

Appendix A. Notice of Intent





Federal Register/Vol. 80, No. 193/Tuesday, October 6, 2015/Notices

the online instructions for sending your comments electronically.

- Mail: Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
 Fax: Fax comments to Docket

Operations at 202–493–2251. Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to http://www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at http://www.dot.gov/privacy

Docket: Background documents or comments received may be read at http://www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. FOR FURTHER INFORMATION CONTACT: Jake

FOR FURTHER INFORMATION CONTACT: JAK Troutman (202) 267–9521, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. This notice is published pursuant to

14 CFR 11.85.

Issued in Washington, DC, on July 17,

2015. Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0352.
Petitioner: Astraeus Aerial.
Section(s) of 14 CFR Affected: Part 21,
45.23(b), 61.113(a) and (b), 91.7(a),
91.9(b)(2), 91.103, 91.109, 91.119,
91.121, 91.151(a), 91.203(a) and (b),
91.405(a), 407(a)(1), 409(a)(2), and
417(a) and (b).

Description of Relief Sought: Astraeus Aerial seeks to amend its original exemption by adding a dual operator system to its operation. In a dual operator system, the pilot in command (PIC) operates the aircraft from an outdoor location and maintains constant visual line of sight with the aircraft throughout the flight, while a second

operator, with permission from the PIC, operates the aircraft using an array of video displays during certain phases of the flight. During these phases, the PIC can resume immediate command and control of the aircraft if necessary.

[FR Doc. 2015–25363 Filed 10–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Stark, Billings, and McKenzie Counties, North Dakota

AGENCY: Federal Highway Administration (FHWA), North Dakota Department of Transportation (NDDOT), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public of its intent to prepare an environmental impact statement, in cooperation with the NDDOT, for a proposed highway project in Stark, Billings, and McKenzie Counties, North Dakota.

FOR FURTHER INFORMATION CONTACT: Sheri G. Lares, Environment Program Manager and Planning Specialist, Federal Highway Administration, North Dakota Division Office, 4503 Coleman Street, Suite 205, Bismarck, North Dakota 58503, Telephone: (701) 221– 9464. Matt Linneman, Program Manager, Environmental and Transportation Services, North Dakota Department of Transportation, 608 E. Boulevard Avenue, Bismarck, North Dakota 58505–0700, Telephone: (701) 328–2640.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Dakota Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to expand U.S. Highway 85, approximately 62 miles, from I–94 Interchange to the Watford City Bypass (McKenzie County Road 30), North Dakota, and rehabilitate or replace the historic Long X Bridge over the Little Missouri River.

Preliminary alternatives currently under consideration are the no build and the build alternatives, which are divided between roadway and bridge alternatives. The preliminary roadway alternative is to expand U.S. Highway 85 to a four lane highway with flexible design options to avoid or minimize impacts.

Preliminary bridge alternatives currently under consideration include the following: (1) Rehabilitate the Long X Bridge (2) rehabilitate the Long X

Bridge and construct a new two-lane structure adjacent to the existing Long X Bridge (3) retain the Long X Bridge for an alternative use, and construct a new four-lane structure adjacent to the existing Long X Bridge (4) construct a new four-lane structure and remove the Long X Bridge. All rehabilitation or retention alternatives would consider preserving the historic integrity of the Long X Bridge.

A Coordination Plan is being prepared to define the agencies and public participation plan for the environmental review process. The plan will outline how agencies and the public will provide input during the scoping process, the development of the purpose and need, and alternatives development.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, regional and local agencies, and to private organizations and citizens who previously have expressed, or are known to have, an interest in this project. Two public scoping meetings will be held in Belfield and Watford City, North Dakota. The public scoping meetings for the proposed project will be advertised in local newspapers and other media and will be hosted by the North Dakota Department of Transportation in the fall of 2015.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

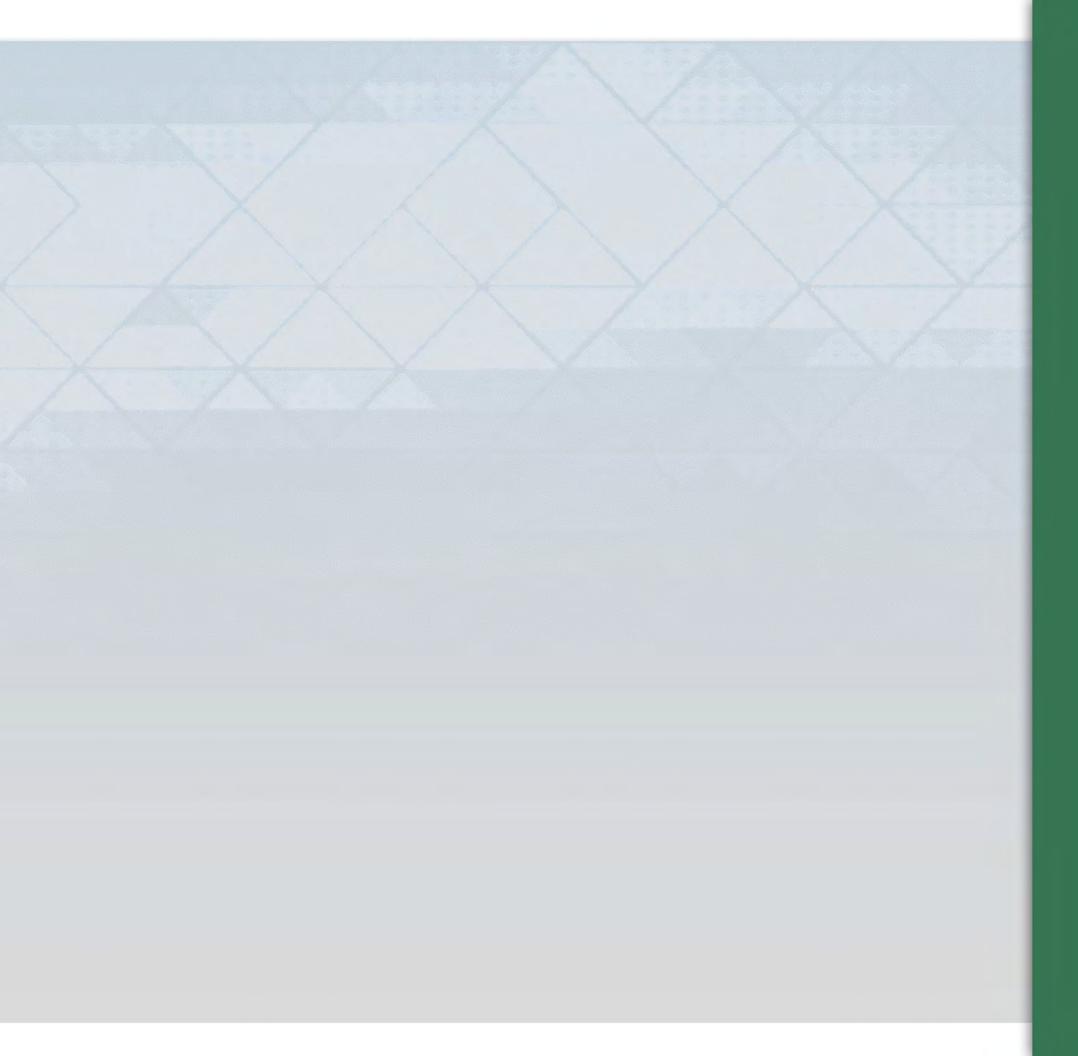
Issued on: September 30, 2015.

Sheri G. Lares,

Environmental Program Manager and Planning Specialist, Federal Highway Administration, North Dakota Division Office. [FR Doc. 2015–25405 Filed 10–5–15; 8:45 am]

BILLING CODE 4910-22-P





Appendix B. Agency Correspondence

.1.	Natural Resources Conservation Service CPA-106 FormB-3
.2.	US Forest Service Acceptance of Biological Evaluation
.3.	Programmatic Biological Assessment Project Approval Form
.4.	Northern Long-eared Bat 4(d) Rule Streamline Consultation Form B-7
.5.	North Dakota Department of Transportation Letters to the State Historic Preservation OfficeB-17
.6.	State Historic Preservation Office Concurrence and Other Correspondence
.7.	Advisory Council on Historic Preservation LetterB-40

B.1. Natural Resources Conservation Service CPA-106 Form

	MLAND CON FOR CORRIE	1,7077070					NRCS-CPA-106 (Rev. 1-91)
PART I (To be completed by Federal Agency)		3. Date	of Land Evaluation	n Request	Local S	4. She	et 1 of 1
1. Name of Project US Highway 85 Expansion		5, Fede	ral Agency Involve	ed	3/7/17	die	ei 701 <u>- </u>
2 Type of Project			deral Highway				
Roadway Widening		6. Coun	ty and State Sta	rk, Billin	gs, Mck	Kenzie Cour	ities, ND
PART II (To be completed by NRCS)		1. Date	Request Received	by NRCS	2. Pers	on Completing F ven Sieler	orm
3 Does the corridor contain prime, unique statewide or local (If no, the FPPA does not apply - Do not complete addition		17	YES X NO			s Irrigated Ave	
5. Major Crop(s)	6. Farmable L		ment Jurisdiction		7. Amou	int of Farmland	As Defined in FPPA
Barley, Canola, Oats, Wheat, Sugar Beets	Acres: M	ultiple Count	ies % N/	A	Acre	es: Multiple Co	ounties % NA
Name Of Land Evaluation System Used LESA	9. Name of Lo	LESA	ssment System		_		n Returned by NRCS
PART III (To be completed by Federal Agency)			Alterna	tive Corri	dor For S	Segment	
			Corridor B		idor C		
A. Total Acres To Be Converted Directly			981	763			
B. Total Acres To Be Converted Indirectly, Or To Receive	e Services		0	0			
C. Total Acres In Corridor			981	763		0	0
PART IV (To be completed by NRCS) Land Evalua	ation Information	n					
A. Total Acres Prime And Unique Farmland			3	4			
B. Total Acres Statewide And Local Important Farmland			207	225			
C. Percentage Of Farmland in County Or Local Govt. U	nit To Be Converte	ed	0	.001			
D. Percentage Of Farmland in Govt. Jurisdiction With Sa			42	42			
PART V (To be completed by NRCS) Land Evaluation value of Farmland to Be Serviced or Converted (Sc			16	17			
PART VI (To be completed by Federal Agency) Co Assessment Criteria (These criteria are explained in	orridor	Maximum Points					
Area in Nonurban Use	7 07 71 00 0.0(0))	15		+		-	
Perimeter in Nonurban Use		10			_		
3. Percent Of Corridor Being Farmed		20				_	
4. Protection Provided By State And Local Governm	ent	20					
Size of Present Farm Unit Compared To Average		10					
Creation Of Nonfarmable Farmland		25					
7. Availability Of Farm Support Services		5					
8. On-Farm Investments		20					
Effects Of Conversion On Farm Support Services Compatibility With Existing Agricultural Use		25 10		-			
TOTAL CORRIDOR ASSESSMENT POINTS				-			
TOTAL CORRIDOR ASSESSMENT POINTS		160	0	0		0	0
PART VII (To be completed by Federal Agency)							
Relative Value Of Farmland (From Part V)		100					
Total Corridor Assessment (From Part VI above or a l assessment)	ocal site	160	0	0		0	0
TOTAL POINTS (Total of above 2 lines)		260	0	0		0	0
. Corridor Selected: 2. Total Acres of Fa		3. Date Of S	Selection:		A Local S	ite Assessment	11,119.7
Corridor B 981 acres		18		YES		,	
5. Reason For Selection:				1		30.00	
referred Alternative as identified by the Fed	leral Highway	Administr	ration in the I	Draft En	vironme	. 1 .	7.4
Signature of Person Completing this Part:					DAT	1/26/2	2018
			ate Corridor				

U.S. DEPARTMENT OF AGRICULTURE Natural Resources Conservation Service	ARMLAND CON						NRCS-CPA-1 (Rev. 1-91)
PART I (To be completed by Federal Agency,	FOR CORRID	2002	227779.10			14.	
The result of the state of the		3. Date	of Land Evaluation	Request	8/7/17	She	eet 1 of 1
1. Name of Project US Highway 85 Expansion	n	5. Fede	ral Agency Involve deral Highway	d		1	
2. Type of Project Roadway Widening			ity and State Sta				ntine ND
PART II (To be completed by NRCS)		1. Date	Request Received	by NRCS	2. Per	on Completing I	fues, ND
and the second s		8/1	5/17		Ste	ven Sieler	
 Does the corridor contain prime, unique statewide or (If no, the FPPA does not apply - Do not complete a 	dditional parts of this form	n).	YES X NO		NA	s Irrigated Ave	
 Major Crop(s) Barley, Canola, Oats, Wheat, Sugar B 	anta		nment Jurisdiction		7. Amoi	unt of Farmland	As Defined in FPPA
B. Name Of Land Evaluation System Used	ACIES. MIC	Iltiple Count		4	_	es: Multiple Co	
LESA	9. Name of Lo	LESA	ssment System		10. Date	08/23/20	n Returned by NRCS 17
ALL Mark Reserved Control of Control of Control			Alternat	tive Corri	dor For		31
PART III (To be completed by Federal Agency	1)		Corridor B		idor C	Jeginent	
A. Total Acres To Be Converted Directly			981	763			
3. Total Acres To Be Converted Indirectly, Or To R	eceive Services		0	0			
C. Total Acres In Corridor			981	763	}	0	0
PART IV (To be completed by NRCS) Land E	valuation Information	n					
A. Total Acres Prime And Unique Farmland			3	4			
B. Total Acres Statewide And Local Important Farm	nland		207	225			
C. Percentage Of Farmland in County Or Local Go	vt. Unit To Be Converte	d	0	.001	9.		
D. Percentage Of Farmland in Govt. Jurisdiction W.			42	42			
PART V (To be completed by NRCS) Land Evalue value of Farmland to Be Serviced or Converted			16	17			
PART VI (To be completed by Federal Agenc Assessment Criteria (These criteria are explain	y) Corridor	Maximum Points					
Area in Nonurban Use		15		1		-	
2. Perimeter in Nonurban Use		10					
Percent Of Corridor Being Farmed		20					
Protection Provided By State And Local Gov		20					
5. Size of Present Farm Unit Compared To Ave	rage	10					
Creation Of Nonfarmable Farmland Availablility Of Farm Support Services		25					
Nor-Farm Investments		5 20		-			
Effects Of Conversion On Farm Support Ser	vices	25		-	_		
10. Compatibility With Existing Agricultural Use	1000	10		1			
TOTAL CORRIDOR ASSESSMENT POINTS		160	0				
ART VII (To be completed by Federal Agenc			U	0		0	0
Relative Value Of Farmland (From Part V)	**	400		-		-	
A THE RESIDENCE AND ADDRESS OF THE STATE OF	or o local -n-	100		-			
Total Corridor Assessment (From Part VI above assessment)	or a local site	160	0	0		0	0
TOTAL POINTS (Total of above 2 lines)		260	0	0		0	0
	of Farmlands to be by Project: S	3. Date Of \$		4. Was	A Local S	ite Assessmen	,
5. Reason For Selection:				1			
eferred Alternative as identified by the	Federal Highway	Administ	ration in the [Oraft En	vironm		
Signature of Person Completing this Part:					TAT!	F/66/	2018
///					DA	-	



B.2. US Forest Service Acceptance of Biological Evaluation

From: Dekker, Jason - FS [mailto:jdekker@fs.fed.us]

Sent: Monday, October 2, 2017 9:25 AM

To: Mike Huffington <mike.huffington@kljeng.com>

Cc: Jen Turnbow <jen.turnbow@kljeng.com>; Linneman, Matt G. <mlinneman@nd.gov>; kevin.brodie@dot.gov; Boehm, Shannon - FS <shannonboehm@fs.fed.us>; Warm, Arden A -FS <awarm@fs.fed.us>; Nelson, Josiah - FS <josiahnelson@fs.fed.us>; Dahl, Jack D -FS <jdahl@fs.fed.us>

Subject: BA/BE Hwy. 85 Expansion Project

Our specialists have looked over the final BA/BE and are good with the corrections made.

Thanks,



Jason Dekker Oil and Gas Resource Specialist

Forest Service

Dakota Prairie National Grassland Medora Ranger District

p: 701-227-7821 c: 701-227-7821

f: 701-227-7801 jdekker@fs.fed.us

99 23rd Ave. West, Suite B

Dickinson, ND 58601

www.fs.fed.us

Caring for the land and serving people

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B.3. Programmatic Biological Assessment Project Approval Form

Summary of Effect Determination	s			
Project Number / PCN: 9-085(085)	075/PCN2004	6		
Species / Critical Habitat	No Effect	NLTAA	NLTAA/LAA*	Conservation Measures
Interior Least Tern	√		N/A	CM1
Whooping Crane		✓	N/A	CM1, CM4
Black-Footed Ferret	✓		N/A	CM1
Pallid Sturgeon	✓		N/A	CM1
Gray Wolf		✓	N/A	CM1
Poweshiek Skipperling			N/A	NA
Piping Plover	\checkmark		N/A	CM1
Western Prairie Fringed Orchid			N/A	NA
Dakota Skipper		√	N/A	CM1, CM7
Rufa Red Knot	\checkmark		N/A	CM1
Northern Long-Eared Bat			✓	CM1
Piping Plover Critical Habitat	✓		N/A	CM1
Dakota Skipper Critical Habitat	\checkmark		N/A	CM1
Poweshiek Skipperling Critical Habitat			N/A	NA
N.T.A.A.—May Affect, Not Likely to Adversely Affect LA.A.—May Affect, Likely to Adversely Affect *Covered Under 4(d) Rule Streamlined Consultation—Note—The 4(d)				
e project submittal package (on-file at the I rk activities associated with this project fit ogrammatic biological assessment (PBA). The ects analysis within the PBA, fieldwork has ected. The conservation measures identified commental notes or special provisions. Shouled to be reviewed for potential effects to list exproject submittal package will need to be the requirements have been met under the P	within the activition potential effect been conducted at in this project of the changes to the sted species and revaluated. Proving potential with the changes to the sted species and revaluated. Proving potential effects are proving the changes and proving the changes are proving the changes a	ies and sub-acti ts to listed resou (if required), and submittal packag scope of work f critical habitat t ided no changes	wities described in turces that may occud appropriate consige must be included or this project occuhat may occur near occur to this proje	the deconstruction matrix of our from this project fit within ervation measures have been d in the plan sheets as either our, the additional work items or within the project area a ct, Section 7 Endangered Spe
Digitally signed by Greg Schonert Disc:-Greg Schonert, on/DDDT, oueETS, email-grochorettindgow, c-US Date: 2017; 07:27 15:56:42-05:00'				

I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
Project 9-085(085)075 PCN 20046 Stark, Billings and McKenzie Counties, North Dakota

B.4. Northern Long-eared Bat 4(d) Rule Streamline Consultation Form

Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if re-initiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

Info	rmation to Determine 4(d) Rule Compliance:	YES	NO
1.	Does the project occur wholly outside of the WNS Zone ¹ ?	\boxtimes	
2.	Have you contacted the appropriate agency ² to determine if your project is near		\boxtimes
	known hibernacula or maternity roost trees?		
3.	Could the project disturb hibernating NLEBs in a known hibernaculum?		\boxtimes
4.	Could the project alter the entrance or interior environment of a known		\boxtimes
	hibernaculum?		
5.	Does the project remove any trees within 0.25 miles of a known hibernaculum at		\boxtimes
	any time of year?		
6.	Would the project cut or destroy known occupied maternity roost trees, or any		\boxtimes
	other trees within a 150-foot radius from the maternity roost tree from June 1		
	through July 31.		

You are eligible to use this form if you have answered yes to question #1 <u>or</u> yes to question #2 <u>and</u> no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

Agency and Applicant³

Agency Applicant

Federal Highway Administration (FHWA) North Dakota Department of Transportation (NDDOT)

4503 Coleman Street #205 608 East Boulevard Avenue

Bismarck, North Dakota 58503 Bismarck, North Dakota 58505

701 250 4204 701 328 2725

Project Name: I-94 Interchange to Watford City Bypass (McKenzie County Road 30)

Project Location (include coordinates if known): The US Highway 85 Widening Project encompasses approximately 62 miles of roadway in western North Dakota. The project begins at the US Interstate 94



 $^{^1\,}http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf$

² See http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html

³ If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

interchange (Reference Point [RP] 75.7) and extends north to the Watford City Bypass (McKenzie County Road 30 [RP 139.5]).

Basic Project Description (provide narrative below or attach additional information): Please see attached *Project Description Document* for a project description narrative. In addition, please see narrative below for a summary of the NLEB acoustic survey completed for the proposed project.

Northern Long-Eared Bat Acoustic Survey

NDDOT and FHWA elected to conduct voluntary NLEB presence/probable absence acoustic surveys within and adjacent to the project corridor due to the nature, location, and scope of work associated with the proposed project. Surveys were conducted by qualified acoustic surveyors and followed the US Fish and Wildlife Service (USFWS) 2015 Range-wide Indiana Bat Summer Survey Guidelines (USFWS 2015). The results of these surveys indicate that the NLEB is present within the project corridor. A total of 11 call sequences were classified as NLEB using a combination of automatic ID software programs and manual classification by a professional.

Due to the nature of the project, conservation measures including timing restrictions for tree and building removals, and structure work (i.e., bridge/box culverts) in naturally wooded areas, may not be adhered to. When possible, and in sensitive areas (e.g., badlands area where positive acoustic NLEB calls were identified and on USFS-owned lands), timing restrictions (i.e., no removals between April 1 to September 30) for tree removals would be adhered to.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?		\boxtimes
Does the project occur within 150 feet of a known maternity roost tree?		\boxtimes
Does the project include forest conversion ⁴ ? (if yes, report acreage below)	\boxtimes	
Estimated total acres of forest conversion	57	.8
If known, estimated acres ⁵ of forest conversion from April 1 to October 31	Unkn	iown
If known, estimated acres of forest conversion from June 1 to July 31 ⁶	Unkn	own
Does the project include timber harvest? (if yes, report acreage below)		\boxtimes
Estimated total acres of timber harvest	N.	A
If known, estimated acres of timber harvest from April 1 to October 31	N.	A
If known, estimated acres of timber harvest from June 1 to July 31	N.	A
Does the project include prescribed fire? (if yes, report acreage below)		\boxtimes
Estimated total acres of prescribed fire	N.	A
If known, estimated acres of prescribed fire from April 1 to October 31	N.	A
If known, estimated acres of prescribed fire from June 1 to July 31	N.	A
Does the project install new wind turbines? (if yes, report capacity in MW below)		\boxtimes
Estimated wind capacity (MW)	N.	A



⁴ Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

⁵ If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

⁶ If the activity includes tree clearing in June and July, also include those acreage in April to October.

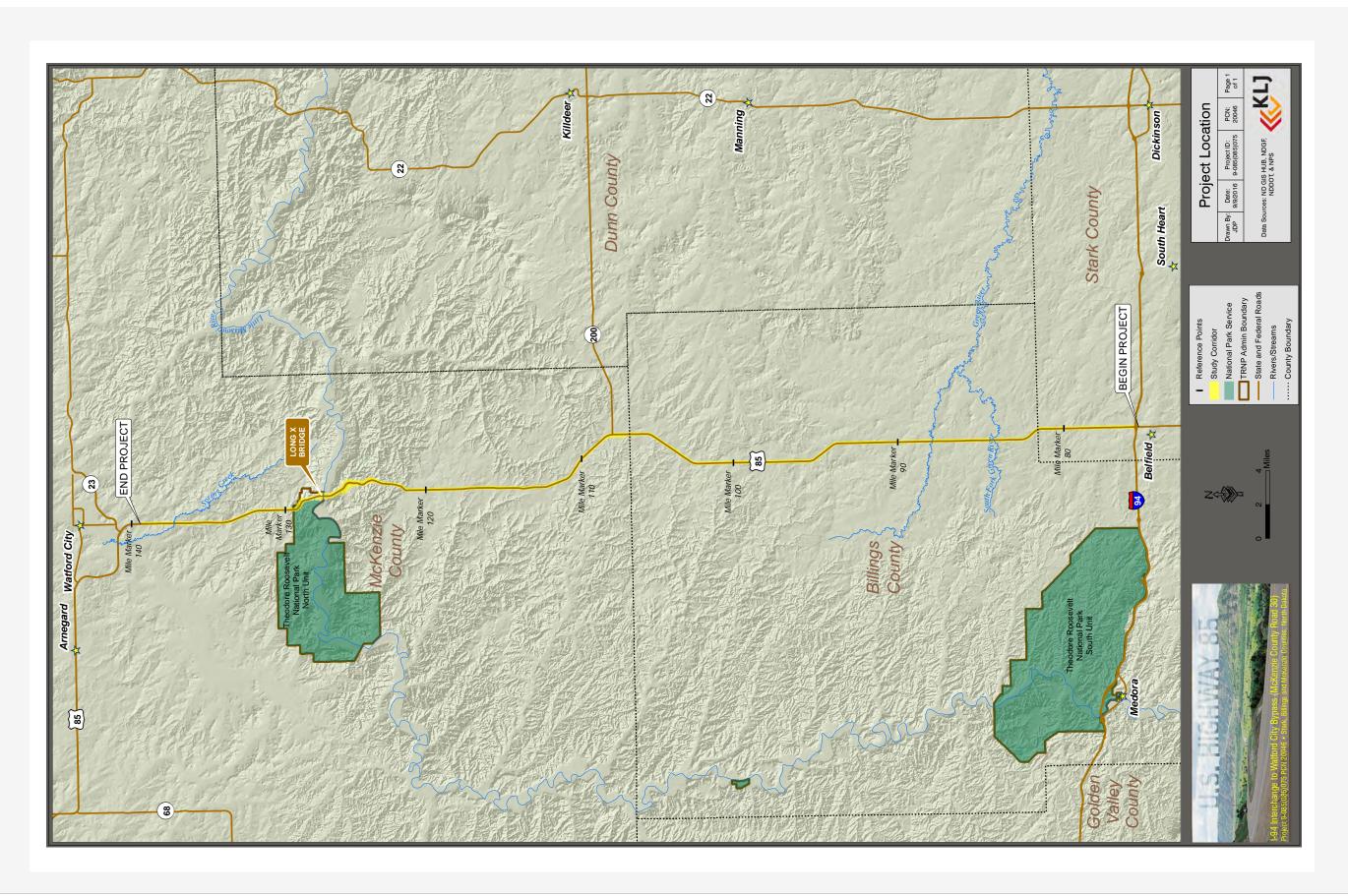
Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature:	KEVIN L BRODIE Digitally signed by KEVIN L BRODIE DN: C=US, G=US, Government, ou=FHWABIsmarkND, ou=EVIN L BRODIE Date: 2017.10.17 08:14:05 -05'00'	Date Submitted:	2017-10-17





Additional Information for Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

I-94 Interchange to Watford City Bypass (McKenzie County Road 30) Project Number 9-085(085)075; PCN 20046

PROJECT SUBMITTAL PACKAGE ADDITIONAL INFORMATION

1. Permanent ROW/Easement on Private and Federal Lands

	Permanent ROW Required – Private	A PERSONAL PROPERTY OF THE PERSON NAMED IN COLUMN 1	Easement – Federal res)	Total (acres)
	(acres)	USFS	NPS	
ALTERNATIVE B				100
Route without options	771.5	73.6	0.0	845.1
Options with Alternative B				
INT-1	2.1	0.0	0.0	2.1
INT-2	2.6	0.0	0.0	2.6
FF-1	20.6	0.0	0.0	20.6
FF-2	97.1	0.0	0.0	97.1
FF-3	105.2	0.0	0.0	105.2
FF-4	111.9	0.0	0.0	111.9
LX-1	5.4	0.3	0.0	5.7
LX-2	6.5	0.2	0.0	6.7
LX-3	6.5	0.3	0.0	6.8
ALTERNATIVE C				
Route without options	531.0	57.4	0.0	588.4
Options with Alternative C				
INT-1	1.0	0.0	0.0	1.0
INT-2	2.6	0.0	0.0	2.6
FF-1	22.5	0.0	0.0	22.5
FF-2	79.1	0.0	0.0	79.1
FF-3	86.9	0.0	0.0	86.9
FF-4	96.0	0.0	0.0	96.0
LX-1	5.4	0.3	0.0	5.7
LX-2	6.5	0.2	0.0	6.7
LX-3	6.5	0.3	0.0	6.8

2. Project Description

The Federal Highway Administration (FHWA), and the North Dakota Department of Transportation (NDDOT), as joint lead agencies, have initiated an Environmental Impact Statement (EIS) for a proposal to

widen approximately 62 miles of United States (US) Highway 85, from the Interstate 94 (I-94) Interchange to the Watford City Bypass (McKenzie County Road 30).

 $Two\ primary\ build\ alternative\ have\ been\ carried\ forward\ for\ analysis.\ These\ two\ alternatives\ are\ as\ follows:$

- Alternative B: Divided, four-lane highway with a depressed center median
- Alternative C: Divided, four-lane highway with a flush center median

In addition to these two primary build alternatives, options have been developed at key locations along the project corridor where additional design considerations are needed. These locations include Fairfield, US Highway 85/ND Highway 200 (ND-200) intersection, and Long X Bridge. The two build alternatives carried forward for analysis represent what would be the typical section for the majority of the 62-mile project corridor. Two locations where this typical section would vary include the 7-mile stretch of roadway occurring through the badlands and the northernmost two miles near Watford City.

Alternative B would expand the highway to a four-lane section with a depressed center median. Design would include:

- Roadway would have a design speed, as well as a posted speed limit of 70 miles per hour (mph)
- Roadway section would consist of two 12-foot-wide driving lanes in each direction
- Outside paved shoulders would be a minimum of 8 feet wide
- Inside paved shoulders (i.e., left side of an individual roadway) would be 4 feet wide
- Depressed median width would be 52 feet wide (shoulder to shoulder)
- Total width of the roadway from outside shoulder to outside shoulder would be 124 feet

Under Alternative B, the existing highway would be utilized to the extent practicable to carry two lanes of one-way directional traffic and a new two-lane highway would be constructed adjacent. A roadway constraints assessment was completed to determine which side of the existing roadway would be the most optimal for expansion based on a number of criteria. The goal of this assessment was to avoid impacts on existing resources (e.g., home, buildings, large utilities, cultural resources) while minimizing the number of crossovers (i.e., transitions from expanding on one side of the existing roadway to expanding on the other).



Alternative C would expand the highway to a divided, four-lane with a flush center median. Design would include:

• Roadway would have a design speed, as well as a posted speed limit of 65 mph

- Roadway section would consist of two 12-foot-wide driving lanes in each direction
- Outside paved shoulders would be a minimum of 8 feet wide
- Opposing directions of traffic would be separated by a paved, 20-foot-wide, flush median
- Depressed median width would be 84 feet wide (shoulder to shoulder)

As an additional safety measure, rumble strips would be installed within non-turning lane segments of the flush center median to discourage drivers from using the center median as a passing lane. Widening associated with Alternative C would occur equally to both sides of the existing roadway.



