

DETERMINATION AND APPROVAL FOR CATEGORICAL EXCLUSION

North Dakota Department of Transportation
 Federal Highway Administration - ND Division Office
 SFN 18878 (10-2016)

Project Number SS-3-066(037)040	PCN 22314	Date 11/05/2019
Project Location Bridge 0066-040.369 - East of US 281 South		Length
Work Type Structure Replacement		
Project Comments		

Determination: Based on the evaluation of this project and the attached documentation, it has been determined the project meets the criteria of a categorical exclusion. Pursuant to the Code of Federal Regulations, Title 23-Highway this project best meets the work type described in 23 CFR 771.117 (c) 28 - Bridge Rehab, Recon, or Replacement

Based on the project work type the level of NEPA documentation required has been determined to be:

- Categorical Exclusion by Definition (CED)**
 Work is generally confined to the roadway surface but may include minor safety, structural, pedestrian facility, or miscellaneous work that does not require permanent right of way acquisition. Work types are defined in Appendix A of the Programmatic Categorical Exclusion Agreement. No further NEPA documentation is required, but some consultation, coordination, notifications, or permitting may be required.
Requires approval by NDDOT Designer/Tech Support.
- Programmatic Categorical Exclusion (PCE)**
 Work is primarily on the roadway surface, but may also include localized areas of earthwork and enhancement or replacement of structural elements. May require permanent acquisition of minor amounts of right of way.
Requires approval by NDDOT Designer/Tech Support and NDDOT Environmental Reviewer.
- Documented Categorical Exclusion (DCE)**
 Work involves substantial earthwork, regrading, major rehabilitation, new/reconstruction, or bridge replacements.
Requires approval by NDDOT Designer/Tech Support and NDDOT Environmental Reviewer. If the project exceeds any of the identified thresholds in Section VII of the Programmatic Categorical Exclusion Agreement or is a (d) list project, FHWA approval is also required.
 FHWA Approval Required

CatEx Addendums/ CatEx Re-Evaluation: Addendum Re-Evaluation

Approvals: Supporting documentation is complete and compliant with the National Environmental Policy Act (NEPA).

Consultant or Local Public Agency <i>If applicable</i>	Date	NDDOT Designer/Tech Support <i>Required in all cases</i>	Date
		Randall Sandvig <small>Digitally signed by Randall Sandvig Date: 2019.11.05 07:58:55 -06'00'</small>	11/05/2019
NDDOT Environmental Reviewer <i>Only required for PCE and DCE</i>	Date	Federal Highway Administration <i>Only required if NDDOT Approval thresholds are exceeded</i>	Date
Russ Senske <small>Digitally signed by Russ Senske DN: cn=Russ Senske, ou=NDDOT, ou=ETS, email=senske@nd.gov, c=US Date: 2019.11.05 08:32:14 -06'00'</small>	11/05/2019		

STRUCTURE REPLACEMENT

Project No.

PCN

SS-3-066(037)040

22314

Bridge 0066-040.369 – East of US 281 South



Prepared by

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
BISMARCK, NORTH DAKOTA

<http://www.dot.nd.gov/>

DIRECTOR
William T. Panos

PROJECT DEVELOPMENT DIRECTOR
Chad Orn, P.E.

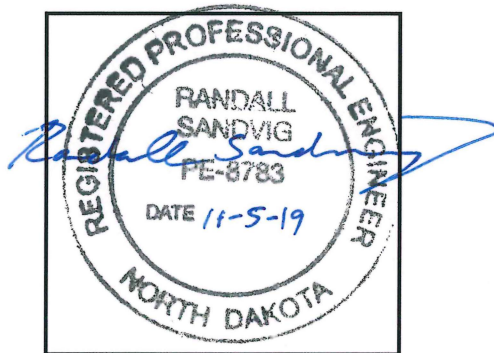
Principal Author: Randall Sandvig, Bridge Division
Environmental Reviewer: Russ Senske, ETS Division
November 2019

STRUCTURE REPLACEMENT

BRIDGE 0066-040.369 – EAST OF US 281 SOUTH

CERTIFICATION

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly registered professional engineer under the laws of the State of North Dakota. This document was originally issued and sealed by Randall Sandvig, Registration number PE-8783 on 11/5/19 and the original document is stored at the North Dakota Department of Transportation.



Randall Sandvig
Randall Sandvig, P.E.

11-5-19
Date

Table of Contents

A.	Project Description.....	1
	Figure 1 – Project Location Map	1
	Table 1 - Traffic Data	1
B.	Project Schedule	1
C.	Purpose of Project	1
D.	Need for Project.....	1
	Figure 2 – Bridge Deck Deterioration	2
	Figure 3 – Cracking at Abutments	2
E.	Scope of Work	2
F.	Description of Alternatives	2
	1. Alternative A: No Build	2
	2. Alternative B: Structure Replacement	2
	3. Optional Work Items	2
	4. Traffic Control Work Zone Safety and Mobility	3
	5. Work Zone Traffic Control	3
	6. Maintenance Responsibility Discussion	3
	7. Summary of Engineering Issues	3
	8. Summary of Environmental Issues.....	3
	Table 2 - Right of Way Summary	4
	Table 3 – Summary of Estimated Costs	4
G.	Comments from the Draft Documented CATEX.....	5
H.	Public Concerns / Need for Public Input.....	5
	Table 4 – Comparison of Alternatives	5
	Table 5 – Recommendations	6
I.	Executive Decisions.....	7
II.	Environmental Impact Checklist.....	1

Appendices

Appendix A Solicitation of Views
Appendix B Endangered Species Act
Appendix C Wetland Information

Supporting Documents

Aquatic Resources Delineation Report (*Pending*)
Cultural Resources Report
Bridge Input Memo

A. Project Description

Highway: ND Highway 66
District: Devils Lake
Limits: Bridge 0066-040.369
PCN: 22314



Figure 1 – Project Location Map

Table 1 - Traffic Data

	Year	Passengers	Trucks	Totals
Current	2018	240	85	325
Forecast	2038	295	105	400

B. Project Schedule

Project: SS-3-066(037)040
Plans Complete: December 4, 2020
Bid Opening: February 5, 2021

C. Purpose of Project

The purpose of this project is to address the existing deficiencies of Bridge 0066-040.369 by removing and replacing the bridge.

D. Need for Project

Existing Conditions: The existing structure, a 3-span continuous concrete slab bridge with an overall length of 85 feet and a clear roadway width of 30 feet, was constructed in 1960. The structure was last inspected in September 2017. The deck has a rating of 6 (satisfactory

condition), the superstructure has a rating of 6 (satisfactory condition), and the substructure has a rating of 5 (fair condition).

Deficiencies: The bridge has a history of significant cracking and damaged concrete on the abutments. A September 2000 memo indicates that the cracking was present in 1977. Large spalls in the endwall, directly above portions of the damaged abutment, indicate section loss in the rebar. The top of the deck has a thin asphalt overlay on the majority of the structure. The surface of the deck on the north east corner of the bridge has significant deterioration. This deterioration is also evident through efflorescence coming through the side of the slab on the northeast corner of the bridge.



Figure 2 – Bridge Deck Deterioration



Figure 3 – Cracking at Abutments

E. Scope of Work

2019-2022 STIP: \$1,081,000

2019 Draft Documented CATEX: \$1,076,625

F. Description of Alternatives

1. Alternative A: No Build (\$0)

Under this alternative, Bridge 0066-040.369 will remain in place and the structure will continue to deteriorate. This alternative does not meet the purpose and need for the project.

2. Alternative B: Structure Replacement (\$1,076,625)

The existing bridge will be removed and replaced with a new structure. Based on preliminary hydraulic analysis, the replacement structure will be a quad 16' x 7' reinforced concrete box culvert. This alternative also includes a temporary bypass.

3. Optional Work Items

There are no optional work items on this project.

4. Traffic Control Work Zone Safety and Mobility

Traffic control work zone safety and mobility are not required on this project due to the rural nature of the project.

5. Work Zone Traffic Control

Bridge 0066-040.369 will be closed during construction and ND 66 traffic will be maintained with an onsite temporary bypass.

6. Maintenance Responsibility Discussion

Maintenance of the structure will remain the responsibility of the NDDOT.

7. Summary of Engineering Issues

Alternative B will require a temporary bypass during the construction work. A 125' wide by 1000' long (2.87 acre) temporary easement for construction and operation of the bypass will be needed on the north side of the highway. An approximately 6 mile detour route along county roads in the area was evaluated as an alternative to the temporary bypass. A temporary bypass was chosen in favor of this option due to width restrictions of the county roads and the additional repairs necessary to prepare the county roads for use as a detour making the option cost prohibitive. Temporary culverts will be necessary to maintain flows of the Mauvais Coulee through the temporary bypass while the new structure is under construction.

United Communications indicated in their SOV response that they have utilities on the north side of ND 66 which run parallel to the highway. Coordination with utility companies should be completed prior to the replacement of the bridge.

8. Summary of Environmental Issues

a. Wetlands

An Aquatic Resources Jurisdictional Determination request was sent to USACE on 10/8/2019. The jurisdictional determination is pending as of 11/5/2019. It is anticipated that the wetlands included in the Wetland Impact Table will be categorized as jurisdictional wetlands and thus any permanent impacts will require mitigation. Currently, it's anticipated that 0.31 acres of natural and jurisdictional wetlands will be permanently impacted as a result of replacing the bridge with a box culvert. Permanent impacts to natural and jurisdictional wetlands will be mitigated offsite at the Herda Mitigation Bank.

b. Aquatic Organism Passage

The inverts of the proposed box culvert and associated riprap shall be set one foot below the existing grade of the stream channel to accommodate aquatic organism movements through the box culvert, as recommended by the ND Game and Fish Department in their SOV response. Riprap will be placed in the channel at the ends

of the RCB aprons for a distance of 10 feet upstream and 20 feet downstream to protect the channel and structure from possible scour.

c. Aquatic Nuisance Species

Preventative measures should be taken to comply with Aquatic Nuisance Species rules enacted by the ND Game and Fish Department. The ND Game and Fish Department must be notified 72 hours prior to placement of any equipment in state waters for scheduling an inspection. The contact person is Jessica Howell in the Jamestown office. Her number is 701-368-8368.

d. Migratory Birds

Measures should be made to minimize impacts on migratory birds in accordance with the Migratory Bird Treaty Act.

Table 2 - Right of Way Summary

Alternatives	Temporary ROW Needed	Permanent ROW Needed	US Fish & Wildlife Property Interest?	US Forest Service Property Interest?
Alternative A	0 Acres	0 Acres	No	No
Alternative B	2.87 Acres	0 Acres	No	No

Table 3 – Summary of Estimated Costs

SS-3-066(037)040 Structure Replacement Cost Estimate	
Item	Total Cost
Contract Bond	\$ 6,200.00
Borrow – Excavation	\$ 154,000.00
Aggregate Base Course CI 5	\$ 15,000.00
Mobilization	\$ 80,000.00
Flagging	\$ 3,500.00
Traffic Control Signs	\$ 1,696.00
Type III Barricade	\$ 750.00
Delineator Drums	\$ 10,000.00
Vertical Panels – Back to Back	\$ 1,320.00
Obliteration of Pavement Marking	\$ 880.00
Geotextile Fabric – Type R1	\$ 9,800.00
Pipe Conduit 60in	\$ 32,000.00
Short Term 4in Line – Type R	\$ 800.00
Structure Replacement	\$ 630,000.00
Grand Totals	
Total Construction Costs	\$ 936,196.00
15% Engineering Costs	\$ 140,429.00
Total Project Costs	\$ 1,076,625.00

G. Comments from the Draft Documented CATEX

Chad Orn, Office of Project Development

Comment: Do you know the approximate size of the new box culvert?

