PUBLIC NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL ASSESSMENT (EA) FOR REVIEW AND COMMENT

The Federal Emergency Management Agency (FEMA) announces the availability of an draft Environmental Assessment (EA) for public review and comment. The proposed project is to construct a permanent alternate route in Pierce County, ND. FEMA will provide funds for eligible costs via the Public Assistance Program implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206.

This notice of availability of a draft EA for these actions is pursuant to the National Environmental Policy Act (PL 91-190) and associated environmental statutes, as implemented in FEMA's regulations 44 CFR Part 10. This EA will address the purpose and need of the proposed project, project alternatives considered, affected environment, environmental consequences, and impact mitigation measures. Once completed, the draft EA will be available for public review and comment. Notice is also published in accordance with the National Historic Preservation Act, as implemented in 36 CFR Part 800; and Executive Order 11988, Floodplain Management and Executive Order 11990, Wetlands Protection, as implemented in 44 CFR Part 9; since these actions may have the potential to affect historic, cultural and archaeological resources, floodplains and wetlands.

The EA is intended to address the proposed work of constructing a permanent alternate route in Sec. 28/33, T152N, R73W (start lat. 47.948788, -100.232276; end 47.948852, -100.005436) which is the same location as a previously constructed emergency alternate route that provides access to local residences. All work will be completed in compliance with applicable federal, tribal, state and local laws, regulations, etc.

A comment period related to the proposed actions described above will remain open for 15 days following publication of this notice. Comments will be accepted from the affected public; local, state, and federal agencies; and other interested parties in order to consider and evaluate environmental impacts of the proposed projects. The draft EA will be available for public review and comment at the Pierce County Auditor's office, between the hours of 8:00am – 5:00pm, Monday - Friday. A copy is also available on the Pierce County website: www.piercecountynd.gov/

Interested persons may obtain more detailed information about the proposed EA from, or provide written comments to Karin Fursather, Pierce County Auditor, kfursath@nd.gov and/or Portia Ross, FEMA Region VIII, Senior Environmental Specialist, portia.ross@fema.dhs.gov.

DRAFT ENVIRONMENTAL ASSESSMENT

Hillside Township – Pierce County ND
Permanent Alternate Route

September, 2015

U.S. Department of Homeland Security
FEMA Region VIII
Denver Federal Center
Bldg. 710, Box 25267
Denver, CO 80225

FEMA

Draft Environmental Assessment
Hillside Township – Pierce County Permanent Alternate Route

Pierce County, North Dakota

FEMA-4190-DR-ND (Public Assistance)
PW #00009

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ACRONYMS

BMP	Best Management Practice
C	Candidate
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
E	Endangered
EA	Environmental Assessment
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FAS	Federal Aid System
FEMA	Federal Emergency Management Agency
FPPA	Farmland Protection Policy Act
FWCA	Fish and Wildlife Coordination Act
H&H	Hydrology & Hydraulics
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act of 1966 (as amended)
NFIP	National Flood Insurance Program
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRCS	USDA Natural Resources Conservation Service
NWR	National Wildlife Refuge
P	Proposed
PL	Public Law
PPE	Personal protective equipment
PW	Project Worksheet
ROW	Right-of-way
SEA	Supplemental Environmental Assessment
SFHA	Special Flood Hazard Areas
SHPO	State Historic Preservation Officer
T	Threatened
THPO	Tribal Historic Preservation Office
TMDL	Total Maximum Daily Load
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WMD	Wetland Management District

1.0 INTRODUCTION

1.1 Background

Due to rising water levels of Antelope Lake in Pierce County, North Dakota, the sole access road for two residences has been inundated and suffered severe erosion damage. This site has previously been repaired. Pierce County felt this site would remain inundated by high water levels, so they requested an emergency alternate route be considered by FEMA in a location that would not be susceptible to the waters of Antelope Lake. Emergency access was completed and funded under FEMA-4190-DR-ND, PW 00030. Once the emergency alternate route was completed, the need to construct a permanent alternate route became apparent so as to provide an access road that would safely allow two vehicles to pass each other on the roadway and provide proper widths for school buses and other larger vehicles.

The proposed location of the project is in Sections 28/33 of Township 152 North, Range 73 West in Pierce County, North Dakota (lat./long.: start 47.948788, -100.232276; end 47.948852, -100.005436). The area is rural and is comprised of agricultural land development. This permanent alternate route would provide access to two families that live on the north shore of Antelope Lake.

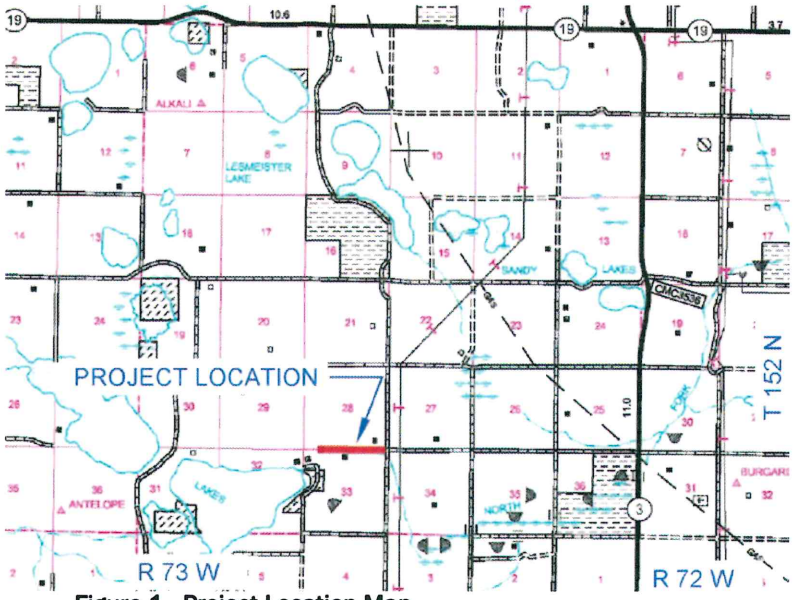

Figure 1. Project Location Map

1.2 Overview

Pierce County has submitted a request to FEMA for consideration under the Public Assistance Program under DR-4190-ND to fund the construction of a permanent alternate route to access two residences on the north shore of Antelope Lake. As a result of the federal undertaking, the project must undergo an environmental and historic preservation compliance review. The President's Council on Environmental Quality (CEQ) has developed regulations for implementing the National Environmental Policy Act (NEPA). These federal regulations, set forth in Title 40, Code of Federal Regulations (CFR) Parts 1500-1508, require an evaluation of alternatives, and a discussion of the potential environmental impacts of a proposed federal action, as part of the Environmental Assessment (EA) process. This EA has been prepared according to the NEPA as applied to FEMA in Title 44, CFR Part 10. This section of the code requires FEMA to take into account environmental considerations before funding or approving actions.

2.0 PURPOSE & NEED

2.1 Purpose

The purpose of the Proposed Action is to construct a safe, sustainable, permanent transportation corridor that will provide access to the residents living along the north shore of Antelope Lake.

2.2 Need

From the time period of June 25, 2014 to July 1, 2014, heavy rains and strong winds occurred causing damage to many Pierce County roads, culverts and bridges. The existing access road for two families sustained damages and was inundated by waters from nearby Antelope Lake, reducing the travel width to less than 7 feet. Due to these issues, it is necessary to provide an alternate route as access to the homes.

2.3 Document Organization

This EA discloses the potential impacts of the proposed action and alternatives on affected environmental and economic resources. Chapter 1.0 provides background information relevant to the proposed action. Chapter 2.0 discusses the purpose and need for the proposed action. Chapter 3.0 describes the proposed action and alternatives. Chapter 4.0 describes the baseline conditions (i.e., the conditions against which potential impacts of the proposed action and alternatives are measured) for each of the resource areas and the potential environmental impacts to these resources, including an analysis of cumulative impacts and irreversible resource commitments. Chapter 5.0 describes mitigation to reduce potential impacts of the alternatives. Chapter 6.0 is a summary of impacts for each alternative. Chapter 7.0 lists those persons and agencies contacted during the preparation of this document, and Chapter 8.0 lists the preparers of this document. Chapter 9.0 contains references used in formulating this EA.

3.0 ALTERNATIVES

3.1 Alternatives Development

NEPA requires federal agencies to consider a reasonable range of alternatives that meet the project purpose and need. The NEPA alternatives development process allows FEMA to work with interested agencies, the public, and other stakeholders to develop alternatives that respond to identified issues.

This section describes typical actions, including the No Action alternative, which FEMA could undertake. Disaster, emergency assistance, or mitigation programs provided by FEMA are intended to supplement assistance available from other sources, such as insurance, other federal programs and any other source. For example, FEMA may only fund road projects that are not eligible for funding from other Federal agencies. Roads that are part of the FAS are not eligible for FEMA funding.

3.2 Alternatives Carried Forward

The following alternatives are being considered for further evaluation in this EA. Depending upon the response action FEMA determines is necessary to maintain a road network and the individual characteristics of the site, there may only be one viable option to be implemented.

3.2.1 Alternative 1: No Action

A No Action Alternative is required to be included in the environmental analysis and documentation in accordance with the CEQ regulations implementing NEPA. The No Action Alternative is defined as maintaining the status quo with no FEMA involvement for any alternative. FEMA may take no action if the proposed project does not meet eligibility requirements of its programs. The No Action Alternative is used to evaluate the effects of not implementing an action to meet the purpose and need on a programmatic level; thus, this alternative provides a benchmark against which other alternatives may be evaluated.

"No action" means no FEMA funded activity would take place and the road would remain as constructed in its emergency state. For the purpose of the environmental analysis, under the No Action Alternative, FEMA would take no part in repairing the road and applicants would have to rely on savings, insurance, loans, or other forms of assistance to restore their transportation routes.

