IN THE MATTER OF

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

TRANSCRIPT OF

ALTERNATIVES PUBLIC WORKSHOP

Taken At
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BEFORE KADRMAS, LEE & JACKSON
(The proceedings herein were had and made of record, commencing at 5:15 p.m., Tuesday, July 22, 2008, as follows:)

MS. TURNBOW: I'd like to get started and welcome everyone for coming out this evening. This is for the Little Missouri River crossing environmental impact statement. And I would just like to do some quick introductions tonight. I'm Jennifer Turnbow with Kadrmas, Lee & Jackson, and along with -- we have some members from KLJ here. We have Becky Rude sitting right here in the front, Wade Frank, Craig Kubas, we have Charlotte Brett, who's sitting at the sign-in table, Jerry Krieg in the back, and Troy Ripplinger was here, so he'll be coming back. I'm sure. And then we also have representatives here from the North Dakota Department of Transportation and the Federal Highway Administration.

And with that, I will get started with tonight's presentation. We're just going to do a quick -- we'll do a quick overview of what we're going to be discussing, and that would be we're going to talk about the purpose and need, alternatives development, roadway alternatives, structure options, kind of what's the next step in
the process and the project schedule and then we can go to some questions and comments.

So just to first get started, an environmental impact statement was initiated for a proposed roadway river crossing in conjunction with upgrading existing roadways to connect east river to west river from North Dakota Highway 16 to U.S. Highway 85. The Little Missouri River crossing environmental impact statement project was initiated in a federal -- a notice of intent was filed in The Federal Register on October 12th, 2006.

And here is a graphic of the study area. Basically the study area includes everything between the two units of Theodore Roosevelt National Park between 16 and 85, and it excludes the Elkhorn Ranch of the National Park Service.

Last March we held a lot of public and agency scoping meetings, and at that time we were seeking input on defining the purpose and need and the range of alternatives, and a lot of times at that meeting we heard that the study area needed to be expanded to include McKenzie County, and that was one of the reasons why the study area was expanded.
Just to give a quick overall purpose of this proposed project, it's to provide for the safe and efficient movement of people and commerce. And then specifically the purposes are to improve the transport of goods and services within the study area; to provide the public with a centrally accessible, safe, efficient, and reliable link between Highway 16 and U.S. Highway 85, and we often refer to that as system linkage; also, to connect the transportation network on the east side of the Little Missouri River to the transportation network on the west side, we refer to that as internal linkage; and, also, to accommodate a variety of vehicles ranging from two-wheel-drive passenger vehicles to also sorts of commercial, agricultural and industrial equipment.

As far as more of the need is concerned, it's to meet a variety of socioeconomic needs, and that is fire management, industry, which includes agriculture, oil and gas, and recreation and tourism.

And I just kind of wanted to quick back up. The last time that we came to the public was with the scoping meetings, and at that time we did not have a defined purpose and need, and what we
did is we took a lot of the input from the agencies and the public and we were able to have a more defined purpose and need, but we need to remember that a purpose and need is a living document and it may and should evolve throughout this environmental process. So I'm going to go through the need, but it may evolve throughout time, and tonight the bulk of our presentation will be about the alternatives and the structure options.

And with that, we'll jump right into fire management. Now, this graphic displays basically the 10 fire districts within the study area, and the different colors just represent those 10 different districts. And between 2003 and 2007, 142 wildfires were recorded in the study area, and I think, as most of you know in this room, that this area is pretty well-known for its fire potential, and the U.S. Forest Service has primary jurisdiction over wild land fires in the area and definitely over the U.S. Forest Service property. There's an average of about 600 wildfires that burned over 8,080 acres. And what we found in sort of our data collection is that these fire districts within the study area, they receive mutual aid and they also give assistance, so it's both. They're
helping each other out within the study area.

Agriculture. I just wanted to point out what's in the graphic. This white area is basically the farm service land, and I know it's kind of hard to see, but there's some dots within the study area and those represent farms or ranches. Approximately about 34 percent of Billings and Golden Valley and McKenzie County is for agricultural land, and the number of farms is decreasing, but the size of farms is increasing, and these farms and these ranches usually use fords, and the larger areas to manage creates higher farm-to-market costs.

For oil and gas, in 2006 approximately 348 drilling permits were issued in the state. North Dakota produces approximately 2 percent of the nation's crude oil and it ranks ninth in its crude oil production. North Dakota has had two booms — oil and gas booms, and we're presently probably in a third boom. And basically in the area one of the concerns is the lack of system linkage within the study area.

And the last need for the project is recreation and tourism, and I'll just point out again on the study area map, the green represents
Forest Service land, the light green is National
Park Service land, and this red sort of dashed line
represents the Maah Daah Hey Trail. And there is a
lot of tourism within the study area. We were in
Medora last week and that's also kind of a tourist
-- it is a tourist spot, and just sort of the
influx of tourists creates demands on the local
resources and we have heard that some of the
general public does want increased access to some
of these recreational opportunities in the study
area.

With that, we are going to touch base on
the alternatives development and Becky Rude will be
speaking about that.

