

Appendix A. Notice of Intent



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 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

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U.S. DEPARTMENT OF AGRICULTURE Natural Resources Conservation Service		NRCS-CPA-106 (Rev. 1-91)	
FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS			
PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 8/7/17	Sheet 1 of 1
1. Name of Project US Highway 85 Expansion		5. Federal Agency Involved Federal Highway Administration	
2. Type of Project Roadway Widening		6. County and State Stark, Billings, McKenzie Counties, ND	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 8/15/17	2. Person Completing Form Steven Sieler
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO		4. Acres Irrigated Average Farm Size NA NA	
5. Major Crop(s) Barley, Canola, Oats, Wheat, Sugar Beets	6. Farmable Land in Government Jurisdiction Acres: Multiple Counties % NA	7. Amount of Farmland As Defined in FPPA Acres: Multiple Counties % NA	
8. Name Of Land Evaluation System Used LESA	9. Name of Local Site Assessment System LESA	10. Date Land Evaluation Returned by NRCS 08/23/2017	
PART III (To be completed by Federal Agency)		Alternative Corridor For Segment	
		Alt B	
A. Total Acres To Be Converted Directly	981		
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0		
C. Total Acres In Corridor	981	0	0
PART IV (To be completed by NRCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland	3		
B. Total Acres Statewide And Local Important Farmland	207		
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0		
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	42		
PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	16		
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))			
1. Area in Nonurban Use	15	15	
2. Perimeter in Nonurban Use	10	10	
3. Percent Of Corridor Being Farmed	20	6	
4. Protection Provided By State And Local Government	20	20	
5. Size of Present Farm Unit Compared To Average	10	10	
6. Creation Of Nonfarmable Farmland	25	0	
7. Availability Of Farm Support Services	5	3	
8. On-Farm Investments	20	10	
9. Effects Of Conversion On Farm Support Services	25	0	
10. Compatibility With Existing Agricultural Use	10	3	
TOTAL CORRIDOR ASSESSMENT POINTS	160	77	0 0
PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland (From Part V)	100	16	
Total Corridor Assessment (From Part VI above or a local site assessment)	160	77	0 0
TOTAL POINTS (Total of above 2 lines)	260	93	0 0
1. Corridor Selected: Alt B	2. Total Acres of Farmlands to be Converted by Project: 210 acres	2. Date Of Selection: 9/11/2017	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
5. Reason For Selection: The selected corridor was the preferred alternative for the project. This alternative best met the purpose and need of the project.			
Signature of Person Completing this Part: 		DATE 9/11/2017	
NOTE: Complete a form for each segment with more than one Alternate Corridor			

Clear Form



United States
Department of
Agriculture

Forest
Service

Dakota Prairie
Grasslands

Medora Ranger District
99 23rd Ave. West, Suite B
Dickinson, ND 58601

File Code: 2730/1950

Date: September 28, 2018

KLJ
ATTN: Jen Turnbow
4585 Coleman Street
Bismarck, ND 58503

Dear Ms. Turnbow:

This letter is in reference to the North Dakota Department of Transportation (DOT), in cooperation with the Federal Highway Administration, proposal to widen approximately 62 miles of Highway 85 into a four lane highway. Approximately 9.92 miles of the project corridor is located on, or borders, National Forest System (NFS) lands within the McKenzie and Medora Ranger Districts of the Dakota Prairie Grasslands (DPG).

The Forest Service specialists have reviewed the proposed project and the following are comments and concerns for consideration and inclusion in the environmental analysis.

Field Review

A field review (prework) is required with the Forest Service before construction can begin at which time the approved road design plans and stipulations will be reviewed with the contractor and the DOT.

DOT Easements

The DOT, Federal Highway Administration and the North Dakota State Highway Department currently have two (DOT) easements that cover the project area. They are dated 3/31/1989, for the highway traversing through Billings County and 3/14/1991, for the highway traversing through McKenzie County. For additional or replacement easements, an easement plat for the DOT easement will be required and approved by the Forest Service. **All plats will not show the 33 feet buffer for section lines on any NFS lands on the easement plat.** No temporary road easements or permits will be issued to the DOT.

Fire

During all phases of the construction project, contractors will be aware of current fire danger conditions and follow all applicable fire restrictions and safe fire practices. Attached are fire stipulations to be adhered to during construction activities.

Fences

All fences built will need to meet or exceed Forest Service specifications regarding Post and Brace: size, spacing, and frequency. All fences built will follow Forest Service guidelines



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regarding wiring spacing listed in the Dakota Prairie Grasslands Land and Resource Management Plan, Appendix B – Recommended Fence Specifications For Big Game Movement. Fence specifications are attached. The exception being the area through the badlands section of the highway in McKenzie County, where alternative fencing may be utilized to restrict wildlife access.

