



North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

December 13, 2016

ADDENDUM 1 – JOB 2

TO: All prospective bidders on project SOIB-4-050(004)099, Job No. 2 scheduled for the December 16, 2016 bid opening.

The following plan and request for proposal revisions shall be made:

Plan Revisions:

Remove and replace sheet 2-1, 6-1, 8-1, 75-1, 77-1, and 77-2 with the enclosed sheets revised 11/21/2016, 12/7/2016 or 12/8/2016.

Sheet 2-1:

SP 5141(14) PERMITS AND ENVIRONMENTAL CONSIDERATIONS has been added.

Sheet 6-1:

Note 105-P01 NEW R/W ACCESS has been added.

Sheet 8-1:

Item 708 1020 RIPRAP LOOSE ROCK has been deleted, quantity 2,785 CY.
Item 256 0300 RIPRAP GRADE III has been added, quantity 2,785 CY.

Sheet 75-1:

Changed the type of mitigation required in the tables.

Sheet 77-1:

Changed bid item 708 1020 Riprap-Loose Rock to bid item 256 0300 Riprap Grade III.

Sheet 77-2:

Changed bid item 708 1020 Riprap-Loose Rock to bid item 256 0300 Riprap Grade III.

Request for Proposal Revisions:

Add SP 5141(14) PERMITS AND ENVIRONMENTAL CONSIDERATIONS.

Remove and replace pages 5 and 6 of 9 of the Proposal pages located at the beginning of the Request for Proposal, with the enclosed pages revised 12/9/2016.

Page 5 of 9:

Item 256 0300 RIPRAP GRADE III has been added, quantity 2,785 CY.

Addendum 1
Job 2, December 16, 2016 Bid Opening
Page 2 of 2

Page 6 of 9:

Item 708 1020 RIPRAP LOOSE ROCK has been deleted, quantity 2,785 CY.

This addendum is to be incorporated into the bidder's proposal for this project.

AASHTOWare Project Bids files should be updated by downloading the addendum file from the Bid Express on-line bidding exchange at <http://www.bidx.com/> and load it into the AASHTOWare Project Bids program.

For 

CAL J. GENDREAU – CONSTRUCTION SERVICES ENGINEER

80:dch

Enclosure

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION

PERMITS AND ENVIRONMENTAL CONSIDERATIONS

PROJECT NUMBER: SOIB-4-050(004)099 PCN 19796

This Special Provision incorporates the US Army Corps of Engineers (USACE) Section 404 Permit and the Floodplain Permit obtained by the North Dakota Department of Transportation (NDDOT) into the bidder's proposal.

The Contractor shall be responsible for complying with all the terms and conditions as contained in the permit(s) attached hereto. Bidders shall become familiar with all standard conditions and special conditions of the permit(s) and submit their bid for the construction of this project based on the following:

- **404 Permit**

The USACE Section 404 Permit number NWO-2012-01908-BIS authorizes 0.52 acre of permanent and 1.05 acres of temporary jurisdictional wetland impacts from activities associated with the slide repair, erosion repair, and riprap placement

See the Section 75 sheets of the design plans for the authorized impact footprint areas and mitigation locations. The Section 404 Permit is attached.

- **Floodplain Permit**

The Floodplain Permit from Ward County authorizes work within the regulatory floodplain associated with slide repair, erosion repair, and riprap placement. The Floodplain Permit and Flood Maps are attached.

The contractor shall be responsible for obtaining permits for impacts not authorized by the attached Permits obtained by the NDDOT.



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 12, 2016

North Dakota Regulatory Office


NWO-2012-01908-BIS
Hammond/255-0015

North Dakota Department of Transportation
Attn: Ms. Cassandra Torstenson
608 E Boulevard Avenue
Bismarck, North Dakota 58505-0700

Dear Ms. Torstenson:

We are responding to your 10/20/2016 request for a Department of the Army permit for a slide repair on ND Highway 50 (PCN 19796), The project is located in Sections 31 and 36, Township 159 North, Ranges 87 and 88 West, Ward County, North Dakota.

Based on the information you provided to this office, the proposed work includes slide repair, erosion repair, and riprap placement. As indicated in the Pre-construction Notification, 0.52 acres of permanent and 1.05 acres of temporary impacts will occur as a result of construction activities. The project has been categorically excluded by FHWA. Compensatory mitigation is required and will be completed through permittee responsible methods. We have determined activities in waters of the U.S. associated with the project are authorized by Nationwide Permit Number (NWP) NWP 23 Approved Categorical Exclusions.

You must comply with all terms and conditions of the NWP, applicable regional conditions, and project-specific special conditions. Information about the NWP and regional conditions are available on our website at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota> In addition, your work must comply with the following special conditions:

1. Mitigation must be completed as indicated in the submitted plan titled "Compensatory Wetland Mitigation Plan; Hwy 50 Spencer Coulee; November 22, 2016." As stated in the submitted plan, 0.52 acres of wetlands shall be created adjacent to Wetland 2.

Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office.

This verification is valid until March 18, 2017, when the existing NWPs are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract

to commence this activity before the date the NWP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions. Failure to comply with the general and regional conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback on this permit action including your interaction with our staff. At your earliest convenience, please tell us how we are doing by completing the Corps' Regulatory Program national customer service survey found on our website at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Please refer to identification number NWO-2012-01908 in any correspondence concerning this project. If you have any questions, please contact Swade Hammond at, Swade.D.Hammond@usace.army.mil, or by telephone at (701) 255-0015 X 2012.