MS. RUDE: All right. Well, as Jen said,
I'm just going to touch on the basic alternatives
development, and the first step in this process was
actually developing a methodology for developing
alternatives and evaluating them, and we did this
in a meeting with the lead and cooperating and
participating agencies in July 2007, and what we
came up with was a seven-step process.

And essentially what that is, the first
step is gathering data from resource agencies,
gathering it from state databases and using what is
called Geographic Information System to look at what's going on in the study area. The second step in that process was identifying the desired roadway features for the alternatives that we would be developing. And then the third step was what roads in our study area actually meet those minimum roadway features. And the next step was what roadway links can we make across the river with these minimum roads that we have identified. And the fifth step was then doing a field review, and the sixth is doing field surveys, which we're currently doing some of those and have completed some of those, such cultural resources inventory, wetland delineations, and we'll be starting biological resource surveys on the alternatives that you can see over here, which Craig will talk about in a little bit more detail.

And this seven-step process was done using the best data available that we received from the resource agencies and that we collected on our own. So as I talked about in one of the steps, was identifying potential roadway links across the river, and these were the river corridors, and what we did is we had such a large study area, that we broke it up into zones to make it more manageable.
This was done based on the existing roadway network. And we did this with the approval of the lead and cooperating agencies and we developed four zones, and we put these four zones through a macro analysis, essentially, in really basic terms, we inventoried the resources in those zones and ranked them. And from that we eliminated two zones and carried forward two zones, and within those two zones we determined eight alternatives that would be feasible to build and then we did the process all over again. We did another macro analysis basically what's going on in these eight corridors that we have identified that would be possible to construct, and from this we met with the lead and cooperating agencies, showed them what we had developed and said, here's these three build alternatives, and they approved these for carrying forward in the process. And I would like to say that these are 500-foot corridors that you'll see. You can look in more depth after our presentation, and, again, Craig will be speaking to these alternatives in greater detail than I will, but these are 500-foot corridors, and these are also -- when I talk about these roadways that are -- I guess, would need little to no upgrading, we're
just looking at the river links. So these are --
there was some confusion last week at the Medora
meeting that we weren't actually connecting to
Highway 16 and Highway 85. We are through existing
roadways. These that you're seeing over here are
actually what would need to be reconstructed or
newly constructed roadways.

And we carried forward four alternatives.
One of these is what we call alternative A, or a
no-build alternative, and that would be what would
happen if the project would not be carried forward.
Basically it gives us a baseline condition to
compare our build alternatives against what's
currently out there.

And you can see on the screen B, C and D
are the alternatives that we're going to be talking
to you about tonight and, again, you can look at
them in greater detail over here. And with that I
will turn it over to Craig.

MR. KUBAS: Thanks, Becky. The first
alternative that we studied was alternative B.
It's approximately 10 miles long, and it connects
Blacktail Road on the west side to Blacktail Road
on the east side of the river. The two structure
a bridge and a low-water crossing.

And now I would like to take you through something we call a fly-through where we can take an aerial photo and follow through along this corridor. These are our three routes. The top route, the red route is route B. For a little reference, north is to the top of the page. The white ghosted-out area is what I refer to as the Eberts Ranch. The dark area in the middle is the Elkhorn Unit of the national park, and then here's route C and route D.

So right now we'll take a look at route B. Again, this is starting in Golden Valley County. This is Blacktail Road coming in right there. We can tilt the view to get a little perspective on the terrain that the road is going to follow through. This is following along a road that used to be called the Goldsberry Road, now I think some people refer to it as Beaver Creek Road, but it's following in general within this 500-foot corridor that Becky talked about following along an existing county road. And there's some areas that we might need to flatten out curves to meet the standards that Becky had talked about, the minimum design standards that we have, but in general we'll follow
this existing route, staying within that 500-foot corridor. We follow that road down to this intersection right here. At this point our route B will turn and head south for a couple thousand feet. At that point we're on the Little Missouri River bottom, following along an existing trail you can see right in the middle of our corridor, we come to a river crossing where Wade will talk a little bit more about the bridge and the low-water crossing that we're studying. For reference, this is Blacktail Creek here and Whitetail Creek going towards the top of the screen.

So our route as we cross the river, it's generally going to parallel Blacktail Creek the entire way from here on out, staying to the south and west, following in between a hill and Blacktail Creek, and the road here, you can see it picks up an existing road and it's following along that existing trail. Here it's skirting around the existing Eberts Ranch site, again, paralleling Blacktail Creek. At this point right here our road goes on a small realignment. The existing road hooks more to the west. We go straight through right here, hook back up with the gravel road and connect back up with the existing Blacktail Road.
If you followed off the top of the page, this is off towards Fairfield and this way goes back towards East River Road.

So if we zoom out again for some perspective, our route B is 10 miles long, approximately, the Eberts Ranch and the Elkhorn Unit.

Our next route we looked at, route C, is approximately eight miles long and it connects with Bell Lake Road on the west side and, again, with Blacktail Road on the east side. We're only studying one crossing option here, which is a bridge, and, again, Wade will talk about that.

