

DETERMINATION AND APPROVAL FOR CATEGORICAL EXCLUSION

North Dakota Department of Transportation
 Federal Highway Administration - ND Division Office
 SFN 18878 (9-2021)

Project Number 4-052(101)167	PCN 23153	Date 05/19/2022
Project Location US 52 Intersections with US 52B and ND 3 at Harvey, ND		Length N/A
Work Type Access management and safety improvements		
Project Comments		

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

(c) 27 - Highway Safety or Traffic Ops Improvements

NEPA Documentation:

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

**Categorical Exclusion by Definition (CED)**

Work types are defined in the CED Work Types located on the References and Forms page. Some consultation, coordination, notifications, or permitting may be required.

Requires approval by NDDOT Designer/Tech Support.

**Programmatic Categorical Exclusion (PCE)**

May also include localized areas of earthwork and enhancement or replacement of structural elements. May require permanent acquisition of minor amounts of right of way.

Requires approval by NDDOT Designer/Tech Support and NDDOT Environmental Reviewer.

**Documented Categorical Exclusion (DCE)**

Work involves substantial earthwork, regrading, major rehabilitation, new/reconstruction, or bridge replacements.

Requires approval by NDDOT Designer/Tech Support and NDDOT Environmental Reviewer.

Federal Highway Approval:

FHWA Approval Required

Does the project exceed any of the identified thresholds of the Programmatic Categorical Exclusion Agreement or is a (d) list project (with the exception of (d)6)?


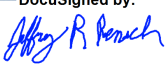

CatEx Addendums/ CatEx Re-Evaluation:

Addendum



Re-Evaluation

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

Consultant or Local Public Agency If applicable	Date	NDDOT Designer/Tech Support Required in all cases	Date
DocuSigned by: 	5/31/2022	DocuSigned by: 	5/31/2022
NDDOT Environmental Reviewer Only required for PCE and DCE	Date	Federal Highway Administration Only required if NDDOT Approval thresholds are exceeded	Date
DocuSigned by: 	5/31/2022		

WEST HARVEY US 52
ACCESS MANAGEMENT IMPROVEMENTS

Project No.

PCN

4-052(101)167

23153

US 52 Intersections with US 52B & ND 3 – Harvey



Prepared by

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
BISMARCK, NORTH DAKOTA

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

DIRECTOR
William T. Panos

PROJECT DEVELOPMENT DIRECTOR
Chad M. Orn, P.E.

Principal Author: WSB & Associates (dba WSB)
Environmental Reviewer: Alexis Wanek, NDDOT ETS Division
May 2022

US 52 ACCESS MANAGEMENT IMPROVEMENTS

Wells County

CERTIFICATION

DocuSigned by:



5/26/2022

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Supporting Documents

Public Involvement Report
Aquatic Resources Delineation Report
Cultural Resources Report

A. Project Description

The proposed project consists of access management improvements along US 52 on the west side of Harvey at the intersection of US 52 and US 52B as well as US 52 and ND 3. Refer to **Figure 1** for project location. The project will evaluate four alternatives: A, B, C, and no build. Improvement considerations include the removal of existing access points to US 52 and the realignment of existing access points to improve sight lines. Work would consist of removal of existing roadway sections, grading and paving of new roadway sections and appurtenant work.

Highway: US 52, US 52B, & ND 3

District: Minot

Limits: The intersection of US 52 and US 52B to the intersection of US 52B and ND 3, and the intersection of US 52 and ND 3 to the intersection of US 52B and ND 3

Table 1 - Traffic Data

Roadway	Time	Year	Passengers	Trucks	Totals
Alternative A					
US 52	Current	2024	1,464	976	2,440
	Forecast	2044	2,046	1364	3,410
ND 3	Current	2024	917	393	1,310
	Forecast	2044	1,288	552	1,840
Alternative B					
US 52	Current	2024	1,464	976	2,440
	Forecast	2044	2,046	1364	3,410
ND 3	Current	2024	539	231	770
	Forecast	2044	749	321	1,070
Alternative C					
US 52	Current	2024	1,464	976	2,440
	Forecast	2044	2,046	1364	3,410
ND 3	Current	2024	539	231	770
	Forecast	2044	749	321	1,070

B. Project Schedule

Project: 4-052(101)167

Plans Complete: December 2022

Bid Ready: To Be Determined

Figure 1 – Project Location Map



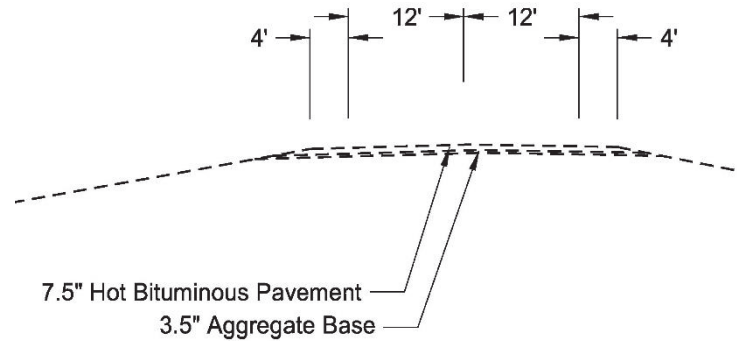
C. Purpose of Project

The purpose of the proposed project is to improve safety and traffic operations at the existing intersections of US 52 & US 52B and US 52 & ND 3.

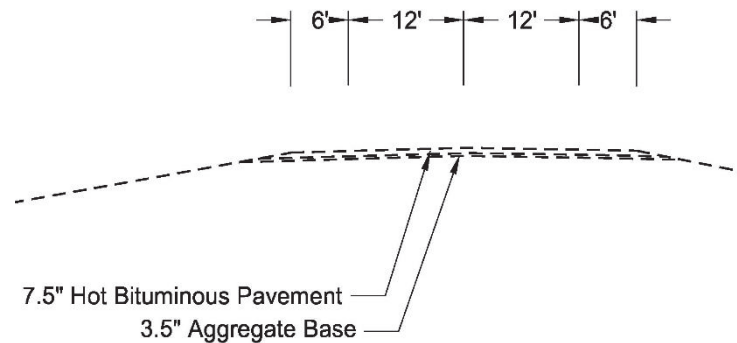
D. Need for Project

Existing Conditions: US 52 travels along the west side of Harvey, ND where it intersects with US 52B and ND 3 (**Figure 1**). US 52B in the project area is a two-lane business route with 12-foot travel lanes that transitions from a single lane eastbound exit on US 52 and a single lane westbound to northbound right turn slip lane to US 52. ND 3 is a two-lane rural highway with 12-foot travel lanes and 4-foot bituminous shoulders, and has a posted speed limit of 25 mph in the study area. Existing typical sections for US 52B and ND 3 are shown in **Figure 2**.

Figure 2 – Existing Typical Sections



ND 3 Existing Typical Section

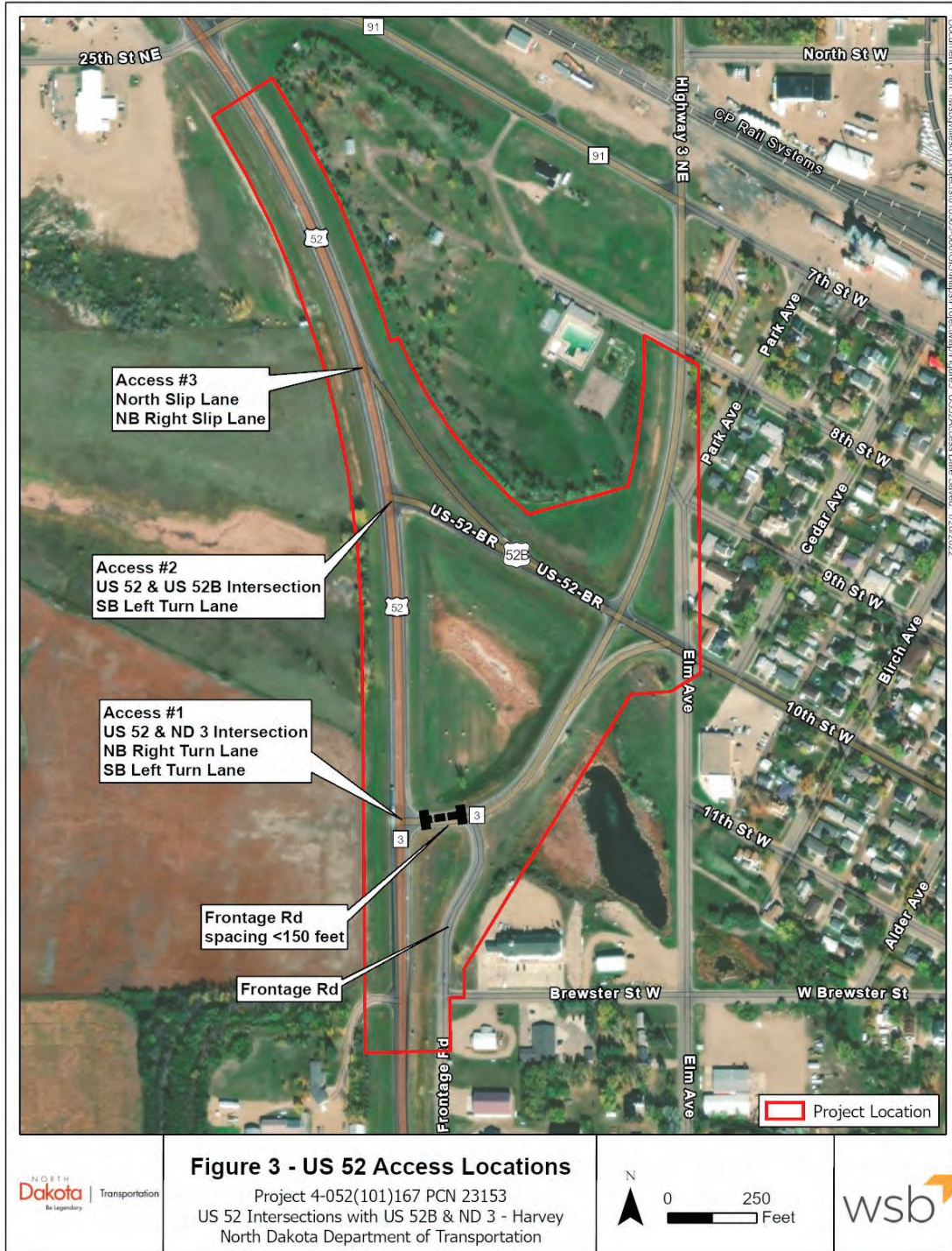


US 52B Existing Typical Section

There are three access points to US 52 within 1,400 feet of each other. Refer to **Figure 3** for an overview of the project area and access points. Access #1 is the intersection of US 52 and ND 3. A right and left turn lane are in place on US 52 at Access #1. The distance from the stop bar to the downstream frontage road intersection is less than 150 feet from Access

#1. Access #2 is the intersection of US 52 and US 52B. This is an exit only intersection from US 52 to a single US 52B eastbound lane. There is currently a left turn lane at this intersection for traffic exiting US 52. Access #3 is the westbound US 52B to northbound US 52 right slip lane (north slip lane).

Figure 3 – Project Overview Map



Land uses immediately adjacent to the project area are primarily agricultural, residential, and commercial. A tributary to the Sheyenne River passes beneath ND 3 through a 10'x 12.5' x 136' Structural Plate Pipe (SPP) (Structure 0003-159.567) and beneath US 52 through a second 10' x 11' x 168' SPP (Structure 0052-167.767).

Deficiencies: A traffic operations study was completed by the NDDOT traffic operations group in March 2019 for US 52 from the beginning point of the 2-lane section (east of Minot) to Harvey at ND 3. The intersection of US 52 & US 52B was identified as a good candidate for consolidation or closure because of sight line issues created by the existing intersection design. The westbound to northbound right-turn slip lane has a skew of 10 degrees. This requires the driver to look almost directly backwards to look for gaps in approaching traffic. In 2013-2017 crash data study period covered by the operations study, there was one crash at this location when a driver tried to make a left turn onto US 52 from the right-turn slip ramp and was struck by a northbound vehicle on US 52.

Design constraints limit the ability to modify the existing slip lane. To redesign to a proper acceleration lane per current Green Book standards, a 320-foot full-width lane of acceleration plus another 300 feet of taper would be needed. Doing this would only complicate the driving environment on US 52 since the taper would overlap with the functional area of the intersection to the north (ND 91).

In addition to safety concerns, there are operational issues caused by the unique configuration of US 52, ND 3, and local roadways. As noted above, Access #1 to US 52 is the intersection of US 52 and ND 3. The distance from the existing stop bar to the downstream frontage road intersection is less than 150 feet. This creates the potential for queuing issues with larger vehicles, particularly those destined for businesses located along the frontage road to the south.

E. Scope of Work

The project will evaluate three build alternatives (A, B, and C) and the no build alternative (D). Improvement considerations include the removal of existing access points to US 52 and the realignment of existing access points to improve sight lines. Work would consist of removal of existing roadway sections, grading and paving of new roadway sections and appurtenant work.

2022-2025 STIP (DRAFT): \$254,000

2021 Scoping Report:

Alternative A: \$254,000

Alternative B: \$667,000

Alternative C: Not Listed

2022 Programmatic CATEX:

Alternative A: \$459,778.55

Alternative B: \$755,971.15

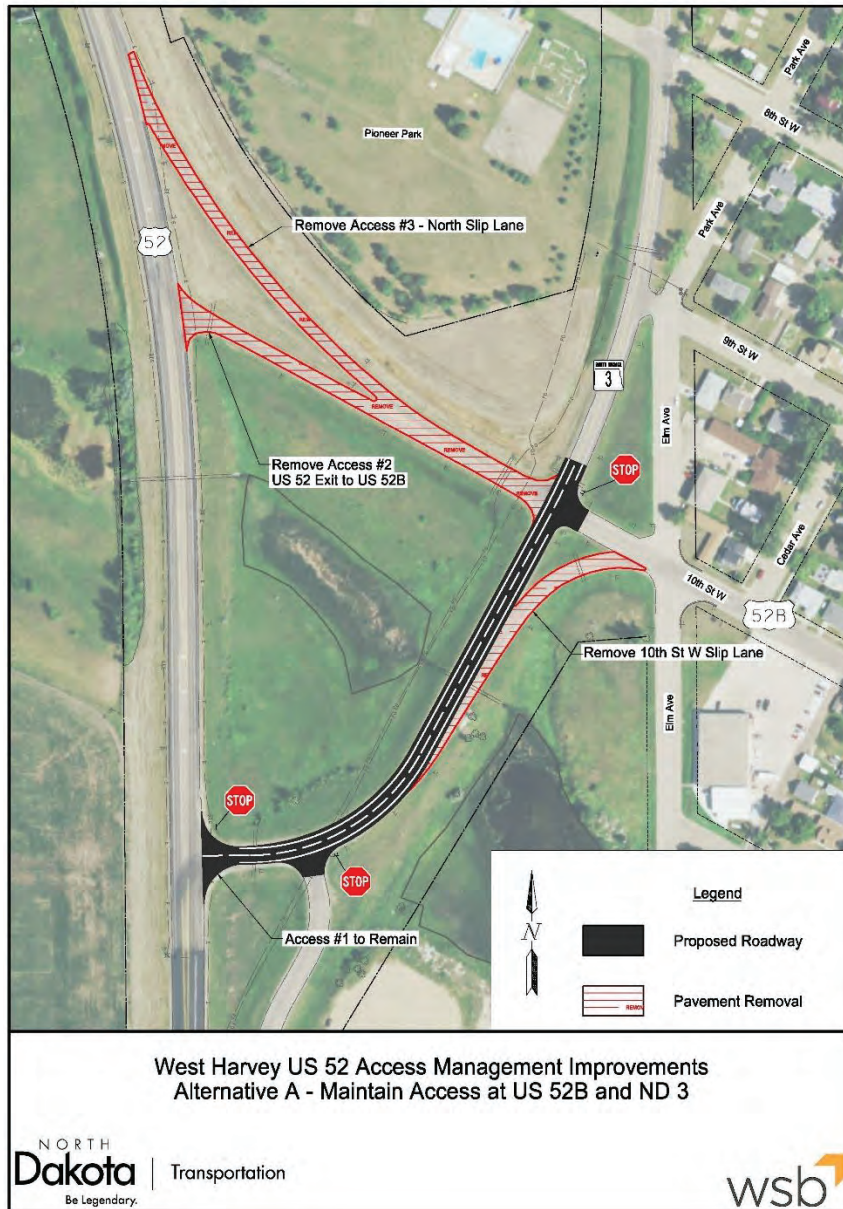
Alternative C: \$507,794.65

F. Description of Alternatives

a. Alternative A: Maintain Access at US 52 and ND 3 (Estimated Cost \$459,778.55)

Alternative A would remove the existing US 52B connection to US 52 that includes the north slip lane (Access #3) and US 52 exit to US 52B (Access #2). The 10th Street West slip lane would also be removed. Work would be limited to the removal of these sections and would not include improvements to the pavement surface of the existing roadway components unless they are directly impacted by the removal of these features. Overview of Alternative A is shown in **Figure 4**.

