MONTANA
Department of Transportation

Christopher Dorrington, Director

2701 Prospect ▪ PO Box 201001
Helena MT 59620-1001

April 8, 2025

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

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

Dear Lucia Olivera,

The Montana Department of Transportation (MDT) is proposing to install additional traffic control signs, minor roadway striping, and other traffic control improvements as part of Railroad O'Pass segment project of the Billings Bypass (4199005). The Railroad O'Pass segment is the fourth project to be constructed and extends from Reference Post (RP) 1.42 (south of the Montana Railroad Link [MRL] railroad crossing of Coulson Road) to RP 1.59 on the bypass alignment. The project is located adjacent to the City of Billings in Yellowstone County. Signage is proposed at RP 0.295, RP 2.183 to 2.334, and RP 2.764 to 2.814. Additional signage is needed to allow for the Billings Bypass to open to vehicular traffic while the remaining segments of the bypass are constructed. These signs would be removed following the completion of the final segment of the Billings Bypass (Mary Street; 4199004). The other traffic control improvements at the Johnson Lane and Coulson Road intersection are potentially warranted once the bypass is open to traffic.

The Billings Bypass Final Environmental Impact Statement (FEIS) was signed by your agency on March 18, 2014, and the Record of Decision (ROD) was signed by your agency on July 25, 2014. A revised ROD was prepared in 2019 to address design modifications to the proposed Yellowstone River Bridge and changes to lane configurations within the Yellowstone River segment of the Billings Bypass (4199003) and was signed by your agency on December 18, 2019. A second revised ROD was prepared in 2021 to address design modifications to the bridge crossing over the MRL railroad tracks and Coulson Road within the Railroad O'Pass segment of the Billings Bypass (4199005); this revised ROD was signed by your agency on May 13, 2021. A third revised ROD was developed in 2022 to address design changes to further split the Railroad O'Pass segment of the Billings Bypass (4199005 and 4199008); this revised ROD was signed by your agency on July 15, 2022.

MDT's Environmental Services Bureau has reviewed the scope of the additional signage and other traffic control improvements, the previously approved FEIS/ROD for the Billings Bypass, the revised RODs, the associated Re-evaluated Environmental Impact Statements (REIS), and the current regulatory requirements. Based on this analysis, MDT concludes that the requirements of both the National and Montana Environmental Policy Acts (NEPA and MEPA) are met for the subject project through a REIS as described in 23 Code of Federal Regulations (CFR) 771.129(b) rather than a Supplemental Environmental Impact Statement (SEIS) as described in 23 CFR 771.130.

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The purpose of this letter is to demonstrate MDT NEPA/MEPA compliance by documenting changes to environmental conditions within the Railroad O'Pass project corridor well as updates to the proposed Railroad O'Pass segment since the 2021 REIS and 2022 REIS were completed. This letter also requests Federal Highway Administration (FHWA) concurrence that the following changes be included as part of the Railroad O'Pass segment and that the changes in environmental information would not require the preparation of a SEIS.

The following re-evaluation discusses the new information or circumstances relating to the additional activities under the Railroad O'Pass segment and ensures that current environmental requirements are addressed. This re-evaluation focuses on modifications to the design for traffic control and the potential for new impacts that have arisen since approval of Railroad O'Pass REIS in 2021 and 2022.

As described in Chapter 1.3 of the FEIS, the purpose of the Billings Bypass project is to improve access and connectivity between Interstate 90 (I-90) and Old Highway 312 and to improve mobility in the eastern area of Billings. The purpose of and need for the Billings Bypass has not changed since the approval of the FEIS/ROD.

DESCRIPTION OF CHANGED CONDITIONS

Design Modification 1: The installation of additional traffic control signs and minor roadway striping are proposed to allow for the Billings Bypass to open to vehicular traffic while the remaining segments of the bypass are constructed. Additional signs are proposed at the following locations:

- RP 0.295 – Stop sign relocation and lane restriping at the intersection of Johnson Lane and Coulson Road
- RP 2.183 to 2.334 – Four additional signs around the Five Mile Road roundabout
- RP 2.764 to 2.814 – Two additional signs at the intersection of Five Mile Road and Dover Road

Additional signage would also be placed adjacent to Johnson Lane and Coulson Road near the intersection of these two roadways. Signage for the project are shown in Figures 1, 2, and 3 below. These additional signs would be removed following completion of the final segment of the Billings Bypass.

In addition to the REIS for the Railroad O'Pass segment (4199005), these three locations were previously evaluated as part of the REIS for the Johnson Lane (4199007) and Five Mile Road (4199002) segments of the Billings Bypass.

Figure 1: Signage Updates and Traffic Control at the Johnson Lane and Coulson Road Intersection

