



June 4, 2018,

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

Subject: Request for Concurrence of Continued Validity of FEIS/ROD
Billings Bypass – BBP Five Mile Road
NCPD-MT 56(55)
CN: 4199002

Dear Kevin McLaury,

Due to availability and type of funding, the Montana Department of Transportation (MDT) will implement Phase I of the Billings Bypass Project as six separate construction projects. The first project to be constructed as part of Phase I is the Five Mile Road Secondary Corridor. This segment of the Billings Bypass is located northeast of the Heights area of the City of Billings, within Yellowstone County, Montana. The project is located along the existing Five Mile Road and begins at the intersection of Mary Street with Five Mile Road. The project then proceeds north approximately 1.52 miles, terminating at Old Highway 312, directly north of the Westgate Machinery Company. The Five Mile Road project is located within Sections 01 and 12 of Township (T) 1 North (N), Range (R) 26 East (E); and Sections 06 and 07 of T1N, R27E. A project location map is provided in Attachment 1.

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

The purpose of this letter is to request Federal Highway Administration (FHWA) concurrence that the following proposed design changes for the Five Mile Road project and the updated environmental information would not require preparation of a SEIS.

As stated in the ROD, MDT and the FHWA selected Mary Street Option 2 as the Preferred Alternative. This alternative also included improvements to a Yellowstone County facility, Five Mile Road. Proposed improvements to Five Mile Road outlined in the FEIS and ROD were to reconstruct the existing Five Mile roadway to MDT standards for a rural secondary facility and construct a new segment of Five Mile Road from Dover Road to Old Highway 312. Horizontal

and vertical alignments and side slopes (at a 6:1 through the clear zone) were proposed to meet criteria for a 60 mile-per-hour (mph) design speed. The typical section for the roadway was proposed to consist of two, 12-foot travel lanes and 8-foot shoulders. Modifications to irrigation ditches are also proposed. Roundabouts, signalized intersections, and stop sign-controlled intersections were all proposed in the FEIS as potential intersection control options for secondary roadway improvements.

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

As described in Chapter 1.3 of the FEIS, the purpose of the Billings Bypass project is to improve access and connectivity between Interstate 90 (I-90) and Old Highway 312 to improve mobility in the eastern area of Billings. Improvements to the secondary corridor (e.g., Five Mile Road) were needed to accommodate increased traffic volumes that would be generated due to the bypass and to meet project objectives for operations and safety. The purpose of and need for the Five Mile Road project has not changed since the approval of the FEIS/ROD.

DESCRIPTION OF CHANGED CONDITIONS

The Billings Bypass project has been split into six project segments. Five Mile Road is the first of those segments to be designed and is expected to be constructed during the 2019 construction season. Since the Billings Bypass ROD in July 2014, there have been refinements/changes in the project design and supporting evaluations for Five Mile Road, including a re-evaluation of the Biological Resources along the Five Mile Road alignment (revisiting threatened and endangered species, species of concern, and greater sage-grouse), an update to the wetlands evaluation along the roadway corridor alignment, and refinement to the design criteria related to the roadway geometrics and right-of-way. Additional public involvement has also been conducted since the ROD was issued. The associated design refinements, environmental changes, and public involvement updates, which are the subject of this re-evaluation, are described below.

Design Refinement/Change 1: As outlined in the FEIS, the alignment of Five Mile Road will follow the existing centerline alignment of the existing facility; however, a shift in alignment to the west will occur just south of Dover Road at approximately Station 28+13 in order to minimize disturbance to residential homes north of Dover Road and east of the new Five Mile Road alignment, and to reduce impacts to the irrigation laterals/drains on the east side of the alignment north of Dover Road.

Design Refinement/Change 2: Yellowstone County has stated that they expect Five Mile Road to be constructed to County road standards and to meet design requirements for the speed that the road is currently posted (45-mph). Therefore, design elements will meet a 45-mph design speed when determining the appropriate design criteria to follow for Five Mile Road. Permanent fill slopes improvements from the travel way will remain at 6:1 through the clear-zone. Outside of the clear-zone, fill slopes will continue at 6:1 or flatter towards a catch to existing ground or towards irrigation features. A temporary connection from the new Five Mile Road alignment to

an existing segment of Five Mile Road at the Bypass crossing will incorporate recoverable temporary fill slopes of 4:1, which will be replaced by the proposed roundabout intersection with the Bypass under the next segment's construction.

Design Refinement/Change 3: At Dover Road, intersection control will be accomplished through two-way stop control on the minor intersection legs (Dover Road). Along Five Mile Road, northbound and southbound left-turn lanes will be added to the intersection.

Design Refinement/Change 4: A roundabout has been determined as the optimal intersection control at the Five Mile Road and Old Highway 312 intersection.

Design Refinement/Change 5: Direct impacts to existing irrigation features and the need to reconstruct those irrigation features has been reduced due to the western shift in roadway alignment (see change 1).

Environmental Change 1: Biological Resources Update

Threatened and Endangered Species and State Species of Concern

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

Due to the Billings Bypass project now being split into six construction projects, and due to the four-year time lapse since the August 2013 addendum, BRR/BA Addendum Reports are being prepared for each project segment as updates to the original BRR/BA and addendums. A BRR/BA Addendum Report was completed for Five Mile Road on February 14, 2018. According to the Five Mile Road Addendum Report, the greater sage-grouse, black-footed ferret, and Sprague's pipit have been removed from the November 2017 list of endangered, threatened, proposed, and candidate species for Yellowstone County. Red knot (*Calidris canutus rufa*) has been added to the Yellowstone County list. Whooping crane remains on the list.

The report also states that there are no records of whooping crane or red knot breeding in the state. They are known to migrate through Montana on occasion in the spring and fall as they head to breeding territories in northern Canada and the Arctic, respectively. There are three observations for whooping crane within a 30-mile radius of the proposed Five Mile Road project over the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010. One observation of red knot is documented less than 2 miles from the proposed Five Mile Road project area. This individual was a transient (non-

breeding and short-term) documented in 1975, and not since. Two other observations in the general geographic area are greater than 30 miles from the project vicinity. Neither of these species would be anticipated in the Five Mile Road project area, as limited-to-no-appropriate habitat is present. Therefore, a *No Effect* determination has been made for the proposed Five Mile Road activities for both the whooping crane and red knot.

The Five Mile Road 2017 addendum includes an updated state species of concern recorded occurrence list from Montana Natural Heritage Program (MTNHP) and updated data on bald eagle nests in the area. The MTNHP list identified four species of concern within one mile of the Five Mile Road Project. These include the western milksnake (*Lampropeltis triangulum*), great blue heron (*Ardea herodias*), and spiny softshell turtle (*Apalone spinifera*), which were discussed in the FEIS; and one new species, American white pelican (*Pelecanus erythrorhynchos*), which was not discussed in the FEIS. No additional impacts or concerns related to western milksnake, great blue heron, and spiny softshell turtle have been identified since the 2011 BRR/BA and FEIS. No habitat for American white pelican is found within the immediate Five Mile Road project area and this species would not be impacted.

The Five Mile Road BRR/BA Addendum Report, dated February 14, 2018, is included in Attachment 2.

Greater Sage Grouse

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

The Five Mile Road project segment is not within greater sage-grouse designated core habitat, connectivity habitat, or general habitat. The nearest designated sage-grouse habitat, which is general habitat, is approximately 0.13 mile north of the proposed Five Mile Road and Old Highway 312 intersection.