Sincerely,



Patricia L. McQueary
North Dakota State Program Manager
Omaha District Regulatory Division

Enclosures

COMPLIANCE CERTIFICATION

Permit File Name: NDDOT. JD request. Slide repairs to segment of ND 50, near Coulee, N.D. PCN 19796.

Action ID: NWO-2012-01908

Nationwide Permit Number: NWP 23 Approved Categorical Exclusions.

Permittee: North Dakota Department of Transportation
Attn: Ms. Cassandra Torstenson
608 E Boulevard Avenue
Bismarck, North Dakota 58505-0700

County: Ward

Date of Verification: December 12, 2016

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Omaha District
North Dakota Regulatory Office
1513 South 12th Street
Bismarck, North Dakota 58504
CENWO-OD-RND@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the U.S. Army Corps of Engineers.

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

Permittee Signature

Date

**FACT SHEET
NATIONWIDE PERMIT 23
(2012)**

APPROVED CATEGORICAL EXCLUSIONS.

Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:

(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from environmental documentation, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and

(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP. (Sections 10 and 404)

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters.

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those

species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed

activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWP.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer

shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the

designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP's. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of

the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWP.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification—(a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the

PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either: (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition

20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information: (1) Name, address and telephone numbers of the prospective permittee; (2) Location of the proposed project; (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans); (4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the

delineation has been submitted to or completed by the Corps, as appropriate; (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. (6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and (7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act. (c) *Form of Pre-Construction Notification*: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used. (d) *Agency Coordination*: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. (2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP's, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section

305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (4)
Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

**2012 Nationwide Permits
Regional Conditions
Omaha District
State of North Dakota**

The following Nationwide Permit regional conditions will be used in the State of North Dakota. Regional conditions are placed on Nationwide Permits to ensure projects result in less than minimal adverse impacts to the aquatic environment and to address local resources concerns.

Wetlands Classified as Peatlands – Revoked for Use

All Nationwide Permits, with the exception of 3, 5, 20, 32, 38 and 45, are revoked for use in peatlands in North Dakota.

Peatlands are saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Peatlands can be primarily classified into ombrotrophic bogs and minerotrophic fens; the latter subdivided into poor, moderate-rich, and extreme-rich fens, each with distinctive indicator species, community physiognomy, acidity, alkalinity, and base cation content.

Wetlands Classified as Peatlands – Pre-construction Notification Requirement

For Nationwide Permits 3, 5, 20, 32, 38, and 45 permittees must notify the Corps in accordance with General Condition 31 (Notification) prior to initiating any regulated activity impacting peatlands in North Dakota.

Waters Adjacent to Natural Springs – Pre-construction Notification Requirement

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 31 (Notification) for regulated activities located within 100 feet of the water source in natural spring areas in North Dakota. For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

Missouri River, including Lake Sakakawea and Lake Oahe within the State of North Dakota – Pre-construction Notification Requirement

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity in the Missouri River, including Lake Sakakawea and Lake Oahe, within the State of North Dakota.

Borrow Site Identification – All Nationwide Permits

The permittee is responsible for ensuring that the Corps is notified of the location of any borrow site that will be used in conjunction with the construction of the authorized activity so that the Corps may evaluate the site for potential impacts to aquatic resources, historic properties, and endangered species. For projects where there is another lead Federal agency, the permittee shall provide the Corps documentation indicating that the lead Federal agency has complied with the National Historic Preservation Act and Endangered Species Act for the borrow site. The permittee shall not initiate work at the borrow site in conjunction with the authorized activity until approval is received from the Corps.

Counter-sinking Culverts and Associated Riprap – All Nationwide Permits

That culverts and riprap proposed to be installed within waters of the United States listed as Class III or higher on the 1978 Stream Evaluation Map for the State of North Dakota shall be installed one foot below the natural streambed. The 1978 Stream Evaluation Map for the State of North Dakota can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.

REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NATIONWIDE PERMITS

Nationwide Permit 7 – Outfall Structures and Associated Intake Structures and Nationwide Permit 12 – Utility Line Activities

Intake Structures - Intake screens with a maximum mesh opening of 1/4-inch must be provided, inspected annually, and maintained. Wire, Johnson-like, screens must have a maximum distance between wires of 1/8-inch. Water velocity at the intake screen shall not exceed 1/2-foot per second.

Pumping plant sound levels will not exceed 75 dB at 50 feet.

Intakes located in Lake Sakakawea, above river mile 1519, are subject to the following conditions:

- The intakes shall be floating.
- At the beginning of the pumping season, the intake shall be placed over water with a minimum depth of 20 feet.
- If the 20-foot depth is not attainable, then the intake shall be located over the deepest water available.
- If the water depth falls below six feet, the intake shall be moved to deeper water or the maximum intake velocity shall be limited to 1/4 foot per second.

Intakes located in Lake Sakakawea, below river mile 1519, and in the Missouri River below Garrison Dam are subject to the following conditions:

- The intakes shall be submerged.
- At the beginning of the pumping season, the intake will be placed at least 20 vertical feet below the existing water level.
- The intake shall be elevated 2 to 4 feet off the bottom of the river or reservoir bed.
- If the 20-foot depth is not attainable, then the intake velocity shall be limited to 1/4-foot per second with the intake placed at the maximum practicable attainable depth.