Response: A tentative size for the structure until hydraulic analysis can be completed is a Quad 16' x 7' RCB.

Terry Woehl, Planning & Asset Management Division

Comment: There are no existing ATR/WIM sites within project limits.

Response: Comment noted.

H. Public Concerns / Need for Public Input

Based on the rural location of the project, and the comments received in the Solicitation of Views process, no further public involvement is recommended. The Solicitation of Views process did not reveal any controversial issues.

Table 4 – Comparison of Alternatives

Alternative	Advantages	Disadvantages
A – No Build	<ul style="list-style-type: none">• Lowest Cost• No disruption of present traffic patterns	<ul style="list-style-type: none">• Continued deterioration of the current structure. Further deterioration could compromise the load carrying capability/usability of the structure
B – Structure Replacement	<ul style="list-style-type: none">• Increased life span over current structure• Increased safety• Eliminates guardrail and bridge rail• Less maintenance	<ul style="list-style-type: none">• High cost• Temporary inconvenience of the traveling public during construction

Table 5 – Recommendations

	1. Do you concur with the project concepts as proposed?	2. Which alternative(s) should proceed with the project?
Office of Project Development	Yes	Alt B
Office of Transportation Programs	Yes	Alt B
Office of Operations	Yes	Alt B
Bridge Division	Yes	Alt B
Construction Services Division		
Design Division	Yes	Alt B
District		
Environmental and Transportation Services Division		
Local Government Division		
Maintenance Division		
Materials and Research Division		
Programming Division		
Planning/Asset Management Division		
City		
FHWA		

II. Environmental Impact Checklist

Environmental Impact Checklist				Y/NA	N/NA
Right of Way	1.1		Will the action require permanent right of way?		X
		If yes:			
	1.1.1		Number of parcels: _____ Number of Acres: _____		
	1.1.2		Will the action involve the acquisition of the following: 10 acres or more per linear mile (not an average); or more than 3 acres per bridge, intersection, or interchange?		N/A
	1.1.3		Will the action involve the acquisition of land for hardship or protective purposes, or early acquisition pursuant to Federal acquisition project (23 U.S.C. 108(d))?		N/A
	1.1.4		Will the action require permanent acquisition of Federal fee-title land or trust lands?		N/A
	1.1.5		Will the action require relocation of owners or tenants?		N/A
		If yes:			
	1.1.5.1		Number of Homes to be Relocated: _____		
	1.1.5.2		Number of Business to be Relocated: _____		
	1.2		Are there any special property interests such as U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Forest Service, Tribal Lands, Railroad, or State School Lands?		X
		If yes:			
	1.2.1		List the type(s): _____		
	1.3		Will the action require temporary construction easements?	X	
		If yes:			
1.3.1		Number of parcels: 1 Number of Acres: 2.87			
1.4		Will the action require any access changes?		X	
1.5		Will the action require any access changes on Interstate?		X	
Historical and Archaeological Preservation	2.1		Will the action involve disturbance off the roadway surface?	X	
	2.2		Will the action involve disturbance to a bridge or bridge rail?	X	
		If no to both questions:	<i>The proposed action is the type of actions or activities that have No Potential to Affect Historic Properties; no further Section 106 consideration is required. Skip to Resource Category #3.</i>		
		If yes to either of the two questions above:	<i>Please contact the Cultural Resources Section to complete the following information prior to submittal of the checklist and append by reference the Cultural Resources Report and related correspondence; has this been completed?</i>		X
	2.3		Was a Class I File Search completed?	X	
	2.4		Was a Class III Survey completed?	X	
	2.4.1		Were Sites identified within the Area of Potential Effect (APE)?		X
	2.4.2		SHPO Reference #: 19-6126		
	2.4.3		Did SHPO/THPO concur in a Finding of No Historic Properties Affected?	X	
	2.4.4		Did SHPO/THPO concur in a No Adverse Effect Determination?		X
	2.4.5		Did SHPO/THPO concur in an Adverse Effect Determination?		X
	2.5		If the action results in an Adverse Effect, the Adverse Effect documentation to FHWA was provided to the Advisory Council of Historic Preservation (ACHP) on:		
	2.5.1		Did the ACHP accept the opportunity to participate?		X
2.5.2		Resolution of Adverse Effect thru a Memorandum of Agreement was completed on:			
2.5.3		Were commitments included in the coordination with SHPO/THPO?		X	
2.6		Commitments: _____			
Section 4(f)	3.1		Are there any Section 4(f) properties within and/or adjacent to the action area?		X
		If yes:	For the following property types, indicate the name of the 4(f) property or NA:		
	3.1.1		Publicly owned parks?		
	3.1.2		Publicly owned recreation lands and/or facilities?		
	3.1.3		Wildlife or waterfowl refuges?		
	3.1.4		Historic sites (included on or eligible for listing on the National Register of Historic Places)?		
	3.2		Will the action result in a temporary impact?		X
		If yes:	Please complete the following questions to determine if there is a temporary occupancy of land which may constitute a use under Section 4(f):		
	3.2.1		Will the duration of the occupancy of the Section 4(f) resource be temporary, i.e. less than the time needed for construction of the action and there will be no change in ownership of the land?		N/A
	3.2.2		Will the scope of work be minor, i.e., both the nature and magnitude of the changes to the Section 4(f) resource is minimal?		N/A
	3.2.3		Will there be no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource, on either a temporary or permanent basis?		N/A
	3.2.4		Will the land being used be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the proposed action?		N/A
	3.2.5		<i>Has the documented agreement from the appropriate Federal, State, or local officials having jurisdiction over the resource been included?</i>		N/A
3.3		Will the action result in a permanent impact?		X	
	If yes:	A Section 4(f) use will occur; please select from the following documentation types that may be used:			
3.3.1		De Minimis Impact documentation completed and attached?		N/A	

	3.3.1.1	Public Involvement was completed on?		
	3.3.2	Nationwide Programmatic Section 4(f) documentation completed and attached: <i>Select the type(s) of Nationwide Programmatic that was used below.</i>		N/A
	If yes:			
	3.3.2.1	Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges?		N/A
	3.3.2.2	Historic Sites?		N/A
	3.3.2.3	Historic Bridges?		N/A
	3.3.2.4	Net Benefit to a Section 4(f) Property?		N/A
	3.3.2.4.1	Public Involvement was completed on?		
	3.3.2.5	<i>Negative Declaration for Independent Bikeway or Walkway*</i> documentation completed and attached?		N/A
		<i>*A negative declaration Section 4(f) (May 23, 1977) is only applicable for independent bikeway or walkway construction projects that require use of publicly owned parks and recreation lands and only when the officials with jurisdiction have given approval in writing that the project is acceptable and consistent with the designated use of property that all possible planning to minimize harm has been accomplished in the location and design of the bikeway or walkway facility. No 4(f) documentation is required other than the officials with jurisdiction letter. Please refer to the provisions in the negative declaration to ensure all requirements are met.</i>		
	3.3.3	Individual Section 4(f) Evaluation completed and attached?		N/A
Section 6(f)	4.1	Does the action affect any recreational property that is encumbered by Land and Water Conservation Funds?		X
	If yes:			
	4.1.1	Indicate the name of the 6(f) property:		
	4.1.2	Are there temporary impacts?		N/A
	4.1.3	Are there permanent impacts?		N/A
	4.1.4	<i>Consultation with official with jurisdiction required; has the correspondence, impact map, and mitigation plan been approved and attached?</i>		N/A
Permits	5.1	Will the action require any permits from regulatory agencies?	X	
	If yes:			
	5.1.1	Will the action require a Coast Guard or USACE Individual Permit?		X
	5.1.2	Please list the agencies and all required permits:		
Highway Traffic Noise	6.1	Will the action include construction of a highway on new location?		X
	6.2	Will the action physically alter the existing highway?		
	If yes:			
	6.2.1	Substantial Horizontal Alteration— Will the action reduce the distance between the traffic noise source and the closest receptor by half, between the existing condition to the future build condition?		X
	6.2.2	Substantial Vertical Alteration—Will the action remove shielding, therefore exposing the line-of-sight between the receptor and the traffic noise source? This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor. Projects that incorporate overpasses meet this definition in accordance with 23 CFR 772 .		X
	6.3	Will the action include the addition of a through-traffic lane(s)? This includes the addition of a through-traffic lane that functions as a High-Occupancy Vehicle (HOV) lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane.		X
	6.4	Will the action include the addition of an auxiliary lane, except for when the auxiliary lane is a turn lane? If the additional lane does not increase the number of through-traffic lanes, the definition in accordance with 23 CFR 772 is not met and an analysis is not required. [Auxiliary lanes 2,500 feet or longer meet Type I.]		X
	6.5	Will the action include the addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange?		X
	6.6	Will the action restripe existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane?		X
	6.7	Will the action include the addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot or toll plaza?		X
	If yes to any of the above questions:	<i>The action meets the definition of a Type 1 Project per 23 CFR 772.5 and a noise analysis is required for the entire project area as defined in the environmental document; has the Noise Report been completed and appended by reference?</i>		N/A
Threatened / Endangered Species	7.1	<i>Please refer to the Design Manual Reference and Forms for the Section 7 ESA (Endangered Species Act) Guidance. Complete the NDDOT Affect Determination Table. Has the Affect Determination Table been completed?</i>	X	
	7.2	Based on the Affect Determination Table, was a NDDOT ETS Biologist review required?	X	
	If no:	<i>Attach the NDDOT Affect Determination Table and no further action is required.</i>		
	If yes:			
	7.2.1	<i>NDDOT Biologist concurred with no effect (excluding the Northern Long Eared Bat [NLEB] in certain situations); has the signed Section 7 Affect Determination Package, NDDOT Affect Determination Table, and NLEB documentation (if required) been attached?</i>	X	
	7.2.2	<i>Programmatic Biological Assessment (PBA) warranted; has the PBA and PBA USFWS Concurrence letter been appended by reference and PBA Project Submittal page been attached?</i>		N/A

