

# REVISED RECORD OF DECISION

For the

## BILLINGS BYPASS

NCPD 56(55)

Control Number 4199

## FINAL ENVIRONMENTAL IMPACT STATEMENT

**U.S. Department of Transportation  
Federal Highway Administration  
Helena, Montana**

By: LUCIA HAYDEE OLIVERA

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OLIVERA  
Date: 2021.05.13 14:45:08 -06'00'

Date: 5/13/2021

Federal Highway Administration

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Federal Highway Administration  
Helena, Montana**

In accordance with Title 18, Chapter 2, Section 252, Administrative Rules of Montana (ARM 18.2.252), I hereby accept and concur with the findings and decision as documented in the U.S. Department of Transportation Federal Highway Administration's Revised Record of Decision for this project as approved on 05/13/2021.

By:  \_\_\_\_\_

Date: 05/25/2021

Montana Department of Transportation





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## **1 INTRODUCTION AND BACKGROUND**

The Federal Highway Administration (FHWA) and the Montana Department of Transportation (MDT) environmental process for the Billings Bypass was initiated in 2010 with a Draft Environmental Impact Statement (DEIS) provided to the public in August 2012. The Final Environmental Impact Statement (FEIS) was released in March 2014, with the Record of Decision (ROD) approved and released in July 2014. The issuance of the July 2014 ROD (Appendix A) approved Mary Street Option 2 as the Preferred Alternative and authorized moving forward with Phase I of the Preferred Alternative. This included the construction of an initial two-lane bypass along the entire length of the Preferred Alternative alignment and all right-of-way acquisition for a future four-lane road (Phase II full buildout).

Since the July 2014 ROD approval, FHWA and MDT have agreed to implement Phase I of the Billings Bypass Preferred Alternative as six separate project segments based on availability and type of funding. Given the length of time since the 2014 FEIS and ROD, FHWA and MDT determined the FEIS should be re-evaluated with each project segment to determine the potential need for a Supplemental EIS (SEIS). The Council on Environmental Quality (CEQ) regulations require FHWA to prepare an SEIS when the agency makes substantial changes to a proposed action, or when new circumstances or information are relevant to environmental concerns. Further, FHWA regulations require a SEIS if the changes or new information may result in significant environmental impacts that were not evaluated in the FEIS (23 Code of Federal Regulations [CFR] 771.130).

As of April 2021, the FEIS has been re-evaluated for three of the six project segments: Five Mile Road segment, Yellowstone River segment, and Railroad Overpass segment. During the FEIS re-evaluation for these segments, design modifications along the Yellowstone River segment and design modifications along the Railroad Overpass segment were identified. These design modifications were not identified in the 2014 FEIS and 2014 ROD. No design modifications were identified for the Five Mile Road segment. The design modifications within the Yellowstone River segment, which include construction of one 4-lane bridge across the Yellowstone River instead of two 2-lane bridges, were addressed in a Revised ROD signed on February 05, 2020.

The design modifications, for Railroad Overpass would take place along the Preferred Alternative alignment, and no changes to the preferred alignment, or right-of-way requirements, are proposed. These design modifications, however, were not identified in the 2014 FEIS and 2014 ROD. Based on a thorough review of the November 2020 re-evaluation for the Railroad Overpass segment, the July 2014 ROD, and the March 2014 FEIS, MDT and FHWA have concluded that a SEIS is not required, as described in 23 CFR 771.130, and that the requirements of both the National and Montana Environmental Policy Acts (NEPA and MEPA) would be met for the Railroad Overpass segment, under Phase I, through Re-Evaluated EISs (refer to Appendix B) as described in 23 CFR 771.129(b).

However, the proposed design modifications of the Railroad Overpass segment require preparation of a Revised ROD in accordance with 23 CFR 771.127(b). This regulation states:

If the Administration subsequently wishes to approve an alternative which was not identified as the preferred alternative, but was fully evaluated in the final EIS, or proposes to make substantial changes to the mitigation measures or findings discussed in the ROD, a revised ROD shall be subject to review by those Administration offices which reviewed the final EIS under CFR 771.125(c). To the extent practicable, the approved revised ROD shall be provided to all persons, organizations, and agencies that received a copy of the final EIS pursuant to CFR 771.125(g).



The proposed design modifications at the Railroad Overpass segment would not require substantial changes to the findings discussed in the 2014 ROD. The modifications, however, are considered a design alternative that was not identified as part of the Mary Street Option 2 Preferred Alternative in the 2014 ROD. These modifications are, however, within the Preferred Alternative right-of-way that was studied in the 2014 FEIS and ROD.

This Revised ROD documents MDT and FHWA's decision to reaffirm the approval of the Preferred Alternative, as described in the July 2014 ROD, for Phase I of Mary Street Option 2 and incorporates the design modifications, as described in the April 2021 Re-Evaluated EIS for the Railroad Overpass segment. Except for the findings and decisions referenced in the sections below, the findings and determinations made in the July 2014 ROD are unaltered and remain valid. However, additional revisions to the ROD may be required at a later date as subsequent FEIS re-evaluations take place and designs are finalized for future project segments.

## **2 DESIGN CHANGES TO THE PROJECT SINCE THE JULY 2014 ROD**

This section describes the proposed project design changes for the Railroad Overpass segment of the Mary Street Option 2 Preferred Alternative. These design changes would be constructed within the preferred alignment outlined in the March 2014 FEIS and July 2014 ROD and require no additional right-of-way or easements from what was studied in the 2014 FEIS and ROD.

### **2.1 RAILROAD AND COULSON ROAD OVERPASS BRIDGE**

As outlined in the March 2014 FEIS and July 2014 ROD, the full-buildout Preferred Alternative for the MRL and Coulson Road overpass crossing included side-by-side, two-lane bridges at one location. The current bridge design is to construct a single steel structure, with five spans and four lines of welded steel girders, that is approximately 730 feet in length. Constructing a single structure would reduce potential impacts to the railroad and result in a cost savings over time due to reduced initial construction costs and long-term maintenance costs. The new bridge structure would include two 12-foot travel lanes, two 8-foot shoulders, and two 1-foot concrete barriers for a total width of 42-feet. The vertical clearance of the bridge over the MRL railroad tracks is proposed at 23.75 feet (Figure 1). The bridge structure is designed to allow for future widening of the bypass to full-buildout, accommodating two additional 12-foot travel lanes on the bridge structure.

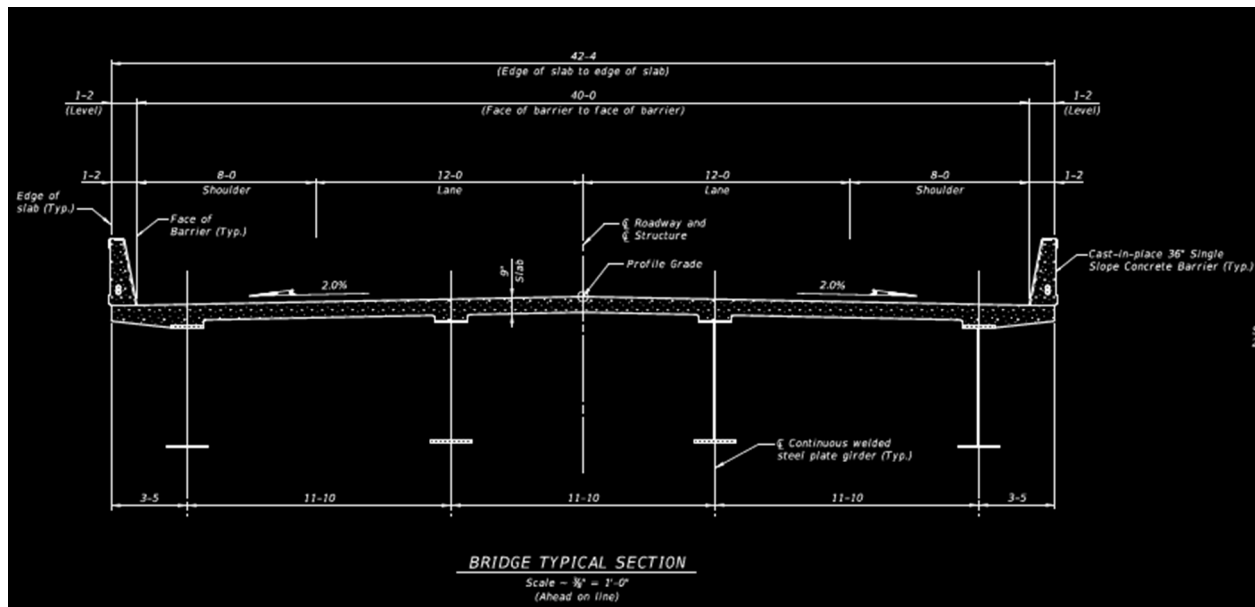
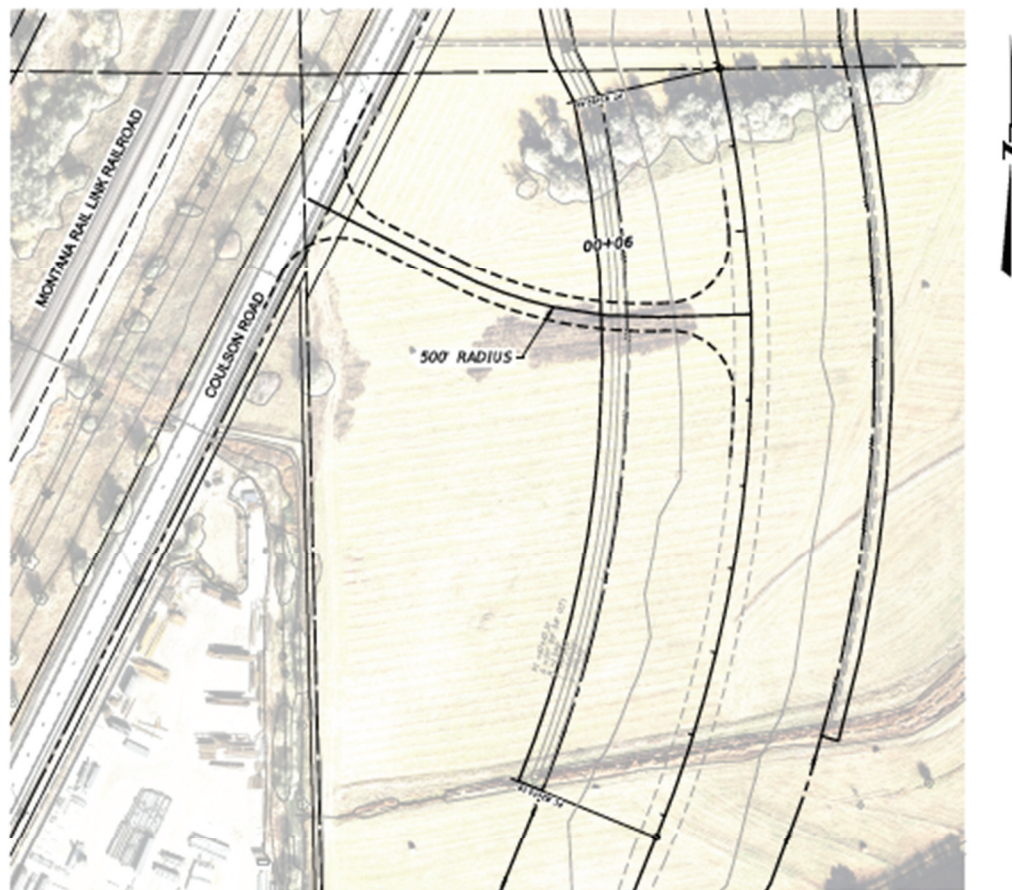


Figure 1. Proposed Railroad Overpass Bridge

## 2.2 TEMPORARY DOUBLE TEE CONNECTION TO COULSON ROAD

As outlined in the March 2014 FEIS and July 2014 ROD, Phase I would design and construct the first two lanes of the primary corridor for the Preferred Alternative alignment. Because Phase I has been split into six separate project segments, the Railroad Overpass segment will end just south of Coulson Road, and it will be one or two construction seasons before the subsequent segment (4199006 – Johnson Lane Interchange-RR O’Pass segment) is built, connecting the Railroad Overpass segment to the Johnson Interchange. Therefore, a temporary connector from the new Railroad Overpass bypass segment to existing Coulson Road would be constructed to allow access/connectivity to Coulson Road in the interim. The temporary connection would be a two-lane, double tee connection that extends from the west side of the bypass alignment to Coulson Road (Figure 2). The temporary connector would be removed when the subsequent project segment is built. This design change was not outlined in the FEIS and ROD.



**DOUBLE TEE CONNECTION PLAN**

SCALE: 1" = 100'

**DOUBLE TEE CONNECTION GENERAL PROFILE INFORMATION:**

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

**Figure 2. Double Tee Connection**

### **3 SUMMARY OF IMPACTS, MITIGATION, AND MEASURES TO MINIMIZE HARM**

Potential impacts, mitigation, and reasonable measures to minimize harm under the Preferred Alternative were discussed in the March 2014 FEIS and July 2014 ROD (Appendix A). Unless otherwise noted, these impacts are still valid and all mitigation and reasonable measures to minimize harm have been adopted.

The Railroad Overpass Re-evaluated EIS (April 2021) examined all of the environmental issues originally investigated and reported in the March 2014 FEIS and July 2014 ROD. This examination looked at current environmental conditions (2017-2020) within and adjacent to the Preferred Alternative alignment





for this segment. The Railroad Overpass segment Re-evaluated EIS determined the proposed design modifications would not result in substantial changes to identified project impacts associated with these resources. A discussion of proposed design modification impacts and additional mitigation measures are found in the Railroad Overpass segment Re-evaluated EIS (Appendix B). The following is a summary of changes to existing conditions since the approval of the July 2014 ROD, potential impacts to environmental resources associated with the proposed design modifications, and the mitigation added in response to changes in existing environmental conditions and potential impacts.

### **3.1 ACCESS**

The Billings Bypass Project will be implemented as six separate construction projects. Because the Railroad Overpass segment ends just south of Coulson Road, and it may be several years before the subsequent segment (4199006 – Johnson Lane Interchange-RR O'Pass segment) is built to connect the Railroad Overpass segment to the Johnson Interchange, a temporary connector from the new bypass to Coulson Road would be constructed to allow access/connectivity to Coulson Road in the interim. The temporary connector would be removed when the subsequent project segment is built.

This change would not alter the conclusion in the 2014 FEIS and 2014 ROD. No additional minimization measures are proposed.

### **3.2 RAILROAD**

As part of the Railroad Overpass segment, the new bypass crossing over the MRL railroad tracks would require bents and piers within the existing railroad right-of-way. Constructing a single bridge structure rather than two side-by-side bridges would reduce proposed impacts to the railroad by decreasing the overall footprint over the railroad corridor. The change would not affect the overall findings made in the 2014 FEIS and 2014 ROD. No additional minimization measures are proposed.

### **3.3 VISUAL**

A slight change in visual impacts has been identified since the 2014 FEIS and 2014 ROD, as the proposed MRL and Coulson Road crossing is now being designed as one bridge instead of two side-by-side bridges. This change would not alter the conclusion in the 2014 FEIS and 2014 ROD. No additional minimization measures are proposed.

### **3.4 FLOODPLAINS**

The Railroad Overpass project segment would impact the delineated floodplain of the Yellowstone River, as identified in the 2014 FEIS and 2014 ROD. While the delineated floodplain has not changed since the 2014 FEIS and ROD, site conditions within the floodplain at the northern limits of the Railroad Overpass segment now include a large gravel pit that has removed material below the floodplain elevation. A portion of the gravel pit would need to be filled to meet surrounding elevations. Roadway fill would then be added. The roadway fill would require appropriate floodplain permits be obtained for encroachment in the regulated floodplain, as noted in the 2014 FEIS and 2014 ROD.

### **3.5 WETLAND MODIFICATIONS**

A wetland delineation was completed in 2011 during the development of the Billings Bypass FEIS. As it had been more than five years since the original wetland delineation was conducted, a new wetland delineation was conducted in 2017 along the Preferred Alternative alignment. The new delineation served



to verify the 2011 wetland and waterway boundaries, eliminate wetlands that no longer existed (e.g., plowed over for agricultural use), and add any new wetlands that were identified during the effort.

To compare wetland impacts, the wetlands mapped in 2017 and the proposed Railroad Overpass segment design were reviewed against the 2014 FEIS and 2014 ROD Preferred Alternative conceptual design and 2011 wetland mapping. Under the Preferred Alternative outlined in the 2014 FEIS and 2014 ROD, approximately 0.23 acres of wetland impact was identified for the Railroad Overpass segment. Permanent wetland impact as a result of the refined Railroad Overpass project design and updated wetland delineation is approximately 0.05 acre. The decrease in wetland impacts resulted from changes in wetland boundaries during the 2017 field delineation and wetlands lost due to agricultural practices. Therefore, the revised impacts on wetlands from the proposed design are consistent with the findings in the March 2014 FEIS and July 2014 ROD. No additional minimization measures are proposed. Impacts on wetlands resulting from the project would be mitigated in compliance with Section 404 of the Clean Water Act administered by the U.S. Army Corps of Engineers.

### **3.6 THREATENED AND ENDANGERED SPECIES**

The analysis of potential effects to Threatened and Endangered species under the Endangered Species Act is a continuous process. Information in this section provides an update to information presented in the March 2014 FEIS and July 2014 ROD, and a discussion on potential effects to these species based on the proposed design modifications at the Railroad Overpass segment.

Due to the time lapse since the March 2014 FEIS and July 2014 ROD, Biological Resources Addendum Reports are being prepared for each project segment. An Addendum Report was completed for the Railroad Overpass segment on October 29, 2020. According to the Railroad Overpass Addendum Report, 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. 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 whooping crane or red knot breeding in the state. They are known to migrate through Montana on occasion in the spring and fall as they head to breeding territories in northern Canada and the Arctic, respectively. There are three observations for whooping crane within a 30-mile radius of the proposed Railroad Overpass project over the last 100 years. The nearest observation was documented more than 10 miles to the northeast as a fly-over in April 2010. One observation of red knot is documented less than 1.0 mile from the proposed Railroad Overpass project limits. This individual was a transient (non-breeding and short-term) documented in 1975. No additional sightings within the project vicinity have been made since 1975. Two other red knot observations in the general geographic area are greater than 30 miles from the project vicinity. Neither of these species would be anticipated to occur in the Railroad Overpass project segment, as limited-to-no-appropriate habitat is present. Therefore, design modifications for the Railroad Overpass segment would have **no effect** on whooping crane and red knot. No additional minimization measures are proposed.

### **3.7 SPECIES OF CONCERN**

The Railroad Overpass 2020 Biological 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 14 wildlife species of concern and one plant species of concern



within three miles of the Railroad Overpass Project. Eleven of these species of concern were discussed in the March 2014 FEIS and July 2014 ROD. No additional impacts or concerns related to the 11 original species have been identified. Of the remaining three wildlife species and one plant species not discussed in the 2014 FEIS and 2014 ROD, yellow-billed cuckoo (*Coccyzus americanus*) and little brown myotis (*Myotis lucifugus*) may occur within the Railroad Overpass project limits, as suitable habitats for these species are present within the general vicinity of the project. The project limits would likely be used for forage and migration. Permanent and temporary vegetation impacts would occur within the proposed construction limits, with both upland and riparian/wetland habitat being impacted. Construction activities may also affect individuals through noise, vibration, human activity, construction equipment, and temporary disruption to foraging and migration. These proposed impacts from the proposed design modifications at Railroad Overpass segment are consistent with those identified in the March 2014 FEIS and July 2014 ROD. No additional minimization measures are proposed.

### **3.7.1 BALD EAGLES**

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

### **3.7.2 GREATER SAGE GROUSE**

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

The Railroad Overpass project segment is not within greater sage-grouse designated core habitat, connectivity habitat, or general habitat. The Railroad Overpass project activities are consistent with the Montana Sage Grouse Conservation Strategy. No additional minimization measures are proposed.

## **4 COORDINATION AND PUBLIC OUTREACH**

Since the release of the July 2014 Final ROD, additional public information meetings for the Billings Bypass project have been conducted. Public informational meetings were conducted on September 27 and 28, 2017, and July 2, 2020. The intent of these 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), the bypass alignment, and design refinements/changes. The Railroad Overpass project segment was included as part of these meetings, particularly the July 2, 2020, meeting, which provided information on the updated bridge design over the MRL railroad tracks and Coulson Road and the temporary double-tee connection to Coulson Road.





The September 2017 meetings were conducted in a public open house format, with the public encouraged to provide comments/input at the meeting or to submit a comment via mail, email, or through the project website. The September 27, 2017, meeting took place at Independent Elementary School located on US 87 to accommodate the public located north of the Yellowstone River. The September 28, 2017, meeting took place at Eileen Johnson Middle School in Lockwood to accommodate the public located south of the Yellowstone River. The two July 2, 2020, meetings (at 11:00 am and 5:30 pm) were conducted online via a Zoom webinar due to the COVID-19 pandemic. The public was encouraged to provide comments/input at the Zoom meetings or to submit a comment via mail, email, or through the project website. In addition, personal contacts with adjacent landowners explaining the work to be performed will be offered during the right-of-way phase for the Railroad Overpass project.

## **4.1 COMMENTS RECEIVED**

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

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

Appendix C of this Revised ROD contains copies of the comments received and associated responses.

## **5 DECISION**

Based upon the information presented in the Railroad Overpass Re-evaluated EIS (April 2021), FHWA's decision, in agreement with MDT, is to provide environmental approval for the construction of the requested design modifications for the Railroad Overpass segment and incorporate the changes into the previously approved Preferred Alternative. This decision confirms that the design modifications do not constitute a significant change as described in 23 CFR 771.129(c). The original July 2014 ROD remains valid and is incorporated in this Revised ROD.



# APPENDIX A

## JULY 2014 ROD



**BILLINGS BYPASS EIS**  
NCPD 56(55)/CN 4199

# Record of Decision

## Billings Bypass

**July 2014**

NCPD 56 (55) Control Number 4199



## RECORD OF DECISION

For the

## BILLINGS BYPASS

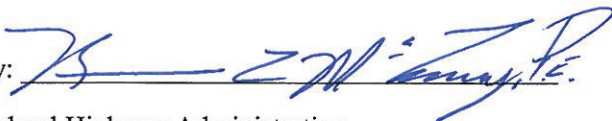
NCPD 56(55)

Control Number 4199

## FINAL ENVIRONMENTAL IMPACT STATEMENT

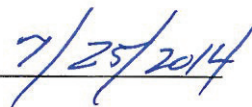
**U.S. Department of Transportation  
Federal Highway Administration  
Helena, Montana**

By:



Federal Highway Administration

Date:



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**U.S. Department of Transportation  
Federal Highway Administration  
Helena, Montana**

In accordance with Title 18, Chapter 2, Section 252, Administrative Rules of Montana (ARM 18.2.252), I hereby accept and concur with the findings and decision as documented in the U.S. Department of Transportation Federal Highway Administration's Record of Decision for this project as approved on

7/25/14.

By: \_\_\_\_\_

Montana Department of Transportation

Date: \_\_\_\_\_

7/28/14



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### APPENDIX C – RESPONSES TO COMMENTS ON THE FINAL EIS





## **1 INTRODUCTION AND BACKGROUND**

The Federal Highway Administration (FHWA) and the Montana Department of Transportation (MDT) published a Notice of Intent to prepare an Environmental Impact Statement (EIS) in 2010, in accordance with the Council on Environmental Quality and FHWA regulations for implementing the National Environmental Policy Act of 1969 (NEPA), to identify and evaluate alternatives to improve access and connectivity between I-90 and Old Highway (Hwy) 312 in Billings, Montana. The U.S. Army Corps of Engineers (COE) is the only cooperating agency for the Billings Bypass EIS.

FHWA published a Draft EIS on August 17, 2012. The 45-day public comment period ended on October 1, 2012. The lead agencies solicited written and oral comments from the public, agencies, and organizations during the comment period. A public hearing, held at Lockwood Middle School on September 12, 2012, gave citizens an opportunity to learn more about the project and comment on the Draft EIS. In addition to comments received in person at the public hearing, MDT accepted comments by mail, email, and through the project website.

In March of 2014 the lead agencies released a Final EIS (or FEIS) that updated the information presented in the Draft EIS, incorporated additional information, and responded to comments made during the public comment period. The FEIS presented the Preferred Alternative—the Mary Street Option 2 Alternative, and a fundable Phase 1 for the NEPA process. The FEIS is incorporated into this Record of Decision (ROD) by reference. Information about its availability is included in this ROD on the back of the title page. The FEIS describes in detail the decision-making process and summarizes the analysis of considerations for identifying the alternatives that were fully evaluated in the FEIS, their impacts, and their ability to meet the project's purpose and need. In addition, the FEIS includes an evaluation of the potential impacts to Section 4(f) resources.

As described in the FEIS, the lead agencies identified the four-lane Mary Street Option 2 Alternative as the Preferred Alternative. Current federal regulations require the project to be included in the fiscally constrained long-range transportation plan before a ROD can be signed, but sufficient funding for construction of the four-lane Preferred Alternative (Full Buildout) has not yet been identified.

FHWA guidance allows for the issuance of phased RODs from a single EIS document under certain conditions. This approach allows FHWA to issue a NEPA decision document (a ROD) for only a section or portion of the proposed project if that section or portion has independent utility and logical termini. Subsequent RODs may be issued for additional phases of the project, as funding is identified. The Billings Bypass will be implemented in phases, as is allowed by FHWA guidance for RODs, because of a lack of available funding to construct the full Preferred Alternative as described in the FEIS. The Preferred Alternative has been separated into two phases, which are referred to throughout the FEIS as Phase 1 (an initial two-lane road) and the Full Buildout (a final four-lane road). Phase 1 will design and construct the initial two lanes of road along the entire length of the Preferred Alternative alignment, and pursue right-of-way acquisition for a future four-lane road. Phase 1 has independent utility and logical termini. The second phase will require a NEPA re-evaluation and separate ROD(s) to design and construct the Full Buildout four-lane road along this alignment. A supplemental EIS would be required prior to the issuance of a second ROD if the re-evaluation reveals new significant information (for example, if detailed design warrants large changes that would pose new significant impacts).

This ROD is issued for Phase 1 of the Preferred Alternative and has been prepared in compliance with 23 Code of Federal Regulations (CFR) 771 and 774, Council on Environmental Quality Regulations 40 CFR





1500-1508, and the requirements of NEPA, as amended. This ROD is the final step in the NEPA process for Phase 1 of the Preferred Alternative.

This ROD summarizes the alternatives considered and the selection of the preferred alternative, identifies how the preferred alternative was developed and why it was selected, clarifies impacts related to John H. Dover Memorial Park from the FEIS, and summarizes impacts, mitigation, permits needed for the project, and summarizes public outreach and input received after publication of the FEIS. Finally, Section 9 of this ROD concludes with the decision made to select Phase 1 of the Preferred Alternative.

## **2 ALTERNATIVES CONSIDERED AND THE SELECTION OF THE PREFERRED ALTERNATIVE**

This section explains the basis for selecting the Mary Street Option 2 Alternative as the Preferred Alternative, describes the Phase 1 improvements, and summarizes the improvements that would be needed to complete the Full Buildout of the Preferred Alternative.

### **2.1 ALTERNATIVES CONSIDERED**

#### **2.1.1 ALTERNATIVES DEVELOPMENT AND SCREENING**

To determine which alternatives would best meet the project purpose and need while minimizing impacts to the community and environment, the project team completed a three-step screening process described in the FEIS and summarized below:

- Level 1: Does the alternative make a connection between the interstate and Old Hwy 312?
- Level 2A: Does the alternative meet the project purpose and need? (Rate High, Moderate, or Poor), and does it:
  - Reduce physical barrier impacts? (Does alternative traverse physical barriers?)
  - Improve connectivity between Lockwood and Billings? (How does alternative route distance between the Johnson Lane Interchange and the intersection of Wicks Lane and Main Street compare with existing route distance?)
  - Improve mobility to and from Billings Heights? (Would alternative provide an alternate route between Billings Heights and the interstate?)
  - Improve truck/commercial vehicle access to and through Billings? (Would alternative provide new truck/commercial vehicle access to and through Billings with direct connection to US 87? Would alternative easily extend west from US 87 to Montana (MT) 3 in the future?)
  - Affect known cultural/historic sites?
  - Create floodplain impacts (linear feet across or adjacent to floodplain)?
- Level 2B: What are the alternative's:
  - Travel time benefits?
  - ROW impacts (number of parcels and structures)?
  - Possible floodplain impacts (linear feet across or adjacent to floodplain)?
  - Other potential issues (impacts to community resources, such as schools, churches, cemeteries, parks and recreational facilities, and neighborhoods)?
- Level 3: Consider traffic data and construction cost. What is the alternative's:
  - Projected Average Daily Traffic (ADT) for 2035 - Origin-Destination? The preliminary traffic data was evaluated to identify the percentage of trips using the proposed alternative alignments



that were traveling to or from Billing Heights versus to or from the outlying area northeast of Billings.

