

IN THE MATTER OF

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

TRANSCRIPT OF  
ALTERNATIVES PUBLIC WORKSHOP

Taken At  
North Dakota Cowboy Hall of Fame  
250 Main Street  
Medora, North Dakota  
July 17, 2008

BEFORE KADRMAS, LEE & JACKSON

1           (The proceedings herein were had and made  
2 of record, commencing at 5:15 p.m., Thursday, July  
3 17, 2008, as follows:)

4           MS. TURNBOW: Well, good evening,  
5 everyone. We're going to start. We have a  
6 presentation first and I just had a couple sort of  
7 housekeeping items. Hopefully, everyone signed in  
8 when you walked in the door, and there's some  
9 handouts for you and some comment sheets. And with  
10 those comment sheets, you can drop them off with us  
11 tonight or we also have some self-addressed  
12 envelopes, you can also mail them to us, and that  
13 comment period runs until August 22nd, so please be  
14 sure to comment. And we have a court reporter here  
15 tonight who will be taking a transcript of this  
16 meeting. So if anyone does have any questions, if  
17 you could, if you'd just state your name and your  
18 address for the court reporter, that would be  
19 great. It just kind of helps with that transcript  
20 process.

21           I'm just going to start out making some  
22 introductions. I'm Jennifer Turnbow with Kadrmas,  
23 Lee & Jackson. And along with me from Kadrmas, Lee  
24 & Jackson we have Skip Skattum, Jerry Krieg in the  
25 back, we have Craig Kubas, Becky Rude and Wade

1 Frank. And we also have representatives here  
2 tonight from Billings County, the North Dakota  
3 Department of Transportation and the Federal  
4 Highway Administration.

5 So with that, I also was going to -- after  
6 the presentation we're going to have an open house,  
7 and as you can see when you first came in, we have  
8 little stations throughout the room. We have a  
9 structure option station, a station for alternative  
10 B, C and D and also a purpose and need station.  
11 And we'll be manning these stations after the  
12 presentation and after some questions and comments,  
13 and we'll be there and so if you want to ask more  
14 questions or comments or details, you can, we'll be  
15 at these stations.

16 And I guess with that we'll quick start  
17 the presentation. Tonight we're just going to go  
18 through -- basically I'm going to give a short  
19 overview of the project, we're going to discuss the  
20 purpose and need, alternatives development, roadway  
21 alternatives, the structure options, the next steps  
22 in the process, the project schedule, and then if  
23 anyone has any questions or concerns.

24 An environmental impact statement has been  
25 initiated for this project for a proposed river

1 crossing in conjunction with upgrading existing  
2 roadways to connect east river to west river from  
3 North Dakota State Highway 16 to U.S. Highway 85.  
4 And this is -- basically we started the  
5 environmental impact statement process. A notice  
6 of intent was filed on October 12th of 2006.

7 If anyone has a hard time hearing me, let  
8 me know because we do have a microphone, too, that  
9 I can use.

10 Basically this is just a map of the study  
11 area, and over here is Highway 85 and North Dakota  
12 Highway 16. And our study area encompasses  
13 basically this entire area between the two units of  
14 Theodore Roosevelt National Park, but it excludes  
15 the Elkhorn Ranch, the third unit of Theodore  
16 Roosevelt National Park. And at our last round of  
17 meetings that we had in March, we had a lot of  
18 comments that -- originally our study area just  
19 went up to the McKenzie and Billings County lines.  
20 We had a lot of comments about that, so we did  
21 expand the study area and we did a resolicitation  
22 to the agencies and the public and we had expanded  
23 it now to between the two units.

24 And as I just had talked about, last March  
25 we held public and agency scoping meetings, and at

1 that time we were seeking input from the public on  
2 how to define the purpose and need. We basically  
3 had some bullet points and some brainstorming  
4 points that we had put up just to kind of start  
5 this conversation, because under SAFETEA-LU, which  
6 is the new transportation bill, it was basically  
7 required that we went to the public and asked for  
8 their input on the purpose and need. Since these  
9 meetings there has been a defined purpose and need  
10 completed, and we will be talking about this for  
11 the next little bit, for the next so many slides,  
12 but the bulk of our presentation tonight is about  
13 the alternatives that have been -- that are going  
14 to be carried forward in the environmental impact  
15 statement.

16           And I guess I would just like to point out  
17 that the purpose and need is a living document, and  
18 it may and should sort of evolve throughout this  
19 environmental process. But the overall purpose for  
20 the Little Missouri River crossing is to provide  
21 for the safe and efficient movement of people and  
22 commerce.

23           And then we also have some other purposes,  
24 and that is to improve the transport of goods and  
25 services within the study area and to provide the

1 public with a centrally accessible, safe,  
2 efficient, and reliable link between North Dakota  
3 16 and U.S. 85, and we refer to that as system  
4 linkage, and also to connect the transportation  
5 network on the east side of the Little Missouri  
6 River to the transportation network on the west  
7 side, and we refer to that as internal linkage, and  
8 basically also to accommodate a variety of  
9 vehicles.

10           The need for the project is basically for  
11 socio and economic needs, and we divided those up  
12 between fire management and industry, and under  
13 industry we talk about agriculture, oil and gas,  
14 and recreation and tourism.

15           So for fire management there's 10 fire  
16 districts within the study area, and these  
17 different colors represent the 10 different fire  
18 districts within the study area. Basically between  
19 2003 and 2007 there were 142 wildfires recorded.  
20 In this area there's a pretty high fire -- wildfire  
21 potential. And the U.S. Forest Service has primary  
22 jurisdiction over their property in regards to  
23 fires. And what we kind of would like to point  
24 out, too, is mutual aid at times requires emergency  
25 responders to cross the Little Missouri River, and

1 for every fire district within the study area, when  
2 we talk to each of these fire districts, they have  
3 received and given this mutual aid.

4 And for agriculture, I'll just point out  
5 kind of on these graphics, and I know they're a  
6 little bit difficult to see, is there's some little  
7 dots here, and that represents farms and ranches  
8 within the study area, and all this white space  
9 represents pastureland, cropland, and then the  
10 green is the Forest Service property, which a lot  
11 of the Forest Service property can be used for  
12 grazing. And 34 percent of Billings, Golden Valley  
13 and McKenzie Counties is agricultural lands, and  
14 basically the number of farms are decreasing, but  
15 the size of the farms are increasing.

16 The next is oil and gas. In 2006 -- and a  
17 lot of this data that we have right now for oil and  
18 gas was in the years 2006 and 2007. We do update  
19 this data regularly, but since the oil and gas has  
20 been fluctuating so much, it's been hard to keep  
21 up, so we do make these -- we do update it, but for  
22 right now for what I'm talking about is 2006 and  
23 2007. The Dakota Prairie Grasslands accounts for  
24 19 percent of the state's oil production, and in  
25 2006 approximately 348 drilling permits were issued

1 in the state. North Dakota produces approximately  
2 2 percent of the nation's crude oil and it ranks  
3 ninth in crude oil production. North Dakota has  
4 had two oil booms, and that was -- and, again, oil  
5 production is increasing in the area. And the high  
6 cost of oil is spurring this increased development,  
7 and basically one of the issues with this is  
8 transporting the goods to market and the lack of  
9 the system linkage within the study area.

10 We'll also touch on recreation and  
11 tourism. Again, with this graphic the red dotted  
12 line here points out the Maah Daah Hey Trail, and  
13 the light green, of course, is the National Park  
14 Service, and the darker green is the Dakota Prairie  
15 Grasslands. And as most of you are familiar with,  
16 there's a lot of recreational opportunities within  
17 the study area, such as the Maah Daah Hey, we're  
18 here today in one of the other tourism attractions,  
19 and that's the City of Medora. So there's a lot of  
20 recreation and tourism opportunities, and we've  
21 heard a lot of the general public that want  
22 increased access to some of these recreational  
23 opportunities.

