



BILLINGS BYPASS EIS
NCPD 56(55)CN 4199



FINAL ENVIRONMENTAL IMPACT STATEMENT – MARCH 2014

SUPPLEMENTAL AGENCY COORDINATION MATERIALS



Agency Correspondence Summary Table

DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
BILLINGS K-12 SCHOOLS DISTRICT 2				
09/27/10	Dr. R. Keith Beeman, Billings K-12 Schools District 2	Tom S. Martin, PE, MDT	Information Letter	
CITY OF BILLINGS				
09/27/10	Tom Hanel, City of Billings	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
10/14/10	Tom S. Martin, PE, MDT	Christina F. Volek	Acceptance of Participating Agency Request	
11/03/10	Tom S. Martin, PE, MDT	Vern Heisler	Comments on Billings Bypass EIS	City has Capital Improvement Project (CIP) planned within study area. Agency officials should meet with City of Billings staff to discuss questions in invitation letter to be a participating agency.
01/27/11	Christina Volek, City of Billings	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
03/17/11	Christina Volek, City of Billings	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
05/24/12	Tom S. Martin, PE, MDT	Erin S. Claunch, PE, PTOE, City of Billings	Comment on Agency Draft EIS for Billings Bypass EIS	
CROW NATION				
09/27/10	Jeremy Not Afraid, Crow Nation	Tom S. Martin, PE, MDT	Information Letter	
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY				
09/27/10	Greg Hallsten, DEQ	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
09/27/10	George Mathius, DEQ	Tom S. Martin, PE, MDT	Information Letter and Request	
09/27/10	Judy Hanson, DEQ	Tom S. Martin, PE, MDT	Information Request	



DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
10/05/10	Tom S. Martin, PE, MDT	Michael Pipp, DEQ	Response to Data and/or Information Request Relating to Billings Bypass EIS Project Area	Transfer of Data and information including specific waterbodies from 305(b) assessment database, 303(d) listings for each, and state water use class designations.
10/12/10	Tom S. Martin, PE, MDT	Thomas M. Ellerhoff, DEQ	Acceptance of Participating Agency Request	Jeff Ryan will handle permitting issues. Robert Ray will handle planning issues.
01/27/11	Thomas M. Ellerhoff, DEQ	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
03/17/11	Jeff Ryan, DEQ	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
03/17/11	Robert Ray, DEQ	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS				
09/27/10	Gary Hammond, FWP	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
09/27/10	Jim Darling, FWP	Tom S. Martin, PE, MDT	Information Letter and Request	
09/27/10	Walt W. Timmerman, FWP	Tom S. Martin, PE, MDT	Information Letter and Request	
10/12/10	Tom S. Martin, PE, MDT	Gary Hammond, FWP	Acceptance of Participating Agency Request	
10/13/10	Tom Gocksch, PE, MDT	Walt W. Timmerman, FWP	Comments on Billings Bypass EIS	Two Land and Water Conservation Fund (LWCF)-assisted sites within study area.
10/14/10	Walt W. Timmerman, FWP Tom Gocksch, PE, MDT	James Colegrove, FWP	Comments on Billings Bypass EIS	No LWCF funding was affiliated with the acquisition of the East River Bridge FAS land.



DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
10/14/10	James Colegrove, FWP	Walt W. Timmerman, FWP	Comments on Billings Bypass EIS	Section 6(f) may not apply to East River Bridge FAS, but Section 4(f) does apply.
01/27/11	Gary Hammond, FWP	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
03/17/11	Gary Hammond, FWP	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION				
09/27/10	Mary Sexton, DNRC	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
10/13/10	Tom S. Martin, PE, MDT	Jeff Bollman, DNRC	Acceptance of Participating Agency Request	
10/13/10	Tom S. Martin, PE, MDT	Jeff Bollman, DNRC	Comments on Billings Bypass EIS	Crossing of Yellowstone River will require an easement to be submitted to and reviewed by the DNRC and approved by the Board of Land Commissioners.
01/27/11	Jeff Bollman, DNRC	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
02/17/11	Tom S. Martin, PE, MDT	Jeff Bollman, DNRC	Comments on Draft Purpose and Need Statement	No specific comments at this time.
03/17/11	Jeff Bollman, DNRC	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
MONTANA NATURAL HERITAGE PROGRAM				
09/27/10	Bryce Maxell, NHP	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
09/29/10	Tom S. Martin, PE, MDT	Bryce Maxwell, NHP	Decline Request to be a Participating Agency	Agency has no jurisdiction or authority with respect to the project – they are a neutral data provider.



DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
10/05/10	Tom S. Martin, PE, MDT	Martin P. Miller, MNHP	Response to 09/27/10 NHP letter	Enclosed preliminary list of Species of Concern within study area and maps depicting species and ecological site locations.
MONTANA STATE HISTORIC PRESERVATION OFFICE				
09/27/10	Dr. Mark Baumler, SHPO	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
10/01/10	Tom S. Martin, PE, MDT	Damon Murdo, SHPO	Response to 09/27/11 SHPO letter	List of cultural resource sites and reports.
01/27/11	Damon Murdo, SHPO	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
03/17/11	Damon Murdo, SHPO	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
04/06/11	Tom Gocksch, PE, MDT	Dr. Stan Wilmoth, SHPO	Response to Invitation to Cooperating/Participating Agency Meeting	Encourage systematic consideration of Historic Properties early in project planning.
11/23/11	Dr. Mark Baumler, SHPO	Jon Axline, MDT	Request for Concurrence with Cultural Resources Report, CRABS, and site forms for Billings Bypass EIS Concurrence dated 12/9/11 except for Coulson Ditch and Five Mile Creek Bridge	1805 Mary St., 2206 Mary St., 2411 Bench Blvd., and Five Mile Creek Bridge recommended as ineligible for the National Register of Historic Places. The BBWA Canal, Northern Pacific Railway, and the Billings Central and Montana Railroad were determined eligible for the National Register.



DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
12/15/11	Dr. Mark Baumler, SHPO	Jon Axline, MDT	Request for Concurrence with Determination of Effect for Billings Bypass EIS Concurrence dated 12/29/2011	No Adverse Effect to Billings Bench Water Association Canal, the Northern Pacific Railway, and Coulson Ditch. Billings and Central Montana Railroad covered under MDT's Abandoned Historic Railroad Grade Programmatic Agreement. Five Mile Creek Bridge covered under the Historic Roads and Bridges Programmatic Agreement.
04/26/12	Tom S. Martin, PE, MDT	Dr. Mark Baumler, SHPO	Comment on Agency Draft EIS for Billings Bypass EIS	
SECTION 4(f)				
11/03/11	Christina Volek, City of Billings	Tom S. Martin, PE, MDT	Information Request for Significance of City Park Sites	
12/12/11	Tom S. Martin, PE, MDT	Candi Beaudry, Director, City and County Planning	Section 4(f) Applicability Form	Kiwanis Trail, Planned Kiwanis Trail Extension, Planned Heights Upper Loop Trail, and Planned Two Moon Park to Five Mile Creek Trail are all Significant Park or Recreation Areas.
11/03/11	Bill Kennedy, Yellowstone County Commissioner	Tom S. Martin, PE, MDT	Information Request for Significance of County Park Sites	



DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
12/12/11	Tom S. Martin, PE, MDT	Cal Cumin, Yellowstone County Parks Director	Section 4(f) Concurrence Form	Concurrence that Yellowstone County has jurisdiction over Homestead Park, Lockwood Park, Madsen Park, Shawnee Park, Oxbow Park, Pine Hill Subdivision Park, Quarter Horse Park, Shamrock Acreage Tracts Subdivision Park, Two Moon Park.
U.S. ARMY CORPS OF ENGINEERS				
09/27/10	Todd Tillinger, COE	Tom S. Martin, PE, MDT	Invitation to be a Cooperating Agency	
10/20/10	Tom S. Martin, PE, MDT	Shannon Johnson, COE	Acceptance of Cooperating Agency Request	
01/27/11	Shannon Johnson, COE	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
02/08/11	Tom S. Martin, PE, MDT	Shannon Johnson, COE	Comments on Draft Purpose and Need Statement	Request for additional alternative to be evaluated which does not cross the Yellowstone River.
03/17/11	Shannon Johnson, COE	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	



DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
04/22/11	Tom S. Martin, PE, MDT	Todd N. Tillinger, COE	Comments on Preliminary Alternatives Analysis	Various river crossing alignment appear reasonable, but Johnson Lane Option 2 has potential impact to wetlands mitigation area and wetlands are adjacent to the river in the study area, potential floodplain impacts as well. Yellowstone River is a Section 10 waterway.
U.S. DEPARTMENT OF AGRICULTURE – NATURAL RESOURCES CONSERVATION SERVICE				
09/27/10	Joyce Swartzendruber, NRCS	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
09/27/10	Nick Vira, NRCS	Tom S. Martin, PE, MDT	Information and Request Letter	
10/08/10	Tom S. Martin, PE, MDT	David Kascht, NRCS	Acceptance of Participating Agency Request	
01/27/11	David Kascht, NRCS	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
03/17/11	David Kascht, NRCS	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
05/24/12	Tom S. Martin, PE, MDT	Philip Sandoval, NRCS	Comment on Agency Draft EIS for Billings Bypass EIS	
U.S. DEPARTMENT OF INTERIOR - BUREAU OF LAND MANAGEMENT				
09/27/10	Mike Nedd, BLM	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
10/13/10	Tom S. Martin, PE, MDT	James M. Sparks, BLM	Decline Participating Agency Request	BLM does not intend to submit comments on the project.
U.S. ENVIRONMENTAL PROTECTION AGENCY				
09/27/10	Julie Dalsoglio, EPA	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	



DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
10/04/10	Brian Hasselbach, FHWA Fred Bente, MDT	Julie Dalsoglio, EPA	Comments on EIS for Yellowstone County Route Connection Between I-90 and Old Hwy 312 Near Billings, MT	Revised set of scoping comments.
01/27/11	Julie Dalsoglio, EPA	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
03/17/11	Stephen Potts, EPA	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
04/19/11	Thomas S. Martin, PE, MDT	Julie DalSoglio, EPA	Comment on Preliminary Alternative Analysis Information for Billings Bypass EIS	Recommend Alternatives Considered but Dismissed section in the EIS and 404(b)(1) analysis include support that less damaging alternatives to aquatic resources are not practicable in the context of the CWA.
05/24/12	MDT	EPA	Comment on Agency Draft EIS for Billings Bypass EIS	
U.S. FISH AND WILDLIFE SERVICE				
09/27/10	R. Mark Wilson, FWS	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
11/23/10	Tom S. Martin, PE, MDT	R. Mark Wilson, FWS	Acceptance of Participating Agency Request	Project may affect listed species, but USFWS is short-staffed and will not be able to provide substantial review or participation in activities.
01/27/11	R. Mark Wilson, FWS	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
03/17/11	R. Mark Wilson, FWS	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
05/22/12	Tom S. Martin, PE, MDT	R. Mark Wilson, FWS	Comment on Agency Draft EIS for Billings Bypass EIS	



DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
07/26/12	Bill Semmens, MDT	R. Mark Wilson, FWS	Concurrence with effects determinations of federally listed species affected by the proposed Billings Bypass (NCPD 56(55))	
U.S. NATIONAL PARK SERVICE				
10/07/10	Brian Hasselbach, FHWA	Julie Sharp, NPS	Comments on Proposal to Construct a Connection between I-90 and Old Hwy 312 in or near City of Billings, MT	NPS reviewed the project. No parks will be affected so they have no comments.
YELLOWSTONE COUNTY				
09/27/10	Bill Kennedy, Yellowstone County	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
09/27/10	Duane Winslow, Yellowstone County	Tom S. Martin, PE, MDT	Information Letter	
01/20/11	Tom S. Martin, PE, MDT	Jim E. Reno, Yellowstone County	Acceptance of Participating Agency Request	
01/27/11	Bill Kennedy, Yellowstone County	Tom S. Martin, PE, MDT	Request for Comments on Draft Purpose and Need Statement	
03/17/11	Bill Kennedy, Yellowstone County	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
YELLOWSTONE COUNTY PLANNING BOARD				
03/15/11	Dennis Cook, Yellowstone County Planning Board	Tom S. Martin, PE, MDT	Invitation to be a Participating Agency	
03/17/11	Dennis Cook, Yellowstone County Planning Board	Tom S. Martin, PE, MDT	Notice for Cooperating/Participating Agency Meeting	
03/18/11	Tom S. Martin, PE, MDT	Dennis L. Cook, Planning Board President	Acceptance of Participating Agency Request	

Source: DEA Team, 2013



Agency Correspondence After Publication of DEIS

DATE	RECIPIENT	SUBMITTER	SUBJECT	KEY INFORMATION
U.S. DEPARTMENT OF AGRICULTURE – NATURAL RESOURCES CONSERVATION SERVICE				
8/6/2013	Maggie Buckley, David Evans and Associates	Kate Norvell, Agronomist, NRCS	FPPA assessment	Evaluation of farmland impacts; evaluation attached in Appendix C.
MONTANA STATE HISTORIC PRESERVATION OFFICE				
9/12/2013	Jon Axline, MDT	Kathryn Ore, Montana SHPO	Concurrence on determination of eligibility of Coulson Ditch (not eligible)	Letter attached in Appendix D.
9/16/2013	Jon Axline, MDT	Kathryn Ore, Montana SHPO	Concurrence on determination of eligibility of ten properties (not eligible)	Letter attached in Appendix D.
12/18/13	Jon Axline, MDT	Kathryn Ore, Montana SHPO	Concurrence on determination of eligibility of nine properties (not eligible)	Letter attached in Appendix D.

BILLINGS K-12 SCHOOLS, DISTRICT 2



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Dr. R. Keith Beeman
Superintendent
BILLINGS K-12 SCHOOLS, DISTRICT 2
415 North 30th Street
Billings, MT 59101

Subject: Information Letter
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Dr. Beeman:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Superintendent Joe Swain was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency

must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.ⁱ The City of Billings has been identified preliminarily as one that may have an interest in this project, because the proposed project will provide both economic opportunities and result in environmental impacts during its implementation that are important to your community. Accordingly, an invitation to become actively involved as a participating agency in the environmental review process for the project was sent to Mayor Tom Hanel.

Any pertinent information or concerns the school district has at this time would be appreciated. This information will be used in the preparation of the environmental document.

Please contact Tom Gocksch at (406) 444-9412 if you have any questions about this request.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosure: Study Area Map

Copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
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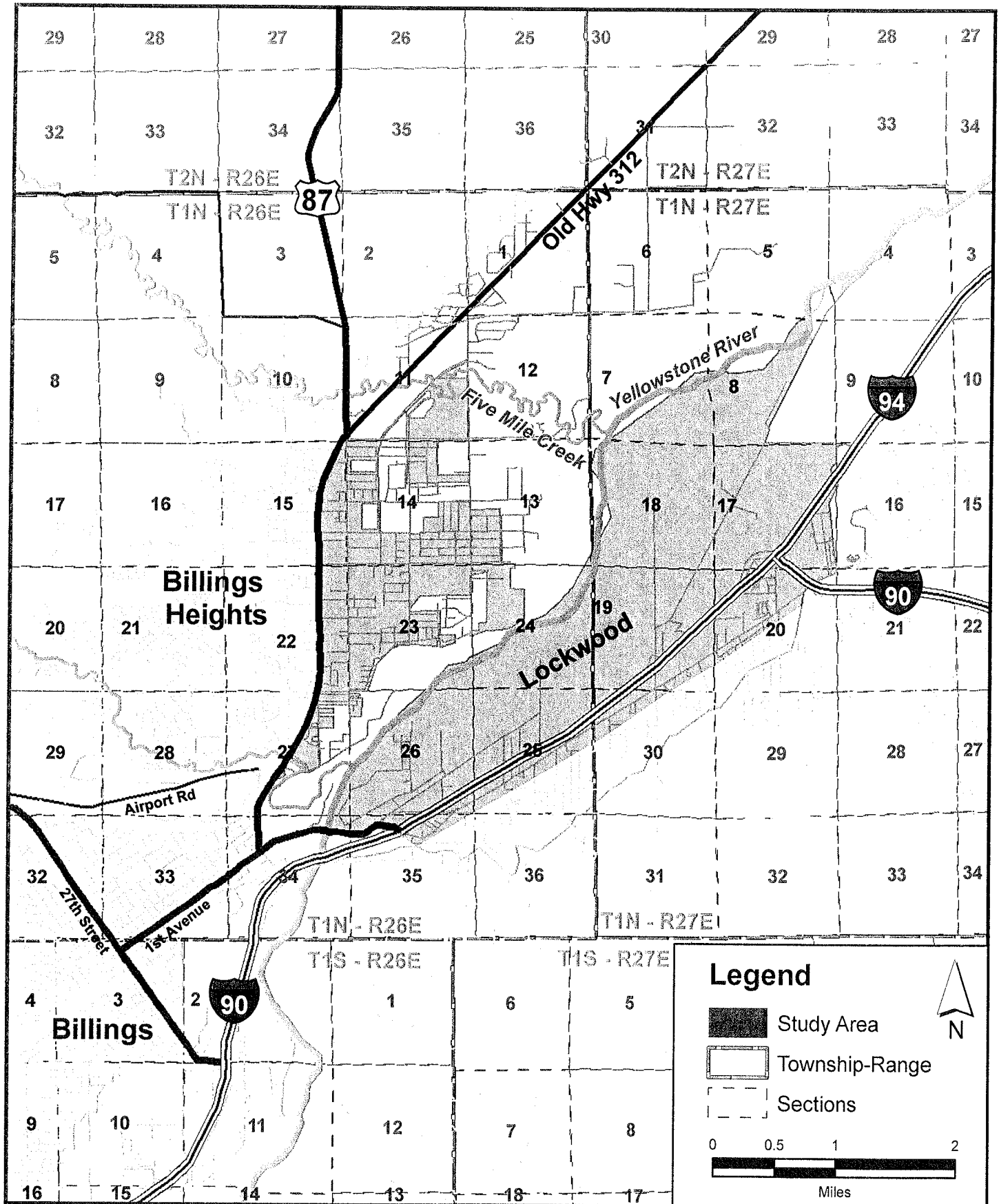
ⁱ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



CITY OF BILLINGS



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mayor Tom Hanel
CITY OF BILLINGS
PO Box 1178
Billings, MT 59103

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mayor Hanel:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Mayor Ron Tussing was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency

must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project will provide both economic opportunities and result in environmental impacts during its implementation that are important to your community. Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

You may use the attached Participating Agency Designation form to accept or decline this invitation. For your information, an informational letter regarding this project has also been sent to Dr. R. Keith Beeman, Superintendent for Billings K-12 Schools, District 2.

Through this letter, MDT is also requesting information from City of Billings' staff to be used in the preparation of the environmental documentation on the proposed projects. Please notify us if there are any particular issues that we should be aware of, in addition to those listed below:

- Are there any specific leases or land uses that may be adversely impacted, or that should be considered?
- Does the City have any ongoing or presently planned projects for the particular area that could affect, or be affected by the proposed projects? Is the City aware of any proposed or current projects by others (public or private agencies) that pose similar effects?
- Have any cultural resource surveys or historical, archaeological or paleontological resource discoveries been made within City boundaries adjacent to, or on the proposed projects?
- Are there any lands that may have present or planned usage as defined by *Section 4(f)* of the *1966 Department of Transportation Act* (49 U.S.C. 303)? These include lands that are part of publicly owned significant state or local parks, wildlife refuges or recreation areas. It also includes sites eligible for inclusion or in the NATIONAL REGISTER OF HISTORIC PLACES (under *Section 106* of the *National Historic Preservation Act*, (16 U.S.C. 470).
- Have any lands in the project vicinity been purchased for or are administered for recreational purposes under *Section 6(f)* of the *National Land & Water Conservation Fund Act* (16 U.S.C. 460)?

We look forward to your response to this request and your role as participating agency on this project. Please let us know of your response no later than October 13, 2010. If you have questions or would like to discuss in more detail the project or FHWA's and the City of Billings's

respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Participating Agency Designation Form

Copies: Stefan Streeter, P.E. MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer -
FHWA Montana Division
Debra Perkins-Smith, Contract Manager-David Evans & Associates, Inc.
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ⁱ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – CITY OF BILLINGS wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – CITY OF BILLINGS does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

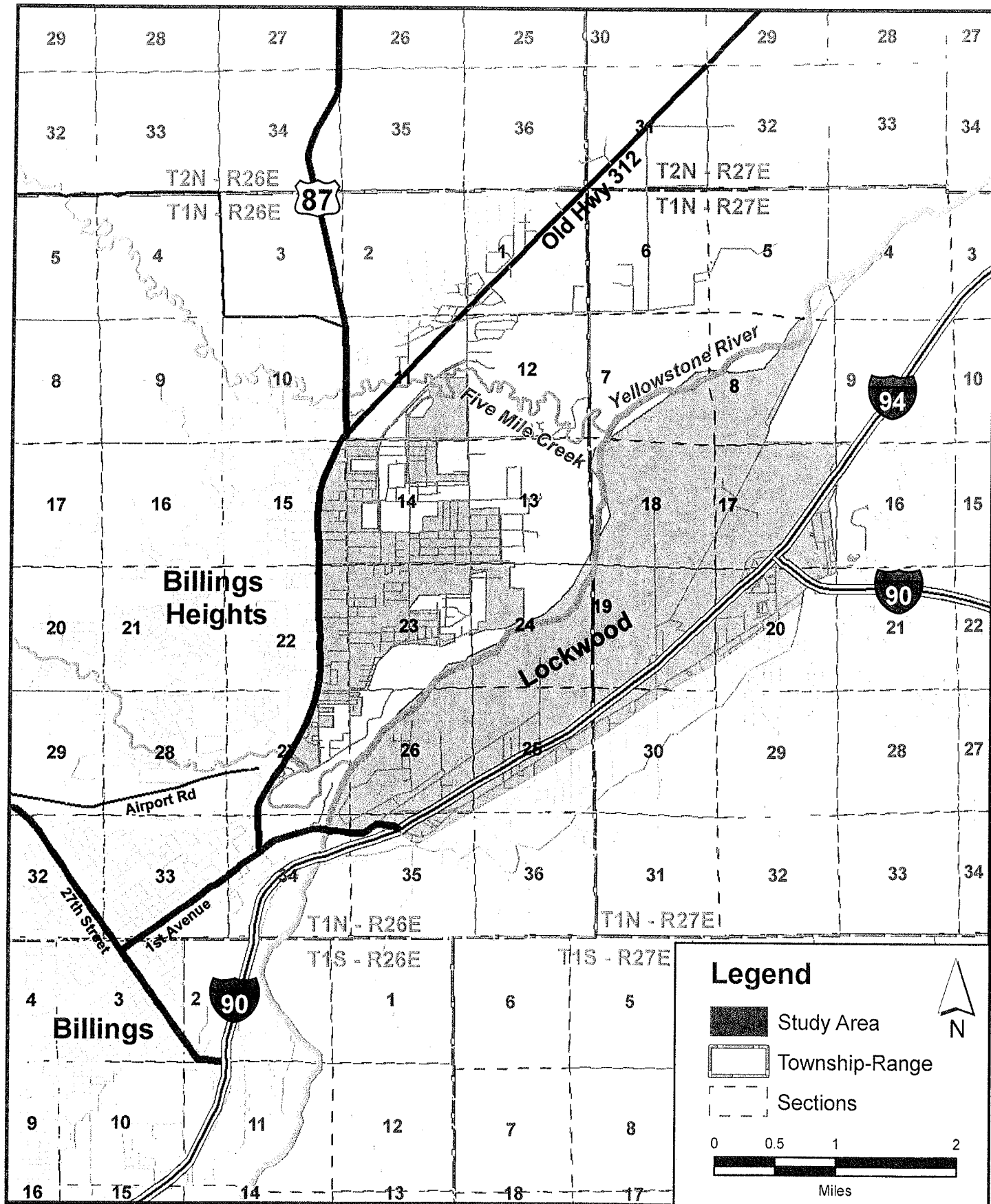
* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



RECEIVED

OCT 20 2010

ENVIRONMENTAL

Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199

PARTICIPATING AGENCY DESIGNATION

- ☒ Yes – CITY OF BILLINGS wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – CITY OF BILLINGS does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

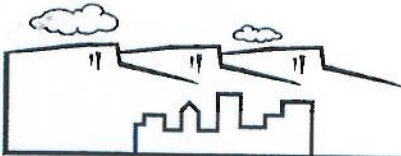
Christina F. Volek (Sign – Authorized Representative)
Christina F. Volek (Print)
City Administrator (Title)
10/14/10 (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

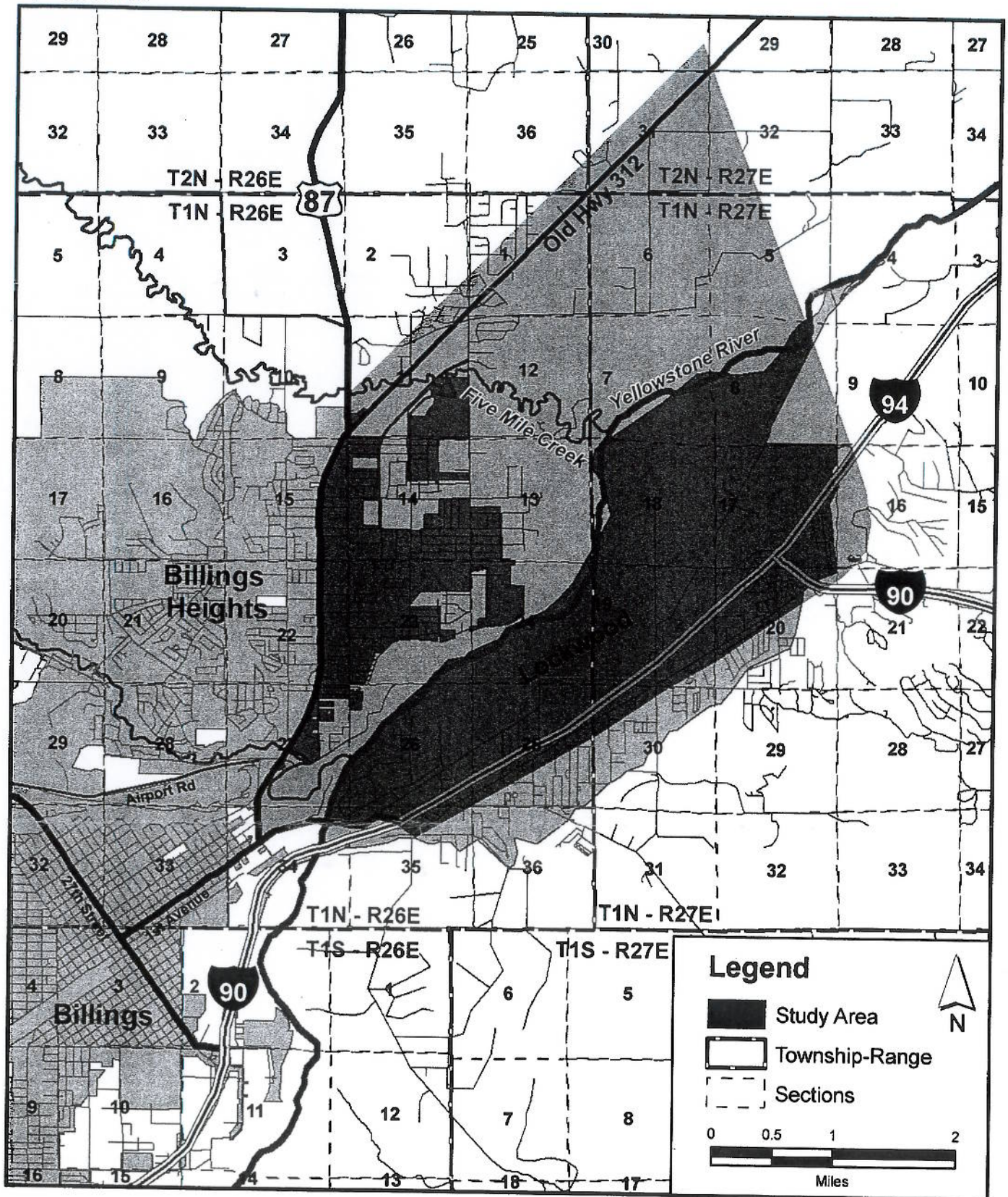
* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a "participating agency" does not imply that the agency supports the proposed project or has any jurisdiction.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199

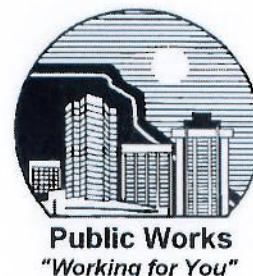




City of Billings

Public Works Administration

Public Works Department
2224 Montana Avenue
Billings, MT 59101
Office (406) 657-8230
Fax (406) 657-8252



November 3, 2010

Tom Martin, P.E., Chief
Environmental Services Bureau
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620 – 1001

RECEIVED
NOV 5 2010
ENVIRONMENTAL

RE: Billings Bypass Environmental Impact Statement (EIS)

Dear Mr. Martin:

This letter is a follow-up to the letter you sent to the Mayor of Billings and the follow-up e-mail I sent to you on October 15. As I stated in that e-mail, the City of Billings desires to be a cooperating agency in this EIS. You should have received a form to that effect signed by our City Administrator.

In your letter to Mayor Hanel, you asked the City to respond to a number of questions dealing with the study area. The study area south of the Yellowstone River is outside of the city limits and as such there are no capital projects in that area. The area north of the river includes all areas within the city limits from Main Street to the river. This is a large area that is either fully developed or nearly developed. It has been our understanding that the Billings Bypass was to be located north of the study area shown.

The city has capital projects planned in a 5-year Capital Improvement Project list (CIP) for roads, storm sewer, water and sanitary sewer projects among others. These CIPs include sanitary sewer replacement projects, sidewalk projects, ADA projects and pavement maintenance projects whose locations are determined on a year to year basis. In addition, the city recently completed a storm water master plan that ranked projects based on a number of factors. These storm water projects will be addressed yearly as funding allows. Some of these projects will be in this study area. In addition, there may be special improvement districts and private contract work as well. It is also important to note that much of the study area as shown is served by the Heights water department and they should be contact as well. The study area also includes a number of parks and public lands.

All things considered, it may be in the best interest of all involved for your office to meet with city staff to specifically address the questions raised in your letter to help us help you. Please let me know how you would like to proceed. Thank you.

Signed,

Vern Heisler, P.E.
Deputy Public Works Director

Public Works...Working for You



January 27, 2011

Ms. Christina Volek
City Administrator
City of Billings
PO Box 1178
Billings, MT 59103

Subject: Request for Comments on Purpose and Need Statement
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Ms. Volek:

We received your Participating Agency Designation form/acceptance letter and are pleased that your agency has accepted the invitation to be a Participating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

Purpose and Need

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.
- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

Range of Alternatives

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

Participating and Cooperating Agency Meeting

The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Ms. Christina Volek
Page 3 of 3
January 27, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

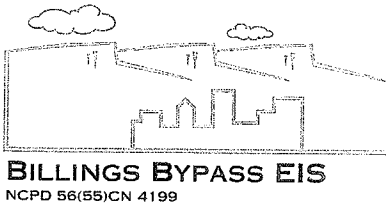
Sincerely,

A handwritten signature in dark ink, appearing to be 'Tom S. Martin', with a long horizontal flourish extending to the right.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Purpose and Need
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Tom Hanel, Vern Heisler, P.E., City of Billings
File



Purpose and Need - DRAFT January 2011

Purpose: Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.

Needs:

- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update - Draft Report). Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
- 2) ***Provide an additional connection between Lockwood and Billings.*** The segment of US 87 that crosses I-90 and the Yellowstone River is a highly congested route that serves as the only connection between Billings and Lockwood. The need for an additional connection to Billings is documented in the *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008). These plans identify this lack of connectivity as a factor limiting growth and economic development opportunities in Lockwood.
- 3) ***Improve mobility to and from Billings Heights.*** A survey completed for the *Billings Heights Neighborhood Plan* (2006) identified traffic issues as a key concern of residents, with one of the main traffic concerns being traveling to and from the Billings Heights neighborhood. This is also one of the key transportation issues for the region cited in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update – Draft Report). The *City of Billings Capital Improvement Plan* (2006 – 2011) includes 16 projects that would address traffic congestion in Billings Heights. Only one of these projects (the Billings Bypass EIS/Location Study) would address access between Billings Heights and the interstate, which is limited by a lack of Yellowstone River crossings. Limited mobility to and from Billings Heights is also an issue affecting emergency response. Main Street is currently the only emergency route between downtown Billings and the Billings Heights neighborhood. Congestion on Main Street could be an impediment to emergency response and has been a concern expressed by the Yellowstone County Disaster and Emergency Services Department.



March 17, 2011

Ms. Christina Voleck
City Administrator
City of Billings
PO Box 1178
Billings MT 59101

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Ms. Voleck:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

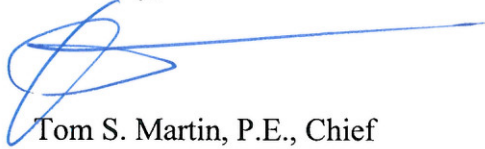
Ms. Christina Voleck
Page 2 of 2
3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File



City of Billings

PUBLIC WORKS DEPARTMENT
Engineering Division

2224 Montana Ave
Billings, MT 59101
Office (406) 657-8231
Fax (406) 237-6291

May 24, 2012

Tom Martin, PE
Montana Department of Transportation
Environmental Services Bureau Chief
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-101

SUBJECT: Billings Bypass ADEIS Review

Dear Mr. Martin:

This letter is to document the City's review and comments for the Billings Bypass Administrative Draft Environmental Impact Statement. Our comments on the document are as follows:

1. The City's Subdivision Regulations within the City Code dictate newly constructed arterials to have a 10-foot mixed-use path on one side of the arterial. The regulations also require 10-foot boulevards.
2. The City met with representatives from DOWL-HKM and Marvin & Associates on April 13th, 2012, to discuss the City's preferred alternatives for the Mary Street/Bitterroot Drive intersection concepts. In this meeting the City was presented with a wide variety of alternatives. The City stated that we were agreeable to three alternatives (see the enclosed figures for the chosen three). Of the three, only one made it into the submitted ADEIS. Why were the other two alternatives removed from the ADEIS?

Please feel free to contact me with any questions or concerns with our comments. We appreciate the opportunity to comment on this project and look forward to our continued cooperation. Thank you.

Sincerely,

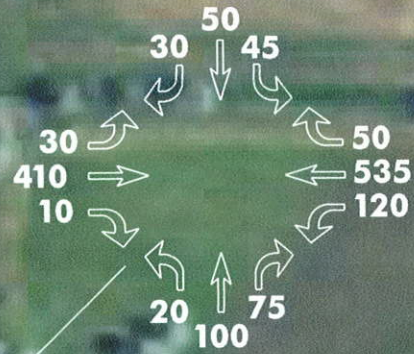
Erin S. Claunch, PE, PTOE
Staff Engineer

Cc: Chrono file
Project file



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Year 2035 PM Design Hour



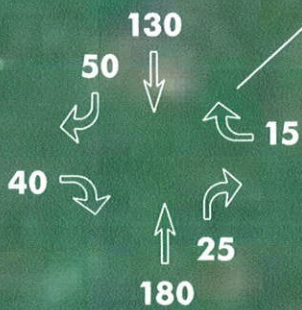
Mary Street Alignment

Mary Street

New House

Raised Median

Bitterroot Drive



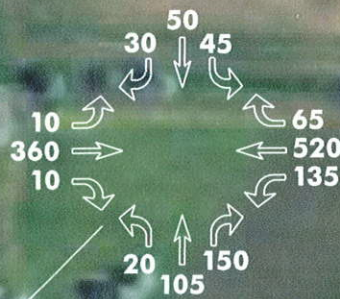
Year 2035 PM Design Hour

Figure K4. Mary Street Alignments Design Option D

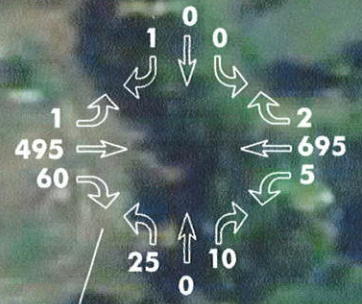


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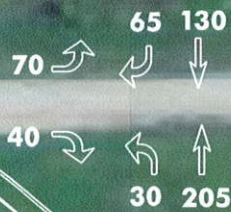
Year 2035 PM Design Hour



Mary Street Alignment



Year 2035 PM Design Hour



Minor Connection Road

Mary Street

New House

Bitterroot Drive

Figure K7. Mary Street Alignments Design Option G



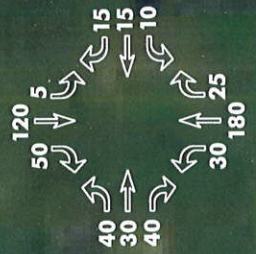
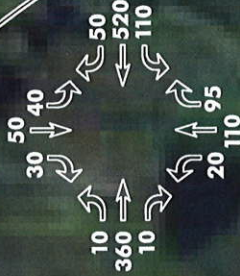
Bitterroot Drive

Additional RW

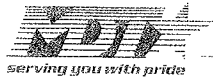
Mary Street Alignment

New House

Existing Mary Street



CROW NATION



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. Jeremy Not Afraid
District Conservationist
CROW NATION
Tribal Administration Building
PO Box 699
Crow Agency, MT 59022

Subject: Information Letter
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Not Afraid:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). You were initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the

subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project.

Any pertinent information or concerns Crow Nation has at this time would be appreciated. This information will be used in the preparation of the environmental document.

Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Tom S. Martin', with a large, sweeping loop at the end.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosure: Study Area Map

copies: Stefan Streeter, Administrator – MDT Billings District No. 5
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

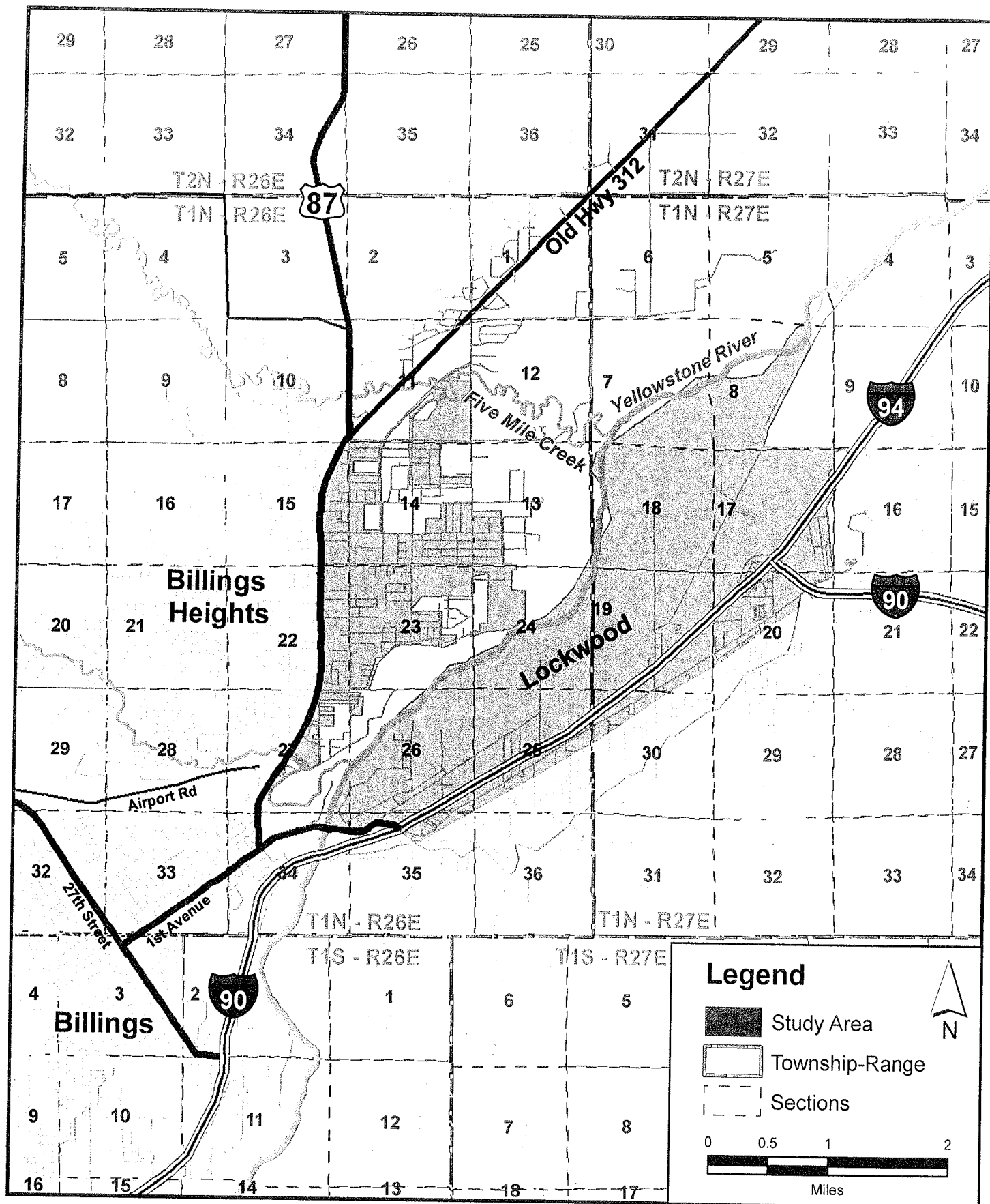
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September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



LOCKWOOD FIRE / RESCUE

Lockwood Fire / Rescue



3329 Driftwood Lane Office (406) 252-1460
Billings, Montana 59101

FAX (406) 256-8237
firefighters@lockwoodfire.com

William D. Rash - Fire Chief

Board of Trustees: Doug Dunker, Penny Helms, Tim Sperry, Don Cantrell, Randy Kreiter

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OF TRANSPORTATION
BILLINGS

MASTER FILE
COPY

January 31, 2011

Mr. Stefan Streeter
MDOT District Administrator-Billings
P.O. Box 20437
Billings, MT. 59104-0437

Mr. Streeter,

The Board of Trustees for the Lockwood Rural Fire District has been reviewing the progress on the Billings By-Pass project.

After review, the Lockwood Rural Fire District would like to go on record as supporting the concept of rebuilding the Johnson Lane interchange as soon as possible in lieu of building a second interchange farther to the east. The fire district believes that the Johnson Lane interchange would have to be rebuilt eventually as the interchange, in its present form, can't even handle the traffic traveling on it today. The fire district feels that an improved Johnson Lane interchange would better facilitate emergency responses as the fire district has acquired land and is in the planning stages of building a new fire station on Johnson Lane.

Thank you very much,

William Rash, Fire Chief
Lockwood Fire District

MONTANA DEPARTMENT OF ENVIRONMENTAL
QUALITY



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. Greg Hallsten
EIS Coordinator
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Lee Metcalf Building, 1520 East Sixth Avenue
PO Box 200901
Helena, MT 59620

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Hallsten:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Administrator Steven Welch was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as

opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project would cross waterways including the Yellowstone River. Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:


- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

You may use the attached Participating Agency Designation form to accept or decline this invitation. For your information, information requests regarding this project have also been sent to Judy Hanson, Permitting and Compliance Division Administrator and George Mathieus, Planning, Prevention and Assistance Division Administrator. We have asked Mr. Mathieus to indicate if the MDEQ has listed any water bodies (i.e., streams or lakes) on the 305(b) report published for the State of Montana in the vicinity of or that may be affected by this proposed project. We would like the MDEQ to indicate whether such streams or lakes are called "water quality limited" and are in need of Total Maximum Daily Load (TMDL) development.

We look forward to your response to this request and your role as participating agency on this project. Please let us know of your response no later than October 13, 2010. If you have questions or would like to discuss in more detail the project or FHWA's and Montana Department of Environmental Quality's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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ⁱ Designation as a “participating agency” does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A “participating agency” differs from a “cooperating agency,” which is defined in regulations implementing the National Environmental Policy Act as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.” 40 C.F.R. § 1508.5.

**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

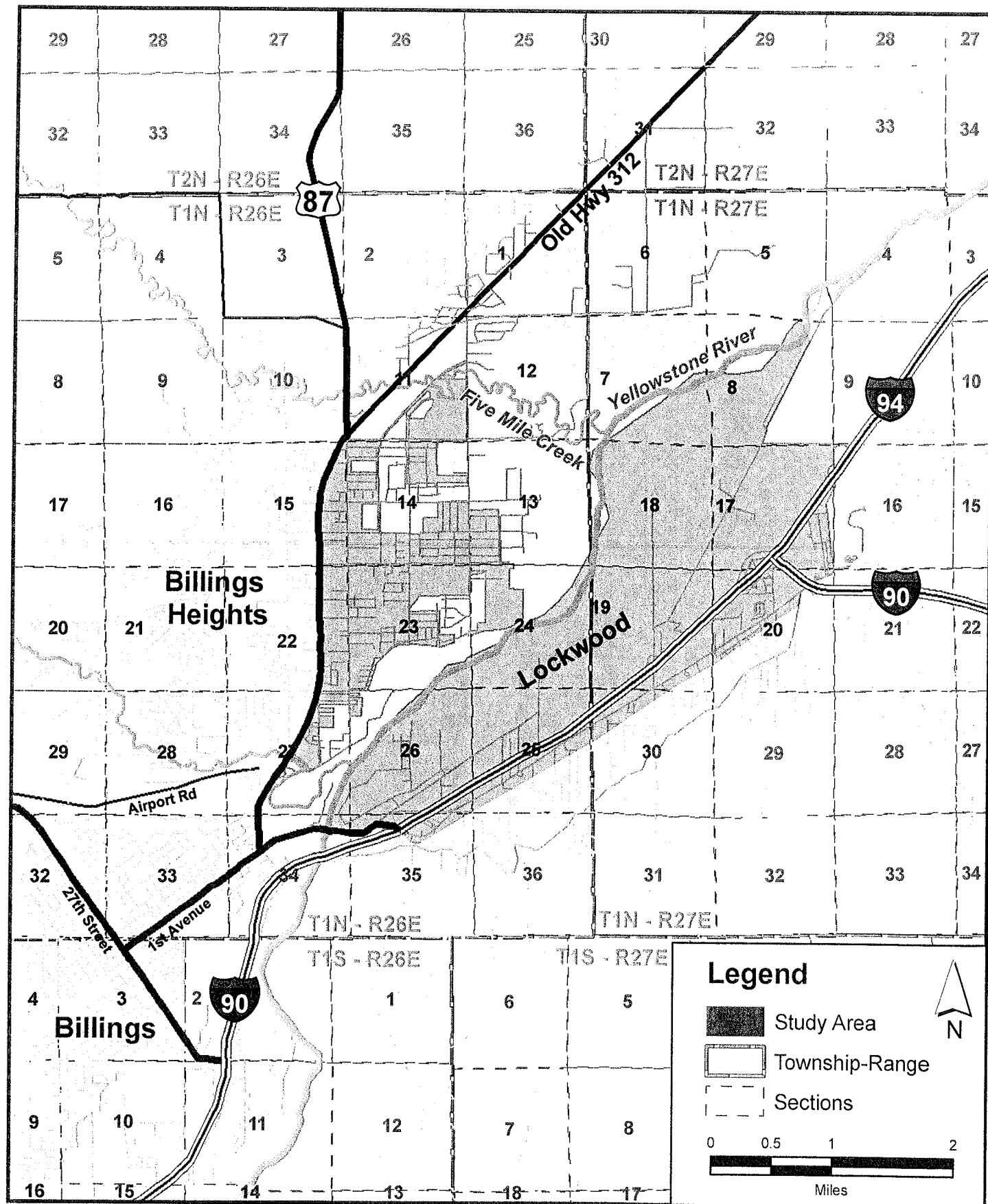
* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199





Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. George Mathieus, Administrator
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Planning, Prevention and Assistance Division
Lee Metcalf Building, 1520 East Sixth Avenue
PO Box 200901
Helena, MT 59620

Subject: Information Letter and Request
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Mathieus:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Administrator Steven Welch was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may

have an interest in this project, because the proposed project would cross waterways including the Yellowstone River. Accordingly, an invitation to become actively involved as a participating agency in the environmental review process for the project was sent to Greg Hallsten, EIS Coordinator for the Montana Department of Environmental Quality. An informational letter was also sent to Judy Hanson, Administrator for Montana Department of Environmental Quality, Permitting and Compliance Division.

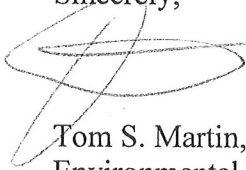
Please indicate if the MDEQ has any water bodies (i.e., streams or lakes) listed on the 305(b) report published for the State of Montana in the vicinity of or that may be affected by this proposed project. Also, indicate whether such streams or lakes are called "water quality limited" and are in need of Total Maximum Daily Load (TMDL) development. We would also like you to identify in your response what parameters are present that may be limiting water quality in any water bodies that may be affected by this proposed project.

If there is any additional relevant information that you feel would be useful in the development of the design and environmental documentation for the project, please provide it to us. Such information may include stream classifications in the proposed project's vicinity, spawning areas, wetlands, unique "problems" or items of concern, management goals, etc. Statements on these matters will result, if necessary, in further inter-agency coordination to avoid or minimize potential project impacts.

Please contact Tom Gocksch at (406) 444-9412 if you have any questions about this request.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosure: Study Area Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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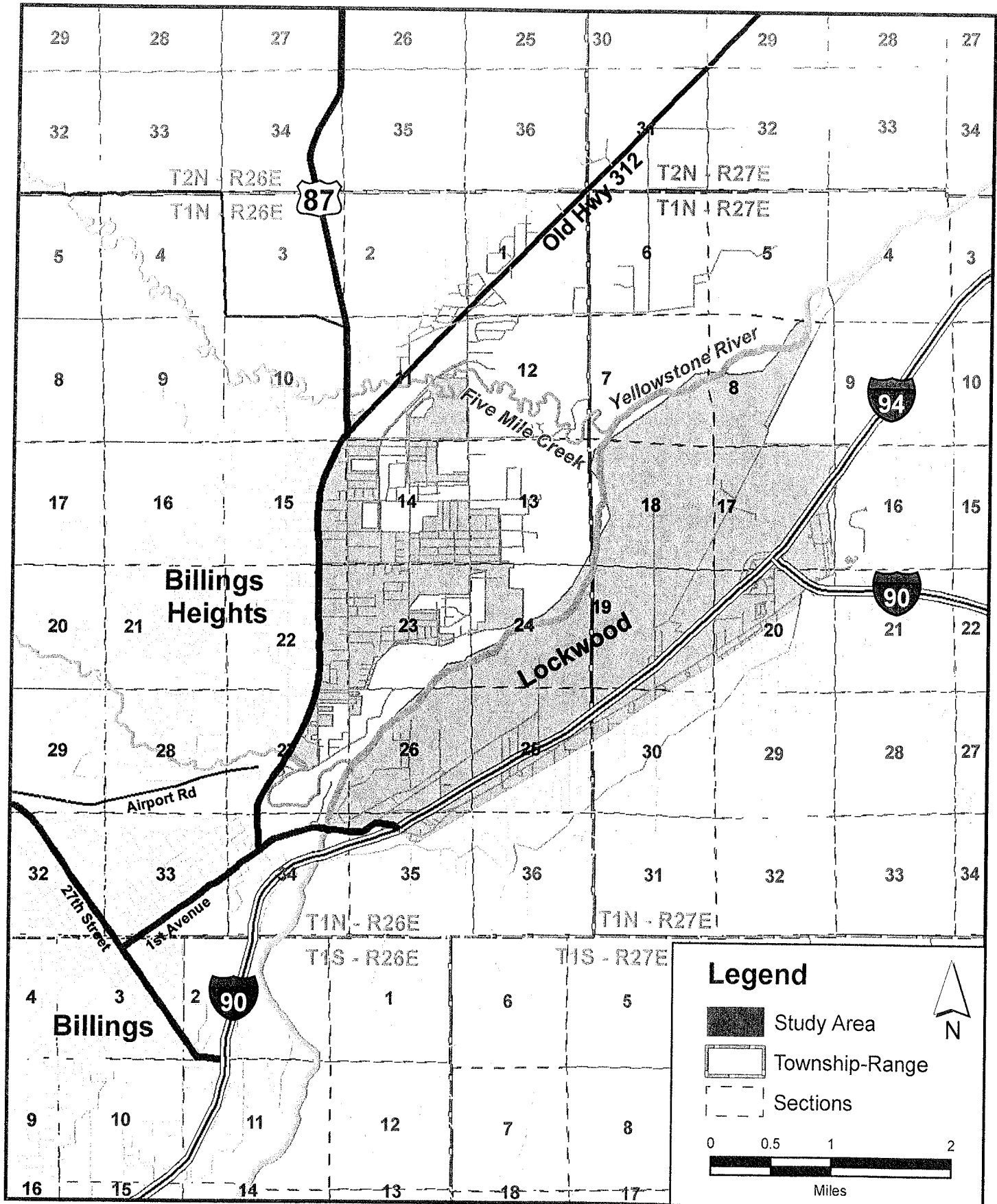
ⁱ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199





Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Ms. Judy Hanson
Administrator
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Lee Metcalf Building, 1520 East Sixth Avenue
PO Box 200901
Helena, MT 59620

Subject: Information Request
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Ms. Hanson:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Administrator Steven Welch was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

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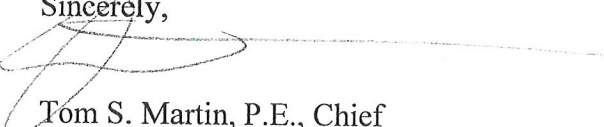
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If there is any additional relevant information that you feel would be useful in the development of the design and environmental documentation for the project, please provide it to us. Such information may include stream classifications in the proposed project's vicinity, spawning areas, wetlands, unique "problems" or items of concern, management goals, permitting, etc. Statements on these matters will result, if necessary, in further inter-agency coordination to avoid or minimize potential project impacts.

If you have questions, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosure: Study Area Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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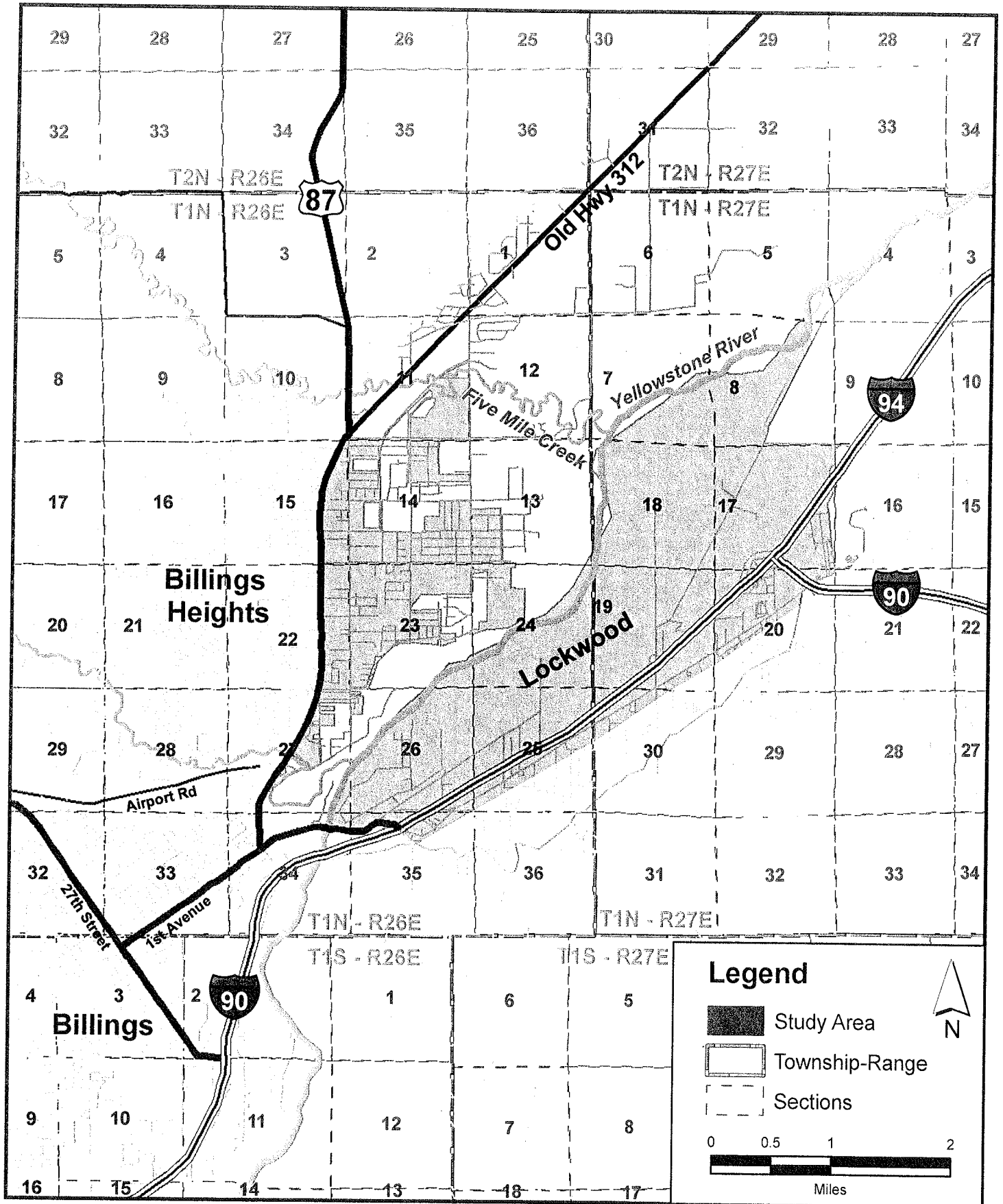
ⁱ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



From: [Martin, Tom](#)
To: [Gocksch, Thomas](#); [Axline, Jon](#); [Platt, Stephen](#); [Driscoll, Pat \(MDT\)](#); [Semmens, Bill](#);
cc: [Bente, Fredrick](#); [Bruner, Heidy](#); [Gundrum, Bonnie](#); [Sternberg, Stan](#);
Subject: FW: State of Montana File Transfer Service
Date: Wednesday, October 06, 2010 7:09:18 AM

I extracted this data and placed it in pccommon for now, under ENV/BILLINGS BYPASS. Hopefully it will be useful to our project. I couldn't open the shape files, but probably because I don't have the right software.

I wasn't aware of this file transfer service. Pretty cool. This feature may be useful to us in the future, especially when transferring secure documents.

Tom

From: File Transfer Service [mailto:no-reply@mt.gov]
Sent: Tuesday, October 05, 2010 4:35 PM
Subject: State of Montana File Transfer Service

State of Montana File Transfer Service

The following file has been sent to you through the State of Montana File Transfer Service:

File Name: MDT_BillingsBypassEIS_2010.zip

Sent From: Michael Pipp

Message: Dear Mr. Martin, recently DEQ Planning, Prevention, and Assistance Division received a letter from you regarding the Billings Bypass EIS (MDT Project No. NCPD 56(55)) requesting data and/or information that we might have as it may relate to the specified project area. We have compiled a set of data and information that includes the specific waterbodies from our 305(b) assessment database, 303(d) listings for each, and our state water use class designations. The files included are as follows: GIS shape files: - 305b streams (with record level metadata) - Section boundaries - Use class (lines) - Use class end points Read me file (Read_Me.rtf) Cause-Source-Use designations for both Yellowstone River segments (Selected_AU_Use_Cause_Source.xls) Assessment Unit Summary for both Yellowstone River segments We also looked for known wetland features within the project area, but did find any that have been mapped by our wetlands program or at NRIS. If you have further questions regarding the data in the zip file or other additional questions that DEQ WQPB may be able to assist with, please feel free to contact me. Sincerely, Michael Pipp Program

Manager Information Management & Technical Services Section Water Quality
Planning Bureau MT DEQ 406.444.7424 mpipp@mt.gov

To download this file, login to the [State of Montana File Transfer Service](#).

The Transfer Service uses the ePass Montana sign-on to state online services. First-time public ePass users should click the "**Create an Account**" button when taken to the login page. First-time state employee ePass users should click the "**Montana State Employees**" link.

Replies to this email are not monitored.

transfer.mt.gov

Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199

RECEIVED
OCT 14 2010
ENVIRONMENTAL

PARTICIPATING AGENCY DESIGNATION

- ☒ Yes – MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

Thomas M. Ellerhoff (Sign – Authorized Representative)
Thomas M. Ellerhoff (Print)
Science Program Mgr. (Title)
10/12/10 (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

Note: 10/12/10
Tom, Jeff Ryan
will be handling the
permitty issues &
Robert Ray (or a rep.
from the Water Quality
Planning Bureau) will
be doing the work on
planning issues.
Tom

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a "participating agency" does not imply that the agency supports the proposed project or has any jurisdiction.



