

Environmental Assessment

McKenzie County Sportsmen's Club
Shooting Range and Education Complex
Watford City, North Dakota



Submitted To:
U.S. Fish and Wildlife Service
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On Behalf of:
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CHAPTER 1 PROJECT BACKGROUND, PURPOSE AND NEED

1.1 Introduction

McKenzie County Sportsmen's Club (Club) is established as a non-profit 501.(c)(3) organization founded in 2018 by Watford City area sportsmen with a mission to promote youth education, hunter ethics and wildlife conservation.

The Club has applied to the North Dakota Game and Fish Department (NDGFD) for a grant to construct a shooting range and education complex. This complex would consist of a four-seasons building, an indoor and outdoor archery range, a 3D archery range, three trap ranges, a 25-yard pistol range, and a 100, 200, and 300-yard rifle range. The grant funds, if approved, will be administered through the United States Fish and Wildlife Service (USFWS). By using Federal grant monies, a Federal nexus is triggered, requiring the implementation of the National Environmental Policy Act (NEPA) resulting in the preparation of this Environmental Assessment (EA).

This EA will be developed in accordance with NEPA standards, as amended, and the regulations of the Council on Environmental Quality 40 Code of Federal Regulations (CFR) Parts 1500 through 1508. This EA is an informational document intended for use by both decision makers and the public that discloses potential environmental impacts of the Proposed Action and alternatives.

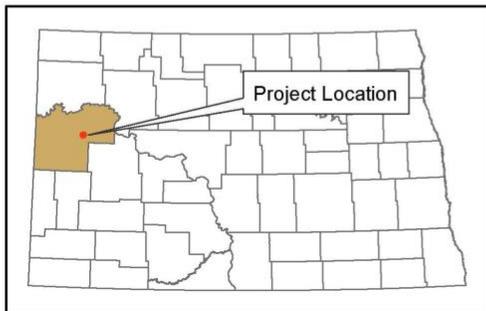
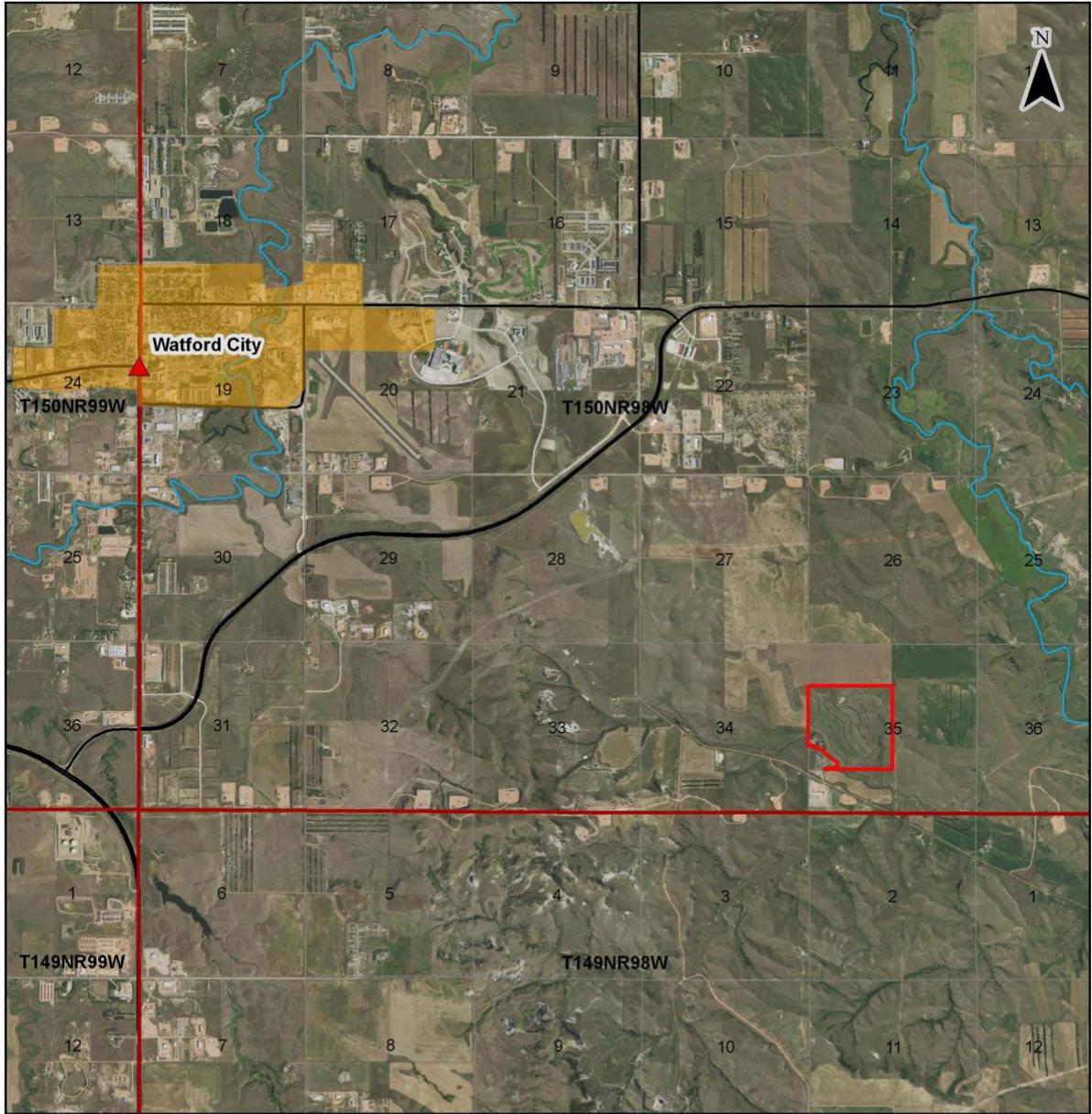
1.2 Project Background

The proposed shooting range and education complex (Project) will be located on approximately 148 acres of property in McKenzie County, North Dakota, on the S ½ of the NW ¼ and the N ½ of the SW ¼ of Section 35, Township 150 North, Range 98 West. The Project area has previously been utilized as a sand mine and is currently utilized as hayfield and pasture. The landowner of the Project area has agreed to a lifetime lease of the property to the McKenzie County Sportsmen's Club. Please refer to **Figure 1. Project Location**.

1.3 Purpose and Need

The purpose of the Project is to: 1) develop a safe and accessible public shooting range facility from which to enjoy recreational shooting, 2) promote safe, responsible, knowledgeable and involved gun use, and 3) provide accessible outdoor and hunter education opportunities to the public.

The Project need is driven by the lack of public shooting ranges in the area and North Dakota in general. The closest public shooting range is located at the Lewis and Clark Wildlife Management Area, approximately 40 miles northwest of Watford City. The closest members-only shooting facility is located in Zap, North Dakota, approximately 100 miles away. Safe shooting facilities are too few to support the demand of area shooters and hunters. Additionally, a certified Hunter Education Course is required by persons born after 1961 prior to obtaining a firearm or bow hunting license in North Dakota. The closest facility that offers the course is in Williston, which is approximately 40 miles northwest of Watford City. Approximately 5,500 students are trained each year in North Dakota, and additional hunter education opportunities and facilities will support the demand.



**McKenzie County Sportsmen's Club
 Shooting and Educational Facility
 McKenzie County, ND
 Project Location**

— Project Boundary



KLJ Project Number: 1802-01809
Date Created: 9/26/2018 Created by: KHM

Figure 1. Project Location

CHAPTER 2 ALTERNATIVES

This chapter describes and compares the alternatives considered for the proposed Project.

2.1 Proposed Action Alternative

The Proposed Action Alternative includes the issuance of USFWS grant funds, which in turn, will be dispersed by the NDGFD to be used by the Club to construct a shooting range and educational complex. This alternative will meet the purpose and need as described in **Chapter 1**. The previous location of the McKenzie County shooting facility was rendered out of service due to the encroachment from the City of Watford City. Other locations for the Project were briefly considered, but due to the distance from town, which was over 20 miles away, these sites were determined to not be feasible for an outdoor youth educational facility. The current property on which the Project is proposed to be located was offered to the Club by the landowner with the intended use being a shooting and outdoor educational complex. The complex includes the following shooting and educational facilities:

Rifle Range: The proposed rifle range will be located on the north central portion of the property. The range will be outdoors and contain three shooting lanes. The northern most lane will be 300-feet (100 yards) long and 50-feet (16.6 yards) wide. The middle lane will be 600-feet (200 yards) long and 50-feet (16.6 yards) wide. The southern lane will be 900-feet (300 yards) long and 50-feet (16.6 yards) wide. The rifle ranges will be built into a natural ridge, allowing for a natural backstop at minimum 20-feet in height to capture bullets. The berms separating the three rifle bays will be approximately 20-feet high. Each rifle bay will have six shooting benches each capable of seating two people. The benches will be made of concrete and be maintenance free. There will be structures with a roof with acoustic panels and no side walls located in each rifle bay over the shooting benches to provide users shade or shelter from the elements. Racks for placement of rifles not in use will also be available. Construction activities associated with the rifle range will consist of removal and/or relocation of trees and leveling the ground with a dozer to create the shooting lanes.

Pistol Range: The proposed pistol range will be located in the northwestern portion of the Project area with direction of fire to the west. The pistol range will be 75-feet (25 yards) long and 50-feet (16.6 yards) wide. The pistol range will also be built into a natural ridge, allowing for a natural backstop at minimum 20-feet high to capture bullets. The side berms will be approximately 20-feet high. Wood framed pistol targets will be utilized in the pistol bay. A staging bench or table will be available. Construction activities associated with the pistol range will consist of leveling the ground with a dozer to create the shooting lane.

Trap Range: The proposed trap range will include three trap houses placed on the north portion of the property with the direction of fire to the north. The trap houses will be constructed of concrete and built into the ground. Concrete sidewalks and station marks from 48 to 81-feet (16 to 27 yards) will be set to Amateur Trapshooting Association (ATA) specifications. Racks for shotguns not in use will be available. Construction activities associated with the trap range will include leveling the ground with a dozer, forming and pouring concrete walkways and sidewalks.

Archery Ranges: Two outdoor archery courses are proposed: a target range capable of up to 300-feet (100 yards) in the southwest corner and a 3D archery course located in the southcentral portion of the Project area. The 3D archery course would consist of approximately 24 stations containing removable targets of multiple game and non-game species. The 3D archery course will follow a path approximately ½-mile in length. Construction activities associated with the target archery range will include leveling the ground with a dozer. Aside from graveling or mowing the path, minimal construction activities will occur with the implementation of the 3D archery course.

