

Appendix J. Agency Concurrence

Little Missouri River Crossing

J.1. US Army Corps Of Engineers Jurisdictional Determination Concurrence— November 2, 2016	J-3
J.2. US Fish and Wildlife Service Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) Concurrence— November 3, 2016	J-20
J.3. North Dakota State Historic Preservation Office Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470) Concurrence— July 10, 2015	J-22
J.4. North Dakota State Historic Preservation Office Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470) Concurrence— December 6, 2016	J-23
J.5. US Forest Service Concurrence— July 7, 2017	J-24
J.6. US Forest Service Concurrence— May 2, 2019	J-38

Little Missouri River Crossing

J.1. US Army Corps Of Engineers Jurisdictional Determination Concurrence— November 2, 2016



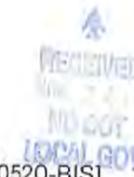
REPLY TO
ATTENTION OF

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

November 2, 2016

North Dakota Regulatory Office

[NWO-2007-0520-BIS]



Mr. Kent Leben
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

Dear Mr. Leben:

We have reviewed your request for Department of the Army, US Army Corps of Engineers (Corps), jurisdictional determination (JD) for proposed roadway improvements and a new river crossing over the Little Missouri River. The project is located in Billings and Golden Valley Counties, North Dakota.

Based on the information that you provided, we have determined that the following waters identified in your request are not jurisdictional waters of the United States: Wetlands 2, 3, 22, 17, 101, 102, 103, 104, and 106. Therefore, a Section 404 permit would not be required for these wetland areas as proposed.

The fact that a DA permit is not required does not relieve you of the obligation to obtain required approvals from other Federal, State or local agencies that may have jurisdiction over the project.

An approved (JD) has been completed for the wetland areas identified in your request and is enclosed for your information. The JD may also be viewed at our website located at: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota/JurisdictionalDetermination.aspx>. The JD will be available on the website within 30 days. You may also request copies of the supporting materials the Corps used in determining this JD. If you are not in agreement with the JD, you may request an administrative appeal under Corps regulations found at 33 CFR 331. The request for appeal (copy enclosed) must be received within 60 days from the date of this correspondence (November 2, 2016). If you would like more information on the jurisdictional appeal process, contact this office. It is not necessary to submit a Request for Appeal if you do not object to the JD. The JD will be valid for a period of 5 years from the date of this letter.

This determination was conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you

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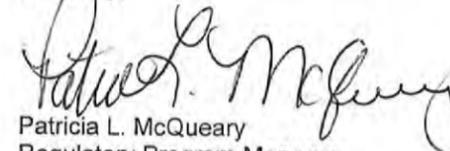
or your tenants are USDA program participants, or anticipate participation in the USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We have also prepared a preliminary jurisdictional determination (JD) for the remaining aquatic resources identified in the Wetland Delineation Reports submitted September 14, 2016, Little Missouri River Crossing and Little Missouri River Crossing Expanded Study Area (PCN 16970), which is a written indication that the waterways in the project area may be jurisdictional waters of the United States (US). Such waters have been treated as jurisdictional for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the preliminary JD, please sign it and return it to the letterhead address. If plans include impacts to any of these jurisdictional wetland areas, in accordance with 33 C.F.R. 320-330, a Department of the Army permit would be required prior to commencing construction activities associated with the proposed project that would result in impacts to these waters of the United States. If however, construction activities associated with a project are designed to avoid impacts to waters of the United States, a Department of Army permit would not be required.

The Omaha District, North Dakota Regulatory Branch 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. 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.

If you have any questions concerning this determination or jurisdiction, please feel free to contact Ms. Patsy Crooke of this office at (701) 255-0015, extension 2002 and reference project number **NWO-2007-0520-BIS**.

Sincerely,



Patricia L. McQueary
Regulatory Program Manager
North Dakota

Enclosure

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 1 November 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NWO-2007-0520-BIS - Little Missouri River Crossing - 9 Isolated wetlands

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: North Dakota County/parish/borough: Billings City:

Center coordinates of site (lat/long in degree decimal format):

	Lat	Long	Type	Size (ac)
Wetland 2:	47.301623	-103.550241	PEMAh	1.57
Wetland 3:	47.298198	-103.560322	PEMA	0.09
Wetland 22:	47.270975	-103.681923	PEMCd	0.11
Wetland 17	47.149425	-103.639267	PEMA	0.04
Wetland 101:	47.164699	-103.597867	PEMCx	0.04
Wetland 102:	47.166282	-103.598562	PEMFX	0.04
Wetland 103:	47.168171	-103.599416	PEMC	0.01
Wetland 104:	47.174607	-103.595683	PEMC	0.33
Wetland 106:	47.183173	-103.593109	PEMC	0.39
Total				<u>2.62</u>

Universal Transverse Mercator:

Name of nearest waterbody: Little Missouri River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None

Name of watershed or Hydrologic Unit Code (HUC): Little Missouri River (10110203), Beaver (10110204), and Lower Little Missouri (10110205)

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: October 5, 2016
- Field Determination. Date(s): July 13, 14, 2016; August 20, 22-24, 28-31, 2012; September 5-7, 12, 2012; October 30-31, 2012; July 24 & 26, 2013; September 11, 2013; August 10-12, 2015 and September 14, 2015 by KLJ

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 - Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

I. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: acres.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

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c. Limits (boundaries) of jurisdiction based on: Pick List
Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The JD review area contains nine(9) isolated wetland areas with no discernable surface outlets or connections to other jurisdictional water bodies. Wetland 101 is an artificial ditch wetland associated with the adjacent road. It was constructed in upland, drains only upland and does not have a relatively permanent flow. Wetland 102 is an artificial basin created by excavation of a stock pond. Wetlands 103 and 104 are natural wetland basins. Wetland 2 is a depression across a road to upland. Wetland 17 is an isolated spring seep associated with a cattle tank; Wetland 22 is an isolated depression in a road ditch. Further these wetlands are not used by interstate or foreign travelers for recreational or other purposes; do not support shellfish or fish that could be taken and sold in interstate or foreign commerce; and are not used for industrial purposes by industries in interstate commerce. Based upon these considerations, it is determined that the subject wetlands are isolated and non-jurisdictional under purview of Section 404 of the Clean Water Act.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **Pick List**
Drainage area: **Pick List**

³ Supporting documentation is presented in Section III.F.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

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Average annual rainfall: inches
 Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.
 Project waters are **Pick List** river miles from RPW.
 Project waters are **Pick List** aerial (straight) miles from TNW.
 Project waters are **Pick List** aerial (straight) miles from RPW.
 Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:
 Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

- Tributary is:**
- Natural
 - Artificial (man-made). Explain:
 - Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
 Average depth: feet
 Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

- Silts
- Cobbles
- Bedrock
- Other. Explain:
- Sands
- Gravel
- Vegetation. Type/% cover:
- Concrete
- Muck

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:
 Presence of run/riffle/pool complexes. Explain:
 Tributary geometry: **Pick List**
 Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**
 Estimate average number of flow events in review area/year: **Pick List**
 Describe flow regime:
 Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:
 Dye (or other) test performed:

Tributary has (check all that apply):

- Bed and banks
- OHWM⁶ (check all indicators that apply):
 - clear, natural line impressed on the bank
 - changes in the character of soil
 - shelving
 - vegetation matted down, bent, or absent
 - leaf litter disturbed or washed away
 - sediment deposition
 - water staining
 - other (list):
 - the presence of litter and debris
 - destruction of terrestrial vegetation
 - the presence of wrack line
 - sediment sorting
 - scour
 - multiple observed or predicted flow events
 - abrupt change in plant community

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

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Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics, etc.). Explain:

Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):

- Riparian buffer. Characteristics (type, average width):

⁷ibid.

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- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**
 Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
------------------------------	------------------------	------------------------------	------------------------

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

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- TNWs: linear feet width (ft), Or, acres.
- Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
- Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters:

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

- As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
- Demonstrate that impoundment was created from "waters of the U.S.," or
 - Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 - Demonstrate that water is isolated with a nexus to commerce (see E below).

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

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E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:
- Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters:
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SHANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: 2.62 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: wetland delineation report, including maps, available upon request.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Cinnamon Creek, Eagle Draw, Hanks Gully, Ice Box Canyon, Roosevelt Creek West, Roosevelt Creek East, Wannagan Creek East.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

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- USDA Natural Resources Conservation Service Soil Survey. Citation: SSURGO, ND GIS Data Hub
- National wetlands inventory map(s). Cite name: USFWS NWI Maps ND GIS Data Hub.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):. USDA/FSA- Aerial Photography Field Office. USDA-FSA-APFO NAIP MrSID Mosaic. 2014.
or Other (Name & Date): On-site photographs.
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetland delineation report, supporting maps, etc available upon request.

PRELIMINARY JURISDICTIONAL DETERMINATION FORM Omaha District	
This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:	
Regulatory Branch: North Dakota File/ORM #: NWO-2007-00520-BIS PJD Date: September 20, 2016	
State: ND City/County: Billings and, Golden Valley County Nearest Waterbody: Location (Lat/Long): 47.172908°, -103.696449° (See Attachment) Size of Review Area: _____ acres	Name/Address Of Property Owner/Potential Applicant Billings County PO Box 247 Medora, North Dakota 58645 Billings County/NDDOT
Identify (Estimate) Amount of Waters in the Review Area <u>Non-Wetland Waters:</u> linear feet _____ See Attached file ft wide _____ acre(s) _____ Stream Flow: N/A <u>Wetlands:</u> See attached file acre(s) _____ Cowardin Class: N/A	Name of any Water Bodies Tidal: on the site identified as Section 10 Waters: Non-Tidal: <input checked="" type="checkbox"/> Office (Desk) Determination; Sept 20, 2016 <input checked="" type="checkbox"/> Field Determination: July 13, 14, 2016; Aug 20, 22-24, 28-31, 2012; Sept 5-7, 12, 2012; Oct 30-31, 2012; July 24, 26, 2013; Sept 11, 2013, Aug 10-12, 2015, Sept 14, 2015 by KLJ Date(s) of Site Visit(s):
SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply – checked items should be included in case file and, where checked and requested, appropriately reference sources below) <input checked="" type="checkbox"/> Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant <input checked="" type="checkbox"/> Data sheets prepared/submitted by or on behalf of the applicant/consultant. <input type="checkbox"/> Data sheets prepared by the Corps. <input type="checkbox"/> Corps navigable waters' study. <input type="checkbox"/> U.S. Geological Survey Hydrologic Atlas: <input type="checkbox"/> USGS NHD data. <input type="checkbox"/> USGS HUC maps. <input type="checkbox"/> U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; ND-ROOSEVELT CREEK WEST, Cinnamon Creek, Eagle Draw, Hanks Gully, Ice Box Canyon, Roosevelt Creek East, Wannagan Creek East <input checked="" type="checkbox"/> USDA Natural Resources Conservation Service Soil Survey. <input checked="" type="checkbox"/> National wetlands inventory map(s). <input type="checkbox"/> State/Local wetland inventory map(s). <input type="checkbox"/> FEMA/FIRM maps. <input type="checkbox"/> 100-year Floodplain Elevation (if known): <input checked="" type="checkbox"/> Photographs: <input checked="" type="checkbox"/> Aerial <input type="checkbox"/> Other <input type="checkbox"/> Previous determination(s). File no. and date of response letter: <input checked="" type="checkbox"/> Other information (please specify): Additional wetlands identified on attached file	
IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.	
Signature and Date of Regulatory Project Manager (REQUIRED)	Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

Little Missouri River Crossing

Waters_Name	Latitude	Longitude	Cowardin Class	Waters Size
NWO-2007-0520-BIS #1	47.17291	-103.69645	R-RIVERINE	100 FEET
NWO-2007-0520-BIS# 105a	47.17995	-103.59497	PEM-PALUSTRINE, EMERGENT	3.41 ACRES
NWO-2007-0520-BIS# 105c	47.18003	-103.59364	PEM-PALUSTRINE, EMERGENT	3.12 ACRES
NWO-2007-0520-BIS# 107a	47.18357	-103.59456	PEM-PALUSTRINE, EMERGENT	.1 ACRES
NWO-2007-0520-BIS# 107c	47.18357	-103.59456	PEM-PALUSTRINE, EMERGENT	.21 ACRES
NWO-2007-0520-BIS# 107d	47.18357	-103.59456	PEM-PALUSTRINE, EMERGENT	0 ACRES
NWO-2007-0520-BIS# 107f	47.18357	-103.59456	PEM-PALUSTRINE, EMERGENT	0 ACRES
NWO-2007-0520-BIS# 10a	47.1757	-103.58828	PEM-PALUSTRINE, EMERGENT	.16 ACRES
NWO-2007-0520-BIS# 10b	47.17557	-103.58901	PEM-PALUSTRINE, EMERGENT	1.06 ACRES
NWO-2007-0520-BIS# 12	47.12461	-103.58145	PEM-PALUSTRINE, EMERGENT	.29 ACRES
NWO-2007-0520-BIS# 13a	47.13017	-103.59569	PEM-PALUSTRINE, EMERGENT	.07 ACRES
NWO-2007-0520-BIS# 13b	47.13017	-103.59569	PEM-PALUSTRINE, EMERGENT	.04 ACRES
NWO-2007-0520-BIS# 13c	47.13017	-103.59569	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 13d	47.13017	-103.59569	PEM-PALUSTRINE, EMERGENT	.02 ACRES
NWO-2007-0520-BIS# 14a	47.12909	-103.60583	PEM-PALUSTRINE, EMERGENT	.05 ACRES
NWO-2007-0520-BIS# 14b	47.12909	-103.60583	PEM-PALUSTRINE, EMERGENT	.17 ACRES
NWO-2007-0520-BIS# 14c	47.12909	-103.60583	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 14d	47.12909	-103.60583	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 14e	47.12909	-103.60583	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 15a	47.15237	-103.61225	PEM-PALUSTRINE, EMERGENT	.03 ACRES
NWO-2007-0520-BIS# 15b	47.15237	-103.61225	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 15c	47.15237	-103.61225	PEM-PALUSTRINE, EMERGENT	.14 ACRES
NWO-2007-0520-BIS# 15d	47.15237	-103.61225	PEM-PALUSTRINE, EMERGENT	.04 ACRES
NWO-2007-0520-BIS# 15e	47.15237	-103.61225	PEM-PALUSTRINE, EMERGENT	.001 ACRES
NWO-2007-0520-BIS# 15f	47.15237	-103.61225	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 16a	47.14968	-103.62366	PEM-PALUSTRINE, EMERGENT	.11 ACRES
NWO-2007-0520-BIS# 16b	47.14968	-103.62366	PEM-PALUSTRINE, EMERGENT	.1 ACRES
NWO-2007-0520-BIS# 16c	47.14968	-103.62366	PEM-PALUSTRINE, EMERGENT	.05 ACRES
NWO-2007-0520-BIS# 16d	47.14968	-103.62366	PEM-PALUSTRINE, EMERGENT	.003 ACRES
NWO-2007-0520-BIS# 16e	47.14968	-103.62366	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 16f	47.14968	-103.62366	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 16g	47.14968	-103.62366	PEM-PALUSTRINE, EMERGENT	.03 ACRES
NWO-2007-0520-BIS# 16h	47.14968	-103.62366	PEM-PALUSTRINE, EMERGENT	.03 ACRES
NWO-2007-0520-BIS# 18a	47.14989	-103.63434	PEM-PALUSTRINE, EMERGENT	.42 ACRES
NWO-2007-0520-BIS# 18b	47.14989	-103.63434	PEM-PALUSTRINE, EMERGENT	.42 ACRES
NWO-2007-0520-BIS# 18c	47.14989	-103.63434	PEM-PALUSTRINE, EMERGENT	.06 ACRES
NWO-2007-0520-BIS# 18d	47.14989	-103.63434	PEM-PALUSTRINE, EMERGENT	.06 ACRES
NWO-2007-0520-BIS# 19a	47.15714	-103.66017	PEM-PALUSTRINE, EMERGENT	.05 ACRES
NWO-2007-0520-BIS# 19b	47.15714	-103.66017	PEM-PALUSTRINE, EMERGENT	.02 ACRES
NWO-2007-0520-BIS# 19c	47.15714	-103.66017	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 19d	47.15714	-103.66017	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 19e	47.15714	-103.66017	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 19f	47.15714	-103.66017	PEM-PALUSTRINE, EMERGENT	.06 ACRES
NWO-2007-0520-BIS# 19g	47.15714	-103.66017	PEM-PALUSTRINE, EMERGENT	.22 ACRES
NWO-2007-0520-BIS# 19h	47.15714	-103.66017	PEM-PALUSTRINE, EMERGENT	.08 ACRES
NWO-2007-0520-BIS# 21a	47.15362	-103.60248	PEM-PALUSTRINE, EMERGENT	.16 ACRES

NWO-2007-0520-BIS# 21b	47.15362	-103.60248	PEM-PALUSTRINE, EMERGENT	.27 ACRES
NWO-2007-0520-BIS# 21c	47.15362	-103.60248	PEM-PALUSTRINE, EMERGENT	.01 ACRES
NWO-2007-0520-BIS# 25	47.16319	-103.56888	PEM-PALUSTRINE, EMERGENT	.54 ACRES
NWO-2007-0520-BIS# 27	47.30059	-103.58952	PEM-PALUSTRINE, EMERGENT	.14 ACRES
NWO-2007-0520-BIS# 28	47.30107	-103.62878	PEM-PALUSTRINE, EMERGENT	.2 ACRES
NWO-2007-0520-BIS# 4a	47.30244	-103.62952	PEM-PALUSTRINE, EMERGENT	.04 ACRES
NWO-2007-0520-BIS# 4b	47.3024	-103.6281	PEM-PALUSTRINE, EMERGENT	.07 ACRES
NWO-2007-0520-BIS# 4c	47.30157	-103.62841	PEM-PALUSTRINE, EMERGENT	.31 ACRES
NWO-2007-0520-BIS# 4d	47.30157	-103.62841	PEM-PALUSTRINE, EMERGENT	.44 ACRES
NWO-2007-0520-BIS# OW 105b	47.18007	-103.59437	R2US-RIVERINE, LOWER PEREN, U	11.8 ACRES
NWO-2007-0520-BIS# OW 107b	47.18408	-103.59168	R4SB-RIVERINE, INTERMIT, STREA	.13 ACRES
NWO-2007-0520-BIS# OW 107e	47.18562	-103.58812	R4SB-RIVERINE, INTERMIT, STREA	0 ACRES
NWO-2007-0520-BIS# OW 108a	47.16049	-103.60334	R4SB-RIVERINE, INTERMIT, STREA	.01 ACRES
NWO-2007-0520-BIS# OW 108b	47.16217	-103.60193	R4SB-RIVERINE, INTERMIT, STREA	.9 ACRES
NWO-2007-0520-BIS# OW 109	47.16558	-103.60343	R4SB-RIVERINE, INTERMIT, STREA	.01 ACRES
NWO-2007-0520-BIS# OW 10a	47.28739	-103.64298	R4SB-RIVERINE, INTERMIT, STREA	.16 ACRES
NWO-2007-0520-BIS# OW 10b	47.292	-103.63161	R4SB-RIVERINE, INTERMIT, STREA	.59 ACRES
NWO-2007-0520-BIS# OW 11	47.30535	-103.59997	R2UB-RIVERINE, LOWER PEREN, U	.84 ACRES
NWO-2007-0520-BIS# OW 12	47.30428	-103.5966	R4SB-RIVERINE, INTERMIT, STREA	.01 ACRES
NWO-2007-0520-BIS# OW 13a	47.3095	-103.53525	R4SB-RIVERINE, INTERMIT, STREA	.02 ACRES
NWO-2007-0520-BIS# OW 13b	47.31222	-103.53387	R4SB-RIVERINE, INTERMIT, STREA	.11 ACRES
NWO-2007-0520-BIS# OW 14a	47.31738	-103.52599	R4SB-RIVERINE, INTERMIT, STREA	.03 ACRES
NWO-2007-0520-BIS# OW 14b	47.31552	-103.52582	R4SB-RIVERINE, INTERMIT, STREA	.08 ACRES
NWO-2007-0520-BIS# OW 14c	47.31413	-103.52669	R4SB-RIVERINE, INTERMIT, STREA	.01 ACRES
NWO-2007-0520-BIS# OW 15a	47.12916	-103.60556	R4SB-RIVERINE, INTERMIT, STREA	.17 ACRES
NWO-2007-0520-BIS# OW 15b	47.12813	-103.60287	R4SB-RIVERINE, INTERMIT, STREA	.03 ACRES
NWO-2007-0520-BIS# OW 16a	47.12867	-103.60042	R2UB-RIVERINE, LOWER PEREN, U	.002 ACRES
NWO-2007-0520-BIS# OW 16b	47.1304	-103.59634	R2UB-RIVERINE, LOWER PEREN, U	.03 ACRES
NWO-2007-0520-BIS# OW 16c	47.13073	-103.59445	R2UB-RIVERINE, LOWER PEREN, U	.03 ACRES
NWO-2007-0520-BIS# OW 1a	47.12404	-103.58098	R2US-RIVERINE, LOWER PEREN, U	3.93 ACRES
NWO-2007-0520-BIS# OW 1c	47.17605	-103.58907	R2US-RIVERINE, LOWER PEREN, U	1.75 ACRES
NWO-2007-0520-BIS# OW 1f	47.30204	-103.62893	R2US-RIVERINE, LOWER PEREN, U	3.26 ACRES
NWO-2007-0520-BIS# OW 1g	47.1633	-103.56926	R2US-RIVERINE, LOWER PEREN, U	1.97 ACRES
NWO-2007-0520-BIS# OW 2	47.15428	-103.60181	R4SB-RIVERINE, INTERMIT, STREA	.01 ACRES
NWO-2007-0520-BIS# OW 3a	47.15279	-103.60132	R4SB-RIVERINE, INTERMIT, STREA	.04 ACRES
NWO-2007-0520-BIS# OW 3b	47.15364	-103.60207	R4SB-RIVERINE, INTERMIT, STREA	.03 ACRES
NWO-2007-0520-BIS# OW 4a	47.15144	-103.61963	R4SB-RIVERINE, INTERMIT, STREA	.08 ACRES
NWO-2007-0520-BIS# OW 4b	47.15189	-103.62098	R4SB-RIVERINE, INTERMIT, STREA	.02 ACRES
NWO-2007-0520-BIS# OW 5a	47.14915	-103.62626	R2UB-RIVERINE, LOWER PEREN, U	.05 ACRES
NWO-2007-0520-BIS# OW 5b	47.14909	-103.62487	R2UB-RIVERINE, LOWER PEREN, U	.02 ACRES
NWO-2007-0520-BIS# OW 5c	47.1499	-103.62345	R2UB-RIVERINE, LOWER PEREN, U	.05 ACRES
NWO-2007-0520-BIS# OW 5d	47.152	-103.61561	R2UB-RIVERINE, LOWER PEREN, U	.01 ACRES
NWO-2007-0520-BIS# OW 5e	47.15186	-103.61255	R2UB-RIVERINE, LOWER PEREN, U	.11 ACRES
NWO-2007-0520-BIS# OW 5f	47.15214	-103.61184	R2UB-RIVERINE, LOWER PEREN, U	.02 ACRES
NWO-2007-0520-BIS# OW 5g	47.15285	-103.6031	R2UB-RIVERINE, LOWER PEREN, U	.08 ACRES
NWO-2007-0520-BIS# OW 6a	47.15371	-103.64498	R4SB-RIVERINE, INTERMIT, STREA	.14 ACRES
NWO-2007-0520-BIS# OW 6b	47.15186	-103.64192	R4SB-RIVERINE, INTERMIT, STREA	.12 ACRES

NWO-2007-0520-BIS# OW 6c	47.15035	-103.63843	R4SB-RIVERINE, INTERMIT, STREA .03 ACRES
NWO-2007-0520-BIS# OW 6d	47.14981	-103.63608	R4SB-RIVERINE, INTERMIT, STREA .03 ACRES
NWO-2007-0520-BIS# OW 6e	47.15001	-103.63372	R4SB-RIVERINE, INTERMIT, STREA .05 ACRES
NWO-2007-0520-BIS# OW 6f	47.14996	-103.62841	R4SB-RIVERINE, INTERMIT, STREA .07 ACRES
NWO-2007-0520-BIS# OW 6g	47.15017	-103.62527	R4SB-RIVERINE, INTERMIT, STREA .02 ACRES
NWO-2007-0520-BIS# OW 6h	47.14953	-103.62439	R4SB-RIVERINE, INTERMIT, STREA .03 ACRES
NWO-2007-0520-BIS# OW 7a	47.15761	-103.66278	R4SB-RIVERINE, INTERMIT, STREA .12 ACRES
NWO-2007-0520-BIS# OW 7b	47.15604	-103.65805	R4SB-RIVERINE, INTERMIT, STREA .28 ACRES
NWO-2007-0520-BIS# OW 8a	47.16305	-103.67321	R4SB-RIVERINE, INTERMIT, STREA .04 ACRES
NWO-2007-0520-BIS# OW 8b	47.16158	-103.6705	R4SB-RIVERINE, INTERMIT, STREA .06 ACRES
NWO-2007-0520-BIS# OW 8c	47.16	-103.66673	R4SB-RIVERINE, INTERMIT, STREA .16 ACRES
NWO-2007-0520-BIS# OW 9a	47.15123	-103.61184	R4SB-RIVERINE, INTERMIT, STREA .05 ACRES
NWO-2007-0520-BIS# OW 9b	47.14926	-103.61182	R4SB-RIVERINE, INTERMIT, STREA .03 ACRES
NWO-2007-0520-BIS# OW 9c	47.14858	-103.61113	R4SB-RIVERINE, INTERMIT, STREA .05 ACRES

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: Billings County/NDDOT	File Number: NWO-2007-0520-BIS	Date: 2 Nov 2016
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
XX	APPROVED JURISDICTIONAL DETERMINATION	D
XX	PRELIMINARY JURISDICTIONAL DETERMINATION	E
<p>SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331, or at http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx</p>		
<p>A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.</p> <ul style="list-style-type: none"> • ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit. • OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below. 		
<p>B: PROFFERED PERMIT: You may accept or appeal the permit</p> <ul style="list-style-type: none"> • ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit. • APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice. 		
<p>C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.</p>		
<p>D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.</p> <ul style="list-style-type: none"> • ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD. • APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice. 		

**J.2. US Fish and Wildlife Service
Section 7 of the Endangered
Species Act of 1973 (16 U.S.C.
§ 1531 et seq.) Concurrence—
November 3, 2016**



United States Department of the Interior



FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501

NOV 03 2016

In Reply Refer To:
2016-I-0251

Mr. Wendall L. Meyer
Division Administrator
Federal Highway Administration
4503 Coleman Street, Suite 205
Bismarck, ND 58503

Dear Mr. Meyer:

This is in response to the Federal Highway Administration's (FHWA) request for informal consultation on transportation project number 02-04(001), PCN 16970, involving a new roadway crossing of the Little Missouri River in Billings and Golden Valley Counties, North Dakota. The proposed action involves 2.5 miles of newly constructed roadway, widening, grading and/or reconstruction of 6.2 miles of existing roadway, and replacement or upgrade of three large drainage structures. A new 600-foot, three-span bridge would be constructed across the Little Missouri River. Your October 13, 2016, letter and accompanying September 2016 biological assessment (BA) were received on October 14, 2016.

In accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), you requested U.S. Fish and Wildlife Service (Service) concurrence with your determination that the Project "may affect, is not likely to adversely affect" the endangered whooping crane (*Grus americana*) and threatened northern long-eared bat (*Myotis septentrionalis*). Based upon the project description and analysis of potential effects included in the September 2016 BA, the Service has concluded that the effects to the whooping crane and northern long-eared bat are either insignificant or discountable. Thus, the Service concurs with your determinations.

The BA includes "no effect" determinations for the endangered gray wolf (*Canis lupus*) and black-footed ferret (*Mustela nigripes*). There is no requirement under the implementing regulations of the Act (50 CFR Part 402) for action agencies to receive Service concurrence with "no effect" determinations, therefore the responsibility for "no effect" determinations remains with the FHWA. Accordingly, we recommend the FHWA retain the documentation for these listed resources in the decisional record for this federal action.

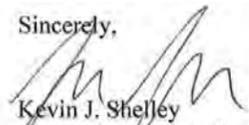
Mr. Wendall L. Meyers, Division Administrator
02-04(001), PCN 16970

2

The Service's concurrence is based on the information contained within the October 14, 2016, letter and the September 2016 BA. Pursuant to the implementing regulations of the Act (50 CFR 402.13), this letter concludes informal consultation on the project. This action should be re-analyzed if: (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; (2) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or (3) a new species is listed or critical habitat is designated that may be affected by this action.

We appreciate your efforts to ensure the conservation of listed species as part of our joint responsibilities under the Act. For further information, please have your staff contact Terry Ellsworth of my staff at (701) 355-8505, or contact me at (701) 355-8512 or at the letterhead address.

Sincerely,


for Kevin J. Shelley
North Dakota State Supervisor
Ecological Services

cc: Mr. Matt Linneman, North Dakota Department of Transportation, Bismarck, ND
Mr. Greg Link, North Dakota Game and Fish Department, Bismarck, ND

J.3. North Dakota State Historic Preservation Office Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470) Concurrence— July 10, 2015



Jack Dalrymple
Governor of North Dakota

**North Dakota
State Historical Board**

Calvin Grinnell
New Town - President

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Bismarck - Secretary

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Director
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Department

Grant Levi
Director
Department of
Transportation

Claudia J. Berg
Director

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of Museums since 1986

July 10, 2015

Mr. Bob Christensen
Archaeologist, ETS Division
Dept of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

ND SHPO Ref.: 06-0923, NDDOT FHO-02-04(001), PCN 16970 "Little Missouri River Crossing: A Class III Cultural Resource Inventory in Billings, Golden Valley, and McKenzie Counties, North Dakota" in portions of [T142N R102W Sections 3, 4, 5, 9, 10, 11, 12, 14 & 15] [T143N R102W Sections 1, 2, 6, 15-18, 20-23, 26, 27 & 31-36] [T144N R101W Sections 6 & 7] [T144N R102W Sections 8-19, 21, 22, 27-29, 31, 32, 34 & 35] [T143N R103W Sections 1, 12, 13, 25, 26 & 36] [T144N R103W Sections 13, 24, 25 & 36] [T146N R101W Sections 19, 28 & 33] & [T146N R102W Sections 10 & 24]

Dear Mr. Christensen,

We reviewed ND SHPO Ref.: 06-0923, NDDOT FHO-02-04(001), PCN 16970 "Little Missouri River Crossing: A Class III Cultural Resource Inventory in Billings, Golden Valley, and McKenzie Counties, North Dakota" in portions of [T142N R102W Sections 3, 4, 5, 9, 10, 11, 12, 14 & 15] [T143N R102W Sections 1, 2, 6, 15-18, 20-23, 26, 27 & 31-36] [T144N R101W Sections 6 & 7] [T144N R102W Sections 8-19, 21, 22, 27-29, 31, 32, 34 & 35] [T143N R103W Sections 1, 12, 13, 25, 26 & 36] [T144N R103W Sections 13, 24, 25 & 36] [T146N R101W Sections 19, 28 & 33] & [T146N R102W Sections 10 & 24] and find the report by Duane Klinner acceptable. We look forward to reviewing the results of the impact analysis.

Thank you for the opportunity to review this project. If you have any questions please contact Lisa Steckler, Preservation Planner at (701) 328-3577, e-mail lsteckler@nd.gov

Sincerely,

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

J.4. North Dakota State Historic Preservation Office Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470) Concurrence— December 6, 2016



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

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Governor of North Dakota

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*Valley City - Vice
President*

Albert I. Berger
Grand Forks - Secretary

Calvin Grinnell
New Town

Diane K. Larson
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Bismarck

H. Patrick Weir
Medora

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Mark Zimmerman
*Director
Parks and Recreation
Department*

Grant Levi
*Director
Department of
Transportation*

Claudia J. Berg
Director

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American Alliance
of Museums since 1986*

December 6, 2016

Mr. Bob Christensen
Archaeologist, ETS Division
Dept of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

ND SHPO Ref.: 06-0923, NDDOT FHO-02-04(001) PCN 16970, County Bridge, Roadway Segment, "Evaluative Testing at 32BI713 for the Little Missouri River Crossing, FHO-02-04(001), PCN 16970; Billings County, North Dakota" and "Addendum to "The Little Missouri River Crossing: A Class III Cultural Resource Inventory in Billings, Golden Valley and McKenzie Counties, North Dakota" for the Expanded Alternative K, Option 1 Area, FHO-02-04(001), PCN 16970"

Dear Mr. Christensen,

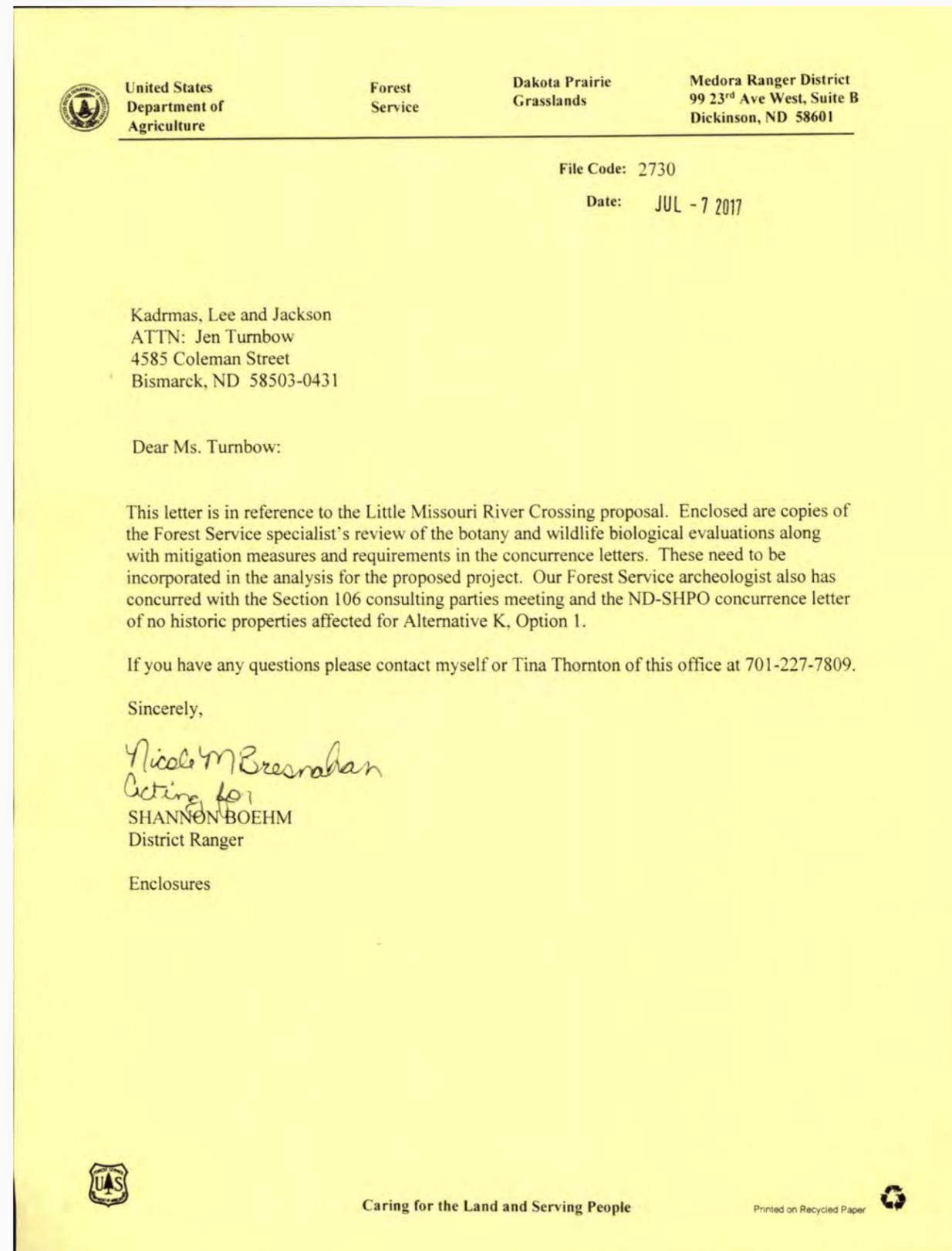
We reviewed ND SHPO Ref.: 06-0923, NDDOT FHO-02-04(001) PCN 16970, County Bridge, Roadway Segment, "Evaluative Testing at 32BI713 for the Little Missouri River Crossing, FHO-02-04(001), PCN 16970; Billings County, North Dakota" and "Addendum to "The Little Missouri River Crossing: A Class III Cultural Resource Inventory in Billings, Golden Valley and McKenzie Counties, North Dakota" for the Expanded Alternative K, Option 1 Area, FHO-02-04(001), PCN 16970" and find the reports by Duane Klinner acceptable. We would concur with the determination of "No Historic Properties Affected" for Alternative K, Option 1. We further concur that abandon farmstead, 32BI1150 and IF 32BIX948 are not eligible for listing in the National Register of Historic Place and we concur with the determinations listed on Page 2 of the documentation dated 11/8/16.

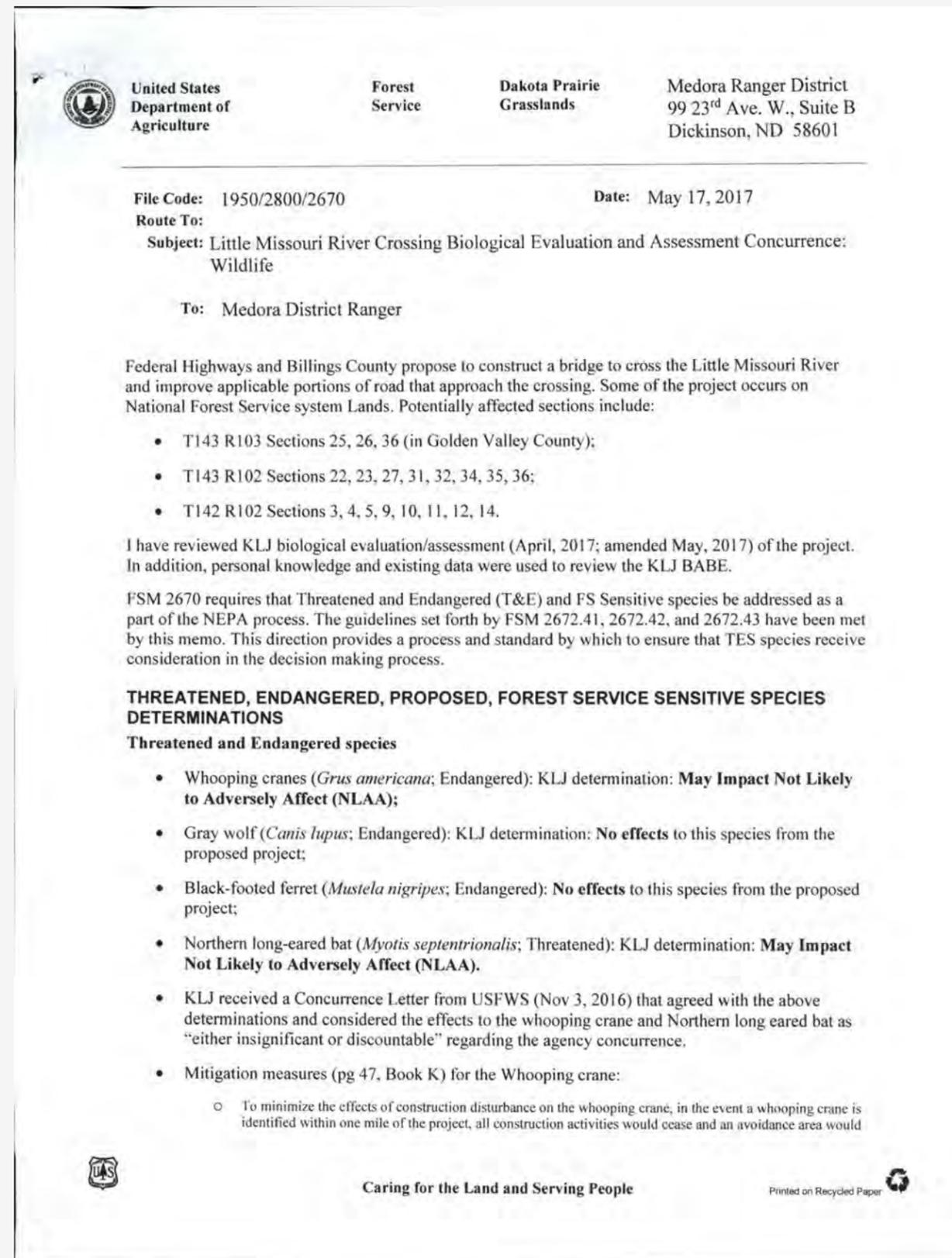
Thank you for the opportunity to review this project. If you have any questions please contact Lisa Steckler, Preservation Planner at (701) 328-3577, e-mail lsteckler@nd.gov

Sincerely,


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

J.5. US Forest Service
Concurrence— July 7, 2017





United States
Department of
Agriculture

Forest
Service

Dakota Prairie
Grasslands

Medora Ranger District
99 23rd Ave. W., Suite B
Dickinson, ND 58601

File Code: 1950/2800/2670

Date: May 17, 2017

Route To:

Subject: Little Missouri River Crossing Biological Evaluation and Assessment Concurrence:
Wildlife

To: Medora District Ranger

Federal Highways and Billings County propose to construct a bridge to cross the Little Missouri River and improve applicable portions of road that approach the crossing. Some of the project occurs on National Forest Service system Lands. Potentially affected sections include:

- T143 R103 Sections 25, 26, 36 (in Golden Valley County);
- T143 R102 Sections 22, 23, 27, 31, 32, 34, 35, 36;
- T142 R102 Sections 3, 4, 5, 9, 10, 11, 12, 14.

I have reviewed KLJ biological evaluation/assessment (April, 2017; amended May, 2017) of the project. In addition, personal knowledge and existing data were used to review the KLJ BABE.

FSM 2670 requires that Threatened and Endangered (T&E) and FS Sensitive species be addressed as a part of the NEPA process. The guidelines set forth by FSM 2672.41, 2672.42, and 2672.43 have been met by this memo. This direction provides a process and standard by which to ensure that TES species receive consideration in the decision making process.

THREATENED, ENDANGERED, PROPOSED, FOREST SERVICE SENSITIVE SPECIES DETERMINATIONS

Threatened and Endangered species

- Whooping cranes (*Grus americana*; Endangered): KLJ determination: **May Impact Not Likely to Adversely Affect (NLAA)**;
- Gray wolf (*Canis lupus*; Endangered): KLJ determination: **No effects** to this species from the proposed project;
- Black-footed ferret (*Mustela nigripes*; Endangered): **No effects** to this species from the proposed project;
- Northern long-eared bat (*Myotis septentrionalis*; Threatened): KLJ determination: **May Impact Not Likely to Adversely Affect (NLAA)**.
- KLJ received a Concurrence Letter from USFWS (Nov 3, 2016) that agreed with the above determinations and considered the effects to the whooping crane and Northern long eared bat as "either insignificant or discountable" regarding the agency concurrence.
- Mitigation measures (pg 47, Book K) for the Whooping crane:
 - To minimize the effects of construction disturbance on the whooping crane, in the event a whooping crane is identified within one mile of the project, all construction activities would cease and an avoidance area would



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be established. Coordination with USFWS, FHWA and NDDOT would occur immediately and work would not resume within the avoidance area until the bird(s) have left the area.

- Mitigation measures (pg 47, Book K) for the Northern long-eared bat:
 - To avoid adversely impacting potential roost trees during the northern long-eared bat pup season, tree removal would not occur from June 1 through July 31.

FS determinations for **Region 1 Sensitive Species** listed for the Dakota Prairie Grasslands that are known or may potentially occur on the Medora RD:

B “No impact” -

- Black-tailed prairie dog (none known); burrowing owl (no habitat); sage grouse (outside known range); Baird’s sparrow (no habitat); red-belly dace (no habitat, not known); Sprague’s pipit (fragmented low potential habitat; poor landscape configuration); Regal fritillary butterfly (potential habitat).

