



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

# Final Environmental Impact Statement

## Billings Bypass

**March 2014**

NCPD 56 (55) Control Number 4199

VOLUME 3 OF 3: APPENDIX J



U.S. Department of Transportation  
Federal Highway Administration





## **APPENDIX J - AGENCY AND PUBLIC COMMENTS AND RESPONSES**

Comments on the Draft Environmental Impact Statement (DEIS) were grouped into the following categories: State and Federal Agencies, Organizations and Interest Groups, and Individuals. MDT received 120 separate written communications in the form of letters, email, and project comment forms, and 16 people provided oral testimony at the public hearing. Each comment was numbered, recorded, and distributed among the project team. Comments were considered individually and collectively and helped inform the refinement of the document.

Each correspondence is numbered. Each comment is numbered and delineated with a bracket. Responses were prepared for each comment. In general, the correspondence will appear on the left-hand pages of the appendix and the response to comments will be on the right-hand pages, across from the correspondence.

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**Comment SF-01 Montana Historical Society, Montana State Historic Preservation Office, Kathryn Sears, Review and Compliance Officer**



*Historic Preservation  
Museum  
Outreach & Interpretation  
Publications  
Research Center*

August 17, 2012

RECEIVED

AUG 21 2012

ENVIRONMENTAL

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

RE: **Response to Agency Review of Draft Environmental Impact Statement  
BILLINGS BYPASS EIS  
Project No. NCPD 56(55)  
Control No. 4199**

Dear Mr. Martin:

Thank you for your letter (received August 14, 2012) and update on the proposed bypass project in Billings, Yellowstone County, Montana. We appreciate the invitation to comment on the revised Billings Bypass Draft Environmental Impact Statement (DEIS).

In Section 3.3.6 Cultural Resources (page 3-60), we noticed the following passage, "If an effect is expected..., the responsible federal agency must identify the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) to consult with during the process." There was no mention of consultation with additional interested parties and American Indian tribes. Please include a sentence or paragraph that highlights the federal agency's other Section 106 consultation responsibilities.

} SF-01-a

Furthermore, recognizing that the initial cultural resource inventory did not include several inaccessible potentially eligible properties, we look forward to the receipt of additional cultural resource documentation for proposed preferred alternative of the Billings Bypass project.

} SF-01-b

If you have any questions or comments, please do not hesitate to contact me at (406)444-0388 or [ksears@mt.gov](mailto:ksears@mt.gov). Thank you for consulting with us.

Sincerely,

Kathryn Sears  
Review and Compliance Officer  
Montana State Historic Preservation Office

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

File: MDT – 2012 – 2012081410



- SF-01-a      Thank you for your comment. More information highlighting the federal agency’s Section 106 consultation responsibilities has been included in Section 3.3.6 of the FEIS.
- SF-01-b      Additional cultural resources inventories were conducted for the properties identified as inaccessible in the DEIS. This documentation was provided to the Montana SHPO upon completion and is summarized in Section 4.3.6 of the FEIS.



**Comment SF-02 Montana State Legislature, House of Representatives, Jonathan McNiven (HD44)**

Public Hearing Testimony – September 12, 2012

I'm the House District Representative for this area which is also Taylor Brown's Senate District. I'm surprised there is only one comment from Lockwood. I'm assuming this is what Lockwood wants? I see a lot of inconsistencies in there. I think considering this is in Lockwood I think we're a little out-numbered in this area and you guys need to make yourselves known. That's what my job is. That's what Taylor's job is. That's what the County Commissioner's jobs are. That's why we're here taking this time to figure out what is it that you want to do. We're here to serve you so let us know.

} SF-02-a



SF-02-a Thank you for your participation and your comments.

Section 6.2 provides details on the entire public and agency outreach process since the project inception in 2003. MDT and FHWA strived to be as inclusive as possible in identifying and involving affected stakeholders in the project process. There have been four public meetings, an active website, and six newsletters sent to study area residents. Before the purpose and need changed in 2009, all of the proposed alternatives extended from I-90 to MT 3 and were located farther north. Mary Street was located outside of the study area at that time. See also the response to comment IND-08-a.



**Comment SF-03 U.S. Department of the Army, Corps of Engineers, Shannon L. Johnson, Billings Regulatory Office**

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

From: Johnson, Shannon L NWO [<mailto:Shannon.L.Johnson@usace.army.mil>]  
Sent: Tuesday, October 02, 2012 2:35 PM  
To: Gocksch, Thomas  
Subject: RE: 4199 - Billings Bypass EIS Comment Period ends today 10/1/12 (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: FOUO

I don't have time to formally comment. I don't see any glaring issues other than since the project will be phased, the 404-b-1 may need to be amended to reflect that. Phase II issues would be addressed by separate permit 10-15 years down the road. I already spoke to the consultant on this issue so she's aware.

} SF-03-a

Thanks,  
Shannon L. Johnson  
US Army Corps of Engineers  
Billings Regulatory Office  
PO Box 2256  
Billings, MT 59105  
406-657-5910

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

From: Gocksch, Thomas [<mailto:tgocksch@mt.gov>]  
Sent: Monday, October 01, 2012 9:09 AM  
To: Johnson, Shannon L NWO  
Subject: 4199 - Billings Bypass EIS Comment Period ends today 10/1/12

Good morning Shannon,

I have been going through the comments on the DEIS for the Billings Bypass and I don't believe that I have any comments from your office on the EIS yet. Today is the close of the comment period so I wanted to drop you a quick note check in with you.

E-mail comments to Tom Martin [tomartin@mt.gov](mailto:tomartin@mt.gov) <<mailto:tomartin@mt.gov>> are acceptable, please cc me if you send comments.

Thanks,  
Tom Gocksch P.E.  
Project Development Engineer  
Environmental Services Bureau  
Montana Department of Transportation  
(406) 444-9412



SF-03-a      The Section 404(b)(1) was updated with phasing information, and is included in Appendix F of the FEIS.



**Comment SF-04 U.S. Department of the Interior, Office of Environmental Policy and Compliance, Robert F. Stewart, Regional Compliance Officer**



**United States Department of the Interior**

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Denver Federal Center, Building 67, Room 118  
Post Office Box 25007 (D-108)  
Denver, Colorado 80225-0007



September 21, 2012

9043.1  
ER 12/578

Brian Hasselbach  
Right-of-Way and Environmental Programs Manager  
Federal Highway Administration  
585 Shepard Way  
Helena, MT 59601

Dear Mr. Hasselbach:

The Department of the Interior has reviewed the Draft Environmental Impact Statement for the Billings Bypass, Yellowstone County, MT and has no comments on the document.

} SF-04-a

Sincerely,

Robert F. Stewart  
Regional Environmental Officer

cc: Tom Martin, MDT



SF-04-a      Thank you for your correspondence and for taking the time to review the Billings Bypass DEIS. Your comments have been recorded for the project file.



**Comment SF-05 U.S. Environmental Protection Agency; Julie A. DalSoglio,  
Director, EPA Montana Office**



**U. S. ENVIRONMENTAL PROTECTION AGENCY**  
REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 West 15<sup>th</sup> Street, Suite 3200  
HELENA, MONTANA 59626

RECEIVED  
SEP 28 2012  
ENVIRONMENTAL

Ref: 8MO

September 26, 2012

Mr. Brian Hasselbach, P.E.  
Right-of-Way and Environmental Programs Manager  
Federal Highway Administration  
585 Shepard Way  
Helena, Montana 59601

and

Mr. Tom Martin, P.E.  
Environmental Services Bureau Chief  
Montana Dept. of Transportation  
2701 Prospect Ave.  
P.O. Box 201001  
Helena, Montana 59620-1001

Re: CEQ 20120265: Billings Bypass Improvements,  
Connecting Interstate 90 (I-90) east of Billings with Old  
Highway 312, Possible USACE Section 10 and 404  
Permits, Yellowstone County, MT

Dear Mr. Hasselbach and Mr. Martin:

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Draft Environmental Impact Statement (DEIS) for the Billings Bypass Improvements Project. The EPA reviews EISs in accordance with its responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major Federal agency action. The EPA's comments include a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

The Federal Highway Administration (FHWA) and Montana Department of Transportation (MDT) have identified the Mary Street Option 2 Alternative as the preliminary preferred alternative for improving access and connectivity between Interstate-90 and Old Highway 12 to improve mobility in the eastern and northern area of Billings, Montana. The lead agencies consider the Mary Street Option 2 Alternative to best meet the purpose and need for the project and address the trade-offs associated with their analysis





No comments were delineated for the part of the letter shown on the facing page.

The concerns discussed briefly in this letter are addressed with specific comments beginning on Page 17.



## **Comment Letter SF-05 U.S. Environmental Protection Agency; Julie A. DalSoglio, Director, EPA Montana Office**

of potential environmental, social and economic impacts. The DEIS states that the preliminary preferred alternative would be implemented in two phases with initial interim two-lane road improvements to meet traffic needs within a 20 year planning horizon, followed by eventual four-lane road improvements to meet longer term traffic needs as the Billings area continues to grow.

An environmental concern with the proposed project involves potential impacts to aquatic resources associated with construction of the proposed new bridge across the Yellowstone River. We are pleased that alternatives without a new Yellowstone River crossing were considered, although they were eliminated from further consideration due to their not providing adequate access, connectivity and travel time benefits, as well as substantial impacts to commercial properties. The preliminary preferred alternative (Mary Street Option 2 Alternative) and the Five Mile Road Alternative both include construction of a new 1,890 foot-long bridge over the Yellowstone River at a location north of the confluence of Five Mile Creek with the river; while the Mary Street Option 1 Alternative would involve construction of a 2,010 foot-long bridge across the main channel Yellowstone River south of the confluence of Five Mile Creek with the river (on a slightly skewed alignment), along with a 185 foot-long bridge constructed across a river side channel.

The Mary Street Option 2 Alternative would impact 4.52 acres of wetlands (4.36 acres jurisdictional wetlands) and 6.0 acres of riparian areas vs. 5.39 acres wetlands impact (4.07 acres jurisdictional) and 11.9 acres riparian impacts with the Mary Street Option 1 Alternative, and 4.7 acres of wetlands impacts (3.35 acres jurisdictional) and 5.1 acres of riparian impacts with the Five Mile Road Alternative. The Mary Street Option 2 Alternative also includes construction of a new 214 foot-long bridge over Five Mile Creek, while the other two build alternatives would involve reconstruction and widening of an existing bridge over Five Mile Creek.

It appears to us that both Five Mile Road Alternative and Mary Street Option 2 Alternative would have slightly less impacts to aquatic resources than the Mary Street Option 1 Alternative with their shorter Yellowstone River bridge crossing, and lesser impacts to wetlands and riparian areas. The Mary Street Option 2 Alternative appears to have the least overall impacts to wetlands, while the Five Mile Road Alternative appears to have the least impacts to jurisdictional wetlands and riparian acreage, although overall there do not appear to be large differences in impacts to aquatic resources among the build alternatives. While we have concerns regarding potential impacts to aquatic resources, we do not object to the FHWA's and MDT's identification of the Mary Street Option 2 Alternative as the preliminary preferred alternative.

In regard to air quality impacts the DEIS states that MDT's Standard Specifications 107.11.3, Air Quality, will be used to reduce construction related emissions. The EPA believes only relying on this particular statement is insufficient, since portions of the proposed project will be constructed directly adjacent to residential areas and construction may adversely affect air quality in residential areas. We recommend that consideration be given to monitoring PM10 levels during construction adjacent to residential areas to validate that construction emissions are effectively controlled. We also recommend that the air quality monitoring plan include elements identifying how monitoring will be performed, action levels for the monitored data, and how the data will be shared with the appropriate agencies and the public. A complete air quality monitoring plan would demonstrate how well the preferred alternative resolves potential concerns with dust emissions by measuring the effectiveness of the mitigation



No comments were delineated for the part of the letter shown on the facing page.

The concerns discussed briefly in this letter are addressed with specific comments beginning on Page 17.



**Comment Letter SF-05 U.S. Environmental Protection Agency; Julie A. DalSoglio, Director, EPA Montana Office**

measures in controlling or minimizing adverse effects. Our detailed comments (enclosed) also include recommendations for best management practices (BMPs) to reduce air quality impacts during construction, which we recommend be identified in the FEIS to promote improved public understanding of the potential for air quality effects during construction and how such effects may be reduced.

Our more detailed questions, comments, and concerns regarding the analysis, documentation, or potential environmental impacts of the Billings Bypass Improvements Project DEIS are included in the enclosure with this letter. Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action and alternatives in an EIS, the Billings Bypass Improvements DEIS has been rated as Category EC-2 (Environmental Concerns - Insufficient Information). Our concerns revolve around potential adverse water and air quality effects that may occur during construction. A summary of EPA's DEIS rating criteria is attached.

We thank you for the opportunity to review and comment on this DEIS. If you have questions regarding our comments please feel free to call Mr. Steve Potts of my staff in Missoula at 406-329-3313 or in Helena at 406-457-5022, or via e-mail at [potts.stephen@epa.gov](mailto:potts.stephen@epa.gov).

Sincerely,

Julie A. DalSoglio  
Director  
EPA Montana Office

Enclosures

cc: Suzanne Bohan/Judy Roos, EPA, 8EPR-N, Denver  
Robert Ray/Jeff Ryan, MDEQ, Helena



No comments were delineated for the part of the letter shown on the facing page.

The concerns discussed briefly in this letter are addressed with specific comments beginning on Page 17.



**Comment Letter SF-05 U.S. Environmental Protection Agency; Julie A. DalSoglio,  
Director, EPA Montana Office**

**EPA Comments on the Billings Bypass Improvements Project Draft EIS**

**Brief Project Overview:** The Montana Dept. of Transportation (MDT) and Federal Highway Administration (FHWA) prepared this DEIS to evaluate alternatives for a new principle arterial connecting Interstate-90 (I-90) east of Billings with (Old Highway 312) Old Hwy 312. The purpose of the project is to improve access and connectivity between I-90 and Old Hwy 12 and improve mobility in the eastern and northern area of Billings, Montana in Yellowstone County. Currently the Yellowstone River, the Billings rimrocks, and Montana Rail Link railroad tracks provide barriers to north-south transportation connectivity.

Alternatives evaluated included a No Action Alternative and three action alternatives. The No Build Alternative includes the routine maintenance and improvements of the existing roads in the study area and the currently programmed, committed, and funded roadway projects in the study area. Each of the three action alternatives would begin at the existing Johnson Lane interchange with I-90, and would include reconstruction of this interchange, and use similar alignments north and west toward the Yellowstone River, using portions of Johnson Lane and Coulson Road through commercial and industrialized areas. A grade separated bridge structure would cross over Coulson Road and the Montana Rail Link. North of the Yellowstone River three corridors were identified to complete the connection with Old Hwy 312.

The Mary Street Option 1 Alternative would cross the river south of Five Mile Creek and parallel the north side of Mary Street to its intersection with Main Street (Old Hwy 12), providing a 4.89 mile connection between I-90 and Old Hwy 312. This alternative would include construction of a 2,010 foot long bridge across the main channel Yellowstone River on a slightly skewed alignment, and a 185 foot long bridge across a side channel. North of the bridge, the alignment traverses agricultural land and Yellowstone River floodplain, and the alignment proceeds west toward the Mary Street corridor. The alignment would parallel the north side of Mary Street for approximately 1.6 miles traversing residential and agricultural land. Secondary corridor improvements include connection and improvements to the Five Mile Road corridor to Old Hwy 312, including reconstruction of Five Mile Road and replacement of the existing bridge over Five Mile Creek, and a new road segment would be built between Dover Road and Old Hwy 312.

The Mary Street Option 2 Alternative would be similar, but would cross the Yellowstone River north of Five Mile Creek, providing a 5.15 mile connection between I-90 and Old Hwy 312. This alternative would include construction of one 1,890 foot long bridge over the main channel of the Yellowstone River with no skew to the alignment. North of the river, the alignment proceeds northwest through undeveloped land planned as a regional park. The alignment intersects Five Mile Road and arcs to the southwest over Five Mile Creek toward the Mary Street corridor. A new 214 foot long bridge over Five Mile Creek would be constructed. The alignment would parallel the north side of Mary Street for approximately 1.6 miles traversing residential and agricultural land. The alignment would terminate at Old Hwy 312. Secondary improvements



No comments were delineated for the part of the letter shown on the facing page.



## Comment Letter SF-05 U.S. Environmental Protection Agency; Julie A. DalSoglio, Director, EPA Montana Office

along the Five Mile Road would be the same as for Option 1. The Mary Street Option 2 Alternative is identified as the preliminary preferred alternative.

The Five Mile Road Alternative would use the same bridge river crossing as the Mary Street Option 2 Alternative, but would follow the existing Five Mile Road alignment north of the river, providing a 4.4 mile connection between I-90 and Old Hwy 312. This alternative would pass through a tract of future park land as well as residential, commercial and agricultural areas. This alignment intersects Five Mile Road further north than the Mary Street Option 2 Alternative and would follow the existing Five Mile road north through agricultural areas. The alignment would terminate at Old Hwy 312, with two options for intersection locations. Secondary improvements would consist of reconstruction of Mary Street and its connection to Five Mile Road, and include replacement of the existing bridge over Five Mile Creek. A new road segment would extend north of Dover Road to connect with Old Hwy 312.

### Comments:

1. We appreciate the inclusion of information on project background, history, and purpose and need, and clear descriptions of alternatives in the Executive Summary and Chapters 1 and 2 of the DEIS, along with the numerous tables, maps and figures describing alternatives and summarizing environmental impacts (e.g., Tables ES.1 through ES.3, Tables 2.1 -2.5, and Figures 2.1 -2-11, Appendix A maps and aerial photos). The narrative descriptions, tables, maps, and figures facilitate improved project understanding, help define issues, and assist in evaluation of alternatives providing a clearer basis of choice among options for the decisionmaker and the public in accordance with the goals of NEPA.

SF-05-a

### Alternatives

2. We are pleased that Table 2.5, “Alternatives Eliminated from Analysis” and the draft Clean Water Act Section 404(b)(1) Evaluation in Appendix F includes discussion of the transportation alternatives screening process and alternatives that would not require a new bridge over the Yellowstone River, and reasons for eliminating no-bridge alternatives during the Level 2 screening. It is important that evaluation of alternatives with potentially less damaging impacts on aquatic resources are evaluated to help assure that all practicable alternatives to avoid and minimize impacts to aquatic resources have been considered as required by the Clean Water Act 404(b)(1) Guidelines. The DEIS indicates that the alternatives without a new Yellowstone River crossing were eliminated because they did not provide adequate access, connectivity and travel time benefits, as well as potentially causing substantial impacts to commercial properties.
3. The DEIS states that, “the Mary Street Option 2 Alternative would require a new crossing of Five Mile Creek, while the other build alternatives would expand and replace an existing crossing” (page 2-28). We note, however, that the Chapter 2 figures depicting the build alternatives all include the same statement that “a new bridge structure across Five Mile Creek” is included in each build alternative (Figures 2.2 through 2.4). These figures do not clarify that the Mary Street Option 2 Alternative would involve building a wholly new bridge

SF-05-b



- SF-05-a      Thank you for your comments. The maps showing the alternatives have been clarified in the FEIS, with the intent to make the alternatives more understandable to the public.
  
- SF-05-b      The graphics in Chapter 2 have been modified to clarify the locations of the existing and proposed bridge crossings over Five Mile Creek.



**Comment Letter SF-05 U.S. Environmental Protection Agency; Julie A. DalSoglio, Director, EPA Montana Office**

over Five Mile Creek, while the other build alternatives (Mary Street Option1 and Five Mile Road Alternative) involve replacing an existing bridge. For improved clarity and public understanding of the build alternatives we suggest that the differences in alternatives in regard to the Five Mile Creek crossing be identified in Figures 2.2 through 2.4.

SF-05-b  
Cont.

Water Resources

4. We appreciate the identification and discussion of the waterbodies in the project area, including the disclosure that the Yellowstone River is listed on Montana’s Section 303(d) Clean Water Act list of water quality impaired waters (pages 3-109, 3-110). We note that additional information on Clean Water Act 303(d) listings to further enhance public understanding may be found at, <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/overview.cfm>.

SF-05-c

As indicated in the DEIS the Yellowstone River does not support aquatic life, warm water fishery, drinking water and primary contact recreation uses due to natural pollution sources, arsenic, agriculture and municipal pollution sources. The DEIS indicates that water quality impacts would occur during construction, but be limited and managed with application of BMPs, a Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention and Pollution Plan (SPPP) (pages 4-212 to 4-218). For clarity we note that the SPPP identified on page 4-216 may have been intended to be a Spill Prevention, Control, and Countermeasure (SPCC) Plan. If so, we suggest that this be corrected in the FEIS. We appreciate the discussion of water quality protection measures on pages 2-216 to 4-218.

SF-05-d

5. It will be important that the proposed Billings Bypass project be consistent with the Montana Dept. of Environmental Quality’s (MDEQ) development of a Total Maximum Daily Load (TMDL) for the water quality impaired Yellowstone River. We are pleased that the DEIS states that the MDT has procedures in place to coordinate with the MDEQ regarding water quality and TMDLs (page 4-216). MDEQ TMDL Program staff who may be contacted to help assure project consistency with the Yellowstone River TMDL include Mr. Robert Ray at 406-444-5319 and/or Mr. Dean Yashan at 406-444-5317.

SF-05-e

6. We appreciate the DEIS discussion of project area wetlands (pages 3-116 to 3-126), and wetland impacts (pages 4-229 to 4-238), particularly Table 4.42, quantifying wetland impacts for each alternative. The DEIS indicates that there are 26 delineated wetlands comprising 37.43 acres are present in the project area (Table 3.24). It states that the Mary Street Option 2 Alternative may have fewer total water resources impacts than the other build options (page 2-28), although in the Draft 404(b)(1) Analysis in Appendix F (page 30) it states that currently the Five Mile Creek Alternative may have fewer impacts to aquatic resources.

It is not clear if the identified wetland impacts in the DEIS include impacts from all activities, including those that may occur outside the highway right-of-way such as from gravel mining or excavation of borrow material, stockpiling of materials in staging areas, and disposal of waste materials. The FEIS should clarify that the impacts to wetlands include

SF-05-f



- SF-05-c The FEIS has been updated to include a link to the referenced website.
- SF-05-d The FEIS has been updated to reflect that the SPPP identified in the DEIS should have been a SPCC Plan.
- SF-05-e Thank you for this information. MDEQ received a copy of the DEIS, and MDT will coordinate with MDEQ as the project moves forward.
- SF-05-f The updated 404(b)(1) evaluation clarifies what is analyzed in the assessment of potential impacts. Other project-related activities such as gravel mining or excavation of borrow material, stockpiling of materials in staging areas, and disposal of waste materials. Locating borrow material sources, staging areas, and fill or waste disposal areas is the responsibility of the contractor. MDT agrees that impacts to wetlands should be avoided outside of the right-of-way. However, any activities outside of MDT's right-of-way and beyond construction easements are the responsibility of the contractor. The contractor would be required to obtain permits and landowner agreements in areas outside of MDT authority. A copy of these permits would be supplied to MDT by the contractor. The FEIS has been updated to include this information.

Also, unquantified indirect impacts to wetlands may occur from expedited development of undeveloped areas over time provided increased road access from any of the build alternatives.



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impacts from all activities, including activities outside the highway right-of-way, such as excavation of borrow material and stockpiling of materials during construction, and disposal of fill materials. We also note that unquantified indirect impacts to wetlands would likely occur from expedited development of undeveloped areas over time with increased road access from all build alternatives (Table 4.43, page 4-233).

SF-05-f  
Cont.

Heavily disturbed wetlands are not listed or acknowledged as evaluated in the DEIS. In an area of heavy development and disturbance the MDT may want to use other tools such as topography to determine if there are wetlands and riparian areas with non-hydrophytic vegetation. MDT may want to consult with references such as the wetland delineation manuals and the Corps of Engineers RGL 90-7 for disturbed sites. Are mudflats and islands being considered waters of the U.S. by grouping them in the riverine system? Unvegetated special aquatic sites (e.g. mudflats lacking macrophytic vegetation) within and adjacent to the Yellowstone and Five-Mile Creek that may be affected should be discussed. If you have questions please call Ms. Toney Ott with EPA in Denver at 303-312-6909.

SF-05-g

We note that in addition to the original 2007 Rapanos information regarding wetland delineation, the MDT should use the December 2008 Rapanos guidance document and may need to consider the current draft EPA wetland jurisdictional guidance, if the 404 permit application is submitted to the Corps of Engineers. We suggest that information on jurisdictional status be sent to the Corps and EPA. The Corps is requested to send complex jurisdictional information to EPA before official submittals and work with EPA. [http://water.epa.gov/lawsregs/guidance/wetlands/upload/2008\\_12\\_3\\_wetlands\\_CWA\\_Jurisdiction\\_Following\\_Rapanos120208.pdf](http://water.epa.gov/lawsregs/guidance/wetlands/upload/2008_12_3_wetlands_CWA_Jurisdiction_Following_Rapanos120208.pdf).

SF-05-h

We also note that it will be necessary for the MDT to oversee the construction contractor(s) to assure that wetland impacts are minimized, and that environmentally sensitive areas are avoided when obtaining borrow or material sources and selecting construction staging areas and fill or waste disposal areas. It would be helpful if the procedures used by MDT to oversee contractor identification and use of material source sites and excavation/fill operations to assure that adverse impacts from such sites and operations are avoided are described in the FEIS.

SF-05-i

7. The DEIS indicates that the Mary Street Option 2 Alternative would impact 6.0 acres of riparian area, include a shorter Yellowstone River bridge crossing than the Mary Street 1 Option, and would impact 4.52 acres of wetlands vs. 11.9 acres and 5.1 acres of riparian impacts, and 5.39 acres and 4.7 acres of wetlands impacts with the Mary Street Option 1 and Five Mile Option, respectively. Although the Five Mile Road Alternative would only impact 3.35 acres of jurisdictional wetlands, whereas Mary Street Option 1 would impact 4.07 acres and Mary Street Option 2 would impact 4.36 acres of jurisdictional wetlands, respectively.

In addition to wetland impacts, highway crossings of rivers and streams would result in impacts to aquatic resources. The Street Option 2 Alternative and Five Mile Road Alternative include a 1,890 foot-long bridge over the Yellowstone River, whereas the Mary Street 1



SF-05-g Generally, wetlands were not described as heavily degraded per se in the wetland description, because most would not be there except for agricultural practices and, with no prior wetland existence, there is no value or function to degrade. Rather, the MDT Wetland Assessment method rating was applied to each wetland. The individual wetland descriptions in the FEIS and Biological Resource Report (BRR) detailed the association with agriculture and other land use changes. The assessment forms and ratings according to function and value factors are included in the BRR. Type IV wetlands were associated with irrigation ditches, had the lowest function and value, and therefore receive the lowest rating.

Problematic and atypical analysis of sites was conducted in areas that did not meet typical hydrophytic vegetation, hydric soil, and/or hydrology criteria, as prescribed by the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region. (Version 2.0) provided in the BRR and 404(b)(1) (USACE 2010). This is clarified in the BRR addendum and summarized in Section 3.4.7 of the FEIS. Dataplot forms with criteria analysis for the wetland assessment are included in the BRR.

Mudflats and islands (gravel bars) would be included in the Waters of the U.S. There were no mudflats identified during field investigations and water levels were high; however, because of the river dynamics, the lack of observations does not preclude their existence. This is clarified in the 404(b)(1).

SF-05-h The citation to the Rapanos guidance was updated to 2008 in the BRR Addendum and Section 3.4.7 of the FEIS. At the time of the BRR draft the most recent guidance was from 2007. The 2011 guidance will be used if it is finalized before or during the permit application and approval process.

SF-05-i MDT agrees that impacts to wetlands should be avoided outside of the right-of-way. However, any activities outside of MDT's right-of-way and beyond construction easements are the responsibility of the contractor. The contractor would be required to obtain permits and landowner agreements in areas outside of MDT authority. A copy of these permits would be supplied to MDT by the contractor.



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Option includes a 2,010 foot-long bridge over the Yellowstone River and a 185 foot-long bridge over a side channel. In addition the Mary Street 2 Option includes construction of a new 214 foot-long bridge over Five Mile Creek, whereas the Mary Street Option 1 and Five Mile Road Alternative would replace and widen an existing bridge over Five Mile Creek.

It appears to us that the Mary Street Option 2 Alternative and Five Mile Creek Alternative would both have slightly less impacts to river and stream resources than the Mary Street Option 1 Alternative due to a shorter Yellowstone River bridge crossing and reduced impacts to wetlands and riparian areas. The draft 404(b)(1) analysis in Appendix F indicates that the Five Mile Road Alternative may have the least overall aquatic impacts at this stage, although it appears to us that total wetland impacts may be slightly less with the Mary Street Option 2 Alternative. The Mary Street Option 2 Alternative has the least overall impacts to wetlands, while the Five Mile Road Alternative has the least impacts to jurisdictional wetlands and to riparian acreage. Overall there do not appear to be large differences in impacts to aquatic resources among the build alternatives. While we have concerns regarding potential impacts to aquatic resources, we do not object to the FHWA's and MDT's identification of the Mary Street Option 2 Alternative as the preliminary preferred alternative.

SF-05-j

- 8. We appreciate the commitment to mitigate impacts to wetlands from use of credits from one of MDT's wetland mitigation reserves, purchasing credits from a wetland mitigation bank, or developing additional on-site wetland restoration, enhancement, or creation (page 4-237), and the identification and discussion of measures to avoid and minimize wetland impacts in the DEIS including in the draft Clean Water Act Section 404(b)(1) Evaluation in Appendix F. Although it would be helpful if more detailed and specific information on the specific wetland mitigation option to be used for the project were identified in the FEIS.

SF-05-k

- 9. Table 4.38, "Water Quality Related Features" (page 4-213) and Table 4.41 (page 4-225) indicates that there may be up to 8 piers in the water for the proposed 2,010 foot long bridge over the Yellowstone River with the Mary Street Option 1 Alternative, but up to 9 piers in the water for the 1,890 foot long bridge proposed with Mary Street Option 2 and the Five Mile Road Alternative. It seems counterintuitive to us that the shorter Mary Street Option 2 bridge, constructed with no skew across the river (Appendix F), would have more piers in the water than the longer Mary Street Option 1 bridge constructed with a slight skew across the river and a side channel. We recommend that the FEIS explain why the longer Mary Street Option 1 bridge would have less piers in the river than the shorter Mary Street Option 2 and Five Mile Road Alternative bridge.

SF-05-l

We support bridge designs with a minimal number of pier within the river channel as possible in order to minimize encroachment within the stream channel, riparian area and floodway. We also support provision of an adequate bridge width and capacity to pass river flood flows and bedload. Bridge designs should avoid impeding flood flows that could cause sediment deposition above stream crossings and erosion and scouring below crossings and causing substantial increases in flood elevations (e.g., construction of bridges on pilings, as opposed to fill, can reduce encroachment).



- SF-05-j      The 404(b)(1) analysis has been updated to clarify these issues.
- SF-05-k      MDT has been developing the approach to compensatory mitigation for this project throughout design development and would continue through final design and permitting. Specific mitigation plans would be determined with the submittal of the 404(b) permit application.
- SF-05-1      The analysis evaluated four different bridge types for each crossing location: (1) a full concrete girder bridge, (2) a full steel girder bridge, (3) a combination steel/concrete bridge, and (4) a segmental bridge. These bridge types allow different types of bridge spans, which limits the number of piers; however, with longer spans, the cost of the bridge significantly increases. The most economical Mary Street Option 1 Alternative bridge is a full concrete girder bridge that has a total of nine piers in order to meet Federal Emergency Management Administration (FEMA) criteria. The most economical Mary Street Option 2 Alternative bridge that still meets FEMA criteria is a combination steel/concrete bridge with a total of eight piers.

Please note that the bridge type has not been determined at this stage in the design process, and the type and number of piers stated in the document a conservative estimate. The final selection of bridge type would be determined during final design based on current technology, minimization of potential environmental impacts, cost, and other factors.

The bridge descriptions in the FEIS have been corrected.



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We also note that bridges with wide spans afford opportunities for improved wildlife passage, and promote reduced wildlife-vehicle collisions. We encourage use of bridge spans with the widest possible span and minimal number of piers in water to reduce encroachment on river channels and floodways, reduced impedance to flood flows, and to promote improved wildlife passage beneath bridges.

We are pleased that it is stated that bridge design criteria will avoid exceeding a 0.5 feet increase in base flood elevation (page 4-224). We also appreciate the visual depiction of the proposed bridge for the preliminary preferred alternative (page 4-147).

10. Table 4.38 (page 4-213) indicates in the middle column that there may be up to 2 piers in the water with the Five Mile Creek bridge, but the right hand column says this bridge can be designed to span the floodway. These statements seem inconsistent, since if the bridge can be designed to span the floodway it is not clear why there should be any piers in the water. We recommend that this discrepancy be explained in the FEIS.

SF-05-m

11. Drainage culverts for the proposed road improvements are discussed on pages 4-222. We recommend that culverts be adequately sized to pass flood flows and bedload, and that major drainage culverts simulate the natural stream grade and stream bed substrate as much as possible (e.g., open bottom arch culverts that provide a natural streambed). Are open bottom arch culverts included with the proposed project for the major drainage culverts?

SF-05-n

12. We are pleased that bridge runoff will be carried off the bridge for treatment to the maximum extent practicable (page 4-213). Although we did not see much specific information in the DEIS regarding proposed treatment of stormwater runoff from bridges and roads. We recommend that information on treatment of road and bridge runoff be included in the FEIS. We support use of vegetative filters and sediment traps to capture sediment before it can enter streams and wetlands, and also encourage consideration of infiltration basins or dry wells as another potentially effective way to remove contaminants from stormwater runoff. We note that infiltration basins or dry wells should be inspected and maintained on a regular schedule. Also, sometimes groundwater monitoring may be needed to assure that pollutant levels do not increase in ground water, particularly if there are significant amounts of contaminated highway runoff directed to infiltration beds or dry wells upgradient from public water supply wells.

SF-05-o

13. We are pleased that it is stated that no public wells appear to be in conflict with any of the proposed project corridors (page 4-218), and that groundwater monitoring wells in the project are identified and discussed (Figure 3-36, pages 3-110, 3-111), along with potential groundwater effects (pages 4-218, 4-219).

While the DEIS indicates that no indirect, temporary construction or cumulative impacts to groundwater are anticipated, we ask if infiltration basins or dry wells are used to treat road stormwater runoff will groundwater monitoring be able to identify road runoff impacts to groundwater quality?

SF-05-p



- SF-05-m This bridge was sized to have no piers within the floodway, but there would still be piers in the floodplain. During the design phase of the project, this bridge could be designed to clear span the floodplain, resulting in a much more expensive bridge. Table 4.38 has been updated to clarify that the piers would be in the floodplain (not in the water).
- SF-05-n The discussion in Section 4.4.5 of the FEIS provides a general description of MDT’s design process for major and minor culverts. Specific culvert sizes and types would be determined during final design utilizing the MDT Hydraulics Manual.
- SF-05-o MDT is committed to treatment of stormwater, and has a policy of treating stormwater in accordance with all local, state, and federal laws. This is noted in Section 4.4.3 of the FEIS. At this stage of project development, MDT declines to be more specific about the exact treatment strategies or tools that would be applied on the project in order to provide flexibility for changing conditions and technologies.
- SF-05-p At this stage in the project development process, specific stormwater management practices have not been determined. If during final design infiltration basins or dry wells are determined to be the most practicable solution and are implemented, they would be designed and constructed in accordance with all national, state, and local requirements to ensure that adverse environmental impacts are avoided to the maximum extent practicable.



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14. Thank you for identifying permits and authorizations that would be obtained to implement the proposed project including several water quality permits and authorizations (e.g., Montana Pollutant Discharge Elimination System (MPDES) Stormwater permits, Corps of Engineers 404 permit, Section 318 short term turbidity exceedance authorization, 310 or 124 permits, etc., page 5-1).

15. Roadway construction, operation, and maintenance can impact streams, wetlands and riparian areas from runoff, disruption of drainage patterns, stockpiling of materials in staging areas, maintenance of construction and maintenance equipment, application of herbicides, mowing, and snow plowing and sanding of roads or use of salt and deicers. The impacts of maintenance activities are more a matter of a long-term indirect and cumulative effects than any one incident.

We encourage the highway agencies to train road maintenance staff regarding procedures that minimize adverse impacts of road maintenance activities on streams and wetlands. (contact, Montana Local/Tribal Technical Assistance Program at Montana State University, Steven J. Jenkins, P.E. at 406-994-6100 or 1-800-541-6671). Snow plowing subsequent to sanding moves sand off the roadbed to the adjacent ditch line and fill slopes, filling depressions and ditches and widening shoulders, which can have adverse effects upon streams, wetlands, and riparian areas. These activities have the potential to introduce sediment, materials and chemicals into streams. We also encourage use of BMPs for winter maintenance operations such as using mechanical brooms to pick up sand after thaws.

16. On page 4-216 it is stated that cumulative impacts to water quality are not expected to be minor (bottom of first paragraph). We believe this statement may be a typographical error, since elsewhere it is stated that water resource impacts are anticipated to be minor. This error should be corrected in the FEIS.

} SF-05-q

Wildlife and Aquatic Species

17. Thank you for assessing and discussing potential project impacts on wildlife and aquatic species and their habitat (pages 4-241 to 4-253), particularly identifying recommended conservation measures for wildlife and aquatic species (pages 4-245, 4-246).

18. We saw no mention of pallid sturgeon or other threatened or endangered fish or State sensitive fish species in the Yellowstone River. Are there any T&E or candidate listed fish species or State sensitive fish species in the Yellowstone River or Five Mile Creek that may be impacted by the proposed project?

} SF-05-r

Air Quality

19. We appreciate the air quality information in Chapter 3 (pages 3-98 to 3-101) and air quality analysis in Chapter 4 of the DEIS (pages 4-189 to 4-201). The DEIS indicates that the project



- SF-05-q      The statement is a typo and has been amended in the FEIS (removed “not”).
- SF-05-r      Pallid sturgeon is not a listed species in Yellowstone County, MDT received a USFWS letter dated November 23, 2010, providing species listed under the Endangered Species Act that may occur in the project vicinity: whooping crane, Sprague’s pipit, greater sage-grouse, and black-footed ferret. USFWS stated that pallid sturgeon is not expected to occur in these waters (source: BRR agency communications). Aquatic and wildlife species are listed in Table 3.25 of the FEIS and in the text in Chapters 3 and 4. MDT received a USFWS letter dated July 26, 2012, stating concurrence with effect determinations for listed species. Details and agency communications are included in the BRR Addendum. Copies of the two letters are included in Appendix B of this FEIS.

No T&E or candidate fish species are known to be in the Yellowstone River or Five Mile Creek.



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study area is currently a maintenance area for carbon monoxide (CO), and is in compliance with PM2.5 and PM10 NAAQS standards, and is a non-attainment area for sulfur dioxide, although sulfur dioxide is not a criteria pollutant for transportation conformity (page 3-99). It further states (page 3-99, section 3.4.1.2 under “Criteria Pollutants”, last sentence in the second paragraph in this section), “Tracking for CO for the Billings area consists of monitoring and analyzing CO concentrations by the MDEQ to demonstrate ongoing compliance with the CO NAAQS.” We note that this statement is no longer true as MDEQ has shut down the CO monitor in Billings. For reference, please see the MDEQ Air Quality 2012 Monitoring Network Plan (<http://deq.mt.gov/airmonitoring/nwHome.mcp> ), page 11, last sentence of the first paragraph which states: “CO monitoring has been suspended in all three communities as a result.”