Road Plans

Road design plans are required to be submitted for Forest Service approval before a pre-work and construction starts. **All road plans will not show the 33 feet buffer for section lines on any NFS lands.**

Cultural/Heritage

A Class III Cultural Resource Inventory of the entire proposed area of potential effect (APE) was completed by KLJ, on December, 2016. The APE consists of the existing highway 85 right-of-ways, as well as the areas directly outside the right-of-ways, from the I-94 Belfield interchange to the Watford City Bypass. There were 167 previously recorded cultural resources documented within the project APE. Of 167 resources, 72 are isolated finds and are **Not Eligible**, 45 sites are recommended as **Not Eligible**, 9 sites are being recommended **Eligible**, and 39 being unevaluated for the National Register of Historic Places (NRHP). 20 unevaluated prehistoric sites and 4 **Eligible** historic/architectural sites lie within the impact zones. The unevaluated sites will be evaluated for the National Register of Historic Places, and steps will be taken to avoid the **Eligible** sites.

Given the mitigation measures listed above for the 24 cultural resources within the impact area, the Forest Service has determined the project will result in **No Historic Properties Affected**.

Wildlife

A wildlife survey and biological evaluation were completed by KLJ in September 2017. There would be **no effect** to the Black-footed Ferret, Pallid Sturgeon, Interior Least Tern, Piping Plover, and Rufa Red Knot threatened and endangered species, and a **may affect, but not likely to adversely affect** for the Gray Wolf, Whooping Crane, Dakota Skipper, and Northern Long-Eared Bat species. There would be **no effect** to the Dakota Skipper or Piping Plover designated critical habitat.

For Forest Service Region 1-designated sensitive species, there is **no impact** to the following species that are known or may potentially occur on the Medora or McKenzie Ranger Districts (Baird's sparrow, Black-tailed prairie dog, Sage grouse, Bald eagle, Long-billed curlew, Red-belly dace, and Regal fritillary butterfly). For the remaining sensitive species that are known or may potentially occur on the Medora and McKenzie Ranger Districts (Loggerhead shrike, Sprague's pipit, Burrowing owl, Ottoo skipper, and Tawny crescent butterfly), the project **may impact individuals or habitat, but will not likely lead to a trend towards federal listing or cause a loss of viability to the population or species**. The Forest Service biologist determined there would be a **beneficial impact** to the Bighorn sheep sensitive species.

The Environmental Commitments (EC's) outlined in Table 31 in Chapter 7 of the

Environmental Impact Statement (pages 123-125) that affect wildlife are recommended to be adhered to. Specifically EC's 11, 12, 13, 20, 21, 35, 37, 38, 39, and 45. The following mitigation for wildlife is also recommended:

- To further improve the effectiveness of the wildlife crossing (reference point [RP] 126.1) for bighorn sheep, the area between the crossing and the DOT easement line will be cleared of juniper trees. This will permit improved visual security for the sheep as they approach the underpass.

A concurrence letter dated September 24, 2018, from the Forest Service wildlife biologist is attached for inclusion in the environmental analysis along with all mitigation measures.

Botany

A survey and botanical evaluation were completed by KLJ in September 2017. Two Forest Service botanists have reviewed the submitted report with the following observations: There are no federally listed threatened, endangered or proposed Endangered Species Act plant species or designated habitat in the project area.

The proposed project would have a **no impact** call for the Limber pine Forest Service-designated sensitive species and a **may impact individuals or habitat** for 12 Forest Service-designated sensitive species; Slimleaf goosefoot, Blue lips, Torrey's cryptantha, Nodding buckwheat, Dakota buckwheat, Missouri pincushion cactus, Sand lily, Dwarf mentzelia, Alyssum-leaved phlox, Lance-leaf cottonwood, Alkali sacaton, and Easter daisy townsendia. The botanists have determined that even though the project "may impact" individuals or habitat of the 12 sensitive species, **it would not likely contribute to a trend toward federal listing or cause a loss of viability to the population or species.** The Forest Service-designated sensitive species Hooker's townsendia has a known population within the project area consisting of approximately 25 individuals. Based on the location of the occurrence there will be a direct impact. Due to the abundance of habitat outside the potential disturbance areas, as well as the relative number of occurrences of this species on the DPG, impacts resulting from this project are not anticipated to affect overall population levels. The project will **impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the species.** Utilize best management practices to minimize the disturbance of the potential habitat. Minimize soil and vegetation disturbance during construction to the extent possible. The project may proceed with the following mitigations:

