

## Hanley, Jennifer

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**From:** Lance Meyer [REDACTED]  
**Sent:** Friday, November 18, 2022 8:29 AM  
**To:** Czarnecki, Julia  
**Cc:** Hanley, Jennifer  
**Subject:** RE: Logistics Park of North Dakota CRISI Grant

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Julia:

We do not have any comments.

Regards,

**Lance Meyer, P.E.**  
*City of Minot, City Engineer*  
**Office Phone:** [REDACTED]

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**From:** Czarnecki, Julia [REDACTED]  
**Sent:** Thursday, November 17, 2022 3:50 PM  
**To:** Lance Meyer [REDACTED]  
**Cc:** Hanley, Jennifer [REDACTED]  
**Subject:** Logistics Park of North Dakota CRISI Grant

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Dear Mr. Meyer,

The North Dakota Department of Transportation (NDDOT) has been selected to receive funding under the U.S. Department of Transportation's (USDOT) Consolidated Rail Infrastructure and Safety Improvements (CRISI) federal grant program to enhance the Logistics Park of North Dakota (LPND) located in Minot, North Dakota, within Ward County. We are soliciting your agency's review and comments on the proposed project. Please provide us with any issues or information regarding your agency's interests in this project.

Thank you!

**Julia Czarnecki**  
*Environmental Scientist*

**HDR**

101 S. Philips Avenue, Suite 401  
Sioux Falls, SD 57104

D [REDACTED]

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## Hanley, Jennifer

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**From:** Anderson, Fred J. [REDACTED]  
**Sent:** Friday, November 18, 2022 9:10 AM  
**To:** Hanley, Jennifer  
**Subject:** N.D. Geological Survey: Geologic Review of Proposed Logistics Park of North Dakota - No Concerns Noted

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Ms. Hanley,

I have reviewed the comment solicitation letter of November 14, 2022 for this project and would not note any geologic concerns with the project at this time.

Geologic maps and data sets for this project area can be found on our website at: <https://www.dmr.nd.gov/ndgs/surfacegeo/>

Regards,

**Fred J. Anderson**

*Geologist, North Dakota Geological Survey*

701.328.8000 (Survey Main Office) • 701.328.8037 (Office Direct) • [REDACTED] • [www.dmr.nd.gov/ndgs](http://www.dmr.nd.gov/ndgs)



701.328.8020 (Front Office) • [oilandgasinfo@nd.gov](mailto:oilandgasinfo@nd.gov) • [www.dmr.nd.gov](http://www.dmr.nd.gov) • 600 E Boulevard Ave, Dept. 405 • Bismarck, ND 58505

## Hanley, Jennifer

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**From:** Spangelo, Kayla M. [REDACTED]  
**Sent:** Friday, November 18, 2022 12:14 PM  
**To:** Czarnecki, Julia  
**Cc:** Hanley, Jennifer; Papalichev, Elvedina; DUPPONG, SHARI  
**Subject:** RE: Logistics Park of North Dakota CRISI Grant

**CAUTION: [EXTERNAL]** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

NDDTL does not manage any surface estate interested in the proposed project area.

Please let me know if you have any questions.

Thank you,

Kayla Spangelo

*Natural Resources Professional - Rights of Ways*

[REDACTED] • [REDACTED] • land.nd.gov • 1707 N 9<sup>th</sup> St • Bismarck, ND 58501



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**From:** Czarnecki, Julia [REDACTED]  
**Sent:** Thursday, November 17, 2022 3:48 PM  
**To:** Spangelo, Kayla M. [REDACTED]  
**Cc:** Hanley, Jennifer [REDACTED]  
**Subject:** Logistics Park of North Dakota CRISI Grant

**\*\*\*\*\* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. **\*\*\*\*\***

Dear Mrs. Spangelo,

The North Dakota Department of Transportation (NDDOT) has been selected to receive funding under the U.S. Department of Transportation's (USDOT) Consolidated Rail Infrastructure and Safety Improvements (CRISI) federal grant program to enhance the Logistics Park of North Dakota (LPND) located in Minot, North Dakota, within Ward County. We are soliciting your agency's review and comments on the proposed project. Please provide us with any issues or information regarding your agency's interests in this project by **December 17, 2022**.

Thank you!

**Julia Czarnecki**

*Environmental Scientist*

**HDR**

101 S. Philips Avenue, Suite 401  
Sioux Falls, SD 57104

**D**

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November 23, 2022

Jennifer Hanley, P.E.  
Environmental Project Manager  
HDR Inc  
51 N Broadway, Suite 550  
Fargo, ND 58102-4970

Re: Logistics Park of Minot North Dakota, RR enhancements in Ward County

Dear Mrs. Hanley:

The North Dakota Department of Environmental Quality has reviewed the information concerning the above-referenced project received at the department on November 17, 2022 with respect to possible environmental impacts.

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

1. Aggregate to be used for road construction should not contain any erionite. Aggregate sources should be tested for erionite following guidelines found at <https://deq.nd.gov/erionite>. For questions regarding erionite testing, please contact the Asbestos Program at 701-328-5166 or [asbestos@nd.gov](mailto:asbestos@nd.gov).
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge stormwater runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the stormwater permit may be obtained from the department's website or by calling the Division of Water Quality (701-328-5210). The City of Minot may require post-construction practices to address stormwater quality by ordinance or as part of its NDPDES Small Municipal Separate Storm Sewer System (MS4) General Permit obligations. Check with local officials to be sure local MS4 Program considerations are addressed.
4. The construction project overlies the Souris River glacial drift aquifer, which is a sensitive groundwater area. Care should be taken to avoid spills of any materials that may have an

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918 East Divide Avenue | Bismarck ND 58501-1947 | Fax 701-328-5200 | [deq.nd.gov](http://deq.nd.gov)

Director's Office  
701-328-5150

Division of  
Air Quality  
701-328-5188

Division of  
Municipal Facilities  
701-328-5211

Division of  
Waste Management  
701-328-5166

Division of  
Water Quality  
701-328-5210

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

adverse effect on groundwater quality. All spills must be immediately reported to this department and appropriate remedial actions performed.

5. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the department's Division of Waste Management at (701) 328-5166.

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

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

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

Sincerely,



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

LDG:csc  
Attach.

## Construction and Environmental Disturbance Requirements

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

### **Soils**

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

### **Surface Waters**

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

### **Fill Material**

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

**From:** [Olsen, Levi](#)  
**To:** [Hanley, Jennifer](#)  
**Subject:** Logistics Park of North Dakota  
**Date:** Tuesday, November 29, 2022 8:24:36 PM

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**CAUTION:** [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jennifer,

This email is to inform you that WAPA does not have any nearby facilities that will be impacted by the Logistics Park of North Dakota in Minot as outlined in the letter and plat provided.

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

Thank You,

**Levi Olsen, CPL | Realty Specialist | Landman**

Western Area Power Administration

Upper Great Plains Region |

(M) [REDACTED] | [REDACTED]



December 13, 2022

Jennifer Hanley  
HDR  
51 N Broadway, STE 550  
Fargo, ND 58102-4970

Dear Ms. Hanley:

This is in response to your request for a review of the environmental impacts associated the Logistics Park of North Dakota project located in Minot, ND.

