



# North Dakota Department of Transportation

Grant Levi, P.E.  
Director

Jack Dalrymple  
Governor

December 12, 2016

## ADDENDUM 1 – JOB 23

TO: All prospective bidders on project SOIB-5-200(025)095, Job No. 23 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 2-2, 6-1, 6-2, 6-3, and 80-5 with the enclosed sheets revised 12/9/16.**

### **Add Standard Drawing D-752-3 Standard Woven Wire Fence.**

Sheet 2-2:

Added Standard Drawing D-752-3 Standard Woven Wire Fence to Table of Contents.

Sheet 6-1:

Added Note 105-P06 CONTROL OF WORK – DUNN CENTER.

Sheet 6-2:

Text has shifted due to added note.

Sheet 6-3:

Note 752-P01 FENCE BARBED WIRE 3 STRAND has been added.

Note 752-P02 FENCE WOVEN WIRE has been added.

Note 752-P03 FENCE TEMPORARY INSTALL & REMOVE has been added.

Sheet 80-5

Note for installation of woven wire fence has been revised.

### Request for Proposal Revisions:

**Remove and replace Special Provision SP 5126(14) PERMITS AND ENVIRONMENTAL CONSIDERATIONS with the enclosed SP 5126(14) revised 12/7/16.**

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

  
CAL J. GENDREAU – CONSTRUCTION SERVICES ENGINEER

80:dch

Enclosure

608 East Boulevard Avenue • Bismarck, North Dakota 58505-0700  
Information: 1-855-NDROADS (1-855-637-6237) • FAX: (701) 328-0310 • TTY: 711 • www.dot.nd.gov

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION**

**PERMITS AND ENVIRONMENTAL CONSIDERATIONS**

**PROJECT NUMBER: SOIB-5-200(025)095 - PCN 19734**

This Special Provision incorporates the US Army Corps of Engineers (USACE) Section 404 Permit, USFWS (US Fish and Wildlife Service) Special Use Permit, and Floodplain Permits 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:

- **Section 404 Permit**

The Section 404 Permit number NWO-2016-01681-BIS authorizes 3.37 acres of permanent and 3.46 acres of temporary jurisdictional wetland impacts from activities associated with widening, culvert replacement and extensions, turn lanes, grading, roadway realignment, replacing the existing bridge with a box culvert with a temporary bypass, and riprap placement. Temporary impacts were assumed by the designer and will be restored to preconstruction contours.

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

- **USFWS Special Use Permit**

The USFWS Special Use Permit authorizes work on USFWS easements associated with replacing the existing bridge with a box culvert. The USFWS Special Use Permit is attached.

- **Floodplain Permit**

Floodplain Permits from Dunn Center and Dunn County authorize work within the 100 year floodplains within the project limits. The Floodplain Permits and Flood Insurance Rate Maps are attached.

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



REPLY TO  
ATTENTION OF

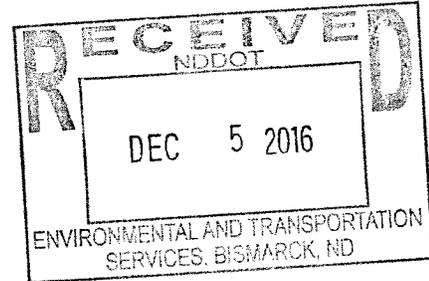
**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
1513 SOUTH 12TH STREET  
BISMARCK ND 58504-6640

November 25, 2016

North Dakota Regulatory Office

NWO-2016-01681-BIS

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 10/12/2016 request for a Department of the Army permit for roadway improvements on North Dakota Highway 200 (PCN 19734). The project site is located in Sections 21, 29, and 30, Township 145 North, Range 94 West, Latitude 47.342555, Longitude -102.417744, Dunn County, North Dakota.

Based on the information you provided to this office, roadway improvements include widening, culvert replacement and culvert extensions, grading, roadway realignment, replacing the existing bridge with a box culvert, temporary bypass, and riprap placement. As a result of construction, the project will result in 3.37 acres of permanent and 3.46 acres of temporary impacts to WOUS. Compensatory mitigation will be required and be provided through the deduction of credits at the Foss Mitigation Bank. FHWA is the lead federal agency and has categorically excluded the project. Therefore, the project meets NWP 23 criteria.

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 occur through the deduction of 3.59 acres of credits from the Foss Mitigation Bank. The deduction of credits immediately follows the date of this verification (November 25, 2016) and NDDOT must update their ledger appropriately.**
- 2. As indicated in the correspondence from SHPO dated September 20, 2016, monitoring for Site 32DU972 by a professional archaeologist and appropriate recommendations must be followed.**

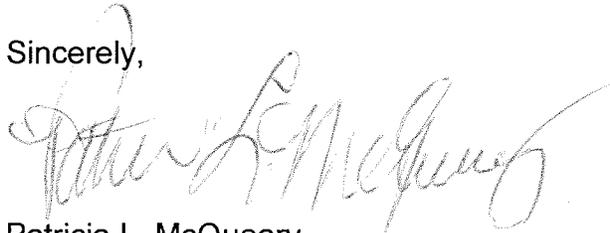
Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office.

This verification is valid until March 18, 2017, when the existing NWP's 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](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Please refer to identification number NWO-2016-01681-BIS in any correspondence concerning this project. If you have any questions, please contact Swade Hammond at, [Swade.D.Hammond@usace.army.mil](mailto:Swade.D.Hammond@usace.army.mil), or telephone at 701-255-0015.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia L. McQueary". The signature is written in a cursive style with a large initial "P" and "M".

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

Enclosures

## COMPLIANCE CERTIFICATION

**Permit File Name:** Mine and Blend, Widening, Selective Regrading, Structure Improvements, Turn Lanes, Hot Bituminous Paving; NDDOT PCN 19734

**Action ID:** NWO-2016-01681-BIS

**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:** Dunn

**Date of Verification:** November 18, 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 12<sup>th</sup> Street  
Bismarck, North Dakota 58504  
[CENWO-OD-RND@usace.army.mil](mailto: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.***

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Permittee Signature

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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 NWP 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.



# General Activities Special Use Permit

Station #:

(For Official Use Only)

Permit #:

Permit Term: From  To

1) Permittee Name/Business:

- 2) Permit Status: a) Approved:  If approved, provide special conditions (if any) in the text box below.  
 b) Denied:  If denied, provide justification in the text box below.

[Type in additional Special Conditions or Justification for Denied Permit in the space provided]

This Special Use Permit applies to North Dakota Department of Transportation: SOIB-5-0200(025) PCN 19734. The scope of this permit addresses only temporary impacts to Service interest outside of the existing road right-of-way. This project has identified temporary impacts to Service interest.

Special Conditions:

1. Issuance of this permit does not preclude the requirements for obtaining necessary permits and/or approvals from other County, State, or Federal Agencies and from local landowners.
2. This permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.
3. Install a temporary culvert to maintain flows within Spring Creek. The culvert should be sized appropriately to maintain flows and not restrict connectivity for aquatic organisms. Pumping may be used as an alternative method to maintain flows during the construction period.
4. Erosion control steps should be taken to reduce sedimentation and prevent debris from entering the waterway restricting flow.
5. Flagging, wooden lath, surveying equipment, and/or other construction materials used during the project must be removed upon completion of the project.
6. No equipment, materials or vehicles will be parked/stored on Lake Ilo National Wildlife Refuge.
7. This permit is for the initial installation and construction only; any future maintenance or repairs will require additional consultation with the Lake Ilo National Wildlife Refuge office.