Nationwide Permit 11 – Temporary Recreational Structures - Boat Docks

a. If future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. No boat dock shall be located on a sandbar or barren sand feature located in or along the banks of the Missouri River.

c. The farthest point riverward on the dock located on the Missouri River proper shall not exceed a total length of 30 feet from the ordinary high water line found along the high bank out into the River. Information Note: Issuance of this permit does not supersede authorization required by the North Dakota State Engineer's Office.

d. Any boat dock located on the Missouri River shall be anchored to the top of the high bank.

e. Any boat dock located within an excavated bay or marina off the main river channel may be anchored to the bay or marina bottom with spuds.

Nationwide Permit 13 - Bank Stabilization

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota.

Nationwide Permit 23 - Approved Categorical Exclusions

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota. In addition to information required by General Condition 31, permittees must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

Nationwide Permit 27 - Aquatic Habitat Restoration, Establishment and Enhancement Activities

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota.

GENERAL CONDITIONS (REGIONAL ADDITIONS)

General Condition 3- Spawning Areas

No regulated activity within waters of the United States listed as Class III or higher on the 1978 Stream Evaluation Map for the State of North Dakota or on the North Dakota Game and Fish Department's website as a North Dakota Public Fishing Water shall occur between 15 April and 1 June. No regulated activity within the Red River of the North shall occur between 15 April and 1 July. North Dakota Public Fishing Waters can be accessed at: <http://gf.nd.gov/fishing/nd-fish-wat.html>. The 1978 Stream Evaluation Map for the State of North Dakota can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.

General Condition 6 – Suitable Material

Permittees are reminded that General Condition No. 6 prohibits the use of unsuitable material. In addition, organic debris, some building waste, and materials excessive in fines are not suitable material. Specific verbiage on prohibited materials can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.

General Condition 9 - Management of Water Flows

Permittees are reminded that water flow management addressed in General Condition 9 is applicable to all aspects of a permitted project, including temporary features.

General Condition 31 – Pre-construction Notification

Prospective permittees should be aware that a **field delineation** may be required for applications where notification is required in accordance with General Condition 31 and/or mitigation may be required. The Corps 1987 Wetland Delineation Manual and applicable Regional Supplements to the Manual can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.



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.

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION NON-BUILDING SITUATION

GENERAL INFORMATION

PERMIT APPLICATION # 2016-003 DATE: 12/13/2016

Applicant/Contact: *Steve Kessler* Telephone # *328-3736*

Address: *North Dakota Department of Transportation
Attn: Engineering and Environmental Services
608 East Boulevard Avenue
Bismarck, ND 58505-0700*

Brief project description - location of proposed development - legal description:
*Section 36-159N-88W Ward County
This project is located on ND Hwy 50 near the west junction of US Hwy 52 in Ward County. The proposed work includes slide repair on the existing roadway inslope, erosion repair, and riprap placement within the floodplain of Spencer Coulee.*

Contractor: Telephone # _____

Address: *Contract Not Awarded*

Estimated Cost of project: *\$665,739*

FLOODPLAIN DETERMINATION :

(Complete the appropriate information)

Project is located: 100-year floodplain? (Flood Fringe): *Yes*
Regulatory Floodway: *No*

Map information: FIRM Date: *January 19, 2000*
FIRM Zone: *Zone A*
BFE at Development Site:
Development will be elevated to:

DEVELOPMENT ACTIVITIES: (check all that apply and explain the activity)

Fill placement (fill brought in from outside the floodplain)
 Excavation (where subgrade fill is removed from the floodplain)
 Landscaping (cut and fill, fill borrow and placement)

- Construction or maintenance of a dike/levee/floodwall
- Removal of fill, embankment, or dikes
- Watercourse alterations (river, stream, lake - channel modifications, rip-rap)
- Road, street or bridge construction (new, repair or replacement, realignment)
- Drainage improvements (including culvert work)
- Mining (removal of gravel, rock, fill or other natural materials)
- Installation of utilities (water, sewer, pipeline, gas, electric, communications)
- Well drilling (water, oil, natural gas etc.)
- Subdivision (new or expansion)
- Other (please specify and describe)

ADDITIONAL INFORMATION REQUIRED (attach additional information):

- Comments or further explanation of work:
- Copies of project description, plans, blueprints, etc.
- Wetlands - will the activity impact identified wetlands?
- Will the development aggravate flooding elsewhere? *Unknown*

OTHER NOTIFICATION OR PERMITS NECESSARY:

U.S. Army Corps of Engineers 404 Permit is pending.