- Project-generated traffic? Traffic patterns were evaluated to determine how the alternatives would affect traffic volumes on existing connecting streets.
- ADT reduction on Main Street?
- Estimated cost of mainline, bridges, interchanges, and channel crossings, as well as ROW, preliminary engineering, construction engineering, mobilization, and also estimated amount for contingency and miscellaneous items?

As explained in Section 2.2.2 of the FEIS, more than 60 alternatives were evaluated and screened. Numerous alternatives were suggested that were not carried forward into detailed analysis in the EIS. The EIS considered three build alternatives, as described in Section 2.3 of the FEIS: Mary Street Option 1 Alternative, Mary Street Option 2 Alternative, and the Five Mile Road Alternative.

### **2.1.2 ALTERNATIVES EVALUATED IN THE FEIS**

The EIS considered three build alternatives and the No Build Alternative. Each of the build alternatives begins at the Johnson Lane Interchange with I-90 and uses approximately the same alignment north across the railroad towards one of two potential locations for crossing the Yellowstone River. North of the river, three corridors were identified to complete the connection to Old Hwy 312:

- Mary Street Option 1 Alternative
- Mary Street Option 2 Alternative
- Five Mile Road Alternative

The project team analyzed multiple project elements including alternative cross sections, alignments, and intersection locations and configurations. Cross sections were developed based on projected traffic volumes. At the interstate, connections at both existing and new interchange locations were considered, and multiple interchange configurations were developed. For intersections requiring signalization, roundabouts were also considered. Alternatives were further refined, as appropriate, using the purpose and need statement, design objectives, and data analysis.

Multiple preliminary conceptual designs for the interchange and intersections were evaluated in the FEIS. These concepts are presented in Appendix H of the FEIS and discussed in further detail in Section 2.3.3 of the FEIS. The precise configuration of the Johnson Lane Interchange and other intersections with existing roadways will be determined during final design.

Section 2.3 of the FEIS describes and depicts in more detail the alternatives advanced to the EIS analysis.

## **2.2 BASIS FOR IDENTIFICATION OF MARY STREET OPTION 2 AS THE PREFERRED ALTERNATIVE**

This section describes the basis for identification of the Preferred Alternative. The first step in selecting a preferred alternative was to compare the performance of each build alternative in meeting the project's purpose and need; then environmental impacts associated with each of the build alternatives were examined to determine which was preferable. More detail of the reasoning for selection of Mary Street Option 2 Alternative as the Preferred Alternative can be found in Chapter 2 of the FEIS.



### **2.2.1 PERFORMANCE RELATIVE TO PURPOSE AND NEED**

The first step in selecting a preferred alternative was to compare the performance of each build alternative in meeting the project's purpose and need. The FEIS evaluated a No Build Alternative and three build alternatives for the proposed project: the Mary Street Option 1 Alternative, the Mary Street Option 2 Alternative, and the Five Mile Road Alternative. The No Build Alternative, which does not meet the purpose and need, was included in the evaluation to provide a baseline for evaluating the performance of the build alternatives.

The FEIS analysis demonstrated that both of the Mary Street alternatives performed better than the Five Mile Road Alternative, specifically for factors related to the purpose and need, including traffic operations, connectivity between Lockwood and Billings, and mobility improvements. The performance differences between the two Mary Street alternatives were negligible. Because both Mary Street alternatives outperformed the Five Mile Road Alternative relative to Purpose and Need, the focus turned to determining which Mary Street alternative would be the Preferred Alternative based on a comparison of the social and environmental impacts of the two Mary Street alternatives (see Section 2.2.2 below).

### **2.2.2 PERFORMANCE RELATIVE TO IMPACTS**

After purpose and need parameters were evaluated, the next analysis considered environmental impacts associated with each of the build alternatives to determine which was preferable. The No Build Alternative provided a baseline for comparing the impacts of the build alternatives.

Table 2.5 in Section 2.4 of the FEIS shows the overall impacts associated with each of the build alternatives, omitting those resources where differences in impacts were minor. As discussed in Chapter 4 of the FEIS, there is no substantial difference among all three build alternatives regarding impacts to air quality; hazardous materials; floodplains; vegetation; and wildlife (including threatened and endangered species); land use (including local plans, social conditions, and environmental justice); ROW and utilities; cultural resources; visual resources and noise; farmlands; irrigation; and energy.

The focus of the comparisons for other resources was between the Mary Street Option 1 Alternative and the Mary Street Option 2 Alternative, because those alternatives met the purpose and need of the project better than the Five Mile Road Alternative. Considering cost, transportation, and environmental factors, the Mary Street Option 2 Alternative was recommended as the Preferred Alternative over the Mary Street Option 1 Alternative. It is important to note that although the Five Mile Road Alternative has 11 residential relocations compared to 13 for Mary Street Option 2, the lead agencies determined that the Mary Street Option 2 Alternative's ability to better meet purpose and need (improved traffic operations) outweighed the impacts associated with two additional relocations.

## **3 DEVELOPMENT AND DESCRIPTION OF PHASE 1 OF THE PREFERRED ALTERNATIVE**

The lead agencies identified the Mary Street Option 2 Alternative as the Preferred Alternative for the project in the Final EIS. The Preferred Alternative is described in Section 2.3.2, Build Alternatives, of the Final EIS. Appendix A of this ROD includes a figure of the Preferred Alternative. The FEIS also describes two phases of implementation for the project, and documents the applicable environmental laws and requirements that would be adhered to for each phase before and during construction. Additionally, the FEIS illustrated how Phase 1 of the Preferred Alternative would be consistent with the fiscally constrained long-range transportation plan.



In this ROD, FHWA approves the selection of Phase 1 of the Preferred Alternative as described in this section for implementation. As illustrated in the FEIS, the first phase identified a subset of components with an estimated cost equal to the identified project funds in the fiscally constrained long-range transportation plan.

The improvements implemented under Phase 1 of the Preferred Alternative (the Mary Street Option 2 Alternative described in the FEIS) are depicted in Figure 1 and are described below. The figures in Appendix A of this ROD show bird's-eye views of the Phase 1 edge-of-road and right-of-way on recent aerial imagery of the area.

These improvements (Phase 1) are considered a reasonable expenditure of funds and would incrementally contribute to addressing the purpose and need of the project, even if no additional transportation improvements are made in the area. The improvements proposed in Phase 1 would not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. The transportation improvements to be constructed in Phase 1 would have independent utility in that they would provide transportation benefits, be a reasonable expenditure even if no additional improvements are made in the area, and each element has logical termini. Because the EIS addressed the regional transportation needs, the study considered environmental resources on a broad scope.

### **3.1 DESCRIPTION OF PHASE 1 IMPROVEMENTS**

This section describes the primary corridor improvements, secondary corridor improvements, typical sections, property access, interchange and intersection options, and construction sequencing associated with the Phase 1 improvements.

#### **3.1.1 PRIMARY CORRIDOR IMPROVEMENTS**

The primary corridor is the roadway between the I-90 Johnson Lane Interchange, bridging across the Yellowstone River and other waters, and connecting to Old Hwy 312. Phase 1 will design and construct the first two lanes of the primary corridor for the Preferred Alternative alignment. Although the footprint of Phase 1 would be narrower than the footprint of the Full Buildout, the ROW needed for the Full Buildout will be purchased (to the extent possible) during development of Phase 1, and Phase 1 will be built along the same alignment with generally the same access control and pedestrian and bicycle facilities as with the final four-lane road.

South of the Yellowstone River, Phase 1 will:

- Reconstruct the existing I-90/Johnson Lane Interchange
- Connect to I-90 at Johnson Lane.
- Proceed north from I-90 along Johnson Lane and follow the existing Coulson Road alignment northeast for approximately 0.3 mile.
- Veer off of the existing Coulson Road alignment and continue northeast roughly along the boundaries of parcels with industrial use. This alignment will include an at-grade connection with Coulson Road approximately 0.35 mile northeast of Johnson Lane. The existing segment of Coulson Road between Johnson Lane and this new connection will be removed.
- Cross over Coulson Road and the MRL railroad via a grade-separated structure. This bridge will be constructed as a two-lane bridge with sufficient right-of-way (ROW) acquired to accommodate the later construction of a second two-lane bridge during the Full Buildout of the Preferred Alternative.
- Proceed northwest toward the Yellowstone River traversing agricultural land and the Yellowstone River floodplain.



To cross the Yellowstone River, Phase 1 will:

- Cross the river to the north of the Five Mile Creek confluence. The bridge will be a two-lane bridge approximately 1,890 feet long and will have up to nine piers in the water.
- The Yellowstone River bridge will be constructed as a two-lane bridge with sufficient right-of-way (ROW) acquired to accommodate the later construction of a second two-lane bridge during the Full Buildout of the Preferred Alternative.

North of the Yellowstone River, Phase 1 will:

- Proceed northwest through undeveloped private land that is planned as a regional park.
- Arc to the southwest toward the Mary Street corridor from the new intersection with Five Mile Road.
- Add a new two-lane bridge crossing over Five Mile Creek. The bridge will be designed and constructed to be large enough to allow for the eventual expansion for the Full Buildout without the need for modifications.
- Parallel the north side of Mary Street approximately 80 to 100 feet north of the existing Mary Street corridor for approximately 1.6 miles and traverse land with residential and agricultural uses.
- Terminate at Old Hwy 312 near the intersection with Bench Boulevard.

Aside from improvements to implement the four intersection connections to the Mary Street Option 2 Alternative alignment, Mary Street will not be altered as part of Phase 1 of the Preferred Alternative. All culverts will be designed and constructed to be large enough to allow for the eventual expansion for the Full Buildout without the need for modifications.

### **3.1.2 SECONDARY CORRIDOR IMPROVEMENTS**

The secondary corridor improvements are proposed modifications to existing roads, or construction of new roads; needed to address additional traffic on connecting routes necessary to meet traffic and safety design objectives within the 20-year planning horizon. All of the secondary corridor improvements identified for the Preferred Alternative are anticipated to be completed during Phase 1 including:

- Reconstruction of Five Mile Road to MDT standards north of the primary corridor, including shoulder and slope improvements.
- Construction of a new segment of Five Mile Road from Dover Road, terminating at Old Hwy 312 approximately 1 mile north of Dover Road, directly north of Westgate Machinery Company.

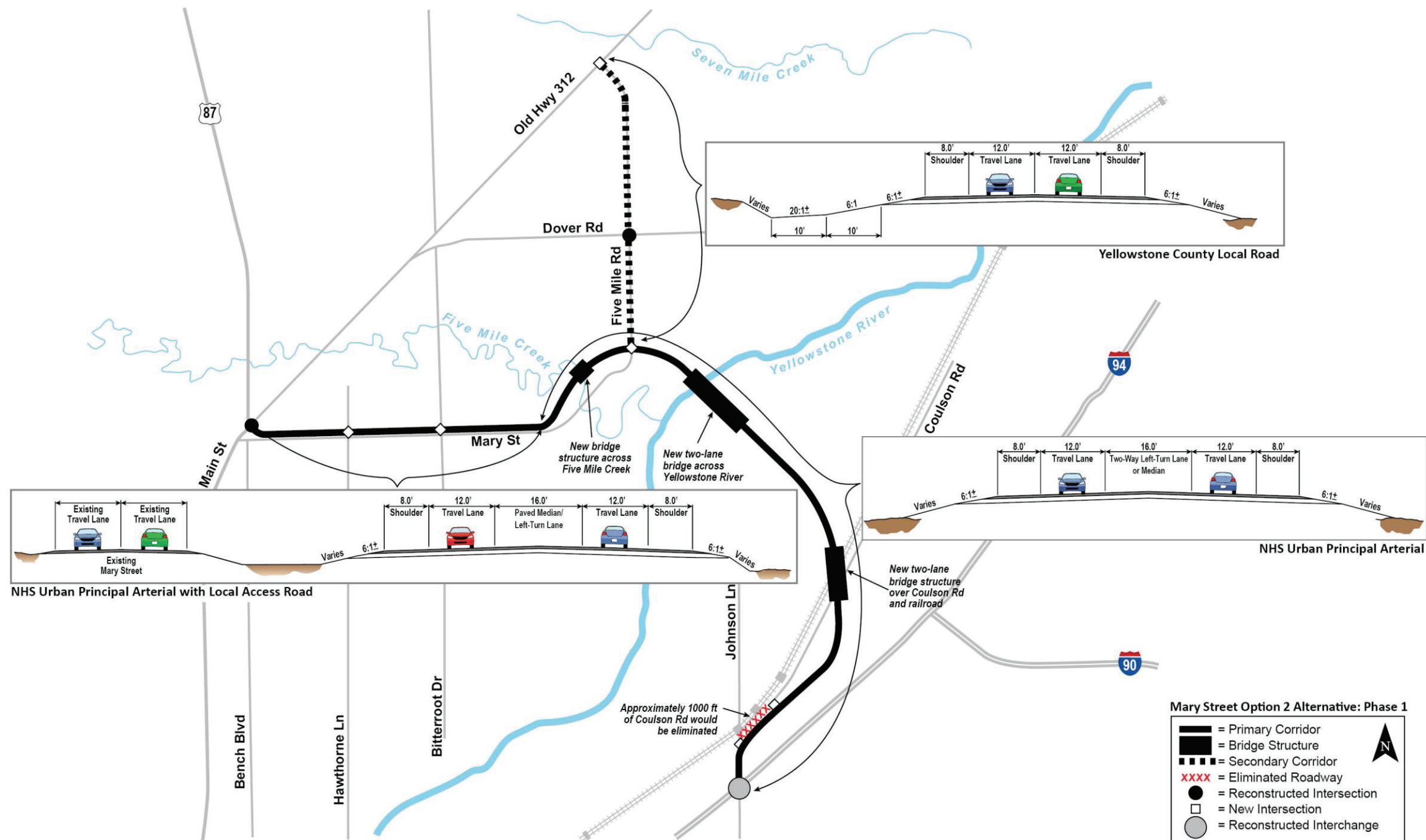
The secondary corridor will be two lanes with 8-foot shoulders and with design speeds of 60 mph.

### **3.1.3 TYPICAL SECTIONS**

Typical sections for Phase 1 of the Preferred Alternative are presented in Figure 1 below.



Figure 1. Mary Street Option 2 Alternative – Phase 1



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### **3.1.4 ACCESS TO ADJACENT PROPERTIES**

The existing Mary Street corridor will continue to be used for local resident access. Residents currently living on the north side of Mary Street with access to Mary Street will be provided an access to the new arterial route. The new access either will be at the same location or, in some cases, will be realigned to the safest access point.

### **3.1.5 INTERCHANGE AND INTERSECTION OPTIONS**

Additional interchange and intersection options were developed for the traffic expected on the Phase 1 two-lane road. These options are included in Appendix H of the FEIS and are outlined below.

#### **3.1.5.1 BITTERROOT DRIVE – TWO-LANE ROUNDABOUT**

The Mary Street Option 1 Alignment Bitterroot Drive Intersection Alternative B Roundabout option was evaluated to determine whether a two-lane alignment will operate efficiently (See Appendix H for drawings of the Full Buildout and Phase 1 roundabout options at Bitterroot Drive). This Phase 1 intersection concept was evaluated using single approach lanes and single circulation lanes within the roundabout, and a two-way stop-controlled intersection on Mary Street and Bitterroot Drive adjacent to the alignment intersection. This concept was found to provide sufficient capacity and operating performance.

#### **3.1.5.2 US 87/OLD HWY 312/MAIN STREET/MARY STREET – ADJACENT SIGNALIZED INTERSECTIONS**

As described in Section 2.6.2.3.3 of the FEIS, Phase 1 incorporates two adjacent signalized intersections. MDT is currently in the process of finalizing plans for reconstruction and signalization of the Main Street and Bench Boulevard intersection, and the anticipated implementation date is within the next two years. One feature of that project is the construction of a raised median in Bench Boulevard, which will change traffic operations at the intersection of Mary Street and Bench Boulevard. Because it is anticipated that the Phase 1 alignment will be constructed after the Main Street and Bench Boulevard intersection is complete, it was decided that the intersection of the Mary Street Option 2 Alternative with Old Hwy 312 could be designed to incorporate the majority of improvements that are associated with the Main Street and Bench Boulevard project.

Therefore, it was determined that northbound and southbound traffic could be split, so that southbound traffic on US 87 will enter Bench Boulevard directly at the Main Street intersection, and will access the Mary Street Option 2 Alternative alignment directly at the Hwy 312 intersection. Northbound US 87 traffic will originate from the Mary Street Option 2 Alternative alignment as a through movement at the Old Hwy 312 intersection and as a left-turn movement from Main Street.

### **3.1.6 CONSTRUCTION SEQUENCING**

Phase 1 will be constructed sequentially during a 20-year time frame as specific funding becomes available for the project. Construction sequencing strategies are required for a project of this size and will take into account minimization of related impacts. The construction schedule will take into account various construction activities, grouped into categories of mobilization, utility relocation, site preparation, interchange and structure construction, and lane construction. Components providing independent utility will be identified as final design work is completed. Construction will occur as funding becomes available. Because the project is at a preliminary level of design, project details and construction methods have not been fully defined, and these may change somewhat as the design evolves and funding becomes





available. Due to the availability and type of funding, the Yellowstone River bridge, Johnson Lane Interchange, MRL railroad crossing structure, alignment north of Lockwood, and connections north of the Yellowstone River bridge are likely to be constructed as separate projects during the implementation of Phase 1.

## 3.2 IMPROVEMENTS REMAINING FOR FULL BUILDOUT

The Full Buildout will require another ROD in the future to expand the roadway to four lanes. Before a second ROD can be issued, changes in regulations and/or site conditions will be evaluated. A supplemental EIS would be required prior to the issuance of a second ROD if the re-evaluation reveals new significant information (for example, if detailed design warrants large changes that would pose new significant impacts).

The primary corridor would be expanded from two lanes to four lanes in the Full Buildout. Typical sections for the primary corridor for the Preferred Alternative—the Mary Street Option 2 Alternative—are described in more detail and shown in Section 2.3.3 of the FEIS. The primary corridor would be four lanes wide with a median or median turn lane and 8-foot shoulders, and design speeds will be 55 mph.

Bitterroot Drive and the US 87/Old Hwy 312/Main Street/Mary Street intersections would be expanded during the Full Buildout to accommodate the four-lane arterial. Section 2.3 of the FEIS describes the intersection improvements planned for the Full Buildout of the Mary Street Option 2 Alternative.

## 4 CLARIFICATIONS TO THE FINAL EIS

This section identifies clarifications to the FEIS published in March 2014 based on comments received and the availability of new information. Page numbers refer to the FEIS which is available on-line at <http://www.mdt.mt.gov/pubinvolve/billingsbypass>. Text deleted is shown in strikeout text (e.g., ~~project area~~). Text added is shown as underlined (for example, project area).

### 4.1 CLARIFICATIONS REGARDING THE JOHNSON LANE INTERCHANGE

The FEIS is not clear about the plans for construction at the Johnson Lane/I-90 Interchange. All of the improvements needed for the Full Buildout will occur during Phase 1. The clarifications made to the text below do not change the impacts described in the FEIS for Phase 1, since the maximum footprint of the interchange was assumed for the analysis and the remainder of the FEIS did not say there was a difference in the treatment of this interchange between Phase 1 and the Full Buildout.

Modified text is presented below, with deleted text presented in strikeout. No new text is proposed. All of FEIS Section 2.6.2.3.1 is struck-out, because there is no difference in impacts under Phase 1 compared to the Full Buildout and the text does not make this clear.

#### ~~FEIS SECTION 2.6.2.3.1 JOHNSON LANE INTERCHANGE (ALL BUILD ALTERNATIVES) –~~ ~~TEMPORARY USE OF EXISTING STRUCTURES~~

~~With the Phase 1 option, the existing overpass structures at the Johnson Lane/I-90 Interchange would remain in place. Johnson Lane would be widened to accommodate a second northbound lane but would maintain a single lane in the southbound direction. The three adjacent intersections (Old Hardin Road, North Frontage Road, and Becraft Lane) would be improved to match one of the proposed concepts for~~



these intersections as described in the Full Buildout options discussion in Section 2.3.4, because it was anticipated that those improvements would be required before the year 2035.

## **4.2 CLARIFICATIONS REGARDING IMPACTS TO PLANNED JOHN H. DOVER MEMORIAL PARK**

The impacts to the planned, private John H. Dover Memorial Park were not reported consistently in Section 4.3.2 of the FEIS. Clarifying language is presented below. New text is underlined. No text was deleted. Changes were to add “(primary corridor)” to the direct impact description for Mary Street Option 2 and Five Mile Creek Alternatives in Table 4.10, and to add a bullet to the description of impacts for Mary Street Option 2.

The John H. Dover Memorial park is a planned, privately-owned park and is not currently a Section 4(f) resource. If the park becomes a Section 4(f) resource as the project progresses, impacts would need to be evaluated in a re-evaluation and possibly a supplemental EIS.

**Table 1. Clarification of Table 4.10 Direct and Indirect Impacts Summary – Parks and Recreational Facilities**

<b>ALTERNATIVES</b>	<b>DIRECT IMPACTS</b>	<b>INDIRECT IMPACTS</b>
<b>NO BUILD ALTERNATIVE</b>		
	<ul style="list-style-type: none"><li>• None.</li></ul>	<ul style="list-style-type: none"><li>• None.</li></ul>
<b>MARY STREET OPTION 1 ALTERNATIVE</b>		
	<ul style="list-style-type: none"><li>• Alignment crosses planned extension of Kiwanis Trail (primary corridor).</li><li>• Maintains connections to existing arterial bike routes (primary corridor).</li><li>• Does not affect existing Kiwanis Trail.</li><li>• Impacts Two Moon Park to Five Mile Creek trail extension if trail is constructed before roadway improvements/bridge (primary corridor).</li><li>• Alignment crosses southern portion of planned John H. Dover Memorial Park (secondary corridor).</li></ul>	<ul style="list-style-type: none"><li>• Expedited completion of planned bicycle network.</li><li>• Visual and noise impacts to park users from roadway crossing through John H. Dover Memorial Park may occur.</li><li>• Access and movement within John H. Dover Memorial Park interrupted by roadway construction (secondary corridor) if park is developed.</li><li>• Enhanced access to study area parks.</li></ul>
<b>MARY STREET OPTION 2 ALTERNATIVE</b>		
	<ul style="list-style-type: none"><li>• Maintains connections to existing arterial bike routes (primary corridor).</li><li>• Does not affect existing Kiwanis Trail.</li><li>• Alignment crosses planned extension of Kiwanis Trail (primary corridor).</li><li>• Alignment crosses planned trail along Five Mile Creek (primary corridor).</li><li>• Alignment crosses southern portion of planned John H. Dover Memorial Park (<u>primary corridor</u>).</li></ul>	<ul style="list-style-type: none"><li>• Expedited completion of planned bicycle network.</li><li>• Visual and noise impacts to park users from roadway crossing through John H. Dover Memorial Park may occur.</li><li>• Access and movement within John H. Dover Memorial Park interrupted by roadway construction if park is developed.</li><li>• Enhanced access to study area parks.</li></ul>



ALTERNATIVES	DIRECT IMPACTS	INDIRECT IMPACTS
<b>FIVE MILE ROAD ALTERNATIVE</b>		
	<ul style="list-style-type: none"> <li>• Maintains connection to existing Kiwanis Trail and arterial bike routes (secondary corridor).</li> <li>• Alignment crosses planned extension of Kiwanis Trail (secondary corridor).</li> <li>• Alignment crosses planned trail along Five Mile Creek (secondary corridor).</li> <li>• Alignment crosses southern portion of planned John H. Dover Memorial Park (<u>primary corridor</u>).</li> </ul>	<ul style="list-style-type: none"> <li>• Expedited completion of planned bicycle network.</li> <li>• Visual and noise impacts to park users from roadway crossing through John H. Dover Memorial Park may occur.</li> <li>• Access and movement within John H. Dover Memorial Park interrupted by roadway construction (primary and secondary corridor) if park is developed.</li> <li>• Enhanced access to study area parks.</li> </ul>

### FEIS SECTION 4.3.2.2.3 MARY STREET OPTION 2 ALTERNATIVE

#### Full Buildout

#### *Direct Impacts – Parks and Recreation: Mary Street Option 2 Alternative*

Direct impacts to parks and recreation under the Mary Street Option 2 Alternative would be the same as those indicated for the Mary Street Option 1 Alternative, with the following exceptions:

- The alignment crosses a planned trail along Five Mile Creek.
- This alternative would not impact the Two Moon Park to Five Mile Creek trail extension.
- The primary corridor would cross through the planned John H. Dover Memorial Park

## 4.3 CLARIFICATIONS REGARDING THE MRL RAILROAD BRIDGE

In Phase 1, the bridge over the MRL railroad will be constructed as a two-lane bridge with sufficient right-of-way acquired on the bridge approaches to accommodate the later construction of a second, adjacent two-lane bridge for the Full Buildout. This is the same approach that will be used for the bridge over the Yellowstone River. The FEIS was not always clear that this approach would occur for both bridges. Clarifying text to FEIS text is presented below.

From page 2-50 of the FEIS (second paragraph, section 2.6.2):

In general, Phase 1 would not have substantially different effects than the Full Buildout. Although the footprint of Phase 1 would be narrower than the footprint of the Full Buildout, the ROW needed for the Full Buildout would be purchased (to the extent possible) during development of Phase 1, and Phase 1 would be built along the same alignment with generally the same access control and pedestrian and bicycle facilities as with the final four-lane road. The crossings of the MRL railroad and ~~the bridge across the Yellowstone River initially~~ would each be constructed as a two-lane bridge with sufficient ROW acquired on the bridge approaches to accommodate the later construction of a second, adjacent two-lane bridge. The other bridges and the culverts that would be required for the project would be built wide enough to allow for the eventual expansion to a four-lane road, and thus the impacts associated with those improvements would be similar when comparing Phase 1 to the Full Buildout.



From page 2-56 of the FEIS (first paragraph, Section 2.6.3):

In general, Phase 1 would not have substantially different effects than the Full Buildout. Although the footprint of Phase 1 would be narrower than the footprint of the Full Buildout, the ROW needed for the Full Buildout would be purchased (to the extent possible) during development of Phase 1, and Phase 1 would be built along the same alignment with generally the same access control and pedestrian and bicycle facilities as with the final four-lane road. The crossings of the MRL railroad and ~~the bridge across the Yellowstone River~~ ~~initially~~ would each be constructed as a two-lane bridge with sufficient ROW acquired on the bridge approaches to accommodate the later construction of a second, adjacent two-lane bridge. The other bridges and the culverts that would be required for the project would be built wide enough to allow for the eventual expansion to a four-lane road, and thus the impacts associated with those improvements would be similar when comparing Phase 1 to the Full Buildout.

From page 4-2, first full paragraph:

In general, Phase 1 would not have substantially different effects than the Full Buildout. Although the footprint of Phase 1 would be narrower than the footprint of the Full Buildout, the right-of-way needed for the Full Buildout would be purchased (to the extent possible) during development of Phase 1, and Phase 1 would be built along the same alignment with generally the same access control and pedestrian and bicycle facilities as with the final four-lane road. The crossings of the MRL railroad and ~~the bridge across the Yellowstone River~~ ~~initially~~ would each be constructed as a two-lane bridge with sufficient ROW acquired on the bridge approaches to accommodate the later construction of a second, adjacent two-lane bridge. The other bridges and the culverts that would be required for the project would be built wide enough to allow for the eventual expansion to a four-lane road, and thus the impacts associated with those improvements would be similar when comparing Phase 1 to the Full Buildout.

## **4.4 CORRECTION REGARDING SIDEWALKS ON FIVE MILE ROAD**

In Table 2.7 of the FEIS, the row summarizing pedestrian and bicycle impacts and mitigation misstated that the secondary improvements on Five Mile Road would include sidewalks. This is not correct. Five Mile Road will be constructed with 8-foot shoulders. The Executive Summary, typical sections, impact analysis throughout Chapter 4, and the remainder of Chapter 2 correctly report this information. Corrected text is included below.

<b>Pedestrian and Bicycle Facilities</b>		
<del><b>Bike Route Features and Connections, Long-Term Changes</b></del> <i>Planned 8-ft shoulders would accommodate bike travel</i> <del><i>Five Mile Road improvements would include 4-ft bike lanes</i></del>	Maintains connection to secondary bike routes. Maintains connection to Kiwanis Trail. Adds shoulders to Five Mile Road, a primary bike route, and provides connection to primary bike routes along Mary Street and Dover Road. The existing secondary bicycle route on Coulson Road would be interrupted for 1,000 feet, sending users on another indirect route.	Bicycle and pedestrian accommodations will be taken into consideration during final design.



<b>Pedestrian and Bicycle Facilities</b>		
<del>Pedestrian Facilities, Long-Term Impacts</del> <i>Project would provide sidewalks along entire length of Five Mile Road</i>	<del>Improved pedestrian facilities along Five Mile Road.</del> <del>No changes to other existing roadways.</del>	No mitigation required.

## 5 SUMMARY OF IMPACTS, MITIGATION, AND MEASURES TO MINIMIZE HARM FOR PHASE 1 OF THE PREFERRED ALTERNATIVE.

Table 2 summarizes the Phase 1 impacts and mitigation for the Mary Street Option 2 Alternative. Further information regarding the impacts and mitigation summarized in this table can be found in Chapter 4 of the FEIS.