Fairfield

Four roadway options for Fairfield are being considered. These options are as follows:

- Option FF-1: Four-lane Urban
- Option FF-2: West Bypass; 0.4 miles west of Fairfield
- Option FF-3: East Bypass 1; 0.3 miles east of Fairfield
- Option FF-4: East Bypass 2; 0.5 miles east of Fairfield

Option FF-1 is the only on-alignment option considered for through Fairfield. Option FF-1 would include constructing an urbanized, four-lane section with reduced speeds through Fairfield.

Three Fairfield bypass options are being considered. These bypass options would route US Highway 85 around the community of Fairfield on a newly constructed alignment. They typical section of the bypass options would match the typical section of the selected roadway alternative (i.e., Alternative B or Alternative C). The design speed of all three bypass options would match the design speed of the selected roadway alternative.



Badlands

Through the badlands segment of the project corridor, the roadway footprint has been reduced to the maximum extent practicable to minimize environmental and social impacts, as well as minimize impacts to Theodore Roosevelt National Park (TRNP) North Unit. Flexible design options such as retaining walls and varying median and shoulder widths have been incorporated.

The typical roadway section for the Badlands segment south of the Little Missouri River would consist of two 12-foot-wide driving lanes in each direction, 8-foot-wide shoulders, a 20-foot-wide flush center median, and a posted speed limit of 65 mph. The roadway configuration near the Little Missouri River would vary depending upon the selected bridge option, but would maintain the 12-foot driving lane width and 60 mph posted speed limit. North of the Little Missouri River, near the entrance to the TRNP – North Unit, the center median width would be reduced to 12 feet, along with the posted speed limit of 60 mph. This 12-foot-wide median would be maintained to approximately RP 130 at the north end of the Badlands before transitioning back to the selected roadway alternative typical section.

Long X Bridge

Three bridge rehabilitation/replacement options are under consideration for the Long X Bridge:

- Option LX-1: New Two-lane Bridge, Rehabilitate Existing Long X Bridge
- Option LX-2: New Four-lane Bridge, Retain Existing Long X Bridge for Alternate Use
- Option LX-3: New Four-lane Bridge; Remove Existing Long X Bridge

Option LX-1 would rehabilitate the existing Long X Bridge to increase the vertical clearance. To do so, the horizontal braces spanning between the trusses would be raised, replacement of the v-shaped diagonal braces connecting the portals to the top chords of the trusses, deck replacement, installation of shear studs on stringers, and replacement of a new traffic barrier to meet standards. The substructure expansion joints would be replaced and substructure concrete cracks and spalls would be repaired as needed.

The new two-lane bridge that would be constructed under option LX-1 would be east of the existing Long X Bridge and design would be as follows:

- Six span structure approximately 950 feet long by 53 feet wide
- Bridge superstructure would consist of either steel plate girders or prestressed concrete I-girders
- Superstructure would be supported by concrete substructures, supported by deep foundation (e.g., piling)
- Bridge would match the grade/deck elevation of the existing Long X Bridge
- Deck would be cast-in-place concrete and provide:
 - o Two 12-foot-wide driving lanes
 - o 8-foot-wide outside shoulders
 - 1-foot-wide exterior traffic barriers

Option LX-2 would reuse the existing Long X Bridge for an alternate use and construct a new four-lane bridge to the east of the existing Long X Bridge. Alternate use of the Long X Bridge would likely involve use of the bridge as a pedestrian facility and would have bridge railing installed. The new four lane bridge would be as follows:

- Six span structure approximately 950 feet long by 85 feet wide
- Bridge superstructure would consist of either steel plate girders or prestressed concrete I-girders
- Superstructure would be supported by concrete substructures, supported by deep foundation (e.g., piling)
- Bridge would match the grade/deck elevation of the existing Long X Bridge
- Deck would be cast-in-place concrete and provide:
 - o Four 12-foot-wide driving lanes
 - o 10-foot-wide outside shoulders
 - o 6-foot-wide inside shoulders
 - o 1-foot-wide exterior traffic barriers and 2-foot, 6-inch-wide median traffic barrier

Option LX-3 would demolish the Long X Bridge and construct a new four lane bridge to the east. The new four lane bridge would be as follows:

- Six span structure approximately 950 feet long by 96 feet wide
- Bridge superstructure would consist of either steel plate girders or prestressed concrete I-girders



- Superstructure would be supported by concrete substructures, supported by deep foundation (e.g., piling)
- Bridge would match the grade/deck elevation of the existing Long X Bridge
- Deck would be cast-in-place concrete and provide:
 - o Four 12-foot-wide driving lanes
 - o 10-foot-wide outside shoulders
 - 6-foot-wide inside shoulders
 - o 1-foot-wide exterior traffic barriers and 2-foot, 6-inch-wide median traffic barrier

Wildlife Crossings

To address concerns associated with the loss of wildlife mobility and habitat connectivity, along with safety and economic losses due to wildlife-vehicle collisions, a total of three wildlife crossings and associated fencing have incorporated into the project. A description of these crossings and fencing is as follows:

- Wildlife crossing underpass at RP 122.532 This crossing, located within the Badlands, would consist of a concrete box culvert 10 feet high by 20 feet wide and would be approximately 136 feet long.
- Long X Bridge at RP 126.562 The banks below the existing bridge provide relatively flat benches
 approximately 80 feet wide on each bank, and the bridge provides approximately 30 feet and 19
 feet of clearance over the benches on the south and north banks respectively. New bridges
 constructed as part LX-1, LX-2 or LX-3 would be designed to maintain the bench width and would
 provide approximately 4 feet less vertical clearance due to the need to match the roadway surface
 profile of the existing bridge.
- Wildlife crossing overpass at RP 128.460 This crossing is intended for bighorn sheep and would consist of a three-span bridge over US Highway 85. The bridge would be approximately 268 feet long and approximately 130 feet wide.
- Wildlife fencing, jump-outs, and wildlife guards, RP 120.9 to 130.1 Wildlife exclusion fencing, jump-outs, and wildlife guards would be constructed to facilitate use of the wildlife crossings and to allow wildlife trapped on the roadway-side of the exclusion fencing to escape.

North Dakota
Department of Transportation
Grant Levi, P.E.
Director

Doug Burgum
Governor

January 23, 2017

Ms. Claudia J. Berg ND State Historic Preservation Officer ND Heritage Center 612 East Boulevard Avenue Bismarck, ND 58505-0830

Attn: Lisa Steckler, Project Review Coordinator

CONSULTATION ON NDDOT PROJECTS, STATE HIGHWAY SYSTEM

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

Lead Federal Agency: Federal Highway Administration NDDOT Project #: 9-085(085)75 PCN: 20046 Legal Location: Stark, Billings and McKenzie counties

T140N R99W Sections: 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32, 33
T141N R99W Sections: 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35
T142N R99W Sections: 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35
T143N R99W Sections: 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34, 35
T144N R99W Sections: 2, 11, 14, 15, 21, 22, 27, 28, 33, 34
T145N R98W Sections: 18, 19, 20, 28, 29, 32, 33

T145N R98W Sections: 18, 19, 20, 28, 29, 32, 33 T145N R99W Sections: 1, 2, 11, 12, 13

T146N R99W Sections: 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36
T147N R99W Sections: 1, 2, 11, 12, 13, 24, 25, 26, 35, 36
T148N R99W Sections: 3, 10, 11, 14, 15, 22, 23, 26, 27, 35

T149N R98W Sections: 7, 18, 19, 30, 31 T149N R99W Sections: 12, 13, 24, 25, 36

608 East Boulevard Avenue * Bismarck, North Dakota 58505-0700 Information: 1-855-NDROADS (1-855-637-6237) * FAX: (701) 328-0310 * TTY: 711 * dot.nd.gov B.5. North Dakota Department of Transportation Letters to the State Historic Preservation Office

Page 2 January 23, 2017

Project Type: Widening of US Highway 85 from a 2-lane highway to a 4-lane highway and rehabilitation or replacement of the historic Long X Bridge. Project may also include the construction of a bypass around the community of Fairfield.

Purpose and Need: The purpose of the proposed action is to provide a transportation corridor that would address social demands; accommodate a mix of industrial, agricultural and passenger traffic; improve system linkage; improve safety; provide highway capacity to accommodate current and future traffic volumes; satisfy transportation demands; improve roadway reliability; and reduce the potential for wildlife/vehicle-related crashes and minimize wildlife habitat fragmentation.

Project Description: The North Dakota Department of Transportation, in cooperation with the Federal Highway Administration, is initiating an Environmental Impact Statement for the proposed US Highway 85 project. The project limits are from the I-94 Interchange to the Watford City Bypass (McKenzie County Road 30), in Stark, Billings and McKenzie Counties, North Dakota. The project length is approximately 62 miles. The proposed project would expand US Highway 85 to four lanes (with flexible design options to avoid or minimize impacts) and rehabilitate or replace the historic Long X Bridge over the Little Missouri River. The project will require permanent right-of-way and construction easements. Right-of-way/easements would be required along the entire 62-mile project corridor on either side of the centerline of US Highway 85. The width and extent of right-of-way required is not currently known. Utility relocations are expected throughout the project corridor.

APE: The Area of Potential Effect is a corridor that is 61.7 miles and varies from 400 to 1,200 feet on either side of the Right Of Way. These lands include both private and federal lands. A proposed Fairfield bypass extends to 3,300 feet on the west side of the Right Of Way. The limits of construction and direct impacts are not yet fully determined due to further need for studies, analysis, and design of the proposed project.

Justification: The proposed project is work to an existing highway system. The NDDOT will continue consultation on the proposed project.

Proposed Cultural Resource Work: A Class III cultural resource inventory of the Area of Potential Effects has been completed by KLJ. KLJ was accompanied by Tribal Cultural Specialists Darnell Jackson of Spirit Lake Sioux Tribe, Jeff Hesla of Sisseton Wahpeton Oyate, Mathew Dixon of the Mandan Hidatsa Arikara Nation, John Buckley and Dustin Thompson of Standing Rock Sioux Tribe and Terrace Kepin and Taylor Nadeau of Turtle Mountain Band of Chippewa Indians.

Evaluations of four prehistoric sites, and 42 shovel probes were excavated in 2015. Ninety-five sites and 72 isolated finds were documented. Nineteen isolated finds will have shovel probes. Forty five sites are recommended Not Eligible, 9 are recommended Eligible, and 39 are unevaluated for the National Register of Historic Places.



Page 3 January 23, 2017

The preliminary limits of construction indicate that 20 unevaluated prehistoric and 4 Eligible history/architectural sites will potentially be impacted. The Unevaluated sites are in the process of being evaluated, and the Eligible sites shall be mitigated and reported as part of additional reports.

Other Consulting Parties: The NDDOT consults with its Tribal Consultation Committee (TCC) on all proposed projects as agreed to in its PA to meet the responsibilities of Section 106 of the National Historic Preservation Act. The TCC is also a participating agency in the NEPA process.

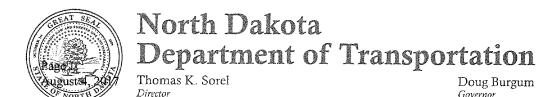
Plan for Public Involvement: A Solicitation of Views package has been distributed to Federal, Tribal, State, and local agencies. A total of four public meetings have also been held, and Tribal consultation has taken place.

We are submitting this report for your review and will continue consultation. There is not determination of effects at this time. If you need further information regarding the proposed project please contact me or the other NDDOT cultural resource staff.

VALERIE J BARBIE

CULTURAL RESOURCE SECTION, ETS, NDDOT

vb/mh Enclosure



August 10, 2017

Ms. Claudia J. Berg ND State Historic Preservation Officer ND Heritage Center 612 East Boulevard Avenue Bismarck, ND 58505-0830

Attn: Lisa Steckler, Project Review Coordinator

CONSULTATION ON NDDOT PROJECTS, STATE HIGHWAY SYSTEM

We are continuing consultation on the following project. This letter is intended to further and formally provide information on the proposed project and how we have proceeded to meet our responsibilities under Section 106 of the National Historic Preservation Act of 1966 (as revised 1992). While this letter is also intended to solicit your views pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act (NEPA) of 1969, you continue to retain your rights as a Participating Agency under NEPA. We would appreciate your comment on the project, review and acceptance of the final of three cultural resource reports related to identification and evaluation of the cultural resources that may be affected by this project, and discussion of any concerns you may have regarding these properties.

Lead Federal Agency: Federal Highway Administration NDDOT Project #: 9-085(085)075 PCN: 20046 Legal Location: Stark, Billings and McKenzie counties

T140N R99W

T141N	R99W	Sections:	2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35
T142N	R99W	Sections:	2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35
T143N	R99W	Sections:	3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34, 35
T144N	R99W	Sections:	2, 11, 14, 15, 21, 22, 27, 28, 33, 34
T145N	R98W	Sections:	18, 19, 20, 28, 29, 32, 33
T145N	R99W	Sections:	1, 2, 11, 12, 13
T146N	R99W	Sections:	1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36
T147N	R99W	Sections:	1, 2, 11, 12, 13, 24, 25, 26, 35, 36
T148N	R99W	Sections:	3, 10, 11, 14, 15, 22, 23, 26, 27, 35
T149N	R98W	Sections:	7, 18, 19, 30, 31
T149N	R99W	Sections:	12, 13, 24, 25, 3

Sections: 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32, 33

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Page 2 August 4, 2017

Project Type: Widening of US Highway 85 from a 2-lane highway to a 4-lane highway and rehabilitation or replacement of the historic Long X Bridge. The project may also include the construction of a bypass around the community of Fairfield.

Purpose and Need: The purpose of the proposed action is to provide a transportation corridor that would address social demands; accommodate a mix of industrial, agricultural and passenger traffic; improve system linkage; improve safety; provide highway capacity to accommodate current and future traffic volumes; satisfy transportation demands; improve roadway reliability; and reduce the potential for wildlife/vehicle-related crashes and minimize wildlife habitat fragmentation.

Project Description: The North Dakota Department of Transportation, in cooperation with the Federal Highway Administration, has initiated and nearly completed an Environmental Impact Statement for the proposed US Highway 85 project. The project limits are from the I-94 Interchange to the Watford City Bypass (McKenzie County Road 30), in Stark, Billings and McKenzie Counties, North Dakota. The project length is approximately 62 miles. The proposed project would expand US Highway 85 to four lanes (with flexible design options to avoid or minimize impacts) and rehabilitate or replace the historic Long X Bridge over the Little Missouri River. The project will require permanent right-of-way and construction easements. Right-of-way/easements would be required along the entire 62-mile project corridor on either side of the centerline of US Highway 85. Design has proceeded to a point where the width and extent of right-of-way required along the project needed to identify effects to recorded sites are understood. We have had discussions with your office in this regard. Utility relocations are expected throughout the project corridor; we will be analyzing these potential impacts within the EIS. These accommodations and relocations will be designed to avoid impact to eligible cultural resources.

APE: The area of potential effect is generally the footprint of the project, as we have discussed with your office.

Justification: Necessary geophysical work was done separately. While we intend to add two lanes to this highway, we don't anticipate this will increase traffic, but will handle existing and future traffic more effectively and safely. In areas of concern for indirect impacts we are working through the EIS process to address these concerns. A major portion of this effort is focused on potential impacts to the Theodore Roosevelt National Park, North Unit. Indirect effects are being minimized and avoided through flexible design options, such as, designing the 4 lane roadway with a flush median. These flexible design methods also have allowed us to avoid USFS Roadless Management areas within the badlands segment of the project.

Proposed Cultural Resource Work: A Class III cultural resource inventory, assessment of significance of a few architectural and historic sites, and testing of numerous prehistoric sites along the existing highway have been completed. To summarize:

Identification/Evaluation: A total of 95 sites were identified within the survey corridor;

Page 3 August 4, 2017

31 in Billings County, 58 in McKenzie County, and 6 in Stark County. Of these 47 were evaluated as not eligible, 8 as eligible and one with eligible features, and 39 unevaluated. Of these identified sites, 24 were found to be within the potential impact zone for the project. Twenty of these were unevaluated and 4 were eligible. Your office accepted the report in March of 2017 (SHPO Reference #15-5622).

Thirteen of the 20 unevaluated sites were on private land and 7 on USFS land. Enclosed are two reports detailing the results of the evaluative testing approved by your office. None of the sites were evaluated as eligible to the National Register of Historic Places.

In regard to the 4 eligible sites, impact to Theodore Roosevelt National Park and the two historic homesteads has been verbally agreed by your office to be not adverse. At the North Unit of Theodore Roosevelt National Park the sign will be moved to a similar position in regard to the road and the park. The highway will essentially remain within its existing ROW excluding minor temporary ROW needs related to a wildlife crossing that will be constructed and the slide repair. In regard to the 2 historic homestead sites, the proposed highway work has been redesigned to avoid impact to the Gregory homestead. The plan is to document use of both of the Gregory and Dolunivk homesteads as reparation for destruction of the Dolunivk. The fourth eligible site is the Long X Bridge which will either be rehabilitated or removed. Rehabilitation would be designed to retain the bridge's historic nature and would result in a finding of No Adverse Effect. Removing the bridge would be an Adverse Effect.

Justification: This work was done through consultation with your office. It was necessary to identify and evaluate sites along the existing right of way and in areas of proposed right of way needs in preparation for this project.

Other Consulting Parties: The TCC has been consulted from the beginning of this project in regard to Section 106 issues. They are also a Participating Agency under NEPA.

Plan for Public Involvement: A Solicitation of Views package has been distributed to Federal, Tribal, State, and local agencies. A total of five public meetings have also been held, and Tribal consultation has taken place. One Stakeholder Group meeting has taken place and one additional meeting is planned. Three Public Hearings will also be held.

We request your review and acceptance of the enclosed reports. The one on private land has been revised after NDDOT review. The one on USFS land has NDDOT comments incorporated. USFS comments are minor and they did not feel the need to have them included for your review. Please provide and comments you deem necessary and we fill forward final reports to your office.

Further we request your concurrence with the following potential determinations. If we rehabilitate the existing Long X Bridge (32MZ1807 evaluated eligible) we believe a finding of No Adverse Effect is appropriate for the project. If we replace the Long X Bridge we believe a finding of Adverse Effect is appropriate. In regard to the other three eligible sites one has been avoided and effects to the others determined not adverse. 32BI1149 (the Gregory Homestead) has been avoided by design change. Impact to 32BI56 (building remnants of the Dolunivk Farm) has been agreed with your office to be not adverse with documentation of its use and the use of



Page 4 August 4, 2017

32BI1807, which is nearby. Some of the work that will be done in regard to the Dolunivk property may be archaeological. The final eligible site is the Theodore Roosevelt National Park, North Unit. The project will affect a feature of this site by moving this entrance sign a short distance. The site form for this North Unit has been updated. That updated recording and the movement of the sign results in a No Adverse Effect.

We will work with your office, after notification of possible Adverse Effect to the ACHP, on stipulations for the differing properties, and mitigation of adverse effect to the bridge if the replacement option is chosen. If you need further information regarding the proposed project please contact me or the other NDDOT cultural resource staff.

JEANI BORCHERT

jb/mh

Enclosed Reports



September 25, 2017

Ms. Claudia J. Berg ND State Historic Preservation Officer ND Heritage Center 612 East Boulevard Avenue Bismarck, ND 58505-0830

Attn: Lisa Steckler, Project Review Coordinator

CONSULTATION ON NDDOT PROJECTS, STATE HIGHWAY SYSTEM; SHPO REFERENCE #15-5622.

We are continuing consultation on the following project. This letter is intended to clarify impacts to the NPS North Unit of Theodore Roosevelt National Park sign as a result of our project.

Lead Federal Agency: Federal Highway Administration NDDOT Project #: 9-085(085)075 PCN: 20046 Legal Location: McKenzie counties

T148N R99W Section 35

Remaining Issue: You requested information as to exactly where the sign will be moved prior to making a determination on effects.

Resolution: We designed 2 alternative locations for the sign (see enclosed map). NPS comment is as follows:

"From: Ross, Wendy [mailto:wendy ross@nps.gov]
Sent: Wednesday, September 20, 2017 1:54 PM
To: Mike Huffington < mike.huffington@kljeng.com>

Subject: Re: North Unit Entry Sign

Hi Mike-

Thanks for letting us comment on the sign placement. The sign location alternative that best fits the sign's purpose (to notify people that they are close to the entrance of Theodore Roosevelt National Park) is the location east of the current location. The sign location west of the highway does not make sense. The new sign location should be located at an elevation that is easy to see from the roadway (I suspect it will be

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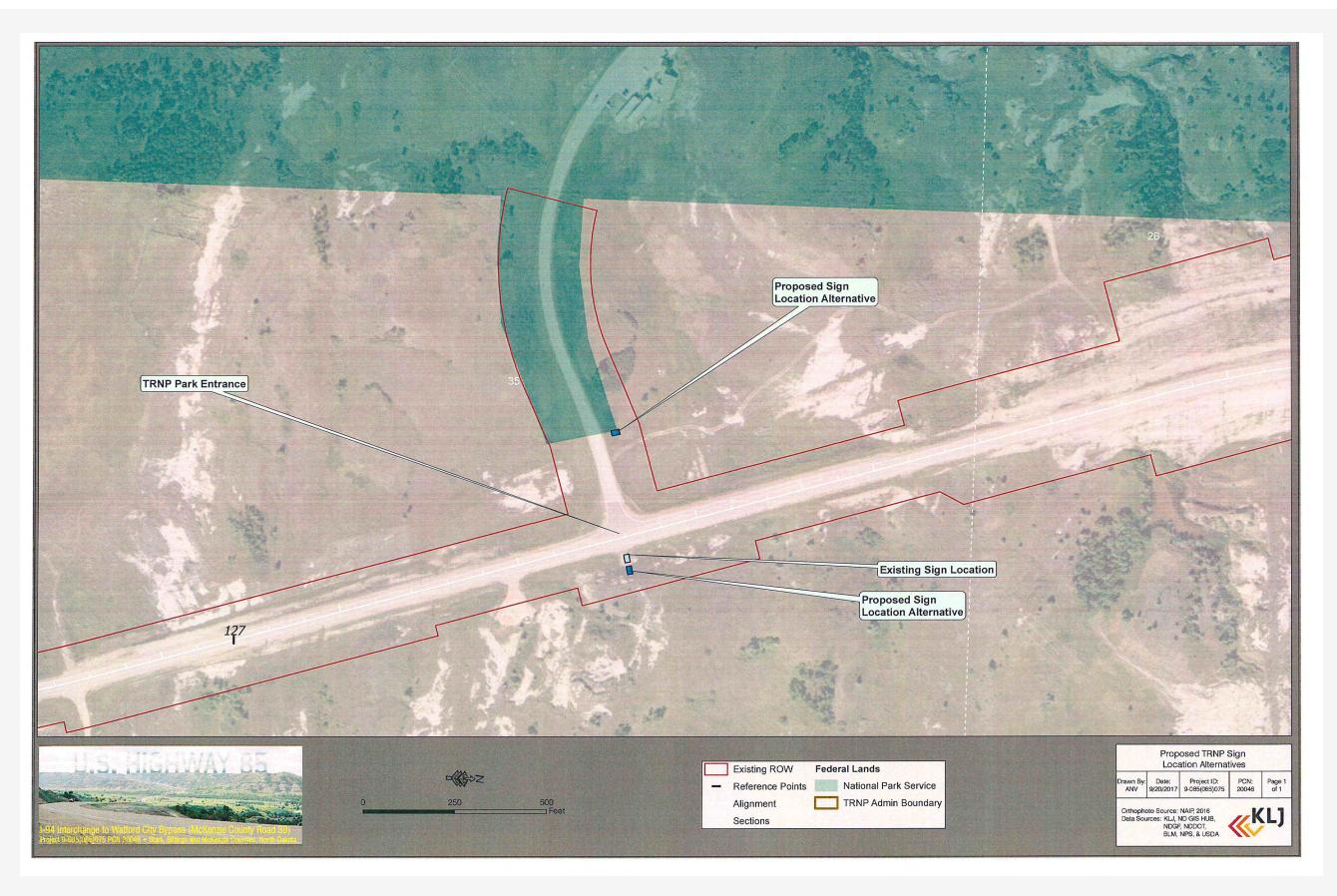


harder to see from the southbound lane). The road shoulder might need to be raised slightly in that location to make the sign level with the roadway. "

We request your concurrence in a finding of No Adverse Effect for moving the NPS sign, a contributing element to the eligibility of the Theodore Roosevelt National Park North Unit, to the east of the current location as illustrated on the enclosed map.

JEANI BORCHERT

Enclosed Map







November 6, 2017

Ms. Claudia J. Berg ND State Historic Preservation Officer ND Heritage Center 612 East Boulevard Avenue Bismarck, ND 58505-0830

Attn: Lisa Steckler, Project Review Coordinator

CONSULTATION ON NDDOT PROJECTS, STATE HIGHWAY SYSTEM; SHPO REFERENCE #15-5622.

We are continuing consultation on the following project. This letter is to transmit the final report, incorporating our comments, on testing 7 sites on public land for this project.

Lead Federal Agency: Federal Highway Administration NDDOT Project #: 9-085(085)075 PCN: 20046 Legal Location: Billings and McKenzie Counties

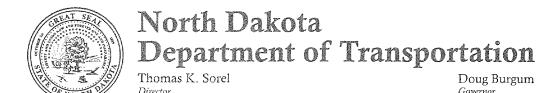
As indicated in your previous response of August 15, 2017, you will concur with a No Historic Properties Affected determination for these sites upon receipt of the revised report. I look forward to receiving your concurrence letter. Thanks so much

JEANI BORCHERT

Enclosed Final Report

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April 16, 2018

Ms. Claudia J. Berg ND State Historic Preservation Officer ND Heritage Center 612 East Boulevard Avenue Bismarck ND 58505=0830

Attn: Lisa Steckler, Project Review Coordinator

CONSULTATION OF NDDOT PROJECTS, STATE HIGHWAY SYSTEM; SHPO REFERENCE #15-5622.

We are concluding consultation on the following project. This letter is intended to document eligibility to the final 3 sites tested in preparation for this project.

Lead Federal Agency: Federal Highway Administration NDDOT Project #: 9-085(085)075 PCN: 20046

Evaluative Testing: Evaluative testing at 3 remaining sites was undertaken as per your review of the testing plan in a letter dated October 3, 2017. Enclosed is a report on the results of the testing. We concur with the recommendations in the report by KLJ and request your concurrence in a finding of No Historic Properties Affected regarding any possible impacts to these 3 sites as a result of our project.

If you have any questions please contact me. Thanks.

JEANI L. BORCHERT

NDDOT, ETS DIVISION, CULTURAL RESOURCE SECTION

Enclosed Report by K⊔

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B.6. State Historic Preservation Office Concurrence and Other Correspondence



Doug Burgum Governor of North Dakota

ernor oj Norin Dakoia

North Dakota ate Historical Board

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Jesse Hanson Acting Director Parks and Recreation Department

> Grant Levi Director Department of Transportation

Claudia J. Berg Director

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Ms. Valerie Barbie ETS Division Dept of Transportation 608 East Boulevard Avenue Bismarck, ND 58505-0700

ND SHPO Ref.: 15-5622 "NDDOT NH-9-085(085)075, PCN 20046 "US Highway 85 From the I-94 Belfield Interchange to the Watford City Bypass, NH-9-085(085)075, PCN 20046: A Class III Cultural Resource Inventory in Billings, McKenzie, and Stark Counties, North Dakota" in portions of [T140N R99W Sections 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 & 33] [T141N R99W Sections 2 3 10 11 14 15 22 23 26 27 34 35] [T142N R99W Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34 & 35] [T143N R99W Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34 & 35] [T144N R99W Sections 2, 11, 14, 15, 21, 22, 27, 28, 33 & 34] [T145N R98W Sections 18, 19, 20, 28, 29, 32 & 33] [T145N R99W Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 & 36] [T147N R99W Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 & 36] [T148N R99W Sections 3, 10, 11, 14, 15, 22, 23, 26, 27 & 35] [T149N R98W Sections 7, 18, 19, 30 & 31] & [T149N R99W Sections 12, 13, 24, 25 & 36]

MAR 1 - 2017

ENVIRONMENTAL AND TRANSPORTATION SERVICES, BISMARCK, ND

Dear Ms. Barbie,

(North Dakota)

We reviewed the above reference project and find the report by Duane Klinner, Andrew Robinson and Emily Sakariassen acceptable. We look forward to further consultation on this project.

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

Chaudia J. Berg State Historic Preservation Officer

North Dakota Heritage Center • 612 East Boulevard Avenue, Bismarck, ND 58505-0830 • Phone: 701-328-2666 • Fax: 701-328-3710 Email: histsoc@nd.gov • Web site: history.nd.gov • TTY: 1-800-366-6888



Doug Burgum Governor of North Dakota

> North Dakota State Historical Board

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Melissa Baker
Director
Parks and Recreation
Department

Ron Henke Interim Director Department of Transportation

Claudia J. Berg Director

Accredited by the American Alliance of Museums since 1986 August 15, 2017

Jeani L. Borchert ETS Division NDDOT 608 East Boulevard Avenue

Bismarck, North Dakota 58505-0700

ND SHPO Ref.: 15-5622 "NDDOT NH-9-085(085)075, PCN 20046: Phase II Evaluative Testing of Seven Sites on Federal Land in Billings and McKenzie Counties, North Dakota" in portions of [T140N R99W Sections 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 & 33] [T141N R99W Sections 2 3 10 11 14 15 22 23 26 27 34 35] [T142N R99W Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34 & 35] [T143N R99W Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34 & 35] [T144N R99W Sections 2, 11, 14, 15, 21, 22, 27, 28, 33 & 34] [T145N R98W Sections 18, 19, 20, 28, 29, 32 & 33] [T145N R99W Sections 1, 2, 11, 12 & 13] [T146N R99W Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 & 36] [T147N R99W Sections 1, 2 11, 12, 13, 24, 25, 26, 35 & 36] [T148N R99W Sections 3, 10, 11, 14, 15, 22, 23, 26, 27 & 35] [T149N R98W Sections 7, 18, 19, 30 & 31] & [T149N R99W Sections 12, 13, 24, 25 & 36]

Dear Ms. Borchert,

We reviewed ND SHPO Ref.: 15-5622 "NDDOT NH-9-085(085)075, PCN 20046: Phase II Evaluative Testing of Seven Sites on Federal Land in Billings and McKenzie Counties, North Dakota" and find the report by Andrew Robinson and Duane Klinner acceptable. We concur with the eligibility determinations and will concur with a determination of "No Historic Properties Affected" for the 7 sites on the attached table once a revised report addressing the NDDOT comments and edits is recieved.