SF-05-s

20. The DEIS indicates that the CAL3QHC computer dispersion model was used to predict the 1-hour CO concentrations, with an adjustment factor for 8-hour concentrations, at the receptor locations for year 2010 and 2035 (page 4-191, section 4.4.1.2.2 entitled “Direct Impacts – Air Quality: All Build Alternatives”, section entitled “Carbon Monoxide Analysis”). This section does not, however, indicate which mobile source emissions factor model was used to generate the mobile source emissions data used in the CAL3QHC modeling. We note that EPA’s MOVES2010 model was officially released on March 2, 2010 and MOVES2010a was released on September 8, 2010 with the most recent update to the MOVES model, MOVES2010b, being released on April 23, 2012. Although not identified in section 4.4.1.2.2, EPA is curious if our MOVES2010b model was used (and on the “Project” scale) to prepare the CO emissions for the intersection modeling? If so, this should be noted in this section and if not, the emission factor model that was used should be identified (MOBILE6.2?).

SF-05-t

21. The discussion regarding Mobile Source Air Toxics (MSAT) in the first full paragraph on page 4-199 references the FHWA 2009 document. The last two sentences of this paragraph state that emission estimates from various mobile source emissions models (MOBILE6.2, EMFAC2007, and the DRAFT2009 MOVES model) were compared and that the MSAT results are indicated as being highly inconsistent. We believe the public would benefit from an update to this discussion regarding the development of EPA’s MOVES2010 model, its improved accuracy, and enhanced ability to estimate both criteria and MSAT emissions. EPA’s current version of the MOVES model, MOVES2010b, was released on April 23, 2012 and not only calculates the six priority MSATs noted in this section, but includes 63 other MSATs. Please review the MOVES2010b “Q” and “A” document found at the following weblink: <http://www.epa.gov/otaq/models/moves/documents/420f12014.pdf> .

SF-05-u

22. The DEIS states that MDT’s Standard Specifications 107.11.3, Air Quality, will be used to reduce construction related emissions (page 4-201); however, from what EPA could find, this Standard Specification only states the following:

“107.11.3 Air Quality: Operate all equipment including, but not limited to, hot-mix paving plants and aggregate crushers to meet the minimum air quality standards established by federal, state, and local agencies. No additional payment will be made for



- SF-05-s      The sentence stating that there is CO monitoring in Billings was deleted.
- SF-05-t      MOBILE6.2 was used to model mobile source emissions. This information has been added to Chapter 4 (Section 4.4.1.1).
- SF-05-u      At the time that the air quality modeling was completed for this FEIS, the MOBILE6.2 model was the accepted model and FHWA supported its use. Although the MOVES2010b model may provide additional information regarding MSAT emissions, it would not provide additional substantive information that would be useful in making a decision on this particular project and would serve only as additional disclosure. The MOVES model will be used in air quality analysis for future projects.



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the use or installation of dust or smoke control devices, for the disruption of work or loss of time occasioned by the installation of such control devices, or for any other related reasons.” (See: “Standard Specifications for Road and Bridge Construction, 2006 Edition” at:

[http://www.mdt.mt.gov/other/contract/external/standard\\_specbook/2006/2006\\_stand\\_specs.pdf](http://www.mdt.mt.gov/other/contract/external/standard_specbook/2006/2006_stand_specs.pdf) )

As portions of the project will be constructed directly adjacent to residential areas, the EPA believes only relying on this particular statement as insufficient. We recommend that during construction adjacent to the residential areas that consideration for monitoring for PM<sub>10</sub> levels during construction take place to validate that construction emissions are effectively controlled. The EPA recommends that an air quality monitoring plan include elements identifying how monitoring will be performed, action levels for the monitored data, and how the data will be shared with the appropriate agencies and the public. A complete monitoring plan would demonstrate how well the preferred alternative resolves potential dust emissions concerns by measuring the effectiveness of the mitigation measures in controlling or minimizing adverse effects. In regard to best management practices (BMPs) to mitigate construction related emissions, EPA recommends consideration of the following mitigation measures to reduce air quality impacts during construction, and suggests that such measures be identified in the FEIS to improve public understanding:

- Requiring heavy construction equipment to use the cleanest available engines or to be retrofitted with diesel particulate control.
- Requiring diesel retrofit of construction vehicle engines and equipment as appropriate.
- Using alternatives for diesel engines and/or diesel fuels such as: biodiesel, LNG or CNG, fuel cells, and electric engines.
- Installing engine pre-heater devices to eliminate unnecessary idling during winter time construction.
- Prohibiting the tampering of equipment to increase horsepower or to defeat emission control device’s effectiveness.
- Requiring construction vehicle engines to be properly tuned and maintained.
- Using construction vehicles and equipment with the minimum practical engine size for the intended job.
- Using water or wetting agent to control dust.
- Using wind barriers and wind screens to prevent spreading of dust from the site.

SF-05-v



- SF-05-v      As stated in Section 4.4.1 of the FEIS, “Air Quality,” all activities will be conducted in accordance with MDT’s Standard Specifications for Road and Bridge Construction (MDT Standard Specifications; MDT 2006) requiring contractors to operate in compliance with applicable federal, state, and local air quality standards.



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- Having a wheel wash station and/or crushed stone apron at egress/ingress areas to prevent dirt being tracked onto public streets.
- Using vacuum-powered street sweepers to remove dirt tracked onto streets.
- Covering, as appropriate, all dump/haul trucks leaving sites.
- Covering or wetting temporary excavated materials.
- Using a binding agent for long-term excavated materials.
- Locating diesel engines as far away as possible from residential areas.
- Locating staging areas as far away as possible from residential uses.
- Scheduling work outside of normal hours for sensitive receptors; this should be necessary only in extreme circumstances, such as construction immediately adjacent to a health care facility, church, outdoor playground, or school.

SF-05-v  
Cont.

If the lead agencies have questions regarding EPA’s review of the DEIS air quality analysis we encourage you to call Mr. Timothy Russ, who may be reached in our EPA Denver Regional Office at 303-312-6479.

**Indirect Effects**

23. New road construction that improves traffic flow, reduces congestion and increases access can contribute to induced residential, commercial, industrial growth, and changed land uses constitutes indirect effects. Indirect effects are defined as "...caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems" (40 CFR 1508.9(b)). Induced residential, commercial, and industrial growth and land use change affect air quality, water quality, wetlands, wildlife habitat loss and fragmentation, urban sprawl, loss of rural character, farm land and other natural resources.

SF-05-w

The EPA is concerned about the loss of farmland due to expedited residential development associated with increased road access through agricultural areas. The DEIS states that the north and east portions of the study area are predominately agricultural (page 3-23) and the proposed project would encourage conversion and expedite development of agricultural land to residential uses (pages 4-47, 4-48). The DEIS indicates that the proposed project would result in direct impacts to 28 acres of farmland (15 acres of farmland of statewide importance and 13 acres of prime farmland, Table 2.27, page 4-171). We also note that Table 2.28,



SF-05-w Thank you for your comment. Indirect effects on air quality, water quality, wetlands, wildlife habitat, farmland, and other natural resources are discussed in Chapter 4 of the FEIS.



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“Indirect Impacts to Farmland” (page 4-171) and subsequent narrative discussion mentions that construction of a roadway through parcels used for farming could indirectly affect the viability of some parcels for agricultural use.

- 24. Table 4.8 (page 4-43) indicates that the preliminary preferred alternative and the Mary Street Option 1 Alternative are not compatible with plans for a future park development to be located along the Yellowstone River east of Five Mile Road. However, Figure 4-10 (page 4-51) and Table 4-9 (page 4-53) indicate that all build alternatives would cross the southern portion of the future planned John H. Dover Memorial Park, and Figure 4-10 seems to show that the Mary Street Option 1 Alternative rather than the Five Mile Road Alternative may the least impact on the future park. The FEIS should include additional discussion to explain why the Five Mile Road Alternative is stated to be compatible with future park development, while the Mary Street Option 1 Alternative is not compatible with future park development.

SF-05-x

Also if the Five Mile Road Alternative is compatible with all existing local plans, land uses and zoning, and the other build alternatives are not compatible, we suggest that this potential advantage of the Five Mile Road Alternative be more clearly disclosed in the discussion of trade-offs associated with the identification of a preliminary preferred alternative in Chapter 2 (pages 2-27 to 2-29).

SF-05-y

- 25. The EPA is a Smart Growth Network partner, and we encourage the lead agencies to fully consider smart growth options as it conducts additional deliberations on transportation improvements for this project (see <http://www.epa.gov/smartgrowth/> and [http://www.epa.gov/smartgrowth/sg\\_network.htm](http://www.epa.gov/smartgrowth/sg_network.htm)). There may be opportunities to reduce indirect effects on sensitive environmental resources.

SF-05-z

**Climate Change**

- 26. We appreciate the DEIS discussion of greenhouse gases and climate change (pages 3-101, 3-102, page 4-200), although greenhouse gas emissions were not evaluated for the proposed project. We are pleased that the DEIS states that the FHWA has strategies to reduce greenhouse gas emissions from transportation including reduction in vehicle miles traveled (by implementing land use and transit strategies that concentrate development and offer alternative transportation options), promoting technology for improved fuel economy, and use of fuels with lower greenhouse gas emissions (i.e., lower life-cycle carbon content). It would be of interest to know to what extent, if any, these strategies are being considered or applied in the Billings area in association with this project.

SF-05-aa

**Environmental Justice**

- 27. We appreciate the evaluation of direct impacts, indirect impacts, temporary construction impacts, and cumulative impacts of the project alternatives on environmental justice (EJ) populations, as well as discussion of mitigation measures for environmental justice (pages 4-74 to 4-81). While tract level data is more accessible through the US Census, blockgroup

SF-05-ab



- SF-05-x The FEIS has been modified to clarify the potential impacts to the future John H. Dover Memorial Park. Any of the build alternatives would be compatible with the development of the park, but there would be indirect impacts associated with the project, as disclosed in the FEIS in Section 4.3.2.
- SF-05-y As discussed in the FEIS in Chapter 4, Section 4.3.1, there is not a discernible difference between the Mary Street Option 1 and 2 alternatives and the Five Mile Road alternative with regard to land use, zoning, and local plans.
- SF-05-z Smart growth options will be taken into consideration where practicable.
- SF-05-aa FHWA does not have specific plans to implement fuel economy, fuel type, or transit-related strategies associated with this project.
- SF-05-ab We agree that further analysis would not change the conclusions made in the DEIS, not modifications were made to the document.



**Comment Letter SF-05 U.S. Environmental Protection Agency; Julie A. DalSoglio, Director, EPA Montana Office**

data is actually available, but MDT and FHWA would need to spend more time seeking out this information. We are not sure, however, that use of blockgroup data would result in any change in the overall conclusion of no disproportionate impacts to environmental justice populations. We are pleased that the DEIS reports that no disproportionately high and adverse effects to EJ populations are anticipated from implementation of the preliminary preferred alternative.

Other

- 28. We fully support the planned improvements to bicycle and pedestrian facilities (pages 3-19, 3-20, 4-39 to 4-42), and are pleased that the proposed project would have an overall positive impact on bicycle and pedestrian travel (page 4-42).
- 29. The Vehicle Miles Traveled (VMT) amount of 434,000 miles per day in the study area in 2010 shown on page 3-98 does not appear to be consistent with the no build VMT amounts shown in Table 4.1 (e.g., 666,800 miles per day for no action, page 4-8). It would be helpful if the differences between these VMT amounts were explained.

} SF-05-ad



SF-05-ad      The Vehicle Miles Traveled (VMT) referenced on page 3-98 was stated as being for the year 2010. The VMT for the No-build in Table 4.1 is actually for the design year 2035. A note was added to Table 4.1 that identifies these values are for the design year 2035.



## **Comment ORG-01 Lockwood Urban Transportation District Board, Conrad Stroebe**

Public Hearing Testimony – September 12, 2012

I'm on the Lockwood Urban Transportation District Board. I've got kind of an announcement. We have a Steering Committee that meets the 4<sup>th</sup> Thursday of every month here in Lockwood at the school board meeting room. Any and all of you are always welcome to attend that. We do regularly comment and that is probably the reason why we don't have a lot of people here tonight is we've been regularly commenting on this since the process started. The original Feasibility Study was done back in 1998 at the sole cost of the Lockwood business community. It's been a long, hard road and there's been a lot of changes in the concept of this thing. It started out as a road across the River from Johnson Lane to Wicks Lane which was a little less than a mile. It's gone from a short arterial like that with a very expensive bridge obviously all the way to a road to Canada and then back. We really need your comments because our responsibility is the south side of the River and your responsibility on Mary Street is your homes and neighborhood.

ORG-01-a



- ORG-01-a Thank you for your comments and call for public input on the project. Chapter 6 of the FEIS provides details on the entire public and agency outreach process since the project inception in 2003, including information on 2009 re-scoping process of the project, following guidance from the Federal Highway Administration.



## Comment ORG-02 Pioneer School Board, Brad Zink

**From:** "Brad J Zink" <[bzinkpsb@bresnan.net](mailto:bzinkpsb@bresnan.net)>  
**Date:** September 19, 2012 10:01:19 AM MDT  
**To:** [wwallach@deainc.com](mailto:wwallach@deainc.com),  
**Cc:** "Christina Olstad" <[olstads@bresnan.net](mailto:olstads@bresnan.net)>, "Lisa Howe" <[lisa\\_howe@ymail.com](mailto:lisa_howe@ymail.com)>,  
**Subject:** Billings by pass

Wendy,  
My name is Brad Zink. I am on the school board of Pioneer School. It is a small rural school just to the north of the bypass. I am very concerned that the highway bypass is very close to our school.

Can you keep me updated with any new changes or information.

Thanks,  
Brad Zink  
Pioneer School Board

P.s. I cc the other school board members.

} ORG-02-a



ORG-02-a Thank you for your comment. You are included on our newsletter mailing list and will be kept updated on the project. Please see the project website at [www.billingsbypass.com](http://www.billingsbypass.com) for additional project information.



### **Comment ORG-03 Yellowstone River Conservation District Council, Nicole Divine McClain, Coordinator**

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, October 01, 2012 5:05 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 17:05:00  
Project Commenting On: Billings percent 20Bypass percent 20EIS

Comment or Question:

Greetings:

As you go forward with your planning process on the Billings Bypass project, please keep the Yellowstone River Conservation District Council in mind. We may have some data and other reference material, including Channel Migration Zone maps, that may be of value to you. Several representatives of our organization would like to sit down with your project team staff to review this data with you. Thank you for your time and consideration.

ORG-03-a

Sincerely,  
Nicole

Nicole Divine McClain, Coordinator  
Yellowstone River Conservation District Council  
1371 Rimtop Drive  
Billings, MT 59105

Phone: 406-247-4412

Email: [coordinator@yellowstonerivercouncil.org](mailto:coordinator@yellowstonerivercouncil.org)

Visit us on the web: [www.yellowstonerivercouncil.org](http://www.yellowstonerivercouncil.org) We're also on Facebook and YouTube!

"Working Relationships Yield a Shared Vision"

Submitter's IP address:



ORG-03-a Thank you for your willingness to share data with the project team.



**Comment ORG-04 Yellowstone River Parks Association, Roger Williams, President**

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, September 24, 2012 9:24 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Roger Williams (c/o YRPA)  
address: PO Box 1201  
city: Billings  
state: MT  
zip: 59103  
phone:  
email: [rogerswilliams41@gmail.com](mailto:rogerswilliams41@gmail.com)

comments:  
I am president of Yellowstone River Parks Assoc. As a stakeholder in the Billings Bypass Draft EIS, we would like to meet with a representative of MDT to discuss our concerns. Please place us on the mailing list for updates.

} ORG-04-a

mailinglist: yes  
userstring: DHXHG  
PHPSESSID: 52ie31n9g97e6i2r1114b12sc5



ORG-04-a Thank you for your comment. YRPA is listed on the mailing list for the project. Please also see the project website at [www.billingsbypass.com](http://www.billingsbypass.com) for additional project information.

Additionally, you met with members of the project team to discuss your concerns on September 21, 2012. Notes from that meeting are included in Appendix G of this FEIS.



## Comment ORG-05 Yellowstone River Parks Association, Roger Williams, President

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Monday, September 24, 2012 9:14 AM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/24/2012 09:14:04  
Project Commenting On: Billings Bypass EIS  
Project State Highway No.: 14  
Nearest Town/City to Project: Billings  
Project Milepost: US  
Name: Roger Williams  
Address Line 1: PO Box 1201  
City: Billings  
State/Province: MT  
Postal Code: 59103  
Email Address: [rogerswilliams41@gmail.com](mailto:rogerswilliams41@gmail.com)  
Phone Number:

Comment or Question:  
Revised Comment re North Billings Bypass from YRPA

I am Roger Williams, president of Yellowstone River Parks Association. YRPA owns approximately 150 acres of parkland that is in the path of the proposed Billings Bypass Highway and the bridge over the Yellowstone River. I submitted comments initially on Sept. 10. I then attended the public hearing on Wednesday night, Sept. 12. At that meeting, for the first time, I learned more about the proposed path of the bridge and highway in the Mary Option 2 and Five Mile Option. On Sept. 21, I met with engineers from DOWL-HKM to determine more precisely where the proposed bridge will land on our park. Although the exact path of the median of the highway is not yet established, it can reasonably be inferred by the footings of the bridge and the topography of the terrain. My purpose in writing this addendum takes these new facts into consideration.

ORG-05-a



ORG-05-a Thank you for your involvement in the project. Substantive comments begin on the following page.



### Comment ORG-05 Yellowstone River Parks Association, Roger Williams, President

YRPA is in the early phases of planning and constructing a public park on that land. Much of the land is under conservation easement, and there is a permanent trail easement running from the southwest to the northeast, which is transected by the proposed highway.

Our plan is to restore the natural riparian habitat of the area and improve public access with one or more multiuse trails, and a network of unimproved single-track trails. We will connect the trails to the larger Heritage Trail system in Billings. The park is Yellowstone River bench and bottom lands that afford magnificent views of Five Mile Creek, which courses through the park, and of the Yellowstone River.

There are three scenic overlooks along the Yellowstone River bank. The highest, Lois's Point, is the middle and tallest of the three and provides the most glorious panorama. Its name is in the memory of Lois Sindelar. The Dover-Sindelar family has homesteaded in the area since the 1880s. Jim Sindelar placed these lands under conservation easement to preserve their natural beauty from commercial development, and donated a portion to YRPA expressly for the purpose of developing it into a public park. The park is to be named in memorial to John H. Dover, the family patriarch. Lois Sindelar, Jim's sister, was a writer and poet who often ascended the eponymous overlook for inspiration, especially during her battle with cancer. After her death a monument was placed on the point with a bronze plaque quoting one of her inspirational verses.

The proposed bridge appears to terminate on the overlook to the northeast of Lois's Point. This will significantly impact the scenic beauty of the River, and highway noise will despoil the serenity and tranquility of Dover Park.

YRPA is also concerned about the safety of pedestrian and bicycle traffic on the trails in the park that are transected by the new highway. Wendy Wallach's answer to my question at the hearing leads me to believe that planners are considering surface crossings, similar to those on Wicks Ln and King Ave in Billings. We strongly believe that surface crossings are unacceptably dangerous. We believe that underpasses or overpasses will be required if the Mary St 2 or Five Mile options are chosen.

As devastating as this project is to the success of ours, our injuries pale by comparison to those of our neighbors, the homeowners. We truly grieve for their plight. However, as a matter of self-interest we are obliged to advocate for our benefactors and the public we serve. YRPA's preferences, in order, from the four options posed by the hearing and period of commentary on the Draft EIS are:

1. The "no build" alternative
2. Mary St option 1, which is just south of our property
3. A request that, if the Mary St 2 or Five Mile options are chosen, MDT-FHA consult closely with YRPA to mitigate the financial and aesthetic impact, and to ensure that non-motorized users are safe.

We also request that we be considered a "stake holder" in this process, if we are not already.

Roger Williams

Submitter's IP address:

Reference Number = picomment\_0360107421875

ORG-05-b

ORG-05-c

ORG-05-d

ORG-05-e

ORG-05-f

ORG-05-g



- ORG-05-b Thank you for providing this information. Additional detail about the planned park facility has been added to the FEIS in Section 3.3.2.
- ORG-05-c The FEIS acknowledges that “the proposed bridge for Mary Street Option 2 would be an encroachment onto the landscape. The contrasting elements it introduces would increase the vividness of the view and make it more memorable. Intactness would decrease due to the addition of the structure, which is large and conspicuous from this perspective, therefore dominating and encroaching onto the view . . . . Park users from this viewpoint would likely see the bridge as an encroachment given its proximity and the overall decrease in visual quality expected here.” Noise would increase in this area where the future park is proposed, given that minimal traffic noise currently exists there. MDT and FHWA will work closely with the YRPA to mitigate impacts and implement safety measures regarding the proposed future park to the extent possible.
- ORG-05-d The new roadway would be constructed to the most current standards. The design will incorporate Billings’ Bike Net bike trail crossings and other provisions as required.
- ORG-05-e Thank you for indicating your preference so it can be included in project records.
- ORG-05-f MDT and FHWA will work closely with the YRPA to mitigate impacts and implement safety measures regarding the proposed future park to the extent possible.
- ORG-05-g You are on the project mailing list. The mailing list is used to send newsletters and project announcements to interested parties. Additionally, as a stakeholder you have had separate meetings with project staff, who continue to be available for questions and discussion about the proposed project.



**Comment ORG-06 Yellowstone River Parks Association, Roger Williams,  
President**



P.O. Box 1201      Billings, MT 59103      (406)-248-1400      e-mail: yrpa@yrpa.org

October 3, 2012

Wendy Wallach  
EIS Project Manager  
David Evans & Assoc., Inc.  
1331 17th Street,  
Suite 900  
Denver, CO 80202

**RE: Billings Bypass (MDT Project No. NCPD 56 (55) CN 4199)**

I am the president of Yellowstone River Parks Association (YRPA). We own approximately 150 acres of land along the west bank of the Yellowstone River, at the mouth of Five Mile Creek, and at the junction of Mary St. and Five Mile Rd. The land is under conservation and public access easements, and is designated as a public park. Our property will be adversely impacted by the Billings Bypass project.

We are on record as preferring the “no-build” option presented by the Draft EIS. We are conflicted by the other three choices. Mary St. Option 1 impacts us less, but severely impacts our neighbors to the west. Mary St. Option 2 and the Five Mile option are centered squarely on our property and bisect our parkland.

We understand the importance of a project like this for safely moving traffic through and around our community. However, as a stakeholder, we insist that our concerns be addressed as the design process progresses. At a minimum we will require pedestrian underpasses, visual barriers, and noise mitigation.

It is important that you and your colleagues understand the history of this property and our project. In the early 1990s, the Jim Sindelar family made a decision to preserve substantial portions of their land holdings in the Five Mile Creek-Dover Road area. They placed their homestead under conservation easement and began donating their “Five Mile” bottom and bench lands to Yellowstone River Parks Association, with the explicit purpose that it be developed into a public park. To date, the Sindelar Family has donated nearly 150 acres to YRPA, and more donations are expected in the future.

The Sindelars also sought to memorialize their patriarch by naming the park *The John H. Dover Memorial Park*. John Dover, Jim Sindelar’s grandfather, began homesteading this area in the 1880s, and the Sindelar Family has farmed and ranched there ever since. The land contains an

ORG-06-a



- ORG-06-a Thank you for your involvement in the project. No comments were delineated for the letter shown on the facing page, which was received after the deadline for submitting comments on the DEIS. Comments in this letter were addressed above in the responses to previous comments submitted on the project.



## **Comment ORG-06 Yellowstone River Parks Association, Roger Williams, President**

old stage coach route, tepee rings, and a monument and memorial plaque dedicated to Lois Sindelar on one of the scenic bluffs.

YRPA engaged Land Design Inc. to develop a Dover Park Master Plan using topographic, geologic and hydrologic, and historical information of the area. The area has rolling terrain with deep coulees and, when cleared of debris and invasive species, will be a spectacular vista of native wildlife and riparian habitat.

The parkland also includes an easement for public access via a multi-use trail. The central multi-use trail will trend northeast from the entrance toward the border of YRPA's property with the Sindelar homestead. Secondary loop trails will branch outward from this central trail to facilitate public access to the scenic benches and bottom lands of the property. The Dover Park trails will be connected to the Billings Heritage Trail System via Mary Street and/or Dover Road. Safe passage for pedestrians and cyclists under the bypass highway must be assured.

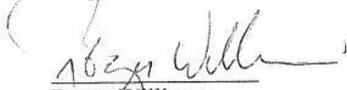
Development of Dover Park will proceed in stages. This summer, a YRPA board member and faculty and students of Rocky Mountain College performed an ecological survey of the area, including an inventory of noxious weeds. YRPA also removed much of the interior barbed wire fence and an old appliance dump. The remainder of the interior barbed wire fence will be removed and the old perimeter fence and gate will be replaced. Currently there is only one interior bridge over Alkali Creek, which is deteriorated and unsafe. That bridge will be replaced with others to facilitate pedestrian traffic and the passage of equipment for trail building and maintenance. A staging area will be cleared at the end of the entrance road, and will become one of the principle parking lots. Memorial benches and shelters will be placed at strategic points. A landing for non-motorized boats is planned near the mouth of Five Mile Creek where it enters the Yellowstone River.

The future John H. Dover Memorial Park may ultimately include the gravel pit, also owned by the Sindelars but leased to and operated currently by Knife River Co. The gravel pit is generally located near the northwest corner of the Sindelar's property, on the east side of Five Mile Road and south of Dover Road. It lies on the high ground above Five Mile Creek and near the rims overlooking the Yellowstone river bottom. Our Master Plan includes developing the gravel pit into a substantial lake. However, the south rim of the gravel pit is also contiguous to or within the preferred option for the bypass highway.

Developing the *John H. Dover Memorial Park* is an ambitious project that will take many years to complete, and will probably cost several million dollars. YRPA will seek out partners and benefactors to accomplish this long-term goal. However, the presence of a major highway may substantially diminish the park's attractiveness to many donors.

We look forward to meeting with you and your consultants to discuss our concerns further.

Respectfully,



Roger Williams  
YRPA President



No additional comments were delineated for the part of the letter shown on the facing page.



### Comment ORG-07 Yellowstone River Parks Association, Roger Williams, President

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Monday, September 10, 2012 7:51 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/10/2012 19:50:33  
Project Commenting On: Billings Bypass EIS  
Project State Highway No.: MT  
Nearest Town/City to Project: Billings  
Project Milepost: US  
Name: Roger S. Williams  
Address Line 1: 2512 Irving Pl.  
City: Billings  
State/Province: MT  
Postal Code: 59102-1925  
Email Address: [rogerswilliams41@gmail.com](mailto:rogerswilliams41@gmail.com)  
Phone Number: 4062486352

Comment or Question:

I am the president of Yellowstone River Parks Assoc., a 501(c)3 public benefit corporation. We own approximately 150 acres of land in the path of the proposed North Billings Bypass. We are very concerned about the negative impacts this project will have for beauty and utility of our land.

By the early 1990's, the Jim Sindelar family made a decision to preserve substantial portions of their land holdings in the Five Mile Creek-Dover Rd. area. They placed their homestead under a conservation easement, and began donating their "Five Mile"

bottom and bench lands to Yellowstone River Parks Association, with the explicit purpose that it be developed into a public park. To date, the Sindelar family has donated nearly 150 acres to YRPA.

The Sindelars also sought to memorialize their patriarch by naming the park the John H. Dover Memorial Park. John Dover, Jim Sindelar's grandfather, began homesteading this area in the 1880's, and the Sindelar family has farmed and ranched there since.

ORG-07-a



- ORG-07-a Thank you for providing this information. Your comments labeled ORG-04, ORG-05, and ORG-06 contain similar information, particularly comment ORG-05. We have used the information you have provided to add detail about the planned park facility to the FEIS in Section 3.3.2.



### Comment ORG-07 Yellowstone River Parks Association, Roger Williams, President

In 2010, YRPA engaged Land Design Inc. to develop a preliminary master plan using topographic, geologic, hydrologic, and historical information of the area. The area has a rolling terrain with deep coulees and, when cleared of debris and invasive species, should be a spectacular vista of native wildlife and riparian habitat.

The land also includes an easement for public access via a multiuse loop trail. The loop trail, in turn, will be connected to the main east-west Billings Heritage Trail System via Mary St. and/or Dover Rd.

The future John H. Dover Memorial Park may ultimately include the gravel pit, also owned by the Sindelars, and operated currently by Knife River Co. The gravel pit is generally located near the northwest corner of the Sindelar's property. The pit is on the east side of Five Mile Road and the south side of Dover Road. It lies on the high ground above Five Mile Creek and near the rims overlooking the Yellowstone river bottom. The gravel pit has the potential to be developed into a substantial lake, with other attributes, on these beautiful highlands and bluffs.

Placement of a major highway through or adjacent to this park is a major setback for our plans, which are for the public's benefit. However, we realize that few landowners would welcome it, and that state and federal agencies have evaluated other alternatives thoroughly. "No alternative" is probably no longer a viable option for YRPA.

Of the three alternatives proposed, Mary 1 would have the least impact on YRPA's plans. Mary 2 has a less negative impact than Five Mile, although both severely detract from the scenic beauty of the future park.

To reiterate our comments from June 17, 2011, we make the following requests. 1.) Adjust the Mary 2 option alignment, if chosen, so that it would follow the low point between the two overlooks (Lois's Point). This might reduce visual impacts (visibility of road) and traffic noise. Lois's Point is considered an historical landmark and an important feature for views of the river valley. 2.) Design road cuts so that they follow the contour of the land, and look more like a natural valley.

ORG-07-a  
cont.

ORG-07-b

We appreciate the opportunity to complain, and to suggest.

Roger Williams

Submitter's IP address: 69.145.51.152

Reference Number = picomment\_279632568359375



ORG-07-b The FEIS acknowledges that the proposed bridge for Mary Street Option 2 would be an encroachment onto the landscape. The scope and purpose of the design at this stage of the process are very preliminary and subject to be modified to avoid critical resources, and MDT and FHWA will work closely with the YRPA to mitigate impacts and implement safety measures regarding the proposed future park to the extent possible.

Regarding adjusting the alignment to use the low point and follow existing land contours, the project team investigated the geometry to see if adjustment is feasible. While they were able to refine the alignment slightly, based on the minimum design criteria, they were not able to move the alignment more than we are currently depicting in the FEIS (i.e., the curve back towards Mary Street). The crossing of the river is also the most desirable location based on the river analysis.

During an in-person meeting with you, it was discussed that there could be additional design elements incorporated into the engineering design, as possible, to assist in park planning.



### Comment IND-01 Sue Anderson

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Wednesday, September 26, 2012 1:23 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/26/2012 13:22:44
Project Commenting On:	Billings Bypass EIS
Name:	Sue L. Anderson
Address Line 1:	1251 Gardenia Drive
City:	Billings
State/Province:	MT
Postal Code:	59101

Comment or Question:

Comments regarding the three Billings Bypass Options currently proposed:

Mary Street Options 1 and 2 are both detriments to the Mary Street neighborhood. The dramatic increase in vehicle traffic will create a 24/7 noise issue and create safety issues for pedestrians and bicyclists. Routing a major highway along Mary Street will decrease the value of hundreds of properties and cause the loss of homes due to proposed construction.

} IND-01-a

Submitter's IP address:

Reference Number = picomment\_109222412109375



IND-01-a Thank you for indicating your preference so it can be included in project records.

In addition to the inclusion of 8-foot shoulders on the new bypass route under either of the Mary Street options, the existing Mary Street would be retained as a local access road and supplemental bicycle facility. See Chapter 2 of the FEIS for a description and maps of the alternatives.



## Comment IND-02 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, September 17, 2012 3:40 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/17/2012 15:39:57  
Project Commenting On: Billings Bypass EIS

Comment or Question:

The Billings Bypass is a project that is long overdue. At the public hearing on 9/12 it was clearly explained and I believe the benefits far out weigh any drawbacks. I support the bypass and look forward to its completion.

} IND-02-a

Submitter's IP address:

Reference Number = picomment\_1163330078125



IND-02-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-03 Anonymous

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

From: [www.mdt.mt.gov](http://www.mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, September 24, 2012 7:16 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:                      Comment on a Project  
Submitted:                        09/24/2012 19:15:52  
Project Commenting On:        Billings Bypass EIS

Comment or Question:

I do not support any bypass in this area. It will destroy some beautiful homes and pristine wildlife areas. People who bought and built homes in this area were told in good faith that the area would not be considered as an option for the bypass.

} IND-03-a

Submitter's IP address:

Reference Number = picomment\_60504150390625



IND-03-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-04 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Wednesday, September 26, 2012 6:09 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/26/2012 18:09:15  
Project Commenting On: Billings Bypass EIS

Comment or Question:

I writing in regards to the Billings Bypass EIS. I live in the area that will be affected by this bypass. I do not think that this is a well thought through project. First, of all you do not have the funds to do this project. Second, you are building a highway through a residential neighborhood! These are peoples homes! What gives you the right to condemn there homes and build this highway. Third, you can find a better route to connect up to 312 instead of coming down Mary Street. You are affecting peoples lives to build a highway that is going to save people 5 minutes of time. What a joke! I think this needs to be taken back to the drawing board.

} IND-04-a

Submitter's IP address:

Reference Number = picomment\_3472900390625



IND-04-a Thank you for indicating your preference so it can be included in project records.

Proposed funding for the project is described in Section 2.3.5 of the FEIS.

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

Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project.





IND-05-a Thank you for indicating your preference so it can be included in project records. Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project.





- IND-06-a The Executive Summary and Chapter 1 explain that dedicated funding requires that the Bypass name be retained, even though the revised purpose and need statement is more restrictive than that for the original project. Chapter 2 also includes information on the screening and development of the build alternatives analyzed in the FEIS and information on the design objectives for build alternatives.

MDT does not have a “formal” definition of a bypass, and the current functional classification of the facility is proposed as an “arterial.”

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

Traffic projections indicate that the 7-minute time savings would allow truck traffic on Old Hwy 312 and US 87 a much quicker route to and from I-90/I-94 and locations in southwest Billings. In addition, time savings to and from Billings Heights and outlying areas north and east to Lockwood, I-90/I-94, and southwest Billings would be enough to remove up to 12,000 vehicles per day from Main Street, south of 6th Avenue North, in the year 2035. This reduction is especially significant given that the No Build Alternative traffic projections for Main Street between Lake Elmo and Airport Road are 65,000 vehicles per day, even with the planned Inner Belt Loop project in place.

- IND-06-b The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project, including impacts associated with the proximity of the roadway.





IND-07-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-08 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, October 01, 2012 9:02 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 21:02:20  
Project Commenting On: Billings Bypass EIS

Comment or Question:

I do not think that the officials realize what they are attempting to do under cover on this proposed land taking and the costs that will be associated with it. # 1, people on Mary were not notified of this and most recently the county actually sold a tract of land to an unsuspecting home owner with no disclosure to them. 112 mill for the entire project,..... Try twice that after the attorneys are through. Hope Mr. Ostlund enjoys the 20 million fed dollars for his good old boy network to build the bridge to no where, because that is what this is.

Not a By pass, a quick commitment of money to do ultimately nothing and impact the value of landowners on a quiet, sleepy street. Can't wait to see what the attorney does to the county for that little mishap. Disclose, disclose, disclose... 112mill times ??? when this is done. I am curious as to what realtors, like Mr. Hanel, the mayor of Billings disclosed to his clients about this, because when I bought over here, I specifically spoke personally with Highway dept head to see if Mary was an option and was absolutely told it was off the table completely and all of the reasons why. No worries, but Mr. Hanel told me personally that I should have known this when I called him for help, since he did. Wonder if he told his clients???, since he seems to be the person who KNEW. Hope so.

IND-08-a

Submitter's IP address:

Reference Number = picomment\_28985595703125



IND-08-a Chapter 1 describes the history of the project, and Chapter 6 describes the public involvement and notification procedures.

Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. MDT and FHWA strived to be as inclusive as possible in identifying and involving affected stakeholders in the project process. There have been four public meetings, an active website, and six newsletters sent to study area residents. Before the purpose and need changed in 2009, all of the proposed alternatives extended from I-90 to MT 3 and were located farther north. Mary Street was located outside of the study area at that time.

In November 2009, the Policy Coordinating Committee of the Billings urban area voted to re-scope this project to focus only on the eastern segment between I-90 and Old Hwy 312. In September 2010, FHWA reissued the Notice of Intent (NOI) for the re-scoped project in the Federal Register. Input was gathered from various resource agencies and the public during the re-scoping process and alternatives development process, as required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Re-scoping reduced the project study area to that shown in the FEIS, and also made it necessary to re-analyze and define the needs within that study area. The project mailing list was updated to include those parcels that would now lie within the potential area of effect for the revised study area.

Section 6.2 also describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area.



## Comment IND-09 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Monday, October 01, 2012 9:12 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 21:12:04  
Project Commenting On: Billings Bypass EIS

Comment or Question:

So??? Looking at this and questioning funds and further route to finish it , my question is simple, this is a BY Pass... how?  
What are you By Passing? Obviously not residential zoning since you not only are flooded with residential housing on both sides.  
My suggestion is that you do not build until you figure out how to actually make a legitimate by pass. I know I dont want to pay for it through mill levies or property taxes, nor does anyone in Yellowstone county. This is stupid because it in no way connects Lockwood to Airport without impacting a bunch of residential zoning. Just in case you want to know what a BY Pass is, it is a truck route that "BY PASSES" residents. This does none of that. I get that the county has some bucks burning a hole, but for heavens sake, have sense.

IND-09-a

Submitter's IP address:

Reference Number = picomment\_58935546875



IND-09-a The Executive Summary and Chapter 1 explain that dedicated funding requires that the Bypass name be retained, even though the revised purpose and need statement is more restrictive than that for the original project. Chapter 2 also includes information on the screening and development of the build alternatives analyzed in the FEIS and information on the design objectives for build alternatives.

MDT does not have a “formal” definition of a bypass, and the current functional classification of the facility is proposed as an “arterial.” Examples of existing arterial roadways within the study include Mary Street, Bitterroot Drive, and Old Hwy 312.

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

For more information regarding the development of the project, and of potential alternatives, refer to Chapters 1 and 2 of the FEIS. Chapter 2 also includes information on the screening and development of the build alternatives analyzed in the FEIS and information on the design objectives for build alternatives.



### Comment IND-10 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, October 01, 2012 9:18 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:                                    Comment on a Project  
Submitted:                                     10/01/2012 21:18:16  
Project Commenting On:                    Billings Bypass EIS

Comment or Question:

Got a call and email from a friend in the Heights. I do not support anything until I look at everything, but looked at this??? What is this? As a transplant to Billings with an understanding of planning, this is ridiculous. This does not support by passing Billings, nor does it have a plan for alleviating traffic anywhere. Look up the definition of a By Pass, in fact check out legitimate By Passes in other cities, this is a bad bill of goods for the city of Billings, as it spends a lot of money and accomplishes nothing significant.

} IND-10-a

Submitter's IP address:

Reference Number = picomment\_387786865234375



IND-10-a The purpose of the proposed project is to improve access and connectivity between I-90 and Old Hwy 312 to improve mobility in the eastern area of Billings. The project was re-scoped in 2009 due to FHWA’s guidance and no longer is envisioned as a full bypass of Billings. The current functional classification of the facility is an arterial. Examples of existing arterial roadways within the study include Mary Street, Bitterroot Drive, and Old Hwy 312. The current project name comes from past planning efforts to create a bypass of Billings. The project has since been downsized to the development of a new arterial serving the city of Billings, not a full bypass. The “Bypass” name was maintained in the re-scoping process to ensure the project meets the congressional intent of the funds earmarked for the project.