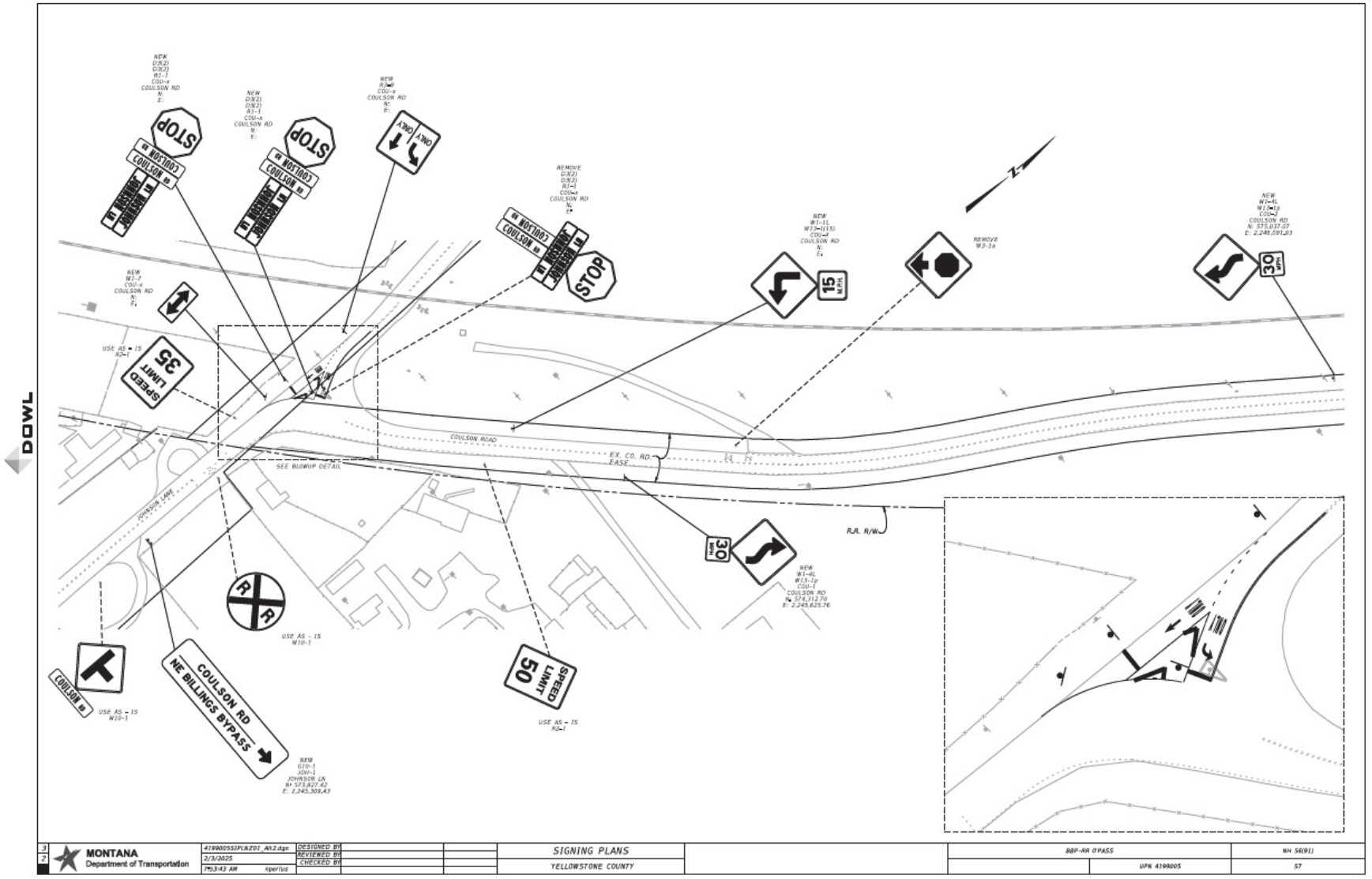


Figure 2: Signage Updates at the Five Mile Road Roundabout

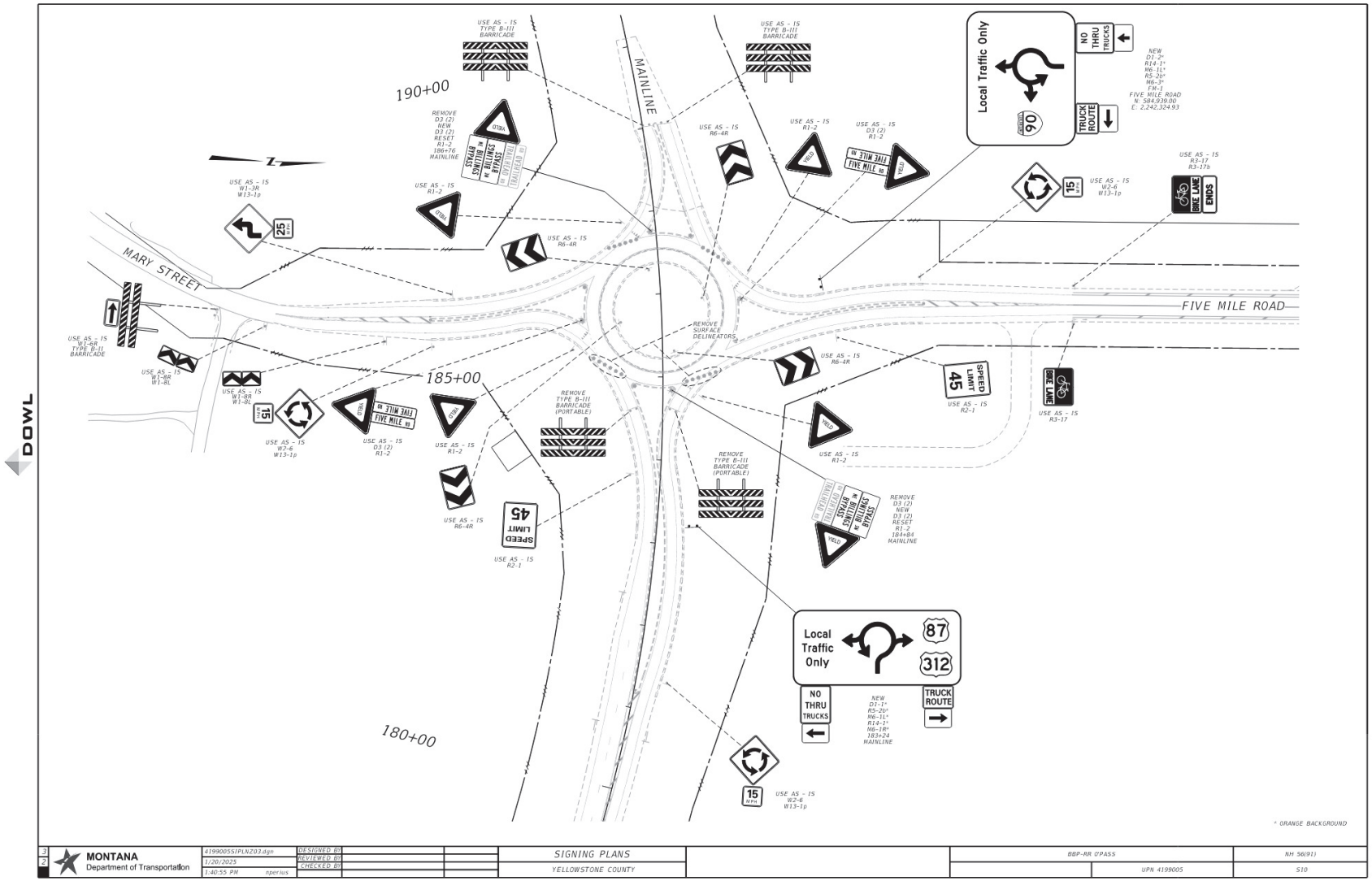
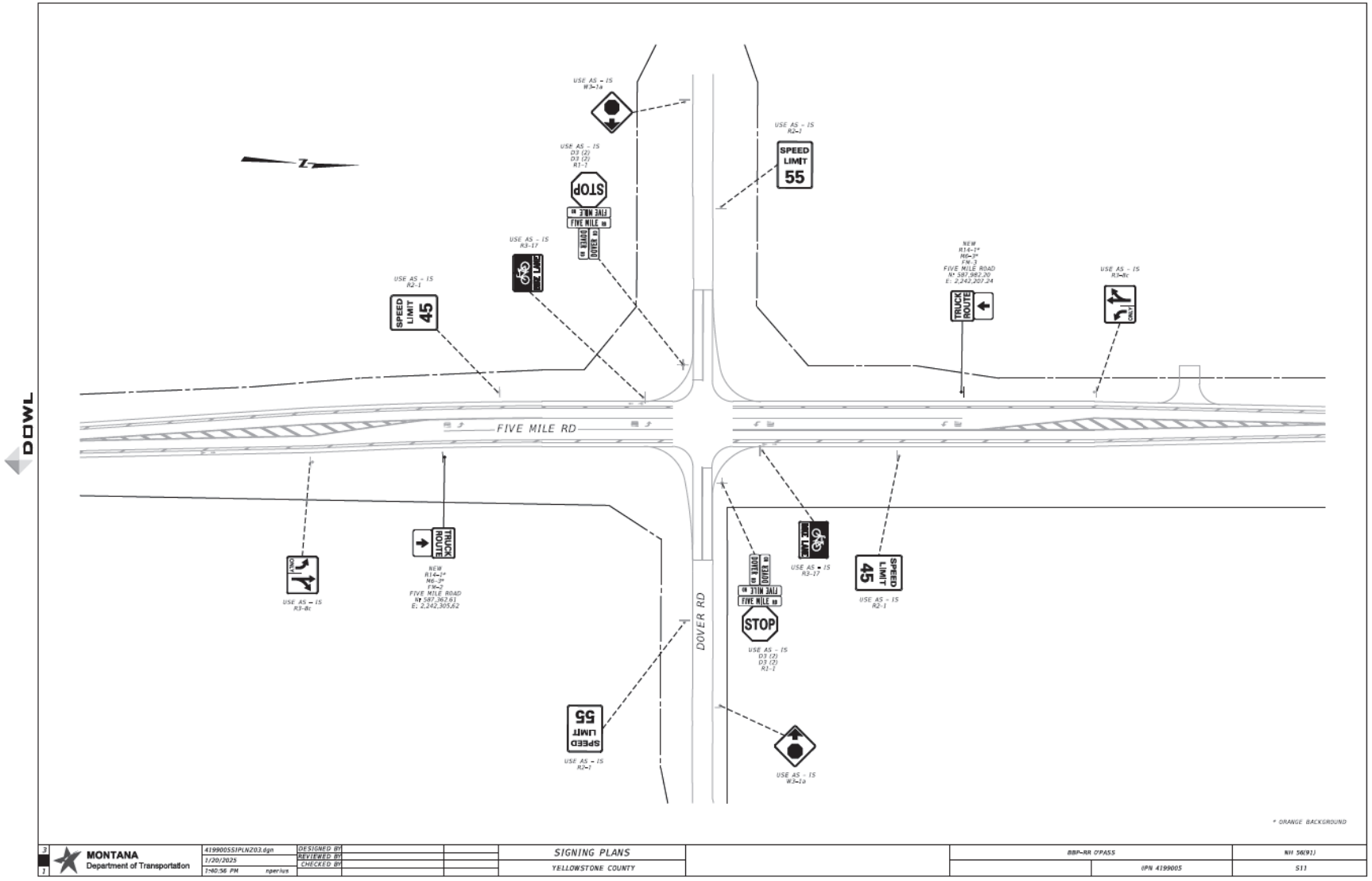


Figure 3: Signage Updates at the Five Mile Road and Dover Road Intersection



Traffic Control Change 1: Modifications to traffic operations at Johnson Lane and Coulson Road may be warranted once the northeast Billings Bypass is open to traffic. Existing traffic control at this intersection is stop controlled for Coulson Road only and Johnson Lane traffic is free flowing. When the bypass opens to traffic, the queueing on Coulson Road may warrant modification of traffic control. This would include adding stop control to southbound Johnson Lane and continuing to allow free flow movements from northbound Johnson Lane to eastbound Coulson Road and westbound Coulson Road to southbound Johnson Lane.

Environmental Change 1: Biological Resources Update

Threatened and Endangered Species

The only updates to the biological resources since the 2022 REIS is a March 2025 BRR/BA addendum that addresses the status change for Monarch butterfly (now listed as proposed threatened) and the addition of the proposed endangered Suckley's cuckoo bumble bee. The March 2025 BRR/BA addendum was also needed, as the proposed signage is outside areas previously reviewed under the June 2022 BRR/BA addendum. The current 2025 BRR/BA addendum reviewed the project area for both the Monarch butterfly and Suckley's cuckoo bumble bee.

Monarch Butterfly

Monarch butterflies (*Danaus plexippus*) migrate through Montana in the spring and fall as they move between central Mexico and Canada. While monarch butterflies may migrate through the area, suitable foraging and resting habitat is limited within the project footprint. Montana does not fall within the range of proposed critical habitat for the Monarch butterfly, therefore no critical habitat could be destroyed or adversely modified. According to the Montana Natural Heritage Program (MTNHP), the closest recorded observation of a Monarch butterfly was over 30 miles southwest of the project limits in 2016. Due to limited suitable habitat, current construction disturbance associated with the Railroad O'Pass segment, and the scope of the proposed signage installation, the Monarch butterfly is not anticipated to be present. Therefore, proposed signage and traffic control activities completed under the Railroad O'Pass project ***is not likely to jeopardize the continued existence*** of the Monarch butterfly. Should the Monarch butterfly be listed as threatened or endangered following the approval of the 2025 BRR/BA addendum, then a determination of ***No Effect*** is determined applicable.

Suckley's Cuckoo Bumble Bee

Suckley's cuckoo bumble bees (*Bombus suckleyi*) are an obligate social parasite that lacks a mechanism to carry pollen and is unable to produce worker bees. As such, the species is entirely dependent on social bumble bee hosts, such as the western bumble bee (*Bombus occidentalis*), to collect pollen and rear their young. Critical habitat has not been proposed for Suckley's cuckoo bumble bee, therefore no critical habitat could be destroyed or adversely modified. According to the MTNHP, there have been no recorded occurrences of the species within Yellowstone County, and the project limits consist of very little suitable habitat for the species. As the species has not been documented within the county and little to no suitable habitat exists within the project limits, the proposed signage and traffic control activities completed under the Railroad O'Pass project ***is not likely to jeopardize the continued existence*** of Suckley's cuckoo bumble

bee. Should Suckley's cuckoo bumble bee be listed as threatened or endangered following the approval of the 2025 BRR/BA addendum, then a determination of ***No Effect*** is appropriate.

The change in impacts to Threatened and Endangered species is consistent with the findings in the FEIS/ROD and would not be considered "significant" in terms of context and intensity.

The Railroad Overpass Addendum to the Final BRR/BA dated March 24, 2025, is included as Attachment 2.

RE-EVALUATION

The scope of this re-evaluation includes signage and traffic control updates and the evaluation of both changed conditions and updated environmental information. This re-evaluation includes a review of the 2021 REIS and 2022 REIS for any changes in previously identified environmental resources impacts, as well as any mitigation commitments associated with the environmental changes.

Resource Category Re-Evaluation

The following resource categories were previously examined in the Billings Bypass FEIS, the 2021 REIS and 2022 REIS for the Railroad O'Pass segment and have been re-evaluated in the context of the Railroad O'Pass project as currently proposed and, where applicable, new or updated information is provided. Table 1 provides an overview of the resource category and whether a change in impact or a change in mitigation has occurred. Resource categories with changed conditions are described in greater detail below.

