



# Biological Assessment

For the Federal Highway Administration

## ***Northwest Billings Connector and Marathon Trail Project***

*Yellowstone County, Montana*  
September 1, 2021

Prepared for:



Prepared by:



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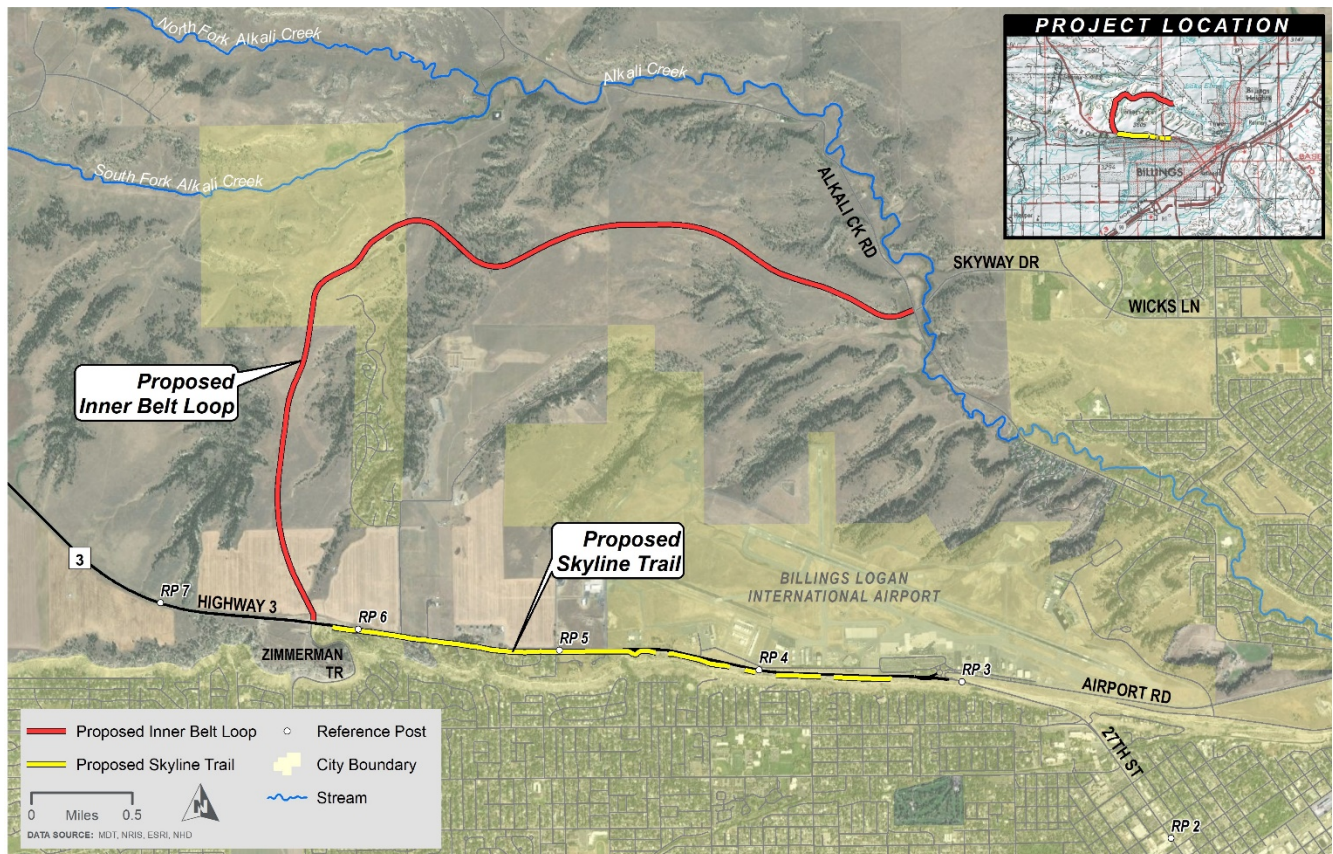
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# 1 Introduction

In 2020, the City of Billings (City) was awarded \$11.6 million in funding from the Federal Better Utilizing Investments to Leverage Development, or BUILD, Transportation Discretionary Grant program to fund transportation improvements in the northwest Billings area. The overall scope of the proposed Northwest Billings Connector and Marathon Trail Project (project) includes design and construction of five miles of new collector roadway and eight miles of trails. The proposed project includes two main project elements—the Inner Belt Loop and the Skyline Trail—as described in the 2020 grant application and as shown in Figure 1-1 and described below.



