
Appendix I:

Agency Coordination - Comments



November 19, 2025

Heidy Bruner, P.E.
Environmental Specialist
Federal Aviation Administration
Northwest Mountain Region, Helena Airports District Office
FAA Building, 2725 Skyway Dr, Suite 2
Helena, MT 59602-1205

Ref: *Bozeman Yellowstone International Airport Improvements*
Gallatin County, Montana
ACHP Case Number: 024054

Dear Ms. Bruner:

On November 3, 2025, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Due to the lapse in federal appropriations, the ACHP did not respond within 15 days with a decision regarding our participation. However, the ACHP assumes that the Federal Aviation Administration continued the consultation to resolve adverse effects.

If we receive a request for participation from the Montana State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian Tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to 36 CFR § 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Montana SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

If you have any questions or require our further assistance, please contact us at ofap_help@achp.gov and reference ACHP Case Number: 024054.

Sincerely,

Rachael Mangum
Program Analyst
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

December 3, 2025

City of Belgrade - Public Works Department
621 Lagoon Road
Belgrade, MT 59714

Attn: Camaree Uljua

**RE: Bozeman Yellowstone International Airport (BYIA), Tarmac Trail Extension – Traffic Impact Study (TIS)
Belgrade, Gallatin County, Montana
Comment Response**

Dear Camaree:

The purpose of this letter is to provide you with the response to your comments on the Tarmac Trail Extension – Traffic Impact Study from March 11, 2025.

- The 2020 BYIA Master Plan shows proposed roads connecting the remaining portion of Lagoon Rd to Tubb Rd and E Baseline Rd, as does the subject TIS. This is consistent with past discussion between the City of Belgrade and BYIA. However, the TIS does not provide analysis or discussion regarding these roads. The City is concerned that the proposed roadway alterations will force motorists through local roads within the Ryen Glenn and Meadowlark Ranch subdivisions if an alternate connection is not provided. (Comments from Figure 2 and Comments on page 7)

Response: The proposed roads that connect Lagoon Rd and Baseline/Tubb Rd are in a very preliminary design point and any intersection/road analysis would not be able to be incorporated in this TIS. The same overall traffic flow would remain the same however, as trips using the existing road layout would remain on these new roads south of the existing subdivisions (Ryen Glenn and Meadowlark Ranch). The proposed roads that go through this section of the project are not yet laid out and intersection designs have not yet been completed. Trips that are currently being counted moving from Tubb/Baseline Rd to Lagoon Rd would find the optimal route to be on these proposed roads south of the existing subdivisions, and this is reflected in our analysis of the expected daily traffic included in this TIS. The same can be said for any impacts to local intersections along Powers Boulevard and Penwell Bridge Road, as they are north of the proposed routes that would be optimal for any pass-through traffic.

- The TIS provides little consideration for multi-modal users. The Triangle Trails Plan proposes a commuter-style, shared-use trail along Frontage Rd and major residential neighborhoods exist north of BYIA. The proposed Tarmac Trl should include improvements to accommodate multi-modal users. The current lack of pedestrian and bicycle use should not be used as justification against these improvements. Today's lack of use is likely attributed to lack of facilities and dangerous conditions versus need. (Comments from page 22 and 46)

Response: These sections of the TIS have been updated and the comments have been incorporated into the report.

- The Tarmac Trail Extension project includes modifications at Frontage Rd's intersections with Airport Rd and the proposed Tarmac Trl, but no considerations for improvements along Frontage Rd between the two intersections are made. The TIS should be modified to consider necessary safety improvements along Frontage Rd between project limits. (Comment from Figure 1)

Response: Language was added to the TIS to note that safety improvements may be required along the Frontage Road corridor. Future design plans and review from the proper agencies will be required in this area.

- The City recommends re-examination of background and anticipated future traffic levels. Two known, proposed developments, Thompson Creek and the Cook residential development, were not included in the analysis. (Comments from page 14, 15 and 23)

Response: At our initial scoping meeting including all agency inputs, background projects to include in the scope of the TIS was determined to be the Meadowlark Ranch phases. We were aware that there would be other developments and general growth in the area which is why we determined a larger growth rate was appropriate to apply to background traffic to account for additional subdivisions and development projects. Language has been added to the TIS to include the mentioned background projects and to further discuss the assigned growth rate to traffic seen in the area. Taking the growth rate and applying it to traffic to the extended development horizon (2044) results in conservative traffic volumes that applies to each study intersection.

- The City would like to see further examination of impacts to Tubb Rd, particularly as it relates to safety considerations like widening, curb and gutter, etc.

Response: Language was added to the TIS to note that safety improvements may be required for Tubb Road. Future design plans and review from the proper agencies will be required in this area.

- Please clarify why only three of the studied intersections were evaluated for turn lanes. (Comments from page 38 and 46)

Response: The criteria for turn lane analysis is for MDT routes for highways and does not apply at the other intersections. Turn lanes are considered at non-MDT routes through level-of-service analysis, and this was done in this TIS for each intersection that was not an MDT route.

- Please clarify why only one of the studied intersections was evaluated for signal warrants. (Comment from page 46)

Response: It is not typical to perform signal warrant analyses at intersections that are not expected/desired to have a traffic signal installed. It was known before the TIS was started that a traffic signal would be needed at the intersection of Tarmac Trail and Frontage Road, from conversations with MDT. The warrant was completed to ensure that the signal would be required at the time of construction, if the warrant was not met than other mitigation measures would have been considered at the intersection.

- The Traffic Operations Summary for Recommended Improvements show a failing level of service (LOS) for multiple intersections after the recommended improvements are implemented. The City's position is that improvements that result in a failing LOS are not adequately mitigating impacts.

Response: A failing level of service is where the demand on the road exceeds the capacity the road can facilitate. The recommended improvements in the 2044 development horizon do not reach these levels of demand that would result in the intersections to fail. There are levels of service that do not reach ideal levels; however, this is due to the traffic volumes that are experienced on Frontage Road. When a lower capacity road intersects with a heavy traffic volume corridor these levels of service are expected. Any mitigations to improve the level of service on the roads that intersect Frontage Road would result in a failing level of service for the higher capacity road (Frontage Road). Longer queueing and wait times are expected for the lower capacity roads, and this has been taken into account in the analysis as a part of this TIS. The mitigations proposed in this TIS improve the level of service for all roads intersecting Frontage Road to maintain a capacity that can handle the demands that are projected in the year 2044.

- Intersections on MDT routes are proposed to accommodate WB-67 turning movements, but the TIS does not consider the origination or destination of these vehicles. If trucks are originating or traveling north of Frontage Rd, additional intersections may need to accommodate WB-67s.

Response: Any proposed approaches for developments that need to accommodate WB-67 turning movements will go through the proper design and agency review to accommodate these vehicles. Engineering design plans will be submitted and reviewed by the proper agency for all intersections, where at the time of review the agency can designate the preferred design vehicle to accommodate at the intersection. Some intersections may require different design vehicles depending on the developments proposed at each site.

- While this does not necessarily need to be provided in the TIS, the City is requesting a consistent roadway typical throughout Tarmac Trl. It is recognized that there are differences between the City's and Gallatin County's roadway typicals, but the City is open to discussions regarding consistent design requirements between the two jurisdictions. (Comments from page 7)

Response: Language was added to the TIS to recommend typical roadway sections for roads that have sections in both jurisdictions.

- Comment on page 10: Recommend including discussion/background as to how the peak hours were determined.

Response: Peak hours are determined to be the highest volume for counts performed in a two-hour periods during the weekday, AM (one hour between 7:00 and 9:00 a.m.), and PM (one hour between 4:00 and 6:00 p.m.) peak periods. The counts are averaged for the two days of counts and the peak hour was determined and used in this analysis.

I hope that this response and the updated Traffic Impact Study clarifies any concerns and addresses your comments. If for any reason you have any questions or need any additional information during the review of this project, please feel free to contact Travis Eickman of Morrison-Maierle direct at (406) 922-6810, his cell phone at (406) 579-9612, or send an email to teickman@m-m.net.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cody Kerkaert', with a stylized flourish at the end.

Cody Kerkaert
Project Engineer
Hyalite Engineers, PLLC

December 3, 2025

Montana Department of Transportation
2701 Prospect Avenue, PO Box 201001
Helena, MT 59620-1001

Attn: Jean Riley

**RE: Bozeman Yellowstone International Airport (BYIA), Tarmac Trail Extension – Traffic Impact Study (TIS)
Belgrade, Gallatin County, Montana
Comment Response**

Dear Jean:

The purpose of this letter is to provide you with the response to your comment on the Tarmac Trail Extension – Traffic Impact Study from March 14, 2025.

- MDT requires that no approaches be within the influence zone of the signal or 300' whichever is greater. Is Lot 1 of the Airport Commercial subdivision capable of having an approach outside of that 300'?

Response: Yes, an approach into Lot 1 will meet this requirement. The northern edge of the Lot is approximately 370' from the intersection and the influence zone for the signal is less than 300'.

I hope that this response and the updated Traffic Impact Study clarifies any concerns and addresses your comments. If for any reason you have any questions or need any additional information during the review of this project, please feel free to contact Travis Eickman of Morrison-Maierle direct at (406) 922-6810, his cell phone at (406) 579-9612, or send an email to teickman@m-m.net.

Sincerely,



Cody Kerkaert
Project Engineer
Hyalite Engineers, PLLC

From: [Bruner, Heidy S \(FAA\)](#)
To: [Travis J. Eickman](#)
Subject: FW: FAA Airport Improvements at the Bozeman Yellowstone International Airport (BZN)
Date: Monday, November 3, 2025 4:28:28 PM
Attachments: [BZN_106_ACHP-e106_BozemanEA-RW-and-GA-Develop_20251103.docx](#)

This message originated from an **External Source.** Please use proper judgment and caution when opening attachments, clicking links, or responding to this message.

FYI...

From: Bruner, Heidy S (FAA) <Heidy.S.Bruner@faa.gov>
Sent: Monday, November 3, 2025 4:08 PM
To: e106@ACHP.gov
Cc: Samantha.McGowen@mt.gov
Subject: FAA Airport Improvements at the Bozeman Yellowstone International Airport (BZN)

Hello ACHP,

Please see the attached e106 form regarding Proposed Improvements at the Bozeman Yellowstone International Airport near Belgrade, Montana. Elements of the Proposed Action include:

- Widen and Extend Runway 11-29
- Construct Northside General Aviation Development
- Constructing several ancillary projects necessary to ensure safe operations associated with the improvements to Runway 11-29 and the Northside General Aviation Development.

FAA has concluded and Montana SHPO has concurred that there will be adverse effect to historic property due to the relocation of the Very High Frequency Omnidirectional Range Station (VOR) short-range radio navigation system. FAA is coordinating with Montana SHPO to develop a Memorandum of Agreement.