B “May impact individuals or habitat, but will not likely lead to a trend towards federal listing or cause a loss of viability to the population or species” -

- Long-billed curlew (potential habitat); loggerhead shrike (potential habitat); Ottoo skipper (potential habitat); tawny crescent butterfly (potential habitat); and Bighorn sheep (potential habitat nearby); bald eagle (discountable potential migratory displacement).

RAPTORS

There are known historical golden eagle nest sites (Coyle 2007, 2011) within 1 mile of the survey area. KLJ proposes a raptor survey (pg 48) to check the status of these sites as well as search for new nests. Active nest would be avoided during per guidelines in the LRMP. Pagel et al (2010) indicates the need for at least two surveys, no less than 30 days apart.

MANAGEMENT INDICATOR SPECIES

Management Indicator Species (MIS) include those identified in the Northern Great Plains FEIS:

- ▶ *Sharp-tailed grouse* – There are no known leks that could be directly or indirectly impacted by project activities. One lek is approximately 0.9 mile away from a portion of the project. However, distance and terrain render activities moot in regards to potential impacts to the lek. Several individuals were observed during field work near the site. There are no known, or suspected impacts and no mitigation necessary.
- ▶ *Sage grouse* – Sage grouse in ND occur only in the extreme southwestern part of the state in western Bowman, southern Golden Valley, and western Slope Counties. There is no known habitat that will be directly or indirectly impacted by the activity. There will be no impacts to sage grouse reproductive success and/or habitat; and
- ▶ *Black-tailed prairie dog* – There are no prairie dog colonies within the project analysis area. There will be no direct or indirect impacts to prairie dog reproductive success from this activity.

CUMULATIVE EFFECTS

Cumulative impacts are likely due to this project. There are on-going agricultural activities (grazing and farming) that occur along the routes. The short-term cumulative impacts (e.g. construction noise) are expected to dissipate after 1-3 years. However, long-term impacts associated with the construction of the bridge and up to 2 miles of new road may result in permanent effects (e.g. increased road density; increased vehicle usage; etc), or as long as this infrastructure is in place. Though there may lower

densities of wildlife expected as a result of this action, no species is expected to disappear from the analysis area.

MITIGATION MEASURES/RECOMMENDATION

Wildlife Species

- To compensate for wetland habitat loss, wetland impacts will be mitigated onsite, adjacent to the proposed action or at an approved NDDOT mitigation bank, as necessary.
- To minimize the effects of construction disturbance on the whooping crane, in the event a whooping crane is identified within one mile of the project, all construction activities would cease and an avoidance area would be established. Coordination with USFWS, FHWA and NDDOT would occur immediately and work would not resume within the avoidance area until the bird(s) have left the area.
- To minimize the effects of construction on aquatic habitats, waste material would be disposed of in accordance with state and federal laws and in a manner that avoids impacts to water channels and riparian areas.
- To avoid adversely impacting potential roost trees during the northern long-eared bat pup season, tree removal would not occur from June 1 through July 31.
- KLJ proposes a raptor survey (pg 48) to check the status of these sites as well as search for new nests. Active nest would be avoided during nesting per guidelines in the DPG LRMP. Page1 et al (2010) indicates the need for at least two surveys, no less than 30 days apart.

/s/ Arden A. Warm Sr.

Arden A. Warm
Wildlife Biologist
Medora Ranger District
Little Missouri National Grasslands

CC: Tina Thornton



United States
Department of
Agriculture

Forest
Service

Dakota Prairie
Grasslands

Medora Ranger District
99 23rd Avenue West
Dickinson, ND 58601-3135

File Code: 2670

Date: April 21, 2017

Subject: Little Missouri River Crossing Project

To: Shannon Boehm, Medora District Ranger

Introduction

The Federal Highway Administration (FHWA), North Dakota Department of Transportation (NDDOT), and Billings County, as joint lead agencies, have initiated an Environmental Impact Statement (EIS) for the proposed Little Missouri River Crossing. The alternatives under consideration for the proposed project include two build alternatives (Alternative A and Alternative K) and one no-build alternative (Alternative L). Approximately 2,490 feet of the proposed access road is located within the Little Missouri National Grasslands (LMNG) on the Medora Ranger District (MRD) of the Dakota Prairie Grasslands (DPG). Portions of Alternatives A and K are located within the LMNG in the MRD of the DPG (See Appendix A within the alternatives within Biological Evaluations provided by KLJ).

I have reviewed the Biological Assessments, Evaluations (BA/BE), and Addendum for Alternatives A and K from April 2017, by KLJ, for the FHWA, NDDOT, and Billings County. Botany guidelines set forth in Forest Service Manual 2672.42 and 2672.43 have been met by KLJ's BA/BE's and Addendum, along with this memo. These guidelines provide a process and standard to ensure that Threatened, Endangered, and Sensitive (TES) plant species receive consideration during the decision-making process.

Biological and botanical surveys for Alternatives A and K (all options) were conducted by KLJ between August 21 and September 12, 2012, and September 10 through 12, 2013. Alternative K expanded study area (Addendum to Alternative K) surveys were conducted by KLJ in May and July of 2016.

Field surveys were conducted using the US Department of Agriculture (USDA) Forest Service LMNG Botany Survey and BE Protocols (2016), using "Systematic," "Focused," and "Field Check" survey types. These surveys used the intensity of a floristic-based complete search and intensified in habitat where sensitive species were suspected to occur. The survey area included a 500-foot-wide corridor centered on the proposed route. This corridor was utilized during the field surveys to provide the level of detail and supporting information required throughout this BA/BE, as well as the direct impact analysis for the Biological Evaluation sections. Approximately 423 acres of National Forest System (NFS) land were surveyed for Alternative A and approximately 930 acres of NFS land were surveyed for Alternative K, which included three options.

The survey's were to describe the existing and potential plant community; to search and identify federally listed Endangered Species Act plants; to search and identify the 14 Forest Service-designated sensitive species and their habitat on the Little Missouri National Grasslands (LMNG); to determine the extent of invasive species within the proposed project area; and to search for any of the Forest Service 24 watch plant species on the LMNG.

Summary of Threatened, Endangered and Sensitive Plant Species

There are no federally listed Threatened, Endangered, or Proposed plant species or designated critical habitat on the LMNG at this time.

Alternative A

In review of KLJ's BA/BE for Alternative A it indicated three populations of Missouri pincushion cactus (*Escobaria missouriensis*) in sections 13 and 14, T144N0, R102W. The population in Section 13 is located inside the proposed area of disturbance and is anticipated to be impacted by construction activities associated



with upgrading and realigning the existing roadway. However, it will not likely contribute to a trend toward federal listing or loss of viability to the species since the species is ranked as G5/SNR (secure range-wide/unranked in the state) and BMPs will be used. The three populations would be flag prior to construction in order to avoid adverse impacts. The BE/BA also indicated a may impact to individuals (undiscovered) or suitable habitat for 12 of the LMNG sensitive species, but is not likely to contribute to a trend toward federal listing. Alternative A would have no impact on limber pine (*Pinus flexilis*) (Table 1).

Table 1. Summary of Determinations for LMNG Forest Service-designated Sensitive Plant Species for Alternative A.

Sensitive Species	No Impact	May Impact ¹	Will Impact ²	Beneficial Impact
Slimleaf goosefoot (<i>Chenopodium subglabrum</i>)		X		
Blue lips (<i>Collinsia parviflora</i>)		X		
Torrey's cryptantha (<i>Cryptantha torreyana</i>)		X		
Nodding buckwheat (<i>Eriogonum cernuum</i>)				
Dakota buckwheat (<i>Eriogonum visherii</i>)		X		
Missouri pincushion cactus (<i>Escobania missouriensis</i>)			X	
Sand lily (<i>Leucocrinum montanum</i>)		X		
Dwarf mentzelia (<i>Mentzelia pumila</i>)		X		
Alyssum-leaved phlox (<i>Phlox alyssifolia</i>)		X		
Limber pine (<i>Pinus flexilis</i>)	X			
Lance-leaf cottonwood (<i>Populus x acuminata</i>)		X		
Alkali sacaton (<i>Sporobolus airoides</i>)		X		
Easter daisy (<i>Townsendia exscapa</i>)		X		
Hooker's townsendia (<i>Townsendia hookeri</i>)		X		

¹May impact individuals or habitat but will not likely contribute to a trend toward federal listing or cause a loss of viability to the population or species.

²Will impact individuals or habitat with a consequence that the action may contribute to a trend toward federal listing or cause a loss of viability to the population or species.

Alternative K (Options 1, 2, and 3) and Addendum

KLJ's BA/BE indicated that one occurrence of Alkali sacaton (*Sporobolus airoides*) was identified within the surveyed area for Option 3. The population of alkali sacaton was found in Section 9, T142N, R102W. They indicated that this population would not be impacted by construction activities. It recommended to assure there is no impact to the population it be flagged, which I concur with. The BA/BE also identified the presence of suitable habitat in all three options and individuals (undiscovered) or habitat for this species may be impacted. However, would not likely contribute to a trend toward federal listing or cause a loss of viability to the species due to its global ranking of G5 (secure range-wide) and a state ranking of S2 (imperiled), which I concur with.

Three populations of Hooker's Townsendia (*Townsendia hookeri*) were identified. One population was identified within the surveyed area along the common alignment for Options 1 and 2 in Section 34, T143N, R102W. It was recommended to assure there is no impact to this population it be flagged, which I concur with.

Two populations were identified along the common alignment for Alternative K in Section 4, T142N, R102W and Section 25, T143N, R103W. These two population would likely be removed as part of the construction process of the proposed project. The majority of the alignment under Alternative K (all options) would follow an existing roadway; however, some construction of the new roadway would occur within potential habitat. BMPs, including reclamation of disturbed areas and the management of noxious in the project areas would be used to minimize disturbance to the habitat. Alternative K (all options) will impact individuals or habitat, but will not likely contribute to a trend toward federal listing or loss of viability to the species due to its globally secure ranking and BMPs. I concur with the determination of will impact and the proposed BMP's of reclamation and management of noxious weeds.

KLJ's BA/BE indicated several populations of the Missouri pincushion cactus were observed within the survey areas for Alternative K (all options). Populations were observed in Section 4 and 5, T142N, R102W

and Section 31, T143N, R102W. None of the populations identified during the field surveys would be impacted by the proposed construction activities. These populations are not within the areas of proposed disturbance. However, KLJ indicated that populations would be flagged in order to avoid any potential adverse impacts, in which I concur with.

The BA/BE also indicated individuals (undiscovered) or suitable habitat for 12 of the LMNG sensitive species may impacted, but is not likely to contribute to a trend toward federal listing. It also indicated that Alternative K (all options) would have no impact on limber pine (Table 2). I concur with the determination of may impact on the 12 individuals LMNG sensitive species and that there will be no impact on limber pine population and habitat.

Table 2. Summary of Determinations for LMNG Forest Service-designated Sensitive Plant Species for Alternative K (Options 1, 2, and 3) and Addendum.

Sensitive Species	No Impact	May Impact ¹	Will Impact ²	Beneficial Impact
Slimleaf goosefoot (<i>Chenopodium subglabrum</i>)		X		
Blue lips (<i>Collinsia parviflora</i>)		X		
Torrey's cryptantha (<i>Cryptantha torreyana</i>)		X		
Nodding buckwheat (<i>Eriogonum cernuum</i>)		X		
Dakota buckwheat (<i>Eriogonum visherii</i>)		X		
Missouri pincushion cactus (<i>Escobaria missouriensis</i>)		X		
Sand lily (<i>Leucocrinum montanum</i>)		X		
Dwarf mentzelia (<i>Mentzelia pumila</i>)		X		
Alyssum-leaved phlox (<i>Phlox alyssifolia</i>)		X		
Limber pine (<i>Pinus flexilis</i>)	X			
Lance-leaf cottonwood (<i>Populus x acuminata</i>)		X		
Alkali sacaton (<i>Sporobolus airoides</i>)		X		
Easter daisy (<i>Townsendia exscapa</i>)		X		
Hooker's townsendia (<i>Townsendia hookeri</i>)			X	

¹May impact individuals or habitat but will not likely contribute to a trend toward federal listing or cause a loss of viability to the population or species.

²Will impact individuals or habitat with a consequence that the action may contribute to a trend toward federal listing or cause a loss of viability to the population or species.

Invasive and Noxious Weeds

Alternative A

KLJ identified three North Dakota State noxious weeds, two Billings and Golden Valley listed noxious weeds, and four invasive graminoid species within the area surveyed for Alternative A (See Alternative A, Table 6, pages 36-37). Table 6 does not include Japanese brome (*Bromus japonicas*); however, it is listed in Appendix B, page B-8. The most common noxious weeds encountered by KLJ during the field surveys include Canada thistle (*Cirsium arvense*) and leafy spurge (*Euphorbia esula*). The BE indicated that both species primarily occurred along roadside ditches and riparian corridors. It also indicated that the most prevalent invasive graminoid species included crested wheatgrass (*Agropyron cristatum*), smooth brome grass (*Bromus inermis*), and Kentucky bluegrass (*Poa pratensis*). These species were encountered often in previously disturbed areas in conjunction with native grasses.

Alternative K (Options 1, 2, and 3) and Addendum

Seven noxious and invasive species were identified by KLJ during the field surveys. The most common noxious or invasive forbs encountered during the field surveys include Canada thistle and leafy spurge. Both species primarily occurred along roadside ditches and riparian corridors. It also indicated that the most prevalent invasive graminoid species included crested wheatgrass, smooth brome grass, and Kentucky bluegrass. These species were encountered frequently, often in previously disturbed areas in conjunction with native grasses (See Alternative K, Table 6, pages 42-43).

There is the potential of spreading invasive plants that are prevalent along the road margins of the existing road, cultivated fields planted back to invasive species, and the invasive species that already exist within

native plant communities. These effects would continue whether or not this project would be implemented. Direct and indirect impact of the proposed project is the likelihood of the existing invasive and noxious species being introduced into native plant communities that are not invaded and the potential for these species to be transferred to other areas of Billings County and surrounding counties. However, mitigation measures can reduce the potential spread of invasive and noxious weeds.

General Ecological Description

The BA/BE's indicated that survey area was dominated by native plant communities with non-native plants interspersed throughout. Based on KLJ's findings the ecological sites within the proposed project were in a Native/Invaded state. It indicated that the dominant native plant communities present throughout the surveyed area included western wheatgrass (*Agropyron smithii*), silver sagebrush (*Artemisia cana*), and blue grama (*Bouteloua gracilis*). Dominant graminoid species on the uplands were western wheatgrass, blue grama, little bluestem (*Schizachyrium scoparium*), and needle-and-thread grasses (*Hesperotipa comata*). Dominant shrub species include silver sagebrush, creeping juniper (*Juniperus horizontalis*), and broom snakeweed (*Gutierrezia sarothrae*), which occurred on butte slopes, while western snowberry (*Symphoricarpos occidentalis*) dominated within upland ephemeral drainages. Tree species included populations of Rocky Mountain juniper (*Juniperus scopulorum*) growing on many of the slopes, while plains cottonwood (*Populus deltoides*) and green ash (*Fraxinus pennsylvanica*) are common in the riparian areas.

Cumulative Effects

For applicable past, present, and reasonably foreseeable future actions for Alternative A refer to Table 7 (page 28). The cumulative effects analysis area is comprised of a 0.5-mile buffer encompassing the survey area. The total analysis area includes approximately 7,313 acres, with approximately 4,456 acres on USFS lands. Private lands accounted for the remaining acreage (Table 7, page 28). Alternative A would require the construction of an 850-foot, five-span bridge across the Little Missouri River. KLJ estimates that the proposed alternative would temporarily affect 76 acres and approximately 176.41 acres within the proposed route would be permanently impacted.

For applicable past, present, and reasonably foreseeable future actions for Alternative K refer to Table 7 (page 44). The cumulative effects analysis area, in KLJ's BA/BE, comprised of 0.5-mile buffer which encompassing the survey areas for each of the Alternative K options. The total analysis area for Alternative K, Option 1 includes approximately 5,684 acres, with approximately 2,855 acres on NFS lands, 2,362 acres on private lands, and 467 acres on state lands. The total analysis area for Alternative K, Option 2 includes approximately 5,780 acres, with approximately 2,855 acres on NFS lands, 2,458 acres on private lands, and 467 acres on state lands. The total analysis area for Alternative K, Option 3 includes approximately 6,491 acres, with approximately 3,516 acres on NFS lands, 2,470 acres on private lands, and 505 acres on state lands.

All alternatives being proposed for the Little Missouri River crossing would primarily occur on previously disturbed land; however, construction of the new roadway and bridge would occur on undeveloped/undisturbed land. Current land use includes roadways (e.g., gravel and two-track), fences, residences (including electric and telephone lines), and active oil wells and associated oil and gas-related facilities (e.g., buried gas and oil pipelines). Cattle grazing also occurs within the analysis area and includes the use of stock water tanks, underground livestock water pipelines, and fences.

Vegetation identified in the road ditches during pedestrian field surveys primarily consisted of introduced graminoids. The upland areas were in a Native/Invaded state with areas being in the Invaded state. Noxious and invasive species would continue effect these plant communities and adjacent plant communities regardless of the implementation any of the proposed alternatives.

Construction may initially impact existing plant communities by removing small amounts of vegetation along the existing roadway and on the construction of the new roadway. Implementation of BMPs would reduce impacts on plant, soil, and water resources and deter the spread of invasive species. Short-term

impacts to the existing sensitive plant species and their habitat, but is not expected to affect overall population levels. Indirect impacts on biological and botanical resources from construction activities associated with alternatives are anticipated to be minor when compared to the general landscape of the surrounding area and presence of existing roadways. Though construction activities could initially alter habitats, with implementation of BMPs, would not likely result in significant habitat loss.

Since 2003, there have been over twenty-four documented occurrences of adverse effects to existing sensitive plant populations on the LMNG. The vast majority of these occurrences involved oil and gas developments, and direct disturbances to Missouri pincushion cactus, two *Townsendia* species, and Dakota buckwheat, the four most abundant of the sensitive species. In most cases the degree of adverse effects were decreased through avoidance or slight adjustments of the proposed developments. As a result adverse effects were only to a portion of the sensitive plant population, rather than the entire population. These cumulative effects have not contributed to a loss of viability for any of the four species.

Other Mitigation

The following are other mitigations for the construction and reclamation of this project:

- Three sensitive plant species (i.e., alkali sacaton, Hooker's townsendia, and Missouri pincushion cactus) are located within the surveyed areas. Known sensitive plant locations near the proposed alignment will be avoided to the maximum extent practicable. All other known sensitive plant species populations near the proposed alignment will be flagged in order to avoid adverse impacts.
- Keep disturbance to a minimum to reduce the impacts to the native vegetation and spreading of invasive species.
- Reclaim the site following USFS Seeding Rate Guideline Scenario #13 (BE Appendix F). Seed sources must be certified weed free and if possible, should be obtained from a source within 200 miles of the Project.
- Any discovery of sensitive or watch plants within the proposed project area shall be immediately reported to the Medora Ranger District office. Sensitive plant populations discovered after project approval should be protected; therefore, last minute alterations of the project design or access route may be requested in order to avoid negative impacts to such populations.

/s/ Jack D. Dahl

Jack D. Dahl
Botanist
Medora Ranger District

LMRC Section 106 Consulting Parties Meeting Summary

**Little Missouri River Crossing (LMRC)
Section 106 Consulting Parties Meeting—May 4, 2017
--Summary--**

Attendees:

FHWA: Gary Goff and Richard Duran (FHWA ND Division); Stephanie Stoermer (FHWA RC)
NDDOT: Bob Christensen; Kent Leben
KLJ: Jen Turnbow
ND SHPO: Lisa Steckler; Lorna Meidinger
ACHP: MaryAnn Naber
NPS: Wendy Ross
National Trust: Jennifer Buddenborg; Brian Turner
USFS: Shannon Boehm; Mark Bodily

Stephanie Stoermer, FHWA RC, facilitated the meeting. Following introductions, Stephanie provided a brief overview of the December 2015 and March 2016 Section 106 consulting parties meetings.

Jen Turnbow, KLJ (Consultant for Billings County) then provided an update for the LMRC Draft Environmental Impact Statement (DEIS). The preliminary draft of the DEIS was sent out to the lead agencies and is currently being revised to address the lead agencies' comments. Ms. Turnbow indicated that the revised draft version of DEIS will be distributed to the cooperating agencies very soon. After the agency comments are addressed, the DEIS will be released to the public and public hearing(s) will be scheduled. Estimated June-July 2017 timeframe for the release of the DEIS and public hearing(s).

Bob Christensen, NDDOT, provided an update on the progress of the LMRC Section 106 process and tribal consultation. On December 16, 2016 ND-SHPO concurred with a finding of *no historic properties affected* for Alternative K, Option 1 (the Preferred Alternative). A copy of the ND-SHPO concurrence letter was provided to the National Trust on December 29, 2016. Note that the finding of *no historic properties affected* is only applicable for Alternative K, Option 1--if another alternative were to be selected, additional analysis and consultation would be necessary.

LMRC Section 106 Consulting Parties Meeting Summary

Mr. Christensen also discussed the on-going tribal consultation efforts for the LMRC. The ND Tribal Consultation Committee (TCC) is the vehicle for tribal consultation with the tribes that have an interest in the project area and tribal representatives also have participated in the cultural resource surveys. The TCC has been involved since 2007. Discussions and updates focused on the LMRC have included in every TCC meeting since 2008--except during the period circa 2009-2012 when the project was in hiatus. TCC representatives have expressed two main concerns (1) stone feature sites and (2) oil spilling or leaking from trucks crossing the Little Missouri River. MaryAnn Naber asked if the tribes were equally accepting of all the LMRC alternatives. Mr. Christensen responded that for the alternatives under consideration the same two issues had been raised repeatedly. The tribes have not expressed a preference for any of the alternatives.

Jennifer Buddenborg, National Trust, asked about the potential for increased traffic through the National Register District and how the potential for new traffic or increased traffic volumes would be addressed. Jen Turnbow responded that oil production-related traffic is already present in the area. The traffic study shows a 2.5% growth in traffic for the no-build and 3.5% for the build alternative. Only a 1% increase in traffic (in the area near the bridge) is projected for the build alternative. The roads in the area are considered low volume roads because the traffic is below 400 ADT. Even with the projected increase, the roads in the project area would remain low volume roads. Based on the current traffic analysis, traffic volumes would remain low even if the project was constructed—in this instance a crossing is not a traffic generator and is not likely to induce additional traffic. It was also noted that there would likely be some re-routing of local traffic during and after construction. The potential for additional traffic/increased traffic volumes will be addressed in the DEIS.

The participants then discussed the status of oil and gas development in and/or near the study area and potential for new oil wells to be permitted. There are older wells still in production but it is difficult to predict how many new wells are likely to go online in the future. Shannon Boehm stated that the USFS is not anticipating a lot of new oil wells being developed in this area in the foreseeable future. The USFS is not receiving permit applications from oil companies. The existing oil wells are vertical wells that used old technology to develop. New technology to develop oil producing wells in the area is currently not cost

LMRC Section 106 Consulting Parties Meeting Summary

effective. Thus, in certain locations, improved and cost-effective technology is not yet available to make it reasonable to pursue exploration or drilling. It was noted that it is easier to obtain permits for facilities on private land. If the demand for oil goes up again private landowners are likely to pursue more permits again, this cannot be readily predicted. Induced growth i.e. induced oil and gas development will be addressed in the DEIS.

It was noted during the meeting that the preferred alternative would require the acquisition of land from private property owners. Jennifer Buddenborg asked how many land owners would Billings County have to acquire land from? Jen Turnbow responded that two (2) land owners would be impacted by the preferred alternative.

Concerns were expressed regarding the potential for improvements to Blacktail Road. Blacktail Road is a county road and will not be improved as part of the LMRC project. Blacktail Road was built to the county's standards and Billings County maintains Blacktail Road. In the future Blacktail Road could potentially be widened due to the current design standards of the time for a project that address roadway deficiencies. Any new sections added to Blacktail Road would be built to meet the county's design standards. Future improvements to Blacktail Road may or may not have a federal nexus i.e. federal-aid funding. It was noted that if federal-aid funding is used for future improvements to Blacktail Road—depending on the nature of the improvements- the federal nexus could trigger both NEPA and Section 106.

Brian Turner, National Trust, asked how the dust generated by traffic on gravel roads would be addressed. Dust reduction measures will be addressed through the selection of appropriate types of gravel as well as by the application of palliative treatments. This topic will be addressed in the DEIS.

A question was raised regarding the number and type of Section 4(f) properties on the Preferred Alternative. Stephanie Stoermer indicated that there is only one Section 4(f) property—the Maah Dah Hey trail—and that the Section 4(f) exception for temporary occupancy will be applied.

The focus of the discussion shifted to the various LMRC alternatives and the rationale behind either retaining or eliminating various alternatives from further analysis. Brian (National Trust) asked why were the alternatives that were further

LMRC Section 106 Consulting Parties Meeting Summary

away from the National Historical District rejected? Alternative J in McKenzie County was ruled out because of a change in jurisdiction. Alternative J was eliminated from further detailed analysis in this EIS because it was determined there was no means for Billings County to fund construction in McKenzie County and McKenzie County neither intended nor wanted to construct the project. Also, the alternatives that were carried forward are close to existing low water crossings

Wendy Ross, NPS, expressed concerns about the location of the Preferred Alternative and expressed NPS's preference for an alternative that would be farther away. Ms. Ross asked how hard and fast the choice of the Preferred Alternative is. FHWA explained that even though Alternative K, Option 1 will be identified in the DEIS as the Preferred Alternative, there is a long way to go in the NEPA process. NPS also expressed concerns about the nature and scope of the LMRC cumulative effects analysis and asked if the consulting parties—particularly FHWA and NDDOT—were aware that there was a new gravel pit proposal as well as new requests for permits to drill on federal land.

In regards to Section 106 consultation/coordination, Bob Christensen, NDDOT asked what the next steps should be. In that regard, NDDOT is seeking direction from FHWA (as the lead federal agency). Mr. Christensen stated that NDDOT had followed the LMRC coordination plan and again asked what needed to be done. MaryAnn Naber, ACHP, noted that Section 106 consultation is not necessarily a formalized process—much depends on the nature of the project, etc. With the LMRC there have been many starts and stops over the years. As previously noted, the finding of *no historic properties affected* is only applicable for Alternative K, Option 1—if another alternative were to be selected, additional analysis and consultation would be necessary.

Stephanie Stoermer, FHWA, proposed another Section 106 consulting parties meeting—preferably an in-person meeting—after the LMRC DEIS is released and after the consulting parties have had an opportunity to determine whether their respective concerns have been adequately addressed in the environmental document. Ms. Stoermer offered to help arrange and facilitate the proposed meeting.

LMRC Section 106 Consulting Parties Meeting Summary

Before the meeting adjourned, Wendy Ross, NPS, noted that the consulting parties contact information needed to be confirmed. Ms. Stoermer indicated that FHWA would compile and distribute the meeting summary and assured Ms. Ross that the contact information would be confirmed.

J.6. US Forest Service
Concurrence— May 2, 2019

From: Thornton, Martina -FS <martina.thornton@usda.gov>
Sent: Thursday, May 2, 2019 3:09 PM
To: Ashley Ross
Subject: RE: [CAUTION: Suspicious Link]LMRC BA/BE documents

The Forest Service concurs with the revised BA/BE's



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Realty Specialist
Forest Service
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99 23rd Ave. West
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Caring for the land and serving people

From: Ashley Ross [mailto:Ashley.Ross@kljeng.com]
Sent: Thursday, May 2, 2019 2:08 PM
To: Thornton, Martina -FS <martina.thornton@usda.gov>
Cc: Boehm, Shannon - FS <shannon.boehm@usda.gov>
Subject: [CAUTION: Suspicious Link]LMRC BA/BE documents

PROCEED WITH CAUTION: This message triggered warnings of **potentially** malicious web content. Evaluate this email by considering whether you are expecting the message, along with inspection for suspicious links.

Questions: Spam.Abuse@wdc.usda.gov

Tina,

The revised BA/BEs for the Little Missouri River Crossing project have been uploaded to <https://files.kljeng.com/?ShareToken=F9081E9DBA811B723FE8998DCEFBFA4453473102>. The documents will be available on this link for the next 30 days. Please review and respond with concurrence for inclusion as an appendix to the FIES.

Call if you have any questions.

Thanks!

Ashley Ross



701-250-5961 Direct
4585 Coleman Street
Bismarck, ND 58503-0431
kljeng.com



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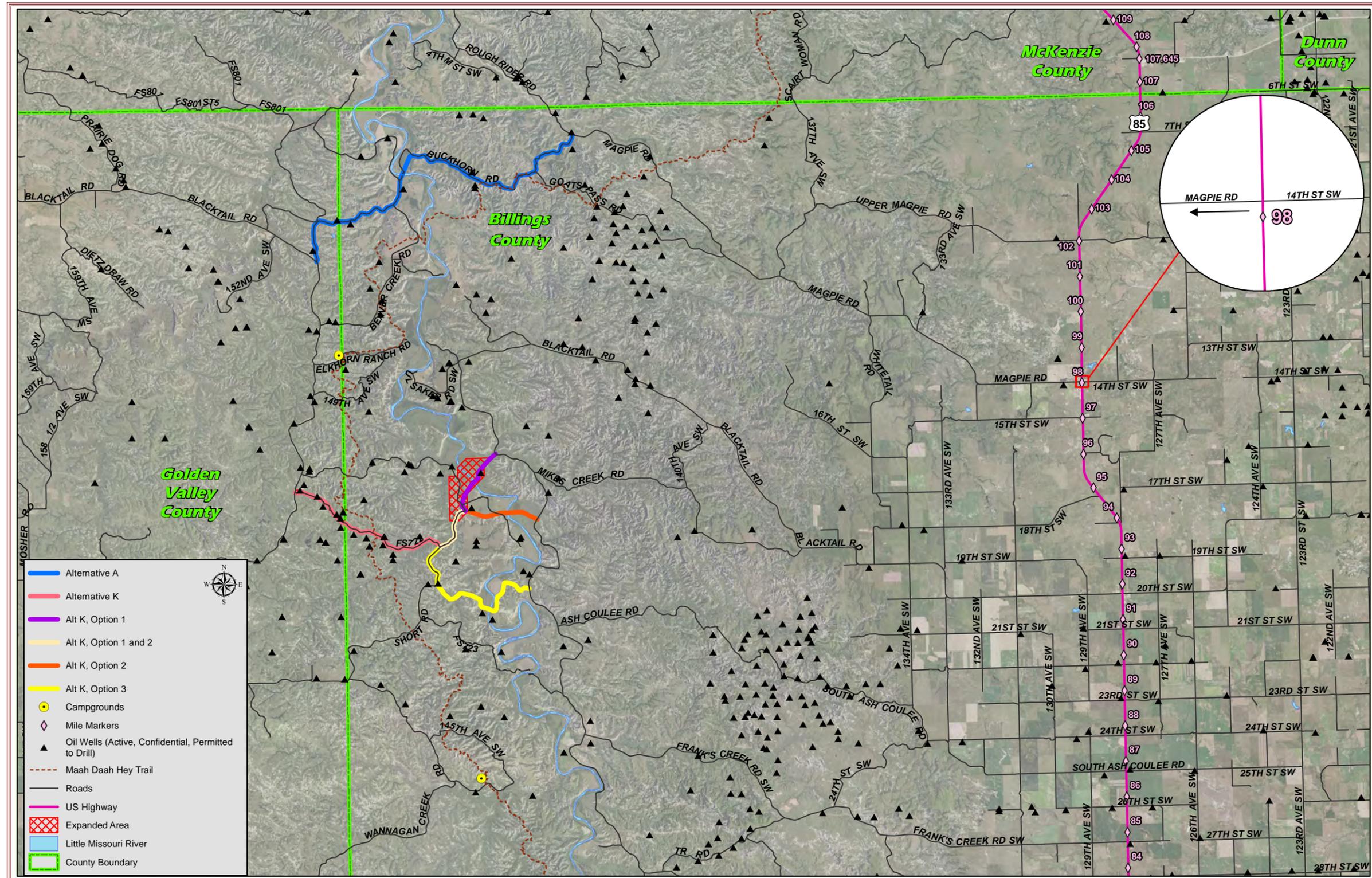
Appendix K. Directional Maps

Little Missouri River Crossing

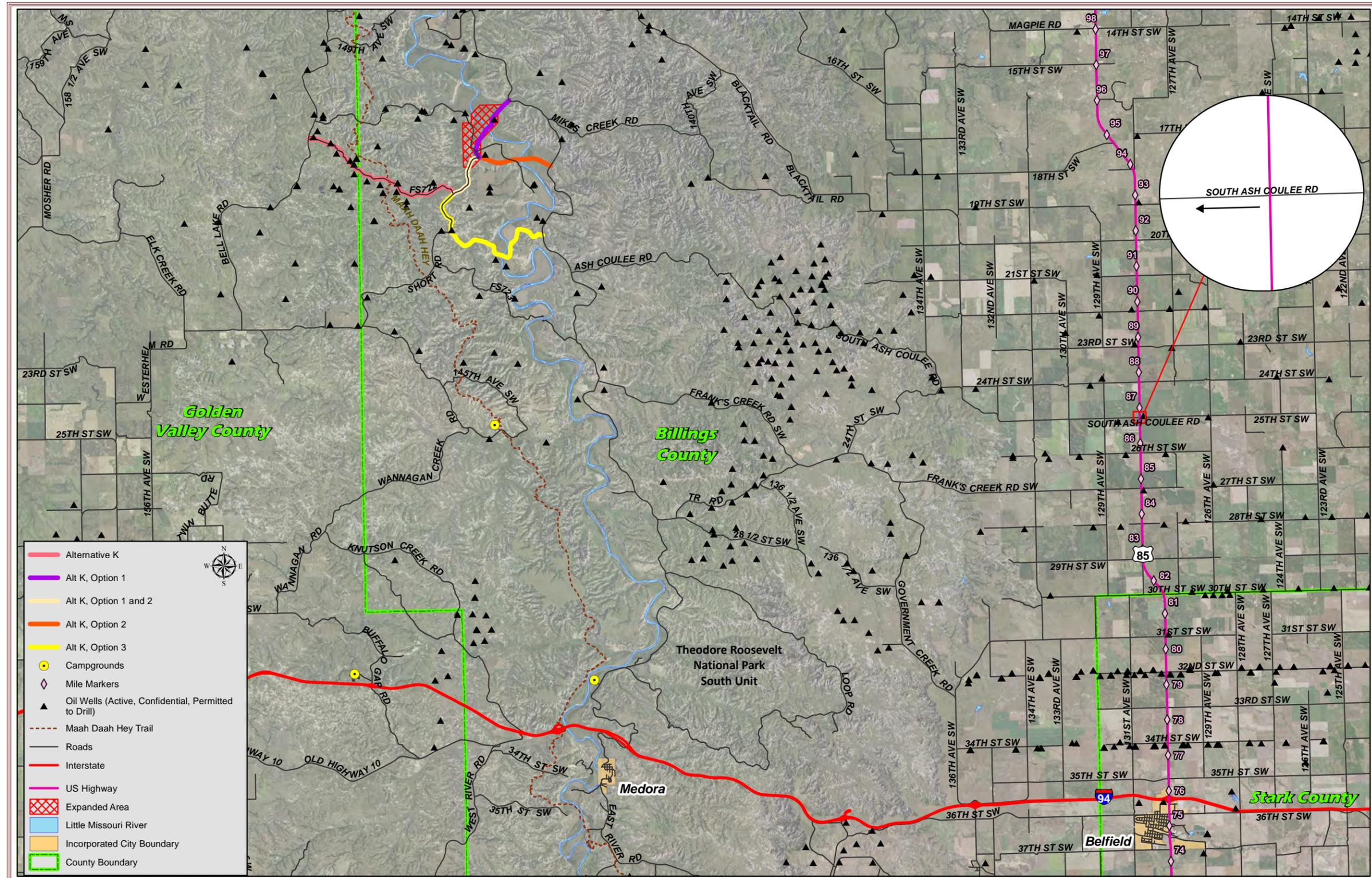
K.1. Directional Map—North, from US Highway 85	K-3
K.2. Directional Map—South, from US Highway 85	K-4
K.3. Directional Map—from North Dakota Highway 16	K-5

Little Missouri River Crossing

K.1. Directional Map—North, from US Highway 85

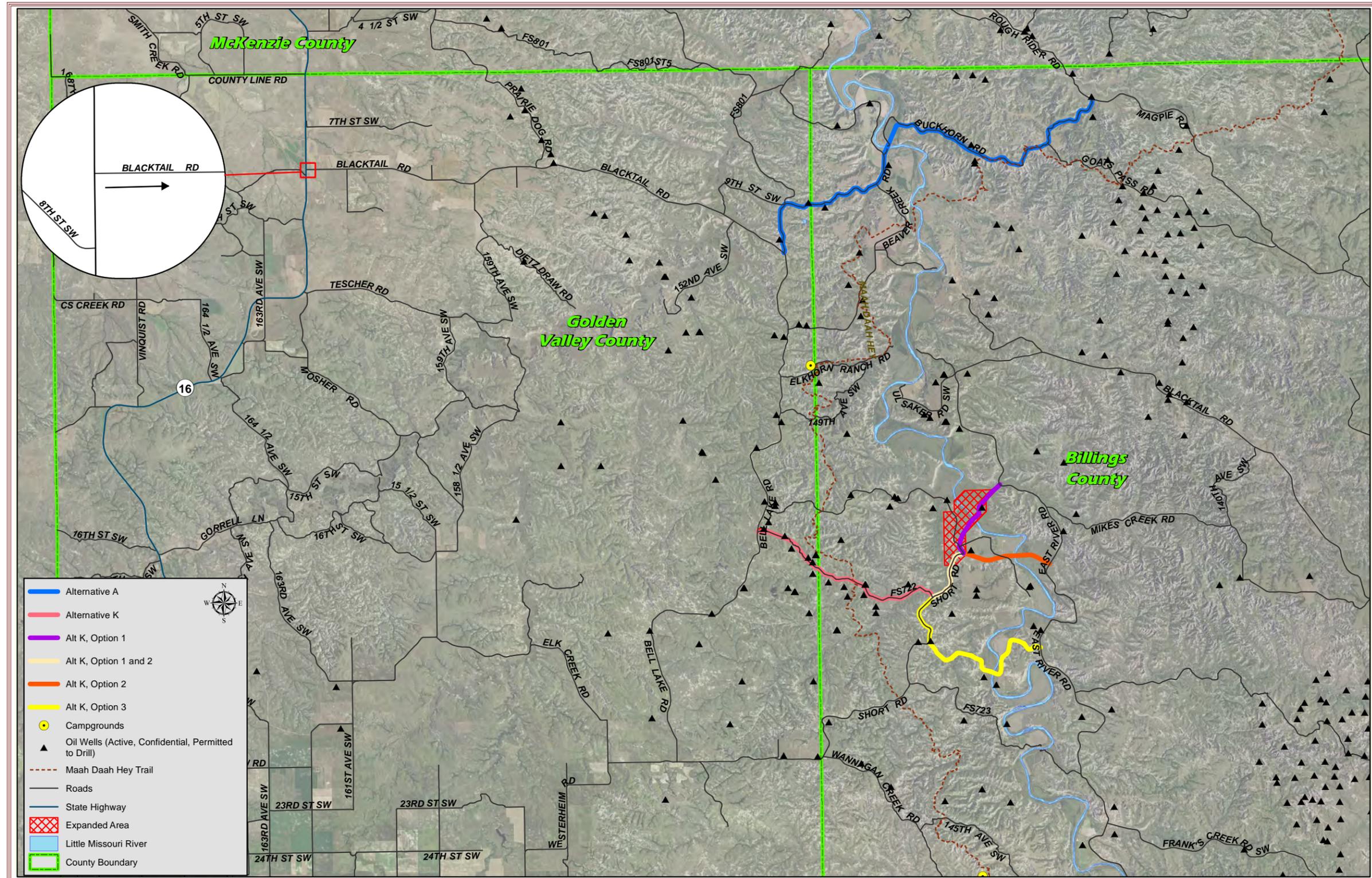


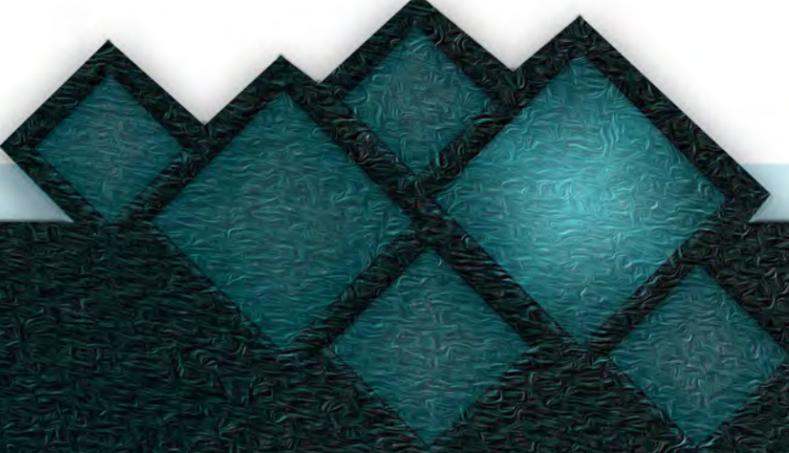
K.2. Directional Map—South, from US Highway 85



Little Missouri River Crossing

K.3. Directional Map—from North Dakota Highway 16





Appendix L. 404(b)(1) Alternatives Analysis

Little Missouri River Crossing

SECTION 404(b)(1)ALTERNATIVES ANALYSIS

NWO-2007-0520-BIS

Little Missouri River Crossing

U.S. Army Corps of Engineers

Omaha District

North Dakota Regulatory Office

Contents

1. Introduction 4

 1.1 Section 404(b)(1) Regulatory Background 4

 1.2 Organization of the Report 11

2. Description of Proposed Project 12

 2.1 Proposed Activities 14

 2.2 Avoidance, Minimization and Compensation 14

 2.2.1 Compensation 15

3. Basic and Overall Purpose..... 17

 3.1 Basic Project Purpose and Water Dependency 17

 3.2 Overall Project Purpose 17

4. Alternatives Considered (NDDOT, 2018) 17

 4.1 Alternatives Analyzed in Detail 18

 4.1.1 Features Common to All Alternatives Analyzed in Detail 18

 4.1.2 Activities in Waters of the U.S. 18

 4.1.3 Alternative K, Option 1 (Preferred Alternative)..... 19

 4.1.4 Alternative A 19

 4.1.5 Alternative K, Option 2..... 20

 4.1.6 Alternative K, Option 3..... 20

 4.1.7 Alternative L, No Build 21

 4.2 Alternatives Considered but Rejected 21

 4.2.1 2006 and 2008 21

 4.2.2 2010, 2012, and 2015..... 21

5. Existing Site Conditions (NDDOT, 2018)..... 22

6. Impact Analysis 24

 6.1. Physical and Chemical Characteristics of the Aquatic Ecosystem 24

 6.1.1. Substrate 24

 6.1.2. Suspended Particulates/Turbidity..... 25

 6.1.3. Current Patterns and Water Circulation 26

 6.1.4. Normal Water Level Fluctuations 27

 6.1.5. Water 27

 6.2. Biological Characteristics of the Aquatic Ecosystem 27

6.2.1. Special Aquatic Sites (wetlands, mud flats, vegetated shallows, riffle and pool complexes, coral reefs, sanctuaries, and refuges)..... 27

6.2.2. Fish, Crustaceans, Mollusks, and Other Aquatic Organisms in the Food Web 28

6.2.3. Wildlife Values 29

6.2.4. Threatened and Endangered Species Biological Assessment (NDDOT, 2016)..... 29

6.2.5. Biological Availability of Possible Contaminants in Dredged or Fill Material 41

6.3. Human Use Characteristics of the Aquatic Ecosystem 41

6.3.1. Water Supply..... 41

6.3.2. Recreational and Commercial Fisheries..... 42

6.3.3. Water Related Recreation..... 42

6.3.4. Aesthetics (NDDOT, 2018) 43

6.3.5. Parks, National and Historical Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Areas (NDDOT, 2018)..... 43

6.4. Evaluation and Testing..... 45

6.5. Cumulative Impacts 46

7.0 Actions to Minimize Adverse Effects 46

7.1. Planning and Design..... 46

7.2. Environmental Commitments Record 47

8.0 Compensatory Mitigation (NDDOT, 2018)..... 47

9.0 Conclusion..... 47

10.0. Literature Cited 49

1. Introduction

The North Dakota Department of Transportation (NDDOT), in conjunction with the Federal Highway Administration (FHWA) and Billings County, is proposing to construct a new bridge that would span the Little Missouri River in western North Dakota.