The proposed project has been reviewed by Department of Water Resources, and the following comments are provided:

- There is a FEMA National Flood Insurance Program (NFIP) regulatory floodplain identified or mapped where this proposed project is to take place (Flood Insurance Rate Map panel number 38027C0200C). Impacted areas are designated to be in NFIP Zone A. North Dakota has no formal NFIP permitting authority, as all NFIP permitting decisions are considered by impacted NFIP participating communities, which is the community with zoning authority for the area in question. Please work directly with the local floodplain administrator of the zoning authority impacted to achieve NFIP and community compliance.
- The Mouse River is considered navigable and therefore sovereign to the state of North Dakota. Any project which falls below, under or over navigable water bodies in North Dakota requires authorization from the Department of Water Resources. Please see the included form SFN-61408 "Authorization to Construct a Project Within Sovereign Lands of North Dakota." Completing the permit application is a relatively simple process that includes completion of the form, submittal of a map, and a simple diagram of what the project may involve. There is no fee for the permit, we recommend about 90 days for processing, and the permit lasts for the life of the project including repairs within the original footprint. For any question, please contact Tia Jones at [REDACTED].
- The Department of Water Resources' (DWR) Engineering and Permitting Section reviewed the project location and determined that the project likely does not require a surface drain permit or construction permit unless the project impacts sloughs, ponds, lakes (i.e., wetlands) outside of the roads' right-of-way or so long as any watercourses are not modified (i.e., deepened, widened, rerouted, etc.) However, the DWR strongly recommends that the new structures comply with the North Dakota Stream Crossings Standards. For more information on these requirements, please visit the Regulation & Appropriation tab on the DWR's website ([dwr.nd.gov](http://dwr.nd.gov)) or contact the DWR's Regulatory Division at 701-328-4956 or [dwrregpermits@nd.gov](mailto:dwrregpermits@nd.gov).
- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for



# AUTHORIZATION TO CONSTRUCT A PROJECT WITHIN SOVEREIGN LANDS OF NORTH DAKOTA

OFFICE OF THE STATE ENGINEER  
REGULATORY DIVISION  
SFN 61408 (10/2019)

No. S

(OSE USE ONLY)

Project Number **1625**

This application must be submitted to the North Dakota Office of the State Engineer by mail to 900 E Boulevard Ave, Dept. 770, Bismarck, ND 58505-0850, by fax to (701) 328-3696, or by email to [sovereignlands@nd.gov](mailto:sovereignlands@nd.gov). To be complete, this application must include the additional information listed in the instructions on page 3.

If you need any assistance, please contact the Regulatory Division at (701) 328-2752.

OFFICE OF THE  
STATE ENGINEER  
USE ONLY

\*\*\*\* Additional Sheets May Be Attached If Necessary. \*\*\*\*

Project Will Be Located In Which Water Resource District?

## LOCATION DESCRIPTION TO THE NEAREST 40-ACRE TRACT

¼	¼	Section	Township	Range
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Is This Application For Modification Of An Existing Project? <input type="checkbox"/> Yes <input type="checkbox"/> No	If So, What Year Was Project Constructed?
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By Whom?

Proposed Project Involves		
<input type="checkbox"/> Bank Stabilization	<input type="checkbox"/> Pipeline Crossing	<input type="checkbox"/> Temporary Water Intake
<input type="checkbox"/> Boat Ramp	<input type="checkbox"/> Recreation	<input type="checkbox"/> Perennial Water Intake
<input type="checkbox"/> Bridge Construction	<input type="checkbox"/> Utility Line Crossing	<input type="checkbox"/> Permanent Water Intake Structure
<input type="checkbox"/> Fish And Wildlife	<input type="checkbox"/> Vegetation Control	<input type="checkbox"/> Dredge, Volume _____
<input type="checkbox"/> Geotechnical Work	<input type="checkbox"/> Water Outfall	<input type="checkbox"/> Fill, Volume _____
<input type="checkbox"/> Levee/Dike Or Dam	<input type="checkbox"/> Waste Lagoon	
<input type="checkbox"/> Other, Explain _____		

If Proposed Project Involves A Standard Dock (see Supplemental Measurements Sheet For Standard Docks)

Standard Dock Dimension Shape

A	B	C	D
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About Water Body

Water Body On Which Project Will Be Located

Purpose

Project Description

Contractor (if known)

Anticipated Construction Start Date	Completion Date
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**APPLICANT'S CERTIFICATION**

I, the undersigned, am applying for authorization as required under North Dakota Century Code (N.D.C.C.) ch. 61-33 from the Office of the State Engineer. I understand that I must comply with N.D.C.C. ch. 61-33 and North Dakota Administrative Code ch. 89-10-01, and that I must adhere to any conditions required by the State Engineer. I acknowledge that my project is accurately described and depicted in this application as I intend to construct it. My signature below acknowledges that I have read and agree to these statements.

**PROJECT OWNER**

Name of Project Owner			
Address	City	State	ZIP Code
Home Telephone Number	Cell Number		
Email Address			
Signature of Project Owner or Applicant			Date

**IF DIFFERENT FROM PROJECT OWNER**

Name of Applicant			
Address	City	State	ZIP Code
Home Telephone Number	Cell Number		
Email Address			

Signature of Project Owner or Applicant	Date
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## INSTRUCTIONS FOR COMPLETING AN AUTHORIZATION TO CONSTRUCT A PROJECT WITHIN SOVEREIGN LANDS OF NORTH DAKOTA UNDER NORTH DAKOTA ADMINISTRATIVE CODE § 89-10-01-04

A person seeking to construct a project within Sovereign Lands of North Dakota requires authorization from the State Engineer before construction or operation of the project. "Sovereign Lands" means those areas, including the beds and islands, lying within the ordinary high water mark of navigable lake and streams.<sup>1</sup> (N.D.C.C. § 61-33-01). The "ordinary high water mark" is that line on navigable waters below which the action of the water prevents the growth of vegetation, or to restrict its growth to predominantly wetland species.

To be complete, the application must include all information listed below:

1. A completed "Application to Construct a Project within Sovereign Lands of North Dakota" form.
2. A detailed map or drawing of the projects location on an aerial photo.
  - i. Size of map must be 8 ½ by 11 inches,
  - ii. Map shall have a north arrow and approximate scale, and
  - iii. Map shall indicate the proposed work on the drawing.
3. If applying for the installation of a standard dock in which the total length of the dock over the surface of the water does exceed twenty-five feet on a river and fifty feet on a lake, please include measurements requested on "Supplemental Measurements Sheet for Standard Docks".
4. If applying for the installation of a standard dock in which the total length of the dock over the surface of the water does not exceed twenty-five feet AND is located on the Missouri River between the Oliver and Morton County line and Lake Oahe wildlife management area, the project only requires registration with the State Engineer. Please complete the "Registration for Placement of a Dock Under 25 Feet-Long on Specified Waters" form (SFN 61441).
5. If applying for the installation or modification (including change in transported liquid) of a pipeline which transports crude oil, natural gas liquids, or any other hazardous liquid, as determined by the State Engineer, the Applicant must first conduct a scour analysis specific to the proposed crossing for project design purposes.<sup>2</sup>
6. If applying for the installation of riprap or other bank stabilizations, please include a cross sectional drawing of the proposed work which includes the existing and proposed grade and the present location of the water surface.

Further Sovereign Land Permit Guidance:

1. A permit would be required if any portion of the project would occur within, under, or over a navigable water of North Dakota.
2. A permit would be required if any portion of the project would occur below the ordinary high water mark.
3. The permit applicant is responsible for obtaining any other local, state, or federal permits or permissions that may be necessary prior to construction of a project on Sovereign Land.
4. There is no fee administered for a Sovereign Land Permit.
5. Please allow at least 90 days for Sovereign Land Permit processing.
6. Please notify the Office of the State Engineer of project completion at [sovereignlands@nd.gov](mailto:sovereignlands@nd.gov).
7. Unless specified, there is no expiration date on an obtained Sovereign Land Permit.

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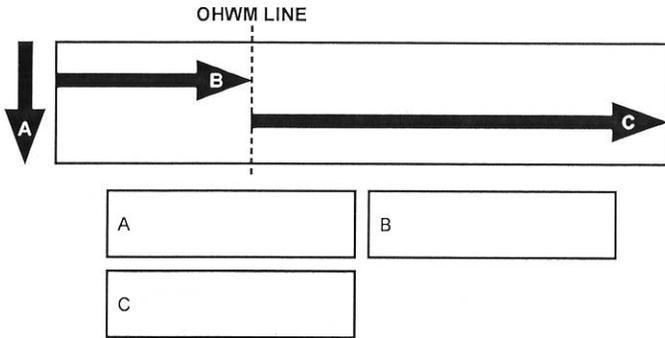
<sup>1</sup> North Dakota's Navigable Waters as of 2018: Missouri River, James River, Sheyenne River, Pembina River, Mouse River, Red River of the North, Bois De Sioux, Knife River, Heart River, Cannonball River, Yellowstone River, Devils Lake, Lake Metigoshe, Painted Woods Lake, Sweetwater Lake, Upper Des Lacs Lake, and Long Lake(Bottineau County). List subject to change.

