



# North Dakota Department of Transportation

Thomas K. Sorel  
*Director*

Doug Burgum  
*Governor*

October 31, 2017

## ADDENDUM 1 – JOB 11

TO: All prospective bidders on project BRO-0026(010), Job No. 11 scheduled for the November 17, 2017 bid opening.

The following request for proposal revision shall be made:

Request for Proposal Revisions:

**Remove the SP 5178(14) placeholder and Replace with SP 5178(14) PERMITS AND ENVIRONMENTAL CONSIDERATIONS dated 10/27/2017.**

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

A handwritten signature in black ink, appearing to read "Phillip Murdoff".

PHILLIP MURDOFF – CONSTRUCTION SERVICES ENGINEER

80:jwj

Enclosure



October 30, 2017

ADDENDUM 1

To: All prospective bidders and suppliers on Project BRO-0026(010), Job #11 scheduled for the November 17, 2017 bid opening.

Please incorporate the following revision into the proposal for the referenced project:

Proposal Revisions

**Remove and Replace the SP 5178(14) placeholder with the enclosed SP 5178(14) dated 10/27/17.**

The US Army Corp of Engineers Nationwide Permit is incorporated into the project by this SP.

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

Joshua M Loegering /s/  
Joshua M Loegering, PE

Enclosures

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION**

**PERMITS AND ENVIRONMENTAL CONSIDERATIONS**

**PROJECT NUMBER: BR0-0026(010) – PCN 20920**

This Special Provision incorporates the Army Corps of Engineers (USACE) Nationwide Permit obtained by McIntosh County for the structure replacement and pipe installations in McIntosh County on 33<sup>rd</sup> Ave SE. The project as proposed includes aggregate surface course, structure removal, box culvert installation, pipe installations and incidentals. Permanent right of way and temporary construction easement acquisitions were required to accommodate this project, and have been obtained.

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

- **USACE Section Nationwide Permit**  
USACE Permit NWO-2017-0939-BIS authorizes replacement of the existing structure with a box culvert. The Nationwide Permit is attached.

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

This document was originally issued and sealed by Joshua M. Loegering  
Registration Number PE-9139,  
On 10/27/17 and the original document is stored at the office of KLJ in Valley City, ND.



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
3319 UNIVERSITY DRIVE  
BISMARCK ND 58504-6640

October 6, 2017

North Dakota Regulatory Office

NWO-2017-00939-BIS

McIntosh County  
Attn: Mr. Neil Meidinger  
112 NE 1<sup>st</sup> St.  
Ashley, North Dakota 58413

**COPY**

Dear Mr. Meidinger:

We are responding to your 08/14/2017 request for a Department of the Army permit for the replacement of an existing bridge on 33rd Avenue Southeast (PCN 20920). The project is located in Sections 3 and 4, Township 131 North, Range 72 West, Latitude 46.199007, Longitude -99.690243, McIntosh County, North Dakota.

Based on the information you provided to this office, work to be completed includes the replacement of an existing bridge with a reinforced concrete box culvert. A temporary diversion of water would be completed to keep the work area dry. As a result of construction activities 0.13 acres of permanent and 0.17 acres of temporary impacts will occur in identified aquatic resources. Compensatory mitigation is required for permanent losses greater than .10 acres. We have determined activities in waters of the U.S. associated with the project are authorized by Nationwide Permit Number (NWP) 23 Approved Categorical Exclusions, found in the January 6, 2017 Federal Register (82 FR 1860), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General, Regional and Water Quality Conditions that must be adhered to for this authorization to remain valid.

**Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.**

This determination is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other Federal, state, tribal and local approvals before beginning work.

You are responsible for all work accomplished in accordance with the terms and conditions of the Nationwide Permit, including the Regional Conditions specific to projects undertaken in North Dakota. Information about the NWP and regional conditions are available on our website at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota>. If a

contractor or other authorized representative will be accomplishing the work authorized by the Nationwide Permit on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable Nationwide Permit. Any activity that fails to comply with all of the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

**COPY**

In addition, your work must comply with the following special conditions:

**1. As indicated in the submitted Pre-Construction Notification (PCN), flows will be temporarily diverted during construction of the box culvert. The applicant, McIntosh County, is reminded that such activity must not substantially disrupt the aquatic life movements of species and shall not, to the maximum extent practical, restrict expected high flows. Please refer to General Conditions 2 and 9 located in the attached 2017 NWP Fact Sheet.**

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

This verification will be valid until March 18, 2022. If the nationwide permit is modified, suspended, or revoked prior to this date, but is reissued without modification or the activity complies with any subsequent modification, this authorization remains valid until the expiration date. All of the existing nationwide permits are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice when the nationwide permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions.

The Omaha District, North Dakota Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our 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). If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

Please refer to identification number **NWO-2017-00939-BIS** in any correspondence concerning this project. If you have any questions, please contact Swade Hammond by email at [Swade.D.Hammond@usace.army.mil](mailto:Swade.D.Hammond@usace.army.mil), or telephone at (701) 255-0015 X 2012.

Sincerely,

A handwritten signature in black ink that reads "Patricia L. McQueary". The signature is written in a cursive style with a long, sweeping tail on the "y".

Patricia L. McQueary  
Regulatory Program Manager  
North Dakota

Enclosures

cc: Joshua Loegering – Kadrmas Lee and Jackson

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**COMPLIANCE CERTIFICATION**

**Permit File Name:** SOV; KLJ, NDDOT, McIntosh County; Structure 26-109-07.1  
Replacement, BRO-0026(101), PCN 20920

**Action ID:** NWO-2017-00939-BIS

**Nationwide Permit Number:** NWP 23 Approved Categorical Exclusions.

**Permittee:** McIntosh County  
Attn: Mr. Neil Meidinger  
112 NE 1<sup>st</sup> St.  
Ashley, North Dakota 58413

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**County:** McIntosh County

**Date of Verification:** October 6, 2017

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  
3319 University Drive  
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.

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

\_\_\_\_\_  
Permittee Signature

\_\_\_\_\_  
Date