

IN THE MATTER OF

LITTLE MISSOURI RIVER CROSSING  
ENVIRONMENTAL IMPACT STATEMENT  
PROJECT # FHO-02-04(001)  
PCN # 16970  
BILLINGS COUNTY, NORTH DAKOTA

TRANSCRIPT OF  
AGENCY SCOPING MEETING

Taken At  
Best Western Doublewood Inn  
1400 East Interchange Avenue  
Bismarck, North Dakota  
March 5, 2007

BEFORE KADRMAS, LEE & JACKSON, FEDERAL HIGHWAY  
ADMINISTRATION AND NORTH DAKOTA DEPARTMENT OF  
TRANSPORTATION

2	<p>1 (The proceedings herein were had and made</p> <p>2 of record, commencing at 1:18 p.m., Monday, March</p> <p>3 5, 2007, as follows:)</p> <p>4 MR. SCHRADER: I would like to welcome</p> <p>5 everyone here today for the agency meeting with</p> <p>6 participating and cooperating agencies on the</p> <p>7 Billings County EIS on the crossing -- or potential</p> <p>8 crossing of the Little Missouri River.</p> <p>9 My name is Mark Schrader with the Federal</p> <p>10 Highway Administration, and I guess if anyone has</p> <p>11 any questions during or after the presentation,</p> <p>12 don't hesitate to speak up and let us know, but Jen</p> <p>13 is going to go over how it will happen today. She</p> <p>14 has a sign-in sheet, and we do have a court</p> <p>15 reporter taking the notes for today and I'll turn</p> <p>16 it over to Jen.</p> <p>17 MS. TURNBOW: Thanks, Mark. I'm Jennifer</p> <p>18 Turnbow with Kadrmas, Lee &amp; Jackson, and I think</p> <p>19 first we're going to start out just with some minor</p> <p>20 housekeeping items. I'm going to pass around some</p> <p>21 sign-in sheets, and if you could please print, that</p> <p>22 would be great. We would really appreciate it.</p> <p>23 Get some going on this side, too.</p> <p>24 Then we also have in front of you a piece</p> <p>25 of blank paper, and if you could fold it up, and</p>	4	<p>1 local government.</p> <p>2 MR. SCHRADER: Mark Schrader, Federal</p> <p>3 Highway Administration.</p> <p>4 MR. HOESEL: Blane Hoesel, North Dakota</p> <p>5 DOT, local government.</p> <p>6 MR. KRIEG: Jerry Krieg, Kadrmas, Lee &amp;</p> <p>7 Jackson, the Dickinson office.</p> <p>8 MR. ARTHAUD: Jim Arthaud, Billings County</p> <p>9 Commissioner.</p> <p>10 MS. REICHERT: Kari Reichert, Vogel Law</p> <p>11 Firm, working with Billings County.</p> <p>12 MS. SCHWENKE: Sherri Schwenke, Dakota</p> <p>13 Prairie Grasslands.</p> <p>14 MR. GLASOE: Curtis Glasoe, grasslands</p> <p>15 engineer, Dakota Prairie Grasslands.</p> <p>16 MR. WOLF: Grady Wolf with Kadrmas, Lee &amp;</p> <p>17 Jackson.</p> <p>18 MS. CROOKE: Patsy Crooke with the Corps</p> <p>19 of Engineers.</p> <p>20 MS. DUTTENHEFNER: Kathy Duttonhefner,</p> <p>21 North Dakota Parks and Rec.</p> <p>22 MR. PICHA: Paul Picha, North Dakota SHPO.</p> <p>23 MS. QUINNELL: Susan Quinnell, North</p> <p>24 Dakota SHPO.</p> <p>25 MS. BORCHERT: Jeani Borchert, DOT.</p>
3	<p>1 most of you have, put your names so everyone can</p> <p>2 see, because I'm sure there's a lot of people --</p> <p>3 you guys may know each other, you may not. We have</p> <p>4 some markers going around if you need something.</p> <p>5 Other than that, I think we can start with some</p> <p>6 introductions. You can just go around the table,</p> <p>7 and we'll start over here with Charlotte.</p> <p>8 MS. BRETT: I'm Charlotte Brett and I'm</p> <p>9 here with Kadrmas, Lee &amp; Jackson.</p> <p>10 MR. SCHUMACHER: John Schumacher with the</p> <p>11 North Dakota Game and Fish Department.</p> <p>12 MR. RADLIFF: Al Radliff, Federal Highway.</p> <p>13 MR. BICKNELL: I'm Bill Bicknell. I work</p> <p>14 for the Fish and Wildlife Service here in Bismarck.</p> <p>15 MR. CIMAROSTI: Dan Cimarosti, Corps of</p> <p>16 Engineers.</p> <p>17 MR. SAUER: Mike Sauer, North Dakota</p> <p>18 Department of Health.</p> <p>19 MS. DUXBURY: Alexis Duxbury, Game and</p> <p>20 Fish.</p> <p>21 MR. BENNING: Paul Benning, North Dakota</p> <p>22 DOT.</p> <p>23 MS. LARES: Shari Lares, North Dakota DOT,</p> <p>24 environmental.</p> <p>25 MR. FUCHS: Bryon Fuchs, North Dakota DOT,</p>	5	<p>1 MS. NAYLOR: Valerie Naylor, National Park</p> <p>2 Service.</p> <p>3 MR. JACKSON: I'm Gene Jackson with</p> <p>4 Kadrmas, Lee &amp; Jackson.</p> <p>5 MR. CHRISTENSEN: I'm Bob Christensen with</p> <p>6 the cultural resource section at the North Dakota</p> <p>7 DOT.</p> <p>8 MS. TURNBOW: Thank you. We'd also --</p> <p>9 since the court reporter is here, before anyone has</p> <p>10 comments or questions to make, if you could just</p> <p>11 state your name for her, that would be great for</p> <p>12 the transcript, so we'll just ask you to do that.</p> <p>13 And then I would like to thank everyone</p> <p>14 for coming and taking time out of your busy</p> <p>15 schedules to come to this scoping meeting for the</p> <p>16 project. We really appreciate it, especially with</p> <p>17 all the travel time and that type of thing.</p> <p>18 MR. SCHRADER: One more agency is here.</p> <p>19 MS. TURNBOW: Okay.</p> <p>20 MS. CHARRIER: I'm Janna Charrier, sitting</p> <p>21 in for Lonnie Hoffer, Department of Emergency</p> <p>22 Services.</p> <p>23 MS. TURNBOW: We do have some chairs over</p> <p>24 here with some packets. All right. The first</p> <p>25 thing, everyone has these packets in front of you</p>

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1 and I'm just going to quickly kind of walk through  
 2 what's inside the packets.  
 3 The first thing is today's agenda, and  
 4 that's two sheets. The second item that you have  
 5 is today's PowerPoint presentation, so if you want  
 6 to take some notes, we have the notes on the side.  
 7 The third thing is the handout, and this handout is  
 8 the handout for both, the public scoping meeting  
 9 tonight, and inside the handout we have a map just  
 10 so everyone is aware, and we'll be referring to the  
 11 handout at times, also. And then we have some  
 12 blank sheets of paper, and this is for if anyone  
 13 wants to take notes, feel free to take notes,  
 14 either take them with you, you can leave them here,  
 15 whichever you would prefer. So there is notes for  
 16 purpose, for need, and for alternatives under  
 17 consideration. And then the final is some maps,  
 18 and we have the study area map, the public lands  
 19 map, and the unimproved river crossings map, and  
 20 these are also on boards -- bigger boards across  
 21 the room. On both sides are the same boards.  
 22 So with that, I will start the  
 23 presentation today, and as Mark said, if anyone has  
 24 questions throughout, just please interrupt and ask  
 25 any questions that you have.

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1 MR. SCHRADER: Jennifer, I think we have  
 2 one more. Your name and agency.  
 3 MR. HANSON: Jesse Hanson, North Dakota  
 4 Parks and Recreation Department.  
 5 MR. SCHRADER: Thank you.  
 6 MS. TURNBOW: We're just going to give a  
 7 quick update. I know most of you were at the  
 8 prescoping meeting which was in July, so we're just  
 9 going to do a quick overview of the project, as  
 10 most of you know and have been involved in the  
 11 process up until this point.  
 12 The project description, and this was  
 13 taken from the notice of intent, is the Fed  
 14 Highway, in cooperation with the DOT and Billings  
 15 County, will prepare an EIS on a proposal to  
 16 provide a roadway by either upgrading and/or new  
 17 construction to a proposed river crossing over the  
 18 Little Missouri River in Billings County.  
 19 And here we have the study area limits and  
 20 you also have a study area map that you can refer  
 21 to in the packet. But we have the northern border  
 22 of the Billings County line, the western border of  
 23 North Dakota Highway 16, eastern border of Highway  
 24 85, and the southern border of Theodore Roosevelt  
 25 National Park.

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1 And here again is the study area map.  
 2 So why are we here today? The purpose of  
 3 this meeting under the new guidelines of  
 4 SAFETEA-LU, which is the new Federal Highway bill,  
 5 there is kind of a new environmental process,  
 6 different things that need to happen in an EIS, and  
 7 one of those is having agency and public  
 8 participation with the purpose and the need of the  
 9 project as well as the range of alternatives. And  
 10 that is why we're here today, we are soliciting  
 11 participation.  
 12 Most of you have received the coordination  
 13 plan, and this has been established to satisfy the  
 14 requirements of Section 6002 of SAFETEA-LU, and the  
 15 coordination plan was developed to show the process  
 16 for public and agency participation in, and comment  
 17 on, the EIS on varying levels of development. This  
 18 is also -- I'm kind of getting ahead of myself.  
 19 The coordination plan, we have it at  
 20 different public viewing locations, and that's on  
 21 another slide, but I'll just kind of jump ahead  
 22 here, and most of you have received a copy of the  
 23 coordination plan. If anyone hasn't, we do have  
 24 extra copies with us today.  
 25 The notice of intent was filed on October

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1 1st, 2006, and a copy of that notice of intent is  
 2 in the coordination plan.  
 3 Now, the EIS process. The EIS will be  
 4 developed in accordance with, and I'm not going to  
 5 read off all of those items. An EIS is a document  
 6 that clearly documents the following items, and  
 7 that's purpose and need, consideration of  
 8 reasonable range of alternatives, the affected  
 9 environmental, and potential impacts resulting from  
 10 the alternatives under consideration.  
 11 Now, I'm assuming most of you know what an  
 12 EIS is, so I don't think I have to go into any  
 13 further detail, but if someone would like me to, we  
 14 sure can or else I was just kind of going to go on.  
 15 And here are the other parts of the EIS,  
 16 the potential impacts resulting from the  
 17 alternatives, compliance with other applicable  
 18 environmental laws and executive orders, the  
 19 process used to develop the EIS, and input received  
 20 from agencies and interested parties and the  
 21 public.  
 22 So now we're talking about the  
 23 coordination plan again, and all the participating  
 24 and coordinating agencies received a copy of the  
 25 plan, and here are the viewing locations. It's on

10	<p>1 the website, Federal Highway has one, Kadmas, Lee                  2 &amp; Jackson in Dickinson, and the Billings County                  3 Courthouse.</p> <p>4 So now we're going to talk about the                  5 proposed study area. As you can see from the study                  6 area map, the limits were -- went all the way down                  7 to -- it was Billings County line all the way down                  8 past Theodore Roosevelt National Park and to North                  9 Dakota 16 and Highway 85. Now, what we're                  10 proposing today is not changing the north limit,                  11 but the south limit to go above the Theodore                  12 Roosevelt National Park, and you can see that on                  13 your proposed study area map, if everyone wants to                  14 take it out. And the east limit is unchanged and                  15 the same with the west. Yes, Alexis.</p> <p>16 MS. DUXBURY: Why is the north quarter the                  17 north boundary of the county? Why doesn't it -- or                  18 can't it -- go farther north? Because I notice the                  19 project area includes east-west parts of two                  20 counties, so why would you not extend it beyond a                  21 county line on the north boundary?</p> <p>22 MS. TURNBOW: I think the rationale behind                  23 that was Billings County is a sponsor for this                  24 project and so we wanted to keep it -- the north                  25 limit in Billings County. Yes.</p>	12	<p>1 That access is created. But if access is the main                  2 driving force, I just don't see where it stops at                  3 the county line.</p> <p>4 MS. TURNBOW: Those are really good                  5 points.</p> <p>6 MR. SCHRADER: At this point we're                  7 probably too -- you're probably right -- probably                  8 eliminating it too soon, maybe we eliminate it                  9 later or we take some alternatives north of the                  10 Billings County line through to the final analysis                  11 would be a reasonable way to approach it.</p> <p>12 MS. TURNBOW: But as far as the other                  13 limits, the west or the east or the south, is                  14 everyone pretty fine with those? Just the northern                  15 limits that were questionable?</p> <p>16 MR. SCHRADER: Does anyone have any                  17 thoughts on how far away from the existing crossing                  18 would be -- would be a good ballpark, because                  19 that's another thought? Since we're on the                  20 subject, it's something to keep in mind, what would                  21 reasonably be.</p> <p>22 MR. KRIEG: How far from the north?                  23 MR. SCHRADER: Or from the south. Bill                  24 was saying with the interstate right there, it's                  25 not likely or not reasonable to put one at the very</p>
11	<p>1 MS. NAYLOR: That's a good question,                  2 though, because I'm not sure that -- that seems                  3 like an artificial limit just because Billings                  4 County is the sponsor as it relates to the National                  5 Environmental Policy Act.</p> <p>6 MR. BICKNELL: Seems like the need would                  7 be to provide access, transportation. The need                  8 doesn't stop immediately at the county line, as far                  9 as I can tell.</p> <p>10 MS. TURNBOW: I guess that we could take                  11 that into consideration, and, Mark --</p> <p>12 MR. SCHRADER: Yes, those are good                  13 comments and we will very likely be refining the                  14 study area more as we progress. We would likely                  15 look at how -- because right north of the National                  16 Park Service it's -- you know, one mile north would                  17 likely be too close to the existing roadway to be                  18 practicable, but we haven't made that determination                  19 yet, but how far north, that's a good point and                  20 that's certainly something that we can evaluate and                  21 address the comments on, either change the north                  22 boundary or justify why it stays there.</p> <p>23 MR. BICKNELL: I can clearly see why                  24 you're proposing to adjust the boundaries by the                  25 South Unit of the park. The interstate is there.</p>	13	<p>1 south boundary, but also the very north boundary                  2 with the national park up there. If we did extend                  3 it to the north, is there any suggestions on how                  4 far?</p> <p>5 MS. TURNBOW: Kathy.</p> <p>6 MS. DUTTENHEFNER: Could that be addressed                  7 in the comments that are due March 26th?</p> <p>8 MR. SCHRADER: Certainly. We don't need                  9 an answer today. Today is to get the thoughts                  10 going and comments will be accepted -- or we're                  11 looking for them by the 26th. So if the agencies                  12 could think of that, with extending it north, what                  13 would you recommend or what would the agencies                  14 think would be reasonable for how far up would it                  15 go, because we do have another park up there.</p> <p>16 MS. TURNBOW: I think this is the only                  17 map. We do have this public lands map, shows -- it                  18 goes north past the county line, just so you're                  19 aware of that. There's two all weather crossings.                  20 One is up here and the other one is by Medora.</p> <p>21 MS. BRETT: That's in your packet, also,                  22 that map.</p> <p>23 MS. TURNBOW: I guess we'll go right into                  24 purpose and need unless someone has some other                  25 comments about the proposed study area.</p>