- 3) Are there additional special conditions attached to the permit? Yes  No
- 4) Are other licenses/permits required, and have they been verified? Yes  No  N/A
- 5) Are Insurance and/or Certification(s) required, and have they been verified? Yes  No  N/A
- 6) Record of Payments: Full  Partial  Exempt
- Amount of full payment:  Record of partial payments:
- 7) Is a surety bond or security deposit required? Yes  No  N/A

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied herein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on-hand so that it may be shown at any time to any refuge staff.

8) Permit approved/issued by: (Signature and title)

Todd Gallion Digitally signed by Todd Gallion  
Date: 2016.11.23 10:50:07 -07'00'

Date: \_\_\_\_\_

9) Permit accepted by: (Signature of permittee)

*[Handwritten Signature]*

Date: 11/23/16

## General Conditions and Requirements

- 1) **Responsibility of Permittee:** The permittee, by operating on the premises, shall be considered to have accepted these premises with all facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part, and/or the part of anyone of his/her associates, to use reasonable care.
- 2) **Operating Rules and Laws:** The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing national wildlife refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge official in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.
- 3) **Use Limitations:** The permittee's use of the described premises is limited to the purposes herein specified and does not, unless provided for in this permit, allow him/her to restrict other authorized entry onto his/her area; and allows the U.S. Fish and Wildlife Service to carry on whatever activities are necessary for: (1) protection and maintenance of the premises and adjacent lands administered by the U.S. Fish and Wildlife Service; and (2) the management of wildlife and fish using the premises and other U.S. Fish and Wildlife Service lands.
- 4) **Transfer of Privileges:** This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue through lien or be transferred to a third party without the approval of the Regional Director of the U.S. Fish and Wildlife Service and the permit shall not be used for speculative purposes.
- 5) **Compliance:** The U.S. Fish and Wildlife Service's failure to require strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the U.S. Fish and Wildlife Service's right to thereafter enforce any of the permit's terms or conditions.
- 6) **Conditions of Permit not Fulfilled:** If the permittee fails to fulfill any of the conditions and requirements set forth herein, the U.S. Fish and Wildlife Service shall retain all money paid under this permit to be used to satisfy as much of the permittee's obligation as possible.
- 7) **Payments:** All payment shall be made on or before the due date to the local representative of the U.S. Fish and Wildlife Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.
- 8) **Termination Policy:** At the termination of this permit the permittee shall immediately give up possession to the U.S. Fish and Wildlife Service representative, reserving, however, the rights specified in paragraph 11 below. If he/she fails to do so, he/she will pay the U.S. Fish and Wildlife Service, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed to reenter as needed to remove his/her property as stated in paragraph 11 below. The acceptance of any fee for the liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the U.S. Fish and Wildlife Service's right to terminate or cancel the permit for the breach of any specified condition or requirement.
- 9) **Revocation Policy:** The Regional Director of the U.S. Fish and Wildlife Service may revoke this permit without notice for noncompliance with the terms hereof, or for violation of general and/or specific laws or regulations governing national wildlife refuges, or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the U.S. Fish and Wildlife Service, by and through any authorized representative, may take possession of said premises for its own and sole use, and/or may enter and possess the premises as the agent of the permittee and for his/her account.
- 10) **Damages:** The U.S. Fish and Wildlife Service shall not be responsible for: any loss or damage to property including but not limited to crops, animals, and machinery; injury to the permittee or his/her relatives or to the officers, agents, employees, or any other(s) who are on the premises from instructions; the sufferance from wildlife or employees or representatives of the U.S. Fish and Wildlife Service carrying out their official responsibilities. The permittee agrees to hold the U.S. Fish and Wildlife Service harmless from any and all claims for damages or losses that may arise to be incident to the flooding of the premises resulting from any associated government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.
- 11) **Removal of Permittee's Property:** Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the U.S. Fish and Wildlife Service have been paid, the permittee may, within a reasonable period as stated in the permit or as determined by the U.S. Fish and Wildlife Service official in charge, but not to exceed 60 days, remove all structures, machinery, and/or equipment, etc., from the premises for which he/she is responsible. Within this period the permittee also must remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the U.S. Fish and Wildlife Service.

# FLOODPLAIN DEVELOPMENT PERMIT APPLICATION NON-BUILDING SITUATION

## GENERAL INFORMATION

PERMIT APPLICATION # \_\_\_\_\_ DATE: \_\_\_\_\_

Applicant/Contact: \_\_\_\_\_ Telephone # \_\_\_\_\_

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:  
*The proposed work will include widening, replacing existing bridge with a box culvert, temporary bypass, turn lane construction, and roadway realignment. Work within the 100 year floodplain will include widening, culvert extensions, replacing the existing bridge with a box culvert, riprap placement, and highway realignment.*

Contractor: \_\_\_\_\_ Telephone # \_\_\_\_\_

Address: \_\_\_\_\_  
*Contract Not Awarded*

Estimated Cost of project: \$14,700,000

## FLOODPLAIN DETERMINATION :

(Complete the appropriate information)

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

Map information: FIRM Date: *December 1, 1983*  
FIRM Zone: *A6*  
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? *Yes*
- Will the development aggravate flooding elsewhere? *Unknown*

**OTHER NOTIFICATION OR PERMITS NECESSARY:**

*U.S. Army Corps of Engineers 404 Permit is pending.  
USFWS Special Use 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.