	7.2.3		<i>Project-specific Biological Assessment (BA) warranted; has the project specific BA been appended by reference and project-specific USFWS Concurrence Letter been attached?</i>		N/A
	7.2.4		Will the action may affect, likely to adversely affect federally listed endangered, threatened, or candidate species or proposed or designated critical habitat pursuant to the Endangered Species Act?	X	
	If no:		No further action required.		
Bald & Golden Eagles	8.1		Will the action occur within a 1/2 mile of a known nest location?	X	
Animal Accommodation	9.1		Will the action require work on a bridge, box, cattle pass, or structural plate pipe?	X	
	If yes:		<i>Has the NDDOT Environmental Reviewer reviewed the area to determine if an animal accommodation is recommended? See Wildlife Accommodation Guidance on Reference and Forms page.</i>	X	
Floodplain / Floodway	10.1		Will the action occur within a 100 year floodplain?		X
	If yes:		<i>A floodplain permit will be required. Has the floodplain determination from the ND State Water Commission and FIRM maps been attached?</i>		N/A
	10.1.1				X
	10.2		Will the action occur within a regulatory floodway?		X
	If yes:		A floodway authorization is required from the ND State Water Commission.		
	10.2.1		Will the action cause any measurable decrease in the hydraulic conveyance in the affected area?		N/A
	If yes:		<i>A permit will NOT be granted and the alternative will NOT be approved.</i>		
Migratory Birds	11.1		Will the action have the potential to impact species protected by the Migratory Bird Treaty Act?	X	
	If yes:		<i>If commitment(s) were required, has it been identified and/or the Migratory Bird SP 4(14) included if warranted?</i>	X	
Clean Water Act	12.1		<i>Please refer to the Design Manual Reference and Forms for the Wetland/OW Impact Table Template and attach a completed table for the action. Has a completed Wetland/OW Impact Table been attached? (Pending)</i>	X	
	12.2		Based on the Wetland/OW Impact Table, is wetland mitigation required?	X	
	If yes:		<i>Wetland mitigation proposed onsite requires a conceptual mitigation plan (aerial photo with site boundary). If onsite wetland mitigation is proposed, has the conceptual mitigation plan been attached?</i>	X	
	12.2.1			X	
	12.3		Will the action disturb a contiguous area equal to one acre or greater, or disturb multiple sites of activity, that cumulatively have an area of disturbance of one acre or greater?	X	
	If yes:		<i>A Construction Stormwater Permit is required: please ensure that the Special Provision 3(14) regarding Temporary Erosion and Sediment Best Management Practices is included in the plan set.</i>		
	12.3.1				
	12.3.2		Will the action occur in part or entirely on reservation land?		X
	If yes:		<i>The NPDES Sign will need to be used in the plan set.</i>		
	12.3.2.1				
	12.5		Is the action within a small Municipal Separate Storm Sewer System (MS4) regulated community?		X
	If yes:		Does the action implement Post-Construction Stormwater Management for New Development and Redevelopment?		N/A
Temporary Construction	13.1		Will the action require a roadway, bridge, or ramp closure?	X	
	13.2		Will the action include a temporary bridge or roadway (i.e. temporary bypass)?	X	
	13.3		Will the action require a detour?		X
	If yes:				
	13.3.1		Distance (miles):		
			Route:		
	13.4		Will provisions be made for through traffic dependent businesses?		X
	13.5		Will provisions be made to accommodate any local special events or festivals?		X
	13.6		Will the proposed MOT (Maintenance of Traffic) substantially impact environmentally sensitive resources?		X
	13.7		Is there any substantial controversy associated with the proposed MOT?		X
	13.8		Has coordination been completed with local emergency services, schools, and transit?	X	
	If yes to any of the above questions:		Has a description been provided in the Work Zone Traffic Control section of the PCE/DCE?	X	
Public Involvement	14.1		Were any Public Meetings conducted or scheduled?		X
	If yes:		Identify which type(s):		
	14.1.1		Public Information Meeting		
	14.1.2		Public Input Meeting		
	14.1.3		Public Hearing		
Early Coordination	15.1		<i>Have the Master SOV List, SOV emails (PCE level)/letters, and Responses been attached in an Appendix titled Solicitation of Views?</i>	X	

Environmental Commitments	17.1		<i>Please list the Environmental Commitments beyond what is included in the Standard Specifications for Road and Bridge Construction :</i>	Migratory Birds, Aquatic Organism Passage, Aquatic Nuisance Species, Asbestos Testing			
Air Quality	18.1		Project is not located within or adjacent to USEPA-defined Non-Attainment Area and complies with the State Implementation Plan.				
Economic	19.1		Will the action result in a decrease in business or economic activity along the project corridor?			X	
Environmental Justice	20.1		Will the action cause any adverse and/or disproportionate impacts on minority and/or low income populations?			X	
Farmland	21.1		Will the action convert farmland (prime, unique, other than prime or unique that is of statewide importance or local importance) to nonagricultural use?			X	
	If yes: 21.1.1		Does the action involve land disturbance of 10 acres or less per linear mile or 3 acres per bridge, intersection, or interchange outside of the existing right of way or within city limits?			X	
	21.1.2		<i>Pursuant to Section 310 of the General Manual, Subpart A, 403.4(b) (4), the project is exempt from FPPA; no further action is required.</i> Does the action involve land disturbance of 10 acres or more per linear mile or greater than 3 acres per bridge, intersection, or interchange outside of the existing right of way?			X	
	If yes: 21.1.2.1		<i>NRCS Consultation is required; has the Farmland Conversion Form been attached?</i>			N/A	
Hazardous Waste Sites	22.1		Will the action require purchase of right of way or easement that may involve or affect hazardous materials?			X	
	If yes: 22.1.1		<i>NDDOH Consultation required; has the Environmental Site Assessment been completed and appended by reference?</i>			N/A	
	22.2		Will the action involve construction in an area that contains hazardous materials and/or hazardous waste?			X	
	If yes: 22.2.1		<i>NDDOH Consultation required; has the Environmental Site Assessment been completed and appended by reference?</i>			N/A	
Land Use	23.1		Will the action be consistent with plans and policies on land use and growth in the area?	X			
	If yes: 23.1.1		List the planning documents consulted.				
Pedestrians / Bicycles	24.1		Are existing pedestrian/bicycle facilities in the study area?			X	
	If yes: 24.1.1		Are the existing pedestrian/bicycle facilities included in the local plan?			N/A	
	If yes: 24.1.2		List the name of the plan consulted:				
		24.1.2		Will the action affect existing pedestrian/bicycle facilities?			N/A
	If yes: 24.1.2.1		Temporary				
	24.1.2.2		Permanent				
	24.2		Will the action include proposed pedestrian/bicycle facilities?			X	
If yes: 24.2.1			Is the proposed pedestrian/bicycle facility included in the local plan?			N/A	
If yes:			List the name of the plan consulted:				
Social	25.1		Will the action cause a change in neighborhood or community cohesion?			X	
	If yes: 25.1.1		Temporary			N/A	
	25.1.2		Permanent			N/A	
	25.2		Will the action cause a change in travel patterns or accessibility?			X	
	If yes: 25.2.1		Temporary			N/A	
	25.2.2		Permanent			N/A	
	25.3		Will the action cause an impact (mobility/safety) to the emergency services, schools (bus routes), or transit?			X	
If yes: 25.3.1		Temporary			N/A		
25.3.2		Permanent			N/A		
State Scenic Rivers	26.1		Will the action impact the Little Missouri River within the area designated as a State Scenic River, which starts from the ND-SD border and terminates at its juncture with Lake Sakakawea? (-NDCC, Chapter 61-29)			X	
	If yes: 26.1.1		<i>Coordination with State Scenic River Commission is required; has the documentation been attached?</i>			N/A	
Visual	27.1		Will the action fit within the existing visual environment; i.e. transportation corridor?	X			

APPENDICES

Appendix A
Solicitation of Views

[Project Name] SOV LIST

Save as new file for each project and edit accordingly with project specific contacts

Type	Code	Letter	Notes	CTitle	First	Last	Title	Department	Agency	Address	City	State	Zip
STATE	100	#5	send Bob C.sfn 52748; he then solicits SHPO If it is a state or US highway project— send Jeani B. letter #5; she then solicits SHPO	Ms.	Jeani	Borchert	Cultural Resource Specialist	Cultural Resource Section	ND Department of Transportation	608 E. Boulevard Ave.	Bismarck	ND	58505-0700
FEDERAL	100	1		Mr.	Daniel	Lewis, P.E.		Chief Missile Engineering	Minot Air Force Base	445 Peacekeeper Place	Minot AFB	ND	58705
FEDERAL	100	1		Mr.	Cy	Munos	Cable Affairs Officer	91st Missile Maintenance Squadron	Minot Air Force Base	300 Minuteman Drive	Minot AFB	ND	58705
FEDERAL	100	1		Mr.	Timothy	LaPointe	Regional Director	Regional Office	Bureau of Indian Affairs	115 4th Ave. SE, Suite 400	Aberdeen	SD	57401
FEDERAL	200	1					Acting Regional Administrator	Regional Office	Department of HUD	1670 Broadway, Ste. 200	Denver	CO	80202-4813
FEDERAL	500	1	Use on projects near rail lines					Office of Economic Analysis	Federal Railroad Administration	1200 New Jersey Avenue SE	Washington	DC	20590
FEDERAL	100	1					Deputy Base Civil Engineer	319 CES/CD	Grand Forks Air Force Base	525 Tuskegee Airmen Blvd.	Grand Forks AFB	ND	58205-6434
FEDERAL	200	#2	Separate SOV letter- do not include in main merge	Ms.	Patricia	McQueary	Manager	ND Regulatory Office	US Army Corps of Engineers	3319 University Drive	Bismarck	ND	58504
FEDERAL	100	1		Mr.	Gerald	Paulson	Director, Transmission Lines and Substation	Western Area Power Admin.	US Department of Energy	PO Box 1173	Bismarck	ND	58502-1173
FEDERAL	100	#7		Mr.	Matt	Sprenger	Manager	Devils Lake Wetland Mgmt District	US Fish & Wildlife Service	221 2nd Street NW, Ste 2	Devils Lake	ND	58301
STATE	100	1		Mr.	Scott	Davis	Executive Director		Indian Affairs Commission	600 E. Blvd. Ave. 1st Floor, Judicial Wing, Rm 117	Bismarck	ND	58505-0300
STATE	100	1		Mr.	Cody	Schulz	Disaster Recovery Chief	Department of Homeland Security	ND Department of Emergency Services	PO Box 5511	Bismarck	ND	58506
STATE	100	#4	Separate SOV letter- do not include in main merge	Mr.	David	Glatt	Chief	Environmental Health Section Gold Seal Center	ND Department of Environmental Quality	918 E. Divide Ave., 4th floor	Bismarck	ND	58501-1947
STATE	100	1		Mr.	Steve	Dyke	Supervisor	Conservation Section	ND Game & Fish Department	100 Bismarck Expressway	Bismarck	ND	58501-5095
STATE	100	1		Ms.	Kathy	Duttenhefner	Program Coordinator/Biologist		ND Parks & Recreation Dept.	1600 E. Century Ave., Suite 3	Bismarck	ND	58503-0649
STATE	100	#6	Separate SOV letter- do not include in main merge	Mr.	Garland	Erbele	State Engineer		ND State Water Commission	900 E. Blvd. Ave.	Bismarck	ND	58505-0850
STATE	100	1		Mr.	Scott	Hochhalter	State Soil Specialist	NDSU Extension Service	Soil Conservation Committee	2718 Gateway Ave., #104	Bismarck	ND	58503
STATE	100	1	Use on rural Major Rehabilitation and New/Reconstruction projects	Mr.	Jeff	Person	Paleontologist		ND Geological Survey	600 E. Blvd. Ave.	Bismarck	ND	58505
Transit	100	1		Mr.	Larry	Leonard	Director		Can-Do Senior Citizens Inc	PO Box 274	Rolla	ND	58367
CITY	300	1			Pat	Freund	President	Park Board	City of Cando	PO Box 396	Cando	ND	58324
CITY	300	1		Mr.	Nick	Brehm	Superintendent	Public Works	City of Cando	PO Box 396	Cando	ND	58324
CITY	300	1		Ms.	Annette	Johnson	Auditor		City of Cando	PO Box 396	Cando	ND	58324
CITY	300	1		Mr.	James	Gibbens	City Council		City of Cando	PO Box 396	Cando	ND	58324
CITY	300	1		Mr.	Doug	Beck	Fire Chief		City of Cando	PO Box 396	Cando	ND	58324
CITY	300	1		Mr.	Rollie	Bjornstad	Mayor		City of Cando	PO Box 396	Cando	ND	58324
CITY	300	1		Mr.	Jeff	Hagler	Superintendent		North Star School District	PO Box 489	Cando	ND	58324
COUNTY	400	1		Mr.	Wayne	Lingen	Superintendent of Schools Office		Towner County	PO Box 603	Cando	ND	58324-0603
COUNTY	400	1		Ms.	Joni	Morlock	Auditor		Towner County	PO Box 603	Cando	ND	58324-0603
COUNTY	400	1		Mr.	David	Lagein	Commission		Towner County	7255 94th St NE	Rock Lake	ND	58365-9588
COUNTY	400	1		Ms.	Lori	Beck	Emergency Management		Towner County	850 9th St	Cando	ND	58324-6458
COUNTY	400	1		Mr.	Kevin	Rinas	Highway Superintendent		Towner County	850 9th St	Cando	ND	58324-6458
COUNTY	400	1		Mr.	Robert	Kennedy	Sheriff		Towner County	PO Box 366	Cando	ND	58324-0366
COMMRCL	600	1		Mr.	Richard	Scott	Manager	Public Projects	BNSF Railway Company	80 44th Avenue, NE	Minneapolis	MN	55421
COMMRCL	600	1		Mr.	Jesse J.	Chalich	President		Northern Plains Railroad	PO Box 38	Fordville	ND	58231
COMMRCL	600	1		Mr.	Ken	Carlson	General Manager		United Telephone & Turtle Mountain Communications	PO Box 729	Langdon	ND	58249
COMMRCL	600	1		Mr.	Dave E.	Kantrud	Land Specialist	Land Rights & Permitting	Otter Tail Power Company	PO Box 496	Fergus Falls	MN	56538-0496
COMMRCL	600	1		Ms.	Maria	Beringer			Otter Tail Power Company	PO Box 496	Fergus Falls	MN	56538-0496
COMMRCL	600	1					General Manager		North Plains Electric Coop. Inc.	PO Box 608	Cando	ND	58324-0608