14

1 MS. LARES: I have one, Jen.  
 2 MS. TURNBOW: Okay.  
 3 MS. LARES: Is it possible that the  
 4 northern limit be where the next all weather  
 5 crossing is so we're studying something in between  
 6 the two all weather crossings as a proposal of the  
 7 northern limit?  
 8 MR. KRIEG: There's really no all weather  
 9 crossings anywhere except the highway coming  
 10 through, 85. So that would entail --  
 11 MS. LARES: The all weather crossing here?  
 12 MR. KRIEG: That's on Highway 85. That's  
 13 a state highway. That's the one I think Mark is  
 14 referring to as to how far from each park do we  
 15 want to be for our study zone.  
 16 MS. TURNBOW: So this one, Jerry, is on  
 17 85?  
 18 MR. SCHRADER: With the park on the north,  
 19 park on the south and park in the middle, what our  
 20 thoughts for -- we don't want to be ten feet north  
 21 of the South Unit or ten feet south of the North  
 22 Unit or through the Elkhorn Ranch. We're just  
 23 looking for what people feel for distances from the  
 24 parks I guess as far as comments, because we're  
 25 still defining our purpose and need and our range

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1 of alternatives, and are there any agencies with  
 2 lands out there in the potentially affected area  
 3 other than Forest Service which has lands in the  
 4 entire area.  
 5 MS. BRETT: One other thing that we would  
 6 like for you to comment on either today or in  
 7 writing, this public lands map, this is the most  
 8 current data that we have, but we can't guarantee  
 9 that it's a hundred percent accurate as of today,  
 10 so if you could let us know if there are any  
 11 mistakes on there or if it looks right according to  
 12 what your agency has, we'd appreciate that.  
 13 MS. TURNBOW: Well, does anyone have any  
 14 other comments on the proposed study area?  
 15 MR. PICHA: Just for clarification in  
 16 terms of need, we are -- or are we talking about  
 17 primarily an east-west transportation piece of  
 18 road? Is that the primary need?  
 19 MS. TURNBOW: Yes.  
 20 MR. SCHRADER: I believe in the notice of  
 21 intent there was a connection between Highway 16  
 22 and Highway 85.  
 23 MS. TURNBOW: Well, with that, we can talk  
 24 about purpose and need, and I can explain a little  
 25 bit about what purpose and need -- the definition.

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1 It's the first step in the EIS process. And  
 2 basically the purpose and need explains why the  
 3 project is necessary, why do we need it, and what  
 4 is it supposed to accomplish. And the purpose and  
 5 need evolves as we go further in the project. Once  
 6 we know further information and gather information,  
 7 it's a refinement to the purpose and need. The  
 8 purpose and need also -- it defines what can be  
 9 considered a reasonable range of alternatives, so  
 10 the purpose and need really sets the stage for what  
 11 alternatives can be studied, what are the  
 12 reasonable range of alternatives, and it drives the  
 13 process for consideration of the alternatives.  
 14 It's an in-depth analysis and it's the ultimate  
 15 selection of the preferred alternative. All our  
 16 alternatives, they don't necessarily -- they need  
 17 to meet the purpose and need of the project.  
 18 So talk a little bit about the need for  
 19 the proposed project, and there's a distance of  
 20 approximately 85 highway miles between the public  
 21 all weather crossings, and that's what we pointed  
 22 out here on the public lands map between the two  
 23 crossings, which, again, there's one here in Medora  
 24 and then one up by the Theodore Roosevelt northern  
 25 unit on Highway 85.

17

1 I'm just going to go through these, and  
 2 these are some of the items that we brainstormed,  
 3 and these really haven't changed since the  
 4 prescoping meetings. These are some of what we had  
 5 presented there at that time for the need, and  
 6 these are just things that the team has thought of  
 7 and we really would like to have an open discussion  
 8 about the need for the proposed project, but some  
 9 of the brainstorming ideas that we've had so far  
 10 were to provide system linkage, and that would be  
 11 between North Dakota Highway 16 and U.S. Highway  
 12 85, and this is on the county STIP, and for roadway  
 13 deficiencies, existing or new roadway to meet DOT  
 14 guidelines and standards, and also as social demand  
 15 or economic development, and that includes  
 16 agriculture, emergency management services,  
 17 industry, recreation and tourism and schools.  
 18 So now we would like to have an open  
 19 discussion with all of you about some other items  
 20 or even elaborate on some of the items I just went  
 21 through, and you can see those are also on your  
 22 agenda in case you want to look back and under  
 23 PowerPoint and we're going to just sort of have an  
 24 open discussion and brainstorming session on  
 25 possible ways we can go about the need for our

18	<p>1 project. Yes, Alexis.</p> <p>2 MS. DUXBURY: I'm not familiar with the</p> <p>3 county STIP.</p> <p>4 MS. TURNBOW: I'm sorry. It's the</p> <p>5 Statewide Transportation Improvement Plan.</p> <p>6 MS. DUXBURY: No, I know what the acronym</p> <p>7 stands for --</p> <p>8 MS. TURNBOW: Oh, okay.</p> <p>9 MS. DUXBURY: -- but what is in the STIP?</p> <p>10 For example, one question I would have is, what</p> <p>11 statewide criteria must a project meet in order to</p> <p>12 be put on a county STIP?</p> <p>13 MS. TURNBOW: Dave, do you want to? I saw</p> <p>14 Dave sneak in.</p> <p>15 MR. LEFTWICH: Dave Leftwich, North Dakota</p> <p>16 DOT. I'm just getting over a sinus infection so my</p> <p>17 voice doesn't project very well. Basically it has</p> <p>18 to be on something that the county feels the need</p> <p>19 for their major roadway miles, for collecting the</p> <p>20 roads there, and that's criteria that's got to be</p> <p>21 on there.</p> <p>22 MS. DUXBURY: So beyond the county</p> <p>23 feeling, does the state have any criteria in terms</p> <p>24 of traffic loads, anything? What specifically does</p> <p>25 the state set as a benchmark?</p>	20	<p>1 correct. I apologize for that. Dan.</p> <p>2 MR. CIMAROSTI: Dan Cimarosti, Corps of</p> <p>3 Engineers. Jen, this is -- bear with me. This is</p> <p>4 a little different from what I've ever been</p> <p>5 involved with where people get together and try to</p> <p>6 discuss what the need is with the proponent.</p> <p>7 Usually they tell us what the need is and then we</p> <p>8 have some questions sometimes.</p> <p>9 MS. TURNBOW: Right.</p> <p>10 MR. CIMAROSTI: So I don't know what their</p> <p>11 need is. The first thing I see up here is here's</p> <p>12 the need for the project, because there's 85 miles</p> <p>13 of highway between public all weather crossings.</p> <p>14 Does that mean it should be 84 miles, there should</p> <p>15 be three crossings in 85 miles, there should be ten</p> <p>16 crossings in 85, or just one crossing will suffice?</p> <p>17 You know, I don't know what this means. It's long</p> <p>18 distance, but what is required? And I can't answer</p> <p>19 that. I would think the project proponent would</p> <p>20 tell us what that need is. Roadway deficiencies,</p> <p>21 need for the proposed project, this existing or new</p> <p>22 roadways to meet the DOT guidelines and standards.</p> <p>23 Is a new road necessary -- it says existing or. So</p> <p>24 if there's an existing -- if deficiencies can be</p> <p>25 addressed, is there a need for -- is there a need</p>
19	<p>1 MR. LEFTWICH: We don't. If you're in</p> <p>2 western North Dakota or you're in Cass County next</p> <p>3 to Fargo, the traffic needs are quite a bit</p> <p>4 different. If you've got five people out in</p> <p>5 western North Dakota, a lot of the counties, that's</p> <p>6 a major need that serves the ranchers or whatever.</p> <p>7 So basically it's what the counties want, we look</p> <p>8 at it and make sure it makes sense from a system</p> <p>9 standpoint so that the spacing of roads parallel</p> <p>10 each other a mile away. The county is in the best</p> <p>11 position to determine what they need out there. We</p> <p>12 don't dictate that. We work with them. And once</p> <p>13 it's decided, then we work -- get the projects</p> <p>14 going on that.</p> <p>15 MS. TURNBOW: Valerie.</p> <p>16 MS. NAYLOR: This is Valerie Naylor. So</p> <p>17 for clarification, it's not really -- it's the</p> <p>18 statewide transportation improvement plan as it</p> <p>19 relates to the county. It's not really a county</p> <p>20 STIP?</p> <p>21 MS. TURNBOW: That's right. I'm sorry.</p> <p>22 Yep.</p> <p>23 MS. NAYLOR: So it's on the statewide plan</p> <p>24 for Billings County?</p> <p>25 MS. TURNBOW: For Billings County, that's</p>	21	<p>1 for this project? So I guess I have questions, but</p> <p>2 I can't help justify a need for the people. The</p> <p>3 county knows better what that need is, and if they</p> <p>4 could explain that right now before we continue</p> <p>5 with this discussion, I think -- unless this is all</p> <p>6 it right here.</p> <p>7 MS. TURNBOW: I guess backing up, this is</p> <p>8 a really new process for all of us involved, and</p> <p>9 you're right, usually we come to you with the</p> <p>10 purpose and the need, and so we're not used to</p> <p>11 doing it this way, either, and so we're kind of all</p> <p>12 learning together at the same time and so I hope</p> <p>13 that everyone can kind of bear with us through this</p> <p>14 process.</p> <p>15 But getting back to that, we can talk a</p> <p>16 little bit about the system linkage and roadway</p> <p>17 deficiencies, just the facts that we know right</p> <p>18 now. And that's pretty much all we have today, is</p> <p>19 just what we know upfront, which isn't much more</p> <p>20 than you -- any of you know right now.</p> <p>21 MR. SCHRADER: And that's why we have a</p> <p>22 large assortment of different agencies here, Dan,</p> <p>23 is maybe Parks and Rec may have something that</p> <p>24 would help them with their operations or Emergency</p> <p>25 Management, or some of those other agencies may</p>

22

1 have something they feel would be a need for this  
 2 project along with the county.  
 3 MR. CIMAROSTI: Yeah, I appreciate that,  
 4 Mark, and that makes sense. I understand what  
 5 you're saying. But then what it seems is, it  
 6 appears that the county has come up with a proposal  
 7 that hasn't gone through twice in the '90s and now  
 8 they bring this forth to say, let's see what are  
 9 the justifications, we'll have people tell us what  
 10 are the justifications. It just sounds kind of  
 11 odd.  
 12 MR. SCHRADER: Yeah. I wasn't here during  
 13 the '90s, so I'm fresh at this project, I guess.  
 14 MR. CIMAROSTI: But I guess the question I  
 15 have is, okay, it's 85 miles. What's necessary?  
 16 Is it one crossing or two crossings or ten  
 17 crossings? Can the deficiencies be addressed so  
 18 that there's no crossing necessary? But as far as  
 19 saying, yeah, we really need one here or there, I  
 20 don't think I'm in a position to say that.  
 21 MS. BRETT: Dan, I just wanted to clarify  
 22 that -- again, I totally understand the points that  
 23 you're making, I think they're good points, but  
 24 we're not here today because the county is wanting  
 25 everyone at this table to help justify the project.

23

1 We're here because it's a SAFETEA-LU requirement  
 2 that we coordinate with everybody now and get input  
 3 on purpose and need and range of alternatives, and  
 4 I guess that's the reason why we're here today.  
 5 MR. CIMAROSTI: Sure. Yeah, that's what  
 6 Jennifer said, new process. Understood.  
 7 MS. TURNBOW: Alexis.  
 8 MS. DUXBURY: Maybe since this is supposed  
 9 to connect 85 to 16, can you talk about the traffic  
 10 loads on each of those respective highways and then  
 11 how many vehicles would be anticipated to use this  
 12 route to go from 85 to 16?  
 13 MR. SCHRADER: Those are comments we're  
 14 looking for, on how we should address this or how  
 15 we should -- because we don't have that research  
 16 yet, we're too early, but that's exactly what we  
 17 want you to ask the questions on, things that you  
 18 would suggest we look at, because we haven't done  
 19 the studies because we're too early in the process.  
 20 MS. LARES: That would be a comment card.  
 21 MR. SCHRADER: Yeah, that would be a --  
 22 that's a perfect comment that we're looking for and  
 23 how you would like to see it addressed.  
 24 MS. DUXBURY: It seems like that would be  
 25 part of a purpose and need, to have -- know a

24

1 purpose for the project --  
 2 MR. SCHRADER: Right.  
 3 MS. DUXBURY: -- you would know the amount  
 4 of traffic on those roads and the amount of traffic  
 5 that wouldn't go hither and dither, but would go  
 6 from one end point to the other end point.  
 7 MR. SCHRADER: Yeah, and that's a perfect  
 8 comment, but we can't give you answers, but those  
 9 are the things we need to -- we need to research  
 10 that, we need to look into that in the future, and  
 11 that's why we're probably -- you know, this is new  
 12 to all of us as to why we're here, and we're trying  
 13 to get the feel for what brings us all together  
 14 other than a federal requirement for Federal  
 15 Highway with an EIS that we have to meet with you,  
 16 but it gives us a great opportunity to talk to you  
 17 earlier than you've ever been talked to on a  
 18 project before.  
 19 MS. QUINNELL: I guess along with that --  
 20 I'm sorry, Susan Quinnell -- are you expecting this  
 21 traffic -- if there is a need, do you expect the  
 22 need to be from trucks or from -- big trucks,  
 23 little trucks, local people or maybe tourists?  
 24 MS. BRETT: What type of traffic is  
 25 expected to use it?

