpass segment are not proposed.

The Railroad Overpass BRR/BA Addendum Report dated October 29, 2020, 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 Railroad Overpass 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 1.75 miles northwest of the proposed segment. The Railroad Overpass project activities are consistent with the Montana Sage Grouse Conservation Strategy.

Wetlands

A wetland delineation was completed in 2011 as part of the developing Billings Bypass FEIS. 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 Railroad Overpass project, a wetland delineation, following US Army Corps of Engineers (USACE) delineation guidelines, was conducted in May 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.

To compare wetland impacts, the 2017 delineated wetlands and refined Railroad Overpass 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 0.23 acres of wetland impact was determined for the Railroad Overpass segment. Permanent wetland impact as a result of the refined Railroad Overpass project design and based on the updated wetland delineation is approximately 0.05 acres. The decrease in wetland impacts results from changes in wetland boundaries during the 2017 field delineation and wetlands no longer existing due to agricultural practices. 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 the 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 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 Railroad Overpass 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, and on July 2, 2020. 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 Railroad Overpass project was included as part of these meetings, particularly the July 2, 2020, meetings, which provided information on the updated bridge design over the MRL railroad tracks and Coulson Road.

The September 2017 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 September 27, 2017, meeting took place at Independent Elementary School located on US 87 to accommodate the public located north of the Yellowstone River. The September 28, 2017, meeting took place at Eileen Johnson Middle School in Lockwood to accommodate the public located south of the Yellowstone River. The two July 2, 2020, meetings (at 11:00 am and 5:30 pm) were conducted online via a Zoom webinar due to the COVID-19 pandemic.

Six comments specific to the Railroad Overpass segment of the bypass project were received during and following the September 2017 and July 2020 public information meetings. Issues, concerns, and opportunities noted in those comments include the following:

- Access points to the elevated bypass roadway and access connections to existing roads within the segment.
- The number of lanes being constructed during Phase I. Is it more cost effective to construct four lanes now verses just two lanes?
- The current footprint and intended expansion of the gravel pit at the northern end of the Railroad Overpass segment.

Personal contacts with adjacent landowners explaining the work to be performed will be offered during the right-of-way phase for the Railroad Overpass 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 Railroad Overpass 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 Railroad Overpass 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	Yes	Yes	The Billings Bypass Project will be implemented as six separate construction projects. Because the Railroad Overpass segment ends just south of Coulson Road, and it may be several years before the subsequent segment (4199006 – Johnson Lane Interchange-RR O'Pass segment) is built, connecting the Railroad Overpass segment to the Johnson Interchange, a temporary connector from the new bypass to Coulson Road would be constructed to allow access/connectivity to Coulson Road in the interim. The temporary connector would be removed when the subsequent project segment is built. This change would not alter the conclusion in the FEIS/ ROD and is consistent with the findings in the FEIS/ROD. No other concerns related to access have been identified since the FEIS/ROD.
Safety	No	No	No additional impacts to or concerns related to safety have been identified since the FEIS/ROD.
Pedestrian and Bicycle Considerations	No	No	No change in pedestrian and bicycle safety has occurred since the FEIS/ROD. Eight-foot shoulders are still proposed, accommodating bicycle/pedestrian travel along the entire roadway segment.
Land Use	No	No	No change in land use has occurred since the FEIS/ROD.
Parks and Recreation	No	No	No additional parks or recreational facilities have been identified along the proposed Railroad Overpass project area.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Social	No	No	The social conditions described in the FEIS are based on 2010 Census data. 2018 American Community Survey data related to population, income and race was reviewed. There have been no substantial changes in social characteristics within the Railroad Overpass 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 Railroad Overpass project is consistent with the findings of the FEIS/ROD.
Railroad	Yes	No	A new bypass crossing over the MRL railroad tracks would require bents and piers within the existing railroad right-of-way. Constructing a single bridge structure rather than two side-by-side bridges would reduce proposed impacts to the railroad by decreasing the overall footprint over the railroad corridor. 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.
Utilities	No	No	Impacts to utilities are consistent with the findings in the FEIS/ROD.
Historic and Cultural Resources	No	No	The proposed Railroad Overpass project remains within the Area of Potential Affect (APE) outlined in the FEIS. The Determination of Effect (i.e., No Adverse Effect to the Northern Pacific Railway Mainline), and the impacts identified in the FEIS, remain valid. Based on the proposed design, MDT concludes that the impacts of the Railroad Overpass 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	A Section 4(f) Evaluation was prepared as part of the original FEIS. The Railroad Overpass project will not impact Section 4(f) resources and there will be no "use," as no Section 4(f) recreational resources were identified in the FEIS and ROD, nor have any been identified since the FEIS and ROD, within the Railroad Overpass project area. In addition, the Determination of Effect on eligible historic and cultural resources within the project segment (i.e., No Adverse Effect to the Northern Pacific Railway Mainline) remains valid. No Section 6(f) resources have been identified within the Railroad Overpass project area. No change in impacts to Section 4(f) or Section 6(f) resources has occurred since the FEIS/ROD.
Visual Resources	Yes	No	A slight change in visual impacts has been identified since the FEIS/ROD, as the proposed MRL and Coulson Road 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.
Noise	No	No	No new sensitive noise receptors have been identified since the FEIS and ROD, and there have been no major changes to the proposed horizontal and vertical alignment of the roadway and bridge within the Railroad segment. Therefore, no additional impacts or concerns related to noise have been identified since the FEIS/ROD.
Farmland	No	No	No change in impacts or concerns related to farmland has occurred since the FEIS/ROD.
Irrigation	No	No	No change in impacts or concerns related to irrigation has occurred since the FEIS/ROD.
Energy	No	No	No change in impacts or concerns related to energy has occurred since the FEIS/ROD.
Air Quality	No	No	No additional impacts or concerns related to air quality have been identified since the FEIS/ROD.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Hazardous Materials	Yes	No	A review of current aerials and the Montana DEQ database was conducted. Gravel Pits 12a-12c indicated in the FEIS/ROD have primarily been reclaimed. However, the footprint for gravel pit 12 has been greatly expanded just south of the Yellowstone River. The Railroad Overpass project would impact the far west/southwest portion of this gravel pit. No additional hazardous materials sites where identified during the review. Under MDT's right-of-way agreement the gravel pit owner would stop mining within the project corridor and leave the pit as is. The area would need to be re-graded during construction of the new roadway. The change in impact to hazardous materials would not affect the overall findings made in the FEIS/ROD and would not be considered "significant" in terms of context and intensity.
Water Resources and Water Quality	No	No	An unnamed drainage, shown as part of wetland D8 in the FEIS, was delineated as open/surface water in the 2017 wetland delineation. The new Railroad Overpass roadway alignment would be constructed in the vicinity of the unnamed drainage, but it would have no permanent impact on the unnamed drainage. The proposed construction limits would be east of the channel and no encroachment/realignment of the channel is proposed to accommodate the new roadway. Since 2014, one new groundwater well has been drilled within the project vicinity. The well is not within construction limits and would not be impacted. Therefore, no change in impacts or concerns related to water resources and water quality have been identified since the FEIS/ROD.
Wild and Scenic Rivers	No	No	The Railroad Overpass project will not impact a Wild and Scenic River, as the closest river (the Yellowstone River) is not designated as a Wild and Scenic River. No changed conditions have occurred since the FEIS/ROD.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Waterbody Modifications	No	No	An unnamed drainage, shown as part of wetland D8 in the FEIS, was delineated as open/surface water in the 2017 wetland delineation. The new Railroad Overpass roadway alignment would be constructed in the vicinity of the unnamed drainage, but it would have no permanent impact on the unnamed drainage. The proposed construction limits would be east of the channel and no encroachment/realignment of the channel is proposed to accommodate the new roadway. Therefore, no additional impacts or concerns related to waterbody modifications have been identified since the FEIS/ROD.
Floodplains	No	No	The project will impact the delineated floodplain of the Yellowstone River, as identified in the FEIS. While the delineated floodplain has not changed since the FEIS, site conditions within the floodplain at the northern limits of the project segment now include a large gravel pit that has removed material below the floodplain elevation. A portion of the gravel pit would need to be filled to meet surrounding elevations. Roadway fill would then be added. The roadway fill would require appropriate floodplain permits be obtained for encroachment in the regulated floodplain, as noted in the FEIS/ROD.
Wetlands	Yes	No	A wetland delineation was completed in 2011 as part of the developing Billings Bypass FEIS. 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 Railroad Overpass project, a new wetland delineation was conducted in May 2017. Under the proposed roadway and bridge construction outlined in the 2014 FEIS for the Railroad Overpass segment, approximately 0.23 acres of wetland impact was determined. Permanent wetland impact as a result of the refined Railroad Overpass project design and updated wetland delineation is approximately 0.05 acres. The decrease in wetland impacts results from changes in wetland boundaries during the 2017 field delineation and wetlands no longer existing due to agricultural practices. However, the difference for the purposes of comparing impacts is minor and would not alter the conclusion in the FEIS and ROD. 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.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
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 Railroad Overpass project will incorporate special provisions into the final bid package to ensure compliance with the Migratory Bird Treaty Act.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
State Species of Concern and Special Status Species	Yes	Yes	A BRR/BA Addendum Report was completed for Railroad Overpass on September 17, 2020. The report includes an updated state Species of Concern recorded occurrence list from MTNHP and updated data on bald eagle nests in the area. The MTNHP list identified 14 wildlife Species of Concern and one plant Species of Concern within three miles of the Railroad Overpass Project. These include 11 species that were discussed in the FEIS; and three new wildlife species and one plant species, which were not discussed in the FEIS. Of the remaining three wildlife species and one plant species not discussed in the 2011 BRR/BA and 2014 FEIS, some may occur within the Railroad Overpass project limits, as suitable habitats for these species are present within the general vicinity of the project. The project limits would likely be primarily used for forage and migration. Permanent vegetation impacts would occur within the proposed construction limits, with both upland and 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 2019 Montana FWP observation data on Bald Eagles, provided by MTNHP, shows several documented occurrences of Bald Eagle and Bald Eagle nests along the Yellowstone River Corridor; however, no Bald Eagle nests or occurrences have been documented within 0.25 miles of the project limits. MTNHP data shows a nesting Bald Eagle was documented in May 2016 a little over 0.25 miles northwest of the Railroad Overpass northern limits. FWP noted that this nest has since blown down. Therefore, additional minimization measures and timing restrictions for the Railroad Overpass segment are not proposed. 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.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Threatened and Endangered Species	Yes	No	A BRR/BA Addendum Report was completed for Railroad Overpass segment on September 17, 2020. According to the report, the greater sage-grouse, black-footed ferret, and Sprague's pipit have been removed from the June 2020 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 Railroad Overpass 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 1.0 mile from the proposed Railroad Overpass project limits. 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 whooping crane nor red knot would be anticipated in the Railroad Overpass project area, as limited-to-no-appropriate habitat is present. Therefore, a ***No Effect*** determination has been made for the proposed Railroad Overpass project activities for both the whooping crane and red knot. 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.