North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

March 6, 2019

«CTitle» «First» «Last»
«Title»
«Department»
«Agency»
«Address»
«City», «State» «Zip»

PROJECT NO. SS-3-066(037)040, PCN 22314
STRUCTURE REPLACEMENT
TOWNER COUNTY

The North Dakota Department of Transportation, in cooperation with the Federal Highway Administration, is proposing a roadway improvement on ND Highway 66 at reference point 40.369, located at SW ¼ Sec 32, T160N, R66W and NW ¼ Sec 5, T159N, R66W in Towner County.

The project consists of replacing Bridge 0066-040.369, located approximately ½ mile east of the US 281 intersection along ND Highway 66. This structure carries ND Highway 66 traffic over Mauvais Coulee.

The existing three span 85 foot long by 30 foot wide concrete slab bridge will be removed and replaced with a new structure. It is anticipated that the replacement structure will be either either a bridge or a reinforced concrete box culvert. A temporary bypass will be necessary to direct traffic around the construction site and across Mauvais Coulee.

This project is expected to be constructed during the 2021 construction season.

The project will require temporary right-of-way. The right-of-way required will be located on the north side of the existing bridge and will be needed to construct a temporary bypass to direct traffic around the construction site and across Mauvais Coulee.

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

Page 2
March 6, 2019

areas under consideration for the proposed roadway facility. Any information that might help us in our studies would be appreciated.

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

It is requested that any comments or information be forwarded to our office on or before 4/6/2019. If no reply is received by this date, it will be assumed that you have no comment on this project.

If further information is desired regarding the proposed roadway improvement, please contact Randall Sandvig at 701-328-3035 in Bismarck, ND.



JON KETTERLING, P.E., BRIDGE ENGINEER

25/jk/rs

Enclosure



Project Location Map



North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

March 6, 2019

Mr. David Glatt
Chief
Environmental Health Section
ND Department of Environmental Quality
918 E. Divide Ave., 4th floor
Bismarck, ND 58501-1947

PROJECT NO. SS-3-066(037)040, PCN 22314
STRUCTURE REPLACEMENT
TOWNER COUNTY

The North Dakota Department of Transportation, in cooperation with the Federal Highway Administration, is proposing a roadway improvement on ND Highway 66 at reference point 40.369, located at SW ¼ Sec 32, T160N, R66W and NW ¼ Sec 5, T159N, R66W in Towner County.

The project consists of replacing Bridge 0066-040.369, located approximately ½ mile east of the US 281 intersection along ND Highway 66. This structure carries ND Highway 66 traffic over Mauvais Coulee.

The existing three span 85 foot long by 30 foot wide concrete slab bridge will be removed and replaced with a new structure. It is anticipated that the replacement structure will be either either a bridge or a reinforced concrete box culvert. A temporary bypass will be necessary to direct traffic around the construction site and across Mauvais Coulee.

This project is expected to be constructed during the 2021 construction season.

The project will require temporary right-of-way. The right-of-way required will be located on the north side of the existing bridge and will be needed to construct a temporary bypass to direct traffic around the construction site and across Mauvais Coulee.

The following tabulation shows the average daily traffic volumes (ADT) once the new facility is completed and the expected ADT in 20 years after completion.

March 6, 2019

Page 2

LOCATION	ADT Upon Completion of Improvement (2018)	Forecasted ADT (2019)
Bridge 0066-040.369	325	400

We believe that these volumes are not of the magnitude that would result in the violation of any Air Quality Standards and the project is consistent with the State Implementation Plan for air quality.

Your concurrence in this determination is requested.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any issues pertaining to solid and hazardous waste, municipal wastewater, water quality, and the occurrence of past contamination along the project area.

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

It is requested that any comments or information be forwarded to our office on or before 4/6/2019. If no reply is received by this date, it will be assumed that you have no comment on this project.

If further information is desired regarding the proposed roadway improvement, please contact Randall Sandvig at 701-328-3035 in Bismarck, ND.



JON KETTERLING, P.E., BRIDGE ENGINEER

25/jk/rs

Enclosure



North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

March 6, 2019

Mr. Garland Erbele
State Engineer
ND State Water Commission
900 E. Boulevard Avenue
Bismarck, ND 58505-0850

PROJECT NO. SS-3-066(037)040, PCN 22314
STRUCTURE REPLACEMENT
TOWNER COUNTY

The North Dakota Department of Transportation, in cooperation with the Federal Highway Administration, is proposing a roadway improvement on ND Highway 66 at reference point 40.369, located at SW ¼ Sec 32, T160N, R66W and NW ¼ Sec 5, T159N, R66W in Towner County.

The project consists of replacing Bridge 0066-040.369, located approximately ½ mile east of the US 281 intersection along ND Highway 66. This structure carries ND Highway 66 traffic over Mauvais Coulee.

The existing three span 85 foot long by 30 foot wide concrete slab bridge will be removed and replaced with a new structure. It is anticipated that the replacement structure will be either either a bridge or a reinforced concrete box culvert. A temporary bypass will be necessary to direct traffic around the construction site and across Mauvais Coulee.

This project is expected to be constructed during the 2021 construction season.

The project will require temporary right-of-way. The right-of-way required will be located on the north side of the existing bridge and will be needed to construct a temporary bypass to direct traffic around the construction site and across Mauvais Coulee.

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

Page 2
March 6, 2019

areas under consideration for the proposed roadway facility. Any information that might help us in our studies would be appreciated. Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

Please provide information on necessary permits required such as whether the project lies within a floodway or floodplain, lies within "Sovereign Lands", or could affect a dam, dike, or other device. It is requested that any comments or information be forwarded to our office on or before 4/6/2019.

If further information is desired regarding the proposed roadway improvement, please contact Randall Sandvig at 701-328-3035 in Bismarck, ND.

A handwritten signature in blue ink, appearing to read "Jon Ketterling", is written over the typed name below.

JON KETTERLING, P.E., BRIDGE ENGINEER

25/jk/rs

Enclosure



North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

March 6, 2019

Mr. Matt Sprenger
Manager
Devils Lake Wetland Mgmt District
US Fish & Wildlife Service
221 2nd Street NW, Ste 2
Devils Lake, ND 58301

PROJECT NO. SS-3-066(037)040, PCN 22314
STRUCTURE REPLACEMENT
TOWNER COUNTY

The North Dakota Department of Transportation, in cooperation with the Federal Highway Administration, is proposing a roadway improvement on ND Highway 66 at reference point 40.369, located at SW ¼ Sec 32, T160N, R66W and NW ¼ Sec 5, T159N, R66W in Towner County.

The project consists of replacing Bridge 0066-040.369, located approximately ½ mile east of the US 281 intersection along ND Highway 66. This structure carries ND Highway 66 traffic over Mauvais Coulee.

The existing three span 85 foot long by 30 foot wide concrete slab bridge will be removed and replaced with a new structure. It is anticipated that the replacement structure will be either either a bridge or a reinforced concrete box culvert. A temporary bypass will be necessary to direct traffic around the construction site and across Mauvais Coulee.

This project is expected to be constructed during the 2021 construction season.

The project will require temporary right-of-way. The right-of-way required will be located on the north side of the existing bridge and will be needed to construct a temporary bypass to direct traffic around the construction site and across Mauvais Coulee.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any Service Interest property within a ½ mile of either side of the

Page 2
March 6, 2019

proposed roadway improvement. Any information that might help us in our studies would be appreciated.

It is requested that any comments or information be forwarded to our office on or before 4/6/2019. If no reply is received by this date, it will be assumed that you have no comment on this project.

If further information is desired regarding the proposed roadway improvement, please contact Randall Sandvig at 701-328-3035 in Bismarck, ND.



JON KETTERLING, P.E., BRIDGE ENGINEER

25/jk/rs

Enclosure

The project will require temporary right-of-way. The right-of-way will be located on the north side of the existing bridge and will be needed to construct a temporary bypass to direct traffic around the construction site and across Mauvais Coulee.

APE: The area of potential effect is the footprint of the project.

Justification: This project is a bridge replacement project on an existing highway.