**Figure 1-1. Northwest Billings Connector and Marathon Trail Project Elements**

1. The Inner Belt Loop: This is a five-mile stretch of two-lane rural section roadway connecting Montana Highway 3 (MT-3)/Zimmerman Trail Road to Akali Creek Road/Skyway Drive accompanied by a separated multi-use trail. It will create a new connection between the Heights and West End. This proposed road has also been referred to as the Northwest Billings Connector.
2. The Skyline Trail: This is an approximately three-mile long 10-ft-wide multi-use trail that will extend from the intersection of MT-3/Zimmerman Trail through Airport Road along the south side of MT-3.

The purpose of the proposed project is to construct a new arterial roadway to provide an alternative transportation route between Billings' Heights area and West End area to alleviate widespread congestion near downtown resulting from a constrained arterial roadway and limited transportation

options. In addition, the proposed project will enhance safety and travel time, provide economic development opportunities, and improve access to recreational opportunities.

## 1.1 Federal Nexus

Section 7 of the ESA of 1973 (as amended) directs federal agencies to ensure that actions they authorize, fund, and/or conduct are not likely to jeopardize the continued existence of any federally-proposed or listed species, or result in destruction or adverse modification of critical habitat for such species. Section 7(c) of the ESA requires that federal agencies contact the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) before beginning any construction activity to determine if federally listed threatened and endangered (T&E) species or designated critical habitat may be present in the vicinity of a proposed project. A BA must be prepared if actions by a federal agency, or permits issued by a federal agency, will result in effects to T&E species that occur in the vicinity of a proposed project. With respect to the proposed action, the FHWA is the federal agency funding the project. The proposed project is anticipated to require a federal Clean Water Act (CWA) Section 404 permit.

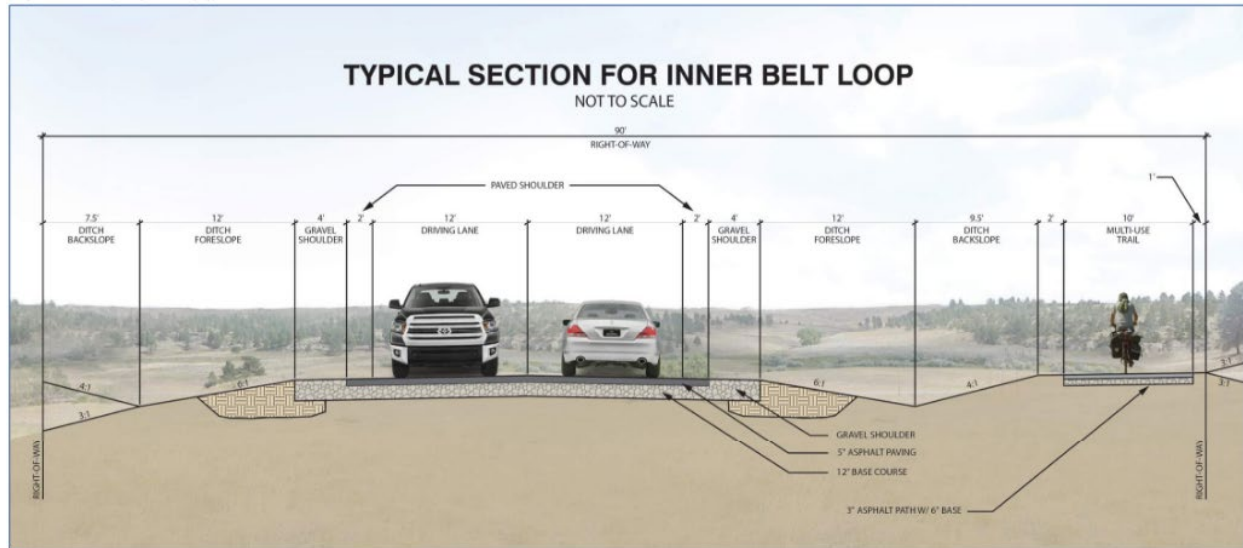
## 1.2 Project Location

The proposed project is located on the northern edge of Billings, Montana, and is partially located within the City of Billings limits. The project area is located to the north of MT-3 and to the west of Alkali Creek Road and is located within portions of Section 18 of Township 1 North, Range 26 East and Sections 13, 14, 15, 22, and 27 of Township 1 North, Range 25 East.