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



### Comment IND-11 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Monday, October 01, 2012 9:32 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 21:31:45  
Project Commenting On: Billings Bypass EIS

Comment or Question:

Did not know about this until I saw it on Facebook tonight.  
This is the most ridiculous thing I have seen in a long time.  
Really curious as to the fact that none of the homeowners in this were officially notified until recently. Very strange, sounds like railroading to me and really sounds like a story for FOX news. Government overstepping. Sounds like there could be some sort of corruption somewhere. I would be willing to say that if you follow the money, you will find it. The homeowners on that historical street,( over 100 year old street), were not notified until the Sept 12 meeting, unless they had the forethought to go to the highway departments website. Huh, I don't know about you all but it is not in my habit to go look on an obscure website to see if my house is on it. Something smells funny here and luckily, since I am a retired outsider and have nothin but time on my side, friends in Billings and a brother in the major news, time to create a little interest to ferret the crap out, I see it, smell it but cannot directly find it, but He will.

IND-11-a

Submitter's IP address:

Reference Number = picomment\_897674560546875



IND-11-a Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. See also the response to Comment IND-08-a.



### Comment IND-12 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, October 01, 2012 9:59 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 21:58:55  
Project Commenting On: Billings Bypass EIS

Comment or Question:

I am writing to you to implore you to not disturb this land. My family is native American and we have native events here that include sweat lodges, prayer ceremonies and Indian church services because this land is special with the wildlife, privacy and historical value to our family. We have planted our grandmothers artifacts here in this ground and these are ancestral lands for that reason. My children conduct their Indian ceremonies here and we have buried our familial artifacts in this land. If this land is impacted, we as American Indians will expect that all of our dead will be removed from here, appropriately. That would include all of our animals, artifacts, etc. to a like kind location, that would allow us to conduct our traditions, rituals and appropriate ceremonies. My family is Cherokee Indian heritage, so we will need all of our artifacts removed with our appropriate tradition and relocated to a similarly appropriate place from these lands. Please let me know that our family will be made whole or I can get the ACLU involved to make sure this is handled appropriately and equitably. Let me know.

IND-12-a

Submitter's IP address:

Reference Number = picomment\_550018310546875



IND-12-a As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners. The issues you raise regarding personal property, including buried items within the project area, will be addressed during the right-of-way acquisition process, in coordination with the owner. If artifacts or remains sacred to you and your family are located in the project area, MDT invites coordination with the appropriate individual.

Section 4.3.6 of the FEIS provides that if human remains or materials subject to cultural patrimony (as defined in the Native American Graves and Repatriation Act of 1990) are encountered, the contractor would contact the Tribal Preservation Office, the State Historic Preservation Office, and the MDT archaeologist.

Finally, as noted in the FEIS in Section 4.3.6, if a cultural resource is encountered during construction, the contractor would cease all work in the immediate area and contact the State Historic Preservation Office and the MDT archaeologist.



### Comment IND-13 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, October 01, 2012 10:17 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:                                    Comment on a Project  
Submitted:                                     10/01/2012 22:17:20  
Project Commenting On:                    Billings Bypass EIS

Comment or Question:

So, what about the native americans who bought this land and have ceremonies on this land regularly? They have planted artifacts into their land, with the promise that their land would not be impacted by major highways? I personally, as a real estate agent do NOT want the backlash from the national news on Billings MT. This entire nonsense is getting way out of control. I think we do need to grow, but whatever our plans our, they need to make sense and none of these current options make any sense to me, as an agent and owner of the oldest, most successful firm in Mt. I have looked at this, with a fine tooth comb, this option makes NO SENSE, in fact, right now, the only, "non-option" that makes sense is "NO BUILD". Believe me, I have heard all of it, but as this road seems currently to be a road to??? The best option is NO BUILD.

} IND-13-a

Submitter's IP address:

Reference Number = picomment\_3084716796875



IND-13-a As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners. The issues you raise regarding personal property, including buried items within the project area, will be addressed during the right-of-way acquisition process, in coordination with the owner. MDT invites coordination with the appropriate individual regarding artifacts or remains sacred to individuals in the project area,

Section 4.3.6 of the FEIS provides that if human remains or materials subject to cultural patrimony (as defined in the Native American Graves and Repatriation Act of 1990) are encountered, the contractor would contact the Tribal Preservation Office, the State Historic Preservation Office, and the MDT archaeologist.



## Comment IND-14 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, October 01, 2012 10:49 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 22:48:48  
Project Commenting On: Billings Bypass EIS

### Comment or Question:

Oh my word!!! I have never been so inundated with info on anything, thus far in my career as a real estate agent and the broker owner of the oldest, most well known firm in Billings.

We have sold homes to people on Mary and never once disclosed this proposal, as we were told by high ranking officials that it was a non issue. I personally, contacted THE high ranking official on this and was personally told it was a non-issue, so feel free to buy a 300K plus plus lot on Mary, worry free. I live there now and although I have never been personally notified of any meetings, my 13 neighbors have for 9-12-12.

Nothing prior and nothing ever to me or my neighbors, as the county deemed us a non issue. A non-issue, hum, considering that I have myself and 69 plus neighbors who will have a major interstate in their front yard. Non-issue to find, through the grapevine that the 5 plus acre pond in my yard, that is not only full of many fish, but habitat for nests of Canadian geese, pheasants, white sand crane, etc., will be taken from all of us with zero compensation. I highly suggest that you come personally to the property and see what you are ruining, because, like in the days of Christ, they know not what they do.

These lands exist NOWHERE, no seriously, NOWHERE, in Billings, Mt. and you want to take them for the sake of NOTHING. Come out here, personally before you do. Everyone that every has has said the same thing, OMGoodness, this is the Billings Hghts????????

Never would have imagined.KNOW what you are ruining, before you do it, you will be surprised. This can be stopped now, without hundreds of 1000's of dollars, if you will make the 5 minute trip, or the county and the highway dept can spend 100's of thousands fighting all of us for it. None of us in America, not Billings, America, can afford to spend one thin dime on nonsense, so please, as an AMERICAN, a taxpayer, a tax paying citizen, COME, LOOK and then decide if this road to nowhere makes fiscal sense.

} IND-14-a  
} IND-14-b  
} IND-14-c



- IND-14-a Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. Section 6.1.4 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.
- IND-14-b As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners.
- IND-14-c Thank you for indicating your preference so it can be included in project records.



### Comment IND-15 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Monday, October 01, 2012 11:10 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 23:09:49  
Project Commenting On: Billings Bypass EIS

Comment or Question:

I am the real estate agent personally involved with the sale of land to the natives who have raised an issue on this site. I personally called the appropriate officials regarding the plans for Mary Street and was told in 2008, that UNDER NO CIRCUMSTANCE was Mary Street going to be involved in the future development.

Not only do I have the date and exact time of that conversation, but the parties too, who will be called into court in the event that this nonsense escalates. On speaker phone, my native clients were informed that the option for Mary street was completely and unequivocally off the table by the official that we phoned. He proceeded to inform us as to the reasons why, on speaker phone and documented by me. Now, these same folks, who have not only placed artifacts, but sacred dead animals are demanding that I, make this right. Well, HOW DO I DO THAT??? I have implicit records of whom I spoke with and about what on speaker phone. Believe me, I am NOT going down alone. You can

tell these people WHY the promises made on the phone by you are no true., and YOU can go dig up their sacred items, CORRECTLY, CEREMONIOUSLY, and place them into the "RIGHT" LAND", because I don't know what that looks like, or WHERE IT IS!!!! You want this, YOU FIX IT!

IND-15-a

IND-15-b

Submitter's IP address:

Reference Number = picomment\_5531005859375



IND-15-a Section 6.1.4 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.

IND-15-b As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners. The issues you raise regarding personal property, including buried items within the project area, will be addressed during the right-of-way acquisition process, in coordination with the owner. If artifacts or remains sacred to your clients are located in the project area, MDT invites coordination with the appropriate individual.

Section 4.3.6 of the FEIS provides that if human remains or materials subject to cultural patrimony (as defined in the Native American Graves and Repatriation Act of 1990) are encountered, the contractor would contact the Tribal Preservation Office, the State Historic Preservation Office, and the MDT archaeologist.



**Comment IND-16 Sandy Avery**

Tom Martin, PE  
Environmental Services Bureau Chief  
Montana Department of Transportation Environmental Services  
2791 Prospect Avenue, PO Box 201001  
Helena, Montana 59620-1001

RECEIVED

SEP 28 2012

ENVIRONMENTAL

September 26<sup>th</sup>, 2012

Sandy Avery  
850 Mary Street  
Billings, Montana 59105

My name is Sandy Avery. I live at 850 Mary Street. I protest Option 1 and Option 2 for the Billings Bypass. Mary Street is a street filled with families of small children and elderly people. I have lived in my home since 1999. When my husband and I bought this home we knew we would most likely live here for the rest of our years. Well, it was for the rest of my husband's life. I have been a widow for 1 year now. I too plan to spend the rest of my days here. This is my home, my sanctuary...and now you want to take it away. How dare any of you to think you have that right. You would certainly think differently if any of you walked in my shoes and if there is a god you will. All the way from your project planners, Commissioners to Environmental services Bureaus.

IND-16-a

With the proposed roadway the measurement I made from the proposed line to my front door will be 41 feet...41 feet...How can a person be safe and my grandchildren be safe at 41 feet? Do you have any idea what that proposed road will do to my property value? It will be zip and you know it...Who is paying me for this zip value? And I bet I will still have to pay property tax for property that has zip value. I have not had anyone come over and talk to me about this, Why?

Mary Street has become busy enough with all the new subdivisions that went in off of Hawthorn and Bitterroot. Pulling in and out of my driveway now requires skill.. Do you have any idea not only the safety factor but what the sound factor will be like??? Do you have any idea the stress you will be putting the people on Mary Street in? Again how dare you put us all in this jeopardy and stressful situation.

IND-16-b

I vote, I pay my taxes so I want a different proposal...no I demand as a citizen and a resident of Mary Street a different proposal. You need to go back to the drawing board and come up with a proposal that we all can live with.

IND-16-c

Sincerely,

Sandy Avery



IND-16-a Thank you for indicating your preference so it can be included in project records. As discussed in Section 4.3.5.2, MDT and FHWA follow state and federal requirements when compensating landowners for physical acquisition of property for right-of-way. These requirements rely on data from real estate transactions in the area to form an objective basis for fair market value. Agency policies do not allow cash compensation for proximity impacts to properties or structures not being acquired for right-of-way.

Section 6.2 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.

IND-16-b Under either of the Mary Street alternatives, the existing Mary Street would remain a local road, with access to the bypass provided at Old Hwy 312, Hawthorne, Bitterroot, and Five Mile Road. Access to and from the homes on the south side of Mary Street would remain on the existing Mary Street. Mary Street is expected to carry no more traffic with the construction of the bypass than it does today.

The FEIS has improved graphics to represent the relationship between the existing conditions on Mary Street and the plans under the Mary Street alternatives.

IND-16-c Thank you for indicating your preference so it can be included in project records.



### Comment IND-17 Kevin and Kari Beebe

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Tuesday, September 25, 2012 9:46 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/25/2012 21:46:09  
Project Commenting On: Billings percent 20Bypass percent 20EIS  
Nearest Town/City to Project: Lockwood  
Project Milepost: I-90 Exit 455  
Name: Kevin & Kari Beebe  
Address Line 1: 4404 Huntington Hills Road  
City: Billings  
State/Province: MT  
Postal Code: 59101  
Email Address: [kbx7@usadig.com](mailto:kbx7@usadig.com)  
Phone Number:

Comment or Question:

My husband's family & our own have lived and worked in Lockwood for 40 years. Johnson Lane Exit 455 is the ONLY Montana off ramp paid for by local citizens & their taxes...no federal/state funds were used. If we are wrong on this point, feel free to correct us! But we believe we are correct.

Our County Commissioners voted & allowed the Flying J, and now Exxon truck stops with the Wine & Beer licenses to profit/exploit our self paid egress/ingress LOCKWOOD solely paid for.

Then, when traffic from all the big truck traffic was horrible at the Old Hardin & Johnson intersection, again Lockwood Taxpayers had to pay for the traffic light...NOT Flying J!!!

Today, the traffic is CRAZY, especially now that a 2nd traffic light has been placed on the south offramp. The timing of which is LESS THAN desirable.

Now, this bypass is proposed....

IND-17-a



IND-17-a Chapter 2 describes the preliminary alternatives, including the proposed alignments and typical sections, cost and funding, and schedule for this environmental impact statement (EIS) process and future project phases. It also describes the preliminary preferred alternative, those alternatives that were considered but were eliminated from further consideration, and the development and screening process used to identify the preliminary alternatives.

The six alternatives originating from the junction of I-90 and 1-94 are labeled the Pinehills alternatives (including Mary Street Options 1 and 2, Legacy Park, Oxbow Park, and Five Mile Road). These were each evaluated and eliminated at the Level 3 screening. The Pinehills - Pioneer Road alternative was eliminated at the Level 2B screening. The Pinehills Mary Street options were eliminated because Mary Street options using the Johnson Lane Interchange provided more travel time savings with lower costs and fewer private property impacts. Further explanations and evaluations of the alternatives screening process are available in Section 2.2 of the FEIS. Additional information on the alternatives and the screening process can be found in the *Billings Bypass Alternatives Report* (DEA 2011).



**Comment IND-17 Kevin and Kari Beebe**

This Exit 455 INTERCHANGE was NEVER DESIGNED/ INTENDED to ACCOMODATE LARGE TRUCK TRAFFIC!!! This bypass should be where it LOGICALLY fits, and that is at the I-90 and I-94 junction. We have waited more then 25 years for this project to come to fruition, and this is the best the engineers can come up with?? Tell us, how many project managers/design engineers giving input on this project are from Lockwood? How about from the Heights or from Billings?

} IND-17-a  
Cont.

} IND-17-b

Our family has been represented at each of the County Commissioner meetings in the last 20 years to voice our concerns regarding the proposed changes at this interchange, and each time, our concerns are disregarded.

} IND-17-c

I welcome a telephone call or scheduled meeting. Perhaps another public meeting should be scheduled...this time with adequate advertising. Thank-you for your consideration.

Submitter's IP address:

Reference Number = picomment\_372802734375



- IND-17-b Members of the project team are located in Billings, including the MDT District Administrator and the consultant engineers and traffic and noise analysts. In addition, the project developed a public involvement program including the development of the Billings Bypass Advisory Committee (BBAC), a group of approximately 25 people that met regularly to discuss project developments and make recommendations. Two members of the BBAC are from Lockwood, and all represent the local community. See Chapter 6 of the FEIS for more information about the BBAC.
- IND-17-c Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. See also the response to Comment IND-08-a.



### Comment IND-18 Gayle Belcher

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

From: [www@mdt.mt.gov](http://www.mdt.mt.gov) [<mailto:www@mdt.mt.gov>]  
Sent: Thursday, September 27, 2012 1:58 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/27/2012 13:58:05  
Project Commenting On: Billings percent 20Bypass percent 20EIS  
Nearest Town/City to Project:lockwood  
Name: Gayle Belcher  
Address Line 1: P.O. Box 1273  
Address Line 2: 3498 Bull Pine Road Billings, Mt 59101  
City: Stanley  
State/Province: N. D.  
Postal Code: 58784  
Email Address: [dgavle.belcher@gmail.com](mailto:dgavle.belcher@gmail.com)  
Phone Number:

Comment or Question:

I think the bypass is a great idea. It will move a lot of the traffic away from the fair grounds. Being able to get from the Lockwood area to the heights or Roundup road will be much easier with the bypass.

} IND-18-a

Submitter's IP address:

Reference Number = picomment\_8426513671875



IND-18-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-19 Jay and Janelle Berry

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Tuesday, September 25, 2012 7:38 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/25/2012 19:37:50
Project Commenting On:	Billings percent 20Bypass percent 20EIS
Name:	Jay and Janelle Berry
Address Line 1:	1316 Columbine Drive
City:	Billings
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:janelle.berry@bresnan.net">janelle.berry@bresnan.net</a>
Phone Number:	

Comment or Question:

We do NOT support the bypass at the current location of Mary Street. This bisects a portion of the heights neighborhoods and will negatively impact not only the 13 residents who will lose their tranquil homes and land, but will increase traffic on Bitterroot and Bench. The bypass should be positioned much further out of town toward Shepherd/Huntley if at all. More immediate attention should be given to connecting Wicks or Alkali Creek Road to Highway 3.

} IND-19-a

Submitter's IP address:

Reference Number = picomment\_2703857421875



IND-19-a Thank you for indicating your preference so it can be included in project records.

The Mary Street Option 2 would impact eight houses and six accessory structures within the right-of-way (ROW) or construction limits. Seven of these are south of the Yellowstone River and 6 are north of the River.

The project was scoped as a transportation project to improve access and connectivity between I-90 and Old Hwy 312 in the northeast portion of Billings. Connections between Wicks or Alkali Creek Road to Highway 3 (MT 3) are outside of the scope of this project.



## Comment IND-20 Tim and Darlene Binkoski

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, October 01, 2012 8:55 AM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	10/01/2012 08:54:54
Project Commenting On:	Billings Bypass EIS
Name:	Tim and Darlene Binkoski
Address Line 1:	2315 Hyacinth Drive
City:	Billings
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:darlenebinkoski@optimum.net">darlenebinkoski@optimum.net</a>
Phone Number:	

### Comment or Question:

We have lived at 2315 Hyacinth Drive since 1987 and are opposed to the Billings Bypass at Mary Street. We are very concerned about the negative impact the Billings Bypass poses for this quiet peaceful neighborhood. Converting Mary Street to a traffic corridor will create noise, safety, and environmental concerns.

The direct and indirect costs of the proposed Bypass overshadow the benefits. The Bypass will displace homeowners, decrease property values, create safety issues, and environmental concerns.

Increased traffic moving at high speed creates unacceptable risks for many elementary school children who walk or ride bicycles to school. Routing traffic to Mary Street will increase threats to public safety with more vehicles moving at faster speeds thus increasing the potential for accidents. The result is magnified when the vehicles are semi-trucks potentially transporting hazardous materials. Rerouting traffic, including commercial interstate trucks, through populated yet quiet residential neighborhoods makes no sense.

Additionally, we are very disappointed in the lack communication

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regarding the proposed Bypass. It was essential to provide all residents in the area with timely and accurate written information. The Bypass plans affect more people than just those whose homes are directly in the construction zone. Home values will plummet for hundreds of city and county residents adjacent to the Bypass. Under Option Two, 13 residents will be displaced. Many of these homes are brand new. This is unacceptable and other options must be considered. We vehemently oppose the current options as presented in this proposal.

As voters and tax payers in Yellowstone County, it is appropriate the residents be given a voice in the decision making process and the homeowner concerns regarding this Bypass be respected.

Sincerely,  
Tim and Darlene Binkoski  
2315 Hyacinth Drive  
Billings, MT 59105  
406-259-7160

Submitter's IP address:

Reference Number = picomment\_53863525390625

IND-20-a



IND-20-a Thank you for indicating your preference so it can be included in project records.

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

Section 6.1.4 provides details on the entire public and agency outreach process since the project inception in 2003. See also the response to Comment IND-08-a.



## Comment IND-21 Matt Brosovich

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Tuesday, September 25, 2012 10:54 AM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/25/2012 10:53:37
Project Commenting On:	Billings Bypass EIS
Project State Highway No.:	312
Nearest Town/City to Project:	Billings
Project Milepost:	Corner of Mary & Bitterroot 130 acres.
Name:	Matt Brosovich
Address Line 1:	P.O. Box 20318
City:	Billings
State/Province:	MT
Postal Code:	59104
Email Address:	<a href="mailto:mbrosovich@bresnan.net">mbrosovich@bresnan.net</a>
Phone Number:	

Comment or Question:

I am a large land holder on the corner of Mary Street and Bitterroot. I am a supporter of the bypass. I would like to see a boulevard arterial with a landscape requirement of a hard or soft wood tree planted every 25 feet. No grass but rather mulch and drought tolerant grasses.

} IND-21-a

Submitter's IP address:

Reference Number = picomment\_397613525390625



IND-21-a Thank you for indicating your preference so it can be included in project records. The proposed typical sections for the project are included in Chapter 2.



## Comment IND-22 Brent Cathey

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Thursday, September 27, 2012 8:26 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/27/2012 20:26:14  
Project Commenting On: Billings Bypass EIS  
Name: Brent Cathey  
Address Line 1: 1705 Mary Street  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [MontanaAce1@Yahoo.com](mailto:MontanaAce1@Yahoo.com)  
Phone Number:

Comment or Question:

An initial review of the DEIS indicates significant mis-calculations in the social and economic impacts any of the 3 remaining alignments will have on residents of Mary Street and adjacent Streets.

} IND-22-a

It is apparent in my personal lack of notifications of this project and in my query of other affected residents, which confirmed their lack of notifications, that stake holders have not been adequately informed of this project.

} IND-22-b

I request that the comment period on the DEIS be extended by 30-days so that me and the other disenfranchised stake-holders have time to refute the inaccurate social and economic impacts this project will have on our neighborhood and also so that ALL stake holders can be informed of this project.

} IND-22-c

I also request that I be supplied a copy of the mailing list for the 2010 public meeting in which Mary Street was selected as a possible route as well as copy of the 2011 public meeting.

} IND-22-d

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I also request a copy of the mailing list for any Billings By-Pass Advisory Committee Meeting in which there was suppose to be a "Stake Holder" component, such as the Advisory Committee Meeting #10 on February 28th, 2012.

} IND-22-e

I also request a copy of the minutes from all Billings By-Pass Advisory Committee Meetings and the names and contact information for all members of the By-Pass Advisory Committee.

} IND-22-f

Submitter's IP address:

Reference Number = picomment\_5426025390625



- IND-22-a Thank you for your comment. Chapter 4 of the FEIS includes descriptions of the methodology and estimated social and economic impacts associated with the proposed project.
- IND-22-b Chapter 1 describes the history of the project, and Section 6.2 describes the public involvement and notification procedures. The residences in the vicinity of Mary Street were included in mailings for the project beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-8-a.
- IND-22-c Section 6.2 of the FEIS presents a summary of the public involvement process for the project and describes the steps taken to advertise the 45-day comment period for the DEIS that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.
- IND-22-d The public meetings held in 2010 and 2011 were advertised in Newsletters #4 and #5. Both newsletters were mailed to approximately 1,300 addresses. MDT has not included private mailing addresses in the FEIS unless the individual provided them during the public comment period. A formal request for mailing list information under the “Freedom of Information Act” (FOIA) can be submitted to MDT Legal services, PO Box 201001, Helena, MT 59620.
- IND-22-e MDT has not included private mailing addresses in the FEIS unless the individual provided them during the public comment period. A formal request for this information under the “Freedom of Information Act” (FOIA) can be submitted to MDT Legal services, PO Box 201001, Helena, MT 59620.
- IND-22-f Section 6.2.1 of the FEIS describes the activities of the Billings Bypass Advisory Committee. You can find participant names for the Billings Bypass Advisory Committee on the project website: <http://billingsbypass.com/public.htm>. Notes from the BBAC meetings are included in Appendix G.



## Comment IND-23 Brent Cathey

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Thursday, September 27, 2012 8:47 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/27/2012 20:46:42  
Project Commenting On: Billings Bypass EIS  
Name: Brent Cathey  
Address Line 1: 1705 Mary Street  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [Montanaace1@Yahoo.com](mailto:Montanaace1@Yahoo.com)  
Phone Number:

Comment or Question:

I request financial information on the 13 "takes" and other ROW acquisition costs associated with the preferred route and would like to know if any cost estimates were included for inverse condemnation suit costs which will be brought by residents of Mary Street and surrounding area due to such a significant reduction of property value and quality of life caused by introducing 16,000 cars and trucks per day into the now quite neighborhood.

} IND-23-a

I request a 30-day extension to the comment period so I have time to evaluation the financial information once received and comment in an informed manner.

} IND-23-b

Submitter's IP address:

Reference Number = picomment\_9278564453125



IND-23-a The projected cost of the build alternatives included a calculation of the right-of-way costs based on a combination of real estate listings, land use types, and presence of structures. A formal market analysis of individual property values has not been performed. The land area used for the calculation included expected right-of-way width for the roadway as defined by MDT criteria, plus any additional width needed for cut/fill slopes, plus, in areas of cut/fill, an additional 10 feet for maintenance and utility access. The footprint should be considered conservative based on the current information and level of design. Any variation between actual and estimated values is considered to be accommodated within the estimate's contingency.

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

IND-23-b Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.



## Comment IND-24 Brent Cathey

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Monday, October 01, 2012 2:11 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	10/01/2012 14:11:08
Project Commenting On:	Billings Bypass EIS
Name:	Brent Cathey
Address Line 1:	1705 Mary Street
City:	Billings
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:Montanaace1@yahoo.com">Montanaace1@yahoo.com</a>
Phone Number:	

Comment or Question:

The Save Mary Street Organization has collected petitions against the 3 current Billings Bypass Routes under consideration.

The petitions contain the signatures of 391 mostly "stakeholder" residents.

The petitions will be e-mailed to Don Vanica at the MDOT Billings Office. Don will forward the petitions to the MDOT Helena office so they can be attached to this comment.

} IND-24-a

Submitter's IP address:

Reference Number = picomment\_30712890625



IND-24-a Thank you for indicating your preference so it can be included in project records. Petition follows as Comment IND-26.



## Comment IND-25 Brent Cathey

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**From:** Vanica, Don  
**Sent:** Monday, October 01, 2012 2:32 PM  
**To:** Martin, Tom; Bente, Fredrick; Grant, Paul; Streeter, Stefan; Gocksch, Thomas  
**Cc:** [brent.cathey@WBIEnergy.com](mailto:brent.cathey@WBIEnergy.com)  
**Subject:** FW: Billings By-Pass Petition

Tom Martin,

Please include the attached petition with the comments for the Draft Environmental Impact Statement on the Billings Bypass project. Mr. Cathey phoned the Billings District Office to say there was no mechanism on our website to include an attachment. I suggested he email it to me and I told him I would forward it to you as well as other interested parties for inclusion in the DEIS comments.

Thanks for your help.

Don Vanica  
Billings District Right-of-Way Office

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**From:** Cathey, Brent [<mailto:Brent.Cathey@WBIEnergy.com>]  
**Sent:** Monday, October 01, 2012 2:15 PM  
**To:** Vanica, Don  
**Subject:** Billings By-Pass Petition

Don:

Per our phone conversation, I am attaching a Petition against the Billings By-Pass current alignments which I request that you send to Helena so it can be attached to the comments section of the DEIS.

} IND-25-a

Thanks,

Brent Cathey



IND-25-a Thank you for your comment and indicating your preference so it can be included in project records. Petition follows as Comment IND-26.



**Comment IND-26 Brent Cathey**

Petition

We, the United Citizens of the Mary Street and 5-Mile Road Neighborhood strongly oppose the finding of the Billing By-Pass Draft Environment Statement and strongly oppose the three remaining routes under consideration for the following reasons:

- The existing neighborhood is mix of ranch'ettes, typical neighborhoods, and farmland. This type of neighborhood, especially in the heights, is very rare and very desirable. The people who choose to live in this area were specifically drawn to the country setting, the wildlife and the quiet. } IND-26-a
- All three of the remaining Billings-By-Pass routes will completely destroy the character, and peace and quite, of the neighborhood and significantly devalue the homes that will not be bulldozed by the road construction. The home value and quality-of-life of the remaining homeowners will be significantly reduced. } IND-26-b
- The DEIS traffic study indicates Mary Street from Bitterroot to 5-Mile current has 500 cars per day. Virtually no trucks current use this route. The traffic study further states that the new route will result in 16,000 vehicles per day. This is an increase from 20 cars per hour to 666 cars and trucks per hour. This is a huge increase in ambient noise, which will diminish the quality of life and property value for all Mary Street residents. The study states that noise mitigation will not be required due to excessive costs to construct. } IND-26-c
- The homes that will be destroyed by the preferred route on the north side of Mary Street, now serve as wildlife sanctuaries with the ponds and trees and provide a movement corridor for wildlife from the 5-Mile Creek area to the feeding areas of the hay fields south of Mary Street. The proposed Billings-by-Pass will completely fragment this wildlife habit. } IND-26-d
- The simple question is....are we going to spend \$112-Million dollars and destroy 13 homes so someone located in East Lockwood can save 7.6 minutes to travel to the Northern Portion of Billings Heights? } IND-26-e
- WE SAY NO!

We Support the NO BUILD OPTION:

NAME	ADDRESS	PHONE #	SIGNATURE
Gary CATHEY	1506 MARY St	671-7887	Gary Cathey
Karla Gaudin	1506 Mary St	696-6490	Karla Gaudin
Jac Allen	1432 Mary St	245-0637	Jac Allen
Imrod Allen	1411 Mary St	670-6483	Imrod Allen
Stephanie Allen	1414 Mary St	698-4875	Stephanie Allen
Kelly Joseph	2347 Columbine	256-1721	Kelly Joseph
Walter Brown	2341 Columbine	259-9522	Walter Brown



- IND-26-a Thank you for indicating your preference so it can be included in project records.
- IND-26-b Right-of-way impacts and associated mitigation are described in Section 4.3.5.2. The proposed alternatives were designed to meet the project purpose and need while avoiding major impacts. Chapter 4 fully discloses the potential impacts of all of the alternatives.
- IND-26-c As described in Section 4.2.1, the traffic modeling shows that between Bitterroot and Five Mile Road, average expected daily traffic volumes are expected to be 10,900 on the preferred alternative in 2035, in contrast with 1,000 with the No Build Alternative, and 500 today.
- The noise analysis and impacts to receptors in the project area are discussed in the FEIS in Section 4.3.8.2. Noise impacts have been evaluated and would be addressed in accordance with MDT's *Traffic Noise Analysis and Abatement: Policy and Procedure Manual* (2011). The evaluation found that while noise levels are predicted to increase with the construction of the preferred alternative, abatement measures would not be reasonable or feasible based on federal or state guidelines. MDT's noise policy is based on guidelines established at the federal level. See Appendix E for the Traffic Noise Impact Assessment.
- IND-26-d The wildlife and other natural resources along Mary Street were identified in the *Biological Resources Report* (DEA 2011). Impacts to the wildlife were evaluated and are described for all the alternatives in section 4.4.9. All of the alternatives are anticipated to result in direct and indirect impacts. Avoidance and minimization measures were incorporated as part of the project.
- IND-26-e Thank you for your comment. The Billings Bypass is designed to address many needs, one of which is to improve connectivity between Lockwood and Billings, and others of which are to reduce physical barrier impacts to the transportation system, improve mobility to and from the Billings Heights, and improve truck/commercial vehicle access to and through Billings. The proposed preferred alternative would address all of those needs and also supports future planning for a connection to US 87 and MT 3. Revised right-of-way impacts are described in Section 4.3.5 of the FEIS.

Note: Following pages include signatures and repeated comments to the above. New comments begin with IND-27.







## Comment IND-26 Brent Cathey

We, the United Citizens of the Mary Street and 5-Mile Road Neighborhood strongly oppose the finding of the Billing By-Pass Draft Environment Statement and strongly oppose the three remaining routes under consideration for the following reasons:

- The existing neighborhood is mix of ranch'ettes, typical neighborhoods, and farmland. This type of neighborhood, especially in the heights, is very rare and very desirable. The people who choose to live in this area were specifically drawn to the country setting, the wildlife and the quiet.
- All three of the remaining Billings-By-Pass routes will completely destroy the character, and peace and quiet, of the neighborhood and significantly de-value the homes that will not be bulldozed by the road construction. The home value and quality-of-life of the remaining homeowners will be significantly reduced.
- The DEIS traffic study indicates Mary Street from Bitterroot to 5-Mile current has 500 cars per day. Virtually no trucks current use this route. The traffic study further states that the new route will result in 16,000 vehicles per day. This is an increase from 20 cars per hour to 666 cars and trucks per hour. This is a huge increase in ambient noise, which will diminish the quality of life and property value for all Mary Street residents. The study states that noise mitigation will not be required due to excessive costs to construct.
- The homes that will be destroyed by the preferred route on the north side of Mary Street, now serve as wildlife sanctuaries with the ponds and trees and provide a movement corridor for wildlife from the 5-Mile Creek area to the feeding areas of the hay fields south of Mary Street. The proposed Billings-by-Pass will completely fragment this wildlife habit.
- The simple question is....are we going to spend \$112-Million dollars and destroy 13 homes so someone located in East Lockwood can save 7.6 minutes to travel to the Northern Portion of Billings Heights?
- WE SAY NO!

We Support the NO BUILD OPTION:

NAME	ADDRESS	PHONE #	SIGNATURE
John Kratochvil	2241 Hyacinth Dr	254-2294	[Signature]
Paula Kratochvil	2241 Hyacinth Dr	254-2294	Paula Kratochvil
Gosank JESSOP	1257 Caroline St	560-4962	[Signature]
Anthony Clive	1251 Caroline	245-07803	[Signature]
Joe Skerfving	1245 Caroline	254-1379	[Signature]
John & Paula Sime	1237 Caroline	853-1894	[Signature]
Jim Corwille	2307 Hawthorn	866-4891	[Signature]



Comment IND-26 Brent Cathey

NAME	ADDRESS	PHONE #	SIGNATURE
Bachel Harper	2231 Hyacinth	205-844-4148	Bachel Harper
Incia McCann	1234 Peony Drive	371-5909	Incia McCann
Kelli Bustell	1204 Columbine St	534-2067	Kelli Bustell
Walter Long	1216 Caroline	256-7041	Walter Long
Robbin Ewert	1201 Caroline	671-5008	Robbin Ewert
Dan Statham	1222 Caroline	238-9774	Dan Statham
TERESA H. HARRIS	1234 Carol St	670-5091	TERESA H. HARRIS
Ellen Smith	1252 Caroline St	896-0866	Ellen Smith
Andrew Kuyolph	1246 Caroline St	371-5677	Andrew Kuyolph
Cynthia Wehner	1257 Gardenia Dr	839-3709	Cynthia Wehner
John Wehner	1257 Gardenia Dr	671-4750	John Wehner
Cynthia Wehner	1251 Gardenia Dr	245-7779	Cynthia Wehner
Sue Anderson	1251 GARDENIA	671-9411	Sue Anderson
Gordon Letz	1245 Gardenia	248-4775	Gordon Letz
Cori Wheeler	1227 Gardenia Dr	259-7397	Cori Wheeler
BOB DAGES	1203 GARDENIA DR	248-3201	Bob Dages
MARY SHAW	1203 GARDENIA	248-3201	MARY SHAW
Diane Standley	1210 Gardenia	647-2237	Diane Standley
Carmen Lutz	1228 Gardenia	648-8744	Carmen Lutz
MARILYN GROSS	1233 Gardenia Dr	237-2037	MARILYN GROSS
Sarah Logan	1221 Gardenia Dr	8022361707	Sarah Logan
Chris Yen	1221 Gardenia Dr	406-534-1254	Chris Yen
Tam Larriness	1233 GARDENIA DR	237-2203	Tam Larriness
Robert Ellis	2224 Hyacinth Dr	406-850-4486	Robert Ellis
Judy Burt	1257 Hyacinth	651-0920	Judy Burt
Kylie Leonard	1251 Nasturtium	801-5044	Kylie Leonard
Melissa Berta	1391 Breeds Hill	551-1219	Melissa Berta
Shane Berta	1291 Breeds Hill	850-1376	Shane Berta
Janette Berry	1316 Columbine	256-1598	Janette Berry
Jay Berry	1316 Columbine	256-1598	Jay Berry
Gaura Hofferber	1507 Twin Oaks	259-2337	Gaura Hofferber
Casey Odum	1227 Crist Dr	633-3463	Casey Odum
LAYNE STENZEL	1204 Crist Dr	697-6841	LAYNE STENZEL
JOE SEARINHO	1144 CRIST DR	248-2078	JOE SEARINHO
Stephen Kuyolph	1178 Crist Dr.	254-6943	Stephen Kuyolph
Shawn Morgan	1120 Crist Dr.	254-1416	Shawn Morgan
Strauna Morgan	1114 Crist Dr	698-1142	Strauna Morgan
Bob Morgan	1114 Crist Dr	698-0369	Bob Morgan
Tate Morgan	1114 Crist Dr	672-8377	Tate Morgan







## Comment IND-26 Brent Cathey

We, the United Citizens of the Mary Street and 5-Mile Road Neighborhood strongly oppose the finding of the Billing By-Pass Draft Environment Statement and strongly oppose the three remaining routes under consideration for the following reasons:

- The existing neighborhood is mix of ranch'ettes, typical neighborhoods, and farmland. This type of neighborhood, especially in the heights, is very rare and very desirable. The people who choose to live in this area were specifically drawn to the country setting, the wildlife and the quiet.
- All three of the remaining Billings-By-Pass routes will completely destroy the character, and peace and quite, of the neighborhood and significantly devalue the homes that will not be bulldozed by the road construction. The home value and quality-of-life of the remaining homeowners will be significantly reduced.
- The DEIS traffic study indicates Mary Street from Bitterroot to 5-Mile current has 500 cars per day. Virtually no trucks current use this route. The traffic study further states that the new route will result in 16,000 vehicles per day. This is an increase from 20 cars per hour to 666 cars and trucks per hour. This is a huge increase in ambient noise, which will diminish the quality of life and property value for all Mary Street residents. The study states that noise mitigation will not be required due to excessive costs to construct.
- The homes that will be destroyed by the preferred route on the north side of Mary Street, now serve as wildlife sanctuaries with the ponds and trees and provide a movement corridor for wildlife from the 5-Mile Creek area to the feeding areas of the hay fields south of Mary Street. The proposed Billings-by-Pass will completely fragment this wildlife habit.
- The simple question is....are we going to spend \$112-Million dollars and destroy 13 homes so someone located in East Lockwood can save 7.6 minutes to travel to the Northern Portion of Billings Heights?
- WE SAY NO!

We Support the NO BUILD OPTION:

NAME	ADDRESS	PHONE #	SIGNATURE
Justin Stahl	2533 Spring Gulch Way	406-262-3085	Justin Stahl
Shane Alvin	2541 Spring Gulch	406-839-5852	Shane Alvin
Brian Alvin	"	406-839-6144	Brian Alvin
Jesse Everett	2537 Spring Gulch	406-690-9876	Jesse Everett
Anna Everett	"	406-690-1334	Anna Everett
Dawn Shea	1518 Spring Gulch	406-794-4844	Dawn Shea
Amanda Stahl	2533 Spring Gulch way	406-835-1490	Amanda Stahl







### Comment IND-26 Brent Cathey

We, the United Citizens of the Mary Street and 5-Mile Road Neighborhood strongly oppose the finding of the BillingsBy-Pass Draft Environment Statement and strongly oppose the three remaining routes under consideration for the following reasons:

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- WE SAY NO!