Proposed Cultural Resource Work: A Class III cultural resource inventory was undertaken. The bridge, built in 1959-60, a continuous span concrete bridge covered by the ACHP Program Comment on Common Bridge types, was evaluated as not eligible. No other sites were identified.

Justification: This specific project area had not been previously surveyed for NDDOT projects; particularly the temporary ROW.

Other Consulting Parties: The NDDOT consults with the TCC on all projects with potential to affect historic properties.

Plan for Public Involvement: A variety of local, state and federal agency views were solicited during the public involvement process.

We are requesting your concurrence a finding of No Historic Properties Affected. If you need further information regarding the proposed project please contact me or the other NDDOT cultural resource staff.



JEANI L. BORCHERT, ETS DIVISION

Enclosed Project Area Map and Class III Report

October 8, 2019

Patricia McQueary, State Program Manager
US Army Corps of Engineers
North Dakota Regulatory Office
3319 University Drive
Bismarck, ND 58504

SUBJECT: AQUATIC RESOURCES JURISDICTIONAL DETERMINATION
3-066(037)040 PCN 22314
STRUCTURE REPLACEMENT
TOWNER COUNTY

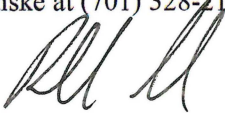
The North Dakota Department of Transportation (NDDOT), in cooperation with the Federal Highway Administration (FHWA), is planning as structure replacement along North Dakota Highway 66. The project consists of a structure replacement and guardrail updates, and is planned to be built during the 2020 construction season.

Waterbodies in the vicinity of the project include Mauvais Coulee. A map indicating the delineated waterbodies and/or wetlands within the project area is enclosed in the attached delineation report.

Please provide a determination for each of the waterbodies and/or wetlands and identify them on the enclosed table. This may include an approved jurisdictional determination and/or preliminary jurisdictional determination.

NDDOT grants the US Army Corps of Engineers right of entry to legally access any of the project area within roadway right of way. Any areas outside of roadway right of way requires notification so NDDOT can accompany you to the field or obtain permission where necessary.

If further information is desired regarding the proposed roadway improvement, please contact Russ Senske at (701) 328-2188 in Bismarck, ND.



RUSS SENSKE

19 : RS

Enclosure

3-066(037)040 Aquatic Resources Delineation Report PCN 22314



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Wetland Management District

221 2nd St. NW

Devils Lake, ND 58301

PH: 701/662-8611

March 11, 2019

Mr. Jon Ketterling
ND Dept. of Transportation
608 East Boulevard Ave.
Bismarck, ND 58505-0700

RE: Project NO: SS-3-066(037)040, PCN 22314
STRUCTURE REPLACEMENT
TOWNER COUNTY

Dear Mr. Ketterling,

Our office recently received a letter from you regarding the HWY 66 Structure Replacement in Towner County, ND. The project is specifically located on ND Highway 66 at reference point 40.369, located at SW1/4 Sec 32, T160N, R66W and NW1/4 Sec 5, T159N, R66W in Towner County.

You are requesting notice of any U.S. Fish and Wildlife Service's (Service) easement property interests within ½ mile of the project location. The Service has a Farmers Home Administration conservation easement in the NW1/4 Sec 5, T159N, R66W. A map of the easement interest for this property is attached.

As indicated in your letter the project is not expected to require the acquisition of a permanent or a temporary right-of-way south of State Highway 66. If this is the case, I do not foresee any negative impacts to easement protected areas on the tracts described above. If during the project you determine that you require a right-of-way, temporary or otherwise, in the NW1/4 of Section 5, T159N, R66W, please contact this office as soon as possible to minimize impacts.

Thank you for including the Service in the project planning process. If you have any questions or concerns feel free to contact me at the Devils Lake Wetland Management District Office in Devils Lake, ND. I can be reached by phone: 701-662-8611 ext330, email: matt_vanthuyne@fws.gov or regular mail at the address listed above.

Sincerely,

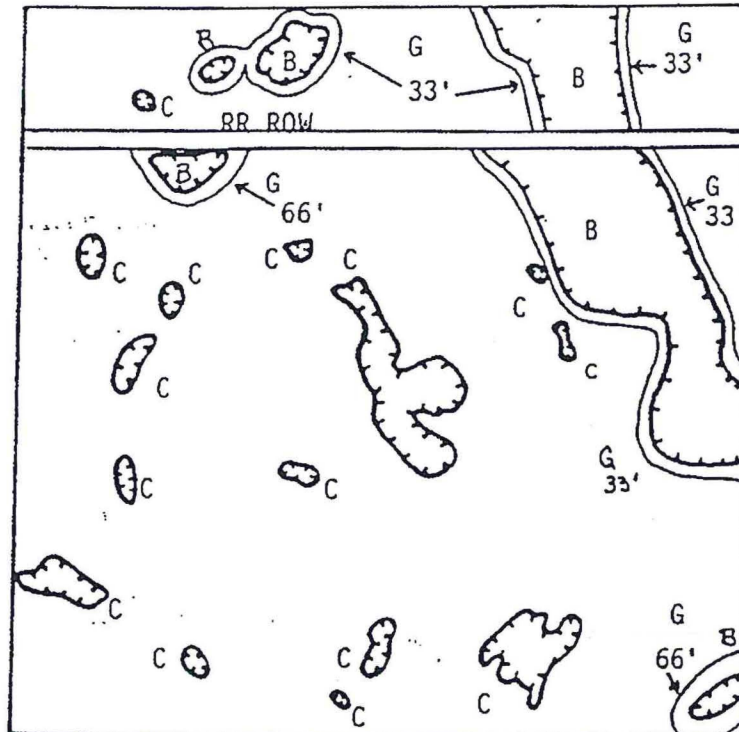
Matt VanThuyne
Refuge Manager



UNITED STATES DEPARTMENT OF AGRICULTURE
 FARMERS HOME ADMINISTRATION
 EXHIBIT "A"

Map 1 of 1

CONSERVATION EASEMENT AREA TOWNER COUNTY, STATE OF NORTH DAKOTA
T. 159N, R. 66W, 5th PRINCIPAL MERIDIAN SECTION(S): 5, NW $\frac{1}{4}$






Scale: 8 Inches = 1 Mile

This map delineates the conservation easement area referred to in the easement conveyance dated _____.

Farmers Home Administration

LEGEND

- "B" Easement Areas covered by provisions of the easement
-  Wetlands covered by "B" easement areas
-  "C" Wetland areas covered by provisions of the easement
- R Restored wetland areas covered by provisions of the easement
-  Nonfunctional drainage facilities covered by provisions of the easement
- G Grassland/Tree area covered by provisions of the easement
- - - - Watercourse covered by "B" easement areas



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

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

GOVERNOR, Doug Burgum

DIRECTOR, Terry Steinwand

DEPUTY, Scott A. Peterson

March 14, 2019

Jon Ketterling
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505

Dear Mr. Ketterling:

Re: Towner County Structure Replacement

The North Dakota Game and Fish Department has received notification of North Dakota Department of Transportation's proposal to replace an existing 3-span bridge with a new structure. The replacement structure will either be a bridge or reinforce concrete box culvert. A temporary bypass will be necessary to direct traffic around the construction site. The proposed project is located between Section 32, Township 160 North, Range 66 West and Section 5, Township 159 North, Range 66 West in Towner County.

The Department suggests designing the project to assure activities associated with the proposed project do not impact channel alignment or hydrology causing stream degradation and habitat loss. Shortening of the stream channel as well as any channel reshaping, requires in-kind mitigation. The new structure should be designed to match or exceed bankfull width to alleviate both downstream and upstream impacts. If a box culvert is selected as the preferred alternative, the Department recommends the invert elevation of the culvert and any associated riprap be set one foot below the existing grade of the stream channel. This design helps to ensure natural substrates develop within the culvert facilitating fish and aquatic organism movements through the culvert.

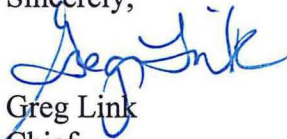
Aquatic Nuisance Species (ANS) rules enacted by the North Dakota Game and Fish Department are to prevent the introduction of undesirable species of plants and animals. Preventive measures are now required to bring equipment into the state. The contractor or his agents or subcontractors must provide the Department a reasonable opportunity to inspect any and all vehicles, vessels, pumps and equipment that will be used in the project in or on the waters of the state prior to those items being launched or placed in the waters of the state. A minimum of 72 hours notice must be provided to the Department for scheduling an inspection. The Department's ANS Biologist, Ms. Jessica Howell, is to be contacted at the Jamestown Office (701-368-8368) for equipment inspections or any additional information regarding ANS prevention protocols.



In addition, the Department suggests implementing the following recommendations to minimize impacts to fish and wildlife resources:

1. Disturbed areas should be planted to a native pollinator mixture.
2. Erosion control measures should be implemented to minimize the opportunity for sediments to enter the waterway and to isolate suspended sediments within the work site (i.e. silt fences, floating turbidity barriers).
3. We request work does not take place within the waterway from April 15 to June 1 to protect the fisheries resource.
4. Any disruption or displacement of the streambed and banks other than the planned alterations must be restored to pre-project conditions.
5. Any unavoidable losses of native forest or riparian forest be replaced with similar species on a 2:1 basis by incorporating a mitigation planting into the impacted forest to complement the existing woody vegetation.
6. The Department recommends the local traffic be routed on alternative routes. However, if a temporary bypass is required, it would also need to be designed to accommodate the migration of aquatic organisms.

Sincerely,



Greg Link
Chief

Conservation & Communication Division

blk



March 13, 2019

Mr. Jon Ketterling, P.E., Bridge Engineer
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Re: Project No. SS-3-066(037)040, PCN 22314
Mauvis Coulee Bridge No. 0066-040.369
Towner County

Dear Mr. Ketterling:

This department has reviewed the information concerning the above-referenced project submitted under date of March 6, 2019, with respect to possible environmental impacts.

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

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
3. The proposed construction project overlies the Spiritwood glacial drift aquifer. Care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.



Mr. Jon Ketterling

2.

March 13, 2019

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

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

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

Sincerely,

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

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



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.

March 14, 2019

North Dakota Department of Transportation
Attn: Jon Ketterling, P.E., Bridge Engineer
608 East Boulevard Avenue
Bismarck, ND 58505-0700

PROJECT NO. SS-3-066(037)040, PCN 22314
STRUCTURE REPLACEMENT
TOWNER COUNTY

Mr. Ketterling,

Regarding your proposed project, United Communications does have facilities in the work area. I have enclosed maps showing our existing cables that are there as well as a map of our upcoming fiber project that we have planned. We are more than willing to work with you at the time of your project.

If you have any questions, please do not hesitate to contact me at 701.256.5156.