- If the alternative is selected where partial avoidance of the Hooker's townsendia population is determined to be feasible; the installation of a temporary exclusionary fence to discourage unnecessary impacts will be required between (RP 110 and RP 111).
- Use the approved Forest Service native seed mix for reclamation practices or the native seed mix suggested by the NDDOT and local Tribes. Monitor the site to ensure proper establishment of native species.
- If any Forest Service sensitive or watch plants are discovered within the project area, they need to be reported to the Medora Ranger District office. This will increase accuracy of

botanical data for the DPG for these species and their habitats for use in developing future conservation strategies.

- To minimize the spread of invasive and noxious weeds, clean vehicles and equipment used prior to entering and leaving the DPG and remove all seeds and plant parts.
- Any North Dakota state-listed or Billings and McKenzie county-listed noxious weeds that are found need to be controlled and in compliance with the 2007 Dakota Prairie Grasslands Noxious Weed Management Project EIS.

A concurrence letter dated September 21, 2018, from the Forest Service botanist for further information is attached for inclusion in the environmental analysis along with all mitigation measures.

Range

- The project affects range allotments 220, 241, 243, 248, & 272 of the Medora Ranger District. These allotments are permitted to the Medora Grazing Association. Inform the association of the project proposal and the allotments that will be affected by this project with construction dates as the construction progresses.
- The project affects range allotments 437, 440, 496, 498, 502, 505, and 506 of the McKenzie Ranger District. These allotments are permitted to the McKenzie County Grazing Association. Inform the association of the project proposal and the allotments that will be affected by this project with construction dates as the construction progresses.
- The pasture/allotment boundary fences along the highway 85 corridor will need to be functional at all times during construction. Current underpasses along the highway 85 corridor will need to be maintained for future use in order to provide access.
- All range infrastructure must remain functional, i.e. fences/gates/water developments as these remain important components in livestock allotment management options.
- One water development in allotment 243 (Medora RD) is within close proximity to the proposed project, i.e. a dam in P-01 in SWNW, Section 3, T143N, R99W. Ensure this development is not affected by the proposed project.
- A stock dam in allotment 496 (McKenzie RD) is located in close proximity to the proposed project, in the SW of Section 18, T145N, R98W. Ensure this development is not affected by the proposed project.
- A range water pipeline located in allotment 437/440 (McKenzie RD) may be affected by project construction. If damaged during construction the pipeline will need to be replaced. Range pipeline map attached.
- Range water pipelines in allotment 243 (Medora RD) which are Southwest Water Authority pasture taps are located in the SWNW of Section 27, T144N, R99W, SWSW of Section 34, T144N, R99W, and W2 of Section 10, T143N, R99W. These projects are on private lands but are tied to infrastructure on managed allotments by the USFS. Please coordinate with the private land owner(s) for exact installation locations. Range pipeline map attached.
- A range water pipeline located in allotment 248 (Medora RD) may be affected by project construction. This pipeline would be installed in the spring/summer of 2019 and also taps into Southwest Water Authority located in the SESE of Section 28, T144N, R99W. Range pipeline map attached.

- Ensure that measures are taken to prevent the introduction and/or spread of ND State and county listed noxious weeds via plants and/or seeds. Any equipment or materials brought in need to be weed and weed-seed free of the above mentioned state- and county-listed weeds.

Recreation

If the CCC Campground, Summit Campground, Bennett Campground, Magpie Campground, Whitetail Campground, or Forest Service access road signs will be removed, temporary signs should be installed identifying public access to Forest Service campgrounds and/or Forest Service lands.

Soils and Hydrology

Best management practices for erosion control should be incorporated in the road plans. All topsoil should be removed and put back after reconstruction is complete and seeded with Forest Service native seed mix for reclamation practices or the native seed mix suggested by the NDDOT and local Tribes. The use of temporary erosion control measures is critical. Temporary erosion control measures could include the incorporation of fiber rolls, silt fences, compost filter socks, or others as appropriate. In the case where permanent erosion control structures are necessary, these will need to be identified and approved by the Forest Service engineer.

Paleontology

A paleontological field survey was completed on September 20, 2016. All field work was completed along Forest Service lands under USFS Paleontological Resources Research and Collection Permit #DPG2800-0509-2016. Areas along the highway 85 corridor within the Sentinel Butte and Golden Valley formations will be monitored during construction. Areas within the Coleharbor Group formation will be spot checked. If vertebrate fossils are discovered during construction, all activities will cease and the Forest Service shall be notified.