ELEVATION INFORMATION:

Attach information about the completed project elevations(s) with registered professional engineer or registered land surveyor certifications if part of the project:

ACTION / APPROVAL:

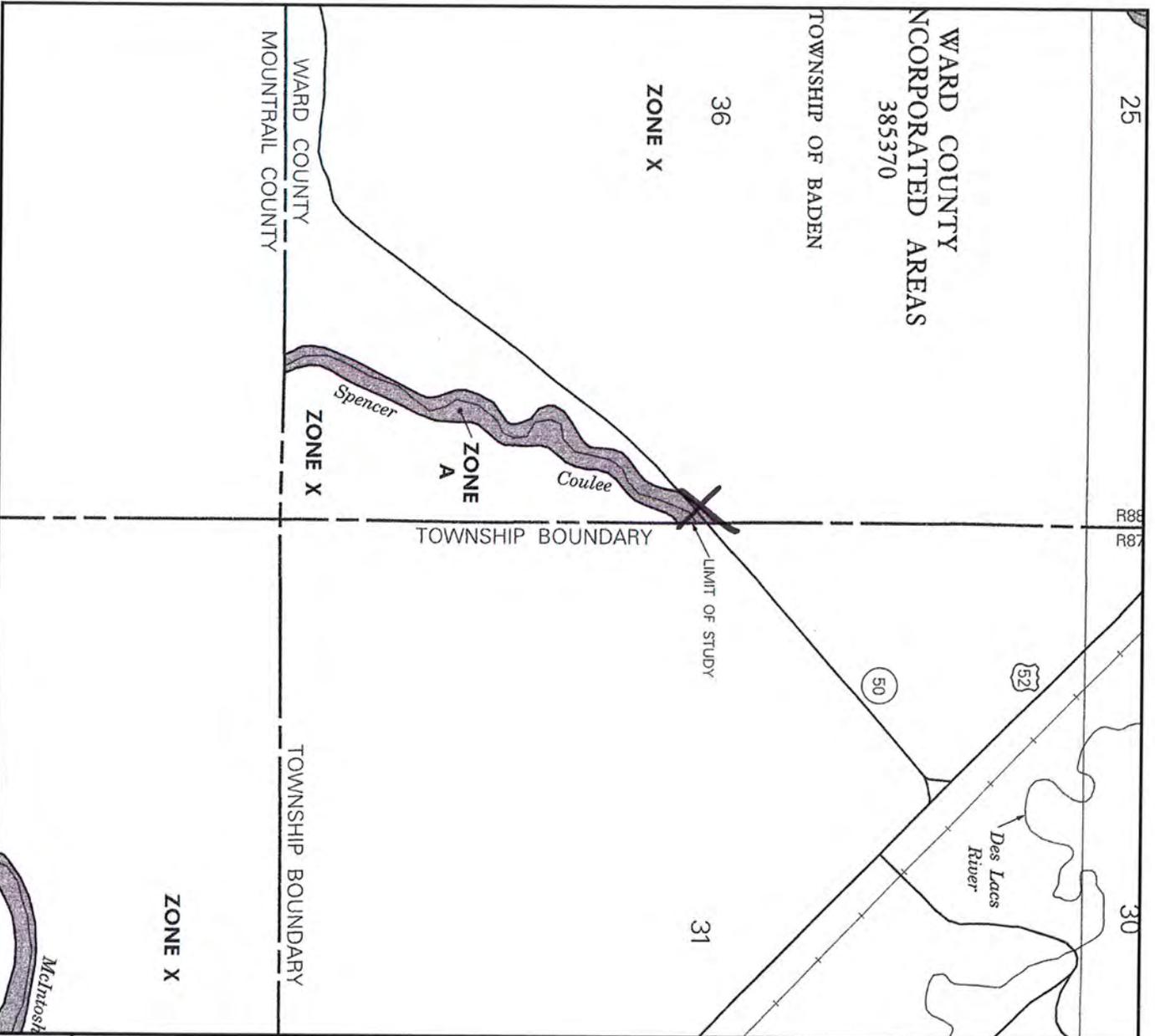
The proposed development is in conformance with applicable community floodplain standards subject to the following conditions with this approval.

PERMIT APPLICATION IS APPROVED

(Conditioned on the description provided. As-built information/certification will be available at the NDDOT District Office upon completion of construction.)

Signature (Floodplain Administrator): 

Date: 12/13/2016



APPROXIMATE SCALE IN FEET

1000 0 1000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP
WARD COUNTY,
NORTH DAKOTA, AND
INCORPORATED AREAS

PANEL 215 OF 1475
(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:
COMMUNITY NUMBER PANEL SUFFIX

WARD COUNTY UNINCORPORATED AREAS 385370 02E 0

MAP NUMBER
38101C0215 D
EFFECTIVE DATE:
JANUARY 19, 2000



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

BID ITEMS

Project: SOIB-4-050(004)099 (PCN-19796)

Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$\$	000	\$\$\$\$\$	00
001	103	0100	CONTRACT BOND	L SUM	1.				
002	201	0330	CLEARING & GRUBBING	L SUM	1.				
003	203	0101	COMMON EXCAVATION-TYPE A	CY	5,865.				
004	203	0109	TOPSOIL	CY	550.				
005	203	0121	TOPSOIL-WETLAND	CY	1,020.				
006	203	0140	BORROW-EXCAVATION	CY	10,256.				
007	216	0100	WATER	M GAL	220.				
008	251	0300	SEEDING CLASS III	ACRE	5.200				
009	251	1000	WETLAND SEED	ACRE	2.100				
010	251	2000	TEMPORARY COVER CROP	ACRE	5.200				
011	253	0101	STRAW MULCH	ACRE	5.200				
012	255	0101	ECB TYPE 1	SY	1,725.				
013	255	0103	ECB TYPE 3	SY	3,395.				
014	255	0151	REMOVE ECB TYPE 1	SY	1,725.				
015	256	0300	RIPRAP GRADE III	CY	2,785.				
016	260	0200	SILT FENCE SUPPORTED	LF	1,610.				