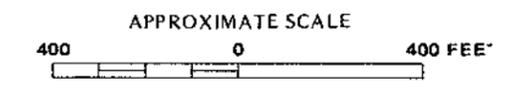
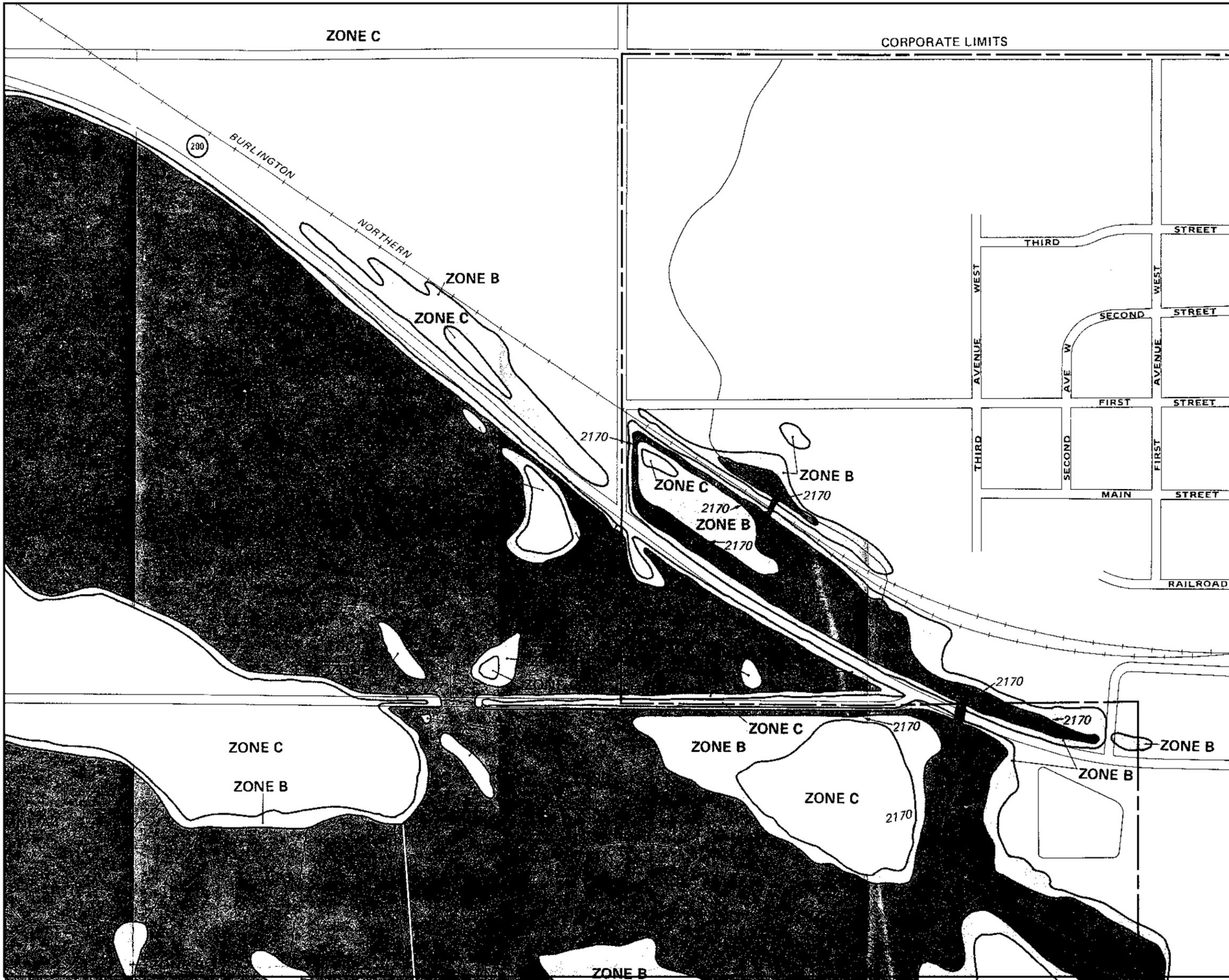
**PERMIT APPLICATION IS APPROVED**

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

Signature (Floodplain Administrator): *Landra Rolde*

Date: *9.29.16*

*Note: Approval for construction only in Dunn County jurisdiction, not in City of Dunn Center NO jurisdiction*



**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**  
FLOOD INSURANCE RATE MAP

CITY OF  
**DUNN CENTER,**  
NORTH DAKOTA  
DUNN COUNTY

ONLY PANEL PRINTED

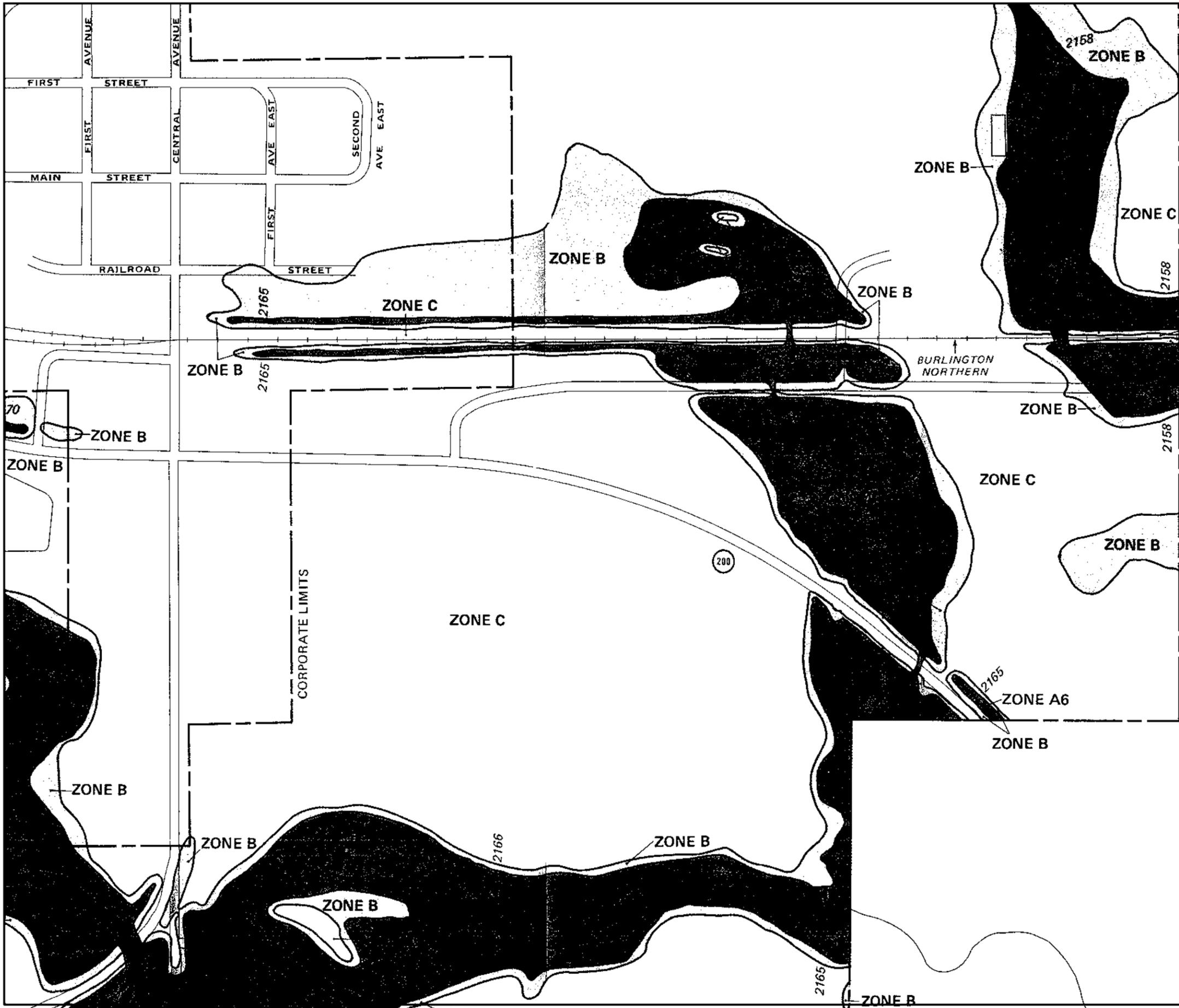
COMMUNITY-PANEL NUMBER  
380028 0001 A

EFFECTIVE DATE:  
DECEMBER 1, 1983



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](http://www.msc.fema.gov)