Building: In the southwest corner of the Project area, an 80-foot by 280-foot building is proposed that will house an office, conference rooms, bathroom facilities, indoor archery and air gun ranges, kitchen facilities, and storage. It will be used as a Youth Education Center which will host hunter education classes and other outdoor recreational events. This will be an all-season building with heating, ventilation, and an air conditioning system, electricity, water, and an on-site septic system. Construction activities associated with the construction of the building include leveling of the ground with a dozer, forming and pouring the building slab and sidewalks, and the construction of the building itself.

Parking: Adjacent to the rifle, pistol and trap ranges, a gravel parking lot is proposed with 34 spaces, including two ADA accessible parking spaces. South of the proposed building, a gravel parking lot is proposed with a minimum of 80 spaces, including four ADA accessible parking spaces. East of the building, an additional gravel parking lot is proposed with eight additional parking spaces, including one ADA parking space. The facility will be accessed off County Road 37 at an existing approach along a ¼-mile private driveway, 24-feet in width with appropriately sized drainage conveyances. The drive will be fully signed and include an access gate. Construction activities associated with the construction of the parking lots include tree removal, leveling of the ground with a dozer, placement of gravel, grading, and tree planting.

Please refer to **Figure 2. Project Overview** for a visual representation of the Proposed Action Alternative.

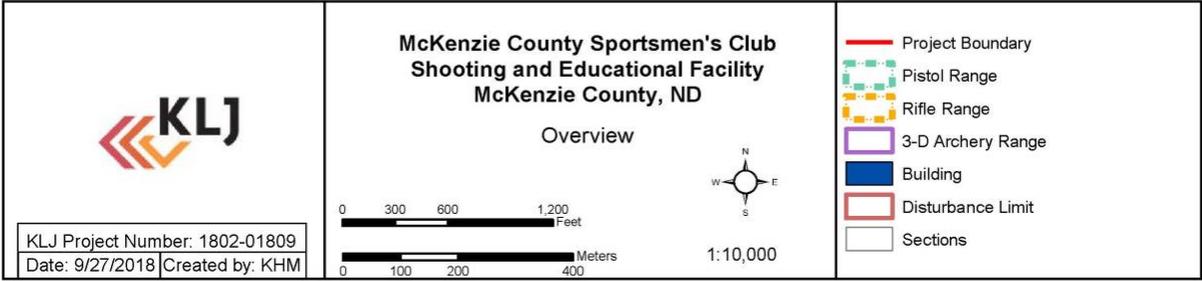


Figure 2. Project Overview

2.2 No Action Alternative

Under the No Action Alternative, the Project would not be constructed. The USFWS would not appropriate funds to the NDGFD for further dispersal to the McKenzie County Sportsmen's Club, and construction of the shooting range and educational complex would not occur. None of the amenities of the Project would be provided, and the community would lack a valuable social, recreational and educational resource. This alternative will not meet the purpose and need as described in **Chapter 1**.

CHAPTER 3 AFFECTED ENVIRONMENT

*This chapter describes the current conditions of the physical, biological, cultural, economic, and social resources that could be affected by the implementation of the Proposed Action and No Action Alternative discussed in **Chapter 2**. In compliance with the requirements of NEPA, and implementing regulations and related guidance, the description of the affected environment focuses on those environmental resources potentially subject to impacts.*

3.1 Physical Environment and Land Use

The Project is located within the Northwestern Great Plains. More specifically, the Missouri Plateau. The Missouri Plateau is located west of the Missouri River, where the landscape opens up to become the wide-open spaces of the American West. The topography of this ecoregion was largely unaffected by glaciation and retains its original soils and complex stream drainage pattern. A mosaic of spring wheat, alfalfa, and grazing land covers the shortgrass prairie (EPA 2017A).

The Project area is located adjacent to an unnamed tributary of Sevenmile Creek. Sevenmile Creek flows east and connects with Cherry Creek, which eventually flows into the Little Missouri River.

The current land use of the Project area is hayfield and pasture. Previously, the Project area had been utilized as a sand mine. Several rows of trees have been planted as shelterbelts. The landscape of the surrounding area consists of agricultural land, hayfield, oil well facilities, the county road transportation corridor and residential development.

3.2 Water Resources

Surface water resources are located within the Project area. An unnamed tributary to Sevenmile Creek is directly adjacent, following the southwestern Project area boundary. Wetlands may be present adjacent to the tributary.

Section 10 of the Rivers and Harbors Act prohibits unauthorized obstruction or alteration of any navigable water of the US. It provides protection from work affecting the course, location, condition or physical capacity of such waters without appropriate authorization from the US Army Corps of Engineers (USACE). Several rivers in North Dakota are considered jurisdictional waterways under Section 10, however, the unnamed tributary to Sevenmile Creek is not.

Pursuant to Sections 404 and 401 of the Clean Water Act, filling or dredging wetlands under the jurisdiction of the USACE would require a permit from the USACE and water quality certificate from the US Environmental Protection Agency (USEPA). Wetlands that are not under the jurisdiction of the USACE are protected by Executive Order (EO) 11990, Protection of Wetlands.

A search of Federal Emergency Management Agency (FEMA) flood Map Service Center indicated the Project area is located in an area of minimal flood hazard, designated as Zone X.

Groundwater is water that exists in the saturated zones beneath the Earth's surface and includes underground streams and aquifers. Sole-source aquifers are groundwater supplies that provide the only source of drinking water for a particular area, which are afforded protection by the Safe Drinking Water

Act. There are no sole-source aquifers located near the Project area. There are no documented domestic groundwater wells within the Project area.

For an overview of the water resources located near or within the Project area, please refer to **Figure 3. Water Resources**.

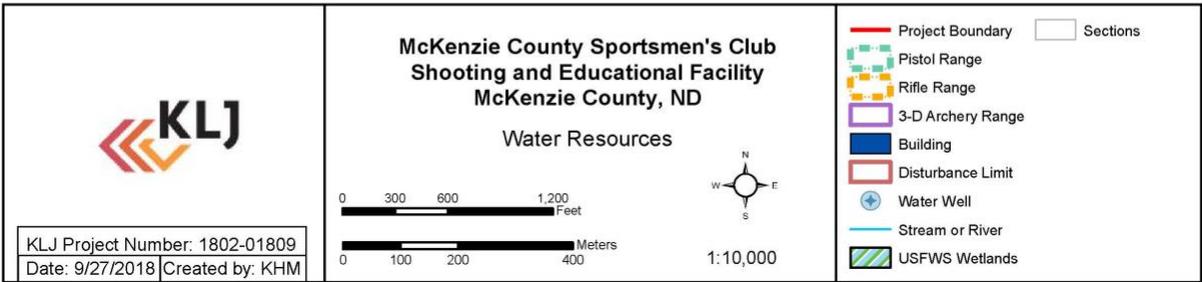


Figure 3. Water Resources

3.3 Soils

Web Soil Survey identified eight soil types within the Project area. A majority of the Project area occurs on Flasher-Vebar-Parshall complex (E1423F) and Tally-Parshall fine sandy loam (E1865B). Together these soils account for approximately 71.6 percent of the Project area and are both considered to be predominantly non-hydric soils. (NRCS, 2018). Vebar-Flasher-Tally complex (E1355D), Rhoades-Daglum complex (E0515B), Williams-Zahl loams (E3541C), Zahl-Williams loams (E3555D), and Harriet loam (E4005A) make up the remaining percent of the soil in the Project area. Please refer to **Figure 4. Soils** and **Table 1. Soils** for an overview of the identified soils within the Project area.

Table 1. Soils

Map unit Symbol	Map Unit Name	Hydric Soil Rating	Acres in Project Area	Percent of Project Area
E1423F	Flasher-Vebar-Parshall complex, 9 to 35 percent slopes	Non-hydric	53.8	36.9%
E1865B	Tally-Parshall fine sandy loams, 2 to 6 percent slopes	Non-hydric	50.6	34.7%
E1355D	Vebar-Flasher-Tally complex, 9 to 15 percent slopes	Non-hydric	25.7	17.6%
E3541C	Williams-Zahl loams, 6 to 9 percent slopes	Non-hydric	6.9	4.7%
E4005A	Harriet loam, 0 to 2 percent slopes, occasionally flooded	Hydric	6.7	4.6%
E3555D	Zahl-Williams loams, 9 to 15 percent slopes	Non-hydric	2.1	1.4%
E0515B	Rhoades-Daglum complex, 0 to 6 percent slopes	Non-hydric	0.2	0.1%