CONCLUSION

Through this re-evaluation, MDT has determined that no substantive changes along the Railroad Overpass project segment have occurred since the FEIS and ROD were signed in 2014. The design and environmental updates described in this re-evaluation would not affect the ability of the Railroad Overpass 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 Railroad Overpass 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 Railroad Overpass project segment is consistent with 23 CFR 771.

REVIEWED/AUTHORIZED
By Tom Martin at 3:38 pm, Apr 23, 2021

Date: _____

Tom Martin, P.E.
Environmental Services Bureau Chief
Montana Dept. of Transportation

HEIDY BRUNER
Digitally signed by HEIDY BRUNER
Date: 2021.05.05 14:36:06 -06'00'

Date: _____

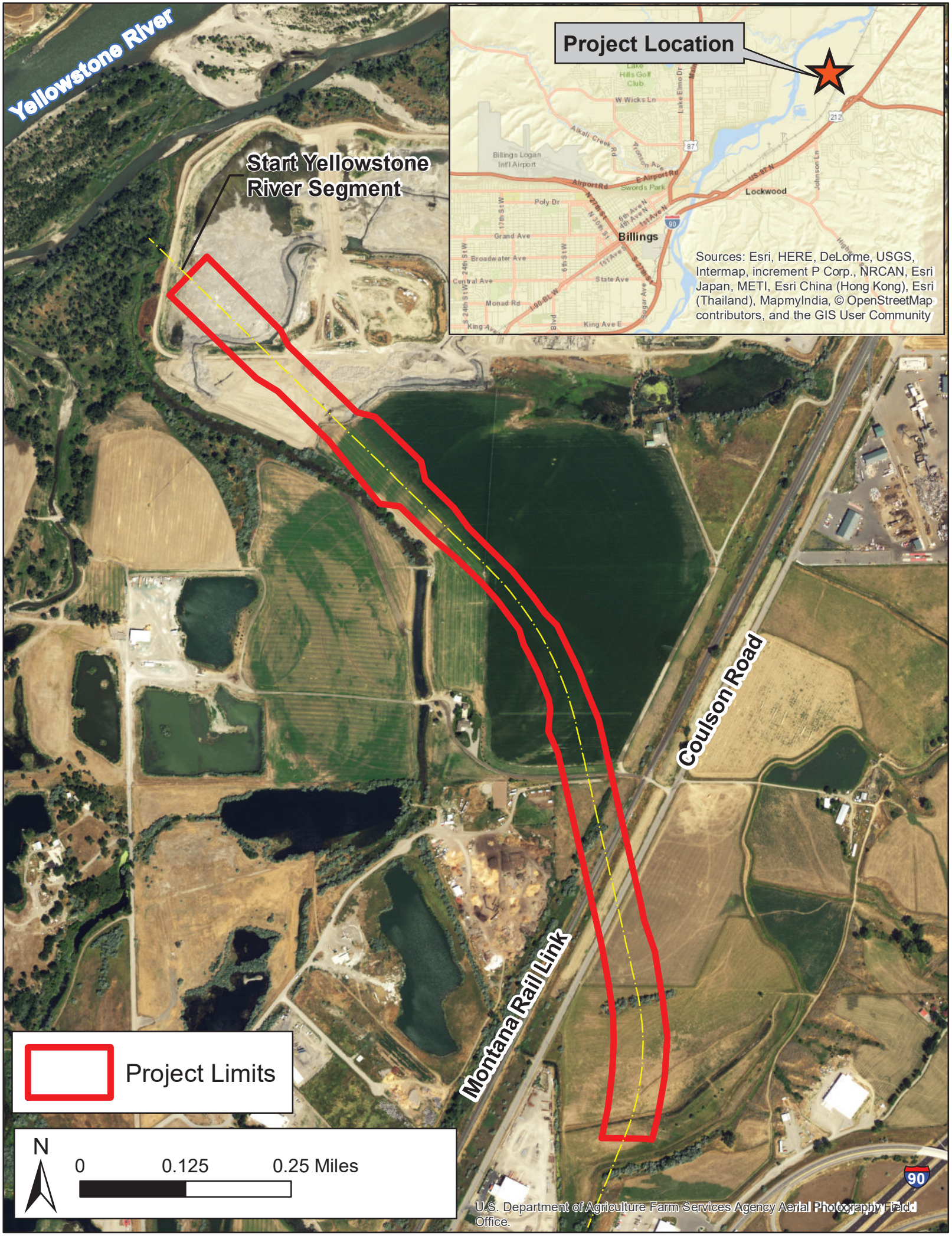
Federal Highway Administration

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
Damian Krings, P.E.	Highways Engineer
Patty Patterson	Right-of-Way Bureau Chief – Acting
Fred Bente	Consultant Design
Darrin Reynolds	Engineering Construction Contraction Bureau Chief
Lisa Hurley	Fiscal Programming Section Supervisor
Tommy Griffeth	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


Yellowstone River
Start Yellowstone River Segment
Project Location
Billings
Lockwood
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
Coulson Road
Montana Rail Link
Project Limits
N
0
0.125
0.25 Miles
U.S. Department of Agriculture Farm Services Agency Aerial Photography Field Office.

Attachment 2: Railroad BRR/BA Addendum Report

Railroad Overpass Addendum to Final Biological Resources Report / Biological Assessment

MDT Activity 196

BBP – Railroad O'pass
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Prepared for:

MONTANA MDT DEPARTMENT OF TRANSPORTATION
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

Prepared by:

DOWL

1300 Cedar Street
Helena, Montana 59601

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Principal Author:

Emily Peterson
DOWL Environmental Manager
406.442.0370

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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
ROD……..…… Record of Decision
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 Report has been prepared for the Railroad Overpass project segment of the Billings Bypass, to document changes in the Railroad Overpass project vicinity from what was presented in the November 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 FEIS. The addendum includes updates to the Railroad Overpass 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 Railroad Overpass project vicinity. The addendum will be included as part of the FEIS Re-evaluation for the Railroad Overpass project segment.

ADDENDUM SUMMARY

The Railroad Overpass 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 Railroad Overpass project design since the BRR/BA and FEIS include constructing a single bridge, rather than two side-by-side bridges, over the Montana Rail Link (MRL) railroad tracks and Coulson Road. The single structure would have two, 12-foot travel lanes, 8-foot shoulders, and 1-foot concrete barriers for a total width of 42-feet. The bridge structure would be designed to allow for future widening (bypass full buildout) to accommodate two additional 12-foot travel lanes. In addition, a temporary connector from the new bypass to Coulson Road would be constructed to allow access/connectivity to Coulson Road in the interim while the subsequent project segment (the segment from Railroad Overpass to the Johnson Interchange) is developed. The temporary connection would be a two-lane, double tee connection. The temporary connector would be removed when the subsequent project segment is built.

- A wetland delineation was completed in 2011 as part of the developing Billings Bypass FEIS. 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 Railroad Overpass project, a wetland delineation was conducted in May 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 for the Railroad Overpass segment, approximately 0.23 acre of wetland impact was determined. Permanent wetland impact as a result of the refined Railroad Overpass project design and updated wetland delineation is approximately 0.05 acre. The decrease in wetland impacts results from changes in wetland boundaries and wetlands no longer existing (due to agricultural practices) during the 2017 field delineation.