<sup>2</sup> The minimum depth-of-burial for pipelines transporting crude oil, natural gas liquids, or any other hazardous liquid as determined by the state engineer must be total calculated scour plus four feet from the bed of the river to top-of-pipe for pipelines crossing the state's navigable rivers. (N.D.C.C. ch.61-63).

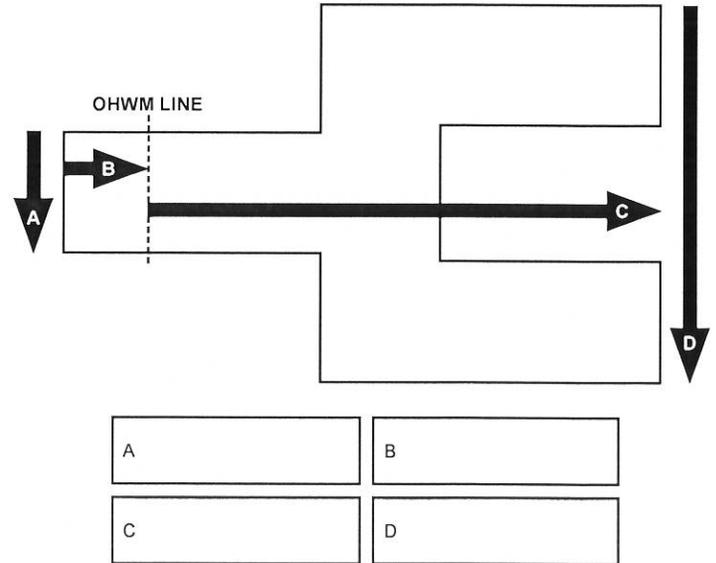
## SUPPLEMENTAL MEASUREMENT SHEET FOR STANDARD DOCKS

OHWM = Ordinary High Water Mark

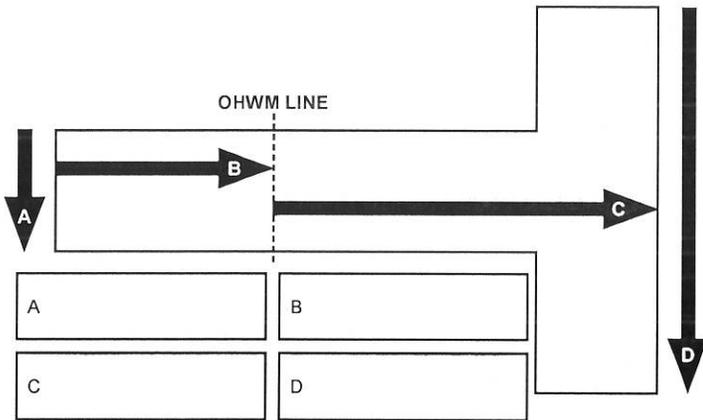
### 1. STRAIGHT DOCK DIMENSIONS (feet)



### 4. Y-SHAPE DOCK DIMENSIONS (feet)



### 2. T-SHAPE DOCK DIMENSIONS (feet)

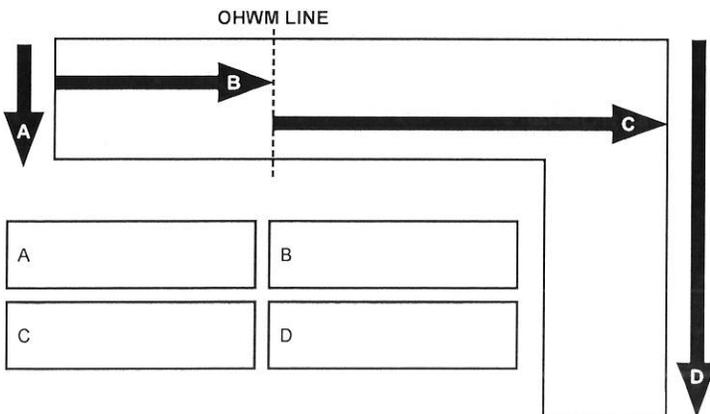


### 5. OTHER DOCK SIZE AND DIMENSIONS (feet)

DRAW IMAGE HERE ALONG WITH OHWM LINE

A	B
C	D

### 3. L-SHAPE DOCK DIMENSIONS (feet)



## STANDARD DOCK CONDITIONS

*The following standard conditions will be included on all docks requiring a sovereign land permit.*

1. Total length of the dock over the surface of the water **does** exceed twenty-five feet on a river and fifty feet on a lake. Please include measurements requested on "Supplemental Measurement Sheet for Standard Docks";
2. The dock is owned and operated by the riparian owner or the riparian owner's lessee for the riparian owners or lessee's personal use;
3. The dock is used only for embarkation, debarkation, moorage of boats, water intakes, or recreation;
4. There is no unreasonable interference with navigation or access to an adjacent riparian land owner's property,
5. The dock is connected to a point above the ordinary high watermark by a boardwalk that does not exceed twenty-five (7.6 meters) in length, and is removed from below the ordinary high watermark each fall, and
6. Upon abandonment, the grantee restores the bank as closely as practicable to its original condition.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region8](http://www.epa.gov/region8)

December 21, 2022

Ref: 8ORA-N

Jennifer Hanley, Environmental Project Manager  
HDR Inc.  
51 N. Broadway, Suite 550  
Fargo, North Dakota 58102-4970

RE: Notice of intent (NOI) for development of the Logistics Park of North Dakota

Dear Ms. Hanley:

The U.S. Environmental Protection Agency Region 8 has received your November 16, 2022, notification of a proposal for development of the Logistics Park of North Dakota (LPND), located in Minot, North Dakota, within Ward County. The North Dakota Department of Transportation, in partnership with the Minot Area Chamber Economic Development Corporation, is seeking to enhance the regional intermodal transport network to meet anticipated user needs of North Dakota and surrounding states through increased transport capacity, container storage, loading, transferring, and transloading. The project would be funded by the U.S. Department of Transportation's *Consolidated Rail Infrastructure and Safety Improvements* (CRISI) grant program, administered by the Federal Railroad Administration. In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), we are providing the enclosed comments to assist in the development of an environmental document.

Areas of consideration to meet NEPA requirements include:

**Purpose and Need**

The EPA recommends that the NEPA document for the proposed project clearly identify the underlying purpose and need (40 CFR § 1502.13). The purpose and need should be a clear objective statement of the rationale for the proposed project as it provides the basis for identifying project alternatives. The purpose of the proposed action is typically the specific objective(s) of the activity. The need for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity. Please describe the short and long-term transportation needs as well as the reasoning behind and the information that supports those needs. We recommend the alternatives include a thorough discussion of the utilities and infrastructure including water, sanitary sewer, storm sewer, electrical, gas, and communications required to support the development of the LPND facilities.

**Water Resources**

The EPA considers the protection of water and aquatic resources a critical issue to be addressed in NEPA analyses for transportation projects. Initial review of the area indicates the presence of palustrine,

forested, temporarily flooded (PFOA), and various palustrine, emergent (PEMx) wetland areas. We recommend the NEPA document include in the scope of analysis impacts to water resources, including wetlands, riparian habitat, vegetated shallows, surface water and groundwater movement, and nearby stream morphology and water quality. We also recommend discussing any National Pollutant Discharge Elimination System (NPDES) permits needed under Section 402 of the Clean Water Act (CWA).

We recommend coordinating with the U.S. Army Corps of Engineers (Corps) about this project to determine whether it may require either an individual or nationwide CWA Section 404 permit. A permit would be needed if the work involves a discharge of dredged or fill material into waters of the U.S., including jurisdictional wetlands. If an individual permit is required, only the least environmentally damaging practicable alternative (LEDPA) may be permitted; therefore, we recommend the NEPA document include analysis sufficient to ensure its identification.