3.2.2 Alternative 2: Permanent Grade Raise

This alternative includes a permanent grade raise on a permanently inundated, previously maintained road. The permanent grade raise will be

constructed to three feet above the water level that exists at the time of construction. This segment of roadway has been previously elevated. A culvert will be installed to prevent the roadway from serving as a dike or levee. An increase in the height of the road necessitates an expansion of the road footprint width to accommodate the increase in height. If the increase in the height extends the roadway outside of the road right-of-way, purchase of land and additional right-of-way may be required.

3.2.3 Alternative 3: Permanent Alternate Route

The proposed action will create a permanent alternate route from the existing emergency route that was constructed under PW 00030. This will consist of widening the 16 foot roadbed to 20 feet, or 2 feet on either side of the centerline. The inslopes will be constructed in a hip roof section which will have 4:1 inslopes to a point 20 feet from centerline and then will break to a 2:1. An aggregate surface course will be placed on the 2 foot widened sections on each side. Disturbed areas will receive topsoil and be seeded. All work will be contained within the existing statutory 33 feet of right of way on each side of the centerline, so no additional right of way will need to be acquired.

4.0 AFFECTED ENVIRONMENTS & POTENTIAL IMPACTS

4.1 Geology, Soils & Land Use

Land use in North Dakota consists primarily of cultivated crops, grassland/herbaceous areas, and pasture/hay fields according to the National Land Cover Statistics Database (USGS 2011). Cultivated crop areas are described by the National Land Cover Classification system as areas that include cropland harvested, cultivated summer fallow and idle cropland, land on which crop failure occurs, cropland in soil improvement grasses and legumes, cropland used only for pasture in rotation with crops. Grassland areas are described as areas that are dominated by herbaceous or graminoid vegetation, usually at 80% or more of the total vegetation. These areas may be used for grazing, but are not under intensive management practices such as tilling. Pasture/hay fields are areas of grasses, legumes, or grass-legume mixtures planted for livestock grazing or the production of hay crops. The area in North Dakota that is developed covers 4% of the lands.

4.1.1 Prime Farmland

Prime farmland, as defined by the U.S. Department of Agriculture, is the land that is best suited for food, feed, forage, fiber and oilseed crops. It may be cultivated land, pasture, woodland, or other land, but it is not urban and built-up land or water areas. It either is used for food or fiber crops or is available for those crops. The soil quantities, growing season, and moisture supply are those needed for a well managed soil economically to produce a sustained high yield of crops. Prime farmland produces the highest yields with minimal inputs of energy and economic resources, and farming it results in the least damage to the environment.

Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing seasons. The slope ranges from 0 to 6 percent. More detailed information about the criteria for prime farmland is available through the Natural Resources Conservation Service (NRCS).

4.1.2 Regulatory Settings

Government controls land use through the use of comprehensive plans, zoning regulations, and subdivision regulations. In general, the North Dakota State government has passed these powers to the local governments. However, the State does have some control over certain types of land uses.

The Farmland Protection Policy Act (FPPA) requires federal agencies to evaluate the effects (direct and indirect) of their activities before taking any action that could result in converting designated prime or unique farmland for nonagricultural purposes. If an action would adversely affect farmland preservation, alternative actions that could avoid or lessen adverse effects must be considered. Determination of the level of impact to prime and unique farmland or farmland of statewide and local importance is done by the lead federal agency, which inventories farmlands affected by the proposed action and scores part of an AD 1006 form, Farmland Conversion Impact Rating, for each alternative. In consultation with the lead federal agency, NRCS completes the AD 1006 Form and determines the level of consideration for protection of farmlands that needs to occur under the Act.

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) – This Act, derived from sections 4 and 5 of Public Law 89-669 (October 15, 1066; 80 Stat. 927), constitutes an "organic act" for the National Wildlife Refuge System. It was recently amended by P.L. 105-57, "The National Wildlife Refuge System Improvement Act of 1997." Public Law 105-57, approved October 9, 1997, (111 Stat. 1253) gives guidance to the Secretary of the Interior for the overall management of the Refuge System. The Act's main components include: a strong and singular wildlife conservation mission for the Refuge System; a requirement that the Secretary of the Interior maintain the biological integrity, diversity and environmental health of the Refuge System; a new process for determining compatible uses of refuges; a recognition that wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation, when determined to be compatible, are legitimate and appropriate public uses of the Refuge System; that these compatible wildlife-dependent recreational uses are the priority general public uses of the Refuge System; and a requirement for preparing comprehensive conservation plans.

4.1.3 Environmental Consequences

4.1.3.1 Alternative 1: No Action

Under the No-Action alternative, no federal action would be completed by FEMA. Alternative 1 has the potential to result in changes to land use as some row crop and small grains areas may be converted to grassland if the road is abandoned and access to the site is eliminated. This may result in significant impacts to land use if the majority of land area that is abandoned occurs in the same general area.

4.1.3.2 Alternative 2: Permanent Grade Raise

Construction of a permanent grade raise would result in changes to land use as the existing road footprint will be expanded to accommodate the increase in road height. This may also require the acquisition of additional road right-of-way to be purchased. However, these changes in land use are not expected to be significant, as the change in the road's footprint will be minor. If the road footprint extends into prime farmland or farmland of statewide significance, a quantification of the acreage of prime farmland removed will be completed. If the project affects less than an acre of prime farmland, FEMA will determine the impact to be non-significant. If the effects are greater than one acre to these soils, FEMA will prepare the appropriate sections of an AD 1006 Farmland Conversion Impact Rating Form for the site, coordinate with the NRCS to determine the overall impact of the conversion, and document the results of the FPPA finding. If the road footprint extends into Fish and Wildlife Service wetland or grassland easement areas, a Land Use permit will be required from the Fish and Wildlife Service. If the road footprint extends into other state or federal lands, additional coordination and permitting will be required from the owner agency.

4.1.3.3 Alternative 3: Permanent Alternate Route

The construction of the permanent alternate route would result in minimal land use changes as the new footprint of the roadway would be 4 feet wider than the existing route. No additional right-of-way will be purchased as a result of this alternative. According to a response from the State Soil Scientist with NRCS, this alternative will fall under guidance given in section 310 of the General Manual, Subpart A, 403.4(b)(4) which states; *to avoid new construction by improving existing linear projects such as highways, small acreages (i.e., ten acres or less per linear mile or 3 acres per existing bridge or interchange) may be exempted. Acreage includes both direct and indirect conversions.* Therefore, Form AD 1006 will not be required for this alternative and further consultation with NRCS is not needed.

According to a response from J. Clark Salyer National Wildlife Refuge, U.S. Fish and Wildlife Service, there are no wetland or grassland easements in the immediate vicinity of the alternative, so a Land Use permit will not be required.

4.2 Air Quality

4.2.1 Affected Environment

North Dakota is currently in compliance with all of the National Ambient Air Quality Standards (NAAQS). North Dakota's air quality is usually considerably better than the NAAQS.

The Clean Air Act (CAA) requires that the US Environmental Protection Agency (EPA) establish primary and secondary NAAQS for air pollutants that are considered harmful to the public and environment. Primary NAAQS are established at levels necessary, with an adequate margin of safety, to protect the public health, including the health of sensitive populations such as asthmatics, children, and the elderly. Similarly, secondary NAAQS specify the levels of air quality determined appropriate to protect the public welfare from any known or anticipated adverse effects associated with air contaminants. The pollutants for which EPA has established ambient concentration standards are called criteria pollutants and include ozone, respirable particulates that have aerodynamic diameters of 10 micrometers or less (PM10), fine particles with aerodynamic diameters less than 2.5 micrometers, (PM2.5), carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), and lead (Pb).

The CAA also requires EPA to assign a designation to each area of the United States regarding compliance with the NAAQS. The EPA categorizes the level of compliance or noncompliance as follows: attainment (area currently meets the NAAQS), maintenance (area currently meets the NAAQS but has previously been out of compliance), and nonattainment (area currently does not meet the NAAQS).

4.2.2 Environmental Consequences

4.2.2.1 Alternative 1: No Action

Under the No Action Alternative, no localized or regional effects to air quality are expected.

4.2.2.2 Alternative 2: Permanent Grade Raise

During construction, there may be temporary increases in equipment exhaust emissions and fugitive dust. However, the temporary increase in equipment exhaust is expected to be negligible as long as the equipment is well maintained and idling is minimized. The North Dakota Department of Health requires that all necessary measures must be taken to minimize fugitive dust emissions created during construction activities.

If fugitive dust were to become a problem, it could be mitigated by periodic watering of active construction areas, particularly areas close to any nearby sensitive receptors (i.e., hospitals, senior citizen homes, schools). Impacts from fugitive dust are anticipated to be short-term and negligible.

4.2.2.3 Alternative 3: Permanent Alternate Route

The impacts to air quality from this alternative are similar to those described for Alternative 2.

4.3 Noise

4.3.1 Affected Environment

Ambient noise in the project area is influenced by farm activities and transportation, which are isolated to the immediate site of the farming activity and along the Township roadways, and state and federal highway systems. The project area is a quiet rural setting.

4.3.2 Regulatory Settings

Studies have shown that some of the most pervasive sources of noise in our environment today are those associated with transportation. Traffic noise tends to be a dominant noise source in our urban as well as rural environment. In response to the problems associated with traffic noise, the United States Code of Federal Regulations Part 772 (23 CFR 772), "Procedures for Abatement of Highway Traffic Noise and Construction Noise," establishes standards for mitigating highway traffic noise.

The level of highway traffic noise depends on three things: (1) the volume of traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of the traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds and a greater number of trucks. Vehicle noise is a combination of the noises produced by the engine, exhaust, and tires. The loudness of traffic noise can also be increased by defective mufflers or other faulty equipment on vehicles. Any condition (such as a steep incline) that causes heavy laboring of motor vehicle engines also increases traffic noise levels. In addition, there are other, more complicated factors that affect the loudness of traffic noise. For example, as a person moves away from a highway, traffic noise levels are reduced by distance, terrain, vegetation and natural and manmade obstacles.