- The 2020 state Species of Concern recorded occurrences list from Montana Natural Heritage Program (MTNHP) identified 14 wildlife Species of Concern and one plant Species of Concern within three miles of the Railroad Overpass 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 three wildlife species and one plant species not discussed in the 2011 BRR/BA and 2014 FEIS, suitable habitat is found within the Railroad Overpass project vicinity for 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 2019 Montana Fish, Wildlife, and Parks (FWP) observation data on Bald Eagles shows several documented occurrences of Bald Eagle and Bald Eagle nests along the Yellowstone River Corridor; however, no Bald Eagle nests or occurrences have been documented within 0.25 mile of the project limits. MTNHP data shows a nesting Bald Eagle was documented in May 2016 a little over 0.25 mile northwest of the Railroad Overpass northern limits. FWP noted that this nest has since blown down. Therefore, additional minimization measures and timing restrictions for the Railroad Overpass segment are not proposed.

- The Greater Sage-Grouse (*Centrocercus urophasianus*), black-footed ferret (*Mustela nigripes*), and Sprague's Pipit (*Anthus spragueii*) have been removed from the June 2020 list of endangered, threatened, proposed, and candidate species for Yellowstone County. Therefore, the project effect determinations for these species stated in the 2011 BRR/BA, 2012 addendum, and the USFWS 2012 concurrence letter will remain valid. 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 Railroad Overpass 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 1.0 mile southwest of the proposed Railroad Overpass project limits. This individual was a transient (non-breeding and short-term) documented in 1975, and not seen since. Two other observations in the general geographic area are greater than 30 miles from the project vicinity. Neither the Whooping Crane nor Red Knot would be anticipated in the Railroad Overpass 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 Railroad Overpass 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 Railroad Overpass 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 1.75 miles northwest of the proposed segment. The Railroad Overpass 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 third potential project to be constructed as part of Phase I is the Railroad Overpass project. This segment of the Billings Bypass is located north/northeast of the community of Lockwood, within Yellowstone County, Montana. The project begins at the southern terminus of the Yellowstone River project segment and proceeds southeast and south approximately 1.2 miles, crossing over the Montana Rail Link (MRL) railroad tracks and Coulson Road with a newly constructed overpass bridge. The Railroad Overpass project is located within Sections 07, 17, and 18 of Township 1 North, Range 27 East (Figure 1).

This Biological Resources Report/Biological Assessment (BRR/BA) Addendum Report has been prepared as part of BRR/BA re-evaluation of the Railroad Overpass 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 Railroad Overpass 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 Railroad Overpass 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 Railroad Overpass project segment outlined in the 2014 Billings Bypass FEIS and ROD includes constructing a new roadway alignment that begins at the southern terminus of the Yellowstone River project segment and extends southeast and south, crossing over the MRL railroad tracks, and ending just south of Coulson Road. The Phase I typical section would consist of two 12-foot travel lanes and 8-foot shoulders. Horizontal and vertical alignments and side slopes are proposed to meet criteria for a 55 mile-per-hour (mph) design speed. At full buildout (Phase II), the roadway would be widened to include an additional two, 12-foot travel lanes. These Railroad Overpass improvements are still valid and remain unchanged.

Design Refinement/Change 1: As outlined in the FEIS and ROD, the full-buildout preferred alternative for the MRL and Coulson Road crossing included side-by-side, two-lane bridges at one location. The current bridge design is to construct a single steel structure, with five spans and four lines of welded steel girders, that is approximately 730 feet in length. Constructing a single structure would reduce potential impacts to the railroad and result in a cost savings over time. The new bridge structure would include two 12-foot travel lanes, 8-foot shoulders, and 1-foot concrete barriers for a total width of 42-feet. The vertical clearance of the bridge over the MRL railroad tracks is proposed at 23.75 feet. The bridge steel structure would be designed to allow for future widening (bypass full buildout) to accommodate two additional 12-foot travel lanes.

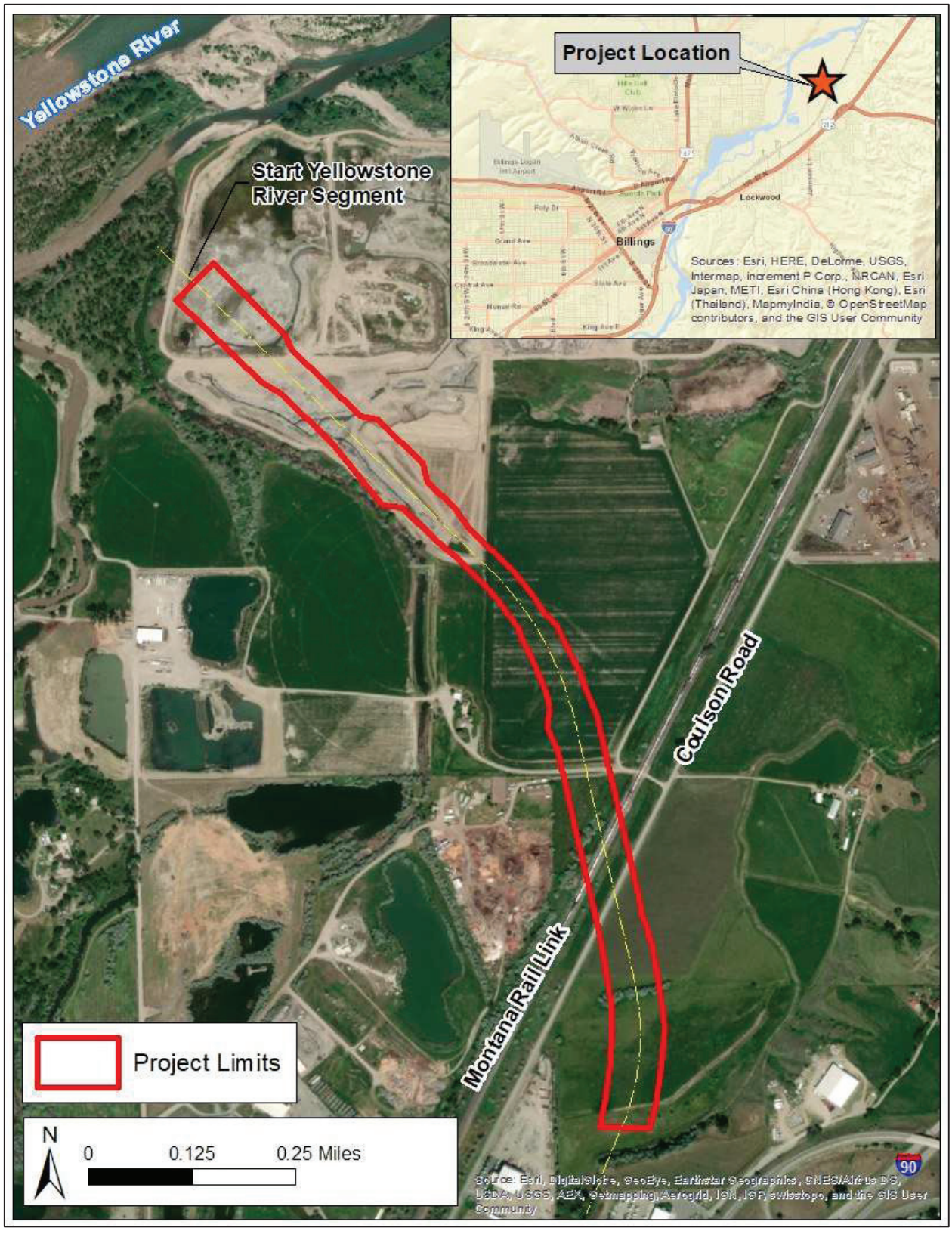

Figure 1. Project Limits and Vicinity

Design Refinement/Change 2: Because the Railroad Overpass segment ends just south of Coulson Road, and it may be several years before the subsequent segment is built, which connects the Railroad Overpass segment to the Johnson Interchange, a temporary connector from the new bypass to Coulson Road would be constructed to allow access/connectivity to Coulson Road in the interim. The temporary connection would be a two-lane, double tee connection that extends from the west side of the bypass alignment to Coulson Road. The temporary connector would be removed when the subsequent project segment is built. This design change was not outlined in the 2014 FEIS and ROD.

3.0 BRR/BA Section 3.0 – General Vegetation and Wildlife

The Railroad Overpass project limits, 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 Railroad Overpass 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 Railroad Overpass project, a new wetland delineation was conducted in May 2017. Prior to the field visit, the Railroad Overpass project limits were researched for the potential presence of aquatic resources. Various mapping resources were used, including the US Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps, US Geological Service (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 2017 field visit are shown in Appendix A.

Results

No waterways, lakes, ponds, or other non-wetland aquatic features were identified within the Railroad Overpass project limits. One, unnamed drainage was identified directly adjacent to the project limits. In the 2011 delineation, this drainage was delineated entirely 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 4 to 5 feet deep, was noted in the channel with an emergent fringe wetland along both banks. This aquatic resource has been updated to include surface water within a channel that

varies from 6 to 15 feet wide. The drainage appears to have been channelized in the immediate area and receives both irrigation flow and groundwater discharge. The drainage eventually flows into the Yellowstone River.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

Current designs for the Railroad Overpass segment would have no permanent impact on the unnamed drainage, as the drainage parallels the project limits directly to the west and is just outside of the project's proposed construction and right-of-way limits.