### ***Wastewater Discharge***

Discussion of drinking water supply, wastewater, sanitary sewer, and storm sewer needs is important to address indirect and cumulative impacts that will affect the City of Minot utilities and infrastructure. According to the current North Dakota Pollutant Discharge Elimination System (NDPDES) permit, Minot Wastewater Treatment Plant (WWTP) ND0022896, the City of Minot currently has an average daily effluent flow ranging from 1.7 – 6.9 MGD and has no significant industrial users as defined in the permit application. Therefore, the city is not required to have an approved pretreatment program. Expansion of the regional intermodal transport network will increase wastewater needs and industrial users. As such, facility upgrades to the City of Minot WWTP may be required. These anticipated connections to the WWTP, the increased chemical demands, and wastewater discharges should be analyzed as reasonably foreseeable effects to the City of Minot.

In addition, we recommend the NEPA document provide information on the anticipated service connections for the current and projected rail facilities in the industrial park, as well as the planned non-rail facilities. This would benefit the city in determining the impacts from the proposed project and the permitting requirements specified in 40 CFR §122.44(j)(1) (*Pretreatment program for POTWs*) if there will be significant industrial users in their area.

### ***Construction Stormwater***

Under the CWA NPDES stormwater program, a permit is required for discharges from construction activities that disturb one or more acres and discharges from smaller sites that are part of a larger common plan of development. Depending on the construction site's location, the state or EPA will administer the permit. We recommend obtaining all permits before breaking ground to ensure compliance with the CWA. We recommend that the NEPA document discuss applicable stormwater permitting requirements and specific mitigation measures that would be required to reduce adverse impacts to water quality and aquatic resources, including:

- A list of Best Management Practices (BMPs) that would be required to protect surface water and groundwater resources. These could include silt fences, detention ponds, and other stormwater control measures, as well as measures to prevent any associated construction or railroad contaminants from entering waters of the U.S.;
- A discussion of the circumstances under which the BMPs would be applied (e.g., proximity to surface water resources, presence of erosive soils, slope, shallow water aquifers, the proximity of water wells, etc.); and

- Identification of the entity responsible for BMP installation and maintenance and an explanation of how the responsible entity would ensure that the BMPs would be monitored and enforced.

### **Air Quality**

The project anticipates a considerable amount of earth works to be completed, as well as the construction of various facilities to be utilized for this project. To minimize the environmental impacts of construction-related work, EPA recommends the project identify actions to minimize the impacts to local air quality, especially any fugitive dust and diesel emissions. At a minimum, EPA recommends including in the NEPA document discussion of the following information about the surrounding airshed:

- Interference with the maintenance or attainment of any state or federal ambient air quality standard in the analysis area that may result from this project.
- Exposure of nearby populations and sensitive receptors to increased levels of diesel particulate matter and other air toxics, especially during construction phases which utilize heavy equipment.
- Considerations of potential mitigation measures for construction equipment and fugitive dust that may lessen the severity of the air impacts on the local environment.

### **Greenhouse Gas Emissions and Climate Change**

The transportation sector emits the highest amount of greenhouse gas (GHG) emissions of all the U.S. sectors, with the rail sector contributing 2% of those emissions. Consistent with Executive Order 14008 – *Tackling the Climate Crisis at Home and Abroad* – the EPA recommends that NEPA document assess, disclose, and mitigate the climate pollution and related effects and risks resulting from the proposed action. We recommend using the CEQ’s 2016 *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*<sup>1</sup> as a resource for analyzing greenhouse gas (GHG) emissions, opportunities to reduce those emissions, climate impacts on the planning area, and climate change adaptation and resilience strategies.

We recommend including an estimate of the direct and indirect GHG emissions associated with the project, and an analysis of alternatives and/or identification of practicable mitigation to reduce project related GHG emissions. In addition to emissions associated with project construction, development, and operation, we recommend calculating reasonably foreseeable upstream and downstream emissions that could be attributable to the project. For the analysis, we suggest the following general approach:

- Include a summary discussion of ongoing and projected regional climate change relevant to the project area, based on U.S. Global Change Research Program assessments. This would enable the environmental report to identify impacts that may be exacerbated by climate change.
- Estimate the anticipated direct and indirect GHG emissions associated with the project. The NEPA.gov website<sup>2</sup> includes a non-exhaustive list of GHG accounting tools available to agencies. We also recommend estimating GHG emissions in CO<sub>2</sub>-equivalent terms and translating the emissions into equivalencies that are more easily understood by the public (e.g., annual GHG emissions from x number of motor vehicles, see <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>).

<sup>1</sup> <https://www.epa.gov/nepa/climate-change-guidance-national-environmental-policy-act-reviews>

<sup>2</sup> [https://ceq.doe.gov/guidance/ceq\\_guidance\\_nepa-ghg.html](https://ceq.doe.gov/guidance/ceq_guidance_nepa-ghg.html)

- Account for the project's climate impacts by utilizing the current interim values for the social cost of GHG emissions. The February 2021 Social Cost of Greenhouse Gases Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990<sup>3</sup> (developed by the Interagency Working Group on Social Cost of Greenhouse Gases, United States Government) provides the most current information on generating these calculations.
- Identify and assess measures to reduce GHG emissions associated with the project, including alternatives and/or requirements to mitigate or offset emissions.
- Discuss how reasonably foreseeable GHG emissions associated with the project are, or are not, consistent with state or federal policies or goals. For example, discuss how emissions help or hinder meeting GHG reduction targets set at the federal, state, or local level as required in 40 CFR § 1506.2(d), including the U.S. 2030 Paris GHG reduction target and 2050 net-zero pathway.<sup>4</sup> We recommend that the NEPA document avoid percentage comparisons between project-level and national or global emissions, which inappropriately minimize the significance of planning-level GHG emissions.

### **Environmental Justice**

Executive Order 12898 – *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* – applies to federal agencies that conduct activities that substantially affect human health or the environment. In addition, Executive Order 13985 – *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* – sets expectations for a whole-of-government approach to advancing equity for all. To that end, EJScreen was developed by EPA to highlight places that may be candidates for further review, analysis, or outreach to support the agency's environmental justice work. However, for the LPND Railroad project, we recommend against drawing conclusive decisions based on EJScreen. EJScreen cannot provide data on every environmental impact and demographic factor that may be important to any location. Therefore, its initial results should be supplemented with additional information and local knowledge whenever appropriate, for a more complete picture of a location. Therefore, consistent with these executive orders and CEQ's Environmental Justice Guidance Under NEPA,<sup>5</sup> the EPA recommends the NEPA analysis include the following:

- Meaningful engagement of communities located near the proposed project regarding the decisions on the proposed project.
- Disclosure of the project's effects on homes and populations located adjacent to the proposed LPND expansion area.
- Consideration of impacts from noise, vibration, dust, and other air emissions during both construction and operation.
- Consideration of impacts from the business and industrial park on traffic, emergency response times, neighborhood connectivity, etc. that could warrant analysis.

<sup>3</sup> [https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument\\_SocialCostofCarbonMethaneNitrousOxide.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf)

<sup>4</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/fact-sheet-president-biden-sets-2030-greenhouse-gas-pollution-reduction-target-aimed-at-creating-good-paying-union-jobs-and-securing-u-s-leadership-on-clean-energy-technologies/>

<sup>5</sup> Available along with other environmental justice resources at: <https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>

- Identification of any disproportionately high and adverse environmental or health effects on minority, low-income, or tribal populations near the project area.
- Reasonable alternatives or mitigation that address any such disproportionate impacts.

**Closing**

We appreciate the opportunity to provide comments in the early stages of this project and look forward to reviewing the NEPA document. If further explanation of our comments is desired, please contact me at [REDACTED] or by email at [REDACTED]. You may also contact Matt Hubner, NEPA Lead Reviewer, at [REDACTED] or [REDACTED].