APPROXIMATE SCALE  
 400 0 400 FEET

**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM  
 FLOOD INSURANCE RATE MAP**

**CITY OF  
 DUNN CENTER,  
 NORTH DAKOTA  
 DUNN COUNTY**

**ONLY PANEL PRINTED**

**COMMUNITY-PANEL NUMBER  
 380028 0001 A**

**EFFECTIVE DATE:  
 DECEMBER 1, 1983**



**Federal Emergency Management Agency**

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# FLOODPLAIN DEVELOPMENT PERMIT APPLICATION NON-BUILDING SITUATION

## GENERAL INFORMATION

PERMIT APPLICATION # \_\_\_\_\_ DATE: \_\_\_\_\_

Applicant/Contact: \_\_\_\_\_ Telephone # \_\_\_\_\_

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:  
*The proposed work will include widening, replacing existing bridge with a box culvert, temporary bypass, turn lane construction, and roadway realignment. Work within the 100 year floodplain will include widening, culvert extensions, and highway realignment.*

Contractor: \_\_\_\_\_ Telephone # \_\_\_\_\_

Address: *Contract Not Awarded*

Estimated Cost of project: *\$14,700,000*

## FLOODPLAIN DETERMINATION :

(Complete the appropriate information)

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

Map information: FIRM Date: *December 1, 1983*  
FIRM Zone: *A6*  
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? *Yes*
- 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**

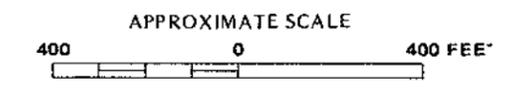
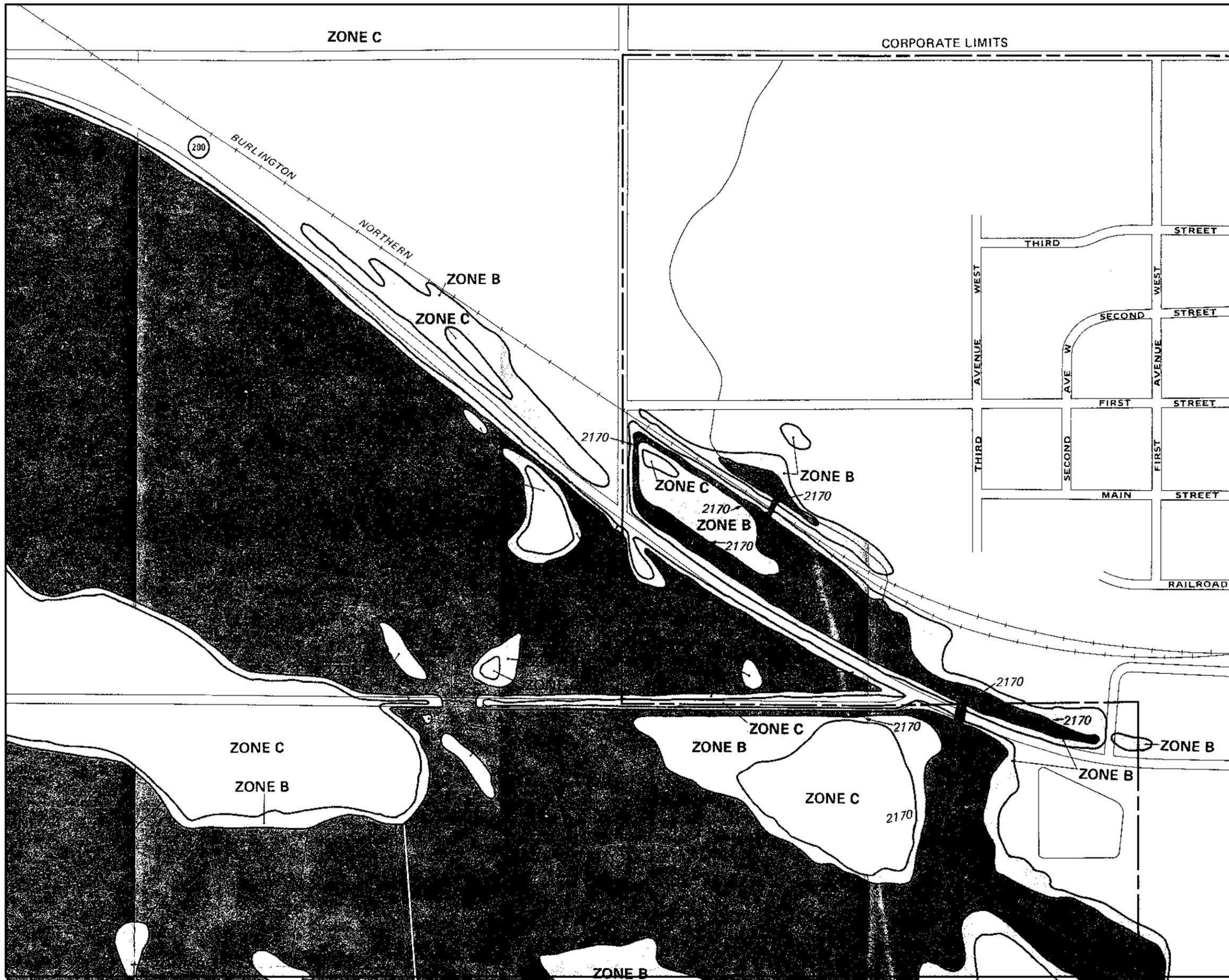
(Conditioned on the description provided. As-built information/certification will be available at the NDDOT District Office upon completion of construction.)

Signature (Floodplain Administrator):



Date:

*11-28-2012*



**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**  
FLOOD INSURANCE RATE MAP

CITY OF  
**DUNN CENTER,**  
NORTH DAKOTA  
DUNN COUNTY

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Number	Description
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STATE	PROJECT NO.	SECTION NO.	SHEET NO.
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**NOTES**

(revised 12/9/2016)

- 105-200 UTILITY COORDINATION: A utility coordination meeting is required.
- 105-P01 UTILITY COORDINATION: Power line on the north side of ND highway 200 may be temporary de-energized for a period of three to four days for placement and removal of cofferdam at Spring Creek. For this shutdown coordination please contact:  
  
Montana Dakota Utilities  
Jacob Zettel  
P.O. Box 1407  
Dickinson, ND 58602  
(701) 456-7110  
[jacob.zettel@mdu.com](mailto:jacob.zettel@mdu.com)
- 105-P02 PROJECT PHASING - SUBCUT: Prior to starting any roadway widening, complete the subcut repair work as follows:  
  
Construct temporary widening along one side of the roadway to carry single lane traffic using flagging and pilot car operations.  
  
Complete the subcut repair on the other half of the roadway. Place the embankment to widen as shown on typical section in Section 20. Place aggregate base as proposed. Move traffic on the newly constructed half of the road.  
  
Remove temporary widening. Complete the subcut repair on the second half of the roadway. Place the embankment to widen. Place aggregate base as proposed.
- 105-P03 PROJECT PHASING – BOX CULVERT CONSTRUCTION: Construct the reinforced concrete box to accommodate two-way traffic across temporary bypass at Spring Creek.  
  