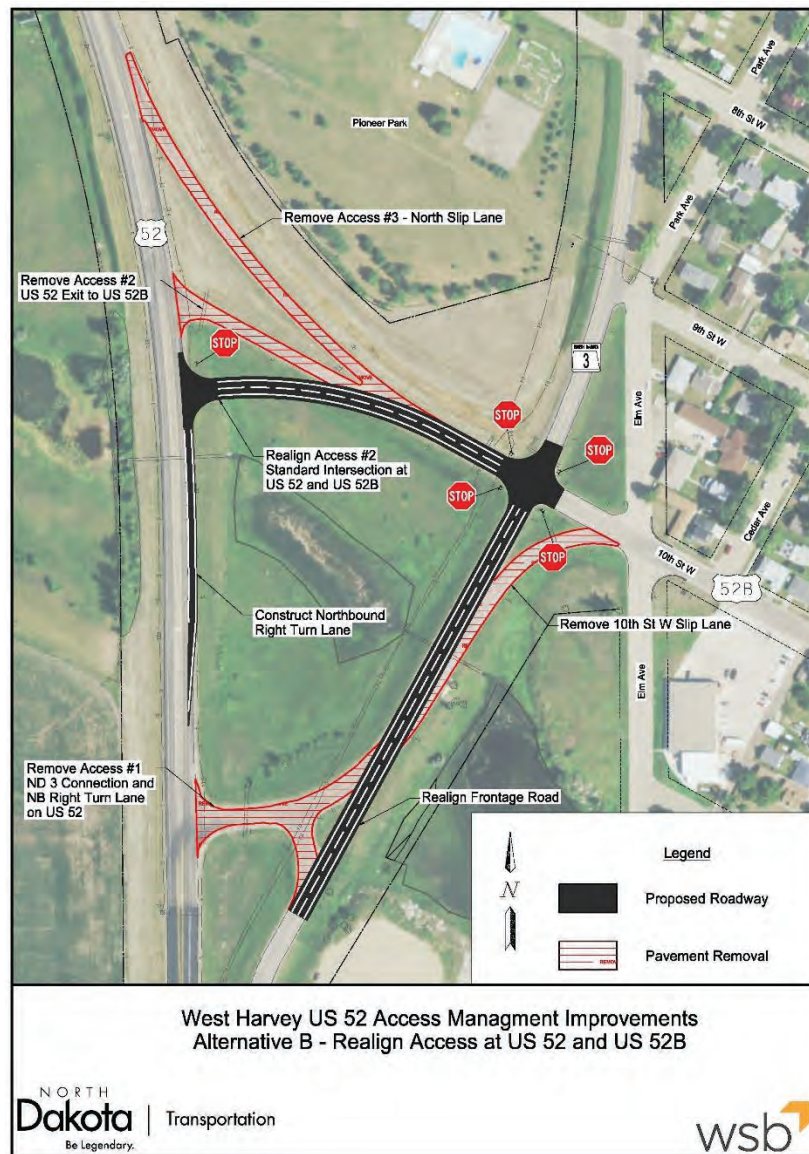
Figure 4 – Alternative A Overview



b. Alternative B: Realign Access at US 52 and US 52B (Estimated Cost \$755,971.15)

Alternative B would remove the existing ND 3 connection to US 52 (Access #1) and realign the frontage road to meet at a right angle with the intersection of US 52B and ND 3. The north slip lane at the intersection of US 52B and US 52 (Access #3) would be removed and the US 52 exit to US 52B (Access #2) would be realigned as a standard right angled left and right turn capable intersection. A northbound right turn lane would also be constructed on US 52 at the realigned intersection of US 52 and US 52B. The 10th Street West slip lane would be removed. Work would be limited to the removal of these sections and would not include improvements to the pavement surface of the existing roadway components unless they are directly impacted by the removal of these features. Overview of Alternative B is shown in **Figure 5**.

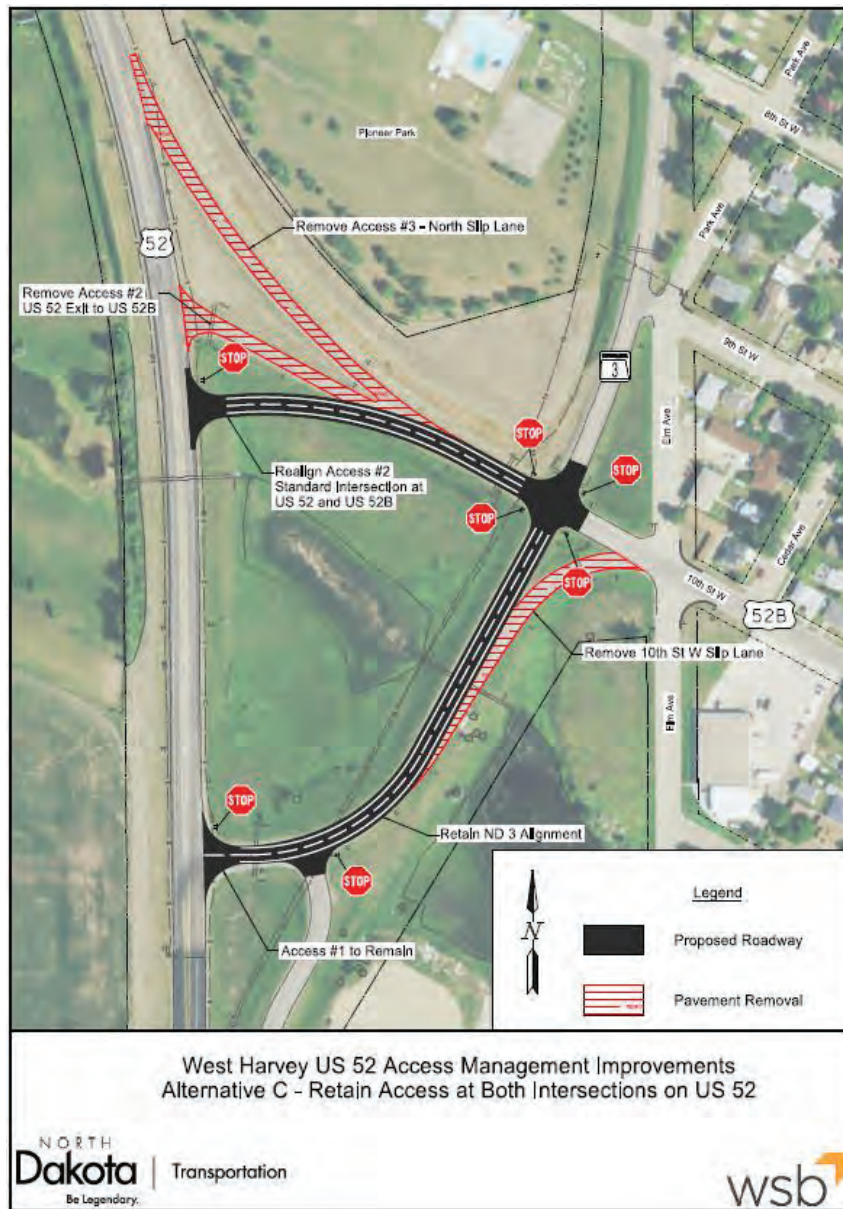
Figure 5 – Alternative B Overview



c. Alternative C: Retain Access at both Intersections on US 52 (Estimated Cost \$507,794.65)

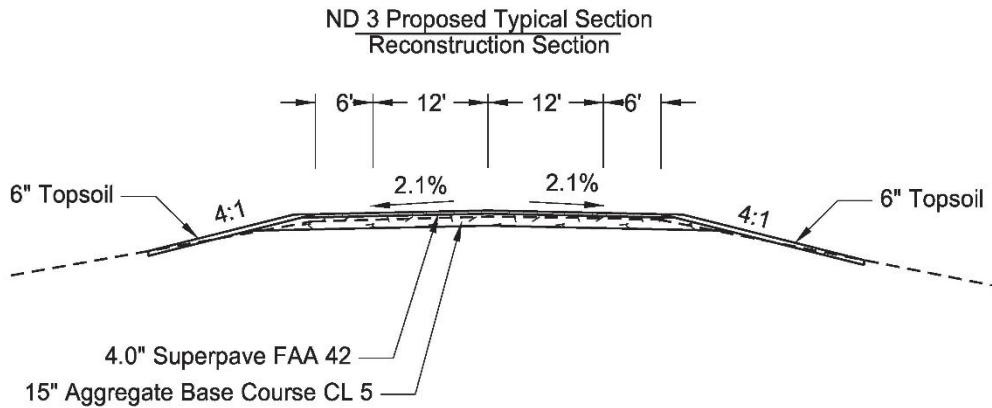
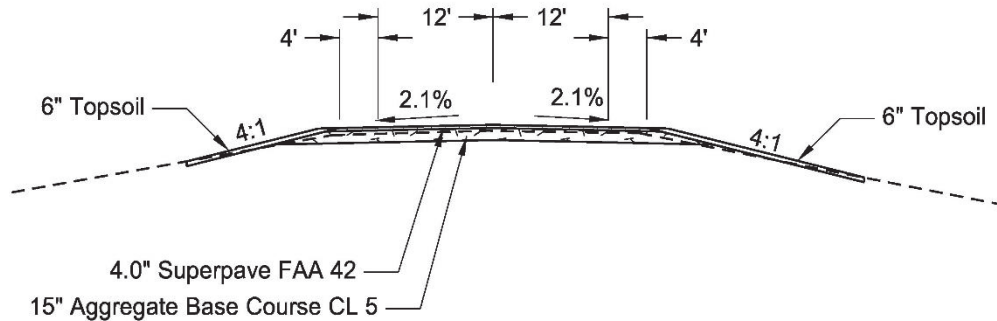
Alternative C would remove the north slip lane at the intersection of US 52 and US 52B (Access #3) and the US 52 exit to US 52B (Access #2) would be realigned as a standard right angled left and right turn capable intersection. No right turn lane would be added on US 52 at the intersection of US 52B (Access #2). The US 52 and ND 3 intersection (Access #1) would remain. Work would be limited to the removal of these sections and would not include improvements to the pavement surface of the existing roadway components unless they are directly impacted by the removal of these features. Overview of Alternative C is shown in **Figure 6**.

Figure 6 – Alternative C Overview



Proposed typical sections for Alternatives A, B, and C are shown in **Figure 7**.

Figure 7 – Alternatives A, B, C Proposed Typical Sections



US 52B Proposed Typical Section
Reconstruction Section

d. Alternative D: No Build

Under the No Build alternative, no changes would be made to the existing configuration of the intersections within the project area. This alternative would not address the identified safety or operational issues. This alternative would not meet the project purpose and need.

e. Optional Work Items

No optional work items are included with this project.

f. Traffic Control Work Zone Safety and Mobility

This project meets criteria for non-significant projects as outlined in the Work Zone Safety and Mobility Program.

g. Work Zone Traffic Control

Construction will take place in stages to ensure access throughout the project. It is anticipated that work would be completed for the 10th Street west slip lane removal under a shoulder closure of ND 3 northbound.

Alternative A: Access would remain open through the intersection of US 52 and ND 3 throughout construction.

Alternative B: The revised intersection of US 52 and US 52B would be required to be complete and operational prior to the removal of access at US 52 and ND 3. The construction of the US 52 northbound right turn lane is anticipated to be completed under a shoulder closure.

Alternative C: Access would remain open through the intersection of US 52 and ND 3 throughout construction. The intersection of US 52B would be detoured 500 ft south to ND 3 during construction.

h. Maintenance Responsibility Discussion

Following construction, maintenance would remain the responsibility of NDDOT.

i. Summary of Engineering Issues

Private Utilities – Letters were sent to known private utility companies in the area. There are no anticipated impacts to private utilities within the project area under any of the alternatives based on responses from the Otter Tail Power Company, the North Prairie Regional Water District, and the Western Area Power Administration. Utility Coordination is ongoing. Any impacts that may occur to existing utilities will be handled according to NDDOT's Coordination and Notification for Utility Relocation, Adjustments, and Reimbursement Policies and Procedures.

j. Summary of Environmental Issues

The three build alternatives for the proposed project encompass the same project area footprint. Differences in impacts between the alternatives are isolated to the extent of areas impacted by construction within the project area. These deviations in impacts are noted below in the sections that discuss construction and wetland impacts. No other environmental topics differentiate between alternatives with regards to environmental issues.

Right of Way

Permanent acquisition or temporary construction easements will not be required for construction of any of the build alternatives for the proposed project.

Cultural Resources

A Class I Literature Review of the State Historical Society of North Dakota's site and manuscript files was conducted by Juniper, LLC for a one-mile radius around the proposed project area. No previously recorded cultural resources lie within the project area. A Class III survey of the project area was also completed. No new or previously recorded cultural resources were encountered during the inventory. Juniper recommended a finding of No Historic Properties Affected for the proposed undertaking based on no new sites or isolated finds lie within the inventory corridor, no previously recorded cultural resources will be impacted by the proposed undertaking, and the Standing Rock Sioux Tribe (SRST) Tribal Historic Preservation Office (THPO) Tribal Cultural Specialist (TCS) did not express concerns for the proposed development. The North Dakota State Historic Preservation Officer (SHPO) concurred with NDDOT's determination of No Historic Properties Affected determination on January 18, 2022, provided it takes place in the location and in the manner described in the documentation and all borrow comes from an approved source. Refer to **Appendix A** for the SHPO concurrence letter.

Section 4(f) Impacts

Pioneer Park, owned and operated by the City of Harvey, is located just north of the project area. Construction activities are isolated to the existing right of way and no visual impacts will be introduced by any of the alternatives. There are no Section 4(f) impacts (temporary or permanent use) associated with the proposed project. Refer to **Figure 1** for location of Pioneer Park.