Table 1. Re-evaluation of Resource Categories

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Traffic Operations	Yes	No	Increased traffic at the intersection of Johnson Lane and Coulson Road, following the opening of the Billings Bypass, may result in additional queuing on the stop-controlled Coulson Road. Should MDT determine traffic queueing requires traffic modification, the following traffic control measures would be implemented: • Add a stop control to southbound Johnson Lane; and • Continuing to allow free-flow traffic movements from northbound Johnson Lane to eastbound Coulson Road and westbound Coulson Road to Johnson Lane. This change would not alter the conclusion in the FEIS/ROD. No other concerns related to traffic have been identified since the 2021 and 2022 REIS/ROD.
Access	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Safety	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Pedestrian and Bicycle Considerations	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Land Use	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Parks and Recreation	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Social	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Economic	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Environmental Justice	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Right-of-Way	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Railroad	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Utilities	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Historic and Cultural Resources	No	No	The proposed Railroad O'Pass project activities remain within the Area of Potential Affect. No concerns have been identified since the 2021 and 2022 REIS/ROD.
Section 4(f) and Section 6(f) Resources	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Visual Resources	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Noise	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Farmland	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Irrigation	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Energy	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Air Quality	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Hazardous Materials	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Water Resources and Water Quality	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Wild and Scenic Rivers	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Waterbody Modifications	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Floodplains	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Discussion
Wetlands	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Vegetation	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Wildlife and Aquatic Resources	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
State Species of Concern and Special Status Species	No	No	No concerns have been identified since the 2021 and 2022 REIS/ROD.
Threatened and Endangered Species	Yes	No	A BRR/BA Addendum Report was completed for the Railroad O'Pass segment on March 24, 2025. Since the 2022 FEIS, the USFWS updated the status of the Monarch butterfly and Suckley's cuckoo bumble bee to proposed threatened and proposed endangered, respectively. Monarch butterflies migrate through Montana in the spring and fall as they move between central Mexico and Canada. While Monarch butterflies may migrate through the area, suitable foraging and resting habitat is limited within the Railroad O'Pass project footprint, and the overall Billings Bypass footprint. Suckley's cuckoo bumble bees are an obligate social parasite that lacks a mechanism to carry pollen and is unable to produce worker bees. As such, the species is entirely dependent on social bumble bee hosts, such as the western bumble bee (Bombus occidentalis), to collect pollen and rear their young. According to the MTNHP, there have been no recorded occurrences of the species within Yellowstone County, and the project limits consist of very little suitable habitat for the species. The 2025 BRR/BA addendum report determined that the proposed project was ***not likely to jeopardize the continued existence*** of either species. The change in impacts to Threatened and Endangered species is consistent with the findings in the FEIS/ROD and would not be considered "significant" in terms of context and intensity.

CONCLUSION

Through this re-evaluation, MDT has determined that no substantive changes have occurred since the 2021 REIS and 2022 REIS. The design and environmental updates described in this re-evaluation would not affect the ability of the Railroad O'Pass segment of the Billings Bypass, and the proposed activities under this project, to meet the stated purpose as described in the FEIS and ROD. Additionally, MDT has determined that the impacts of these design and environmental updates are not, individually or cumulatively, significant nor are they significantly different from those impacts described in the FEIS and ROD.

MDT has determined that these design and environmental updates would have no effect on the ultimate decision documented in the ROD and that approving this updated NEPA/MEPA evaluation is consistent with 23 CFR 771.

REVIEWED/AUTHORIZED

Date: By Tom Martin at 1:06 pm, Apr 09, 2025

Tom Martin, P.E.
Environmental Services Bureau Chief

LUCIA HAYDEE OLIVERA

Digitally signed by LUCIA HAYDEE OLIVERA
Date: 2025.04.10 12:11:11 -06'00'

Date: 4/10/2025

Federal Highway Administration

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Mike Taylor	Billings District Administrator
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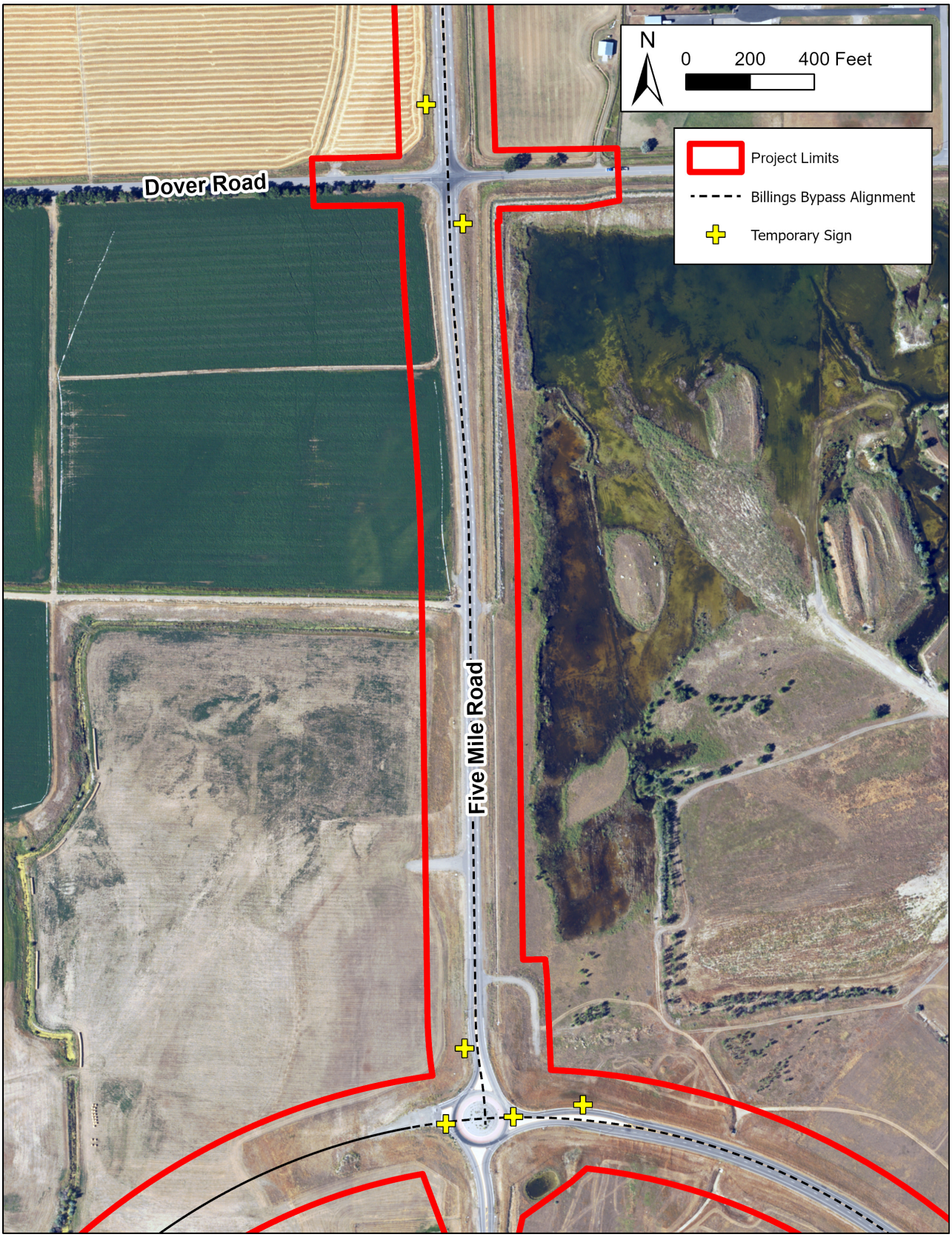
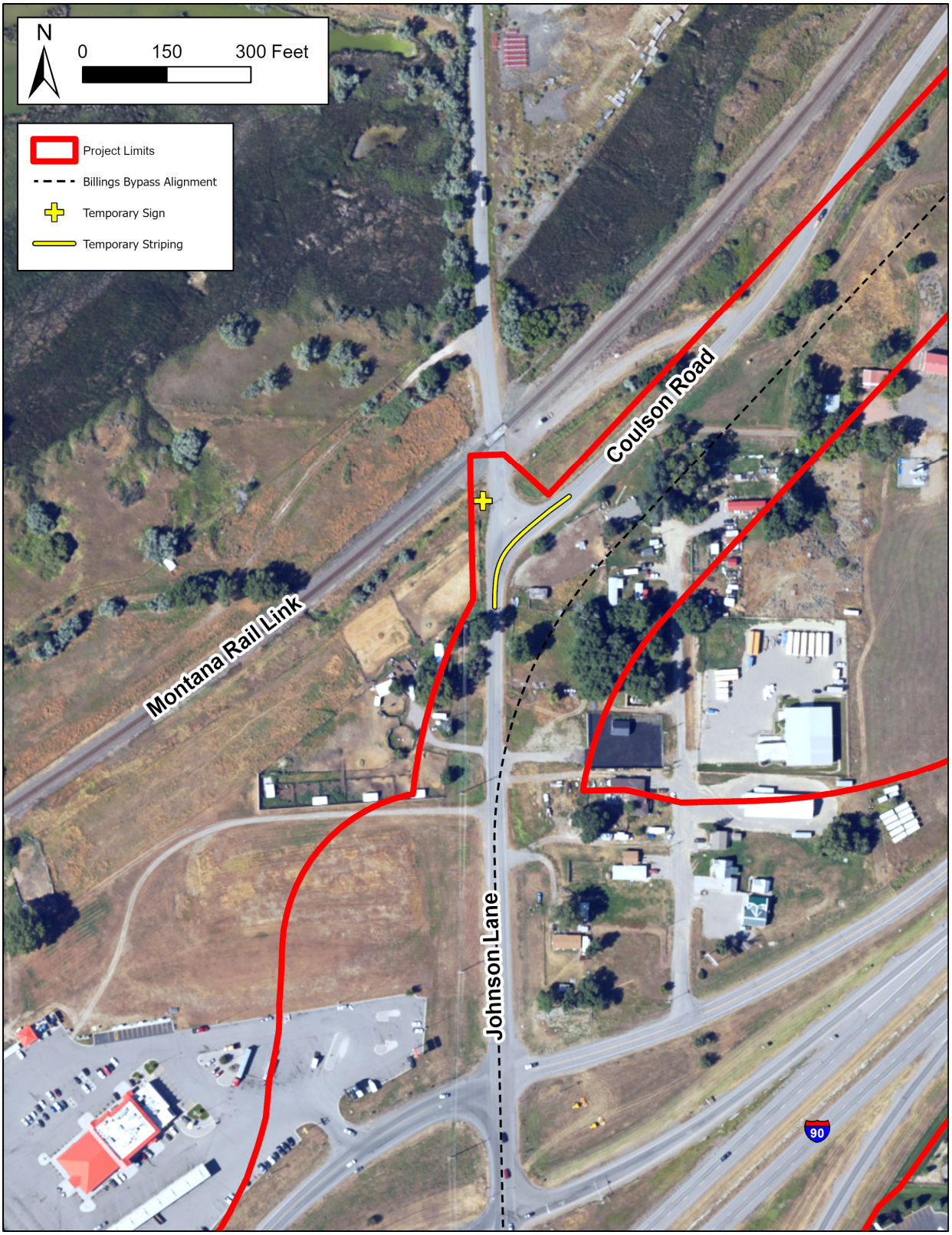
Dave Holien	Highways Engineer
Jason Giliam	Right-of-Way Bureau Chief
Kelly Williams	Consultant Design Engineer
Fred Bente	Consultant Project Engineer
Hayden Burnett	Engineering Construction Contracting Bureau
Katy Callon	Fiscal Programming Section Supervisor
Tommy Griffeth	Billings District Project Development Engineer
Joseph Weigand	FHWA Environmental Specialist
Gene Kaufman	FHWA Program and Project Delivery Engineer
Montana Legislative Branch Environmental Quality Council (EQC)	

copies: Environmental Services Bureau File

Attachment 1: Project Limits and Vicinity


Project Location
Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS
Billings
Lockwood
312
Dover Road
Five Mile Road
Figure 2
Figure 3
Yellowstone River
Johnson Lane
Coulson Road
Bitterroot Dr
94
90
Project Limits
Billings Bypass Alignment
N
0
0.25
0.5 Miles


