



Montana Department of Transportation

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FHWA
MONTANA DIVISION

September 27, 2010

Kevin L. McLaury
Division Administrator
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

Attention: Alan Woodmansey

Subject: Categorical Exclusion Concurrence Request
Bench Boulevard - Billings
MT 1036(1)
Control Number: 6041000



Dear Kevin McLaury:

This submittal is a request for the FHWA's concurrence that the proposed subject project meets the criteria for classification as a Categorical Exclusion (CE) under the provisions of 23 CFR 771.117(d). The proposed action also qualifies as a CE under the provisions of ARM 18.2.237 and ARM 18.2.261(1) (Sections 75-1-103 and 75-1-201 MCA). A copy of the project location map is attached.

This proposed project is a reconstruction of 2.8± mile segment of Bench Boulevard (U-1036) in Billings located in Yellowstone County. The project begins just southwest of the intersection of Lincoln Lane and Bench Boulevard (RP 2.8) and ends at the intersection of US 87 (N-16) and Bench Boulevard (RP 0.0). The reference posting on this project increases from north to south. The entire project lies within the urban limits of Billings, and RP 0.0 to RP 2.07 lies within the Billings City limits. The beginning of this project would connect to the 6th Ave to Bench - Billings project that crosses Alkali Creek near the connection, and is to be built in order to accommodate the expected increase in traffic on Bench Boulevard when that project is completed.

Bench Boulevard is classified by MDT as an Urban Collector. The City of Billings classifies this route as a Principal Arterial. The project would be designed using standards for Urban Minor Arterials. The route is in level terrain.

The proposed project is located within the following legal descriptions within Yellowstone County:

Township	Range	Sections
1N	26E	14, 15, 22, 23, 26, 27

The current typical roadway width varies from 22 feet to 27 feet with minimal or no shoulders, sidewalk, or curb and gutter throughout. Areas of widening and curb and gutter exist at several locations with pavement widths as great as 45 feet.

The intent of this project is to reconstruct the roadway to provide two driving lanes and a two-way left-turn lane. South of Hilltop Road would not include on-street parking lanes, but wider driving lanes would be provided and designated as a shared use driving/bike lanes with a typical width of 14 feet each and a total back of curb to back of curb width of approximately 45 feet. The City of Billings expressed an interest in providing on-street parking wherever possible within the city limits; therefore north of Hilltop Road, parking lanes would typically be provided with standard width driving lanes in lieu of the shared use lanes used south of Hilltop Road. Where physical constraints (i.e. restricted right-of-way, historic properties, etc) are encountered, on-street parking would be limited or eliminated as necessary. North of Hilltop Road, the total back of curb to back of curb width would be 55 feet where parking is provided on both sides and less where parking is eliminated or only provided on one side of the street. The minimum anticipated back of curb to back of curb width north of Hilltop Road is 45 feet where no parking is provided. New sidewalks, curb and gutter, new storm drain, additional lighting, limited landscaping (within boulevard), and intersection improvements would also be included throughout the project corridor as appropriate. Warrants would be evaluated at each intersection to determine if additional turn lanes would be included. Roundabouts would be evaluated as an alternate to signalized intersections at the major intersections (i.e. Hilltop Road, Wicks Lane and US 87).

Due to funding constraints, the project would be constructed in phases.

- South of Hilltop Road - Phase 1 would extend from approximately the juncture of Bench Boulevard and Lincoln Lane to just north of Hilltop Road.
- North of Hilltop Road - Phase 2 would extend north from approximately Hilltop Road to the intersection of US 87 (N-16) and Bench Boulevard

Potential impacts and proposed mitigation measures are summarized in the following tables. Table 1 includes expected permanent impacts. Table 2 includes expected temporary impacts associated with construction activities. The subsequent sections provide additional information related to social, economic and environmental resources that may potentially be impacted by implementation of the proposed project. Potential direct and indirect impacts described in each subsection include expected permanent impacts of the facility. Temporary impacts due to construction of the facility are discussed in a separate subsection.

Table 1: Summary of Potential Permanent Impacts and Proposed Mitigation

Resource	Potential Impact	Proposed Mitigation
Land Use	Minor impact due to right of way acquisition.	None.
Farmland	Entire project area located within the urban boundary of the City of Billings.	None.
Social	No adverse impact.	None.

Resource	Potential Impact	Proposed Mitigation
Environmental Justice	No disproportionate adverse impact on minorities or low-income populations.	None.
Right of way	Approximately 5.5 acres of permanent right of way would need to be acquired. No residential or business acquisitions or relocations anticipated.	Where practicable MDT would minimize or avoid right of way impacts through final design modifications and right of way negotiations. Where acquisition is deemed necessary it would be accomplished in accordance with applicable laws; specifically, Title 60, Chapter 4 and Title 70, Chapter 30, Montana Code Annotated; and Title 42, USC, Chapter 61, "Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs"
Utilities	Throughout the project area existing and proposed utility upgrades would be relocated as necessary and agreed to by all associated parties.	In accordance with MDT Standard Specifications utility companies would be contacted to coordinate activities to avoid or minimize disruption to service. According to Montana statute, as applicable, MDT would pay a portion of any required utility relocations.
Economic	No adverse impact.	None.
Air Quality	No permanent impact.	None.
Noise	No permanent impact.	None.
Water Resources/ Water Quality	Minor increase in the amount of impervious surface in the project area would cause negligible impact. The Holling Drain would be impacted by the installation of the proposed storm water outfall Existing irrigation crossings would be replaced, and an open irrigation ditch parallel to Bench Blvd between Mary and Barrett would be enclosed within a pipe.	Mitigation of water quality impacts caused by storm water runoff and erosion would be achieved through engineering controls such as grading, revegetation, design of culverts/ditches, and the use of Best Management Practices in accordance with the terms and conditions of the MS4 permit. The storm water outfall structure into Holling Drain would be designed to perpetuate the existing water flows. Impacts to irrigation facilities would be designed in consultation with ditch owners to minimize impacts to farming/ranching operations. Water quality impacts would be minimized by complying with applicable permits and authorizations.
Wetlands	Approximately 0.15 ac of wetland would be impacted.	Throughout design and construction, avoidance and minimization measures would continue to be employed where practicable. Mitigation for unavoidable wetland impacts would be coordinated with the US Army Corps of Engineers during coordination of the Section 404 Clean Water Act (CWA) Permit.

Resource	Potential Impact	Proposed Mitigation
Vegetation, Wildlife, and Aquatic Resources	<p>Negligible to minor permanent impacts to vegetation/habitat, wildlife, and aquatic resources.</p> <p>The Holling Drain would be impacted by the installation of the proposed storm water outfall.</p>	<p>The storm water outfall structure into Holling Drain would be designed to perpetuate existing water flows and ensure fish passage is maintained through the existing culvert under Mary Street</p>
Floodplains	No impact.	None.
Railroads	No impact.	None.
Pedestrian/ADA	<p>The proposed project would improve access for pedestrians throughout the project area by providing ADA accessible sidewalks.</p>	None.
Wild and Scenic Rivers	No impact.	None.
Threatened/Endangered Species and Habitats	<p>“No Effect” on a Proposed Candidate Species or on a listed Threatened or Endangered Species and is “Not Likely to Adversely Affect” the general biological resources in the vicinity of the project</p>	None.
Historical/Cultural Resources	<p>SHPO concurred in determinations of No Effect and No Adverse Effect for all 5 historic properties and the segment of the historic ditch.</p>	None.
Hazardous Materials	<p>Monitoring wells may exist within the proposed right of way.</p>	<p>After final right of way limits are established any monitoring wells existing in the proposed right of way would be abandoned in accordance with DEQ regulation and MDT standard procedures.</p>
Visual Resources	<p>The additional width and pedestrian facilities would contribute to a more urban setting.</p>	<p>MDT would work with adjacent land owners to ensure that impacts to existing landscaping features are minimized or avoided to the maximum extent practicable.</p>
Parks, Recreation,	<p>Minor right of way acquisition would be required from Earl Guss Park, Clevenger park, and the Bitterroot Baseball Fields.</p>	<p>All disturbed areas would be contoured and vegetated to blend in with the surrounding property.</p>
Section 4(f) Properties,	<p>City of Billings, Yellowstone County, Billings Public School District, and SHPO concurred in individual de minimis findings for individual properties over which they have regulatory authority.</p>	None.
Section 6(f) Properties	No Impact	None
Cumulative Impacts	<p>The projects would combine to have beneficial cumulative effects.</p>	None.

Table 2: Summary of Potential Temporary Construction Impacts and Proposed Mitigation

Resource	Potential Impact	Proposed Mitigation
Traffic	Minor, short-term temporary inconveniences to the traveling public including occasional increased travel times, detours, and temporary closures.	A traffic control plan would be developed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).
Utilities	Temporary, short-term interruption to utility services may result from conflicts with overhead power lines and buried gas, water, telephone and fiber optic lines.	MDT Standard Specifications require the contractor to cooperate with utility owners to minimize service interruption. Notification of service interruptions due to relocations would be the responsibility of the utility owner(s).
Economic	Possible short term impacts to businesses due to delays, detours, or short term access limitations.	Early notification of affected property owners regarding construction activities. Travel delays would be minimized to the extent practicable.
Air Quality	Minor, short-term, localized adverse air quality impacts due to fugitive dust emissions from earth moving operations and combustion emissions from construction equipment.	MDT Standard Specifications require that the Contractor comply with applicable state and federal air quality rules. The Contractor would be required to revegetate disturbed areas as described above.
Noise	Construction activities may cause minor, short-term, localized adverse noise impacts due to construction equipment.	MDT Standard Specifications require compliance with applicable laws, regulations, and requirements contained in the contract regarding noise pollution.
Water Resources and Water Quality	Potential for short-term adverse impact on water quality due to erosion and sediment.	<p>The Contractor would be required to revegetate disturbed areas. MDT design and construction specifications require temporary water pollution control measures to minimize potential effects of construction activities. Mitigation of water quality impacts caused by storm water runoff and erosion would be achieved through engineering controls such as grading, revegetation, design of culverts/ditches, and the use of Best Management Practices.</p> <p>MDT and its contractor would adhere to applicable conditions including CWA 404 Permit conditions, CWA 401 Certification requirements, and MPDES Permit.</p>
Wetlands	Potential for short-term adverse impact on wetlands due to erosion and sediment.	<p>Throughout design and construction, avoidance and minimization measures would continue to be employed where practicable.</p> <p>MDT and its contractor would adhere to applicable conditions including CWA 404 Permit conditions, CWA 401 Certification requirements, and MPDES Permit.</p>

Resource	Potential Impact	Proposed Mitigation
Vegetation, Wildlife, and Aquatic Resources	Potential for short-term adverse impact on vegetation due to erosion, sedimentation and weed infestation in disturbed areas.	The Contractor would be required to revegetate disturbed areas as described above. To reduce the spread and establishment of noxious weeds and re-establish permanent vegetation disturbed areas within MDT right-of-way or easements would be seeded with desirable plant species, as recommended by the MDT botanist. Revegetation would be conducted in accordance with MDT Standards Specifications. MDT would comply with measures in the Yellowstone County Weed Management Plans.
Threatened / Endangered Species	No impacts.	None.
Historical / Cultural Resources	Previously unknown historical or cultural materials may be unearthed during construction.	MDT Standard Specifications require the Contractor to immediately stop work and notify the Project Manager of the find. The Project Manager is required to stake the area to remain undisturbed until the significance of the site has been determined and appropriate measures are carried out.
Hazardous Materials	Previously unknown hazardous materials may be encountered during construction.	MDT Standard Specifications require any hazardous materials discovered, generated, or used during implementation of the Preferred Alternative to be handled and disposed in accordance with applicable local, State, and Federal regulations.
Visual Resources	Construction activities may cause minor, short-term, localized adverse visual impacts due to construction.	The Contractor would be required to revegetate disturbed areas as described above.

1. Land Use

The proposed project lies entirely within the urban boundary of the City of Billings in Yellowstone County. Current zoning is predominately private residential, with some commercial, and some public. The areas zoned as public include Bitterroot Elementary School, Earl Guss Park, and Clevenger Park.

The Yellowstone County and City of Billings 2008 Growth Policy Update and Billings Urban Area Long-range Transportation Plan 2009 Update both include “Bench Blvd. extension/improvement to extend Bench Blvd. south to intersect with Main Street at 4th and 6th Avenues” as part of the preferred model.

Impacts: The proposed project is consistent with local growth policy and with the long-range transportation plan. Improvements would not directly or indirectly impact land use other than the acquisition of a minor amount of right of way described below. The proposed project is not anticipated to result in residential or business acquisitions or relocations.

Mitigation: No mitigation is required or proposed.

2. Farmland

The 1981 Farmland Protection Policy Act (FPPA) (Title 7 United States Code, Chapter 73, Sections 4201-4209) requires that the effects of proposed highway projects be examined before acquisition of farmland. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

The entire project is within the urban limits of Billings therefore no further analysis of farmland conditions or impacts will be conducted for this proposed project.

Impacts: N/A

Mitigation: None required.

3. Social Impacts

This section describes the general community characteristics and social conditions in the study area, including City and County population, demographic and income data, and community and public facilities. This section also addresses impacts on the traveling public and/or other users of the existing and proposed transportation facility, and/or impacts on community cohesion.

Population Data, Demographic Composition, and Household Income

The official census total population estimate for Billings on July 1, 2008 is given as 103,994. According to the U.S. Census Bureau, 2006-2008 American Community Survey in 2006-2008, the Average age of people in Billings is 37.9. Billings is predominantly white (approximately 91.4 percent), with a minority population between eight and nine percent. The median household income was \$46,523, with 7.3% of families and 10.8% of all people with incomes below the poverty level.

Community and Public Facilities

There are several community facilities and public services located within the project area, including Clevenger Park, Earl Guss Park, and Bitterroot Elementary School. The proposed project would require acquisition of a small amount of right of way from each of these properties to accommodate the widened roadway and pedestrian facilities. The addition of consistent pedestrian facilities throughout the corridor would maintain and enhance the general access to and function of each of the facilities.

Travel/Access

The current facility is a two lane roadway that varies in width from 22 feet to 27 feet with minimal or no shoulders. Pedestrian facilities such as sidewalks, curb and gutter are currently only provided at a few locations along the corridor. Under the current roadway configuration and anticipated traffic volumes resulting from the 6th Ave North to Bench Boulevard project, access to private properties, community facilities and intersecting city streets will become more and more challenging as time goes on.

Provision of a reconstructed and upgraded roadway would result in improved access for all area residents, businesses, and travelers who rely on Bench Boulevard. The proposed project would enhance roadway operation and safety, and accommodate the increasing travel volumes on the route resulting from the 6th Avenue North to Bench Boulevard project. The proposed project would also improve the capacity of Bench Boulevard by organizing the flow of traffic turning movements. Integrating consistent sidewalks throughout the corridor would also create a more pedestrian friendly environment which could help to enhance the community.

Impacts: The proposed project would have an overall positive effect on neighborhood connectivity and cohesion through installation of sidewalks and providing improved safety for the traveling public. Access to residences, businesses and public facilities would be maintained or improved.

Mitigation: No mitigation is required or proposed.

4. Environmental Justice

Title VI of the US Civil Rights Act of 1964, as amended (USC 2000(d)) and Executive Order (EO) 12898 require that no minority, or, by extension, low-income person shall be disproportionately adversely impacted by any project receiving federal funds. For transportation projects, this means that no particular minority or low-income person may be disproportionately isolated, displaced, or otherwise subjected to adverse effects. Potential impacts are assessed in terms of property acquisitions or relocations, changes in access to employment areas, and other changes in low-income and minority communities/neighborhoods. Those other changes could include changes in the physical environment such as increases in noise levels, air pollution levels, and the presence or introduction of hazardous materials.

The demographic data given above for the Billings indicates that the project area does not have a disproportionately high minority or low income population.

Impacts: The proposed project would increase safety and enhance pedestrian accessibility throughout the corridor for all users. No residential or business relocations are anticipated at this stage of the design process. Noise levels and air pollution levels (as described below) are not anticipated to rise as a result of this project, nor would there be an increase in the presence of or introduction of hazardous materials within the project area as a result of this project. Taking all of this into account, this project is not anticipated to have a disproportionate adverse impact on the residents in the project area including any minority or low-income populations.

Mitigation: No mitigation is required or proposed.

5. Right of way

The existing right of way widths vary from 50± ft to 110± ft. The majority of the proposed right of way widths are 80± ft or greater.

Impacts: Existing right-of-way would be used to the greatest extent practicable; however new right-of-way would be required throughout the project area to accommodate the proposed improvements. Based on preliminary design estimates, approximately 5.5 acres of permanent right of way acquisition would be required. The final amount of right of way required for the proposed project would be determined as the design of the split projects progress. Temporary construction easements would also be necessary for construction.

Mitigation: Where practicable MDT would minimize or avoid right of way impacts through final design modifications and right of way negotiations. Acquisition of land, and improvements for highway construction is governed by state and federal laws and regulations that are designed to protect both the landowners and the taxpaying public. Landowners affected are entitled to receive just compensation for land or improvements acquired and for depreciation in value of the remaining land due to the effects of highway construction, pursuant to Montana law. Where acquisition is deemed necessary it would be accomplished in accordance with applicable laws; specifically, Title 60, Chapter 4 and Title 70, Chapter 30, Montana Code Annotated; and Title 42, USC, Chapter 61, "Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs."