4.3.3 Environmental Consequences

4.3.3.1 Alternative 1: No action

Under this alternative, the existing route would be too narrow for two-way traffic and local buses and farm equipment. This would result in a natural shift in transportation patterns. Noise in the immediate area would decrease. The potential exists that overall noise levels in the immediate area may also decrease due to some migration of residents from the region. Transportation noise along other roadway segments in the Township may increase under this alternative due to increasing traffic on alternate roadways. The noise may increase for persons who live near the permanent alternate route. However, noise impacts are not expected to be significant.

4.3.3.2 Alternative 2: Permanent Grade Raise

The restored road is anticipated to carry a similar noise level to that which it had at previous levels. Noise from construction activities may have short term adverse effects on persons who live near the construction area. Noise levels should be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise impacts on residences can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours. Noise levels of construction equipment at the distance in which affected parties would likely be located will not be of a duration to be significant.

4.3.3.3 Alternative 3: Permanent Alternate Route

Impacts under this alternative would be similar to those described in Alternative 2. Noise impacts are expected to be short in duration and not significant.

4.4 Water Quality & Resources

4.4.1 Affected Environment

The North Dakota Department of Health monitors surface waters in the state through an established ambient water quality monitoring program, water quality surveys, fish surveys, Total Maximum Daily Load (TMDL) assessments, Surface Water discharge permits, and state nonpoint source implementation projects.

Pierce County is on the eastern flank of the Williston basin. There are 6 major aquifers underlying different parts of the county. There are three Preglacial Rock aquifers; the Dakota Aquifer, Pierre Aquifer and the Fox Hills Aquifer. There are two major aquifers in the buried valleys of Pierce County, the New Rockford Aquifer and the Kilgore Aquifer. Surficial-outwash aquifers within the county include the Pleasant Lake aquifer. The Lake Souris deposit is a minor glacial-drift aquifer covering the western portion of the county. Most of the water supplies in Pierce County are derived from these ground-water sources.

4.4.1.1 Wild and Scenic Rivers

North Dakota has approximately 54,737 miles of river, but no designated wild and scenic rivers.

4.4.1.2 Floodplains

Executive Order (EO) 11988 requires federal agencies to consider the effect of their actions on the floodplain, evaluate alternatives to taking action in the floodplain and to provide opportunity for public comment if there is no

practicable alternative. North Dakota has 327 participating and 24 non-participating entities in the National Flood Insurance Program (NFIP). Under requirements established in 44 CFR Section 60.3, participating communities shall require permits for all development, including temporary development, in the Special Flood Hazard Areas (SFHA). Development is defined as "any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials." It includes both permanent and temporary actions related to stream crossings and conveyance structures (public and private), sediment removal, channel restoration or relocation, and other related activities.

4.4.1.3 Wetlands

EO 11990 requires that federal agencies minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. To meet these objectives, the EO requires federal agencies, in planning their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. Wetlands provide flood control, recharge groundwater, stabilize stream flows, improve water quality, and provide habitat for wildlife; however, these positive attributes have not always been recognized. The Federal Clean Water Act (CWA) requires that impacts to wetlands be avoided, then minimized, and finally mitigated if no practicable alternative exists for some wetland filling projects. Nevertheless wetlands continue to be impacted and lost as roads are expanded, land is developed and due to cumulative impacts from numerous activities such as draining, changes in land management and landowner preference for open water ponds.

4.4.2 Environmental Consequences

4.4.2.1 Alternative 1: No Action

In the No Action alternative, the road would not be repaired, leaving the facility impassable. No work would occur in water, thus there would be no direct impact to water due to project work. However, sedimentation from erosion may increase if the road bank is left unrepaired or protected.

4.4.2.2 Alternative 2: Permanent Grade Raise

A road grade raise would most likely expand the existing ROW. Fill material may be placed thus impacting adjacent wetlands and waters of the U.S. For any impacted wetlands, FEMA would initiate the Eight-step Process as outlined in CFR 44, Part 9 to determine if the project poses a significant impact.

Discharge into surface water may provide a temporary alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity. During construction, these impacts will be mitigated by requiring the applicant to apply Best Management Practices (BMPs) to reduce sediment and fill material from entering the water. The applicant may be required to obtain a Section 404 Permit from the U.S. Army Corps of Engineers (USACE). The applicant is responsible for complying with any conditions outlined within the permit.

The scope of work of this alternative may have some impact to floodplains. Construction of the grade raise may result in alteration of the course or magnitude of floodwater. If impacts to the floodplain are anticipated, FEMA would initiate the Eight-step Process as outlined in CFR 44, Part 9 to determine if the project poses a significant impact. A hydrology and hydraulics report may be required to evaluate changes to stream hydraulics in detail. Compliance with local floodplain ordinances would also be required.

4.4.2.3 Alternative 3: Permanent Alternate Route

Improvement to the existing emergency alternate route are not anticipated to have impacts to any waters of the U.S., as stated in a letter from the USACE dated May 18, 2015. There are no identified floodplains where the project occurs so no impacts to floodplains are anticipated, as stated in a letter from the ND State Water Commission dated May 26, 2015. Copies of these responses are included in Appendix A. Based on information from the NWI wetland maps, aerial images and also data gathered in the field, it is not anticipated the permanent work will have any impacts to adjacent wetlands.

4.5 Biological Resources

4.5.1 Affected Environment

Biological resources include native or naturalized plants and animals and the habitats (i.e., wetlands, forests, and grasslands) in which they exist. Protected and sensitive biological resources include federally listed (endangered or threatened), proposed, and candidate species designated by the US Fish and Wildlife Service (USFWS). Sensitive habitats include those areas designated by the USFWS as critical habitat protected by the Endangered Species Act (ESA) and sensitive ecological areas as designated by state or Federal rulings. Sensitive habitats also include wetlands, plant communities that are unusual or of limited distribution, and important seasonal use areas for wildlife (i.e., migration routes, breeding areas, crucial summer and winter habitats).

4.5.2 Threatened & Endangered Species

There are 7 species listed as Endangered (E), Threatened (T), Candidate (C), or Proposed (P) (see Table 3) by the USFWS under the ESA that historically occurred, occur or may potentially occur within Pierce County. These species are the Whooping Crane (E), Gray Wolf (E), Piping Plover (T), Dakota Skipper (T), Northern Long-Eared Bat (P) and Sprague's Pipit (C). One of these species, Piping Plover, has a designated critical habitat in Pierce County.

Common Name	Scientific Name	Federal Status	Habitat Requirements/Notes
Whooping Crane	Grus americana	E	Shallow wetlands, also upland areas during migration
Gray Wolf	Canis lupus	E	Most likely forested areas in north central and northeast ND. Can appear anywhere.
Piping Plover	Charadrius melodus	T	Barren sand and gravel shores of rivers and lakes.
Dakota Skipper	Hesperia dacotae	T	High quality native prairie containing high density of wildflowers and grasses.
Northern Long-Eared Bat	Myotis septentrionalis	P	Roost under bark, in cavities or crevices, sometimes in structures.
Sprague's Pipit	Anthus spragueii	C	Prefer sites in grasslands with range of vegetative structure.

Table 1. Threatened, Endangered & Candidate Species in Pierce County

North Dakota has 63 national wildlife refuges (NWRs) and 11 wetland management districts (WMDs). Pierce County falls within the jurisdiction of the J. Clark Salyer NWR.

4.5.3 Vegetation

Ecoregions describe areas of general similarity in ecosystems including the type, quality, and quantity of environmental resources. North Dakota is divided into eight Level III Ecoregions. From southwest to northeast, these are the Middle Rockies, the Western High Plains, the Northwestern Glaciated Plains, the Northwestern Great Plains, the Nebraska Sandhills, the Northern Glaciated Plains, the Western Corn Belt Plains, and the Lake Agassiz Plain

(Omernik 2008). These ecoregions are further subdivided into Level IV Ecoregions.

The project location falls into the Northern Glaciated Plains ecoregion. The Northern Glaciated Plains is a flat to rolling landscape composed of glacial drift (Bryce et al. 1998). The grassland is transitional between tall and shortgrass prairie and there are high concentrations of temporary and seasonal wetlands.

The Level IV Ecoregions near the project location include the End Moraine Complex and the Drift Plains. The End Moraine Complex is a concentration of glacial features in east central North Dakota. Blue Mountain and Devils Lake Mountain are composed of blocks of Surficial material scraped off and thrust up by the continental glacier at the south end of the Devils Lake basin. In the western part of the ecoregion, patches of stagnation moraine similar to the Missouri Coteau have high wetland densities. The retreating Wisconsinan glaciers left a subtle undulating topography and a thick mantel of glacial till. A greater proportion of temporary and seasonal wetlands are found on the drift plains than in the coteau areas. The historic grassland on the Drift Plains was a transitional mix of tallgrass and shortgrass prairie. The prairie grasses have been largely replaced by fields of spring wheat, barley, sunflowers and alfalfa.

4.5.4 Environmental Consequences

4.5.4.1 Alternative 1: No Action

Under the No Action alternative, no localized or regional effects to threatened or endangered species are expected. This alternative does not include any Federal action. Therefore, the Agencies would not be required to consult with USFWS to comply with the ESA, Migratory Bird Treaty Act (MBTA), Fish and Wildlife Coordination Act (FWCA), or state laws. A damaged decaying roadway may cause a flow impediment, potentially causing significant impacts to the water body and floodplain hydraulics and function which would have negative impacts to fish habitat and passage.

4.5.4.2 Alternative 2: Permanent Grade Raise

An increase in the width of the road footprint may require work in previously undisturbed areas. The actions taken under this alternative are not expected to affect sensitive biological resources; however a review of available information on species potential in the area and critical habitat would be conducted. If FEMA determines that the project has the potential to affect sensitive biological resources, it would initiate the ESA review process. FEMA will notify USFWS of the project location and the project description. USFWS would respond after receiving this information to notify FEMA if additional consultation is required. If USFWS determines that no

additional consultation is required, FEMA would consider the project to be in compliance with Section 7 of the ESA, MBTA, and FWCA.