In the area of Billings and Golden Valley counties, there is one bridge (Long X Bridge) that crosses the Little Missouri River on US Highway 85, south of Watford City, and two bridges (one eastbound and one westbound) that cross the Little Missouri River on Interstate 94 (I-94) in Medora. These bridges are nearly 70 highway miles apart. In between these bridges there are 18 unimproved private fords and one unimproved public ford, which are used by some vehicles to cross the Little Missouri River. However, these fords are unreliable because of seasonal conditions and are inaccessible to many types of vehicles. The project would construct a new crossing over the Little Missouri River in between the Long X Bridge and I-94 bridges to provide users with a safe, efficient, and reliable local connection between the roadways on the east and west sides of the Little Missouri River within Billings County. The project would improve local connectivity and system linkage between Billings and Golden Valley counties.

NDDOT and FHWA have prepared a Draft Environmental Impact Statement (DEIS) for the project, which was released for public comment on July 6, 2018 and ended August 20, 2018. The U.S. Army Corps of Engineers (Corps) participated as a Cooperating Agency and has provided information and comments specific to its expertise and authority.

1.1 Section 404(b)(1) Regulatory Background

The purpose of the Guidelines developed by the U.S. Environmental Protection Agency (EPA) pursuant to Section 404(b)(1) of the Clean Water Act (CWA) is to restore and maintain the chemical, physical, and biological integrity of waters of the United States (WOUS) through the control of discharges of dredged and fill material. 40 Code of Federal Regulations (CFR) § 230.1(a). Fundamental to these Section 404(b)(1) Guidelines is the precept that dredged or fill material should not be discharged into the aquatic ecosystem, unless it can be demonstrated that such a discharge will not have an unacceptable adverse impact either individually or in combination with known and/or probable impacts of other activities affecting the ecosystems of concern. 40 CFR § 230.1(c).

Section 404 of the CWA authorizes the Corps to issue permits for the discharge of dredged or fill materials into , including wetlands, defined at 33 CFR Part 328, and as clarified by interagency "Rapanos" guidance published in 2007 and revised in

2008, include coastal and inland waters, lakes, rivers, and streams, including adjacent wetlands and tributaries.

The Section 404(b)(1) Guidelines (40 CFR Part 230 et seq.) are the substantive environmental criteria used by the Corps to evaluate permit applications involving the discharge of dredged or fill material into WOUS. The Section 404(b)(1) Guidelines at 40 CFR § 2301.10 impose four restrictions which must be satisfied in order to make a finding that a proposed discharge of dredged or fill material complies with the Section 404(b)(1) Guidelines. The Section 404(b)(1) Guidelines generally state that no discharge of dredged or fill material shall be permitted if:

1. There is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences;
2. The discharge would:
 - a) Cause or contribute, after consideration of disposal site dilution and dispersion, to violations of any applicable State water quality standard;
 - b) Violate any applicable toxic effluent standard or prohibition under Section 307 of the CWA;
 - c) Jeopardize the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973, as amended, or result in likelihood of the destruction or adverse modification of a habitat which is determined by the Secretary of Interior or Commerce, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, as amended; or
 - d) Violate any requirement imposed by the Secretary of Commerce to protect any marine sanctuary designated under title III of the Marine Protection, Research, and Sanctuaries Act of 1972;
3. The discharge would cause or contribute to significant degradation of the WOUS. Findings of significant degradation related to the proposed discharge shall be based upon appropriate factual determinations, evaluations, and tests required by subparts B and G, after consideration of subparts C through F, with special emphasis on the persistence and permanence of the effects outlined in those subparts;
4. And, unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem.

An alternative is practicable "if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purposes." 40 CFR §§ 230.10(a), 230.3(q). "If it is otherwise a practicable alternative, an area not presently owned by an applicant which could reasonably be obtained, utilized,

expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered." 40 CFR § 230.10(a)(2).

The term "special aquatic sites," as defined by the Section 404(b)(1) Guidelines, includes "geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values." 40 CFR § 230.3. The Section 404(b)(1) Guidelines specifically name sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes as special aquatic sites. Each of these six special aquatic sites are defined in subpart E of the 404(b)(1) Guidelines.

The figures below provide the location and development of the study area as it evolved from 2006 to 2018 (current). Being located in the badlands between the North and South units of Theodore Roosevelt National Park and near the Elkhorn Ranch, several routes were evaluated within this designated study area to adequately evaluate environmental, historical, tribal, and public concerns.

Little Missouri River Crossing

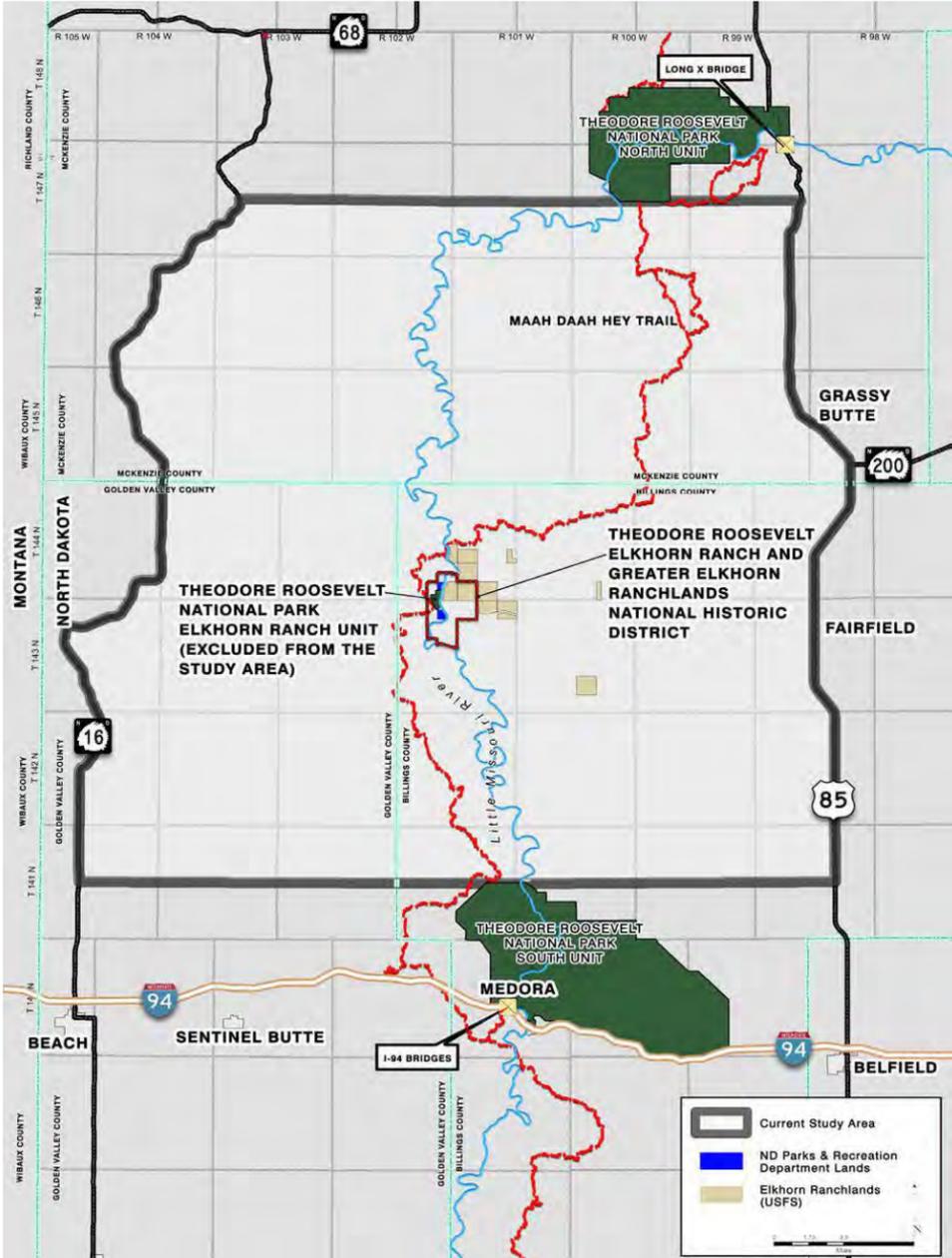


Figure 1: Current Study Area (NDDOT, 2018)

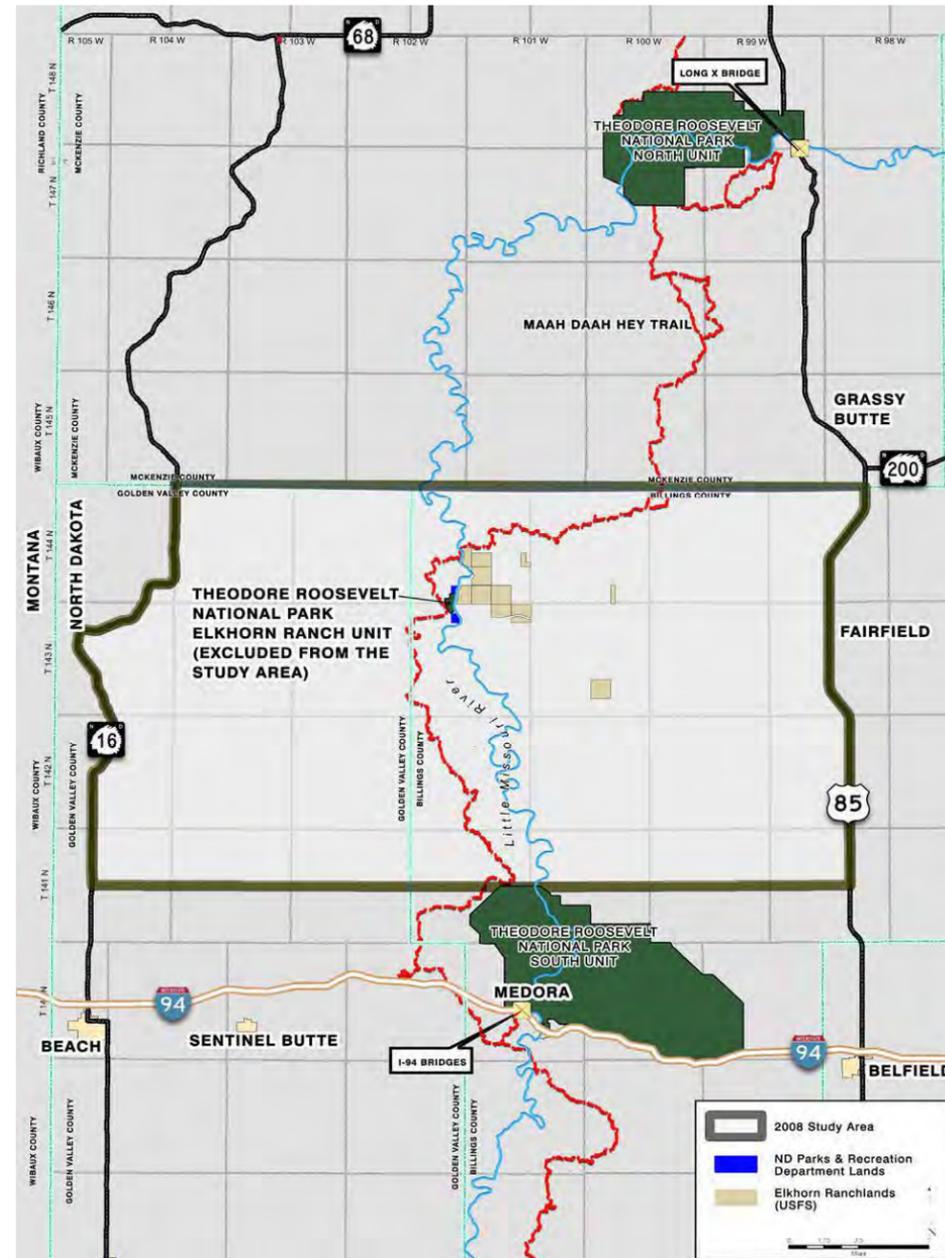


Figure 2: 2008 Study Area (NDDOT, 2018)

Little Missouri River Crossing

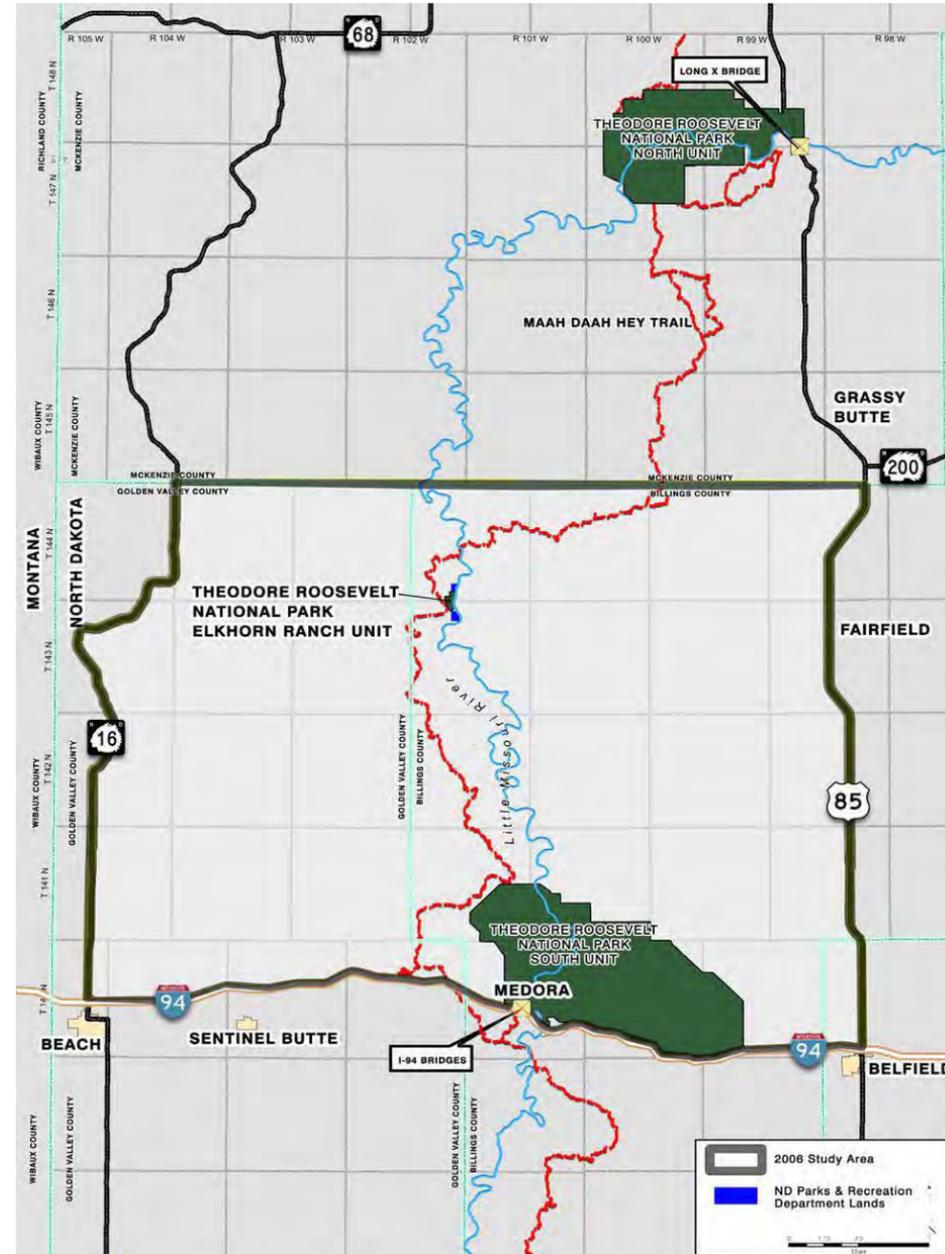


Figure 3: 2006 Study Area (NDDOT, 2018)

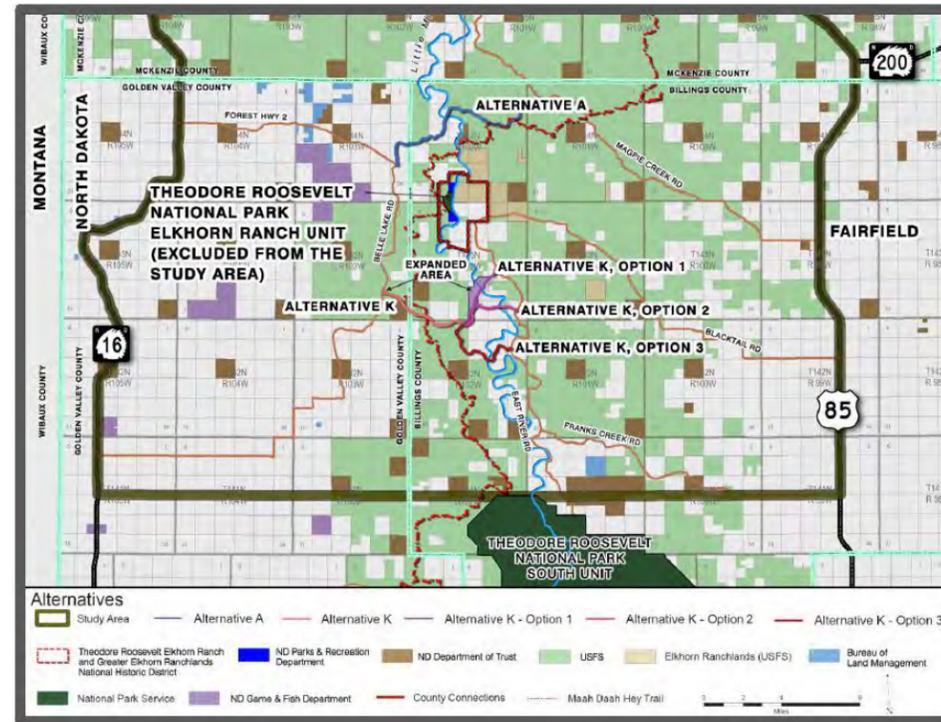


Figure 4: Alternatives Map (NDDOT, 2018)

If the proposed activity would involve a discharge into a special aquatic site, such as a wetland, the Section 404(b)(1) Guidelines distinguish between those projects that are water dependent and those that are not. A water-dependent project is one that requires access to or proximity to or siting within a special aquatic site to achieve its basic purpose, such as a marina. A non-water-dependent project is one that does not require access to or proximity to or siting within a special aquatic site to achieve its basic purpose, such as a housing development.

The Section 404(b)(1) Guidelines establish two presumptions for projects that propose a discharge into a special aquatic site. First, it is presumed that there are practicable alternatives to non-water dependent projects, “unless clearly demonstrated otherwise.” 40 CFR § 230.10(a)(3). Second, “where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.” 40 CFR § 230.10(a)(3). The thrust of the Section 404(b)(1) Guidelines is that applicants should design proposed projects to meet the overall project purpose while avoiding impacts on aquatic

environments. This approach is emphasized in a Memorandum of Agreement (“MOA”) between the EPA and the Department of the Army (“DA”) concerning the determination of mitigation under the Section 404(b)(1) Guidelines (EPA 1990), as modified by the Corps and EPA Final Mitigation Rule promulgated at 33 CFR Parts 325, 332; 40 CFR Part 230. The MOA articulates the Section 404(b)(1) Guidelines’ “sequencing” protocol as first, avoiding impacts; second, minimizing impacts; and third, providing practicable compensatory mitigation for unavoidable impacts and no overall net loss of functions and services.

In addition to the 404(b)(1) guidelines, 33 CFR 320.4 – General policies for evaluating permit applications, also requires the Corps to consider a Public Interest Review, which considers the probable impacts, including cumulative impacts, of the proposed activity on public interest, carefully weighing all factors which are relevant in each particular case. The Corps decision on whether to authorize the proposal, and if so, the conditions under which it will be considered are determined by the outcome of this general balancing act. Among the factors considered, including cumulative impacts, are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit would be denied if the discharge that would be authorized by such a permit would not comply with the 404(b)(1) guidelines.

1.2 Organization of the Report

This Section 404(b)(1) alternatives analysis is based primarily on the findings of the NDDOT and FHWA Draft Environmental Impact Statement. The impact evaluations herein are summarized as applicable from the DEIS and subsequent reevaluations for the proposed project and its alternatives, and the Section 404(b)(1) alternatives analysis is intended to be a stand-alone document.

The DEIS was prepared by FHWA (as the lead federal agency), NDDOT and Billings County in accordance with the requirements of the National Environmental Policy Act (NEPA) (42 USC 4341 et seq.) and in conformance with the Council for Environmental Quality (CEQ) regulations implementing NEPA.

This document provides information and analysis that allows the Corps to make a determination of the least environmentally damaging practicable alternative (LEDPA). Section 1 provides the Introduction, including the proposed project background, CWA Section 404(b)(1) regulatory background, and this organization section. Section 2 provides the Description of Proposed Project. Section 3 discusses the Basic and Overall Project Purpose. Section 4 discusses the Alternatives Considered. Section 5 discusses the Existing Conditions as it relates to WOUS. Section 6 discusses the Impact Analysis, as set forth in Subparts C through H of the Section 404(b)(1) Guidelines. Section 7

presents Actions to Minimize Adverse Effects. Section 8 discusses Compensatory Mitigation for unavoidable impacts to Waters of the United States (WOUS). Section 9 is the Corps conclusion on the 404(b)(1) analysis and Section 10 presents the Literature Cited.

2. Description of Proposed Project

The proposed project consists of constructing a new bridge over the Little Missouri River in an area that currently lacks an efficient and safe crossing. The general public, industry, and emergency vehicles currently cross the Little Missouri River via a low water crossing, requiring them to drive through the river when environmental conditionals allow. The project would require the construction of new roadway sections that would connect with the existing transportation grid. Several alternatives were developed to properly evaluate the most practicable location for construction.

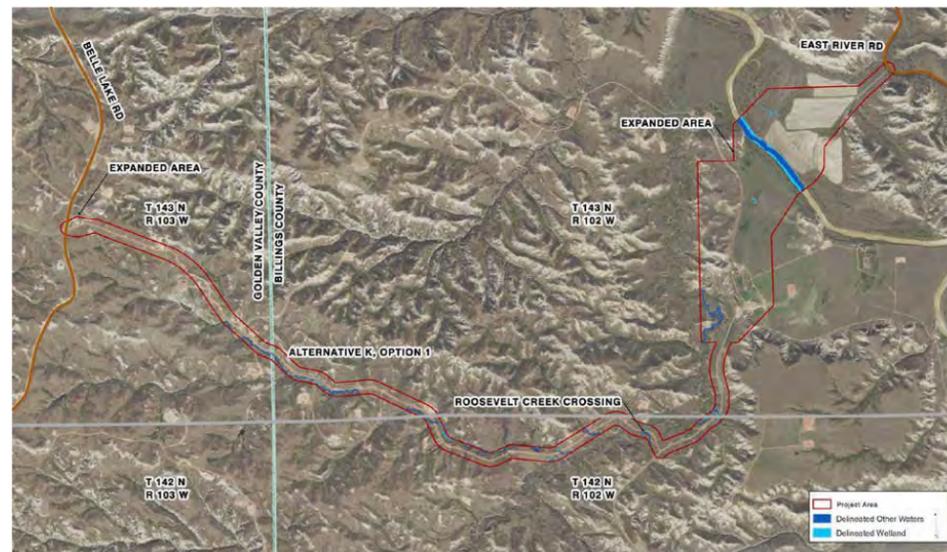


Figure 5: Alternative K, Option 1 (Preferred Alternative) Wetlands and Other Waters (NDDOT, 2018)

The project would require the establishment of work zones, staging areas, and temporary work zone traffic-control signing before construction begins. Temporary erosion control devices would be installed, as necessary, prior to the onset of construction. The work zone, staging areas, and borrow sites would be cleared and grubbed and topsoil removed and stockpiled for reclamation of sites following completion of project. Construction equipment necessary for road and bridge construction would include cranes, ready-mix trucks, concrete pump trucks, loaders, bulldozers, scrapers, motor graders, backhoes, trucks and rollers.

Earthwork would include a combination of hauling and placing of fill material for construction in areas where additional material would be needed and removing material in cut areas. Existing roadway approaches would be widened and new approaches constructed as needed. Drainage structures, including pipes, would be replaced and installed as required throughout the roadway and approaches to maintain existing drainage patterns. Bypasses and stream diversions would be utilized as necessary for construction of drainage structures and creek crossings.

The Little Missouri River Crossing would require in-water work for the construction of concrete abutments and piers. A typical bridge pier consists of foundation piling, a footing, and columns. Riprap would be added at each abutment and pier to reduce stream channel erosion. The bridge superstructure would consist of a reinforced concrete deck, supported by steel plate girders. Clear roadway width through the bridge would be a maximum of approximately 36-ft to provide two 12-ft driving lanes and 6-ft wide shoulder to accommodate large farm and industrial equipment. The total width of the bridge would be a maximum of 38 to 40-ft, depending on traffic barriers, which would be determined during final design.

To facilitate access for construction equipment, materials and labor forces, the bridge contractor would need to place temporary fill in the channel to construct a causeway or bypass. River flow would be maintained by the installation of temporary culverts or by leaving part of the river channel open during construction. The contractor may construct a temporary work bridge in lieu of a causeway if water depths and flows allow. Temporary steel cofferdams or earthen ring dikes may also be required for bridge pier construction to provide a dry work area. Once the cofferdams or ring dikes are in place, the contractor would need to excavate the channel bottom inside the cofferdams to the required pier foundation elevation. After the footing is constructed, the excavated material would be backfilled and any excess material would be removed from the channel and disposed of at an approved location. Upon completion of construction, all temporary fills and structures would be removed and the stream bed and banks would be restored to pre-construction condition.

The land adjacent to the bridge under construction would be used to facilitate construction by providing areas for the following activities:

- Construction equipment staging and maintenance
- Stockpile areas of raw materials prior to their incorporation into the construction operation
- Temporary field offices and storage facilities
- Access to the bridge work area
- Staging areas

A temporary construction easement would be provided for the project of approximately 400-ft wide and 1500-ft wide. It is anticipated that bridge construction over the Little

Missouri River would be completed concurrently with roadway construction and may require up to two construction seasons to complete.

The proposed project would require a CWA Section 404 permit. A revised Aquatic Resource delineation report was submitted to the Corps in September of 2016. The Corps responded with an approved and preliminary jurisdictional determination for the proposed project on November 2, 2016. The approved jurisdictional determination is valid for five years and would expire in November of 2021.

2.1 Proposed Activities

The proposed activities relative to the discharge of dredged or fill material would be associated with the reconstruction of existing roadways and the construction of a new bridge structure. Piers, riprap, and approach fills are generally associated with the construction of a bridge. Other discharges associated with the project would result from fill placed during the expansion of existing roadways approaching the Little Missouri River Crossing. This would also require the replacement and/or extension of existing culverts, resulting in temporary and permanent impacts to regulated waters. In order to construct the new bridge, a new portion roadway would need to be constructed to connect the bridge with the existing transportation grid.

2.2 Avoidance, Minimization and Compensation

During the initial project design phase, impacts on wetlands and Other Waters within the area were minimized to the maximum extent practicable. For all of the alternatives, the alignment would follow an existing roadway as closely as possible to minimize new roadway construction and potential permanent impacts on wetlands and Other Waters. Unavoidable impacts on wetlands would be mitigated onsite, adjacent to the project, or at an NDDOT-approved mitigation site or bank, as necessary. During final design, a Section 404 permit application (and mitigation plan, if necessary) would be provided to the USACE for their consideration of impacts on wetlands and Other Waters under USACE jurisdiction. Further minimization would occur with the implementation of Best Management Practices (BMP's). Some examples of this include the use of fiber rolls and silt curtains to limit the effects associated with the discharge of fill material on adjacent and downstream aquatic resources. For naturally occurring wetlands outside of USACE jurisdiction requiring mitigation under EO 11990, impacts would be mitigated onsite, offsite, or an approved wetland site or bank. Mitigation would be accomplished in a manner consistent with FHWA's program-wide goal of 'net gain' of wetlands through enhancement, creation, and preservation.

Temporary impacts, such as fills associated with a causeway in the river for bridge construction and temporary impacts associated with staging areas and borrow sites, would be restored to pre-construction conditions within 90-days following construction.

Prior to construction activities, the contractor would be required to obtain a North Dakota Pollutant Discharge Elimination System (NDPDES) permit and develop a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would outline phasing for erosion- and sediment-controls, stabilization measures, pollution-prevention measures,

and prohibited discharges. The SWPPP would also include BMPs to minimize erosion, sedimentation, and storm-water runoff (e.g., fiber rolls, straw wattles, erosion mats, silt fencing, turbidity barriers, mulching, filter fabric fencing, sediment traps and ponds, surface water interceptor swales, ditches). The SWPPP would require that secure and contained refueling areas are located away from surface waters, maintenance and monitoring measures are implemented to reduce the potential for spills and leaks, and the amount of stockpiled material is minimized and stored away from surface waters. In addition, waste material would be disposed of in accordance with state and federal laws and in a manner that avoids impacts on the Little Missouri River channel.

The Corps initially had concerns regarding the developed alternatives within the DEIS. NDDOT, FHWA, and Kadmas, Lee and Jackson Inc. met with Corps staff on September 21, 2018, to discuss the development of a Least Damaging Practicable Alternative (LEDPA). Taking the Corps concerns regarding the presented alternatives, FHWA and NDDOT minimized the impacts to wetlands and other waters. The refined impacts to Alternative K1 brought the total impacts below 0.50 acres.

Once execution of the project begins, culverts and corrugated pipes would be placed 1-ft below the existing channel bottom at locations captured by the North Dakota Regional Conditions for the 2017 Nationwide Permitting Program. This allows for the re-establishment of natural substrate, ensuring sediment related functions and fish passage would remain following construction activities. This is a general form of minimization often used within the State of North Dakota to ensure there are no permanent loss of streams with the installation of concrete box culverts and corrugated pipes.

2.2.1 Compensation

Wetland mitigation for the project is anticipated to be accomplished through the creation of wetland mitigation site(s) and/or purchasing credits at a wetland mitigation bank or in lieu fee program. Mitigation would be determined during final design and permitting. Primarily, resources to be impacted include palustrine emergent wetlands, intermittent and ephemeral streams (unnamed tributaries), and larger perennial rivers such as the Little Missouri River. Compensation for impacts to streams and other waters may be required.

As per the 2008 Final Mitigation Rule, the fundamental objective of compensatory mitigation is to offset environmental losses resulting from the unavoidable impacts to WOUS authorized by DA permits. The Corps must determine the compensatory mitigation to be required for a DA permit, based on what is practicable and capable of compensating for the aquatic resource functions that would be lost as a result of the permitted activity. In making this determination, the Corps must assess the likelihood for ecological success and sustainability, the location of the compensation site relative to the impact site and their significance within the watershed, and the costs of the compensatory mitigation project. In many cases, the environmentally preferable compensatory mitigation may be provided through mitigation banks or in-lieu fee

programs because they usually involve consolidating compensatory mitigation projects where ecologically appropriate, consolidating resources, providing financial planning and scientific expertise. Compensatory mitigation requirements must be commensurate with the amount and type of impact that is associated with a particular DA permit.

For individual permits, the permittee must prepare a draft mitigation plan and submit it to the Corps for review. The approved mitigation plan must contain performance standards that will be used to assess whether the project is achieving its objectives. Performance standards should relate to the objectives of the compensatory mitigation project, so that the project can be objectively evaluated to determine if it is developing into the desired resource type, providing the expected functions, and attaining any other applicable metrics (e.g., acres). For the Little Missouri River Crossing Project, a complete mitigation plan may be required and impacts would be mitigated at a minimum of a 1:1 ratio.

It should be noted that several factors may affect the amount of impacts for this project. The Corps is anticipating new guidance and rule-making on the definition of Waters of the U.S. prior to the permitting phase of the project. This would require a re-evaluation of the impacts during the permitting phase as well. It is unknown at this time whether that would result in a decrease or increase in potential impacts of the proposed project. Approved jurisdictional determinations are valid for a 5-year period, so this project may need to be re-evaluated.

3. Basic and Overall Purpose

3.1 Basic Project Purpose and Water Dependency

The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., whether it requires access or proximity to or siting within a special aquatic site). The basic project purpose for the proposed project is road construction, which is not water dependent. As noted in Section 1.1, the Section 404(b)(1) Guidelines at 40 CFR § 230.10(a)(3) set forth two rebuttable presumptions when the activity associated with a discharge is proposed in a special aquatic site, as defined at 40 CFR Part 230, subpart E. The Little Missouri River Crossing project would result in a discharge of fill material into special aquatic sites.

3.2 Overall Project Purpose

The overall project purpose serves as the basis for the Corps' Section 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals and accounts for logistical considerations for the project while also considering the public's perspectives, and which allows a reasonable range of alternatives to be analyzed. It is critical that the overall project purpose be defined to provide for a meaningful evaluation of alternatives. It should not be so narrowly defined as to give undue deference to the applicant's wishes, thereby unreasonably limiting the consideration of alternatives. Conversely, it should not be so broadly defined as to render the evaluation unreasonable and meaningless.

The overall project purpose is to construct a bridge over the Little Missouri River, in order to provide safe and efficient travel for vehicles operated by the general public, industrial and commercial companies, and agricultural equipment.

4. Alternatives Considered (NDDOT, 2018)

The FHWA, NDDOT and Billings County have prepared a Draft EIS with the Corps and U.S. Forest Service as cooperating agencies. The EIS was developed in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the regulations of the Council on Environmental Quality (CEQ), 40 CFR parts 1500 through 1508. An EIS is a full disclosure document that details the process through which a project is developed, describes the purpose and need for the action, and includes consideration of a range of reasonable alternatives, analyzes the potential impacts resulting from the alternatives, and demonstrates compliance with other applicable environmental laws and executive orders.

During the FHWA EIS process, a multidisciplinary process was undertaken to identify a range of reasonable alternatives to be studied in detail in the EIS. The lead federal agency sent out early notification to, and solicited the views and comments of several federal, state and local agencies; special interest groups; committees; and associations on February 19 and May 14, 2007 and again on May 30, 2012. Agency Scoping

Meetings were held on March 5, 2007 and a 30-day comment period was initiated from March 5 to March 26, 2007. Public scoping meetings were held on March 5, 2007 as well in Medora, North Dakota. Alternatives workshops were held for the project on July 22, 2008 and again on May 23, 2012 with FHWA, NDDOT, KLJ, USACE, USFS, NPS, USFWS, NDGFD, NDDH, NDPRD and NDSHPO. A Public Alternatives workshop was held on July 17, 2008 and again on June 5, 2012. The purpose of the workshops was to provide agencies and the public an opportunity to comment on the proposed project. During the 2008 public alternatives workshops, three build alternatives were eliminated from further review based on opposition from the public because of the close proximity to the Theodore Roosevelt National Park – Elkhorn Ranch Unit and Elkhorn Ranchlands. For additional information on Alternatives considered but eliminated from further review, see Section 3.2.1 in the DEIS.

4.1 Alternatives Analyzed in Detail

4.1.1 Features Common to All Alternatives Analyzed in Detail

The presented build alternatives that are in the DEIS for evaluation would all require approximately 1-2.5 miles of new roadway construction to connect existing infrastructure with a new bridge. These alternatives would also require a similar amount of overall road work leading up to the construction of the bridge in order to meet design standards for the established speed limit. The total length of these alternatives range from 8-11 miles. Alternatives K1 and K3 would both be 600 feet in length with three-spans under the bridge. Both alternatives A and K2 would require five-spans under the bridge as a result of an extended lengths around 850 feet and 800 feet, respectively. See Table 1 below for breakdown. Also refer to the impact tables for wetlands and other waters at the end of this document for the amounts and reasons for discharge.

Table 1, Summary of Alternatives (NDDOT, 2018)

Alternative	Length (Miles)		Little Missouri River Bridge	Estimated Construction Cost ^(a)
	Total Length	New Roadway Construction		
Alternative A	11	0.9	850-foot-long, five-span bridge	\$18.7 million
Alternative K, Option 1 (Preferred Alternative) ^(a)	8.3	2.1	600-foot-long, three-span bridge	\$11.2 million
Alternative K, Option 2	8.4	2.6	800-foot-long, five-span bridge	\$13.7 million
Alternative K, Option 3	9.9	2	600-foot-long, three-span bridge	\$14.1 million
Alternative L (No-Build)	0	0	N/A	0

4.1.2 Activities in Waters of the U.S.

Work to be completed at the discharge sites, within the regulated WOUS, consists of fill for the construction of the roadway embankment, culvert installation, riprap placement, and the placement of piers within the Little Missouri River. The culverts would be placed in several intermittent and ephemeral stream crossings immediately adjacent to the roadway. Riprap would be placed at the inlets and outlets of the culverts to prevent scour and erosion in an area of North Dakota that consists of highly erodible soils. Other

impacts associated with the bridge crossing include approach fills and rip rap to protect the bank of the Little Missouri River adjacent to the proposed bridge. Each alternative that has been proposed for evaluation include the same type of impacts within regulated waters.

4.1.3 Alternative K, Option 1 (Preferred Alternative)

Alternative K, Option 1 would be approximately 8.3 miles long; of which, 6.2 miles would closely follow the existing roadway alignment and 2.1 miles would be new roadway construction. Alternative K, Option 1, would require approximately 88 acres of permanent easements from the USFS, approximately 15 acres of permanent ROW from the North Dakota Department of Trust, and approximately 62 acres of permanent ROW and 13 acres of temporary easements private landowners.

The alignment would run from Belle Lake Road to Short Road, where it would run north, between a privately-owned feedlot on the west side of the roadway and privately-owned agricultural land on the east side of the roadway.

The process for roadway projects is to complete the environmental review, then the project moves toward final design. Once the design is more developed, landowner negotiations begin, and then ultimately construction begins. Since the new roadway under Alternative K, Option 1 (Preferred Alternative) lies primarily on privately-owned land and it would run in between a feed lot and agricultural land, it was necessary for the lead agencies to consider and evaluate a larger area for this alternative. This larger expanded area would facilitate future landowner negotiations to minimize impacts on agricultural operations. It is approximately 671.9 acres and located in portions of Sections 22, 23, 27, and 34, Township 143 North, Range 102 West. Most of the time, during the EIS phase, the lead agencies only design alternatives to a certain point. The expanded area is evaluated to ensure that any portions of the alignment that are off the original Alternative K, Option 1 (Preferred Alternative) would be environmentally cleared. Therefore, any changes to the roadway and bridge alignment after landowner negotiations are completed would have environmental clearance.

Bridge— Alternative K, Option 1 (Preferred Alternative) would include construction of a bridge, approximately 600 feet long with three to five spans, resulting in one to three piers located within the banks of the Little Missouri River. The final number of spans and piers would be determined during the final design phase and would be dependent on detailed hydraulic and geotechnical studies. The clear roadway width through the bridge would be a maximum of 36 feet. The total width of the bridge would be a maximum of 38 to 40 feet, depending on the traffic barriers, which would be determined during final design.

4.1.4 Alternative A

Alternative A would connect Belle Lake Road with Magpie Creek Road on the north end of Billings County. The route under Alternative A would be approximately 11 miles long; of which, 10.1 miles would closely follow the existing roadway alignment and 0.9 miles would be new roadway construction. Alternative A would cross over Buckhorn Creek,

and therefore, one crossing would need to be installed within Buckhorn Creek to allow for flows under the roadway. Approximately 174 acres of permanent easements would need to be acquired from the USFS and approximately 73 acres of permanent ROW and 4 acres of temporary easements would need to be acquired from private landowners. Alternative A would cross over Buckhorn Creek, and therefore, one crossing would need to be installed within Buckhorn Creek to allow its waters to flow under the roadway. Alternative A would be the longest of the build alternatives carried forward for further detailed analysis. This alternative has the most rugged terrain and would involve the most earthwork.

Bridge— Alternative A would include construction of a bridge, approximately 850 feet long with five to seven spans, resulting in two to four piers located within the banks of the Little Missouri River. The final number of spans and piers would be determined during the final design phase and would be dependent on detailed hydraulic and geotechnical studies. According to NDDOT, the clear roadway width through the bridge would be a maximum of 36 feet. The total width of the bridge would be a maximum of 38 to 40 feet, depending on the traffic barriers, which would be determined during final design. The bridge would be constructed where the current public unimproved ford is located.

4.1.5 Alternative K, Option 2

Roadway— Alternative K, Option 2 would be approximately 8.4 miles long; of which, 5.8 miles would closely follow the existing roadway alignment and 2.6 miles would be new roadway construction. Roadway and Bridge ROW/Easements' would require approximately 94 acres of permanent easements from the USFS, approximately 15 acres of permanent ROW from the North Dakota Department of Trust, and approximately 55 acres of permanent ROW and 1 acre of temporary easements from private landowners.

Bridge— Alternative K, Option 2 would include construction of a bridge, approximately 800 feet long with five to seven spans, resulting in two to four piers located within the banks of the Little Missouri River. The final number of spans and piers would be determined during the final design phase and would be dependent on detailed hydraulic and geotechnical studies. The clear roadway width through the bridge would be a maximum of 36 feet. The total width of the bridge would be a maximum of 38 to 40 feet, depending on the traffic barriers, which would be determined during final design.

4.1.6 Alternative K, Option 3

Roadway— Alternative K, Option 3 would be approximately 9.9 miles long; of which, 7.9 miles would closely follow the existing roadway alignment and 2 miles would be new roadway construction. Roadway and Bridge ROW/Easements' would require approximately 125 acres of permanent easements from the USFS, approximately 11 acres of permanent ROW from the North Dakota Department of Trust, and approximately 61 acres of permanent ROW and 16 acres of temporary easements from private landowners. In addition to crossing over Roosevelt Creek, Alternative K, Option

3 would also cross over Crooked Creek. Therefore, the crossing over Crooked Creek would need to be replaced as a result of the roadway alignment and grade change required to improve the existing roadway. The replacement structure would be a crossing of similar size or a box culvert of equivalent water capacity.

Bridge— Alternative K, Option 3 would include construction of a bridge, approximately 600 feet long with three to five spans, resulting in one to three piers located within the banks of the Little Missouri River. The final number of spans and piers would be determined during the final design phase and would be dependent on detailed hydraulic and geotechnical studies. The clear roadway width through the bridge would be a maximum of 36 feet. The total width of the bridge would be a maximum of 38 to 40 feet, depending on the traffic barriers, which would be determined during final design.

4.1.7 Alternative L, No Build

CEQ regulations require consideration of the No Action Alternative (no-build). The No Action Alternative serves as a baseline against which the impacts of potential build alternatives can be evaluated. Under Alternative L, construction of a new bridge across the Little Missouri River and associated roadway improvements would not occur. Existing roadways associated with Alternative A and Alternative K (all options) would persist. The width of these gravel roadways is variable and narrow (i.e., typically less than 24 feet). In addition, existing roadways have limited sight distance due to sharp curves and steep grades. Routine maintenance of existing roadways within the study area would continue.

4.2 Alternatives Considered but Rejected

Several alternatives were originally evaluated in the EIS. Over a period of several years (2006-present), Alternatives evolved and were refined based on comments from agencies and the general public.

4.2.1 2006 and 2008

Alternative B, C and D were evaluated for the purposes of connecting Black-tail Road in Billings County with Forest Highway 2 and Bella Lake Road in Golden Valley County. These alternatives were presented at a public alternatives workshop July 17 and 22, 2008. Agencies were also presented these three alternatives at an alternatives workshop on July 22, 2008. Both the agencies and the general public opposed the project location in these areas due to the projects proximity to the Theodore Roosevelt National Park (TRNP) – Elk Horn Ranchlands.

4.2.2 2010, 2012, and 2015

Alternatives E, F, G, H, I, and J were evaluated as other areas that could provide logical termini. These were developed after a study that collected data regarding the areas current roadway network, location of existing fords, and roadway links that could be used in the development of alternatives. During the expansion and revision of the study area, Alternative E was eliminated from farther analysis due to its proximity to TRNP – Elk Horn Ranchlands. Alternatives F, G, H, and I were dismissed as they would not meet the 10 percent grade requirement. Additionally, the majority of these alternatives

would require significantly more roadwork to complete the termini connection. The increase in roadwork required would have more impacts to the natural environment. Alternative J was eliminated as it was proposing a route through McKenzie County. As a result of Billings County funding the proposed project, it must be developed within the county. McKenzie County had no mechanism to fund the project and had no desire or intent to construct it.