And, again, we'll go through the fly-through for route C. And this is Bell Lake Road right here. Our other option was starting up there. At this point this is Bell Lake Road with the intersection of Beaver Creek Road again. Again, we're looking at a 500-foot corridor that our route would stay within, and it's generally following along this existing road, following along this ridge line, heading generally in an easterly direction here, it turns north and it intersects with another gravel road right -- right up here. At this point our route turns and heads to the east
and then drops down and, following along a road
again, follows along this draw. This is about a
mile and a half down to the river, at which point
we study a bridge for a river crossing right here,
crosses into the Little Missouri River bottom, up
over a hill and connects back up. And at this
point right here it's following out with the same
route that alternative B was following on as you
can see there. So, again, this route is
paralleling Blacktail Creek from this point out,
following along the existing gravel road, staying
within that 500-foot corridor, going through the
small realignment area, and then eventually
connecting up with Blacktail Creek Road right
there.

So, again, for some overview perspective,
this is alternative C. It's approximately eight
miles long.

Alternative D begins at the same point
that alternative C starts at, at Bell Lake Road and
Beaver Creek Road, and it connects with East River
Road on the east side of the river. We're studying
the bridge and the low-water crossing options at
this alternative.

And, again, we'll do the fly-through.
There's the beginning of route D. This is Bell Lake Road right here. And we'll spin around here just so we're kind of traveling the way we would be heading as we walk through this or fly through this alternative. We'll kind of spin around so we're facing towards the south here. Again, this is Bell Lake Road and, again, that same 500-foot corridor that we would be staying within, generally following along Bell Lake Road. This is about two and a half miles on Bell Lake Road to a point right here where it's not shown on the aerial photo, but there's a road constructed there right now, it's Forest Service Route 7089, and we'd follow that Route 7089, which follows along the ridge line for about a mile, and we follow that to a point right here where we drop down into a draw again and we stay -- it's hard to tell with the width of this, but we're staying to the north side of this draw. Here Dry Creek comes in. At this point our alignment will hook down into the river bottom, crossing Dry Creek right there. At this point we're staying on the river bottom, crossing the river, again, studying a bridge and a low-water crossing, and curving around this ridge and connecting back up with East River Road, which is
right here. This is East River Road heading
towards Medora and East River Road heading up
towards Blacktail Road.

If we zoom out again for an overview of
route D, this is approximately seven miles, with
the Elkhorn Unit and the Eberts Ranch. Again,
there's route C and route B.

And with that, I'm going to turn it over
to Wade to talk in a little more detail about our
structures.

MR. FRANK: As Craig said, generally we're
looking at bridge and low-water crossing
alternatives -- or options, I should say, with the
exception of at location C, which I'll talk about
in a little bit.

For the bridge alternatives, we're looking
at designing it to an elevation that would be above
the 25-year flood flow, and that's based on DOT
criteria for this classification of road. The
bridge would be designed using DOT and Federal
Highway standards. And our goal with the bridge
options is to try to get them to blend into the
surroundings as much as possible.

A low-water crossing is a little bit
different. They're designed basically just to
carry the normal flows in the river, and during heavy rain events or during spring runoff the water and river would actually go over the top of the structure and the road would be impassable for a period of maybe one to three weeks depending on the magnitude of the flood flows. So that could happen every year, it could be every two, three, four, five years. We don't really know, but that's the general purpose.

This is a photo of a low-water crossing called the 3-Vs low-water crossing, which is located in Slope County, and it just consists of basically a bunch of lines of concrete box culverts and the vehicles drive right on top. And as you can see, you need the terrain to be pretty low to the water on either side to make this feasible.

Because this one is in Slope County, it's quite a bit upstream from the crossing sites that we're looking at here, so for our options we're probably going to end up with quite a bit larger or more of these structures to handle the magnitude of the water. Here's a photo of what it looks like when the water goes over the top. And you can see you can't see the edge anymore, so it's just not practical to go across.
Typically on a bridge project when we estimate the length of a bridge, we're using some pretty detailed information, including survey data and hydrologic and hydraulic analysis. Because of the size of the study area that we're looking at so far, we've used some limited survey data, and the primary limitation that we have right now is we don't have any data across the river channel because last month when our surveyors were out, the river was fairly high from the recent rains that were falling in the area so they weren't able to get into the river. So as we move forward, if these stay viable and we continue to study them, we'll probably get more survey data so we can be more accurate with our bridge length determination.

As a starting point, we use the survey data that we do have and some existing information we have from a gaging station in Medora that tells us the depth and flow of the river during certain flood events.

What we came up with so far is for alternative B, a bridge length of about 600 feet, for alternative C, 1,050 feet and for alternative D, about 750 feet.

We have these boards in the back that we
can look at on an individual basis with anybody who has a question, but basically this is alternative B, and you can see the terrain on either side is fairly similar so that the bridge fits fairly well. What we're showing right now is the distance between there and there and there and there is about 200 feet, and those structures are referred to as piers, so the span between the piers is about 200 feet, and we did that to try to minimize the numbers of piers that would have to be constructed in the river to minimize potential impacts from that. As we move forward, that becomes somewhat of an engineering decision and a cost-balancing act, I guess, because the farther you put the piers apart, the bigger the beams need to be, and sometimes the beams can be more expensive and it's just a cost-balancing act. I just want to make the point that as we move forward, this may change, we may end up with more piers, but we'll determine that as we go.