With this submittal we are notifying the ACHP of a finding that an undertaking may adversely affect historic properties and inviting the ACHP to participate in a Section 106 consultation.

Please contact me with any information, questions, or concerns.

Heidy Bruner, P.E.
Helena Airports District Office
FAA Northwest Mountain Region
406.441.5409



Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format

Send to: e106@achp.gov

Please review the instructions at www.achp.gov/e106-email-form prior to completing this form. Questions about whether to use the e106 form should be directed to the assigned ACHP staff member in the Office of Federal Agency Programs.

I. Basic information

1. Purpose of notification. Indicate whether this documentation is to:

- ☒ Notify the ACHP of a finding that an undertaking may adversely affect historic properties
- ☒ Invite the ACHP to participate in a Section 106 consultation
- ☐ Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3)
- ☐ Supply additional documentation for a case already entered into the ACHP record system
- ☐ File an executed MOA or PA with the ACHP in accordance with 800.6(b)(iv) (where the ACHP did not participate in consultation)
- ☐ Other, please describe
[Click here to enter text.](#)

2. ACHP Project Number (If the ACHP was previously notified of the undertaking and an ACHP Project Number has been provided, enter project number here and skip to Item 7 below): [Click here to enter text.](#)

3. Name of federal agency (If multiple agencies, list them all and indicate whether one is the lead agency):

[Federal Aviation Administration \(FAA\)](#)

4. Name of undertaking/project (Include project/permit/application number if applicable):

[Bozeman Yellowstone International Airport \(BZN\) Airport Improvements.](#)

[Unique Identification Number: EAXX-021-12-ARP-1756459455](#)

5. Location of undertaking (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

[BZN is located in Gallatin County Montana near Belgrade Montana. The Gallatin Airport Authority \(Sponsor\) is a public authority created, established, and empowered by the Gallatin County Commission with authority over BZN. The airport property is owned by Gallatin County](#)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 □ Washington, DC 20001-2637

Phone: 202-517-0200 □ Fax: 202-517-6381 □ achp@achp.gov □ www.achp.gov

and is not located on tribal lands.

6. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:

Heidy Bruner, P.E., Environmental Protection Specialist, heidy.s.bruner@faa.gov, 406.441.5409

II. Information on the Undertaking*

7. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

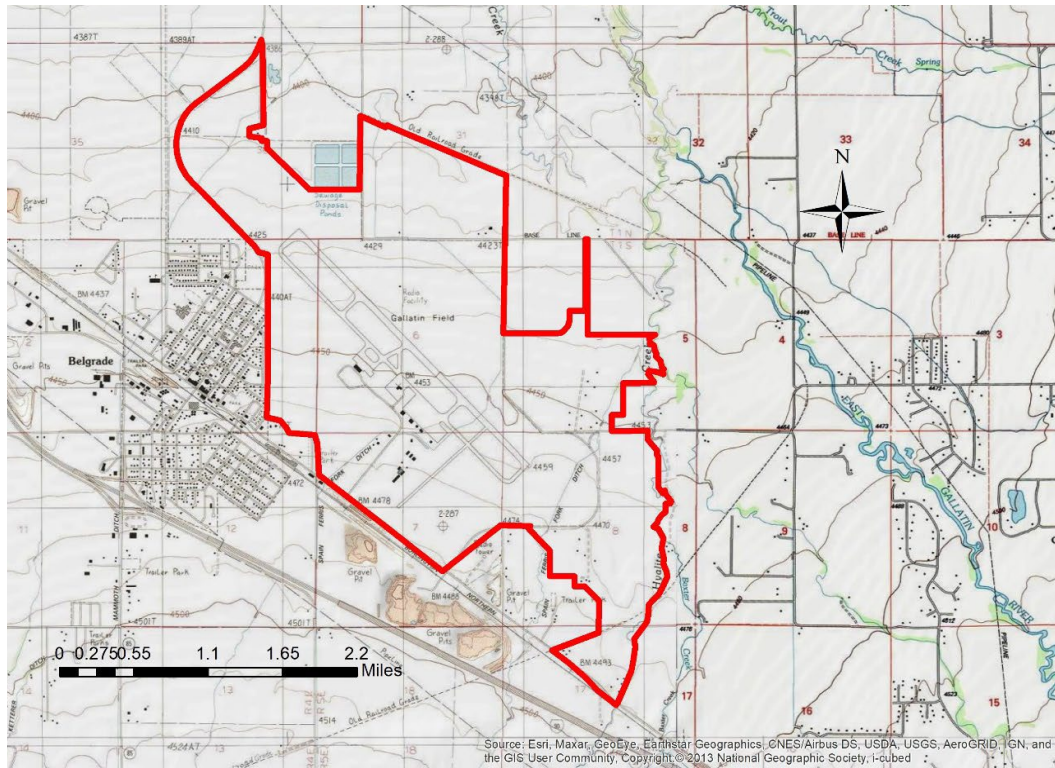
The Federal Aviation Administration (FAA) is examining potential environmental impacts associated with proposed improvements (undertaking) at the Bozeman Yellowstone International Airport (BZN) near Belgrade, Montana. BZN is the busiest airport in Montana with approximately 2.4 million passengers using BZN every year. BZN is proposing airport improvements to increase safety and level of service at BZN and to provide additional areas suitable for hangars to meet airport user demand. A project description and project layouts are included with this e106 submittal. In short, the proposed undertaking consists of extending and widening the existing Runway 11-29, constructing the Northside General Aviation Development, and constructing ancillary projects needed to ensure safe operations, including relocating the Very High Frequency Omni-Directional Range (VOR).

These improvements will require modification to the Airport Layout Plan (ALP). In addition, the Sponsor will seek funding assistance from FAA. Both actions, approval of the ALP and federal funding, are considered federal actions. The FAA is the responsible federal agency for these proposed actions.

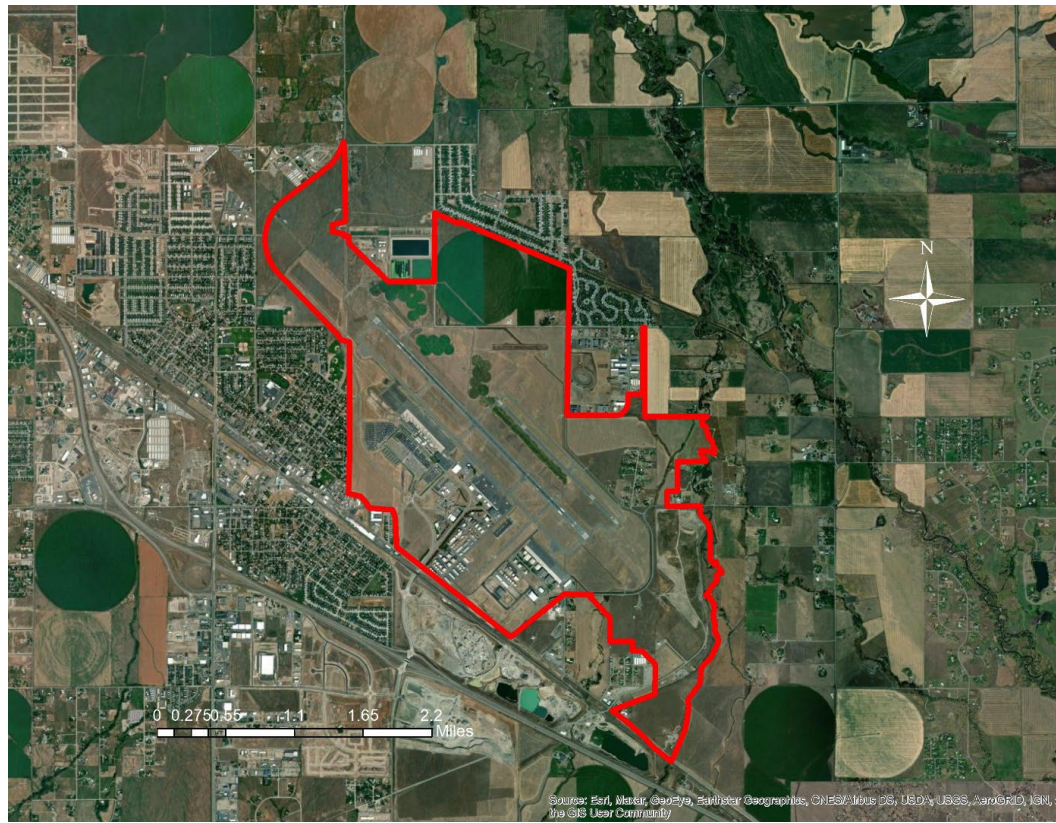
The proposed improvements and associated activities are subject to the National Historic Preservation Act (NHPA) and its implementing regulations under Section 106 36 CFR part 800 (as amended) as well as the National Environmental Policy Act (NEPA). The FAA has initiated preparation of an Environmental Assessment (EA) to meet its NEPA obligations and intends to complete Section 106 in conjunction with the NEPA process.

8. Describe the Area of Potential Effects (APE):

The FAA has defined the undertaking's area of potential effect (APE) in accordance with the definition at 36 CFR part 800.16(d). The APE includes 4700 acres. Land within the APE is either developed, farmed, or has minimal vegetation as it is maintained to support safe aircraft operations. The figures below are from the Cultural Resources Inventory (CRI) and show the APE.



Area of Potential Effect (APE) (USGS)



Area of Potential Effect (APE) (Aerial Photo)

9. Describe steps taken to identify historic properties:

The *Cultural Resources Inventory in Support of a Bozeman Yellowstone International Airport Environmental Assessment – Extend and Widen Runway 11-29 and Construct North General Aviation Area, Gallatin County, Montana* (CRI) was completed in January 2025. This document was prepared to identify potentially eligible historic resources and evaluate potential impacts due to the undertaking.

The CRI provides a complete architectural evaluation and history of BZN, its buildings, structures, and grounds. The CRI also evaluates the potential for a BZN Historic District.

Fieldwork was conducted to Class III inventory standards in several field sessions in October 2023. A total of 16 resources were identified, including 11 historic-era architectural sites, two historic-era irrigation resources, one historic-era road alignment, one prehistoric site, and one prehistoric isolate. The CRI recommended that 12 of these resources are not eligible for inclusion in the National Register of Historic Places (NRHP) and that no further work is necessary. Four sites are recommended as eligible for inclusion in the NRHP: 1951 BZN Terminal (24GA1654), VOR (24GA2322), the Spain-Ferris Ditch (24GA0743), and the Low Line Spur of the Northern Pacific (24GA1096). However, the latter two resources are recommended in the CRI as having non-contributing segments within the APE.

The FAA invited the Blackfeet Nation, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Fort Peck Assiniboine and Sioux Tribes, the Nez Perce Tribe, and the Shoshone-Bannock Tribes of the Fort Hall Reservation to provide information to the surveys and to participate in government-to-government consultation for the proposed improvements. The letters were dated May 14, 2025. No comments have been received regarding the presence of cultural or religious significance.

10. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

Four sites are recommended as eligible for inclusion in the NRHP: 1951 BZN Terminal (24GA1654), VOR (24GA2322), the Spain-Ferris Ditch (24GA0743), and the Low Line Spur of the Northern Pacific (24GA1096). However, the latter two resources are recommended in the CRI as having non-contributing segments within the APE. The project will not involve the 1951 BZN Terminal (24GA1654). The proposed project will relocate the VOR (24GA2322).

11. Describe the undertaking's effects on historic properties:

The project will not impact/affect the 1951 BZN Terminal (24GA1654). The proposed project will adversely affect the VOR (24GA2322).

12. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

The Proposed Action will have an adverse effect to the Very High Frequency Omni-Directional Range (VOR) short range radio navigation system (24GA2322). The footprint of the extension of Runway 11-29 overlays the VOR's current location, west of the runway. The VOR is proposed for relocation to the east end of runway 12-30. When relocated, the VOR is likely to be constructed in accordance with modern standards, potentially impacting its architectural characteristics in addition to impacting its setting. **The FAA has determined and SHPO has agreed that relocation of the VOR (24GA2322) will constitute an *Adverse Effect to Historic Properties*.** The adverse effect is unavoidable in order to meet the purpose and need of the project. The FAA is coordinating with the Montana SHPO to develop a mitigation strategy for inclusion in a Memorandum of Agreement (MOA). We expect the MOA will include an Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) level II documentation of the VOR.

13. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawaiian organizations, or the public, including any correspondence from the SHPO and/or THPO.

The FAA invited the Blackfeet Nation, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Fort Peck Assiniboine and Sioux Tribes, the Nez Perce Tribe, and the Shoshone-Bannock Tribes of the Fort Hall Reservation to provide information to the surveys and to participate in government-to-government consultation for the proposed improvements. The letters were dated May 14, 2025. No comments have been received regarding the presence of cultural or religious significance.

FAA sent a letter of determination dated July 21, 2025, to the Montana SHPO. The SHPO confirmed receipt the same day. On August 6, 2025, SHPO sent an email with a few questions to the FAA. FAA responded via emails on 8/22/25 and 9/10/25.

On 10/8/25 SHPO provided concurrence that site 24GA1654 continues to be eligible, site 24GAA0741 continues to be ineligible, and the proposed undertaking will have adverse effect to 24GA2322.

On 11/3/25, FAA sent a draft Memorandum of Agreement (MOA) to SHPO for their consideration.

III. Additional Information

14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation. Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP's review response.

Consultation with tribal governments is considered complete. That said, if late comment is provided by a THPO, it will be accepted and accommodated to the greatest extent practicable.

Coordination with Montana SHPO has reached agreement on APE, eligibility, and determination of effect. The Memorandum of Agreement on mitigation measures is being drafted now. FAA does not expect any sticking points in finalizing the MOA.

15 Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

Yes. This project is included on the Sponsor's website at <https://bozemanairport.com/projects>. Additionally, the Environmental Assessment, including relevant Section 106 compliance efforts, will be released for public comment for a minimum of 30 days. It is expected that the Environmental Assessment will be available on the BZN website at the following link: <https://bozemanairport.com/>.

16. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard? If so, please provide the link:

It is expected that the project will be listed on the [Federal Infrastructure Projects Permitting Dashboard](https://www.permits.performance.gov/) at <https://www.permits.performance.gov/>. The Environmental Assessment has been assigned Unique Identification Number: EAXX-021-12-ARP-1756459455.

The following are attached to this form (check all that apply):

- ☐ Section 106 consultation correspondence
- ☐ Maps, photographs, drawings, and/or plans
- ☐ Additional historic property information
- ☐ Consulting party list with known contact information
- ☐ Other:

For brevity, no attachments were included. However, FAA is very happy to provide them if requested.



October 8, 2025

Ms. Heidy Bruner
FAA – Helena Airports District Office
2800 Skyway Drive, Suite E2
Helena, MT 59602

Re: Bozeman Yellowstone International Airport (BZN) Proposed Improvements

Dear Ms. Bruner,

Thank you for your letter and associated materials (received July 21, 2025) and additional information (received August 21 and September 10, 2025) regarding the proposed Bozeman Yellowstone International Improvement Project in Gallatin County. We concur with the following eligibility determinations:

24GA2357 – Not Eligible	24GA2322 – Eligible (A)	24GA2321 – Not Eligible
24GA2319 – Not Eligible	24GA2320 – Not Eligible	24GA2318 – Not Eligible
24GA2316 – Not Eligible	24GA2343 – Not Eligible	24GA2317 – Not Eligible
24GA0423 – Not Eligible	24GA0394 – Not Eligible	24GA2327 – Not Eligible

We agree that site 24GA1654 continues to be Eligible and site 24GA0741 continues to be Not Eligible.

We also concur with your determination of Adverse Effects to Historic Properties, specifically site 24GA2322. We look forward to working with your office in the development of a Memorandum of Understanding to mitigate the adverse effects of this undertaking.

Please note that our concurrence does not substitute for a good faith effort to consult with interested parties, local government authorities, and American Indian tribes. If you receive a comment that substantially relates to a historic property located within or adjacent to the Area of Potential Effect, please submit it to our office for review. Include documentation of how the comment was addressed. If you have any questions or concerns, do not hesitate to contact me at (406) 444-6485 or Samantha.McGowen@MT.gov. Thank you for consulting with us.

Sincerely,

Samantha McGowen, M.S.
Compliance Officer
Montana State Historic Preservation Office

FILE: FAA – 2025 – 20250910003

From: [Bruner, Heidi S \(FAA\)](#)
To: [Gheri Hall](#)
Subject: FAA Airport Improvements at the Bozeman Yellowstone International Airport
Date: Wednesday, May 14, 2025 4:28:30 PM
Attachments: [BZN_EA-Tribal-G2G_Blackfeet_20250514.pdf](#)

Hello Ms. Hall,

Please see the attached correspondence addressed to your Tribal Chairman inviting your tribal nation to engage in government-to-government consultation on Proposed Improvements at the Bozeman Yellowstone International Airport near Belgrade, Montana. Elements of the Proposed Action include:

- Widen and Extend Runway 11-29
- Construct Northside General Aviation Development
- Several ancillary projects necessary to ensure safe operations associated with the improvements to Runway 11-29 and the Northside General Aviation Development.

Based on the attached information, my intention is to determine that there will be adverse effect to historic property due to the relocation of the Very High Frequency Omnidirectional Range Station (VOR) short-range radio navigation system. However, I invite your input before making that determination, and welcome consultation if you have any concerns.

The proposed project is subject to the National Historic Preservation Act and the National Environmental Policy Act. A Cultural Resources Assessment has been conducted for the Airport and no cultural resources were identified. That said, the FAA has identified your tribal nation as potentially having an interest in the project area. Pursuant to 36 CFR 800.2(c)(2)(ii), the FAA is inviting you to participate in government-to-government consultation and seeking your input on properties of cultural or religious importance.

Please contact me with any information, questions, or concerns within 30 days. Thank you very much for your assistance.

Heidy Bruner, P.E.
Helena Airports District Office
FAA Northwest Mountain Region
406.441.5221



U. S. Department
of Transportation

**Federal Aviation
Administration**

Helena Airports District Office
2800 Skyway Drive, Suite E
Helena, MT 59602

May 14, 2025

Mr. Rodney Gervais, Chairman
Blackfeet Nation
640 All Chiefs Road
Browning, MT 59417

Subject: Invitation for Government-to-Government Tribal Consultation for the
Proposed Improvements at the Bozeman Yellowstone International Airport
near Belgrade, Montana

Dear Chairman Gervais:

The Federal Aviation Administration (FAA) has issued a grant to examine the environmental impacts for potential improvements (undertaking) at the Bozeman Yellowstone International Airport (BZN) near Belgrade, Montana. A project description and project layout are included with this letter. The proposed project and its associated activities are subject to the National Historic Preservation Act (NHPA) and its implementing regulations under Section 106 36 CFR part 800 (as amended) as well as the National Environmental Policy Act (NEPA). The FAA will initiate preparation of an Environmental Assessment (EA) to meet its regulatory obligations and intends to complete Section 106 in conjunction with the NEPA process.

The FAA has identified your Tribal Nation as potentially having an interest in the project area. In accordance with Section 106 of the National Historic Preservation Act of 1966 and implementing regulations 36 CFR Part 800, the FAA is seeking input on properties of cultural or religious significance that may be affected by the undertaking and is inviting your Tribal Nation to participate in government-to-government consultation in the Section 106 process. We are also initiating this consultation in accordance with Executive Order 13175, Consultation and Coordination with Indian and Tribal governments and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures.

Cultural Resources Inventory in Support of a Bozeman Yellowstone International Airport Environmental Assessment – Extend and Widen Runway 11-29 and Construct North General Aviation Area, Gallatin County, Montana (CRI) was completed in January 2025 to evaluate potential impacts to cultural resources due to the undertaking. The CRI defined and evaluated

the potential for a BZN Historic District with a complete architectural evaluation and history of BZN, its buildings, structures, and grounds.

Fieldwork was conducted to Class III inventory standards in several field sessions in October of 2023. A total of 16 resources were identified during field inventory including eleven historic-era architectural sites, two historic-era irrigation resources, one historic-era road alignment, one prehistoric site, and one prehistoric isolate. The CRI recommended that a total of twelve of these resources are not eligible for inclusion in the National Register of Historic Places (NRHP) and that no further work is necessary. A total of four sites are recommended as eligible for inclusion in the NRHP:

- The 1951 BZN Terminal (24GA1654) for which the CRI recommended that the undertaking will not have an adverse effect;
- The VOR (24GA2322), the CRI recommends that the undertaking has the potential for an adverse effect should future BZN plans impact the site
- The Spain-Ferris Ditch (24GA0743) and the Low Line Spur of the Northern Pacific (24GA1096) are recommended in the CRI as having non-contributing segments within the APE; and therefore, no adverse effect

As a potential historic district, the CRI found that BZN (24GA2357) possesses very few remaining historic structures. NRHP eligible historic structures at BZN include only 1951 BZN Terminal (24GA1654), and the VOR (24GA2322), with the remaining historic era resources lacking individual architectural distinction or integrity.

The APE for the undertaking has been heavily disturbed by past activity and the cultural resources inventories did not identify cultural resources. Of the identified historic resources eligible to the NRHP, the VOR (24GA2322) is the only resource that will be adversely affected. The FAA is likely to make a determination of *Adverse Effects to Historic Properties* due to the necessity of removing the VOR for the proposed project.

If you would like to receive a copy of the CRI, have comments on the proposed project or have information that the FAA should consider before contacting the Montana State Historic Preservation Office, please contact me at heidys.bruner@faa.gov or 406.441.5221.