24 With that we're going to discuss  
25 alternatives development, and Becky Rude will be

1 speaking about that.

2 MS. RUDE: Thank you, Jen. Well, like Jen  
3 said, I'm just going to touch a little bit on the  
4 alternatives development. Craig will get more  
5 detailed on the actual alternatives. But the first  
6 step in alternatives development was actually  
7 developing a method to develop and evaluate these  
8 alternatives, and we did this in cooperation with  
9 lead, cooperating and participating agencies at a  
10 meeting in July of 2007.

11 And what came out of that was a seven-step  
12 process, and what that essentially was, was  
13 researching, coordination with resource agencies  
14 and creating a database so we know what's going on  
15 in our study area. Then we also determined what  
16 kind of road are we looking for here, what are our  
17 minimum roadway features that we're desiring for  
18 this project, then what roads out there actually  
19 meet these or how can we upgrade them to meet this  
20 criteria. And then we try to figure out how can we  
21 link this across the river, link these existing  
22 roadways across the river. And the remainder of  
23 that was essentially fieldwork and modifying the  
24 corridors based on what we were finding in the  
25 field, which is currently ongoing right now. And

1 we did this using the best available data that we  
2 had.

3 Part of this process, like I said, we were  
4 trying to figure out how can we link these roads  
5 within the study area, and to make this very large  
6 study area more manageable we came up with the  
7 zones concept, and we did this with the approval of  
8 the lead and cooperating agencies, and essentially  
9 what these were based on was the existing roadway  
10 network.

11 And from our first step in our process  
12 where we collected all this data, figured out  
13 what's going on in the area using the best  
14 available information that we had on hand and what  
15 was given to us from resource agencies, we put  
16 these zones through a macro analysis. Basically we  
17 inventoried, evaluated what was going on in there  
18 and then ranked them to try and determine what's  
19 the potential for impacting cultural resources,  
20 sensitive species, Elkhorn Ranch Unit, that sort of  
21 thing. And what we came up with is, we eliminated  
22 two of these zones and narrowed down to two. So  
23 out of four zones we got to two. And then we did  
24 the process over again. We looked at -- well,  
25 Craig will talk about this a little bit because of

1 the corridors, but we developed eight corridors and  
2 then we put them through this process again. We  
3 inventoried what's occurring in this corridor, what  
4 are we potentially going to impact, what do we  
5 potentially want to avoid, is this not going to be  
6 a good area, is it not feasible, that sort of  
7 thing. And, again, using the best available  
8 information that we had, we eliminated that to  
9 three. So from eight we got to three, and in  
10 coordination with the lead and cooperating  
11 agencies, we carried forward three build  
12 alternatives which we're presenting to you tonight.

13 So these are what they look like, and you  
14 can see them on the boards in back, and you'll also  
15 see that we have an alternative A, which is a  
16 no-build, which we will also be carrying forward in  
17 the EIS, which essentially means that we're going  
18 to have a baseline condition to look at to know if  
19 we do alternatives B, C, D, what's the difference  
20 if we were to do nothing. So we will be evaluating  
21 these impacts, and Craig will talk a little bit  
22 more in detail about our corridors that we're  
23 carrying forward.

24 MR. KUBAS: Thanks, Becky. Again, I'm  
25 Craig Kubas with Kadrmas, Lee & Jackson.

1           I'll start off talking about alternative  
2 B, and a lot of you had a chance to take a look at  
3 the boards in the back. Alternative B is the  
4 northernmost route that we're studying right now.  
5 It's approximately 10 miles long and part of that  
6 is following along existing roads that would need  
7 to be upgraded to meet standards and some of it  
8 would be newly constructed roads. Alternative B  
9 extends from Blacktail Road on the west side of the  
10 river to Blacktail Road on the east side of the  
11 river, and we'll look at it in a little more  
12 detail. At the river we're studying two options  
13 for a structure. One would be a bridge, another  
14 would be a low-water crossing.

15           And now we're going to show you something  
16 called a fly-through, where we have this route,  
17 alternative B, laid out on an aerial photograph.  
18 Here you can see all three of the routes. Route B  
19 is the red route that we'll look at now, route C is  
20 the purple route in the middle, and route D would  
21 be the green route on the bottom of the screen.

22           A couple things to note. The Elkhorn  
23 Ranch Unit is the green-shaded area right in the  
24 middle of the screen, right there, and the white-  
25 shaded area is the Eberts Ranch area. If we can

1 zoom in a little bit. Alternative B starts in  
2 Golden Valley County where Blacktail Road, right  
3 there, kind of ends. This area now there's a road  
4 running straight north and south. The aerial  
5 photograph doesn't depict that, but we'll start  
6 right here where we tie into an upgraded county  
7 road.

8 As we follow along here, this corridor  
9 that's shown here is 500 feet wide approximately,  
10 and this is our study area for alternative B.  
11 We're doing, like Jen said, right now ongoing field  
12 studies looking for cultural resources and  
13 wetlands, things of that nature. Basically it's  
14 following along -- it's tough to see behind the  
15 red, but there is an existing county road, I think  
16 formerly referred to as the Goldsberry Road, that  
17 it's generally following along. We might need to  
18 realign the road to meet current standards, but it  
19 will generally follow that existing road, and it  
20 follows that for several miles till it gets closer  
21 to the river. At this point it intersects what's  
22 now called the Beaver Creek Road, and it will  
23 follow the Beaver Creek Road south for  
24 approximately 2,000 feet, and at that point it's  
25 going to go cross-country. You can see again

1 there's a trail there following along -- this is on  
2 the river bottom now and it follows alongside this  
3 butte to the south, it will follow along that trail  
4 and cross the river at a point just upstream of  
5 Blacktail Creek. This is Blacktail Creek and  
6 here's the point where Whitetail Creek and  
7 Blacktail Creek converge.

8           We'll kind of spin it around now so we're  
9 facing more towards the south-southeast. But as  
10 the route continues along now, it's going to  
11 parallel Blacktail Creek. You can see where  
12 Whitetail Creek goes up. It parallels Blacktail  
13 Creek. It won't cross Blacktail Creek. It  
14 parallels it. Now here you can see it picks up on  
15 an existing gravel road again and it will parallel  
16 Blacktail Creek, staying in between this ridge line  
17 and Blacktail Creek. Here it will skirt around the  
18 existing Eberts Ranch, staying along that gravel  
19 road, and it follows this gravel road until a point  
20 right here. There's a big jog in the road. We  
21 looked at a realignment area here. This is just a  
22 short stretch of realignment. It will get back  
23 onto the gravel road, and it continues along to  
24 this point where it meets the existing Blacktail  
25 Road. This is Blacktail heading to the southeast

1 towards Fairfield, and here's Blacktail heading  
2 towards East River Road. So if we zoom out again,  
3 we can take a look at alternative B, and it's about  
4 10 miles long again for some perspective on this  
5 route.

6 Alternative C, if you had a chance to  
7 look, is the next route to the south. It's  
8 approximately eight miles long. Again, some of  
9 that eight miles would be new construction and some  
10 of it would be following an existing road. It  
11 starts at the intersection of Bell Lake Road and  
12 Beaver Creek Road on the west side and connects to  
13 Blacktail Road on the east side. The only  
14 structure option that we're looking at with this  
15 alternative would be a bridge, and Wade will talk  
16 in depth about that.