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

Sandia J. Berg

State Historic Preservation Officer (North Dakota)

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> Ron Henke Interim Director Department of Transportation

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Jeani L. Borchert ETS Division NDDOT 608 East Boulevard Avenue

Bismarck, North Dakota 58505-0700

ND SHPO Ref.: 15-5622 "NDDOT NH-9-085(085)075, PCN 20046: Phase II Evaluative Testing of 13 sites on Private Land in Billings and McKenzie Counties, North Dakota" in portions of [T140N R99W Sections 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 & 33] [T141N R99W Sections 2 3 10 11 14 15 22 23 26 27 34 35] [T142N R99W Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34 & 35] [T143N R99W Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34 & 35] [T144N R99W Sections 2, 11, 14, 15, 21, 22, 27, 28, 33 & 34] [T145N R98W Sections 18, 19, 20, 28, 29, 32 & 33] [T145N R99W Sections 1, 2, 11, 12 & 13] [T146N R99W Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 & 36] [T147N R99W Sections 1, 2 11, 12, 13, 24, 25, 26, 35 & 36] [T148N R99W Sections 3, 10, 11, 14, 15, 22, 23, 26, 27 & 35] [T149N R98W Sections 7, 18, 19, 30 & 31] & [T149N R99W Sections 12, 13, 24, 25 & 36]

Dear Ms. Borchert,

We reviewed ND SHPO Ref.: 15-5622 "NDDOT NH-9-085(085)075, PCN 20046: Phase II Evaluative Testing of 13 sites on Private Land in Billings and McKenzie Counties, North Dakota" and find the report by Andrew Robinson and Duane Klinner acceptable. We concur with the eligibility determinations and a determination of "No Historic Properties Affected" for the 13 sites on the attached table.

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

Claudia J. Berg

Sincere

State Historic Preservation Officer (North Dakota)

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SITS#	Site Type	Evaluation Recommendation
32BI288	Prehistoric CMS	Not Eligible
32BI289	Prehistoric CMS	Not Eligible
32BI291	Prehistoric CMS	Not Eligible
32BI1138	Prehistoric CMS	Not Eligible
32MZ452	Prehistoric CMS	Not Eligible
32MZ577	Prehistoric CMS	Not Eligible
32MZ1017	Prehistoric CMS	Not Eligible
32MZ1552	Prehistoric CMS	Not Eligible
32MZ3028	Prehistoric CMS	Not Eligible
32MZ3029	Prehistoric CMS	Not Eligible
32MZ3030	Prehistoric CMS	Not Eligible
32MZ3031	Prehistoric CMS	Not Eligible
32MZ3032	Prehistoric CMS	Not Eligible
32Blx22	Prehistoric Isolated Find	Not Eligible
32Blx23	Prehistoric Isolated Find	Not Eligible
32B1x945	Prehistoric Isolated Find	Not Eligible
32MZx75	Prehistoric Isolated Find	Not Eligible
32MZx343	Prehistoric Isolated Find	Not Eligible
32MZx345	Prehistoric Isolated Find	Not Eligible
32MZx1009	Prehistoric Isolated Find	Not Eligible
32MZx1589	Prehistoric Isolated Find	Not Eligible
32MZx1592	Prehistoric Isolated Find	Not Eligible
32MZx1594	Prehistoric Isolated Find	Not Eligible

KLJ recommends the 13 prehistoric CMS sites and 10 isolated finds located on private lands *Not Eligible* for the NRHP with no further work deemed necessary. KLJ recommends a finding of *No Historic Properties Affected* for this portion of the project as evaluated, mapped, photographed, and described herein.





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Jeani L. Borchert ETS Division NDDOT 608 East Boulevard Avenue

Bismarck, North Dakota 58505-0700

ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 in portions of [T140N R99W Sections 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 & 33] [T141N R99W Sections 2 3 10 11 14 15 22 23 26 27 34 35] [T142N R99W Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34 & 35] [T143N R99W Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34 & 35] [T144N R99W Sections 2, 11, 14, 15, 21, 22, 27, 28, 33 & 34] [T145N R98W Sections 18, 19, 20, 28, 29, 32 & 33] [T145N R99W Sections 1, 2, 11, 12 & 13] [T146N R99W Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 & 36] [T147N R99W Sections 1, 2 11, 12, 13, 24, 25, 26, 35 & 36] [T148N R99W Sections 3, 10, 11, 14, 15, 22, 23, 26, 27 & 35] [T149N R98W Sections 7, 18, 19, 30 & 31] & [T149N R99W Sections 12, 13, 24, 25 & 36], Stark, Billings and McKenzie Counties, North Dakota

Dear Ms. Borchert,

We reviewed ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 as specifically relates to 32MZ1807 (Long X Bridge) and concur with a determination of "No Adverse Effect" provided that rehabilitation of the bridge occurs in the manner described in the most recent design plans provided to this office. If the bridge is to be replaced we would concur with a determination of "Adverse Effect". Should any changes be made to the rehabilitation design further consultation will be required. In all cases, all borrow must come from an approved source.

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

rg

State Historic Preservation Officer

Accredited by the (North Dakota)

Sincerely

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Jeani L. Borchert ETS Division NDDOT 608 East Boulevard

608 East Boulevard Avenue Bismarck, North Dakota 58505-0700

ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 in portions of [T140N R99W Sections 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 & 33] [T141N R99W Sections 2 3 10 11 14 15 22 23 26 27 34 35] [T142N R99W Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34 & 35] [T143N R99W Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34 & 35] [T144N R99W Sections 2, 11, 14, 15, 21, 22, 27, 28, 33 & 34] [T145N R98W Sections 18, 19, 20, 28, 29, 32 & 33] [T145N R99W Sections 1, 2, 11, 12 & 13] [T146N R99W Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 & 36] [T147N R99W Sections 1, 2 11, 12, 13, 24, 25, 26, 35 & 36] [T148N R99W Sections 3, 10, 11, 14, 15, 22, 23, 26, 27 & 35] [T149N R98W Sections 7, 18, 19, 30 & 31] & [T149N R99W Sections 12, 13, 24, 25 & 36], Stark, Billings and McKenzie Counties, North Dakota

Dear Ms. Borchert.

We reviewed ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 as specifically relates to 32BI1149 (Gregory Homestead) and 32BI56 (Dolvunik Farm) and concur with a determination of "No Adverse Effect" for these two properties provided that 32BI1149 is avoided and both 32BI1149 and 32BI56 are fully documented as to use and history. Documentation of these 2 properties should include both architectural and archaeological investigations and site form updates.

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

Sincerely

State Historic Preservation Officer (North Dakota)

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ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 in portions of [T140N R99W Sections 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 & 33] [T141N R99W Sections 2 3 10 11 14 15 22 23 26 27 34 35] [T142N R99W Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34 & 35] [T143N R99W Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34 & 35] [T144N R99W Sections 2, 11, 14, 15, 21, 22, 27, 28, 33 & 34] [T145N R98W Sections 18, 19, 20, 28, 29, 32 & 33] [T145N R99W Sections 1, 2, 11, 12 & 13] [T146N R99W Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 & 36] [T147N R99W Sections 1, 2 11, 12, 13, 24, 25, 26, 35 & 36] [T148N R99W Sections 3, 10, 11, 14, 15, 22, 23, 26, 27 & 35] [T149N R98W Sections 7, 18, 19, 30 & 31] & [T149N R99W Sections 12, 13, 24, 25 & 36], Stark, Billings and McKenzie Counties, North Dakota

Dear Ms. Borchert,

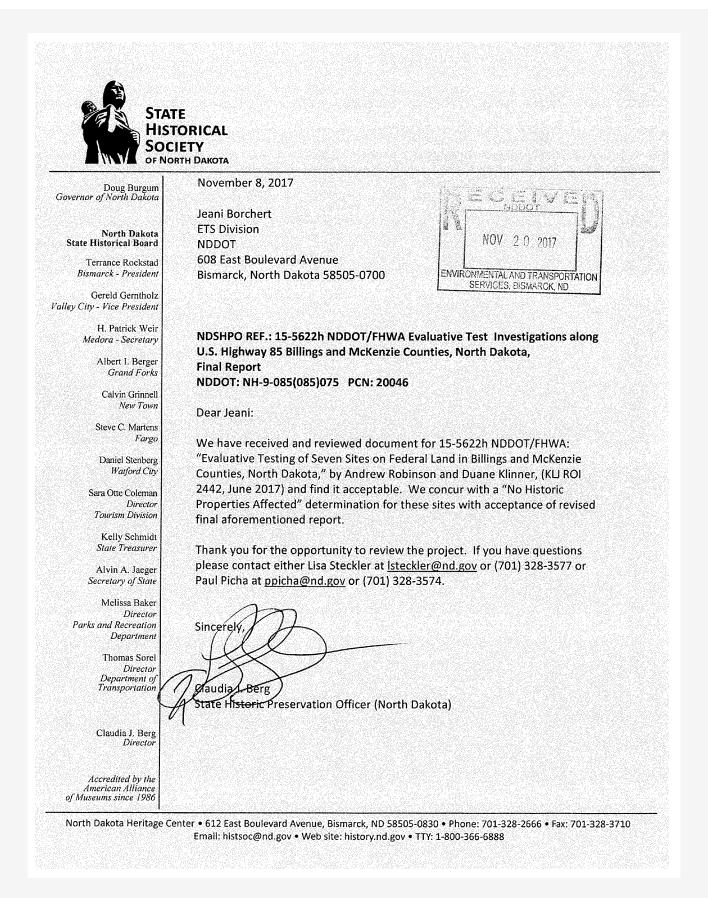
Sincerely

We reviewed ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 as specifically relates to the Theodore Roosevelt Nation Park Norht Unit entrance sign and are unable to make a determination at this time. In order to make a determination, we would require information as to exactly where the sign will be moved as it is considered an eligible resource. It is our understanding that its final location has not yet been chosen, if this is incorrect please provide that location and we would be happy to review it again.

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

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

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Jeani L. Borchert ETS Division NDDOT

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ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 in portions of [T140N R99W Sections 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 & 33] [T141N R99W Sections 2 3 10 11 14 15 22 23 26 27 34 35] [T142N R99W Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34 & 35] [T143N R99W Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34 & 35] [T144N R99W Sections 2, 11, 14, 15, 21, 22, 27, 28, 33 & 34] [T145N R98W Sections 18, 19, 20, 28, 29, 32 & 33] [T145N R99W Sections 1, 2, 11, 12 & 13] [T146N R99W Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 & 36] [T147N R99W Sections 1, 2 11, 12, 13, 24, 25, 26, 35 & 36] [T148N R99W Sections 3, 10, 11, 14, 15, 22, 23, 26, 27 & 35] [T149N R98W Sections 7, 18, 19, 30 & 31] & [T149N R99W Sections 12, 13, 24, 25 & 36], Stark, Billings and McKenzie Counties, North Dakota

Dear Ms. Borchert,

We reviewed ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 as specifically relates to the Theodore Roosevelt National Park North Unit entrance sign and we concur with a determination of "No Adverse Effect" for moving the sign to a new location that maintains the same distance and profile relative to the new road as it does to the current road.

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

Sincerely,

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

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April 18, 2018

Jeani Borchert

ETS Division

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APR 1 9 2018

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> Thomas Sorel Director Department of

NDDOT 608 East Boulevard Avenue Bismarck, North Dakota 58505-0700

NDSHPO REF.: 15-5622 "U.S. Highway 85, 9-085(085)075, PCN: 20046: Evaluative Testing of 32MZ1018, 32MZ1180 And 32MZ1960 on Private Land in McKenzie County, North Dakota" ROI 2489

Dear Jeani:

We have reviewed NDSHPO REF.: 15-5622 "U.S. Highway 85, 9-085(085)075, PCN: 20046: Evaluative Testing of 32MZ1018, 32MZ1180 And 32MZ1960 on Private Land in McKenzie County, North Dakota" ROI 2489 and find the report by Duane Klinner and Andrew Robinson acceptable. We concur with a "No Historic Properties Affected" determination for these three sites.

Thank you for the opportunity to review the project. If you have questions please contact either Lisa Steckler at lsteckler@nd.gov or (701) 328-3577 or Paul Picha at ppicha@nd.gov or (701) 328-3574.

Sincerely,

State Historic Preservation Officer (North Dakota)

Claudia J. Berg Director

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B.7. Advisory Council on Historic Preservation Letter



January 18, 2018

Mr. Kevin L. Brodie, P.E. Federal Highway Administration North Dakota Division 4503 Coleman Street Suite 205 Bismarck, ND 58503

Ref: Proposed US Highway 85 Widening Project Stark, Billings, and McKenzie Counties, North Dakota NDDOT Project #9-085(085)075 PCN: 20046

Dear Mr. Brodie:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the North Dakota State Historic Preservation Officer (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Sarah Stokely at (202) 517-0224 or via email at sstokely@achp.gov.

Sincerely.

LaShavio Johnson

Historic Preservation Technician

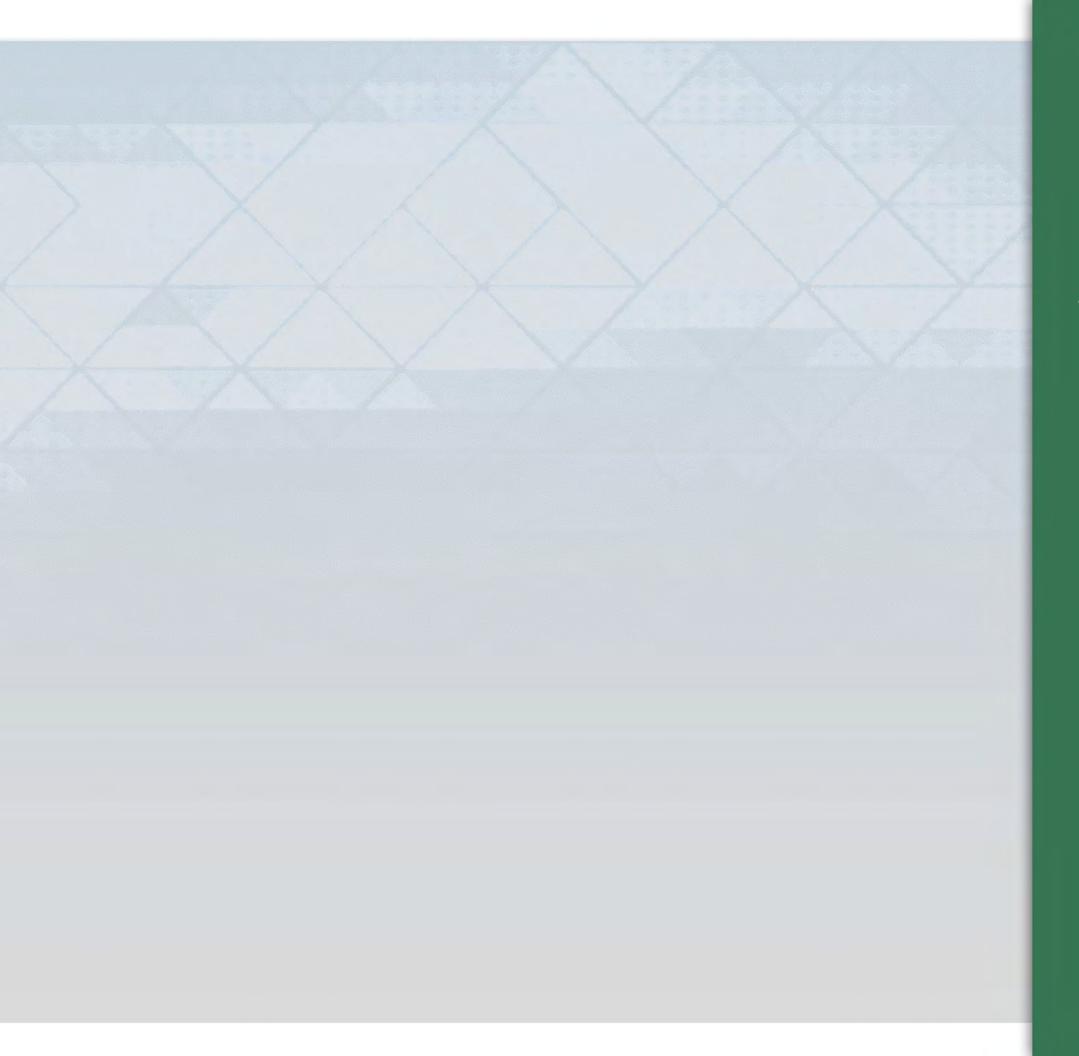
La Shavio Johnson

Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637 Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov





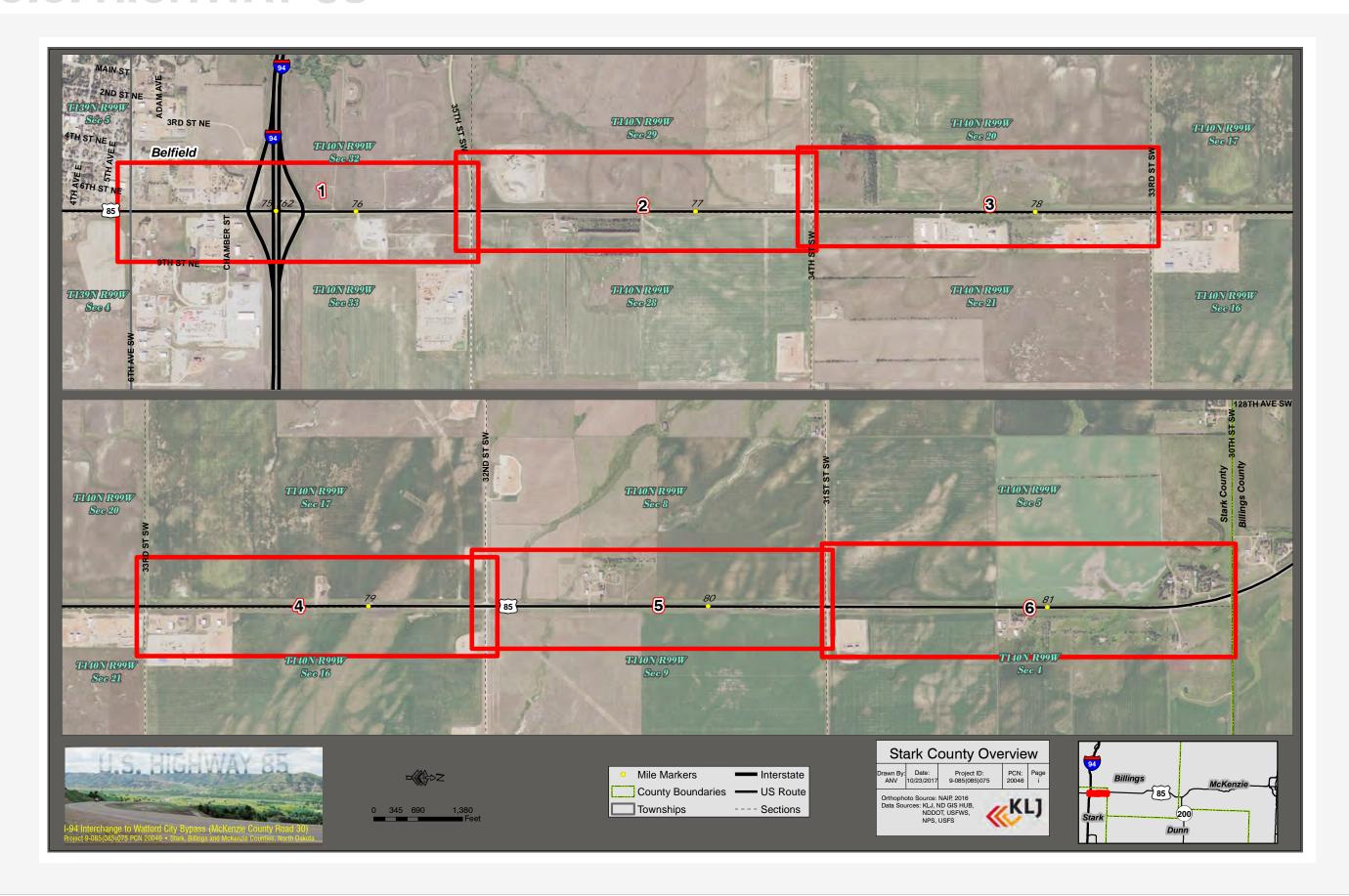
Appendix C. Proposed Right-of-Way & Easements

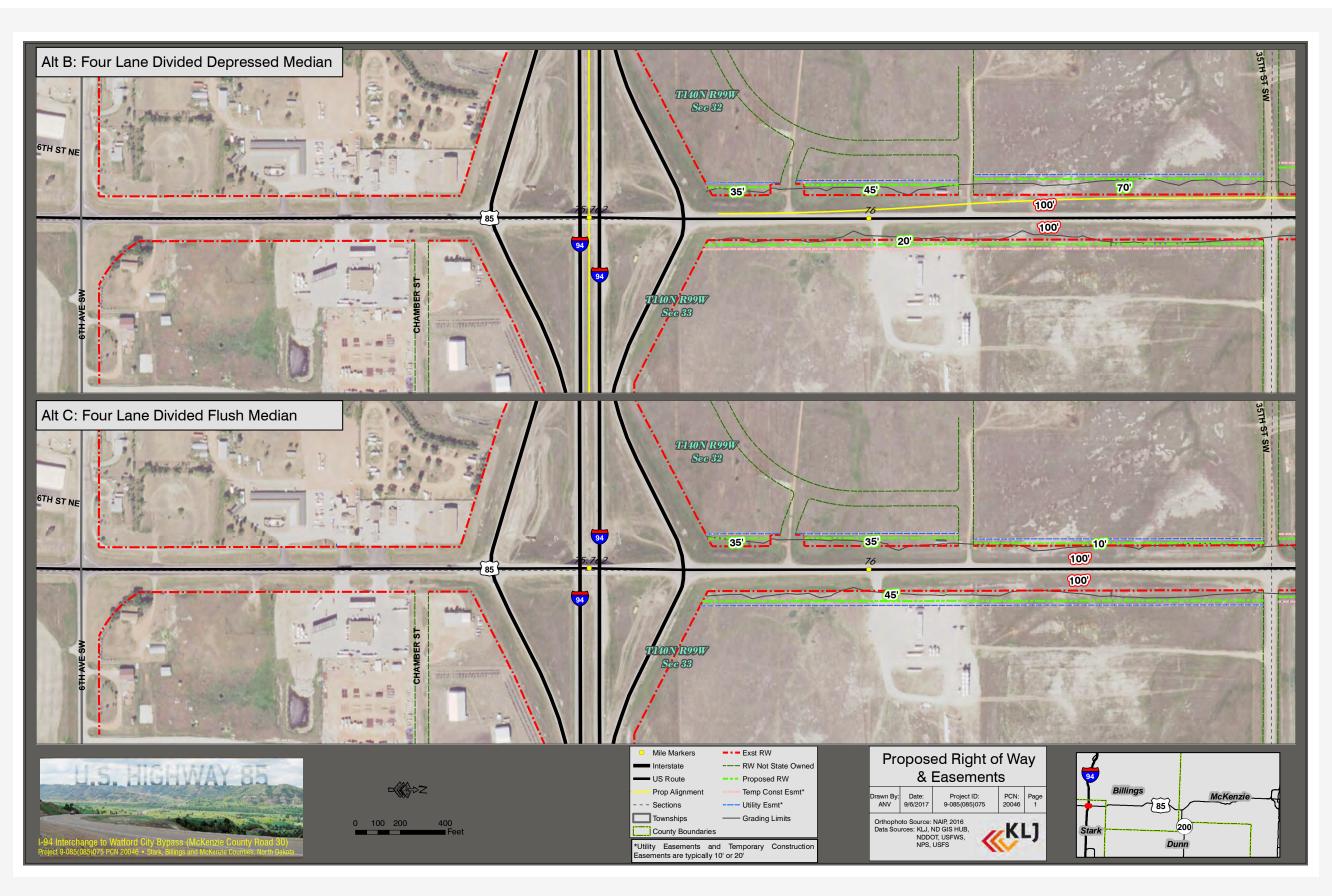
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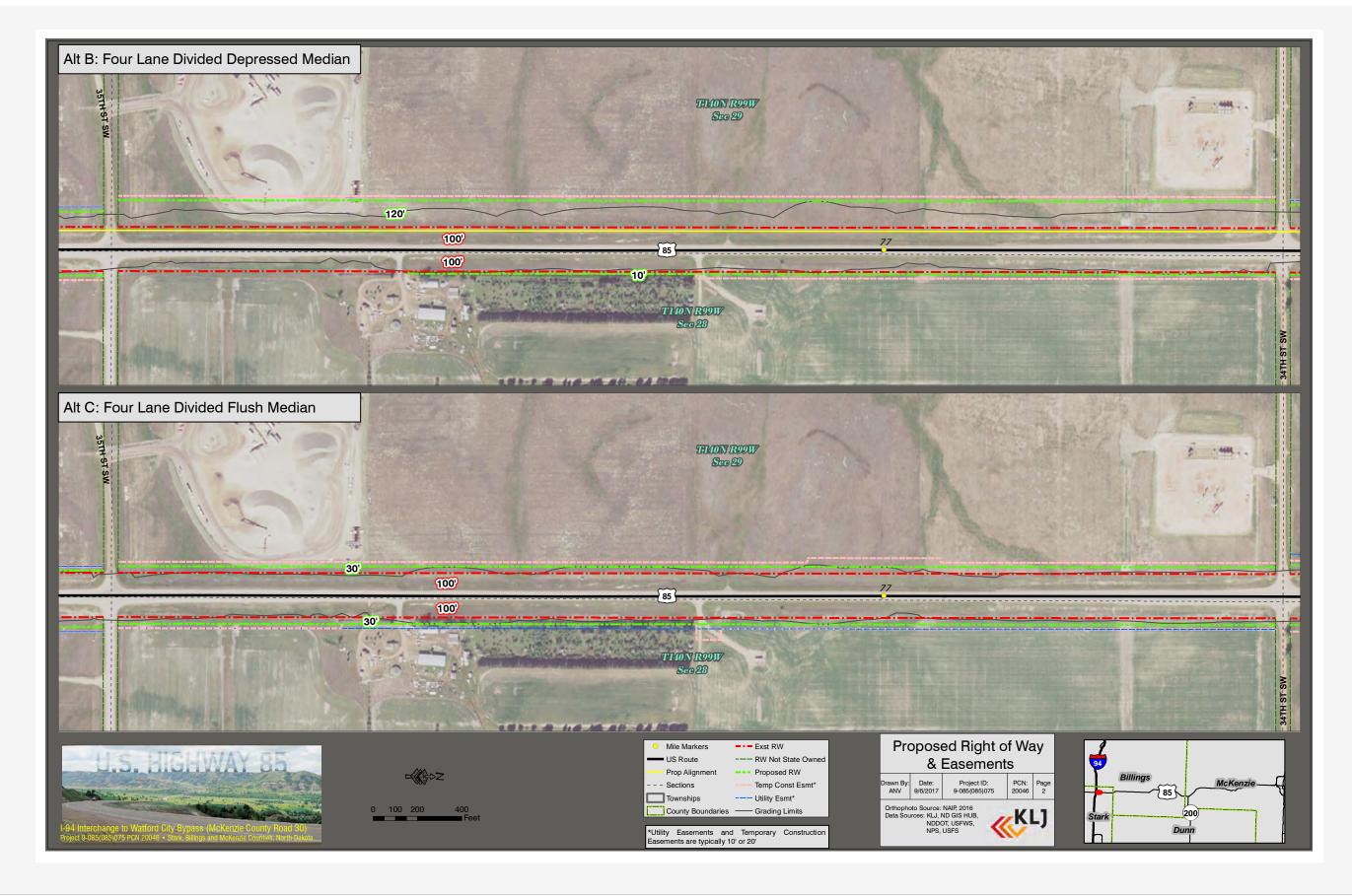
C.1. Stark County Maps