Sincerely,

Melissa W. McCoy, Ph.D.  
Manager, NEPA Branch  
Office of the Regional Administrator

The U.S. Fish and Wildlife Service concurs with your conclusion that this project as described will not adversely affect or jeopardize federally listed/proposed species nor adversely modify designated/proposed critical habitat(s). If the project changes or new information becomes available, please contact this office again so potential impacts to federally listed species and other trust resources may be reevaluated.

LUKE TOSO  
 Digitally signed by  
 LUKE TOSO  
 Date: 2023.10.06  
 Supervisor, North Dakota Ecological Services Field Office



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
 North Dakota Ecological Services Field Office  
 3425 Miriam Avenue  
 Bismarck, ND 58501-7926  
 Phone: (701) 250-4481 Fax: (701) 355-8513

In Reply Refer To:  
 Project code: 2023-0114165  
 Project Name: Logistics Park of ND Expansion

August 08, 2023

Subject: Consistency letter for 'Logistics Park of ND Expansion' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the North Dakota Determination Key (DKey) for project review and guidance for federally listed species.

Jennifer Hanley:

The U.S. Fish and Wildlife Service (Service) received on **August 08, 2023** your effects determination for the 'Logistics Park of ND Expansion' (the Action) using the North Dakota DKey for project review and guidance for federally-listed species within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's North Dakota DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Dakota Skipper ( <i>Hesperia dacotae</i> )	Threatened	No effect
Piping Plover ( <i>Charadrius melodus</i> )	Threatened	NLAA
Red Knot ( <i>Calidris canutus rufa</i> )	Threatened	NLAA
Whooping Crane ( <i>Grus americana</i> )	Endangered	No effect

**Consultation with the Service is not complete.** The above effect determination(s) becomes applicable when the lead federal action agency or designated non-federal representative submits them as a request to the Service to rely on the North Dakota DKey in order to satisfy the agency's consultation requirements for this project.

Please provide this consistency letter to the lead Federal action agency or its designated non-federal representative with a request for its review, and as the agency deems appropriate, to submit for concurrence verification through the IPaC system. The lead Federal action agency or

designated non-federal representative should log into IPaC using their agency email account and click "Search by record locator." They will need to enter the record locator **562-130118651**

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Candidate

The Service recommends that your agency contact the North Dakota Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope, timing, duration, or location of the proposed project changes, 2) new information reveals the action may affect listed species or designated critical habitat; 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the North Dakota Ecological Services Field Office should take place before project changes are final or resources committed.

**Bald and Golden Eagle Protection Act(BGEPA):** The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest. This document may be downloaded from the following site: <https://www.fws.gov/media/national-bald-eagle-management-guidelines-0>

To determine if your proposed activity is likely to take or disturb Golden or Bald Eagles, please call our office at 702-250-4481 for further review.

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. The application form is located at <http://www.fws.gov/forms/3-200-72.pdf>.

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Logistics Park of ND Expansion

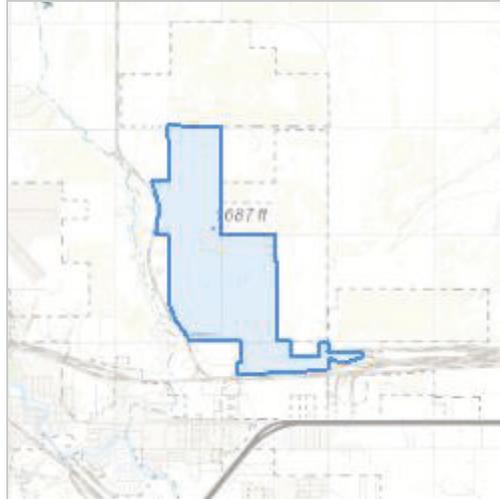
**2. Description**

The following description was provided for the project 'Logistics Park of ND Expansion':

- Two intermodal staging tracks, each capable of holding an 8,000+ foot-long intermodal train and two 5,000 foot-long strip tracks immediately west of the Intermodal Facility.
- A Patented Infinity Loop track layout servicing the proposed dry bulk, liquid bulk, and renewable facilities.
- Dedicated facilities for liquid and dry bulk, renewables, intermodal, and transload operations - with rail capacities able to accommodate unit trains.
- Numerous auxiliary tracks to support manifest operations as well miscellaneous rail infrastructure to support general rail operations.
- A maintenance facility with vehicle/equipment maintenance bays, a maintenance manager office, storage space, and worker restrooms, showers, and lockers.
- A curbed fueling area for maintenance vehicles and temporarily container storage.
- Circulation roads for trucks during loading and unloading operations as well as to access the intermodal and transload tracks and the warehouse.
- Employee and visitor parking.
- Lighting to illuminate track areas, roadways, work areas, exterior storage areas, parking lots, exterior building doors and driveways from dusk to dawn.
- Security cameras mounted on light structures along the perimeter of LPND and along the interior of the intermodal, transload, and warehouse areas.
- Approx. eight-foot-tall chain link security fence installed around the LPND perimeter.
- Underground utilities including water, sanitary, storm, communications, electric, etc.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@48.2524096,-101.2309037638959,14z>

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## QUALIFICATION INTERVIEW

1. Is your project a federal project or have a federal nexus (funded, permitted or other authorization by a federal agency)?

*Yes*

2. Does your project consist solely of interior or exterior rehabilitation and renovations of existing residential, commercial buildings and public facilities?

**Note:** These activities may involve exterior painting, replacement of doors, windows, siding or roofing.

*No*

3. Does your project consist solely of work done within the existing footprint of a building such as electrical, heating plumbing, basement and foundation repairs?

*No*

4. Does your project consist solely of additions onto an existing structure?

*No*

5. Does your project consist solely of renting or purchasing existing buildings?

*No*

6. Does your project consist solely of demolition of structures within Incorporated City Boundaries?

*No*

7. Does your project consist solely of repair or replacement of existing parking lots, sidewalks, roads or other paved or graveled surfaces?

*No*

8. Does your project consist solely of repair or replacement or upgrading playground equipment?

*No*

9. Is your project a wind farm?

*No*

10. Is your project a new construction on an existing residential infill lot within Incorporated City Boundaries?

*No*

11. Are you building overhead power lines?

*No*

12. Are you constructing a communication tower or other permanent structure over 200 feet above ground line without guy wires?

*No*

13. Are there any wetlands in your project area?

*Yes*

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14. Will the project impact a wetland?

**Note:** Common impacts to wetlands include filling, grading, removal of vegetation, building construction and changes in water levels and drainage patterns.

*Yes*

15. Is your project located entirely within a developed area?

**Note:** A developed area is an area that is already paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping.

*No*

16. [Semantic] Does the action area intersect the Dakota Skipper area of influence?

**Automatically answered**

*Yes*

17. Is the project area on disturbed land (e.g. urban areas, previously cropped areas, non-native haylands, pasture or other grassland that is dominated by non-native species, or in areas where trees or shrubs predominate)?

*No*

18. Is the project area on native prairie/grassland?

*Yes*

19. Is there suitable Dakota skipper habitat present, either [Type A or Type B Dakota Skipper habitat](#)?

**Note:** Suitable habitat contains forbs (purple coneflower, violet, asters, purple prairie clover, etc.) along with prairie grasses (little and big blue stem, prairie dropseed, and needlegrasses).

*Yes*

20. Will your project involve a broadcast pesticide application including herbicides and insecticides?

*No*

21. Does Dakota Skipper occur in the action area?

If unknown, you can conduct surveys following the [2018 North Dakota Dakota Skipper Survey Protocol](#) and return to this key when you have results; or assume presence by selecting *Yes*.

*No*

22. [Semantic] Does the action area intersect the Whooping Crane area of influence?

**Automatically answered**

*Yes*

23. If a whooping crane is spotted within one-mile of construction, will you stop construction and immediately call the USFWS North Dakota Ecological Service Office?

*Yes*

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24. [Semantic] Does the action area intersect the Piping Plover area of influence?