Section 6(f) Impacts

There are no Section 6(f) lands in or adjacent to the project area.

Highway Traffic Noise

The proposed action does not meet the definition of a Type 1 project and a noise analysis is not required. The project will result in normal construction equipment noise during daylight hours during project construction.

Threatened/Endangered Species

Based on the scope of work and location of project, there would be no effect to the species and critical habitat found within Wells County. Refer to **Appendix B** for the NDDOT Endangered Species Act (ESA) Affect Determination Table that applies to all alternatives.

Floodplains

There are no FEMA regulatory floodplains identified and/or mapped where the proposed project will be constructed. Refer to **Appendix E** for the FIRMette map of the proposed project area.

Wetlands

An onsite wetland delineation was performed on September 17, 2021. The field delineation identified one (1) wetland, in three (3) distinct locations comprised of 1.249 acres within the project area. A Jurisdictional Determination issued by the United States Army Corps of Engineers (USACE) was provided on February 4, 2022 (NWO-2016-02143-BIS). Refer to Appendix C for this letter, which verifies that all wetlands are assumed jurisdictional for planning purposes.

Permanent impacts to identified wetlands are isolated to construction impacts for Alternative B. No permanent impacts to identified wetlands are anticipated for Alternatives A and C. The permanent impacts to natural-jurisdictional wetlands for Alternative B total approximately 0.065 acre, which will be mitigated on-site and a Section 404 Nationwide Permit will be needed. No temporary impacts are anticipated to occur.

Prior to construction in the event Alternative B is the preferred alternative, equipment that was last used outside of North Dakota or within a Class I infested waterbody (identified on the North Dakota Game and Fish Department (NDGFD) website) will require an inspection by NDGFD. The NDGFD will be notified at least 10 business days prior to pumps, watercraft, or any equipment entering a public water to allow the NDGFD sufficient time to inspect any and all such equipment for aquatic nuisance species (ANS). Proof of compliance prior to work taking place in the water will be in the form of: (1) a NDGFD inspection report, or (2) documented NDGFD correspondence (email or signed letter).

The impacts to the jurisdictional wetlands for Alternative B can be found in the Wetland Impacts Table in **Appendix C**.

The proposed project does not impact any FWS property interests or any on nearby FWS wetland easements.

Underground Storage Tanks (USTs)

A list of current and/or historical USTs supplied by the ND Department of Environmental Quality are located outside the project area and beyond the existing ROW near the intersection of US 52 and ND 91 (7th Street), northeast of the project area. The closest UST is located approximately 1,300 feet (1/4 mile) from the closest point of construction activities in the northeastern portion of the project. Refer to **Appendix A** for correspondence with the ND Department of Environmental Quality regarding the USTs. The USTs will not be disturbed or impacted by the project and the project does not anticipate encountering soil contamination associated with the USTs for any of the alternatives.

Construction Impacts

The following commitments will be implemented during construction based on regulatory requirements and comments received from the ND Department of Environmental Quality:

- A North Dakota Pollutant Discharge Elimination System (NDPDES) Permit will be obtained to mitigate for discharged stormwater runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover.
- Wetland mitigation is required for unavoidable permanent wetland impacts under Alternative B. If Alternative B is chosen as the preferred alternative, a wetland mitigation plan will be incorporated into the plans for this project. After completion of the mitigation area, the Engineer will complete the Onsite Mitigation Certification Form SFN 61042. Any sedimentation occurring within the mitigation area will be removed.

Table 2 – Summary of Estimated Costs

Alternatives	Cost
Alternative A (Build)	\$459,778.55
Alternative B (Build)	\$755,971.15
Alternative C (Build)	\$507,794.65
Alternative D (No Build)	\$0

G. Comments from the Programmatic CATEX

Comments on the Draft Programmatic CATEX are included in **Appendix F**.

H. Public Concerns / Need for Public Input

Solicitation of views emails were sent to various local, state, and federal agencies with interests within or adjacent to the project area on October 20, 2021, and November 15, 2021. Solicitation of views emails and responses can be found in **Appendix A**.

A public meeting and open house was held at the Harvey Armory (120 8th Street) on Monday, November 8th, 2021 from 5:00pm to 7:00pm to inform the public of the proposed project and gather input. Invitations were sent to local community residents, owners, and officials and a newspaper advertisement was placed in the Herold-Press (Harvey, ND) to notify the public about the meeting.

During the public input meeting three comments were received. Following the meeting one additional e-mail comment was received. Comments and responses provided during the public input meeting are summarized in **Table 3**. The Public Involvement Report contains additional information from the meeting.

The City of Harvey City Council discussed the proposed alternatives at a City Council meeting on March 9th, 2022. Based on concerns regarding safety, changes to access, and the ability of the current frontage road to accommodate truck traffic, the City of Harvey's declared their support for Alternative C. See formal letter in **Appendix A**.

Table 3 – Summary of Comments/Responses

Topic	Comments	Responses
Future Development	“Potential Development” identified on frontage road south of project limits.	The potential for development along the frontage road will be considered in the selection of the preferred alternative.
Option Concern	For removal of the south connection: “Considerations for south businesses.” Commentor indicated desire to maintain the southern access point	Impacts on businesses to the south of the project area. will be considered in the selection of an alternative.
Future Development	North of limits on ND 3: “Flour Mill Expansion X2 Traffic”. Commentor indicated that additional traffic can be expected with the planned expansion of the flour mill.	Traffic impacts will be considered in the selection of an alternative.
Option Concern	Representative for Mid Dakota Lumber 1300 Frontage Rd...”We like Alternative B.”	Support for Alternative B will be considered in the selection of an alternative.

Table 4 – Comparison of Alternatives

Alternative	Advantages	Disadvantages
A (Maintain Access at US 52 and ND 3)	<ul style="list-style-type: none"> • Lowest cost of build alternatives • Eliminates two existing access points to US 52 (Access #2 and #3) 	<ul style="list-style-type: none"> • Removes direct access from US 52 to US 52 B • Increases travel time for SB US 52 traffic to US 52 B (10th Street) • Maintains the close intersection spacing of the Frontage Road
B (Realign Access at US 52 and US 52B)	<ul style="list-style-type: none"> • Maintains direct access from US 52 to US 52 B • Eliminates two existing access points to US 52 (Access #1 and #3) • Removes the close intersection spacing at Frontage Road 	<ul style="list-style-type: none"> • Permanent impacts to 0.065 acres of wetlands • No direct access from US 52 to ND 3 • Increases travel time for NB US 52 traffic to ND 3 • Removes right turn lane at US 52 & ND 3 • Constructs right turn lane at US 52 & US 52B
C (Retain Access at both Intersections on US 52)	<ul style="list-style-type: none"> • Eliminates one existing access point to US 52 (Access #3) • Utilizes existing turn lanes on US 52 • No improvements required on US 52 	<ul style="list-style-type: none"> • Maintains direct access from US 52 to US 52 B • Maintains direct access from US 52 to ND 3 • Reduces only one access point on the west side of Harvey • Maintains the close intersection spacing of the Frontage Road
D (No Build)	<ul style="list-style-type: none"> • No improvements required on all roadways 	<ul style="list-style-type: none"> • Does not address the need for the project by remedying the sight line issues created by the existing intersection design or the potential queuing issues at the intersection of US 52 and ND 3.

Table 5 – Recommendations

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

I. Executive Decisions

1. Do you concur with the project concepts as proposed?

Yes

No

2. Which alternative should proceed with the project?

Alternative A – Proposed Build Alternative (\$459,778.55)

Alternative B – Proposed Build Alternative (\$755,971.15)

Alternative C – Proposed Build Alternative (\$507,794.65)

Alternative D – No-Build Alternative (\$0)

Amendments/Comments for Project No. 4-052(101)167:

DocuSigned by:



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Ronald J. Henke, P.E., Deputy Director for Engineering

6/2/2022

Date

II. Environmental Impact Checklist

Environmental Impact Checklist				Alternative A		Alternative B		Alternative C	
				Y/NA	N/NA	Y/NA	N/NA	Y/NA	N/NA
Right of Way	1.1		Will the action require permanent right of way?		X		X		X
		If yes:							
	1.1.1		Number of parcels: 0 Number of Acres: 0						
	1.1.2		Will the action involve the acquisition of the following: 10 acres or more per linear mile (not an average); or more than 3 acres per bridge, intersection, or interchange?		N/A		N/A		N/A
	1.1.3		Will the action involve the acquisition of land for hardship or protective purposes, or early acquisition pursuant to Federal acquisition project (23 U.S.C. 108(d))?		N/A		N/A		N/A
	1.1.4		Will the action require permanent acquisition of Federal fee-title land or trust lands?		N/A		N/A		N/A
	1.1.5		Will the action require relocation of owners or tenants?		N/A		N/A		N/A
		If yes:							
	1.1.5.1		Number of Homes to be Relocated: N/A						
	1.1.5.2		Number of Business to be Relocated: N/A						
	1.2		Are there any special property interests such as U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Forest Service, Tribal Lands, Railroad, or State School Lands?		X		X		X
		If yes:							
	1.2.1		List the type(s): N/A						
	1.3		Will the action require temporary construction easements?		X		X		X
		If yes:							
1.3.1		Number of parcels: 0 Number of Acres: 0							
1.4		Will the action require any access changes?		X		X		X	
1.5		Will the action require any access changes on Interstate?		X		X		X	
Historical and Archaeological Preservation	2.1		Will the action involve disturbance off the roadway surface?	X		X		X	
	2.2		Will the action involve disturbance to a bridge or bridge rail?		X		X		X
		If no to both questions:	<i>The proposed action is the type of actions or activities that have No Potential to Affect Historic Properties; no further Section 106 consideration is required. Skip to Resource Category #3.</i>						
		If yes to either of the two questions above:	<i>Please contact the Cultural Resources Section to complete the following information prior to submittal of the checklist and append by reference the Cultural Resources Report and related correspondence; has this been completed?</i>	X		X		X	
	2.3		Was a Class I File Search completed?	X		X		X	
	2.4		Was a Class III Survey completed?	X		X		X	
	2.4.1		Were Sites identified within the Area of Potential Effect (APE)?		X		X		X
	2.4.2		SHPO Reference #: 22-5271						
	2.4.3		Did SHPO/THPO concur in a Finding of No Historic Properties Affected?	X		X		X	
	2.4.4		Did SHPO/THPO concur in a No Adverse Effect Determination?		N/A		N/A		N/A
	2.4.5		Did SHPO/THPO concur in an Adverse Effect Determination?		N/A		N/A		N/A
	2.5		If the action results in an Adverse Effect, the Adverse Effect documentation to FHWA was provided to the Advisory Council of Historic Preservation (ACHP) on: N/A						
	2.5.1		Did the ACHP accept the opportunity to participate?		N/A		N/A		N/A
2.5.2		Resolution of Adverse Effect thru a Memorandum of Agreement was completed on: N/A							
2.5.3		Were commitments included in the coordination with SHPO/THPO?		N/A		N/A		N/A	
2.6		Commitments: N/A							
Section 4(f)	3.1		Are there any Section 4(f) properties within and/or adjacent to the action area?	X		X		X	
		If yes:	For the following property types, indicate the name of the 4(f) property or NA:						
	3.1.1		Publicly owned parks? Pioneer Park						
	3.1.2		Publicly owned recreation lands and/or facilities? NA						
	3.1.3		Wildlife or waterfowl refuges? NA						
	3.1.4		Historic sites (included on or eligible for listing on the National Register of Historic Places)? NA						
	3.2		Will the action result in a temporary impact?		X		X		X
		If yes:	Please complete the following questions to determine if there is a temporary occupancy of land which may constitute a use under Section 4(f):						
	3.2.1		Will the duration of the occupancy of the Section 4(f) resource be temporary, i.e. less than the time needed for construction of the action and there will be no change in		N/A		N/A		N/A
	3.2.2		Will the scope of work be minor, i.e., both the nature and magnitude of the changes to the Section 4(f) resource is minimal?		N/A		N/A		N/A
	3.2.3		Will there be no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource, on either a temporary or permanent basis?		N/A		N/A		N/A
	3.2.4		Will the land being used be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the proposed action?		N/A		N/A		N/A
	3.2.5		<i>Has the documented agreement from the appropriate Federal, State, or local officials having jurisdiction over the resource been included?</i>		N/A		N/A		N/A
	3.3		Will the action result in a permanent impact?		X		X		X
		If yes:	A Section 4(f) use will occur; please select from the following documentation types that may be used:						
	3.3.1		De Minimis Impact documentation completed and attached?		N/A		N/A		N/A
	3.3.1.1		Public Involvement was completed on? N/A						
3.3.2		Nationwide Programmatic Section 4(f) documentation completed and attached:		N/A		N/A		N/A	
	If yes:	<i>Select the type(s) of Nationwide Programmatic that was used below.</i>							
3.3.2.1		Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges?		N/A		N/A		N/A	
3.3.2.2		Historic Sites?		N/A		N/A		N/A	
3.3.2.3		Historic Bridges?		N/A		N/A		N/A	
3.3.2.4		Net Benefit to a Section 4(f) Property?		N/A		N/A		N/A	
	If yes:	Public Involvement was completed on? N/A							
3.3.2.5		Negative Declaration for Independent Bikeway or Walkway* documentation completed and attached?		N/A		N/A		N/A	
		<i>*A negative declaration Section 4(f) (May 23, 1977) is only applicable for independent bikeway or walkway construction projects that require use of publicly</i>							
3.3.3		Individual Section 4(f) Evaluation completed and attached?		N/A		N/A		N/A	
Section 6(f)	4.1		Does the action affect any recreational property that is encumbered by Land and Water Conservation Funds?		X		X		X
		If yes:	Indicate the name of the 6(f) property: N/A						
	4.1.1		Are there temporary impacts?		N/A		N/A		N/A
4.1.2		Are there permanent impacts?		N/A		N/A		N/A	