25

1 MS. QUINNELL: Certainly vehicle load  
 2 would be.  
 3 MS. TURNBOW: Jesse.  
 4 MR. HANSON: Jesse Hanson from State  
 5 Parks. What would be the DOT design standards? Is  
 6 it state DOT or is it Federal Highway's? I guess  
 7 just in short turns and relative to expected speed  
 8 limits on the road, which I assume then has an  
 9 effect on curves and widths, is that set, not set  
 10 yet?  
 11 MR. BENNING: The DOT, what they use is  
 12 American Association of State Transportation  
 13 Officials. They're called AASHTO. They set up a  
 14 design guidebook. You know, it's fairly thick with  
 15 design standards. What the DOT has -- we've  
 16 adopted for the last -- for the 2001 actual design  
 17 guide is how we design those.  
 18 MR. HANSON: So will this have a -- the  
 19 expectation is to be a 65-mile-an-hour road or a 55  
 20 or 45? Do you have that kind of flexibility in the  
 21 design?  
 22 MR. KRIEG: I would anticipate that we'd  
 23 have the same design criteria as we've had for the  
 24 other county roads, that being -- normally would be  
 25 a 55-mile-an-hour design and that's pending grades

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1 and curves out, you know, in the rugged terrain.  
 2 Sometimes they aren't 55. I would anticipate we  
 3 would shoot for a 55-mile-an-hour design, which is  
 4 fairly standard for the county.  
 5 MS. BORCHERT: This is Jeani Borchert with  
 6 DOT. I would just like to follow up on that,  
 7 Jerry. Is that what the current speed limit is on  
 8 Magpie Road or Blacktail Road?  
 9 MR. KRIEG: I think the county has a  
 10 lesser design or a lesser speed limit. 35.  
 11 MR. ARTHAUD: 35.  
 12 MR. SCHRADER: The speed limit is  
 13 something that as of now hasn't been determined,  
 14 but it would be -- we would use the design  
 15 standards that the North Dakota Department of  
 16 Transportation has adopted as per the speed limit  
 17 when the speed limit is determined.  
 18 MR. ARTHAUD: This is Jim Arthaud with  
 19 Billings County. For an example, our paved road  
 20 that goes south of Bully Pulpit has probably got a  
 21 65-mile-an-hour design, but we have a  
 22 35-mile-an-hour speed limit on it. So we look at  
 23 each individual segment, what's around the segment,  
 24 what traffic is around for public safety and  
 25 various other social needs and determine what that

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1 speed limit is, how we will approach it. So I  
 2 guess I'm saying just because it's designed doesn't  
 3 mean we're going to allow the speed to be that.  
 4 MS. LARES: There are times where you may  
 5 adjust your speed limit to minimize the  
 6 environmental impacts.  
 7 MS. TURNBOW: Alexis.  
 8 MS. DUXBURY: I've kind of got a question.  
 9 It's actually going back to what I asked before.  
 10 How can it be in North Dakota, whereas if you have  
 11 like in Fargo or Grand Forks or whatever and it  
 12 would take thousands and thousands of people and  
 13 vehicles to make a significant need, how in western  
 14 North Dakota you could have five people and have it  
 15 be a significant need -- how do you rationalize  
 16 allocation of state dollars on that basis? I mean,  
 17 I'm a little lost there. It seems like if you had  
 18 projects like around the cities that are getting  
 19 denied where there's thousands of people who, you  
 20 know, are looking to have some benefit, but then  
 21 you're funding a project in which five people might  
 22 benefit, you think there's a basic inequity that  
 23 taxpayers or someone would kind of go, wait a  
 24 minute here. How does that -- how do you keep  
 25 everyone happy?

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1 MR. LEFTWICH: We can talk about it at a  
 2 break. This is Dave Leftwich, North Dakota DOT.  
 3 There are no state funds involved in this project  
 4 and on the county projects or the city projects,  
 5 for that matter. Basically they're federal funds,  
 6 they're allocated by formula to the cities and to  
 7 the counties, that DOT has established a policy,  
 8 because whether you are living in Cass County or  
 9 you're living in McKenzie County, you still need to  
 10 get the mail, your kids still need to get to  
 11 school, you need the basic services for health and  
 12 fire, health protection, that sort of thing. So  
 13 that's got to be provided to everybody whether you  
 14 have a thousand people living at the end of that  
 15 road or you have two people living at the end of  
 16 that road. So the formula is based on equity here.  
 17 So it's set up to provide help to everybody no  
 18 matter where you live in the state.  
 19 MR. GLASOE: This is Curt Glasoe from the  
 20 Forest Service. I think the number projections  
 21 that you're using, thousands and five, is very,  
 22 very out of line. I think -- I saw the last things  
 23 in the oil patch, usage out there is over 2,500  
 24 people just working, and they have families, they  
 25 have kids, so I don't think five is really a valid

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1 number to use against the thousands in the Fargo's  
 2 and Grand Forks. The studies will probably show  
 3 that, that there is social demands and industry  
 4 demands that are exceeding thousands, not just  
 5 five.  
 6 MS. DUXBURY: I just used five because  
 7 Dave used five.  
 8 MS. TURNBOW: So I guess when talking  
 9 about the proposed project need, any of the  
 10 agencies for like the social demands, the  
 11 agriculture, emergency management, recreation,  
 12 industry, tourism, schools, is there some dialog  
 13 that we can have for -- especially like for  
 14 recreation and tourism, a need for a river  
 15 crossing? Is that a possibility? I'm just going  
 16 to throw something out here to start the  
 17 discussion. Jesse.  
 18 MR. HANSON: I guess I've got to say that  
 19 for recreation and tourism, I can't say that I  
 20 would see that there's a real need for a more  
 21 developed river crossing than there is right now.  
 22 Now, granted, that's looking at a perspective from  
 23 people that go out there for hunting or bike  
 24 riding, horse riding and those type of things.  
 25 They pretty much know what they're getting into out

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1 there. I think it's probably pretty well  
 2 established that the crossing is probably more for  
 3 a need for industry a lot more so than recreation  
 4 and tourism. In a lot of respects from a tourism  
 5 perspective, it might be more merit to keep roads  
 6 more primitive.  
 7 MS. TURNBOW: Okay.  
 8 MR. HANSON: Certainly there are deer  
 9 hunters that don't head out till 11:30 on opening  
 10 day and they've got to get across that river as  
 11 fast as they can, so they may argue otherwise, but  
 12 I've got to think that that part of it probably  
 13 would be minor. From a canoeing perspective on the  
 14 river, A low water crossing I think would probably  
 15 be more of an impact than a bridge, would be just  
 16 from the restricted flow of the river. But, you  
 17 know, there's all different kinds of -- or a lot  
 18 more input or thoughts that should be put into that  
 19 whole recreation/tourism perspective. That's just  
 20 off the top my head, what you have here, what you  
 21 want. That would be my first take on it, though.  
 22 MS. TURNBOW: All right. Valerie.  
 23 MS. NAYLOR: Valerie Naylor, National Park  
 24 Service. If you decide that you want to build  
 25 something, whether it's a road or any other type of

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1 infrastructure, it's very easy to come up with all  
 2 sorts of things you could use it for or why it  
 3 might be useful, but if that's truly a purpose and  
 4 need or just a way to justify it is a good  
 5 question.  
 6 I would also agree that as far as tourism  
 7 goes, there may be some slight benefit, but there  
 8 could also be some -- very many negatives. The  
 9 negatives may cancel out that slight benefit  
 10 depending on what type of tourist or recreation  
 11 users you want to attract. It would certainly  
 12 diminish somewhat the isolated nature of the  
 13 Badlands, which is what attracts many people to  
 14 that area.  
 15 MS. TURNBOW: Bill.  
 16 MR. BICKNELL: I would like to take my  
 17 Fish and Wildlife Service hat off for a moment and  
 18 speak as someone that does use the area for  
 19 recreation. I hunt out there, I've taken my family  
 20 out there. And to complement, I think, what  
 21 Valerie is saying, some of the attractiveness of  
 22 the area for recreation is its remoteness, that  
 23 it's not easy to get to. If there was a crossing,  
 24 would recreationists use it? Absolutely. I just  
 25 think that both sides of it need to be considered

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1 as we move forward.  
 2 MS. TURNBOW: Okay.  
 3 MR. CIMAROSTI: Jennifer.  
 4 MS. TURNBOW: Dan.  
 5 MR. CIMAROSTI: It looks like it may be  
 6 difficult to get the right comments on this need,  
 7 and this next page we showed -- I think this is  
 8 more the crux of the matter, but we've got the  
 9 folks here representing recreation, tourism,  
 10 whether it's the North Dakota Parks and Rec or  
 11 National Parks, but what we -- I'm trying to look  
 12 at the name tags. Anyone here representing the  
 13 agricultural community, emergency services,  
 14 industry, school? Those are the folks that could  
 15 really help right now. But I don't think I saw  
 16 any. Because the rest of us government agencies  
 17 look at endangered species, Section 106, Clean  
 18 Water Act stuff. The rest of those guys, they may  
 19 be coming tonight, and I would really like to hear  
 20 what they had to say. We'll get the comments, I  
 21 guess.  
 22 MS. DUXBURY: I thought there was someone  
 23 here from Emergency Services.  
 24 MR. CIMAROSTI: Huh?  
 25 MS. DUXBURY: I thought there was someone

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1 here from Emergency Services.  
 2 MR. CIMAROSTI: Oh, is there?  
 3 MR. SCHRADER: Yeah.  
 4 MS. CHARRIER: I'm not sure -- I'm  
 5 Emergency Management. I'm not sure that I would  
 6 particularly want to speak for, you know, our first  
 7 responders. I think they would probably have a  
 8 unique perspective that I wouldn't be able to speak  
 9 to.  
 10 MR. ARTHAUD: Dan, I know the people of  
 11 Billings County, emergency responders, your  
 12 agricultural people, your industry people, your  
 13 schools people. They will be at the public hearing  
 14 down there on Monday night, I'll guarantee you  
 15 that, to give their perspective. I'm in ag, I'm in  
 16 volunteer fire, and I'm in --  
 17 MR. CIMAROSTI: I've heard those comments  
 18 from the emergency responders before, but they can  
 19 explain that need, I think, better than we can.  
 20 MR. ARTHAUD: Right. That's what I was  
 21 saying. I know our particular local agencies will  
 22 be testifying at the meeting next Monday, the fire  
 23 chief to your ambulance people.  
 24 MR. KRIEG: As far as the industry, there  
 25 may be some here tonight, too, as far as oilfield

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1 or something. I'm anticipating we'll get a few  
 2 from the area, don't you think, Jim?  
 3 MR. ARTHAUD: I would think so.  
 4 MR. KRIEG: I'm sure there will be  
 5 probably several more in Medora. We will be  
 6 getting their input.  
 7 MR. BENNING: Also in the EIS it's really  
 8 going to be kind of broken in two parts. The first  
 9 part will be kind of identifying all your existing  
 10 conditions that are out there, so with your  
 11 identified conditions, then you're going to look at  
 12 what your proposed improvement will be and how that  
 13 will affect your identified elements you got out  
 14 there. So that might kind of clear the muddy  
 15 waters as far as the need and purpose of something  
 16 like this, too, because it may incorporate some of  
 17 those things that you just talked about into this,  
 18 as well. Kind of get all the existing elements,  
 19 speeds, traffic, forecasted traffic, cars, trucks,  
 20 really kind of give you an outline of really what's  
 21 happening out in that area shown on the public  
 22 lands map.  
 23 MS. TURNBOW: Well, today, too, we  
 24 wanted -- these are some of the things that we've  
 25 been brainstorming. We haven't really put anything

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1 to pen and paper yet. But what we don't want to  
 2 happen is after we turn in the draft EIS, this is  
 3 the first time any of you saw the purpose and need,  
 4 and that's why we're kind of here today to go  
 5 through all of these different steps so that all of  
 6 you have an idea of what we are thinking and to get  
 7 comments on that so we can refine the purpose and  
 8 need almost even before we start putting it on pen  
 9 and paper, so we're going in the right direction.  
 10 So all of your comments are really helpful, and so  
 11 I was just going to kind of reiterate why we're  
 12 here today. I don't want to rush anyone, but does  
 13 anyone have any more comments on the need? Alexis.  
 14 MS. DUXBURY: I just have a question. Do  
 15 you have any information or are you in the process  
 16 of compiling information on the number of people  
 17 that live near the river within this project area,  
 18 but on one side or the other? I mean, how -- I  
 19 mean, I was able to -- I think Billings County is  
 20 coming up with a land use plan. I was able to take  
 21 a look at that draft plan, so -- you know, that  
 22 gives how many people there are in Billings County.  
 23 It doesn't address the distribution of people in  
 24 Billings County. It didn't really address the  
 25 distribution of services and where people go. Do

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1 people near the west side of the project area, do  
 2 they go over -- you know, do they go west, do they  
 3 go east, do they drive down 16 and then go west,  
 4 east? Do you have information on that or are you  
 5 collecting information on that?  
 6 MS. TURNBOW: We're in the process of  
 7 collecting some of that information now. I  
 8 couldn't speak to it. Jim and Jerry are here, they  
 9 can probably just give you sort of like the bird's  
 10 view of what they know from being, living in the  
 11 area.  
 12 MR. ARTHAUD: If you live on the west side  
 13 of the river in the springtime and it's flooding,  
 14 you go west. If it's low water crossing time and  
 15 you have permission from a private landowner, you  
 16 go east. It depends on what service you're looking  
 17 for. If you're looking for a retail area, like if  
 18 you want to go to Wal-Mart, you would want to go  
 19 east. If you're just looking for the Beach vet,  
 20 you can go ahead and go west. So it all depends.  
 21 And it really does matter with seasons. For an  
 22 example, you talk deer hunting, you're not going  
 23 across that river anywhere on private land because  
 24 people always have people out there hunting. But  
 25 the river does dictate what direction you go and

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1 why you go, and it's nature that does it to you.  
 2 So right now if you did a study, that would be what  
 3 it would tell you.  
 4 MS. DUXBURY: How many people live in the  
 5 townships on the west side of the river in Billings  
 6 County?  
 7 MR. ARTHAUD: Oh, I would be lying to you,  
 8 Alexis. It would be less than -- it would be less  
 9 than a hundred, you know. It would be less than  
 10 that.  
 11 MR. GLASOE: I guess the biggest thing  
 12 that we see as a need -- like Jesse said, you get  
 13 it in there, a lot of people are going to use it.  
 14 Right now if you're going to go to Bell Lake or  
 15 you're going to go to anything on the west side of  
 16 the river, you've got to plan an extra hour. And I  
 17 don't know if people are buying gas lately, but  
 18 that's one of the things we deal with weekly, if  
 19 not daily, with our travels on federal lands on  
 20 that side of the river. And there is no crossings.  
 21 Like you said, there's some that are barricaded.  
 22 There's some you can call and you get across, but a  
 23 lot of times it's seasonal, like Jim said. There's  
 24 a big what I call waste of fossil fuels driving  
 25 around all the time to manage what you've got on