6. Utilities

Utilities exist throughout the project corridor, and many of these would be impacted. New storm drain would be required throughout the project to adequately handle runoff channelized by the new curb and gutter. A storm water outfall would be constructed adjacent to Mary Street to the east of Bench Boulevard within the Holling Drain. In addition, there are multiple water valves and storm drain trunk lines at the intersections with Wicks and Hilltop. The Billings Heights Water District and the City of Billings are interested in expanding utilities with this project. There are also phone lines, overhead power, television lines, fiber optic, and gas lines that may be impacted by the project.

Impacts: Throughout the project area existing and proposed utility upgrades would be relocated as necessary and as agreed to by all associated parties.

Mitigation: In accordance with MDT Standard Specifications utility companies would be contacted to coordinate activities to avoid or minimize disruption to service. According to Montana statute, as applicable, MDT would pay a portion of any required utility relocations.

7. Economic Impacts

The project area is generally residential in nature with some interspersed commercial businesses and public park lands.

Impacts: The proposed project would accommodate the anticipated increased traffic volumes resulting from the 6th Ave N to Bench Boulevard project. The proposed improvements would improve access and safety within the project area, but would likely involve negligible permanent impacts to economic conditions.

Mitigation: No mitigation is required or proposed.

8. Air Quality

The proposed project is located in the eastern boundary of the Billings CO maintenance area. The Billings MPO is not required to do regional analysis air quality modeling for conformity purposes because of the Maintenance status of the CO area. No CO hot-spot analysis is required because there have been no violations in 20 years \pm , nor have any violations ever been recorded in the vicinity of the project. Additionally, the LOS at the project intersections is not poor enough to require hot-spot analysis.

Impacts: No permanent impacts.

Mitigation: No mitigation is required or proposed.

9. Noise

Although this does not meet the requirements of a Type I project, concerns about traffic noise were voiced at public meetings and followed up on by MDT's noise specialist. Concern was that the increase in traffic caused by a separate project, the 6th Ave – Bench Connector project, would increase noise levels in the neighborhoods surrounding this project. A noise analysis was conducted for the 6th Ave-Bench Connector project (Big Sky Acoustics, November 29, 2006,) with projected traffic volumes and receivers chosen at the southern end of Bench Blvd. These homes are very close to the road and traffic volumes were over-predicted at the time. Noise levels did not exceed the Montana or Federal Noise Abatement Criteria. In 2009, new projected traffic volumes were released and the noise analysis was re-run. Projected Design Year noise levels dropped 2 decibels due to the new traffic volumes (memo dated December 7, 2009,). While noise levels do increase due to the increases in traffic volumes, the levels do not exceed the Montana or federal Noise Abatement Criteria and, thus, no mitigation measures are proposed.

Impacts: No permanent impacts.

Mitigation: No mitigation is required or proposed.

10. Water Resources and Water Quality

The project area is located in the Upper Yellowstone watershed. There are no named or natural streams or drainages within the project corridor, only irrigation facilities exist within the project area.

Impacts: The proposed project would result in a minor increase in impervious surface that would create a negligible difference in groundwater supply or quality in the area. The addition of curb and gutter would require a new storm water system including a new outfall into the Holling Drain on Mary Street to the east of Bench Boulevard.

Existing irrigation crossings would be replaced, and an open irrigation ditch that parallels Bench Boulevard between Mary Street and Barrett Road would be enclosed within a pipe.

Water quality impacts are anticipated to be minor.

Mitigation:

Mitigation of water quality impacts caused by storm water runoff and erosion would be achieved through engineering controls such as grading, revegetation, design of culverts/ditches, and the use of Best Management Practices in accordance with the conditions of the MS4 permit.

Impacts to irrigation facilities would be designed in consultation with ditch owners to minimize impacts to farming/ranching operations.

The storm water outfall structure into Holling Drain would be designed to perpetuate the existing water flows.

Water quality impacts would be minimized by complying with applicable permits and authorizations.

11. Wetlands

Approximately 1.489 acres of wetlands have been delineated within the project corridor. Those wetlands have been delineated by MDT staff. All wetland impacts are associated with irrigation ditches. Wetlands 1 and 2 are dominated by cattails and reed canary grass; wetlands 3 and 4 are dominated by sedges, rushes, and submergent wetland vegetation.

Impacts: All practicable efforts have been made to avoid and minimize adverse impacts to wetlands. Preliminary design indicates that approximately 0.15 acres of wetlands impacts would be unavoidable to wetlands 3 and 4. Wetlands 1 and 2 are not anticipated to be impacted by this project. As the design process evolves, projected impacts to wetlands may change. A final wetlands finding report will be prepared once the final alignment and construction limits have been set.

Mitigation: Throughout design and construction, avoidance and minimization measures would continue to be employed where practicable. Mitigation for unavoidable wetland impacts would be coordinated with the US Army Corps of Engineers during coordination of the Section 404 Clean Water Act (CWA) Permit.

12. Vegetation, Wildlife, and Aquatic Resources

The proposed project is located within an urban area, making wildlife habitat limited. A small population of deer has adapted to this urban setting on the southern end of the project corridor. No fishery concerns were documented by the resource agencies within the project limits, however, local residents have acknowledged the presence of fish species in Holling Drain. Native vegetation in the project corridor is also limited due to being replaced with lawns and ornamental species common with urban areas.

Impacts: The proposed project would not result in substantive direct impacts to vegetation, wildlife or aquatic resources due to adherence to MDT Standard Specifications, including revegetation requirements. The proposed project would not result in increased growth or land development and would not result in substantive indirect impacts to vegetation, wildlife, and aquatic resources.

Mitigation: The storm water outfall structure into Holling Drain would be designed to perpetuate the existing water flows and ensure fish passage is maintained through the existing culvert under Mary Street. No other mitigation is required.

13. Floodplains

There are no delineated floodplains within the project limits. A floodplain permit would not be required for this proposed project.

Impacts: The project would require no floodplain involvement.

Mitigation: No mitigation is required or proposed.

14. Railroads

No railroad right of way is located within the project area.

Impacts: N/A

Mitigation: N/A.

15. Pedestrian/Americans with Disabilities Act (ADA)

Pedestrian and ADA access within the project areas is currently limited. The proposed project would improve pedestrian and ADA access and mobility by providing consistent ADA accessible sidewalks throughout the corridor. Wheelchair ramps/curb cuts would be installed in compliance with MDT standards and specifications at all intersections planned for sidewalks, curb-and-gutter, and facilities related to pedestrians and bicyclists. In addition, school crossing warrants would be evaluated throughout the project area.

Impacts: The proposed project would improve access for pedestrians throughout the corridor through the provision ADA accessible sidewalks.

Mitigation: No mitigation is required or proposed.

16. Wild and Scenic Rivers

No wild or scenic rivers exist in the project area.

Impacts: No impacts.

Mitigation: No mitigation is required or proposed.

17. Threatened/Endangered Species and Habitats

The BBR prepared for this project made the following determination of effect; this project, as proposed on this date, would have “No Effect” on any Proposed Candidate Species, or on any listed Threatened or Endangered Species or their habitats.

Mitigation: No mitigation is required.

18. Historical/Cultural Resources

A cultural resources field survey of the Bench Boulevard-Billings reconstruction and widening project conducted by a cultural resources consultant for MDT in 2009 identified 5 historic properties and an historic ditch within the project corridor that have been recommended eligible for listing on the National Register of Historic Places (NHRP).

Impacts:

In the vicinity of the 5 historic properties additional design work was completed in order to ensure that impacts were avoided or minimized to the maximum extent practicable. MDT prepared a final Determination of Effect for the eligible historic sites and submitted a final request for concurrence to the Montana State Historic Preservation Office (SHPO) by letter dated March 8, 2010. SHPO concurred with the determination of effect on March 29, 2010. The table below summarizes the findings of the determination of effect.

Historic Site Eligible for NRHP	Site Number	Determination of Effect
Segment of Billings Bench Water Association Canal	24YL161/1382/1532	No Adverse Effect
412 Bench Boulevard	24YL1722	No Effect
1145 Bench Boulevard	24YL1724	No Effect
1148 Bench Boulevard	24YL1725	No Adverse Effect
1328 Bench Boulevard	24YL1727	No Adverse Effect
2320 Bench Boulevard	24YL1731	No Adverse Effect

(see Appendix B for Section 106 documentation)

Mitigation: No mitigation required.

19. Hazardous Materials

An Initial Site Assessment Report for hazardous materials (ISA) was completed in January 2010. The following sites of concern are discussed in the ISA.

The Blue Basket Exxon Gas Station located where Hwy 10 crosses Bench Blvd is a known leak site (DEQ Fac. ID # 56-06593). During final design, of phase 2 of the project, this site would be re-visited and any monitoring wells that may exist in or near the R/W may need to be abandoned.

There is a junk yard, located on the west side of Bench Blvd, between Dorothy and Heights Lane. DEQ has not received any reports of contamination problems.

Impacts: During final design the Blue Basket Exxon Gas Station site would be re-visited and any monitoring wells that may exist in or near the Right of Way may need to be abandoned.

Mitigation: Abandonment of monitoring wells would be done in accordance with DEQ regulation and MDT standard procedures.

20. Visual Resources

Visual impacts of the proposed project were determined by comparing conceptual renderings of the proposed roadway to the existing visual character features via photographs and field visits. The project area's existing visual characteristics are primarily residential with some park open space and commercial development. The existing residential characteristics vary throughout the corridor from more urban sections with curb, gutter and sidewalk to more rural sections with gravel shoulders and no pedestrian facilities.

Impacts: The proposed project would enhance the existing roadway by adding additional paved surface, consistent pedestrian facilities, and landscaping as determined necessary through consultation with adjacent landowners. Overall the proposed street improvements would create a more urban setting than currently exists in portions of the corridor; however the resulting improved facility would be fairly consistent with other roadways in the immediate project vicinity.

Mitigation: MDT would work with adjacent land owners to ensure that impacts to existing landscaping features are minimized or avoided to the maximum extent practicable.

21. Parks and Recreation

Parks and recreational properties located within the project corridor include:

- Earl Guss Park – Earl Guss Park provides open space in an urban setting. It has a network of trails, kiosks, benches, and picnic areas for hiking, biking, and viewing wildlife.
- Clevenger Park – Clevenger Park is a city owned park that provides softball/baseball fields for public use. Currently the park is accessed directly from the gravel shoulder with no defined access points.
- Bitterroot School Baseball Fields – The baseball fields adjacent to the Bitterroot school playground are owned by the Billings Public School district, and maintained by the local little league association.

Impacts: As shown in the attached figures, minor amounts of new right of way would need to be acquired from all three of the sites to accommodate the proposed improvements.

- Earl Guss Park – The proposed impacts would include the addition of a sidewalk and boulevard adjacent to the widened roadway which would help increase access to the park and associated trail network. Approximately 0.5 acre of land would be needed to accommodate construction of the sidewalk and boulevard. During construction approximately 1.2 acres of land would be temporally disturbed. Following construction all disturbed areas would be contoured and vegetated to blend in with the surrounding park land. County officials have been contacted and have no concerns with the proposed project. (see appendix A for a figure)
- Clevenger Park – The existing informal public vehicular access via gravel shoulders adjacent to the park would be changed with the addition of sidewalk and curb and gutter. MDT would work with the City of Billings to develop appropriate locations for the public to access the park. To accommodate the improvements approximately 0.17 acre of right of way would be acquired, and approximately 0.13 acre would be temporally impacted during construction. Following construction all disturbed areas would be contoured and vegetated to blend in with the surrounding park land. The recreational value of the existing ball fields would not be adversely impacted. City officials have been contacted and have no concerns with the proposed project. (see appendix A for a figure)
- Bitterroot School Baseball Fields – The proposed project would require approximately 0.11 acres of right of way acquisition, and approximately 0.1 acres of temporary disturbance to accommodate the proposed improvements. Following construction all disturbed areas would be contoured and vegetated to blend in with the surrounding property. The school district has been contacted and has no concerns with the proposed project. (see appendix A for a figure)

Mitigation: All disturbed areas would be contoured and vegetated to blend in with the surrounding property

22. Section 4(f)

The provisions of Section 4(f) of the 1966 U.S. Department of Transportation Act (49 U.S.C. 303), as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA-LU, apply to any FHWA-funded action when it affects the following:

- a. Publicly-owned parks and/or recreation areas;
- b. Publicly-owned wildlife/waterfowl refuges;
- c. Sites in- or eligible-for-listing in the National Register of Historic Places under Section 106 of the National Historic Preservation Act (16 U.S.C. 470, et seq.); and,
- d. Public lands managed for multiple-use with specifically-designated recreational or wildlife/waterfowl management site(s), and under statute(s) providing for same. This applies only to the same specific site(s).

Earl Guss Park

Yellowstone county determined that Earl Guss Park was a significant 4(f) property, and concurred that the proposed project would have a de minimis impact (see Appendix A) because the transportation use of the section 4(f) resource, including consideration of impact avoidance,

minimization, and mitigation or enhancement measures, does not adversely affect the activities, features, and attributes that qualify the resources for protection under Section 4(f).

Clevenger Park

The city of Billings determined that Clevenger Park was a significant 4(f) property, and concurred that the proposed project would have a de minimis impact (see Appendix A) because the transportation use of the section 4(f) resource, including consideration of impact avoidance, minimization, and mitigation or enhancement measures, does not adversely affect the activities, features, and attributes that qualify the resources for protection under Section 4(f).

Bitterroot School Baseball Fields

The Billings School District determined that the baseball fields at Bitterroot School are a significant 4(f) property, and concurred that the proposed project would have a de minimis impact (see Appendix A) because the transportation use of the section 4(f) resource, including consideration of impact avoidance, minimization, and mitigation or enhancement measures, does not adversely affect the activities, features, and attributes that qualify the resources for protection under Section 4(f).

Historic Properties

The FHWA made a de minimis impact finding based on SHPO's concurrence that the project would have "no effect" to the 412 Bench Boulevard (24YL1722) and 1145 Bench Boulevard (24YL1724), and "no adverse effect" to 1148 Bench Boulevard (24YL1725), 1328 Bench Boulevard (24YL1727), 2320 Bench Boulevard (24YL1731), and the lateral ditches of the Billings Bench Water Association Canal (24YL161/1382/1532) located within the project corridor. SHPO also concurred with the de minimis finding on April 21, 2010. (see Appendix A)

The project complies with provisions of Section 4(f) of the 1966 U.S. Department of Transportation Act (49 U.S.C. 303), as amended. The project would not affect any other Section 4(f) properties, including other publicly owned parks or recreation areas, public wildlife/waterfowl refuges, or publicly administered multiple-use lands.

23. Section 6(f) of NLWCF Act

There are no parks, recreational, or other properties acquired/improved under Section 6(f) of the National Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460L, et seq.) on or adjacent to the project area. NLWCF provides funding to purchase and administer public parks and recreation areas. FHWA funded actions must comply with Section 6(f) of NLWCF. The project would not affect any site purchased or administered with funds under Section 6(f).

24. Construction Related Impacts and Mitigation

The contractor would determine construction methods after development of the final construction plans. In general, highway construction could likely involve demolition, excavation and grading, utility relocations, and placement of pavement. Due to funding constraints the project would be designed and constructed in two phases.

- South of Hilltop Road - Phase 1 would extend from approximately the juncture of Bench Boulevard and Lincoln Lane to just north to Hilltop Road.
- North of Hilltop Road - Phase 2 would extend north from Hilltop Road to the intersection of US 87 (N-16) and Bench Boulevard

a) **Traffic Impacts:** Construction activities would cause minor, short-term temporary inconveniences to the traveling public including occasional increased travel times, detours, and temporary closures. Traffic would be maintained during project construction through the use of appropriate signing, flagging, lane closures, etc. Short duration closures of Bench Boulevard, if required, would be scheduled during low traffic periods. Reasonable access would be provided.

Traffic Mitigation: A traffic control plan for each phase would be developed as designs proceed. The Manual on Uniform Traffic Control Devices (MUTCD) would be utilized to guide the application of the traffic control plans.

b) **Utilities Impacts:** A number of utilities are located in close proximity to the project, including overhead power lines and buried gas, water, telephone and fiber optic lines. Temporary, short-term interruption to utility services may result.

Utilities Mitigation: Relocation of utilities would be coordinated with owners and completed as necessary. Notification of service interruptions due to relocations would be the responsibility of the utility owner(s). Such disruptions normally are minor in nature and usually limited to customers connected to the utilities. Disruptions usually occur only for the time required to connect relocated utilities to the system

c) **Economic Impacts:** Construction of the proposed project would result in temporary economic benefits to the Billings Area and surrounding Yellowstone County through creation of construction jobs and income for construction workers, including on-site laborers, specialist, engineers, and managers. Some of these jobs would be local jobs, and others would be imported from other communities. Construction would also create indirect jobs in industries that supply highway construction manufactures with materials and off site construction industry jobs such as administrative, clerical, and managerial workers. These effects would be temporary during construction and would not be expected to permanently affect employment, income, or taxes in the project area.

The proposed project may impact businesses in the project area in the short term due to delays or detours related to construction. The businesses located adjacent to the proposed project may be additionally inconvenience during construction due to access limitations.

Economic Impacts Mitigation: Early notification of affected property owners regarding construction activities. During construction travel delays would be minimized to the extent practicable.

- d) Air Quality Impacts:** Construction activities may cause minor, short-term, localized adverse air quality impacts due to fugitive dust emissions from earth moving operations and combustion emissions from construction equipment.