**Table 2. Mary Street Option 2 Phase 1 Impacts, Minimization Measures, and Mitigation**

RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
<b>TRANSPORTATION</b>		
<b>Traffic Operations</b>		
<i>Project adds new arterial roadway and adds connection to Five Mile Road</i>	Increase of 3,360 Vehicle Miles Traveled (VMT) compared to the No Build in 2035 (<1%).	None.
	Time spent traveling decreases: 1,270 fewer vehicle hours traveled (VHT) than the No Build in 2035.	No mitigation required.
<i>Project improves existing intersections and distributes traffic more evenly through project area</i>	Corridor Intersections have same or improved operations in terms of delay: Levels of Service (LOS) C or better on all study intersections, compared to 6 with worse performance in No Build.	No mitigation required.
<i>Project construction will disrupt traffic operations</i>	Temporary impacts including reduced speeds and construction at intersections and along the new alignment.	Develop traffic management plans during final design in accordance with the Manual on Uniform Traffic Control Devices.



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
<b>Accessibility</b>		
<i>Project provides new connection between Lockwood and Billings, and through and within Billings Heights</i>	Improved accessibility between Lockwood and Billings/Billings Heights.  Much improved accessibility between Lockwood and Mary Street and north along US 87.	No mitigation required.
<i>Project construction will impede traffic at existing intersections</i>	Temporary impacts to: I-90/Johnson Lane Interchange, Coulson Road, Five Mile Road, Mary Street, US 87/Old Hwy 312/Main Street intersection.	Develop traffic management plans during final design in accordance with the Manual on Uniform Traffic Control Devices.  The traffic management plan will ensure maintenance of access to local businesses/residences.
<b>Safety</b>		
Safety: Long-Term Impacts <i>Project will move traffic from existing streets to newer, safer facilities, and will have positive impact to vehicular safety</i>	37 fewer crashes within the project area compared to the no build in 2035 (7% decrease in crashes).	No mitigation required.
Project construction <i>Construction will impede traffic flow and may result in increased conflicts</i>	Crash rates in and near construction zones may increase, though lower speeds may result in lower crash severity rates	The project will follow MDT and FHWA safety standards as outline in <i>MDT Work Zone Safety and Mobility Guidelines</i> (2009).
<b>Pedestrian and Bicycle Facilities</b>		
<i>Planned 8-ft shoulders will accommodate bike travel</i>	Maintains connection to secondary bike routes. Maintains connection to Kiwanis Trail.  Adds shoulders to Five Mile Road, a primary bike route and provides connection to primary bike routes along Mary Street and Dover Road.  The existing secondary bicycle route on Coulson Road will be interrupted for 1,000 feet, sending users on another indirect route.	Bicycle and pedestrian accommodations would be taken into consideration during final design.
Construction Impacts: <i>Project construction will interrupt travel and may require detours for bicycles and pedestrians</i>	Temporary impacts due to construction (slower travel times and longer trip distances possible).	Develop traffic management plans during final design in accordance with the Manual on Uniform Traffic Control Devices. The traffic management plan will minimize access restrictions to existing bike routes and trails and provide safe and travel-efficient detours with appropriate signage to the extent practicable.





RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
<b>SOCIAL AND ECONOMIC</b>		
<b>Land Use and Local Plans</b>		
Land Use <i>Alignment is inside Urban Planning Area (UPA)</i>	Provides improved access to planned future residential development along Mary Street.  Compatible with planned land uses south of the Yellowstone River.	No mitigation required.
<b>Parks and Recreation</b>		
Kiwanis Trail (existing and planned) <i>Project places arterial roadway in between the terminus of the existing trail and the start of the planned Kiwanis Trail Extension</i>	Maintains connection to existing Kiwanis Trail.  Project uses 0.43 acres right-of-way of the planned extension of Kiwanis Trail.  The project will not preclude the planned extension of Kiwanis Trail north of Mary Street.	MDT will coordinate with City of Billings throughout final design to ensure that the final project provides for safe and effective pedestrian and bicycle movement across the project corridor at the Kiwanis Trail crossing.  The following steps will be taken to minimize impacts to parks and recreational facilities during construction: <ul style="list-style-type: none"> <li>MDT will coordinate with City of Billings to include appropriate signage and/or public notifications regarding temporary trail closures.</li> </ul>
Planned trail along Five Mile Creek	Alignment crosses planned trail along Five Mile Creek (primary corridor) via a bridge.	Bridge design will consider accommodating potential trail crossing under the bridge.
Planned John H. Dover Memorial Park	Primary corridor crosses southern portion of planned John H. Dover Memorial Park.	Coordinate with park planners regarding impacts to John H. Dover Memorial Park during final design.
<b>Socioeconomic Conditions</b>		
Access to adjacent neighborhoods and/or communities <i>Project expands access and mobility in the study area (see Transportation, above)</i>	No change in existing access to neighborhoods.  Adjacent communities will benefit from proximity to an improved travel way and maintenance of existing access.  Wide shoulders and a clear zone on the arterial will improve operations, access, and response time for police, fire protection, and emergency ambulance services.	Use existing roadway alignments and vacant lands to minimize the amount of property required for acquisition.  Proposed intersection improvements will be designed in coordination with the City of Billings.  To mitigate construction impacts before and during construction, coordination with emergency services and school districts will be undertaken to minimize disruption to services.



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
Community cohesion	Localized impacts resulting from physical or perceived isolation or separation, bridges, structures, or other barriers.  Potential disruptions to community during construction.  Billings Heights neighborhood will retain character of development, allowing for planned growth.	
Changes in neighborhood travel patterns	Adjacent communities will benefit from proximity to an improved travel way and maintenance of existing access.	
Population changes	Enhanced mobility and access in the study area may expedite planned growth and convert vacant or agricultural lands to higher density land uses.	
Environmental Justice		
Environmental Justice	No disproportional impacts to Environmental Justice populations.	No mitigation required.
Right-of-Way and Utilities		
Land Converted to Right-of-Way	254.4 acres 13 residential structures impacted 3 commercial structures Impacted	Reconfigure access points, steepen side slopes adjacent to the roadway, construct retaining walls, and/or shift the alignment to avoid or minimize impacts to structures to the extent practicable.  Comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 USC 4601 et. seq., 49 CFR Part 24, if acquisition of land is necessary.
Railroads <i>The project crosses the MRL with a bridge</i>	No impact to the railroad right-of-way.  Project will require an easement for crossing over railroad right-of-way.	No mitigation required.
Utilities	Multiple utilities may require relocation.	Relocate utilities as needed in consultation with utility providers.





RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
<b>Historic and Cultural Resources</b>		
Northern Pacific Railway (NP) Mainline	No Adverse Effect to Northern Pacific Railway Mainline (Site 24YL277).	No mitigation required.
Billings Bench Water Association Canal	No Adverse Effect to Billings Bench Water Association Canal (Site 24YL0161).	No mitigation required.
Billings and Central Montana Railroad	Billings and Central Montana Railroad (Site 24YL1592) is covered under terms of MDT's Abandoned Historic Railroad Grade Programmatic Agreement.	No mitigation required.
Historic and Cultural Resources <i>No archaeological resources were identified in the project area</i>	No impacts to archaeological resources or materials subject to cultural patrimony are anticipated.	Although no adverse impacts to cultural or historic resources are anticipated, should evidence of historic or pre-historic sites be discovered during construction, in accordance with MDT Standard Specifications 107, the contractor will be required to immediately stop work in the area until the significance of the site is determined and appropriate measures implemented.
<b>Visual</b>		
Change in Visual Quality	<ul style="list-style-type: none"> <li>Decrease of visual quality overall, but with increase in visual quality toward the road at the north end of Firth Street near Johnson Lane.</li> <li>Larger decrease in visual quality for viewers toward the road at residential subdivision north of Dover Road and east of Pioneer Road.</li> <li>Larger decrease in visual quality for viewers toward the road at intersection of Five Mile Road extension with Old Hwy 312.</li> <li>Substantial decrease in visual quality for viewers toward the road of the Yellowstone River bridge crossing, although views will remain moderately high. Viewers will be recreationists at the proposed park. (Note: If the bridges were built before the park, there will be no visual change from existing conditions.)</li> </ul>	<p>In accordance with Standard Specification 201, clearing and grubbing activities will occur only within staked construction limits in order to minimize disturbances to native plant communities and specimen trees.</p> <p>Maintain as many trees as possible by allowing minimal fill around the base of trees. During final design retaining walls, "do not disturb areas" will be incorporated into the plans as needed.</p> <p>Select seed mixtures that include native grasses and forbs to blend cut and fill slopes and other construction-related disturbances with adjacent land uses.</p> <p>Maintain as many trees as possible, set clearing and grading limits, and plant trees at key locations.</p> <p>Select bridge type that is low and horizontal, with low-contrast materials.</p> <p>Use wall treatments that blend with the colors and textures of surrounding landscapes to the extent practicable.</p> <p>Use low-profile guardrails with a weathering finish to blend into the setting.</p> <p>If used, blend luminaires with natural colors; shield fixtures to minimize glare and spillover to the extent practicable.</p>



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
<b>Noise</b>		
<i>Project will result in noise increases due to increased traffic volumes and speed</i>	10 residences will experience noise impacts above federal thresholds; two of these will likely be acquired for right-of-way, leaving 8 residences experiencing noise impacts above federal thresholds.	No feasible or reasonable mitigation measures were found for the impacts associated with the project. Coordination between local officials and developers is suggested to require setbacks for future developments, or development of noise-compatible uses near the roadway.
<b>Farmlands</b>		
<i>The project area contains prime and important farmland, as valued by the National Resource Conservation Service</i>	Project will use 43 acres of important farmland, with the majority of impacts south of the Yellowstone River.	No mitigation required.
<b>Irrigation</b>		
Coulson Ditch <i>Project will require: a new mainline crossing of Coulson Ditch, a new culverted approach crossing, and relocation of two sections of the ditch to the north (650 and 1,400 ft)</i>	Potential for construction impacts to ditch when construction occurs outside of existing ROW.  Construction activities could temporarily disrupt irrigation flow and/or increase sedimentation.	Ditch modifications will be designed and constructed in coordination with the ditch owners/operators.  Contractors will be required to adhere to all applicable water quality laws and regulations in accordance with MDT standard specifications.
24 Acre Center Pivot	Roadway will impact approximately 12 acres of the 24 irrigated acres, resulting in a loss of irrigated land.	Coordination with landowner to identify necessary system modifications.
Minor Irrigation Features <i>Project will install new approach and crossing culverts</i> <i>Project may require minor channel changes</i>	Temporary impacts to several minor privately owned irrigation supply ditches.  Construction activities could temporarily disrupt irrigation flow and/or increase sedimentation.	Irrigation structures will be designed and constructed in coordination with the irrigation owners/operators.  Contractors will be required to adhere to all applicable water quality laws and regulations in accordance with MDT standard specifications.
Billings Bench Water Association (BBWA) Lateral <i>Project will replace one substandard corrugated metal pipe crossing culvert</i>	Culvert replacement will be improvement to infrastructure.  Construction activities could temporarily disrupt irrigation flow and/or increase sedimentation.	See above mitigation for other irrigation features.



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
Drainage Ditch near Five Mile Road	Potential for construction impacts to ditch when construction occurs outside of existing ROW.  Construction activities could temporarily disrupt irrigation flow and/or increase sedimentation.	See above mitigation for other irrigation features.
<b>Energy</b>		
Energy Use: Operations <i>Energy use includes vehicle fuel consumption in the project area and electrical power for lighting</i>	Project will result in approximately 0.5% more energy use from vehicles in the study area than would occur with the No Build.	No mitigation required.
Energy Use: Construction <i>Energy will be required to construct the project (supplies, transport, operation of machinery)</i>	Energy will be used to generate and transport construction materials, and from operation of construction equipment.	No mitigation required.
<b>Section 4(f)</b>		
Recreational Resources	<i>De minimis</i> impact to Kiwanis Trail and planned Kiwanis Trail extension.	MDT will coordinate with the City of Billings throughout final design to ensure that the final project provides for safe and effective pedestrian and bicycle movement across the project corridor at the Kiwanis Trail crossing.  MDT will coordinate with the City of Billings to include appropriate signage and/or public notifications regarding temporary trail closures.
Historic and Cultural Resources	No adverse effects determination by SHPO and <i>de minimis</i> determination by FHWA.	See Historic and Cultural Resources section of this table (above).
Wildlife and Waterfowl Refuges	None present in the project area.	No mitigation required.



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
ENVIRONMENTAL		
Air Quality		
Carbon Monoxide (CO)	Projected CO levels are below national standards.	In accordance with MDT Standard Specification 107, the contractor will be required to adhere to applicable air quality rules and regulations, which may require the use of dust suppression and emission control measures to minimize short-term construction-related impacts.  Operation of all equipment including, but not limited to, hot-mix paving plants and aggregate crushers must meet the minimum air quality standards established by federal, state, and local agencies in accordance with MDT Standard specification 107.11.3.
Particulate Matter (PM)	No hot-spot analysis required; project is not a project of concern due to area attainment status.	
Mobile Source Air Toxics (MSATs)	Project has “low potential” for MSATs effects.	
Greenhouse Gases	No contribution at a cumulatively considerable level.	
Hazardous Materials		
Permanent Impacts: <i>Disturbing contaminated ground or waters can cause release of hazardous materials into the environment</i>  <i>Right-of-way acquisition of contaminated properties can require expensive cleanup</i>	Potential impacts at four UST/LUST sites, three AST sites, one automotive site, two “Other” sites, one spill site, and one substation.  Three groundwater monitoring wells will be relocated or protected in place.	<ul style="list-style-type: none"><li>Sites in the immediate proximity of the alignment will be further investigated under a Phase II assessment before property acquisition to determine the magnitude and extent of contamination, if any. This will include a site visit, review of agency documents, and interviews with agency personnel.</li><li>Where appropriate, surface soil, subsurface soil, and/or groundwater samples will be collected and analyzed for probable contaminants of concern.</li></ul>
	Structures being acquired and removed within proposed right of way may contain asbestos, lead paint or other hazardous materials.	Hazardous materials associated with acquired structures: <ul style="list-style-type: none"><li>Before construction, all buildings that have been or will be acquired for the project and proposed for demolition will be surveyed by a state-licensed inspector for asbestos and other sources of contamination.</li><li>A National Emissions Standards for Hazardous Air Pollutants Demolition/Renovation Notification form will be filed with MDEQ for all relocated or demolished structures.</li><li>If needed, asbestos removal would be performed in accordance with the OSHA requirements, Montana Department of Labor and Industry occupational safety and health requirements, and MDEQ rules and permit requirements for demolitions / renovations.</li></ul>



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
Construction: <i>Due to the urban nature of portions of the project, there is potential to encounter previously undiscovered hazardous materials, substances and/or solid waste and contaminated groundwater</i>	Previously undiscovered hazardous materials, substances and/or solid waste and contaminated groundwater may be discovered during construction.	<ul style="list-style-type: none"> <li>Contaminated soils, groundwater, hazardous substances, and USTs encountered during construction will be handled by Sections 107.23 and 107.24 of MDT Standard Specifications for Road and Bridge Construction.</li> </ul>
<b>Water Resources and Water Quality</b>		
Permanent Impacts: <i>Impervious surface causes runoff which can increase delivery of pollutants to waterways and thus decrease water quality</i>	55.6 acres additional impervious surface compared to existing conditions.	<p>Design bridges and culverts to minimize impacts to rivers, floodplain, hydraulics, river riffle/pool complexes, and channel migration zone, as practical. If practicable, direct drainage of bridge deck runoff will be eliminated.</p> <p>In accordance with MDT Standard Specifications 107 and 208, the contractor will be required to adhere to applicable water quality rules, regulations, and permit conditions.</p>
Temporary impacts: <i>Construction activities will expose new areas to wind and water erosion and bridge and culvert work will disturb waterways</i>	Potential increases in runoff during construction activities and prior to restoration of disturbed areas.	<p>In accordance with MDT Standard Specifications 107 and 208, the contractor will be required to adhere to applicable water quality rules, regulations, and permit conditions.</p> <p>The design will be prepared in accordance with the existing municipal storm sewer system (MS4) permit requirements including inclusion of low impact development practices as practicable.</p> <p>Erosion and sediment control(s) will be required as necessary to minimize damage to the highway and adjacent properties and abate pollution of surface and ground water resources. Routine site monitoring will be conducted as necessary to ensure all pollution control measures are installed, maintained, and functioning correctly.</p>
<b>Wild and Scenic Rivers</b>		
Wild and Scenic Rivers <i>The Yellowstone River and its tributaries are not designated as National Wild and Scenic Rivers</i>	No impacts.	No mitigation required.



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
<b>Water Body Modifications</b>		
Water Body Modifications: Permanent Impacts <i>Project requires new crossings of Yellowstone River and Five Mile Creek, and several irrigation facilities</i>	Placement of bridges in/over the Yellowstone River will directly impact hydrology and channels of the Yellowstone River.  New bridge over Five Mile Creek will span the bed and bank of the waterway.  Replacement, relocation, and/or construction of irrigation and drainage ditches throughout the project corridors.	New structures will be designed to minimize disturbance to stream hydrology and banks and to minimize channel alterations.  All stream crossings will be designed in accordance with 23 CFR 650 Subpart A and in coordination with the appropriate regulatory agencies  Modifications to irrigation facilities will be designed and constructed in coordination with the irrigation owners/operators. (See Irrigation section, above, for more information.)
Water Body Modifications: Construction Impacts <i>For the Yellowstone River crossing, construction impacts will occur during both the construction of the Phase 1 improvements and again during construction of the Full Buildout</i>  <i>For the Five Mile Creek crossing, all construction impacts will occur during Phase 1</i>	Impacts to water quality due to construction activities.	All work will be performed in accordance with state and federal guidelines regarding water quality and permit conditions. These include the applicable regulations under the Federal Clean Water Act of 1972, as amended (i.e., Section 404 Permit), Section 10 of the Rivers and Harbors Act, and specific permit requirements from the Montana Stream Protection Act (SPA) 124 authorization; Montana Floodplain and Floodway Management Act, Section 402/MPDES permit; MS4 permit, and utilization of the current BMPs.  To re-establish permanent vegetation and to reduce the spread and establishment of noxious weeds, disturbed areas within MDT right-of-way and easements will be seeded with desirable plant species, as soon as practicable, as recommended and determined feasible by the MDT Botanist.
<b>Floodplains</b>		
Yellowstone River <i>Project will require new structure crossing the Yellowstone River (second structure to be built during Full Buildout)</i>	Less than a 0.5-foot rise in the base flood elevation.	The crossing of the Yellowstone River will require a substantial amount of fill and some removal of fill from within the floodplain to achieve the backwater requirements of no rise above 0.5 feet in base flood elevation.  The proposed project will be designed in compliance with Executive Order (E.O.) 11988, Floodplain Management. State of Montana drainage design standards will be applied to achieve results that will not increase or significantly change the flood elevations and/or limits.  Mitigation will be in accordance with permitting requirements of Yellowstone County.





RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
Five Mile Creek <i>Project will construct new bridge across Five Mile Creek; bridge will be constructed to accommodate the future Full Buildout</i>	Less than a 0.5-foot rise in the base flood elevation.	No mitigation required.
Culverts <i>Project will require multiple new culverts; culverts will be constructed to accommodate the future Full Buildout</i>	No roadway overtopping for the 50-year design flood. No backwater damage to adjacent property.	No mitigation required.
<b>Wetlands</b>		
Wetlands Impacted <i>Wetland areas will be impacted during construction of the roadways, bridges, culverts, and landscaping due to the placement of fill in the form of soil, riprap, concrete, various sizes of rock, and other construction materials. The area of loss was minimized to the extent practicable during preliminary design</i>	Estimated total wetland impacts of 4.36 acres.	Impacts to wetlands will be avoided and minimized to the maximum extent practicable.  For unavoidable wetland impacts, mitigation will be provided in accordance with Executive Order #11990 and the US Army Corps of Engineers Clean Water Act permit requirements. Appropriate monitoring will be conducted to ensure that any wetland mitigation site functions as intended.
U.S. Army Corps of Engineers Jurisdictional Wetlands Impacted	Of the 4.36 acres of wetlands impacted, an estimated 3.36 acres have preliminarily been deemed jurisdictional under Section 404 of the Clean Water Act.	Same as above for wetlands impacted.



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
<b>Vegetation</b>		
Riparian Impacts <i>The project will cross multiple riparian areas</i>	6.0 acres	To re-establish permanent vegetation and to reduce the spread and establishment of noxious weeds, disturbed areas within MDT right-of-way and easements will be seeded with desirable plant species, as soon as practicable, as recommended and determined feasible by the MDT Botanist.  Post-construction, the site will be monitored until final stabilization is met.  In accordance with Standard Specification 201, clearing and grubbing activities will occur only within staked construction limits. To control the spread of noxious weeds, the contractor will be required to wash all equipment prior to transport into the project area as specified in the Supplemental Specifications.
Cliff Impacts <i>Cliff areas are part of the native vegetation</i>	0.1 acre	Same as Riparian Impacts.
Pond Impacts <i>Project avoids pond areas</i>	0 acre	No mitigation required.
Sage Steppe Impacts <i>Project avoids sage steppe areas</i>	0 acre	No mitigation required.
<b>Wildlife and Aquatic Species</b>		
Wildlife Species Impacts	Loss of habitat due to construction and increased habitat fragmentation (barrier effect).	Compliance with Section 208 of MDT's <i>Standard Specifications, Water Pollution Control and Stream Preservation</i> (MDT 2006), and adherence to resource agency conditions.  MDT will continue to evaluate the appropriateness and necessity of additional wildlife crossings measures near the Yellowstone River, Five Mile Creek, or other locations.  In accordance with the Migratory Bird Treaty Act (MBTA) of 1918 and the Bald and Golden Eagle Protection Act of 1940, impact to known breeding locations such as avian nests or burrows will be avoided or minimized as required. In conformance to the MBTA, seasonal restrictions or deterrent methods are used to ensure that active nests are not harmed during the breeding season.



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
Aquatic Species Impacts	<p>Direct mortality and loss of habitat at ground-disturbed or pier locations.</p> <p>Minor impact to aquatic habitat associated with canals and ditches.</p>	<p>Mitigation for substantive negative impacts to aquatic species is anticipated during final design of the bridge crossing and culverts for this project and the implementation of standard specifications and BMPs. Bridge crossings are planned for the fish-bearing streams.</p> <p>Avoidance and minimization of impacts to aquatic species is anticipated through measures including the following:</p> <ul style="list-style-type: none"> <li>• Design bridges to optimize the shape, size, number, and placement of pier locations in a manner that will maintain uninterrupted fish passage.</li> <li>• Schedule in-water work for bridge construction during low water levels to minimize construction during spawning periods.</li> <li>• Adhere to Section 208 of MDT's Standard Specifications for Road and Bridge Construction (2006).</li> <li>• Adhere to special conditions set forth by the resource agencies.</li> </ul>
<b>State Species of Concern</b>		
Grasshopper Sparrow	None.	No mitigation required, however MBTA requirements will apply (see below).
Pinyon Jay	None.	
Brewer's Sparrow	None.	
Greater Short Horned Lizard	None.	
Loggerhead Shrike	None.	
Common Sagebrush Lizard	Direct mortality may occur due to inability to disperse during construction.	<p>Compliance with Section 208 of MDT's Standard Specifications and adherence to resource agency conditions.</p> <p>Implementation of the "Recommended Conservation Measures" for general wildlife species</p> <p>Complying with the conditions of the resource agencies will avoid or minimize impacts to species of concern.</p>
Milksnake	Direct mortality may occur due to inability to disperse during construction.	
Western Hog-nosed Snake	Direct mortality may occur due to inability to disperse during construction.	
Spiny Softshell	Negligible direct impacts.	
Snapping Turtle	Negligible direct impacts.	
Sauger	Potential for disruption of spawning locations.	Complying with the conditions of the resource agencies will avoid or minimize impacts to species of concern. The <i>Fish and Wildlife Recommendations for Subdivisions</i> address state species of concern.
Yellowstone Cutthroat Trout	Negligible direct impacts.	



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
Black-billed Cuckoo	May experience direct mortality in nesting locations within riparian areas, wetlands, or ditches that are affected by construction activities.	<p>Compliance with Section 208 of MDT's Standard Specifications and adherence to resource agency conditions.</p> <p>Implementation of the "Recommended Conservation Measures" particularly in regard to the MBTA will avoid the majority of breeding schedules.</p> <p>Complying with the conditions of the resource agencies will avoid or minimize impacts to species of concern.</p>
Veery	May experience direct mortality in nesting locations within the riparian areas, wetlands, or ditches that are affected by construction activities.	
Hoary Bat	May experience direct mortality in rearing locations within the riparian areas, wetlands, or ditches that are affected by construction activities.	
Eagle	Long-term: Potential increases in wildlife/vehicle collisions could attract scavenging eagles and put them at risk.	MDT will continue to evaluate the appropriateness and necessity of wildlife crossings locations and other measures to minimize the potential increase of available carrion for bald eagles.
	Construction: May experience temporary disturbance during construction if roosting area and/or nests are found within 0.5 mile of project limits.	<p>Implementation of the "Recommended Conservation Measures" particularly in regard to the MBTA and the Bald and Golden Eagle Protection Act, will avoid the majority of breeding schedules, if necessary.</p> <p>Complying with the conditions of the resource agencies will avoid or minimize impacts to species of concern, in particular, <i>The Montana Bald Eagle Guidelines Addendum, 2010</i> addresses the bald eagle buffers, seasonal construction restrictions, and habitat conservation.</p> <p>The location of the eagle nests and communal roosting sites will be verified by a preconstruction survey or through coordination with resource agencies or organizations.</p> <p>Coordination with the USFWS and MTFWP is required if blasting is to occur within ½ mile of nests or roosts.</p>
Great Blue Heron	No anticipated impacts to documented Rookeries in the project area.	No mitigation required.
Small burrowing animals, hibernating reptiles, and amphibians	May experience direct mortality in the riparian areas, wetlands, or ditches that are affected by construction activities.	Compliance with Section 208 of MDT's Standard Specifications and adherence to resource agency conditions. Implementation of the "Recommended Conservation Measures" for general wildlife species.



RESOURCE	MARY STREET OPTION 2 PHASE 1 IMPACTS	PHASE 1 MINIMIZATION MEASURES AND MITIGATION
<b>Threatened and Endangered Species</b>		
Whooping crane	Not likely to adversely affect	No conservation measures are likely to be necessary with respect to threatened and endangered species. However, MBTA requirements will apply to all migratory bird species. If whooping crane rookeries are identified or birds are observed in or adjacent to the study area during construction, work would be halted and MDT would contact the USFWS. Migration peaks for whooping crane are in April and October. Sprague's pipit is also protected by the MBTA requirements. Sage-grouse and Sprague's pipit are candidate species under the Endangered Species Act (ESA) and currently receive no statutory protection under the ESA. If these species become listed in the future then they would be subject to conservation measures identified in the ESA, and consultation as appropriate.
Black-footed ferret	No Effect	
Greater sage-grouse	Not likely to jeopardize continued existence	
Sprague's pipit	Not likely to jeopardize continued existence	

## 6 APPROVALS/DOCUMENTATION WITH STATE AND FEDERAL REQUIREMENTS

### 6.1 ENVIRONMENTALLY PREFERABLE ALTERNATIVE

As required by 40 CFR Section 1505.2(b), in cases where an EIS has been prepared, the ROD must identify all alternatives that were considered, "... specifying the alternative or alternatives which were considered to be environmentally preferable." Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; but it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

The first step in selecting a preferred alternative was to compare the performance of each alternative for the purpose and need. Results of the FEIS analysis demonstrate that the Mary Street alternatives perform better than the Five Mile Road Alternative.

After consideration of performance compared to the purpose and need, the next analysis was to consider environmental impacts associated with each of the alternatives, and consider which was preferable. The focus of the comparisons among environmental impacts was between the Mary Street Option 1 and Mary Street Option 2 alternatives, because those alternatives better met the purpose and need of the project than the Five Mile Road Alternative. Of the Mary Street Alternatives, Mary Street Option 2 had lower impacts to wetlands (total and jurisdictional), riparian areas, land used for highway ROW, and fewer anticipated residential displacements than Mary Street Option 1.

As discussed in Chapter 4, there is no discernible difference among all three build alternatives regarding impacts to air quality; hazardous materials; wild and scenic rivers; floodplains; vegetation; and wildlife (including threatened and endangered species); land use (including local plans, social conditions, and environmental justice); ROW and utilities; cultural resources; visual resources and noise; farmlands; irrigation; and energy.



Based on a consideration of the range of impacts and benefits associated with the build alternatives, the Mary Street Option 2 Alternative will provide the best, most cost-effective long-term solution to meet the project's purpose and need while minimizing impacts to the environment and surrounding community. Chapter 4 of the FEIS includes detailed descriptions of potential impacts associated with the No Build Alternative and the build alternatives.

