

ENVIRONMENTAL ASSESSMENT

US Highway 85
7.5 Miles North of Grassy Butte
to the Long X Bridge, McKenzie County

Project No. AC-HPP-NH-7-085(032)120 and
SNH-7-085(037)120

PCN 1558 and 1559



Prepared by

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CHAPTER ONE

PURPOSE OF AND NEED FOR ACTION

1.1 INTRODUCTION

US Highway 85 (US 85) in North Dakota extends from the South Dakota border, north to the Canadian border, approximately 255 miles. US 85 connects Williston, Watford City, Bowman, and several other communities in North Dakota to Interstate 94. US 85 is the primary north-south route in western North Dakota between Interstate 94 and US Highway 2. The entire roadway in North Dakota is part of the National Highway System (NHS). In addition, a majority of the roadway (approximately 200 miles), from the South Dakota border to ten miles north of Williston, is a part of North Dakota's Rural Interregional Corridor System and is designated as a Congressional High Priority Corridor called the Theodore Roosevelt Expressway¹. **Please refer to Exhibit 1-1, Location Map.**

Exhibit 1-1, Location Map



¹ This portion of roadway is included in the northern segment of the Great Plains International Trade Corridor, known as the Theodore Roosevelt Expressway, an identified route from Rapid City, South Dakota via Williston, North Dakota and Culbertson, Montana to the Port of Raymond, Montana.

US 85 carries considerable commercial truck traffic. The highway also carries tourist traffic and serves as a link to campgrounds and scenic areas, in addition to the local traffic. The North Unit of the Theodore Roosevelt National Park is located just northwest of the project, beginning at the Little Missouri River. The Little Missouri National Grasslands are located adjacent to a portion of the project. The Custer National Campground is located on the west side of the highway within the National Grasslands.

1.2 DESCRIPTION OF THE PROPOSED ACTION

The North Dakota Department of Transportation (NDDOT) proposes to reconstruct approximately 6.3 miles of US 85 in McKenzie County from reference point (RP) 120.4, approximately eight miles north of Grassy Butte, to RP 126.7, just north of the Little Missouri River including the Long X Bridge, with the exception of a segment that was reconstructed in 2003 due to an earthen slide from RP 123.6 to RP 124.5. The Long X Bridge is a 969-foot continuous steel through truss bridge constructed in 1959.² **Please refer to Exhibit 1-2, Study Area.**

1.3 NEED FOR THE PROPOSED ACTION

This project is needed because of the deteriorated pavement, inadequate roadway section, inadequate drainage, deficient bridge rail, deteriorating bridge deck, and poor paint condition on the bridge in the splash zone.

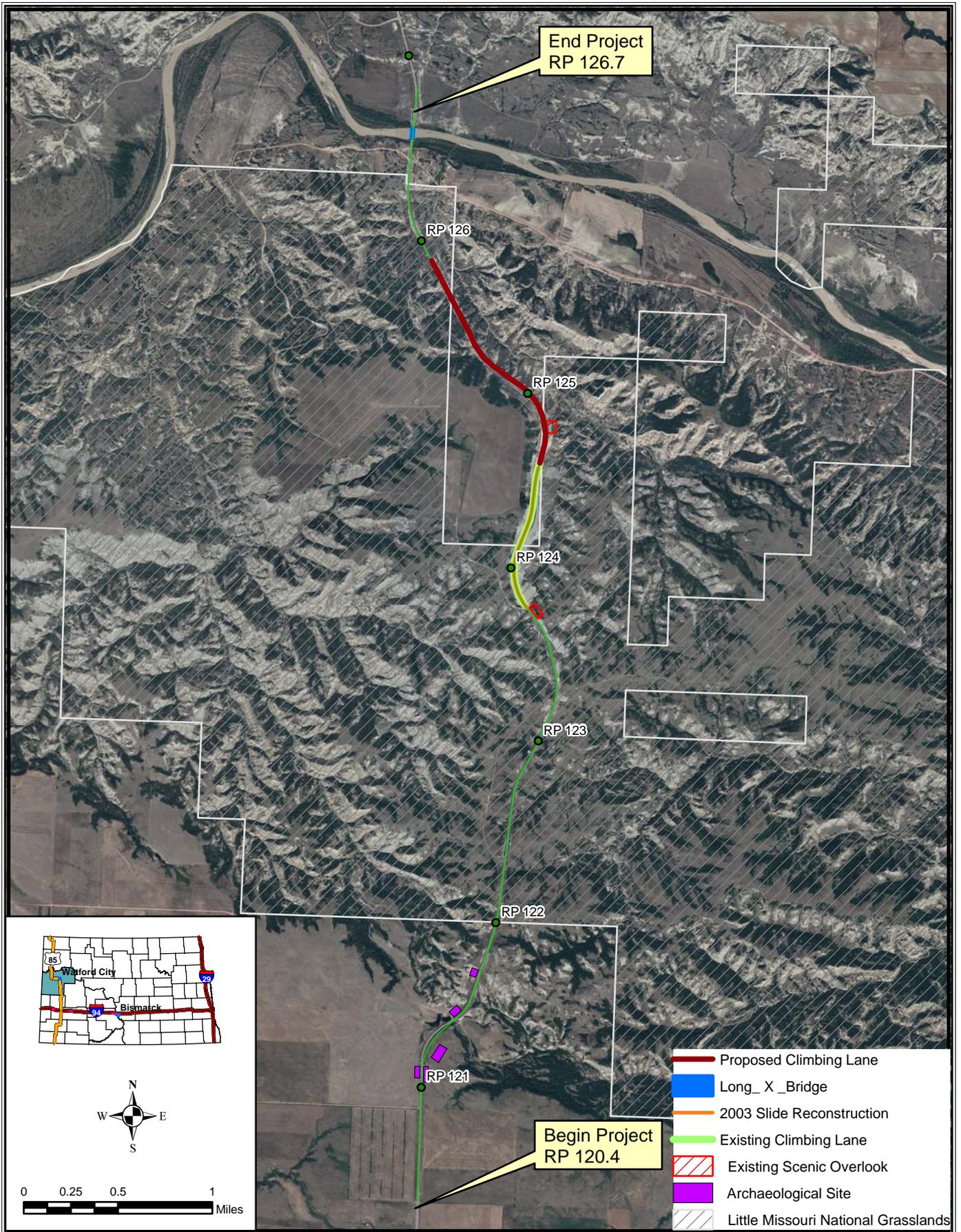
1.3.1 Deteriorated Pavement

The existing roadway grade is approximately 48 years old (graded in 1959) and most of the surfacing is in excess of 25 years old. There are a number of dips and bumps in the road where the roadbed has moved due to settlement, sliding, and consolidation of the existing grade. The uneven settlement and sliding of the grade has also distorted and warped the roadway cross section.

The pavement surface is rutted and has a poor ride. Due to the age of the surfacing, frequent and costly maintenance has occurred over the past several years. In 2002 a thin lift overlay, consisting of 1.5 inches of hot bituminous asphalt between RP 120.4 to 126.7, was completed with the exception of RP 123.6 to RP 124.5, which was reconstructed in 2003. The average yearly maintenance cost for this segment of highway since 1995 was \$2,203 per mile. The yearly maintenance cost for two-lane highways on the state system is \$634 per mile.

² The reconstruction project will be conducted under PCN 1558 and will be followed by a surfacing project conducted under PCN 1559.

Exhibit 1.2, Study Area



1.3.2 Inadequate Roadway Section

The existing roadway is a rural section with two 12-foot travel lanes and 4-foot paved shoulders; the total roadway width is 32 feet wide. The graded roadbed is approximately 38 feet with up to 4:1 variable inslopes. The existing section has deficiencies in roadway width (4-foot shoulders) and roadway clear zone. In addition, this segment of highway has reduced load carrying capacity and requires load restrictions in the spring of the year³. The current (2007) roadway has 1,420 Average Daily Traffic (ADT) with 375 being truck traffic and forecast (2027) of 1,735 ADT with 460 being truck traffic. NDDOT Guidelines dated March 2007 suggest for a 2-lane highway on the Interregional System with ADT between 1500 and 2000, a total roadway width of 36 feet (two 12-foot travel lanes and 6-foot shoulders) with 4:1 inslopes. Further, many of the inslopes within the clear zone are steep and do not meet current NDDOT Guidelines. **Please refer to Figure 1.1, Narrow Shoulders and Steep Grade-Looking South.**



Figure 1.1, Narrow Shoulders and Steep Grade-Looking South

The portion of the highway within the exception area that was reconstructed in 2003 includes a climbing lane that was added with the intention to complete this when the rest of the roadway was reconstructed. With only a small portion of the climbing lane complete, the true intention and operation of the climbing lane is not fulfilled.

The highway is used by trucks and recreational vehicles and account for approximately 26% of the total traffic volume. The continuation of the climbing lane would improve the overall delay and safety to the traveling public due to the existing 4% grade and the numerous horizontal curves contained in the area. **Please see Figure 1.2, Climbing Lane-Looking South.**

³North Dakota Performance Classification System



Figure 1.2, Climbing Lane-Looking South

This segment of highway has limited sight distance because of the many horizontal and vertical curves associated with the rough badlands terrain. The highway climbs over 650 feet from the Little Missouri River Valley to the higher plateau resulting in grade of approximately four percent for a majority of the roadway. These features limit passing opportunities for over 4 miles within the 6.3 miles of the project length. In addition, when this segment of roadway was graded in 1959, the rough Badlands terrain resulted in 13 horizontal curves designed for a 55 mph design speed based on the standards at that time. Three of these curves have a degree of curvature that is not within the current American Association of State Highway and Transportation Officials (AASHTO) for curvature on a road with a 65 mph design speed. Currently these 3 curves are not inadequate because of the existing 55 mph posted speed limit through the project area. The remaining 10 curves meet the guidelines for a 65 mph design speed and the existing 55 mph posted speed limit. ***Please refer to Figure 1.3, US 85 Looking South.***



Figure 1.3, US 85 Looking South

Furthermore, this is a scenic area and many motorists slow down to view the scenery. Two scenic overlooks are located within this segment of road. There are two existing areas on the east shoulder of the highway where traffic has an opportunity to pull out of the driving lanes to park. These parking areas are used as scenic overlooks where tourists can stop and view the Badlands scenery. However, these turnouts can be a safety concern because they are adjacent to the roadway. Cars, campers, and trucks that use these turnouts do not have adequate lengths in the acceleration/deceleration lanes to safely leave/reenter the roadway.

1.3.3 Inadequate Drainage

There is a need to repair or replace approximately 19 mainline culverts, 10 approach culverts, and 2 cattle passes. The majority of the culverts are reinforced concrete pipe with a few corrugated steel pipe. The culverts are over 40 years old, and are nearing the end of their useful life; many of the culverts are deteriorating and cracking, corroding, accumulating silt, and are settling.

1.3.4 Bridge Deficiencies

A field review was conducted on October 4, 2007 at the Long X Bridge located at the north end of the project. ***Please refer to Figure 1.4, Bridge Deck Looking South.*** During the review several deficiencies were found which included:

- Bridge rail does not meet current standards
- Bridge deck surface is worn
- Erosion on the north bank under the bridge has created scour trenches
- Paint in the splash zone is in poor condition



Figure 1.4, Bridge Deck Looking South

1.4 PURPOSE OF THE PROPOSED ACTION

The purpose of the proposed project is to rehabilitate a deteriorating pavement surface, upgrade the roadway section to meet current standards/guidelines, improve drainage, and update the bridge to current safety standards.

CHAPTER TWO ALTERNATIVES

2.1 INTRODUCTION

This chapter discusses the background on the development and evaluation of alternatives. Included in this evaluation are the no-build alternative and other transportation build alternatives.

2.2 DEVELOPMENT OF ALTERNATIVES AND OPTIONS

The development of alternatives is directly tied to the purpose and need for the proposed project. Following the identification of the problems associated with US 85 within the project area (need for the project) and specific objectives of this project (purpose), alternatives were developed. These alternatives were developed to correct the roadway and bridge deficiencies to meet current NDDOT and AASHTO standards/guidelines.

Input collected from several sources was also considered in the development of alternatives. Solicitation of views letters were sent to federal and state agencies, local jurisdictions, community leaders, and interested parties. Meetings were held with federal and state agencies that expressed an interest in the project and a public input meeting was conducted. A list of possible alternatives and options was developed during the initial study in 1999.

Design details for the build alternatives were similar with the exception of the design speed. Minimum design speed considered is 55 mph, which is the current posted speed limit on this section of road. Maximum posted speed limit considered was 65 mph using a design speed of 65 mph. NDDOT's Design guidelines recommend using the posted speed limit as the design speed used on interregional roads.

Increased design speeds increases the radius of curves, thereby reducing the sharpness of the curves. Because many of these curves are located on a side-hill, increasing the radius will require cuts into the side of the hills above the road or filling the side-hills below the road. Many of these hills are steep and any cut or fill adjacent to them will result in high, steep slopes. These high cuts and fills on steep slopes make the disturbed areas more vulnerable to wind and water erosion. Benches were used on these locations during construction of the existing highway to control erosion. ***Please refer to Figure 2.1, Bench Slopes.***



Figure 2.1, Bench Slopes

2.3 DESCRIPTION OF NO-BUILD ALTERNATIVE (ALTERNATIVE A)

The National Environmental Policy Act requires that a no-action (no-build) alternative be considered. The No-Build Alternative (Alternative A) would require continued maintenance and repairs as needed to keep the roadway open at the present design speed of 55 mph. No other improvements will be made to the roadway. This alternative does not correct deficiencies and problem areas that now exist; therefore the No-Build Alternative does not meet the purpose and need.

2.4 DESCRIPTION OF BUILD ALTERNATIVES

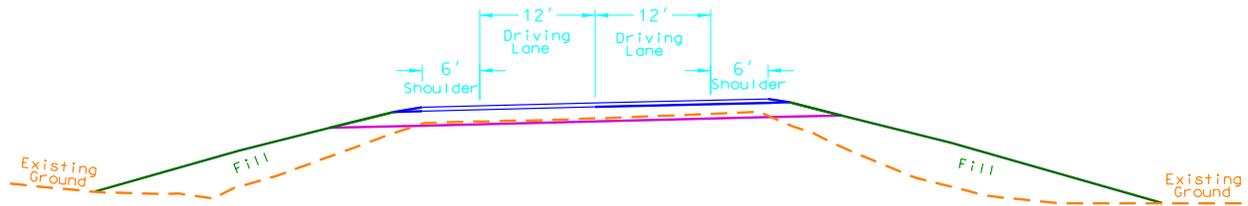
Analysis of the US 85 study corridor resulted in the development of three build alternatives. The build alternatives will address the project needs related to the deteriorating pavement, inadequate roadway section, inadequate drainage, deficient bridge rail, deteriorated bridge deck, and poor paint condition on the bridge in the splash zone. ***Please refer to Exhibit 2-1, Proposed Typical Sections.***

Common principal actions of the build alternatives area as follows:

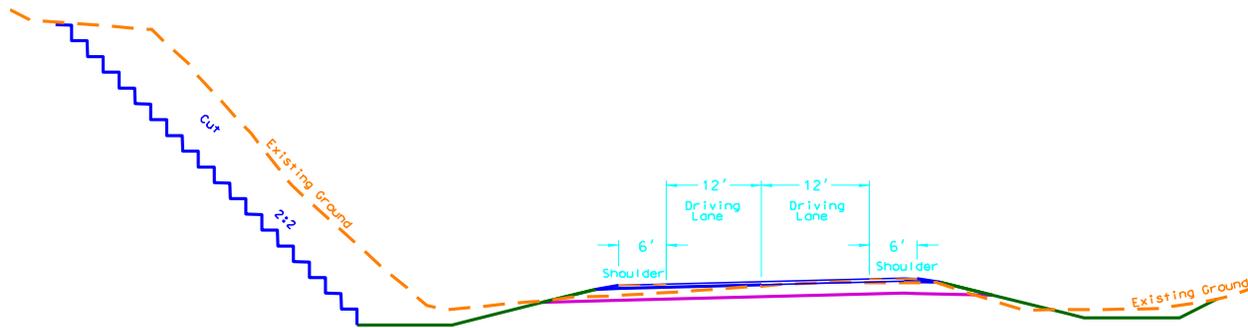
- Construct a new asphalt pavement section with a 20-year design life
- Maintain two 12-foot travel lanes
- Provide 6-foot shoulders
- Extend the existing climbing lane north to the end of the 4% grade south of the bridge
- Use 2x2 bench slopes in high vertical cut areas
- Provide 4:1 inslopes to clear zone or steeper with the use of guardrail
- Improve functionality and operation of the two scenic overlooks with acceleration

- and deceleration lanes
- Repair or replace drainage culverts
- Conduct a bridge rail retrofit on the Long X Bridge
- Perform a bridge deck overlay with a 20-year design life
- Repair scour trenches under bridge with rip rap
- Paint (overcoat) splash zone on the bridge
- Update guardrail to current design standards at both ends of the bridge

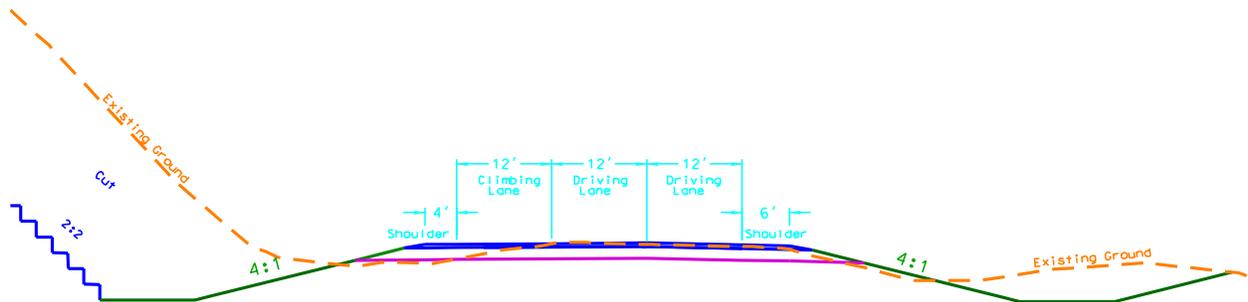
Exhibit 2-1, Proposed Typical Sections



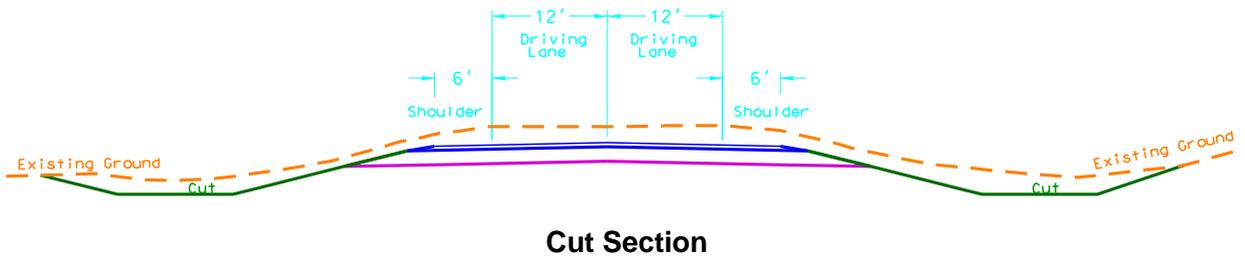
Fill Section



Bench Section



Climbing Lane Bench Slope



NDDOT guidelines generally recommend a 65 mph design speed on Interregional Systems, which would be the posted speed limit. But based on the location of the roadway through the badlands and the current posted speed limit of 55 mph, both 55 mph and 65 mph build alternatives were developed.

Design speed and traffic affects various design criteria such as sight distance, horizontal curves, deceleration/turn lanes, and the width of clear zones adjacent to driving lanes. A lower design speed would reduce clear zone width; possibly reducing extensive dirt work and environmental impacts. Conversely, a higher design speed could have the opposite effect. ***Please see Appendix A, Impact Locations.***

2.4.1 Alternative B (55 mph Design Speed)

The design would be based on a 55 mph posted speed limit as it currently exists. Horizontal alignment would follow the existing alignment with efforts made to avoid archaeological sites located at the south end of the project (i.e. fencing off the area). All existing curves located within the project meet the existing 55 mph design speed and will not require correction. Approximately 360,000 cubic yards of dirt will be moved during construction. The estimated cost for Alternative B is \$10.4 million. ***Please refer to Exhibit 2-2, Curve Locations.***

2.4.2 Alternative C (65 mph Design Speed with Speed Advisory Signs on Curves)

The design would be based on a 65 mph posted speed limit with the exception of curves, 1, 2 and 11, which would be marked with 55 mph speed advisory signs. These curves do not meet the current standards for a 65 mph posted speed limit. The proposed design would be the same as Alternative B. The horizontal alignment would follow the existing alignment with efforts made to avoid archaeological sites (i.e. fencing off the area) ***Please refer to Exhibit 2-2, Curve Locations.***

Approximately 360,000 cubic yards of dirt will be moved during construction. The estimated cost for Alternative C is \$10.4 million.

2.4.3 Alternative D (65 mph Design Speed)

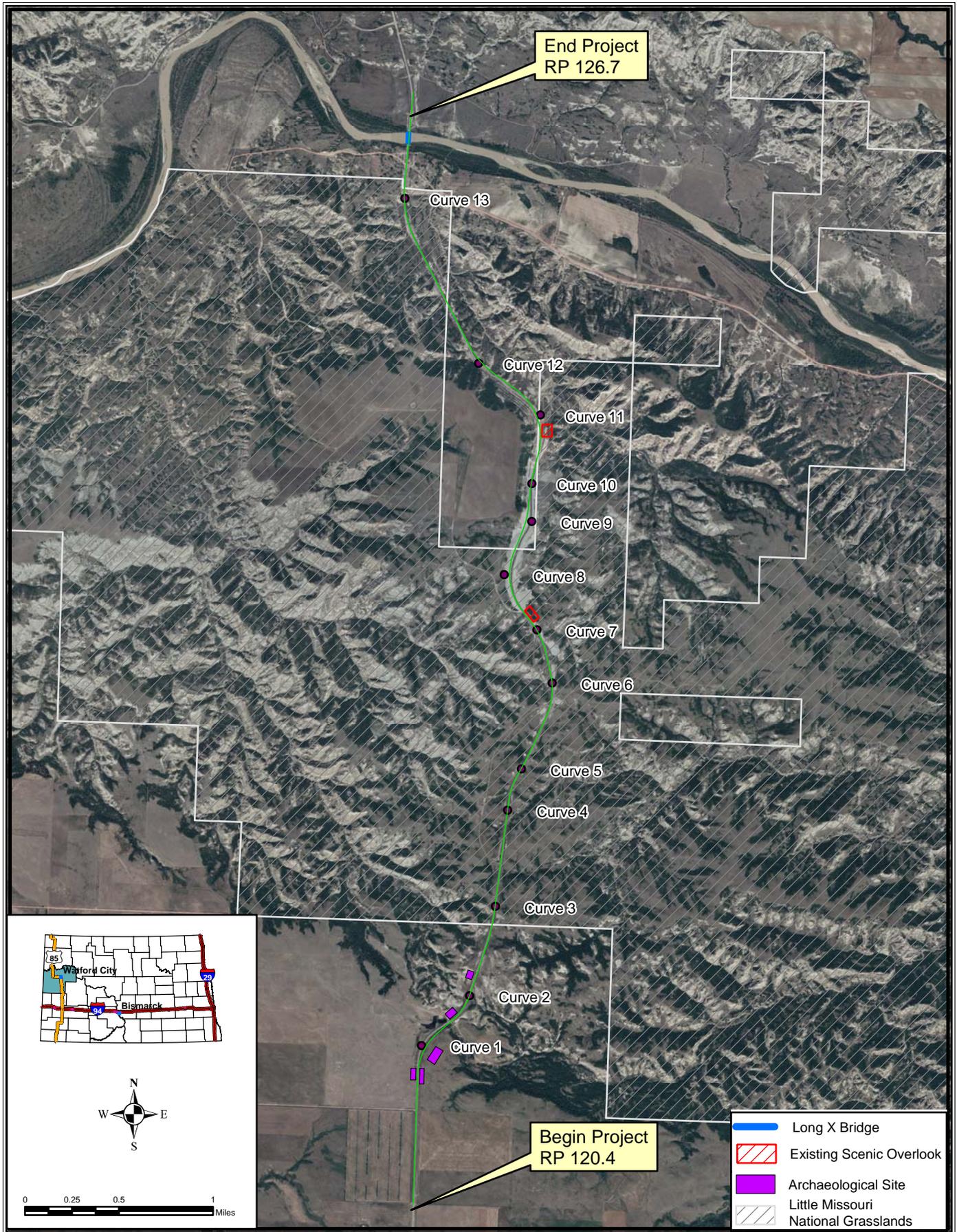
The design would be based on a 65 mph posted speed limit. Horizontal alignment would follow the existing alignment except at the south end of the project and curve 11. At the south end, (curves 1 and 2) the alignment would be offset to the east to avoid the archaeological sites located just west of the current back-slope with the curves corrected

to meet the 65 mph design speed. The radius at curve 11 will be flattened and the roadway centerline shifted to meet the 65 mph design speed. Impacts have been estimated for offsetting the roadway centerline. A consideration that will determine the final outcome is the stability of the hill above and below the reconstructed roadway.

Please refer to Exhibit 2-2, Curve Locations.

Approximately 770,000 cubic yards of dirt will be moved during construction. The estimated cost for Alternative D is \$12.7 million.

Exhibit 2-2, Curve Locations



2.5 ALTERNATIVES ELIMINATED FROM DETAILED STUDY

2.5.1 Major Realignment Alternatives

Pursuant to Section V, Paragraph E (2) of the Federal Highway Administration (FHWA) Technical Advisory T6640.8A, October 30, 1987, the FHWA requests “before selecting an alternative on new location for major projects in rural areas, it is important to demonstrate that reconstruction and rehabilitation of the existing system will not adequately correct the identified deficiencies and meet the project need.”

A major realignment alternative was considered that included construction of a new roadway or a three mile portion of the roadway outside of the current corridor from the Little Missouri River Bridge to just beyond the south edge of the plateau.

The realignment alternative would have steep climbing and descending grades (approximately 7.2% to 8.8%) for truck traffic and recreational vehicle traffic. This would make travel in both directions more difficult. Because of the north-facing slope with its tendency for icing, the steep grades would be an on-going challenge for the NDDOT to maintain in the winter. These adverse conditions would also increase safety concerns for the users of the highway.

The realignment of US 85 would result in approximately 100 acres of additional right-of-way, including 40 acres of previously undisturbed habitat from the Little Missouri National Grasslands. The land within the right of way for the abandoned segment of US 85 would need to be reclaimed because this project is located in a scenic area of the state.

The extensive earthwork involved in construction of a new corridor, and reclamation of the existing corridor that would be abandoned, would be cost prohibitive. The realignment of US 85 was not considered prudent because of the greater environmental impacts, added safety concerns, added construction costs, and right-of-way needs. Therefore, the realignment alternative was eliminated from further study.

2.5.2 Four-Lane Alternative

There has been some discussion over the years about the desire to 4-lane US 85 to accommodate future economic development in the western part of the state. A four lane alternative was considered that would construct all four lanes on the same general alignment and or would utilize the current roadway for one lane and a new lane would be located to the west of US 85 from the bridge to the southeast corner of the plateau and from that point southward, the additional two lanes could be located on either side of the highway.

The four-lane alternative of US 85 was not considered prudent because of the greater environmental impacts, added construction costs, and right-of-way needs. Therefore, the four-lane alternative was eliminated from further study.

CHAPTER THREE

ENVIRONMENTAL CONSEQUENCES

3.1 INTRODUCTION

This chapter addresses the positive and negative environmental impacts of the alternatives presented in Chapter 2. The inventory and evaluation of the existing environment provides the necessary baseline from which to determine the impacts of the proposed project alternatives. The discussion of impacts related to Alternatives B and C are combined as the impact footprint is the same, unless otherwise noted. The potential effects of the project on the environment are discussed, as well as any potential mitigation measures. ***Please refer to Appendix A, Impact Locations.***

The impacts are identified for the following alternatives:

- Alternative A No-Build Alternative
- Alternative B 55 mph Design Speed
- Alternative C 65 mph Design Speed with Speed Advisory on Curves
- Alternative D 65 mph Design Speed

3.2 LAND USE

The proposed project is located in McKenzie County, North Dakota. The North Unit of the Theodore Roosevelt National Park is located just northwest of the project, beginning at the Little Missouri River. The Little Missouri National Grasslands are located adjacent to the project area. The public lands of the McKenzie Ranger District are interspersed with private ranchlands. The public lands are leased for summer grazing to ranching operations/permittees through the McKenzie County Grazing Association. The Custer National Campground is located on the west side of the roadway within the National Grasslands.

3.2.1 Impacts/Mitigation

Alternative A (No-Build Alternative) – If no action is taken, there will be no impacts to land use in the area.

Alternatives B, C, and D – The build alternatives would result in the need for additional right of way from private landowners and permanent easements from the US Forest Service (USFS resulting in minor conversions of land from its existing use to a transportation corridor.

3.3 SOCIAL CONSIDERATIONS

Social impacts are those that affect the quality of life for residents living within the study area. Impacts to the social environment includes changes in neighborhoods or community cohesion for various social groups; changes in travel patterns and accessibility; impacts on school districts, recreation areas,

churches, businesses, police and fire protection; and/or impacts on highway traffic, and overall public safety.

3.3.1 Impacts/Mitigation

Alternative A (No-Build Alternative) – If no action is taken, no improvements would be provided and concerns would continue to perpetuate.

Alternatives B, C, and D – The build alternatives are not anticipated to cause adverse social impacts. The project would increase safety and mobility for the public traveling and recreating along the project corridor. There would be no planned community development altered and no changes in employment expected because of the proposed build alternatives.

3.4 RELOCATION

The “Uniform Act” or Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amendments, provide important protections and assistance for people affected by federally funded projects, which, although designed to benefit the public as a whole, may result in acquisition of private property and displacement of people from their homes, businesses, or farms.

3.4.1 Impacts/Mitigation

Alternative A (No-Build Alternative) – If no action is taken, right of way would not need to be acquired.

Alternatives B and C – Approximately 3.0 acres of land adjacent to NDDOT right of way would require a permanent easement from the USFS. In addition, approximately 1.3 acres of land would be acquired from private landowners. ***Please refer to Table 3-1, Permanent Easement/Right of Way Impacts - Alternatives B and C.***

Alternative D – Approximately 5.9 acres of land adjacent to NDDOT right of way would require a permanent easement from the USFS. In addition, approximately 5.24 acres of land would be acquired from private landowners. ***Please refer to Table 3-2, Permanent Easement/Right of Way Impacts - Alternative D.***

Table 3-1, Permanent Easement/Right of Way – Alternative B and C

Stationing (approximate)	Location	Permanent Easement (acre)	ROW Needed (acre)	Owner	Reason For Impact
Sta 6510+50 to Sta 6517+00 Curve 7	Sec. 13, T147N, R99W	1.3	----	USFS	Fill on Existing Slope
Sta 6526+20 to Sta 6533+50 Curve 8	Sec. 13, T147N, R99W	1.7	----	USFS	Fill for acceleration lane and behind existing rock wall
Sta 6608+00 to Sta 6614+50 Curve 12	Sec. 1, T148N, R99W	----	1.3	Private	Fill on Existing slope
Total Needed		3.0	1.3		

Table 3-2, Permanent Easement/Right of Way Impacts – Alternative D

Station (approximate)	Location	Permanent Easement (acre)	ROW Needed (acre)	Owner	Reason For Impact
Sta 6391+00 to Sta 6394+00 Curve 1	Sec. 25, T147N, R99W	----	0.04	Private	Fill on Existing Slope
Sta 6511+50 to Sta 6520+50 Curve 7	Sec. 13, T147N, R99W	2.5	----	USFS	Fill on Existing Slope
Sta 6526+20 to Sta 6535+00 Curve 8	Sec. 13, T147N, R99W	3.4	----	USFS	Fill for acceleration lane and behind existing rock wall
Sta 6603+00 to Sta 6609+00 Curve 12	Sec. 12, T147N, R99W	----	2.2	Private	Fill on Existing Slope
Sta 6605+00 to Sta 6617+00 Curve 12	Sec. 1, T148N, R99W	----	2.9	Private	Fill on Existing Slope
Sta 6628+00	Sec. 13, T148N, R99W	----	0.1	Private	Fill on Existing Slope
Total Needed		5.9	5.24		

3.5 WETLANDS

Wetlands are defined both in the 1977 Executive Order 11990, Protection of Wetlands, and in Section 404 of the Clean Water Act of 1986, as those areas that are inundated by surface or groundwater with a frequency to support and under normal circumstances do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Three parameters that define a wetland, as outlined in the Federal Manual for Delineating Jurisdictional Wetlands (U.S. Army Corps of Engineers, 1987), are hydric soils, hydrophytic vegetation, and hydrology. Wetlands are an important natural resource serving many functions, such as providing habitat for wildlife, storing floodwaters, recharging groundwater, and improving water quality through purification.