17 Again, we'll do a fly-through throughout  
18 C. And here's the area where the road is now  
19 built, kind of in a straight north-south line, and  
20 we're starting at that point. This is Bell Lake  
21 Road right here. And alternative C follows along  
22 this ridge line on Beaver Creek Road. We can  
23 follow that through. Again, a 500-foot corridor.  
24 That will be our study limits for this corridor.  
25 Following along an existing road. In areas where

1 there's a curve, we might need to flatten some  
2 curves out, but in general we'll stay following  
3 this alignment till we get to a point here where it  
4 intersects another gravel road. At that point  
5 alternative C will turn and head east and southeast  
6 down this draw. Again, it won't cross this draw.  
7 It kind of stays to the north of the draw. Where  
8 it gets down to the river, we'll have, again, a  
9 bridge as a river crossing that we're studying  
10 here. It will cross the river onto the river  
11 bottom, it will go through this one large cut right  
12 here, and as it gets to about right here, this is  
13 where alternative B and alternative C are the same.  
14 From this point to the southeast they'll follow  
15 along the same path. So, again, skirting the  
16 Eberts Ranch site, following along the existing  
17 road within that 500-foot corridor, we'll have our  
18 realignment area here and then back out to  
19 Blacktail Road.

20 If we want to take an overview look of  
21 alternative C again for some perspective, again,  
22 it's approximately eight miles long. There's the  
23 Elkhorn Ranch site.

24 We'll move on to alternative D. This  
25 alternative is approximately seven miles long, and

1 it will connect from Bell Lake Road and Beaver  
2 Creek Road on the west side to East River Road on  
3 the east side. Again, at this location we'll study  
4 a bridge and a low-water crossing at the river.

5 And we'll take a look at the fly-through  
6 here. Again, about seven miles long starting at  
7 the same point that alternative C started at.  
8 Alternative D -- we'll get spun around here a  
9 little bit so we can kind of fly through this  
10 pointing as we're moving ahead. But we're going to  
11 follow along Bell Lake Road here for about two and  
12 a half miles. Again, the same 500-foot corridor  
13 that we're studying on all three alternatives, head  
14 south for approximately two and a half miles to a  
15 point -- it's not shown on this aerial photograph,  
16 but recently there was a road, a Forest Service  
17 Road 7089, that was constructed and it would follow  
18 along this ridge line, generally following where  
19 that Forest Service Road 7089 is, to a point right  
20 about here. At this point it would drop down.  
21 This is kind of riding along the ridge here. We  
22 would drop down into this draw, and here is Dry  
23 Creek, and it would keep continuing to follow,  
24 paralleling Dry Creek to the north, and then right  
25 here it drops down into the river bottom, and at

1 this point we cross Dry Creek and continue along on  
2 the river bottom along this ridge line to a  
3 crossing here where we would study the bridge and  
4 the low-water crossing, then it would hook back to  
5 the northwest -- or the northeast -- excuse me --  
6 to tie into East River Road, which is right here --  
7 East River Road going north and going south.

8 If we zoom out for one last look at  
9 alternative D, again, about seven miles long.  
10 There's the Elkhorn Ranch site, Bell Lake Road, and  
11 the river crossing.

12 I'll turn it over to Wade to discuss some  
13 of the structure alternatives in more detail.

14 MR. FRANK: Thanks, Craig. As he said, we  
15 have generally bridge and low-water crossing  
16 options except for at site C, which I'll explain  
17 why we're not looking at that in a little bit.  
18 Generally the bridge option would be designed for a  
19 25-year flood. That's just based on North Dakota  
20 DOT criteria for this class of road. It would be  
21 designed according to DOT and Federal Highway  
22 standards. And our goal with the options we've  
23 developed so far is to try to minimize the visual  
24 impact of the bridge and try to get it to blend in  
25 with the surroundings as much as we can.

1           For the low-water crossing, that's  
2           designed to a little bit different standard, and  
3           basically it's designed to carry the normal flows  
4           of water and not much more than that. It would  
5           overtop -- water would overtop the road during  
6           heavy rainstorms or during spring runoff. It might  
7           happen every year, it might happen every other  
8           year, but that's the general idea.

9           This is a picture of the 3-Vs low-water  
10          crossing. Low-water crossings work best when you  
11          can make the terrain on both sides very flat and  
12          low to the water. So we don't have much more  
13          information than that right now because we don't  
14          have enough survey data, but I'll get into that a  
15          little bit later. This is an example of what a  
16          low-water crossing looks like when the water is  
17          overtopping the road. You see the edge of the  
18          culvert is there and there.

19          For the bridge lengths that we've  
20          evaluated so far, on a normal cut-and-dried bridge  
21          replacement project where we know exactly what  
22          we're going to do, we typically base it on some  
23          pretty detailed survey data and some detailed  
24          hydrologic and hydraulic analysis. So far we don't  
25          have a lot of survey data because the study area is

1 so large, so we've just done some preliminary work  
2 with that. We weren't able to get any survey data  
3 across the river channel because when surveyors  
4 were out, it was just after the heavy rains  
5 received in June so the water was too deep for them  
6 to get in and get some information. So in an  
7 effort to try to evaluate some bridge lengths, we  
8 transferred some known river data from the gaging  
9 station here in Medora and transferred that up to  
10 the sites as best we could. And as we move along  
11 and get more survey data, we'll evaluate these  
12 things more thoroughly.

13 So what we came up with, as you see on the  
14 screen, is the bridge lengths we've estimated at  
15 each of the sites: 600 feet for alternative B,  
16 1,050 feet for alternative C, and 700 feet for  
17 alternative D.

18 And what you see now is a computer  
19 rendering pasted onto a photograph at each site, so  
20 I'll just kind of go through those. What we've  
21 tried to do here again is minimize the height of  
22 the bridge so that we don't obstruct the view of  
23 the features in the back. We've also tried to make  
24 the spans as long as we can. This is shown with  
25 roughly 200-foot-long spans to try to keep the

1 piers out of the water. Now, as we move forward,  
2 that may change. It's kind of a balancing act  
3 between the cost of the beams and the  
4 superstructure, because as you make the opening  
5 between piers longer, you need bigger and heavier  
6 beams to span that far and the cost of those go up.  
7 However, if you put more and more piers in, then  
8 the cost of those go up because you have more  
9 piling going down deep. So it's just kind of a  
10 balancing act that we have to work through as we  
11 carry things forward.

12 At this site the riverbanks are fairly  
13 close in elevation on each side so the bridge fits  
14 fairly well. Also, a low-water crossing fits that  
15 site relatively well as far as we know with the  
16 survey data we have. Alternative C on the west  
17 side is roughly 25 feet higher than the bank on the  
18 east side, and that's why I say we're not looking  
19 at a low-water crossing because we would have to  
20 basically cut this hill all the way down to here to  
21 make that work. And that may be possible. It  
22 would just require a lot of excavation and a lot of  
23 impact to the property on that side of the river.  
24 So if there's a -- if it's feasible to do it, we'll  
25 evaluate it, but at this time with the data we have

1 we're not looking at it.

2           This is, of course, alternative D. Again,  
3 we tried to keep it low to not obstruct the view.  
4 The distance from the water surface up to the  
5 bottom of the beam -- the minimum distance we've  
6 shown in all of these is about 15 feet from where  
7 the water was the day the photo was taken, which  
8 the river was fairly high on that day because of  
9 all the rain received in June. And this site again  
10 fits pretty well with the existing terrain, the  
11 bank is fairly level on both sides, so the bridge  
12 fits in there fairly nicely.

13           With that I'll turn it back to Jen.

14           MS. TURNBOW: Thanks, Wade. I guess from  
15 this point forward, what we're doing with these  
16 four alternatives is we're moving those forward in  
17 the environmental impact statement, so the next  
18 step -- well, we actually should back up a little  
19 bit. Currently right now we are doing most of our  
20 fieldwork. The archeologists are out doing the  
21 cultural resource inventory, we have been doing  
22 wetland delineations, and the biological resources  
23 will get started very soon. So people are out in  
24 the field in this area. I guess for a lot of the  
25 local people you've probably seen them out there.