4.5.4.3 Alternative 3: Permanent Alternate Route

This alternative consists of performing work on an existing emergency alternate route. The overall footprint of the road will increase slightly, as the roadbed will be increased in width 2 feet on each side. An increase in the width of the road footprint will require work in areas previously disturbed during the construction of the emergency route. The vegetation of the site consists mostly of pastureland. There are two farmsteads adjacent to the roadway along with a gravel pit. There are wetlands within the project area, but it not anticipated they will be affected by the widening of the roadway as all work will take place within the existing right of way. There are no structures within the project limits.

A review of the listed species in Pierce County and the preferred habitats in comparison with the vegetation of the project area has been completed. Upon the completion of this comparison, it was determined the site does not fit the habitat preferences of the listed species so the occurrence of these species within the project limits is unlikely. Critical habitats were also researched and there are no critical habitats for the listed species near the project site. FEMA has determined there will be "No Effect" to the listed species or habitats based on this information, and so no further consultation is needed.

4.6 Cultural Resources

4.6.1 Affected Environment

To preserve historical and archaeological sites in the U.S., the National Historic Preservation Act (NHPA) was established in 1966. The act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices.

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation and is part of a national program to coordinate and support public and private efforts to identify, evaluate and protect our historic and archaeological resources. Properties listed in the Register include districts, sites, buildings, structures and objects that are significant in American history, architecture, archeology, engineering, and culture.

4.6.2 Regulatory Settings

Section 106 of the NHPA directs federal agencies to determine the impact of a project on cultural resources. In consultation with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) the

federal agency works to avoid effects and mitigate any potential adverse effects to historic properties.

The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior.

4.6.3 Environmental Consequences

4.6.3.1 Alternative 1: No Action

Under the No Action Alternative, no localized affect to cultural resources are expected.

4.6.3.2 Alternative 2: Permanent Grade Raise

This alternative has the potential to affect historic or cultural resources if the project expands outside the original road right-of-way. Destruction or alteration of any site, structure or object of prehistoric or paleontological importance may occur during construction. Physical change could affect unique cultural values. There could be effects on existing religious or sacred uses of a site or area within the project limits. For non-tribal lands, FEMA would determine if a project meets the programmatic allowances. If so, FEMA would consider the project to be in compliance with Section 106 of NHPA and no further review would occur. If a project does not fall within an allowance, FEMA would make a determination of affect and consult with SHPO. Additional archaeological surveys of ground disturbing activities may be required depending on consultation with THPO and SHPO.

4.6.3.3 Alternative 3: Permanent Alternate Route

A scoping letter detailing the proposed actions and project location information was sent to the ND SHPO office on May 12, 2015. This letter is included in **Appendix A**. A response from ND SHPO was received on May 19, 2015 indicating there would be no historic properties affected as a result of the proposed undertaking. Consultation was completed and SHPO concurred with FEMA's determination of "No Historic Properties Affected" on September 1, 2015.

The absence of cultural properties in the area does not mean they do not exist, but rather may reflect the absence of any previous cultural resource inventory in the area. If, during the course of any ground disturbance related to this project, cultural materials are advertently discovered, the project would be immediately stopped and the SHPO, FEMA and appropriate tribal representatives notified.

FEMA would consult with the State Historic Preservation Office and appropriate tribal representatives on project specific activities for any project

that has the potential to affect previously undisturbed areas or historic properties.

4.7 Cumulative Impacts

The CEQ regulations (40 CFR 1500-1508) implementing the procedural provisions of NEPA of 1969, as amended (42 USC 4321) defines cumulative effects as:

"the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or Non-Federal) or person undertakes such other action" (40 CFR 1508.7). Based on these regulations, if the alternative does not have direct or indirect effects for a particular resource, there can be no cumulative effects resulting from the project as there would be no impacts added to past, present, or reasonably foreseeable actions.

CEQ regulations also describe cumulative impacts as impacts that "can result from individually minor but collectively significant actions taking place over a period of time." On a programmatic level and combined with other actions affecting the road and resource area within Pierce County, including closed roads, alternatives could lead to cumulative impacts depending on the scale or geography in which the actions are performed.

4.7.1 Summary of Cumulative Impacts

The alternatives presented in this EA are not anticipated to cause significant impacts, even when combined with other actions. Other than the "No Action Alternative," all project impacts can be reduced below the level of significance by mitigating for individual impacts using the mitigation measures as addressed in Section 5. Mitigating impacts at individual sites will reduce the potential for significant cumulative impacts.

5.0 MITIGATION MEASURES

Project impacts that are implemented at an individual or cumulative scale such as to produce significant impacts can generally be reduced below the level of significance through avoidance, minimization or by mitigating for individual impacts using mitigation measures as described below. If impact avoidance cannot be achieved, specific mitigation measures including agency consultation would be undertaken by FEMA to reduce any potentially significant impacts to less than significant levels.

1. The absence of cultural properties in the area does not mean they do not exist, but rather may reflect the absence of any previous cultural resource inventory in the area. If, during the course of any ground disturbance related to this project, cultural materials are advertently discovered, the project would be immediately stopped and the SHPO, appropriate tribal representatives and FEMA notified.
2. If the project extends outside of the previously disturbed road footprint and wetland areas would be impacted, FEMA would evaluate individual and cumulative impacts and implement avoidance, minimization and/or mitigation measures as necessary to reduce impacts below levels of significance.
3. Pierce County must obtain and comply with applicable permits required by the U.S. Army Corp of Engineers including permit conditions, pre-construction notification requirements, and regional conditions of any applicable Nationwide Permit.
4. Pierce County must obtain and comply with all federal, state and local permits and authorizations, including, but not limited to those required by ND Department of Transportation, ND Department of Health, ND State Parks, and ND Game & Fish.
5. If soil erosion potential is determined to be significant, a project erosion control plan to minimize soil loss, including the use of Best Management Practices, to isolate the construction site and minimize adverse effects of soil loss and sedimentation on soil and water resources would be implemented.
6. Construction noise levels would be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Impact to noise levels would be minimized by

   limiting construction activities that occur during early morning or late evening hours.
7. to avoid impacts to cultural resources from material borrow source:
   a. Borrow material must come from a commercial source, or

b. An existing stockpile (if from an existing stockpile – no ground disturbing activities are permitted), or

8. To mitigate for impacts to floodplain, a hydrology and hydraulics study would be completed and culverts installed per results of the study to ensure the flow of flood waters. The project must not serve as a dam or otherwise impede water movement thus aggravating flooding upstream of the roadway.
9. To mitigate for fugitive dust during construction, periodic watering of active construction areas, particularly in areas close to sensitive receptors (i.e. hospitals, senior citizen homes, and schools) would be implemented.
10. All waste material associated with the project must be disposed of properly and not placed in identified floodway or wetland areas. All hazardous material resulting from demolition activities, including asbestos and lead paint would be disposed of in hazardous waste landfills.
11. FEMA would require the applicant to implement avoidance measures per consultation with the U.S. Fish and Wildlife Service for any road relocation projects that have the potential to affect biological resources, including Threatened and Endangered Species and Migratory Birds.
12. FEMA would consult with U.S. Fish and Wildlife Service and/or Natural Resources Conservation Service for nay project which extends outside of the road right-of-way and has the potential to affect land use, including Fish and Wildlife Service easements, prime farmland, or farmland of state/local significance.
13. FEMA would consult with the State Historic Preservation Office and appropriate tribal representatives on project specific activities for any project that has the potential to affect previously undisturbed areas or historic properties.
14. To minimize any potential to occupation health and safety, construction workers and equipment operators are required to wear appropriate personal protective equipment (PPE) and to be properly trained for the work being performed, including removal and disposal of asbestos and lead-based paint for demolition projects.

6.0 AGENCY COORDINATION & PUBLIC INVOLVEMENT

FEMA is the lead federal agency for conducting the NEPA compliance process for this proposal. The lead Federal agency is responsible for expediting the preparation and review of NEPA documents in a way that is responsive to the needs of residents of Pierce County while meeting the spirit and intent of NEPA and complying with all NEPA provisions.

6.1 Public Participation

FEMA notified the public that it was preparing a Draft EA by publishing a public notice in the local newspaper, the Pierce County Tribune, on June 27, 2015.

6.2 Agency Coordination

Coordination with agencies specific to biological and cultural resources concerns is discussed in section 4.0. In addition, FEMA conducted a scoping program during the beginning of the NEPA review process. FEMA transmitted coordination letters with a request for comments to the following agencies, notifying them about the project and the preparation of the Draft EA:

- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- North Dakota Game & Fish Department
- State Historical Preservation Office of North Dakota
- Natural Resource Conservation Service
- U.S. Fish and Wildlife Service – J. Clark Salyer Complex
- Bureau of Indian Affairs
- ND Indian Affairs Commission

The letter provided a description of the proposed project and requested comments on issues and concerns, the range of alternatives, and potential effects regarding the project that should be analyzed in the EA. A copy of scoping letters and the comments received is included in Appendix A.