MDT Standard Specifications for Road and Bridge Construction (2020) 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.

4.2 GENERAL AQUATIC SPECIES

There are no waterways within the Railroad Overpass project segment and no aquatic species are likely to occur. The closest waterway is an unnamed drainage directly west of the Railroad Overpass proposed project limits and will not be impacted. Therefore, the refined design for Railroad Overpass is not anticipated to impact aquatic species.

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

Methods

A data request was submitted to MTNHP to determine if there were any changes to state Species of Concern or Special Status Species in or near the Railroad Overpass project vicinity since the 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 Billings Bypass FEIS (MTNHP, 2020a). Additionally, Montana FWPs Bald and Golden Eagle information was requested from MTNHP. Appendix B provides all information received from the formal MTNHP request.

Results

Documented species occurrences of 14 wildlife state Species of Concern and one plant Species of Concern were recorded within 3.0 mile of the Railroad Overpass project limits (Appendix B, MTNHP, 2020a). 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. The four additional recorded 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 Railroad Overpass project vicinity

Species	Status*	Last Observed in Project Vicinity	Habitat Requirements	Potential to Occur in Project Limits
Birds				
Yellow-billed Cuckoo (*Coccyzus americanus*)	S3B, G5	2019	Preferred breeding habitat includes open woodland, parks, and deciduous riparian woodland.	Low potential to occur within the project limits. The corridor has been cleared for gravel pit and agricultural activities; however suitable habitat directly north of the project limits, along the Yellowstone River, is present.
Greater Sage-Grouse	S2, G3, G4	2019	Closely associated with sagebrush habitat types. Adapted to a broad mosaic throughout range, including relatively tall sagebrush, relatively low sagebrush,forb-rich mosaics with low and tall sagebrush, riparian meadows, steppe, scrub willow, and sagebrush savanna (with juniper, ponderosa pine, aspen).	Unlikely to occur in project limits due to lack of suitable habitat.
Mammals				
Little Brown Myotis (*Myotis lucifugus*)	S3, G3	2020	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.	Low potential to occur within the project limits. The corridor has been cleared for gravel pit and agricultural activities; however suitable habitat directly north of the project limits, along the Yellowstone River, is present.
Plants				
Bractless Hedge-hyssop *(Gratiola ebracteate)*	S2, G4	2018	Drying mud around ponds in the foothills and on the plains.	Unlikely to occur in project limits due to lack of suitable habitat.

Source: MTNHP, 2020 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. 2019 Montana FWP observation data on Bald Eagles shows several documented occurrences of Bald Eagle and Bald Eagle nests along the Yellowstone River Corridor; however, no Bald Eagle nests or occurrences have been documented within 0.25 mile of the project limits. MTNHP data shows a nesting Bald Eagle was documented in May 2016 a little over 0.25 mile northwest of the Railroad Overpass northern limits. FWP noted that this nest has since blown down.

MTNHP data shows one observation of a Golden Eagle 1.2 miles northeast of the project limits and two observation 1.5 and 2.0 miles southwest of the project limits. During the May 2017 field visit of the Railroad Overpass project limits, no Golden Eagles or nests were observed within or adjacent to the project limits.

A review of the Montana Sage Grouse Habitat Conservation Map (2020) shows the Railroad Overpass 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 1.75 miles northwest of the Railroad Overpass project segment.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

Impacts to 11 state 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.

Of the four additional Species of Concern, some may occur within the Railroad Overpass project limits, as suitable habitats for these species are present within the general vicinity of the project. The project limits would likely be primarily used for forage and migration.

Permanent vegetation impacts would occur within the proposed construction limits, with both upland and wetland habitat being impacted. For smaller species, 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 temporary 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.

MTNHP 2019 observation data on Bald Eagles shows several documented occurrences of Bald Eagle and Bald Eagle nests along the Yellowstone River Corridor; however, no Bald Eagle nests or occurrences have been documented within 0.25 mile of the project limits. Therefore, additional minimization measures and timing restrictions for the Railroad Overpass segment are not proposed.

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

Methods

The June 2020 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 Railroad Overpass project vicinity since the 2011 BRR/BA, subsequent 2012 and 2013 addenda, and the 2014 Billings Bypass FEIS (USFWS, 2020). The MTNHP database for threatened or endangered species was also reviewed for occurrences within and adjacent to the project limits (MTNHP, 2020).

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 the 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, 2020).

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 Railroad Overpass project limits was in 1975. The observation was of a transient individual.

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 Railroad Overpass 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 1.0 mile from the proposed Railroad Overpass project limits. This individual was a transient (non-breeding and short-term) documented in 1975, and not seen 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 Railroad Overpass 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 Railroad Overpass project, new wetland delineations were conducted in May 2017. Prior to the field visit, the Railroad Overpass 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 visit, 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 Railroad Overpass project right-of-way line was used. Wetlands and waterways identified during the May 2017 field visit are shown in Appendix A.

Results

The 2011 wetland delineation effort identified two wetlands within the Railroad Overpass project limits, Wetlands R and D9, and one wetland directly adjacent to the project limits, Wetland D8. During the May 2017 wetland delineation, the 2011 wetland boundaries for these wetlands, within the project limits and 60-foot buffer area, were updated to current conditions. This included re-delineating the wetland boundaries for Wetlands R and D8 with a map-grade GPS unit. Wetland D9 could not be located during the 2017 delineation effort. The wetland was located in a large agricultural field and appeared to have been buried/plowed over through farming activities.

To meet current naming conventions, Wetland R was relabeled as Wetland RR-WL1 and Wetland D8 was relabeled to Wetland RR-WL2. No additional wetlands were identified within the Railroad Overpass project 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 Railroad Overpass Segment Delineated Wetlands

Wetland	2017 Acreage	Wetland Cowardin Classification	MDT Functional Rating	Likely Jurisdictional	Wetland Description/Jurisdictional Justification
RR-WL1	0.117	PEM	IV	Yes	Wetland within an irrigation ditch/drain. Flows eventually end up in Yellowstone River.
RR-WL2	1.58	PEM	III	Yes	Fringe wetland along an unnamed drainage that collects irrigation drain water and groundwater. Flows into the Yellowstone River.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

Under the scope of work for the Railroad Overpass segment outlined in the 2011 BRR/BA, subsequent addenda, and 2014 FEIS, approximately 0.23 acre of wetland impact was determined. Wetland impacts as a result of the refined Railroad Overpass design and

updated 2017 wetland delineation are approximately 0.05 acre. This includes impacts to only wetland RR-WL1. The decrease in wetland impacts results from changes in wetland boundaries and wetlands no longer existing (due to agricultural practices) during the 2017 field delineation.

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

Baker, A.P. Gonzalez, R.I.G. Morrison and B.A. Harrington. 2013. Red Knot (Calidris canutus), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: http://bna.birds.cornell.edu/bna/species/563. (Accessed 02 January 2018.)

DNRC. 2020. Montana Sage Grouse Habitat Conservation Map. https://sagegrouse.mt.gov/ projects/. Accessed June 2020.

FWP. 2020. Montana Field Guide. Accessed August 2020. http://fieldguide.mt.gov

MDT. 2014. Montana Department of Transportation Standard Specifications for Road and Bridge Construction. 2014 Edition.

MTNHP. 2020a. Montana Natural Heritage Program. Species of Concern Report. Provided by MTNHP in September 2020.

MTNHP. 2020b. Montana Natural Heritage Program. 2019 Bald Eagle Data. Provided by MTNHP in September 2020.

USACE.1987. *Corps of Engineers Wetland Delineation Manual.* Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.

USACE. 2005. RGL 05-05: Regulatory Guidance Letter on Ordinary High Water mark Identification. Issued December 7, 2005.

USACE. 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region*. Engineer Research and Development Center.

USFWS. 2020. US Fish and Wildlife Service Ecological Services Montana Field Office. Endangered, Threatened, Proposed, and Candidate Species for Montana Counties. June 2020.