1 And so that is being done currently.

2 We have the alternatives that we're moving  
3 forward, so we are currently in the midst of  
4 drafting the environmental impact statement. And  
5 typically the environmental impact statement is an  
6 environmental document that's under the National  
7 Environmental Policy Act of 1969, and these on the  
8 PowerPoint are typical chapters that are in the  
9 environmental impact statement. The purpose and  
10 need, which I talked about tonight, you heard the  
11 alternatives and some of the structure options,  
12 then we'll talk about the affected environment, all  
13 the environmental impacts from those alternatives.  
14 Then there's a chapter in there on agency and  
15 public involvement, and that's where all your  
16 comments -- they matter, we want to hear your  
17 comments, and that's a chapter summarizing all the  
18 comments.

19 And just to kind of back up a little bit,  
20 a lot of you have commented from the agency and the  
21 scoping -- and the public scoping meetings. All  
22 those comments will be in the draft EIS along with  
23 responses to those comments, and the same with  
24 tonight.

25 After the draft EIS -- I guess I should go

1 to the next slide here, Skip. These are just some  
2 common environmental impact categories that we  
3 study in the environmental impact statement. They  
4 range anywhere from air quality, water quality to  
5 cultural resources, threatened and endangered  
6 species, and we analyze each of these impact  
7 categories for all the alternatives, and they are a  
8 detailed analysis.

9 Getting back to the schedule, as I said,  
10 that there's a comment card in your handout, so  
11 please comment. The comment period ends on August  
12 22nd, and you can mail them, e-mail them, there's a  
13 basket out on the table tonight, you can drop them  
14 off here.

15 The draft EIS will be out in the spring of  
16 '09 and the final EIS in the winter of '09 and the  
17 record of decision in the winter of 2010, and  
18 construction will probably start somewhere in 2011  
19 or '12, depending on how long design takes and  
20 those type of things.

21 And that kind of concludes our  
22 presentation, so if anyone has any questions or  
23 comments, feel free to ask, and just please  
24 remember that the court reporter is here and to  
25 state your name.

1 MR. CROWS BREAST: I have one.

2 MS. TURNBOW: Yes, Elgin.

3 MR. CROWS BREAST: My name is Elgin Crows  
4 Breast from the Three Affiliated Tribes Cultural  
5 Preservation Office. I just wanted to -- on your  
6 data research, all your research that you've done,  
7 your surveys -- cultural surveys, how many cultural  
8 resources have been impacted?

9 MS. TURNBOW: Have been found currently?

10 MR. CROWS BREAST: Yeah, that are in the  
11 different plans that you have there, A, B and C.

12 MS. TURNBOW: We did receive preliminary  
13 data, but we have special use --

14 MR. CROWS BREAST: Not finalized yet?

15 MS. TURNBOW: No, it's not. And we have  
16 special use agreements to keep some of that --  
17 just, you know, for the projects even now, the  
18 cultural resource inventories are being done  
19 currently and they're still in the field so we  
20 don't have any actual data. The reports haven't  
21 been written. They're out there right now.

22 MR. CROWS BREAST: Okay. Thank you.

23 MS. TURNBOW: We will be manning the  
24 stations, too. Does anyone have -- yes.

25 MR. WHITWORTH: I have a question.

1 MS. TURNBOW: Yes.

2 MR. WHITWORTH: Bill Whitworth, Theodore  
3 Roosevelt National Park.

4 UNIDENTIFIED SPEAKER: We can't hear him.

5 MR. WHITWORTH: Bill Whitworth, Theodore  
6 Roosevelt National Park. You mentioned a 500-foot  
7 width for cultural resources, and that works fine  
8 for surface or subsurface things, but what about  
9 looking at the impacts for the indirect impacts and  
10 the impacts outside of that 500-foot buffer,  
11 particularly with respect to the Elkhorn? We are  
12 concerned about noise impacts primarily. That may  
13 vary by season as well as the integrity of the  
14 river, which is eligible as a national wild and  
15 scenic river and it's also a state scenic river.  
16 So how does that analysis fit in with stuff outside  
17 of that 500 feet?

18 MS. TURNBOW: The 500-foot corridor is  
19 used for, I guess, a lot of the impact categories  
20 that can be defined in the 500 feet. And you're  
21 right, there will be categories that will not fit  
22 into that 500 feet, such as noise, visual impacts,  
23 and those type of things, and those will be looked  
24 at in a different way. But we had to sort of  
25 define a corridor to even do some of these studies

1 such as cultural resources and even like wetlands,  
2 that type of work, so that was the corridor that we  
3 moved forward with all three of the alternatives,  
4 but there will be definitely categories and impact  
5 categories that we can't use that 500 foot.

6 MR. WHITWORTH: You mentioned four zones  
7 to begin with. How big was a zone?

8 MS. TURNBOW: The four zones basically  
9 went from one end of the study area to the other,  
10 and I think they ranged anywhere from -- do you  
11 remember?

12 MS. RUDE: One was 80 miles square -- like  
13 square miles. We could check and let you know. I  
14 just don't have it on hand.

15 MS. TURNBOW: We can check, but basically  
16 what we did with those four zones is, we had these  
17 tier 1 roads, what we called them. It's basically  
18 the good roads out here that would have minimal  
19 reconstruction or upgrades and we made our tiers  
20 fit from one end of the study area -- or our zones  
21 fit in from one study area to the boundaries of the  
22 study area, so they were quite large.

23 MR. CROWS BREAST: I have one more  
24 question.

25 MS. TURNBOW: Yes.

1           MR. CROWS BREAST: In a nutshell, you  
2 talked about the alternatives for -- the ranking  
3 for the alternatives. What was some of the  
4 criteria you used for the ranking of the  
5 alternatives?

6           MS. RUDE: You mean like the categories  
7 that we looked at?

8           MR. CROWS BREAST: Yeah.

9           MS. RUDE: We looked at natural heritage  
10 sensitive species, cultural resource sites,  
11 prehistoric/historic sites within that, threatened  
12 and endangered species, bald and golden eagle  
13 nests, proximity to the Elkhorn Ranch Unit,  
14 proximity to the North and South Units of Theodore  
15 Roosevelt National Park, wetlands impacts.

16           MS. TURNBOW: Farmland impacts.

17           MS. RUDE: Drainages that we were  
18 crossing -- that we would potentially be crossing.  
19 We looked at --

20           MR. FRANK: Slope of the land, a lot of  
21 technical categories, too.

22           MS. RUDE: Yeah. I mean, what I'm listing  
23 right now isn't all of it. We used basically all  
24 the data that we had gathered from our research and  
25 then coordination with the resource agencies and

1 essentially put it into a computer database which  
2 is a GIS, Geographical Information System database,  
3 and used that to quantify the impacts and just used  
4 the best available data.

5 MR. CROWS BREAST: Is that available  
6 online or anything like that?

7 MS. RUDE: We can't show all that  
8 information, say, like the cultural resource sites.  
9 We have data use agreements which are private. You  
10 know, we can't show that to the public, that sort  
11 of thing.

12 MR. CROWS BREAST: Now, with each one of  
13 your alternatives, is that all -- are all these  
14 things that is criteria, they differ for each  
15 alternative?

16 MS. RUDE: No, no, no. We looked at  
17 everything.

18 MR. CROWS BREAST: They're all the same?

19 MS. RUDE: Yeah. They were all relative.  
20 We basically looked at them like B, C and D, each  
21 one of those, how many sensitive species occur  
22 within that corridor and literally compared them  
23 just relative to one another.