5. Existing Site Conditions (NDDOT, 2018)

Within the project area, the largest surface water feature is the Little Missouri River. In addition to the Little Missouri River, other surface waters include small creeks, drainage-ways, and wetlands. The Little Missouri River flows across western North Dakota in a northeasterly direction to join the Missouri River. The Little Missouri River is approximately 274 miles long and is the only designated State Scenic River in North Dakota. The river winds through the TRNP – South Unit, LMNG, Theodore Roosevelt Elkhorn Ranch and Greater Elkhorn Ranchlands National Historic District, Elkhorn Ranchlands, and TRNP – North Unit. Major tributaries of the Little Missouri River include Cherry Creek, Beaver Creek, Little Beaver Creek, and Box Elder Creek (Clausen 2011, ND PRD Undated b). Wetlands are addressed in section '5.12. Wetlands and Other Waters' on page 69.

According to the US Geological Survey (USGS) National Water Information System, the recorded monthly mean discharge rate of the Little Missouri River at the Medora Station (immediately south of the study area in Billings County) varied in 2014 due to seasonal fluctuations. ¹² The discharge rate refers to the volume of water moving down a stream or river per unit of time (commonly expressed in cubic-feet per second). The highest discharge rates of the Little Missouri River at the Medora Station were recorded in the spring in March and April at 2,966 and 1,413 cubic-feet per second, respectively. The lowest discharge rates were recorded in the late fall-early winter in November and December at 67.3 and 48.4 cubic-feet per second, respectively.

The USGS uses the term 'gage height' (measured in feet) when referring to the height of water in streams or rivers. The latest monthly mean gage height of the Little Missouri River at the Medora Station was recorded in April through September in 2015. The highest gage height was recorded in June at approximately 3.8 feet, and the lowest gage height was recorded in September at approximately 2.1 feet (USGS 2016).

Consultation with the NDSWC indicated that there are no floodplains identified or mapped within the project areas. A review of the Federal Emergency Management Agency Flood Insurance Rate Map for the project areas verified that there are no mapped floodplains within the project areas (FEMA Undated). However, floodplains, as defined in terms of river morphology, are present in the project areas in association with numerous named and unnamed streams and creeks, and the Little Missouri River. These riverine floodplains and riparian corridors are confined to the immediate area and are generally less than 100 feet wide.

Field wetland investigations were conducted within project areas for Alternative A and Alternative K (all options) during the growing seasons of 2012, 2013, 2015, and 2016. The wetland delineations were conducted in accordance with the USACE Wetland Delineation Manual (USACE 1987) and Regional Supplement to the USACE Wetland Delineation Manual: Great Plains Region (USACE 2010). A Field Wetland Delineation Report – Little Missouri River Crossing (2016) and Field Wetland Delineation Report – Little Missouri River Crossing Expanded Study Area (2016) were completed by KLJ and submitted to the USACE for jurisdictional determination. The reports are appended by reference. Wetland boundaries were determined by completing USACE Wetland Determination Data Forms for paired test hole points and observing vegetation and hydrology in the area. Sample point locations were determined using the USFWS National Wetlands Inventory (NWI) and USGS Topo Quadrangle maps, as well as visual observation of sites that exhibited a hydrophytic (i.e., water-loving) plant community and characteristics of wetland hydrology.

The field wetland investigations identified the following:

- A total of 9 wetland segments (approximately 2.97 acres) within the project area of Alternative A.
- A total of 43 wetland segments (approximately 11.36 acres) within the project area of Alternative K, Option 1 (Preferred Alternative).
- A total of 31 wetland segments (approximately 3.02 acres) within the project area of Alternative K, Option 2.
- A total of 37 wetland segments (approximately 2.71 acres) within the project area of Alternative K, Option 3.

In the EIS please refer to 'Figure 49, Alternative A Wetlands and Other Waters' on page 70; 'Figure 50, Alternative K, Option 1 (Preferred Alternative) Wetlands and Other Waters' on page 71; 'Figure 51, Alternative K, Option 2 Wetlands and Other Waters' on page 72; and 'Figure 52, Alternative K, Option 3 Wetlands and Other Waters' on page 73 for overviews of the wetlands identified.

The wetlands identified are classified as palustrine, emergent wetlands. Palustrine wetlands refer to all non-tidal wetlands dominated by trees, shrubs, emergent vegetation, mosses, or lichens. Emergent wetlands are characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. Vegetation in these wetlands areas are present for most of the growing season in most years and are dominated by perennial plants (USFWS 2016a).

During the field investigations, Other Waters were delineated where ordinary high-water marks were observed, as defined in USACE Regulatory Guidance Letter No. 05-05: Ordinary High-Water Mark Identification (USACE 2005). The Other Waters identified include the following:

- A total of 10 segments of Other Waters (16,945 feet in length [approximately 5.11 acres]) within the project area of Alternative A.

- A total of 27 segments of Other Waters (26,895 feet in length [approximately 16.32 acres]) within the project area of Alternative K, Option 1 (Preferred Alternative).
- A total of 21 segments of Other Waters (16,673 feet in length [approximately 3.69 acres]) within the project area of Alternative K, Option 2.
- A total of 22 segments of Other Waters (18,296 feet in length [approximately 5.83 acres]) within the project area of Alternative K, Option 3.

In the EIS please refer to 'Figure 49, Alternative A Wetlands and Other Waters' on page 70; 'Figure 50, Alternative K, Option 1 (Preferred Alternative) Wetlands and Other Waters' on page 71; 'Figure 51, Alternative K, Option 2 Wetlands and Other Waters' on page 72; and 'Figure 52, Alternative K, Option 3 Wetlands and Other Waters' on page 73 for overviews of the Other Waters identified. All of the identified Other Waters are classified as naturally occurring creeks, intermittent streams, or the Little Missouri River.

On November 2, 2016, the USACE provided jurisdictional determination for the Field Wetland Delineation Reports, stating that the following waters are not jurisdictional waters of the United States: Wetland Numbers 2 and 3 (Alternative A project area); Wetland Number 17 (Alternative K [shared portion] project area); and Wetland Numbers 101, 102, 103, 104, and 106 (Alternative K, Option 1 expanded area). Therefore, a Section 404 permit would not be required for these wetland areas. The USACE also prepared a preliminary jurisdictional determination for the remaining aquatic resources identified within the expanded area of Alternative K, Option 1, stating that the waterways in the expanded area may be jurisdictional waters of the United States. If Alternative K, Option 1 includes impacts on any of these jurisdictional wetland areas, a Section 404 permit would be required prior to commencement of construction activities. However, if construction activities associated with Alternative K, Option 1 did not result in a discharge of dredged or fill material into waters of the United States, a permit pursuant to Section 404 would not be required.

6. Impact Analysis

6.1. Physical and Chemical Characteristics of the Aquatic Ecosystem

6.1.1. Substrate

The existing aquatic resources consist of naturally occurring wetlands associated with terraces, drainages, depressions and delineated Other Waters (OW). Wetlands and intermittent tributaries flow directly or indirectly into the Little Missouri River. All of the proposed alternatives would impact wetlands, intermittent tributaries, and the Little Missouri River. The substrate within these resources, as indicated in the aquatic resource delineation data sheets, consists of fine sandy loams, silty clay, silts, loamy sand, and/or sandy clayey loams. The western portion of North Dakota has highly erodible soils. Substrate in this area consists of granular material between

sand and clay. Undercut banks, scour, and the destruction of terrestrial vegetation are indicators that substrate within these resources consist of deposited granular material.

Alternative L: The “No Action” alternative would have no effect on the substrate found within the existing alignment. The dynamics of sediment movement within the river channel and across the floodplain wetlands would persist in the future as they currently exist. With No-Action, while the character of the substrate in any particular location can be expected to vary over time in response to episodic events, the substrate in the Study Area as a whole is expected to retain a similar range and relative abundance of sediment-substrate types and to continue along the recent trajectory of improving water quality and higher macro-invertebrate diversity. The “No Build” alternative would continue to have some effect on the aquatic ecosystem by individuals who would continue to use low-water crossing on the Little Missouri River. There could be some disturbance on a regular basis to the substrate of the river.

Alternatives A, K1, K2, and K3 would have similar impacts on substrate within these aquatic resources, because they all would require similar construction methods. Inert material such as soil and riprap would be placed within these wetlands, tributaries and the Little Missouri River to reconstruct portions of existing roadways and construct a new bridge over the Little Missouri River. During the development of the EIS and recently refined impacts, Alternative K, Option 1 and 2, would have the least amount of permanent impacts within Wetlands and Other Waters (total), including the Little Missouri River. Alternative A has less wetland resources within the project area but requires a significantly larger bridge structure and more earthwork along the existing roadway, resulting in a more environmental impacts. Alternative A would cumulatively result in 1870 LF of impacts to tributaries adjacent to the existing roadway and the Little Missouri River. Alternative K1 would result in significantly less permanent impacts to 792 LF of tributaries and the Little Missouri River.

6.1.2. Suspended Particulates/Turbidity

The aquatic resources within Alternatives A, K1, K2, and K3 regularly experience increases in turbidity during precipitation events with high levels of suspended particulate matter within the water column. Particulates settle and turbidity decreases after precipitation events; however, these resources generally maintain a high level of suspended particulates with increased turbidity.

Alternative L: Under the No-Action Alternative, concentrations of suspended sediments in the river and wetlands in the floodway would fluctuate within historic norms. Sediment would continue to be mobilized by high flows, but retained within the banks of the river channel except during rare and relatively brief episodes of overbank flooding. Wetlands in the floodway would continue to experience pulses of sediment in runoff during heavy rain and high flows. The “No Build” alternative would continue to have some effect on the aquatic ecosystem by individuals who

would continue to use low-water crossing on the Little Missouri River. There could be some disturbance on a regular basis to the substrate of the river.

Alternatives A, K1, K2, and K3 would have similar impacts on suspended particulates and turbidity. As a result of construction activities, wetlands and tributaries in the project area would experience a temporary increase in turbidity and suspended particulates. These impacts would be similar for each alternative. Best Management Practices (BMP's) would be required by the North Dakota Regulatory Office and would be identified within the state required Stormwater Pollution Prevention Plan. During construction, temporary disturbance would occur due to the use of heavy equipment required to complete the work, but those impacts would be relatively short in duration. These temporary impacts would subside following construction activities as temporarily impacted areas must be restored and stabilized.

6.1.3. Current Patterns and Water Circulation

Water currently flows through the wetlands and tributaries into the Little Missouri River. In areas where the resources are bisected by existing roadways, culverts provide the hydrologic connection and maintain flows to downstream waters. The majority of the flows throughout the proposed alternatives are intermittent and ephemeral with shallow water depths. During larger rain events, water depths and the amount of flows can change, but typically remain short in duration.

Alternative L: With the "No Action" alternative current patterns and water circulation would remain as they are today and there would be no effect.

Alternatives A, K1, K2, and K3 would not result in significant permanent impacts to current patterns and water circulation. As a general requirement of Section 404 permits, NDDOT would be required to maintain natural flows. Bypasses and stream diversions would be utilized as necessary for construction of drainage structures/creek crossings. Construction of the Little Missouri River crossing would require temporary structures, such as causeway and cofferdams. Any temporary structures or fill would be removed and pre-construction conditions would be restored. These methods of construction would be common among all proposed alternatives. Minor permanent effects would result from the placement of bridge piers within the Little Missouri River. As indicated in the DEIS, each alternative requires piers to be placed in the Little Missouri River. Both alternatives A and K2 would require 2-4 piers to be placed below the OHWM and alternative K3 would require 1-3 piers to be placed within the banks of the Little Missouri River. The preferred alternative, K1, would require 1-3 piers within the river and the least amount of overall environmental disturbance in comparison to other alternatives. As a result, the preferred alternative would have the least amount of impact on current patterns and water circulation within the Little Missouri River. However, alternatives A and K3 would have the most permanent impacts to tributaries and other waters.

These impacts, in comparison with the applicants preferred alternative, would have the most potential for long term effects to water patterns and circulation.

6.1.4. Normal Water Level Fluctuations

Water levels fluctuate significantly throughout the growing season within this portion of western North Dakota. During the aquatic resource delineation, it was noted that several wetlands did not have surface water but maintained a high water table. Earlier in the growing season, wetlands and tributaries are likely to contain more water, while water levels are typically lower in the latter portion of the growing season.

Alternative L: With the "No Action" alternative water level fluctuations would remain as they are today and there would be no effect.

By utilizing existing infrastructure in alternatives A, K1, K2, and K3 normal water fluctuations would be maintained. During construction, there may be temporary fluctuations in water levels during earth-work activities. Such impacts would cease once construction is completed. Impacts to wetland functions such as flood flow alteration, sediment removal, and nutrient and toxic removal are likely to be minimal and would be mitigated by requiring compensatory mitigation. Furthermore, the preferred alternative would have the least amount of piers in the river, resulting in minimal effects to normal water level fluctuations.

6.1.5. Water

After evaluating impacts to the existing substrate, suspended particulates and turbidity, water circulation, and normal water level fluctuations it has been determined that each alternative would have similar effects on water within regulated aquatic resources. These impacts would be minimal and temporary. If the proposed project is verified under a Nationwide Permit, it is likely that water quality certification has already been issued. Should the project require review under an Individual Permit, Section 401 water quality conditions would become special conditions of the Corps permit. Lastly, because the proposed project would occur in aquatic resources that typically experience turbid conditions, the deposition of clean fill material would not have an adverse impact on water.

6.2. Biological Characteristics of the Aquatic Ecosystem

6.2.1. Special Aquatic Sites (wetlands, mud flats, vegetated shallows, riffle and pool complexes, coral reefs, sanctuaries, and refuges)

Special aquatic sites such as wetlands are present within the project area. These features are Palustrine emergent wetlands that create anaerobic conditions which support the establishment of hydrophytic vegetation. The wetland delineation identified common three-square (*Schoenoplectus pungens*), Prairie cordgrass *Spartina pectinata*, broadleaf cattail (*Typha latifolia*), sandbar willow (*Salix interior*), foxtail barley (*Hordeum jubatum*), and common spikerush (*Eleocharis palustris*) as

some of the dominant species regularly found within the proposed review areas for each alternative.

Alternative L: The “No Build” alternative would have no impact on special aquatic sites.

Alternatives A, K1, K2, and K3 would impact wetlands as the deposition of fill would convert portions of these aquatic resources to uplands. Each of these alternatives would be constructed using the same type of inert material and have similar effects. Alternative A would have less wetland impacts in the project area but would require more piers to be placed within the Little Missouri River and would result in 1870 LF of impacts to streams adjacent to the existing roadway. Alternative K1 would discharge the least amount of inert material (total) in wetlands compared with alternative K3 and less than half (792 LF) of impacts to streams and tributaries to the Little Missouri River when compared to alternative A. Alternative K2 and K1 have similar impacts while alternative A has less impacts within the aquatic ecosystem but is the longest project with the largest proposed bridge structure.

6.2.2. Fish, Crustaceans, Mollusks, and Other Aquatic Organisms in the Food Web

Some wetlands in the project area are not regularly inundated and do not provide ample amounts of habitat for fish, crustaceans and mollusks. Additionally, some of the intermittent streams and ephemeral tributaries within the project area do not sustain flows long enough to support vertebrates adapted for life in an aquatic environment. Wetlands associated with the Little Missouri River would provide areas for food, spawning and rearing of young, and cover from predators. However, amphibious species would frequent these wetlands for feeding, breeding, and cover from predators. The Little Missouri River does provide viable habitat for organisms adapted for life in aquatic environments such as fish crustaceans and mollusks.

Alternative L: The “No Build” alternative would continue to have some effect on the aquatic ecosystem by individuals who would continue to use low-water crossing on the Little Missouri River. There could be some disturbance on a regular basis to the substrate of the river.

All of the presented alternatives would have minimal impacts to the biological integrity of wetlands, tributaries, and the Little Missouri River. As a general requirement all fill material must be clean and free of debris. In order to prevent impacts on spawning, work within regulated waters would be prohibited from April to June. Some habitat loss would be expected, requiring aquatic species to seek out new places of refuge. Alternative A would require the most piers in the Little Missouri River and has greater potential for habitat destruction below the rivers OHWM. This would include the permanent structure and temporary structures to install the piers within the river. Alternatives K1 and K2 would have the least amount of piers within the river and have the least amount of habitat destruction below the Little Missouri River's OHWM.

6.2.3. Wildlife Values

Wildlife such as waterfowl, birds, and small mammals may use the wetlands for cover and food or water sources when present. The Little Missouri River is also a valuable source of food, water, and cover for several terrestrial mammals and bird species, including waterfowl. The proposed routes are located in a rural setting with little development in remote areas of the badlands. Surrounding land use is mostly ranching activities and oil well pads. Large cities and towns are not located within the proposed routes.

Alternative L: The distribution, abundance, and diversity of other wildlife under the No-Action Alternative would remain largely as they are under existing conditions

Alternatives A, K1, K2, and K3, would have minimal impacts on wildlife values at each proposed crossing. Most of these impacts would be temporary as noise and increased human activity during construction would discourage wildlife from using the Little Missouri River adjacent to the project area. Permanent effects following construction would include a small increase in traffic as the crossing is utilized by the travelling public. However, the area is rural and traffic numbers are low enough for animals to cross the roadway safely. Alternatives A and K3 would require more piers in the river resulting in more temporary impacts to wildlife values associated with the Little Missouri River and adjacent wetlands. More piers in the river would require additional temporary structures. Additionally, alternative A would require significant amounts of earthwork that would destroy other wildlife values. Alternatives K1 and K2 would reduce effects associated with temporary and permanent impacts with fewer piers in the river. Limiting the number of piers and associated fill within the Little Missouri River, reduces the destruction of food and cover for wildlife species that frequent aquatic resources. Lastly, this would require less fill and other construction material that may affect water during construction. After evaluating each of the alternatives, K1 and K2 have the least amount of impacts to regulated waters of the United States. Alternative A has over 1800 LF of impacts to tributaries while the preferred alternative would cumulatively result in approximately 800 LF of impacts to tributaries. Alternative K3 would result in 2935 LF of cumulative impacts to tributaries and 0.49 acres of wetland impacts.

6.2.4. Threatened and Endangered Species Biological Assessment (NDDOT, 2016)

This section evaluates potential impacts to listed Threatened and Endangered Species. FHWA is the lead federal agency and ultimately responsible for consultation under Section 7 of the Endangered Species Act. The following discussion is located in the Biological Assessment for the proposed project which encompasses the Corps action area as it relates to regulated WOUS and immediately adjacent uplands.

Current population and habitat conditions are described for each applicable species. Potential habitat in relation to the proposed action is discussed. Potential habitat

occurring in the action area is based on information provided through agency coordination, desktop analysis and onsite observations.

Prior to conducting field surveys, agency coordination including project-specific email correspondence with USFWS, US Forest Service (USFS) and North Dakota Parks and Recreation Department (NDPR) occurred regarding known occurrences of species in the area. Prior to, and throughout the survey process, coordination with various agencies was organized and specific procedures were followed to gather the appropriate information for the project evaluation. Pre-survey preparation included incorporating information from aerial photographs, topographic maps, data searches and prior personal knowledge of the area.

Detailed biological/botanical pedestrian surveys occurred within a 500-foot wide corridor centered on the proposed alignment during the 2012 and 2013 field seasons to facilitate preparation of a USFS Biological Assessment of Threatened and Endangered Species & Biological Evaluation of Sensitive Species. In addition, biological/botanical pedestrian surveys were conducted within the expanded study area in 2016. As part of these surveys, all flora and fauna observed were documented, and predominant plant communities, unique habitats, rare species and invasive species were recorded. Outside of USFS lands, general observations of habitats and species were made. A field wetlands delineation was conducted during the 2012 and 2015 field seasons on all lands within a 500-foot wide corridor centered on the proposed alignment. In addition, a field wetlands delineation was conducted within the expanded study area in 2016.

Areas exhibiting wetland vegetation, soils and hydrology were documented, as well as Other Waters of the US where an ordinary high water mark was observed. In areas where Other Waters were recorded and/or the wetland delineation study area deviated from the existing roadway alignment, a tree and shrub count was conducted. In addition, drainage structures within the wetland delineation study area were examined for northern long-eared bat habitat suitability.

Black-Footed Ferret (*Mustela nigripes*)

Historically, the black-footed ferret could be found throughout the Rocky Mountains and Great Plains. In North Dakota, the black-footed ferret may potentially be present within prairie dog towns; the species has not been confirmed in North Dakota for over 20 years, though unconfirmed reports exist from the southwest portion of the state (USFWS, 2013b). Preferred habitat includes areas around prairie dog towns, as black-footed ferrets rely on prairie dogs for food and live in prairie dog burrows. In the wild, black-footed ferret density is correlated with prairie dog town size, at a rate of one ferret per 99 to 148 acres of occupied prairie dog habitat (USFWS, 2013a).

One prairie dog town was identified within the action area, though the entire action area was not surveyed extensively in the field. The town spanned approximately

21.4 acres, which is not large enough to sustain black-footed ferrets. Please refer to Figure 5 below, Alternative K1 Prairie Dog Towns.

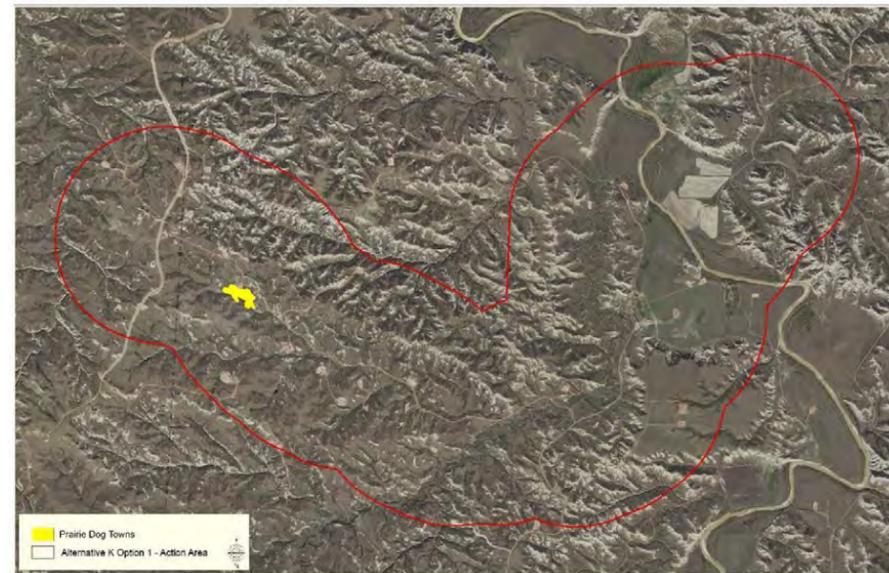


Figure 6, Alternative K1 Prairie Dog Towns (NDDOT, 2016)

Gray Wolf (*Canis lupus*)

The gray wolf is the largest wild canine species in North America. It is found throughout northern Canada, Alaska, the forested areas of Northern Michigan, Minnesota, and Wisconsin, and has been re-introduced to Yellowstone National Park in Wyoming. While the gray wolf is not common in North Dakota, occasionally individual wolves do pass through the state (USFWS, 2013d). Gray wolves utilize a variety of habitat types, including forest, grassland and waterbodies. Gray wolves in the Midwest live in packs of four to eight members on average, although some individuals roam alone (USFWS, 2006).

According to North Dakota Game and Fish Department (NDGF) records for the period from March 1987 to October 2015, no verified reports¹ of gray wolves were recorded in Billings or Golden Valley Counties. Two probable unverified sightings²

¹ Verified means evidence available, including a carcass of live-captured wolf, photograph or video, DNA analysis results, or tracks, scat, kill or attacks confirmed as being that of a gray wolf by a qualified wildlife professional.

² Probable unverified means no evidence available, but report, animal description, and/or location are plausible. Improbable unverified and unfounded reports were not included in this report.

were recorded during that period in Billings County. None of the known sighting locations occurred within the action area.³ Please refer to Figure 6 below, Alternative K1 Reported Gray Wolf Sightings.

³ Location information for one probable unverified sighting in Billings County was not available.

Little Missouri River Crossing

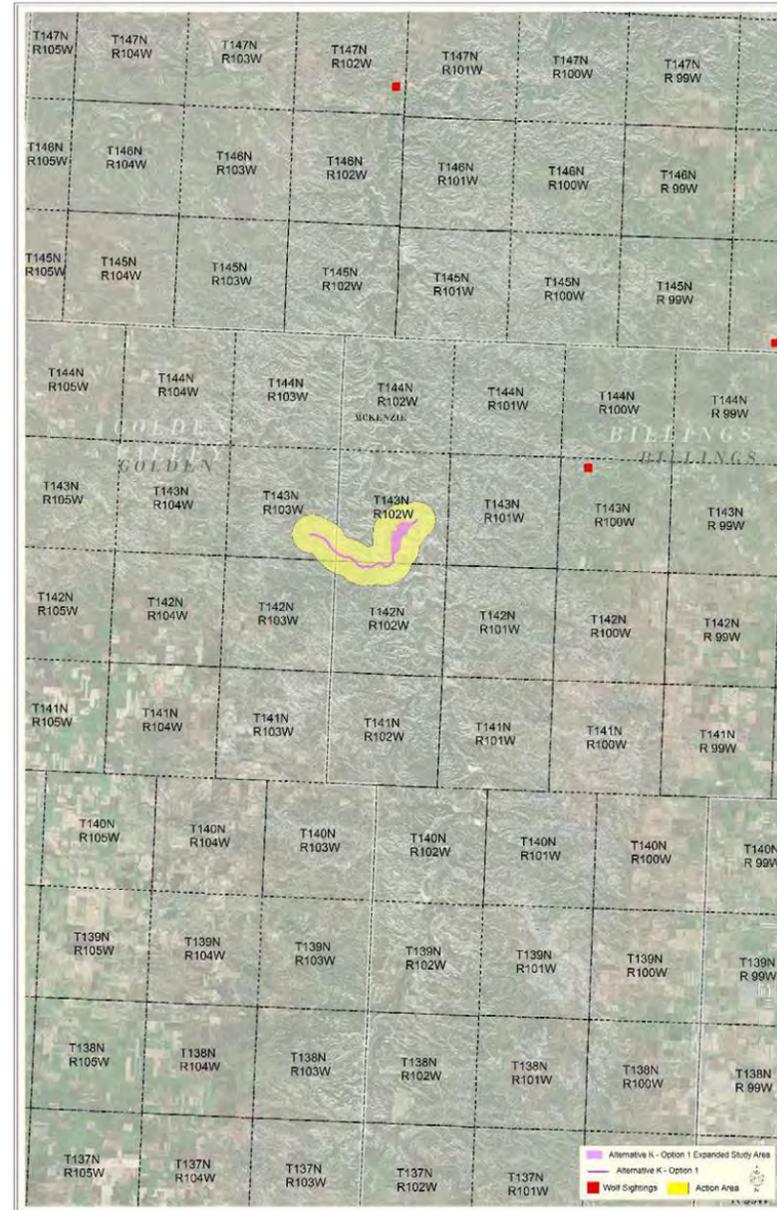


Figure 7, Alternative K1 Reported Gray Wolf Sightings (NDDOT, 2016)

Whooping Crane (*Grus americana*)

The whooping crane is the tallest bird in North America. In the United States (US), the species can occur throughout the Midwest and Rocky Mountain regions from North Dakota to Texas. They use shallow, seasonally and semi-permanently flooded palustrine (marshy) wetlands for roosting, and various cropland and emergent wetlands for feeding (USFWS, 2012). In addition, whooping cranes are often recorded in riverine habitats. Suitable migratory stopover habitat for whooping cranes includes areas of shallow water without visual obstructions (e.g., high or dense vegetation). Whooping cranes have been documented utilizing a wide range of wetland sizes for roosting, from small natural palustrine wetlands and manmade stock ponds to large lakes and rivers. Feeding and palustrine roosting sites are typically less than 0.5 mile apart; however, distance from feeding to lacustrine or riverine roosting sites can be separated by more than one mile (Austin and Richert, 2001).

Currently, there are four wild populations of whooping cranes; of these flocks, only the Aransas Wood Buffalo Population (AWBP) is self-sustaining. Winter 2014-2015 survey results estimated the population of the AWBP to be 308 individuals (USFWS, 2015b). Whooping cranes are documented annually during migration using roosting and feeding habitat in North Dakota along a band running from the south central to the northwestern part of the state. The migration period for the AWBP whooping cranes in North Dakota generally occurs from April 1 to May 15 and September 10 to October 31 (Austin and Richert, 2001). Migration can take two to six weeks, with stopovers lasting from one night to up to four weeks (Travsky and Beauvais, 2004).

The proposed action is located on the western edge of the whooping crane migratory corridor in a swath where approximately 12.5 percent of whooping cranes pass through during migration. According to USFWS data spanning from 1955 through the spring of 2009, two confirmed whooping crane sightings were reported in Billings County; none were reported in Golden Valley County. Please refer to Figure 7 below, Alternative K1 Whooping Crane Migration Corridor and Sightings.

In general, the action area is characterized by rolling and rugged topography, which acts to limit viewing distance. There are approximately 169.5 acres of cultivated lands present within the action area. According to the US Geological Survey National Hydrography Dataset and the USFWS National Wetlands Inventory, there are approximately 5.9 acres of open water habitat and 106.7 acres of wetlands, respectively, within the action area. A field wetland delineation extending 250 feet on either side of the proposed roadway alignment and incorporating the expanded study area determined that 11.35 acres of wetlands and 16.32 acres of Other Waters of the US are present within that study area.

There are several existing human disturbances within the action area, including roadways, residences and other building sites with human activity, and oil and gas

development that may deter whooping cranes from the area. In addition, there are overhead utility lines within the action area that currently act as strike hazards for birds in flight. Please refer to Figure 8 below, Alternative K1 Whooping Crane Potential Habitat and Disturbances. The limited availability of potential stopover habitat due to visual obstructions from topography and existing disturbances, coupled with the lack of historical observation of the species in the action area, indicates that the action area does not provide ideal stopover habitat for the whooping crane.

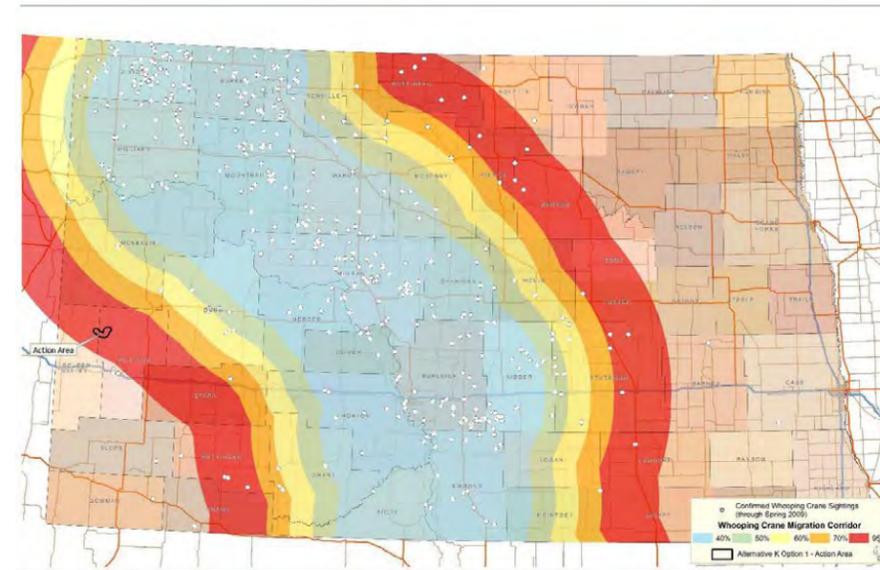


Figure 8, Alternative K1 Whooping Crane Migration Corridor and Sightings (NDDOT, 2016)

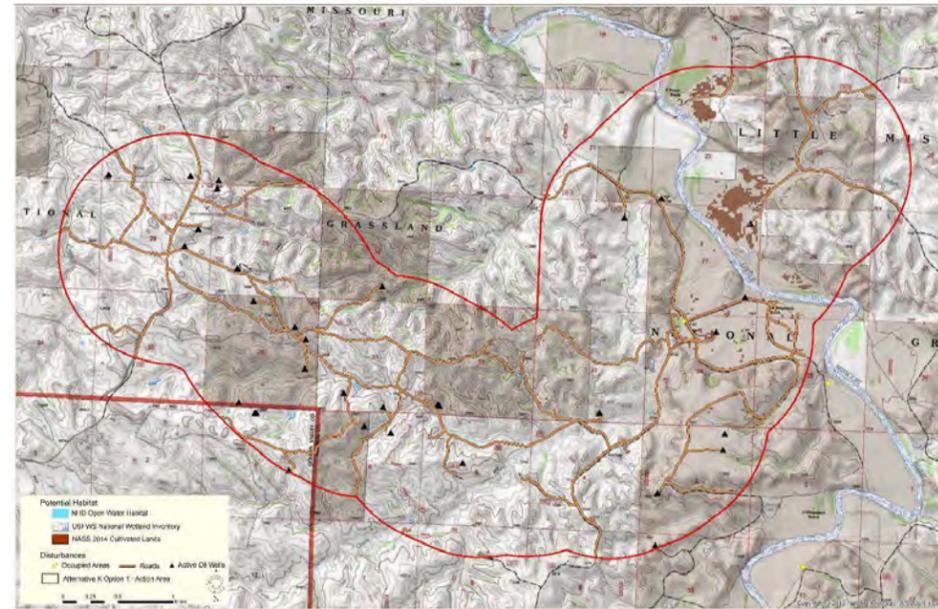


Figure 9, Alternative K1 Whooping Crane Potential Habitat and Disturbances (NDDOT, 2016)

Northern Long-Eared Bat (*Myotis septentrionalis*)

The northern long-eared bat is a medium-sized bat that occurs across central, eastern and northern portions of the US and across Canada. The main factor in the proposal to list the species under Section 4 of the ESA is dramatic population decline due the fungal disease, white-nose syndrome. The Western Population of northern long-eared bats occurs partially in North Dakota, where the bats have been observed during the summer in the Turtle Mountains, Missouri River Valley and the Badlands. While no hibernacula (overwintering sites such as caves, abandoned mines, or similar constructions) are known to exist in the state, this may be a function of lack of adequate survey data (USFWS, 2013c). Further, no data on the northern long-eared bat nor its habitat (i.e., hibernacula or maternity roost trees) in Billings or Golden Valley Counties is available in the state Natural Heritage Inventory database.

During summer months, the species commonly roosts singly or in colonies in the trees of forested areas, and to a lesser extent in caves, mines and the built environment. Foraging for insects occurs at night within and near forested areas. For females, the home range has been documented to be from 47 to 425 acres in size. Roost sites change frequently and can be up to approximately one mile apart from one another. From mid-summer to fall, bats move to hibernacula to breed and

hibernate. The distance between roost and hibernacula can range from five to 168 miles (USFWS, 2013c).

In a statewide survey of bat distribution, the northern long-eared bat was observed within Theodore Roosevelt National Park (North and Elkhorn Ranch Units) and the Little Missouri National Grasslands (Gillam and Barnhart, 2011). None of Gillam and Barnhart's sampling locations occurs within the action area (E. Gillam, personal communication, November 25, 2015).

Approximately 1,579.7 acres of wooded habitat occurs within the action area. Given that the northern long-eared bat utilizes a variety of forested and interspersed non-forested areas during the summer maternity season, it is reasonable to assume the wooded habitat within the action area is suitable habitat for the species. Four large (greater than 60 inches in diameter) corrugated steel pipes are present within the action area that may be impacted by roadway improvements. These structures did not exhibit cracks or crevices that would be appropriate for most bat species to roost during the summer maternity season (i.e. approximately 0.5 to 1.25 inches wide and 12 inches deep). While a bridge present within the action area did contain cracks and crevices of appropriate size, they exhibited signs of water seepage, thus were not sealed and would not be appropriate for most bat species to roost (Keeley and Tuttle, 1999). No evidence of bat use was observed on or beneath the bridge. In addition, it is reasonable to assume that caves having the potential to function as hibernacula may be present within the action area.

Considering the information provided above and the proposed elements of the project, NDDOT and FHWA made effect determinations for each species and is provided below. The Corps action area remains within the boundaries of wetlands and below the OHWM of the Little Missouri River. Immediately adjacent uplands is also included in the Corps action area. The overall review area established by FHWA as the lead federal agency encompasses the Corps scope of analysis for threatened and endangered species. Table 2 below includes the determinations for the federally listed threatened and endangered species.

DETERMINATION	RESOURCE
<i>No Effect:</i> This determination is appropriate when the proposed project would not directly or indirectly affect (neither negatively nor beneficially) individuals of listed, proposed, candidate species or designated/proposed critical habitat of such species. No concurrence from USFWS required.	Black-footed ferret Gray wolf
<i>May Affect but Not Likely to Adversely Affect:</i> This determination is appropriate when the proposed project is likely to cause insignificant, discountable, or wholly beneficial effects to individuals of listed species and/or designated critical habitat. Concurrence from USFWS required.	Northern long-eared bat Whooping crane
<i>May Affect and Likely to Adversely Affect:</i> This determination is appropriate when the proposed project is likely to adversely impact individuals of listed species and/or designated critical habitat. Formal consultation with USFWS required.	N/A
<i>May Affect but Not Likely to Jeopardize candidate or proposed species/critical habitat:</i> This determination is appropriate when the proposed project may affect, but is not expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. Concurrence from USFWS optional.	N/A
<i>Likely to Jeopardize Candidate or Proposed Species/Critical Habitat:</i> This determination is appropriate when the proposed project is reasonably expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. Conferencing with USFWS required.	N/A

Table 2, Alternative K1 Summary of Effects (NDDOT, 2016)

A. Black-Footed Ferret

The proposed action is expected have no effect on the black-footed ferret. The proposed action would not impact the identified prairie dog colony. Prairie dog colonies of adequate size to serve as suitable habitat for the black footed ferret are not known to occur within the action area. This, coupled with the lack of historical sightings of the species in North Dakota, makes it unlikely that black-footed ferrets would inhabit the action area.

B. Gray Wolf

The proposed action is expected have no effect on the gray wolf. While potential dispersal habitat would be impacted within the action area, the proposed action would be located far from any known gray wolf populations. Should wolves occur within the action area, it not anticipated that additional transportation development in this rural area would impact the species, as it is a wide-ranging species known to survive in urban settings, where tolerated (USFWS, 2011). Substantial similar habitat exists in the region that is available for use by the gray wolf. Further, much of the proposed action follows existing roadways, with little new roadway construction proposed, and traffic volumes are not projected to substantially increase after construction of the proposed project.

C. Whooping Crane

The proposed action may affect, but is not likely to adversely affect, the whooping crane. The proposed action would permanently impact up to approximately 14.25 acres of cultivated lands; this area constitutes approximately 8.41 percent of the total

cultivated area within the action area and is likely an overestimate given the conservative calculation of land use impacts.

The proposed action would permanently impact⁴ up to approximately 1.65 acres of delineated wetlands and 1.91 acres of delineated Other Waters of the US; these values are likely an overestimate given the conservative calculation of impacts. At the request of the Corps, impacts to aquatic resources was refined for the proposed K1 option expanded review area. Based on the updated information, the project would permanently impact 0.39 acres of Section 404 regulated wetlands (total) and permanently impact 756 Linear Feet regulated tributaries and streams (total).

Wetland impacts would be mitigated onsite, adjacent to the proposed action or at an NDDOT approved mitigation bank to prevent a net loss of wetland habitat. Permanent impacts to cultivated lands are minor in relation to the setting of the proposed action. Substantial similar habitat exists in the region along that will remain available for use by whooping cranes. Given that action area does not provide ideal stopover habitat for the whooping crane, these land use impacts are not anticipated to adversely affect the whooping crane.

Temporary water quality disturbance to Little Missouri River habitat as a result of construction activities would be minimized by implementing conditions of the SWPPP and BMPs. BMPs may include, but are not limited to, mulching, matting, and netting; filter fabric fencing; sediment traps and ponds; surface water interceptor swales and ditches; minimizing the amount of stockpiled material; and storing stockpiles away from surface waters. After construction of the proposed river crossing, the river is expected to experience less sedimentation and disturbance than under existing conditions due to a reduction in vehicles driving directly through the river. In addition, waste material would be disposed of in accordance with state and federal laws and in a manner that avoids impacts to water channels and riparian areas. To minimize the risk of spreading ANS, the contractor would conduct equipment cleaning and inspections prior to placing any equipment within waters of the state (i.e., the Little Missouri River).

While no new overhead utility lines would be installed as a result of the proposed action, lines may need to be raised or offset. Within one mile of suitable whooping crane stopover habitat, adjusted lines would be marked with bird diverters at a 1:1 ratio and newly installed lines would be marked at a 2:1 ratio to minimize potential impacts to whooping cranes in flight. Modifications to overhead lines would follow USFWS guidance. After any overhead utility line relocation, the potential for bird strikes on lines would still be present; however, the shift in utility line location would

⁴ Permanent impacts along the proposed alignment were calculated using the area inside of approximate construction limits. Within the expanded study area where the alignment is yet to be determined, the most conservative estimate of impacts was generated by considering hypothetical routes and assuming a 500-foot wide footprint, with the exception of one location where the footprint was expanded to account for rugged terrain.

be minor and the inclusion of bird diverters that are currently not on the utility lines would prevent additional collision hazards compared to existing conditions.

Construction activities have the potential to disturb (e.g., flushing from roosts or habitat) migrating whooping cranes present within the action area. Rugged topography within the action area is expected to minimize the reach of construction related stressors (e.g., noise, vibration, visual). The contractor would be required to notify the project engineer immediately in the event a whooping crane is identified within one mile of the project. The project engineer would then cease all construction activities, establish an avoidance area and immediately notify and coordinate with USFWS, FHWA and NDDOT. The contractor would not be permitted to resume work within the avoidance area until the project engineer has confirmed that the bird(s) have left the area.

Operation of traffic on the roadway has the potential to cause whooping cranes migrating through the area to alter their flight and landing patterns to avoid disturbance, however, the proposed action occurs on the outer edge of the migration corridor and substantial habitat exists in the region along the Little Missouri River that is available for use by whooping cranes. Further, much of the proposed action follows existing roadways, with little new roadway construction proposed, and traffic volumes are not projected to substantially increase after construction of the proposed project. Rugged topography within the action area is expected to minimize the reach of traffic related stressors (e.g., noise, visual).

D. Northern Long-Eared Bat

The proposed action may affect, but is not likely to adversely affect, the northern long-eared bat. The proposed action would permanently impact up to approximately 5.71 acres of woodlands that may serve as summer maternity habitat; this area constitutes approximately 0.36 percent of the total woodland area within the action area and is likely an overestimate given the conservative calculation of land use impacts. Tree removal has the potential to affect northern long-eared bats that may be in and around the trees; however, the action is located outside of the White Nose Syndrome Zone, thus incidental take is not prohibited (USFWS, 2016). Tree removal would not occur from June 1 through July 31 to avoid adversely impacting potential maternity roost trees during pup season. Woody vegetation mitigation measures are not proposed due to the abundance of similar habitat within the action area (KLJ, 2015).

Drainage structures that may be impacted by the proposed project do not provide suitable roosting habitat. No known caves or other structures are expected to be impacted by the proposed action. Bats present in the action area during the summer maternity season have the potential to be disturbed by construction activities and operation of traffic upon project completion. Garner et al. found evidence that Indiana bats, a species similar to the northern long-eared bat in many respects,

continue to roost and forage in the midst of heavy machinery operation (1991), thus effects of construction noise are not anticipated to adversely affect the northern long-eared bat. Traffic volumes are not anticipated to increase significantly as a result of the proposed project. Further, much of the proposed action follows existing roadways, with little new roadway construction proposed.

The Corps agrees with the information provided in the Biological Assessment dated September, 2016. At the time of final design and permitting, FHWA as the lead federal agency would be required to consult and receive concurrence from the USFWS on the “May Affect, Not Likely to Adversely Affect” determinations for the Northern Long-eared bat and Whooping crane. Based on similar construction methods and materials between alternatives A, K1, K2, and K3 it has been determined that the effects mentioned above would be similar of all ranges of alternatives. However, alternative K1 is both a shorter route with less piers in the Missouri River.

