

January 7, 2026

Mark Morse
Mike Waters
Chris White
Yellowstone County Commissioners
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RE: Violations of Project Specific Agreement for off-system bridge number (NBI) L56302000+03001 in Yellowstone County

Dear Messrs. Morse, Waters, and White:

On October 9, 2024, the Montana Department of Transportation (MDT) and Yellowstone County executed the Project Specific Agreement for scour mitigation to NBI Bridge Number L56302000+03001. Under the Agreement, Yellowstone County agreed, among other things, that it:

“will complete an MDT form environmental checklist (form MDT-ENV-006, available on MDT’s website), along with any required supporting documentation, and submit to MDT for review and subsequent MEPA activities.” Art. II, § 3.

“shall be responsible for complying with MEPA and all other applicable federal, state, local and tribal environmental laws, rules, and regulations.” Art. II, § 5.

“will not begin construction on the Project prior to MDT approval to commence work, prior to obtaining all required permitting, prior to any required environmental consultations, or prior to the completion of the MEPA process.” Art. II, § 6.

Yellowstone County’s cost recovery under the Agreement is “subject to other terms and conditions of this Agreement.” Art. III, § 1.

MDT has obtained information indicating that Yellowstone County has begun construction of the Project without submitting the MDT environmental checklist, without MDT approval to commence work, prior to required environmental consultations, and prior to

completion of the MEPA process. To the extent that construction has begun, Yellowstone County has violated Article II, Sections 3, 5, and 6 of the Agreement.

Please cease any further construction work or activities on the Project and take all necessary actions to cure the violations identified above as soon as possible. Thank you for your time and prompt attention to this matter. I am available for any questions.

Regards,

Ryan Dahlke, P.E.
Statewide Project Development Engineer
Montana Department of Transportation

CC: Jeff Martin, Yellowstone County Clerk & Recorder
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