Alternative C, the west side -- or I guess it would be the north side -- anyway, this side is 15 to 20 feet higher than that side, and that's why I said before that a low-water crossing isn't particularly feasible at this site, because we
would have to cut this hill down to about there to get that to fit, and it just becomes very difficult for a road coming out of the river to try to catch up to the road that we're trying to match into with the slopes. It's just not really practical. So, again, as we move forward, it could change, we could figure out a way to evaluate it, but for now we're saying that this is the feasible option at this site.

Alternative D is similar to B in that the terrain is similar on each side and the bridge fits in fairly well into the terrain, and like alternative B, the bridge, at least from this perspective, doesn't obscure some of the landscape features. At all of the sites the clearance from the top of the water at the time this photo was taken to the bottom of the beam is roughly 15 feet. That's just a function of the criteria that we're using. With that, I'll give it back to Jen.

MS. TURNBOW: This is a slide, we are in an environmental impact statement process, and the draft EIS, the typical chapters that are in the draft EIS are the purpose and need, alternatives, affected environment, environmental impacts and mitigation, and then a chapter on agency and public
involvement.

And some of the common environmental impact categories that we analyze are listed on the screen, but we analyze anything from wetlands, to social impacts, to land use, the sort of gamut, to cumulative impacts, secondary impacts, and that will be analyzed for the no-build and for the three build alternatives that will be carried forward.

And just sort of a general schedule. We are taking comments from the public and from the agencies right now, and as you came in and I think in your handouts you received a comment card, and feel free to fill those out tonight, give them to -- we have a basket located in the back, you can e-mail your comments, send them in, but those need to be in by August 22nd. The draft EIS will be out the spring of '09, the final EIS the winter of '09, with a record of decision the winter of 2010, and construction would follow then somewhere in 2011 or '12.

Another kind of housekeeping item that I didn't say at the beginning, which I should have, is we have a court reporter here, and so if anyone has any questions or comments, if you could please state your name first for the court reporter, and
we just need to make sure, too, that she would be able to hear you.

And I do also want to clarify that when I -- Becky and I had both talked about the lead and cooperating agencies for this project. The lead agencies are Billings County, the North Dakota Department of Transportation and the Federal Highway Administration. And the cooperating agencies are the U.S. Army Corps of Engineers and the U.S. Forest Service.

With that, that concludes -- yes, Charlotte.

MS. BRETT: Just one other housekeeping item. If any of you came in and didn't sign in, if you would sign in here, that would be great to get a record of who's at the meeting, and then also leave your address -- mailing address and/or e-mail address so you can get on our mailing list and receive information about the project in the future. There are handouts here, as Jen said, and self-addressed, stamped envelopes to provide your comments if you don't leave them in this basket tonight. Thanks.

MS. TURNBOW: Right. And there's one other housekeeping item I would like to say, and I
should have at the beginning, is that, as you can see, we have different, what we call, stations here. We have the structure options, the purpose and need, the alternatives, and we will be standing at these stations after any questions that we have and comments so you can talk to us members of the KLJ team, and the DOT and Fed Highway will be able to answer your questions, too. With that we can open up for questions. That concludes our formal presentation. Yes, sir.

MR. SCHAFER: My name is Wayde Schafer and I'm with the Dakota Chapter, Sierra Club. I have a question. Has there been any studies as far as the noise impacts to the national park unit associated with each of the alternatives?

MS. TURNBOW: I should have clarified that, I guess. We have the three build alternatives, and we are doing some field studies right now, such as cultural resources and some wetland delineations and biological resources, but we will be doing some sort of a noise analysis and we will have further information on what that basically pertains, you know, to the National Park Service. We're getting further guidance in August. So right now nothing has been done, but we're
anticipating that there will be something done.
Yes.

MS. REINKE: My name is Colleen Reinke.
And I may have missed it in your presentation, but
it seems like in the whole stretch of river all
these projects are clustered just in one place.
Can you explain why that ended up happening?

MS. TURNBOW: Basically what we had -- and
I think probably there will be some interjections
here as I talk. But what we did is a zones
concept. Those four zones stretched out between
the two units of the National Park Service of
Theodore Roosevelt National Park, and then what we
were able to do was narrow down those two zones to
two, and then what we came up with were eight
feasible alternatives or alternatives that would be
able to be constructed, and from those eight
alternatives they were more spread out, then we did
another sort of analysis and that's how we got
these three build alternatives. I hope that
answers your question.

MS. REINKE: Why were the three
alternatives picked rather than the other ones?

MS. TURNBOW: What we did is we had a lot
of categories, sort of -- I don't know, there's
roughly probably 15 categories, and they range anywhere from centrally located to threatened and endangered species, to big horn sheep, and all these categories, they basically received total scores, and that's how we were able to carry these three forward.

MS. SHORT: My name is Sandy Short and I have two questions. How high is the low-water crossing? Will boaters get under it -- canoers?

MR. FRANK: Probably not when there's running water.

MS. SHORT: And how high are the bridges above the water?