A wetland field delineation was completed by NDDOT environmental scientists on August 27, 2007. Five wetlands were identified in the study area, in addition to the Little Missouri River. A wetland jurisdictional request was submitted to the US Army Corps of Engineers (USACE) to determine which wetlands and water bodies are under the jurisdiction of the USACE.

3.5.1 Impacts/Mitigation

Alternative A (No-Build Alternative) – If no action is taken, no impacts to wetlands would occur.

Alternatives B and C – Approximately 0.14 acres of wetlands, of which 0.05 acres are jurisdictional, would be permanently impacted. Impacts would be the result of the placement of riprap in and around the scour holes in the Little Missouri River and by the construction of fill slopes. ***Please refer to Table 3-3, Wetland Impacts.***

Alternative D – Approximately 0.08 acres of wetlands, of which 0.05 acres are jurisdictional, would be permanently impacted. Impacts would be the result of the placement of riprap in and around the scour areas in the Little Missouri River and by the construction of fill slopes. ***Please refer to Table 3-3, Wetland Impacts.***

There are no practicable alternatives that would avoid impacts to wetlands. Design of the build alternatives would include measures to minimize impacts to wetlands. Unavoidable impacts to wetlands would be mitigated according to permit requirements. Wetland credits from an approved NDDOT wetland mitigation site may be used for mitigation.

Table 3-3, Wetland Impacts

Station (approx.)	Location	LAT/LONG	Wetland Number	Wetland Type (Cowardin Classification including water regime)	Impacts to Wetlands Protected under E.O. 11990 (acre)		Impacts to USACE Jurisdictional Wetlands			
					Alt B & C	Alt D	Temporary (acre)		Permanent (acre)	
							Alt B & C	Alt D	Alt B & C	Alt D
6338+85 (exception area)	Sec. 36, T147N, R99W	103°14'52.349"W 47°30'20.868"N	1	PEMC	0.00	0.00	0.00	0.00	0.00	0.00
6457+00	Sec. 24, T147N, R99W	103°14'22.793"W 47°32'12.263"N	2	PEMCx	0.02	0.02	0.00	0.00	0.00	0.00
6408+00	Sec. 24, T147N, R99W	103°14'38.867"W 47°31'25.867"N	3	PEMCx	0.01	0.01	0.00	0.00	0.00	0.00
6404+00	Sec. 25, T147N, R99W	103°14'44.569"W 47°31'23.433"N	4	PABFh	0.06	0.00	0.00	0.00	0.00	0.00
6338+85 (exception area)	Sec. 35, T147N, R99W	103°14'54.889"W 47°30'21.17"N	5	PEMC	0.00	0.00	0.00	0.00	0.00	0.00
6675+00	Sec. 35, T147N, R99W	103°15'10.274"W 47°35'27.578"N	Little Missouri River - 6	R2USC, R2UBF	0.05	0.05	0.00	0.00	0.05	0.05
Total Impacts					0.14	0.08	0.00	0.00	0.05	0.05

3.6 WATER BODY MODIFICATION AND WILDLIFE

Pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 662), if the proposed improvements would affect water resources, then consultation with the US Fish and Wildlife Service (USFWS) and with the state agency having administrative responsibilities over wildlife resources must be initiated. This consultation is to determine the possible wildlife resources, as well as the means and measures that should be adopted to prevent the loss of, or damage to, those resources, as well as to provide concurrently for the development and improvement of such resources. The Act also provides for the protection of any publicly owned wildlife or waterfowl refuge of national, state or local significance as addressed under Section 4(f) discussed later in this Section, as well as threatened and endangered species.

The Little Missouri River is classified as a Class I Critical Water body since it is a critical spawning area for the channel catfish population of Lake Sakakawea. The rare sturgeon chub and flathead catfish also inhabit this river. The Little Missouri River supports a moderate sport fishery on channel catfish, sauger, and northern pike, and has moderate value for forage fish production. The area also maintains

good furbearer population in portions of the river. The river has been declared a State Wild and Scenic River and has been proposed for federal designation.

At the time of the solicitation of views (SOV) response, the US FWS indicated that no nests of sensitive raptor species such as the golden eagle, prairie falcon, or ferruginous hawks are known to occur within ½ mile of the proposed project. Further, USFWS does not anticipate any significant impact on prairie dog towns. Additional correspondence from USFWS indicated that the raptor survey conducted in May 2003 identified prairie falcon, northern harrier, and Swainson's hawks, but no nests were discovered. Further, USFWS indicated that the northern portion of the project areas is within the Northwest Lone Butte bighorn sheep area.

A botanical survey was conducted on this project. The botanical survey found that no sensitive or watch plant species, as identified by the USFS, were detected on the proposed disturbance areas at the time of the survey. Therefore, the proposed project would have not effect on watch or sensitive species. Loss of potential habitat would not be significant since the proposed project will disrupt only a small portion of habitat common to the immediate area. Measures should be incorporated into design to minimize impacts to woodland species.

A biological assessment was prepared for this project. In addition to the assessment of threatened and endangered species discussed in the following Section, 5 raptor species of concern and 17 sensitive species (collectively known as species of concern) were assessed. The USFWS and ND Game and Fish Department were also consulted for known and potential occurrences of species of concern in the project area.

Raptor Species of Concern

Based on the USFWS raptor data bank and the raptor survey conducted in May 2003, there are no known active or inactive raptor nests within or near the project area. Therefore, there will be no impact to the five raptor species of concern (peregrine falcon, ferruginous hawk, golden eagle, prairie falcon, or merlin).

The USFWS recommended that, in cooperation with NDDOT, the raptor nest survey be updated prior to construction.

Sensitive Species

It was determined that suitable habitat was nonexistent for nine species of concern; therefore, there will be no impacts from the project to the following:

Baird's sparrow	Sprague's pipit
Western big-eared bat	Spotted bat
Sturgeon chub	Sicklefin chub
Dakota skipper butterfly	Ottoo skipper butterfly
Black-tailed prairie dogs	

It was determined that there may be potential suitable habitat for two species of concern. However, there were no sighting of these species and known observations of these species were more than three miles from the proposed project. Therefore, there will be no impacts from the project to the following:

Burrowing owl

Swift fox

It was determined that suitable habitat was available for six species of concern:

Bighorn sheep – the proposed project is within the Northwest Lone Butte bighorn sheep herd. The bighorn sheep habitat (40% or greater slope habitat) is located on both sides of the proposed project in Sections 1, 2, 12, and 13, Township 147 North, Range 99 West (northern three roadway miles of the project). The potential for disturbance to bighorn sheep from the proposed project is limited due to the existing low volume of traffic. Further, because the reconstruction project is located directly adjacent to existing areas of human disturbance, impacts to bighorn sheep will be minimal since they are likely acclimated to the existing disturbances. Therefore, there will be no direct impacts upon the bighorn sheep habitat.

Migrant loggerhead shrike – the proposed project may impact several acres of wooded habitat; therefore, the proposed project may impact individuals and habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species.

Northern leopard frog – the proposed project may impact steeply sided coulee bottoms which provide the necessary temporary aquatic resources for the northern leopard frog. Therefore, the proposed project may impact individuals and habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species.

Tawny crescent butterfly – the proposed project may impact several acres of wooded habitat; therefore, the proposed project may impact individuals and habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species.

Regal fritillary butterfly – the proposed project may impact several acres of coulee bottoms and wooded slopes which provide habitat components that are required by the regal fritillary butterflies; therefore, the proposed project may impact individuals and habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species.

Belfragii's chlorochroan bug – the proposed project may impact populations of prairie cordgrass, a vital habitat component for the Belfragii's bug; therefore the proposed project may impact individuals and habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species.

3.6.1 Impacts/Mitigation

Alternative A (No-Build Alternative) – If no action is taken, there would be no impacts to wildlife or water body modifications.

Alternatives B, C, and D – The following are measures to minimize harm:

Measures to minimize harm to raptors include the commitment to conduct the nesting survey after April 15. This date is used because data has shown that the raptors of concern have typically established nesting territories by this time and migratory raptors of concern are typically no longer present in the Little Missouri Grasslands. If a nest is observed, disturbance will be minimized during the timeframe of March 1 thru July 31.

Measures to minimize harm include the commitment to minimize disturbance impacts to the sheep during the breeding and lambing seasons from October 15 thru June 15 on the northern three miles of the project area, unless approval is received from the ND Game and Fish Department.

Measures to minimize harm to the Northern leopard frog and Belfragii's chlorochroan bug include the commitment to avoid disposing of any excess soils within intermittent waterways or drainages, and to revegetate disturbed areas with native plant species.

Measures to minimize harm to the Migrant loggerhead shrike, Tawny crescent butterfly and the Regal fritillary butterfly include the commitment to avoid disposing of excess material into depressions containing tree or juniper dominated woodlands, and to revegetate disturbed areas with native plant species. Impacts to previously undisturbed shrub pockets, and wooded draw and slope habitats should be mitigated in consultation with the USFS District Biologist.

3.7 THREATENED AND ENDANGERED SPECIES

Section 7 of the Endangered Species Act of 1973, as amended (U.S.C. 1536), requires each federal agency to ensure that any action funded or carried out by such agency is not likely to jeopardize the continued existence of any federally-listed endangered or threatened species or species proposed to be listed, or likely to result in the destruction or adverse modification of habitat of such species which is determined to be critical by the Secretary of the Interior. An endangered species is in danger of extinction throughout all or a significant portion of its range. A threatened species is one that is likely to become endangered in the near future. A candidate species is one for which the USFWS has sufficient information on their biological status and threats to propose the species as endangered or threatened but for which development of a listing regulation is precluded by other higher priority listing activities.

Consultation with USFWS indicated that seven species occur in McKenzie County. These include the endangered Interior least tern (*Sterna antillarum*), Whooping crane (*Grus americana*), Pallid sturgeon (*Scaphirhynchus albus*), Black-footed ferret (*Mustela nigripes*), and Gray wolf (*Canis lupus*); and the threatened Piping plover (*Charadrius melodus*); as well as the candidate species Dakota skipper (*Hesperia dacotae*).

3.7.1 Impacts/Mitigation

Alternative A (No-Build Alternative) – If no action is taken, there would be no impacts to any federally-listed species.

Alternatives B, C, and D - The proposed project may effect, but is not likely to adversely affect the listed species, and is not likely to jeopardize the continued existence of the species. In addition, the project is not likely to destroy or adversely modify the critical habitat of the species.

3.8 HISTORICAL AND ARCHAEOLOGICAL PRESERVATION

Section 106 of the National Historic Preservation Act of 1966, as amended, requires that federally funded projects be evaluated for the effects on historic and cultural properties included or eligible for listing on the National Register of Historic Places. The Archaeological and Historic Preservation Act of 1974 provides for the survey, recovery, and preservation of significant scientific, prehistoric, archaeological, or paleontological data when such data may be destroyed or irreparably lost due to a federal, federally-licensed, or federally-funded project.

A Class III cultural resource inventory of the existing US Highway 85 right of way was completed in 1999 by Larson-Tibesar Associates. Additional areas beyond the right of way on private land were surveyed by staff archaeologists with the NDDOT, and USFS land was survey by staff archaeologists with the USFS.

A few Native American tribes located in North Dakota were consulted with early in the project development process. The results of the Class III cultural resource inventory and testing approach were discussed at that time. However, since project conception the NDDOT Tribal Consultation methods have changed. Therefore, the project will be discussed with the Tribal Consultation Committee in the spring of 2008 and will continue throughout the project as needed.

Three archaeological sites (S1, S3, and S4) are located within the project right of way and one additional site (S2) is located immediately east of the right of way. All four sites are located at the southern end of the project, at curve one. ***Please refer to Appendix A for locations.***

Site S1 (32MZ1447) is located along the backslopes on the east and west sides of the roadway. This site has been evaluated and was considered not eligible for listing on the National Register of Historic Places.

Site S2 (32MZx85) is located along the east side of the roadway, outside of the limits of construction. This site has been tested and evaluated and is considered eligible for listing on the National Register of Historic Places.

Site S3 (32MZ1473) is located along the backslope on the west side of the roadway. The site has not been evaluated; it would require evaluative testing to determine whether it is eligible for listing on the National Register of Historic Places if it is proposed to be impacted.

Site S4 (32MZ1446) is also located along the backslope on the west side of the roadway. The site has not been evaluated; it would require evaluative testing to

determine whether it is eligible for listing on the National Register of Historic Places if it is proposed to be impacted.

In addition, Long X Bridge is located on the north end of the project. The bridge, a 969-foot continuous steel through truss bridge, was constructed in 1959 and is considered eligible for listing on the National Register of Historic Places.

3.8.1 Impacts/Mitigation

Alternative A (No-Build Alternative) – If no action is taken, there would be no impacts to historic and cultural properties.

Alternatives B, C, and D – During construction, the sites that are eligible or potentially eligible for listing on the National Register of Historic Places (Sites S2, S3, and S4) would be fenced to clearly show the avoidance areas. Consultation with the State Historic Preservation Office (SHPO) concurred with a "No Historic Properties Affected" determination provided that the archaeological sites are avoided. ***Please refer to Appendix G, SHPO Consultation.***

In addition, consultation with the SHPO indicated that provided the existing rail would not be removed during the bridge rail retrofit, then they concurred with a "No Historic Properties Affected" determination. Further, the painting and bridge deck overlay would not be considered an effect. ***Please refer to Appendix G, SHPO Consultation.***

3.9 SECTION 4(f) PROPERTIES

Section 4(f) of the Department of Transportation Act of 1966, as codified in the 49 U.S.C. §303, specifies that the Secretary shall not approve any program or project that requires the use of publicly owned land from a public park, recreation area, wildlife or waterfowl refuge of national, state, or local significance, of land of an historic site of national, state, or local significance, as determined by the officials having jurisdiction thereof, unless (1) there is no feasible or prudent alternative to the use of such land, and (2) such program or project includes all possible planning to minimize harm resulting from the use.

As defined in the FHWA "Section 4(f) Policy Paper," dated March 1, 2005; three scenarios constitute a "use" of a Section 4(f) property:

- 1) Land from a 4(f) property is permanently incorporated into a transportation facility.
- 2) There is an adverse temporary occupancy of the 4(f) property.
- 3) There is a constructive use of the 4(f) property that is so severe that the activities, features, or attributes that qualify the property or resource for protection under Section 4(f) are substantially impaired/diminished.

3.9.1 Impacts/Mitigation

Alternative A (No-Build Alternative) – If no action is taken, there would be no impacts to Section 4(f) properties.

Alternatives B, C, and D – The following impacts would occur with the build alternatives:

- Three archaeological sites (S1, S3, and S4) are located within the project right of way and one additional site (S2) is located immediately east of the right of way. Consultation with the SHPO concurred with a "No Historic Properties Affected" determination provided that the archaeological sites eligible or potentially eligible for listing on the National Register of Historic Places (S2, S3, and S4) are avoided; therefore, no "use" of the land from the Section 4(f) property would occur and Section 4(f) does not apply¹.
- Long X Bridge is considered eligible for listing on the National Register of Historic Places. The SHPO concurred with a "No Historic Properties Affected" determination provided that the existing rail would not be removed during the bridge rail retrofit. Further, the painting and bridge deck overlay would not be considered an effect. Therefore, no "use" of the Section 4(f) property would occur and Section 4(f) does not apply.
- The North Unit of the Theodore Roosevelt National Park is located just northwest of the project, beginning at the Little Missouri River; however, no "use" of the land from the Section 4(f) property would occur.
- The Little Missouri National Grasslands are located adjacent to the project area. The Grasslands function primarily for purposes other than parkland, recreation, or refuge; therefore, Section 4(f) does not apply to the land areas that require a permanent easement for purposes of construction.
- The Custer National Campground is located on the west side of the roadway within the National Grasslands; however, no "use" of the land from the Section 4(f) property would occur. The Grasslands function primarily for purposes other than park, recreation, or refuge; therefore Section 4(f) does not apply to the land areas that require a permanent easement from the USFS for purposes of construction.
- Two scenic overlooks are located with the project right of way. However, temporary occupancy of land to lengthen the deceleration and acceleration lanes would be minimal such that it does not constitute "use" within the meaning of Section 4(f). Further, no significant change in the setting would occur and the site would retain its recreational use as a scenic overlook therefore, no "use" of land would occur.

3.10 VISUAL

Visual impacts involve the viewer's response to a resource change and the degree of change or influence an action has on a view, scenic resource, or man-made feature. The extent of potential visual contrast/compatibility effects with adjacent landforms and land uses are addressed from three vantage points: the roadway user traversing the system, those looking to the roadway from outside

¹ Land from the Section 4(f) property would not be permanently incorporated into the transportation facility; no adverse temporary occupancy of land would occur; and there is no constructive use of land that is severe, as defined in 23 CFR § 771.135(p).

the system, and those looking from the scenic overlook away from the roadway to the adjacent landscape.

3.10.1 Impacts/Mitigation

Alternative A (No-Build Alternative) – If no action is taken, there would be no aesthetic impacts; the area would stay the same.

Alternatives B, C, and D - Two scenic overlooks are located with the project right of way. No significant change in the setting would occur and the site would retain its recreational use as a scenic overlook. Further, the cut and fill slopes would be designed in a manner to blend in with the existing environment. ***Please refer to Exhibits 3-1 thru 3-4, South Scenic Overlook – Alternatives B and C, South Scenic Overlook – Alternative D, North Scenic Overlook – Alternatives B and C, North Scenic Overlook – Alternative D.***

3.11 TEMPORARY CONSTRUCTION IMPACTS

Temporary construction impacts are caused by construction of the project and may last for the duration of construction. These include increases in noise levels associated with construction equipment, increases in dust levels, short-term water quality affects associated with construction in the river and drainages, and potential detour routes/property access issues. As the no-build alternative would not require any construction, this discussion is only relevant to the build alternatives.

3.11.1 Noise Impacts/Mitigation

Construction would result in temporary increases in noise levels within the vicinity of the project. Noise would be generated primarily from heavy equipment used to transport materials and to construct the proposed improvements. Measures to limit construction noise include ensuring the construction equipment is equipped with a recommended muffler in good working order.

3.11.2 Air Quality Impacts/Mitigation

Construction activities could have a short-term impact on air quality, primarily during site preparation. The amount of particulate matter (dust) would vary, depending on the activity and local weather conditions. Where excess dust is anticipated to be a problem, effective dust control measures would be implemented in accordance with the NDDOT Standard Specifications. Dust control would be the responsibility of the contractor and could include the following: minimization of exposed earth; temporary seeding and mulching; water disturbed areas during dry and/or windy periods; and covering or stabilizing material stockpile locations.

3.11.3 Water Quality Impacts/Mitigation

The potential for temporary increases in turbidity and other water quality impacts resulting from construction activities would be reduced by the implementation of standard best management practices during construction and compliance with project-specific conditions as specified in the permits and water quality certificate.

Exhibit 3-1, South Scenic Overlook – Alternatives B and C



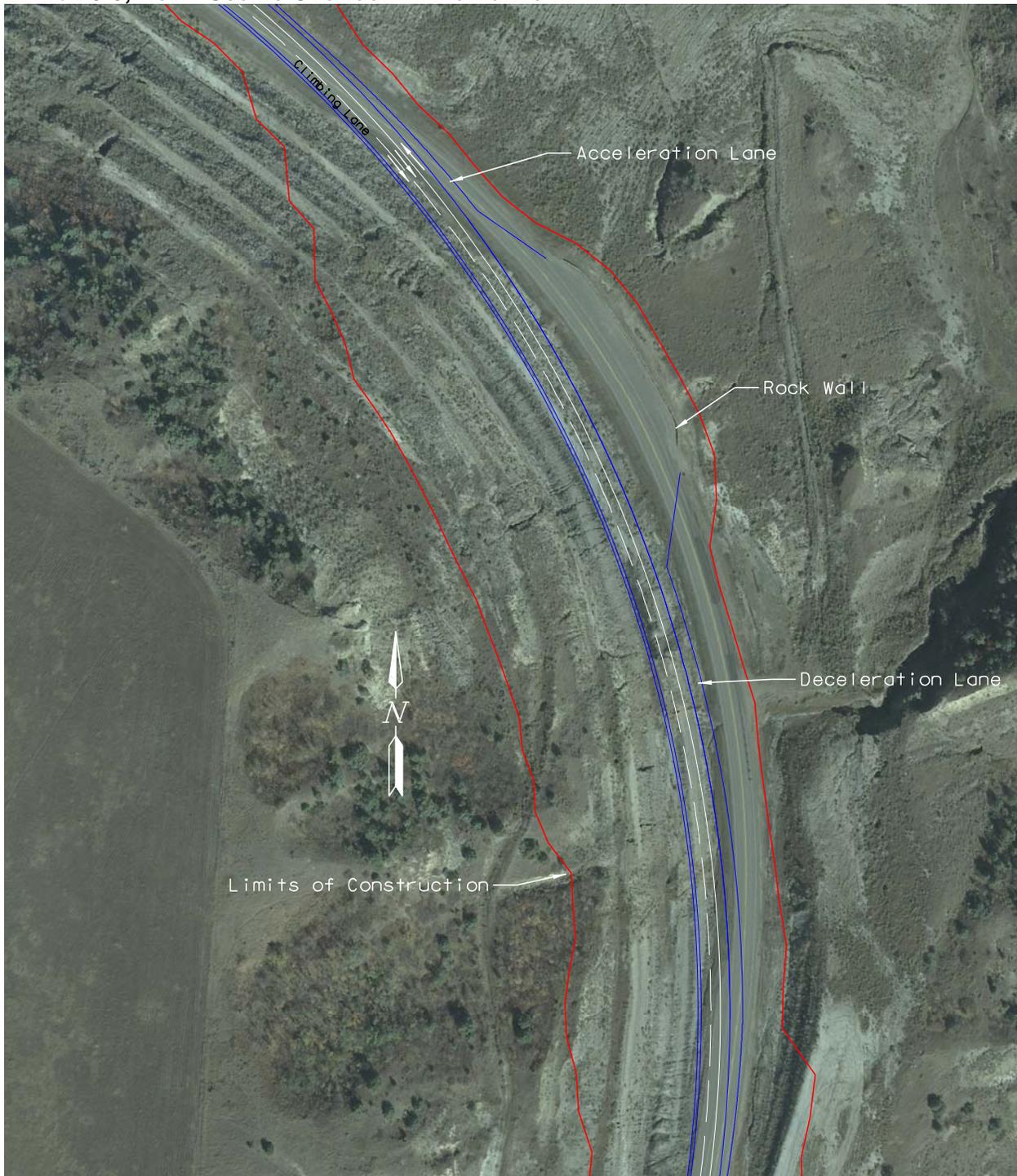
Exhibit 3-2, South Scenic Overlook – Alternative D



Exhibit 3-3, North Scenic Overlook – Alternatives B and C



Exhibit 3-3, North Scenic Overlook – Alternative D



3.11.4 Detour/Access Impacts/Mitigation

It is expected that during construction, pilot cars will be utilized to maintain at least one-lane of traffic during the day and possibly two-lanes will be open at night. During road closures, emergency service vehicles will be provided access thru the construction zone to minimize response delays. Also it is likely that construction will result in the temporary closure of the roadway periodically during construction. It is expected that Alternative B and C may result in road closures up to one week per occasion and Alternative D may result in road closures up to two weeks per occasion to provide a safe work zone. Measures to minimize the length of road closures will be evaluated during the design phase of the project.

Road closures would require a temporary detour route of approximately 100 miles. Traffic from the north side of the project (Williston/Watford City) would be routed onto ND 68 to ND 16 to I-94 in Beach or over to ND 23 to ND 73 to ND 22 to I-94 in Dickinson. Variable message signs would be utilized at key locations to inform the traveling public of road closures. Further, during the deck overlay, bridge rail retrofit and painting, one lane of traffic will remain open on the bridge.

The National Park Service/Theodore Roosevelt National Park voiced concern that road closures would impact travelers accessing the North Unit from the south. Further, travel for Park operations could also be affected as US 85 is the main route from the administration headquarters of the Park to the North Unit.

3.12 RELATIONSHIP OF LOCAL SHORT-TERM USES VS. LONG-TERM PRODUCTIVITY

The local, short-term impacts and use of resources inherent in all build alternatives would be consistent with the maintenance and long-term functionality of US Highway 85. Short-term impacts include delays during construction and impacts from the incorporation of land into a transportation corridor. Long-term benefits of the build alternatives would include a safer, more reliable transportation corridor, and accessibility and connectivity for residential, recreational, and commercial travelers.

3.13 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

As with any construction project, certain irreversible and irretrievable commitments of natural resources, labor, materials and fiscal resources are required. Fossil fuels, labor, and highway construction materials such as cement, aggregate, and bituminous material would be expended to complete the project. Additionally, labor and natural resources would be used in the fabrication and preparation of construction materials. These materials are generally not retrievable. However, they are not in short supply, and their use would not have an adverse effect on the availability of these resources. Any construction would also require a one-time expenditure of city, county, state, and federal funds, which are not retrievable. However, the anticipated beneficial effects would balance the irretrievable commitment of resources caused by construction of the build alternatives.

3.14 INDIRECT AND CUMULATIVE IMPACTS

Cumulative effects result from the incremental consequences of an action “when added to other past, present, and reasonably foreseeable actions regardless of the agency or person undertakes such other actions” (40CFR 1508.7). Effects of an action may be insignificant when evaluated in an individual context, but these effects can add to other disturbances and cumulatively may lead to a measurable environmental change. By evaluating the impacts of the proposed action with the effects of other actions, the relative contribution of the proposed action to a projected cumulative impact can be estimated.

3.14.1 Past, Present, and Reasonably Foreseeable Actions

US 85 Reconstruction – A PCR/CatEx was prepared and construction was completed in 2003 to repair an earthen slide from RP 123.6 to RP 124.5 (exclusion area). This emergency project also included a climbing lane.

US 85 from Long X Bridge to Watford City – A PCR/CatEx was prepared for a mine and blend project from RP 127 to RP 141.7. Construction was completed in 1998 and a seal coat was added in 2002.

US 85 at Horseshoe Bend – A PCR/CatEx was prepared to straighten the alignment at Horseshoe Bend from RP 127 to RP 129. Construction was completed in 1984.

Little Missouri River Crossing – An Environmental Impact Statement is being prepared for a proposed crossing of the Little Missouri River in conjunction with upgrading existing roadway and/or creating new roadways to connect east river and west river from ND 16 to US 85, between the north and south units of the Theodore Roosevelt National Park.

3.14.2 Impacts

Minimal impacts associated with the proposed US 85 project, when added to past, present, and reasonably foreseeable future actions, would not contribute to the significance of those impacts. Impacts considered include wetlands, water quality, and habitat. It can be assumed that past, present, and reasonably foreseeable future actions have had, or will have, a cumulative impact to these resources. Following the Executive Order 11990 and Section 404 of the Clean Water Act, impacts to wetlands must be avoided or minimized. In cases where impacts do occur, the wetland impacts would be mitigated following NDDOT guidelines. Therefore, the cumulative effects to wetlands would not be significant, when added to the impacts from other development projects in the area. Similarly, water quality impacts are minimized through the use of BMPs during construction. Therefore, the cumulative effect to water quality would not be significant, when added to the impacts from other development projects in the area. Lastly, habitat loss or fragmentation attribute to impacts to flora and fauna communities. However, the proposed project is located on an existing alignment and suitable habitat exists outside the project area. Therefore, the cumulative effect to habitat would not be significant, when added to the impacts from other development in the area. Further, the project is not intended to induce additional

traffic since there is not additional capacity nor is it expected to change growth or development patterns.

3.15 PERMITS

The following permits would be needed to construct this project:

U.S. Army Corps of Engineers – A *Section 404 Permit* is required for any activity in water or wetlands, which involves discharge of dredged or fill materials into waters of the United States and adjacent wetlands. To obtain a Section 404 Permit, impacts to wetlands must be mitigated through avoidance, minimization, and compensation measures in accordance with the “Memorandum of Agreement (MOA) between the Environmental Protection Agency and the Department of the Army concerning the Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines” (February 1990).

North Dakota Department of Health – A National Pollution Discharge Elimination System (NPDES) Permit is required to discharge storm water runoff. To apply for a permit, a Notice of Intent must be submitted along with a Storm Water Pollution Prevention Plan (SWPPP). The authorization to discharge storm water requires storm water to be held onsite to allow sediment to settle or be filtered out. The contractor will be responsible for obtaining the NPDES Permit.

3.16 ENVIRONMENTAL COMMITMENTS AND COMPLIANCE

NDDOT and FHWA have made the following commitments for this project:

- No river channel alterations or major changes in drainage patterns will be made.
- Unavoidable impacts to wetlands will be mitigated on-site, adjacent to the project or at an approved location prior to or at the time of construction. Appropriate avoidance, minimization, and mitigation measures will be determined in cooperation with the USACE and USFWS.
- Trees impacted during construction will be mitigated on site in accordance with the NDDOT Design Manual. If not feasible, mitigation may occur on Forest Service lands in locations identified and in cooperation with the USFS, or in an approved NDDOT Tree Mitigation Bank.
- Coordinate with USFWS to update the raptor nest survey prior to construction and after April 15.
- Contact USFWS if nests of the golden eagle, prairie falcon, or ferruginous hawk are encountered during construction. If nests are observed, disturbance will be minimized during the timeframe of March 1 thru July 31.
- Coordinate with ND Game and Fish Department during design to develop measures to minimize impacts to the bighorn sheep.
- The contractor staging area shall not be placed on the north end of the project.
- Construction shall not take place on the northern three miles of the project from October 15 to June 15, during the breeding and lambing

season of the bighorn sheep, unless approval is received from the ND Game and Fish Department.

- Final surfacing shall not begin until after June 15 the following year to minimize disturbance during lambing and must be completed by October 15, unless approval is received from the ND Game and Fish Department.
- The design will incorporate measures to minimize impacts to woodland species.
- The design will incorporate measures to make the fill slopes appear more natural with rolling features.
- Minimize erosion and sedimentation into the Little Missouri River and its adjacent habitat.
- Construction will be avoided in the river during the fish spawning and migration period between April 15 and June 1 unless floating turbidity barriers are used.
- Avoid disposal of excess material into intermittent waterways or drainages to minimize harm to the Northern Leopard frog and Belfragii's chlorochroan bug.
- Avoid disposal of excess material into depressions containing tree or juniper dominated woodlands to minimize harm to the Migrant loggerhead shrike, Tawny crescent butterfly, and the Regal fritillary butterfly.
- Unavoidable impacts to previously undisturbed shrub pockets, and wooded draw and slope habitats will be mitigated in consultation with the USFS.
- All waste material associated with this project must be disposed of properly and not placed in an identified floodplain.
- Construction equipment must be cleaned prior to entering the project area to avoid introduction of non-native species into the National Grasslands.
- Reseed disturbed areas with a native grass and forb mixture.
- Fencing will be used to mark-off avoidance areas surrounding archaeological sites S2, S3, and S4.
- NDDOT will continue the consultation process with the Tribal Consultation Committee throughout the project as needed.
- The rail will not be removed during the bridge rail retrofit.
- Advance message signs will be utilized to inform the traveling public of road closures and to encourage truck traffic to travel using other routes.
- Road closures would be minimized during the school year.
- Access would be provided for emergency vehicles during road closures.
- Coordination will take place with the affected utility companies during the project design, including Western Area Power Administration regarding the transmission line parallel and crossing the highway.