## 1.3 Proposed Action

The proposed action includes construction of the Inner Belt Loop roadway and separated multi-use path as well as the Skyline Trail. The proposed Inner Belt Loop road consists of approximately five miles of two-lane roadway with two 12-foot lanes and six-foot shoulders. The paved surface width is 28 feet and the roadway section is 36 feet wide. A separated 10-foot-wide multi-use path is proposed along the entire length of the Inner Belt Loop. The proposed roadway will begin at the existing roundabout at MT-3 and Zimmerman Trail and connect to the Alkali Creek Road at its intersection with the recently constructed Skyway Drive. The right-of-way width for the new road and trail is generally 90 feet wide. The typical section for the Inner Belt Loop is shown in Figure 1-2.





**Figure 1-2. Inner Belt Loop Typical Section (Source: Sanderson Stewart)**

The proposed Skyline Trail (see Figure 1-1) is a 10-foot-wide multi-use path that will begin at the existing multi-use trail at the MT-3/Zimmerman Trail roundabout and extend approximately three miles eastward on the south side of MT-3 to connect with an existing trail system located near the entrance to the Billings Logan International Airport.

### 1.3.1 Conservation Measures

The following conservation measures and construction BMPs will be implemented for the project:

- The City of Billings has committed to adopting several applicable environmental standard specifications found in the 2020 Montana Department of Transportation *Standard Specifications for Road and Bridge Construction*. These standard specifications are written into the Categorical Exclusion environmental document and are briefly summarized below:
  - Section 107.11.8 – Environmental Protection, Protection of Aquatic Resources
    - The contractor will avoid disturbances to all aquatic resources by equipment traffic, fill material, and staging activities;
    - The contractor will conduct construction, staging, and paving operations in a manner to avoid placement of materials in aquatic resource areas (i.e., streams, irrigation ditches, etc.).
  - Section 208.03.2 – Water Pollution Control and Aquatic Resource Preservation, Water Pollution Control
    - The contractor will implement a spill prevention and waste disposal plan.
    - The contractor will implement appropriate erosion and sediment control measures. Includes installation of barriers (e.g., silt fencing, straw wattles) adjacent to waterways prior to any soil disturbance to prevent sediment from leaving the site.
    - The contractor will be responsible for conducting routine site monitoring to ensure all pollution control measures are installed, maintained, and functioning correctly.

- Section 208.03.3 – Water Pollution Control and Aquatic Resource Preservation, Aquatic Resource Protection. The contractor will implement the general provisions of this standard specification that include:
  - Do not spill or dump material from equipment into regulated aquatic resources.
  - Do not discharge wastewater from washout of concrete related equipment, concrete finishing, saw cutting, wet concrete, hydraulic demolition, etc., into any regulated aquatic resource.
  - Locate staging or storage areas at least 50 feet (15.2 m) horizontally from any aquatic resource, top of stream bank, or the highest anticipated water level during the construction period, whichever is furthest from the resource.
  - Store and handle petroleum products, chemicals, cement and other deleterious materials to prevent their entering regulated aquatic resources.
  - Clean, maintain, and operate equipment so that petroleum-based products do not leak or spill into any regulated aquatic resource.
  - Minimizing the site disturbance to only the area absolutely necessary to complete the project.
- Stabilize exposed soils with a desirable native vegetation community as soon as feasible.
- The following conservation measures are proposed to avoid project impacts on migratory bird species:
  - Special provision number 107-25c, Migratory Bird Treaty Act Compliance – Vegetation Removal (Added 9-26-13), will be included in the final construction bid documents to avoid and minimize potential impacts on migratory birds resulting from any unforeseen requirement for vegetation removal. This special provision includes the following construction requirements:
    - Perform any required cutting of trees or shrubs between August 16 and April 15;
    - Remove only those trees and shrubs in direct conflict with the permanent construction limits; and
    - Where possible, do not remove, but trim trees and shrubs as necessary for equipment access and construction activities.