## **6.2 LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE**

An assessment of the “Least Environmentally Damaging Practicable Alternative” required for Clean Water Act Section 404(b)(1) (and thus focused on wetland impacts) determined that Phase 1 of the Mary Street Option 2 Alternative shared the least environmentally damaging practicable alternative status with the Five Mile Road Alternative. For more information, see Appendix F of the FEIS, the Clean Water Act Section 404(b)(1) Evaluation.

## **6.3 ENDANGERED SPECIES ACT**

FHWA consulted with the U.S. Fish and Wildlife Service (USFWS) as required by Section 7 of the Endangered Species Act. As documented in the FEIS, Section 4.4.11, a determination of effect was documented and submitted for USFWS review and concurrence.

In a letter dated July 26, 2012, the USFWS concurred with MDT's determination that the project is not likely to adversely affect the whooping crane and acknowledged MDT's no effect determination for the black-footed ferret. USFWS also acknowledged MDT's determination that the proposed action is not likely to jeopardize the existence of greater sage-grouse and Sprague's pipit (both currently candidate species). USFWS also noted that the letter indicated conclusion of informal consultation pursuant to regulations (50 CFR 402.13). The letter is included in Appendix B of the FEIS.

## **6.4 HISTORIC AND CULTURAL RESOURCES**

FHWA consulted with the State Historic Preservation Officer on determinations of eligibility and effects. As documented in the FEIS, Section 4.3.6, No Adverse Effects to any eligible historic resources are anticipated, as summarized below:

- No Adverse Effect to Northern Pacific Railway Mainline (Site 24YL277) and Billings Bench Water Association Canal (Site 24YL0161).
- Billings and Central Montana Railroad (Site 24YL1592) is covered under the terms of MDT's Abandoned Historic Railroad Grade Programmatic Agreement.
- No Adverse Effect to the Billings Bench Water Association Canal.

The FEIS, Appendix D, provides documentation of the coordination with the State Historic Preservation Office according to Section 106 of the National Historic Preservation Act.

No prehistoric or historic districts, archeological resources, or tribal cultural properties were identified.





## 6.5 SECTION 4(f) DETERMINATION

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 was set forth in Title 49 United States Code (USC), Section 303. In 2008, the Section 4(f) Final Rule was moved to 23 CFR Part 774.

Section 4(f) states that the Secretary of the USDOT

*shall not approve any transportation program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless*

*(1) there is no feasible and prudent alternative to the use of such land, and*

*(2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.*

Further, in 2005, Congress enacted the Safe, Accountable, Flexible & Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) and amended Section 4(f). The amendment authorizes the FHWA to approve a project that results in a *de minimis* impact to a Section 4(f) resource without the evaluation of avoidance alternatives typically required in a Section 4(f) evaluation. Section 6009 of SAFETEA-LU amended 23 USC 138, which now states:

*[T]he Secretary shall not approve any program or project (other than any project for a park road or parkway under Section 204 of this title) which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.*

With respect to the proposed Billings Bypass project, consultation and coordination has occurred with jurisdictions in which public parks and recreation areas are considered significant resources by Section 4(f) criteria. There is no wildlife or waterfowl refuge in the study area. Consultation also occurred with the Montana State Historic Preservation Office (SHPO) regarding cultural resources.

The City of Billings has jurisdiction for the park and recreational resources in the project's study area. MDT has coordinated with the City of Billings Parks and Recreation Department throughout the development of the Draft EIS and the FEIS. The potential *de minimis* findings, possible measures to minimize harm, and general mitigation strategies were discussed with the city before and after selection of the Preferred Alternative. In February 2014, the City of Billings concurred with the *de minimis* findings presented in the FEIS for two resources—the existing Kiwanis Trail and the planned Kiwanis Trail Extension. The letter indicating the concurrence of the City of Billings is included in Appendix B of the FEIS.



Through consultation with the Montana SHPO during the Section 106 of the National Historic Preservation Act process, it was determined that the Preferred Alternative will have no adverse effects to identified historical resources in the study area. The FEIS, Appendix D, provides documentation of the coordination with the State Historic Preservation Officer according to Section 106 of the National Historic Preservation Act.

Thus, FHWA made *de minimis* findings for the 4(f) resources in the project area. These are documented in the FEIS.

## **7 PERMITS AND APPROVALS**

The permits listed below will be required for Phase 1 of the Preferred Alternative:

- Clean Water Act (CWA) Section 402/Montana Pollutant Discharge Elimination System (MPDES) authorization from MDEQ Permitting and Compliance Division. The MPDES permit requires a storm water pollution prevention plan (SWPPP) that includes a temporary erosion and sediment control plan. The erosion and sediment control plan identifies BMPs, as well as site-specific measures to minimize erosion and prevent eroded sediment from leaving the work zone. The construction contractor will be contractually obligated to prepare and comply with the SWPPP.
- Compliance with the existing municipal storm sewer system (MS4) permit. The design will be prepared in accordance with the permit requirements including inclusion of low impact development practices as practicable.
- CWA Section 404 permit from the U.S. Army Corps of Engineers (COE) for any activities that may result in the discharge or placement of dredged or fill materials in waters of the U.S., including wetlands. Permits for permanent facilities will be obtained during final design. The construction contractor will be contractually obligated to obtain permits for temporary facilities and construction practices.
- Federal Rivers and Harbors Act (Section 10 Permit) from the U.S. Army Corps of Engineers (COE) for any the construction of any structure in or over any federally listed navigable waters of the U.S.
- A Montana Department of Natural Resources and Conservation (MDNRC) land use license or easement application and the Application for Licensing Structures & Improvements on Navigable Water Bodies (Form DS 432) for the construction, placement, or modification of a structure or improvements in, over, below, or above a navigable stream.
- Montana Stream Protection Act (SPA 124) from the MFWP-Fisheries Division. The Montana SPA 124 is required for projects that may affect the bed or banks of any stream in Montana. SPA 124 authorization for permanent facilities will be obtained during final design. The construction contractor will be contractually obligated to obtain additional SPA 124 authorizations for temporary facilities and construction practices.
- Short-Term Water Quality Standard for Turbidity related to construction activity (318 Authorization) from the MDEQ-Water Quality Bureau for any activities that may cause unavoidable violations of state surface water quality standards for turbidity, total dissolved solids, or temperature. The construction contractor will be contractually obligated to obtain this authorization.



- Floodplain Development Permit from the Yellowstone County Floodplain Administrator.

## **8 COORDINATION PROCESS AND COMMENTS ON THE FINAL EIS**

### **8.1 COORDINATION AND PUBLIC OUTREACH**

A Notice of Availability (NOA) of the FEIS was published in the Federal Register on March 28, 2014. A news release announcing the availability of the FEIS was submitted to area newspaper, television, and radio news outlets. Almost 1,500 postcards were mailed to interested parties on the project mailing list on March 26, 2014. In addition, this information was made available on the project and MDT websites ([www.billingsbypass.com](http://www.billingsbypass.com) and [www.mdt.gov/pubinvolve/eis-ea.html](http://www.mdt.gov/pubinvolve/eis-ea.html)). *(Please note, the project website has been moved to <http://www.mdt.mt.gov/pubinvolve/billingsbypass>.)*

Three display ads were purchased in the Billings Gazette; the first was placed March 28 and announced the release of the FEIS; the second and third ads were placed March 30 and April 6 respectively to announce the public open house. News releases were also submitted to Billings area media outlets on March 28, with the placement and announcement of the news release at the discretion of each individual media outlet.

The FEIS was available for a 30-day public review period beginning March 28, 2014 and ending April 28, 2014. The FEIS was distributed for review to the federal, state, and local agencies listed in the FEIS in Chapter 8, Distribution List, and to members of the public at their request. The FEIS was made available for review at the following locations:

<b>Montana Department of Transportation</b> Billings District Office 424 Morey Street Billings, MT 59101	<b>Montana State University Billings Library</b> 1500 University Drive Billings, MT 59101
<b>City-County Planning Department</b> 2825 3rd Avenue North, 4th Floor Billings, MT 59101	<b>Yellowstone County Commissioners Office</b> (County Courthouse) 217 North 27 <sup>th</sup> Street, Room 403 Billings, MT 59101
<b>Montana Department of Transportation</b> Environmental Services Bureau 2960 Prospect Avenue Helena, MT 59601	<b>Lockwood Water &amp; Sewer District</b> 1644 Old Hardin Road Lockwood, MT 59101

MDT and FHWA held an informational public open house in Billings on April 9, 2014. That meeting provided the public an opportunity to learn more about the project, ask questions of project staff, and share their comments and concerns. One hundred fifteen people signed in for that meeting.

See Appendix B for public outreach and coordination materials: the postcard mailed announcing publication of the FEIS, copies of display ads advertising the release of the FEIS and the public meeting, and sign-in sheets from the open house.



## **8.2 COMMENTS RECEIVED**

Thirty-one written comments were received from the public and state and federal agencies during the 30-day review period. Appendix C of this ROD contains copies of the comments received and the associated responses.

## **9 DECISION**

Based on the information provided in the Billings Bypass Final EIS (March 2014), which has been incorporated by reference into this ROD, and information contained in this ROD, MDT and FHWA conclude that selecting Phase 1 of the Preferred Alternative, as described in this document, for the Billings Bypass Project is in the best overall public interest, uses all practicable means to restore and enhance the quality of the human environment, and avoids or minimizes any possible adverse effects.



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# **APPENDIX A**

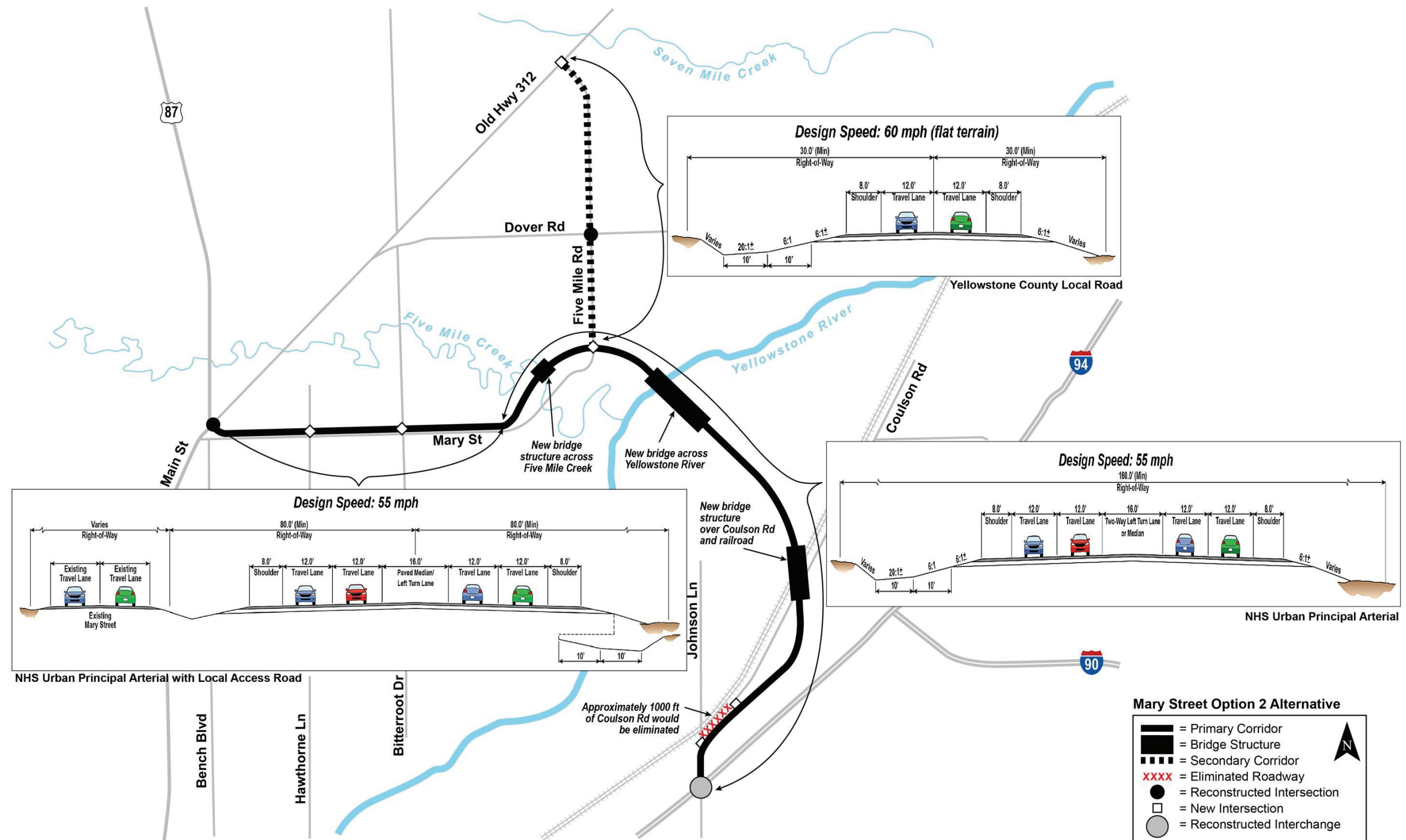
## **PREFERRED ALTERNATIVE MAP AND PHASE 1 DESIGN SIMULATIONS**





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Figure A.1. Preferred Alternative – Mary Street Option 2



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**Figure A.2. Phase 1 Design Simulation, Looking Northeast Near Johnson lane Interchange**

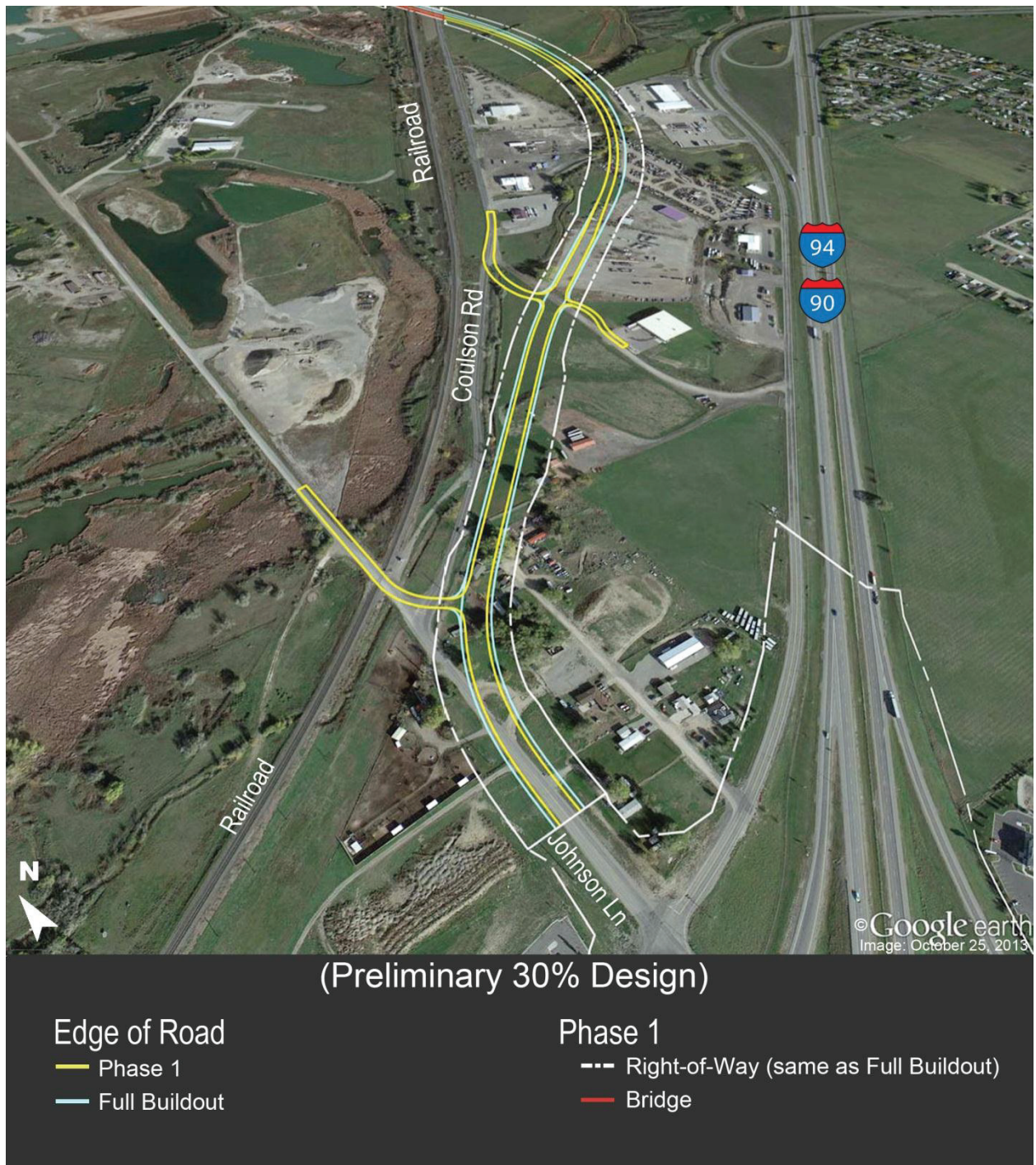
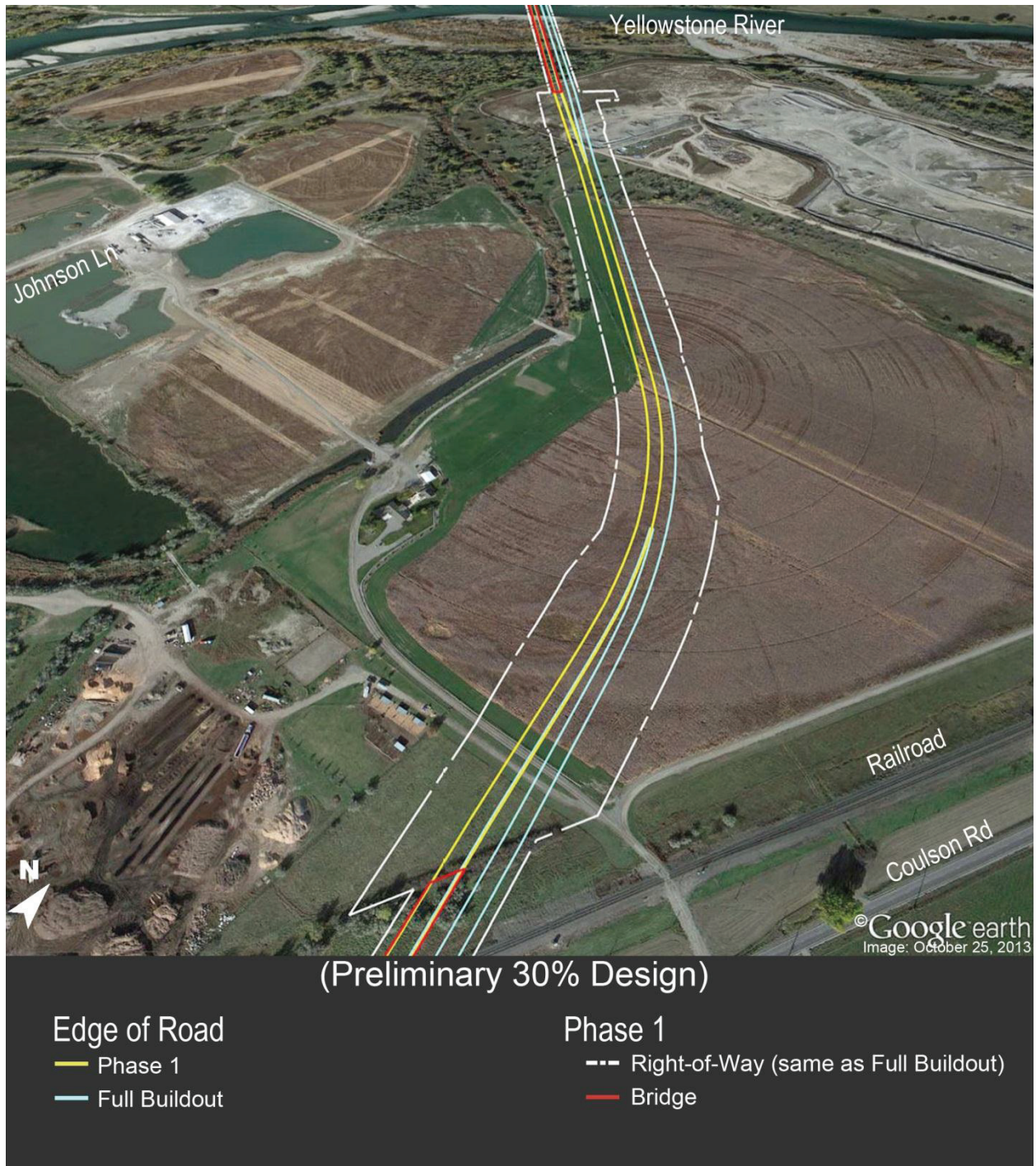






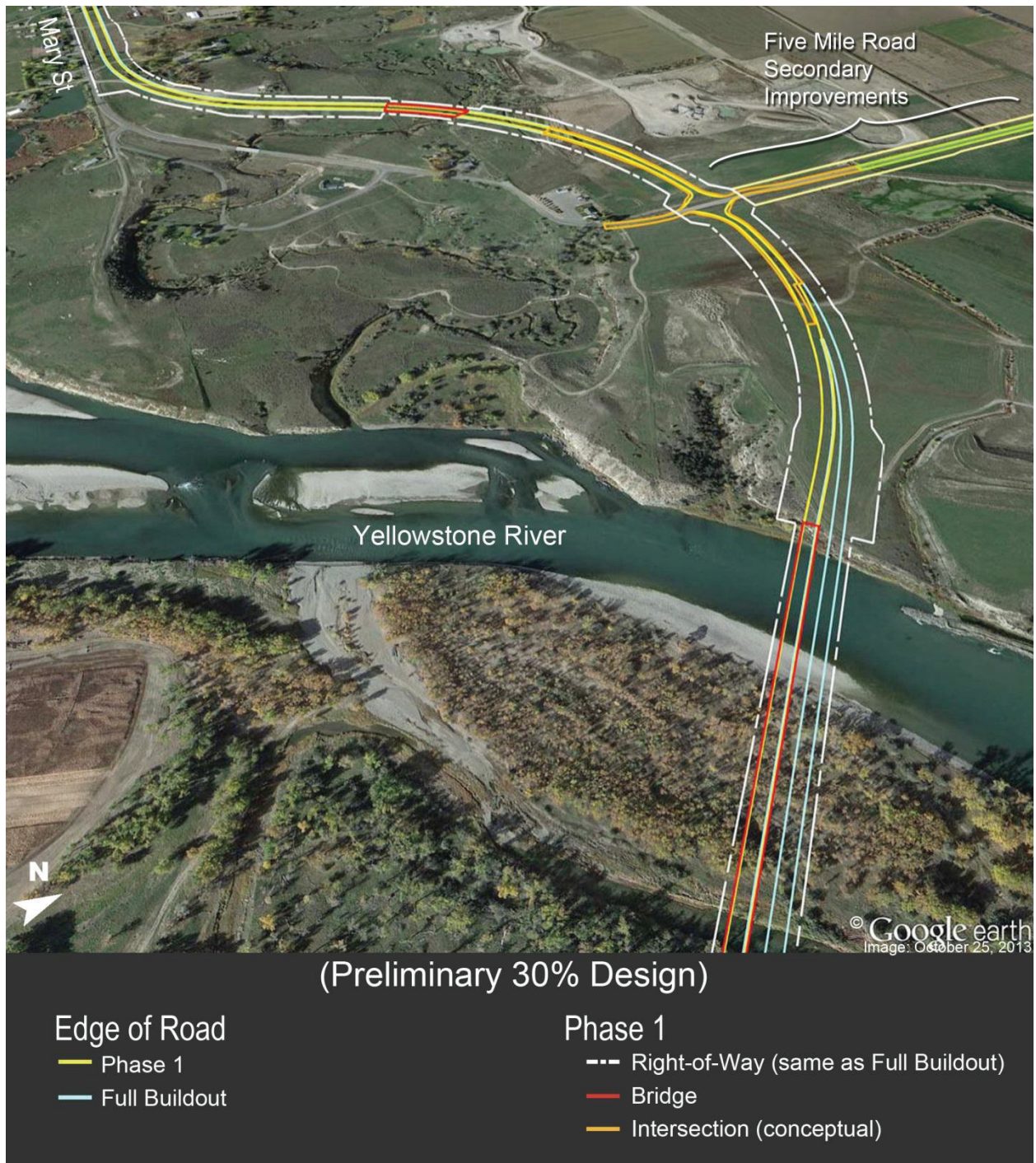
Figure A.3. Phase 1 Design Simulation, South of Yellowstone River Looking Northwest







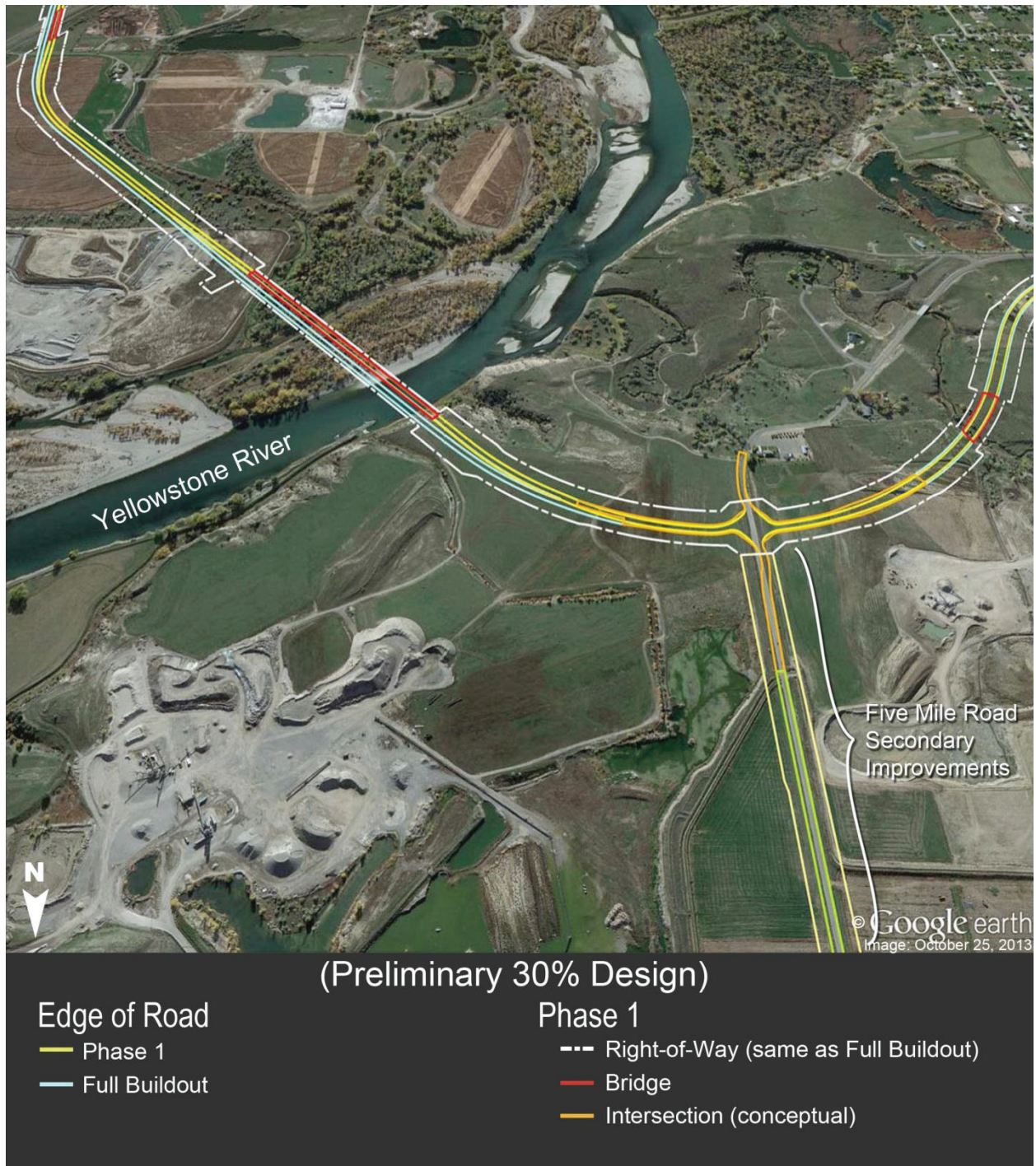
**Figure A.4. Phase 1 Design Simulation, Bridge Over Yellowstone River Looking Northwest**