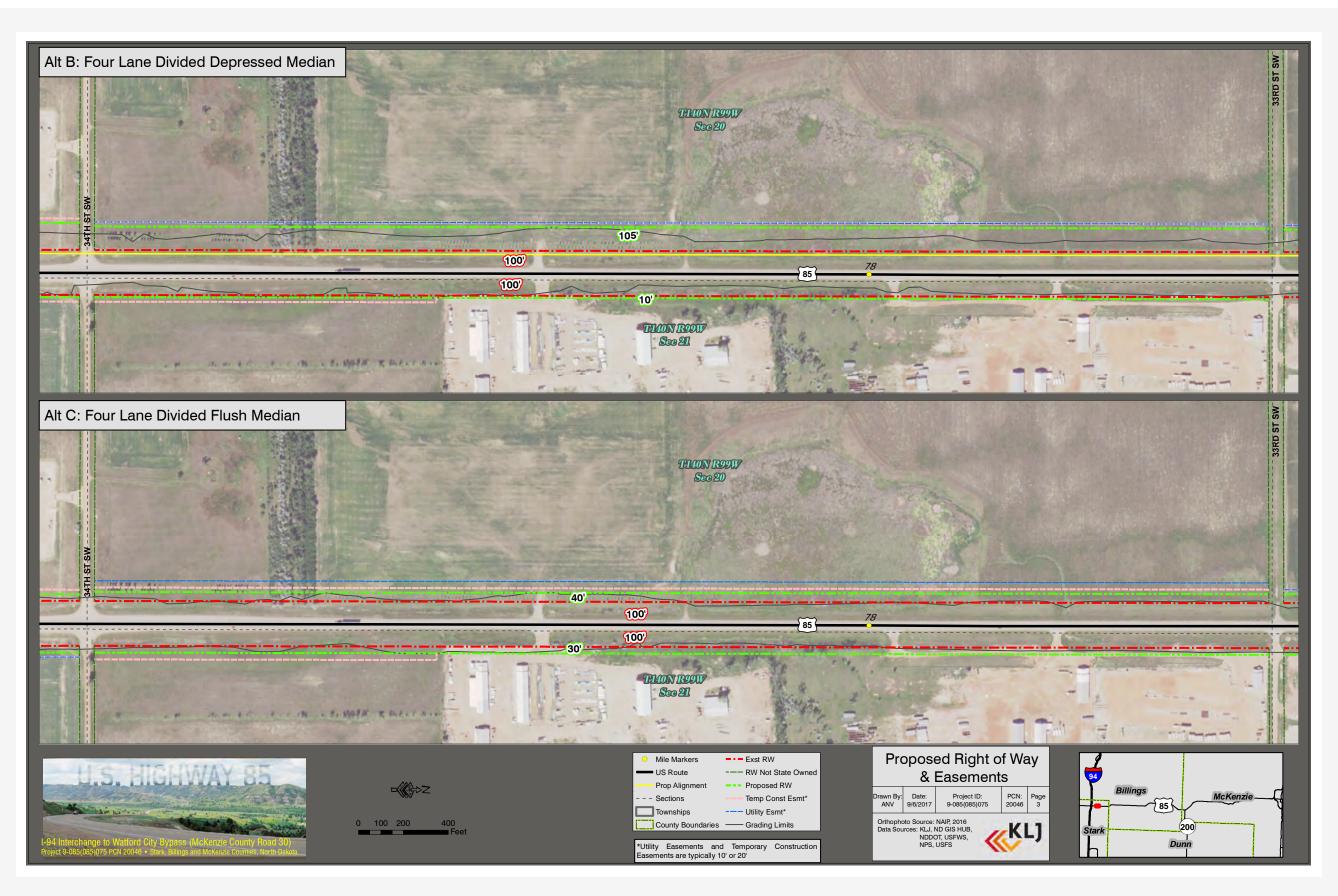




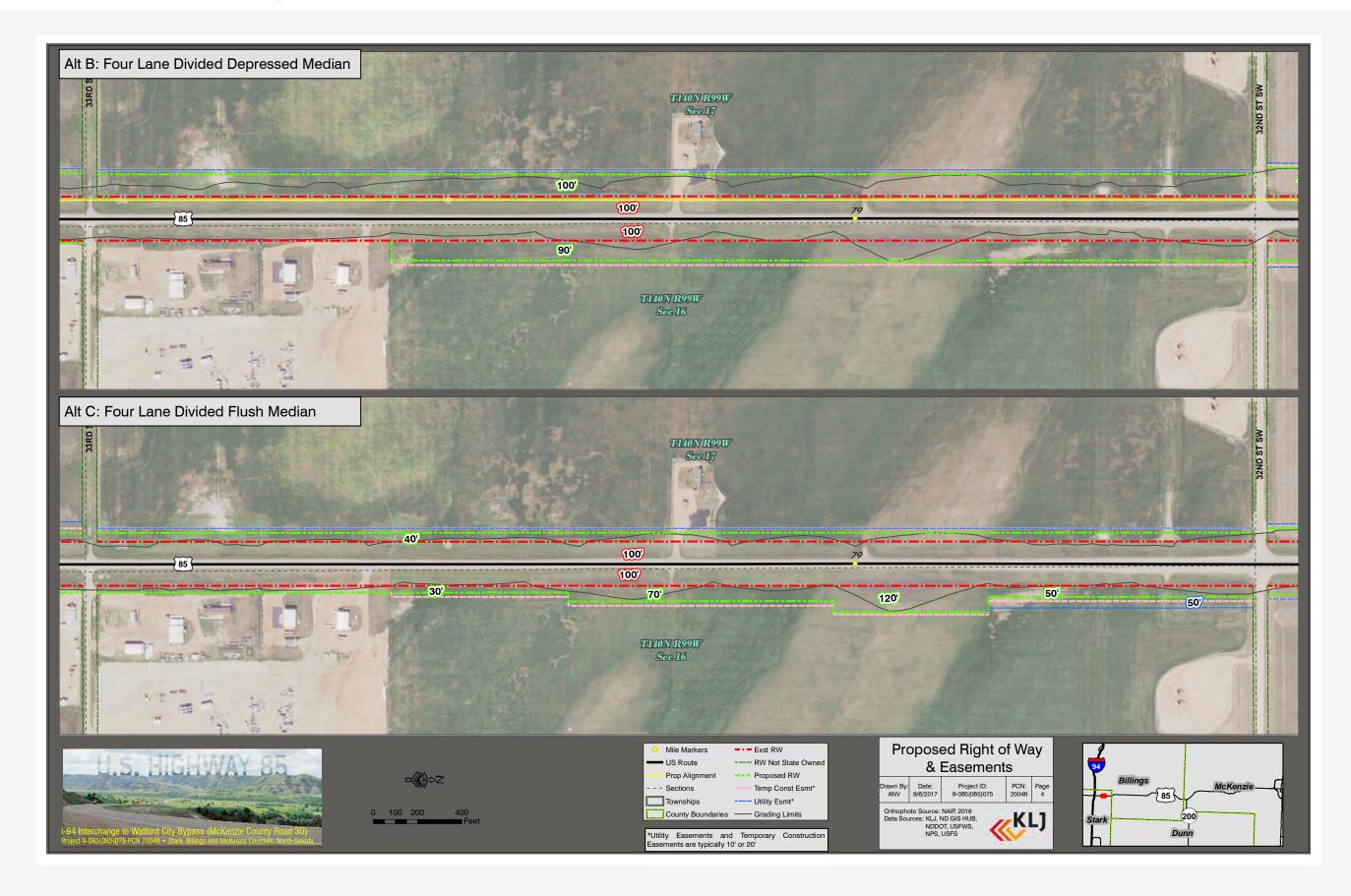


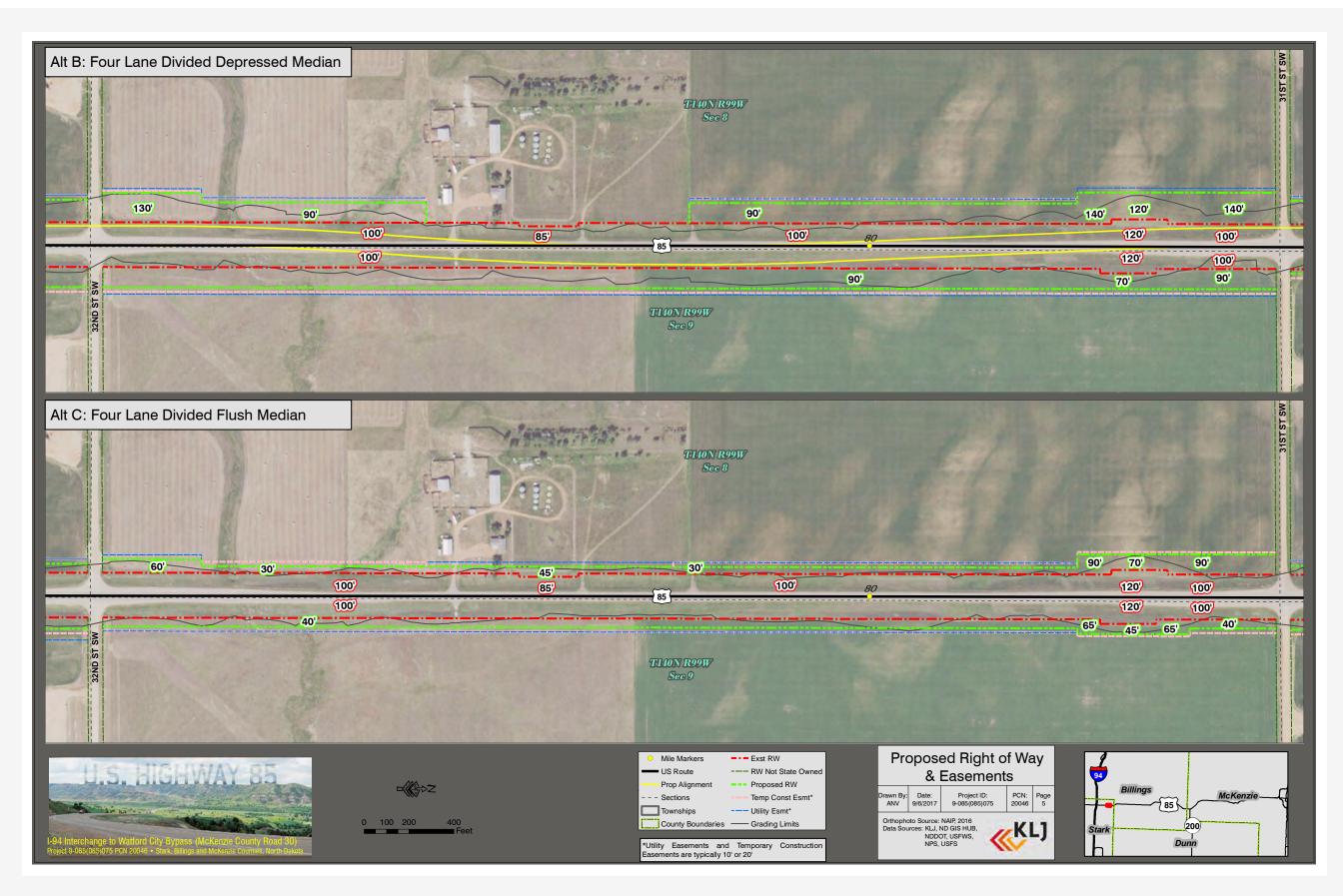




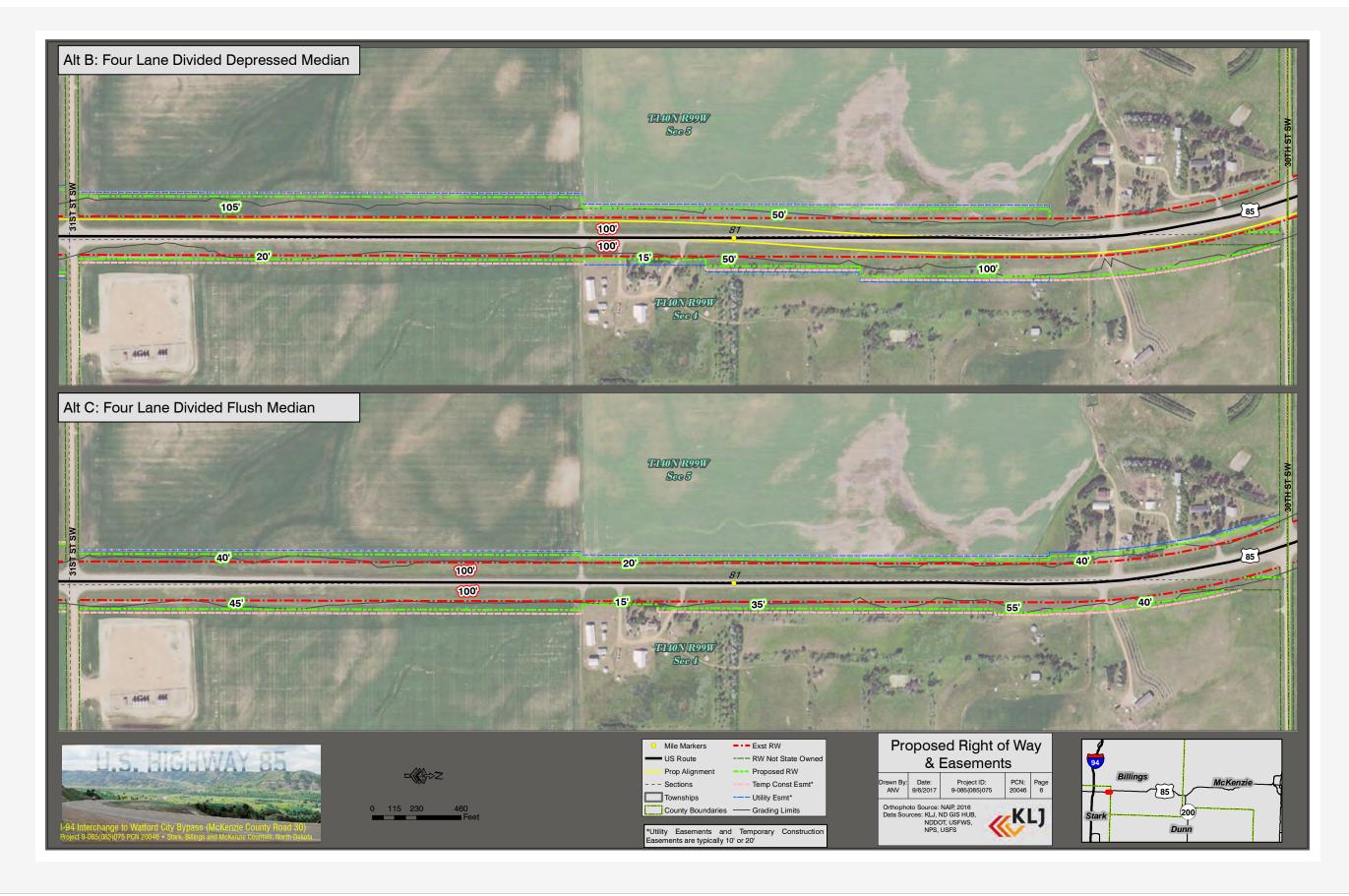








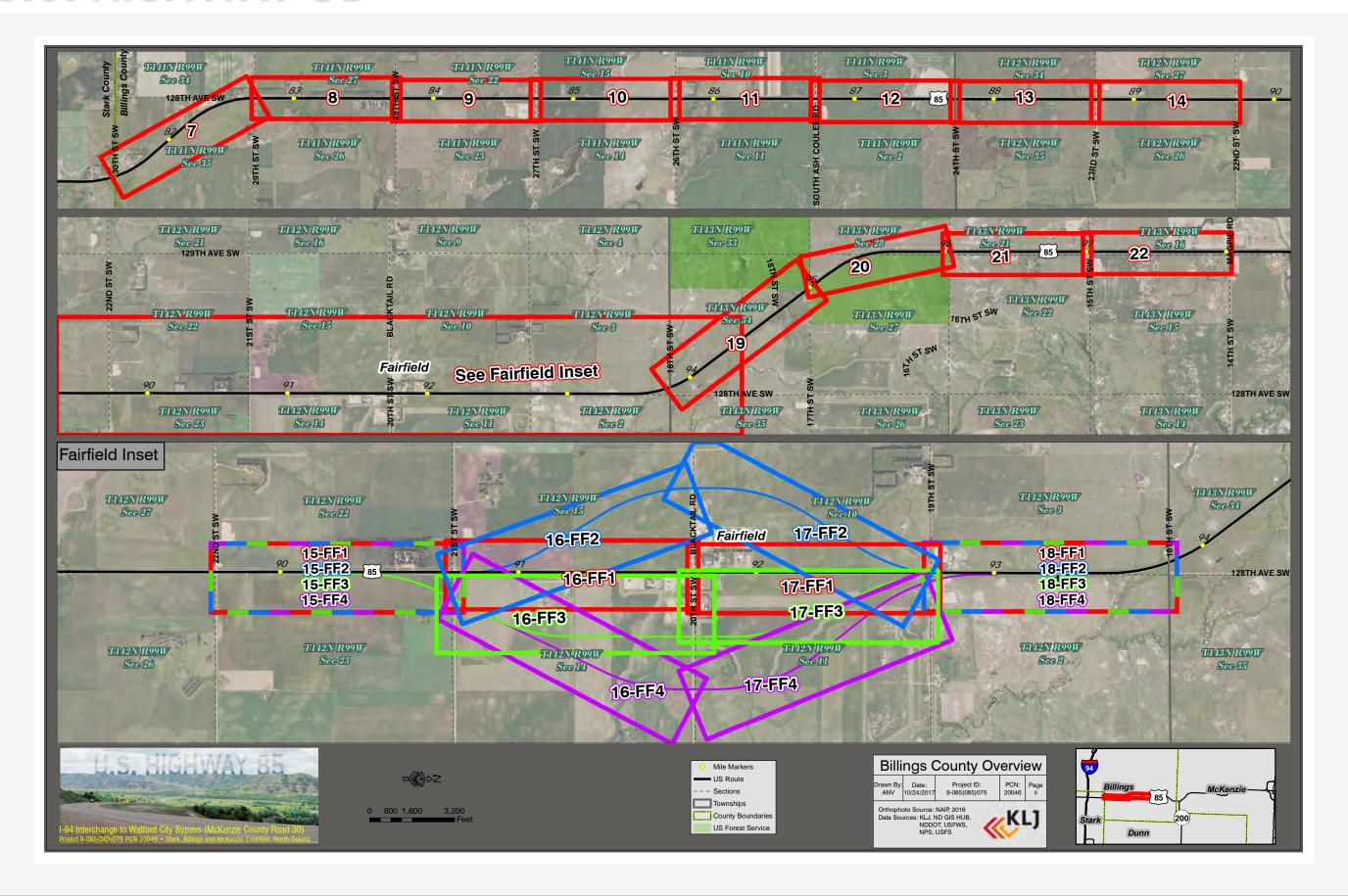


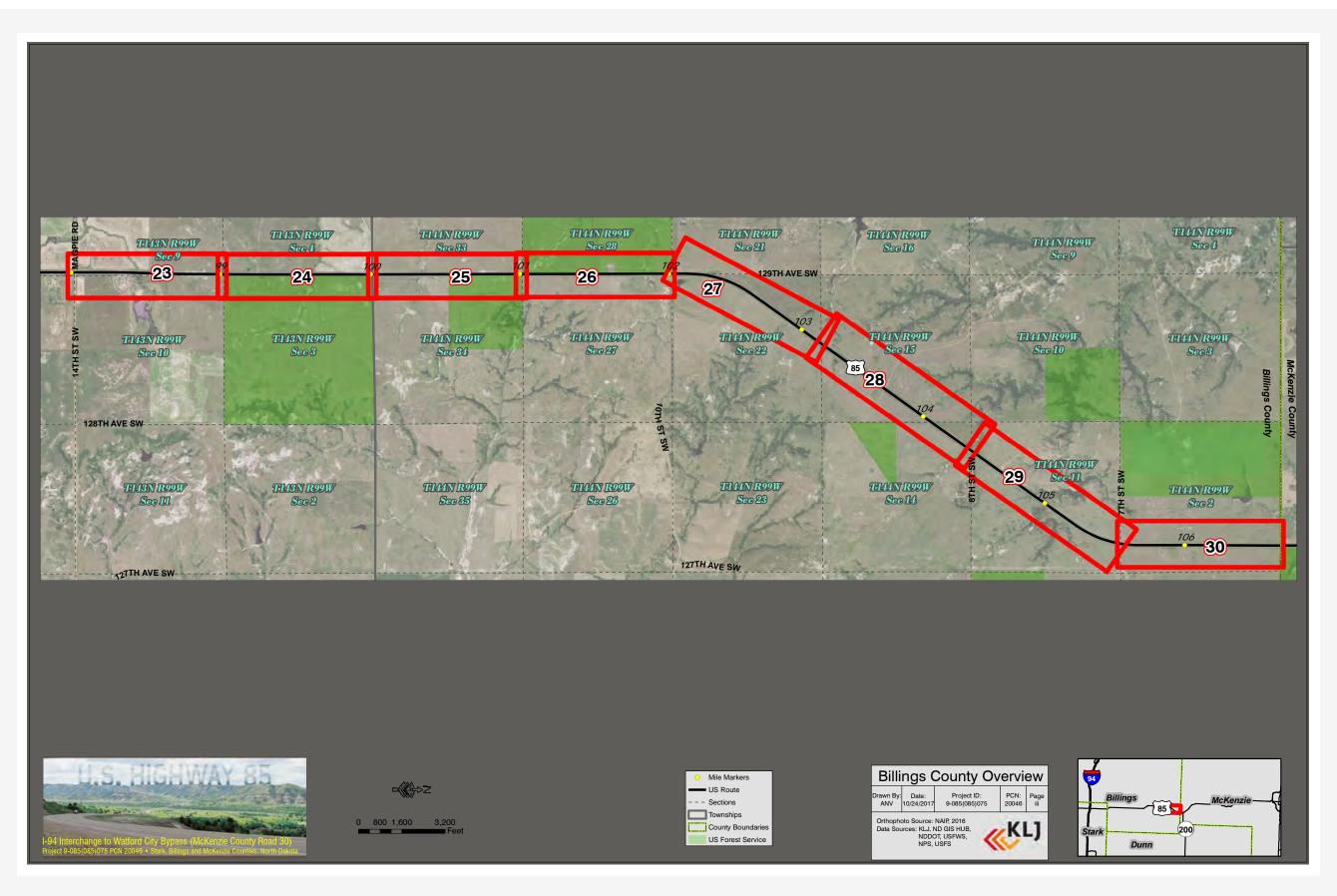


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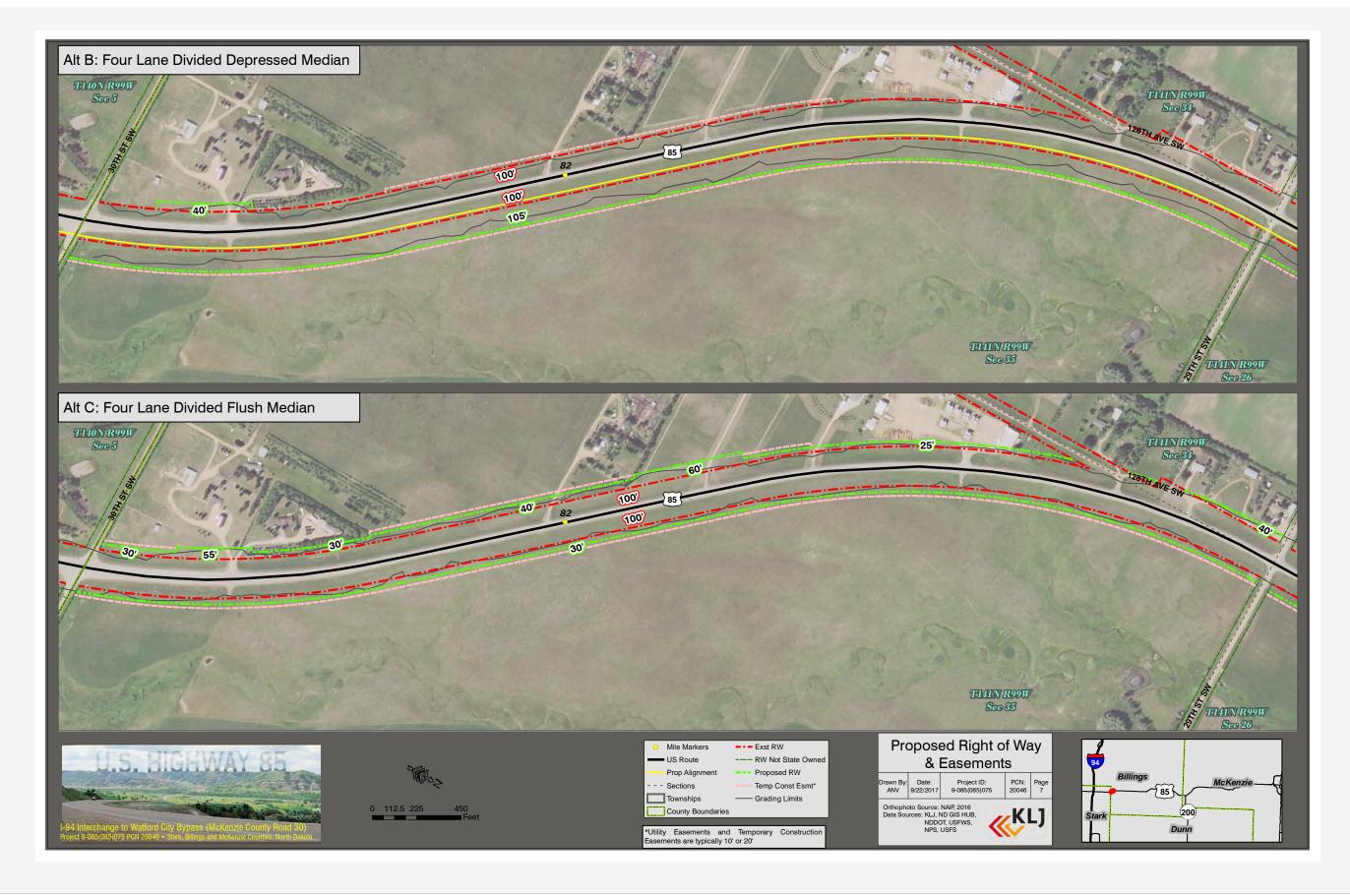
C.2. Billings County Maps