MR. FRANK: At the time the photos were taken, about 15 feet above the water, and that's just because of the --

MS. SHORT: Was the river up then?

MR. FRANK: Yeah. Yeah.

MS. SHORT: And, also, why a 500-foot corridor? Does that mean that land is gone?

MS. TURNBOW: No. That's just what we needed to pick a corridor width to study --

MS. SHORT: Okay.

MS. TURNBOW: -- for our different field studies, and just basically when we had that
matrices and we walked through some of these categories, we needed just a width to study and 500 feet was chosen. I'm sorry. It's probably roughly like a hundred feet.

MR. FRANK: The limits of it.

MR. RUDE: It's to allow for variability.

Say, if we go out in the field and we come upon a cultural resource site, we would be able to modify the route and allow for a shaping of the route.

MR. JENKINSON: My name is Clay Jenkinson. I though I heard you say that this was being positioned between the two units of Theodore Roosevelt National Park, but in fact there are three units of Theodore Roosevelt National Park, and all of these alternatives are remarkably close to that third unit, which in the eyes of many is the most pristine and historically important of the three units. What weight are you attaching to that property as opposed to the two better-known units of the park?

MS. TURNBOW: A category in sort of our analysis was the proximity to the Elkhorn Ranch.

MR. JENKINSON: Right, but --

MS. RUDE: Essentially as we did our analysis right now, and we are talking to
participating and cooperating and lead agencies, you know, about that process, we just had a meeting about it, but essentially what we did is when we did our macro analysis that I talked about, everything was relative to one another. The zones were ranked relative to what was actually occurring in each zone, the corridors were ranked -- the scoring process was done relative to each corridor. Say, threatened and endangered species, if one had -- one corridor had like 15 threatened and endangered species -- that's an exaggeration, but 15, that was the highest one, that would receive the highest score. Valerie.

MS. NAYLOR: No. I was just flexing.

MS. RUDE: Nothing was weighted. We were attempting to be objective on the process.

MR. JENKINSON: Let me ask a technical question. How close is the farthest road from the Elkhorn?

MS. TURNBOW: The farthest road or the farthest alternative?

MR. JENKINSON: Well, of the three alternatives that are on the table, which is the farthest from that?

MS. TURNBOW: It's alternative D. Is that
correct?

MR. FRANK: Yeah.

MR. JENKINSON: And how far is that?

MR. FRANK: Can you measure that in Google?

MS. TURNBOW: We'll get an answer here. Just one second.

MS. RUDE: Alternative D is about two miles from the Elkhorn Ranch.

MS. BORCHERT: I think it would be good to point out that two of the eight alternatives were eliminated because they were too close to Elkhorn.

MR. JENKINSON: Well, how close is -- two miles, did you say?

MS. TURNBOW: I guess it's something that we should -- two of the eight, as Jeani had said, actually scored lower than alternative D. However, they were on the National Park Service and the land that the State Historic Preservation Office owns, and so we did eliminate those based on their proximity to the Elkhorn Ranch.

MR. JENKINSON: But a viable alternative is a bridge two miles from the Elkhorn site, is what you're saying?

MS. TURNBOW: Right now.
MR. FRANK: What we've identified is alternatives that were feasible from an engineering and construction perspective. We didn't weight anything because we couldn't get a handle on what's more important to who, so the public input and the agency input is the opportunity, I think, to put weight to it. We didn't feel it was appropriate for us to put weight.

MR. JENKINSON: Okay.

MR. SCHAFER: So you're saying that all -- you didn't weight the park versus -- you know, everything out there was equal?

MS. RUDE: Yes.

UNIDENTIFIED SPEAKER: The cost?

MR. SCHAFER: That doesn't really make sense, does it, because the park is a national park? It obviously has more.

MS. BRETT: This was a preliminary analysis that was designed to go from the whole entire study area to a few routes that could be studied in more detail, and there will be a much more detailed impact analysis that's done on the routes that are carried forward, and that will include things like noise, proximity impacts to the national park, including noise and visual impacts
as well as all of the other impact categories that
were up on that slide that Jennifer looked at. So
it's a matter of where we are in the process, and
not having gotten to the point yet of doing a
detailed impact analysis.

MR. SCHAFER: You've already eliminated
alternatives that were quite a ways from the park.
Now we have to choose between the lesser of three
evils because you're not going to be able to bring
back in a route that was 10 miles from --

MS. RUDE: That's actually not true. We
could potentially bring -- if it shows that in our
analysis that we would have, you know, a great
impact on, say, the Elkhorn Ranch Unit of the park,
that could throw it out and then maybe we would
bring something back in. Charlotte hit the nail on
the head, this is still preliminary. There's still
potential for alteration.

MS. TURNBOW: I don't know which one is
first.

MS. NAYLOR: I'll defer. No, go ahead.
You go first.

MS. SWENSON: I'll go first.

MS. TURNBOW: Okay. Go ahead.