Widen the roadway to accommodate two-way traffic during construction. See Section 100 for phasing.
- 105-P04 ORDER OF OPERATION: Mill 5 inches of the existing bituminous pavement. Blend the remaining bituminous surfacing with the existing base. Add Aggregate Base Course Cl. 5 to attain proposed base top elevation. Cement stabilize top 8 inches of base.
- 105-P05 CONTROL OF WORK: Limit grading operations to 4 mile work area. Finish grading, graveling, blend existing pavement and base, cement stabilize base, place prime coat, and a minimum of 2" hot mix asphalt. Place topsoil, seed, mulch, and install erosion control items prior to opening the next mile. Exception to this limit is culvert work.
- 105-P06 CONTROL OF WORK – DUNN CENTER: Work activities are restricted outside of NDDOT right-of-way limits along the north side of ND Highway 200 from Sta 5375+00 to Sta 5380+00 until February 1, 2017 or until additional right-of-way has been acquired.
- 107-700 HAUL ROADS: The Engineer will not designate paved roads off the state system as haul roads.
- 107-710 HAUL ROADS: Before submitting a proposal, contact the appropriate State, County, Township, or City officials to determine if there are any roadways that will be designated as "no haul routes".

- 108-100 WEEKLY PLANNING & REPORTING MEETING: A weekly planning and reporting meeting is required.
- 155-100 CONCRETE EQUIPMENT: Provide a NRMCA Certified plant for concrete used in Sections 550, "Concrete Pavement", 570 "Concrete Pavement Repair", 602 "Concrete Structures", and 622 "Pilings".
- 202-P01 FENCE REMOVAL: Notify landowners in writing, with a copy to the Engineer, a minimum of 30 days in advance of fence removal. Just prior to removing fence, coordinate verbally with the adjacent landowners. Additional information, including the property owners' contact information, will be available from the Engineer.
- 203-010 SHRINKAGE: 25 percent additional volume is included for shrinkage in earth embankment.
- 203-385 AVERAGE HAUL: No average haul has been computed for this project.
- 203-P01 TOPSOIL-PLACEMENT: "Track" the topsoil parallel to the slope prior to permanent seeding on slopes 4:1 or steeper and greater than 10 feet (vertical height). Include the cost of "tracking" in the unit price bid for "Topsoil".
- 203-P02 EXCESS EXCAVATION: Include all costs for hauling and disposing of any excess excavation in the price bid for "Common Excavation – Type A."
- 203-P03 COAL: The Department's boring logs have indicated that there is coal located in the state optioned borrow site B-1.  
  
The state optioned borrow quantities and mass diagram included in the plans are based on the approximate available quantity of borrow material above the layer of coal.  
  
The coal within the state optioned borrow site is not acceptable embankment material. Obtain the acceptable borrow material above the coal layer. Leave in place a minimum of two feet of compacted soil (2' cover) and 6" of topsoil above the coal layer. No compensation will be given for any handling of coal within a borrow site.
- 261-P01 TEMPORARY EROSION CONTROL: Use the existing topsoil to create an earthen berm at the toe of the foreslope in areas where there is no water adjacent. The topsoil berm, along with the grass remaining in the ditch and fiber rolls will serve as the temporary erosion control.  
  
Build the berm 12 inches minimum height. To allow stormwater to drain through the berm, place the weirs intermittently as needed throughout the length of the berm. Construct weirs no more than 5 feet wide and install fiber rolls across the weir on the downslope side of the berm. If a weir must be made during conditions that would allow stormwater to flow through immediately, the fiber roll must be installed before the weir is made in the earthen berm.  
  
When the foreslope has reached final grade, remove the topsoil berm and spread the soil on the foreslope before the permanent seeding and mulching work is commenced.  
  
Include the cost to construct, maintain, and remove the berm in the contract unit price for "Topsoil".

This document was originally issued and sealed by Darell Arne, Registration Number PE-6523, on 12/12/16 and the original document is stored at the North Dakota Department of Transportation.

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SOIB-5-200(025)095	6	2

**NOTES**

(revised 12/9/2016)

302-P01 TRAFFIC SERVICE AGGREGATE: Provide 8,000 Tons of Traffic Service Aggregate to be used to maintain traffic during Phases 2, 3A, 3B, and 4. There is no need to stockpile the material. Apply a 6-inch thick mat of traffic service aggregate.

Make every effort to reuse this material throughout the life of the project. After returning traffic to normal flow, remove Traffic Service Aggregate and place topsoil.

Include all costs for time, material, and labor required to supply Traffic Service Aggregate and to place, salvage, and reuse it, in the unit bid price for "Traffic Service Aggregate".

Include all costs for removal of this material in the unit bid price for "Remove Aggregate Base & Surfacing".

430-P01 PAVING SEAMS: Paving seams are not allowed in the wheel path of the driving lane.

704-100 TRAFFIC CONTROL SUPERVISOR: Provide a Traffic Control Supervisor.

704-200 PRECAST CONCRETE MEDIAN BARRIERS – STATE FURNISHED: Obtain 16 barriers from Belfield Maintenance Yard. Return barriers to Belfield Maintenance Yard, located at 898 8th St. NW, Belfield, ND 58622-7418.

Some 4 inch x 4 inch boards are available at the return location. Provide any additional 4 inch x 4 inch boards necessary to stack barriers. The boards will become property of the Department. Include the cost for boards in the contract unit price for "Precast Concrete Median Barrier - State Furnished".

704-255 TRAFFIC CONTROL FOR SHOULDER DROP-OFF: If the shoulder and adjacent driving lane are not even at the end of the day, the following criteria will apply:

Place the following sign assembly at the locations listed below.

Sign Assembly: Sign No. W8-9a-48 "Shoulder Drop Off" and supplemental plate Sign No. W20-52-54 to identify the distance.

Locations:

- In advance of the drop off;
- Spaced at each mile from the advance sign; and
- At major intersections (CMC routes, state and US highways, and Interstate Ramps).

If the difference in elevation between the shoulder and the driving lane is 2" or greater, construct a slough on the driving lane that is 4:1 or flatter.

If the difference in elevation between the shoulder and driving lane is less than 2", no slough is required.

Sign assemblies will be measured and paid for according to Section 704 "Temporary Traffic Control".

704-P01 TRAFFIC CONTROL DEVICES: The traffic control devices list has been developed using the layouts shown in the plans and the following layouts shown on the Standard Drawings.

D-704-15 Layout Type A to be used any time conditions exist. (Quantities are based on two one lane closures happening simultaneously.)

D-704-15 Layout Type B Temporary Bypass locations. Devices have been supplied for the box culvert temporary bypass.

D-704-17 Layout for One Lane Closure Two Lane Roadway

D-704-20 Layout Type G as the basis of the Construction Signing Sheet.

D-704-22 and D-704-26, Layouts Type K, Type L, and Type Y for Construction Truck Hauling Material.

D-704-26 Layouts Type BB, CC, EE, FF, and GG as needed.

D-704-30 Layout Windrow Marking.

D-704-37 Construction Sign Layout

Make the embankment through the area in which traffic will be maintained on at all times traversable with 4:1 slopes or flatter the same day it is placed/removed, or the Contractor needs to provide 24 hour flagging at the Contractor's expense.

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.

Traffic control quantities for uneven pavement have been developed based on a 6 mile limitation for the paving operations. The required traffic control signs and devices are included in the "Traffic Control Devices List" and will be measured and paid at the contract unit price for each device.

704-P02 PORTABLE CHANGEABLE MESSAGE SIGN: Stage Portable Changeable Message Signs (PCMS) prior to removing any pavement on the project. Use PCMS to display information throughout the project duration. The Engineer will determine the location and message to be displayed. Within 20 minutes of the Engineer's request, the message will be displayed on both signs by a person trained in the operation of the portable changeable message sign. The signs will be equipped with remote access and include a booster if a cell phone signal is not available where the signs are located. The PCMS will conform to the requirements of the MUTCD, Part 6, and specifications. Upon completion of the project, the Contractor retains ownership of the PCMS.