N
0
200
400 Feet
Project Limits
Billings Bypass Alignment
Temporary Sign
Dover Road
Five Mile Road


N
0
150
300 Feet
Project Limits
Billings Bypass Alignment
Temporary Sign
Temporary Striping
Coulson Road
Montana Rail Link
Johnson Lane
90

Attachment 2: Railroad Overpass 2025 BRR/BA Addendum Report

Railroad Overpass Addendum to Final Biological Resources Report / Biological Assessment

MDT Activity 196

BBP – Railroad O'pass
NCDP-MT 56(55)
CN: 4199005

Prepared for:

MONTANA
Department of Transportation

Helena, MT

Prepared by:

DOWL

1300 Cedar Street
Helena, Montana 59601

March 24, 2025

Principal Author:

Emily Peterson
DOWL Environmental Manager
406.442.0370

TABLE OF CONTENTS

FIGURES

APPENDICES

LIST OF ACRONYMS

BA……..Biological Assessment
BMP……...Best Management Practices
BRR……... Biological Resources Report
FEIS……Final Environmental Impact Statement
FWP…… Montana Fish, Wildlife, and Parks
MDT……Montana Department of Transportation
MTNHP……Montana Natural Heritage Program
ROD…… Record of Decision
USGS……United States Geological Service
USFWS……United States Fish & Wildlife Service

EXECUTIVE SUMMARY

A Final Biological Resources Report/Biological Assessment (BRR/BA) was completed for the Billings Bypass in November 2011. Two addenda to that report were completed in June 2012 and August 2013. The 2011 BRR/BA Report and the 2012 report addendum served as a basis for informal consultation with the US Fish and Wildlife Service (USFWS) concerning potential effects of future Billings Bypass projects on federally listed species. The August 2013 addendum was completed to confirm there had been no changes to the USFWS Yellowstone County list of threatened and endangered species since the 2012 addendum and confirm the USFWS determination was still current. Impacts to biological resources were also evaluated in the 2014 Billings Bypass Final Environmental Impact Statement (FEIS).

Due to the Billings Bypass project now being split into six construction projects and the time lapse since the August 2013 addendum and 2014 FEIS, BRR/BA Addendums are being prepared for each project segment as updates to the original BRR/BA, addenda, and Billings Bypass FEIS. A BRR/BA addendum for the Railroad O'Pass project segment was prepared in July 2022, with a FEIS Re-evaluation and ROD for the O'Pass segment signed in 2022.

This BRR/BA Addendum Report has been prepared as an update to the Railroad O'Pass project segment, to document project changes in the Railroad O'Pass project vicinity from what was presented in the July 2022 BRR/BA addendum. This addendum includes updates to the project description. It also provides general vegetation updates and updated information on federally threatened and endangered species within the Railroad O'Pass project vicinity. The addendum will be included as part of the 2025 FEIS Re-evaluation for the Railroad O'Pass project segment.

ADDENDUM SUMMARY

The Railroad O'Pass project area, proposed design, existing conditions, avoidance and minimization measures, impacts, and recommended conservation measures described in the 2011 BRR/BA, subsequent 2012, 2013, and 2022 addenda, the 2014 Billings Bypass FEIS, and the Railroad O'Pass 2022 FEIS Re-evaluation are still valid and remain unchanged except as detailed below.

- Installation of approximately seven additional traffic control signs and minor roadway striping are proposed to allow the Billings Bypass to open to vehicular traffic while the remaining portions of the bypass are constructed. The additional signs are proposed at the following locations:
    - Reference Post (RP) 0.295 – Stop sign relocation and lane restriping at the intersection of Johnson Lane and Coulson Road
    - RP 2.183 to 2.334 – Four additional signs around the newly constructed Five Mile Road and Yellowstone River Segment roundabout
    - RP 2.764 to 2.814 – Two additional signs at the intersection of Five Mile Road and Dover Road

Additional signage would also be placed adjacent to Johnson Lane and Coulson Road near the intersection of these two roadways. The additional signs would be removed following completion of the final portion (Mary Street) of the Billings Bypass.

- Modifications to traffic operations at Johnson Lane and Coulson Road may be warranted once the northeast Billings Bypass is open to traffic. Existing traffic control at this intersection is stop controlled for Coulson Road only and Johnson Lane traffic is free flowing. When the bypass opens to traffic, the queuing on Coulson Road may warrant modification of traffic control. This would include adding stop control to southbound Johnson Lane and continuing to allow free flow movements from northbound Johnson Lane to eastbound Coulson Road and westbound Coulson Road to southbound Johnson Lane.

- The status of the monarch butterfly (*Danaus plexippus*) and Suckley's cuckoo bumble bee (*Bombus suckleyi*) were updated by USFWS in December 2024, as proposed threatened and proposed endangered, respectively. The proposed activities and installation of additional signage would ***not jeopardize the continued existence*** of monarch butterfly or the Suckley's cuckoo bumble bee.

1.0 INTRODUCTION

The Montana Department of Transportation (MDT) is proposing to install approximately seven additional traffic control signs, minor roadway striping, other and traffic control improvements as part of Railroad O'Pass segment project of the Billings Bypass (4199005). The Railroad O'Pass segment is the fourth project to be constructed and extends from Reference Post (RP) 1.42 (south of the Montana Railroad Link [MRL] railroad crossing of Coulson Road) to RP 1.59 on the bypass alignment. The project is located adjacent to the city of Billings in Yellowstone County. Signage is proposed at RP 0.295, RP 2.183 to 2.334, and RP 2.764 to 2.814. The additional signage is needed to allow the Billings Bypass to open to vehicular traffic while the remaining portions of the bypass are constructed. The signs would be removed following completion of the final portion (Mary Street) of the Billings Bypass. In addition, traffic control improvements at the Johnson Lane and Coulson Road intersection may be warranted once the bypass is open to traffic.

This Biological Resources Report/Biological Assessment (BRR/BA) Addendum Report has been prepared as part of BRR/BA re-evaluation of the Railroad O'Pass segment of the Billings Bypass project. This report provides general biological resources updates, within the Railroad O'Pass project vicinity since the July 2022 BRR/BA addendum, the 2014 Billings Bypass Final Environmental Impact Statement (FEIS), and the 2022 FEIS Re-evaluation for the Railroad O'Pass segment. The report also includes an updated assessment of potential impacts to these resources as a result of the proposed Railroad O'Pass project.

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

2.0 BRR/BA SECTION 1.1 – PROJECT DESCRIPTION UPDATES

As part of the current 2025 FEIS Re-evaluation, the following modifications have been incorporated into the design of the Railroad O'Pass segment of the Billings Bypass:

Design Modification: Installation of approximately seven additional traffic control signs and minor roadway striping are proposed to allow the Billings Bypass to open to vehicular traffic while the remaining portions of the bypass are constructed (Figures 1, 2, and 3). The additional signs are proposed at the following locations:

- RP 0.295 – Stop sign relocation and lane restriping at the intersection of Johnson Lane and Coulson Road
- RP 2.183 to 2.334 – Four additional signs around the newly constructed Five Mile Road and Yellowstone River Segment roundabout
- RP 2.764 to 2.814 – Two additional signs at the intersection of Five Mile Road and Dover Road

Additional signage would also be placed adjacent to Johnson Lane and Coulson Road near the intersection of these two roadways. Signage for the project, including the additional signage noted above, are shown on Figures 4, 5, and 6 below. The additional signs would be removed following completion of the final portion (Mary Street) of the Billings Bypass.

Traffic Control Change 1: Modifications to traffic operations at Johnson Lane and Coulson Road may be warranted once the northeast Billings Bypass is open to traffic. Existing traffic control at this intersection is stop controlled for Coulson Road only and Johnson Lane traffic is free flowing. When the bypass opens to traffic the queuing on Coulson Road may warrant modification of traffic control. This would include adding stop control to southbound Johnson Lane and continuing to allow free flow movements from northbound Johnson Lane to eastbound Coulson Road and westbound Coulson Road to southbound Johnson Lane.