## 2 Action Area and Environmental Baseline

### 2.1 Action Area

The action area for the proposed project is defined as “all areas to be affected directly or indirectly by the proposed action and not merely the immediate area directly adjacent to the action” (50 CFR §402.02). Project components that pose potential effects include ground disturbance activities to construct the proposed roadway and multi-use paths, construction noise, and operation of the new facilities.

For purposes of this assessment, the project action area includes only a terrestrial action area due to the lack of aquatic resources within the project area. The terrestrial action area is defined as an area extending one-quarter mile beyond the centerline on both sides of the roadway for the proposed Inner Belt Loop and an area extending 100 feet beyond the centerline on both sides of the proposed Skyline Trail.

## 2.2 Environmental Baseline

Regulations implementing the ESA (50 CFR 402.02) define the environmental baseline as the past and present impacts of all Federal, State, or private actions and other human activities in the action area. A field investigation was conducted on May 25 and 27, 2021, that consisted of a detailed inventory of potential wetlands and streams in the project area as well as general documentation on the vegetative communities within the general project area. Representative project area photos are provided in Appendix A.

### 2.2.1 Project Setting

#### General Setting, Land Use, and Land Ownership

The project area is predominantly comprised of agricultural and grazing lands in the area of the proposed Inner Belt Loop. The proposed Inner Belt Loop is located near the Rehberg Ranch, an existing residential development. The Billings Logan International Airport is located just to the south of the corridor along MT-3. At the eastern end of the corridor, there is substantial existing and planned residential development. The Inner Belt Loop alignment passes through several large privately-owned parcels as well as a couple tracts of land owned by the State of Montana Trust Lands.

The proposed Skyline Trail is located immediately adjacent to MT-3 and within existing right-of-way owned by the Montana Department of Transportation or property owned by the City of Billings. Residential uses exist along MT-3 as well.

#### Vegetation and Land Cover Type

The open rangeland associated with the majority of the project area includes a variety of upland species. Grasses observed included Kentucky bluegrass (*Poa pratensis*), smooth brome (*Bromus inermis*), cheatgrass (*Bromus tectorum*), prairie cordgrass (*Spartina pectinate*), and crested wheatgrass (*Agropyron cristatum*). Other herbaceous and shrub species observed included tufted milkvetch (*Astragalus spatulatus*), white prairie aster (*Symphyotrichum falcatum*), common dandelion (*Taraxacum officinale*), prickly pear (*Opuntia polyacantha*), snowberry (*Symphoricarpos occidentalis*), prairie rose (*Rosa arkansana*), fringed Sage (*Artemisia frigida*), and buffaloberry (*Shepherdia canadensis*).

Two small wetlands were identified at the far east end of the proposed Inner Belt Loop alignment where it intersects Alkali Creek Road. Wetland vegetation species observed included Bebb's sedge (*Carex bebbii*) and softstem bulrush (*Schoenoplectus tabernaemontani*).

The Montana Natural Heritage Program Landcover mapper identifies the following land cover types within the project area vicinity: Cultivated Crops, Big Sagebrush Steppe, Great Plains Mixedgrass Prairie, and Great Plains Ponderosa Pine Woodland and Savanna (MTNHP 2021a).

#### Wildlife

The open rangeland of the project area supports a variety of mammal species that have been observed in the project area according to the MTNHP Generalized Observations database (MTNHP 2021b), and include: bobcat (*Lynx rufus*), coyote (*Canis latrans*), eastern fox squirrel (*Sciurus niger*), eastern gray squirrel (*Sciurus carolinensis*), mule deer (*Odocoileus hemionus*), raccoon (*Procyon lotor*), Richardson's ground squirrel (*Urocitellus richardsonii*), spotted bat (*Euderma maculatum*), and western spotted skunk (*Spilogale gracilis*).