3.17 ENVIRONMENTAL CONSIDERATIONS NOT RELEVANT TO THE PROJECT

The following environmental considerations were reviewed and found to be not relevant to the proposed project:

Air Quality - The proposed project is consistent with the *North Dakota State Implementation Plan for Air Quality*. Management practices would be

implemented into the design of the selected alternative to minimize fugitive dust and wind erosion.

Water Quality – The proposed project would incorporate measures to control water quality impacts. Best Management Practices (BMP's) would be implemented into the design to minimize erosion and sedimentation.

Noise – The proposed project would incorporate measures to control noise impacts. BMP's would be implemented during construction to minimize noise.

Wild and Scenic Rivers - There are no Wild or Scenic Rivers located in the project area.

Coastal Barriers/Costal Zone - The project is not located in a costal barrier or coastal zone area.

Energy - The proposed project would require the consumption of energy and resources. This is necessary in order to maintain a safe and efficient transportation corridor in the area. The benefits of the project to the traveling public would compensate for the energy lost during construction by improving the efficiency of travel.

Floodplain - Consultation with the North Dakota State Water Commission indicated that the project is not located in an identified floodplain.

Section 6(f) - Consultation with the North Dakota Parks and Recreation indicated that the project would not affect state park lands or Land and Water Conservation Fund Recreation projects.

Prime and Unique Farmland – Consultation with the Natural Resource Conservation Service indicated that the project would not convert any areas that have prime farmlands.

Environmental Justice – This project would not result in adverse effects on minority and low-income populations.

Pedestrian/Bicyclists – This project does not include pedestrian/bicycle facilities.

Economic – The proposed project is not expected to create long-term economic effects.

Hazardous Waste – There are no known hazardous waste sites in the project area.

3.18 IDENTIFICATION OF AGENCY PREFERRED ALTERNATIVE

The Department has determined that the build alternative based on a 65 mph posted speed limit, Alternative D, is the preferred alternative. The preferred alternative would meet the purpose of the project and would best accommodate the future 1,735 ADT, of which approximately 25% is truck traffic. Further, this portion of roadway is included in the northern segment of the Great Plains

International Trade Corridor, known as the Theodore Roosevelt Expressway; the preferred alternative would best accommodate the future needs of the corridor, with minimal impacts. ***Please refer to table 3-4, Summary Comparison of Project Alternatives***

Table 3-4 Summary Comparison of Project Alternatives

Objective	Measurement Indicator	Alternative A (No Build)	Alternative B (55 mph Design Speed)	Alternative C (65 mph Design Speed with Speed Advisory Signs on Curves)	Alternative D (65 mph Design Speed) - Preferred
Rehabilitate deteriorating pavement	Design life of pavement	<5 Years	20 Years	20 Years	20 Years
Upgrade roadway section to meet current standards/guidelines	Width of driving lanes	12 ft	12 ft	12 ft	12 ft
	width of shoulders	4 ft	6 ft	6 ft	6 ft
	inslope	±4:1	4:1	4:1	4:1
Improve drainage to control erosion	Culverts Side slopes	Perpetual erosion problems	Repair or replace culverts Install 2 x 2 bench slopes	Repair or replace culverts Install 2 x 2 bench slopes	Repair or replace culverts Install 2 x 2 bench slopes
Update bridge to current safety standards	Bridge rail	Bridge rail does not meet current standards	Bridge rail retrofit	Bridge rail retrofit	Bridge rail retrofit
Improve bridge deck	Design life of bridge deck	<5 Years	20 Years	20 Years	20 Years
Control erosion at bridge piers	Erosion areas	Scour trenches	Repair scour trenches	Repair scour trenches	Repair scour trenches
Replace paint in splash zone	Paint condition	Poor paint condition	Apply paint in splash zone	Apply paint in splash zone	Apply paint in splash zone
Cost	Dollars	Cost to maintain \$2,203 mile/year	\$10.4 million	\$10.4 million	\$12.7 million

Impact Categories	Alternative A (No Build)	Alternative B (55 mph Design Speed)	Alternative C (65 mph Design Speed with Speed Advisory Signs on Curves)	Alternative D (65 mph Design Speed) - Preferred
Land Use	No impact	Minor conversions of land from existing use to a transportation corridor	Minor conversions of land from existing use to a transportation corridor	Minor conversions of land from existing use to a transportation corridor
Social	No improvements would be provided and concerns would continue to perpetuate	Would increase safety and mobility	Would increase safety and mobility	Would increase safety and mobility
Relocation	No impact	3.0 acres of permanent easement needed from the USFS; 1.3 acres of land would be acquired from private land owners	3.0 acres of permanent easement needed from the USFS; 1.3 acres of land would be acquired from private land owners	5.9 acres of permanent easement needed from the USFS; 5.24 acres of land would be acquired from private land owners
Wetlands	No impact	0.14 acres of wetlands, of which 0.05 acres are jurisdictional, would be impacted	0.14 acres of wetlands, of which 0.05 acres are jurisdictional, would be impacted	0.08 acres of wetlands, of which 0.05 acres are jurisdictional, would be impacted
Water Body Modification and Wildlife	No impact	No known raptor nests in project area; no effect to raptor species of concern; no impact to nine sensitive species; no impact to two sensitive species; minimal impact to six species of concern; and no effect to sensitive or watch plant species	No known raptor nests in project area; no effect to raptor species of concern; no impact to nine sensitive species; no impact to two sensitive species; minimal impact to six species of concern; and no effect to sensitive or watch plant species	No known raptor nests in project area; no effect to raptor species of concern; no impact to nine sensitive species; no impact to two sensitive species; minimal impact to six species of concern; and no effect to sensitive or watch plant species
Threatened and Endangered Species	No impact	May effect, but is not likely to adversely affect 7 listed species and is not likely to jeopardize the continued existence of these species	May effect, but is not likely to adversely affect 7 listed species and is not likely to jeopardize the continued existence of these species	May effect, but is not likely to adversely affect 7 listed species and is not likely to jeopardize the continued existence of these species
Historical and Archaeological Preservation	No impact	No historic properties affected	No historic properties affected	No historic properties affected
Section 4(f) Properties	No impact	No use of land	No use of land	No use of land
Visual	No impact	No significant change in setting would occur and the site would retain its recreational use as a scenic overlook. Cut and fill slopes would be designed in a manner to blend in with the existing environment	No significant change in setting would occur and the site would retain its recreational use as a scenic overlook. Cut and fill slopes would be designed in a manner to blend in with the existing environment	No significant change in setting would occur and the site would retain its recreational use as a scenic overlook. Cut and fill slopes would be designed in a manner to blend in with the existing environment
Temporary Construction Impacts	No impact	Minimal temporary impacts	Minimal temporary impacts	Minimal temporary impacts

CHAPTER FOUR

PREPARERS AND COORDINATING PARTIES

4.1 INTRODUCTION

This Environmental Assessment (EA) was prepared by the NDDOT. Listed below are those individuals and roles of the principal persons contributing information to the EA. In accordance with Part 1502.6 of the Council on Environmental Quality (CEQ), regulations for implementing the National Environmental Policy Act (NEPA), the efforts of an interdisciplinary team comprising technicians and experts in various fields were required to accomplish this study. The individuals with primary responsibility for preparation of this EA are listed below.

Team Member	Affiliation	Role
Steve Kessler, Transportation Engineer	NDDOT	Alternatives Analysis, Data Collection, Preliminary Engineering, Public Involvement
Sheri Lares, Environmental Planner	NDDOT	Public Involvement, Impact Analysis, Senior Review
Jeani Borchert, Archaeologist	NDDOT	Impact Analysis
Chad Orn, P.E., Program Manager	NDDOT	Alternatives Analysis, Senior Review
Jon Collado, P.E., Transportation Engineer	NDDOT	Alternatives Analysis, Preliminary Engineering
Mark Schrader, Environment and Right of Way Engineer	FHWA	Lead Agency
Jeffrey Forster, Operations Engineer	FHWA	Lead Agency

4.2 COORDINATION WITH AGENCIES AND INTERESTED PARTIES

4.2.1 Solicitation of Views

The NDDOT initiated early project coordination on April 13, 1999 by distributing a Solicitation of Views (SOV) letter. Pursuant to Section 102(2)(D)(IV) of NEPA, a Solicitation of Views was requested to ensure that social, economic, and environmental effects were considered in the development of the environmental document. ***Please refer to Appendix B, which contains the SOV letter and a list of agencies and interested parties that received the letter.***

At the conclusion of the 30-day comment period, 12 comments were received. These comments provided valuable insight into the potential environmental impacts and were referenced and incorporated where appropriate within the environmental document. ***Please refer to Appendix C, which contains agency comment letters received.***

A second SOV was sent on September 28, 2004. ***Please refer to Appendix D which contains the SOV letter and a list of agencies and interested parties that received the letter.*** At the conclusion of the 30 day comment period, 13 comments were received. ***Please refer to Appendix E, which contains agency comment letters.***

4.3 PUBLIC INVOLVEMENT

4.3.1 Public Input Meeting

A Public Input Meeting was held in Watford City on December 14, 2004. The intent of this meeting was to inform elected officials and federal, state, regional, and local agencies, as well as the general public, of the project and obtain local knowledge of concerns related to the proposed project. Five people attended the meeting. No written comments were received. At the meeting, two people stated that they believed a 4-lane option should be considered. ***Please refer to Appendix F, which contains the public meeting advertisement, sign-in sheet, handout, and power point presentation.***

4.3.2 Public Hearing

A Notice of Availability of the Environmental Assessment and Public Hearing date will be advertised following approval of this document.

4.4 COMMENTS AND RESPONSES

The methodology for responding to comments received on the Environmental Assessment is based upon the general guidelines developed as part of NEPA. The comments received from the agencies and the public during the public hearing will be provided in the final document.

APPENDIX A

IMPACT LOCATION



LEGEND

Roadway Centerlines (not all centerlines are visible in areas where the alignments are the same)

- existing —
- for 55 MPH Alternative —
- for 65 MPH Alternative —

Limits of Construction (adjacent text notes offset from existing centerline in "feet")

- for 55 MPH Alternative - - - - -
- for 65 MPH Alternative - - - - -

Existing Right of Way - - - - -

SCALE IN FEET

Start Reconstruction

Roadway Centerline

Limits of Construction for 55 MPH Alternative
(adjacent text notes offset from existing centerline in "feet")

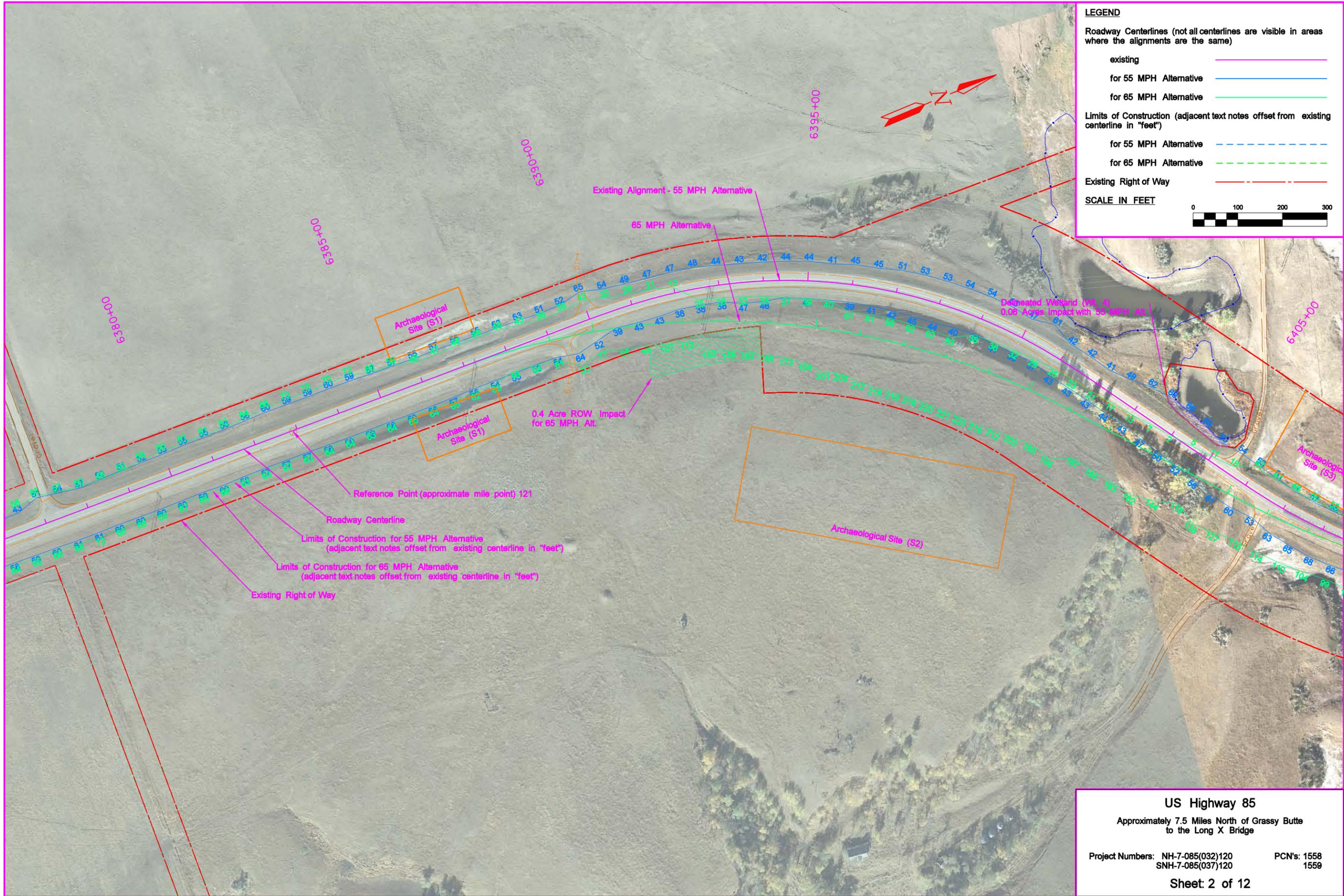
Limits of Construction for 65 MPH Alternative
(adjacent text notes offset from existing centerline in "feet")

Existing Right of Way

US Highway 85
Approximately 7.5 Miles North of Grassy Butte
to the Long X Bridge

Project Numbers: NH-7-085(032)120 PCN's: 1558
 SNH-7-085(037)120 1559

Sheet: 1 of 12



LEGEND

Roadway Centerlines (not all centerlines are visible in areas where the alignments are the same)

- existing —
- for 55 MPH Alternative —
- for 65 MPH Alternative —

Limits of Construction (adjacent text notes offset from existing centerline in "feet")

- for 55 MPH Alternative - - -
- for 65 MPH Alternative - - -

Existing Right of Way - - -

SCALE IN FEET

0 100 200 300

Reference Point (approximate mile point) 121

Roadway Centerline

Limits of Construction for 55 MPH Alternative
(adjacent text notes offset from existing centerline in "feet")

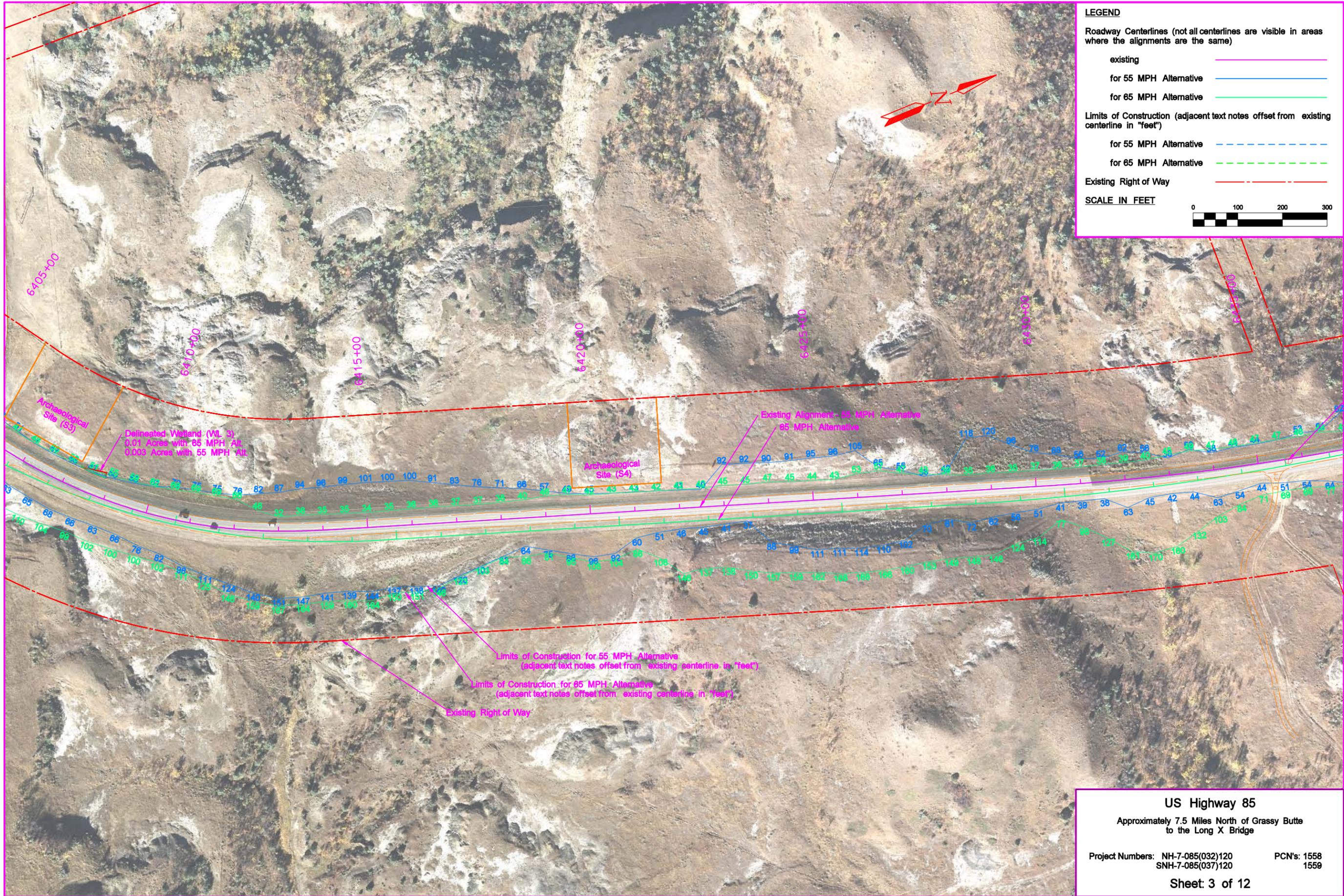
Limits of Construction for 65 MPH Alternative
(adjacent text notes offset from existing centerline in "feet")

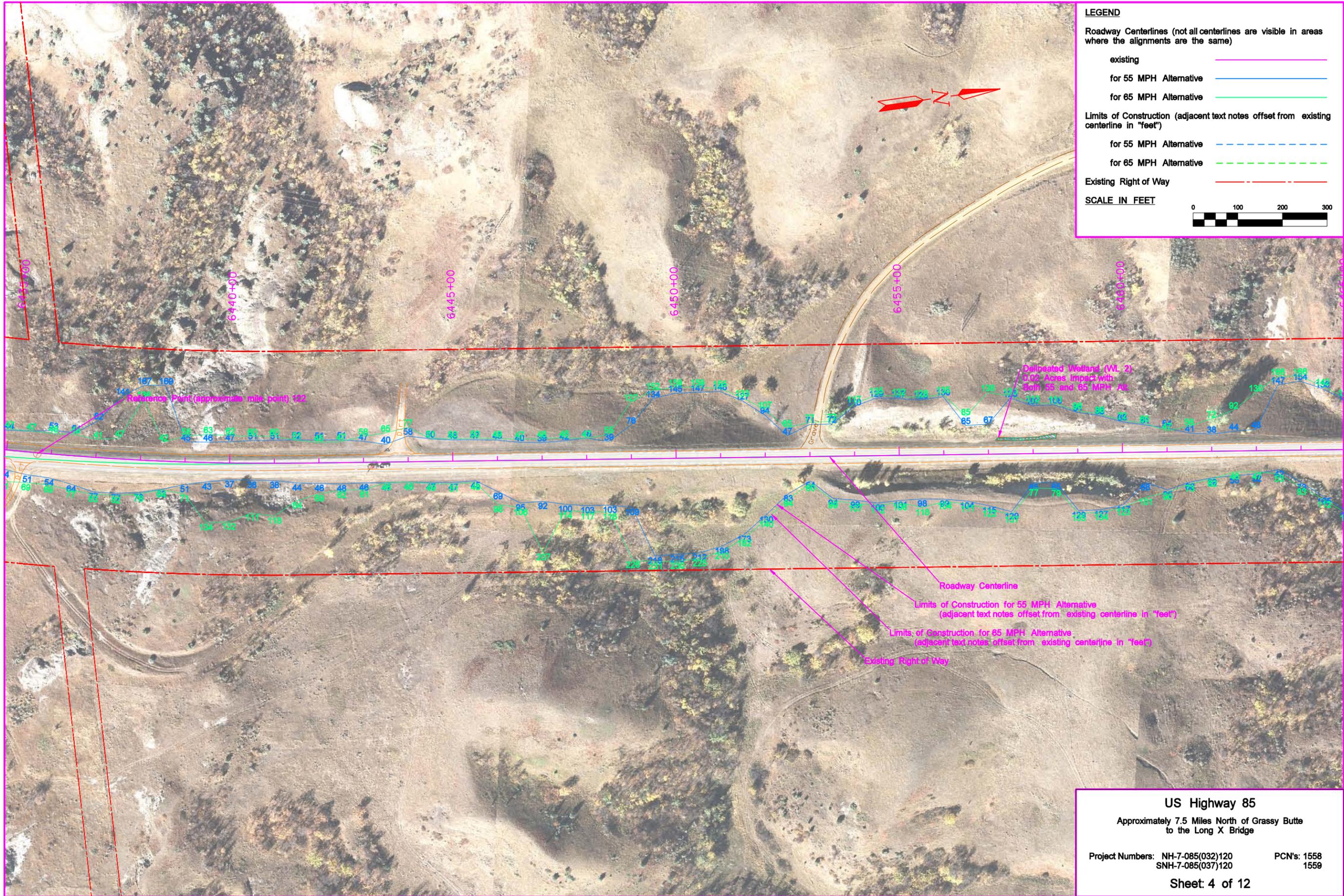
Existing Right of Way

US Highway 85
 Approximately 7.5 Miles North of Grassy Butte
 to the Long X Bridge

Project Numbers: NH-7-085(032)120 PCN's: 1558
 SNH-7-085(037)120 1559

Sheet: 2 of 12





LEGEND

Roadway Centerlines (not all centerlines are visible in areas where the alignments are the same)

- existing —
- for 55 MPH Alternative —
- for 65 MPH Alternative —

Limits of Construction (adjacent text notes offset from existing centerline in "feet")

- for 55 MPH Alternative - - -
- for 65 MPH Alternative - - -

Existing Right of Way - - -

SCALE IN FEET

157, 168
 141
 137, 138
 132, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

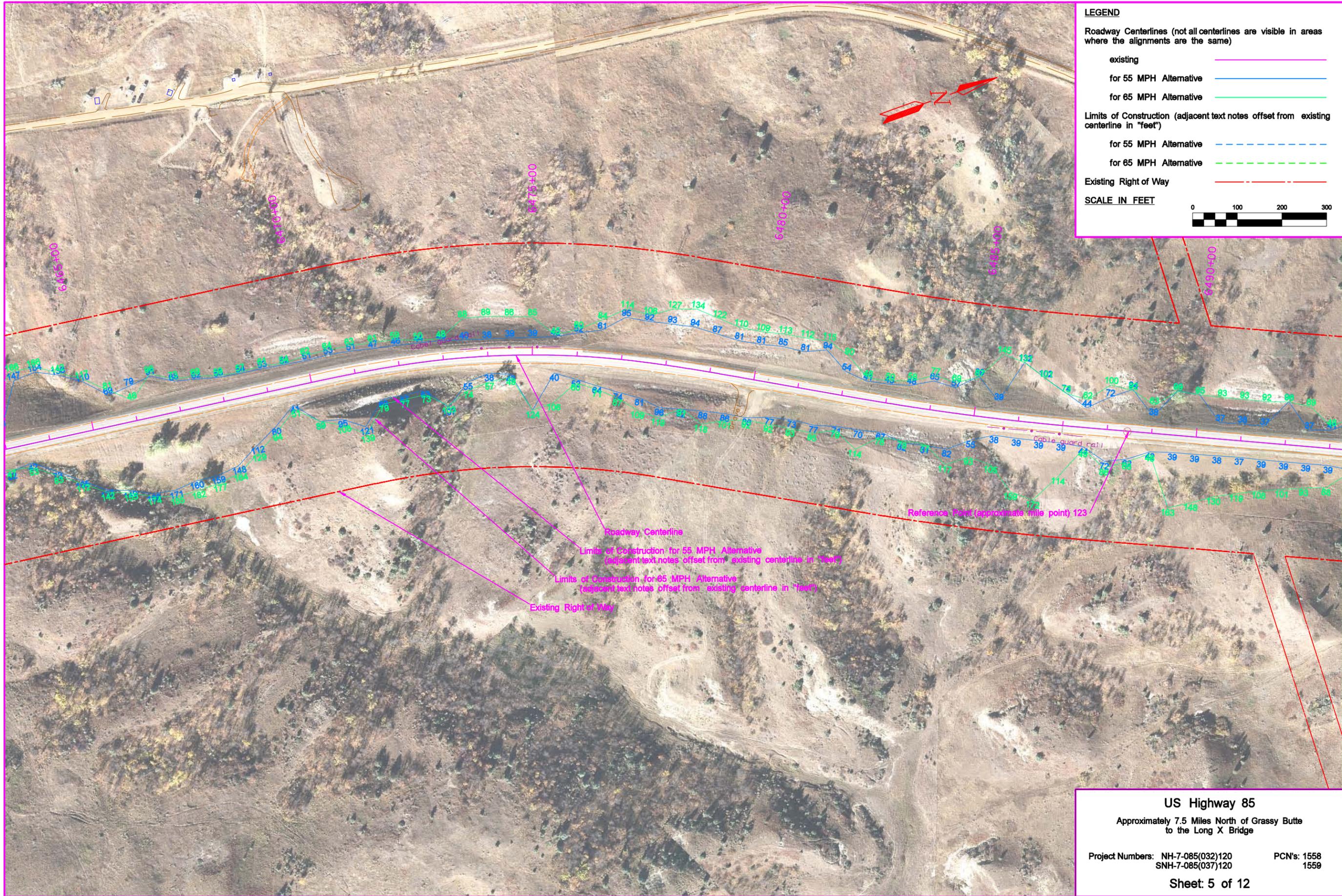
Delimited Wetland (VI, 2)
 100' Area Buffer with
 50' 55' and 65' MPH AL

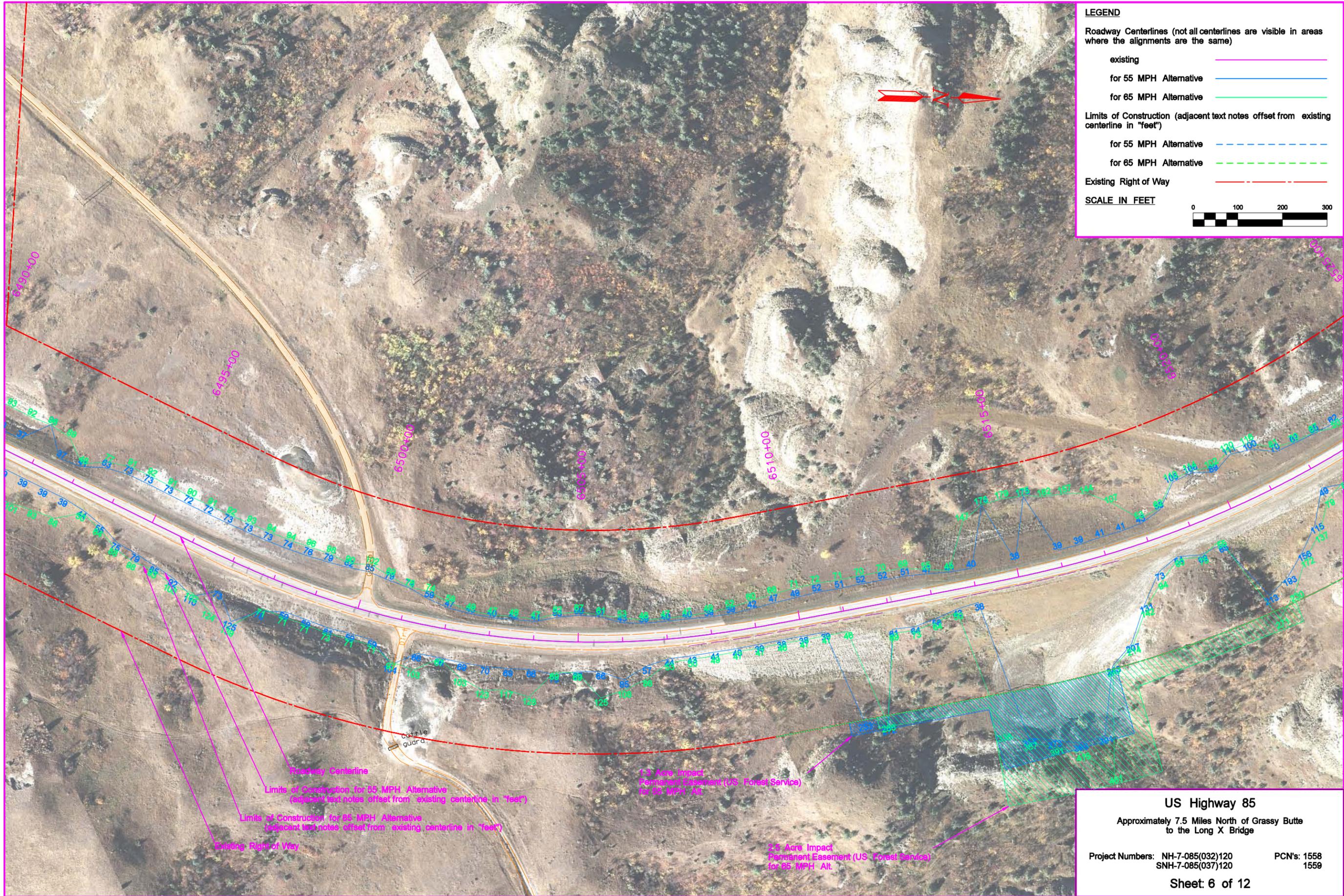
Roadway Centerline
 Limits of Construction for 55 MPH Alternative
 (adjacent text notes offset from existing centerline in "feet")
 Limits of Construction for 65 MPH Alternative
 (adjacent text notes offset from existing centerline in "feet")
 Existing Right of Way

US Highway 85
 Approximately 7.5 Miles North of Grassy Butte
 to the Long X Bridge

Project Numbers: NH-7-085(032)120 PCN's: 1558
 SNH-7-085(037)120 1559

Sheet: 4 of 12





LEGEND

Roadway Centerlines (not all centerlines are visible in areas where the alignments are the same)

- existing —
- for 55 MPH Alternative —
- for 65 MPH Alternative —

Limits of Construction (adjacent text notes offset from existing centerline in "feet")

- for 55 MPH Alternative - - - -
- for 65 MPH Alternative - - - -

Existing Right of Way - - - -

SCALE IN FEET

Roadway Centerline

Limits of Construction for 55 MPH Alternative
(adjacent text notes offset from existing centerline in "feet")

Limits of Construction for 65 MPH Alternative
(adjacent text notes offset from existing centerline in "feet")

Existing Right of Way

1.5 Acre Impact
Permanent Easement (US Forest Service)
for 55 MPH Alt.

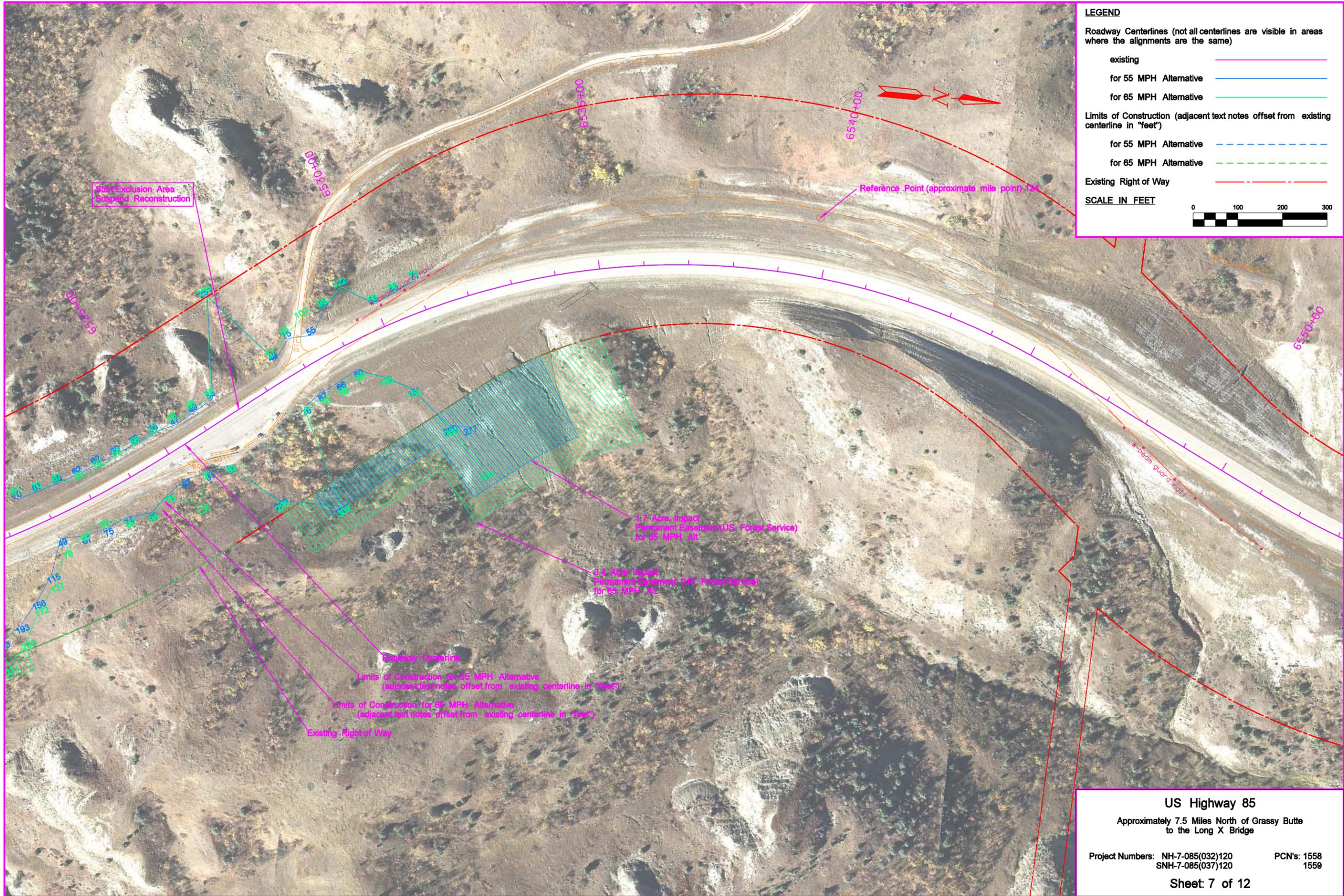
1.5 Acre Impact
Permanent Easement (US Forest Service)
for 65 MPH Alt.