January 27, 2011

Mr. Thomas Ellerhoff
Science Program Manager
Montana Department of Environmental Quality
1520 East Sixth Avenue
PO Box 200901
Helena, MT 59620

Subject: Request for Comments on Purpose and Need Statement
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Ellerhoff:

We received your Participating Agency Designation form/acceptance letter and are pleased that your agency has accepted the invitation to be a Participating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

Purpose and Need

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.
- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

Range of Alternatives

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

Participating and Cooperating Agency Meeting

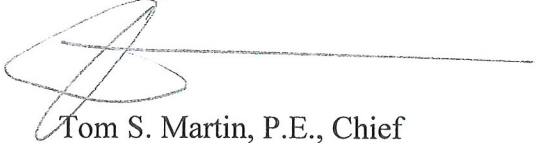
The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Mr. Thomas Ellerhoff
Page 3 of 3
January 28, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

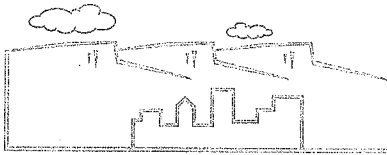
Sincerely,

A handwritten signature in dark ink, appearing to be 'Tom S. Martin', is written over a horizontal line.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Purpose and Need
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Greg Hallsten, Robert Ray, Jeff Ryan, Montana Department of Environmental Quality
File



BILLINGS BYPASS EIS
NCPD 56(55)CN 4199

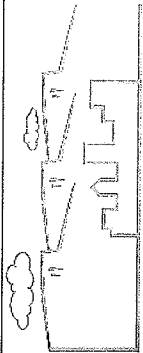
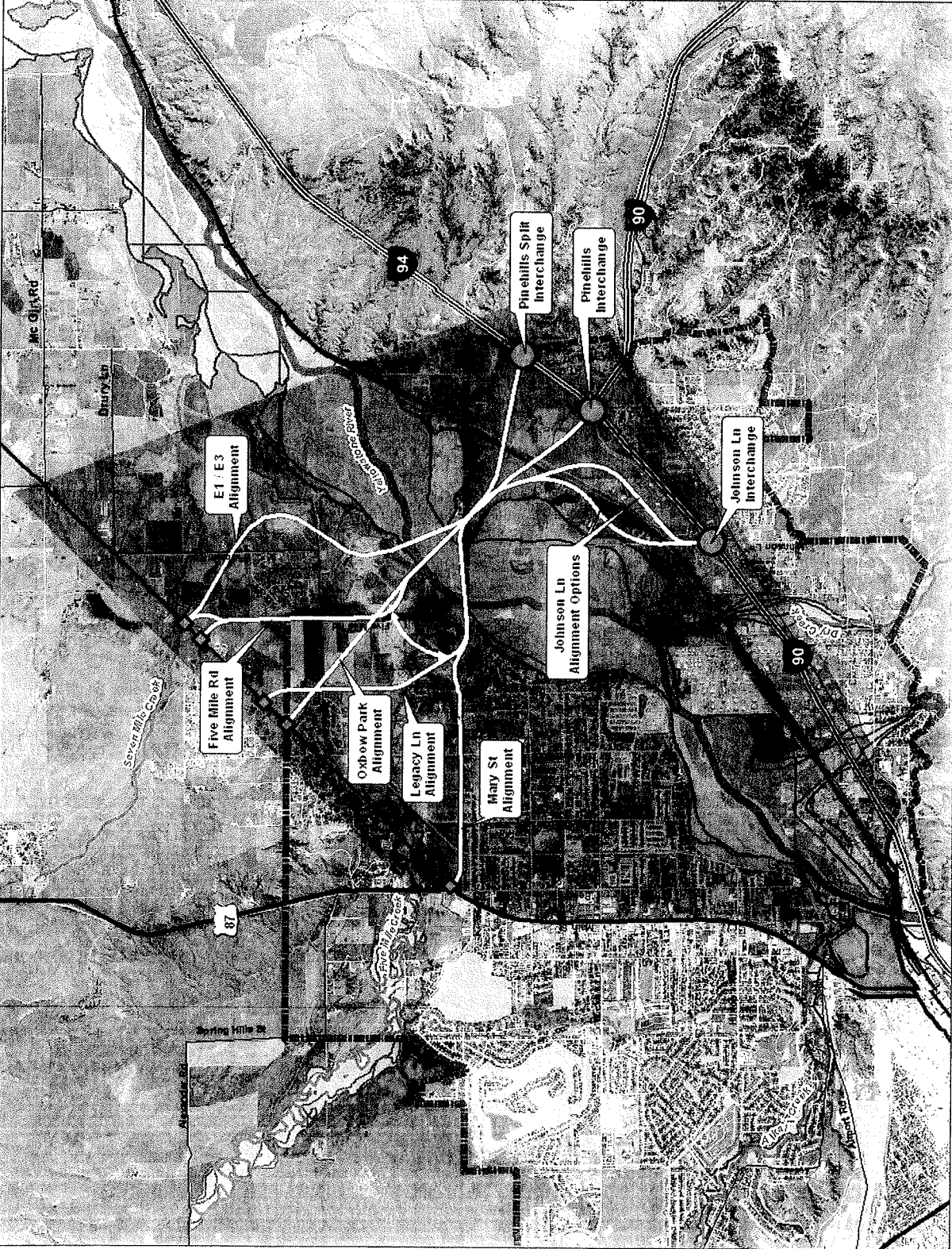
Purpose and Need - DRAFT

January 2011

Purpose: *Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.*

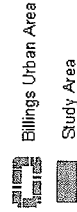
Needs:

- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan (2009 Update - Draft Report)*. Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
- 2) ***Provide an additional connection between Lockwood and Billings.*** The segment of US 87 that crosses I-90 and the Yellowstone River is a highly congested route that serves as the only connection between Billings and Lockwood. The need for an additional connection to Billings is documented in the *Lockwood Community Plan (August 2006)* and the *Lockwood Transportation Study (November 2008)*. These plans identify this lack of connectivity as a factor limiting growth and economic development opportunities in Lockwood.
- 3) ***Improve mobility to and from Billings Heights.*** A survey completed for the *Billings Heights Neighborhood Plan (2006)* identified traffic issues as a key concern of residents, with one of the main traffic concerns being traveling to and from the Billings Heights neighborhood. This is also one of the key transportation issues for the region cited in the *Billings Urban Area Long-Range Transportation Plan (2009 Update – Draft Report)*. The *City of Billings Capital Improvement Plan (2006 – 2011)* includes 16 projects that would address traffic congestion in Billings Heights. Only one of these projects (the Billings Bypass EIS/Location Study) would address access between Billings Heights and the interstate, which is limited by a lack of Yellowstone River crossings. Limited mobility to and from Billings Heights is also an issue affecting emergency response. Main Street is currently the only emergency route between downtown Billings and the Billings Heights neighborhood. Congestion on Main Street could be an impediment to emergency response and has been a concern expressed by the Yellowstone County Disaster and Emergency Services Department.

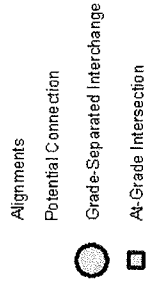


BILLINGS BYPASS EIS
NCPD 56553CN 4199

Draft Conceptual Alternatives



Conceptual Alternatives



Community & Natural Resources



Existing Transportation Network



DATE: 02/01/2010
DRAWN BY: J. C. C. 02/01/2010
FEDERAL AID, HIGHWAY AND PUBLIC UTILITIES
BILLINGS, MONTANA
PROJECT: BILLINGS BYPASS EIS, PHASE 1, PUBLIC AND ENVIRONMENTAL
REVIEW, 2009-2010
PROJECT: BILLINGS BYPASS EIS, PHASE 1, PUBLIC AND ENVIRONMENTAL
REVIEW, 2009-2010
DATE: 02/01/2010



March 17, 2011

Mr. Jeff Ryan
Environmental Science Specialist
Montana Dept of Environmental Quality
PO Box 200901
Helena MT 59620

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Ryan:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

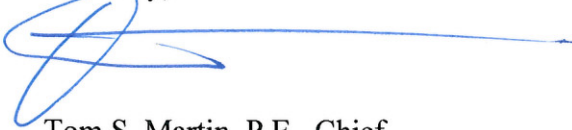
Mr. Jeff Ryan
Page 2 of 2
3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'T' followed by a horizontal line extending to the right.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File



March 17, 2011

Mr. Robert Ray
Section Supervisor
Montana Dept of Environmental Quality
PO Box 200901
Helena MT 59620

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Ray:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

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- Summary of the draft impact assessment methodologies

Mr. Robert Ray
Page 2 of 2
3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

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Sincerely,

A blue ink handwritten signature, appearing to be "Tom S. Martin", with a long horizontal line extending to the right.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File

MONTANA DEPARTMENT OF FISH, WILDLIFE
& PARKS



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. Gary Hammond
Regional Supervisor
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Hammond:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Regional Supervisor Harvey Nyberg was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review

process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project could affect wildlife and fisheries habitat. Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

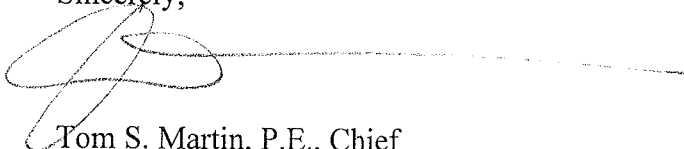
You may use the attached Participating Agency Designation form to accept or decline this invitation.

For your information, a letter has also been sent to Walt Timmerman, Recreation Section Chief, and Jim Darling, Habitat Section Supervisor, requesting environmental documentation related to the proposed project. The request to Walt Timmerman was in regard to information on lands for which Section 6(f) of the National Land and Water Conservation Fund (LWCF) Act (16 U.S.C. 460) and/or Section 4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303) would be applicable. The request to Jim Darling was in regard to fisheries and wildlife habitat in the vicinity of the proposed project.

We look forward to your response to this request and your role as participating agency on this project. Please let us know of your response no later than October 13, 2010. If you have questions or would like to discuss in more detail the project or FHWA's and MFWP's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tom S. Martin', with a long horizontal line extending to the right.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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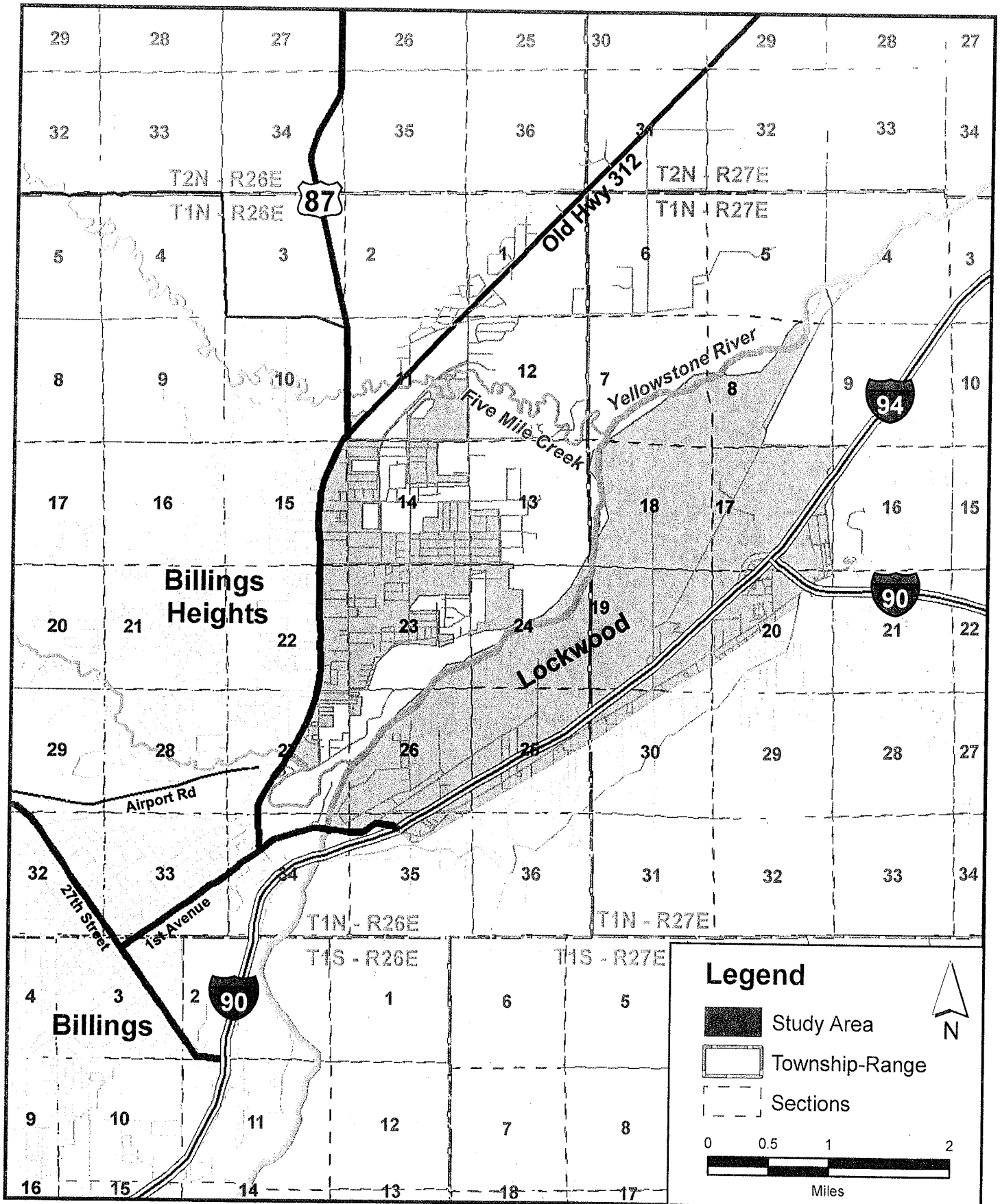
ⁱ Designation as a “participating agency” does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A “participating agency” differs from a “cooperating agency,” which is defined in regulations implementing the National Environmental Policy Act as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.” 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. Jim Darling
Habitat Section Supervisor
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620

Subject: Information Letter and Request
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Darling:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Regional Supervisor Harvey Nyberg was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the

subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project could affect wildlife and fisheries habitat. Accordingly, an invitation to become actively involved as a participating agency in the environmental review process for the project was sent to MFWP's Region 5 Supervisor, Gary Hammond.

This letter also serves to request that MFWP provide information on the Stream Protection Act 124 process for the environmental documentation related to the proposed project. In addition, please provide the following information:

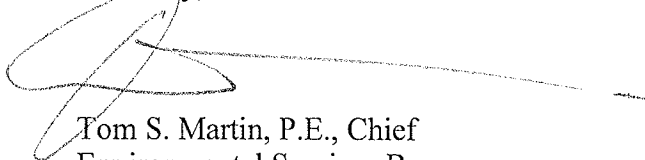
- 1) Type of fisheries habitat in the vicinity of the proposed project to include the following:
 - a) Any comments concerning potential impacts from the proposed project on fisheries habitat in the watercourses in this vicinity.
 - b) Where stream crossings will be impacted by the project, a maximum velocity and minimum water depth allowed for fish passage design.
 - c) Species of fish present, their average length, and spawning periods.
- 2) Type of wildlife habitat in the vicinity of the proposed project, with any comments concerning potential impacts from the project on wildlife habitat (including wetlands) in this vicinity.

Please include any additional information available at this time that would be useful in our environmental evaluation. Such information may include stream classifications in the proposed project's vicinity, spawning areas, wetlands, unique "problems" or items of concern, management goals, etc.

If you have any questions about this request, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom S. Martin', with a long horizontal line extending to the right.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosure: Study Area Map

copies: Stefan Streeter, MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator

Tim Conway, P.E, MDT Consultant Design Engineer
Alan Woodmansey, P.E., Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File

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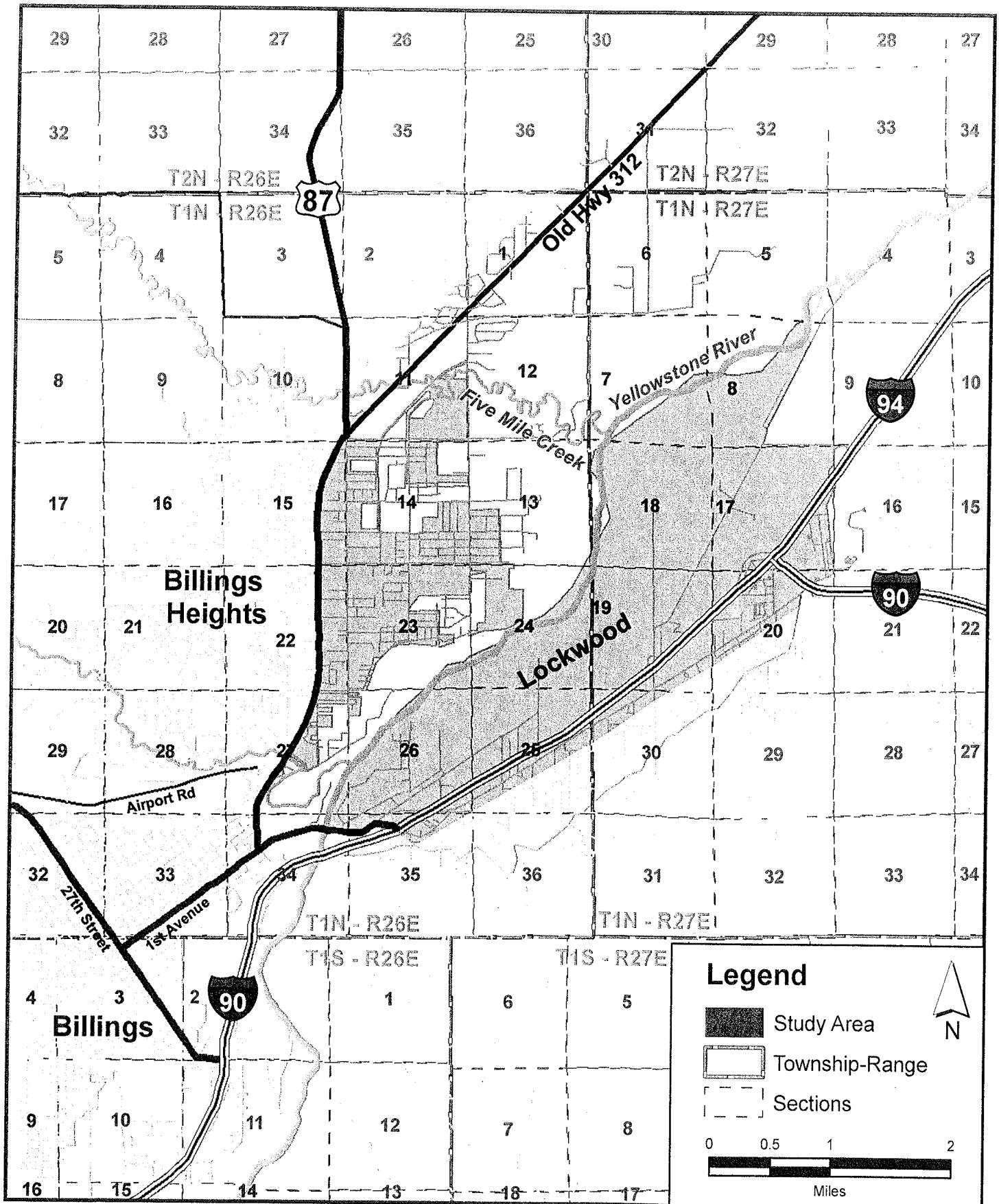
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September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199





Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. Walt Timmerman
Recreation Section
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620

Subject: Information Letter and Request
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Timmerman:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Regional Supervisor Harvey Nyberg was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project could affect wildlife and fisheries habitat. Accordingly, an invitation to become actively involved as a participating agency in the

environmental review process for the project was sent to MFWP'S Region 5 Supervisor, Gary Hammond.

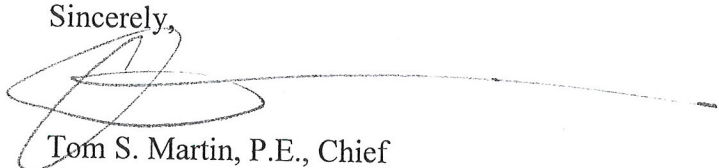
This letter also serves to request that MFWP provide information for the environmental documentation related to the proposed project. The MFWP provided information regarding Land and Water Conservation Fund (LWCF) impacts within the study area for the above mentioned feasibility study on July 10, 2000. This correspondence, which is attached for your review, did not identify any properties adjacent to the Yellowstone River. MDT requests that the accuracy of this information be validated for the EIS and that updated information on lands in the project vicinity that have been purchased, and/or are administered for recreational purposes under *Section 6(f) of the National LWCF Act* (16 U.S.C. 460) be provided if necessary. MDT will assume that the previously provided information is correct unless you notify us in writing by the date indicated at the end of this letter. Also, please indicate whether MFWP lands or any other lands not owned by MFWP may have present or planned usage as defined by *Section 4(f) of the 1966 Department of Transportation Act* (49 U.S.C. 303). These include lands that are part of a publicly owned significant national, state or local park, wildlife refuge, or recreation area.

Also, please indicate whether MFWP lands or any other lands not owned by MFWP may have present or planned usage as defined by *Section 4(f) of the 1966 Department of Transportation Act* (49 U.S.C. 303). These include lands that are part of a publicly owned significant national, state or local park, wildlife refuge, or recreation area.

If you have any questions about this request, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Letter dated July 10, 2000

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
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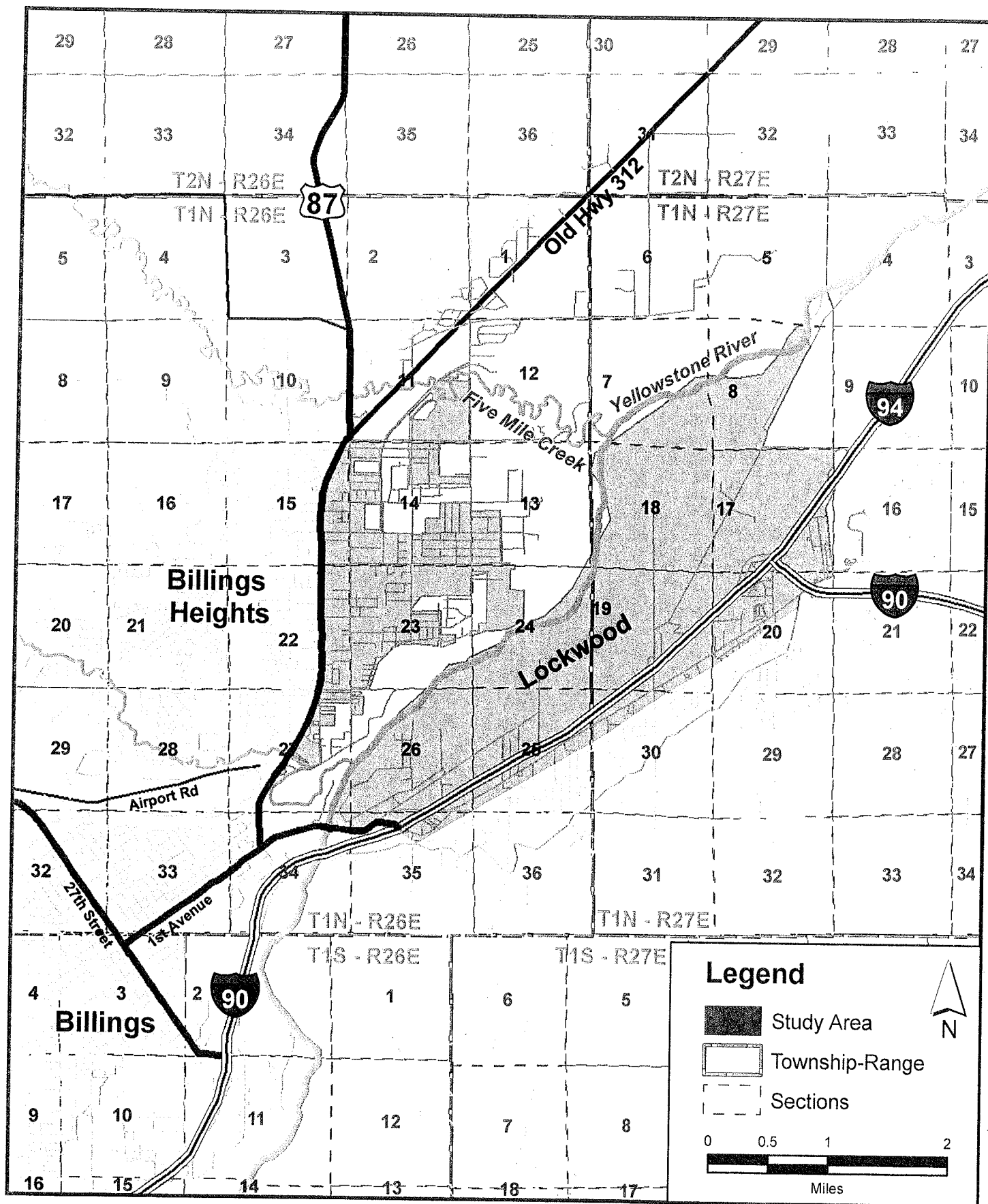
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September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199





Montana Fish, Wildlife & Parks

1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620-0701
July 10, 2000

RECEIVED
JUL 12 2000
MSE-HKM, Inc.

Ms. Teri L. Dewing, EIT
MSE-HKM, Inc.
P.O. Box 31318
Billings, MT 59107-1318

RE: NCPD 56(42)
By-Pass Feasability Study - Billings
Control No. 4199

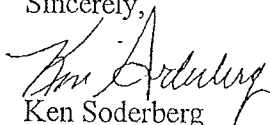
Dear Ms. Dewing:

We have reviewed your above-mentioned proposed project area and would like to bring to your attention the existence of Lake Elmo State Park in the vicinity of the proposed route, which would connect Highway 3, and Interstate 90/94. Attached for your information is a map of Lake Elmo State Park. Please note the park's proximity to the proposed by-pass route.

This site was developed with the assistance of federal money through the Land and Water Conservation Fund. If any part of the site will be affected by your project, we will have to work with the federal government to mitigate any impacts. If any part of the site will be affected by this project, you should coordinate mitigation with Mr. Harvey Nyberg the regional Supervisor in the FWP Region 5 Office. Mr. Nyberg can be contacted at (406) 247-2940 or at FWP Region 5, 2300 Lake Elmo Dr. Billings, MT. 59105. I would also ask that you contact Mr. Nyberg and allow the regional office the opportunity to comment on the proposed route. I have only reviewed this project for potential LWCF impacts.

Thank you for the opportunity to comment.

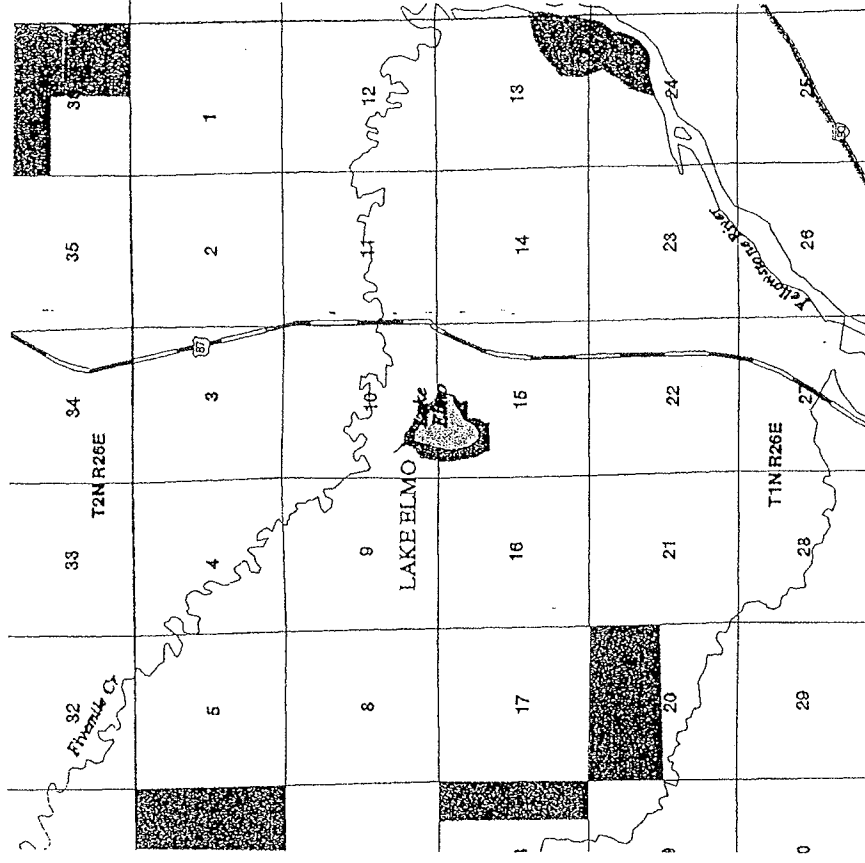
Sincerely,


Ken Soderberg
LWCF Program Officer
Parks Division

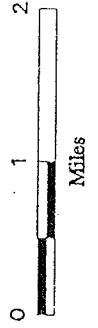
Attachment

c.c. Joel Marshik- MDOT
Harvey Nyberg, FWP R-5

LAKE ELMO STATE PARK VICINITY MAP

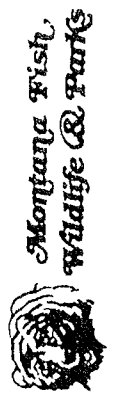


- STATE PARKS
- BUREAU OF LAND MANAGEMENT
- INDIAN LANDS OR RESERVATIONS
- MILITARY RESERVES AND WITHDRAWALS
ARMY CORPS OF ENGINEERS
- NATIONAL FOREST
- NATIONAL FOREST WILDERNESS
- NATIONAL PARKS AND MONUMENTS
- NATIONAL WILDLIFE REFUGES
- STATE LANDS
- INTERSTATE HIGHWAY
- STATE OR COUNTY HIGHWAY
- U.S. HIGHWAY
- TOWNSHIP BOUNDARY
- SECTION BOUNDARY
- STREAMS



State Parks from Montana Fish, Wildlife & Parks, Information Services Unit, Kalispell, MT. Base layers digitized at 1:100,000. State Parks digitized at 1:24,000 from USGS 7.5 minute quadrangle topographic maps and using the COGO module of ARC/INFO by Lisa Deringer, Montana Fish, Wildlife & Parks, Information Services Unit, 490 N. Alameda, Kalispell, MT 59901, (406)751-4570

fwpp/homoparks/vic.html - LB - 11/26/96
elmovic.mxd - 12/04/96



**Billings Bypass EIS
Project No. NCPD 56(S5)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☒ Yes – MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
 - ☐ Agency has no expertise or information relevant to the project
 - ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

Gary Hammond (Sign – Authorized Representative)
Gary Hammond (Print)
Reg. Sup. (Title)
10/12/10 (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a "participating agency" does not imply that the agency supports the proposed project or has any jurisdiction.

Gocksch, Thomas

From: Timmerman, Walt
Sent: Thursday, October 14, 2010 8:23 AM
To: Colegrove, James
Cc: Gocksch, Thomas; Habermann, Doug; Kuser, Allan
Subject: RE: 4199 - Billings bypass

Categories: Red Category

James:

Yes, thanks for catching that. However, it is still good information for MDT. East River may not trigger Section 6(f), but it would still be of Section 4(f) concern. In fact, Allan Kuser just told me that East River is a Dingell-Johnson Sports Fish Restoration Act (federally funded) site.

Thanks,

Walt

From: Colegrove, James
Sent: Thursday, October 14, 2010 8:08 AM
To: Timmerman, Walt; Gocksch, Thomas
Cc: Habermann, Doug
Subject: RE: 4199 - Billings bypass

Walt, I may have misunderstood something about your request.

The East River Bridge FAS {at T 1 N, R 26 E Sec 34 –in lot 5} is in the EIS study area but our records indicate no LWCF funding was affiliated with the acquisition of this land. I did see a note in our records that a boat ramp project at the site involved DJ funding.

Perhaps LWCF funds are tied to development activity at the site but we do not maintain that information in our records.

James

From: Timmerman, Walt
Sent: Wednesday, October 13, 2010 2:40 PM
To: Gocksch, Thomas
Cc: Habermann, Doug; Colegrove, James
Subject: FW: 4199 - Billings bypass

Dear Tom:

As far as we can tell, there are two LWCF-assisted sites within your study area (Billings Bypass EIS). The first is East Bridge FAS (T1N; R26E; Sec 34). The second is Lockwood School Recreation Area (T1N; R26E; Sec 36). I currently do not have access to the LWCF database for technical reasons, and cannot check whether the City

of Billings has a park encumbered with LWCF in that shaded area. I think you could find that out pretty quickly by having the Billings Parks & Recreation folks check your map.

Please let me know if there is anything else you need.

Thanks,

Walt

Walter W. Timmerman
Parks Recreation Bureau Chief

Montana Fish, Wildlife & Parks
1420 East Sixth Avenue
P.O. Box 200701
Helena, MT 59620

Tel: 406-444-3753
FAX: 406-444-4952

From: Gocksch, Thomas
Sent: Wednesday, October 13, 2010 8:26 AM
To: Timmerman, Walt
Subject: 4199 - Billings bypass



January 27, 2011

Mr. Gary Hammond
Regional Supervisor
Montana Department of Fish, Wildlife & Parks
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620

Subject: Request for Comments on Purpose and Need Statement
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Hammond:

We received your Participating Agency Designation form/acceptance letter and are pleased that your agency has accepted the invitation to be a Participating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

Purpose and Need

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.
- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

Range of Alternatives

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

Participating and Cooperating Agency Meeting

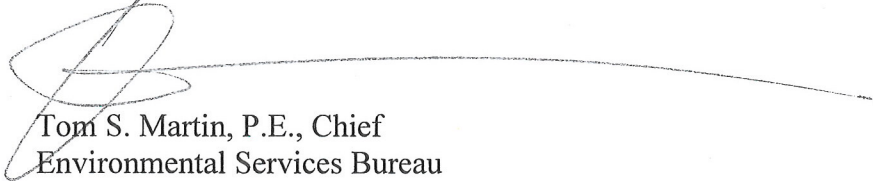
The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Mr. Gary Hammond
Page 3 of 3
January 28, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Purpose and Need
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File



Purpose and Need - DRAFT

January 2011

Purpose: *Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.*

Needs:

- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update - Draft Report). Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
- 2) ***Provide an additional connection between Lockwood and Billings.*** The segment of US 87 that crosses I-90 and the Yellowstone River is a highly congested route that serves as the only connection between Billings and Lockwood. The need for an additional connection to Billings is documented in the *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008). These plans identify this lack of connectivity as a factor limiting growth and economic development opportunities in Lockwood.
- 3) ***Improve mobility to and from Billings Heights.*** A survey completed for the *Billings Heights Neighborhood Plan* (2006) identified traffic issues as a key concern of residents, with one of the main traffic concerns being traveling to and from the Billings Heights neighborhood. This is also one of the key transportation issues for the region cited in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update – Draft Report). The *City of Billings Capital Improvement Plan* (2006 – 2011) includes 16 projects that would address traffic congestion in Billings Heights. Only one of these projects (the Billings Bypass EIS/Location Study) would address access between Billings Heights and the interstate, which is limited by a lack of Yellowstone River crossings. Limited mobility to and from Billings Heights is also an issue affecting emergency response. Main Street is currently the only emergency route between downtown Billings and the Billings Heights neighborhood. Congestion on Main Street could be an impediment to emergency response and has been a concern expressed by the Yellowstone County Disaster and Emergency Services Department.



March 17, 2011

Mr. Gary Hammond
Regional Supervisor
Montana Dept of Fish, Wildlife, and Parks
1420 East 6th Avenue
PO Box 200701
Helena MT 59620

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Hammond:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

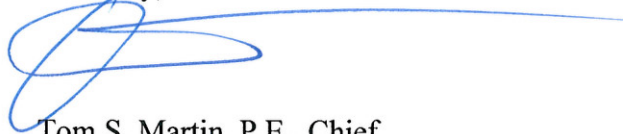
Mr. Gary Hammond
Page 2 of 2
3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom S. Martin', with a long horizontal flourish extending to the right.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File

MONTANA DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mary Sexton, Director
MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
1625 Eleventh Avenue
PO Box 201601
Helena, MT 59620

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Ms. Sexton:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Southern Land Office Area Planner, Jeff Bollman, was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the

subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project could affect wildlife and fisheries habitat. Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

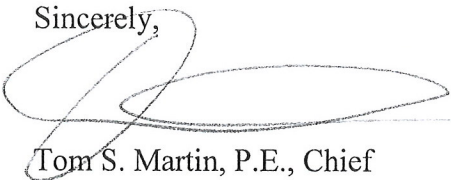
You may use the attached Participating Agency Designation form to accept or decline this invitation. Through this letter, MDT is also requesting the following information:

- Have any cultural resource surveys or historical, archaeological or paleontological resource discoveries been made on MDNRC-owned land adjacent to or on the proposed projects?
- Are any known active mineral leases or mining activities, abandoned mines, or reclaimed mines in the vicinity of the projects?
- Are there any specific leases or land uses that may be adversely impacted or that should be considered?
- Does the MDNRC have any lands with merchantable timber that may be impacted by the proposed projects?
- Are there any lands that are part of publicly-owned significant, state or local parks, wildlife refuges or recreation areas that may have present or planned usage as defined by Section 4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303)? Section 4(f) also includes sites eligible for inclusion in the National Register of Historic Places (under Section 106 of the National Historic Preservation Act, (16 U.S.C. 470).
- Have any lands in the project vicinity been purchased for or are currently administered for recreational purposes under Section 6(f) of the National Land & Water Conservation Fund Act (16 U.S.C. 460)?
- Does the MDNRC have any ongoing or presently planned projects for the particular area that could affect or be affected by the proposed action? Is the MDNRC aware of any proposed or current projects by others (public or private agencies) that pose similar effects?

We look forward to your response to this request and your role as participating agency on this project. Please let us know of your response no later than October 13, 2010. If you have questions or would like to discuss in more detail the project or FHWA's and MDNRC's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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ⁱ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

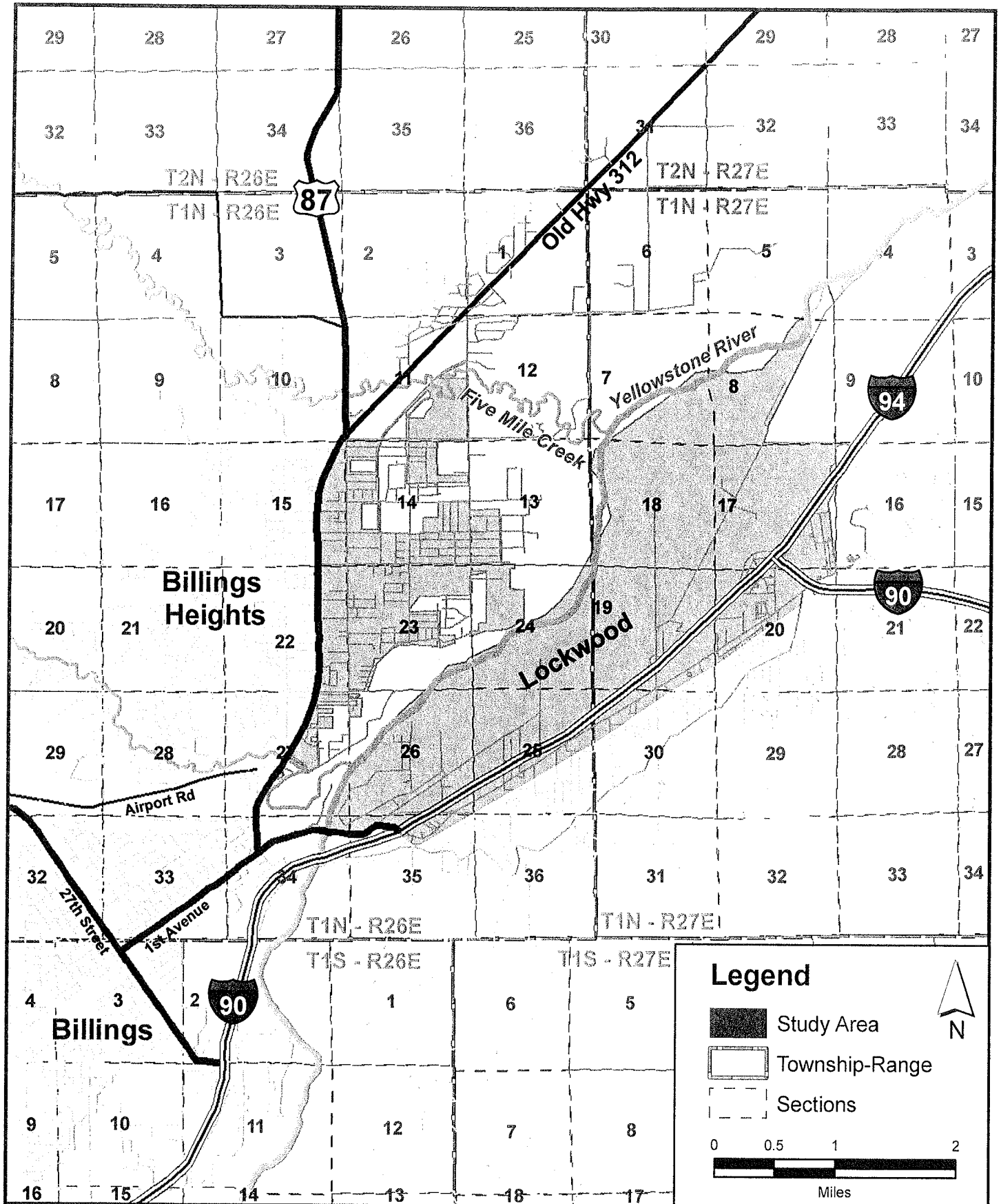
* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199

PARTICIPATING AGENCY DESIGNATION

- ☒ Yes – MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
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- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.



(Sign – Authorized Representative)

Jeff Bollman

(Print)

Area Planner

(Title)

10/13/10

(Date)

DHRC Southern Land Office
1371 Rintop Drive
Billings, MT 59105
247-4404
jbollman@mt.gov

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a "participating agency" does not imply that the agency supports the proposed project or has any jurisdiction.

Gocksch, Thomas

From: Martin, Tom
Sent: Wednesday, October 13, 2010 2:26 PM
To: Gocksch, Thomas
Subject: FW: Billings Bypass EIS
Attachments: Billings Bypass Participating Agency.pdf

From: Bollman, Jeff
Sent: Wednesday, October 13, 2010 9:40 AM
To: Martin, Tom
Subject: Billings Bypass EIS

Tom:

I was recently forwarded a copy of the letter that you sent to Mary Sexton, DNRC Director, dated 27 September 2010 regarding the Billings Bypass EIS. Attached, please find a signed copy of the Agency Participation form.

Based on the revised Study Area, our biggest area of involvement most likely will be the crossing of the navigable riverbed of the Yellowstone River, which is owned by the State and administered by DNRC. The crossing of the Yellowstone River will require an easement to be submitted to and reviewed by the DNRC Southern Land Office and ultimately approved by the Board of Land Commissioners.

In your letter, you also requested some additional information and below are my initial responses:

- Cultural Resources: There were no studies listed for the potentially impacted Trust lands or known historical resources on them.
- Mineral Leases: The DNRC does have an active (not producing) Oil & Gas lease on the section listed below:
Section 36-2N-26E – Oil & Gas Lessee
Elk Petroleum Oil & Gas
123 West 1st Street, Suite 550
Casper, WY 82601
307-265-3326
- Leases or Licenses Impacted: The DNRC has an active grazing lease on the section listed below:
Section 36-2N-26E (except SW¼) Grazing Lessee
Leonard Houser
4210 Highway 312 East
Billings, MT 59105
406-860-1654
406-373-6386
- Merchantable Timber: None on Trust lands.
- State or local park: None.
- Land & Water Conservation Fund Purchases: None by DNRC
- Ongoing DNRC Projects: DNRC does not have any projects in the Study Area that would be impacted by the proposed action.

Please feel free to contact me with any questions.

Cordially,
Jeff

Jeff Bollman, AICP
Planner
Southern Land Office
MT Dept of Natural Resources & Conservation
1371 Rintop Drive
Billings, MT 59105
406.247.4404 (Phone)
406.247.4410 (Fax)



January 27, 2011

Mr. Jeff Bollman
Area Planner
Montana Department of Natural Resources & Conservation
Southern Land Office
1371 Rintop Drive
Billings, MT 59105

Subject: Request for Comments on Purpose and Need Statement
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Bollman:

We received your Participating Agency Designation form/acceptance letter and are pleased that your agency has accepted the invitation to be a Participating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

Purpose and Need

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.
- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

Mr. Jeff Bollman
Page 2 of 3
January 28, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

Range of Alternatives

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

Participating and Cooperating Agency Meeting

The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Mr. Jeff Bollman
Page 3 of 3
January 28, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

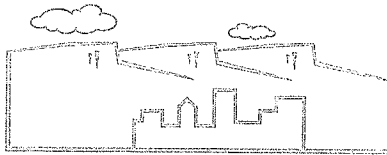
Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Purpose and Need
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Mary Sexton, Director, Montana Department of Natural Resources & Conservation
File



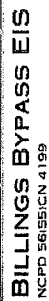
Purpose and Need - DRAFT

January 2011

Purpose: *Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.*

Needs:


- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update - Draft Report). Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
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Draft Conceptual Alternatives



Billings Urban Area



Study Area

Conceptual Alternatives

Alignments

Potential Connection



Grade-Separated Interchange



At-Grade Intersection

Community & Natural Resources

Park



100-Year Floodplain



Yellowstone River



Creeks

Existing Transportation Network



Interstate

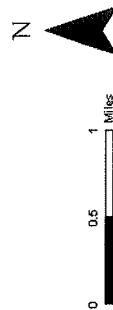


Highway

Local Road



Railroads



Course:

Control 2:
Normal adult control

Downloaded September 1, 2010
ESMA, confidential data

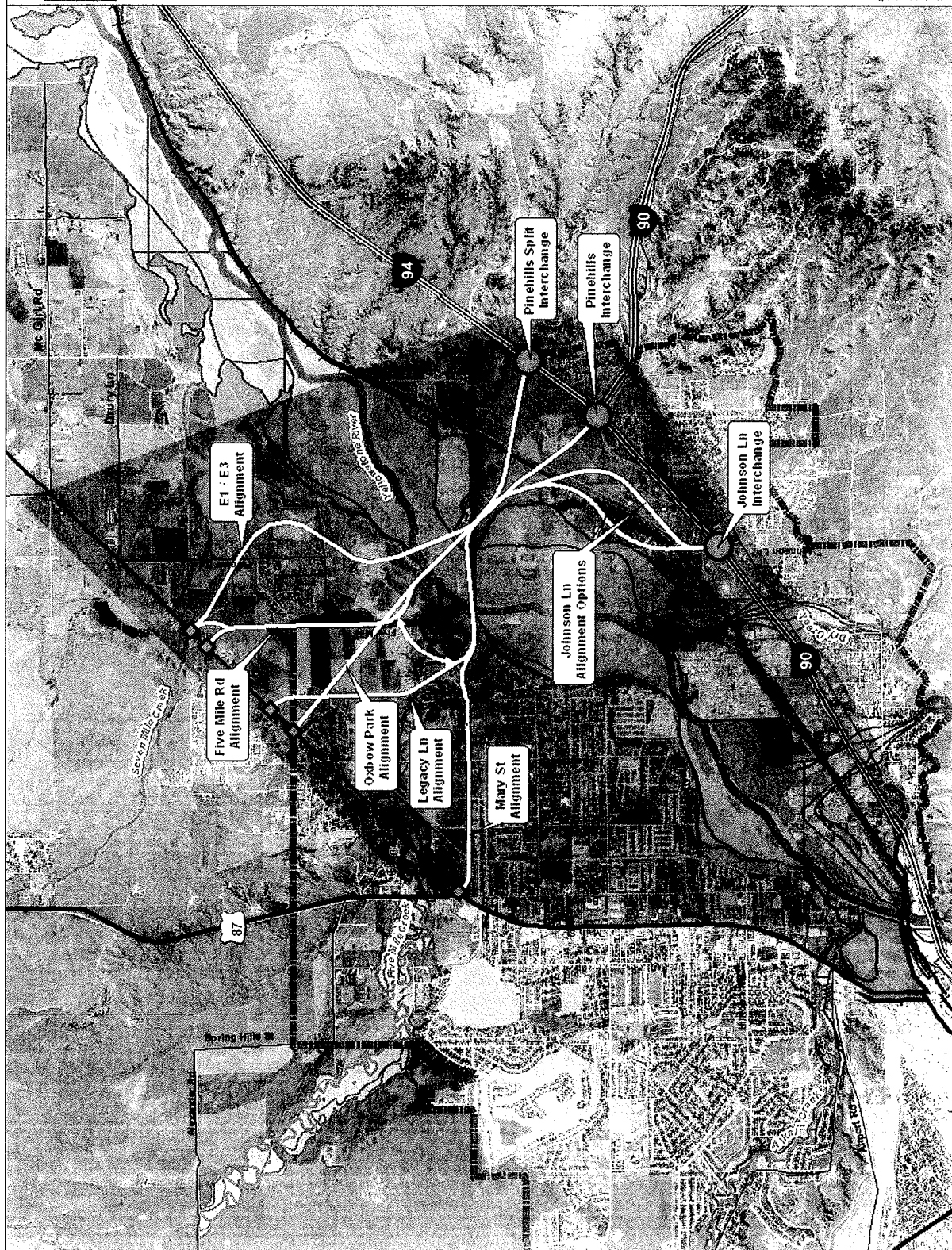
FIELD REPORT

Montana Felt, Wildlife and Park

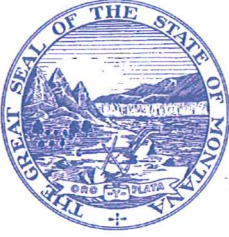
UCDA, National Agribusiness

Yellowstone County School, p.

Date Printed: January 2011



DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



BRIAN SCHWEITZER, GOVERNOR

SOUTHERN LAND OFFICE

STATE OF MONTANA

PHONE: (406) 247-4400
FAX: (406) 247-4410

AIRPORT BUSINESS PARK
1371 RIMTOP DRIVE
BILLINGS, MT 59105-1978

17 February 2011

Tom S. Martin, P.E., Chief
Environmental Services Bureau
Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

RE: Billing Bypass EIS Purpose & Need Comments

Dear Mr. Martin:

This letter is written to comment on the draft Purpose & Need statements for the Billings Bypass EIS provided in your letter dated 27 January 2011. At this time, the Department of Natural Resources & Conservation (DNRC) does not have any specific comments on the draft Purpose & Need for the Bypass. As a participating agency with limited permitting in the ultimate project, it seems more appropriate for the public to provide specific comments on these items and direct any changes.

The Department of Natural Resources & Conservation does manage any encroachments in, above or under the bed of all navigable rivers and is therefore mainly concerned with the potential new bridge across the Yellowstone River. The Yellowstone River in this area is navigable and is the only portion of the project that the DNRC Southern Land Office would have any direct permitting authority over. A bridge crossing would ultimately require easement approval from the State Board of Land Commissioners (Land Board) after submittal and review of an easement application by the Southern Land Office.

I look forward to meeting with the project team in March to further discuss this project and alternative alignments of the proposed roadway.

Please feel free to contact me at jbollman@mt.gov or (406) 247-4404 with any questions.

Cordially,

A handwritten signature in dark ink, appearing to read "JB", with a stylized flourish at the end.

Jeff Bollman, AICP
Acting Area Manager/Planner

cc: Mary Sexton, Director, DNRC



March 17, 2011

Mr. Jeff Bollman
Area Planner
Montana Dept of Natural Resources and Conservation
1371 Rintop Drive
Billings, MT 59105

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Bollman:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

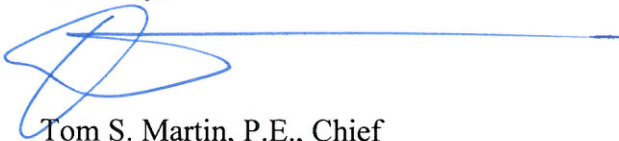
Mr. Jeff Bollman
Page 2 of 2
3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Sincerely,

A blue ink handwritten signature, appearing to be "Tom S. Martin", with a long horizontal line extending to the right.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Mary Sexton, Director, Montana Department of Natural Resources &
Conservation
File

MONTANA NATURAL HERITAGE PROGRAM



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. Bryce Maxell
Interim Director
MONTANA NATURAL HERITAGE PROGRAM
Montana State Library
1515 East Sixth Avenue
Helena, MT 59620

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Maxell:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Director Sue Crispin was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as

opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the MNHP previously identified species of concern in the project vicinity (see attached letter dated May 9, 2000). Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

You may use the attached Participating Agency Designation form to accept or decline this invitation.

The MNHP provided information regarding the occurrence or potential for occurrence of resources and/or species of special concern for the above mentioned feasibility study on May 9, 2000. This correspondence is attached for your review. MDT requests that the accuracy of this information be validated for the EIS and that updated information be provided if necessary. MDT will assume that the previously provided information is correct unless you notify us in writing by the date indicated at the end of this letter.

Any other pertinent comments the MNHP may have at this time would also be appreciated. Statements on these matters may initiate further interagency coordination, if necessary, to avoid or minimize potential project impacts.

We look forward to your response to this request and your role as participating agency on this project. Please let us know of your response no later than October 13, 2010. If you have questions or would like to discuss in more detail the project or FHWA's and the Montana Natural Heritage Program's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



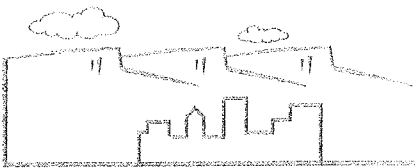
Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Letter dated May 9, 2000
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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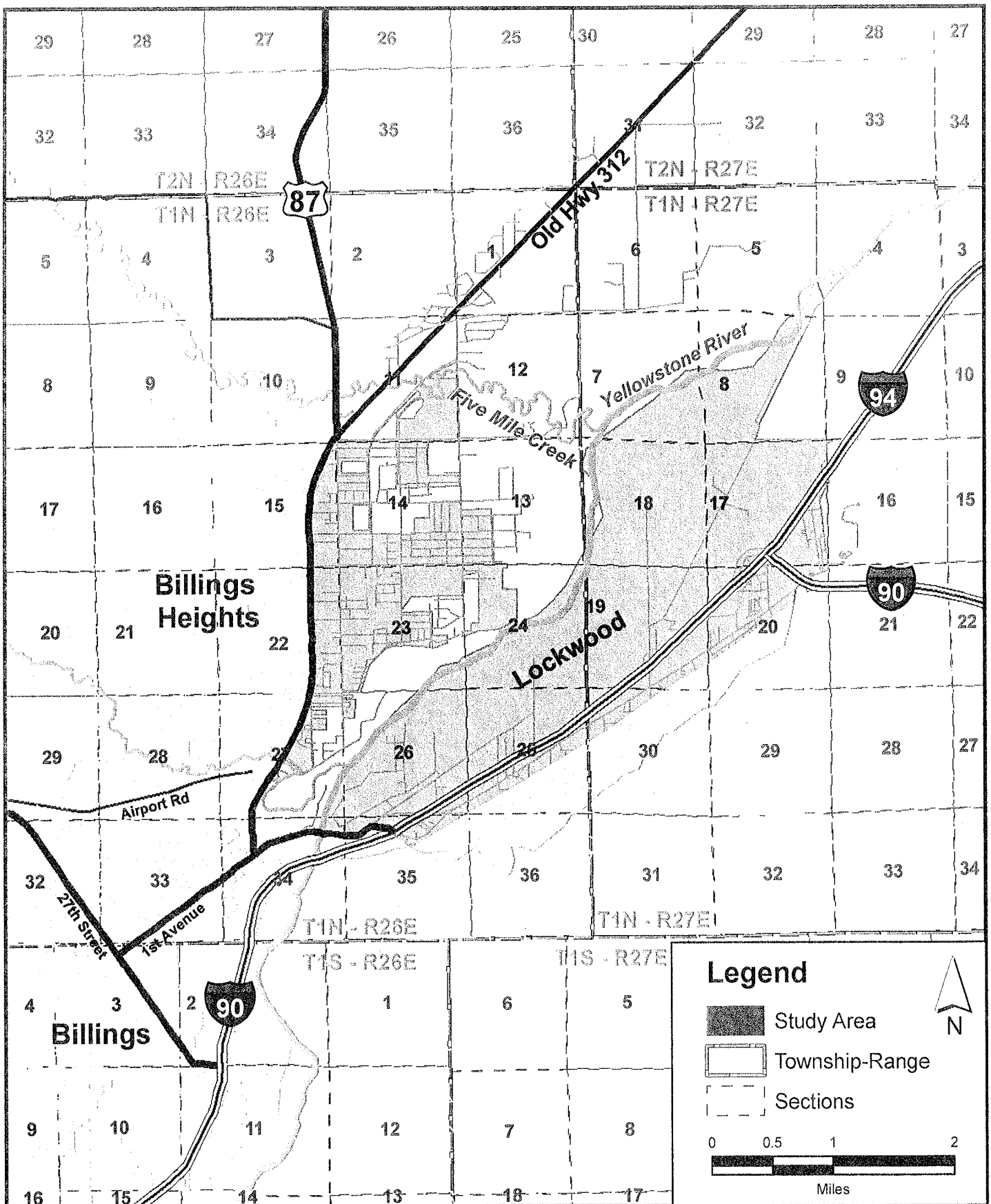
¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)/CN 4199



**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – MONTANA NATURAL HERITAGE PROGRAM wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – MONTANA NATURAL HERITAGE PROGRAM does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



MONTANA
**Natural Heritage
Program**

A program of the
NATURAL RESOURCE INFORMATION SYSTEM

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, Montana 59620-1800 • Fax: 406-444-0581 • Phone: 406-444-3009

May 9, 2000

Teri L. Dewing
MSE-HKM, Inc.
P.O. Box 31318
Billings, Montana 59107-1318

Re: NCPD 56(42)
By-Pass Feasibility Study - Billings
Control No. 4199

RECEIVED
MAY 11 1999
MSE-HKM, Inc.

Dear Teri,

I am writing in response to your request for information on species of special concern in the vicinity of the By-Pass Feasibility Study - Billings. We checked our databases for information in this general area and have enclosed 6 species of concern reports, organized by township, range and section, 1 map and explanatory material.

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern and communities that comprise high-quality wetlands, that occur in an area defined by the requested study area with an additional one-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area.
- (2) In the report, the term "precision" reflects the quality of the location information. S (second) precision is used when the location of the collection/observation is known within a three-second radius (approximately 10 acres); M (minute) precision is used when the location of the collection /observation is known within a one minute radius (approximately 1.5 miles); and G (general) precision is used when the location of the record/collection is known within a 5 mile radius or to a place name only. Some species locations outside the selection area have imprecisely-known locations and may actually occur within the selection area.
- (3) Location information for animals represents occupied breeding habitat; location information for plants represents known occurrences of plant species, and, like animals, has an implied range that may not be fully conveyed by the mapped data. Most locations are depicted as points, but some, especially those that cover large area, are depicted as polygons on the map. The approximate boundaries of these polygons are color-coded to help differentiate vertebrate classes and plants.
- (4) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (5) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately-owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (6) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also,

Electronic access to the Montana Natural Heritage Program is available at URL

<http://nris.state.mt.us/mtnhp/>

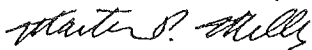
THE NATURE CONSERVANCY AND MONTANA STATE LIBRARY

significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).

- (7) The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments.

I hope the enclosed information is helpful to you. Please feel free to contact me at (406)-444-2817 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Martin P. Miller, Data Assistant
Montana Natural Heritage Program
(martinm@state.mt.us)

09-May-00

Montana Natural Heritage Program

Species of Special Concern: By-Pass Feasibility Study - Billings
NCPD 56(42), Control No. 4199

NHPI

Scientific Name: HALIAEETUS LEUCOCEPHALUS

Common Name: BALD EAGLE

Global Rank: G4

Forest Service status: THREATENED

State Rank: S3B,S3N

USFWS Endangered Species Act Status: LT

BLM Status: SPECIAL STATUS

Occurrence Type: NEST SITE & TERRITORY

Species occurrence data:

STATUS: CURRENT. THE MONTANA BALD EAGLE WORKING GROUP (BEWG) ANNUALLY SURVEYS AND COLLECTS DATA ON NEST SITES. CONTACT BEWG COORDINATOR DENNIS FLATH OF MONTANA FISH, WILDLIFE & PARKS (406-994-6354) FOR MORE INFORMATION ABOUT THIS OCCURRENCE.

Last observation: 1999

Size (acres):

General site description:

NEST SITE AND TERRITORY.

Land owner/manager

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

Information source

FLATH, D. 2000. [MEMO LISTING LOCATION OF BALD EAGLE NESTS AS OF AUGUST, 1999.] UNPUBLISHED REPORT. 11PP.

Survey site name: FEEDLOT

County: YELLOWSTONE

USGS quadrangle: COTTONWOOD CREEK

Precision: M

Elevation (ft): 3020

Location:

ALONG THE YELLOWSTONE RIVER, CA. 6 MILES DOWNSTREAM FROM BILLINGS.

Township\Range:

001N027E

Section:

4

TRS comments:

09-May-00

Montana Natural Heritage Program

Species of Special Concern: By-Pass Feasibility Study - Billings
NCPD 56(42), Control No. 4199

NHP2

Scientific Name: LAMPROPELTIS TRIANGULUM

Common Name: MILK SNAKE

Global Rank G5

Forest Service status:

State Rank: S2

USFWS Endangered Species Act Status:

BLM Status:

Occurrence Type:

Species occurrence data:

Last observation: 1971-05-

Size (acres):

General site description:

Land owner/manager

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

7/17/47: SPECIMEN COLLECTED BY DEE JAY NELSON. CA. 1949: SPECIMEN COLLECTED BY KENNETH JACOBSON. 5/71: SPECIMEN COLLECTED BY B.E. DAVIS (FIRST PRESERVED IN VODKA). ALSO REPORTED BY LAURIE J. VITT [LETTER OF 8 JANUARY, 1996 TO JIM REICHEL] AS "COMMON IN RATTLESNAKE BUTTE" (NE OF TOWN) AND "WEST OF BILLINGS OFF OF MOLT HIGHWAY PAST RANCHETTES." 1909: MUSEUM SPECIMEN IDENTIFIED AS LAMPROPELTIS CALLIGASTER IN RECORDS.

Information source

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: BILLINGS

County: YELLOWSTONE

USGS quadrangle: BILLINGS EAST

Precision: G

Elevation (ft): 3100

Location:

1947: DIRT ROAD ASCENDING INTO ROCKY AREA SURMOUNTED BY LONG RIM OF CLIFFS OVERLOOKING BILLINGS (WITHIN 500 YARDS OF CITY LIMITS). CA. 1949: 1 MILE NORTHEAST OF BILLINGS ON ALKALI CREEK. 1971: EAST EDGE OF BILLINGS.

Township\Range:

Section:

TRS comments:

001S026E

2

09-May-00

Montana Natural Heritage Program

Species of Special Concern: By-Pass Feasibility Study - Billings
NCPD 56(42), Control No. 4199

NHP3

Scientific Name: FALCO PEREGRINUS

Common Name: PEREGRINE FALCON

Global Rank G4

Forest Service status: DESIGNATION PENDING

State Rank: S1S2B,S

USFWS Endangered Species Act Status:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

ACTIVE EYRIE. NONE FLEDGED IN 1999.

Last observation: 1999

Size (acres): 160

General site description:

UNKNOWN.

Land owner/manager

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

Information source

SUMNER, J. AND R. ROGERS. 1999. MONTANA PEREGRINE FALCON SURVEY. PREPARED FOR MONTANA FISH, WILDLIFE & PARKS. 27PP. (PLUS MAPS AND PHOTOS).

Survey site name: SACRIFICE CLIFF

County: YELLOWSTONE

USGS quadrangle: BILLINGS EAST

Precision: M

Elevation (ft): 3400

Location:

ON SACRIFICE CLIFF, ON THE EAST BANK OF THE YELLOWSTONE RIVER, IN BILLINGS, MT.

Township\Range:	Section:	TRS comments:
001S026E	2	E2

09-May-00

Montana Natural Heritage Program

Species of Special Concern: By-Pass Feasibility Study - Billings
NCPD 56(42), Control No. 4199

NHP4

Scientific Name: HETERODON NASICUS

Common Name: WESTERN HOGNOSE SNAKE

Global Rank G5

Forest Service status:

State Rank: S3

USFWS Endangered Species Act Status:

BLM Status:

Occurrence Type:

Species occurrence data:

POPULATION REPORTED.

Last observation: 1909-08-07

Size (acres):

General site description:

Land owner/manager

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE LAND - UNDESIGNATED; BLM:
BILLINGS FIELD OFFICE

Comments:

RECORD BASED ON MUSEUM SPECIMEN.

Information source

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800,
HELENA, MT 59620-1800. 406/444-3009.

Survey site name: BILLINGS

County: YELLOWSTONE

USGS quadrangle: BILLINGS WEST

Precision: G

Elevation (ft): 3200

Location:

BILLINGS

Township\Range:

Section:

TRS comments:

001S026E

4

09-May-00

Montana Natural Heritage Program

Species of Special Concern: By-Pass Feasibility Study - Billings
NCPD 56(42), Control No. 4199

NHP5

Scientific Name: EUDERMA MACULATUM

Common Name: SPOTTED BAT

Global Rank: G4

Forest Service status: SENSITIVE

State Rank: S1

USFWS Endangered Species Act Status:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

SUBADULT MALE SPECIMEN COLLECTED (MSU) FROM A RESIDENCE IN BILLINGS.

Last observation: 1949-06-27

Size (acres):

General site description:

Land owner/manager

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

Information source

NICHOLSON, A. J. 1950. A RECORD OF THE SPOTTED BAT (EUDERMA MACULATUM) FOR MONTANA. J. OF MAMMALOGY 31:197.