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1 the other side. That's one of the things that's  
 2 brought us back since 1981 when they didn't build a  
 3 bridge back in there at that time.  
 4 MS. DUXBURY: But if you were in Dickinson  
 5 and you wanted to go to Bell Lake, wouldn't you  
 6 take the interstate and then go up 16?  
 7 MR. GLASOE: No. I usually go up to  
 8 Boyces' or the other way, Magpie. And it was  
 9 questioned earlier on that road why it isn't 65 or  
 10 55. Because a lot of that road was not designed.  
 11 A lot of it was built by the seat of the pants from  
 12 scraper operators, including myself, with flags in  
 13 front of them, and we weren't considering the  
 14 geometronics of the road at the time when that road  
 15 got built to certain standards. A lot of it is to  
 16 standard nowadays, but a lot of it isn't, either,  
 17 where the widths and everything vary from soup to  
 18 nuts and this kind of thing.  
 19 The big need, I think, is we get across  
 20 the river somewhere, and that's probably being  
 21 pretty blunt, but so that you can count on getting  
 22 across the river at this date, this time, not have  
 23 to fight ice or snow or water or rain or whatever.  
 24 MS. DUXBURY: So if you were going from  
 25 Dickinson and if you wanted to actually just go to

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1 someplace very near Highway 16 or even west of  
 2 Highway 16, you would still cut through the  
 3 Badlands?  
 4 MR. GLASOE: Oh, yeah, definitely, if  
 5 you're anywheres eight to ten miles north, because  
 6 the roads coming off of 94 aren't that good,  
 7 either. They're just as curvy or as crooked or  
 8 whatever, so what have you gained in going 75 down  
 9 to the other point? You're going to be going --  
 10 you've got to backtrack, you've got to come back,  
 11 and the roads aren't good out at Buffalo Gap. If  
 12 you've been through there, it's quite a challenge  
 13 there to get through Buffalo Gap unless you go all  
 14 the way to Sentinel Butte. Now you're already  
 15 eight or ten miles further than you need to go, so  
 16 you've got to go eight, ten miles at 75, you could  
 17 go eight, ten miles back at 35, so you're looking  
 18 at an hour difference. And you can usually go up  
 19 Magpie and come across Boyces' if the river -- you  
 20 can call Boyces and see if their crossing is good  
 21 and you can get across there a lot quicker.  
 22 MS. DUXBURY: This isn't kind of adding up  
 23 in my mind so maybe we should talk about it more  
 24 later, because I don't see how you get the added  
 25 hour when you're talking about interstate, which is

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1 as fast as you can go, and Highway 16, which I  
 2 haven't heard if we're talking about deficiencies  
 3 on it at this point in time.  
 4 MR. KRIEG: Alexis, we up till now have  
 5 been talking just the point of Dickinson to Bell  
 6 Lake or something in that direction, but there's  
 7 just -- I don't even know -- numerous oilfield  
 8 workers out there that, you know, when the river is  
 9 up, they've got to drive, say, 25, 30 miles down to  
 10 the interstate to get back over through the park or  
 11 back around Franks Creek, so, you know, that, if  
 12 they could drive ten miles to a river crossing  
 13 instead of maybe a 70- or 80-mile detour. You  
 14 know, there's a lot of that going on, too, at  
 15 times.  
 16 MS. TURNBOW: Are there any other, maybe  
 17 some -- a need that's not listed that anyone can  
 18 even think of? I know that this is sort of a  
 19 strange way of going about it in the process, but  
 20 -- or something that anyone is adamantly opposed to  
 21 that's on this list?  
 22 All right. We'll move on to purpose of  
 23 the proposed project. And the purpose that we have  
 24 currently is to provide system linkage between  
 25 North Dakota Highway 16 and U.S. Highway 85. And

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1 this, again, we're  
 2 open for discussion. And this was the purpose that  
 3 was listed in the notice of intent, but we can  
 4 definitely have an open discussion about it  
 5 because, like I said, we're at the beginning of the  
 6 project and we're still brainstorming, so this is  
 7 something that the team had come up with.  
 8 Charlotte is up here taking all our notes for the  
 9 purpose and need, so --  
 10 MS. BORCHERT: I was just going to say,  
 11 certainly those are the two major highway points on  
 12 either side, but I think that the way the purpose  
 13 is written, it gives the impression that Alexis had  
 14 that you're talking about traveling up and down  
 15 these highways and cutting across the Badlands,  
 16 where probably the greater need is going from, you  
 17 know, your farm halfway between the river and  
 18 Highway 16 -- or your ranch -- excuse me -- you  
 19 know, across the river for some other recreational  
 20 issue or service issue or hauling cattle and hay,  
 21 et cetera, across the river. You aren't  
 22 necessarily talking about travel between Highway 85  
 23 and Highway 16. You might be talking about all  
 24 those people who are using it inter -- within that  
 25 system or coming up, for example, with industry.

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1 And when I worked out there coming up and doing  
 2 work on one side of the river and having to come  
 3 all the way back out to 85, down to 94, back up 16,  
 4 back in on Bell Lake Road to go two miles. And I  
 5 think that that -- that, I think, should be  
 6 reflected in the purpose of the project. It's more  
 7 than connecting two highways.  
 8 MS. TURNBOW: Right. Thanks, Jeani.  
 9 Alexis.  
 10 MS. DUXBURY: If that's the case, maybe as  
 11 part of the study element for this project there  
 12 could be information put together on the traffic  
 13 types and numbers -- traffic usage of some of these  
 14 other roads on your maps.  
 15 MS. TURNBOW: All right.  
 16 MS. DUXBURY: And then, also, the  
 17 expectation that they would be crossing the river.  
 18 MS. TURNBOW: Okay.  
 19 MS. DUXBURY: And maybe also in the sense  
 20 that -- maybe in essence -- I don't know how to say  
 21 this. But maybe in a sense where there's a great  
 22 desire for the project at the county level, maybe  
 23 this really isn't a federal project or, you know,  
 24 maybe it's something so unique and so specialized,  
 25 you know, maybe, you know -- maybe a private person

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1 or party should, you know, construct this or  
 2 something. I'm just throwing it out there.  
 3 MR. SCHRADER: I think even if a private  
 4 company did it, they would still need a federal  
 5 approval from the Corps.  
 6 MS. DUXBURY: Okay.  
 7 MR. SCHRADER: Well, potentially there is  
 8 a way around the permit, but I think it's likely  
 9 that the Corps of Engineers would still have to  
 10 give the federal approval.  
 11 MS. TURNBOW: Anyone have any other  
 12 comments on purpose or questions, comments, issues,  
 13 concerns?  
 14 MR. SCHRADER: I'm going to ask Curt, is  
 15 there a lot of traffic flowing, driving through  
 16 water and is getting vehicles out of water,  
 17 minimizing that, would that be part of the purpose?  
 18 MR. GLASOE: I would say on the crossings  
 19 that you have, depends on if the water is there,  
 20 but we went numerous times it's up to the running  
 21 boards or past the wheel lugs, or whatever, so  
 22 you're getting whatever that vehicle has in there,  
 23 whether it's noxious weeds or petroleum products or  
 24 salt. Whatever you have on the vehicle is going to  
 25 be washed off by transporting back and forth on

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1 existing crossings.  
 2 MR. SCHRADER: I'm not sure if that would  
 3 be part of the purpose or part of the need or where  
 4 that would fit into the traffic flowing from one  
 5 side to the other -- or going across the flow, I  
 6 guess. That might be something else to consider.  
 7 MR. CIMAROSTI: So the purpose -- what  
 8 you're saying that purpose is, to provide an all  
 9 weather, is that correct -- an all weather system  
 10 linkage?  
 11 MS. TURNBOW: Right.  
 12 MR. CIMAROSTI: Within the study area?  
 13 MS. TURNBOW: Within the study area.  
 14 MR. CIMAROSTI: All weather system linkage  
 15 within the study area?  
 16 MS. TURNBOW: Yeah, initially. That's our  
 17 purpose right now. But that's a good point to add  
 18 the all weather.  
 19 MR. CIMAROSTI: It's just a small point  
 20 because there's linkage already, but like the  
 21 gentleman said, some times of the year you can't  
 22 get through it. The point is you can make it  
 23 throughout the year; correct?  
 24 MS. TURNBOW: Right. Exactly.  
 25 MS. LARES: So they said when they're

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1 getting through it, they're using private  
 2 crossings?  
 3 MS. TURNBOW: Right.  
 4 MS. SCHWENKE: But it's open to the  
 5 public, not just the -- this is Sherri Schwenke  
 6 with Dakota Prairie Grasslands. So it's open to  
 7 the public for access, not just --  
 8 MS. TURNBOW: Right.  
 9 MS. SCHWENKE: -- if you get permission  
 10 from --  
 11 MR. KRIEG: I'm not sure all weather is  
 12 the correct thought. If it goes low water crossing  
 13 and it's designed for 2 or 3 percent of the time  
 14 that the water is going to overtop it, or 10 or 20,  
 15 it's really not all weather. Theoretically you  
 16 could say that.  
 17 MR. CIMAROSTI: That is a good point,  
 18 Jerry, because if that's the case, then it really  
 19 has a bearing on what that need is, if it's only  
 20 going to be 80 percent of the year.  
 21 MR. KRIEG: And I guess I say that because  
 22 I'm assuming if it goes to the low water crossing  
 23 type. I don't know that anything has been ruled  
 24 out here, be it a bridge, be it a low water.  
 25 MR. CIMAROSTI: It goes back to the need,

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1 what is the need. If the need has to be able to  
 2 get traffic from one side to the other all through  
 3 the year or not. That's a good point you just  
 4 mentioned. If it's a low water crossing, then  
 5 maybe it does affect the need. Again, I don't know  
 6 if --

7 MR. KRIEG: This is kind of a weird  
 8 scenario, because, I mean, it's different than what  
 9 we've done in the past. We usually come to you  
 10 with, you know, here's our permit, we want to put  
 11 this in. So this here is -- the whole system that  
 12 we're going through now is new. We've all got to  
 13 find our comfort zone.

14 MR. CIMAROSTI: Those gentlemen from the  
 15 emergency services, I remember years ago, made a --  
 16 I thought a good argument getting from one side of  
 17 the river to the other, but if it's not all  
 18 weather, then the argument is, well, what's the  
 19 need there?

20 MR. KRIEG: If fire happens when the water  
 21 is up, it won't do much good.

22 MR. CIMAROSTI: That's right. There you  
 23 are.

24 MS. BRETT: There's one exhibit that's in  
 25 your packet that is called unimproved river

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1 crossings within study area. This might be a good  
 2 time to just pull it out. This shows -- I forget  
 3 the exact number -- 14 or 15 existing seasonal  
 4 crossings that we've been able to identify to date,  
 5 and my understanding is that most of these are  
 6 private. There are some that maybe are Forest  
 7 Service crossings, but I'm not sure if those are  
 8 public. So this is one of the first things that we  
 9 looked at to get an idea of what is out there,  
 10 where are the areas that people are crossing.

11 MR. CIMAROSTI: What did you find out?  
 12 Did you find out that one of these is used more  
 13 than the others?

14 MS. BRETT: We don't have any kind of  
 15 counts yet. This is just the first identification  
 16 of what's out there. We don't know yet how many  
 17 people are using which one.

18 MR. GLASOE: Back in '81-'82 when we did  
 19 traffic studies just for one oil well, and it  
 20 exceeded -- mind-boggling, but exceeded over 70  
 21 vehicles a day for the first six weeks and then it  
 22 dropped down to about 30 for the next four to six  
 23 months, and then it really tapered off if they got  
 24 a pipeline into that well. But the service  
 25 vehicles and stuff daily to those oil wells is just

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1 phenomenal. You just don't really believe it.  
 2 Another aspect I would say is that for the  
 3 second year in a row on the Mah Dah Hay Trail we  
 4 had over 5,000 users, and this trail runs right  
 5 through -- right through the area of the crossing  
 6 there. You know, we would be having to look at  
 7 something else there, too, because I think we would  
 8 get indiscriminate camping or jumping off points  
 9 for a trailhead there to get on the trail because  
 10 it's at the midway mark of the trail. Magpie is  
 11 down the road, but it's 10, 15 miles down the road.  
 12 So there's going to be impacts either way on there,  
 13 but the traffic use for an oil well, we do have  
 14 that in the office. I can't quote you exact  
 15 figures, but it really surprises you, hundreds of  
 16 vehicles for one oil well during the six weeks to  
 17 two months -- no, it's over two months to drill.

18 MR. ARTHAUD: I need to take you to my  
 19 next congressional hearing down here when we're  
 20 trying to talk about economic development, what the  
 21 oilfield does. Thank you.

22 MR. GLASOE: We did install traffic  
 23 counters at one because we didn't know, either, for  
 24 our planning effort to keep the roads to a minimum,  
 25 keep the environmental impacts to a minimum as a

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1 road builder for the agency, and so we didn't have  
 2 that data. We got a lot of it for timber and  
 3 mining and stuff like this, but the oil and gas, so  
 4 we do have that in the office. If you've got a  
 5 hundred wells, you know what's going on. It's a  
 6 heck of a bunch of traffic.