**Figure A.5. Phase 1 Design Simulation, Crossing Yellowstone River Looking South**







**Figure A.6. Phase 1 Design Simulation, Looking Northeast at Mary Street/Five Mile Road Convergence**

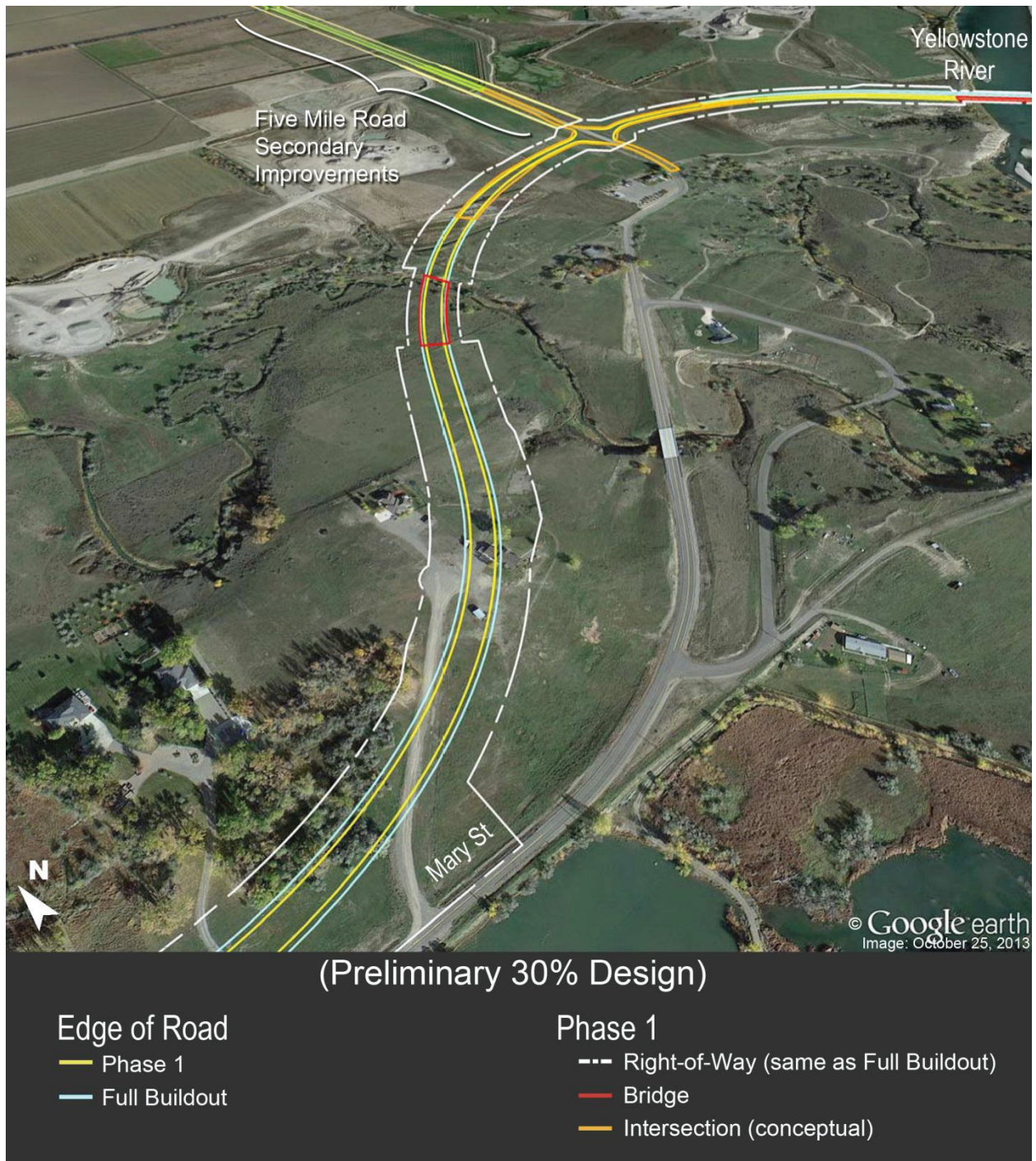






Figure A.7. Phase 1 Design Simulation, Looking West Near Flaming Creek Drive

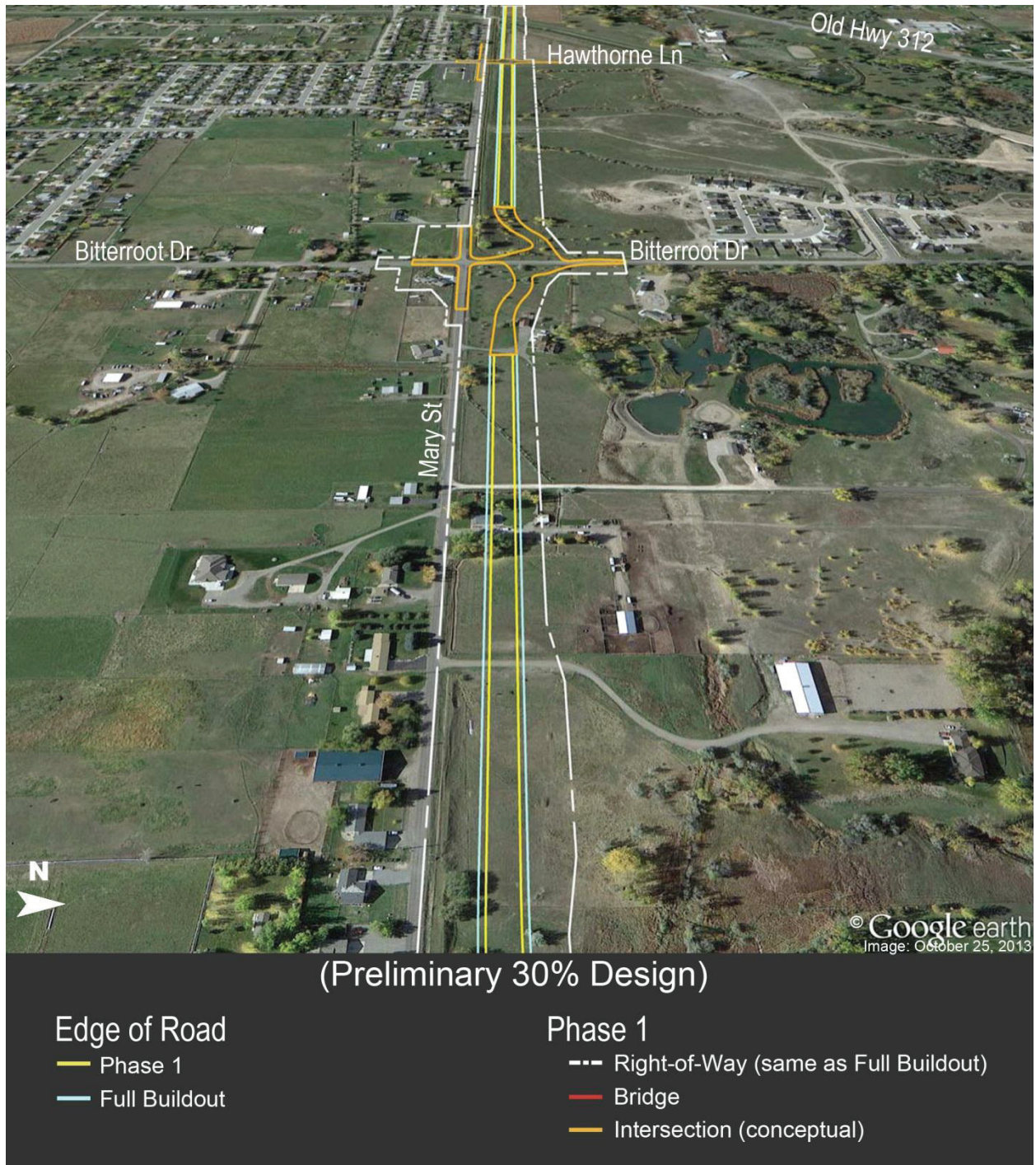






Figure A.8. Phase 1 Design Simulation, Mary Street Looking East from US 87 and Main Street







**Figure A.9. Phase 1 Design Simulation, Five Mile Road Looking South Near Old Hwy 312**





## **APPENDIX B**

# **PUBLIC OUTREACH MATERIALS**





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## NOTICE OF AVAILABILITY

### Billings Bypass - Final Environmental Impact Statement

The Final Environmental Impact Statement (FEIS) is now available for public review. The Billings Bypass FEIS examines alternatives to construct a new principal arterial connecting Interstate 90 (I-90) east of Billings with Old Highway 312 (Old Hwy 312). The purpose of the proposed project is to improve access and connectivity between I-90 and Old Hwy 312 and to improve mobility in the eastern area of Billings.

#### The FEIS is available for Review at:

- Montana Department of Transportation (MDT), 424 Morey Street, Billings, MT
- Montana State University Billings Library, 1500 University Drive, Billings, MT
- City-County Planning Department, 2825 3rd Avenue North, 4th Floor, Billings, MT
- Yellowstone County Commissioners Office (County Courthouse), 217 N. 27th Street, Room 403, Billings, MT
- Lockwood Water & Sewer District, 1644 Old Hardin Rd., Lockwood, MT
- MDT Environmental Services Office - 2960 Prospect Ave., Helena, MT
- Online at: <http://www.mdt.mt.gov/pubinvolve/eis-ea.shtml>
- Call MDT Environmental Services at (406) 444-7228 or (406) 444-9437

#### Written Comments:

- Submit written comments to Tom Martin, MDT, Environmental Services Bureau Chief, PO Box 201001, 2960 Prospect Ave., Helena, MT 59620-1001, or
- Online at: <http://www.mdt.mt.gov/mdt/env-commentform.shtml>

#### For More Information:

- Tom Martin, MDT, Environmental Services Bureau Chief, (406) 444-7228
- Stefan Streeter, MDT, Billings District Administrator, (406) 252-4138

MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any service, program or activity of our department. If you require reasonable accommodations to participate in this open house, please call Mary Guse, David Evans & Associates, Inc. at (720) 225-4608 at least two days before the open house. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592, or call Montana Relay at 711. Alternative accessible formats of this information will be provided upon request.

#### OPEN HOUSE

There will not be a formal presentation at the open house  
**Wednesday, April 9, 2014 6:00 PM - 8:00 PM**  
**Bitterroot Elementary School Gymnasium**  
**1801 Bench Blvd., Billings, MT**



## OPEN HOUSE

### **Billings Bypass - Final Environmental Impact Statement**

The Final Environmental Impact Statement (FEIS) is now available for public review. The Montana Department of Transportation (MDT) and Federal Highway Administration (FHWA) will host an informal open house to update the public about the FEIS and the next steps in the process on Wednesday, April 9, 2014 from 6:00 PM- 8:00PM at the Bitterroot Elementary School Gymnasium, 1801 Bench Blvd., Billings, MT. There will not be a formal presentation at the open house.

The Billings Bypass FEIS examines alternatives to construct a new principal arterial connecting Interstate 90 (I-90) east of Billings with Old Highway 312 (Old Hwy 312). The purpose of the proposed project is to improve access and connectivity between I-90 and Old Hwy 312 and to improve mobility in the eastern area of Billings.

#### **The FEIS is available for Review at:**

- Montana Department of Transportation (MDT), 424 Morey Street, Billings, MT
- Montana State University Billings Library, 1500 University Drive, Billings, MT
- City-County Planning Department, 2825 3rd Avenue North, 4th Floor, Billings, MT
- Yellowstone County Commissioners Office (County Courthouse), 217 N. 27th Street, Room 403, Billings, MT
- Lockwood Water & Sewer District, 1644 Old Hardin Rd., Lockwood, MT
- MDT Environmental Services Office - 2960 Prospect Ave., Helena, MT
- Online at: <http://www.mdt.mt.gov/pubinvolve/eis-ea.shtml>
- Call MDT Environmental Services at (406) 444-7228 or (406) 444-9437

#### **Written Comments:**

- Submit written comments to Tom Martin, MDT, Environmental Services Bureau Chief, PO Box 201001, 2960 Prospect Ave., Helena, MT 59620-1001, or
- Online at: <http://www.mdt.mt.gov/mdt/env-commentform.shtml>

#### **For More Information:**

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- Stefan Streeter, MDT, Billings District Administrator, (406) 252-4138

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#### **OPEN HOUSE**

There will not be a formal presentation at the open house

**Wednesday, April 9, 2014 6:00 PM - 8:00 PM**

**Bitterroot Elementary School Gymnasium**

**1801 Bench Blvd., Billings, MT**

## Billings Bypass Open House

**Wednesday, April 09, 2014 6:00PM - 8:00PM**

**Bitterroot Elementary School Gymnasium**

**1801 Bench Blvd Billings, MT**

MDT and FHWA will host an informal open house to update the public about the FEIS and next steps. Information will be available on the public involvement process, the alternatives considered, the Preferred Alternative, phased implementation of the Preferred Alternative, changes in the Final EIS, and the next steps for the project. There will not be a formal presentation at the open house, but staff will be available to answer questions.

MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any service, program or activity of our department. If you require reasonable accommodations to participate in this meeting, please contact Mary Guse of David Evans and Associates, Inc. at (720) 225-4608 or [mrg@deainc.com](mailto:mrg@deainc.com) at least two days before the open house. For the hearing impaired, the TTY number is (406) 444-7696 or 1 (800) 335-7592, or call Montana Relay at 711. Alternative accessible formats of pertinent information will be provided upon request.

1550 copies of this publication were produced at an approximate cost of \$1.07 each for a total cost of \$1,662. Alternative accessible formats of pertinent information will be provided on request. For further information, contact Mary Guse at (720) 225-4608 or [mrg@deainc.com](mailto:mrg@deainc.com).

### Billings Bypass Final Environmental Impact Statement

The Final Environmental Impact Statement (FEIS) is now available for public review. The Billings Bypass FEIS examines alternatives to construct a new principal arterial connecting Interstate 90 (I-90) east of Billings with Old Highway 312 (Old Hwy 312). The purpose of the proposed project is to improve access and connectivity between I-90 and Old Hwy 312 and to improve mobility in the eastern area of Billings.

### The Billings Bypass FEIS is available for review beginning Friday, March 28, 2014 at the following locations:

- Online at: <http://www.mdt.mt.gov/pubinvolve/eis-ea.shtml>  
or
- MDT Billings District Office, 424 Morey Street, Billings, MT
- Montana State University Billings Library, 1500 University Drive, Billings, MT
- City-County Planning Department, 2825 3rd Avenue North, 4th Floor, Billings, MT
- Yellowstone County Commissioners Office (County Courthouse), 217 N. 27th Street, Room 403, Billings, MT
- Lockwood Water & Sewer District, 1644 Old Hardin Road, Lockwood, MT
- MDT Environmental Services Bureau, MDT Headquarters, 2960 Prospect Avenue, Helena, MT
- Call MDT Environmental Services at (406) 444-7228 or (406) 444-9437

### Written Comments

- Submit written comments to Tom Martin, MDT, Environmental Services Bureau Chief, PO Box 201001, 2960 Prospect Ave., Helena, MT 59620  
or
- Online at: <http://www.mdt.mt.gov/mdt/env-commentform.shtml>

### Contacts

**Tom Martin** MDT Environmental Services Bureau Chief | (406) 444-7634

**Stefan Streeter** Billings District Administrator | (406) 252-4138



BILLINGS BYPASS EIS  
NCPD 56(55)CN 4199



SIGN-IN SHEET  
(Please Print)

INFORMAL OPEN HOUSE  
April 9, 2014

	First and Last Name	Complete Mailing Address
1	ALAN REDMAN	2120 ST. ANDREWS DR. BILLINGS 59105
2	BOB MURRY	512 1/2 16TH ST W BILLINGS MT 59102
3	NATHY KASTELITZ	3505 Pioneer RD Billings 59105
4	Brad Zink	3536 Summerfield Cr. Billings, MT 59105
5	Tony Shaw	2522 Mary Blgs MT 59105
6	Doug McCloskey	1737 Mary St Blgs mt 59105
7	Glenn French	3510 Summerfield Cir Billings MT 59105
8	Chelsea Schwartz	4109 Stone St. Blgs MT 59101
9	Liz Robillard	1606 Mary St.
10	Rick Pentland	2495 B. Herron Dr 59105





BILLINGS BYPASS EIS  
NCPD 56(55)CN 4199



SIGN-IN SHEET  
(Please Print)

INFORMAL OPEN HOUSE  
April 9, 2014

First and Last Name	Complete Mailing Address
Hillary & Greg Enerer	2425 Flaming Creek Dr. Billings, MT 59105
Catherine Dove	1156 Firth St #1 Billings 59101
Denis Pitman	726 Aquarius Pl Billings MT 59105
Diane Fischer	4395 Hwy 87 N. Billings, MT 59105
Travis Heggen	3534 Summerfield Circle Billings, MT 59105
Danielle & Fred Schmidt	2701 Hwy 312 Bsp. MT 59105
Greg Schmidt	Hwy 312 Billings, MT 59105
Sharon & Keera Bowers	1708 Caroline St. Billings, Mt. 59105

Total 12  
Taken →

Total 13  
Taken →

14

15

16

18

19

21





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NCPD 56(55)/CN 4199



**SIGN-IN SHEET**  
(Please Print)

**INFORMAL OPEN HOUSE**  
April 9, 2014

	First and Last Name	Complete Mailing Address
22	Steve Edwards	1832 Barnett Rd. - Blgs, MT 59105
23	Jan "	" "
24	Kenneth Kuhn	1922 Ave C Blgs 59102
25	Sarah Newman	817 Garnet Avenue Billings MT 59105
26	Joni Pentland	2495 Bitterroot Dr.
27	Matt Brosnuch	PO. Box 20318 Billings MT. 59104
28	DON VANICA	2225 N. ECHO DR. BILLINGS MT 59105
29	ANGELA CIMMINO	1745 SYLVAN LANE BILLINGS, MT 59105
30	Matt Martinson	5724 Larimer Ln Billings, MT 59105
31	Bill Howe	3335 DOVER LANE BILLINGS MT 59105



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**SIGN-IN SHEET**  
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**INFORMAL OPEN HOUSE**  
April 9, 2014

	First and Last Name	Complete Mailing Address
32	Sue Anderson	1251 Gardenia Drive Billings MT 59105
33	Kelly Bushey	1204 Caroline St Blgs, MT 59105
36	Robert, Victoria + Maddie Wagenaar	2903 Legacy Lane Blg 59105
37	Dennis Anderson	1436 Stallion Route Blgs, 59105
38	Tim Wipke	4785 Middle Valley Dr. Billings 59105
40	Jason + Michelle Lang	904 Mary St Blgs 59105
41	Gary Diekhart	3045 Arnold Palmer Blgs 59106
42	Roger Williams	2512 Irving Pl. Billings, MT 59102
43	Ron Smith	2927 Cook Ave Billings MT 59102 rhughsmith@gmail.com
45	Stan & Nancy Johnson	1904 Brian Ln Billings, MT. 59105

did  
not  
get a  
card.





**INFORMAL OPEN HOUSE**  
**April 9, 2014**

	First and Last Name	Complete Mailing Address
46	James Mollerstuen	P.O. Box 50040 Billings MT 59105
47	Pam Ellb	2000 Outlook Drive 59105
48	Kirk Spalding	776 Agate, 59105
49	Tom Zorbacken	1747 Wicly
50	David Jay	HTVQ



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**INFORMAL OPEN HOUSE**  
April 9, 2014

	First and Last Name	Complete Mailing Address
51	Marv Triggs	1001 Johnson En Billings MT 59101
52	Colleen Shaw	2522 Mary St. Billings, MT 59105
53	Blue Eyes Watts Overice	9728 Cormier Rd. Billings MT 59101
54	Diane Kostecky	2920 Banker Hill A Billings MT 59105
55	Evelyn Degehart	2547 Roundup Road Billings MT 59105
56	Peter Light	2904 Bitterroot Dr Billings MT 59105
58	Christina Lasater & Chris Gomer	1215 Gardenia Dr. Billings, MT 59105
60	Jim & Linda Boyd	2946 US Hwy 312 East Belo MT 59105
61	RICHARD SCHUELER	1040 NATIER BILLINGS 59105
62	Virgil Middendorf	1642 Natalie St Billings 59105



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**SIGN-IN SHEET**  
(Please Print)

**INFORMAL OPEN HOUSE**  
April 9, 2014

	First and Last Name	Complete Mailing Address
64	Kristie Tony DoStermeyer	1985 Mary St. Billings MT 59105
65	CHRIS RILEY	PO BOX 9508 HELENA, MT 59604
66	Kevin McGovern	P.O. Box 80252 Billings, MT 59108
67	DAVID SCHUMAN	P.O. Box 31956 BLG'S, MT. 59107-1956
68	Buane L. Meiers	
69	John Thompson	404 Tamarisk Dr. Billings MT 59105
70	Ron Beck	1724 Deep Powder Drive Billings MT 59105
71	Don Thoresen	1835 MARUS Billings MT 59105
72	LEON SCHEELER	1144 Mary St. Billings, MT 59105
73	Shirley Hample	5219 45 Hwy 312 Billings, MT 59105





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**SIGN-IN SHEET**  
(Please Print)

**INFORMAL OPEN HOUSE**  
April 9, 2014

	First and Last Name	Complete Mailing Address
74	Kelly Selph	2347 Columbine St Billings 59105
75	JR Chapman	1745 MARY ST Billings MT 59105
76	Mike Southworth	2464 Clearwater Way Billings MT 59105
77	Tom Langest	1233 Gardenier Dr Billings, MT 59105
78	Cole Korum	1414 3 <sup>rd</sup> Ave N Blgs 59101
79	Sherrill Helderop	1808 Prescott Dr.
80	Cheryl Cathey	1705 Mary St.
81	Roger Webb	1132 Ginger Ave. 59105
82	Eric Skaggs	946 Mary St 59105
83	Bobbie Skaggs	946 Mary St 59105





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**SIGN-IN SHEET**  
(Please Print)

**INFORMAL OPEN HOUSE**  
April 9, 2014

	First and Last Name	Complete Mailing Address
84	Terry Odegard	2101 Lake Hills Drive Billings, MT 59105
85	Jim Romguillo	820 South 28 <sup>th</sup> 59101
86	Virginia Sindelar	3114 Dover Rd 59105
87	WARY CATHEY	1506 MARY ST 59105
89	Bob & Darlene Broderon	3927 US Hwy 312 59105
90	Brandy Dangertfield	1803 US HWY 87 E #3 Billings, MT 59101
92	Larry & Arlene Van Dyke	Alamy Lane Billings mt.
93	Ellen Johnson	1650 Mary ST
95	Nina & Jerry Miller	1920 Mary St.
96	MIKE Brown	2341 COLUMBINE 59105



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NCPD 56(55)/CN 4199



**SIGN-IN SHEET**  
(Please Print)

**INFORMAL OPEN HOUSE**  
April 9, 2014

	First and Last Name	Complete Mailing Address
97	Don Hofer	3345 Dover Lane Billings MT 59105
98	Kris Schmidt	10 Almaden Lane
99	Norm Shoenthal	Two Moon Rd.
100	Susan Gubertz	City/Co. Planning Board
101	Nic Rockenbach	2024 1 <sup>st</sup> Ave SW 201 59105
102	Greg Kimmell	916 Mary ST
103	Greg Kimmell	910 Mary ST
104	Kim Comber	2046 Mary St.
105	Sharon Williams	1043 N 23 <sup>rd</sup> , Apt 1 59101
106	Tracy Thoreson	<del>1836</del> 1835 Mary St. Billings, MT. 59105

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as  
102?





BILLINGS BYPASS EIS  
NCPD 56(55)CN 4199

**SIGN-IN SHEET**  
(Please Print)

**INFORMAL OPEN HOUSE**  
April 9, 2014

	First and Last Name	Complete Mailing Address
107	Rob Dunn	2301 Bitterroot Drive
108	Sherry Milburn	2662 Clearwater Way 59105
109	Ingrid Allen	1432 Mary St
110	Joe Allen	1432 Mary St
111	Steph Allen	1414 Mary St
112	M. Souza	1512 MARY ST
113	Paul Van Tricht	1134 N. 24th
114	Bob Riehl	126 Rolling Meadow Dr. 59101
115	Bruce W. Larsen	316 Bench 59105
116	Corey Chapman	1745 Mary Street



## **APPENDIX C**

# **RESPONSES TO COMMENTS ON THE FINAL EIS**



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## APPENDIX C – RESPONSES TO COMMENTS ON THE FINAL EIS

Comments on the Final Environmental Impact Statement (FEIS) were grouped into the following categories: Agencies, Organizations and Interest Groups, and Individuals. MDT received 31 separate communications in the form of letters, emails, and comments entered on MDT’s “Contact Us” webpage.

Each correspondence is numbered. Responses were prepared for each correspondence. In cases where there are multiple questions or comments to address within just one correspondence, each individual comment has been numbered and delineated with a bracket. In general, the correspondence will appear on the left-hand pages of the appendix and the response to comments will be on the right-hand pages, across from the correspondence.

### Alphabetized Index of Comments Received on the FEIS

NAME	DOCUMENT ID	SOURCE	PAGE
<b>AGENCIES</b>			
Montana Historical Society Montana State Historic Preservation Office Kathryn Ore, Review and Compliance Officer	AGN-1	Letter	C-4
Montana Historical Society Montana State Historic Preservation Office Kathryn Ore, Review and Compliance Officer	AGN-2	Letter	C-6
U.S. Environmental Protection Agency Region 8 Robin Coursen	AGN-3	MDT “Contact Us” Webpage	C-8
<b>ORGANIZATIONS AND INTEREST GROUPS</b>			
County Water District of Billings Heights Duke Nieskens, General Manager	ORG-1	MDT “Contact Us” Webpage	C-10
Lockwood Steering Committee Bob Riehl	ORG-2	MDT “Contact Us” Webpage	C-12
John H. Dover Memorial Park (Dover Park) Bruce W. Larsen	ORG-3	MDT “Contact Us” Webpage	C-14
Yellowstone River Parks Association Alan Parker	ORG-4	Email	C-18
Yellowstone River Parks Association Roger Williams	ORG-5	MDT “Contact Us” Webpage	C-28
<b>INDIVIDUALS</b>			
Adian, Dan	IND-1	MDT “Contact Us” Webpage	C-30
Belcher, Gayle	IND-2	MDT “Contact Us” Webpage	C-32
Brown, Jim	IND-3	MDT “Contact Us” Webpage	C-34
Fiscus, Clayton	IND-4	Letter	C-36



NAME	DOCUMENT ID	SOURCE	PAGE
Fiscus, Clayton	IND-5	Letter	C-38
French, Glenn	IND-6	MDT “Contact Us” Webpage	C-42
George	IND-7	MDT “Contact Us” Webpage	C-44
Heggem, Travis	IND-8	MDT “Contact Us” Webpage	C-48
Martin, Janet	IND-9	MDT “Contact Us” Webpage	C-50
Martin, Jesse	IND-10	MDT “Contact Us” Webpage	C-52
Parker, Alan	IND-11	Email	C-54
Pitman, Denis	IND-12	MDT “Contact Us” Webpage	C-56
Reichert, Mona	IND-13	Letter	C-58
Rogers, RJ	IND-14	MDT “Contact Us” Webpage	C-60
Roller, Steven	IND-15	MDT “Contact Us” Webpage	C-62
Skaggs, Bobbie	IND-16	MDT “Contact Us” Webpage	C-64
Southworth, James O.	IND-17	Letter	C-66
Thoreson, Tracy E.	IND-18	MDT “Contact Us” Webpage	C-68
Thoreson, Tracy E.	IND-19	MDT “Contact Us” Webpage	C-72
Wiens, Tim	IND-20	MDT “Contact Us” Webpage	C-74
Wilde, Tom	IND-21	MDT “Contact Us” Webpage	C-76
Zurbuchen, Kathryn	IND-22	MDT “Contact Us” Webpage	C-78
Zurbuchen, Tom	IND-23	MDT “Contact Us” Webpage	C-80



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**BILLINGS BYPASS EIS**  
NCPD 56(55)/CN 4199



**RECORD OF DECISION – JULY 2014**

**Comment AGN-1 Montana Historical Society, Montana State Historic Preservation Office, Kathryn Ore, Review and Compliance Officer**



*Historic Preservation  
Museum  
Outreach & Interpretation  
Publications  
Research Center*  
**RECEIVED**

April 1, 2014

**APR - 2 2014**

**ENVIRONMENTAL**

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

RE: Billings Bypass Final Environmental Impact Statement  
BILLINGS BYPASS – EIS  
Project No. NCPD 56(55)  
Control Number: 4199

Dear Mr. Martin:

Thank you for the letter (received March 31, 2014) and opportunity to comment on the provided Final Environmental Impact Statement (FEIS). According to our records, no formal determination of effect to historic properties has been completed by the Montana Department of Transportation for the Billings Bypass undertaking. Therefore, the Section 106 review process has not been formally concluded.

We would like to remind you that when coordinating Section 106 review with the development and approval of an EIS under the National Environmental Policy Act (NEPA), it is required that Section 106 review is completed prior to signing the Record of Decision (ROD). If you have any questions, please consult *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106* available online at the Advisory Council on Historic Preservation's website at [http://www.achp.gov/docs/NEPA\\_NHPA\\_Section\\_106\\_Handbook\\_Mar2013.pdf](http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf).

Do not hesitate to contact me with any comments or concerns at (406) 444-0388 or [kore@mt.gov](mailto:kore@mt.gov). Thank you for consulting with us.