6.2.5. Biological Availability of Possible Contaminants in Dredged or Fill Material

The Corps requires that applicants only use clean fill from an NDDOT approved source. Each alternative would use the same type of inert material. Although the source of material is not known at the time of final design and permitting, sites which have already been reviewed and cleared by NDDOT would be utilized for obtaining fill.

6.3. Human Use Characteristics of the Aquatic Ecosystem

6.3.1. Water Supply

The Little Missouri River provides a source of water for farming activities, industrial businesses, and smaller towns located near the river. Although it is not certain how many are located directly downstream of the regulated activities at each evaluated alternative, NDDOT would be required to complete work in a manner that meets North Dakota State Water Quality Standards. The conditions of the Water Quality Certifications become special conditions of the Corps authorization.

Alternative L: The “No build” alternative would have no impact on water supply and conditions would remain the same as they are now.

Alternatives A and K3 would require more work within the OHWM of the river in order to install more piers. Alternative K1 would have less impacts on water supply because it would limit the amount of piers below the OHWM. Material to be discharged must be clean and free of debris as a general requirement. Based on the construction methods, the majority of material for the bridge and associated riprap would be composed of inert material. After evaluating each of the alternatives, K1 and K2 have the least amount of impacts to regulated waters of the United States. Alternative A has over 1800 LF of impacts to tributaries while the preferred alternative would cumulatively result in approximately 800 LF of impacts to

tributaries. Alternative K3 would result in 2935 LF of cumulative impacts to tributaries and 0.49 acres of wetland impacts.

6.3.2. Recreational and Commercial Fisheries

According to the North Dakota Game and Fish, the Little Missouri River contains predominantly catfish with some sauger and walleye during the spring spawning period (2019). Throughout the Little Missouri River, public access can be found with public lands owned by the USFS and the NPS. Although the Little Missouri River does not have a diverse fishery it still provides the general public with the ability to fish from shore or smaller vessels such as kayaks and canoes.

Alternative L: The “No build” alternative would have no impact on recreational or commercial fisheries.

All build alternatives would require the placement of fill and piers within the Little Missouri River. Temporary impacts during construction may occur as overall use of the area immediately surrounding the project would be hindered with the use of equipment and temporary structures that may be necessary to complete construction activities. After evaluating each of the alternatives, K1 and K2 have the least amount of impacts to regulated waters of the United States. Alternative A has over 1800 LF of impacts to tributaries while the preferred alternative would cumulatively result in approximately 800 LF of impacts to tributaries. Alternative K3 would result in 2935 LF of cumulative impacts to tributaries and 0.49 acres of wetland impacts.

6.3.3. Water Related Recreation

As previously mentioned above, smaller vessels could be used for fishing and/or other recreational activities on the Little Missouri River. This could also include the hunting of waterfowl species.

Alternative L: The “No build” alternative would have no impact on water related recreation.

All build alternatives would include the construction of a new bridge would have minor temporary and permanent effects to water related recreation. Should members of the general public choose to recreate in the project area during construction, this would likely impact recreation as individuals would have to avoid construction equipment and temporary cofferdams. Once construction is completed, smaller vessels would have to avoid the piers below the OHWM.

These impacts would be minimal for all alternatives as the Little Missouri River is not a Section 10 waterway and larger vessels do not utilize the shallow river. Each alternative would require the construction of piers within the banks of the Little Missouri River. Alternatives K1 and K2 would have the least amount of piers permanently located within the river. This would have less impacts on individuals that would like to utilize the river for recreation. After evaluating each of the

alternatives, K1 and K2 have the least amount of impacts to regulated waters of the United States. Alternative A has over 1800 LF of impacts to tributaries while the preferred alternative would cumulatively result in approximately 800 LF of impacts to tributaries. Alternative K3 would result in 2935 LF of cumulative impacts to tributaries and 0.49 acres of wetland impacts.

6.3.4. Aesthetics (NDDOT, 2018)

The general area associated with the alternatives is characterized as a diverse landscape comprised of badlands, buttes, and plateaus accented by wooded draws, all of which support a variety of vegetation types. Cultivated fields, farmsteads, and oil and gas developments are scattered throughout the area, and the Little Missouri River flows north through the rugged topography in the area. The transportation system in the area is comprised of rural, unpaved gravel/graded roads, primitive roadways, and trails.

For purposes of this analysis, visual resources are characterized from the vantage point of the user of the areas in the vicinity of the new roadway and bridge (e.g., local residents, recreationists, tourists). Human-made visual resources within the immediate vicinity of Alternative A include a seasonal residence. The seasonal residence is located approximately 0.1 miles east-northeast of the new roadway and bridge. This seasonal residence could likely be within the viewshed of the new roadway and bridge.

Alternative L: The “No build” alternative would have no impact on the visual aesthetics and the viewshed would remain as it is today.

Human-made visual resources within the immediate vicinity of Alternative K (all options) include two farmsteads. One farmstead, located approximately 0.6 miles east-southeast of the new roadway and bridge under Alternative K, Option 1 (Preferred Alternative) and 0.4 miles north-northwest of the new roadway and bridge under Alternative K, Option 2, could likely be within the viewshed of these alternatives. The other farmstead, located approximately 0.4 miles south of the new roadway and bridge under Alternative K, Option 3, could likely be within the viewshed of this alternative.

The bridge would likely have a small impact on aesthetics in the immediate vicinity because it would be a new crossing. The bridge would be constructed with a low profile and designed to blend in with the surrounding environment. Additionally, depending on where individuals are hunting, camping, and/or floating the Little Missouri River, the rough terrain in the badlands and vegetation provide a natural obstruction.

6.3.5. Parks, National and Historical Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Areas (NDDOT, 2018)

Alternative L: The “No build” alternative would have no impact on the Theodore Roosevelt National Park or any other parks, national and historical monuments and the viewshed would remain as it is today.

As discussed in the DEIS, Alternatives K1, K2, and K3 are south of the northern unit of Theodore Roosevelt National Park (TRNP). Photos were taken from various boundary lines within TRNP, in order to evaluate potential visual effects on the park. The same approach was taken for Alternative A which is located a few miles north of TRNP.

No direct impacts on the viewshed of the Elkhorn Ranchlands, TRNP – Elkhorn Ranch Unit, or National Historic District would be expected. Results of the viewshed analyses indicate that the new roadway and bridge under Alternative A would not be able to be seen from the Elkhorn Ranchlands, TRNP – Elkhorn Ranch Unit, Elkhorn Ranch Headquarters, or National Historic District. Further, Alternative A would not alter the viewshed or diminish the integrity of the view from the Elkhorn Ranchlands, TRNP – Elkhorn Ranch Unit, Elkhorn Ranch Headquarters, or National Historic District.

Alternative A is not expected to generate new traffic. An additional 1 percent would be added to the 2.5-percent annual baseline traffic growth rate to account for the redistribution of local trips that may be attracted to the new bridge. Therefore, under Alternative A, a total annual traffic growth rate of 3.5 percent would be expected for roads associated with the alternative and adjacent roadways. There would be a slight increase in fugitive dust emissions from vehicles using roadways within the study area. However, since Alternative A is located more than 2 miles from the Elkhorn Ranchlands, TRNP – Elkhorn Ranch Unit, and National Historic District and the traffic increase would be negligible, potential visual impacts from fugitive dust emissions would be minor. Overall, fugitive dust emissions during and upon completion of construction are not anticipated to alter the viewshed or diminish the integrity of the view from nearby areas, the Elkhorn Ranchlands, the TRNP – Elkhorn Ranch Unit, or the National Historic District.

Very minimal light pollution from the headlights of vehicles using the roadways within the study area would be expected. Since the traffic increase would be negligible, potential light pollution is not anticipated to alter the natural lightscapes of the seasonal residence, TRNP – North Unit, or TRNP – South Unit or result in visual impacts on natural night skies.

Construction activities would generate particulate matter emissions as fugitive dust from ground-disturbing activities. Fugitive dust emissions from construction activities would be greatest during initial site-preparation activities and would vary from day to day, depending on the construction phase, level of activity, and prevailing wind and weather conditions. All fugitive dust emissions from construction activities would be localized and temporary in nature.

Impacts on farmsteads located within approximately 0.6 miles of the new roadway and bridge under Alternative K, Option 1 (Preferred Alternative); 0.4 miles of the new roadway and bridge under Alternative K, Option 2; and 0.4 miles of the new roadway and bridge under Alternative K, Option 3 would be expected. These farmsteads could likely be within the viewshed of the alternatives. However, context-sensitive solutions would be applied to the final bridge design: the bridge would be low-profile and constructed to blend with the surrounding environment to the maximum extent practicable. The new roadway would be constructed similar to the existing roadways in the study area. The new roadway and bridge are not anticipated to diminish the integrity of the view from any of the farmsteads.

No direct impacts on the viewshed of the TRNP – Elkhorn Ranch Unit or National Historic District would be expected. Results of the viewshed analyses indicate that the roadways and bridges under Alternative K (all options) would not be able to be seen from the Elkhorn Ranchlands, TRNP – Elkhorn Ranch Unit, Elkhorn Ranch Headquarters, or National Historic District. Further, Alternative K (all options) would not alter the viewshed or diminish the integrity of the view from the Elkhorn Ranchlands, TRNP – Elkhorn Ranch Unit, Elkhorn Ranch Headquarters, or National Historic District.

Impacts from fugitive dust emissions and light pollution associated with Alternative K (all options) would be the same as those described for Alternative A.

As a result of the historical significance of the Badlands and TRNP, NDDOT has developed mitigation measures and design criteria to be implemented at the time of permitting. For all of the alternatives, the alignment would follow an existing roadway as closely as possible to minimize new roadway construction. In addition, context-sensitive solutions would be applied to the final bridge design: the bridge would be low-profile and constructed to blend with the surrounding environment to the maximum extent practicable.

Prior to construction activities, the contractor would be required to develop a SWPPP, which would include dust control measures during construction. Upon completion of construction activities, Billings County would implement dust-control, such as applying water, calcium chloride, and/or magnesium chloride to the roadway, as necessary and when feasible to prevent traffic hazards, damages, and nuisances to adjacent property owners. In addition, the county uses clay in their surface aggregate to help control dust.

6.4. Evaluation and Testing

Evaluation must be completed in accordance with the requirements of 40 CFR § 230.60, and if testing is required, must comply with the requirements of 40 CFR §230.61.

Only fill material composed of soil from uncontaminated sources would be used to minimize potential impacts to WOUS from fill material. The Contractor would be

required to provide fill material that is from an approved borrow source certified by the North Dakota Department of Transportation. No contaminated material would be placed in the WOUS.

6.5. Cumulative Impacts

Cumulative impacts are considered as the collective effect of a number of individual discharges of dredge or fill material. An analysis of impacts associated with past, present and reasonably foreseeable projects when considered with the proposed project was completed in accordance with 40 CFR §230.11(g).

Past and current actions in the project area having the potential to discharge dredged or fill material into the WOUS primarily include agricultural activities, oil and development, and roadway construction/maintenance. These impacts would have varied from temporary adverse impacts to permanent loss of aquatic resources.

In the past 5 years, authorized permits in the Middle Missouri River watershed (10110203) have resulted in 1.58 - acres of authorized fill in WOUS (Total). Approximately 46 Nationwide Permits have been verified, resulting in a permanent loss of 1.3 acres. The Corps has also authorized impacts to approximately 505 LF of streams (total). Approximately 205 LF was authorized by 1 Individual Permit. The Corps required compensatory mitigation for 0.82 acres of wetlands and 205 LF (0.1 – acres) of stream permanently lost in the watershed.

As of January 17, 2019, the Corps does not have any pending actions within the Middle Missouri River Hydrologic Unit Code 10110203.

When viewed cumulatively, these past projects have resulted in minimal impacts to regulated waters within the watershed, wildlife resources and recreational hunting activities. Proper avoidance and minimization techniques would reduce potential impacts that may occur. While future impacts are not expected at this time, the requirement to mitigate these impacts assist in minimizing the cumulative impacts associated with these projects, as the functions provided by these resources would be re-established and/or created within the watershed.

7.0 Actions to Minimize Adverse Effects

7.1. Planning and Design

During the initial planning of the proposed crossing, under the preferred alternative, NDDOT presented a larger area with greater impacts. In total, Alternative K1 included approximately 1.25 – acres of permanent impacts and 0.14 of temporary impacts. The larger area was chosen by NDDOT and KLJ to present a worst case scenario which would be further refined at final design and permitting. For purposes of completing a Section 404 (b)(1), the expanded review area was refined to represent the amount of impacts in a more accurate manner. As of January 18, 2019, Alternative K1 would permanently impact 0.39 – acres of wetlands (total). Additionally, when compared with Alternatives A, K2, and K3, impacts would be

minimized with K1 because the current design requires less piers within the Little Missouri River. Alternatives K1 and K2 share a difference of 0.07 acres of overall wetland impacts and would have the same amount of impacts to 792 LF of streams. These impacts would be similar; however, alternative K2 would likely require more piers in the Missouri River.

7.2. Environmental Commitments Record

A number of environmental commitments have been identified and are explained within the DEIS. The commitments also include environmental impacts as they relate to aquatic resources. Please refer to the DEIS, Table ES-I, Environmental Commitments Summary. The implementation of these commitments further promote avoidance and minimization of impacts associated with the discharge of fill material.

8.0 Compensatory Mitigation (NDDOT, 2018)

Unavoidable impacts on wetlands would be mitigated onsite, adjacent to the project, or at an NDDOT-approved mitigation site or bank, as necessary. During final design, a Section 404 permit application (and mitigation plan, if necessary) would be provided to the USACE for their consideration of impacts on wetlands and Other Waters under USACE jurisdiction. For naturally occurring wetlands outside of USACE jurisdiction requiring mitigation under EO 11990, impacts would be mitigated onsite, offsite, or an approved wetland site or bank. Mitigation would be accomplished in a manner consistent with FHWA's program-wide goal of 'net gain' of wetlands through enhancement, creation, and preservation.

9.0 Conclusion

The 404(b)(1) Guidelines are the substantive environmental standards by which all Section 404 permit applications are evaluated. The Guidelines, which are binding regulations, were published by the Environmental Protection Agency at 40 CFR Part 230 on December 24, 1980. The fundamental precept of the Guidelines is that discharges of dredged or fill material into waters of the United States, including wetlands, should not occur unless it can be demonstrated that such discharges, either individually or cumulatively, will not result in unacceptable adverse effects on the aquatic ecosystem. The Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." 40 CFR 230.10(a). Based on this provision, the applicant is required in every case (irrespective of whether the discharge site is a special aquatic site or whether the activity associated with the discharge is water dependent) to evaluate opportunities for use of non-aquatic areas and other aquatic sites that would result in less adverse impact on the aquatic ecosystem. A permit cannot be issued, therefore, in circumstances where a less environmentally damaging practicable alternative for the proposed discharge exists (except as provided for under Section 404(b)(2)). (40 CFR 1502.14, 33 CFR Part 325 Appendix

B(7) and 40 CFR 230.5(c)). However, this regulatory statute does not limit the inherent flexibility provided in the Guidelines for implementing these provisions.

The preamble to the Guidelines is very clear in this regard:

Of course, as the regulation itself makes clear, a certain amount of flexibility is still intended. For example, while the ultimate conditions of compliance are "regulatory", the Guidelines allow some room for judgment in determining what must be done to arrive at a conclusion that those conditions have or have not been met.

In conclusion, based on the information provided and the public interest review; the Corps has determined that Alternative K with options 1 or 2 are very similar in impacts and would be considered the Least Environmentally Damaging Practicable Alternatives (LEDPA) for the Little Missouri River Crossing Project.

10.0. Literature Cited

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Appendix M. Public Hearing Materials

Little Missouri River Crossing

M.1. Notice of Availability – July 6, 2018	M-3
M.2. Notice of Availability – August 17, 2018	M-4
M.3. Public Hearing Post Card – Revised Public Hearing Dates (July 23 and 26, 2018)	M-6
M.4. Public Hearing Post Card – Extended Comment Period (August 20 to September 4, 2018)	M-7
M.5. Public Hearing Handout – July 23 and 26, 2018	M-8
M.6. Public Hearing Press Release – July 13, 2018	M-16
M.7. Public Hearing Press Release – July 18, 2018	M-20
M.8. Public Hearing Newspaper Affidavits – June 27, 28, and 30, 2018	M-24
M.9. Public Hearing Newspaper Affidavits – July 4 and 5, 2018	M-30
M.10. Public Hearing Newspaper Affidavits – July 11, 12, and 14, 2018	M-35
M.11. Public Hearing Newspaper Affidavits – August 17, 22, and 23, 2018	M-41

M.1. Notice of Availability – July 6, 2018



Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF-FMPA NITSA (SA No. 148) Amendment (Ft. Meade) to be effective 9/1/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5059.
Comments Due: 5 p.m. ET 7/20/18.
Docket Numbers: ER18-1883-000.
Applicants: Midcontinent Independent System Operator, Inc., Michigan Electric Transmission Company, LLC.
Description: § 205(d) Rate Filing: 2018-06-29 SA 3132 METC-Wolverine T-T to be effective 6/1/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5060.
Comments Due: 5 p.m. ET 7/20/18.
Docket Numbers: ER18-1884-000.
Applicants: Duke Energy Florida, LLC.
Description: Tariff Cancellation: DEF-City of Ft. Meade NITSA (SA No. 152) Cancellation Filing to be effective 9/1/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5062.
Comments Due: 5 p.m. ET 7/20/18.
Docket Numbers: ER18-1885-000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revised SA No. 3518 NITSA among PJM and LGE/KU to be effective 6/1/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5072.
Comments Due: 5 p.m. ET 7/20/18.
Docket Numbers: ER18-1886-000.
Applicants: Vermont Transco, LLC.
Description: Compliance filing: compliance 2018 exhibit A to be effective 7/1/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5075.
Comments Due: 5 p.m. ET 7/20/18.
Docket Numbers: ER18-1887-000.
Applicants: XOOM Energy, LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 6/30/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5077.
Comments Due: 5 p.m. ET 7/20/18.
Docket Numbers: ER18-1888-000.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: Tariff Cancellation: Niagara Mohawk Power Corporation Notice of Cancellation of Tug Hill Agreement No. 125 to be effective 8/24/2017.
Filed Date: 6/29/18.
Accession Number: 20180629-5088.
Comments Due: 5 p.m. ET 7/20/18.

Docket Numbers: ER18-1890-000.
Applicants: Consumers Energy Company.
Description: § 205(d) Rate Filing: Blackstart Rate Change to be effective 9/1/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5121.
Comments Due: 5 p.m. ET 7/20/18.
Docket Numbers: ER18-1891-000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: Amendment to REMC NITSA (SA No. 369) to be effective 7/1/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5152.
Comments Due: 5 p.m. ET 7/20/18.
Docket Numbers: ER18-1892-000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2900R10 KMEA NITSA NOA to be effective 9/1/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5154.
Comments Due: 5 p.m. ET 7/20/18.
Docket Numbers: ER18-1893-000.
Applicants: New York State Electric & Gas Corporation.
Description: § 205(d) Rate Filing: Rate Schedule FERC No. 87 Supplement to be effective 9/1/2018.
Filed Date: 6/29/18.
Accession Number: 20180629-5163.
Comments Due: 5 p.m. ET 7/20/18.
 The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.
 Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date.
 Protests may be considered, but intervention is necessary to become a party to the proceeding.
 eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.
 Dated: June 29, 2018.
Nathaniel J. Davis, Sr.,
Deputy Secretary.
 [FR Doc. 2018-14503 Filed 7-5-18; 8:45 am]
BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY
[ER-FRL-9040-2]
Environmental Impact Statements; Notice of Availability
Responsible Agency: Office of Federal Activities, General Information (202) 564-7156 or <https://www2.epa.gov/nepa/>
 Weekly receipt of Environmental Impact Statements
 Filed 06/25/2018 Through 06/29/2018
 Pursuant to 40 CFR 1506.9.
Notice
 Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodeng.epa.gov/cdx-enepa-public/action/eis/search>
EIS No. 20180149, Draft, FHWA, ND, Little Missouri River Crossing, Comment Period Ends: 08/20/2018, Contact: Gary Goff (701) 221-9466.
EIS No. 20180150, Draft, USFS, WY, Medicine Bow Landscape Vegetation Analysis (LaVA) Project, Comment Period Ends: 08/20/2018, Contact: Melissa Martin (307) 745-2371.
EIS No. 20180151, Draft, USACE, FL, Lake Okeechobee Watershed Restoration Project, Comment Period Ends: 08/20/2018, Contact: Gretchen Ehlinger (904) 232-1682.
EIS No. 20180152, Draft, USACE, CT, Byram River Flood Risk Management Draft Integrated Feasibility Report and EIS, Comment Period Ends: 08/20/2018, Contact: Kimberly Rightler (917) 790-8722.
Amended Notice
EIS No. 20180146, Final, USFS, WA, WITHDRAWN, LeClerc Creek Grazing Allotment Management Planning, Comment Period Ends: 08/13/2018, Contact: Gayne Sears (509) 447-7300.
 Officially withdrawn per request of the U.S. Forest Service.
 Dated: July 2, 2018.
Robert Tomiak,
Director, Office of Federal Activities.
 [FR Doc. 2018-14495 Filed 7-5-18; 8:45 am]
BILLING CODE 6560-50-P

M.2. Notice of Availability – August 17, 2018



41072

Federal Register / Vol. 83, No. 160 / Friday, August 17, 2018 / Notices

activities, please contact Ian Foss, 202–377–3681.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Servicemembers Civil Relief Act (SCRA): Interest Rate Limitation Request.

OMB Control Number: 1845–0135.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 200.

Total Estimated Number of Annual Burden Hours: 67.

Abstract: The Servicemembers Civil Relief Act (SCRA) provides that those on active duty military service are entitled to have an interest rate in excess of 6% be capped at 6% for the duration of their qualifying military service. The Department is requesting an extension of the currently approved information collection. These Federal Family Education Loan (FFEL) Program and Direct Loan Program regulations have not changed. The regulations require a loan holder to match its database against the Department of Defense's Defense Manpower Data Center (DMDC) and automatically apply the interest rate limitation, as appropriate, to borrowers under the

Servicemembers Civil Relief Act. The form in this collection would only be used in limited cases where the borrower is not found in the Defense Manpower Data Center, or does not have a copy of military orders, but still wishes to receive benefits under the SCRA.

Dated: August 14, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer Office of Management.

[FR Doc. 2018–17744 Filed 8–16–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–192–000]

North Carolina Electric Membership Corporation v. Duke Energy Progress, LLC; Notice of Complaint

Take notice that on August 10, 2018, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e, Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2018), and section 16.1 of the Fifth Amended and Restated Power Supply and Coordination Agreement between Duke Energy Progress, LLC (DEP or Respondent) and the North Carolina Electric Membership Corporation (NCEMC or Complainant), FERC Rate Schedule No. 182, NCEMC filed a formal complaint against DEP alleging that the Respondent's Fixed Demand Rate, Variable Demand Rate, and the formula production rate that will go into effect January 1, 2020, are excessive, unjust and unreasonable, and not cost-based as required by the Respondent's Market-Based Rate Tariff, as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts for the Respondent listed on the Commission's list of Corporate Officials and on the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of

intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 30, 2018.

Dated: August 13, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–17761 Filed 8–16–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9040–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7156 or <https://www2.epa.gov/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed 08/06/2018 Through 08/10/2018 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

EIS No. 20180181, Draft, DOC, NAT, Draft Environmental Impact Statement for the Summer Flounder

Commercial Issues Amendment, Comment Period Ends: 10/12/2018, Contact: Emily Gilbert 978-491-8024
EIS No. 20180182, Draft, USFS, NV, Lee Canyon EIS, Comment Period Ends: 10/01/2018, Contact: Jonathan Stein 702-515-5418
EIS No. 20180183, Draft, TVA, TN, Transmission System Vegetation Management Programmatic EIS, Comment Period Ends: 10/01/2018, Contact: Anita E. Masters 423-751-8697
EIS No. 20180184, Draft, BLM, UT, Draft Bears Ears National Monument Indian Creek and Shash Jaa Units Monument Management Plans and Associated Environmental Impact Statement, Comment Period Ends: 11/15/2018, Contact: Lance Porter 435-259-2100
EIS No. 20180185, Draft, BLM, UT, Grand Staircase-Escalante National Monument-Grand Staircase, Kaiparowits, and Escalante Canyon Units and Federal Lands Previously Included in the Monument That Are Excluded From the Boundaries Draft Resource Management Plans and Associated Environmental Impact Statement, Comment Period Ends: 11/15/2018, Contact: Matt Betenson 435-644-1200
EIS No. 20180186, Final, USFS, OR, East Hills Project, Review Period Ends: 09/17/2018, Contact: Jody Perozzi 541-353-2723

Amended Notice

Revision to the **Federal Register** Notice published 07/06/2018, extend comment period from 08/20/2018 to 09/04/2018.
EIS No. 20180149, Draft, FHWA, ND, Little Missouri Crossing, Contact: Gary Goff 701-221-9466
 Dated: August 14, 2018.
Robert Tomiak,
Director, Office of Federal Activities.
 [FR Doc. 2018-17747 Filed 8-16-18; 8:45 am]
BILLING CODE 6560-50-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Friday, August 24, 2018, 9:00 a.m. Eastern Time.
PLACE: Jacqueline A. Berrien Training Center on the First Floor of the EEOC Office Building, 131 "M" Street NE, Washington, DC 20507.
STATUS: The meeting will be closed to the public.
MATTERS TO BE CONSIDERED:

Closed Session

The Associate Legal Counsel has certified that, in her opinion, exemption 10 of the Sunshine Act, 5 U.S.C. 552b(c)(10) and 29 CFR 1612.4(j), permits consideration of the scheduled matters at the closed meeting.
 Agency Adjudication and Determination on Federal Agency Discrimination Complaint Appeals:
 The Commission will be considering four (4) cases.
Note: Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its website, www.eeoc.gov, and provides a recorded announcement a week in advance on future Commission sessions.)
 Please telephone (202) 663-7100 (voice) and (202) 663-4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation and Communication Access Realtime Translation (CART) services at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

CONTACT PERSON FOR FURTHER INFORMATION: Bernadette B. Wilson, Executive Officer on (202) 663-4077.

Dated: August 15, 2018.
Bernadette B. Wilson,
Executive Officer, Executive Secretariat.
 [FR Doc. 2018-17922 Filed 8-15-18; 4:15 pm]
BILLING CODE 6570-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-3357-FN]

Medicare and Medicaid Program; Application From DNV GL—Healthcare (DNV GL) for Continued Approval of Its Hospital Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.
ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the DNV GL—Healthcare for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs.
DATES: This decision is effective August 17, 2018 through September 26, 2022.

FOR FURTHER INFORMATION CONTACT: Karena Meushaw (410) 786-6609, or Monda Shaver (410) 786-3410.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a hospital, provided that certain requirements are met. Section 1861(e) of the Social Security Act (the Act), establishes distinct criteria for facilities seeking designation as a hospital. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 482 specify the minimum conditions that a hospital must meet to participate in the Medicare program.

Generally, to enter into an agreement, a hospital must first be certified by a State survey agency as complying with the conditions or requirements set forth in part 482 of our regulations. Thereafter, the hospital is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we may deem those provider entities as having met the requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary of the Department of Health and Human Services as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program may be deemed to meet the Medicare conditions. A national accrediting organization applying for approval of its accreditation program under part 488, subpart A, must provide the Centers for Medicare and Medicaid Services (CMS) with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.5. The regulations at § 488.5(e)(2)(i) require accrediting organizations to reapply for continued approval of its accreditation program

M.3. Public Hearing Post Card – Revised Public Hearing Dates (July 23 and 26, 2018)

PUBLIC HEARING
for the
Little Missouri River Crossing
Draft Environmental Impact Statement

Please note revised dates

Formal Presentation:
5:30 p.m.
Monday, July 23, 2018
Medora Community Center
465 Pacific Ave.
Medora, ND

Open House:
5:00 p.m. to 8:00 p.m.
(local times)
Thursday, July 26, 2018
Courtyard by Marriott
3319 N 14th St.
Bismarck, ND

Two locations:

FHWA-ND-EIS-18-02-D
02-04(001), PCN 16970

KLJ 4585 Coleman Street
PO Box 1157
Bismarck, ND 58503

PRSR STD
US POSTAGE
PAID
PERMIT #419
BISMARCK, ND
58501

The purpose of the public hearing is to inform the public of the opportunity to provide verbal and/or written comments on the Draft EIS.

Resident
<<Address>>
<<City>>, <<State>> <<Zip>>

Little Missouri River Crossing

M.4. Public Hearing Post Card – Extended Comment Period (August 20 to September 4, 2018)



EXTENDED COMMENT PERIOD
for the
Little Missouri River Crossing
Draft Environmental Impact Statement

Please note...

The public comment period for the Little Missouri River Crossing Draft Environmental Impact Statement (EIS) has been extended an additional 15 days from:
August 20, 2018 to September 4, 2018

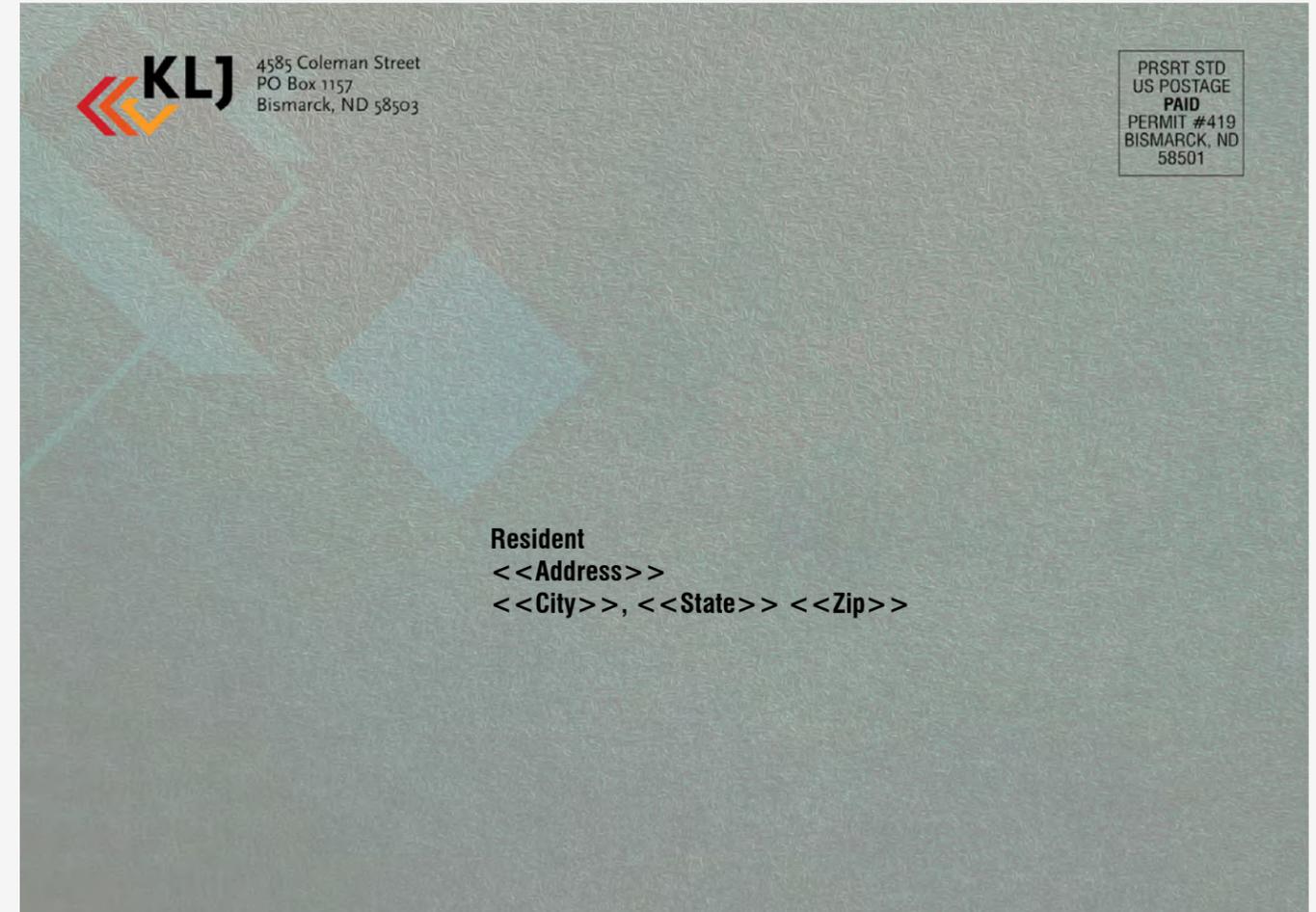
KLJ
4585 Coleman Street
PO Box 1157
Bismarck, ND 58503

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BISMARCK, ND
58501**

Resident
<<Address>>
<<City>>, <<State>> <<Zip>>

FHWA-ND-EIS-18-02-D
02-04(001), PCN 16970

[HTTP://WWW.BILLINGSCOUNTYNOD.GOV/KLJ/](http://www.billingcountynod.gov/klj/)



KLJ 4585 Coleman Street
PO Box 1157
Bismarck, ND 58503

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BISMARCK, ND
58501**

Resident
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<<City>>, <<State>> <<Zip>>

M.5. Public Hearing Handout – July 23 and 26, 2018

FHWA-ND-EIS-18-02-D
02-04(001), PCN 16970

U.S. Department of Transportation
Federal Highway
Administration

NDDOT
North Dakota
Department of Transportation

BILLINGS COUNTY
NORTH DAKOTA

KLJ

Little Missouri River Crossing
PUBLIC HEARING
Draft Environmental Impact Statement
July 23, 2018 ♦ Medora, ND & July 26, 2018 ♦ Bismarck, ND

Little Missouri River Crossing



Introduction

Thank you for attending today's public hearing for the Little Missouri River Crossing project. This public hearing provides you with the opportunity to comment on the Draft Environmental Impact Statement (EIS). The Draft EIS contains details regarding a proposed crossing of the Little Missouri River in conjunction with upgrading existing roadways and/or creating new roadways. The project would connect the transportation network on the east side of the Little Missouri River to the transportation network on the west side of the Little Missouri River within the study area.

Purpose of the Public Hearing

The objective of the public hearing and public comment period for the Draft EIS is to get the most complete expression of public opinion regarding the project aspects on the record. Comments provided during the public hearing and public comment period will be considered before further decisions are made on the project alternatives. This public hearing includes a project presentation and opportunities to provide verbal and/or written comments. All comments will be entered into the public hearing record along with the public hearing presentation, exhibits, and materials.

This public hearing will discuss the following aspects of the Little Missouri River Crossing project:

- ◆ Purpose and need
- ◆ Recommended Preferred Alternative and its design features
- ◆ Potential environmental impacts from the Preferred Alternative
- ◆ Next steps in the environmental documentation process

Purpose and Need for the Project

The purpose of the project is to provide for the safe and efficient movement of people and commerce. Specifically, the purpose of the project is to conduct the following:

- ◆ Improve the transport of goods and services within the study area.
- ◆ Provide the public with a safe, efficient, and reliable connection between the roadways on the east and west sides of the Little Missouri River within Billings County (internal linkage) that also improves the connectivity and system linkage between Billings County and Golden Valley County roadway networks, with the added benefit of providing an additional connection between ND-16 and US Highway 85 within the study area.
- ◆ Construct a new river crossing over the Little Missouri River in a location that utilizes the existing transportation network, upgrading existing roadways, and/or creating new roadways to best meet roadway and structure design standards.
- ◆ Accommodate a variety of vehicles, ranging from two-wheel-drive passenger vehicles to agricultural, commercial, and industrial vehicles and equipment.





Alternatives

Two build alternatives (Alternatives A and K) and the no-build alternative (Alternative L) were carried forward for detailed analysis in the EIS. Alternative K has three options: Alternative K, Option 1; Alternative K, Option 2; and Alternative K, Option 3 (see **Figure 1**). The lead agencies, the Federal Highway Administration (FHWA), the North Dakota Department of Transportation (NDDOT) and Billings County, are recommending Alternative K, Option 1 as the Preferred Alternative (see **Figures 2 and 3**).

Alternative K, Option 1 would be approximately 8.3 miles long, of which 6.2 miles would closely follow the existing roadway alignment and 2.1 miles would be new roadway construction. Alternative K, Option 1 would include construction of a three to five span bridge over the Little Missouri River that would be approximately 600 feet long. Alternative K (all options) and Alternative K, Option 1 include expanded study areas that were environmentally cleared to provide flexibility in aligning the intersection at Belle Lake Road and to facilitate future landowner negotiations near the new bridge location, respectively. Construction and right-of-way/easement acquisition for Alternative K, Option 1 would cost approximately \$11.2 million.

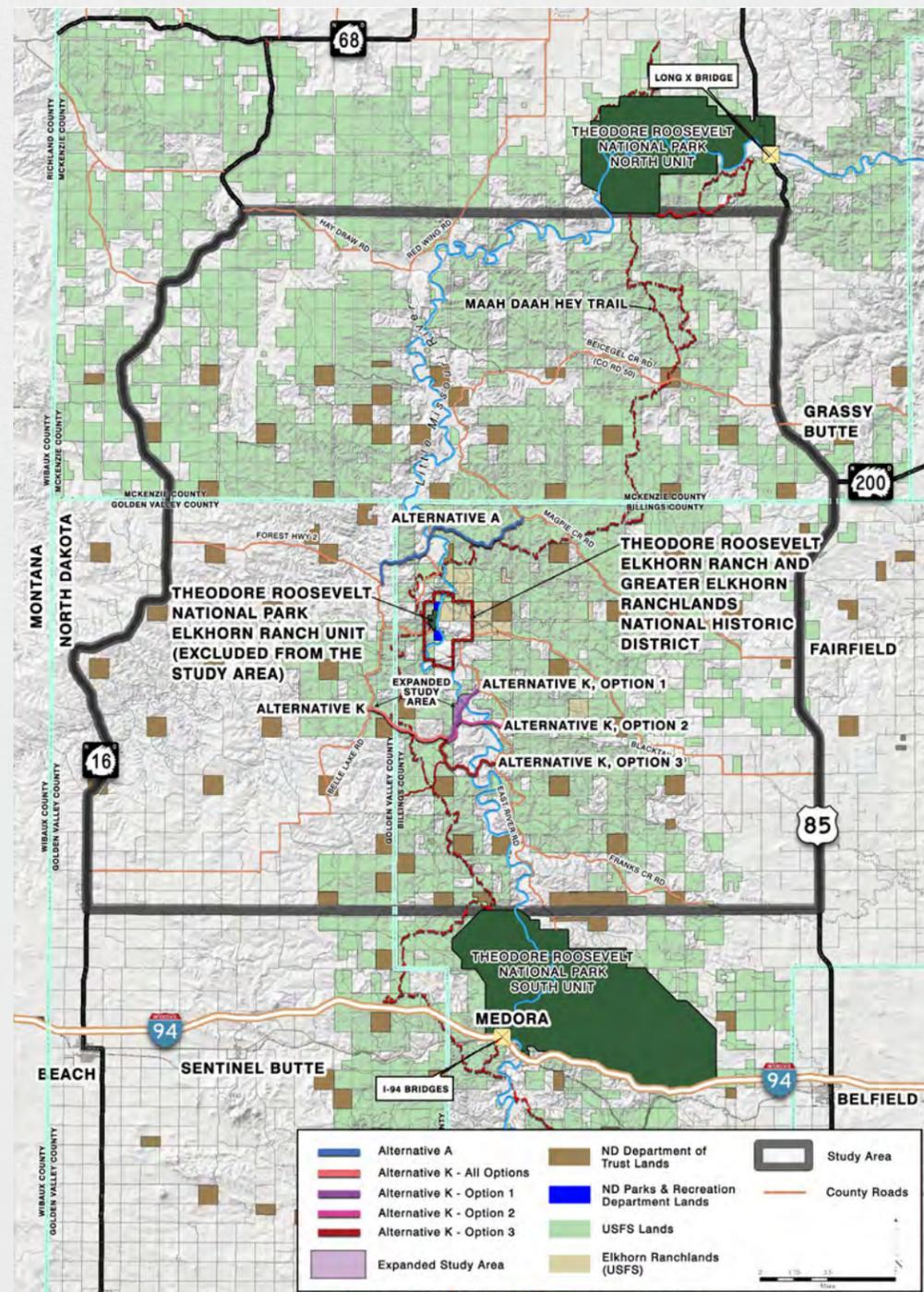


Figure 1, Alternatives for the Project

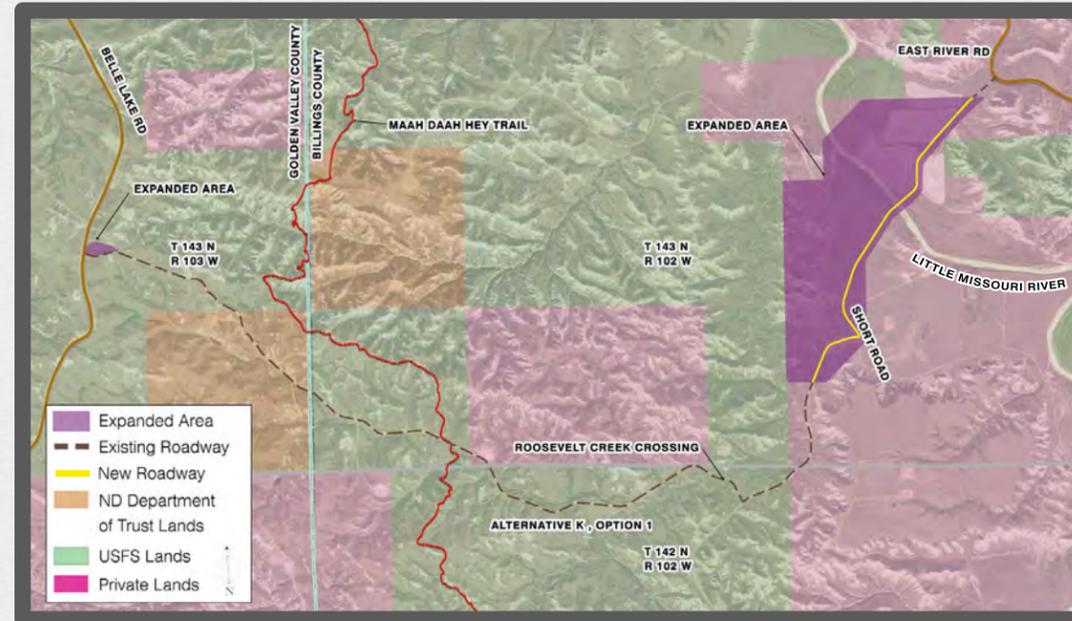


Figure 2, Map of Alternative K, Option 1 (Preferred Alternative)



Figure 3, Alternative K, Option 1 (Preferred Alternative) Bridge Simulation

Impacts

The lead agencies have identified Alternative K, Option 1 as the recommended Preferred Alternative, as it would meet the project's purpose and need with minimal environmental impacts. A summary of impacts from the Preferred Alternative are as follows:

- ◆ No impacts on cultural sites that are *Eligible* for listing on the National Register of Historic Places. The North Dakota State Historic Preservation Office has concurred with a *No Historic Properties Affected* determination.
- ◆ Local access to recreational and tourist facilities would be increased.
- ◆ Efficiency and reliability of the transportation system and emergency response times would be improved.
- ◆ Permanent right-of-way, as well as temporary and/or permanent easements, would be acquired from the North Dakota Department of Trust, US Forest Service (USFS), and/or private landowners.
- ◆ Temporary impacts during construction from fugitive dust and emissions associated with fossil fuel combustion.
- ◆ Permanent impacts on 1.65 acres of wetlands and 0.14 acres (1,873 linear feet) of Other Waters.
- ◆ Temporary construction impacts on Maah Daah Hey Trail where it intersects the roadway, with the trail remaining open during construction (Department of Transportation Act Section 4(f) temporary occupancy exception).
- ◆ No direct impacts on viewshed of the Theodore Roosevelt National Park–Elkhorn Ranch Unit or Theodore Roosevelt Elkhorn Ranch and Greater Elkhorn Ranchlands National Historic District.
- ◆ No traffic noise impacts on sensitive receptors (e.g., Maah Daah Hey Trail).
- ◆ *May Affect, not likely to adversely affect*, two wildlife species protected by the Endangered Species Act and *may impact* one USFS-designated sensitive wildlife species. *Will impact* one and *may impact* several additional USFS-designated sensitive plant species. The US Fish and Wildlife Service and USFS have concurred with these determinations.
- ◆ Traffic volume increase of 3.5 percent for roads associated with the Alternative and adjacent roadways. (Not expected to generate new traffic; however, the redistribution of local trips attracted to the new bridge is anticipated to increase the typical 2.5 percent traffic growth rates by 1 percent for roads associated with the alternative and adjacent roadways.)