MS. SWENSON: Jan Swenson. I'm with the
Badlands Conservation Alliance. You know, I think we're all in this room jumping the gun. We went -- I've attended all the scoping meetings in Medora and Bismarck that existed over this project, and the two initial meetings where you were getting public input for purpose and need were anecdotal. It was folks giving -- lining up and giving, you know, rah-rah speeches about fire and ambulance and all that sort of thing, and that's all well and good, that's concern for each and every one of us, whether we're talking about somebody that lives there or we're talking about a recreational user or we're talking about an oil industry worker.

But at that time BCA sent a four-page letter with questions asking about analysis of ever so many things that pertained to a purpose and need in the first place, whether it was, is this really going -- is this road really going to provide a safer environment for the community, for oil workers, for tourists, et cetera, how will this road affect businesses already established, whether they're in Medora or Watford City, that will definitely be impacted by this road. Some kind of weight that has to do with whether a road is truly necessary, whether there are less expensive
alternatives to solve some of the problems. I mean, if there are fire concerns, if there are emergency concerns, can we make improvements in communications that might allow this bridge not to be built?

This is a huge deal. This is a huge deal for the -- for the people that live in the Little Missouri River Valley, for the Little Missouri Grasslands, for all of North Dakota, and for the nation, because we're talking about a national park unit. And it's like we have been asked to just jump over that whole purpose and need aspect of this. And if you can give me all the materials that you did, all the analysis that you did, it would be easier to hush, but, you know, until I see that, I'm going to keep saying, do we need this bridge at all? And I don't see as you move forward, when you talk about the no-action, it's like you're using it as background. You're not truly looking at it as one of the alternatives.

MS. RUDE: We are definitely looking at it as one of the alternatives. That's part of the National Environmental Policy Act, and it does. It provides a baseline, and, I mean, there's a potential that in the end when we go through the
environmental impact statement, we may very well end up picking the no-build alternative.

MS. SWENSON: But it's got to be more than a baseline. It's got to truly be one of the alternatives. You know, having attended all of the scoping meetings so far, and in particular the two in Medora, the meeting in Medora a year ago was not the meeting that I was at a week -- less than a week ago. It was just not as far as the purpose and need goes.

MS. TURNBOW: I guess just to address, at the scoping meetings, under SAFETEA-LU, which is the new federal transportation bill, they had certain guidelines that the environmental process has to follow. And under SAFETEA-LU basically what -- there was a big change. Normally what we would usually do is when we had a project, we came up with purpose and need and then we came up with alternatives and then we went to the public and said, look, here's the purpose and need, here are our alternatives. Well, that switched under SAFETEA-LU where we were not supposed to develop a purpose and need fully until we received agency and public input. That's why we didn't have a much developed purpose and need at the time. We had
these sort of brainstorming topics that we had thought, well, you know, it could be a number of these things, but we needed to go to the public and to the agencies and say, hey, could you help us out with the purpose and need? And that's a big change. It's a big shift for everyone involved, for the public, for the agencies, for consultants, because it's different, because we're asking for, you know, help us define that purpose and need.

And I guess another kind of thing that you had said, too, is all the comments that we received, all the comment letters, all those type of things will be in the draft EIS with responses, so your questions will be definitely answered, you know, in that draft environmental impact statement. And I hope I explained that okay with the new SAFETEA-LU and why there was a large difference between how projects are normally done. Yes.

MR. JENKINSON: Clay Jenkinson. How will you develop a methodology to attach weight to endangered species, noise abatement, national park units, heritage ranches, and so on, as you move forward? Since at the moment everything is weighted equally, how will you develop a weighting system to know what matters more than something
else?

MS. TURNBOW: What will happen in the next steps is we have alternative A, which is the no-build, and three build alternatives, is we go through kind of the laundry list of environmental impact categories and then for each alternative we disclose in the draft environmental impact statement what those impacts are. They won't necessarily be weighted. All of it will just be disclosed. Like maybe -- this is totally hypothetical. You know, maybe alternative B, it could impact, you know, an endangered species, C would say this one doesn't, or whatever. I mean, all of that is analyzed and described in the draft environmental impact statement, so it's not necessarily weighted. It's just all disclosed.

MR. JENKINSON: But at some point isn't it necessary to determine that some weights are more important than other weights? I mean, at some point before a decision can be made, we'll have to decide whether, say, the national grasslands or a heritage ranch are as important as Roosevelt's home in the Badlands. At some point things aren't equal. At some point decisions are made based upon either an emotional weighting system or a
measurable weighting system, but that will occur whether we talk about it now or not, won't it?

MS. TURNBOW: Well, once it gets towards the end of the environmental process, the Federal Highway will have to sign the record of decision, and at that time they're going to have to balance, you know, along with Billings County and the DOT, the cost, the social impacts and the impacts to the environment for which one actually gets constructed, if any. I guess I hope that answers your question.

MS. BORCHERT: And public comments, also, weighs in.

MS. TURNBOW: I'm sorry.

MS. BORCHERT: And public comments.

MS. TURNBOW: And public comments, of course, yes. Alexis.

MS. DUXBURY: But I thought at the meeting last week what had gotten laid out, and correct me if I'm wrong, but that Federal Highway is a neutral party in this. They're simply interested in ensuring a process is followed. So can they participate in weighting?