US Highway 85

Approximately 7.5 Miles North of Grassy Butte
to the Long X Bridge

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Sheet: 6 of 12



LEGEND

Roadway Centerlines (not all centerlines are visible in areas where the alignments are the same)

- existing —
- for 55 MPH Alternative —
- for 65 MPH Alternative —

Limits of Construction (adjacent text notes offset from existing centerline in "feet")

- for 55 MPH Alternative - - -
- for 65 MPH Alternative - - -

Existing Right of Way - - -

SCALE IN FEET

0 100 200 300

Station Exclusion Area
Speed Reconstruction

Reference Point (approximate mile point) 124

1.7 Acre Impact
Permanent Easement (US Forest Service)
for 55 MPH Alt.

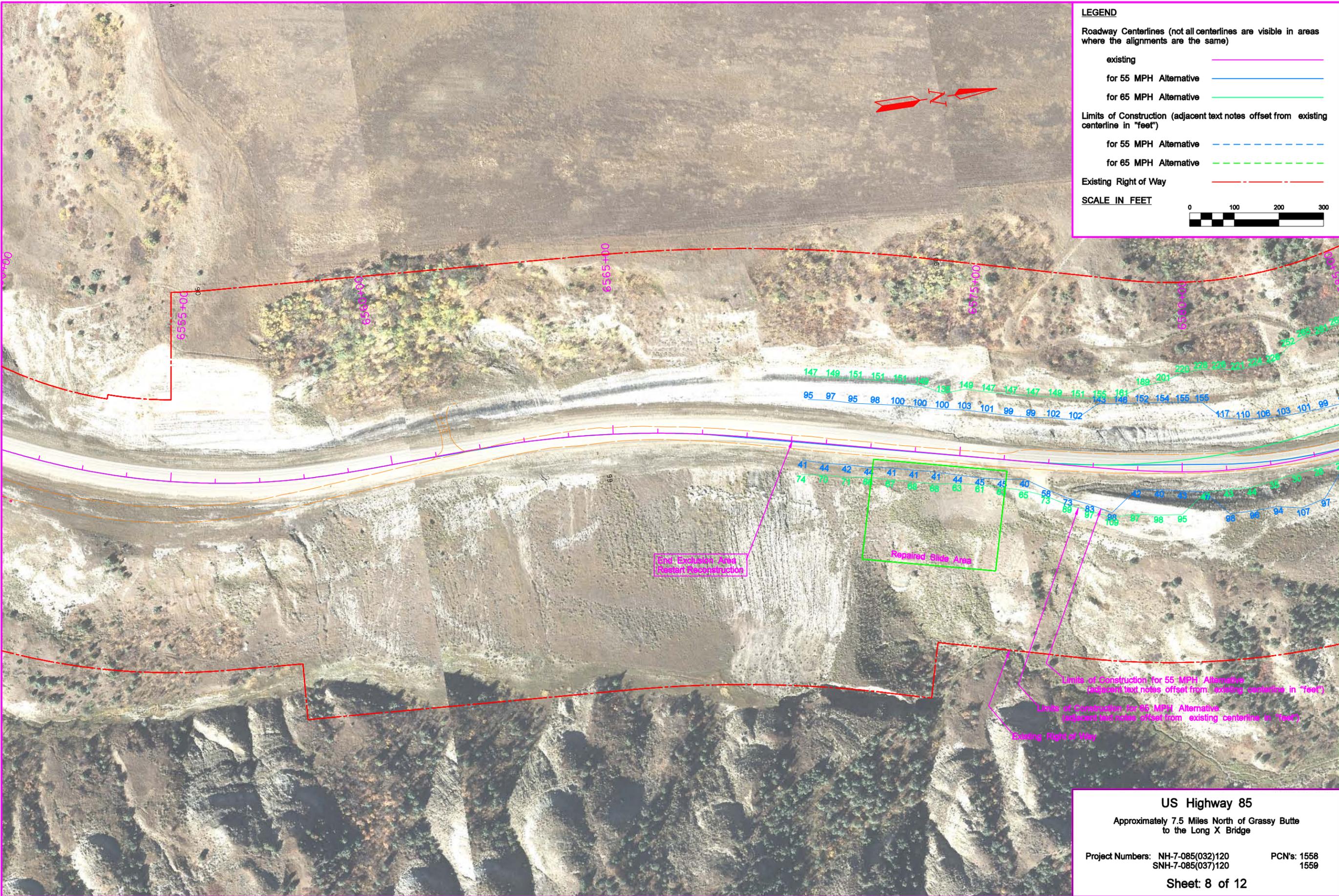
1.1 Acre Impact
Permanent Easement (US Forest Service)
for 65 MPH Alt.

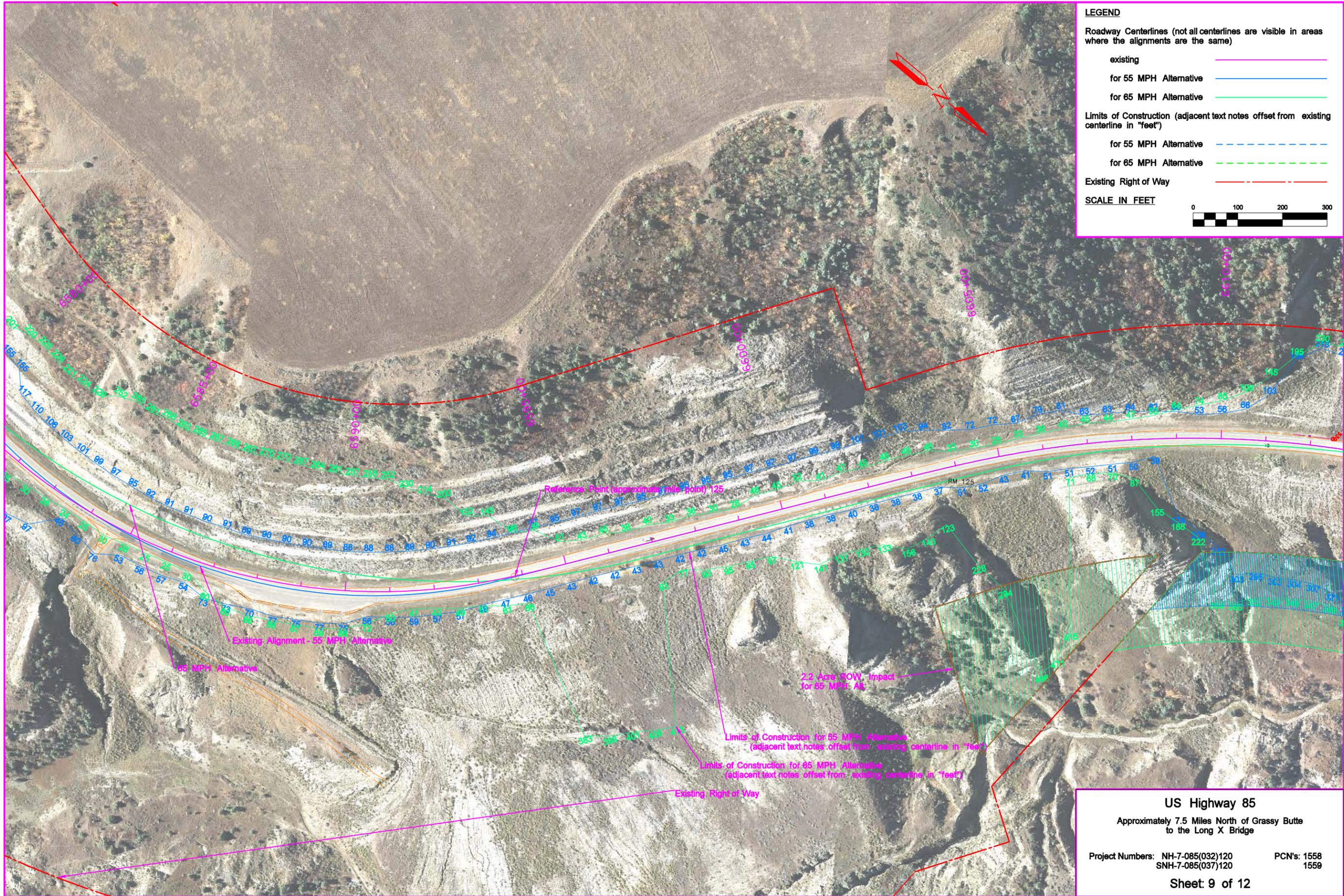
Roadway Centerline
Limits of Construction for 55 MPH Alternative
(adjacent text notes offset from existing centerline in "feet")
Limits of Construction for 65 MPH Alternative
(adjacent text notes offset from existing centerline in "feet")
Existing Right of Way

US Highway 85
Approximately 7.5 Miles North of Grassy Butte
to the Long X Bridge

Project Numbers: NH-7-085(032)120 PCN's: 1558
 SNH-7-085(037)120 1559

Sheet: 7 of 12





LEGEND

Roadway Centerlines (not all centerlines are visible in areas where the alignments are the same)

- existing —
- for 55 MPH Alternative —
- for 65 MPH Alternative —

Limits of Construction (adjacent text notes offset from existing centerline in "feet")

- for 55 MPH Alternative - - - -
- for 65 MPH Alternative - - - -

Existing Right of Way - - - -

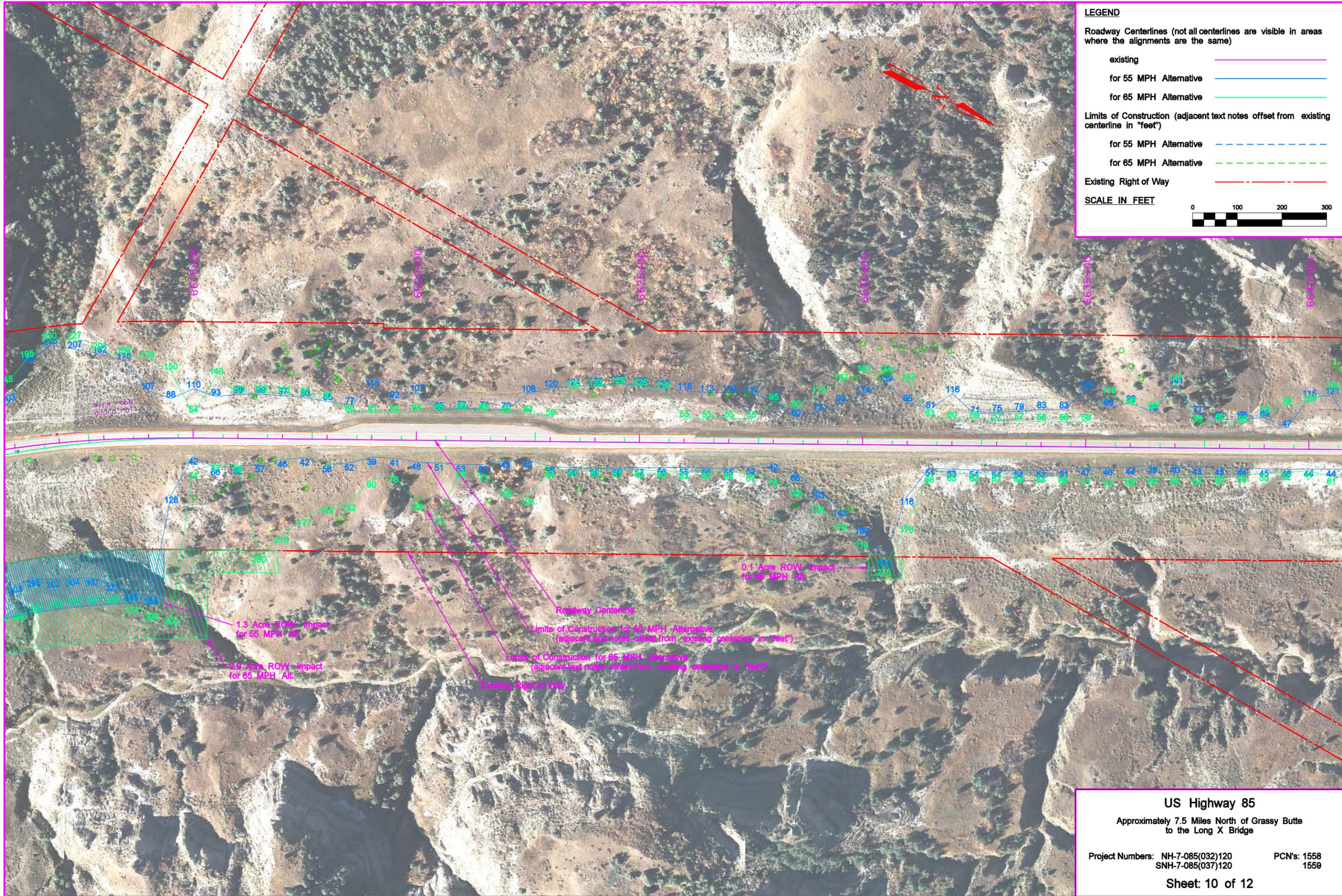
SCALE IN FEET

0 100 200 300

US Highway 85
 Approximately 7.5 Miles North of Grassy Butte
 to the Long X Bridge

Project Numbers: NH-7-085(032)120 PCN's: 1558
 SNH-7-085(037)120 1559

Sheet: 9 of 12



LEGEND

Roadway Centerlines (not all centerlines are visible in areas where the alignments are the same)

- existing —
- for 55 MPH Alternative —
- for 65 MPH Alternative —

Limits of Construction (adjacent text notes offset from existing centerline in "feet")

- for 55 MPH Alternative - - -
- for 65 MPH Alternative - - -

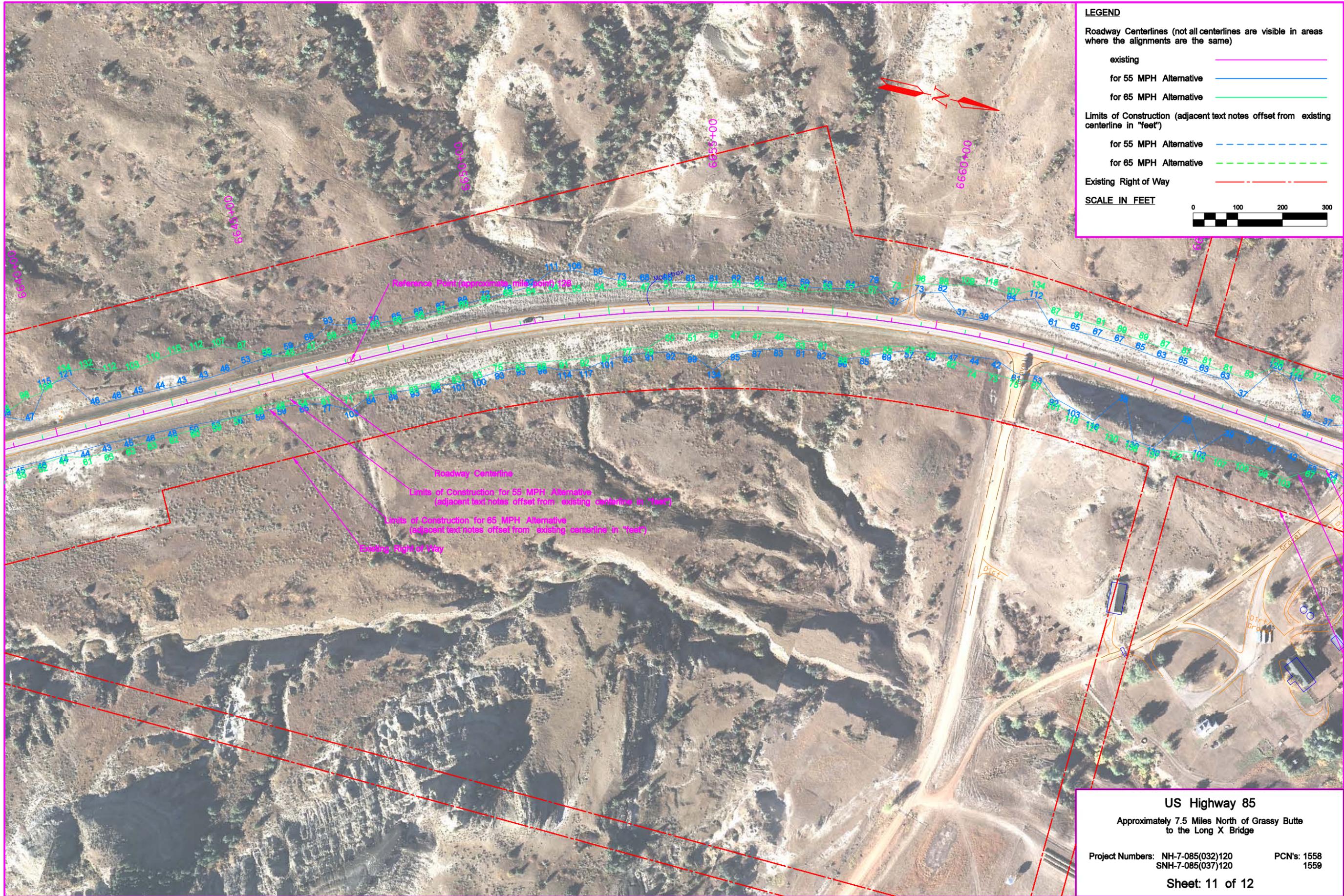
Existing Right of Way - - -

SCALE IN FEET

US Highway 85
 Approximately 7.5 Miles North of Grassy Butte
 to the Long X Bridge

Project Numbers: NH-7-085(032)120 PCN's: 1558
 SNH-7-085(037)120 1559

Sheet: 10 of 12



LEGEND

Roadway Centerlines (not all centerlines are visible in areas where the alignments are the same)

- existing —
- for 55 MPH Alternative —
- for 65 MPH Alternative —

Limits of Construction (adjacent text notes offset from existing centerline in "feet")

- for 55 MPH Alternative - - -
- for 65 MPH Alternative - - -

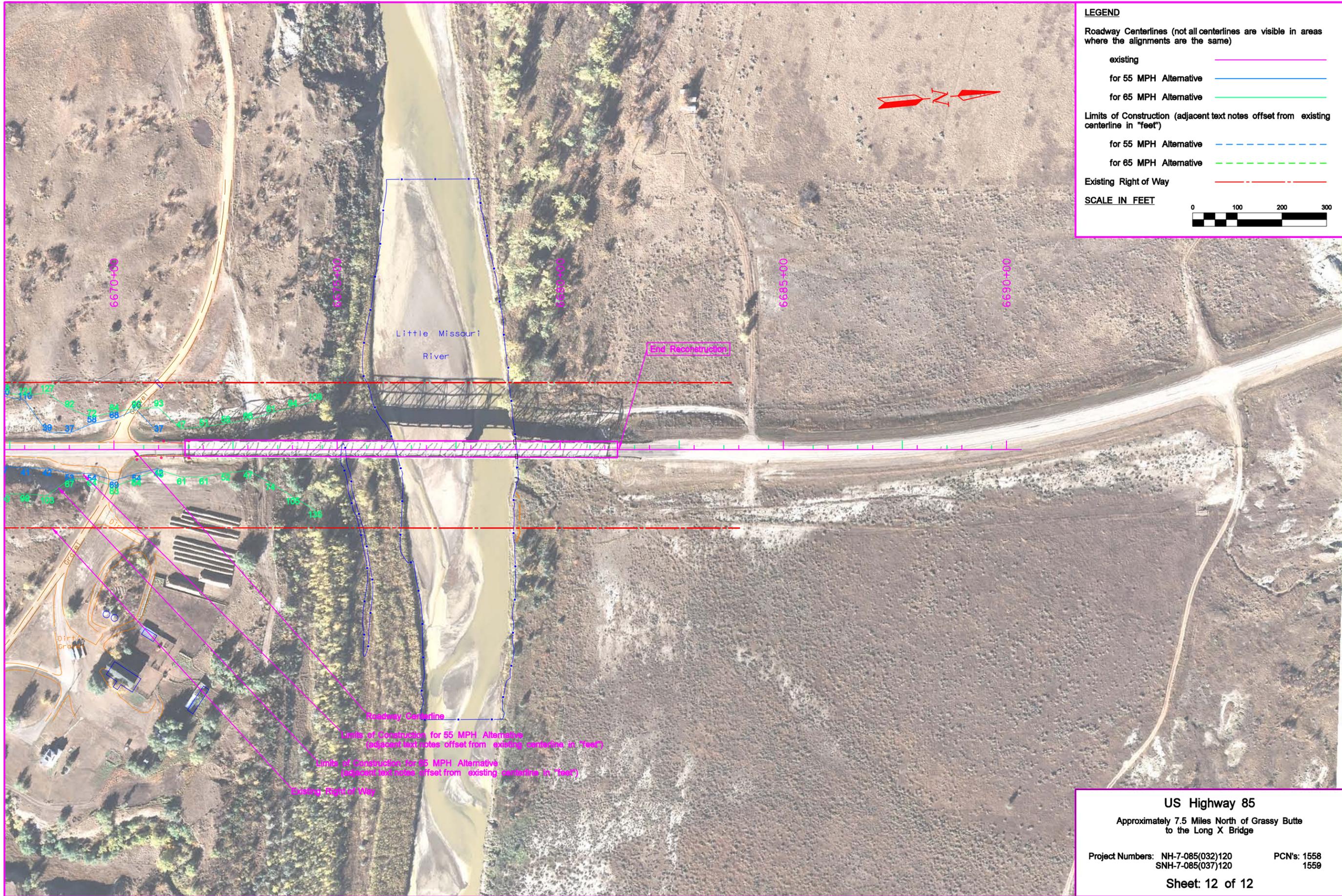
Existing Right of Way - - -

SCALE IN FEET

US Highway 85
 Approximately 7.5 Miles North of Grassy Butte
 to the Long X Bridge

Project Numbers: NH-7-085(032)120 PCN's: 1558
 SNH-7-085(037)120 1559

Sheet: 11 of 12



LEGEND

Roadway Centerlines (not all centerlines are visible in areas where the alignments are the same)

- existing —
- for 55 MPH Alternative —
- for 65 MPH Alternative —

Limits of Construction (adjacent text notes offset from existing centerline in "feet")

- for 55 MPH Alternative - - -
- for 65 MPH Alternative - - -

Existing Right of Way - · -

SCALE IN FEET

US Highway 85
 Approximately 7.5 Miles North of Grassy Butte
 to the Long X Bridge

Project Numbers: NH-7-085(032)120 PCN's: 1558
 SNH-7-085(037)120 1559

Sheet: 12 of 12

APPENDIX B

SOLICITATION OF VIEWS

- **SOV letter dated April 13, 1999**
- **Mailing List**



North Dakota Department of Transportation

608 East Boulevard Avenue • Bismarck, ND 58505-0700

Edward T. Schafer, Governor
Marshall W. Moore, Director

Information: (701) 328-2500

FAX Mail: (701) 328-4545

TTY: (701) 328-4156

Website: <http://www.state.nd.us/dot>

April 13, 1999

PROJECT NO. NH-7-085(032)120

A highway improvement is being planned on US Highway 85, from approximately eight miles north of Grassy Butte to the north side of the bridge over the Little Missouri River (see Figure 1 for the Project Location Map).

The project consists of widening the existing roadway to meet current design standards, including improvements to the horizontal alignment, vertical profile, and drainage. The project will also include the surfacing of the new roadway.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed highway improvement. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed highway facility. Any information that might help us in our studies would be appreciated.

Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

Page 2

April 13, 1999

It is requested that any comments or information be forwarded to our office on or before forward to before May 14, 1999. If no reply is received by this date, it will be assumed that you have no comment on this project.

If further information is desired regarding the proposed improvement, you may call me at (701) 328-4445 in Bismarck, North Dakota.

A handwritten signature in black ink, appearing to read "Kenneth E. Birst". The signature is written in a cursive, flowing style.