This document was originally issued and sealed by Darell Arne, Registration Number PE-6523, on 12/12/16 and the original document is stored at the North Dakota Department of Transportation.

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SOIB-5-200(025)095	6	3

**NOTES**

(revised 12/9/2016)

704-P03 TRAFFIC CONTROL FOR BITUMINOUS PAVEMENT: Provide traffic control consisting of a temporary road closure, flagging, and a pilot car.

Traffic control device quantities are based on a 6 mile limitation and the list below. Provide additional devices at no additional cost to the Department.

1. Standard D-704-15, layout A;
2. Standard D-704-20, layout G
3. Standard D-704-22, layouts K and L; and
4. Standard D-704-26, layouts CC, EE, and GG.

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.

704-P04 TRAFFIC CONTROL FOR SUBCUT: 36 hours of flagging has been provided in the plans to complete the subcut. Any additional flagging will be at the Contractor's expense.

706-P01 FIELD OFFICE: Provide a field office which meets the following requirements:

1. Minimum total area of 440 square feet
2. Indoor bathroom facilities and supplies with weekly cleaning services
3. Hookups for heat, electricity, sewer, and potable water.
4. Minimum cabinet space of 32 cubic feet
5. Minimum counter space of 40 square feet
6. Air conditioner with a minimum of 20,000 BTUs
7. Lighting with a minimum of 110 foot-candles
8. DSL broadband internet and a router that broadcasts Wi-Fi and will allow for hard wiring of a computer.
9. Photocopy/Printer with scanning capabilities capable of 11x17 photocopies and toner to last the duration of the project. Other features to include digital copying and scanning. Copier/printer machine with operating software compatible with that used by the NDDOT.

Supply a photocopier with enough toner to last the length of the project and with the following capabilities:

- a. Printing;
- b. Scanning; and
- c. Producing 11 x 17 photocopies and prints.

Place the field office on the project, or as close to the project as possible. The Contractor is responsible for the pay for the following:

- Rental fees;
- Heating;
- Electrical;
- Sewer, and
- Potable water.

Make the field office available for occupancy one week before the start of the project. The Engineer will approve the location and the condition of the office. Do not remove the field office until the Engineer releases the field office.

The Engineer is responsible for the following items:

- Furnishing office equipment;
- Supplying paper; and
- Supplying and paying for internet service.

All requirements of the Field Office are subject to approval by the Engineer. Include the costs for the field office in the bid item "Field Office".

Schedule for Payments:

- 25% when set up on site.
- 50% when 30% of the work is complete.
- 75% when 60% of the work is complete.
- 100% when project is complete.

714-P01 PIPE EXTENSIONS: If the Contractor encounters silted-in pipes at locations where pipe are to be extended, the silted-in material will be removed from the pipes before extending them. Remove silt 50 feet beyond the end of the pipe. The cost of removing the silt is included in the price bid for "Common Excavation-Type A". Assume all extended pipes require silt cleanout.

714-P02 PIPE EXTENSIONS: If water is encountered at locations where pipes are to be extended, provide dewatering if necessary according to site conditions. Include all costs associated with dewatering in the price bid for pipe installation.

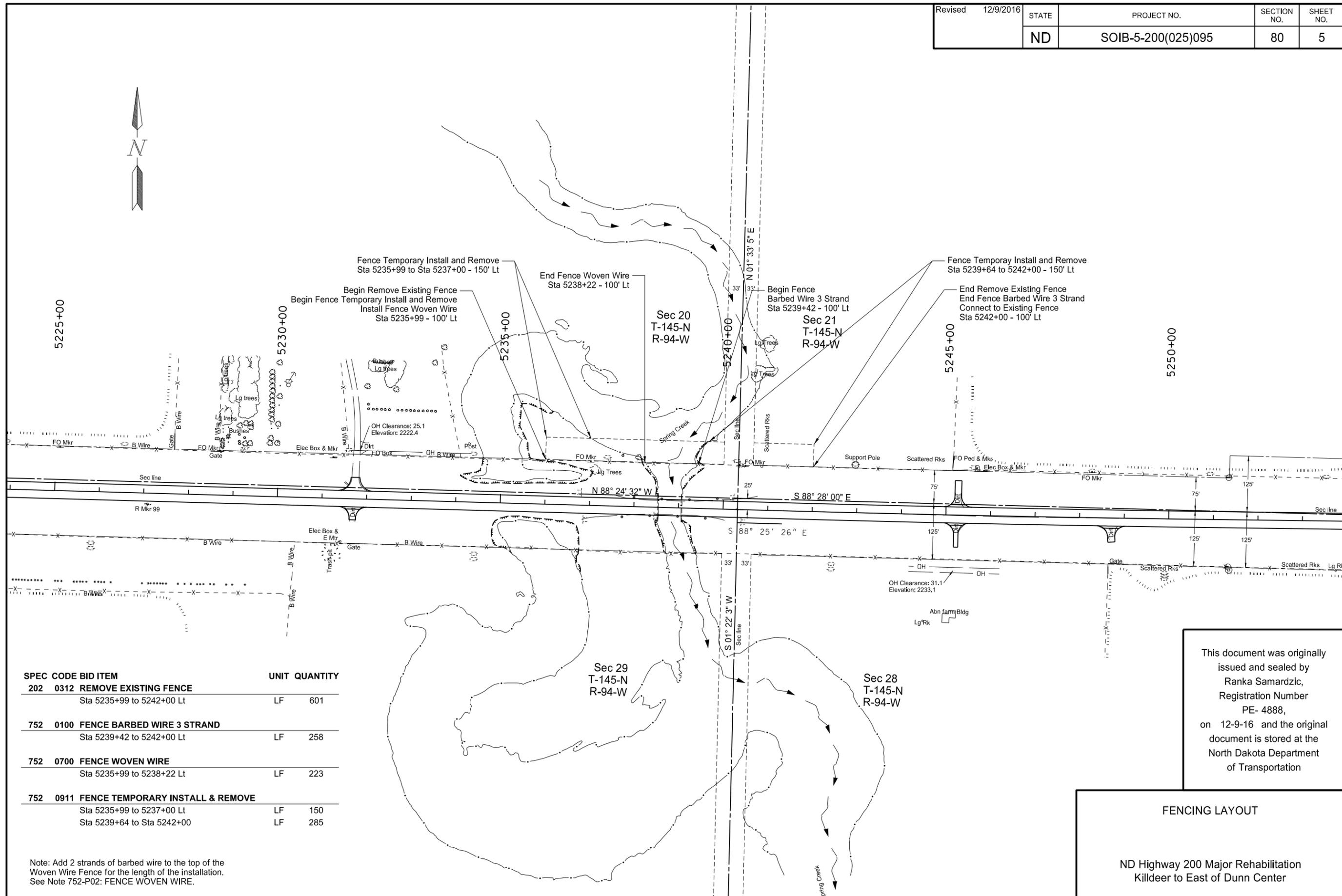
752-P01 FENCE BARBED WIRE 3 STRAND: Install the top and bottom wires in accordance with Standard Drawing D-752-1. Evenly space the third wire in between the top and bottom wires. When tying into existing fence, match the post type to be used with the existing fence posts.