Survey site name: BILLINGS

County: YELLOWSTONE

USGS quadrangle: BILLINGS WEST

Precision: M

Elevation (ft): 3140

Location:

RESIDENCE OF L.E. HINES, BILLINGS, MT.

Township\Range:

Section:

TRS comments:

001S026E

4

09-May-00

Montana Natural Heritage Program

Species of Special Concern: By-Pass Feasibility Study - Billings
NCPD 56(42), Control No. 4199

NHPG

Scientific Name: TRIONYX SPINIFERUS

Common Name: SPINY SOFTSHELL

Global Rank G5

Forest Service status:

State Rank: S3

USFWS Endangered Species Act Status:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

SINCE 1970: 4 REPORTS ON THE YELLOWSTONE, 5 REPORTS ON THE TONGUE AND ONE ON THE POWDER.
THE BOUNDARIES FOR THIS OCCURRENCE ENCOMPASS ALL REPORTED OBSERVATIONS IN THE
YELLOWSTONE RIVER DRAINAGE. SPECIFIC OBSERVATION DATA AVAILABLE FROM MTNHP.

Last observation: 1997

Size (acres): 0

General site description:

LARGE RIVERS AND THEIR SANDY BANKS (UP TO 50 METERS FROM WATER - USED FOR NESTING).

Land owner/manager

BLM: MILES CITY FIELD OFFICE; BLM: BILLINGS FIELD OFFICE; BLM: MILES CITY FIELD OFFICE;
PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE LAND - UNDESIGNATED

Comments:

NOTE 3 HISTORIC REPORTS FROM THE BIG HORN RIVER DRAINAGE, AROUND CROW AGENCY. (POD:
7.4.1, 7.4.2, 7.9.82)

Information source

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800,
HELENA, MT 59620-1800. 406/444-3009.

Survey site name: YELLOWSTONE RIVER DRAINAGE

County: DAWSON; PRAIRIE; CUSTER; ROSEBUD; BIG HORN; TREASURE; YELLOWSTONE

USGS quadrangle:

Precision: G

Elevation (ft): 1980

Location:

THE YELLOWSTONE RIVER BETWEEN BILLINGS AND INTAKE, PLUS THE TONGUE RIVER AND THE FIRST
FEW MILES OF THE POWDER RIVER.

Township\Range:

Section:

TRS comments:

006N039E

17

CENTRUM - MANY ADDITIONAL TOWNSHIPS

Montana Natural Heritage Program

P.O. Box 201800
1515 East Sixth Avenue
Helena, Montana 59620-1800
(406) 444-3009
<http://nris.state.mt.us>

Explanation of Element Occurrence Reports

Since 1985, the Montana Natural Heritage Program (MTNHP) has been compiling and maintaining an inventory of the elements of biological diversity in Montana. This inventory includes plant species, animal species, plant communities, and other biological features that are rare, endemic, disjunct, threatened or endangered throughout their range in Montana, vulnerable to extirpation from Montana, or in need of further research.

Individual species, communities, or biological features are referred to as "elements." An "element occurrence" generally falls in one of the following categories:

Plants: A documented location of a plant population. In some instances, adjacent, spatially separated clusters are considered subpopulations and are grouped as one occurrence (e.g., the subpopulations occur in ecologically similar habitats, and are within approximately one air mile of one another).

Animals with limited mobility (most invertebrates, amphibians, reptiles, small mammals, most fish): The location of a specimen collection or of a verified sighting; assumed to represent a breeding population. Additional collections or sightings are often appended to the original record.

Mobile or migratory animals (most birds and larger mammals, some fish): Breeding areas (including nesting territories, dens and leks) and significant aggregation sites (winter feeding areas, staging grounds, or hibernacula).

Communities: All contiguous, high-quality habitat as defined by physical and biological features.

Other: Significant biological features not included in the above categories, such as bird rookeries, peatlands, or state champion trees.



The quantity and quality of data contained in MTNHP reports is dependent on the research and observations of the many individuals and organizations who contribute information to the program.

Please keep in mind that the absence of information for an area does not mean the absence of significant biological features. Reports produced by the Montana Natural Heritage Program summarize information known to the program at the time of a request. These reports are not intended as a final statement on the elements or areas being considered, nor are they a substitute for on-site surveys which may be required for environmental assessments.

As a user of MTNHP, your contributions of data are essential to maintaining the accuracy of our data bases. New or updated location information for all species of special concern is always welcome.

We encourage you to visit our website at <http://nris.state.mt.us/mtnhp/>. On-line tools include species lists, an electronic version of *Montana Bird Distribution*, and search capabilities by county, management unit, or USGS 7.5' quadrangle. Also available is the *Montana Rare Plant Field Guide*, which contains photos, high-quality diagnostic illustrations, and supporting information for over 300 rare plant species in Montana.

Certain codes and abbreviations are used in element occurrence reports. Although many of these are very straightforward, the following explanations should answer most questions.

Global Rank and State Rank

Taxa are evaluated and ranked by MTNHP on the basis of their global (range-wide) status, and their state-wide status according to a standardized procedure.

For each level of distribution, global and state, species are assigned a numeric rank ranging from 1 (critically imperiled) to 5 (demonstrably secure). For example, Clustered lady's-slipper (*Cypripedium fasciculatum*) is ranked G4 S2. That is, globally the species is apparently secure, while in Montana it is imperiled because of rarity, or because of other factors making it demonstrably vulnerable to extirpation.

Rank Definition

- 1 Critically imperiled because of extreme rarity, or because of some factor of its biology making it especially vulnerable to extirpation.
 - 2 Imperiled because of rarity, or because of other factors demonstrably making it very vulnerable to extinction throughout its range.
 - 3 Vulnerable because of rarity, or found in a restricted range even though it may be abundant at some of its locations.
 - 4 Apparently secure, though it may be quite rare in parts of its range, especially at the periphery.
 - 5 Demonstrably secure, though it may be quite rare in parts of its range, especially at the periphery.
- U Possibly in peril but status uncertain; more information needed.
- H Historical, known only from records over 50 years ago; may be rediscovered.
- X Believed to be extinct; historical records only.

Other Global and State Rank codes:

- T Rank for a subspecies or variety; appended to the global rank for the full species, e.g., G4T3.
- Q Taxonomic questions or problems involved; more information needed.
- ? Inexact or uncertain.
- Z Ranking not applicable.
- A Accidental in the state. Includes species (usually birds or butterflies) recorded very infrequently, hundreds or thousands of miles outside their usual range.
- B A state rank modifier indicating breeding status for a migratory species. Example: S1B, SZN = breeding occurrences for the species are ranked S1 (critically imperiled) in the state; non-breeding occurrences are not ranked in the state.
- # A modifier to SX or SH: the species has been reintroduced but the population is not yet established.

U. S. Fish And Wildlife Service Endangered Species Act Status

Abbreviations indicate the categories defined in the U.S. Fish and Wildlife Service Notice of Review and indicate the status of a taxon under the federal Endangered Species Act of 1973 (16 U.S.C.A. §1531-1543 (Supp. 1996)).

Note: the categories C2, 3B and 3C are no longer maintained by the U.S. Fish and Wildlife Service (61 FR 7596, Feb. 28, 1996).

Current categories are:

- LE listed endangered
- LT listed threatened
- PE proposed endangered
- PT proposed threatened
- C candidate: Substantial information exists in U.S. Fish and Wildlife files on biological vulnerability to support

proposals to list as threatened or endangered.

NL not listed or no designation (see below)

XN non-essential experimental population

A species can have more than one federal designation if the species' status varies within its range. In these instances, the Montana designation is listed first. Example: LELT = species is listed as endangered in Montana; elsewhere in its range it is listed as threatened.

U.S. Forest Service Status

The status of species on Forest Service lands as defined by the U.S. Forest Service manual (2670.22). These taxa are listed as such by the Regional Forester (Northern Region) on National Forests in Montana. Species are listed as:

T/E/P listed as Threatened (LT) or Endangered (LE) under the Endangered Species Act or proposed for listing (P), and known or suspected to occur on national forests.

S sensitive species, subspecies or variety, for which the Regional Forester has determined there is a concern for population viability rangewide or in the region.

Bureau of Land Management Status

The status of species on Bureau of Land Management land is defined by the BLM 6840 manual and designated by the Montana State Office of the BLM in 1996:

S sensitive species: proven to be imperiled in at least part of its range and documented to occur on BLM lands.

W watch species: either known to be imperiled and suspected to occur on BLM lands, suspected to be imperiled and documented on BLM lands, or needing further study for other reasons.

Other terms that may be used in this report

USGS quadrangle - Name of the 7.5-minute USGS topographic map(s) where the population is located.

Township, range, section, TRS comments - legal description of the centroid of the population and, if known, additional townships or sections. TRS locators may be based on unsurveyed townships; in such cases, the locators are derived from U. S. Forest Service visitor maps or from BLM surface management status maps. This is done for convenience in describing species locations; the information does not necessarily indicate legal boundaries.

Precision - the level of location accuracy of the record.

S = accuracy of location is within an area of approximately 10 acres

M = accuracy of location is within a radius of approximately 1.5 miles

G = location is a place-name only, or within a radius of approximately 5 square miles.

Last observation: date the element was last observed extant at the site (not necessarily the date the site was last visited).

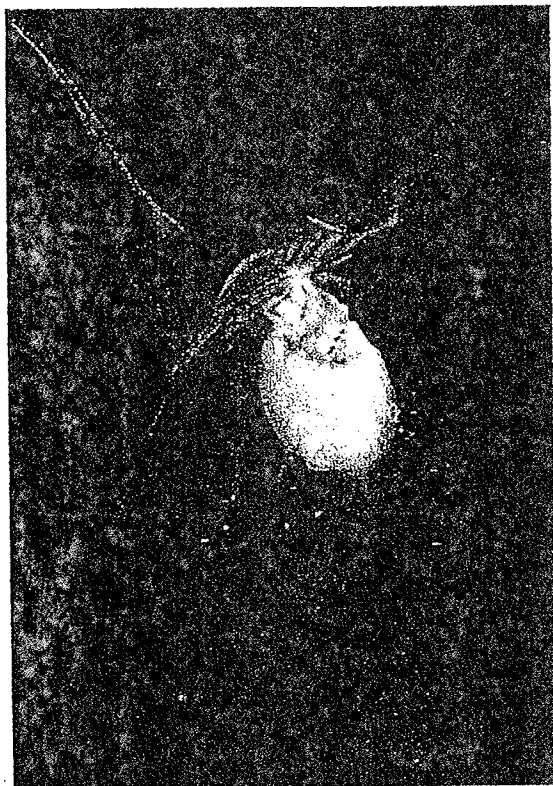
Land Owner/manager - the ownership or management of the land on which the element occurs. Areas are generally listed from smallest to largest. In most instances, this information is derived from U.S. Forest Service visitor maps or from BLM surface management status maps.

Please remember that this report is a summary of information. Additional data are available on most sites and species

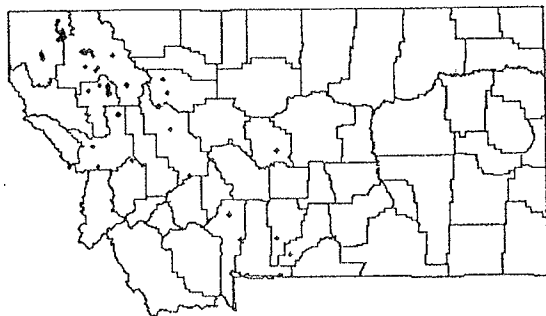
If you have questions or need further assistance, please contact us either by phone at (406/444-0914), e-mail (mtnhp@nris.state.mt.us) or at the mailing address shown on the first page.

Now available from the Montana Natural Heritage Program

The Montana Rare Plant Field Guide



Cypripedium parviflorum, Small Yellow Lady's-slipper
(photo by Steve Wirt)



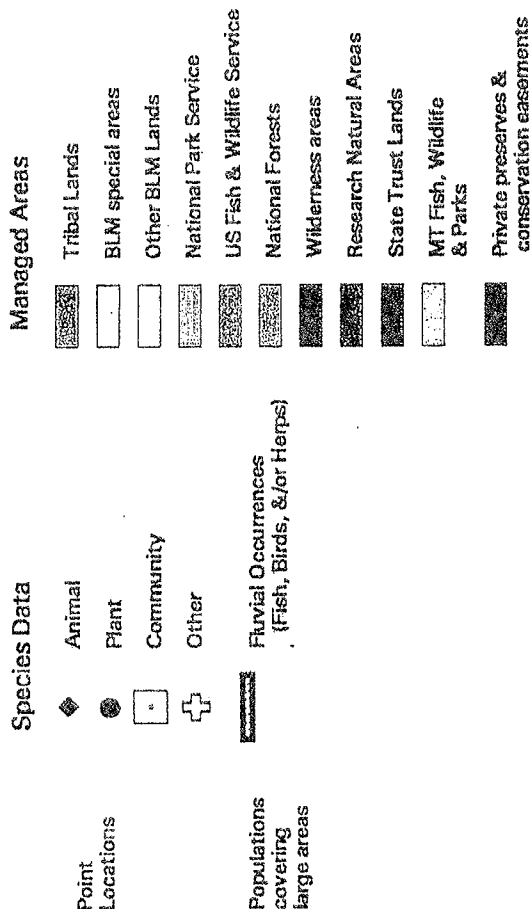
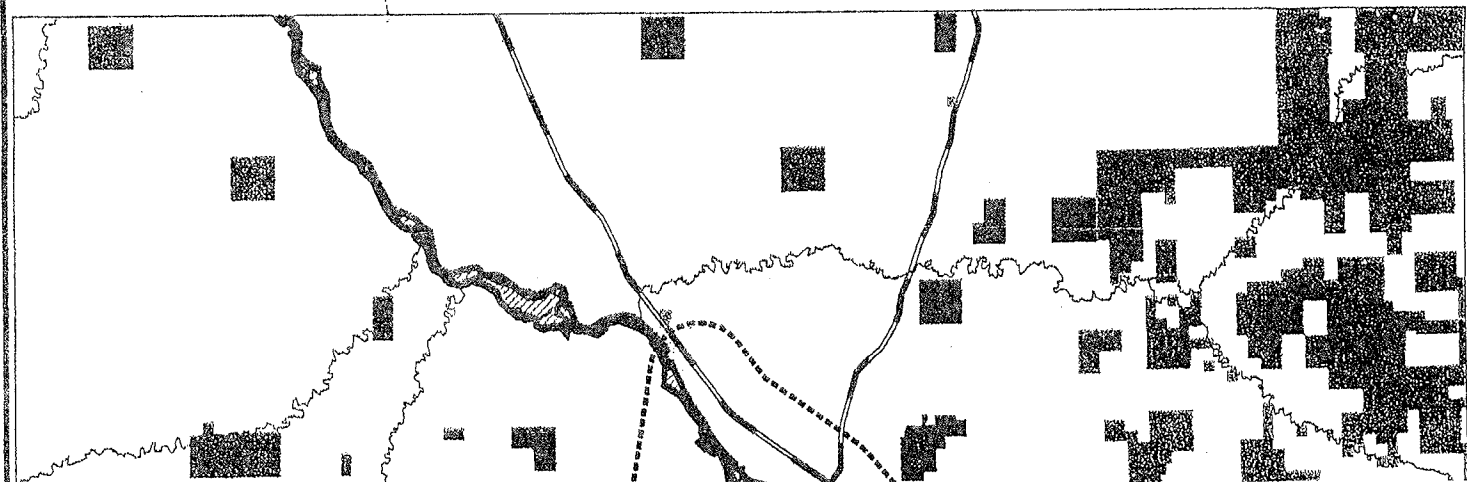
Distribution of *Cypripedium parviflorum* in Montana

Direct Internet access to
information on over 300
plant species of special
concern in Montana.

- ◆ species and habitat photos
- ◆ diagnostic illustrations
- ◆ concise habitat descriptions
- ◆ bibliography
- ◆ distribution data
- ◆ search for information by status,
land management, or location
- ◆ continually updated

nris.state.mt.us/mtnhp
then navigate to "Plants" and "Field Guide"

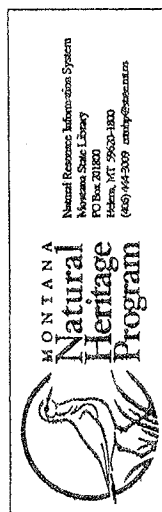
Montana Species of Special Concern Bypass Feasibility Study - Billings NCPD 56(42), Control No. 4199



Search Area

- Species locations depicted outside the search area have imprecisely-known locations and may actually occur within the search area.
- Not all legend items may occur on map.
- This map displays management status, which may differ from ownership.
- Features shown on this map do not imply public access to any lands.
- Refer to accompanying documentation for full explanation of map features.

Scale of Miles 0 5 10 15



Natural Resource Information System
Montana State Library
PO Box 20160
Helena, MT 59620-1600
(406) 441-5007 cmap.mt.gov

Request nhp4494
May 09, 2000

**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

☐ Yes – MONTANA NATURAL HERITAGE PROGRAM wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project

☒ No – MONTANA NATURAL HERITAGE PROGRAM does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*

☒ Agency has no jurisdiction or authority with respect to the project → Neutral data provider.

☐ Agency has no expertise or information relevant to the project

☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

Bryce A. Maxell (Sign – Authorized Representative)
Bryce A. Maxell (Print)
Interim Director (Title)
9/29/10 (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a "participating agency" does not imply that the agency supports the proposed project or has any jurisdiction.



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OCT - 8 2010

ENVIRONMENTAL

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.5354 • <http://mtnhp.org>

October 5, 2010

Tom S. Martin, PE, Chief
Environmental Services Bureau
Montana Department of Transportation
2701 Prospect Avenue
Helena, Montana 59620-1001

Dear Tom,

I am writing in response to your recent request regarding Montana species of concern in the vicinity of the Billings Bypass Sections 1, 2, 11-15, 22-27 and 34-36, T01N, R26E; Sections 5-9, 15-20 and 30, T01N, R27E; Section 36, T02N, R26E; and Sections 29-32, T02N, R27E, in Yellowstone County. I checked our databases for information in this general area and have enclosed 31 species occurrence reports for 14 species of concern, 2 ecological site reports, a map depicting species of concern and ecological site locations, a map depicting wetland locations and documents with explanatory material for species of concern and wetlands.

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by requested township, range and sections with an additional one-mile buffer surrounding the requested area. This is done to provide a more inclusive set of records and to capture records that may be immediately adjacent to the requested area. Reports are provided for the species of concern that are located in your requested area with a one-mile buffer. Species of concern outside of this buffered area may be depicted on the map due to the map extent, but are not selected for the SOC report.
- (2) On the map, polygons represent one or more source features as well as the locational uncertainty associated with the source features. A source feature is a point, line, or polygon that is the basic mapping unit of a Species Occurrence (SO) representation. The recorded location of the occurrence may vary from its true location due to many factors, including the level of expertise of the data collector, differences in survey techniques and equipment used, and the amount and type of information obtained. Therefore, this inaccuracy is characterized as locational uncertainty, and is now incorporated in the representation of an SO. If you have a question concerning a specific SO, please do not hesitate to contact us.
- (3) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (4) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (5) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also,

significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).

- (6) **Additional information on species habitat, ecology and management is available on our web site in the Plant and Animal Field Guides, which we encourage you to consult for valuable information. You can access these guides at <http://mtnhp.org>. General information on any species can be found by accessing the link to NatureServe Explorer.**

The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments. The information is intended for project screening only with respect to species of concern, and not as a determination of environmental impacts, which should be gained in consultation with appropriate agencies and authorities.

I hope the enclosed information is helpful to you. Let me know if you would prefer to receive digital PDF versions of these documents via email. Please feel free to contact me at (406) 444-3290 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Martin P. Miller
Montana Natural Heritage Program
martinm@mt.gov



MONTANA
**Natural Heritage
Program**

Montana Natural Heritage Program

1515 East Sixth Ave., Helena, Montana 59620-1800

(406) 444-5354

<http://mtnhp.org>

Explanation of Species of Concern Reports

Since 1985, the Montana Natural Heritage Program (MTNHP) has been compiling and maintaining an inventory of elements of biological diversity in Montana. This inventory includes plant species, animal species, plant communities, and other biological features that are rare, endemic, disjunct, threatened, or endangered throughout their range in Montana, vulnerable to extirpation from Montana, or in need of further research.

Species Occurrences: (formerly called 'Element Occurrences') A "Species Occurrence" (SO) is an area depicting only what is known from direct observation with a defined level of certainty regarding the spatial location of the feature. If an observation can be associated with a map feature that can be tracked (e.g., a wetland) then this polygon feature is used to represent the SO. Areas that can be inferred as probable occupied habitat based on direct observation of a species location and what is known about the foraging area or home range size of the species may be incorporated into the Species Occurrence. A "Species Occurrence" generally falls into one of the following three categories:

Plants: A documented location of a specimen collection or observed plant population. In some instances, adjacent, spatially separated clusters are considered subpopulations and are grouped as one occurrence (e.g., the subpopulations occur in ecologically similar habitats, and are within approximately one air mile of one another).

Animals: The location of a specimen collection or of a verified sighting; known or assumed to represent a breeding population. Additional collections or sightings are often appended to the original record.

Other: Significant biological features not included in the above categories, such as bird rookeries, peatlands, or state champion trees.

Ecological Information: Areas for which we have ecological information are represented on the map as either shaded polygons (where small and/or well defined) or simply as map labels (where they are large generally-defined landscapes). Descriptive information about these areas is contained in the associated report. Such information can be useful in assessing biological values and interpreting Species of Concern data.

The quantity and quality of data contained in MTNHP reports is dependent on the research and observations of the many individuals and organizations that contribute information to the program. Please keep in mind that the absence of information for an area does not mean the absence of significant biological features, since no surveys may have been conducted there. Reports produced by the Montana Natural Heritage Program summarize information documented in our databases at the time of a request. These reports are not intended as a final statement on the species or areas being considered, nor are they a substitute for on-site surveys, which may be required for environmental assessments.

As a user of MTNHP, your contributions of data are essential to maintaining the accuracy of our databases. New or updated location information for all species of concern is always welcome.

We encourage you to visit our website at <http://mtnhp.org>. On-line tools include a species observation viewer: the Natural Heritage TRACKER and *The Montana Field Guide* which contains photos, illustrations, and supporting information on Montana's animals and plant species of concern. Additional data are available on most species and ecological areas identified in our reports.

If you have questions or need further assistance, please contact us either by phone at (406/444-5354), e-mail (mtnhp@mt.gov) or

Data Descriptions

The section below lists the names and definitions for descriptions of the data fields used in the reports. Certain codes and abbreviations are used in Species Occurrence reports. Although many of these are very straightforward, the following explanations should answer most questions.

Map Label: The label for the species occurrence as it appears on the map.

Element Subnational ID: The unique code used by the state or province to identify a specific element (species).

SO Number: Number that identifies the particular occurrence of the element (species).

Scientific Name: Latin (scientific) name.

Common Name: Commonly recognized name.

Species of Concern/Potential Concern: This value indicates whether the species is a "Species of Concern" (Y) or of "Potential Concern" (W).

Last Observation Date: The date the Species Occurrence was last observed extant at the site (not necessarily the date the site was last visited).

First Observation Date: The date the Species Occurrence was first reported at the site.

EO Rank: indicates the relative value of the Species Occurrence (SO) with respect to other occurrences of the Species, based on an assessment of estimated viability (species).

Values:

- A - Excellent estimated viability/ecological integrity
- A? - Possibly excellent estimated viability/ecological integrity
- AB - Excellent or good estimated viability/ecological integrity
- AC - Excellent, good, or fair estimated viability/ecological integrity
- B - Good estimated viability/ecological integrity
- B? - Possibly good estimated viability/ecological integrity
- BC - Good or fair estimated viability/ecological integrity
- BD - Good, fair, or poor estimated viability/ecological integrity
- C - Fair estimated viability/ecological integrity
- C? - Possibly fair estimated viability/ecological integrity
- CD - Fair or poor estimated viability/ecological integrity
- D - Poor estimated viability/ecological integrity
- D? - Possibly poor estimated viability/ecological integrity
- E - Verified extant (viability/ecological integrity not assessed)
- F - Failed to find
- F? - Possibly failed to find
- H - Historical
- H? - Possibly historical
- X - Extirpated
- X? - Possibly extirpated
- U - Unrankable
- NR - Not ranked

SO Data: Data collected on the biology of this Species Occurrence. Specific information may include number of individuals, vigor, habitat, soils, associated species, and other characteristics.

Species Status Codes

Provided below are definitions for species conservation status ranks, categories and other codes designated by MTNHP, Federal and State Agencies and non-governmental organizations.

- [Montana Species of Concern](#)
- [Montana Potential Species of Concern](#)
- [Status Under Review](#)
- [Exotic Species](#)
- [Montana Species Ranking Codes](#)
- [U.S. Fish and Wildlife Service](#)
- [Forest Service](#)
- [Bureau of Land Management](#)
- [MFWP Conservation Need](#)
- [Partners In Flight \(PIF\)](#)
- [MNPS Threat Category](#)

Species of Concern

Species of Concern are native taxa that are at-risk due to declining population trends, threats to their habitats, restricted distribution, and/or other factors. Designation as a Montana Species of Concern or Potential Species of Concern is based on the Montana Status Rank, and is not a statutory or regulatory classification. Rather, these designations provide information that helps resource managers make proactive decisions regarding species conservation and data collection priorities. See the latest [Species of Concern Reports](#) for more detailed explanations and assessment criteria.

Potential Species of Concern

Potential Species of Concern are native taxa for which current, often limited, information suggests potential vulnerability. Also included are animal species which additional data are needed before an accurate status assessment can be made.

Status Under Review

Species designated "Status Under Review" are plant species that require additional information and currently do not have a status rank but may warrant future consideration as Species of Concern. This category also includes plant species whose status rank is questionable due to the availability of new information or the availability of conflicting or ambiguous information or data. Species listed in this category will be reviewed periodically or as new information becomes available.

Exotic Species

Exotic species are not native to Montana, but have either been reported in Montana or have established populations in Montana outside of their native range.

Montana Species Ranking Codes

Montana employs a standardized ranking system to denote global (G) and state (S) status (NatureServe 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks - the number, size and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, life history traits and threats.

For example, Clustered lady's slipper (*Cypripedium fasciculatum*) is ranked G4 S2. Globally the species is uncommon but not vulnerable, while in Montana it is at risk because of limited and potentially declining numbers, extent and/or habitat.

G1 S1

At high risk because of extremely limited and potentially declining numbers, extent and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.

G2 S2

At risk because of very limited and potentially declining numbers, extent and/or habitat, making it vulnerable to global extinction or extirpation in the state.

G3 S3

Potentially at risk because of limited and potentially declining numbers, extent and/or habitat, even though it may be abundant in some areas.

G4 S4

Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.

G5 S5

Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

GX SX

Presumed Extinct or Extirpated - Species is believed to be extinct throughout its range or extirpated in Montana. Not located despite intensive searches of historical sites and other appropriate habitat, and small likelihood that it will ever be rediscovered.

GH SH

Possibly Extinct or Extirpated - Species is known only from historical records, but may nevertheless still be extant; additional surveys are needed.

GNR SNR

Not yet ranked.

GU SU

Unrankable - Species currently unrankable due to lack of information or due to substantially conflicting information about status or trends.

GNA SNA

A conservation status rank is not applicable for one of the following reasons:

The taxa is of Hybrid Origin; is Exotic or Introduced; is Accidental or is Not Confidently Present in the state. (see other codes below)

Other Codes and Modifiers

HYB

Hybrid-Entity not ranked because it represents an interspecific hybrid and not a species.

T

Infraspecific Taxon (trinomial) - The status of infraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

?

Inexact Numeric Rank - Denotes inexact numeric rank.

Q

Questionable taxonomy that may reduce conservation priority-Distinctiveness of this entity as a taxon at the current level is questionable; resolution of this uncertainty may result in change from a species to a subspecies or hybrid, or inclusion of this taxon in another taxon, with the resulting taxon having a lower-priority (numerically higher) conservation status rank.

C

Captive or Cultivated Only - Species at present is extant only in captivity or cultivation, or as a reintroduced population not yet established.

A

Accidental - Species is accidental or casual in Montana, in other words, infrequent and outside usual range. Includes species (usually birds or butterflies) recorded once or only a few times at a location. A few of these species may have bred on the one or two occasions they were recorded.

SYN

Synonym - Species reported as occurring in Montana, but the Montana Natural Heritage Program does not recognize the taxon; therefore the species is not assigned a rank.

B

Breeding - Rank refers to the breeding population of the species in Montana.

N

Nonbreeding - Rank refers to the non-breeding population of the species in Montana.

M

Migratory - Species occurs in Montana on during migration.

U.S. Fish and Wildlife Service

LE

Listed endangered - Any species in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)).

PE

Proposed endangered - Any species for which a proposed rule has been published in the Federal Register to list the species as endangered.

LT

Listed threatened - Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)).

PT

Proposed threatened - Any species for which a proposed rule has been published in the Federal Register to list the species as threatened.

E(S/A) or T(S/A)

Any species listed endangered or threatened because of similarity of appearance.

C

Candidate - Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered. We encourage their consideration in environmental planning and partnerships; however, none of the substantive or procedural provisions of the Act apply to candidate species.

PDL

Proposed for delisting - Any species for which a final rule has been published in the Federal Register to delist the species.

DM

Recovered, delisted, and being monitored - Any previously listed species that is now recovered, has been delisted, and is being monitored.

NL

Not listed - No designation.

XE

Essential experimental population - An experimental population whose loss would be likely to appreciably reduce the likelihood of the survival of the species in the wild.

XN

Nonessential experimental population - An experimental population of a listed species reintroduced into a specific area that receives more flexible management under the Act.

CH

Critical Habitat - The specific areas (i) within the geographic area occupied by a species, at the time it is listed, on which are found those physical or biological features (I) essential to conserve the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed upon determination that such areas are essential to conserve the species.

PS

Partial status - status in only a portion of the species' range. Typically indicated in a "full" species record where an infraspecific taxon or population, that has a record in the database has USESA status, but the entire species does not.

PS:value

Partial status - status in only a portion of the species' range. The value of that status appears in parentheses because the entity with status is not recognized as a valid taxon by Central Sciences (usually a population defined by geopolitical boundaries or defined administratively, such as experimental populations).

Forest Service

The status of species on Forest Service lands as defined by the U.S. Forest Service manual (2670.22). These taxa are listed as such by the Regional Forester (Northern Region). The Forest Service lists animal species as:

Endangered

Listed as Endangered (LE) by the USFWS.

Threatened

Listed as Threatened (LT) by the USFWS.

Sensitive

Any species for which the Regional Forester has determined there is a concern for population viability within the state, as evidenced by a significant current or predicted downward trend in populations or habitat.

Species of Concern

USFS Species-of-Concern (FSH 1909.12, 43.22b) are species for which the Responsible Official determines management actions may be necessary to prevent listing under the Endangered Species Act (ESA). The Responsible Official, as appropriate, may identify the following plant and animal species, including macro-lichens, as species-of-concern:

1. Species identified as proposed and candidate species under the ESA.
2. Species with ranks of G-1 through G-3 on the NatureServe ranking system.
3. Infraspecific (subspecific) taxa with ranks of T-1 through T-3 on the NatureServe ranking system.
4. Species that have been petitioned for federal listing and for which a positive "90-day finding" has been made (a 90-day finding is a preliminary finding that substantive information was provided indicating that the petition listing may be warranted and a full status review will be conducted).
5. Species that have been recently delisted (these include species delisted within the past five years and other delisted species for which regulatory agency monitoring is still considered necessary).

Species of Interest

USFS Species-of-Interest (FSH 1909.12, 43.22c) are species for which the Responsible Official determines that management actions may be necessary or desirable to achieve ecological or other multiple-use objectives. The Responsible Official may review the following sources for potential species-of-interest:

1. Species with ranks of S-1, S-2, N1, or N2 on the NatureServe ranking system.
2. State listed threatened and endangered species that do not meet the criteria as species-of-concern.
3. Species identified as species of conservation concern in State Comprehensive Wildlife Strategies.
4. Bird species on the U.S. Fish and Wildlife Service Birds of Conservation Concern National Priority list (for the U.S. portion of the northern Rockies that occur on National Forest system lands).
5. Additional species that valid existing information indicates are of regional or local conservation concern (this includes all Forest Service Northern Region sensitive species) due to factors that may include:
 - a. Significant threats to populations or habitat.
 - b. Declining trends in populations or habitat.
 - c. Rarity.
 - d. Restricted ranges (for example, narrow endemics, disjunct populations, or species at the edge of their range).
6. Species that are hunted or fished and other species of public interest. Invasive species may also be considered.

Bureau of Land Management

BLM Sensitive Species are defined by the BLM 6840 Manual as those that normally occur on Bureau administered lands for which BLM has the capability to significantly affect the conservation status of the species through management. The State Director may designate additional categories of special status species as appropriate and applicable to his or her state's needs. The sensitive species designation, for species other than federally listed, proposed, or candidate species, may include such native species as those that:

1. could become endangered in or extirpated from a state, or within a significant portion of its distribution in the foreseeable future,
2. are under status review by FWS and/or NMFS,
3. are undergoing significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution,

4. are undergoing significant current or predicted downward trends in population or density such that federally listed, proposed, candidate, or State listed status may become necessary,
5. have typically small and widely dispersed populations,
6. are inhabiting ecological refugia, specialized or unique habitats, or
7. are State listed but which may be better conserved through application of BLM sensitive species status. Such species should be managed to the level of protection required by State laws or under the BLM policy for candidate species, whichever would provide better opportunity for its conservation.

MFWP Conservation Need

In recent years states have received federal funding to develop Comprehensive Fish and Wildlife Conservation Strategies. Montana Fish, Wildlife, and Parks completed Montana's Comprehensive Fish and Wildlife Conservation Strategy in 2005. Under this conservation strategy individual animal species were assigned levels of conservation need as follows:

Tier I:

Tier I: Greatest conservation need. Montana Fish, Wildlife & Parks has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities, and focus areas.

Tier II:

Tier II: Moderate conservation need. Montana Fish, Wildlife & Parks could use its resources to implement conservation actions that provide direct benefit to these species, communities, and focus areas.

Tier III:

Tier III: Lower conservation need. Although important to Montana's wildlife diversity, these species, communities, and focus areas are either abundant and widespread or are believed to have adequate conservation already in place.

Tier IV:

Tier IV: Species that are non-native, incidental, or on the periphery of their range and are either expanding or very common in adjacent states.

Partners In Flight (PIF)

Partners In Flight (PIF) is a partnership of federal and state agencies, industry, non-governmental organizations, and many others, with the goal of conserving North American birds. In 1991, PIF began developing a formal species assessment process that could provide consistent, scientific evaluations of conservation status across all bird species in North America, and identify areas most important to the conservation of each species. This process applies quantitative rule sets to complex biological data on the population size, distribution, population trend, threats, and regional abundance of individual bird species to generate simple numerical scores that rank each species in terms of its biological vulnerability and regional status. The process results in global and regional conservation assessments of each bird species that, among other uses, can be used to objectively assign regional and continental conservation priorities among birds. The species assessment scores and process has recently been updated! Check out the new scores and make sure to download and read the updated Handbook on Species Assessment, which contains important information on the how scores are derived and used in the assessment process. Note that currently only breeding-season regional scores are available for BCRs. We hope to have non-breeding regional scores available soon. For those needing access to the previous versions of the PIF Species Assessment Database, including past regional scores for physiographic areas, click here.

Montana Native Plant Society (MNPS) Threat Category

The MNPS Threat Category process was initiated in 2006 at the Montana Plant Conservation Conference with the formation of a committee represented by federal, state and private botanists, ecologists and biologists. The objectives were to: 1) Evaluate threats impacting Montana's Plant Species of Concern and to classify species according to their level of imperilment/risk as a result of these threats. 2) Develop a ranking system based on the impacts of the identified threats to the species' viability in the state. The result of this process is a 4-tier threat ranking system for Plant Species of Concern in Montana. The threat categories are:

Category 1:

The viability of the species in the state is Highly Threatened by one or more activities. Associated threats have caused or are likely to cause a major reduction of the state population or its habitat that will require 50 years or more for recovery, 20% or more of the state population has been or will be affected, and the negative impact is occurring or is likely to occur within the next 5 years.

Category 2:

The viability of the species or a portion of the species habitat in the state is Threatened by one or more activities, though impacts to the species are expected to be less severe than those in Category 1. Associated threats exist but are not as severe, wide-ranging or immediate as for Category 1, though negative impacts are occurring or are likely to occur.

Category 3:

The viability of the species in the state is Not Threatened or the Threats are Insignificant. Associated threats are either not known to exist, are not likely to occur in the near future or are not known to be having adverse impacts that will severely affect the species' viability in the state.

Category 4:

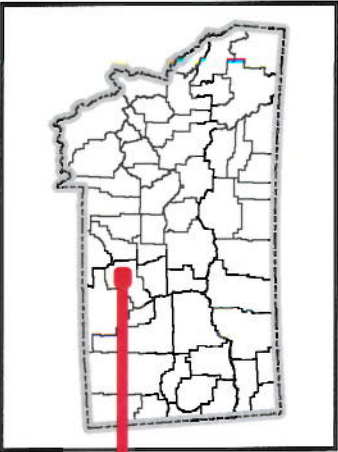
Assessment not possible due to insufficient and/or conflicting information on potential threats to the species.

Please visit the MNPS website at <http://www.mtnativeplants.org> for additional information on MNPS Threat Categories or for MNPS contact information.

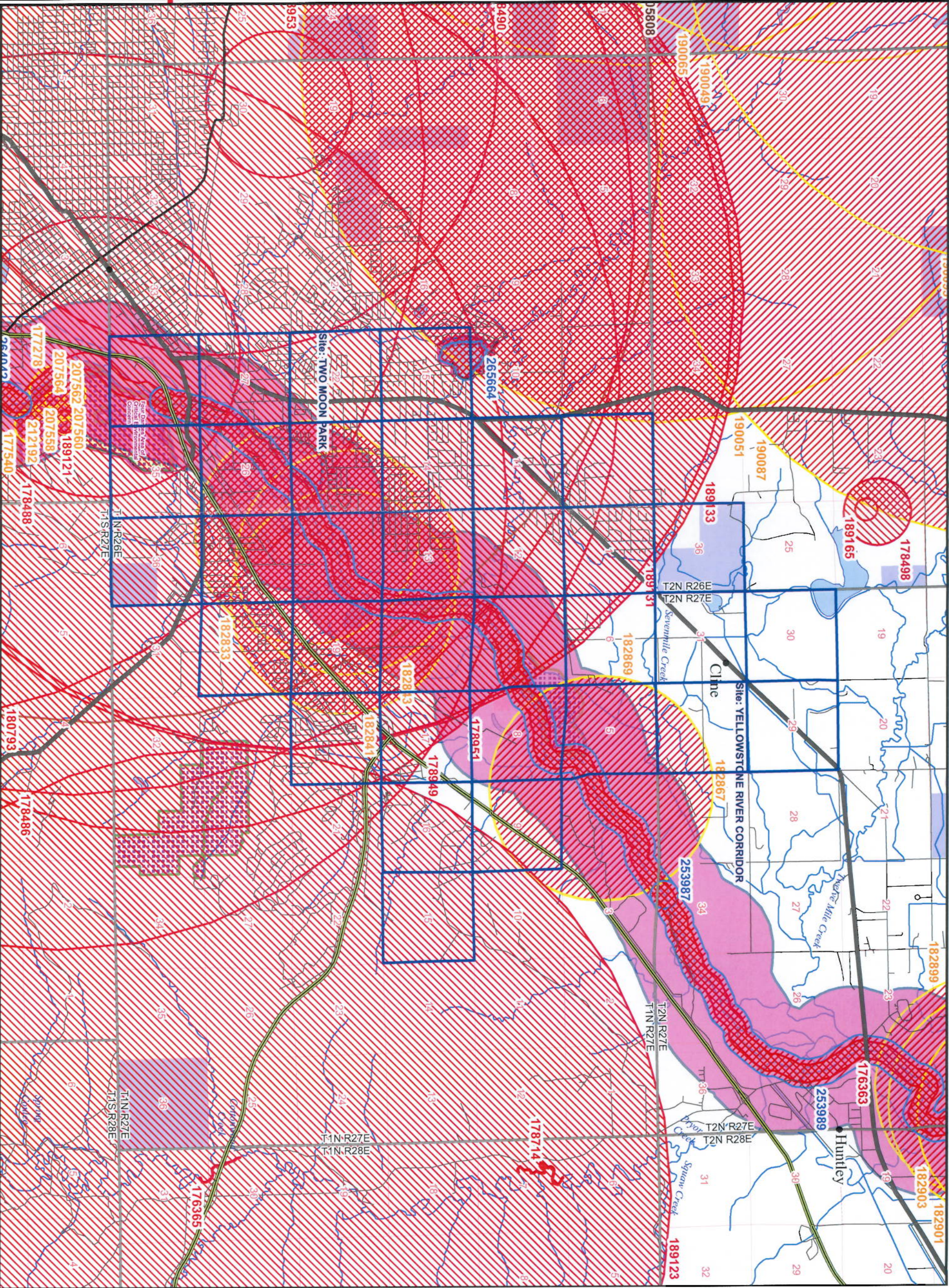
Montana Species of Concern
Billings Bypass
Species of Concern / Sites

SPECIES OF CONCERN: A polygon feature representing only what is known from direct observation with a defined level of certainty regarding the spatial location of the feature.

- NonVascular Plants
- Vascular Plants
- Invertebrates
- Amphibians
- Fish
- Reptiles
- Birds
- Mammals
- Sites



Not all legend items may occur on the map.
Features shown on this map do not imply public access to any lands.
This map displays management status, which may vary from ownership.





Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:
Tuesday, October 5, 2010

Haliaeetus leucocephalus

[View Species Info in MT Field Guide](#)

Common Name: Bald Eagle

Description: Vertebrate Animal

Mapping Delineation:

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.

Species Status

Natural Heritage Ranks:

State: S3

Global: G5

Federal Agency Status:

U.S. Fish & Wildlife Service: DM

U.S. Forest Service: THREATENED

U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

FWP CFWCS Tier: 1

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **182833**

First Observation Date: 2003-03-01

Last Observation Date: 2003-08-01

SO Number: 417,176

Acreage: 3,089

SO Rank:

Species Occurrence Map Label: **182841**

First Observation Date: 2005-03-01

Last Observation Date: 2005-08-01

SO Number: 417,177

Acreage: 3,089

SO Rank:

Species Occurrence Map Label: **182843**

First Observation Date: 2001-03-01

Last Observation Date: 2001-08-01

SO Number: 417,178

Acreage: 3,089

SO Rank:

Species Occurrence Map Label: **182867**

First Observation Date: 1997-03-01

Last Observation Date: 2001-08-01

SO Number: 417,424

Acreage: 3,089

SO Rank:

Species Occurrence Map Label: **182869**

First Observation Date: 1995-03-01

Last Observation Date: 2000-08-01

SO Number: 417,527

Acreage: 3,089

SO Rank:

Falco peregrinus

[View Species Info in MT Field Guide](#)

Common Name: Peregrine Falcon

Description: Vertebrate Animal

Mapping Delineation:

Confirmed nesting area buffered by a minimum distance of 500 meters in order to encompass the area around the nest known to be defended by adults as well as the minimum distance reported between nests. Otherwise the nest area is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters.



Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:
Tuesday, October 5, 2010

Species Status

Natural Heritage Ranks:

State: S3
Global: G4

FWP CFWCS Tier:2

Federal Agency Status:

U.S. Fish & Wildlife Service: DM
U.S. Forest Service: SENSITIVE
U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **177278**
First Observation Date:
Last Observation Date:

SO Number: 734,855
Acreage: 193
SO Rank:

Centrocercus urophasianus

[View Species Info in MT Field Guide](#)

Common Name: Greater Sage-Grouse

Description: Vertebrate Animal

Mapping Delineation:

Confirmed breeding area based on the presence of a nest, chicks, juveniles, or adults on a lek. Point observation location is buffered by a minimum distance of 6,400 meters in order to encompass the latest research on the area used for breeding, nesting, and brood rearing and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters.

Species Status

Natural Heritage Ranks:

State: S2
Global: G4

FWP CFWCS Tier:1

Federal Agency Status:

U.S. Fish & Wildlife Service:
U.S. Forest Service: SENSITIVE
U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **190051**
First Observation Date: 1980-04-01
Last Observation Date: 1987-05-15

SO Number: 719,962
Acreage: 31,636
SO Rank:

Species Occurrence Map Label: **190087**
First Observation Date: 1971-04-01
Last Observation Date: 2007-05-15

SO Number: 725,876
Acreage: 31,636
SO Rank:

Lanius ludovicianus

[View Species Info in MT Field Guide](#)

Common Name: Loggerhead Shrike

Description: Vertebrate Animal

Mapping Delineation:

Confirmed breeding area based on the presence of a nest, chicks, or territorial adults during the breeding season. Point observation location is buffered by a minimum distance of 300 meters in order to encompass the maximum breeding territory size reported for the species in Alberta and Idaho and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters.



Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:
Tuesday, October 5, 2010

Species Status

Natural Heritage Ranks:

State: S3B
Global: G4

FWP CFWCS Tier:2

Federal Agency Status:

U.S. Fish & Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **177540**

First Observation Date:

Last Observation Date:

SO Number: 536,655

Acreage: 70

SO Rank:

Spizella breweri

[View Species Info in MT Field Guide](#)

Common Name: Brewer's Sparrow

Description: Vertebrate Animal

Mapping Delineation:

Confirmed breeding area based on the presence of a nest, chicks, or territorial adults during the breeding season. Point observation location is buffered by a minimum distance of 100 meters in order to encompass the maximum territory 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.

Species Status

Natural Heritage Ranks:

State: S3B
Global: G5

FWP CFWCS Tier:2

Federal Agency Status:

U.S. Fish & Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **207558**

First Observation Date: 2002-06-27

Last Observation Date: 2002-06-27

SO Number: 524,601

Acreage: 13

SO Rank:

Species Occurrence Map Label: **207560**

First Observation Date: 2002-06-27

Last Observation Date: 2002-06-27

SO Number: 553,764

Acreage: 13

SO Rank:

Species Occurrence Map Label: **207562**

First Observation Date: 2002-06-27

Last Observation Date: 2004-07-02

SO Number: 548,646

Acreage: 13

SO Rank:



Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:
Tuesday, October 5, 2010

Species Occurrences

Species Occurrence Map Label: **207564**

First Observation Date: 2002-06-27

Last Observation Date: 2004-07-02

SO Number: 650,290

Acreage: 13

SO Rank:

Ammodramus savannarum

[View Species Info in MT Field Guide](#)

Common Name: Grasshopper Sparrow

Description: Vertebrate Animal

Mapping Delineation:

Confirmed breeding area based on the presence of a nest, chicks, or territorial adults during the breeding season. Point observation location is buffered by a minimum distance of 75 meters in order to encompass the majority of breeding territory sizes 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.

Species Status

Natural Heritage Ranks:

State: S3B

Global: G5

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

[Click for Status Help](#)

FWP CFWCS Tier:2

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **212192**

First Observation Date: 2002-06-27

Last Observation Date: 2002-06-27

SO Number: 677,939

Acreage: 13

SO Rank:

Oncorhynchus clarkii bouvieri

[View Species Info in MT Field Guide](#)

Common Name: Yellowstone Cutthroat Trout

Description: Vertebrate Animal

Mapping Delineation:

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.

Species Status

Natural Heritage Ranks:

State: S2

Global: G4T2

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

FWP CFWCS Tier:1

MT PIF Code:



Species of Concern Data Report

Visit <http://mtmhp.org> for additional information.

Report Date:
Tuesday, October 5, 2010

Species Occurrences

Species Occurrence Map Label:	264042	SO Number:	57,001
First Observation Date:		Acreage:	638
Last Observation Date:		SO Rank:	

Species Occurrence Map Label:	265664	SO Number:	54,314
First Observation Date:		Acreage:	92
Last Observation Date:		SO Rank:	

Sander canadensis

[View Species Info in MT Field Guide](#)

Common Name: Sauger

Description: Vertebrate Animal

Mapping Delineation:

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.

Species Status

Natural Heritage Ranks:

State: S2
Global: G5

Federal Agency Status:

[Click for Status Help](#)

U.S. Fish & Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management: SENSITIVE

FWP CFWCS Tier: 1

MT PIF Code:

Species Occurrences

Species Occurrence Map Label:	253987	SO Number:	380
First Observation Date:		Acreage:	1,783
Last Observation Date:		SO Rank:	

Euderma maculatum

[View Species Info in MT Field Guide](#)

Common Name: Spotted Bat

Description: Vertebrate Animal

Mapping Delineation:

Confirmed area of occupancy based on the documented presence of adults or juveniles during the active season. 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.



Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:
Tuesday, October 5, 2010

Species Status

Natural Heritage Ranks:

State: S2
Global: G4

FWP CFWCS Tier: 1

Federal Agency Status:

U.S. Fish & Wildlife Service:
U.S. Forest Service: SENSITIVE
U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: 205808

First Observation Date: 1949-06-27

Last Observation Date: 1949-06-27

SO Number: 5,770

Acreage: 77,237

SO Rank:

Apalone spinifera

[View Species Info in MT Field Guide](#)

Common Name: Spiny Softshell

Description: Vertebrate Animal

Mapping Delineation:

Stream reaches 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 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 into the terrestrial habitat based on PACFISH/INFISH Riparian Conservation Area standards.

Species Status

Natural Heritage Ranks:

State: S3
Global: G5

FWP CFWCS Tier: 1

Federal Agency Status:

U.S. Fish & Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: 176363

First Observation Date: 1806-07-29

Last Observation Date: 2006-07-11

SO Number: 11

Acreage: 43,253

SO Rank:

Phrynosoma hernandesi

[View Species Info in MT Field Guide](#)

Common Name: Greater Short-horned Lizard

Description: Vertebrate Animal

Mapping Delineation:

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 between 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.



Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:
Tuesday, October 5, 2010

Species Status

Natural Heritage Ranks:

State: S3
Global: G5

FWP CFWCS Tier:2

Federal Agency Status:

U.S. Fish & Wildlife Service:
U.S. Forest Service: SENSITIVE
U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **178949**
First Observation Date: 1806-12-31
Last Observation Date: 2003-12-31

SO Number: 2,027
Acreage: 49,431
SO Rank:

Species Occurrence Map Label: **178951**
First Observation Date: 1904-07-01
Last Observation Date: 1904-07-16

SO Number: 2,029
Acreage: 49,431
SO Rank:

Sceloporus graciosus

[View Species Info in MT Field Guide](#)

Common Name: Common Sagebrush Lizard

Description: Vertebrate Animal

Mapping Delineation:

Confirmed breeding area based on the presence of a resident animal of any age. Point observation location is buffered by a minimum distance of 200 meters in order to encompass habitats supporting other individuals in adjacent territories. Otherwise the point observation is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters.

Species Status

Natural Heritage Ranks:

State: S3
Global: G5

FWP CFWCS Tier:2

Federal Agency Status:

U.S. Fish & Wildlife Service:
U.S. Forest Service:
U.S. Bureau of Land Management:

[Click for Status Help](#)

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **189121**
First Observation Date: 2005-05-20
Last Observation Date: 2005-05-20

SO Number: 394,093
Acreage: 31
SO Rank:

Species Occurrence Map Label: **189123**
First Observation Date: 1961-07-08
Last Observation Date: 1961-07-08

SO Number: 2,035
Acreage: 49,431
SO Rank:



Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:
Tuesday, October 5, 2010

Species Occurrences

Species Occurrence Map Label: **189131**

First Observation Date: 1909-08-18

Last Observation Date: 1909-08-23

SO Number: 582,768

Acreage: 49,431

SO Rank:

Species Occurrence Map Label: **189133**

First Observation Date: 1909-07-28

Last Observation Date: 1909-07-28

SO Number: 2,036

Acreage: 49,431

SO Rank:

Species Occurrence Map Label: **189165**

First Observation Date: 2005-06-05

Last Observation Date: 2005-06-05

SO Number: 394,111

Acreage: 31

SO Rank:

Heterodon nasicus

[View Species Info in MT Field Guide](#)

Common Name: Western Hog-nosed Snake

Description: Vertebrate Animal

Mapping Delineation:

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.

Species Status

Natural Heritage Ranks:

State: S2

Global: G5

Federal Agency Status:

[Click for Status Help](#)

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

FWP CFWCS Tier: 1

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **180793**

First Observation Date: 1909-08-27

Last Observation Date: 1909-08-27

SO Number: 2,067

Acreage: 77,237

SO Rank:

Lampropeltis triangulum

[View Species Info in MT Field Guide](#)

Common Name: Milksnake

Description: Vertebrate Animal

Mapping Delineation:

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.



Natural Resource Information System
Montana State Library
PO Box 201800
Helena, MT 59620-1800
(406)444-3009 mtnhp@mt.gov

Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:
Tuesday, October 5, 2010

Species Status

Natural Heritage Ranks:

State: S2
Global: G5

FWP CFWCS Tier: 1

Federal Agency Status:

U.S. Fish & Wildlife Service:
U.S. Forest Service: SENSITIVE
U.S. Bureau of Land Management: SENSITIVE

[Click for Status Help](#)

MT PIF Code:

Species Occurrences

Species Occurrence Map Label: **178486**

First Observation Date: 1909-08-01

Last Observation Date: 1909-08-31

SO Number: 582,975

Acreage: 77,237

SO Rank:

Species Occurrence Map Label: **178488**

First Observation Date: 1971-05-01

Last Observation Date: 1971-05-15

SO Number: 3,199

Acreage: 4,827

SO Rank:

Species Occurrence Map Label: **178490**

First Observation Date: 1947-07-17

Last Observation Date: 1947-07-17

SO Number: 20,866

Acreage: 19,309

SO Rank:

Species Occurrence Map Label: **178498**

First Observation Date: 1950-01-01

Last Observation Date: 1959-12-31

SO Number: 394,295

Acreage: 278

SO Rank:



Natural Heritage Data Report

Tuesday, October 5, 2010

Visit <http://mtnhp.org> for additional information.

Ecological Information

YELLOWSTONE RIVER CORRIDOR

The geographic scope of your data search intersected an area for which the Natural Heritage Program databases have ecological information. Such information can be useful in assessing biological values and interpreting Species of Concern data. A summary is provided below of conditions at the time of site record creation.

YELLOWSTONE RIVER CORRIDOR

General Description

This Yellowstone River Corridor is located along the Yellowstone River in south central Montana. This area has a rich diversity of aquatic, riverine, wetland and adjacent upland habitats along the main-stem of the Yellowstone River from the Wyoming border to the confluence with the Bighorn River. Unlike most major rivers in the west, the Yellowstone River is free from major impoundments that have dramatically altered the hydrologic regime. The Yellowstone is characterized as a relatively free-flowing river. The intact hydrology and river dynamics give rise to important cottonwood floodplain communities. The aquatic environments include both cold water and warm water species. Adjacent uplands (within the 1 kilometer buffer) include benches, slopes, cliffs, rock outcrops and historic river-bottom that support shrublands of sagebrush (all three subspecies of *Artemisia tridentata*), grasslands consisting of bluebunch wheatgrass, and woodlands of primarily ponderosa pine (*Pinus ponderosa*).

Biological Significance

The Yellowstone River Corridor contains a diverse environment. In the headwaters near the Wyoming border, the river corridor includes habitat for grizzly bear (*Ursus arctos horribilis*), Canada lynx (*Lynx canadensis*), and gray wolf (*Canis lupus*). Cold water aquatic environments support Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*). Downstream warm water aquatic species include pallid sturgeon (*Scaphirhynchus albus*), paddlefish (*Polyodon spathula*), blue sucker (*Cycoreus elongatus*), the sicklefin chub (*Hybopsis meeki*) and sturgeon chub (*Macrhybopsis gelida*). River and floodplain habitats are very important ecologically; three species of cottonwoods, narrowleaf cottonwood (*Populus angustifolia*), black cottonwood (*Populus balsamifera* spp. *trichocarpa*) and plains cottonwood (*Populus deltoides*) occur in gallery forests and terraces and provide habitat for nesting, wintering and migrating bald eagle (*Haliaeetus leucocephalus*) and rookery sites for blue heron. Channel gravel and sandbars provide habitat for spiny softshell (*Trionyx spiniferus*) and persistent-sepal yellowcress (*Rorippa calycina*), although this species has not been relocated in recent years. Riparian communities include the state significant plants beaked spikerush (*Eleocharis rostellata*) and Schweinitz's flatsedge (*Cyperus schweinitzii*). Notable shorebirds recorded from this stretch include the Interior Least Tern (*Sterna antillarum* *athalassos*). Two reptiles, the western hognose snake (*Heterodon nasicus*) and milk snake (*Lampropeltis triangulum*) have been reported from the river corridor.

Key Ecological Factors

Seasonal flooding is the principal process facilitating the establishment and regeneration of cottonwood forests and riparian communities. Consequently, the process of seasonal flooding has direct implications to the numerous plant and animal species occurring within the river corridor.

Exotic Species

There are infestations of numerous exotic plant species and populations of exotic fish species. Non-native salmonid species compete and / or hybridize with the Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*).

Other Values

The Yellowstone River is a relatively free flowing river, restricted only by the occasional riprap along the banks and numerous irrigation diversions and pumping stations. This area captures nesting and foraging habitats of a plethora of species associated with the river and its floodplain.

Management Information

Agriculture, rural and urban developments and subsequent bank stabilization activities take place along the corridor. Diversions and dams for irrigation canals exit along the main stem and tributaries of the upper Yellowstone River. Irrigation is the major water use. Both irrigation and municipal use of groundwater have increased since 1970, and over 7,000 new wells have been drilled within 5 miles of either side of the bank along the upper Yellowstone River in Montana (MT Bureau of Mines and Geology Wells database).



Ecological Information

YELLOWSTONE RIVER CORRIDOR

Information Gaps

An assessment of the health, population structure and age of cottonwoods along islands in the main channel would quantify the dynamics of cottonwood and channel bar establishment.

The geographic scope of your data search intersected an area for which the Natural Heritage Program databases have ecological information. Such information can be useful in assessing biological values and interpreting Species of Concern data. A summary is provided below of conditions at the time of site record creation.

TWO MOON PARK

General Description

Two Moon Park is located in the floodplain of the the Yellowstone River in the unglaciated High Plains. This area is located within the city of Billings and occurs between low bluffs that overlook the river and the river's active channel. The landscape consists of a mosaic of communities that occur on different fluvial landforms. On recently created mid-channel bars, the vegetation is very weedy and is dominated by leafy spurge (*Euphorbia esula*) and sandbar willow (*Salix exigua*). Recently deposited side bars and sloughs are dominated by sandbar willow and the exotic reed canarygrass (*Phalaris arundinacea*), with wetter microsites occupied by monospecific stands of reed canarygrass. Higher portions of the floodplain are a mosaic of plains cottonwood / western snowberry (*Populus deltoides* / *Symphoricarpos occidentalis*) woodland and herbaceous openings. The cottonwood stands are open woodlands with a locally abundant mid-canopy of the exotic Russian olive (*Elaeagnus angustifolia*). The herbaceous layer is dominated by the exotic grasses Canada bluegrass (*Poa compressa*), Kentucky bluegrass (*Poa pratensis*), and smooth brome (*Bromus inermis*). The herbaceous openings are also largely dominated by the same exotic grasses; however, patches of western wheatgrass (*Pascopyrum smithii*) still dominate some low-lying swales, although some of these are being invaded by cheatgrass (*Bromus tectorum*). Seepy, groundwater-receiving sites at the base of the bluffs are dominated by broadleaf cattail (*Typha latifolia*) and reed canarygrass. A small stand of peachleaf willow (*Salix amygdaloides*) occurs along one of the sloughs.

Biological Significance

No special status plants or animals were observed. Two state significant plant communities, plains cottonwood / western snowberry (*Populus deltoides* / *Symphoricarpos occidentalis*), and peachleaf willow (*Salix amygdaloides*), were documented in fair to poor condition.

Key Ecological Factors

Flooding, and the associated erosion, deposition, and channel migration, is the dominant process influencing vegetation. Vegetation is also influenced by microtopography and by seepage from the toeslope of the bluffs.

Exotic Species

Exotic grasses dominate the ground layer in this area, especially Kentucky bluegrass (*Poa pratensis*) and smooth brome (*Bromus inermis*). Reed canarygrass (*Phalaris arundinacea*) dominates many mesic portions of the area, such as sloughs. Cheatgrass (*Bromus tectorum*) currently occurs as several small monospecific stands, but it is likely to spread. Leafy spurge (*Euphorbia esula*) is scattered in small patches except on mid-channel bars where it is the dominant species. Hound's tongue (*Cynoglossum officinale*) and Canada thistle (*Cirsium arvense*) are common throughout the area. Russian olive (*Elaeagnus angustifolia*) is well established in the cottonwood stands. It is likely that as the cottonwoods die (and many of the cottonwoods are mature or senescent), these stands will convert to a Russian olive-dominated community. This conversion will have unknown habitat and biodiversity implications.

Other Values

This area offers habitat for many Neotropical migrant birds and other wildlife. This area is also locally important because of habitat fragmentation in the greater Billings metropolitan area.

Management Information

This area occurs as an isolated fragment of riparian vegetation within the urban/industrial context of Billings. Although it is unlikely that native species will reclaim the herbaceous layer, the more aggressive exotic species such as leafy spurge (*Euphorbia esula*) and cheatgrass (*Bromus tectorum*) could be controlled.



Natural Resource Information System
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Natural Heritage Data Report

Tuesday, October 5, 2010

Visit <http://mtnhp.org> for additional information.

Ecological Information

TWO MOON PARK

Information Gaps

Information on the history of gravel extraction and grazing in this area is lacking.

A GUIDE TO WETLAND AND DEEPWATER HABITATS CLASSIFICATION USED IN THE NATIONAL WETLAND INVENTORY (NWI) MAPPING IN MONTANA



Purpose:

The Montana Wetland and Riparian Mapping Center uses the Cowardin classification system (Cowardin et al. 1979) adopted by the National Wetland Inventory (NWI) for wetlands (FGDC Wetlands Subcommittee, 2009). The riparian system follows the U.S. Fish and Wildlife Service (USFWS) standard (U.S. Fish and Wildlife Services, 2009). NWI is the standard classification system for wetland mapping across the United States. For ease of display and interpretation the NWI attributes have been grouped into major wetland and riparian types.

Wetlands

In Montana, there are three NWI wetland systems: Palustrine, Lacustrine, and Riverine.

PALUSTRINE:

- In Montana, this system includes all wetlands dominated by trees, shrubs, and emergent, herbaceous vegetation.
- Wetlands lacking vegetation are included if they are less than 8 hectares (20 acres) in size and are less than 2 meters (6.6 feet) deep in the deepest portion of the wetland.

Freshwater pond:

- Wetlands with vegetation growing on or below the water surface for most of the growing season.

Freshwater Emergent Wetland:

- Wetlands with erect, rooted herbaceous vegetation present during most of the growing season.

Freshwater Shrub Wetland:

- Wetlands dominated by woody vegetation less than 6 meters (20 feet) tall. Woody vegetation includes tree saplings and trees that are stunted due to environmental conditions.

Freshwater Forested Wetland:

- Wetlands dominated by woody vegetation greater than 6 meters (20 feet) tall.

LACUSTRINE (Lakes):

- This system includes any large body of water that is greater than 8 hectares (20 acres) in size OR is more than 2 meters (6.6 feet) deep.
- This system is usually found in a topographic depression. It may also be formed by damming of a river channel.