APPENDIX A

2017 RAILROAD OVERPASS WETLAND DELINEATION FIGURES

Legend

- Data Plot
- Delineated Wetlands
- Wetland Survey Limits
- Construction Easements
- New ROW Line
- ConstructionLimits
- Stationing
- Alignment Center Line
- Bridge
- Shoulder Delineation
- Flow Arrow

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Billings Bypass
Railroad Overpass
Wetland and Other Aquatic Resources Delineation

Sheet 1

Legend

- Wetland Survey Limits
- Construction Easements
- New ROW Line
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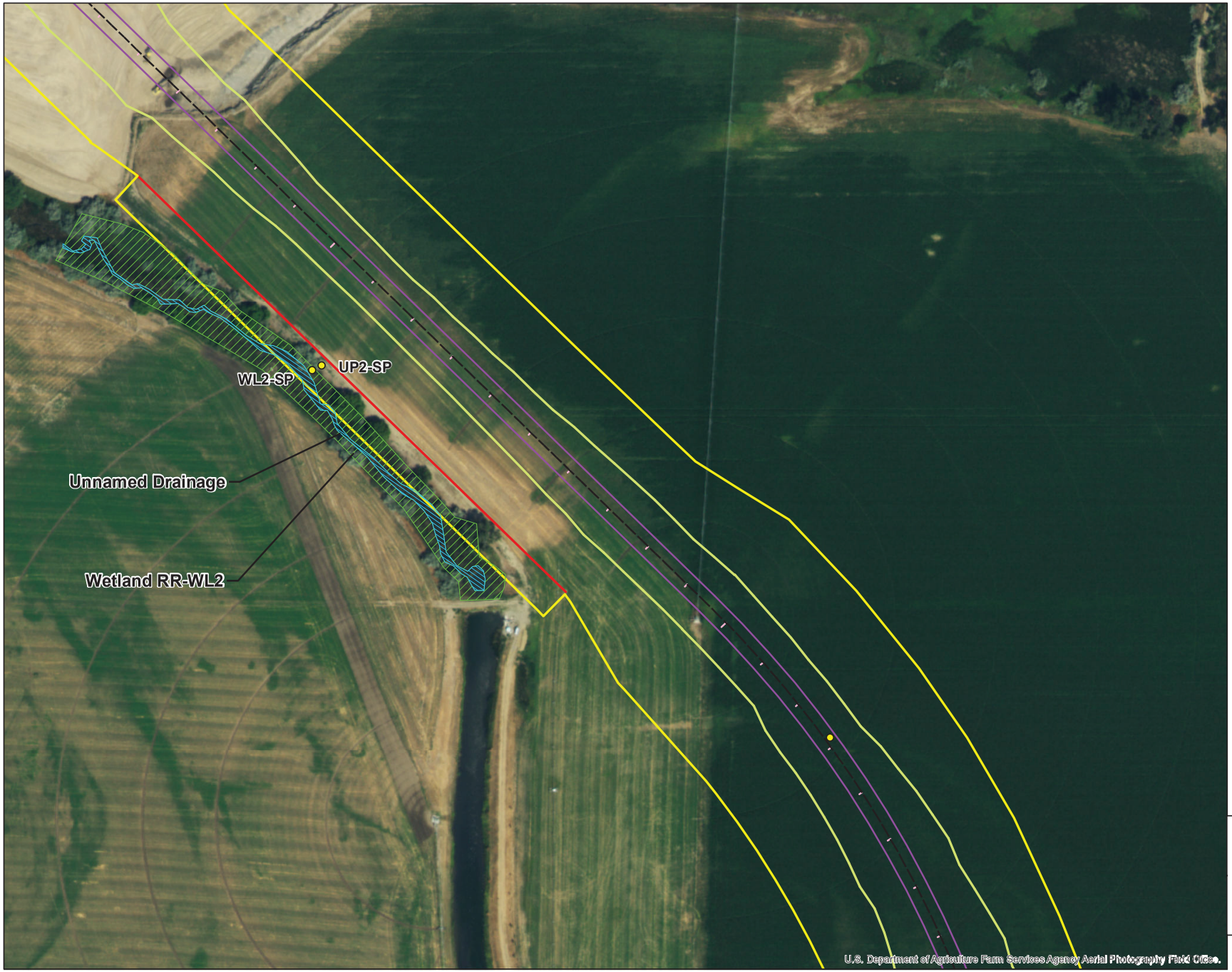
S

0 100 200 400 Feet

Billings Bypass
Railroad Overpass
Wetland and Other Aquatic Resources Delineation

Sheet 2



Legend

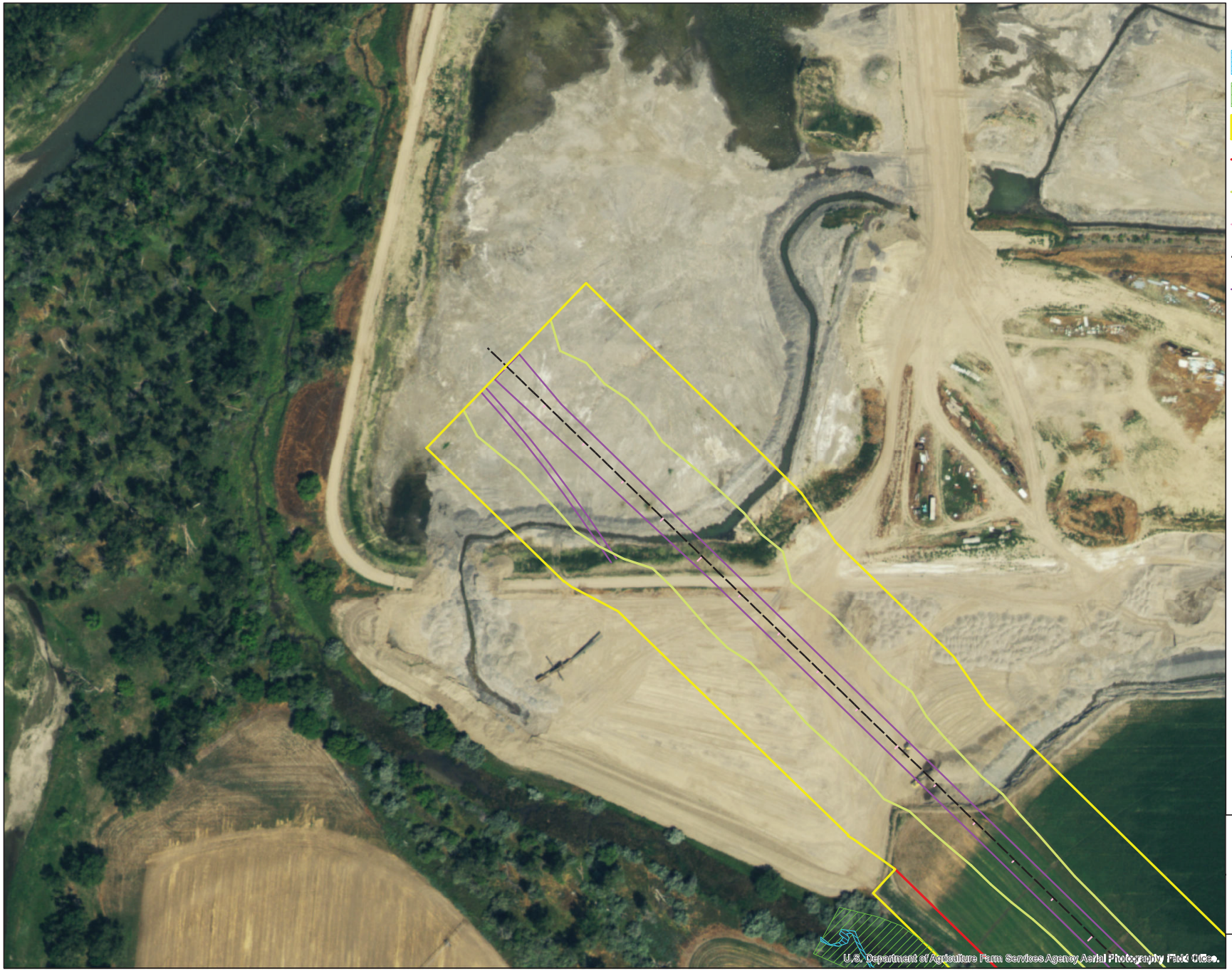
- Data Plot
- Waterway
- Delineated Wetlands
- Wetland Survey Limits
- Construction Easements
- ConstructionLimits
- Stationing
- Alignment Center Line
- Shoulder Delineation
- Flow Arrow

N
W E
S

0 100 200 400 Feet

Billings Bypass Railroad Overpass Wetland and Other Aquatic Resources Delineation

Sheet 3



Legend

- Waterway
- Delineated Wetlands
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- ConstructionLimits
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- Flow Arrow