Sincerely,

Heidy Bruner, P.E.
Environmental Protection Specialist

Enclosures: Project Description and Project Layout

Project Description:

The Bozeman Yellowstone International Airport (BZN) is located in Gallatin County in southwest Montana. The Sponsor for BZN, the Gallatin Airport Authority, is a public authority created, established, and empowered by the Gallatin County Commission with complete authority over the Airport. The Sponsor is proposing to improve Runway 11-29 by lengthening and widening the runway to accommodate larger aircraft, as well as constructing improvements north of Runway 11-29 in the Northside General Aviation Development Area to accommodate the construction of hangars to meet user demand. The proposed improvements are collectively referred to as the Proposed Action (undertaking), which will reduce congestion for aircraft operating in and around the airport. The Northside Development area is needed to meet hangar demand. The undertaking is described below and depicted in the following figure.

Elements of the Proposed Action include:

- Improve Runway 11-29 to meet D-IV standards (widen and extend)
- Construct Northside General Aviation Development
- Several ancillary projects are needed to ensure safe operations associated with the improvements to Runway 11-29 and the Northside General Aviation Development.

Details and Ancillary improvements associated with Runway 11-29 Improvements include:

- Widen Runway 11-29 from 75 feet to 150 feet
- Lengthen Runway 11-29 from 5,050 feet long to 7,480 feet long
- Relocate the VOR including filling/grading of abandoned gravel pit at the new location
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- Install Security fence
- Improve Drainage

From: [Bruner, Heidi S \(FAA\)](#)
To: info@cskt.org; [Kathryn R. McDonald](#)
Subject: FAA Airport Improvements at the Bozeman Yellowstone International Airport
Date: Thursday, May 15, 2025 8:41:51 AM
Attachments: [BZN_EA-Tribal-G2G_CSKT_FINAL_20250514.pdf](#)

Hello Ms. McDonald,

Please see the attached correspondence addressed to your Tribal Chairman inviting your tribal nation to engage in government-to-government consultation on Proposed Improvements at the Bozeman Yellowstone International Airport near Belgrade, Montana. Elements of the Proposed Action include:

- Widen and Extend Runway 11-29
- Construct Northside General Aviation Development
- Several ancillary projects necessary to ensure safe operations associated with the improvements to Runway 11-29 and the Northside General Aviation Development.

Based on the attached information, my intention is to determine that there will be adverse effect to historic property due to the relocation of the Very High Frequency Omnidirectional Range Station (VOR) short-range radio navigation system. However, I invite your input before making that determination, and welcome consultation if you have any concerns.

The proposed project is subject to the National Historic Preservation Act and the National Environmental Policy Act. A Cultural Resources Assessment has been conducted for the Airport and no cultural resources were identified. That said, the FAA has identified your tribal nation as potentially having an interest in the project area. Pursuant to 36 CFR 800.2(c)(2)(ii), the FAA is inviting you to participate in government-to-government consultation and seeking your input on properties of cultural or religious importance.

Please contact me with any information, questions, or concerns within 30 days. Thank you very much for your assistance.

Heidy Bruner, P.E.
Helena Airports District Office
FAA Northwest Mountain Region
406.441.5221



U. S. Department
of Transportation

**Federal Aviation
Administration**

Helena Airports District Office
2800 Skyway Drive, Suite E
Helena, MT 59602

May 14, 2025

Mr. Michael Dolson, Chairman
Confederated Salish and Kootenai Tribes
P.O. Box 278
Pablo, MT 59855

Subject: Invitation for Government-to-Government Tribal Consultation for the
Proposed Improvements at the Bozeman Yellowstone International Airport
near Belgrade, Montana

Dear Chairman Dolson:

The Federal Aviation Administration (FAA) has issued a grant to examine the environmental impacts for potential improvements (undertaking) at the Bozeman Yellowstone International Airport (BZN) near Belgrade, Montana. A project description and project layout are included with this letter. The proposed project and its associated activities are subject to the National Historic Preservation Act (NHPA) and its implementing regulations under Section 106 36 CFR part 800 (as amended) as well as the National Environmental Policy Act (NEPA). The FAA will initiate preparation of an Environmental Assessment (EA) to meet its regulatory obligations and intends to complete Section 106 in conjunction with the NEPA process.

The FAA has identified your Tribal Nation as potentially having an interest in the project area. In accordance with Section 106 of the National Historic Preservation Act of 1966 and implementing regulations 36 CFR Part 800, the FAA is seeking input on properties of cultural or religious significance that may be affected by the undertaking and is inviting your Tribal Nation to participate in government-to-government consultation in the Section 106 process. We are also initiating this consultation in accordance with Executive Order 13175, Consultation and Coordination with Indian and Tribal governments and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures.

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the potential for a BZN Historic District with a complete architectural evaluation and history of BZN, its buildings, structures, and grounds.

Fieldwork was conducted to Class III inventory standards in several field sessions in October of 2023. A total of 16 resources were identified during field inventory including eleven historic-era architectural sites, two historic-era irrigation resources, one historic-era road alignment, one prehistoric site, and one prehistoric isolate. The CRI recommended that a total of twelve of these resources are not eligible for inclusion in the National Register of Historic Places (NRHP) and that no further work is necessary. A total of four sites are recommended as eligible for inclusion in the NRHP:

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- The Spain-Ferris Ditch (24GA0743) and the Low Line Spur of the Northern Pacific (24GA1096) are recommended in the CRI as having non-contributing segments within the APE; and therefore, no adverse effect

As a potential historic district, the CRI found that BZN (24GA2357) possesses very few remaining historic structures. NRHP eligible historic structures at BZN include only 1951 BZN Terminal (24GA1654), and the VOR (24GA2322), with the remaining historic era resources lacking individual architectural distinction or integrity.

The APE for the undertaking has been heavily disturbed by past activity and the cultural resources inventories did not identify cultural resources. Of the identified historic resources eligible to the NRHP, the VOR (24GA2322) is the only resource that will be adversely affected. The FAA is likely to make a determination of *Adverse Effects to Historic Properties* due to the necessity of removing the VOR for the proposed project.

If you would like to receive a copy of the CRI, have comments on the proposed project or have information that the FAA should consider before contacting the Montana State Historic Preservation Office, please contact me at heidys.bruner@faa.gov or 406.441.5221.

Sincerely,

Heidy Bruner, P.E.
Environmental Protection Specialist

Enclosures: Project Description and Project Layout

Project Description:

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- Improve Drainage

From: [Bruner, Heidi S \(FAA\)](#)
To: justin.grayhawk@fortpecktribes.net; [Dyan Youpee](#)
Subject: FAA Airport Improvements at the Bozeman Yellowstone International Airport
Date: Thursday, May 15, 2025 8:45:30 AM
Attachments: [BZN_EA-Tribal-G2G_FortPeck_FINAL_20250514.pdf](#)

Hello Chairman Gray Hawk and Ms. Youpee,

Please see the attached correspondence addressed to Tribal Chairman Gray Hawk inviting your tribal nation to engage in government-to-government consultation on Proposed Improvements at the Bozeman Yellowstone International Airport near Belgrade, Montana. Elements of the Proposed Action include:

- Widen and Extend Runway 11-29
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Please contact me with any information, questions, or concerns within 30 days. Thank you very much for your assistance.

Heidy Bruner, P.E.
Helena Airports District Office
FAA Northwest Mountain Region
406.441.5221



U. S. Department
of Transportation

**Federal Aviation
Administration**

Helena Airports District Office
2800 Skyway Drive, Suite E
Helena, MT 59602

May 14, 2025

Mr. Justin Gray Hawk Sr., Chairman
Fort Peck Assiniboine and Sioux Tribes
P.O. Box 1027
Poplar, MT 59255

Subject: Invitation for Government-to-Government Tribal Consultation for the
Proposed Improvements at the Bozeman Yellowstone International Airport
near Belgrade, Montana

Dear Chairman Gray Hawk:

The Federal Aviation Administration (FAA) has issued a grant to examine the environmental impacts for potential improvements (undertaking) at the Bozeman Yellowstone International Airport (BZN) near Belgrade, Montana. A project description and project layout are included with this letter. The proposed project and its associated activities are subject to the National Historic Preservation Act (NHPA) and its implementing regulations under Section 106 36 CFR part 800 (as amended) as well as the National Environmental Policy Act (NEPA). The FAA will initiate preparation of an Environmental Assessment (EA) to meet its regulatory obligations and intends to complete Section 106 in conjunction with the NEPA process.

The FAA has identified your Tribal Nation as potentially having an interest in the project area. In accordance with Section 106 of the National Historic Preservation Act of 1966 and implementing regulations 36 CFR Part 800, the FAA is seeking input on properties of cultural or religious significance that may be affected by the undertaking and is inviting your Tribal Nation to participate in government-to-government consultation in the Section 106 process. We are also initiating this consultation in accordance with Executive Order 13175, Consultation and Coordination with Indian and Tribal governments and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures.

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Environmental Protection Specialist

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From: [Bruner, Heidy S \(FAA\)](#)
To: [nptec](#); [Keith P Baird](#)
Subject: FAA Airport Improvements at the Bozeman Yellowstone International Airport
Date: Thursday, May 15, 2025 8:49:13 AM
Attachments: [BZN_EA-Tribal-G2G_NezPerce_FINAL_20250514.pdf](#)

Hello Chairman Wheeler and Mr. Baird,

Please see the attached correspondence addressed to your Tribal Chairman inviting your tribal nation to engage in government-to-government consultation on Proposed Improvements at the Bozeman Yellowstone International Airport near Belgrade, Montana. Elements of the Proposed Action include:

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Helena Airports District Office
FAA Northwest Mountain Region
406.441.5221



U. S. Department
of Transportation

**Federal Aviation
Administration**

Helena Airports District Office
2800 Skyway Drive, Suite E
Helena, MT 59602

May 14, 2025

Mr. Shannon Wheeler, Chairman
Nez Perce Tribe
100 Agency Road
Lapwai, ID 83540

Subject: Invitation for Government-to-Government Tribal Consultation for the
Proposed Improvements at the Bozeman Yellowstone International Airport
near Belgrade, Montana

Dear Chairman Wheeler:

The Federal Aviation Administration (FAA) has issued a grant to examine the environmental impacts for potential improvements (undertaking) at the Bozeman Yellowstone International Airport (BZN) near Belgrade, Montana. A project description and project layout are included with this letter. The proposed project and its associated activities are subject to the National Historic Preservation Act (NHPA) and its implementing regulations under Section 106 36 CFR part 800 (as amended) as well as the National Environmental Policy Act (NEPA). The FAA will initiate preparation of an Environmental Assessment (EA) to meet its regulatory obligations and intends to complete Section 106 in conjunction with the NEPA process.