BID ITEMS

Project: SOIB-4-050(004)099 (PCN-19796)

Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$\$	000	\$\$\$\$\$	00
017	260	0201	REMOVE SILT FENCE SUPPORTED	LF	1,610.				
018	261	0112	FIBER ROLLS 12IN	LF	11,690.				
019	261	0113	REMOVE FIBER ROLLS 12IN	LF	5,760.				
020	302	0129	AGGREGATE BASE COURSE CL 7	TON	1,030.				
021	702	0100	MOBILIZATION	L SUM	1.				
022	704	0100	FLAGGING	MHR	500.				
023	704	1000	TRAFFIC CONTROL SIGNS	UNIT	1,651.				
024	704	1052	TYPE III BARRICADE	EA	2.				
025	704	1060	DELINEATOR DRUMS	EA	16.				
026	704	1067	TUBULAR MARKERS	EA	16.				
027	709	0100	GEOSYNTHETIC MATERIAL TYPE G	SY	1,600.				
028	709	0200	GEOSYNTHETIC REINFORCEMENT	SY	25,000.				
029	709	0600	GEOTEXTILE FABRIC-TYPE RR	SY	3,375.				
030	720	0130	IRON PIN R/W MONUMENTS	EA	2.				
031	752	0320	FENCE BARBED WIRE 4 STRAND-STEEL POST	LF	650.				
032	752	3150	CORNER ASSEMBLY BARBED WIRE-WOOD POST	EA	1.				

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6	1	Notes
6	2	Environmental Notes
8	1 - 2	Quantities
20	1	General Details
30	1 - 2	Typical Sections
60	1 - 4	Plan & Profile
75	1 - 5	Wetland Impacts
76	1 - 4	Temporary Erosion Control
77	1 - 4	Permanent Erosion Control
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81	1 - 1	Survey Coordinate and Curve Data
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100	1 - 2	Work Zone Traffic Control
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D-101-10	NDDOT Utility Company and Organization Abbreviations
D-101-20, 21	Line Styles
D-101-30, 31,32	Symbols
D-260-1	Erosion And Siltation Controls - Silt Fence
D-261-1	Erosion Control - Fiber Roll Placement Details
D-704-7	Breakaway Systems For Construction Zone Signs - Perforated Tube
D-704-8	Breakaway Systems For Construction Zone Signs - U-Channel Post
D-704-9	Construction Sign Details - Terminal And Guide Signs
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D-704-13	Barricade And Channelizing Device Details
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D-704-19	Road Closure And Lane Closure On A Two Way Road Layouts
D-704-20	Terminal And Seal Coat Sign Layouts
D-704-24	Shoulder Closures And Bridge Painting Layouts
D-704-26	Miscellaneous Sign Layouts
D-704-50	Portable Sign Support Assembly
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D-752-1	Standard Barbed Wire Fence
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D-754-29, 37	Sign Punching, Stringer And Support Location Details Regulatory, Warning, And Guide Signs
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SPECIAL PROVISIONS

Number	Description
SP 0003(14)	Temporary Erosion and Sediment Best Management Practices
SP 5141(14)	Permits and Environmental Considerations

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SOIB-4-050(004)099	6	1

NOTES**GENERAL NOTES**

- 105-P01 NEW R/W ACCESS: The contractor will not perform any work off the existing right of way until after March 1, 2017.
- 107-P01 GEOTECHNICAL INSTRUMENTATION: Existing geotechnical instrumentation is located within the project limits. The instrumentation consists of piezometers and inclinometers. The location of the instrumentation is shown in Section 60. Do not disturb the instrumentation.
- 203-010 SHRINKAGE: 25 percent additional volume is included for shrinkage in earth embankment.
- 203-P01 TOPSOIL: Topsoil quantities were calculated using a 4" depth.
- 203-P02 EARTHWORK: Construct the embankment as specified in Section 203.04 E, "Embankment Construction" with the following exception; do not bench the existing embankment when placing the proposed embankment material.
- 203-P03 EARTHWORK: Do not excavate any additional material after topsoil stripping without authorization from the Geotechnical Section. Only borrow and aggregate required for the lift currently being constructed is permitted from Station 5255+00 to 5267+00. Do not stockpile material used for subsequent lifts between these stations.
- 251-P01 SEEDING CLASS III: Seed all disturbed non wetland areas within the project boundary with the following "Seeding Class III" mix:

Species	Recommended Variety	PLS lbs./ac
Blue Grama	Bad River	0.20
Canada Wildrye	Mandan	0.70
Green Needlegrass	Lodorm	0.60
Little Bluestem	Badlands	0.40
Prairie Junegrass	Common	0.10
Prairie Sandreed	Bowman	2.00
Sideoats Grama	Killdeer	3.00
Slender Wheatgrass	Revenue	1.50
Western Wheatgrass	Rodan	4.00
	Total	12.50

- 704-P01 TRAFFIC CONTROL: Provide traffic control for the buttress construction and erosion repairs consisting of a temporary lane closure, flagging, and shoulder closure. Provide additional devices at no cost to the Department:

1. D-704-19, layout F;
2. D-704-20, layout G;
3. D-704-24, layout S.

When installing layout G from Standard D-704-20, move sign W3-5-48 and the sign assembly containing signs R2-1-48 and R2-1a-24 with the work area as it progresses through the construction zone. Place the R2-1-48 assembly a minimum of 500 feet in advance of flagging signs.