Sincerely,

  
Kathryn Ore  
Review and Compliance Officer  
Montana State Historic Preservation Office

Cc: Jon Axline, Historian, Environmental Services, Montana Department of Transportation

File: MDT – 2014 – 2014033104

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





**Response AGN-1 Montana Historical Society, Montana State Historic  
Preservation Office, Kathryn Ore, Review and Compliance Officer**

**Gocksch, Thomas**

---

**From:** Axline, Jon  
**Sent:** Thursday, April 03, 2014 7:19 AM  
**To:** Ore, Kathryn  
**Cc:** Gocksch, Thomas; Martin, Tom  
**Subject:** NCPD 56(55)/Billings Bypass - EIS/UPN 4199  
  
**Expires:** Tuesday, September 30, 2014 12:00 AM

Kathryn- We are in receipt of your letter of April 1, 2014 in regards to the cultural resource section of the final EIS for the above project. We wish to point out, however, that the MDT received SHPO concurrence on December 29, 2011 for the Determination of Effect submitted to your office the previous month. We have, therefore, completed the Section 106 process for this MDT project. Information provided to you since 2011 has been in regards to the National Register eligibility of historic properties on the periphery of the project, all of which were determined ineligible for the NRHP. If you have any questions, I would refer you to the EIS, which is available electronically on the MDT's website.

*Jon Axline*

Historian  
Environmental Services  
Montana Department of Transportation  
2701 Prospect Avenue  
Helena, MT 59620-1001



**BILLINGS BYPASS EIS**  
NCPD 56(55)/CN 4199



**RECORD OF DECISION – JULY 2014**

**Comment AGN-2 Montana Historical Society, Montana State Historic Preservation Office, Kathryn Ore, Review and Compliance Officer**

Big Sky. Big Land. Big History.

**Montana**  
**Historical Society**

*Historic Preservation  
Museum  
Outreach & Interpretation  
Publications  
Research Center*

April 3, 2014

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

RECEIVED  
APR - 4 2014  
ENVIRONMENTAL

RE: Billings Bypass Final Environmental Impact Statement  
BILLINGS BYPASS – EIS  
Project No. NCPD 56(55)  
Control Number: 4199

Dear Mr. Martin:

Thank you for the prompt response to our April 1, 2014 comments regarding the Billings Bypass Final Environmental Impact Statement. We are happy to be reminded that the Montana Department of Transportation has completed a determination of effect (December 29, 2011) for the proposed undertaking, pursuant to 36 C.R.F 800. Additionally, since the provided addendums to the completed Class III Cultural Resource Survey did not identify any historic properties, we agree that the initial determination of effect remains applicable.

Do not hesitate to contact me with any comments or concerns at (406) 444-0388 or kore@mt.gov. Thank you for consulting with us.

Sincerely,

Kathryn Ore  
Review and Compliance Officer  
Montana State Historic Preservation Office

Cc: Jon Axline, Historian, Environmental Services, Montana Department of Transportation

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



**Response AGN-2 Montana Historical Society, Montana State Historic  
Preservation Office, Kathryn Ore, Review and Compliance Officer**

Thank you for your correspondence confirming that the Section 106 process is complete.



## Comment AGN-3 U.S. Environmental Protection Agency, Region 8, Robin Coursen

**From:** [www.mdt.mt.gov](http://www.mdt.mt.gov)  
**Sent:** Wednesday, April 02, 2014 3:43 PM  
**To:** [mdtbillingsbypasseis@mt.gov](mailto:mdtbillingsbypasseis@mt.gov)  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/02/2014 15:43:15  
Name: Robin Coursen  
Email Address: [coursen.robin@epa.gov](mailto:coursen.robin@epa.gov)

**Comment or Question:**

The EPA Region 8 office has not received an official copy for our review. Please transmit asap. Thank you.

Reference Number = bypasscomment\_80853271484375





### **Response AGN-3 U.S. Environmental Protection Agency, Region 8, Robin Coursen**

In accordance with the project's Coordination Plan for Agency & Public Involvement, the EPA Montana Division office is considered the point of contact for the EPA and received an electronic copy of the FEIS on March 28, 2014. Following receipt of your e-mail a member of the project team contacted you and provided a CD containing a copy of the FEIS. Please note that the FEIS was also available at the MDT public involvement website.



## **Comment ORG-1 County Water District of Billings Heights, Duke Nieskens, General Manager**

**From:** [www.mdt.mt.gov](http://www.mdt.mt.gov)  
**Sent:** Monday, March 31, 2014 2:49 PM  
**To:** [mdtbillingsbypasseis@mt.gov](mailto:mdtbillingsbypasseis@mt.gov)  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 03/31/2014 14:48:56  
Name: Duke Nieskens, G.M.  
Email Address: [cwdbh@hotmail.com](mailto:cwdbh@hotmail.com)

**Comment or Question:**

This may not be the right time to bring this up but the County Water District of Billings Heights has existing water mains crossing at the proposed intersections at Bitterroot, Columbine and Hawthorne that will need to be cased being they will be under the proposed Bypass. We assume this will be paid for completely by the State as part of the project.

Thanks,  
Duke Nieskens, General Manager  
County Water District of Billings Heights  
1540 Popelka Dr.  
Billings, MT 59105  
T 406-252-0539  
F 406-252-0518

Reference Number = bypasscomment\_2679443359375



**Response ORG-1 County Water District of Billings Heights, Duke Nieskens,  
General Manager**

Thank you for your letter. The information about the water utilities is useful and will be considered and addressed as the project proceeds to final design.



## Comment ORG-2 Lockwood Steering Committee, Bob Riehl

**From:** [www.mdt.mt.gov](http://www.mdt.mt.gov)  
**Sent:** Thursday, April 10, 2014 4:34 PM  
**To:** [mdtbillingsbypasseis@mt.gov](mailto:mdtbillingsbypasseis@mt.gov)  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/10/2014 16:33:54  
Name: Bob Riehl  
Email Address: [briehl@usadig.com](mailto:briehl@usadig.com)

**Comment or Question:**

I am with the Lockwood Steering Committee and would like to thank MDT for it's work on what appears to be a very complete EIS. We agree with the selection of the preferred alternative it follows the criteria defined at the outset of the project.

Your public process was very effective in our community and we thank you for taking our input.

Thanks,  
Bob Riehl  
860-0272  
Lockwood Steering Committee, Treasurer

Reference Number = bypasscomment\_680633544921875





**Response ORG-2 Lockwood Steering Committee, Bob Riehl**

Thank you for your comment.



## **Comment ORG-3 John H. Dover Memorial Park (Dover Park), Bruce W. Larsen**

**From:** [www@mdt.mt.gov](mailto:www@mdt.mt.gov)  
**Sent:** Monday, April 28, 2014 5:18 PM  
**To:** [mdtbillingsbypasseis@mt.gov](mailto:mdtbillingsbypasseis@mt.gov)  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/28/2014 17:18:05  
Name: Bruce W Larsen  
Email Address: [bigideacompany@aol.com](mailto:bigideacompany@aol.com)

**Comment or Question:**

John H. Dover Memorial Park (Dover Park) is a Master Plan for a future 350+ acre public park directly in the path of the Billings Bypass Plan Mary Street Option 2. The Dover Park Master Plan is an ongoing project of Yellowstone River Parks Association (YRPA), a 501C3 organization established in the early 90's whose mission is to create public Greenways and parks along the Yellowstone River in the vicinity of Billings, Montana. The Dover Park Master Plan was submitted to Montana Department of Transportation (MDT) by YRPA during a previous meeting with MDT consultants (Evans and Associates).

YRPA now owns contiguous lands to be included in the Dover Park Plan while other contiguous portions of the Park plan are slated to be donated to YRPA sometime in the near future. Those lands are currently being mined for gravel of which the royalty payments from the gravel production are donated to YRPA for use in Dover Park.

The Dover Park Plan has now been implemented on lands under an agreement with the Nature Conservancy. The lands within this Conservation Easement are also affected by the Bypass Plan as part of the Five Mile Road Secondary Alignment. Trails, the Trail Head Parking Area and a new 200' suspension bridge within the easement will be completed by the end of this year. These three projects are within the Conservation Easement and will be substantially impacted by the Bypass Plan.

All these lands were donated by James Sindelar, an heir of John H. Dover for use as a natural public park, wildlife and low impact recreation area. A bypass highway through this area was never part of that plan--nor should it be.

The Mary Street Option 2 and Five Mile Road Alignment Alternatives effectively divide Dover Park in half rendering it significantly less effective as a large scale land and wildlife preservation effort. Connectivity between the halves will be lost. Projected noise impacts (which are largely underestimated in the MDT proposal) from the Bypass Project are not compatible with this naturally secluded area. Highway traffic noise is disturbing both to wildlife and those who will visit Dover Park for its solitude.

With the exception of the Five Mile Road Secondary Alignment physical and visual impacts upon Dover Park per the Mary Street Option 1 are less than the other two alternatives. Dover Park is a work of art and must not be framed or marred by a highway running through it.

I am a longtime Board member of YRPA and actively engaged in the design and implementation of trails and green space within several parks along the Yellowstone River, especially John H. Dover Memorial Park. The Bypass Project does not belong in this park. It is not esthetic or complimentary in any way and a detriment to our Master Plan. The work YRPA plans and engages in is funded by very generous people who are as



### **Response ORG-3 John H. Dover Memorial Park (Dover Park), Bruce W. Larsen**

Thank you for your letter and information regarding plans for Dover Park. MDT and FHWA are committed to working with the YRPA as the project proceeds to final design and construction.

Based on comment letters from members of the YRPA on the DEIS, the FEIS was modified to clarify the potential impacts to the future John H. Dover Memorial Park, and further clarification is presented in the ROD in Section 4. None of the build alternatives would preclude development of the park, but there would be impacts associated with the project, as disclosed in the FEIS in Section 4.3.2.

The FEIS also acknowledges (in Appendix J) that “the proposed bridge for Mary Street Option 2 would be an encroachment onto the landscape. The contrasting elements it introduces would increase the vividness of the view and make it more memorable. Intactness would decrease due to the addition of the structure, which is large and conspicuous from this perspective, therefore dominating and encroaching onto the view . . . Park users from this viewpoint would likely see the bridge as an encroachment given its proximity and the overall decrease in visual quality expected here.” Additionally, noise would increase in this area where the future park is proposed, given that minimal traffic noise currently exists in that location.

As noted in the FEIS and the ROD, MDT and FHWA will coordinate with park planners regarding impacts to the planned John H. Dover Memorial Park during final design. As indicated in the FEIS (response to ORG-3 in Appendix J), MDT and FHWA will work closely with the YRPA to mitigate impacts and implement safety measures regarding the proposed future park to the extent possible.



**Comment ORG-3 John H. Dover Memorial Park (Dover Park), Bruce W. Larsen (cont.)**

passionate about parks and greenways as I am. YRPA facilitates their wishes. We and our donors ultimately serve the public in a way which can only be created by capturing and presenting something as beautiful as this natural landscape by integrating trails and other amenities for the people in our community. Our mission is our priority and our performance speaks for itself.

Bruce W Larsen  
Boardmember, Yellowstone River Parks Association

Reference Number = bypasscomment\_240020751953125





**Response ORG-3 John H. Dover Memorial Park (Dover Park), Bruce W. Larsen  
(cont.)**

Thank you again for your input. Comments addressed on previous page.



## Comment ORG-4 Yellowstone River Parks Association, Alan Parker

**From:** Gocksch, Thomas <tgocksch@mt.gov>  
**Sent:** Monday, April 28, 2014 10:57 AM  
**To:** Alan Parker  
**Cc:** Mara Krinke; Bente, Fredrick; Ron Bockelman  
**Subject:** RE: For Mary Street Option 1, Against Mary Street Option 2

Thank you for taking the time to submit comments on the FEIS. I will make sure that they are included in the public record and considered during development of the Record of Decision.

**From:** Alan Parker [<mailto:montanaphlowerco@gmail.com>]  
**Sent:** Saturday, April 26, 2014 3:18 PM  
**To:** Gocksch, Thomas  
**Cc:** Darryl Wilson; Don Wirth; Roger Williams; Ken Reiter, Jr.; [ron.smith@yrpa.org](mailto:ron.smith@yrpa.org); bigbicycle .; Earl Guss; Merry Ann Peters; Lee, Terry Zee; Walters, Terri; Jim Bauer; Bob Liddell; Bob Mackin; Boris Krizek; Gary Buchanan; Cameron Parker; Sue Dow; Drake Smith; Fran Nunn; Sandra Fischer; Billie Hicks; Janna Hafer; Randy Hafer; John Spencer; Mihail Kennedy; Benjamin Landry; Norm Schoenthal; Sharon Brogan  
**Subject:** For Mary Street Option 1, Against Mary Street Option 2

Tom,

Thank you for the time you took to explain some of the fine points of the project at this stage.

Attached please find my expanded comments regarding the FEIS, Preferred Alternative, And YRPA holdings, development, and status.

Please enter my comments into the FEIS public comment database, attached here in .pdf format.

Regards,

Alan Parker, YRPA boardmember  
[alan.parker@YRPA.org](mailto:alan.parker@YRPA.org)



**Response ORG-4 Yellowstone River Parks Association, Alan Parker**

Detailed comments begin on the next page.



## Comment ORG-4 Yellowstone River Parks Association, Alan Parker (cont.)

Comment on the FEIS for Billings Bypass, March 2014, NCPD 56 (55) Control Number 4199

My Name is Alan Parker, I live in Billings Heights.

I am a member of the board of directors of Yellowstone River Parks Association. ([www.YRPA.org](http://www.YRPA.org)) We are a 501c3 non profit. Our general email contact address is: [yrpa@yrpa.org](mailto:yrpa@yrpa.org).

Our Mission Statement is: The Yellowstone River Parks Association is an organization that makes the most of the Yellowstone River, its banks, and environs for recreation, nature, study, tourism, education, commerce, ecology, and sport. Yellowstone River Parks Association precipitates, coordinates, and promotes projects and events which open up the beauty and usefulness of the river to all our residents and visitors.

Our partners have included Federal, State, and City governments, Civic groups. Other non-profit entities, and a wide army of volunteers and donors.

Our history begins in the mid 1980's. By 1991 YRPA had sprouted and we commissioned the Yellowstone Greenway Master Plan by Wirth Design Associates in 1994, a comprehensive study of resources and opportunities from Duck Creek west of Billings to Dover Island to the East. The ensuing decades have included numerous park, trail, and collaborative projects mostly in the public sector and some such as the Audubon Conservation Education Center in conjunction with other non-profit organizations.

My comments today **for Mary Street Option 1** of the Billings Bypass Project to those conducting the FEIS, will Expand, Clarify, and Update our earlier comments during the project's life.

By reference these comments are included as identified in Appendix J, ORG 5,6, & 7 and Appendix G letters dated 6/17/11, 9/13/12, and 9/21/12. I will further wish to comment on Section 3.2.2 of the FEIS, 4(f) status, and YRPA development of John H. Dover Memorial Park.

I am also voicing **against Mary Street Option 2** and to our need of mitigation against aesthetic degradation of visual, noise, and access of our property and diminished property area, value, and utilization, especially as they relate to Mary Street Option 2 effects upon our property in particular and the project's effects on the community in general especially for non motorized trail users.

Changes to John H. Dover Memorial Park (JHDMP) since late 2012. We have substantially completed removal of cross fences, scrap, derelict buildings and bridges. We have also established hundreds of yards of primary trails and secondary trails, including two new steel span bridges and one new cable suspension bridge over 5 Mile Creek. See Google Earth for ~August 2013 progress. The Rocky Mountain College biodiversity study is now complete.

We will during this coming work season complete two additional suspension bridges, surfacing of trails, adding additional primary trails in the permanent easement right of way on the bench lands, re-introduce irrigation in some areas, and otherwise conduct full-on the development of this incredible parkland resource. Our goal is to open to the general public in 2015. While fulfilling our entire 2010 Master Plan may hinge on circumstances beyond our control, our initial ~150 acre holding will soon be completed. We are a 501c3 with open membership, we are public. And we are looking for a public entity to collaborate with. In short we are creating a public park.

We anticipate in the phased development scenario currently envisioned for Billings Bypass Project that YRPA will provide significant input to further project refinement and engineering design.





### **Response ORG-4 Yellowstone River Parks Association, Alan Parker (cont.)**

Thank you for your comments and for the updated information regarding John H. Dover Memorial Park (developments since late 2012 to today). The information you provided regarding suspension bridges, parking lot, and trails will be shared with the design team moving forward with the Mary Street Option 2 Alternative.

Regarding your concerns about impacts, as indicated in the FEIS and repeated above (response to ORG-3), MDT and FHWA will work closely with the YRPA to minimize or mitigate impacts and implement safety measures to the extent practicable regarding the proposed future park.



## Comment ORG-4 Yellowstone River Parks Association, Alan Parker (cont.)

Specifically crossings of non motorized users above the road grade. The road grade shielded from view by siting it below terrain grade wherever possible and by appropriate barriers or screens where this is impracticable. Further that the 5 Mile Road re-alignment should be shifted west to avoid conflict with the JHDMP parking lot and ravine suspension bridges.

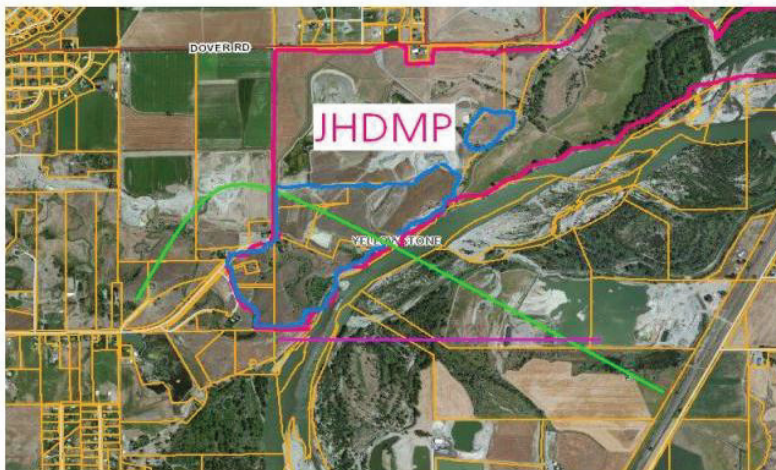
In 1995 the Sindelar family began protecting this special place under conservation easements. In 1998 they had chosen YRPA as the organization to bring the park into reality. YRPA continues to honor our donor's wishes to see their vision of a park honoring their patriarch and the original homesteader John H Dover fully realized.

For Mary Street Option 1 Yes! Greater long term flexibility for all stakeholders.

Against Mary Street Option 2.

When you go with the cheapest route, one thing you may surely get... the least valuable outcome.

Should you wish to have a more valuable, effective outcome some enhancements may be worth the cost.



I press these questions:

Will John H Dover Memorial Park be more valuable as a single contiguous space, capable of evolving as users refine their utilization of the space, or as a bisected space of diminished area with inflexible access points?

Will the local communities use be diminished forever by having this road pass through the center of a place intended for appreciation of the natural world and the pioneers efforts?

Will other community minded land owners be encouraged by your actions in Option 2, in their decades of effort to place gifts in the public realm for recreation and enjoyment of all?

Does Option 2 in any way outperform Option 1 in operational functionality?

In closing, thank you for this opportunity to be on the record.

Regards,  
Alan Parker  
alan.parker@yrpa.org



### **Response ORG-4 Yellowstone River Parks Association, Alan Parker (cont.)**

Response continued from above.

Regarding the question below the map about operational functionality:

Mary Street Option 1 and Mary Street Option 2 Alternatives had similar operational performance. The decision to select Mary Street Option 2 was based on environmental and social performance, as well as cost. The reasons for selecting the Preferred Alternative are summarized in Section 2.2 of the ROD and presented in greater detail in Section 2.4 of the FEIS.

Thank you again for taking the time to submit comments and remain engaged on the project.



**Comment ORG-4 Yellowstone River Parks Association, Alan Parker (cont.)**

**Yellowstone River Parks Association**



*Master Plan*  
**JOHN H. DOVER MEMORIAL PARK**  
*12.1.2010*





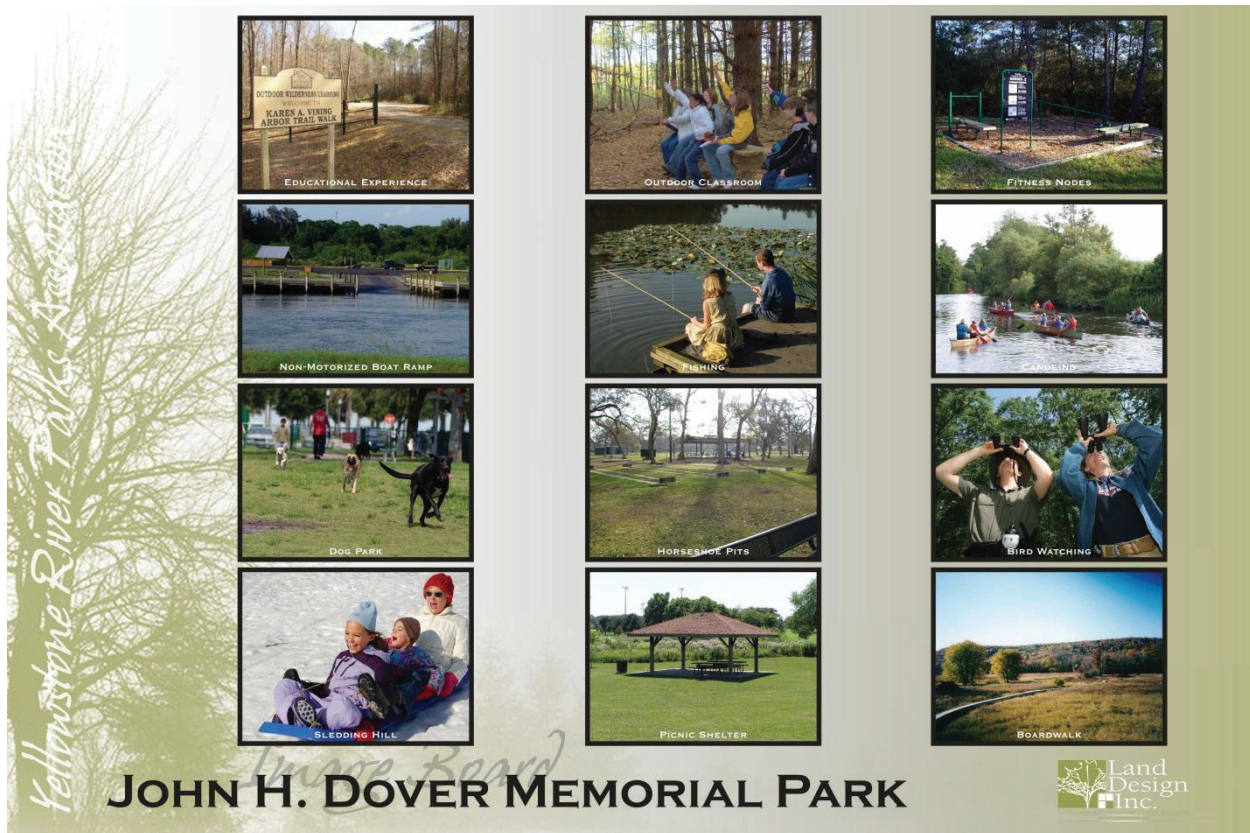


**Comment ORG-4 Yellowstone River Parks Association, Alan Parker (cont.)**



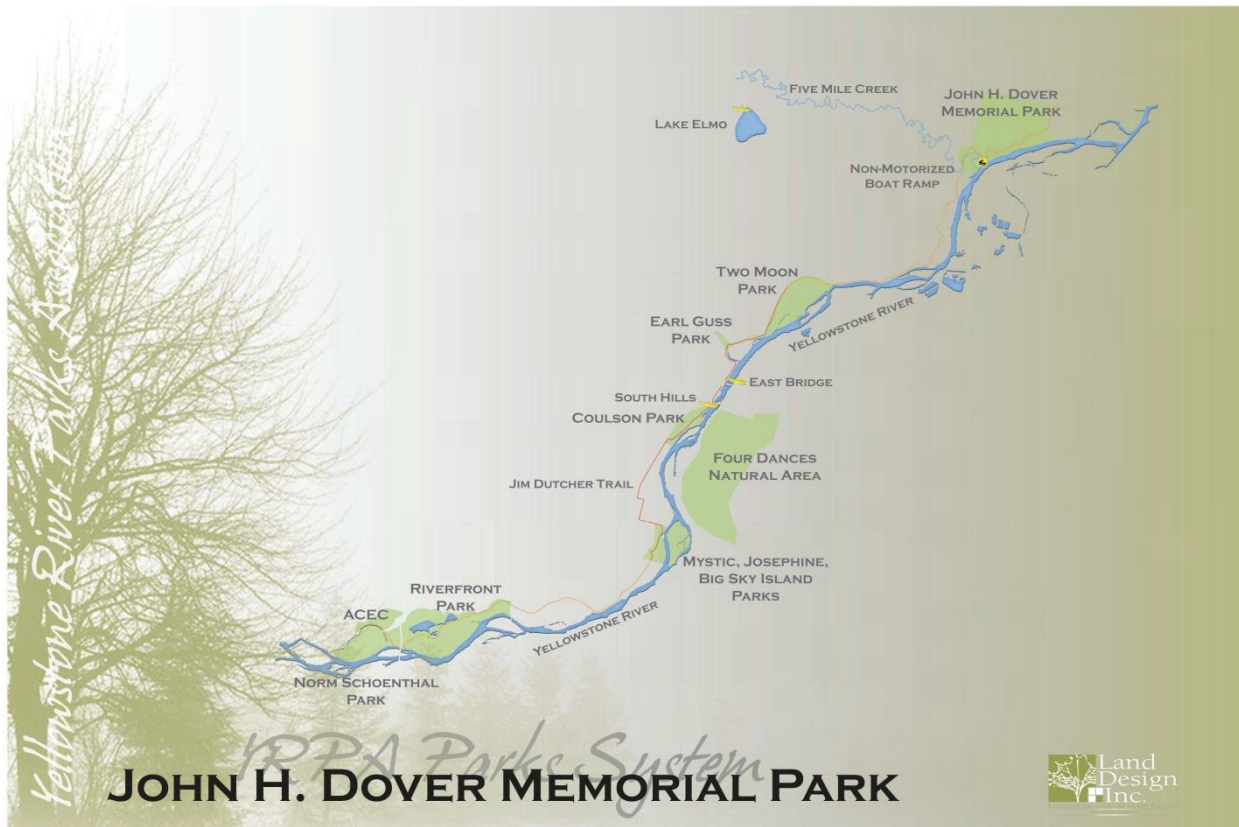


**Comment ORG-4 Yellowstone River Parks Association, Alan Parker (cont.)**





**Comment ORG-4 Yellowstone River Parks Association, Alan Parker (cont.)**







## Comment ORG-5 Yellowstone River Parks Association, Roger Williams

**From:** www@mdt.mt.gov  
**Sent:** Monday, April 28, 2014 1:12 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/28/2014 13:11:53  
Name: Roger Williams  
Email Address: [roger.williams@yrpa.org](mailto:roger.williams@yrpa.org)

Comment or Question:  
RE: Billings Bypass (MDT Project No. NCPD 56 (55) CN 4199)

I am the past-president of Yellowstone River Parks Association (YRPA). My comments are meant to supplement those of Alan Parker, YRPA Board member, submitted earlier.

YRPA owns approximately 150 acres of land along the west bank of the Yellowstone River, at the mouth of Five Mile Creek, and at the junction of Mary St. and Five Mile Rd. The land was gifted by adjacent landowners (James and Francis Sindelar, descendants of the original homesteader from the 1880s) and deeded with the restriction that it be used only for development into a public park, the John H. Dover Memorial Park. The land is also under conservation and public access easements. The parkland includes the scenic Five Mile Creek bottom and its estuary with the Yellowstone River. It has a rolling terrain with deep coulees and benches that offer a spectacular vista of native wildlife and riparian habitat.

Much progress has been made toward park development in the last three years, including the addition of a north gate, trail development, and the construction of two traditional steel bridges and a steel-cable suspension bridge over Five Mile Creek. Another tandem steel-cable suspension bridge is under construction over coulees in the northwest corner of the park, near Five Mile Rd. We anticipate that park development will be complete enough for a ceremonial opening to the public in the summer of 2015.

This public park will be severely and adversely impacted by the Billings Bypass highway!

YRPA is on record (2012) as preferring the "no-build" option presented by the Draft EIS. However, we are conflicted by the other three choices. Mary St. Option 1 impacts YRPA less, but severely impacts our neighbors to the west. Mary St. Option 2 and the Five Mile option are centered squarely on YRPA property and bisect the parkland.

Developing the John H. Dover Memorial Park is an ambitious project that will take many years to develop fully, and will probably cost several million dollars. YRPA is seeking partners and benefactors to accomplish this long-term goal. However, the presence of a major highway in its midst will substantially diminish the park's attractiveness to donors, as well as the general public.

If this project moves forward, YRPA, as a stakeholder, insists that our concerns be addressed in the initial engineering stages. At a minimum we will require financial compensation for lost property, over- or underpasses for the safe passage of pedestrians and wildlife, visual barriers, and noise mitigation.