We Support the NO BUILD OPTION:

NAME	ADDRESS	PHONE #	SIGNATURE
Jay Edwards	2720 Cedar Dr	951-0166	<i>Jay Edwards</i>
Natalie Whitely	206 Brookshire Blvd	310-658-8354	<i>Natalie Whitely</i>
Kris Ostwald	906 Wild Rd	638-6608	<i>Kris Ostwald</i>
Fon Rutz	231 Ave E	259-8409	<i>Fon Rutz</i>
Jane Smart	4528 Murphy Ave	655-3611	<i>Jane Elizabeth Smart</i>
Amanda Spahr	2533 Spring Gulchway	855-1490	<i>Amanda Spahr</i>
Peter Liff	2904 Bitterroot Dr	254 9672	<i>Peter Liff</i>





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We Support the NO BUILD OPTION:

NAME	ADDRESS	PHONE #	SIGNATURE
Jon Penland	2495 Bitterroot	671-0874	Jon Penland
Justin Moser	412 Gay Place	696-1150	Justin Moser
Bill Faulk	0729 Lone Creek Dr.	651-1982	Bill Faulk
Naome Stratton	Po Box <sup>55</sup> Shephard	671-0071	Naome Lee Stratton



**Comment IND-26 Brent Cathey**

Mike Gotch	621 Hillman Ln.	406-598-3346	Mike Gotch
Wade Steinmetz	615 Southway <sup>th</sup> S West	406-656-9783	Wade Steinmetz
Kim Hooges	744 Petrified Tree Pass	406-248-5894	Kim Hooges
Wes Whitley	Koleb Fountain St.	406 896-1216	Wes Whitley
VICTOR LUEDKE	575 ORVIS DR	406- <del>244</del> 245-0763	Victor Luedke
SEAN WHITE	4610 CHEYENNE TRAIL	406-255-2676	Sean White
Tim Binstock	247 Danbury Ct Billings	(406) 690-7013	Tim Binstock
Paul Sealey	3169 Conestoga Way Billings	406 259 3227	Paul Sealey
WAYNE EGAN	3514 SPALDING AVE BILLINGS 59106	406 255 7904	Wayne Egan
MARK OLSEN	849 GARNET AVE Billings, MT 59105	406-255-7905	Mark Olsen
Greg Berkram	4807 Cedar Edge Circle Billings 59106	406 652-2252	Greg Berkram
CHRIS O'DONNELL	288 Quiet Water Billings 59105	406-245-8197	Chris O'Donnell
Bonnie Bucks	1906 Barrett Rd BLGS MT 59105	406-252-5623	Bonnie D. Bucks
Bob Hopkins	3509 Poly Dr	406 861 4557	Bob Hopkins
Craig ROSE	2211 Billings Boulder MT. Ave	406-285-2100	Craig Rose
JONATHAN SAPP	5016 CONEFLOWER BILLINGS, MT	406-256-8288	Jonathan Sapp
J. ROCKY WATKINSON	2020 GLEEBELIAN Rd. 59105	406-534-3910	J. Rocky Watkinson



**Comment IND-26 Brent Cathey**

Patrick G Welch	7638 Buckskin Dr Shepherd, MT	406-373-6714	<i>Patrick Welch</i>
Richard Myers	315 E. River St Fromberg, MT	672-3435	<i>Richard Myers</i>
William L. Christensen	2514 Keel Dr Billings, MT 59105	254-1421	<i>William L. Christensen</i>
Orville Britton	2644 Lower Canal Rd Ballantine, MT	672-7773	<i>Orville Britton</i>
Hans Brandt	2020 Grove St. Billings, MT	534-3110	<i>Hans Brandt</i>
John Wolfe	2447 Keel Dr Billings, MT	794-2896	<i>John Wolfe</i>
Kevin Johnson	3348 McIntosh Billings, MT	245-6326	<i>Kevin Johnson</i>
Lance Johnson	2416 Dakota Ln. Billings, MT. 59102	698-6321	<i>Lance Johnson</i>
Steven Arthur	2418 DePaula Way Billings, MT. 59105	850-5869	<i>Steven Arthur</i>
Dave Greter	502 3rd Ave Laurel, MT 59044	697-3868	<i>Dave Greter</i>
Eric Ulschak	1524 Emerick Ln Laurel, MT 59044	628-4995	<i>Eric Ulschak</i>
Randy Besel	1631 Natalie St Billings, MT 59105	256-2149	<i>Randy Besel</i>
David Davison	4155 Main Billings, MT	698-5921	<i>David Davison</i>
James Willett	558 Tabriz Billings, MT		<i>James Willett</i>
JEFF Irubeg	4931 Duvetaru Billings, MT	534-3069	<i>Jeff Irubeg</i>
Steve Blood	354 Glenhaven Pl Billings, MT	860-1164	<i>Steve Blood</i>
Randy Charles	118 east Maryland	545-8421	<i>Randy Charles</i>



**Comment IND-26 Brent Cathey**

Ann Mihara	1922 many St Billings, mt	406-697-1348	Ann Mihara
Mark Moser	2212 45th ST. Billings MT 59101	406-254-6963	mm
GARTH FLAMING	2318 Virginia Billings MT 59102	406-295-2512	G. Flaming
Bruce Schultz	5723 MEADOW MESA Shepherd Mt. 59094	406-671-3279	Bruce Schultz
Paul Schremer	1223 Princeton Billings, MT.	406-245-7043	Paul Schremer
Danielle Hughes	3802 Barry Dr. Billings, MT 59105	406-698-9770	D. Hughes
Mike Fornsholl	2530 S. Lear Sp... Billings, MT 59105	406-245-2977	Mike L. Fornsholl
Dan Fornal	743 Billings Billings MT	406-255-2602	Dan Fornal
Betsy Duane	3271 Windmill Billings, mt	406-255-7055	Betsy Duane



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WE SAY NO!

We Support the NO BUILD OPTION:

NAME	ADDRESS	PHONE #	SIGNATURE
HARRY RUKSTAD	1637 04 SORREL TR.	406-690-0053	Harry M. Rukstad
Beverly Rukstad	"	406 690-0054	Beverly Rukstad
Deb Christensen	1655 Old Sorrel Trl	406-252-3962	Deb Christensen
Kean Christensen	"	"	Kean



**Comment IND-26 Brent Cathey**

Kelly Deiling	1711 Oklahoma Star Trail	406-245-0183	Kelly Deiling
Jeralee McCleary	1651 Oklahoma Star trail	406-855-8682	Jeralee McCleary
Matt McCleary	1651 Oklahoma Star Trail 59105	406-852-0000	Matt McCleary
Pat Oliver	2585 BITTERROOT 59105	406-259-4392	Pat Oliver
Pat Oliver	2585 B:tterroot 59105	406-259-4392	Pat Oliver
Robyn Marchant	1615 Old Squirrel Tr Billings, MT 59105	406-534-6057	Robyn Marchant
William Weaver	1915 Three Bars Tr Billings 59105	406-671-5670	William Weaver
Lisa Weaver	1915 Three Bars Tr Billings MT 59105	406-671-0162	Lisa Weaver
Rick Pentland	2495 B:tterroot Billings 59105	406-671-0629	Rick Pentland
Lisa Pentland	2495 B:tterroot Billings 59105	406-690-2590	Lisa Pentland





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NAME	ADDRESS	PHONE #	SIGNATURE
Elizabeth Robinson	1606 MARY ST.	690-7156	<i>Elizabeth Robinson</i>
DAN KIRKPATRICK	534 HINDLE CIRCLE #428	697-7779	<i>Dan Kirkpatrick</i>
Suzanne Pachal	707 JERRY	602-2349	<i>Suzanne Pachal</i>
MARINZIE OWEN	420 MILTON ROAD	839-0416	<i>Marinzie Owen</i>
LORI CARAHSEN	4751 RIVINGTON	652-2486	<i>Lori Carahsen</i>
Janelle Bishop	3061 Ave D	371-5225	<i>Janelle Bishop</i>
Deborah Brust	1938 Camden Drive	655-3542	<i>Deborah Brust</i>



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*Please return to Gary Cooper*

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NAME	ADDRESS	PHONE #	SIGNATURE
<i>Chadwick Lynch</i>	5421 Summerstone	(406) 672-6142	<i>Chadwick Lynch</i>
<i>Marsha Schell</i>	1159 Toole Ct	406 698 5904	<i>Marsha Schell</i>
<i>Ken Schell</i>	1159 Toole Ct	406 690 4033	<i>Ken Schell</i>
<i>Tanya Thomas</i>	3740 Greycreek way	406 698-1328	<i>Tanya Thomas</i>
<i>Sharon Large</i>	312 Viceroy St	406 850-1931	<i>Sharon Large</i>
<i>Helen Gerringa</i>	624 Park Lane	406-591-3263	<i>Helen Gerringa</i>
<i>Mike Parris</i>	2636 River Cuts	406-876-8208	<i>Mike Parris</i>





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NAME	ADDRESS	PHONE #	SIGNATURE
Frank D. Sawyer	2117 Golden Blvd	471-5646	Frank Sawyer
Ann Douglas	221 1/2 Ave B	256-6176	Ann Douglas
Mary Ellen Thompson	514 Wigwam	245-6998	Mary Ellen Thompson
Leslie Owen	560 Wigwam Tr	256-5611	Leslie Owen
Stephanie Hawk	729 Crown	845-8642	Stephanie Hawk
Wendy Brown	909 W. 2nd Street	675-3752	Wendy Brown



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NAME	ADDRESS	PHONE #	SIGNATURE
Jack Sprague	110 Sunlight Cir	406-698-0500	<i>Jack Sprague</i>
Daruk Fische	2334 Ave B	406-694-6019	<i>Daruk Fische</i>
Asa Campbell	1639 Clark	406-590-8911	<i>Asa Campbell</i>
Gavin Gleich	735 Nottingham	406-579-8552	<i>Gavin Gleich</i>
Phil Cathey	930 S. Warbell dr	406-696-2239	<i>Phil Cathey</i>
Leotta Chiesa	1024 Lewis	(406)248-5170	<i>Leotta Chiesa</i>
Clay Cathey	1765 Mary st.	406-687-7577	<i>Clay Cathey</i>





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NAME	ADDRESS	PHONE #	SIGNATURE
Clayton Fiscus	1800 Mary St	406-860-6400	Clayton Fiscus
Gloria Bremer	3515 Hawthorne Ln	406-254-2377	Gloria Bremer
Mike Kramer	3515 Hawthorne	406-254-2377	Michael Kramer
Denise Fiscus	1800 Mary	406-696-1384	Denise Fiscus
Roger Webb	1132 Coyle	406-259-6533	Roger Webb
Joyce Meyer	936 Dinger	406-969-4925	Joyce Meyer
Vincent Fiscus	109 Wilbur	406-698-5727	Vincent Fiscus





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NAME	ADDRESS	PHONE #	SIGNATURE
Jan D Skoggaard	2340 Hyacinth	254-2681	Jan Skoggaard
Jess Skoggaard	2346 Hyacinth	697-1018	Jess Skoggaard
Jim B. Bell	2315 Hyacinth Ln	406-259-7160	Jim B. Bell
Kathy A. Sudd	8809 N 18 <sup>th</sup> Bl	839-5844	Kathy A. Sudd
Tom Carlson	3945 Parkhill Dr.	696-0032	Tom Carlson
Pat Hughes	3802 Berry Dr.	697-3383	Pat Hughes
Wendell Reed	3005 Arnold Palmer Dr	656-9643	Wendell Reed





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NAME	ADDRESS	PHONE #	SIGNATURE
Debra Diaz	1145 Crist	248-8149	<i>Debra Diaz</i>
Luis Diaz	1145 Crist	248-8149	<i>Luis Diaz</i>
Michael Kitzer	1042 Crist	259-8920	<i>M. J. Trilger</i>
Karissa Collins	1024 Crist	256-6931	<i>Karissa Collins</i>
KATRINA NICHOLSON	1102 Crist	930-1017	<i>Katrina Nicholson</i>
STACIE HALL	1151 Crist	259-7032	<i>Stacie Hall</i>
Robert Allen	926 CRIST	248-1460	<i>Robert Allen</i>





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We Support the NO BUILD OPTION:

NAME	ADDRESS	PHONE #	SIGNATURE
Susan D. Cathey	930 Silverbell Circle	406-969-1429	<i>Susan D. Cathey</i>
Gary (Brent)	1970 Mary	406-259-5469	<i>Gary (Brent)</i>
Lisa Bernard	1930 Mary	406-259-5469	<i>Lisa Bernard</i>



End of comments and petition. Comments addressed above (IND-26-a through IND-26-e).



### **Comment IND-27 Brent Cathey**

Public Hearing Testimony – September 12, 2012

I live north of Mary Street and I'm one of the unlucky 13 whose house will be bulldozed by this project. I'm also a business owner (WBI Corrosion) in the Heights; I employ 50 people. I don't see any benefit to this road whatsoever. We need access to the west and downtown not to the east. I think our public dollars could be spent better either taking Wicks out to the west or building the Bypass over 6<sup>th</sup> Avenue from Bench. You guys that are worried about noise in the Mary area, get ready; we're going from zero decibels and a nice quiet country lane to noise like you've never seen before and it's not going to fun.

} IND-27-a



IND-27-a Thank you for indicating your preference so it can be included in project records.

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

Throughout the development of the project, many alternatives were considered but eliminated from further study. The alternatives considered and the reasons for their elimination can be found in Chapter 2 of the FEIS and in the alternatives development memo.

Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project. Noise impacts are described in Section 3.3.8.



## Comment IND-28 Cheryl Cathey

name: Cheryl Cathey  
address: 1705 Mary St.  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [cheryl\\_cathey@bresnan.net](mailto:cheryl_cathey@bresnan.net)

comments:

How about using 5 mile alternative and not have it tie into Mary street. Then you could call it a bypass because it will not go through a residential area. This will impact the residents whether Mary street is a frontage rd or not. Having a two or four lane highway next to mary street will impact all the residents. I have found some information that heavy truck traffic lowers property value 150 times greater then cars. Have you added this cost in. I'm sure people are going to want compensation for this.

} IND-28-a

mailinglist: yes  
userstring: LG2BT  
PHPSESSID: bb0gemstatc9aq0ae21e1bcs77



IND-28-a The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region.

Throughout the development of the project, many alternatives were considered but eliminated from further study. The alternatives considered and the reasons for their elimination can be found in Chapter 2 of the FEIS and in the alternatives development memo.

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



## Comment IND-29 Cheryl and Brent Cathey

LastName: Cathey

Street: 1705 Mary Street

Street2:

City: Billings

State: MT

ZipCode: 59105

Phone:

Email: [Cheryl\\_Cathey@Bresnan.net](mailto:Cheryl_Cathey@Bresnan.net)

Comments: Governor Schweitzer:

My neighbors and I are getting run over by MDOT and the Billings By-Pass Highway Project. We have been disenfranchised from the start as a very small % of the affected stakeholders were notified of the initial meetings.

} IND-29-a

Our neighborhood is a VERY quite country setting with significant wildlife habitat. Our road currently has 500 cars per day, they are wanting to put 16,000 car and trucks per day through this area. The EIS says this will not affect us. Common sense says a significant reduction in home/land value and quality of life will occur.

} IND-29-b

They are planning on bulldozing 13 existing homes and spending \$112-million dollars (even though only \$20-million has been approved) so that a person traveling from Lockwood to Billings Heights will save 7-minutes of driving time.

The Heights needs a better connection to West Billings....We already have a direct connection to Lockwood.

} IND-29-c

Please take a look at the proposed project vs the actual needs of Billings. If you will be in Billings in the near future I would be glad to show you the neighborhood that will be destroyed.



- IND-29-a Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. See also the response to Comment IND-08-a.
- IND-29-b Thank you for indicating your preference so it can be included in project records. The FEIS discloses negative visual, noise, and other impacts that are likely to occur with the adoption of a build alternative. Traffic projections are for 2035 and would not be at the levels disclosed in the FEIS upon opening.
- IND-29-c The project was scoped as a transportation project to improve access and connectivity between I-90 and Old Hwy 312 in the northeast portion of Billings. Improving connectivity between the Heights and West Billings is out of the scope of the project as defined by the project purpose and need. Other transportation issues throughout the greater Billings area are addressed in the Billings Urban Area Long Range Transportation Plan.



**Comment IND-30 Henry A. Chapman Jr.**

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Tuesday, September 25, 2012 9:06 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/25/2012 21:06:29  
Project Commenting On: Billings Bypass EIS

Comment or Question:

As a home owner and resident of the Billings Heights for 25 Years, I question how any of the three proposed routes would be the only options for a BYPASS. I know the purpose of the purposed route is to assist traffic leaving I 90 and connecting with Hwy 87, Hwy 312, so as not to use Main Street and 27th.

There is far more lower use lands which would make better routes without impacting the streets in the Heights. There are numerous developed neighborhoods and properties along the preferred routes. Increased heavy traffic into low traffic neighborhoods will cause decay, de-valuation and condemnation of residential properties and changes in property use from residential to commercial or industrial. I beleive the impact of devaluation of property, the increase of traffic into city and county roads designed for light traffic will only cause more conjestion, more traffic accidents at higher speeds and larger vehicles. The Bypass has morfed to truck route. I'm a retired Police Sgt. and have been trained in Traffic management, Accident investigation, Community Policing and it is obvious to me as a specifically trained professional that this is a recipe for disaster.

Henry A Chapman Jr.  
1745 Mary St.  
Billings, Montana. 59105

IND-30-a

Submitter's IP address:



IND-30-a The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region.

Throughout the development of the project, many alternatives were considered but eliminated from further study. The alternatives considered and the reasons for their elimination can be found in Chapter 2 of the FEIS and in the alternatives development memo.

Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project.



### Comment IND-31 Carey Chapman

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Tuesday, September 25, 2012 8:05 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/25/2012 20:05:00  
Project Commenting On: Billings Bypass EIS

Comment or Question:

I am writing to comment on the proposed Billings By Pass routes.

When we purchased our land, I specifically called your office and was told that the Mary Street option was completely off the table. I was assured that other options would be chosen because there were several options that made much more sense. Because I am the owner of a major real estate company in Billings, I kept copious notes on the conversations that occurred and with whom. I can tell you that taking this route is not about the number of homes that will be destroyed, it is about destroying land that is absolutely unavailable in Billings, anywhere. These properties are so rare, it took me 25 years to locate this land with water, ponds, natural springs and a creek running through it. People that come here cannot believe this exists in Billings. The acquisition costs for this land will be astronomical and the legal fees exorbitant. I and all of my neighbors have already been maimed and our properties devalued significantly by this. When this project starts and there are no funds to complete it, how do you make us whole after ruining our values. As an agent, I would not list or represent a property on Mary now as a result of this. I would really implore you to consider, not the # of homes, but the type of land that will be ruined all for someone in east Lockwood to shave off 7.6 minutes of drive time to connect with the north heights. There is absolutely no logic to this since the purpose for this by pass is not to further congest main street but to connect and (by pass) congestion to get to 87 and 312. Thank you for your consideration.

Carey Chapman  
Broker/Owner  
RE/MAX of Billings

IND-31-a

IND-31-b



IND-31-a Section 6.2 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.

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

IND-31-b The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the EIS discloses benefits and negative impacts related to the proposed project. Traffic impacts are described in Section 4.2. Additional information on traffic projections can be found in the Preliminary Traffic Study Report appended to this FEIS.

The original project was a bypass, but was re-scoped as an arterial connection. The Executive Summary, Chapter 1, and Section 2.2 explain that dedicated funding requires that the Bypass name be retained, even though the revised purpose and need statement is more restrictive than that for the original project. See also the response to Comment IND-09-a for more information.



## Comment IND-32 Collin Chapman

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Tuesday, September 25, 2012 9:30 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/25/2012 21:29:55  
Project Commenting On: Billings Bypass EIS

Comment or Question:

Hi, my name is Collin Chapman, I am 10 years old and I live on Mary Street and this land will be mine and my brothers one day.

My family has sacrificed and suffered great economic hardships to be able to have the privilege to live on this land. There is no land like this in Billings because we have 100 year old trees, water for our animals, ponds with fish, a creek that is here always, even in winter time. I have chickens that love me because I take care of them every morning and night to keep them safe from the foxes. I fed the foxes 2 rabbits to make them stop eating my chickens and it made me sad to kill those rabbits but I wanted to feed the foxes and their babies so they would not eat my chickens. You do not know what you do by trying to run a road through this land, you have not seen it. There is no land like this, maybe you should come visit, I would give you some eggs if you did, it is not like a place for a house, this land is like being in heaven. It has a creek that I can get fish and ponds that wild geese have their babies on, they bring them to the house when they are ready, the deer eat here, have babies here, are safe here. The rooster pheasant that eats my chicken food as he sings to the chickens. My mama has worked so hard to get this land for us, she is never here, just working, I even tried to help her by playing my guitar on the street for money, lemonade stand, pulling weeds and selling eggs to friends. This is not the kind of place one takes for a highway, especially when there is no reason why, except to save a few minutes of time for someone heading to a busy street.

These lands are special, you cannot find them. I was an infant in my mom's car showing homes to people for a living and when she found this place, she said she found heaven, I live in heaven, even though my mom is never home, paying for this land as

1

it cost so much. Please take this into consideration as you make your decision to take one of the last best places in Montana from our family. You know not what you do. Please call me to talk to me about this thing that makes no sense.

Collin Chapman  
1745 Mary Street  
Blgs,MT  
59105

Submitter's IP address:

Reference Number = picomment\_45654296875

IND-32-a



IND-32-a      Thank you for indicating your preference so it can be included in project records. Each of the comments received by the project team was carefully considered during the selection and refinement of the Preferred Alternative.



**Comment IND-33 Fiscus Clayton**



RECEIVED  
OCT 2 - 2012  
ENVIRONMENTAL

OCT 1 AM 8 58

RECEIVED MT DEPT  
OF TRANSPORTATION  
BILLINGS

Stephan Streeeter P.E.  
Billings, Dist. / District Administrator  
424 Morey Street, Billings, MT

**RE:** Billings By Pass EIS, Public Notice Sept. 12, 2012 and  
public comment period to Oct. 1, 2012

Dear Stephan,

The comment period from Sept 12, 2012 to Oct. 1, 2012 needs to be extended for an additional 30 days. This will give time for property owners in the planned By-pass area to comment on serious By-Pass issues.

1. The No-Build option which hasn't been presented to the community
2. Traffic issues thru and along Mary Street
3. The health and safety of home set back 30' off Mary St.
4. The enormous increase in traffic with the site and sounds.

The folks and community area need more time to discuss and comment on these and a dozen other critical issues.

Clayton Fiscus  
Rep Elect, Montana HD46

IND-33-a





IND-33-a Section 6.2 presents a summary of the public involvement process for the FEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.

All issues and questions raised by the public were considered by the project team as described in Chapter 6.

The No Build Alternative is presented in the FEIS in Chapter 2 and analyzed in Chapter 4.



**Comment IND-33 Fiscus Clayton**

**New Subdivision**



**Local City Street**



**SAVE  
MARY  
STREET**

**REJECT ALL BY PASS ROUTES  
THAT INCLUDE MARY STREET**



**Set for Destruction**



**Loss in Value**

**Clayton Fiscus, Rep Elect HD46**

**1800 Mary Street**

**(406) 860-6400**



Comments and responses continue on next page.



**Comment IND-33 Fiscus Clayton**

**REJECT MARY STREET  
USE AND INCLUSION  
IN ANY NORTH BY PASS PLAN**

1. For over 100 years Mary Street has been a local traffic Rural and Residential Street.

IND-33-b

2. Mary Street construction will skyrocket over the need to tear down existing homes and new homes and improvements. (Negative)

3. Mary Street “fails” by-pass route definition. By Pass route placement designs are suppose to “squirt the City edge.” Not replace City residential streets with high volume truck traffic. (Negative)

IND-33-c

4. “Eminent domain” arguments will occur over Capitol improvements arguments and land value. (Negative)

IND-33-d

5. “Right of Way” access cost will sky rocket buying expensive R-7000 land some with city water and sewer. (Negative)

6. Unsafe: Residences will be forced to back onto a high traffic frontage Road. (Negative)

IND-33-e

7. There is no future designed open space for Commercial development. (Negative).

IND-33-f

8. By Pass would kill all future residential development, of vacant land & completion of current subdivisions with their R-7000 zoning. (Negative).

9. Future buyers will need to be warned of the negative impacts of the by-pass.

IND-33-g

10. Added costs of improving Mary width and design as a frontage is a negative.

IND-33-h



- IND-33-b Thank you for indicating your preference so it can be included in project records.
- IND-33-c The Executive Summary and Chapter 1 explain that dedicated funding requires that the Bypass name be retained, even though the revised purpose and need statement is more restrictive than that for the original project. See also the response to Comment IND-09-a for more information.
- IND-33-d As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners.
- IND-33-e Section 2.3.2 has been updated to present expanded information regarding access to Mary Street. During final design, information would be solicited from the affected landowners and business owners along the selected alternative to ensure that reasonable access would be maintained to the extent practicable.
- Traffic volumes on Mary Street will continue to increase as development occurs in the future. However, construction of the new arterial facility paralleling Mary Street would substantially reduce traffic volumes on Mary Street under the preferred alternative compared to the No Build in 2035. Thus, residents with driveway access onto Mary Street would experience fewer conflicts than would otherwise occur with the No Build Alternative.
- IND-33-f As noted in the FEIS, the proposed alternatives are compatible with existing local plans, future land use, and zoning. The primary corridor alignments would fall inside of the Urban Planning Area (UPA), consistent with city plans to constrain growth within the UPA boundary. The 2008 Yellowstone County Growth Policy describes the land surrounding Old Hwy 312 as planned for highway-related, community, commercial, and controlled industrial land uses in the future. The alignments would provide new and improved access to planned future land uses.
- IND-33-g Per Montana Code, seller agent, buyer agent, and statutory broker are obligated to disclose “adverse material facts” to the other party in the negotiations. “Adverse material facts” are defined in Montana Code Annotated § 37-51-102(2), and are considered to be facts that should be recognized by a broker or salesperson as being of enough significance as to affect a person’s decision to enter into a contract to buy or sell real property. As such, it is the responsibility of the broker or salesperson to alert future buyers about the Billings Bypass project during negotiations, per their discretion.
- IND-33-h Thank you for indicating your preference so it can be included in project records.



**Comment IND-33 Fiscus Clayton**

11. Relocations issues will be directed at all owners from tearing down their homes or getting away from the highway site and sounds by moving away. (Negative).

} IND-33-i

12. Mary Street is a single family area with in the City limits. Small tracts and small residential lots are not compatible with four lane traffic, and 10,000 cars and trucks a day. (Negative).

} IND-33-j

13. Semi- Truck traffic site and sounds like J-breaks will be introduced to residential Mary Street front windows & other single family residents in the area for the first time in 100 years. (Negative).

} IND-33-k

14. Residential property values would experience significant drop in value with the 10,000 cars and trucks going by. Residential subdivisions land restrictions and Covenants will be violated with and future use change associated with high traffic. (Negative).

} IND-33-l

**Conclusion:** Mary Streets’ numerous overwhelming negatives disqualifies it as a by pass route and frontage road. It is not a by pass area. It is a residential environment. The cost of the Right of Way, home destruction, relocation of families, are negatives that make it undesirable for a by-pass route. There is “NO” support for the route.

} IND-33-m

This site and sound of major car and truck traffic, 10,000 trucks and cars a day, is unacceptable. Mary Street is a side street to no where. Never meant to be an arterial Street.

Reject Mary Street inclusion in all State by-pass plans.



- IND-33-i Thank you for your comment; it has been included in project records.
- IND-33-j The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project.
- IND-33-k Trucks are not prohibited from using the existing Mary Street and some trucks, moving vans, farm equipment, and construction equipment periodically travel along Mary Street at the present time. In addition, the Reiter's Gravel Pit (Empire Sand and Gravel) accesses Mary Street at Hawthorne Lane and was extremely active, with numerous gravel trucks using Mary Street on a daily basis, until Empire went out of business approximately 20 years ago.
- Finally, engine (or "Jake") brakes are not legal within the city limits of Billings. Even if they were, the alignments do not have any grades that are conducive to the use of Jake brakes.
- IND-33-l As discussed in Section 4.3.5.2, MDT and FHWA follow state and federal requirements when compensating landowners for physical acquisition of property for right-of-way. These requirements rely on data from real estate transactions in the area to form an objective basis for fair market value. Agency policies do not allow cash compensation for proximity impacts to properties or structures not being acquired for right-of-way.
- IND-33-m Thank you for indicating your preference so it can be included in project records.



**Comment IND-33 Fiscus Clayton**

**NO BUILD OPTION**

The department and stockholders and we the people must explore the many benefits of the “no build option.”

**GOOD**

1. The extension of Aronson and bench crossing has accepted a sizable traffic load off Main Street.
2. Main street traffic is very tolerable because of the traffic shift.
3. We now have 3 routes and 5 lanes for ingress and egress to the heights.
4. No build plan will leave millions of dollars for better use.

**BAD**

The current by-pass bad plans will direct traffic directly back on Main Street. The current by-pass plan will destroy Mary Streets peaceful roads and the residential neighborhoods around Mary Street.

**UGLY**

1. Traffic directed at Main Street will bring back the congestion problem we just mitigated with Aronson extension and Bench Blvd crossing at Metro.
2. Mary Street and area subdivisions will suffer the high traffic site and sounds of a 4 lane semi-truck and car route out their front windows.
3. The Mary Street by-pass will bring dangerous conditions when people back out of their homes that face Mary Street.

4. The people on Mary Street were never considered stockholders, why?

IND-33-n

IND-33-o

We must consider the no build option for the serious reasons and benefits stated here.

Clayton Fiscus Rep Elect HD46



IND-33-n Thank you for your comment. As explained in Chapter 4 of the FEIS, all three of the build alternatives would indirectly impact traffic operations along roadway corridors throughout the study area. Vehicle Miles Traveled (VMT) would decrease along most principal roadway corridors within the study area, resulting in decreased congestion and improved roadway and intersection performance. These build alternatives would result in a VMT decrease of 10% or more along Main Street (1st Street to Old Hwy 312), Mary Street (Bench Boulevard to Five Mile Road), and along four other roadway corridors.

As noted above, Section 2.3.2 has been updated to present expanded information regarding access to Mary Street. During final design, information would be solicited from the affected landowners and business owners along the selected alternative to ensure that reasonable access would be maintained to the extent practicable.

IND-33-o Mary Street residents were included in a stakeholder meeting on June 16, 2011. Notes from that meeting are included in Appendix G of this FEIS.

Section 6.2 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.

Safe access to and from Mary Street would be maintained throughout construction and into completion of the project if a build alternative is chosen.



## Comment IND-34 Dennis L. Cook

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Thursday, September 27, 2012 12:26 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/27/2012 12:25:58
Project Commenting On:	Billings Bypass EIS
Name:	Dennis L. Cook
Address Line 1:	1825 Three Bars Trail
City:	Billings
State/Province:	Mt
Postal Code:	59105
Email Address:	<a href="mailto:denniscook@billingshomes4sale.com">denniscook@billingshomes4sale.com</a>
Phone Number:	
Fax Number:	

### Comment or Question:

I would like to just comment that I am for this bypass. I am a member of the City/County Planning Board and my only regret with the project is that it stops short of truly creating a truck bypass. The original intent was to remove the truck traffic off of Main Street that was coming from Hwy 3 and Hwy 87. Going all the way to Hwy 3 was the best solution, however, I know it was scoped back due to money concerns and Western land owners who did not want it to go through or near their property. If it had been allowed to go to Hwy 3 a more Northernly route may have been in order through more open land and would have kept it from coming so close to some residential areas such as Mary Street.

I trust that during the right away acquisition process that all property owners close to the new road will be treated fairly and that issues concerning them can have a positive outcome as we see Billings expanding its transportation network. Thanks for all the hard work! I know it is a thankless job trying to satisfy everyone. Hopefully in the end everyone will see the benefit. May consider a statement in planning documents recognizing the Hwy 3 connection and not ruling it out for further improvements. Thanks for letting me comment. Look forward to moving ahead.

IND-34-a



IND-34-a Thank you for indicating your preference so it can be included in project records.

As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners.

Thank you for your comment. All three build alternatives provide the potential for a future connection to MT 3. At this time, connecting with MT 3 is beyond the scope of the current project. See Section 1.2.2 on the project history related to connecting to MT 3.



### Comment IND-35 Kim Coomber

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Thursday, September 27, 2012 10:00 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/27/2012 21:59:32  
Project Commenting On: Billings Bypass EIS  
Name: Kim Coomber  
Address Line 1: 2046 Mary Street  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [kincoomber21@hotmail.com](mailto:kincoomber21@hotmail.com)  
Phone Number:

Comment or Question:

I am a concerned neighbor of the Billings bypass project. I do not think that the October 1 deadline to voice concerns about the bypass project is a fair and adequate amount of time. I would like to know if you would be able to extend the deadline at least by 30 days. I feel we did not know about the project in a timely manner. Please let me know if this is a possibility and if not, why. Thank You Kim Coomber

} IND-35-a

Submitter's IP address:

Reference Number = picomment\_358062744140625



- IND-35-a      Section 6.2 presents a summary of the public involvement process for the project and describes the steps taken to advertise the 45-day comment period for the DEIS that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.



## Comment IND-36 Kim Coomber

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Thursday, September 27, 2012 10:30 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/27/2012 22:29:49
Project Commenting On:	Billings Bypass EIS
Name:	Kim Coomber
Address Line 1:	2046 Mary Street
City:	Billings
State/Province:	Mt
Postal Code:	59105
Email Address:	<a href="mailto:kincoomber21@hotmail.com">kincoomber21@hotmail.com</a>
Phone Number:	

### Comment or Question:

I am requesting that you look at an alternet route to run the Billings Bypass through and not go down Mary Street for several reasons. One being that Mary Street is a centry old street that is only used as a residential street. May lives and families will be affected by this. Another option is to use the Five mile Creek south option. I do realize that it runs through the historical railroad, but if you think about it, Mary Street is just as old and you would be destroying houses and lives by using Mary street. With the creek option very few homes and lives are destroyed. Also the bike path has been built on the railroad so why not the bypass and then Mary street could be left alone. I guess I don't understand how they can say they can't go through a old railroad that knowone knows about, by you can tear down 13 homes. Please let me know what you think.

IND-36-a

Submitter's IP address:

Reference Number = picomment\_88592529296875



- IND-36-a      The South Five Mile Creek Alternative was similar to the other FEIS alternatives in that it offered similar travel time benefits, reduced physical barrier impacts to the transportation system, improved connectivity and mobility between Lockwood and Billings and truck/commercial access through Billings, and had similar impacts to historic resources and floodplains in the study area. The South Five Mile Creek Alternative, however, did not favorably compare for the following screening criteria:
1. **More Traffic Impacts to Existing Routes** – All of the FEIS alternatives would require secondary corridor improvements to either Mary Street or Five Mile Road to achieve operations and safety objectives. Construction of the South Five Mile Creek alternative would require the same secondary improvements to both of these routes.
  2. **Potential for Greater Impact to Section 4(f) Resource** – This alternative would substantially impact up to 45 percent of the proposed Kiwanis Trail Extension, a significant park resource under the jurisdiction of the City of Billings. Section 4(f) prohibits the approval of “any transportation program or project requiring the use of publicly owned land of a public park...or land of an historic site of national, state or local significance, as determined by the federal, state or local officials having jurisdiction over the park area” if a prudent or feasible alternative exists.
  3. **Greater ROW Impacts** – The ROW impacts of the South Five Mile Creek Alternative are greater than those of the FEIS alternatives. The South Five Mile Creek Alternative would require the acquisition of approximately 38 more acres to 73 more acres of private property. The South Five Mile Creek Alternative direct impacts to residential structures are identical to those of the preliminary preferred alternative, Mary Street Option 2 Alternative, and the potential impacts are very similar. Given the overall impacts to residential property and the minor disparity in potential residential structure impacts, the South Five Mile Creek Alternative does not provide any measureable benefit over the preliminary preferred alternative and would provide only a marginable benefit over the Mary Street Option 1 Alternative.
  4. **Greater Construction Costs** – Costs associated with construction of the South Five Mile Creek alternative would be approximately \$8 million to \$19 million greater than construction costs for any of the alternatives forwarded for consideration in the FEIS. These additional costs result from the need to incorporate secondary corridor improvements along both the Mary Street and Five Mile Road corridors.



**Comment IND-37 Kim Coomber**

Public Hearing Testimony – September 12, 2012

I'm a property owner on Mary Street. I just want to say that I really think that you really need to look at the Five Mile Creek South Option on the north side of Five Mile Creek. Look at that option again. It goes right through the gravel pits. Not a single home is affected by that. It goes through land that has already been reclaimed and ready to go. The land is there and it doesn't affect anybody. I really think you need to take another look at that option.

} IND-37-a



IND-37-a Please see the response to your written comment (IND-36) above.



## Comment IND-38 Larry Coomber

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Thursday, September 27, 2012 10:12 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Larry Coomber  
address: 2046 Mary Street  
city: Billings  
state: Mt  
zip: 59105  
phone:  
email: [tls@bresnan.net](mailto:tls@bresnan.net)

**comments:**

I would like to request a extention for the comment deadline. I don't thing we had enough time to fully be able to comment and for others to find out about the project. I would like to see the deadline be extended out to the end of October. Please let me know if this is something that you would consider. Thank You Larry Coomber.

} IND-38-a

mailinglist: yes  
userstring: FSLYH  
PHPSESSID: f6t4836sr1ot540ns1n20ca6n2



- IND-38-a Section 6.2 presents a summary of the public involvement process for the FEIS and describes the steps taken to advertise the 45-day comment period for the DEIS that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.



## Comment IND-39 Jacob Dillon

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Friday, September 28, 2012 11:57 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Jacob Dillon  
address: 2819 Daisy Lane  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [musicman21@bresnan.net](mailto:musicman21@bresnan.net)

comments:

Hello I understand that this process has been far along and what I say may not be able to stop it. I have lived in the area where this bypass is going through for most of my life. I have had the pleasure of knowing all these great people that live in this portion of the heights. Also a great majority of my family live in this area. If you run this bypass through Mary I can assure you that while it done so under good intentions this will only destroy a community. As they say the road to hell is paved with good intentions. By running this road through Mary you are not only harming those people whose homes you are taking away for the project but you are also going to hurt the value of the property surrounding the bypass. I know this because simple logic the reason any of us moved into the area in the first place was to be apart of a nice quiet community far away from the hustle and bustle of downtown billings. People wanted a safe place to raise their kids where they wouldn't have to worry about their children when they are outside playing. Running this bypass through the area will ruin all of this. It has been statistically proven that areas with high traffic, ex the South side, attract higher degrees of crime. Is that what you want for these people? Many of whom had hoped to retire in this wonderful community? As I have said I have lived in this area for most of my life and so has the rest of my family. My grandfather lives on Jeanie, My other grandparents live on Pioneer road along with two of my aunts and my great grandmother. I am a good friend of the Cathy's whose home you are going to take if this goes through, also I am a friend of the Clines that live over on Caroline. I have an aunt that lives down by Bitterroot School. Finally I can't even begin to count the customers that my father and I have been happy to serve in the area for the last decade. As I said before I have no doubt that this proposal is done so with the best intentions. I understand that you only want to help the other communities in the heights. But I ask you this is there no other alternative that doesn't tear a community apart? That doesn't force people to vacate the very homes that they hoped to retire in? I understand that from your perspective that you have to look at things with a much more statistical, black and white view but you can't begin to quantify the memories, or the emotional distress people feel when they realize that there home is going to be ripped away from them. At this juncture I am merely begging you to look at what you are doing and ask yourselves if you are really doing what is right? Is it right that one community be ripped apart, that people lose their homes, and their memories just so that main street isn't as congested and it takes ten minutes rather than fifteen for someone to get home to their family? To the ends justify the means? My phone number is of course listed and I am beging you to give me a call so that I

can have a conversation with someone about this bypass. I don't expect what I say to change your minds about how to proceed but if you have even a shred of doubt about what this really means for our community I am begging you to call. 406-794-2557.

IND-39-a

mailinglist: yes



IND-39-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-40 Dawn Douglas

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Friday, September 28, 2012 8:22 AM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/28/2012 08:22:05  
Project Commenting On: Billings percent 20Bypass percent 20EIS  
Name: Dawn Douglas  
Address Line 1: 221 1/2 Ave. B  
City: Billings  
State/Province: MT  
Postal Code: 59101

Comment or Question:  
Billings ByPass Project

Having looked at all the alternatives, the best option must:

- minimize residential destruction;
- avoid the use of round-a-bouts which are NOT appropriate for a route that will support semi transport and which consume way too much land in order to implement; - and accommodate a north-south corridor.