7 MS. DUXBURY: Do you think that might be  
 8 representative of oil wells in general?

9 MR. GLASOE: Yes, very definitely. They  
 10 don't vary on private versus federal.

11 MS. DUXBURY: There wasn't something about  
 12 that well?

13 MR. GLASOE: No.

14 MS. DUXBURY: So you think any well that's  
 15 put in might be 70 vehicles per day or something  
 16 like that.

17 MR. GLASOE: This well was a dead-end road  
 18 so they couldn't get in any other way. When we  
 19 started, we had it all planned so when they started  
 20 constructing the road, we started counting and we  
 21 installed the counters before the rig was moved on  
 22 with eight semiloads and all this stuff, and I  
 23 think it's 27 semiloads to get one moved in there,  
 24 and so on. And we do have all that data. We did  
 25 have OD&C surveys, plus this is observation, direct

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1 contact surveys, so we had a guy sitting there or  
 2 gal sitting there counting and seeing, and it's 24  
 3 hours a day. It's not just during the daylight  
 4 hours that most of us work. It's day and night.  
 5 And we had classification of vehicles because  
 6 you've got to design your roads for the semis, not  
 7 for the little Toyota salesmen that come out there  
 8 every two hours, too, trying to sell you something  
 9 to the well, whether it be cutting fluids or mixers  
 10 or chemicals or whatever. They're there all the  
 11 time. So we've got that stratified and it was  
 12 pretty enlightening to us, too.  
 13 MS. LARES: Is that data available for the  
 14 project to use?  
 15 MR. GLASOE: Sure. Sure.  
 16 MS. TURNBOW: Thanks, Curt. Valerie.  
 17 MS. NAYLOR: To expand on two points that  
 18 have been made, one, it would be very helpful to  
 19 know what percentage of the time these unimproved  
 20 river crossings are currently being used due to  
 21 river levels, what percentage of the time a low  
 22 water crossing could be used? I mean, it's  
 23 possible -- Jim may know more about that than I.  
 24 Maybe they can be used 60 percent of the time now  
 25 and a low water crossing would give us 80 percent,

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1 and then a good question would be whether that  
 2 would be worth it for the water crossing versus a  
 3 bridge or perhaps no crossing at all.  
 4 The other question if what Curt says is  
 5 true, which I believe that it is regarding the oil  
 6 traffic. I think we have to really look at that as  
 7 it relates to what this is really about, because we  
 8 have industry sort of buried in a list of needs for  
 9 the proposed project, but if a hundred vehicles a  
 10 day --  
 11 MR. GLASOE: 24-hour period.  
 12 MS. NAYLOR: -- 24-hour is certainly going  
 13 to overshadow probably all of these other needs  
 14 combined, so then that begs the question, is this  
 15 primarily really for oil traffic and all of these  
 16 other needs would just be occasionally  
 17 accommodated?  
 18 MR. SCHRADER: As far as the purpose and  
 19 need now, we're looking broad. We're trying to  
 20 find out anything that we need to evaluate and look  
 21 into further, and that's why we have as large of a  
 22 list as we could think of to make sure everyone is  
 23 considered, and then from here we'll evaluate each  
 24 of those needs in depth and then we'll identify the  
 25 purpose and need statement and then it will focus

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1 on where the need truly lies, but right now we're  
 2 too early to know that it's just oil. We're  
 3 looking at everything and then we'll focus in at a  
 4 later date once we get the data.  
 5 MS. NAYLOR: Sure. I realize that this is  
 6 just preliminary, but it would be interesting to  
 7 know if there will be two ranchers a day, one  
 8 tourist every three days, three kids going to  
 9 school, and five hundred oil trucks because that  
 10 makes a difference as to a purpose and need and  
 11 also as to what should or could be built and its  
 12 impacts. If it's 24-hour traffic, that certainly  
 13 has more impacts on the park, for example.  
 14 MR. SCHRADER: You mentioned low water  
 15 crossing. Is there anyone in here not familiar  
 16 with the difference between a bridge and a low  
 17 water crossing? Because I have a photo of a low  
 18 water crossing at Three V's I brought with just in  
 19 case anyone wanted to see. I'll send one each way  
 20 just to help everyone visualize it. I didn't print  
 21 out a picture of a bridge. I think everyone pretty  
 22 much knows what a bridge looks like. A year ago I  
 23 wasn't sure what a low water crossing is. Now I  
 24 know. This is the Three V's crossing that's south  
 25 of Medora. I'm not sure how far south, but it is

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1 on the Little Missouri.  
 2 MS. DUXBURY: What speed limit is  
 3 recommended across that low water crossing?  
 4 MR. SCHRADER: I believe it was 25. I was  
 5 changing a flat tire at that particular time. I  
 6 had a lot of time to look at that sign. I believe  
 7 the crossing, itself, was 25.  
 8 MS. DUXBURY: I was just sitting here  
 9 thinking I wouldn't drive across that at 55.  
 10 MR. GLASOE: Question. What is the flood  
 11 frequency, 10, 20, for a low water crossing? Do  
 12 you have a definition?  
 13 MR. SCHRADER: I'm not sure. I'm not sure  
 14 what they're designed for. That's something else  
 15 we need to evaluate. Do you know, Jerry?  
 16 MR. KRIEG: Like I said, I think, and I'm  
 17 not sure. We didn't do that structure being passed  
 18 around, but I want to say it's 2 or 3 percent of  
 19 the time. It's very low. Dave, maybe you have  
 20 something.  
 21 MR. LEFTWICH: It's usually two to five,  
 22 which means that every two to three years it's  
 23 flowing. Normally a low water crossing is designed  
 24 for a low flow, we call it how many years, and  
 25 usually a normal bridge is designed for 10 to 15

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1 years. A low water crossing is designed for two or  
 2 three or less normally.  
 3 MS. TURNBOW: Thank you.  
 4 MS. SCHWENKE: Just out of curiosity,  
 5 maybe Mark or Dave can answer this. Is there a  
 6 price limit, a cost cap, or what is reasonable for  
 7 the project cost, for the implementation?  
 8 MR. SCHRADER: I guess I don't know --  
 9 it's too early for me to really be involved with  
 10 costs yet. We're still trying to develop a purpose  
 11 and need. I don't know what the cost difference  
 12 between a low water crossing and a bridge for this  
 13 area might be.  
 14 MS. SCHWENKE: But there might be some  
 15 revenue difference associated with the structure.  
 16 MR. SCHRADER: Right. And certainly as  
 17 part of -- when we get to the alternatives when  
 18 we're actually figuring them out, then we'll  
 19 evaluate the cost for each alternative. At this  
 20 point in time I don't know that we have a good  
 21 grasp on cost on variations.  
 22 MS. TURNBOW: I guess on that note, if  
 23 anyone has any other comments about the purpose, we  
 24 can go into the alternatives -- the alternatives  
 25 under consideration.

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1 Project alternatives, they must meet the  
 2 purpose and need of the project, and they also must  
 3 be developed at an acceptable cost and level of  
 4 environmental impacts relative to the benefits that  
 5 are expected to be derived from the project, and  
 6 all reasonable alternatives must be vigorously  
 7 explored and evaluated.  
 8 Now, in the notice of intent the  
 9 alternatives that were listed, and we were just  
 10 using these, was, of course, the do-nothing or take  
 11 no action; construction of a river crossing  
 12 structure, whether that be a bridge, a low water  
 13 crossing or any other structure that we may find;  
 14 and the different roadway alignments going to the  
 15 river crossing. So those are the alternatives that  
 16 were stated in the notice of intent.  
 17 So we would, again, have another open  
 18 discussion about some of these alternatives or any  
 19 other alternatives that we need to look at, and I  
 20 guess that's what we -- our next topic. And the  
 21 study area is huge right now, and we have to find,  
 22 you know, the different alignments -- could be  
 23 different alignments, roadway alignments, then, of  
 24 course, to the river crossing and the structures  
 25 would be then different alternatives, as well.

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1 MS. SCHWENKE: I realize we don't quite  
 2 have the purpose and need perfectly hammered out,  
 3 but just kind of a thing that our agency does,  
 4 anyway, in developing alternatives once we have an  
 5 issue with it, when we're early on in the design  
 6 process that we look at what are all the things  
 7 that are going to start putting boundaries,  
 8 borders, prohibitive or those kinds of things we  
 9 either want to avoid --  
 10 MS. TURNBOW: Right.  
 11 MS. SCHWENKE: -- or those things that we  
 12 want to make note of because that will have an  
 13 effect or that could potentially have an effect on  
 14 that -- right off the top of my head, renewable  
 15 resources. That will probably have some effect on  
 16 either what we do, how we design it or limit us,  
 17 something we don't want to do or something we want  
 18 to highlight because of the resource there.  
 19 MS. TURNBOW: Right. That's a good point.  
 20 Dan.  
 21 MR. CIMAROSTI: And, again, we discussed  
 22 this, that the project alternatives must meet the  
 23 project purpose and need. And as it is written,  
 24 it's met. There is linkage and it's met -- see?  
 25 -- whether it's all weather at 85, you know, at

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1 Watford City or 94 or someplace in between. Now,  
 2 it may be all year or it may be consisting of part  
 3 of the year like the gentleman said that there is  
 4 no linkage, but as this purpose and need is  
 5 written, it's met right now, which means there's --  
 6 no action is the way to go. This is met. Does  
 7 that make sense? This purpose and need is to  
 8 provide a system linkage between North Dakota  
 9 Highway 16 and U.S. Highway 85. It's there in  
 10 numerous spots.  
 11 MS. TURNBOW: But they're all private.  
 12 MS. BRETT: You're saying the need needs  
 13 to be more refined?  
 14 MR. CIMAROSTI: It's private. Now, let's  
 15 say you purchased property. Is that going to  
 16 suffice? If not, because it goes under water for a  
 17 month out of the year, then that needs to be  
 18 identified and then the area, like these guys  
 19 brought up earlier. Because, again, the way it's  
 20 written, it's met.  
 21 MS. TURNBOW: Right. And that's one of  
 22 the reasons why we're here today. So we need to  
 23 further explore the all weather versus seasonal and  
 24 public and private.  
 25 MR. CIMAROSTI: Because even with the

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1 seasonal -- even with the low water crossing, it  
 2 sounds as if, from what Jerry said, it would be  
 3 more reliable than the Forest's they have out there  
 4 now.

5 MR. KRIEG: It is, and that's why I was  
 6 just kicking it around. I was just thinking that  
 7 maybe we need to put a definition on all weather,  
 8 because all weather, essentially is that 365 days  
 9 out of the year or is that 365 minus, say, 14 days  
 10 during spring thaw or something when it rains?

11 MR. CIMAROSTI: That's a good point.

12 MR. KRIEG: So, you know, if it's truly  
 13 all weather, if it's at 365, then it seems like  
 14 we're focusing in on a bridge. I would like to see  
 15 the all weather. I don't think, by any means, we  
 16 want to take out the low water crossing where it's  
 17 just two weeks out of the year.

18 MR. CIMAROSTI: I agree with you. I agree  
 19 with you. That's what I was saying when we talked  
 20 about a low water crossing, that's going to affect  
 21 your need and you have to be specific when you  
 22 identify the purpose.

23 MR. GLASOE: That's a good point, because  
 24 our low water crossings have no structures in the  
 25 water or in the stream crossing, just low water.

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1 Either concrete, planks, cables, whatever, or  
 2 concrete or something that solidifies the crossing  
 3 asphalt could possibly be used, but there would be  
 4 no culverts or drainage facilities in the deal.  
 5 That's our definition.

6 MR. CIMAROSTI: Yours are just bed?  
 7 MR. GLASOE: Ours would be bed, yeah.  
 8 Whenever we put a structure in there, then it's  
 9 either a major culvert or a drainage structure or  
 10 bridge or whatever, but it's not called a low water  
 11 crossing. So that's a good point to make that  
 12 definition clear what you mean by it, if it's two  
 13 to three years or --

14 MS. TURNBOW: Jesse.

15 MR. HANSON: Mr. Arthaud probably needs to  
 16 speak up here because this is really -- we're  
 17 trying to guess what Billings County, what they  
 18 ultimately were after. My guess is -- and correct  
 19 me if I'm wrong, Jim -- they're looking for a  
 20 crossing across the Little Missouri River that's  
 21 public, that's out of the water 95, 98 percent of  
 22 the year, and I thought in listening to Mr. Arthaud  
 23 a year or so ago, their hopes were to get a  
 24 crossing across the river -- at that point they  
 25 thought a bridge was out of the picture, but

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1 something that the public -- at a public crossing  
 2 that people could ultimately go across the river  
 3 the majority of the year, understanding that  
 4 there's times maybe in the spring when the snowmelt  
 5 goes or those times in the summertime when you get  
 6 those -- whenever they come, those three, four  
 7 inches of rain that's going to overtop this thing.  
 8 To me, I would guess that's their purpose and need.  
 9 I don't know if that's what you need to have out  
 10 here, if it's two things like that. How do you get  
 11 to that percentage of year that it's out of the  
 12 water? I would assume -- KLJ is the engineering  
 13 firm, they're going to have to get hydraulic  
 14 studies done and figure out what would be. This  
 15 group can't say it --

16 MS. TURNBOW: Right.

17 MR. HANSON: -- can't come up with  
 18 whatever that is. But I'm thinking that's what the  
 19 county is after. Do we need to establish that  
 20 here? Is that our job to come up with that?

21 MS. TURNBOW: No.

22 MR. SCHRADER: We're looking for comments  
 23 on purpose and need and we will -- the group that's  
 24 writing the EIS will define the purpose and need --  
 25 the final purpose and need, but if the purpose and

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1 need is written to exclude an alternative, if it's  
 2 written for only year-round access, then it  
 3 excludes the low water crossing. If it's written  
 4 for the need is -- the need could be something that  
 5 a low water crossing or a bridge could meet, and  
 6 then after the purpose and need we'd still have  
 7 either option that would be -- that would meet the  
 8 purpose and need and then we would have more to  
 9 study, but I guess I don't know if that's -- if the  
 10 purpose and need would want to be too narrow to  
 11 exclude alternatives. And that's here with the  
 12 alternatives under discussion, do we want to --  
 13 would the agencies like to see a bridge and low  
 14 water crossing analyzed?

15 MS. CROOKE: Again, I think it goes back  
 16 to what kind of vehicular traffic you're going to  
 17 have on these roads. If it is in fact going to be  
 18 oil industry driven, which Miss Naylor pointed out,  
 19 probably more than any other need put together,  
 20 then I think you're looking at probably more than a  
 21 low water crossing because you're going to have  
 22 to -- those trucks are 24-7, 365. So I think  
 23 that's going to be probably the major -- the major  
 24 driving force of this whole project, is what that  
 25 vehicular traffic is going to be made up of.

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1 MS. TURNBOW: Bill.  
 2 MR. BICKNELL: We're entering into a NEPA  
 3 process, we should be looking at a full range of  
 4 alternatives. A low water crossing is one  
 5 alternative. There should be a spectrum of things  
 6 that meet the goals and objectives and then fully  
 7 evaluate it. The purpose and need I don't think  
 8 should be written so narrowly that it should say it  
 9 should provide 360, 342 days a year access. Now  
 10 it's so narrow that only one thing can meet it. We  
 11 need a full spectrum, and so that goes from a  
 12 bridge to a low water crossing and maybe two or  
 13 three things in between, a ferry boat. Maybe not.  
 14 We could have more ferry boats. They were popular  
 15 once. I like that.  
 16 MS. TURNBOW: Jim.  
 17 MR. ARTHAUD: To address the issue on a  
 18 low water crossing probably not being capable for  
 19 sustaining the oilfield. South of Marmarth, North  
 20 Dakota, there's the same type of structure, low  
 21 water crossing, that's probably, I'm going to  
 22 venture to say, 95 percent strictly oilfield usage,  
 23 and it handles the trucks and all the oilfield  
 24 traffic daily every day other than the very rare  
 25 occasions where you can't get across it.