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From: [Bruner, Heidi S \(FAA\)](#)
To: lt Tyler@sbtribes.com; csmith@sbtribes.com
Subject: FAA Airport Improvements at the Bozeman Yellowstone International Airport
Date: Thursday, May 15, 2025 8:53:31 AM
Attachments: [BZN_EA-Tribal-G2G_Shoshone_20250514.pdf](#)

Hello Chairman Tyler and Ms. Smith,

Please see the attached correspondence addressed to your Tribal Chairman inviting your tribal nation to engage in government-to-government consultation on Proposed Improvements at the Bozeman Yellowstone International Airport near Belgrade, Montana. Elements of the Proposed Action include:

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Helena Airports District Office
FAA Northwest Mountain Region
406.441.5221



U. S. Department
of Transportation

**Federal Aviation
Administration**

Helena Airports District Office
2800 Skyway Drive, Suite E
Helena, MT 59602

May 14, 2025

Mr. Lee Tyler, Chairman
Shoshone-Bannock Tribes of the Fort Hall Reservation
Agency Building 82, 1 Pima Drive
Fort Hall, ID 83203

Subject: Invitation for Government-to-Government Tribal Consultation for the
Proposed Improvements at the Bozeman Yellowstone International Airport
near Belgrade, Montana

Dear Chairman Tyler:

The Federal Aviation Administration (FAA) has issued a grant to examine the environmental impacts for potential improvements (undertaking) at the Bozeman Yellowstone International Airport (BZN) near Belgrade, Montana. A project description and project layout are included with this letter. The proposed project and its associated activities are subject to the National Historic Preservation Act (NHPA) and its implementing regulations under Section 106 36 CFR part 800 (as amended) as well as the National Environmental Policy Act (NEPA). The FAA will initiate preparation of an Environmental Assessment (EA) to meet its regulatory obligations and intends to complete Section 106 in conjunction with the NEPA process.

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- The Spain-Ferris Ditch (24GA0743) and the Low Line Spur of the Northern Pacific (24GA1096) are recommended in the CRI as having non-contributing segments within the APE; and therefore, no adverse effect

As a potential historic district, the CRI found that BZN (24GA2357) possesses very few remaining historic structures. NRHP eligible historic structures at BZN include only 1951 BZN Terminal (24GA1654), and the VOR (24GA2322), with the remaining historic era resources lacking individual architectural distinction or integrity.

The APE for the undertaking has been heavily disturbed by past activity and the cultural resources inventories did not identify cultural resources. Of the identified historic resources eligible to the NRHP, the VOR (24GA2322) is the only resource that will be adversely affected. The FAA is likely to make a determination of *Adverse Effects to Historic Properties* due to the necessity of removing the VOR for the proposed project.

If you would like to receive a copy of the CRI, have comments on the proposed project or have information that the FAA should consider before contacting the Montana State Historic Preservation Office, please contact me at heidys.bruner@faa.gov or 406.441.5221.

Sincerely,

Heidy Bruner, P.E.
Environmental Protection Specialist

Enclosures: Project Description and Project Layout

Project Description:

The Bozeman Yellowstone International Airport (BZN) is located in Gallatin County in southwest Montana. The Sponsor for BZN, the Gallatin Airport Authority, is a public authority created, established, and empowered by the Gallatin County Commission with complete authority over the Airport. The Sponsor is proposing to improve Runway 11-29 by lengthening and widening the runway to accommodate larger aircraft, as well as constructing improvements north of Runway 11-29 in the Northside General Aviation Development Area to accommodate the construction of hangars to meet user demand. The proposed improvements are collectively referred to as the Proposed Action (undertaking), which will reduce congestion for aircraft operating in and around the airport. The Northside Development area is needed to meet hangar demand. The undertaking is described below and depicted in the following figure.

Elements of the Proposed Action include:

- Improve Runway 11-29 to meet D-IV standards (widen and extend)
- Construct Northside General Aviation Development
- Several ancillary projects are needed to ensure safe operations associated with the improvements to Runway 11-29 and the Northside General Aviation Development.

Details and Ancillary improvements associated with Runway 11-29 Improvements include:

- Widen Runway 11-29 from 75 feet to 150 feet
- Lengthen Runway 11-29 from 5,050 feet long to 7,480 feet long
- Relocate the VOR including filling/grading of abandoned gravel pit at the new location
- Relocate the PAPI for Runway 11 to facilitate the extension of Runway 11-29
- Extend Medium Intensity Runway Lighting (MIRL) to accommodate extension of Runway 11-29
- Close turf Runway 11G-29G
- Relocate effluent irrigation
- Construct taxiways B and C, taxiway connectors, and General Aviation Area hangar access taxilanes
- Install/extend associated Medium Intensity Taxiway Lighting (MITL)
- Abandon of portions of Airport Road, Tubb Road, East Baseline Road, and Lagoon Road on airport property
- Construct the proposed Tarmac Trail (including any associated improvements to State Highway 205)
- Modify flight procedures
- Install Security fence
- Improve Drainage

Details and Ancillary improvements associated with construction of the Northside General Aviation Area include:

- Construct apron(s), taxilanes, hangars and supporting infrastructure (vehicle access roads, utilities (water, sewer, power, power/natural gas/fiber/phone), etc.)
- Abandon of portions of Tubb Road, East Baseline Road, and Lagoon Road on airport property, as well as construction of the proposed Tarmac Trail (including any associated improvements to State Highway 205)
- Install Security fence
- Improve Drainage

From: [Riley, Jean](#)
To: [Travis J. Eickman](#); [Camaree Uljua](#); [Ewan, Levi](#)
Cc: [Scott T. Bell](#); [Mark J. Maierle](#); [Cody Kerkaert](#); [Brian Sprenger](#); ["Scott Humphrey"](#); [Diane Stilson](#)
Subject: RE: Bozeman Yellowstone International Airport (BZN) - EA - Tarmac Trail Traffic Impact Study - Agency Comments Status
Date: Friday, March 14, 2025 1:06:49 PM
Attachments: [image001.png](#)

This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this message.

Travis,

Thank you for the call today. I see that I had not sent the comments from MDT Traffic on the TIS. I know that it was discussed at the meeting.

Below are the comments:

- MDT requires that no approaches be within the influence zone of the signal or 300' whichever is greater? Is lot 1 of the Airport Commercial subdivision capable of having an approach outside of that 300'?

Jean

Jean A. Riley, P.E.
Transportation Planning Engineer
Policy, Program & Performance Analysis Bureau
Montana Dept. of Transportation
406-444-9456

[How are we doing?](#)

From: Travis J. Eickman <teickman@m-m.net>
Sent: Monday, March 3, 2025 10:03 AM
To: Riley, Jean <jriley@mt.gov>; Camaree Uljua <culjua@belgrademt.gov>; Ewan, Levi <levi.ewan@gallatin.mt.gov>
Cc: Scott T. Bell <sbell@m-m.net>; Mark J. Maierle <mmaierle@m-m.net>; Cody Kerkaert <ckerkart@hyaliteeng.com>; Brian Sprenger <Brian.Sprenger@bozemanairport.com>; 'Scott Humphrey' <Scott.Humphrey@bozemanairport.com>; Diane Stilson <Diane.Stilson@faa.gov>
Subject: [EXTERNAL] Bozeman Yellowstone International Airport (BZN) - EA - Tarmac Trail Traffic Impact Study - Agency Comments Status

All,

It was noted by at least two of the three agencies (MDT, City of Belgrade, Gallatin County) at our teleconference two weeks ago on February 14th that written comments would be pending for the draft TIS that was prepared in support of the ongoing BZN EA. We are just checking in to see if those were missed in passing on our end, or if there is anything additional that we may need to do in order to receive those comments. We have moved forward with the FAA in reviewing the draft EA but need to follow up regarding the TIS component specifically. Anything you can do on your end(s) to provide written comments or advise if your agency has no comments at this time would be appreciated.

Thanks,



Travis J. Eickman, PE
Vice President
Bozeman Operations Manager, Morrison-Maierle
+14069226810 direct | +14065799612 mobile
2880 Technology Blvd W, Bozeman, MT 59718

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From: [Ewan, Levi](#)
To: [Travis J. Eickman](#)
Cc: [Mark J. Maierle](#)
Subject: RE: Bozeman Yellowstone International Airport (BZN) - EA - Tarmac Trail Traffic Impact Study - Agency Comments Status
Date: Friday, March 14, 2025 12:38:33 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

This message originated from an **External Source.** Please use proper judgment and caution when opening attachments, clicking links, or responding to this message.

Hi Travis,

We have no comments to add to the EA-TIS. As discussed, most of our comments will come with design elements and maintenance agreements in the future stages.

Thanks,

Levi Ewan, PE

County Engineer

Gallatin County Engineering & Road & Bridge Depts.
(406)-582-3250

From: Travis J. Eickman <teickman@m-m.net>
Sent: Wednesday, March 12, 2025 12:05 PM
To: Camaree Uljua <culjua@belgrademt.gov>; Riley, Jean <jriley@mt.gov>; Ewan, Levi <Levi.Ewan@gallatin.mt.gov>
Cc: Scott T. Bell <sbell@m-m.net>; Mark J. Maierle <[mmaierle@m-m.net](mailto:mmmaierle@m-m.net)>; Cody Kerkaert <ckerkart@hyaliteeng.com>; Brian Sprenger <Brian.Sprenger@bozemanairport.com>; 'Scott Humphrey' <Scott.Humphrey@bozemanairport.com>; Diane Stilson <Diane.Stilson@faa.gov>; Joseph Hauck <jhauck@belgrademt.gov>; Greg Tryon <gtryon@belgrademt.gov>; Jason Karp <Jkarp@belgrademt.gov>
Subject: RE: Bozeman Yellowstone International Airport (BZN) - EA - Tarmac Trail Traffic Impact Study - Agency Comments Status

CAUTION: This email came from outside Gallatin County. Exercise diligence with any attachments or links.

Many thanks, Camaree. We will review the comments and get back with everyone with an updated TIS once we have also been able to address anything pending from MDT and Gallatin County. Should we have any questions or issues we will be sure to reach out.



Travis J. Eickman, PE

Vice President, Bozeman Operations Manager, Morrison-Maierle

[+14069226810](tel:+14069226810) direct | [+14065799612](tel:+14065799612) mobile

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From: Camaree Uljua <culjua@belgrademt.gov>
Sent: Tuesday, March 11, 2025 7:03 PM
To: Travis J. Eickman <teickman@m-m.net>; Riley, Jean <jriley@mt.gov>; levi.ewan <levi.ewan@gallatin.mt.gov>
Cc: Scott T. Bell <sbell@m-m.net>; Mark J. Maierle <[mmaierle@m-m.net](mailto:mmmaierle@m-m.net)>; Cody Kerkaert <ckerkart@hyaliteeng.com>; Brian Sprenger <Brian.Sprenger@bozemanairport.com>; 'Scott Humphrey' <Scott.Humphrey@bozemanairport.com>; Diane Stilson <Diane.Stilson@faa.gov>; Joseph Hauck <jhauck@belgrademt.gov>; Greg Tryon <gtryon@belgrademt.gov>; Jason Karp <Jkarp@belgrademt.gov>
Subject: RE: Bozeman Yellowstone International Airport (BZN) - EA - Tarmac Trail Traffic Impact Study - Agency Comments Status

This message originated from an **External Source.** Please use proper judgment and caution when opening attachments, clicking links, or responding to this message.