RIVERINE (Rivers and streams and shore):

- This system includes all wetlands and deepwater habitats that are within natural and artificial channels.
- These systems contain either continuous (perennial) or intermittently flowing water.

RIPARIAN:

The Wetland and Riparian Mapping Center uses the riparian classification system developed by the U.S. Fish and Wildlife Service to map riparian areas in Montana. The riparian classification types listed below are followed by the coding convention used for mapping purposes.

- Plant communities (trees, shrubs and/or herbaceous plants) contiguous to rivers, streams, lakes, or drainage ways.
- Riparian areas are influenced by both surface and below surface hydrology.
- The plant species present in riparian areas are distinctly different from plant species found in adjacent areas.
- Plants in riparian areas demonstrate more vigorous or robust growth forms than in adjacent areas.

Riparian Classes:

Scrub-Shrub (SS):

- This type of riparian area is dominated by woody vegetation that is less than 6 meters (20 feet) tall.
- Woody vegetation includes tree saplings and trees that are stunted due to environmental conditions.

Forested (FO):

- This riparian class has woody vegetation that is greater than 6 meters (20 feet) tall.

Emergent (EM):

- Riparian areas that have erect, rooted herbaceous vegetation during most of the growing season.

References

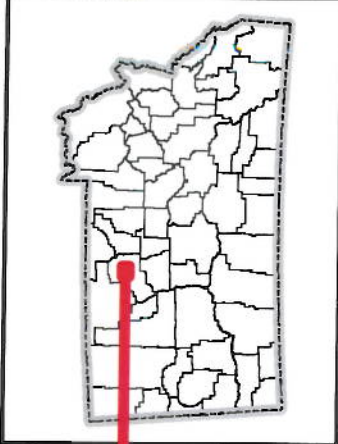
- Cowardin, L. M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service, Washington, D.C. FWS/OBS-79/31.
- FGDC Wetlands Subcommittee. 2009. Wetlands Mapping Standard. U.S. Geological Survey, Reston, Virginia.
- U.S. Fish and Wildlife Services. 2009. A system for mapping riparian areas in the western United States. Division of Habitat and Resource Conservation, Branch of Resource and Mapping Support, Arlington, Virginia.

Montana Species of Concern
Billings Bypass
Wetlands

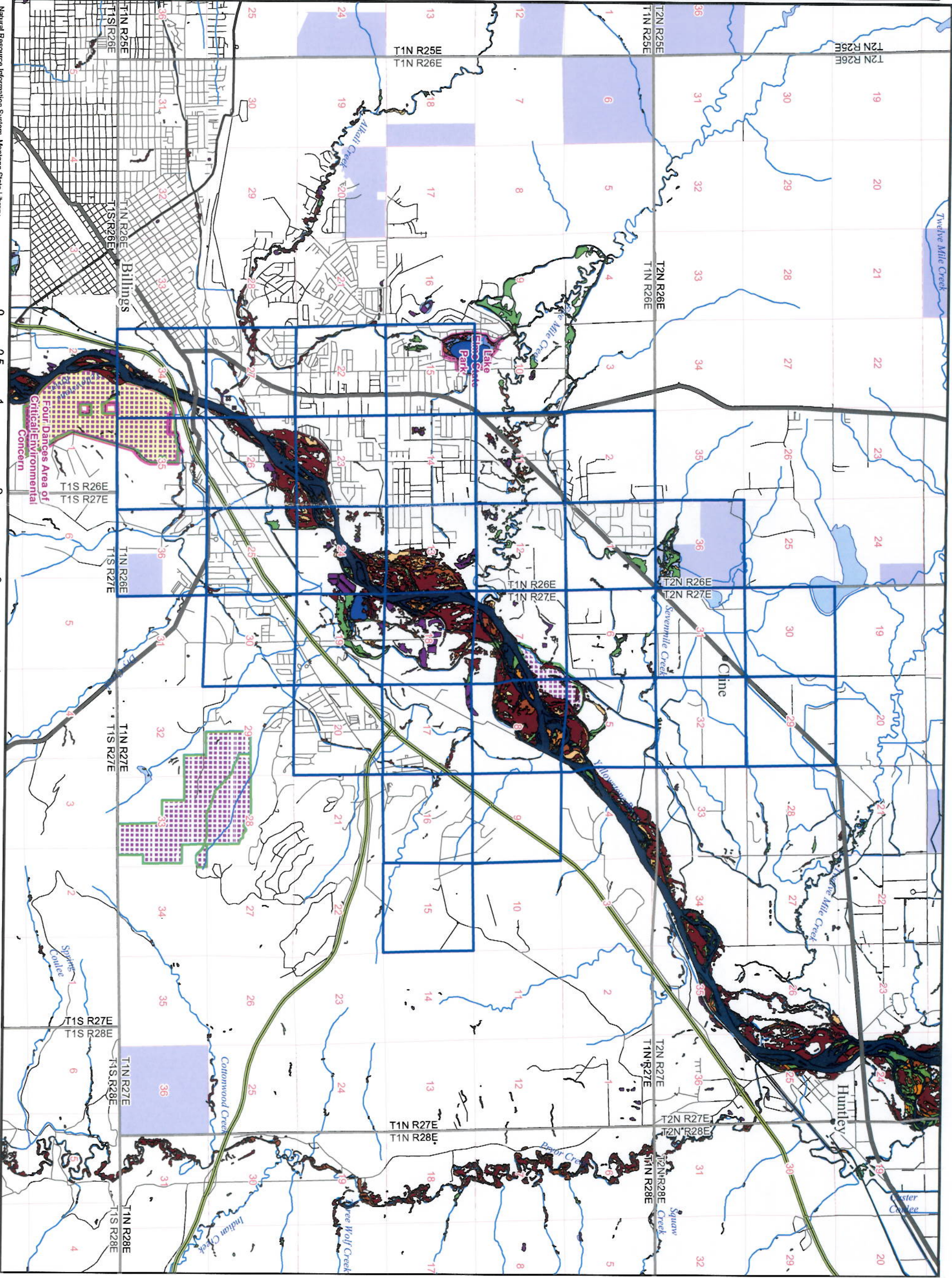
SPECIES OF CONCERN: A polygon feature representing only what is known from direct observation with a defined level of certainty regarding the spatial location of the feature.

Wetland and Riparian Classes

- Lacustrine
- Freshwater Pond
- Freshwater Emergent Wetland
- Freshwater Shrub Wetland
- Freshwater Forested Wetland
- Riverine
- Riparian Emergent
- Riparian Shrub
- Riparian Forested



Not all legend items may occur on the map.
Features shown on this map do not imply public access to any lands.
This map displays management status, which may vary from ownership.



MONTANA STATE HISTORIC PRESERVATION
OFFICE



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mark Baumler, PhD
Director
MONTANA STATE HISTORIC PRESERVATION OFFICE
225 North Roberts Street
PO Box 201201
Helena, MT 59620

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Dr. Baumler:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). You were initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as

opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the SHPO previously identified historic and archaeological sites within the study area (see attached letter dated May 17, 2000). Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

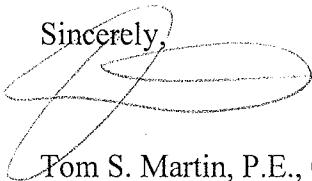
You may use the attached Participating Agency Designation form to accept or decline this invitation.

The SHPO provided a CRIS report and a CRABS report for the study area of the above mentioned feasibility study on May 17, 2000. This correspondence is attached for your review. MDT requests that the accuracy of this information be validated for the EIS. MDT will assume that the previously provided information is correct unless you notify us in writing by the date indicated at the end of this letter.

We look forward to your response to this request and your role as participating agency on this project. Please let us know of your response no later than October 13, 2010. If you have questions or would like to discuss in more detail the project or FHWA's and the Montana State Historic Preservation Office's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Letter dated May 17, 2000
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail,, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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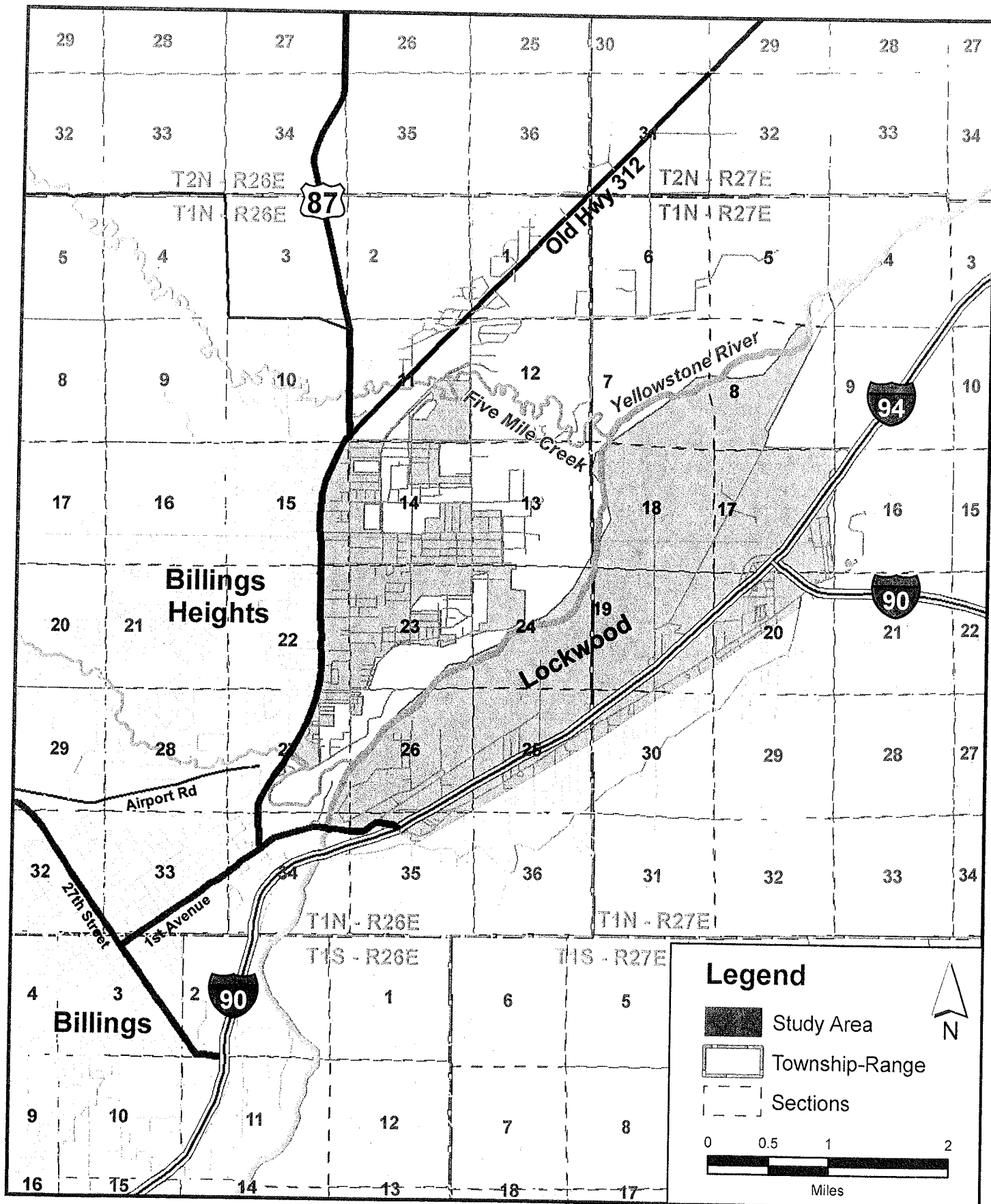
ⁱ Designation as a “participating agency” does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A “participating agency” differs from a “cooperating agency,” which is defined in regulations implementing the National Environmental Policy Act as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.” 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – MONTANA STATE HISTORIC PRESERVATION OFFICE wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – MONTANA STATE HISTORIC PRESERVATION OFFICE does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



MONTANA HISTORICAL SOCIETY

HISTORIC PRESERVATION OFFICE

1410 8th Avenue ♦ PO Box 201202 ♦ Helena, MT 59620-1202 ♦ (406) 444-7715 ♦ FAX (406) 444-6575

RECEIVED

MAY 18 2000

MSE-HKM, Inc.

May 17, 2000

Teri L. Dewing
MSE-HKM
PO Box 31318
Billings, MT 59107

RE: By-Pass Feasibility Study - Billings SHPO Project #: 2000050502

Dear Ms. Dewing:

I have conducted a cultural resource file search for the above cited project area. There are currently several historic and archaeological sites within the designated search locale. I have enclosed a list of these sites which list basic information such as site type, owner, and legal location. If you wish to obtain further information on these sites you may contact the University of Montana Archaeological Records Office at (406)-243-5525. In addition to the sites there have been several previous cultural resource inventories in the area. I have also enclosed a list of these reports, which lists basic information such as author, title, and date completed. If you wish to obtain further information on these documents you may contact me at the number listed below.

We feel that based on the large number of sites in the area and that significant ground disturbance will occur that there is a very high likelihood that cultural properties will be impacted by this undertaking. Therefore we would recommend that a cultural resource inventory be conducted in order to determine whether or not existing sites will be impacted or if new ones are present. Thank you for consulting with us.

If you have any further questions or comments please feel free to contact me at (406)-444- 7767 or by e-mail at pmelton@state.mt.us.

Sincerely,

Phillip E. Melton
Cultural Records Manager

Enclosures (2)

File: MISC/CONSULTANTS/2000

October 1, 2010

Tom S. Martin
MDOT
2701 Prospect Ave
PO Box 201001
Helena MT 59620-1001

RECEIVED
OCT - 4 2010
ENVIRONMENTAL

*Historic Preservation
Museum
Outreach & Interpretation
Publications
Research Center*

RE: BILLINGS BYPASS EIS, PROJECT NO. NCPD 56(55) CONTROL NO. 4199 000. SHPO
Project #: 2010093001

Dear Mr. Martin:

Thank you for the opportunity to comment on the above-cited project. We look forward to participating in the environmental review process under the auspices of Section 106 of the National Historic Preservation Act. Because the original file search for this project is over ten years old we will need to run a new search for historic and archaeological sites within the project area. As of July 1st, 2010 our office instituted a fee for all file searches. If you would like more information regarding the fee you may visit our website at <http://mhs.mt.gov/shpo/FeeNotice.asp>.

I have conducted a cultural resource file search for the above-cited project using the map that you provided in your letter. According to our records there have been several previously recorded sites within the designated search locales. In addition to the sites there have been a several previously conducted cultural resource inventories done in the areas. I've attached a list of these sites and reports. If you would like any further information regarding these sites or reports you may contact me at the number listed below.

Based on the sites in the area and the potential ground disturbance required by this undertaking we feel that this project has a high likely hood of impacting cultural properties. We, therefore, recommend that a cultural resource inventory be conducted in order to determine whether or not sites exist and if they will be impacted. I would also recommend that you contact Steve Platt, and Jon Axline at the Department of Transportation for any comments or concerns that they may have regarding this project.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. I have attached an invoice for the file search. Thank you for consulting with us.

Sincerely,



Damon Murdo
Cultural Records Manager

cc: Steve Platt, Jon Axline, MDT

File: MDT/2006

225 North Roberts Street
P.O. Box 201201
Helena, MT 59620-1201
(406) 444-2694
(406) 444-2696 FAX
montanahistoricalsociety.org

Township: 1 N	Range: 26E	Section: 1
BROWNELL	JOAN L. AND B. FANDRICH	

9 /19 /2001 *US HIGHWAY 312 SAFETY IMPROVEMENT PROJECT: A CULTURAL RESOURCE INVENTORY NORTHEAST OF BILLINGS MT BR5205(215)*

CRABS Document Number: YL 4 23949 Agency Document Number: STPHS56 (44)

Township: 1 N	Range: 26E	Section: 1
BROWNELL	JOAN L. AND B. FANDRICH	

9 /19 /2001 *US HIGHWAY 312 SAFETY IMPROVEMENT PROJECT: A CULTURAL RESOURCE INVENTORY NORTHEAST OF BILLINGS MT BR5205(215)*

CRABS Document Number: YL 4 23949 Agency Document Number: STPHS56 (44)

Township: 1 N	Range: 26E	Section: 11
LITWINIONEK	LUC	

2 /6 /2001 *INVENTORY FOR A SEWER LINE REPAIR PROJECT TO BILLINGS, MT*

CRABS Document Number: YL 6 23533 Agency Document Number:

Township: 1 N	Range: 26E	Section: 11
BROWNELL	JOAN L. AND B. FANDRICH	

9 /19 /2001 *US HIGHWAY 312 SAFETY IMPROVEMENT PROJECT: A CULTURAL RESOURCE INVENTORY NORTHEAST OF BILLINGS MT BR5205(215)*

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CRABS Document Number: YL 4 23949 Agency Document Number: STPHS56 (44)

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CRABS Document Number: YL 4 23949 Agency Document Number: STPHS56 (44)

Township: 1 N	Range: 26E	Section: 14
LAHREN	LARRY A.	

4 /26/1978 *(CULTURAL RESOURCE RECONNAISSANCE EVALUATIONS OF SEVEN PROPOSED HIGHWAY DEPARTMENT PROJECTS IN THE BILLINGS, MONTANA AREA)*

CRABS Document Number: YL 4 10675 Agency Document Number:

Township: 1 N	Range: 26E	Section: 14
FANDRICH	BLAIN	

9 /21/2009 *BENCH BOULEVARD: A CULTURAL RESOURCE INVENTORY FROM LAKE ELMO DRIVE TO US HIGHWAY 87, BILLINGS, MONTANA*

CRABS Document Number: YL 4 31118 Agency Document Number: MT 1036(1) CONTROL NO. 6041

Township: 1 N	Range: 26E	Section: 15
AABERG	STEPHEN A.	

1 /18/1986 *CULTURAL RESOURCES SURVEY REPORT LAKE ELMO RECREATION AREA*

CRABS Document Number: YL 6 10733 Agency Document Number:

Township: 1 N	Range: 26E	Section: 15
LAHREN	LARRY A.	

4 /26/1978 *(CULTURAL RESOURCE RECONNAISSANCE EVALUATIONS OF SEVEN PROPOSED HIGHWAY DEPARTMENT PROJECTS IN THE BILLINGS, MONTANA AREA)*

CRABS Document Number: YL 4 10675 Agency Document Number:

Township: 1 N	Range: 26E	Section: 15
PASSMANN	DORI AND KEN PETERSON	

9 /16 /1996 LAKEVIEW, INC. BBWA GROUP DITCH RELOCATION & LINING

CRABS Document Number: YL 6 18434 Agency Document Number:

Township: 1 N	Range: 26E	Section: 15
FANDRICH	BLAIN	

9 /21 /2009 BENCH BOULEVARD: A CULTURAL RESOURCE INVENTORY FROM LAKE ELMO DRIVE TO US HIGHWAY 87, BILLINGS, MONTANA

CRABS Document Number: YL 4 31118 Agency Document Number: MT 1036(1) CONTROL NO. 6041

Township: 1 N	Range: 26E	Section: 15
VINCENT	WILLIAM B.	

4 /20 /2004 A CLASS III CULTURAL RESOURCE REPORT FOR MEADOWLARK PARK TEST DRILLING PROGRAM, YELLOWSTONE COUNTY MONTANA

CRABS Document Number: YL 6 26943 Agency Document Number: MT-04-082

Township: 1 N	Range: 26E	Section: 22
FANDRICH	BLAIN	

9 /21 /2009 BENCH BOULEVARD: A CULTURAL RESOURCE INVENTORY FROM LAKE ELMO DRIVE TO US HIGHWAY 87, BILLINGS, MONTANA

CRABS Document Number: YL 4 31118 Agency Document Number: MT 1036(1) CONTROL NO. 6041

Township: 1 N	Range: 26E	Section: 22
BABCOCK	WILLIAM A.	

12 /3 /1985 BILLINGS HISTORICAL RESOURCE SURVEY HILLTOP ROAD, EXTENSION PROJECT

CRABS Document Number: YL 4 10685 Agency Document Number: M1027(1)

Township: 1 N	Range: 26E	Section: 23
LAHREN	LARRY A.	

4 /26 /1978 (CULTURAL RESOURCE RECONNAISSANCE EVALUATIONS OF SEVEN PROPOSED HIGHWAY DEPARTMENT PROJECTS IN THE BILLINGS, MONTANA AREA)

CRABS Document Number: YL 4 10675 Agency Document Number:

Township: 1 N	Range: 26E	Section: 23
BABCOCK	WILLIAM A.	

12 /3 /1985 BILLINGS HISTORICAL RESOURCE SURVEY HILLTOP ROAD, EXTENSION PROJECT

CRABS Document Number: YL 4 10685 Agency Document Number: M1027(1)

Township: 1 N	Range: 26E	Section: 23
FANDRICH	BLAIN	

9 /21 /2009 BENCH BOULEVARD: A CULTURAL RESOURCE INVENTORY FROM LAKE ELMO DRIVE TO US HIGHWAY 87, BILLINGS, MONTANA

CRABS Document Number: YL 4 31118 Agency Document Number: MT 1036(1) CONTROL NO. 6041

Township: 1 N	Range: 26E	Section: 25
WILLIAMS	GARY D.	

4 / 15 / 1985 *BILLINGS HISTORICAL RESOURCE SURVEY RIMROCK ROAD AND STATE AVENUE PROJECTS, M1024(1) AND M1002(3)*

CRABS Document Number: YL 4 10681 Agency Document Number: M1024(1), M1002(3)

Township: 1 N	Range: 26E	Section: 26
LEWIS	THOMAS H.	

/ / 1983 *CULTURAL RESOURCES INVENTORY OF THE REMNANT PICTOGRAPHS AT ALKALI CREEK, YELLOWSTONE COUNTY MONTANA*

CRABS Document Number: YL 6 25162 Agency Document Number:

Township: 1 N	Range: 26E	Section: 26
LAHREN	LARRY A.	

4 / 26 / 1978 *(CULTURAL RESOURCE RECONNAISSANCE EVALUATIONS OF SEVEN PROPOSED HIGHWAY DEPARTMENT PROJECTS IN THE BILLINGS, MONTANA AREA)*

CRABS Document Number: YL 4 10675 Agency Document Number:

Township: 1 N	Range: 26E	Section: 26
FANDRICH	BLAIN	

9 / 21 / 2009 *BENCH BOULEVARD: A CULTURAL RESOURCE INVENTORY FROM LAKE ELMO DRIVE TO US HIGHWAY 87, BILLINGS, MONTANA*

CRABS Document Number: YL 4 31118 Agency Document Number: MT 1036(1) CONTROL NO. 6041

Township: 1 N	Range: 26E	Section: 26
BABCOCK	WILLIAM A.	

12 / 3 / 1985 *BILLINGS HISTORICAL RESOURCE SURVEY HILLTOP ROAD, EXTENSION PROJECT*

CRABS Document Number: YL 4 10685 Agency Document Number: M1027(1)

Township: 1 N	Range: 26E	Section: 26
AXLINE	JON A.	

6 / 4 / 1997 *TRANSBASS CHEMICAL COUNTY ROAD - EAST OF BILLINGS*

CRABS Document Number: YL 4 18986 Agency Document Number: STPRP 56(31)

Township: 1 N	Range: 26E	Section: 26
ROSSILLON	MITZI	

12 / / 1988 *AN ARCHAEOLOGICAL SURVEY OF THE STORM DRAIN OUTFALL, HILLTOP ROAD EXPANSION*

CRABS Document Number: YL 4 10703 Agency Document Number: M1027(1)

Township: 1 N	Range: 26E	Section: 27
HEIDENREICH	C. ADRIAN	

9 / 1 / 1979 *CULTURAL RESOURCE SURVEY OF BILLINGS SEWER PIPELINE ROUTE, PHASE I*

CRABS Document Number: YL 6 10721 Agency Document Number:

Township: 1 N	Range: 26E	Section: 27
NEWBERRY	GREGORY S., ET AL.	

6 / 22 / 1989 MONTANA DEPARTMENT OF HIGHWAYS F16-1(28)2 6TH AND MAIN

CRABS Document Number: YL 4 10707 Agency Document Number: F16-1(28)2

Township: 1 N	Range: 26E	Section: 27
AABERG	STEPHEN A.	

6 / / 2008 AIRPORT ROAD SITE DISCOVERY 2008, BILLINGS, YELLOWSTONE, MONTANA

CRABS Document Number: YL 4 30238 Agency Document Number:

Township: 1 N	Range: 26E	Section: 27
AABERG	STEPHEN A., ET AL.	

5 / / 2005 ALKALI CREEK ROAD -CLASS III CULTURAL RESOURCE SURVEY AND EVALUTAIION TESTINGS IN YELLOWSTONE COUNTY, MONTANA

CRABS Document Number: YL 4 27861 Agency Document Number:

Township: 1 N	Range: 26E	Section: 27
FANDRICH	BLAIN	

5 / 9 / 2003 A CULTURAL RESOURCE INVENTORY OF THE SWORDS PARK IN BILLINGS, YELLOWSTONE COUNTY MONTANA

CRABS Document Number: YL 6 26329 Agency Document Number:

Township: 1 N	Range: 26E	Section: 27
WALKER-KUNTZ	PATRICK J.	

4 / 15 / 2003 SIXTH AVENUE TO BENCH BOULEVARD, CULTURAL RESOURCE INVENTORY, YELLOWSTONE COUNTY MONTANA

CRABS Document Number: YL 4 26108 Agency Document Number:

Township: 1 N	Range: 26E	Section: 27
MURRAY	ROBERT A.	

7 / 31 / 1974 HISTORIC SITES IN THE COLSTRIP TO HOT SPRINGS TRANSMISSION LINE STUDY AREA

CRABS Document Number: ZZ 2 11099 Agency Document Number:

Township: 1 N	Range: 26E	Section: 27
FANDRICH	BLAIN W.	

7 / 1 / 2002 AIRPORT ROAD: A CULTURAL RESOURCE INVENTORY ALONG MONTANA HIGHWAY 3 FROM MAIN STREET TO SKY RANCH DRIVE IN BILLINGS MT

CRABS Document Number: YL 4 25240 Agency Document Number: CONTROL #4743

Township: 1 N	Range: 26E	Section: 27
SHARROCK	FLOYD W.	

5 / 21 / 1974 ARCHAEOLOGICAL SURVEY, ALKALI CREEK WATERSHED PROJECT

CRABS Document Number: YL 6 10715 Agency Document Number:

Township: 1 N	Range: 26E	Section: 27
BABCOCK	WILLIAM A.	

12 / 3 / 1985 *BILLINGS HISTORICAL RESOURCE SURVEY HILLTOP ROAD, EXTENSION PROJECT*

CRABS Document Number: YL 4 10685 Agency Document Number: M1027(1)

Township: 1 N	Range: 26E	Section: 27
FANDRICH	BLAIN	

9 / 21 / 2009 *BENCH BOULEVARD: A CULTURAL RESOURCE INVENTORY FROM LAKE ELMO DRIVE TO US HIGHWAY 87, BILLINGS, MONTANA*

CRABS Document Number: YL 4 31118 Agency Document Number: MT 1036(1) CONTROL NO. 6041

Township: 1 N	Range: 26E	Section: 27
LAHREN	LARRY A.	

9 / 12 / 1980 *(CULTURAL RESOURCES SURVEY OF THE PROPOSED HIGHWAY RECONSTRUCTION ALONG EXPOSITION DRIVE IN BILLINGS, MONTANA)*

CRABS Document Number: YL 4 10677 Agency Document Number: F-16-1(6)1

Township: 1 N	Range: 26E	Section: 34
LAHREN	LARRY A.	

4 / 26 / 1978 *(CULTURAL RESOURCE RECONNAISSANCE EVALUATIONS OF SEVEN PROPOSED HIGHWAY DEPARTMENT PROJECTS IN THE BILLINGS, MONTANA AREA)*

CRABS Document Number: YL 4 10675 Agency Document Number:

Township: 1 N	Range: 26E	Section: 34
LAHREN	LARRY A.	

9 / 12 / 1980 *(CULTURAL RESOURCES SURVEY OF THE PROPOSED HIGHWAY RECONSTRUCTION ALONG EXPOSITION DRIVE IN BILLINGS, MONTANA)*

CRABS Document Number: YL 4 10677 Agency Document Number: F-16-1(6)1

Township: 1 N	Range: 26E	Section: 34
SHARROCK	FLOYD W.	

5 / 21 / 1974 *ARCHAEOLOGICAL SURVEY, ALKALI CREEK WATERSHED PROJECT*

CRABS Document Number: YL 6 10715 Agency Document Number:

Township: 1 N	Range: 26E	Section: 34
ROSSILLON	MITZI	

8 / / 1986 *CULTURAL RESOURCES INVENTORY OF THE EAST BRIDGE AT BILLINGS PROJECT AREA (FRED QUIVIK'S JANUARY 15, 1986 REPORT ENTITLED DESCRIPTION AND EVALUATION OF RAILROAD OVERPASS BRIDGE (EAST BRIDGE) IS ATTACHED)*

CRABS Document Number: YL 4 10691 Agency Document Number: BRF16-1(18)1

Township: 1 N	Range: 26E	Section: 34
HEIDENREICH	C. ADRIAN	

11 / 23 / 1990 *A CULTURAL RESOURCE SURVEY OF CONOCO OIL HIGHWAY 87 AND I-90 BRIDGE PIPELINE RELOCATION PROJECTS IN TOWNSITE 1 NORTH, RANGE 26 EAST, YELLOWSTONE COUNTY*

CRABS Document Number: YL 6 11622 Agency Document Number:

Township: 1 N Range: 26E Section: 34
 AABERG STEPHEN A.

11 / /1998 COULSON PARK STREAMBANK RECLAMATION PROGECT AREA, YELLOWSTONE COUNTY, MONTANA, CLASS 111 CULTURAL SURVEY RESULTS

CRABS Document Number: YL 6 22419 Agency Document Number:

Township: 1 N Range: 26E Section: 34
 HEIDENREICH C. ADRIAN

9 /1 /1979 CULTURAL RESOURCE SURVEY OF BILLINGS SEWER PIPELINE ROUTE, PHASE I

CRABS Document Number: YL 6 10721 Agency Document Number:

Township: 1 N Range: 26E Section: 34
 GCM SERVICES INC. ANONYMOUS

12 / /1991 CULTURAL RESOURCE MONITORING: EAST BRIDGE PIPELINE RELOCATION

CRABS Document Number: YL 6 13042 Agency Document Number: MT 3-16718-16722

Township: 1 N Range: 26E Section: 34
 WALKER-KUNTZ PATRICK J.

4 /15 /2003 SIXTH AVENUE TO BENCH BOULEVARD, CULTURAL RESOURCE INVENTORY, YELLOWSTONE COUNTY MONTANA

CRABS Document Number: YL 4 26108 Agency Document Number:

Township: 1 N Range: 26E Section: 35
 HERBORT DALE P.

6 /25 /1996 CULTURAL RESOURCE EVALUATION OF EMPIRE KUHLMANN BORROW

CRABS Document Number: YL 5 17945 Agency Document Number:

Township: 1 N Range: 26E Section: 35
 LAHREN LARRY A.

10 /21 /1991 COP CONSTRUCTION GRAVEL PIT

CRABS Document Number: YL 4 12821 Agency Document Number:

Township: 1 N Range: 26E Section: 35
 ROSSILLON MITZI

8 / /1986 CULTURAL RESOURCES INVENTORY OF THE EAST BRIDGE AT BILLINGS PROJECT AREA (FRED QUIVIK'S JANUARY 15, 1986 REPORT ENTITLED DESCRIPTION AND EVALUATION OF RAILROAD OVERPASS BRIDGE (EAST BRIDGE) IS ATTACHED)

CRABS Document Number: YL 4 10691 Agency Document Number: BRF16-1(18)1

Township: 1 N Range: 26E Section: 35
 LAHREN LARRY A.

4 /26 /1978 (CULTURAL RESOURCE RECONNAISSANCE EVALUATIONS OF SEVEN PROPOSED HIGHWAY DEPARTMENT PROJECTS IN THE BILLINGS, MONTANA AREA)

CRABS Document Number: YL 4 10675 Agency Document Number:

Township: 1 N Range: 26E Section: 35

GCM SERVICES INC. ANONYMOUS

12 / /1991 CULTURAL RESOURCE MONITORING: EAST BRIDGE PIPELINE RELOCATION

CRABS Document Number: YL 6 13042

Agency Document Number: MT 3-16718-16722

Township: 1 N Range: 26E Section: 35

HEIDENREICH C. ADRIAN

11 /23 /1990 A CULTURAL RESOURCE SURVEY OF CONOCO OIL HIGHWAY 87 AND I-90 BRIDGE PIPELINE RELOCATION PROJECTS IN TOWNSITE 1 NORTH, RANGE 26 EAST, YELLOWSTONE COUNTY

CRABS Document Number: YL 6 11622

Agency Document Number:

Township: 1 N Range: 27E Section: 5

MURRAY ROBERT A.

7 /31 /1974 HISTORIC SITES IN THE COLSTRIP TO HOT SPRINGS TRANSMISSION LINE STUDY AREA

CRABS Document Number: ZZ 2 11099

Agency Document Number:

Township: 1 N Range: 27E Section: 5

WOOD GARVEY C.

9 /7 /1990 EMPIRE SAND AND GRAVEL - MICHAEL GRAVEL SOURCE

CRABS Document Number: YL 4 11385

Agency Document Number: RTF 16-1(21)12 F 16-1(25)22

Township: 1 N Range: 27E Section: 5

LAHREN LARRY A.

1 /25 /1987 EARTHBUILDERS GRAVEL PIT

CRABS Document Number: YL 4 10696

Agency Document Number:

Township: 1 N Range: 27E Section: 5

ECKROTH DAVID, ET AL.

1 /7 /2004 BAKER'S BATTLE ON THE YELLOWSTONE, AUGUST 14, 1872, THE BATTLE OF POKER FLAT, IN YELLOWSTONE COUNTY MONTANA

CRABS Document Number: YL 6 26773

Agency Document Number:

Township: 1 N Range: 27E Section: 5

WOOD GARVEY C.

3 /17 /1994 EMPIRE SAND AND GRAVEL - MICHAELS PIT EXTENSION

CRABS Document Number: YL 4 16854

Agency Document Number:

Township: 1 N Range: 27E Section: 6

WOOD GARVEY C.

3 /17 /1994 EMPIRE SAND AND GRAVEL - MICHAELS PIT EXTENSION

CRABS Document Number: YL 4 16854

Agency Document Number:

Township: 1 N	Range: 27E	Section: 6
MURRAY	ROBERT A.	

7 / 31 / 1974 HISTORIC SITES IN THE COLSTRIP TO HOT SPRINGS TRANSMISSION LINE STUDY AREA

CRABS Document Number: ZZ 2 11099 Agency Document Number:

Township: 1 N	Range: 27E	Section: 6
ECKROTH	DAVID, ET AL.	

1 / 7 / 2004 BAKER'S BATTLE ON THE YELLOWSTONE, AUGUST 14, 1872, THE BATTLE OF POKER FLAT, IN YELLOWSTONE COUNTY MONTANA

CRABS Document Number: YL 6 26773 Agency Document Number:

Township: 1 N	Range: 27E	Section: 7
TAYLOR	JOHN F.	

12 / 4 / 1990 HUNTLEY GOLF COURSE LAND EXCHANGE AND HISTORICAL RESOURCES REVIEW

CRABS Document Number: YL 2 12130 Agency Document Number: 91-MT-025-06

Township: 1 N	Range: 27E	Section: 7
ECKROTH	DAVID, ET AL.	

1 / 7 / 2004 BAKER'S BATTLE ON THE YELLOWSTONE, AUGUST 14, 1872, THE BATTLE OF POKER FLAT, IN YELLOWSTONE COUNTY MONTANA

CRABS Document Number: YL 6 26773 Agency Document Number:

Township: 1 N	Range: 27E	Section: 8
TAYLOR	JOHN F.	

12 / 4 / 1990 HUNTLEY GOLF COURSE LAND EXCHANGE AND HISTORICAL RESOURCES REVIEW

CRABS Document Number: YL 2 12130 Agency Document Number: 91-MT-025-06

Township: 1 N	Range: 27E	Section: 8
DEAVER	KEN, ET AL.	

10 / / 1988 US SPRINT FIBER OPTIC CABLE PROJECT, SPOKANE, WASHINGTON TO FARGO, NORTH DAKOTA; MONTANA CULTURAL RESOURCES TECHNICAL REPORT AND CONFIDENTIAL APPENDICES (MAY 1988 REPORT ENTITLED PRELIMINARY REPORT ON PEDESTRIAN SAMPLE OF THE SPRINT LINE IN MONTANA BY SHERRI DEAVER ET AL IS ATTACHED)

CRABS Document Number: ZZ 2 10786 Agency Document Number:

Township: 1 N	Range: 27E	Section: 17
WOOD	GARVEY C.	

8 / 1 / 1990 EMPIRE SAND AND GRAVEL - LEHMAN BORROW SOURCE

CRABS Document Number: YL 4 11159 Agency Document Number: IR-90-8(118)453

Township: 1 N	Range: 27E	Section: 17
VANDER STEEN	KENNETH F.	

8 / / 1992 PROPOSED HUNTLEY TO BILLINGS FIBER OPTIC CABLE SYSTEM PROJECT

CRABS Document Number: YL 6 14593 Agency Document Number: MTPO HU-92-59

Township: 1 N	Range: 27E	Section: 17
LAHREN	LARRY A.	

9 /12 /1980 A REPORT OF ARCHAEOLOGICAL SURVEY AND INVENTORY CONDUCTED ON JOHNSON LANE AND PINEHILL INTERCHANGES

CRABS Document Number: YL 4 10676 Agency Document Number: I-90-8(77)455, I-90-8(75)455

Township: 1 N	Range: 27E	Section: 17
BERGSTROM	MICHAEL W.	

12 /4 /1989 CULTURAL RESOURCE INVENTORY EAST BILLINGS-INTERSTATE 90 PROJECT

CRABS Document Number: YL 4 10709 Agency Document Number: IR90-8(118)453

Township: 1 N	Range: 27E	Section: 17
PASSMANN	DORI, ET AL.	

4 /17 /1995 LEHMAN CONNECTING PIPELINE

CRABS Document Number: YL 6 16973 Agency Document Number:

Township: 1 N	Range: 27E	Section: 18
WOOD	GARVEY C.	

8 /1 /1990 EMPIRE SAND AND GRAVEL - MADINA GRAVEL SOURCE

CRABS Document Number: YL 4 11160 Agency Document Number: IR90-8(118)453

Township: 1 N	Range: 27E	Section: 18
WOOD	GARVEY C.	

3 /9 /1987 HILDE CONSTRUCTION CO., KEMBEL GRAVEL PIT

CRABS Document Number: YL 4 10697 Agency Document Number:

Township: 1 N	Range: 27E	Section: 19
WOOD	GARVEY C.	

3 /9 /1987 HILDE CONSTRUCTION CO., SANNON BORROW PITS

CRABS Document Number: YL 4 10698 Agency Document Number:

Township: 1 N	Range: 27E	Section: 19
VANDER STEEN	KENNETH F.	

8 / /1992 PROPOSED HUNTLEY TO BILLINGS FIBER OPTIC CABLE SYSTEM PROJECT

CRABS Document Number: YL 6 14593 Agency Document Number: MTPO HU-92-59

Township: 1 N	Range: 27E	Section: 19
BERGSTROM	MICHAEL W.	

12 /4 /1989 CULTURAL RESOURCE INVENTORY EAST BILLINGS-INTERSTATE 90 PROJECT

CRABS Document Number: YL 4 10709 Agency Document Number: IR90-8(118)453

Township: 1 N	Range: 27E	Section: 19
LAHREN	LARRY A.	

9 / 12 / 1980 *A REPORT OF ARCHAEOLOGICAL SURVEY AND INVENTORY CONDUCTED ON JOHNSON LANE AND PINEHILL INTERCHANGES*

CRABS Document Number: YL 4 10676 Agency Document Number: I-90-8(77)455, I-90-8(75)455

Township: 1 N	Range: 27E	Section: 20
VANDER STEEN	KENNETH F.	

8 / / 1992 *PROPOSED HUNTLEY TO BILLINGS FIBER OPTIC CABLE SYSTEM PROJECT*

CRABS Document Number: YL 6 14593 Agency Document Number: MTPO HU-92-59

Township: 1 N	Range: 27E	Section: 20
LAHREN	LARRY A.	

9 / 12 / 1980 *A REPORT OF ARCHAEOLOGICAL SURVEY AND INVENTORY CONDUCTED ON JOHNSON LANE AND PINEHILL INTERCHANGES*

CRABS Document Number: YL 4 10676 Agency Document Number: I-90-8(77)455, I-90-8(75)455

Township: 1 N	Range: 27E	Section: 20
BERGSTROM	MICHAEL W.	

12 / 4 / 1989 *CULTURAL RESOURCE INVENTORY EAST BILLINGS-INTERSTATE 90 PROJECT*

CRABS Document Number: YL 4 10709 Agency Document Number: IR90-8(118)453

Township: 1 N	Range: 27E	Section: 30
VANDER STEEN	KENNETH F.	

8 / / 1992 *PROPOSED HUNTLEY TO BILLINGS FIBER OPTIC CABLE SYSTEM PROJECT*

CRABS Document Number: YL 6 14593 Agency Document Number: MTPO HU-92-59

Township: 2 N	Range: 27E	Section: 31
AXLINE	JON	

1 / 21 / 2005 *CULTURAL RESOURCE INVENTORY OF THE SAFETY IMPROVEMENTS WEST OF HUNTLEY IN YELLOWSTONE COUNTY, MONTANA*

CRABS Document Number: YL 4 27583 Agency Document Number: STPHS 56788(6)

Township: 2 N	Range: 27E	Section: 31
VINCENT	WILLIAM B.	

9 / 30 / 2003 *A CLASS II CULTURAL RESOURCE REPORT FOR THE MIDDLE YELLOWSTONE VALLEY GROUND WATER EVALUATION STUDY, YELLOWSTONE COUNTY MONTANA*

CRABS Document Number: YL 6 26383 Agency Document Number: MTAO MT-03-133

<div> <div> <div>Big Sky. Big Land. Big History.</div> <div>Montana</div> <div>Historical Society</div> </div> <div> <div>STATE HISTORIC PRESERVATION OFFICE</div> <div>Cultural Resource Information Systems</div> <div>CRIS Township, Range, Section Report</div> </div> <div> <div>Report Date:</div> <div>10/05/2010</div> </div> </div>										
Site #	Twp	Rng	Sec	Qs	Site Type1	Site Type 2	Time Period	Owner	NR Status	
24YL0161	1 N	26 E	1		Historic Agriculture	Historic Irrigation System	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	1		Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL1532	1 N	26 E	1		Historic Irrigation System	Null	Historic More Than One Decade	Combination	CD	
24YL1382	1 N	26 E	1		Historic Irrigation System	Null	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	1		Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0659	1 N	26 E	2	Unk	Historic Irrigation System	Null	Historic More Than One Decade	Private	undetermined	
24YL0220	1 N	26 E	11	NE	Historic Railroad, Stage Route, Travel	Historic Vehicular/Foot Bridge	1940-1949	No Data	undetermined	
24YL0221	1 N	26 E	11	NE	Historic Railroad, Stage Route, Travel	Historic Vehicular/Foot Bridge	1940-1949	No Data	undetermined	
24YL1529	1 N	26 E	11	NE	Historic Residence	Null	Historic More Than One Decade	Private	Ineligible	
24YL1339	1 N	26 E	11	NE	Historic Vehicular/Foot Bridge	Null	1930-1939	Other	undetermined	
24YL1528	1 N	26 E	11	NE	Historic Log Structure	Null	Historic More Than One Decade	Private	Ineligible	
24YL1530	1 N	26 E	11	NE	Historic Residence	Null	Historic More Than One Decade	Private	Ineligible	
24YL1338	1 N	26 E	11	NW	Historic Vehicular/Foot Bridge	Null	1930-1939	Other	undetermined	
24YL0161	1 N	26 E	14	NW	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	14	NW	Historic Agriculture	Historic Irrigation System	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	14	NW	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL1532	1 N	26 E	14	NW	Historic Irrigation System	Null	Historic More Than One Decade	Combination	CD	
24YL1731	1 N	26 E	15	NE	Historic Residence	Historic Architecture	1930-1939	Private	undetermined	
24YL1730	1 N	26 E	15	SE	Historic Residence	Historic Architecture	1940-1949	Private	undetermined	
24YL1382	1 N	26 E	15		Historic Irrigation System	Null	Historic More Than One Decade	Private	CD	
24YL1532	1 N	26 E	15		Historic Irrigation System	Null	Historic More Than One Decade	Combination	CD	
24YL0161	1 N	26 E	15		Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	15		Historic Agriculture	Historic Irrigation System	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	15		Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL1729	1 N	26 E	22	NE	Historic Residence	Historic Architecture	1950 and later	Private	undetermined	
24YL1727	1 N	26 E	22	NE	Historic Architecture	Historic Residence	1950 and later	Private	undetermined	
24YL1728	1 N	26 E	22	NE	Historic Architecture	Historic Residence	1940-1949	Private	undetermined	
24YL0158	1 N	26 E	22	SE	Historic Architecture	Historic Residence	1930-1939	Private	undetermined	
24YL0161	1 N	26 E	22	Unk	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	22	Unk	Historic Agriculture	Historic Irrigation System	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	22	Unk	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	22	comb	Historic Agriculture	Historic Irrigation System	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	22	comb	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	22	comb	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL1382	1 N	26 E	22		Historic Irrigation System	Null	Historic More Than One Decade	Private	CD	
24YL1532	1 N	26 E	22		Historic Irrigation System	Null	Historic More Than One Decade	Combination	CD	
24YL1725	1 N	26 E	23	NE	Historic Architecture	Historic Residence	1910-1919	Private	undetermined	
24YL1726	1 N	26 E	23	NW	Historic Architecture	Historic Residence	1930-1939	Private	undetermined	
24YL0159	1 N	26 E	23	SE	Historic Commercial Development	Historic Residence	1910-1919	Private	undetermined	
24YL0157	1 N	26 E	23	SW	Historic Architecture	Historic Residence	1930-1939	Private	undetermined	
24YL1724	1 N	26 E	23	SW	Historic Architecture	Historic Residence	1920-1930	Private	undetermined	
24YL0161	1 N	26 E	23	Unk	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	23	Unk	Historic Agriculture	Historic Irrigation System	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	23	Unk	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	23	comb	Historic Agriculture	Historic Irrigation System	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	23	comb	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	23	comb	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0272	1 N	26 E	24	Comb	Historic Agriculture	Historic Irrigation System	1890-1899	Private	undetermined	

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Site #	Twp	Rng	Sec	Qs	Site Type1	Site Type 2	Time Period	Owner	NR Status	
24YL0277	1 N	26 E	24	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24YL0272	1 N	26 E	25	Comb	Historic Agriculture	Historic Irrigation System	1890-1899	Private	undetermined	
24YL0277	1 N	26 E	25	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24YL0271	1 N	26 E	25	comb	Historic Conservation	Historic Irrigation System	1910-1919	No Data	undetermined	
24YL0272	1 N	26 E	26	Comb	Historic Agriculture	Historic Irrigation System	1890-1899	Private	undetermined	
24BH3383	1 N	26 E	26	NE	Multi County	Historic Road/Trail	Historic More Than One Decade	State Owned	undetermined	
24BH3383	1 N	26 E	26	NE	Multi County	Historic Road/Trail	Historic Period	No Data	undetermined	
24YL0271	1 N	26 E	26	SE	Historic Conservation	Historic Irrigation System	1910-1919	No Data	undetermined	
24YL0161	1 N	26 E	26	Unk	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	26	Unk	Historic Agriculture	Historic Irrigation System	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	26	Unk	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0277	1 N	26 E	26	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24YL1672	1 N	26 E	26	comb	Multi County	Historic Road/Trail	Historic More Than One Decade	State Owned	undetermined	
24YL1672	1 N	26 E	26	comb	Multi County	Historic Road/Trail	Historic Period	No Data	undetermined	
24YL1580	1 N	26 E	27	Comb	Historic District	Historic Road/Trail	Historic More Than One Decade	Combination	undetermined	
24YL0269	1 N	26 E	27	Comb	Historic Recreation/Tourism	Other	1910-1919	MDOT Other	CD	
24YL1722	1 N	26 E	27	NE	Historic Residence	Historic Architecture	1930-1939	Private	undetermined	
24YL1723	1 N	26 E	27	NE	Historic Residence	Historic Architecture	1920-1930	Private	undetermined	
24YL0160	1 N	26 E	27	NE	Historic Architecture	Historic Residence	1940-1949	Private	undetermined	
24YL0162	1 N	26 E	27	NE	Historic Architecture	Historic Residence	1900-1909	Private	undetermined	
24YL1630	1 N	26 E	27	NW	Historic Residence	Null	Historic More Than One Decade	Private	undetermined	
24YL1630	1 N	26 E	27	NW	Historic Residence	Null	Historic More Than One Decade	Private	undetermined	
24YL1610	1 N	26 E	27	SE	Historic Industrial Development	Null	Historic More Than One Decade	Other	Ineligible	
24YL0231	1 N	26 E	27	SE	Historic Railroad, Stage Route, Travel	Historic Vehicular/Foot Bridge	1900-1909	No Data	undetermined	
24YL1610	1 N	26 E	27	SE	Historic Industrial Development	Null	Historic More Than One Decade	Other	Ineligible	
24YL0608	1 N	26 E	27	SE	Petroglyph and Pictograph	Rock Shelter or Cave	No Data	No Data	Unresolved	
24YL1545	1 N	26 E	27	SW	Historic Residence	Null	1920-1930	Private	Ineligible	
24YL1546	1 N	26 E	27	SW	Historic Residence	Null	1940-1949	Private	CD	
24YL1547	1 N	26 E	27	SW	Historic Residence	Null	1940-1949	Private	CD	
24YL1548	1 N	26 E	27	SW	Historic Residence	Null	1940-1949	Private	Ineligible	
24YL1549	1 N	26 E	27	SW	Historic Residence	Null	1940-1949	Private	CD	
24YL1550	1 N	26 E	27	SW	Other	Null	Historic Period	Other	Ineligible	
24YL1551	1 N	26 E	27	SW	Historic Road/Trail	Null	1930-1939	Other	CD	
24YL1551	1 N	26 E	27	SW	Historic Road/Trail	Null	1930-1939	Other	CD	
24YL1566	1 N	26 E	27	SW	Historic Recreation/Tourism	Null	1950 and later	Other	CD	
24YL1567	1 N	26 E	27	SW	Historic Recreation/Tourism	Null	1950 and later	Other	undetermined	
24YL1568	1 N	26 E	27	SW	Historic Trash Dump	Null	Historic More Than One Decade	Other	Ineligible	
24YL1607	1 N	26 E	27	SW	Lithic Scatter	Firehearths or Roasting Pits, FCR	No Indication of Time	Combination	undetermined	
24YL1607	1 N	26 E	27	SW	Lithic Scatter	Firehearths or Roasting Pits, FCR	No Indication of Time	Combination	undetermined	
24YL0755	1 N	26 E	27	SW	JJ	Historic Euro-American Site	Historic More Than One Decade	Other	undetermined	
24YL0407	1 N	26 E	27	SW	Pictograph	Null	No Indication of Time	Other	CD	
24YL0422	1 N	26 E	27	SW	Other Kill Site with Trap or Jump	Lithic Scatter	No Data	No Data	Unresolved	
24YL1542	1 N	26 E	27	SW	Historic Commercial Development	Null	Historic More Than One Decade	Private	Ineligible	
24YL1543	1 N	26 E	27	SW	Historic Residence	Null	1940-1949	Private	CD	
24YL1544	1 N	26 E	27	SW	Historic Residence	Null	Historic More Than One Decade	Private	Ineligible	
24YL0161	1 N	26 E	27	Unk	Historic Irrigation System	Null	1900-1909	No Data	CD	
24YL0161	1 N	26 E	27	Unk	Historic Agriculture	Historic Irrigation System	Historic More Than One Decade	Private	CD	
24YL0161	1 N	26 E	27	Unk	Historic Irrigation System	Null	1900-1909	No Data	CD	

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Site #	Twp	Rng	Sec	Qs	Site Type1	Site Type 2	Time Period	Owner	NR Status	
24YL1592	1 N	26 E	27	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Combination	CD	
24YL1592	1 N	26 E	27	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	No Data	CD	
24YL1382	1 N	26 E	27		Historic Irrigation System	Null	Historic More Than One Decade	Private	CD	
24YL1532	1 N	26 E	27		Historic Irrigation System	Null	Historic More Than One Decade	Combination	CD	
24YL0269	1 N	26 E	34	Comb	Historic Recreation/Tourism	Other	1910-1919	MDOT Other	CD	
24YL0272	1 N	26 E	34	Comb	Historic Agriculture	Historic Irrigation System	1890-1899	Private	undetermined	
24YL0267	1 N	26 E	34	NE	Historic Railroad, Stage Route, Travel	Historic Railroad Bridge	1930-1939	MDOT Other	CD	
24YL0267	1 N	26 E	34	NE	Historic Railroad, Stage Route, Travel	Historic Railroad Bridge	1930-1939	MDOT Other	undetermined	
24YL0270	1 N	26 E	34	NE	Historic Industrial Development	Historic Misc. Industrial	1920-1930	Private	undetermined	
24YL1580	1 N	26 E	34	NW	Historic District	Historic Road/Trail	Historic More Than One Decade	Combination	undetermined	
24YL0268	1 N	26 E	34	SE	Historic Railroad, Stage Route, Travel	Historic Vehicular/Foot Bridge	1930-1939	MDOT Other	undetermined	
24YL0066	1 N	26 E	34	Unk	Historic Euro-American Site	Null	Historic Period	Private	undetermined	
24YL0277	1 N	26 E	34	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24YL0271	1 N	26 E	34	comb	Historic Conservation	Historic Irrigation System	1910-1919	No Data	undetermined	
24YL0267	1 N	26 E	35	NW	Historic Railroad, Stage Route, Travel	Historic Railroad Bridge	1930-1939	MDOT Other	undetermined	
24YL0267	1 N	26 E	35	NW	Historic Railroad, Stage Route, Travel	Historic Railroad Bridge	1930-1939	MDOT Other	CD	
24YL0277	1 N	26 E	35	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24YL0271	1 N	26 E	35	comb	Historic Conservation	Historic Irrigation System	1910-1919	No Data	undetermined	
24YL0065	1 N	27 E	5	Comb	Historic Battlefield	Historic Military Site	1870-1879	Private	undetermined	
24YL0065	1 N	27 E	5	Comb	Historic Battlefield	Null	LIST233	Private	undetermined	
24YL0936	1 N	27 E	5	SW	Historic Euro-American Site	Historic Railroad, Stage Route, Travel	Prehistoric More Than One Period	Private	undetermined	
24YL0065	1 N	27 E	5	SW	Historic Battlefield	Historic Military Site	1870-1879	Private	undetermined	
24YL0065	1 N	27 E	5	SW	Historic Battlefield	Null	LIST233	Private	undetermined	
24YL0277	1 N	27 E	5	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24YL1717	1 N	27 E	5	comb	Historic Irrigation System	Null	1890-1899	Private	undetermined	
24YL1700	1 N	27 E	6	NE	Historic Homestead/Farmstead	Historic Residence	Historic More Than One Decade	Private	undetermined	
24YL1715	1 N	27 E	6	NW	Historic Trash Dump	Null	Historic Period	Private	undetermined	
24YL1694	1 N	27 E	6	NW	Historic Homestead/Farmstead	Historic Trash Dump	Historic More Than One Decade	Private	undetermined	
24YL1699	1 N	27 E	6	NW	Historic Homestead/Farmstead	Historic Residence	Historic More Than One Decade	Private	undetermined	
24YL1717	1 N	27 E	7	comb	Historic Irrigation System	Null	1890-1899	Private	undetermined	
24YL1717	1 N	27 E	7	comb	Historic Irrigation System	Null	1890-1899	Private	undetermined	
24YL0272	1 N	27 E	8	Comb	Historic Agriculture	Historic Irrigation System	1890-1899	Private	undetermined	
24YL0277	1 N	27 E	8	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24VL1519	1 N	27 E	9	SW	Lithic Scatter	Null	No Indication of Time	Private	Unresolved	
24VL1519	1 N	27 E	9	SW	Lithic Scatter	Firehearths or Roasting Pits, FCR	No Indication of Time	BOR	Unresolved	
24YL1520	1 N	27 E	9	SW	Historic Trash Dump	Null	Historic More Than One Decade	Private	Ineligible	
24YL1555	1 N	27 E	9	SW	Lithic Scatter	Null	No Indication of Time	Private	undetermined	
24YL0997	1 N	27 E	9	SW	Historic Trash Dump	Null	Historic Period	Private	undetermined	
24YL0272	1 N	27 E	17	Comb	Historic Agriculture	Historic Irrigation System	1890-1899	Private	undetermined	
24YL1696	1 N	27 E	17	NE	Historic Homestead/Farmstead	Historic Residence	Historic More Than One Decade	Private	undetermined	
24YL1697	1 N	27 E	17	NE	Historic Trash Dump	Null	Historic More Than One Decade	Private	undetermined	
24YL1708	1 N	27 E	17	SE	Historic Residence	Historic Outbuildings	Historic More Than One Decade	Private	undetermined	
24YL1695	1 N	27 E	17	SW	Historic Irrigation System	Historic Trash Dump	Historic Period	Private	undetermined	
24YL0277	1 N	27 E	17	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24YL1698	1 N	27 E	17	comb	Historic Homestead/Farmstead	Historic Residence	Historic More Than One Decade	Private	undetermined	
24YL0277	1 N	27 E	18	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24YL0272	1 N	27 E	19	Comb	Historic Agriculture	Historic Irrigation System	1890-1899	Private	undetermined	
24YL0641	1 N	27 E	19	Comb	Historic Residence	Historic Outbuildings	Historic More Than One Decade	Private	undetermined	

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Site #	Twp	Rng	Sec	Qs	Site Type1	Site Type 2	Time Period	Owner	NR Status	
24YL0277	1 N	27 E	19	comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Private	undetermined	
24YL1710	1 N	27 E	20	NE	Historic Residence	Historic Outbuildings	Historic Period	Private	undetermined	
24YL1709	1 N	27 E	20	NE	Historic Residence	Historic Outbuildings	No Indication of Time	Private	undetermined	
24YL1706	1 N	27 E	20	NE	Historic Homestead/Farmstead	Historic Residence	Historic Period	Private	undetermined	
24YL1714	1 N	27 E	20	NW	Historic Trash Dump	Null	Historic Period	Private	undetermined	
24YL0272	1 N	27 E	20	NW	Historic Agriculture	Historic Irrigation System	1890-1899	Private	undetermined	
24YL1373	1 N	27 E	30	SW	Lithic Scatter	Firehearths or Roasting Pits, FCR	Prehistoric Middle Period	BLM	undetermined	
24YL1718	2 N	27 E	30	SE	Historic Residence	Historic Homestead/Farmstead	Historic More Than One Decade	Private	undetermined	
24YL1593	2 N	27 E	30	comb	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1593	2 N	27 E	30	comb	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1593	2 N	27 E	30	comb	Historic Irrigation System	Null	1900-1909	Private	undetermined	
24YL1592	2 N	27 E	31	Comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	No Data	CD	
24YL1593	2 N	27 E	31	Comb	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1593	2 N	27 E	31	Comb	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1592	2 N	27 E	31	Comb	Historic Railroad, Stage Route, Travel	Null	Historic More Than One Decade	Combination	CD	
24YL1593	2 N	27 E	31	Comb	Historic Irrigation System	Null	1900-1909	Private	undetermined	
24YL1705	2 N	27 E	31	NE	Historic Homestead/Farmstead	Historic Residence	Historic More Than One Decade	Private	undetermined	
24YL1594	2 N	27 E	31	NE	Historic Irrigation System	Null	1900-1909	Private	undetermined	
24YL1594	2 N	27 E	31	NE	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1594	2 N	27 E	31	NE	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1591	2 N	27 E	31	SE	Historic Homestead/Farmstead	Null	Historic More Than One Decade	Private	Ineligible	
24YL1591	2 N	27 E	31	SE	Historic Homestead/Farmstead	Null	Historic More Than One Decade	Private	Ineligible	
24YL0219	2 N	27 E	31	SW	Historic Railroad, Stage Route, Travel	Historic Vehicular/Foot Bridge	1940-1949	No Data	undetermined	
24YL1593	2 N	27 E	31	comb	Historic Irrigation System	Null	1900-1909	Private	undetermined	
24YL1594	2 N	27 E	31	comb	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1593	2 N	27 E	31	comb	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1594	2 N	27 E	31	comb	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1594	2 N	27 E	31	comb	Historic Irrigation System	Null	1900-1909	Private	undetermined	
24YL1593	2 N	27 E	31	comb	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL0065	2 N	27 E	32	Comb	Historic Battlefield	Null	LIST233	Private	undetermined	
24YL0065	2 N	27 E	32	Comb	Historic Battlefield	Historic Military Site	1870-1879	Private	undetermined	
24YL1717	2 N	27 E	32	SE	Historic Irrigation System	Null	1890-1899	Private	undetermined	
24YL1593	2 N	27 E	32	comb	Historic Irrigation System	Null	1900-1909	Private	undetermined	
24YL1593	2 N	27 E	32	comb	Historic Irrigation System	Null	Historic Period	Private	CD	
24YL1593	2 N	27 E	32	comb	Historic Irrigation System	Null	Historic Period	Private	CD	



January 27, 2011

Mr. Damon Murdo
Cultural Records Manager
Montana State Historic Preservation Office
225 North Roberts Street
PO Box 201201
Helena, MT 59620

Subject: Request for Comments on Purpose and Need Statement
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Murdo:

We received your Participating Agency Designation form/acceptance letter and are pleased that your agency has accepted the invitation to be a Participating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

Purpose and Need

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.
- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

Range of Alternatives

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

Participating and Cooperating Agency Meeting

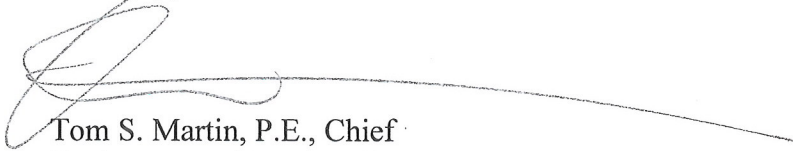
The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Mr. Damon Murdo
Page 3 of 3
January 28, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

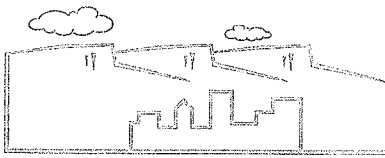
Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Purpose and Need
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Mark Baumler, PhD, Montana State Historic Preservation Office
File



BILLINGS BYPASS EIS
NCPD 56(55)CN 4199

Purpose and Need - DRAFT

January 2011

Purpose: *Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.*

Needs:

- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update - Draft Report). Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
- 2) ***Provide an additional connection between Lockwood and Billings.*** The segment of US 87 that crosses I-90 and the Yellowstone River is a highly congested route that serves as the only connection between Billings and Lockwood. The need for an additional connection to Billings is documented in the *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008). These plans identify this lack of connectivity as a factor limiting growth and economic development opportunities in Lockwood.
- 3) ***Improve mobility to and from Billings Heights.*** A survey completed for the *Billings Heights Neighborhood Plan* (2006) identified traffic issues as a key concern of residents, with one of the main traffic concerns being traveling to and from the Billings Heights neighborhood. This is also one of the key transportation issues for the region cited in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update – Draft Report). The *City of Billings Capital Improvement Plan* (2006 – 2011) includes 16 projects that would address traffic congestion in Billings Heights. Only one of these projects (the Billings Bypass EIS/Location Study) would address access between Billings Heights and the interstate, which is limited by a lack of Yellowstone River crossings. Limited mobility to and from Billings Heights is also an issue affecting emergency response. Main Street is currently the only emergency route between downtown Billings and the Billings Heights neighborhood. Congestion on Main Street could be an impediment to emergency response and has been a concern expressed by the Yellowstone County Disaster and Emergency Services Department.