	4.1.3	<i>Consultation with official with jurisdiction required; has the correspondence, impact map, and mitigation plan been approved and attached?</i>		N/A		N/A		N/A
Permits	5.1	Will the action require any permits from regulatory agencies?	X		X		X	
	If yes:							
	5.1.1	Will the action require a Coast Guard or USACE Individual Permit?		X		X		X
	5.1.2	Please list the agencies and all required permits: NDDEQ - NPDES Permit Alternative B: USACE - Section 404 Permit						
Highway Traffic Noise	6.1	Will the action include construction of a highway on new location?		X		X		X
	6.2	Will the action physically alter the existing highway?	X		X		X	
	If yes:							
	6.2.1	Substantial Horizontal Alteration— Will the action reduce the distance between the traffic noise source and the closest receptor by half, between the existing condition to the future build condition?		X		X		X
	6.2.2	Substantial Vertical Alteration—Will the action remove shielding, therefore exposing the line-of-sight between the receptor and the traffic noise source? This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor. Projects that incorporate overpasses meet this definition in accordance with 23 CFR 772 .		X		X		X
	6.3	Will the action include the addition of a through-traffic lane(s)? This includes the addition of a through traffic lane that functions as a High-Occupancy Vehicle (HOV) lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane.		X		X		X
	6.4	Will the action include the addition of an auxiliary lane, except for when the auxiliary lane is a turn lane? If the additional lane does not increase the number of through-traffic lanes, the definition in accordance with 23 CFR 772 is not met and an analysis is not required. [Auxiliary lanes 2,500 feet or longer meet Type I.]		X		X		X
	6.5	Will the action include the addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange?		X		X		X
	6.6	Will the action restripe existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane?		X		X		X
	6.7	Will the action include the addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot or toll plaza?		X		X		X
		If yes to any of the above questions:	<i>The action meets the definition of a Type 1 Project per 23 CFR 772.5 and a noise analysis is required for the entire project area as defined in the environmental document; has the Noise Report been completed and appended by reference?</i>		N/A		N/A	
Threatened / Endangered Species	7.1	<i>Please refer to the Design Manual Reference and Forms for the Section 7 ESA (Endangered Species Act) Guidance. Complete the NDDOT Affect Determination Table. Has the Affect Determination Table been completed?</i>	X		X		X	
	7.2	Based on the Affect Determination Table, was a NDDOT ETS Biologist review required? Attach the NDDOT Affect Determination Table and no further action is required.		X		X		X
	If no:							
	If yes:							
	7.2.1	<i>NDDOT Biologist concurred with no effect (excluding the Northern Long Eared Bat [NLEB] in certain situations); has the signed Section 7 Affect Determination Package, NDDOT Affect Determination Table, and NLEB documentation (if required) been attached?</i>		N/A		N/A		N/A
	7.2.2	<i>Programmatic Biological Assessment (PBA) warranted; has the PBA and PBA USFWS Concurrence letter been appended by reference and PBA Project Submittal page been attached?</i>		N/A		N/A		N/A
	7.2.3	<i>Project-specific Biological Assessment (BA) warranted; has the project specific BA been appended by reference and project-specific USFWS Concurrence Letter been attached?</i>		N/A		N/A		N/A
7.2.4	Will the action may affect, likely to adversely affect federally listed endangered, threatened, or candidate species or proposed or designated critical habitat pursuant to the Endangered Species Act?		N/A		N/A		N/A	
Bald & Golden Eagles	8.1	Will the action occur within 0.5 mile of a known nest location? See Bald and Golden Eagle Protection Act Compliance Flowchart for more information. If no, no further action required.		X		X		X
	If yes:							
	8.1.1	Based on NDDOT Biologist Review and USFWS coordination (if necessary) are any avoidance or minimization measures (AMMs) or special provisions (SPs) required to avoid impacts to eagles? If no, no further action required.		N/A		N/A		N/A
	If yes:	AMMs or SPs are required to be added to the plan sheets. Coordinate with NDDOT Biologist.						
8.2	Based on NDDOT Biologist Review and USFWS coordination (if AMMs or SPs cannot be applied to project), will a take permit be needed for project impacts to bald or golden eagles?		N/A		N/A		N/A	
Wildlife Accommodation	9.1	Will the project require any of the below work activities? •Removal/replacement of a bridge, box culvert, cattle pass, structural plate pipe/large diameter culvert (>60 inches) •Slope/erosion/scour repair underneath a bridge •Permanent installation of wildlife-specific exclusionary fencing •Permanent installation of concrete median barriers		X		X		X
	If yes:	NDDOT Biologist review required. Has project information been sent to NDDOT Biologist for review and has Biologist response (email/memo) been received?		N/A		N/A		N/A
	9.1.1	Based on NDDOT Biologist Review and Agency SOV responses, are any accommodations for wildlife recommended to be incorporated into the project?		X		X		X
	If yes:	Include recommended wildlife accommodations as Decision Item.						
Migratory Birds	11.1	Will the action require a structure replacement or any of the following activities on a bridge, box culvert, structural plate pipe, cattle pass, or other large diameter culvert where migratory birds are prone to nest? • Work done entirely on the deck that would result in perforation of the deck or create strong vibrations that could dislodge nests underneath or on the sides of the structure • Below deck work (including scour/slope repair underneath/adjacent to bridge) • Any work on a box culvert, structural plate pipe, cattle pass, large diameter culvert NOTE - Work done entirely on the bridge deck that does not require the contractor to access areas where birds are nesting (e.g. set up debris containment, etc.) and that would not result in disturbance of nesting adults or eggs or young due to vibrations from equipment or other construction activity, will not require that SSP 2 be added to the plans. If unsure whether or not project would cause disturbance to migratory birds, contact NDDOT Biologist.		X		X		X
	If yes:	Standard Special Provision required. Include SSP 2 -Are Federal Migratory Bird Treaty Act or other identified avoidance/minimization measures in plan set.						
Floodplain / Floodway	10.1	Will the action occur within a 100 year floodplain?		X		X		X

		If yes:							
	10.1.1		<i>A floodplain permit will be required. Has the floodplain determination from the ND State Water Commission and FIRM maps been attached?</i>						
	10.2		Will the action occur within a regulatory floodway?		X		X		X
		If yes:	A floodway authorization is required from the ND State Water Commission.						
	10.2.1		Will the action cause any measurable decrease in the hydraulic conveyance in the affected area?		N/A		N/A		N/A
		If yes:	<i>A permit will NOT be granted and the alternative will NOT be approved.</i>						
Clean Water Act	12.1		<i>Please refer to the Design Manual Reference and Forms for the Wetland/OW Impact Table Template and attach a completed table for the action. Has a completed Wetland/OW Impact Table been attached?</i>		N/A	X			N/A
	12.2		Based on the Wetland/OW Impact Table, is wetland mitigation required?		N/A	X			N/A
		If yes:	<i>Wetland mitigation proposed onsite requires a conceptual mitigation plan (aerial photo with site boundary). If onsite wetland mitigation is proposed, has the conceptual mitigation plan been attached?</i>						
	12.2.1				N/A		N/A		N/A
	12.3		Will the action disturb a contiguous area equal to one acre or greater, or disturb multiple sites of activity, that cumulatively have an area of disturbance of one acre or greater?		X		X		X
		If yes:	<i>A Construction Stormwater Permit is required: please ensure that the Special Provision 3(14) regarding Temporary Erosion and Sediment Best Management Practices is included in the plan set.</i>						
	12.3.1		Will the action occur in part or entirely on reservation land?		X		X		X
		If yes:	<i>The NPDES Sign will need to be used in the plan set.</i>						
	12.4		Is the action within a small Municipal Separate Storm Sewer System (MS4) regulated community?		X		X		X
		If yes:							
	12.4.1		Does the action implement Post-Construction Stormwater Management for New Development and Redevelopment?		N/A		N/A		N/A
Temporary Construction	13.1		Will the action require a roadway, bridge, or ramp closure?		X		X		X
	13.2		Will the action include a temporary bridge or roadway (i.e. temporary bypass)?		X		X		X
	13.3		Will the action require a detour?		X		X		X
		If yes:							
	13.3.1		Distance (miles):						
			Route:						
	13.4		Has a description of any of the below been provided in the Work Zone Traffic Control section of the PCE/DCE? Through traffic dependent businesses. Provisions made to accommodate any local special events or festivals. MOT (Maintenance of Traffic) substantially impacts to environmentally sensitive resources. Any substantial controversy associated with the proposed MOT.		X		X		X
	13.5		Coordination has been completed with local emergency services, schools, and transit?	X		X		X	
Public Involvement	14.1		Were any Public Meetings conducted or scheduled?	X		X		X	
		If yes:	Identify which type(s):						
	14.1.1		Public Information Meeting 11/08/2021, Harvey Armory (120 8th Street, Harvey, ND)						
	14.1.2		Public Input Meeting 11/08/2021, Harvey Armory (120 8th Street, Harvey, ND)						
	14.1.3		Public Hearing N/A						
Early Coordination	15.1		<i>Have the Master SOV List, SOV emails (PCE level)/letters, and Responses been attached in an Appendix titled Solicitation of Views?</i>	X		X		X	
Environmental Commitments	17.1		<i>List Environmental Commitments beyond what is included in the Standard Specifications for Road and Bridge Construction:</i> <ul style="list-style-type: none"> •A North Dakota Pollutant Discharge Elimination System (NDPDES) Permit will be obtained to mitigate for discharged stormwater runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. •Wetland mitigation is required for unavoidable permanent wetland impacts under Alternative B. If Alternative B is chosen as the preferred alternative, a wetland mitigation plan will be incorporated into the plans for this project. After completion of the mitigation area, the Engineer will complete the Onsite Mitigation Certification Form SFN 61042. Any sedimentation occurring within the mitigation area will be removed. •An Aquatic Nuisance Species (ANS) inspection is required by the North Dakota Game and Fish Department (NDGFD) for any equipment that was last used outside of North Dakota or within a Class I infested waterbody. The contractor will notify the NDGFD at least 10 business days prior to pumps, watercraft, or any equipment enters a public water to allow the NDGFD sufficient time to inspect any and all such equipment for ANS. 						

APPENDICES

Appendix A Solicitation of Views

[Project Name] SOV LIST

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

As of 9/9/2021																	
Type	Code	Letter	Notes	CTitle	First	Last	Title	Department	Agency	Email	Address	City	State	Zip	Phone	Fax	Date Edited
STATE	100	5	If it is a county or local govt project— send Paul D. SFN 52748, he then solicits SHPO. If it is a state or US highway project— send Jason B. or Val B. letter #5, if they solicit	Ms.	Valerie	Barbie	Cultural Resource Specialist	Cultural Resource Section	ND Department of Transportation	NDDOT to send out hard copy letter.	608 E. Boulevard Ave.	Bismarck	ND	58505-0700	J 701-328-4378 V 701-328-2152		08/07/19
STATE	100	1		Mr.	Scott	Davis	Executive Director		Indian Affairs Commission	sdjavis@nd.gov	400 E. Blvd. Ave 1st Floor, Judicial Wing, Rm 117	Bismarck	ND	58505-0300			10/13/16
STATE	100	1		Mr.	Stephen	Herda	Environmental Program Manager		ND National Guard	stephen.p.herda.nfg@mail.mil	PO Box 5511	Bismarck	ND	58506-5511	701-333-2065		10/13/16
STATE	100	1		Mr.	Justin	Messner	Disaster Recovery Chief	Department of Homeland Security	ND Department of Emergency Services	jmessner@nd.gov	PO Box 5511	Bismarck	ND	58506	701-328-8107		05/22/19
STATE	100	1		Mr.	Steve	Dyke	Supervisor		ND Game & Fish Department	sdvka@nd.gov	100 Bismarck Expressway	Bismarck	ND	58501-5095	701-328-6347 701-328-6352		10/13/16
STATE	100	1		Ms.	Andrea	Trantrick	Director		ND Parks & Recreation Dept.	parkrec@nd.gov	1400 E. Century Ave., Suite 3	Bismarck	ND	58503-0649	701-328-5357 701-328-5363		02/09/21
STATE	100	1		Mr.	Steve	Bier	Environmental Reviewer		ND State Water Commission	stevebier@nd.gov	900 E. Blvd. Ave.	Bismarck	ND	58505-0850			02/16/17
STATE	100	1		Mr.	Scott	Hochhalter	State Soil Specialist		Soil Conservation Committee	scott.hochhalter@ndsu.edu	2718 Gateway Ave., #104	Bismarck	ND	58503	701-328-9715 701-328-9721		10/13/16
STATE	100	1 / 4	Letter 1 is General, Letter 4 is NDEQ specific coordination Do not include in Main merge	Mr.	David	Gaht	Director		ND Department of Environmental Quality	dgaht@nd.gov	918 E. Divide Ave., 4th floor	Bismarck	ND	58501-1947	701-328-5150 701-328-5200		11/1/20
STATE	100	6	Separate SOV letter- do not include in main merge	Mr.	John	Paczkowski	Interim State Engineer		ND State Water Commission	cpjzger@nd.gov	900 E. Blvd. Ave.	Bismarck	ND	58505-0850	701-328-4940		02/19/21
FEDERAL	100	1	Only send if project is within the Williston or Minot District (NDDOT).	Mr.	Daniel	Loew, P.E.	Chief Missile Engineering		Minot Air Force Base	daniel.loew.23@us.af.mil	145 Poosekeeper Place	Minot AFB	ND	58705	701-723-4834		10/13/16
FEDERAL	100	1		Mr.	Cy	Munos	Cable Affairs Officer		Minot Air Force Base	cy.munos@us.af.mil	300 Minuteman Drive	Minot AFB	ND	58705	701-723-4053		10/13/16
FEDERAL	100	1		Mr.	Timothy	LaPointe	Regional Director		Great Plains Regional Office	timothy.lapointe@bia.gov	115 4th Ave. SE, Suite 400	Aberdeen	SD	57401			10/13/16
FEDERAL	100	1		Mr.	Marc	Kress	North Dakota Maintenance Manager		Western Area Power Admin.	M.Kress@wapa.gov	PO Box 1173	Bismarck	ND	58502-1173			03/19/19
FEDERAL	100	7	Separate SOV letter- do not include in main merge.				Manager		Chase Lake Prairie Wetland Management District	chaseslake@fws.gov	5924 19th St SE	Woodworth	ND	58496-4422	(701)752-4218		11/07/12
TRANSIT	100	1	Send to Transit Agency(s) in the project's county. See the Transit Agencies excel tab for mailing information.	Ms.	Maureen	Wegenke	Director		James River Public Transit	jrsc@scicable.net	PO Box 1092	Jamestown	ND	58402	701-252-2882		05/11/16
FEDERAL	200	1		Mr.	Amundson	Erik	Regional Administrator	Regional Office	Department of HUD	erik.amundson@hud.gov	1670 Broadway, Ste. 200	Denver	CO	80202-4813	303-472-5440		9/9/2021
FEDERAL	200	2	Separate SOV letter- do not include in main merge	Ms.	Patricia	McQueary	Manager	ND Regulatory Office	US Army Corps of Engineers	CEWVO-00-RND@usace.army.mil	3319 University Drive	Bismarck	ND	58504			11/1/20
CITY	300	1					Auditor		City of Harvey	karen@harveynd.com							
CITY	300	1		Mr.	Rick	Eckart	Mayor		City of Harvey	rick@harveynd.com							
CITY	300	1		Mr.	Tony	Webb	Police Chief		City of Harvey	twwebb@harveynd.com							
CITY	300	1					Fire Chief		City of Harvey	fredc@harveynd.com							
CITY	300	1					President	Chamber of Commerce	City of Harvey	harveychamber@gondtc.com							
CITY	300	1					President	Economic Development	City of Harvey	kia@harveynd.com							
CITY	300	1					Superintendent	Public Works	City of Harvey	publicworks@harveynd.com							
CITY	300	1		Mr.	Milch	Strand	Superintendent		Harvey Public School District	milch.strand@k12.nd.us							
COUNTY	400	1		Ms.	Joyce	Larson	Director	Finance	Wells County	jlarsen@nd.gov							
COUNTY	400	1		Ms.	Tammy	Boschich	Chairman	Water Resource District	Wells County	tboschic@nd.gov							
COUNTY	400	1		Ms.	Jana	Hopkins	Chairman	Planning/Zoning Committee	Wells County	jahopkins@nd.gov							
COUNTY	400	1		Mr.	Brent	Keller	Highway Engineer/Supervisor		Wells County	brkeller@nd.gov							
COUNTY	400	1		Mr.	Chris	Sherriff			Wells County	chrkluth@nd.gov							
STATE	500	1	Use if project is within 5 miles of airport	Mr.	Kyle	Wanner	Director		ND Aeronautics Commission	kwanner@nd.gov	PO Box 5020	Bismarck	ND	58502-5020			10/13/16
FEDERAL	500	1	Use if project is within 5 miles of an airport identified in ND Aeronautics Commission Airport Directory (and Airport named in SOV email) OR if a structure (temporary or permanent) is associated with proposed project exceeds 200 feet in height in the State of ND.				Manager	Bismarck Airports District Office	Federal Aviation Administration	david.p.anderson@faa.gov	2301 University Drive, Bldg 218	Bismarck	ND	58504			08/13/18
COMMRC	600	1	Solicit railroads and utilities located within the project limits and adjacent to the project. Contact the NDDOT Utility Engineer or Technical Support person for a list of utility companies to solicit views. List all entities contacted in this space and include table in the environmental document.														
COMMRC	600	1			Rodney	Hoffmeyer			North Dakota Telephone Company	roch@ndtel.com	P.O. Box 180	Devils Lake	ND	58301			
COMMRC	600	1			Robert	Johnson	Manager		Midco	Robert.johnson@midco.com	5030 Gateway Dr. Suite B.	Grand Forks	ND	58203			
COMMRC	600	1			Kardell	Blumhardt	Sr. Land Specialist		Otter Tail Power Company	kblumhardt@otpc.com	315 2nd Street Southeast	Jamestown	ND	58402			
COMMRC	600	1			Randy	Hauck	Manager		Verendrye Electric Coop. Inc.	rec@verendrye.com	615 Hwy 52 West	Velva	ND	58790			
COMMRC	600	1			Teresa	Sundsbak	Manager		North Prairie Rural Water Association	via: https://cpwd.myruralwater.com/contact-us	3811 Burdick Expy E.	Minot	ND	58701			
COMMRC	600	1			Terry	Marrow	Manager		Central Plains Water District	via: https://cpwd.myruralwater.com/contact-us	P.O. Box 157	Fessenden	ND	58438			
COMMRC	600	1		Mr.	Taylor	Smith	Manager	Public Projects	BNSF Railway Company	taylor.smith@BNSF.com	80 4th Avenue, NE	Minneapolis	MN	55421	763-782-3892		08/07/19
COMMRC	600	1		Mr.	Brian	Osborne	Manager	Public Works - Southern Region	Canadian Pacific Railroad	brian.osborne@cprr.ca	120 South 6th Street, Suite 900	Minneapolis	MN	55402	612-330-4555		08/07/19
COMMRC	600	1		Mr.	Jeff	Wood	Executive Vice President		Dakota, Missouri Valley & Western Railroad, Inc.	wood@dmwrr.com	3501 East Rossier Avenue	Bismarck	ND	58501	701-223-9282		06/02/16
COMMRC	600	1		Mr.	Dan	Zink	Director of Administration		Red River Valley & Western Railroad	dan.zink@rrvw.net	PO Box 608	Walperton	ND	58074	701-642-8257		06/02/16
COMMRC	600	1		Mr.	Jason	Biewerth	Manager	Operations	Dakota Northern Railroad	mnjb@kbrinc.net	Box 705	Crookston	MN	56716	218-281-4704		06/02/16
COMMRC	600	1		Mr.	Jesse J.	Chalich	President		Northern Plains Railroad	jesse_chalich@nprail.com	PO Box 38	Fordville	ND	58231	701-229-3444		06/02/16
COMMRC	600	1		Mr.	Taylor	Smith	Manager	Public Projects	BNSF Railway Company	taylor.smith@BNSF.com	2454 Occidental Ave South, #2D	Seattle	WA	98134	206-725-6396		08/06/19