Wetlands

A wetland delineation was completed in 2011 during development of the Billings Bypass EIS. Due to the amount of time since the original wetland delineation was conducted and to ensure all wetlands were identified within the refined design alignment for Five Mile Road, a new wetland delineation was conducted in May and November 2017. To compare wetland impacts, the 2017 delineated wetlands and refined Five Mile Road project design were reviewed against the FEIS conceptual design and 2011 wetland information in the FEIS. Under the secondary improvements on Five Mile Road as outlined in the FEIS, approximately 1.29 acres of wetland impact was determined. Wetland impacts resulting from the refined Five Mile Road design and updated wetland delineation is approximately 1.57 acres. The increase in wetland impacts is due to additional wetlands identified during the 2017 field delineation, a more refined design

(including a roundabout at Old Highway 312), and proposed design changes. However, the difference for the purposes of comparing impacts is minor and would not alter the conclusion in the FEIS and ROD.

A Clean Water Act Section 404 permit from the US Army Corps of Engineers (USACE) will be required for impacts to wetland, streams, and irrigation considered waters of the United States. It is expected that an Individual 404 Permit, rather than a Nationwide 404 Permit, will be required. Potential wetland impacts for the Five Mile Road project will be greater than 0.1 acre, which requires compensatory mitigation in accordance with applicable USACE regulations. The Five Mile Road project will also comply with Executive Order 11990. Wetland mitigation may occur in the form of using credits from one of MDT's wetland mitigation reserves, purchasing credits from a wetland mitigation bank, in-lieu fee credits, or developing on-site wetland restoration, enhancement, or creation.

MDT concludes that the impacts of the Five Mile Road project on wetlands are consistent with the findings of the FEIS and ROD.

Environmental Change 2: Right-of-Way Update

To compare right-of-way impacts between the proposed Five Mile Road project and the FEIS conceptual design for Five Mile Road, the right-of-way information in the Billings Bypass FEIS was reviewed. The FEIS identified an existing county road corridor for Five Mile Road, which consisted of a 60-foot minimum public easement width. Under the preferred alternative outlined in the FEIS, proposed new public easement / right-of-way for Five Mile Road was generally identified at a minimum width of 150 feet; however, total acreage of new easement / right-of-way required specifically for Five Mile Road was not called out in the FEIS/ROD. Under the current, refined design for Five Mile Road, new public easement / right-of-way would include an average width of between 100 and 120 feet and would go as wide as 160 feet at intersections. Approximately 10.33 acres of right-of-way, 1.42 acres of construction permits, and 26.42 acres of easements would be required. Based on public easement / right-of-way currently proposed, the difference in right-of-way impacts, if any, is minor and will not alter the conclusion in the FEIS and ROD. The Five Mile Road project will not result in relocations of homes or businesses.

MDT concludes that the impacts of the Five Mile Road project on right-of-way are consistent with the findings of the Billings Bypass FEIS and ROD.

Public Involvement Update

Landowners with irrigation were contacted in December of 2016, and one-on-one meetings were conducted throughout January of 2017. The meetings were conducted to assess each landowner's irrigation facilities and needs.

Public informational meetings for the Billings Bypass project were conducted on September 27 and 28, 2017. The intent of the informational meetings was to provide an update to the public on project schedule, project phasing (i.e., the Bypass being split into six project segments), and design refinements. The Five Mile Road project was included as part of these meetings. Both meetings were conducted in a public open house format, with the public encouraged to provide comments/input at the meeting or to submit a comment via mail, email, or through the project

website. The September 27, 2017, meeting took place at Independent Elementary School located on US 87 to accommodate the public located north of the Yellowstone River. The September 28, 2017, meeting took place at Eileen Johnson Middle School in Lockwood to accommodate the public located south of the Yellowstone River.

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

RE-EVALUATION

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

Resource Category Re-Evaluation

The following resource categories were previously examined in the Billings Bypass FEIS and have been re-evaluated in the context of the Five Mile Road project as currently proposed and, where applicable, new or updated information is provided. Table 1 provides an overview of the resource category and whether a change in impact or a change in mitigation has occurred along the Five Mile Road segment. Resource categories with changed conditions are described in greater detail below.

Table 1. Re-evaluation of Resource Categories

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Traffic Operations	No	No	<p>On Five Mile Road, the FEIS shows daily traffic volumes in 2035 as 5,150 south of Dover Road and 4,350 north of Dover Road. New 2040 projections show 4,465 south of Dover Road and 4,490 north of Dover Road. These changes are negligible and consistent with the findings of the FEIS/ROD.</p> <p>A roundabout was chosen as the preferred option at the Five Mile Road and Old Highway 312 intersection to provide improved level of service. The roundabout option and potential impacts were discussed in the FEIS. No additional impacts to or concerns related to traffic operations have been identified since the FEIS/ROD.</p>

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Access	No	No	The Five Mile Road project is still designated as a secondary corridor that includes enhanced accessibility for vehicles traveling to and from areas along Old Highway 312 to the northeast, as well as to properties located on either side of the alignment. No additional impacts to or concerns related to access have been identified since the FEIS/ROD.
Safety	No	No	No additional impacts to or concerns related to safety have been identified since the FEIS/ROD.
Pedestrian and Bicycle Considerations	No	No	No additional impacts to or concerns related to pedestrian and bicycles have been identified since the FEIS/ROD. Eight-foot shoulders on Five Mile Road are still proposed, accommodating bicycle travel.
Land Use	No	No	No change in land use has occurred since the FEIS/ROD.
Parks and Recreation	No	No	No additional parks or recreational facilities have been identified along the proposed Five Mile Road corridor and proposed improvements to the roadway would not impact the proposed John H. Dover Memorial Park, which is east of the roadway. No additional impacts to or concerns related to parks and recreation have been identified since the FEIS/ROD.
Social	No	No	The social conditions described in the FEIS are based on 2010 Census data. 2015 American Community Survey data related to population, income and race was reviewed. There have been no substantial changes in social characteristics within the project area since the FEIS. Any subtle changes in project area demographics would not affect the final decision made by the ROD. No change to social conditions has been identified since the FEIS/ROD.
Economic	No	No	No change to the economic conditions has been identified since the FEIS and ROD.
Environmental Justice	No	No	No potential impacts have been identified since the FEIS/ROD that would disproportionately impact low-income or minority populations.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Right-of-Way	Yes	No	<p>Under the preferred alternative outlined in the FEIS, proposed new public easement / right-of-way for Five Mile Road was generally identified at a minimum width of 150 feet; however, total acreage of new easement / right-of-way required specifically for Five Mile Road was not called out in the FEIS/ROD. Under the current, refined design for Five Mile Road, new public easement / right-of-way would include an average width of between 100 and 120 feet, and go as wide as 160 feet at intersections. Approximately 10.33 acres of right-of-way, 1.42 acres of construction permits, and approximately 26.42 acres of easements would be required.</p> <p>Based on public easement / right-of-way currently proposed, the difference in right-of-way impacts, if any, is minor and will not alter the conclusion in the FEIS and ROD. The proposed Five Mile Road project will not result in relocations of homes or businesses. The impacts of the Five Mile Road project on right-of-way are consistent with the findings of the FEIS/ROD.</p>
Railroad	No	No	No railroads are located within or adjacent to the Five Mile Road project segment. No impacts to or concerns with railroads have been identified in the FEIS for this segment of the Billings Bypass.
Utilities	No	No	Impacts to utilities are consistent with the findings in the FEIS/ROD.
Historic and Cultural Resources	No	No	The proposed Five Mile Road project and design modifications to the roadway alignment remain within the Area of Potential Affect (APE) outlined in the FEIS. The shift in alignment would not change the original conclusions in the Determination of Effect, and the impacts identified in the FEIS remain valid. Based on the proposed design, MDT concludes that the impacts of the Five Mile Road project on historic and cultural resources are consistent with the findings of the FEIS/ROD.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Section 4(f) and Section 6(f) Resources	No	No	<p>A Section 4(f) Evaluation was prepared as part of the original FEIS. The Five Mile Road project will not impact Section 4(f) resources and there will be no “use,” as no Section 4(f) resources were identified in the FEIS and ROD, nor have any been identified since the FEIS and ROD, within the Five Mile Road project area. The proposed John H. Dover Memorial Park is a private park and is not considered a Section 4(f) property.</p> <p>No Section 6(f) resources have been identified within the Five Mile Road project area.</p> <p>For the Five Mile Road project, no change in impacts to Section 4(f) and Section 6(f) resources has occurred since the FEIS/ROD.</p>
Visual Resources	No	No	No change in impacts to visual resources has occurred since the FEIS/ROD.
Noise	No	No	The shift of the Five Mile Road alignment to the west, south of Dover Road, will move the roadway further from the sensitive noise receptors identified in the FEIS to the east of the alignment. There are no sensitive noise receptors to the west of the alignment that would now be closer. No additional impacts or concerns related to noise have been identified since the FEIS/ROD.
Farmland	No	No	No change in impacts or concerns related to farmland has occurred since the FEIS/ROD.
Irrigation	Yes	No	The shift of the Five Mile Road alignment to the west, south of Dover Road, will move the roadway further west of existing irrigation facilities. This alignment shift will reduce direct impacts to existing irrigation facilities and the need to reconstruct those facilities. These changes would not affect the findings made in the FEIS/ROD.
Energy	No	No	No change in impacts or concerns related to energy has occurred since the FEIS/ROD.
Air Quality	No	No	No additional impacts or concerns related to air quality have been identified since the FEIS/ROD.
Hazardous Materials	No	No	A review of current aerials and the Montana DEQ database was conducted. No new sites or changes in hazardous materials considerations along the Five Mile Road alignment have been identified since the FEIS/ROD.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Water Resources and Water Quality	Yes	No	<p>A natural spring, shown as part of wetland AD in the FEIS, was delineated as open/surface water in the 2017 wetland delineation. With the shift of the proposed Five Mile Road alignment further to the west, a larger portion of this water resource would be culverted (approximately 150 feet). The difference in impacts is minor and would not alter the conclusion in the FEIS/ ROD. The change in impacts to water resources is consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p> <p>No additional impacts or concerns related to water quality have been identified since the FEIS/ROD.</p>
Wild and Scenic Rivers	No	No	<p>The Five Mile Road project will not impact a Wild and Scenic River. No changed conditions have occurred since the FEIS/ROD.</p>
Waterbody Modifications	Yes	No	<p>A natural spring, shown as part of wetland AD in the FEIS, was delineated as open/surface water in the 2017 wetland delineation. With the shift of the proposed Five Mile Road alignment further to the west, a larger portion of this water resource would be culverted (approximately 150 feet). In addition, the shift of the Five Mile Road alignment to the west will move the roadway further west of existing irrigation facilities. This alignment shift will reduce direct impacts to existing irrigation facilities and the need to reconstruct those facilities.</p> <p>The difference in impacts is minor and would not alter the conclusion in the FEIS/ ROD. The change in waterbody modifications is consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p>
Floodplains	No	No	<p>The delineated floodplains identified in the FEIS are not within or directly adjacent to the Five Mile Road project corridor. The Five Mile Road project will not impact delineated floodplains. No changed conditions have occurred since the FEIS/ROD.</p>