24 MR. CROWS BREAST: What about like the  
25 actual ranchers and the livestock, all that? Was

1 that taken into consideration, too?

2 MS. TURNBOW: Yeah, we looked at the farms  
3 and --

4 MR. FRANK: Looked at land use, I think is  
5 what you would say.

6 MS. TURNBOW: And we did this sort of  
7 analysis, this macro analysis for the zones and  
8 that's how we were able to narrow it down from four  
9 to two, then we did another analysis of the eight  
10 alternatives that we had, which then we were able  
11 to narrow down to three. And I would say there's  
12 probably between 10 to 20 different categories that  
13 we used throughout that process.

14 MR. WHITWORTH: Were there any of those  
15 categories that were weighted heavier than others?

16 MS. RUDE: No.

17 MS. TURNBOW: We did not use a weighted  
18 system.

19 MS. RUDE: We tried to keep it as  
20 objective as possible because, you know, even  
21 within an internal view, the public, different  
22 resource agencies, like everyone has a different  
23 value. They value each thing differently, so we  
24 tried to, like I said, make it relative. We just  
25 wanted to be as objective as possible at this stage

1 in the process, again, using the best available  
2 data before we went into the field, which is what  
3 we're doing right now in trying to avoid, say,  
4 cultural resources.

5 MS. TURNBOW: And this sort of analysis  
6 will be probably a technical memo or a part of  
7 appendices, or something like that, in the draft  
8 environmental impact statement. Yes.

9 MS. DUXBURY: I have two questions. I'll  
10 ask one first and let you answer it, then ask my  
11 second. My first one is --

12 MS. TURNBOW: Alexis, will you state your  
13 name for the court reporter?

14 MS. DUXBURY: Stand up?

15 MS. TURNBOW: You don't have to. Just as  
16 long as she can hear you with your name.

17 MS. DUXBURY: My name is Alexis Duxbury,  
18 Game and Fish. And in terms of the criteria used,  
19 for example, if you considered proximity to the  
20 Elkhorn Ranch or Eberts Ranch, how is it then you  
21 end up with these alternatives that go right down  
22 the center of the ranch?

23 MS. TURNBOW: The Elkhorn Ranch -- when we  
24 talk about the Elkhorn Ranch, we talk about the  
25 National Park Service Elkhorn Ranch, the third unit

1 of Theodore Roosevelt National Park.

2 MS. DUXBURY: So you didn't consider at  
3 all the Ebert Ranch?

4 MS. TURNBOW: The Eberts, yes. The Forest  
5 Service has formally titled that Elkhorn Ranch  
6 Unit, but everyone pretty much knows that as the  
7 Eberts Ranch. So, no, we did not use that as a  
8 category for the proximity. And I know that the  
9 Forest Service is a cooperating agency throughout  
10 this process and we know that they are starting  
11 their management plan for the Eberts Ranch or the  
12 Elkhorn Ranch Unit ranchlands.

13 MR. JABLONSKI: Elkhorn Ranch lands is  
14 what they call it.

15 MS. TURNBOW: Yeah, Elkhorn Ranch lands.  
16 If everyone is comfortable, I think we'll just say  
17 the Eberts Ranch. And, Alexis, your second  
18 question?

19 MS. DUXBURY: My second question is, in  
20 the past historically when this stuff has been  
21 considered, the local representatives of the Little  
22 Missouri River Scenic Commission have been in  
23 contact with the landowners to gauge their feelings  
24 on things like bridge crossings, specifically  
25 asking them what their views were. I noticed in a

1 newsletter that the Little Missouri River  
2 Commission has been very engaged in this process.  
3 Have they been -- the local representatives been in  
4 good communications with their local  
5 constituencies?

6 MS. TURNBOW: You know, I am not sure, you  
7 know, how that commission operates with their local  
8 constituents. I do know that we have presented to  
9 Little Missouri River Scenic Commission and have  
10 talked to them and have given them a lot of  
11 information and any questions that they have. So  
12 what they do past that point I can't speak to.

13 MS. DUXBURY: I can only speak of the past  
14 because I have attended a meeting or two, and I  
15 know in the past the local -- each county has a  
16 county commission representative on it.

17 MS. TURNBOW: Right.

18 MS. DUXBURY: And that county commissioner  
19 would be actively engaged with their local  
20 community. So you don't know the answer?

21 MS. TURNBOW: I don't know the answer to  
22 that question. All I can say is that we've been in  
23 contact with them, we've presented to them and  
24 talked to them. So beyond that what they do, I  
25 guess I can't speak to. Yes, sir.

1           MR. TESCHER: I'm Troy Tescher. I'm  
2 looking at the alternative C route here where it  
3 goes right past a ranch house there that's owned by  
4 Ken Johnson, and I was wanting to know what the  
5 criteria is if a landowner is not willing at all to  
6 have it that close to his place or crossing his  
7 land there, what will it come to or what are other  
8 suggestions?

9           MS. TURNBOW: I guess Jerry or Craig or  
10 maybe Blane, can you kind of just give a quick  
11 summation of maybe like some of the right-of-way  
12 process that happens?

13           MR. HOESEL: I'm Blane Hoesel with the  
14 DOT. The only thing we can say on our end of it is  
15 relocation issues are highly discouraged as far as  
16 relocation, but as far as proximity, we do take  
17 that into account. On DOT -- I don't know if  
18 you're familiar with our program. Our program is  
19 mainly through the DOT with the counties. We deal  
20 with all 53 counties. Our job is mainly federal  
21 money handling on federal aid jobs to ensure  
22 they're following the federal aid regulations and  
23 EPA and everything like that. That is our main  
24 job. We do discourage the counties from infringing  
25 upon people's housing areas and stuff, but

1 condemnation is an option, but it's the last option  
2 that the counties do have. Normally the counties  
3 will definitely try to work with the people that  
4 we've seen, and if they've got another way around  
5 it, normally the counties will look for it. That's  
6 all I can tell you. And we can't restrict their  
7 funding because of condemnation. That is a legal  
8 option for them.

9 MS. TURNBOW: And a lot of times with  
10 these corridors, these alternatives, we do have  
11 that 500-foot corridor, but if there is something  
12 there, we find something, you know, we can tweak  
13 those alternative corridors, as well. Yes, sir.

14 MR. JOHNSON: I'm Ken Johnson. Who's the  
15 deciding body that actually narrowed it down to  
16 these alternatives and who's the body that decides  
17 which alternative is eventually going to be chosen  
18 or not chosen?

19 MS. TURNBOW: The process that we use to  
20 narrow down the zones --

21 MR. JOHNSON: Who is "we"? Who is "we"?

22 MS. TURNBOW: Just hold on one second. I  
23 was getting to that. Basically the lead and the  
24 cooperating agencies help determine that. The lead  
25 agency for this project is the Federal Highway

1 Administration and the North Dakota Department of  
2 Transportation and Billings County. And we have  
3 two cooperating agencies, which are the U.S. Forest  
4 Service and U.S. Army Corps of Engineers. And who  
5 actually will sign the final document is the  
6 Federal Highway Administration. Yes.

7 MR. MOSSER: My name is Randy Mosser.  
8 This alternative D comes as a surprise to me. I've  
9 never seen that one before. And going that close  
10 to the buildings and going across the hayfield, I  
11 don't really like it.

12 MS. TURNBOW: All right. Thank you so  
13 much for your comment. Elgin.

14 MR. CROWS BREAST: On your corridor --

15 MS. TURNBOW: Yes.

16 MR. CROWS BREAST: -- for all these roads,  
17 I know some areas you can run into areas where you  
18 have to borrow, you know, are those marked out  
19 preliminary ahead of time so that we have a chance,  
20 if we need to, to go out and check those areas for  
21 any cultural resources? Say if you're going to  
22 build a road and you have to go underneath, you're  
23 going to have to borrow some dirt from someplace,  
24 you know, and put in there.