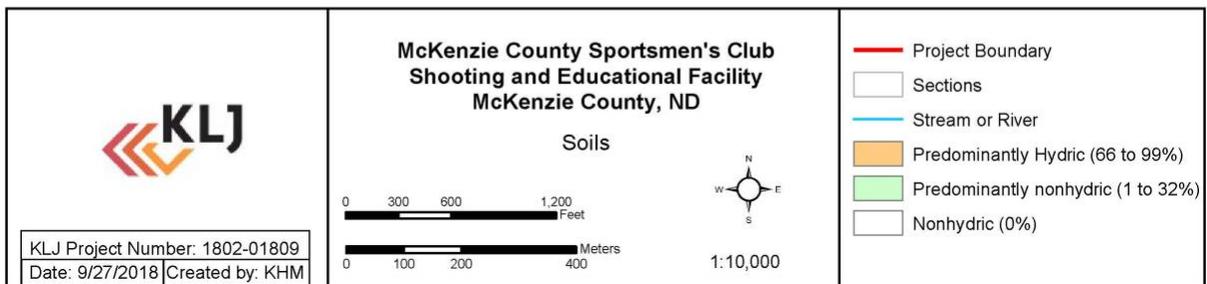
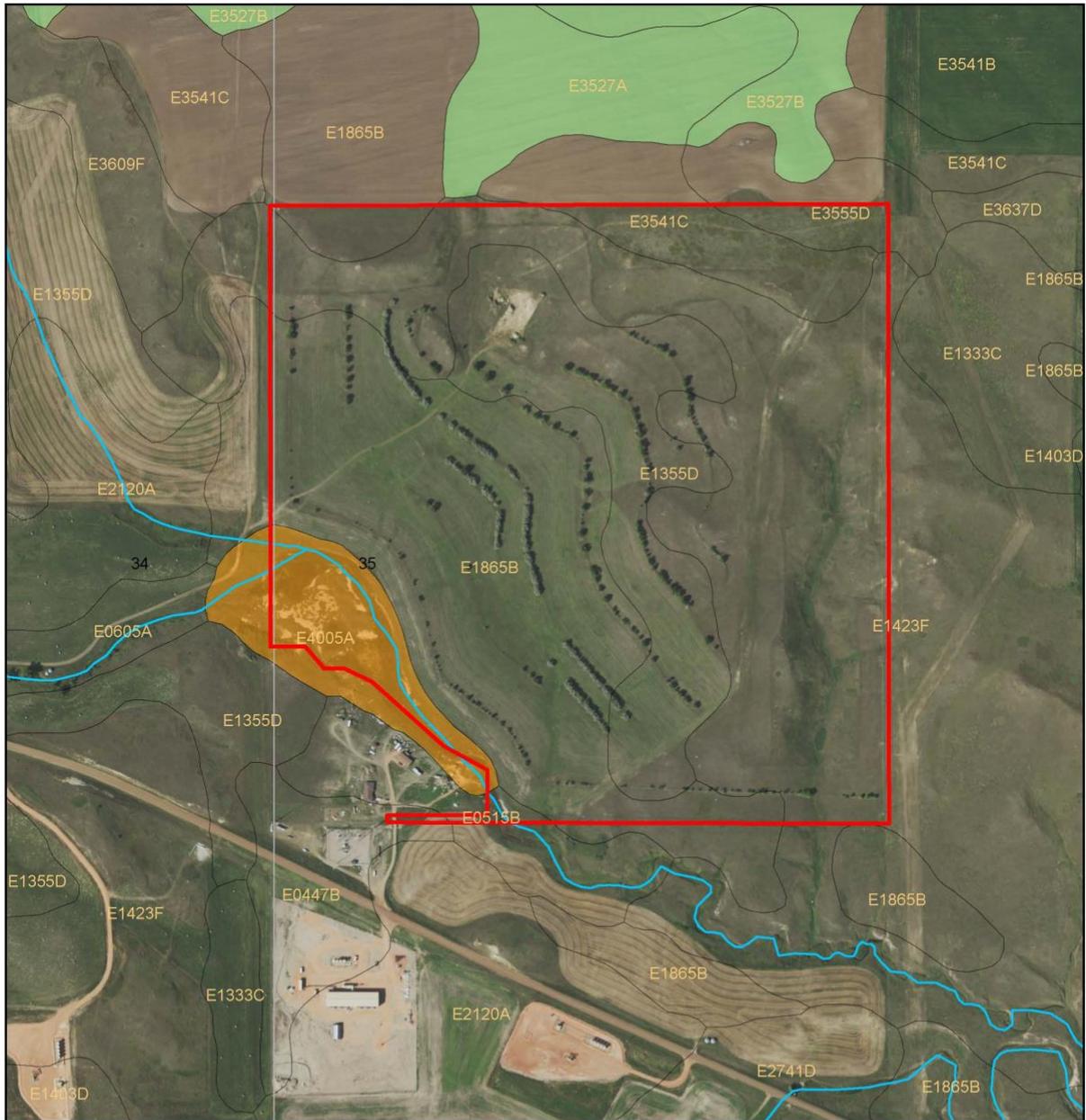


Figure 4. Soils

3.4 Air Quality

In accordance with Clean Air Act (CAA) requirements, the air quality in a given area is measured by the concentration of criteria pollutants in the atmosphere. Under the CAA, USEPA has developed National Ambient Air Quality Standards (NAAQS) that represent the maximum allowable concentrations for six criteria pollutants:

- Ozone (O₃),
- Carbon monoxide (CO),
- Nitrogen dioxide (NO₂),
- Sulfur dioxide (SO₂),
- Particulate matter (i.e., tiny particles of solid or semi-solid material) that is equal to or less than 10 microns in diameter (PM₁₀), and equal to or less than 2.5 microns in diameter (PM_{2.5}), and
- Lead (Pb).

The USEPA has delegated responsibility for many provisions of the CAA to the State of North Dakota, Department of Health. The Department of Health has also promulgated State Ambient Air Quality Standards (SAAQS) for criteria pollutants. The State of North Dakota has set ambient air quality standards for hydrogen sulfide (H₂S).

The North Dakota air quality monitoring network consists of multiple individual sites located throughout the state that host equipment to measure pollution concentrations in the air. The closest ambient air quality monitoring site is located in the Theodore Roosevelt National Park North Unit, about 15 miles south of Watford City, North Dakota.

According to the Department of Health's 2017 Ambient Air Quality Monitoring Program Network Plan with Data Summary (EPA 2017B), the entire state of North Dakota is in attainment for all criteria pollutants; meaning the measurements obtained of the criteria pollutants did not exceed federal or state standards in 2016.

3.5 Threatened and Endangered Species

In accordance with Section 7 of the Endangered Species Act (ESA) of 1973, 50 CFR Part 402, as amended, each federal agency is required to ensure the following two criteria: first, any action funded or carried out by such agency must not be likely to jeopardize the continued existence of any federally-listed endangered or threatened species or species proposed to be listed; second, no such action can result in the destruction or adverse modification of habitat of such species that is determined to be critical by the Secretary of the Interior.

A search through the USFWS Information for Planning and Consultation (IPaC) identified eight species listed as threatened and endangered under the ESA (USFWS, 2018). There was no designated critical habitat for any listed species identified in the Project area. Please refer to **Table 2. Threatened and Endangered Species**.

Table 2. Threatened and Endangered Species

Common Name	Scientific Name	Designation
Mammals		
Gray wolf	<i>Canis lupus</i>	Endangered
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened
Birds		
Least Tern	<i>Sterna antillarum</i>	Endangered
Piping Plover	<i>Charadrius melodus</i>	Threatened
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened
Whooping Crane	<i>Grus Americana</i>	Endangered
Insects		
Dakota skipper	<i>Hesperia dacotae</i>	Threatened
Fishes		
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered

The least tern, piping plover, rufa red knot, pallid sturgeon and Dakota skipper are habitat specialists and thrive in a very specific habitat type. The least tern, piping plover and rufa red knot prefer sparsely vegetated shorelines and alkali wetlands. The Dakota skipper requires native prairie habitat with a variety of flowering forbs and bluestem grasses to complete their life cycle. The pallid sturgeon inhabits the Missouri and Mississippi rivers and tributaries. None of the habitats supportive of the least tern, piping plover, rufa red knot, pallid sturgeon, or Dakota skipper were identified in the Project area.

Gray wolves utilize a variety of habitat types, including forest, grassland and waterbodies. In North Dakota the species is considered rare with occasional sightings. No known breeding populations have been identified in the state (NDGFD, 2016A).

The Western Population of the Northern Long-eared Bat (NLEB) occurs partially in North Dakota, where the bats have been observed during the summer in the Turtle Mountains, Missouri River Valley and Badlands. The species utilize caves and crevices for hibernacula, (NDGFD, 2016B). While no hibernacula are known to exist in the state, this may be a function of lack of adequate survey data (USFWS, 2013). During the summer months, the species commonly roost singly or in colonies in the trees of forested areas, and to a lesser extent in caves, mines and the built environment. Given that the NLEB utilizes a variety of forested and interspersed non-forested areas during the summer maternity season, it is reasonable to assume the trees within the Project area are suitable habitat for the species. In a statewide survey of bat distribution, the NLEB was observed within Theodore Roosevelt National Park and the Little Missouri National Grasslands (Gillam and Barnhart, 2011). Theodore Roosevelt National Park's North Unit is approximately 15 miles from the Project area. There have been no individual species recorded within the Project area; however, there is limited data for the NLEB.

The whooping crane utilizes shallow, seasonally and semi-permanent flooded palustrine wetlands for roosting and various cropland and emergent wetlands for feeding. The species migrates through North Dakota along a band running from the south central to the northwest part of the state, known as the Central Flyway. During migration, whooping cranes are often recorded in riverine habitats, such as the

Missouri River. The Natureserve database for whooping crane occurrences in McKenzie County, North Dakota, reported the last occurrence of whooping cranes in the county to be two birds in 1980.

3.6 Fish and Wildlife Resources

Protection for migratory birds is provided under the Migratory Bird Treaty Act. The Act regulates impacts on migratory birds, such as taking, direct mortality, habitat degradation, and displacement of individual birds. Protection for bald eagles and golden eagles is also provided under the Bald and Golden Eagle Protection Act. The Act was written with the intent to protect and preserve bald and golden eagles, both of which are treated as species of concern within the Department of the Interior. Habitat for bald eagles does not exist within the Project area and there are currently no known nests in the vicinity of the Project area. If a golden or bald eagle is observed in the Project area during construction, the USFWS shall be notified and construction activities shall cease until the eagle vacates the area. If an active eagle nest is observed within a two-mile radius of the Project area, coordination with USFWS shall occur to prevent disruption to the nest and nesting activities.

The Project area had been previously utilized as a small-scale sand mine and now is used as hayfield and pasture. Planted shelterbelt trees and shrubs are scattered throughout the area and may serve as habitat for avian species. Common animals that may be found in this area of the state may also be present on the Project site, including but not limited to, deer, rabbit, coyote, skunk, raccoon, and red fox.

3.7 Vegetation

The Project area has been previously disturbed and utilized as a small-scale sand mine operation and hayfield. A total of approximately 200 yd³ of sand was removed from the site when it was utilized as a sand mine, resulting in minimal impacts to soil quality. As a result of these previous disturbances, the Project area is likely dominated by introduced cool season grass species such as Kentucky bluegrass and smooth brome grass.

In the southwestern corner of the Project area, there is an intermittent stream which flows into Sevenmile Creek. The intermittent stream and adjacent wetlands would likely be dominated by hydrophytic vegetation such as sedges and rushes. Typical wetland vegetation such as prairie cordgrass and reed canary grass would likely be observed around the perimeter of the wetlands. Unavoidable impacts to the tributary will occur as a result of construction of the access road to the Project area.

3.8 Noise

Noise is defined as any sound that is undesirable because it interferes with communication, is intense enough to damage hearing, or is otherwise annoying. Human response to increased sound levels varies according to the source type, characteristics of the sound source, distance between source and receptor, receptor sensitivity, and time of day. Affected receptors are specific (e.g., schools, homes) or broad (e.g., nature preserves or designated districts) areas in which occasional or persistent sensitivity to noise above ambient levels exists. There are no noise receptors within the Project area. Six residences are located within a one-mile radius of the Project area. These residences would be considered noise receptors. The closest noise receptors to the Project area are two residential homes located adjacent to the Project boundary. The distance from the closest home to the 900-foot (300-yard) rifle range, which would be the closest noise-generating feature of the Project, is approximately 2,550 feet (0.48 mile).

Noise levels within the Project area are considered generally low as there is currently minimal activity. The primary noise contributor in the immediate area is from traffic on County Road 37 and the operational gas compression plant located immediately south of CR37. There is also an operational concrete plant located ½-mile west and several oil well sites located within a one mile radius of the Project area. The ambient noise level was measured at one of the residential homes adjacent to the Project boundary and was found to be 67-70 dB (Jeff Prince, personal communication, October 31, 2018).