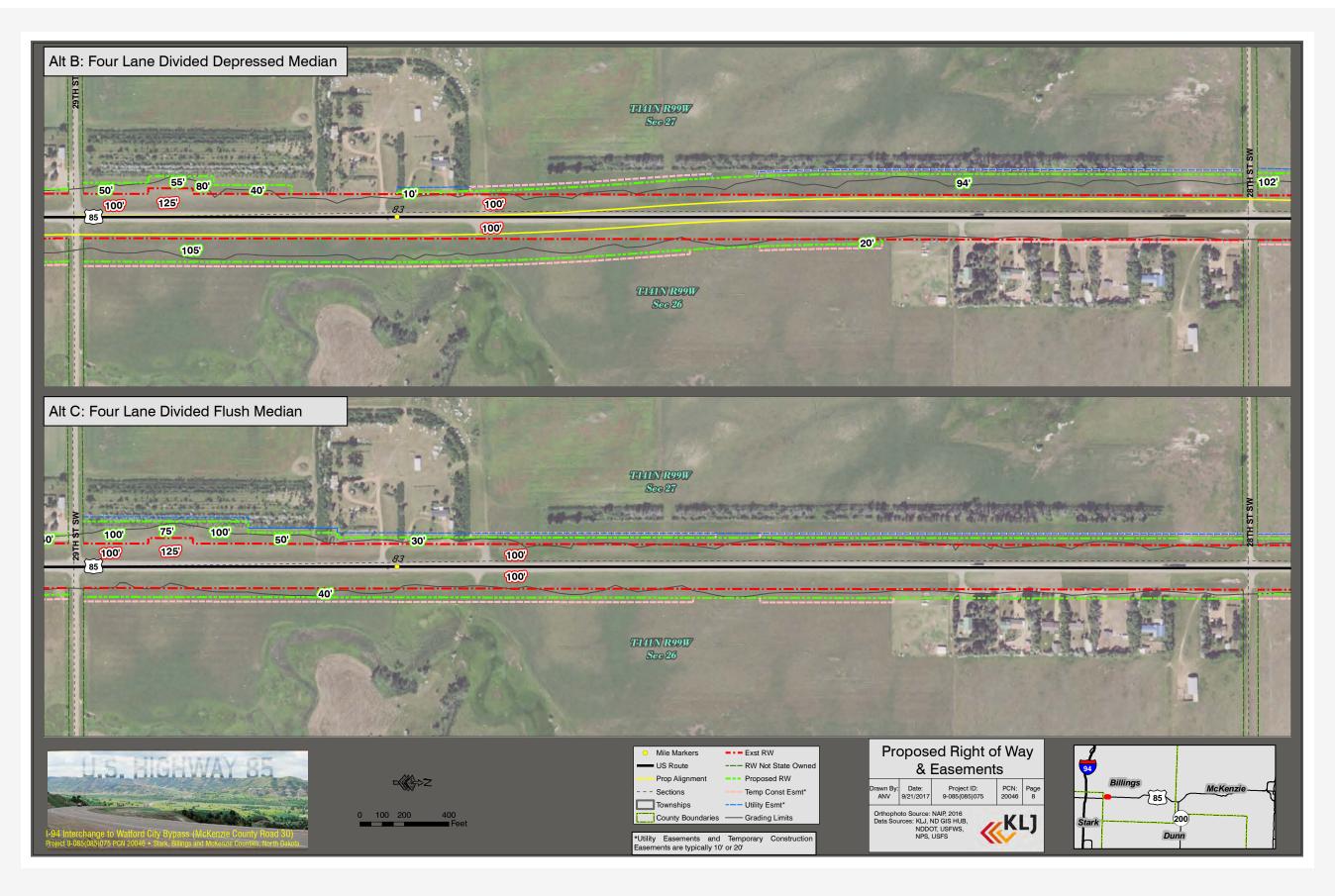




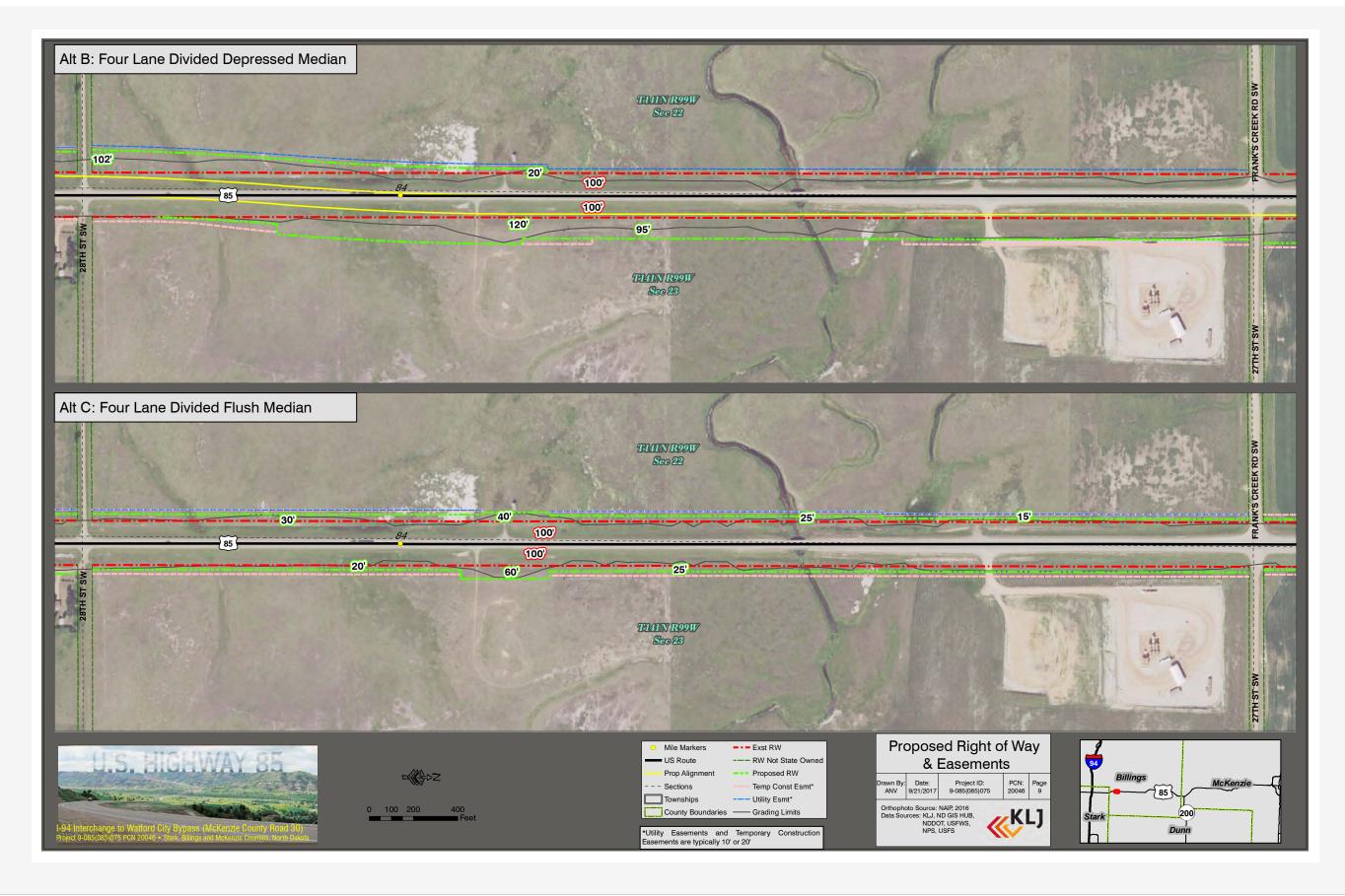


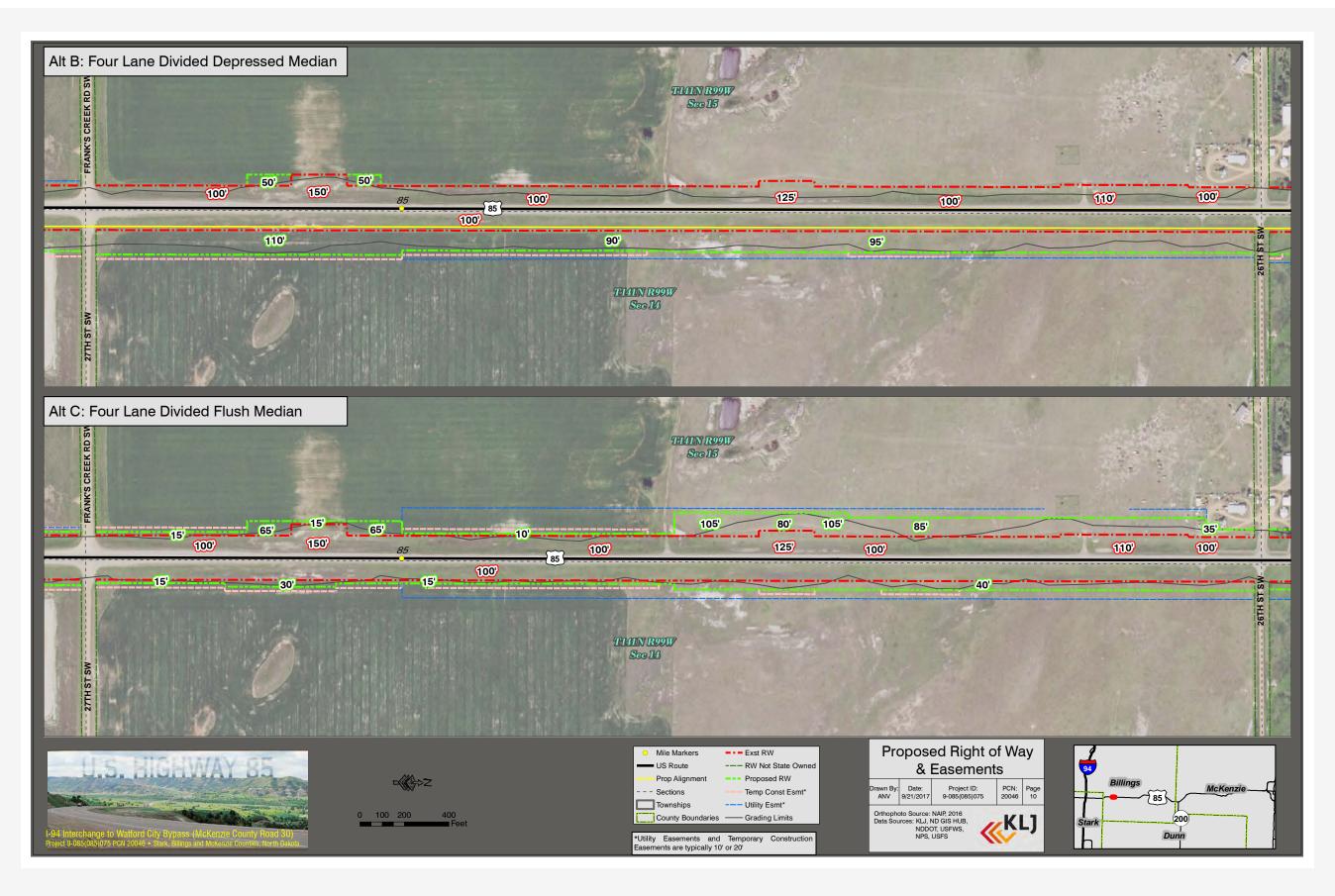




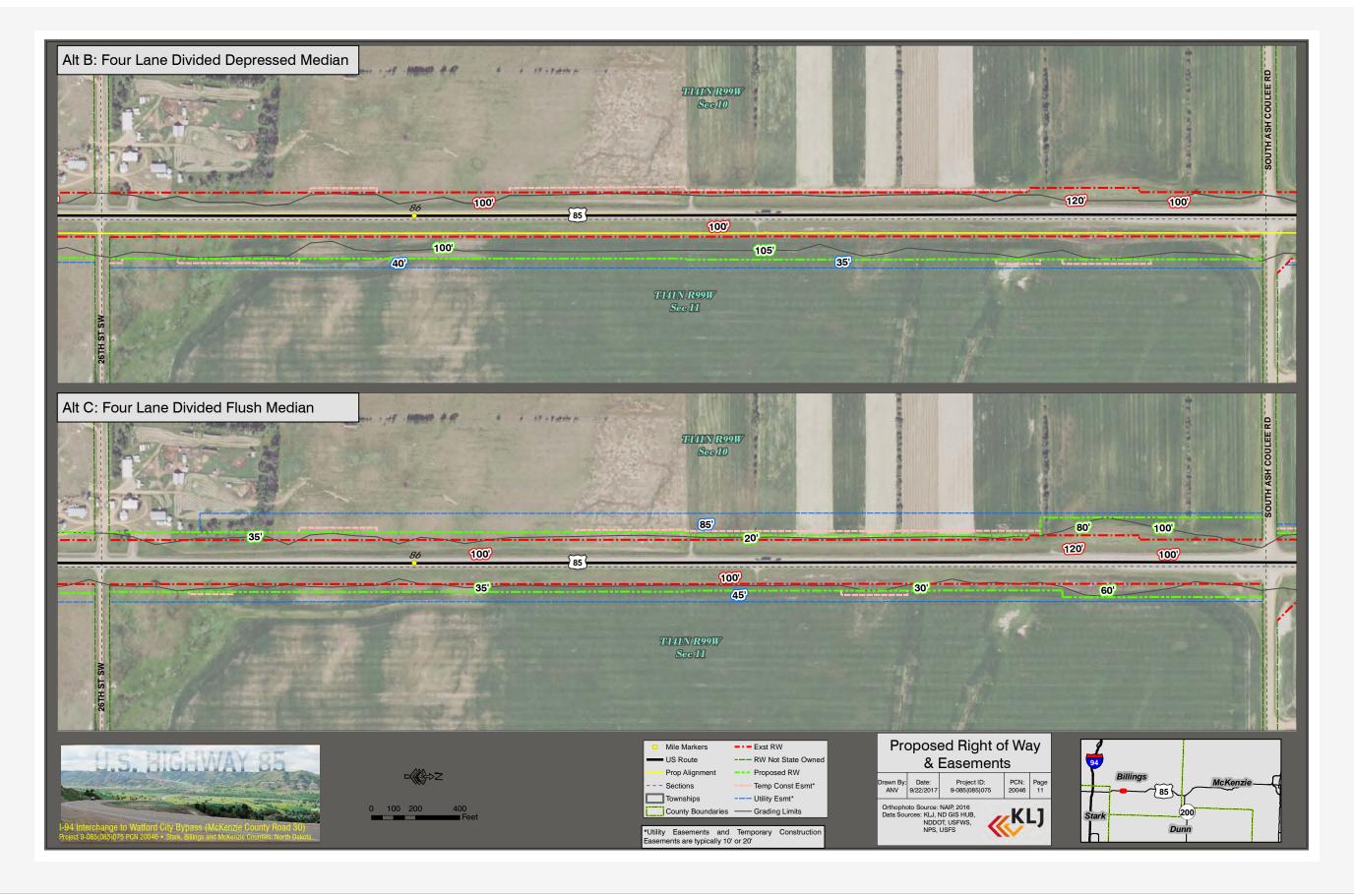


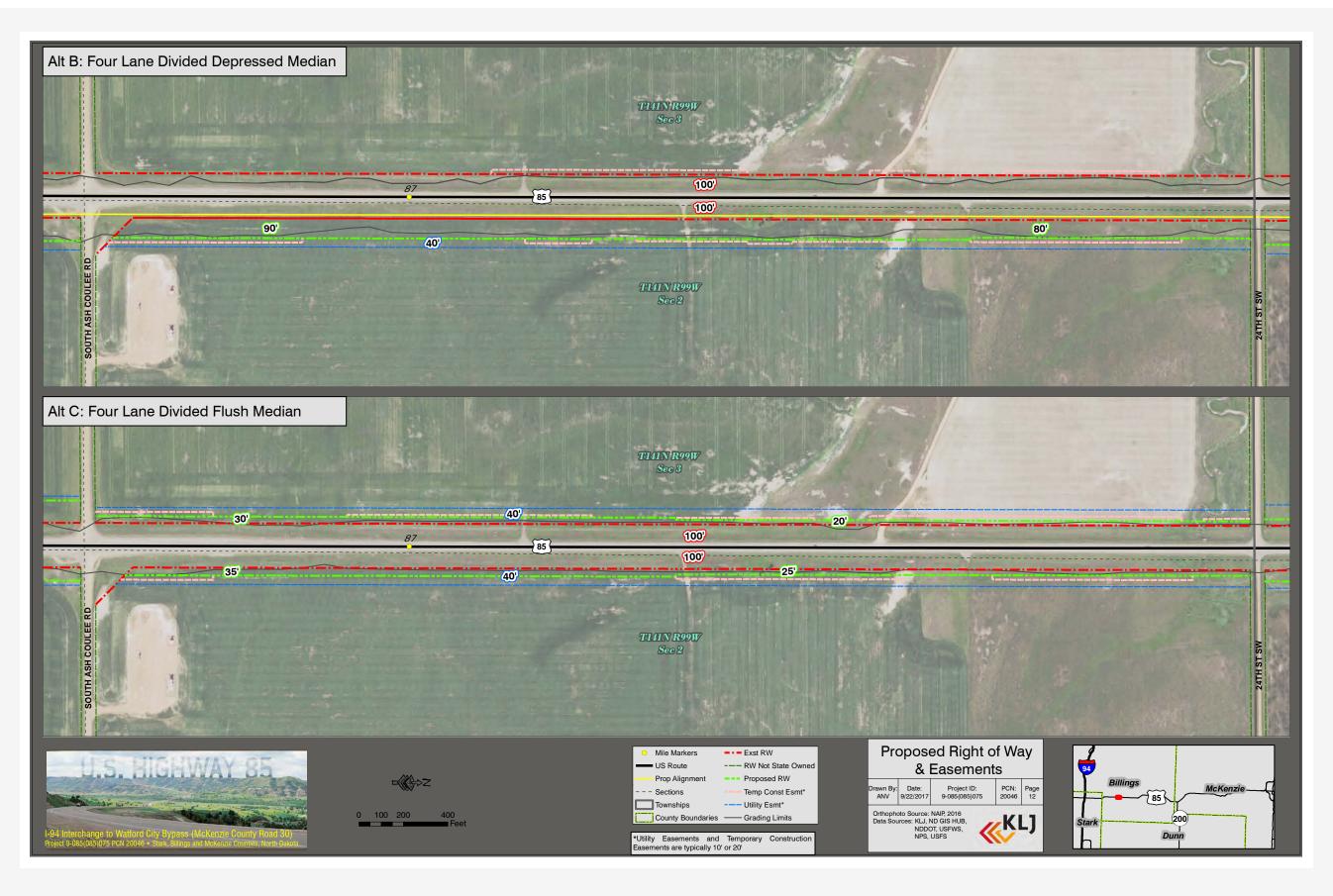




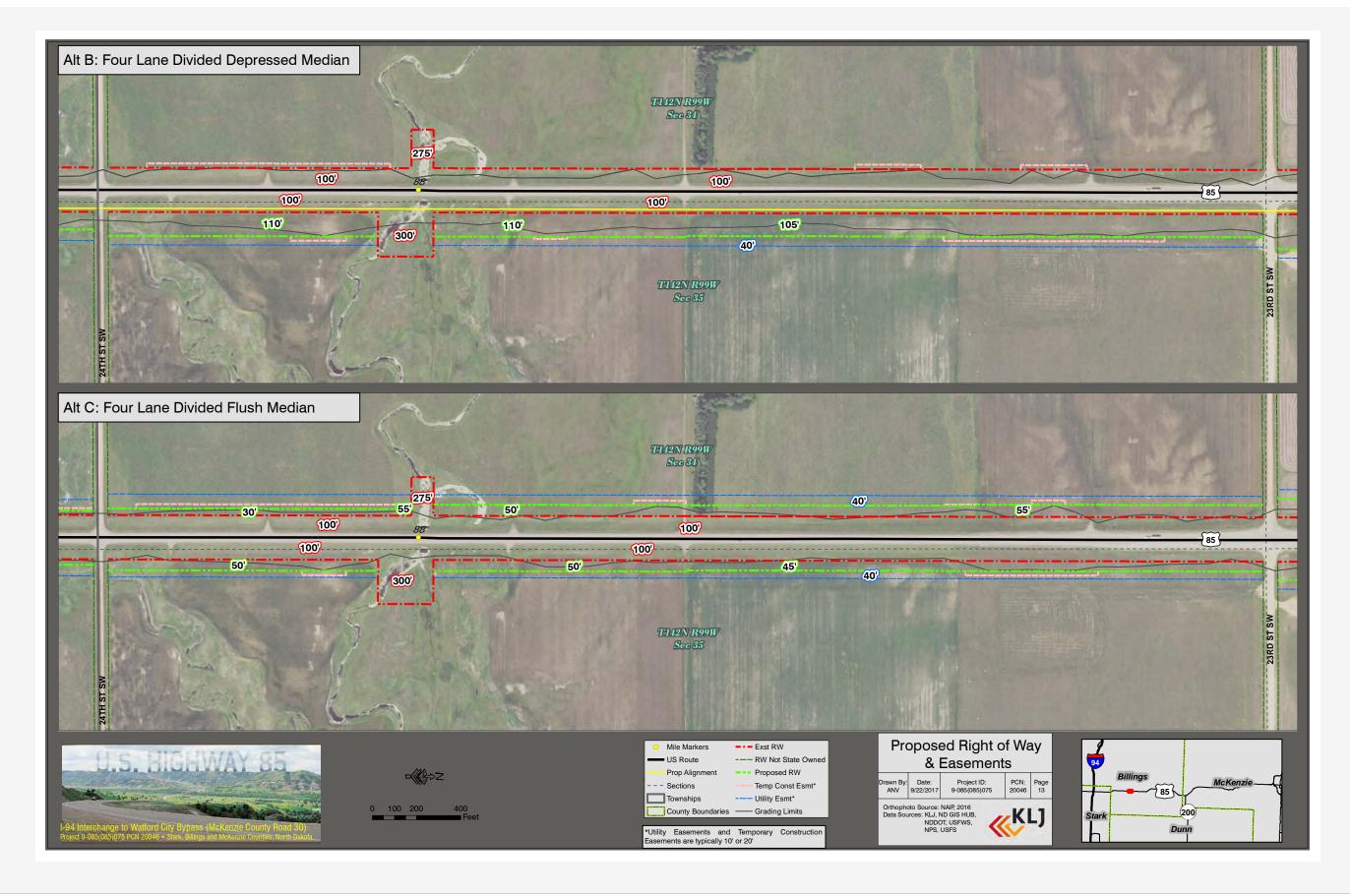


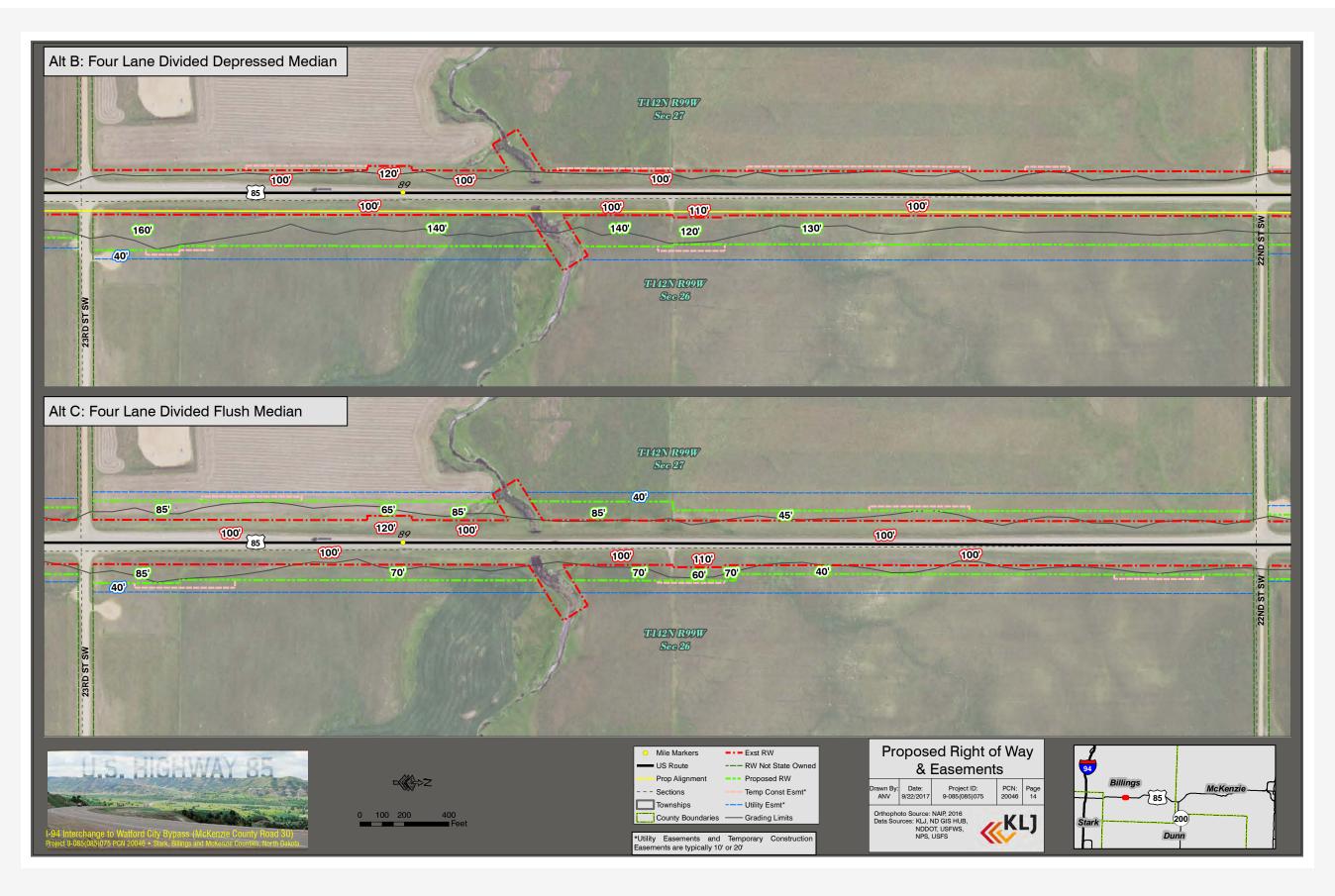




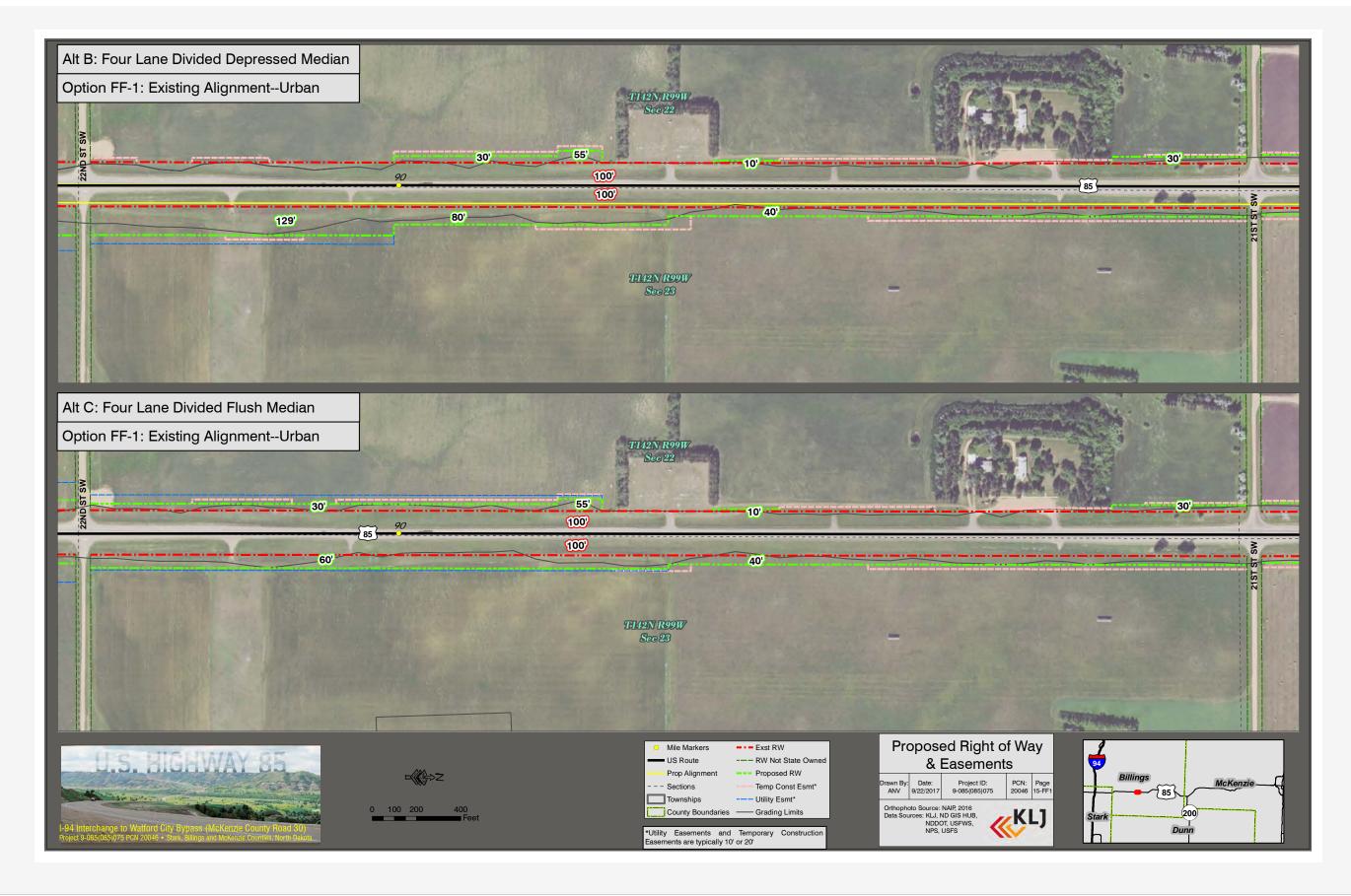


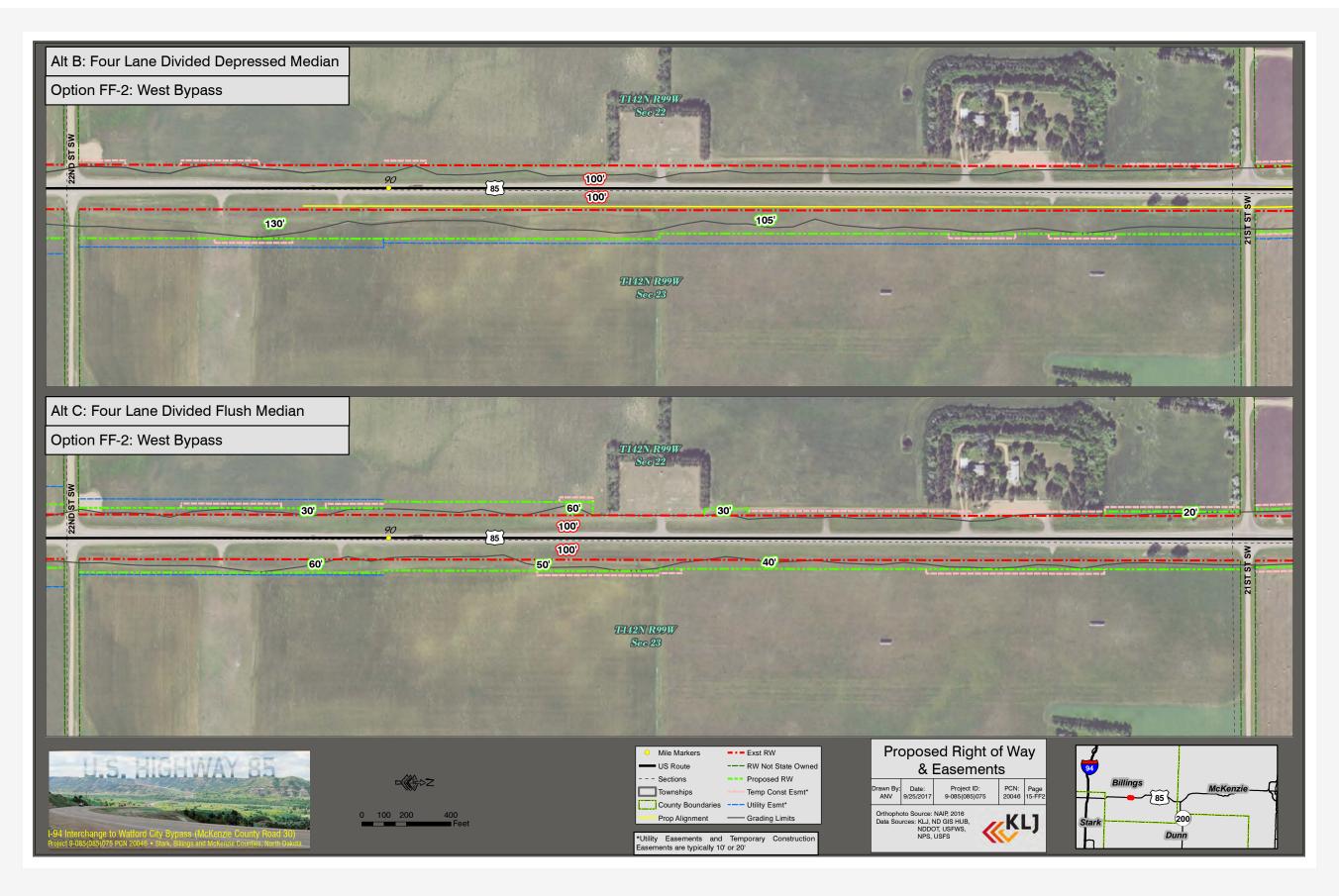