Bird species in the project area are those adapted to open range and agricultural habitat. Bird species identified in the MTNHP database are numerous, but commonly occurring species include: American crow (*Corvus brachyrhynchos*), American kestrel (*Falco sparverius*), American robin (*Turdus migratorius*), black-billed magpie (*Pica hudsonia*), black-capped chickadee (*Poecile atricapillus*), eastern screech owl (*Megascops asio*), European starling (*Sturnus vulgaris*), house finch (*Haemorhous mexicanus*), house sparrow (*Passer domesticus*), mallard (*Anas platyrhynchos*), mourning dove (*Zenaidura macroura*), northern flicker (*Colaptes auratus*), osprey (*Pandion haliaetus*), red-tailed hawk (*Buteo jamaicensis*), and yellow warbler (*Setophaga petechia*).

It is important to note that a portion of the Inner Belt Loop alignment intersects greater sage-grouse (*Centrocercus urophasianus*) general habitat and will require consultation with the Montana Sage Grouse Habitat Conservation Program (MSGHCP). The City of Billings has begun consultation with the MSGHCP by submitting a project application through the MSGHCP Consultation and Review website. Preliminary correspondence with the MSGHCP indicate that compensatory mitigation will be required to offset impacts to Greater Sage-Grouse general habitat resulting from the project. If required, compensatory mitigation will be paid to the MSGHCP and consultation with the MSGHCP will be completed in a timely manner and prior to submitting for a Section 404 permit or coverage under the MPDES.

### Hydrography

The proposed project does not cross any perennial streams or waterways. Alkali Creek is located to the east of the project and will not be affected by the proposed action. The USGS National Hydrography Database identifies several intermittent stream features that are crossed by the proposed Inner Belt Loop alignment. These drainages were investigated during the May 25 and 27, 2021, field surveys where it was confirmed that none of the intermittent drainages crossed by the project have bed and bank characteristics associated with a jurisdictional waterway. The ephemeral drainages are upland habitat that, at best, flow intermittently during larger rain events.

## 3 Threatened and Endangered Species Biological Assessment

Section 7 of the ESA [16 U.S.C. 1531 *et seq.*] outlines the procedures for Federal interagency cooperation to protect federally listed species and conserve designated critical habitats. Section 7 requires Federal agencies to determine the effects of the proposed action on threatened, endangered, and proposed species and to consult with the USFWS for concurrence on the determination of effect. This section provides the Biological Assessment of the proposed action's effect on federally listed species and designated critical habitats.

### 3.1 Methods

Information reported within this section was obtained from a review of literature and database searches and on-site field review of the project area occurring on May 25 and 27, 2021. A list of federally listed endangered, threatened, proposed, and candidate species to be considered for this project was generated based on the USFWS data. The January 25, 2021, publication of *Endangered, Threatened, Proposed and Candidate Species Montana Counties* available through the USFWS's Montana Ecological Field Office (USFWS 2021a) was reviewed to determine the federally

listed species potentially occurring in Yellowstone County. Federally listed species potentially occurring in Yellowstone County are listed in Table 3-1 along with their respective federal status, and potential for occurrence in the project area.

**Table 3-1. Federally Listed Species Occurring in Yellowstone County, MT**

Common Name	Scientific Name	Status <sup>a</sup>	Critical Habitat in Action Area?	Potential Occurrence in Action Area? <sup>b</sup>
Whooping Crane	<i>Grus americana</i>	LE	No	No
Red Knot	<i>Calidris canutus rufa</i>	LT	No	No
Sources: USFWS 2021a, USFWS 2021b <sup>a</sup> LT = Listed Threatened; LE = Listed Endangered <sup>b</sup> Potential occurrence/affect according to IPaC report (USFWS 2021b)				

The action area was examined using the USFWS Information for Planning and Consultation (IPaC) tool to refine the list of species that could potentially occur in the project area and identify critical habitat in the vicinities of the project (USFWS 2021b). A species list was requested using the IPaC wherein the USFWS confirmed that no threatened, endangered, or candidate species are expected to occur in the project area (refer to Appendix B for the consultation letter).