M.6. Public Hearing Press Release – July 13, 2018

Liz Ricciardi

From: Ashley Ross
Sent: Thursday, November 8, 2018 1:59 PM
To: Liz Ricciardi
Subject: FW: NR/NDDOT: Public Hearings held on July 23 and July 26, to discuss the Draft Environmental Impact Statement for the Little Missouri River Crossing

Ashley Ross
 KLJ - Bismarck
 701-250-5961

From: Leben, Kent H. [mailto:khleben@nd.gov]
Sent: Thursday, November 8, 2018 1:58 PM
To: Ashley Ross <Ashley.Ross@kjeng.com>
Subject: FW: NR/NDDOT: Public Hearings held on July 23 and July 26, to discuss the Draft Environmental Impact Statement for the Little Missouri River Crossing

From: Olson, Jamie R.
Sent: Thursday, November 8, 2018 1:21 PM
To: Leben, Kent H. <khleben@nd.gov>
Subject: FW: NR/NDDOT: Public Hearings held on July 23 and July 26, to discuss the Draft Environmental Impact Statement for the Little Missouri River Crossing

[Here's the press release and the recipients.](#)

From: Olson, Jamie R.
Sent: Friday, July 13, 2018 9:07 AM
To: 'AP Bismarck' <apbismarck@ap.org>; 'B Nicholson' <bnicholson@ap.org>; 'D Kolpack' <dkolpack@ap.org>; 'J Macpherson' <jmacpherson@ap.org>; Alison Kelly <akelly@kxnet.com>; Alyssa Fitzgerald <alyssa.fitzgerald@townsquaremedia.com>; Amy Dalrymple <amy.dalrymple@bismarcktribune.com>; 'Bismarck Tribune' <news@bismarcktribune.com>; 'Carson Press' <gc@westriv.com>; 'Center Republic' <star@westriv.com>; 'Glen Ulin Times' <gutimes@westriv.com>; Gloria David <gdavid@bismarcknd.gov>; 'Hazen Star' <centernews@westriv.com>; 'Hebron Herald' <hherald@westriv.com>; Jim Walsh <jim.walsh@townsquaremedia.com>; Joey Dee <joey.dee@townsquaremedia.com>; John Hageman <jhageman@forumcomm.com>; KFYZ radio <kfyrnews@iheartmedia.com>; KNDR <onairkndr@midconetwork.com>; KX News <ndfirst@kxnet.com>; 'KX News' <news12@kxnet.com>; Larry Leblanc <larry.leblanc@townsquaremedia.com>; 'Lauren Gray - MOJO 107.5 FM' <laurengrey@mojo1075.com>; 'Leann Eckroth' <leann.eckroth@bismarcktribune.com>; 'Linton Emmons County Record' <info@lintonnd.com>; Malique Rankin <mrarkin@kxnet.com>; 'Mandan News' <editor@mandan-news.com>; Mark Wish <Mark.Wish@townsquaremedia.com>; Matt Bingham <matt.bingham@townsquaremedia.com>; 'McClusky Gazette' <gazette@westriv.com>; 'MOJO 107.5FM' <mojo@mojo1075.com>; 'Napoleon Homestead' <homestead@napoleonnd.com>; 'New Salem Journal' <newsalemjournal@westriv.com>; Phil Parker <philparker@iheartmedia.com>; 'Radio--Bismarck (Cumulus)' <Dean.Mastel@cumulus.com>; 'Radio--Bismarck (KFYZ)' <kfyr@clearchannel.com>; 'Radio--Bismarck (Prairie Public Broadcasting)' <dthompson@prairiepublic.org>; 'Steele Ozone & Kidder County Press' <sop@bektel.com>; 'Steve Wallick' <steve.wallick@bismarcktribune.com>; Tia Streeter <tstreeter@kxnet.com>; 'TV KFYZ - Cliff Naylor' <cnaylor@kfyrtv.com>; 'TV KFYZ - Henry Blakes' <hblakes@kfyrtv.com>;

'TV KFVR - Kevin Lawrence weather' <weather@kfyrtv.com>; 'TV--Bismarck (KFVR)' <news@kfyrtv.com>; 'Underwood News' <unnews@westriv.com>; 'URLRadio - Stacy Sturm' <stacy@urlradio.net>; 'Washburn Leader News' <bhgnews@westriv.com>; 'Washburn/Underwood Leader News' <leadernews@westriv.com>; 'agency@independencecil.org' <agency@independencecil.org>; 'allan.peterson@ndsu.edu' <allan.peterson@ndsu.edu>; 'bcsap@btinet.net' <bcsap@btinet.net>; 'bozz@beu.midco.net' <bozz@beu.midco.net>; 'brendac@cap7.com' <brendac@cap7.com>; 'btelin@lssnd.org' <btelin@lssnd.org>; 'chuck.mgas@midconetwork.com' <chuck.mgas@midconetwork.com>; 'customerservice@metroplains.com' <customerservice@metroplains.com>; 'dacotah@btinet.net' <dacotah@btinet.net>; 'dhsds@nd.gov' <dhsds@nd.gov>; 'Engelman, Harley D.' <hengelman@nd.gov>; 'freedom@freedomrc.org' <freedom@freedomrc.org>; 'gheglan@i29.net' <gheglan@i29.net>; 'info@prideinc.org' <info@prideinc.org>; '-Info-City of Bismarck Planning' <cobplan@nd.gov>; '-Info-DHS Aging Services' <dhsaging@nd.gov>; '-Info-DHS West Central Human Service Center' <dhswhsc@nd.gov>; 'jbrager@hitinc.org' <jbrager@hitinc.org>; 'jill.hough@ndsu.edu' <jill.hough@ndsu.edu>; 'kess@bektel.com' <kess@bektel.com>; 'Laurel_nybo@bismarckschools.org' <Laurel_nybo@bismarckschools.org>; 'leeann.coresinc@midconetwork.com' <leeann.coresinc@midconetwork.com>; 'lwurtz@aarp.org' <lwurtz@aarp.org>; 'Mack, Pamela' <pmack@nd.gov>; 'Mary Siverson' <Mary.siverson@ndsu.edu>; 'Moench, Jim' <jimmoench@nddac.org>; 'mrasmussen@nd.gov' <mrasmussen@nd.gov>; 'mremboldt@hitinc.org' <mremboldt@hitinc.org>; 'pamelat@sbc.edu' <pamelat@sbc.edu>; 'Pena, Andrea D.' <apena@nd.gov>; 'pmckenzie61@live.com' <pmckenzie61@live.com>; 'robinw.bisman@midconetwork.com' <robinw.bisman@midconetwork.com>; 'Roy, Crystal M.' <croy@nd.gov>; 'sandy_wollan@bismarckschools.org' <sandy_wollan@bismarckschools.org>; 'Saunders, Steve L.' <ssaunders@nd.gov>; 'Schiwal, Tom P.' <tschiwal@nd.gov>; 'smilovanovic@lssnd.org' <smilovanovic@lssnd.org>; 'westndfgp@btinet.net' <westndfgp@btinet.net>; 'westriver.bisman@midconetwork.com' <westriver.bisman@midconetwork.com>; 'Beulah Beacon' <coalnews@westriv.com>; 'Bowman Pioneer' <bowmancountypioneer@countrymedia.net>; 'Dickinson Press' <newsroom@thedickinsonpress.com>; 'Glenda Embry' <gembry@mhanation.com>; 'Golden and Billings' <goldenandbillings@gmail.com>; 'Hazen Star' <independ@restel.net>; 'Hettinger Adams County Record' <acrnews@ndsupernet.com>; 'Jason Spiess' <rollingstovend@gmail.com>; 'Ken Miller' <kenmiller@nd.gov>; 'Killdeer Dunn County Herald' <edunn@ndsupernet.com>; 'Michael Hricik' <mhrick@thedickinsonpress.com>; 'New England Herald' <therald@ndsupernet.com>; 'Nina Fox' <nfox@mhanation.com>; 'Radio--Beulah' <lee@foxsports1410.com>; 'Radio--Dickinson (KDIX)' <kdix@kdix.net>; 'Radio--Hettinger' <kndc1490@ndsupernet.com>; 'Radio--New Town (KMHA)' <csun@mhanation.com>; 'Steve Kirch' <skirch@kxnet.com>; 'Studio-The Mix' <studio@themix1057.com>; 'administration@dickinson.cap.org' <administration@dickinson.cap.org>; 'Beverly.Hafele@ndsu.edu' <Beverly.Hafele@ndsu.edu>; 'cehlis@state.nd.us' <cehlis@state.nd.us>; 'coa@midstate.net' <coa@midstate.net>; 'cwtrans@pop.ctctel.com' <cwtrans@pop.ctctel.com>; 'eldercare@ndsupernet.com' <eldercare@ndsupernet.com>; 'hazennd@westriv.com' <hazennd@westriv.com>; '-Info-DHS Badlands Human Service Center' <dhsblhsc@nd.gov>; 'margaret.olheiser@sendit.nodak.edu' <margaret.olheiser@sendit.nodak.edu>; 'mmcoa@westriv.com' <mmcoa@westriv.com>; 'Sharon.Hansen@senditnodak.edu' <Sharon.Hansen@senditnodak.edu>; 'Shea, Kari L.' <kshea@nd.gov>; 'Allan Tinker' <slvrbird@westriv.com>; 'Carol Walz' <Carol.walz@here.com>; 'Clara Marie Gauthier' <davenemonews@gmail.com>; 'Highway superintendents' <highwaysupts@ndaco.org>; 'Jeff Eslinger' <jeff.eslinger@ndaco.org>; 'Manitoba Infrastructure Transportation' <roadinfo@gov.mb.ca>; 'Neil Gobelle' <neil.gobelle@gov.mb.ca>; 'Nokia Traffic' <NTIMCPlains@nokia.com>; 'Barb Peterson' <barbp@ci.williston.nd.us>; 'Bowbells Burke County Tribune' <tribune@nccray.com>; 'Chris Simon' <csimon@cherrycreekradio.com>; 'Crosby Journal' <journal@crosbynd.com>; 'Dee James' <deemiller@cherrycreekradio.com>; 'Dustin' <dustin@bakkenbeacon.com>; 'Haugen' <shaugen@cherrycreekmedia.com>; 'Hotchkiss' <ehotchkiss@cherrycreekmedia.com>; 'Howard Klug' <howardklug@hotmail.com>; 'Jennifer Kleen' <jkleen@kxnet.com>; 'Kelly Volk' <kvolk@kxnet.com>; 'KEYZ' <keyznews@cherrycreekradio.com>; 'kumv' <Gurajpalpreet.sangha@kumv.com>; 'Lalim' <plalim@cherrycreekmedia.com>; 'Mary Gagliardi' <magagliardi@kumv.com>; 'Mathew Johansen' <Mjohansen@co.mckenzie.nd.us>; 'Miller' <deemiller@cherrycreekmedia.com>; 'Mountrail County Promoter-Stanley' <promoter@midstatetel.com>; 'Mountrail County Record' <mcrecord@restel.net>; 'New Town News' <ntnews@restel.net>; 'New Town News/Mountrail County Record' <nteditor@bhgnews.com>; 'Nicholas Amatangelo' <Nicholas.amatangelo@kumv.com>; 'Rachel Sawicki' <rachels@ci.williston.nd.us>; 'Radio--Williston (N. Plains) - ' <earlg@nccray.net>; 'Renee Jean' <rjean@willistonherald.com>; 'Stephanie Norman' <farmer@watfordcitynd.com>; 'Tioga Tribune' <tribune@tiogand.com>; 'TV--Minot (KXMC-TV)' <jolson@kxmcnews.com>; 'TV--Williston (KUMV)' <kumv@kumv.com>;

'Watford City McKenzie County Farmer' <mcf@watfordcitynd.com>; 'Williston Daily Herald' <news@willistonherald.com>; 'blockw@fbcc.bia.edu' <blockw@fbcc.bia.edu>; 'chr@dia.net' <chr@dia.net>; 'deeannl@willistoncap.org' <deeannl@willistoncap.org>; -Info-DHS NWHS <dhsnwhsc@nd.gov>; 'jquamme@nemontel.net' <jquamme@nemontel.net>; 'julie.quamme@sendit.nodak.edu' <julie.quamme@sendit.nodak.edu>; 'klarson@dia.net' <klarson@dia.net>; 'lkaae@hotmail.com' <lkaae@hotmail.com>; 'Meyer, Annette R.' <ameyer@nd.gov>; 'pCHASE@mhanation.com' <pCHASE@mhanation.com>; 'seniors60@yahoo.com' <seniors60@yahoo.com>; 'wfortier@nccray.com' <wfortier@nccray.com>; 'williston@ndad.org' <williston@ndad.org>
Cc: Leben, Kent H. <khleben@nd.gov>
Subject: NR/NDDOT: Public Hearings held on July 23 and July 26, to discuss the Draft Environmental Impact Statement for the Little Missouri River Crossing

North Dakota Department of Transportation

608 East Boulevard Avenue, Bismarck ND 58505-0700 Toll Free 1-855-NDROADS – 1-855-637-6237

July 13, 2018

Public Hearings held on July 23 and July 26, to discuss the Draft Environmental Impact Statement for the Little Missouri River Crossing

Public hearings will be held:

- ◆ Monday, July 23, 2018, from 5:00 p.m. to 8:00 p.m. (MDT) at the Medora Community Center, 465 Pacific Ave, Medora, ND
- ◆ Thursday, July 26, 2018, from 5:00 p.m. to 8:00 p.m. (CDT) at the Courtyard by Marriott, 3319 N 14th St, Bismarck, ND

Please note that these hearing dates have been moved from July 17 & 19 to July 23 & 26.

The public hearings will utilize an open house format beginning at 5:00 p.m., with a formal presentation beginning at 5:30 p.m.

The purpose of the public hearings is to discuss the Draft Environmental Impact Statement (EIS) for the proposed Little Missouri River crossing located in Billings County. The public hearings will provide opportunity for public input. Representatives from Billings County, North Dakota Department of Transportation (NDDOT), Federal Highway Administration (FHWA), and KLJ will be on hand to answer your questions and discuss your concerns.

If you are unable to attend the public hearings, written statements or comments must be sent by August 20, 2018, to:

Jen Turnbow, Project Manager
KLJ
PO Box 1157
Bismarck, ND 58502-1157

Email: LMRC@kljeng.com

Note "Public Hearing" in the e-mail subject heading.

The Draft EIS is available for public review at the following locations:

- ◆ Billings County Courthouse, 495 4th St, Medora, ND, (701) 623-4377
 - <http://www.billingscountynd.gov/klj>
- ◆ Dickinson Area Public Library, 139 W 3rd St, Dickinson, ND, (701) 456-7700
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 - <https://www.dot.nd.gov/projects/dickinson>
- ◆ NDDOT Dickinson District Office, 1700 3rd Ave W, Suite 101, Dickinson, ND, (701) 227-6500
- ◆ NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700
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The NDDOT will consider every request for reasonable accommodation to provide the following:

- ◆ An accessible meeting facility or other accommodation for people with disabilities.
- ◆ Language interpretation for people with limited English proficiency (LEP).
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To request accommodations, contact Paula Messmer, Civil Rights Division, NDDOT, at 701-328-2978 or civilrights@nd.gov. TTY users may use Relay North Dakota 711 or 1-800-366-6888.

###

M.7. Public Hearing Press Release – July 18, 2018

Liz Ricciardi

From: Ashley Ross
Sent: Thursday, November 8, 2018 2:00 PM
To: Liz Ricciardi
Subject: FW: NR/NDDOT: Public Hearings held on July 23 and July 26, to discuss the Draft Environmental Impact Statement for the Little Missouri River Crossing

Ashley Ross
 KLJ - Bismarck
 701-250-5961

From: Leben, Kent H. [mailto:khleben@nd.gov]
Sent: Thursday, November 8, 2018 1:59 PM
To: Ashley Ross <Ashley.Ross@kjeng.com>
Subject: FW: NR/NDDOT: Public Hearings held on July 23 and July 26, to discuss the Draft Environmental Impact Statement for the Little Missouri River Crossing

From: Olson, Jamie R.
Sent: Thursday, November 8, 2018 1:23 PM
To: Leben, Kent H. <khleben@nd.gov>
Subject: FW: NR/NDDOT: Public Hearings held on July 23 and July 26, to discuss the Draft Environmental Impact Statement for the Little Missouri River Crossing

Here's this one too.

From: Olson, Jamie R.
Sent: Wednesday, July 18, 2018 1:14 PM
To: 'AP Bismarck' <apbismarck@ap.org>; 'B Nicholson' <bnicholson@ap.org>; 'D Kolpack' <dkolpack@ap.org>; 'J Macpherson' <jmacpherson@ap.org>; Alison Kelly <akelly@kxnet.com>; Alyssa Fitzgerald <alyssa.fitzgerald@townsquaremedia.com>; Amy Dalrymple <amy.dalrymple@bismarcktribune.com>; 'Bismarck Tribune' <news@bismarcktribune.com>; 'Carson Press' <gc@westriv.com>; 'Center Republic' <star@westriv.com>; 'Glen Ulin Times' <gutimes@westriv.com>; Gloria David <gdavid@bismarcknd.gov>; 'Hazen Star' <centernews@westriv.com>; 'Hebron Herald' <hherald@westriv.com>; Jim Walsh <jim.walsh@townsquaremedia.com>; Joey Dee <joey.dee@townsquaremedia.com>; John Hageman <jhageman@forumcomm.com>; KFYZ radio <kfyrnews@iheartmedia.com>; KNDR <onairkndr@midconetwork.com>; KX News <ndfirst@kxnet.com>; 'KX News' <news12@kxnet.com>; Larry Leblanc <larry.leblanc@townsquaremedia.com>; 'Lauren Gray - MOJO 107.5 FM' <laurengrey@mojo1075.com>; 'Leann Eckroth' <leann.eckroth@bismarcktribune.com>; 'Linton Emmons County Record' <info@lintonnd.com>; Malique Rankin <mrarkin@kxnet.com>; 'Mandan News' <editor@mandan-news.com>; Mark Wish <Mark.Wish@townsquaremedia.com>; Matt Bingham <matt.bingham@townsquaremedia.com>; 'McClusky Gazette' <gazette@westriv.com>; 'MOJO 107.5FM' <mojo@mojo1075.com>; 'Napoleon Homestead' <homestead@napoleonnd.com>; 'New Salem Journal' <newsalemjournal@westriv.com>; Phil Parker <philparker@iheartmedia.com>; 'Radio--Bismarck (Cumulus)' <Dean.Mastel@cumulus.com>; 'Radio--Bismarck (KFYZ)' <kfyr@clearchannel.com>; 'Radio--Bismarck (Prairie Public Broadcasting)' <dthompson@prairiepublic.org>; 'Steele Ozone & Kidder County Press' <sop@bektel.com>; 'Steve Wallick' <steve.wallick@bismarcktribune.com>; Tia Streeter <tstreeter@kxnet.com>; 'TV KFYZ - Cliff Naylor' <cnaylor@kfyrtv.com>; 'TV KFYZ - Henry Blakes' <hblakes@kfyrtv.com>;

'TV KFYR - Kevin Lawrence weather' <weather@kfyrtv.com>; 'TV--Bismarck (KFYR)' <news@kfyrtv.com>; 'Underwood News' <unnews@westriv.com>; 'URLRadio - Stacy Sturm' <stacy@urlradio.net>; 'Washburn Leader News' <bhgnews@westriv.com>; 'Washburn/Underwood Leader News' <leadernews@westriv.com>; 'agency@independencecil.org' <agency@independencecil.org>; 'allan.peterson@ndsu.edu' <allan.peterson@ndsu.edu>; 'bcsap@btinet.net' <bcsap@btinet.net>; 'bozz@beu.midco.net' <bozz@beu.midco.net>; 'brendac@cap7.com' <brendac@cap7.com>; 'btelin@lssnd.org' <btelin@lssnd.org>; 'chuck.mgas@midconetwork.com' <chuck.mgas@midconetwork.com>; 'customerservice@metroplains.com' <customerservice@metroplains.com>; 'dacotah@btinet.net' <dacotah@btinet.net>; 'dhsds@nd.gov' <dhsds@nd.gov>; 'Engelman, Harley D.' <hengelman@nd.gov>; 'freedom@freedomrc.org' <freedom@freedomrc.org>; 'gheglan@i29.net' <gheglan@i29.net>; 'info@prideinc.org' <info@prideinc.org>; '-Info-City of Bismarck Planning' <cobplan@nd.gov>; '-Info-DHS Aging Services' <dhsaging@nd.gov>; '-Info-DHS West Central Human Service Center' <dhswhsc@nd.gov>; 'jbrager@hitinc.org' <jbrager@hitinc.org>; 'jill.hough@ndsu.edu' <jill.hough@ndsu.edu>; 'kess@bektel.com' <kess@bektel.com>; 'Laurel_nybo@bismarckschools.org' <Laurel_nybo@bismarckschools.org>; 'leeann.coresinc@midconetwork.com' <leeann.coresinc@midconetwork.com>; 'lwurtz@aarp.org' <lwurtz@aarp.org>; 'Mack, Pamela' <pmack@nd.gov>; 'Mary Siverson' <Mary.siverson@ndsu.edu>; 'Moench, Jim' <jimmoench@nddac.org>; 'mrasmussen@nd.gov' <mrasmussen@nd.gov>; 'mremboldt@hitinc.org' <mremboldt@hitinc.org>; 'pamelat@sbc.edu' <pamelat@sbc.edu>; 'Pena, Andrea D.' <apena@nd.gov>; 'pmckenzie61@live.com' <pmckenzie61@live.com>; 'robinw.bisman@midconetwork.com' <robinw.bisman@midconetwork.com>; 'Roy, Crystal M.' <croy@nd.gov>; 'sandy_wollan@bismarckschools.org' <sandy_wollan@bismarckschools.org>; 'Saunders, Steve L.' <ssaunders@nd.gov>; 'Schiwal, Tom P.' <tschiwal@nd.gov>; 'smilovanovic@lssnd.org' <smilovanovic@lssnd.org>; 'westndfgp@btinet.net' <westndfgp@btinet.net>; 'westriver.bisman@midconetwork.com' <westriver.bisman@midconetwork.com>; 'Beulah Beacon' <coalnews@westriv.com>; 'Bowman Pioneer' <bowmancountypioneer@countrymedia.net>; 'Dickinson Press' <newsroom@thedickinsonpress.com>; 'Glenda Embry' <gembry@mhanation.com>; 'Golden and Billings' <goldenandbillings@gmail.com>; 'Hazen Star' <independ@restel.net>; 'Hettinger Adams County Record' <acrnews@ndsupernet.com>; 'Jason Spiess' <rollingstovend@gmail.com>; 'Ken Miller' <kenmiller@nd.gov>; 'Killdeer Dunn County Herald' <edunn@ndsupernet.com>; 'Michael Hricik' <mhrick@thedickinsonpress.com>; 'New England Herald' <therald@ndsupernet.com>; 'Nina Fox' <nfox@mhanation.com>; 'Radio--Beulah' <lee@foxsports1410.com>; 'Radio--Dickinson (KDIX)' <kdix@kdix.net>; 'Radio--Hettinger' <kndc1490@ndsupernet.com>; 'Radio--New Town (KMHA)' <csun@mhanation.com>; 'Steve Kirch' <skirch@kxnet.com>; 'Studio-The Mix' <studio@themix1057.com>; 'administration@dickinson.cap.org' <administration@dickinson.cap.org>; 'Beverly.Hafele@ndsu.edu' <Beverly.Hafele@ndsu.edu>; 'cehlis@state.nd.us' <cehlis@state.nd.us>; 'coa@midstate.net' <coa@midstate.net>; 'cwtrans@pop.ctctel.com' <cwtrans@pop.ctctel.com>; 'eldercare@ndsupernet.com' <eldercare@ndsupernet.com>; 'hazennd@westriv.com' <hazennd@westriv.com>; '-Info-DHS Badlands Human Service Center' <dhsblhsc@nd.gov>; 'margaret.olheiser@sendit.nodak.edu' <margaret.olheiser@sendit.nodak.edu>; 'mmcoa@westriv.com' <mmcoa@westriv.com>; 'Sharon.Hansen@senditnodak.edu' <Sharon.Hansen@senditnodak.edu>; 'Shea, Kari L.' <kshea@nd.gov>; 'Bottineau Courant' <courant@utma.com>; 'Dan Lewis' <daniel.lewis.23@us.af.mil>; 'Eloise Ogden' <eogden@minotdailynews.com>; 'Garrison Independent' <editors@bhgnews.com>; 'Harvey Herald Press' <heraldpress@goNDTC.com>; 'Kenmare News' <news@kenmarend.com>; 'Kent Olson' <kolson@minotdailynews.com>; 'KX weather' <kxweather@kxnet.com>; 'Lake Metigoshe Mirror' <metigosh@utma.com>; 'Marlyn Matzke' <marlyn.matzke@minot.af.mil>; 'Minot Daily News' <editor@ndweb.com>; 'Minot Daily News' <news@minotdailynews.com>; 'Radio Bottineau' <sunspots@utma.com>; 'Rick Gustafson - Bottineau' <rickgust@utma.com>; 'Turtle Lake McLean County Journal' <turtle@westriv.com>; 'TV--Minot (KMOT-TV)' <news@kmot.com>; 'TV--Minot (KXMC-TV)' <olson@kxmcnews.com>; 'Velva Area Voice' <yournews@srt.com>; 'Westhope Standard' <standard@srt.com>; 'cgherman@srt.com' <cgherman@srt.com>; 'Cheryl.ekblad@sendit.nodak.edu' <Cheryl.ekblad@sendit.nodak.edu>; '-Info-DHS North Central Human Service Center' <dhsnchsc@nd.gov>; 'j.kraft@sendit.nodak.edu' <j.kraft@sendit.nodak.edu>; 'lssndadmin@legalassist.org' <lssndadmin@legalassist.org>; 'marlin.newman@minotnd.org' <marlin.newman@minotnd.org>; 'mcoapsc@srt.com' <mcoapsc@srt.com>; 'minot@ndad.org' <minot@ndad.org>; 'Minotrsvp@srt.com' <Minotrsvp@srt.com>; 'ndcpd@minotstateu.edu' <ndcpd@minotstateu.edu>; 'sbtransit@srt.com' <sbtransit@srt.com>; 'slarocqu@tm.edu' <slarocqu@tm.edu>; 'trisms@gondtc.com' <trisms@gondtc.com>; 'wandm@restel.net' <wandm@restel.net>; 'willy@capminotregion.org' <willy@capminotregion.org>; 'Yung, Peter P.' <pyung@nd.gov>; 'Barb Peterson' <barbp@ci.williston.nd.us>; 'Bowbells Burke County Tribune' <tribune@nccray.com>; 'Chris Simon'

<csimon@cherrycreekradio.com>; 'Crosby Journal' <journal@crosbynd.com>; 'Dee James' <deemiller@cherrycreekradio.com>; 'Dustin' <dustin@bakkenbeacon.com>; 'Haugen' <shaugen@cherrycreekmedia.com>; 'Hotchkiss' <ehotchkiss@cherrycreekmedia.com>; 'Howard Klug' <howardklug@hotmail.com>; 'Jennifer Kleen' <jkleen@kxnet.com>; 'Kelly Volk' <kvolk@kxnet.com>; 'KEYZ' <keyznews@cherrycreekradio.com>; 'kumv' <Gurajpalpreet.sangha@kumv.com>; 'Lalim' <plalim@cherrycreekmedia.com>; 'Mary Gagliardi' <mgagliardi@kumv.com>; 'Mathew Johansen' <Mjohansen@co.mckenzie.nd.us>; 'Miller' <deemiller@cherrycreekmedia.com>; 'Mountrail County Promoter-Stanley' <promoter@midstatetel.com>; 'Mountrail County Record' <mcrecord@restel.net>; 'New Town News' <ntnews@restel.net>; 'New Town News/Mountrail County Record' <nteditor@bhgnews.com>; 'Nicholas Amatangelo' <Nicholas.amatangelo@kumv.com>; 'Rachel Sawicki' <rachels@ci.williston.nd.us>; 'Radio--Williston (N. Plains) - ' <earlg@nccray.net>; 'Renee Jean' <rjean@willistonherald.com>; 'Stephanie Norman' <farmer@watfordcitynd.com>; 'Tioga Tribune' <tribune@tiogand.com>; 'TV--Williston (KUMV)' <kumv@kumv.com>; 'Watford City McKenzie County Farmer' <mcf@watfordcitynd.com>; 'Williston Daily Herald' <news@willistonherald.com>; 'blockw@fbcc.bia.edu' <blockw@fbcc.bia.edu>; 'chr@dia.net' <chr@dia.net>; 'deeannl@willistoncap.org' <deeannl@willistoncap.org>; -Info-DHS NWHSC <dhsnwhsc@nd.gov>; 'jqamme@nemontel.net' <jqamme@nemontel.net>; 'julie.quamme@sendit.nodak.edu' <julie.quamme@sendit.nodak.edu>; 'klarson@dia.net' <klarson@dia.net>; 'lkaae@hotmail.com' <lkaae@hotmail.com>; 'Meyer, Annette R.' <ameyer@nd.gov>; 'pchase@mhanation.com' <pchase@mhanation.com>; 'seniors60@yahoo.com' <seniors60@yahoo.com>; 'wfortier@nccray.com' <wfortier@nccray.com>; 'williston@ndad.org' <williston@ndad.org>

Cc: Leben, Kent H. <khleben@nd.gov>

Subject: NR/NDDOT: Public Hearings held on July 23 and July 26, to discuss the Draft Environmental Impact Statement for the Little Missouri River Crossing

North Dakota Department of Transportation

608 East Boulevard Avenue, Bismarck ND 58505-0700 Toll Free 1-855-NDROADS – 1-855-637-6237

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The public hearings will utilize an open house format beginning at 5:00 p.m., with a formal presentation beginning at 5:30 p.m.

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###

M.8. Public Hearing Newspaper Affidavits – June 27, 28, and 30, 2018



Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **KLJ West Fargo – NDDOT – Draft Environmental Impact Statement – Little Missouri River Crossing; 1** time(s) as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

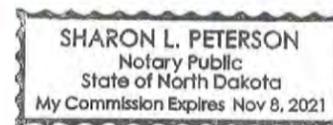
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 10 day of July, 20 18.

Sharon L. Peterson





in over the knife
 wife River in Billings County on Friday, June 22, bringing
 e area. On June 23, more rain arrived, causing a short-
 in Billings County about 14 miles northeast of Belfield.

Director

Continued from Page 1)
 ing leadership in various ad-
 rative functions. He is very
 suited to lead Extension during
 transition."
 rdly grew up on a Sentinel Butte
 and received his bachelor of
 ce degree in animal and range
 ces from NDSU, master of sci-
 degree in animal sciences from
 niversity of Missouri, Colum-
 and doctorate in animal sciences
 the University of Nebraska,
 bla.
 'm excited for this opportunity

to lead NDSU Extension as the in-
 terim director," Lady said. "My con-
 tact with NDSU Extension started as
 a 4-H member in Golden Valley
 County and now comes full circle
 with this role. NDSU Extension
 makes positive impacts in the lives of
 North Dakotans on a daily basis. I
 look forward to serving the needs of
 North Dakota citizens by working
 with the talented employees in
 NDSU Extension and with our stake-
 holders to advance the organization
 in the upcoming year."

Miske visited Florence Miske.
 Mike and Cheryl Bostyan visited
 Marilyn Carlson. Dennis and
 Melanic Nunberg visited Jowayne
 Nunberg. Stacy and Breanna
 Giggly, and Darcy visited Nellie
 Booth. Jacki Thomas, Donna
 Thomas, Michael Houron, and
 Shaun, Jenny, Chloe, and Caylee
 Burman were all guests of Mert and
 Louie Schlaumann. Alicia Heick,
 Marie Kreiners and Katy Zinsli all
 visited the Manor.
 June 18 - Gary Riederer read for
 the residents at 2 p.m.

*Thank you to all who
 voted for me in the
 primary election for
 G.V.Co. Commissioner.
 Your votes were greatly
 appreciated. I hope to
 have your support
 again in the general
 election in Nov.
 Thanks again.
 Paul J.Schmitz*

Paid for by Paul Schmitz

**Put Your Money
 Where Your House Is!**
 local independent
 businesses are
 your best value
 6
 strengthen our
 community
 and our economy

the mail for your invitation. We
 would love to enjoy the day with
 our loved ones.

Thursday, June 28, at St.
 Bernard's Parish Center

Thank You

*Thank you to everyone who
 supported and voted for me in
 the primary election for
 County Commissioner Dist. 3.*

~ Gene Allen

PUBLIC HEARING

WHY?
 To discuss the Draft Environmental Impact Statement
 (EIS) for the proposed Little Missouri River Crossing.
 The public hearings will provide opportunity for public
 comment.

WHEN?
 Tuesday, July 17 and Thursday, July 19, 2018:
 Formal Presentation: 5:30 p.m.
 Open House: 5:00 p.m. to 8:00 p.m.

WHERE?
 July 17, 2018 from 5:00 p.m. to 8:00 p.m. (CDT) at
 the Courtyard by Marriott, 3319 N 14th St,
 Bismarck, ND

July 19, 2018 from 5:00 p.m. to 8:00 p.m. (MDT) at
 the Medora Community Center, 465 Pacific Ave,
 Medora, ND

OPEN HOUSE CONDUCTED BY

Billings County, North Dakota Department of
 Transportation (NDDOT), Federal Highway
 Administration (FHWA), and KLJ.

These public hearings are designed to allow for public input,
 which is required for compliance with the National
 Environmental Policy Act of 1969 and National Historic
 Preservation Act of 1966.

Representatives from Billings County, NDDOT, FHWA, and
 KLJ will be on hand to answer your questions and discuss
 your concerns.

WRITTEN STATEMENTS or comments about this project
 must be sent by August 14, 2018, to:

Jen Turnbow, Project Manager

KLJ

PO Box 1157

Bismarck, ND 58502-1157

Email: LMRC@kljeng.com

Note: "Public Hearing" in the e-mail subject heading.

PUBLIC INSPECTION: The Draft EIS is available for public
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 - o <http://www.billingscountynod.gov/klj>
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 Beach, ND, (701) 872-4331
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 Watford City, ND, (701) 444-3785
- NDDOT Central Office, 608 E Boulevard Ave,
 Bismarck, ND, (701) 328-2500
 - o <https://www.dot.nd.gov/projects/dickinson>
- NDDOT Dickinson District Office, 1700 3rd Ave W,
 Suite 101, Dickinson, ND, (701) 227-6500
- NDDOT Williston District Office, 605 Dakota Parkway
 W, Williston, ND, (701) 774-2700
- North Dakota State Library, 604 E Boulevard Ave,
 Bismarck, ND, (701) 328-4622

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- An accessible meeting facility or other accommodation
 for people with disabilities.
- Language interpretation for people with limited English
 proficiency (LEP), and
- Translations of written material necessary to access
 NDDOT programs and information.

Appropriate provisions will be considered when the
 Department is notified at least 10 days prior to the meeting
 date or the date the written material translation is needed.

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 Rights Division, NDDOT, at 701-328-2978 or
civilrights@nd.gov. TTY users may use Relay North Dakota
 711 or 1-800-366-6888.

**GIVE
 CANCER
 THE 1-2
 PUNCH!**

**Complete the
 HPV VACCINATION series.**

**Be in the fight.
 Get screened.**

**NORTH DAKOTA
 DEPARTMENT of HEALTH**

**North Dakota
 Comprehensive Cancer Control Program**



ASSOCIATED PRESS
Senegal coach Aliou Cisse, right, gestures during a World Cup group H match with Colombia. Senegal was eliminated from the tournament via a yellow card tiebreaker system.

the feedback and the situation is." FIFA's competition director Colin Smith said Friday, "but as it currently stands we don't see any need to change."
The rule, in use for the first

Capitals promote Reirden to coach



ASSOCIATED PRESS

Washington Capitals assistant coach Todd Reirden talks with the team during a timeout during the Stanley Cup hockey playoffs. The Stanley Cup-champion Capitals have promoted Reirden to head coach to replace Barry Trotz.

Cup-winning coach joined the New York Islanders. The 47-year-old former defenseman coached the American Hockey League's Wilkes-Barre/Scranton Penguins for parts of two seasons before serving as an NHL assistant with Pittsburgh for four years. Reirden was a finalist for the Calgary coaching job two summers ago but after losing out to since-fired Glen Gulutzan was given a raise and the associate coach title by the Capitals. As the assistant in charge of the defense, Reirden had a hand in the development of John Carlson, Matt Niskanen and Dmitry Orlov. "I thought he was crucial for my career and just changed a kind of a few things how I looked at the game, changed a few things with the D that I think really benefited everyone on D and made it pretty clear what he expected of us and allowed us to go out there and do the rest," Carlson said after signing a \$64 million, eight-year contract to stick around. MacLellan said last week this was Reirden's job to lose. "He's got history there and he's ready to try it as a head coach, and he's been successful with our defensemen," he said. "I think he can handle the personalities in our room." Reirden takes over a defending champion led by captain and playoff MVP Alex Ovechkin, who was motivated by Trotz to adapt his game at age 32. He is the first assistant to take over for a Cup-winning coach the next season since Dave Lewis replaced the retired Scotty Bowman with Detroit in 2002-03 and the first to follow a champion coach who left in a contract dispute since Colin Campbell replaced Mike Keenan with the New York Rangers in 1994-95.

Elite NHL players tend to re-sign

The one-time All-Star would be a solid Plan B for teams that whiff on their shot to sign Tavares. **MIKE GREEN:** With Washington keeping John Carlson off the market, the 32-year-old Green may be the best defenseman available. Green had a neck injury last season in Detroit and that may concern some teams. **MICHAEL GRABNER:** The 30-year-old winger finished with 27 goals last year to rank third among potential unrestricted free agents. He had only two for New Jersey in the final 21 games. **TYLER BOZAK:** The 32-year-old Bozak has spent his entire career with the Maple Leafs, who may not be able to afford the solid center with 305 career points. **JOE THORNTON:** Teams may hesitate to sign Thornton, coming off knee surgery with his 39th birthday on Tuesday, but the center with great hands could be a great fit for a contending team looking to add depth and a veteran presence. **DAN HAMMUIS:** With slim pickings on the blue line, the 35-year-old defenseman will be in demand after missing a total of just five games the last two seasons in Dallas. **CAM WARD:** The 34-year-old goaltender won 23 games last season, the most of any potential unrestricted free agent, despite playing for the lowly Carolina Hurricanes.

primary record ahead of Senegal. At the time, Senegal was losing 1-0 to Colombia, which jumped from third spot to top of the group. Previously the situation would have been resolved

PUBLIC NOTICE

Storage unit auction. Sealed Storage, 2300 Morrison Ave. Bismarck, ND Unit #98, July 9th, 11am. 6/9 & 30 - 20937624
IN DISTRICT COURT, COUNTY OF CASS, STATE OF NORTH DAKOTA IN THE INTEREST OF UNBORN BABY CIESLAK, DUE AUGUST 4, 2018 Plaintiff, Kamania Elizabeth Cieslak, Birthmother, Petitioner, vs. Unknown Birth Father, Alleged Father, Respondent. Case No. 09-2018-DW-00642
NOTICE OF HEARING

PUBLIC HEARING

WHY? To discuss the Draft Environmental Impact Statement (EIS) for the proposed Little Missouri River Crossing. The public hearings will provide opportunity for public comment.
WHEN? Tuesday, July 17 and Thursday, July 19, 2018: Formal Presentation: 5:30 p.m. Open House: 5:00 p.m. to 8:00 p.m.
WHERE? July 17, 2018 from 5:00 p.m. to 8:00 p.m. (CDT) at the Courtyard by Marriott, 3319 N 14th St, Bismarck, ND
July 19, 2018 from 5:00 p.m. to 8:00 p.m. (MDT) at the Medora Community Center, 465 Pacific Ave, Medora, ND

OPEN HOUSE CONDUCTED BY

Billings County, North Dakota Department of Transportation (NDDOT), Federal Highway Administration (FHWA), and KLJ.
These public hearings are designed to allow for public input, which is required for compliance with the National Environmental Policy Act of 1969 and National Historic Preservation Act of 1966. Representatives from Billings County, NDDOT, FHWA, and KLJ will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be sent by August 16, 2018, to:
Jen Turnbow, Project Manager
KLJ
PO Box 1157
Bismarck, ND 58502-1157
Email: LMRC@kljeng.com
Note: "Public Hearing" in the e-mail subject heading.

PUBLIC INSPECTION: The Draft EIS is available for public review at the following locations:

- Billings County Courthouse, 495 4th St, Medora, ND, (701) 823-4377
o <https://www.billingscountynd.gov/klj>
- Dickinson Area Public Library, 139 W 3rd St, Dickinson, ND (701) 456-7700
- Golden Valley County Courthouse, 150 1st Ave SE, Beach, ND, (701) 872-4331
- McKenzie County Public Library, 112 2nd Ave NE, Watford City, ND, (701) 444-3785
- NDDOT Central Office, 608 E Boulevard Ave, Bismarck, ND, (701) 328-2500
o <https://www.dol.nd.gov/projects/dickinson>
- NDDOT Dickinson District Office, 1700 3rd Ave W, Suite 101, Dickinson, ND, (701) 227-6500
- NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700
- North Dakota State Library, 604 E Boulevard Ave, Bismarck, ND, (701) 328-4622

The NDDOT will consider every request for reasonable accommodation to provide:

- An accessible meeting facility or other accommodation for people with disabilities,
- Language interpretation for people with limited English proficiency (LEP), and
- Translations of written material necessary to access NDDOT programs and information.

Appropriate provisions will be considered when the Department is notified at least 10 days prior to the meeting date or the date the written material translation is needed.

To request accommodations, contact Paula Messmer, Civil Rights Division, NDDOT, at 701-328-2978 or civilrights@nd.gov. TTY users may use Relay North Dakota 711 or 1-800-366-6888.