March 17, 2011

Mr. Damon Murdo
Cultural Records Manager
Montana Historic Preservation Office
225 North Roberts Street
PO Box 201201
Helena MT 59620

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Murdo:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

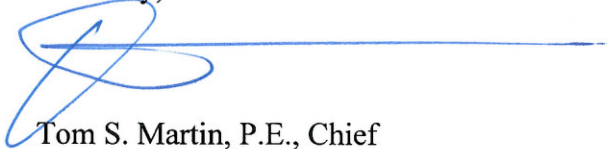
Mr. Damon Murdo
Page 2 of 2
3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'T' and 'M' followed by a horizontal line.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Mark Baumler, PhD, Montana State Historic Preservation Office
File



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Wednesday, April 06, 2011

TOM GOCKSCH
MDT
POB 201001
HELENA MT 59620-1001

RE: Billings Bypass Study Area and EIS

Dear Mr. Gocksch:

We received an invitation to the Billings Bypass EIS agency meeting as a participating agency. We appreciate the invitation and we agree consultation with us early on is critical in MDT's efforts to meet its section 106 (NHPA) and perhaps 4 (f) (Transportation Act) responsibilities. Our written comments here are intended to encourage MDT/FHWYs to include systematic consideration of Historic Properties in project planning much earlier than is indicated in the EIS Notice. We realize that MDT has not customarily considered cultural resources until an preferred alternative is known. In our opinion that is much too late. Under the section 106 implementing regulations at 36 CFR 800.4(b) (2) agencies are to follow the following guidance for phased identification efforts including corridor study areas:

(2) Phased identification and evaluation. Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process to conduct identification and evaluation efforts. The agency official may also defer final identification and evaluation of historic properties if it is specifically provided for in a memorandum of agreement executed pursuant to § 800.6, a programmatic agreement executed pursuant to § 800.14 (b), or the documents used by an agency official to comply with the National Environmental Policy Act pursuant to § 800.8. The process should establish the likely presence of historic properties within the area of potential effects for each alternative or inaccessible area through background research, consultation and an appropriate level of field investigation, taking into account the number of alternatives under consideration, the magnitude of the undertaking and its likely effects, and the views of the SHPO/THPO and any other consulting parties. As specific

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aspects or locations of an alternative are refined or access is gained, the agency official shall proceed with the identification and evaluation of historic properties in accordance with paragraphs (b)(1) and (c) of this section.

It is important that earlier but sequential decisions do not constrain options of later dependent actions to the extent that unconsidered adverse effects cannot be avoided. Whether or not the regulations compel agencies to initiate consultation with us while making decisions under NEPA revolves first and foremost around whether or the decision constrains future options to consider effects to Historic Properties as alternatives are selected or eliminated. That potential exists with any lineal project.

The implication made in the EIS Notice Impact Assessment Methodologies Table on page 4 for the NHPA and page 10 for 4(f) is that section 106 of the National Historic Preservation Act identification/evaluations may be deferred until specific places and alternatives have been chosen and potential effects would then be mitigated. Not all effects can be satisfactorily mitigated with excavation. This table also neglects to disclose the very strong prescription for Tribal consultation prior to decision under NHPA or NEPA.

There are serious pitfalls recognized in the courts for taking this position. In particular, that undertakings require reasonable consideration of cultural resources (Historic Properties) under the National Historic Preservation Act (NHPA) prior to a decision (ROD) which might adversely affect such places if they are later found to exist in a project area selected in an EIS Record of Decision. The Ninth Circuit Court in *Pit River et. al. v. USFS et. al.* (No. 04-15746, D.C. No. CV -02-01314-DFL Opinion) recently affirmed yet again the necessity of a more effective procedure including cultural resource considerations prior to issuing decisions resulting in irreversible and irretrievable commitments of federal funds or lands. Additionally, two recent judicial reviews have clarified or highlighted changing standards, particularly regarding government to government tribal consultation since 2007. Both Quechan Tribe of the Fort Yuma Indian Reservation vs. USDI (12/15/10) US District Court of Southern Calif. (case 10cv2241-LAB (CAB) and Te-Moak Tribe of Western Shoshone of Nev. vs. USDI (06/18/2010) US Court of Appeals, Ninth Circuit (608 F.3d 592) affirm and qualify the need for a "hard look" prior to alternative selection which will not likely be made be met in our opinion following the process implied in the EIS Notice.

We recommend at the very minimum that a cultural records file search and Class I assessment be carried out now in the early stages while there are several viable alternatives in the mix. Selective on the ground inspection may be needed to fill in gaps in the base records and tribal consultation should be initiated with the intent to create an opportunity for them to disclose or identify areas of concern.

Sincerely,

Stan Wilmoth, Ph.D.
State Archaeologist/Deputy, SHPO



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Timothy W. Reardon, Director
Brian Schweitzer, Governor

November 23, 2011

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202



Subject: NCPD 56(55)
Billings Bypass EIS
UPN 4199

Dear Mark:

Enclosed is the cultural resource report, CRABS, and site forms for the above MDT project in Yellowstone County. Ethnoscience inventoried four historic properties within the Area of Potential Effect for this project: 1805 Mary Street (24YL0998), 2206 Mary Street (24YL0999), 2411 Bench Boulevard (24YL1000), and the Five Mile Creek Bridge (24YL1867). It recommends all of the sites ineligible for the National Register of Historic Places. In addition, five previously recorded properties are located in the survey area: the BBWA Canal (24YL0161), the Lockwood Ditch (24YL0271), the Coulson Ditch (24YL0272), the Northern Pacific Railway (24YL0277), and the Billings Central and Montana Railroad (24YL1592). Of those, the BBWA Canal, Northern Pacific Railway, and the Billings Central and Montana Railroad were previously determined eligible for the National Register. We agree with the recommendations and request your concurrence.

There were ten historic properties for which access was denied to Ethnoscience. MDT asked Ethnoscience to photograph the properties from the public roadway and conduct historical research on each property. The National Register status of each property, however, will be left unresolved until a preferred alternative for this project is chosen. If and when it becomes necessary, the MDT will conduct a Class III survey on all ten historic properties. Nine historic properties are not located within the survey area, but may be visually impacted when a preferred alternative is chosen. If that occurs, then more in-depth analysis of that potential impact will be conducted by the MDT.

If you have any questions, please contact me at 444-6258.

Jon Axline, Historian
Environmental Services

Enclosures

Copies: Stefan Streeter, P.E., Billings District Administrator
Tim Conway, P.E., Consultant Design
Bonnie Gundrum, Resources Section



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December 9, 2011

JON AXLINE
MDT
2701 PROSPECT AVENUE
PO BOX 201001
HELENA MONTANA 59620

RE: NCPD 56(55) Billings Bypass EIS UPN 4199

Dear Jon,

Thank you for considering our earlier comments, and we support your plans to conduct a Class III survey on the ten historic properties not dealt with in this letter. Please consider the following findings in determining your preferred alternative.

You have our concurrence that sites 24YL0161, 24YL0277, and 24YL1592 are eligible. We also concur that sites 24YL0271, 24YL0998, 24YL999, and 24YL1000 are not eligible for the register. We are not convinced, that site 24YL0272 is not eligible because it appears in the Water Resources book and retains enough integrity. Site 24YL1867 is also unresolved because it retains enough integrity and some uncertainty about how it was funded, which might say something about local development.

If you have any questions or concerns about what I have written above, you can contact me at (406) 444-0388, or email at jwarhank@mt.gov.

Sincerely,

Josef J Warhank
Review & Compliance Officer

File: MDOT/2011

225 North Roberts Street
P.O. Box 201201
Helena, MT 59620-1201
(406) 444-2694
(406) 444-2696 FAX
montanahistoricalsociety.org



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

2011121602
Timothy W. Reardon, Director
Brian Schweitzer, Governor

DEC 16 2011

BY: SHPO

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JAN 3 2012

ENVIRONMENTAL

CONCUR
MONTANA SHPO

DATE 29 Dec 2011 SIGNED

Josef
MDT
Axline:
Billings
Bypass EIS
NAE
YLC

December 15, 2011

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: NCPD 56(55)
Billings Bypass EIS
UPN 4199

Dear Mark:

Enclosed is the Determination of Effect for the above project in Yellowstone County. We have determined that the proposed project would have **No Adverse Effect** to the Billings Bench Water Association Canal (24YL0161), the Northern Pacific Railway (24YL0277) and the Coulson Ditch (24YL0272) for the reasons specified in the document. Less than 2,000 feet of the abandoned Billings and Central Montana Railroad (24YL1592) would be impacted by this project. Consequently it is covered under the terms of the MDT's Abandoned Historic Railroad Grade Programmatic Agreement. Impacts to the Five Mile Creek Bridge (24YL1867) are covered under the Historic Roads and Bridges Programmatic Agreement. We request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline, Historian
Environmental Services

Enclosure

Copies: Stefan Streeter, P.E., Billings District Administrator
Tim Conway, P.E., Consultant Design
Bonnie Gundrum, Resources Section

DETERMINATION OF EFFECT

NCPD 56(55) Billings Bypass EIS Control No. 4199

Introduction

The Montana Department of Transportation (MDT), in cooperation with the Federal Highway Administration (FHWA), intends to complete an Environmental Impact Statement (EIS) for the Billings Bypass project. The project is located in Yellowstone County partially within the City of Billings limits. The project limits extend from Interstate 90 (I-90) to Old Highway 312 (Old Hwy 312), a distance of approximately 3.5 miles.

The purpose of the proposed project is to improve access and connectivity between I-90 and Old Highway 312 to improve mobility in the eastern area of Billings. The proposed roadway would connect between two existing transportation corridors – the I-90/I94 corridor and Old Hwy 312. Three alternatives are under consideration for the proposed roadway.

- Mary Street Option 1 Alternative
- Mary Street Option 2 Alternative
- Five Mile Road Alternative

Each alternative begins at the I-90 interchange with Johnson Lane, which would be reconstructed as part of the project. Each alternative uses the same alignment between the Johnson Lane interchange and the Yellowstone River. North of the river, the alternatives use different alignments. The alternatives would also include improvements to secondary corridors to meet design objectives for operations and safety.

The project is proposed as a four-lane principal arterial designed to NHS standards. There are five typical sections used for the proposed alternatives. The typical sections to be used for the alternatives vary by segment and are based on the design standards assigned to each segment.

Mary Street Option 1 Alternative – The primary corridor would use design standards for an urban principal arterial and include four travel lanes (two in each direction), a two-way left turn lane, paved shoulders, drainage channels and side slopes. The segment of this alternative adjacent to Mary Street would use urban principal arterial standards with a frontage road system. Mary Street would be retained as a frontage road to the proposed new roadway.

Mary Street Option 2 Alternative – Same typical sections as Mary Street Option 1 Alternative.

Five Mile Road Alternative – South of the Yellowstone River, the primary corridor would use design standards for an urban principal arterial and include four travel lanes (two in each direction), a two-way left-turn lane, paved shoulders, drainage channels and side slopes. North of the Yellowstone River, the primary corridor would use design standards for a rural principal arterial. The main difference between the urban principal arterial and rural principal arterial

typical sections is that the rural standards call for a 50-foot depressed median instead of a two-way left-turn lane. The secondary corridor (Mary Street) would be reconstructed to City of Billings standards for an urban arterial roadway. This would include two travel lanes (one in each direction), a two-way left-turn lane, curb and gutter, bike lanes, and sidewalks on both sides of the roadway.

Significant Cultural Resources

A cultural resource survey of the project area was conducted in 2011. Three previously recorded National Register of Historic Places-eligible historic properties are located within the Area of Potential Effect (APE) of this project: the Billings Bench Water Association Canal (24YL0161), the Northern Pacific Railway (24YL0277), and the abandoned Billings Central and Montana Railroad (24YL1592). Although the MDT doesn't agree with SHPO's determination that the Coulson Ditch (24YL0272) is eligible for the National Register of Historic Places (NRHP), impacts to it are included in this document. For the purposes of this Determination of Effect, the Five Mile Creek Bridge (24YL1867) is also included in this document.

The Billings Bench Water Association (BBWA) Canal consists of an extensive system of canals, ditches, and lateral on the Billings Bench in northeastern Billings. Construction of the ditch began in 1903 and it is currently owned and operated by the BBWA. The ditch has played a significant part in the agricultural development of the Billings area and is NRHP eligible under Criterion A.

Completed in 1883, the Northern Pacific Railway (now BNSF Railway Co.) has had a very significant impact on Montana. It is the reason why the city of Billings exists (along with many other communities along its line in the state) and it played a significant role in the history of Montana. Because of that, it is eligible for the NRHP under Criterion A.

Constructed in 1913, the Billings and Central Montana Railroad connected Billings with the agricultural community of Shepherd, about 13 miles northeast of the Magic City. Referred to by locals as the Sagebrush Limited, the railroad operated until 1968; the tracks were removed in 1975. The abandoned railroad grade is eligible for the National Register under Criterion A.

Built in 1895, the Coulson Ditch carried water to farms and ranches on the Billings Bench northeast of Billings. The unlined ditch has good integrity and could be eligible for the National Register under Criterion A.

The Five Mile Creek Bridge was constructed sometime in the 1910s by Yellowstone County. The steel stringer bridge may be eligible for the National Register under Criteria A and C.

Project Impact

Less than 2,000 feet of the Billings and Central Montana Railroad (24YL1592) would be impacted under all three proposed alternatives. The three alternatives specify a crossing of the abandoned railroad grade for the proposed bypass routes. Because less than 2,000 feet of the abandoned railroad grade would be impacted by the proposed Billings Bypass project, it falls under the terms of the MDT's Abandoned Historic Railroad Grades Programmatic Agreement. The Billings and Central Montana Railroad will not be mentioned further in this document.

The Five Mile Creek Bridge (24YL1867) would not be impacted under the proposed Mary Street 1 and 2 Options, but would be replaced under the Five Mile Road Alternative. The bridge is treated under the MDT's Historic Roads and Bridges Programmatic Agreement and will not be mentioned further in this document.

Billings Bench Water Association Canal (24YL0161)

Under the Mary Street 1 and 2 Option Alternatives, the proposed project would include crossings of the canal. The crossings would consist of either 6-foot diameter pipes or box culverts. There would be no change in the alignment of the ditch or diminution of its function. It would carry the same water capacity as it does now.

The proposed Five Mile Road alternative would include a crossing near Mary Street. The crossing would consist of a 6-foot diameter pipe or box culvert. There would be no change in the alignment of the ditch or diminution of its existing function.

Northern Pacific Railroad (24YL0277)

For this site, all three proposed alternatives would have the same impacts. A grade separation structure is proposed to carry the roadway over the railroad tracks. Two of the structure's bents would be located within the existing railroad ROW, but would not encroach on the existing railroad grade.

Coulson Ditch (24YL0272)

At the Coulson Ditch all three alternatives would have the same impacts. Two existing roadways, Johnson Lane and Coulson Road, would be realigned to connect into the proposed arterial roadway. Both of these realigned segments of roadway would cross the ditch. Additionally, the existing portion of Coulson Road that crosses the ditch east of Johnson Lane would be removed. The proposed arterial roadway would also cross the ditch. The crossings would include 4-foot diameter round pipes for all three crossing locations.

At the Johnson Lane crossing of the ditch, the existing pipe would be replaced lengthened. The location of the pipe would not change. The embankment slopes of the ditch adjacent to crossing may be re-graded.

East of Johnson Lane, approximately 400 – 500 feet of the ditch would realigned because the slopes of the proposed roadway would encroach on the ditch. The removal of the exiting segment of Coulson Road would also affect the ditch at this location. The ditch would be reconstructed to match the existing ditch construction.

The existing ditch crossing at the access route south of Coulson Road would be removed and relocated to the west because Coulson Road would be realigned. The pipe would be 4-foot round and longer than the pipe for the existing crossing. The ditch may be realigned to provide for a perpendicular crossing of the Coulson Road realignment.

Project Effect

There would be **No Adverse Effect** to the Billings Bench Water Association Canal (24YL0161) by the Mary Street 1 and 2 Option Alternatives. Impacts would consist of the construction of a new crossing of the ditch and the placing of the ditch in a 6-foot diameter round pipe or a box culvert. The existing ditch alignment would be perpetuated as would its existing carrying capacity and function. There has been considerable residential development in proximity of the ditch which has already impacted the setting in the vicinity of the proposed crossing. For the Five Mile Road Alternative, approximately 1,650 feet of the BBWA canal would be realigned to accommodate a proposed new roadway. Although the ditch would be realigned, it would still function as an irrigation facility and there would be no change in its function or carrying capacity. The realignment would involve the construction of a ditch similar in appearance to what would be destroyed. The proposed realignment would be on the same general tangent as the existing ditch. None of the Criteria of Adverse Effect would apply in this case.

There would be **No Adverse Effect** to the Northern Pacific Railway (24YL0277). Under all three proposed alternatives for this proposed project, a grade separation structure would be constructed to carry the roadway over the railroad tracks. Two of the bents for the proposed grade separation structure would be located within the existing BNSF Railway Co. ROW, but would not encroach on the railroad grade and would not impact the function or historic significance of the railroad to Yellowstone County and Montana. The impact would be visual and to the setting. However, the setting has already been compromised by adjacent industrial, commercial, and residential development. The proposed grade separation would not detract significantly enough to render the Northern Pacific Railway ineligible for the NRHP.

There would be **No Adverse Effect** to the Coulson Ditch (24YL0272). For the most part, impacts caused to the Coulson Ditch would involve the construction of new crossings and the perpetuation of existing crossings. In one instance a crossing would be perpetuated, but the ditch rechanneled to provide a perpendicular crossing rather than a skewed crossing. None of the crossings would adversely effect the ditch in that the existing function of the facility would be perpetuated as would its contribution to the historic development of irrigation and agriculture in the Yellowstone Valley. Approximately 400-500 feet of ditch would be realigned to accommodate a new road alignment. The ditch would continue to function in its historic capacity and its significance to the agricultural development of Yellowstone County would be perpetuated. None of the Criteria of Adverse Effect can be applied to this ditch.

April 26, 2012

Tom Martin, PE
Environmental Services Bureau Chief
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

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Re: Billings Bypass Administrative Draft Environmental Impact Statement

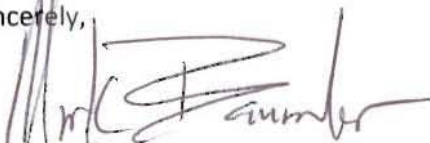
Dear Mr. Martin:

Thank you for the copy of the above-cited document for our agency review. We believe the document is accurate in its description of the existing conditions, potential impacts, and proposed mitigation regarding heritage properties.

We appreciate the field survey efforts taken to identify potential heritage properties in the areas of potential effect of this proposed project. We believe this allows for making a more informed decision regarding the relative impacts on cultural resources of the various alternatives under consideration.

Thank you for consulting with us and for your continued consideration for the preservation of Montana's significant heritage properties.

Sincerely,



Mark F. Baumler, Ph.D.
State Historic Preservation Officer

Ref: 2012041106

File: MDT/2012

SECTION 4(f) CORRESPONDENCE



November 3, 2011

Christina Volek
City Administrator
City of Billings
PO Box 1178
Billings MT 59103

SUBJECT: Information Request for "Significance" of City Park Sites
MDT – Billings Bypass EIS
Project Number: NCPD 56(55) CN 4199

Dear Ms. Volek:

I am writing on behalf of the Montana Department of Transportation (MDT) to request the City's assistance in providing information on two sites owned by the City. This information will be used for the Draft Environmental Impact Statement (DEIS) for the Billings Bypass project being prepared by MDT and the Federal Highway Administration (FHWA). The DEIS assesses potential impacts that may occur from construction of the proposed transportation improvements.

Our review of the Montana Cadastral Database Geographical Information Systems (GIS) parcel data and Yellowstone County GIS data for parks indicate **ten publicly owned City park and recreation facilities in the Billings Bypass EIS study area** (see attached figure). These park resources include: Kiwanis Trail, a park parcel designated for the planned extension of the Kiwanis Trail, Bitterroot Heights Subdivision 1st Park, Brewington Park, Clevenger Park, Daniels Park, Hawthorne Park, Heritage Walk Town Home Park, J&E Park, and Primrose Park. Additionally, two planned trails (not on publicly owned land) were identified; the Heights Upper Loop Trail and the Two Moon Park to Five Mile Creek Trail.

Due to the scale and scope of this project, the EIS study area far exceeds the area potentially impacted by the three project alternatives currently under consideration (see attached figure). **Of the park resources listed above, only the Kiwanis Trail, the park parcel designated for the planned extension of the Kiwanis Trail, the Heights Upper Loop Trail, and the Two Moon Park to Five Mile Creek Trail were determined to be within the potential area of impact for the proposed project alternatives.**

Input Needed From City

Your input is needed to 1) determine if a certain federal regulation might be applicable to the park and recreational resources in proximity to the proposed project alternatives, and 2) identify additional existing or planned park or recreational resources within the Billings Bypass EIS study area (see attached figure).

To provide the needed information, please have the "official with jurisdiction" verify, edit (if necessary), and complete the attached form. If additional park or recreational facilities (not included on the form) exist or are planned in proximity to the proposed project alternatives, please add them to the attached form.

Section 4(f)

The federal regulation referred to as “Section 4(f)” is codified at 49 USC 303 (Section 4(f) of the 1966 US Department of Transportation Act) and the USDOT regulations at 23 CFR 774. According to the Section 4(f) regulations, the FWA must follow specific procedures in regard to

“publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state or local significance as determined by the Federal, State, or local officials having jurisdiction thereof...”

Under Section 4(f), FWA is prohibited from approving the use of land from a significant publicly owned public park, recreation area, or wildlife or waterfowl refuge, or any significant historic site unless a determination is made that (1) there is no feasible and prudent alternative to the use of land from the property, and (2) the action includes all possible planning to minimize harm to the property. The determination of whether or not a site is considered “significant” is to be made by the official(s) having jurisdiction over the site in question.

For purposes of applying this regulation, City officials should consider four criteria in evaluating the park parcel. All four of the criteria discussed below must be met for Section 4(f) to be applicable to a parcel. To follow is each criterion, our understanding of information relevant to determining whether or not the criterion is met, and a request for verification of that information from the “official with jurisdiction”.

Publicly Owned Land

First, the site must be publicly owned. Our review of the Montana Cadastral Database Geographical Information Systems (GIS) parcel data indicate that the Kiwanis Trail and the park parcel for future extension of the Kiwanis Trail are on publicly owned City parcels. The planned Heights Upper Loop Trail and the planned Two Moon Park to Five Mile Creek Trail are on privately owned land.

Public Access

Second, in addition to being publicly owned, the site must be open to the public to meet the definition of a Section 4(f) site. The entire public park or public recreation area must permit visitation by the general public at any time. Section 4(f) would not apply when visitation is permitted to only a select group and not the entire public. Based on site observations, the Kiwanis Trail corridor does not appear to be fenced or gated and would be open to the general public at all times. The planned Heights Upper Loop Trail and the planned Two Moon Park to Five Mile Creek Trail are not currently accessible to the public.

Definition of Park or Recreation Area

Third, one of the major purposes and functions of the site must be a park or recreation area. Publicly owned land is considered to be a park or recreation area when the land has been officially designated as such by a Federal, State, or local agency and the official with jurisdiction determines that one of its major purposes or functions is for park or recreation purposes. Please note that incidental, secondary, occasional or dispersed recreational activities do not constitute a major purpose.¹ Management plans that address or officially designate the major purpose(s) of the property should be reviewed as part of this determination.

¹ US Department of Transportation Federal Highway Administration, Office of Planning, Environment and Realty Project Development and Environmental Review, *FHWA Section 4(f) Policy Paper*, page 11, March 1, 2005.

We conducted research in an effort to make a preliminary conclusion as to whether or not the Kiwanis Trail, the Kiwanis Trail extension, planned Heights Upper Loop Trail, and the planned Two Moon Park to Five Mile Creek Trail have been designated as park or recreation areas. These recreational facilities are identified in the *Billings Area Bikeway and Trails Master Plan* (2011). Our conclusion based on review of the plan is that these trails are designated parks or recreational facilities and their major function is (or would be) for park and recreation purposes.

Significance of Publicly Owned Parcels

If all of the criteria discussed above are met, then the fourth criterion must be considered. For the fourth criterion to be met, the site must be a "significant property." Significance means that in comparing the availability and function of the park, recreation area or wildlife and waterfowl refuge with the park, recreation or refuge objectives of the community or the authority, the land in question plays an important role in meeting those objectives. Management plans or other official forms of documentation regarding the land, if available and up-to-date, can be important in this determination. We are asking that the "official with jurisdiction" for the Kiwanis Trail, the planned Kiwanis Trail extension, the planned Heights Upper Loop Trail, and the planned Two Moon Park to Five Mile Creek Trail to identify if these facilities would be considered "significant."

Please return the attached form to the address indicated. We respectfully request that the City provide a response as soon as possible so that MDT can move forward with conducting a thorough environmental analysis for the DEIS for the Billings Bypass project.

Please contact Laura Meyer of David Evans and Associates, Inc. at 720-225-4632 with any questions. Thank you for your assistance in this matter.

Sincerely,



Tom S. Martin, PE, Chief
Environmental Services Bureau

Copies: Mike Whitaker (Billings Parks, Recreation and Public Lands); Candi Beaudry (City and County Planning); Stefan Streeter, Tim Conway (MDT); Brian Hasselbach (FHWA); Laura Meyer (DEA); File

Enclosures: Park Map, Section 4(f) Applicability Table

Section 4(f) Applicability

Site	Facility is on Publicly-Owned Parcel ¹ (yes or no)	Facility is open to the General Public (yes or no)	Facility is officially Designated as a Park or Recreation Area/Facility? (yes or no)	Is Major Purpose or Function for Park or Recreation? (yes or no)	What are the Functions or Activities on the Site? (i.e. recreational trail, play lot, open space, etc.)	Is This a Significant ² Park or Recreation Area? (yes or no)
Kiwanis Trail	Yes	Yes	Yes			
Planned Kiwanis Trail Extension	Yes	Yes	Yes			
Planned Heights Upper Loop Trail	No	No	Yes			
Planned Two Moon Park to Five Mile Creek Trail	No	No	Yes			

Note: Space in the table is provided to identify additional existing or planned park and recreational facilities in proximity to the project alternatives.

¹ For trail facilities, please indicate what the parcel ownership is where the trail crosses the proposed alignment(s). If the trail/sidewalk is on private land and there is a public easement for public recreational access, the land can be considered publicly owned. Please attach documentation of public easements (if available) for these recreational facilities and return with this form.

²Significant means that in comparing the availability and function of the recreation, park, wildlife, and waterfowl refuges with the recreational, park, and refuge objectives of the community, the land in question plays an important role in meeting these objectives.

Official with Jurisdiction:

Name: _____

Title: _____

Date: _____

Please return to:

Tom S. Martin, PE, Chief
Environmental Services Bureau
Montana Department of
Transportation
2701 Prospect Avenue
Helena, Montana 59620-1001



November 3, 2011

Bill Kennedy
County Commissioner
Yellowstone County
PO Box 35000
Billings MT 59107

**SUBJECT: Information Request for “Significance” of County Park Sites
MDT – Billings Bypass EIS
Project Number: NCPD 56(55) CN 4199**

Dear Mr. Kennedy:

I am writing on behalf of the Montana Department of Transportation (MDT) to request the County’s assistance in providing information on park and recreational sites owned by the County. This information will be used for the Draft Environmental Impact Statement (DEIS) for the Billings Bypass project being prepared by MDT and the Federal Highway Administration (FHWA). The DEIS assesses potential impacts that may occur from construction of the proposed transportation improvements.

Our review of the Montana Cadastral Database Geographical Information Systems (GIS) parcel data and Yellowstone County GIS data for parks indicate **ten publicly owned County parks in the Billings Bypass EIS study area** (see attached figure). These park and recreational facilities under the County’s jurisdiction include: East River Bridge Fishing Access, Homestead Park, Lockwood Park, Madsen Park, Shawnee Park, Oxbow Park, Pine Hill Subdivision Park, Quarter Horse Park, Shamrock Acreage Tracts Subdivision Park, and Two Moon Park.

Due to the scale and scope of this project, the EIS study area far exceeds the area potentially impacted by the three project alternatives currently under consideration (see attached figure). **All of the identified park resources were determined to be outside the potential area of impact for the proposed project alternatives.**

Input Needed From County

Your input is needed to 1) identify additional existing or planned park or recreational resources within the Billings Bypass EIS study area (see attached figure), and 2) determine if a certain federal regulation might be applicable to these resources.

- **Form A:** If there are no additional park or recreational facilities (existing or planned) under the jurisdiction of the County within the Billings Bypass EIS study area, please provide written confirmation by signing and returning Form A.
- **Form B:** If there are additional park or recreational facilities (existing or planned) under the jurisdiction of the County that are within the Billings Bypass EIS study area, please provide information on these resources by filling out and returning Form B. Information provided in Form B will help MDT to determine if Section 4(f) of the US Department of Transportation Act is applicable to these resources.

Section 4(f)

The federal regulation referred to as “Section 4(f)” is codified at 49 USC 303 (Section 4(f) of the 1966 US Department of Transportation Act) and the USDOT regulations at 23 CFR 774. According to the Section 4(f) regulations, the FWHA must follow specific procedures in regard to

“publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state or local significance as determined by the Federal, State, or local officials having jurisdiction thereof...”

Under Section 4(f), FWHA is prohibited from approving the use of land from a significant publicly owned public park, recreation area, or wildlife or waterfowl refuge, or any significant historic site unless a determination is made that (1) there is no feasible and prudent alternative to the use of land from the property, and (2) the action includes all possible planning to minimize harm to the property. The determination of whether or not a site is considered “significant” is to be made by the official(s) having jurisdiction over the site in question.

For purposes of applying this regulation, County officials should consider four criteria in evaluating the park parcel. All four of the criteria discussed below must be met for Section 4(f) to be applicable to a parcel.

Publicly Owned Land

First, the site must be publicly owned. Our review of the Montana Cadastral Database Geographical Information Systems (GIS) parcel data and Yellowstone County GIS data for parks indicate no publicly owned County park parcels in proximity to the project alternatives.

Public Access

Second, in addition to being publicly owned, the site must be open to the public to meet the definition of a Section 4(f) site. The entire public park or public recreation area must permit visitation by the general public at any time. Section 4(f) would not apply when visitation is permitted to only a select group and not the entire public.

Definition of Park or Recreation Area

Third, one of the major purposes and functions of the site must be a park or recreation area. Publicly owned land is considered to be a park or recreation area when the land has been officially designated as such by a Federal, State, or local agency, and the official with jurisdiction determines that one of its major purposes or functions is for park or recreation purposes. Please note that incidental, secondary, occasional or dispersed recreational activities do not constitute a major purpose.¹ Management plans that address or officially designate the major purpose(s) of the property should be reviewed as part of this determination.

Significance of Publicly Owned Parcels

If all of the criteria discussed above are met, then the fourth criterion must be considered. For the fourth criterion to be met, the site must be a “significant property.” Significance means that in comparing the availability and function of the park, recreation area or wildlife and waterfowl refuge with the park, recreation or refuge objectives of the community or the authority, the land in question plays an important

¹ US Department of Transportation Federal Highway Administration, Office of Planning, Environment and Realty Project Development and Environmental Review, *FHWA Section 4(f) Policy Paper*, page 11, March 1, 2005.

role in meeting those objectives. Management plans or other official forms of documentation regarding the land, if available and up-to-date, can be important in this determination.

Please return the appropriate form to the address indicated on the form. We respectfully request that the County provide a response as soon as possible so that MDT can move forward with conducting a thorough environmental analysis for the DEIS for the Billings Bypass project.

Please contact Laura Meyer of David Evans and Associates, Inc. at 720-225-4632 with any questions. Thank you for your assistance in this matter.

Sincerely,

Tom S. Martin, PE, Chief
Environmental Services Bureau

Copies: Cal Cumins (Yellowstone County); Stefan Streeter, Tim Conway (MDT); Alan
Woodmansey (FHWA); Laura Meyer (DEA); File
Enclosures: Park Map, Form A, Form B

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ENVIRONMENTAL

Form A

Section 4(f) Concurrence Form

MDT - Billings Bypass EIS
NCPD 56(55) CN 4199

Yellowstone County concurs with the following findings:

1. Within the Billings Bypass EIS study area, Yellowstone County has jurisdiction over the following park and recreational resources:

state
FW & P. →

- ~~East River Bridge Fishing Access~~
- Homestead Park
- Lockwood Park
- Madsen Park
- Shawnee Park
- Oxbow Park
- Pine Hill Subdivision Park
- Quarter Horse Park
- Shamrock Acreage Tracts Subdivision Park
- Two Moon Park

2. There are no additional park or recreational resources under the jurisdiction of Yellowstone County that exist or are planned within the Billings Bypass EIS study area.

 (CAL CUMIN)

County Parks Director

for
Bill Kennedy
Commissioner
Yellowstone County

12.12.11
Date

Please return to:

Tom S. Martin, PE, Chief
Environmental Services Bureau
Montana Department of Transportation
2701 Prospect Avenue
Helena, Montana 59620-1001



U.S. Department
of Transportation
**Federal Highway
Administration**

Montana Division

January 29, 2014

**585 Shepard Way, Suite 2
Helena, MT 59601
Phone: (406) 441-3900
Fax: (406) 449-5314
www.fhwa.dot.gov/mtdiv**

In Reply Refer To:
HDA-MT

Candi Millar, AICP
Director, Planning & Community Services
2825 3rd Avenue North
4th Floor
Billings, MT 59101

SUBJECT: *de minimis* determination for Kiwanis Trail and Planned Kiwanis Trail Extension
NCPD-MT 56(55)
Billings Bypass EIS
Control Number: 4199 000

Dear Ms. Millar:

The Montana Department of Transportation (MDT) is completing the Final Environmental Impact Statement (FEIS) for the Billings Bypass, a proposed principal arterial connecting I-90 east of Billings with Old Highway 312. On December 12, 2011 and July 11, 2013, the city of Billings (City) provided concurrence that two resources within the project impact area, the Kiwanis Trail and the Planned Kiwanis Trail Extension are significant park resources eligible for regulation under Section 4(f) of the U.S. Department of Transportation Act of 1966.

MDT's analysis demonstrates that the project's impacts to the Kiwanis Trail and Planned Kiwanis Trail Extension would not adversely affect any of the activities, features, and attributes that qualify these resources for protection under Section 4(f), thus supporting a Section 4(f) *de minimis* impact determination.

The purpose of this letter is to request the City's concurrence that the Billings Bypass project will not adversely affect the existing Kiwanis Trail and Planned Kiwanis Trail Extension, allowing the Federal Highway Administration (FHWA) to make a *de minimis* impact determination.

Pursuant to the Act, impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
2. The official(s) with jurisdiction over the property are informed of FHWA's or Federal Transit Administration's intent to make the *de minimis* impact finding based on their

written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and

3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

These criteria are applied herein to each build alternative analyzed in the FEIS, and demonstrate that all of the build alternatives would result in a *de minimis* impact determination.

1. *The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).*

A. Mary Street Option 1 and Mary Street Option 2 (Preferred Alternative)

Kiwanis Trail: Neither Mary Street Option 1 nor Mary Street Option 2 (the Preferred Alternative) include any improvements to Mary Street in the vicinity of the existing Kiwanis Trail. Under both of these alternatives, the proposed corridor parallels Mary Street to the north. The existing Mary Street corridor remains a local access road for residents and would not be altered in the vicinity of the existing Kiwanis Trail. None of the existing Kiwanis Trail right of way would be converted to a transportation use, and the recreational use of the facility would be maintained as it currently exists without negatively impacting the activities, features, and attributes that make it eligible for protection under section 4(f).

Planned Kiwanis Trail Extension: Under both of these alternatives, the new principal arterial corridor paralleling Mary Street to the north would be designed to accommodate the planned extension of the Kiwanis Trail. Approximately 0.43 acres of the 10.5 acres of city owned right of way set aside for the future extension of the Kiwanis trail would be intersected by the new alignment. (See exhibit X) The design of the Billings Bypass in the vicinity of the planned Kiwanis trail extension would be completed in consultation with the City to ensure that the activities, features, and attributes that make it eligible for protection under section 4(f) are not adversely impacted. Therefore, these alternatives would result in a *de minimis* impact determination.

B. Five Mile Road Alternative

Kiwanis Trail and Planned Kiwanis Trail Extension: The Five Mile Road Alternative would reconstruct Mary Street to City standards for an urban arterial roadway. Mary Street would be designed to accommodate the planned extension of the Kiwanis Trail and would include a new pedestrian crossing where the existing Kiwanis Trail, the planned Kiwanis Trail Extension, and Mary Street intersect. Approximately 0.16 acres of the 10.54 acre of city owned right of way set aside for the future extension of the Kiwanis trail would be required by MDT to reconstruct Mary Street. The design of Mary Street in the vicinity of the planned Kiwanis trail extension would be completed in consultation with the City to ensure that the activities, features, and attributes that make it eligible for protection under section 4(f) are not adversely impacted. Construction activities could require a temporary partial closure of the existing trail for pedestrian safety resulting in minor, temporary impacts to the recreational

use of the existing trail. Because the impacts of the project to the existing trail and planned trail extension would be minimal, and the recreational use of the facility would be maintained without negatively impacting its activities, features, and attributes, that make it eligible for protection under section 4(f), this alternative would result in a *de minimis* impact determination.

C. Avoidance, Minimization, and Mitigation Measures

The following avoidance, minimization, and mitigation measures are proposed to minimize project effects:

- MDT will coordinate with the City throughout final design to ensure that the final project provides for safe and effective pedestrian and bicycle movement across the project corridor at the Kiwanis Trail crossing.
- MDT will coordinate with the City to include appropriate signage and/or public notifications regarding temporary trail closures during construction.
- If the Five Mile Road Alternative were constructed, MDT would accommodate a new pedestrian crossing at the intersection of the existing Kiwanis Trail with Mary Street.

With incorporation of the measures identified above, MDT's analysis indicates that none of the three build alternatives would adversely affect the activities, features, and attributes that qualify the existing and planned trail for protection under Section 4(f).

2. *The official(s) with jurisdiction over the property are informed of FHWA's or FTA's intent to make the de minimis impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).*

Project applicability: This letter serves as a request to the "official with jurisdiction" to provide written concurrence with the assessment of impacts to the Kiwanis Trail and Planned Kiwanis Trail Extension.

3. *The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.*

Project applicability: The public was afforded an opportunity to review and comment on this impact assessment during the public review period for the Draft Environmental Impact Statement. Only one comment received from the public related to the Kiwanis Trail or Planned Kiwanis Trail Extension, which requested clarification about access to the trail and expressed concern about additional traffic in the vicinity. The public will have an additional opportunity for review of this decision with the distribution of the Final Environmental Impact Statement.

Based upon the fulfillment of the above criteria, FHWA seeks concurrence from City (via the signature block below) with the Billings Bypass project impact assessment on Section 4(f) properties and that therefore the Billings Bypass is in compliance with the provisions of Section 4(f) of the U.S. Department of Transportation Act of 1966.

Please provide your signature below as a written concurrence of these findings and return it to my attention at the following address:

Brian Hasselbach
Federal Highway Administration
Montana Division
585 Shepard Way, Suite 2
Helena, MT 59601

RECEIVED
FEB 07 2014
FHWA
MONTANA DIVISION

Feel free to contact me with your questions or concerns at (406) 441-3908.

Sincerely,



Brian D. Hasselbach
Statewide Planner, Environmental & Right
of Way Engineer

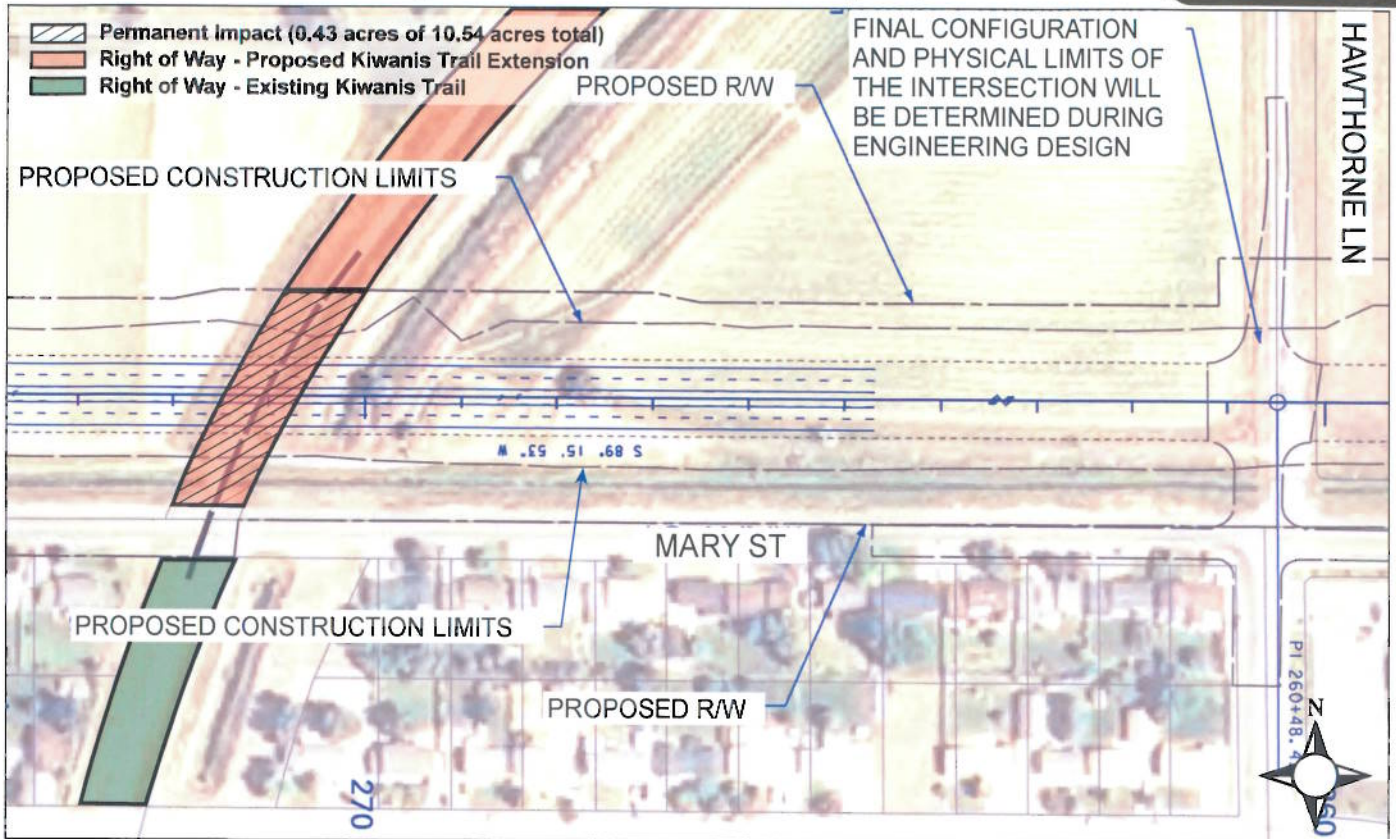
Concurrence

The city of Billings hereby concurs that we have consulted with the FHWA on the impacts to the Kiwanis Trail and the planned Kiwanis Trail Extension from the subject project, and that the city concurs with the FHWA's finding that the Project will have *de minimis* impacts on the city's property for the purposes of Section 6009 of SAFETEA-LU (to be codified at 23 USC 138(b) and 49 USC 303(d)).

By: Chris Mellon (Beaudry) Date: 2-3-2014
Director, Planning & Community Services Dept.
City of Billings / Yellowstone Co.

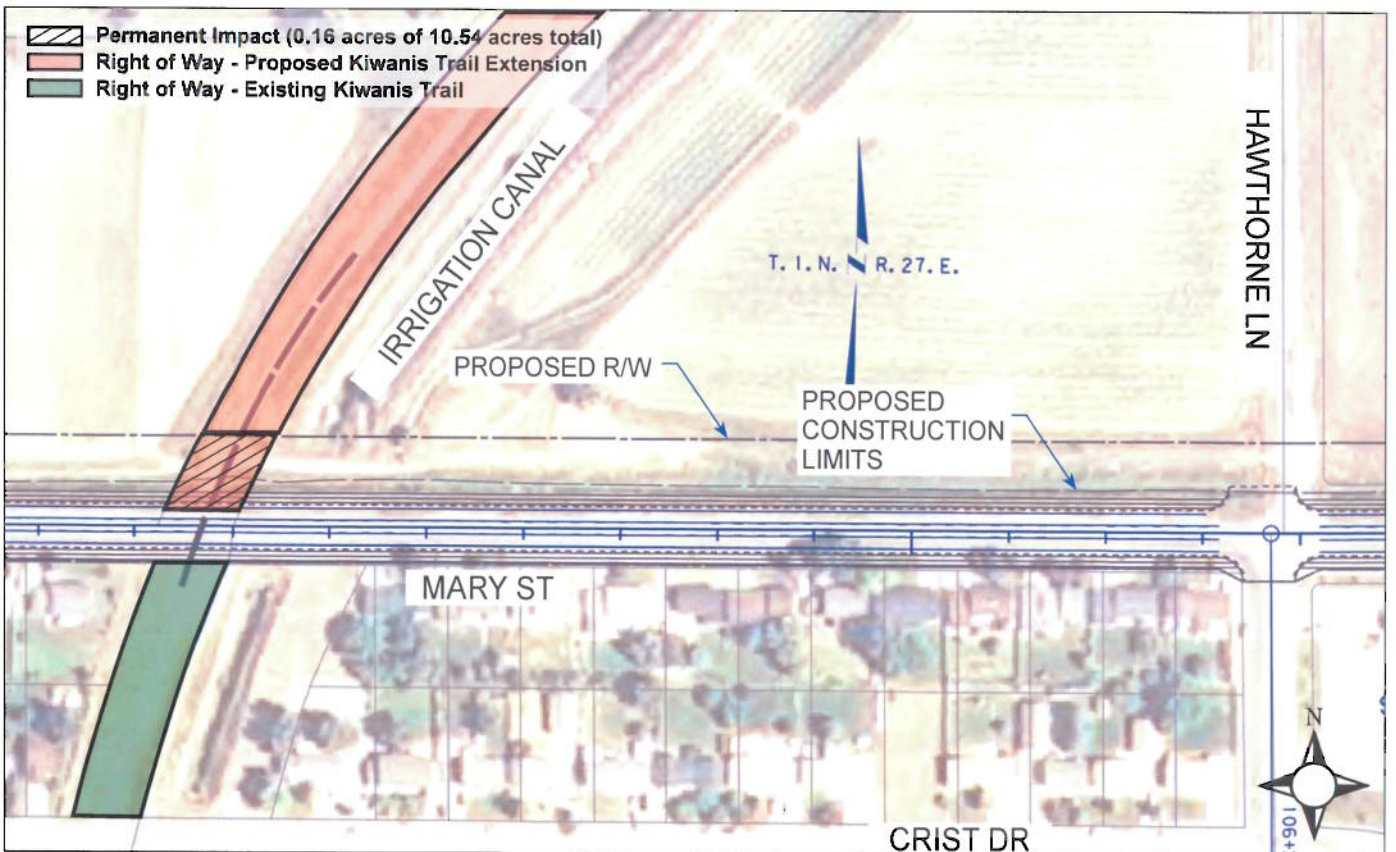
cc: Fred Bente, MDT

Mary Street Option 1 and Option 2 Alternatives – Primary Improvements



Note: Preliminary 30% Design

Five Mile Road Alternative – Secondary Improvements



Note: Preliminary 30% Design

U.S. ARMY CORPS OF ENGINEERS



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. Todd Tillinger
Montana Program Manager
U.S. ARMY CORPS OF ENGINEERS
Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, MT 59626

Subject: Cooperating Agency Request
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Tillinger:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Montana Program Manager, Alan Steinle, was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. SAFETEA-LU requires that the Federal lead agency identify and invite the participation of all agencies that may have interest or expertise regarding a project as early as practicable. Agencies invited to the process will either be considered joint lead agencies,

participating agencies, or cooperating agencies. We are requesting that you be a cooperating agency.

As defined in part 500 of the title 40, Code of Federal Regulations, "...any other federal agency which has jurisdiction by law shall be a cooperating agency. In addition, any other federal agency which has special expertise with respect to any environmental issues, which should be addressed in the statement, may be a cooperating agency upon request of the lead agency." A cooperating agency has the responsibility to assist the lead agency by participating in the NEPA and scoping process at the earliest possible time, to help to develop information used for analysis, and although very unlikely, can be asked to assist in preparing environmental analyses.

The following are activities we will take with you to maximize interagency cooperation:

1. Include you on mailing lists for coordination meetings.
2. Consult with you on any relevant technical studies that will be required for the project and share information that may be useful to other studies in the area.
3. Participate in meetings and field reviews.
4. Organize joint field reviews with you, if requested.
5. Provide you with project information, including study results.
6. Encourage your agency to use the above documents to express your review on subjects within your jurisdiction or expertise.

We ask the following of your agency:

1. Identify as early as practicable any issue of concern regarding the project's environmental or socioeconomic impacts.
2. Identify as early as practicable any issues that could substantially delay or prevent an agency from granting a permit or other approval needed for the project.
3. Provide comments back on purpose and need, alternatives, and proposed methodologies within 15 calendar days.
4. Provide comments back on review drafts of the Draft EIS within 12 calendar days.
5. Provide comments on the Draft EIS within 60 days.

In order to track issues better, we will provide a standard template for comments that we request you to use. Please consolidate the comments from all your reviewers and resolve contradictions prior to submitting your letters.

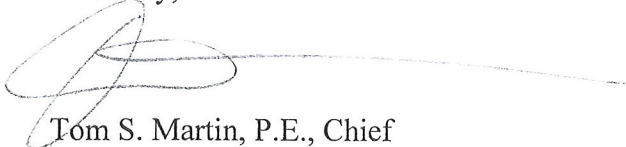
The public involvement plan is being updated and will be distributed for your reference. The public involvement plan further details the elements and expectations discussed in this letter, and lists the other agencies, groups, and individuals involved in this environmental review process.

You have the right to expect that the NEPA process will enable you to carry out your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your needs are not being met. We expect that at the end of the NEPA process the document will satisfy any FHWA requirements including those related to project alternative, environmental consequences, and mitigation.

We look forward to your response to this request and your role as a cooperating agency on this project. Please let us know of your response no later than October 13, 2010. If you have questions or would like to discuss in more detail the project or FHWA's and U.S. Army Corps of Engineer's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,

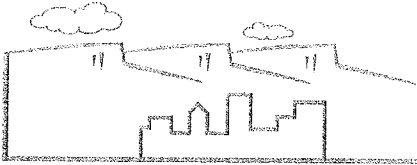


Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosure: Study Area Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

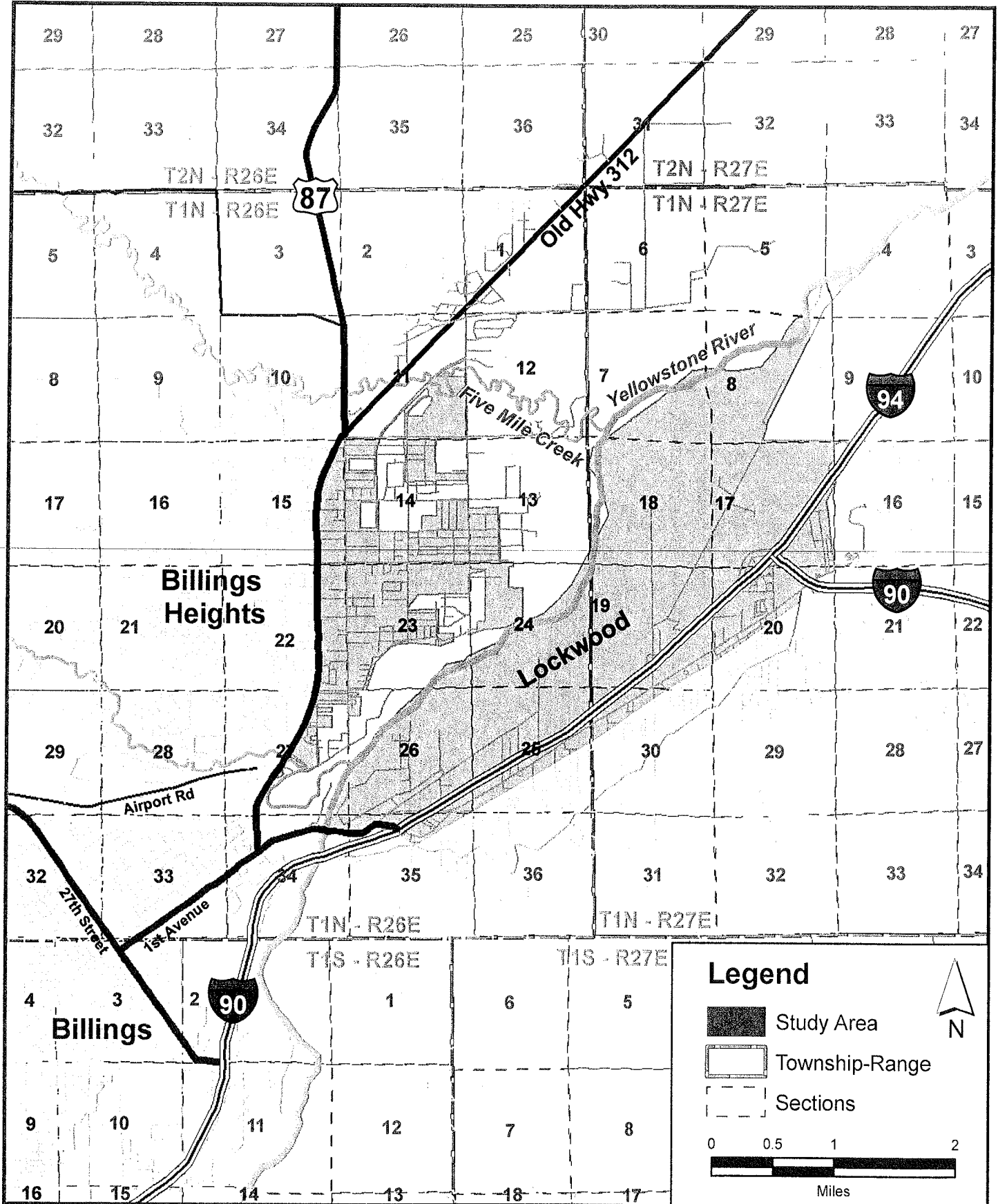
S:\PROJECTS\BILLINGS\4000-4999\4199\AGENCY LETTERS\USCORPS_TILLINGER.DOCM



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
BILLINGS REGULATORY OFFICE
2602 FIRST AVENUE NORTH, SUITE 309
POST OFFICE BOX 2256
BILLINGS, MONTANA 59103-2256

RECEIVED
OCT 21 2010
ENVIRONMENTAL

October 20, 2010

Regulatory Branch
Montana State Program
Corps No. NWO-2006-90399-MTB

Subject: Billings Bypass EIS CN4199

Montana Department of Transportation
Attn: Tom S. Martin
Post Office Box 201001
Helena, Montana 59620-1001

Dear Mr. Martin:

Reference is made to your letter requesting that the Corps of Engineers (COE) be a cooperating agency during the development of the Billings Bypass EIS. The project will examine a connection between I-90 and Old Highway 312 and is located in eastern Billings, in Yellowstone County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the United States include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels and ditches, may be waters of the United States, which must be determined on a case-by-case basis. Under the authority of Section 10 of the Rivers and Harbors Act, Department of the Army permits are required for structures or work in, over, under or affecting navigable waters of the United States.

This project includes a potential crossing of the Yellowstone River and its adjacent wetlands. The Yellowstone River is a jurisdictional waterway under the authority of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

This office agrees to be a Cooperating Agency on the Environmental Assessment for this project. If you have any questions, please call me at (406) 657-5910, or Todd Tillinger at (406) 441-1375 and reference File No. NWO-2006-90399-MTB.

Sincerely,

Shannon Johnson
Regulatory Project Manager



FILE COPY

January 27, 2011

Shannon Johnson
Regulatory Project Manager
U.S. Army Corps of Engineers
Billings Regulatory Office
2602 First Avenue North, Suite 309
PO Box 2256
Billings, MT 59103-2256

Subject: Request for Comments on Purpose and Need Statement
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199
USCOE File No. NWO-2006-90399-MTB

Dear Shannon Johnson:

We received your Cooperating Agency acceptance letter and are pleased that the Corps of Engineers (COE) has accepted the invitation to be a Cooperating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

Purpose and Need

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.

- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

Range of Alternatives

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

Participating and Cooperating Agency Meeting

The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

Shannon Johnson
Page 3 of 3
January 27, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

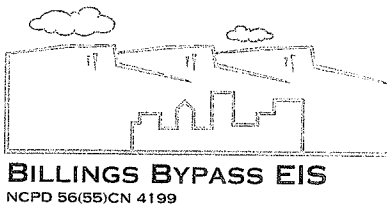
Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Purpose and Need
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Todd Tillinger, Montana Program Manager, USACOE, Helena Regulatory Office
File

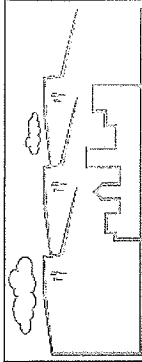


Purpose and Need - DRAFT January 2011

Purpose: *Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.*

Needs:

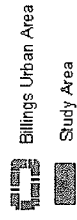
- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update - Draft Report). Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
- 2) ***Provide an additional connection between Lockwood and Billings.*** The segment of US 87 that crosses I-90 and the Yellowstone River is a highly congested route that serves as the only connection between Billings and Lockwood. The need for an additional connection to Billings is documented in the *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008). These plans identify this lack of connectivity as a factor limiting growth and economic development opportunities in Lockwood.
- 3) ***Improve mobility to and from Billings Heights.*** A survey completed for the *Billings Heights Neighborhood Plan* (2006) identified traffic issues as a key concern of residents, with one of the main traffic concerns being traveling to and from the Billings Heights neighborhood. This is also one of the key transportation issues for the region cited in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update – Draft Report). The *City of Billings Capital Improvement Plan* (2006 – 2011) includes 16 projects that would address traffic congestion in Billings Heights. Only one of these projects (the Billings Bypass EIS/Location Study) would address access between Billings Heights and the interstate, which is limited by a lack of Yellowstone River crossings. Limited mobility to and from Billings Heights is also an issue affecting emergency response. Main Street is currently the only emergency route between downtown Billings and the Billings Heights neighborhood. Congestion on Main Street could be an impediment to emergency response and has been a concern expressed by the Yellowstone County Disaster and Emergency Services Department.



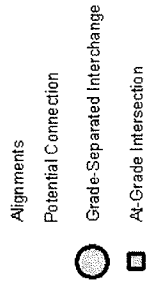
BILLINGS BYPASS EIS

NCPO 56/ISSCN 4/199

Draft Conceptual Alternatives



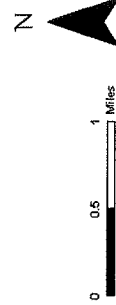
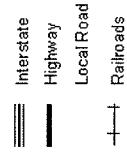
Conceptual Alternatives



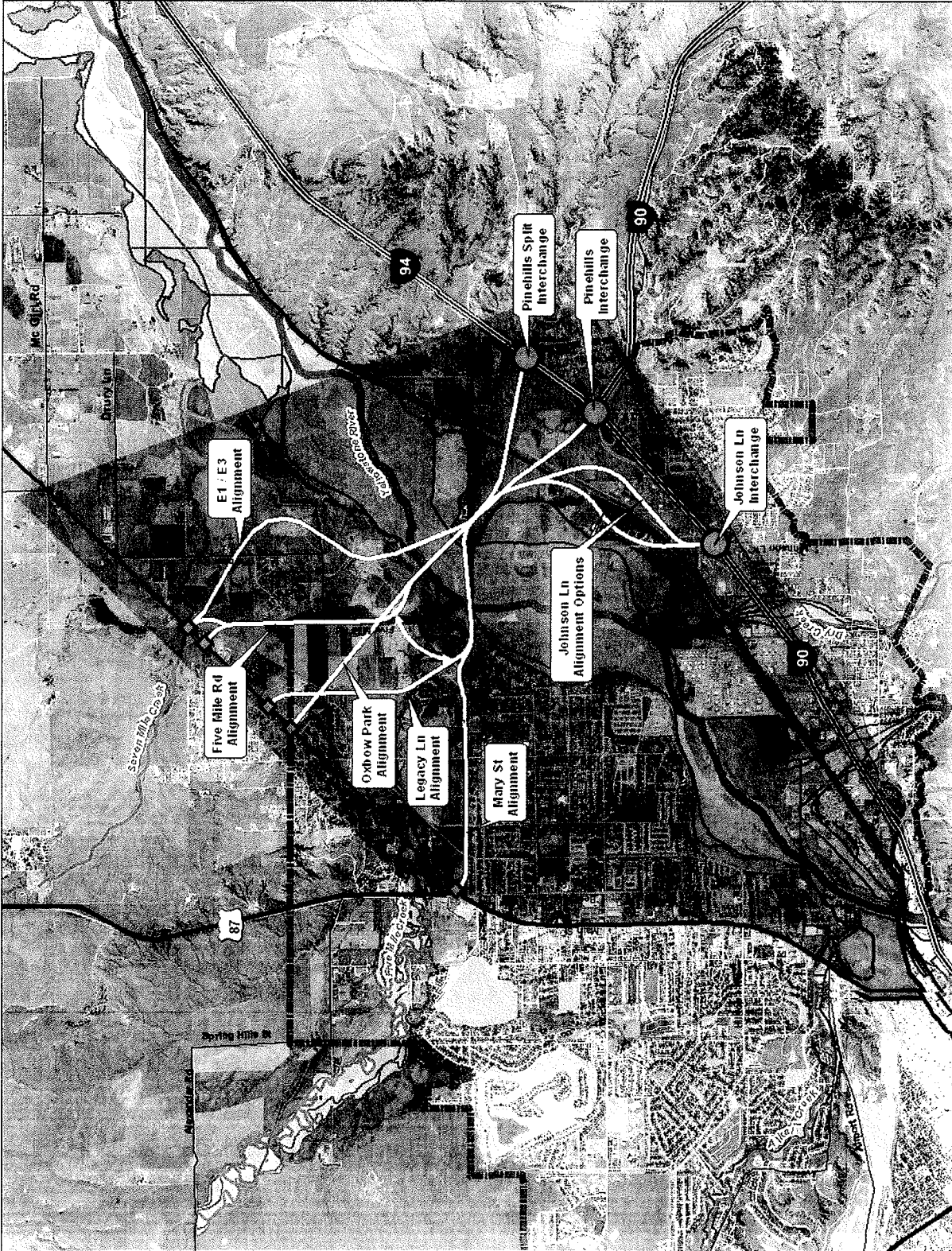
Community & Natural Resources



Existing Transportation Network



Contract: B-00000001-2010
FEMA: 100-000000-1000
BID: 100-000000-1000
USDA: 100-000000-1000
DOI: 100-000000-1000
DOI: 100-000000-1000





DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
BILLINGS REGULATORY OFFICE
2602 FIRST AVENUE NORTH, ROOM 309
BILLINGS MT 59101

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FEB - 9 2011
ENVIRONMENTAL

Please reply to attention of:

February 8, 2011

Regulatory Branch
Montana State Program
Corps No: **NWO-2006-90399-MTB**

MASTER FILE
COPY

Subject: Billings Bypass EIS, Proj. No. NCPD 56(55), CN 4199

Attention: Mr. Tom Martin
Montana Department of Transportation
Post Office Box 201001
Helena, Montana 59620-1001

Dear Mr. Martin:

Reference is made to your request for comments on the purpose and need statement of the Billings Bypass EIS as well as the range of alternatives under consideration.