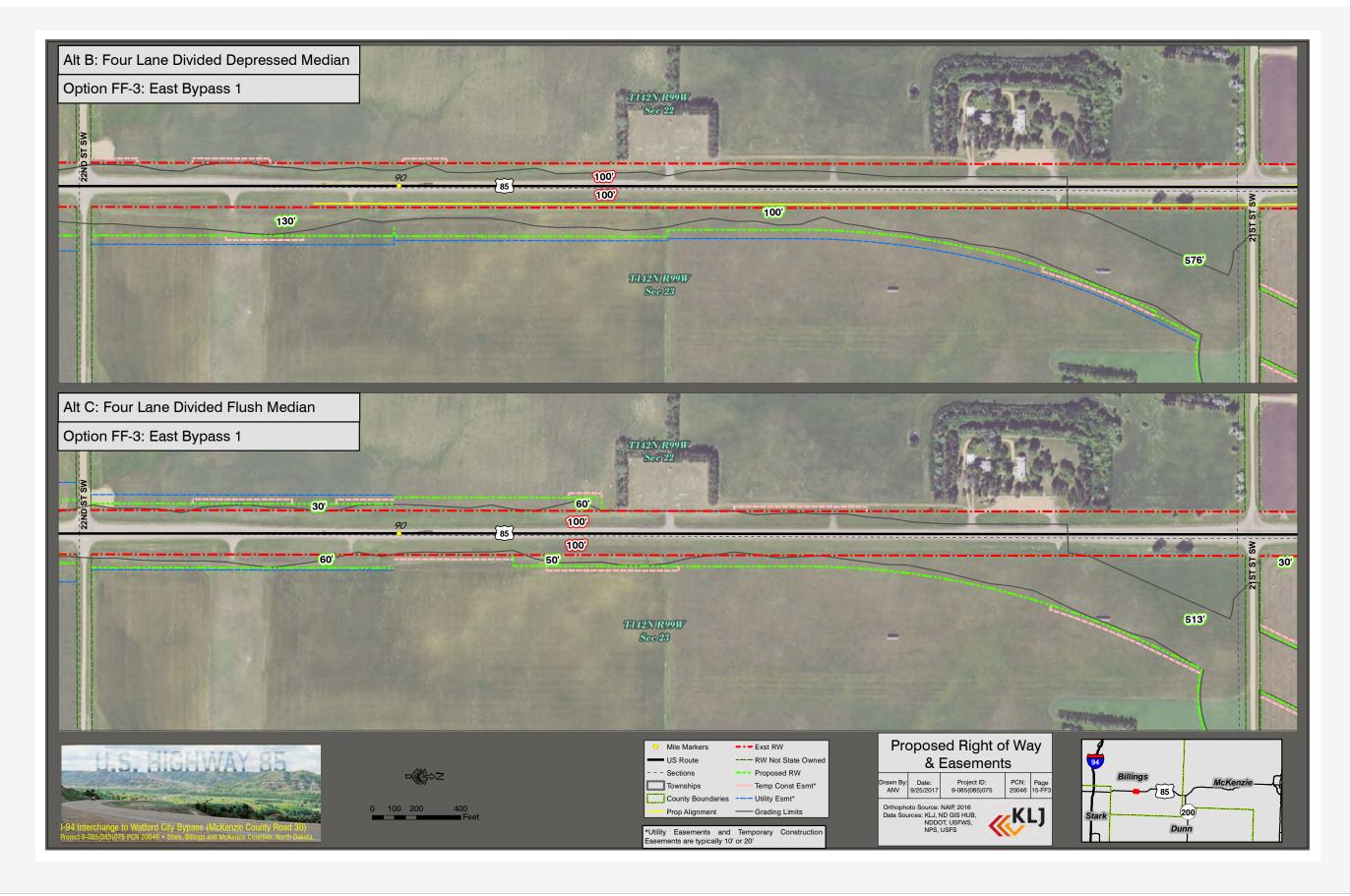


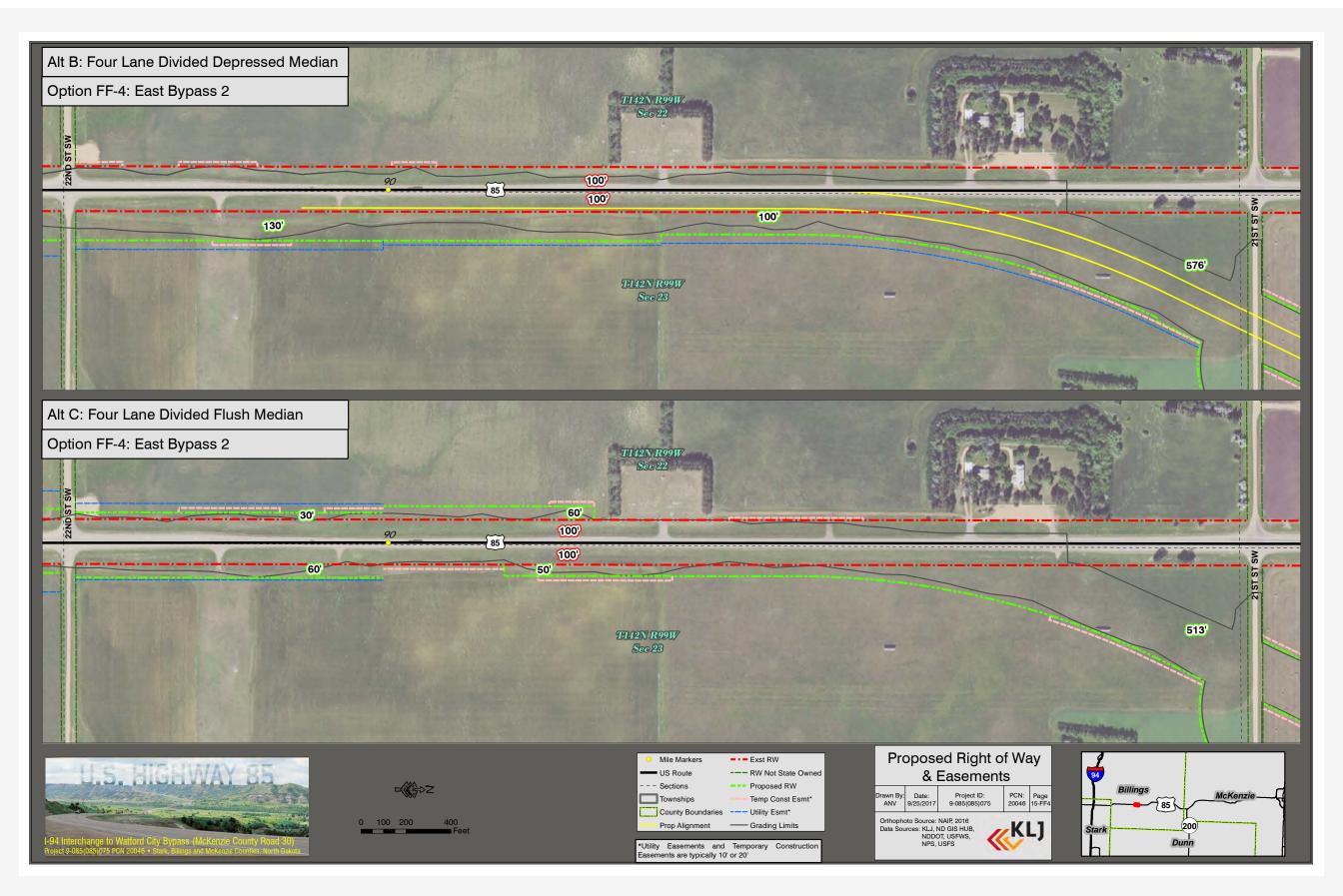




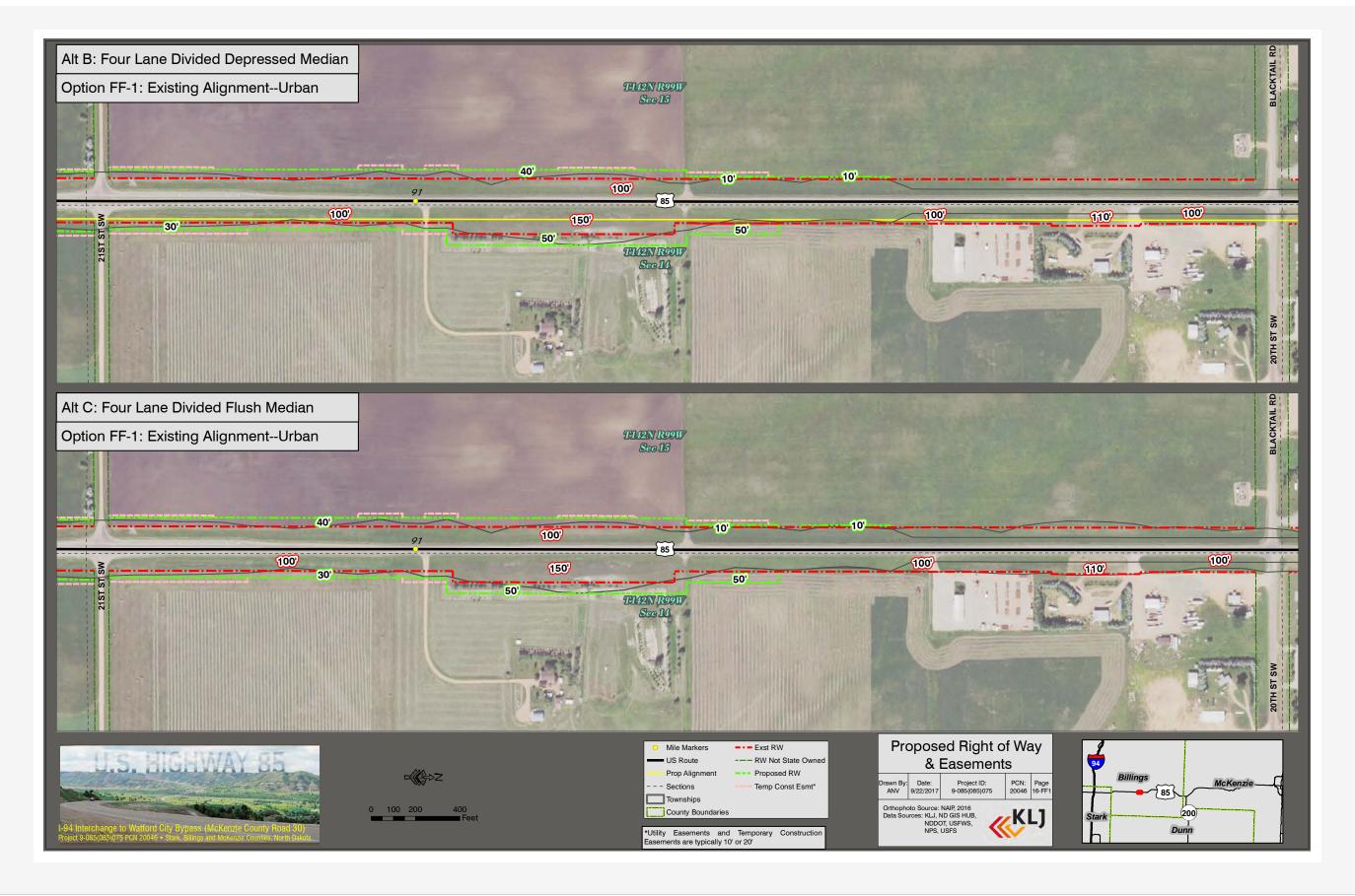


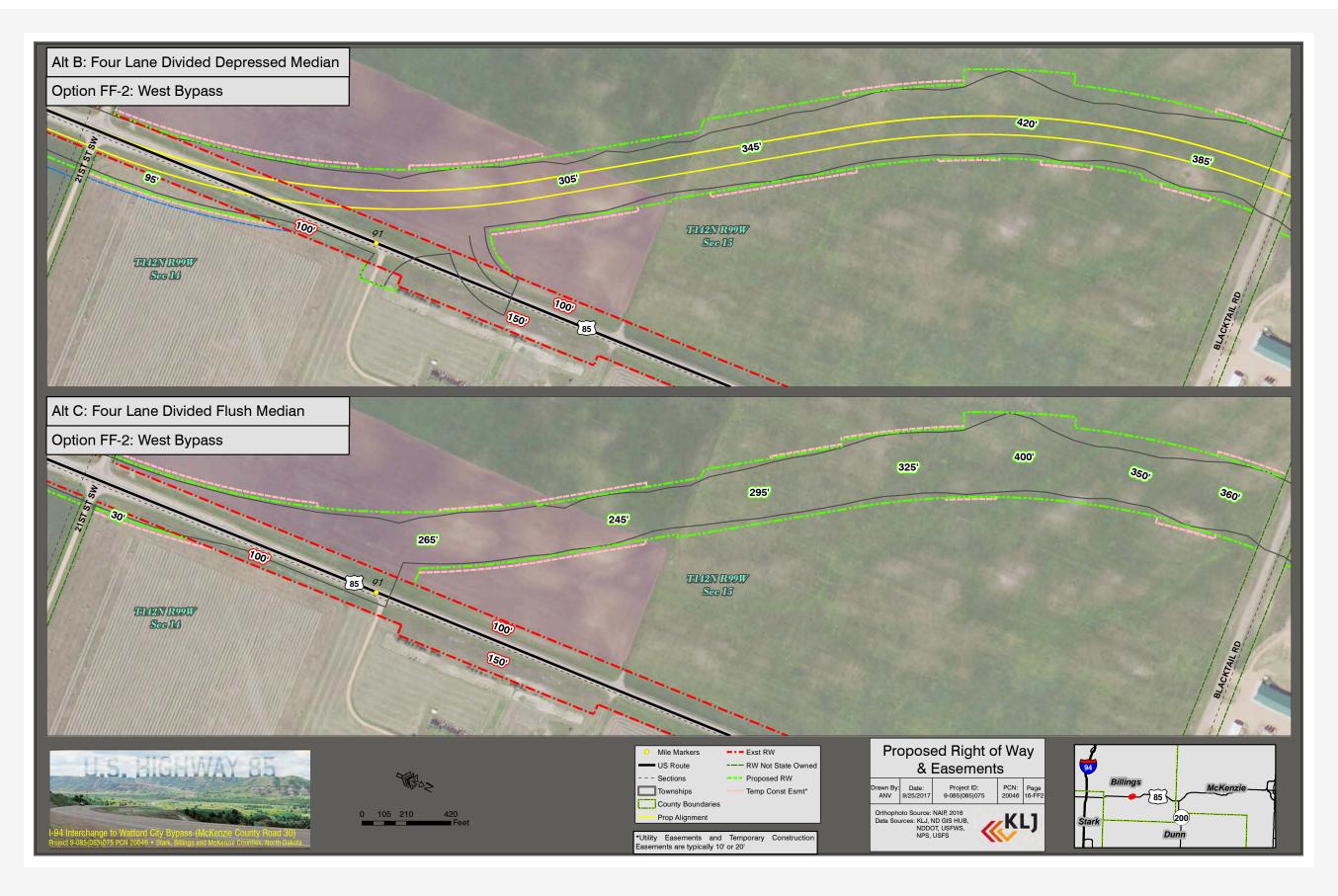




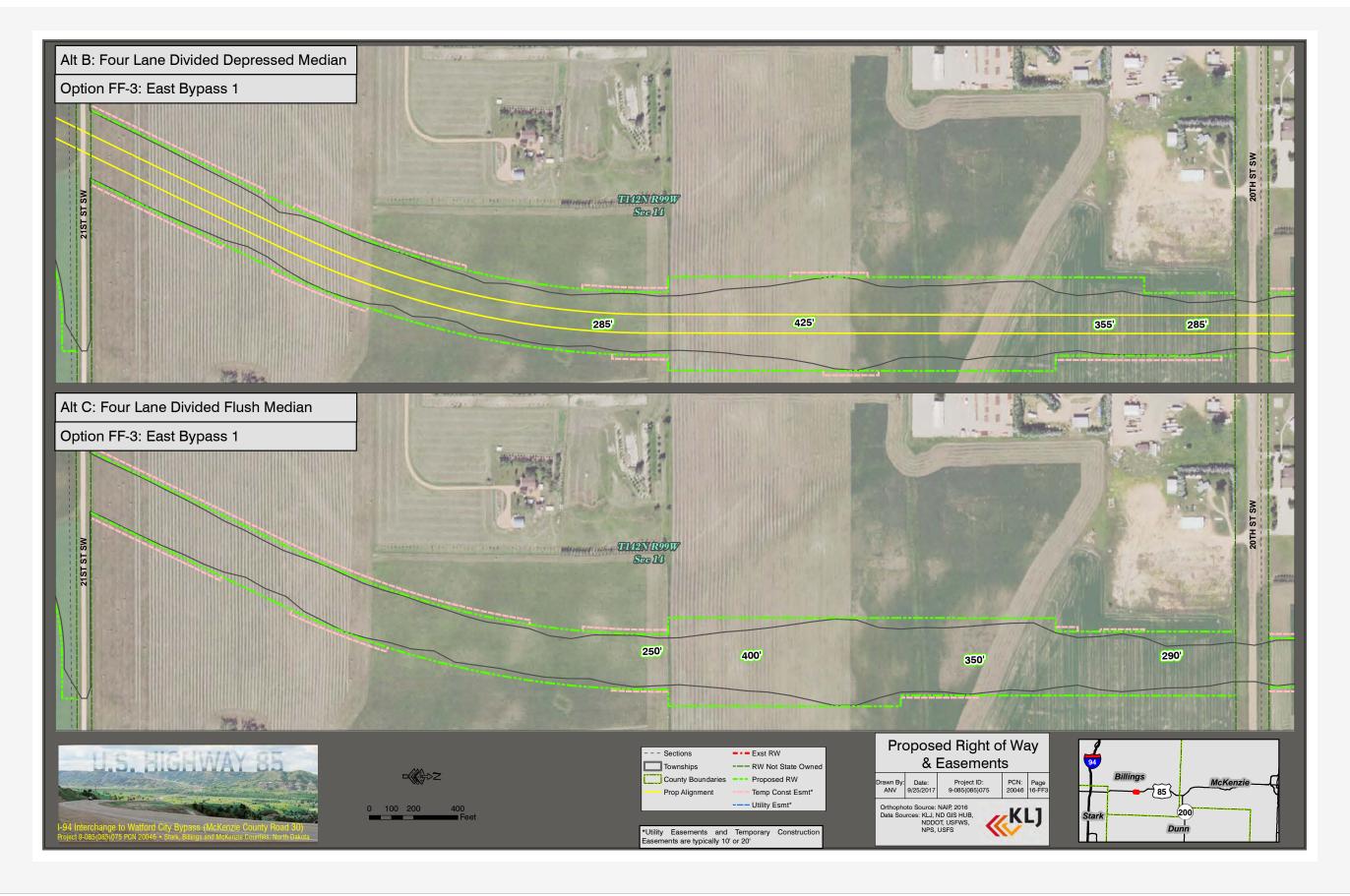


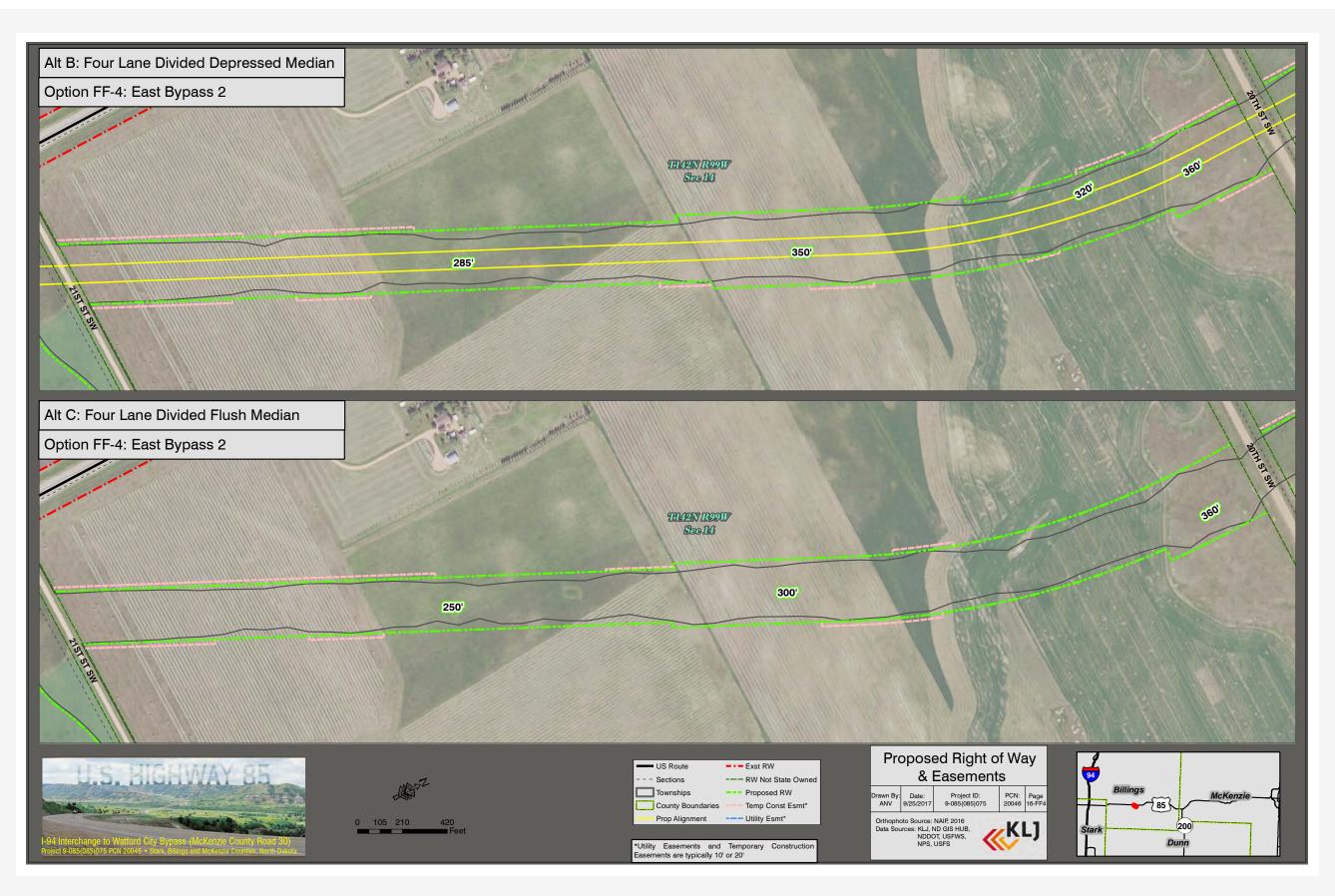




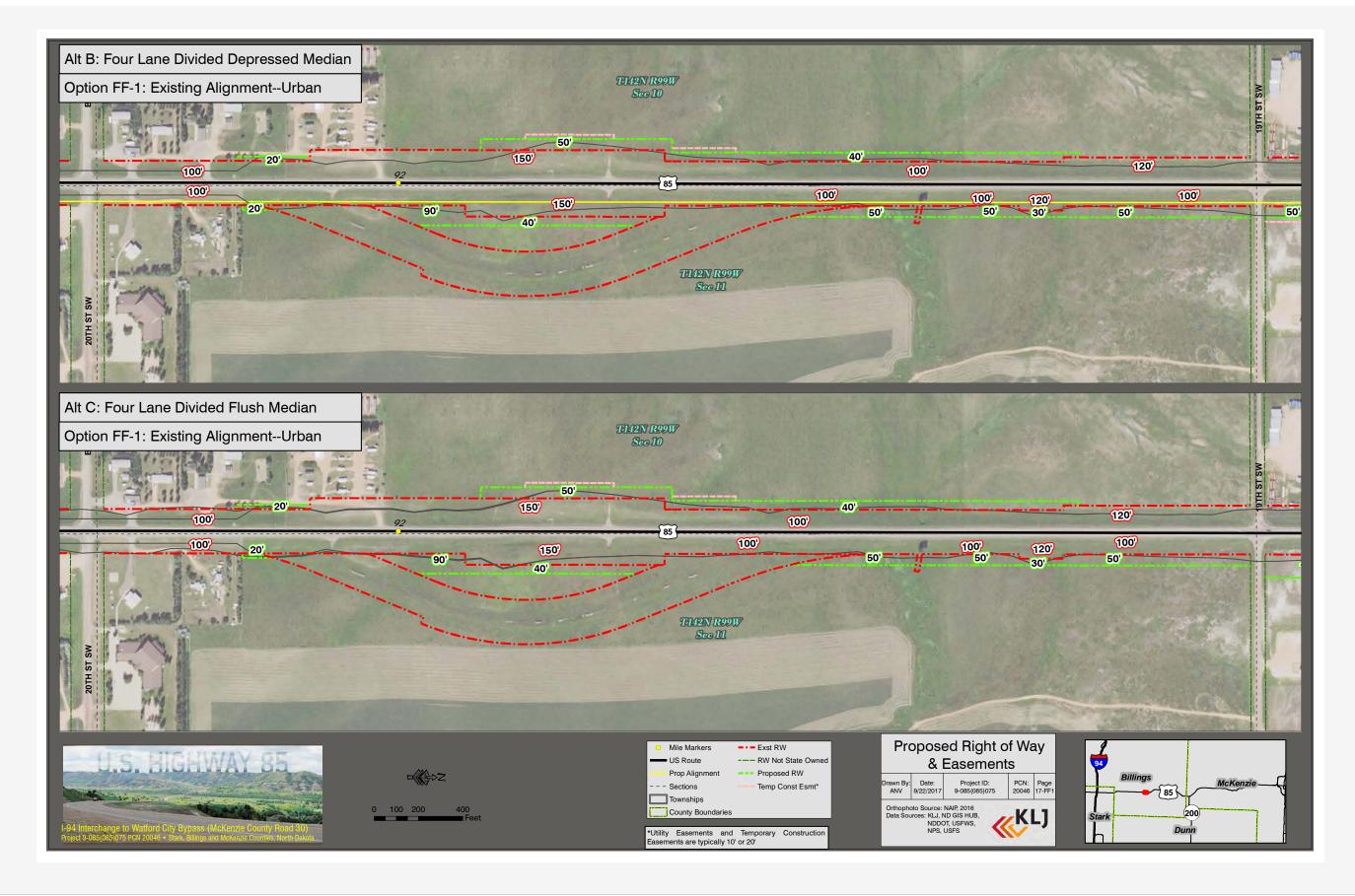


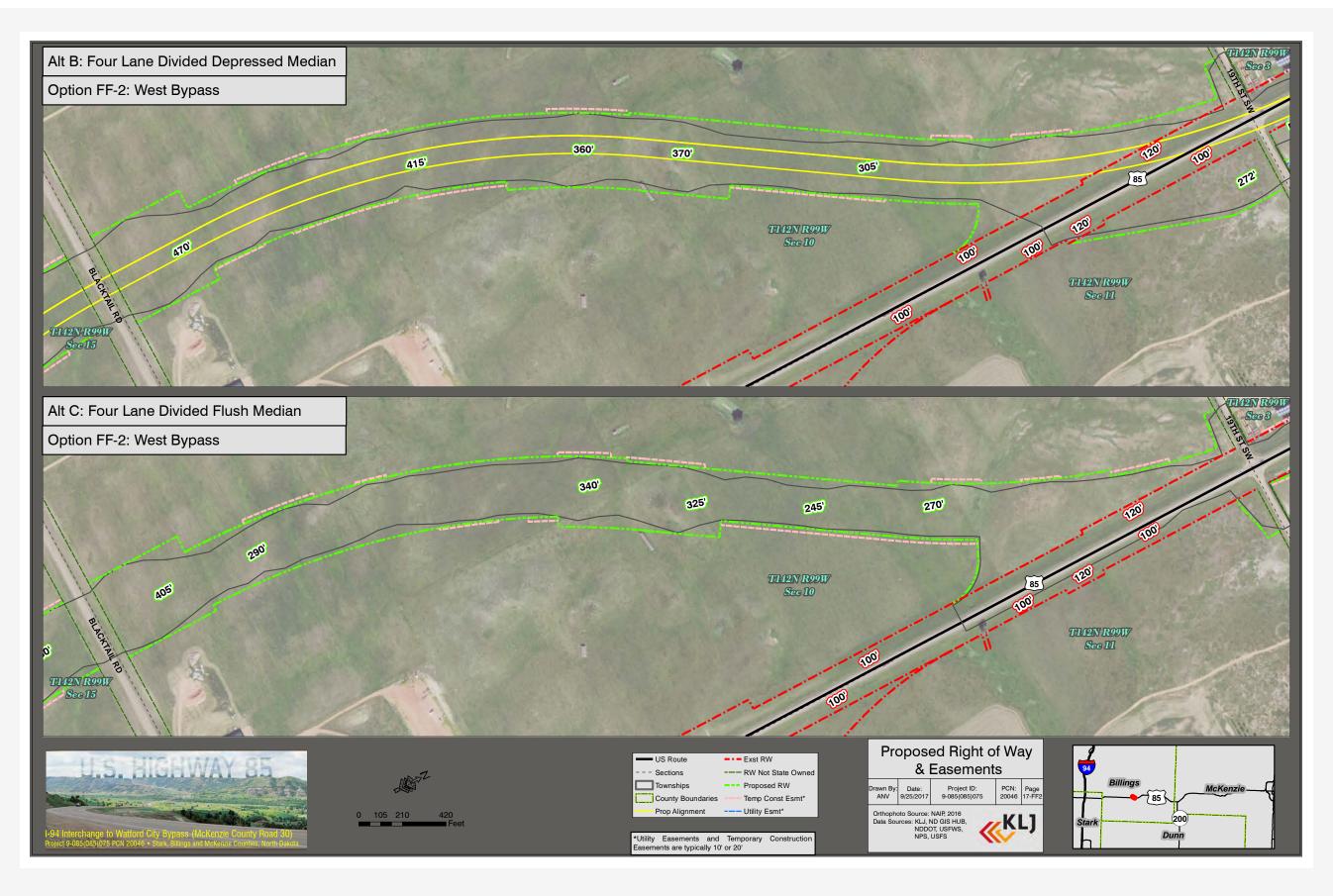




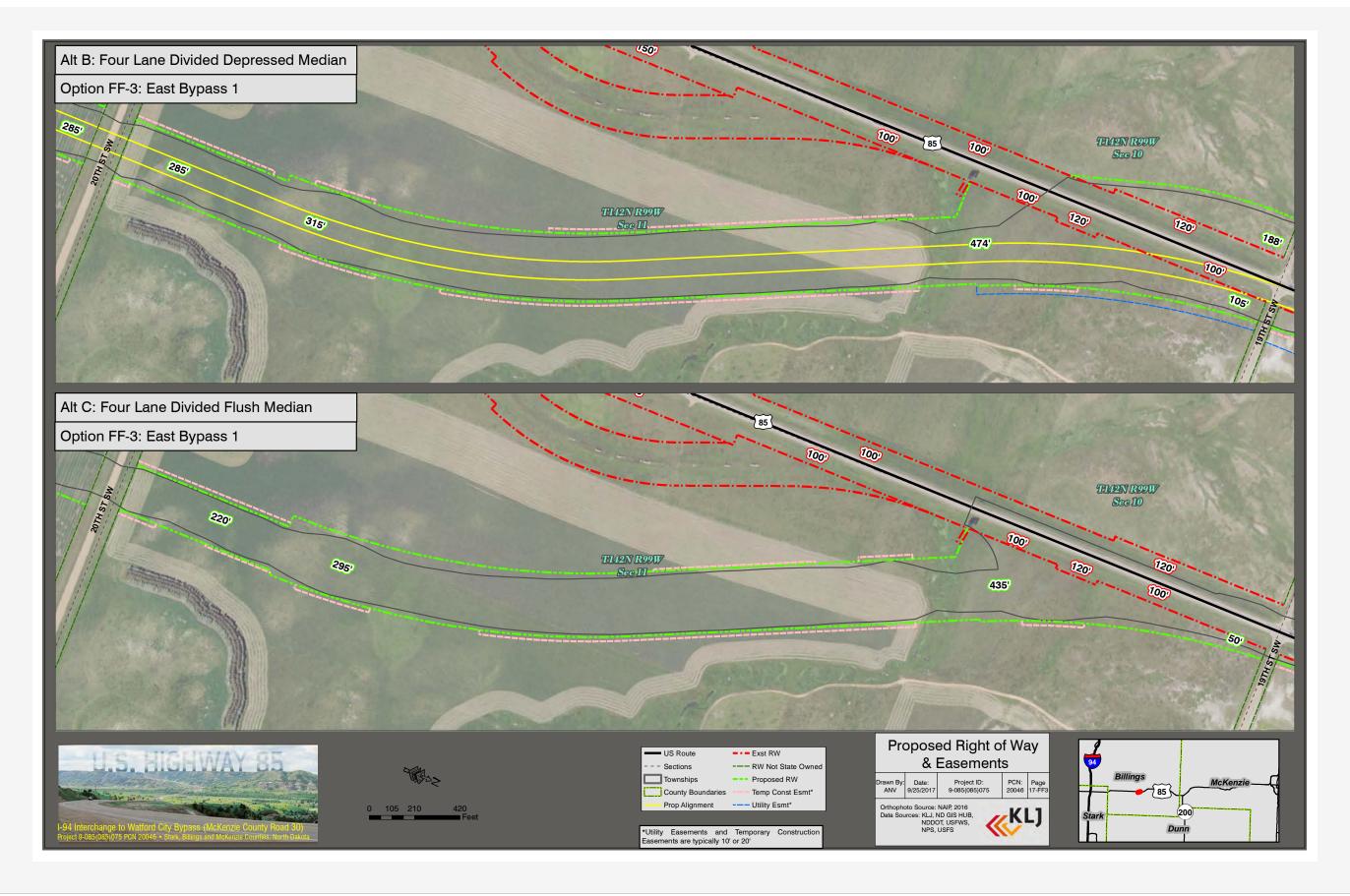


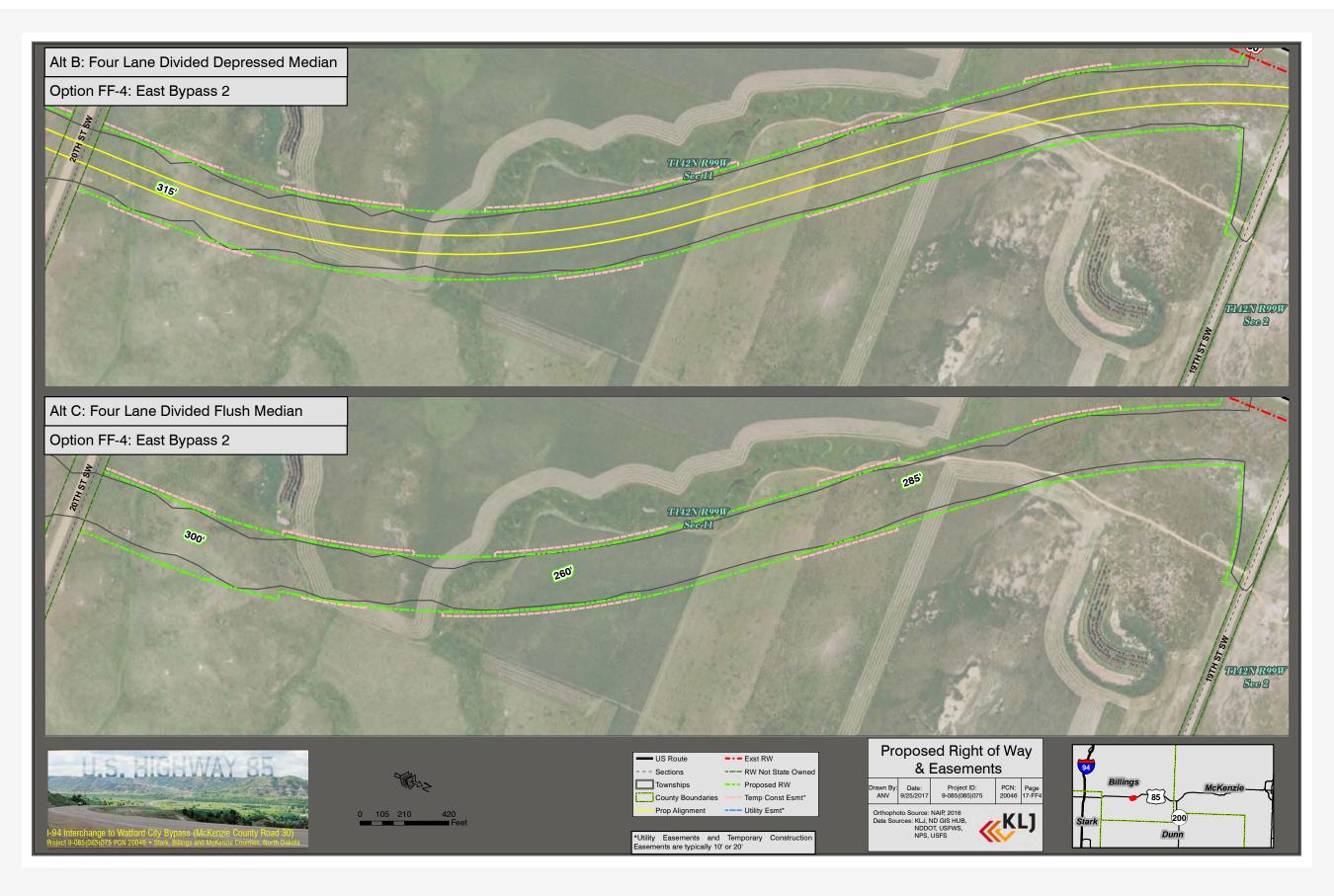