Thank you,



Ross Feil
Facility Manager

rf/af

Enclosure

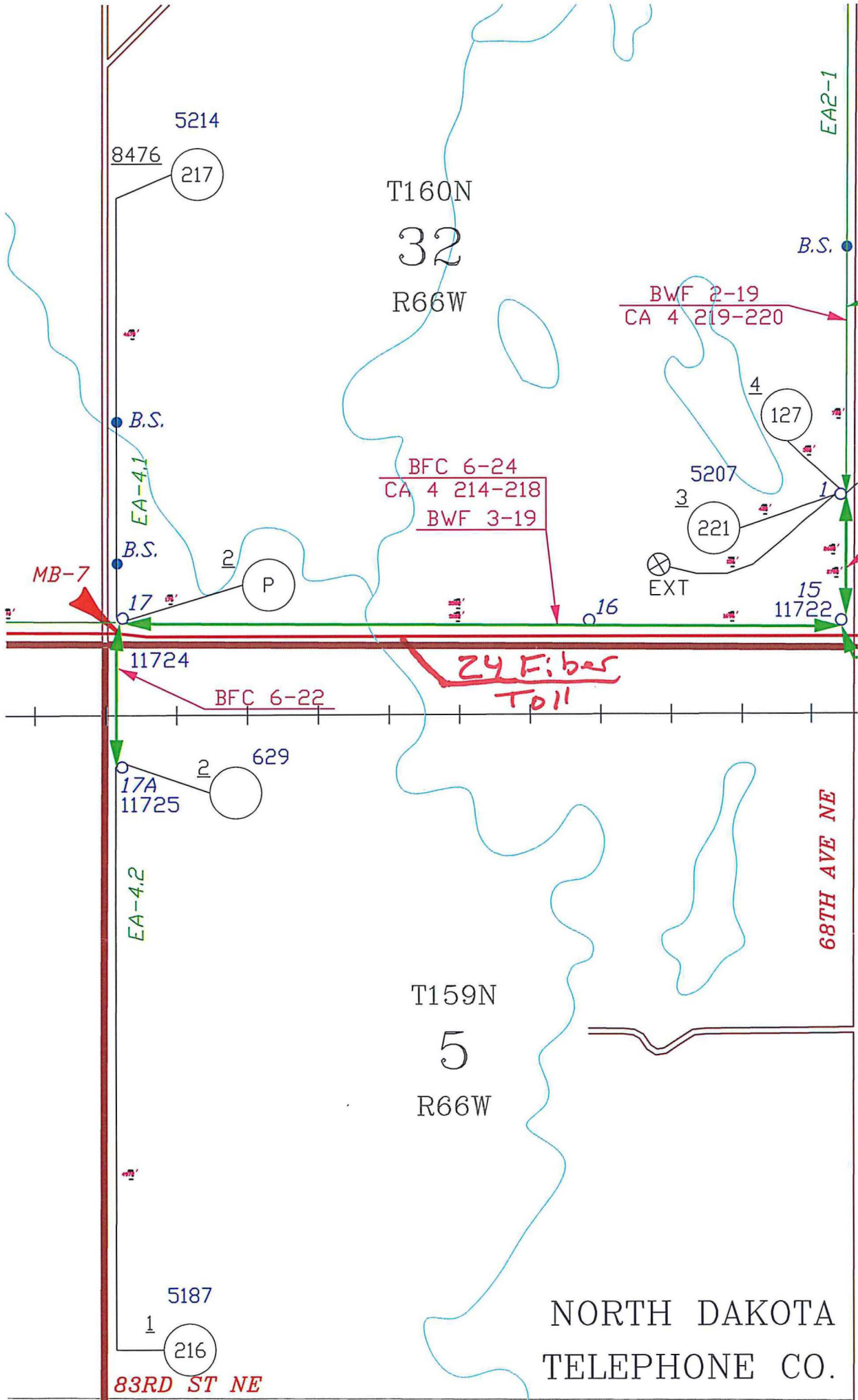


www.utma.com
customerservice@utma.com

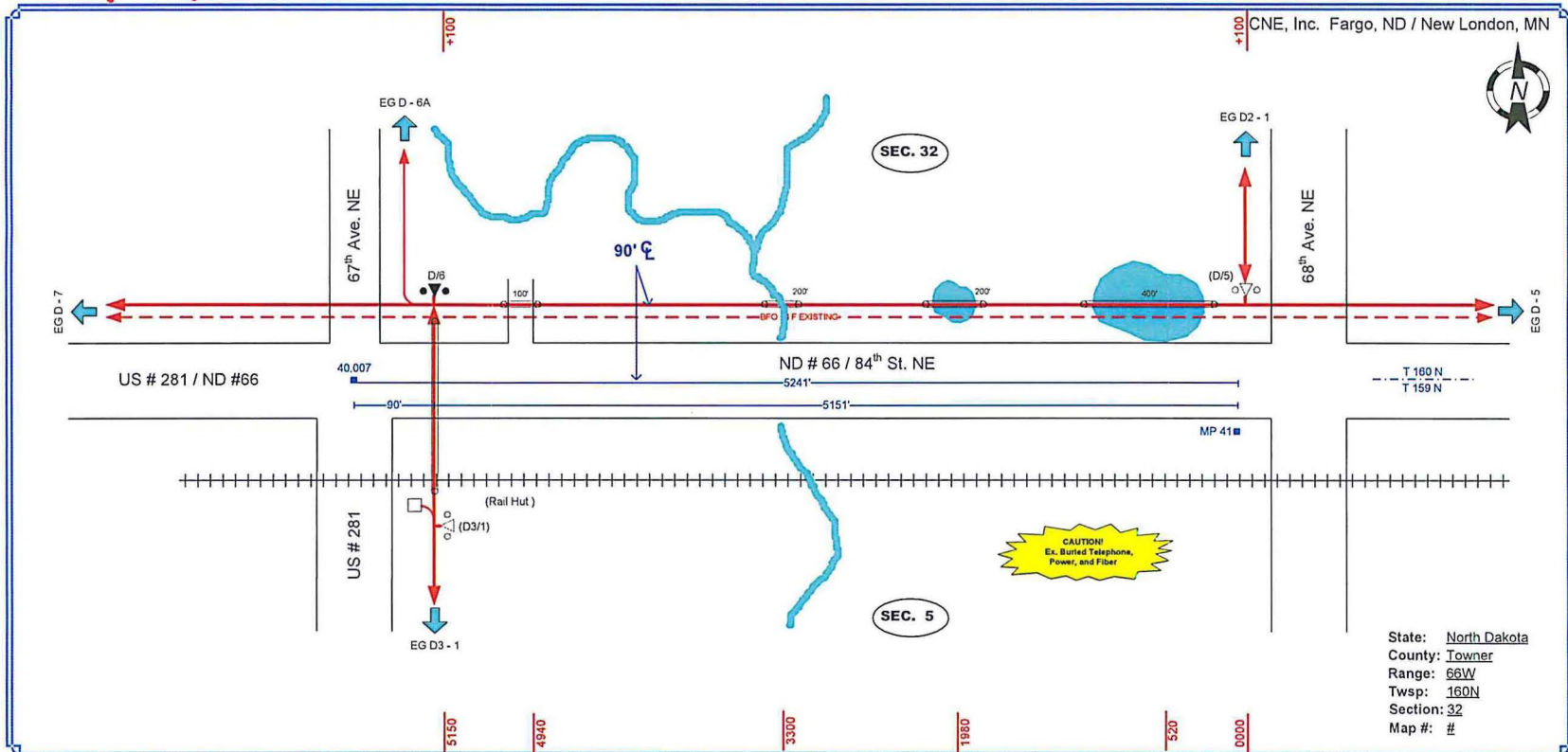
701.256.5156
800.844.9708

411 7th Avenue, P.O. Box 729
Langdon, ND 58249





Planned For 2019 or 2020



State: North Dakota
 County: Towner
 Range: 66W
 Twp: 160N
 Section: 32
 Map #: #

From	To	PType	Units	Feet	BA	BM	HB	HO	Remarks
(D/5)	D/6	BDO 7	BFO 96W	5190	4	2	2(5/8)(6)	1	FO(M) 1 13
	D/6						25-1	30	
	D/6						53	3	
	D/6						60(1x1.25)PD	100	
	D/6						60(1x1.25)PD	200	
	D/6						60(1x1.25)PD	200	
	D/6						60(1x1.25)PD	400	

As Staked
United Telephone Mutual Aid Corp.
 Name: EGD-5
 WO: 2020 Eagleland Rural FTTP
 Exch: Rocklake
 Route: D
 ROW: 100

Staked By: T.H. Date: 12-2-18
 Revised By: _____ Date: _____
 Plowed By: _____ Date: _____
 As Built: _____ Date: _____

Drawing Not to Scale

Sheet 5 of 13

North Star Public School

BOARD OF EDUCATION
Vickie Jacksen, President
John Peters, Vice President
Robert Kennedy, Director
Jeana Jorde, Director
Chris Doehler, Director
Chris Kvilvang, Director
Jay Nicholas, Director
Cathy Johnson, Business Manager



District #10

North Star Public School
District #10
418 2nd Avenue
PO Box 489
Cando, North Dakota
58324-0489
Phone: 701-968-4416
Fax: 701-968-4418

Jeffrey D. Hagler, Superintendent
Nancy Reiser, High School Principal
Vicki Held, Elementary Principal

Jon Ketterling,

3-21-2019

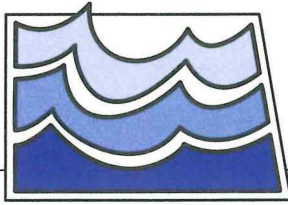
In regard to project, #SS-3-066(037)040, PCN 22314, the North Star School requests, because of potential increase use by school buses, the two county roads that run east and are 2 and 3 miles south of the intersection of highways 281 and 66 have improvements made, mainly more gravel.

Sincerely,

Jeffrey D. Hagler/Supt
North Star School
Cando, ND 58324
701-968-4416

The North Star School District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs or activities.





North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
(701) 328-2750 • TTY 1-800-366-6888 or 711 • FAX (701) 328-3696 • <http://swc.nd.gov>

March 26, 2019

Jon Ketterling
NDDOT
INSIDE MAIL

Dear Mr. Ketterling:

This is in response to your request for a review of the environmental impacts associated with the Project No. SS-3-066,(037)040, PCN 22314, Structure Replacement project located in Towner, ND.

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

- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code (NDCC) § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer (OSE) if you have any questions regarding this comment at 701-328-2754 or waterpermits@nd.gov.

- No permits relative to the NFIP are required based on the current effective FIRM and state minimum standards.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4967 or jjhuibregtse@nd.gov.