As presented, the purpose of the project precludes a no-bridge alternative because construction of a new bridge over the Yellowstone River is an element of all proposed build alternatives. The Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material found at 40 CFR 230 states that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."

The overall project purpose, as determined by the Corps, is to improve the safety and efficiency for all vehicles, pedestrians, and members of the public traveling between Interstate 90 and Old Highway 312. Improvement of surface transportation and road networks is not water dependent; at a minimum, at least one alternative must be considered that explores future improvements to existing transportation networks without a new Yellowstone River crossing.

For the purpose of Corps permit reviews, practicable alternatives for improvement of transportation in the project area should include practicable alternatives which do not involve a discharge of dredged or fill material into the WUS or structures over the Yellowstone River. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose. In other words, there needs to be a comparison between suggested alternatives requiring and not requiring construction of a new bridge across the Yellowstone River.

Finally, CEQ regulations found at 40 CFR 1500.2(c) require that the environmental review for required permits should be integrated into the NEPA process so that the alternatives analysis and permit review procedures can be done concurrently rather than consecutively. This prevents un-permittable alternatives from being carried forward, and can prevent the least environmentally damaging practicable alternative (LEDPA) from being eliminated as an alternative that is carried forward in the NEPA review. Normally, for projects expected to require a Section 404 permit, this review takes the form of a Draft 404(b)(1) Analysis. It is recommended that a Draft 404(b)(1) Analysis be performed and included as part of the Billings Bypass EIS.

If you have any questions feel free to contact myself in the Billings Regulatory Office at (406) 657-5910, and reference File No. NWO-2006-90399-MTB.

Sincerely,



Shannon Johnson
Project Manager

Copies Furnished:

Steve Potts,
US EPA – Region 8 Montana Office
10 West 15th Street Suite 3200
Helena, MT 59626

Kevin McLaury
FHWA - Montana Division
585 Shepard Way
Helena, MT 59601



March 17, 2011

Ms. Shannon Johnson
Regulatory Project Manager
U.S. Army Corp of Engineers
10 West 15th Street
Suite 2200
Helena MT 59626

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Ms. Johnson:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

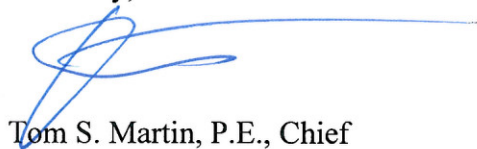
Ms. Shannon Johnson
Page 2 of 2
3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
BILLINGS REGULATORY OFFICE
2602 FIRST AVENUE NORTH, ROOM 309
BILLINGS MT 59101

RECEIVED

APR 22 2011

ENVIRONMENTAL

Please reply to attention of:

April 22, 2011

ENVIRONMENTAL ENGINEERING
SECTION SUPERVISOR

Regulatory Branch
Montana State Program
Corps No: **NWO-2006-90399-MTB**

Subject: Comment on Preliminary Alternatives Analysis – Billings Bypass # 4199

Attention: Mr. Tom Martin
Montana Department of Transportation
Post Office Box 201001
Helena, Montana 59620-1001

Dear Mr. Martin:

Reference is made to your request for comments on the Preliminary Alternatives Analysis for the Billings Bypass EIS.

In a letter dated February 8, 2011, the Corps provided comments that the draft purpose of the project precludes a no-bridge alternative because construction of a new bridge over the Yellowstone River is an element of all proposed build alternatives. At an April 1, 2011 interagency meeting, the Corps and the EPA again expressed concerns that the draft purpose and need limited the range of alternatives to be evaluated. It was suggested that the purpose and need be broadened and that river crossing alternatives and alternatives that avoid impacts to aquatic resources both be evaluated during the alternatives analysis in the EIS.

Transportation projects are not water dependent, and a transportation alternative that avoids impacts to aquatic resources will be presumed to be available unless it is demonstrated that such an alternative is not practicable. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

It is our understanding that MDT has agreed to modify the draft purpose and need and to provide a review of alternatives that would not require a new crossing of the Yellowstone River. Alternatives involving improvements to existing roads and bridges could include, but are not limited to, adding traffic lanes, expanding emergency routes through Metra Park or along Bench Boulevard, an additional Alkali Creek crossing, the construction of frontage roads or an elevated road, reworking existing intersections, etc. MDT will provide a comprehensive review of a wide range of potential alternatives that meet the project purpose along with supporting information as to why any alternatives removed from further consideration were not considered to be practicable.

In accordance with our Public Service commitment, the Corps is committed to providing timely reviews of this information as it is made available, including reviews of draft or preliminary information.

The Corps preliminary review of the known range of alternatives submitted to date indicated that the various river crossing alignments appeared reasonable, but a lack of specific information regarding each alternative limited review of specific issues. However, Johnson Lane Alignment Option 2 appears to have the potential to impact an existing wetland mitigation area located in the NE ¼ of Section 19, and the SE ¼ of Section 18, Township 1 North, Range 27 East. Additionally, extensive wetlands are located adjacent to the river in the study area, and the potential exists for significant floodplain impacts as well. As a reminder, only the least damaging practicable alternative to aquatic resources can be permitted under Section 404 of the Clean Water Act.

Finally, as a reminder, the Yellowstone River is also a Section 10 waterway. Department of Army permits, if any are needed, would be issued in accordance with Corps Regulatory Authorities under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

If you have any questions feel free to contact myself or Shannon Johnson in the Billings Regulatory Office at (406) 657-5910, and reference File No. NWO-2006-90399-MTB.

Sincerely,



Todd N. Tillinger
Montana State Program Manager

Copies Furnished:

Steve Potts,
US EPA – Region 8 Montana Office
10 West 15th Street Suite 3200
Helena, MT 59626

Kevin McLaury
FHWA - Montana Division
585 Shepard Way
Helena, MT 59601

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Ms. Joyce Swartzendruber
State Conservationist
U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
10 East Babcock Street, Room 443
Bozeman, MT 59715

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Ms. Swartzendruber:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former State Conservationist Dave White was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as

opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project would cross lands in agricultural use. Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

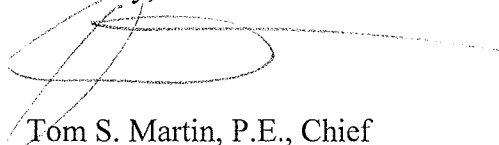
In addition, MDT and David Evans and Associates, Inc. staff will be coordinating the identification of Important Farmlands and completion of the USDA #AD-1006 Farmland Conversion Impact Rating form, if deemed necessary, with NRCS on this project. Any pertinent comments the NRCS may have at this time related to this and other topics would be appreciated.

Your agency does not have to accept this invitation. If you elect not to become a participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to tgocksch@mt.gov; please include the title of the official responding. Written responses from federal agencies declining designation as participating agencies should be transmitted to this office no later than October 13, 2010. You may use the attached Participating Agency Designation form to accept or decline this invitation.

We look forward to your response to this request and your role as participating agency on this project. If you have questions or would like to discuss in more detail the project or FHWA's and the USDA Natural Resources Conservation Service's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom S. Martin", is written over a horizontal line. The signature is fluid and cursive.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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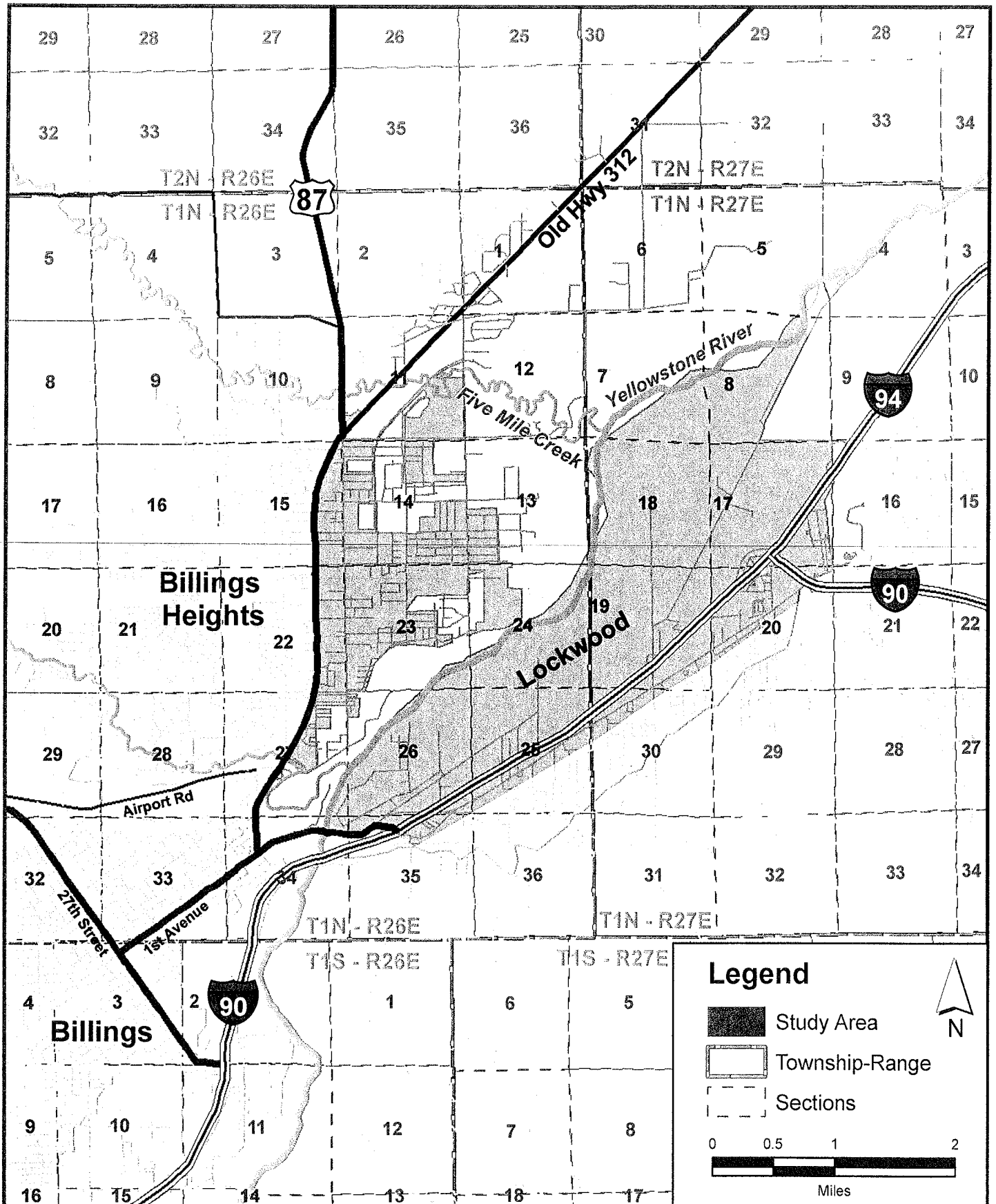
ⁱ Designation as a “participating agency” does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A “participating agency” differs from a “cooperating agency,” which is defined in regulations implementing the National Environmental Policy Act as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.” 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – USDA NATURAL RESOURCES CONSERVATION SERVICE wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – USDA NATURAL RESOURCES CONSERVATION SERVICE does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. Nick Vira
District Conservationist
U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
Billings Field Office
1629 Avenue D, Building A, Suite 4
Billings, MT 59102

Subject: Information and Request Letter
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Vira:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former District Conservationist Valerie Robertson was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as

opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project would cross lands in agricultural use. Accordingly, an invitation to become actively involved as a participating agency in the environmental review process for the project was sent to Ms. Swartzendruber, State Conservationist for the NRCS.

The environmental documentation for this project needs information the Billings field office can provide. A response on these matters may result, if necessary, in further inter-agency coordination to avoid or minimize potential project impacts. MDT will be coordinating the identification of Important Farmlands and completion of the USDA #AD-1006 Farmland Conversion Impact Rating form, if deemed necessary, with NRCS on this project. Any pertinent comments the NRCS may have at this time related to this and other topics would be appreciated.

Please contact Tom Gocksch at (406) 444-9412 if you have any questions about this request.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosure: Study Area Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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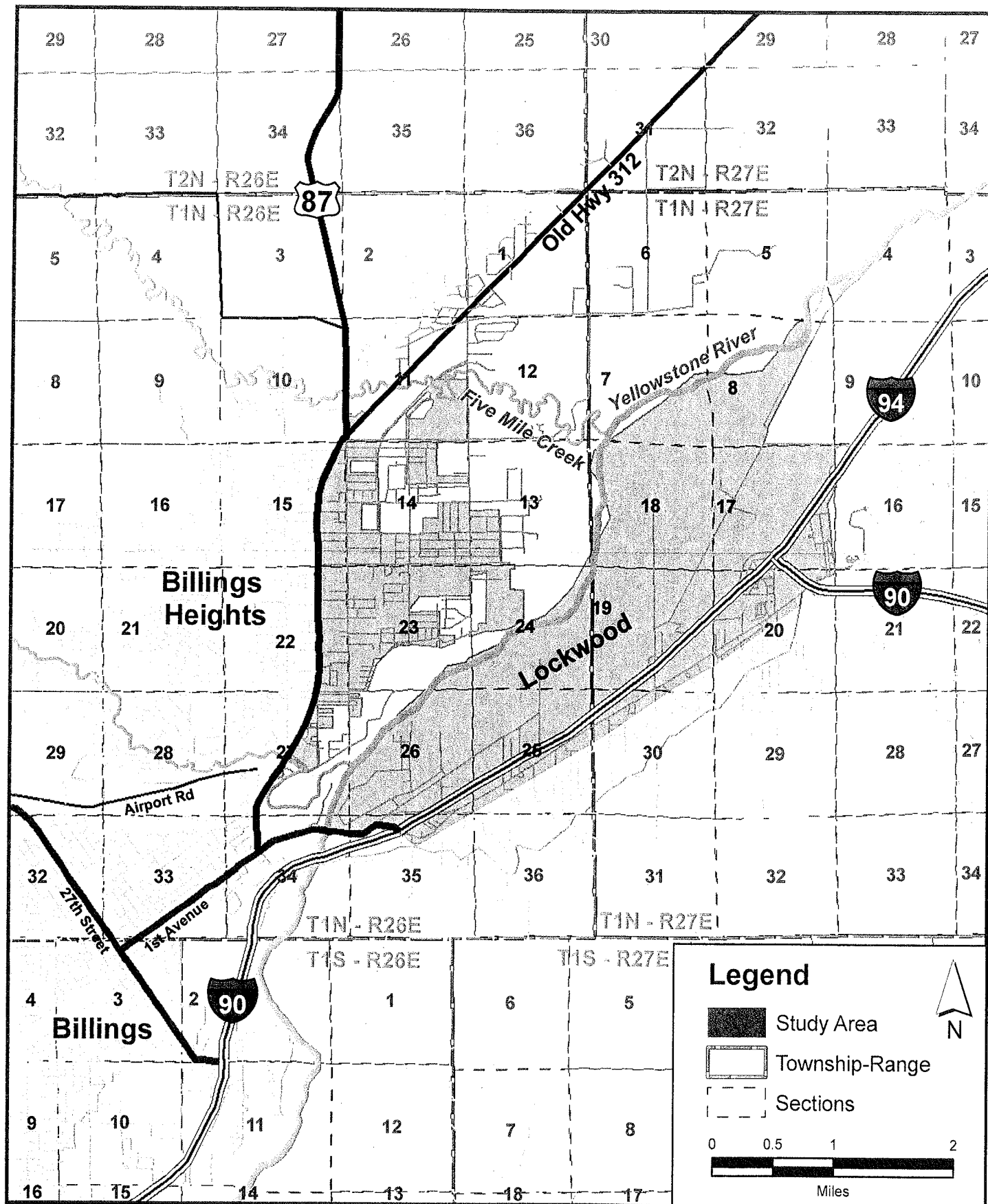
¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199




Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199

RECEIVED
OCT 13 2010
ENVIRONMENTAL

PARTICIPATING AGENCY DESIGNATION

- ☒ Yes – USDA NATURAL RESOURCES CONSERVATION SERVICE wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – USDA NATURAL RESOURCES CONSERVATION SERVICE does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

 (Sign – Authorized Representative)
David Kascht (Print)
Assistant State Conservationist (Title)
10/8/10 (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



January 27, 2011

Mr. David Kascht
Assistant State Conservationist
U.S. Department of Agriculture
Natural Resources Conservation Service
10 East Babcock Street, Room 443
Bozeman, MT 59715

Subject: Request for Comments on Purpose and Need Statement
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Kascht:

We received your Participating Agency Designation form/acceptance letter and are pleased that your agency has accepted the invitation to be a Participating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

Purpose and Need

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.
- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

Range of Alternatives

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

Participating and Cooperating Agency Meeting

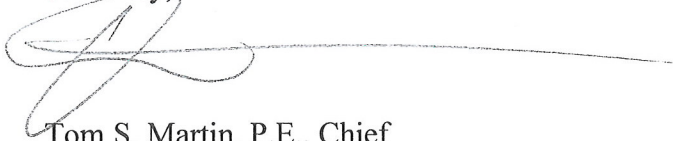
The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Mr. David Kascht
Page 3 of 3
January 28, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

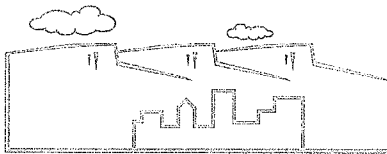
Sincerely,

A handwritten signature in dark ink, appearing to be 'Tom S. Martin', with a long horizontal line extending to the right.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Purpose and Need
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Joyce Swartzendruber, State Conservationist, U.S. Department of Agriculture
Natural Resources Conservation Service
File



BILLINGS BYPASS EIS
NCPD 56(55)CN 4199

Purpose and Need - DRAFT

January 2011

Purpose: Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.

Needs:

- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update - Draft Report). Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
- 2) ***Provide an additional connection between Lockwood and Billings.*** The segment of US 87 that crosses I-90 and the Yellowstone River is a highly congested route that serves as the only connection between Billings and Lockwood. The need for an additional connection to Billings is documented in the *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008). These plans identify this lack of connectivity as a factor limiting growth and economic development opportunities in Lockwood.
- 3) ***Improve mobility to and from Billings Heights.*** A survey completed for the *Billings Heights Neighborhood Plan* (2006) identified traffic issues as a key concern of residents, with one of the main traffic concerns being traveling to and from the Billings Heights neighborhood. This is also one of the key transportation issues for the region cited in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update – Draft Report). The *City of Billings Capital Improvement Plan* (2006 – 2011) includes 16 projects that would address traffic congestion in Billings Heights. Only one of these projects (the Billings Bypass EIS/Location Study) would address access between Billings Heights and the interstate, which is limited by a lack of Yellowstone River crossings. Limited mobility to and from Billings Heights is also an issue affecting emergency response. Main Street is currently the only emergency route between downtown Billings and the Billings Heights neighborhood. Congestion on Main Street could be an impediment to emergency response and has been a concern expressed by the Yellowstone County Disaster and Emergency Services Department.



March 17, 2011

Mr. David Kascht
Assistant State Conservationist
U.S. Dept of Agriculture - Natural Resources and Conservation Service
Federal Building
10 East Babcock Street, Room 443
Bozeman MT 59715

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Kascht:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

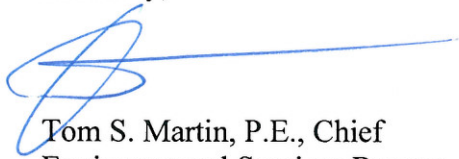
Mr. David Kascht
Page 2 of 2
3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Joyce Swartzendruber, State Conservationist, U.S. Department of Agriculture
Natural Resources Conservation Service
File

From: Sandoval, Philip - NRCS, Billings, MT [<mailto:Philip.Sandoval@mt.usda.gov>]
Sent: Thursday, May 24, 2012 7:33 PM
To: Martin, Tom
Cc: Pick, Tom - NRCS, Bozeman, MT
Subject: Review of Billings Bypass Administrative Draft Environmental impact Statement

Dear Mr. Martin

Thank you for the opportunity to review the Billings Bypass EIS. I am writing to comment on the impacts to water resources. The direct impacts associated with the Mary Street Option 1 Alternative described in pages 4-167 - 169 are considerable. Conservation measures proposed in the mitigation narrative may be more defined as the process moves forward. The report accurately points out the concern for cumulative impacts due to the potential for water contaminants transported to the multiple waterways and irrigation ditches. The potential to increase the load of contaminants to flowing waterways is an issue that should be addressed in design. If this alternative is selected a committed operation and maintenance agreement will be critical in keeping conservation measures such as vegetative treatment areas functioning as intended.

Sincerely,

Philip Sandoval
District Conservationist
Billings, Montana 59102

Phone: 406 657 6135 Ext 115

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United States Department of Agriculture



Natural Resources Conservation Service
Bozeman Area Office 269
10 East Babcock Street
Federal Building, Room 443
Bozeman, MT 59715-4704

Maggie Buckley, LEED AP
Associate/Environmental Planner
David Evans and Associates, Inc.
415 118th Avenue, SE
Bellevue, WA 98005

August 6, 2013

Re: Billings Bypass EIS
NCPD 56(55) CN 4199
Input requested for NRCS-CPA-106 Farmland
Conversion Impact Rating Form

Dear Ms. Buckley,

I am responding to your correspondence on August 14th, 2012 requesting the Natural Resources Conservation Service (NRCS) to identify the potential impacts associated with the Billings Bypass EIS.

The provisions of the Federal Farmland Protection Policy Act (FPPA) require an evaluation of the important farmland (prime farmland, farmland of statewide importance, or locally important farmland) when the actions or assistance of a federal agency irreversibly converts (directly or indirectly) farmland.

Enclosed is a FPPA assessment for the project in Yellowstone County, Montana. The evaluation was determined by the project location within the county and resulted in the completion of form AD-106. This form should provide adequate information necessary to determine if the proposed conversion is consistent with the FPPA and the agencies internal policies.

Farmland receiving a score of 160 points or more requires evaluation of alternatives to mitigate the impact to important farmland. Farmland receiving a combined score of less than 160 points is not subject to the provisions of the FPPA.

With respect to other potential environmental impacts, NRCS has no additional regulatory or oversight responsibilities and as such, has no further comments concerning the proposed project.

If you have any questions regarding this response, please call me at (406) 587-6856 or by email at kate.norvell@mt.usda.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kate Norvell", is written over a horizontal line.

Kate Norvell
Agronomist

cc: Jerry Schaefer, NRCS, SRC
Denise Wiedenheft, Resource Soil Conservationist

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U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. Mike Nedd
Acting State Director
U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
5001 Southgate Drive
Billings, MT 59101

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Nedd:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Acting State Director Howard Lemm was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as

opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; the BLM has previously identified BLM land in the project study area (see attached letter dated July 28, 2000). Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

This proposed project may also be under the provisions of "*Section 4(f)*" of the 1966 U.S. Department of Transportation Act (**49 U.S.C. 303**). These provisions only apply if the BLM's lands are used and/or designated as any of the following:

- a. Parks and/or Recreation Areas;
- b. Wildlife/Waterfowl Refuges;
- c. Sites eligible for inclusion, or that are in the National Register of Historic Places under Section 106 of the National Historic Preservation Act (16 U.S.C. 470);
- d. Lands managed as multiple use which include recreation sites or wildlife/waterfowl refuges as listed previously. These lands must be managed under (a) specific statute(s) providing for same.

The BLM provided information regarding the location of BLM land within the study area for the above mentioned feasibility study on July 28, 2000. This correspondence is attached for your review. MDT will assume that the previously provided information is correct unless you notify us in writing by the date indicated at the end of this letter.

Your agency does not have to accept this invitation. If you elect not to become a participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to tgoeksch@mt.gov; please include the title of the official responding. Written responses from federal agencies declining designation as participating agencies should be transmitted to this office no later than October 13, 2010. You may use the attached Participating Agency Designation form to accept or decline this invitation.

We look forward to your response to this request and your role as participating agency on this project. If you have questions or would like to discuss in more detail the project or FHWA's and the Bureau of Land Management's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
BLM letter dated July 28, 2000
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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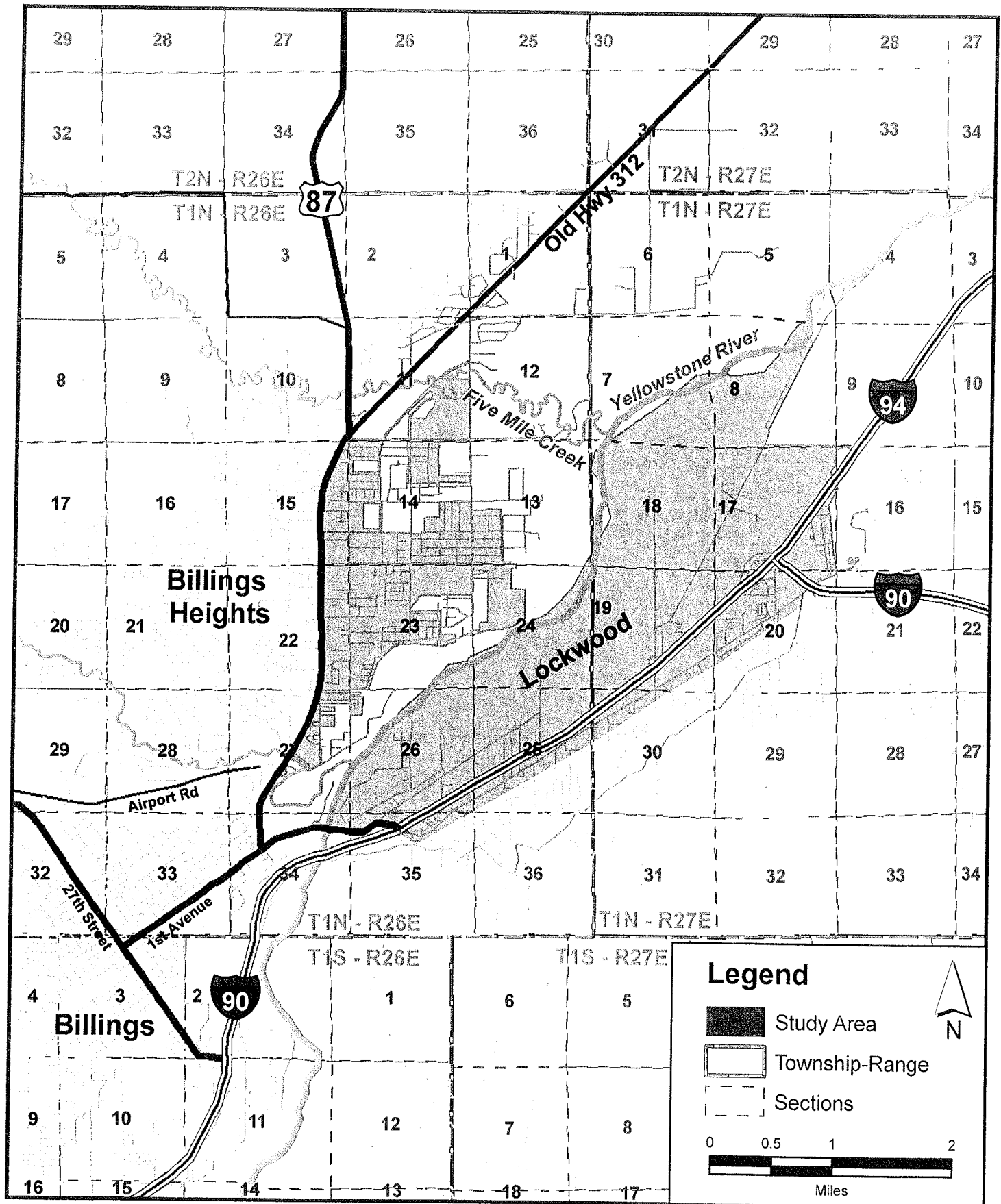
ⁱ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – BUREAU OF LAND MANAGEMENT wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – BUREAU OF LAND MANAGEMENT does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Billings Field Office
P.O. Box 36800
5001 Southgate Drive
Billings, Montana 59107
<http://www.mt.blm.gov/bifo/>

RECEIVED

JUL 31 2000

MSE-HKM, Inc.

2800

July 28, 2000

Ms. Teri L. Dewing, P.E.
HKM Engineering, Inc.
P.O. Box 31318
Billings, Montana 59107-1318

Dear Ms. Dewing:

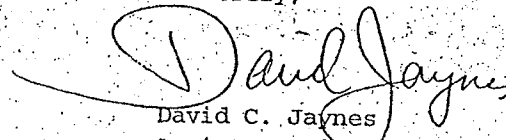
This is in response to your letter dated July 19, 2000 regarding the By-Pass Feasibility Study-Billings, Control No. 4199.

The Bureau of Land Management administers no land within the current proposed highway route and only 104.4 acres on the periphery of the study area in T. 1 N., R. 27 E., sec 8, lots 3, 9, and 10, as indicated on the enclosed map.

Because of our limited land base in the area we have no environmental information to provide to you.

However, if we can provide other assistance, please contact Tom Carroll, Realty Specialist, at 406-896-5242.

Sincerely,


David C. Jaynes
Assistant Field Manager

Enclosure

By-Pass Feasibility Study Map, Control No. 4199

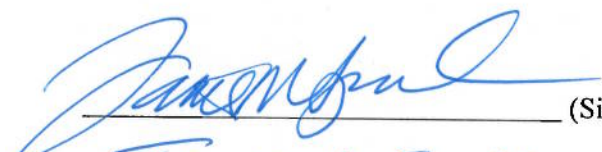
Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199

RECEIVED
OCT 13 2010
ENVIRONMENTAL

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – BUREAU OF LAND MANAGEMENT wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☒ No – BUREAU OF LAND MANAGEMENT does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☒ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

 (Sign – Authorized Representative)
James M. Sparks (Print)
Billings Field mgr - (Title)
10/8/10 (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a "participating agency" does not imply that the agency supports the proposed project or has any jurisdiction.

U.S. ENVIRONMENTAL PROTECTION AGENCY



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Ms. Julie Dalsoglio
Director
U.S. ENVIRONMENTAL PROTECTION AGENCY
Region VIII, Montana Operations Office
10 West 15th Street, Suite 3200
Helena, MT 59626

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Ms. Dalsoglio:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Former Director John Wardell was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as

opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

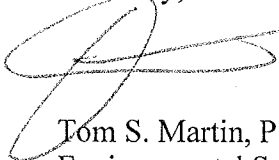
Your agency does not have to accept this invitation. If you elect not to become a participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to tgocksch@mt.gov; please include the title of the official responding. Written responses from federal agencies declining designation as participating agencies should be transmitted to this office no later than October 13, 2010. You may use the attached Participating Agency Designation form to accept or decline this invitation.

Any items of concern to the EPA will assist with the implementation, if necessary, of further interagency coordination to avoid or minimize potential project impacts. We look forward to your response to this request and your role as participating agency on this project.

If you have questions or would like to discuss in more detail the project or FHWA's and the U.S. Environmental Protection Agency's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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ⁱ Designation as a “participating agency” does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A “participating agency” differs from a “cooperating agency,” which is defined in regulations implementing the National Environmental Policy Act as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.” 40 C.F.R. § 1508.5.

**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – U.S. ENVIRONMENTAL PROTECTION AGENCY wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – U.S. ENVIRONMENTAL PROTECTION AGENCY does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

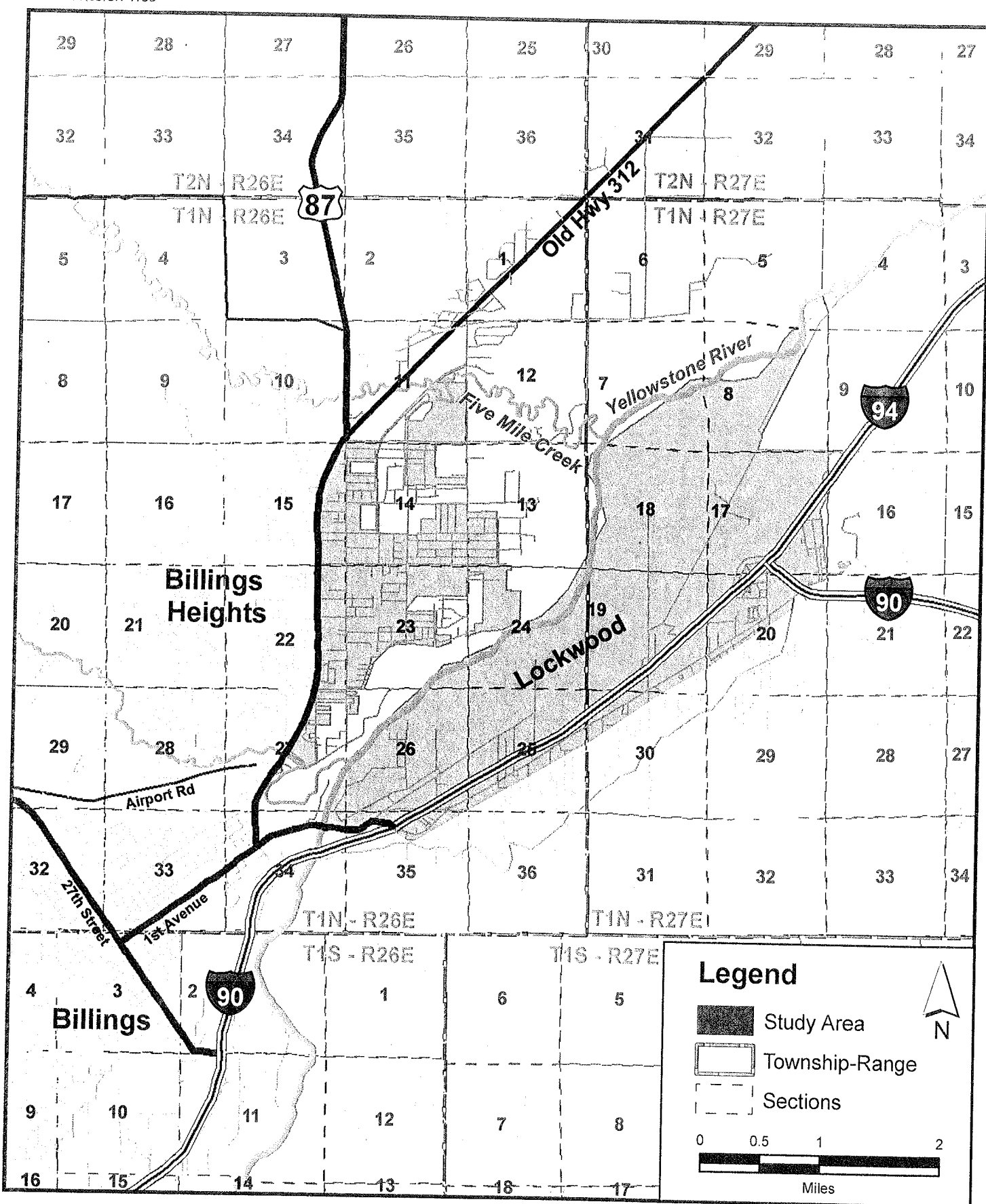
Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.

September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: 8MO

October 4, 2010

Mr. Brian Hasselbach
Environmental Programs Manager
Federal Highway Administration
585 Shepard Way
Helena, Montana 59601

and

Mr. Fred Bente
Consultant Design
Montana Dept. of Transportation
2701 Prospect Ave., P.O. Box 201001
Helena, MT 59620-1001

Re: EIS for Yellowstone County Route Connection
Between I-90 and Old Highway 312 Near Billings,
Montana

Dear Mr. Hasselbach and Mr. Bente:

The U.S. Environmental Protection Agency (EPA) Region 8 Montana Office has reviewed the September 7, 2010 Federal Register Revised Notice of Intent (NOI) to prepare an Environmental Impact Statement for a proposal to construct a connection between Interstate 90 and Old Highway 312 in or near the City of Billings, Yellowstone County, Montana.

The revised NOI states that the proposed project involves revision of the scope of the earlier Yellowstone County Bypass Route North of Billings EIS project for which an NOI was issued on August 13, 2003. The revised NOI states that re-scoping of the earlier project is necessitated by funding constraints. The revised scope of the proposed Yellowstone County Route Connection Between I-90 and Old Highway 312 Near Billings will include an additional Yellowstone River crossing for transportation system reliability; an additional connection between the Lockwood and Billing areas; and improved mobility to and from Billings Heights.

EPA provided EIS scoping comments in response to the earlier 2003 NOI for the Yellowstone County Bypass Route North of Billings project on September 3, 2003. We have reviewed and updated those scoping comments and are enclosing a revised set of scoping

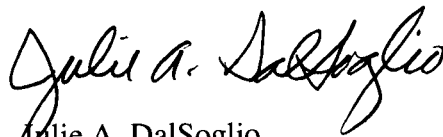


comments for this Yellowstone County Route Connection Between I-90 and Old Highway 312 near Billings, Montana EIS (see enclosed).

EPA will review the EIS for this proposed transportation project in accordance with its authority and responsibilities to review EISs under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. The EPA's comments will include a rating of both the environmental impact of the proposed action and the adequacy of the NEPA document. Our experience has shown that when environmental concerns are thoroughly evaluated, the EIS is a more meaningful document.

If you have any questions regarding our EIS scoping comments please call Mr. Stephen Potts of my staff in Helena at (406) 457-5022, or in Missoula at (406) 329-3313. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie A. DalSoglio". The signature is fluid and cursive, with the first name "Julie" and last name "DalSoglio" clearly distinguishable.

Julie A. DalSoglio
Director
Montana Office

cc: Larry Svoboda/Connie Collins, EPA, 8EPR-N, Denver

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
 INFORMATION/COMMENTS FOR DEVELOPMENT OF EIS FOR
 THE YELLOWSTONE COUNTY ROUTE CONNECTION BETWEEN I-90
 AND OLD HIGHWAY 312 NEAR BILLINGS, MONTANA**

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Introduction

Each project analysis has its own unique scope, affected environment, past and proposed impacts, and will require its own level of analysis. For this reason, it is not our intent to provide either a checklist or standard format. Instead, we have attempted to discuss and provide information on the primary issues we consider most relevant for this project as well as those items that have occasionally not been sufficiently addressed in similar analyses. Our goal is to promote comprehensive assessment of the environmental effects, public disclosure of all foreseeable direct, indirect, and cumulative environmental impacts, and ultimately an improved decision-making process for selecting among the project alternatives.

All activities and associated impacts related to project implementation must be disclosed. Clear, in-depth analysis of all relevant issues is a requirement in the development of an EIS. Readability, a logical presentation of information, consistency between sections of the assessment and clarity are important to the reader.

It is EPA's goal that the EIS fulfill the basic intent of NEPA, and encompass to the maximum extent possible the environmental and public involvement requirements of State and Federal laws, Executive Orders, rules, programs, and policies (e.g., Clean Water Act, Clean Air Act, Endangered Species Act, E.O. 11990-Protection of Wetlands, etc.). EPA appreciates the effort and resources that are committed to the preparation of documents of this nature and hopes to facilitate the process with these comments.

NEPA Issues

1. Purpose and Need

Documents must have a clear and logical Purpose and Need Statement, including adequate explanation of the purpose and need for the project and rationale for the establishment of the analysis area boundary. An appropriate analysis area should encompass the environment potentially affected by implementation of the alternatives, and should be able to serve as a baseline to compare projected impacts and for measuring actual effects. Road projects are generally confined to the narrowly defined impact areas along the roadway, however, potential impacts to biodiversity, wildlife and fish, water quality, air quality, wetlands, stream drainage patterns, fragmentation and connectivity to other projects, and socioeconomics, may extend beyond such boundaries. An appropriate analysis area should encompass the potentially affected environment, and should be able to function as appropriate unit of analysis for projecting anticipated impacts and for measuring actual effects, including indirect and cumulative effects.

Potential indirect and cumulative effects of providing a bypass route north of Billings with a potential new Yellowstone River crossing to alleviate traffic congestion may have significant indirect and cumulative effects on land use, growth rate, and patterns of growth, and resources affected by that growth. The EIS analysis area should be broad enough to assess and disclose these effects. We believe this analysis boundary should extend sufficiently far to

include potential areas that could be influenced by indirect growth related effects of the proposed bypass route.

2. Alternatives

The EIS should support the purpose and need with a range of alternatives that will meet the objectives of the purpose and need and that address issues of concern. In accordance with 40 CFR 1502.14 the alternatives should:

- a. Rigorously explore and objectively evaluate all reasonable alternatives that meet the purpose and need for the project.
- b. Include reasonable alternatives not within the jurisdiction of the lead agency.
- c. Include a no action alternative. The no action alternative should be constructed to cover a period at least equal to the time over which environmental effects will be evaluated.
- d. Identify the agency's preferred alternative(s).
- e. Include appropriate mitigation measures not already included in the proposed action or alternatives.

Also, if there are any proposed nearby actions or adjacent developments that are closely related to the proposed action it would be appropriate to analyze and discuss those related developments as a connected action (40 CFR 1508.25).

We recommend that tables, maps, and figures, be used to present and display specific features of alternatives so that features of the different alternatives can be understood and evaluated in a comparative manner. Modified alignments and varying design standards should be considered among the features of alternatives. It is helpful if the rationale for inclusion and location of features is also discussed. Such rationale enhances public understanding of the proposed project, better achieves the public disclosure purpose of the EIS, and better explains to the public the trade-offs involved in making transportation design decisions.

Sustainability/Transportation Demand Management

The EPA publication “Transportation Planning in the Northwest; Framework for Sustainability” (available at <http://yosemite.epa.gov/R10/EXTAFF.NSF/webpage/General+Subject+Publications>) suggests that sustainable solutions to transportation problems are more likely to be realized by focusing on longer-term approaches that provide increased transportation choices (multi-modal mobility), that bring people to the activities or the activities to the people (accessibility), that foster community vitality, environmental justice, and quality of life (livability), and that meet our social, economic, and ecological needs without compromising the ability of future generations of all species to do likewise (sustainability).

Transportation solutions that shift the focus from addressing only mobility in terms of level of service (speed), to solutions that focus on achieving multi-modal mobility, accessibility, livability, and sustainability should be considered. A package of alternatives could include alternative transportation modes, trip reduction, land use adjustments, parking controls, pricing mechanisms, other incentives and/or disincentives, new route design or traffic circulation patterns, public transit improvements, and more. We encourage planners and decision makers to think in terms of reducing transportation demand, and where demand exists, address the real and underlying transportation need: to move people and goods --- *not only cars*.

3. Existing Conditions

The EIS should succinctly describe the existing conditions (using watershed analysis where applicable) within the analysis area. The discussion of existing conditions should include, but are not limited to a discussion of existing:

1. Water Resources
2. Air Quality (Present summary of monitoring data if available)
3. Wildlife Effects
4. Other (Noise, Pollution Prevention, Cultural Resources, Tribal, Env. Justice)

More detailed information on these topics follows in the "**Resource Issues**" section.

4. Environmental Consequences

The EIS should analyze and disclose the environmental impacts of the management alternatives, including the effect of implementing the alternative on the physical, chemical and biological resources such as air and water quality, biologic components or ecosystems, and the likelihood of success of mitigation measures. The discussion should include analysis of impacts resulting from activities on all land ownerships, and consider the issues discussed under Resource Issues below as well as unavoidable adverse environmental effects, short-term and long-term environmental considerations, and any irreversible or irretrievable commitments of resources involved with the alternatives should they be implemented. In accordance with 40 CFR 1502.16 this section should address:

- a. Direct effects and their significance.
- b. Indirect effects and their significance.
- c. Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned.
- d. The environmental effects of alternatives including the proposed action.
- e. Energy requirements and conservation potential of various alternatives and mitigation measures.
- f. Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

- g. Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.
- h. Means to mitigate adverse environmental impacts.

Statements made in the assessment should be substantiated either by data and analysis included in the document, or by reference to readily available supporting documents. When referencing documents or data not included in the NEPA document, information should be included to ensure the reader understands the quality and type of analysis actually completed. Environmental analysis documents should reflect the level of analysis and data compilation actually completed. Unless clearly documented, the reviewer may be unable to establish whether data exists to support conclusions within the analysis. Public accessibility to supporting documents is also important.

Indirect Effects

The Council of Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA state that the environmental consequences section of an EIS should include: "Indirect effects and their significance (40 CFR 1502.16(b))." Indirect effects are defined as "...caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include **growth-inducing effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems**" (40 CFR 1508.9(b)). The CEQ regulations also indicate that the EIS should include the "means to mitigate adverse environmental effects" (40 CFR 1502.16(h)). This provision applies to indirect effects as well as direct effects. Since the CEQ regulations require an analysis of indirect effects, the best time to identify these effects is early in project planning, when there is better opportunity to mitigate them.

New road construction that improves traffic flow and eliminates congestion could increase access and contribute to induced or accelerated residential, commercial, and industrial growth. In many situations, one can argue that this type of growth is an inevitable, natural progression. However, *increased rates of growth* in these areas, caused by a highway project, constitute indirect effects and should be evaluated in the EIS. Induced or increased rates of residential, commercial, and industrial growth can adversely affect water quality, wetlands, wildlife habitat loss and fragmentation, ecosystem, farm land and other natural resources. Roads can change land use and the face of the landscape, and contribute to the loss of the very values people seek in an area. Road projects often result in induced growth effects (urban sprawl, loss of rural character), and stimulate increased use of privately owned vehicles and vehicle miles traveled. This in turn, leads to increased auto dependency. These types of indirect effects and appropriate measures to mitigate these effects should be fully disclosed in the EIS.

Much of the mitigation for indirect effects is subject to regulation by the city/county in which the highway will be constructed. The EIS should serve the function of offering the

city/county adequate notice of the foreseeable environmental consequences, thus providing the opportunity to plan and implement corrective measures, if needed, in a timely manner.

The EIS should identify the local land use controls that affect new development with regard to induced growth. If this analysis occurs before the highway project is completed, the city/county will be in a better position to effectively plan for future growth and develop mitigation measures for the impacts resulting from induced growth. Although the analysis of indirect effects should not rely solely on compliance with existing comprehensive land use plans. While comprehensive land use plans are an important component of the analysis of indirect effects, compliance with these plans could still result in adverse environmental effects.

EPA also fully supports and encourages local government efforts to control the location of development and reduce environmental impacts through the local planning process, by means such as stipulating in zoning and land use plans that development occur in designated growth areas, and integrating and coordinating land use planning with transportation and environmental planning and review. EPA encourages utilization of "smart growth" concepts to minimize effects of growth and development on the environment and proper planning and design of new infrastructure (see <http://www.epa.gov/smartgrowth/>). Local government infrastructure costs, including roads, can be significantly reduced by smart growth planning concepts. The EIS should identify potential mitigation techniques for induced growth and associated environmental effects, such as:

- access controls (location of interchanges)
- context sensitive designs
- local land use plans that affect or regulate new development
- zoning controls
- transfer of development rights
- growth management regulation (public facilities ordinances, development moratoria, urban growth boundaries, extraterritorial zoning/annexation)
- resource management and preservation regulations
- land acquisition and conservation easements
- incentives for Brownfields/infill development
- development fees and exactions.

Cumulative Effects

NEPA requires that cumulative impacts be addressed as a summary of the individual impacts of this and all other past, present, and "reasonably foreseeable" future plans and actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions. The cumulative, site-specific effects of these projects on the analysis area's environment must be analyzed and disclosed. This should include identification of all the direct and indirect effects that are known, and a good faith effort to explain the effects that are not known but are reasonably foreseeable.

In January 1997 the President's Council on Environmental Quality (CEQ) published, "*Considering Cumulative Effects Under the National Environmental Policy Act*", guidance that provides a framework for analyzing cumulative effects (<http://ceq.hss.doe.gov/nepa/ccenepa/ccenepa.htm>). In 1999 EPA published a document entitled, "*Consideration of Cumulative Effects in EPA Review of NEPA Documents*." This document can be found at <http://www.epa.gov/compliance/resources/policies/nepa/ecological-processes-eia-pg.pdf> <http://es.epa.gov/oeca/ofa/legis.html> . The cumulative effects analysis should:

- 1) Identify the area in which effects of the proposed project will be felt.
- 2) Determine resources within the project impact area that could be affected by the proposed action, particularly the resource most likely to be significantly impacted (i.e., resources of concern), and determine the geographic areas in which those resources will be affected. The important factor in determining cumulative impact is the condition of the resource (i.e., the extent to which it is degraded).

Use appropriate analysis area boundaries for the resource and time period over which the cumulative effects have occurred or will occur. In most cases, the largest of these areas will be the appropriate area for analysis of cumulative effects. The selection of geographic boundaries and time periods should be, whenever possible, based on the natural boundaries of resources of concern (e.g., watershed boundary for water quality issues). The temporal scope requires estimating the length of time that effects of the proposed action singly or in combination with other anticipated actions will last and be significant to the resources of concern. The period of time that the proposed action's impacts persist can extend beyond the project life. The analysis should extend until the resources have recovered from the impact of the proposed action.

- 3) Identify impacts that are expected to resources of concern in that area from the proposed project through analysis of cause-and-effects relationships. Knowing how a particular resource responds to environmental change (cause-and-effect relationship) is essential for determining the cumulative effects of multiple actions. Cause-and-effect pathways should be identified to understand how the resources respond to environmental change (i.e., what the effect is). The cause-and-effect relationships for each resource should be understood to determine the magnitude of the cumulative effect resulting from all actions included in the analysis.
- 4) Identify other actions -past, present, and reasonably foreseeable future actions- that have had or are expected to have impacts in the same area, and the impact or expected impacts from these other actions. Even unrelated actions conducted on by other agencies or persons on all land ownerships, if they contribute to cumulative effects on a resource, should be incorporated into the analysis.

The identification of the effects of past actions is critical to understanding the environmental condition of the area. The EIS should consider how past and present activities have historically affected and continue to affect the resources, ecosystems, and communities of concern. The concept of a baseline or environmental reference condition against which to compare predictions of the effects of proposed actions and reasonable alternatives is critical to the NEPA process. The baseline condition of the resource of concern should include a description of how conditions have changed over time and how they are likely to change in the future with and without the proposed action.

It is also important to incorporate future actions of agencies and the public into cumulative impact analyses. Good cumulative effects analysis requires close coordination among agencies and the public to ensure that all past, present and reasonably foreseeable future actions are considered. Reasonably foreseeable future actions need to be considered even if they are not specific proposals. The criterion for excluding future actions from analysis whether they are “speculative.” In general future actions can be excluded from the analysis of cumulative effects if: a) the action is outside the geographic boundaries or time frame established for the cumulative effects analysis; b) the action will not affect resources of concern that are the subject of the cumulative effects analysis; and c) including the action would be arbitrary.

5) Determine the overall cumulative impacts that can be expected if the individual impacts are allowed to accumulate, and provide comparisons of cumulative impacts for the proposed actions and the reasonable alternatives in relation to the no action alternative and/or an environmental reference point. The analyses should provide a clear basis for choice among options by the decision maker and the public. Monitoring should be put in place to evaluate predictions and mitigation effectiveness.

A summary listing of other projects occurring in the vicinity without the accompanying analysis is insufficient. A common inadequacy of documents is the lack of analysis or disclosure of the sum of individual effects of all projects on the local environment. Connected actions which result in increased cumulative effects are of concern to the EPA. Some examples are:

- o Linked Developments - If the construction of a new road or reconstruction of an existing road will likely facilitate or cause additional developments, the effects of these linked impacts must also be analyzed.
- o Maintenance and Debris Disposal - Road standards and design have a major effect on scheduled and unscheduled maintenance needs. The needs for normally scheduled maintenance debris from ditch cleaning, sanding as well as anticipated but unscheduled maintenance, such as debris from slumps, should be analyzed and planned for during the design phase of construction and reconstruction projects. Past practices of expediently sidecasting material over the shoulder, filling depressions and widening shoulders have an adverse effect on wetlands and riparian areas and are inappropriate. Plans for long term normal as well as emergency maintenance programs should be disclosed in the

NEPA document and a specific site disposal plan describing proper site development, disposal of debris and timely rehabilitation of completed portion to prevent invasion by noxious or undesirable vegetation should be prepared. Plans for management of roadside vegetation through the use of herbicides also require disclosure.

- o Winter maintenance - The EPA is concerned about the proximity of wetlands, riparian areas and streams to many roads. Winter maintenance often results in the introduction of sediment and salt either directly or indirectly to the stream and associated riparian and wetland resources. The impacts of winter maintenance activities are more a matter of a long term indirect and cumulative effects than of one specific incident. Snow plowing subsequent to sanding moves sand and salt off the roadbed to the adjacent ditchline and fill slopes. It then migrates downhill until it is deposited in streams or forms a carpet on gentle ground. When this occurs in a wetland, the area's functional abilities are altered. When winter maintenance may potentially affect wetlands, riparian areas or water quality, the effects of the program must be disclosed in a NEPA document. This should include the steps taken to minimize and mitigate the unavoidable effects on waters of the United States (i.e. sediment traps, reuse of sanding material, maintenance program requirements, etc.) as well as a discussion of the effects themselves.

Road agencies often initiate winter maintenance on roads neither designed nor previously managed as all-weather roads. Therefore, even if winter maintenance is not anticipated at the time the NEPA document is developed, it must still be analyzed. Alternatively, a mechanism may be initiated that would explicitly disallow the practice of winter maintenance until documentation of the effects of such a program and its associated impacts is completed.

Mitigation

A comprehensive discussion of proposed mitigation for direct, indirect and cumulative impacts is required by the CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1502.14(f)). The CEQ regulations state that an EIS should include the means to mitigate adverse environmental effects (40 CFR 1508.7). Mitigation measures must be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated. A reasoned analysis of potential detrimental effects and measures to mitigate those effects is required. Simply listing the mitigation measures is insufficient to qualify as the reasoned discussion or "hard look" required by NEPA.

Judicial reviews of NEPA cases have supported not only the need for identifying mitigation measures, but for discussing mitigation effectiveness as well. The EIS should provide a quantitative (if possible) and/or a qualitative description of site-specific mitigation effectiveness. Mitigation effectiveness is determined by using a monitoring procedure designed to compare baseline data with existing conditions. It should also address coordination efforts required to undertake mitigation measures.

Resource Issues

1. Water Resources

Surface Water/Aquatics

The EIS should clearly describe water bodies within the analysis area which may be impacted by project activities. Identifying affected watersheds and drainages on maps of the various alternatives helps convey their relationship with project activities.

The EPA considers the collection of baseline water quality and aquatic habitat data at the project level important to provide a comparison with projected impacts as well as actual project impacts. Water quality and aquatic habitat impacts associated with implementation of the alternatives should be fully evaluated and disclosed. Where water quality and aquatic habitat information for individual water bodies exists, it should be presented. This would include inventories; baseline data information such as temperature, sediment, turbidity, channel morphological conditions, the presence of toxic substances; water quality and the existence of any known point or non-point pollution sources or other problems. Other information relevant to the analysis, such as hydrologic condition and aquatic species habitat and the condition and productivity of that habitat, should also be included.

Existing water quality standards applicable to the affected water bodies should be presented to provide a basis for determining whether beneficial uses will be protected and water quality standards met. The EIS should clearly demonstrate that project implementation will comply with State Water Quality Standards (ARM 17.30 Subchapter 6), including an antidegradation analysis, as specified in the EPA Antidegradation Policy (40 CFR 131.12) and Montana Nondegradation Rules (ARM 17.30 Subchapter 7).

The EIS should provide a quantitative basis to judge whether biological, chemical, and physical parameters, such as sediment accumulation, nutrient loading, temperature, turbidity, and aquatic habitat, will be kept at levels that will protect and fully support designated uses and meet Montana Water Quality Standards under each of the action alternatives. A discussion of area developments, geology, topography, soils and stream stability in terms of erosion and mass failure potential may be necessary to adequately portray the potential risk to water quality, aquatic habitat and other resources from the implementation of specific alternatives.

Fisheries information such as fish species present, populations, and important fisheries habitats such as spawning gravels, over-wintering pools, etc., particularly near river crossing locations, should be described and project effects upon fisheries disclosed. The EIS should clearly describe the effect of each alternative on designated uses for area surface waters with particular attention to fisheries spawning and rearing habitat. It should also identify which water quality parameters, if any, are limiting factors to local fisheries under each alternative. This information should identify the extent to which fish habitat could be impaired by road and bridge

construction activities including effects on stream structure, seasonal and spawning habitats, large organic material supplies, and riparian habitats.

Section 319 of the Clean Water Act requires that Federal actions be consistent with State Nonpoint Pollution Management Plans. The Federal consistency provisions of Section 319 represent an opportunity for State and Federal agencies to more closely coordinate their activities and cooperate in achieving water quality goals. If a State determines that a Federal project is not consistent with the provisions of the non-point source pollution program, the Federal agency must make efforts to accommodate the State's concerns. Executive Order 12372 provides guidelines for using the State intergovernmental review process for conducting Section 319 federal consistency reviews.

The appropriate State-identified Best Management Practices (BMPs) to reduce potential non-point sources of pollution from road and bridge construction and maintenance must be designed into the alternatives under consideration and disclosed. All possible efforts should be made to avoid and minimize siltation during construction of roads near streams and roads that require bridges or culverts. Direct or indirect non-point source water quality effects should be reduced through planning and design, and through mitigation measures to ensure consistency with the state's non-point source pollution program. The State contact for Federal consistency and non-point source pollution issues is, Robert Ray at MDEQ in Helena at 444-5319.

River/Stream Crossings

Road and bridge construction can result in increased surface water runoff, stream channel and hydrologic alteration, wetland modification and other water quality related problems. Culverts and bridges should be designed to accommodate flood flows with no substantial changes in flood elevation, and culverts should be designed to match the hydraulic traits (depth, velocity, and patterns) of natural streams. Bridges should avoid encroachment upon floodplains and should not increase base flood elevation above 0.5 feet from the natural condition. Impacts to biota and stream stability and deposition patterns due to restrictions in stream bedload transport by highway bridge spans and/or culverts should be evaluated and disclosed (i.e., bedload transport should be an important design criterion for bridges and culverts to avoid sediment deposition above river crossings or scour below river crossings).

Construction of bridges with wide spans on pilings as opposed to fill, and at stable river locations that avoid sensitive resources is preferred. Bridges with wide spans also afford opportunities for wildlife passage, and reduced wildlife-vehicle collisions, and minimize impacts to riparian ecosystems. Bridges or open bottom arch culverts that allow natural stream bed substrate and stream grade, and sufficient width and capacity to pass flood flows, and bedload transport with minimal encroachment upon the river channel and riparian area are preferred. We recommend that culverts simulate the natural stream grade and substrate as much as possible to avoid concerns with fish passage. Bridge road runoff should be collected so that it is not allowed to directly enter surface waters without treatment.

Stream channel modifications should be avoided. If channel modifications are unavoidable (which will have to be well documented and concurred upon by regulatory agencies), they should simulate the original natural channel lengths and aquatic habitat features as much as possible. It is preferable to restore channel length and natural riffle/pool sequences as much as possible without installation of artificial grade control structures, although if channel length cannot be restored, grade control structures may be necessary in certain circumstances to maintain channel stability. We also recommend that aquatic biologists and staff with training and knowledge of fluvial geomorphology be consulted during design of stream channel modifications.

Storm Water Runoff

Storm water discharges associated with highway construction are an industrial activity according to EPA's Storm Water Regulations (40 CFR 122.6). Highway construction projects must obtain an NPDES (MPDES in Montana) storm water permit if construction activities will disturb five or more acres of land. For projects within the jurisdiction of small municipalities (less than 100,000 people), and under five acres, other requirements may apply. Construction activities may be covered by a general NPDES (MPDES) permit rather than an individual permit. If a storm water permit is required, on site notification must be posted, along with a pollution prevention plan.

Normal highway runoff, aside from significant spills of hazardous material, contains contaminants which could affect surface and ground water quality. The EIS should characterize the quality of rivers, streams, lakes, and ground water resources in the vicinity of the project as well as the quality of the anticipated highway runoff. BMPs for collecting and treating storm water during construction and post-construction should be outlined in the EIS. If increases in storm water flows occur due to increases in impervious surfaces these increases should be described and addressed. Provisions for hazardous waste containment in case of a spill, and means of collection and treatment of storm water runoff should also be included. If there are any questions about storm water permitting activities, contact Brian Heckenberger of MDEQ in Helena at 444-5310.

Road Maintenance and Construction

Road standards and design have a major effect on scheduled and unscheduled maintenance needs. The needs for normally scheduled maintenance debris from ditch cleaning, sanding as well as anticipated but unscheduled maintenance, such as debris from slumps, should be analyzed and planned for during the design phase of construction and reconstruction projects. Past practices of expediently sidecasting material over the shoulder, filling depressions and widening shoulders have an adverse effect on wetlands and riparian areas and are inappropriate. Plans for long term normal as well as emergency maintenance programs should be disclosed in the NEPA document and a specific site disposal plan describing proper site development, disposal of debris and timely rehabilitation of completed portion to prevent invasion by noxious

or undesirable vegetation should be prepared. Plans for management of roadside vegetation through the use of herbicides also require disclosure.

Winter maintenance often results in the introduction of sediment and salt either directly or indirectly to the stream and associated riparian and wetland resources. The impacts of winter maintenance activities are more a matter of a long term indirect and cumulative effects than of one specific incident. Snow plowing subsequent to sanding moves sand and salt off the roadbed to the adjacent ditchline and fill slopes. It then migrates downhill until it is deposited in streams or forms a carpet on gentle ground. When this occurs in a wetland, the area's functional abilities are altered. When winter maintenance may potentially affect wetlands, riparian areas or water quality, the effects of the program must be disclosed in a NEPA document. This should include the steps taken to minimize and mitigate the unavoidable effects on waters of the United States (i.e. sediment traps, reuse of sanding material, maintenance program requirements, etc.) as well as a discussion of the effects themselves.

Road agencies often initiate winter maintenance on roads neither designed nor previously managed as all-weather roads. Therefore, even if winter maintenance is not anticipated at the time the NEPA document is developed, it must still be analyzed. Alternatively, a mechanism may be initiated that would explicitly disallow the practice of winter maintenance until documentation of the effects of such a program and its associated impacts is completed.

303(d) Listed Water Bodies & TMDLs

It is important that any water bodies in the project area that are listed by the State of Montana as having impaired water quality (on Montana 303(d)-list) be identified. Section 303(d) of the Clean Water Act (CWA) requires that States develop a list of water bodies where existing pollution controls or requirements are inadequate to attain and maintain WQS. The 303(d)-list includes water bodies that are impaired or threatened by pollutants from point sources, nonpoint sources, or a combination of both. The Montana Department of Environmental Quality (MDEQ) website, <http://cwaic.mt.gov/> provides information on water bodies on the Montana 303 (d) list.