**Automatically answered**

*Yes*

25. Will the project result in changes to river hydrology (i.e. via construction of lock & dams, major waterbody diversion/major (over 1,000,000 gallons/day water withdrawals, etc.)?)

*No*

26. Is the project a cooling water intake for a power plant regulated under section 316 of the Clean Water Act?

**Note:** This applies to facilities that are designed to withdraw at least two million gallons per day of cooling water from waters of the U.S.

*No*

27. Is this an instream sand and gravel mining project?

*No*

28. Will this project completely cross the Missouri River or Lake Sakakawea?

**Note:** This includes project under, over and through the Missouri River or Lake Sakakawea, such as a bridge, buried cable and pipelines including HDD pipelines.

*No*

29. Will the project directly impact suitable piping plover nesting habitat?

**Note:** Direct impacts include any off road vehicle access including use of mat roads, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.)

*No*

30. Will work be conducted within ½ mile of suitable piping plover nesting habitat.

*No*

31. [Semantic] Does the action area intersect the Rufa Red Knot area of influence?

**Automatically answered**

*Yes*

32. Will the project construction or other impacts occur between April 1-May 31 or between August 15-October 31?

*Yes*

---

## **IPAC USER CONTACT INFORMATION**

Agency: North Dakota Department of Transportation

Name: Jennifer Hanley

Address: 51 N Broadway, Suite 550

City: Fargo

State: ND

Zip: 58102

Email: [REDACTED]

Phone: [REDACTED]

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Federal Railroad Administration

Name: Brandon Bratcher

Email: [REDACTED]

---



December 28, 2021

Mr. Steven Eberle  
Ackerman-Estvold  
1907 17<sup>th</sup> St SE  
Minot, ND 58701

**ND SHPO Ref.: 22-5247 "Ackerman-Estvold: A Class III Cultural Resource Inventory for the Minot Intermodal Rail Yard in Ward County, North Dakota" in portions of [T155N R82W Sections 8, 16, 17, 21, & 22] MAC 2021.ND.090**

Dear Mr. Eberle,

We reviewed ND SHPO Ref.: 22-5247 "Ackerman-Estvold: A Class III Cultural Resource Inventory for the Minot Intermodal Rail Yard in Ward County, North Dakota" in portions of [T155N R82W Sections 8, 16, 17, 21, & 22] MAC 2021.ND.090 and find the report by J. Signe Snortland acceptable. We concur with a determination of "No Historic Properties Affected" for this project provided it takes place in the location and in the manner described in the documentation and provided all borrow comes from an approved source.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at [REDACTED] or [REDACTED]

Sincerely,

for William D. Peterson, PhD  
State Historic Preservation Officer  
(North Dakota)

22-5247



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

May 13, 2022

NWO-2013-01969-BIS

Ackerman-Estvold  
Attn: Mr. Kevin Ploof  
1907 17th Street SE  
Minot, North Dakota 58701

Dear Mr. Ploof:

We are responding to your February 15, 2022 request for an approved jurisdictional determination for the Minot Port CRISI site. The 934-acre project site is located in Sections 8, 16, 17, 21, and 22, Township 155 North, Range 82 West, Latitude 48.246005° North, Longitude -101.229327° West, Minot, Ward County, North Dakota.

Based on available information, we have determined that aquatic resources identified in your report as Wetlands 1, 2a-g, 4, 10a-b, 11, 12, and OW1-2 **are** jurisdictional waters of the United States under Section 404 of the Clean Water Act. These waters are regulated pursuant to the pre-2015 regulatory regime. The pre-2015 regulatory regime is the 1986 WOTUS regulation, as informed by SWANCC and 2008 Rapanos Guidance documents.

The aquatic resources identified as Wetlands 3, 5-9, and 13-36 are intrastate isolated waters with no apparent interstate or foreign commerce connection. The features identified as OW 3-11 are uplands. As such, these resources are not currently regulated by the Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, State, and local laws may apply to your activities.

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

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

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

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

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

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer service survey found on our website at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Please refer to identification number NWO-2013-01969-BIS in any correspondence concerning this project. If you have any questions, please contact Amber Inman by email at [REDACTED], or telephone at [REDACTED], extension [REDACTED]. For more information regarding our program, please visit our website at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota.aspx>.

Sincerely,



Toni R. Erhardt  
Senior Project Manager  
North Dakota Regulatory Office

Enclosures



**Legend**

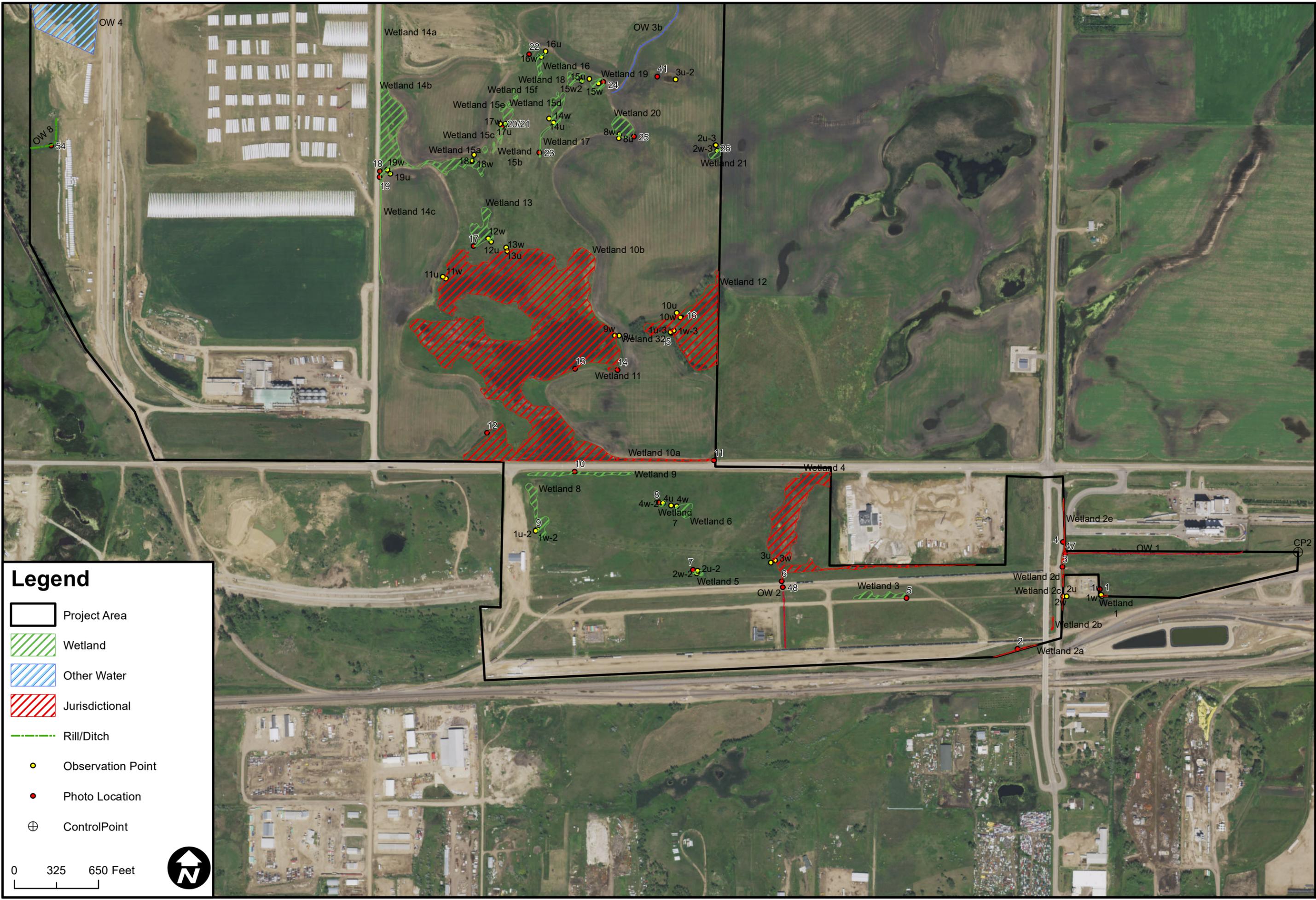
- Project Area
- Wetland
- Other Water
- Jurisdictional
- Rill/Ditch
- Observation Point
- Photo Location
- Control Point