The Five Mile Road alignment with Johnson Lane Option 1:

- is the route that has the least impact on existing residential homes;
- and does not require the use of round-a-bouts as the proposed round-a-bouts can all be replaced with controlled intersections.

As such, the Five Mile Road alignment with Johnson Lane option 1 would cause the least amount of damage to existing land use while providing a North-South corridor.

IND-40-a



IND-40-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-41 George Ehrlekrona

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Friday, September 28, 2012 8:07 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: George Ehrlekrona  
address: 2631 Bitterroot  
city: Billings  
state: mt  
zip: 59105  
phone:  
email: [filehouse@att.net](mailto:filehouse@att.net)

comments:  
I think everybody should have been notified if you would be impacted by the project!

} IND-41-a

mailinglist: yes  
userstring: NHE93  
PHPSESSID: mjcrv67ak90e72tcaofuuf1u40



IND-41-a Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. See also the response to Comment IND-08-a.



### Comment IND-42 George Ehrlekrona

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, October 01, 2012 7:27 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: George Ehrlekrona  
address: 2631 Bitterroot  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [filehouse@att.net](mailto:filehouse@att.net)

comments:

I do NOT want the by pass built and there are many reason for it. First of all I wasn't informed until last week that it was even planned and just to have a week to protest and get informed is not enough time. Furthermore the value of our property, not only in dollars but also way of life value will decrease without we will get anything in return and this is not acceptable in my view. There is no reason to have tax payers pay for a road to nowhere. We already have a bridge to nowhere in Alaska, do we need another one?

Please reconsider and start thinking about the trillions of dollars we owe and stop spending money you don't have.

mailinglist: yes  
userstring: GENXU  
PHPSESSID: d7dojph9cf73asvmbph52720e5

IND-42-a



IND-42-a Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003.

Section 6.2 also describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.



## Comment IND-43 Vickie Ehrlekrona

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, October 01, 2012 7:03 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Vickie Ehrlekrona  
address: 2631 Bitterroot Drive  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [crisanda@att.net](mailto:crisanda@att.net)

comments:

I would like to comment regarding this project. The project is one that will increase traffic in a quiet area and it will cost the city more than it will save. With the proposed plans the city will not end up saving money, rather spending millions in buying up property and destroying homes in order to make room for roundabouts and lanes of traffic. This will increase taxes in our area and it will increase noise. I feel the city council needs to take additional time in planning another route to avoid wiping out so many homes and bringing this by pass right through out community. This project would have a significant impact on residents of Mary, 5 mile and Bitterroot and it is vital that the decision regarding this project be table and allow for more study and research to analyze the impact this by pass will have on residents in this area.

IND-43-a

mailinglist: yes  
userstring: SEXTZ  
PHPSESSID: 9b1ab7e9308esrhov5fsvdt9h2



IND-43-a Thank you for indicating your preference so it can be included in project records.



**Comment IND-44 Vickie Ehrlekrona**

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, October 01, 2012 9:37 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Vickie Ehrlekrona  
address: 2631 Bitterroot Drive  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: Crisanda@att.net

comments:

Mary Street is a quiet country road. The west end of Mary Street is a typical neighborhood on the south side of the road with farmland and vacant land to the North. The east end of Mary Street is mostly irrigated acreage properties, these properties are bordered by 5-Mile Creek to the North. The entire neighborhood is a wildlife paradise with an abundance of deer, pheasant, geese, ducks, herons, etc. Many of the properties on the east end of Mary Street contain ponds and significant numbers of trees. This type of neighborhood, especially in the heights, is very rare and very desirable. The people who choose to live in this area were specifically drawn to the country setting, the wildlife and the quiet.

All three of the remaining Billings-By-Pass routes will completely destroy the character, and peace and quiet, of the Mary Street neighborhood and significantly de-value the homes that will not be bulldozed by the road construction. The quality-of-life of the remaining homeowners will be significantly reduced. The homes that will be destroyed by the preferred route on the north side of Mary Street, now serve as wildlife sanctuaries with the ponds and trees and provide a movement corridor for wildlife from the 5-Mile Creek area to the feeding areas of the hay fields south of Mary Street. The proposed Billings-by-Pass will completely fragment this wildlife habitat.

We find the destruction of this unique and important area unacceptable for such a questionable project.

The original inner and outer loop concept was well thought out and logical and will be needed for the future growth of the Billings. Somehow this plan has turned into the need for an additional route between the Heights and Lockwood? Are we really considering spending \$112-million dollars to build ANOTHER route between the Heights and Lockwood. An additional route out of the Heights, other than Main Street, is needed, but more than half of the Heights traffic goes into town or otherwise to the West. This \$112-million project does nothing for this traffic. Why not consider the Bench to 6th Ave overpass or extend Wicks Lane to Highway 3 and Molt Road for significantly less money.

We have been disenfranchised by this process from the very beginning. Most of us were not notified of the original public meeting concerning this project. We feel that if adequate

} IND-44-a

} IND-44-b

} IND-44-c



- IND-44-a The wildlife and other natural resources along Mary Street were identified in the *Biological Resources Report* (DEA 2011) and are summarized in Sections 4.4.3 through 4.4.11 of the FEIS. Impacts to wildlife were evaluated and compared for all the alternatives in Section 4.4.9. All of the alternatives are anticipated to have some direct and indirect impacts. Avoidance and minimization measures were incorporated as part of the project.
- IND-44-b The purpose of the project is to improve access and connectivity between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) to improve mobility in the eastern area of Billings. The three build alternatives each address the specific purpose and need of the project.
- An overpass at Bench Boulevard and 6th Avenue or an extension of Wicks Lane to MT 3 and Molt Road are both out of the project scope and were therefore not studied as part of this project. An extension of Wicks Lane to MT 3 is also outside of the project study area. Other transportation issues throughout the greater Billings area are addressed in the Billings Urban Area Long Range Transportation Plan.
- IND-44-c Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. Section 6.2 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.



### Comment IND-44 Vickie Ehrlekrona

notification of affected Mary Street stakeholders was given in 2010, we would have let our concerns be known, and alternative routes would now be being considered.

} IND-44-c  
Cont.

A review of the Draft Environmental Impact Statement uncovers inconsistencies in the "grading" factors used to remove possible routes and advance others:

The Piccollo to Bitterroot Alignment was screened out due to significant impact to residences, yet it graded highest for most all other metrics than all other alignments. The Mary Street Two (selected) alignment has nearly as much impact to residences, but this is barely mentioned in the evaluation.

} IND-44-d

The Mary Street South (gravel pits) Alignment was suggested by Mary Street residents. This route will result in no homeowners being displaced on Mary Street. This route was screened out due to "S-Curves", going through a "future" park (which is in a flood plain) and crossing a future bike path. Is the government really telling residents that these "inconvenience"s are more inconvenient than destroying 6 homes on the north side of Mary Street and diminishing the quality of life for all other Mary Street residence? The grading procedure needs to be changed! Preserving existing homes and preserving the character of a neighborhood should be priority #1. not an afterthought!

} IND-44-e

Traffic noise was not properly evaluated in the DEIS because duration of noise was not addressed. Many concerned citizens asked about this at the meeting but did not receive an adequate answer. The DEIS traffic study indicates Mary Street from Bitterroot to 5-Mile current has 500 cars per day. Virtually no trucks current use this route. The traffic study further states that the new route will result in 16,000 vehicles per day. This is an increase from 1 car every 3-minutes to 11 cars and trucks every minute. This is a huge increase in ambient noise, which will diminish the quality of life and property value for all Mary Street residents. The study states that noise mitigation will not be required due to excessive costs to construct.

} IND-44-f

The Mary Street Two alignment will result 13 homeowners being displaced and the quality of life and property values of all other Mary Street residents to be reduced substantially and we find this unacceptable. We also find the Mary Street One and Five-Mile Road alignments to be unacceptable for similar reasons.

} IND-44-g

The simple question is "are we going to spend \$112-Million dollars and destroy 13 homes so someone located in East Lockwood can save 7.6 minutes to travel to the Northern Portion of Billings Heights? This road will result in no time savings to someone traveling from West Lockwood to the South Portion of Billings Heights.

} IND-44-h

Just wanted to share this information. I don't think very many people know that they want to take 100% of Urban and MACI dollars to fund this until 2020.

Remember today is the last day that you can make comments on the web site billingsbypass.com. Please share this! The 89.5 million is for the two lane. Their plan is for a four lane which will be 112 million.

} IND-44-i



- IND-44-d Based on a conceptual alignment developed for the screening process, the Piccolo - Bitterroot Alignment would impact over 100 parcels and between 29 and 69 structures. The Mary Street Alternatives would impact half as many parcels and between 3 and 6 structures for Mary Street Option 1, and 6 and 9 structures for Mary Street Option 2. The Piccolo - Bitterroot Alternative was screened out due to its substantial impacts to residential properties and the Yellowstone River. The current estimates for impacts to structures for the build alternatives are presented in Section 4.3.5 of the FEIS.
- IND-44-e The South Five Mile Creek Alternative was similar to the other DEIS alternatives in that it offered similar travel time benefits, reduced physical barrier impacts to the transportation system, improved connectivity and mobility between Lockwood and Billings and truck/commercial access through Billings, and had similar impacts to historic resources and floodplains in the study area. The South Five Mile Creek Alternative, however, did not favorably compare for the following screening criteria:
- More Traffic Impacts to Existing Routes – All of the DEIS alternatives would require secondary corridor improvements to either Mary Street or Five Mile Road to achieve operations and safety objectives. Construction of the South Five Mile Creek alternative would require the same secondary improvements to both of these routes.
  - Potential for Greater Impact to Section 4(f) Resource – This alternative would substantially impact up to 45 percent of the proposed Kiwanis Trail Extension, a significant park resource under the jurisdiction of the City of Billings. Section 4(f) prohibits the approval of “any transportation program or project requiring the use of publicly owned land of a public park...or land of an historic site of national, state or local significance, as determined by the federal, state or local officials having jurisdiction over the park area” if a prudent or feasible alternative exists.
  - Greater ROW Impacts – The ROW impacts of the South Five Mile Creek Alternative are greater than those of the DEIS alternatives. The South Five Mile Creek Alternative would require the acquisition of approximately 38 more acres to 73 more acres of private property. The South Five Mile Creek Alternative direct impacts to residential structures are identical to those of the preliminary preferred alternative, Mary Street Option 2 Alternative, and the potential impacts are very similar. Given the overall impacts to residential property and the minor disparity in potential residential structure impacts, the South Five Mile Creek Alternative does not provide any measureable benefit over the preliminary preferred alternative and would provide only a marginable benefit over the Mary Street Option 1 Alternative.

For these reasons, the South Five Mile Creek Alternative normally would have been eliminated from further study in Level 2b screening, but because it performed similarly to the DEIS alternatives, additional analysis was conducted on cost and ROW impacts. Because it would have a higher cost and greater ROW impacts, in addition to the unfavorable screening criteria above, this alternative was screened out from further consideration in Level 3 screening.



Additional information about the South Five Mile Lake Alternative can be found appended to the Alternatives Selection Report, which is available at MDT's website:  
[http://www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml)

- IND-44-f The noise analysis and impacts to receptors in the project area are discussed in the FEIS in Section 4.3.8.2. Noise impacts have been evaluated and would be addressed in accordance with MDT's *Traffic Noise Analysis and Abatement: Policy and Procedure Manual* (2011). Noise levels are predicted to increase with the construction of the preferred alternative, but the analysis conducted for the FEIS found that abatement measures would not be reasonable or feasible. MDT's noise policy is based on guidelines established at the federal level. See Appendix E for the Traffic Noise Impact Assessment. IND-44-g Right-of-way impacts and associated mitigation are described in Section 4.3.5.2, with 7 residential displacements south of the Yellowstone River and 6 to the north. The proposed alternatives were designed to meet the project purpose and need while avoiding major impacts.
- IND-44-h Thank you for indicating your preference so it can be included in project records.
- IND-44-i Your comment about funding has been noted. The project cost and funding are addressed in Section 2.3.5 of the FEIS. This analysis has been updated since the publication of the DEIS.



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### **Comment IND-44 Vickie Ehrlekrona**

A Few Facts About The Bypass:

This was taken from the minutes of county commissioners meeting on 8/28/12

The current cost of the project is estimated to be \$89.5 million. With the increased cost and the need to fiscally constrain the project, additional funding needs to be identified. An amendment to the Transportation Plan is needed to show the updated cost the Billings Bypass project as well as the redirection of future Surface Transportation Program (Urban Funds) and Montana Air and Congestion Program (MACI) funding from 2015 to 2020 to fiscally constrain the project. The future redirection of all Urban and MCI funds will impact other long and short term projects identified in the Transportation Plan now and in the future. The funding sources of long and short range transportation projects currently allocated with Urban and MACI dollars will be redirected to the Billings Bypass project and therefore could delay construction of these projects. Further, consideration of new projects not yet identified also could be affected by allocation of Urban and MACI dollars to complete the Billings Bypass project. Commissioner Kennedy made a MOTION to direct 100% of Urban and MACI dollars to complete the Billings Bypass project and amend the Billings Urban Area Transportation Plan, Commissioner Reno seconded. Passed Unanimous.

IND-44-i  
Cont.

Facts taken per Save Mary Street.com Please do not ruin our wonderful community!!

mailinglist: yes  
userstring: JURYC  
PHPSESSID: ho5k1bhqmt8gf1bktfveqdaoq7



Comment addressed on previous page.



**Comment IND-45 Stephanie F.**

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Thursday, September 27, 2012 8:41 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Stephanie F.  
address:  
city: Billings  
state: MT  
zip: 59101  
phone:  
email: [mtmerrills@hotmail.com](mailto:mtmerrills@hotmail.com)

comments:  
This bypass should have been added years ago! I lived in Lockwood for 18 years and the bypass would have made travel from Lockwood to Skyview and other height's businesses far more efficient. I am now a resident of a neighborhood near the Mary street exit and the bypass would make connection to Interstate 90 so much more convenient! It would shave at least 4 miles off of my family's work/school commutes!

} IND-45-a

userstring: KG9ZB  
PHPSESSID: 4tvkq0b2vv91ghemc6ffblg1r4



IND-45-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-46 Gary and Lea Geraud

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

From: [www@mdt.mt.gov](http://www.mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Sunday, September 30, 2012 5:52 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/30/2012 17:52:19  
Project Commenting On: Billings Bypass EIS  
Nearest Town/City to Project: Billings, MT  
Name: Gary Geraud  
Address Line 1: 1930 Mary Street  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [lgeraud@bresnan.net](mailto:lgeraud@bresnan.net)  
Phone Number:

Comment or Question:

We would like to comment on the proposed Billings Bypass study:

It is hard to understand why a proposed ByPass route would even consider an existing residential street and neighborhood as a possible route. There are approx. 65 homes that would be severely impacted if such a route were to be used. According to data presented at the meeting in Lockwood, 13 homeowner would be displaced. It appears that no consideration is being given at all to the approx. 50 other residences that are presently located on Mary Street. We would submit that if approx. 16,500 vehicles are going to ultimately be using the primary corridor, which is proposed to be located approx. 150 feet in front of our homes, then we are definately going to be negatively impacted. How will our majorly lowered home/property values be mitigated? A by-pasas should be just that, A BY-Pass. This is not the proper location .

} IND-46-a

Gary & Lea Geraud



IND-46-a Thank you for indicating your preference so it can be included in project records.

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

Section 4.2.1 of the FEIS shows that the traffic modeling shows that an average expected 8,950 vehicles per day would be expected between Old Hwy 312 and Hawthorne Lane (most populated area) on the new arterial in 2035, in contrast with 5,200 vehicles per day on Mary Street with the No Build Alternative in 2035, and 1,900 on Mary Street today. The only segment of the new arterial that is expected to carry 16,000 vehicles is between the Johnson Lane Interchange and the bridge over the Yellowstone River.



## Comment IND-47 Susan J. Gilbertz

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, October 01, 2012 4:55 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Susan J. Gilbertz  
address: 850 Delphinium Drive  
city: Billings  
state: MT  
zip: 59102  
phone:  
email: [sgilbertz@msubillings.edu](mailto:sgilbertz@msubillings.edu)

comments:

The EIS should demonstrate that full consideration has been given to the dynamics of the Yellowstone River, especially in terms of: 1) the Channel Migration Zone identified by the Cumulative Effects Study of the Yellowstone River, co-sponsored by the US Army Corp of Engineers and the Yellowstone River Conservation District Council; 2) the river's side channels and the need to protect against impairments; 3) means of insuring against ice jams, and 4) the potential for recreational uses of the river as proposed by the Yellowstone River Parks Association.

} IND-47-a

mailinglist: yes  
userstring: 2IZ8H  
PHPSESSID: 8ic49ol7dk1k01m68kof7allu1



IND-47-a      A channel migration study documented in the Hydraulics Report prepared for the project identified trends in lateral movement of the Yellowstone River near the proposed bridge options (DOWL HKM 2011a). A comprehensive analysis of the hydrologic and hydraulic characteristics of a final alignment would be conducted during final design. These impacts are discussed in Section 4.4.5 of the FEIS.

The bridge crossing locations were selected at points where there were the least impacts to the river system. Alternative crossings are also included in the preliminary design to continue flow in the river's side channels. Specific bridge design elements, including the number of piers to be used, to reduce the risk of ice jams or to address the recreational uses of the river, will be determined during the design phase of this project.



**Comment IND-48 Brice Glen**

Public Hearing Testimony – September 12, 2012

I'm a resident of Lockwood. I want to stand up for you again. Here's one question that I have for the engineers. If they can do a suspension bridge in the Florida Keys wetlands where there's water, why can't we do that here where there's water for about ½ mile? Is it just that we're just trail end people or do we need to go visit somebody that already invented that wheel down in Florida? Maybe you can answer that at the end of this meeting.

} IND-48-a



IND-48-a      The Overseas Highway (Highway 1) through the Florida Keys is a concrete beam on pier design, similar to the proposed structure for this project. From a project cost standpoint, this type of structure is generally more economical than a suspension bridge.



### Comment IND-49 Greg and Hillary Gnerer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]  
Sent: Monday, October 01, 2012 11:05 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 23:04:45  
Project Commenting On: Billings percent 20Bypass percent 20EIS  
Name: Greg and Hillary Gnerer  
Address Line 1: 2425 Flaming Creek Drive  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [gnererh@gmail.com](mailto:gnererh@gmail.com)  
Phone Number:

Comment or Question:

As a homeowner that stands to lose their home if Option 2 is passed, I have MANY concerns and comments about this project. I am extremely upset that we were not notified of the fall 2010 meeting that lead to the Mary Street option. We were not a part of this process until summer 2011 and, by then, it was too late to do anything about it. We feel that we were kept in the dark on purpose so that the agenda could be snuck past the public. VERY upsetting. As I look down the road to our future in this house I am forced to think about what is in store for us. We have our life savings into this land and our home which we built from the ground up just a few short years ago. If option 2 is passed and our home is set for destruction, then when do we get reimbursed? How will we be reimbursed? Who determines what "Fair Market Value" is? Will we be held hostage in this house until construction begins or will we be bought out at our convenience when and if we do find another home to raise our family in. What is in store for us????? When will we know what option you pass? I know this is just another project for all of you but this is our home and our life and with two young children who love running around on their 10 acres, life will never be the same if this road comes through. We vote for the "NO BUILD" option and would like to see our tax dollars spent in a much more responsible way. A major highway going right through the middle of a residential neighborhood is crazy to me!!!

IND-49-a

IND-49-b

IND-49-c



- IND-49-a Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. Section 6.2 also describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.
- IND-49-b As discussed in Section 4.3.5.2, MDT and FHWA follow state and federal requirements when compensating landowners for physical acquisition of property for right-of-way. These requirements rely on data from real estate transactions in the area to form an objective basis for fair market value. Agency policies do not allow cash compensation for proximity impacts to properties or structures not being acquired for right-of-way. The right-of-way acquisition process could start after release of the Record of Decision by FHWA.
- IND-49-c Thank you for indicating your preference so it can be included in project records.



## Comment IND-50 Doug Gullett

name: Doug Gullett  
address: 2430 Flaming Creek Dr  
city: Billings  
state: Mt  
zip: 59105  
phone:  
email: [jmdg3@yahoo.com](mailto:jmdg3@yahoo.com)

comments:

I am requesting an additional 30 days for commenting on the Mary Street option. My property is directly impacted in the option under consideration. We were not notified of the 2010 meeting that at the Hilton Garden Inn. The Mart Street option has no opportunity to support the growth of commercial and auto traffic that will be created. The area is residential and agricultural.

} IND-50-a

mailinglist: yes  
userstring: UIUIE  
PHPSESSID: qpdgkg3glhhi7bh61it55jmh4



IND-50-a Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.

We have confirmed that you are included in the project mailing list. Our records indicate that Newsletter #4 was sent to you at the address you provided in your comment in 2010

Section 6.2 also describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.



### Comment IND-51 Doug Gullett

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Friday, September 28, 2012 9:17 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Doug Gullett  
address: 2430 Flaming Creek Dr  
city: Billings  
state: Mt  
zip: 59105  
phone:  
email: [cendakdoug@rbbmt.org](mailto:cendakdoug@rbbmt.org)

comments:  
I am a home owner on Mary St. We were not informed of the meetings on this project and would like a 30 day extension on the response deadline so that we can get more of the facts and research info. From what I can see, if any of the three options are used it will have a severely negative impact on the Mary St community. There is a lot of wild life in this area. It is a residential and agricultural area. There is no room for any kind of expansion of commercial buisnesses or support of the increase in traffic. There are children that play in our neighborhood that would be unsafe due to the increased traffic and population. Once again, I ask that you consider a 30 day extension on this comment period.

} IND-51-a

Doug Gullett

mailinglist: yes  
userstring: HEFQ2  
PHPSESSID: uq9ssifm3l3g0bv44l8gqjr5c0



IND-51-a Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.

Section 6.2 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.



### Comment IND-52 Ramona Gullett

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Thursday, September 27, 2012 9:36 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Ramona Gullett  
address: 2430 Flaming Creek  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [ramonagullett@gmail.com](mailto:ramonagullett@gmail.com)

comments:

As a home owner directly impacted by the proposed byway I am requesting that your committee extend the public comment period by 30 days. I strongly believe that we have not been given adequate time to research and respond to something of this magnitude.

IND-52-a

I would also appreciate having a few questions answered. One, when was the traffic study on Mary Street completed and how were the final numbers calculated? Two, as a home owner in the affected area why was I not notified of the meeting held in 2010 at the Hilton Garden Inn where this bypass was first discussed? Next, on page 320 of your document it appears as though the road will literally touch my house rendering it uninhabitable and therefore needing to be demolished. Is this in fact correct and if so how long do I have to wait for the state to give me an offer to buy it at fair market value? I am sure you can understand that while all of this is in limbo I am in fact unable to even consider listing my house and relocating.

IND-52-b

I want to be clear that I am not against growth and development and would be willing to support another option that does not include the Mary Street Neighborhoods. Instead you could go out Five Mile Creek and take out the Mary Street portion but instead go north along Five Mile and connect at 312. This would cause very little disruption to existing neighborhoods. It is ludicrous to think that just because neighbors on the south side of Mary Street would not have a road going through their properties that they would not be negatively impacted by this road. The traffic noise alone will decrease their property value and the integrity of their neighborhoods.

IND-52-c

Thank you,

Mona Gullett

2430 Flaming Creek

mailinglist: yes  
userstring: UWA78  
PHPSESSID: s4v5jph38j9i0mk23eoju51r14



IND-52-a Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.

IND-52-b The traffic study to support the DEIS was completed in April 2012. The vehicle counts and traffic modeling is based on an approved methodology established specifically for this project. The traffic projection methods employed produced reasonable traffic volume estimates necessary to make informed planning decisions and also provide a realistic representation of traffic demand that was used to develop concept geometry and traffic controls for the alternative alignments.

Section 6.2 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. Your home address was included on the mailing list in 2010. See also the response to Comment IND-08-a.

As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners. Right-of-way acquisition could begin after the Record of Decision is issued by FHWA.

The preferred alternative was developed after a substantial alternatives development and screening process. For more information on that process and the screening of alternatives, see Chapter 2 of the FEIS.

IND-52-c The FEIS discloses potential negative effects associated with the project alternatives, including noise and visual impacts. This information is in Chapter 4 of the FEIS.

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



**Comment IND-53 Tami H.**

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, October 01, 2012 8:02 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	10/01/2012 20:02:10
Project Commenting On:	Billings Bypass EIS
Nearest Town/City to Project:	Billings
Project Milepost:	Mary St
Name:	Tami H

Comment or Question:

How could our community leaders think that bringing a highway through a residential area in the Heights could bring good to our community? Please ask yourself. Would you want this in your yard? Of course not! The land on Mary St is precious; the land owners there are good people. They made there homes there, raising their families there in a quiet serene part of Billings.

They are perserving natural habitats. Truck routes do not belong in residential neighborhoods. My goodness! What is the sense in this? Please reconsider this project. Seriously, how can it be helpful to connect Lockwood to North Billings Heights anyway? The money that will be spent on this project is unbelievable. And then it sill leaves a project unfinished. This is absurd! There truly must be a better, smarter, more beneficial project to allocate the funds considered for this terrible poorly planned project. PLEASE stop the madness! Please for the good people in the Billings Heights community.

IND-53-a

Submitter's IP address:

Reference Number = picomment\_34515380859375



IND-53-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-54 Timothy Harada

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Thursday, September 13, 2012 8:45 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Timothy Harada  
address: 631 Aries Ave  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [timharada@gmail.com](mailto:timharada@gmail.com)

comments:

My opinion is no build unless it builds onto the junction of I-90 and I-94 with possible future connections to Montana Highway 3. Originally the bypass was thought of to elevate traffic on Main St to Montana 3. The current proposal is a waste of money.

} IND-54-a

mailinglist: yes  
userstring: S3NQJ  
PHPSESSID: s1c4ccmu3db9vnn3ccrrb13bh2



- IND-54-a      The alternatives originating from the I-90 and I-94 Junction are labeled Pinehills alternatives and include options to connect to Mary Street and Five Mile Road, as well as other alignments. Explanations and evaluations of the alternatives screening process are available in Section 2.2. Additional information on the alternatives and the screening process can be found in the *Billings Bypass Alternatives Report* (DEA 2011b), attached as Appendix I to this FEIS.



## Comment IND-55 Laura Hofferber

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, September 24, 2012 11:05 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Laura Hofferber  
address: 1507 Twin Oaks Dr.  
city: Billings  
state: mt  
zip: 59105  
phone:  
email: [ljh@bresnan.com](mailto:ljh@bresnan.com)

comments:  
I think they should leave all these homes alone. It is a beautiful place for so many kinds of wildlife and would be a shame to destroy it. The people in the area have done so much to keep it animal and people friendly. Just leave them alone.

} IND-55-a

mailinglist: yes  
userstring: 29Q1W  
PHPSESSID: se3aq4ii88ea698bm3ebhjbpv7



IND-55-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-56 Cheryl Hoover

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]  
Sent: Sunday, September 30, 2012 7:47 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/30/2012 19:47:11  
Project Commenting On: Billings Bypass EIS  
Name: Cheryl Hoover  
Address Line 1: 2315 Columbine  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [hooverfam@bresnan.net](mailto:hooverfam@bresnan.net)  
Phone Number:

Comment or Question:  
Comments on Billings Bypass EIS

We have lived at 2315 Columbine Drive since 1986 and are extremely concerned about the impact the Billings Bypass poses for this quiet residential neighborhood. Converting Mary Street to either a primary or secondary corridor will create noise, safety, and environmental concerns. We believe the direct and indirect costs of the new Bypass outweigh the plan benefits in terms of displaced homeowners, decreased property values, safety issues, and environmental concerns.

Increased traffic levels and high rates of speed pose risks to many elementary school children who walk or ride bicycles to school because bus service is not available. The Kiwanis bike trail originates at Mary Street and is heavily used by people of all ages to walk, run or bike. Increasing traffic to Mary Street as either a secondary corridor or as a primary parallel corridor will increase threats to public safety. More vehicles and faster speeds increase potential for accidents and injuries to both drivers and non-drivers. This effect is magnified when the vehicles are semi trucks who may be transporting hazardous materials. Rerouting traffic, including commercial interstate trucks, through quiet

IND-56-a



IND-56-a Thank you for indicating your preference so it can be included in project records.

The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project. Traffic and noise impacts are discussed in Sections 4.2 and 4.3.8.



### Comment IND-56 Cheryl Hoover

residential neighborhoods makes little sense. Noise levels from high traffic zones will increase with no apparent plans for abatement in the current study.

} IND-56-a  
Cont.

The Mary Street area has a history of ground water problems caused from both excessive irrigation and Empire Sand and Gravel's reclamation of their Mary Street gravel pit. In the late 1990s, several homes in the Daniels Subdivision and beyond experienced basement flooding. Through assistance from the State Department of Environmental Quality's Mine Reclamation Specialist, Mark Carlstrom, Empire made improvements to reestablish drainage along their highwall (Empire Mary Street Site, Contract 00361-4 & A1). Many local residents are concerned that Bypass construction through that same area may negatively affect groundwater and cause further damage to homes. How is this being addressed in the current environmental study?

} IND-56-b

We are upset about the poor communication regarding the Bypass plans. We received two recent newsletters regarding the Bypass. Had we received information at the time the study was being conducted, we could've been more able to participate in the process. Several of our neighbors said they did not receive any communications.

} IND-56-c

The Bypass plans affect more people than just those whose homes are directly in the construction zone. Home values will plummet for hundreds of city and county residents adjacent to the Bypass. Under Option Two, 13 residents will be displaced. Many of these homes are brand new. This is unacceptable and other options must be considered. We vehemently oppose the current options as presented in this study.

} IND-56-d

Sincerely,  
Cheryl and Jim Hoover  
2315 Columbine Drive  
Billings, MT 59105

Submitter's IP address:

Reference Number = picomment\_645172119140625



IND-56-b A hydrogeologist has investigated the concerns about groundwater near Mary Street, and the results of those investigations have been included in the Section 4.4.3 of the FEIS.

Based on the fairly minor cuts and fills proposed near Mary Street and the soil lithology consisting of terrace gravels overlying bedrock, groundwater effects due to fill surcharge are anticipated to be relatively minor.

IND-56-c Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. See also the response to Comment IND-08-a.

IND-56-d Thank you again for taking the time to comment on this project.



**Comment IND-57 Christie Hulverson**

Public Hearing Testimony – September 12, 2012

We live on 312 where the Five Mile would come across and it would affect a lot of people on the Five Mile corridor. Our neighbors and us would be gone.

} IND-57-a



IND-57-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-58 Doug Kary

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Thursday, September 27, 2012 8:28 AM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/27/2012 08:28:03  
Project Commenting On: Billings Bypass EIS  
Name: Doug Kary  
Address Line 1: 415 W. Wicks Ln.  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [dougkary@yahoo.com](mailto:dougkary@yahoo.com)  
Phone Number:

Comment or Question:

I would like to comment on and support the "Five Mile Road Alternative"  
I believe this alternative is the best as it allows development to proceed along Mary Street which is an existing residential area. Some of the homes along Mary Street are within 60' from the center line of the existing road and heavy truck traffic should be prohibited with the exception of local traffic.

I have spoken to many of the individuals from Bench to Bitterroot who know they will be affected and their wish is to be able to at least keep traffic on Mary Street "local" traffic.

The five mile alternative allows for planned development rather than just abrupt change.

IND-58-a

Submitter's IP address:

Reference Number = picomment\_423583984375



IND-58-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-59 Connie Kellogg

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Sunday, September 23, 2012 10:17 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/23/2012 22:17:28
Project Commenting On:	Billings percent 20Bypass percent 20EIS
Name:	Connie Kellogg
Address Line 1:	819 Maywood
City:	Billings
State/Province:	MT
Postal Code:	59102
Email Address:	<a href="mailto:ckellogg@bresnan.net">ckellogg@bresnan.net</a>
Phone Number:	

Comment or Question:  
We Support the NO BUILD OPTION to the Billings Bypass EIS

} IND-59-a

Submitter's IP address:

Reference Number = picomment\_404205322265625



IND-59-a Thank you for indicating your preference so it can be included in project records.



**Comment IND-60 Delores Ketterling**

RECEIVED  
SEP 28 2012  
ENVIRONMENTAL

Billings Bypass Committee  
Billings, Mt.

I do not agree with the alternate consideration of the Mary Street Option. I think the Five Mile Road would Be better.

} IND-60-a

  
Delores Ketterling  
838 Mary St.  
Billings, Mt. 59105



IND-60-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-61 Paula and John Kratochvil

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, September 24, 2012 4:43 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/24/2012 16:42:44
Project Commenting On:	Billings percent 20Bypass percent 20EIS
Name:	Paula & John Kratochvil
Address Line 1:	2241 Hyacinth Drive
City:	Billings
State/Province:	Mt
Postal Code:	59105
Email Address:	<a href="mailto:kratochvil@imt.net">kratochvil@imt.net</a>
Phone Number:	

Comment or Question:  
We say no to this ByPass

} IND-61-a

Submitter's IP address:

Reference Number = picomment\_615478515625



IND-61-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-62 Michael Lallier

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Friday, September 28, 2012 7:56 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Michael Lallier  
address: 1616 Maurine St  
city: Billings  
state: Mt  
zip: 59105  
phone:  
email: Billingsheightspreschool@ yahoo.com

comments:

I would like you to reconsider the Billings Bypass project. We ask you to not build at all but if you must please choose the Five Mile Road Alternative. It makes more sense with less negative effects.

} IND-62-a

userstring: JEU7W  
PHPSESSID: v0o92cj59m4shnbagjfijrtlg6



IND-62-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-63 Peter Light

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Friday, September 28, 2012 9:40 AM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/28/2012 09:40:21  
Project Commenting On: Billings percent 20Bypass percent 20EIS  
Name: Peter Light  
Address Line 1: 2904 Bitterroot Drive  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [plight@billingsclinic.org](mailto:plight@billingsclinic.org)

Comment or Question:  
September 28, 2012

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

RE: Proposed Billings Bypass EIS

Cc: Billings City Council [council@ci.billings.mt.us](mailto:council@ci.billings.mt.us)  
Yellowstone County Commission Jim Reno [jreno@co.yellowstone.mt.gov](mailto:jreno@co.yellowstone.mt.gov)  
Yellowstone County Commission John Ostlund [jostlund@co.yellowstone.mt.gov](mailto:jostlund@co.yellowstone.mt.gov)  
Yellowstone County Commission Bill Kennedy [bkennedy@co.yellowstone.mt.gov](mailto:bkennedy@co.yellowstone.mt.gov)  
State of Montana Historical Society [kore@mt.gov](mailto:kore@mt.gov)

Tom:



No comments were delineated for the part of the letter shown on the facing page.



### Comment IND-63 Peter Light

I am writing as a resident living within a mile of the proposed bypass. I am formally requesting involvement as a member of the interested public. Please email me at [plight@billingsclinic.org](mailto:plight@billingsclinic.org) when significant changes and decisions are made where public notification is needed or beneficial. I am including a list of comments about options proposed.

} IND-63-a

#### Mary Street Option 1/Option2

1. Reconstruction of the intersection of US 87/Old Hwy 312/Mary Street/Main Street/Bench Blvd would be a benefit as many auto accidents occur there.
2. Mary Street is a common corridor for cyclist. Would there be a planned bike path away from proposed Hwy to allow healthy travel and off-set negative proposed Hwy effect in a rural setting?
3. Disruption of Wetlands along northern border of Mary Street. Option 1 has less disruption of Five Mile Creek.

} IND-63-b

#### Five-mile Road Alternative

1. I like the Five-mile Road alternative because it could allow for decreased speeds on Mary Street as a feeder street.
2. Once again a separate bike path running parallel to proposed route connecting to Lockwood would have positive community appeal.
3. There would be less wetlands disruption with lesser width expansion of Mary Street.

#### Five-mile Creek South/North Alignment

1. Longer route to Junction US 87/Old Hwy 321
2. Would utilize greater than 2,000 feet of Historical Railroad Landmark and fall under Federal regulations 36 CFR-800.4 requiring a section 106 review. This would likely make these options not available.
3. Wetlands disruption on North Alignment near Hwy 312.

} IND-63-c

In conclusion, an extension of time for community involvement would allow public discourse. From my perspective, taking a route 45 degrees from Five-mile Road to Hwy 312 would have minimal disruption of homes and wetlands. This would utilize Mary Street similar to Five-mile Road Alternative.

} IND-63-d

Please keep me informed. Thank you.

Peter Light  
2904 Bitterroot Drive  
Billings, MT 59105

[plight@billingsclinic.org](mailto:plight@billingsclinic.org)

Submitter's IP address:

Reference Number = picomment\_7197265625



- IND-63-a      You have been added to the project mailing list. The mailing list is used to send newsletters and project announcements to interested parties through the U.S. Postal Service.
- IND-63-b      Thank you for indicating your preferences so they can be included in project records.
- IND-63-c      Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.
- IND-63-d      Thank you again for indicating your preference so it can be included in project records. For more information on the development of the project alternatives, see Chapter 2 of the FEIS.



## Comment IND-64 Kathryn Manfull

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]  
Sent: Thursday, September 27, 2012 12:21 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/27/2012 12:21:03
Project Commenting On:	Billings Bypass EIS
Project Milepost:	Mary Street and Dover Road
Name:	Kathryn Manfull
Address Line 1:	1807 Three Bars Trail
City:	Billings
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:k.manfull@bresnan.net">k.manfull@bresnan.net</a>
Phone Number:	

### Comment or Question:

My family and I live just off of Dover Road and Bitterroot Rd in the Quarterhorse Acres subdivision. We Do NOT support any of the alternatives for the Billings Bypass project and recommend a NO build alternative. This project would completely alter our quiet neighborhood and turn it into a commercial area. We live outside the city limits for a reason - quiet - and want it to stay that way. It is unfortunate and ridiculous that government can take whatever they wish and destroy homes and neighborhoods with such disregard for those who have chosen to live there. I am certain that if this impacted anyone involved in the decision making process that this would be set aside and not completed. Please, please do not build this road in our neighborhood and destroy what we have worked so hard to build. Thank you.

IND-64-a

Submitter's IP address:

Reference Number = picomment\_998291015625



IND-64-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-65 Kyrstyn Manfull

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Thursday, September 27, 2012 7:39 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/27/2012 19:38:36
Project Commenting On:	Billings percent 20Bypass percent 20EIS
Name:	Kyrstyn Manfull
Address Line 1:	1807 Three Bars Trail
City:	Billings
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:manfullk@gmail.com">manfullk@gmail.com</a>

Comment or Question:

Select the No build alternative. There is less of a need for people to get to Lockwood as there is to connect Wicks to Airport better. Also, there are many people that work hard out in the part of the town that is going to be destroyed. We live out there to get away from the city, the lights, the people.

There are a lot of hard working land owners out in this neighborhood that do not want the attention that this would bring them.

No matter what route is chosen, our quiet little neighborhood/area is going to be destroyed- more noise, more traffic, more businesses, more potential crime. There are much better areas further out that do NOT affect neighborhoods just outside the city limits and MULTIPLE other plans that could help the city better than this!

} IND-65-a

Submitter's IP address:

Reference Number = picomment\_117523193359375



IND-65-a Thank you for indicating your preference so it can be included in project records.



**Comment IND-66 Matt Martinson**

Public Hearing Testimony – September 12, 2012

I'm out at the Eagle Rock Golf Course in Shepherd. I'm wondering if you've taken a look at if you do the Five Mile, there's still about a mile that is still two-lane on Hwy 312. If we did go with the Bypass through Five Mile and people are turning to go into the Heights, they are still going to be going onto a very dangerous two-lane highway for about a mile. Hopefully you will take a look at rebuilding that to at least a four-lane as it turns onto 312 going into the Heights.