Sincerely,

Jared Huijbregtse
Water Resource Planner IV

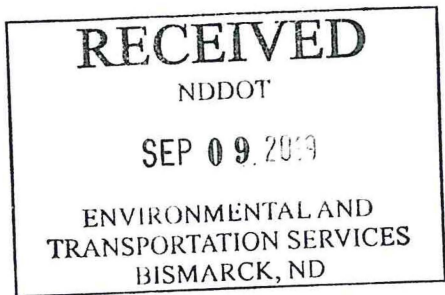
JH:dm/1570





September 9,-2019

Ms. Jeani Borchert
NDDOT
608 East Boulevard Avenue
Bismarck, ND 58505-0700



ND SHPO Ref.: 19-6105 "NDDOT's Project 3-066(037)040 PCN 22314 Towner County Bridge Replacement: A Class III Cultural Resource Inventory in Towner County, North Dakota" in portions of [T159N R66W Section 5] & [T160N R66W Section 32]

Dear Ms. Borchert,

We reviewed ND SHPO Ref.: 19-6105 "NDDOT's Project 3-066(037)040 PCN 22314 Towner County Bridge Replacement: A Class III Cultural Resource Inventory in Towner County, North Dakota" in portions of [T159N R66W Section 5] & [T160N R66W Section 32] and find the report by Ed Stine acceptable. We concur with a determination of "No Historic Properties Affected" for this project provided it takes place in the location and in the manner described in the documentation and provided all borrow comes from an approved source.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Lisa Steckler, Historic Preservation Planner at (701) 328-3577 or lsteckler@nd.gov

Sincerely,

for Claudia J. Berg
State Historic Preservation Officer
(North Dakota)

19-6105

Appendix B
Endangered Species Act

NDDOT Threatened, Endangered, Proposed, Candidate Species and Critical Habitat Affect Determination Table

Project:		PCN:	Location:	County:			
Species	Listing	Guidance	NDDOT Biologist Review Required?		Determination		Additional Documentation Included
			Yes	No	Not Present	No Effect	
Interior Least Tern	E	NDDOT Biologist Review required for construction activities within ½ mile of the shoreline of the Missouri River System including Lake Oahe and Lake Sakakawea from April 15 through August 31.					
Whooping Crane <i>(species range includes all of North Dakota)</i>	E	NDDOT Biologist Review required for the adjustment (raising, relocating) of existing above-ground utility lines; or for newly placed poles/towers that require overhead lines/guy wires; unless the adjustments or new installations are located in a highly developed or urban area. Review also required for projects requiring major earthwork (i.e. roadway widening) in rural areas within ½ mile of cropland/wetland associations that are located within the whooping crane migration corridor. See references and forms page for a map of the whooping crane migration corridor.					
Black-footed Ferret	E	NDDOT Biologist Review required for ground disturbing activities within 100 feet of active prairie dog towns of at least 80 acres in size.					
Pallid Sturgeon	E	NDDOT Biologist Review required for work in or along the shoreline of the Missouri River (including reservoirs) and Yellowstone River Systems. Review also required for in-water work for any direct tributary (within 0.5 mile) to the Missouri River (including reservoirs) and Yellowstone River Systems.					
Gray Wolf <i>(species range includes all of North Dakota)</i>	E	NDDOT Biologist Review Required for work activities in rural areas within 1 mile of forested areas of the Turtle Mountains (Bottineau and Rolette Counties) or Pembina Gorge (Cavalier and Pembina Counties), or for new roadway construction projects (i.e. construction of a new 2 or more lane highway). Note - The gray wolf may be found throughout the state of North Dakota; however, there are no known populations and confirmed sightings are extremely rare. All projects requiring a biological assessment, either programmatic or project specific, will cease construction activities in the event any threatened or endangered species is observed near a project site. See programmatic biological assessment for more information.					
Poweshiek Skipperling	E	NDDOT Biologist Review required for work occurring outside of the right of way in Richland and Sargent Counties within undisturbed native tall grass prairie and wet swales. If ground disturbing activities occur outside the ROW in these counties, ETS or a consultant will need to conduct a habitat assessment for this species.					
Piping Plover	T	NDDOT Biologist Review required for construction activities within ½ mile of designated piping plover critical habitat or known nesting sites from April 15 through August 31. See link for piping plover designated critical habitat maps: http://www.fws.gov/mountain-prairie/species/birds/pipingplover/					

Species	Listing	Guidance	NDDOT Biologist Review Required?		Determination		Additional Documentation Included
			Yes	No	Not Present	No Effect	
Western Prairie Fringed Orchid	T	NDDOT Biologist Review required for all ground disturbing activities on non-flooded, undisturbed ground, known habitat, and native prairie. The species may also be found in roadside ditches with a high probability of the species occurring in or near the Sheyenne National Grasslands. If ground-disturbing activities will be required in Ransom or Richland counties, a survey by ETS or consultant for this species must be completed prior to ground-disturbance.					
Dakota Skipper	T	NDDOT Biologist Review required for work occurring outside of the right of way in high quality native prairie containing a high diversity of wildflowers and grasses. If ground disturbing activities occur outside the ROW in counties where the Dakota skipper may be present, ETS or a consultant will need to conduct a habitat assessment for this species.					
Rufa Red Knot	T	NDDOT Biologist Review required for construction activities within ½ mile of designated piping plover critical habitat or known nesting sites. See link for piping plover designated critical habitat maps: http://www.fws.gov/mountain-prairie/species/birds/pipingplover/					
Northern Long-Eared Bat <i>(species range includes all of North Dakota)</i>	T	NDDOT Biologist Review required for work involving the removal of trees or buildings, ground disturbance in areas with caves, mines, and rock crevices, or work on structures. Refer to NDDOT Guidance for the NLEB – Appendix D within the Section 7 ESA Guidance document.					
Rusty Patched Bumblebee	E	Species is not known to exist in North Dakota at this time. Until more information becomes available for this species in North Dakota, no project-level review is required.					
Piping Plover Critical Habitat	D	NDDOT Biologist Review required for ground disturbing activities within ½ mile of designated piping plover critical habitat or known nesting sites. See link for piping plover designated critical habitat maps: http://www.fws.gov/mountain-prairie/species/birds/pipingplover/					
Poweshiek Skipperling Critical Habitat	D	NDDOT Biologist Review required for ground disturbing activities within 0.6 mile of proposed Poweshiek Skipperling critical habitat. See link for Poweshiek Skipperling proposed critical habitat maps: http://www.fws.gov/midwest/Endangered/insects/posk/CHmaps/poskNDchUnitMaps.pdf					
Dakota Skipper Critical Habitat	D	NDDOT Biologist Review required for ground disturbing activities within 0.6 mile of proposed Dakota Skipper critical habitat. See link for Dakota Skipper proposed critical habitat maps: http://www.fws.gov/midwest/Endangered/insects/dask/CHmaps/daskNDCHmaps24Oct2013.pdf					

Federal Highway Administration (FHWA), Federal Railroad
Administration (FRA), and Federal Transit Administration (FTA)

Range-wide Programmatic Consultation for
Indiana Bat and Northern Long-eared Bat

Project Submittal Form

Updated February 2018

The use of the Assisted Determination Key in the U.S. Fish and Wildlife Service (Service) Information for Planning and Conservation (IPaC) System is strongly recommended for submitting project-level information to the Service for use of the range-wide programmatic consultation covering actions that may affect the Indiana bat and/or northern long-eared bat (NLEB). However, if not using the key, transportation agencies must provide this submittal form (or a comparable Service approved form) with project-level information to the Service. The completed form should be submitted to the appropriate Service Field Office prior to project commencement. For more information, see the Standard Operating Procedure for Site Specific Project(s) Submission in the User's Guide (Section 3).

By submitting this form, the transportation agency ensures that each component of the proposed project(s) adheres to the criteria and conditions of the range-wide programmatic consultation, as outlined in the biological assessment (BA) and biological opinion (BO). Upon submittal of this form, the appropriate Service Field Office may review the project-specific information provided and request additional information. For projects that may affect, but are not likely to adversely affect (NLAA) the Indiana bat and/or NLEB, if the applying transportation agency is not contacted by the Service with any questions or concerns within 14 calendar days of form submittal, it may proceed under the range-wide programmatic consultation and assume concurrence of the NLAA determination made by the Service in the BO. For projects that may affect, and are likely to adversely affect (LAA) the Indiana bat and/or the NLEB, the appropriate Service Field Office will respond¹ within 30 calendar days of receiving a complete project-level submission, which includes, but may not be limited to this completed form.

Further instructions on completing the submittal form can be found by hovering your cursor over each text box.

1. Date:

2. Lead agency:

*This refers to the **Federal governmental** lead action agency initiating consultation; select **FHWA, FRA or FTA** as appropriate.*

3. Requesting agency:

This refers to the transportation agency completing the form (it may or may not be the same as the Lead Agency).

- Name:

¹ Service Field Offices should use the response letter template for projects that may affect, and are likely to adversely affect the Indiana bat and/or NLEB.

- Title:
- Phone:
- Email:

4. Consultation code:²

5. Project name(s):

6. Project description:

Please attach additional documentation or explanatory text if necessary.

7. Project location (county, state):

If not delineated in IPaC, attach shape files.

8. For species other than Indiana bat and NLEB (from IPaC official species list):

No effect – project(s) are inside the range, but no suitable habitat (see additional information attached).

May affect – see additional information provided for those species (see attached or forthcoming).

Please confirm and identify how each component of the proposed project(s) adheres to the criteria of the BO by completing the following (see User Guide Section 2.0):

² Available through IPaC System Official Species List: <https://ecos.fws.gov/ipac/>

NO EFFECT

9. For Indiana bat/NLEB, if applicable, select your no effect determination:

No effect – project(s) are outside the species' range.

No effect – project(s) are inside the species range with no suitable summer habitat within the project action area; project(s) must also be greater than 0.5 miles from any hibernaculum unless meeting exceptions listed below.

No effect – project(s) do not involve any construction activities³ (e.g., bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales).

No effect – project(s) do not cause any stressors to the bat species, including as described in the BA/BO (i.e. do not involve ground disturbance, percussive noise, temporary or permanent lighting, tree removal/trimming, nor bridge/structure activities (e.g., lining roadways, unlighted signage, rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.)).

No effect - project(s) anywhere, including within 0.5 mile of hibernacula, limited to the maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins) located outside suitable summer habitat – no new ground disturbance.

No effect – project(s) are within 300 feet from the existing road/rail surface surface (must also be greater than 0.5 miles of a hibernacula) that include percussives or other activities that increase noise above existing traffic/background levels:

- within areas that contain suitable habitat (**documented or undocumented**),
- conducted during the inactive season, and
- does not involve tree removal/trimming or bridge/structure work.

No effect – project(s) includes removal, replacement, or maintenance of bridge(s) and/or structure(s) without any signs of bats (bridge/structure assessment documents no sign of bat use (bats, guano, etc.)) and does not impact suitable summer habitat within the project action area.

Proceed with this form to identify how other components of the proposed project adhere to the criteria of the BO.

³ Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

MAY AFFECT, NOT LIKELY TO ADVERSELY EFFECT – W/O AMMS

10. For Indiana bat/NLEB, if applicable, select your may affect, NLAA determination (without implementation of AMMs):

NLAA – project(s) are inside the species range and within suitable bat habitat, but **negative** bat presence/absence (P/A) surveys; must also be greater than 0.5 miles from any hibernaculum.

NLAA – project(s) are within 300 feet of the existing road/rail surface (must also be greater than 0.5 miles of a hibernacula) that include percussives or other activities that increase noise above existing traffic/background levels:

- within areas that contain **undocumented** habitat
- conducted during the **active season**
- does not involve tree removal/trimming or bridge/structure work.

NLAA – project(s) are limited to slash pile burning (must also be greater than 0.5 miles from any hibernaculum).