Stream segments designated as “water quality impaired” and/or “threatened” listed on State 303(d) lists require development of a Total Maximum Daily Load (TMDL). Information on TMDL development can be found at the DEQ’s website, including their Understanding TMDLs pamphlet at, <http://deq.mt.gov/wqinfo/TMDL/default.mcpix> .

Pending completion of a TMDL in Montana, new and expanded nonpoint source activities may commence and continue, provided those activities are conducted in accordance with “reasonable soil, land and water conservation practices” (MCA 75-5-703). The Administrative Rules of Montana (17.30.602) define these as “methods, measures, or practices that protect present and reasonably anticipated beneficial uses.” EPA’s policy is that activities conducted in the watershed of 303(d) listed streams should avoid further degradation of the

impaired streams, and should be consistent with TMDLs and associated WQRPs intended to restore water quality and beneficial use support in the long term.

The EIS should describe how the proposed project might affect impaired streams in the analysis area, particularly how the water quality parameters causing the impairment and 303(d) listing may be effected. The proposed project should avoid aggravating water quality impairments. Proposed road and bridge development should be discussed with MDEQ and any local watershed groups that are involved in preparing TMDLs and watershed restoration plans for the impaired streams. The MDEQ should be asked to indicate if the proposed road and bridge developments are consistent with the State's development of TMDLs for the water quality impaired streams (i.e., contact Robert Ray, MDEQ at 406-444-5319 or Dean Yashan at 406-444-5317).

Wetlands

Wetlands are significant environmental resources that provide a wide range of important functions and values. They have experienced severe cumulative losses nationally. For these reasons protection of wetlands and other important aquatic resource habitats is a high EPA priority. The EIS must clearly describe the existing wetlands within the analysis area; their acreage, type and ecological function and how both acreage and function will be protected. Road construction clearing and earthwork generally include sedimentation and hydrologic impacts which at some level may cause changes to surface and subsurface drainage patterns and, ultimately, wetland integrity and function. Executive Order 11990 requires that all Federal Agencies protect wetlands.

Where dredge or fill activity is proposed in waters of the United States, all aquatic resource areas, including wetlands, should be clearly identified and assessed in relation to project impacts in accordance with Clean Water Act Section 404 permit requirements. The Section 404(b)(1) Guidelines provide the substantive environmental criteria for protecting waters of the U.S. under Section 404 of the Clean Water Act. Wetlands in the project area should be identified and delineated consistent with the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, Final Report and its recent guidance on implementation. Delineation should be followed by a functional assessment to determine the extent and importance of existing wetland and aquatic resources.

Avoidance of wetland losses is a primary requirement of the Section 404(b)(1) guidelines [40 CFR 230.10(a)]. The Corps of Engineers and EPA, through their Mitigation Memorandum of Agreement, state they will "... strive to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, will strive to achieve a goal of no overall net loss of values and functions." Planning and design should seek to avoid impacts wherever possible, to minimize impacts which are unavoidable, and, as a final alternative, to provide adequate compensation for all unavoidable impacts. This will require a thorough evaluation of all less environmentally damaging project alternatives. For non-water dependent activities, such

as roads, alternatives to siting in wetlands are presumed to be available unless demonstrated otherwise. Avoidance is required before compensatory mitigation will be considered.

The document must provide a clear description of anticipated direct, indirect and cumulative adverse impacts to wetlands from all planned activities. Wetland mitigation strategies, methods and programs should be disclosed in the assessment and included in the overall site mitigation plan. We recommend that a detailed compensatory mitigation plan be developed for unavoidable wetland and aquatic resource impacts (see attached Mitigation Plan Requirements). This mitigation plan should include consideration of both direct, indirect, and cumulative effects. It should contain a statement of goals, a monitoring plan, long-term management/protection objectives and a contingency plan (a commitment to conduct additional work if required to meet the goals of the plan). The mitigation plan should also include best management practices and mitigation measures that will manage stormwater runoff from roadways before it reaches wetlands, streams and other aquatic habitats. In general, wetlands, including mitigation wetlands, should not be used for treatment of stormwater. EPA guidance on wetland mitigation can be found at <http://www.epa.gov/owow/keep/wetlands/wetlandsmitigation/index.html>, and the latest EPA/Corps of Engineers regulations on Compensatory Mitigation for Losses of Aquatic Resources can be found at, http://www.epa.gov/owow/wetlands/pdf/wetlands_mitigation_final_rule_4_10_08.pdf.

To assure consistency with the 404(b)(1) Guidelines, a thorough analysis of all possible alternatives to avoid and minimize wetland and aquatic resource habitat impacts should be addressed through the NEPA EIS process. These alternatives can include project design changes including roadway alignment reconfiguration, modifications to size and configuration, bridges, construction on pilings as opposed to fill, abandonment of realignment proposals in highly sensitive areas, or use of safety devices to meet road safety objectives. We recommend that a draft 404(b)(1) analysis be prepared for the preferred alternative and appended to the EIS. We also recommend coordination with the Corps of Engineers staff (Todd Tillinger in Helena at 441-1375 or Catherine Juhas in Billings at 657-5910) and MDEQ 401 certification staff (Mr. Jeff Ryan at 444-4626) and other state and federal resources agencies when developing alternatives to determine whether impacts to wetlands can be eliminated or reduced.

Ground Water

Ground water under a road construction area may serve as a drinking water supply and/or a recharge source of nearby surface water bodies. Accordingly, contamination from road construction activities could have an adverse public health or ecological impact on such resources. An assessment of activities and potential contaminants used in the highway project should be conducted to determine risk of the project to ground water. Mitigation measures should be developed to assure that the ground water is adequately protected from the identified risks.

With regard to water supply wells or springs, the Federal Highway Administration should work with State environmental authorities and water purveyors (including private well owners) to identify what part, if any, of the project crosses present or planned water supply recharge areas. Highway authorities should also determine whether the project is located in a delineated Source Water Protection Area. Locally mandated wellhead program mitigation measures should be followed to protect the water supplies. The state contact for the Source Water Protection Program is Joe Meek at MDEQ at 444-4806.

Underground Storage Tanks

EPA considers leaks from Underground Storage Tanks (UST's) a serious threat to human health, soil, and ground water resources. Unidentified UST's containing petroleum and hazardous substances could be encountered during highway construction. Many of these tanks have been abandoned and still contain petroleum residues. If any UST's are found in the proposed right-of-way Tillman McAdams of EPA at 457-5015 must be notified. The State contact for UST's is Jim Hill of MDEQ at 444-0481.

The EIS should address any known impacts associated with the closure (in situ or removal) of the tanks. For unknown impacts the EIS should address site assessments, initial response (if a leaking tank is discovered), corrective action plans to treat contamination caused by leaking UST's, disposal procedures for the tank, and contaminated soils and ground water.

Hazardous Waste Sites

Highway routes and potential rights of way should be examined for proximity to hazardous waste sites. Projects that located near hazardous waste sites should provide mitigation measures that will safely avoid hydrologic and other disturbances of these sites. Mr. Mike Trombetta of MDEQ at 444-5877 may be contacted as an information source for hazardous waste sites in the area. A commonly used source for identification of known hazardous waste sites is the CERCLIS inventory generated from the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

2. Air Quality

The effects of the various alternatives on air quality must be quantified. Generally, the primary air quality concern with highway construction is the effect of motor vehicle emissions on air quality and their impact on 1) non-attainment areas, 2) Class I and II protection areas and 3) areas where an air quality standard could be violated by increases in emissions due to increased motor vehicle use facilitated by completion of the project. Existing air quality and meteorological monitoring data should be presented, as well as needed data gathering to adequately perform air quality analysis and any monitoring proposed. Air quality program information may be found at MDEQ's website, <http://deq.mt.gov/AirQuality/AQinfo.mcp>.

The air quality analysis must demonstrate that the proposed alternative would not cause or contribute to any violations of the National Ambient Air Quality Standards, that it will not cause the air quality to degrade by more than any applicable PSD (Prevention of Significant Deterioration) increment, and that it will not cause or contribute to visibility impairment.

The following discussion presents the general criteria by which an EIS dealing with mobile sources is evaluated for air quality impacts. This discussion presents the areas to be considered rather than the details of the analysis. A project with potentially minimal effects on air quality may not need to consider all the points mentioned below.

- (1) A description of the existing air quality should be presented, including the study areas designation of attainment or non-attainment of National Ambient Air Quality Standards. We note that portions of Billings are classified as nonattainment areas for carbon monoxide and for sulfur dioxide, see <http://deq.mt.gov/AirQuality/Planning/AirNonattainment.mcp.x> . It will be important for the proposed project to demonstrate conformity with the State Implementation Plan (SIP) for the Billings nonattainment areas.
- (2) A localized analysis of pollutants particularly carbon monoxide (CO) is needed. In most cases the eight-hour standard of 9 ppm is the controlling standard. However, it is useful to provide both one-hour and eight-hour concentrations. This analysis is required and should be proportional to the scope of the project.
- (3) Areawide analysis should be done for CO, PM₁₀ (emissions and particulates made airborne from automobile use), and Volatile Organic Compounds as well as any other criteria pollutants or hazardous pollutants which may be affected by the project. Attention to fugitive dust may also be important considering the particulate matter nonattainment status. Some of this analysis may not be necessary if the project is included in the State Implementation Plan (SIP) emission inventory.
- (4) The analysis should include a comparison of the "No Build" and all Build alternatives for existing conditions, worst case conditions, and the design years.
- (5) The traffic analysis should show the project's impact on average daily traffic and speeds. The assumed population growth used to project traffic volumes should be identified to assure consistency with the population projections in the SIP, and local long range plans. The analysis should include any increase in travel arising from improved travel conditions, which should be explained in the document.
- (6) Construction impacts, such as fugitive dust and equipment emissions, and appropriate control measures to be taken should be discussed.

- (7) Monitoring should be conducted at areas of maximum concentration to which the public may be exposed. Refer to 44 FR 27586 (May 10, 1979) for monitoring guidance.
- (8) An appropriate model should be used, based on the project scope. MOBILE 6 is the most recent mobile source emission factor model released by EPA.
- (9) A determination of whether the project conforms to the State Implementation Plan is required in Section 176(c) of the Clean Air Act (as amended November 15, 1991), and a description of any State or local air quality regulations on SIP requirements covering specific activities occurring as part of the project construction and/or implementation.

The conformity provisions of the Section 176(c) of the Clean Air Act requires that all Federal actions conform to existing State Implementation Plans (SIP's), and prohibits Federal agencies from taking any action that causes or contributes to a new violation of the NAAQS, increases the frequency or severity of an existing violation, or delays the timely attainment of a standard. Under section 176(c), the Federal agency responsible for a proposed action is required to determine if its action will conform to the applicable SIP before the final EIS is completed. The final rule on the conformity provision can be found in 40 CFR Parts 51 and 93.

You may want to contact Tim Russ of EPA Denver at 303-312-6479 if you have questions regarding the extent of appropriate air quality analysis or air quality issues or Clean Air Act requirements. Bob Habeck of MDEQ at 444-7305 is a State contact on Clean Air Act issues.

3. Wildlife Effects

In the case of new road alignments or widening of existing roads, the EIS should evaluate direct and indirect (induced growth) wildlife effects. Affected environment sections should include current quality and capacity of habitat, usage by wildlife near the proposed project, and known wildlife corridors/trails and wildlife fragmentation and connectivity. Existing wildlife mortality should be disclosed if known. Environmental Consequences sections need to evaluate increased mortality from higher traffic levels, habitat removal, reduced access to available habitat and habitat fragmentation, effects on biodiversity (see Biodiversity below), and estimated reductions in impact from mitigation. Route alignment, road design standards, key topographic features, and the linear nature of roads often result in a road which has a predilection to affect wildlife or another component of the environment. The classic example of this is the road in the bottom of a narrow valley and its effects on the stream and associated riparian and wetland areas and resident wildlife. Construction of long, continuous segments of guardrail and snowplowing can have unfortunate effects on wildlife. These types of effects should be disclosed and mitigated.

Road wildlife crossings should be dedicated for wildlife use to reduce wildlife mortality, connect habitat areas, and reduce traffic accidents. Crossings should be of sufficient width, contain minimal dark passages, and employ wing fencing techniques. The extent to which river/stream crossings can also serve as wildlife crossings (assuming stream crossings coincide with areas where there is wildlife movement or an opportunity to reduce mortality rates) should be evaluated. We note that information regarding wildlife and highway conflicts and mitigation may be found at, : <http://www.fhwa.dot.gov/environment/wildlifecrossings/overview.htm> ; http://www.hsus.org/wildlife/issues_facing_wildlife/wildlife_crossings_wild_animals_and_roads/ , and www.berrymaninstitute.org .

There are two documents that we suggest as references for evaluation of wildlife crossing issues: “*Critter Crossings, Linking Habitats and Reducing Roadkill*,” U.S. Dept. Of Transportation, FHWA, Office of Natural Environment, February 2000; and “*Evaluation of Ecological Impacts From Highway Development*,” U.S. EPA, April 1994, <http://www.epa.gov/compliance/resources/policies/nepa/ecological-impacts-highway-development-pg.pdf> .

Route selection, alignment, road design standards, key topographic features, and the linear nature of roads often result in a road which has a predilection to affect a particular component of the environment. The classic example of this is the road in the bottom of a narrow valley and its effects on the stream and associated riparian and wetland areas and resident wildlife. Construction of long, continuous segments of guardrail and snowplowing may also have unfortunate effects on wildlife. These types of effects must be disclosed.

Threatened and Endangered Species

If the proposed activities could affect threatened or endangered species (e.g., bull trout, bald eagle, gray wolf, lynx, etc.), the EIS should include the Biological Assessment and the associated U.S. Fish and Wildlife Service (FWS) Biological Opinion or formal concurrence for the following reasons:

- (1) NEPA requires public involvement and full disclosure of all issues upon which a decision is to be made;
- (2) The CEQ Regulations for Implementing the Procedural Provisions of NEPA strongly encourage the integration of NEPA requirements with other environmental review and consultation requirements so that all such procedures run concurrently rather than consecutively (40 CFR 1500.2(c) and 1502.25); and
- (3) The Endangered Species Act (ESA) consultation process can result in the identification of reasonable and prudent alternatives to preclude jeopardy, and mandated reasonable and prudent measures to reduce incidental take. These can affect project implementation.

Since the Biological Assessment and EIS must evaluate the potential impacts on listed species, they can jointly assist in analyzing the effectiveness of alternatives and mitigation

measures. EPA recommends that the final EIS and Record of Decision not be completed prior to the completion of ESA consultation. If the consultation process is treated as a separate process, the Agencies risk USFWS identification of additional significant impacts, new mitigation measures, or changes to the preferred alternative. If these changes have not been evaluated in the final EIS, a supplement to the EIS would be warranted.

Biodiversity

While generally not a major issue of concern for smaller road improvement projects, biodiversity may be a critical consideration for new alignments, major reconstruction or when special habitats (i.e., wetlands, threatened and endangered species habitat) will be affected. The state of the art for this issue is changing rapidly. CEQ prepared guidance entitled, "Incorporating Biodiversity Considerations Into Environmental Impact Analysis Under the National Environmental Policy Act," http://ceq.hss.doe.gov/publications/incorporating_biodiversity.html.

4. Other Issues

Noise

We recommend that the following information be included in the EIS to describe the existing environment and to evaluate the noise effects of the proposed project and the alternatives.

- (1) the existing and anticipated land uses near the project site or route that have a sensitivity to noise and the number of people living near the route;
- (2) the existing noise levels adjacent to the proposed alignments;
- (3) the predicted noise levels from alternatives;
- (4) the noise abatement measures that will be used to reduce noise from the completed project and noise generated during construction including noise walls, building insulation and acquisition;
- (5) the number of residences/businesses exceeding noise thresholds for each alternative;
- (6) the number of residences/businesses exceeding a 10 dBa increase in noise levels (show on a map); and
- (7) the facilities that can not be protected by noise abatement measures and the impact on the occupants.

Pollution Prevention

Pollution Prevention, also known as "source reduction," encompasses practices which reduce, eliminate, or prevent pollution at its source. By reducing the total amount of pollution that is produced, there is less waste to control, treat, or dispose of, and there are less hazards posed to public health and the environment. Under Section 6602(b) of the Pollution Prevention Act of 1990, Congress established a national policy that organizes preferences for pollution

prevention. CEQ provided guidance for incorporating pollution prevention into NEPA through a memorandum to Federal Department and Agency heads (Federal Register, January 29, 1993, pages 6478 – 6481. The Montana Pollution Prevention Program may be of assistance see <http://www.montana.edu/wwwated/> .

Cultural Resources

The environmental impact analysis for the road and bridge should include evaluation and protection of cultural, historical and archaeological resources. Cultural, historical, and archaeological resource analyses should be conducted and completed as much as possible as part of the environmental analysis for the EIS. Knowledge of the presence or absence of significant cultural, historical and archaeological resource protection needs may be important for a reasoned choice among management alternatives.

Tribal Coordination

Executive Order 13175, “Consultation and Coordination With Indian Tribal Governments,” was issued on November 6, 2000 to assure meaningful consultation and collaboration with tribal officials in the development of Federal policies with tribal implications, and to strengthen U.S. government-to-government relationships with Indian tribes. Agencies are directed to respect Indian tribal self-government and sovereignty, honor tribal treaty & other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments, and have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Tribal trust resources are located within the exterior boundaries of reservations and outside the reservation in Usual and Accustomed fishing and hunting areas. Agencies should assess all impacts to tribal trust resource and include those impacts in the agencies' environmental documents, and should consult to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. The environmental document shall fully disclose the potential environmental impacts, both negative and positive, on tribal trust resources.

Environmental Justice

E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” requires that Federal agencies make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental justice encompasses a broad range of impacts covered by NEPA, including impacts on the natural or physical environment and interrelated social, cultural, and economic impacts. Guidance on addressing Executive Order 12898 in NEPA documents is available at http://www.epa.gov/compliance/resources/policies/nepa/enviro_justice_309review.pdf .

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.



January 27, 2011

Ms. Julie DalSoglio
Director
U.S. Environmental Protection Agency
Region VIII, Montana Operations Office
10 West 15th Street, Suite 3200
Helena, MT 59626

Subject: Request for Comments on Purpose and Need Statement
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Ms. DalSoglio:

We received your Participating Agency Designation form/acceptance letter and are pleased that your agency has accepted the invitation to be a Participating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

Purpose and Need

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.
- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

Range of Alternatives

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

Participating and Cooperating Agency Meeting

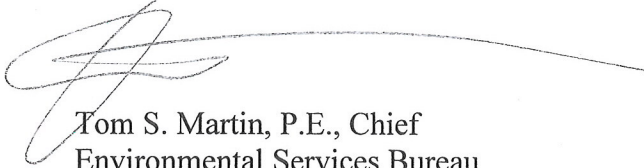
The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Ms. Julie DalSoglio
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January 28, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

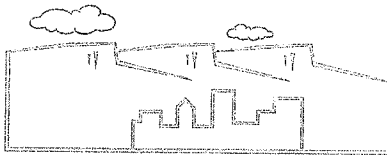
Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Purpose and Need
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File



Purpose and Need - DRAFT

January 2011

Purpose: *Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.*

Needs:

- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update - Draft Report). Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
- 2) ***Provide an additional connection between Lockwood and Billings.*** The segment of US 87 that crosses I-90 and the Yellowstone River is a highly congested route that serves as the only connection between Billings and Lockwood. The need for an additional connection to Billings is documented in the *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008). These plans identify this lack of connectivity as a factor limiting growth and economic development opportunities in Lockwood.
- 3) ***Improve mobility to and from Billings Heights.*** A survey completed for the *Billings Heights Neighborhood Plan* (2006) identified traffic issues as a key concern of residents, with one of the main traffic concerns being traveling to and from the Billings Heights neighborhood. This is also one of the key transportation issues for the region cited in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update – Draft Report). The *City of Billings Capital Improvement Plan* (2006 – 2011) includes 16 projects that would address traffic congestion in Billings Heights. Only one of these projects (the Billings Bypass EIS/Location Study) would address access between Billings Heights and the interstate, which is limited by a lack of Yellowstone River crossings. Limited mobility to and from Billings Heights is also an issue affecting emergency response. Main Street is currently the only emergency route between downtown Billings and the Billings Heights neighborhood. Congestion on Main Street could be an impediment to emergency response and has been a concern expressed by the Yellowstone County Disaster and Emergency Services Department.



March 17, 2011

Mr. Stephen Potts
NEPA/EIS Review
U.S. Environmental Protection Agency
Region VIII, Montana Operations Office
10 West 15th Street Suite 3200
Helena MT 59626

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Potts:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

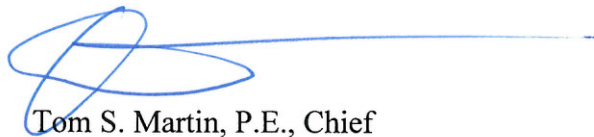
Mr. Stephen Potts
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3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'T' and 'M' followed by a horizontal line.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
Julie Dalsoglio, Director, U.S. Environmental Protection Agency
File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: 8MO

April 19, 2011

Mr. Thomas S. Martin, P.E., Chief
Environmental Services Bureau
PO Box 201001
Helena, MT 59620-1001

Re: EPA Comment on Preliminary Alternatives
Analysis Information for Billings Bypass EIS

Dear Mr. Martin:

This letter is in response to the e-mail message EPA staff received on April 8, 2011 from your Billing Bypass Project EIS consultant (David Evans and Associates, Inc.) regarding the preliminary alternatives analysis for this project.

It may be helpful to provide some background in regard to EPA's review of the preliminary alternatives analysis information attached to the above referenced e-mail. At an April 1, 2011 interagency meeting on the Billing Bypass EIS project, EPA's representative expressed concerns that the draft purpose and need for the Billings Bypass EIS project, which specified a need for a new Yellowstone River crossing, had potential to be construed as limiting the range of reasonable alternatives evaluated during the EIS analysis. It was noted that Courts have held that purpose and need statements should be defined to reflect the objective, general need for the proposed activity rather than a specific narrow course of action preferred by the agency. EPA suggested that it may be better to identify a need for improved travel access and north-south connectivity between I-90 and old highway 312 in the purpose and need statement, and then let river crossing alternatives emerge out of the alternatives analysis in the EIS.

The Corps of Engineers representative stated at this meeting that transportation projects are not water dependent, and a transportation alternative that avoids impacts to aquatic resources was presumed to be available unless it was demonstrated that such an alternative is not "practicable" in accordance with the Clean Water Act (CWA) 404(b)(1) Guidelines (40 CFR Part 230). The Corps noted that only the "least damaging practicable alternative" in terms of impacts to aquatic resources can be permitted under Section 404 of the CWA. The term "practicable" is defined in 40 CFR 230.3(q) as available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes. It was also noted that permitting requirements should be integrated into the EIS process as much as possible so that permitting and EIS processes occur concurrently to avoid project delays (40 CFR 1500.2(c)).



The MDT, FHWA and local government officials responded at the April 1 meeting that they strongly believed that there was a need for a new Yellowstone River crossing to improve mobility and connectivity in the eastern area of Billings. They preferred to retain their current purpose and need statement identifying a new Yellowstone River crossing as a project need, although they said they would check with their legal counsel regarding NEPA process and legal risks. Local, state and federal transportation officials said they had been studying Billings area transportation needs for over 10 years and they knew they needed a new Yellowstone River crossing to connect I-90 and old Highway 312 in Billings; add redundancy to the transportation system; provide an additional connection between Billings and Lockwood; and improve mobility to and from Billings Heights. The MDT and FHWA officials also stated that it was their intent to discuss alternatives that did not involve a new river crossing in an "Alternatives Considered But Dismissed" section of the EIS, and indicated that a draft 404(b)(1) analysis would be appended to the EIS.

With this background information provided, EPA's preliminary review of the information in the range of alternatives packet indicates that the various river crossing alignments in the packet appear to be reasonable, however, we do not see a discussion of "Alternatives Considered But Dismissed" in the packet. Information must be provided to demonstrate that alternatives that avoid impacts to aquatic resources were evaluated adequately to dismiss them (i.e., alternatives involving improvements to existing roads and bridges). While EPA gives deference to the lead transportation agencies in determining purpose and need for the EIS project under NEPA, it is also important that CWA 404 permit procedures be followed when a NEPA project may require a 404 permit.

The preferred alternative emerging out of the NEPA analysis must be considered the least damaging practicable alternative to aquatic resources in order for the Corps of Engineers to proceed with authorization under Section 404 of the CWA. It is the responsibility of the 404 permit applicant to prove that the least damaging alternative has not been inappropriately screened out during the review process. Potential alternatives that are less damaging to aquatic resources need to be determined not to be "practicable" in accordance with 40 CFR Part 230.

The rationale and supporting information for dismissing alternatives without a new river crossing may be included in the "Alternatives Considered But Dismissed" section of the EIS, as well as in the draft 404(b)(1) analysis, however, it is important that these EIS sections include adequate supporting information to demonstrate that less damaging alternatives to aquatic resources are not "practicable" in the context of the CWA.

Accordingly, we recommend that the draft "Alternatives Considered But Dismissed" section in the EIS and the draft 404(b)(1) analysis be prepared and distributed for review to assure that the Billings Bypass project is determined to be consistent with both NEPA and CWA requirements. If this project has a 10+ year planning history such information is likely available. This will facilitate both EIS environmental review and permitting, and thus, help avoid project delays. It is relevant to note that integration of NEPA and 404 permit processes has long been an important topic in transportation planning,

<http://www.environment.fhwa.dot.gov/projdev/tdmnepa404.asp>.

If you have any questions please feel free to call me in Helena at 406-457-5002 or you may call Mr. Steve Potts of my staff at 406-329-3313 or 406-457-5022. We thank you for your consideration.

Sincerely,



FOR

Julie A. DalSoglio
Director
Montana Office

cc: Larry Svoboda/Connie Collins, EPA 8EPR-N, Denver
Toney Ott/Jim Luey, EPA, EPR-EP, Denver
Robert Ray/Jeff Ryan, MDEQ, Helena
Todd Tillinger, USACE, Helena
Shannon Johnson, USACE, Billings
Mark Wilson, USFWS, Helena

**Preliminary EPA Comments on the Internal Administrative Draft EIS (ADEIS,
dated April 2012) for the Billings Bypass Project**

Brief Project Overview: The Montana Dept. of Transportation (MDT) and Federal Highway Administration (FHWA) prepared this ADEIS for a proposed transportation project to improve access and connectivity between I-90 and Old Hwy 312 and mobility in the eastern area of Billings, Montana. Currently the Yellowstone River, the Billings rimrocks, and Montana Rail Link railroad tracks provide barriers to north-south transportation connectivity. Alternatives evaluated included a No Build Alternative and three build alternatives providing a new principal arterial alignment between I-90 and Old Hwy 312. All build alternatives would provide connections across the Yellowstone River between I-90 and Old Hwy 312, and include some new and improved routes through residential, commercial and agricultural areas, and in some cases undeveloped land. All build alternatives would connect to I-90 at the existing Johnson Lane interchange, which would be reconstructed. Secondary corridor improvements would also be included with all build alternatives

The Mary Street Option 1 Alternative would provide a 4.9 mile connection between I-90 and Old Hwy 312 and include construction of a bridge across the main channel Yellowstone River and across a side channel at a location south of Five Mile Creek. The bridge across the main channel would be 2,010 foot long and a 185 foot long bridge would traverse the side channel.

The Mary Street Option 2 Alternative would provide a 5.1 mile connection between I-90 and Old Hwy 312, and include construction of one 1,890 foot long bridge over the main channel of the Yellowstone River at a location north of Five Mile Creek. North of the river this alignment would pass through undeveloped land that is planned as a future regional park.

The Five Mile Road Alternative would provide a 4.5 mile connection between I-90 and Old Hwy 312, and include passing through a tract of future park land as well as residential, commercial and agricultural areas. The Yellowstone River bridge would be constructed north of Five Mile Creek at the same site as with the Mary Street Option 2 Alternative. North of the river this alignment would also pass through undeveloped land that is planned as a future regional park.

Comments:

Purpose and Need

1. Thank you for revising the project purpose and need to reduce potential constraints on the range of alternatives considered (i.e., project purpose is to improve access and connectivity between I-90 and Old Hwy 312 to improve mobility in the eastern area of Billings). We also appreciate the discussion of "Alternatives Considered But Eliminated," and Table 2.5, "Alternatives Screening: Alternatives Eliminated from Analysis," which includes information on three alternatives that do not involve constructing a new bridge over the Yellowstone River (i.e., New I-90 Connection; Improved US 87 Connection; and I-94 to Old Hwy 312 Connection at Huntley). The reason these alternatives are eliminated is stated to be due to additional travel time, and thus, reduced access and mobility and/or greater impacts to commercial properties. These appear to be reasonable explanations for the elimination of these alternatives from further consideration.

2. We note that the "Executive Summary" and "Purpose and Need" sections state that the preferred alternative will be developed and identified in the FEIS (see page ES-17 and page 1-1 of the Purpose and Need section). However, the preferred alternative is clearly defined in section 2.4 (page 2-25) and discussed throughout the remainder of the ADEIS. To avoid misunderstanding to the public it may be appropriate to explain that a preliminary preferred alternative is identified in the DEIS, but will be further evaluated and refined during the review process.

Water Resources

3. The ADEIS identifies the Mary Street Option 2 as the preferred alternative that best meets the project purpose and need (page 2-25). It is stated that there is not a discernible difference with regard to impacts to air quality, hazardous materials, water resources, floodplain, vegetation, and wildlife among the build alternatives (page 2-26). It is stated that the Mary Street Option 2 Alternative would impact to 4.52 acres of wetlands (4.36 acres jurisdictional), while the Mary Street Option 1 Alternative would impact 5.39 acres of wetlands (4.07 acres jurisdictional), and the Five Mile Road Alternative would impact 4.7 acres of wetlands (3.35 acres jurisdictional), pages 2-27, 4-186 to 4-189). There are also small differences in impacts to riparian vegetation with the Mary Street Option 1 Alternative having 11.9 acres of riparian impacts, and the Mary Street Option 2 Alternative and Five Mile Road Alternative impacting 6.0 acres and 5.9 acres, respectively (Table ES-1, page ES-10). The Five Mile Road Alternative is also shown as impacting 2.2 acres of a pond (i.e., recently excavated gravel pit with low habitat value (page 4-192). The Mary Street Option 1 Alternative and Five Mile Road would also involve replacing and widening an existing bridge crossing of Five Mile Creek (widening bridge to 85 feet), while the Mary Street Option 2 Alternative would involve constructing a new bridge crossing of Five Mile Creek (215 foot-long bridge, page 4-170).

The Mary Street Option 2 Alternative and Five Mile Road Alternative would appear to have slightly less impacts to the Yellowstone River due to the need to only cross the main channel of the river with a 1,890 foot-long bridge, while the Mary Street Option 1 Alternative would have to cross both the main channel of the river and a side channel with two bridge structures (2,010 foot-long bridge and 185 foot-long bridge). Although the Mary Street Option 2 Alternative appears to have greater impacts to Five Mile Creek with construction of a new bridge over the creek.

While there are not large differences in impacts to aquatic resources among the build alternatives, and final wetland delineations have not yet been carried out on the road alignments, on a preliminary basis it appears to us that the Mary Street Option 2 Alternative may have slightly less impacts to overall aquatic resources than the other build alternatives.

4. The Draft 404(b)(1) analysis (Appendix F, Volume 2) includes a conclusion on page 36 that states that "all the build alternative are the least environmentally damaging practicable alternatives." As noted above, while we agree that the impacts to aquatic resources do not appear to vary by a great amount among the build alternatives, our preliminary view is that the Mary Street Option 2 Alternative would appear to have lesser impacts to aquatic resources than the other build Alternatives, although we realize that final delineations of jurisdictional wetlands have not yet been conducted along the various road alignments. We recommend that the Draft 404(b)(1) analysis be refined at least by the FEIS stage to identify the least environmentally damaging practicable alternative for 404 permitting based on information known to date.

5. There are also concerns that the design details and waters of the U.S. including wetlands impact information provided in Chapter 4 does not provide sufficient information to evaluate project compliance with the Clean Water Act Section 404(b)(1) Guidelines. While the MDT has proposed mitigation for impacts to the Yellowstone and Five-Mile Creek and adjacent wetlands, it is not clear what mitigation will be needed or required. The EPA recommends that the DEIS include additional design details, impact analysis, and a preliminary comprehensive compensatory mitigation plan.

Heavily disturbed wetlands are not listed or acknowledged as evaluated in the document. In an area of heavy development and disturbance the MDT may want to use other tools such as topography to determine if there are wetlands and riparian areas with non-hydrophytic vegetation. MDT may want to consult with references such as the wetland delineation manuals and the Corps of Engineers RGL 90-7 for disturbed sites. Are mudflats and islands being considered waters of the U.S. by grouping them in the riverine system? Unvegetated special aquatic sites (e.g. mudflats lacking macrophytic vegetation) within and adjacent to the Yellowstone and Five-Mile Creek that may be affected should be discussed. If you have questions please call Ms. Toney Ott with EPA in Denver at 303-312-6909.

We also note that in addition to the original 2007 Rapanos information regarding wetland delineation, the MDT should use the December 2008 Rapanos guidance document and may need to consider the current draft EPA wetland jurisdictional guidance, if the 404 permit application is submitted to the Corps of Engineers after the 2011 guidance is finalized. We suggest that information on jurisdictional status be sent to the Corps and EPA. The Corps is requested to send complex jurisdictional information to EPA before official submittals and work with EPA. http://water.epa.gov/lawsregs/guidance/wetlands/upload/2008_12_3_wetlands_CWA_Jurisdiction_Following_Rapanos120208.pdf.

6. We appreciate the identification and discussion of wetlands along the project corridors (pages 3-104 to 3-113). As noted above the ADEIS indicates that the Mary Street Option 2 Alternative would impact to 4.52 acres of wetlands (4.36 acres jurisdictional), while the Mary Street Option 1 Alternative would impact 5.39 acres of wetlands (4.07 acres jurisdictional), and the Five Mile Road Alternative would impact 4.7 acres of wetlands (3.35 acres jurisdictional) (pages 2-27, 4-186 to 4-189). However, it is not clear to us if these wetland impacts include impacts from all activities, including those that may occur outside the highway right-of-way such as from gravel mining or excavation of borrow material, stockpiling of materials in staging areas, and disposal of waste materials. The DEIS should clarify that the impacts to wetlands include impacts from all activities, including activities outside the highway right-of-way, such as excavation of borrow material and stockpiling of materials during construction, and disposal of fill materials.

Also it will be necessary for the MDT to oversee the construction contractor(s) to assure that wetland impacts are minimized, and that environmentally sensitive areas are avoided when obtaining borrow or material sources and selecting construction staging areas and fill or waste disposal areas. It would be helpful if the procedures used by MDT to oversee contractor identification and use of material source sites and excavation/fill operations to assure that adverse impacts from such sites and operations are avoided are described in the DEIS.

7. There was no mention of pallid sturgeon or state threatened or endangered fish in the Yellowstone. What is the habitat potential for T&E species, candidate and state listed fish, and amphibians? What specific impacts are expected on warmwater and coldwater fish and aquatic life found in Yellowstone River and tributaries? The ADEIS mentioned possible impacts, but details were not presented.
8. We appreciate the identification and discussion of the Yellowstone River in regard to Montana's list of water quality impaired waters under Section 303(d) of the Clean Water Act (pages 3-97, 3-98), and discussion of all waterbodies in the project area (i.e., Yellowstone River, Five Mile Creek, Seven Mile Creek, Coulson Ditch, page 3-101). It will be important that the proposed Billings Bypass project be consistent with the Montana DEQ's development of a Total Maximum Daily Load (TMDL) for the Yellowstone River. We encourage MDT to coordinate with the Montana DEQ TMDL Program staff to help assure such consistency (contact Mr. Robert Ray of MDEQ in Helena at 406-444-5319 and/or Mr. Dean Yashan at 406-444-5317).

Bridge Crossings

9. We are pleased that the discussion of water resources and water quality mitigation measures indicates that the Yellowstone River bridge and Five Mile Creek bridge will span the floodway (page 4-166) and longer multi-span composite steel girders are proposed to cross the river channel to avoid pier impacts to the river (page 2-11). We support bridge designs (and culvert designs) with adequate width and capacity to pass flood flows and bedload, with minimal encroachment upon the stream channel, riparian area and floodplain. Bridge designs should avoid impeding flood flows that could cause sediment deposition above stream crossings and erosion and scouring below crossings and causing substantial increases in flood elevations (e.g., construction of bridges on pilings, as opposed to fill, can reduce encroachment). We recommend that culverts simulate the natural stream grade and stream bed substrate as much as possible (e.g., open bottom arch culverts that provide a natural streambed). Are open bottom arch culverts included with the proposed project?

The ADEIS indicates that the Mary Street Option 1 bridge over the Yellowstone River would have eight 10 foot diameter piers (pages 4-174, 4-177), although the discussion of the Mary Street Option 2 Alternative indicates that the Yellowstone River bridge would have nine piers in water (page 4-175). Since the Mary Street Option 1 bridge is stated to be 120 feet longer than the Mary Street Option 2 and Five Mile Road Alternative bridge (2,010 foot bridge vs. 1,890 foot bridge), it is not clear why more piers would need to be placed in water for the shorter bridge. This should be explained. Also, placement of eight or nine bridge piers in water seems to be inconsistent with the statement that longer multi-span composite steel girders are proposed to cross the river channel to avoid pier impacts to the river (page 2-11). It is also stated that the number of piers located in the active channel would be reduced during final design (page 4-187). Additional discussion of efforts to minimize pier placement in water and disclosure of the most likely number of piers to be placed in the active channel would assist in understanding of potential impacts to the river.

We also note that bridges with wide spans afford opportunities for improved wildlife passage, and promote reduced wildlife-vehicle collisions. We encourage use of bridge spans with the widest possible span and minimal number of piers in water to reduce encroachment on river channels and floodways, reduced impedance to flood flows, and to promote improved wildlife passage. We are

pleased that less than a 0.5 foot rise of the base flood elevation is predicted from construction of the new Yellowstone River bridge (pages 4-177, 4-178).

10. We are also pleased that the ADEIS indicates that stormwater will be carried off bridges for treatment (page 4-166), although we did not see much specific information proposed treatment of stormwater runoff from bridges and roads. We support use of vegetative filters and sediment traps to capture sediment before it can enter streams and wetlands, but also encourage consideration of infiltration basins or dry wells as another potentially effective way to remove contaminants from stormwater runoff. We note that infiltration basins or dry wells should be inspected and maintained on a regular schedule. Also, sometimes groundwater monitoring may be needed to assure that pollutant levels do not increase in ground water, particularly if there are significant amounts of contaminated highway runoff directed to infiltration beds or dry wells upgradient from public water supply wells.

We are pleased that it is stated that no public wells appear to be in conflict with any of the proposed project corridors (page 4-171), and that monitoring wells are located in the project area to monitor groundwater quality in the area (page 3-98, Figure 3-29).

11. It will be important that appropriate permits and authorizations are obtained for work in and near aquatic areas (e.g., Section 318 short term turbidity exceedance authorization, 310 or 124 permits, Montana Pollutant Discharge Elimination System (MPDES) Stormwater permits, Corps of Engineers 404 permit, etc.), and that adequate erosion control and sediment stabilization and revegetation measures are utilized. We are pleased that a Storm Water Pollution Prevention Plan (SWPPP) will be prepared and MPDES permit will be obtained (pages 4-169), and that Table 5.1 identifies permits and authorizations needed for the proposed project.
12. Roadway construction, operation, and maintenance can impact streams, wetlands and riparian areas from runoff, disruption of drainage patterns, stockpiling of materials in staging areas, maintenance of construction and maintenance equipment, application of herbicides, mowing, and snow plowing and sanding of roads or use of salt and deicers. The impacts of maintenance activities are more a matter of a long-term indirect and cumulative effects than any one incident.

We encourage the highway agencies to train road maintenance staff regarding procedures that minimize adverse impacts of road maintenance activities on streams and wetlands (contact, Montana Local/Tribal Technical Assistance Program at Montana State University, Steven J. Jenkins, P.E, at 406-994-6100 or 1-800-541-6671). Snow plowing subsequent to sanding moves sand off the roadbed to the adjacent ditch line and fill slopes, filling depressions and ditches and widening shoulders, which can have adverse effects upon streams, wetlands, and riparian areas. These activities have the potential to introduce sediment, materials and chemicals into streams. We also encourage use of BMPs for winter maintenance operations such as using mechanical brooms to pick up sand after thaws.

Impacts to Parklands

13. Both the preferred alternative, the Mary Street Option 2 Alternative, and the Five Mile Road Alternative include a road alignment through undeveloped land that is planned for a future regional

park (John H. Dover Memorial Park). This future park is apparently not considered to be a Section 4(f) property (page 3-34). The ADEIS does not include much specific analysis and disclosure of the potential effects of having a major regional transportation corridor passing through the John H. Dover Memorial Park. We believe such information would be of public interest. We recommend that the DEIS include additional information and disclosure regarding potential effects of the proposed project on this future regional park.

Indirect Effects

14. The ADEIS indicates that improvements to roadways are unlikely to induce development (Table 4.8, page 4-43). Yet it is also stated that the lack of connectivity between Lockwood and Billings Heights may be a limiting factor in the growth and economic development of Lockwood (page 3-12). The preferred alternative, Mary Street Option 2, includes a new two-lane arterial collector road north of Dover Road and a new four-lane principal arterial alignment between Mary Street and I-90, as well as a new bridge over the Yellowstone River. It is stated that alternatives may lead to increased development in the study area (including along Five Mile Road), and there could be development pressure inducing varying levels of growth (page 4-186); and that the study areas is relatively undeveloped, but has potential to urbanize, especially along Mary Street (page 4-187). These various statements regarding potential future changes in land use and growth appear to be inconsistent with the state that improvements to roadways are unlikely to induce development.

New road construction that improves traffic flow, reduces congestion and increases access can contribute to induced residential, commercial, industrial growth, and changed land uses constitutes indirect effects. Indirect effects are defined as "...caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems" (40 CFR 1508.9(b)). Induced residential, commercial, and industrial growth and land use change affect air quality, water quality, wetlands, wildlife habitat loss and fragmentation, urban sprawl, loss of rural character, farm land and other natural resources.

It appears to us that new and improved roadways that improve access and connectivity between Lockwood and Billings Heights, and that include new roads through agricultural areas and undeveloped areas have potential to change land use and growth and development patterns in such areas. We recommend that inconsistencies in disclosure of potential indirect effects of the proposed project be addressed, and that indirect effects and appropriate mitigation measures be more fully evaluated and disclosed in the DEIS (i.e., identify existing condition and trends and forces shaping growth and development in the area; identify land with development potential and most likely locations of growth; identify sensitive environmental resources that may be impacted; estimate growth and impacts with and without project).

Air Quality

15. The ADEIS indicates that the project study area is currently a maintenance area for carbon monoxide (CO), and is in compliance with PM_{2.5} and PM₁₀ NAAQS standards, and is a non-attainment area for sulfur dioxide, although sulfur dioxide is not a criteria pollutant for transportation conformity

(page 3-88). The CAL3QHC computer dispersion model was used to predict the 1-hour CO concentrations, with an adjustment factor for 8-hour concentrations, at the receptor locations for year 2010 and 2035. The results of the air quality modeling show that the maximum CO concentrations are lower in the design year, 2035 than existing CO concentrations for the build alternatives, and analysis also shows no increases in particulates above the no action alternative. Modeling shows that projected 1-hour and 8-hour CO concentrations do not exceed NAAQS or the MAAQS as a result of proposed improvements (page 4-146), and the ADEIS also concludes that the project does not have air quality concerns with respect to particulate matter (page 4-149). EPA's MOVES2010 model was officially released on March 2, 2010 and MOVES2010a was released on September 8, 2010 (and the most recent update to the MOVES model, MOVES2010b, was just released on April 23, 2012). Although not identified in section 4.3.1.2.2, EPA is curious if our MOVES2010a model was used to prepare the CO emissions for the intersection modeling? If so, this should be noted in this section.

The ADEIS indicates that Mobile Source Air Toxics (MSATs) emissions were evaluated qualitatively since the Billings Bypass project is stated to have a low potential for MSAT effects (with traffic volumes below 20,000 AADT, page 3-89). The results of the MSAT qualitative analysis indicate there would be no increases in MSAT above the no action alternative. The ADEIS indicates that increased travel speeds, improvements to the level-of-service and reduced traffic congestion, and improved vehicle fuel efficiency should reduce MSAT emissions in the future (page 4-154). We appreciated disclosure of these analysis results. We note the discussion in the first full paragraph on page 4-153, regarding the FHWA 2009 document, the emission estimates from various mobile source emissions models (MOBILE6.2, EMFAC2007, and the DRAFT2009 MOVES model) are compared and noted that the MSAT results are indicated as highly inconsistent. We believe the public would benefit from an update to this discussion regarding the development of our MOVES2010 model, its improved accuracy, and enhanced ability to estimate both criteria and MSAT emissions. EPA's current version of the MOVES model, MOVES2010b, was released on April 23, 2012 and not only calculates the six priority MSATs noted in this section, but includes 63 other MSATs. Please review the MOVES2010b "Q" and "A" document found at the following weblink: <http://www.epa.gov/otaq/models/moves/documents/420f12014.pdf> . If you have air quality analysis questions we encourage you to call Mr. Timothy Russ, who may be reached in Denver at 303-312-6479.

16. The ADEIS states that MDT's Standard Specifications 107.11.3, Air Quality, will be used to reduce construction related emissions; however, from what EPA could find, this provision only states the following:

"107.11.3 Air Quality: Operate all equipment including, but not limited to, hot-mix paving plants and aggregate crushers to meet the minimum air quality standards established by federal, state, and local agencies. No additional payment will be made for the use or installation of dust or smoke control devices, for the disruption of work or loss of time occasioned by the installation of such control devices, or for any other related reasons." (See: "Standard Specifications for Road and Bridge Construction, 2006 Edition" at: http://www.mdt.mt.gov/other/contract/external/standard_specbook/2006/2006_stand_specs.pdf)

As portions of the project will be constructed directly adjacent to residential areas, EPA believes only relying on this particular statement as insufficient. EPA recommends that during construction

adjacent to the residential areas that consideration for monitoring for PM₁₀ levels during construction take place to validate that construction emissions are effectively controlled. The EPA recommends that the air quality monitoring plan include elements identifying how monitoring will be performed, action levels for the monitored data, and how the data will be shared with the appropriate agencies and the public. A complete monitoring plan would demonstrate how well the preferred alternative resolves potential dust emissions concerns by measuring the effectiveness of the mitigation measures in controlling or minimizing adverse effects. In regard to best management practices (BMPs) to mitigate construction related emissions, EPA recommends consideration of the following mitigation measures to reduce air quality impacts during construction, and suggests that such measures be identified in the DEIS to improve public understanding:

- Requiring heavy construction equipment to use the cleanest available engines or to be retrofitted with diesel particulate control.
- Requiring diesel retrofit of construction vehicle engines and equipment as appropriate.
- Using alternatives for diesel engines and/or diesel fuels such as: biodiesel, LNG or CNG, fuel cells, and electric engines.
- Installing engine pre-heater devices to eliminate unnecessary idling during winter time construction.
- Prohibiting the tampering of equipment to increase horsepower or to defeat emission control devices effectiveness.
- Requiring construction vehicle engines to be properly tuned and maintained.
- Using construction vehicles and equipment with the minimum practical engine size for the intended job.
- Using water or wetting agent to control dust.
- Using wind barriers and wind screens to prevent spreading of dust from the site.
- Having a wheel wash station and/or crushed stone apron at egress/ingress areas to prevent dirt being tracked onto public streets.
- Using vacuum-powered street sweepers to remove dirt tracked onto streets.
- Covering, as appropriate, all dump/haul trucks leaving sites.
- Covering or wetting temporary excavated materials.
- Using a binding agent for long-term excavated materials.
- Locating diesel engines as far away as possible from residential areas.

- Locating staging areas as far away as possible from residential uses.
- Using construction vehicles and equipment with the minimum practical engine size for the intended job.
- Scheduling work outside of normal hours for sensitive receptors; this should be necessary only in extreme circumstances, such as construction immediately adjacent to a health care facility, church, outdoor playground, or school.

Wildlife/T&E Species

17. We are pleased that the U.S. Fish and Wildlife Service is being consulted in regard to their review and concurrence on the determination of effects on threatened and endangered species (page 4-198).

Climate Change

18. The ADEIS includes brief discussion of climate change and greenhouse gas emissions in regard to the proposed project (pages 3-89-3-90). NEPA documents can promote improved public understanding of climate change. Research indicates that climates are changing, and that climate change will accelerate, and that human greenhouse gas (GHG) emissions, primarily carbon dioxide emissions (CO₂), are the main source of accelerated climate change {see United Nations Intergovernmental Panel on Climate Change (IPCC), <http://www.ipcc.ch/>, EPA <http://www.epa.gov/climatechange/>}. We encourage inclusion of information on climate change in NEPA documents, particularly in regard to the link between greenhouse gases (GHGs) and climate change, and the potential impacts of climate change, and the ability of the proposed project to adapt to climate change effects.

Environmental Justice

19. The ADEIS includes discussion of environmental justice considerations in both Chapter 3 (pages 3-49 to 3-54) and Chapter 4 (pages 4-57 to 4-63). It is indicated that, "Census tracts are the smallest geographic area available to provide data on income and poverty" (page 3-52), and that blockgroup level data was not available at a smaller geographic unit for further analysis. It is also stated that there are minority populations of Hispanic and Native American persons and low income populations within the study area, but it is concluded that there would be no disproportionate impacts to environmental justice populations.

While tract level data is more accessible through the US Census, blockgroup data is actually available, but MDT and FHWA would need to spend more time seeking out this information. We are not sure, however, that use of blockgroup data would result in any change in the overall conclusion of no disproportionate impacts to environmental justice populations. We appreciate the evaluation of direct impacts, indirect impacts, temporary construction impacts, and cumulative impacts of the project alternatives on environmental justice populations, as well as discussion of mitigation measures for environmental justice, and the conclusion that there would not be disproportionate impacts to environmental justice populations.

U.S. FISH AND WILDLIFE SERVICE



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 27, 2010

Mr. R. Mark Wilson
Field Supervisor
U.S. FISH AND WILDLIFE SERVICE
Montana Field Office
585 Shepard Way
Helena, MT 59601

Subject: Invitation to Participate in the Environmental Review Process for the Billings
Bypass Environmental Impact Statement (EIS)
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No.: 4199 000

Dear Mr. Wilson:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). You were initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as

opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.ⁱ Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project includes a new bridge over the Yellowstone River, and the USFWS has previously indicated that listed, proposed, and candidate species may be present in the project vicinity (see attached letter dated July 31, 2000). Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

Your agency does not have to accept this invitation. If you elect not to become a participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to tgoeksch@mt.gov; please include the title of the official responding. Written responses from federal agencies declining designation as participating agencies should be transmitted to this office no later than October 13, 2010. You may use the attached Participating Agency Designation form to accept or decline this invitation.

Please confirm our assumptions that, to our knowledge, the proposed project will not impact any USFWS easements to the FHWA. Also, please identify any potential impacts to USFWS resources as protected by Section 4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303), which includes the following:

- a. Parks and/or Recreation Areas;
- b. Wildlife/Waterfowl Refuges;
- c. Sites eligible for inclusion in, or are already in the National Register of Historic Places under *Section 106* of the *National Historic Preservation Act* (16 U.S.C. 470); and/or
- d. Lands managed as multiple use which include recreation sites, or wildlife/waterfowl refuges as listed previously.

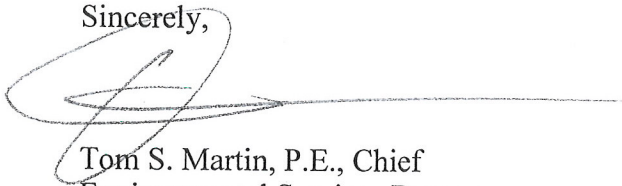
In accordance with *Section 7(a)* of the *Endangered Species Act*, the Montana Department of Transportation (MDT) is also requesting validation of an existing list of Threatened and/or Endangered Species in the vicinity of the proposed improvement project. The list is included in the attached USFWS response, dated July 31, 2000, regarding the Billings North Bypass

Feasibility Study. MDT will assume that the previously provided information is correct unless you notify us in writing by the date indicated at the end of this letter.

We look forward to your response to this request and your role as participating agency on this project. If you have questions or would like to discuss in more detail the project or FHWA's and the U.S. Fish and Wildlife Service's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Study Area Map
Letter dated July 31, 2000
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator
Tim Conway, P.E., MDT Consultant Design Engineer
Alan Woodmansey, P.E., MDT Program Development Engineer –
FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.
File

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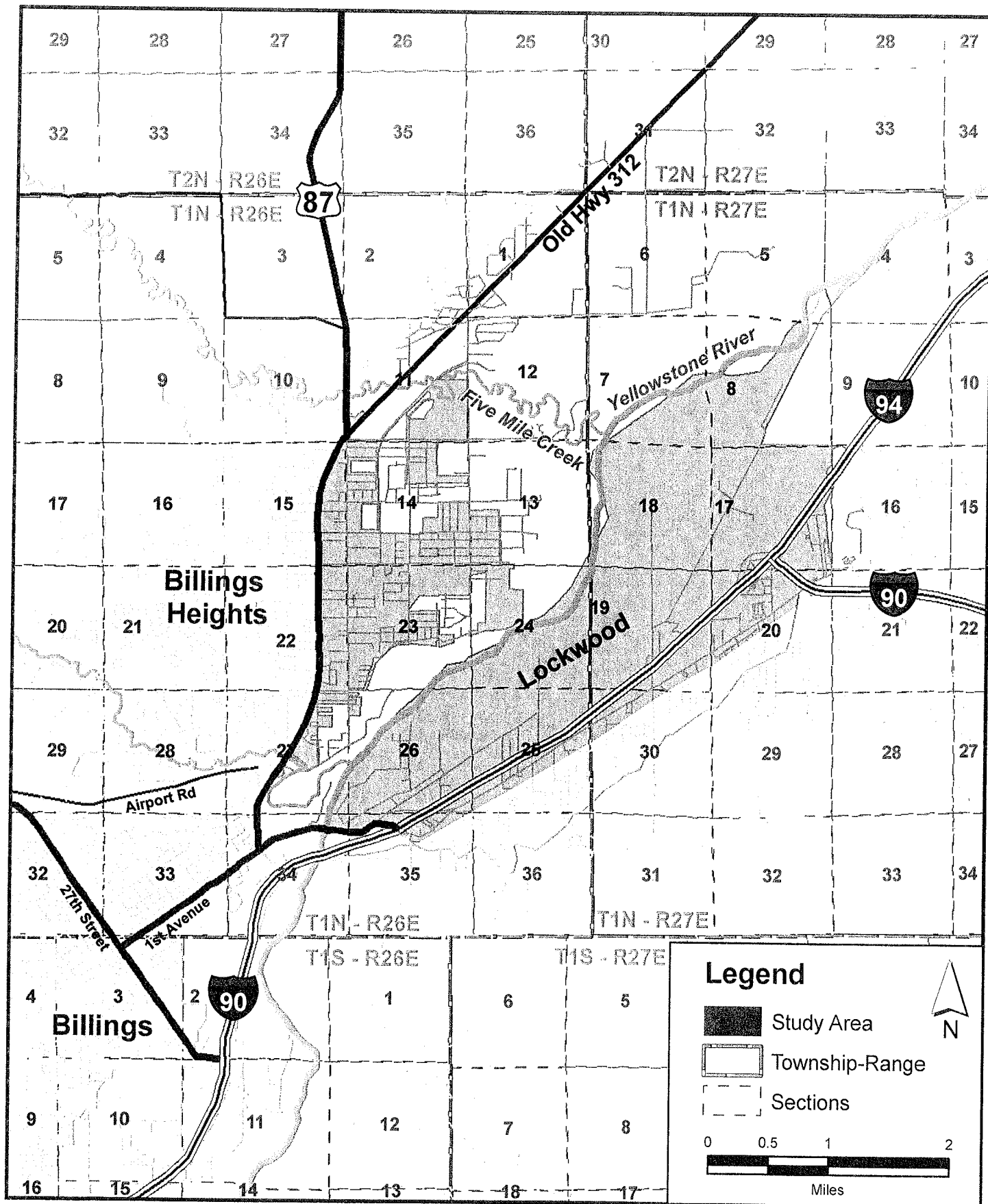
ⁱ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.



September 2010

BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



**Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199**

PARTICIPATING AGENCY DESIGNATION

- ☐ Yes – U.S. FISH AND WILDLIFE SERVICE wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – U.S. FISH AND WILDLIFE SERVICE does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
 - ☐ Agency has no expertise or information relevant to the project
 - ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

_____ (Sign – Authorized Representative)

_____ (Print)

_____ (Title)

_____ (Date)

Please return to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

MONTANA FIELD OFFICE
100 N. PARK, SUITE 320
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

AUG - 3 A.M.

M.17 FHWA (I)

July 31, 2000

Ms. Teri L. Dewing
MSE-HKM, Inc.
Granite Tower Building
222 North 32nd Street
Billings, Montana 59101

Dear Ms. Dewing:

This responds to your letters dated May 4 and July 19, in which you requested information pertaining to the Northwest By-Pass Feasibility Study near Billings (NCPD 56(42); Control No. 4199) in Yellowstone County, Montana. Your letters requested information the US Fish and Wildlife Service (Service) may have regarding a variety of natural resources that may occur in the vicinity of the study area which extends north of Billings between Highway 3 and the Interstate 90/94 interchange. The Service has general information on threatened and endangered (T/E) species and wetlands, but not the other types of environmental information you requested. The information we can provide at this initial stage follows. These comments were prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et. seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.).

In accordance with §7(c) of the Act, the Service has determined that the following listed, proposed, and candidate species may be present in the project vicinity:

Listed Species

bald eagle (*Haliaeetus leucocephalus*); threatened
pallid sturgeon (*Scaphirhynchus albus*); endangered
black-footed ferret (*Mustela nigripes*); endangered

Expected Occurrence

spring or fall migrant; nesting
nearby; winter resident
Yellowstone River
prairie dog complexes

Proposed Species

mountain plover (*Charadrius montanus*); proposed as
threatened

Expected Occurrence

potential occurrence in shortgrass
prairie habitat

<u>Candidate Species</u>	<u>Expected Occurrence</u>
sturgeon chub (<i>Macrhybopsis gelida</i>)	Yellowstone River drainage
black-tailed prairie dog (<i>Cynomys ludovicianus</i>)	shortgrass prairies of eastern MT
swift fox (<i>Vulpes velox</i>)	prairie grasslands of eastern MT

Section 7(c) of the Act requires that Federal agencies proposing major construction activities complete a biological assessment to determine the effects of the proposed actions on listed and proposed species and use the biological assessment to determine whether formal consultation is required. A major construction activity is defined as "a construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act (NEPA)" (50 CFR Part 402). If a biological assessment is not required (i.e. all other actions), the Federal agency is still required to review their proposed activities to determine whether listed species may be affected. If such a determination is made, formal consultation with the Service is required.

For those actions wherein a biological assessment is required, the assessment should be completed within 180 days of initiation. This time frame can be extended by mutual agreement between the Federal agency or its designated non-Federal representative and the Service. If an assessment is not initiated within 90 days, this list of T/E species should be verified with the Service prior to initiation of the assessment. The biological assessment may be undertaken as part of the Federal agency's compliance of §102 of NEPA and incorporated into the NEPA documents. We recommend that biological assessments include the following:

1. A description of the project.
2. A description of the specific area that may be affected by the action.
3. The current status, habitat use, and behavior of T/E species in the project area.
4. Discussion of the methods used to determine the information in Item 3.
5. An analysis of the affects of the action on listed species and proposed species and their habitats, including an analysis of any cumulative effects.
6. Coordination/mitigation measures that will reduce/eliminate adverse impacts to T/E species.
7. The expected status of T/E species in the future (short and long term) during and after project completion.
8. A determination of "is likely to adversely affect" or "is not likely to adversely affect" for listed species.
9. A determination of "is likely to jeopardize" or "is not likely to jeopardize" for proposed species.
10. Citation of literature and personal contacts used in developing the assessment.

If it is determined that a proposed program or project "is likely to adversely affect" any listed species, formal consultation should be initiated with this office. If it is concluded that the project

"is not likely to adversely affect" listed species, the Service should be asked to review the assessment and concur with the determination of no adverse effect.

Pursuant to §7(a) (4) of the Act, if it is determined that any proposed species may be jeopardized, the Federal agency should initiate a conference with the Service to discuss conservation measures for those species. For more information regarding species of concern occurring in the project area, including proposed and candidate species, please contact the Montana Natural Heritage Program, 1515 East 6th Ave., Helena, 59601, (406) 444-3009.

A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare biological assessments. However, the ultimate responsibility for §7 compliance remains with the Federal agency and written notice should be provided to the Service upon such a designation. We recommend that Federal agencies provide their non-Federal representatives with proper guidance and oversight during preparation of biological assessments and evaluation of potential impacts to listed species.

Section 7(d) of the Act requires that the Federal agency and permit/applicant not make any irreversible or irretrievable commitment of resources which would preclude the formulation of reasonable and prudent alternatives until consultation on listed species is completed.

Any power lines in the vicinity, if not properly constructed, could pose electrocution hazards for bald eagles. To conserve this species, and other large raptors protected by Federal law, we urge that any power lines that need to be modified or reconstructed as a result of this project be raptor-proofed following the criteria and techniques outlined in the publication, "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996." A copy may be obtained from: Jim Fitzpatrick, Treasurer, Carpenter Nature Center, 12805 St. Croix Trail South, Hastings, MN 55033. The use of such techniques would likely be most beneficial adjacent to expected raptor foraging areas (i.e. stream crossings or wetlands that support populations of waterfowl).

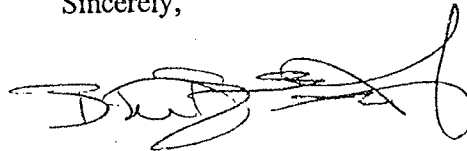
If wetlands might be impacted by the proposed construction project, Corps of Engineers (Corps) §404 permits may eventually be required. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the Corps as may appear reasonable and prudent based on the information available at that time.

It appears likely from the information you provided that a new bridge across the Yellowstone River may be a part of the proposed by-pass design. Bridge construction can constrict a stream's floodplain and often includes bank stabilization activities such as riprap and weirs. These activities have direct, indirect and cumulative impacts that significantly affect the physical, chemical, and biological dynamics of the stream and its associated aquatic resources, both upstream and downstream from the point of construction. Bridges that do not allow for the inevitable migration of the stream channel will require extensive erosion control in the

foreseeable future. As these cumulative impacts increase, options to stabilize stream channels near bridges will no longer be viable. The Service strongly recommends that new bridges be designed to accommodate migration of the stream channel and to allow for floodplain conveyance of flood water. The action agency should analyze cumulative indirect and direct effects of the proposed bridge and its associated structures, including calculation of bed load movement and future bridge maintenance activities. It is important to bear these factors in mind at this preliminary stage of design so they can be considered, evaluated and implemented as the project progresses.

If you have questions regarding this letter, please contact Mr. Scott Jackson at the address above or by phone at (406) 449-5225, ext. 201.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Jackson", written over a horizontal line.