- 709-P01 GEOSYNTHETIC REINFORCEMENT: Supply a geosynthetic with a Long Term Tensile Strength (T_{al}) of 1,000 pounds per foot as per AASHTO R69.

Submit manufacturer certification that the material meets the Long Term Tensile Strength requirements and has been tested for compliance by National Transportation Product Evaluation Program (NTPEP) at the preconstruction conference.

Install the geosynthetic as per section 709.04 with the following exceptions:

1. Place the geosynthetic reinforcement in continuous longitudinal panels with the strength (roll) direction oriented perpendicular to the roadway centerline.
2. Do not splice the geosynthetic reinforcement by any method in the primary strength direction.

The Engineer will measure and pay for Geosynthetic Reinforcement as per section 709.

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ESTIMATE OF QUANTITIES

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SOIB-4-050(004)099	8	1

REVISED 12/08/2016

SPEC CODE	ITEM DESCRIPTION	UNIT	MAINLINE	TOTAL
-----	-----	-----	-----	-----
103	0100 CONTRACT BOND	L SUM	1	1
201	0330 CLEARING & GRUBBING	L SUM	1	1
203	0101 COMMON EXCAVATION-TYPE A	CY	5,865	5,865
203	0109 TOPSOIL	CY	550	550
203	0121 TOPSOIL-WETLAND	CY	1,020	1,020
203	0140 BORROW-EXCAVATION	CY	10,256	10,256
216	0100 WATER	M GAL	220	220
251	0300 SEEDING CLASS III	ACRE	5.2	5.2
251	1000 WETLAND SEED	ACRE	2.1	2.1
251	2000 TEMPORARY COVER CROP	ACRE	5.2	5.2
253	0101 STRAW MULCH	ACRE	5.2	5.2
255	0101 ECB TYPE 1	SY	1,725	1,725
255	0103 ECB TYPE 3	SY	3,395	3,395
255	0151 REMOVE ECB TYPE 1	SY	1,725	1,725
256	0300 RIPRAP GRADE III	CY	2,785	2,785
260	0200 SILT FENCE SUPPORTED	LF	1,610	1,610
260	0201 REMOVE SILT FENCE SUPPORTED	LF	1,610	1,610
261	0112 FIBER ROLLS 12IN	LF	11,690	11,690
261	0113 REMOVE FIBER ROLLS 12IN	LF	5,760	5,760
302	0129 AGGREGATE BASE COURSE CL 7	TON	1,030	1,030
702	0100 MOBILIZATION	L SUM	1	1
704	0100 FLAGGING	MHR	500	500
704	1000 TRAFFIC CONTROL SIGNS	UNIT	1,651	1,651
704	1052 TYPE III BARRICADE	EA	2	2
704	1060 DELINEATOR DRUMS	EA	16	16
704	1067 TUBULAR MARKERS	EA	16	16
709	0100 GEOSYNTHETIC MATERIAL TYPE G	SY	1,600	1,600
709	0200 GEOSYNTHETIC REINFORCEMENT	SY	25,000	25,000
709	0600 GEOTEXTILE FABRIC-TYPE RR	SY	3,375	3,375
720	0130 IRON PIN R/W MONUMENTS	EA	2	2
752	0320 FENCE BARBED WIRE 4 STRAND-STEEL POST	LF	650	650
752	3150 CORNER ASSEMBLY BARBED WIRE-WOOD POST	EA	1	1
752	4140 DOUBLE BRACE ASSEMBLY BARBED WIRE-WOOD POST	EA	2	2

Wetland Impact Table												
Wetland Number	Location	Type	Wetland Feature	USACE Jurisdictional Wetlands	Wetland Impact Acre(s)		Wetland Mitigation					
					Temp.	Perm	Mitigation Required			Onsite		
							EO 11990	USACE	USFWS	Mitigation Location; Ratio	Acre(s)	Constructed Site #
1a	Sec. 36, T159N, R88W	Ditch	Artificial	Yes				Y				
1b	Sec. 36, T159N, R88W	Slope	Natural	Yes				Y				
2a	Sec. 36, T159N, R88W	Mosaic	Natural	Yes	0.62	0.52	Y	Y		Site 1,2,3,4,5 (1:1)	0.52	
2b	Sec. 31, T159N, R88W	Mosaic	Natural	Yes	0.22			Y				
2c	Sec. 31, T159N, R87W	Slope	Natural	Yes				Y				
2d	Sec. 36, T159N, R88W	Slope/ Basin	Artificial	Yes				Y				
2e	Sec. 31, T159N, R87W	Ditch	Artificial	Yes	0.16			Y			Site 1, Site 2 Site 4, Site 5	0.09, 0.10 0.10, 0.14
2f	Sec. 31, T159N, R87W	Basin	Natural	Yes	0.05			Y			Site 3	0.09
2g	Sec. 31, T159N, R87W	Ditch	Artificial	Yes				Y				
Totals					1.05	0.52					0.52	0.52

¹ A wetland Jurisdictional Determination was issued by the USACE on 2/16/2016; NWO-2012-1908-BIS.

² All impacts to natural wetlands (natural/jurisdictional and natural/non-jurisdictional), regardless of size, as well as impacts greater than 0.10 acre to artificial/jurisdictional wetlands require mitigation.