NLAA – project(s) are limited to wetland or stream protection activities associated with compensatory wetland/stream mitigation that do not clear suitable habitat (must also be greater than 0.5 miles from any hibernaculum).

NLAA – project(s) anywhere, including within 0.5 mile of hibernacula, limited to the maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins) located within suitable summer habitat – no new ground disturbance or tree removal/trimming.

Proceed with this form to identify how other components of the proposed project adhere to the criteria of the BO.

MAY EFFECT, NOT LIKELY TO ADVERSELY AFFECT – WITH AMMs

11. For Indiana bat/NLEB, if applicable, document your may affect, NLAA determination (**with implementation of AMMs**) by completing the following section; use #13 to document AMMs).

Affected Resource/Habitat Type:

- a. Trees

Verify that the project is within 100 feet of existing road/rail surfaces.

Verify that all tree removal/trimming occurs greater than 0.5 mile from any hibernaculum.

Verify that no documented Indiana bat and/or NLEB roosts and/or surrounding summer habitat within 0.25 mile of documented roosts will be impacted.

Verify that all tree removal/trimming will occur outside the active season (i.e., will occur in winter):⁴

Or

Verify that tree removal/trimming will include 10 or fewer trees⁵ per project

during the active season, and visual emergence survey⁶ observed no bats.

Acres of trees 0-100 feet of existing road/rail surface proposed for removal/trimming:

Verify that all applicable lighting minimization measures will be implemented.

b. Bridge/Structure Work

Projects Proposed work:

Timing of work:

Signs of bat activity on/in bridge/structure? Yes: No:

Verify that work will be conducted outside the active season, or if during the active season, verify that no roosting bats will be harmed or disturbed in any way:⁷

Verify that work will maintain suitable roosting habitat.

Verify that all applicable lighting minimization measures will be implemented.

MAY AFFECT, LIKELY TO ADVERSELY AFFECT

12. For Indiana bat/NLEB, if applicable, document your may affect, LAA determination by completing the following section (use #13 to document AMMs).

⁴ Coordinate with the local Service Field Office for appropriate dates.

⁵ Areas containing more than 10 trees will be assessed by the local Service Field Office on a case-by-case basis with the project proponent.

⁶ Refer to <http://www.fws.gov/midwest/angered/mammals/inba/inbasummersurveyguidance.html>

⁷ See page 12 of the User Guide for a description of activities that are NLAA roosting bats during the active season.

Affected Resource/Habitat Type:

a. Trees

Project Location:

0-100 feet from edge of existing road/rail surface

100-300 feet from edge of existing road/rail surface

Verify that all tree removal/trimming occurs greater than 0.5 mile from any hibernaculum

Timing of tree removal/trimming:

Verify that no documented Indiana bat roosts or surrounding summer habitat within 0.25 mile of documented roosts will be impacted between May 1 and July 31.

Verify that no documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted between June 1 and July 31.

Acres of trees 0-100 feet of existing road/rail surface proposed for removal/trimming:

Acres of trees 100-300 feet of existing road/rail surface proposed for removal/trimming:

Verify that all applicable lighting minimization measures will be implemented.

b. Bridge/Structure Work Projects

Proposed work:

Timing of work:

Verify no signs of a maternity colony.

Verify that work will maintain suitable roosting habitat.

Verify that all applicable lighting minimization measures will be implemented.

13. For Indiana bat/NLEB, if applicable to the action type, the following AMMs will be implemented⁸ unless P/A surveys and/or bridge/structure assessments document that

⁸ See AMMs Fact Sheet (Appendix C) for more information on AMMs.

the species are not likely to be present:

General AMM 1 (required for all projects)

Tree Removal AMM 1

Tree Removal AMM 2 (required for NLAA)

Tree Removal AMM 3 (required for all projects)

Tree Removal AMM 4 (required for NLAA)

Tree Removal AMM 5 (required for LAA)

Tree Removal AMM 6 (required for LAA)

Tree Removal AMM 7 (required for LAA)

Bridge AMM 1

Bridge AMM 2 (required for NLAA during active season)

Bridge AMM 3 (required for NLAA during active season)

Bridge AMM 4 (required for all projects)

Structure AMM 1 (required for all projects for Indiana bat and required for NLAA for NLEB)

Structure AMM 2 (required for NLAA for both bat species) or

Structure AMM 3 (required for NLAA for both bat species)

Structure AMM 4 (required for all projects for Indiana bat and required for NLAA for NLEB)

Lighting AMM 1 (required for all projects during the active season)

Lighting AMM 2 (required for all projects)

Hibernacula AMM 1 (required for all projects)

14. For Indiana bat, if applicable, compensatory mitigation measures will also be required to offset adverse effects on the species (see Section 2.10 of the BA). Please verify the mechanism in which compensatory mitigation will be implemented and that sufficient information is provided to the Service.

Range-wide In-Lieu Fee Program, The Conservation Fund

State, Regional, Recovery Unit-Specific In-Lieu Fee
Program Name:

Conservation Bank

Name:

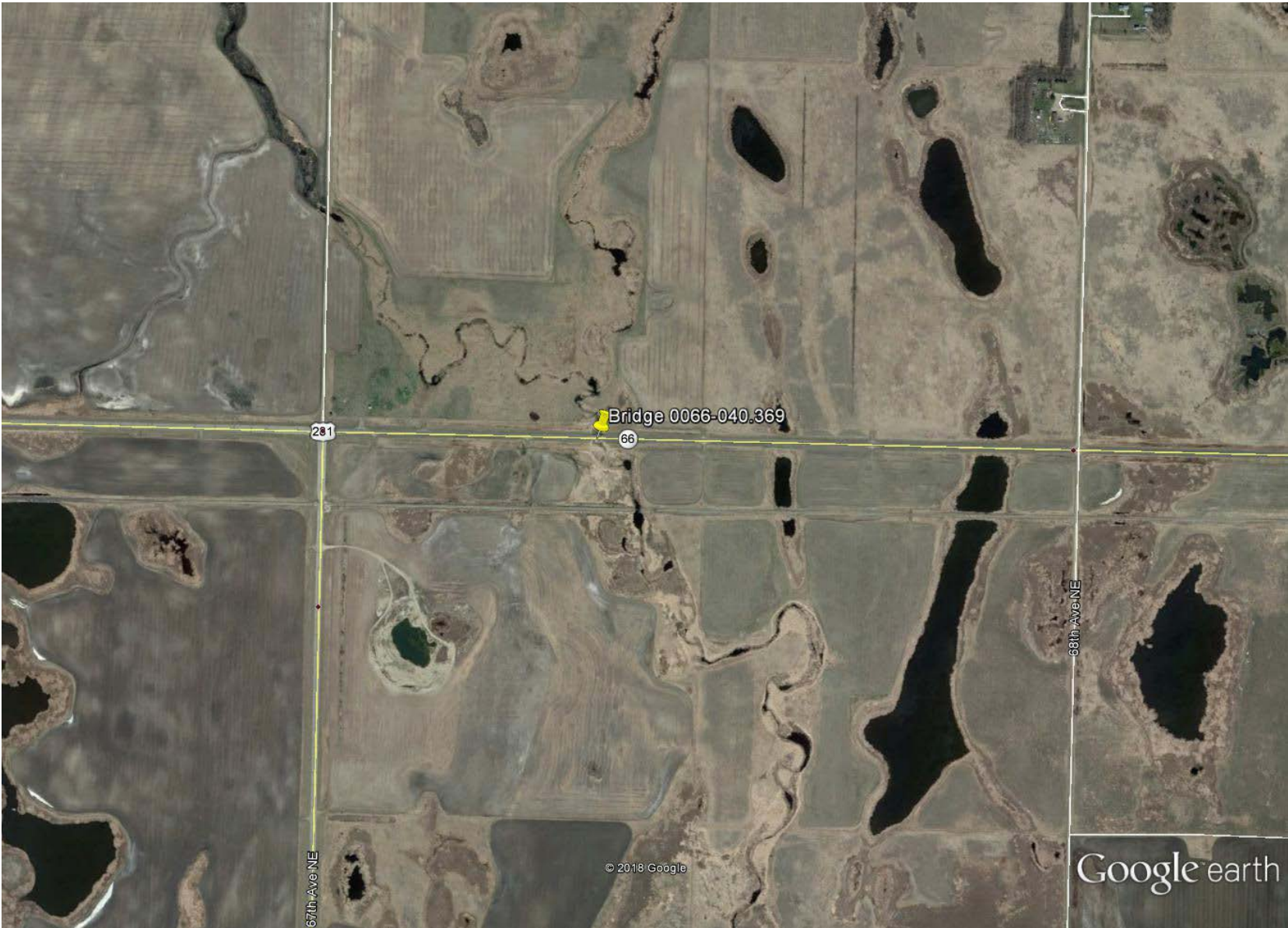
Location:

Local Conservation Site(s)

Name:

Location:

Description:



Project Location Map

Appendix C
Wetland Information

Jurisdictional Determination Pending as of 11/5/19

Wetland Impact Table															
Wetland Number	Location	Wetland Type	Wetland Feature	USACE Jurisdictional Wetlands ¹	Wetland Impacts Acre(s)				USFWS Easement Impacts Acre(s)		Wetland Mitigation				
					Temp.	Perm. (Fill/Drain)	Perm. (Cut)	Temp.	Perm.	Mitigation Required			11990 Bank		
										EO 11990	USACE	USFWS	Location	Acre(s)	
#1A	Sec. 32, T160N, R66W	Ditch	Created	Pending	0.03	0	0	0	0	No	No	No	N/A	N/A	
#1B	Sec. 5, T159N, R66W Sec. 32, T160N, R66W	Riverine	Natural	Pending	1.74	0.31	0	0	0	Yes	No	No	Herda Mitigation Bank	0.31	
#1C	Sec. 32, T160N, R66W	Ditch	Created	Pending	0.18	0.01	0	0	0	No	No	No	N/A	N/A	
#2	Sec. 32, T160N, R66W	Ditch	Created	Pending	0	0	0	0	0	No	No	No	N/A	N/A	
Totals					1.95	0.32	0	0	0						0.31

¹ A wetland Jurisdictional Determination is pending as of 11/5/19.

Impact Summary Table			
Permanent		Temporary Impacts and additional information	
Wetland Type	Impact Summary	Wetland Type	Total (Acres/Lf)
Natural/JD (Fill/Drain)	0.31	Temporary JD	1.95
Natural/Non-JD (Fill/Drain)	0.00	Non-JD Temporary	0.00
Artificial/JD (Fill/Drain)	0.01	Permanent JD > 0.10	0.32
Artificial /Non-JD (Fill/Drain)	0.00	Permanent OW	0
Total	0.32	Temporary OW	0

Mitigation Summary Table					
	Location	Onsite Acre(s)	11990 Bank Acre(s)	USACE/11990 Bank Acre(s)	USFWS Bank Acre(s)
USACE Only	-	0	0	0	0
EO 11990 Only	Herda Mitigation Bank	0	0.31	0	0
USACE/11990	-	0	0	0	0
USFWS	-	0	0	0	0
Total		0	0.31	0	0