7.0 LIST OF PREPARERS

Wold Engineering, P.C. – Consultant
Jessica Tagestad, PE – Environmental Specialist
FEMA Region VIII
Portia Ross, Senior Environmental Specialist
Richard Meyers, Deputy Regional Environmental Officer

8.0 REFERENCES

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U.S. Fish & Wildlife Service – North Dakota Field Office. Endangered Species by County. http://www.fws.gov/northdakotafieldoffice/endspecies/endangered_species.htm Accessed June 22, 2015

APPENDIX A

Scoping Letter & Agency Comments

Wold Engineering, P.C.
Consulting Engineers & Land Surveyors

BOTTINEAU:
Bradley N. Robertson, R.L.S. - CIO
Matthew T. Johnson, P.E. – CFO

BISMARCK:
Herbert W. Bargmann, P.E., R.L.S. – CEO/President
Michael Rivinius, P.E. - Secretary

MINOT:
Kent D. Indvik, P.E. – Vice President

May 12, 2015

Mr. Merlan Paaverud, Jr., Director
State Historical Society
North Dakota Heritage Center
612 East Blvd. Avenue
Bismarck, ND 58505-0830

PROJECT: Hillside Township – Permanent Alternate Route
Map Site 2A – DR 4190 PW 00009
Sec. 28/33 – T152N – R73W
Pierce County, ND

On behalf of Pierce County, Wold Engineering, P.C. is preparing an Environmental Assessment (EA) for the construction of a permanent alternate route in Sec. 28/33, T152N, R73W. The Federal Emergency Management Agency (FEMA) is acting as lead federal agency in the development of the EA. The EA will analyze applicable alternatives for the proposed work. Please see the enclosed map for project location information.

The need for the project is due to rising lake waters that have inundated the current route that serves two farm families in the area. An emergency alternate route was constructed in the fall of 2014 and work was completed in the spring of 2015 due to weather conditions that prevented all work from being completed prior to freeze up. The proposed work will be to widen the roadbed that was constructed within the emergency work to a 20 foot roadbed, construct inslopes and surface the road with aggregate surface course to make this a permanent route. At this time, we are looking for any feedback you may have on this proposed work to help in developing other alternates in the EA.

The emergency work was completed under exemptions for emergency protection measures. Now that Pierce County and FEMA would like to make this a permanent route, we are requesting your input on whether a survey would be needed as the ground was already disturbed due to the emergency work.

This project is anticipated to be completed in the 2015 construction season.

915 E. 11th Street
PO Box 237
Bottineau ND 58318

Phone: 701-228-2292
Fax: 701-228-3938
Email: wold@woldengr.com

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. Per Section 106 of the National Historic Preservation Act, we are also interested in determining the potential effects to historic resources. Any information that might help us in our studies would be appreciated.

It is requested that any comments or information be forwarded to our office on or before June 12, 2015. We request your comments by that date to ensure that we have ample time to review them and incorporate them into the EA.

If further information is desired regarding the project, please contact Jessica Tagestad in Bottineau, ND at (701)228-2292.

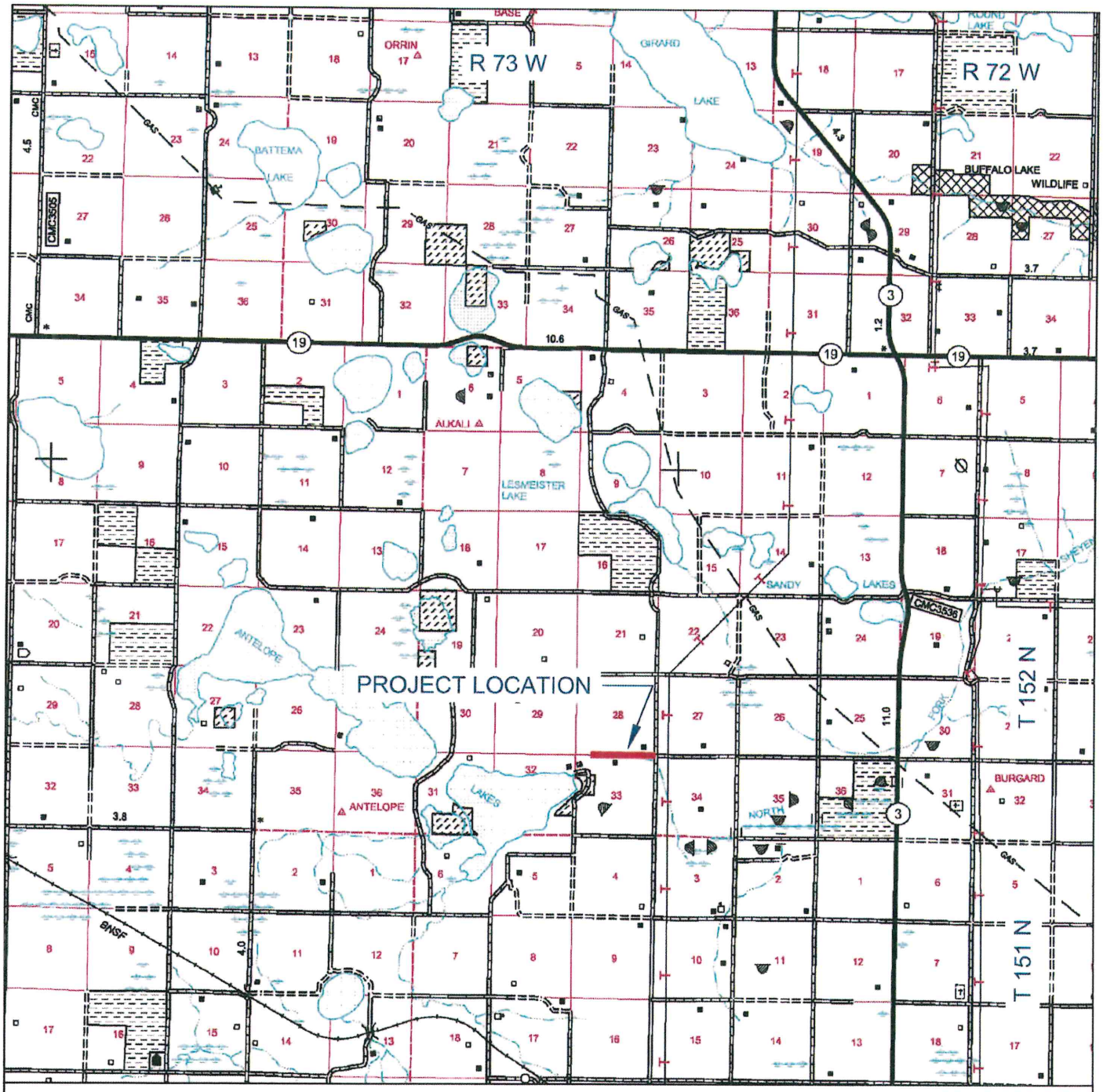
Regards,

Jessica Tagestad

Jessica Tagestad, PE
Wold Engineering, P.C.

Enclosure

Pierce County FEMA
Hillside Twp - Permanent Alternate Route
DR 4190 PW #00009 - Map Site 2A
Sec 28/33 - 152N - 73W



Wold Engineering, P.C.
Consulting Engineers & Land Surveyors

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W E
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LEGEND:

Project Location

04/20/15

May 12, 2015
Pierce County - Hillside Twp Site 2

LIST OF ADDRESSES FOR SOLICITATION OF VIEWS

Mr. Steve Dyke, Supervisor
Conservation Section
ND Game & Fish Department
100 Bismarck Expressway N
Bismarck, ND 58501-5095

Mr. Merlan Paaverud, Jr., Director
State Historical Society
North Dakota Heritage Center
612 East Blvd. Avenue
Bismarck, ND 58505-0830

Mr. Todd Sando
Chief Engineer
State Water Commission
900 E Blvd Avenue
Bismarck, ND 58505-0850

Mr. Daniel Cimarosti, State Program Manager
U.S. Army Corp. of Engineers
ND Regulatory Office
1513 12th Street S
Bismarck, ND 58504

Mr. Scott Larson, Field Supervisor
Environmental Services
U.S. Fish & Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501

Mr. Gary Williams, Refuge Manager
J. Clark Salyer Complex
681 Salyer Road
Upham, ND 58789

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

Ms. Mary E. Podoll, State Conservationist
U.S. Department of Agriculture - NRCS
P.O. Box 1458
Bismarck, ND 58502-1458

Mrs. Karin Fursather
County Auditor
Pierce County
240 2nd St. SE, Ste. 6
Rugby, ND 58368

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

REPLY TO
ATTENTION OF

May 18, 2015

North Dakota Regulatory Office

Wold Engineering
Attn: Jessica Tagestad
PO Box 237
Bottineau, North Dakota 58318

Dear Ms. Tagestad:

This is in response to your letter dated May 12, 2015, requesting U.S. Army Corps of Engineers (Corps) comments regarding proposed road work located in Sections 28/33, Township 152 North, Range 73 West, Pierce County, North Dakota. You identified the Federal Emergency Management Agency (FEMA) as the lead federal agency, noted the project as DR4190 PW00009, and that emergency construction occurred at this location during fall 2014.

Corps regulatory offices administer Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404). Section 10 regulates work in, over, or under certain navigable waters. Section 404 of the Clean Water Act regulates the discharge of dredged or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Based on the information contained within your letter, a Section 10 permit would not be required. However, a permit under Section 404 may be required if there is a discharge of fill material in waters of the United States which is not exempt.

By letter dated September 12, 2014, the Corps determined that road work at the aforementioned location (Corps project NWO-2014-2070-BIS) was an activity exempt from Section 404. Our letter was mailed to Ms. Karin Fursather, Pierce County Auditor but was in response to FEMA project DR4128 PW115. If DR4128 PW115 and DR4190 PW00009 are the same project, our exemption determination of September 2014 is applicable provided the road is constructed in compliance with 33 CFR 323.4(a)(6), copy enclosed.

A copy of this letter is being sent to Jim Burkley, Environmental Protection Agency, Region VIII, 8EPR-EP, 1595 Wynkoop Street, Denver, Colorado, 80202-1129.

Do not hesitate to contact this office by letter or telephone (701) 255-0015, and reference project NWO-2014-2070-BIS if we can be of further assistance.

Sincerely,

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosure

Sec. 323.4 Discharges not requiring permits.