³ All artificial/non-jurisdictional, deep water (impacts greater than 6.6 feet), Other Waters less than 300 linear feet (determined by the USACE on a case by case), and temporary impacts do not require mitigation.

Impact Summary Table			
Permanent Impact Summary		Temporary Impacts and additional information	
Wetland Type	Total (Acres)	Wetland Type	Total (Acres/Lf)
Natural/JD	0.52	Temporary JD	1.05
Natural/Non-JD		Non-JD Temporary	
Artificial/JD		Permanent JD > 0.10	0.52
Artificial /Non-JD		Permanent OW	
Total	0.52	Temporary OW	

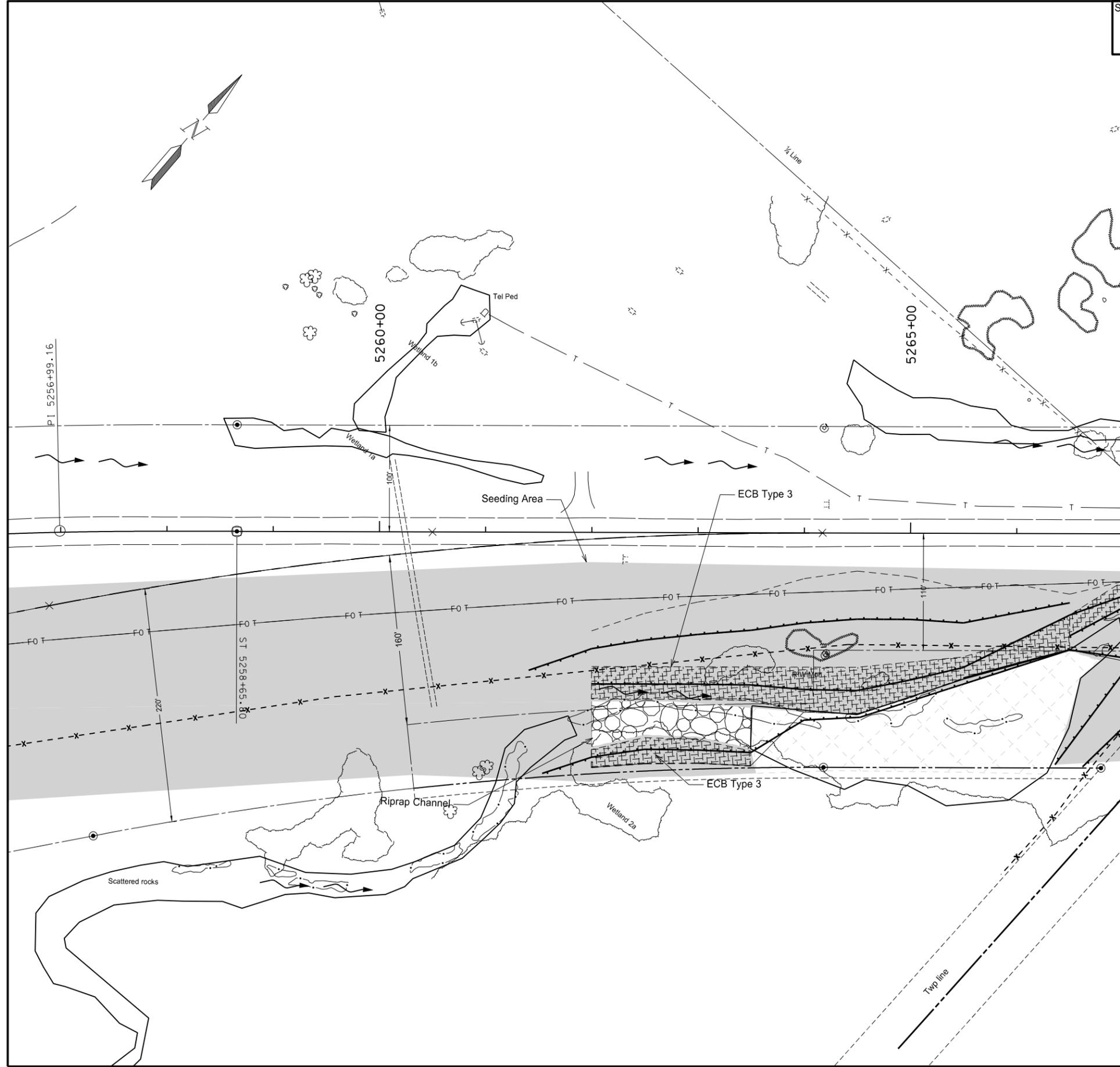
Mitigation Summary Table					
	Location	Onsite Acre(s)	11990 Bank Acre(s)	USACE/11990 Bank Acre(s)	USFWS Bank Acre(s)
USACE Only					
EO 11990 Only					
USACE/11990	Onsite	0.52			
USFWS					
Total		0.52	0	0	0

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Wetland Impacts

Slide Repair

West of the Jct of US 52



SPEC COD	BID ITEM	UNIT	QUANTITY
255 0103	ECB TYPE 3		
	5262+00 to 5264+50	SY	345
	5262+00 to 5267+00	SY	1580
251 0300	SEEDING CLASS III		
	5255+00 to 5267+00	ACR	4.41
251 1000	WETLAND SEED		
	5263+50 to 5267+00	ACR	0.52
256 0300	RIPRAP Grade III		
	5262+00 to 5263+50	CY	385
261 0112	FIBER ROLLS 12 IN		
	5261+00 to 5266+00	LF	1455
709 0600	GEOTEXTILE FABRIC-TYPE RR		
	5262+00 to 5263+50	SY	975