} IND-66-a



- IND-66-a      Forecasted traffic volumes on Old Hwy 312 are not high enough to warrant a widening of Old Hwy 312 under the Five Mile Road Alternative alignment. However, the secondary improvements would include improvements at the connection between Mary Street and Five Mile Road and a reconstruction of Mary Street.



## Comment IND-67 Jeremiah McGee

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

From: [www.mdt.mt.gov](http://www.mdt.mt.gov) [<mailto:www@mdt.mt.gov>]  
Sent: Monday, September 24, 2012 8:25 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/24/2012 20:25:15  
Project Commenting On: Billings Bypass EIS  
Name: Jeremiah McGee  
Address Line 1: 1234 Caroline St.  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [jmcgee@jemcontracting.us](mailto:jmcgee@jemcontracting.us)  
Phone Number:  
Fax Number:

**Comment or Question:**

I do not support this project being built where it is being proposed. Mary Street and the neighborhoods close by are residential and do not need heavy traffic going through. This is a safety issue for the families and children in this area and also will greatly reduce home values in this area. More work needs to be done to find an alternate area to funnel this traffic through that is not already developed residential.

} IND-67-a

Submitter's IP address:

Reference Number = picomment\_67877197265625



IND-67-a Thank you for indicating your preference so it can be included in project records.

For more information about facilities and safety measures planned for pedestrians and bicycles, see Chapter 4, Section 4.2.4.



**Comment IND-68 Bob Medley**

Public Hearing Testimony – September 12, 2012

I don't understand when they were explaining about the floodplains. It looks like they took the widest spot in the River where the floodplains are and that's where they decided to go across. I'm just wondering who owns the property down there that they just want to give that money to in order to get that road across there. It sure looks like they are going to force that road down Mary Street to make somebody awfully happy. I can't see ... (inaudible) ... they would have had plenty of length down here to cross that would not have affected any person in here and they would have had 312 to come back up. It would have been a lot better alternative. They are going to be tearing it up all summer long to improve the turn-ins on Drury and McGill and Dover. Why not make all these improvements at the same time? Why are you going to go through an area that's already got homes? Move it out where there aren't any homes. Look to the future.

} IND-68-a  
} IND-68-b



- IND-68-a     The floodplain is crossed in a location that demonstrated the least amount of impact to the base flood elevations as defined by the current hydraulic model for the Yellowstone River. This area of the floodplain is the highest ground in the vicinity and has little flood conveyance.
- IND-68-b     The project alternatives presented in the DEIS were developed after an extensive screening and evaluation process. The process used to develop and select the build alternatives presented in the DEIS is described in Chapter 2.



### Comment IND-69 Amanda Mock

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, October 01, 2012 9:26 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Amanda Mock  
address: 2053 S 10th Rd  
city: Worden  
state: MONTANA  
zip: 59088  
phone:  
email: [mockspeed@att.net](mailto:mockspeed@att.net)

comments:  
My parents live on Bitterroot...and friend's Business on the other side of the river...both would be directly effected by this and you won't pay for pennies on the dollar when you take their homes and livelihood away...hate this!!

I don't want this!!

This dumb and there is not need for more debt!!

Stop spending money you don't have!!!

} IND-69-a

userstring: 639PF  
PHPSESSID: nrgj4s79qlun4umit8sf6ho9c4



IND-69-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-70 Kaci Moore

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Monday, October 01, 2012 6:33 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 18:32:42  
Project Commenting On: Billings percent 20Bypass percent 20EIS  
Name: Kaci Moore  
Address Line 1: 947 Calico Ave  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [kacianmoore@gmail.com](mailto:kacianmoore@gmail.com)

Comment or Question:

I would like to comment on the proposed Billings bypass. I have a very close friend that is in jeopardy of losing her home and her land due to this project. Her home sits on beautiful natural wetlands in the Billings heights. Her property also contains ponds that are home to abundant fish and many wild bird species.

This project is very unnecessary as it does not offer an adequate route that would be beneficial to heights residents or Billings residents in general. This project needs to be re-routed so that no one's primary residence is affected by it.

As a tax payer, I do not want to pay for a project that is going to force people from their homes, and not have a new by way that is actually beneficial to the flow of traffic. Please consider all of the homeowners involved in this new by way, ,that will be immediately affected, and get together with engineers to make a more efficient plan PLEASE!! Thank you very kindly, Kaci Moore. Billings Heights Residence

IND-70-a

Submitter's IP address:

Reference Number = picomment\_556549072265625



IND-70-a Thank you for indicating your preference so it can be included in project records.

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



**Comment IND-71 Mel and Arleen Nafts**

RECEIVED

SEP 27 2012

ENVIRONMENTAL

September 24, 2012

Billings Bypass Agenda

Sitting at the hearing on September 12 , 2012 at Lockwood School we became ever more angry. I wonder how many of the power that be live on or near Mary Street. My guess is none. Most probably live on their cozy cul-de-sacs where their is not a chance that their street will become an arterial (frontage road) to a 75 mph main thoroughfare.

We have lived on Mary Street for 50+ years and it has increasingly become busier , with drivers ignoring the speed limit. We have more and more problems backing out of our driveway. Now you want to increase the speed limit !!!!

The talk of impacting residents was mainly about those whose homes and properties would be involved. But all of the Mary Street residents will be impacted by noise and air pollution.

And all of this for a road that actually leads to nowhere. By bypassing truck from the interstate this will mean they will have to travel all of Main Street , to get to the Airport Road , which is already the busiest road in Montana. There again , more noise , more air pollution , and more traffic tie ups. Sound good to you? NO!!! Not to me either.

To me this is not good planning . But , of course , we have to use those Federal dollars for something.

Please reconsider!! By using the Dover Road Plan there will be fewer people impacted .

} IND-71-a  
}  
} IND-71-b

Sincerely Mel and Arleen Nafts  
832 Mary Street  
Billings , Montana  
59105



IND-71-a Thank you for indicating your preference so it can be included in project records. The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project. The FEIS discloses negative visual, noise, and other impacts that are likely to occur with the adoption of a build alternative.

The design speed of the proposed facility north of the river is 60 mph. However, there is a difference between design speed and operational speed limits. The design speed ensures that all vertical and horizontal geometry provides for safe operations, while the operational speed limits are set by engineering safety studies when the facility is initially placed in service. As the roadside culture changes in the future, additional studies will be completed to ensure that the speed limits are appropriate for current conditions. As an example, the recent construction of Old Hwy 312 east of US 87 had a design speed of 70 mph and the posted speed limits currently range from 50 mph to 55 mph.

IND-71-b The project alternatives presented in the DEIS were developed after an extensive screening and evaluation process. The process used to develop and select the build alternatives presented in the DEIS is described in Chapter 2.



## Comment IND-72 NMW

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Friday, September 28, 2012 9:42 AM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/28/2012 09:41:40  
Project Commenting On: Billings percent 20Bypass percent 20EIS

Comment or Question:

I do not believe that the Mary street bypass should proceed. I used to live in the Heights and I am fully aware of the traffic snarls that occur daily on Main street. However, improved traffic flow is not worth the cost of this project in terms of quality of life for the residents of Mary Street. I personally know several Mary Street residents and they live on this street due to the quiet out of the way nature of the area. If this project goes through many will lose the home and peace of mind they have worked their whole lives to achieve. I personally would rather take a few minutes longer to get to work than to cause this suffering of the residents of Mary Street.

} IND-72-a

Thank you,  
NMW

Submitter's IP address:

Reference Number = picomment\_35772705078125



IND-72-a      Thank you for indicating your preference so it can be included in project records.



## Comment IND-73 Phillip Oliver

**From:** Wilson, Valerie  
**Sent:** Thursday, September 27, 2012 4:16 PM  
**To:** Streeter, Stefan  
**Subject:** billings bypass

Hi Stefan:

No problem, I gave Phillip Oliver a call at [redacted]. He is an attorney but also a landowner in the area. Mr. Oliver is concerned about 2 issues:

1

1. MDT's plans to perpetuate ditch access; and
2. Whether the bypass will be a controlled access highway, and if so how landowner on the north side will have access to the roadway.

} IND-73-a  
} IND-73-b

So if you can visit with me about that, we will get him some answers tomorrow.

Thanks,

Val



IND-73-a The analysis for the irrigation ditches can be found in Section 4.3.10 of the DEIS.

In general, irrigation ditches, if impacted by the project, would be mitigated or perpetuated as necessary. There could be disruptions to flow and or a temporary increase of sedimentation in the ditch during construction, but these impacts would be mitigated by avoiding construction during irrigation season, and by implementing a stormwater pollution prevention plan and best management practices to minimize temporary impacts.

IND-73-b Section 2.3.2 has been updated to present expanded information regarding access to Mary Street. During final design, information would be solicited from the affected landowners and business owners along the selected alternative to ensure that reasonable access would be maintained to the extent practicable.



## Comment IND-74 Mike Olstad

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Wednesday, September 12, 2012 10:50 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Mike Olstad  
address: 2441 Clearwater Way  
city: Billings  
state: mt  
zip: 59105  
phone:  
email: [olstads@bresnan.net](mailto:olstads@bresnan.net)

comments:

I attended the meeting 09/12/2012 regarding the billings Bypass, Can you please email me a map showing how much of my property will be taken if the 5 mile route is chosen ( my address is 2441 Clearwater Way Billings 59105, Can you also email me the noise studies and estimated traffic levels, I looked through the billings bypass web site and could not locate this information, if it is on the web site please direct me to find this information....Thanks  
Mike Olstad

} IND-74-a

mailinglist: yes  
userstring: 15M2T  
PHPSESSID: najh6u571cj9756d5su81luft2



IND-74-a Right-of-way impacts and associated mitigation are described in Section 4.3.5.2. Based on the preliminary (approximately 30 percent) design that is available at this early stage of the design process, approximately 140 feet of right-of-way would be needed in the far northwest portion of your property with the construction of the Five Mile Road Alternative (totaling approximately 0.44 acres), and approximately 83 feet (totaling approximately 0.25 acre) with either of the Mary Street Alternatives. As the design process continues for the alternative ultimately selected in the ROD, potential impacts could change slightly.

Appendix E of the DEIS and FEIS contain the Traffic Noise Impact Assessment. It is available on MDT's website: [http://www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml).



**Comment IND-75 Mike Olstad**

Public Hearing Testimony – September 12, 2012

I live off of Dover Road out by Pioneer. I have to say that there are about 30-40 homes in our development and only a handful of people out there got notices. All those people will be affected some way or another by noise. I was just wondering why and that only so many mailings went out.

} IND-75-a



- IND-75-a Chapter 6 provides details on the entire public and agency outreach process since the project inception in 2003. See also the response to Comment IND-08-a. The mailing list was developed using the study area and parcel data from Yellowstone County and has been regularly updated throughout the project.



### Comment IND-76 Joy Oostermeyer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Thursday, September 27, 2012 7:49 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/27/2012 19:48:43
Project Commenting On:	Billings Bypass EIS
Name:	Joy Oostermeyer
Address Line 1:	1987 Mary Street
City:	Billings
State/Province:	MT
Postal Code:	59105
Phone Number:	

Comment or Question:

Please extend the Oct 1 deadline by 30 days. We only had a few weeks to review all data and need more time. This is a major project that will destroy our personal property and neighborhood. We should be allowed more time to review the information and ask appropriate questions. We got the meeting notice on Sept 5 and the meeting the 12 and now there is more information that needs reviewed. We have several questions that need addressed. Why not Five Mile Road it is an option and will not destroy so many homes or go straight through a residential area? Why not re-evaluate South five mile option? It is not require frontage road, less money. What is the dollar break down of all the top 3 options vs South five Mile Option?

IND-76-a

IND-76-b

I am asking to please allow an extension to discuss more questions.

Submitter's IP address:

Reference Number = picomment\_9664306640625



- IND-76-a Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.
- IND-76-b The South Five Mile Creek Alternative was similar to the other DEIS alternatives in that it offered similar travel time benefits, reduced physical barrier impacts to the transportation system, improved connectivity and mobility between Lockwood and Billings and truck/commercial access through Billings, and had similar impacts to historic resources and floodplains in the study area. The South Five Mile Creek Alternative, however, did not favorably compare for the following screening criteria: more traffic impacts to existing routes, potential for greater 4(f) impacts, and greater ROW impacts, and higher costs than the other alternatives. For these reasons, the South Five Mile Creek Alternative was screened out from further consideration. For more detail, see the response to IND-44-e.



### Comment IND-77 Kristine Oostermeyer

**From:** "Kristine Oostermeyer" <[tandk@usadig.com](mailto:tandk@usadig.com)>  
**Date:** September 20, 2012 10:10:37 AM MDT  
**To:** <[waw@deainc.com](mailto:waw@deainc.com)>  
**Subject:** Billings Bypass

Wendy,  
Please provide me with the following information on the Billings Bypass. The meeting in Lockwood was informative however about 75% of the questions were not given a direct answer. We have other questions but saw no advantage of asking at the meeting.  
Thank you for your assistance.  
Kristin Oostermeyer  
Cell 406-690-5262

1. What will happen to the present ditch water rights and the flow of water if option 1 is considered?

} IND-77-a

2. How will our children get safely on the bus if we live on the north side of Mary street and there is a 4 lane highway to cross to Mary street?

} IND-77-b

3. What about mail and garbage services to the residence on the North side of Mary street?

4 Please provide a itemized list of cost for the South Five Mile Creek Alternative vs the Mary street option being highly recommended at this time?

} IND-77-c

5. Where are the structures directly impacted for the South Five Mile Creek Alternative? the letter states 14 but we can only count 3.

I would like someone to meet me at my property and show me the worse case scenario on how much of the land will be taken if the option goes down Mary street. Thus far no one has provided an exact location.  
Thank you

} IND-77-d



- IND-77-a Any of the three build alternatives would impact the ditch along Mary Street, thus requiring relocation or replacement. There should be no change to water rights and the replacement ditch would be designed to accommodate existing flows regardless of the alternative. The analysis for the irrigation ditch along Mary Street can be found in Section 4.3.10 of the DEIS. There could be temporary disruptions to flow and or an increase of sedimentation in the ditch during construction, but these impacts would be mitigated by avoiding construction during the irrigation season, and by implementing a stormwater pollution prevention plan and best management practices to minimize temporary impacts. In general, irrigation ditches, if impacted by the project, would be mitigated or perpetuated as necessary.
- IND-77-b For more information about facilities and safety measures planned for pedestrians and bicycles, see Chapter 4, Section 4.2.4. Access will be maintained to allow the provision of services such as mail and garbage.
- IND-77-c The estimated cost of South Five Mile Creek Alternative is \$129 million. However, that alternative was eliminated for reasons outlined below in the response to IND-78-a. Impacts associated with the South Five Mile Lake Alternative can be found appended to the Alternatives Selection Report, which is available at MDT's website: [http://www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml). For additional detail on the screening of the South Five Mile Creek Alternative, see the response to IND-44-e.
- IND-77-d The FEIS discloses what is currently understood to be the worst case scenario for ROW acquisition in Section 4.3.5. In addition, the simulations presented in the Executive Summary of the FEIS show the ROW lines on aerial maps. These impacts are based on the preliminary (approximately 30 percent) design that is available at this early stage of the design process. Actual ROW impacts may be reduced depending on refinements during final design.



### Comment IND-78 Kristine Oostermeyer

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Thursday, September 20, 2012 11:44 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Kristine Oostermeyer  
address: 1985 Mary Street  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [tandk@usadig.com](mailto:tandk@usadig.com)

comments:

Please provide cost specifics of Mary Street option 1 vs. option 2. What makes option 1 cost more? Why not re-evaluate the South Five Mile Creek option to make it more feasible cost. Why is it more than the Mary ST. option 2? It involves less homes and land purchase and less restrictions since not through a major residential area. The Five Mile Creek alternative screening Matrix list this option as similar to the Mary Street Options and it should have additional screening. Is additional screening being done? Is the impact of a "possible" park as important as destroying physical homes. Has anyone investigated "acceptable mitigation could be coordinated with City" as stated on this Matrix sheet.

IND-78-a

mailinglist: yes  
userstring: PKHNF  
PHPSESSID: ppg7bevevnh3kn6cf2d4ds54p6



IND-78-a Costs for the build alternatives are presented in Section 2.3.5 of the FEIS.

The screening level costs were developed at a rougher level than the costs presented in the FEIS; the screening cost estimates were developed to provide general comparisons among the range of alternatives in the screening process. The screening-level cost estimates associated with construction of the South Five Mile Creek alternative would be approximately \$8 million to \$19 million greater than screening-level costs for any of the alternatives forwarded for consideration in the DEIS. These additional costs result from the need to incorporate secondary corridor improvements along both the Mary Street and Five Mile Road corridors. Costs for the build alternatives are provided in Chapter 2 of the FEIS, though direct comparisons to the screening level analysis cost are not appropriate because the costs presented in the DEIS were done with a greater level of design and evaluation than the South Five Mile Creek Alternatives.

The South Five Mile Creek Alternative was similar to the other DEIS alternatives in that it offered similar travel time benefits, reduced physical barrier impacts to the transportation system, improved connectivity and mobility between Lockwood and Billings and truck/commercial access through Billings, and had similar impacts to historic resources and floodplains in the study area. The South Five Mile Creek Alternative, however, did not favorably compare for the following screening criteria: more traffic impacts to existing routes, potential for greater 4(f) impacts, and greater ROW impacts, and higher costs than the other alternatives. For these reasons, the South Five Mile Creek Alternative was screened out from further consideration. For more detail, see the response to IND-44-e. Also, impacts associated with the South Five Mile Lake Alternative can be found appended to the Alternatives Selection Report, which is available at MDT's website: [http://www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml).



### Comment IND-79 Kristine Oostermeyer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Thursday, September 27, 2012 8:13 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/27/2012 20:12:32
Project Commenting On:	Billings Bypass EIS
Name:	Kristine Oostermeyer
Address Line 1:	1985 Mary Street
City:	Billings
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:nagengast@montana.net">nagengast@montana.net</a>
Phone Number:	

**Comment or Question:**

Please extend the comment date for at least 30 days. I received the letter on Sept 7 about the meeting Sept 12. We now have only until Oct. 1 to review the information to get answers for

our questions. The meeting did a poor job of addressing concerns and giving direct answers. The panel of people did not give fair time to the no build option. Please extend the Oct 1 deadline for comments. It is only right to allow those dramatically impacted by these option fair time to discuss possible solutions.

I would also like the breakdown of the noise study. Also what day and time was the traffic study done and where was it done at on Mary Street? Why didnt the biologist spend more time looking at the properties, we have 2 natural springs this will affect, a possible wet land on our property that will be affected. Also what about the pair of golden eagles that come every year along with turkey vultures, fox, etc. how will these animals be protected? Mary Street is a major deer crossing and wildlife crossing from the river. How will this road accommodate this migration of wildlife?

IND-79-a

IND-79-b

IND-79-c



- IND-79-a Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.
- IND-79-b Appendix E of the DEIS and FEIS contain the Traffic Noise Impact Assessment.
- Traffic study data was based upon average daily traffic (ADT) counts supplied by Montana Department of Transportation, City of Billings, and Yellowstone County, and independent consultant counts. Peak traffic volumes at intersections came from the same data sources. Peak traffic counts on Mary Street were taken at the intersections of Hawthorne Lane and Bitterroot Drive as a part of the Bypass traffic study in 2011. The peak traffic period of the day was determined to be generally between 4:30 PM and 5:30 PM.
- IND-79-c The biology team spent three days in the vicinity of Mary Street. The study area included 250 feet north of the right-of-way and followed the right-of-way line to the south. The springs, wetlands, and wildlife on your property and nearby were identified in the *Biological Resources Report* (DEA 2011). Impacts to the wildlife were evaluated and compared for all the alternatives. Although the wildlife movement areas at the Yellowstone River and Five Mile Creek were avoided by using bridge crossings, all of the alternatives are anticipated to have some direct and indirect impacts as animals disperse from these areas. Avoidance and minimization measures were incorporated as part of the project.



## Comment IND-80 Kristine Oostermeyer

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

From: [www.mdt.mt.gov](http://www.mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Friday, September 28, 2012 9:14 AM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/28/2012 09:14:28
Project Commenting On:	Billings Bypass EIS
Name:	Kristine Oostermeyer
Address Line 1:	1985 Mary Street
City:	Billings
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:nagengast@montana.net">nagengast@montana.net</a>

Comment or Question:

Has anyone investigate the impact on the 312, main and roundup road intersection impact? When school is out the Independent school there is already a back up to 312. Having a major interchange at this area is going to just cause more of a back up and effect the safety of our children. The five mile road option would avoid a bottle neck situation at this major intersection.

IND-80-a

Submitter's IP address:

Reference Number = picomment\_658905029296875



- IND-80-a Traffic projections were completed for peak design hour volumes in the year 2033 for all alternatives at the intersection of Bench Boulevard/US 87/Hwy 312/Mary Street. From these projections a number of design options were explored that would provide a desirable level of service. Each design option would require complete reconstruction of the intersection. (See the FEIS Appendix H for design options.) The Five Mile Road alternative would only carry a portion of the Bypass traffic, while the majority of traffic would use existing Mary Street to access the new river crossing. Thus, the Five Mile Road Alternative would still require major reconstruction of the Old Hwy 312/US 87/ Bench Boulevard intersection.



### Comment IND-81 Kristine Oostermeyer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Friday, September 28, 2012 9:57 AM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/28/2012 09:56:30  
Project Commenting On: Billings Bypass EIS  
Name: Kristine Oostermeyer  
Address Line 1: 1985 Mary Street  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [nagengast@montana.net](mailto:nagengast@montana.net)

Comment or Question:

Why did the panel of speakers at the Sept 12 meeting imply that the Mary Street Option 2 is the preferred option when there is still 3 options listed? The five mile Road option would not go through a residential area and fewer homes physicall damaged once past the river bridge. It is a flat straight shot to 312 on Five Mile Road it should not have the high cost seen on the option 1,2 of Mary Street. Please fairly consider Five Mile Road and but I had impression that at the meeting the option 2 was already a done deal. The NO BUILD option was not even an "option" the way they passed by it at the meeting. Give fair balance please to each option including the NO BUILD.

IND-81-a

Submitter's IP address:

Reference Number = picomment\_170654296875



IND-81-a      Thank you for indicating your preference so it can be included in project records. During the public hearing on September 12, 2012, the project team presented the preliminary preferred alternative to the public. The Mary Street Option 2 Alternative was selected as the preferred alternative based on a combination of the anticipated benefits and after comparing the anticipated environmental impacts associated with all three build alternatives.



### Comment IND-82 Kristine Oostermeyer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Friday, September 28, 2012 10:01 AM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/28/2012 10:00:53
Project Commenting On:	Billings Bypass EIS
Name:	Kristine Oostermeyer
Address Line 1:	1985 Mary Street
City:	Billings
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:tandk@usadig.com">tandk@usadig.com</a>

Comment or Question:

What study was done to see the impact on Main Street during "busy hours" like 6-8am and after work hours of 4-6PM? If you do this the truck traffic will likely go down Main Street to make a right hand turn easily onto Airport Road. This will just cause more traffic issues going down Main Street and bring more traffic issues towards the end of Main street near the 312 road.

Was this impact anticipated and if so where is the data? With only about 2 weeks to review the over 300 pages of documents it is impossible to find the answers and interpret them correctly.

Please extend the comment time for more questions to be addressed correctly and accurately.

} IND-82-a

} IND-82-b

Submitter's IP address:

Reference Number = picomment\_99798583984375



- IND-82-a Traffic projections were completed for peak design hour volumes in the year 2035 for all alternatives at all potentially impacted intersections. These projections were based on relative travel times and included truck traffic. It was determined that traffic traveling between Airport Road and I-90 would remain on the Main Street truck route since it would be faster than using any of the bypass alternatives. However, trucks on Old Hwy 312 and on US 87 would use the Bypass to access I-90 and I-94 because travel times would be substantially faster than the Main Street route. This would result in fewer trucks on Main Street, but would not introduce additional truck traffic on Old Hwy 312 or US 87. Section 3.2 of the FEIS outlines the approach to the traffic analysis.
- IND-82-b Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.



## Comment IND-83 Kristine Oostermeyer

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Friday, September 28, 2012 2:42 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Kristine Oostermeyer  
address: 1985 Mary St.  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [nagengast@montana.net](mailto:nagengast@montana.net)

comments:  
Why were we not notified that on Aug. 17 we could have started comments and working on a solution to submit? This should be extended, you had our address and emails and could have given us more time. The meeting should have been on Aug 17 not Sept 12th.

} IND-83-a

mailinglist: yes  
userstring: MDPFY  
PHPSESSID: quc3cc6f9p6cuj03qcong34v74



- IND-83-a NEPA regulations (Section 1506.6) state that if a draft environmental impact statement is to be considered at a public hearing, the agency should make the statement available to the public at least 15 days in advance. The newsletter announcing the release of the DEIS was mailed on August 15, 2012, and scheduled to arrive by August 20, 2012. Additionally, the project website was updated on August 17, 2012, announcing the publication of the DEIS. Please see response to IND-08-a regarding public involvement activities and the project mailing list.



### Comment IND-84 Kristine Oostermeyer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Friday, September 28, 2012 2:45 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/28/2012 14:44:44  
Project Commenting On: Billings Bypass EIS  
Name: Kristine Oostermeyer  
Address Line 1: 1985 Mary Street  
City: Billings  
State/Province: MT  
Postal Code: 59105

**Comment or Question:**

Why were we not notified that on Aug. 17 we could have started comments and working on a solution to submit? This should be extended, you had our address and emails and could have given us more time. The meeting should have been on Aug 17 not Sept 12th.

Why has there been such a rush since Sept. 12th? Who benefits from this deadline, are you trying to avoid opposition and not let the public speak our concerns?  
Please extend this time period 30 days, that is not asking too much since this is an ongoing process.  
Thank you

IND-84-a

Submitter's IP address:

Reference Number = picomment\_930877685546875



IND-84-a As noted in the response to IND-83-a above, the public meeting was held on September 12, 2012, to give people time to read the DEIS prior to the opportunity to ask questions and provide input on its contents.

Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.



## Comment IND-85 Kristine Oostermeyer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Friday, September 28, 2012 11:05 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/28/2012 23:04:32  
Project Commenting On: Billings Bypass EIS  
Name: Kristine Oostermeyer  
Address Line 1: 1985 Mary Street  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [tandk@usadig.com](mailto:tandk@usadig.com)

Comment or Question:

When reviewing the screening level 3 chart several factors show the Five Mile Road as the best option of the 3 presented at the meeting Sept. 12. Such as less cost, less floodplain impact, fewer private owned structure and primary structure impacted. At the meeting it seemed that Mary St. option 2 was where they are leaning towards. Which screening factor makes option 2 a better choice than Five Mile Road. Especially since the impact is similar but significant less cost and private impact was seen in Five Mile Road? Maybe the screening factor that makes the difference is something that can be revised to make Five Mile Road the preferred option given less cost and private impact.

} IND-85-a

Submitter's IP address:

Reference Number = picomment\_469451904296875



- IND-85-a      The screening process and selection of the Preferred Alternative were based on a range of factors, which are described in Chapter 2 of the FEIS. Specifically, Section 2.4 describes the factors considered in the selection of Mary Street Option 2 as the preferred alternative. This text has been updated for the FEIS in order to make the process more clear.



### Comment IND-86 Kristine Oostermeyer

**From:** Streeter, Stefan  
**Sent:** Monday, October 01, 2012 4:20 PM  
**To:** Kristine Oostermeyer  
**Cc:** Gocksch, Thomas  
**Subject:** RE: Follow up- 4199 - Billings Bypass

Kristine, Sorry I have been running with my other duties and haven't been in the office much these last few days. Your comments and questions are important and were forwarded to be reviewed for the Final document. It is important to take time to address everyone's questions and comments thoroughly. As you are aware this is the time in the process for gathering comments.

Thank you again and I look forward to further discussions with you as the process moves forward.

Stefan

**From:** Kristine Oostermeyer [<mailto:tandk@usadiq.com>]  
**Sent:** Friday, September 28, 2012 10:05 PM  
**Cc:** Streeter, Stefan  
**Subject:** Follow up- 4199 - Billings Bypass

Stefan Streeter,  
On Thursday I spoke to you about the bypass on Mary Street and we discussed several specific questions. I appreciate you having Mr. Gocksch send out this document to review and encourage your team to share it earlier in the process for future projects. It contains some good explanations of the whole process. One concern it brings to mind is the document mentions a 45 day comment period on Pg 17, 26 for review of the draft EIS. Does this apply to the draft EIS we received on Sept. 12 meeting? It appears after scanning the document that the comments given to the MDT on line should really not include questions, if I am interpreting this correctly.  
Therefore, how is the best approach to get answers to the questions I posed on Thursday? I have tried to interpret the documents on the website on the draft but I am a nurse and not an engineer! I would need considerably more time to interpret the drafts listed on line related to the project. Below are a few questions we discussed. Please let me know if it is realistic to gain answers or if maybe the project is not far enough along to provide an answer.

1. How would residents on north side of Mary St. access the road?
2. How would residents on north side get children on bus route of Mary St. if it is a frontage road, (also get mail, garbage etc).
3. What will happen to the present ditch water and the flow of water if option 1 or 2 is considered?
4. Can we see an itemized list of cost for the South Five Mile Creek Alternative vs. the Mary street option?
5. Where would I find a list of the structures/homes directly impacted on the current 3 options and the North/South Five Mile Creek Alternative?
6. Can anyone provide a worse case scenario of how much footage is needed for the new road at my location on the North side of Mary St?

Thank you for your time.  
Kristine Oostermeyer  
1985 Mary St.  
406-690-5262

IND-86-a

IND-86-b

IND-86-c

IND-86-d

IND-86-e



IND-86-a [Note: The commenter was sent the email response shown above it on the opposite page, on October 1, 2012, which included the following text: “. . . Your comments and questions are important and were forwarded to be reviewed for the Final document. It is important to take time to address everyone’s questions and comments thoroughly. As you are aware this is the time in the process for gathering comments. Thank you again and I look forward to further discussions with you as the process moves forward.”]

Additionally, Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.

IND-86-b Residents currently living on the north side of Mary Street with access to Mary Street would be provided an access to the new arterial route. The new access either would be at the same location or in some cases would be realigned to the safest access point. The exact location and configuration of the access would be determined during final design. Section 2.3.2 has been updated to present expanded information regarding access to Mary Street. During final design, information would be solicited from the affected landowners and business owners along the selected alternative to ensure that reasonable access would be maintained to the extent practicable.

IND-86-c Any of the three build alternatives would impact the ditch along Mary Street, thus requiring relocation or replacement. There should be no change to water rights and the replacement ditch would be designed to accommodate existing flows regardless of the alternative. The analysis for the irrigation ditch along Mary Street can be found in Section 4.3.10 of the DEIS. There could be temporary disruptions to flow and or an increase of sedimentation in the ditch during construction, but these impacts would be mitigated by avoiding construction during the irrigation season, and by implementing a stormwater pollution prevention plan and best management practices to minimize temporary impacts. In general, irrigation ditches, if impacted by the project, would be mitigated or perpetuated as necessary.

IND-86-d The screening level costs were developed at a rougher level than the costs presented in the FEIS; the screening cost estimates were developed to provide general comparisons among the range of alternatives in the screening process. The screening-level 1 costs associated with construction of the South Five Mile Creek Alternative would be approximately \$8 million to \$19 million greater than the estimated screening-level costs for any of the alternatives forwarded for consideration in the DEIS. These additional costs result from the need to incorporate secondary corridor improvements along the Mary Street corridor and the Five Mile Road corridor. These improvements would be necessary because of the increase in traffic volumes on these connecting routes. The South Five Mile Creek Alternative would require three routes, as opposed to two routes for the DEIS alternatives. Impacts associated with the South Five Mile Lake Alternative can be found appended to the Alternatives Selection Report, which is available at MDT’s website:  
[http://www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml).



- IND-86-e      Right-of-way impacts and associated mitigation are described in Section 4.3.5.2. Based on the preliminary (approximately 30 percent) design that is available at this early stage of the design process, the affected acreage for your property (Parcel number 03103312301600000) would be approximately 3.35 acres with Mary Street Option 1, 2.5 acres with Mary Street Option 2, and approximately 0.6 acres with the Five Mile Road Alternative. As the design process continues for the alternative ultimately selected in the ROD, potential impacts could change slightly.



*Intentional Blank Page.*



## Comment IND-86 Kristine Oostermeyer

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

**From:** [Gocksch, Thomas](#)

**To:** [TandK@USADIG.com](mailto:TandK@USADIG.com)

**Cc:** [Streeter, Stefan](#) ; [Bente, Fredrick](#)

**Sent:** Friday, September 28, 2012 4:12 PM

**Subject:** 4199 - Billings Bypass

Good afternoon Ms. Oostermeyer,

Stefan Streeter asked me to write to you since he is out of the office this afternoon.

I would like to thank you for taking the time to review and comment on the Billings Bypass – Draft Environmental Impact Statement (DEIS). Your input together with the input from all of the other concerned citizens and agencies who take the time to comment, will help ensure that the information presented in the Final Environmental Impact Statement (FEIS) is as complete and accurate as possible.

To assist you in crafting additional comments I would encourage you take a moment and visit this very informative website: [http://ceq.hss.doe.gov/nepa/Citizens\\_Guide\\_Dec07.pdf](http://ceq.hss.doe.gov/nepa/Citizens_Guide_Dec07.pdf) I reference this website often and have found it extremely helpful over the years.

Thank you again for your active involvement in the process.

Tom Gocksch P.E.

Project Development Engineer

Environmental Services Bureau

Montana Department of Transportation

(406) 444-9412



The email on the opposite page is referenced in Comment IND-86.



### Comment IND-87 Robert Oostermeyer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Thursday, September 27, 2012 7:55 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/27/2012 19:55:18  
Project Commenting On: Billings Bypass EIS  
Name: Robert Oostermeyer  
Address Line 1: 1987 Mary St.  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [jettabuddyjoy@bresnan.net](mailto:jettabuddyjoy@bresnan.net)

Comment or Question:

The county needs to allow sufficient time for the people affected the most to review the information and get answers to our questions. Our property will be significantly impacted by this bypass. Please give everyone another 30 days to review the information. Why is there such a rush? Who and why was Oct. 1 set as deadline when the meeting was just Sept. 12? How will we access the option 1 or 2 road if we live on the north side of Mary St. How will kids get on the bus safely? What about the ditch water? What day was the noise study done and what are the specific results? What is the cost breakdown from option 1, 2, and South 5 mile option?

} IND-87-a  
} IND-87-b  
} IND-87-c

Submitter's IP address:

Reference Number = picomment\_490386962890625



IND-87-a Section 6.2 presents a summary of the public involvement process for the DEIS and describes the steps taken to advertise the 45-day comment period that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to those received during the official comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.

IND-87-b Section 2.3.2 has been updated to present expanded information regarding access to Mary Street. During final design, information would be solicited from the affected landowners and business owners along the selected alternative to ensure that reasonable access would be maintained to the extent practicable.

IND-87-c Regarding specific questions, school bus safety is addressed in Section 4.2, transportation.

The full noise study is included in Appendix E and contains details regarding measurement dates and the traffic analysis.

Any of the three build alternatives would impact the ditch along Mary Street, thus requiring relocation or replacement. There should be no change to water rights and the replacement ditch would be designed to accommodate existing flows regardless of the alternative. The analysis for the irrigation ditch along Mary Street can be found in Section 4.3.10 of the DEIS. There could be temporary disruptions to flow and or an increase of sedimentation in the ditch during construction, but these impacts would be mitigated by avoiding construction during the irrigation season, and by implementing a stormwater pollution prevention plan and best management practices to minimize temporary impacts. In general, irrigation ditches, if impacted by the project, would be mitigated or perpetuated as necessary.

See comment IND-86-d for a description of the costs of the South Five Mile Creek Alternative.



### Comment IND-88 Tony Oostermeyer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Thursday, September 27, 2012 8:19 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/27/2012 20:18:50  
Project Commenting On: Billings Bypass EIS  
Name: Tony Oostermeyer  
Address Line 1: 1985 Mary Street  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [tandk@usadig.com](mailto:tandk@usadig.com)

Comment or Question:

There needs to be an extension of the comment time. Our property is dramatically impacted and our questions were not appropriately or just not answered at the Sept. 12 meeting. We should have more time to investigate the information and ask further questions since our property will be crossed for all options in one way or another. Why didn't they spend more time at the meeting explaining the NO BUILD OPTION. It was not given fair consideration. Who makes the final decision on all of the options? Please EXTEND the deadline for comments, we need more time to get our questions answered appropriately.  
Thank you,

IND-88-a

Submitter's IP address:

Reference Number = picomment\_160125732421875



IND-88-a Section 6.2 presents a summary of the public involvement process for the project and describes the steps taken to advertise the 45-day comment period for the DEIS that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.

The No Build Alternative is described in Chapter 2 and analyzed in Chapter 4 of the FEIS.

The final decision to select an alternative is the responsibility of the Federal Highway Administration (FHWA) and Montana Department of Transportation as Joint Lead Agencies.



## Comment IND-89 Tony Oostermeyer

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Monday, October 01, 2012 9:27 AM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 09:27:09  
Project Commenting On: Billings Bypass EIS  
Name: Tony Oostermeyer  
Address Line 1: 1985 Mary Street  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [tandk@usadig.com](mailto:tandk@usadig.com)  
Phone Number:

Comment or Question:

The Purpose stated: Improve access and connectivity between Interstate 90 (I-90) and Old Highway 312 (Old Hwy 312) to improve mobility in the eastern area of Billings. The Five Mile Road option would be the most beneficial for this bypass. As the height/Shepherd/Roundup road area continues to develop this option would be in an area to support future establishments and traffic. It also offers more options to adjust this connection as traffic changes over the next 40 years. Even the potential to go north to MT 87 or MT 3. Truck traffic would easily access 312 road without the bottle neck of traffic if the bypass enters at the current Highway 87/Main Street/312 intersection. The Independent school traffic already causes backup twice a day. With the Five Mile Road option traffic can be divided between Mary Street, Dover and Pioneer roads and will have less of an impact on just one street vs. either of the Mary St. options, this will also provide more options out of the heights if emergencies occur. More people will access 312 to the new bypass overtime as the population moves more east. Please consider Five Mile Road as the best option for this bypass. It would also destroy fewer homes and cost less money for the taxpayers.

IND-89-a



IND-89-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-90 Darcy Oostermeyer

name: Darcy Ostermiller  
address: 1650 Mary Street  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [ostermiller12@aol.com](mailto:ostermiller12@aol.com)

comments:  
Please grant us a 30 day extension. We have not had enough time.

} IND-90-a

Thank you

mailinglist: yes  
userstring: 3ES2J  
PHPSESSID: 00pjmbn135r9nnivf166bb17v6



IND-90-a Section 6.2 presents a summary of the public involvement process for the project and describes the steps taken to advertise the 45-day comment period for the DEIS that was announced in the Federal Register and elsewhere. Comments received after the October 1 due date are not included in this FEIS, but they were reviewed and determined to be similar in nature to many of those received during the comment period, thus they are addressed indirectly through the responses to other comments in Appendix J of this FEIS. In addition, an informal comment period is currently available with the issuance of this FEIS.