(a)(6) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained in accordance with best management practices (BMPs) to assure that flow and circulation patterns and chemical and biological characteristics of waters of the United States are not impaired, that the reach of the waters of the United States is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized. These BMPs which must be applied to satisfy this provision shall include those detailed BMPs described in the State's approved program description pursuant to the requirements of 40 CFR 233.22(i), and shall also include the following baseline provisions:

(i) Permanent roads (for farming or forestry activities), temporary access roads (for mining, forestry, or farm purposes) and skid trails (for logging) in waters of the U.S. shall be held to the minimum feasible number, width, and total length consistent with the purpose of specific farming, silvicultural or mining operations, and local topographic and climatic conditions;

(ii) All roads, temporary or permanent, shall be located sufficiently far from streams or other water bodies (except for portions of such roads which must cross water bodies) to minimize discharges of dredged or fill material into waters of the U.S.;

(iii) The road fill shall be bridged, culverted, or otherwise designed to prevent the restriction of expected flood flows;

(iv) The fill shall be properly stabilized and maintained during and following construction to prevent erosion;

(v) Discharges of dredged or fill material into waters of the United States to construct a road fill shall be made in a manner that minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within waters of the United States (including adjacent wetlands) that lie outside the lateral boundaries of the fill itself;

(vi) In designing, constructing, and maintaining roads, vegetative disturbance in the waters of the U.S. shall be kept to a minimum;

(vii) The design, construction and maintenance of the road crossing shall not disrupt the migration or other movement of those species of aquatic life inhabiting the water body;

(viii) Borrow material shall be taken from upland sources whenever feasible;

(ix) The discharge shall not take, or jeopardize the continued existence of, a threatened or endangered species as defined under the Endangered Species Act, or adversely modify or destroy the critical habitat of such species;

(x) Discharges into breeding and nesting areas for migratory waterfowl, spawning areas, and wetlands shall be avoided if practical alternatives exist;

(xi) The discharge shall not be located in the proximity of a public water supply intake;

(xii) The discharge shall not occur in areas of concentrated shellfish production;

(xiii) The discharge shall not occur in a component of the National Wild and Scenic River System;

(xiv) The discharge of material shall consist of suitable material free from toxic pollutants in toxic amounts; and

(xv) All temporary fills shall be removed in their entirety and the area restored to its original elevation.

Sec. 323.4 Discharges not requiring permits.

(a)(6) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained in accordance with best management practices (BMPs) to assure that flow and circulation patterns and chemical and biological characteristics of waters of the United States are not impaired, that the reach of the waters of the United States is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized. These BMPs which must be applied to satisfy this provision shall include those detailed BMPs described in the State's approved program description pursuant to the requirements of 40 CFR 233.22(i), and shall also include the following baseline provisions:

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(ii) All roads, temporary or permanent, shall be located sufficiently far from streams or other water bodies (except for portions of such roads which must cross water bodies) to minimize discharges of dredged or fill material into waters of the U.S.;

(iii) The road fill shall be bridged, culverted, or otherwise designed to prevent the restriction of expected flood flows;

(iv) The fill shall be properly stabilized and maintained during and following construction to prevent erosion;

(v) Discharges of dredged or fill material into waters of the United States to construct a road fill shall be made in a manner that minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within waters of the United States (including adjacent wetlands) that lie outside the lateral boundaries of the fill itself;

(vi) In designing, constructing, and maintaining roads, vegetative disturbance in the waters of the U.S. shall be kept to a minimum;

(vii) The design, construction and maintenance of the road crossing shall not disrupt the migration or other movement of those species of aquatic life inhabiting the water body;

(viii) Borrow material shall be taken from upland sources whenever feasible;

(ix) The discharge shall not take, or jeopardize the continued existence of, a threatened or endangered species as defined under the Endangered Species Act, or adversely modify or destroy the critical habitat of such species;

(x) Discharges into breeding and nesting areas for migratory waterfowl, spawning areas, and wetlands shall be avoided if practical alternatives exist;

(xi) The discharge shall not be located in the proximity of a public water supply intake;

(xii) The discharge shall not occur in areas of concentrated shellfish production;

(xiii) The discharge shall not occur in a component of the National Wild and Scenic River System;

(xiv) The discharge of material shall consist of suitable material free from toxic pollutants in toxic amounts; and

(xv) All temporary fills shall be removed in their entirety and the area restored to its original elevation.

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

September 12, 2014

North Dakota Regulatory Office

[NWO-2014-2070-BIS]

Ms. Karin Fursather
Pierce County Auditor
240 2nd Street SE, Suite 6
Rugby, North Dakota 58368

Dear Ms. Fursather:

This is in reference to your request for a Department of the Army permit determination concerning a Pierce County/Hillside Township roadway reroute project [DR 4128-PW115]. The project will provide the sole access to an existing farming operation and is located in Section 33, Township 152 North, Range 73 West, Pierce County, North Dakota.

The Corps of Engineers has jurisdiction over all waters of the United States. The discharge of dredged or fill material into waters of the United States, including wetlands, requires prior authorization from the Corps under Section 404 of the Clean Water Act (Title 33 United States Code 1344). The implementing regulation for this Act is found at Title 33 Code of Federal Regulations 320-332. However, based upon our review of the information provided, we have determined that the subject activity is exempt from regulation pursuant to Part 323.4(a)(6) as highlighted in the enclosed copy of the regulations. Therefore, the proposed project does not require DA authorization and ***no permit is required***.

Should the project change, you should contact this office for a new permit determination. The fact that a Section 404 permit is not required does not relieve you of the obligation to obtain required approvals from other agencies that may have regulatory jurisdiction over this project.

A copy of this letter is being sent to Mr. Brent Truskowski, Environmental Protection Agency, Region VIII, 8EPR-EP, 1595 Wynkoop Street, Denver, Colorado, 80202-1129.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey If you do not have internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

Should you have any questions regarding this determination, please do not hesitate to contact Mr. Matthew J. Mikulecky of my staff, by letter or telephone (701) 255-0015, and reference Project Number **NWO-2014-2070-BIS**.

Sincerely,

for Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosure

Section 323.4 - Discharges not requiring permits.

(a) General. Except as specified in paragraphs (b) and (c) of this section, any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under section 404:

(1)

(i) Normal farming, silviculture and ranching activities such as plowing, seeding, cultivating, minor drainage, and harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices, as defined in paragraph (a)(1)(iii) of this section.
(ii) To fall under this exemption, the activities specified in paragraph (a)(1)(i) of this section must be part of an established (i.e., on-going) farming, silviculture, or ranching operation and must be in accordance with definitions in Section 323.4(a)(1)(iii). Activities on areas lying fallow as part of a conventional rotational cycle are part of an established operation. Activities which bring an area into farming, silviculture, or ranching use are not part of an established operation. An operation ceases to be established when the area on which it was conducted has been coverted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operations. If an activity takes place outside the waters of the United States, or if it does not involve a discharge, it does not need a section 404 permit, whether or not it is part of an established farming, silviculture, or ranching operation.
(iii)

(A) Cultivating means physical methods of soil treatment employed within established farming, ranching and silviculture lands on farm, ranch, or forest crops to aid and improve their growth, quality or yield.
(B) Harvesting means physical measures employed directly upon farm, forest, or ranch crops within established agricultural and silvicultural lands to bring about their removal from farm, forest, or ranch land, but does not include the construction of farm, forest, or ranch roads.
(C)

(1) Minor Drainage means:

(i) The discharge of dredged or fill material incidental to connecting upland drainage facilities to waters of the United States, adequate to effect the removal of excess soil moisture from upland croplands. (Construction and maintenance of upland (dryland) facilities, such as ditching and tiling, incidental to the planting, cultivating, protecting, or harvesting of crops, involve no discharge of dredged or fill material into waters of the United States, and as such never require a section 404 permit.);
(ii) The discharge of dredged or fill material for the purpose of installing ditching or other such water control facilities incidental to planting,

construction of any such structure or waterway requires a permit.

(D) Plowing means all forms of primary tillage, including moldboard, chisel, or wide-blade plowing, discing, harrowing and similar physical means utilized on farm, forest or ranch land for the breaking up, cutting, turning over, or stirring of soil to prepare it for the planting of crops. The term does not include the redistribution of soil, rock, sand, or other surficial materials in a manner which changes any area of the waters of the United States to dry land. For example, the redistribution of surface materials by blading, grading, or other means to fill in wetland areas is not plowing. Rock crushing activities which result in the loss of natural drainage characteristics, the reduction of water storage and recharge capabilities, or the overburden of natural water filtration capacities do not constitute plowing. Plowing as described above will never involve a discharge of dredged or fill material.

(E) Seeding means the sowing of seed and placement of seedlings to produce farm, ranch, or forest crops and includes the placement of soil beds for seeds or seedlings on established farm and forest lands.

(2) Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design. Emergency reconstruction must occur within a reasonable period of time after damage occurs in order to qualify for this exemption.

(3) Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage ditches. Discharges associated with siphons, pumps, headgates, wingwalls, weirs, diversion structures, and such other facilities as are appurtenant and functionally related to irrigation ditches are included in this exemption. **(4)** Construction of temporary sedimentation basins on a construction site which does not include placement of fill material into waters of the U.S. The term "construction site" refers to any site involving the erection of buildings, roads, and other discrete structures and the installation of support facilities necessary for construction and utilization of such structures. The term also includes any other land areas which involve land-disturbing excavation activities, including quarrying or other mining activities, where an increase in the runoff of sediment is controlled through the use of temporary sedimentation basins. **(5)** Any activity with respect to which a state has an approved program under section 208(b)(4) of the CWA which meets the requirements of sections 208(b)(4)(B) and (C). **(6)** Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained in accordance with best management practices (BMPs) to assure that flow and circulation patterns and chemical and biological characteristics of waters of the United States are not impaired, that the reach of the waters of the United States is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized. These BMPs which must be applied to satisfy this provision shall include those detailed BMPs described in the state's approved program description pursuant to

States into a use to which it was not previously subject, where the flow or circulation of waters of the United States nay be impaired or the reach of such waters reduced. Where the proposed discharge will result in significant discernible alterations to flow or circulation, the presumption is that flow or circulation may be impaired by such alteration. For example, a permit will be required for the conversion of a cypress swamp to some other use or the conversion of a wetland from silvicultural to agricultural use when there is a discharge of dredged or fill material into waters of the United States in conjunction with construction of dikes, drainage ditches or other works or structures used to effect such conversion. A conversion of a Section 404 wetland to a non-wetland is a change in use of an area of waters of the United States. A discharge which elevates the bottom of waters of the United States without converting it to dry land does not thereby reduce the reach of, but may alter the flow or circulation of, waters of the United States.