Based on results from the IPaC, and as further described in the analyses below, it is anticipated that the proposed project would have no effect on the whooping crane and red knot, which are potentially occurring in Yellowstone County. Regardless, the proposed project's effects are evaluated for these potentially occurring species in Sections 3.2 and 3.3 below as a conservative measure to confirm no impact on federally listed species.

## 3.2 Whooping Crane

### 3.2.1 Species status, distribution, habitat requirements, reasons for decline

The USFWS listed the whooping crane (*Grus americana*) as threatened with extinction in 1967 (32 FR 4001) and endangered in 1970—both listings were “grandfathered” into the Endangered Species Act of 1973. Critical habitat was designated in 1978. No critical habitat is designated in Montana. Several experimental, non-essential populations occur in U.S. but none in Montana.

Wild populations of whooping cranes currently exist in only three locations and in captivity at 12 sites (USFWS 2021c). In 2010, the total wild population was estimated at 383. There is only one self-sustaining wild population, the Aransas-Wood Buffalo National Park population, which nests in Wood Buffalo National Park and adjacent areas in Canada, and winters in coastal marshes in Texas at the Aransas National Wildlife Refuge.

The whooping crane is known to fly through Montana during both spring and fall migration (MTNHP 2021c). Recorded observations in the state suggest spring migration dates begin as early in the year as April and fall departure dates occur as late as the end of October.

The whooping crane has been observed in the marsh habitat present at Medicine Lake National Wildlife Refuge (Sheridan County) and Red Rock Lakes National Wildlife Refuge (Beaverhead County) (MTNHP 2021c). Other observations of individual birds in eastern Montana have occurred in

grain and stubble fields, wet meadows, wet prairie habitat, and freshwater marshes that are usually shallow and broad with safe roosting sites and nearby foraging opportunities.

The whooping crane inhabits wetlands and upland grain fields. Studies show whooping crane feed primarily in a variety of croplands (MTNHP 2021c). In wetland areas, the whooping crane generally probes in the mud or sand in or near shallow water, but may also take prey from the water column, or pick items from the substrate. During summer the whooping crane feeds on insects, crustaceans, and berries. No breeding habitat exists in Montana.

The historical decline in and limited recovery of whooping crane populations is attributed to multiple factors. Human settlement has altered and destroyed habitat and has reduced the quantity and quality of freshwater inflows to critical habitat. Hunting was at one point a primary reason for the whooping crane's historical decline but in recent years has become less of a concern. Human activity near whooping crane breeding grounds can cause displacement due to the species' sensitivity to disturbance. Additional factors of lesser importance are disease, predation, food availability, pollution, climate change, and loss of genetic diversity (CWS 2007).

### 3.2.2 Occurrence in Project Area

Only two observations within the last 20 years have been documented by the MTNHP in Yellowstone County: an October 02, 2005, observation at the Buffalo Mirage Fishing Access Site on the Yellowstone River, approximately 20 miles west of the project area, and an April 13, 2010, observation near I-94 Huntley interchange, approximately 15 miles east of the project area (MTNHP 2021c). Suitable habitat for whooping crane is present in the project area; however, because of the level of development, airport and highway traffic noise occurring in the project area, the species' aversion to human disturbance, and declining numbers, it is highly unlikely that whooping crane occur in the action area. The USFWS IPaC species list and consultation letter (Appendix B) confirms that whooping crane are not expected to occur in the project area.

### 3.2.3 Potential Impact Analysis

No impact on whooping crane is anticipated as a result of the proposed project. Although some cropland will be directly converted to transportation uses, whooping crane use of the project area is expected to be extremely rare to non-existent. No impact on suitable riparian areas potentially used by migrating whooping cranes would occur as a result of the proposed project.

In the very unlikely event whooping crane passed through the project area during construction, potential impacts on this species would be temporary and indirect, predominantly attributed to construction-related noise. Because there is no breeding habitat in the state, the species has never been recorded in the immediate project area, and is not anticipated to occur there, the proposed project is not anticipated to affect whooping crane.

### 3.2.4 Conservation Measures

No specific conservation measures are recommended at this time with respect to whooping crane.

### 3.2.5 Determination of Effect

Based on information presented above, a **no effect** determination is rendered relative to the whooping crane.