KENNETH E. BIRST, P.E. - DESIGN ENGINEER

BL

Enclosure

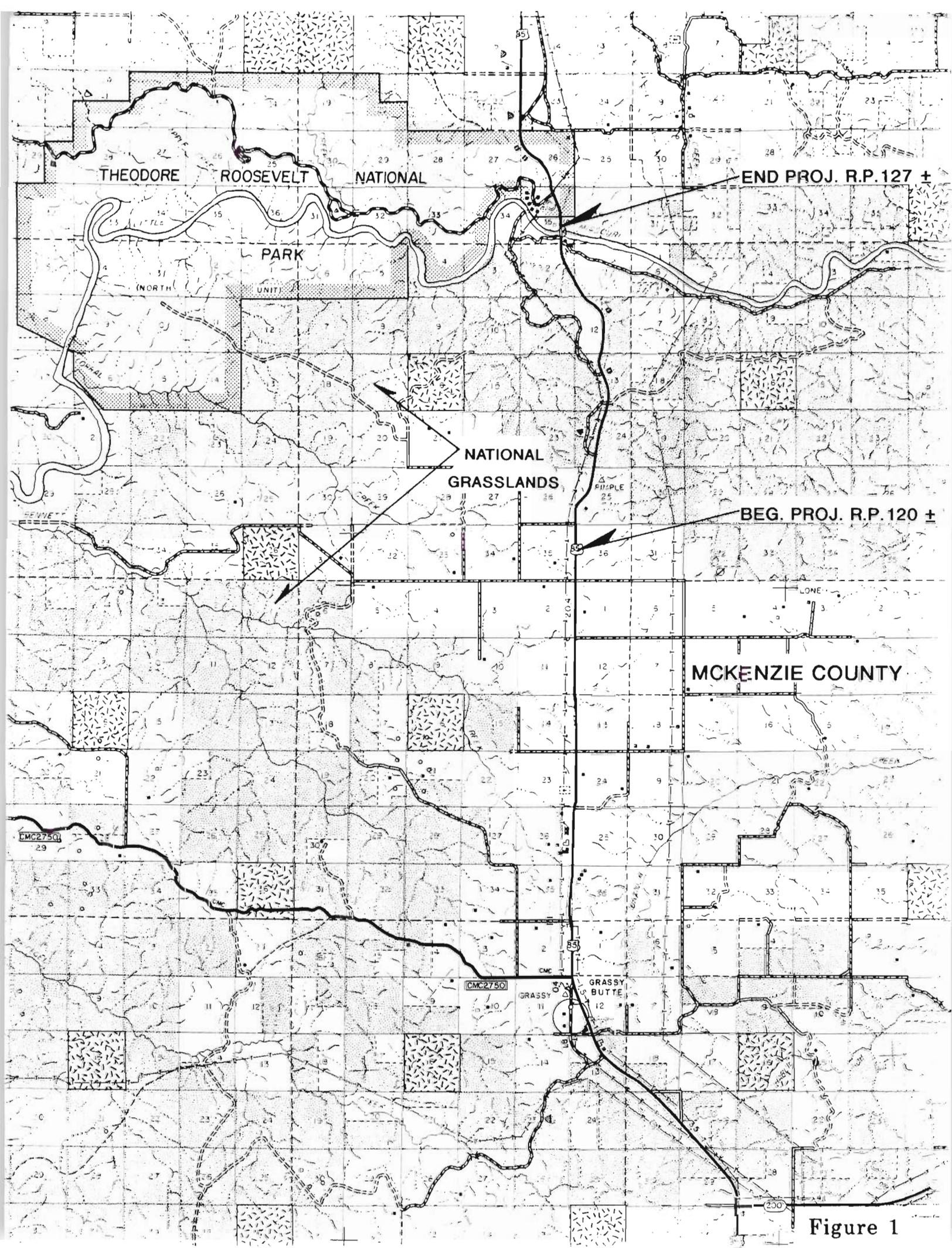


Figure 1

LIST OF ADDRESSES FOR SOLICITATION OF VIEWS

Mr. Doug Prchal
Director
ND Parks & Recreation Dept.
1835 Bismarck Expressway
Bismarck, ND 58504
1

Mr. Samuel J. Wegner
State Historic Prsv. Officer
State Historical Society
612 East Boulevard Avenue
Bismarck, ND 58505-0830
2

Mr. David Sprynczynatyk
Chief Eng.
State Water Commission
900 East Boulevard
Bismarck, ND 58505-0850
3

Mr. Dean Hildebrand
State Game and Fish Dept.
100 Bismarck Expressway
Bismarck, ND 58501-5095
4

Mr. Allyn J. Sapa
Field Supervisor Environment
U.S. Fish and Wildlife Service
1500 Capitol Avenue
Bismarck, ND 58501
5

Mr. Duane Anderson
President
ND Wildlife Federation Inc.
913 West Central Avenue
Minot, ND 58701-3731
6

Mr. Francis Schwindt
Chief
Environmental Health Section
ND Dept. of Health
P.O. Box 5520
Bismarck ND 58506-5520
7

State Conservationist
U.S. Department of Agriculture
P.O. Box 1458
Bismarck, ND 58502
8

Mr. Wayne A. McCollam
Acting Division Administrator
Federal Highway Admin.
1471 Interstate Loop
Bismarck, ND 58501
10

Mr. Mark A. Johnson
Exec. Dir.
ND Assoc. of Counties
P.O. Box 417
Bismarck, ND 58502
11

Mr. Dale Vodehnal
Water Management/Wetlands
US Environ. Protctn Agcy-8WM-SP
999 18th, Suite 500
Denver, CO 80202-2413
12

Mr. Robert Turner
U.S. Department of Commerce
Economic Development of Adm.
Denver Regional Office
1244 Speer Boulevard, Room 670
Denver, CO 80204-3584
14

Mr. Tom Berg
ND Forest Service
307 First Street, E
Bottineau, ND 58318-1100
19

Dist. Ranger Medora District
U.S. Forest Service
161 21st St., W
Dickinson, ND 58601
20

District Engineer
Corps of Engineers
215 North 17th Street
Omaha, NE 68102-4978
21

Attn: MS-150
Bureau of Reclamation
P.O. Box 1017
Bismarck, ND 58502
24

Institute of Ecological Studies
University of North Dakota
Grand Forks, ND 58207
26

Mr. Raymond J. Kub
Dist. Mgr.
Western Area Power Admin.
P.O. Box 1173
Bismarck, ND 58502
36

Adjutant General
ND National Guard
P.O. Box 5511
Bismarck, ND 58506-5511
37

Mr. Greg Wiche
Water Resources Division
U.S. Geological Survey
821 East Interstate Avenue
Bismarck, ND 58501
38

Mr. John Bluemle
ND Geological Survey
600 East Blvd. Avenue
Bismarck, ND 58505-0840
39

Ms. Patsy Thompson
Exec. Dir.
ND Council on the Arts
418 E. Broadway Suite 70
Bismarck, ND 58501-4086
40

Fed. Ins. and Hazard Mitigation Div.
Federal Emergency Mgmt. Agency
Region 8
Bldg 710 Denver Federal Center
Denver, CO 80225
41

Mr. James D. Davies
Area Mgr.
Western Area Power Admin.
P.O. Box EGY
Billings, MT 59101
42

Ms. Sharon Haugen
Tri-County Econ. Dev. Assn.
P.O. Box 2047
Williston, ND 58802
43

Mr. Richard Anderson
Exec. Dir.
North Central Planning Council
P.O. Box 651
Devils Lake, ND 58301
45

Mr. Rod Landblom
Exec. Dir.
Roosevelt-Custer Regl. Cncl.
Pulver Hall
Dickinson, ND 58601
50

Mr. Blake Vander Vorst
Executive Secretary
Soil Conservation Committee
18th Floor State Capitol
Bismarck, ND 58505
52

April 13, 1999

2

LIST OF ADDRESSES FOR SOLICITATION OF VIEWS

Rocky Mountain Regional Office
National Park Service
P. O. Box 25287
Denver, CO 80225
53

Mr. Noel Poe
Superintendent
Theodore Roosevelt National Park
P. O. Box 7
Medora, ND 58645

Mr. Wayde Schafer
Sierra Club
3305 Hillside Road
Mandan, ND 58554
56

Jess Anne Knutson
U.S.D.A. Forest Service
McKenzie Ranger District
HCO 2, Box 8
Watford City, ND 58854

Missile Cable Affairs Office
5th Communications Squadron
330 Bomber Boulevard
Minot AFB, ND 58705-5008
57

U.S. Environ. Protection Agcy.
Region VIII
999 18th Street Suite 500
Denver, CO 80202-2405
61

Centers for Disease Control
Ctr. for Environ. Health & Inj. Cntrl.
Spec. Programs Group Mail Stop F-29
1600 Clifton Road
Atlanta, GA 30333
63

U.S. Army Corps of Engineers
1513 South 12th Street
Bismarck, ND 58504
65

Mr. Trever D. Speidel
Director of Marketing
ND Ready Mix & Conc. Prod. Assn.
P. O. Box 1076
Bismarck, ND 58502
66

Mr. Robert Martinson
Director
ND Tourism Department
Liberty Memorial Building
604 East Boulevard Avenue
Bismarck, ND 58505-0662
67

The Honorable Susan Heck
Mayor of Belfield
P.O. Box 5
Belfield, ND 58622-0005

The Honorable William Bolken
Mayor of Watford City
P. O. Box 494
Watford City, ND 58854-0494

McKenzie County Commissioners
205 Fifth Street, NW
Watford City, ND 58854

APPENDIX C

AGENCY COMMENTS

- **US Department of Agriculture/Forest Service – Dakota Prairie Grasslands – 05/18/1999**
- **US Department of Agriculture/Natural Resource Conservation Service – 05/07/1999**
- **US Department of the Army/Corps of Engineers/Omaha District – 05/06/1999**
- **US Department of Energy/Western Area Power Administration –04/26/1999**
- **US Department of Energy/Western Area Power Administration –05/17/1999**
- **US Department of the Interior/Fish and Wildlife Service – 05/07/1999**
- **US Department of the Interior/ National Park Service – 06/17/1999**
- **US Environmental Protection Agency/Region 8 – 05/03/1999**

- **North Dakota Department of Health – 04/19/1999**
- **North Dakota Game and Fish Department – 05/06/1999**
- **North Dakota Parks and Recreation Department – 05/10/1999**
- **North Dakota State Water Commission – 04/27/1999**



United States
Department of
Agriculture

Forest
Service

Dakota Prairie Grasslands

McKenzie Ranger District
HCO 2, Box 8
Watford City, ND 58854

File Code: 2720

Date: May 18, 1999

North Dakota Department of Transportation
Attn: Mr. Kenneth E. Birst, Design Engineer
608 East Boulevard Avenue
Bismarck, ND 58505-0700

NDDOT Project No. NH-7-085(032)120

Project No. City Hwy
NH-7-085(032)120

Dear Kenneth:

USDA 05-18-99
Project Comments

I am writing in response to your letter dated April 13, 1999, requesting information or comments relating to environmental or other matters regarding the highway improvement being planned on US Highway 85 referenced above. It is my understanding that construction of these improvements is planned for calendar year 2001, and that you are still working on the preliminary concept for this project. Until you have completed your preliminary concept report, it is difficult for me to provide site specific information regarding your proposal.

An archeology survey, botanical survey and/or report, and wildlife survey and biological evaluation will need to be submitted to our office for review and approval prior to our concurrence with the proposed project. Following are the names and telephone numbers of our resource specialists that can provide you specific information regarding our survey and report requirements:

Mervin G. Floodman, Archeologist	(701) 842-2393
Gary Foli, Wildlife Biologist	(701) 842-2393
Susan Rinehart, Botanist	(701) 225-5151

There is a stockwater pipeline crossing the highway right-of-way in Section 24. If you would like someone to locate this pipeline on the ground for you, please give us a call. If you have any other questions, feel free to contact myself or Jess Anne Knutson at this office. Our telephone number is (701) 842-2393.

Sincerely,

Lesley W. Thompson

LESLEY W. THOMPSON
District Ranger





United States
Department of
Agriculture

Natural
Resources
Conservation
Service

Bismarck State Office
P.O. Box 1458
Bismarck, ND 58502-1458

May 7, 1999

NH-7-085(032)120

USDA 05-07-99
Project Comments

Kenneth Birst
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

RE: Project No. NH-7-085(032)120, Construction of a Roadway Improvement Project on US Highway 85 north of Grassy Butte, North Dakota

Dear Mr. Birst:

This letter is in reply to your request for review regarding the referenced activity.

The Natural Resources Conservation Service (NRCS) addresses impacts to prime farmlands and wetlands on agricultural lands. We do not have any comments to the proposed activity. The majority of the activity is on the Little Missouri National Grasslands. Our review shows that the project would not convert any areas that have prime farmlands. Although you did not provide us any detailed information showing changes to alignment, vertical profile, or drainage patterns, it appears that it is unlikely (due to topography) there would be any impacts to wetlands on agricultural lands.

Thank you for the opportunity to review and comment on this project. Should you require additional information, discussion, or clarification, please contact Brad Podoll at (701) 250-4431.

Sincerely,

THOMAS E. JEWETT
State Conservationist

ACTING

cc:

Paul Deutsch, DC, NRCS, Watford City, ND
Terrance Gisvold, ASTC (FO), NRCS, Dickinson, ND



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978

May 6, 1999

Water Resources Branch

Mr. Kenneth Birst, P.E. - Design Engineer
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

SEARCHED	INDEXED	SERIALIZED	FILED
NH-7-085(032)120			
Corps 05-06-99			
Project Comments			

Dear Mr. Birst:

Thank you for providing the recent notice regarding **Project No. NH-7-085(032)120**, U.S. 85 north of Grassy Butte, North Dakota.

This office has no comment in regard to the proposed project. Omaha District has no existing or proposed projects that would be affected. However, it is important that you also coordinate with the North Dakota Regulatory Office in regard to possible impacts to wetlands or waters of the United States. You may do this at the following address:

Mr. Jim Winters, North Dakota Program Manager
Bismarck Regulatory Office, U.S. Army Corps of Engineers
1513 South 12th Street
Bismarck, North Dakota 58504

Phone: (701) 255-0015

Our point of contact for this matter is Mr. Dwight Olson, phone (402) 221-4628.

Sincerely,

Candace M. Thomas
Chief, Environmental & Economics Section
Water Resources Branch
Engineering Division



Department of Energy
Western Area Power Administration
P.O. Box 1173
Bismarck, ND 58501

APR 26 1999

North Dakota Department of Transportation
ATTN: Mr. Kenneth Birst
608 East Boulevard Avenue
Bismarck, ND 58505-0700

<input type="checkbox"/> Div	<input checked="" type="checkbox"/> Proj	<input type="checkbox"/> City	<input type="checkbox"/> Hwy
NH-7-085(032)120			
PROJECT TIED TO			
CRIC/N	Public	04-26-99	
ITEM #	Project Comments from WAPA		

Dear Mr. Birst:

Reference your letter dated April 13, 1999, regarding Project NH-7-085(032)120, Highway Improvement on US Highway 85, from Little Missouri River Bridge to approximatley eight miles north of Grassy Butte.

Western does not have any facilities located within the proposed construction zone.

Thank you for allowing us the opportunity to comment on your proposal. Please call me with any questions at (701) 221-4510.

Sincerely,

L. Alan Wood
Realty Specialist

bcc:

B. Morris, B5200.BS, Bismarck, ND
J. Paulson, B5210.BS, Bismarck, ND
L. Linke, B5500.HU, Huron, SD
A. Wood, B5522.BS, Bismarck, ND

B5522.BS:A. Wood:cmt:x:4/26/99:nddot4.26.99



Department of Energy
 Western Area Power Administration
 P.O. Box 1173
 Bismarck, ND 58501

6430

Mr. Kenneth E. Birst, P.E.
 ND Department of Transportation
 608 East Boulevard Avenue
 Bismarck, ND 58505-0700

<input type="checkbox"/> Div	<input checked="" type="checkbox"/> Proj	<input type="checkbox"/> Div	<input type="checkbox"/> Hwy
NH-7-085(032)120			
PROJECT	DOE	05-17-99	
ITEM #	Project Comments		

Dear Mr. Birst:

This letter is a follow-up to your April 13, 1999 letter concerning project NH-7-085(032)120 from approximately 8 miles north of Grassy Butte to the north side of the bridge over the Little Missouri River.

Western owns the transmission line that parallels the highway on the west side for the entire distance. This line also crosses the highway near the top of the hill on the north side of the bridge. There are two issues that may impact our facilities. The first is the final grade of the road, if the line crossing is within the parameters of this project. We would be concerned with any grade changes that would reduce the clearance between the conductors and the road surface. Second, our structures on the west side of the highway may be impacted by the road widening and the drainage provisions of the project. We would be concerned with all work that would alter the existing ground level within our easement area. We would request that we be notified if either of the above two concerns are applicable.

Also, I would also like to take this opportunity to provide updated information for the Western Area Power Administration. Please address all future inquiries to the new head of this office as follows:

Mr. Brian C. Morris, Maintenance Manager
 Western Area Power Administration
 P. O. Box 1173
 Bismarck, ND 58502-1173

If you require additional information, please contact me at phone 701-221-4531.

Sincerely,

Gerald T. Paulson, Director
 Transmission Lines and Substations

MAY 1999
 RECEIVED
 DESIGN DIVISION
 BISMARCK, ND



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
1500 East Capitol Avenue
Bismarck, North Dakota 58501



MAY 7 1999

<input type="checkbox"/> Div	<input checked="" type="checkbox"/> Proj	<input type="checkbox"/> City	<input type="checkbox"/> Hwy
NH-7-085(032)126			
PROJECT	Fish & Wildlife		
DATE	05-07-99		
REMARKS	Project Comments		

Mr. Kenneth E. Birst, Design Engineer
North Dakota Department of Transportation
608 E. Boulevard Avenue
Bismarck, North Dakota 58505-0700

Re: Project No. NH-7-085(032)120
8 miles N of Grassy Butte to North
Side of Bridge over Little
Missouri River

Dear Mr. Birst:

In response to your April 13, 1999, letter, the Fish and Wildlife Service (Service) has reviewed the referenced project and offers the following comments.

The Service has no property interests or proposed developments adjacent to the project. This project passes through the Badlands area, which has very high wildlife, esthetic, archaeological, and historic values. This project is also adjacent to the north unit of Theodore Roosevelt National Park and the Little Missouri National Grasslands. Because of these values, I recommend you limit improvements to the horizontal alignment and vertical profile. Additionally, the Badlands are rugged and the soil types difficult to restore following disturbance. Therefore, significant effort should be placed on development and implementation of an erosion control plan.

One habitat component of the Badlands area is native prairie. In North Dakota, approximately 80 percent of our native prairie has been converted to cropland. The remaining native prairie has significant value to wildlife and people. I recommend you avoid impacts to this important natural resource by utilizing the existing alignment. Where impacts cannot be avoided, I recommend you reseed the right-of-way to a native grass and forb mixture.

Another habitat component of the Badlands are drainages that contain trees and shrubs valuable to a wide variety of wildlife. I recommend impacts to this habitat be avoided by utilizing the existing alignment and by eliminating the placement of fill into the draw. Where impacts cannot be avoided, I recommend trees and shrubs be replaced on a 2:1 basis.

Based on information provided by the North Dakota Department of Transportation, the bridge over the Little Missouri River will not be replaced. However, you are proposing to conduct maintenance on the bridge, including replacement of the guard rail approach requiring embankment widening and repair of the south pier. The Little Missouri River is classified as Class I, Critical, under North Dakota's Permanent Stream Evaluation. This river rates critically for several reasons. It is a critical spawning area for the channel catfish population of Lake Sakakawea. The rare sturgeon chub and flathead catfish inhabit this river. It also supports a moderate sport fishery on channel catfish, sauger, and northern pike; and has moderate value for forage fish production. The area also maintains good furbearer populations in portions of the river. The river has also been declared a State Wild and Scenic River and has been proposed for Federal designation. In order to reduce impacts to the Little Missouri River and adjacent habitat, I recommend you:

1. Minimize erosion and sedimentation into the stream.
2. Make no stream channel alterations or changes in drainage patterns.
3. Reseed any disturbed areas to a native grass mixture.
4. Replace unavoidable losses of trees and shrubs on a 2:1 basis.
5. Avoid construction in the stream during the fish migration and spawning period from April 15 - June 1.

A list of federally endangered, threatened, and candidate species that may be present within the proposed project's area of influence is enclosed. This list fulfills requirements of the Fish and Wildlife Service under section 7 of the Endangered Species Act.

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 proposed action "may affect" listed species. If it is determined that the action "may affect" a listed species, then the responsible Federal agency shall request formal section 7 consultation with this office. If the

evaluation shows a "no effect" situation on the listed species, further consultation is not necessary.

At this time, I am not aware that any threatened or endangered species frequent the project area. However, the sturgeon chub, a candidate species, is known from the Little Missouri River. While candidate species have no legal protection, it is within the spirit of the Endangered Species Act to conserve candidate species and to avoid or reduce adverse effects to these species. Avoiding or reducing effects to sturgeon chub from this project can be achieved by implementing the recommendations listed above to avoid impacts to the Little Missouri River.

No nests of sensitive raptor species such as the golden eagle, prairie falcon, or ferruginous hawks are known to occur within one-half mile of the proposed project. However, if nests of these species are encountered during construction, please contact this office immediately. I do not anticipate any significant impact on prairie dog towns.

Thank you for the opportunity to provide comments. If further information is required, please contact Karen Kreil at (701)250-4401.

Sincerely,



Allyn J. Sapa
Field Supervisor
North Dakota Field Office

Enclosure

cc: COE, Regulatory Office, Bismarck
Director, ND Game & Fish Dept., Bismarck
(Attn: M. McKenna)

FEDERAL THREATENED, ENDANGERED, AND CANDIDATE SPECIES FOUND IN
MCKENZIE COUNTY, NORTH DAKOTA

ENDANGERED SPECIES

Birds

Interior least tern (Sterna antillarum): Nests along midstream sandbars of the Missouri and Yellowstone Rivers.

Peregrine falcon (Falco peregrinus): Migrates spring and fall statewide but primarily along the major river courses. Historic nesting has been recorded in the Badlands.

Whooping crane (Grus Americana): Migrates through west and central counties during spring and fall. Prefers to roost on wetlands and stockdams with good visibility. Young adult summered in North Dakota in 1989, 1990, and 1993. Total population 140-150 birds.

Fish

Pallid sturgeon (Scaphirhynchus albus): Known only from the Missouri and Yellowstone Rivers. No reproduction has been documented in fifteen years.

Mammals

Black-footed ferret (Mustela nigripes): Exclusively associated with prairie dog towns. No records of occurrence in recent years, although there is potential for reintroduction in the future.

Gray wolf (Canis lupus): Occasional visitor in North Dakota. Most frequently observed in the Turtle Mountains area.

THREATENED SPECIES

Birds

Bald eagle (Haliaeetus leucocephalus): Migrates spring and fall statewide but primarily along the major river courses. It concentrates along the Missouri River during winter and is known to nest in the floodplain forest.

Piping plover (Charadrius melodus): Nests on midstream sandbars of the Missouri and Yellowstone Rivers and along shorelines of saline wetlands. More nest in North Dakota than any other state.

LISTED CANDIDATE

Fish

Sicklefin chub (Macrhybopsis meeki): Primarily inhabits main channels of turbid rivers. Known from the Missouri, Yellowstone, and Little Missouri Rivers.

Sturgeon chub (Macrhybopsis gelida): Primarily inhabits turbid rivers with rock or gravel bottom. Known from the Missouri, Yellowstone, and the Little Missouri Rivers.



United States Department of the Interior

NATIONAL PARK SERVICE

Theodore Roosevelt National Park
P.O. Box 7
215 Second Avenue
Medora, North Dakota 58645



REPLY REFER TO:

A7217

June 17, 1999



NH-7-085(032)120
DOI 06/17/99
Project Comments

Kenneth E. Birst
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

Dear Mr. Birst:

Thank you for the opportunity to comment on the highway improvement project NH-7-085(032)120 being planned for US Highway 85, approximately 12 miles north of Grassy Butte.

The park's Resource Management Specialist, Chief of Maintenance, and North Unit Staff have reviewed the information and are familiar with the planned project area. Based on their comments, I have determined that the project will have minimal, if any, impact upon the resources of Theodore Roosevelt National Park and I have no objection to it's initiation.

Please continue to provide us with information on this project as it develops.

Sincerely,

Noel R. Poe
Superintendent



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466

MAY -3 1999

Ref: 8EPR-EP

Kenneth Birst, P.E.
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

NH-7-085(032)120
EPA
05-03-99
Project Comments

RE: Project No. NH-7-085(032)120

Dear Mr. Birst:

We received your April 13, 1999, scoping letter that you sent pursuant to the National Environmental Policy Act. The proposed project relates to the widening of the existing U.S. Highway 85 for a distance of approximately 8 miles and the concurrent widening of the bridge over the Little Missouri River.

The Environmental Protection Agency believes that the following concerns related to The Clean Water Act should be addressed in your assesement for this project. The roadway should be designed to avoid channeling accumulated water from the road surface, along with any associated contaminants, directly into waters of the United States without first providing a vegetated buffer to reduce the level of pollutants. The assessment should specify how any wetlands that will be filled as a result of this project will be replaced in-kind and within the same watershed. The design of the bridge over the river should accommodate natural lateral movement of the river channel and should not constrain the width of the river channel. We have insufficient information to determine whether there are other environmental, social, or economic concerns that should specifically be addressed.

Sincerely,

for Cynthia Cody, Chief
NEPA Unit
Ecosystems Protection Program





**NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section**

Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

April 19, 1999

Kenneth E. Birst, P.E., Design Engineer
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

<input type="checkbox"/> Div	<input checked="" type="checkbox"/> Proj	<input type="checkbox"/> City	<input type="checkbox"/> Hwy
NH-7-085(032)120			
PROJECT TIED TO			
ORIGIN	Health	D0419-99	
ITEM #	Project Comments		

Re: Project No. NH-7-085(032)120
McKenzie County

Dear Mr. Birst:

This department has reviewed the information concerning the above-referenced project submitted under date of April 13, 1999, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on the receiving water. This includes minimal disturbance of banks and stream beds to prevent excess siltation, and the replacement and revegetation of the disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. If the project will disturb more than five acres of soil, a stormwater permit may need to be obtained before construction begins.
3. Attached are requirements for minimizing or preventing any environmental degradation to a waterway as a result of construction activities at a site.
4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

Environmental Health
Section Chief's Office
701-328-5150

Environmental
Engineering
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

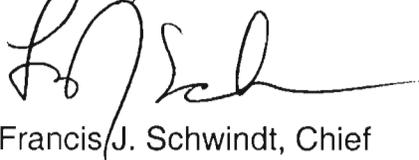
Water
Quality
701-328-5210

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. J. Schwindt', written over the word 'Sincerely,'.

Francis J. Schwindt, Chief
Environmental Health Section

FJS:cc
Attach.



**NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section**

Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

June 1996

Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

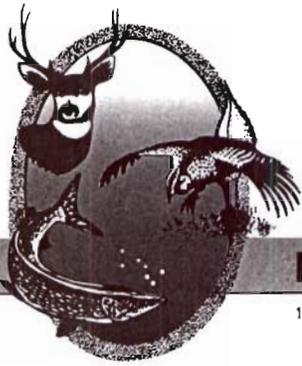
Environmental Health
Section Chief's Office
701-328-5150

Environmental
Engineering
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

May 6, 1999

NH-7-085(032)120

Game & Fish 05-06-99
Project Comments

Mr. Kenneth E. Birst, P.E.
Design Engineer
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Dear Mr. Birst:

RE: US Highway 85 Improvement Project No. NH-7-085(032)120

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns and offers the following comments. No work should take place within the Little Missouri River, a Class I fishery, between April 15 and June 1. Original contours should be maintained to the extent possible. We recommend that any destruction of trees and shrubs be replaced on a 2:1 basis, and all disturbed areas be seeded with native grass species.

Sincerely,

Michael G. McKenna
Chief
Natural Resources Division

js



North Dakota Parks & Recreation Department

1835 Bismarck Expressway, Bismarck, ND 58504

Phone: (701) 328-5357 Fax: (701) 328-5363 E-Mail: parkrec@pioneer.state.nd.us

Visit us on the Web: <http://www.state.nd.us/ndparks>

NH-7-085(032)120

Park/Rec 05-10-99
Project Comment

Edward T. Schafer, Governor

Douglass A. Prchal, Director

Field Manager
Brad Pozumsky
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4054

Cross Ranch
1403 River Road
Center, ND 58530
Ph. (701) 794-3731
• Little Missouri-Killdeer

Devils Lake
152 S. Duncan Dr.
Devils Lake, ND 58301
Ph. (701) 766-4015
• Black Tiger Bay
• Grahams Island
• Shelters Grove

Ft. Abraham Lincoln
4480 Fort Lincoln Road
Mandan, ND 58554
Ph. (701) 663-9571
• Sully Creek-Medora

Ft. Ransom
5981 Walt Hjelle Parkway
Ft. Ransom, ND 58033
Ph. (701) 973-4331
• Beaver Lake-Wishek
Ph. (701) 452-2752

Ft. Stevenson
1252A 41st Ave. NW
Garrison, ND 58540
Ph. (701) 337-5576

Icelandic
13571 Hwy. 5
Cavalier, ND 58220
Ph. (701) 265-4561

Lake Metigoshe
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4651

Lake Sakakawea
Box 732
Riverdale, ND 58565
Ph. (701) 487-3315

Lewis & Clark
4904 119th Rd. NW
Epping, ND 58843
Ph. (701) 859-3071

Turtle River
3084 Park Ave.
Aurilla, ND 58214
Ph. (701) 594-4445
• Elmwood-Grafton

May 10, 1999

Kenneth Birst
ND Department of Transportation
608 East Boulevard Ave.
Bismarck, ND 58505-0700

RE: Highway Improvement Project No. NH-7-085(032)120

Dear Mr. Birst:

The North Dakota Parks and Recreation Department has reviewed the above referenced proposal to make improvements to US Highway 85 in Sections 1, 2, 11, 12, 13, 24, 25, 26, 35, 36, T147N, R99W and Section 35, T148N, R99W, McKenzie County.

Our agency scope of authority and expertise covers recreation, tourism, and biological resources (in particular rare species and natural plant communities). The project as defined does not affect state park lands that we manage, or Land and Water Conservation Fund recreation projects that we coordinate.

The ND Natural Heritage Inventory Program has records for the following occurrences of rare species within the project area: juniper woodland, barren slope, *hybopsis gelida* (sturgeon chub), and sand prairie, mixed grass prairie. See attachments for specific location and classification information of these species.

We appreciate your commitment to rare plant, animal and natural community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttonhefner of our staff. Thank you for the opportunity to comment on this proposed project.

Sincerely,

Kathy Duttonhefner
Jesse Hanson,
Planning and Natural Resources

R.USNDNHI*706

06 MAY 1999

ELEMENTS POSSIBLY ON PROJECT SITE
NORTH DAKOTA NATURAL HERITAGE INVENTORY

SCIENTIFIC NAME	COMMON NAME	TOWNSHIP	SECTION	NOTATION	LAST	STATE
		RANGE			OBSERVATION	RANK
	JUNIPER WOODLAND	147N099W	13	NE4	1976-06-05	S3
	SAND PRAIRIE, MIXED GRASS PRAIRIE	147N099W	24	NW4SE4	1976	S2
	SAND PRAIRIE, MIXED GRASS PRAIRIE	147N099W	31		1935-08-06	S2
	BARREN SLOPE	147N099W	02	NW4	1963	S4

4 Records Processed

06 MAY 1999

ELEMENTS POSSIBLY ON PROJECT SITE
NORTH DAKOTA NATURAL HERITAGE INVENTORY

SCIENTIFIC NAME	COMMON NAME	TOWNSHIP RANGE	SECTION	NOTATION	LAST OBSERVATION	STATE RANK
*** Vertebrates						
AQUILA CHRYSAETOS	GOLDEN EAGLE	148N099W	31	NW4	1976-06-11	S3
HYBOPSIS GELIDA	STURGEON CHUB	148N099W	35		1976-06-01	S2
HYBOPSIS GELIDA	STURGEON CHUB	148N099W	31		1976-06-02	S2
MUSTELA NIGRIPES	BLACK-FOOTED FERRET	148N099W	17		1971	S1
PHALAENOPTILUS NUTTALLII	COMMON POORWILL	148N099W	31	NW 1/4		S4
SCELOPORUS GRACIOSUS	SAGEBRUSH LIZARD	148N099W	30		1978	S4
*** Ecosystems						
	JUNIPER WOODLAND	148N099W	30	SW4	1978	S3
	SAGEBRUSH SHRUBLAND	148N099W	18	SEC 7,12,19	1982	S2S3
	SAGEBRUSH SHRUBLAND	148N099W	30	NW4		S2S3
	SAGEBRUSH SHRUBLAND	148N099W	33	SW4		S2S3
	UPLAND PIONEER SHRUBLAND	148N099W	33	SE4	1978	S3
	MIXED GRASS PRAIRIE	148N099W	33	NW4		S3S4
	MIXED GRASS PRAIRIE	148N099W	32	NE4		S3S4
	LOWLAND WOODLAND	148N099W	31	NW4		S3
	LOWLAND WOODLAND	148N099W	31	SW4		S3

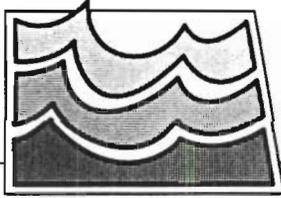
15 Records Processed

ATTACHMENT 3

State Ranks

- S1= Critically imperiled in state because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because of some factor of its biology making it especially vulnerable to extirpation from the state. [Critically endangered in state.]
- S2= Imperiled in state because of rarity (6 to 20 occurrences or few remaining individuals or acres) or because of other factors demonstrably making it very vulnerable to extirpation from the state. [Endangered in the state.]
- S3= Rare in state (on the order of 20+ occurrences). [Threatened in the state.]
- S4= Apparently secure in state.
- S5= Demonstrably secure in state.
- SA= Accidental in state, including species which only sporadically breed in state.
- SE= An exotic species established in state; may be native elsewhere in North America.
- SH= Of historical occurrence in the state with the expectation that it may be rediscovered.
- SU= Possibly in peril in the state but status uncertain; need more information.
- SX= Apparently extirpated from the state.

Ranking is a cyclical process. All communities and species are initially given a rank, but ranks are revised as new information is gathered and our knowledge of North Dakota's natural diversity is improved.



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850 • 701-328-2750
TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://water.swc.state.nd.us/>

April 27, 1999

Kenneth E. Birst
ND Department of Transportation
608 East Blvd. Avenue
Bismarck, ND 58505

Dear Mr. Birst:

This letter is written in response to your request for environmental review involving the highway improvement project [Project No. NH-7-085(032)120] associated with US Highway 85 located north of Grassy Butte, ND.