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Wetlands	Yes	No	<p>A wetland delineation was completed in 2011 as part of the developing Billings Bypass FEIS. Due to the amount of time since the original wetland delineation was conducted and to ensure all wetlands were identified within the refined design alignment for Five Mile Road, a new wetland delineation was conducted in May and November 2017.</p> <p>Under the secondary improvements on Five Mile Road outlined in the FEIS, approximately 1.29 acres of wetland impact was determined. Wetland impact as a result of the refined Five Mile Road design and updated wetland delineation is approximately 1.57 acres. The increase in wetland impacts is due to additional wetlands identified during the 2017 field delineation, a more refined design (including a roundabout at Old Highway 312), and proposed design changes. However, the difference for the purposes of comparing impacts is considered to be minor and would not alter the conclusion in the FEIS/ ROD.</p> <p>The change in impacts to wetlands is consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p>
Vegetation	No	No	No additional impacts or concerns related to vegetation impacts have been identified since the FEIS/ROD.
Wildlife and Aquatic Resources	No	No	No additional impacts or concerns related to wildlife and aquatic resources have been identified since the FEIS/ROD. The Five Mile Road project will incorporate special provisions into the final bid package to ensure compliance with the Migratory Bird Treaty Act. No additional impacts or concerns related to wildlife and aquatic resources have been identified since the FEIS/ROD.

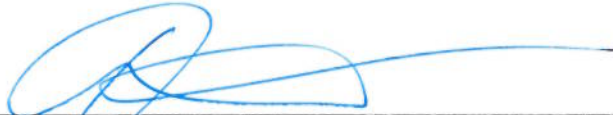
Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
State Species of Concern	Yes	No	<p>A BRR/BA Addendum Report was completed for Five Mile Road on February 14, 2018. The report includes an updated species of concern recorded occurrence list from MTNHP and updated data on bald eagle nests in the area. The MTNHP list identified four species of concern within 1 mile of the Five Mile Road Project. These include the western milksnake, great blue heron, and spiny softshell turtle, which were discussed in the FEIS; and one new species, American white pelican, which was not discussed in the FEIS. No bald eagle nests have been identified within 0.25 mile of the Five Mile Road project.</p> <p>No additional impacts or concerns related to western milksnake, great blue heron, and spiny softshell turtle have been identified since the 2011 BRR/BA and FEIS. No habitat for American white pelican is found within the Five Mile Road project area and would not be impacted. No timing restrictions or other conservation measures for bald eagles are proposed.</p> <p>The change in impacts to state species of concern is consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p>

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Threatened and Endangered Species	Yes	No	<p>A BRR/BA Addendum Report was completed for Five Mile Road on February 14, 2108. According to the report, the greater sage-grouse, black-footed ferret, and Sprague’s pipit have been removed from the November 2017 list of endangered, threatened, proposed, and candidate species for Yellowstone County. Red knot has been added to the Yellowstone County list. Whooping crane remains on the list.</p> <p>There are no records of whooping crane or red knot breeding in the state. They are known to migrate through Montana on occasion in the spring and fall as they head to breeding territories in northern Canada and the Arctic, respectively. There are three observations for whooping crane within a 30-mile radius of the proposed Five Mile Road project over the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010. One observation of red knot is documented less than 2 miles from the proposed Five Mile Road project area. This individual was a transient (non-breeding and short-term) documented in 1975, and not since. Two other observations in the general geographic area are greater than 30 miles from the project vicinity. Neither of these species would be anticipated in the Five Mile Road project area, as limited-to-no-appropriate habitat is present. Therefore, a <i>No Effect</i> determination has been made for the proposed Five Mile Road activities for both the whooping crane and red knot.</p> <p>The change in impacts to Threatened and Endangered species is consistent with the findings in the FEIS/ROD and would not be considered “significant” in terms of context and intensity.</p>

CONCLUSION

Through this re-evaluation, MDT has determined that no substantive changes along the Five Mile Road project segment have occurred since the FEIS and ROD were signed. The design and environmental updates described in this re-evaluation would not affect the ability of the Five Mile Road segment of the Billings Bypass to meet the stated purpose as described in the FEIS

and ROD. Additionally, MDT has determined that the impacts of these design and environmental updates are not, individually or cumulatively, significant nor significantly different from those impacts described in the FEIS and ROD. For these reasons, MDT has determined that the design and environmental updates would have no effect on the ultimate decision documented in the ROD and that approving this updated NEPA/MEPA evaluation for the Five Mile Road project segment is consistent with 23 CFR 771.