Utilities

There are numerous utilities within the project area. The National Environmental Policy Act (NEPA) document will need to ensure that analysis is completed if these utilities need to be moved to accommodate the road project. In addition, Forest Service permits will need to be amended. The Federal Highway Administration and the North Dakota State Highway Department will also be responsible for any damage to any utility lines present in the project area.

Management Areas (MA's)

KLJ/Dept. of Transportation has been informed of and is aware of all the management areas the proposed project traverses through and the requirements involved in the project area including all the 4F requirements. The proposed project is consistent with the Land and Resource Management Plan (LRMP) for the DPG and infrastructure guidance for the affected MA's.


Other Mitigation

- 1) Reference and protect corner monuments and if necessary replace them if they are disturbed during construction.
- 2) A project-level roads analysis will not be required for the proposed project because the North Dakota Federal Highway Department has an existing easement on the road and has jurisdiction/responsibility for road maintenance/safety. North Dakota State has designated the road as necessary for public access.
- 3) All other state and federal permits are to be acquired before construction begins.

If you have any questions please contact Forest Service Oil and Gas Resource Specialist Jason Dekker at 701-227-7821.

Sincerely,

SHANNON BOEHM
Digitally signed by SHANNON BOEHM
Date: 2018.10.01 07:58:31 -0600
SHANNON BOEHM
District Ranger
Medora Ranger District


10-01-18
NANCY VERES
District Ranger
McKenzie Ranger District

Enclosures – Specialists concurrence letters
Fire Stipulations
Fence Specifications
Range Improvement Maps (3)

#37-10 Fire Prevention & Suppression Requirements (Revised 01/28/2016)

A. General: A Holder is defined as the Permittee (permit holder), or Lessee and/or Operator and their representatives, employees, workers, contractors, and subcontractors.

1. Compliance to the stipulations in this exhibit shall not preclude the Holder from complying with any other Federal, State, County, or municipal laws, ordinances, or regulations pertaining to fire prevention and suppression.
2. The Fire Season for the Medora and McKenzie Ranger Districts normally will be from April 1 to October 31 of each year. If conditions warrant, the District Ranger may begin or extend the fire season as deemed necessary. The District Ranger may also amend, add, or delete any requirement as deemed necessary, and prudent given state of fire risk.
3. It is the Holder's responsibility to obtain and know the daily Fire Danger Index and fire restrictions on or near the lands to be occupied under an approved authorization. For information on Fire Danger Index and fire restrictions contact local fire officials, the North Dakota Forest Service, Bismarck National Weather Service, or the North Dakota Division of Emergency Services.
4. To the extent practicable, the Holder, their employees, contractors, and subcontractors, shall take measures to prevent uncontrolled fires on the area of operations resulting from the operations. Self-inspections are encouraged.
5. The Holder shall promptly report all fires, regardless of size, to 1) the local fire department and 2) the Forest Service office. The Holder is responsible to submit a complete written follow-up Fire Report within 24 hours of reporting a fire.
6. The Holder, and if applicable, the applicable lessees and transferees are jointly and severally liable in accordance with Federal and State laws for indemnifying the United States for: (a) Injury, loss or damage, including fire suppression costs, which the United States incurs as a result of the operations; and (b) Payments made by the United States in satisfaction of claims, demands or judgments for an injury, loss or damage, including fire suppression costs, which result from the operations.

B. Fires: With the exception of approved facilities, no open fires (fires for warming, burning wastes, brush disposal, debris, etc.) are allowed unless approved in writing from the District Ranger.

C. Oil & Gas Production Facilities: A thirty (30) foot minimum bare ground buffer zone shall be maintained around any facility (equipment and/or accessories) capable of producing a flame. Examples include but are not limited to heater-treaters, separators, line heaters, etc. The 30 foot buffer for flare stacks and flare pits originates from the center of the stack or flare pit igniter.

D. Smoking: All smoking will be done inside of vehicles or in areas cleared of flammable material when the "Fire Danger" is "Very High" or "Extreme".

E. Fireworks: Fireworks are prohibited on public lands.

F. Exhaust & Arrester Systems: Each internal combustion engine shall be equipped with a manufacturer's approved or equivalent spark arrester or spark arresting device or system. Heavy-duty trucks may have a vertical stack exhaust system with muffler, provided the exhaust stack extends above the cab of the vehicle. An exhaust driven turbocharger is considered to be a satisfactory spark arrester. Internal combustion engine exhaust systems, arresters and other devices shall be properly installed and maintained.