25 MS. TURNBOW: At this time right now the

1 field studies for the borrow have not been done,  
2 but they will be. I believe that is the process  
3 that we usually go under.

4 MS. SHORT: My name is Sandy Short. Does  
5 the Highway Department, Forest Service and the  
6 Corps of Engineers go on your recommendations? You  
7 say they have the final say.

8 MS. TURNBOW: Basically we get concurrence  
9 with them. We say this is how we would like to do  
10 this process. Do you agree? And they either don't  
11 agree or they agree or they make us go back to the  
12 table and try to find a new process. So  
13 everything -- every step of the way we are in  
14 contact with them very closely. We have this big  
15 EIS team and they help us decide and they give us  
16 direction to go forward in what we're doing and the  
17 process.

18 MS. SHORT: But in the end do you give  
19 them one of these letters, one of the four, A, B, C  
20 or D? Do you give them a final?

21 MS. TURNBOW: No. No. Basically the EIS  
22 will say these are all the impacts to each of these  
23 alternatives, and from that point the lead  
24 agencies' job basically is to, if they want to, and  
25 they do not have to, pick a preferred alternative.

1 MS. SHORT: Thank you.

2 MS. TURNBOW: Yes, ma'am.

3 MS. CROOK: Lillian Crook, Medora. You  
4 said you didn't consider the Elkhorn Ranch lands in  
5 your analysis, and why didn't you, and why would  
6 you propose a major transportation corridor through  
7 an area that was acquired for, in great part, its  
8 recreation values when the agency that manages this  
9 land isn't even finished with their plan for the  
10 management of it?

11 MS. TURNBOW: Basically the EIS process  
12 started prior to the acquisition of the Eberts  
13 Ranch. And since that time the Forest Service now  
14 is conducting a management plan, and the U.S.  
15 Forest Service is a cooperating agency, so they  
16 know exactly what's going on with our project. But  
17 as far as the matrices, you know, the Elkhorn Ranch  
18 with the National Park Service is protected, it is  
19 part of the national park, and that's why that was  
20 excluded. Yes, Alexis.

21 MS. DUXBURY: I think there's been  
22 confusion in the past -- not that you're not --  
23 haven't been answering directly, but like where is  
24 this project coming from and who's responsible and  
25 that kind of thing. I know in a meeting in

1 Bismarck we kind of went around on that trying to  
2 sort the issue out, and I thought when everything  
3 was said and done, really it's Billings County  
4 wants this project.

5 MS. TURNBOW: Billings County is basically  
6 the entity that initiated -- you know, they went to  
7 DOT and Fed Highway, that's correct. But as far as  
8 the federal process, this environmental impact  
9 statement that we're doing, it has to have a lead  
10 federal agency, and that lead federal agency is  
11 Federal Highway Administration.

12 MS. DUXBURY: But the Federal Highway  
13 Administration doesn't necessarily want this  
14 project. They're just facilitating this process;  
15 isn't that correct? That's kind of what I heard in  
16 the earlier -- I understood from earlier meetings  
17 when we were kind of going around and trying to  
18 sort that issue out.

19 MS. TURNBOW: I don't know how to answer  
20 that question.

21 MR. SCHRADER: Mark Schrader, Federal  
22 Highway Administration. Federal Highway is neither  
23 for nor against this project. We're here to  
24 process. If someone requests our money to do a  
25 highway project, we have to make sure that they go

1 through the proper process.

2 MS. DUXBURY: I understand.

3 MR. SCHRADER: Yeah. We're neither for  
4 nor against the project.

5 MS. TURNBOW: Thanks, Mark.

6 MR. JOHNSON: So then going back to that,  
7 who decides if the project -- which alternative, A,  
8 B or C or D, gets chosen if they're neither for nor  
9 against it?

10 MS. TURNBOW: Federal Highway  
11 Administration will --

12 MR. SCHRADER: If there's -- it's a joint  
13 effort between the Federal Highway Administration,  
14 the Corps of Engineers and the Forest Service. If  
15 either one of those three agencies doesn't approve  
16 the document, the environmental impact statement  
17 and the record of decision, the project wouldn't go  
18 through because all three of those approvals are  
19 needed. And as far as the federal agency not being  
20 for nor against it, if the documentation is done  
21 properly and the route is cleared, we will approve  
22 a project, not to decide which alternative we would  
23 choose. We would look at all the impacts, all the  
24 agency comments, public comments, and we would make  
25 a decision based on that as far as which

1 alternative would be approved for federal funding.

2 MR. JOHNSON: Well, somebody is going to  
3 come to you with their decision on which one they  
4 wanted. That's the people I want to know. Who are  
5 those people? Are those you people that are going  
6 to go to him with your decision?

7 MS. TURNBOW: Well, basically we --

8 MR. JOHNSON: That group. That group.

9 MS. TURNBOW: -- analyze all the data.

10 MR. JOHNSON: When you say "we," who's  
11 "we"?

12 MS. TURNBOW: Kadrmass, Lee & Jackson  
13 analyzes all the data along with different  
14 subconsultants and other people that we need to  
15 gather all this data and analyze it. Basically  
16 from that point on sometimes an alternative --  
17 sometimes an alternative shows that it may be the  
18 best alternative because it has less environmental  
19 impacts. Sometimes all three of them are the same  
20 or all five of them. It kind of depends. Once you  
21 walk through the process, one may be better, and  
22 sometimes you have an environmentally preferred  
23 alternative, an alternative that's preferred by,  
24 let's say, a county. That could happen, too. Yes.

25 MS. SWENSON: Jan Swenson, Bismarck. You

1 know, I think the question that's being asked,  
2 Jennifer, is, who do you work for -- who does  
3 Kadrmas, Lee & Jackson work for?

4 MS. TURNBOW: Kadrmas, Lee & Jackson was  
5 hired by Billings County.

6 MS. SWENSON: Thank you.

7 UNIDENTIFIED SPEAKER: Billings County  
8 what?

9 MS. TURNBOW: Billings County Commission.

10 UNIDENTIFIED SPEAKER: County  
11 commissioners.

12 MS. TURNBOW: Yes, sir.

13 MR. KUKOWSKI: Dick Kukowski. To slice  
14 and dice the environment --

15 MS. TURNBOW: Can you say your name, sir?

16 MR. KUKOWSKI: Say what?

17 MS. TURNBOW: Can you say your name,  
18 please?

19 MR. KUKOWSKI: I did. Dick Kukowski. To  
20 begin again, to slice and dice the aesthetics, the  
21 environmental impact of this thing, let's get to  
22 the bottom line. Do you have any cost analysis on  
23 these different alternatives, the dollar figures?

24 MS. TURNBOW: We have a low range and a  
25 high range, and the low range is 1.5 million and

1 the high range is 7.5 million, and that's under  
2 today's construction costs and they have been  
3 fluctuating. We don't have any --

4 MR. KUKOWSKI: 1.5 to 7.5 million?

5 MS. TURNBOW: Yes.

6 MR. KUKOWSKI: That's quite a variation.

7 MR. FRANK: The low-water crossings cost a  
8 lot less because they don't provide as much  
9 waterway capacity, so the low range would be the  
10 shortest roadway route with a low-water crossing.  
11 The high range would be the bridge in alternative C  
12 because it's so large and, I guess, the longest.

13 MR. KUKOWSKI: Okay. To develop that a  
14 little bit more, have you gone into the economics  
15 of this as to how much money is this going to be  
16 saving, dollar figure, to accommodate -- or to  
17 accomplish this river crossing, whichever one it  
18 is? Have you gone that far?