Tom Martin, P.E.
Environmental Services Bureau Chief

Date: 6/5/2018



Federal Highway Administration

Date: 6/11/2018

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Attachment 1: Project Limits and Vicinity

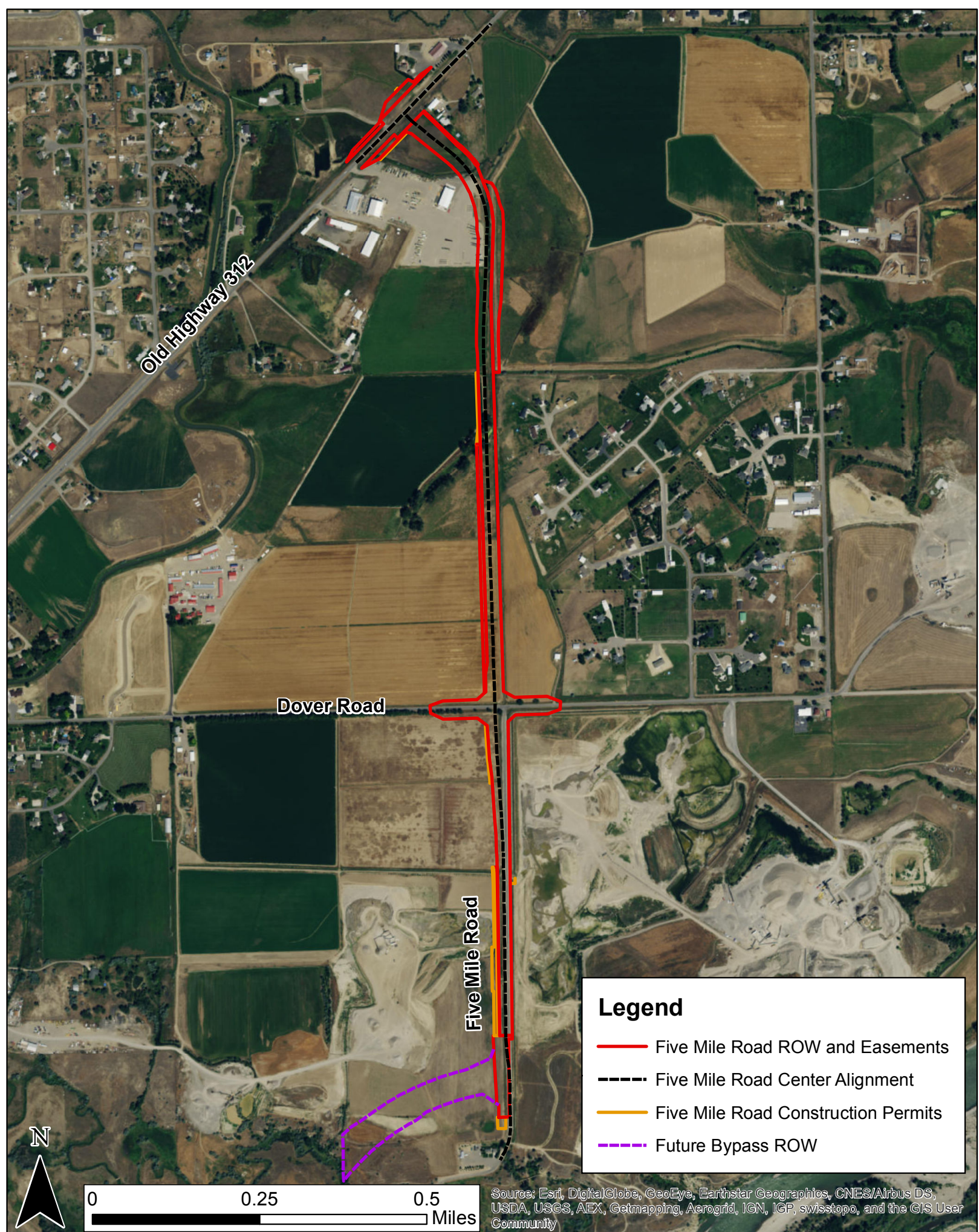


Figure 1. Project Limits and Vicinity

Attachment 2: Five Mile Road BRR/BA Addendum Report

Five Mile Road Addendum to Final Biological Resources Report / Biological Assessment

MDT Activity 196

Billings Bypass – BBP Five Mile Road
NCPD-MT 56(55)
CN: 4199002

Prepared for:



Prepared by:



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Helena, Montana 59601

February 14, 2018

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APPENDICES

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

LIST OF ACRONYMS

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

EXECUTIVE SUMMARY

A Final Biological Resources Report/Biological Assessment (BRR/BA) was completed for the Billings Bypass in November 2011. Two addendums to that report were completed in June 2012 and August 2013. The 2011 BRR/BA Report and the 2012 report addendum served as a basis for informal consultation with the US Fish and Wildlife Service (USFWS) concerning potential effects of future Billings Bypass projects on federally listed species. The August 2013 addendum was completed to confirm there had been no changes to the USFWS Yellowstone County list of threatened and endangered species since the 2012 addendum and confirm the USFWS determination was still current. The 2011 report and subsequent addendums did not address the secondary corridor improvements to Five Mile Road, because the design of the improvements was still in progress. Impacts to biological resources associated with secondary corridor improvements were evaluated in the 2014 Billings Bypass Final Environmental Impact Statement (FEIS).

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

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

ADDENDUM SUMMARY

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

- Refinements/changes in the Five Mile Road project design since the BRR/BA and FEIS include shifting the roadway alignment to the west, just south of Dover Road, at approximately Station 28+13; using a design speed of 45 miles per hour; adding northbound and southbound left-turn lanes along Five Mile Road at the Dover Road intersection; constructing a roundabout at the Five Mile Road and Old Highway 312 intersection; and reducing the amount of irrigation facility reconstruction due to the western shift in the roadway alignment.

- A wetland delineation was completed in 2011 as part of the developing Billings Bypass EIS. Due to the amount of time since the original wetland delineation was conducted, and to ensure all wetlands were identified within the refined design alignment for the Five Mile Road project, wetland delineations were conducted in May and November 2017. One wetland is partially located within an excavated drainage that flows into an irrigation drainage ditch. The excavated drainage was created to allow drainage of a natural spring. In the 2011 delineation, the drainage was delineated as wetland. During the 2017 delineation effort, a large area of deep, surface water was noted. This wetland has been updated to include surface water within the drainage. Approximately 150 linear feet of this waterbody would be culverted as part of the Five Mile Road project.
- A 2017 state species of concern recorded occurrences list from Montana Natural Heritage Program (MTNHP) identified four species of concern within one mile of the Five Mile Road Project. These include the western milksnake (*Lampropeltis triangulum*), Great Blue Heron (*Ardea herodias*), and spiny softshell turtle (*Apalone spinifera*), which were discussed in the 2011 BRR/BA and 2014 FEIS; and one new species, American White Pelican (*Pelecanus erythrorhynchos*), which was not discussed in the 2011 BRR/BA and 2014 FEIS. No additional impacts or concerns related to western milksnake, Great Blue Heron, and spiny softshell turtle have been identified since the 2011 BRR/BA and 2014 FEIS. No habitat for American White Pelican is found within the immediate Five Mile Road project area and this species would not be impacted.

Current Montana Fish, Wildlife, and Parks (FWP) data on Bald Eagles shows no Bald Eagle nests within 0.25 mile of the Five Mile Road project limits. Therefore, no timing restrictions or other conservation measures are proposed.

- The Greater Sage-Grouse (*Centrocercus urophasianus*), black-footed ferret (*Mustela nigripes*), and Sprague's Pipit (*Anthus spragueii*) have been removed from the November 2017 list of endangered, threatened, proposed, and candidate species for Yellowstone County. Red Knot (*Calidris canutus rufa*) has been added to the Yellowstone County list. Whooping Crane (*Grus americana*) remains on the list.

There are no records of Red Knot or Whooping Crane breeding in the state, they are known to migrate through Montana on occasion in the spring and fall as they head to breeding territories in northern Canada and the Arctic, respectively. There are three observations for Whooping Crane within a 30-mile radius of the proposed Five Mile Road project over the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010. One observation of Red Knot is documented less than 2 miles from the proposed Five Mile Road project limits. This individual was a transient (non-breeding and short-term) documented in 1975, and not since. Two other observations in the general geographic area are greater than 30 miles from the project vicinity. Neither of these species would be anticipated in the Five Mile Road project vicinity as limited-to-no-appropriate habitat is present. The documented observations of these species are individuals flying over the general area, or, as in the case of the Red Knot, an unanticipated

short-term stopover. Therefore, a *No Effect* determination has been made for the proposed Five Mile Road activities for both the Whooping Crane and Red Knot.