The human ear can barely perceive a noise level change of 3 decibels but can readily perceive a noise level change of 5 decibels. The human ear perceives a noise level change of 10 decibels as a doubling in noise (Pathak 2017). Please refer to **Table 3. Common Indoor and Outdoor Sound Sources** for a summary of the estimated sound levels for common indoor and outdoor sounds.

Table 3. Common Indoor and Outdoor Sound Sources

Sound Sources	Sound Level dB (decibels)
Indoor Sources	
Rock Band at 16 feet	110
Inside New York Subway Train	100
Food Blender at 3 feet	90
Garbage Disposal at 3 feet	80
Shouting at 3 feet	75
Vacuum Cleaner at 10 feet	70
Normal Speech at 3 feet	65
Quiet Conversation at 3 feet	55
Dishwasher in Next Room	50
Empty Theater or Library	40
Quiet Bedroom (Nighttime)	30
Empty Concert Hall	25
Broadcast and Recording Studios	15
Threshold of Human Hearing	3
Outdoor Sources	
Jet Over-flight at 1,000 feet	105
Gas Lawn Mower at 3 feet	95
Diesel Truck at 50 feet	85
Noisy Urban Area (Daytime)	80
Gas Lawn Mower at 100 feet	70
Suburban Commercial Area	65
Quiet Urban Area (Daytime)	55
Quiet Urban Area (Nighttime)	45
Quiet Suburb (Nighttime)	35
Quiet Rural Area (Nighttime)	25
Rustling Leaves	20
Reference Pressure Level	0

Source: FHWA 2003

Almost all firearms create noise that is over 140-dB level. A small .22-caliber rifle can produce noise around 140 dB, while big bore rifles and pistols can produce sound over 175 dB (Stewart 2018). In a 2015 Acoustic Assessment for proposed shooting range sites in Michigan (Siebein 2015), noise assessments of three sites were conducted. Shots were fired in succession from a 0.40 caliber handgun, a 12-gauge shotgun, and a .308 rifle, with sound being measured in each cardinal direction (north, south, east, and west) at distances of 10-feet, ¼-mile, ½-mile, 1-mile and 2-miles. The average noise of the three sites combined from ½-mile distance determined that the .40 caliber produced on average 36-53 dB, the 12-gauge shotgun produced on average 36-52 dB, and the .308 rifle produced on average 39-55 dB. In the same study, it was also observed that at 42% of the measurement locations at distances of 1 to 2 miles from the proposed range site, the sounds of the gun shots could not be measured above ambient sound levels. Peak sound levels were also determined to be louder in the direction of fire as compared to the same distances at the sides or to the rear of the shooter. Comparing data from this acoustic assessment, and considering the direction of fire for the pistol, rifle and trap ranges, the tree plantings, the high side-wall embankments on the shooting berms, the noise attenuation additions to the shooting facilities, and the existing ambient noise levels, noise is not anticipated to have a significant impact in the Project area.

3.9 Cultural Resources

Federal historic preservation laws provide a mandate and direction for the identification, evaluation, and protection of cultural resources that may be affected by Federal undertakings. NEPA requires Federal agencies to consider the potential effects to the “human environment” – an all-encompassing term that has been interpreted to include historical and archaeological resources. Section 106 of the National Historic Preservation Act (NHPA) and accompanying implementation regulations specified in 36 CFR 800 establish a cooperative consultation process and procedures that enable Federal agencies to identify historic properties that may be directly or indirectly affected by a proposed Federal undertaking.

A Class I literature search and a Class III cultural resource inventory were conducted. The file search revealed no sites, one site lead, and three isolated finds within a one-mile radius of the Project area. One previously recorded site lead, the Percheron Horse Company, was recorded to be located within the survey area, however, during the current inventory, this site lead was determined to not be located within the survey area, as no evidence of buildings, foundations, depressions, or cultural material was found. A field investigation for the survey area revealed no cultural resources. In the report titled, *A Class III Intensive Cultural Resource Inventory for the McKenzie County Sportsmen’s Club Shooting and Education Facility Project in McKenzie County, North Dakota*, a determination of “No Historic Properties Affected” was recommended and concurred with by the ND State Historical Preservation Office on October 4, 2018.

3.10 Socioeconomic

Socioeconomic conditions depend on the character, habits and economic conditions of people living in proximity to the Project area.

The proposed Project is located just outside of the city of Watford City, North Dakota in McKenzie County. According to 2016 U.S. Census data (USCB, 2018), McKenzie County had a total population of 7,883 people. Approximately 84.3 percent of the population identifies as white. The second largest race is American Indian accounting for 10.5 percent of the total population.

In 2016, McKenzie County had a median household income of 78,719 dollars with 12.8 percent of the population whose income in the past 12 months had fallen below the poverty level. In contrast, the United States had a median household income of 55,322 dollars and 15.1 percent of the population whose income in the past 12 months had fallen below the poverty level (USCB, 2016). The unemployment rate in McKenzie County in March of 2018 was 2.2 percent and was 4.1 percent throughout the United States during March of 2018 (Bureau of Labor, 2018).

The economy in Watford City, along with McKenzie County, primarily depends on outdoor recreation, agriculture, and energy development. According to the McKenzie County website, Watford City has transformed from a once small rural town of 1,200 people into a community of over 8,000 people and growing. The economy is thriving with recent and proposed energy developments, and in June of 2014, it was reported that McKenzie County was producing nearly 32 percent of all oil coming out of North Dakota (McKenzie County Economic Development, 2018).

CHAPTER 4 ENVIRONMENTAL CONSEQUENCES

The purpose of this Chapter is to identify the direct, indirect and cumulative impacts for the Proposed Action and the No Action Alternative. It also identifies potential avoidance, minimization, and mitigation measures for adverse impacts.

4.1 Physical Environment and Land Use

Proposed Action Alternative

The proposed shooting range complex will permanently alter the land use of the Project area. The land would be further developed to accommodate the needs of the Club. Several trees would need to be removed to accommodate the proposed facilities. In addition, approximately 12 acres would be converted from hayfield into the Project facilities, to include the trap shooting range, rifle range, pistol range, parking lots, building, and archery ranges. No adverse environmental or community impacts are expected to occur as a result of the permanent conversion of hay field to shooting range complex. The Project is anticipated to be utilized by members of the local community as well as the surrounding area, and will positively impact the social, recreational, and educational resources of the region.

No Action Alternative

Under the No Action Alternative, construction activities would not occur. Therefore, direct and indirect impacts to the physical environment and land use would not occur.

4.2 Water Resources

Proposed Action Alternative

Direct impacts to surface water, including the unnamed tributary to Sevenmile Creek and its adjacent wetlands, were avoided to the extent possible by the complex itself in the Proposed Action Alternative. Steps were taken during the development of the Project layout to ensure the proposed facilities were positioned to avoid surface waters. However, the road allowing access into the Project facilities will impact the unnamed tributary of Sevenmile Creek. Impacts to waters of the United States will be unavoidable, and coordination with the United States Army Corps of Engineers will be required. All necessary permitting for work in waters of the United States will need to be obtained from the USACE.

Construction activities would result in ground disturbance and removal of vegetation that could result in erosion of soils and transport of sediment into surface water during stormwater events. Construction activities have the potential to result in accidental spills or inadvertent leaks of vehicle or other fluids. As such, the Proposed Action Alternative may result in temporary, minor, indirect water quality impacts due to sedimentation and fluid releases.

Best management practices (BMPs) would be implemented to minimize water quality impacts, such as re-seeding inactive areas, erosion control mats, and/or silt fence. These practices would be incorporated into a NPDES Construction General Permit, if the Proposed Action disturbs one acre or land of more.

The use of lead bullets at the facility does not pose a threat to the water quality of the unnamed tributary of Sevenmile Creek. According to the EPA's *Best Management Practices for Lead at Outdoor Shooting Ranges* (2005), lead can be introduced into the environment through one or more pathways, with each pathway being site-specific and may or may not occur at individual shooting ranges. These pathways include:

1. Lead oxidizing when exposed to air and dissolving when exposed to acidic water or soil. When lead is exposed to acidic water or soil, it breaks down by weathering into lead oxides, carbonates and other soluble compounds. Factors which most influence the dissolving of lead in water are annual precipitation rate, pH of rain and surface water, contact time, soil cover, and the pH of groundwater.
2. Lead bullets, bullet particles, or dissolved lead being moved by storm water runoff. The ability of water to transport lead is influenced by the velocity of the water and weight or size of lead fragment. Factors which influence velocity or runoff include rainfall intensity, topographic slope, soil type, velocity of the stream, and vegetative or man-made structures.
3. Dissolved lead migrating through soils to groundwater. Acidic rainwater may dissolve weathered lead compounds, and a portion of the lead may be transported in solution in groundwater beneath land surfaces. Factors most likely to affect the amount of lead carried by groundwater in solution are annual precipitation, soil types, soil chemistry, depth to groundwater, and pH of groundwater.

The Project is proposing the area of fire to be away from the direction of the tributary and will incorporate the construction of a berm on the end of the rifle range to capture bullets. The rifle range, pistol range, and berms will also be planted with a grass seed mixture to minimize runoff. The Club plans to perform lead recovery and disposal on the berms every 10 to 15 years depending on use. Lead recovery and disposal will occur in accordance with the NRA's *Range Building Source Book* guidelines. The lead recovery and disposal plan will be outlined in the Club's Business Operation Plan.

Additionally, the Club will utilize non-toxic clay pigeons on the proposed trap range.

There are no floodplains or floodways in the Project area.

There are no existing groundwater wells within the Project area.

No Action Alternative

Under the No Action Alternative, construction activities would not occur. Therefore, direct and indirect impacts to water resources would not occur.

4.3 Soils

Proposed Action Alternative

Surface disturbance caused by construction activities would result in the removal of vegetation from the soil surface. All construction activities would occur on non-hydric soils with the exception of the construction of the access road across the tributary. Removal of vegetation can damage soil crusts and

destabilize the soil. As a result, the soil surface could become more prone to accelerated erosion by wind and water.

BMPs would be implemented to minimize soil impacts, such as re-seeding inactive areas, erosion control mats, and/or silt fence.

The use of heavy equipment may result in soil compaction. When soil is compacted, it decreases permeability and increases surface runoff, especially in silt and clay soils. In addition, soils may be impacted by mixing of soil horizons. Soil compaction and mixing of soil horizons would be minimized by topsoil segregation.