December 6, 2021

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

AQUATIC RESOURCES JURISDICTIONAL REQUEST
4-052(101)167, PCN 23153
ROADWAY IMPROVEMENTS
WELLS COUNTY

The North Dakota Department of Transportation (NDDOT), in cooperation with the Federal Highway Administration (FHWA) is proposing roadway improvements at the intersection of US 52 & ND 3 near the Town of Harvey in Wells County, North Dakota. The project consists of sub-grade reconstruction, regrading and widening the existing roadway footprint for the proposed intersection improvement. The project is planned to be completed during the 2022 construction season.

Waterbodies in the vicinity of the project include an unnamed ephemeral swale and the Sheyenne River. A map indicating the delineated waterbodies and/or wetlands within the project area is enclosed in the attached delineation report.

Please provide an approved jurisdictional determination (AJD) for each of the waterbodies and/or wetlands and identify them on the enclosed table.

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

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

A handwritten signature in black ink that reads "Russell Senske".

RUSSELL SENSKE
RS

Enclosure:
4-052(101)167 Aquatic Resources Delineation Report PCN 23153



January 5, 2022

Mr. William D. Peterson, PhD
ND State Historic Preservation Officer
ND Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Attn: Lisa Steckler, Project Review Coordinator

CONSULTATION ON NDDOT PROJECTS, STATE HIGHWAY SYSTEM

We are initiating consultation on the following project. This letter is intended to give you information on the proposed project and how we intend to proceed to meet our responsibilities under Section 106 of the National Historic Preservation Act of 1966 (as revised 1992). Further, it is intended to solicit your views pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969. We would appreciate your comment on the project and our planned cultural resource work, and discussion of any concerns you may have regarding historic properties which may be affected by the project.

Lead Federal Agency: Federal Highway Administration

NDDOT Project Engineer / Tech Support: Jeffery Rensch

Engineering Firm: WSB & Associates

Project Engineer: Nate Wingerter

Telephone #: 701-226-5910

Email: NWingerter@wsbeng.com

Address: 4501 Coleman Street, Suite 205, Bismarck, ND 58503

NDDOT Project #: HEN-4-052(101)167

PCN: 23153

Legal Location: County: Wells County, ND

Township: T 150 Range: R 73 Section: 36

Project Type: Intersection Improvement

Purpose and Need: The project area has been identified as a critical location for intersection improvements because of existing sightline and operational issues from three access points to US 52 within 1400 feet. The purpose of the proposed project is to improve safety and traffic operations at the existing intersections of US 52 & US 52B and US 52 & ND 3.



608 East Boulevard Avenue | Bismarck, ND 58505-0700 |
dot.nd.gov TOLL FREE: 1-855-637-6237 | FAX: (701) 328-0310
| TTY: 711



Project Description: The proposed project consists of intersection and access management improvements along US 52 on the west side of Harvey at the intersection of US 52 and US 52B as well as US 52 and ND 3. Improvement considerations include the removal of existing access points to US 52 and the realignment of existing access points to improve sight lines. Work would consist of removal of existing roadway sections, grading and paving of new roadway sections and appurtenant work. No permanent acquisition and temporary construction easements will be required for construction of the proposed project by any of the proposed alternatives. Figure 1 provides proposed project APE location.

APE: The Area of Potential Effect is the area inventoried for the project, which is approximately 1900 feet by 900 feet for a total of 16.2 acres. The inventoried area is the ROW of ND Hwy 3 and US Hwy 52 and 52B, and frontage road in Harvey, ND.

APE Justification: The proposed undertaking is work to an existing highway and intersection system.

Proposed Cultural Resource Work: No further work.

Identification Justification: A Class III cultural resource inventory was completed by Juniper, LLC accompanied by a Traditional Cultural Specialist from Standing Rock Sioux Tribe THPO.

Other Consulting Parties: The Tribal Consultation Committee is consulted on all projects as agreed in a PA.

Plan for Public Involvement: A public input meeting was held for the proposed project was held on November 8, 2021, at the Harvey Armory on 120 8th Street West in Harvey, ND. No comments received regarding cultural resources. Solicitation of views emails were sent to various local, state, and federal agencies with interests within or adjacent to the project area. The Solicitation of Views List is provided as Attachment A.

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



VALERIE J. BARBIE,
CULTURAL RESOURCES, ETS DIVISION

Attachments



Figure 1 - Project Location Aerial

Project 4-052(101)167 PCN 23153
Intersections of US 52 & ND 3-Harvey
North Dakota Department of Transportation



From: [Mike Chavez](#)
To: [REDACTED]
Cc: [Nate Wingerter](#); [Mike Chavez](#)
Subject: INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153
Date: Wednesday, October 20, 2021 9:19:43 PM
Attachments: [Project Map - HEN-4-052\(101\)167, PCN 23153.pdf](#)

PROJECT: HEN-4-052(101)167, PCN 23153

INTERSECTION IMPROVEMENTS

The North Dakota Department of Transportation, in cooperation with the Federal Highway Administration, is proposing roadway intersection improvements at the intersections of US Hwy 52 / US-52B, US Hwy 52 / ND Hwy 3, & US-52B / ND Hwy 3 in Harvey.

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

It is requested that any comments or information be sent to Nate Wingerter at nwingerter@wsbeng.com on or before November 19, 2021. If no reply is received by this date, it will be assumed that you have no comment on this project.

If further information is desired regarding the proposed roadway improvement, please contact Nate Wingerter at nwingerter@wsbeng.com, or at 701.989.7873 in Bismarck, ND.

WSB & Associates

NATE WINGERTER

nw/mrc

Enclosure: Project Location Map

Mike

512.567.2685



Figure 1 - Project Location Aerial

Project 4-052(101)167 PCN 23153
Intersections of US 52 & ND 3-Harvey
North Dakota Department of Transportation



From: [Nate Wingerter](#)
To: [Mike Chavez](#)
Subject: FW: [EXTERNAL] INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153
Date: Friday, October 22, 2021 12:48:05 PM
Attachments: [image876696.png](#)
[image001.png](#)
[Project Map - HEN-4-052\(101\)167, PCN 23153.pdf](#)

Sent from my Verizon, Samsung Galaxy smartphone

Nate
701.989.7873

----- Original message -----

From: "Ellis, Kristopher" <KSELLIS@WAPA.GOV>
Date: 10/22/21 12:16 PM (GMT-06:00)
To: Nate Wingerter <NWingerter@wsbeng.com>
Subject: FW: [EXTERNAL] INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153

EXTERNAL EMAIL

Hi Nate,

This email is to inform you that WAPA does not have any nearby facilities that will be impacted by the Intesection Improvement Project in Harvey, ND, as attached in the plat above.

We appreciate the opportunity to review and comment on your future plans.

Thanks,

Kris

Kristopher S. Ellis, CPL | Realty Specialist | Landman

Western Area Power Administration | Upper Great Plains Region

(M) 605.354.9020 | ksellis@wapa.gov





Document Path: K:\016099-000\GIS\MapServer\Project\MapServer\100\trails\trails\Draw_Saved_10/14/2021

Figure 1 - Project Location Aerial

Project 4-052(101)167 PCN 23153
Intersections of US 52 & ND 3-Harvey
North Dakota Department of Transportation



From: [Paul Gunderson](#)
To: [Mike Chavez](#)
Subject: RE: INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153
Date: Monday, October 25, 2021 8:40:58 AM
Attachments: [image001.png](#)

EXTERNAL EMAIL

Good morning Mike. Thanks for this update. I will be back in touch with N. Wingerter concerning possible property development on the west side of Highway # 52 and south of 25th Street NE..

From: Mike Chavez <MChavez@wsbeng.com>
Sent: Wednesday, October 20, 2021 9:20 PM
To: Paul Gunderson <jda@harveynd.com>
Cc: Nate Wingerter <NWingerter@wsbeng.com>; Mike Chavez <MChavez@wsbeng.com>
Subject: INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153

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If further information is desired regarding the proposed roadway improvement, please contact Nate Wingerter at nwingerter@wsbeng.com, or at 701.989.7873 in Bismarck, ND.

WSB & Associates

NATE WINGERTER

nw/mrc

Enclosure: Project Location Map

Mike Chavez

Sr. Transportation Planner

[512.567.2685](tel:512.567.2685) (o)

[WSB | wsbeng.com](http://WSB|wsbeng.com)



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Dakota | Environmental Quality

Be Legendary.™

October 27, 2021

Nate Wingerter
Project Engineer
WSB Associates
4501 Coleman St. Suite 205
Bismarck, ND 58503

Re: Project Code: HEN-4-052(101)167, PCN 23153, Intersection improvements on Hwy 52 in Harvey in Wells County

Dear Mr. Wingerter:

The North Dakota Department of Environmental Quality has reviewed the information concerning the above-referenced project received at the department on October 21, 2021 with respect to possible environmental impacts.

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

1. Aggregate to be used for road construction should not contain any erionite. Aggregate sources should be tested for erionite following guidelines found at <https://deq.nd.gov/erionite>. For questions regarding erionite testing, please contact the Asbestos Program at 701-328-5166 or asbestos@nd.gov.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge stormwater runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the stormwater permit may be obtained from the department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local stormwater management considerations are addressed.
4. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can

918 East Divide Avenue | Bismarck ND 58501-1947 | Fax 701-328-5200 | deq.nd.gov

Director's Office
701-328-5150

Division of
Air Quality
701-328-5188

Division of
Municipal Facilities
701-328-5211

Division of
Waste Management
701-328-5166

Division of
Water Quality
701-328-5210

Division of Chemistry
701-328-6140
2635 East Main Ave
Bismarck ND 58501

Mr. Wingerter

2

October 27, 2021

generally reduce the cost of waste management. Further information on waste management and recycling is available from the department's Division of Waste Management at (701) 328-5166.

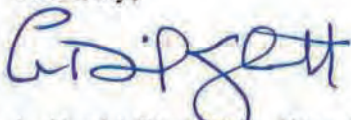
5. The NDDEQ UST Program does have current and/or historical underground storage tanks nearby the project location in Harvey, ND, see attached list.

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

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

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

Sincerely,



L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality

LDG:csc
Attach.

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the department's pesticide application permit with notification to the department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds; including, but not limited to, asphalt, tires, treated lumber, and construction debris. The department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.

Facility Report

Latitude and Longitude within 0.25 mile(s) of 47.774657 and -99.945201

Tuesday, October 26, 2021

Facility ID	Facility	Address	City	Region	Facility Type	Latitude	Longitude	Status
481	Farmers Union Oil Company	2574 25th St NE	Harvey	1	Gas Station	47.775742	-99.948042	Inactive
524	Little Mart C-Store	708 Hwy 52 W	Harvey	1	Gas Station	47.775964	-99.948694	Active

Number of Records 2

From: [Nate Wingerter](#)
To: [Mike Chavez](#)
Subject: FW: INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153
Date: Monday, November 15, 2021 5:44:37 PM
Attachments: [image883107.png](#)
[image001.png](#)
[Project Map - HEN-4-052\(101\)167, PCN 23153.pdf](#)

Sent from my Verizon, Samsung Galaxy smartphone

Nate
701.226.5910

----- Original message -----

From: "Schumacher, John D." <jdschumacher@nd.gov>
Date: 11/15/21 4:56 PM (GMT-06:00)
To: Nate Wingerter <NWingerter@wsbeng.com>
Subject: RE: INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153

EXTERNAL EMAIL

Nate Wingerter
Project Engineer
WSB & Associates

RE: [Project: HEN-4-052\(101\)167, PCN 23153](#)

This project consists of proposing alternatives to modify the existing intersection geometry to consolidate existing highway access points and remove potential conflict points at the intersections of US Highway 52 / US-52B, US-52 / ND Highway 3, & US-52B / ND 3 in Harvey, North Dakota.

The National Wetland Inventory indicates various wetlands within the proposed project area. We have no objections to this project provided any unavoidable destruction or degradation of wetland acres is mitigated in kind.