Air Quality Mitigation: MDT Standard Specifications require that the Contractor comply with applicable state and federal air quality rules, which may require use of dust suppression and emission control measures to minimize short-term impacts related to construction dust and equipment usage. The Contractor would be required to revegetate disturbed areas as described above.

- e) Noise Impacts:** Construction activities may cause minor, short-term, localized adverse noise impacts due to construction equipment.

Noise Mitigation: MDT Standard Specifications require compliance with applicable laws, regulations, and requirements contained in the contract regarding noise pollution.

- f) Water Resources and Water Quality Impacts:** Construction activities near surface waters have potential to have a short-term adverse impact on water quality due to potential for erosion and sediment.

Water Resources and Water Quality Mitigation: The Contractor would be required to revegetate disturbed areas as described above. MDT design and construction specifications require temporary water pollution control measures to minimize potential effects of construction activities. Mitigation of water quality impacts caused by storm water runoff and erosion would be achieved through engineering controls such as grading, revegetation, design of culverts/ditches, and the use of Best Management Practices.

MDT and its contractor would adhere to applicable conditions including CWA 404 Permit conditions, CWA 401 Certification requirements, and MPDES Permit

- g) Wetlands Impacts:** Construction activities near surface waters have potential to have a short-term adverse impact on wetlands due to potential for erosion and sediment.

Wetlands Mitigation: Throughout design and construction, avoidance and minimization measures would continue to be employed where practicable. MDT and its contractor would adhere to applicable conditions including CWA 404 Permit conditions, CWA 401 Certification requirements, and MPDES Permit.

- h) Vegetation, Wildlife, and Aquatic Resources Impacts:** Construction activities facilitate increased potential for erosion, sedimentation and weed infestation in disturbed areas. Disturbed areas created during construction could create land and water erosion potential that could impact water quality and/or create temporary habitat and vegetation loss. Additional short-term construction impacts could include temporary displacement of wildlife, migratory birds, and aquatic species from human-related disturbance. However, no single location would experience a long-term period of disruption. Wildlife and migratory bird populations found in the project area are likely accustomed to periodic human disturbances due to the

project being located in an urban setting. Construction activities could cause the loss of some reptiles and small mammals that may be occupying their burrows at the time of construction. However, the loss of some individuals would have little or no effect to the overall population of these species in the vicinity of the project. This effect is considered discountable. Other species present in the project corridor, such as deer and most birds, would be able to avoid the construction area using adjacent habitats. Permanent displacement of populations or increased habitat fragmentation would be unlikely to result from this project.

Vegetation, Wildlife, and Aquatic Resources Mitigation: The Contractor would be required to revegetate disturbed areas. To reduce the spread and establishment of noxious weeds and re-establish permanent vegetation disturbed areas within MDT right-of-way or easements would be seeded with desirable plant species, as recommended by the MDT botanist. Revegetation would be conducted in accordance with MDT Standards Specifications. MDT would comply with measures in the Yellowstone County Weed Management Plans.

- i) **Threatened/Endangered Species Impacts:** No effects to threatened and endangered species are expected.

Threatened/Endangered Species Mitigation: No mitigation required or proposed.

- j) **Historical/Cultural Resources Impacts:** There is a very small possibility that previously unidentified archeological or historical artifacts are encountered during construction,

Historical/Cultural Resources Mitigation: In the unlikely event that archeological or historical artifacts are encountered during construction, MDT Standard Specifications require the Contractor to immediately stop work and notify the Project Manager of the find. The Project Manager is required to stake the area to remain undisturbed until the significance of the site has been determined and appropriate measures are carried out.

- k) **Hazardous Materials Impacts:** Previously unknown hazardous materials may be encountered during construction.

Hazardous Materials Mitigation: MDT Standard Specifications require any hazardous materials discovered, generated, or used during implementation of the Preferred Alternative to be handled and disposed in accordance with applicable local, State, and Federal regulations.

- l) **Visual Resources Impacts:** Construction activities may cause minor, short-term, localized adverse visual impacts.

Visual Resources Mitigation: The Contractor would be required to revegetate disturbed areas as described above.

25. Permits/Notifications/Authorizations

The following permits/authorizations are expected to be required prior to any relevant disturbance:

- A Clean Water Act Section 404 permit from the US Army Corp of Engineers. The proposed project is expected to qualify for a Nationwide Permit. The 404 permit would require adherence to any conditions of DEQ for 401 Certification.
- A weed control plan approved by Yellowstone County.
- Under the Clean Water Act (33 USC 1251-1376), this proposed project would require a Section 402/MPDES permit from DEQ's Permitting and Compliance Division.
- Additionally, work would be in accordance with the Water Quality Act of 1987 (P.L. 100-4), as amended.

26. Public Involvement

Based on the presently anticipated scope of work, a Level B public involvement plan is appropriate. Public involvement activities already conducted and intended to be conducted are briefly described below:

- A news release was submitted on June 4, 2009, that explained the project and included a Department point of contact.
- A Public information meeting was held on August 3, 2009 to discuss the impacts and seek input for phase 1 of the project that extends from approximately Lake Elmo Drive to Hilltop.
- A second Public information meeting was held on September 15, 2009 to discuss the impacts and seek input for both phase 1 and phase 2 of the project. The presentation included modifications resulting from comments made at the first public meeting.
- Personal contact was made with local officials from the Yellowstone County Park Board, City of Billings Parks, Recreation, and Public Lands Department, and the Billings Public School District.
- Construction notifications and information during construction would be provided via signing, mailings, radio ads and newspaper articles.

The public involvement plan may be adjusted if controversial issues are identified.

27. Cumulative Impacts

Cumulative impacts are effects on the environment that result from the incremental effect of an action when added to past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor, but collectively significant, actions taking place over a period of time. The City of Billings, Yellowstone County, and the Montana Department of Transportation have constructed or plan to construct several projects in the project vicinity.

Recently completed projects:

- MT(009), CN 4743, 5.9 km (3.7 mi), *Billings Airport Road*, MDT project that widened airport road to four lanes between Main Street and Montana Highway 3, from U1014 RP (MP) 0.0 to RP (MP) 2.897 and N53 RP (MP) 3.15 to RP (MP) 4. It also provided a

grade separated intersection where Alkali Creek road and Airport road intersected allowing more efficient access from the west side of the Heights area to 6th Ave North.

- *Aronson Ave Extension* – A City of Billings project to extend Aronson Avenue to Alkali Creek Road. This project constructed transportation improvements in a corridor west of Main Street and improved access to the west side of the Heights.

Projects planned for completion prior to construction of the proposed project:

- *MT-CM 1099(32), CN 4553, 6th Ave N to Bench Boulevard* known as the Bench Connector Project extends Bench Boulevard from its current southern terminus to cross Alkali Creek with a new bridge and connect with Main Street at 6th Ave North. This project has an anticipated let date of late 2010.
- *ARRA-STPE 1099(68) Alkali Creek Drainage Path-BL* - Construct hiking/biking trail along Alkali Creek from the site of the Alkali Creek Bridge westward to and beyond Main Street, as part of the BikeNet program

Future proposed projects:

- *Inner Belt Loop* - This City of Billings project will construct a road from near the terminus of Wicks Lane near Harvest Church to the intersection of Zimmerman Trail and Highway 3. The Inner Belt Loop will be constructed as a 2-lane rural roadway with ditches and a multi-use path along one side. The length of the project is approximately 6 miles. New intersections will be constructed at Wicks Lane and Alkali Creek, with the intersection of Zimmerman Trail and Highway 3 being reconstructed. Storm drainage along this corridor will be handled via culverts and ditches. Construction is anticipated to start in late 2011 or early 2012.

Impacts: Bench Boulevard and the other active projects listed above are existing principal arterial streets carrying traffic in residential and commercial areas. The projects' transportation improvements would reduce traffic congestion on Main Street and distribute traffic on local surface streets. By reducing traffic congestion, improving pedestrian access, and improving the overall function of the transportation network the projects are anticipated to have a net beneficial cumulative impact on the Billings community.

In general the anticipated impacts to resources due to the proposed project would be considered beneficial, or very minor. The relatively small amount of right of way acquisition proposed would not require relocations of residences or businesses, and the recreational properties where R/W would be acquired would not be impacted in an adverse manner. The impacts to water quality due to the minor increase in impervious area and impacts to irrigation facilities and associated wetlands would be very minor and mitigated. Taking these impacts into consideration with the impacts from the past, present and future projects discussed above, this project would not have an adverse cumulative impact to the resources in the project area.

Mitigation: None required or proposed.

28. Conclusion

This action would neither individually nor cumulatively have any significant adverse social, economic, or environmental impacts in accordance with the provisions of 23 CFR 771.117(a). MDT concludes that this project is properly classified as a Categorical Exclusion.

Thomas G. Gocksch, Date: 9/27/10
Thomas G. Gocksch P.E. -Project Development Engineer
MDT Environmental Services Bureau

Heidy Bruner, Date: 9/29/10
Heidy Bruner, P.E. - Engineering Section Supervisor
MDT Environmental Services Bureau

Stan W..., Date: 4 OCT 2010
Concur
Federal Highway Administration

Attachments: Appendix A & B

e-copies (w/o attach):

Stefan Streeter, P.E. MDT Billings District Administrator
Tim Conway, P.E. Consultant Design Engineer
Gary Neville, P.E. MDT Billings District Engineering Services Engineer
Robert Stapley MDT Right of way Bureau Chief
David Jensen MDT Fiscal Programming Section Supervisor
Suzy Price MDT Contract Plans Bureau Chief
Tom Martin, P.E. MDT Environmental Services Bureau Chief
Heidy Bruner, P.E. MDT Environmental Services Engineering Section Supervisor
Miki Lloyd, P.E. Consultant Design Project Manager
Tom Gocksch, P.E. MDT Environmental Services Project Development Engineer
Montana Legislative Branch Environmental Quality Council (EQC)

copies (w/attach):

Kirk Spalding, P.E. Sanderson Stewart
File MDT Environmental Services

MDT attempts to provide accommodation for any known disability that may interfere with a person participating in any service, program or activity of the Department. Alternative accessible formats of this information will be provided upon request. For further information, call 406.444.7228 or TTY (800.335.7592) or call Montana Relay at 711.

Appendix A

Section 4(f) Documentation

1. Earl Guss Park - Yellowstone County de minimis concurrence
2. Clevenger Park - City of Billings de minimis concurrence
3. Bitterroot School Baseball Fields - Billings School District de minimis concurrence
4. Historic Properties – SHPO de minimis concurrence (Section 106 DOE and Figures in Appendix B)



U.S. Department
of Transportation
**Federal Highway
Administration**

Montana Division

March 31, 2010

**585 Shepard Way
Helena, MT 59601
Phone: (406) 441-3900
Fax: (406) 449-5314
www.fhwa.dot.gov/mtdiv**

In Reply Refer To:
HDA-MT

Cal Cumin, Administrator
Yellowstone County – Park Board
P.O. Box 35000
Billings, MT 59107-5000

Subject: **Bench Boulevard-Billings
Section 4(f) *De minimis* Determination**
Project Number: MT 1036(1)
Control Number: 6041000

Dear Mr. Cumin:

This letter is intended as a follow up to ongoing discussions that have occurred between the Montana Department of Transportation (MDT), their consultant, and the county's Parks Board. It is our understanding that you notified MDT on August 4, 2009, as a means of clarifying some outstanding land ownership and jurisdictional responsibilities for Earl Guss Park and of your interest in being engaged in discussions about the project's development and its potential impacts to the park.

As you are aware, MDT is proposing to reconstruct Bench Boulevard between Lake Elmo Road and MT 312. Enclosed are plan sheets that illustrate the proposed temporary and permanent impacts to the county's park, as a result of the proposed project.

Section 4(f) of the U.S. DOT Act prohibits the FHWA from authorizing actions that will result in a "use" of a Section 4(f) resource – which are defined as parks, recreational areas, wildlife refuges, and historic resources. If a "use" may occur, we are required to evaluate whether there are feasible and prudent avoidance alternatives to impacting a Section 4(f) resource. If it is determined that none exist, we may proceed with a build alternative that results in the least harm to a Section 4(f) resource.

Congress amended Section 4(f) of the Transportation Act when it enacted the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new section which authorizes the Federal Highway Administration to approve a project that uses Section 4(f) lands without preparation of an avoidance alternative analysis, if FHWA determines that such uses would have *de minimis* impacts upon the resource. This would typically occur when the proposed impacts to the Section 4(f) resource are determined, in coordination with the official with jurisdiction over the resource, to be very minor in nature or the project results in an overall benefit to the Section 4(f) resource.

More specifically, with regard to Section 4(f) resources that are parks or recreational areas, the Secretary of Transportation may make a finding of *de minimis* impact only if:



- A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and
- B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

We believe, given the nature of the proposed impacts to Earl Guss Park, that a determination of *de minimis* finding may be appropriate for this project. The reconstruction of the roadway and addition of sidewalks to the northwest of the park area will enhance the overall area and use of the facility. However, since the *de minimis* finding requires your concurrence that the proposed use of 4(f) resources will not adversely affect the viability of the county's park, we are requesting your consideration of our proposed *de minimis* determination.

To ensure there is a clear definition of the lands covered under this finding, exhibits showing the proposed use in detail are attached.

Request for Concurrence

The FHWA requests the written concurrence from Yellowstone County on the above-described findings of *de minimis* impacts on Earl Guss Park from the subject project. If you are not prepared to concur at this time, we request the opportunity to further discuss the proposed project and potential impacts with you.

If you have any questions or require additional information, please contact me at (406) 441-3908 or Brian.Hasselbach@dot.gov.

Sincerely,

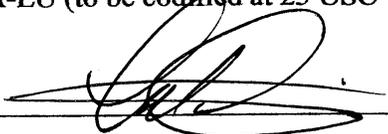


Brian D. Hasselbach
Right-of-Way & Environmental Specialist

Concurrence

Yellowstone County hereby concurs that we have consulted with the FHWA on the impacts to Earl Guss Park from the subject project, and that the county concurs with the FHWA's finding that the Project will have *de minimis* impacts on the county's property for the purposes of Section 6009 of SAFETEA-LU (to be codified at 23 USC 138(b) and 49USC 303(d)).