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

The Five Mile Road project segment is not within Greater Sage-Grouse designated core habitat, connectivity habitat, or general habitat. The nearest designated Sage Grouse habitat, which is general habitat, is approximately 0.13 mile north of the proposed Five Mile Road and Old Highway 312 intersection.

- A wetland delineation was conducted in 2011 as part of the developing Billings Bypass EIS. As more than five years has lapsed since the original wetland delineation was conducted and to ensure all wetlands were identified within the refined design alignment for the Five Mile Road project, new wetland delineations were conducted in May and November 2017. Two additional wetlands were identified during the 2017 wetland delineation effort, and 2011 wetland boundaries were updated to current conditions and expanded. Under the secondary improvements on Five Mile Road outlined in the 2014 FEIS, approximately 1.29 acres of wetland impact was determined. Wetland impact as a result of the refined Five Mile Road design and updated wetland delineation is approximately 1.57 acres. The increase in wetland impacts is due to additional wetland areas identified during the 2017 field delineation, a more refined design (including a roundabout at Old Highway 312), and proposed design changes.

1.0 INTRODUCTION

Due to availability and type of funding, the Montana Department of Transportation (MDT) will implement Phase I of the Billings Bypass Project as six separate construction projects. The first project to be constructed as part of Phase I is the Five Mile Road Secondary Corridor. This segment of the Billings Bypass is located northeast of the Heights area of the City of Billings, within Yellowstone County, Montana. The project is located along the existing Five Mile Road and begins at the intersection of Mary Street with Five Mile Road. The project then proceeds north approximately 1.52 miles, terminating at Old Highway 312, directly north of the Westgate Machinery Company. The Five Mile Road project is located within Sections 01 and 12 of Township (T) 1 North (N), Range (R) 26 East (E); and Sections 06 and 07 of T1N, R27E (refer to Figure 1).

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

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

2.0 BRR/BA SECTION 1.1 – PROJECT DESCRIPTION UPDATES

Proposed secondary improvements to Five Mile Road outlined in the 2014 Billings Bypass FEIS include reconstructing the existing Five Mile roadway to MDT standards for a rural secondary facility and constructing a new segment of Five Mile Road from Dover Road to Old Highway 312. The typical section for the roadway consists of two, 12-foot travel lanes and 8-foot shoulders. Modifications to irrigation ditches are also proposed. These Five Mile Road improvements are still valid and remain unchanged except as detailed below.

Design Refinement/Change 1: As outlined in the FEIS, the alignment of Five Mile Road will follow the existing centerline alignment of the existing facility; however, a shift in alignment to the west will occur just south of Dover Road at approximately Station 28+13 in order to minimize disturbance to residential homes north of Dover Road and east of the new Five Mile Road alignment, and to reduce impacts to the irrigation laterals/drains on the east side of the alignment north of Dover Road.

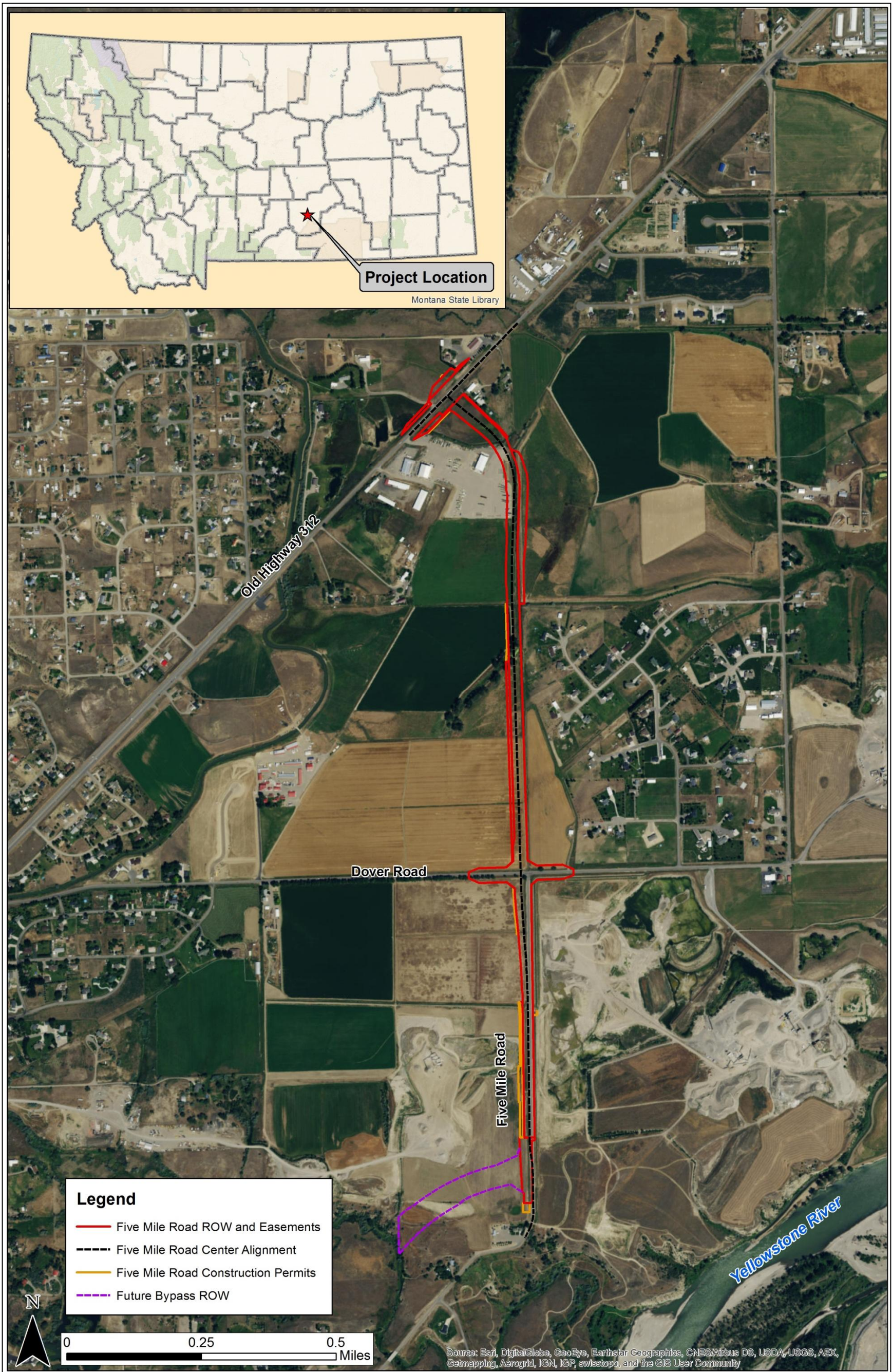


Figure 1. Project location and vicinity

Design Refinement/Change 2: Yellowstone County anticipates Five Mile Road to be constructed to County road standards and to meet design requirements for the currently posted 45 miles per hour (mph). Therefore, design criteria will address a 45-mph design speed for Five Mile Road. Permanent fill slope improvements along the travel way will remain at 6:1 through the clear-zone. Outside of the clear-zone, fill slopes will continue at 6:1 towards a catch to existing ground or towards irrigation features; however, segments of steeper fill slopes (3:1 or 2.5:1) would be used to accommodate design, as needed. A temporary connection from the new Five Mile Road alignment to an existing segment of Five Mile Road at the Bypass crossing will incorporate recoverable temporary fill slopes of 4:1, which will be replaced by the proposed roundabout intersection with the Bypass under the next segment's construction.