J.D. Schumacher
Resource Biologist

701.328.6321 • jdschumacher@nd.gov • gf.nd.gov



From: Mike Chavez <MChavez@wsbeng.com>

Sent: Wednesday, October 20, 2021 9:20 PM

To: Dyke, Steve R. <sdyke@nd.gov>

Cc: Nate Wingerter <NWingerter@wsbeng.com>; Mike Chavez <MChavez@wsbeng.com>

Subject: INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153

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PROJECT: HEN-4-052(101)167, PCN 23153

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WSB & Associates

NATE WINGERTER

nw/mrc

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Mike Chavez

Sr. Transportation Planner

[512.567.2685](tel:512.567.2685) (o)

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From: [Huffman, Dennis](#)
To: [Mike Chavez](#)
Cc: [Blumhardt, Kardell](#)
Subject: RE: INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153
Date: Monday, November 15, 2021 3:33:33 PM
Attachments: [image001.png](#)
[Harvey - OTP Assets.pdf](#)

EXTERNAL EMAIL

Mike,

I have attached a pdf of Otter Tail Power Company's potential conflicts. There is a overhead crossing in the NE (blue line circled in red) and an underground line with padmount transformers on the west side of the project (green line circled in red).

Dennis Huffman
Office: (218) 739-8764
Cell: (701) 351-2982

From: Mike Chavez <MChavez@wsbeng.com>
Sent: Monday, November 15, 2021 1:31 PM
To: Blumhardt, Kardell <KBlumhardt@otpc.com>
Subject: INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153

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PROJECT: HEN-4-052(101)167, PCN 23153
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WSB & Associates

NATE WINGERTER

nw/mrc

Enclosure: Project Location Map

Mike Chavez

Sr. Transportation Planner

[512.567.2685](tel:512.567.2685) (o)

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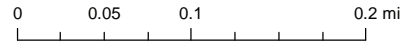


Source: Esri, Intel, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri (HERE), Garmin, IGN, OpenStreetMap contributors, and the GIS user community, OTP, Otter Tail Power Company GIS



OTP - Harvey, ND

Author: Web AppBuilder for ArcGIS
Date: 11/15/2021



From: [Brady Carpenter](#)
To: [Mike Chavez](#); [Nate Wingerter](#)
Cc: [Teresa Sundsbak](#); "publicworks@harveynd.com"
Subject: RE: New Website Contact - INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153
Date: Thursday, November 18, 2021 3:51:44 PM

EXTERNAL EMAIL

Good Afternoon Nate,

North Prairie Regional Water District does not have any water utilities in or near the City of Harvey.

Very respectfully,

Brady Carpenter

Mapper/Locator

North Prairie Regional Water District
3811 Burdick Expy E
Minot, North Dakota 58701

(Office) 701-852-1886

(Cell) 701-833-5268

From: Teresa Sundsbak <teresas@nprwd.com>
Sent: Tuesday, November 16, 2021 2:21 PM
To: Brady Carpenter <brady@nprwd.com>
Subject: FW: New Website Contact - INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153

Check into this and report back to me please. Thanks

Teresa Sundsbak
General Manager
North Prairie Regional Water
PH:701.852.1886
Cell:701.720.1209

From: Michael Chavez <no-reply@ruralwaterimpact.com>

Sent: Monday, November 15, 2021 1:28 PM

To: Karla <billing@nprwd.com>; Teresa Sundsbak <teresas@nprwd.com>

Subject: New Website Contact - INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153

You have received the following Customer Contact Submission Form from your website.

Date: Nov 15, 2021 1:27:42PM

Contact Name: Michael Chavez

Email: MChavez@wsbeng.com

Phone: 5125672685

Account Number:

Service Address: xxx

Department: Customer Support

Subject: INTERSECTION IMPROVEMENTS PROJECT: HEN-4-052(101)167, PCN 23153

Comments:

C/O: Teresa Sundsebak PROJECT: HEN-4-052(101)167, PCN 23153 INTERSECTION IMPROVEMENTS The North Dakota Department of Transportation, in cooperation with the Federal Highway Administration, is proposing roadway intersection improvements at the intersections of US Hwy 52 / US-52B, US Hwy 52 / ND Hwy 3, & US-52B / ND Hwy 3 in Harvey. The project consists of proposing alternatives to modify the existing intersection geometry to consolidate existing highway access points and remove potential conflict points. This project is expected to be constructed during the 2023 construction season. The project will not require the acquisition of permanent or temporary right-of-way. To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed roadway improvement. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed roadway facility. Any information that might help us in our studies would be appreciated. It is requested that any comments or information be sent to Nate Wingerter at nwingerter@wsbeng.com on or before December 15, 2021. If no reply is received by this date, it will be assumed that you have no comment on this project. If further information is desired regarding the proposed roadway improvement, please contact Nate Wingerter at nwingerter@wsbeng.com, or at 701.989.7873 in Bismarck, ND. WSB & Associates NATE WINGERTER nw/mrc Enclosure: Project Location Map

Sent from nprwd.com



120 West 8th Street Harvey, ND 58341 phone: (701)324-2000 website: www.harveynd.com

City Auditor

Karen Nordby
(701) 324-2000
karen@harveynd.com

Deputy Auditor

Cherie Heisler
(701) 324-2000
Cherie@harveynd.com

Utility Billing Specialist

Terri Powers
(701) 324-2000
utilitybilling@harveynd.com

Public Works Director

Kenny Erickson
(701) 324-2000
publicworks@harveynd.com

Chief of Police

Tony Webb
(701) 324-2225
awebb@harveynd.com

April 12, 2022

NDDOT
Attention: Korby Seward
1305 Hwy 2 Bypass East
Minot, ND 58701-7922

To Whom It May Concern,

It is my pleasure to write a letter of support for Alternate C for the West Harvey US 52 Access Reconfiguration for the City of Harvey.

The City Council discussed the Alternates at our City Council meeting on March 9th, 2022. The City of Harvey's first concern is safety. The proposed stop signs should control the speed. Alternate C would be the least amount of change for our community. It would allow our business community on Frontage Rd continued access to US 52. Alternate C would give 10th Street an easy flow to our Downtown Business District, since the City of Harvey's 2nd concern is keeping our business districts growing and thriving.

The City of Harvey's 3rd concern is the increase in traffic from the other Alternatives on Frontage Road. This road was rebuilt in 2017 but was not designed as a truck route for excessive highway truck traffic which some of the alternatives will create.

In conclusion, the City of Harvey supports Alternative C.

Sincerely,

Karen S Nordby

Karen Nordby
Auditor
City of Harvey

Appendix B Endangered Species Act

Refer to the U.S. Fish and Wildlife Service's County Occurrence of Endangered, Threatened, Proposed, and Candidate Species and Designated Critical Habitat in North Dakota Table on the NDDOT References and Forms Page to determine which species may be found in the county or counties the project is located in. The USFWS IPAC Website may also be used - <https://ecos.fws.gov/ipac/>

NDDOT Threatened, Endangered, Proposed, Candidate Species and Critical Habitat Affect Determination Table							
Project: 4-052(101)167		PCN: 23153	Location: US HWY 52 intersections with US HWY 52B and ND HWY 3, and US HWY 52B intersection with ND HWY 3		County: Wells		
Species	Listing	Guidance	NDDOT Biologist Review Required?		Determination		Additional Documentation Included
			Yes	No	Not Present	No Effect	
Determine if the scope of work for the proposed project will require NDDOT Biologist review based on the criteria described for the species/critical habitat below. If review is required for one or more species, a biological assessment, Section 7 Determination Package, or NLEB documentation may be needed. Contact NDDOT Biologist for any questions.			Note - If a species is not present for a county, only "not present" should be checked.				
Whooping Crane (species range includes all of North Dakota)	E	NDDOT Biologist Review required for the adjustment (raising, relocating) of existing above-ground utility lines; or for newly placed poles/towers that require overhead lines/guy wires; unless the adjustments or new installations are in a highly developed or urban area. Review also required for projects requiring major earthwork (i.e. new road construction or roadway widening projects over 1 mile in length) in rural areas within ½ mile of cropland/wetland associations located within the whooping crane migration corridor. Projects outside of the migration corridor do not require NDDOT Biologist review. See link below for a map of the whooping crane migration corridor. Click layers tab, then select whooping crane migration corridor layer. https://gis.dot.nd.gov/external/ge_html/?viewer=ext_wildlifemap	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Black-footed Ferret	E	NDDOT Biologist Review required for ground disturbing activities within 100 feet of active prairie dog towns of at least 80 acres in size.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Pallid Sturgeon	E	NDDOT Biologist Review required for work in or along the shoreline of the Missouri River (including reservoirs) and Yellowstone River Systems. Review also required for in-water work for any direct tributary (within 0.5 mile) to the Missouri River (including reservoirs) and Yellowstone River Systems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Poweshiek Skipperling	E	NDDOT Biologist Review required for work occurring outside of the right of way in Richland and Sargent Counties within undisturbed native tall grass prairie and wet swales. If ground disturbing activities occur outside the ROW in these counties, ETS or a consultant will need to conduct a habitat assessment for this species.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Piping Plover	T	NDDOT Biologist Review required for construction activities within ½ mile of designated piping plover critical habitat or known nesting sites from April 15 through August 31. See link for piping plover designated critical habitat: https://gis.dot.nd.gov/external/ge_html/?viewer=ext_wildlifemap	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Western Prairie Fringed Orchid	T	NDDOT Biologist Review required for all ground disturbing activities on non-flooded, undisturbed ground, known habitat, and native prairie. The species may also be found in roadside ditches with a high probability of the species occurring in or near the Sheyenne National Grasslands. If ground-disturbing activities will be required in Ransom or Richland counties, a survey by ETS or consultant for this species must be completed prior to ground-disturbance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Species	Listing	Guidance	NDDOT Biologist Review Required?		Determination		Additional Documentation Included
			Yes	No	Not Present	No Effect	
Gray Wolf	E	NDDOT Biologist Review required for roadway projects of 2 or more lanes on a new location (i.e., construction of a new roadway).	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Rufa Red Knot	T	NDDOT Biologist Review required for construction activities within ½ mile of designated piping plover critical habitat or known nesting sites (species is rare in North Dakota and uses similar habitats as piping plovers during their migration). See link for piping plover designated critical habitat: https://gis.dot.nd.gov/external/ge_html/?viewer=ext_wildlifemap	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Dakota Skipper	T	NDDOT Biologist Review required for ground disturbing activities outside of the right of way in native prairie containing a high diversity of wildflowers and grasses indicative of Dakota skipper “Type A” or “Type B” habitat. Dakota skippers are not likely to be present in cropped areas, previously cropped areas, non-native haylands, pasture or other grassland that is dominated by non-native species, or in areas where trees or shrubs predominate. The species may occur in some grazed lands that are dominated by native prairie vegetation. If native prairie would be impacted by the project, ETS or a consultant will need to conduct a habitat assessment for this species following the USFWS 2018 Dakota Skipper ND Survey Protocol: Dakota Skipper Occupancy Survey Protocol for North Dakota (fws.gov)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Northern Long-Eared Bat <i>(species range includes all of North Dakota)</i>	T	NDDOT Biologist Review required for work involving the removal of trees or buildings, ground disturbance in areas with caves, mines, and rock crevices, or work on structures (bridges, box culverts, SPP’s and corrugated metal culverts over 5’ in diameter). Refer to NDDOT Guidance for the NLEB – Appendix D within the Section 7 ESA Guidance document.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Rusty Patched Bumblebee	E	Species is not known to exist in North Dakota at this time. Until more information becomes available for this species in North Dakota, no project-specific review is required.					
Piping Plover Critical Habitat	D	NDDOT Biologist Review required for ground disturbing activities within ½ mile of designated piping plover critical habitat or known nesting sites. See link for piping plover designated critical habitat: https://gis.dot.nd.gov/external/ge_html/?viewer=ext_wildlifemap	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Poweshiek Skipperling Critical Habitat	D	NDDOT Biologist Review required for ground disturbing activities within 0.6 mile of Poweshiek Skipperling critical habitat. See link for Poweshiek Skipperling proposed critical habitat: https://gis.dot.nd.gov/external/ge_html/?viewer=ext_wildlifemap	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dakota Skipper Critical Habitat	D	NDDOT Biologist Review required for ground disturbing activities within 0.6 mile of Dakota Skipper critical habitat. See link for Dakota Skipper proposed critical habitat maps: https://gis.dot.nd.gov/external/ge_html/?viewer=ext_wildlifemap	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Monarch Butterfly	C	Section 7 consultations are not required for candidate species. NDDOT is a partner to the ND Monarch Butterfly and Native Pollinator Strategy and continues to implement pollinator conservation efforts across the state. Project-specific conference/consultation for this species will not be undertaken at this time.					

Appendix C

Wetland Information

Alternative B

Wetland Impact Table																	
Wetland Number	Location	Wetland Type	Wetland Feature	USACE Jurisdictional Wetlands ¹	Wetland Impacts Acre(s)				USFWS Easement Impacts Acre(s)		Wetland Mitigation						
					Temp.	Perm. (Fill/Drain)	Perm. (Cut)	Temp.	Perm.	Mitigation Proposed			11990 Bank		Location		
										EO 11990	USACE	USFWS	Location	Acre(s)	Onsite Constructed Site #	Onsite Constructed Size Acre(s)	
1a	Sec. 36 T150N, R73W	Basin	Natural	Y		0.065					Y	N	N			Site #1 (1:1)	0.065
1b	Sec. 36 T150N, R73W	Basin	Natural	Y													
1c	Sec. 36 T150N, R73W	Basin	Natural	Y													
Totals					0	0.065	0	0	0					0			0.065

Other Waters Impact Table												
Other Waters												
Number	Location	Type	Size		Feature	USACE Jurisdictional ¹	Impacts to Other Waters					
			Acre(s)	Linear Feet			Acres			Linear Feet		
							Temp.	Perm. (Fill/Drain)	Perm. (Cut)	Temp.	Perm. (Fill/Drain)	Perm. (Cut)
Totals								0.00	0.00		0.00	0

¹ A wetland Jurisdictional Determination was issued by the USACE on 02/04/2022; NWO-2016-02143-BIS.

Impact Summary Table			
Permanent Impact Summary		Temporary Impacts and additional information	
Wetland Type	Total (Acres)	Wetland Type	Total (Acres/Lf)
Natural/JD (Fill/Drain)	0.065	Temporary JD	0.00
Natural/Non-JD (Fill/Drain)	0.00	Non-JD Temporary	0.00
Artificial/JD (Fill/Drain)	0.00	Permanent JD > 0.10	0.00
Artificial /Non-JD (Fill/Drain))	0.00	Permanent OW	0.00
Total	0.065	Temporary OW	0.00
JD Natural (Cut)	0.00		
JD Artificial (Cut)	0.00		
Non-JD Natural (Cut)	0.00		
Non-JD Artificial (Cut)	0.00		
Total	0.00		

Mitigation Summary Table			
	Location	Onsite Acre(s)	11990 Bank Acre(s)
USACE Only	-	0	0
EO 11990 Only	Onsite	0.065	0
USACE/11990	-	0	0
USFWS	-	0	0
	Total	0.065	0



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504-7565

February 4, 2022

NWO-2016-02143-BIS

North Dakota Department of Transportation
Attn: Mr. Russell Senske
608 East Boulevard Avenue
Bismarck, North Dakota 58505

Dear Mr. Senske:

We are responding to your December 6, 2021 request for an approved jurisdictional determination for the ND 3 & US 52 Intersection Improvements, 4-052(101)167, PCN 23153 Wells County site. The project site is located in Section 36, Township 150 North, Range 73 West, Latitude 47.770048° North, Longitude -99.943171° West, Wells County, North Dakota.