752-P02 FENCE WOVEN WIRE: Install the woven wire fence to match the height of the existing woven wire fence in place. Install 2 strands of barbed wire above the woven wire fence to match the existing barbed wire strands in place. Include the cost to install 2 strands of barbed wire in the price bid for "Fence Woven Wire".

752-P03 FENCE TEMPORARY INSTALL & REMOVE: Install 3-strand barbed wire fence prior to removing the existing fence. Include the cost to furnish, install, and remove all temporary fencing, temporary corner assemblies, and miscellaneous hardware for temporary fencing in the price bid for "Fence Temporary Install & Remove".

762-050 PAVEMENT MARKING: If the Engineer and Contractor agree, plan quantity will be used as the measurement for payment for pavement marking items.

This document was originally issued and sealed by Darell Arne, Registration Number PE-6523, on 12/12/16 and the original document is stored at the North Dakota Department of Transportation.



SPEC CODE	BID ITEM	UNIT	QUANTITY
202 0312	REMOVE EXISTING FENCE		
	Sta 5235+99 to 5242+00 Lt	LF	601
752 0100	FENCE BARBED WIRE 3 STRAND		
	Sta 5239+42 to 5242+00 Lt	LF	258
752 0700	FENCE WOVEN WIRE		
	Sta 5235+99 to 5238+22 Lt	LF	223
752 0911	FENCE TEMPORARY INSTALL & REMOVE		
	Sta 5235+99 to 5237+00 Lt	LF	150
	Sta 5239+64 to Sta 5242+00	LF	285

Note: Add 2 strands of barbed wire to the top of the Woven Wire Fence for the length of the installation. See Note 752-P02: FENCE WOVEN WIRE.

This document was originally issued and sealed by Ranka Samardzic, Registration Number PE- 4888, on 12-9-16 and the original document is stored at the North Dakota Department of Transportation

FENCING LAYOUT

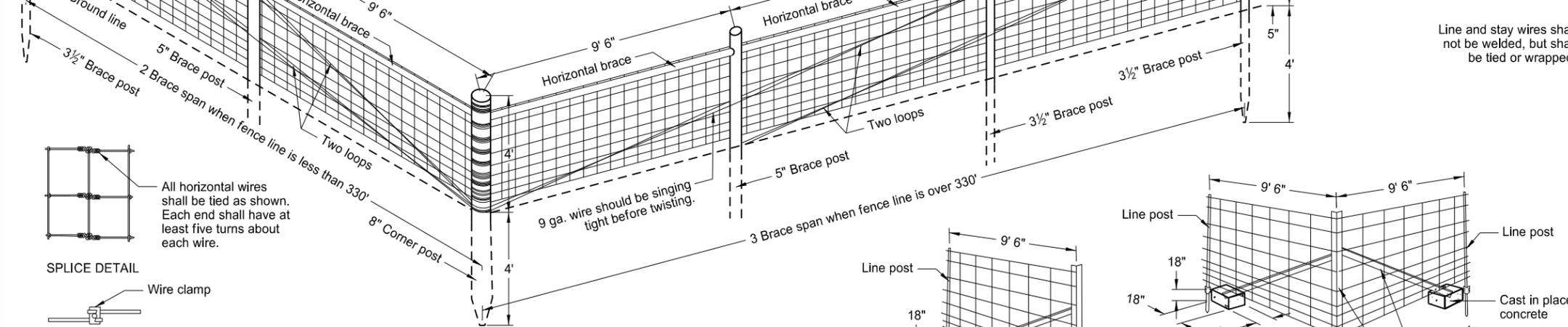
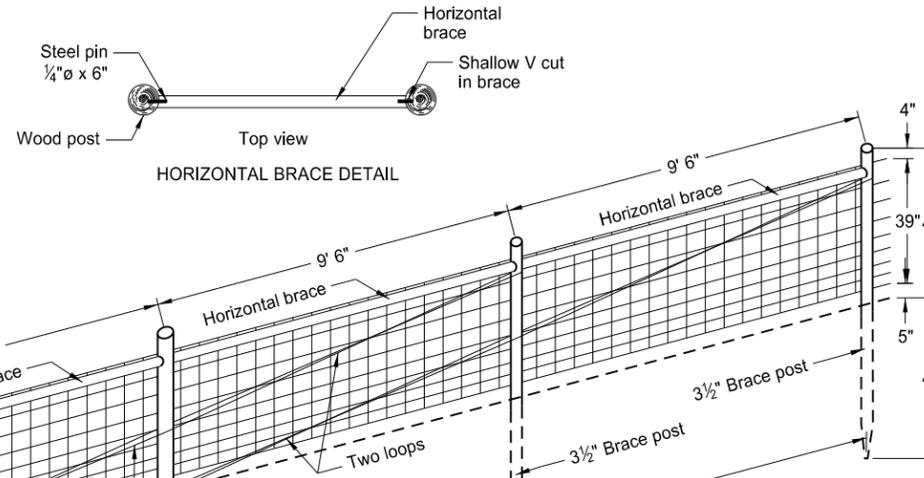
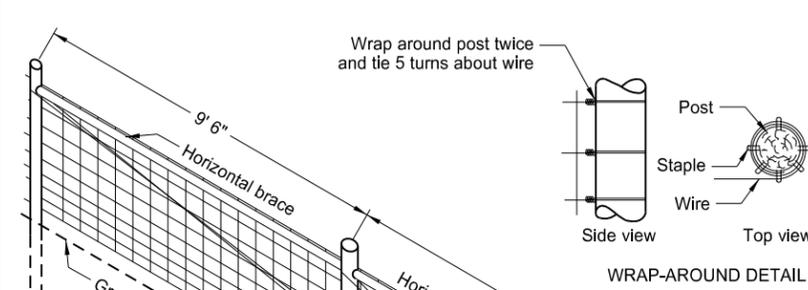
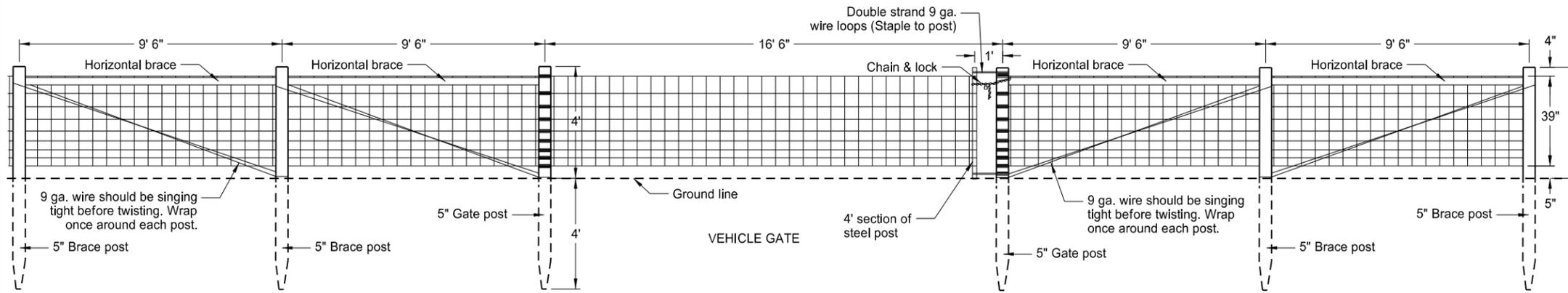
ND Highway 200 Major Rehabilitation  
Killdeer to East of Dunn Center