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1 MS. CROOKE: Again, that comes down to  
 2 defining low water crossing.  
 3 MR. ARTHAUD: Right. Yeah. The one that  
 4 he's got the picture of, that's what a low water  
 5 crossing is to me now. I agree, low water crossing  
 6 used to be you hope you didn't float down the  
 7 river. But they are capable of doing it.  
 8 And to address the issue of what the  
 9 county wants, none of our county roads are  
 10 necessarily open every day of the year, 365 days,  
 11 year in and year out. We have roads that are  
 12 closed for blizzards or springtime floods that have  
 13 nothing to do with the river, so I think from the  
 14 county's perspective, we're just looking at the  
 15 best alternative that we can get the best use out  
 16 of a river crossing. You know, Mother Nature  
 17 always weighs in one way or the other. Like I say,  
 18 we've got roads that we have to close when it rains  
 19 because they're getting tore up. So our county  
 20 system is not a 365-day-a-year system, either.  
 21 We're just looking for the best alternative and to,  
 22 I agree, take a look at all alternatives. We're  
 23 very open to the idea of looking at all  
 24 alternatives. We might come up with something that  
 25 we've never, ever heard of, so don't think we're

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1 just stuck on anything.  
 2 MR. KRIEG: Just to expand on that a  
 3 little bit, too, as far as our normal county roads,  
 4 when we build structures on just our SC routes --  
 5 Dave mentioned the 10- and 15-year designs, but on  
 6 those roads we also have the option on some of them  
 7 to go to a 10-year with an overflow, and, you know,  
 8 essentially this is what we're looking at here. It  
 9 may be not an overflow, but we can go to a lesser  
 10 design standard and still allow for water to go  
 11 over the top of the road at a given point and it  
 12 would not be -- it's not the road; it would  
 13 actually be the structure that's over top. But I  
 14 guess my point is that we do allow these situations  
 15 even on our normal county roads at times, too, so  
 16 it's something that's not out of the norm, I guess  
 17 is what I'm trying to say.  
 18 MS. QUINNELL: Would one possible  
 19 alternative be to make -- say, to find a good  
 20 private crossing here and just buy it, make it  
 21 public?  
 22 MR. SCHRADER: We wouldn't -- I don't  
 23 think this document is going to be written that  
 24 driving through the water 365 days a year would be  
 25 acceptable. I think what we're looking at every

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1 alternative would get the traffic up out of the  
 2 water, and there aren't any private crossings that  
 3 are currently out of the water. They all drive  
 4 through the sand. That's the intent of the  
 5 document, is the purpose and need would eliminate  
 6 an alternative that would drive through the water  
 7 365 days a year.  
 8 MS. QUINNELL: Couldn't a possible --  
 9 again, looking at ferries, couldn't a possible  
 10 alternative be to buy something that's existing and  
 11 improve that rather than finding a whole new --  
 12 MR. SCHRADER: That's why on this map we  
 13 identified the crossings. The existing crossings  
 14 have the benefit of generally topography that  
 15 allows a vehicle to get down to the river. We  
 16 don't -- environmentally, to take a bluff, cut it  
 17 in half and cross the river where there isn't the  
 18 topography that allows it would have a higher  
 19 environmental impact than finding a road that's  
 20 currently going down to the river on each side and  
 21 connecting, and that's why most of the areas where  
 22 people can get to the river to cross, they do, and  
 23 that's why we're starting to look at all the  
 24 existing crossings and look at the topography on  
 25 each side and to see what's out there. But that's

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1 another reason we printed this map up showing the  
 2 12, I believe, existing crossings that we're aware  
 3 of, and that will be a starting point for us to  
 4 start the evaluation.  
 5 MS. NAYLOR: Question. Are any of  
 6 these -- maybe this was answered. Are any of these  
 7 public crossings now or are these all private  
 8 crossings?  
 9 MR. GLASOE: One public.  
 10 MS. NAYLOR: Which one is that?  
 11 MR. GLASOE: The furthest one north is  
 12 public.  
 13 MS. NAYLOR: Off the Magpie and Morgan  
 14 Draw Road?  
 15 MR. GLASOE: Yeah, two places there.  
 16 MS. DUXBURY: Is there common agreement on  
 17 that? I'm just asking because there's a lot of  
 18 disagreement on public versus private.  
 19 MR. GLASOE: County has the right-of-way.  
 20 MR. BICKNELL: So that's the furthest one  
 21 north on our map showing the crossing?  
 22 MS. DUXBURY: The dots? Is that the dots?  
 23 MR. GLASOE: Yeah. And there's probably  
 24 less than a hundred feet of water there. It's  
 25 really a flat crossing. There you would have a

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1 problem with a low water crossing of sorts because  
 2 of the width of the creek -- the river there is so  
 3 wide, that you would have to actually be building a  
 4 dam.  
 5 MR. SCHRADER: And those are things we  
 6 need to look at for each of these existing crossing  
 7 areas. We'll have lots of things to consider, but  
 8 that's, I guess, for another meeting in the future  
 9 with these agencies to talk about the -- I guess  
 10 I'll leave that up to Jen. That's coming up on a  
 11 slide as far as where we're going in the future.  
 12 For right now we're trying to identify the type of  
 13 crossing that we bring forward, and it looks like  
 14 the low water crossing as per the photos I sent out  
 15 and a bridge are the two that we can think of that  
 16 we're carrying forward for the structure type, and  
 17 then the location we -- you know, we mentioned  
 18 earlier considering going into McKenzie County, and  
 19 we will take that comment and address it, but, you  
 20 know, if we do, we'll look at crossings in McKenzie  
 21 County, also, but we're proposing to start our  
 22 evaluation by looking at existing areas where  
 23 people cross because the topography on each side of  
 24 the river is going to have a lot to do with the  
 25 environmental impacts and how much of the hill you

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1 need to cut into.  
 2 MR. HANSON: If you go into McKenzie  
 3 County, do they have to become the sponsor then, or  
 4 does -- let's say you included McKenzie County, by  
 5 golly, you found a spot up there where there is a  
 6 dandy place, does then McKenzie County have to be  
 7 the project sponsor instead of Billings County?  
 8 MR. SCHRADER: That's what I need to look  
 9 into. I'm sorry, I can't answer that right now.  
 10 MR. KRIEG: Curt, maybe you could give us  
 11 some insight as far as more major roads.  
 12 MR. GLASOE: In McKenzie County?  
 13 MR. KRIEG: Yeah.  
 14 MR. GLASOE: There's probably three up  
 15 there, but the roads coming into them are very,  
 16 very low standard. So you're talking about -- if  
 17 you're looking at just economics and the  
 18 environmental concerns also right with the  
 19 economics is that you would be building anywheres  
 20 from, I'd guess, eight to ten miles of road on  
 21 either side of the river to get to there, and I  
 22 don't know what a county road costs per mile now,  
 23 but there would be substantially a lot of  
 24 environmental impact and a lot of economics that  
 25 would, I think, drive the other way, just from my

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1 personal experience. There's a couple good  
 2 crossings up there, but there's no access to them  
 3 without really building a lot of road, constructing  
 4 a lot of road to get to them. That's why I  
 5 appreciate the value of the scoping document going  
 6 further north, but I think you're going to find  
 7 it's going to be tossed out, anyway, if that's  
 8 anything to throw out for the system.  
 9 MS. TURNBOW: Thanks. Alexis.  
 10 MS. DUXBURY: One question I have is if  
 11 there's a low water crossing, for example, being  
 12 built like the picture is showing and the design  
 13 speed is at 25 miles per hour, does the rest of the  
 14 road have to be built for 55?  
 15 MR. GLASOE: I can answer a little bit of  
 16 that, Alexis. A lot of times in North Dakota we  
 17 have a Century Code that says there's section line  
 18 laws here, so you've got a straight-line road. You  
 19 know, if you build it to 55 or 75 or 105, it's  
 20 still the same road. You know, in the valley here  
 21 all your roads are 35 or whatever less, too. I got  
 22 a buddy in Sargent County, their roads are 35 miles  
 23 an hour, too. They're straight and you can see  
 24 from one end to the other mile down there. So you  
 25 put up a sign so people don't drive 105 miles an

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1 hour on them. Legally they can drive 25. The same  
 2 thing on these crossings. The Three V's, there's  
 3 an approach grade on that that's really flat,  
 4 really gentle going into. Going on the north side  
 5 there's a grade coming up out of there that's  
 6 probably 6 percent. But just for the safety of  
 7 people that are not familiar with the area, come on  
 8 it from somewhere else, 25 miles an hour is fast  
 9 enough because they're looking at the trees and  
 10 scenery and the river. If the water is up, you've  
 11 got to be paying attention, you can't be driving 55  
 12 there. That's why they sign it for 25.  
 13 MS. DUXBURY: I know you would have to pay  
 14 me a whole lot of money to get me to fly across  
 15 that at 55. I don't even know if that would do it.  
 16 MR. GLASOE: I wouldn't be going that  
 17 fast, either. You could do it, I think. I  
 18 wouldn't want to do it.  
 19 MR. SCHRADER: To answer your question,  
 20 there's flexibility with design speed versus posted  
 21 speed, and I know the State Department of  
 22 Transportation has adjusted their speed limit and  
 23 design speed on state highways through the Badlands  
 24 to minimize impacts and minimize slides, the slopes  
 25 sliding down. So there is the flexibility even on

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1 state highways to look at the design speed that  
 2 best fits the area.  
 3 MR. KRIEG: To expand on that a little  
 4 more, you're coming into a hazard condition, it's  
 5 no different than a sharp curve someplace, and any  
 6 time you have those, there's a reduction in speed.  
 7 It's more of an awareness, if you want to slow  
 8 down, if you want to maybe stop at times to see if  
 9 there is water across in a low water crossing of  
 10 some sort. You're approaching a hazard condition  
 11 so you want to reduce the speed.  
 12 MS. TURNBOW: The next item we have, if  
 13 there isn't more discussion on alternatives, is  
 14 some milestones for this project. And the next  
 15 time that we will convene as a group again would be  
 16 at -- to the defining methodologies for  
 17 alternatives analysis. And right now we have a  
 18 range of March to April of '07. And if the  
 19 schedule would happen to change at all, we would  
 20 send out the new schedule with a justification for  
 21 that to this group just so all of you are aware,  
 22 and we would definitely give you a lot of time  
 23 before we would schedule the next meeting to find  
 24 an open date. Then the agency and public  
 25 alternatives workshop are scheduled right now for

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1 July and August; the draft EIS for September  
 2 through October of '07; preferred alternatives/  
 3 level of design detail meeting, November through  
 4 December of '07; public hearing, January or  
 5 February of '08; and the final EIS, March-April of  
 6 2008.  
 7 So that's what the upcoming events are.  
 8 So the next time we would meet would be for the  
 9 defining alternatives analysis. Did you have a  
 10 question, Mark? Mark, did you want to say  
 11 something.  
 12 MR. SCHRADER: We have one more, the  
 13 record of decision.  
 14 MS. TURNBOW: Oh, I'm sorry. The record  
 15 of decision, May or June of 2008. Alexis.  
 16 MS. DUXBURY: I think this is one thing  
 17 that we might write in the letter, but we might as  
 18 well say it here because it's reaffirming itself in  
 19 my mind here, but it seems like this purpose and  
 20 need is so -- you could either look at it several  
 21 ways, but maybe thin or squishy or something like  
 22 that. It seems like before just moving into  
 23 looking at alternatives and level of design, there  
 24 really has to be kind of a regrouping to, you know,  
 25 take a tougher look at that.

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1 MS. TURNBOW: After the meeting --  
 2 MS. DUXBURY: Internally or externally,  
 3 but before we all come together and all of a sudden  
 4 we're talking about alternatives, I think there's a  
 5 time where feedback is needed on what the heck  
 6 really is the purpose and need. Does that make  
 7 sense?  
 8 MR. SCHRADER: The Corps of Engineers and  
 9 the Forest Service are cooperating agencies, so  
 10 they will be invited to help us, you know, define  
 11 the purpose and need or when we get it done to  
 12 review it; but as far as the participating  
 13 agencies, that -- if you want to make a request to  
 14 have the participating agencies -- another  
 15 opportunity to review it, the purpose and need,  
 16 once it's drafted or once it's documented, we could  
 17 consider that. I guess it wouldn't be my place to  
 18 say that we'll give you the choice. It will be up  
 19 to more than just me, but certainly we can consider  
 20 the -- your request to have -- if we do it with one  
 21 agency, I think we would like to do the group. But  
 22 if the agencies would like to request to review the  
 23 purpose and need again -- the agencies all will  
 24 have an opportunity to review the purpose and need  
 25 when it's in the draft environmental impact

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1 statement, but then you'll also have another inch  
 2 or inch and a half of documentation in there to  
 3 review at the same time. I guess if people are  
 4 interested in reviewing just the purpose and need  
 5 when it's done, we can consider that. I guess I  
 6 can't commit to that for the county and state as a  
 7 group, but we can certainly consider that request  
 8 if it's what the agencies would like to see.

9 MR. PICHA: I guess I would concur with  
 10 that thought about -- if you're using a March-  
 11 April 2007 and you're labeling your milestone  
 12 defining methodologies for alternatives, I think it  
 13 is critical, like a number of people have brought  
 14 up, that the purpose and need is as clearly  
 15 identified as possible to be in alignment with the  
 16 project alternatives must meet the purpose and  
 17 need. You're sticking the cart before the horse,  
 18 you know, or at least they should be in tandem  
 19 rather than not being in tandem, which I think -- I  
 20 might be wrong, but could reasonably argue.

21 MS. TURNBOW: We have to really look at  
 22 our schedule. We actually talked about that this  
 23 morning that we may have to adjust our schedule,  
 24 and if we do, we will let everyone know. That's a  
 25 very good point that we might have to push back the

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1 methodologies meeting for sure.

2 MS. DUXBURY: Well, as part of this input  
 3 process now, I thought in your cover letter  
 4 essentially you're looking for two kinds of things,  
 5 purpose and need input or feedback, and also on  
 6 your -- I forget what you call it. I'm sorry.

7 MR. SCHRADER: Range of alternatives.

8 MS. TURNBOW: Alternatives.

9 MS. DUXBURY: No, not range of  
 10 alternatives, but actually on the coordination  
 11 plan, itself. I think that was part of what you  
 12 were looking for.