Good evening Travis,

The City of Belgrade's comments are attached. Please let me know if you need any additional information or clarification from the City.

Thank you,

Camaree Uljua, PE | Director of Public Works
621 Lagoon Rd
Belgrade, MT 59714
O: 406-388-3578 | C: 406-613-8499



From: Travis J. Eickman <teickman@m-m.net>
Sent: Monday, March 3, 2025 10:03 AM
To: Riley, Jean <jriley@mt.gov>; Camaree Uljua <culjua@belgrademt.gov>; levi.ewan <levi.ewan@gallatin.mt.gov>
Cc: Scott T. Bell <sbell@m-m.net>; Mark J. Maierle <mmaierle@m-m.net>; Cody Kerkaert <ckerkart@hyaliteeng.com>; Brian Sprenger <Brian.Sprenger@bozemanairport.com>; 'Scott Humphrey' <Scott.Humphrey@bozemanairport.com>; Diane Stilson <Diane.Stilson@faa.gov>
Subject: Bozeman Yellowstone International Airport (BZN) - EA - Tarmac Trail Traffic Impact Study - Agency Comments Status

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Thanks,



Travis J. Eickman, PE
Vice President
Bozeman Operations Manager, Morrison-Maierle
[+14069226810](tel:+14069226810) direct | [+14065799612](tel:+14065799612) mobile
2880 Technology Blvd W, Bozeman, MT 59718

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From: Camaree Uljua
To: Travis J. Eickman; Riley, Jean; levi.ewan
Cc: Scott T. Bell; Mark J. Maierle; Cody Kerkaert; Brian Sprenger; "Scott Humphrey"; Diane Stilson; Joseph Hauck; Greg Tryon; Jason Karp
Subject: RE: Bozeman Yellowstone International Airport (BZN) - EA - Tarmac Trail Traffic Impact Study - Agency Comments Status
Date: Tuesday, March 11, 2025 7:05:19 PM
Attachments: [image002.png](#)
[image003.png](#)
[20250311_COB_BYIA_TIS.pdf](#)
[BZN Airport Tarmac Trail Extension TIS 12172024-COB Remarks.pdf](#)

This message originated from an **External Source.** Please use proper judgment and caution when opening attachments, clicking links, or responding to this message.

Good evening Travis,

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Thank you,

Camaree Uljua, PE | Director of Public Works
621 Lagoon Rd
Belgrade, MT 59714
O: 406-388-3578 | C: 406-613-8499



From: Travis J. Eickman <teickman@m-m.net>
Sent: Monday, March 3, 2025 10:03 AM
To: Riley, Jean <jriley@mt.gov>; Camaree Uljua <culjua@belgrademt.gov>; levi.ewan <levi.ewan@gallatin.mt.gov>
Cc: Scott T. Bell <sbell@m-m.net>; Mark J. Maierle <mmaierle@m-m.net>; Cody Kerkaert <ckerkart@hyaliteeng.com>; Brian Sprenger <Brian.Sprenger@bozemanairport.com>; 'Scott Humphrey' <Scott.Humphrey@bozemanairport.com>; Diane Stilson <Diane.Stilson@faa.gov>
Subject: Bozeman Yellowstone International Airport (BZN) - EA - Tarmac Trail Traffic Impact Study - Agency Comments Status

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Thanks,



Travis J. Eickman, PE
Vice President
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March 11, 2025

Travis J. Eickman, PE
Morrison-Maierle
2880 Technology Blvd W
Bozeman, MT 59718

RE: Bozeman Yellowstone International Airport (BYIA), Tarmac Trail Extension – Traffic Impact Study (TIS)

Mr. Eickman,

The City of Belgrade's Public Works and Community Development departments have reviewed the Tarmac Trail Extension Traffic Impact Study and offer the following comments. Additional remarks may be found in the attached markup document.

- The 2020 BYIA Master Plan shows proposed roads connecting the remaining portion of Lagoon Rd to Tubb Rd and E Baseline Rd, as does the subject TIS. This is consistent with past discussions between the City of Belgrade and BYIA. However, the TIS does not provide analysis or discussion regarding these roads. The City is concerned that the proposed roadway alterations will force motorists through local roads within the Ryen Glenn and Meadowlark Ranch subdivisions if an alternate connection is not provided.
- The TIS provides little consideration for multi-modal users. The Triangle Trails Plan proposes a commuter-style, shared-use trail along Frontage Rd and major residential neighborhoods exist north of BYIA. The proposed Tarmac Trl should include improvements to accommodate multi-modal users. The current lack of pedestrian and bicycle use should not be used as justification against these improvements. Today's lack of use is likely attributed to lack of facilities and dangerous conditions versus need.
- The Tarmac Trail Extension project includes modifications at Frontage Rd's intersections with Airport Rd and the proposed Tarmac Trl, but no considerations for improvements along Frontage Rd between the two intersections are made. The TIS should be modified to consider necessary safety improvements along Frontage Rd between the project limits.
- The City recommends re-examination of background and anticipated future traffic levels. Two known, proposed developments, Thompson Creek and the Cook residential development, were not included in the analysis.
- The City would like to see further examination of impacts to Tubb Rd, particularly as it relates to safety considerations like widening, curb and gutter, etc.
- Please clarify why only three of the studied intersections were evaluated for turn lanes.
- Please clarify why only one of the studied intersections was evaluated for signal warrants.
- The Traffic Operations Summary for Recommended Improvements shows a failing Level of

Service (LOS) for multiple intersections after the recommended improvements are implemented. The City's position is that improvements that result in a failing LOS are not adequately mitigating impacts.

- Intersections on MDT routes are proposed to accommodate WB-67 turning movements, but the TIS does not consider the origination or destination of these vehicles. If trucks are originating or travelling north of Frontage Rd, additional intersections may need to accommodate WB-67s.
- While this does not necessarily need to be provided in the TIS, the City is requesting a consistent roadway typical throughout Tarmac Trl. It is recognized that there are differences between the City's and Gallatin County's roadway typicals, but the City is open to discussions regarding consistent design requirements between the two jurisdictions.

Sincerely,



Camaree Uljua, PE
Director of Public Works

Cc: Jason Karp, Director of Community Development

Joe Hauck, PE, City Engineer

Greg Tryon, Assistant City Manager



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Montana Ecological Services Field Office
585 Shepard Way, Suite 1
Helena, Montana 59601-6287



In Reply Refer to:
FWS/R6
M14 FAA: 2024-0150701

September 27, 2024

Ms. Christine Percy
Environmental Scientist
Morrison-Maierle Incorporated
2880 Technology Boulevard West
Bozeman, Montana 59718

Dear Ms. Percy:

Thank you for your June 7, 2024, letter requesting U.S. Fish and Wildlife Service (Service) comment regarding your preparation of an environmental assessment (EA) for proposed upgrades to the Bozeman Yellowstone International Airport in Belgrade, Gallatin County, Montana. The proposed project would include the extension and widening of Runway 11-29 and construction of a north general aviation area, as detailed in your letter and its attached map (EA Figure 1).

This response is provided by the Service under the authority of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543), Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), as amended, and the Migratory Bird Treaty Act (MBTA)(16 U.S.C. 703-712), as amended.

Threatened and Endangered Species

Threatened, endangered, and candidate species that may occur in the general project area as depicted in EA Figure 1 within Gallatin County include those listed below.

<i>Scientific Name</i>	<i>Common Name</i>	<i>Status*</i>
<i>Lynx canadensis</i>	Canada Lynx	LT
<i>Gulo gulo luscus</i>	North American Wolverine	LT
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Spiranthes diluvialis</i>	Ute Ladies'-tresses	LE
<i>Danaus plexippus</i>	Monarch Butterfly	C

*LE=Listed as Endangered, LT=Listed Threatened, P=Proposed, C=Candidate, CH=Critical Habitat

Grizzly bears, Canada lynx, and wolverines are wide-ranging species and could potentially move through the general project vicinity, but considering the existing habitat conditions and semi-developed nature of the project area (as depicted in EA Figure 1) we do not expect significant effects to these species.

The Montana Natural Heritage Program's database (www.mtnhp.org) indicates presence of a population of Ute ladies' tresses approximately 7 miles northwest of the project area. We recommend that the EA include a detailed analysis of potential habitat for the species within the project area and that surveys for the species be conducted if suitable habitat is found within areas that would be affected.

The monarch butterfly occurs statewide from approximately June through November in open places, native prairie, foothills, open valley bottoms, open weedy fields, roadsides, pastures, marshes, and suburban areas. Recommended conservation measures near these areas include the following:

- Minimize use of herbicides and pesticides. If necessary, spot treatment is preferred over aerial application.
- Avoid filling or degrading native prairies and wetlands.
- Implement sediment, erosion, and contaminant control measures, ensure restoration of pre-existing topographic contours after any ground disturbance, and restore native vegetation (where possible).
- The March 2020 *Nationwide Candidate Conservation Agreement (CCA)/ Candidate Conservation Agreement with Assurances (CCAA) for Monarch Butterfly on Energy and Transportation Lands* addresses general operations and management, vegetation management, maintenance, and modernization construction activities within energy and transportation lands and the potential effects those activities have on monarch butterflies. While the agreement does not include (new) construction and land-disturbing activities that occur in undeveloped areas or pose significant environmental, socioeconomic, historical or cultural impacts (for example, interstate highways, pipelines, transmission lines, new rail routes, or similar), it does present several conservation measures that should be considered relative to the proposed project. The CCA/CCAA is available here: <https://www.fws.gov/savethemonarch/CCAA.html>

We understand that the FAA has determined that this proposed action is a Federal undertaking. If a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the action “may affect” listed species or critical habitat. If the Federal agency or its designated agent determines the action “may affect, is likely to adversely affect” listed species or critical habitat, the responsible Federal agency shall request formal section 7 consultation with this office. If the evaluation shows a “may affect, not likely to adversely affect” determination, concurrence from this office is required. If the evaluation shows a “no effect” determination for listed species or critical habitat, further consultation is not necessary. If a private entity receives Federal funding for a construction project, or if any Federal permit or license is required, the Federal agency may designate the fund recipient or permittee as its agent for purposes of informal section 7 consultation. The funding, permitting, or licensing Federal agency is responsible to ensure that its actions comply with the ESA, including obtaining concurrence from the Service for any action that may affect a threatened or endangered species or designated critical habitat.