-  Wetland Seed
-  ECB Type III
-  Seeding
-  Riprap
-  Fiber Rolls

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Permanent Erosion Control

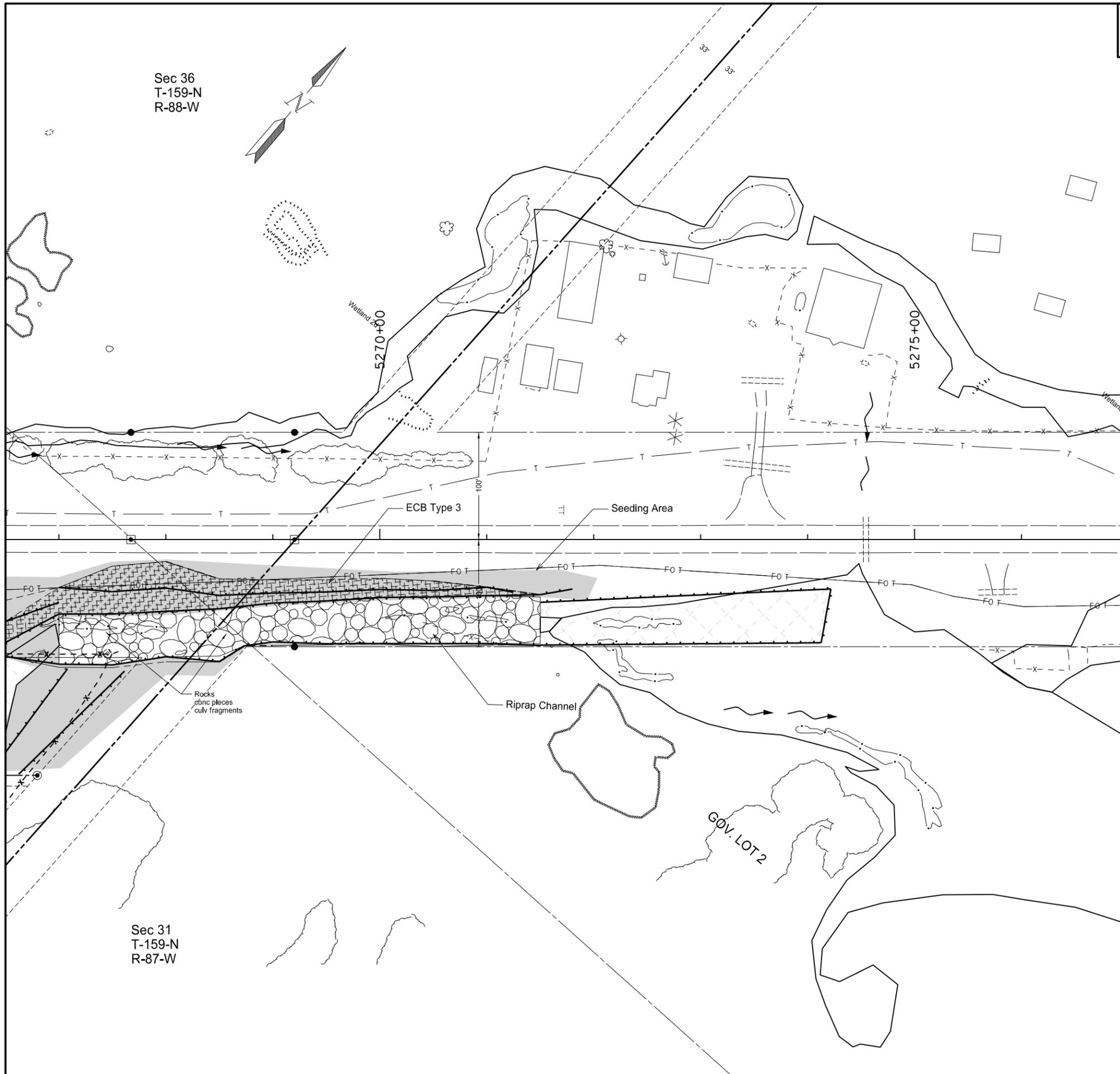
Slide Repair

West of the Jct of US 52

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SOIB-4-050(004)099	77	2

Sec 36
T-159-N
R-88-W

Sec 31
T-159-N
R-87-W



SPEC COD	BID ITEM	UNIT	QUANTITY
255 0103	ECB TYPE 3 5267+00 to 5271+50	SY	1470
251 0300	SEEDING CLASS III 5267+00 to 5272+00	ACR	0.80
251 1000	WETLAND SEED 5282+70 to 5284+80	ACR	0.37
256 0300	RIPRAP GRADE III 5267+00 to 5271+50	CY	2400
261 0112	FIBER ROLLS 12 IN 5267+00 to 5274+00	LF	1800
709 0600	GEOTEXTILE FABRIC-TYPE RR 5267+00 to 5271+50	SY	2400

-  Wetland Seed
-  ECB Type III
-  Seeding
-  Riprap
-  Fiber Rolls

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Slide Repair

West of the Jct of US 52