The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- The project is not located in an identified floodplain.
- The US Corps of Engineers should be contacted concerning 404 permit requirements.
- The USDA Natural Resources Conservation Service should be contacted concerning effects to landowners and farmland.
- Bench marks should be retained if possible. Our records indicate 4 bench marks in the vicinity of your project. Information concerning bench marks is shown on the attached sheet. If it is not possible to retain a bench mark or if the bench mark no longer exists, we would appreciate you informing this office. We also suggest you contact the National Geodetic Survey, Attn: N/CG 162, Rockville, MD 20852. If the bench mark has to be removed, the Geodetic Survey will then inform you of the procedure.
- We are also enclosing a copy of a portion of the latest county ground water basic data map. This may or may not pertain to your area of concern. If wells are located in your project area, please contact the Water Appropriation Division of the State Water Commission.
- All waste material associated with this project must be disposed of properly and not placed in wetlands or identified floodway areas.
- The McKenzie County Water Resource District (WRD) should be contacted and provided with the project details. The local WRD has jurisdiction over road drainage. Some WRD's require additional permits to initiate the proposed work. The McKenzie County WRD will provide the review and concurrence needed to complete the project.

Project City Hwy
NH-7-085(032)120
SWC 04-27-99
Project Comments

Thank you for providing the opportunity to review project details and to provide our comments.

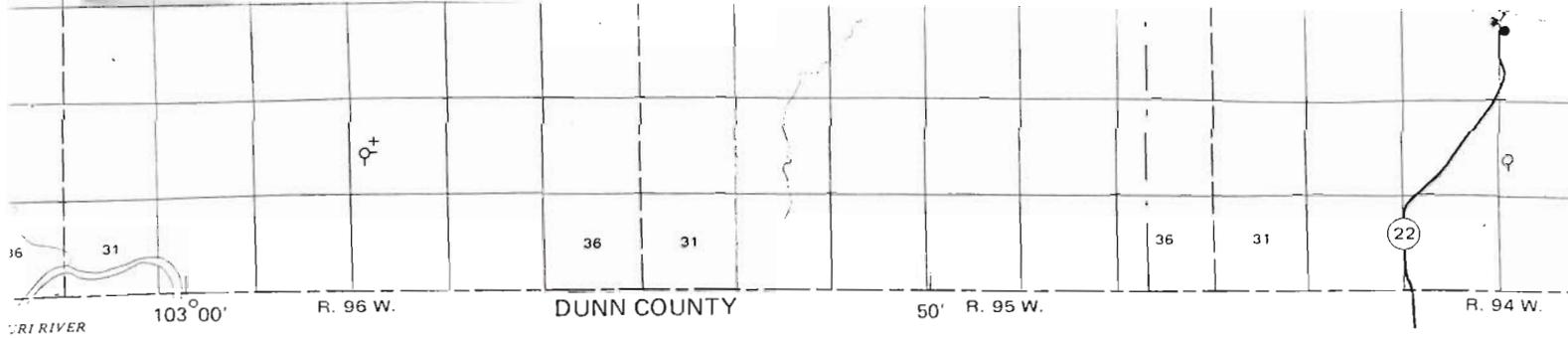
Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Weispfenning". The signature is written in black ink and is positioned to the right of the typed name and title.

Linda Weispfenning
Water Resource Planner

LW:dd/1026
Encls.

cc: McKenzie County WRD



Well Sites

EXPLANATION

- Test hole, log in table 3
- Domestic or stock well
- ⊙ Commercial test hole
- ⊙ Public supply, industrial, or irrigation well
- ▽ Surface-water sampling point, chemical analysis in table 5

MODIFICATIONS USED WITH ABOVE SYMBOLS

- Specific conductance in table 1
- ◊ Water-level measurements in table 2
- ♀ Log in table 3
- Chemical analysis in table 4
- ^{HP} Hydraulic conductivity and porosity values in table 6
- ^G Selected gases in table 7
- ^F Flowing well
- ⁺ Plus water-level reading
- ² More than one well at this location

MCKENZIE, COUNTY, continued

61				2048.605
62	471031	102	Y-86	2084.543
63	"	"	Z-86	2129.454
64	"	"	A-87	2282.741
65	471024	102	B-87	2324.041
66	"	"	C-87	2338.063
67	"	"	D-87 Reset	2377.108
68	"	"	E-87	2383.059
69	"	"	F-87 Reset	2304.713
70	"	"	G-87 Reset	2335.369
71	"	"	H-87	2334.555
72	"	"	J-87 Reset	2439.470
73	"	"	Z-397	2384.350
74	"	"	K-87 Reset	2366.714
75	"	"	M-87	2209.363
76	"	"	N-87 Reset	2187.581
77	"	"	P-87	2108.992
78	"	"	Q-87	2117.282
79	"	"	R-87	1898.001
80	"	"	S-87	1785.407
81	"	104	A-400	2464.355
82	"	"	R-398	2495.034
83	"	"	Q-398	2470.520
84	IN DUNN CO.	"	P-398	2468.305
85	"	105	N-398	2409.877
86	471031	101	Y-397	2570.533
87	"	"	N-85	2371.006
88	"	"	Q-85	2219.349
89	"	"	S-85	2474.024
90	"	"	T-85	2477.023
91	"	"	U-85	2224.863
92	"	"	X-85 Reset	2143.332
93	"	"	Y-85 Reset	2066.011
94	"	103	Z-85 Reset	2079.182
95	"	"	E-396	2095.849
96	"	"	F-396	2023.769
97	"	"	G-396	2049.484
98	"	"	H-396	2051.899
99	"	"	J-396	2026.459
100	"	"	K-396	2079.366
101	"	"	L-396	2030.823
102	"	"	M-396	2004.875
103	471024	101	N-396	2349.221
104	"	"	X-91	2344.483
105	"	"	Y-91	2514.142
106	DESTROYED	"	A-92	2514.037 DEST.
107	"	"	P-378	2389.670
108	"	"	B-92	2303.496
109	"	"	C-92	2432.521
110	"	"	R-378	2449.641
111	481032	106	D-92	1988.175
112	"	"	P-396	1976.774
113	"	"	Q-396	1981.781
114	"	"	R-396	1971.420
115	"	"	S-396	2011.443
116	"	"	T-396	1990.065
117	"	"	U-396	2049.336
118	"	"	V-396	2089.786
119	"	"	W-396	2020.688
120	"	"	X-396	1970.272
			Y-396	

McKENZIE, COUNTY, continued

181	Third Order	269 BLUE BUTTE# 2	5	USGS 25 DM 1964	2441.820
182	"	"	6	USGS 32 DM 1964	2258.062
183	"	"	"	USGS 31 DM 1964	2283.107
184	"	"	"	USGS 30 DM 1964	2240.885
185	"	"	"	USGS 28 DM 1964	2292.703
186	"	"	"	USGS 26 DM 1964	2385.056
187	"	"	7	USGS 27 DM 1964	2217.971
188	"	269 " " "	8	USGS 8 RDM 1957	2360.650
189	"	239 BLUE BUTTE# 3	3	USGS CROFF 1957	2534.867
190	"	240 ARNEGARD # 4	"	USGS 9 RDM 1957	2387.087
191	"	241 ARNEGARD # 3	1	USGS Tri.Sta.STEELE	2591.501
192	"	"	"	USGS 2 ELA 1958	2009.297
193	"	"	"	USGS 3 ELA 1958	2407.845
194	"	"	"	USGS 5 ELA 1958	2184.425
195	"	"	"	USGS 6 ELA 1958	2205.361
196	"	"	"	USGS 7 ELA 1958	2198.755
197	"	242 ALEXANDER # 4	"	USGS 8 ELA 1958	2271.390
198	"	241 ALEXANDER # 3	"	USGS 9 ELA 1958	2249.152
199	"	241 ARNEGARD # 3	"	USGS 10 ELA 1958	2239.424
200	"	" " " "	"	USGS 11 ELA 1962	2123.232
201	"	" " " "	"	USGS 12 ELA 1962	2158.212
202	"	" " " "	"	USGS 13 ELA 1958	2144.857
203	"	" " " "	2	USGS 17 ELA 1962	2103.755
204	"	240 LONE BUTTE	3	USGS 15 RDM 1957	2536.952
205	"	"	"	USGS 16 RDM 1957	2372.950
206	"	"	4	USGS 24 RDM 1957	2224.163
207	"	"	5	USGS 1 RDM 1957	2586.116
208	"	210 GORHAM # 1	2	USGS 2 RDM 1957	2587.398
209	"	240 ARNEGARD # 4	"	USGS LONE 1941	2748.996
210	"	"	4	USGS 17 RDM 1957	2459.404
211	"	"	"	USGS 18 RDM 1957	2577.532
212	"	"	"	USGS 19 RDM 1957	2491.552
213	"	"	"	USGS 20 RDM 1957	2453.793
214	"	"	"	USGS 21 RDM 1957	2251.122
215	"	"	"	USGS 22 RDM 1957	2271.966
216	"	"	"	USGS 23 RDM 1957	2245.792
217	"	302 WILLISTON# 3	1	USGS Res MRC AZ 1934	2128.939
218	"	273 ALEXANDER #2	"	USGS 4 JHR 1968	2162.897
219	"	"	"	USGS 5 JHR 1968	1866.786
220	"	"	"	USGS 6 JHR 1968	2173.012
221	"	"	"	USGS 7 JHR 1968	2160.874
222	"	"	"	USGS 8 JHR 1968	2053.241
223	"	299 RAY # 4	2	USGS 18 DM 1964	1899.284
224	"	"	"	USGS 17 DM 1964	2239.093
225	"	301 WILLISTON	1	USGS 1 JHR 1968	1860.313
226	"	"	"	USGS 2 JHR 1968	1919.911
227	"	302 WILLISTON# 3	"	USGS 3 JHR 1968	1923.320
228	"	"	"	USGS Res MRC AZ 1945	2128.939
229	"	274 NEWLON # 1	"	USGS IRON POST	1919.535
230	"	240 ARNEGARD #4	2	USGS 3 RDM 1957	2522.882
231	"	269 BLUE BUTTE#2	"	USGS 8 DM 1964	2359.101
232	"	"	"	USGS 9 DM 1964	2308.920
233	"	"	"	USGS 10 DM 1964	2236.501
234	"	"	"	USGS 11 DM 1964	2146.661
235	"	298 WHITE EARTH#3	3	USGS 16 DM 1964	2204.999
236	"	"	"	USGS CHARLESON 1945	2469.386
237	"	"	"	USGS 15 DM 1964	2342.006
238	"	238 Blue Butte #4	1	11 DDB 1970	2190.106
239	"	212 Mikkelson #1	3	23 DLS 1970	2270.099
240	"	"	"	25 DLS 1970	2319.744

The NGS Data Sheet

DATABASE = Sybase ,PROGRAM = datasheet, VERSION = 5.79

Starting Datasheet Retrieval...

1 National Geodetic Survey, Retrieval Date = APRIL 27, 1999

SO0509 DESIGNATION - N 85
 SO0509 PID - SO0509
 SO0509 STATE/COUNTY- ND/MCKENZIE
 SO0509 USGS QUAD - LONE BUTTE (1982)

SO0509 *CURRENT SURVEY CONTROL

SO0509*	NAD 83(1986)-	47 31 47.	(N)	103 14 24.	(W)	SCALED
SO0509*	NAVD 88	- 784.037	(meters)	2572.29	(feet)	ADJUSTED
SO0509	GEOID HEIGHT-	-17.22	(meters)			GEOID96
SO0509	DYNAMIC HT -	784.072	(meters)	2572.41	(feet)	COMP
SO0509	MODELED GRAV-	980,631.3	(mgal)			NAVD 88

SO0509 VERT ORDER - SECOND CLASS 0

SO0509.The horizontal coordinates were scaled from a topographic map and have
 SO0509.an estimated accuracy of +/- 6 seconds.

SO0509.The orthometric height was determined by differential leveling
 SO0509.and adjusted by the National Geodetic Survey in June 1991.

SO0509.The geoid height was determined by GEOID96.

SO0509.The dynamic height is computed by dividing the NAVD 88
 SO0509.geopotential number by the normal gravity value computed on the
 SO0509.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45
 SO0509.degrees latitude (G = 980.6199 gals.).

SO0509.The modeled gravity was interpolated from observed gravity values.

	North	East	Units	Estimated Accuracy
SO0509;SPC ND N	- 62,570.	393,720.	MT	(+/- 180 meters Scaled)

SO0509 SUPERSEDED SURVEY CONTROL

SO0509	NGVD 29	- 783.500	(m)	2570.53	(f)	ADJ UNCH	2 0
--------	---------	-----------	-----	---------	-----	----------	-----

SO0509.Superseded values are not recommended for survey control.
 SO0509.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.
 SO0509.See file dsdata.txt to determine how the superseded data were derived.

SO0509_MARKER: DB = BENCH MARK DISK
 SO0509_SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT (ROUND)
 SO0509_STAMPING: N-85 -- 1934
 SO0509_STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO
 SO0509+STABILITY: SURFACE MOTION

	Date	Condition	Recov. By
SO0509 HISTORY	- 1934	MONUMENTED	CGS

SO0509 STATION DESCRIPTION

SO0509'DESCRIBED BY COAST AND GEODETIC SURVEY 1934
 SO0509'23.0 MI S FROM WATFORD CITY.
 SO0509'23.0 MILES SOUTH OF THE GREAT NORTHERN RAILWAY CROSSING AT WATFORD
 SO0509'CITY. 15 MILES NORTH OF JUNCTION OF U.S. HWY. 85 AND STATE HWY. 25.
 SO0509'6.7 MILES SOUTH OF LITTLE MISSOURI RIVER BRIDGE. 44 FEET EAST OF
 SO0509'CENTERLINE OF HIGHWAY. 35 YARDS SOUTHWEST OF A GROVE OF TREES. A

SO0509 STANDARD TABLET SET IN TOP OF CONCRETE POST 2 INCHES HIGH.
Elapsed Time = 00:00:01

The NGS Data Sheet

DATABASE = Sybase ,PROGRAM = datasheet, VERSION = 5.79

Starting Datasheet Retrieval...

1 National Geodetic Survey, Retrieval Date = APRIL 27, 1999

SO0511 *****

SO0511 DESIGNATION - Q 85
 SO0511 PID - SO0511
 SO0511 STATE/COUNTY- ND/MCKENZIE
 SO0511 USGS QUAD - LONG X DIVIDE (1978)

SO0511
 SO0511 *CURRENT SURVEY CONTROL

SO0511*	NAD 83(1986)-	47 34 13.	(N)	103 15 56.	(W)	SCALED
SO0511*	NAVD 88	- 723.221	(meters)	2372.77	(feet)	ADJUSTED
SO0511	GEOID HEIGHT-	-17.28	(meters)			GEOID96
SO0511	DYNAMIC HT -	723.258	(meters)	2372.89	(feet)	COMP
SO0511	MODELED GRAV-	980,639.5	(mgal)			NAVD 88

SO0511 VERT ORDER - SECOND CLASS 0

SO0511
 SO0511.The horizontal coordinates were scaled from a topographic map and have
 SO0511.an estimated accuracy of +/- 6 seconds.

SO0511
 SO0511.The orthometric height was determined by differential leveling
 SO0511.and adjusted by the National Geodetic Survey in June 1991.

SO0511
 SO0511.The geoid height was determined by GEOID96.

SO0511
 SO0511.The dynamic height is computed by dividing the NAVD 88
 SO0511.geopotential number by the normal gravity value computed on the
 SO0511.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45
 SO0511.degrees latitude (G = 980.6199 gals.).

SO0511
 SO0511.The modeled gravity was interpolated from observed gravity values.

SO0511;	North	East	Units	Estimated Accuracy
SO0511;SPC ND N -	67,140.	391,960.	MT	(+/- 180 meters Scaled)

SO0511
 SO0511 SUPERSEDED SURVEY CONTROL

SO0511	NGVD 29	- 722.684	(m)	2371.01	(f)	ADJ UNCH	2 0
--------	---------	-----------	-----	---------	-----	----------	-----

SO0511
 SO0511.Superseded values are not recommended for survey control.
 SO0511.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.
 SO0511.See file dsdata.txt to determine how the superseded data were derived.

SO0511
 SO0511_MARKER: DB = BENCH MARK DISK
 SO0511_SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT (ROUND)
 SO0511_STAMPING: Q-85 -- 1934
 SO0511_STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO
 SO0511+STABILITY: SURFACE MOTION

SO0511	HISTORY	- Date	Condition	Recov. By
SO0511	HISTORY	- 1934	MONUMENTED	CGS

SO0511
 SO0511 STATION DESCRIPTION

SO0511'DESCRIBED BY COAST AND GEODETIC SURVEY 1934
 SO0511'18.6 MI S FROM WATFORD CITY.
 SO0511'18.6 MILES SOUTH OF THE GREAT NORTHERN RAILWAY CROSSING AT WATFORD
 SO0511'CITY. 2.3 MILES SOUTH OF THE LITTLE MISSOURI RIVER BRIDGE. ABOUT
 SO0511'0.25 OF MILE EAST OF A SMALL DWELLING. 51 FEET EAST OF CENTERLINE OF
 SO0511'U.S. HWY. 85. A STANDARD TABLET SET IN TOP OF CONCRETE POST 3 INCHES

SO0511'HIGH.
Elapsed Time = 00:00:01

The NGS Data Sheet

DATABASE = Sybase ,PROGRAM = datasheet, VERSION = 5.79

Starting Datasheet Retrieval...

1 National Geodetic Survey, Retrieval Date = APRIL 27, 1999

SO0513 *****

SO0513 DESIGNATION - S 85

SO0513 PID - SO0513

SO0513 STATE/COUNTY- ND/MCKENZIE

SO0513 USGS QUAD - LONE BUTTE (1982)

SO0513

SO0513 *CURRENT SURVEY CONTROL

SO0513

SO0513*	NAD 83 (1986)-	47 36 18.	(N)	103 14 53.	(W)	SCALED
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SO0513*	NAVD 88	-	676.996	(meters)	2221.11	(feet)	ADJUSTED
---------	---------	---	---------	----------	---------	--------	----------

SO0513

SO0513	GEOID HEIGHT-	-17.34	(meters)			GEOID96
--------	---------------	--------	----------	--	--	---------

SO0513	DYNAMIC HT -	677.036	(meters)	2221.24	(feet)	COMP
--------	--------------	---------	----------	---------	--------	------

SO0513	MODELED GRAV-	980,649.5	(mgal)			NAVD 88
--------	---------------	-----------	--------	--	--	---------

SO0513

SO0513 VERT ORDER - SECOND CLASS 0

SO0513

SO0513.The horizontal coordinates were scaled from a topographic map and have an estimated accuracy of +/- 6 seconds.

SO0513

SO0513.The orthometric height was determined by differential leveling and adjusted by the National Geodetic Survey in June 1991.

SO0513

SO0513.The geoid height was determined by GEOID96.

SO0513

SO0513.The dynamic height is computed by dividing the NAVD 88 geopotential number by the normal gravity value computed on the Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45 degrees latitude (G = 980.6199 gals.).

SO0513

SO0513.The modeled gravity was interpolated from observed gravity values.

SO0513

	North	East	Units	Estimated Accuracy
SO0513; SPC ND N	- 70,950.	393,420.	MT	(+/- 180 meters Scaled)

SO0513

SO0513 SUPERSEDED SURVEY CONTROL

SO0513

SO0513	NGVD 29	-	676.459	(m)	2219.35	(f)	ADJ UNCH	2 0
--------	---------	---	---------	-----	---------	-----	----------	-----

SO0513

SO0513.Superseded values are not recommended for survey control.

SO0513.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.

SO0513.See file dsdata.txt to determine how the superseded data were derived.

SO0513

SO0513_MARKER: DB = BENCH MARK DISK

SO0513_SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT (ROUND)

SO0513_STAMPING: S-85 -- 1934

SO0513_STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO

SO0513+STABILITY: SURFACE MOTION

SO0513

SO0513	HISTORY	- Date	Condition	Recov. By
--------	---------	--------	-----------	-----------

SO0513	HISTORY	- 1934	MONUMENTED	CGS
--------	---------	--------	------------	-----

SO0513	HISTORY	- 1957	MARK NOT FOUND	USGS
--------	---------	--------	----------------	------

SO0513

SO0513 STATION DESCRIPTION

SO0513

SO0513'DESCRIBED BY COAST AND GEODETIC SURVEY 1934

SO0513'14.9 MI S FROM WATFORD CITY.

SO0513'14.9 MILES SOUTH OF THE GREAT NORTHERN RAILWAY CROSSING AT WATFORD

SO0513'CITY. 1.4 MILES NORTHEAST OF THE LITTLE MISSOURI RIVER BRIDGE. 0.4

SO0513'OF MILE SOUTHWEST OF A U CURVE IN HIGHWAY, ON SOUTH SLOPE OF HILL

SO0513 'NORTH OF LITTLE MISSOURI RIVER BRIDGE. 45 FEET NORTH OF CENTERLINE OF
SO0513 'U.S. HWY. 85. STANDARD TABLET SET IN TOP OF CONCRETE POST 4 INCHES
SO0513 'HIGH. NOTE-- HIGHWAY HAS BEEN RELOCATED.
SO0513
SO0513 STATION RECOVERY (1957)
SO0513
SO0513 'RECOVERY NOTE BY US GEOLOGICAL SURVEY 1957
SO0513 'MARK NOT FOUND.
Elapsed Time = 00:00:01

FEET

LINE 1

R. D. Martin, 1957; Book CV 852

GORHAM NO. 1 QUAD. - 210

- 0.0 About 26.7 mi. S. along U. S. Highway 85 from the Great Northern Railway crossing at Watford City, McKenzie County, about 11.3 mi. N. of the junction of State Highway 25; 62 ft. S. of a fence corner, at the junction of a driveway; 48 ft. E. of the centerline of the highway, and 20 ft. S. of the centerline of the drive. A standard disk, stamped "L 85 1934" and set in the top of a concrete post projecting about 4 in. above ground. (Recovered August 1957 in good condition, 20 ft. S. and 48 ft. E. of centerline of Highway at driveway) 5
2550.057
- 0.7 UE L 85 A; 51 ft. S. and 96 ft. E. and 7.5 ft. higher than crossroads; 5 ft. S. and 3 ft. W. of fence corner; U-shaped steel post driven flush with ground; 4-in. N. of white 4 by 4 right-of-way post 2568.50
- 1.7 Reference mark No. 1, 70 ft. N. and 193 ft. W. of B.M.; 32 ft. N. and 99 ft. W. of crossroads; 1 ft. E. of fence corner post; top of steel fence post projecting 4 in. 2585.54

LONE BUTTE QUAD. - 240

- 1.7 Watford City, 25 mi. S. of, along U. S. Highway 85; 7.5 mi. N. of Grassy Butte; near SW. cor. sec. 36, T. 147 N., R. 99 W.; 37 ft. S. and 94 ft. E. of and 1 ft. lower than crossroads; 1.8 ft. N. of fence corner post; in concrete post projecting 4 in.; a standard tablet stamped "1 RDM 1957" 207
2586.116
- 1.7 Reference mark No. 2, 86 ft. N. of B.M.; 49 ft. N. and 94 ft. E. of crossroads; 1 ft. W. of 4 by 4 white right-of-way post; top of steel fence post projecting 4 in. 2584.56
- 2.7 UE, 1 A, 1.0 mi. N. of B.M.; 43 ft. E. of T-rd. W.; 2 ft. W. of corner fence post; top of bolt in concrete post projecting 2 in.; level with rd. 2615.97
- 3.7 About 23.0 mi. S. along U. S. Highway 85 from the Great Northern Railway crossing at Watford City, McKenzie County, about 15 mi. N. of the junction of State Highway 25, about 6.7 mi. S. of the bridge over Little Missouri River, about 35 yards SW. of a grove of trees, and 44 ft. E. of the centerline of the highway; a standard disk stamped "L 85 1934" and set in the top of a concrete post projecting about 2 in. above ground. (Recovered in good condition August 1957, 44 ft. E. of centerline highway, 35 yards SW. of grove of trees) (Reported destroyed 10/58 ELH) 26
2570.533
- 3.9 USCGS Triangulation Station "PEOPLE 1941"; Station is about 9.0 mi. airline distance, N. of Grassy Butte, 0.1 mi. E. of U. S. Highway 85 and on a round grassy hill, the highest point in the vicinity. It is on the highest part of the hill and 6.5 ft. W. of a white reference post. Mark is stamped "PEOPLE, 1941" and projects 4 in. Station and two reference marks recovered in good condition August 1957, 9.0 mi. N. of Grassy Butte 253
2649.007
- 3.9 Reference Mark No. 1: Station is about 9.0 mi. air line distance, N. of Grassy Butte, 0.1 mi. E. of U. S. Highway 85 and on a round grassy hill, the highest point in the vicinity; Reference Mark No. 1 is about 2 ft. lower; it is stamped "PEOPLE NO. 1 1941" and projects 6 in. 2646.880
- 3.9 Reference Mark No. 2: Station is about 9.0 mi. air line distance, N. of Grassy Butte, 0.1 mi. E. of U. S. Highway 85 and on a round grassy hill, the highest point in the vicinity; Reference mark No. 2 is about 2 ft. lower; it is stamped "PEOPLE NO. 2, 1941" and projects 6 in. 2646.862

LINE 2

R. D. Martin, 1957; Book CV-852

LONE BUTTE QUAD. - 240

- D.0 "EN 1 RDM 1957" (Described in Line 1) 2586.116

APPENDIX D

SOLICITATION OF VIEWS

- **SOV letter dated September 28, 2004**
- **Mailing List**



North Dakota Department of Transportation

David A. Sprynczynatyk, P.E.
Director

John Hoeven
Governor

September 28, 2004

«attn»
«name»
«title»
«section»
«company»
«add1»
«add2»
«city»

PROJECT NO. NH-7-085(032)120

A highway improvement is being planned on US 85 from approximately eight miles north of Grassy Butte to the north side of the bridge over the Little Missouri River (see Figure 1 for project location map).

Several proposed project improvements are being evaluated such as widening the existing road to meet current design standards, improvements to the horizontal alignment to improve sight distance, improve vertical profile to improve ride and sight distance, improve drainage, and the addition of a climbing lane. Improvements to the horizontal alignment and vertical profile will include studying the impacts an alignment shift to the west in the north two miles. The existing roadway surface will also be replaced or overlaid.

This project is expected to begin construction in the spring of 2007 with grading work and first layer of paving expected to be completed the same fall. Final paving surface is likely to be completed the following spring or summer.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. This solicitation of views is a follow up to previous communications that NDDOT sent out in April of 1999. Shortly thereafter, roadway experienced several slides that necessitated emergency repairs and this project was postponed. Because of the time that has passed since the previous solicitation of views, NDDOT needs to verify if any changes have occurred that will need to be considered.

NH-7-085(032)120
September 28, 2004

page 2

We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed highway improvement. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed highway facility. Any information that might help us in our studies would be appreciated.

Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

It is requested that any comments or information be forwarded to our office on or before November 1, 2004. If no reply is received by this date, it will be assumed that you have no comment on this project.

If further information is desired regarding the proposed improvement, you may call James Martin at (701)328-2609 in Bismarck, North Dakota.



MARK S. GAYDOS, P.E. - DESIGN ENGINEER

JM,DG
Enclosure

LIST OF ADDRESSES FOR SOLICITATION OF VIEWS

Usage Code: 100
Mr. Dale Frink
State Engineer
State Water Commission
900 East Boulevard
Bismarck, ND 58505-0850
Code: 3
Phone:
Email:
Notes:
Date Edited:

Usage Code: 100 Letter #4
Mr. David Glatt
Chief
Environmental Health Section
ND Department of Health
P.O. Box 5520
Bismarck ND 58506-5520
Code: 7
Phone:
Email:
Notes: Letter #4
Date Edited:

Usage Code: 110
Mr. Charles Murphy
Tribal Chairman
Standing Rock Sioux Tribe
P.O. Box D
Fort Yates, ND 58538
Code: 114
Phone:
Email:
Notes:
Date Edited:

Usage Code: 100
Mr. Dean Hildebrand
ND Game and Fish Dept.
100 Bismarck Expressway
Bismarck, ND 58501-5095
Code: 4
Phone:
Email:
Notes:
Date Edited:

Usage Code: 110
Cheryl Kulas
Executive Director
Indian Affairs Commission
State Capitol
Bismarck, ND 58505
Code: 13
Phone:
Email:
Notes:
Date Edited:

Usage Code: 110
Mr. Leon A. Morin
Tribal Chairman
Turtle Mountain Chippewa
P.O. Box 900
Belcourt, ND 58316-0900
Code: 115
Phone:
Email:
Notes:
Date Edited: 3/10/04

Usage Code: 100
Mr. Jeffrey K. Towner
Field Supervisor
U.S. Fish and Wildlife Service
3425 Miriam Avenue, E
Bismarck, ND 58501
Code: 5
Phone:
Email:
Notes:
Date Edited: 2/13/3

Usage Code: 110
Bureau of Indian Affairs
115 Fourth Avenue SE
Aberdeen, SD 57401
Code: 23
Phone:
Email:
Notes:
Date Edited:

Usage Code: 110
Mr. E. Michael Peters
Tribal Secretary
Sisseton-Wahpeton Sioux Tribe
P.O. Box 509
Agency Village, SD 57262
Code: 174
Phone: 605-698-3911
Email: FAX 605-698-7908
Notes:
Date Edited: 3/8/04

Usage Code: 100
UND University Station
Institute of Ecological Studies
University of North Dakota
P.O. Box 7110
Grand Forks, ND 58207-9030
Code: 26
Phone:
Email:
Notes:
Date Edited: 1/2/3

Usage Code: 110
Mr. Valentino White Sr.
Tribal Chairman
Spirit Lake Tribe
P.O. Box 359
Ft. Totten, ND 58325
Code: 102
Phone:
Email:
Notes:
Date Edited: 3-10-04

Usage Code: 310 Letter #6
Mr. Merl Paaverud
State Historic Preservation Officer
State Historical Society
612 East Boulevard Avenue
Bismarck, ND 58505-0830
Code: 2
Phone:
Email:
Notes: Letter #6
Date Edited:

Usage Code: 100
U.S. Army Corps of Engineers
1513 South 12th Street
Bismarck, ND 58504
Code: 65
Phone:
Email:
Notes: All projects affecting lakes, rivers, or wetlands
Date Edited:

Usage Code: 110
Mr. Tex Hall
Tribal Chairman
Three Affiliated Tribes
HC3, Box 2
New Town, ND 58763
Code: 112
Phone:
Email:
Notes:
Date Edited: 7/28/99

Usage Code: 311 Letter #6
Mr. Elgin Crows Breast
Cultural Resource Program Director
Three Affiliated Tribes
HC3 Box 2
New Town, ND 58763
Code: 105
Phone:
Email:
Notes: Letter #6
Date Edited:

LIST OF ADDRESSES FOR SOLICITATION OF VIEWS

Usage Code: 311 Letter #6
 Mr. Kade Ferris
 Tribal Historic Preservation Officer
 Turtle Mountain Chippewa
 P.O. Box 257
 Belcourt, ND 58316
 Code: 107
 Phone:
 Email:
 Notes: Letter #6
 Date Edited:

Usage Code: 400
 Attn: MS-150
 Bureau of Reclamation
 P.O. Box 1017
 Bismarck, ND 58502-1017
 Code: 24
 Phone:
 Email:
 Notes: Projects affecting lakes and rivers
 Date Edited:

Usage Code: 410
 Mr. Scott Hochhalter
 Soil Conservation Specialist
 Soil Conservation Committee
 2718 Gateway Ave, Suite 104
 Bismarck, ND 58503-0585
 Code: 52
 Phone: 701-328-9715
 Email:
 Notes: For Rural Construction Projects Only
 Date Edited: 3/10/04

Usage Code: 311 Letter #6
 Mr. Tim Mentz Sr.
 Tribal Historic Preservation Officer
 Standing Rock Sioux Tribe
 P.O. Box D
 Fort Yates, ND 58538
 Code: 108
 Phone:
 Email:
 Notes: Letter #6
 Date Edited:

Usage Code: 400
 Fed. Ins. and Hazard Mitigation Div.
 Federal Emergency Mgmt. Agency
 Region 8
 Bldg 710 Denver Federal Center
 Denver, CO 80225
 Code: 41
 Phone:
 Email:
 Notes: Use on high EA/EIS probability projects
 Date Edited:

Usage Code: 410 Letter #3
 State Conservationist
 U.S. Department of Agriculture
 P.O. Box 1458
 Bismarck, ND 58502-1458
 Code: 8
 Phone:
 Email:
 Notes: Letter 3, Prime Farm Land
 Date Edited:

Usage Code: 311 Letter #6
 Bryan Williams
 Project Coordinator
 Reservation Restoration Committee
 Sisseton-Wahpeton Sioux Tribe
 P.O. Box 509
 Sisseton, SD 57262-0409
 Code: 153
 Phone: 605-698-3998
 Email:
 Notes: Letter #6
 Date Edited:

Usage Code: 400
 Acting Regional Administrator
 Dept. of HUD - Regional Office
 633 17th Street
 Denver, CO 80202-3607
 Code: 54
 Phone:
 Email:
 Notes: Use on high EA/EIS probability projects
 Date Edited:

Usage Code: 420
 Mr. Dale Vodehnal
 Water Management/Wetlands
 US Environ. Protctn Agcy-8WWM-SP
 999 18th, Suite 500
 Denver, CO 80202-2413
 Code: 12
 Phone:
 Email:
 Notes: Use on high EA/EIS probability projects
 Date Edited:

Usage Code: 400
 Mr. Allen Radliff
 Division Administrator
 Federal Highway Admin.
 1471 Interstate Loop
 Bismarck, ND 58501
 Code: 10
 Phone:
 Email:
 Notes: No longer required because SOV List
 and Sample Letters included in Env. Doc.
 Date Edited: 5/20/03

Usage Code: 400
 U.S. Environment Protection Agency.
 Region VIII
 999 18th Street Suite 500
 Denver, CO 80202-2405
 Code: 61
 Phone:
 Email:
 Notes: Use on high EA/EIS probability projects
 Date Edited:

Usage Code: 420
 District Engineer
 Corps of Engineers
 215 North 17th Street
 Omaha, NE 68102-4978
 Code: 21
 Phone:
 Email:
 Notes: Use on high EA/EIS probability projects
 affecting lakes, rivers, or wetlands
 Date Edited:

Usage Code: 400
 Mr. Mark A. Johnson
 Executive Director
 ND Association of Counties
 P.O. Box 877
 Bismarck, ND 58502-0877
 Code: 11
 Phone:
 Email:
 Notes: Use on high EA/EIS probability projects
 Date Edited:

Usage Code: 400
 Department of Health & Human Services
 Centers for Disease Control & Prevention
 National Center for Environmental Health
 EEHS/CDB - (F-16)
 4770 Buford Hwy NE
 Atlanta, GA 30341-3724
 Code: 63
 Phone:
 Email:
 Notes: Use on high EA/EIS probability projects
 Date Edited:

Usage Code: 430
 Mr. Doug Prchal
 Director
 ND Parks & Recreation Department
 1600 E Century Ave – Ste 3
 Bismarck, ND 58503-0649
 Code: 1
 Phone:
 Email:
 Notes: For projects affecting state parks and
 state boating access facilities
 Date Edited:

LIST OF ADDRESSES FOR SOLICITATION OF VIEWS

Usage Code: 430
 District Ranger - Medora District
 U.S. Forest Service
 161 21st St. W
 Dickinson, ND 58601
 Code: 20
 Phone:
 Email:
 Notes:
 Date Edited:

Usage Code: 430
 Regional Environmental Coordinator
 Midwest Regional Office
 National Park Service
 1709 Jackson Street
 Omaha, NE 68102
 Code: 53
 Phone: (303) 969-2377 Roxanne Runkel
 Email:
 Notes: Projects near National Grasslands
 (shown on county maps)
 Date Edited: March 18, 2003

Usage Code: 430
 Ms. Valerie Naylor
 Superintendent
 Theodore Roosevelt Ntl. Park
 P.O. Box 7
 Medora, ND 58645-0007
 Code: 110
 Phone:
 Email:
 Notes:
 Date Edited: 03/26/03

Usage Code: 430
 Jess Anne Knutson
 U.S.D.A. Forest Service
 McKenzie Ranger District
 HC 02, Box 8
 Watford City, ND 58854-6705
 Code: 111
 Phone:
 Email:
 Notes: Projects affecting national parks or
 access to these parks
 Date Edited:

Usage Code: 440
 Mr. Robert Turner
 U.S. Department of Commerce
 Economic Development of Administration
 Denver Regional Office
 1244 Speer Boulevard - Room 670
 Denver, CO 80204-3584
 Code: 14
 Phone:
 Email:
 Notes: Use on high EA/EIS probability projects
 Date Edited:

Usage Code: 440
 Sara Otte Coleman
 Director
 ND Tourism Department
 Century Center
 1600 East Century Avenue, Suite 2
 Bismarck, ND 58503
 Code: 67
 Phone:
 Email:
 Notes: Cheryl Purdy said SOV is not always
 needed. jdc 5/20/03
 Date Edited: 5/20/03

Usage Code: 450
 Mr. Art Mielke
 President
 ND Wildlife Federation, Inc.
 Indian Hills Village West
 HC 3, Box 115A
 Ryder, ND 58779
 Code: 6
 Phone:
 Email:
 Notes:
 Date Edited:

Usage Code: 450
 Mr. Tom Berg
 ND Forest Service
 307 First Street E
 Bottineau, ND 58318-1100
 Code: 19
 Phone:
 Email:
 Notes: Use when there are tree impacts.
 Date Edited:

Usage Code: 460
 Mr. Greg Wiche
 Water Resources Division
 U.S. Geological Survey
 821 East Interstate Avenue
 Bismarck, ND 58501
 Code: 38
 Phone:
 Email:
 Notes: Regrading - Right of Way Acquisition
 Date Edited:

Usage Code: 460
 Mr. John Bluemle
 ND Geological Survey
 600 East Blvd. Avenue
 Bismarck, ND 58505-0840
 Code: 39
 Phone:
 Email:
 Notes: Regrading - Right of Way Acquisition
 Date Edited:

Usage Code: 610
 Mr. Ronald A. Anderson
 County Commission Chairman
 McKenzie
 P.O. Box 543
 Watford City, ND 58854-0543
 Code: 254
 Phone: 675-2267
 Email:
 Notes:
 Date Edited:
 Usage Code: 610

Usage Code: 620
 Ms. Frances Olson
 County Auditor
 McKenzie
 P.O. Box 543
 Watford City ND 58854-0543
 Code: 202
 Phone: 444-3616
 Email:
 Notes:
 Date Edited:

Usage Code: 630
 Mr. John Holter
 County Engineer
 McKenzie
 P.O. Box 1221
 Watford City, ND 58854
 Code: 283
 Phone: 444-2600
 Email:
 Notes:
 Date Edited:

Usage Code: 730
 Mr. Brian C. Morris
 ND State Mtce. Mgr.
 Western Area Power Admin.
 P.O. Box 1173
 Bismarck, ND 58502-1173
 Code: 36
 Phone:
 Email:
 Notes:
 Date Edited: 4/24/01

Usage Code: 730
 Mr. Mike Fink
 Gas Superintendent
 Montana-Dakota Utilities Co.
 Box 1457
 Bismarck, ND 58502-1457
 Code: 146
 Phone: 224-5814
 Email:
 Notes:
 Date Edited: 2/25/00

LIST OF ADDRESSES FOR SOLICITATION OF VIEWS

Usage Code: 730
 Mr. Henry Ford Jr
 Electric Superintendent
 Montana Dakota Utilities
 P.O. Box 1407
 Dickinson, ND 58602-1407
 Code: 168
 Phone: 701-227-0141
 Email:
 Notes:
 Date Edited: 5/20/03
 Usage Code: 730

Usage Code: 750
 Second Coast Guard Dist.
 U.S. Coast Guard
 1222 Spruce Street
 St. Louis, MO 63103-2832
 Code: 17
 Phone:
 Email:
 Notes: Bridge projects on Little Missouri River,
 Missouri River and Red River
 Date Edited:

Mr. David C. Schelkoph
 CEO
 West Plains Electric Cooperative Inc.
 P.O. Box 1038
 Dickinson, ND 58602-1038
 Code: 169
 Phone: 701-225-5111
 Email:
 Notes:
 Date Edited: 3-30-01

Usage Code: 810
 Mr. Paul Rechlin
 Exec. Dir.
 Lewis & Clark Regl. Dev. Cncl.
 400 E. Bdwy. Ave. Ste. 418
 Bismarck, ND 58501-4038
 Code: 49
 Phone:
 Email:
 Notes:
 Date Edited:

Usage Code: 730
 Ray Christenson
 Acting Manager
 Southwest Water Authority
 4665 2nd Street West
 Dickinson, ND 58601
 Code: 170
 Phone: 701-225-0241
 Email:
 Notes:
 Date Edited: 3-30-01

Usage Code: 810
 Mr. Rod Landblom
 Exec. Dir.
 Roosevelt-Custer Regl. Cncl.
 Pulver Hall
 Dickinson, ND 58601
 Code: 50
 Phone:
 Email:
 Notes:
 Date Edited:

Usage Code: 730
 Mr. L. D. Wilhelmson
 Manager
 Consolidated Telephone Company
 P.O. Box 1408
 Dickinson, ND 58602-1408
 Code: 171
 Phone:
 Email:
 Notes:
 Date Edited: 03-30-01

Usage Code: 730
 Mr. Ed Williams
 Gas Superintendent
 Montana Dakota Utilities
 P.O. Box 1407
 Dickinson, ND 58602-1407
 Code: 172
 Phone: 701-227-0141
 Email:
 Notes:
 Date Edited: 05/20/03

APPENDIX E

AGENCY COMMENTS

- **US Coast Guard – 09/28/2004**
- **US Department of the Army/Corps of Engineers/ND Regulatory Office – 10/13/2004**
- **US Department of the Army/Corps of Engineers/ND Regulatory Office – 12/09/2004**
- **US Department of Energy/Western Area Power Administration –10/13/2004**
- **US Department of the Interior/Bureau of Indian Affairs – 10/18/2004**
- **US Department of the Interior/Fish and Wildlife Service – 11/02/2004**
- **US Department of the Interior/ National Park Service – 10/22/2004**

- **North Dakota Department of Health – 10/18/2004**
- **North Dakota Game and Fish Department – 11/02/2004**
- **North Dakota Parks and Recreation Department – 10/29/2004**
- **North Dakota State Water Commission – 10/28/2004**
- **McKenzie County Commission – 10/20/2004**
- **Southwest Water Authority – 10/21/2004**



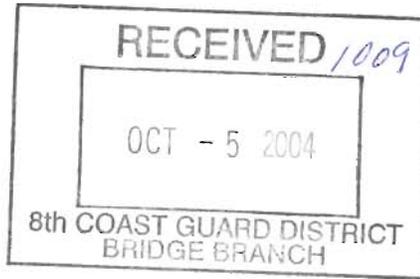
North Dakota Department of Transportation

David A. Sprynczynatyk, P.E.
Director

John Hoeven
Governor

September 28, 2004

Second Coast Guard Dist.
U.S. Coast Guard
1222 Spruce Street
St. Louis, MO 63103-2832



PROJECT NO. NH-7-085(032)120

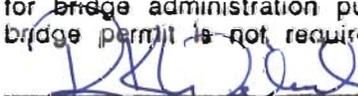
A highway improvement is being planned on US 85 from approximately eight miles north of Grassy Butte to the north side of the bridge over the Little Missouri River (see Figure 1 for project location map).

Several proposed project improvements are being evaluated such as widening the existing road to meet current design standards, improvements to the horizontal alignment to improve sight distance, improve vertical profile to improve ride and sight distance, improve drainage, and the addition of a climbing lane. Improvements to the horizontal alignment and vertical profile will include studying the impacts an alignment shift to the west in the north two miles. The existing roadway surface will also be replaced or overlaid.

This project is expected to begin construction in the spring of 2007 with grading work and first layer of paving expected to be completed the same fall. Final paving surface is likely to be completed the following spring or summer.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. This solicitation of views is a follow up to previous communications that NDDOT sent out in April of 1999. Shortly thereafter, roadway experienced several slides that necessitated emergency repairs and this project was postponed. Because of the time that has passed since the previous solicitation of views, NDDOT needs to verify if any changes have occurred that will need to be considered.

Pursuant to the Coast Guard Authorization Act of 1982, it has been determined this is not a waterway over which the Coast Guard exercises jurisdiction for bridge administration purposes. A Coast Guard bridge permit is not required.



ROGER K WIEBUSCH
Bridge Administrator
Eighth Coast Guard District (obr)

10/14/04
(Date)

NH-7-085(032)120
September 28, 2004

page 2

We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed highway improvement. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed highway facility. Any information that might help us in our studies would be appreciated.

Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

It is requested that any comments or information be forwarded to our office on or before November 1, 2004. If no reply is received by this date, it will be assumed that you have no comment on this project.

If further information is desired regarding the proposed improvement, you may call James Martin at (701)328-2609 in Bismarck, North Dakota.

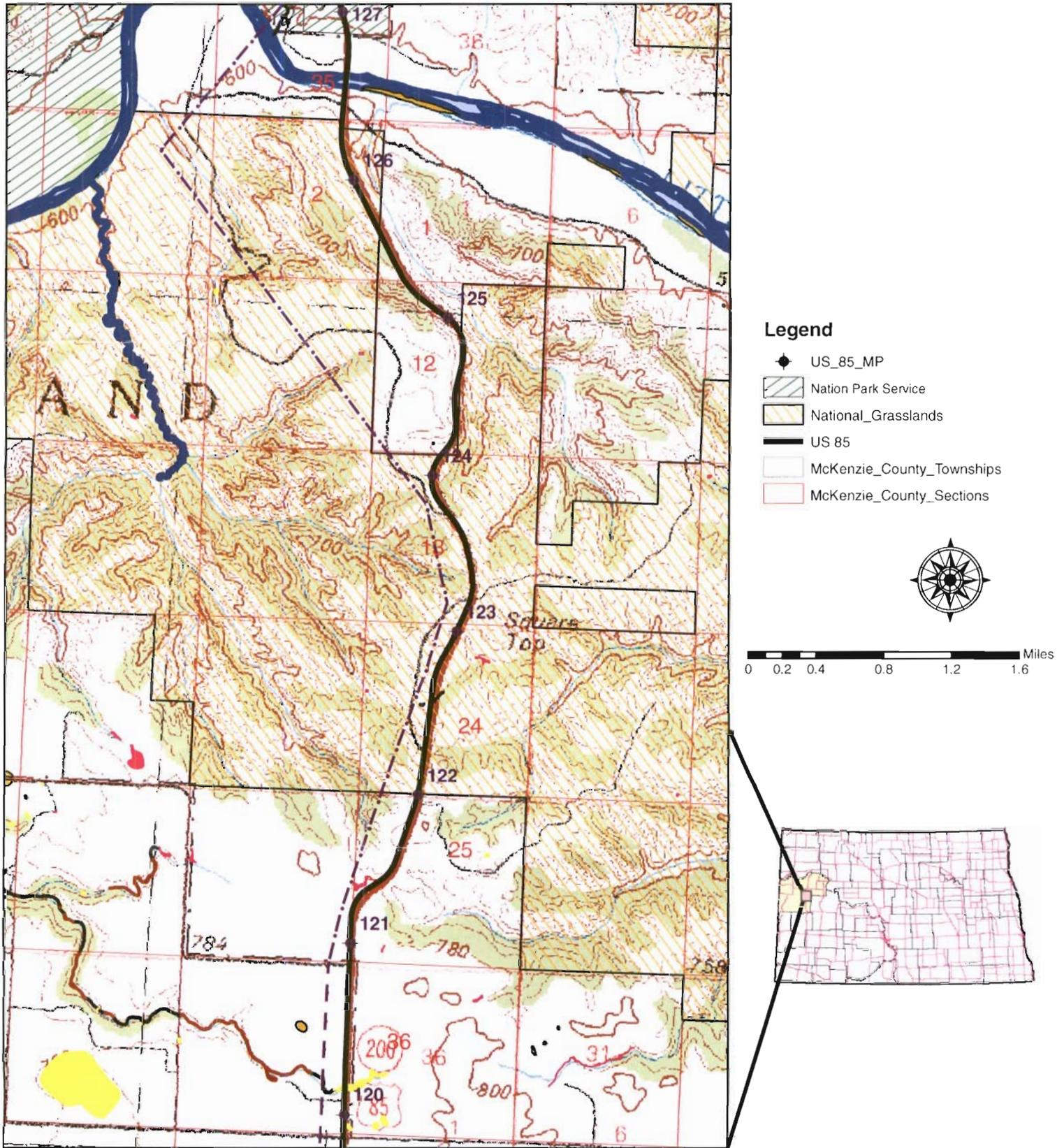


MARK S. GAYDOS, P.E. - DESIGN ENGINEER

JM,DG
Enclosure

US Highway 85 Project Corridor

Project Number: NHU-7-085(032)120



This project will extend from MP 120 to the Long X Bridge at the Little Missouri.

The project lies in Township 147, Range 99, Sections 1, 2, 12, 19, 24, 25, 36. The bridge is located in Township 148, Range 99, Section 35.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 S. 12TH STREET
BISMARCK, NORTH DAKOTA 58504-6640

October 13, 2004

North Dakota Regulatory Office

[200460684]

Mr. Mark Gaydos
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

Dear Mr. Gaydos:

This is in reference to your request for Department of the Army [DA] comments on the proposed highway improvement being planned on U.S. 85 from approximately eight miles north of Grassy Butte to the north side of the bridge over the Little Missouri River.

Based on the information you provided to this office and further review of wetland data at the North Dakota Regulatory Office, it has been determined the above mentioned project area does contain Department of the Army, U.S. Army Corps of Engineers jurisdictional wetland areas, the Little Missouri River and its tributaries. Therefore, in accordance with 33 C.F.R. 320-330, a Department of the Army permit would be required prior to commencing construction activities associated with the proposed project that would result in impacts to waters of the United States. If however, construction activities associated with this project are designed to avoid impacts to waters of the United States, a Department of Army permit would not be required.

The Corps reviewal of this project for Section 10/404 authorization requires the submittal of a completed DA application [enclosed]. **It is essential that you identify impacts to waters of the United States resulting from this project.** Please submit the enclosed DA permit application to the North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact me by letter or phone at (701)-255-0015.

Sincerely,

Patsy Crooke
Project Manager
North Dakota Regulatory Office

Enclosures





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

December 9, 2004

North Dakota Regulatory Office

[200460684]

Mr. James Martin
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

Dear Mr. Martin:

Referencing the letter dated December 2, 2004 on the negotiated timeframes for project NH-7-085(032)120, US 85 from eight miles north of Grassy Butte to the north side of the bridge over the Little Missouri River, the North Dakota Regulatory Office has the following comments:

- We have no comment regarding the submittal and distribution of the EA timeframes;
- We concur with the 30-day agency review and comment period, however we would like to have the option of an extension, perhaps up to 10 additional days, if needed.

If you need further information regarding our comments, please contact me or Patsy Croke, Project Manager at 255-0015.

Sincerely,

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota





6430

Department of Energy
Western Area Power Administration
North Dakota Maintenance Office
P.O. Box 1173
Bismarck, ND 58502-1173

OCT 13 2004



North Dakota Department of Transportation
ATTN: Mr. Mark S. Gaydos, P.E.
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Dear Mr. Gaydos:

In response to your letter of September 28, 2004, Western has a transmission line (Watford City – Charlie Creek 115 kV) which may be impacted by project NH-7-085(032)120. Our transmission line is on the east side of the highway until it crosses the highway on the curve north of Mile Post 121. The line continues on the west side until it crosses the highway twice a short distance north of Mile Post 123.

Western also is in the planning stages of upgrading this Watford City – Charlie Creek line from 115 kV to 230 kV. Part of our planning process is to identify locations where relocating the line may be necessary or beneficial. Both of the crossings identified above are candidates for modification or relocation. Initial plans are to relocate and cross the highway before the curve near MP 121 and to eliminate both highway crossings near MP 123 by relocating the line to the west.

We are currently obtaining updated survey data on our proposed route through this area. I am recommending that we schedule a meeting in early 2005 to verify that proposed changes in one project do not have adverse impacts on the other.

Thank you in advance for your cooperation in this matter. If you have any additional questions or want to schedule a meeting, please contact me at 221-4531.

Sincerely,

A handwritten signature in cursive script that reads "Gerald T. Paulson".

Gerald T. Paulson, Director
Transmission Lines and Substations



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
Division of Transportation
MC-307

OCT 18 2004

Mark S. Gaydos, P.E.
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

Dear Mr. Gaydos:

This is in response to your letter dated September 28, 2004, regarding Project No. NH-7-085(032)120, concerning the highway improvement project being planned on US Highway 85 from approximately eight miles north of Grassy Butte to the north side of the bridge over the Little Missouri River in McKenzie County in North Dakota. The project will consist of improvements to horizontal and vertical alignments, grading and paving.

We understand you are seeking comments or information regarding the project impact on land administered by us. We have no environmental concerns with this action and are not aware of any cultural resources surveys along the proposed project.

If your cultural resource survey for the planned project determines there is a site of cultural or religious significance for the Native American community, it is your responsibility under the National Historic Preservation Act to inform our Regional Archaeologist, Dr. Carson Murdy at (605) 226-7656.

A review of our records indicates no Indian-owned lands administered by us, within the limits of your project.

If you have any questions call Marilyn Bercier, Environmental Specialist, at (605) 226-7645.

Sincerely,

Deputy Regional Director – Indian Services



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



NOV - 2 2004



Mr. Mark S. Gaydos, P.E.
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

Re: Project No. NH-7-085(032)120

Dear Mr. Gaydos:

The Fish and Wildlife Service (Service) has reviewed your letter of September 28, 2004, concerning North Dakota Department of Transportation's (NDDOT) plans to improve US 85 from mile post 120 to the Long X Bridge in McKenzie County. Several improvements are being evaluated including widening the existing road, improving sight distances and drainage patterns, adding a climbing lane, and replacing the existing roadway surface. As part of this evaluation, NDDOT is also studying the impacts of shifting the alignment on the roadway to the west in the north two miles. We offer the following comments to assist with the project planning process in accordance with the provisions of the Endangered Species Act (16 U.S.C. 1531 et seq.) and Executive Order 11990 concerning the protection of wetland resources.

While the Service has no property interests or proposed developments adjacent to the project, this area provides high quality native grasslands and woody draws. The northern portion of the project area is within the Northwest Lone Butte bighorn sheep area. I recommend that the NDDOT prepare an environmental assessment to thoroughly evaluate improvements to the existing alignment that are being considered and the feasibility of shifting the roadway alignment to the west. Shifting the roadway alignment to the west may eliminate the ongoing emergency slide repairs and significantly reduce disturbance to bighorn sheep.

To minimize impacts to fish and wildlife habitat, the Service recommends that the following measures be incorporated into project construction plans:

1. Minimize erosion and sediment into the Little Missouri River and drainages that flow to the river.
2. Avoid construction in the Little Missouri River during the fish spawning period of April 15 to June 1.

3. Replace the unavoidable loss of trees and shrubs on a 2:1 basis with species native to the area. Woodland losses should be replaced on-site.
4. Develop construction plans in close coordination with the North Dakota Game and Fish Department to minimize impacts to bighorn sheep.
5. Reseed all disturbed grassland areas with warm-season native grasses.
6. Develop a mitigation plan to offset the unavoidable loss of wetland habitat.

A list of federally endangered, threatened, and candidate species that have been documented in McKenzie County is enclosed. This list fulfills the requirements of the Fish and Wildlife Service under Section 7 of the Endangered Species Act.

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 proposed action "may affect" listed species. If it is determined that the action "may affect" a listed species, then the responsible agency shall request formal section 7 consultation with this office. If the evaluation indicates that there will be "no affect" to listed species, further consultation is not necessary. At this time, the Service is not aware of any listed species in the project area.

In May 2003, the Service, in cooperation with NDDOT, conducted a raptor survey in the project area. While a prairie falcon, northern harrier, and Swainson's hawks were observed, no nests were discovered during the two day field review. Prior to the planned initiation of construction in the spring of 2007, we recommend that our agencies work together to update a raptor nest survey for this project.

A 404 permit may be required if construction will result in fill material being placed in the Little Missouri River. Please contact Mr. Dan Cimarosti, U.S. Army Corps of Engineers, North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504 (701-255-0015), to determine their permit requirements. If a permit is required, the Service will provide comments concerning the planned construction activities to the Corps of Engineers.

We appreciate the opportunity to provide comments on the work to improve US 85. Please contact Bill Bicknell of my staff at 250-4481, if additional information is needed.

Sincerely,



Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosure

cc: COE, ND Regulatory Office, Bismarck
Superintendent, Theodore Roosevelt National Park, Medora
District Ranger, McKenzie Ranger District, Watford City
Director, ND Game and Fish Dept., Bismarck
(Attn: Mike McKenna)

FEDERAL THREATENED AND ENDANGERED SPECIES
AND DESIGNATED CRITICAL HABITAT FOUND IN
MCKENZIE COUNTY, NORTH DAKOTA

ENDANGERED SPECIES

Birds

Interior least tern (*Sterna antillarum*): Nests along midstream sandbars of the Missouri and Yellowstone Rivers.

Whooping crane (*Grus Americana*): Migrates through west and central counties during spring and fall. Prefers to roost on wetlands and stockdams with good visibility. Young adult summered in North Dakota in 1989, 1990, and 1993. Total population 140-150 birds.

Fish

Pallid sturgeon (*Scaphirhynchus albus*): Known only from the Missouri and Yellowstone Rivers. No reproduction has been documented in 15 years.

Mammals

Black-footed ferret (*Mustela nigripes*): Exclusively associated with prairie dog towns. No records of occurrence in recent years, although there is potential for reintroduction in the future.

THREATENED SPECIES

Birds

Bald eagle (*Haliaeetus leucocephalus*): Migrates spring and fall statewide but primarily along the major river courses. It concentrates along the Missouri River during winter and is known to nest in the floodplain forest.

Piping plover (*Charadrius melodus*): Nests on midstream sandbars of the Missouri and Yellowstone Rivers and along shorelines of saline wetlands. More nest in North Dakota than any other state.

Mammals

Gray wolf (*Canis lupus*): Occasional visitor in North Dakota. Most frequently observed in the Turtle Mountains area.

DESIGNATED CRITICAL HABITAT

Birds

Piping Plover - Alkali Lakes and Wetlands - Critical habitat includes: (1) shallow, seasonally to permanently flooded, mixosaline to hypersaline wetlands with sandy to gravelly, sparsely vegetated beaches, salt-encrusted mud flats, and/or gravelly salt flats; (2) springs and fens along edges of alkali lakes and wetlands; and (3) adjacent uplands 200 feet (61 meters) above the high water mark of the alkali lake or wetland.



United States Department of the Interior
NATIONAL PARK SERVICE

Theodore Roosevelt National Park
P.O. Box 7
215 Second Avenue
Medora, North Dakota 58645

REPLY REFER TO:

L7617

October 22, 2004

Mark S. Gaydos
Design Engineer
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

Dear Mr. Gaydos:

The highway improvement project (Number NH-7-085[0320]120) described in your letter of September 28 terminates within or adjacent to the boundary of the North Unit of Theodore Roosevelt National Park. A large portion of the North Unit of the park is a designated wilderness area.

In planning this project, the following issues should be addressed:

- Realigning the northern 2 miles of the road to the west would decrease the distance between the road and the park boundary. Depending on how far the road would be realigned, visual intrusion and noise could be increased, affecting the experience of visitors in the park. The North Unit is treasured for its scenic views; we hope that this project will be accomplished in such a way that the views are not impacted.
- This section of highway traverses important habitat for bighorn sheep. The project should be carried out in a manner that minimizes disturbance to bighorn sheep and other wildlife.
- Improvements in both horizontal alignment and vertical profile will have to be carefully engineered to reduce the potential for future slides and road damage due to the geologic instability of the badlands formations.
- This section of highway is in a scenic area that is enjoyed by many travelers. We hope that construction will be done in such a way as to minimize effects on the scenery along and adjacent to the highway.



- Road closures during construction could impact travelers accessing the park from the south. Travel for park operations could also be affected as US 85 is the main route from the administrative headquarters of the park to the North Unit.

Due to its potential impacts and the proximity of the project to Theodore Roosevelt National Park, we recommend that an Environmental Assessment be prepared to analyze environmental and social effects.

Thank you for providing us an opportunity to comment on the proposed project. Please contact Penny Knuckles, Chief of Resource Management at 701-623-4466 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Valerie J. Naylor". The signature is written in a cursive style with a large initial 'V'.

Valerie J. Naylor
Superintendent



**NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section**

Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

October 18, 2004

Mark S. Gaydos, P.E., Design Engineer
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Re: Project No. NH-7-085(032)120
McKenzie County



Dear Mr. Gaydos:

This department has reviewed the information concerning the above-referenced project submitted under date of September 28, 2004 with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects

Environmental Health
Section Chief's Office
701-328-5150

Air
Quality
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210

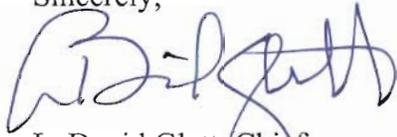
can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. David Glatt". The signature is stylized and cursive.

L. David Glatt, Chief
Environmental Health Section

LDG:cc
Attach.



NORTH DAKOTA DEPARTMENT OF HEALTH

Environmental Health Section

Location:

1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:

701-328-5200

Mailing Address:

P.O. Box 5520
Bismarck, ND 58506-5520

December 2000

Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

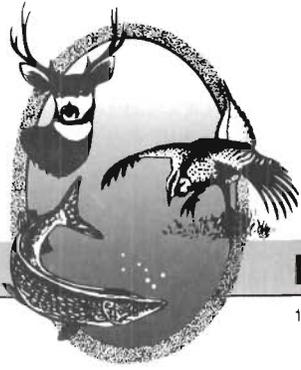
Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

November 2, 2004

Mark S. Gaydos, PE
Design Engineer
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Dear Mr. Gaydos:

RE: US Highway 85 Improvements
Project No. NH-7-085(032)120



Several improvements are being evaluated for the portion of US 85 from approximately 8 miles north of Grassy Butte to the north side of the bridge over the Little Missouri River, including an alignment shift to the west in the north two mile segment.

The ND Game and Fish Department believes this realignment has several benefits. First, routing the roadway over the top rather than along the side of the butte may alleviate many of the slide problems which have impacted the current alignment. Second, it would move the roadway away from the primary area of concern for lambing bighorn sheep. Our support of this alignment shift is predicated on the abandonment and reclamation of the old roadbed. Any portion of the old roadway not obliterated should be signed and closed to all vehicular traffic.

We are also concerned that future improvements may consider a split median of considerable width. This is unacceptable. A wide median would create two traffic corridors for wildlife to cross and could act as a feeding or loafing area for wildlife, thereby exposing them to greater risk of vehicular collision.

Regardless of which alignment is chosen we recommend the following to reduce impacts to bighorn sheep:

- 1] Do not locate the contractor's staging area on the north end of the project corridor.
- 2] Begin construction in the spring on the south end of the project corridor.

- 3] Delay final paving work until July of the following year to minimize disturbance during lambing.
- 4] A median should not be constructed no matter how wide the road.
- 5] Seed disturbed areas with warm-season native grasses to reduce preferred forage in the right of way.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael G. McKenna", is written over a light blue rectangular background.