19 MS. TURNBOW: No. Detailed cost --

20 MR. KUKOWSKI: Can you do that?

21 MS. TURNBOW: I'm sorry?

22 MR. KUKOWSKI: Can you do that? Is it  
23 practical to do something like that?

24 MS. TURNBOW: We will be doing detailed  
25 cost estimates once the alternatives get kind of

1 further refined and we're further down in the  
2 process. So we're just not there yet.

3 MR. KUKOWSKI: Is that going to be a major  
4 consideration in go or no go?

5 MS. TURNBOW: It could be.

6 MR. KUKOWSKI: Should be. Obviously  
7 should be. Okay.

8 MS. TURNBOW: Yes.

9 MR. JABLONSKI: Ron Jablonski with U.S.  
10 Forest Service. My question revolves around some  
11 of the questions that have already been asked. Do  
12 you see potential for conflict between your  
13 planning process and including the Elkhorn Ranch  
14 lands in that and our planning process as far as  
15 what the public would like to see happen at the  
16 Elkhorn Ranch? Do you see some conflicts or the  
17 potential for conflict there?

18 MS. TURNBOW: I'm sure that there's always  
19 a potential for conflict, but I'm hoping that since  
20 the Forest Service is a cooperating agency on this  
21 project, that -- you know, they've been to all our  
22 meetings, we're in constant kind of communication  
23 with them, so I hope that, you know, something can  
24 be worked out, and that's what the process is for.  
25 Yes, ma'am.

1 MS. CROOK: Lillian Crook. You stated  
2 that the Elkhorn Ranch was an important part of  
3 your considerations. Why then is alternative C a  
4 mile from the boundary of this ranch? And the  
5 others are quite close, also.

6 MS. TURNBOW: We -- originally when we did  
7 our macro analysis, we looked at these eight  
8 alternatives, and there were alternatives that were  
9 closer, and, in fact, one of them that was very  
10 close to the Elkhorn Ranch, and through that  
11 analysis these were the three that came out, and we  
12 eliminated -- actually, the other two that were  
13 very close to the Elkhorn Ranch scored actually  
14 lower than some of these build alternatives that  
15 we're carrying forward, but since their proximity  
16 we did rule them out. And in the environmental  
17 impact statement we will be having a lot of  
18 analysis and consideration to the proximity of the  
19 Elkhorn Ranch.

20 MS. RUDE: And I think one of the things  
21 is, this gets back to are you going to weight how  
22 you score these alternatives or are you going to  
23 look at them objectively. Again, like threatened  
24 and endangered species compared to Elkhorn Ranch,  
25 when we did our matrices, they were all scored the

1 same across the board instead of ranking Elkhorn  
2 Ranch higher just for these alternatives right now,  
3 but we will be doing a detailed analysis, like  
4 noise and visual impacts to the Elkhorn Ranch Unit.

5 MS. SWENSON: Jan Swenson, Bismarck. You  
6 know, I, too, would have trouble weighing  
7 endangered species and Elkhorn Ranch Unit, but all  
8 three of these alternatives are within easy earshot  
9 of the Elkhorn Ranch Unit. It's a national park.

10 MS. RUDE: We will be analyzing that in  
11 the environmental impact statement.

12 MS. SWENSON: And what good will it do to  
13 analyze it if these are the three alternatives  
14 you're dealing with, when you're not allowing any  
15 breadth of alternatives? They're all, you know,  
16 right up against the Elkhorn Ranch Unit.

17 MS. TURNBOW: Federal Highway  
18 Administration has certain guidelines that we need  
19 to follow and they do take into consideration to  
20 properties that -- such as the Elkhorn Ranch, and  
21 we will be doing, as Becky said, these detailed  
22 analysis to the Elkhorn Ranch.

23 MS. DONOVAN: Could I ask a question?

24 MS. TURNBOW: Yes.

25 MS. DONOVAN: This is not the first time

1 that Billings County has conducted an environmental  
2 impact statement, correct, on this very crossing?

3 MS. TURNBOW: The county had done an  
4 environmental assessment, which is --

5 MS. DONOVAN: But didn't the last one kind  
6 of collapse under the weight of the Elkhorn Ranch  
7 issue, and in that like -- you know, isn't that  
8 potential here again?

9 MS. TURNBOW: The environmental assessment  
10 that, I think, the county had done before, it was  
11 never finished, and --

12 MS. DONOVAN: But why?

13 MS. TURNBOW: I'm not quite sure. I was  
14 not around then.

15 MS. DONOVAN: Joe might remember.

16 MS. CROOK: Lillian Crook, Medora. You  
17 might be interested to know that I've seen a letter  
18 that was written to Conrad, Pomeroy, Dorgan and  
19 Hoeven a little under two years ago when they wrote  
20 their support of the acquisition of what is known  
21 as the Elkhorn Ranch lands now. This was written  
22 by our now Secretary of Agriculture, former  
23 Governor Ed Schafer, and four other former  
24 governors of North Dakota, and they expressed  
25 concern that there be a bridge near to the Elkhorn

1 Ranch, something I think you should take into  
2 consideration.

3 MS. TURNBOW: Thank you.

4 MR. CROWS BREAST: I got one more  
5 question.

6 MS. TURNBOW: Okay.

7 MR. CROWS BREAST: Maybe I got more.  
8 Elgin Crows Breast, Three Affiliated Tribes. I'm  
9 listening to everybody here, you know, and I guess  
10 that the main point I was thinking about is not  
11 precise cultural resources, but the benefits of the  
12 bridge, I guess. To me it's Billings County wants  
13 a bridge, somebody back here wants a bridge closer  
14 to the Elkhorn, and somewhere in between there's  
15 tourism involved and there's also easier  
16 transportation to get oil in and out, plus it's  
17 going to be a good thing, you know, I think. Any  
18 time you ask for something and you come to the  
19 State of North Dakota and you ask for money, when  
20 you ask for money, they get their money from the  
21 Federal Highway. Any time you bring federal money  
22 into any project, you're going to have all these  
23 kickoffs of EIS and environmental assessment, there  
24 has to be a lead federal agency involved, somebody  
25 has to take the rap if things go wrong. And if

1 you're going to build a bridge, you better build a  
2 nice one. That's the way I see it.

3 MS. TURNBOW: Thank you. Does anyone have  
4 any other comments or questions? We will be here  
5 till 7 and will be at -- there will be a  
6 representative at each one of these stations so you  
7 can definitely ask us more questions or if you have  
8 more comments, we'll be here.

9 MS. CROOK: I have one more. You  
10 mentioned in the slides the point about fighting  
11 fires. I think it should be noted that generally  
12 when it is fire season, the river is low enough to  
13 drive across.

14 MS. TURNBOW: What happens, too, is a lot  
15 of times they have to ask permission from the local  
16 landowners to cross the river, and we've talked to  
17 a lot of the fire management districts and -- you  
18 know, you're right, a lot of times the water is  
19 lower.

20 MS. CROOK: Is the landowner going to  
21 refuse permission for them to cross to fight a  
22 fire?

23 MS. TURNBOW: I doubt it. I'm just saying  
24 that that's the process that they have to go on.

25 MR. SHORT: My name is Con Short. I have

1 a ranch out where we're talking about,  
2 approximately on that plan D. Getting back to your  
3 question about crossing the river, remember, who  
4 are you going to have pull you out when you get  
5 stuck in the sand? It's going to be a rancher.  
6 And the government and the Highway Department and  
7 the Forest Service aren't going to come along and  
8 pull you out. That's the answer to your question.