Acting Field Supervisor

Copy to: FWS-ES, Billings Suboffice



United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
585 SHEPARD WAY
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

File: M.44. MDT (I)

November 23, 2010

Tom S. Martin, Chief
Environmental Services Bureau
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

Dear Mr. Martin:

This is in response to your September 27, 2010 letter on behalf of the Federal Highway Administration (FHWA) inviting participation by the U.S. Fish and Wildlife Service (Service) in the environmental review process for the Billings Bypass Environmental Impact Statement (EIS). The completed Participating Agency Designation is attached.

The environmental review process will develop a proposed action and alternatives for a bypass road from Interstate 90 in the vicinity of Lockwood to Old Highway 312 north of Billings Heights. Of necessity, this project will entail a new bridge spanning the Yellowstone River. All activities will occur in Yellowstone County, Montana. Species that are listed under the Endangered Species Act that may occur in the vicinity of this project include: black-footed ferret (*Mustela nigripes*), whooping crane (*Grus americana*), mountain plover (*Charadrius montanus*), a proposed species, and greater sage-grouse (*Centrocercus urophasianus*), a candidate species. In the past we have been concerned about the possible presence of pallid sturgeons (*Scaphirhynchus albus*) in this area. However, information obtained in the last decade indicates that pallid sturgeons are unlikely to be found upstream of the confluence with the Big Horn River, and are not expected to occur within the vicinity of the project area. No wildlife refuges are contained within the project study area.

We have indicated our status as a Participating Agency because the project may affect listed species. However, as you are undoubtedly aware, we are extremely short-staffed at this time, and we do not anticipate being able to provide substantial review or participation in meetings, field reviews, and other activities. Once the preferred alternative is identified, consultation regarding effects to listed species will be handled from this office.

We recommend that you consider locations for the new bridge across the Yellowstone River that minimize impacts to the floodplain, riparian habitat, and the channel migration zone. Designs to be considered should include, if practicable, as clear-span bridge that has no footings or supports within the active river channel.

We appreciate your efforts to ensure the conservation of threatened and endangered species as part of our joint responsibilities under the Endangered Species Act, as amended. If you have questions or comments related to this correspondence, please contact Shannon Downey of my staff at 406-449-5225, ext 214.

Sincerely,

A handwritten signature in black ink that reads "R. Mark Wilson". The signature is fluid and cursive, with the first name "R." being small and the last name "Wilson" being larger and more prominent.

R. Mark Wilson
Field Supervisor

Billings Bypass EIS
Project No. NCPD 56(55)
Control No. 4199

PARTICIPATING AGENCY DESIGNATION

- ☒ Yes U.S. FISH AND WILDLIFE SERVICE wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No U.S. FISH AND WILDLIFE SERVICE does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:*
- ☐ Agency has no jurisdiction or authority with respect to the project
 - ☐ Agency has no expertise or information relevant to the project
 - ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

R. Mark Wilson (Signature Authorized Representative)
R. Mark Wilson (Print)
Project Leader (Title)
11-22-10 (Date)

Please refer to:

Thomas S. Martin, P.E.
MDT Environmental Services Bureau Chief
2701 Prosper Avenue
PO Box 201001
Helena MT 59620-1001

Fax: 406-444-7671

* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a "participating agency" does not imply that the agency supports the proposed project or has any jurisdiction.



January 27, 2011

Mr. R. Mark Wilson
Field Supervisor
U.S. Fish and Wildlife Service
Montana Field Office
585 Shepard Way
Helena, MT 59601

Subject: Request for Comments on Purpose and Need Statement
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Wilson:

We received your Participating Agency Designation form/acceptance letter and are pleased that your agency has accepted the invitation to be a Participating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

Purpose and Need

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.
- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

Mr. R. Mark Wilson
Page 2 of 3
January 28, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

Range of Alternatives

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

Participating and Cooperating Agency Meeting

The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Mr. R. Mark Wilson
Page 3 of 3
January 28, 2011

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

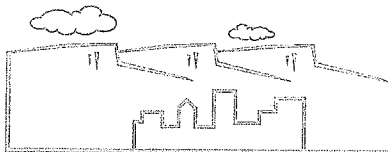
Sincerely,



Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Purpose and Need
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File



BILLINGS BYPASS EIS
NCPD 56(55)CN 4199

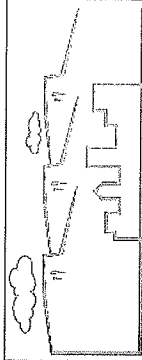
Purpose and Need - DRAFT

January 2011

Purpose: *Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.*

Needs:

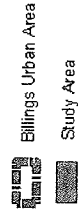
- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update - Draft Report). Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
- 2) ***Provide an additional connection between Lockwood and Billings.*** The segment of US 87 that crosses I-90 and the Yellowstone River is a highly congested route that serves as the only connection between Billings and Lockwood. The need for an additional connection to Billings is documented in the *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008). These plans identify this lack of connectivity as a factor limiting growth and economic development opportunities in Lockwood.
- 3) ***Improve mobility to and from Billings Heights.*** A survey completed for the *Billings Heights Neighborhood Plan* (2006) identified traffic issues as a key concern of residents, with one of the main traffic concerns being traveling to and from the Billings Heights neighborhood. This is also one of the key transportation issues for the region cited in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update – Draft Report). The *City of Billings Capital Improvement Plan* (2006 – 2011) includes 16 projects that would address traffic congestion in Billings Heights. Only one of these projects (the Billings Bypass EIS/Location Study) would address access between Billings Heights and the interstate, which is limited by a lack of Yellowstone River crossings. Limited mobility to and from Billings Heights is also an issue affecting emergency response. Main Street is currently the only emergency route between downtown Billings and the Billings Heights neighborhood. Congestion on Main Street could be an impediment to emergency response and has been a concern expressed by the Yellowstone County Disaster and Emergency Services Department.



BILLINGS BYPASS EIS

NCPO 561551CN 4199

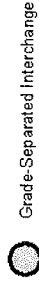
Draft Conceptual Alternatives



Conceptual Alternatives

Alignments

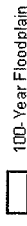
Potential Connection



At-Grade Intersection

Community & Natural Resources

Park



Yellowstone River

Creeks

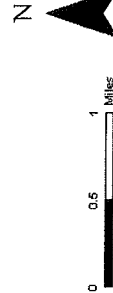
Existing Transportation Network

Interstate

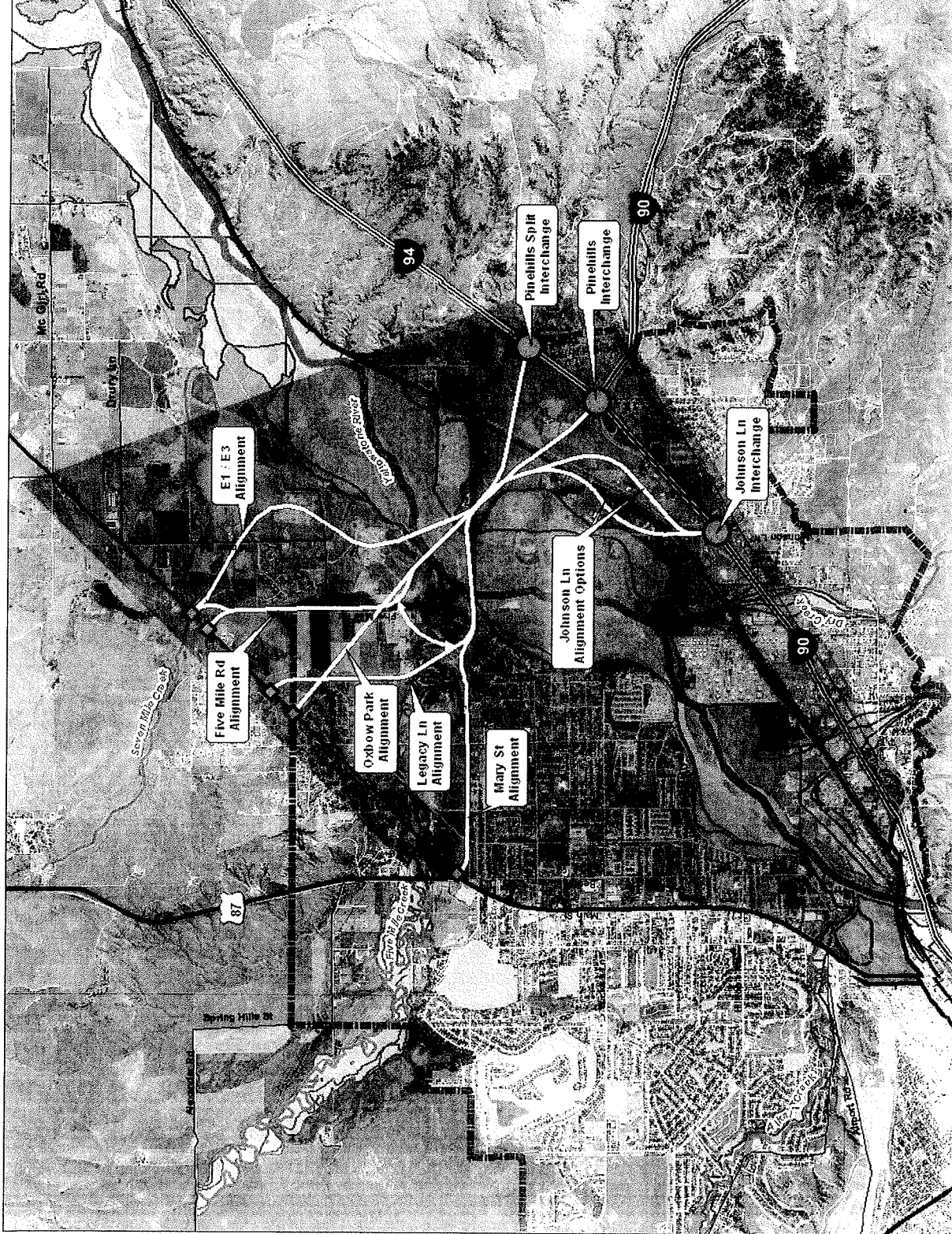
Highway

Local Road

Railroads



Source: USGS, 2010
Aerial Imagery: Google Earth, 2010
Billings Urban Area: City of Billings, 2010
Yellowstone River: USGS, 2010
Creeks: USGS, 2010
Interstate: USGS, 2010
Highway: USGS, 2010
Local Road: USGS, 2010
Railroads: USGS, 2010





March 17, 2011

Mr. Mark Wilson
Field Supervisor
U.S. Fish and Wildlife Service
585 Shepard Way
Helena MT 59601

Subject: Notice for Cooperating/Participating Agency Meeting
BILLINGS BYPASS EIS
Project No. NCPD 56(55)
Control No. 4199

Dear Mr. Wilson:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

MDT Billings District Office
424 Morey Street, Billings
Billings Conference Room

MDT Helena
2701 Prospect Avenue, Helena
Basement West Conference Room

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

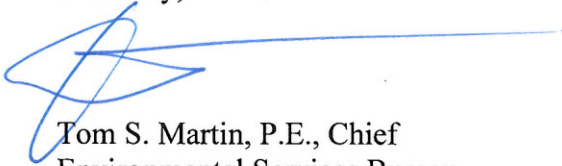
Mr. Mark Wilson
Page 2 of 2
3/17/11

BILLING BYPASS
Project No. NCPD 56(55)
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or lmeyer@deainc.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom S. Martin", with a long horizontal line extending to the right.

Tom S. Martin, P.E., Chief
Environmental Services Bureau

Enclosures: Coordination Plan
Design objectives
Range of alternatives map
Draft impact assessment methodologies
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief
Tim Conway, P.E., MDT Consultant Design Engineer
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA
Montana Division
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.
File



United States Department of the Interior

Fish and Wildlife Service

Ecological Services
Montana Field Office
585 Shepard Way
Helena, Montana 59601-6287
Phone: (406) 449-5225 Fax: (406) 449-5339



M.17 FHWA (I)

May 22, 2012

Tom Martin, PE
Environmental Services Bureau Chief
Montana Department of Transportation
2701 Prospect Ave
P.O. Box 201001
Helena, MT 59620-1001

Mr. Martin,

Thank you for the opportunity to comment on the Montana Department of Transportation's (Department) "Preliminary Draft Environmental Impact Statement: Billings Bypass" (NCPD 56(55); CN 4199). The U.S. Fish and Wildlife Service (Service) is responsible for administering the Endangered Species Act (16 U.S.C. 703 et seq.), Bald and Golden Eagle Act (16 U.S.C. 668-668d, 54 Stat. 250), Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). As such, efforts must be made to conserve and protect fish and wildlife species, and their habitat, if recovery goals are to be achieved.

There are several issues in the Draft EIS that we would like to see addressed with respect to clarifying the proposed action, and its effects on fish and wildlife resources. These are outlined below.

1. Page ES-10, Table ES-1, Wildlife and Aquatic Species: with the proposed increase in habitat fragmentation, and likely increases in wildlife mortality and displacement, are there opportunities to include wildlife passage structures into the design in appropriate locations?
2. Page ES-11, Table ES-1, Threatened and Endangered Species: more appropriate wording for the level of anticipated effects to Candidate species would be: "not likely to jeopardize the continued existence of a proposed species."
3. Page ES-15, Table ES-2, Vegetation and Threatened and Endangered Species indirect effects: in this summary table, it is indicated that indirect effects to vegetation would include "...increased degradation of sagebrush steppe...through fragmentation and

spread of noxious weeds.” Further down, the table indicates that there would likely be no significant impact to “...suitable habitat for greater sage-grouse...” Due to this species’ reliance on sagebrush steppe habitat, the two evaluations appear to be in conflict with one another. This should be clarified in the table, and discussions in chapters 3 (Affected Environment) and 4 (Environmental Consequences) should explain the relationships between degraded sagebrush steppe habitat expected with this project due to the spread of noxious weeds and greater sage-grouse habitat (e.g., are greater sage-grouse expected to occur in this location?).

4. Page 2-7, lines 19 – 23: Just to clarify from the description, would the proposed bridge across the Yellowstone River cross the entire 100-year floodplain?
5. Page 2-8, lines 5 – 8: Given the option for the proposed connections to Old Hwy 312, the Service recommends the selection of Option A, because its connection would be located furthest from Seven Mile Creek, and thus, should have the least impact to the creek.
6. Page 3-103, Figure 3.31: the floodplain terminology needs to be textually defined as well as visually. Currently, only the term “floodplain” is defined in the glossary. Because the terms “flood fringe” and “floodway” are used in other portions of the document, they should also be textually defined. For example, does the term “floodway” correspond to a stream’s bankfull width?
7. Page 3-126, lines 14 -15, and 27 - 28: should read “...that the greater sage-grouse warrants protection under the ESA, but is precluded due to higher listing priorities.” As such, it is a Candidate species. The Sprague’s pipit listing status should be similarly rephrased.
8. Page 4-32, Table 4.6: Does this table, which reports direct and indirect impacts to safety, incorporate vehicle-wildlife collisions? We are concerned because the proposed build alternatives would put a new road through agricultural lands in the floodplain, which are concentration areas for deer.
9. Page 4-177, Table 4.35: (1) states “New bridge over Yellowstone River would span the **floodway**,...” (emphasis added); this contradicts what is stated on page 2-7, lines 22 – 23, “Outside of the active channel and for crossing the remainder of the **floodplain** (emphasis added), the span lengths were reduced.” This gives the reader some confusion regarding the Department’s intention: will the bridge only span the floodway/active channel (see Figure 3.31 on p. 3-103 for definition), or will it span the entire floodplain? (2) If the bridge only spans the floodway/active channel, is there an intent to preserve the ecological functions of the floodplains/flood fringes through the use of culverts (or other means) to facilitate bed-load transport?

10. Page 4-179, line 1: "The proposed bridge would **fully span the floodway** (emphasis added)." See comment #9.
11. Page 4-179, line 20: If the bridge would spans only the floodway, which appears to equate to the active channel, then there could be adverse effects to the floodplain, because it would likely be obstructed. The other build alternatives should also be checked for the extents that the proposed bridges would span.
12. Page 4-194, lines 36 – 39: Pile driving in the water produces extremely high sound levels and acoustic pressures (de Jong and Ainslie 2008). Such high pressures are known to produce deleterious effects on fish (Madsen et al. 2006).
13. Page 4-195, Cumulative Impacts—Wildlife and Aquatic Species: We are concerned about the proposed road's location traversing agricultural fields and the effects on wildlife. Specifically, we are concerned that vehicle/wildlife collisions may increase carrion (dead deer) along the road providing a nuisance attractant for wintering eagles. Examination of observations from the Montana Natural Heritage Program's Tracker Database reveals that there have been several observations of multiple bald eagles along Five Mile Creek in 2009 and 2011, as well numerous bald eagles present in the area during the annual Christmas Bird Count. The Service would like the Department to explore ways to reduce the likelihood of vehicle-wildlife collisions, while allowing for wildlife passage in agricultural areas and riparian corridors.
14. Page 4-197, Direct Impacts—State Species of Concern: The Service recommends that the Department remain abreast of current locations for the great blue heron rookery and bald eagle nests in the area, by contacting Allison Begley, Montana Fish, Wildlife & Parks wildlife biologist in Billings (406-247-2966). With respect to bald eagle nests, we also recommend that the Department implement the temporal and distance buffers that are recommended in *Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Mangement Plan (1994)*, as necessary.

I hope these comments are helpful as the Department finalizes its EIS for the Billings Bypass. We appreciate your efforts to consider and conserve fish and wildlife resources. If you have any questions regarding these comments, please contact Mike McGrath of my staff, at 406-449-5225, extension 201, or mike_mcgrath@fws.gov.

Sincerely,



R. Mark Wilson
Field Supervisor



United States Department of the Interior

Fish and Wildlife Service

Ecological Services
Montana Field Office
585 Shepard Way
Helena, Montana 59601-6287



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

M.17 FHWA (I)

July 26, 2012

Bill Semmens
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

Dear Mr. Semmens:

This is in response to your June 28, 2012 request from the Montana Department of Transportation (Department) for concurrence with your effects determinations on federally listed species affected by the proposed Billings Bypass (NCPD 56(55)) project in Yellowstone County, Montana. The purpose of this project is to improve access, connectivity, and mobility between I-90 and Old Highway 312 in the eastern area of Billings, Montana through construction of a new arterial roadway and a new bridge across the Yellowstone River. This letter addresses only project-related effects to listed species that may occur in the project vicinity in accordance with the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), and does not address the overall environmental acceptability of the proposed actions.

We have reviewed the biological assessment and amended biological assessment for the proposed project and concur with your determination that the project is not likely to adversely affect whooping crane (*Grus americana*), and acknowledge your determination that the proposed project would have no effect on the black-footed ferret (*Mustela nigripes*). We also acknowledge your determinations that the proposed action is not likely to jeopardize the existence of the greater sage-grouse (*Centrocercus urophasianus*) and Sprague's pipit (*Anthus spragueii*), which are candidate species. We base our concurrences on the information displayed in the biological assessment, amended biological assessment, and biological resource report.

This concludes informal consultation pursuant to regulations 50 CFR 402.13 implementing the Act. This project should be re-analyzed if new information reveals effects of the action that

may affect federally-listed species or critical habitat, or if the project is modified in a manner that causes an effect not considered in this consultation.

We appreciate the Department's efforts to conserve fish and wildlife resources. If you have questions about this letter, please contact Mike McGrath at (406) 449-5225, extension 201, or at mike_mcgrath@fws.gov.

Sincerely,

A handwritten signature in blue ink that reads "R. Mark Wilson". The signature is fluid and cursive, with the first name "R." and last name "Wilson" clearly distinguishable.

R. Mark Wilson
Field Supervisor

Copies to:

Bonnie Gundrum, Montana Department of Transportation, Helena, MT
Brian Hasselbach, Federal Highways Administration, Helena, MT

U.S. NATIONAL PARK SERVICE

From: Brian.Hasselbach@dot.gov
To: [Gocksch, Thomas;](#)
cc: Alan.Woodmansey@dot.gov;
Subject: FW: ER-10/0770 -- Proposal to Construct a Connection between I-90 and Old Highway 312 in or near City of Billings, MT -- NO COMMENT
Date: Friday, October 08, 2010 8:14:23 AM

Tom - For your files.

-----Original Message-----

From: Julie_Sharp@nps.gov [mailto:Julie_Sharp@nps.gov]
Sent: Thursday, October 07, 2010 10:50 AM
To: Hasselbach, Brian (FHWA)
Cc: WASO_EQD_ExtRev@nps.gov
Subject: ER-10/0770 -- Proposal to Construct a Connection between I-90 and Old Highway 312 in or near City of Billings, MT -- NO COMMENT

The National Park Service has reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Thank you!
Julie

~~~~~  
Julie Sharp  
Planning Tech/Environmental Protection Assistant  
National Park Service - Intermountain Regional Office  
Denver, CO  
ph 303.987.6705





# YELLOWSTONE COUNTY





Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

Jim Lynch, Director  
Brian Schweitzer, Governor

September 27, 2010

Mr. Bill Kennedy  
Chairman – Board of County Commissioners  
YELLOWSTONE COUNTY  
PO Box 35000  
Billings, MT 59107

Subject: Invitation to Participate in the Environmental Review Process for the Billings  
Bypass Environmental Impact Statement (EIS)  
BILLINGS BYPASS EIS  
Project No. NCPD 56(55)  
Control No.: 4199 000

Dear Mr. Kennedy:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). You were initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the “fiscally-constrained” MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the “fiscally-constrained” Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.<sup>i</sup> Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project will provide both economic opportunities and result in environmental impacts during its implementation that are important to

your community. Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:


- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

You may use the attached Participating Agency Designation form to accept or decline this invitation. For your information, an informational letter regarding this project was also sent to Duane Winslow, Director – Disaster and Emergency Services.

We look forward to your response to this request and your role as participating agency on this project. Please let us know of your response no later than October 13, 2010. If you have questions or would like to discuss in more detail the project or FHWA's and Yellowstone County's respective roles and responsibilities during the preparation of this document, please contact Tom Gocksch at (406) 444-9412..

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief  
Environmental Services Bureau

Enclosures: Study Area Map  
Participating Agency Designation Form

copies: Stefan Streeter, P.E., MDT Billings District Administrator  
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief  
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator  
Tim Conway, P.E., MDT Consultant Design Engineer  
Alan Woodmansey, P.E., MDT Program Development Engineer –  
FHWA Montana Division  
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.  
File

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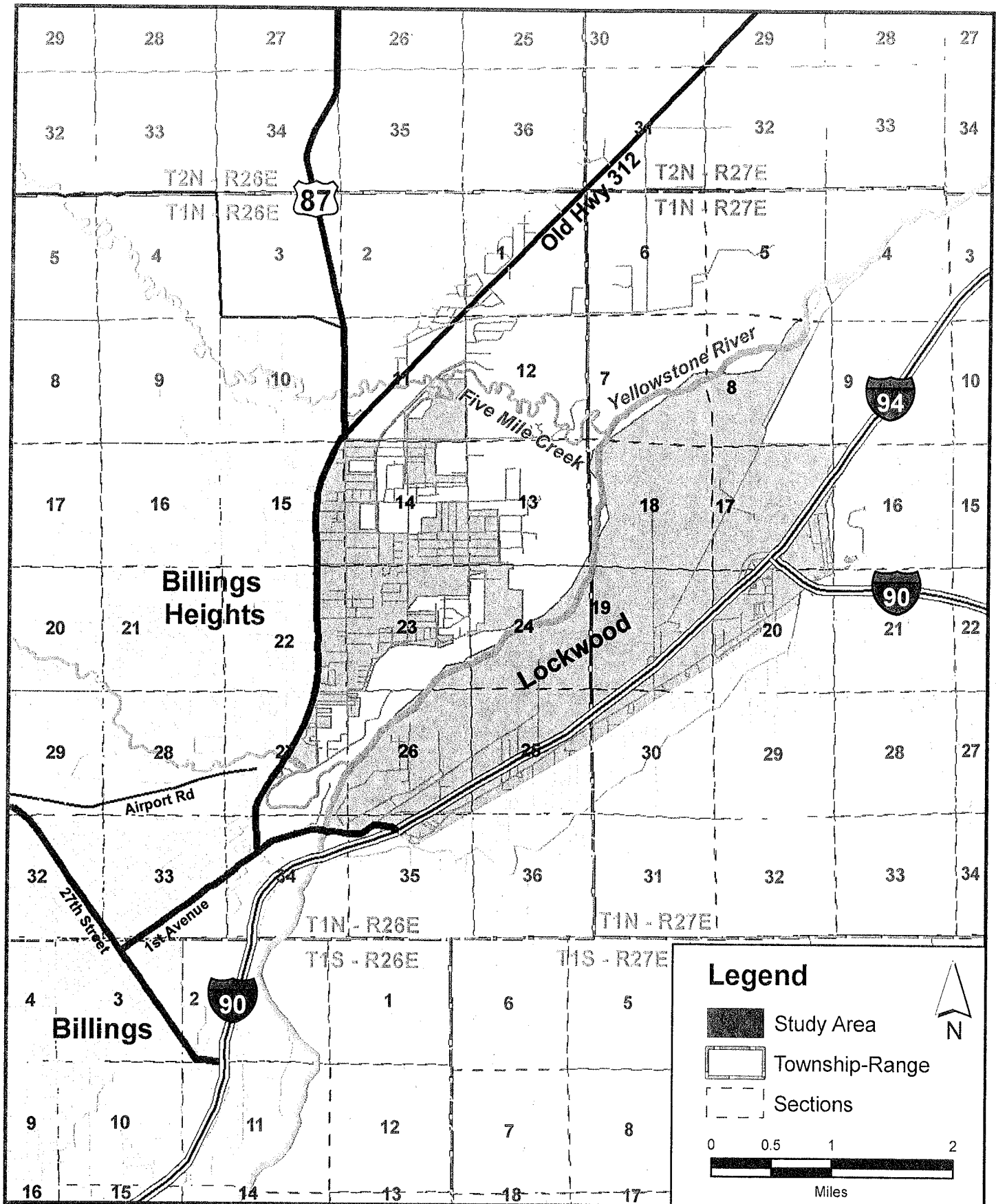
<sup>i</sup> Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.



September 2010

# BILLINGS BYPASS EIS

NCPD 56(55)/CN 4199



**Billings Bypass EIS  
Project No. NCPD 56(55)  
Control No. 4199**

**PARTICIPATING AGENCY DESIGNATION**

- ☐ Yes – YELLOWSTONE COUNTY wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – YELLOWSTONE COUNTY does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:\*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

\_\_\_\_\_ (Sign – Authorized Representative)

\_\_\_\_\_ (Print)

\_\_\_\_\_ (Title)

\_\_\_\_\_ (Date)

Please return to:

Thomas S. Martin, P.E.  
MDT Environmental Services Bureau Chief  
2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

Fax: 406-444-7671

\* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.





Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

Jim Lynch, Director  
Brian Schweitzer, Governor

September 27, 2010

Mr. Duane Winslow  
Director – Disaster and Emergency Services  
YELLOWSTONE COUNTY  
PO Box 35000  
Billings, MT 59107

Subject: Information Letter  
BILLINGS BYPASS EIS  
Project No. NCPD 56(55)  
Control No.: 4199 000

Dear Mr. Winslow:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). Jim Kraft, Coordinator, Yellowstone County Disaster and Emergency Services, was initially contacted with respect to this project in a letter dated May 2, 2006. The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the “fiscally-constrained” MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the “fiscally-constrained” Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the

subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.<sup>1</sup> Your agency has been identified preliminarily as one that may have an interest in this project, because the proposed project will provide both economic opportunities and result in environmental impacts during its implementation that are important to your community.

A Participating Agency request has been sent to Mr. Bill Kennedy, Chairman – Board of County Commissioners. However, the environmental documentation for this project may need information the Disaster and Emergency Services can provide. Any pertinent information or concerns the county has at this time would be appreciated. This information will be used in the preparation of the environmental document.

If you have any questions about this request, please contact Tom Gocksch at (406) 444-9412.

Thank you for your assistance.

Sincerely,



Tom S. Martin, P.E., Chief  
Environmental Services Bureau

Enclosure: Study Area Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator  
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief  
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator  
Tim Conway, P.E., MDT Consultant Design Engineer  
Alan Woodmansey, P.E., MDT Program Development Engineer –  
FHWA Montana Division  
Debra Perkins-Smith, Contract Manager – David Evans & Associates, Inc.  
File

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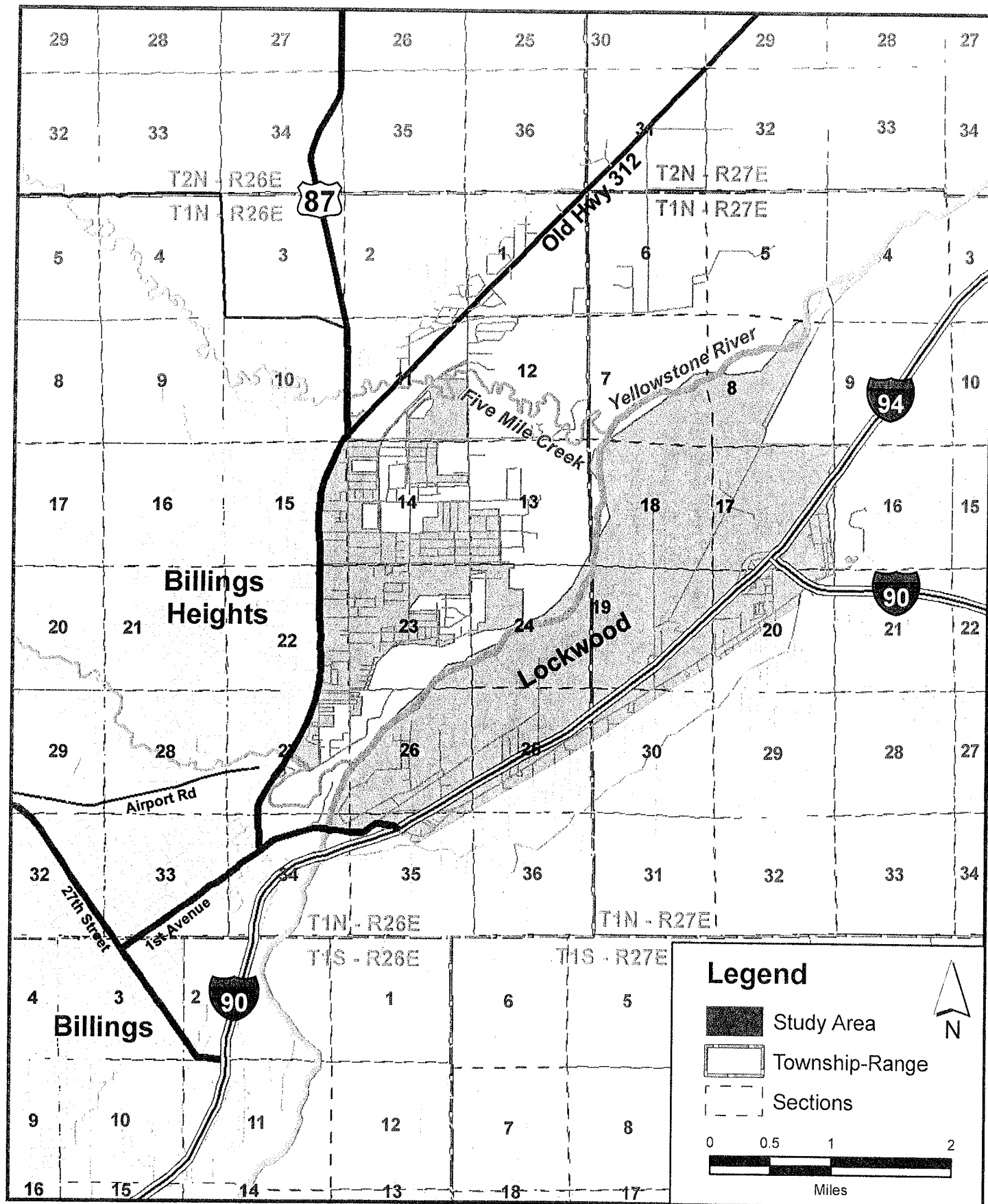
<sup>1</sup> Designation as a “participating agency” does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A “participating agency” differs from a “cooperating agency,” which is defined in regulations implementing the National Environmental Policy Act as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.” 40 C.F.R. § 1508.5.



September 2010

# BILLINGS BYPASS EIS

NCPD 56(55)CN 4199



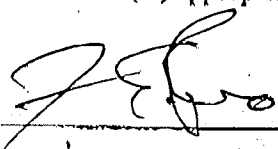


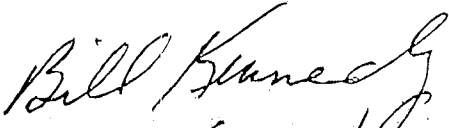
**Billings Bypass EIS**  
**Project No. NCPD 56(55)**  
**Control No. 4199**

**PARTICIPATING AGENCY DESIGNATION**

- ☒ Yes - YELLOWSTONE COUNTY wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No - YELLOWSTONE COUNTY does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:\*
- ☐ Agency has no jurisdiction or authority with respect to the project
  - ☐ Agency has no expertise or information relevant to the project
  - ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

 (Sign - Authorized Representative)  
Jim E. Beno (Print)  
\_\_\_\_ (Title)  
\_\_\_\_ (Date)

  
Bill Kennedy  
County Commissioner  
1/18/2011

Please return to:

Thomas S. Martin, P.E.  
MDT Environmental Services Bureau Chief  
2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

Fax: 406-444-7671

\* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a "participating agency" does not imply that the agency supports the proposed project or has any jurisdiction.







January 27, 2011

Mr. Bill Kennedy  
Chairman-Board of County Commissioners  
Yellowstone County  
PO Box 35000  
Billings, MT 59107

Subject: Request for Comments on Purpose and Need Statement  
BILLINGS BYPASS EIS  
Project No. NCPD 56(55)  
Control No. 4199

Dear Mr. Kennedy:

We received your Participating Agency Designation form/acceptance letter and are pleased that your agency has accepted the invitation to be a Participating Agency on the above referenced project. This letter is to provide you with information about the purpose and need for this project as well as the range of alternatives under consideration.

### **Purpose and Need**

The project team collaborated with the project advisory committee to develop a draft purpose and need statement, which was presented to the public in October 2010. Now that we have identified the participating and cooperating agencies for this project, we are soliciting input from these agencies on the draft purpose and need (please see the attached purpose and need statement).

The proposed facility is intended to provide an alternate route that would enable local and regional traffic to bypass the highly congested US 87/Main Street corridor in Billings. The project objective supports the following local planning goals related to transportation:

- The *Billings Urban Area Long-Range Transportation Plan* (2009) includes the following goals: 1) reduction of physical barrier impacts to transportation caused by the Rimrocks, the Yellowstone River, and the railroad tracks and 2) development of an improved truck/commercial vehicle access to state highways serving the Billings area.
- The *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008) identify the lack of connectivity between Lockwood and Billings as a factor limiting growth and economic development opportunities in Lockwood.
- The results of a survey completed for the *Billings Heights Neighborhood Plan* (2006) indicate that the difficulty of travel to and from the Billings Heights neighborhood is a key concern of residents.

It is requested that all comments on the attached purpose and need are submitted to me by February 18, 2011.

### **Range of Alternatives**

Based on the purpose and needs that have been identified for this project, the project team has identified a range of alternatives. These alternatives are conceptual in nature and are subject to refinement based on confirmation of project goals and design objectives.

The facility is proposed to be a Principal Arterial. Both rural and urban cross sections are being considered for this facility. All alternatives considered for this project would provide a connection between I-90 and Old Hwy 312 and include a new crossing of the Yellowstone River. Please see the attached map.

The potential interstate connection locations include the existing I-90/I-94 interchange and the existing Johnson Lane interchange. Either of these locations would require reconstruction of the existing interchange. All of the alternatives would cross the Yellowstone River at approximately the same location. The 100-year floodplain is relatively wide through the study area and this location was identified as the optimal location to cross the river. The project team identified four feasible alignment options between the river and Old Hwy 312. Two alignment options follow existing road corridors (the Mary Street corridor and the Five Mile Road corridor) and two alignment options traverse agricultural land (Legacy Lane alignment and E1/E3 alignment). At the October public meeting, the public suggested an additional alignment that traverses agricultural land (the Oxbow Park alignment). Improvements to an existing roadway connection between Five Mile Road and Mary Street or a new potential connection in this area will also be explored as part of this project. The connection to Old Hwy 312 is proposed to be an at-grade intersection.

### **Participating and Cooperating Agency Meeting**

The project team will schedule a meeting with the participating and cooperating agencies for early this spring to discuss these alternatives further and also provide an opportunity for collaboration on the impact assessment methodologies to be used for this project. Comments on the attached range of alternatives can be submitted during the meeting or within a period of 14 days following the meeting, which is anticipated to occur in March 2011. The project team will distribute draft impact assessment methodologies prior to the March meeting, and comments on the methodologies can be submitted during the meeting or within a period of 30 days following the meeting.

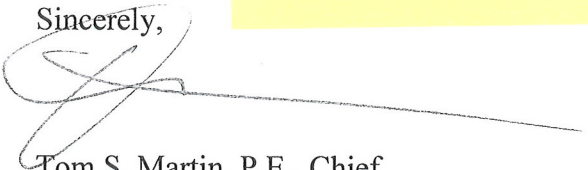
If you have questions or would like to discuss the purpose and need or the range of alternatives in more detail, please contact Laura Meyer at 720-225-4632 or [lmeyer@deainc.com](mailto:lmeyer@deainc.com).

Mr. Bill Kenne  
Page 3 of 3  
January 28, 2011

RECD JAN 31 2011

BILLING BYPASS  
Project No. NCPD 56(55)  
CN 4199

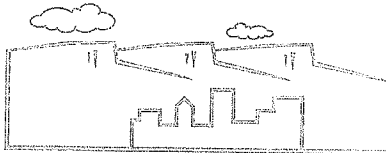
Sincerely,



Tom S. Martin, P.E., Chief  
Environmental Services Bureau

Enclosures: Purpose and Need  
Range of Alternatives Map

copies: Stefan Streeter, P.E., MDT Billings District Administrator  
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief  
Tim Conway, P.E., MDT Consultant Design Engineer  
Brian Hasselbach, R/W & Env Programs Manager – FHWA Montana Division  
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.  
File



**BILLINGS BYPASS EIS**  
NCPD 56(55)CN 4199

## **Purpose and Need - DRAFT**

### **January 2011**

**Purpose:** *Provide a connection between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.*

**Needs:**

- 1) ***Provide an additional Yellowstone River crossing for transportation system reliability/redundancy.*** The Yellowstone River creates a barrier for north-south connections in the Billings area, which affects local traffic and regional commercial traffic. Reduction of physical barrier impacts to transportation, including the Rimrocks, the Yellowstone River, and the railroad tracks, is one of the key transportation goals for the region as documented in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update - Draft Report). Both I-90 and United States Highway 87 (US 87) cross the Yellowstone River near downtown Billings and the next river crossing is over 9 miles north at Huntley. Because of the limited connections across the river, both local and regional north-south traffic is funneled through the US 87/Main Street corridor in the urban area of Billings. Development of an improved truck/commercial vehicle access to state highways serving the Billings area is also a key issue cited in the transportation plan. A new Yellowstone River crossing supports the area's long-range transportation network. This long-range network envisions connections from I-90/94 to US 87 and Montana State Highway 3 (MT 3).
- 2) ***Provide an additional connection between Lockwood and Billings.*** The segment of US 87 that crosses I-90 and the Yellowstone River is a highly congested route that serves as the only connection between Billings and Lockwood. The need for an additional connection to Billings is documented in the *Lockwood Community Plan* (August 2006) and the *Lockwood Transportation Study* (November 2008). These plans identify this lack of connectivity as a factor limiting growth and economic development opportunities in Lockwood.
- 3) ***Improve mobility to and from Billings Heights.*** A survey completed for the *Billings Heights Neighborhood Plan* (2006) identified traffic issues as a key concern of residents, with one of the main traffic concerns being traveling to and from the Billings Heights neighborhood. This is also one of the key transportation issues for the region cited in the *Billings Urban Area Long-Range Transportation Plan* (2009 Update – Draft Report). The *City of Billings Capital Improvement Plan* (2006 – 2011) includes 16 projects that would address traffic congestion in Billings Heights. Only one of these projects (the Billings Bypass EIS/Location Study) would address access between Billings Heights and the interstate, which is limited by a lack of Yellowstone River crossings. Limited mobility to and from Billings Heights is also an issue affecting emergency response. Main Street is currently the only emergency route between downtown Billings and the Billings Heights neighborhood. Congestion on Main Street could be an impediment to emergency response and has been a concern expressed by the Yellowstone County Disaster and Emergency Services Department.









March 17, 2011

Mr. Bill Kennedy  
Chairman  
Yellowstone County  
PO Box 35000  
Billings MT 59107

Subject: Notice for Cooperating/Participating Agency Meeting  
BILLINGS BYPASS EIS  
Project No. NCPD 56(55)  
Control No. 4199

Dear Mr. Kennedy:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

**MDT Billings District Office**  
**424 Morey Street, Billings**  
**Billings Conference Room**

**MDT Helena**  
**2701 Prospect Avenue, Helena**  
**Basement West Conference Room**

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

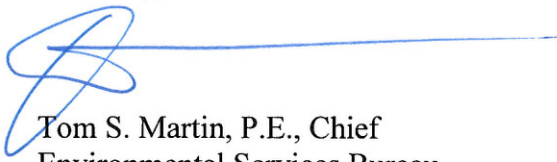
Mr. Bill Kennedy  
Page 2 of 2  
3/17/11

BILLING BYPASS  
Project No. NCPD 56(55)  
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or [lmeyer@deainc.com](mailto:lmeyer@deainc.com).

Sincerely,



Tom S. Martin, P.E., Chief  
Environmental Services Bureau

Enclosures: Coordination Plan  
Design objectives  
Range of alternatives map  
Draft impact assessment methodologies  
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator  
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief  
Tim Conway, P.E., MDT Consultant Design Engineer  
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA  
Montana Division  
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.  
File

# YELLOWSTONE COUNTY PLANNING BOARD





March 15, 2011

Dennis Cook  
Yellowstone County Planning Board  
1825 Three Bars Trail  
Billings, MT 59105

Subject: Invitation to Participate in the Environmental Review Process for the Billings  
Bypass Environmental Impact Statement (EIS)  
BILLINGS BYPASS EIS  
Project No. NCPD 56(55)  
Control No.: 4199 000

Dear Mr. Cook:

I am writing this letter on the behalf of the Federal Highway Administration (FHWA). The Montana Department of Transportation (MDT) is working in cooperation with the FHWA on the above referenced project in accordance with the National Environmental Policy Act (NEPA, see 23 CFR 771.111(d)). The proposed project was to provide a bypass route north of Billings between Interstate 90 (I-90) and Montana Highway 3. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to provide opportunities for input. On July 17, 2008, FHWA provided MDT with guidance on the relationship between NEPA approvals and planning requirements, which were issued by FHWA on January 28, 2008. According to this guidance, a project must: (1) meet air quality conformity regulations, (2) be consistent with the fiscally-constrained Metropolitan Transportation Plan (MTP), and (3) be consistent with the fiscally-constrained State Transportation Improvement Plan (STIP) to meet the new NEPA approval requirements and obtain a Record of Decision (ROD). Based on this guidance, all project phases planned within the life of the MTP must be included in the "fiscally-constrained" MTP in order for FHWA to sign the ROD. As proposed, the Billings Bypass project did not have sufficient funding to be included in the "fiscally-constrained" Billings Transportation Plan. Therefore, FHWA reissued the Notice of Intent (NOI) for the above referenced project on September 7, 2010. The project is now proposed to provide a connection between I-90 and Old Hwy 312 in or near the City of Billings in Yellowstone County. A new study area map is attached.

As you may be aware, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was adopted on August 10, 2005. Given the decision to reissue the NOI and rescope the project, FHWA will proceed in accordance with the SAFETEA-LU process. Section 6002 of SAFETEA-LU establishes an enhanced environmental review process for certain FHWA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agency must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the

environmental review process.<sup>i</sup> As the designated Metropolitan Planning Organization (MPO) for the Billings Urban Area, the Yellowstone County Planning Board has been identified as an agency that may have an interest in this project. Accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

You may use the attached Participating Agency Designation form to accept or decline this invitation.


Through this letter, MDT is also requesting information from the Yellowstone County Planning Board to be used in the preparation of the environmental documentation on the proposed projects. Please notify us if there are any particular issues that we should be aware of, in addition to those listed below:

- Ongoing or presently planned projects for the particular area that could affect, or be affected by the proposed project;
- Proposed or current projects by others (public or private agencies) that pose similar effects.

We look forward to your response to this request and your role as participating agency on this project. Please let us know of your response no later than March 25, 2011. If you have questions or would like to discuss in more detail the project or FHWA's and the planning board's respective roles and responsibilities during the preparation of this document, please contact Fred Bente at 406-444-7634

Thank you for your assistance.

Sincerely,  
**Montana Department of Transportation**



Tom S. Martin, P.E., Chief  
Environmental Services Bureau



Enclosures: Study Area Map  
Participating Agency Designation Form

copies: Stefan Streeter, P.E. MDT Billings District Administrator  
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief  
Lynn Zanto, MDT Rail, Transit & Planning Division Administrator  
Tim Conway, P.E., MDT Consultant Design Engineer  
Alan Woodmansey, P.E., MDT Program Development Engineer -  
FHWA Montana Division  
**Debra Perkins-Smith,** Contract Manager-David Evans & Associates, Inc.  
File

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<sup>i</sup> Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

**Billings Bypass EIS  
Project No. NCPD 56(55)  
Control No. 4199**

**PARTICIPATING AGENCY DESIGNATION**

- ☐ Yes – YELLOWSTONE COUNTY PLANNING BOARD wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project
- ☐ No – YELLOWSTONE COUNTY PLANNING BOARD does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:\*
- ☐ Agency has no jurisdiction or authority with respect to the project
- ☐ Agency has no expertise or information relevant to the project
- ☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

\_\_\_\_\_ (Sign – Authorized Representative)

\_\_\_\_\_ (Print)

\_\_\_\_\_ (Title)

\_\_\_\_\_ (Date)

Please return to:

Thomas S. Martin, P.E.  
MDT Environmental Services Bureau Chief  
2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

Fax: 406-444-6253

\* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.



March 17, 2011

Mr. Dennis Cook  
President  
Yellowstone County Planning Board  
District 2  
1825 Three Bars Trail  
Billings MT 59105

Subject: Notice for Cooperating/Participating Agency Meeting  
BILLINGS BYPASS EIS  
Project No. NCPD 56(55)  
Control No. 4199

Dear Mr. Cook:

You are invited to participate in a meeting on Friday, April 1, 2011 from 1:00 PM to 3:00 PM regarding the above referenced project. The meeting will be conducted in two locations connected via video conference. Please plan to attend at the location most convenient for you.

**MDT Billings District Office**  
**424 Morey Street, Billings**  
**Billings Conference Room**

**MDT Helena**  
**2701 Prospect Avenue, Helena**  
**Basement West Conference Room**

The purpose of this meeting is as follows:

- Clarify the roles and responsibilities of the cooperating and participating agencies.
- Discuss the review periods for key milestones of the project
- Review the range of alternatives
- Provide an opportunity for collaboration on the impact assessment methodologies to be used for the Environmental Impact Statement (EIS)

We have attached four items for your review and reference during the meeting:

- Coordination Plan
- Design Objectives
- Refined version of the range of alternatives map (a map of the conceptual alternatives was originally provided to cooperating and participating agencies in the letter dated January 27, 2011)
- Summary of the draft impact assessment methodologies

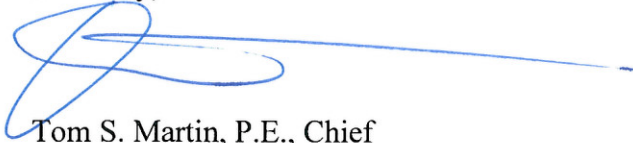
Mr. Dennis Cook  
Page 2 of 2  
3/17/11

BILLING BYPASS  
Project No. NCPD 56(55)  
CN 4199

MDT is seeking your input on each of these items. Please note that agency responsibilities are provided in Section 2.3 of the attached Coordination Plan and review periods proposed for the project are outlined in Table 5 of the attached Coordination Plan. One additional item provided for reference is the purpose and need summary.

If you have questions or would like to discuss the information provided in advance of the meeting, please contact Laura Meyer at 720-225-4632 or [lmeyer@deainc.com](mailto:lmeyer@deainc.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom S. Martin', with a long horizontal line extending to the right.

Tom S. Martin, P.E., Chief  
Environmental Services Bureau

Enclosures: Coordination Plan  
Design objectives  
Range of alternatives map  
Draft impact assessment methodologies  
Purpose and need summary

copies: Stefan Streeter, P.E., MDT Billings District Administrator  
Tom S. Martin, P.E., MDT Environmental Services Bureau Chief  
Tim Conway, P.E., MDT Consultant Design Engineer  
Brian Hasselbach, Right of Way & Environmental Programs Manager – FHWA  
Montana Division  
Debra Perkins-Smith, Contract Manager – David Evans and Associates, Inc.  
File

Billings Bypass EIS  
Project No. NCPD 56(55)  
Control No. 4199

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ENVIRONMENTAL

PARTICIPATING AGENCY DESIGNATION

☒ Yes – YELLOWSTONE COUNTY PLANNING BOARD wishes to be designated as a participating agency for the proposed Billings Bypass EIS Project

☐ No – YELLOWSTONE COUNTY PLANNING BOARD does not wish to be designated as a participating agency for the proposed Billings Bypass EIS Project because:\*

☐ Agency has no jurisdiction or authority with respect to the project

☐ Agency has no expertise or information relevant to the project

☐ Agency does not intend to submit comments on the project

Please check (✓) appropriate box or boxes.

Dennis L. Cook (Sign – Authorized Representative)

Dennis L. Cook (Print)

Planning Board President (Title)

3/18/11 (Date)

Please return to:

Thomas S. Martin, P.E.  
MDT Environmental Services Bureau Chief  
2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

Fax: 406-444-6253

\* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency. Designation as a “participating agency” does not imply that the agency supports the proposed project or has any jurisdiction.





COOPERATING AND PARTICIPATING  
AGENCY MEETING  
APRIL 1, 2011





DAVID EVANS  
AND ASSOCIATES INC.

## MEETING MINUTES

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PROJECT:</b>   | Billings Bypass Environmental Impact Statement (EIS)<br><b>MDT Project No. NCPD 56(55)CN 4199</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>PURPOSE:</b>   | Cooperating and Participating Agency Meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>DATE HELD:</b> | April 1, 2011 (1:00 – 3:00 PM)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>LOCATION:</b>  | MDT Billings District Office and MDT Helena Office<br>Video- Conference Call                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>ATTENDING:</b> | <u>Cooperating and Participating Agencies</u><br>Mike Ruggles – Montana FWP<br>Shannon Johnson – USACE<br>Steve Potts – EPA<br>Jeff Ryan – DEQ<br>Nick Vira – NRCS<br>Jeff Bollman – DNRC<br>Vern Heisler – City of Billings<br>Bill Kennedy, John Ostlund – Yellowstone County Commissioners<br>Dennis Cook, Paul Gatzemeier – Yellowstone County Planning Board<br><u>Project Team:</u><br>Fred Bente, Tom Gocksch, Carol Strizich, Stefan Streeter – MDT<br>Alan Woodmansey and Brian Hasselbach – FHWA<br>Laura Meyer, Lee Stragis – DEA<br>Todd Cormier – DOWL HKM<br><u>Guests</u><br>Evelyn Pyburn – Yellowstone County News |
| <b>COPIES:</b>    | Attendees; File                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

### **Meeting Purpose**

To review the coordination plan, discuss the purpose and need, discuss the range of alternatives, and allow for collaboration on the impact assessment methodologies to be used for the EIS.

### **Summary of Discussion**

#### ***Designated Agency Representative***

Laura Meyer noted that the sign-in sheet included a column for agencies to specify the designated representative for each agency. MDT requests one point of contact for each agency and this person should coordinate all comments submitted by the agency.

#### ***Key Input Needed from Cooperating and Participating Agencies:***

- Do you have any concerns about the comment/review periods in the Coordination Plan?
- Have we considered a reasonable range of alternatives?

- Are the impact assessment methodologies sufficient to provide the information you need for EIS topic areas relevant to your agency?

### ***Coordination Plan***

#### Agency roles and responsibilities

- Participate in the scoping process
- Provide comments on purpose and need, range of alternatives, and impact methodologies
- Identify any issues of concern regarding the project's environmental or socio-economic impact
- Provide timely input on unresolved issues
- Agency-specific responsibilities are listed in Table 3 of the Coordination Plan

#### Overview of Project Schedule

- Field Work – July 2011
- Administrative DEIS – February 2012
- Public Review DEIS – July 2012
- Public Hearing – August 2012
- FEIS – December 2012
- ROD – February 2013

#### Key Agency Coordination Points

- Purpose and Need: Comments were due February 18, 2011
- Range of Alternatives: Two-week review period - comments due April 15, 2011
- Impact Assessment Methodologies: Two-week review period - comments due April 15, 2011
- Administrative DEIS: 30-day review period – anticipated deadline for comments - April 9, 2012
- Public Review DEIS : 30-day review period – anticipated deadline for comments - August 22, 2012

Steve Potts said EPA may not be able to provide their review in 30 days depending on workload at that time. Tom Gocksch noted that the SAFETEA-LU process of early coordination is intended to allow agencies to plan ahead based on the schedule outlined in the coordination plan. If agencies have concerns about the duration of the review periods or know of specific conflicts with the schedule, these issues should be discussed now. No additional comments were provided by the agency representatives.

### ***Purpose and Need (P&N)***

Laura Meyer explained the process for developing the P&N, reviewed the P&N for the project, and outlined comments received on the P&N.

#### How was the P&N developed?

This project was initiated as a bypass route between I-90 and MT 3 to improve the Camino-Real International Trade Corridor, which currently passes through downtown Billings. Funding constraints prompted the local Policy Coordinating Committee (PCC) to recommend rescoping the project to focus on a connection between I-90 and Old Hwy 312. This was the eastern most segment of the larger original project.

The proposed project between I-90 and Old Hwy 312 must have independent utility – it must function as a useful component of the transportation system even if the remainder of the project is never built. The project team reviewed local plans to identify the key issues for regional transportation in the focus area. The following plans were reviewed:

- Billings Urban Area Long-Range Transportation Plan (2009 Update)
- Lockwood Community Plan
- Lockwood Transportation Study
- Billings Heights Community Plan

The project team also reviewed the federal grants that were obtained by the city and county to fund the project. Public input was also reviewed as well as input from the Yellowstone County Disaster and Emergency Services Department, which has expressed concern regarding emergency access to the Billings Heights area. Main Street is the only direct access to and from Billings Heights. This is a highly congested route and an alternate route is needed to maintain access in case this route is temporarily shut down. This need was highlighted by the tornado that hit the Metra in June 2010. Main Street was shut down and emergency service efforts were severely impacted as a result.

#### Purpose and Need

- Project Purpose: Provide a connection between I-90 and Old Highway 312 that improves mobility in the eastern area of Billings and supports long-term planning for the Billings urban area.
- Project Needs:
  - Provide an additional Yellowstone River crossing for transportation system reliability/redundancy
  - Provide an additional connection between Lockwood and Billings
  - Improve mobility to and from Billings Heights.

These needs were identified from the following adopted local plans.

- Billings Urban Area Long-Range Transportation Plan:
  - Reduction of barrier impacts to transportation is one of the key transportation goals for the region.
  - Improved truck/commercial vehicle access to state highways serving the Billings area is another key issue identified.
  - Includes a future bypass connection between I-90, Old Hwy 312, US 87, and MT 3. The proposed connection between I-90 and Old Hwy 312 is included in the fiscally constrained plan.
- Lockwood Community Plan and Lockwood Transportation Study both identify lack of connectivity to Billings as a factor that severely limits growth and economic opportunities in Lockwood. The segment of US 87 that crosses I-90 and the Yellowstone River is the only connection between Lockwood and Billings and is highly congested.

- The Billings Heights Neighborhood Plan identifies the difficulty of traveling to and from the Billings Heights as a key concern of residents.
- The City of Billings Capital Improvement Plan (2006 – 2011) includes 16 projects that would address traffic congestion in Billings Heights. This project is the only one that would address access between Billings Heights and the interstate, which is limited primarily by a lack of Yellowstone River crossings.

Comments Received on the P&N

- Public comments focused on concern about stopping the project at Old Hwy 312 instead of MT 3. The public was concerned about how the new proposed project would remove truck traffic from Main Street near the Metra and what kind of traffic impacts the project would create along Old Hwy 312. These are issues that will be evaluated as part of the EIS, but they do not require changes to the P&N.
- The USACE was the only agency to submit a comment on the P&N. The USACE commented that for permit reviews, practicable alternatives should include alternatives which do not involve a discharge of dredged or fill material into waters of the US or structures over the Yellowstone River. Needs that MDT has identified and included in the P&N would preclude a no-bridge alternative.

Laura Meyer asked the USACE if they would like to make any clarifications to their comments and asked if other agencies had any input. Shannon Johnson of the USACE confirmed that they need to evaluate a no-bridge alternative as part of their permit review. If that information is included in the EIS, it would be very helpful.

Steve Potts said he did not receive the P&N by February 14<sup>th</sup>, but that his general recommendation was the P&N should be more general with a discussion of access and connectivity needs rather than identifying the Yellowstone River crossing as a specific need. NEPA requires coordination of agencies, however, it is MDT and FHWA's decision. The 404 process needs to minimize impact to water resources.

Commissioner Ostlund stated that the local transportation network needs another connection to the interstate. This has been studied for years and the need is clear. This project should address the needs of the community. This process should be expedited and taking time and money to study no-bridge alternatives is a waste. Jeff Ryan noted that the analysis requested will expedite the permitting process. Steve Potts offered that MDT and FHWA should consider potential legal implications of the current P&N statement.

Brian Hasselbach stated that FHWA will be looking at potential legal issues and pointed out that this project is not starting from scratch. SAFETEA-LU and CEQ guidance encourages agencies to reconcile differences and meet public desires. Some projects are broad, others localized and fairly focused. Legal counsel needs to be involved on specifics of the P&N. If improvements to existing crossings are captured in the "considered but rejected" documentation in the EIS, would that address the permitting concerns without stepping back from the P&N? Shannon Johnson indicated that documentation of these alternatives would be of value to USACE during the permitting process.

Commissioner Kennedy commented that \$20 million in funding was obtained for this project and that a couple million dollars has already been spent studying it. Someone needs to decide if we are going to build it. If not, we should give the dollars back to Congress. We can continue to study this until there is no money left to build it – that is a waste of public funds. The County went out on a limb to get funding. Decide if you can permit or scrap it.



Mike Ruggles with FWP asked for information about no-bridge alternatives that have been considered. Commissioner Ostlund noted that numerous options for addressing this issue have been studied over the years and the only way to address the issue is to build another bridge. That is the point of this project.

Laura Meyer noted that the project team can review past plans to identify alternatives that may have been evaluated for improving existing crossings without addition of a bridge. Brian Hasselbach added that the "alternative considered but rejected" section can include previously studied alternatives. If FHWA legal identifies no issues with the P&N as stated, we will proceed with the P&N and document no-bridge alternatives in the "alternatives considered but eliminated" section of the EIS.

Alan Woodmansey expressed concerns about slowing the process down and about potential issues with USACE permitting. He suggested that the project team meet with USACE to discuss the issue further. EPA, DEQ and FWP also expressed interest in participating in this meeting. Alan noted that he understands local needs and unless a legal issue is identified, the P&N will remain the same. MDT and FHWA will schedule a meeting with these agencies to clarify the approach rather than change the P&N.

### **Range of Alternatives**

"Range of alternatives" refers to all reasonable alternatives, as well as other alternatives eliminated from a detailed study. Alternatives are considered reasonable if they are practical and feasible from a technical and economical standpoint.

#### Design Objectives

Laura Meyer reviewed the design objectives hand out, which categorized design objectives as follows:

- Roadway functionality
- Yellowstone River crossing
- Safety considerations
- Community and Environmental considerations
- Cost considerations

#### Overview of Alternatives

Laura Meyer reviewed the alternatives development and screening process. The project team started by reviewing all of the alternatives that had been suggested through the course of the project. Many suggestions from the public had been eliminated based on the previous purpose and need. Because we now have a new purpose and need, some of these alternatives may be feasible. One example of this is using the Johnson Lane interchange as a connection location to the interstate. The alternatives that provided a connection between I-90 and Old Hwy 312 were advanced to a second level of screening. New potential alignment alternatives were also identified. This collective set of alternatives included use of existing roadway corridors and new corridors that would traverse agricultural and residential land. These alternatives were evaluated to identify fatal flaws and determine if certain alternatives provided similar benefits with less cost or fewer impacts. The alternatives with connections too far north of Billings and Lockwood were eliminated because they would not provide a travel time benefit – therefore they would not meet the needs of the project. The Bitterroot Drive and River Edge alternatives located in the Billings Heights neighborhood provided good travel time benefits, but were eliminated because they would have high impacts to the neighborhood, the river, and could potentially impact the refinery. Some of the preliminary alignments identified under the previous purpose and need were eliminated because a historic battlefield site was identified during the 2007 field work. This was determined to be a fatal flaw. Laura then reviewed the alternatives that were advanced to the third level

of screening and are currently under consideration. Laura explained that the project team is seeking input from the agencies on the range of alternatives considered for the project. Is this a reasonable range of alternatives based on the P&N?

#### Comments and Discussion

Steve Potts asked if MDT could provide information about the alternatives including no-bridge alternatives. Laura Meyer explained that the team has not completed the alternatives screening process and the detailed alternatives report won't be ready for another few weeks. The information we do have at this point is screening tables and maps of all the alternatives that have been considered through the process. No-bridge alternatives have not been evaluated as part of the NEPA process thus far. Based on input from the local representatives, alternatives that don't involve a bridge have likely been looked at over the years. The project team would need to research this in order to provide information on these alternatives. Tom Gocksch noted that through the transportation planning process, the MPO identified a number of improvements to the existing transportation network and some of these projects have been completed. This project is one element of the overall plan and is the only one of these projects to provide an additional river crossing. Commissioner Kennedy added that we still need to move the truck route out of the metro area. The project team indicated that information on the alternatives would be distributed to the agency representatives to assist them in assessing if the range of alternatives evaluated for the projects is "reasonable."

#### **Impact Methodologies**

Laura Meyer and Lee Stragis reviewed the impact assessment methodologies hand-out and asked the agency representatives for input or comments. Two comments were provided:

- Steve Potts commented that he was glad to see that the potential for future changes in land use that could be indirectly related to the project would be evaluated.
- Jeff Ryan commented the bridge design needs to incorporate design features that don't allow direct deck drainage into the river.

Laura noted that comments on these methodologies were due on April 15, 2011. MDT will compile the comments received and distribute to the agencies for reference.

#### ***Next steps:***

- Complete the alternatives screening
- Field work anticipated for June/July
- Resource studies prepared to document field work
- Refinement of alternatives if necessary
- Detailed evaluations of alternatives for EIS

#### **Action Items:**

- Laura will send a summary of alternatives and the power point presentation to agency representatives.
- MDT/FHWA will schedule a meeting with USACE, EPA, DEQ, and FWP to discuss P&N and permitting needs.
- Agencies will provide comments on impact assessment methodologies by April 15, 2011.

**Handouts**

- Agenda
- Purpose and Need (P&N) Summary
- Design Objectives
- Map of Draft Conceptual Alternatives
- Coordination Plan for Agency and Public Involvement March 2011
- Impact Assessment Methodologies