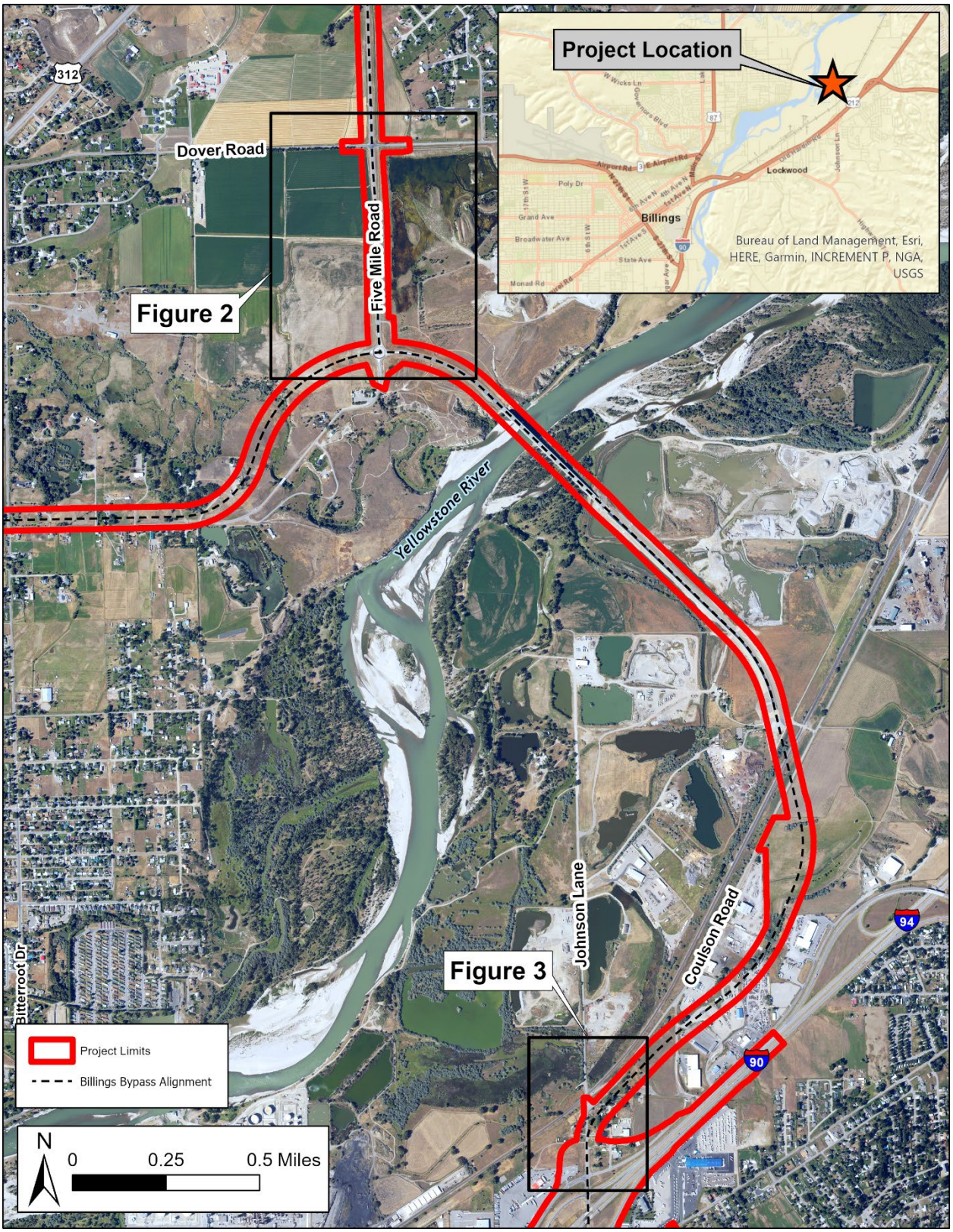


Figure 1. Signage Locations in Reference to Railroad O'Pass Segment

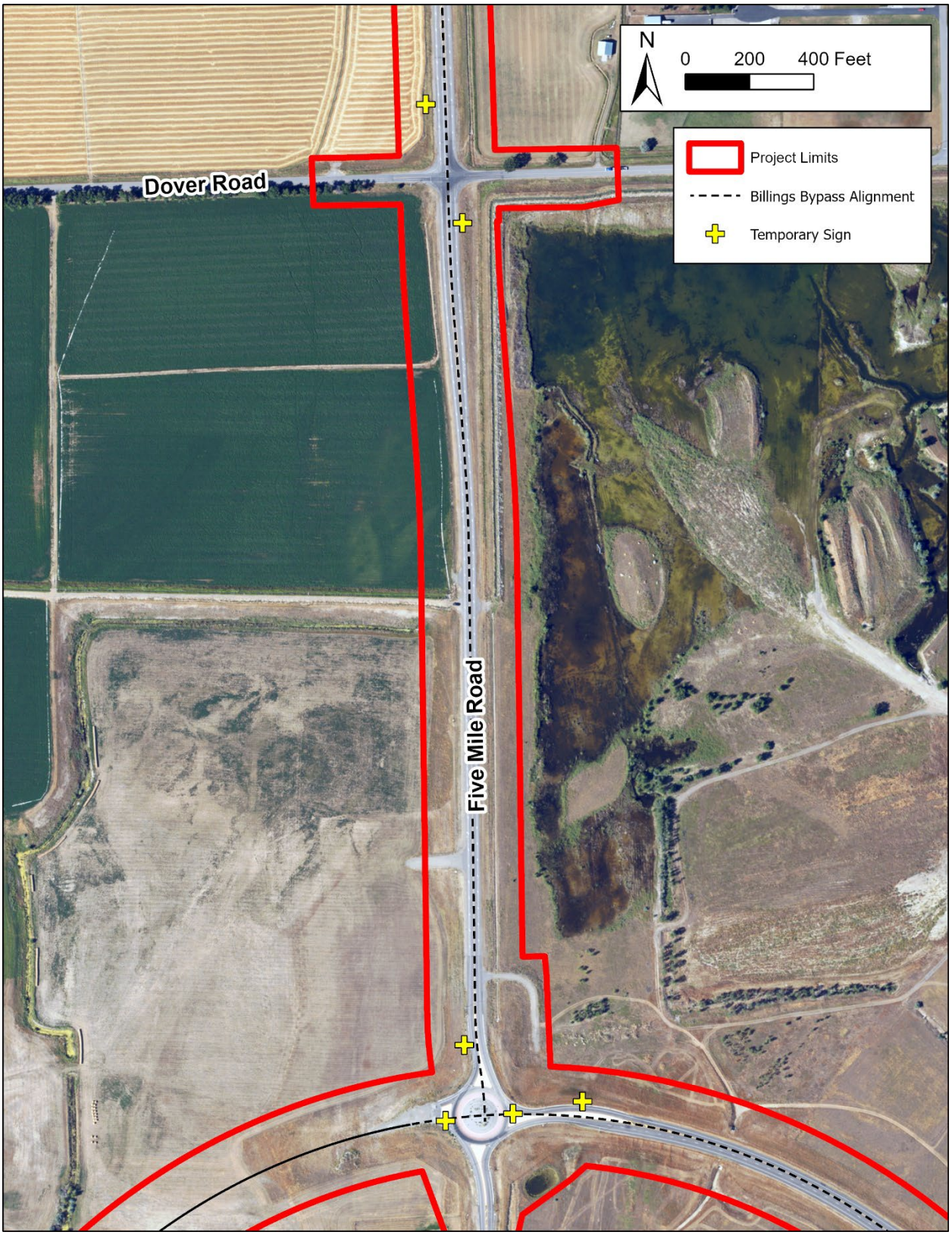


Figure 2. Signage Locations at on Five Mile Road

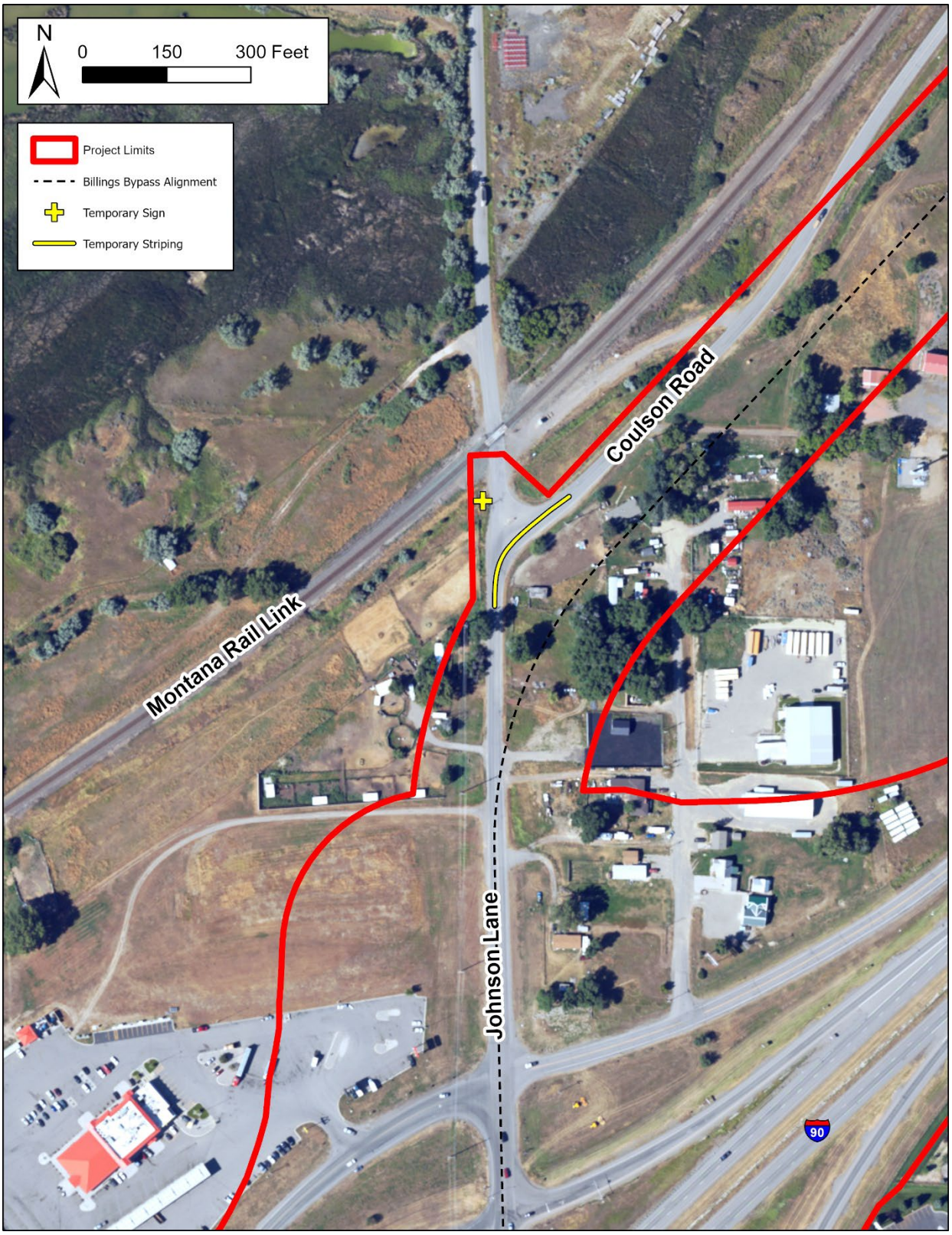


Figure 3. Signage Locations & Traffic Control at Johnson Lane and Coulson Road Intersection