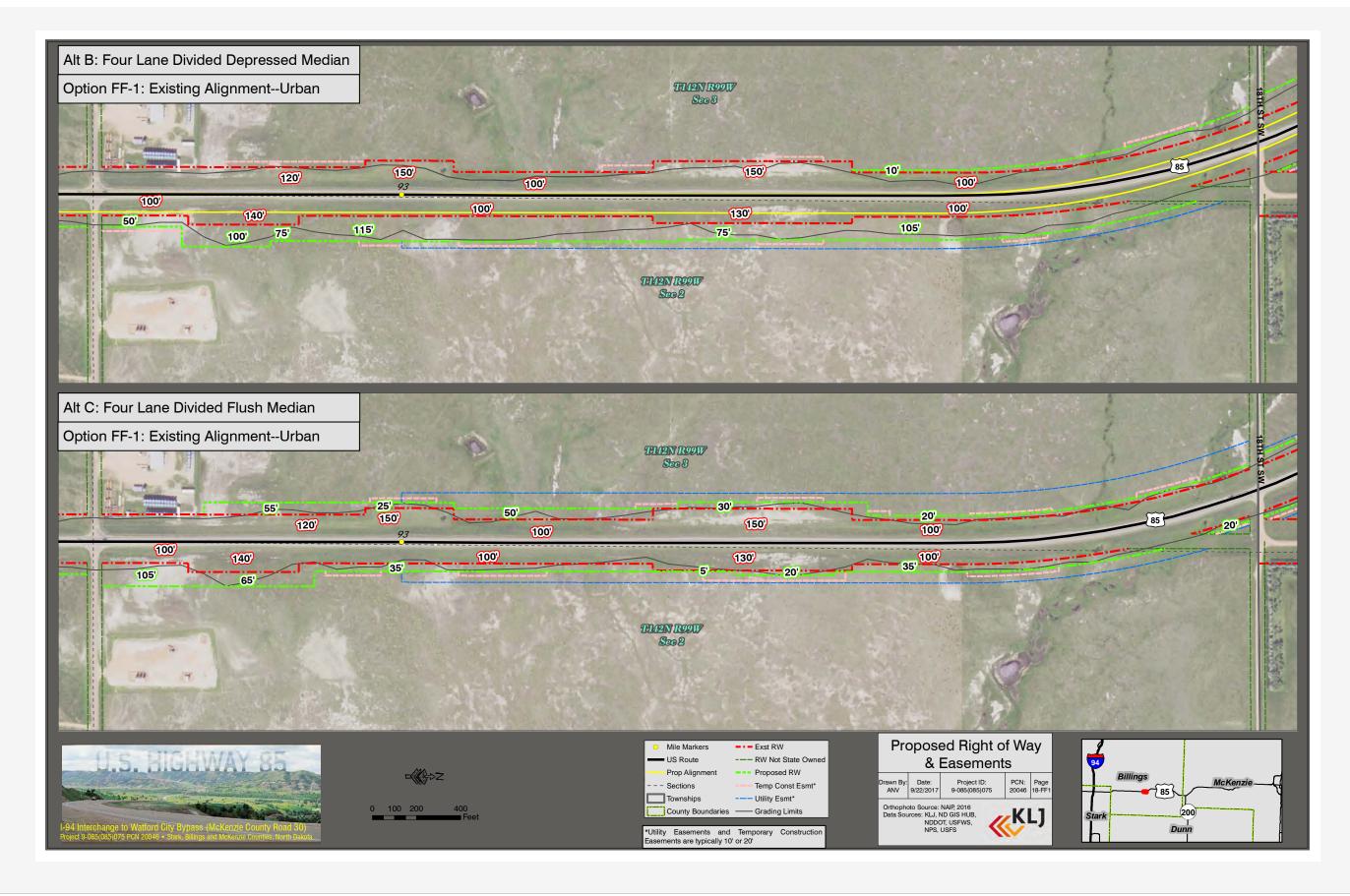


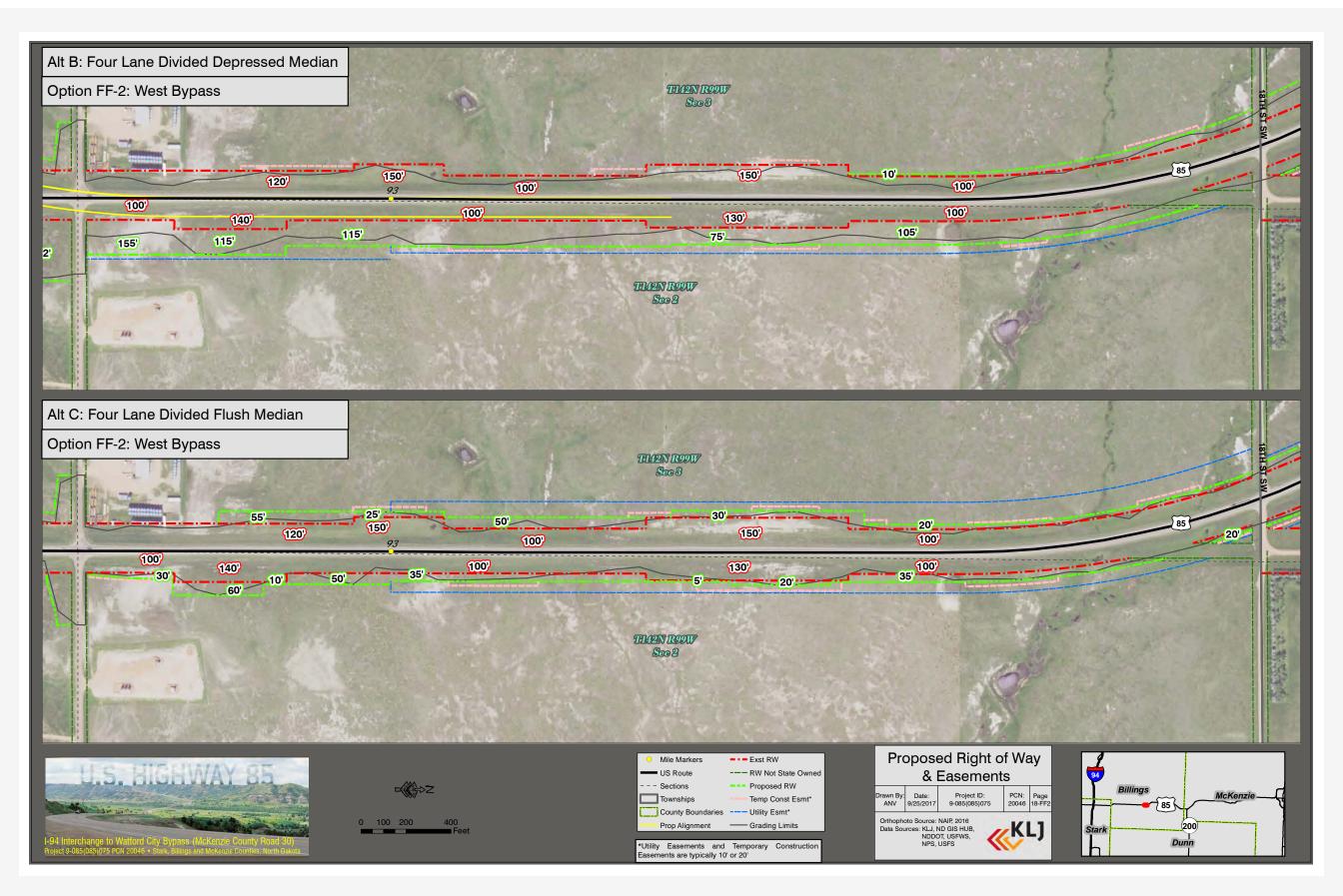




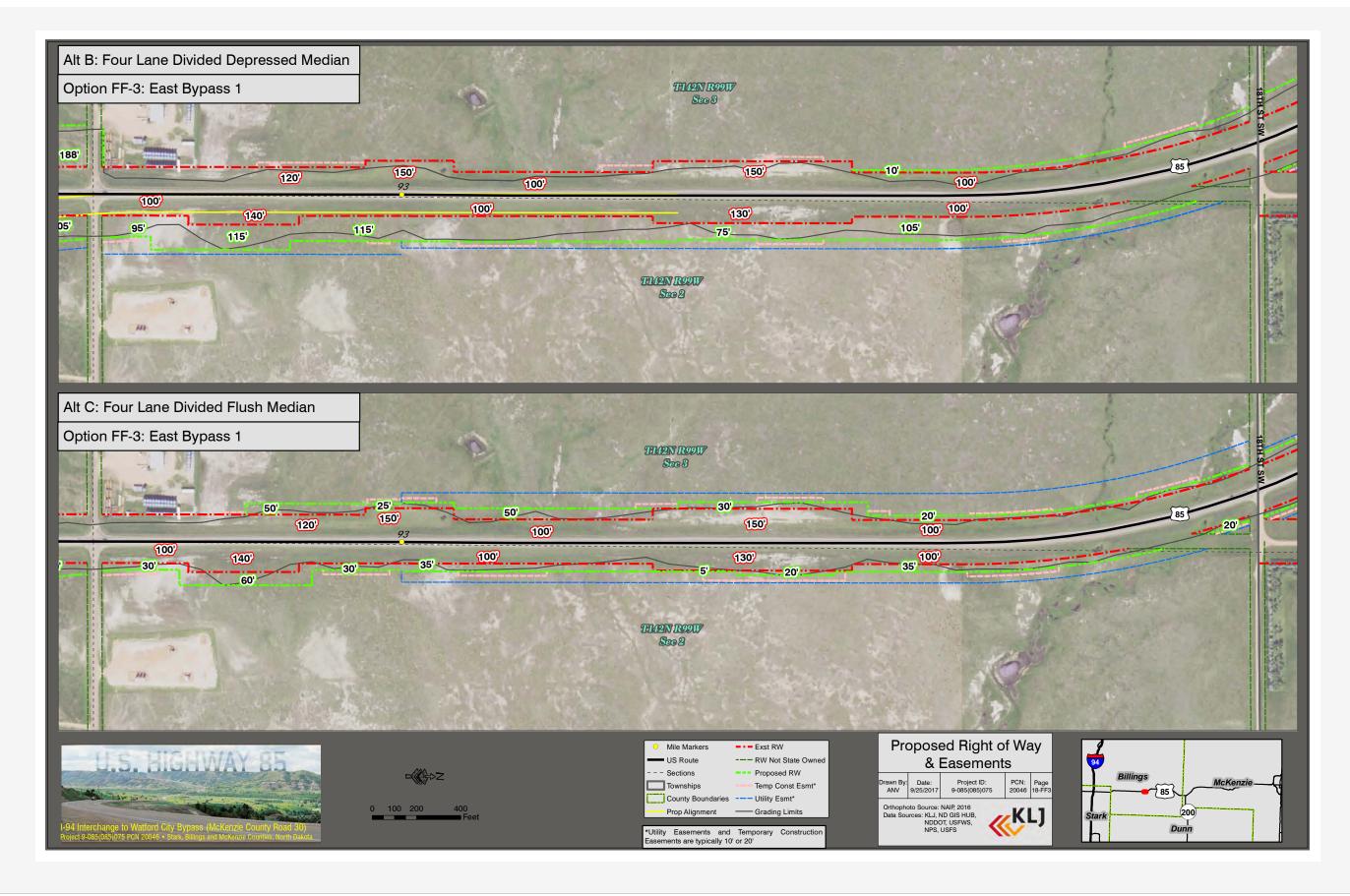


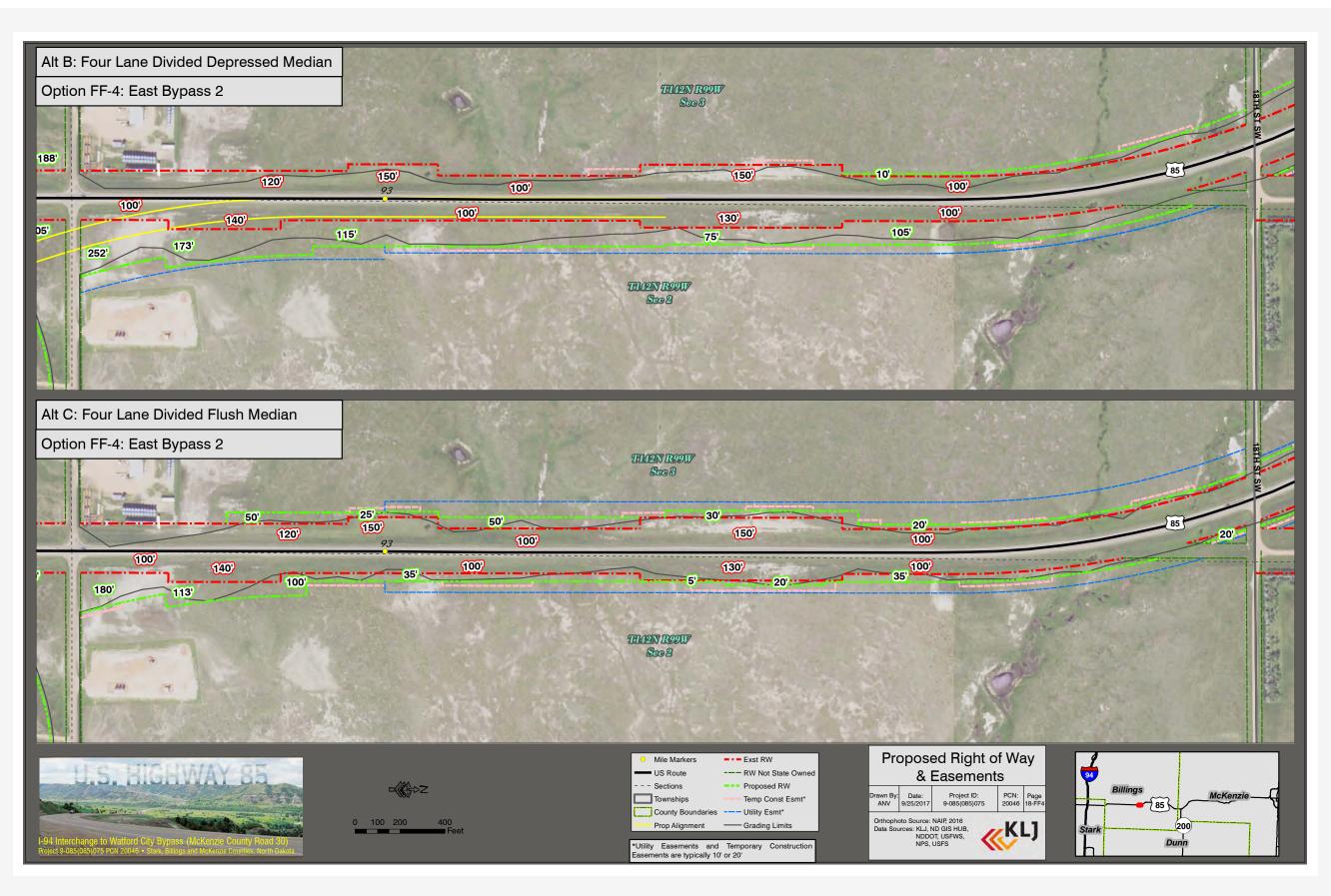




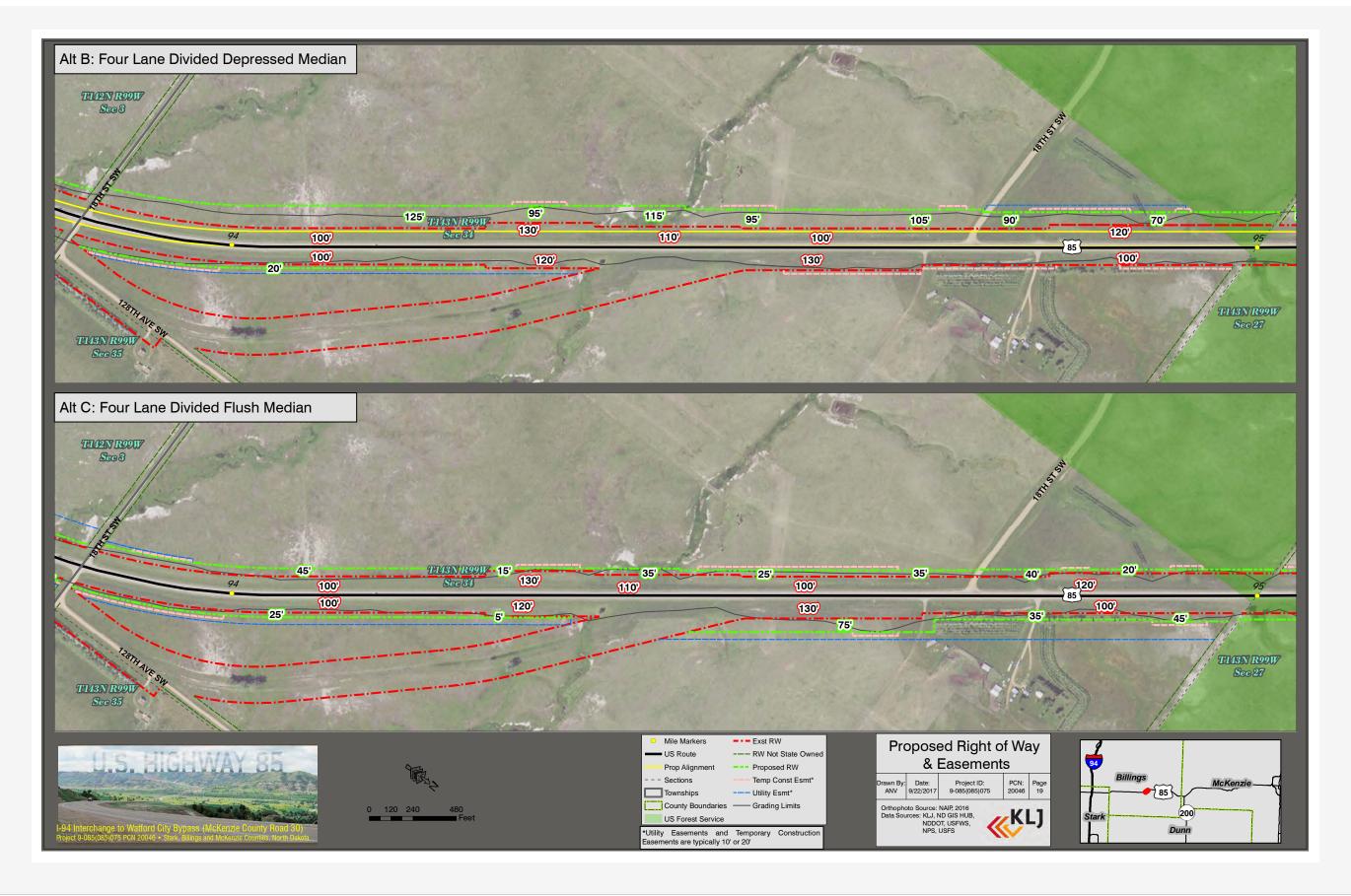


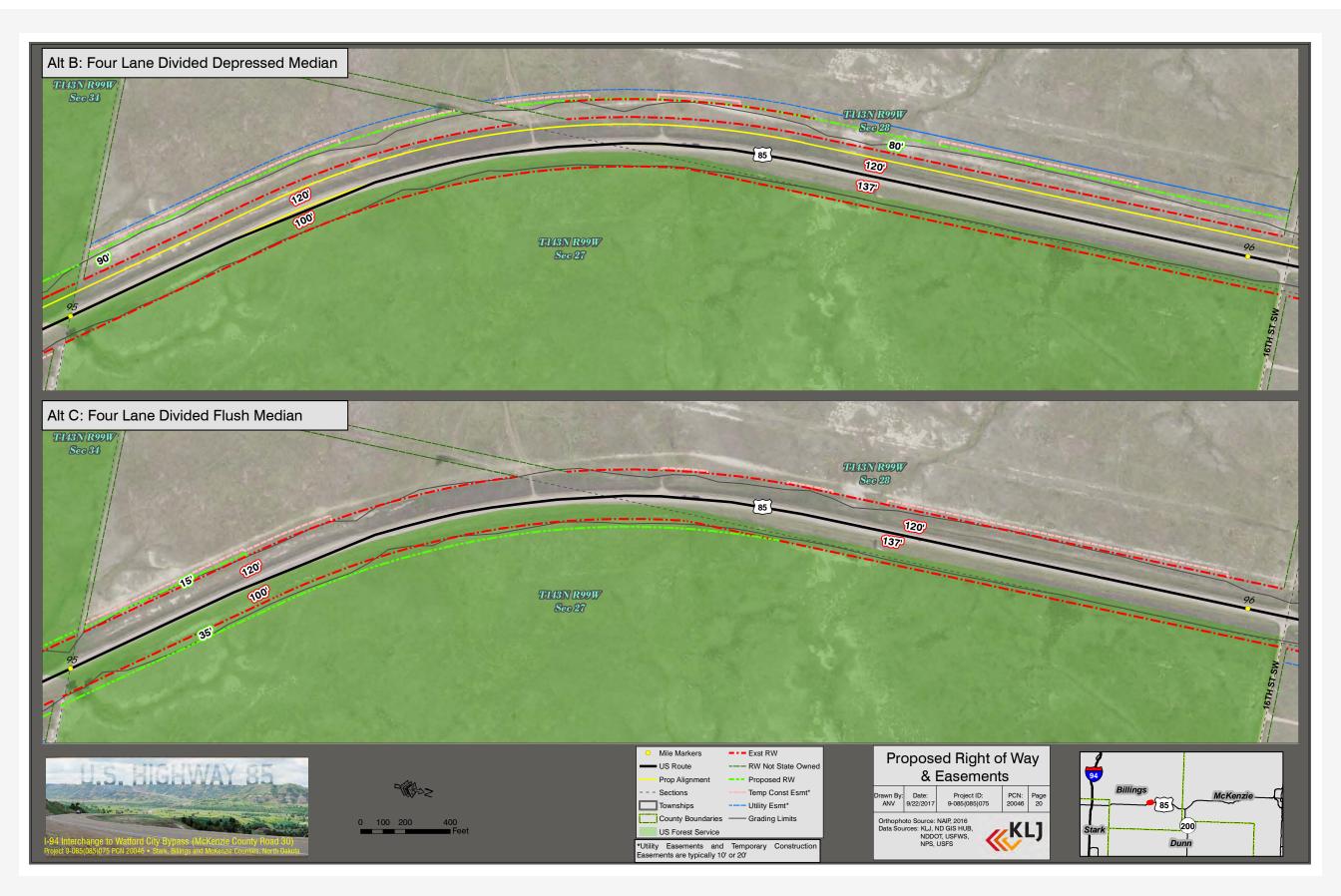




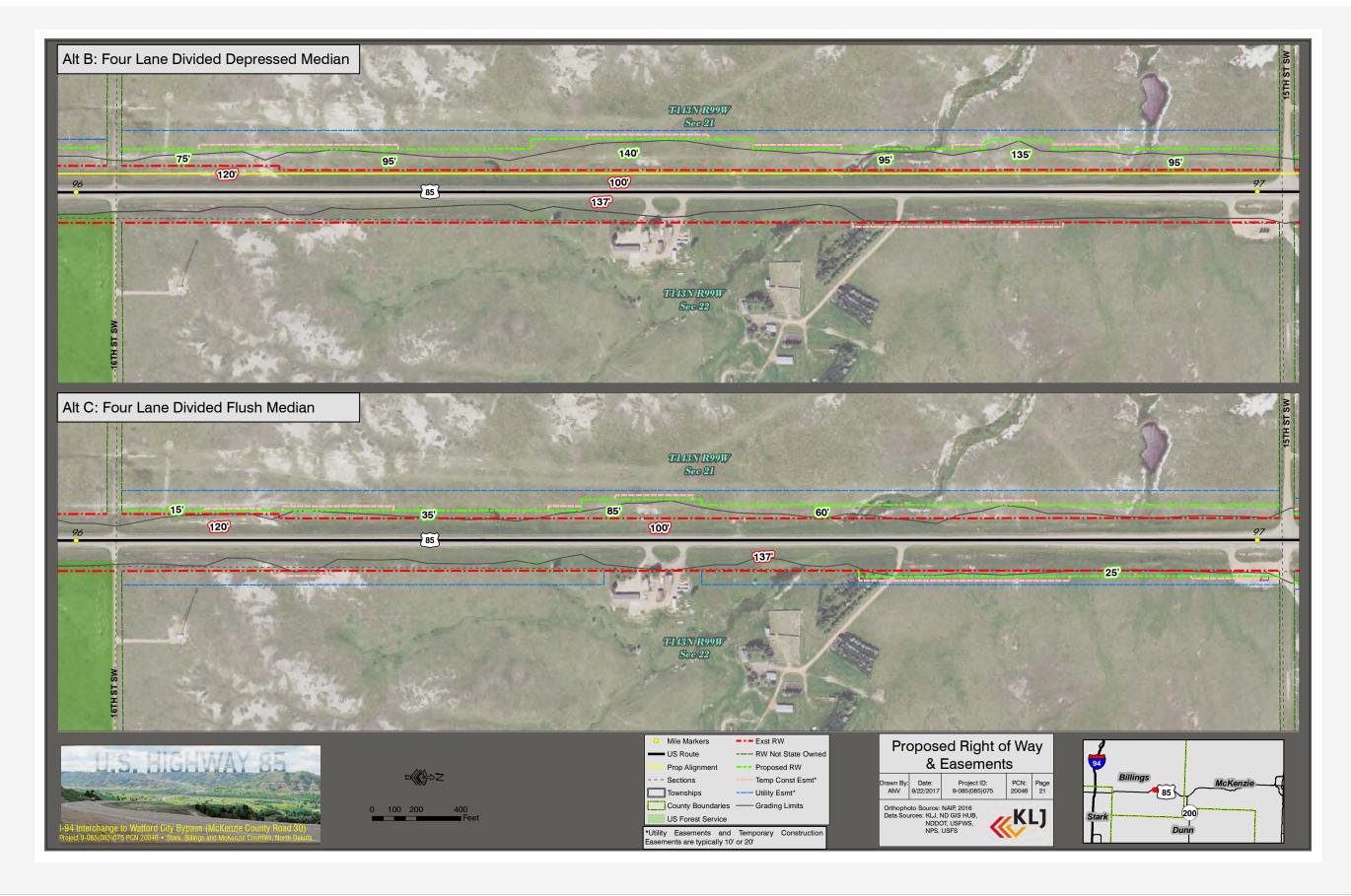


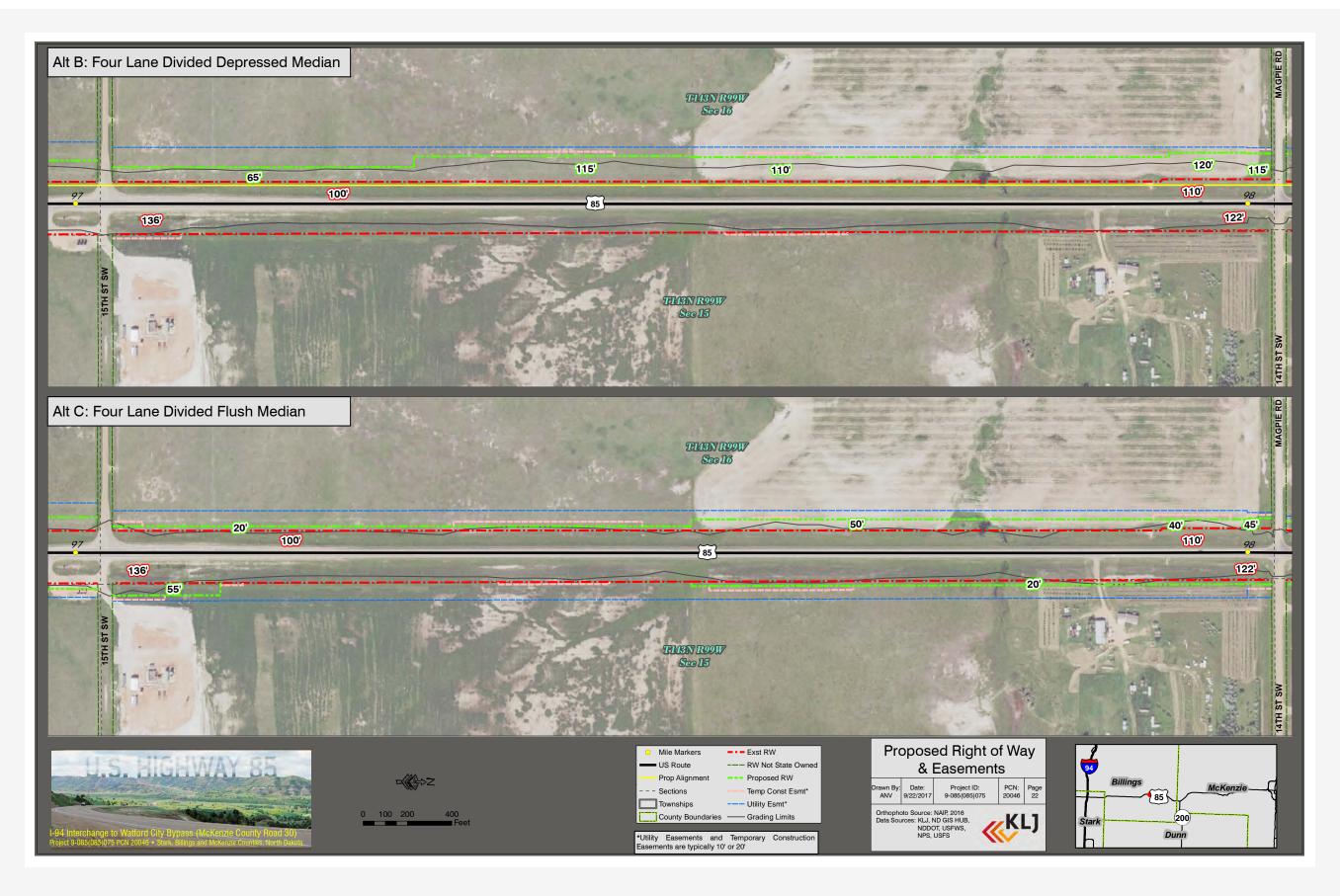




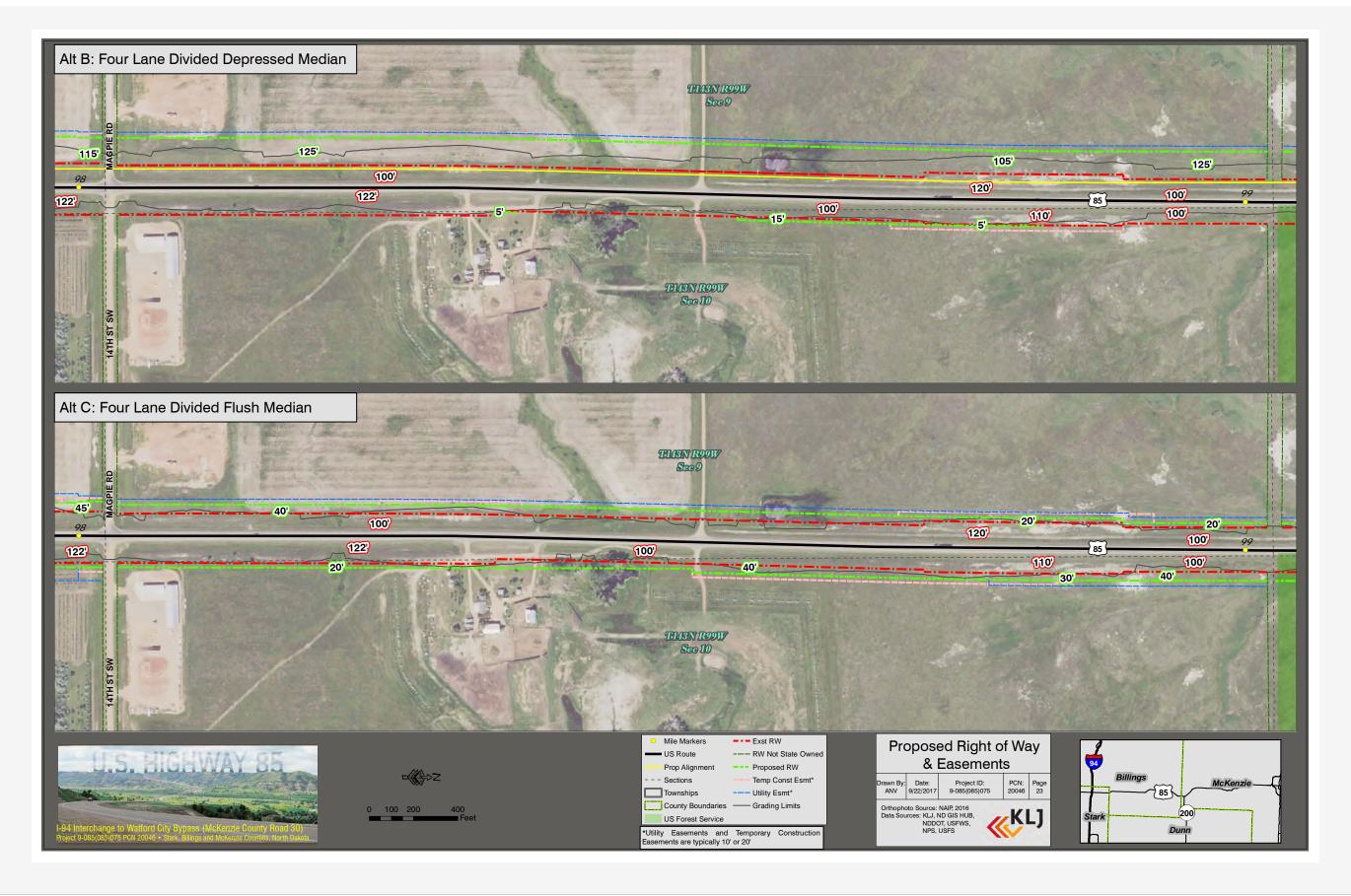