### 3.3 Red Knot

#### 3.3.1 Species status, distribution, habitat requirements, reasons for decline

The red knot (*Calidris canutus rufa*) was listed as threatened by the USFWS on January 12, 2015 (79 FR 73705 73748). No critical habitat has been designated in Montana or elsewhere in the U.S. No evidence of breeding or overwintering exists for Montana.

The red knot migrates annually between its breeding grounds in the Canadian Arctic and several wintering regions, including the Southeast United States, the Northeast Gulf of Mexico, northern Brazil, and Tierra del Fuego at the southern tip of South America. Researchers have documented migration patterns for red knots wintering along the Texas coast use the Central Flyway (passing over eastern Montana) on both north- and south-bound migrations (MTNHP 2021c).

Migratory stopovers of this long-distance migrant in Montana are infrequent and occur at larger wetlands scattered across the state. Sixty percent of documented stopovers occurred at Freezeout Lake (Teton County), Benton Lake National Wildlife Refuge (Cascade County), and Lake Bowdoin National Wildlife Refuge (Philips County) (MTNHP 2021c). In total, there are approximately 50 observations documented for individuals stopping at Montana wetlands, with only 0-4 for any given year since the 1970s, and 60 percent of observations have occurred in May associated with northward migration (MTNHP 2021c). Only one occurrence has been documented in Montana since 2005.

General migratory habitat characteristics preferred by the red knot include tidal flats and shorelines, and general breeding habitat includes far northern latitude tundra during the summer (Audubon Society 2019). For the rare migrant passing through Montana, the preferred habitat appears to be large, contiguous wetland complexes, typically many thousands of acres in size, containing substantial open water and shoreline. These open water habitat requirements are necessary to provide invertebrates, and particularly small mollusks, which is the major food source for the red knots (MTNHP 2021c).

In the 2015 listing decision, the USFWS cited the primary factors threatening the species as loss of breeding and nonbreeding habitat, disruption of natural predator cycles on breeding grounds, reduced prey availability throughout the nonbreeding range, and increasing frequency and severity of mismatches in the timing of the birds' annual migratory cycle relative to favorable food and weather conditions (MTNHP 2019c).

#### 3.3.2 Occurrence in Action Area

The red knot has not been documented in Yellowstone County for more than 40 years. Only two historical observations have been documented by the MTNHP within Yellowstone County. One observation was recorded in August 1974 in the town of Broadview, MT, approximately 30 miles northwest of the project area and the other was recorded in May 1975 in Lockwood, MT, approximately 5 miles east of the project (MTNHP 2021c).

Breeding does not occur in the action area and no suitable migratory habitat exists in the action area. Due to lack of suitable habitat for this species and general decline of documented occurrences in Montana over the past several decades, the red knot is not expected to occur in the project action area. The USFWS IPaC species list and consultation letter (Appendix B) confirms that red knot are not expected to occur in the project area.

### 3.3.3 Potential Impact Analysis

Red Knot use of the project area is expected to be extremely rare to non-existent. Suitable habitat does not exist in the project action area. For these reasons, the proposed project is anticipated to have no effect on Red Knot.

### 3.3.4 Conservation Measures

No specific conservation measures are recommended at this time with respect to red knot.

### 3.3.5 Determination of Effect

Based on information presented above, a **no effect** determination is rendered relative to the red knot.

## 3.4 Potential Cumulative Effects Analysis

Cumulative effects include the effects of future state, tribal, local, or private actions that are reasonably certain to occur in the action area considered in this biological assessment (USFWS 1998b). Future federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to Section 7 of the ESA. A cumulative impacts analysis examines the additive effect of the proposed action's residual impact (i.e., impacts remaining after applying avoidance and minimization measures) in relation to the residual impacts resulting from past, present, and reasonably foreseeable actions within the cumulative analysis area.

The proposed project's residual impacts are anticipated to be not significant and have no long-term effects on any federally listed species. Because the proposed project would have no effect on federally listed species and federally listed species are not expected to occur in the project vicinity, no cumulative effects on federally listed species are anticipated.