MR. SCHRADER: Mark Schrader, Federal Highway. Part of the process is making that
decision at the end, but being we're working with the Corps of Engineers and the Forest Service as cooperating agencies, we would need their approval for the project to happen as well, so it would be a joint effort with multiple federal agencies all in agreement of the alternatives that would be allowed. It's possible that Billings County could choose from two alternatives if the federal agencies saw very similar impacts, similar costs, or it's possible that one or none of the alternatives would be allowed by the federal agencies. So the first round will be the federal agencies. Normally it's Federal Highway by ourselves on projects, but here we're with the Forest Service and the Corps of Engineers because each federal agency would have a federal action for this project to happen. So there's three. Federal Highway is the lead federal agency, but there will be three federal agency decisions for three federal agency actions for this project to move forward.

MS. DUXBURY: So to go back to the original discussion then, will the three agencies -- the three agencies that have an action to undertake, will they concurrently weight? How would that equate?
MS. BRETT: I would like to speak to that. My name is Charlotte Brett. I'm with KLJ. There are a lot of other state and federal laws and local regulations and permitting processes that all kind of fall under the umbrella of the National Environmental Policy Act, so when we're doing this EIS under NEPA, that says you have to look at the purpose and need, you have to look at a reasonable range of alternatives, you have to fully study and disclose impacts and disclose your coordination process, but then there are other laws that sort of do assign weights. For example, Section 4(f) of the Department of Transportation Act says that you can't impact something like a national park unless there's no feasible or prudent alternative. The Corps says you can't -- they can't issue a permit under 404 unless it's the least environmentally damaging practicable alternative. State law says that if you hit certain thresholds for traffic noise, you have to study abatement and look at that. You know, there are laws that protect cultural resources, a lot of different things, and so the weighting sort of comes into play on each resource based on the legal protection that's in place and that's afforded by that. So it is
something that happens as part of this process.

MS. REINKE: Colleen Reinke again. I guess I just say that I would have liked to have seen all of the alternatives that you looked at rather than having people I don't know pick the ones that might have been chosen for the reasons that you listed before, but it would be nice to see where the other ones were -- not just curiosity, but if you do end up not having one of these.

MS. TURNBOW: We can -- if everyone would like to see them, we can show like the eight we originally had.

MS. REINKE: Sure.

MS. TURNBOW: And all of this -- the matrices that we're talking about and all eight alternatives, all those types of things will be in like either a technical memo in the draft EIS or in appendices. It will be somewhere with all the information.

MS. BRETT: And one other thing. We are looking for feedback at this meeting, so as part of your comments if you think that you have ideas of alternatives that we should study or shouldn't study and why, that's what we're asking you for today. So please comment on it. This isn't a
final product. We don't even have a draft yet. We're just working our way through the process.

MS. TURNBOW: And I guess I'll just give you a quick rundown. These are the eight. They start here. Hold on one second here before we -- I guess these are the tiered -- we'll just turn those off right now. Okay. These were the eight. They started, this is 1, this is 2, 3, 4, 5, 6, 7 and 8. Now, the ones, of course, that we had just showed you that we are moving forward in the EIS were the red, the blue/purple and the green. Now, these two, which you can see one is right here by the Elkhorn, and this alternative right here, they did have lower scores than D, but we, of course, cannot carry these forward because of their proximity to the Elkhorn Ranch. But these were the eight that we used our macro analysis for to get the three build alternatives. And we did an iteration of this prior, and what we called that was a zones concept and those zones -- basically there were four zones and they stretched basically through the entire study area. Yes, ma'am.

MS. ROGERS: What was the study area? Was it the entire --

MS. TURNBOW: Yes. The study area is like
basically right here in this graphic right here. This is the entire study area.

MS. ROGERS: And where are those eight sites? If you could just circle a little circle around them.

MS. TURNBOW: These eight sites were basically kind of -- I don't know. They were like right in this area.

MS. ROGERS: But what about all the stuff north and south?

MS. TURNBOW: We had the four zones and they went basically, you know, one, two, three, four, the four fit in here, and we did an analysis -- a macro analysis and we are able from there, from the four zones, to eliminate down to two and in those two zones we developed these eight feasible alternatives.

MR. JENKINSON: Can you explain why the two that are most distant of the eight from the Elkhorn were eliminated?

MS. TURNBOW: The zones basically.

MR. JENKINSON: Well, you showed us eight and the one on the north perimeter and the one on the south perimeter are not in your short list. Can you explain why they were eliminated?
MS. TURNBOW: And you're basically, Clay, talking about like these up here?

MR. JENKINSON: That one is the north and that's the south. They're not in your short list, so what happened to that?

MS. TURNBOW: Those alternatives -- and you guys can help me out here. Some of the reasons why they were eliminated, I think, were because of 40 percent slopes.

MR. FRANK: Very steep terrain.

MR. SKATTUM: Cultural.

MR. FRANK: Cultural resources, a lot of drainage features to try to cross or impact with the road. I think those were kind of the big ones.

MR. JENKINSON: Did you say cultural resources?

MR. FRANK: Yes.

MR. JENKINSON: Meaning what?

MS. TURNBOW: Archeological sites, prehistoric sites. Valerie. I'm sorry.