Candidate species are those placed on the candidate list for future action, meaning those species do not receive statutory protection under the ESA. They are reviewed annually by the Service to determine if they continue to warrant listing or to reassess their listing priority. Ideally, sufficient threats can be removed to eliminate the need for listing. If threats are not addressed or the status of the species declines, a candidate species can move up in priority for a listing proposal. Federal agencies and non-Federal applicants can conference with the Service pursuant to section 7(a)(4) of ESA to ensure that their actions do not negatively impact candidate species. Some Federal agencies provide the same level of protection to candidate species as proposed or listed species and take appropriate measures to avoid impacts. While not required, we encourage this approach.

Migratory Birds

The Migratory Bird Treaty Act prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted. If work is proposed to take place in migratory bird habitats that may result in take of migratory birds, their eggs, or active nests, the Service recommends that the project proponent take all practicable measures to avoid and minimize take, such as maintaining adequate buffers, to protect the birds until the young have fledged.

The Service has developed, and continues to revise and develop, general and industry-specific conservation measures for avoiding and minimizing impacts to birds (<https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>). We recommend that proposed projects consider and incorporate these measures into project design, construction, and documentation as appropriate.

Bald and Golden Eagles

Bald and golden eagle activity occurs in the general project vicinity year round. The closest documented nesting activity is a 2012 record of bald eagle nesting along Hyalite Creek approximately 0.75 mile northeast of the project area (www.mtnhp.org).

If active bald eagle nests are present within 0.5 mile of the project during construction, we recommend that the project implement seasonal construction timing restrictions and construction / development distance buffers specified in the 2007 Service and 2010 Montana Fish, Wildlife and Parks (FWP) guidance discussed below in order to avoid/minimize the risk for bald eagle take. Larger buffers (up to 2 miles) may be appropriate relative to golden eagles and should be developed in consultation with the Service. The following is provided for your information relative to bald and golden eagles.

The bald eagle and golden eagle are protected from a variety of harmful actions via take prohibitions in both the MBTA (16 U.S.C. 703-712) and the BGEPA. The BGEPA, enacted in 1940 and amended several times, prohibits take of bald eagles and golden eagles, including their parts, nests, young or eggs, except where otherwise permitted pursuant to Federal regulations. Incidental take of eagles from actions such as electrocutions from power lines or wind turbine strikes are prohibited unless specifically authorized via an eagle incidental take permit from the Service. BGEPA provides penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The BGEPA defines take to include the following actions: "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Service expanded this definition by regulation to include the term "destroy" to ensure that "take" also encompasses destruction of eagle nests. Also the Service defined the term disturb which means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

The Service has developed guidance for the public regarding means to avoid take of bald and golden eagles:

- The 2007 *National Bald Eagle Management Guidelines* serve to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of BGEPA may apply. They provide conservation recommendations to help people avoid and/or minimize such impacts to bald eagles, particularly where they may constitute "disturbance," which is prohibited by the BGEPA.
<https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf>

The Service also has promulgated new permit regulations under BGEPA:

- New eagle permit regulations, as allowed under BGEPA, were promulgated by the Service in 2009 (74 FR 46836; Sept. 11, 2009) and revised in 2016 (81 FR 91494; Dec. 16, 2016) and again in 2024 (89 FR 9920; February 12, 2024). The regulations authorize the limited take of bald and golden eagles where the take to be authorized is associated with otherwise lawful activities. These regulations also establish permit provisions for intentional take of eagle nests where necessary to ensure public health and safety, in addition to other limited circumstances. The revisions in 2016 included changes to permit issuance criteria and duration, definitions, compensatory mitigation standards, criteria for eagle nest removal permits, permit application requirements, and fees in order to clarify, improve implementation and increase compliance while still protecting eagles. <https://www.govinfo.gov/content/pkg/FR-2016-12-16/pdf/2016-29908.pdf>

The Service's Office of Law Enforcement carries out its mission to protect eagles through investigations and enforcement, as well as by fostering relationships with individuals, companies, industries and agencies that have taken effective steps to avoid take, including incidental take of these species, and encouraging others to implement measures to avoid take. The Office of Law Enforcement focuses its resources on investigating individuals and entities that take eagles without identifying and implementing all reasonable, prudent and effective measures to avoid that take. Those individuals and entities are encouraged to work closely with Service biologists to identify available protective measures, and to implement those measures during all activities or situations where their action or inaction may result in the take of an eagle(s).

In addition to the above guidance, the 2010 Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan (1994) developed by Montana Fish, Wildlife and Parks (FWP) also provides guidance for avoiding and minimizing the risk for bald eagle take (https://fwp.mt.gov/binaries/content/assets/fwpcconservation/wildlife-reports/bald-eagle/bald-eagle-guidelines-final-5_05_10.pdf).

Other Comments:

We recommend coordination with Montana Fish, Wildlife and Parks at 1420 East Sixth Ave., P.O. Box 200701, Helena, Montana 59620-0701, (406) 444-2535, and the Montana Natural Heritage Program, 1515 East 6th Avenue, Box 201800, Helena, Montana 59620-1800, (406) 444-5354. Both of these agencies may be able to provide updated, site-specific information regarding current threatened and endangered species and eagle nest locations and other fish, wildlife, and sensitive plant resources occurring in the proposed project area, as well as specific project-related recommendations.

The Service appreciates your efforts to incorporate fish and wildlife resource concerns into your project planning. Should you have any questions or comments related to this correspondence, please contact Jacob Martin at (406) 430-9007.

Sincerely,

A handwritten signature in blue ink that reads "Jacob M. Martin". The signature is written in a cursive style with a large initial "J" and a stylized "M".

for Amity Bass
Office Supervisor

July 2, 2024

Ms. Christine Pearcy
Morrison-Maierle
2880 Technology Blvd W
Bozeman, MT 59718

Subject: Written Response for Bozeman Yellowstone International Airport –
Environmental Assessment for Extend and Widen Runway 11-29 and Construct
North General Aviation Area; Belgrade, Montana

Dear Ms. Pearcy,

The State of Montana Department of Transportation, Aeronautics Division is hereby responding to the request for written response for the Environmental Assessment to extend and widen Runway 11-29 and construct a north general aviation area at the Bozeman Yellowstone International Airport. We have reviewed the proposed activity and do not anticipate any conflict or potential effects on Montana Department of Transportation – Aeronautics Division resources.

Additionally, we are in support of the proposed project as the runway extension and widening are required to comply with FAA standards due to increased operations exceeding operational capacity. The need for additional hangar area(s) to be added on the north side is evidently extreme given the number of current interested parties on the waiting list.

With the runway extension and the added hangars on the north side, the airport will be more prepared to accommodate private and commercial aircraft operating simultaneously on both runways, reducing aircraft departure wait times, and improving the flow of traffic both inbound and outbound to the airport.

Thank you for the opportunity to provide a response and feel free to contact me if I can be of further assistance to this process.

Sincerely,



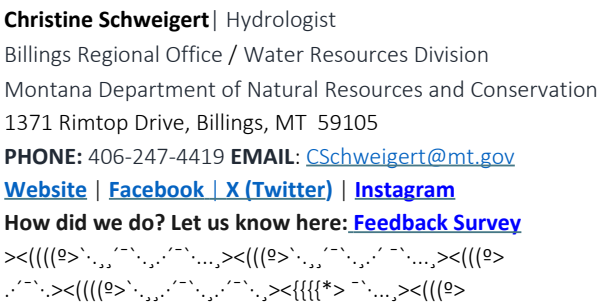
Tim Conway
Montana Department of Transportation, Aeronautics Division - Administrator

copies: file

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I'm adding Kerri Strasheim, Bozeman Regional Manager, to this message as the Bozeman-Yellowstone International Airport is in her region and I believe she is best suited to comment on your project.

Chris



Good morning,
Please find attached a request for comment letter for the Bozeman Yellowstone International Airport – Environmental Assessment for Extend and Widen Runway 11-29 and Construct North General Aviation Area.

 **Christine A. Pearcy**
Environmental Scientist, Morrison-Maierle
[+14069226846](tel:+14069226846) direct | [+14065816543](tel:+14065816543) mobile
2880 Technology Blvd W, Bozeman, MT 59718

[m.net\]](#)

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From: [Rhett Boerger](#)
To: [justin.mohler@gmail.com](#); [Christine A. Percy](#); [justinmohler@gmail.com](#)
Cc: [Travis J. Eickman](#)
Subject: RE: Bozeman Yellowstone International Airport - Request for Comment Letter
Date: Thursday, June 13, 2024 8:16:04 AM
Attachments: [image001.png](#)

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Justin

You are correct. Mammoth is well outside of the affected area. I don't expect that will ever change based on our Runway Protection Area.

Rhett

From: Justin Mohler <justin.mohler@gmail.com>
Sent: Wednesday, June 12, 2024 3:22 PM
To: Christine A. Percy <cpearcy@m-m.net>; justinmohler@gmail.com; Rhett.Boerger@bozemanairport.com
Cc: Travis J. Eickman <teickman@m-m.net>
Subject: Re: Bozeman Yellowstone International Airport - Request for Comment Letter

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Rhett, can you please have a look at this and let me know if there are any potential impacts to Mammoth Ditch. I'm not seeing anything obvious but would like you to confirm.

Thanks,
Justin

On 6/7/2024 10:47 AM, Christine A. Percy wrote:

Good morning,
Please find attached a request for comment letter for the Bozeman Yellowstone International Airport – Environmental Assessment for Extend and Widen Runway 11-29 and Construct North General Aviation Area.

Thank you,
Christine

 **Christine A. Percy**
Environmental Scientist, Morrison-Maierle
[+14069226846](tel:+14069226846) direct | [+14065816543](tel:+14065816543) mobile
2880 Technology Blvd W, Bozeman, MT 59718

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From: [Babcock, Sarah \(Sady\)](#)
To: [Christine A. Percy](#)
Cc: [Travis J. Eickman](#)
Subject: RE: Bozeman Yellowstone International Airport - Request for Comment Letter
Date: Friday, June 7, 2024 11:23:55 AM
Attachments: [image003.png](#)

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Christine,

NorthWestern Energy has no comment on the environmental effects of the project. The planned Best Management Practices for expansion of the power utilities will address our concerns. Let me know if you need anything further. SB

Sady Babcock

Director – Environmental, Lands & Permitting, Hydro Compliance

Sady.Babcock@northwestern.com

O 406-497-3148

C 406-565-2461

F 406-497-3480

9 West Granite | Butte, MT 59701



From: Christine A. Percy <cpearcy@m-m.net>

Sent: Friday, June 7, 2024 10:39 AM

To: Babcock, Sarah (Sady) <Sady.Babcock@northwestern.com>

Cc: Travis J. Eickman <teickman@m-m.net>

Subject: [EXTERNAL] Bozeman Yellowstone International Airport - Request for Comment Letter

CAUTION: This Email is from an EXTERNAL source outside of NorthWestern Energy.

The Original Sender of this email is cpearcy@m-m.net.

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Good morning,

Please find attached a request for comment letter for the Bozeman Yellowstone International Airport – Environmental Assessment for Extend and Widen Runway 11-29 and Construct North General Aviation Area.