## 4 References

- Audubon Society. 2019. Audubon Guide to North American Birds. Red Knot. Accessed November 29, 2019. Accessed at <<https://www.audubon.org/field-guide/bird/red-knot>>.
- CWS (Canadian Wildlife Service) and USFWS. 2007. International recovery plan for the whooping crane. Ottawa: Recovery of Nationally Endangered Wildlife (RENEW), and U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 162 pp.
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## **Appendix A: Representative Site Photos (taken on May 25 and 27, 2021)**

## REPRESENTATIVE SITE PHOTOS



Photo 1: MT-3/Zimmerman Trail roundabout, beginning of project, Looking north. (source: Google StreetView)



Photo 2: MT-3 and location of proposed Skyline Trail near MT-3/Zimmerman Trail roundabout.



Photo 3: MT-3 along proposed Skyline Trail, looking West.



Photo 4: MT-3 and location of proposed Skyline Trail, looking east.





Photo 5: Along the Inner Belt Loop alignment, northwest of Rehberg Ranch and west of the lagoons.



Photo 6: Along the Inner Belt Loop alignment, northwest of the Rehberg Ranch lagoons.



Photo 7: Ephemeral drainage located along the Inner Belt Loop alignment, northwest of the Rehberg Ranch lagoons.



Photo 8: Typical sagebrush steppe habitat along the Inner Belt Loop alignment.



Photo 9: Overhead power along Inner Belt Loop alignment.



Photo 10: The Inner Belt Loop alignment approximately 0.6 mile west of Alkali Creek Road.

## **Appendix B: USFWS Information for Planning and Consultation (IPaC) Species List Consultation Letter**





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Montana Ecological Services Field Office  
585 Shephard Way, Suite 1  
Helena, MT 59601-6287  
Phone: (406) 449-5225 Fax: (406) 449-5339



In Reply Refer To:  
Consultation Code: 06E11000-2021-SLI-0502  
Event Code: 06E11000-2021-E-00919  
Project Name: Billings Inner Belt Loop

June 08, 2021

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

06/08/2021

Event Code: 06E11000-2021-E-00919

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(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

[www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html).

<http://>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

06/08/2021

Event Code: 06E11000-2021-E-00919

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## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Montana Ecological Services Field Office**

585 Shephard Way, Suite 1

Helena, MT 59601-6287

(406) 449-5225

06/08/2021

Event Code: 06E11000-2021-E-00919

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## Project Summary

Consultation Code: 06E11000-2021-SLI-0502

Event Code: 06E11000-2021-E-00919

Project Name: Billings Inner Belt Loop

Project Type: TRANSPORTATION

Project Description: The proposed project is located on the northern edge of Billings, Montana, and is partially located within the City of Billings limits. The project area is located to the north of Montana Highway 3 (MT-3) and to the west of Alkali Creek Road and is located within portions of Section 18 of Township 1 North, Range 26 East and Sections 13, 14, 15, 22, and 27 of Township 1 North, Range 25 East.

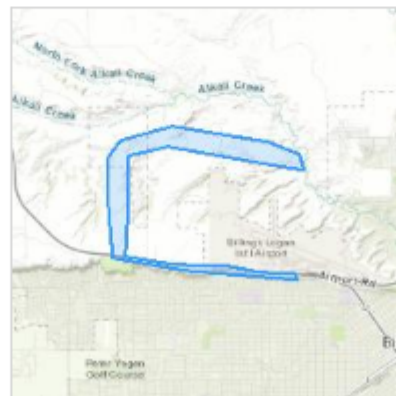
The overall scope of the project includes design and construction of five miles of new collector roadway and eight miles of trails. The proposed project includes two main project elements as described in the 2020 grant application and include:

1. Inner Belt Loop: Also known as the Northwest Billings Connector, a five-mile stretch of two-lane rural section roadway connecting Highway 3/Zimmerman Trail Road to Akali Creek Road/Skyway Drive accompanied by a separated multi-use trail. It will create a new connection between the Heights and West End.
2. The Skyline Trail: an approximately five-mile long 10-ft-wide multi-use trail that will extend from the intersection of Highway 3/Zimmerman Trail through Airport Road along the south side of Highway 3.

Construction would begin in 2022.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.819016899999994,-108.60057970742346,14z>



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Counties: Yellowstone County, Montana



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## Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [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.

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.