Design Refinement/Change 3: At Dover Road, intersection control will be accomplished through two-way stop control on the minor intersection legs (Dover Road). Along Five Mile Road, the proposal is to widen the road to include northbound and southbound left-turn lanes at the intersection.

Design Refinement/Change 4: A roundabout has been determined as the optimal intersection control at the Five Mile Road and Old Highway 312 intersection.

Design Refinement/Change 5: Direct impacts to existing irrigation features, and the need to reconstruct those irrigation features, has been reduced due to the western shift in roadway alignment (see Change 1).

3.0 BRR/BA Section 3.0 – General Vegetation and Wildlife

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

4.0 BRR/BA SECTION 4.0 – AQUATIC RESOURCES

4.1 WATERWAYS

Methods

In 2011, a wetland delineation was completed as part of the developing Billings Bypass EIS. As more than five years has transpired since the original wetland delineation was conducted, and to ensure all wetlands and other waters were identified within the refined design alignment for the Five Mile Road project, new wetland delineations were conducted in May and November 2017. Prior to the field visit, the Five Mile Road project limits were researched for the potential presence of aquatic resources. Various mapping resources were used, including the US fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps, USGS topographic quad maps, and aerial photographs. During the site visit, the project limits were investigated for

waterways and other aquatic resources according to the US Army Corps of Engineers (USACE) Regulatory Guidance Letter No. 05-05: Ordinary High Water Mark Identification (USACE, 2005). The full 2017 wetland delineation report for Five Mile Road, which describes all of the wetlands and waterways identified during the May and November 2017 field visits, is located in Appendix A.

Results

One wetland, identified during the 2011 delineation (refer to Wetland WL1e in Section 7), is partially located within an excavated drainage that flows into an irrigation drainage ditch. The excavated drainage was created to allow drainage of a natural spring. In the 2011 delineation, the drainage was delineated as wetland. However, a review of the USFWS NWI database identified this drainage as Riverine, Intermittent, Streambed, which is Excavated and Seasonally Flooded (R4SBCx). During the 2017 delineation effort, a large area of deep, surface water was noted at this location. This wetland has been updated to include surface water within the drainage (Figure 2). The approximate width of the channel varies from 18 to 30 feet wide.

In addition to the identified waterway, several irrigation ditches have been identified within the project limits. Information in these ditches was outlined in the 2014 EIS and is still valid and remains unchanged; therefore, no additional discussion on these irrigation ditches is included in this addendum.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

The construction of a new segment of Five Mile Road would require placing approximately 150 feet of the unnamed drainage within a culvert. Impacts to irrigation ditches within the project limits, along with avoidance/minimization measures and recommended conservation measures, are described in the 2014 Billings Bypass FEIS, and still remain valid and primarily unchanged. As a result of the western shift in the roadway alignment, impacts to two irrigation ditches located east of the alignment have been eliminated.

The unnamed drainage and several irrigation ditches within the project limits are anticipated to be USACE jurisdictional due to their potential downstream connection to the Yellowstone River, a known water of the US. The USACE reserves the final determination of jurisdictional status. Any placement of fill material within the channel would require permitting under Section 404 of the Clean Water Act (CWA), should this drainage be determined as jurisdictional. The USACE is the regulatory agency with authority to permit the placement of fill or dredged materials into aquatic resources under their jurisdiction. A permit application would be submitted to the USACE.

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

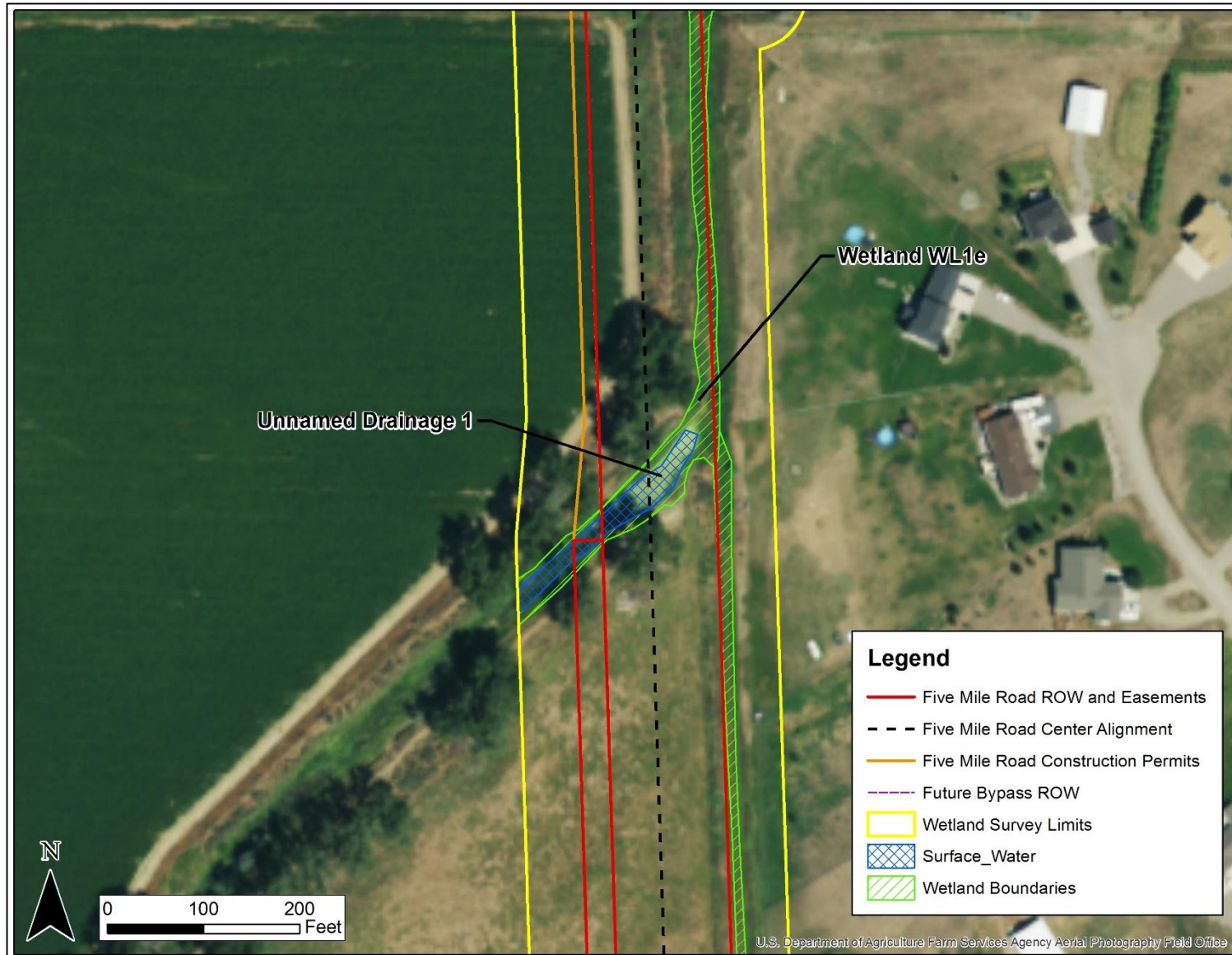


Figure 2. Updated Waterways within project vicinity

4.2 GENERAL AQUATIC SPECIES

The Montana Fish, Wildlife, and Parks' (FWP) MFISH database provides information on fish species distribution, supporting data for distribution, and information related to the management of aquatic species in Montana's waterways. The MFISH database does not provide information on irrigation ditches and drains, which are the only waterways within the project limits. Given the lack of suitable habitat within the project limits, no aquatic species are likely to occur.

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

Methods

A data request was submitted to Montana Natural Heritage Program (MTNHP) to determine if there were any changes to species of concern or special status species in or near the Five Mile Road project vicinity since the 2011 BRR/BA, subsequent 2012 and 2013 addendums, and the 2014 Billings Bypass FEIS (MTNHP, 2017). Additionally, Montana FWPs Bald and Golden Eagle information was requested from MDT, and the Greater Sage-Grouse Habitat Conservation Program Map was reviewed. General observations of species were also made during a May 2017 Five Mile Road project corridor field visit. Appendix B provides all information received from the formal MTNHP request.