(d) Federal projects which qualify under the criteria contained in section 404(r) of the CWA are exempt from section 404 permit requirements, but may be subject to other state or Federal requirements.

STATE HISTORICAL SOCIETY OF NORTH DAKOTA

May 19, 2015

Ms. Jessica Tagestad
Wold Engineering
915 E 11th Street
PO Box 237
Bottineau, ND 58318

ND SHPO Ref.: 15-5365 Hillside Township Permanent Alternate Route, Map Site 2A DR 4190 PW 00009 in portions of [T152N R73W Sections 28 & 33], Pierce County, North Dakota

Dear Ms. Tagestad

We reviewed ND SHPO Ref.: 15-5365 Hillside Township Permanent Alternate Route, Map Site 2A DR 4190 PW 00009 in portions of [T152N R73W Sections 28 & 33], Pierce County, North Dakota and if consulted by a federal agency we would concur with the determination of "No Historic Properties Affected" provided that this project takes place in the location and in the manner described in the documentation and that all borrow comes from an approved source.

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

Sincerely,

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

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
J. CLARK SALYER NATIONAL WILDLIFE REFUGE
681 SALYER ROAD
UPHAM, ND 58789-0066
PHONE (701)768-2548
FAX (701)768-2834

May 19, 2015

Jessica Tagestad
Wold Engineering
915 East 11th Street
Box 237
Bottineau, ND 58318

Dear Ms. Tagestad,

Thank you for the opportunity to comment and provide information for the Federal Emergency Management Agency permanent alternate route project in Pierce County, North Dakota. The project (Map Site 2A – DR 4190 PW 00009) will create an alternate route for two farm families to access their farms, who have had limited access due to rising lake waters.

The U.S. Fish and Wildlife Service (Service) has no property interests in the immediate vicinity of this project. The Service does have a fee title property in the SW1/4NW1/4 of Section 33, T. 152 N., R. 73 W. The Service does have a wetland easement approximately ¾ of a mile to the west. However, it appears as all of your work took place within the existing road right-of-way, therefore there would be no impacts to any Service owned properties. I have included a map of the project area for your records. We feel there is no further consultation needed from our office.

Sincerely,

Tom Zick
Asst. Wetland District Manager

Pierce County Alternate Route Project
DR 4190 PW 00009 - Map Site 2A
Hillside Township - T. 152 N., R. 73 W., Sec. 28/33

Legend

- Pierce County Road Project
- USFWS Easement
- USFWS Fee Title Property

N

NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov

May 26, 2015

recv'd
5/29/15

Ms. Jessica Tagestad, PE
Wold Engineering, PC
P.O. Box 237
Bottineau, ND 58318

Re: Hillside Township - Permanent Alternate Route
Pierce County

Dear Ms. Tagestad:

This department has reviewed the information concerning the above-referenced project submitted under date of May 12, 2015, 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. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.

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 storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701.328.5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.

4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

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

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

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

Sincerely,

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

LDG:cc
Attach.

NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov

Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: http://swc.nd.gov

recv'd
5/29/15

May 26, 2015

Jessica Tagestad
Wold Engineering
PO Box 237
Bottineau, ND 58318

Dear Ms. Tagestad:

This is in response to your request for review of environmental impacts associated with Hillside Township, Permanent Alternate Route, Map Site 2A – DR 4190 PW 00009, located in Sec. 28/33, T152N, R67W in Pierce County, ND.

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

- There are no floodplains identified and/or mapped where this proposed project is to take place. The project takes place in an unmapped county. No floodplain permits are necessary from Pierce County relative to the National Flood Insurance Program.

- A Surface Drain permit will be needed from the State Engineer for the filling in of a wetland. Please contact Dwight Comfort at 701-328-4960 regarding any questions you have pertaining to the permit. A Surface Drain permit application is enclosed for your convenience.

- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.

- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.

- No sole-source aquifers have been designated in ND.

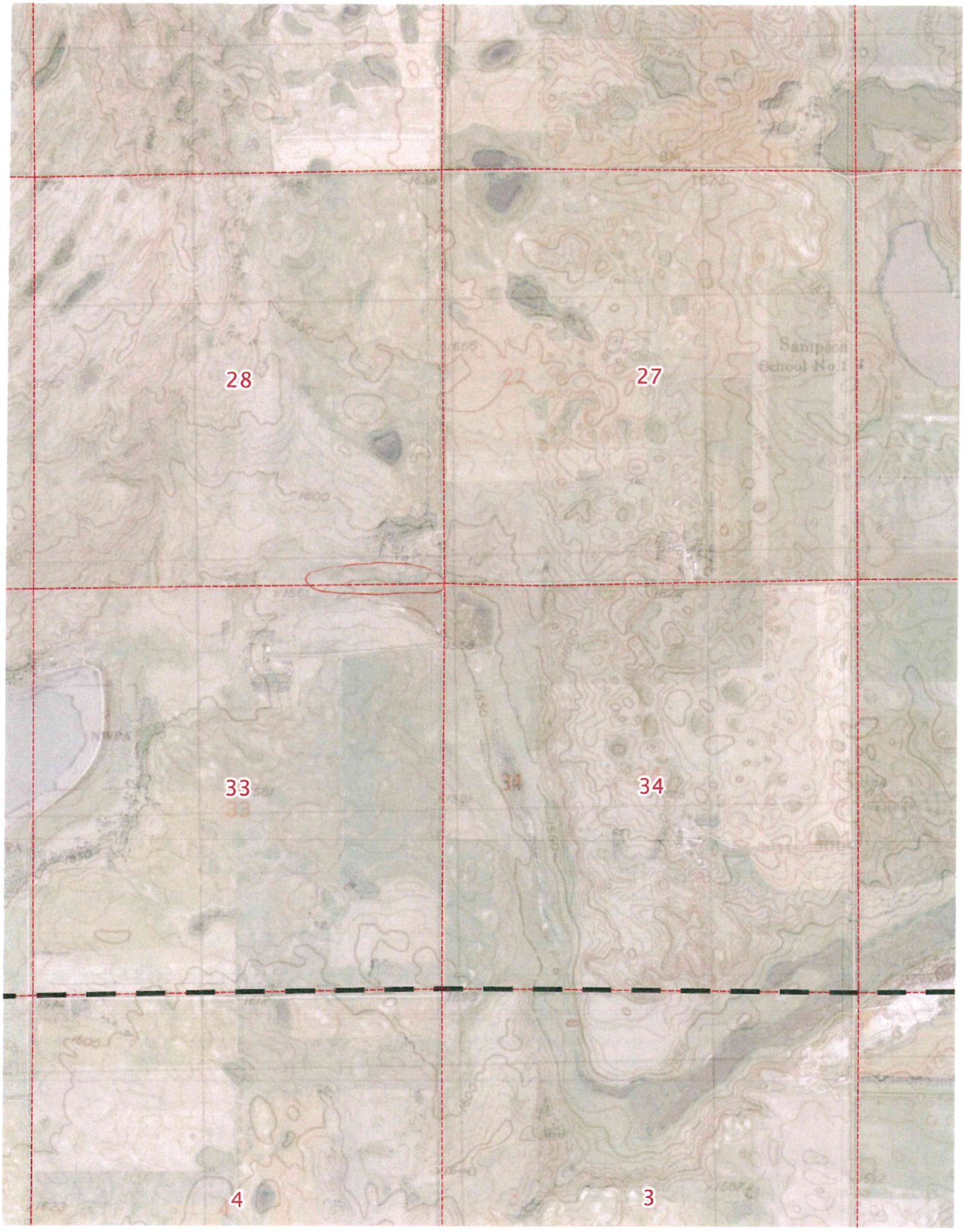
Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,

Linda Weispfenning

Linda Weispfenning
Water Resource Planner

LW:dm/1570
Encl.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Sampson
School No. 1
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3

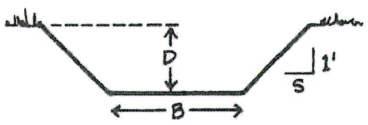
APPLICATION FOR SURFACE DRAIN
OFFICE OF THE STATE ENGINEER
Water Development Division
SFN 2830 (8/11)

I, the undersigned, am applying for a permit under NDCC Section 61-32-03, to drain a pond, slough, lake, or sheetwater, or any series thereof, which has a watershed area comprising 80 acres or more.

No._____
(OSE USE ONLY)

This application must be accompanied by FSA aerial photos or equivalent showing the location of the proposed drain(s).

(1)	WATER RESOURCE DISTRICT IN WHICH PROJECT IS LOCATED:				
(2)	LEGAL DESCRIPTION - DRAIN CENTERLINE: [use separate sheet(s) if necessary]	1/4	SECTION	TOWNSHIP	RANGE
		1/4	SECTION	TOWNSHIP	RANGE
		1/4	SECTION	TOWNSHIP	RANGE
(3)	LEGAL DESCRIPTION - DRAIN OUTLET:	1/4 1/4	SECTION	TOWNSHIP	RANGE
(4)	PURPOSE:				
(5)	Drain Method: ☐ Pumping ☐ Filling ☐ Gravity				
(6)	DESCRIPTION OF AREA TO BE DRAINED:				

TOTAL Drainage Area Acres	Project Drainage Area Acres		
Water Area Acres	Average Depth of Water Feet		

(7)	DESCRIPTION OF DRAIN:		
Pumping Rate (if applicable) gpm cfs	Fill Volume (if applicable) cubic yards	Bottom Width (B) Feet	
TOTAL Length of Drain Feet	Length of Drain Project Feet	Side Slopes (S) :1 Foot	
(8) Anticipated completion date:	(9) Assessment drain? ☐ YES ☐ NO	Maximum Cut (D) Feet	
(10) Do you own the land to be drained in fee? ☐ YES ☐ NO	If NO, give the name and address of the legal landowner(s):		

The filing of this application and its approval does not relieve the applicant and/or landowner(s) from any responsibility or liability for damages resulting from the construction, operation or failure of this drain.