Based on available information, we have determined that 1.259 acres of aquatic resources identified as 1a, 1b, and 1c **are** jurisdictional waters of the United States (WOTUS) under Section 404 of the Clean Water Act. These waters are regulated pursuant to the pre-2015 WOTUS regulatory regime. The pre-2015 WOTUS regulatory regime is the 1986 WOTUS regulation, as informed by the 2003 SWANCC and 2008 Rapanos Guidance documents.

An approved (JD) has been completed for the wetland areas identified in your request and is enclosed for your information. The JD may also be viewed at our website located at: <http://www.nwo.usace.army.mil/Missions/Regulatory-Program/North-Dakota/Jurisdictional-Determination.aspx>. The JD will be available on the website within 30 days. You may also request copies of the supporting materials the Corps used in determining this JD.

This determination is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331.

A Notification of Appeal Process (NAP) and Request for Appeal (RFA) form is enclosed. If you request to appeal this determination you must submit a completed RFA form to the Northwestern Division Office at the following address: U.S. Army Corps of Engineers, Northwestern Division, Attn: Regulatory Appeals Review Officer, P.O. Box 2870, Portland, Oregon 97208-2870.

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In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 60 days from the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer service survey found on our website at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Please refer to identification number NWO-2016-02143-BIS in any correspondence concerning this project. If you have any questions, please contact Amber Inman by email at Amber.L.Inman@usace.army.mil, or telephone at (701) 255-0015, extension 2009. For more information regarding our program, please visit our website at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota.aspx>.

Sincerely,



Toni R, Erhardt
Senior Project Manager
North Dakota Regulatory Office

Enclosures



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

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): February 4, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Omaha District, NDDOT; ND 3 & US 52 Intersection Improvements, 4-052(101)167, PCN 23153; Wells County, ND, NWO-2016-02143-BIS

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

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

Center coordinates of site (lat/long in degree decimal format): Lat. 48.0215921166027° N, Long. -99.9433002254468° W Universal Transverse Mercator: 14 429663.74 5319130.55

Name of nearest waterbody: Sheyenne River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Sheyenne River

Name of watershed or Hydrologic Unit Code (HUC): Upper Sheyenne, 09020202

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

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

- Office (Desk) Determination. Date: February 3, 2022
 Field Determination. Date(s): onsite for delineation report conducted on September 17, 2021

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

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

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

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

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

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

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

Non-wetland waters: linear feet: width (ft) and/or 1.259 acres.
 Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

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

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
 Explain:

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

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

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS**A. TNWs AND WETLANDS ADJACENT TO TNWs**

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

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”:

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

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

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

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

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

1. Characteristics of non-TNWs that flow directly or indirectly into TNW**(i) General Area Conditions:**

Watershed size: 1,252,400 acres

Drainage area: [Pick List](#)

Average annual rainfall: 17.72 inches

Average annual snowfall: 34.7 inches

(ii) Physical Characteristics:**(a) Relationship with TNW:**

- Tributary flows directly into TNW.
 Tributary flows through [Pick List](#) tributaries before entering TNW.

Project waters are [1 \(or less\)](#) river miles from TNW.

Project waters are [1 \(or less\)](#) river miles from RPW.

Project waters are [1 \(or less\)](#) aerial (straight) miles from TNW.

Project waters are [1 \(or less\)](#) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵: tributary flows southeast for approximately 0.94 miles before emptying into Sheyenne River

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

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: 1st order

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

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain: manipulated a bit, as it runs through the town of Harvey and through culverts under Hwy 52 and Hwy 3

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

Average width: 100 feet
 Average depth: feet
 Average side slopes: Pick List

Primary tributary substrate composition (check all that apply):

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

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Meandering

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: Perennial

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: Confined. Characteristics:

Subsurface flow: Pick List. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

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

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

(iii) **Chemical Characteristics:**

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

Explain:

Identify specific pollutants, if known: pollutants would include fuel, diesel, oil, runoff from the adjacent highways; pesticides/herbicides from adjacent cropland

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

⁷Ibid.

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

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings: would provide habitat for migratory/seasonal avian species; terrestrial wildlife, smaller invertebrates and vertebrate species

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

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

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

Surface flow is: **Pick List**

Characteristics:

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

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

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

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

Flow is from: **Pick List**.

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

(ii) **Chemical Characteristics:**

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

Identify specific pollutants, if known:

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

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

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

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

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

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

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

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

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

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

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: linear feet width (ft), Or, acres.
 - Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: water observed in channel throughout various years of Google Earth imagery
 - Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

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

- Tributary waters: **1.259 acres** linear feet width (ft).
- Other non-wetland waters: acres.

Identify type(s) of waters:

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

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

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

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.

Identify type(s) of waters:

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

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

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

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

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

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

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

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

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

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

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

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

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

Identify water body and summarize rationale supporting determination:

⁸See Footnote # 3.

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

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

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

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

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

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

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

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

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

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

SECTION IV: DATA SOURCES.

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: [Aquatic Resources Delineation Report for Hwy 52, Intersection of US 52 and ND-3-Harvey, PCN 23153, Wells County, ND, dated November 2021, prepared by WSB for NDDOT, delineated by Luke Lunde on September 17, 2021.](#)
 Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 Office concurs with data sheets/delineation report.
 Office does not concur with data sheets/delineation report.
 Data sheets prepared by the Corps:
 Corps navigable waters' study:
 U.S. Geological Survey Hydrologic Atlas: [Upper Sheyenne, 09020202](#)
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: [1:24K; Petrified Lake](#)
 USDA Natural Resources Conservation Service Soil Survey. Citation: [Web Soil Survey for Wells County. Available online at <http://websoilsurvey.nrcs.usda.gov/>](#)
 National wetlands inventory map(s). Cite name: [USFWS-NWI. Available online at <http://www.fws.gov/wetlands/data/>](#)
 State/Local wetland inventory map(s):
 FEMA/FIRM maps: [SWC Flood Risk Map Assessment](#)
 100-year Floodplain Elevation is: (Datum :)
 Photographs: Aerial (Name & Date): [Google Earth Pro 2018](#)
 or Other (Name & Date): [onsite photos within delineation report](#)
 Previous determination(s). File no. and date of response letter:
 Applicable/supporting case law:
 Applicable/supporting scientific literature:
 Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: current guidance indicates that the Corps has jurisdiction over relatively permanent waters that have a significant nexus with a TNW and that have the potential to affect the chemical, biological, or physical integrity of a TNW

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: North Dakota Department of
Transportation
Russell Senske

File Number: NWO-2016-
02143-BIS

Date: February 4, 2022

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331, or at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
 US Army Corps of Engineers, North Dakota Regulatory Office
 Attn: Patricia McQueary, Regulatory Program Manager
 3319 University Drive
 Bismarck, ND 58504 Telephone (701) 255-0015, ext. 2001
 CENWO-OD-RND@usace.army.mil

If you only have questions regarding the appeal process you may also contact:
 US Army Corps of Engineers, Northwestern Division
 Attn: Regulatory Appeals Review Officer
 P.O. Box 2870
 Portland, OR 97208-2870

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

 Signature of appellant or agent.

Date:

Telephone number:

Appendix D

Engineer's Preliminary Cost Estimates

Cost Estimate**Alternative A**

Project Number:	HEN-5-052(101)167	Bid Opening:	1/1/2023
PCN:	23153	Estimate Scope:	PSE
Length	0.68	Tied Project(s):	
City:	Harvey		
County:	Wells	Prepared By:	<i>dkieffer</i>
Work Description: Aggregate Base, Hot Bituminous Pavement, Culverts, Riprap & Incidentals			
Location:			US 52 and ND 3

Spec	Code	Item Description	Unit	Quantity	Unit Cost	Total Cost
103	0100	CONTRACT BOND	L SUM	1	\$15,000.00	\$15,000.00
202	0132	REMOVAL OF BITUMINOUS SURFACING	SY	5332	\$9.00	\$47,988.00
202	0169	REMOVAL OF END SECTION-ALL TYPES & SIZES	EA	6	\$190.00	\$1,140.00
202	0170	REMOVAL OF CULVERTS-ALL TYPES & SIZES	LF	182	\$18.00	\$3,276.00
203	0101	COMMON EXCAVATION-TYPE A	CY	180	\$10.00	\$1,800.00
203	0109	TOPSOIL	CY	3543	\$3.00	\$10,629.00
203	0113	COMMON EXCAVATION-WASTE	CY	15442	\$17.00	\$262,514.00
251	0200	SEEDING CLASS II	ACRE	4.4	\$480.00	\$2,112.00
251	2000	TEMPORARY COVER CROP	ACRE	4.4	\$50.00	\$220.00
253	0101	STRAW MULCH	ACRE	8.8	\$250.00	\$2,200.00
260	0100	SILT FENCE UNSUPPORTED	LF	1960	\$2.00	\$3,920.00
260	0101	REMOVE SILT FENCE UNSUPPORTED	LF	1960	\$0.50	\$980.00
261	0112	FIBER ROLLS 12IN	LF	3920	\$2.00	\$7,840.00
261	0113	REMOVE FIBER ROLLS 12IN	LF	1960	\$0.50	\$980.00
702	0100	MOBILIZATION	L SUM	1	\$40,000.00	\$40,000.00
704	1000	TRAFFIC CONTROL SIGNS	UNIT	1	\$15,000.00	\$15,000.00
708	1531	INLET PROTECTION-FIBER ROLL 12IN	EA	5	\$180.00	\$900.00
708	1533	REMOVAL INLET PROTECTION-FIBER ROLL 12IN	EA	5	\$40.00	\$200.00
762	0113	EPOXY PVMT MK 4IN LINE	LF	1963	\$0.50	\$981.50
762	0117	EPOXY PVMT MK 24IN LINE	LF	12	\$25.00	\$300.00
					Subtotal	\$417,980.50

Funding Source A - Estimate Summary and Totals**Engineering Percent: 10.00%**

Subtotal:

\$417,980.50 + 10.00% Engineering = \$459,778.55

Cost Estimate**Alternative B**

Project Number:	HEN-5-052(101)167	Bid Opening:	1/1/2023
PCN:	23153	Estimate Scope:	PSE
Length	0.68	Tied Project(s):	
City:	Harvey		
County:	Wells	Prepared By:	<i>dkieffer</i>
Work Description: Aggregate Base, Hot Bituminous Pavement, Culverts, Riprap & Incidentals			
Location:			US 52 and ND 3

Spec	Code	Item Description	Unit	Quantity	Unit Cost	Total Cost
103	0100	CONTRACT BOND	L SUM	1	\$25,000.00	\$25,000.00
202	0132	REMOVAL OF BITUMINOUS SURFACING	SY	6714	\$9.00	\$60,426.00
202	0169	REMOVAL OF END SECTION-ALL TYPES & SIZES	EA	6	\$190.00	\$1,140.00
202	0170	REMOVAL OF CULVERTS-ALL TYPES & SIZES	LF	194	\$18.00	\$3,492.00
203	0101	COMMON EXCAVATION-TYPE A	CY	10992	\$10.00	\$109,920.00
203	0109	TOPSOIL	CY	5531	\$3.00	\$16,593.00
203	0113	COMMON EXCAVATION-WASTE	CY	8919	\$17.00	\$151,623.00
230	0165	SUBGRADE PREPARATION-TYPE A-12IN	STA	14	\$1,000.00	\$14,000.00
251	0200	SEEDING CLASS II	ACRE	6.9	\$480.00	\$3,312.00
251	2000	TEMPORARY COVER CROP	ACRE	6.9	\$50.00	\$345.00
253	0101	STRAW MULCH	ACRE	13.8	\$250.00	\$3,450.00
255	0103	ECB TYPE 3	SY	48	\$3.00	\$144.00
260	0100	SILT FENCE UNSUPPORTED	LF	1960	\$2.00	\$3,920.00
260	0101	REMOVE SILT FENCE UNSUPPORTED	LF	1960	\$0.50	\$980.00
261	0112	FIBER ROLLS 12IN	LF	3920	\$2.00	\$7,840.00
261	0113	REMOVE FIBER ROLLS 12IN	LF	1960	\$0.50	\$980.00
302	0120	AGGREGATE BASE COURSE CL 5	TON	3398	\$15.00	\$50,970.00
430	0042	SUPERPAVE FAA 42	TON	967	\$35.00	\$33,845.00
430	1000	CORED SAMPLE	EA	2	\$30.00	\$60.00
430	5803	PG 58S-28 ASPHALT CEMENT	TON	58	\$500.00	\$29,000.00
702	0100	MOBILIZATION	L SUM	1	\$85,000.00	\$85,000.00
704	1000	TRAFFIC CONTROL SIGNS	UNIT	1	\$15,000.00	\$15,000.00
706	0550	BITUMINOUS LABORATORY	EA	1	\$4,000.00	\$4,000.00
706	0600	CONTRACTOR'S LABORATORY	EA	1	\$4,000.00	\$4,000.00
708	1531	INLET PROTECTION-FIBER ROLL 12IN	EA	4	\$180.00	\$720.00
708	1533	REMOVAL INLET PROTECTION-FIBER ROLL 12IN	EA	4	\$40.00	\$160.00
709	0100	GEOSYNTHETIC MATERIAL TYPE G	SY	112	\$3.00	\$336.00
714	4105	PIPE CONDUIT 24IN	LF	168	\$350.00	\$58,800.00
754	0805	OBJECT MARKERS - CULVERTS	EA	2	\$50.00	\$100.00
762	0113	EPOXY PVMT MK 4IN LINE	LF	2981	\$0.50	\$1,490.50
762	0117	EPOXY PVMT MK 24IN LINE	LF	24	\$25.00	\$600.00
					Subtotal	\$687,246.50

Spec Code	Item Description	Unit	Quantity	Unit Cost	Total Cost
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Funding Source B - Estimate Summary and Totals

Engineering Percent: 10.00%

Subtotal:

\$687,246.50 + 10.00% Engineering = \$755,971.15

Cost Estimate

Project Number:	HEN-5-052(101)167	Bid Opening:	1/1/2023
PCN:	23153	Estimate Scope:	PSE
Length	0.68	Tied Project(s):	
City:	Harvey		
County:	Wells	Prepared By:	<i>dkieffer</i>
Work Description: Aggregate Base, Hot Bituminous Pavement, Culverts, Riprap & Incidentals			
Location:			US 52 and ND 3