13 MR. SCHRADER: The coordination plan is  
 14 completed as of this time. It can change as the  
 15 timelines change because the coordination plan has  
 16 timelines, but this meeting, this gathering is for  
 17 purpose, need and the range of alternatives, and  
 18 that's where the comments on looking further north,  
 19 north of the Billings County-McKenzie County line  
 20 is perfect timing for that type of comment to what  
 21 range, where are we going to look at for  
 22 alternatives, how far do we evaluate. But the next  
 23 -- the level of design, preferred alternatives -- I  
 24 guess next is defining methodologies. The purpose  
 25 and need should be completed before we define the

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1 methodologies, and looking at timelines we are just  
 2 starting the purpose and need now. If we can't  
 3 make April of 2007, we will have to adjust the  
 4 schedule to complete the purpose and need, share  
 5 that with the agencies at the defining  
 6 methodologies for alternatives workshop or meeting.  
 7 So we will certainly take your comments, but if you  
 8 see a change in schedule, don't be surprised  
 9 because we have to rethink where we're going and  
 10 when we're going to get there.

11 MS. TURNBOW: Dan.

12 MR. CIMAROSTI: U.S. Army Corps of  
 13 Engineers is neither a proponent nor opponent of  
 14 this project. We simply have to ensure that any  
 15 project that's permitted, if there's a discharge of  
 16 fill in water of the United States, complies with  
 17 the Section 404(b)(1) guidelines. If an individual  
 18 permit is needed, we can only permit the least  
 19 damaging practicable alternative. So it's  
 20 important that --

21 MS. TURNBOW: The purpose and need.

22 MR. CIMAROSTI: And Patsy Crooke is the  
 23 project manager.

24 MS. TURNBOW: All right.

25 MS. CROOKE: Thank you, Dan.

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1 MS. TURNBOW: That's all we have for this  
 2 little presentation, and so we have questions and  
 3 answers and discussions, we'll just move on right  
 4 into that. Bill.

5 MR. BICKNELL: I did have one general  
 6 observation about the process. There have been  
 7 some comments about not having the purpose and need  
 8 and that we're not accustomed to that, it's a  
 9 little confusing. I really appreciate this meeting  
 10 and the way it's been conducted. What I think it  
 11 does, it gives a far broader understanding of the  
 12 project upfront, before going back and preparing  
 13 comments. It gives you the opportunity to, I  
 14 think, be more engaged in a joint, loosely-knit  
 15 team process to try to come up with the most  
 16 reasonable answer to an issue. So while we're  
 17 accustomed to having purpose and need in hand, even  
 18 though that may be somewhat uncomfortable, I  
 19 appreciate the effort that's been put into this and  
 20 the explanation. Thanks.

21 MS. TURNBOW: Thanks, Bill. We have the  
 22 public scoping meeting this evening. That starts  
 23 at five o'clock, so if you would like to stay and  
 24 participate in that, that would be great. And it's  
 25 in this room, so we're not moving locations.

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1 MR. KRIEG: Jen, it seems like we kind of  
 2 left that hanging a little bit on the purpose and  
 3 need and development of it. Is it the intent now  
 4 then we're going to try and get together again  
 5 after we either have it fairly well knit, or are we  
 6 going to do that through mail or are we going to  
 7 have a meeting? It seemed like we kind of --  
 8 there's some opposition there and it seemed like  
 9 maybe some indicated the schedule was a little  
 10 aggressive. Do we have any thoughts in that  
 11 direction -- on any part, I guess?  
 12 MR. SCHRADER: I know Alexis said for Game  
 13 and Fish that they would like an opportunity to  
 14 review purpose and need prior to coming to the next  
 15 meeting where we're defining methodologies to  
 16 analyze alternatives. Are there any other agencies  
 17 that also would like to have another opportunity  
 18 before our next meeting to review the purpose and  
 19 need after it's in a draft stage or when it's  
 20 closer to being final?  
 21 MS. NAYLOR: National Park Service would  
 22 like that opportunity.  
 23 MR. BICKNELL: I certainly would. I think  
 24 you've got everybody's e-mail address. It can just  
 25 be sent out in draft, here's what the team has come

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1 up with, we think this covers the subject. It's  
 2 not going to be very long, provide a short turn-  
 3 around time for input.  
 4 MR. SCHRADER: Would two weeks be  
 5 sufficient for turn-around time? That was not in  
 6 our coordination plan as far as the 30-day comment  
 7 period for those items. If we did this via e-mail,  
 8 electronic version, would everyone be okay with two  
 9 weeks for a review period for that particular  
 10 e-mail for the purpose and need? Because it  
 11 shouldn't be a lengthy, multipage document.  
 12 MR. BICKNELL: I'm thinking this is a  
 13 paragraph at most and I think two weeks --  
 14 MR. SCHRADER: Two paragraphs.  
 15 MR. BICKNELL: I would think two weeks  
 16 would be plenty.  
 17 MS. LARES: Are you looking more for all  
 18 of the data that supports the purpose and need, or  
 19 are you just looking for a redefined paragraph?  
 20 You want the data; right?  
 21 MS. CROOKE: Yeah.  
 22 MS. LARES: You want the purpose and need  
 23 chapter, so to speak -- a draft chapter?  
 24 MS. DUXBURY: Well, I'm a little lost  
 25 because early in the discussions when we were

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1 talking about it, we were talking about what kind  
 2 of traffic do you have and how many people go here  
 3 and here, and the answers were we haven't studied  
 4 it yet, but it seems to me that some of that lends  
 5 itself to how big to define the purpose and need.  
 6 MS. CROOKE: I agree on that and I think  
 7 that's going to need more than two weeks to get  
 8 that information done, so --  
 9 MR. SCHRADER: For you to review it or for  
 10 us to --  
 11 MS. CROOKE: Well, again, it depends on  
 12 when you give it to us to review, is it going to be  
 13 before the studies or after the studies. And, I  
 14 agree, I would like to see that data supporting  
 15 what you're going to come up with, because as  
 16 Alexis alluded to, that's going to depend on  
 17 traffic counts, what kind of traffic and all the  
 18 studies that go along with that. I would be  
 19 interested in seeing that, too.  
 20 MS. TURNBOW: So essentially the purpose  
 21 and need chapter then?  
 22 MR. KRIEG: I think that's where, as the  
 23 project team, we got into some discussion early on.  
 24 When we sat down and said what do we want to do at  
 25 this meeting, you know, do we bring what we feel

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1 should be the purpose and reevaluate that or do we  
 2 just leave it open, we can't bring our thoughts in,  
 3 let's get everybody's thoughts. But one of the  
 4 things that we looked at is, you know, we could  
 5 probably come up with some of the crossing areas  
 6 and pinpoint those areas as ranges or certain areas  
 7 where we think are high probability of something  
 8 that might work. You know, in essence right now if  
 9 we start doing that, we would have to do traffic  
 10 counts anywhere from north of the park to wherever  
 11 we go, and it would be nice to try and narrow this  
 12 down some. I mean, the same with cultural  
 13 resources. We don't want to do cultural resources  
 14 all the way up and down the river before we narrow  
 15 down some project areas. I don't know if this  
 16 discussion is leading back to trying to finalize  
 17 some more defined routes where we can get into a  
 18 little more detail on some of these areas or not.  
 19 MR. SCHRADER: I guess I don't necessarily  
 20 have an answer for you at this time because -- this  
 21 is our first time going through this new process.  
 22 We're used to doing a solicitation of use letter  
 23 and then giving you a draft EIS, and now we're  
 24 including you in more steps, but how far do we take  
 25 the purpose and need before we go to the defining

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1 methodologies? Do we write the chapter in the  
 2 document and then move to the next step? We're  
 3 still trying to decipher how we're going to  
 4 proceed. But we value the comments on everyone  
 5 wanting to view things, and we'll let you know,  
 6 whether through e-mails or through a letter, what  
 7 our plan will be. I think as a team we'll have to  
 8 sit down and decide with these comments how do we  
 9 want to proceed from here.

10 MS. TURNBOW: And the purpose and need is  
 11 just a little bit -- I'm going over what Mark  
 12 said -- is supposed to be refined, too, as the  
 13 project goes on a little bit, as we get new  
 14 information or we find new things or as a study  
 15 comes to a close and we develop new information.  
 16 So the purpose and need, I mean, is never just  
 17 we're going to write this draft right now and  
 18 that's all that it's going to be because it has to  
 19 evolve over the course of the project. So we need  
 20 to keep that in mind, too. Jesse.

21 MR. HANSON: Maybe I oversimplify stuff,  
 22 but isn't the purpose and need just simply what we  
 23 hear, here is 85 miles between two crossings you  
 24 can get across the river all the time on,  
 25 contemporary traffic -- increased contemporary

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1 traffic in the Badlands according to Billings  
 2 County has indicated a desire to put another  
 3 crossing somewhere between there. The purpose and  
 4 need according to Billings County is that increased  
 5 oil, livestock, emergency services crossing. That  
 6 to me and what has Bill said, that's a simple  
 7 paragraph or two, purpose and need. Doesn't the  
 8 EIS then sort out all of the things as to whether  
 9 or not the purpose and need is valid, then comes  
 10 the traffic counts as far as where is the oil and  
 11 gas activity, where is it projected to be, where is  
 12 the best river crossing, where is the least  
 13 environmental impacts?

14 MS. TURNBOW: Yes.

15 MR. HANSON: So I would think that purpose  
 16 and need is that simple two-paragraph thing, that  
 17 we're kind of honing in on that.

18 MS. TURNBOW: Dan.

19 MR. CIMAROSTI: I agree with everything  
 20 Jesse said. Traffic counts at this point aren't  
 21 necessary. You can get your traffic counts on  
 22 these different areas. What you're looking for is  
 23 getting traffic from one side of the river to the  
 24 other. Does it matter if a hundred people use the  
 25 north route and two people use the south route,

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1 it's a more environmentally -- it's less damaging  
 2 in terms of the south route. People will come.  
 3 They will drive to the south route. Those issues  
 4 you're talking about, the traffic, those can be  
 5 more refined. The big thing right now from what  
 6 this says, get traffic from one side to the other  
 7 for these purposes, but how often do you need it?  
 8 Do you need it ten months out of the year, do you  
 9 need it twelve months out of the year, six months  
 10 out of the year? And I think Jesse is right on on  
 11 this one. The purpose is getting traffic from one  
 12 side to the other and then how often do you need it  
 13 and for what purposes, emergency services, oil,  
 14 gas, that.

15 MS. TURNBOW: Alexis.

16 MS. DUXBURY: Well, I think some of it is  
 17 kind of your perspective. I mean, you're coming in  
 18 with the perspective of the Corps of Engineers and  
 19 your permitting deals with getting --

20 MR. CIMAROSTI: There's no deal. There's  
 21 no deal.

22 MS. DUXBURY: I didn't mean that kind of  
 23 deal. What you're accustomed to addressing is a  
 24 river crossing, per se.

25 MR. CIMAROSTI: That's what this is.

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1 MS. DUXBURY: Federal Highway is  
 2 accustomed to developing a project from one termini  
 3 to another, which is 85 to 16. So they're quite  
 4 different from federal agencies' views on what --  
 5 you know, as to what is the project or even --

6 MR. CIMAROSTI: I think that's what Jesse  
 7 said, though, getting traffic from one side to the  
 8 other, from 16 to 85. Right?

9 MR. SCHRADER: Then the EIS will go into  
 10 detail to support the project, the purpose and  
 11 need, the impacts, the traffic. That's all in the  
 12 body of the EIS, but purpose and needs, generally  
 13 our guidance is to keep them short and to the  
 14 point, without going into -- long purpose and needs  
 15 are not -- are not what we try to have. It's short  
 16 and concise. Actually, I wish I had a pen writing  
 17 what Jesse said when he said it because from what  
 18 I'm gathering, it is the purpose and need. But it  
 19 will have to be supported. It does have to support  
 20 that. The appendices will have to have the traffic  
 21 in, but we're too early in the game to develop  
 22 those studies.

23 MS. DUXBURY: A lot of times some of those  
 24 data -- like when I was talking about how much  
 25 traffic goes on Highway 16, I would have thought

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1 that that's so fundamental, that would just be --  
 2 it's a known. Now, I didn't ever stop to think  
 3 that, you know, we don't in North Dakota know what  
 4 our traffic loads are on our state highways. I  
 5 mean, it never crossed my mind. But, see, I  
 6 thought you were talking about one side of the  
 7 river to another. He's talking about one highway  
 8 to another.

9 Kind of going back to some of the points  
 10 you brought up earlier, though, is that you were  
 11 talking about how many crossings are needed. I  
 12 mean, for example, I'm just trying to think -- and  
 13 there's no information presented so I'm not saying  
 14 it's one way or another. I'm not saying anything.  
 15 But if you go from the interstate south to the next  
 16 nearest crossing, which is Three V, how far is  
 17 that? I don't know. And is that -- if that's  
 18 enough, then is that the barometer for what's  
 19 needed north, or are you using a different way of  
 20 looking at it? If you need -- I mean, do you need  
 21 a crossing -- I mean, that's where you get into how  
 22 many miles distance do they need to be, if that's a  
 23 criteria; if it's the traffic, is that the  
 24 criteria? Is it coming down to Billings County  
 25 just feels it should have a crossing? You know,

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1 other counties have a crossing, maybe they feel  
 2 that they need a crossing. I don't know, you know.

3 MR. BENNING: State highway is every three  
 4 years. So when we develop the CIS, we want to just  
 5 make sure we get the most accurate information.

6 MS. DUXBURY: So you've got tons of data?

7 MR. BENNING: Every three years we count.

8 MR. SCHRADER: But the purpose and need is  
 9 the same, we have 1500 cars here, five of them  
 10 cross this crossing, four of them -- the purpose  
 11 and need needs to be more -- shorter and more  
 12 simplified than we're looking to cross 50 cars a  
 13 day, we want to cross a hundred cars a day, you  
 14 know, there is 85 miles without a crossing. The  
 15 purpose of this EIS -- it's not a project yet --  
 16 it's an environmental impact statement -- is to  
 17 evaluate a crossing, whether it's low water  
 18 crossing or a structure, to accommodate traffic  
 19 percent of the days. It's -- the reason for this  
 20 document is the purpose and need, the reason we're  
 21 carrying this document forward is for this reason,  
 22 and then we take the -- the alternatives have to  
 23 meet that purpose and need to be carried forward.  
 24 So the information you're looking for would be  
 25 developed at a later date, but in developing

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1 purpose and need, we don't want to write half the  
 2 document to develop the purpose and need so we can  
 3 move forward.

4 MS. CROOKE: But at the same time you want  
 5 to remember that your purpose and need is going to  
 6 closely tie what your alternatives are, too. You  
 7 don't want to define it so narrowly to exclude  
 8 those that may be preferred alternatives.