## Comment IND-91 Tom Prill

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Wednesday, September 26, 2012 11:48 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Tom Prill  
address: 1435 Oklahoma Star Trail West  
city: Billings  
state: Montana  
zip: 59105  
phone:  
email: [prill@bresnan.net](mailto:prill@bresnan.net)

comments:

Option 1 and 2 are clearly the most viable. The suggestion submitted by the Mary's Street homeowners that shoe the 5 mile creek North and South options either significantly impact the 5 mile water shed (South option) or significatly effect the flow of traffic on 312 (North option). For this bypass to work effectively traffic has to flow. That means sweeps in the road, intersections and corners have to be eliminated to the greatest extent possible. Additionally the topography of the land on the route proposed by the Mary's Street people creates some costly aspects for the project. Financial fesability has to be a concern.

} IND-91-a

mailinglist: yes  
userstring: GRG1Q  
PHPSESSID: js05flhis0pnhrd1qmlkddn633



IND-91-a Thank you for indicating your preference so it can be included in project records.



**Comment IND-92 Rhonda [No last name provided]**

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

From: [www.mdt.mt.gov](http://www.mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Friday, September 28, 2012 8:14 AM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/28/2012 08:13:32
Project Commenting On:	Billings percent 20Bypass percent 20EIS
Name:	Rhonda
Address Line 1:	Fox Drive
City:	Billings
Postal Code:	59102

Comment or Question:  
Good idea and great planning. GO with it.

} IND-92-a

Submitter's IP address:

Reference Number = picomment\_7357177734375



IND-92-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-93 Rhonda Richling

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Thursday, September 27, 2012 7:22 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Rhonda Richling  
address: 2104 Fox Dr  
city: Billings  
state: MT  
zip: 59102  
phone:  
email: [rhondajz@hotmail.com](mailto:rhondajz@hotmail.com)

**comments:**

No street project should be more important than family homes - especially the new homes built in this area and purchased with NO IDEA that this plan was in the works!!!! Do NOT build this bypass!

} IND-93-a

userstring: 3E2QL  
PHPSESSID: p79d4tg0h2cbe2ka6p510duob7



IND-93-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-94 Joe and Liz Robillard

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Monday, October 01, 2012 11:07 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	10/01/2012 23:06:41
Project Commenting On:	Billings Bypass EIS
Name:	Joe & Liz Robillard
Address Line 1:	1606 MARY ST.
City:	Billings,
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:mrsrjr2000@aol.com">mrsrjr2000@aol.com</a>
Phone Number:	

Comment or Question:

We are very disappointed, more like outraged, of learning about this bypass proposal. We have only lived in our new house for just over a year. Why were we NOT notified!! Why did the city/county let land permits go through when they knew this bypass was being planned?? We would like answers to these questions!! If you are worried about moving the traffic out of the heights, why not expand Wicks lane to Zimmerman? How many people in the heights will go all the way out to Johnson Ln to get to the west end?! Why not spend the money on a more logical bypass that will serve the majority of the people not just northern heights & Lockwood. Seems like a pretty senseless, illogical way of thinking. Putting a 4 lane highway through a residential area is absurd! Not to mention the devalued property! We strongly oppose this bypass through Mary St!!

} IND-94-a  
 }  
 } IND-94-b

Submitter's IP address:

Reference Number = picomment\_566802978515625



IND-94-a Section 6.2 provides details on the entire public and agency outreach process since the project inception in 2003. Section 6.2 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.

No decision to advance the project will be made until FHWA signs a Record of Decision.

IND-94-b Thank you for indicating your preference so it can be included in project records.

Throughout the development of the project, many alternatives were considered but eliminated from further study. The alternatives considered and the reasons for their elimination can be found in Chapter 2 of the FEIS and in the alternatives development memo.



## Comment IND-95 James Rohrdanz

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, October 01, 2012 8:08 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: James Rohrdanz  
address: 3935 Heritage Drive  
city: Billings  
state: MT  
zip: 59102  
phone:  
email: [JDiverbze@aol.com](mailto:JDiverbze@aol.com)

comments:

The proposed route appears to be along some wetlands which I understand are protected by the EPA. Also, I think the disruption to the lives of those living along the proposed routes is not acceptable. I am against this project. Eminent domain laws do not adequately reimburse those affected. Stop the project!

} IND-95-a

mailinglist: yes  
userstring: P5M5D  
PHPSESSID: k6bq5812ogr614h6isua85rrs1



IND-95-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-96 Mack Roof

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Thursday, September 13, 2012 10:50 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Mack Roof  
address: 956 Tate Circle  
city: Billings  
state: MT  
zip: 59105  
phone:  
email: [macklynn@bresnan.net](mailto:macklynn@bresnan.net)

comments:  
Would like to see this project proceed. An overpass at the Roundup turn off / Main / Marys } IND-96-a  
would be good option.

mailinglist: yes  
userstring: WQZE8  
PHPSESSID: ma4cv01j1pdpegnj3rcp4buo56



IND-96-a Thank you for indicating your preference so it can be included in project records.

For both Mary Street Options, the alignment would terminate at Old Hwy 312 near the intersection with Bench Boulevard, requiring the reconstruction of the existing at-grade intersection at the junction of Old Hwy 312, US 87, and Main Street. Three preliminary conceptual designs for the intersection have been evaluated. The precise configuration of this intersection will be determined during final design. The concepts are described in Section 2.3.4 of the FEIS and presented in more detail in Appendix H. The impact analysis documented in Chapter 4 of the FEIS accounts for the maximum potential impact anticipated at this location. The anticipated traffic volumes do not warrant the cost or ROW impacts for an overpass at this location.



### Comment IND-97 Christopher Rumph

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Thursday, September 13, 2012 3:20 PM

To: MDT Comments - Ask MDT

Subject: Ask MDT A Question Submitted

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

Action Item: Ask MDT A Question  
Submitted: 09/13/2012 15:19:56  
Name: Christopher Rumph  
Address Line 1: 3576 Summerfield Circle  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [christopherrumph@gmail.com](mailto:christopherrumph@gmail.com)  
Phone Number:

Comment or Question:

I live at 3576 Summerfield Circle and am strongly opposed to this project, just like everyone in the subdivision - we live there because it is very quite and feels like you live in the country. You will be completely taking this away from everyone in the surrounding subdivisions, and driving down the value of their properties. The draft report on noise is completely false and inaccurate,

1

it is extremely quite at all hours and you can not hear highway 312 or any distant heavy equipment traffic. How far from my west property line will the edge of the new 5 mile highway or ROW be? How can the positive outcome of this project out weight the negative impact it is causing on the area residents? There have been sage grouse spotted in the area, can this project move forward if that is documented or does it have no impact? Is MDT going to provide compensation to me for driving down the value of my property and making it worth less than the loan I owe on it?

IND-97-a

Submitter's IP address:

Reference Number = askmdt\_153656005859375



IND-97-a Thank you for indicating your preference so it can be included in project records.

The noise analysis and impacts to receptors in the project area are discussed in the FEIS in Section 4.3.8.2. Noise impacts have been evaluated and would be addressed in accordance with MDT's *Traffic Noise Analysis and Abatement: Policy and Procedure Manual* (2011). Noise levels are predicted to increase with the construction of the preferred alternative, but the analysis conducted for the FEIS found that abatement measures would not be reasonable or feasible. MDT's noise policy is based on guidelines established at the federal level. See Appendix E for the Traffic Noise Impact Assessment. Right-of-way impacts and associated mitigation are described in Section 4.3.5.2. Based on the preliminary (approximately 30 percent) design that is available at this early stage of the design process, for the Five Mile Alternative, right-of-way would extend approximately 128 feet into your property in the upper northwest portion of the property (0.2 acre). For the Mary Street Alternatives, approximately 82 feet would be needed, totaling 0.1 acre. As the design process continues for the alternative ultimately selected in the ROD, potential impacts could change slightly.

Regarding sage grouse, a biology study was completed for the project, and it determined that the project would be "not likely to jeopardize the continued existence of the species.". The biologists found that the sage grouse was unlikely in the project area. As stated in Section 3.4.11, "Individual greater sage-grouse and their leks have been documented more than 2 miles west of the study area in suitable habitat. None have been documented in the study area. It is unlikely that greater sage grouse occur in the study area due to lack of quality, suitable habitat in sufficient acreage. Sagebrush areas in the study area are limited to isolated, small locations. The project corridors do not contain sagebrush steppe habitat suitable for greater sage-grouse. The project corridors are predominantly developed or agricultural land unsuitable for the greater sage-grouse." If you have sighted the sage grouse, please contact your local US Fish and Wildlife Service office.

Right-of-way impacts and associated mitigation are described in Section 4.3.5.2. The proposed alternatives were designed to meet the project purpose and need while avoiding major impacts.

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



## Comment IND-98 Warren Schaff

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Thursday, September 27, 2012 2:40 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/27/2012 14:39:50  
Project Commenting On: Billings percent 20Bypass percent 20EIS  
Name: Warren Schaff  
Address Line 1:  
City:  
State/Province:  
Postal Code:  
Email Address: [wschaff@vikingcable.net](mailto:wschaff@vikingcable.net)  
Phone Number:

Comment or Question:

Please strongly consider Alternative 2 as it would have the same benefits as the others without displacing families and subdivisions and the overall quality of life for those in the impact zone. There are numerous residents in the area that would be negatively impacted by using Mary St as the connector / frontage road.

In the Mary Street Landowners meeting, it was essentially stated that those people that lose value due to proximity to the project are out of luck. "Q: Does MDT pay for property devaluation due to proximity?"

A: If proximity damages are PROVEN as part of the appraisal process then damages would be paid, BUT PROXIMITY DAMAGES CAN BE DIFFICULT TO PROVE."

How is this acceptable? Is it not the responsibility of State to mitigate the impact of such a project? Just because residents will have a hard time proving damage due to proximity does not mean that the damage isn't done. There are hundreds of residents and children that are in the adjacent neighborhoods that would be so negatively impacted by using Mary St in the manner provided by Option 1, that it simply doesn't outweigh any benefit of this option.

1

IND-98-a

DO THE RIGHT THING! Alternative 2 would greatly reduce the damages due to proximity and would not require the destruction of nearly as many homes / structures.

IND-98-b

Submitter's IP address:

Reference Number = picomment\_7772216796875



- IND-98-a Thank you for indicating your preference so it can be included in project records. As discussed in Section 4.3.5.2, MDT and FHWA follow state and federal requirements when compensating landowners for physical acquisition of property for right-of-way. These requirements rely on data from real estate transactions in the area to form an objective basis for fair market value. Agency policies do not allow cash compensation for proximity impacts to properties or structures not being acquired for right-of-way.
- IND-98-b Thank you for indicating your preference so it can be included in project records. We have noted that your subsequent comment (IND-99) retracts this preference for Alternative 2.



## Comment IND-99 Warren Schaff

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

From: [www.mdt.mt.gov](http://www.mdt.mt.gov) [<mailto:www@mdt.mt.gov>]

Sent: Thursday, September 27, 2012 3:22 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/27/2012 15:21:41
Project Commenting On:	Billings percent 20Bypass percent 20EIS
Name:	Warren Schaff
Email Address:	<a href="mailto:wschaff@vikingcable.net">wschaff@vikingcable.net</a>
Phone Number:	

Comment or Question:

In a previous comment I stated

"Please strongly consider Alternative 2 as it would have the same benefits as the others without displacing families and subdivisions and the overall quality of life for those in the impact zone."

Please be advised that I was looking at the Alternatives incorrectly.

My intention was to ask you to only consider the FIVE MILE ROAD ALIGNMENT option and avoid creating the 4 lane road adjacent to Mary Street.

Thank you,

Warren Schaff  
406-671-9947

Submitter's IP address:

Reference Number = picomment\_551239013671875

} IND-99-a



IND-99-a      Thank you for indicating your preference so it can be included in project records. We appreciate you taking the time to write again with your amended input.



## **Comment IND-100 Kelly Selph**

Dear Sirs,

Thank you for taking time to read my comments on the proposed Billings Bypass DEIS. I have lived in the Heights for 46 years and on the corner of Mary Street & Columbine Drive for nearly 16 years. I chose this neighborhood for its quiet country like atmosphere. And I am lucky to have wonderful neighbors. Currently I can look out my kitchen window and see wildlife in the field that you propose to build on. While they are currently developing this area with new homes I feel the new home construction would have less impact on the area than a 4 lane highway with trucks and cars travelling at speeds of up to 70 miles per hour.

I went to your meeting and listened to the presentation. I have downloaded the DEIS and have tried to read parts of the statement. I have both concerns and questions. At the presentation, we were told that this is not a truck bypass it is an alternate route in and out of the Heights. And that a route was needed especially after the Tornado of 2010. I think most people would agree that another route out of the Heights would be nice. With the Bench connector I am able to drive downtown very easily and some weeks I don't ever drive on Main Street. So in the case of an emergency similar to the Tornado of 2010 another route in and out of the Heights is and would be desirable. When I think of an emergency I think of who would respond in an emergency and who would need to get to the Heights and the response time. I am thinking of the medical and fire responders. To me it doesn't make sense that these responders from the City of Billings would drive all the way out into Lockwood, across a bridge and back into the Heights. Wouldn't it make more sense they go up 27<sup>th</sup> Street or Zimmerman Trail to Highway 3 and have access to the Heights from behind the airport. That would seem to have a quicker response time to the Heights. I had thought that type of a route was what the inner and outer loop proposal was. It

IND-100-a



IND-100-a Emergency response is one of the stated needs for this project and, while the new Bench connector road does provide an alternative route to Main Street, it does not solve accessibility issues across the Yellowstone River. Travel time calculations indicate that if a major incident occurred near Old Hwy 312 and US 87, the new route would allow the Lockwood Fire Department to arrive on the scene several minutes before the City of Billings Lake Elmo Road station could respond. Similar scenarios would exist for incidents in Lockwood that may require a response from fire stations in the City of Billings. See Section 4.2 of the FEIS and Appendix I containing the traffic report for more analysis of projected traffic operations.



**Comment IND-100 Kelly Selph**

doesn't seem like the Billings Bypass is an efficient route for emergency responders to get into the Heights in the event Main Street is closed. And at your public meeting the Bypass was for emergency access to the Heights.

IND-100-a  
Cont.

At the public meeting and in your DEIS any of the proposed routes have an affect on 0 to 13 homes. A person's home is one of their most prized possessions. It is full of family experiences and memories. Why are these families being forced to give that up? That is just not fair nor is it right!

You are saying that only these 0 to 13 homes will be affected by any one of these routes. However all residences and property owners along any one of those proposed primary & secondary routes will be affected. If you check into it any appraiser appraising a home will deduct from the property value if you live on or near a busy street. Who knows what the effect of a 4 lane highway will have on that appraisal of property within the boundaries of this proposal? It would stand to reason that it would be equal to or greater than that of a "busy" street. Therefore anyone living on the primary or secondary routes will suffer a loss of property value.

IND-100-b

I would like to ask how you went about deciding who was notified with your flier and invitation to the public meeting. Many property owners around the Mary Street area don't know of the plan for this proposed project. Did you notify property owners with in a certain distance of the proposed primary and secondary routes?

IND-100-c



IND-100-b Right-of-way impacts and associated mitigation are described in Section 4.3.5.2. The proposed alternatives were designed to meet the project purpose and need while avoiding major impacts.

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

IND-100-c Section 6.2 provides details on the entire public and agency outreach process since the project inception in 2003. Section 6.2 also describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.



**Comment IND-100 Kelly Selph**

How will a project like this affect our property taxes? Will property owners along the proposed primary and secondary routes see an increase reflected on their property tax bill?

} IND-100-d

It was asked at the meeting if there were plans to do something to buffer or mitigate the noise from the dramatic increase in traffic. The response was that your study shows that would not be necessary. I would like to know how you conducted that study. What is your margin of error? What happens down the road if the noise is too loud? Your study indicates roughly 16,000 vehicles will travel down that road. That is a significant number of vehicles and along with them comes ambient noise. For a neighborhood that is currently quiet, that increase in noise will be a significant change and I think that needs to be addressed should you go ahead with the Bypass.

} IND-100-e

In conclusion, I would just like to say that to me the Bypass doesn't make sense. I think the community and the City of Billings would be better served with a route that connected the Heights to the west end or closer to the medical corridor and emergency responders. And I just don't think that it is right that people should have to lose their homes and their memories for a Bypass to connect the Heights to Lockwood.

} IND-100-f

*Kelly R. Selph*

*Kelly R Selph  
2347 Columbine Dr  
Billings MT 59105*



IND-100-d Section 2.6 of the FEIS describes known funding sources to date. Specifics on funding the project are still being developed. The total cost for a two-lane facility along the Preferred Alternative alignment is estimated to be 29 \$82.1 million. As mentioned previously, approximately \$22.3 million has been “earmarked” for 30 construction of the roadway by state and federal agencies. The additional \$59.8 million required for 31 construction of Phase 1 could be allocated from a combination of local, state, and federal funds. The Full Buildout would be implemented following issuance of another ROD as additional funding is identified and included in the long-range transportation plan.

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

IND-100-e The noise analysis and impacts to receptors in the project area are discussed in the FEIS in Section 4.3.8.2. Noise impacts have been evaluated and would be addressed in accordance with MDT’s Traffic Noise Analysis and Abatement: Policy and Procedure Manual (2011). The evaluation found that while noise levels are predicted to increase with the construction of the preferred alternative, abatement measures would not be reasonable or feasible based on federal or state guidelines. MDT’s noise policy is based on guidelines established at the federal level. See Appendix E for the Traffic Noise Impact Assessment.

IND-100-f Thank you for indicating your preference so it can be included in project records.



**Comment IND-101 Jan Skougard**

Public Hearing Testimony – September 12, 2012

I am also a property owner. My property borders Mary Street. I want to agree with you and I want to say that I really take offense to ... I understand what you're talking about when you say impacted property is property you're going right through, however, all of us along Mary Street are impacted in one way or another. It's going to affect our property values. I see no good to come out of any of this. Coming down Mary Street is just the wrong way to do it.

} IND-101-a



IND-101-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-102 Jan and Jeff Skovgaard

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Monday, October 01, 2012 9:56 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 10/01/2012 21:55:44  
Project Commenting On: Billings Bypass EIS  
Name: Jan and Jeff Skovgaard  
Address Line 1: 2346 Hyacinth  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [skovgaardjd@billingsschools.org](mailto:skovgaardjd@billingsschools.org)  
Phone Number:

### Comment or Question:

This comment addresses the Billings Bypass EIS of the proposed Billings Bypass project. We are 26 year residents of our property at 2346 Hyacinth and we are vehemently OPPOSED to the proposed Mary Street options for the Bypass. Our backyard borders the south side Mary St. and we find the possibility of a 4 lane commercial roadway adjacent to Mary Street within feet of our backyard and literally feet from our house sickening! We, along with the many other residents of Mary St. and the surrounding area, moved here because it was a quiet, semi rural setting with wildlife and a peaceful safe place to raise our family. The idea of putting a 4 lane roadway for transporting heavy truck traffic (possibly carrying hazardous materials) as well as car traffic, from off of Hwy 87, Hwy 312 and Main east to 5 Mile Rd. and across the river by way of Mary St. doesn't make sense and is not the best use of public funds. At the meeting held Sept.12th we felt that after the presentation by the study team and all of the existing options were discussed, the Mary St. options were basically shoved down our throats. The Mary St. options would be more expensive, impact more people and be a longer route to the river than the 5 Mile Rd./Dover Rd. option. It would cost much more in terms of preparation (i.e. thousands of tons of fill dirt to bring the gravel pit area level with the existing Mary St., putting in roundabouts, paying off the 13 residents who would have their homes bulldozed).

IND-102-a



IND-102-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-102 Jan and Jeff Skovgaard

The statement at that meeting that only 13 homes would be impacted was an insult to the rest of us who live along Mary St. as well as the Bitterroot Subdivision, and other properties north of Mary St.. We all will be impacted!! We may not actually lose our homes, but our living environment will be drastically negatively changed and our home values will be lowered considerably. Nobody wants to live in or buy a home that is within feet of a 4 lane commercial roadway!! The traffic will produce a huge increase in noise pollution, air pollution and cause residents along the roadway and along Mary St. to have bright lights from the roadway blazing into their yards and homes. Also, in light of the fact that planning meetings have been going since 2006, most of the residents of Mary St. and the surrounding neighborhoods have not been properly notified of those meetings. We feel that most of us were purposely not notified of what was being planned. We noticed from the information we got at the last meeting, that of the listings of all of the impacted groups that had been notified of the prior meetings yearly back to 2006, the Mary St. homeowners were only listed as a notified impacted group on one such meeting and then removed from the future and previous meetings. We are one of the groups to withstand the greatest impact!!! We feel that the 2 Mary St. options should be completely scrapped due to all of the points we have discussed above. Some consideration may be given to the 5 Mile Rd./Dover Rd. option if it were to be redesigned to veer west to allow for no impact on those residents of the subdivision just to the east of that proposed option. This way NO homes would be impacted, no families would lose their homes, a minimal amount of farmland would be impacted and the flow of traffic could still be eased coming off of Hwy 312 with a more direct rt. straight south to cross the river allowing traffic from Shepherd, Hwy 87 and the residents of the northern area of the Heights to reach Lockwood without traveling back through Main St.. Actually we are completely baffled as to why we as a community are not setting aside the funds we already have and continue to plan and save to develop the West end belt loop project which would have the most impact on minimizing traffic problems in the Heights. Lets put our money into that project, the benefits of which would far outweigh that of the Billings Bypass project.

May we remind you that as taxpaying citizens of Montana and Yellowstone County, we pay YOUR salaries. Therefore, we expect respect and consideration of our thoughts and views on this proposed Bypass.

IND-102-b

IND-102-c

IND-102-d

IND-102-e

Submitter's IP address:

Reference Number = picomment\_203948974609375



IND-102-b Thank you for indicating your preference so it can be included in project records. The FEIS discloses negative visual, noise, and other impacts that are likely to occur with the adoption of a build alternative.

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

IND-102-c Section 6.2 describes the efforts by MDT and FHWA to identify and involve stakeholders along Mary Street that were affected when the project purpose and need changed in 2009. Section 1.2.2 discusses the funding-related reason for this change. Residences in the vicinity of Mary Street were included in project mailings beginning in 2010, coincident with the public outreach effort associated with the re-scoped project, which resulted in a smaller and reshaped study area. See also the response to Comment IND-08-a.

IND-102-d Throughout the development of the project, many alternatives were considered but eliminated from further study. The alternatives considered and the reasons for their elimination can be found in Chapter 2 of the FEIS and in the alternatives development memo.

IND-102-e Thank you for taking the time to comment on this project.



## Comment IND-103 Mike Smith

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Tuesday, September 25, 2012 11:10 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/25/2012 23:10:24
Project Commenting On:	Billings Bypass EIS
Name:	Mike Smith
Address Line 1:	2502 Clearwater Way
City:	Billings
State/Province:	MT
Postal Code:	59105
Email Address:	<a href="mailto:myjo9790@yahoo.com">myjo9790@yahoo.com</a>
Phone Number:	

Comment or Question:

\*Option #1, #2 should not have a feeder road from HWY 312 to connect 5 mile. We already have Pioneer and Dover. It does not make sense to fund this. Roundup drivers will not use it. They will use Mary or Dover. Shepherd people (east of 5 corners if wanting to go to the west end) will go Huntley and interstate. There is a small amount of drivers that will use this connection as a feeder route. These feeder options are a miss-use of tax payer dollars.

\*Why is residential land being considered on the HWY 312/5 mile connector, when there is vacant farm land directly to the north of them?

\*There is enough land between Johnson lane and HWY 87 that we do not have to disrupt residential property values.

IND-103-a



- IND-103-a The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project.



**Comment IND-103 Mike Smith**

\*Option 3, Directing traffic to the middle of HWY 312, over 4 miles from HWY 87, makes no sense at all.

} IND-103-a  
Cont.

\* Noise Mitigation: What are your plans to help lesson the traffic noise for the long time residents of the effected areas.

I have some suggestions. As tax payers, they should be given common courtesy as you consider this project.

} IND-103-b

OVERALL: The cost in Planning a project of this magnitude (not to mention the total costs)without having the funds available sounds like a miss-use of taxpayers dollars.

\*\*Please provide me with the total cost of each Option #1, #2, #3.

\*\*Please provide me with the total amount of tax payers dollars already spent (to date) on the planning of this project

} IND-103-c

\*\* Today's economy does not support this type of project, .  
Please STOP until the tax payers of Montana can afford this project.

Submitter's IP address:

Reference Number = picomment\_38555908203125



IND-103-b The noise analysis and impacts to receptors in the project area are discussed in the FEIS in Section 4.3.8.2. Noise impacts have been evaluated and would be addressed in accordance with MDT's Traffic Noise Analysis and Abatement: Policy and Procedure Manual (2011). The evaluation found that while noise levels are predicted to increase with the construction of the preferred alternative, abatement measures would not be reasonable or feasible based on federal or state guidelines. MDT's noise policy is based on guidelines established at the federal level. See Appendix E for the Traffic Noise Impact Assessment.

IND-103-c Section 2.3.5 of the FEIS presents the preliminary estimated total costs for the build alternatives.

Section 2.6 of the FEIS contains further information on estimated costs of the preferred alternative and funding. The project may be constructed in phases to maximize benefits despite being constrained by available funding.

Approximately \$4.5 million has been spent on the project to date.



**Comment IND-104 Will South**

Public Hearing Testimony – September 12, 2012

I live off of Columbine and Mary Street. I have to echo what Mrs. Skougard said. I do think this negatively affects property values. I also think that's a huge gap in your funding that you're trying to make up. Having worked for the Federal Government, good luck! That well is running dry. I have to agree, I think there are a lot of people here tonight and the general consensus you need to take back to Helena and home with you tonight is that none of us like any of these ideas. Go back to the drawing board.

} IND-104-a



IND-104-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-105 Mike Southworth

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Thursday, September 13, 2012 5:03 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: mike southworth  
address: 2464 clearwater way  
city: billings  
state: mt  
zip: 59105  
phone:  
email: [mikesouthworth@bresnan.net](mailto:mikesouthworth@bresnan.net)

comments:  
why does the new proposed 5 Mile road North of Dover road have to run right next to a housing subdivision? Just so it is a straight line? There is wide open farm land to the West that is wide open and wouldnt impact the current houses, one of which my family and I reside in. If you look on any Google Earth lay outs it is a perfect line to the existing 5 Mile road through a field. There is a church located on 312 it could head SouthEast at. Sure it isnt a straight line, but a more reasonable line up. This impacts nobody living on Hiway 312 and nobody living in the subdivision North of 5 Mile. I would think there would be substantially less impact on a wide open farm field than 40 homes with families. I have heard it is easier for government to purchase property from 2 or 3 land owners than it is from 5 or 6. If this is the case, please make your job a little harder and our lives a little easier. Please let me know on this question

} IND-105-a

mailinglist: yes  
userstring: T7BP4  
PHPSESSID: of82a8gvf40pcqukdjp1uf3n15



IND-105-a The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project.

Right-of-way impacts and associated mitigation are described in Section 4.3.5.2. The proposed alternatives were designed to meet the project purpose and need while avoiding major impacts.



**Comment IND-106 Mike Southworth**



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



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SEP 20 2012

ENVIRONMENTAL

**Please Send Us Your Comments**

Public Hearing, September 12, 2012

Your comments regarding the Billings Bypass Draft Environmental Impact Statement are very important. Thank you for taking the time to comment. Please return this form to:

Tom Martin, P.E., Environmental Services Bureau Chief  
Montana Department of Transportation Environmental Services  
2701 Prospect Avenue, PO Box 201001  
Helena, Montana 59620-1001

Check here if you wish to be added to Project Mailing List:

Please Print Name: Mike Southworth  
Mailing Address: 2464 Clearwater Way  
City, State, Zip: Billings, MT 5905

over  
↓

**Comments**

The improvements on <sup>existing</sup> 5 mile road along with a few on ramps/off ramps would not impact the homes north of 5 mile road. This section of proposed road North of Dover makes no sense with two ~~existing~~ roads that can feed 5 mile road - Pioneer Road and Dover. Both Dover and Pioneer are within 2 1/2 miles of each other, and feed from ~~the~~ ~~East~~ Billings and Shepard areas.

IND-106-a

The section of proposed 5 mile road addition has a natural spring/pond. How would this be addressed? This is a "Wetland" I believe. Also there is a park, "land donated," to the East of the existing 5 mile road. Do we really want a Major Road next ~~to~~ ~~to~~ ~~to~~ Mary Street ~~to~~ ~~to~~ to this?

IND-106-b

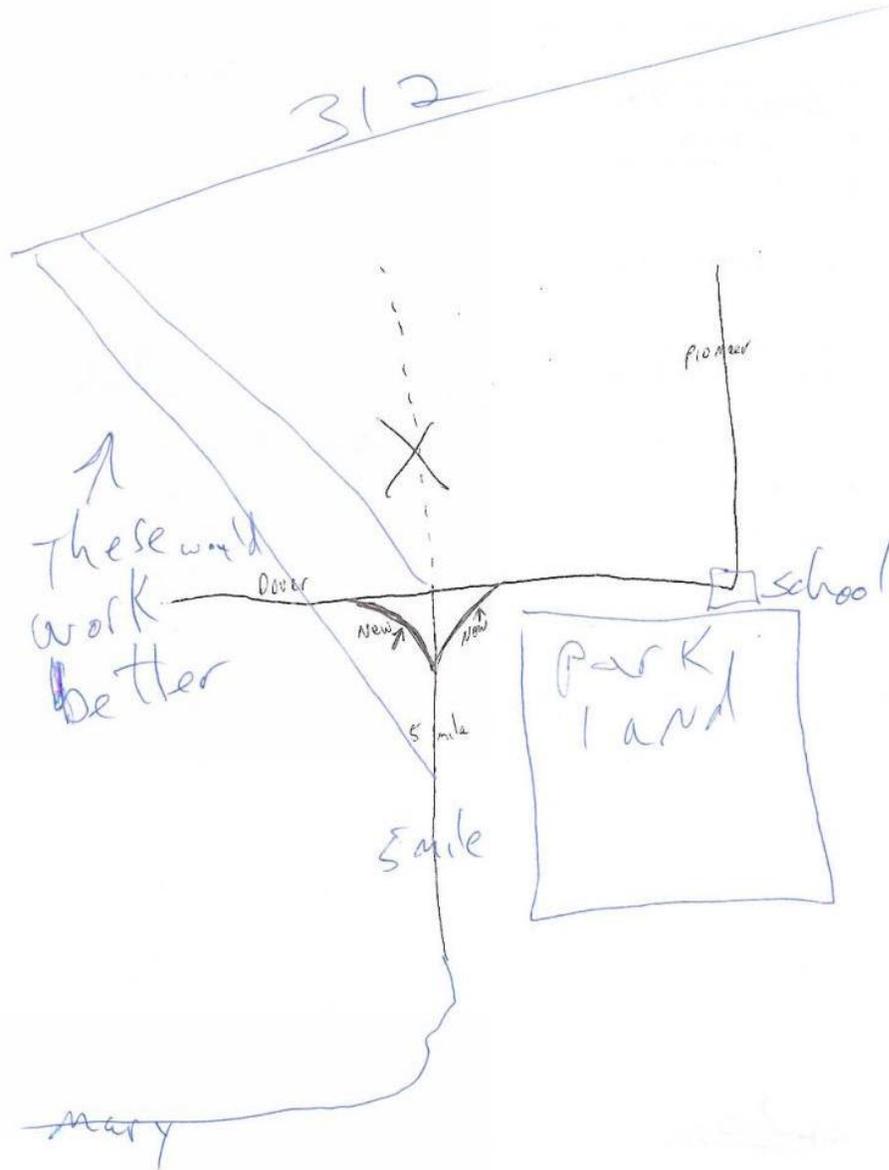
(continue on back)



- IND-106-a All build alternatives were analyzed in a three-step screening process to determine which would best meet the project purpose and need while minimizing impact to the community and environment. Various alignment options were considered in order to improve connectivity and mobility. The new alignment extending Five Mile Road north to Old Hwy 312 that is found in each alternative in the FEIS was determined to be the best at meeting the purpose and need while minimizing overall impacts. Though the alignment that the commenter has suggested was not specifically evaluated, a similar alternative known as the “Pinehills Split – Oxbow Park” was eliminated during Level 3 screening in part because the location of the alternative’s connection to Old Hwy 312 would perform poorly in support of future planning for a connection to US 87 and MT 3. The commenter’s suggested alignments would have the same issues as this eliminated alternative.
- IND-106-b Thank you for noting these resources. Chapter 4 of the FEIS discusses potential impacts to wetlands in Section 4.4.7, and potential impacts to the planned John H. Dover Memorial Park adjacent to the Yellowstone River are discussed in Section 4.3.2.



**Comment IND-106 Mike Southworth**





Map on preceding page relates to comment 106-a, addressed above.



## Comment IND-107 Mike Southworth

---

**From:** Southworth, Mike D (P66) [mailto:Mike.D.Southworth@p66.com]  
**Sent:** Saturday, September 15, 2012 9:23 PM  
**To:** Wendy Wallach  
**Subject:** FW: Billings bypass connection to 312

---

**From:** Southworth, Mike D (P66)  
**Sent:** Saturday, September 15, 2012 9:20 PM  
**To:** 'Laura Meyer'  
**Cc:** 'mikesouthworth@bresnan.net'; 'KMeis@deainc.com'  
**Subject:** RE: Billings bypass connection to 312

Laura,

I recently attended the meeting for the Billings Bypass update on September 12th and have a few concerns. We were told 13 or so houses will be "impacted" by any of the three proposed routes. This concerns me considering that there is plenty of farm ground and Gravel pits that could be purchased and would not have the adverse effects that a major road next to a subdivision filled with family homes would have. I live in the subdivision that is North of 5 Mile Road, one of the proposed routes, as either a main or secondary, and have a home that would be "impacted". I know that one of the routes that got eliminated from the project was Oxbow Park alignment. It was eliminated because "poor geometrics at connecting routes" and "performs poorly in support of future planning for a connection to US 87 and MT 3". Now that this project isn't considered for connectivity between the Heights and the West End all previously eliminated routes need to be reconsidered. Looking at the Oxbow Park route, it appears that few if any houses need to be "impacted". These routes would connect to 312 at the already widened 4 lane section. With one of the three routes I am suggesting you would only have one small bridge crossing and the distance of road needing to be built is roughly the same as the 5 Mile North section proposed. I believe, since this "Bypass" has changed from what it was proposed to do, that all previously eliminated options get need to get re-addressed. Before people lose family homes or part of their lots, please look at the farm land directly to the West and also the Ostimiller Gravel pits. I have included a rough idea of how these roadways could work without putting 13 homes on the cutting block. Please contact me if you have any questions and I look forward to your feedback.

IND-107-a

IND-107-b

thank you for your time,  
Mike Southworth  
2464 Clearwater Way  
Billings, MT 59105

---

**From:** Laura Meyer [mailto:Llhu@deainc.com]  
**Sent:** Monday, September 26, 2011 1:25 PM  
**To:** mikesouthworth@bresnan.net  
**Subject:** RE: Billings bypass connection to 312



IND-107-a The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the EIS discloses benefits and negative impacts related to the proposed project.

Chapter 2 describes the preliminary alternatives evaluated in detail in this document including the proposed alignments and typical sections, cost and funding, and schedule for this environmental impact statement (EIS) process and future project phases. It also describes the preliminary preferred alternative, those alternatives that were considered but were eliminated from further consideration, and the development and screening process used to identify the preliminary alternatives. The Oxbow Park alignment is part of the analysis. See the response to Comment 106-a regarding the alignment you are proposing west of Five Mile Road.

IND-107-b Regarding your suggestion to reopen the previously considered alternatives, the screening process considered all previously considered alternatives as part of the first screen for the re-scoped project, and remains valid for selection of alternatives in the FEIS. See Chapter 2 for more information on the screening process.



**Comment IND-108 Mike Southworth**

**From:** Wendy Wallach  
**Sent:** Friday, September 21, 2012 10:54 AM  
**To:** 'Southworth, Mike D (P66)'  
**Cc:** Mary Guse; Kacey Meis; 'Gocksch, Thomas'  
**Subject:** RE: Highway 312

Dear Mr. Southworth,

Thank you for taking the time to comment on the Draft Environmental Impact Statement. Your involvement and input are essential to helping make an informed decision on the Proposed Action. After the comment period ends on October 1st, all comments will be reviewed, analyzed, and evaluated both individually and collectively to ensure they are given equal consideration. The comments will then be responded to in writing and included in the Final EIS so that all interested parties can review them. To keep you informed throughout the process you are included in our mailing list and will receive project related public correspondence such as newsletters and ultimately a public notice that the FEIS is available for public review. In the meantime additional information on the project can be found at the project website. <http://www.billingsbypass.com/>

Sincerely,  
Wendy Wallach

---

**From:** Southworth, Mike D (P66) [<mailto:Mike.D.Southworth@p66.com>]  
**Sent:** Friday, September 21, 2012 10:45 AM  
**To:** Wendy Wallach  
**Cc:** Kacey Meis  
**Subject:** Highway 312

Did either of you receive my email about 312 Bypass?

Thank you,  
Mike

} IND-108-a



IND-108-a [Response sent via email, September 2012]

Dear Mr. Southworth,

Thank you for taking the time to comment on the Draft Environmental Impact Statement. Your involvement and input are essential to helping make an informed decision on the Proposed Action. After the comment period ends on October 1st, all comments will be reviewed, analyzed, and evaluated both individually and collectively to ensure they are given equal consideration. The comments will then be responded to in writing and included in the Final EIS so that all interested parties can review them. To keep you informed throughout the process you are included in our mailing list and will receive project related public correspondence such as newsletters and ultimately a public notice that the FEIS is available for public review. In the meantime additional information on the project can be found at the project website. <http://www.billingsbypass.com/>



**Comment IND-109 Mike Southworth**

Public Hearing Testimony – September 12, 2012

I live north of Dover. I'm just curious of how many of the alternatives were actually considered before they were eliminated? I don't think anything was researched that hard. A lot of farm property and no houses; I don't think it was looked at good enough.

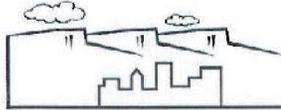
} IND-109-a



- IND-109-a The preferred alternative was developed after a substantial alternatives development and screening process. For more information on that process and the screening of alternatives, see Chapter 2 of the FEIS. Chapter 2 describes the preliminary alternatives evaluated in detail in this document including the proposed alignments and typical sections, cost and funding, and schedule for this environmental impact statement (EIS) process and future project phases. It also describes the preliminary preferred alternative, those alternatives that were considered but were eliminated from further consideration, and the development and screening process used to identify the preliminary alternatives.



**Comment IND-110 Rachael Southworth**



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



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**Please Send Us Your Comments**

Public Hearing, September 12, 2012

Your comments regarding the Billings Bypass Draft Environmental Impact Statement are very important. Thank you for taking the time to comment. Please return this form to:

Tom Martin, P.E., Environmental Services Bureau Chief  
Montana Department of Transportation Environmental Services  
2701 Prospect Avenue, PO Box 201001  
Helena, Montana 59620-1001

Check here if you wish to be added to Project Mailing List:

Please Print Name: Rachael Southworth  
Mailing Address: 2464 Clearwater Way  
City, State, Zip: Billings, MT 59105

**Comments** My first concern is why are we even still looking/spending money on a project when the funds aren't available? This is absolutely crazy to me! Why would we build a brand new road north of Smile road when there is already two ~~two~~ roads (Dover road + Pioneer Road) that could connect to the existing Smile rd. Why spend more money when it is not NEEDED??

IND-110-a

Please also take another look at the oxbow park option as it would only "impact" farm fields! You do also realize the truck traffic is from gravel pits that won't be there forever! One of the main gravel pits being on DOVER!