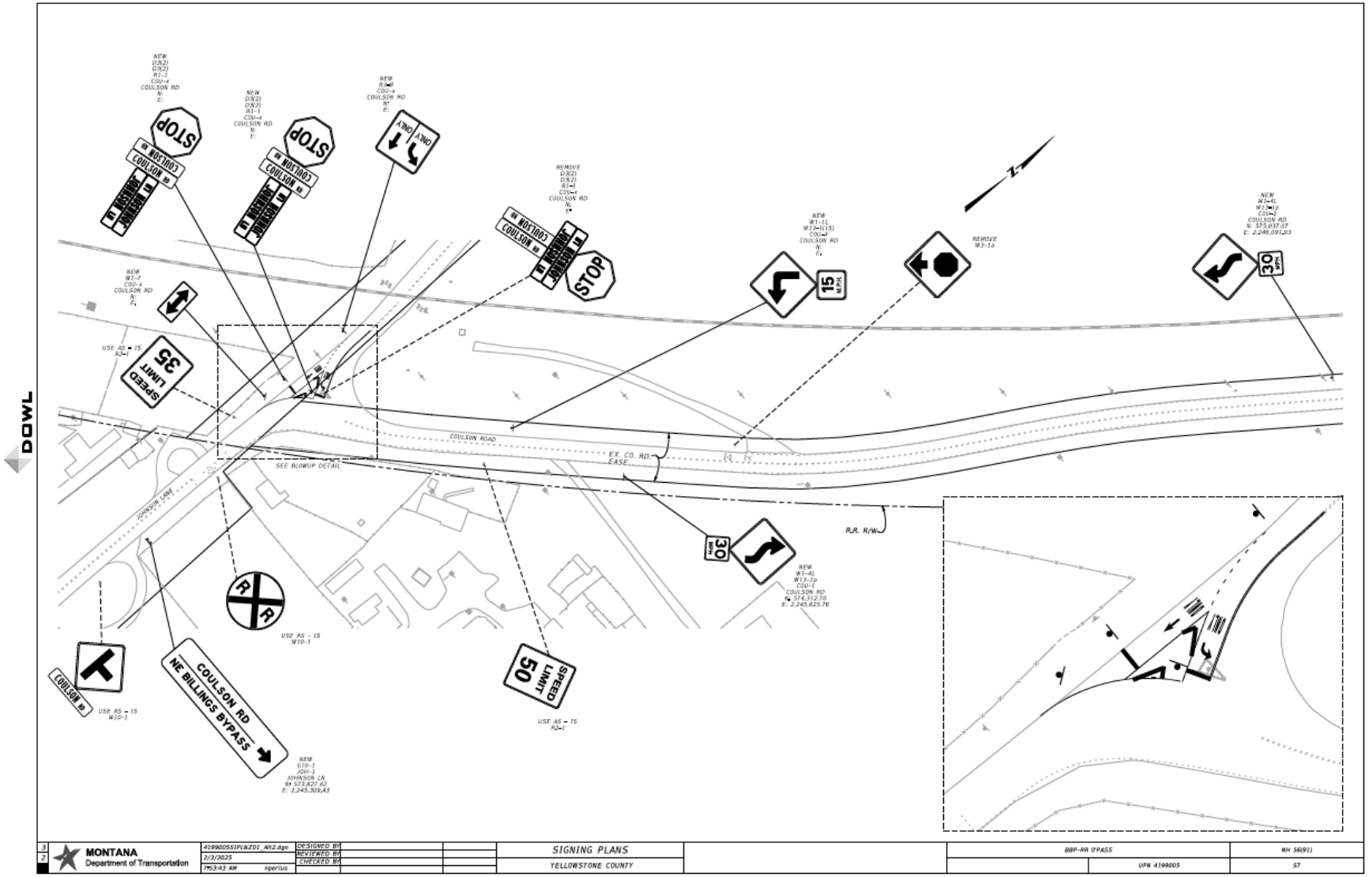


Figure 4: **Signage Updates Coulson Road and Johnson Lane**

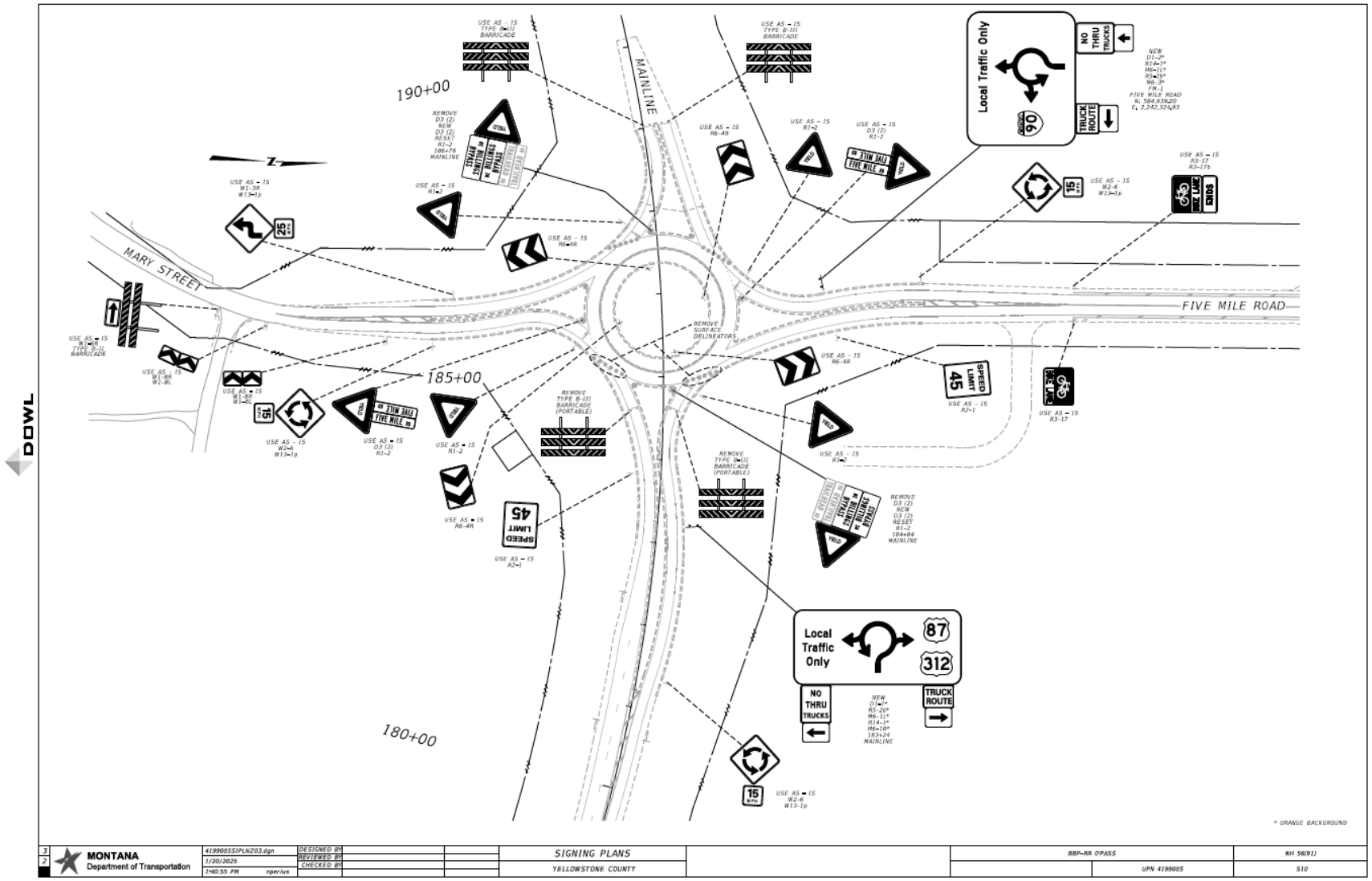


Figure 5: Signage Updates Five Mile Road Roundabout

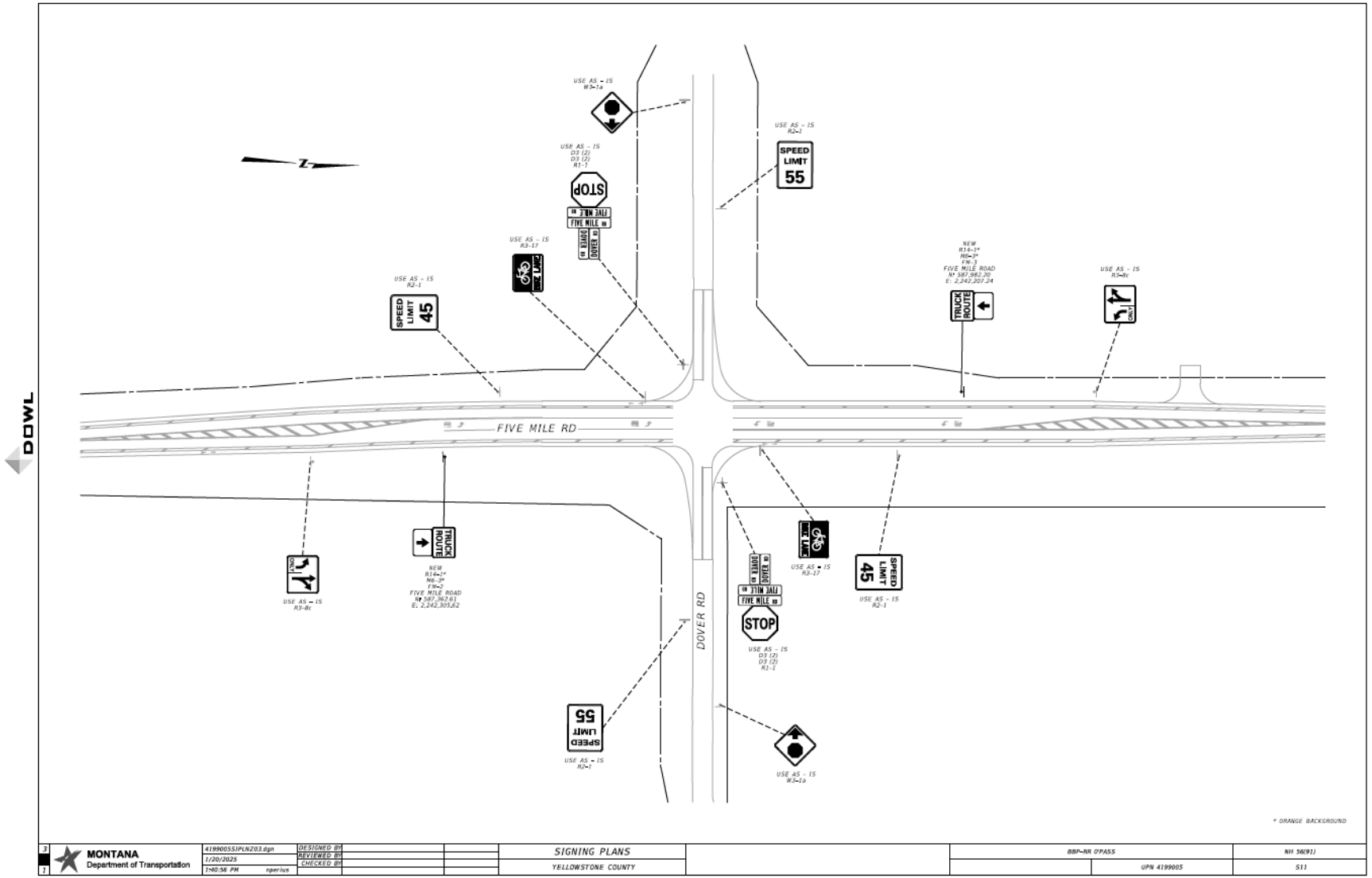


Figure 6: Signage Updates Dover Road Intersection

3.0 BRR/BA Section 3.0 – General Vegetation and Wildlife

The existing general vegetation, aquatic resources, general wildlife conditions, state species of concern, avoidance and minimization measures, impacts, and recommended conservation measures described in the 2011 BRR/BA, subsequent 2012, 2013, and 2022 addenda, the 2014 Billings Bypass FEIS, and 2022 Railroad O'Pass FEIS Re-evaluation are still valid and remain unchanged. The updated design for Railroad O'Pass is not anticipated to increase or reduce impacts to these resources and will not be addressed further in this addendum report.