Construction activities have the potential to result in accidental spills or inadvertent leaks of vehicle or other fluids. As such, the Proposed Action Alternative may result in temporary, minor, indirect soil impacts due to fluid releases.

The use of lead bullets at the rifle range does pose a threat to soil quality. According to the EPA's *Best Management Practices for Lead at Outdoor Shooting Ranges* (2005), lead can be introduced into the environment through one or more pathways, with each pathway being site-specific and may or may not occur at individual shooting ranges. These pathways include:

1. Lead oxidizing when exposed to air and dissolving when exposed to acidic water or soil. When lead is exposed to acidic water or soil, it breaks down by weathering into lead oxides, carbonates and other soluble compounds. Factors which most influence the dissolving of lead in water are annual precipitation rate, pH of rain and surface water, contact time, soil cover, and the pH of groundwater.
2. Lead bullets, bullet particles, or dissolved lead being moved by storm water runoff. The ability of water to transport lead is influenced by the velocity of the water and weight or size of lead fragment. Factors which influence velocity or runoff include rainfall intensity, topographic slope, soil type, velocity of the stream, and vegetative or man-made structures.
3. Dissolved lead migrating through soils to groundwater. Acidic rainwater may dissolve weathered lead compounds, and a portion of the lead may be transported in solution in groundwater beneath land surfaces. Factors most likely to affect the amount of lead carried by groundwater in solution are annual precipitation, soil types, soil chemistry, depth to groundwater, and pH of groundwater.

To minimize impacts on soil quality, the Project will incorporate the construction of a berm on the end of the rifle range to capture bullets. The rifle range, pistol range, and berms will also be planted with a grass seed mixture to minimize runoff. The Club plans to perform lead recovery and disposal on the berms every 10 to 15 years depending on use. Lead recovery and disposal will occur in accordance with the NRA's *Range Building Source Book* guidelines. The lead recovery and disposal plan will be outlined in the Club's Business Operation Plan.

Additionally, the Club will utilize non-toxic clay pigeons on the proposed trap range.

No Action Alternative

Under the No Action Alternative, construction activities would not occur. Therefore, direct and indirect impacts to soils would not occur.

4.4 Air Quality

Proposed Action Alternative

A minimal increase in pollutants would be expected due to construction equipment. These emissions are not anticipated to result in violations of federal or state standards

No Action Alternative

Under the No Action Alternative, direct and indirect impacts to air quality would not occur.

4.5 Threatened and Endangered Species

Proposed Action Alternative

The unnamed tributary to Sevenmile Creek is narrow and devoid of sandy shorelines or sandbars to be utilized as potential nesting habitat for the rufa red knot, least tern or piping plover. The tributary does not have habitat suitable for the pallid sturgeon. The Project area is also devoid of native prairie habitat that would be suitable for the Dakota skipper due to the historical uses of the property. The Proposed Action Alternative will have no effect on the piping plover, least tern, rufa red knot, pallid sturgeon or Dakota skipper.

It is unlikely that gray wolves would inhabit the Project area due to the abundance of existing human disturbances. Any wolf sighted near the Project area would be considered transient and therefore; the Proposed Action Alternative will have no effect on the gray wolf.

The Proposed Action Alternative would result in the removal of trees. The trees in the Project area could provide the NLEB with suitable habitat; therefore, the Proposed Action Alternative may affect, but not likely to adversely affect the NLEB. To avoid potential impacts to the NLEB, no tree removal will occur between June 1 and July 31. To offset impacts from tree removal, the Club plans to either transplant the removed trees around the building facility or plant new trees. Additional trees will be planted along the access road at the facility entrance as well.

Suitable habitat in the form of palustrine wetlands and cropland does not exist within the Project area. The abundance of existing human disturbances within and near the Project area, including buildings, roadways, oil drilling sites, residences and overhead utility lines, would also likely deter whooping cranes from utilizing the Project area. Therefore, the Proposed Action Alternative will have no effect on the whooping crane.

U.S. Fish and Wildlife Service stated provided comments on August 31, 2018, stating that the Project is not expected to have significant impacts on fish and wildlife resources.

No Action Alternative

Under the No Action Alternative, direct and indirect impacts to threatened and endangered species would not occur.

4.6 Fish and Wildlife Resources

Proposed Action Alternative

Best management practices (BMPs) as previously mentioned would be implemented to minimize water quality impacts; therefore, the Proposed Action Alternative is not anticipated to have a direct or indirect impact on aquatic species that may inhabit the unnamed tributary to Sevenmile Creek.

All reasonable, prudent and effective measures to avoid the taking of migratory bird species would be implemented during construction and operation activities.

Due to the presence of potential habitat within the Project site for avian and wildlife species, construction activities, including the removal of trees, may impact individuals by displacing animals from suitable habitat. As a result, wildlife may be forced to utilize marginal habitats or relocate to unaffected habitats where population density and competition increase. Consequences may include lower survival, lower reproductive success, lower recruitment, and lower carrying capacity leading ultimately to population-level impacts. Therefore, the proposed Project may affect individuals and populations of wildlife species but is not likely to result in a trend towards listing of any of the species identified.

No Action Alternative

Under the No Action Alternative, direct and indirect impacts to fish and wildlife species would not occur.

4.7 Vegetation

Proposed Action Alternative

As part of construction of the shooting range complex, vegetation will be cleared in the areas of the rifle range, pistol range, trap ranges, archery range, parking lots, and building site. Once construction of the rifle range, trap range, pistol range and archery range is completed, the disturbed land would be seeded with a grass seed mixture to stabilize the soil and re-establish vegetation. The 3D target archery range will not require vegetation clearing. Construction of the building and parking lots will require vegetation clearing, and these areas will not be seeded. Trees will be planted around the building facility and at the entrance to the facility along the access road.

No Action Alternative

Under the No Action Alternative, direct and indirect impacts to vegetation would not occur.

4.8 Noise

Proposed Action Alternative

Construction activities would result in temporary noise due to operation of construction equipment.

A recurring increase in noise levels would be expected during the use of the Proposed Action Alternative. To mitigate the increased noise from the Project, the Club proposes to limit the use of the shooting range to specific times. The facility would be generally open two hours after sunrise and one hour before sunset, with hours potentially extending due to special events.

No Action Alternative

Under the No Action Alternative, direct and indirect impacts to noise would not occur.

4.9 Cultural Resources

Proposed Action Alternative

Given all construction activities take place within the inventory area, the Proposed Action Alternative would not result in any adverse impacts to historical, archaeological, architectural or cultural resources.

No Action Alternative

Under the No Action Alternative, direct and indirect impacts to cultural resources would not occur.

4.10 Socioeconomic

Proposed Action Alternative

Considering the distance of the closet shooting range, the Proposed Action Alternative has the potential to draw individuals from around the region to utilize the shooting range complex or attend Hunter Education Courses. This in turn could indirectly impact the local economy from fuel or food purchases from local businesses.

No Action Alternative

Under the No Action Alternative, direct and indirect impacts to socioeconomics would not occur.

4.11 Cumulative Impacts

Cumulative impacts result from the incremental consequences of an action “when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions” (40 CFR 1508.7). Effects of an action may be minor when evaluated in an individual context, but the effects can add to other disturbances and collectively may lead to a measurable environmental change. By evaluating the impacts of the Proposed Action Alternative with the effects of other actions, the relative contribution of the Proposed Action Alternative to a projected cumulative impact can be estimated.

The study area for cumulative impact analysis includes the same Project area and surrounding areas analyzed for each resource category. Past, present and reasonably foreseeable actions considered for the cumulative impact analysis includes the following:

- County Road 37 construction and operation
- Agricultural operations
- Oil industry construction and operation
- Midwest Mobile Mix operation

Cumulative impacts are most likely to occur when there is an overlapping geographic location and a coincidental or sequential timing of events. Because the environmental analysis required under NEPA is forward-looking, the aggregate effect of past actions is analyzed to the extent relevant and useful in analyzing whether the reasonably foreseeable effects of a proposed action could have a continuing, additive, and significant relationship to those effects.

The Proposed Action Alternative has been evaluated in conjunction with other past, present and reasonably foreseeable future actions to determine whether cumulative impacts on the environment would occur. No significant, adverse cumulative impacts were identified in the cumulative impact analysis. The Proposed Action Alternative would have no impact on cultural resources thus would not contribute to cumulative impacts on cultural resources. Therefore, cultural resources are not included in this cumulative impact analysis.

Physical Environment and Land Use

The proposed Project would convert hayland and pasture into a shooting range complex; however, the facilities have been positioned to avoid sensitive land uses. The overall Project footprint is minor in comparison to other past, present and foreseeable actions. Therefore, the contribution of the proposed Project to land conversion is not expected to be significant.

Water Resources

During construction activities associated with the Proposed Action Alternative, water resources have the potential of being contaminated with sediment or equipment fluids; however, BMPs would be utilized to minimize the threat. All construction and operation activities associated with any project must follow similar BMPs as regulated by local, state and/or federal officials. Construction of the tributary crossing will be accomplished with sediment and erosion control measures in place, with revegetation (seeding) of the area occurring immediately after construction is complete. Utilization of the tributary crossing by vehicles entering and exiting the facility is not expected to have an adverse effect on the tributary due to properly sized culvert placement and proper construction and stabilization methods. In the unlikely event that trash materials enter the tributary as a result of project construction or operation, it is the intent of the McKenzie County Sportsmens Club to remove these materials as soon as they are observed to prevent impacts to the tributary. Therefore, the Proposed Action Alternative would not contribute to an overall long-term, cumulative impact to water resources in the area.

Soils and Vegetation

During construction activities associated with the Proposed Action Alternative, vegetation would be removed; however, the disturbed land would be seeded with a grass seed mixture to stabilize the soil and re-establish vegetation. All construction activities associated with any ground disturbing project must follow similar BMPs as regulated by local, state and/or federal officials. Therefore, the Proposed Action would not contribute to an overall long-term, cumulative loss of soil or vegetation in the area.

Air Quality

Air emissions related to construction and operation of past, present, or reasonably foreseeable actions when added to emissions resulting from the proposed Project, are anticipated to have a negligible cumulative impact. North Dakota is currently below the state and National Ambient Air Quality Standards,

and it is anticipated that mobile air source toxics from construction equipment for the proposed Project and other projects, as well as air emissions related to biodiesel plant operations, would be minor. Therefore, the contribution of the proposed Project to air emissions is not expected to be significant.

Threatened and Endangered Species and Fish and Wildlife Resources

Under the Proposed Action Alternative, potential suitable habitat for the NLEB, along with various avian and wildlife species, would be lost. Ongoing developments have the potential to threaten these species and force them to utilize marginal habitats or relocate. By planting additional trees within the Project area, habitat loss would be minimized; therefore, the contribution of the proposed Project is not expected to be significant.