By: _____

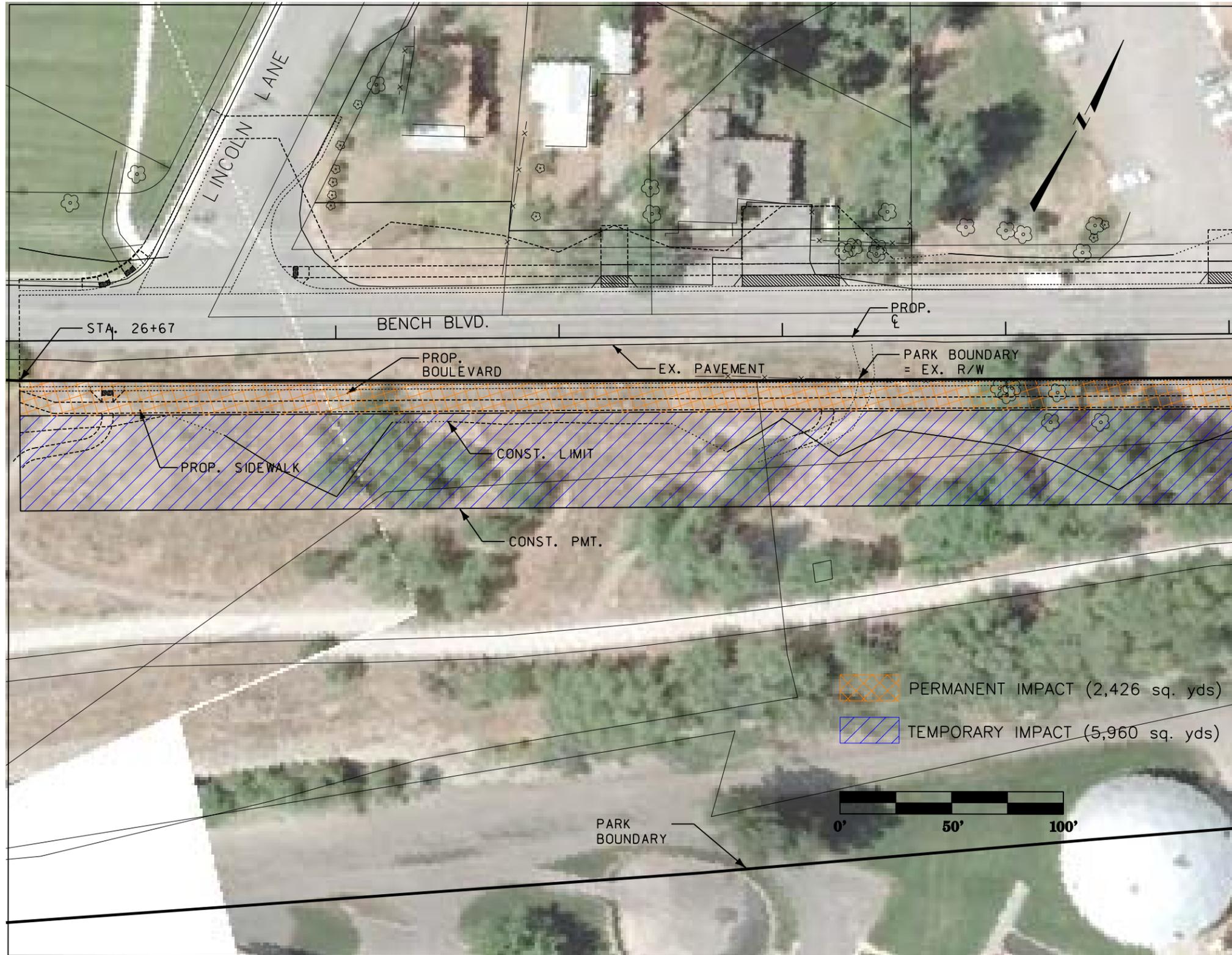


Date: _____

11 Apr 10

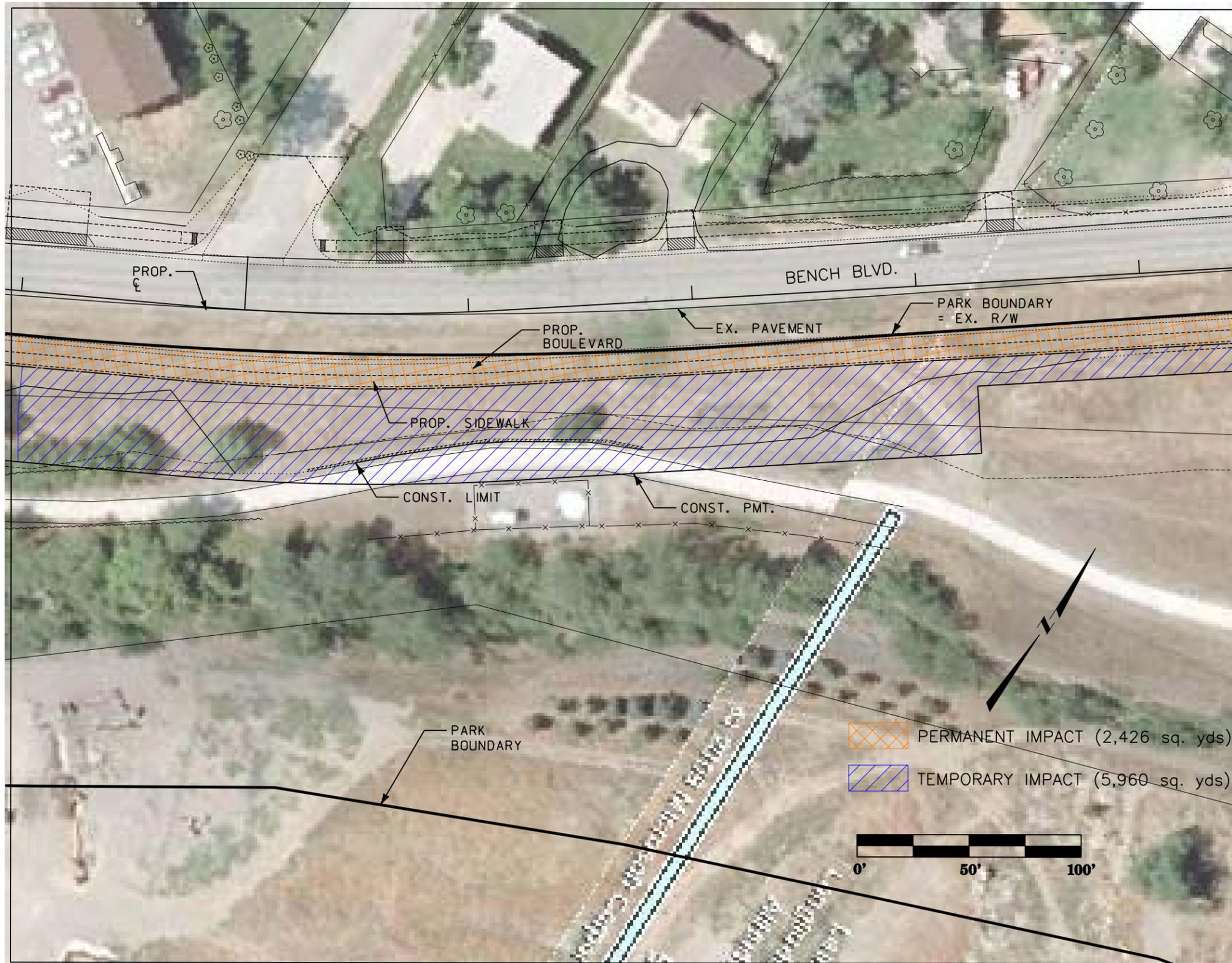
Enclosures

cc: Tom Gocksch, MDT, Environmental Services Bureau
File #: MT 1036(1) bh/lw



EARL GUSS PARK
SHEET 1 OF 3

1" = 50'



EARL GUSS PARK
SHEET 2 OF 3

1" = 50'



EARL GUSS PARK
SHEET 3 OF 3

1" = 50'



U.S. Department
of Transportation
**Federal Highway
Administration**

Montana Division

March 31, 2010

**585 Shepard Way
Helena, MT 59601
Phone: (406) 441-3900
Fax: (406) 449-5314
www.fhwa.dot.gov/mtdiv**

In Reply Refer To:
HDA-MT

Mark Jarvis, Parks Planner
City of Billings
Parks, Recreation & Public Lands Department
390 North 23rd St.
Billings, MT 59101

Subject: **Bench Boulevard-Billings**
Section 4(f) *De minimis* Determination
Project Number: MT 1036(1)
Control Number: 6041000

RECEIVED
JUN 25 2010
FHWA
MONTANA DIVISION

Dear Mr. Jarvis:

This is a follow up to on-going discussions that have occurred between the Montana Department of Transportation, their consultant, and yourself. It is our understanding that MDT has briefed you on the proposed Bench Boulevard-Billings project, its potential impacts to the city's Clevenger Park, and that you have verbally indicated agreement with the minor nature of the impacts on the city's park.

Congress amended Section 4(f) of the Transportation Act with it enacted the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new section which authorizes the Federal Highway Administration to approve a project that uses Section 4(f) lands without preparation of an Avoidance Analysis if it makes a finding that such uses would have *de minimis* impacts upon the resource.

More specifically, with regard to Section 4(f) resources that are parks or recreational areas, the Secretary of Transportation may make a finding of *de minimis* impact only if:

- A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and
- B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.



Since the *de minimis* finding and request for concurrence must come from the Federal Highway Administration (FHWA), we must request your concurrence that the proposed use of 4(f) resources will not adversely affect the city's park and a *de minimis* determination is appropriate.

To ensure there is a clear definition of the lands covered under this finding, exhibits showing the proposed use in detail are attached.

Request for Concurrence

The FHWA requests the written concurrence from the city of Billings in the above-described findings of *de minimis* impacts on Clevenger Park from the subject project.

If you have any questions or require additional information, please contact me at (406) 441-3908 or Brian.Hasselbach@dot.gov.

Sincerely,



Brian D. Hasselbach
Right-of-Way & Environmental Specialist

Concurrence

The city of Billings hereby concurs that we have consulted with the FHWA on the impacts to Clevenger Park 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 49USC 303(d)).

By: Christina F. Sand, City Administrator Date: 6/17/10

Enclosures

cc: Tom Gocksch, MDT, Environmental Services Bureau

File #: MT 1036(1) bh/



CLEVINGER PARK

1" = 80'



U.S. Department
of Transportation

**Federal Highway
Administration**

Montana Division

March 19, 2010

**585 Shepard Way
Helena, MT 59601
Phone: (406) 441-3900
Fax: (406) 449-5314
www.fhwa.dot.gov/mtdiv**

In Reply Refer To:
HDA-MT

Rich Whitney
Director of Facilities Services
Billings Public School District
101 Tenth Street W.
Billings, MT 59101

Subject: **Bench Boulevard-Billings**
Section 4(f) De Minimis Determination
Project Number: MT 1036(1)
Control Number: 6041000

Dear Mr. Whitney:

This is a follow up to ongoing discussions that have occurred between the Montana Department of Transportation (MDT), their consultant, and yourself. The most recent discussion occurring on January 21, 2010 (of which meeting minutes are attached). It is our understanding that at the January 2010 meeting, MDT's consultant presented their recommendation for a de minimis impact finding for anticipated impacts to the Bitterroot School, as a result of MDT's proposed project. It is our understanding that you indicated an agreement with the proposed de minimis finding, as noted in the enclosed meeting minutes.

Congress amended Section 4(f) of the Transportation Act and with it enacted the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new section which authorizes the Federal Highway Administration (FHWA) to approve a project that uses Section 4(f) lands without preparation of an Avoidance Analysis if it makes a finding that such uses would have de minimis impacts upon the resource.

More specifically, with regard to Section 4(f) resources that are parks or recreational areas, the Secretary of Transportation may make a finding of de minimis impact only if:

- A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and
- B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.



Since the de minimis finding and request for concurrence must come from the Federal Highway Administration (FHWA), we must request your concurrence that the proposed use of 4(f) resources will not adversely affect the school and a de minimis determination is appropriate.

To ensure there is a clear definition of the lands covered under this finding, exhibits showing the proposed use in detail are attached. Also, please find a narrative briefly describing the project, potential 4(f) impacts and proposed mitigation.

Request for Concurrence

The FHWA requests the written concurrence from the Billings School District 2 in the above-described findings of de minimis impacts on the Bitterroot School from the subject project.

If you have any questions or require additional information, please contact me at (406) 441-3908 or Brian.Hasselbach@dot.gov.

Sincerely,

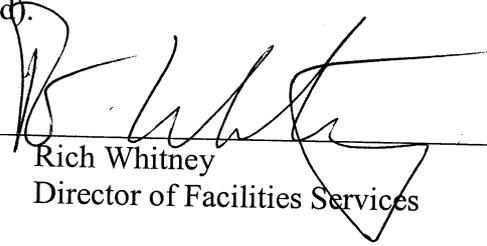


Brian D. Hasselbach
Right-of-Way & Environmental Specialist

Concurrence

The Billings School District 2 hereby concurs that we have consulted with the FHWA on the impacts to the Bitterroot School from the subject project, and that the School District concurs with the FHWA's finding that the Project will have de minimis impacts on school property for the purposes of Section 6009 of SAFETEA-LU (to be codified at 23 USC 138(b) and 49 USC 303(d).

By: _____


Rich Whitney
Director of Facilities Services

Date: _____



Enclosures: 1) Meeting Minutes (1/10/10)
2) Exhibits of Proposed Use

cc: Tom Gocksch, MDT, Environmental Services Bureau

File #: MT 1036(1) bh/lw

**BENCH BOULEVARD-BILLINGS
MDT PROJECT NO. MT 1036(1), C.N. 6041000**

**BITTERROOT SCHOOL MEETING MINUTES
January 21, 2010**

Attending:	Rich Whitney	Facilities Services	School District 2 – Billings
	Shane Swandal	Contractor	Hulteng Inc. – Billings
	Kirk Spalding, Project Manager		Sanderson Stewart – Billings
	Steve Heidner, Project Engineer		Sanderson Stewart – Billings

The purpose of this meeting was to discuss the current proposed improvements to Bench Boulevard north of Hilltop Road in Phase 2 of the project as it relates to the property owned by Billings School District 2 for Bitterroot School. Even though the design of this phase of the project has not commenced, the Environmental Document is being prepared and the impacts to this school property need to be quantified to request the impacts be categorized as De Minimas.

The meeting was an informal meeting with the Facilities Services Director, Rich Whitney. He had his primary contractor that does most of the School District's work sit in as well. His name is Shane Swandal. Rich and Shane were shown the aerial exhibits that were prepared right around the first of the year for Tom Gocksch to use in this process as an exhibit for the Environmental Documentation. The exhibits show the basic typical section consisting of 14' TWLTL, 12' travel lanes, 8' parking lanes, curb and gutter and 7' curb-walk. R/W was shown set 3' behind the sidewalk as the preferred width, since MDT typically requires a minimum of 10' behind curb and gutter.

Rich had no problems with the proposed design presented in the exhibits. He took them and said he'd review them in more detail, but he could not think of any reason why the impacts shown were of any significance to them. The area between the bus pullout and the southern most part of their property has the largest amount of take, but it's in the grass area in front of the building and not in the area of playgrounds or ball fields. The R/W take in this reach is approximately 7.5'.

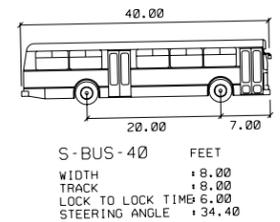
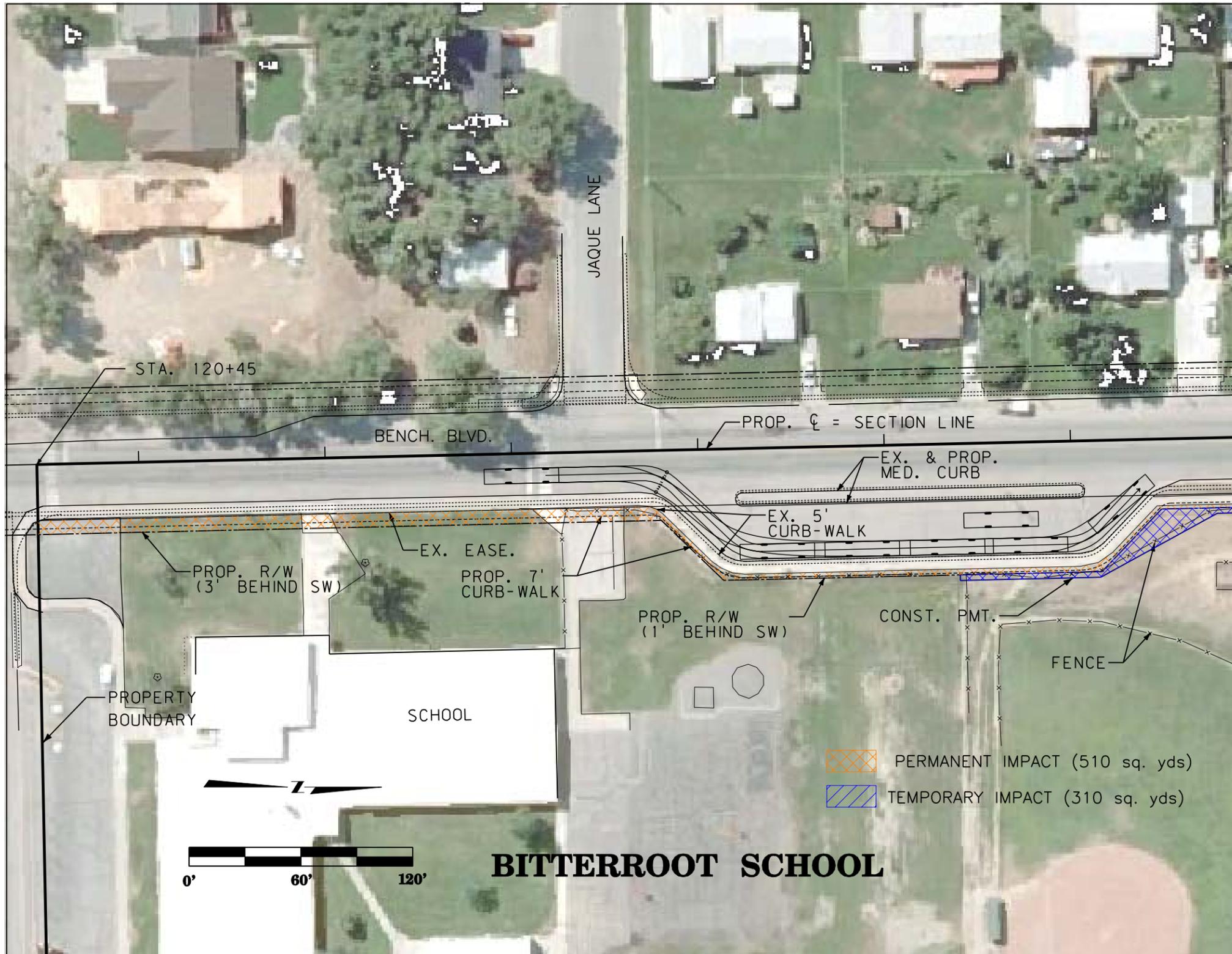
Kirk asked if they prefer boulevard or curb-walk and Rich emphasized they definitely do NOT want boulevard for maintenance and because of all the traffic they would see with kids walking across them. They prefer 7' minimum width curb-walk. Wider is better, but they are ok with 7' as a width.

When asked about the bus pullout, Rich said it was fairly new and functioning well. Kirk noted the design of it would stay the same and there may even be an opportunity to just go on by and saw cut the pavement and use it as is and not disturb it. There is only 5' curb-walk currently in the bus pullout and Rich said wider curb-walk would be preferred if we do reconstruct the pullout. The exhibit shows keeping the curb lines the same in the pullout, but going an additional 2' in width to create the 7' curb-walk. The R/W requirement here would be minor as well with the segment through the pullout only being set 1' behind the sidewalk since utilities will typically not jog around the pullout but go straight across under the pavement.

North of the bus pullout, the R/W needs would be the same as south of the pullout resulting in a total take of approximately 7.5'. However, the location of the sidewalk would actually lie just inside the existing edge of sidewalk and the R/W line would be more or less right on top of the existing fence line for the remainder of the parcel heading north. Rich did not see any issues with the proposed foot-print.