Results

Observations of four species of concern were recorded within 1.0 mile of the Five Mile Road Project limits (Appendix B, MTNHP 2017). Three of these species, western milksnake (*Lampropeltis triangulum*), spiny softshell turtle (*Apalone spinifera*), and Great Blue Heron (*Ardea herodias*), have been addressed in the 2011 BRR/BA and 2014 FEIS. Information on these species is still valid and remains unchanged; therefore, no additional discussion on these three species is included in this addendum. Observations of one additional species of concern, not addressed in the 2011 BRR/BA or the 2014 FEIS, was recorded within the Five Mile Road project vicinity. This species, conservation status, habitat requirements, and potential to occur in the project limits are outlined below in Table 1.

Table 1. Updates to State Species of Concern within the Five Mile Road project vicinity

Species	Status*	Last Observed in Project Vicinity	Habitat Requirements	Potential to Occur in Project Limits
American White Pelican (<i>Pelecanus erythrorhynchos</i>)	S3B, G4	2011	Occur on a variety of aquatic and wetland habitats, including rivers, lakes, reservoirs (both large and small), estuaries, bays, marshes, and sometimes in inshore marine habitats. Rest on islands and peninsulas, as well as exposed rocks in rivers.	Unlikely due to a lack of preferred aquatic habitat within the project limits. The irrigation ditches and associated wetlands are not likely to provide suitable habitat for this species.

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

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

Bald and Golden Eagles are dually-protected under the Bald and Golden Eagle Act of 1940 and receive special state status. According to the FWP data, a Bald Eagle was documented approximately 0.4 miles southeast of the project limits. However, the closest documented Bald Eagle nest to the project limits is approximately 1.8 miles to the south. There are no Golden Eagle nests or documented occurrences in the project vicinity (MDT communication, 2017). During the May 2017 field visit of the Five Mile Road project limits, no Bald or Golden Eagle nests or individual birds were observed within or adjacent to the project limits.

A review of the Montana Sage Grouse Habitat Conservation Map (2017) shows the project limits are not within core, general, or connectivity habitat for Greater Sage-Grouse. The nearest designated Sage Grouse habitat, which is general habitat, is approximately 0.13 mile north of the proposed Five Mile Road and Old Highway 312 intersection.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

Impacts to western milksnake, spiny softshell turtle, and Great Blue Heron, along with avoidance/minimization measures and recommended conservation measures, are described in the 2011 BRR/BA, subsequent 2012 and 2013 addendums, and the 2014 Billings Bypass FEIS, and still remain valid and unchanged.

Due to the lack of suitable habitat for American White Pelican, and no documented occurrences within the project limits noted in the MTNHP results or during the May 2017 field visit, the proposed Five Mile Road project is not anticipated to have a direct or indirect impact on American White Pelican.

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

Methods

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

Results

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

Currently, the USFWS list by county shows two federally listed species with the potential to occur in Yellowstone County, Montana (Appendix C). These include Whooping Crane (*Grus Americana*) and Red Knot (*Calidris canutus*). Whooping Crane was previously discussed in the 2011 BRR/BA, subsequent addendums, and 2014 FEIS. Red Knot has not been addressed. Table 2 below includes information on Whooping Crane and Red Knot, including their preferred habitat and the potential for the species to be found within the project limits.

Table 2. Federally Listed Endangered, Threatened, Proposed, and Candidate Species Potentially Occurring in Yellowstone County, Montana

Common Name, <i>Scientific Name</i>	USFWS Status	Habitat Requirements	Potential to Occur in Project Limits/Determination of Effect
Whooping Crane (<i>Grus Americana</i>)	Endangered	Only migrate through Montana. While migratory stopovers are rare, the species has been observed in freshwater marsh habitat, grain and stubble fields, wet meadows, and wet prairie habitat. They prefer freshwater marshes that are usually shallow and broad with safe roosting sites and nearby foraging opportunities.	There are no records of this species breeding in the state. They are known to migrate through Montana on occasion in the spring and fall. There are three observations within a 30-mile radius of the project limits within the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010. Unlikely to occur in project limits due to limited or lack of suitable habitat. Due to lack of occurrence within the project limits and lack of suitable habitat, the Five Mile Road project is anticipated to have <i>no effect</i> on Whooping Crane.

Common Name, <i>Scientific Name</i>	USFWS Status	Habitat Requirements	Potential to Occur in Project Limits/Determination of Effect
Red Knot <i>(Calidris canutus)</i>	Threatened	Only migrate through Montana. Migratory stopovers in Montana are rare, but are most common at larger wetlands and 60 percent of documented migratory stopovers in Montana have been at Freezeout Lake, Benton Lake National Wildlife Refuge, and Lake Bowdoin National Wildlife Refuge.	There are no records of this species breeding in the state. They are known to migrate through Montana on occasion in the spring and fall. One observation is documented less than 2 miles from the proposed project limits. This individual was a transient (non-breeding and short-term) documented in 1975, and not since. Two other observations in the general geographic area are greater than 30 miles from the project vicinity. Unlikely to occur in project limits due to limited or lack of suitable habitat. Due to lack of occurrence within the project limits and lack of suitable habitat, the Five Mile Road project is anticipated to have <i>no effect</i> on Red Knot.

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

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

There are no records of Red Knot or Whooping Crane breeding in the state, they are known to migrate through Montana on occasion in the spring and fall as they head to breeding territories in northern Canada and the Arctic, respectively. There are three observations for Whooping Crane within a 30-mile radius of the proposed Five Mile Road project over the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010. One observation of Red Knot is documented less than 2 miles from the proposed Five Mile Road project limits. This individual was a transient (non-breeding and short-term) documented in 1975, and not since. Neither of these species would be anticipated in the Five Mile Road project vicinity as limited-to-no-appropriate habitat is present. The documented observations of these species are individuals flying over the general area, or, as in the case of the Red Knot, an unanticipated short-term stopover. Therefore, a *No Effect* determination has been made for the proposed Five Mile Road activities for both the Whooping Crane and Red Knot.

7.0 WETLANDS

Methods

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

During the site visits, wetland determinations were conducted following the Routine Method described in the USACE wetland delineation manual (USACE, 1987), and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0) (USACE, 2010). To capture all wetlands that could be potentially impacted by the project, a 60-foot survey buffer off of the proposed Five Mile Road right-of-way line was used. The full 2017 wetland delineation report for Five Mile Road, which describes all of the wetlands and waterways identified during the May and November 2017 field visits, is located in Appendix A.

Results

The 2011 wetland delineation effort within the Five Mile Road project limits identified three wetlands: Wetlands AD, L4, and L2. During the 2017 wetland delineation, the 2011 wetland boundaries for these three wetlands, within the project limits and 60-foot buffer area, were updated to current conditions. During the boundary update effort, it was determined that Wetlands L4, AD, and L2 were essentially all part of the same wetland system, connected through surface water. These three wetlands were combined as part of Wetland WL1. Three additional wetland areas were also identified during the 2017 delineation effort with a surface water connection to Wetland WL1. In addition, two other wetlands were identified within the survey area and labeled Wetland WL2 and Wetland WL3. Table 3 provides the 2017 information for all wetlands identified within the project limits and 60-foot buffer area.