Noise

Noise from construction activities associated with the Proposed Action Alternative and other actions would be temporary. Noise from gun fire associated with Proposed Action Alternative combined with noise from energy developments and infrastructure would result in a cumulative impact on the noise environment. Noise associated with gun fire would be noticeable; however, minimization measures proposed by the Club will reduce the cumulative impact. Therefore, the increased noise from the Proposed Action Alternative would not be expected to result in significant, cumulative impacts.

Socioeconomics

The Proposed Action Alternative is anticipated to have a beneficial impact to Watford City and McKenzie County by providing a safe and accessible public shooting range facility and additional outdoor and hunter education opportunities. Additionally, the Proposed Action Alternative may result in indirect economic benefits to local business owners resulting from construction workers or visitors expending money on food, lodging and other necessities while visiting the facility. The contribution of the proposed Project is expected to be beneficial; however, it is not expected to be significant.

CHAPTER 5 AGENCY CONSULTATION AND COORDINATION

The following is a list of agencies (Federal, State, and Local), that were consulted regarding the proposed Project:

- Federal
 - United States Fish and Wildlife Service
- State
 - North Dakota Game and Fish Department
 - State Historical Society of North Dakota
- Local
 - McKenzie County Board of Commissioners
 - McKenzie County Planning and Zoning Board

CHAPTER 6 PUBLIC INVOLVEMENT

Multiple public meetings were held to allow for public input on the proposed Project. The Project was introduced at a McKenzie County Zoning Commission meeting on August 13, 2018. On August 27, 2018, 58 members of the public attended an open house to discuss the shooting range complex.

Letters and emails were received both in support of and against the Project. While some citizens stated that it would be a safe place for the public and law enforcement to shoot, promoting safe gun use and good stewardship of outdoor resources, others were concerned with safety, noise, access to the property, and property value. A summary of the written comments received can be seen below in **Table 4. Comments Received**. Comment letters may be seen in their entirety in **Appendix A. Comment Letters**.

Table 4. Comments Received

Individual or Agency	Date	Comment
Diane Ehrlich	9/19/2018	Project is in a suitable location and will offer a place where 4H clubs, boy scouts, and youth hunting organizations can teach and promote safe gun use and stewardship of outdoor resources.
McKenzie Electric Cooperative (MEC) – John Skurupey, CEO	Undated	Objecting to the proposed use of approach and road that was paid for and exists on MEC property (not a public road). On September 26, 2018 at the Planning and Zoning Commission hearing, Clayton Monson, MEC and Chairman of the Board, withdrew this objection and entered support for the project on behalf of the cooperative.
Jason Gressman	9/20/2018	Concerns with safety, noise, access, and property value, relocation due to the Project, impacts to children, lack of response from shooting club.
Jason Gressman	9/26/2018 (email)	Concerns with safety, noise, access, and property value. Made an offer to the shooting board for purchase of his home to create a tolerable situation for all parties.
Department of ND Trust Lands (NDDTL) – Michael Humann, Manager	9/21/2018	Safety concerns with NDDTL managed lands that are open to non-vehicular public access and leased for agricultural purposes and oil and gas development.
North Dakota Game and Fish Department – Kim Kary, Chief, Administrative Services	9/20/2018	Approval of Pittman-Robertson Grant, pending the outcome of the Environmental Assessment, grant application, and approval from the County Commission.
State Historical Society of North Dakota – Claudia Berg, Director	10/4/2018	Concurred with “No Historic Properties Affected” determination, provided the project remains as described and mapped.

A special planning commission meeting was held on September 26, 2018, and the Board voted unanimously to recommend approval of the Project with conditions to the McKenzie County Board of Commissioners. The conditions that were requested to be required before the facility becomes operational included:

1. Prepare and submit for approval a complete Safety Plan as outlined in the NRA Range Source Book, Section 1, Chapter 2 (NRA 2012). The plan must be clear and concise, capable of being understood by all users, and continued throughout the life of the project. The Safety Plan is to include:
 - a. The document should be written on the sponsoring organization's letterhead or stationary.
 - b. The document should indicate the date of adoption and bear the signatures of the current officers.
 - c. The document should include a preamble stating a specific purpose.
 - d. There should be a terminology section to clearly define terms often loosely interpreted.
 - e. The Safety Plan should divide rules and regulations into categories:
 - i. Gun Handling Rules; as found in Section 1, Chapter 2, Subsection 2.03.2.1.
 - ii. General Range Rules; as found in Section 1, Chapter 2, Subsection 2.03.3.1.
 - iii. Specific Range Rules (according to the type of range) as found in Section 1, Chapter 2, Subsection 2.03.4.1.
 - iv. Administrative Rules and Regulations, as found in Section 1, Chapter 2, Subsection 2.03.5.
 - v. Range procedures to be followed in case of emergencies.
 - f. Any exceptions to the rules or regulations should be carefully defined to avoid confusion.
 - g. The conclusion of the Safety Plan spells out the consequences or action that will accompany any violation of the safety rules and regulations.
2. Prepare and submit for approval an Operations Plan as outlined in the NRA Range Source Book, Section 1, Chapter 5. This operation plan should include:
 - a. Management Guidebook; See Section 1, Chapter 5, Subsection 2.01.
 - b. Standard Operating Procedures; See Section 1, Chapter 5, Subsection 2.02.
 - c. Range Security; See Section 1, Chapter 5, Subsection 3.02.
 - d. Lead Maintenance; See Section 1, Chapter 5, Subsection 4.05.
3. Prepare construction plans and specifications for the Project. Plans to be reviewed and approved prior to construction. Plans will include:
 - a. Site Plans as outlined in Section 1, Chapter 3, Subsection 3.01.
 - b. Design Specifications as outlined in Section 1, Chapter 3, Subsection 3.03.

The McKenzie County Board of Commissioners met on October 2, 2018 and gave unanimous approval for the Project to move forward and approved the request for a Firearms facility Overlay District as long as

the above requirements are met prior to the facility becoming operational. The approval letter can be found in **Appendix A. Comment Letters**.

The Draft Environmental Assessment was made available for public comment from XXXXX to XXXXX, 2018. XX comments were received.

CHAPTER 7 LIST OF PREPARERS

A list of individuals with the primary responsibility for conducting this study, preparing the documentation, and providing technical reviews is contained in **Table 6. Preparers.**

Table 6. Preparers

<i>Affiliation</i>	<i>Name</i>	<i>Title</i>	<i>Role</i>
US Fish & Wildlife Service	Michael Cotter	Fish and Wildlife Biologist	Document review
ND Game & Fish Department	Corey Wentland	Business Manager	Document review
	Marty Egeland	Education Supervisor	Document review
	Kim Kary	Division Chief	Document review
KLJ	Ashley Ross	Environmental Planner	Project Manager, Senior review
	Leslie Murphy	Environmental Planner	Document author, Impact assessment
	Kat McGee	GIS Specialist	Exhibit creation
McKenzie County Sportsmen's Club	Brent Schwan	Club President	Document review
	Jeff Prince	Project Manager	Document review
	Eric Kirby	Project Engineer	Document review

CHAPTER 8 REFERENCES

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Appendix A

Comment Letters

09/19/2018

Planning commission,

I am in favor of the proposed McKenzie County Sportsmen's Club Gun Range. They have secured a suitable location, nontaxpayer funding and have a solid location site to be a safe and as non-invasive as possible while still be accessible to the public.

Hunting and gun use are a generations old tradition in North Dakota and will continue to be so. This facility will be open to the public and law enforcement for a safe place to shoot. It will be a place where the local 4-H clubs, boy scouts and youth hunting organizations can teach and promote safe gun use and good stewardship of our outdoor resources. It will also have indoor archery capabilities which is an excellent winter activity for youth and adults both.

There is no place to build a facility such as a shooting range that will not be in the vicinity of some homes and still be able to have access for the public at large. There are very few involved in this location, it is being donated to the club, and the range will be no more intrusive than all the other changes we have had to get used to with the growth of our community and the oil activity.

Thank you,
Diane Ehrlich
2384 122nd Ave NW
Watford City, ND
701-351-4370



908 4th Ave. N.E. • P.O. Box 649 • Watford City, ND 58854-0649
Telephone (701) 444-9288 • Fax (701) 444-3002
Website: mckenzieelectric.com

McKenzie County Planner
Attention: Peyman Kadir
201 5th St. NW Suite #699
Watford City, ND 58854

RE: Sportsmen's Club Gun Range Application for a Firearms Facility Overlay District

Dear Peyman,

The purpose of this letter is to provide comment from McKenzie Electric Cooperative (MEC) regarding the facility stated above.

At this time, MEC objects to certain provisions of the plan as presented in your mailing postmarked 9/10/2018. MEC's objection pertains to the access road displayed on the conceptual drawing by Kirby Engineering which you included in your notification mailing. At this time, the Sportsmen's Club appears to be utilizing an approach and road that was paid for and exists on MEC property and is not a public road.

As of the date of this letter, MEC has not been contacted regarding the use of its approach or property for access to the Sportsmen's Club. The approach and road in question are being allowed for restricted use at the present time under a Conditional Private Road Easement for Agricultural and Personal Use with the adjacent landowner. The MEC Board of Directors are the only entity that can grant additional ingress and egress access over its property and therefore I must object to the application submitted by the Sportsmen's Club.

Respectfully submitted,

John Skurupey, CEO

A Touchstone Energy® Partner



Peyman Kadir

From: Jason Gressman <jasongressman1@gmail.com>
Sent: Wednesday, September 26, 2018 1:32 PM
To: Jim Talbert; Peyman Kadir
Subject: Update

Update on 9/18/18 Meeting with McKenzie County Gun Club

Attendees: Jason Gressman (neighboring property owner), Andrea Gressman (neighboring property owner), Brent Schwan (shooting board President), Peter Jost (board member), Jeff Prince (neighboring property owner)

The meeting began by Brent Schwan asking us to share our concerns because he didn't know what they were.

Jason shared our concerns - safety, noise, access, and property value - and said that they were the exact same concerns that we have had all along and they he had shared before the planning and zoning committee last October and again at the last meeting in August.

From there Andrea addressed the fact that Mr. Swchan had incorrectly told people at the public meeting that Jason went on record saying he did not have any safety issues as that was not what Jason had said. Jason had said on record that the design of the range was probably as safe as they could make it but that did not alleviate his safety concerns. From there we continued to discuss the safety concerns including why the previous shooting range was shut down - 2 different buildings (1 north and 1 east) being shot 5 different times. Mr. Schwan said he was unaware that there had been a building shot to the east but Mr. Jost said he was aware of this situation.