Thank you,

Christine



Christine A. Percy
Environmental Scientist, Morrison-Maierle
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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT
MONTANA REGULATORY OFFICE
100 NEILL AVENUE
HELENA, MT 59601-3329

CENWO-ODR-MT

June 25, 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ [NWO-2014-02338-MT](#), [Bozeman-Yellowstone International Airport Runway and Aviation Area Improvements](#)²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as amended on 8 September

¹ While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in this state due to litigation.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

i.	W-A1	jurisdictional	adjacent wetland	(Section 404)
ii.	W-A2	jurisdictional	adjacent wetland	(Section 404)
iii.	W-A3	jurisdictional	adjacent wetland	(Section 404)
iv.	W-A4	jurisdictional	adjacent wetland	(Section 404)
v.	W-B1	jurisdictional	adjacent wetland	(Section 404)
vi.	W-B2	jurisdictional	adjacent wetland	(Section 404)
vii.	W-B3	jurisdictional	adjacent wetland	(Section 404)
viii.	W-B4	jurisdictional	adjacent wetland	(Section 404)
ix.	W-C1	jurisdictional	adjacent wetland	(Section 404)
x.	W-C2	jurisdictional	adjacent wetland	(Section 404)
xi.	W-C3	jurisdictional	adjacent wetland	(Section 404)
xii.	W-D	jurisdictional	adjacent wetland	(Section 404)
xiii.	W-E	jurisdictional	adjacent wetland	(Section 404)
xiv.	Mammoth Ditch	jurisdictional	tributary	(Section 404)
xv.	Spain Ferris Fork Ditch	jurisdictional	tributary	(Section 404)
xvi.	Dry Creek-1	jurisdictional	tributary	(Section 404)
xvii.	Dry Creek-2	jurisdictional	tributary	(Section 404)
xviii.	Dry Creek/Spain Ferris Fork Ditch	jurisdictional	tributary	(Section 404)
xix.	Hyalite Creek-1	jurisdictional	tributary	(Section 404)
xx.	Hyalite Creek-2	jurisdictional	tributary	(Section 404)
xxi.	Ditch 1	jurisdictional	adjacent wetland	(Section 404)
xxii.	Ditch 2	jurisdictional	tributary	(Section 404)

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States* & *Carabell v. United States* (December 2, 2008)

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- d. *Sackett v. EPA*, 598 U.S. ___, 143 S. Ct. 1322 (2023)
 - e. 2008 Rapanos Guidance
3. REVIEW AREA. Review area is approximately 1,532 acres within the Bozeman-Yellowstone International Airport, Gallatin County, Montana in Sections 5, 6, 8, and 17 of Township 1 South, Range 5 East, Section 31 of Township 1 North 5 East, Section 1 of Township 1 South, Range 4 East and Section 36 of Township 1 North, Range 4 East. Project is centered at Latitude 45.778716° North, Longitude -111.146250° West; Boundary map for review area is attached.
4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. [The Gallatin River is the nearest TNW.](#) ⁶
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS.
- a. W-A1 through W-A4 and Ditch-1 abut Hyalite Creek-1, which flows for ~7,832 feet (ft) on-site along the eastern boundary before exiting project area (45.769471, -111.127568). Hyalite Creek re-enters the project area (45.776592, -111.128222) as Hyalite Creek-2, flowing for ~2,252 ft on-site before exiting project area (45.780225, -111.128278). Hyalite Creek then flows north from this point for ~1.75 miles (mi), crossing under 7 bridges before converging with the East Gallatin River (45.794008, -111.127854), the flow path of which is described below in Section 5.e.
 - b. Ditch-2, W-B1 through W-B4, and W-D abut or empty into Dry Creek. Dry Creek-1 flows northeast for ~532ft before passing through an ~100ft culvert under airport perimeter road and Airport Rd (45.765817, -111.139397) and emptying into Spain Ferris Fork Ditch on-site. The Dry Creek/Spain Ferris Fork Ditch then flows northeast on-site ~2,968ft, passing through a ~30ft culvert under access point along airport perimeter road (45.766097, -111.137516) before emptying into Dry Creek-2 after passing through a ~95ft under access point along airport perimeter road and Airport Rd (45.771371, -111.134818). Dry Creek-2 flows northeast for ~3,725ft, passing through a ~45ft culvert under Airport Rd (45.773013, -111.134211) before reaching the project boundary. Dry Creek then flows east for ~362 feet (ft) just outside of the upper portion of the eastern project boundary before converging with Hyalite Creek (45.780211, -111.128296).

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

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- c. W-C1 through W-C3 abut Spain Ferris Fork Ditch, which flows southeast for ~2.46mi on-site before converging with Dry Creek/Spain Ferris Fork Ditch (45.771296, -111.134989) and passing through the following culverts along the way:
 - i. ~30ft under road on airfield (45.793686, -111.174346)
 - ii. ~25ft under farm access along E. Baseline Rd (45.787561, -111.158262)
 - iii. ~45ft under E. Baseline Rd (45.787431, -111.154652)
 - iv. ~530ft under road on airfield (45.785692, -111.148944)
 - v. ~65ft under access point along airport perimeter road (45.780316, -111.144664)
 - vi. ~20ft under access point along airport perimeter road (45.775957, -111.142203)
 - vii. ~130ft under access point along airport perimeter road (45.773080, -111.138225)

Dry Creek/Spain Creek Ferris Fork Ditch then follows the flow path described above in Section 5.b

- d. W-E abuts Mammoth Ditch, which flows for ~2,788ft on-site before exiting project area through an ~95ft under unnamed access road (45.797215, -111.169829). Mammoth Ditch continues northeast for ~1.58mi from the eastern edge of the northwestern portion of the project boundary before converging with Thompson Creek (45.813158, -111.154481), passing through 6 culverts along the way as follows:
 - i. ~65ft under Penwell Bridge Rd (45.802122, -111.164764)
 - ii. ~20ft under farm access on 521 Penwell Rd Property (45.804695, -111.159623)
 - iii. ~22ft under another farm access on the same property (45.806985, -111.159356)
 - iv. ~25ft into a pond on the same property (45.808626, -111.158905)
 - v. ~60ft out of the pond on the same property (45.809016, -111.159004)

Thompson Creek then flows north ~4.83mi, converging with the E. Gallatin River (45.838086, -111.159983), passing through 3 culverts along the way as follows:

- i. ~45ft under Hamilton Rd (45.816799, -111.155811)
 - ii. ~55ft under Dry Creek Rd (45.826357, -111.159593)
 - iii. ~35ft under private drive for 4927 Dry Creek Rd (45.835025, -111.161459)
- e. The E. Gallatin River then flows ~18mi north, northwest before converging with the Gallatin River, a Section 404 TNW, ~2.25mi north of the town of Manhattan.

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6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10. [N/A](#)⁸
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. TNWs (a)(1): [N/A](#)
 - b. Interstate Waters (a)(2): [N/A](#)
 - c. Other Waters (a)(3): [N/A](#)
 - d. Impoundments (a)(4): [N/A](#)

Tributaries (a)(5): [Mammoth Ditch, Spain Ferris Fork Ditch, Ditch-2, Dry Creek, and Hyalite Creek \(totaling ~34,312 linear feet\) were assessed and determined to be relatively permanent tributaries with a continuous surface connection to a TNW \(the Gallatin River\). Utilizing Google Earth Pro aerial imagery \(2011 – 2023\), along with USGS's National Hydrography Dataset \(NHD\), 3D Elevation Program \(3DEP\) Digital Elevation Model \(DEM\), and 3DEP Hillshade layers, and USFWS's National Wetland Inventory \(NWI\) dataset within the Corps' National Regulatory Viewer \(NRV\), it was determined that these features possess continuous surface connections to a TNW \(the Gallatin River\) via off-site portions of these RPWs and discrete features](#)

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

(culverts and ditches). These features also possess relatively permanent water, as observed in all years of aerial imagery (2011 – 2023). The continuous surface connections of these features are discussed above in Section 5. Using hydrologic data discussed within the delineation report and the sources previously discussed, as well as precipitation data from Best Places, it was determined that water enters these features via precipitation events, surface runoff, and received hydrology from downstream portions of the features.

- e. The territorial seas (a)(6): N/A

Adjacent wetlands (a)(7): Ditch-1 (totaling ~830 linear feet), W-A1 through W-A4 (totaling ~0.26 acres), W-B1 through W-B4 (totaling ~7.93 acres), W-C1 through W-C3 (totaling ~1.94 acres), W-D (totaling ~0.53 acres) and W-E (totaling ~0.26 acres) were assessed and determined to be adjacent wetlands that possess a continuous surface connection to a TNW (the Gallatin River). Utilizing Google Earth Pro aerial imagery (2011 – 2023), along with USGS's NHD, 3DEP DEM, and 3DEP Hillshade layers, and USFWS's NWI dataset within NRV, it was determined that these features possess a continuous surface connection to a TNW (the Gallatin River) via their adjacency to RPWs (discussed above in Sections 5 and 7.d) and discrete features (culverts and ditches). Using hydrologic data discussed within the delineation report and the sources previously discussed, as well as precipitation data from Best Places, it was determined that water enters these features via precipitation events, surface runoff, and received hydrology from their associated RPWs (W-A = Hyalite Creek, W-B = Dry Creek, W-C = Spain Ferris Fork Ditch, W-D = Dry Creek/Spain Ferris Fork Ditch, and W-E = Mammoth Ditch).

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁹ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A
- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A
- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the

⁹ 51 FR 41217, November 13, 1986.

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review area and describe how it was determined to be a waste treatment system.
[N/A](#)

- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. [N/A](#)
 - e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. [N/A](#)
 - f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water). [N/A](#)
9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
- a. Office evaluation conducted on June 10, 2024
 - b. May 2024 Wetland Delineation Report for Bozeman-Yellowstone International Airport (BZN), delineated by FIRST LAST of Morrison-Maierle October 5 – 17, 2023
 - c. Google Earth Pro 2011 - 2023 Assessed June 10, 2024
 - d. Best Places – Belgrade, MT Climate
<https://www.bestplaces.net/climate/city/montana/belgrade> Assessed June 10, 2024
 - e. USACE – National Regulatory Viewer – Montana, <https://arcportal-ucop-corps.usace.army.mil/s0portal/apps/experiencebuilder/experience/?id=9e1a61cbac2341d1b75b58c6ffa5a5ca&page=Montana> Assessed June 11, 2024
 - f. USGS Advanced Map Viewer, <https://apps.nationalmap.gov/viewer/> Assessed June 11, 2024

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SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [NWO-2014-02338-MT](#)

- g. USFWS NWI Wetlands Mapper, <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/> Assessed June 11, 2024
- h. USGS StreamStats, <https://streamstats.usgs.gov/ss/> Assessed June 11, 2024

10. OTHER SUPPORTING INFORMATION. [N/A](#)

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.