0 325 650 Feet

FIGURE 2.1

MINOT INTERMODAL CRISI  
WARD COUNTY, NORTH DAKOTA

Project Name: MINOT INTERMODAL CRISI	
Project No: R21003	
Scale:	1:650
Date:	05/13/22
Drawn By:	EJL
Appr. By:	KBP



**Legend**

- Project Area
- Wetland
- Other Water
- Jurisdictional
- Rill/Ditch
- Observation Point
- Photo Location
- ⊕ Control Point

0 325 650 Feet

FIGURE 2.2  
  
 MINOT INTERMODAL CRISI  
 WARD COUNTY, NORTH DAKOTA

Project Name: MINOT INTERMODAL CRISI	
Project No: R21003	
Scale:	1:650
Date:	05/13/22
Drawn By:	EJL
Appr. By:	KBP

Example package sent to:

Chair Cooper with Apache Tribe of Oklahoma, President Stiffarm with Fort Belknap Indian Community, Chairman Fox with Three Affiliated Tribes

**From:** Hanley, Jennifer

**Sent:** Friday, September 8, 2023 1:53 PM

**To:** [REDACTED]

**Cc:** Zschomler, Kristen (FRA)

Bratcher, Brandon (FRA)

[REDACTED] Styron, James D.

[REDACTED] Steve Eberle

**Subject:** Logistics Park of North Dakota (LPND) Minot, Ward County, ND; Section 106 Consultation and Notification of Finding of No Historic Properties Affected Apache Tribe of Oklahoma\_Komardley\_20230908

Chair Komardley,

The Federal Railroad Administration (FRA) is providing financial assistance to the North Dakota Department of Transportation (NDDOT), the City of Minot (City), and the Minot Area Chamber Economic Development Corporation (EDC) for the proposed expansion of the Logistics Park of North Dakota (Project). The Project is located at an approximately 800-acre industrial site in Minot, ND. The Project area is north of Ward County Road (CR) 12 and framed on the west side by Ward County CR 19 and east side by 55th Street NE.

The Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR Part 800 (Section 106). The purpose of this letter is to initiate Section 106 consultation for the Project to determine if there are historic properties of cultural or religious significance to your Tribe that may be affected by the Project. FRA is available for Government-to-Government consultation on this Project.

You can find the FRA consultation letter and supporting information attached.

Please email your response to Kristen Zschomler at [REDACTED]. If you have questions or wish to discuss the Project, Kristen can be reached at [REDACTED]. Thank you for your cooperation on the Project.

Thanks,  
Jen

**Jennifer Hanley, PE\***  
*Environmental Project Manager*

**HDR**  
51 North Broadway, Suite 550  
 Fargo, ND 58102

**D** [REDACTED]

[hdrinc.com/follow-us](https://hdrinc.com/follow-us)

\*MN, ND, SD, MT and TX

Example package sent to:  
Chair Cooper with Apache Tribe of Oklahoma, President Stiffarm with Fort Belknap  
Indian Community, Chairman Fox with Three Affiliated Tribes

**Baker, Becky**

---

**From:** Hanley, Jennifer  
**Sent:** Friday, January 12, 2024 3:18 PM  
**To:** [REDACTED]  
**Cc:** Zschomler, Kristen (FRA); Bratcher, Brandon (FRA); Styron, James D.; Steve Eberle;  
[REDACTED] Baker, Becky  
**Subject:** Logistics Park of North Dakota (LPND) Minot, Ward County, ND; Section 106 Consultation and  
Notification of Finding of No Historic Properties Affected Apache Tribe of Oklahoma\_Cooper\_  
20240112  
**Attachments:** LPND\_Tribal Letter\_20240112ApacheTribeofOklahoma.pdf; LPND Section 106 Letter Attachments.pdf

Chair Cooper,

The Federal Railroad Administration (FRA) is providing financial assistance to the North Dakota Department of Transportation (NDDOT), the City of Minot (City), and the Minot Area Chamber Economic Development Corporation (EDC) for the proposed expansion of the Logistics Park of North Dakota (Project). The Project is located at an approximately 800-acre industrial site in Minot, ND. The Project area is north of Ward County Road (CR) 12 and framed on the west side by Ward County CR 19 and east side by 55th Street NE.

The Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR Part 800 (Section 106). The purpose of this letter is to follow up on the letter emailed to you on September 8, 2023 to initiate Section 106 consultation for the Project to determine if there are historic properties of cultural or religious significance to your Tribe that may be affected by the Project. FRA is available for Government-to-Government consultation on this Project.

You can find the FRA consultation letter and supporting information attached. We will also be sending this request information by mail.

Please email your response to Kristen Zschomler at [REDACTED] within 30 days. If you have questions or wish to discuss the Project, Kristen can be reached at [REDACTED]. Thank you for your cooperation on the Project.

Thanks,  
Jen

**Jennifer Hanley**, PE\*  
Environmental Project Manager

**HDR**  
51 North Broadway, Suite 550  
 Fargo, ND 58102



[hdrinc.com/follow-us](https://hdrinc.com/follow-us)

\*MN, ND, SD, MT and TX



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Federal Railroad  
Administration**

January 12, 2023

Mr. Durell Cooper  
Chairman  
Apache Tribe of Oklahoma  
511 East Colorado  
Anadarko, OK 73005

RE: Logistics Park of North Dakota  
Minot, Ward County, ND  
Follow Up on Section 106 Consultation and Request for Information and Comment

Dear Chairman Cooper,

The Federal Railroad Administration (FRA) is providing financial assistance to the North Dakota Department of Transportation (NDDOT), the City of Minot (City), and the Minot Area Chamber Economic Development Corporation (EDC) for the proposed expansion of the Logistics Park of North Dakota (Project). The Project is located at an approximately 800-acre industrial site in Minot, ND (see Attachment 1: Project Map). The Project area is north of Ward County Road (CR) 12 and framed on the west side by Ward County CR 19 and east side by 55th Street NE.

The Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR Part 800 (Section 106). The purpose of this letter is to follow up on the letter emailed to you on September 8, 2023 to initiate Section 106 consultation for the Project to determine if there are historic properties of cultural or religious significance to your Tribe that may be affected by the Project. FRA is available for Government-to-Government consultation on this Project.

**Project Background**

North Dakota did not have an intermodal terminal prior to the development of the LPND in 2020. A new intermodal site was identified and established in Minot and was proposed to be built in phases. In October 2020, intermodal rail service commenced at the new LPND with Rail Modal Group (RMG) operating the ramp, completing Phase I. Burlington Northern Sante Fe (BNSF) operated a terminal in Dilworth, Minnesota, near the North Dakota border that served intermodal access for at least the eastern half of North Dakota. It ceased operations in 2008. Consequently, North Dakota intermodal shippers were left to truck freight to Minneapolis (a 6-hour drive from Bismarck; 7.5 hours from Minot) and Winnipeg (6.25 hours from Bismarck; 5 hours from Minot), only to be loaded in railcars and transported to the west coast for international export via the Port of Tacoma and Port of Seattle.

Several plans and studies have documented ways to best address the intermodal transportation services gap in North Dakota and include: NDDOT TransAction III, ND State Freight Plan, ND State Rail Plan, and an independent market analysis. Needs synthesized from these plans and studies can be categorized into three themes: demand; operations; and cost and linkage. They include:

- 1) Accommodate existing and future freight demand in North Dakota (Demand)
- 2) Provide operationally efficient transloading capabilities between truck and rail in North Dakota (Operations)
- 3) Provide a competitively priced intermodal container rail service facility that connects North Dakota to international markets and key regional centers (Cost and Linkage)

As part of the development and evaluation of alternatives for the Environmental Assessment (EA) for FRA's compliance with the National Environmental Policy Act (NEPA), NDDOT, the City, the EDC, and FRA determined that locations outside of the city of Minot would not be reasonable alternatives and concluded that one of the build alternatives that expanded the current LPND would be feasible, reasonable, and would meet the Project's purpose and need as defined in the EA.