We explained to Mr. Schwan Jason's background and the great deal of experience he had on different shooting ranges across the country through his own training, the competitions he had participated in, along with being a certified NRA shooting instructor himself and how because of these experiences we were sharply aware of what we would have to deal with on a day-to-day basis along with the impact on our property.

We then continued to discuss the other issues. We explained to them that if we knew there was shooting range going in we would have never purchased the home.

We went over the safety protocol of the shooting range - that there will not be a range master and how they plan on using a key card and security camera system, which is what was used at the last shooting range and clearly did not detour people from people misusing the range.

Mr. Schwan said that now shooting isn't regulated in the county so people could come on our neighbors property and shoot. We explained that he was asking us to trade a couple of shooters for hundreds of shooters.

We expressed our concern over the amount of noise this would generate. Mr. Schwan said he felt like the building would block the noise. Jason said he disagreed and that he had been on several ranges with a similar set-up and a metal building like they were planning on building. Jason explained that the noise would ricochet off the building and made a twanging noise that we would definitely hear from our home.

We discussed the access and how that would impact our property and our day-to-day lives. The fact that people who had no background check and were not being vetted in any way were going to be within a few feet of our front yard. Mr. Schwan said that could happen now and we explained that it didn't happen now because we bought a secluded home in the country where 5-6 people currently use our driveway and it is an absolute rarity when someone uses our driveway that we don't know.

We asked if they had looked at any other property. Mr. Schwan said that the range needed to be close enough to town to be convenient for people which this property was. Jason said, "Yes, we know, that is exactly why we purchased this property."

We explained to them that we were also unable to put the house on the market at this time. We had started to remodel it and currently had 2 walls that we were in the process of removing, cabinets we were in the process of removing, as well as flooring that needed to be redone. Even if we were able to complete it over the winter once they start the dirt work no one was going to want to buy the house with all that going on. We also explained that our home was a family home and every family we had spoke to said they would have serious reservations about living next to a shooting range. As a result of this information we felt that the number of people that would even consider purchasing our home would be extremely limited and this would also have an extremely negative impact on the sales price.

Finally, we made an offer for them to purchase our home. We offered to sell it for \$250,000 up front and \$50,000 a year for the next 3 years. We explained that we felt this was a fair and generous offer as it would hopefully allow us to find a like-property in the county but was extended over a period of time to help them get the range in.

At which point they said they would have to think about it and they would get back to us.

Update:

At 12:16pm on September 26, 2018 we received a message from Brent Schwan saying they financially are not in a place to purchase our home.

As a side note we find this very ironic as we have heard from several different sources that they currently have \$500,000 in their bank account and they will be getting a \$600,000 grant. We have also heard that they will be receiving additional grant money annually. Also, when you choose not to sit down with the the neighboring property owners until 6 days before the planning and zoning hearing when you have known that the property was being offered for the shooting range for the past 2 years it doesn't leave a lot of time to get your financial situation in order or to do any fundraising.

Our point is that they have had ample time to come to the table with an offer to buy us out and create a tolerable situation for all parties involved. They chose not to as they clearly never had any intention on reliving any of the burden they are placing on our family.

Thank you
Jason Gressman

Peyman Kadir

From: Jason Gressman (via Google Docs) <jasongressman1@gmail.com>
Sent: Thursday, September 20, 2018 4:30 PM
To: Peyman Kadir
Subject: Letter of Concerns Regarding Shooting Range

Jason Gressman has shared a link to the following document:



[Letter of Concerns Regarding Shooting Range](#)



Sorry you are receiving this so late!

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To Whom it May Concern;

Our names are Jason and Andrea Gressman and we currently own the home at 2309 121 X Ave. NW, Watford City, ND 58854. Our property connects to the proposed location of the potential shooting range being sponsored by the McKenzie County Gun Club. It is our understanding that the range will be less than 1800 feet from our front door. It is also our understanding that our driveway will be used to access the range.

We are writing this to express our opposition to this gun range as we feel that it will significantly impact our lives in several different ways including the following:

- Safety
- Noise
- Access
- Property Value

Background

How We Got to Watford City

In 2011 Andrea was diagnosed with cancer. After spending a year in treatment she was declared cancer free but we had incurred a significant amount of medical debt. After struggling to try to pay this debt off we decided to move to Watford City as the economy was significantly better than in Colorado and Andrea's parents live in Watford City (Don and Judy Maston). So in April of 2015 we started our transition to Watford City where we started our lawn care business and Jason helped Andrea's dad farm. In March of 2016 Jason also took a position at CrossPoint Church as the Children's Pastor, which later turned into the Assistant Pastor role, and recently he took the Lead Pastor position at Johnson Corners.

We still own and operate our lawn care business. It isn't unusual to find us and all 5 of our children ranging from 19 years to 4 years working together on a property. We want to raise each of our children to have a strong work ethic and we find no better way to instill this in them than by modeling it for them as we work side-by-side.

We have been greatly blessed by moving to Watford City and do our best to give back to our community every chance we get. Watford City has definitely become our home and we love it here. Our oldest son, who is now at UND studying pre-law, has expressed how he could see himself returning to Watford City after he graduates from law school to live here as an adult as he loves it here as well.

How We Obtained Our Home

During our first lawn care season here in 2015, Andrea's uncle, Brooks Kummer, told us he had a house that he needed to sell. He had moved it from town where it was originally built in 1965 and put it on some of his property for one of his farm hands to purchase and the deal had fallen through. We told him that we would purchase the home as long as we could purchase some additional acreage. We wanted enough room for the chickens, ducks, and goats we planned on getting as we wanted a small hobby farm like we had in Colorado. In March of 2016 our family moved into the home. We finalized the purchase of the home on almost 1 acre as well as 5 additional acres directly behind the home in May of 2016.

A few months later at a family gathering Brooks Kummer told us that he was going to put in a shooting range out near our property. He owns a significant amount of land in the area and we thought it was going to go in past our house. We really didn't think much of it. It wasn't until that spring when we spotted trucks driving around in the neighboring field that we realized that his intent was to put the shooting range right next to our house. As you can imagine, we weren't pleased with this idea due to the significant impact that this will have on our property.

If Mr. Kummer would have disclosed to us prior to purchasing our home that a shooting range was going to go in we would have never purchased the home.

Points of Concern

Safety Issues

The safety issues are obviously our number one concern as we want to keep our family safe. Jason has been a competition shooter for over 20 years. He also has a law enforcement background, at one time was a certified NRA shooting instructor, and continues to pursue as much shooting training as possible. He has spent a great deal of time on shooting ranges across the country. It is because of Jason's extensive experience that we are so concerned about this shooting range being so close to our home.

Jason has witnessed accidental discharges numerous times throughout the many competitions he has participated in. In one competition he witnessed a man actually shoot himself. So we are well aware that this does happen and is far more common than people realize or would like to admit.

Just in this town with the previous range, the Taylor Ag Services building was shot not once, but 3 times. Another resident who lived east of the shooting range had his shop hit twice before legal action was taken to shut down the range. Those are just the ones that actually hit the building. How many accidental discharges took place that were not reported?

It was also stated in an article published on October 14, 2014 by the *McKenzie County Farmer* that the Taylor Ag Services building was "about a quarter mile north" of the the shooting range's property". As stated above, it is our understanding that our home is just over a quarter mile away (less than 1800 feet) from the proposed site.

Also, on August 21st, 2016 local Watford City law enforcement set the tree rows on fire at the previous shooting range while completing a training. If that type of accident can still occur with law enforcement officers, what can happen with people who have less training or no training at all?

We have been shooting with people more times than we can count where a well intentioned person lacks proper firearm safety. Jason actually stepped down as a certified NRA instructor after witnessing so many people handle firearms improperly due to the liability that went along with his role as an instructor. Even if he wasn't the instructor on duty during that particular session he could have been held liable if an accident were to have occurred just by being on the certified instructors list.

Recently Jason attended a training in Williston with a group from Watford City. There were several in the group that did not practice proper firearm safety and if the instructor would not have been so competent in his role someone could have been seriously injured. These individuals all possessed military training and we are quite positive that all of these individuals will be frequenting the gun range here in Watford City. That is exactly why this is so very concerning for it to be right next to our home.

As far as the safety of the design of the range Jason has gone on record to say that it is as safe as they can probably make it. But he also stated that this still doesn't relieve all of his safety concerns. The shooting range in Williston also has a safe design as do many others across the nation but that did not mean that these individuals could have not had an accidental discharge and hurt someone. Fortunately, that shooting range doesn't have homes within 1800 feet.

Noise Issues

There is no doubt about it, the noise from the shooting range is going to drastically affect our quality of life. As each bullet breaks the sound barrier over and over again we will be continually reminded of the presence of the shooting range. Add to that their plan on building a huge metal building right in the middle of it all for the noise to ricochet off of to enhance the noise issue. Again, we have spent a great deal of time on shooting ranges with similar setups and the noise is just what it is. It will be a nuisance to our home.

We just added in sliding glass doors off the back of our house. We were just going to start building a back deck where we could enjoy our backyard. But if there is constant shooting in the background we can't imagine backyard BBQ's being enjoyable at all.

Sharing the Access to Our Home

The access issue brings about numerous safety and quality of life issues. The fact that our driveway will go from 4 to 5 vehicles regularly using it to 100's of vehicles in a month will undoubtedly affect our property.

At that same training in Williston that we previously mentioned Jason going to there was a shotgun event. He counted 84 vehicles in the parking lot for that particular event. We anticipate the events here in Watford City to draw around the same numbers as there are so many firearm enthusiasts here. Add in the fact that they will be hosting archery, pistol, shotgun, and rifle events - the traffic will be extensive. This will generate more noise, a great deal of dust, and more safety concerns when it comes to our children, home, and personal property with so many having such close access to our home.

It is our understanding that the shooting range will not be conducting background checks or vetting their members in anyway. We feel like 100's of random people are basically invited into our front yard where our children ride their bikes and play with 100% of these people being armed.

We also have all of our equipment for our lawn care business right there as well that would then be exposed to potential theft which could literally put us out of business. Due to the layout of the land and the way County Rd 37 is built up, it is impossible for us to build a fence that would obstruct the view of our possessions.

Property Value

We have no idea how drastically this will affect our property value. A couple of people have suggested that it may increase the property value but we do not see that happening and we are not in a position financially to take that chance.

Our home is a family home. It has 4 bedrooms upstairs and a full basement which we plan on finishing out to total over 4600 sq. feet. The consensus we have received from the many people we have explained the situation to is that they would have major concerns moving their family in next to a shooting range. We feel that the shooting range would significantly reduce the number of potential buyers if we were to decide to sell our home.