9 MR. SCHRADER: Exactly. We don't want to  
 10 exclude the areas, the types of crossings. I think  
 11 we are excluding driving through the water. I  
 12 think everyone is satisfied with not evaluating  
 13 that because that's what's currently existing and  
 14 that's not --

15 MS. CROOKE: So getting back to the  
 16 purpose and need then, some of the data that you  
 17 need to define what that is is going to be  
 18 necessary so that you're not excluding your  
 19 alternatives?

20 MS. BRETT: It's really an interim  
 21 process. You know, it's an interim process  
 22 throughout. We can start out with the purpose and  
 23 need and use that to help develop alternatives, and  
 24 then something that we learn while we're developing  
 25 the alternatives may tie back in and alter our

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1 purpose and need a little bit, and then when we  
 2 start looking at impacts, that may lead us to rule  
 3 out or introduce new alternatives that we hadn't  
 4 seen at the beginning. So really once we have a  
 5 draft EIS, we've probably gone back and forth and  
 6 tweaked or changed or added to all of the chapters  
 7 a few different times, you know, as it develops.

8 MS. TURNBOW: Paul.

9 MR. PICHA: I think -- I'm not speaking  
 10 for anyone else. As Dan said, we're not a  
 11 proponent or opponent of this project, but the  
 12 purpose and need needs to be sufficiently clear  
 13 and -- I can't remember what Alexis said -- a  
 14 little less wishy-washy than it currently is,  
 15 because for exactly the reason that Dan brought out  
 16 before, the way it's stated now, we do have -- it  
 17 does meet the need of the project right now as  
 18 currently defined, and that's the important point  
 19 to remember. I think that's all we're seeking, is  
 20 a little more clarification on this. And that's --  
 21 I guess that's my comment.

22 MS. BORCHERT: So what you're saying is  
 23 there isn't a purpose and need defined. There's  
 24 some ideas. You're looking for the couple of  
 25 paragraphs saying, okay, this is our purpose and

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1 need?

2 MR. PICHA: Yes.

3 MS. BORCHERT: So you have an opportunity

4 to think about that, what that is saying to offer

5 comments?

6 MR. PICHA: Right.

7 MR. SCHRADER: I think as a team we would

8 like -- that's what we would be looking at, what we

9 have been hearing today, put it into actually a

10 written final version and send it out as a draft

11 for review and the data -- the traffic counts, the

12 traffic data is something that will be determined

13 at a later date, and if it doesn't support it, then

14 we have to go back to the drawing boards and modify

15 purpose and need or modify the alternatives. I

16 guess from what we're hearing, we feel we have

17 enough to move forward to do a draft purpose and

18 need, but until the EIS is a draft EIS, the purpose

19 and need could still be modified at a later date.

20 We just want to get something in writing to move

21 forward to the next step of analysis, but purpose

22 and needs generally do modify during the EIS stage.

23 As we're determining the traffic and the oil wells,

24 the people living in different areas, the school

25 bus routes, there's a lot of thing for us to look

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1 at between here and when a draft EIS is published.

2 And what they want to do, the agencies that want to

3 keep in touch, keep on top of this is to see what

4 we can do to keep you in the loop. We have a

5 minimum required involvement that we have to

6 involve the agencies with, but going above and

7 beyond that, there's nothing prohibiting us from

8 getting more information and working more closely

9 with the agencies.

10 MS. TURNBOW: Curt.

11 MR. GLASOE: I guess I'm a little confused

12 on how the data is going to be utilized and what

13 it's going to be good for to know what's on 16 and

14 what's 85. I think it's immaterial. All our

15 resource plans are driven by resources, okay,

16 whether it's oil and gas or timber or agriculture.

17 It doesn't have anything to do with how much

18 traffic is on the extremities. It's what you got

19 in the middle here. Now, how do you -- you either

20 develop it or you don't develop it to get that

21 transportation system in place. And so you've got

22 20,000 or you've got 22,000. Who cares? But the

23 thing is now what you got here, and you got to deal

24 with it, as to what is going to be the future and

25 how it's going to be utilized and put that in the

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1 purpose and need. The extremities is really

2 something, but it will stay the same. It won't

3 change unless you change something in your plan

4 that you're going to go forward with.

5 MS. TURNBOW: Right.

6 MR. BENNING: Who gives final approval on

7 the draft EIS?

8 MR. SCHRADER: With the cooperating

9 agencies, I believe. Federal Highway would be the

10 signature.

11 MR. BENNING: Who from Federal Highway

12 gives the signature?

13 MR. SCHRADER: Al Radliff. With the Corps

14 as a cooperating agency and the Forest Service as a

15 cooperating agency, we wouldn't -- I don't believe

16 we would move forward without their concurrence on

17 the document, as well. I think that's what we

18 would be looking for. Not that they concur with

19 the project, but our document has to meet their

20 standards so they would be allowed to adopt it if

21 they so choose.

22 MR. BENNING: Do all the elements in that

23 document have to be approved by --

24 MR. SCHRADER: Something to say that. Not

25 that they approve the project or they concur with

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1 the project, but they concur with the documentation

2 in the environmental impact statement that it meets

3 their requirements for analysis.

4 MS. TURNBOW: Does anyone else have any

5 other questions or comments? Susan.

6 MS. QUINNELL: This is a very small

7 comment about a very small thing. On this

8 unimproved river crossings map it explains in the

9 legend down here what a secondary road is -- the

10 black lines are. It doesn't explain what the

11 difference is between the black line and the red

12 line, so it would be interesting to know what

13 happened to these Blacktail, et cetera, and why

14 they're red and not black.

15 MR. ARTHAUD: Your red lines are your

16 major collectors. Your black lines are a secondary

17 road. So your red lines are your Blacktail, your

18 Magpie, your East River Roads. They are the most

19 heavily traveled roads in our counties. Then the

20 black lines leading to them are just roads that go

21 to ranches or to oilfields. Two different

22 standards of roads.

23 MS. QUINNELL: Just some explanation of

24 what's black and what's red.

25 MS. BRETT: We can add that to the legend.

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1 That's a good point, Susan.  
 2 MS. DUXBURY: Are the black points all  
 3 public roads then? Is that what I can basically  
 4 assume?  
 5 MR. ARTHAUD: Yes.  
 6 MS. DUXBURY: Is that the full extent of  
 7 the public roads? I know it's not the  
 8 right-of-ways and it's not section lines.  
 9 MR. ARTHAUD: I would say that in that  
 10 quadrant there that would be a pretty good  
 11 representation of Billings County's roads.  
 12 MR. GLASOE: I would be careful to use the  
 13 word "trail" because Forest Service, everything 50  
 14 inches or less is a trail. So we call them two-  
 15 track trails or section line trails or whatever in  
 16 North Dakota, but there is a difference between a  
 17 trail and a road --  
 18 MS. TURNBOW: Right.  
 19 MR. GLASOE: -- and the different types of  
 20 vehicles you can use on them, so --  
 21 MS. SCHWENKE: I've just got a question on  
 22 the timeline and kind of the next steps with our  
 23 reply to you, March 26. From the information from  
 24 these meetings, the meetings with the public and  
 25 the March 26 reply, I'm assuming that's the

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1 information that will be taken and start to refine  
 2 that purpose and need more? Is that the point  
 3 where you will be involving the cooperating  
 4 agencies in meetings to do that?  
 5 MR. SCHRADER: That was what I was going  
 6 to propose to the Forest Service and to the Corps  
 7 of Engineers, since they're cooperating agencies,  
 8 if they wanted to have additional meetings so we  
 9 could be assured that this document is following  
 10 the standards and the requirements for an  
 11 environmental impact statement for both of your  
 12 agencies, because I know different federal agencies  
 13 have different requirements and standards for  
 14 documentation, and we want to make sure we're  
 15 following all three of our agencies' requirements  
 16 as we move through the process. So I was going to  
 17 talk to you, Patsy and Dan, sometime maybe after  
 18 this meeting. But I would propose to the group  
 19 that's writing the EIS that we start inviting a  
 20 representative from the Forest Service and the  
 21 Corps of Engineers to the meetings or to share the  
 22 early drafts with our cooperating agencies to make  
 23 sure we're following your requirements.  
 24 MS. DUXBURY: One thing I have a question  
 25 on at this point, can you just clarify to me at

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1 this point with the state and federal agencies and  
 2 the county who amongst all those are project  
 3 proponents? I mean, are the cooperating agencies  
 4 project proponents? Are you a project proponent?  
 5 I'm not even sure where this is setting. Who are  
 6 the proponents? Who is just in the mix?  
 7 MR. SCHRADER: We're all mix. We're all  
 8 participating agencies on the EIS process, where  
 9 the Forest Service and the Corps of Engineers are  
 10 cooperating agencies because if this project goes  
 11 through, they would have the ability to use this  
 12 EIS for their federal action. If this project  
 13 would require a 404 permit, the Corps of Engineers  
 14 has to go through the NEPA process, and so they  
 15 didn't have to go through the NEPA process separate  
 16 from us, they're cooperating agencies to help us  
 17 make sure that the document written fulfills their  
 18 needs for level of analysis and looking at the  
 19 alternatives, looking at the impacts, so the Corps  
 20 of Engineers could give a -- could do a federal  
 21 action and utilize Federal Highway's environmental  
 22 impact statement for their NEPA approval. And the  
 23 same with the Forest Service. There's a lot of  
 24 Forest Service property in this area, so we may --  
 25 the project may require a Forest Service easement,

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1 which would be a federal action on their behalf, so  
 2 they would require NEPA approval, or the National  
 3 Environmental Policy Act approval, for their  
 4 action, so that's why they're a cooperating agency,  
 5 so they would have the ability to utilize the same  
 6 EIS as their NEPA -- as their NEPA approval for  
 7 their action. But that doesn't make them a  
 8 proponent or opponent. When the invitations for  
 9 participating and cooperating agencies were sent  
 10 out, it was clearly defined in the invitation that  
 11 by accepting a cooperating or participating agency  
 12 status, it is by no means saying you're an opponent  
 13 or a proponent. You're just a -- you're working  
 14 with us to develop the process, whether you support  
 15 the project or don't support the project.  
 16 MS. DUXBURY: What about among the lead  
 17 agencies then, are they proponents? You're a lead  
 18 agency. Is a lead agency a proponent?  
 19 MR. SCHRADER: I guess I consider myself  
 20 here for the process.  
 21 MS. DUXBURY: Process.  
 22 MR. CIMAROSTI: Compliance.  
 23 MR. SCHRADER: Process compliance with the  
 24 environmental impact statement or with NEPA  
 25 compliance. The county, I would say, is the

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1 proponent because they proposed the project, and  
 2 the State DOT is the recipient of federal funds, so  
 3 they are required to be the lead agency on behalf  
 4 of the county, so the State DOT, I would say, is  
 5 neither a proponent nor opponent of the project.  
 6 They're here because they're required to be because  
 7 they are the recipient of the federal funds from  
 8 federal highway.  
 9 MS. TURNBOW: Dan.  
 10 MR. CIMAROSTI: Mark, there's certain  
 11 agencies that have responsibilities under law. If  
 12 Billings County comes to the Fed Highways and the  
 13 State and says we're no longer interested in a  
 14 crossing, is the State and Fed Highways still going  
 15 to come back and say we need a crossing?  
 16 MR. SCHRADER: Federal Highway I don't  
 17 believe would. I can't speak for the State, I  
 18 guess.  
 19 MR. CIMAROSTI: Sheri, do you think the  
 20 State would come back and say we need a crossing?  
 21 MS. LARES: I don't believe so.  
 22 MS. TURNBOW: Then Billings County is the  
 23 positive proponent.  
 24 MR. SCHRADER: The State DOT is simply  
 25 here because they're required to do -- to play this

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1 part.  
 2 MR. CIMAROSTI: Right.  
 3 MS. TURNBOW: In the coordination plan it  
 4 lists the lead and cooperating and participating  
 5 agencies along with the rules and responsibilities  
 6 of each, so it's in your copy of the coordination  
 7 plan, if anyone has any questions about that.  
 8 MR. KRIEG: Again, I just want to  
 9 reiterate that, you know, we're all here just to  
 10 try and make this thing -- see what happens with  
 11 it. If it turns out to be a no-go, that's what it  
 12 is. We just want all the agencies' input upfront  
 13 because I think some of the things in the past, be  
 14 it other projects or whatever, you know, have gone  
 15 down and done -- basically went through the whole  
 16 process, then all of a sudden right at the end  
 17 there's the red flag. You know, opposed or not  
 18 opposed, I think we're just trying to create a team  
 19 atmosphere here, and I'm hoping that's what we  
 20 accomplished.  
 21 I guess my last comment is, you know, it's  
 22 not this easy to get that many agencies involved on  
 23 one given day at a certain time here, so from our  
 24 team, we want to thank everyone that came. And,  
 25 again, we're going to have meetings in the future

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1 and we just hope that you guys will be as  
 2 accommodating as you did for today because it's not  
 3 easy, like I say, when we get these different  
 4 agencies involved. It's really tough. If you guys  
 5 can set aside some of your schedules or maybe tweak  
 6 them a little bit to accommodate some of this, that  
 7 really helps us out a lot. We really appreciate  
 8 that. Thanks for your effort on that.  
 9 MR. BICKNELL: With the understanding the  
 10 more notice you can give us, the easier it is to  
 11 wedge things in.  
 12 MS. TURNBOW: Does anyone have anything  
 13 else? We don't have to adjourn the meeting. I was  
 14 just --  
 15 MR. KRIEG: What time are we supposed to  
 16 be off, 3:45?  
 17 MS. TURNBOW: Yeah. What time is it?  
 18 MR. KRIEG: I got about 3:30. There's pop  
 19 and cookies.  
 20 MS. TURNBOW: Yeah, there's pop and  
 21 cookies. We'll be here because we're not leaving  
 22 because we're meeting here at five.  
 23 MR. SCHRADER: Again, thanks, everyone,  
 24 for attending today and we really value the  
 25 conversations and the opportunity to listen to the

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1 agencies that we had today. We look forward to  
 2 hearing more in the future.  
 3 MS. TURNBOW: Thank you very, very much.  
 4 (Concluded at 3:33 p.m., the same day.)  
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1 CERTIFICATE OF COURT REPORTER

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3 I, Denise M. Andahl, a Registered

4 Professional Reporter,

5 DO HEREBY CERTIFY that I recorded in  
6 shorthand the foregoing proceedings had and made of  
7 record at the time and place hereinbefore  
8 indicated.

9 I DO HEREBY FURTHER CERTIFY that the  
10 foregoing typewritten pages contain an accurate  
11 transcript of my shorthand notes then and there  
12 taken.

13 Bismarck, North Dakota, this 20th day of  
14 March, 2007.

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Denise M. Andahl  
Registered Professional Reporter

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