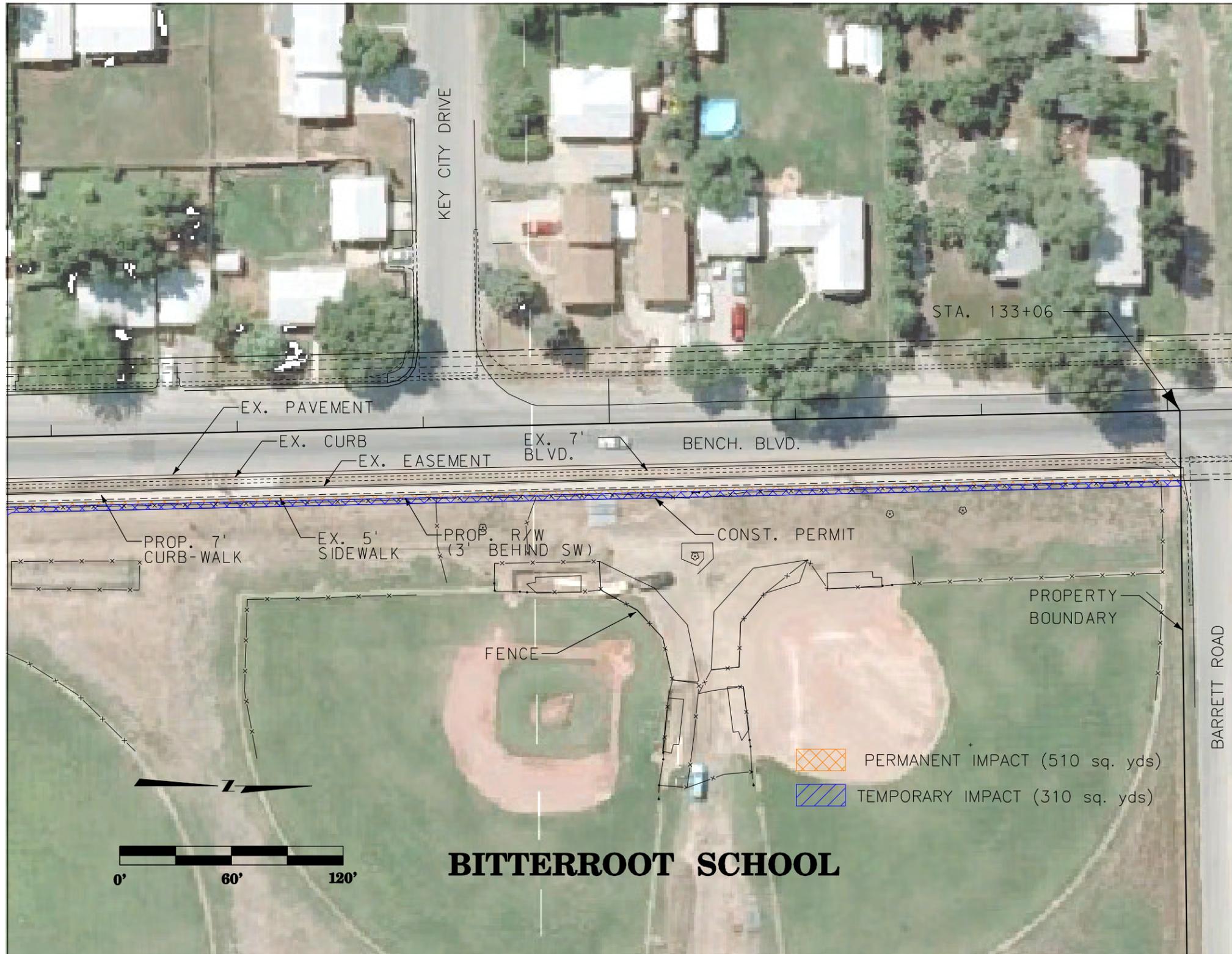
In summary, Rich didn't see any adverse impacts to the public as a result of the proposed improvements and was happy with the proposed design. Current sidewalk widths vary anywhere from 5' to 6.5' and the proposed design utilizes 7' curb-walk everywhere for added safety and buffer width for parked cars and buses. Rich stressed no boulevards and wider sidewalks were their biggest concerns.

This ended the meeting and Kirk told Rich that a follow-up meeting would be good, but that we really just wanted to see if they saw any issues with needing a little R/W and whether it would be an impact to the public use, which we determined it would not.



BITTERROOT SCHOOL
 SHEET 1 OF 2

1" = 60'



BITTERROOT SCHOOL
SHEET 2 OF 2

1" = 60'

2010041505



U.S. Department of Transportation

Federal Highway Administration

Montana Division

April 14, 2010

585 Shepard Way
Helena, MT 59601
Phone: (406) 441-3900
Fax: (406) 449-5314
www.fhwa.dot.gov/mtdiv

In Reply Refer To:

HDA-MT

Josef
FHWA
Bench Blvd
Billings
HF DE MINIMIS
FINDING

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
PO Box 201202
Helena, MT 59620-1202

CONCUR
MONTANA SHPO

DATE 21 Apr 2010 SIGNED

Subject: **De minimis Finding**
Project Name: Bench Boulevard - Billings
Project Number: MT 1036 (1)
Control Number: 6041

Dear Dr. Baumler:

By way of this letter and in the spirit of continued cooperation, the Federal Highway Administration (FHWA) is informing you of our intent to apply the *de minimis* determination for the purposes of satisfying our obligations to Section 4(f) of the 1966 Department of Transportation Act for the Montana Department of Transportation's (MDT) proposed Bench Boulevard – Billings project.

It is our understanding that Jon Axline, of MDT, has previously consulted with you for the purposes of Section 106 of the National Historic Preservation Act (NHPA) on the proposed effects of this project on historic properties. Per the attached, it appears your office concurred with Mr. Axline's determinations of "no adverse effect" to the properties at 2320 Bench Boulevard (24YL1731), 1328 Bench Boulevard (24YL1727), 1148 Bench Boulevard (24YL1725), and the lateral ditches of the Billings Bench Water Association (24YL161/1382/1532) and his determinations of "no effect" to the properties at 412 Bench Boulevard (24YL1722) and 1145 Bench Boulevard (24YL1724).

As you are likely aware, in addition to Section 106, FHWA must comply with the provisions of Section 4(f) of the 1966 Department of Transportation Act. Historically, Section 4(f) has required that prior to approval of any federally-funded highway project resulting in the "use" of listed or eligible historic properties under the NHPA; the FHWA must perform an avoidance analysis to determine whether there is a "feasible and prudent" alternative that would avoid the Section 4(f) resource.



In August of 2005, Section 138 of title 23, USC was amended under the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). Section 6009 of SAFETEA-LU provided new legislative authority to address programs and projects with minor or 'de minimis' impacts on a Section 4(f) resource.

Per the direction in our agency's subsequent December 2005 guidance on applying the *de minimis* determination, we may make a *de minimis* determination for a proposed project's impacts to a historic resource when:

1. The process required by Section 106 of the National Historic Preservation Act results in the determination of "no adverse effect" or "no historic properties affected" with the concurrence of the State Historic Preservation Office (SHPO) and/or Tribal Historic Preservation Office (THPO), and Advisory Council Historic Preservation (ACHP) if participating in the Section 106 consultation;
2. The SHPO and/or THPO, and ACHP if participating in the Section 106 consultation, is informed of FHWA's or FTA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination; and
3. FHWA or the Federal Transit Administration (FTA) has considered the views of any consulting parties participating in the Section 106 consultation.

Given your agreement with the "no adverse effect" and "no effect" determinations, we are sending you this letter as our notification of our intent to apply the *de minimis* determination to affected historic resources within the project limits.

If you should have any questions or concerns regarding our determination, please do not hesitate to contact me at (406) 441-3908 or Brian.Hasselbach@dot.gov. Thank you for your assistance with this project.

Sincerely,



Brian D. Hasselbach
Right-of-Way & Environmental Specialist

Attachment

cc: Tom Gocksch, MDT, Environmental Services Bureau
Jon Axline, MDT, Environmental Services Bureau

File: MT 1036(1) bh/lw

2010031102



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

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COPY

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MAR 31 2010
ENVIRONMENTAL

RECEIVED
MAR 11 2010
BY: SHPO

March 8, 2010

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

CONCUR
MONTANA SHPO

DATE 29 Mar 2010 SIGNED

- Josef
- MDT
- Bench Blvd
- Billings
- MODIFICATIONS
- EFFECT FINDING

Subject: MT 1036(1)
Bench Boulevard – Billings
Control No. 6041

Dear Mark:

In January 2010, your office concurred with our Determination of Effect regarding the above project in Yellowstone County. Since then, however, the design of the project has been modified somewhat to keep the alignment as close as possible to the existing alignment and minimize the impact to historic properties located along Bench Boulevard within the proposed project area. Consequently, there have been some changes in the distances between the properties and the proposed centerline and pavement and sidewalk edges. After reviewing the new information, it would appear there is a change in the effect to only one property, 24YL1731. We originally determined the proposed project would have No Effect to the property, but after further evaluation, we have determined the project would now have **No Adverse Effect** to 24YL1731. There would be no change in the determinations for the other historic properties located within the project area. We request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline, Historian
Environmental Services

Enclosure

Copies: Stefan Streeter, Billings District Administrator
Tim Conway, P.E., Consultant Design
Bonnie Gundrum, Resources Section

DETERMINATION OF EFFECT

MT 1036(1) Bench Boulevard – Billings Control No. 6041

Introduction

The Montana Department of Transportation (MDT) intends to reconstruct and widen Bench Boulevard in Billings Heights in the City of Billings. The project begins at the intersection of Bench Boulevard and Lake Elmo Drive (Reference Point 2.862) and proceeds northerly 2.862 miles on Bench Boulevard to the junction of US Highway 87 (Reference Point 0.0). It is not known when the existing roadway was constructed. The existing roadway width varies between a 22 and 27-foot wide paved surface that consists of two driving lanes.

The Bench Boulevard – Billings project would involve the reconstruction and widening of the roadway. The proposed finished top width of the roadway south of Hilltop Drive would be 44 feet, including two 11-foot driving lanes, a 14-foot two-way left-turn lane, and two 4-foot shoulders. North of Hilltop, the roadway would be 54 feet in width with 9-foot parking lanes instead of 4-foot shoulders. In addition, the project would include boulevards, new sidewalks, new curb and gutter, landscaping, and intersection improvements. Some new Right-of-Way (R/W) may be necessary.

Significant Cultural Resources

A cultural resource survey of the project area was conducted in 2009. The MDT and the Montana State Historic Preservation (SHPO) concurred in the National Register of Historic Places (NRHP) eligibility of five historic properties within the survey area. They are: 412 Bench Boulevard (24YL1722), 1145 Bench Boulevard (24YL1724), 1148 Bench Boulevard (24YL1725), 1328 Bench Boulevard (24YL1727), and 2320 Bench Boulevard (24YL1731). In addition, a segment of the previously determined National Register eligible Billings Bench Water Association Canal (24YL161/1382/1532) is located within the project area.

The site at 412 Bench Boulevard (24YL1722) consists of an English Cottage-style residence constructed in 1934. Also on the site is a garage (1993) and an art studio (1994). Because of the high degree of architectural integrity of the residence, it is eligible for the National Register under Criterion C.

Site 24YL1724 at 1145 Bench Boulevard is a Craftsman-style residence with four outbuildings, including a residence (1940), garage (1934), outhouse (c.1921), and barn (1929). The primary residence was constructed in 1921. The buildings all exhibit their original materials and detailing with little, if any, modifications made to their exteriors. The site is eligible for the National Register under Criterion C.

Site 24YL1725 is located at 1148 Bench Boulevard. The property consists of an American Four-Square-style residence constructed in 1916 and two outbuildings: a milk house built in 1916, and a shed constructed around 1961. The site retains a high degree of architectural integrity,

exhibiting many features unique to the style. The site is eligible for the National Register under Criterion C.

The site at 1328 Bench Boulevard (24YL1727) consists of four features: a Ranch-style residence (1950), sheds (1965 and 1985), and a kennel (1985). The residence is an early Ranch style structure that exhibits all footprint, fenestration, and features common to this type of residential architecture. The sheds and kennel do not meet the National Register age criteria and do not contribute to the site. The property is eligible for the NRHP under Criterion C.

Site 24YL1731 is at 2320 Bench Boulevard. The site consists of a vernacular residence and three outbuildings, including a barn, outhouse, and garage. All of the buildings were constructed in 1930. The site retains a high degree of architectural integrity and is eligible for the National Register under Criterion C.

Two laterals of the Billings Bench Water Association Canal are located within the Area of Potential Effect (APE) for this project. A half-mile lateral segment parallels Bench Boulevard between Betsy Drive and Kale Drive and between Crist Drive and Mary Street. The laterals are eligible as part of the larger ditch system under Criterion A.

Project Impact

A preliminary design of the Bench Boulevard – Billings project has been completed and copies of the plans in the vicinity of the historic properties are attached (Figures 1-5).

The existing centerline would be shifted slightly to the east at 412 Bench Boulevard (Figure 1) to accommodate the wider roadway. The proposed centerline would be 94 feet from Feature 1 (residence) and the proposed pavement edge 73.6 feet from the feature (it is currently 76 feet from the house). The roadway would not be widened in the direction of the historic property, but the undertaking would include the construction of boulevards and sidewalks flanking the roadway. The proposed sidewalk would be 61.8 feet from the property. No trees would be removed from within the property boundaries.

At 1145 Bench Boulevard (Figure 2), the centerline would be perpetuated at 92.7 feet from the residence and the proposed pavement edge would be 67.3 feet from the residence. The back of the proposed sidewalk would be 55.4 feet from the residence. Some additional R/W would be required from the site. There would be no significant change in the setting of the property and none of the existing landscaping would be impacted.

At 1148 Bench Boulevard (Figure 3), the centerline would be shifted 7-feet toward the west and in the direction of the residence. The proposed centerline would be located 60.5 feet from the residence (the existing centerline is 67± feet from the residence). The proposed pavement edge would be 35 feet from the residence. Although a boulevard has been proposed along the length of the project, the design has been modified in the vicinity of this property to minimize the impacts to it. Consequently, the sidewalk will be located along the curb and no boulevard would be constructed on this property. The proposed back of sidewalk would be 26 feet from the property. One tree on the property would be removed by the construction of the sidewalk.

At 1328 Bench Boulevard (Figure 4), the centerline would be shifted about six feet in the direction of the historic property. The proposed centerline would be 57.1 feet from the property. The roadway would be widened, placing the proposed pavement edge closer to the property at 31.4 feet from the residence. Because the property is eligible for the National Register, the project's design was modified to eliminate a proposed boulevard in the vicinity of the residence. Consequently, the proposed sidewalk would be located along the curb with the back of the facility 23.3 feet from the residence. None of the existing landscaping would be removed as a result of the proposed project.

The centerline would be shifted to the east and away from 2320 Bench Boulevard (Figure 5). The proposed centerline would be 80.9 feet to the east of the property. The proposed pavement edge would be 55.4 feet from the house. A boulevard and sidewalk would also be constructed within new right-of-way obtained from the front of the property. The sidewalk would be 43.3 feet from the property. The existing landscaping at the site would remain intact as would the existing road tangent.

A lateral ditch of the Billings Bench Water Association Canal parallels Bench Boulevard for a half-mile between Betsy Drive and Kale Drive and between Crist Drive and Mary Street near the junction of the boulevard and US Highway 87. The lateral would be placed within an enclosed pipe for that length. The ditch would continue to carry water to the properties utilizing it for agricultural and domestic purposes. The ditch crosses Mary Street at the intersection of Bench Boulevard near the junction of US Highway 87. The crossing would be perpetuated on the same alignment. It is already enclosed in a pipe and that pipe crossing would be perpetuated.

Project Effect

There would be **No Effect** to 412 Bench Boulevard (24YL1722) as a result of the proposed project. The existing centerline would be shifted to the east and away from the residence. The existing pavement edge would be pretty much perpetuated and the street widened in the direction away from the property. There would be minimal R/W acquisition from the property to accommodate the new boulevard and sidewalk. No trees would be removed from the property. Because of light industrial and commercial development in the vicinity of the house, there already has been a significant change in the setting of the property. There would be no physical damage to the residence and the road would still be 73.6 feet from it. The majority of widening in the direction of the residence would consist of boulevard and sidewalk construction. None of the National Register's Criteria of Adverse Effect would apply in this case.

There would be **No Effect** to 1145 Bench Boulevard (24YL1724) because of the proposed project. The existing centerline would be perpetuated, but the roadway widened in the direction of the property. There would be no physical encroachment on the residence and the outbuildings and none of the existing landscaping would be removed by the roadway widening. The setting of the site has already been impacted by commercial and residential development in its proximity. None of the Criteria of Adverse Effect would apply in this case.