APPLICANT'S CERTIFICATION

I understand that I must undertake and agree to pay the expense incurred in making an investigation. If the investigation discloses that the quantity of water to be drained will flood or adversely affect downstream lands, I will be required to obtain flowage easements and must file the easements in the office of the county recorder before a permit may be issued. My signature below acknowledges that I have read and agree to these statements, and will adhere to the conditions given on the back of this application.

NAME (PRINT OR TYPE):	DATE SUBMITTED:
ADDRESS:	PHONE NO:
CITY, STATE, ZIP CODE:	
SIGNATURE (Owner of the land on which the project is located or legal entity sponsoring project):	

FOR USE BY WATER RESOURCE DISTRICT AND STATE ENGINEER

☐ The Water Resource District Board has investigated according to NDAC Section 89-02-01-09.2.

☐The proposed drainage (☐ will ☐ will not) flood or adversely affect lands of downstream landowners.

This application is hereby:

☐ Denied Signature: _____
Chairman or Secretary of Water Resource District Board

☐ Approved Date: _____

(1) The State Engineer or Water Resource District Board may revoke or modify the project and the rights granted under the permit to protect the public health, safety, and welfare; to protect property; or to ensure the orderly control of water resources.

(2) Construction must be completed within two years from the date of final approval.

This application:

☐ does involve drainage of state-wide or Interdistrict significance

☐ does not involve drainage of state-wide or interdistrict significance

If the State Engineer has determined that this application does not involve drainage of state-wide or Interdistrict significance, approval by the Water Resource District Board constitutes a permit to drain.

If the State Engineer has determined that this application involves drainage of state-wide or interdistrict significance, approval by both the Water Resource District Board and the State Engineer must be given to constitute a permit to drain.

This application involving drainage of state-wide or interdistrict significance is:

☐ Denied Signature: _____
State Engineer

☐ Approved Date: _____

CONDITIONS:

(1) The State Engineer may revoke or modify the project and the rights granted under the permit to protect the public health, safety, and welfare; to protect property; or to ensure the orderly control of water resources.
(2) Construction must be completed within two years from the date of final approval.

Mail to:

Office of the State Engineer
900 East Boulevard Avenue, Dept 770
Bismarck, ND 58505

USDA
United States Department of Agriculture

Natural Resources
Conservation
Service

PO Box 1458
Bismarck, ND
58502-1458
Voice 701.530.2000
Fax 855-813-7556

May 27, 2015

recv'd
5/29/15

Jessica Tagestad, PE
Wold Engineering
915 E. 11th St.
PO Box 237
Bottineau, North Dakota 58318

RE: Hillside Township
Map Site 2A-DR 4190 PW 00009
Sec. 28/33 – T152N – R73W
Pierce County, North Dakota

Dear Ms. Tagestad:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated May 12, 2015 concerning your plans to prepare an Environmental Assessment for the construction of a permanent alternate route in Sec. 28/33, T152N, R73W.

Farmland

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide importance and local importance) to non-agriculture use when federal funding is used. This project appears to fall under the guidance given in Section 310 of the General Manual, Subpart A, 403.4(b)(4) which states; *to avoid new construction by improving existing linear projects such as highways, small acreages (i.e., ten acres or less per linear mile or 3 acres per existing bridge or interchange) may be exempted. Acreage includes both direct and indirect conversions.* If your project falls within General Manual guidance Subpart A, 403.4(b)(4), it is exempt from FPPA; therefore, no further action is required. If the project does not meet the acreage limitations of the General Manual, the Form AD-1006 will need to be completed.

Wetlands

The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose, or to have the effect of making agricultural production possible, loss of USDA benefits could occur. You are anticipating construction outside of the right-of-way where wetland impacts may occur that could make production possible. The Natural Resource Conservation Service has developed the following guidelines to help avoid impacts to wetlands and possible loss of USDA benefits

for producers. If these guidelines are followed, the impacts to the wetland will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements:

- Disturbance to the wetland must be temporary.
- No drainage of wetland is allowed (temporary or permanent).
- Mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained.
- Temporary side cast material must be placed in such a manner not to be dispersed in the wetland.
- All trenches in a wetland must be backfilled to the original elevation.

NRCS recommends that impacts to wetland be avoided.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, Liaison Soil Scientist, NRCS, Bismarck, ND at 701-530-2019.

Sincerely,

WADE D. BOTT
State Soil Scientist

"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

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

June 9, 2015

Jessica Tagestad, PE
Wold Engineering, PC
PO Box 237
Bottineau, ND 58318

Dear Ms. Tagestad:

RE: Hillside Township – Permanent Alternate Route
Map Site 2A – DR 4190 PW 00009
Sec. 28/33 – T152N – R73W
Pierce County, ND

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. The National Wetland Inventory indicates various wetlands within the proposed project corridor. We recommend that any unavoidable destruction or degradation of wetland acres be mitigated in kind, erosion control measures be implemented to minimize sedimentation, and disturbed areas be seeded with suitable native grass and forb species where appropriate.

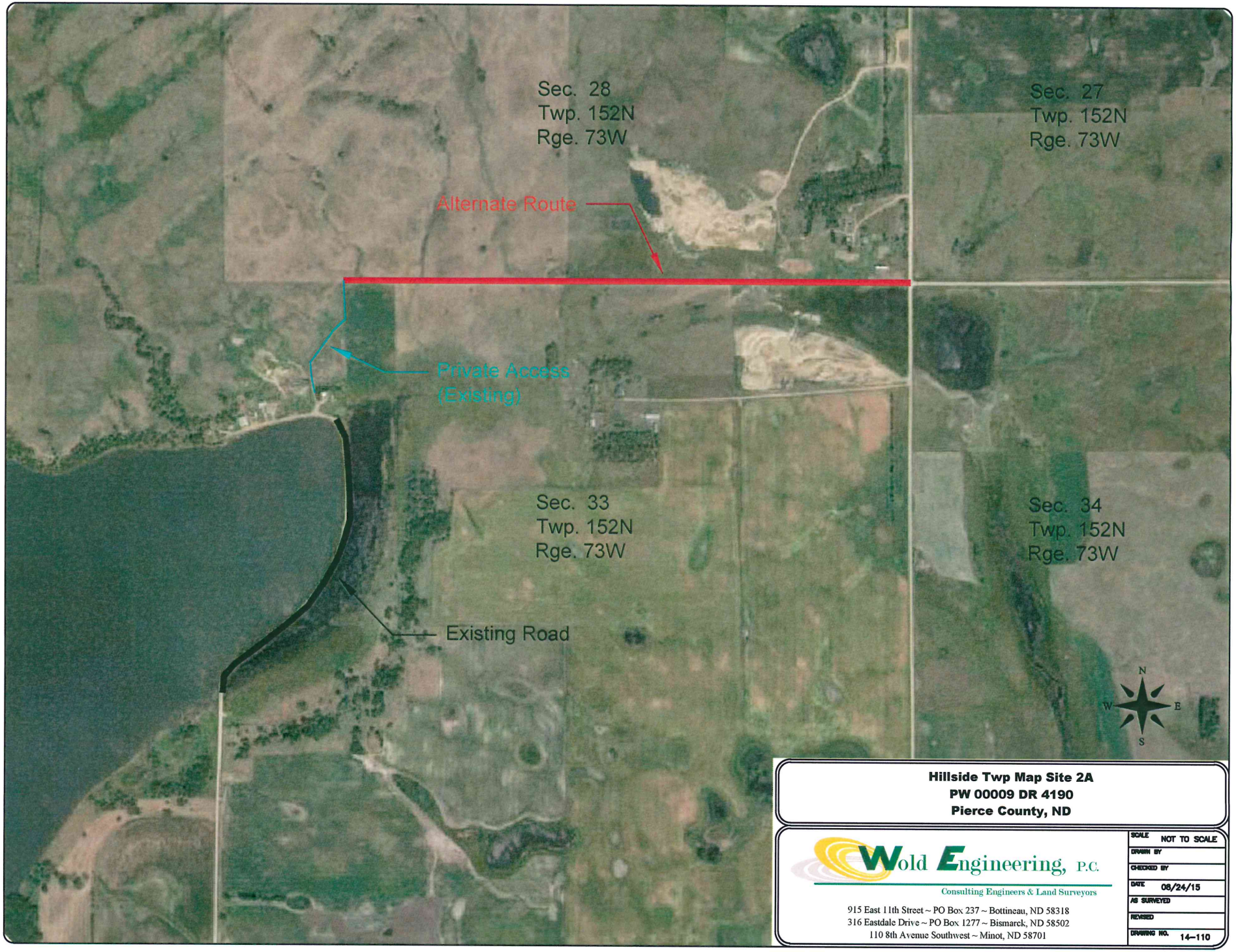
Sincerely,

Greg Link
Chief
Conservation & Communication Division

js

APPENDIX B

Additional Maps



Hillside Twp Map Site 2A
PW 00009 DR 4190
Pierce County, ND

Wold Engineering, P.C.
Consulting Engineers & Land Surveyors
915 East 11th Street ~ PO Box 237 ~ Bottineau, ND 58318
316 Eastdale Drive ~ PO Box 1277 ~ Bismarck, ND 58502
110 8th Avenue Southwest ~ Minot, ND 58701

SCALE	NOT TO SCALE
DRAWN BY	
CHECKED BY	
DATE	08/24/15
AS SURVEYED	
REVISED	
DRAWING NO.	14-110