9 I do have a little statement. I'm not  
10 sure this is the appropriate place to read it. I'm  
11 71 years old and have lived most of my life on a  
12 ranch in the Badlands along the Little Missouri  
13 River. I think I have been there longer than  
14 anybody else that's out there. I own the land that  
15 alternative D would cross on the west side of the  
16 river. By the way, if you want to know where we  
17 are, the road and the crossing have already been  
18 staked without my permission. Anybody want to  
19 comment on that? I didn't think so. The river  
20 bottom that they're crossing is pristine. In my  
21 lifetime there has been no roads on it, it has  
22 never been farmed, there's never been a cottonwood  
23 tree cut down. I consider this one of the best  
24 mule deer country -- or the best mule deer country  
25 in the Badlands.

1           My family and I are a hundred percent  
2           against this project. We will use all of our  
3           resources in fighting this. Thank you.

4           MS. TURNBOW: Thank you. Does anyone else  
5           have any questions or comments?

6           MR. BLEICH: My name is Vern Bleich, and  
7           just a general question. What percentage increase  
8           in traffic would you expect to see, say, if this  
9           thing were built tomorrow? Be a 50 percent  
10          increase on Blacktail Road and East River and Bell  
11          Lake Road? Any projection?

12          UNIDENTIFIED SPEAKER: Can he speak up,  
13          please?

14          MS. TURNBOW: Would you mind repeating  
15          that, sir?

16          MR. BLEICH: Yeah. I would just like to  
17          know if this were built tomorrow, what sort of a  
18          percent increase in traffic would you expect on the  
19          improved portion, and obviously that is going to  
20          translate to increased traffic on the three or four  
21          other roads that feed into it.

22          MS. TURNBOW: We haven't completed a  
23          traffic analysis, so I can't tell you if it was  
24          built tomorrow what the numbers would be, but we do  
25          anticipate that the traffic patterns are going to

1 change, obviously, so --

2 MS. SHORT: Whose traffic patterns?

3 MS. TURNBOW: If something was built,  
4 there would be -- I was just saying that traffic  
5 patterns may change if there was a crossing between  
6 North Dakota Highway 16 and 85, if there was more  
7 of a direct route.

8 MS. SHORT: But none of these come from  
9 16. They come from Bell Lake Road or something  
10 like that, but none of them come clear from Highway  
11 16; right?

12 MS. TURNBOW: They do connect. Basically  
13 there is a connection now from North Dakota Highway  
14 16 and 85, but, you're right, the alternatives do  
15 go on some of those other roads, but you have that  
16 connection -- that east-west connection. Yes.

17 MR. SHORT: Con Short again. That's  
18 really not being honest. There is no connection  
19 between 16 and 85 that is anywhere near direct.  
20 And by these alternatives none of it will make it  
21 any more direct. For those of you who are doing  
22 it, maybe you ought to get out there and take a  
23 look at where those roads are. 16 is way over  
24 there, 85 is way over here. There's no road.  
25 You're going to have to build a lot more of it to

1 connect the two of them.

2 MS. RUDE: Well, I think -- let me point  
3 something out here. I think what we're looking at  
4 right now, what you're seeing on the boards and  
5 what we showed you up here is actually these  
6 connections right here, so you're getting a really  
7 small view. If you look at some of the posters,  
8 you'll be able to see them. You'll get like this  
9 view right here. This is like Blacktail Road or  
10 Forest Highway 2, Bell Lake Road, Blacktail Road  
11 and then -- oh, I'm blanking on this road right  
12 here -- East River Road. Essentially what we did  
13 is, we were looking for the connections to what we  
14 termed the tier 1 roads, which are these right  
15 here, because they would require minimum to no  
16 upgrades. They were the good roads. So if we were  
17 to connect to those, then it would be less of an  
18 environmental impact, it would be less of a cost,  
19 that sort of a thing. So I think that may be some  
20 of the confusion. I don't know if that cleared  
21 that up at all.

22 MS. TURNBOW: Yes, sir.

23 MR. OBENFOELL: I'm Jim Obenfoell,  
24 Sentinel Butte. I'm impressed that all the  
25 literature here is in favor of this project and

1 none -- absolutely none of it voices concerns  
2 against it. And like Mr. Short said, the road is  
3 already staked out past his place. How much study  
4 has been done on the river for a footing for a  
5 crossing? If that crossing isn't anchored to  
6 bedrock, I'm convinced it won't wash out.

7 MR. FRANK: That would be part of the  
8 analysis as we move forward. We would have --

9 MR. OBENFOELL: As you move forward.  
10 Nothing has been done now?

11 MR. FRANK: Right. To this point we've  
12 identified the routes that we showed and potential  
13 crossing options. As we move forward, yes, we  
14 would look at those kind of issues.

15 MS. TURNBOW: And those stakes that you  
16 see are just survey stakes that we needed to do  
17 this preliminary survey to do some of these  
18 alternatives that you see, and we're also doing  
19 fieldwork to kind of give them where that 500-foot  
20 corridor is.

21 MR. OBENFOELL: But you have taken time to  
22 stake out the road, but you haven't investigated  
23 the substrata for the crossing; right?

24 MR. FRANK: Right, not at this point, but  
25 it will be evaluated.

1 MR. OBENFOELL: All right. Thank you.

2 MS. TURNBOW: Does anyone have anything  
3 else? Yes, ma'am.

4 MS. WILLIAMS: I have a question. My name  
5 is Susan Williams. How much has Billings County  
6 paid to date to Kadrmas, Lee & Jackson for this  
7 project? And how much more money are they going to  
8 be paying for this project?

9 MS. TURNBOW: Jerry, do you want to help  
10 me out with this?

11 MR. KRIEG: I don't know if we really know  
12 right now. As far as what's going to be paid in  
13 the future, that depends on what happens. Again,  
14 it was brought up whether we're for or against it.  
15 We could go through all these alternatives and  
16 Federal Highway may come down and say none of these  
17 are doable route, so then it's either back to step  
18 one or the project fades out again.

19 And to follow up on a previous question,  
20 too, I think the reason the project died initially  
21 back in the late '90s was that was about the  
22 time the boom went bust.

23 MS. TURNBOW: Jerry, can't hear you.

24 MR. KRIEG: I said one of the reasons that  
25 I recall that the project died the first time in

1 the early '90s was the oil dropped off, the boom  
2 went bust basically, and then at that point the  
3 commission just said, you know, we're going to halt  
4 the project at that time, and, you know, that's not  
5 to say it couldn't happen now.

6 MS. WILLIAMS: But what has Billings  
7 County paid to date? Do we have that figure?

8 MR. KRIEG: I don't, no.

9 UNIDENTIFIED SPEAKER: Go to the  
10 courthouse and you got it.

11 MS. TURNBOW: Yes.

12 MS. DUXBURY: Just to lay the issue to  
13 rest -- (inaudible).

14 MS. TURNBOW: Alexis, I'm sorry, can you  
15 repeat the question?

16 MS. DUXBURY: Yeah. I just didn't want  
17 the conversation to keep going and going and going  
18 with it to be just an unanswered question, so I  
19 just wanted to know, do you have a set contract  
20 you're operating under, or is it just an ongoing  
21 thing where you're billing them?

22 MR. KRIEG: It's basically ongoing. We're  
23 the county engineers for Billings County and, you  
24 know, it's essentially we do work as directed by  
25 the county.

1 MS. TURNBOW: All right. Well, we're  
2 going to break out into our stations. If you have  
3 more questions, just let one of us know, we'll do  
4 our best to answer them. Thank you very much for  
5 everyone attending and coming out tonight.

6 (Concluded at 6:26 p.m., the same day.)

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CERTIFICATE OF COURT REPORTER

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

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

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

Bismarck, North Dakota, this 30th day of July, 2008.

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Denise M. Andahl  
Registered Professional Reporter

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