Relocating

Many have asked why we don't just sell our home and move on. Even if we wanted to at this point we would not be able to. As mentioned above, our home was built in town in 1965 prior to

being moved to our property now. We purchased it planning on remodeling it and upgrading the layout, floors, cabinets, and fixtures. In the spring we started these renovation projects where we started removing 2 walls in our home.. So we can't even list our property right now as we would end up taking a substantial loss on the home.

The Impact on Our Children

Two of our boys (ages 11 and 12) like to shoot their airsoft guns in our field behind our house. They enjoy bringing their friends over to have "airsoft wars". If you drive by our home you can see their handmade barricades out in the field. Our boys love it as well as their friends because most of their friends live in town and don't have the opportunity to do things like that. If the shooting range goes in we will never feel comfortable enough to allow that to continue. Due to the way our property lies there is no berm that can be built that will guarantee their safety.

All of our kids and their friends like to bounce on their trampoline in our backyard, ride their 4-wheeler, play with our goats (who also graze in that field), and just be kids! As we said, if the shooting range goes in there is no way we will feel comfortable letting them outside to play as we will always be worried about that stray bullet.

In an era where video games seem to dominate so many children's lives we have done our best to create a home that encourages a different lifestyle which will absolutely be taken from us if the shooting range goes in. It has always been our goal to create a safe home not just for our children but for their friends as well and the shooting range will significantly impact that.

While at the public range meeting the statistics were shared on the number of deaths that occur due to accidental discharges as if that is suppose to provide some sort of comfort to us as parents. I am sorry, but our children are not just some statistics. They are our children.

The Shooting Club Has Continually Ignored Our Concerns

From the very beginning of this process we feel that the information being provided regarding the shooting range has not been accurate. In another *McKenzie County Farmer* article published on April 11, 2017 it was stated that the closest house was over a half mile away. That is obviously not true.

We have expressed our concerns publically multiple times. In October of last year Jason came before the planning board where we expressed these very same 4 concerns. We were not reached out to after that meeting by anyone from the shooting board to discuss those issues. On July 22, 2018 of this year a discussion came up on Facebook regarding the shooting range where Andrea engaged Brent Schwann, the McKenzie County Gun Club president, and stated to him that their safety concerns had not been fully addressed. He provided no response and no follow-up. In August Jason and Andrea both came before the planning board and once again

expressed the exact same concerns and once again, no one reached out to us from the shooting board regarding our concerns.

On August 29, 2018 Jason reached out via Facebook messenger to another board member, letting him know we would be willing to meet with them and we received no response until yesterday, September 19, 2018, saying that they were finally willing to meet. With the hearing only being a few days away we requested that they could meet with us today, September 20, 2018, as we have so little time to get anything worked out now.

We feel that it is absolutely ridiculous they have had such a lack of transparency with us despite the fact that we are going to be impacted so significantly. It is hurtful that they have little to no concern for the issues we have consistently expressed - especially over the safety of our family. We are incensed that they have not been honest with the public about the proximity of our home to the range and that we have been made out to look like the "bad guys" simply because we have voiced our objection as homeowners. This does not promote a sense of community. We have tried to be good neighbors to our current neighbors but this is very clearly not being reciprocated.

Due to the layout of our property there is no fence, berm, or tree, that can be high enough to shield us from the impact of the shooting range. Although this has been portrayed as the "perfect location" for the shooting range, it is not. We live in rural North Dakota where there are countless acres of open space. We are confused as to why our family is the one that has to pay the price for this recreational site.

People will argue that accidents happen all the time and there is no way to ever guarantee a person's safety 100% of the time. They are right. But you should be able to feel safe in your home and on your property. You should be able to relax and enjoy your life. You shouldn't have to hear bullets flying constantly and fear one hitting your home, livestock, pets, or God-forbid - your child.

It would an entirely different story if we were to move in next to a shooting range but they are trying to move in next to us. Our concerns should have been a factor to them from the very beginning. They had a duty to be honest with us, the planning board, and the county commissioners. We are not unreasonable people but we certainly feel we have been treated unreasonably.

Sincerely,
Jason and Andrea Gressman

1707 North 9th Street
PO Box 5523
Bismarck, ND 58506-5523
Phone: (701) 328 – 2800
Fax: (701) 328 – 3650

<https://land.nd.gov>



Jodi A. Smith, Commissioner

September 21, 2018

JIM TALBERT - DIRECTOR
MCKENZIE COUNTY PLANNING AND ZONING
201 5TH STREET NW, STE 699
WATFORD CITY, ND 58854

RE: PROPOSED FIREARMS FACILITY OVERLAY DISTRICT

To Whom It May Concern:

The North Dakota Department of Trust lands (NDDTL) received a letter dated September 6, 2018, from Kirby Engineering regarding a request for comment on the proposed FIREARMS FACILITY OVERLAY DISTRICT in Section 36, T150N, R98W, McKenzie County, North Dakota (as depicted in the received plats).

School Trust Lands are owned by the Board of University and School Lands and are managed by the North Dakota Department of Trust Lands (NDDTL) for the benefit of North Dakota's common schools and state institutions.

There would be safety concerns with this proposed project. NDDTL managed land is open to non-vehicular public access and is leased for agricultural purposes in addition to oil and gas development. Safety concerns involve the public, lessees, oil and gas personnel, and state employees while conducting business and recreating on the above listed property.

If you have any questions, feel free to contact our office at 701-328-2800.

Sincerely,

A handwritten signature in blue ink that reads "Michael Humann". The signature is written in a cursive style.

Michael Humann
Surface Division Manager



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

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

GOVERNOR, Doug Burgum

DIRECTOR, Terry Steinwand
DEPUTY, Scott A. Peterson

Sept. 20, 2018

McKenzie County Sportsmen's Club
Attn: Eric Kirby
409 5th St NE
Watford City, ND 58854

Dear Mr. Kirby:

Your grant application for the McKenzie County Sportsmen's Club Shooting and Educational Facility dated 7/13/18 has been approved by the Department pending the outcome of the Environmental Assessment (EA) currently being completed and subsequent US Fish & Wildlife Service approval of the EA and grant application. In order for the EA to be completed, the club must obtain approval from the County Commission in October. Otherwise, the delay will impact the availability of the federal funds.

The club will be granted \$600,000 in Pittman-Robertson federal funds contingent upon the federal approval of the EA and grant application. The club will be required to provide non-federal match in the amount of \$200,000. No portion of the match shall be of federal origin and it shall not have been previously used as match for any other federal funds.

The timeline for the grant has a narrow window. The construction work related to this project must be completed and grant funds used before 6/30/19, or the funds will be lost.

Please let me know if you have any questions.

Sincerely,

Kim Kary
Chief, Administrative Services
701-328-6605



**STATE
HISTORICAL
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OF NORTH DAKOTA**

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Governor of North Dakota

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*Director
Parks and Recreation
Department*

Thomas Sorel
*Director
Department of
Transportation*

Claudia J. Berg
Director

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October 4, 2018

Mr. Corey Wentland
Business Manager/Federal Aid Coordinator
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095

ND SHPO Ref.:18-1304 ND Game and Fish Dept. "A Class III Intensive Cultural Resource Inventory for the McKenzie County Sportsmen's Club Shooting and Educational Facility Project in McKenzie County, North Dakota"

Dear Mr. Wentland,

We reviewed ND SHPO Ref.:18-1304 ND Game and Fish Dept. "A Class III Intensive Cultural Resource Inventory for the McKenzie County Sportsmen's Club Shooting and Educational Facility Project in McKenzie County, North Dakota," and find the report acceptable. We concur with a "No Historic Properties Affected" determination, provided the project remains as described and mapped in this report.

Thank you for the opportunity to review this project. If you have any questions please contact Susan Quinnell, Review and Compliance Coordinator at (701) 328-3576, e-mail squinnell@nd.gov

Sincerely,

Claudia J. Berg
Director, State Historical Society of North Dakota

C: BCA, Bismarck

McKenzie County Sportsmen's Club
C/O Brent Schwan
409 5th St NE
Watford City ND 58854

October 10, 2018

This is to inform you that at the October 2, 2018 meeting, the McKenzie County Board of Commissioners approved the request for a Firearms Facility Overlay District for the McKenzie County Sportsmen's Club located S1/2/4 and N1/2SW1/4 of Section 35, Township 150N, Range 98-W in McKenzie County ND. The following requirements must be met prior to the facility becoming operational. Each of these items is outlined in the NRA Range Source Book.

1. **Prepare and submit for approval a complete Safety Plan** as outlined in the NRA Range Source Book, Section 1, Chapter 2. The plan must be clear and concise so this it is understood by all users and must continue throughout the life of the project. The Safety Plan is to include:
 - a. The document should be written on the sponsoring organization's letterhead or official stationary.
 - b. The document should indicate the date of adoption and bear the signatures of the current officers.
 - c. The document should include a preamble stating a specific purpose.
 - d. There should be a terminology section to define clearly terms often loosely interpreted.
 - e. The safety plan should divide rules and regulations into categories
 - i. Gun Handling Rules; as found in section 1 chapter 2 subsection 2.03.2.1
 - ii. General Range Rules; as found in section 1 chapter 2 subsection 2.03.3.1
 - iii. Specific Range Rules (according to the type range) as found in section 1 chapter 2 subsection 2.03.4.1
 - iv. Administrative Rules and Regulations. as found in section 1 chapter 2 subsection 2.03.5
 - v. Range Procedures to be followed in the case of emergencies.
 - f. Any exceptions to the rules or regulations should be carefully defined to avoid confusion.
 - g. The conclusion of the safety plan spells out the consequences or action that will accompany any violation of the safety rules and regulations.

2. **Prepare and submit for approval an Operations Plan** as outlined in the NRA Range Source Book, Section 1, Chapter 5. The Operations Plan is to include:
 - a. Management Guidebook, see Section 1, Chapter 5, Subsection 2.01
 - b. Standard Operating Procedures, see Section 1, Chapter 5, Subsection 2.02
 - c. Range Security, see Section 1, Chapter 5, Subsection 3.02
 - d. Lead Maintenance, see Section 1, Chapter 5, Subsection 4.05

3. **Prepare Construction Plans and Specification for the Range.** Plans to be reviewed and approved prior to construction. Plans shall include:
 - a. Site Plans as outlined in Section 1, Chapter 3, Subsection 3.01
 - b. Design Specifications as outlined in Section 1, Chapter 3, Subsection 3.03

Sincerely,



Jim Talbert, Director
McKenzie County Planning and Zoning