N
W E
S

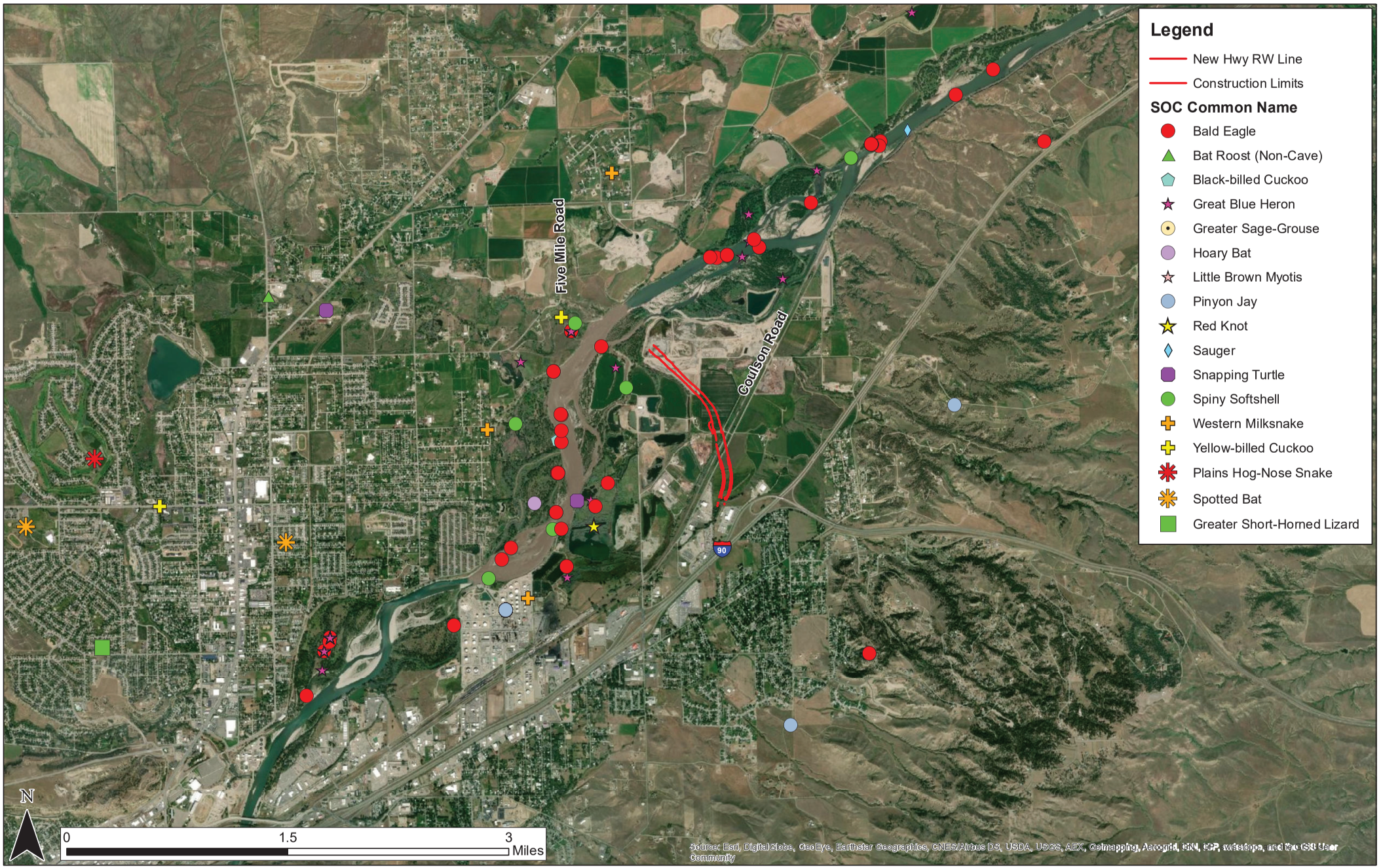
0 100 200 400 Feet

Billings Bypass Railroad Overpass Wetland and Other Aquatic Resources Delineation

Sheet 4

APPENDIX B

MONTANA SPECIES OF CONCERN IN PROJECT VICINITY



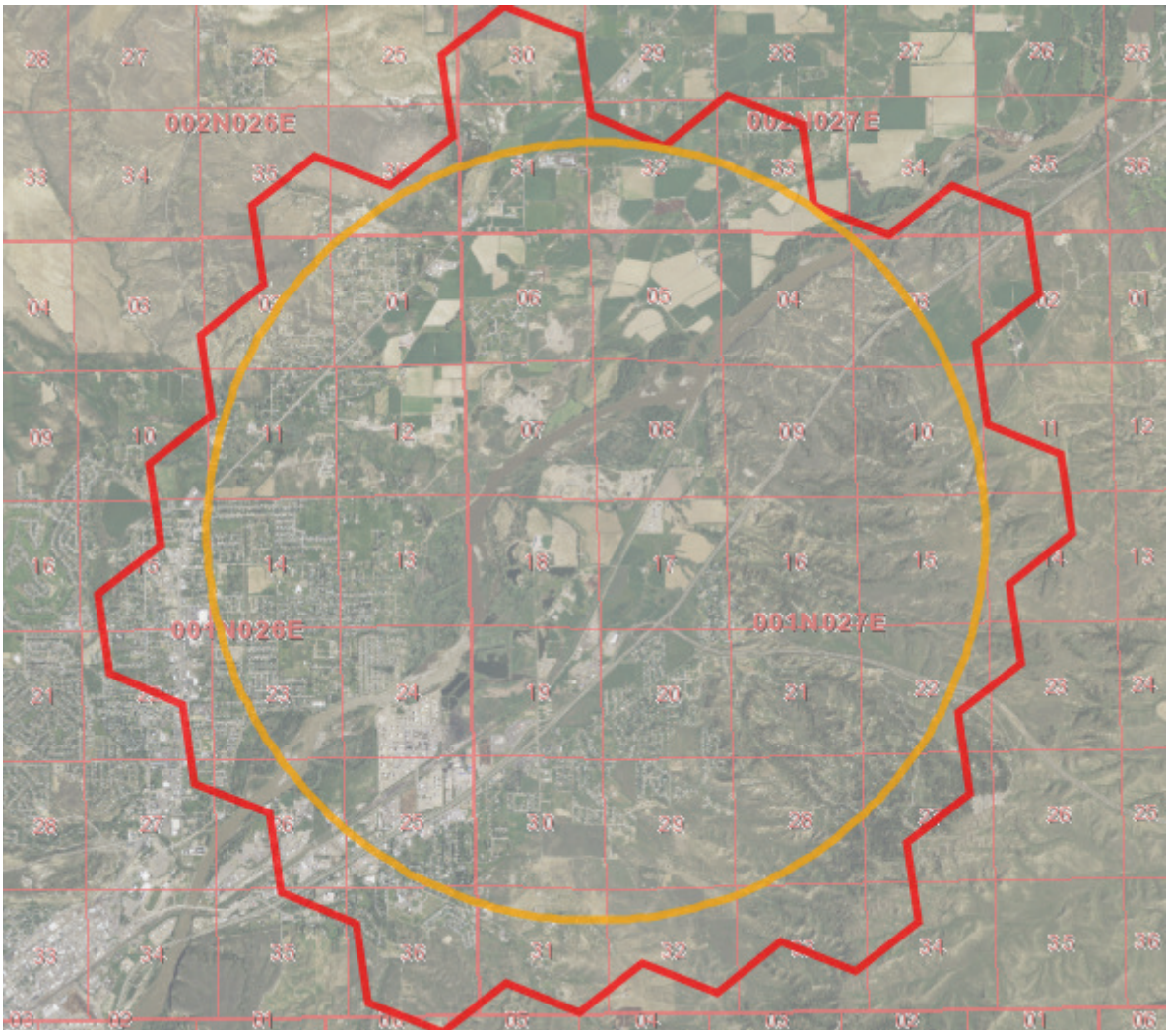
MTNHP Recorded Species of Concern (2020) - Railroad Overpass Segment

Environmental Summary

MONTANA
Natural Heritage Program
1515 East 6th Avenue
Helena, MT 59620
(406) 444-5363
mtnhp.org

Latitude	Longitude
45.78271	-108.32698
45.89576	-108.48516

Summarized by:
21mdt0004 Billings Bypass
(Custom Area of Interest)



Suggested Citation
Montana Natural Heritage Program. Environmental Summary Report.
for Latitude 45.78271 to 45.89576 and Longitude -108.32698 to -108.48516. Retrieved on 9/14/2020.

The Montana Natural Heritage Program is a program of the Montana State Library's Natural Resource Information System. It is operated as a special program under the Office of the Vice President for Research and Creative Scholarship at the University of Montana, Missoula.

The Montana Natural Heritage Program is part of NatureServe – a network of over 80 similar programs in states, provinces and nations throughout the Western Hemisphere, working to provide comprehensive status and distribution information for species and ecosystems.

Montana Natural Heritage Program · Montana State Library · University of Montana · NatureServe

Table of Contents

Introduction to Environmental Summary Report

The Environmental Summary report for your area of interest consists of introductory and related materials in this PDF and an Excel workbook with worksheets summarizing information managed in the Montana Natural Heritage Program's (MTNHP) databases for: (1) species occurrences; (2) other observed species without Species Occurrences; (3) other species potentially present based on their range, presence of associated habitats, or predictive distribution model output if available; (4) structured surveys (organized efforts following a protocol capable of detecting one or more species); (5) land cover mapped as ecological systems; (6) wetland and riparian mapping; (7) land management categories; and (8) biological reports associated with plant and animal observations. In order to do this in a consistent manner across Montana and allow for rapid delivery of summaries, we have intersected this information with a uniform grid of hexagons that have been used for planning efforts across the western United States (e.g. Western Association of Fish and Wildlife Agencies - Crucial Habitat Assessment Tool). Each hexagon is one square mile in area and approximately one kilometer in length on each side. Summary information for each data layer is then stored with each hexagon and those summaries are added up to an overall summary for the report area you have requested. Users should be aware that summaries do not correspond to the exact boundaries of the polygon they have specified, but instead are a summary across all hexagons intersected by the polygon they specified.

In presenting this information, MTNHP is working towards assisting the user with rapidly assessing the known or potential species and biological communities, land management categories, and biological reports associated with the report area. We remind users that this information is likely incomplete and may be inaccurate as surveys to document species are lacking in many areas of the state, species' range polygons often include regions of unsuitable habitat, methods of predicting the presence of species or communities are constantly improving, and information is constantly being added and updated in our databases. **Field verification by professional biologists of the absence or presence of species and biological communities in a report area will always be an important obligation of users of our data. Users are encouraged to only use this environmental summary report as a starting point for more in depth analyses and are encouraged to contact state, federal, and tribal resource management agencies for additional data or management guidelines relevant to your efforts. Please see the Appendix for introductory materials to each section of the report, additional information resources, and a list of relevant agency contacts.**

MONTANA Natural Heritage Program

Aprogram of the **Montana State Library's Natural Resource Information System** operated by the **University of Montana**.