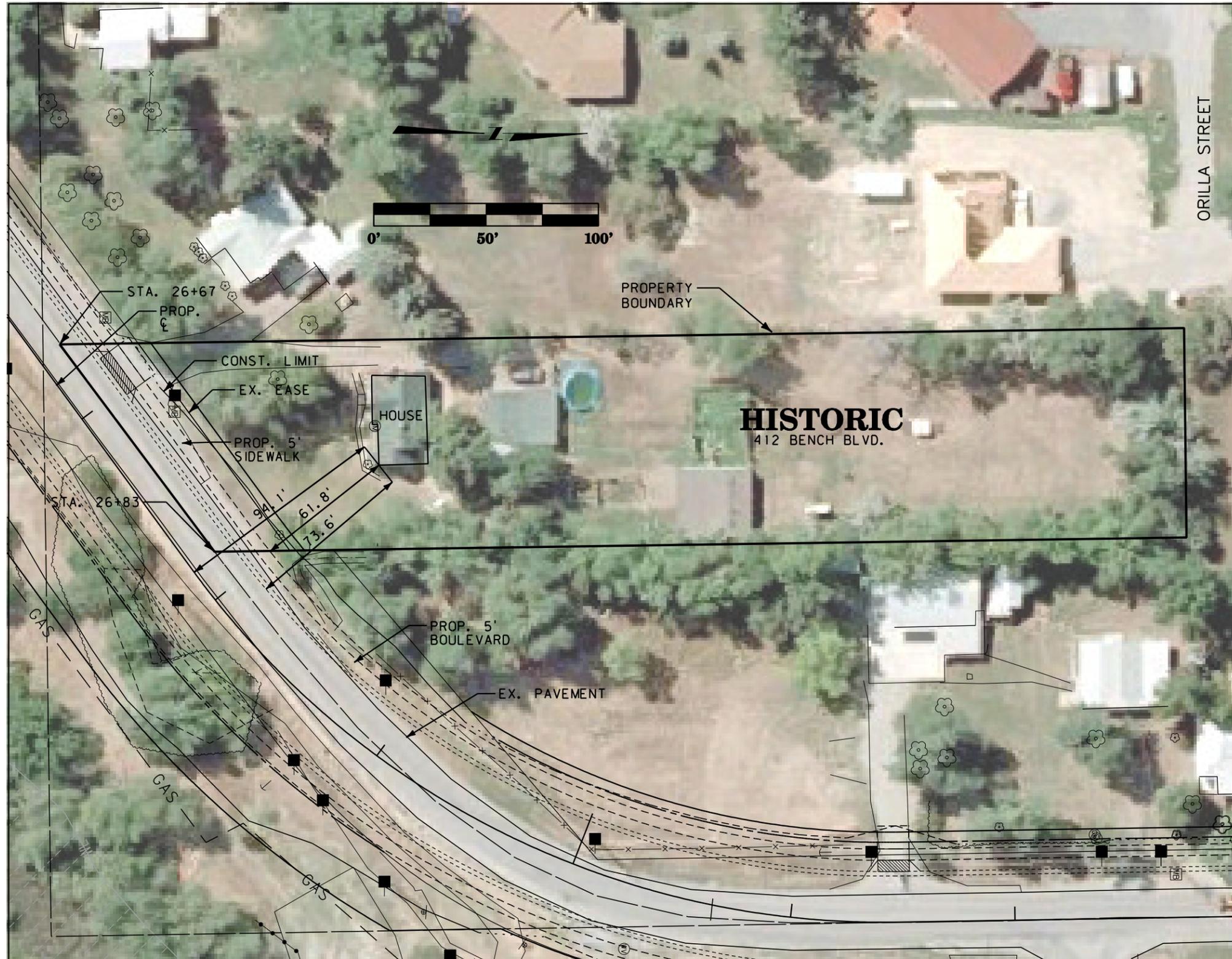
There would be **No Adverse Effect** to 1148 Bench Boulevard (24YL1725) as a result of the proposed project. The centerline would be shifted two feet closer to the residence and widening would result in the proposed pavement edge being 35 feet from the property (the existing

pavement edge is 50± feet from the residence). The MDT has redesigned the project to eliminate the boulevard across the front of the property in order to minimize the impact to it by the proposed project. Instead of a boulevard, the sidewalk will be situated adjacent to the curb. One tree would be removed by the construction of the site. The MDT would, however, replace the tree in approximately the same located but outside the proposed R/W boundary. There would be no physical encroachment on the residence and outbuildings and none of the Criteria of Adverse Effect would apply. The setting has already been impacted by commercial and residential development in proximity to the property.

There would be **No Adverse Effect** to 1328 Bench Boulevard (24YL1727) as a result of the proposed project. The centerline would be shifted a few feet closer to the residence and widening would result in the proposed pavement edge being 31.4 feet from the property. The MDT has redesigned the project to eliminate the boulevard across the front of the property in order to minimize the impact to it by the proposed project. Instead of a boulevard, the sidewalk will be situated adjacent to the curb. The existing landscaping at the property would be perpetuated. There would be no physical encroachment on the residence and none of the Criteria of Adverse Effect would apply. The setting has already been impacted by commercial and residential development across Bench Boulevard to the east.

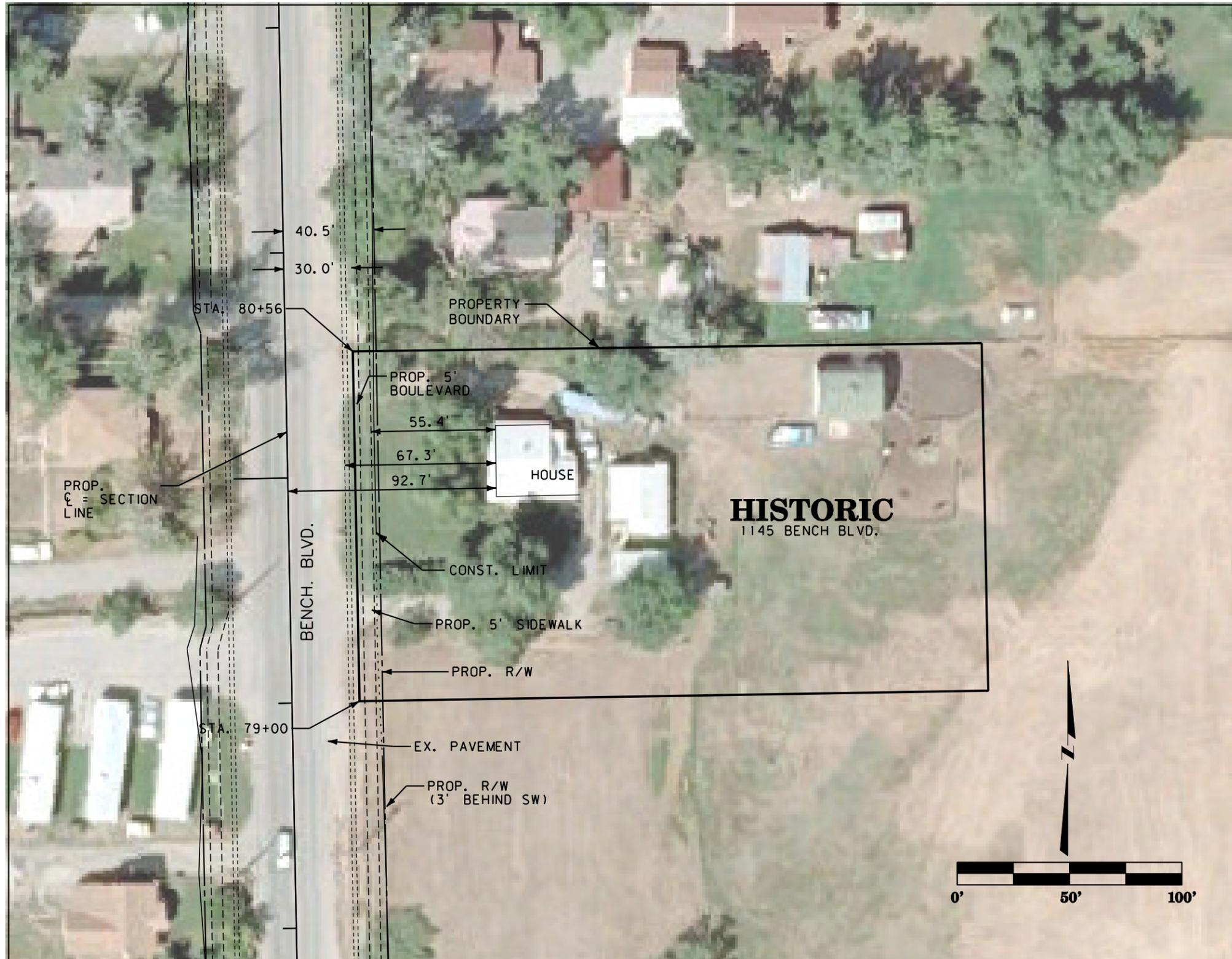
There would be **No Adverse Effect** to 2320 Bench Boulevard (24YL1731) as a result of the proposed undertaking. The centerline would be shifted to the east and away from the property. There would be no physical encroachment on any of the National Register eligible features at the site. New right-of-way would be acquired at the property to accommodate the new boulevard and sidewalk, but it would not result in the removal of any of the existing landscaping at the site. The setting has already been compromised by commercial development immediately to the north and across the street from the site. None of the Criteria of Adverse Effect could be applied to the property in this instance.

There would be **No Adverse Effect** to the lateral ditches of the Billings Bench Water Association (24YL161/1382/1532) within the APE of the project. The half-mile section of ditch that parallels Bench Boulevard between Betsy Drive and Kale Drive and Crist Drive and Mary Street would be enclosed in a pipe. It would retain its historic alignment and its historic function would be perpetuated. It would continue to carry water for agricultural and domestic use in the area. The lateral's historic significance to the area would not be compromised. The ditch crossing under Mary Street adjacent to Bench Boulevard near the intersection of US Highway 87 would also be perpetuated as would the historic function of the facility. There would be no diminution of its use or significance by the proposed construction activities.



HISTORIC PROPERTY
412 BENCH BLVD.

1" = 50'



HISTORIC
1145 BENCH BLVD.

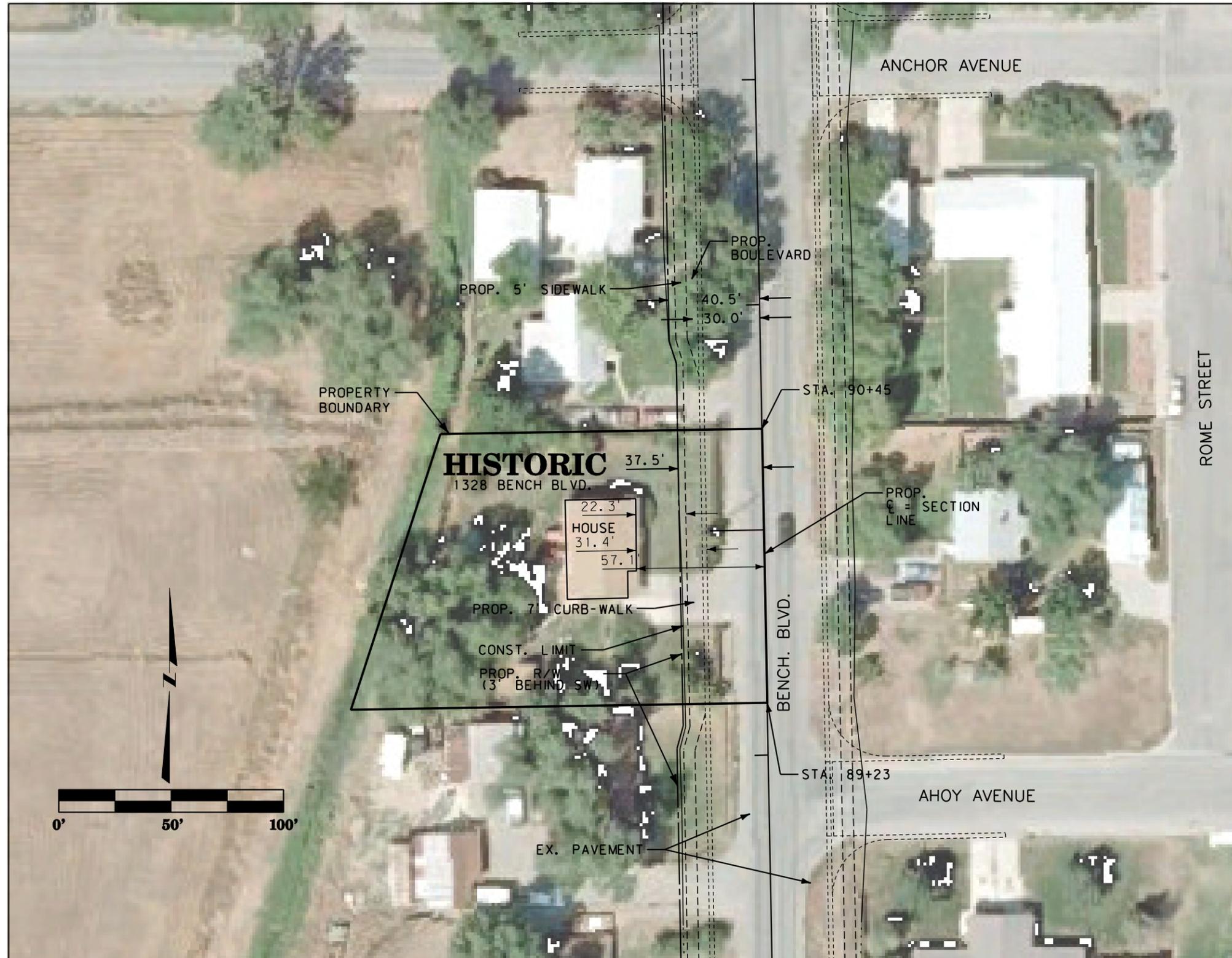
HISTORIC PROPERTY
1145 BENCH BLVD.

1" = 50'



HISTORIC PROPERTY
1148 BENCH BLVD.

1" = 50'



HISTORIC PROPERTY
1328 BENCH BLVD.

1" = 50'



HISTORIC PROPERTY
2320 BENCH BLVD.

1" = 50'

Appendix B

Section 106 Documentation

1. Determination of Eligibility (9/23/2009)
2. Letter from SHPO Concurring in DOE for specific properties, and asking for an MOA related to the proposed reduced Area of Potential Effect (APE) (10/13/2009)
3. Letter to SHPO determining the (APE) with SHPO concurrence stamp (10/29/2009)
4. Original Determination of Effect with SHPO Concurrence Stamp (1/4/2010)
5. Revised Determination of Effect with SHPO Concurrence Stamp (3/8/2010)
6. Figures attached to the Revised Determination of Effect showing proposed impacts:
 - a. 412 Bench Blvd
 - b. 1145 Bench Blvd
 - c. 1148 Bench Blvd
 - d. 1328 Bench Blvd
 - e. 2320 Bench Blvd



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

September 23, 2009

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

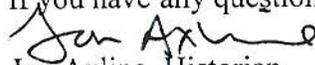


Subject: MT 1036(1)
Bench Boulevard – Billings
Control No. 6041

Dear Mark:

Enclosed is the cultural resource report, CRABS, and site forms for the above project in Yellowstone County. Because of time and funding constraints, I requested Ethnoscience to do a windshield survey of Bench Boulevard from Lake Elmo Drive north to the junction of US 87 and then inventory only those properties that we determined retained enough integrity to be considered for eligibility to the National Register of Historic Places. Ethnoscience noted 186 historic-age properties within the corridor of which 12 retained sufficient integrity. This decision was based on practices currently utilized by other DOTs in the United States that also have funding limitations. Of the 14 properties, Ethnoscience recommended four properties eligible for the National Register. They are: 24Y1722, 24YL1725, 24YL1727, and 24YL1731. We agree with those recommendations and request your concurrence. We have determined one site, 24YL1724, eligible for the National Register contrary to what is recommended in the report. The Billings Bench Water Association Canal (24YL161/1382/1532) is located within the Area of Potential Effect and has been previously determined eligible for the National Register. Finally, although the Billings & Central Montana Railroad (24YL1592) had also previously been determined eligible for the National Register, the segment within the APE of this project has been obliterated and is not eligible for the National Register. We request your concurrence.

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
Miki Lloyd, P.E., Consultant Design
Bonnie Gundrum, Resources Section

Big Sky. Big Land. Big History.
Montana
Historical Society

October 13, 2009

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*Historic Preservation
Museum
Outreach & Interpretation
Publications
Research Center*

JON AXLINE
MDT
2701 PROSPECT AVENUE
PO BOX 201001
HELENA MONTANA 59620

RE: MT 1036(1) Bench Boulevard - Billings Control No. 6041

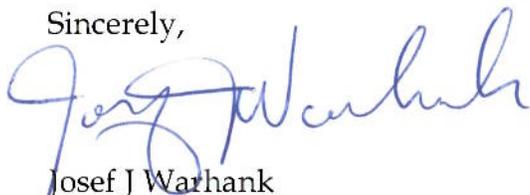
Dear Jon,

We accept your findings of eligibility on sites 24YL1722, 1725, 1727, 1731, and 1724. We also agree that the Billings Bench Water Association Canal (24YL0161/1382/1532) has been found eligible. The Billings & Central Montana Railroad 24YL1592, as a linear site remains eligible, and we will deal with the obliterated portion of the line when we address the effects question.

Ethnoscience did not do a complete survey and so we are unable to do a complete determination of eligibility on all the sites in the Area of Potential Effect. We request that you develop a Programmatic Agreement for this undertaking, because you have explained that funds are short and the effects along the road will be nil. We think this may be the best approach to not doing standard Section 106 in this case.

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: MDT/2009

*This letter
is the response to
the attached letter.
Dated 9/23/09*

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

2009103001



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

October 29, 2009

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: MT 1036(1)
Bench Boulevard – Billings
Control No. 6041

Dear Mark:

The Bench Boulevard project consists of the minor widening and the addition of turn-lanes on approximately 2.72 miles of roadway in Billings Heights. The project area is primarily residential with some commercial properties interspersed along its length. Because of the low likelihood of impacting historic properties on this project, we have reduced the Area of Potential Effect (APE) to a corridor 150 feet in width centered on Bench Boulevard. Do you concur with the APE for this project? If the scope of the project changes and/or historic properties are discovered within the APE that may be impacted, we will contact your office and inventory and evaluate any historic properties located within the impact area.