MS. NAYLOR: I'm Valerie Naylor, superintendent, Theodore Roosevelt National Park. I certainly appreciate the complexity of an environmental impact statement and doing detailed analysis and the amount of time and energy that
takes, and I understand that this is preliminary. However, the three alternatives that are currently being considered are unacceptable to Theodore Roosevelt National Park because of their proximity to the Elkhorn Ranch, and there's a lot of confusion I can tell in this room about how and why some of those other alternatives were eliminated. You had a matrix that had a lot of factors that were unweighted and then now they're saying that it was certain specific factors that caused those other alternatives to be dropped from the analysis. So that's confusing to me and probably to others. The noise considerations of these three alternatives will be huge. If anybody has ever spent the night in Cottonwood Campground in Theodore Roosevelt National Park's South Unit, the distance between the interstate bridge and Cottonwood Campground is about the same from any of these alternatives to the Elkhorn Ranch and you can hear that highway all night long. So I would question whether this is truly analyzing a range of reasonable alternatives at this point. And someone asked a question, I think it was Wayde, regarding whether we would ever go back to any of those other alternatives and it was stated that, yes, if these
all prove to be not feasible, we may revisit one other, but by not doing a detailed analysis on the other ones, you are skewing it towards these three particular alternatives, which are unacceptable to the national park.

In addition, if I may make one other comment, we have just spent about $5 million of public money and a half million dollars of private donated funds to protect the Elkhorn Ranch lands, the former Eberts Ranch, and two of these three alternatives cut right through the heart of those Elkhorn Ranch lands, as well, and I think that that needs to be considered.

And one other comment on a completely different note. Somewhere in the beginning there you had a note about tourism being one of the reasons that this bridge or river crossing would be needed. I think some of that information was misleading because it said an influx of tourists requires this need and the Theodore Roosevelt National Park has the best data as it relates to the numbers of visitors to the Badlands over the last 60 years or so, and those numbers have been primarily steady for the last 20 or 30 years.

You also said that some of the general
public want increased access. Well, I'm sure that you can say some of the general public want anything, but I don't know how that's been quantified. And it's also that we have heard that. But I've actually never been told that by a member of the general public. So those are just a few comments. Thank you.

MS. RUDE: Just to go back to one of your comments, and I made that comment to Wayde about the possibility of adding in a previous alternative. That does not mean that it wouldn't go through a detailed analysis. It would be required to go through a detailed analysis.

MS. NAYLOR: But only if these three prove not feasible, but I think at this point you're only looking at doing a detailed analysis on the three that have already been narrowed down, and it seems to me that some of these critical resources, including the Elkhorn Ranch and the Elkhorn Ranch lands, require that a full range of reasonable alternatives go through the entire analysis process.

MR. SCHAFER: That was my concern, too. Yeah, those are still out there, but you're focused on these, so we have to prove a negative. We have
to prove that these aren't worthy, then we can look at those. I don't know the criteria that you used to come to these three, and that's where --

MS. RUDE: I can probably list some of them off. It was things relating to purpose and needs, such as centrally located, resources in the area, cultural resource sites, threatened and endangered species, natural heritage sensitive species. It is basically what we could quantify in the area. And also engineering feasibility. Is it possible with the topography in the area, can we actually construct a road, can we actually put a crossing in, that sort of thing.

MS. TURNBOW: And I guess --

MR. SCHAFER: I don't know very many people in this room that would think that those criteria you just listed are -- would be outweighed by the fact that it's a national park. That's where I'm having a problem. Yeah, the topography and all that. This is a national park. To me that should be thought about to be weighted. Well, you know, yeah, that should have a huge weight and these other things are way down the list. So that's why -- then come up with three alternatives that are definitely going to impact the park
whereas yet ten miles away, it wouldn't impact at all. That's the problem.

MS. TURNBOW: Oh, I'm sorry.

MR. SHORT: My name is Con Short. I have a ranch in the Badlands right in the middle of all of this. I think I can make -- I already have at the previous meeting. I don't think anyone who knows me think I have a preference of any alternative except A. I can't believe, I really can't, that -- what is it, 2008 and we're talking about running roads through the Badlands for one reason. We all know one reason. That's oil. There's no other reason. It hasn't been brought here, but that's it. I mean, I have several deer hunting friends here, some of them so old they can't hunt anymore, that hunted at the ranch for 30, 40 years, they don't want to see a road out through the Badlands. They wanted to walk. As I say, they're getting old.

I think you've done a very nice job of presenting, by the way. You know, you guys have been honest and fair and you're not as complete yet as we would like to. I just want to register my opinion of being against the whole damn thing. I just think North Dakota will benefit and Medora and
the Badlands will benefit if we didn't do it.

Thank you very much.

MS. TURNBOW: Thank you. We will be around till 7, and all of us will be at some of these stations, so if you definitely have more questions or comments, come talk to us. Thank you very much for everyone coming out tonight. We really appreciate it.

(Concluded at 6:15 p.m., the same day.)

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CERTIFICATE OF COURT REPORTER

I, Denise M. Andahl, a Registered Professional Reporter,

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

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

Bismarck, North Dakota, this 31st day of July, 2008.

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Registered Professional Reporter
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