6/30 - 20939624

gum's goal showed the game was indeed competitive. "If Belgium didn't want to win, they obviously forgot to tell the goalscorer," Smith said, "Because it was a cracker."

be assumed, and your rights and interests in the above-named child may be terminated by default. Dated this 20th day of June, 2018. /s/ William P. Harrie
William P. Harrie
Niles Law Firm
1800 Radisson Tower
Fargo, North Dakota 58106
P.O. Box 2828
Fargo, ND 58106
E-Mail: wharrie@nileslaw.com
Attorneys for Catholic Charities, North Dakota
623, 30 & 77 - 20939048

NOTICE OF PUBLIC HEARING

CITY OF BISMARCK NORTH DAKOTA
City Commission will conduct a public hearing on Tuesday, July 10, 2018, at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota, on the following:
• Ordinance 6343, relating to wireless telecommunication facilities in the public right-of-way.
• Public Hearing on a New Class 1-2 Alcohol License, located at 4593 Styling Crossings.
Notice is further given that the Bismarck City Commission will consider said matter and hear testimony and evidence to persons interested therein.
BOARD OF CITY COMMISSIONERS
Bismarck, North Dakota
Attest: Jason Tomanek
Assistant City Administrator
6/30 - 20939542

STATE OF NORTH DAKOTA
IN JUVENILE COURT
COUNTY OF BURLEIGH
SOUTH CENTRAL JUDICIAL DISTRICT
IN THE INTEREST OF L.E.C.R., CHILD
State of North Dakota,)
Plaintiff,)
vs.)
L.E.C.R., Child;)
Dawn Gillette, Mother;)
Antone Reddogg, Father;)
Lauren Bosch, Guardian ad Litem,)
Respondents.)
Executive Director ND DHS;)
File No. 09-2018-JV-00156

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED RESPONDENTS:
You are hereby summoned to appear personally at the Juvenile Court in the Burleigh County Courthouse, Bismarck, North Dakota, on July 31, 2018, at 8:30 a.m., for the purpose of hearing the Petition made and filed with this Court. The Petition claims the child is alleged to be a deprived child, as more fully appears from the Petition. A copy of the Petition can be obtained at the Clerk of Courts office.
RIGHT TO HEARING BEFORE JUDGE
You are entitled to have the Petition heard by a Judge of the Court. If you wish to request for a Judge with the Clerk of this Court within seven (7) days after receiving this Summons.
RIGHT TO COUNSEL
You are not required to have an attorney in this case. If you desire the assistance of an attorney, and are unable without undue financial hardship to employ one, the Court, upon your request, will appoint an attorney for you.
Dated this 12th day of June, 2018.
Judicial Release
6/16, 23 & 30 - 20938230

LINCOLN CITY COUNCIL
Special Meeting Minutes
June 21, 2018
The special meeting of the Lincoln City Council was called to order by Council President Erv Fischer at 7:00 pm, at the Lincoln Community Center, 74 Santee Road, Lincoln, ND. Members Present: Aman and Daly.
Agenda approval
Motion by Aman to approve agenda
Seconded by Daly
Motion carried
Finance/Budget Line Item
Discussion on the budget line item was written on the ballot. We put it in the budget, so we don't have this problem again. Let the minutes reflect we will have this item in the budget for 2019 under Public Transportation instead of Transit.
Motion by Aman for Public Transportation to be a line item
Seconded by Daly
Motion Carried
Great Western Case Why hasn't survey been completed?
A survey settlement can't be approved until it has been signed, has the settlement been signed?
Mr. Heinsch: No settlement has been signed, there was a few things still in discussion.
Attorney: I believe the issue is the attorneys are trying to work through if that survey will work.
Does the current survey meet the requirements to be recorded? Invite Mr. Blake here and express your frustrations. The worked similar cases and there are you need to have specifics and bounds survey. You need to know what is in or outside the easement.
Minutes
Aman: I don't understand what's going on here about this closed executive session we opened. I had called Justin, why the audio hadn't been released, I called Shawn and was told we only have one person who can upload to the website.
Motion by Aman to Adjourn
Motion Carried
Minutes submitted by Deputy Auditor, Kristina Ham, subject to request and revision of the City Council.
6/30 - 20938975

To Place a Legal Advertisement
Call 365-8816, Fax 223-0959, or email: legals@bismarcktribune.com

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come a home.
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763-286-9893.

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anical work and
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with an agriculture
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port rental equip-
ent to producers,
inspections and
repairs needed.
o will assist with
the placed other
related District
activities. Please
mit a resume by
July 16, 2018 to
ann County SCD
Box 359, Kildeer,
762-6546. For
re information or
a complete job
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PUBLIC HEARING

WHY?
To discuss the Draft Environmental Impact Statement (EIS) for the proposed Little Missouri River Crossing. The public hearings will provide opportunity for public comment.

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**OPEN HOUSE
CONDUCTED BY**

Billings County, North Dakota Department of Transportation (NDDOT), Federal Highway Administration (FHWA), and KLLJ.

These public hearings are designed to allow for public input, which is required for compliance with the National Environmental Policy Act of 1969 and National Historic Preservation Act of 1966. Representatives from Billings County, NDDOT, FHWA, and KLLJ will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be sent by August 14, 2018, to:
Jen Turnbow, Project Manager
KLLJ
PO Box 1157
Bismarck, ND 58502-1157
Email: LMRC@klljeng.com
Note: "Public Hearing" in the e-mail subject heading.

PUBLIC INSPECTION: The Draft EIS is available for public review at the following locations:

- Billings County Courthouse, 495 4th St, Medora, ND, (701) 623-4377
o <http://www.billingscounty.nd.gov/kllj>
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- Golden Valley County Courthouse, 150 1st Ave SE, Beach, ND, (701) 872-4331
- McKenzie County Public Library, 112 2nd Ave NE, Watford City, ND, (701) 444-3785
- NDDOT Central Offices, 608 E Boulevard Ave, Bismarck, ND, (701) 328-2500
o <https://www.dot.nd.gov/projects/dickinson>
- NDDOT Dickinson District Office, 1700 3rd Ave W, Suite 101, Dickinson, ND, (701) 227-6500
- NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700
- North Dakota State Library, 604 E Boulevard Ave, Bismarck, ND, (701) 328-4622

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Public Notices

NOTICE OF INTENTION TO FORECLOSE
TO: Deep Laird
310 7th St NW
Bellefield, ND 58622
Aline M. Laird
310 7th St NW
Bellefield, ND 58622

[1] YOU ARE HEREBY NOTIFIED that the State of North Dakota, doing business as The Bank of North Dakota, is the holder of a Mortgage upon all of that certain real estate lying in Stark County, North Dakota, more fully described as follows, to-wit:

Lot 1, Block 6, Mekarvik Addition, City of Bellefield, Stark County, North Dakota. Parcel ID Number: 46 0024 06894 000. Which has the address of 310 7th St NW, Bellefield, North Dakota 58622.

which Mortgage is dated June 29, 2012, and recorded in the Recorder's Office, Stark County, North Dakota, on July 10, 2012, at 04:08:07 P.M. as Document No. 30909003. It secures a certain promissory Note in the amount of \$156,120.00 payable in installments and bearing interest at the initial rate of 4.000% per annum on the principal sum remaining unpaid.

[2] Default has occurred in the terms and conditions of the above described Mortgage secured thereby, insofar as installments and payments are unpaid. The following is an itemized statement of the amounts due at the date of this notice in regard to the above described delinquent installments and amounts due incidental thereto including, but not necessarily limited to, the following: (a) principal; (b) interest; (c) any, and advances for tax and insurance payments, if any.

Principal.....	\$1,483.26
Interest.....	\$2,243.44
Late Charges.....	\$181.74
Escrow.....	\$1,640.99
Total.....	\$5,916.83

[3] YOU ARE FURTHER NOTIFIED, pursuant to Section 32-19-28 of the North Dakota Century Code that unless, before the expiration of thirty (30) days from the mailing or personal service of this Notice, you pay to the State of North Dakota, at 1200 Memorial Highway, Bismarck, ND, at 1200 Memorial Highway, Bismarck, North Dakota, 58504, the above sum of \$5,916.83, plus any installments which have since matured and any advances, proceedings will be commenced by The State of North Dakota, doing business as

By: /s/ Kent Anderson
Business Manager
(Published June 20 & 27, 2018)

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: June 27, 2018
Division of Community Services
North Dakota Department of Commerce
1600 E. Century Ave., Suite 2
Bismarck, ND 58503
(701) 328-5300

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the North Dakota Department of Commerce.

REQUEST FOR RELEASE OF FUNDS
On or after July 12, 2018, the North Dakota Department of Commerce will submit a request to the U.S. Department of Housing and Urban Development, on behalf of Affordable Housing Developers, Inc. for the release of federal HOME Investment Partnership program funds under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, to underwrite the following project:
Project Title: Decatur Ridge Apartments
Purpose: Acquisition and rehabilitation of 24 affordable housing units
Location: 580 and 580 8th Street SE, Dickinson, ND 58601, Stark County
Estimated Cost: \$5,630,717

FINDING OF NO SIGNIFICANT IMPACT
The North Dakota Department of Commerce has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the North Dakota Department of Commerce, 600 E. Century Ave., Suite 2, Bismarck, ND 58503 and may be examined or copied weekdays 8:00 A.M. to 4:00 P.M.

PUBLIC COMMENTS
Any individual, group, or agency may submit written comments on the ERR to the North Dakota Department of Commerce. All comments received by July 12, 2018 will be considered by the North Dakota Department of Commerce prior to authorizing submission of a request for release of funds. Comments should specify which notice they are addressing.

RELEASE OF FUNDS
The North Dakota Department of Commerce certifies to the U.S. Department of Housing and Urban Development that Bonnie Malo in her capacity as Director of the Division of Community Services, North Dakota Department of Commerce consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The U.S. Department of Housing and Urban Development's approval of the certification, satisfies its responsibilities under NEPA and related laws and authorities and allows the Affordable Housing Developers, Inc. to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS
The U.S. Department of Housing and Urban Development will accept objections to its release of fund and the North Dakota Department of Commerce's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only on the basis of the following issues: (a) the certification (whenever is later) only on the basis of the following issues: (a) the certification; (b) the North Dakota Department of Commerce has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 56; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 56 before approval of a release of funds by the U.S. Department of Housing and Urban Development; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a finding that the project is unsatisfactory when the standpoint with environmental suitability. Objections must be submitted to the U.S. Department of Housing and Urban Development (24 CFR Part 56, Soc. 56.76) and shall be addressed to the U.S. Department of Housing and Urban Development, Region VIII Office, Ann: Aaron Gagne Community Planning and Development Office, 1670 Broadway Street, Denver, Colorado 80202-480. Potential objectors should contact the U.S. Department of Housing and Urban Development to verify the actual last day of the objection period.

Bonnie Malo, Director
Division of Community Services
North Dakota Department of Commerce
(Published June 27 2018)

REQUEST FOR PROPOSALS
Audit Services
DICKINSON PUBLIC SCHOOL
DICKINSON, NORTH DAKOTA

NOTICE IS HEREBY GIVEN that Dickinson Public School District No. 1 of Stark County, North Dakota, is requesting proposals from qualified firms of certified public accountants to provide annual audits of the financial records of the District at the Central Administration Office, 444 4th St W, Dickinson, North Dakota, 58601 until 2:00 PM (MDT) on Wednesday, July 11, 2018. The proposals will be opened and read at 2:00 PM (MDT) on Wednesday, July 11, 2018 in the Board Room at the above address. Bidders are to bring their proposals to the attention of Kent Anderson (Anderson@dpnsd.org), Business Manager of the School District. No proposals will be received after the scheduled closing time for the receipt of proposals. The School Board reserves the right to reject any and all proposals, or to waive any information contained in any proposal. Any proposal, should it seem to be in the best interest of the Dickinson Public School District No. 1 to do so. By order of the School Board of Dickinson Public School District No. 1, Stark County, North Dakota.

Dated this 19th day of June, 2018
By: /s/ Kent Anderson
Business Manager
(Published June 20, 27 & 30, 2018)

**STATE OF NORTH DAKOTA
COUNTY OF STARK
SOUTHWEST JUDICIAL DISTRICT**

The State of North Dakota, doing business as The Bank of North Dakota, Plaintiff
vs.
Vance Amundson, LeAnn Amundson, DCI Credit Services, Inc. Midland Credit Services, Inc. The State of North Dakota ex rel. The State Tax Commissioner, Defendants.

NOTICE OF SALE

Civil No. 45-2018-CV-00089
[1] Notice is hereby given that by virtue of a Judgment and Decree of a foreclosure rendered and given by the Stark County District Court, North Dakota, and entered and docketed in the Office of the Clerk of Court on May 25, 2018, in an action wherein The State of North Dakota, doing business as The Bank of North Dakota, Plaintiff, vs. Vance Amundson, LeAnn Amundson, DCI Credit Services, Inc. Midland Credit Services, Inc. The State of North Dakota ex rel. The State Tax Commissioner, Defendants. The State Tax Commissioner were the Defendants, adjudging that there is due and payable on the real estate Mortgage described in the plaintiff's complaint the sum of \$58,989.00. The plaintiff has elected the sale by me of the real property hereinafter described to satisfy the amount of the Judgment with interest thereon and the cost and expenses of such sale are so much thereof as the proceeds of the sale application will satisfy, and by order of the Court the said real estate is to be sold at public sale to the highest bidder. The sale is to be held at the office of the Clerk and under the Seal of the State of North Dakota, on August 8, 2018, at 10:00 A.M. to satisfy the amount due and payable in said Judgment, with interest and costs thereon and the expenses of such sale. The proceeds of such sale applicable to the proceeds of such sale shall be sold pursuant to said Judgment and Decree and said sale is to be held at the office of the Clerk and under the Seal of the State of North Dakota, on August 8, 2018, at 10:00 A.M. to satisfy the amount due and payable in said Judgment, with interest and costs thereon and the expenses of such sale. 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...d create a family trucking business, and other truck drivers for Schmidt. (Photo by Richard Volesky)

History C.C. Thompson

Area farmers are interested in having a rural fire truck, the local volunteer fire department boys are available to man the unit. The idea just went up in smoke.) The Rugby Milling Co. has about some 16,000 bushels of grain on the ground near the elevator. An addition is being built adjacent to the elevator and should be completed in a few days. The St. Jacob's Lutheran church congregation has dis-

banded and the new Medora Lutheran Church will obtain the title to the Gorham church building.

A huge uranium deposit is a possibility on the Mike Frank farm located about six miles northwest of Belfield. Frank found the "hot spot" himself with a Geiger counter. (Floyd Oyhus and I had flown over the same area a few months earlier and had also noticed the "hot spot" mentioned.)

...e performed July 5

Audiences will find relevance in the themes of jealousy and misanthropy, according to the touring company.

The thing about Iago is that he is like you and I do," Asselin said. "You were passed over for a job because they said you were too old, I'd feel upset too. The difference is that Iago takes his jealousy and revenge in extremely cruel ways." Montana Shakespeare in the Parks is an outreach program of Montana State University's College of Arts & Architecture. Grants, corporate sponsorships and hundreds of individual donors support the free performances.

This year's major sponsors in-

clude: The National Endowment for the Arts; Artworks, The Gilhausen Family Foundation, The Granforte Family Foundation, Pheasant Farms, Spectec; Thunderbird International Corporation, Burlington Northern Santa Fe Railway Foundation, Montana Arts Council, Barnard Construction, H&R Block, D.A. Davidson and Company, KBZK, ERA Landmark, Yellowstone Public Radio, Sibanye-Stillwater and the Spanish Peaks Community Foundation.

Performances include:
- July 5, Beach, "Othello," 6:30 p.m., Beach Swimming Pool Park
- July 6, Glendive, Mont., "Love's Labour's Lost," 7 p.m., Makoshika Park Hiatt Amphitheater

Please support your local merchants

... research continues on the best way to manage them.

The graduate students quizzed us assistants on weed identification as we counted green foxtail and put tiny straws by kochia under towering sunflowers. We pulled purslane, quackgrass and redroot pigweed.

After days spent counting and pulling weeds, I dreamed about weeds. Maybe those were nightmares.

As I continued to plunder the weeds in my gardens this week, two rabbits looked at me through the fence from my neighbor's yard. I pondered training the rampant rabbit population to eat weeds instead of my petunias, pansies and impatiens. Fortunately, my backyard gardens are guarded from rabbits by three dachshunds.

Despite my early work doing fieldwork, I did not change my major to become a weed scientist. Therefore, I decided to consult a former weed specialist, Chris Boerboom, who also happens to be our retiring Extension director.

In other words, if I misquote him, I'm probably off the hook. He will be busy packing up his office for his

... also can be fermented to make wine

I asked Chris some additional questions about edible weeds.

"Lambquarters, purslane, burdock roots, chicory roots and dandelions are a few weeds on the edible list," he noted. "Remember that some weeds are toxic, such as nightshades (fruits) and hemlock. Of course, others, including poison ivy, can cause skin reactions."

Nutrition is my area, so I know that weeds can provide vitamins A and C and some minerals, including potassium.

If you are an aspiring gardener, follow Chris' advice: "Never let weeds go to seed. Don't forget about weeding after you have picked the last string bean or cucumber. The last crop of seeds for the next year.

"You might also try using a mulch to keep annual weeds from establishing," he added. "If small seedlings

PUBLIC NOTICES

A public notice is information informing citizens of government activities that may affect the citizens' everyday lives. Public notices have been printed in local newspapers, the trusted sources for community information, for more than 200 years.

PUBLIC HEARING

WHY?

To discuss the Draft Environmental Impact Statement (EIS) for the proposed Little Missouri River Crossing. The public hearings will provide opportunity for public comment.

WHEN?

Tuesday, July 17 and Thursday, July 19, 2018:
Formal Presentation: 5:30 p.m.
Open House: 5:00 p.m. to 8:00 p.m.

WHERE?

July 17, 2018 from 5:00 p.m. to 8:00 p.m. (CDT) at the Courtyard by Marriott, 3319 N 14th St, Bismarck, ND

July 19, 2018 from 5:00 p.m. to 8:00 p.m. (MDT) at the Medora Community Center, 465 Pacific Ave, Medora, ND

OPEN HOUSE CONDUCTED BY

Billings County, North Dakota Department of Transportation (NDDOT), Federal Highway Administration (FHWA), and KLJ.

These public hearings are designed to allow for public input, which is required for compliance with the National Environmental Policy Act of 1969 and National Historic Preservation Act of 1966.

Representatives from Billings County, NDDOT, FHWA, and KLJ will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be sent by August 14, 2018, to:

Jen Turnbow, Project Manager
KLJ
PO Box 1157
Bismarck, ND 58502-1157
Email: LMRC@kljeng.com
Note: "Public Hearing" in the e-mail subject heading.

PUBLIC INSPECTION: The Draft EIS is available for public review at the following locations:

- Billings County Courthouse, 495 4th St, Medora, ND, (701) 623-4377
o <http://www.billingscountynd.gov/klj>
- Dickinson Area Public Library, 139 W 3rd St, Dickinson, ND, (701) 456-7700
- Golden Valley County Courthouse, 150 1st Ave SE, Beach, ND, (701) 872-4331
- McKenzie County Public Library, 112 2nd Ave NE, Walford City, ND, (701) 444-3785
- NDDOT Central Office, 608 E Boulevard Ave, Bismarck, ND, (701) 328-2500
o <https://www.dot.nd.gov/projects/dickinson>
- NDDOT Dickinson District Office, 1700 3rd Ave W, Suite 101, Dickinson, ND, (701) 227-6500
- NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700
- North Dakota State Library, 604 E Boulevard Ave, Bismarck, ND, (701) 328-4622

The NDDOT will consider every request for reasonable accommodation to provide:

- An accessible meeting facility or other accommodation for people with disabilities.
- Language interpretation for people with limited English proficiency (LEP), and
- Translations of written material necessary to access NDDOT programs and information.

Appropriate provisions will be considered when the Department is notified at least 10 days prior to the meeting date or the date the written material translation is needed.

To request accommodations, contact Paula Messmer, Civil Rights Division, NDDOT, at 701-328-2978 or civilrights@nd.gov. TTY users may use Relay North Dakota 711 or 1-800-366-6888.

GIVE CANCER THE 1-2 PUNCH!

Complete the HPV VACCINATION series.

Be in the fight. Get screened.

NORTH DAKOTA DEPARTMENT of HEALTH

North Dakota Comprehensive Cancer Control Program

Phillips - Unit 97 household items, dressers, dressers, crating

Unit 120 Unit/Unknown Owner - Unit 120 materials, boards, joint compound, fixtures

Unit 133 Unit/Unknown Owner - Unit 133 tools, baby walker and car seat, speaker, kitchen appliances, boot dryer,

Unit 144 Unit/Unknown Owner - Unit 144 household items, bookshelf, cabinet, tables, home decorations, dresser

Unit 145 household items, deep freezer, pressure washer, boxes, bar stools

Unit 20-27, 2018) -mcf-

NOTICE TO CREDITORS THE DISTRICT COURT OF MCKENZIE COUNTY, STATE OF NORTH DAKOTA

In the Matter of the Estate of Sandra E. Edwards, Deceased. NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate.

DANNY E. EDWARDS Personal Representative 28th Street S, Suite 2

Michael A. Bosh (ID #05313) mbosh@megeclaw.com

OF: MCGHEE, HANKLA & BACKES, P.C. 2400 Burdick Expy. E., Suite 100 P.O. Box 998

ATTORNEYS FOR THE PETITIONER (June 27, 2018) -mcf-

NOTICE TO CREDITORS QUALIFYING SERVICES FOR ENGINEERING SERVICES

The Lower Yellowstone Irrigation District (ID), in accordance with North Dakota Code, and Montana Code Annotated, is seeking statements of qualifications from qualified firms for general engineering services related to maintaining, improving, and constructing their irrigation system for a period of three years.

The services to be provided will include but are not limited to: Design of open-channel irrigation systems and Design of piped irrigation systems

Design & Analysis of inverted siphons Design and integration of water delivery control structures

Surveying & Rights of Way acquisition Assistance in grant funding

Each consultant must provide the following information on which qualifications will be ranked:

A. A cover sheet limited to one 8.5"x11" page. A statement of qualifications limited to 8.5"x11" pages outlining the firm's current and future workload, recent projects within the district, recent related projects, general information, and any other pertinent information.

B. Resumes of personnel (up to 5) The firms will be evaluated and ranked according to the following criteria:

1. Location - Preference will be given to firms with a local regional presence (15%)

2. Qualification of Personnel (15%) Knowledge and Understanding of LYID's infrastructure & Methods (20%)

3. Recent & Current Work for the LYID (20%) Willingness to meet Time and Budget requirements (20%)

4. Recent, Current, and Projected Workload (10%) Any interested parties should contact the Lower Yellowstone Irrigation District at 406-81306 for questions or further information.

5. Present of Qualifications must be received by the District Office located at 2327 Lincoln Avenue SE, Sidney, Montana 59270 no later than July 18th at 5:00 PM MDT. Firms shall submit three hard copies of the proposal, and outside should be marked "Engineer Statement of Qualifications." LYID reserves the right to reject any and all proposals.

(June 27, 2018) (July 4, 2018) -mcf-

NOTICE OF RURAL AMBULANCE DISTRICT ORGANIZATIONAL MEETING

The organizational meeting for the McKenzie County Rural Ambulance District will be held on Wednesday, July 11, 2018, at 7:00 am in the McKenzie County Ambulance Service Training Room located at 220 2nd St. NE, Watford City, ND. All qualified electors residing within the boundaries of the McKenzie County Rural Ambulance District are invited to attend.

IN WITNESS WHEREOF, I have hereunto my hand and the Seal of McKenzie County, Watford City, North Dakota, this 21st day of June, 2018.

SEAL -s-ERICA JOHNSRUD Erica Johnsrud McKenzie County Auditor/Treasurer (June 27, 2018) (July 4, 2018) -mcf-

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PO Box 1157 Bismarck, ND 58502-1157 Email: LMRC@kljeng.com

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Johnson & Sundeen Dennis Edward Johnson and Ross L. Sundeen Attorneys At Law. Located in The Northern Plains Building. P.O. Box 1260 109 - 5th St. SW, Watford City, ND 58854-1260. Bus: 701-444-2211 Fax: 701-444-2847

M.9. Public Hearing Newspaper Affidavits – July 4 and 5, 2018



Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **KLJ West Fargo – NDDOT – Public Hearing, Draft Environmental Impact Statement, Little Missouri River Crossing; 1 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

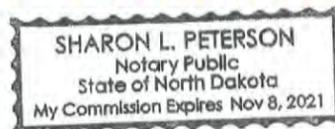
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 12 day of July, 2018.

Sharon L. Peterson



Community Appreciation Day

appreciation for area communities by serving lunch to all on Beach on Tuesday, June 26. HOCR girls, along with some weeds along the curb from the west railroad crossing to Memorial. They also freshened up the yellow paint in that beautiful trees along the bike path. (Photo by Renee Orluck)

of newcomers, most of who contributed to our prosperity.

Of course, we didn't like it when most of Ireland came to America. Not only did they compete for jobs but they were Catholics, for which reason we burned a few churches and convents and formed an anti-Catholic political party.

Even though unwanted, they stayed and contributed to making America great.

But in our midst, we tolerated a great sin that you folks in the Constitutional Convention kicked down the road for solution by later generations. The solution to slavery came as one of the causes of the Civil War among the states in which more young men were killed than were killed in all other American wars combined.

It was a blood bath but again we prevailed although the stain poisons our society to this day. We are slowly digesting the consequences

ations become the swamp too?

is tied to the best growing conditions in a decade, with a bin-busting crop on the way if weather does not turn adversarial later this summer.

The ASA should be supporting the president who goes beyond the Art of Politics and uses the "Art of the Deal." He knows we have the upper hand with our \$20 trillion economy over China's \$10 trillion economy. The U.S. is the big dog, and China is the tick growing by sucking the economic life out of this country. Give this president a chance, this man only picks a fight he knows he can win. American agriculture wants to brag about its productivity, but this president is going to create profitability the ASA will likely take credit for.

Eugene Graener, president Heartland Investor Services Inc. Bismarck

plete 2017 Census of Agriculture

come and expenditures and other topics.

"This information is used by federal, state and local governments, agribusinesses, trade associations and others who serve farmers and rural communities," Goehring said. "It is especially important in North Dakota, where agriculture is the largest segment of our economy."

Federal law requires NASS to keep all information confidential, to use the data only for statistical purposes, and to only publish in aggregate form to prevent disclosing the identity of any individual producer or farm operation. More information is available at www.agcensus.usda.gov. For questions about or assistance with filling out the Census, call toll-free (888) 424-7828.

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Our Constitution says that everyone should be heard so we guarantee freedom of speech and freedom of the press. Other amendments include civil and criminal rights. Later came recognition of equality by extending the right to vote to those

compromise.

Ben, we are in a fine state of affairs. Until every state and congressional district starts electing the kind of people that served in your Constitutional Convention, I'm afraid the Republic may not be kept.

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KLLJ
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Administrator

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Apply online at www.dcsstlukes.org

This institution is an equal opportunity provider and employer.

Important Notice to Belfield Public School Taxpayers

A public hearing to consider increasing the 2018 Belfield Public School Property tax levy by 12% will be held at the Belfield Public School Library, located at 302 NE 3rd St, Belfield, ND, preceding the regular school board meeting on July 12, 2018 at 6:30 p.m. Citizens will have an opportunity to present oral or written comments or questions regarding the property tax levy.

celebrate 10 years

ndly event."

Sixteen companies are registered to participate in the Grenora Cookfest, while Twin Buttes is slated to host 23 companies. Representatives in companies and organizations are also on hand to help answer questions on pipelines, royalties, casing, drilling and production and more. There will also be games and activities for kids, a bounce house and get shooting station hosted by Mule Foundation for kids, so families encouraged to attend. All activities free and open to the public.

The event typically draws between 1,000 and 1,200 people to each venue in a year from surrounding communities and counties, says Sandstrom, in many making a long drive to attend at least one of the events.

"We get requests from communities in advance to host CookFest in their towns because it's such a fun event," said Sandstrom. "We encourage anyone who wants to learn more about the industry or wants to visit some of the companies operating in their towns - or who simply wants to eat great food - to visit us in Grenora and Twin Buttes this year."

The CookFest has been held in Grenora and Killdeer (2009); Triega New Town (2010); Crosby and Belfield City (2011); Ray and Belfield (2012); Powers Lake and Parishall (2013); Kenmare and Dunn Center (2014); Alexander and South Heart (2015); Mandaree and Stanley (2016);

Washburn and Medora (2017).

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Conditions become the swamp too?

supplies of soybeans anticipated the coming years, why have we weeded trade tariffs on U.S. soybeans into China over the last decade?

Over the past decade, we have seen Brazilian exports explode over than U.S. exports, and the U.S. has not fought that, let alone challenge the 13% tariffs that China carried on U.S. beans. Now we have a president who's willing to charge of something the ASA would have done, and that is to expand bean exports even faster. And as in the world who already runs an aggressive trade deficit with U.S. Now we have many in the rank-file of the ASA, who act like prices are not cyclical, believing the present price decline, which more than half of the decline

Complete 2017 Census of Agriculture

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Missouri River, boat ramp status

High water levels on the Missouri River have closed or restricted access at numerous public boat ramps, specifically in the Bismarck/Mandan and Williston areas.

Bob Frohlich, North Dakota Game and Fish Department fisheries development supervisor, said high releases from Garrison Dam have led to the closure of Cross Ranch (Sanger), Hoge Island, Grant Marsh Bridge, Fox Island and Little Heart Bottoms ramps, and high flows coming from the Yellowstone River have inundated and closed the Highway 85 boat ramp near Williston.

"In addition, several other boat ramps are nearly submerged due to high water levels," Frohlich said. "Although they remain open at this time, exercise caution and care when using these sites."

Due to high flows forecasted well into summer, Frohlich said the affected public boating access areas in the Bismarck/Mandan area will likely remain unusable for an extended time.

Game and Fish will post ramp status updates as they occur on the department's website, gf.nd.gov.



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Wetland City

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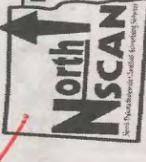
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HELP WANTED
TRAIL COUNTY ECONOMIC Development Commission in Hillsboro, ND is seeking an Executive Director to manage day-to-day operations. Salary DOE. Visit www.welcometrail.com for details.

HELP WANTED: PARAMEDIC full time, Cavalier, ND. For additional information contact Linda Otto at 701-265-8259 or email cavamb@polarcmm.com - www.cavalierambulance.com.

ELECTRONICS AND TECHNOLOGY
INSTRUCTOR, Lake Region State College - Devils Lake, ND. This is a 9-month, non-tenured position with full benefits. Duties include teaching electronics and related technology applications to students enrolled in our pre-son agriculture, wind energy, and simulation technology programs. Go to lsc.edu for more information.

HEFTY SEED, HURDSFIELD, ND, has an opening for a senior accounting position. Responsibilities include preparation of P&L and balance sheet, journal entries, balance sheet reconciliations, monitoring accounts receivable and collection, working with outside accounting firm for tax prep and year-end auditing, invoicing customers, overseeing accounts payable and working alongside current staff to cover daily office tasks. Candidates for this position must possess an accounting degree and be proficient in Microsoft Office. Salary DOE. Benefit package includes health insurance, paid vacation and holidays. Relocation compensation available. Hefty Seed in Hurdsfield services growers needs for seed, chemical, and fertilizer products. We are committed to maintaining a friendly and courteous atmosphere in which we strive to exceed our customers' expectations. Our business has a more heavily in-demand season from April through June, during which additional hours are required to service our customers' needs. This position also offers an excellent opportunity to learn alongside our current accountant and be a part of our growth as a company. Please send resume and cover letter to chad.weckley@heftyseed.com or call Chad at 701-962-3343 for more information.

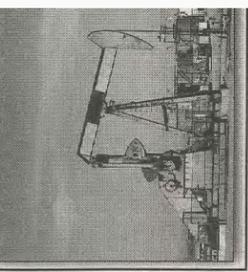
McKenzie County Farmer, Wa

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MISCELLANEOUS
WE MAKE IT easy to place an ad in one or all 90 North Dakota newspapers. One order, one bill, one check. We provide the ad design and tear sheets. Call the North Dakota Newspaper Association, 701-223-6397.

REAL ESTATE FOR SALE
MONTANA, WYOMING, New Mexico acreage starting at \$485/acre. Owner financing O.A.C. Building sites, roads, views, elk national forest! 1-800-682-8088 www.rmland.com.

ND FARM LAND Values surge upward. Are you selling or renting? Pifer's Auction and Farm Land Management. Bob Pifer 701-371-8538. Kevin Pifer 701-238-3810. Free valuation.

QUALITY BLACK ANGUS BULLS:
For sale, yearling and 2-year-old bulls. Performance info available. If interested contact Dean Levang, Keene, ND, 701-675-2306. Leave message if no answer. 50,51c

MISCELLANEOUS
PHOTOS: Color feature and sports photos from the McKenzie County Farmer are available. Order photos online at www.watfordcitynd.com or contact us at the McKenzie County Farmer, Box 587, Watford City, N.D. 58854. (701) 842-2351. tfc

STORAGE & TRAILERS FOR RENT
Call 842-4323

WE ARE LOOKING FOR

Missouri River Royalty Corporation (MRRCC)
Now Leasing and Buying Core Bakken

Would you like to place an Ad in our paper?
We can help! Call us today!
McKenzie County Farmer
701-842-2351

S&K STACK TESTING, INC.
Now Hiring!
FULL-TIME DIESEL MECHANIC
• MINIMUM OF 3 YEARS EXPERIENCE •

M.10. Public Hearing Newspaper Affidavits – July 11, 12, and 14, 2018



Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **KLJ West Fargo – NDDOT – Draft Environmental Impact Statement, Little Missouri River Crossing**; 1 time(s) as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

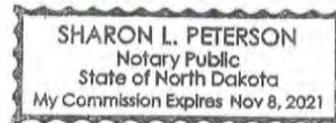
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 23 day of July, 20 18.

Sharon L. Peterson



Olva held its 4th of July fireworks display Saturday night, July 7. It was canceled last year to the drought. This year's was the best ever, and the fireworks crew did a fantastic job, alerted Linda Howard. (Courtesy Photo by Linda Howard)

Eate family meal memories with picnics

ways looked forward to picnics when I was a child. I would visit friends who lived near a park, or, sometimes, we went to a picnic spot.

ing ready for our picnic was a production because we had to make sandwiches, hot dogs, fruit, meat, fresh buns, potato salad, and lemonade. I remember in a gallon-sized thermos.

er. I didn't have a grill in those days, so the meat and potatoes were cooked in a campfire. I remember with my dad as the chef. My mother was very food safety conscious. Everything was packed in coolers with ice, and meat was cooked in a separate cooler from the rest of the picnic. I learned early on to eat safe food handling, and I didn't like to eat anything that wasn't safe.

sed to lie on the lounge chair and read. When I leaned back, I felt like an alligator. I felt like an alligator.

eth. I felt like an alligator. I felt like an alligator.

indoors with the breeze blowing. I felt like an alligator. I felt like an alligator.

y is National Picnic Month, and it's a perfect time to create memories as you enjoy sea-soned programming on pub-lic television, which shows the influence of families eat-ting together on various aspects of

the past 18 months, we in the community and wellness programs at NDSU Extension have been promoting family meals through "The Family Table" project. We've been programming on public television, which shows the influence of families eat-ting together on various aspects of

Make some memories with picnics for all the right reasons. Consider these nutrition and food safety tips:

- * Plan your menu to be colorful, with all the food groups: vegetables, fruit, grain, protein and dairy or other calcium source.

- * Check out the seasonal fresh produce available from farmers markets, gardens and grocery shelves.

- * Be sure to keep perishable foods chilled during transportation and at the picnic site. Transport food in the passenger area instead of the trunk, and keep coolers in the shade. Use blocks of ice or frozen gel packs. Remember that perishable food, including cut fruit, salads and meat, should spend no more than one hour at temperatures of 90 F or above.

- * If you do not have a way to keep foods cold, bring nonperishable foods such as peanut butter sandwiches, chips, pretzels, whole fruit, trail mix or dried fruit.

- * Be sure to check your destination to learn if it has a safe drinking water source. If not, bring your own clean water. Bring moist towelettes and paper towels for cleaning your hands.

- * If you plan to grill meat, be sure to bring a food thermometer to check doneness. Steaks and pork chops should reach an internal temperature of 145 F, followed by a three-minute rest time. Hamburgers should reach 160 F, and chicken should reach an internal temperature of 165 F.

- * Avoid cross-contamination. Be sure to bring a clean plate to the grill to retrieve cooked food so raw juices on the original plate do not contaminate the cooked food.

Children who eat more meals together are more likely to do well in school and score well on achievement tests. At the family table, children have the opportunity to practice their language skills and learn new vocabulary.

Eating together more often also promotes better nutrition. Children who enjoy more family meals eat more fruits, vegetables, grains and dairy, and they eat fewer fried foods and soft drinks. This adds up to a diet that has more calcium, iron, fiber, and vitamins A, C, E and fo-

late.

"USE AS DIRECTED" IS NOT A SUGGESTION.



Medications can cause harm if they are taken the wrong way or by the wrong person. Protect your loved ones from prescription abuse and misuse with three easy steps.

- LOCK** Store medications out of sight and in a safe and secure place.
- MONITOR** Keep track of medications and never share them with others.
- TAKE BACK** Drop off unused medications at Take Back program locations.

FIND A NORTH DAKOTA TAKE BACK SITE.
recoveryreinvented.com/prevention

RECOVERY REINVENTED

You said it, North Dakota!

NOTHING WORKS LIKE NEWSPAPER ADVERTISING.

Get the word out about your business! Call us today 701-872-3755 for details!

PUBLIC HEARING

WHY? To discuss the Draft Environmental Impact Statement (EIS) for the proposed Little Missouri River Crossing. The public hearings will provide opportunity for public comment.

WHEN? Monday, July 23 and Thursday, July 26, 2018:
Formal Presentation: 5:30 p.m.
Open House: 5:00 p.m. to 8:00 p.m.

WHERE? Please note that these hearing dates have been moved from July 17 & 19 to July 23 & 26.

July 23, 2018 from 5:00 p.m. to 8:00 p.m. (MDT) at the Medora Community Center, 465 Pacific Ave, Medora, ND

July 26, 2018 from 5:00 p.m. to 8:00 p.m. (CDT) at the Courtyard by Marriott, 3319 N 14th St, Bismarck, ND

OPEN HOUSE CONDUCTED BY

Billings County, North Dakota Department of Transportation (NDDOT), Federal Highway Administration (FHWA), and KLJ.

These public hearings are designed to allow for public input, which is required for compliance with the National Environmental Policy Act of 1969 and National Historic Preservation Act of 1966.

Representatives from Billings County, NDDOT, FHWA, and KLJ will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be sent by August 20, 2018 (note this has been extended from August 16, 2018), to:
Jen Turnbow, Project Manager
KLJ
PO Box 1157
Bismarck, ND 58502-1157
Email: LMRC@kljeng.com
Note: "Public Hearing" in the e-mail subject heading.

PUBLIC INSPECTION: The Draft EIS is available for public review at the following locations:

- Billings County Courthouse, 495 4th St, Medora, ND, (701) 623-4377
o <http://www.billingscountynod.gov/klj>
- Dickinson Area Public Library, 139 W 3rd St, Dickinson, ND, (701) 456-7700
- Golden Valley County Courthouse, 150 1st Ave SE, Beach, ND, (701) 872-4331
- McKenzie County Public Library, 112 2nd Ave NE, Watford City, ND, (701) 444-3785
- NDDOT Central Office, 608 E Boulevard Ave, Bismarck, ND, (701) 328-2500
o <https://www.dot.nd.gov/projects/dickinson>
- NDDOT Dickinson District Office, 1700 3rd Ave W, Suite 101, Dickinson, ND, (701) 227-6500
- NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700
- North Dakota State Library, 604 E Boulevard Ave, Bismarck, ND, (701) 328-4622

The NDDOT will consider every request for reasonable accommodation to provide:

- An accessible meeting facility or other accommodation for people with disabilities.
- Language interpretation for people with limited English proficiency (LEP), and
- Translations of written material necessary to access NDDOT programs and information.

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To request accommodations, contact Paula Messmer, Civil Rights Division, NDDOT, at 701-328-2978 or civilrights@nd.gov. TTY users may use Relay North Dakota 711 or 1-800-366-6888.

7/12 Beach

in the no-man's land separating Niger and Algeria north of the Assamakha border post in northern Niger.

Algeria stops forcing migrants into Sahara

LORI HINNANT
Associated Press

“Algeria has the power to control its borders, but that doesn't mean it can round up people based on the color of their skin and dump them in the desert, regardless of their legal status and without a shred of due process.”

Sarah Leah Whitson,
Human Rights Watch

High Commissioner for Human Rights has condemned the expulsions in the desert. Two days after the AP report, Human Rights Watch also released an investigation into the forced desert marches. “Algeria has the power to control its borders, but that doesn't mean it can round up people based on the color of their skin and dump them in the desert, regardless of their legal status and without a shred of due process,” Sarah Leah Whitson of Human Rights Watch said in a statement.

Migrants filmed videos of themselves fanning out across the open desert, stumbling through heat that reaches above 122 degrees Fahrenheit in summer as Algerian gendarmes with guns ensured they did not turn back. Of the more than two dozen migrants who AP journalists interviewed in Niger, nearly all reported seeing deaths during the forced march, which sometimes lasted days.

Even before the AP report, the conditions that migrants were enduring in the Sahara Desert had been an open secret among aid workers as well as governments in Africa and Europe. The African Union had already complained about Algeria's policies toward migrants in a statement in May. “We cannot accept African countries ill-treating Africans, even if they enter the country illegally,” the chairman of the AU Commission, Moussa Faki Mahamat, said this week in Addis Ababa, Ethiopia.

European Union officials say they discussed the desert expulsions with Algerian government officials privately in recent months, but the EU nonetheless settled upon Algeria as one of a handful of countries where it had hoped to set up centers to sort economic migrants from asylum-seekers fleeing for their lives. Algeria refused the dubious honor, as did multiple other countries.

In its few public statements, Algeria has insisted that migrants are treated appropriately, but the U.N. said multiple other countries.

Algeria's deadly expulsions of migrants into the Sahara Desert have nearly spread condemnation and the abrupt firing of two top security officials. The expulsions to the desert borders that Algeria shares with Niger and Mali have all but ended since The Associated Press reported less than three weeks ago that more than 13,000 people, including women and children, had been dropped off in the stark, dangerous region since May 2017, according to officials with the U.N.'s International Organization for Migration.

Before the AP reached out to Algeria for comment and published the report on June 26, the North African nation was expelling migrants by the hundreds almost every week into the unforgiving desert. Algeria has refused repeated AP requests for comment on the expulsions. The European Union also declined to comment. The expulsions came as Europe is pressuring North African governments to head off the migrants before they can cross the Mediterranean Sea.

An aid worker with contacts in Algeria told the AP that the mass detentions continue, but now migrants, including dozens of pregnant women, are warehoused in overcrowded jails. The worker requested anonymity to avoid retribution from the Algerian government.

Algeria also continues to deport migrants from neighboring Niger, with which it has had an expulsion agreement since 2015. But while migrants from other sub-Saharan countries were dropped in the desert secretly and forced to walk for miles under the blistering sun, the Nigeriens have long been driven to the border by convoys. After the AP report in June, Algerian officials invited local media to watch a round of deportations to prove they were humanely done.

Since the AP report, Algeria's security forces have fallen into disarray, with the head of the gendarmerie and the chief of national security both being forced from their jobs. It is unclear why the men were fired, but both were linked to the migrant expulsions in the desert as well as to an unrelated corruption scandal involving the seizure of more than 700 kilograms of cocaine from a cargo ship in May.

In its few public statements, Algeria has insisted that migrants are treated appropriately, but the U.N. said multiple other countries.

Work still consists of approximately 890 LF of 30-inch sanitary sewer, 11 manholes, 200' of 18-inch water main, and 100' of 18-inch gas main. The bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five percent (5%) of the amount of the bid as required by Section 48-01.1-05(3), North Dakota Century Code, as amended, and executed as provided by law.

The Board of City Commissioners reserves the right to accept or reject any or all bids, to waive irregularities, to negotiate with any bidder, and to award the contract to any bidder at its discretion. The Board of City Commissioners reserves the right to accept or reject any or all bids, to waive irregularities, to negotiate with any bidder, and to award the contract to any bidder at its discretion.