If you have any questions, please contact me at 444-6258.


Jon Axline, Historian
Environmental Services

Copies: Stefan Streeter, P.E., Billings District Administrator
Tim Conway, P.E., Consultant Design
Bonnie Gundrum, Resources Section
Tom Gocksch, P.E., Engineering

RECEIVED
NOV - 3 2009
BY: SHPO

ENVIRONMENTAL

CONCUR
MONTANA SHPO

LATE NOV 09 SIGNED



• Josef
• MDT
Bench Blvd
Project APE,
Billings Heights

MASTER FILE
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Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

010010501

January 4, 2010

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: MT 1036(1)
Bench Boulevard – Billings
Control No. 6041

Dear Mark:

Enclosed is Determination of Effect for the above project in Yellowstone County. We have determined that the proposed project would have **No Effect** to 24YL1722, 24YL1724 and 24YL1731). It would have **No Adverse Effect** to 24YL1725, 24YL1727 and 24YL161/1532) for the reasons specified in the document. We request your concurrence.

If you have any questions, please contact me at 444-6258.

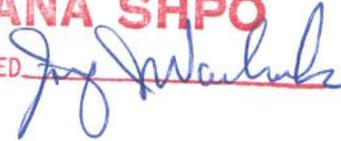

Jon Axline, Historian
Environmental Services

Enclosures

Copies: Stefan Streeter, P.E., Billings District Administrator
Tim Conway, P.E., Consultant Design
Bonnie Gundrum, Resources Section

RECEIVED
JAN 26 2010
ENVIRONMENTAL
BY: SHPO

CONCUR
MONTANA SHPO

DATE 2/2/2010 SIGNED 

MASTER FILE
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Josef
• MDT
• BENCH
• BOULEVARD-
• BILLINGS,
• YL CO

DETERMINATION OF EFFECT

MT 1036(1) Bench Boulevard – Billings Control No. 6041

Introduction

The Montana Department of Transportation (MDT) intends to reconstruct and widen Bench Boulevard in Billings Heights in the City of Billings. The project begins at the intersection of Bench Boulevard and Lake Elmo Drive (Reference Point 2.862) and proceeds northerly 2.862 miles on Bench Boulevard to the junction of US Highway 87 (Reference Point 0.0). It is not known when the existing roadway was constructed. The existing roadway width varies between a 22 and 27-foot wide paved surface that consists of two driving lanes.

The Bench Boulevard – Billings project would involve the reconstruction and widening of the roadway. The proposed finished top width of the roadway would be 44 feet, including two 11-foot driving lanes, a 14-foot two-way left-turn lane, and two 4-foot shoulders. In addition, the project would include boulevards, new sidewalks, new curb and gutter, landscaping, and intersection improvements. Some new Right-of-Way (R/W) may be necessary.

Significant Cultural Resources

A cultural resource survey of the project area was conducted in 2009. The MDT and the Montana State Historic Preservation (SHPO) concurred in the National Register of Historic Places (NRHP) eligibility of five historic properties within the survey area. They are: 412 Bench Boulevard (24YL1722), 1145 Bench Boulevard (24YL1724), 1148 Bench Boulevard (24YL1725), 1328 Bench Boulevard (24YL1727), and 2320 Bench Boulevard (24YL1731). In addition, a segment of the previously determined National Register eligible Billings Bench Water Association Canal (24YL161/1382/1532) is located within the project area.

The site at 412 Bench Boulevard (24YL1722) consists of an English Cottage-style residence constructed in 1934. Also on the site is a garage (1993) and an art studio (1994). Because of the high degree of architectural integrity of the residence, it is eligible for the National Register under Criterion C.

Site 24YL1724 at 1145 Bench Boulevard is a Craftsman-style residence with four outbuildings, including a residence (1940), garage (1934), outhouse (c.1921), and barn (1929). The primary residence was constructed in 1921. The buildings all exhibit their original materials and detailing with little, if any, modifications made to their exteriors. The site is eligible for the National Register under Criterion C.

Site 24YL1725 is located at 1148 Bench Boulevard. The property consists of an American Four-Square-style residence constructed in 1916 and two outbuildings: a milk house built in 1916, and a shed constructed around 1961. The site retains a high degree of architectural integrity, exhibiting many features unique to the style. The site is eligible for the National Register under Criterion C.

The site at 1328 Bench Boulevard (24YL1727) consists of four features: a Ranch-style residence (1950), sheds (1965 and 1985), and a kennel (1985). The residence is an early Ranch style structure that exhibits all footprint, fenestration, and features common to this type of residential architecture. The sheds and kennel do not meet the National Register age criteria and do not contribute to the site. The property is eligible for the NRHP under Criterion C.

Site 24YL1731 is at 2320 Bench Boulevard. The site consists of a vernacular residence and three outbuildings, including a barn, outhouse, and garage. All of the buildings were constructed in 1930. The site retains a high degree of architectural integrity and is eligible for the National Register under Criterion C.

Two laterals of the Billings Bench Water Association Canal are located within the Area of Potential Effect (APE) for this project. A half-mile lateral segment parallels Bench Boulevard between Betsy Drive and Kale Drive and between Crist Drive and Mary Street. The laterals are eligible as part of the larger ditch system under Criterion A.

Project Impact

A preliminary design of the Bench Boulevard – Billings project has been completed and copies of the plans in the vicinity of the historic properties are attached (Figures 1-7).

The existing centerline would be shifted slightly to the east at 412 Bench Boulevard (Figure 1) to accommodate the wider roadway. The proposed centerline would be 94 feet from Feature 1 (residence) and the proposed pavement edge 73.6 feet from the feature (it is currently 76 feet from the house). The roadway would not be widened in the direction of the historic property, but the undertaking would include the construction of boulevards and sidewalks flanking the roadway. The proposed sidewalk would be 61.8 feet from the property. No trees would be removed from within the property boundaries.

At 1145 Bench Boulevard (Figure 2), the centerline would be perpetuated at 88.4 feet from the residence and the proposed pavement edge would be 62.9 feet from the residence. The back of the proposed sidewalk would be 50.9 feet from the residence. No R/W would be required from the site. There would be no significant change in the setting of the property and none of the existing landscaping would be impacted.

At 1148 Bench Boulevard (Figure 3), the centerline would be shifted slightly toward the west and in the direction of the residence. The proposed centerline would be located 65 feet from the residence (the existing centerline is 67± feet from the residence). The proposed pavement edge would be 39.5 feet from the residence. Although a boulevard has been proposed along the length of the project, the design has been modified in the vicinity of this property to minimize the impacts to it. Consequently, the sidewalk will be located along the curb and no boulevard would be constructed on this property. The proposed back of sidewalk would be 30.5 feet from the property. One tree on the property would be removed by the construction of the sidewalk.

At 1328 Bench Boulevard (Figure 4), the centerline would be shifted about six feet in the direction of the historic property. The proposed centerline would be 56.2 feet from the property. The roadway would be widened, placing the proposed pavement edge closer to the property at 30.2 feet from the residence. Because the property is eligible for the National Register, the project's design was modified to eliminate a proposed boulevard in the vicinity of the residence. Consequently, the proposed sidewalk would be located along the curb with the back of the facility 21-6 feet from the residence. None of the existing landscaping would be removed as a result of the proposed project.

The centerline would be shifted to the east and away from 2320 Bench Boulevard (Figure 5). The proposed centerline would be 83.2 feet to the east of the property. The proposed pavement edge would be 57.7 feet from the house. A boulevard and sidewalk would also be constructed within the existing right-of-way at the front of the property. The sidewalk would be 45.6 feet from the property. The existing landscaping at the site would remain intact as would the existing road tangent.

A lateral ditch of the Billings Bench Water Association Canal (Figures 6 and 7) parallels Bench Boulevard for a half-mile between Betsy Drive and Kale Drive and between Crist Drive and Mary Street near the junction of the boulevard and US Highway 87. The lateral would be placed within an enclosed pipe for that length. The ditch would continue to carry water to the properties utilizing it for agricultural and domestic purposes. The ditch crosses Mary Street at the intersection of Bench Boulevard near the junction of US Highway 87. The crossing would be perpetuated on the same alignment. It is already enclosed in a pipe and that pipe crossing would be perpetuated.

Project Effect

There would be **No Effect** to 412 Bench Boulevard (24YL1722) as a result of the proposed project. The existing centerline would be shifted to the east and away from the residence. The existing pavement edge would be pretty much perpetuated and the street widened in the direction away from the property. There would be minimal R/W acquisition from the property to accommodate the new boulevard and sidewalk. No trees would be removed from the property. Because of light industrial and commercial development in the vicinity of the house, there already has been a significant change in the setting of the property. There would be no physical damage to the residence and the road would still be 73.6 feet from it. The majority of widening in the direction of the residence would consist of boulevard and sidewalk construction. None of the National Register's Criteria of Adverse Effect would apply in this case.

There would be **No Effect** to 1145 Bench Boulevard (24YL1724) because of the proposed project. The existing centerline would be perpetuated, but the roadway widened in the direction of the property. All work, however, would be limited to the existing R/W. There would be no physical encroachment on the residence and the outbuildings and none of the existing landscaping would be removed by the roadway widening. The setting of the site has already been impacted by commercial and residential development in its proximity. None of the Criteria of Adverse Effect would apply in this case.

There would be **No Adverse Effect** to 1148 Bench Boulevard (24YL1725) as a result of the proposed project. The centerline would be shifted two feet closer to the residence and widening would result in the proposed pavement edge being 39.5 feet from the property (the existing pavement edge is 41± feet from the residence). The MDT has redesigned the project to eliminate the boulevard across the front of the property in order to minimize the impact to it by the proposed project. Instead of a boulevard, the sidewalk will be situated adjacent to the curb. One tree would be removed by the construction of the site. The MDT would, however, replace the tree in approximately the same located but outside the proposed R/W boundary. There would be no physical encroachment on the residence and outbuildings and none of the Criteria of Adverse Effect would apply. The setting has already been impacted by commercial and residential development in proximity to the property.

There would be **No Adverse Effect** to 1328 Bench Boulevard (24YL1727) as a result of the proposed project. The centerline would be shifted a few feet closer to the residence and widening would result in the proposed pavement edge being 30.6 feet from the property. The MDT has redesigned the project to eliminate the boulevard across the front of the property in order to minimize the impact to it by the proposed project. Instead of a boulevard, the sidewalk will be situated adjacent to the curb. The existing landscaping at the property would be perpetuated. There would be no physical encroachment on the residence and none of the Criteria of Adverse Effect would apply. The setting has already been impacted by commercial and residential development across Bench Boulevard to the east.

There would be **No Effect** to 2320 Bench Boulevard (24YL1731) as a result of the proposed undertaking. The centerline would be shifted to the east and away from the property. There would be no physical encroachment on any of the National Register eligible features at the site. There would be minimal right-of-way acquired at the property to accommodate the new boulevard and sidewalk, but it would not result in the removal of any of the existing landscaping at the site. The setting has already been compromised by commercial development immediately to the north and across the street from the site. None of the Criteria of Adverse Effect could be applied to the property in this instance.

There would be **No Adverse Effect** to the lateral ditches of the Billings Bench Water Association (24YL161/1382/1532) within the APE of the project. The half-mile section of ditch that parallels Bench Boulevard between Betsy Drive and Kale Drive and Crist Drive and Mary Street would be enclosed in a pipe. It would retain its historic alignment and its historic function would be perpetuated. It would continue to carry water for agricultural and domestic use in the area. The lateral's historic significance to the area would not be compromised. The ditch crossing under Mary Street adjacent to Bench Boulevard near the intersection of US Highway 87 would also be perpetuated as would the historic function of the facility. There would be no diminution of its use or significance by the proposed construction activities.

2010031102



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

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BY: SHPO

March 8, 2010

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

CONCUR
MONTANA SHPO

DATE 29 Mar 2010 SIGNED

- Josef
- MDT
- Bench Blvd
- Billings
- MODIFICATIONS
- EFFECT FINDING

Subject: MT 1036(1)
Bench Boulevard – Billings
Control No. 6041

Dear Mark:

In January 2010, your office concurred with our Determination of Effect regarding the above project in Yellowstone County. Since then, however, the design of the project has been modified somewhat to keep the alignment as close as possible to the existing alignment and minimize the impact to historic properties located along Bench Boulevard within the proposed project area. Consequently, there have been some changes in the distances between the properties and the proposed centerline and pavement and sidewalk edges. After reviewing the new information, it would appear there is a change in the effect to only one property, 24YL1731. We originally determined the proposed project would have No Effect to the property, but after further evaluation, we have determined the project would now have **No Adverse Effect** to 24YL1731. There would be no change in the determinations for the other historic properties located within the project area. We request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline, Historian
Environmental Services

Enclosure

Copies: Stefan Streeter, Billings District Administrator
Tim Conway, P.E., Consultant Design
Bonnie Gundrum, Resources Section

DETERMINATION OF EFFECT

MT 1036(1) Bench Boulevard – Billings Control No. 6041

Introduction

The Montana Department of Transportation (MDT) intends to reconstruct and widen Bench Boulevard in Billings Heights in the City of Billings. The project begins at the intersection of Bench Boulevard and Lake Elmo Drive (Reference Point 2.862) and proceeds northerly 2.862 miles on Bench Boulevard to the junction of US Highway 87 (Reference Point 0.0). It is not known when the existing roadway was constructed. The existing roadway width varies between a 22 and 27-foot wide paved surface that consists of two driving lanes.

The Bench Boulevard – Billings project would involve the reconstruction and widening of the roadway. The proposed finished top width of the roadway south of Hilltop Drive would be 44 feet, including two 11-foot driving lanes, a 14-foot two-way left-turn lane, and two 4-foot shoulders. North of Hilltop, the roadway would be 54 feet in width with 9-foot parking lanes instead of 4-foot shoulders. In addition, the project would include boulevards, new sidewalks, new curb and gutter, landscaping, and intersection improvements. Some new Right-of-Way (R/W) may be necessary.

Significant Cultural Resources

A cultural resource survey of the project area was conducted in 2009. The MDT and the Montana State Historic Preservation (SHPO) concurred in the National Register of Historic Places (NRHP) eligibility of five historic properties within the survey area. They are: 412 Bench Boulevard (24YL1722), 1145 Bench Boulevard (24YL1724), 1148 Bench Boulevard (24YL1725), 1328 Bench Boulevard (24YL1727), and 2320 Bench Boulevard (24YL1731). In addition, a segment of the previously determined National Register eligible Billings Bench Water Association Canal (24YL161/1382/1532) is located within the project area.

The site at 412 Bench Boulevard (24YL1722) consists of an English Cottage-style residence constructed in 1934. Also on the site is a garage (1993) and an art studio (1994). Because of the high degree of architectural integrity of the residence, it is eligible for the National Register under Criterion C.

Site 24YL1724 at 1145 Bench Boulevard is a Craftsman-style residence with four outbuildings, including a residence (1940), garage (1934), outhouse (c.1921), and barn (1929). The primary residence was constructed in 1921. The buildings all exhibit their original materials and detailing with little, if any, modifications made to their exteriors. The site is eligible for the National Register under Criterion C.

Site 24YL1725 is located at 1148 Bench Boulevard. The property consists of an American Four-Square-style residence constructed in 1916 and two outbuildings: a milk house built in 1916, and a shed constructed around 1961. The site retains a high degree of architectural integrity,

exhibiting many features unique to the style. The site is eligible for the National Register under Criterion C.

The site at 1328 Bench Boulevard (24YL1727) consists of four features: a Ranch-style residence (1950), sheds (1965 and 1985), and a kennel (1985). The residence is an early Ranch style structure that exhibits all footprint, fenestration, and features common to this type of residential architecture. The sheds and kennel do not meet the National Register age criteria and do not contribute to the site. The property is eligible for the NRHP under Criterion C.

Site 24YL1731 is at 2320 Bench Boulevard. The site consists of a vernacular residence and three outbuildings, including a barn, outhouse, and garage. All of the buildings were constructed in 1930. The site retains a high degree of architectural integrity and is eligible for the National Register under Criterion C.

Two laterals of the Billings Bench Water Association Canal are located within the Area of Potential Effect (APE) for this project. A half-mile lateral segment parallels Bench Boulevard between Betsy Drive and Kale Drive and between Crist Drive and Mary Street. The laterals are eligible as part of the larger ditch system under Criterion A.

Project Impact

A preliminary design of the Bench Boulevard – Billings project has been completed and copies of the plans in the vicinity of the historic properties are attached (Figures 1-5).

The existing centerline would be shifted slightly to the east at 412 Bench Boulevard (Figure 1) to accommodate the wider roadway. The proposed centerline would be 94 feet from Feature 1 (residence) and the proposed pavement edge 73.6 feet from the feature (it is currently 76 feet from the house). The roadway would not be widened in the direction of the historic property, but the undertaking would include the construction of boulevards and sidewalks flanking the roadway. The proposed sidewalk would be 61.8 feet from the property. No trees would be removed from within the property boundaries.