The Project sponsor consulted with the ND SHPO on previous phases of the Project (see Attachment 2: ND SHPO Ref: 22-5247 "Ackerman-Estvold: A Class III Cultural Resource Inventory for the Minot Intermodal Rail Yard in Ward County, North Dakota"). ND SHPO comment on December 28, 2021.

Since then, Project plans have progressed, and the project's description has been updated to reflect the updated design details. The Project, as proposed, is a conceptual plan that will be driven by free market and the businesses that will want to develop in the LPND expansion. Construction of the Project would be completed over time as individual sites are developed.

### **Project Description**

Construction activities anticipated for the project include:

- Two intermodal staging tracks, each capable of holding an 8,000+ foot-long intermodal train and two 5,000 foot-long strip tracks immediately west of the Intermodal Facility.
- A Patented Infinity Loop track layout servicing the proposed dry bulk, liquid bulk, and renewable facilities.
- Dedicated facilities for liquid and dry bulk, renewables, intermodal, and transload operations – with rail capacities able to accommodate unit trains.
- Numerous auxiliary tracks to support manifest operations as well miscellaneous rail infrastructure to support general rail operations.
- A maintenance facility with vehicle/equipment maintenance bays, a maintenance manager office, storage space, and worker restrooms, showers, and lockers.
- A curbed fueling area for maintenance vehicles and temporarily container storage.
- Circulation roads for trucks during loading and unloading operations as well as to access the intermodal and transload tracks and the warehouse.
- Employee and visitor parking.
- Lighting to illuminate track areas, roadways, work areas, exterior storage areas, parking lots, exterior building doors and driveways from dusk to dawn.
- Security cameras mounted on light structures along the perimeter of LPND and along the interior of the intermodal, transload, and warehouse areas.

- Approx. eight-foot-tall chain link security fence installed around the LPND perimeter.
- Underground utilities including water, sanitary, storm, communications, electric, gas, etc.

### **Area of Potential Effects**

The Area of Potential Effects (APE), as defined in 36 CFR Part 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

The APE consists of the area where the Project has the potential to cause effects on historic properties. FRA delineated the APE to reflect the nature, scale, and location of the entire Project (see Map 1 on Page 6 in Attachment 3: *A Class III Cultural Resource Inventory for the Minot Intermodal Rail Yard in Ward County, North Dakota* by Metcalf Archaeological Consultants).

### **Identification of Historic Properties**

To identify historic properties in the APE, Metcalf Archaeological Consultants, who meet the *Secretary of the Interior’s Professional Qualifications Standards* reviewed available information, including a search of the site and manuscript files at the State Historical Society of North Dakota to determine if any cultural resources have been recorded or if any cultural resource inventories have been conducted within the APE and the surrounding mile.

The site files search revealed that 33 cultural resources are recorded in the search area. These resources include one railroad, one airport, three other stone features, one cairn, seven isolated finds, nine buildings, four bridges, one fairground, and six site leads. Of these, none are located within the proposed APE, and six are within the Visual Impact area.

Site 32WD1627 is outside the APE at the southeast corner. It is an abandoned segment of the Burlington Northern Railroad (Great Northern Railroad). The rail and ties have been removed and the berm serves as an unofficial roadway. Salas and Langsdon (2014) recommended it *not eligible* for the National Register of Historic Places (NRHP) due to its lack of association with railroad structures and integrity of design. Many segments of this railroad, including this one, have been recorded in North Dakota and submitted to the ND SHPO. This segment is considered a non-contributing element to the whole of the Burlington Northern Railroad site, according to the ND SHPO.

The only previously noted possible precontact property that is close to the project area is site lead 32WDx87 to the southwest. This area has not been archaeologically surveyed and there has been no survey evidence that this cultural material scatter is in fact located in Section 20. The site lead form is a simple one-page form created in 1980 by the ND SHPO based on a Map from a Work Projects Administration (WPA) Survey report. However, there is no other information on the form to indicate what map or what year this site was noted. No further information was located during a search of the National Archives.

The remaining properties in the visual impact area are: 32WD1668, 32WD1669, 32WD1670, and 32WD1670. These are all residences recorded in 2009 by Aaron Barth. These are all modern structures that are not old enough to be considered for listing on the NRHP.

All of the recorded properties south of the APE, and in the visual impact area, have been recommended not eligible for listing, and the ND SHPO has concurred during previous reviews. There are no eligible sites within three miles of the APE.

The manuscript files search revealed that 37 cultural resource projects have been conducted in the search area. Investigations within the search area include one dam, six utilities, two city architectural surveys, ten roadways, two bridge research, one bridge replacement, four airport studies, four borrow areas, four flood protection,

documentation of the Thad Hecker survey, and two previous surveys of the Intermodal development. Portions of the APE are overlapped by previous surveys: MS numbers 9632, 10916, 11094, 11873, 14116, and 17187. Three of these are related to the intermodal project, two are highway related projects, and one is for a sanitary sewer.

The Class III intensive pedestrian inventory was conducted on November 8-9, 2021. In all, 934.5 acres were inventoried at both a Class II visual inspection and any undisturbed areas at a Class III pedestrian survey. Metcalf staff found a single isolated find (32WDx833) and two recent cultural manifestations (2011 AGT Foods facility and associated infrastructure and a 2012 FEMA camp), neither of which were recorded due to their recent origins.

**Request for Information and Comments**

FRA requests your review of the enclosed materials, providing any information you are willing to share regarding potential historic properties of religious or cultural significance to your Tribe that may be present in the APE. FRA also invites your comments on the delineation of the APE and the appropriateness of the identification efforts for the undertaking. If no historic properties are identified through consultation with yours and other federally recognized tribes, based on the background research and field survey, FRA intends to make a finding of **No Historic Properties Affected** as per 36 CFR § 800.4(d)(1) by the Project as currently proposed.

Please email your response to me within 30 days at [REDACTED]. If you have questions or wish to discuss the Project, I can be reached at [REDACTED]. Thank you for your cooperation.

Sincerely,

Kristen Zschomler, RPA  
Historian, Architectural Historian, and Registered-Professional Archaeologist 10341  
Environmental Protection Specialist - Cultural Resource Division - Major Projects Team  
Office of Environmental Program Management

Enc: Attachment 1: Project Map  
Attachment 2: ND SHPO Ref: 22-5247 *Ackerman-Estvold: A Class III Cultural Resource Inventory for the Minot Intermodal Rail Yard in Ward County, North Dakota*  
Attachment 3: *A Class III Cultural Resource Inventory for the Minot Intermodal Rail Yard in Ward County, North Dakota, 2023*

cc: Brandon Bratcher, FRA  
Jim Styron, NDDOT  
Jennifer Hanley, HDR  
Steve Eberle, Ackerman Estvold

# Telephone Record

Date: Thursday, February 22, 2024

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Project: LPND

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Call to: See Below

Phone No: See Below

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Call from: Becky Baker, HDR

Phone No: [REDACTED]

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Subject: Tribal Consultation

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Discussion, Agreement, and/or Action:

*Apache Tribe of Oklahoma* – call to THPO at 2/22/2024; [REDACTED] Spoke

with Chalepah Sterling from [REDACTED]

They do not have a designated THPO but the Environmental Department handles reviews. I emailed to him at the address above.

He said he would respond with a letter noting “If any cultural or archeological materials are found during construction, to contact the Apache Tribe of Oklahoma Environmental Department” I said I could put that in the EA based on this verbal discussion. He said that would work and might not send a letter, appreciating that we aren’t requesting a letter since his workload is high.

*Fort Belknap Indian Community* – call at THPO at 2/22/2024; [REDACTED]

Called and voicemail was full, not able to leave a message.

*Three Affiliated Tribes* - [REDACTED]

No THPO number on website so spoke to Environmental Division. I did leave a message and asked that they call back for coordination.