Table 3. 2017 Five Mile Road Delineated Wetlands

Wetland		2017 Acreage	Wetland Cowardin Classification	MDT Functional Rating	Likely Jurisdictional	Wetland Description/ Jurisdictional Justification
WL1	WL1a ¹	0.8	PEM	III	Yes. Connects to the Miller/McGill Ditch, which flows into Twelve Mile Creek, and then the Yellowstone River.	Depressional emergent wetland primarily made up of broadleaf cattails, three-square bulrush, and slender rush. It drains under Old Highway 312, via a culvert into WL1b.
	WL1b ¹	0.4	PEM			An emergent wetland found within the channel of an irrigation drain south of Old Highway 312. The ditch flows southeast where any surface flow is conveyed through a berm into WL1e. The dominant wetland plant species was broadleaf cattail.
	WL1c	0.02	PEM			Small emergent wetland within a small roadside drainage. It has a surface connection into WL1b. The dominant wetland plant species was broadleaf cattail.
	WL1d	0.02	PEM			Small emergent wetland within a small irrigation ditch. It has a surface connection with WL1b via a culvert. The dominant wetland species is reed canary grass.
	WL1e ²	1.4	PEM			An emergent wetland found within the channel of an irrigation drain, irrigation ditch, and along the fringes of the unnamed spring that flows into the irrigation drain. The dominant wetland plant species is primarily broadleaf cattail, with creeping meadow foxtail dominating the irrigation ditch at the southern end of the wetland.

Wetland		2017 Acreage	Wetland Cowardin Classification	MDT Functional Rating	Likely Jurisdictional	Wetland Description/ Jurisdictional Justification
WL2		0.1	PEM	IV	Yes. Subsurface connection to Wetland WL1, which connects to Miller/McGill Ditch, which flows into Twelve Mile Creek, and then the Yellowstone River.	A small, depressional emergent wetland within an irrigated field. Wetland vegetation is dominated by an unidentified sedge species. The wetland likely has a surface and sub-surface connection to Wetland WL1d.
WL3	WL3a	0.005	PEM	IV	Yes. BBWA Lateral eventually makes its way to the irrigation drain system associated with Wetland WL1.	A very narrow, emergent wetland fringe (1-2 feet wide) along BBWA Lateral that is primarily made up of creeping meadow foxtail
	WL3b	0.08	PEM			Small emergent wetland within an irrigation ditch. Hydrologic connection to WL3a via irrigation flows from headgate.
Total		2.83				

¹ Wetland WL1a and WL1b were previously called Wetland L4 in the 2011 Delineation Report

² Wetland WL1e was previously called Wetland AD in the 2011 Delineation Report

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

Under the secondary improvements on Five Mile Road outlined in the 2011 BRR/BA, subsequent addendums, and the 2014 FEIS, approximately 1.29 acres of wetland impact was determined. Wetland impact as a result of the refined Five Mile Road design and updated 2017 wetland delineation is approximately 1.57 acres. This includes impacts to Wetlands WL1, WL2, and WL3. The increase in wetland impacts is due to additional wetlands identified during the 2017 field delineation, a more refined design (including a roundabout at Old Highway 312), and proposed design changes.

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

USACE approval prior to project construction, and would occur during the project permitting phase. In addition, mitigation for wetland impacts would be required for federally funded highway projects under 23 CFR Part 777.

8.0 REFERENCES

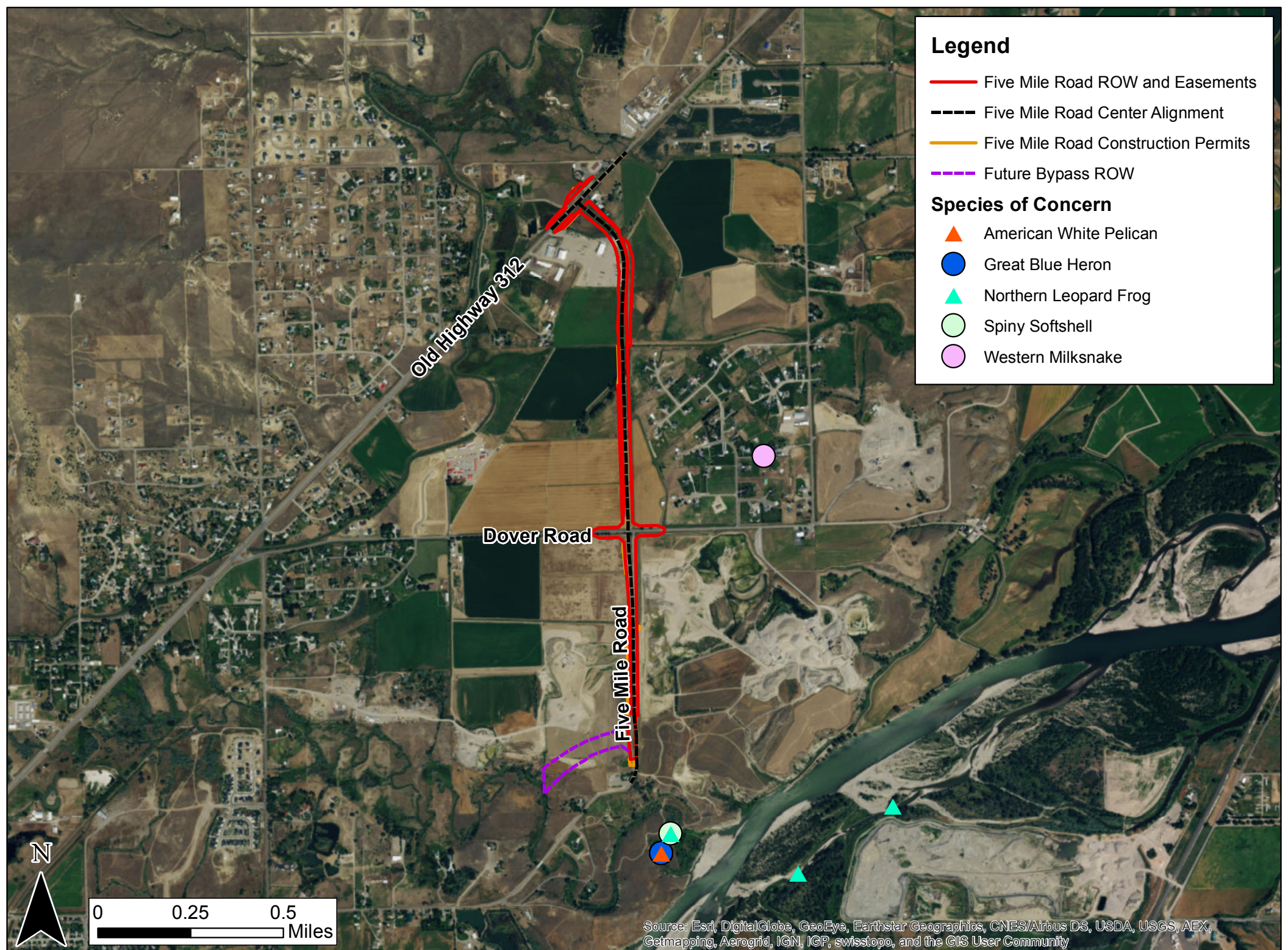
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APPENDIX A

2017 FIVE MILE ROAD WETLAND DELINEATION REPORT

APPENDIX B

MONTANA SPECIES OF CONCERN IN PROJECT VICINITY



Legend

- Five Mile Road ROW and Easements
- - - Five Mile Road Center Alignment
- Five Mile Road Construction Permits
- - - Future Bypass ROW

Species of Concern

- ▲ American White Pelican
- Great Blue Heron
- ▲ Northern Leopard Frog
- Spiny Softshell
- Western Milksnake

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

MTNHP Recorded Species of Concern (2017)

APPENDIX C

US FISH AND WILDLIFE SPECIES LIST FOR YELLOWSTONE COUNTY, MONTANA



United States Department of the Interior

Fish and Wildlife Service

Ecological Services

Montana Field Office

585 Shepard Way, Suite 1

Helena, Montana 59601-6287

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



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

November 17, 2017

C = Candidate

LT = Listed Threatened

LE = Listed Endangered

P = Proposed

PCH = Proposed Critical Habitat

CH = Designated Critical Habitat

XN = Experimental non-essential population

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

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

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