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

Methods

The March 2025 USFWS Endangered, Threatened, Proposed, and Candidate Species list for Yellowstone County was reviewed to determine if there were any changes in federally listed species in or near the Railroad O'Pass project vicinity since the 2011 BRR/BA, subsequent 2012, 2013, and 2022 addenda, the 2014 Billings Bypass FEIS, and 2022 FEIS Re-evaluation (USFWS, 2025a). The MTNHP database for threatened or endangered species was also reviewed for occurrences within and adjacent to the project limits (MTNHP, 2025).

Results

Since the 2011 BRR/BA, subsequent addenda, the 2014 FEIS, and 2022 FEIS Re-evaluation, the federal status for the monarch butterfly (*Danaus plexippus*) has been changed to proposed threatened (December 12, 2024) and the Suckley's cuckoo bumble bee (*Bombus suckleyi*) has been added as a proposed endangered species (December 16, 2024) on the list of endangered, threatened, proposed, and candidate species for Yellowstone County. The USFWS determined that the threat level to both the monarch butterfly and Suckley's cuckoo bumble bee had increased and now qualify to be listed as proposed threatened and proposed endangered, respectively.

Currently, the USFWS list by county shows two federally listed species, one proposed threatened species, and one proposed endangered species with the potential to occur in Yellowstone County, Montana (Appendix A). These include Whooping Crane (*Grus Americana*), Red Knot (*Calidris canutus*), monarch butterfly, and Suckley's cuckoo bumble bee. Whooping Crane and Red Knot were addressed in the 2011 BRR/BA, subsequent addenda, the 2014 FEIS, and 2022 Railroad O'Pass FEIS Re-evaluation.

The following information is provided in this BRR/BA Addendum Report to supplement the effects analysis for monarch butterfly and Suckley's cuckoo bumble bee.

Monarch Butterfly

Species Description

Adult monarch butterflies are large butterflies with orange wings. The wings have black borders and black veins, as well as white speckling. Larvae emerge from their eggs on

obligate milkweed host plants after two to five days. The larvae transition through five larval instars over the course of 9 to 18 days. Lastly, they pupate into a chrysalis before emerging 6 to 14 days later as an adult Monarch Butterfly (USFWS, 2025b).

Monarchs prefer open places, native prairie, foothills, open valley bottoms, roadsides, open weedy fields, pastures, and marshes. During migration, monarchs need nighttime roosting sites. In the western population, roosting generally occurs in both native and nonnative deciduous and evergreen trees. Monarchs have been observed using narrow-leaved tree species such as willows, Russian olives, locusts, pines, and eucalyptus as roosting sites (USFWS, 2025c). Monarch butterflies living east of the Rocky Mountains migrate from Canada to central Mexico where they overwinter. Monarchs typically do not arrive in Montana until June or July and migrate south between September and October (FWP, 2025).

Reason for Decline and Federal Status

The monarch butterfly was designated as a Candidate Species on December 15, 2020, (Federal Register 85(243):81813-81822). Subsequently, the monarch butterfly's listing status was updated to proposed threatened on December 12, 2024, due to the ongoing impacts from loss and degradation of breeding, migratory, and overwintering habitat (from past conversion of grasslands and shrublands to agriculture and widespread use of herbicides; logging/thinning at overwintering sites in Mexico; urban development, senescence (i.e., deterioration with age), and incompatible management of overwintering sites in California; and drought); exposure to insecticides, and effects of climate change (Federal Register 89 (239):100662-100715).

Occurrence in Project Limits

Monarch butterflies migrate through Montana in the spring and fall as they move between central Mexico and Canada. While monarch butterflies may migrate through the area, suitable foraging and resting habitat is limited, as most of the area consists primarily of cultivated agricultural lands that are continually mowed, a large gravel pit, and the new roadway alignment for the Billings Bypass. According to MTNHP, the closest recorded observation of a monarch butterfly was over 30 miles southwest of the project limits in 2016 (MTNHP, 2025a).

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

The monarch butterfly is not anticipated within the updated project limits as current and ongoing construction disturbance associated with the Billings Bypass limits suitable habitat. Montana does not fall within the range of proposed critical habitat for the monarch butterfly, therefore no critical habitat could be destroyed or adversely modified. Based on the information presented above, the proposed project is **Not Likely to Jeopardize the Continued Existence** of the monarch butterfly. Should the monarch butterfly be listed as threatened or endangered following the approval of this BRR, then a determination of *No Effect* is determined applicable.

Suckley's Cuckoo Bumble Bee

Species Description

The Suckley's cuckoo bumble bee is an obligate social parasite that lacks a mechanism to carry pollen and is unable to produce worker bees. As such, the species is entirely dependent on social bumble bee hosts, such as the western bumble bee (Bombus occidentalis), to collect pollen and rear their young. The historical distribution of Suckley's cuckoo bumble bee has been found in prairies, grasslands, meadows, urban and agricultural areas, and woodlands (Federal Register, 2024). Regardless of habitat type, this species cannot successfully reproduce without suitable host colonies and requires a diversity of native floral species for nutrition (USFWS, 2025d).

Reason for Decline and Federal Status

Suckley's cuckoo bumble bee was listed as a proposed endangered species in December 2024 due to host species decline, pathogens, pesticides, habitat fragmentation and conversion, and climate change (Federal Register, 2024).

Potential for Occurrence

Suckley's cuckoo bumble bee has not been documented in Yellowstone County (MTNHP, 2025b). Within the project limits, the diversity of nectar and pollen-bearing floral resources is limited by mowing and spraying. Habitat is also limited, as most of the area consists primarily of cultivated agricultural lands that are continually mowed, a large gravel pit, and the new roadway alignment for the Billings Bypass.

Potential Impacts, Avoidance, Minimization, and Recommended Conservation Measures

Critical habitat has not been proposed for Suckley's cuckoo bumble bee, therefore no critical habitat could be destroyed or adversely modified. Based on the above information, it has been determined that the proposed project is ***Not Likely to Jeopardize the Continued Existence*** of Suckley's cuckoo bumble bee. This determination is warranted as the species has not been recorded in or near the project vicinity and current and ongoing construction disturbance associated with the Billings Bypass limits suitable habitat. Should Suckley's cuckoo bumble bee be listed as threatened or endangered following the approval of this BRR, then a determination of *No Effect* is appropriate.

5.0 REFERENCES

Federal Register. 2024. Endangered and Threatened Wildlife and Plants; Endangered Species Status for Suckley's Cuckoo Bumble Bee. *50 CFR Part 17, 89*(242), 102074-102091. Retrieved January 2025, from https://www.govinfo.gov/content/pkg/FR-2024-12-17/pdf/2024-28729.pdf#page=1

FWP. 2025. Montana Field Guide. Accessed March 2025. http://fieldguide.mt.gov

MTNHP. 2025a. Montana Natural Heritage Program. Species of Concern Report. Provided by MTNHP in March 2025.

MTNHP. 2025b. *Suckley's Cuckoo Bumble Bee - Bombus suckleyi*. Retrieved January 2025, from Montana Field Guides: https://fieldguide.mt.gov/speciesDetail.aspx?elcode=IIHYM24350

USFWS. 2025a. US Fish and Wildlife Service Ecological Services Montana Field Office. Endangered, Threatened, Proposed, and Candidate Species for Montana Counties. March 2025.

USFWS. 2025b. Environmental Conservation Online System. Monarch Butterfly. https://ecos.fws.gov/ecp/. Accessed March 2025.

USFWS. 2025c. Monarch Butterflies – Pollinators. https:// www.fws.gov/pollinators/features/Monarch_Butterfly.html#:~:text=Monarchs%20need%20nighttime%20roosting%20sites,and%20eucalyptus%20as%20roosting%20sites. Accessed February 2025.

USFWS. 2025d. *Suckley's Cuckoo Bumble Bee (Bombus suckleyi) Species Status Assessment (Version 1.0).* Retrieved January 2025, from https://iris.fws.gov/APPS/ServCat/DownloadFile/263505

APPENDIX A

US FISH AND WILDLIFE SPECIES LIST FOR YELLOWSTONE COUNTY, MONTANA

IPaC **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Yellowstone County, Montana

Local office

Montana Ecological Services Field Office

(406) 449-5225
(406) 449-5339

585 Shephard Way, Suite 1

Helena, MT 59601-6287

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

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1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
Rufa Red Knot Calidris canutus rufa Wherever found There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/1864	Threatened

Insects

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee Bombus suckleyi No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10885	Proposed Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate

regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

There are Bald Eagles and/or Golden Eagles in your project area.

Measures for Proactively Minimizing Eagle Impacts
For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the National Bald Eagle Management Guidelines. You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to Bald Eagle Nesting and Sensitivity to Human Activity.

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

If disturbance or take of eagles cannot be avoided, an incidental take permit may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the Do I Need A Permit Tool. For assistance making this determination for golden eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

Ensure Your Eagle List is Accurate and Complete
If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31
Golden Eagle Aquila chrysaetos This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Dec 1 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the

maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

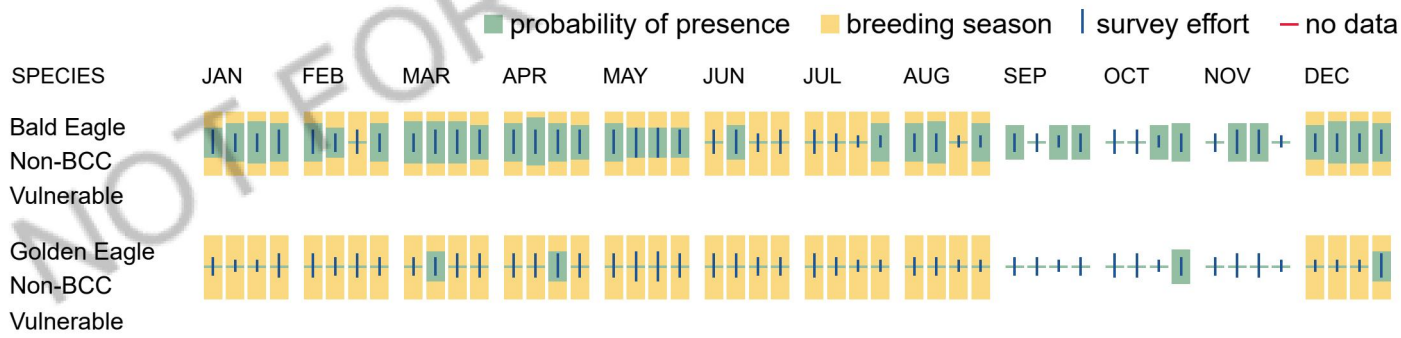
Breeding Season (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle (Bald and Golden Eagle Protection Act requirements may apply).