Respectfully,

Roger Williams  
YRPA Past-President

Reference Number = bypasscomment\_46051025390625





### **Response ORG-5 Yellowstone River Parks Association, Roger Williams**

Thank you for the updated information regarding John H. Dover Memorial Park. The information you provided regarding new bridges, north gate, and trail development, along with a planned public opening in 2015 will be shared with the design team moving forward with the Mary Street Option 2 Alternative.

As indicated in the FEIS and repeated above, MDT and FHWA will work closely with the YRPA to minimize or mitigate impacts and implement safety measures to the extent practicable regarding the proposed future park.



## **Comment IND-1 Dan Adian**

**From:** [www@mdt.mt.gov](mailto:www@mdt.mt.gov)  
**Sent:** Thursday, April 10, 2014 8:35 PM  
**To:** [mdtbillingsbypasseis@mt.gov](mailto:mdtbillingsbypasseis@mt.gov)  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/10/2014 20:35:18  
Name: Dan Adian  
Email Address: [danadian80@yahoo.com](mailto:danadian80@yahoo.com)

**Comment or Question:**

So MDT spends hundreds of thousands of dollars, probably over a million dollars, to prepare an environmental document, which is supposed to disclose impacts to stakeholders and the general public, but you have to download a 39MB file in order to read it? You really think that is providing the public a service of disclosing impacts by posting a document that is 39MB? I am only interested in one item, but I have to download a 39MB file to get that information? So much for disclosing impacts to the public in a readily accessible way.

Reference Number = [bypasscomment\\_240142822265625](#)



### **Response IND-1 Dan Adian**

Thank you for your comment. The document was available on-line and also at multiple viewing locations in Billings and Helena. During the Public Open House held on April 9, 2014, several copies of the FEIS were available for review, and project team members were available to answer questions and address concerns one-on-one with the public. CDs containing the electronic files were also available by request. We trust you were able to complete the download of the document, or otherwise access the FEIS, and were able to find the information of interest.



## Comment IND-2 Gayle Belcher

**From:** www@mdt.mt.gov  
**Sent:** Thursday, April 03, 2014 9:49 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/03/2014 21:48:45  
Name: Gayle Belcher  
Email Address: [dgayle.com@gmail.com](mailto:dgayle.com@gmail.com)

**Comment or Question:**

If this bypass is to serve the semi-truck driver, then please do not put in those ridiculous roundabouts. A big truck has no room to turn on those things. They are terrible enough on the regular passenger vehicle. A simple straight route with stop lights would be the most efficient choice.

Reference Number = bypasscomment\_71173095703125





### **Response IND-2 Gayle Belcher**

Thank you for your comment. As noted in the description of the selected alternative, intersection designs have not yet been determined, but will be developed during final design. Roundabouts, if used, will be designed to accommodate the standard MDT design vehicle (i.e., an interstate truck).



## Comment IND-3 Jim Brown

**From:** www@mdt.mt.gov  
**Sent:** Saturday, March 29, 2014 12:09 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 03/29/2014 12:08:48  
Name: Jim Brown  
Email Address: [jmikbrown@gmail.com](mailto:jmikbrown@gmail.com)

**Comment or Question:**

This is something that has been needed for decades. Delaying it will only add to the expense and the safety concerns of the people on the north side of the Yellowstone River.

Reference Number = bypasscomment\_36376953125



**Response IND-3 Jim Brown**

Thank you for your comment.



## Comment IND-4 Clayton Fiscus



*The Big Sky Country*

### MONTANA HOUSE OF REPRESENTATIVES

RECEIVED

APR 28 2014

COMMITTEES:  
ENVIRONMENTAL & NATURAL  
RESOURCES  
TRANSPORTATION

REPRESENTATIVE CLAYTON FISCUS  
HOUSE DISTRICT 46

HELENA ADDRESS:  
CAPITOL BUILDING  
PO BOX 200400  
HELENA, MONTANA 59620-0400  
PHONE: (406) 444-4800

HOME ADDRESS:  
1800 MARY STREET  
BILLINGS, MT 59105  
CELL: (406) 860-6400

Helena Montana Department of Transportation (MDOT)

**Response;** MDOT using Mary Street area as a "Billings Bypass" as described in the published impact statement.

1. I am totally opposed to using Mary Street as a, I-90, I-94 transportation, semi truck and car route. The effect on family life, property values, noise, pollution, Loss of home value coupled with total opposition of the folks who live there.

IND-4-a

2. There is an urgent need for MDOT to provide public notice and a public hearing on the environmental impact statement report. **Question;** will the MDOT, permit one?

IND-4-b

3. What was the results of a survey of the residences on Mary Street area for support versus opposition? Percentage Support?, sent Opposition?

4. Has the city of Billings city Council gave their support or opposition to the environmental impact statement? Supply evidence, Please.

IND-4-c

5. Has the County commissioners of Yellowstone County given their support or opposition to the bypass impact statement? Supply evidence, Please.

6. Mary Street area, N. Boundary line, has Hwy. 312 with a (5) lane State truck route. Doesn't this make adding another (5) lane along Mary ST roadway 100 to 1700 yard to the south, senseless. Yes or no. Explain.

IND-4-d

7. What Impact will the Mary Street route have on Yellowstone River park? On Main street 300 businesses + 3000 employees? On the one mile Bench irrigation lateral on Mary? Explain each

IND-4-e

8. Why was there only 2 public hearings; October and December 2012, over the last 10-years on the changes being made to the bypass? (Including scrapping the original old plan of Highway 312 to highway 87 to Hwy 3. )

IND-4-f

9. The public deserves answers; through public hearings and participation! I have talked to numerous people and listened to them at the 2 public hearings in 2012 and they are 100% stating they were left in the dark the decisions were made behind closed doors. Do you agree?

Thank you for your time.

Rep. Clayton Fiscus

April 24, 2014





## **Response IND-4 Clayton Fiscus**

IND-4-a Thank you for your comments. The Preferred Alternative proposes developing an arterial route parallel to the existing Mary Street. The existing Mary Street would not be changed with the implementation of the Preferred Alternative. It would remain a local road, with access to the bypass provided at Old Hwy 312, Hawthorne Lane, Bitterroot Drive, and Five Mile Road. Mary Street is expected to carry no more traffic with the construction of the bypass than it does today.

IND-4-b The NEPA process is intended to gather public input at discrete points in the project development process. MDT and FHWA pursued an active public involvement process, as summarized in Chapter 6 of the FEIS and Section 8 of the ROD. Chapter 6 of the FEIS describes agency and public coordination including information regarding public meetings held throughout the development of the EIS, from initial scoping meetings, to a public hearing associated with the release of the Draft EIS, to the most recent informational public open house held in Billings on April 9, 2014 to provide the public with information about the FEIS.

Finally, MDT complied with the requirements of public participation under NEPA for the project. Please refer to “A Citizen’s Guide to the NEPA” published by the Council on Environmental Quality for more information regarding NEPA regulatory requirements. [http://ceq.hss.doe.gov/nepa/Citizens\\_Guide\\_Dec07.pdf](http://ceq.hss.doe.gov/nepa/Citizens_Guide_Dec07.pdf). Page 27 of the Citizen’s Guide indicates that the number of comments received is not to be counted as “votes” for or against the project.

IND-4-c The Coordination Plan for Agency & Public Involvement for the project outlines the approach and strategy for engagement of the public, local, state, and federal agencies, and other stakeholders in the project. One group of stakeholders convened by the project was the Billings Bypass Advisory Committee (BBAC). The work and conclusions of the BBAC are summarized in Section 6.2.1 of the FEIS.

IND-4-d The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project, including impacts associated with the proximity of the roadway.

IND-4-e The FEIS discloses the potential impacts associated with a No Build and three Build Alternatives. Impacts are summarized in Chapter 4 of the FEIS. Any of the alternatives would have impacts on the built and natural environment. Section 4.3.2 discloses potential impacts to parks and recreational resources, Section 4.2 addresses traffic impacts, Section 4.3.5 addresses acquisitions and displacements, and Section 4.3.3 addresses socioeconomic impacts.

IND-4-f Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. MDT and FHWA strived to be as inclusive as possible in identifying and involving affected stakeholders in the project process. There have been four public meetings, an active website, and six newsletters sent to study area residents.



## Comment IND-5 Clayton Fiscus



*The Big Sky Country*

### MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE CLAYTON FISCUS  
HOUSE DISTRICT 46

HELENA ADDRESS:  
CAPITOL BUILDING  
PO BOX 200400  
HELENA, MONTANA 59620-0400  
PHONE: (406) 444-4800

HOME ADDRESS:  
1800 MARY STREET  
BILLINGS, MT 59105  
CELL: (406) 860-6400

RECEIVED  
APR 29 2014  
FHWA  
MONTANA DIVISION

COMMITTEES:  
JUDICIARY  
TRANSPORTATION

April 25, 2014

**Personal Comments To:** MDOT Kevin Mclaury, Mike Tooley & Tom Martin.

Please include the following in your record of decision on the Billings bypass. Please determine the following:

#### Cost Savings:

**Cost Savings; opt out of using the Mary Street residential restricted area for a truck route area ; costing \$15-\$20 million for a highway: For a cost-saving use Highway 312; a 5 Lane wide Hwy** that starts at the East end of Mary running along the north boundary of Mary Street area for 2 1/2 miles to a point straight north then to south to Yellowstone River Bridge saving Montana millions of dollars and the destruction of Mary Street. Tell me where I'm wrong.

IND-5-a

#### **The Mary Street option has several negative impacts; not an issue in the 5-mile option.**

The cost of replacing the 1 1/2 miles of elevated Billings Bench irrigation lateral that runs along Mary Street that will have to be made environmentally safe-with uninterrupted use . **(Not a cost issue in the 5-mile option).**

IND-5-b

The millions of dollars lost in home value being next to a truck route and the added cost from demolishing of single-family residential homes. **(Not a cost issue in the 5-mile option).**

Maintaining sewer and water services during construction phase . **(Not a cost issue in the 5-mile option).**



## Response IND-5 Clayton Fiscus

Thank you for your comments and concerns about the cost effectiveness of the Billings Bypass selected alternative, Mary Street Option 2. Individual comments are addressed below.

IND-5-a The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region.

Throughout the development of the project, many alternatives were considered but eliminated from further study. The alternatives considered and the reasons for their elimination can be found in Chapter 2 of the FEIS and in the alternatives development memo (Appendix I of the FEIS, available here: <http://www.mdt.mt.gov/pubinvolve/billingsbypass>).

IND-5-b As described in Chapter 2 of the FEIS, both the Five Mile Road Alternative and the Mary Street Alternatives (Option 1 and Option 2) would have impacts on Mary Street. The difference is that the Mary Street Alternatives would create a new roadway north of the existing Mary Street, while the Five Mile Road Alternative would expand the existing Mary Street to accommodate additional traffic volumes.

Based on the comments in your letter, it appears there is a misconception regarding the design of the Five Mile Road Alternative. The Five Mile Road Alternative would include secondary improvements along Mary Street, and these would be associated with costs to irrigation, right-of-way, etc. and also would require construction interruptions for residents along Mary Street while the existing Mary Street would be reconstructed. Under Mary Street Options 1 and 2, however, Mary Street remains a local road and would only be affected at the intersections that provide access to the new arterial to the north, the proposed Mary Street Option 2 primary corridor.

Regarding the Billings Bench irrigation ditch, this would be impacted under any of the Build Alternatives due to construction along Mary Street. All costs identified in the letter would also incur if the Five Mile Road Alternative were constructed; these impacts would not be avoided for the Five Mile Option. Impacts and mitigation for the irrigation ditch are discussed in Section 4.3.10 of the FEIS and Table 2 of the ROD.



### Comment IND-5 Clayton Fiscus (cont.)

**Public Safety:** The health and environmental cost to protect the families from the 2 1/2 miles consequences of intercity from road construction. **(Not a cost issue in the 5-mile option).**

**Public Safety:** The added costs to protect families who reside on the 2 1/2 mile Mary Street, and near neighborhoods. This highway truck traffic from; garbage, air, noise, light pollution, road hazard accidents when a truck route is funneled down a single - family residential area. **( Not a cost issue or public safety issue using the 5 mile option.)**

IND-5-c

**Using the Mary Street option we have the cost of connecting 15 lanes of traffic to;** Mary Streets 5 lanes; at the connection corner of Bench (2), Main St.(6), Roundup Road (2) and Highway 312 (5) . (15 lanes) . With Mary the result is an unneeded 20 lane connection. Hwy 312 truck route will not result in a 20- lane connection. **(Saving highway construction dollars.)**

IND-5-d

**Right-of- way costs from eminent domain, or right-of-way costs** running through a cities single-family restricted zoned area will be (20 to 30 times) higher; plus the cost from demolishing homes would make the 5-mile option superior with lower costs.

IND-5-e

**The five-mile option also agrees with the 20 year real bypass plan protecting Billings built-up areas:** (the Mary Street plan does just the opposite.) The residents in the Heights area are strong supporters of the 5 mile plan and are nearly 100% opposed using the 2 1/2 miles on Mary Street a residential neighborhood.

IND-5-f

**The record clearly shows that the Billings Heights and Mary Street Residents were unaware of a shift from a real Bypass Route using Hwy 87, Hwy 3 & Hwy 312.** There is a need in the law which I will provide next session to mitigate the issue and make public awareness number one.

**Recommend: don't throw us under the bus.**

Rep. Clayton Fiscus  
406-860-6400





### **Response IND-5 Clayton Fiscus (cont.)**

IND-5-c See response IND-5-b above explaining that Mary Street would be affected under the Five Mile Road Alternative (it would be widened to accommodate anticipated traffic as part of the “secondary corridor”). The main difference between the build alternatives is that the Mary Street Alternatives would create a new roadway north of the existing Mary Street, while the Five Mile Road Alternative would expand the existing Mary Street to accommodate additional traffic volumes.

The impacts associated with the build alternatives are summarized (and compared) in Chapter 4 of the FEIS.

IND-5-d The “Highway 312 truck route” would not meet the project purpose and need of the project. The Purpose and Need established for the project is presented in Chapter 1 of the FEIS, to improve connectivity and accessibility throughout the study area and the region.

IND-5-e The anticipated right-of-way acquisitions are summarized in Section 4.3.5 of the FEIS. The cost estimate presented in Section 2.3.5 of the FEIS includes right-of-way costs. The Five Mile Road Alternative and the Mary Street Alternatives would all require right-of-way acquisition at properties adjacent to Mary Street and throughout the project corridors.

IND-5-f The Executive Summary and Chapter 1 of the FEIS explain that dedicated funding requires that the Bypass name be retained, even though the revised purpose and need statement is more restrictive than that for the original project. Chapter 2 also includes information on the screening and development of the build alternatives analyzed in the FEIS and information on the design objectives for build alternatives. MDT does not have a “formal” definition of a bypass, and the current functional classification of the facility is proposed as an “arterial.” Examples of existing arterial roadways within the study include Mary Street, Bitterroot Drive, and Old Hwy 312.

When the project was re-scoped in 2009 due to FHWA’s guidance, the purpose and need were re-evaluated to determine the needs within the revised study area. Those needs were found to be: reducing physical barrier impacts to the transportation system, improving connectivity between Lockwood and Billings, improving mobility to and from the Billings Heights, and improving truck/commercial vehicle access to and through Billings. The concept of building a full bypass of Billings was no longer the main focus of the re-scoped project; however, the long-term vision of a future bypass route was maintained by including the objective of locating the western terminus of the route so that it could support a future connection to US 87 and MT 3.



## Comment IND-6 Glenn French

**From:** www@mdt.mt.gov  
**Sent:** Tuesday, April 15, 2014 4:30 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/15/2014 16:29:52  
Name: Glenn French  
Email Address: [gfrenchfa@gmail.com](mailto:gfrenchfa@gmail.com)

**Comment or Question:**

I hope when the design phase starts there will be some consideration to shifting the alignment of the the 5 mile alignment north of Dover Rd to the West slightly to eliminate the need to purchase land from the the residents on the east side of the alignment in the Reichenberger Subdivision.

A couple of the lots could be impacted in an adverse way since it might invade the space allocated for their above ground drain fields and make it impossible to move those drain fields.

Please let me know when the design phase starts so I could talk to some one specifically about our neighborhoods concerns.

Thank you for your time and consideration.

My best,

Glenn E. French  
406-281-7741

Reference Number = bypasscomment\_26824951171875



### **Response IND-6 Glenn French**

Thank you for your comment. Please note that the corridor that was studied in the DEIS and FEIS was wide enough to accommodate shifts in the alignment. MDT has a general policy to move roadway facilities away from buildings and toward open space. During detailed design, MDT will consider shifting the Five Mile Road secondary corridor alignment to the west to address the concerns raised in your letter.



## **Comment IND-7 George**

**From:** www@mdt.mt.gov  
**Sent:** Monday, March 31, 2014 4:14 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 03/31/2014 16:14:12  
Name: George  
Email Address: [filehouse@att.net](mailto:filehouse@att.net)

Comment or Question:  
None of your PDF files open. You need to check that.

Reference Number = bypasscomment\_7205810546875





## Response IND-7 George

Thank you for your comment. A member of the project team contacted you to assist you in resolving the issue. Ultimately you were able to access the information. A record of the email exchange follows.

**From:** Filehouse [<mailto:filehouse@att.net>]  
**Sent:** Monday, March 31, 2014 5:24 PM  
**To:** Mary Guse  
**Subject:** Re: Commenting on Billings Bypass

Thanks for getting back to me. I found that if I saved them to my computer I was able to open them.

----- Original Message -----

**From:** [Mary Guse](#)  
**To:** [filehouse@att.net](mailto:filehouse@att.net)  
**Cc:** [tgocksch@mt.gov](mailto:tgocksch@mt.gov) ; [Ron Bockelman](#) ; [Kacey Meis](#) ; [Mara Krinke](#)  
**Sent:** Monday, March 31, 2014 5:11 PM  
**Subject:** Commenting on Billings Bypass

Dear George –

Thank you for your interest in the Billings Bypass project. We received your comment on Billings Bypass: “None of your PDF files open. You need to check that.”

MDT checked with their information technology people who suggested that you download the most recent version of adobe acrobat and then try to access the Billings Bypass FEIS PDF. Also, hard copies of the FEIS are available at the following locations:

AVAILABILITY OF FEIS REVIEW COPIES	
<b>Montana Department of Transportation</b> Billings District Office 424 Morey Street Billings, MT 59101	<b>Montana State University Billings Library</b> 1500 University Drive Billings, MT 59101
<b>City-County Planning Department</b> 4 <sup>th</sup> Floor Parnly Billings Library 510 North Broadway Billings, MT 59101	<b>Yellowstone County Commissioners Office</b> (County Courthouse) 217 North 27 <sup>th</sup> Street, Room 403 Billings, MT 59101



## Response IND-7 George (cont.)

### AVAILABILITY OF FEIS REVIEW COPIES

**Montana Department of Transportation**  
Environmental Services Bureau  
2960 Prospect Avenue  
Helena, MT 59601

**Lockwood Water & Sewer District**  
1644 Old Hardin Road  
Lockwood, MT 59101

Again, thank you for your interest in the Billings Bypass project. Please feel free to contact me if you have additional problems accessing the FEIS.

Best regards,  
Mary

**Mary Guse** | Senior Project Coordinator / Environmental Planning  
David Evans and Associates, Inc. | Transit / Transportation  
1331 17th Street, Suite 900 | Denver, CO 80202 | [www.deainc.com](http://www.deainc.com)  
d: 720.225.4608 | o: 720.946.0969 | [mrg@deainc.com](mailto:mrg@deainc.com)



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*Intentional Blank Page.*



## Comment IND-8 Travis Heggem

**From:** www@mdt.mt.gov  
**Sent:** Sunday, April 13, 2014 12:46 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/13/2014 12:45:48  
Name: Travis Heggem  
Email Address: [travisheggem@yahoo.com](mailto:travisheggem@yahoo.com)

### Comment or Question:

I own the property at 3554 Summerfield Circle and I am concerned with the Five Mile Road extension as it currently is proposed.

The current proposal is worrisome for several reasons:

1) The roadway comes only a few feet from my drain field. I am worried how this will effect its operation. It also prohibits me from planting trees on my property because now those trees will be too close to the septic system. We were hoping to plant trees to block peoples view from the new road into our yard. } IND-8-a

2) Water levels are already very high in the area. Originally our house was to be set one foot lower into the ground, but because of the water level we had to leave it out of the ground an extra foot. Now, with the highway across our property the ground that once would have absorbed rain and snow melt will be covered by asphalt pushing more water towards my house and presumably into my basement. } IND-8-b

3) I am also worried about the increased noise level and the loss of privacy. Of all the houses in the subdivision our yard was the farthest from the roads and gravel pits in the area. The house was set back on the property so that the backyard would be more secluded. Now, both the quiet and privacy will be compromised and when you consider that our ability to plant trees will be extremely limited, our lifestyle is being greatly compromised. } IND-8-c

This is by no means a complete list, but they are the ones that we feel will need to be addressed. There are numerous other concerns from pollution, garbage, security, loss of the drainage ditch, no more wildlife, and the destruction of the cottonwood trees.

Travis Heggem  
3554 Summerfield Circle  
Billings, MT 59105

Reference Number = bypasscomment\_506866455078125



## **Response IND-8 Travis Heggem**

Thank you for your comments regarding the extension of Five Mile Road as a secondary corridor for the Preferred Alternative.

- IND-8-a Please note that the corridor that was studied in the DEIS and FEIS was wide enough to accommodate shifts in the alignment (see Chapter 2 of the FEIS and Appendix A in this ROD for maps showing Phase 1 of the Preferred Alternative). MDT has a general policy to move roadway facilities away from buildings and toward open space. During detailed design, MDT will consider shifting the Five Mile Road secondary corridor alignment to the west to address the concerns raised in your letter.
- IND-8-b Thank you for raising the concerns about the water table in your letter. These concerns will be shared with the design team and considered during final design. The road will be designed with roadside ditches to catch and direct stormwater runoff. Further, the existing irrigation runoff ditch along the proposed alignment is expected to be perpetuated. For information about anticipated impacts to water resources, including groundwater, see Section 4.4.3 of the FEIS.
- IND-8-c The FEIS discloses the potential impacts associated with a No Build and three Build Alternatives. Impacts are summarized in Chapter 4 of the FEIS. Specific to your concerns, noise impacts are summarized in Section 4.3.8 of the FEIS, and the noise study is included as Appendix E of the FEIS. The loss of privacy is noted.

All of the alternatives considered would impact the built and natural environment. Access will be maintained to allow the provision of services such as mail and garbage. Mitigation measures proposed for the project are outlined in Table 1 of this Record of Decision (ROD).

Your concerns will be shared with the design team and considered during final design. During detailed design, MDT will consider shifting the Five Mile Road secondary corridor alignment to the west to address the concerns raised in your letter.





## Comment IND-9 Janet Martin

**From:** www@mdt.mt.gov  
**Sent:** Tuesday, April 29, 2014 11:20 AM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/29/2014 11:20:16  
Name: JANET MARTIN  
Email Address: [martini@billingssschools.org](mailto:martini@billingssschools.org)

**Comment or Question:**

As a Heights resident, I am voicing my support of the Billings Bypass project. I feel the growth of the Heights area, the need for better access to Heights and Lockwood for both trucks and emergency vehicles should make this project a priority.

Reference Number = bypasscomment\_983642578125



## **Response IND-9 Janet Martin**

Thank you for your comment.



## Comment IND-10 Jesse Martin

**From:** [www@mdt.mt.gov](mailto:www@mdt.mt.gov)  
**Sent:** Tuesday, April 29, 2014 10:27 AM  
**To:** [mdtbillingsbypasseis@mt.gov](mailto:mdtbillingsbypasseis@mt.gov)  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/29/2014 10:27:23  
Name: Jesse Martin  
Email Address: [jmartin@sm-energy.com](mailto:jmartin@sm-energy.com)

**Comment or Question:**

Please continue the process to build the bypass as alternative 1 as soon as possible and do not delay as this project will become more expensive and more contentious as time continues.

Reference Number = bypasscomment\_478546142578125



**Response IND-10 Jesse Martin**

Thank you for your comment. FHWA and MDT plan to proceed with the development of Phase 1 of the Mary Street Option 2 Alternative.



**Comment IND-11 Alan Parker – (Comment sent directly to project Team Member via e-mail after Public Open House)**

**From:** Alan Parker [<mailto:montanaphlowerco@gmail.com>]  
**Sent:** Tuesday, April 22, 2014 12:08 PM  
**To:** Gocksch, Thomas  
**Subject:** Billings bypass project

Tom,

I am reviewing the drawings in the EIS.  
I have a question regarding the Lockwood side alignment from Johnson Lane.

The project originally involved direct connection from the I90 / I94 junction to Hwy 87 / 312. In 2009 after a round of public input, the project underwent "Re-scoping" and new criteria were to be used in selecting routes, and needs to be met in the project.

It appears the segment from the Johnson Lane interchange paralleling I94 to the northeast brings the project directly to the original alignment with the I94 /I90 junction.

First can you provide a link to drawings for the original Lockwood side alignment connection to I94 / I90 to the river, pre 2009?

Second and more to the point: Since the criteria under the 2009 re-scope is primarily connecting two communities and removing physical barriers, to reduce travel times and distances between the communities, were other more efficient routes between Johnson Lane and Bitterroot Lane investigated? Post Re-Scope?

My highly technical measurement indicates a 35% shorter route is available by traveling straight north on Johnson Lane and crossing the river on the Mary Street 1 alignment.

Please provide any information you are aware of regarding this significant issue affecting the communities for decades to come.

Regards,

Alan Parker





## Response IND-11 Alan Parker

**From:** Gocksch, Thomas <tgocksch@mt.gov>  
**Sent:** Tuesday, April 22, 2014 2:24 PM  
**To:** Alan Parker  
**Cc:** MDT Comments - BillingsBypass  
**Subject:** RE: Billings bypass project

Good afternoon Mr. Parker,

Thank you for taking the time to review the Billings Bypass – Final Environmental Impact Statement (FEIS) and for providing comment. I will make sure that your comment is incorporated into the permanent record, and considered during development of the Record of Decision in accordance with the National Environmental Policy Act (NEPA).

I believe the information you are looking for is included in the Final Alternatives Report which is located in Appendix I of the FEIS. This report includes Maps showing all of the alternatives considered, including those eliminated, along with a full explanation of the screening process.

Appendix I can be accessed online at this location: [http://www.mdt.mt.gov/pubinvolve/docs/eis\\_ea/blg\\_bypass/feis\\_blg\\_bypass\\_appi.pdf](http://www.mdt.mt.gov/pubinvolve/docs/eis_ea/blg_bypass/feis_blg_bypass_appi.pdf)

Thank you again for taking the time to comment. Additional information related to the NEPA Environmental Impact Statement development process can be found in the document titled “A Citizen’s Guide to NEPA” located at the following link: [http://www.blm.gov/pgdata/etc/medialib/blm/nm/programs/planning/planning\\_docs.Par.53208.File.dat/A\\_Citizen's\\_Guide\\_to\\_NEPA.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/nm/programs/planning/planning_docs.Par.53208.File.dat/A_Citizen's_Guide_to_NEPA.pdf)

If I can be of any further assistance please feel free to give me a call.  
Tom Gocksch

Tom Gocksch, P.E. -- MDT Environmental Services -- Billings District Project Development Engineer -- (406) 444-9412

The link you requested was provided by Tom Gocksch in his response to your email.

After the project was rescoped, more than 60 alternatives were considered between I-90 and Old Hwy 312 (see Figure 2.12 in the FEIS for a sketch of the alternatives considered). An alternative called the “Southern Alignment” extends north from Johnson Lane and is similar to what you’ve described. The southern alignment alternative originated under the 2001 purpose and need and was considered for the project, but that alignment was dismissed due to a substantial longitudinal encroachment of the Yellowstone River floodplain. Figure 2.12 in the FEIS shows the floodplain of the Yellowstone River and the “Southern Alignment” alternative for your reference.



## Comment IND-12 Denis Pitman

**From:** www@mdt.mt.gov  
**Sent:** Friday, April 11, 2014 1:05 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/11/2014 13:05:05  
Name: Denis Pitman  
Email Address: [PitmanWard2@aol.com](mailto:PitmanWard2@aol.com)

**Comment or Question:**

I support this vital and important project and hope that we can get it started as quickly as possible.

Reference Number = bypasscomment\_922943115234375



**Response IND-12 Denis Pitman**

Thank you for your comment.



## Comment IND-13 Mona Reichert

April 30, 2014

To : Tom Martin

Environmental Services Bureau Chief

Montana Department of Transportation

RE: The Mary Street Tragedy.....The Five Lane Rip Off.....

Hello, my name is Mona Reichert and I am a realtor in Billings, MT. I live and work in the Heights. Mary Street is an area 2 ½ miles long and 1 ½ miles wide. It connects with three other major roads, plus Bench Boulevard. That's a total of fifteen lanes. There are already three major truck routes. If Mary Street is used as another truck route, with five lanes, we would then have twenty lanes. Doesn't that seem a little crazy?

I shudder to think what this will do to the Mary Street neighborhood. According to medical reports there will be increased health issues with this much traffic. Replacing the one mile elevated irrigation lateral that runs along Mary Street will give the highway department costly headaches trying to please Bench Water. As a realtor, I know that obtaining right of way thru a single-family restricted area will be very costly and very upsetting to the residents. Decreased property values in the area is also a very real probability.