IND-110-b

(continue on back)



- IND-110-a Your comment about funding has been noted. The project cost and funding are addressed in Section 2.3.5 of the FEIS. This analysis has been updated since the publication of the DEIS.
- IND-110-b All three of the Oxbow Park Alignments were eliminated at the third level of screening. The Pinehills and Pinehills Split Interchange - Oxbow Park Alignments were eliminated due to their marginal travel time benefits, low traffic volumes between Old Hwy 312 and Five Mile Road, and poor geometrics at connecting routes. Additionally, the alignments are 73% (for Pinehills Split) and 49% (for Pinehills) more costly than the Johnson Lane - Oxbow Park Alignment but with less travel time benefit and high private property impacts.
- The Johnson Lane Interchange - Oxbow Park Alignment was eliminated due to low traffic volumes between Old Hwy 312 and Five Mile Road, and poor geometrics at connecting routes.
- Additionally, for all three of the Oxbow Park alignments, the Old Hwy 312 connection location performs poorly in support of future planning for a connection to US 87 and MT 3.
- The new arterial would extend north of Dover Road to connect with Old Hwy 312 to carry additional traffic brought by the new connection across the Yellowstone River. Dover Road and Pioneer Road alone would not offer enough capacity for the expected traffic.



**Comment IND-111 Jess Spect**

Public Hearing Testimony – September 12, 2012

I'm a landowner on the Lockwood /Johnson Interchange. I think this even for business owners is going to be rough because if they don't do this project right like a lot of things they do along Billings and Lockwood, that it's useless to do. We have a Lockwood Sewer System that has no water down our street and this is off this Interchange. There's no reason to have all this because we're going to have all the traffic from the west end coming in from Huntley and Shepherd. If they don't put a good Interchange in and a good system, it will be worthless, on top of everyone it affects in the Heights.

} IND-111-a



- IND-111-a Thank you for your comment. Each of three build alternatives begins at the Johnson Lane Interchange with I-90 and uses approximately the same alignment north across the railroad towards one of two potential locations for crossing the Yellowstone River. The connection to I-90 would be located at Johnson Lane, requiring reconstruction of the existing interchange. The precise configuration of this interchange will be determined during final design. Five preliminary conceptual designs for the interchange have been evaluated. The concepts are presented in Appendix H. The impact analysis documented in Chapter 4 accounts for the maximum potential impact anticipated in the vicinity of this interchange.



**Comment IND-112 Teresa Stroebe**

Public Hearing Testimony – September 12, 2012

Would everybody from Lockwood raise your hands please? There aren't a lot of us from Lockwood here tonight and to the guy in the Heights who has a business, I would just as soon go across a bridge and shop in the Heights than drive all the way out to the west end. 24<sup>th</sup> Street is a long ways from my house and so is the Career Center for our kids. So I would like the opportunity to be united to the Heights. I think Lockwood appreciates its neighbors in the Heights and I think we can work this out.

} IND-112-a



IND-112-a Thank you for participating in the public meeting and indicating your preference so it can be included in project records.



## Comment IND-113 Tracy Thoreson

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Wednesday, September 26, 2012 8:23 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Tracy Thoreson  
address: 1835 Mary Street  
city: Billings  
state: Montana  
zip: 59105  
phone:  
email: [hudecek1@hotmail.com](mailto:hudecek1@hotmail.com)

**comments:**

Im requesting a EPA member come to Meeting of Mary Street citizen before the Oct 1st 2012 deadline and explain findings. In addition Where on the website is the completed study?

} IND-113-a

mailinglist: yes  
userstring: EACPV  
PHPSESSID: 438b1tc2olpqonv0db90iestb4



IND-113-a The public hearing held on September 12, 2012 was designed to explain the findings of the study. No additional meetings prior to the close of the public comment period on October 1 were able to be scheduled.

[Email below was sent to commenter on October 11, 2012.]

Hello Tracy Thoreson,

Please accept our apologies for a slow response. We received a large volume of comments on the project and are in the midst of reviewing them now. All comments received before the close of the comment period on October 1, 2012 will receive a formal response in the Final EIS.

We have several comments on file from you, so I am hoping that means you were able to find a copy of the completed Draft Environmental Impact Statement (DEIS). If not, the completed study can be found on MDT's website here:  
[http://www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml) (scroll to bottom and click on the individual files listed under projects "In Progress"). There is a link to this MDT page from the home page of the Billings Bypass website here: <http://billingsbypass.com/>

Thank you for your comments.



**Comment IND-114 Tracy Thoreson**

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Sunday, September 30, 2012 12:24 AM  
**To:**  
**Subject:** Billings Bypass EIS

name: Tracy Thoreson  
address: 1835 Mary Street  
city: Billings  
state: Montana  
zip: 59105  
phone:  
email: [hudecek1@hotmail.com](mailto:hudecek1@hotmail.com)

comments:

All comments are for property at address 1835 Mary Street Billings Montana 59105. When a NAFTA Super Highway is built how will the natural water flow that feeds the wetlands with cattails marsh and sub irrigation be protected from the effects of the pollution and building project? How much property will be condemned by the Highway department? What will be the frontage road access and what amenity's will be offered to allow safe on and off route to get to existing home? Will the home be land locked? Will a noise barrier be built? Will a fence to keep local wildlife,livestock and household pets on house side be built by the Hwy department? Will homeowner have option to sell entire property at replacement cost? Five Mile Creek is a corridor for wildlife that moves Yellowstone River How has the effect been measured and who did the study? Tracy E. Thoreson

} IND-114-a

mailinglist: yes  
userstring: 9XXE6  
PHPSESSID: u3vt4nbf1n15n4lqak83rc3us6



IND-114-a The existing Mary Street will be a frontage road if either of the Mary Street Options is constructed.

Section 2.3.2 has been updated to present expanded information regarding access to Mary Street. During final design, information would be solicited from the affected landowners and business owners along the selected alternative to ensure that reasonable access would be maintained to the extent practicable.

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



### Comment IND-115 Tracy Thoreson

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [<mailto:www@mdt.mt.gov>]  
Sent: Sunday, September 30, 2012 11:12 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/30/2012 23:11:33  
Project Commenting On: Billings By Pass  
Nearest Town/City to Project: Billings  
Project Milepost: 1835 Mary Street Billings Mt 59105  
Name: Tracy Thoreson  
Address Line 1: 1835 Mary Street  
City: Billings  
State/Province: Montana  
Postal Code: 59105  
Email Address: [hudecek1@hotmail.com](mailto:hudecek1@hotmail.com)  
Phone Number:

Comment or Question:

All questions have to do with the property located at 1835 Mary Street Billings, MT 59105

What is the location and amount of land that will be condemned for option 2 on the property?

How will we access off property to the Mary Street road or the frontage road?

Will the current grade of road to access Mary Street be part of the same grade level to access highway?

What is the time frame expected for this phase to start and be completed in?

A large portion of this property has natural water sources that keep the place green during the growing season. In addition to the fact that Marsh land full of Cattails and swap, and a year round creek is about 100 feet from where option 2 road would be

} IND-115-a

} IND-115-b

} IND-115-c

} IND-115-d



IND-115-a Right-of-way impacts and associated mitigation are described in Section 4.3.5.2. Based on the preliminary (approximately 30 percent) design that is available at this early stage of the design process, the affected acreage for your property (Parcel number 03103312301400000) along the entire length on the south end of the property would be approximately 4.9 acres for Mary Street Options 1 and 2 and approximately 1.25 acres for the Five Mile Road alignment. Access to Mary Street will be maintained as it currently stands. The grade access to the highway will be determined as the project nears final design. As the design process continues for the alternative ultimately selected in the ROD, potential impacts could change slightly.

IND-115-b Section 2.3.2 has been updated to present expanded information regarding access to Mary Street. During final design, information would be solicited from the affected landowners and business owners along the selected alternative to ensure that reasonable access would be maintained to the extent practicable.

The current design shows that generally along Mary Street, the new arterial roadway is slightly higher but essentially the same elevation as Mary Street. The exact elevation of the new arterial roadway will be determined during final design. Existing access will be perpetuated in compliance with MDT's current access management practices. Driveways and access roads that would connect to the new arterial roadway would be reconstructed to meet current MDT design criteria.

IND-115-c As noted in Chapter 2, construction methods, phasing, and timing of construction have not been fully defined and will be determined as the design progresses and funding for the project is finalized. Right-of-way acquisition could begin as soon as the FHWA makes a decision about the project (Record of Decision).

IND-115-d The biology team spent three days in the vicinity of Mary Street. The study area included 250 feet north of the right-of-way and followed the right-of-way line to the south. The nearby springs, wetlands, and wildlife were identified in the *Biological Resources Report* (DEA 2011). Any project activities that affect wetlands or waters of the United States will need to go through the 404 permitting process, which will include mitigation requirements for unavoidable impacts. Avoidance and minimization measures would be incorporated into both the construction and operation phases of the project.

Regarding your concerns about water sources, a hydrogeologist has investigated the concerns about groundwater near Mary Street, and the results of those investigations have been included in the Section 4.4.3 of the FEIS. Based on the fairly minor cuts and fills proposed near Mary Street and the soil lithology consisting of terrace gravels overlying bedrock, groundwater effects due to fill surcharge are anticipated to be relatively minor. The existing irrigation facilities will be perpetuated in a manner agreeable to the irrigation owners. Section 4.4.3 of the FEIS describes the potential effects of the build alternatives on groundwater resources.

Any wells directly impacted by the project would be mitigated in consultation with the water user.



**Comment IND-115 Tracy Thoreson**

built. How does the MDT plan to protect and maintain the natural water source?

How will the MDT compensate for the grazing land lost? This area is used 7 months out of the year?

Will a fence and cattle guards be put up and maintained by MDT?

Tracy Thoreson  
1835 Mary Street  
Billings, MT 59105  
[Hudeceki@hotmail.com](mailto:Hudeceki@hotmail.com)

} IND-115-d  
Cont.  
IND-115-e

Submitter's IP address:

Reference Number = picomment\_87890625



IND-115-e As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners.

In addition, impacted fences, including livestock pens, would be relocated in consultation with the property owner. Property owners with impacted stock passes would be consulted during final design to continue to accommodate this use as needed. Maintenance of fencing and cattle guards will remain the responsibility of the landowner.



### Comment IND-116 Tracy Thoreson

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Sunday, September 30, 2012 11:56 PM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/30/2012 23:56:12  
Project Commenting On: Billings By Pass  
Nearest Town/City to Project: Billings  
Project Milepost: 1835 Mary Street Billings Mt 59105  
Name: Tracy Thoreson  
Address Line 1: 1835 Mary Street  
City: Billings  
State/Province: Montana  
Postal Code: 59105  
Email Address: [hudecek1@hotmail.com](mailto:hudecek1@hotmail.com)  
Phone Number:

Comment or Question:  
Questions for Billings bypass  
For Property located at 1835 Mary Street Billings Montana and the Yellowstone County Citizens

Tell us the truth the proposal it is the same as the NAFTA Highway connecting Billings Montana to Great Falls Montana. Just a different route with future building to Huge Super highway system.

In 1966 the original path coming North connecting Lockwood with Highway 312 and Highway 87 would have affected ranches and farmers these land owners did not want a highway system crossing their property then, what makes MDT believe citizens want a highway system 80 feet from their front door. Nothing has changed just the people in government digging at a old concept that has been put down Many times by the citizens of Yellowstone County.

The only option now is the NO BUILD

} IND-116-a



IND-116-a Thank you for indicating your preference so it can be included in project records.

The project, as defined in Chapter 1 of the FEIS, intends to improve access and connectivity between 1-90 and Old Hwy 312 to improve mobility in the eastern area of Billings.



### Comment IND-116 Tracy Thoreson

The roadway and routes from Lockwood to Billings Heights and 3 Highway systems already exists the MDT and Yellowstone County have successfully made improvements over the years to keep traffic flow moving smoothly. The Bridge from Lockwood to Billings has been rebuilt. The roadways widen with access improving from main roads to existing Highway systems.

IND-116-a  
Cont.

The proposed highway places overly restrictive conditions on future land value the noise level is above acceptable decibel levels heavy truck traffic lowers property value at a rate 150 times greater than cars. This is because at 50 feet heavy trucks emit noise at 90 dBA while a car traffic produces noise at a level of 50dBA in addition heavy trucks can produce vibrations transmitted through the earth damaging nearby homes. The speed at which a vehicle moves is directly connected to the dBA level as speed increases noise increase so a vehicle traveling at 65Mph is twice as loud as a vehicle traveling at 35Mph. The noise level projected at the September 12, 2012 Billings bypass Public Hearing MDT representative stated the noise level is within the allowable limit how can 16000 vehicles going 55 Mph 80 feet from a home owners front door be allowable? I believe the MDT needs to change the definition of allowable noise level.

IND-116-b

The option 2 road interferes with land stability most of the land has high water table so majority of irrigation is natural what will highway department do to maintain current property water system?

IND-116-c

Where highways are created through existing communities, there can be reduced community cohesion and more difficult local access. Consequently property values have decreased in many cutoff neighborhoods, leading to decreased housing quality over time. Property value air quality increased risk for accident when accessing road from house.

IND-116-d

Separation of neighbors by interstate puts limits on daily use of Mary Street, and all streets and connecting neighborhoods we will no longer have access to safe pedestrian and bicycle use.

Local neighborhood traffic increases. Using this route feeds 4 area elementary schools. Beartooth Elementary blocked off Hawthorne and Bitterroot. Many children ride their bicycles ever morning up Bitterroot and Hawthorne to travel to and from School. Bitterroot School is bottle necked during drop off and pick up children walk and ride bikes. Independent School is 45 MPH off highway 87 parents pick up and drop off during school hours area is always congested adding 16000 more vehicles does not improve quality of life and safety to residents.

IND-116-e

5 Mile Creek feeds into the Yellowstone River this area is a corridor for wildlife not a corridor to speeding vehicles.

IND-116-f

This building site for our home was carefully chosen because of the natural water sources the proximity to city limits, the State Park that will be a beautiful lake in the near future when Knife River has finished mining the park will boarder Dover and 5 Mile Road. The wildlife is abundant many creators reside here a pair of Hawks have made nests in 2 Trees on this site, large herds of deer use this area, mountain lions have come up the creek, to many birds to cover Sand hill cranes, ducks, quail and geese. Wetland Cattails lay of the land there are lighting bugs that light up the yard.

IND-116-g

This area is not replaceable by any dollar amount.

Tracy Thoreson



- IND-116-b The noise analysis and impacts to receptors in the project area are discussed in the FEIS in Section 4.3.8.2. Noise impacts have been evaluated and would be addressed in accordance with MDT’s Traffic Noise Analysis and Abatement: Policy and Procedure Manual (2011). The evaluation found that while noise levels are predicted to increase with the construction of the preferred alternative, abatement measures would not be reasonable or feasible based on federal or state guidelines. MDT’s noise policy is based on guidelines established at the federal level. See Appendix E for the Traffic Noise Impact Assessment.
- IND-116-c Section 4.4.3 of the FEIS describes the potential effects of the build alternatives on groundwater resources. Also see the response to IND-115-d.
- IND-116-d The build alternatives are designed to meet the project purpose and need, as described in Chapter 1, to improve connectivity and accessibility throughout the study area and the region. Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project.
- Please see Section 4.2.4, “Pedestrian and Bicycle Facilities,” for analyses of the impacts to active transportation facilities within the study area for each of the three proposed build alternatives.
- IND-116-e Section 4.2 of the FEIS presents the traffic analysis, including analysis of bicycle and pedestrian impacts associated with the build alternatives. Beartooth Elementary is south of the project area. Southeast of Hawthorne Lane and Wicks Lane, traffic volumes are not expected to substantially increase with the preferred alternative compared to the No Build Alternative. Bitterroot School is located on Bench Boulevard, and the project’s traffic projections indicate that the proposed route would reduce traffic on Bench Boulevard to some degree by diverting traffic to the new facility. In addition, final design of the Bench Boulevard reconstruction project is almost finished and will most likely be complete before construction of the Billings Bypass. Independent School is located on US 87, north of Old Hwy 312, and the projected traffic volumes on US 87 are same for the build alternatives as they are for the No Build Alternative.
- Students attending Pioneer Elementary School and their families could be temporarily affected by detours during construction along Five Mile Road, but traffic volumes are expected to be similar to those with the No Build Alternative (average traffic of 2,200 vehicles per day under the No Build compared to 2,300 with the preferred alternative).
- The only portion of the project that has a traffic projection of 16,000 vehicles per day is the segment between the river crossing and Johnson Lane.
- IND-116-f The wildlife movement areas at the Yellowstone River and Five Mile Creek are avoided by using bridge crossings. However, all of the alternatives are anticipated to have some direct and indirect impacts to wildlife due to the development of new roadways.
- IND-116-g The wildlife and other natural resources along Mary Street were identified in the *Biological Resources Report* (DEA 2011) and are summarized in Sections 4.4.3 through 4.4.11 of the FEIS. Impacts to wildlife were evaluated and compared for all the alternatives in Section 4.4.9. All of the alternatives are anticipated to have some direct and indirect impacts. Avoidance and minimization measures were incorporated as part of the project.



## Comment IND-117 Tracy Thoreson

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, October 01, 2012 8:29 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Tracy Thoreson  
address: 1835 Mary Street  
city: Billings  
state: Montana  
zip: 59105  
phone:  
email: [hudecek1@hotmail.com](mailto:hudecek1@hotmail.com)

comments:  
Billings Bypass 2012

Tracy Thoreson  
1835 Mary Street  
Billings, Mt 59105  
[Hudecek1@hotmail.com](mailto:Hudecek1@hotmail.com)

Questions are base on option #2

With 15000 vehicles feeding into this corridor it would be unsafe for the 4 schools serving the area. Beartooth elementary, Bitterroot elementary, Pioneer elementary and Independent elementary?

Time frame for each phase?

What is going to be condemned?

How much property required for project?

IND-117-a



IND-117-a Project impacts and mitigation measures are described in Chapter 4 of the FEIS. Regarding impacts to schools, see response to IND-116-e above. Regarding access, see response to IND-115-b. Right-of-way impacts are outlined in Section 4.3.5 of the FEIS.

As noted in Chapter 2, construction methods and phasing have not been fully defined and will be determined as the design progresses and funding for the project becomes available.

Regarding the property acquisition process, as described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners.



**Comment IND-117 Tracy Thoreson**

If property owners are only willing to sell 2 lanes width for initial project how does this affect cost basis for project?

Elevation differences from current to Mary Street how will residence on North side access Mary St?

Irrigation and ground water feeds a large portion of the properties, how will the water resources be protected?

For land owner with lease on minerals, oil, and coal how is this being compensated?

The noise assessment stated the speed would have to be 35 miles an hour to maintain required noise levels in city limits.

What kind of noise barriers will be built? Assessment states noise barrier cost exceeds cost effective limits in place for speeds above 35mph.

Yellowstone River park association had a representative at the Public hearing that stated MDT had never contacted any board member about the project. The Yellowstone River Park associate is a major property owner. What is the outcome of the meeting with the Yellowstone River park association?

Who owns the property that boards the purposed bridge on both sides?

In the state of Montana how many miles of 2 lane interstate highways exist as opposed to 4 lanes?

You can drive from Billings to Canada across the highline and never hit a 4 lane highway or interstate travel throughout the state accessible to all.

Why would an Interstate be built in residential neighborhoods?

What is the vehicle accident rate for that particular roadway take into account the accident rate would increase greatly due to the residential homes Pedestrians travel Bike trail in this area?

IND-117-b

IND-117-c

IND-117-d

IND-117-e

IND-117-f

IND-117-g

IND-117-h



- IND-117-b These questions all relate to the right-of-way acquisition process. MDT would attempt to purchase the full amount of right-of-way required for the full buildout of the selected alternative. As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners. Existing rights, such as irrigation or mining rights, are considered as part of the acquisition process.
- IND-117-c The noise analysis and impacts to receptors in the project area are discussed in the FEIS in Section 4.3.8.2. Noise impacts have been evaluated and would be addressed in accordance with MDT's Traffic Noise Analysis and Abatement: Policy and Procedure Manual (2011). The evaluation found that while noise levels are predicted to increase with the construction of the preferred alternative, abatement measures would not be reasonable or feasible based on federal or state guidelines. MDT's noise policy is based on guidelines established at the federal level. See Appendix E for the Traffic Noise Impact Assessment.
- IND-117-d The Yellowstone River Park Association is one of the stakeholder groups involved in the project; members of the YRPA, including board members, met with MDT staff about the project in June 2011. Notes from that meeting are on the project website under stakeholder meetings at this address: <http://www.billingsbypass.com/public.htm>, and are included in Appendix G of this FEIS. Appendix G also contains notes from a subsequent meeting with YRPA on September 21, 2012, after the release of the DEIS.
- IND-117-e The land on the west of the Mary Street Option 1 Alternative bridge is privately owned. For the bridge proposed for both the Mary Street Option 2 and Five Mile Road alignments, Yellowstone River Parks Association owns the land on the northwest and a private landowner owns the land on the southeast.
- IND-117-f There are no remaining sections of two-lane Interstate Highways in Montana. Highway 2, the primary highway linking towns along the Highline, passes through a number of cities and towns that have four lanes of travel through the town. Future travel on the bypass, beyond the year 2035, will require four lanes as surrounding development continues to occur.
- IND-117-g The Billings Bypass project would not be an interstate highway. A principal arterial with National Highway System (NHS) rural and/or urban standards is proposed for this project. An arterial road delivers traffic to highways, and a principal arterial is a major arterial road. A principal arterial would best serve the purpose of improving connectivity between I-90 and Old Hwy 312 and improving mobility in the eastern area of Billings. The NHS standards provide a good range of criteria that can be used to develop context-sensitive design. Principal arterial standards reflect the design objective of balancing through mobility and local access needs. The use of rural standards or urban standards was applied based on the character of each corridor under consideration. More information on the application of design standards for specific project corridors and segments can be found in the *Billings Bypass Alternatives Report* (DEA 2011b).
- See Chapter 1 of the FEIS for a description of the purpose and need for the project, and Chapter 2 for a description of the alternatives development.
- IND-117-h The new roadway would be constructed to the most current standards of safety for motor vehicles, bicycles, and pedestrians. The design will incorporate Billings' Bike Net bike



trail crossings and other provisions as required. Pedestrian and bicycle safety are addressed in Section 4.2.4 of the FEIS. Section 2.3.3 of the FEIS describes typical sections for different sections of the alternatives, including proposed speeds.



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**Comment IND-117 Tracy Thoreson**

How will people get from Mary Street to the bike trail without crossing speeding vehicles?

} IND-117-g

The purposed speed is of great concern in addition to the increased vehicle travel what are the numbers now compared to those projected?

} IND-117-h

With the State Park being developed at the Empire sand and Gravel off Dover Road, this substantially increase values of all the properties involved in all the purposed sites? Has the MDT figured this into budget?

} IND-117-i

Has MDT looked at studies (Traffic & Neighborhood Quality of Life) where interstates have gone through residential neighborhoods and the long term problems that result from the interstate?

What studies did MDT use on pedestrian and cyclist safety, noise, health and property value, air quality?

} IND-117-j

Where on Mary Street, when and for how long did the traffic counter used in MDT report?

Where on Mary Street, when and for how long did the traffic noise study used in MDT report?

} IND-117-k

mailinglist: yes  
userstring: 3VRZF  
PHPSESSID: irunug5ndau5uvdpgoi4k14m70



- IND-117-g The current Billings bike trail system includes one bicycle/pedestrian trail along the old railroad grade alignment. The project will coordinate design of the trail crossing with the City of Billings and will include an at-grade crossing or a grade-separated crossing. All other future trails and bicycle/pedestrian facilities will include similar design coordination.
- IND-117-h The design speed of the proposed facility north of the river is 60 mph. However, there is a difference between design speed and operational speed limits. The design speed ensures that all vertical and horizontal geometry provides for safe operations, while the operational speed limits are set by engineering safety studies when the facility is initially placed in service. As the roadside culture changes in the future, additional studies will be completed to ensure that the speed limits are appropriate for current conditions. As an example, the recent construction of Old Hwy 312 east of US 87 had a design speed of 70 mph, and the posted speed limits currently range from 50 to 55 mph. Additional information on traffic projections can be found in the Preliminary Traffic Study Report appended to this FEIS.
- IND-117-i As noted in the response to Comment IND-23-a, the projected cost of the build alternatives included a calculation of the right-of-way costs based on a combination of real estate listings, land use types, and presence of structures. A formal market analysis of individual property values has not been performed. The land area used for the calculation included expected right-of-way width for the roadway as defined by MDT criteria, plus any additional width needed for cut/fill slopes, plus, in areas of cut/fill, an additional 10 feet for maintenance and utility access. The footprint should be considered conservative based on the current information and level of design. Any variation between actual and estimated values is considered to be accommodated within the estimate's contingency.
- IND-117-j The potential impacts disclosed in Chapter 4 are based on guidance from FHWA, MDT, and professional judgment. Chapter 9 lists the documents and other sources that were used to support the information presented in the FEIS.
- IND-117-k The traffic and noise studies to support the FEIS were completed in 2012. The traffic report was updated to support the FEIS in 2013 and is on the attached CD and available at [http://www.mdt.mt.gov/pubinvolve/eis\\_ea.shtml](http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml). Traffic study data was based upon average daily traffic (ADT) counts supplied by Montana Department of Transportation, City of Billings, and Yellowstone County, and independent consultant counts. Peak traffic volumes at intersections came from the same data sources. Peak traffic counts on Mary Street were taken at the intersections of Hawthorne Lane and Bitterroot Drive as a part of the Bypass traffic study in 2011. The peak traffic period of the day was determined to be generally between 4:30 PM and 5:30 PM.

The noise study was completed using accepted methods. Seven locations were selected to take measurements of existing noise. These are depicted in Figure 3.29 and listed (with 2011 noise data) in Table 3.18 in the FEIS.



### Comment IND-118 Tracy Thoreson

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Monday, October 01, 2012 10:28 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Tracy Thoreson  
address: 1835 Mary Street  
city: Billings  
state: Montana  
zip: 59105  
phone:  
email: [hudecek1@hotmail.com](mailto:hudecek1@hotmail.com)

comments:  
Save Us from Billings Bypass

Pedestrians and bicyclist from surrounding neighborhoods use Mary Street everyday this is a quiet area for all with an occasional car that passes by. We choose our retirement home here because beautiful setting natural resources, livability and lay of the land. The Mary Street road provides a safe access off and on to our property. We planned for the future as we grow older the road access traffic where factored in.

Health concerns cars and trucks are responsible for 81% of carbon monoxide emissions, 49% nitrogen oxide omissions and nearly one third of carbon dioxide and other green house emissions.

These harmful pollutants from cars and trucks exacerbate asthma and cause other respiratory illnesses and some cancers. A wall or tree is not going to protect people from the pollutants produced by these vehicles traveling 80 feet from their bedrooms kitchens backyards is this where you would raise your family?

The Billings Bypass is being built focused on high speed auto mobile traffic at the expense of community livability and safety of the people.

This project cannot be built it is not compatible with the community.

This is all about saving time for people who don't even live here. The project is all about connecting highway systems using Billings Bypass as a cover name.

If the name is Billings by pass WHY is it cutting through neighborhoods? Are the people living on the effected streets not considered part of the Billings community do we not count?

Is the new name for us The Bypass people?

mailinglist: yes  
userstring: CZKMP  
PHPSESSID: hog4qla9jqbcm281ec71g9ir10

} IND-118-a

} IND-118-b



IND-118-a Both the Mary Street 1 and Mary Street 2 Alternatives would provide 8-foot-wide shoulders that could be used for bicycle travel. The existing Mary Street corridor would be retained as a local access road, from which residents may access their property, and could also be used as an alternate bike route and would be more conducive to pedestrian travel. Residents along the existing Mary Street corridor would see a decrease of vehicular traffic if either of the Mary Street Alternatives were constructed.

For example, if the Mary Street Option 2 Alternative is constructed, the new arterial roadway that would be located to the north of existing Mary Street would see an average of 9,000 vehicles per day between Hawthorne Lane and Bitterroot Drive, while the existing Mary Street would see 1,950 vehicles per day in 2035. Under the No Build Alternative, the same section of Mary Street would see 2,800 vehicles per day in 2035.

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

IND-118-b Although one of the needs for the project identified in the FEIS includes improving truck/commercial vehicle access to and through Billings, the project is also needed to improve connectivity between Lockwood and Billings, and to improve mobility to and from Billings Heights. As noted in the FEIS, the rimrocks, the Yellowstone River and the railroad, and I-90 create barriers for north-south connections in the Billings area, which affect not only regional traffic but local traffic as well. Both I-90 and US 87 cross the Yellowstone River near downtown Billings, and the next river crossing is more than nine miles north at Huntley. The challenging topography in the Billings area, coupled with limited connections across the river, the railroad tracks, and the interstate, result in both local and regional north-south traffic being funneled through the US 87/Main Street corridor in the urban area of Billings.

The Executive Summary and Chapter 1 explain that dedicated funding requires that the Bypass name be retained, even though the revised purpose and need statement is more restrictive than that for the original project. See also the response to Comment IND-09-a for more information.



**Comment IND-119 Tracy Thoreson**

Public Hearing Testimony – September 12, 2012

I live on Mary Street. I was just wondering if anybody at this meeting has ever beaten the Federal Government in trying to put in a highway. If they know of anybody would they please contact me? I do want to beat this. It's ridiculous to put a Freeway or Highway through people's homes when you're doing a 20-year project. Go 20-years down the road not right at the edge of town where it's not needed.

} IND-119-a



IND-119-a Thank you for participating in the project and indicating your preference so it can be included in project records.



**Comment IND-120 Unidentified**

Public Hearing Testimony – September 12, 2012

I live on Mary Street. The bottom line is nobody wants this going through their neighborhood or near their residential area. The City needs a north Bypass and that's what it started out to be. Now because of the funding or whatever reason that's been abandoned and you're going to have a half-baked project that's going to cause more problems than it's going to fix. I just think there's other alternatives that could be looked at that would impact far less people. It just seems like when it comes to government bureaucracy, we get some money and we've got to spend it no matter how much. Unfortunately for the Heights, when there's something out there that people want nobody will come up with a dime, but when it's something you don't want, by God they can find money.

IND-120-a



IND-120-a Thank you for indicating your preference so it can be included in project records.

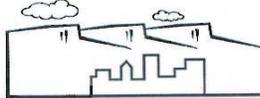
Throughout the development of the project, many alternatives were considered but eliminated from further study. The alternatives considered and the reasons for their elimination can be found in Chapter 2 of the FEIS and in the alternatives development memo.



BILLINGS BYPASS EIS  
NCPD 56(55)CN 4199

FINAL ENVIRONMENTAL IMPACT STATEMENT – MARCH 2014

**Comment IND-121 Susan J. Weaver**



BILLINGS BYPASS EIS  
NCPD 56(55)CN 4199



RECEIVED

SEP 20 2012

ENVIRONMENTAL

**Please Send Us Your Comments**

Public Hearing, September 12, 2012

*By Oct. 1*

Your comments regarding the Billings Bypass Draft Environmental Impact Statement are very important. Thank you for taking the time to comment. Please return this form to:

Tom Martin, P.E., Environmental Services Bureau Chief  
Montana Department of Transportation Environmental Services  
2701 Prospect Avenue, PO Box 201001  
Helena, Montana 59620-1001

Check here if you wish to be added to Project Mailing List:

Please Print Name: SUSAN J. WEAVER

Mailing Address: 3306 COULSON Rd.

City, State, Zip: BILLINGS, MT. 59101

Comments Please Keep me informed!

Thank you

} IND-121-a

(continue on back)



IND-121-a Thank you for indicating your interest in the project. You have been added to the project's mailing list.



## Comment IND-122 Riley Wegner

**From:** ProjectComments@delawarepark.safesecureweb.com  
**Sent:** Thursday, September 27, 2012 11:55 PM  
**To:**  
**Subject:** Billings Bypass EIS

name: Riley Wegner  
address: 2307 Lewis Ave.  
city: BILLINGS  
state: MT  
zip: 59102  
phone:  
email: [rlwegner4.0@gmail.com](mailto:rlwegner4.0@gmail.com)

**comments:**

Each of the alternatives affect the residential area in nearly identical, negative ways. I speak for many when I say I would vote against each of the options. The best choice is to Not build until alternatives are designed that are in the best interest for that Heights community and it's residents. Thank you for your consideration.

} IND-122-a

mailinglist: yes  
userstring: U3WMH  
PHPSESSID: k46honmkpu9j3tp6oeshn6ifp5



IND-122-a Thank you for indicating your preference so it can be included in project records.



### Comment IND-123 Gary R. Weitz

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]  
Sent: Saturday, September 29, 2012 8:55 AM  
To: MDT Comments - Project  
Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/29/2012 08:55:22
Project Commenting On:	Billings percent 20Bypass percent 20EIS
Name:	Gary R. Weitz
Address Line 1:	1633 Main Street A-107
City:	Billings
State/Province:	MONTANA
Postal Code:	59105
Email Address:	<a href="mailto:gary.r.weitz@exxonmobil.com">gary.r.weitz@exxonmobil.com</a>
Phone Number:	

Comment or Question:

I favor the Mary Street Option 1 Alternative. It seems to be the most direct route.

} IND-123-a

Submitter's IP address:

Reference Number = picomment\_232421875



IND-123-a Thank you for indicating your preference so it can be included in project records.



## Comment IND-124 Todd Winkler

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Thursday, September 20, 2012 1:28 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item:	Comment on a Project
Submitted:	09/20/2012 13:28:25
Project Commenting On:	Billings Bypass EIS
Name:	Todd Winkler
Address Line 1:	3050 N. Frontage Rd.
City:	Billings
State/Province:	MT
Postal Code:	59101
Email Address:	<a href="mailto:lashawn@winklertrucking.com">lashawn@winklertrucking.com</a>
Phone Number:	
Fax Number:	

### Comment or Question:

I am writing to inquire about how the new Bypass will affect my business? I am located at 3050 N. Frontage Rd. I own approximately 15 acres that all of your options entail. Specifically I am wondering how I will access my property and how Sannon Blvd will be utilized. If I had to access my property from Sannon Blvd how would Axiom be affected and would they be forced to "give up" property as well? I am the owner of a trucking company which pulls doubles. I am very concerned in regards to safety and access. A set of doubles needs ample space for safe movement. A secondary concern is the assets and improvements that I have made to my property. I have a scale, transload, fences, and a large sum of money including dirt work and gravel invested in my business.

IND-124-a

Submitter's IP address:

Reference Number = picomment\_13531494140625



IND-124-a Section 4.3.5 includes descriptions of potential right-of-way impacts associated with the build alternatives. No impacts to the structures on your property or for the properties along Sannon Road are anticipated.

During final design, information would be solicited from the affected landowners and business owners along the selected alternative to ensure that reasonable access would be maintained to the extent practicable. If access can't be preserved, it will be considered a full right-of-way impact and the entire property will be purchased by MDT.

As described in Section 4.3.5.2, all property acquisition will follow state and federal requirements for fair and equitable treatment of all property owners.



**Comment IND-125 Thomas L. Zurbuchen**

RECEIVED

SEP 24 2012

Personal comments for the Draft EIS of the Billings Bypass **ENVIRONMENTAL**

I like the preferred Mary Street option as it is both most cost effective and impacts the current residents along the south side of Mary Street the least being a new road further to the north rather than upgrading the present street. It also allows for future bypass expansion to the north and west to Highway 3.

The Hawthorne Lane intersection though is ridiculous. Hawthorne is not nor will it be a through street in the for-seeable future as a house is and has been sitting where the street would be at 1205 Barrett Road, see enclosed picture which is looking north on Hawthorne toward Barrett Road. An intersection with Hawthorne Lane would serve few and create an unnecessary hazard on a road designed to move traffic at high speed. With the current Mary Street becoming a frontage road for local traffic, the intersections of Bench Boulevard and Bitterroot Drive are all that is necessary for access. Too many intersections slow traffic and cause accidents.

IND-125-a

Thomas L. Zurbuchen  
1747 Wicks Lane Billings  
Mt. 59105

  
9-21-12



IND-125-a Thank you for indicating your preference so it can be included in project records.

Although Hawthorne Lane is not a through street, it is located approximately midway between Bitterroot Drive and Bench Boulevard, a distance of 1 mile. The intersection would provide access to the new bypass corridor from subdivisions south of Mary Street, which currently have approximately 200 residences. This direct access would reduce bypass traffic that would otherwise be required to travel on Mary Street, Wicks Lane, and Bitterroot Drive. In addition, future development on land north of Mary Street could possibly access the new corridor at this location and minimize travel on new subdivision streets that would parallel the corridor.

Section 2.3.2 has been updated to present expanded information regarding access to Mary Street. During final design, information would be solicited from the affected landowners and business owners along the selected alternative to ensure that reasonable access would be maintained to the extent practicable.



**Comment IND-125 Thomas L. Zurbuchen**





Photo submitted in support of comment; comment addressed above.



## Comment IND-126 Rosemary Bender

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Wednesday, September 12, 2012 3:44 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/12/2012 15:43:54  
Project Commenting On: Billings percent 20Bypass percent 20EIS  
Name: Rosemary Bender  
Address Line 1: 2509 Spring Gulch Way  
City: Billings  
State/Province: MT  
Postal Code: 59105  
Email Address: [rosemaryjan@gmail.com](mailto:rosemaryjan@gmail.com)

Comment or Question:

I am a homeowner in the new Bitterroot Heights subdivision. My husband and I have a very young daughter and we are concerned about the increase in vehicle traffic that would result on Mary Street from the Billings Bypass (all alternatives).

There is currently adequate access from this area in the heights to the Interstate. This project would be an unnecessary waste of tax money.

A more pressing traffic issue in Billings is the inadequate rail crossings downtown and how the projected increase in rail traffic from coal export will impact that area.

I support the no action alternative for the Billings Bypass and believe that an overpass or underpass should be pursued on 27th downtown over the railroad tracks.

} IND-126-a

Submitter's IP address: 69.51.118.122

Reference Number = picomment\_11444091796875



IND-126-a Thank you for indicating your preference so it can be included in project records.

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



### Comment IND-127 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Thursday, September 13, 2012 1:43 PM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project  
Submitted: 09/13/2012 13:42:52  
Project Commenting On: Billings Bypass EIS  
Project State Highway No.: 87  
Nearest Town/City to Project: Billings  
Project Milepost: Mary Street

**Comment or Question:**

Even though we are not affected by Bypass EIS my daughter and son-in-law are. We live within 7 blocks of an interstate and the noise from the traffic flow disrupts sleep at night. We can only imagine how living right next to an interstate would be. Not only would the noise be unsettling but the fumes from exhaust systems would be harmful for those who have respiratory problems. These problems along with an increase in property taxes, a decrease in property value and the possibility of a chemical spill make this proposed plan for Mary St. one of cooperate greed and not logic.

IND-127-a

Submitter's IP address: 174.45.229.80

Reference Number = picomment\_39312744140625



IND-127-a Thank you for indicating your preference so it can be included in project records.

Chapter 4 of the FEIS discloses benefits and negative impacts related to the proposed project.



### Comment IND-128 Anonymous

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

From: [www@mdt.mt.gov](mailto:www@mdt.mt.gov) [mailto:[www@mdt.mt.gov](mailto:www@mdt.mt.gov)]

Sent: Thursday, September 13, 2012 7:19 AM

To: MDT Comments - Project

Subject: Comment on a Project Submitted

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

Action Item: Comment on a Project

Submitted: 09/13/2012 07:19:27

Project Commenting On: Billings Bypass EIS

Comment or Question:

I'm am for the proposed Billings bypass. The Heights needs an alternate route to the interstate. Our road system is outdated and needs to be brought up to date to handle all traffic problems in town.

} IND-128-a

Submitter's IP address: 138.32.32.166

Reference Number = picomment\_404327392578125



IND-128-a Thank you for indicating your preference so it can be included in project records.



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