At 1145 Bench Boulevard (Figure 2), the centerline would be perpetuated at 92.7 feet from the residence and the proposed pavement edge would be 67.3 feet from the residence. The back of the proposed sidewalk would be 55.4 feet from the residence. Some additional R/W would be required from the site. There would be no significant change in the setting of the property and none of the existing landscaping would be impacted.

At 1148 Bench Boulevard (Figure 3), the centerline would be shifted 7-feet toward the west and in the direction of the residence. The proposed centerline would be located 60.5 feet from the residence (the existing centerline is 67± feet from the residence). The proposed pavement edge would be 35 feet from the residence. Although a boulevard has been proposed along the length of the project, the design has been modified in the vicinity of this property to minimize the impacts to it. Consequently, the sidewalk will be located along the curb and no boulevard would be constructed on this property. The proposed back of sidewalk would be 26 feet from the property. One tree on the property would be removed by the construction of the sidewalk.

At 1328 Bench Boulevard (Figure 4), the centerline would be shifted about six feet in the direction of the historic property. The proposed centerline would be 57.1 feet from the property. The roadway would be widened, placing the proposed pavement edge closer to the property at 31.4 feet from the residence. Because the property is eligible for the National Register, the project's design was modified to eliminate a proposed boulevard in the vicinity of the residence. Consequently, the proposed sidewalk would be located along the curb with the back of the facility 23.3 feet from the residence. None of the existing landscaping would be removed as a result of the proposed project.

The centerline would be shifted to the east and away from 2320 Bench Boulevard (Figure 5). The proposed centerline would be 80.9 feet to the east of the property. The proposed pavement edge would be 55.4 feet from the house. A boulevard and sidewalk would also be constructed within new right-of-way obtained from the front of the property. The sidewalk would be 43.3 feet from the property. The existing landscaping at the site would remain intact as would the existing road tangent.

A lateral ditch of the Billings Bench Water Association Canal parallels Bench Boulevard for a half-mile between Betsy Drive and Kale Drive and between Crist Drive and Mary Street near the junction of the boulevard and US Highway 87. The lateral would be placed within an enclosed pipe for that length. The ditch would continue to carry water to the properties utilizing it for agricultural and domestic purposes. The ditch crosses Mary Street at the intersection of Bench Boulevard near the junction of US Highway 87. The crossing would be perpetuated on the same alignment. It is already enclosed in a pipe and that pipe crossing would be perpetuated.

Project Effect

There would be **No Effect** to 412 Bench Boulevard (24YL1722) as a result of the proposed project. The existing centerline would be shifted to the east and away from the residence. The existing pavement edge would be pretty much perpetuated and the street widened in the direction away from the property. There would be minimal R/W acquisition from the property to accommodate the new boulevard and sidewalk. No trees would be removed from the property. Because of light industrial and commercial development in the vicinity of the house, there already has been a significant change in the setting of the property. There would be no physical damage to the residence and the road would still be 73.6 feet from it. The majority of widening in the direction of the residence would consist of boulevard and sidewalk construction. None of the National Register's Criteria of Adverse Effect would apply in this case.

There would be **No Effect** to 1145 Bench Boulevard (24YL1724) because of the proposed project. The existing centerline would be perpetuated, but the roadway widened in the direction of the property. There would be no physical encroachment on the residence and the outbuildings and none of the existing landscaping would be removed by the roadway widening. The setting of the site has already been impacted by commercial and residential development in its proximity. None of the Criteria of Adverse Effect would apply in this case.

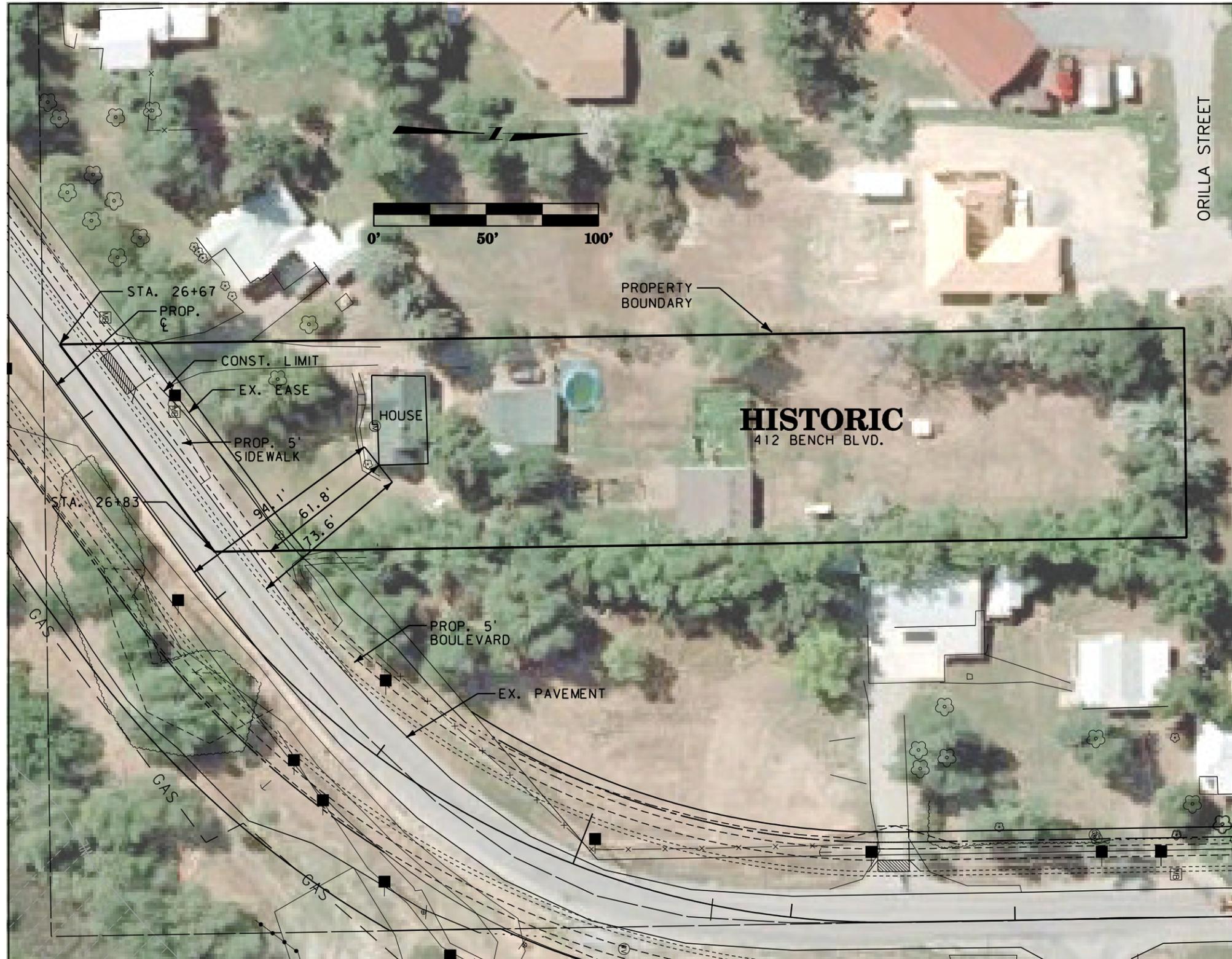
There would be **No Adverse Effect** to 1148 Bench Boulevard (24YL1725) as a result of the proposed project. The centerline would be shifted two feet closer to the residence and widening would result in the proposed pavement edge being 35 feet from the property (the existing

pavement edge is 50± feet from the residence). The MDT has redesigned the project to eliminate the boulevard across the front of the property in order to minimize the impact to it by the proposed project. Instead of a boulevard, the sidewalk will be situated adjacent to the curb. One tree would be removed by the construction of the site. The MDT would, however, replace the tree in approximately the same located but outside the proposed R/W boundary. There would be no physical encroachment on the residence and outbuildings and none of the Criteria of Adverse Effect would apply. The setting has already been impacted by commercial and residential development in proximity to the property.

There would be **No Adverse Effect** to 1328 Bench Boulevard (24YL1727) as a result of the proposed project. The centerline would be shifted a few feet closer to the residence and widening would result in the proposed pavement edge being 31.4 feet from the property. The MDT has redesigned the project to eliminate the boulevard across the front of the property in order to minimize the impact to it by the proposed project. Instead of a boulevard, the sidewalk will be situated adjacent to the curb. The existing landscaping at the property would be perpetuated. There would be no physical encroachment on the residence and none of the Criteria of Adverse Effect would apply. The setting has already been impacted by commercial and residential development across Bench Boulevard to the east.

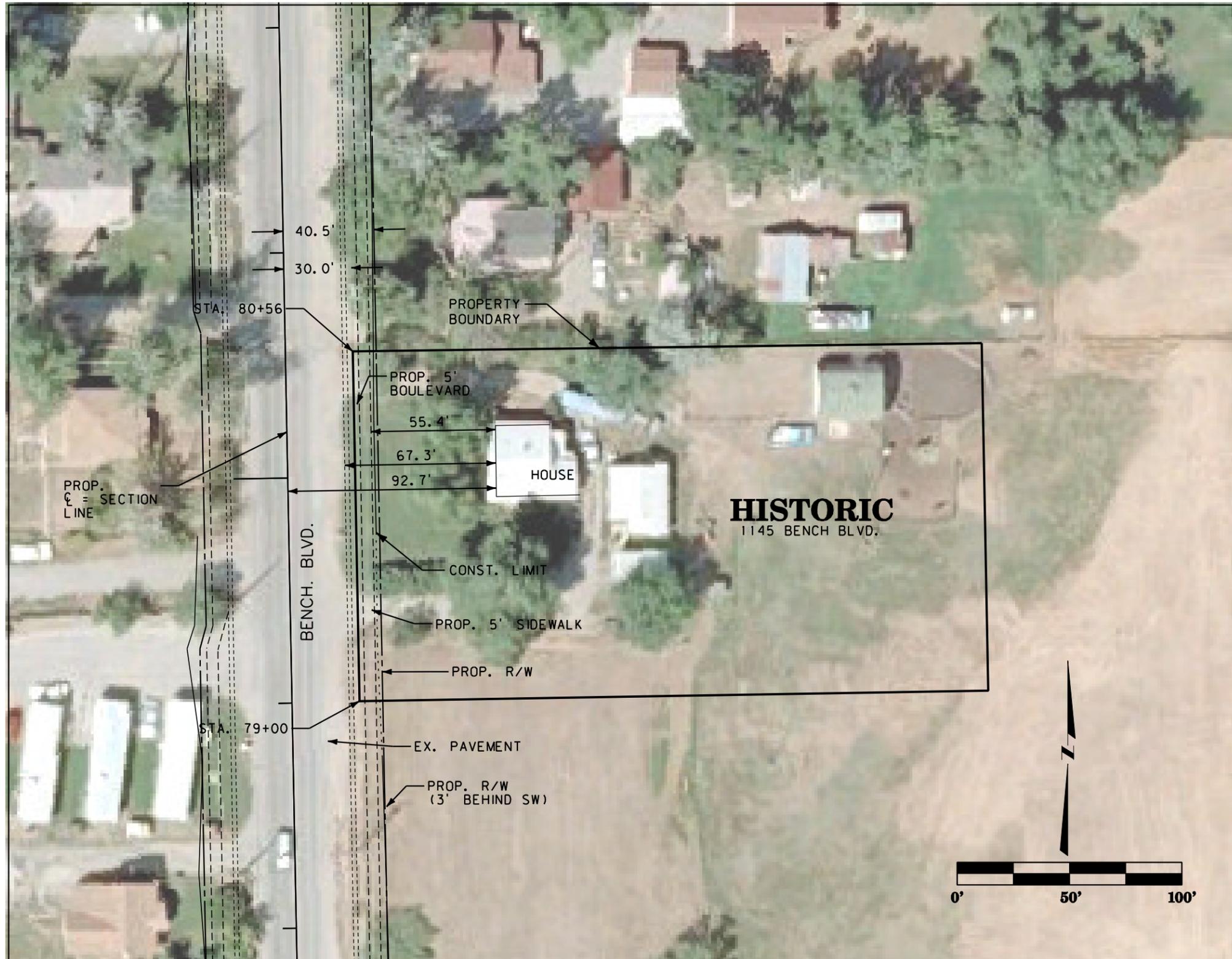
There would be **No Adverse Effect** to 2320 Bench Boulevard (24YL1731) as a result of the proposed undertaking. The centerline would be shifted to the east and away from the property. There would be no physical encroachment on any of the National Register eligible features at the site. New right-of-way would be acquired at the property to accommodate the new boulevard and sidewalk, but it would not result in the removal of any of the existing landscaping at the site. The setting has already been compromised by commercial development immediately to the north and across the street from the site. None of the Criteria of Adverse Effect could be applied to the property in this instance.

There would be **No Adverse Effect** to the lateral ditches of the Billings Bench Water Association (24YL161/1382/1532) within the APE of the project. The half-mile section of ditch that parallels Bench Boulevard between Betsy Drive and Kale Drive and Crist Drive and Mary Street would be enclosed in a pipe. It would retain its historic alignment and its historic function would be perpetuated. It would continue to carry water for agricultural and domestic use in the area. The lateral's historic significance to the area would not be compromised. The ditch crossing under Mary Street adjacent to Bench Boulevard near the intersection of US Highway 87 would also be perpetuated as would the historic function of the facility. There would be no diminution of its use or significance by the proposed construction activities.



HISTORIC PROPERTY
412 BENCH BLVD.

1" = 50'



HISTORIC
1145 BENCH BLVD.

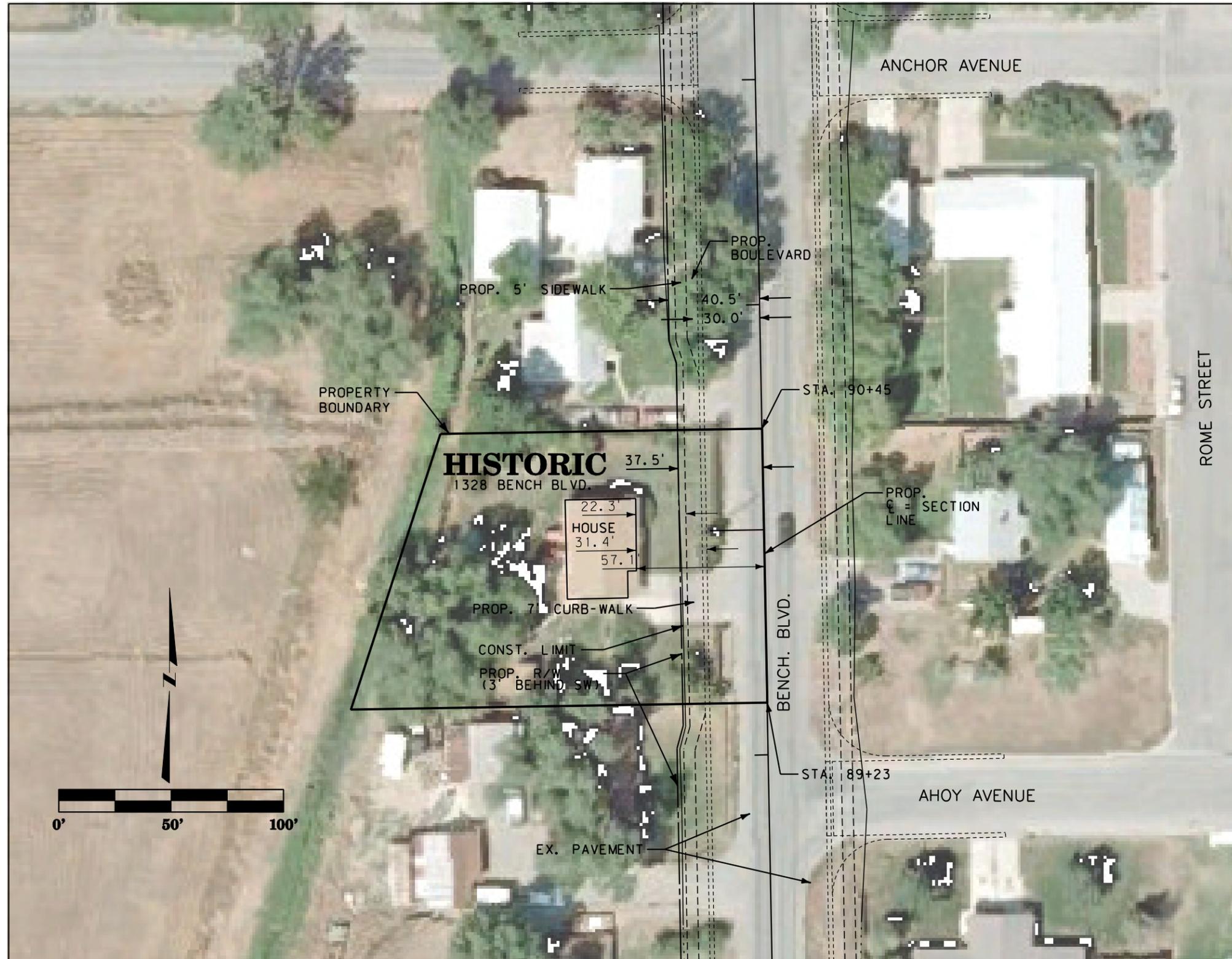
HISTORIC PROPERTY
1145 BENCH BLVD.

1" = 50'



HISTORIC PROPERTY
1148 BENCH BLVD.

1" = 50'



HISTORIC PROPERTY
1328 BENCH BLVD.

1" = 50'



HISTORIC PROPERTY
2320 BENCH BLVD.

1" = 50'