I have years of experience in the transportation and logistics industry. I have to wonder why Highway 312 is not being considered as an alternate option. It has already been widened to accommodate an increased flow of traffic. Using this option would not destroy the Mary Street neighborhood. Thank you for your consideration in this matter.

Sincerely,

Mona Reichert



## **Response IND-13 Mona Reichert**

Thank you for your comment.

The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. The Preferred Alternative proposes developing an arterial route parallel to the existing Mary Street. The existing Mary Street would not be changed with the implementation of the Preferred Alternative. It would remain a local road, with access to the bypass provided at Old Hwy 312, Hawthorne Lane, Bitterroot Drive, and Five Mile Road. Mary Street is expected to carry no more traffic with the construction of the bypass than it does today.

Throughout the development of the project, many alternatives were considered but eliminated from further study. The alternatives considered and the reasons for their elimination can be found in Chapter 2 of the FEIS and in the alternatives development memo. Widening of Old Highway 312 was not considered as an alternative, as the purpose of the project was to improve access and connectivity between I-90 and Old Hwy 312 to improve mobility in the eastern area of Billings.

The existing alternatives were developed to maintain the long-term vision of the Bypass (i.e., they will not preclude future considerations of a roadway to connect to MT 3). Retaining the potential for a future bypass is part of the design objectives for the project. For more information regarding the development of the project, and of potential alternatives, refer to Chapters 1 and 2 of the FEIS. Chapter 2 also includes information on the screening and development of the build alternatives analyzed in the FEIS and information on the design objectives for build alternatives.

With respect to health concerns, air quality modeling analysis has determined that there would be an improvement in air quality in the study area if any of the build alternatives were constructed, though it is possible that localized increases in emissions may occur along the build alternatives. However, even if localized increases do occur, total emissions would be substantially lower in future years due to fleet turnover and the implementation of EPA's vehicle and fuel regulations. In summary, for each of the build alternatives in the design year, the total emissions in the project corridor are expected to be significantly lower than those emitted today, even when taking into account the small projected increase in vehicle miles traveled in some project locations. (See Section 4.4.1 of the FEIS for the Air Quality Analysis, and the response to a public comment letter in Appendix J (comment IND-118-a) for more information.)





## Comment IND-14 RJ Rogers

**From:** www@mdt.mt.gov  
**Sent:** Thursday, April 10, 2014 12:48 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/10/2014 12:48:08  
Name: RJ Rogers  
Email Address: [chex.offers@gmail.com](mailto:chex.offers@gmail.com)

**Comment or Question:**

I am a concerned citizen living in Lockwood and deal with Johnson Lane / Becraft / Old Hardin Road OVER CROWDING on a daily basis.

Just because the proposed plan looks good "as the bird flies"  
and on some piece of paper can't convince me it's the best solution - since the cost will impact residents for DECADES to come, "cheapest" isn't best either.

I can't believe anyone wants to increase the already OVERLOADED traffic on TWO-LANE Johnson Lane????????????????????

Marys Road residents aren't the only ones being negatively impacted by connecting Johnson Lane to the Highway north. It's NOT a welcome solution from our "end of the bridge" either - if anything you should be looking for ways to eliminate the HORRIBLE BOTTLENECK that exists there already, not compounding it!!

One of you "decision makers" needs to come sit at Johnson Lane intersection with I-90 / Old Hardin / Becraft roads some morning or evening to experience the overwhelming traffic congestion (then add in School Buses and all the 18-wheeler traffic that impact it) - the lights there are atrocious and poorly planned. It's two lanes ONLY and you want MORE TRAFFIC THERE??? Good grief. . .

Why not extend I-94 interchange north and take advantage of the existing freeway infrastructure? What kind of flooding is going to impact a new bridge -there are swamps, marshes, low flood plains in that area??? wow...

SERIOUSLY, Pull off the blinders already!!!

Reference Number = bypasscomment\_130157470703125



## **Response IND-14 RJ Rogers**

Chapter 2 provides information on the alternative screening process, including the estimated cost of alternatives considered. Section 2.4 provides the rationale for selecting the Preferred Alternative, which was based upon a broad range of factors, including the ability to meet the purpose and need, social, economic, and environmental impacts, as well as cost.

The Johnson Lane Interchange will be reconstructed as part of the project. Multiple preliminary conceptual designs for the Johnson Lane Interchange have been evaluated. All of the concepts would improve the effectiveness of operations and traffic flow at the interchange. These concepts are discussed in detail in Chapter 2 and graphic depictions are presented in Appendix H. The precise configuration of the Johnson Lane Interchange will be determined during final design. A complete description of the traffic analysis may be found in the Combined Traffic Reports included as supplemental material to the FEIS.

Alternatives originating from the I-90/I-94 interchange were analyzed during the alternatives screening process. These alternatives and a brief summary of the reasons for elimination are described in Chapter 2. The alternatives screening process is described in more detail in Appendix I, the Alternatives Report.

Regarding your questions related to flooding, the bridge and the roadway will be designed to handle the appropriate flooding event. Additional large diameter or box culverts are also planned along the roadway within the floodplain to provide additional relief during flooding events. More information can be found in Section 4.4.6 of the FEIS (available on-line at <http://www.mdt.mt.gov/pubinvolve/billingsbypass>).



## Comment IND-15 Steven Roller

**From:** www@mdt.mt.gov  
**Sent:** Sunday, April 13, 2014 10:57 AM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/13/2014 10:56:54  
Name: Steven Roller  
Email Address: [sdrollers@bresnan.net](mailto:sdrollers@bresnan.net)

Comment or Question:  
Let's see how fast can you build this!

Reference Number = bypasscomment\_85894775390625



## **Response IND-15 Steven Roller**

Thank you for your comment.



## Comment IND-16 Bobbie Skaggs

**From:** www@mdt.mt.gov  
**Sent:** Wednesday, April 09, 2014 11:10 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/09/2014 23:10:24  
Name: Bobbie Skaggs  
Email Address: [bubbleskaggs@yahoo.com](mailto:bubbleskaggs@yahoo.com)

### Comment or Question:

I oppose this bypass! I think it is a waste of money and land.

All it would save is 5 miles so people don't have to travel down Main Street. What will happen to the value of my property? Will my property taxes increase to help with this project. I live on Mary Street and the proposal of this bypass in front of my house is ridiculous. There are several children and animals that live in this neighborhood. This bypass will effect our way of life.

We already have traffic issues on Mary Street and no law enforcement to enforce the speed limit. My concerns are the noise levels, possible chemical spills (that can effect the residential community if hazardous) and the impact on the animals that frequent the field that this road is proposed to go through. We have a new Junior High being built a few blocks away in the upcoming year. This will increase foot traffic of children walking too and from school. When Main Street was built, it's main purpose was a Truck Route. What I don't understand is why was there a bypass in the works for the past

20 years, then was scraped? So many Residence are going to suffer from this project. People losing their properties and their livelihood to this project is disgraceful. I feel sorry for those families who will be losing their houses. Especially when they have saved all their hard earned money fixing them up

so they can retire in them. At tonight's open house, I did not talk to one single individual that was for this bypass. I know that I can speak for the majority of the residence on Mary Street when I say, "we DO NOT want a highway running through our neighborhood." There are too many unforeseen factors that can play a role in the future of this bypass in our community.

Please consider the residence and animals that call this little piece of country heaven our home. Thank you, Bobbie Skaggs

IND-16-a

IND-16-b

IND-16-c

IND-16-d

Reference Number = bypasscomment\_62652587890625





## **Response IND-16 Bobbie Skaggs**

Thank you for your comment.

IND-16-a The build alternatives are designed to meet the project purpose and need, as described in Chapter 1 of the FEIS, to improve connectivity and accessibility throughout the study area and the region.

The 2009 Billings Urban Area Long Range Transportation Plan Amendment does not identify local taxes as a source of funding for the project. However, the plan indicates that developer fees are a potential source of funding for the project.

The Preferred Alternative proposes developing an arterial route parallel to the existing Mary Street. The existing Mary Street would not be changed with the implementation of the Preferred Alternative. It would remain a local road, with access to the bypass provided at Old Hwy 312, Hawthorne Lane, Bitterroot Drive, and Five Mile Road. Mary Street is expected to carry no more traffic with the construction of the bypass than it does today.

Please contact the local police department regarding enforcement of speed limits on local roads.

IND-16-b The FEIS discloses the potential impacts associated with a No Build and three Build Alternatives. Impacts are summarized in Chapter 4 of the FEIS. Any of the alternatives would have impacts on the built and natural environment. Section 4.3.8 discusses noise impacts, Section 4.2 discusses transportation issues, including safety issues for pedestrians and bicyclists, and Sections 4.4.9 and 4.4.10 discuss potential impacts to wildlife and protected species.

As discussed in Section 4.3.5.2 of the FEIS, MDT and FHWA follow state and federal requirements when compensating landowners for physical acquisition of property for right-of-way. These requirements rely on data from real estate transactions in the area to form an objective basis for fair market value. Agency policies do not allow cash compensation for proximity impacts to properties or structures not being acquired for right-of-way.

IND-16-c Regarding the original bypass project planned for Billings area, that concept was modified based on guidance from FHWA in 2008 regarding project planning using financial constraints. MDT coordinated with the local Policy Coordinating Committee (PCC) of the Billings urban area transportation planning process on potential approaches to proceed with the project. In November 2009, the PCC voted to re-scope this project to focus only on the eastern segment between I-90 and Old Hwy 312. Thus, the concept of building a full bypass of Billings was no longer the main focus of the re-scoped project. However, the long-term vision of a future bypass route was maintained by including the objective of locating the western terminus of the route so that it could support a future connection to US 87 and MT 3. See Section 1.1.1 of the FEIS for more detail on the history of the project.

IND-16-d Thank you for attending the informational open house on April 9, 2014.



Comment IND-17 James O. Southworth

RECEIVED

APR -9 2014

ENVIRONMENTAL

April 7 2014

Tom Martin  
Dear Sir

I approve the Billings Bypass  
impact statement, AND the sooner  
the better, each step will allow  
Billings to grow. AND the next  
step is, Bridge The River, on Mary  
ST AND TIE IN TO I 90

GOOD WORK ON YOUR PART  
Billings The County AND The Nation  
Benefit FROM this type progression  
Your Humble Servant

James O Southworth

JAMES O SOUTHWORTH  
1317 YELLOWSTONE AVE  
BILLINGS MT 59102  
545-9761



**Response IND-17 James O. Southworth**

Thank you for your comment.



## Comment IND-18 Tracy E. Thoreson

**From:** www@mdt.mt.gov  
**Sent:** Monday, April 28, 2014 10:35 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/28/2014 22:34:29  
Name: Tracy E Thoreson  
Email Address: [hudecek1@hotmail.com](mailto:hudecek1@hotmail.com)

Comment or Question:  
Billings Bypass EIS

Tom Martin, MDT, Environmental Services Bureau Chief Stefan Streeter, MDT, Billings District Administrator Tom Gocksch, Environmental Service desk Allen Woodmansey

A primary goal for purposed billings bypass is to improve traffic flow including safety and mobility of residence, if this is the case several flaws in the design and location have been brought to the MTDOT attention, unfortunately MTDOT and local commissioners are determined to push this project through regardless of clear obstacles.

How did the formal environmental review advance? It is my understanding that alignment options developed during the Alignment Study are determined to have public, agency and local political support. Notice the first part of the sentence PUBLIC (It is noted that there is little community support regarding any of the alignment options down or around Mary Street) if the community does not support this by pass how can the planning have gone this far?

Why has all this time and funds been spent on a project that is not put together with common goals for all involved?

No EPA employees have done any onsite studies of the property located at 1835 Five Mile Road, Billings MT 59105. This property is available for a complete onsite evaluation, contact can be made with Tracy Thoreson 406-245-2856.

How can a report be complete without proper studies? The property listed above has 2 year round water sources including small wetland area that feed year round into 5 Mile Creek and directly to Yellowstone River.

The wetland area supports a variety of organisms, plant life, amphibians, mammals including a natural filter for clean water it is truly life at its core. This area has been left untouched for the last 15 years the property owners understand the value of the wetland area and do not intend to let any outside sources destroy this.

How will the EPA and MTDOT protect this area from the road run off air pollution and garbage resulting from a road built next to the wetland?

In the final report it does not appear to have all updated pictures identifying the R-7000 Bitterroot Heights subdivision see figure listed.

IND-18-a

IND-18-b

IND-18-c

IND-18-d



## **Response IND-18 Tracy E. Thoreson**

IND-18-a The project has been developed following the requirements of the National Environmental Policy Act (NEPA), which requires, for projects of this scope and scale, comprehensive public and agency outreach, development and analysis of multiple alternatives, and a public review process. The NEPA process is described further in Chapter 1 of the FEIS. The USEPA has reviewed and commented on the project scoping documents and the DEIS. You can see EPA comments on the DEIS in Appendix J of the FEIS.

Please refer to “A Citizen’s Guide to the NEPA” published by the Council on Environmental Quality for more information regarding NEPA regulatory requirements.  
[http://ceq.hss.doe.gov/nepa/Citizens\\_Guide\\_Dec07.pdf](http://ceq.hss.doe.gov/nepa/Citizens_Guide_Dec07.pdf)

IND-18-b The biology team spent three days in the vicinity of Mary Street. The study area included 250 feet north of the right-of-way and followed the right-of-way line to the south. The wetlands along Mary Street were identified in the Biological Resources Report (DEA 2011). Wetland impacts were a criterion during the alternatives screening process, and impacts analysis continued throughout the NEPA process. These impacts and the proposed mitigation are described in Chapter 4. More information can be found in Appendix F, the Clean Water Act Section 404(b)(1) Evaluation.

Impacts to wetlands were assessed for the build alternatives and are presented in Section 4.4.7 of the FEIS. MDT and FHWA have been coordinating with the USEPA and the Army Corps of Engineers (COE), the official with jurisdiction over wetlands/waters of the US, since early on in the project. The USEPA and COE reviewed and commented on the project scoping documents and the DEIS. You can see USEPA and COE comments on the DEIS in Appendix J of the FEIS.

IND-18-c Water quality and wetland impacts and mitigation are described in the FEIS in Sections 4.4.3 and 4.4.7, and summarized in Table 1 of this ROD. Additionally, Appendix F of the FEIS contains the Clean Water Act Section 404(b)(1) Evaluation, which further describes measures to minimize harm to wetlands.

IND-18-d Regarding concerns related to the Bitterroots Heights subdivision, the images used in the FEIS were based on the most recently available data. MDT is aware that the build-out of this subdivision continues to progress.





## Comment IND-18 Tracy E. Thoreson (cont.)

Figure 11 appendix H phase 1 (page 37 does not show housing in Bitterroot subdivision

Has the project been skimmed over and pictures not updated through out the entire report being submitted the State and Federal Highway Department?

The alternative road is shown to cross wetland across Bitterroot Subdivision this area consists of solid and wetland areas. The wetland feeds to Five Mile Creek and flows year round the road would be built over the top. How is EPA going to protect this area from road waste?

Bitterroot Subdivision has been built on the site of Empire Sand and Gravel, the company would dig pits on this property and dump all waste into pits and cover with dirt this point was brought up by former employees of Empire Sand and Gravel during County Commissioners Meeting at the time of approval of building subdivision. What measure and funds have been set aside for clean up if pits will be exposed during construction?

Is it legal to build a Highway through R-7000 zoning?

I have included an attachment it is a study called Dangerous by Design please take the time to review this report as it has many key points that would determine safety features that could be added to the Billings Bypass if the project goes forward.

Tracy Thoreson  
1835 Five Mile Road  
Billings, Montana 59105  
406-245-2856  
[Hudecek1@hotmail.com](mailto:Hudecek1@hotmail.com)

Reference Number = bypasscomment\_1021728515625

IND-18-d  
(cont.)

IND-18-e

IND-18-f

IND-18-g

IND-18-h



**Response IND-18 Tracy E. Thoreson (cont.)**

IND-18-e See response to wetlands comment above (IND-18-c).

IND-18-f Concerns about clean-up of the Bitterroot Subdivision should be directed to the City/County Planning Department.

IND-18-g The location of the proposed project is legal. The road classification for the Mary Street Option 2 Alternative is a principal arterial, not an interstate highway. Bench Boulevard is an example of a principal arterial road in the Billings area that passes next to lots zoned as R-70R, or RESIDENTIAL 7,000 RESTRICTED.

IND-18-h Thank you for information about the Dangerous by Design study. Specific safety measures for the Billings Bypass will be identified during final design. The project will be designed to the most current design standards which are based on building a safe transportation system.



## Comment IND-19 Tracy E. Thoreson

**From:** www@mdt.mt.gov  
**Sent:** Monday, April 28, 2014 10:44 PM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/28/2014 22:43:56  
Name: Tracy E Thoreson  
Email Address: [hudecek1@hotmail.com](mailto:hudecek1@hotmail.com)

Comment or Question:  
2009-11-09 Dangerous by Design is study completed concerning safety measured used to improve all travel allong high traveled roads. The file attachment could not be added to this message.

What measured can be used in the design of Billings by pass from this safety study? Tracy Thoreson

Reference Number = bypasscomment\_1263427734375



### **Response IND-19 Tracy E. Thoreson**

Thank you for information about the Dangerous by Design study.

The new roadway would be constructed to the most current standards of safety for motor vehicles, bicycles, and pedestrians. The design will incorporate Billings' Bike Net bike trail crossings and other provisions as required. Pedestrian and bicycle safety are addressed in Section 4.2.4 of the FEIS. Section 2.3.3 of the FEIS describes typical sections for different sections of the alternatives, including proposed speeds.

Specific safety measures for the Billings Bypass will be identified during final design.



## **Comment IND-20 Tim Wiens**

**From:** www@mdt.mt.gov  
**Sent:** Thursday, April 24, 2014 8:10 AM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/24/2014 08:09:56  
Name: Tim Wiens  
Email Address: [tim@timwiens.com](mailto:tim@timwiens.com)

**Comment or Question:**

The proposed construction on Mary Street seems to be essentially redundant to Highway 312, a portion of which was recently widened to four lanes a few years back.

The proposed Mary Street option, forcing Mary Street to be transformed into a busy highway, may have stirred up quite a hornet's nest. Instead of building one leg of a bypass which goes around Billings (which I thought was the goal), the proposed Mary Street option instead paves a street back into town, seems short-sighted and ends up needlessly turning a residential street into a noisy, smelly, high-speed, four-lane highway.

If there is a concern that truckers (or cars) will use Mary Street rather than take the five-mile road option up to Highway 312, I'd suggest that MDT could work with Mary Street residents to install speed bumps if needed/wanted to discourage truck traffic and/or signage which restricts through traffic.

Widening Mary Street to four lanes will most assuredly attract trucks to it. If it's not broken, don't fix it. The more common-sense approach seems to be to build the five-mile route, leave Mary Street alone and use the funds to widen Highway 312 a few more miles. I just hope common sense prevails, so that this much-needed bypass is built efficiently and expeditiously.

Thanks for your kind consideration of these comments and for all that you do.

Reference Number = bypasscomment\_174468994140625





## **Response IND-20 Tim Wiens**

As described in Chapter 2 of the FEIS, the Mary Street Option 2 Alternative will not transform Mary Street into a busy highway. The Mary Street Option 2 Alternative would construct a separate new roadway located to the north of the existing Mary Street. The proposed road classification for the Mary Street Option 2 Alternative is a principal arterial, not an interstate highway. The existing Mary Street roadway will remain unchanged under this alternative with the exception of minor modifications at cross streets that access the new roadway alignment to the north. Appendix A of the ROD shows a map of the typical section and anticipated footprint of the project.

The existing Mary Street corridor is maintained by the City/County; as such, any proposed traffic control measures to be implemented along the existing Mary Street corridor would need to be discussed with the City/County and not MDT.

As described in Chapter 2 of the FEIS, the Five Mile Road Alternative would require secondary improvements along existing Mary Street in order to accommodate increased traffic that would be generated by this alternative. Traffic impacts for each alternative are summarized in Chapter 4. A complete description of the traffic analysis may be found in the Combined Traffic Reports included as supplemental material to the FEIS.



## **Comment IND-21 Tom Wilde**

**From:** www@mdt.mt.gov  
**Sent:** Monday, April 07, 2014 9:27 AM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/07/2014 09:26:35  
Name: Tom Wilde  
Email Address: [tomwilde2008@yahoo.com](mailto:tomwilde2008@yahoo.com)

**Comment or Question:**

I am writing to Support the Yellowstone river bridge connecting between Lockwood and the heights. The preferred alternative is a great project for billings and provides a crucial transportation path for the heights as well as travel to Alberta

Reference Number = bypasscomment\_269012451171875



**Response IND-21 Tom Wilde**

Thank you for your comment.



## Comment IND-22 Kathryn Zurbuchen

**From:** [www.mdt.mt.gov](http://www.mdt.mt.gov)  
**Sent:** Thursday, April 17, 2014 9:28 AM  
**To:** [mdtbillingsbypasseis@mt.gov](mailto:mdtbillingsbypasseis@mt.gov)  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/17/2014 09:28:06  
Name: Kathryn Zurbuchen  
Email Address: [knzurbuchen@bresnan.net](mailto:knzurbuchen@bresnan.net)

**Comment or Question:**

At 95 years of age I've seen Billings change a lot. This change has been in the works for over 30 years. I was beginning to think I would never see it materialize, and now it is almost here. I hope nothing stands as a further road-block!

Reference Number = bypasscomment\_80242919921875



**Response IND-22 Kathryn Zurbuchen**

Thank you for your comment.





## Comment IND-23 Tom Zurbuchen

**From:** www@mdt.mt.gov  
**Sent:** Friday, April 11, 2014 10:04 AM  
**To:** mdtbillingsbypasseis@mt.gov  
**Subject:** Billings Bypass Submitted

A question, comment or request has been submitted via the "Contact Us" web page.

Project/Study Commenting On: Billings Bypass  
Submitted: 04/11/2014 10:03:56  
Name: Tom Zurbuchen  
Email Address: [zurbuchen@bresnan.net](mailto:zurbuchen@bresnan.net)

**Comment or Question:**

The FEIS is out, the open house meeting went well, it is time to build the Bypass according to option II ASAP!

Reference Number = bypasscomment\_32879638671875



**Response IND-23 Tom Zurbuchen**

Thank you for your comment.



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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.



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## **APPENDIX B**

# **RAILROAD OVERPASS SEGMENT RE-EVALUATED EIS**



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## **APPENDIX C**

# **PUBLIC COMMENTS AND RESPONSES**

Railroad Overpass Public Comment

Date Comment Received	Topic	Name	Company	Comment	Response	Response Date	Comment 2	Response 2	Response 2 Date	Notes
7/2/2020	Railroad Overpass	John Mcferran		why would we not go 2 lanes each direction from the beginning?	live answered					Related to July 2, 2020 Virtual Public Meeting
7/2/2020	Railroad Overpass	Peter Freivalds		Is there any access points from the TED to the elevated road	live answered					Related to July 2, 2020 Virtual Public Meeting
7/2/2020	Railroad Overpass	Peter Freivalds		There are on access points or ramps to start with?	live answered					Related to July 2, 2020 Virtual Public Meeting
7/2/2020	Railroad Overpass	John Mcferran		How does the cost of 4 lanes now compare to sdding the extra two later?	live answered					Related to July 2, 2020 Virtual Public Meeting
7/2/2020	Railroad Overpass	Bryce Glen		we currently have an emergency access on the east side of our property at the end of Farley Lane. Will there be access from our property from this bypass RR Bridge? How are the safety concerns for EMS being addressed if there is a train parked across Johnson Lane accessing those businesses north ofthe railroad tracks	live answered			Hi, Bryce,  I’m following up regarding your question during the Billings Bypass virtual public meeting. You asked about whether the emergency access on the east end of Farley Lane would be maintained when the new roadway is installed. Yes, the current proposed plan includes access to Farley Lane from the new Billings Bypass roadway.  Let me know if I can help with anything else. Thanks, again, for the great questions you asked during the meeting!	7/10/2020	Related to July 2, 2020 Virtual Public Meeting
9/27/2017	Billings Bypass	Ray Halsey	DOWL	Ray runs the gravel pit located at the southern edge of Yellowstone River Bridge. He informed us that the current aerial image is out of-date and that the gravel pit has expanded further south. The southern border is now near the side channel and adjacent farm field. Ray informed us that they will continue to mine to the southeast to approximately Sta. 120+00. The gravel pit operation will not impact the side channel of the Yellowstone River. The western quarter of the gravel pit has been reclaimed with topsoil and is now a pond that they pump groundwater into. They have already removed parts of the topsoil berm that is located on the gravel pit perimeter. We talked about having a meeting in the future and he recommended Justin Peterson, General Manager of CMG and himself should be in the meeting. Ultimately they are own my buyers of CMG, Oroco Capital and Mitch Goldsteen is the main representative.						Date: September 27, 2017 Location: Independent Middle School Public Meeting

## Griffeth, Tommy

---

**From:** Hammond, Swade D CIV USARMY CENWO (USA)  
<Swade.D.Hammond@usace.army.mil>  
**Sent:** Wednesday, April 21, 2021 11:14 AM  
**To:** Griffeth, Tommy  
**Cc:** Joyce, Sage L CIV USARMY CENWO (USA)  
**Subject:** [EXTERNAL] RE: 4199005, BBP-RR O'Pass, draft EIS re-eval and draft ROD for USACE review

Provided that we are in the loop on the changes and we continue to have the most up to date documentation, I don't believe there are any other comments on our end. I have filed the reevaluation and final ROD. If there are any changes to the originally permitted impacts we can address those as they develop, similar to what we have done before.

Respectfully,

Swade Hammond  
Senior Project Manager  
U.S. Army Corps of Engineers  
490 N 31st Street, Suite 112  
Billings, Montana 59101

Office: 406-657-5910  
Cell: 701-715-3179

The Montana Regulatory Office is now accepting digital submittals! Effective immediately, please submit new requests in digital form to [Montana.Reg@usace.army.mil](mailto:Montana.Reg@usace.army.mil) for initial in-processing. (NOTE: Emails including attachments cannot exceed 40Mb). Further information and instructions regarding submitting requests electronically can be found at: [https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Montana/\[nwo.usace.army.mil\]](https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Montana/[nwo.usace.army.mil])

Regulatory Customer Service Survey: [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0\[corpsmapu.usace.army.mil\]](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0[corpsmapu.usace.army.mil])

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**From:** Griffeth, Tommy <thgriffeth@mt.gov>  
**Sent:** Wednesday, April 21, 2021 8:28 AM  
**To:** Hammond, Swade D CIV USARMY CENWO (USA) <Swade.D.Hammond@usace.army.mil>  
**Cc:** Joyce, Sage L CIV USARMY CENWO (USA) <Sage.L.Joyce@usace.army.mil>  
**Subject:** [Non-DoD Source] RE: 4199005, BBP-RR O'Pass, draft EIS re-eval and draft ROD for USACE review

Good Morning Swade,

You are correct. The recent changes to the Yellowstone River Bridge project (the extension of the project limits in the area at the southern end to include the former gravel pit and allow for the haul road/future road embankment construction) were originally re-evaluated/reviewed as part of this segment (RR O'Pass)...and there will still be work completed at this location (finished grade and surfacing) as part of the RR O-Pass segment.

Thanks,



Tommy

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**From:** Hammond, Swade D CIV USARMY CENWO (USA) <[Swade.D.Hammond@usace.army.mil](mailto:Swade.D.Hammond@usace.army.mil)>  
**Sent:** Wednesday, April 21, 2021 8:19 AM  
**To:** Griffeth, Tommy <[thgriffeth@mt.gov](mailto:thgriffeth@mt.gov)>  
**Cc:** Joyce, Sage L CIV USARMY CENWO (USA) <[Sage.L.Joyce@usace.army.mil](mailto:Sage.L.Joyce@usace.army.mil)>  
**Subject:** [EXTERNAL] RE: 4199005, BBP-RR O'Pass, draft EIS re-eval and draft ROD for USACE review

Tommy,

I was able to read through some of the changes in the re-evaluation of the FEIS and ROD. I also looked through our previous documentation and noticed the Corps was not a signatory on the ROD itself and thus was acting in a participating role. Based on the information in the new documentation, some temporary impacts may occur that were not originally considered during the previous verifications of the activities for construction of the bridge. Were these changes some of the ones that we most recently verified?

Respectfully,

Swade Hammond  
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[\[corpsmapu.usace.army.mil\]](http://corpsmapu.usace.army.mil)

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**From:** Griffeth, Tommy <[thgriffeth@mt.gov](mailto:thgriffeth@mt.gov)>  
**Sent:** Tuesday, April 13, 2021 7:52 AM  
**To:** Hammond, Swade D CIV USARMY CENWO (USA) <[Swade.D.Hammond@usace.army.mil](mailto:Swade.D.Hammond@usace.army.mil)>  
**Subject:** [Non-DoD Source] RE: 4199005, BBP-RR O'Pass, draft EIS re-eval and draft ROD for USACE review

Sounds good...let me know if you have any questions about the project!

Thanks,

Tommy



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