Legend

Model Icons	Habitat Icons	Range Icons	Num Obs
N Suitable (native range)	C Common	I Introduced	Count of obs with 'good precision' (<=1000m)
O Optimal Suitability	O Occasional	Y Year-round	+ indicates additional 'poor precision' obs (1001m-10,000m)
M Moderate Suitability		S Summer	
L Low Suitability		W Winter	
I Suitable (introduced range)		M Migratory	
		H Historic	

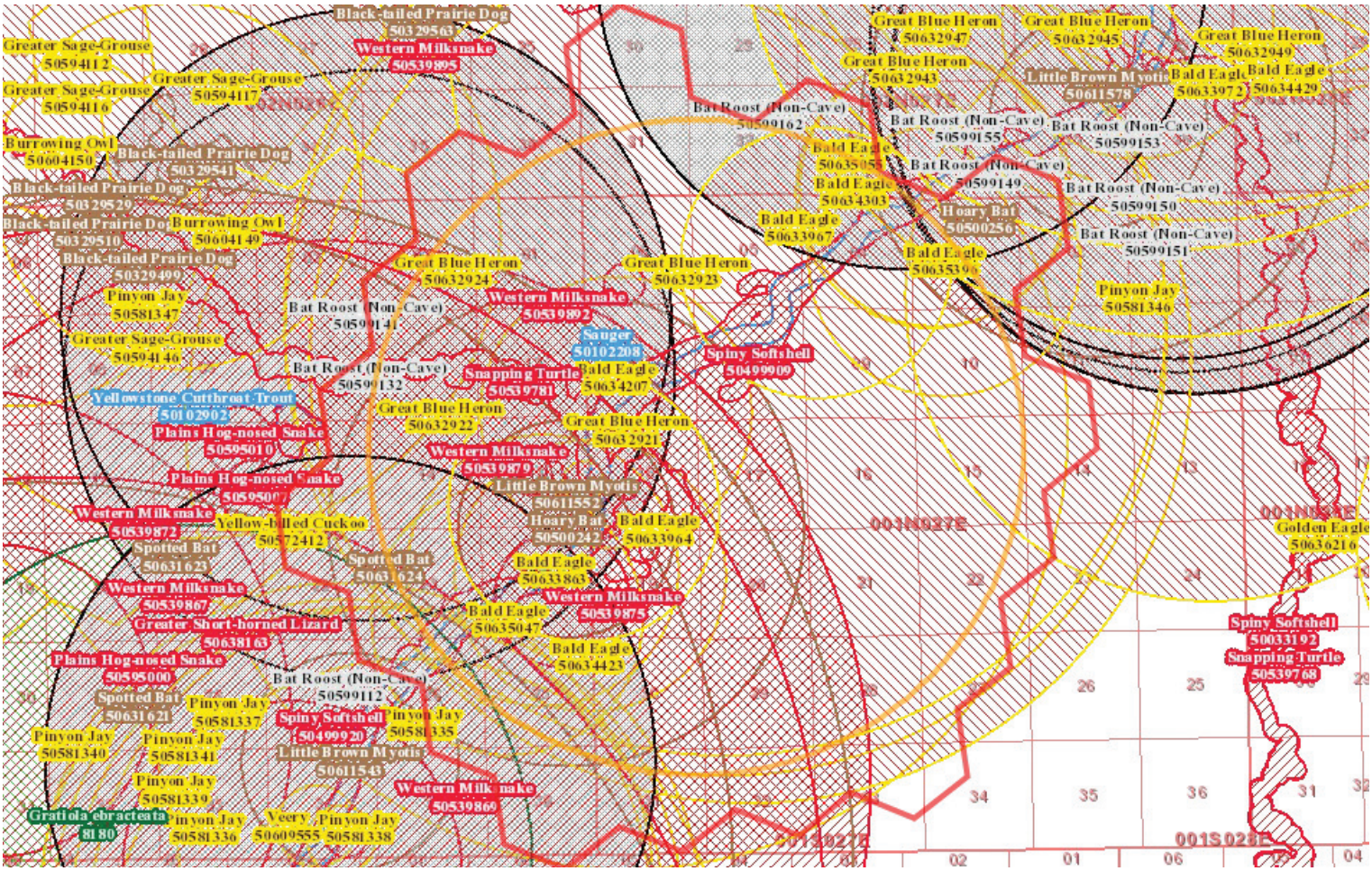
Latitude	Longitude
45.78271	-108.32698
45.89576	-108.48516

Native Species

Summarized by: **21mdt0004 Billings Bypass** *(Custom Area of Interest)*

Filtered by:

MT_Status='Species of Concern', 'Special Status', 'Important Animal Habitat', 'Potential SOC'



Species Occurrences

	USFWS Sec7	# SO	# Obs	Predictive Model	Associated Habitat	Range
R - Snapping Turtle *(Chelydra serpentina)* SOC		1	2			Y

View in Field Guide **View Predicted Models** **View Associated Habitat** **View Range Maps**

Species of Concern - Native Species Global: **G5** State: **S3** BLM: **SENSITIVE** FWP SWAP: **SGCN3, SGIN**

Delineation Criteria Stream reaches and standing water bodies within the species native range where their presence has been confirmed through direct capture or observation or where they are believed to be present based on the professional judgement of a biologist due to confirmed presence in adjacent areas. Occupied stream reaches are buffered up and downstream and into adjoining streams by 6,000 meters to encompass maximum reported annual travel distance. In order to reflect the importance of adjacent terrestrial habitats to survival, stream reaches and standing water bodies are buffered 100 meters into the terrestrial habitat based on PACFISH/INFISH Riparian Conservation Area standards. (Last Updated: Sep 26, 2019)

Predictive Models: N 38% Suitable (native range) (deductive) **Associated Habitats:** C 11% Common, O 1% Occasional

R - Spiny Softshell *(Apalone spinifera)* SOC		1	7			Y

View in Field Guide **View Predicted Models** **View Associated Habitat** **View Range Maps**

Species of Concern - Native Species Global: **G5** State: **S3** BLM: **SENSITIVE** FWP SWAP: **SGCN3**

Delineation Criteria Stream reaches and impounded streams within the species' native range where the species naturally occurs and their presence has been confirmed through direct capture or where they are believed to be present based on the professional judgement of a biologist due to confirmed presence in adjacent areas. In order to reflect the importance of adjacent terrestrial habitats to survival, stream reaches are buffered 100 meters and impounded streams 50 meters into the terrestrial habitat based on PACFISH/INFISH Riparian Conservation Area standards. (Last Updated: Sep 26, 2019)

Predictive Models: N 31% Suitable (native range) (deductive) **Associated Habitats:** C 10% Common, O 3% Occasional

F - Sauger *(Sander canadensis)* SOC		1	2 +		Not Assigned	Y

View in Field Guide View Predicted Models View Range Maps

Species of Concern - Native Species Global: **G5** State: **S2** BLM: **SENSITIVE** FWP SWAP: **SGCN2**

Delineation Criteria Stream reaches and standing water bodies where the species presence has been confirmed through direct capture or where they are believed to be present based on the professional judgement of a fisheries biologist due to confirmed presence in adjacent areas. In order to reflect the importance of adjacent terrestrial habitats to survival, stream reaches are buffered 100 meters, standing water bodies greater than 1 acre are buffered 50 meters, and standing water bodies less than 1 acre are buffered 30 meters into the terrestrial habitat based on PACFISH/INFISH Riparian Conservation Area standards. (Last Updated: Jul 07, 2017)

Predictive Models: N 26% Suitable (native range) (deductive)

R - Western Milksnake *(Lampropeltis gentilis)* SOC — 4 — 3 + — Y

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Species of Concern - Native Species Global: **G5** State: **S2** USFS: **Sensitive - Known on Forests (CG)** BLM: **SENSITIVE** FWP SWAP: **SGCN2**

Delineation Criteria Confirmed breeding area based on the presence of a resident animal of any age. Point observation location is buffered by a minimum distance of 300 meters in order to encompass the maximum summer home range size reported for the species and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Jul 03, 2019)

Predictive Models: O 38% Optimal (inductive), M 62% Moderate (inductive) **Associated Habitats:** C 48% Common, O 15% Occasional

B - Yellow-billed Cuckoo *(Coccyzus americanus)* SOC — 1 — 2 + — S M

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Species of Concern - Native Species Global: **G5** State: **S3B** USFWS: **PS: LT; MBTA; BCC10** USFS: **Threatened on Forests (BRT, LOLO)** BLM: **THREATENED** FWP SWAP: **SGCN3, SGIN** PIF: **2**

Delineation Criteria Observations with evidence of breeding activity buffered by a minimum distance of 300 meters in order to encompass the maximum foraging area size reported for the species and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Sep 05, 2019)

Predictive Models: O 13% Optimal (inductive), M 33% Moderate (inductive), L 44% Low (inductive)
Associated Habitats: C 8% Common, O 7% Occasional

B - Bald Eagle *(Haliaeetus leucocephalus)* SSS — 9 — 56 + — Y

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Special Status Species - Native Species Global: **G5** State: **S4** USFWS: **DM; BGEPA; MBTA; BCC10; BCC11; BCC17** USFS: **Sensitive - Known on Forests (BD, BRT, CG, HLC, KOOT, LOLO)** BLM: **SENSITIVE** PIF: **2**