Michael G. McKenna
Chief
Conservation & Communication Division

js



John Hoeven, Governor
Douglass A. Prchal, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@state.nd.us
www.NDparks.com

October 29, 2004

Mark Gaydos
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

RE: Highway Improvement on US 85

Dear Mr. Gaydos:

The North Dakota Parks and Recreation Department has reviewed the above referenced proposal to make improvements to US highway 85 located in Sections 1, 2, 12, 13, 24, 25, and 36, T147N, R99W, McKenzie County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare species and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

On June 11, 2001 NDPRD staff participated in a resource agency meeting to discuss project alignment options and environmental concerns. During this meeting it was explained that there were three general categories of alternatives being looked at. In the recent scoping document, no mention is made of any alternatives previously discussed. Were decisions made? Was an alternative chosen? NDPRD feels that the NDDOT needs to more adequately describe the scope of the project, and perhaps address some of the concerns that were brought up in the earlier meetings.

Calls were left with James Martin in attempt to answer these questions. Until we hear from James Martin it is extremely difficult to address any concerns we have regarding project impacts, specifically those to significant geological and natural resources found in the project area.

The stretch of ND badlands which the project transects is one of the most scenic areas in ND. NDPRD recommends the project be developed in a manner which produces the least amount of impact to the adjacent geologic and natural resources.

NDPRD recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. The North Dakota Natural Heritage Inventory has records indicating the following significant ecological communities may exist within or adjacent to the project area: *Stipa comata* – *Bouteloua gracilis*/*Carex filifolia* prairie (needle-and-thread mixed grass prairie), *Juniperus scopulorum*/*Oryzopsis micrantha* woodland (Rocky Mountain juniper woodland), Eroding Great Plains Badlands (Badlands slope), and *Pascopyrum smithii* – *Nasella (stipa) viridula* prairie (needlegrass - wheatgrass prairie). Species a concern include *Ovis canadensis* Canadensis (bighorn sheep), *Lanius ludovicianus* (loggerhead shrike), and butterfly species such as the *Phyciodes batesii* (tawny crescent) and *Speyeria idalia* (regal fritillary). Please see attached spreadsheet and map for more specific location information.

Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@state.nd.us) of our staff. Thank you for the opportunity to comment on this proposed project.

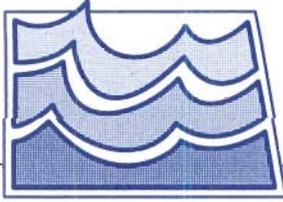
Sincerely,

Jesse Hanson, Coordinator
Planning and Natural Resources Division

Cc: Douglass Prchal, Director



.....
Play in our backyard!



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850 • 701-328-2750
TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://www.swc.state.nd.us/>

October 28, 2004

Mark Gaydos
NDDOT
608 East Blvd.
Bismarck, ND 58505-0700

Dear Mr. Gaydos:

This is in response to your request for review of environmental impacts associated with improvements to ND Highway 85 north of Grassy Butte, ND

The proposed project has been reviewed by State Water Commission staff members and the following comments are provided:

- The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4969.

Sincerely,

Larry Knudtson
Research Analyst

LJK:1570



Mr. Mark. S. Gaydos
P.E. Design Engineer
Project No. NH-7-085(032)120

10/20/2004

Dear Sir:

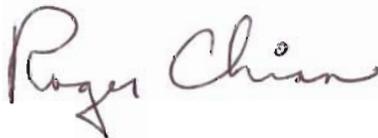
McKenzie County would like to thank you for the opportunity to comment on proposed improvements on U.S. 85 south of the Little Missouri River in 2007. We want to thank the state for work done in 2003. This was a much needed improvement.

In regards to future improvements:

- McKenzie County would suggest that the west approach from county road just south of the Long X Bridge be moved south. Because of the bridge railing visibility to the north is limited.
- McKenzie County would like to suggest the passing lane be extended a minimum of 250 to 300 yards at the peak of the hill in section 13-147-99. This would allow a much smoother flow of traffic from the climbing lane into regular traffic.
- McKenzie County would also request that the horizontal alignment be reexamined at the peak of the hill adjacent to the visitor turn out. We have had many complaints from motorists that the curve at the top of the hill is dangerous when traveling south.
- In regards to property that McKenzie County owns near the project, McKenzie County wishes to retain access and approach to the road going west in section 13-147-99.

Thank you for the opportunity to comment on this project.

Sincerely,



Roger Chinn
McKenzie County Commissioner





SOUTHWEST WATER AUTHORITY

SOUTHWEST PIPELINE PROJECT BUILDING

West Industrial Park

4665 2nd Street SW

Dickinson, ND 58601-7231

(701) 225-0241 • Fax (701) 225-4058

Toll Free: 1-888-425-0241

E-mail: swa@swwater.com

Web Site: www.swa.swc.state.nd.us

October 21, 2004

Mark S. Gaydos, P.E.
ND Department of Transportation
608 East Boulevard Ave.
Bismarck, ND 58505-0700

RE: Project No. NH-7-085 (032)120

Dear Mark,

This letter is in reference to your letter received concerning the above referenced project. The Southwest Pipeline Project does not have any facilities in that area. Presently our future construction plans do not include anything in your project area.

If you have any further concerns, I can be reached at 701-225-2041.

Sincerely,

Dan Roller
Operations Specialist
Southwest Water Authority

DR/clc



Management, Operation, and Maintenance of the Southwest Pipeline Project

APPENDIX F

PUBLIC INPUT MEETING

- **Public Meeting Advertisement**
- **Sign-In Sheet**
- **Handout**
- **PowerPoint Presentation**

PUBLIC INPUT MEETING IN MCKENZIE COUNTY

WHY?

To discuss proposed improvements to US 85 from approximately eight miles north of Grassy Butte to the north end of the Little Missouri River bridge.

WHEN?

_____, 2004
Open House 4:00 – 6:00 p.m. MDT

WHERE?

Watford City, ND

OPEN HOUSE CONDUCTED BY

ND Department of Transportation

This hearing is designed to allow for public input which is required for compliance with the National Environmental Policy Act of 1970 and National Historic Preservation Act of 1966.

Representatives from NDDOT will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be mailed by December 30, 2004, to Mark Gaydos, Design Engineer, ND Department of Transportation, 608 East Boulevard Avenue, Bismarck, ND 58505-0700.
Email: mgaydos@state.nd.us
Note- "public hearing" in email subject heading.

DISABILITIES: People with disabilities who plan to attend the hearing and need special arrangements should contact Mark Gaydos, Design Engineer, before the meeting.
Phone: (701) 328-4417
TTY: (701) 328-4156

US 85 PUBLIC INPUT MEEETING OPEN HOUSE

City Hall – Heritage Room, Watford City

4:00 – 6:00 PM, December 14, 2004

Sponsored by North Dakota Department of Transportation

NDDOT on behalf of the Federal Highway Department (FHWA) is preparing an Environmental Assessment (EA) that will evaluate impacts associated with the improvements to US 85 in McKenzie County from reference point (RP) 120.4, approximately eight miles north of Grassy Butte to RP 126.7, just north of the Little Missouri River (see Figure 1). Approximate length of the project is 6.3 miles.



Time Line

The EA will be completed by March 2005. Public hearing will be scheduled for early April 2005. If no significant impacts are found, a Finding of No Significant Impacts (FONSI) will be completed by early July of 2005. Roadway design will commence after NDDOT receives the

environmental clearance from FHWA, shortly after the FONSI is approved. Right of way acquisition will likely begin in late winter or spring of 2006. The project is currently scheduled to bid in fall of 2006 with construction scheduled to begin in the spring of 2007. Grading and first lift of pavement is expected to be completed in the first year. Final asphalt surfacing will likely be completed the following construction season.

Environmental Impact Categories

The EA will evaluate the impacts of viable project alternatives in relation to the following environmental impact categories:

- Aesthetics
- Air Quality
- Bicycle and Pedestrian Issues
- Cultural Resources
- Economic
- Energy
- Environmental Justice
- Farmland
- Floodplain
- Hazardous Waste
- Land Use
- Noise
- Relocation
- Secondary and Cumulative Impacts
- Section 4(f) & 6(f) Properties
- Social
- Temporary Construction Impacts
- Threatened and Endangered Species
- Water Quality
- Watershed Management
- Wetlands
- Wildlife, Habitat, and Ecosystems

Public Involvement

This meeting is intended to gather data and information from the public and provide an update on the progress of the project development and environmental study. Towards the conclusion of the environmental documentation phase of this project, a public hearing will likely be held to inform the public about the environmental study results and present the preferred alternative. Today's public input meeting is an important part in of the public information program design to keep affected and interested parties informed about the project.

We hope that this open house is informative and useful to you. Thank you for your interest in the US 85 project.

Please mail you comments to:

Mark S. Gaydos, P.E.- Design Engineer
NDDOT
608 E. Boulevard Avenue
Bismarck, ND 58505-0700

Email: mgaydos@state.nd.us

SIGN IN SHEET

Project Number: NH-7-085(032)120

US Highway 85 Reconstruction

EA Public Input Meeting, Watford City, North Dakota

Tuesday, December 14, 2004

Please Print

	Name	Address
1	Mark Schrader	Bismarck ND
2	WALT PETERSON P.O. Box 698	Williston ND
3	Tom HUNCOVSKY	NDDOT
4	JAMES MARTIN	603 E. Boulevard Bis, ND
5	Cherene Behrman	401-15th ave West Williston ND
6	Jerry Peterson	1312 E. Hillcrest Williston ND
7	[Signature]	Watford City
8	Rep David Drouillard	Arnegard, ND
9	Rick Tore	Watford City
10		
11		
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US Highway 85 Reconstruction Project

Public Input Meeting

Tuesday, December 14, 2005

4:00 – 6:00 p.m. CST



US Highway 85 Reconstruction Project Meeting Objectives

- Inform the Public of the Project
- Identify Public and Agency Concerns
- Discuss Alternatives to be Considered
- Describe Environmental Process
- Identify Public Involvement Process

US Highway 85 Reconstruction Project
Project Team

North Dakota Department of
Transportation

Federal Highway Administration

United States Forest Service

US Highway 85 Reconstruction Project

NEPA

The National Environmental Policy Act of 1969 requires all Federal actions significantly affecting the quality of the human environment to provide a detailed statement on:

- *Environmental impacts of the proposed action*
- *Alternatives to the proposed action*
- *An adverse impacts which cannot be avoided*
- *Any irreversible or irretrievable commitments of resources*

US Highway 85 Reconstruction Project

Classes of Action

- Categorical Exclusion
- Environmental Assessment
- Environmental Impact Statement

US Highway 85 Reconstruction Project Environmental Assessment

- Purpose and Need
- Alternatives
- Environmental Impacts
- Comment and Coordination

US Highway 85 Reconstruction Project

Environmental Impact Categories

- Aesthetics
- Air Quality
- Bicycle and Pedestrian Issues
- Cultural Resources
- Economic
- Energy
- Environmental Justice
- Farmland
- Floodplain
- Hazardous Waste
- Land Use
- Noise
- Relocation
- Secondary and Cumulative Impacts
- Section 4(f)/Section 6(f) Properties
- Social
- Temporary Construction Impacts
- Threatened and Endangered Species
- Water Quality
- Watershed Management
- Wetlands
- Wildlife, Habitat, and Ecosystems

US Highway 85 Reconstruction Project Public Involvement

- Solicitation of Views – October 13, 2004
 - Initially sent April 4, 1999
- Public Input Meeting– December 14, 2004
- Public Hearing
 - Tentatively Scheduled – Early April 2005

US Highway 85 Reconstruction Project Proposed Alternatives

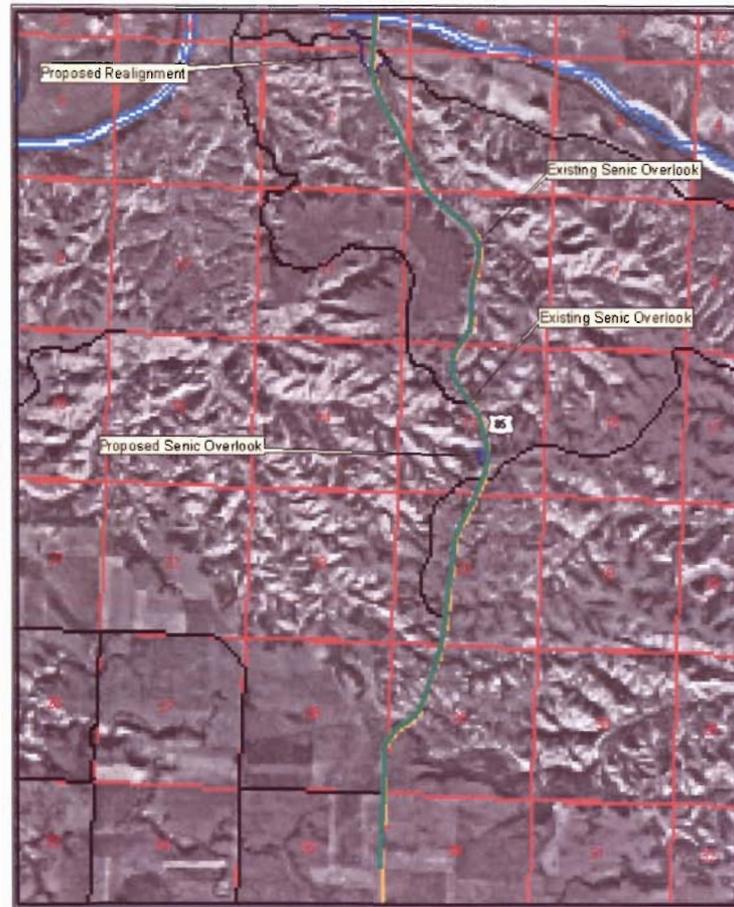
- Do Nothing
- Two-lane
- Two-lane with Climbing-lane
- Relocation of Highway to the west

ALL BUILD ALTERNATIVES EVALUATED WITH
BOTH A 55 MPH DESIGN AND A 65 MPH DESIGN.

ALL ALTERNATIVES ALSO INCLUDE BRIDGE REHABILITATION WORK.

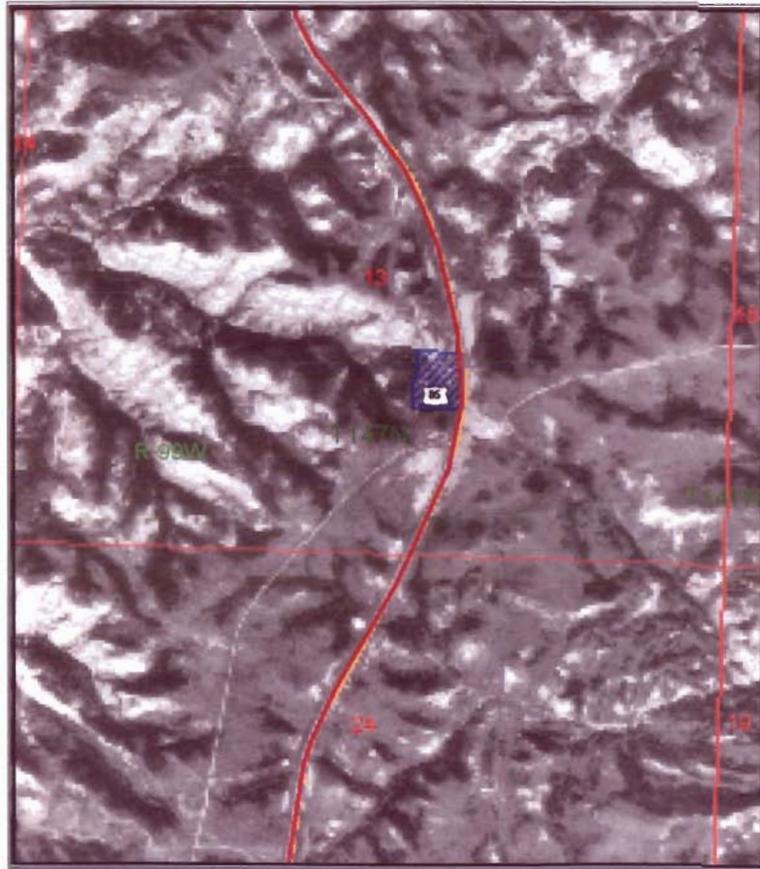
US Highway 85 Reconstruction Project Overlook Alternatives

Project Location



US Highway 85 Reconstruction Project Overlook Alternatives

Proposed Scenic Overlook



 Scenic Overlook
 Project Limits



Proposed Scenic Overlook



 Scenic Overlook
 Project Limits



US Highway 85 Reconstruction Project Access Alternative

Proposed Alignment



- Project Limits
- ▨ 200 Foot Buffer



US Highway 85 Reconstruction Project Tentative Schedule

- **Environmental Clearance – July, 2005**
- **Design, Permitting, and ROW – August, 2005**
- **Bid Opening – November 17, 2006**
- **Construction – Summer 2007**

US Highway 85 Reconstruction Project Summary

No decisions have been made at this time. An EA is a decision making document and we welcome your input. Send in comments by January 14, 2005.

Submit your comments to:

MARK S. GAYDOS, P.E. - DESIGN ENGINEER
608 E. Boulevard Avenue
Bismarck, ND 58505-0700

Phone: (701)-328-4417
Phone TTY: (701)-328-4156
Fax: (701)-328-0103
Email: mgaydos@state.nd.us

US Highway 85
Reconstruction Project
Public Input Meeting
Tuesday, December 14, 2004
4:00 – 6:00 p.m. CST

Thank you!

APPENDIX G

SHPO CONSULTATION

- **CR Consulting on effects – 5/11/1999**
- **CR Inventory Report Review – 12/23/1999**
- **CR Inventory Report – 12/18/2000**
- **CR Scope of Work Review – 2/10/2000**
- **SHPO Concurrence – 8/15/2001**
- **CR Inventory Review – 9/06/2001**
- **SHOP Consultation Documentation – 7/22/05**
- **Email Correspondence – 7/09/2007**



North Dakota Department of Transportation

608 East Boulevard Avenue • Bismarck, ND 58505-0700

<input type="checkbox"/> Div	<input checked="" type="checkbox"/> Proj	<input type="checkbox"/> City	19, 99
NH-7-085(032)120			
PC, FC	ORIGIN	DATE	
	ND 58505-0700	6/11/99	
ITEM #	CR Consulting on Effects		

Edward T. Schafer, Governor
Marshall W. Moore, Director

Information: (701) 328-2500

FAX Mail: (701) 328-4545

TTY: (701) 328-4156

Website: <http://www.state.nd.us/dot>

April 13, 1999

Mr. Samuel J. Wegner
State Historic Prsv. Officer
State Historical Society
612 East Boulevard Avenue
Bismarck, ND 58505-0830

CULTURAL RESOURCE REPORT REVIEWED

Report: _____ please revise (see attachment).
 is acceptable as written.

106 Recommendation: Wee look forward

Michael Adam
Project Review Coordinator

Date 5-11-99

In Response, Please Reference: SHPO# 99-358

to consulting on effect

PROJECT NO. NH-7-085(032)120

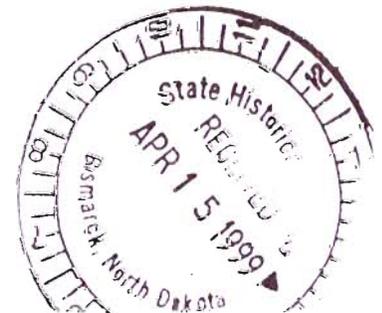
A highway improvement is being planned on US Highway 85, from approximately eight miles north of Grassy Butte to the north side of the bridge over the Little Missouri River (see Figure 1 for the Project Location Map).

The project consists of widening the existing roadway to meet current design standards, including improvements to the horizontal alignment, vertical profile, and drainage. The project will also include the surfacing of the new roadway.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed highway improvement. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed highway facility. Any information that might help us in our studies would be appreciated.

Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

HAY 1999
A



Page 2

April 13, 1999

It is requested that any comments or information be forwarded to our office on or before forward to before May 14, 1999. If no reply is received by this date, it will be assumed that you have no comment on this project.

If further information is desired regarding the proposed improvement, you may call me at (701) 328-4445 in Bismarck, North Dakota.

A handwritten signature in black ink, appearing to read "Kenneth E. Birst". The signature is written in a cursive style with a large, stylized "B" and "I".

KENNETH E. BIRST, P.E. - DESIGN ENGINEER

BL

Enclosure

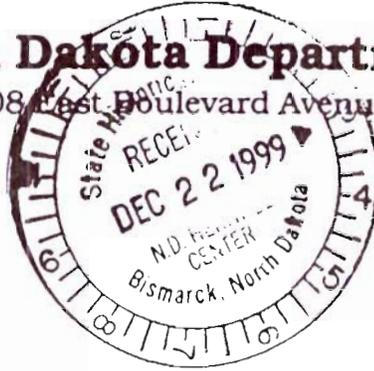


North Dakota Department of Transportation

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NH-7-085(032)120			
PROJECT	TIED TO		
ORIGIN	4781 SBC		
ITEM	CR Inventory Report Review		
		DATE	12-23-99

Edward T. Schafer, Governor
Marshall W. Moore, Director



Information: (701) 328-2500

FAX Mail: (701) 328-4543

TTY: (701) 328-4156

Website: <http://www.state.nd.us/dot>

December 21, 1999

Samuel J. Wegner
ND State Historic Preservation Officer
ND Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Attn: Mike Simonson, Project Review Coordinator

CLASS III CULTURAL RESOURCE INVENTORY REPORT SUBMISSION. SHPO # 99-358

Project Type: Regrade

NDDOT Project #: NH-7-085(032)120

Legal Location: Through Section 35, T148N, R99W; and Sections 12, 13, 25, 26, 35, 36, T147N, R99W, McKenzie County, North Dakota.

Archaeological Consultant: NDDOT

Report Title: Highway 85 Regrade, Little Missouri River South for 5.6 Miles, Additional Right-of-Way Areas, Class III Cultural Resource Inventory.

Class III Inventory Results: 1 site (32MZ1473), 1 site lead (32MZx85), and 1 isolated find (32MZx86). Previous survey in the ROW located 32MZ1446 and 32MZ1447, as well as 5 isolated finds (32MZx902-906).

Report Recommendations: 32MZ1473 and 32MZ1446 will be avoided by the project. Evaluative testing of 32MZ1447 and site lead 32MZx85 with probes between the two areas.

Determination: No determination possible until completion of the evaluative testing.

We are submitting this report for your review and look forward to consulting with your office on the scope-of-work, evaluative testing results, and subsequent finding.

JEANIL L. BORCHERT, ARCHAEOLOGIST, DESIGN

enclosure

99-358
Thank you for the report. We look forward to working with you on this project. Michael Simonson



North Dakota Department of Transportation

608 East Boulevard Avenue • Bismarck, ND 58505-0700

Edward T. Schafer, Governor
Tom D. Freter, Director

Information: (701) 328-2500

FAX Mail: (701) 328-4545

TTY: (701) 328-4156

Website: <http://www.state.nd.us/dot/>

December 18, 2000

Merl Paaverud
Acting ND State Historic Preservation Officer
ND Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Attn: Mike Simonson, Project Review Coordinator

CLASS III CULTURAL RESOURCE INVENTORY REPORT SUBMISSION. SHPO # 99-358.

Project Type: Grade, Aggregate Base

NDDOT Project #: NH-7-085(032)120

Legal Location: From 7.5 miles north of Grassy Butte on Highway 85 to the Little Missouri River crossing. 5.6 miles in length.

Archaeological Consultant: UNDAR-West

Report Title: Evaluative Testing at 32MZ1447, 32MZ1484, and 32MZx85.

Evaluative Testing Results: 32MZ1447 is not eligible. 32MZ1484 is eligible. 32MZx85 is not part of a buried site and is not eligible.

Report Recommendations: Eligibility determinations listed above.

Determination: Analysis of our project right-of-way needs in regard to the site boundaries of 32MZ1484, quite easily defined by topography and testing results, show that we will not impact this site. We will impact 32MZ1447, however, we agree with UNDAR-West that the site is not eligible. We suggest a determination of No Historic Properties Affected for this project.

Attached are our minor comments regarding the report. We are submitting this report for your review and for your concurrence with the above determination.

JEANI L. BORCHERT, ARCHAEOLOGIST, DESIGN

enclosure



North Dakota Department of Transportation

608 East Boulevard Avenue • Bismarck, ND 58505-0700

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NH-7-085(032)120			
ORIGIN	HIST SOC	DATE	2/11/00
ITEM	CR SOW Review		

Edward T. Schafer, Governor
Marshall W. Moore, Director

Information: (701) 328-2500

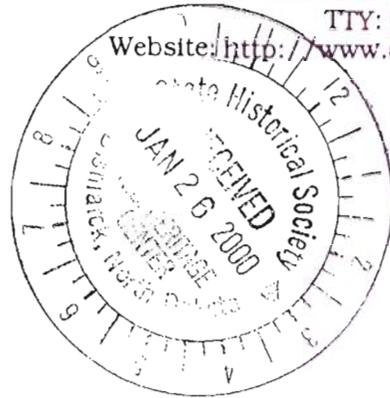
FAX Mail: (701) 328-4545

TTY: (701) 328-4156

January 25, 2000

Website: <http://www.state.nd.us/dot>

Samuel J. Wegner
ND State Historic Preservation Officer
ND Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830



Attn: Mike Simonson, Project Review Coordinator

EVALUATIVE TESTING OF 32MZ1447 AND 32MZx85. SHPO REFERENCE #99-358.

Project Type: Evaluative Testing

NDDOT Project #: NH-7-085(032)120

Cultural Resources Involved: 32MZ1447 and 32MZx85.

Scope-of-Work Title: SCOPE-OF-WORK, EVALUATIVE TESTING, 32MZ1447 AND 32MZx85.

We are submitting this scope-of-work for your review. We would appreciate receiving comments on our proposal.

JEANI L. BORCHERT, ARCHAEOLOGIST, DESIGN

enclosure

Scope of Work

CULTURAL RESOURCE REPORT REVIEWED

Report: _____ please review (see attachment).
 is acceptable as written. *

106 Recommendation: _____

Michael Simonson Date *2-7-00*
 Project Review Coordinator

In Response, Please Reference: SHPO# *99-358*

**We look forward to reviewing the testing report. MJS*



State
Historical
Society of
North Dakota

Since 1895

<input type="checkbox"/> Dis	<input checked="" type="checkbox"/> Proj	<input type="checkbox"/> City	<input type="checkbox"/> Hwy
NH - 7 - 085(032)120			
PROJECT TIED TO	02/27/01		
ORIGIN	SHPO	DATE	2/15/01
ITEM#	SHPO Council		

John H. Hoeven
Governor of North Dakota

February 27, 2001

North Dakota
State Historical Board

Appointed Members:

Beverly Kraus Home
Devils Lake - President

John E. Von Rueden
Bismarck - Vice President

Bradley W. Berg
Fargo - Secretary

Marvin L. Kaiser
Williston

Diane K. Larson
Bismarck

Lydia S. Sage-Chase
New Town

A. Runc Todd, III
Jamestown

Ex-Officio Members:

Kathi Gilmore
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prchal
Director

Parks and Recreation Department
David A. Sprynczynatyk
Director

Department of Transportation
Allan M. Stenehjem
Director

Tourism Department

Jeani L. Borchert
Design
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

NDSHPO REF. : 99-358

Dear Jeani:

I have reviewed the report: "Evaluative Testing at 32MZ1447, 32MZ1484, and 32MZX85," October 2000, by Duane Klinner and Greg L. Werners for NDDOT Project #NH-7-085(032)120. I have found the report acceptable given the corrections and revisions are made to the final report, as indicated in Duane Klinner's letter correspondence and attachments of 2/23/01 to you.

We concur with the determination of "No Historic Properties Affected" for 32MZ1447 provided that the aforementioned corrections and revisions are made to the final report.

Also, as indicated in our previous review correspondence, we concur with the determination that 32MZ1484 is National Register eligible, whereas 32MZX85 is not eligible.

Sincerely,

for Merlan E. Paaverud
State Historical Preservation Officer (North Dakota)

Accredited by the
American Association
of Museums



State
Historical
Society of
North Dakota

Since 1895

John H. Hoeven
Governor of North Dakota

**North Dakota
State Historical Board**

Appointed Members:

John E. Von Rueden
Bismarck - President

Diane K. Larson
Bismarck - Vice President

Marvin L. Kaiser
Williston - Secretary

Albert I. Berger
Grand Forks

Chester Nelson
Bismarck

Lydia S. Sage-Chase
New Town

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Jamestown

Ex-Officio Members:

Kathi Gilmore
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prchal
Director

Parks and Recreation Department

David A. Sprynczynatyk
Director

Department of Transportation

Allan M. Stenehjem
Director

Tourism Department

6 September 2001

Jeani L. Borchert
ND DOT
608 East Boulevard Avenue
Bismarck, ND 58505-0700

RE: SHPO 99-358

Dear Jeani:

We have reviewed the final report "Evaluative Testing at 32MZ1447, 32MZ1484, and 32MZX85" and find it acceptable.

If you have any questions please feel free to contact Fern Swenson, Deputy SHPO, at 701-328-3575.

Sincerely,

Merl Paaverud
State Historic Preservation Officer
North Dakota

*Accredited by the
American Association
of Museums*

SHPO CONSULTATION DOCUMENTATION

North Dakota Department of Transportation, Design Division

SFN 52561 (8-2000)

Date 7/22/05	Project Number NH-7-085(032)120	PCN: 1558
NDDOT Personnel Jeani L. Borchert		
SHPO Personnel Susan Quinell		
Issue of Discussion Bridge rail retrofit to Long X bridge. Built in 1959. Not recorded by RTI.		
Results of Consultation NDDOT will record the Long X Bridge. Even though it was built in 1959, we believe it is eligible. If NDDOT will not remove the existing rail when they retrofit, we will not need to reassess the effects of the project.		

Jeani L. Borchert
7/22/05

Susan Quinell
7/22/05

Borchert, Jeani L.

From: Borchert, Jeani L.
Sent: Monday, July 09, 2007 4:21 PM
To: Quinnell, Susan L.
Subject: SHPO #99-0358

Susan,

We spoke in 2005 of a bridge rail retrofit of the Long X Bridge. I have a signed SHPO Consultation Documentation for our conversation and your agreement that we would record the bridge (as we have) and SHPO would agree the bridge rail retrofit (as planned without removing the existing rail) would not require reassessment of the effects of the project. At that time we also discussed maintenance painting of the bridge and a bridge deck overlay, however, I did not document our discussions of those 2 issues. As I recall you did not believe that painting and asphalt overlay of the deck would be an effect, rather that they were part of maintaining the bridge in good condition. Is that so?

Thanks Susan,

Jeani

Jeani L. Borchert
Archaeologist, Design Division
Department of Transportation
608 East Boulevard Avenue
Bismarck ND 58505-0700

Phone: 701-328-4378

Borchert, Jeani L.

From: Quinnell, Susan L.
Sent: Monday, July 09, 2007 4:28 PM
To: Borchert, Jeani L.
Subject: RE: SHPO #99-0358

Jeani,

Yes that is correct, the painting and asphalt overlay of the deck would not be considered an effect, just maintenance.

Susan Quinnell
Review and Compliance Coordinator
State Historical Society of North Dakota
North Dakota Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830

701/328-3576
701/328-3710 FAX

From: Borchert, Jeani L.
Sent: Monday, July 09, 2007 4:21 PM
To: Quinnell, Susan L.
Subject: SHPO #99-0358

Susan,

We spoke in 2005 of a bridge rail retrofit of the Long X Bridge. I have a signed SHPO Consultation Documentation for our conversation and your agreement that we would record the bridge (as we have) and SHPO would agree the bridge rail retrofit (as planned without removing the existing rail) would not require reassessment of the effects of the project. At that time we also discussed maintenance painting of the bridge and a bridge deck overlay, however, I did not document our discussions of those 2 issues. As I recall you did not believe that painting and asphalt overlay of the deck would be an effect, rather that they were part of maintaining the bridge in good condition. Is that so?

Thanks Susan,

Jeani

Jeani L. Borchert
Archaeologist, Design Division
Department of Transportation
608 East Boulevard Avenue
Bismarck ND 58505-0700

Phone: 701-328-4378