Proper interpretation and use of your eagle report

On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:
The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases birds of concern, including Birds of Conservation Concern (BCC), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the Nationwide avoidance and minimization measures for birds document, and any other project-specific avoidance and minimization measures suggested at the link Measures for avoiding and minimizing impacts to birds for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles document, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
American Dipper Cinclus mexicanus This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 21 to Aug 21
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31
Bobolink Dolichonyx oryzivorus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
California Gull Larus californicus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 1 to Jul 31
Ferruginous Hawk Buteo regalis This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/6038	Breeds Mar 15 to Aug 15
Franklin's Gull Leucophaeus pipixcan This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Golden Eagle Aquila chrysaetos This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Dec 1 to Aug 31

Grasshopper Sparrow Ammodramus savannarum perpallidus — Breeds Jun 1 to Aug 20
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/8329

Lark Bunting Calamospiza melanocorys — Breeds May 10 to Aug 15
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Lesser Yellowlegs Tringa flavipes — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9679

Lewis's Woodpecker Melanerpes lewis — Breeds Apr 20 to Sep 30
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9408

Marbled Godwit Limosa fedoa — Breeds May 1 to Jul 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9481

Northern Harrier Circus hudsonius — Breeds Apr 1 to Sep 15
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/8350

Pinyon Jay Gymnorhinus cyanocephalus — Breeds Feb 15 to Jul 15
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9420

Prairie Falcon Falco mexicanus — Breeds Mar 1 to Jul 31
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/4736

Western Grebe aechmophorus occidentalis — Breeds Jun 1 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/6743

Willet Tringa semipalmata — Breeds Apr 20 to Aug 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

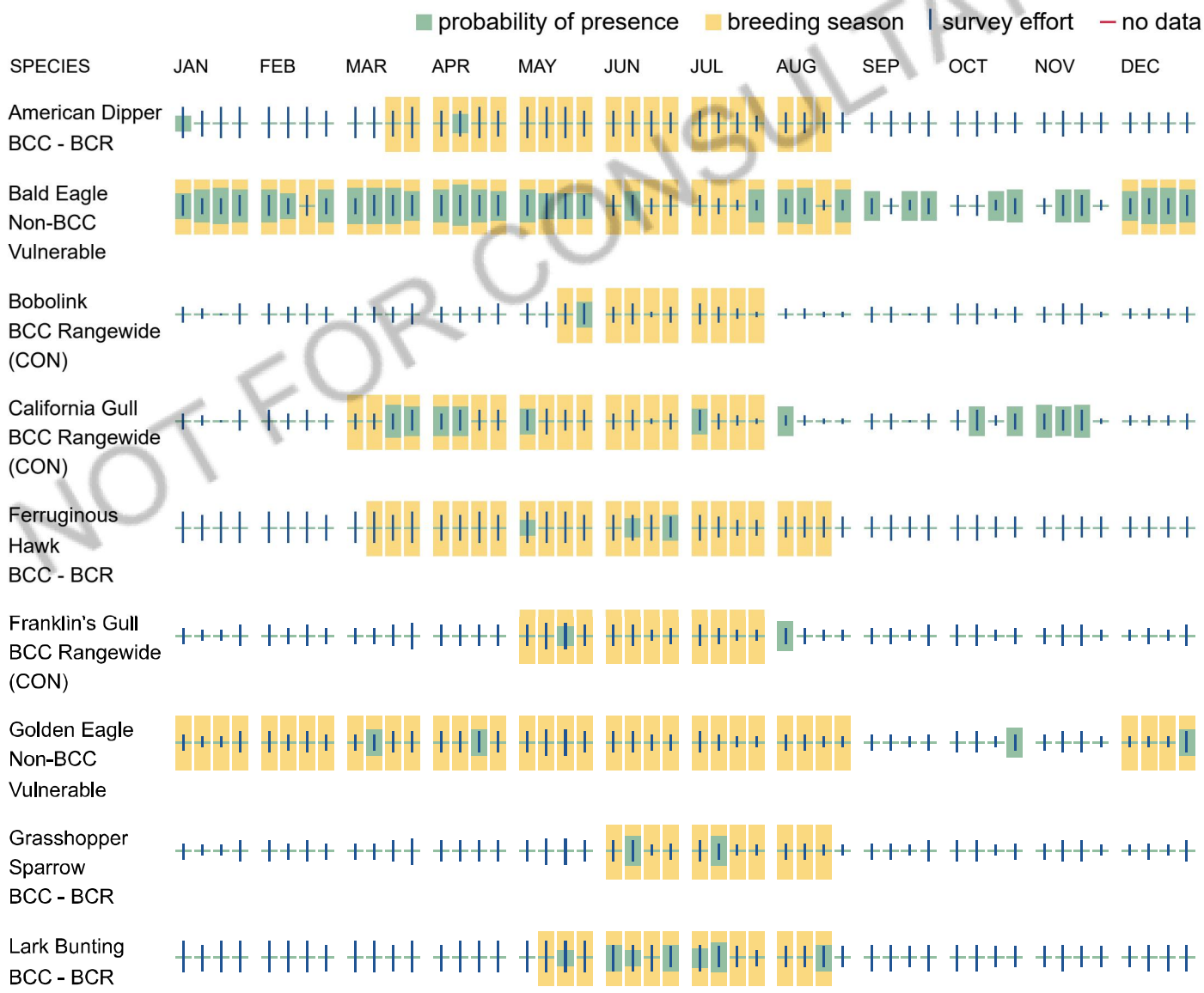
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

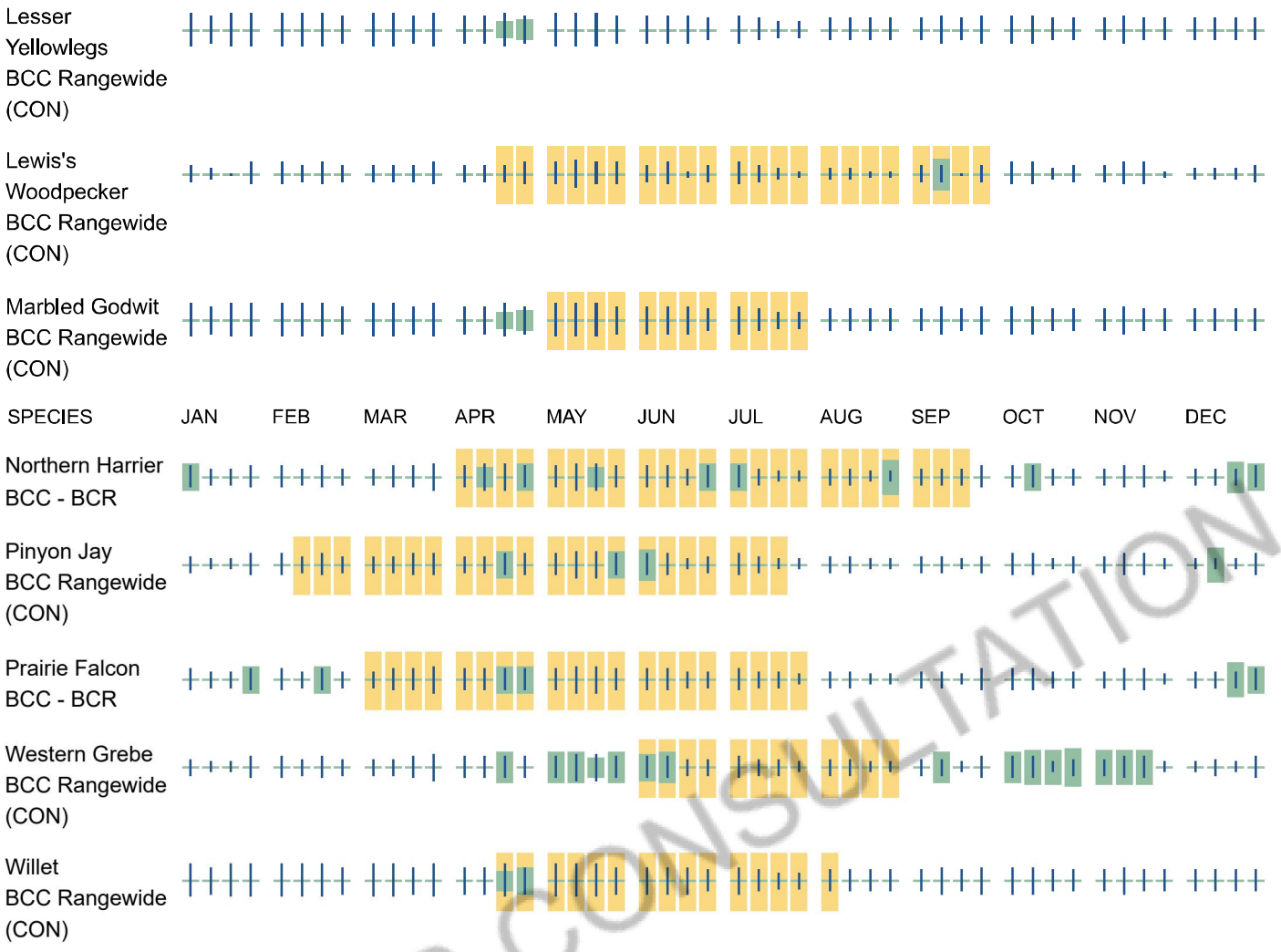
Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Avoidance & Minimization Measures for Birds describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the Bald and Golden Eagle Protection Act and those species marked as "Vulnerable". See the FAQ "What are the levels of concern for migratory birds?" for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle (Bald and Golden Eagle Protection Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the Rapid Avian Information Locator (RAIL) Tool.

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Bald and Golden Eagle Protection Act requirements (for eagles) or (for non-eagles) potential

susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ "Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability

of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory

(NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND
- PEM1C
- PEM1A

FRESHWATER FORESTED/SHRUB WETLAND
- PSS1A

FRESHWATER POND
- PABGx
- PABFx
- PABF
- PUBFx

LAKE
- L2USCx
- L2UBFx
- L2ABGx

RIVERINE
- R2UBH
- R4SBCx
- R2UBF
- R2USC
- R3UBF

A full description for each wetland code can be found at the National Wetlands Inventory website

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.