Spec	Code	Item Description	Unit	Quantity	Unit Cost	Total Cost
103	0100	CONTRACT BOND	L SUM	1	\$16,000.00	\$16,000.00
202	0132	REMOVAL OF BITUMINOUS SURFACING	SY	4665	\$9.00	\$41,985.00
202	0169	REMOVAL OF END SECTION-ALL TYPES & SIZES	EA	4	\$190.00	\$760.00
202	0170	REMOVAL OF CULVERTS-ALL TYPES & SIZES	LF	116	\$18.00	\$2,088.00
203	0101	COMMON EXCAVATION-TYPE A	CY	7286	\$10.00	\$72,860.00
203	0109	TOPSOIL	CY	4007	\$3.00	\$12,021.00
203	0113	COMMON EXCAVATION-WASTE	CY	6266	\$17.00	\$106,522.00
230	0165	SUBGRADE PREPARATION-TYPE A-12IN	STA	5	\$1,000.00	\$5,000.00
251	0200	SEEDING CLASS II	ACRE	5	\$480.00	\$2,400.00
251	2000	TEMPORARY COVER CROP	ACRE	5	\$50.00	\$250.00
253	0101	STRAW MULCH	ACRE	10	\$250.00	\$2,500.00
255	0103	ECB TYPE 3	SY	48	\$3.00	\$144.00
260	0100	SILT FENCE UNSUPPORTED	LF	1960	\$2.00	\$3,920.00
260	0101	REMOVE SILT FENCE UNSUPPORTED	LF	1960	\$0.50	\$980.00
261	0112	FIBER ROLLS 12IN	LF	3920	\$2.00	\$7,840.00
261	0113	REMOVE FIBER ROLLS 12IN	LF	1960	\$0.50	\$980.00
302	0120	AGGREGATE BASE COURSE CL 5	TON	1640	\$15.00	\$24,600.00
430	0042	SUPERPAVE FAA 42	TON	467	\$35.00	\$16,345.00
430	1000	CORED SAMPLE	EA	1	\$30.00	\$30.00
430	5803	PG 58S-28 ASPHALT CEMENT	TON	28	\$500.00	\$14,000.00
702	0100	MOBILIZATION	L SUM	1	\$45,000.00	\$45,000.00
704	1000	TRAFFIC CONTROL SIGNS	UNIT	1	\$15,000.00	\$15,000.00
706	0550	BITUMINOUS LABORATORY	EA	1	\$4,000.00	\$4,000.00
706	0600	CONTRACTOR'S LABORATORY	EA	1	\$4,000.00	\$4,000.00
708	1531	INLET PROTECTION-FIBER ROLL 12IN	EA	5	\$180.00	\$900.00
708	1533	REMOVAL INLET PROTECTION-FIBER ROLL 12IN	EA	5	\$40.00	\$200.00
709	0100	GEOSYNTHETIC MATERIAL TYPE G	SY	112	\$3.00	\$336.00
714	4105	PIPE CONDUIT 24IN	LF	168	\$350.00	\$58,800.00
754	0805	OBJECT MARKERS - CULVERTS	EA	2	\$50.00	\$100.00
762	0113	EPOXY PVMT MK 4IN LINE	LF	2941	\$0.50	\$1,470.50
762	0117	EPOXY PVMT MK 24IN LINE	LF	24	\$25.00	\$600.00
					Subtotal	\$461,631.50

Spec Code	Item Description	Unit	Quantity	Unit Cost	Total Cost
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Funding Source C - Estimate Summary and Totals

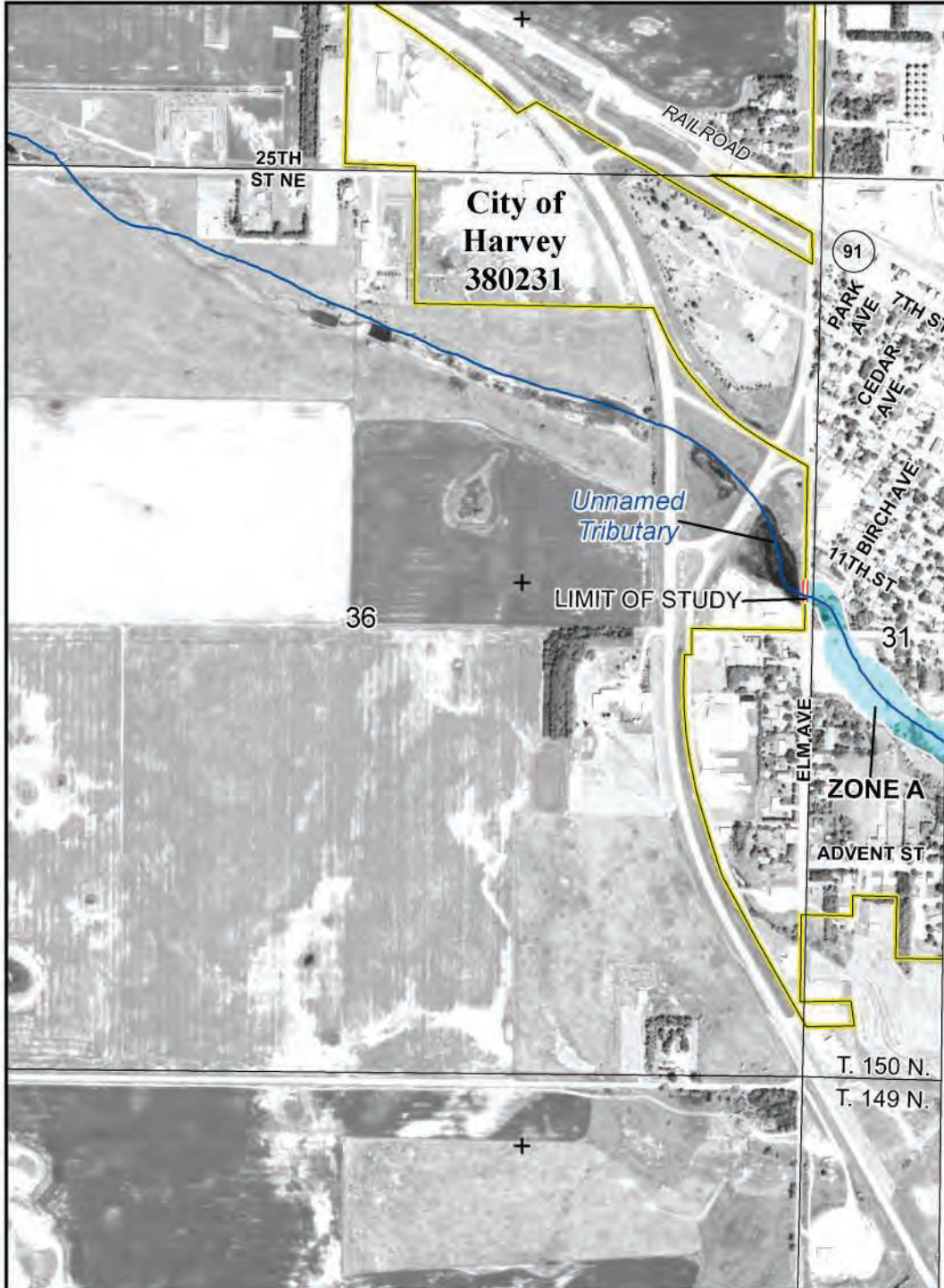
Engineering Percent: 10.00%

Subtotal:

\$461,631.50 + 10.00% Engineering = \$507,794.65

Appendix E

Floodplain Information



National Flood Insurance Program

NATIONAL FLOOD INSURANCE RATE

WELLS COUNTY, NORTH DAKOTA
and Incorporated Areas

PANEL 40 OF 875



Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
HARVEY, CITY OF	380231	0040	C
WELLS COUNTY	385374	0040	C

VERSION NUMBER
2.2.2.1

MAP NUMBER
38103C0040C

EFFECTIVE DATE
JUNE 6, 2018

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

Appendix F

Comments on Draft PCE

Entity	Comments	Responses
Korby Seward, Minot District	This (<i>Alternative B</i>) really cleans everything up in this area. There is another approach further to the south, not to mention there is Hwy 91 to the North. Also, to the north across from Hwy 91 there is more development, and it seems to be where the town is expanding. I would also suggest removing the stop signs on this drawing for East/West free flow and stop on the North/South.	Intersection operation of the selected alternative will be reviewed.
Mark Gaydos, Environmental and Transportation Services	Did not see any comments from the City of Harvey - what do they prefer?	City of Harvey prefers Alternative C.
Chad Orn, Programming	Korby should bring the alternatives to the city for discussion before it gets sent to Ron. Sounds like there was only 1 commissioner at the public meeting. Engaging the city at this point is essential as not engaging a city at this point has caused issues on past projects. Discuss with the city the benefits of Alt B if that is where we think we should go.	Harvey City Council discussed the project alternatives at a City Council meeting on March 9th, 2022. The City of Harvey response is included within this document in Appendix A and discussed in Section H. City of Harvey prefers Alternative C.
Jeff Rensch, Design Division	Design Division supports Alternate B as it provides the biggest improvement for the access conditions to US 52.	Noted
Jane Berger, Programming Division	Prefer Alt B and modified to 2 way stop for N/S traffic. Alt A could also work.	Intersection operation of the selected alternative will be reviewed.
Phil Murdoff, Construction Division	If this alternative (<i>Alternative A</i>) is chosen, a bypass lane should be included for southbound traffic to avoid left (eastbound) turning traffic.	Intersection operation of the selected alternative will be reviewed.
David Leingang, Planning and Asset Management	US-52 is part of the Tier 3 bike network and has a recommendation of a minimum of 5 foot bikeable shoulders. ND3 is a tier 1 bike network and has no shoulder recommendations but Alternative A would put the traffic above the 750 ADT for tier 1 and make it a tier 2, which also doesn't require bikeable shoulders.	Noted

Entity	Comments	Responses
Terry Woehl, Planning and Asset Management	There are no existing ATR/WIM sites within project limits.	Noted
James Styron, Planning and Asset Management	There are no rail or crossings within the project limits.	Noted

Certificate Of Completion

Envelope Id: 28852D0289FF4A96A7FA9602752874BE	Status: Completed
Subject: Please DocuSign: Programmatic CATEX (PCE) / Documented CATEX (DCE)	
Contract Number: Programmatic CATEX	
PCN: 23153	
Source Envelope:	
Document Pages: 80	Signatures: 4
Certificate Pages: 4	Initials: 0
AutoNav: Enabled	Stamps: 1
Enveloped Stamping: Enabled	Envelope Originator:
Time Zone: (UTC-06:00) Central Time (US & Canada)	Joyce Schmidt
	608 E Boulevard Ave
	Bismarck, ND 58505
	jaschmid@nd.gov
	IP Address: 165.234.253.7

Record Tracking

Status: Original	Holder: Joyce Schmidt	Location: DocuSign
5/25/2022 3:06:56 PM	jaschmid@nd.gov	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Carahsoft OBO North Dakota Department of Transportation CLOUD	Location: DocuSign

Signer Events

Nate Wingerter
 nwingarter@wsbeng.com
 WSB & Associates, Inc.
 Security Level: Email, Account Authentication (None)

Signature

Signed



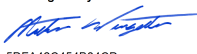
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Using IP Address: 204.98.245.34

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

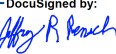
Nate Wingerter
 nwingarter@wsbeng.com
 WSB & Associates, Inc.
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 5DFA42C454B84CD...
 Signature Adoption: Pre-selected Style
 Using IP Address: 204.98.245.34

Sent: 5/26/2022 10:54:03 AM
 Viewed: 5/31/2022 7:19:18 AM
 Signed: 5/31/2022 7:19:30 AM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Jeff Rensch
 jrensche@nd.gov
 Carahsoft OBO North Dakota Department of Transportation CLOUD
 Security Level: Email, Account Authentication (None), Authentication

DocuSigned by:

 AC0C52F1F09451...
 Signature Adoption: Uploaded Signature Image
 Using IP Address: 165.234.253.7

Sent: 5/31/2022 7:19:33 AM
 Viewed: 5/31/2022 8:01:03 AM
 Signed: 5/31/2022 8:11:18 AM

Authentication Details

SMS Auth:
 Transaction: 660468D0B4A40B0491947C0FD1DA53B2
 Result: passed
 Vendor ID: TeleSign
 Type: SMSAuth
 Performed: 5/31/2022 8:00:51 AM
 Phone: +1 701-934-4033

Signer Events**Signature****Timestamp****SMS Auth:**

Transaction: 660494E8F66001049195BFE13B3A313F
 Result: passed
 Vendor ID: TeleSign
 Type: SMSAuth
 Performed: 6/2/2022 11:23:15 AM
 Phone: +1 701-934-4033

SMS Auth:

Transaction: 660498A3083C020491958F36F06A92B7
 Result: passed
 Vendor ID: TeleSign
 Type: SMSAuth
 Performed: 6/2/2022 3:43:40 PM
 Phone: +1 701-934-4033

SMS Auth:

Transaction: 660CE078B0FC0F04919374413F3A32DC
 Result: passed
 Vendor ID: TeleSign
 Type: SMSAuth
 Performed: 9/13/2022 1:30:56 PM
 Phone: +1 701-934-4033

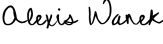
Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Alexis Wanek

aawanek@nd.gov

Security Level: Email, Account Authentication
 (None), Authentication

DocuSigned by:

0BC18637CC9242D...

Sent: 5/31/2022 8:11:21 AM

Viewed: 5/31/2022 9:43:32 AM

Signed: 5/31/2022 9:45:16 AM

Signature Adoption: Pre-selected Style

Using IP Address: 140.186.49.81

Authentication Details**SMS Auth:**

Transaction: 66046A4883A81004919386D7E86A88C6
 Result: passed
 Vendor ID: TeleSign
 Type: SMSAuth
 Performed: 5/31/2022 9:43:25 AM
 Phone: +1 701-425-3605

SMS Auth:

Transaction: 6604E469A7C409049195F31B1D8A5DB5
 Result: passed
 Vendor ID: TeleSign
 Type: SMSAuth
 Performed: 6/6/2022 8:00:58 AM
 Phone: +1 701-425-3605

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Ronald Henke

rhenke@nd.gov

ND Department of Transportation

Security Level: Email, Account Authentication
 (None), Authentication

DocuSigned by:

2A3326B55C844FD...

Sent: 5/31/2022 9:45:21 AM

Viewed: 5/31/2022 1:14:05 PM

Signed: 6/2/2022 11:21:40 AM

Signature Adoption: Uploaded Signature Image

Using IP Address: 165.234.253.8

Authentication Details**SMS Auth:**

Transaction: 66046D4BD6741004919386D04D1AEE5F
 Result: passed
 Vendor ID: TeleSign
 Type: SMSAuth
 Performed: 5/31/2022 1:13:59 PM
 Phone: +1 701-400-8185

Signer Events	Signature	Timestamp
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SMS Auth:

Transaction: 66047D665A8801049195BFEFE29A11AA
Result: passed
Vendor ID: TeleSign
Type: SMSAuth
Performed: 6/1/2022 7:59:46 AM
Phone: +1 701-400-8185

SMS Auth:

Transaction: 66049244429C030491930518B51ADBED
Result: passed
Vendor ID: TeleSign
Type: SMSAuth
Performed: 6/2/2022 8:18:31 AM
Phone: +1 701-400-8185

SMS Auth:

Transaction: 660494E201740304919304F3717A257B
Result: passed
Vendor ID: TeleSign
Type: SMSAuth
Performed: 6/2/2022 11:21:15 AM
Phone: +1 701-400-8185

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Chad Orn

corn@nd.gov

Carahsoft OBO North Dakota Department of

Transportation CLOUD

Security Level: Email, Account Authentication
(None), Authentication

Authentication Details

SMS Auth:

Transaction: 660494E6DF240B0491947BEBAA3A3688
Result: passed
Vendor ID: TeleSign
Type: SMSAuth
Performed: 6/2/2022 11:22:38 AM
Phone: +1 701-400-7968

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Jennifer Turnbow

jturnbow@nd.gov

Security Level: Email, Account Authentication
(None), Authentication

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

COPIED

Sent: 5/31/2022 9:45:19 AM

Viewed: 6/2/2022 11:22:43 AM

COPIED

Sent: 5/31/2022 9:45:20 AM

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	5/25/2022 3:16:08 PM
Certified Delivered	Security Checked	5/31/2022 1:14:05 PM
Signing Complete	Security Checked	6/2/2022 11:21:40 AM
Completed	Security Checked	6/2/2022 11:21:40 AM

Payment Events	Status	Timestamps
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