Delineation Criteria Confirmed nesting area buffered by a minimum distance of 2,000 meters in order to be conservative about encompassing the breeding territory and area commonly used for renesting and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Mar 30, 2020)

Predictive Models: O 10% Optimal (inductive), M 21% Moderate (inductive), L 31% Low (inductive)
Associated Habitats: C 11% Common, O 19% Occasional

M - Spotted Bat *(Euderma maculatum)* SOC — 3 — S M

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Species of Concern - Native Species Global: **G4** State: **S3** USFS: **Sensitive - Known on Forests (BD, CG)** BLM: **SENSITIVE** FWP SWAP: **SGCN3, SGIN**

Delineation Criteria Confirmed area of occupancy based on the documented presence (mistnet captures, definitively identified acoustic recordings, and definitively identified roosting individuals) of adults or juveniles. Point observation location is buffered by a distance of 10,000 meters in order to encompass the reported maximum foraging distance for the species in British Columbia. If the locational uncertainty associated with the observation is greater than 10,000 meters, the observation is not valid for creation of a species occurrence. (Last Updated: Mar 24, 2020)

Predictive Models: O 8% Optimal (inductive), M 62% Moderate (inductive), L 30% Low (inductive)
Associated Habitats: C 51% Common, O 19% Occasional

B - Pinyon Jay *(Gymnorhinus cyanocephalus)* SOC — 8 — 1 + — Y

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Species of Concern - Native Species Global: **G3** State: **S3** USFWS: **MBTA; BCC17** FWP SWAP: **SGCN3**

Delineation Criteria Observations with evidence of breeding activity buffered by a minimum distance of 4,500 meters in order to be conservative about encompassing the home ranges reported for flocks and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Sep 25, 2019)

Predictive Models: O 5% Optimal (inductive), M 82% Moderate (inductive), L 13% Low (inductive)
Associated Habitats: C 8% Common, O 15% Occasional

B - Black-billed Cuckoo *(Coccyzus erythropthalmus)* SOC — 1 — 1 — S M

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Species of Concern - Native Species Global: **G5** State: **S3B** USFWS: **MBTA; BCC11; BCC17** BLM: **SENSITIVE** FWP SWAP: **SGCN3, SGIN** PIF: **2**

Delineation Criteria Observations with evidence of breeding activity buffered by a minimum distance of 300 meters in order to be conservative about encompassing home ranges and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Dec 09, 2015)

Predictive Models: O 5% Optimal (inductive), M 44% Moderate (inductive), L 41% Low (inductive) **Associated Habitats:** C 15% Common

B - Great Blue Heron *(Ardea herodias)* SOC — 7 — 37 + — Y S M

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Species of Concern - Native Species Global: **G5** State: **S3** USFWS: **MBTA** FWP SWAP: **SGCN3**

Delineation Criteria Confirmed nesting area buffered by a minimum distance of 6,500 meters in order to be conservative about encompassing the areas commonly used for foraging near the breeding colony and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Mar 24, 2020)

Predictive Models: O 5% Optimal (inductive), M 36% Moderate (inductive), L 44% Low (inductive) **Associated Habitats:** C 8% Common

R - Plains Hog-nosed Snake *(Heterodon nasicus)* SOC — 2 — Y

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Species of Concern - Native Species Global: **G5** State: **S2** USFS: **Sensitive - Known on Forests (CG)** BLM: **SENSITIVE**
FWP SWAP: **SGCN2, SGIN**

Delineation Criteria Confirmed breeding area based on the presence of a resident animal of any age. Point observation location is buffered by a minimum distance of 500 meters in order to encompass the maximum summer home range size reported for the congeneric Eastern Hog-nosed Snake and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Sep 26, 2019)

Predictive Models: M 54% Moderate (inductive), L 46% Low (inductive) **Associated Habitats:** C 48% Common, O 2% Occasional

M - Little Brown Myotis *(Myotis lucifugus)* SOC — 3 — 1 — Y

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Species of Concern - Native Species Global: **G3** State: **S3** FWP SWAP: **SGCN3**

Delineation Criteria Confirmed area of occupancy based on the documented presence (mistnet captures, definitively identified acoustic recordings, or definitively identified roosting individuals) of adults or juveniles. Point observation location is buffered by a distance of 1,600 meters in order to encompass the greater than 1,500 meters foraging distance reported for the species in New Brunswick, Canada and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. When cave locations are involved, point observations are mapped in the center of a one-square mile hexagon to protect the exact location of the cave entrance as per the Federal Cave Resource Protection Act and associated regulations (U.S. Code Title 16 Chapter 63, Code of Federal Regulations Title 43 Subtitle A Part 37). The outer edges of the hexagon are then buffered by a distance of 1,600 meters and otherwise by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. All of the one-square mile hexagons intersecting this buffered area are presented as the Species Occurrence record. (Last Updated: Jan 03, 2020)

Predictive Models: M 44% Moderate (inductive), L 56% Low (inductive) **Associated Habitats:** C 66% Common, O 34% Occasional

M - Hoary Bat *(Lasiurus cinereus)* SOC — 2 — 1 — S M

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

Species of Concern - Native Species Global: **G3G4** State: **S3** BLM: **SENSITIVE** FWP SWAP: **SGCN3**

Delineation Criteria Confirmed area of occupancy based on the documented presence (mistnet captures, definitively identified acoustic recordings, and definitively identified roosting individuals) of adults or juveniles during the active season. Point observation location is buffered by a minimum distance of 3,500 meters in order to be conservative about encompassing the maximum reported foraging distance for the congeneric Lasiurus borealis and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: May 14, 2019)

Predictive Models: M 41% Moderate (inductive), L 59% Low (inductive) **Associated Habitats:** C 53% Common, O 39% Occasional

R - Greater Short-horned Lizard *(Phrynosoma hernandesi)* SOC — 1 — + — Y

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

USFS: **Sensitive - Known on Forests (CG)**
Species of Concern - Native Species Global: **G5** State: **S3** **Sensitive - Suspected on Forests (HLC)** BLM: **SENSITIVE**
FWP SWAP: **SGCN3, SGIN**

Delineation Criteria Confirmed breeding area based on the presence of a resident animal of any age. Point observation location is buffered by a minimum distance of 300 meters in order to encompass habitats supporting other individuals and documented distances moved betweeen summer and winter habitats. Otherwise the point observation is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Apr 01, 2020)

Predictive Models: M 33% Moderate (inductive), L 62% Low (inductive) **Associated Habitats:** C 41% Common

B - Greater Sage-Grouse *(Centrocercus urophasianus)* SOC — 2 — + — Y

View in Field Guide View Predicted Models View Associated Habitat View Range Maps

USFS: **Sensitive - Known on Forests (BD)**
Species of Concern - Native Species Global: **G3G4** State: **S2** **Sensitive - Suspected on Forests (CG, HLC)** BLM: **SENSITIVE**
FWP SWAP: **SGCN2** PIF: **1**

Delineation Criteria Confirmed breeding area based on the presence of a nest, chicks, juveniles, or adults on a lek. Point observations are mapped in the center of a one-square mile hexagon to protect the exact locations of leks. The outer edges of this hexagon are then buffered by a distance of 6,400 meters in order to encompass a body of research indicating that females typically nest within this distance of a lek and that lek numbers are negatively impacted by fossil fuel drilling activities within this distance of a lek. If the locational uncertainty associated with the observation is greater than this distance, it is buffered by the locational up to a maximum distance of 10,000 meters. All of the one-square mile hexagons intersecting this buffered area are presented as the Species Occurrence record. (Last Updated: Sep 25, 2019)

Predictive Models: L 59% Low (inductive) **Associated Habitats:** C 31% Common, O 3% Occasional

V - Gratiola ebracteata *(Bractless Hedge-hyssop)* SOC — 1 — + — Not Available — Not Assigned — Y

View in Field Guide View Range Maps

Species of Concern - Native Species Global: **G4** State: **S2** MNPS: **3**

Delineation Criteria Individual occurrences are generally based upon a discretely mapped area provided by an observer and are not separated by any pre-defined distance. Individual clusters of plants mapped at fine spatial scales (separated by less than approximately 25-50 meters) may be grouped together into one occurrence if they are not separated by distinct areas of habitat or terrain features. Point observations are buffered to encompass any locational uncertainty associated with the observation. (Last Updated: Apr 26, 2018)

O - Bat Roost (Non-Cave) *(Bat Roost (Non-Cave))* IAH — 9 — Not Available — Not Assigned

View in Field Guide

Important Animal Habitat - Native Species Global: **GNR** State: **SNR**

Delineation Criteria Confirmed area of occupancy based on the documented presence of adults or juveniles of any bat species at non-cave natural roost sites (e.g. rock outcrops, trees), below ground human created roost sites (e.g. mines), and above ground human created roost sites (e.g., bridges, buildings). Point observation locations are buffered by a distance of 4,500 meters in order to encompass the 95% confidence interval for nightly foraging distance reported for Townsendâ€™s Big-eared Bat (a resident Montana bat Species of Concern) and otherwise by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Oct 22, 2019)

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

June 10, 2020

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

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