# STANDARD WOVEN WIRE FENCE

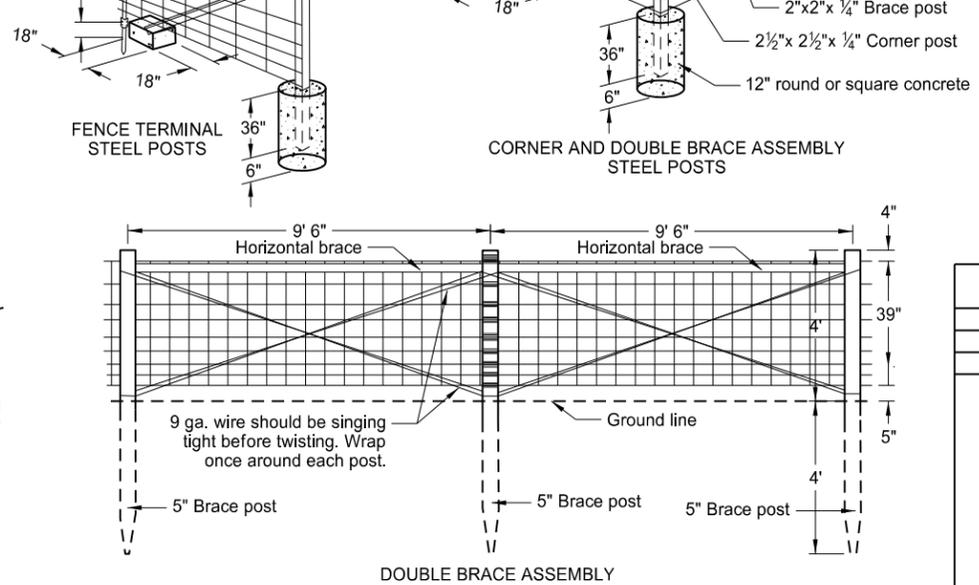
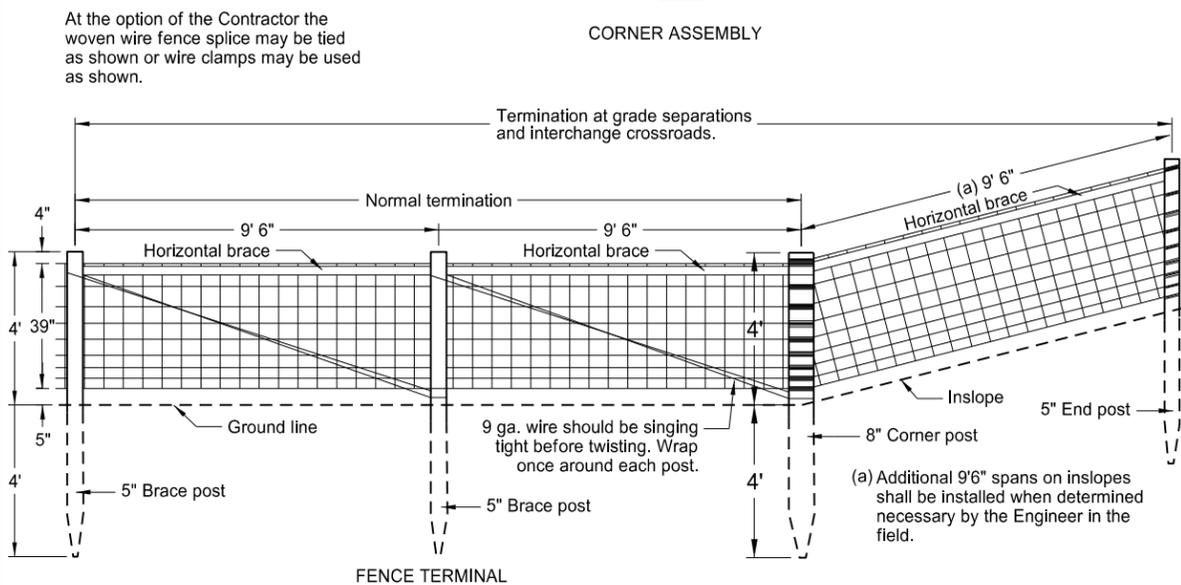
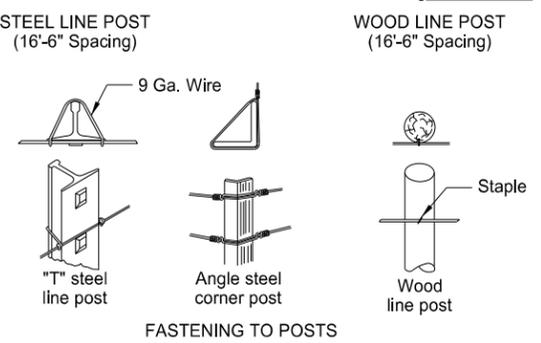
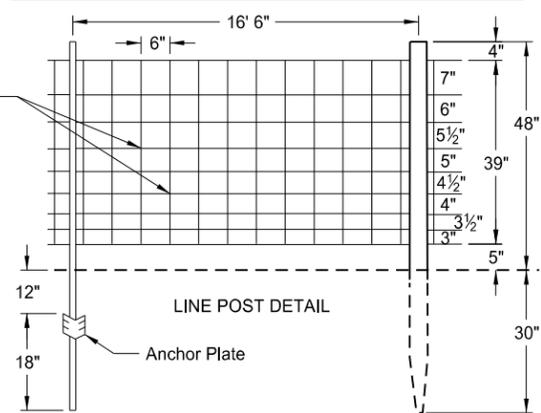
D-752-3

### NOTES

- No deduction in measured pay length of woven wire fence will be made for gates, corner assemblies, double brace assemblies or fence terminals.
- Double Brace Assembly shall be installed at locations shown on the plans or established by the Engineer. The distance between adjacent fence terminals, corner assemblies or double brace assemblies shall not exceed 1320 feet.
- Top wire of the woven wire fence shall be stapled separately. Intermediate wires shall be stapled not more than 10" apart. Bottom wire shall be stapled.
- If in the opinion of the Engineer in the field the change in grade is so sharp that woven wire will not conform to the grade, a double brace shall be installed.
- The type of posts to be used, either wood or steel, shall be determined by the contractor unless otherwise specified in the plans.



USE OF POST	Treated wood		Steel	
	Post dia.	Post length	Post length	Post wt. Lbs/Ft
Line post	3 1/2"	6'-6"	6'-6"	1.33
Corner post	8"	8'	7'	4.10 (Conc.)
End post	5"	8'		
Brace post	5"/3 1/2"	8'	7'	3.19 (Conc.)
Gate post	5"	8'		
Horizontal brace	3 1/2"	Var.	As approved by the Engineer	



NORTH DAKOTA DEPARTMENT OF TRANSPORTATION		This document was originally issued and sealed by <b>Roger Weigel,</b> Registration Number <b>PE-2930,</b> on 10/2/2012 and the original document is stored at the North Dakota Department of Transportation
10-02-12 REVISIONS		
DATE	CHANGE	