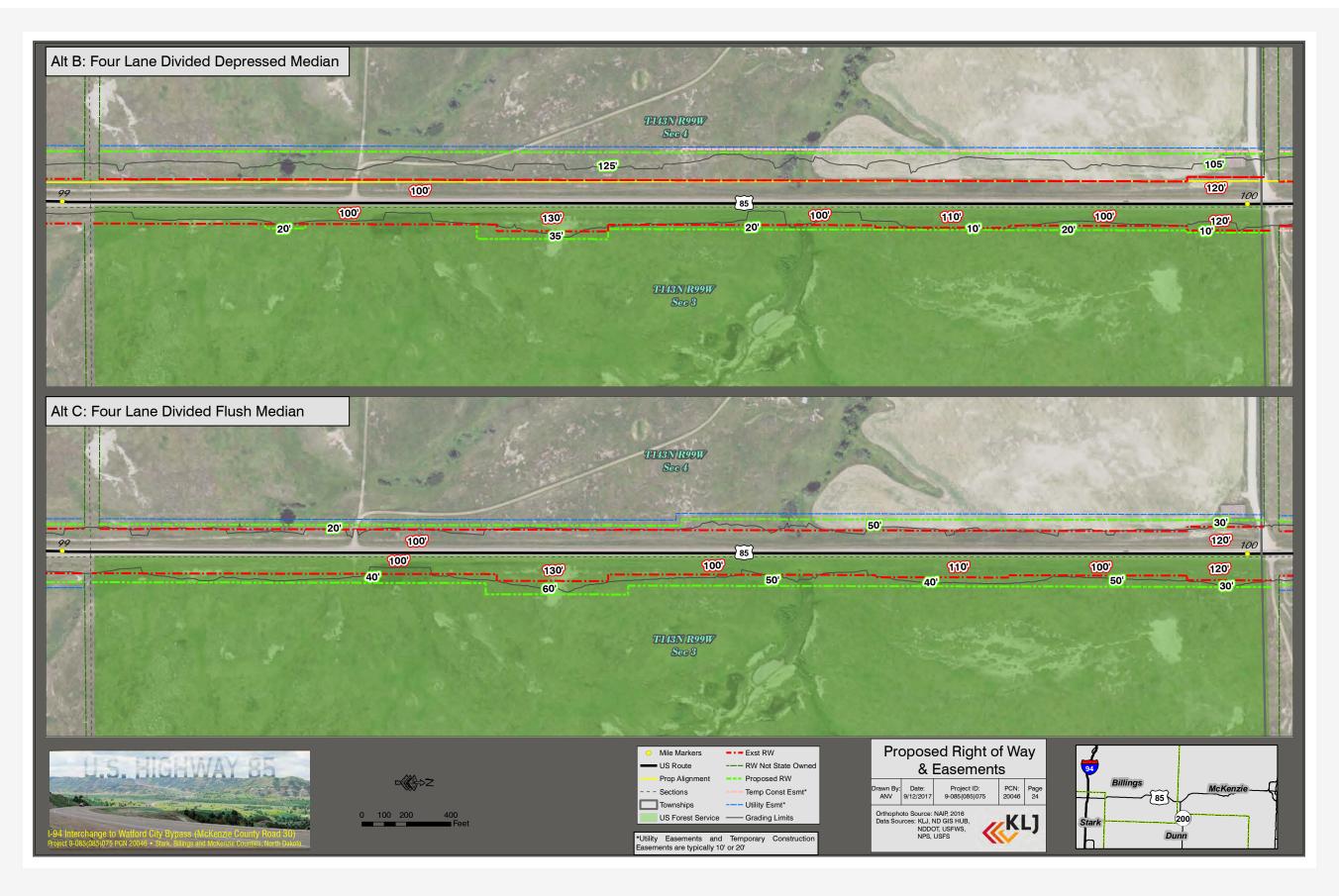




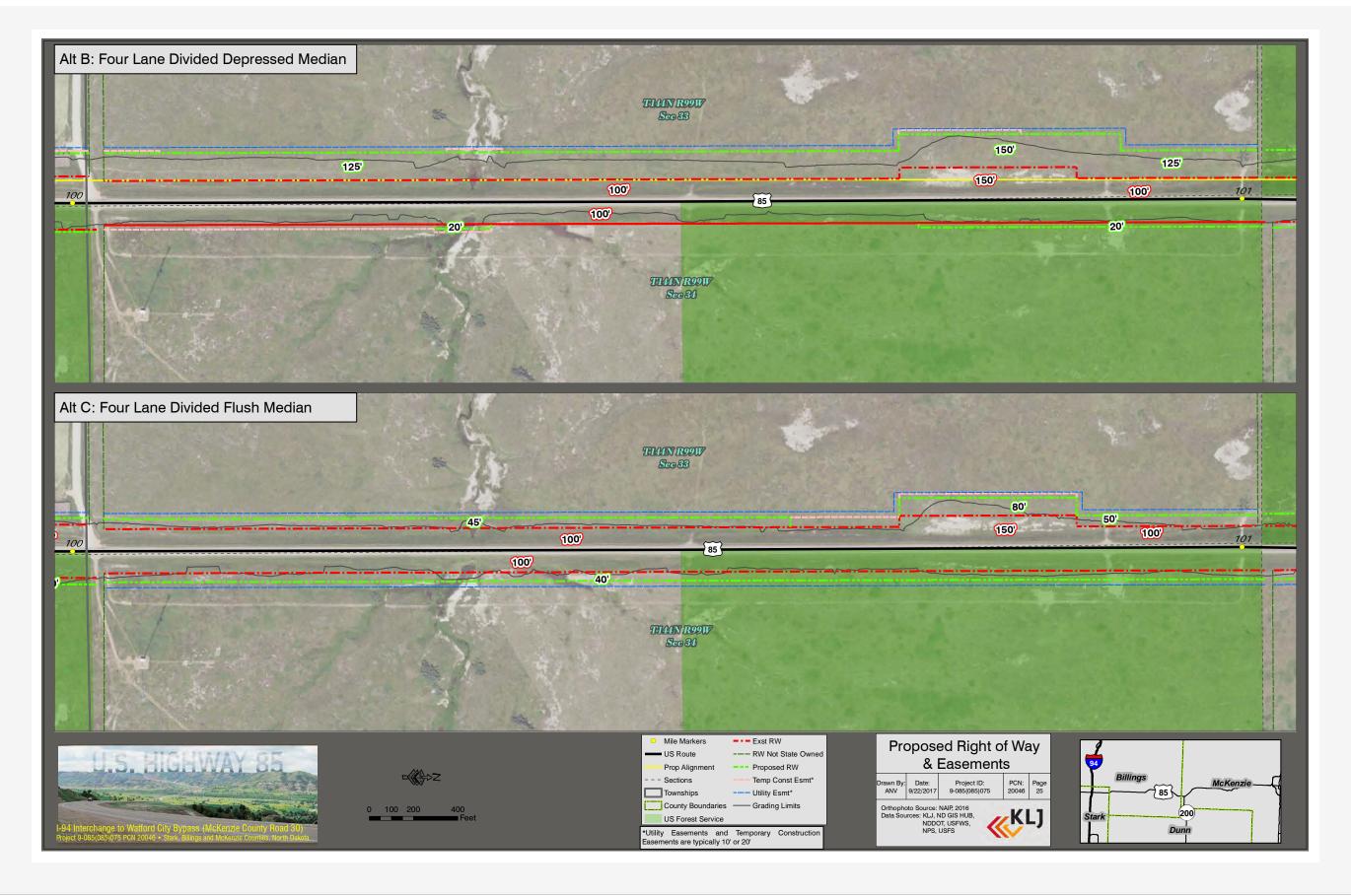


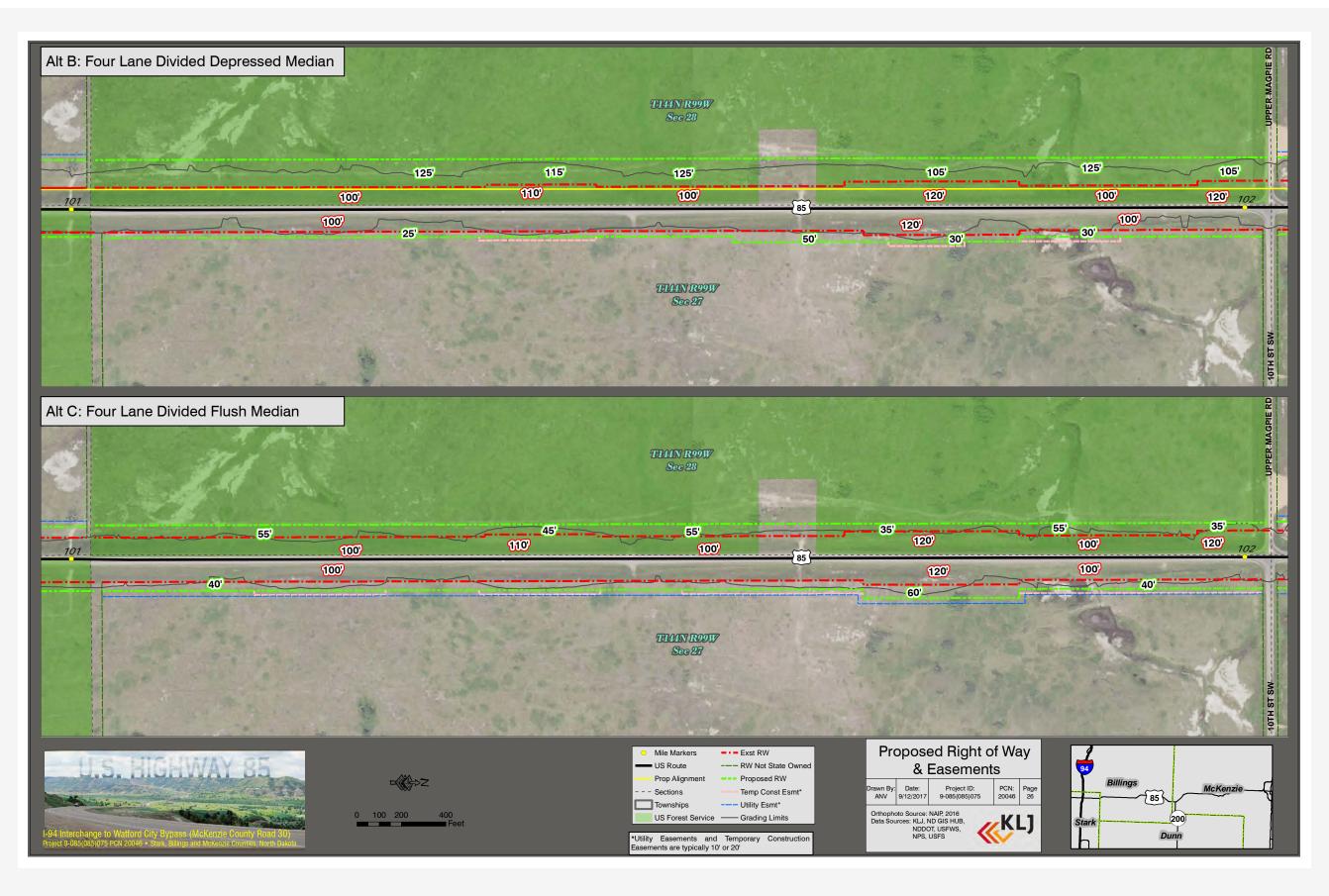




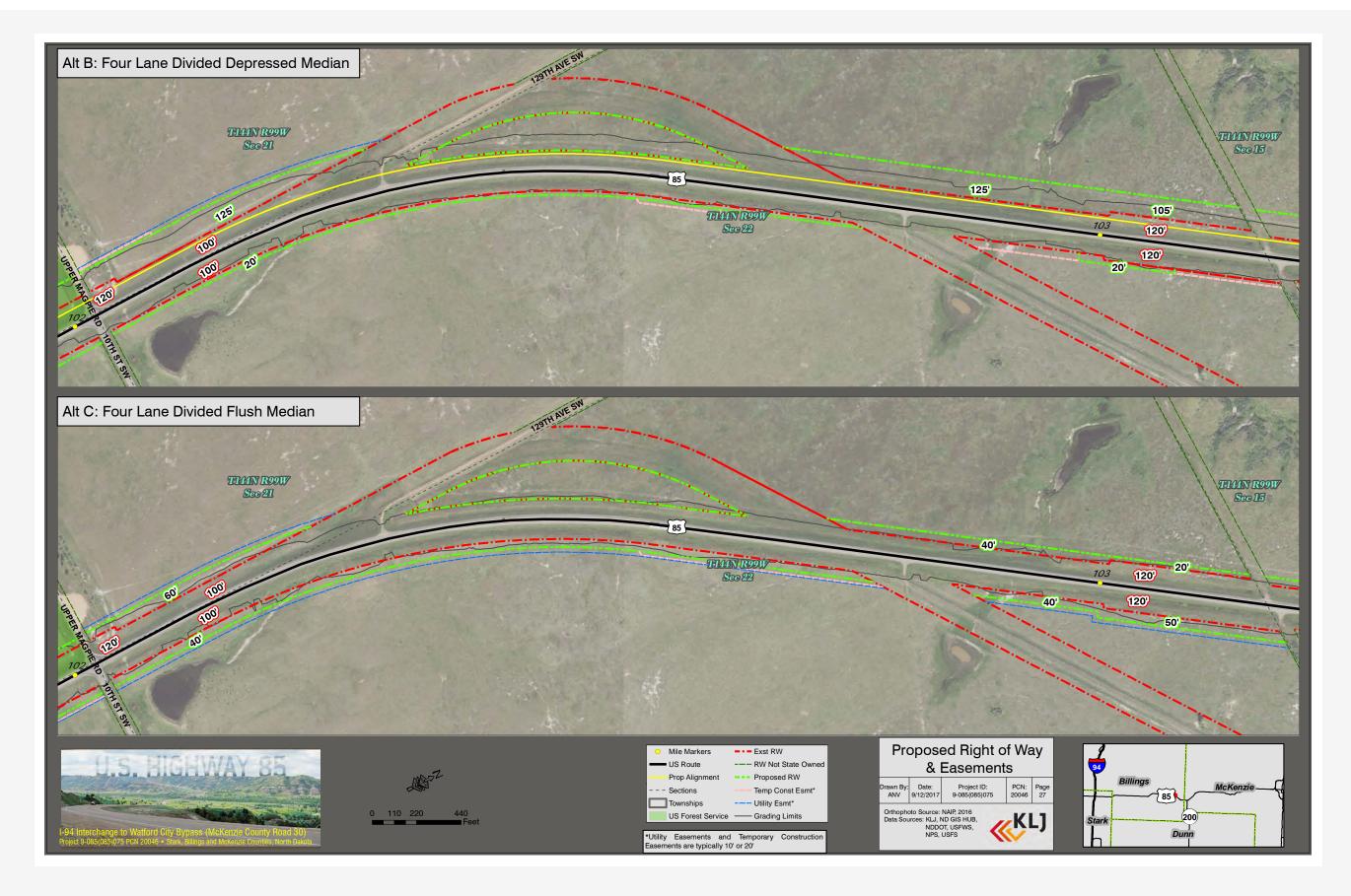


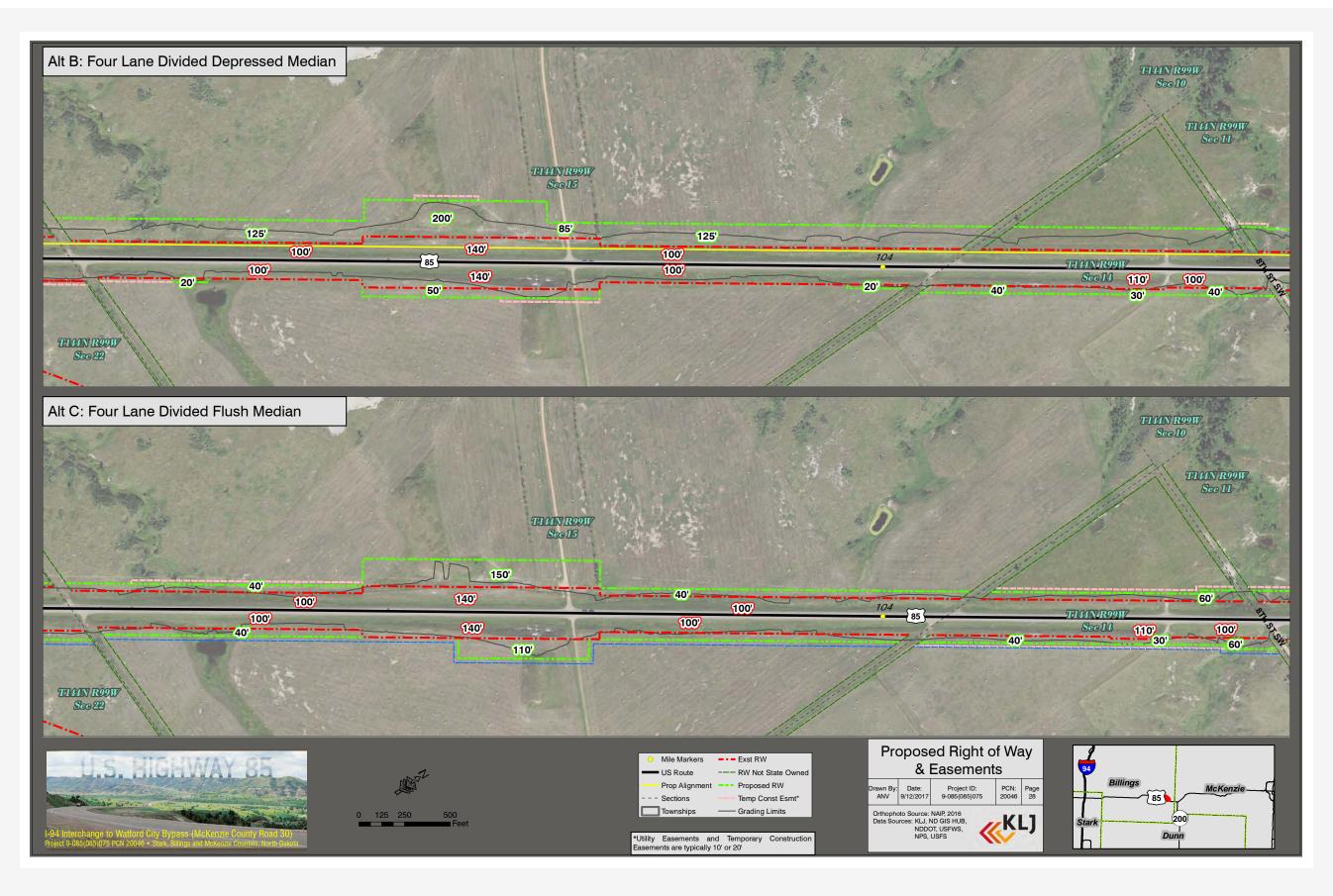




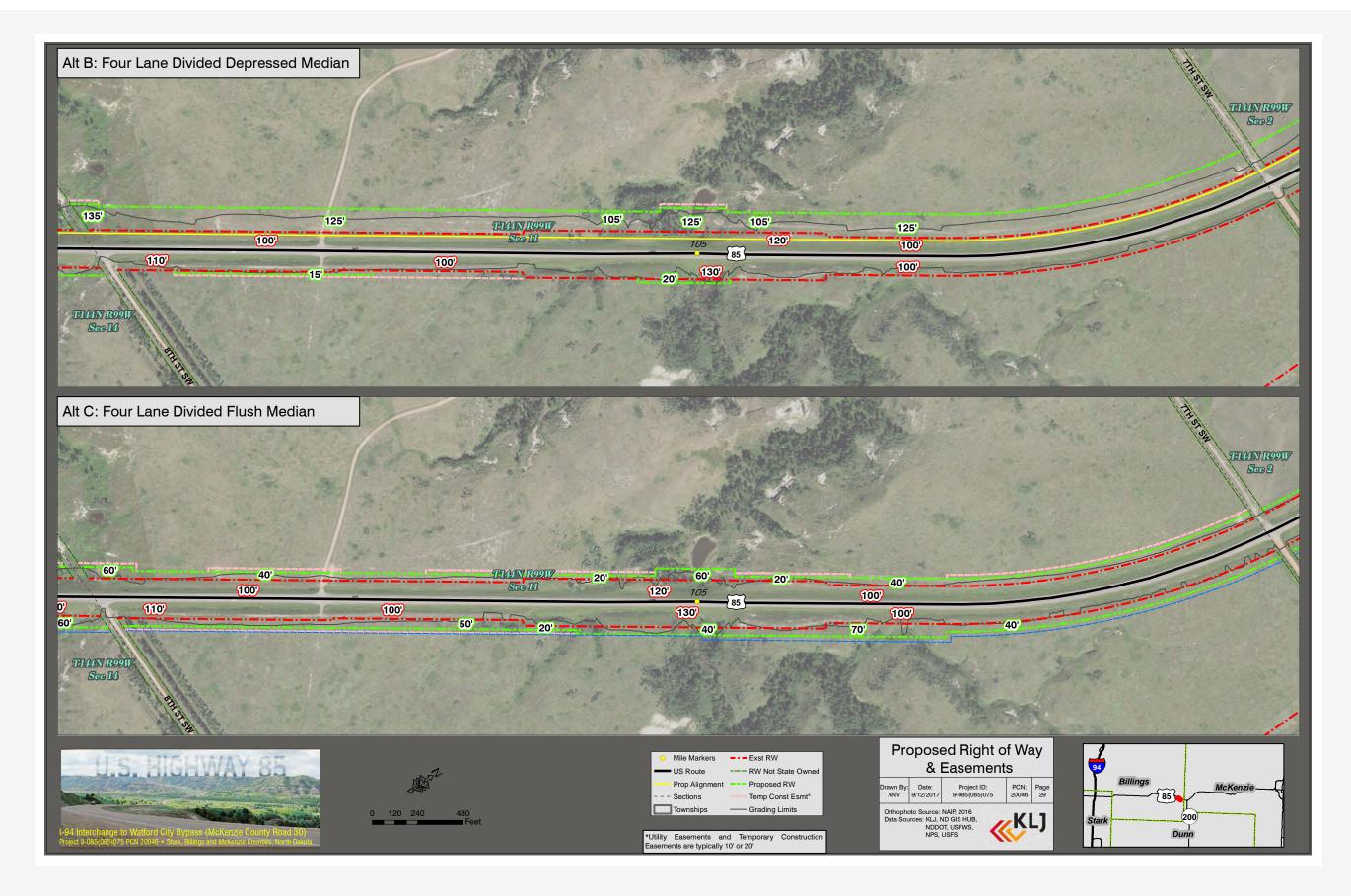


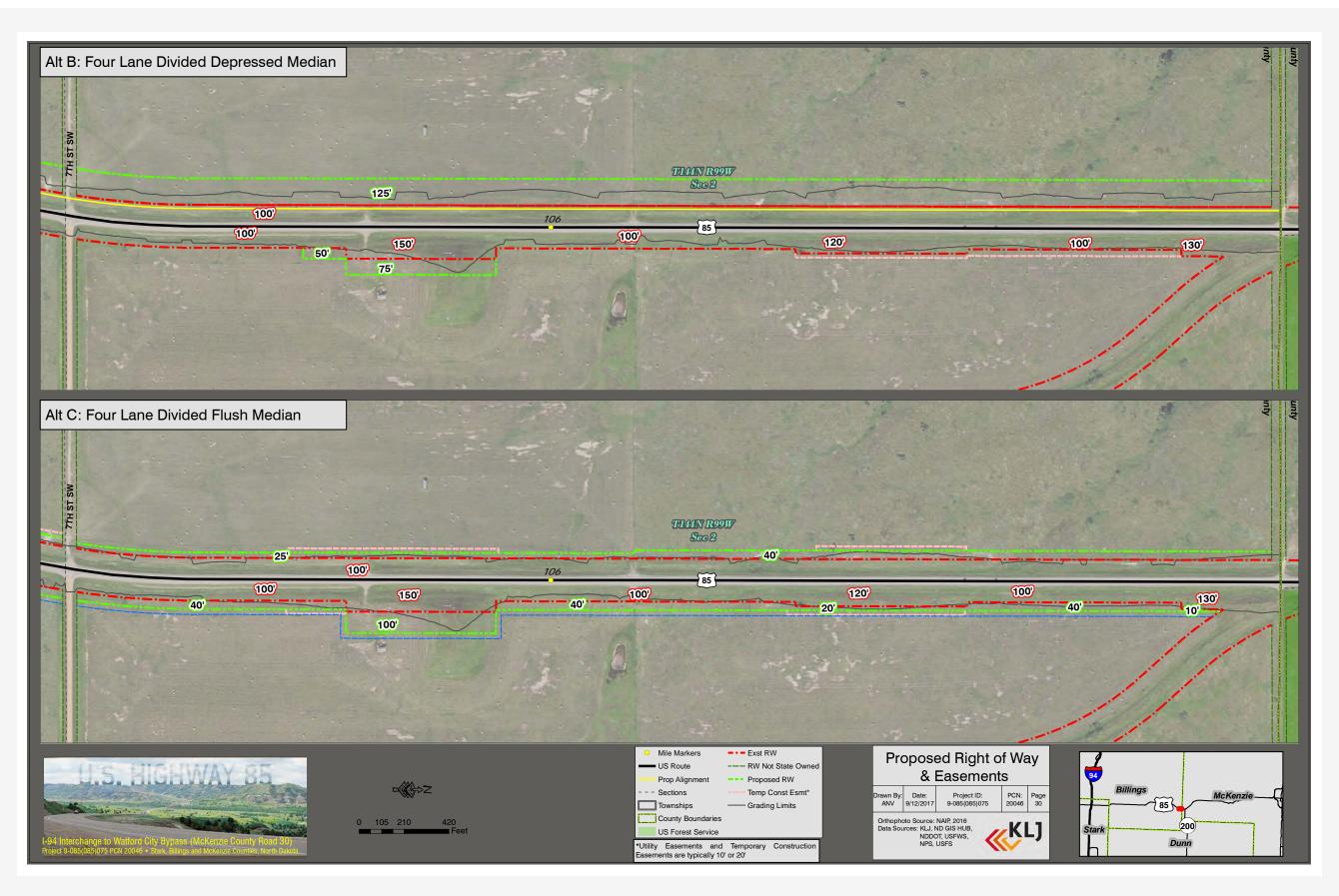














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C.3. McKenzie County Maps