Notice of the Special Assessment for the cost of construction of street chip seal work in Street Improvement District #60 of Burleigh County North Dakota. NOTICE IS HEREBY GIVEN that a Special Assessment for the cost of construction of chip seal and related work in Street Improvement District #60 has been levied against the lots and tracts of land especially benefited by such improvement in the sums set opposite the respective descriptions of such lots and tracts of land, to wit: High Plains Country and High Plains Country Estates 2nd Subdivisions

Property ID #	Legal Description	Amount
38-138-80-16-01-030	Bk 1 L1s 1 - 3	\$13,500.00
38-138-80-16-02-010	Bk 2 L1 1	\$13,500.00
38-138-80-16-02-020	Bk 2 L1 2	\$13,500.00
38-138-80-16-02-030	Bk 2 L1 3	\$13,500.00
38-138-80-16-02-040	Bk 2 L1 4	\$13,500.00
38-138-80-16-02-050	Bk 2 L1 5	\$13,500.00
38-138-80-16-03-010	Bk 3 L1 1	\$13,500.00
38-138-80-16-03-020	Bk 3 L1 2	\$13,500.00
38-138-80-16-03-030	Bk 3 L1 3	\$13,500.00
38-138-80-16-03-040	Bk 3 L1 4	\$13,500.00
38-138-80-16-03-050	Bk 3 L1 5	\$13,500.00
38-138-80-16-03-060	Bk 3 L1 6	\$13,500.00
38-138-80-16-03-070	Bk 3 L1 7	\$13,500.00
38-138-80-16-03-080	Bk 3 L1 8	\$13,500.00
38-138-80-16-04-010	Bk 4 L1 1	\$13,500.00
38-138-80-16-04-020	Bk 4 L1 2	\$13,500.00
38-138-80-16-04-030	Bk 4 L1 3	\$13,500.00
38-138-80-16-04-040	Bk 4 L1 4	\$13,500.00
38-138-80-16-04-050	Bk 4 L1 5	\$13,500.00
38-138-80-30-01-010	East and West Sides of Bottom Rd. Paving included 4 inches of hot bituminous and a chip seal treatment.	\$13,500.00
AMOUNT TO BE ASSESSED		\$270,000.00
Admin. Cost		\$8,233.53
Engineering		\$10,250.10
Bond Cost		\$20,648.96
Bond Cost (discount/capitalized interest)		\$270,000.00

NOTICE IS HEREBY GIVEN that on the 31st day of July, 2018, at 5:15 P.M., the Special Assessment Commission of Burleigh County, North Dakota, will meet in the Baker Meeting in the City/County Building, 221 N 5th Street, Bismarck, ND to hear any testimony both for and against which may be made to any assessment shown in the foregoing list by any person interested therein or by its agent or attorney. The undersigned, Jeff Eslinger, Mike Heim and Lee Lunde constituting the Special Assessment Commission of Burleigh County, North Dakota, do hereby certify that the foregoing is a complete list of the particular lots and tracts of land in which, in the opinion of the Commission, are especially benefited by the construction of street paving and related work in Street Improvement District #60 of said County, setting forth therein described each and the sum assessed for such improvement and the amount assessed against each and the same as verified by such improvement and the amount assessed according to the best judgment of the Members of such Commission and that the several items of expense in such assessments are as follows to wit: Construction Expense \$452,428.02 Engineering Expense \$12,732.81 Administrative Expense \$10,000.00 Bond Cost (discount/capitalized interest) \$20,648.96

Notice of the Special Assessment for the cost of construction of street chip seal work in Street Improvement District #61 of Burleigh County North Dakota. NOTICE IS HEREBY GIVEN that a Special Assessment for the cost of construction of street chip seal and related work in Street Improvement District #61 has been levied against the lots and tracts of land especially benefited by such improvement in the sums set opposite the respective descriptions of such lots and tracts of land, to wit: Metro Industrial Park Replat and Metro Industrial Park 2nd Replat Subdivisions

Property ID #	Legal Description	Amount
38-138-80-64-01-010	Bk 1 L1 1	\$11,627.91
38-138-80-64-01-040	Bk 1 L1s 2 & 3	\$23,255.82
38-138-80-64-01-044	Bk 1 L1 5; Bk 1 L1 1 Metro Ind 2nd	\$11,627.91
38-138-80-64-01-050	Bk 2 L1 1	\$23,255.82
38-138-80-64-02-010	Bk 2 L1 2	\$11,627.91
38-138-80-64-02-040	Bk 2 L1s 3 - 5	\$34,883.73
38-138-80-64-02-060	Bk 2 L1 6	\$11,627.91
38-138-80-64-02-070	Bk 2 L1 7	\$11,627.91
38-138-80-64-02-080	Bk 2 L1 8	\$11,627.91
38-138-80-64-02-110	Bk 2 L1s 9 - 11	\$34,883.73
38-138-80-64-04-010	Bk 4 L1 1	\$11,627.91
38-138-80-64-04-020	Bk 4 L1 2	\$11,627.91
38-138-80-64-04-030	Bk 4 L1 3	\$11,627.91
38-138-80-64-04-040	Bk 4 L1 4	\$11,627.91
38-138-80-64-04-050	Bk 4 L1 5	\$11,627.91
38-138-80-64-05-010	Bk 5 L1 1	\$11,627.91
38-138-80-64-05-020	Bk 5 L1 2	\$11,627.91
38-138-80-64-05-030	Bk 5 L1 3	\$11,627.91
38-138-80-64-05-040	Bk 5 L1 4	\$11,627.91
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38-138-80-64-06-050	Bk 6 L1 5	\$11,627.91
38-138-80-64-06-060	Bk 6 L1 6	\$11,627.91
38-138-80-64-06-070	Bk 6 L1 7	\$11,627.91
38-138-80-64-06-080	Bk 6 L1 8	\$11,627.91
38-138-80-64-06-090	Bk 6 L1 9	\$11,627.91
38-138-80-18-01-020	Bk 1 L1 2	\$11,627.91
38-138-80-18-01-030	Bk 1 L1 3	\$11,627.91
38-138-80-18-01-040	Bk 1 L1 4	\$11,627.91
38-138-80-18-01-060	Bk 1 L1s 5 & 6	\$23,255.82
38-138-80-18-02-010	Bk 2 L1 1	\$11,627.91
38-138-80-18-02-020	Bk 2 L1 2	\$11,627.91
38-138-80-18-02-040	Bk 2 L1s 2 - 3	\$23,255.82
38-138-80-18-02-040	Bk 2 L1s 4 - 5	\$23,255.82
AMOUNT TO BE ASSESSED		\$500,000.13
Construction		\$452,428.02
Admin. Cost		\$10,000.00
Engineering		\$12,732.81
Bond Cost		\$20,648.96
Bond Cost (discount/capitalized interest)		\$500,000.13

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PUBLIC NOTICES
A public notice is information informing citizens of government activities that may affect the citizens' everyday lives. Public notices have been printed in local newspapers, the trusted sources for community information, for more than 200 years. North Dakota newspapers also post public notices that are printed in newspapers on www.ndpublicnotices.com at no additional charge to units of government.

NOTICE OF PUBLIC HEARING BY THE BOARD OF CITY COMMISSIONERS
CITY OF BISMARCK NORTH DAKOTA
Notice is hereby given that the Bismarck City Commission will conduct a public hearing on Tuesday, July 24, 2018, at the hour of 5:30 p.m. in the Tom Baker Meeting Room, 221 North Fifth Street, Bismarck, North Dakota, on the following:
• Ordinance 6837-6342, to create special assessment districts for annexed properties.
Notice is further given that the Bismarck City Commission will consider said matter and hear testimony and evidence to persons interested therein.
BOARD OF CITY COMMISSIONERS
Alisey Johnson, Mayor
7/14 & 21 - 20841130

PUBLIC HEARING

WHY?
To discuss the Draft Environmental Impact Statement (EIS) for the proposed Little Missouri River Crossing. The public hearings will provide opportunity for public comment.

WHEN?
Monday, July 23 and Thursday, July 26, 2018:
Formal Presentation: 5:30 p.m.
Open House: 5:00 p.m. to 8:00 p.m.

WHERE?
Please note that these hearing dates have been moved from July 17 & 19 to July 23 & 26.

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Representatives from Billings County, NDDOT, FHWA, and KJL will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be sent by August 20, 2018 (note this has been extended from August 16, 2018), to:

Jen Turnbow, Project Manager
KJL
PO Box 1157
Bismarck, ND 58502-1157
Email: LMRC@kjeng.com
Note: "Public Hearing" in the e-mail subject heading.

PUBLIC INSPECTION: The Draft EIS is available for public review at the following locations:

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- NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700
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FARGO BLUES FESTIVAL
2018 ANNOUNCED
Newman Outdoor Field

FRIDAY, AUGUST 17TH
9:00 PM - ANA POPOVIC # RISE AGAIN
7:00 PM - CURTIS SALGADO # RISE AGAIN
5:30 PM - COREY STEVENS

FRIDAY, AUGUST 18TH
8:00 PM - KENNY NEAL # RISE AGAIN
6:00 PM - TINSLEY ELLIS # RISE AGAIN
4:30 PM - CAROLYN WONDERLAND

SATURDAY, AUGUST 19TH
3:00 PM - LANDRY GRANSTON
1:30 PM - USA WENGER BAND
NOON - THE BLUE WALLERS

45 TICKETS AVAILABLE AT NIGHTLIFE MUSIC, BISMARCK • 701-222-0202
40 BEER, FOOD AND NOVELTY BOOTH'S
2 DAY INFO CAMPUS CHARGE LINE 1-218-287-7775
\$50/AT/GUILD FARGOBLUESFEST.COM BUY ONLINE

ORDER CONTACTS Private Party Ads 1-800-279-9150 1-701-483-7590 thedickinsonpress.com

Public Notices/Legals 1-701-456-1212 Help Wanted Ads 1-888-514-4473 jobsHQ.com

REAL ESTATE MISCELLANEOUS 225-9107 Continental Real Estate

HELP WANTED GENERAL 701-225-9107

www.homeshq.com Find your next home at homes

Dickinson Police Department Surplus Vehicle Sale. The Dickinson Police Department (DPD) invites bids for surplus vehicles. All vehicles have been recently removed from the DPD fleet and are being sold "AS IS", without warranty or guarantee.

REQUEST FOR BIDS. BARANKO BROS., INC. - PO BOX 820 3048 HWY 22 N, DICKINSON, ND 58602. is seeking quotes on any and all items or materials within the scope of the project KJ # 586605 for the July 23, 2018 Bid Opening to be held at 04:00 PM. We welcome interested parties to contact us for more information.

PUBLIC HEARING. To discuss the Draft Environmental Impact Statement (EIS) for the proposed Little Missouri River Crossing. The public hearings will provide opportunity for public comment.

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WRITTEN STATEMENTS or comments about this project must be sent by August 20, 2018 (note this has been extended from August 16, 2018), to: Jen Turnbull, Project Manager KLJ PO Box 1157 Bismarck, ND 58502-1157 Email: LMRC@kljeng.com

PUBLIC INSPECTION: The Draft EIS is available for public review at the following locations: Billings County Courthouse, 495 4th St, Medora, ND, (701) 623-4377

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Beach, ND, (701) 872-4331

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NDDOT Central Office, 608 E Boulevard Ave, Bismarck, ND, (701) 328-2500

NDDOT Dickinson District Office, 1700 3rd Ave W, Suite 101, Dickinson, ND, (701) 227-6500

NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700

North Dakota State Library, 604 E Boulevard Ave, Bismarck, ND, (701) 328-4622

ORDINANCE NO. 387. AN ORDINANCE, AMENDING ZONING CONSISTENT WITH CHAPTER EIGHT, ARTICLE 3.7 OF THE CITY CODE OF THE CITY OF BELFIELD, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELFIELD, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF BELFIELD, AS FOLLOWS:

Consistent with Chapter 18, Article 3.7 of the City Code of the City of Belfield, North Dakota, the City Code and zoning district map is hereby amended to add the following paragraph:

THE CITY COUNCIL HAS REVIEWED AND APPROVES AND ADOPTS THE ZONING BOARD RECOMMENDATION TO RENEW A CONDITIONAL USE FOR TWO YEARS ON AN EXISTING TEMPORARY CREW CAMP HOUSING (CAMPS 1&2) ON LOT 2, BLOCK 2, O'BRIEN SUBDIVISION: Approved the first reading of Ordinance 387 renewing a conditional use for a temporary crew camp housing (Camp 1) on Lot 2, Block 2, O'Brien Subdivision (Schuhle/Bae) maintaining their application procedure compliant with Resolution 01-2014 to include adequate shelter, an emergency evacuation plan, on site security, a copy of the site plan, and a plan for cleanup for cleanup process (Bae/Yes, Schuhtler/Yes, Obrigtewitich *Yes, Schuhle/Yes).

Repeat of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed. Severability. In the event any section of this Ordinance is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Effective Date. This Ordinance shall be in full force and effect from and after publication. Ken Solberg, Mayor

ATTEST: Natalie Mucualo, Auditor First Reading: 6/4/18 Second Reading: 7/9/18 Final Passage: 7/9/18 (Published July 11, 2018)

STATE OF NORTH DAKOTA COUNTY OF STARK INDUSTRIAL COURT SOUTHWEST JUDICIAL DISTRICT. The State of North Dakota, doing business as The Bank of North Dakota, Plaintiff vs. Vance Amundson, LeAnn Amundson, DCI Credit Services, Inc, Midland Credit Services, Inc, The State of North Dakota ex rel. The State Tax Commissioner, Defendants.

NOTICE OF SALE. Civil No. 45-2018-CV-00089. [1] Notice is hereby given that by virtue of a Judgment and Decree of a foreclosure rendered and given by the Stark County District Court, North Dakota, and entered and docketed in the Office of the Clerk of Court on May 25, 2018, in an action wherein The State of North Dakota, Plaintiff was the Plaintiff and Vance Amundson, LeAnn Amundson, DCI Credit Services, Inc., Midland Funding LLC, and The State of North Dakota ex rel. The State Tax Commissioner were the Defendants, adjudging that there is due and payable on the real estate Mortgage described by Plat # 2018-0010, Judgment and Decree, among other things directed the Debtor to satisfy the amount of the Judgment with interest thereon and the cost and expenses of such sale are so much advanced as the proceeds of the sale multiplied by the percentage of the Office of the Clerk and under the Seal of the Court, directing me to sell the real property pursuant to said Judgment and Decree.

I, Terry Oestreich, Sheriff of Stark County, North Dakota and the person appointed by the Court to make the sale, state to the highest bidder for cash at public auction at the front door of the Courthouse, 51 3rd Street East in Dickinson, Stark County, North Dakota, on August 8, 2018, at 10:00 A.M. to satisfy the amount declared due and payable in said Judgment, with interest and expenses of such sale or so much thereof as the proceeds of such sale applicable thereto will satisfy. The premises to be sold pursuant to said Judgment and Decree and said writ and to this notice are located in Stark County, North Dakota and are described in the attached Judgment and Decree and Writ as follows:

Parcel ID Number: 410010360009000 (which has the address of 151st Ave E, Dickinson, North Dakota 58601).

[2] The failure to include the street address in the notice, does not affect the validity of the notice. Please note the sale is subject to cancellation or postponement. Dated this 19th day of June, 2018.

Terry Oestreich, Sheriff Stark County Sheriff's Department By: /s/ Matt Kealser Deputy Sheriff Matt Kealser

The person to hold such sale. Dated this 19th day of June, 2018. State of North Dakota Wayne Stenholm Attorney General

By: /s/ Douglas B. Anderson Douglas B. Anderson Assistant Attorney General State of North Dakota Office of Attorney General 500 North 9th Street Bismarck, ND 58501-4509 Telephone (701) 328-3640 Facsimile (701) 328-4800 Email: dbranders@nd.gov Attorneys for Plaintiff.

OK, a midstream and natural gas liquids and natural gas company, has awarded the County School District an educational grant in the amount of \$2,625. This grant will assist with the purchase of an updated English language arts curriculum and will help to improve educational experience for students. (Courtesy Photo)

reate family meal memories with picnics

ways looked forward to picnicking when I was a child. I would visit friends who lived in the country, or, sometimes, we went to a park. I was always ready for our picnic as it was a production because we had to make sandwiches, fruit, meat, fresh buns, potato salad, and dessert. Homemade lemonade was in a gallon-sized thermos.

I didn't have a grill in those days. The meat and potatoes were cooked in cast iron pans on a campfire with my dad as the chef. Everything was packed in coolers with ice, and meat was cooked in a separate cooler from the rest of the picnic. I learned early on the importance of safe food handling, and I didn't realize it at the time.

I used to lie on the lounge chair and read the newspaper. When I learned to drive, I usually on purpose, it would collapse. I felt like an alligator in its jaws, so I would lie up in the chair until someone told me I liked the attention. Unfortunately, the chair didn't have wheels.

Food always tasted better in the outdoors with the breeze blowing cool air from the lake. My family is National Picnic Month, and it is a perfect time to create memories as you enjoy seafood in an outdoor environment.

In the past 18 months, we in the family and Community Wellness teams at NDSU Extension have been promoting family meals through "The Family Table" project. I've been researching the public health term influence of families eating together on various aspects of



physical, mental and emotional health.

On average, experts say to aim for four or five meals per week with most family members present. Eating together promotes family unity and a place that is safe and secure in a sometimes confusing world.

Children get very busy as they grow older, so be flexible in your timing for family mealtimes. Meals can be eaten together anywhere, any time, and they still "count." Try a family breakfast, evening snack or a picnic in a nearby park or your backyard.

The menu doesn't have to be a gourmet feast, but be sure to put away electronics, turn off the TV and turn on the conversation.

Teens who eat more meals with their families are less likely to become depressed, use illegal drugs, abuse alcohol, smoke cigarettes, develop eating disorders or become pregnant.

Children who eat more meals together are more likely to do well in school and score well on achievement tests. At the family table, children have the opportunity to practice their language skills and learn new vocabulary.

Eating together more often also promotes better nutrition. Children who enjoy more family meals eat more fruits, vegetables, grains and dairy, and they eat fewer fried foods and soft drinks. This adds up to a diet that has more calcium, iron, fiber, and vitamins A, C, E and folate.

Make some memories with picnics for all the right reasons. Consider these nutrition and food safety tips:

- * Plan your menu to be colorful, with all the food groups: vegetables, fruit, grain, protein and dairy or other calcium source.

- * Check out the seasonal fresh produce available from farmers markets, gardens and grocery shelves.

- * Be sure to keep perishable foods chilled during transportation and at the picnic site. Transport food in the passenger area instead of the trunk, and keep coolers in the shade. Use blocks of ice or frozen gel packs. Remember that perishable food, including cut fruit, salads and meat, should spend no more than one hour at temperatures of 90 F or above.

- * If you do not have a way to keep foods cold, bring nonperishable foods such as peanut butter sandwiches, chips, pretzels, whole fruit, trail mix or dried fruit.

- * Be sure to check your destination to learn if it has a safe drinking water source. If not, bring your own clean water. Bring moist towelettes and paper towels for cleaning your hands.

- * If you plan to grill meat, be sure to bring a food thermometer to check doneness. Steaks and pork chops should reach an internal temperature of 145 F, followed by a three-minute rest time. Hamburgers should reach 160 F, and chicken should reach an internal temperature of 165 F.

- * Avoid cross-contamination. Be sure to bring a clean plate to the grill to retrieve cooked food so raw juices on the original plate do not contaminate the cooked food.

the results became available. The results show that although students report the majority of parents think it is wrong for underage youth to drink, it also shows that they are getting their alcohol from parents and other adults.

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PUBLIC HEARING

WHY? To discuss the Draft Environmental Impact Statement (EIS) for the proposed Little Missouri River Crossing. The public hearings will provide opportunity for public comment.

WHEN? Monday, July 23 and Thursday, July 26, 2018:
Formal Presentation: 5:30 p.m.
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July 23, 2018 from 5:00 p.m. to 8:00 p.m. (MDT) at the Medora Community Center, 465 Pacific Ave., Medora, ND
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Jen Turnbow, Project Manager

PO Box 1157

Bismarck, ND 58502-1157

Email: LMRC@kljeng.com

Note: "Public Hearing" in the e-mail subject heading.

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- McKenzie County Public Library, 112 2nd Ave NE, Watford City, ND, (701) 444-3785
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- NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700
- North Dakota State Library, 604 E Boulevard Ave, Bismarck, ND, (701) 328-4622

The NDDOT will consider every request for reasonable accommodation to provide:

- An accessible meeting facility or other accommodation for people with disabilities.
- Language interpretation for people with limited English proficiency (LEP), and
- Translations of written material necessary to access NDDOT programs and information.

Appropriate provisions will be considered when the Department is notified at least 10 days prior to the meeting date or the date the written material translation is needed.

To request accommodations, contact Paula Messmer, Civil Rights Division, NDDOT, at 701-328-2978 or civilrights@nd.gov. TTY users may use Relay North Dakota 711 or 1-800-366-6888.

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Wed., July 11, 2018, Page 14

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A.M. - 1:30 P.M.

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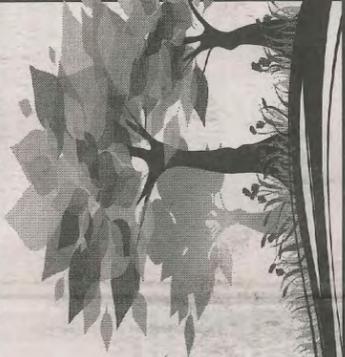
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LAW OFFICE IN WATFORD CITY

Kevin J. Chapman of
Chapman Law Firm, Williston, ND
has opened a law office in Watford City
at 329 North Main Street

The three attorneys available to serve the area are
Kevin Chapman, Kari Jensen and Jeremy Curran.

The attorneys are dedicated to help you in areas of criminal
defense, DUI defense, serious personal injury and oilfield accidents
and other civil litigation.

M.11. Public Hearing Newspaper Affidavits – August 17, 22, and 23, 2018



Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **KLJ West Fargo – Extension of Public Comment Period: Little Missouri River Crossing Draft IES**; 1 time(s) as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

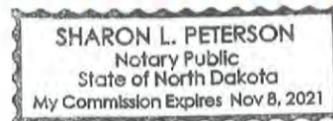
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 27 day of Aug, 2018.

Sharon L. Peterson



ing and alternative medicine. he was preceded in death by her wife, her husband, one brother, Mike Wolski and one sister, Mary (Ralph) Bravo. She is survived by her six children: Linda (and her) Johnson of Moorcroft, Ronald (and Barb) Barthel of (and Paula) Barthel of Bismarck; Gillette; Lisa Barthel of Gillette; Gerard (and Moni) Barthel of Bismarck; 15 grandchildren: Seth (and Paula) Barthel of Bismarck; son of Rapid City, S.D.; Thomas (and Paula) Barthel of Bismarck; Douglas, Wyo.; Amber Barthel of (and Mark) Unruh of (and Shaia (and Cole) Brown of (and Ethan (and Brooke) Barthel of Alexandria, Minn.; Michaela (and Paula) Barthel of Bismarck; Corey Frank of Gillette; Amber (and D.J.) Hafner, Zachary, Cory, Andrew and Brendon Barthel, all of Bismarck; and 10 great-grandchildren: Nevaeh, Avaria, Eli, Carter, Jordyn, Aria, Bentley, Ariella, Bailey and Levi; two sisters, Carol Connor and Gaylene (and two brothers, Erling (and Wolski and Bruce (and Sue) Wolski, all of Colorado; and numerous nieces and nephews. Memorials and condolences may be sent in care of Walker Funeral Home, 410 Medical Arts Court, Pierre, WY 57716. Condolences may also be expressed at www.walkerfuneralgillette.com.

of possible gain sampling
ase, ask for credentials and the reason why. If you feel there is a suspicious person or activity in your neighborhood, please call the local authorities.
An individual working for the e should be able to provide their name, the department they work for, able to produce credentials and the reason for their visit.

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OUR VIEWS
Issues of area interest or regarding columns or opinion-editorials longer only one letter or column regarding time period, unless the writer is as been raised. Letters and columns nk-you letters and invitations cannot e formatted as advertisements. The number on your letter or column phone number will not be published. P.O. Box 156, Beach, N.D. 58621;

cattle producers' underutilization of additional cattle breeds or types. Diversity throughout agriculture is a good thing. The crossing of cattle breeds or selected lines of cattle opens a new dimension, a dimension that positively responds to the freshness of increased vigor. That is good. Just like crop producers are exploring and expanding plant diversity within grain and forage production, so should the beef producer. The livestock producer does not need to stop with simply crossbreeding cattle. I want to go one step further and expand the grassland grazers to cattle and sheep.

Yes, I said cattle and sheep. Diversity of livestock is a healthy approach to livestock production, and that goodness ultimately is expressed in better grass production through enhanced grasslands. Cattle and sheep are an obvious source of diversity within grassland grazers. The complementary grazing of cattle and sheep is real, not just something to ponder. The Dickinson Research Extension Center determined the biological needs of sheep fit very well with cattle.

In fact, grazing ewes and cattle at the center, one ewe to every cow, complemented the cow herd very well. The cow and ewes, along with their offspring, were able to maintain normal growth without affecting the grasslands.
A very diverse plant population exposed to two types of grazers allows the opportunity for additional revenue per acre above the revenue from simply grazing with cattle. The

DEADLINES
The deadline for submitted copy and stories and all ad orders is noon on Fridays. Call 872-3755 or e-mail goldenandbillings@gmail.com.

Golden Valley News
P.O. Box 156, Beach, ND 58621 (U.S.P.S. Pub. No. 221-280)
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POSTMASTER: Send address changes to: Golden Valley News, P.O. Box 156, Beach, ND 58621. Please allow two to three weeks for new subscriptions, renewal of expired subscriptions and for address changes.
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• 1 year: \$42 out-of-state and snowbirds
• 9 months: \$25 in-state college rate
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ing cattle, sheep, goats, yaks, camels and horses on grasslands. Why? The thought is to better utilize the land and available forage that grows on the land.
Obviously, comingling has limits, and once that limit is met, additional grazing or stocking on the grasslands is detrimental. But finding that limit is part of the art and science of livestock production. One thing is for sure: Grazing systems that only utilize one species, such as cattle, leave additional grazing opportunities on the table.

But - yes, another "but" - comingling livestock, such as cattle and sheep, is not easy. The challenges to measuring the bottom dollar in a cattle or sheep operation are difficult to overcome. Nevertheless, let's move forward.
At the Dickinson Research Extension Center, research suggesting one ewe can be added to the grasslands for every cow that is grazing at no expense to cattle or grasslands is ongoing. Granted, adding sheep to a cattle operation means more work and producer education; however, that does not mean the opportunity is not there.

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PUBLIC TRANSPORTATION
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ABBREVIATED NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES
relating to N.D.A.C. Chapters 75-01-03 Appeals and Hearings and 75-08-01 Vocational Rehabilitation
North Dakota Department of Human Services
will hold a public hearing to address proposed changes to the N.D. Admin. Code.
Room 210 Second Floor Judicial Wing State Capitol Bismarck
Fri., Sept. 21, 2018 11:00 a.m.

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments must be received no later than 5:00 p.m. on Monday, October 1, 2018. ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing. Dated this 14th day of August, 2018.

challenging to fully focus on driving.
"The start of the school year is a particularly challenging time for parents because of new routines and increased traffic," said Amy Stracke, managing director of Traffic Safety Advocacy for AAA - The Auto Club Group and Executive Director of the Auto Club Group Traffic Safety Foundation. "We encourage anyone taking children to school, and all drivers, to establish habits that help them to stay focused on the task of driving."
AAA-The Auto Club Group and its Auto Club Group Traffic Safety Foundation - through their School's Open - Drive Carefully campaign - are reminding motorists that school season is starting soon and that it's important to avoid distractions and use caution when driving near school zones, especially during drop-off and pick-up times.

From 2007 to 2016, more school-

help keep children safe:
• Eliminate distractions. Research shows that taking your eyes off the road for just two seconds doubles your chances of crashing. Children can move quickly; crossing the road unexpectedly or emerging suddenly between two parked cars. Reduce risk by not using your cell phone or eating while driving, for example.
• Slow down. Speed limits in school zones are reduced for a reason. A pedestrian struck by a vehicle traveling at 25 mph is nearly two-thirds less likely to be killed compared to a pedestrian struck by a vehicle traveling just 10 mph faster.
• Come to a complete stop. Research shows that more than one-third of drivers roll through stop signs in school zones or neighborhoods. Always come to a complete stop, checking carefully for children

EXTENSION OF PUBLIC COMMENT PERIOD

The public comment period for the Little Missouri River Crossing Draft Environmental Impact Statement (EIS) has been extended an additional 15 days from August 20, 2018 to September 4, 2018.
WRITTEN STATEMENTS or comments about this project must be sent by September 4, 2018 (note this has been extended from August 20, 2018), to:
Jen Turnbow, Project Manager
KLJ
PO Box 1157
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o <http://www.billingscountymd.gov/klj>
- Dickinson Area Public Library, 139 W 3rd St, Dickinson, ND, (701) 456-7700
- Golden Valley County Courthouse, 150 1st Ave SE, Beach, ND, (701) 872-4331
- McKenzie County Public Library, 112 2nd Ave NE, Watford City, ND, (701) 444-3785
- NDDOT Central Office, 608 E Boulevard Ave, Bismarck, ND, (701) 328-2500
o <https://www.dot.nd.gov/projects/dickinson>
- NDDOT Dickinson District Office, 1700 3rd Ave W, Suite 101, Dickinson, ND, (701) 227-6500
- NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700
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The NDDOT will consider every request for reasonable accommodation to provide:

- An accessible meeting facility or other accommodation for people with disabilities,
- Language interpretation for people with limited English proficiency (LEP), and
- Translations of written material necessary to access NDDOT programs and information.

Appropriate provisions will be considered when the Department is notified at least 10 days prior to the meeting date or the date the written material translation is needed.

To request accommodations, contact Paula Messmer, Civil Rights Division, NDDOT, at 701-328-2978 or civilrights@nd.gov. TTY users may use Relay North Dakota 711 or 1-800-366-6888.

Distractions
(Continued on Page 3)

This Week's Local Forecast

Day	Forecast	Temp	Precip Chance
Thursday	Partly Cloudy	83/58	15%
Friday	Sunny	81/55	5%
Saturday	Mostly Sunny	78/52	15%
Sunday	Mostly Sunny	82/56	10%
Monday	Sunny	90/72	0%
Tuesday	Partly Cloudy	92/66	0%
Wednesday	Partly Cloudy	93/67	0%

Weather Trivia
What units are used to measure wind speed?
8/23 Beach

Area 7-day Forecast

The Dickinson Press

8/17 Dickinson

Friday, August 17, 2018 A9

Public Notices

Official Proceedings July 3, 2018 8:00 am Chairman Elkin called the meeting of the Stark County Board of Commissioners to order. Commissioner Zander absent. Agenda Chairman Elkin asked for any additions or deletions to the agenda. Stark County Board was added. MOTION BY Commissioner Hoff SECOND BY Commissioner Kuntz TO approve the agenda as presented with the changes. MOTION carried. Minutes The minutes of the June 5th, 2018 Board of County Commissioners meeting were presented.

Road & Bridge: \$6,454,707; Social Services: \$10,363,682; Capital Improvement: \$170,547,255; County Jail: \$21,468,300; Emergency: \$2,818,233; Veterans Service Office: \$6,730,011; County Agent: \$6,548,255; Weed Control: \$15,315,311; E-911 Funds: \$15,383,300; Fingerprint Station: \$90,000; Misc. Grants: \$723,445; OT Grant: \$1,059,733; Estimated Tax Revenue: \$765,000; Security/Transfer: DUS Reimb: \$140,600; Victim. Wills: \$28,471,931; Preservation Fee: \$1,506,000; State Reimb: \$375,000; 24/7 Fund: \$9,789,000; \$6,912,831; \$2,527,616.56; MOTION BY Commissioner Hoff SECOND BY Commissioner Kuntz TO adjourn the meeting. MOTION carried.

NORTH DAKOTA STATE ENGINEER NOTICE OF HEARING CONCERNING FORFEITURE PROCEEDINGS ON WATER PERMIT NO. 301 Please take notice that under N.D.C.C. § 61-04-24, a hearing concerning forfeiture proceedings on Water Permit No. 301 will be held by the State Engineer on September 12, 2018, at 9:00 a.m. at the Office of the State Engineer, 900 East Boulevard, Bismarck, ND. The hearing will give the permit holder, the owners of land benefited by the appropriation or works, and other interested parties whose rights to use water may be appropriated or a portion thereof, should not be canceled. The water permit that is the subject of this hearing is: Water Permit No. 301. 1. A conditional water permit assigned to Fisher Sand and Gravel Company, Dickinson, ND, on November 29, 1988, to appropriate 150 acre-feet of water annually at a pumping rate of 710 gallons per minute from Green River, tributary of the Heart River, for industrial purposes. 2. The point of diversion is located in the W2SW/4 of Section 22, Township 40 North, Range 95 West, Stark County, ND. Forfeiture proceedings have been initiated against this permit because the water is no longer being beneficially used for industrial purposes. TAKE NOTICE FURTHER that if no individual appears at the hearing or files a written protest by the hearing date, the water permit or portion thereof will be declared forfeited and the water permit will be canceled. If an individual appears at the hearing and the State Engineer will hear the evidence and if it appears that the water has not been put to beneficial use or, having been so used at one time, has ceased to be used for such purposes for more than three years, unless the failure or cessation of use was due to the unavailability of water, a justifiable inability to complete the works, or other good and sufficient cause, the same, or a portion thereof, will be declared forfeited and canceled. Individuals who need accommodations to participate in this hearing can contact the Clerk of Court, 900 East Blvd., Bismarck, ND 58505, 701-328-4941, or ND Relay TTY 800-565-6888. Dated August 10, 2018. STATE OF NORTH DAKOTA By: /s/ Garland Erbele State Engineer

EXTENSION OF PUBLIC COMMENT PERIOD

The public comment period for the Little Missouri River Crossing Draft Environmental Impact Statement (EIS) has been extended an additional 15 days from August 20, 2018 to September 4, 2018. WRITTEN STATEMENTS or comments about this project must be sent by September 4, 2018 (note this has been extended from August 20, 2018), to: Jen Turnbull, Project Manager KJJ PO Box 1157 Bismarck, ND 58502-1157 Email: LMRC@kjjeng.com Note: "Public Hearing" in the e-mail subject heading. PUBLIC INSPECTION: The Draft EIS is available for public review at the following locations: • Billings County Courthouse, 495 4th St, Medora, ND, (701) 623-4377 o http://www.billingscountymd.gov/kjj • Dickinson Area Public Library, 139 W 3rd St, Dickinson, ND, (701) 466-7700 • Golden Valley County Courthouse, 150 1st Ave SE, Beach, ND, (701) 872-4331 • McKenzie County Public Library, 112 2nd Ave NE, Watford City, ND, (701) 444-3785 • NDDOT Central Office, 608 E Boulevard Ave, Bismarck, ND, (701) 328-2500 o https://www.nd.gov/projects/dickinson • NDDOT Dickinson District Office, 1700 3rd Ave W, Suite 101, Dickinson, ND, (701) 227-6500 • NDDOT Williston District Office, 605 Dakota Parkway W, Williston, ND, (701) 774-2700 • North Dakota State Library, 604 E Boulevard Ave, Bismarck, ND, (701) 328-4622

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Published August 17 & 24, 2018

Now bringing home the

Ms. Beil presented the following pledge of assets with totals as of June 30, 2018: - American Bank Center - Balance of \$40,798,929.26, Market Value of \$46,416,806.00, and pledging required amount of \$44,603,822.19; - Dacotah Bank CD - Balance of \$100,000, Market Value of \$0.00, and pledging required amount of \$0.00; - Community Bank - Balance of \$5,275,060.36, Market Value of \$8,846,479.20, and pledging required amount of 5,527,566.40; - Bremer Bank CD - Balance of \$4,000,000, Market Value of \$4,150,000, and pledging required amount of \$4,125,000; - Bank of the West - Balance of \$0.00; - Western Cooperative Credit Union - Balance of \$0.00; MOTION BY Commissioner Hoff SECOND BY Commissioner Kuntz TO accept the assets and disbursements as presented. DISPOSITION: Roll call vote. All voted aye. Motion carried.

Twin City Roofing Commissioner Kuntz presented a quote from Twin City Roofing in the amount of \$15,959.00 for the extension office building. MOTION BY Commissioner Hoff SECOND BY Commissioner Kuntz TO approve the presented quote from Twin City Roofing in the amount of \$15,959.00 to be taken out of buildings and grounds. MOTION BY Commissioner Hoff SECOND BY Commissioner Kuntz TO accept and authorize the Chairman's signature on the presented joint powers agreement between Stark and Dunn Counties. DISPOSITION: Motion carried.

Mr. Heiser provided his monthly report to include a recommendation to reduce the speed of 37th St SW from 131ft/ave SW to 35 mph. MOTION BY Commissioner Hoff SECOND BY Commissioner Kuntz TO reduce the speed of 37th St SW from 131ft/ave SW to 35 mph. DISPOSITION: Roll call vote. All voted aye. Motion carried. Mr. Heiser also presented a quote from RT Visions in the amount of \$2,100 for an additional module needed for cost tracking. MOTION BY Commissioner Hoff SECOND BY Commissioner Kuntz TO accept the presented quote in the amount of \$2,100 and authorize the Chairman's signature on the presented joint powers agreement. DISPOSITION: Roll call vote. All voted aye. Motion carried.

Mr. Hyndman presented the following monthly report: - Green River Bridge Structure 45-123-3.0 Replacement - Swingen, 2018 Construction; - 47th Street SW Structure 129-19.0 and 130-19.0 Replacement and 104th Ave SW Structure 128-25.0 Replacement - Sheps Welding, 2018 Construction; - 39th Street SW Sheps Welding Bridge Low Water Crossing - Martin, 2018 Construction; - 119th Ave SW Structure 45-113-20.0 Replacement - Bid Nov. 9, 2018 thru the NDDOT, 2019 Construction; - CMC4537 Structure 45-138-21 Replacement - Bid Nov. 13, 2020 thru the NDDOT, 2021 Construction; - 112th Ave SW (30th to 32nd) - KJJ will complete wetland monitoring in June, memorandum of agreement was presented for signature on the NDDOT, 2019 Construction; MOTION BY Commissioner Hoff SECOND BY Commissioner Kuntz TO authorize the Chairman's signature on the presented memorandum of agreement. DISPOSITION: Roll call vote. All voted aye. Motion carried.

Mr. Hyndman presented the report on cultural and environmental surveys for signa-ture. MOTION BY Commissioner Franchuk SECOND BY Commissioner Hoff TO authorize the Chairman's signature on the presented surveys. DISPOSITION: Motion carried. Weed Department Trade Commissioner Hoff requested a report on the Weed Board from Mr. Jepsen. The report included the following highlights: - Added a new rig and hired additional operating personnel; - Fulfilled contract with the State of North Dakota by completing highways 8, 22, 85, and Interstate 94 and will revisit any areas if needed; - Finished spraying all county roads west of Gladstone and currently have crew finishing in South Dakota; - Hosted a field day for collection of leafy spurge (leaf beetles on land owned by Arnie Blnek on June 22nd) had 22 land owners participate and collected over 300,000 beetles; - Chemical cost share amount was increased to 70%; - Will host oriented safe send on July 16th.

NOTICE OF HEARING IN DISTRICT COURT, SOUTHWEST JUDICIAL DISTRICT, STATE OF NORTH DAKOTA, COUNTY OF STARK IN THE MATTER OF THE ADOPTION OF C.B.R., A MINOR CHILD

TO: PAUL ISAIAK JOHNSON You are hereby notified that a Petition for Adoption of C.B.R. and Termination of your Parental Rights has been filed with the Court. You are notified that said Petition will be heard before the Honorable Rhonda R. Ehls, Judge, in the Chambers of the Court in the District Courthouse in the City of Dickinson, Stark County, North Dakota, on the 19th day of September, 2018, at the hour of 1:30 P.M. (MST), or as soon as the parties can be heard. JENNIFER M. GOOSS (ND ID# 07971) Attorney for Petitioner PO Box 249 Beulah, ND 58523 (701) 873-5555 Beulah2@westriv.com

NOTICE OF HEARING IN DISTRICT COURT, SOUTHWEST JUDICIAL DISTRICT, STATE OF NORTH DAKOTA, COUNTY OF STARK IN THE MATTER OF THE ADOPTION OF T.M.R., A MINOR CHILD

TO: PAUL ISAIAK JOHNSON You are hereby notified that a Petition for Adoption of T.M.R. and Termination of your Parental Rights has been filed with the Court. You are notified that said Petition will be heard before the Honorable Rhonda R. Ehls, Judge, in the Chambers of the Court in the District Courthouse in the City of Dickinson, Stark County, North Dakota, on the 19th day of September, 2018, at the hour of 1:30 P.M. (MST), or as soon as the parties can be heard. JENNIFER M. GOOSS (ND ID# 07971) Attorney for Petitioner PO Box 249 Beulah, ND 58523 (701) 873-5555 Beulah2@westriv.com

NOTICE OF AMENDMENT OF STARK COUNTY ZONING ORDINANCE

Published: August 17, 24 & 31, 2018

... YOU OR A LOVED ONE DIAGNOSED WITH NON-HODGKINS LYMPHOMA (Cancer)? Did you use Roundup Killer? You may be entitled to compensation. Call Attorney Charles Johnson, 1-800-...

MISCELLANEOUS

WE A NEWS release or other information at needs to reach all ND newspapers? Newspaper Association can help! One call at all. 701-223-6397 or you can email @ndna.com



MISCELLANEOUS

IMAGE SALE: 120 Lakeview Drive at Tobacco Gardens. Saturday, 8-25 & Sunday, 8-26, 9 a.m. - 3 p.m. Furniture, refrigerator, men/women's winter coats and clothing, shoes, Christmas & home decor, games, movies, jewelry, vertical blinds, new tub faucet, fishing tackle, hunting rifles, reloading presses, hunting knives, books, new covered door, mercury vapor light, propane tank, computer monitor keyboard, desk chairs, snow blower and much more. Priced to sell! **COME CHECK THIS ONE OUT!**

6p-cc

TOS: Color feature and sports photos from the McKenzie County Farmer are available. Online photos online at www.watfordynd.com or contact us at the McKenzie County Farmer, Box 7, Watford City, N.D. 58854. (701) 842-2351.

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with supporting
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10 years of experience
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84 DEL
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BIDS
McKenzie County
requests sealed bids for
**esel Fuel Bids at
2019 school year.**
(rice)
UGUST 23, 2018
"BID" to:
**rintendent
District No. 1**
58854
the District Office at
5.
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bids.*
the Board of Education
lic School District No. 1
Smith, Business Manager

**Kevin J. Chapman of
Chapman Law Firm, Williston, ND
has opened a law office in Watford City
at 329 North Main Street**

The three attorneys available to serve the area are Kevin Chapman, Karl Jensen and Jeremy Curran.

The attorneys are dedicated to help you in areas of criminal defense, DUI defense, serious personal injury and oilfield accidents and other civil litigation/lawsuit matters.

The Watford City phone number is 701-580-4685
The Williston phone number is 701-572-3966

The after hours DUI assistance number is 701-651-9082

Chapman Law Firm has been in business for over 25 years and welcomes new clients. We are here for your convenience and will work hard for you.

NOW HIRING

**TyDak Motorsports
is now hiring for
PARTS AND
MECHANIC POSITIONS**

To apply, call or stop in!



**TyDak Motorsports
313 12th St. SE
Watford City, ND
701-444-3096**
(Across from the Airport)

**WATFORD CITY PARK DISTRICT
SURPLUS ITEMS FOR SALE**

**Sealed Bid Deadline:
9 a.m., Friday, September 14, 2018**

Mail To:

Watford City Park District
PO Box 1739
Watford City, ND 58854

Physical Address: Rough Rider Center

2209 Wolves Den Parkway, Watford City, ND

All items as is. Winning bidder must sign liability release.

Items located at the Park Shop

Contact Robin: 701-570-3677

- 2000 Smitco Superstar Sandpro
- 2001 Toro Groundsmaster 325D/cab with 72" recycler deck & 1996-5" power broom (minimum bid \$2,000)
- 2013 Land pride pull-behind All-Flex 11' grooming mower (minimum bid \$2,500)

Bleachers located at the old football field

- 8 - Individual 5 row bleachers. Seats 50 people each 9' x 15' (minimum bid \$100 each)
- #5, 6, 7, 8, 9, 11, 13, 17 (Old football field bleachers)

Items located at the Rough Rider Center

2209 Wolves Den Parkway

Contact Keith: 701-580-8380

Basketball hardwood floor from the main basketball court at the Rough Rider Center

(Make a great table, desk top, counter or bench)

All bids are per unit

- 12 - 48" x 61" • 6 - 48" x 62"
- 17 - 48" x 19" • 7 - 48" x 42"

(All hardwood \$50 minimum bid)

- 2 - hydrotherapy whirlpool tubs (\$3,000 minimum bid)
- 42 - counter mounted soap dispensers • 24 wall mount dispensers
- 95 toilet paper dispensers • 56 double toilet paper dispensers
- 22 paper towel dispensers • 14 automatic paper towel dispensers
- 10 boxes of black expomaster drapes (95" x 48" - 50 in a box)

8/22 Watford City

**R & C
Tree Service
Now Working
In Your Area**

**Tree Trimming
Tree Removal
Stump Grinding**

All Modern Equipment
Over 44th Year of Service

Licensed • Bonded • Insured
Call Now for a Free Estimate



701-334-0381

800-334-1518

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Jen Turnbow, Project Manager
KLJ
PO Box 1157
Bismarck, ND 58502-1157

Email: LMRC@kljeng.com

Note: "Public Hearing" in the e-mail subject heading.

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