G. Catalytic Converters: The Holder shall take extra precautionary measures when driving off-road with vehicles equipped with catalytic converters. Such measures shall include but are not limited to: avoiding driving over or

through vegetation tall enough to come into contact with the converter, avoid parking in vegetation tall enough to come into contact with the converter, and keep all debris from building up around or on the exhaust system.

H. Chainsaws: The sawyer shall have a shovel and a fire extinguisher, containing not less than eight (8) ounces of extinguisher fluid or a dry chemical powder type of not less than one (1) pound capacity. The sawyer shall carry the extinguisher at all times. All refueling shall be done on bare soils. Chainsaws will have a manufacturer approved or equivalent spark arrester.

I. Required Fire Suppression Equipment: Any vehicle and/or piece of equipment used off-road will be equipped with an operational, charged fire extinguisher with a minimum 2 ½ pounds capacity and 4 BC or higher rating; a shovel (round point #0 or equal); and a 5-gallon backpack container with a hand pump attached, to be filled at all times.

J. Welding: Welding and use of cutting torches or cutoff saws will be permitted only in areas that have been cleared or are free of all material capable of carrying fire. Flammable debris and vegetation must be removed from within a minimum ten (10) foot radius of all welding and cutting operations or fireproof welding blankets used.

When the "Fire Danger" is in the "High" category or above, each welding crew will have available in the immediate working or project area 1) A mix of the required fire suppression equipment and 2) A ground tanker of not less than three hundred (300) gallon capacity with a pump capable of pumping twenty (20) gallons per minute at a minimum of forty (40) pounds per square inch (PSI) and not less than one hundred (100) feet of hose.

When "Fire Danger" is in the "Very High" or "Extreme" category and a Red Flag Warning is issued no welding is permitted.

K. Fire Suppression Plan: Upon request from the District Ranger, or when required by regulation, the Holder shall submit a Fire Suppression Plan to be included as part of the Permit Package or Plan of Operations.

L. Failure to Comply: Failure to comply may result in the immediate suspension of all or portions of the operations.

Appendix B

APPENDIX B RECOMMENDED FENCE SPECIFICATIONS FOR BIG GAME MOVEMENT¹

Kind of Livestock ²	Big Game Species	Number of Wires	Maximum Height (in)	Wire Spacing (from ground up)	Wire Type ^{3,4}
Cattle only	Deer, Elk, Pronghorn	3	38	16, 10, 12	Bottom smooth
Cattle and Sheep	Deer, Elk, Pronghorn	4	40	16, 6, 6, 12	Bottom smooth
Sheep only	Deer, Elk, Pronghorn	4	32	12, 6, 6, 8	Bottom smooth
Cattle only	Bighorn Sheep	3	39	20, 15, 4	Barbed

¹ These recommendations are designed for facilitating movement of both young and adult big game animals during all seasons including winter and spring when snow drifting can be expected.

² No standards are available for bison, but provisions for big game movement should be considered when building bison fences.

³ Woven (net) wire fences are not recommended.

⁴ One or more of the top wires may also be electrified.

References Consulted

Bear, G.D. 1969. Antelope and net-wire fences. Colorado Division of Game, Fish and Parks, Game Information Leaflet No. 71. 3pp.

Kie, J.G., V.C. Bleich, A.L. Medina, J.D. Yoakum, and J.W. Thomas. 1994. Managing rangelands for wildlife. Pages 663-688 in T.A. Bookout, ed. Research and management techniques for wildlife and habitats. The Wildlife Society, Bethesda, Md. 740pp.

Kindschy, R.R. 1996. Fences, waterholes, and other range improvements. Pages 369-382 in P.R. Krausman, ed. Rangeland wildlife. The Society for Range Management, Denver, Colorado. 440pp.

Lee, R.M., J.D. Yoakum, B.W. O'Gara, T.M. Pojar, and R.A. Ockenfels, eds. 1998. Pronghorn management guides. Pronghorn Antelope Workshop, Arizona Game and Fish Dept. and Arizona Antelope Foundation, Inc. 85pp.

O'Gara, B.W. and J.D. Yoakum. 1992. Pronghorn management guides. Pronghorn Antelope Workshop, Rock Springs, Wyoming. 101pp.

Sanderson, H.R., T.M. Quigley, E.E. Swan, and L.R. Spink. 1990. Specifications for structural range improvements. U.S.D.A. Forest Service, Gen. Tech. Rep. PNW-GTR-250, 120pp.

Spillett, J.J., J.B. Low and D. Sill. 1967. Livestock fences - how they influence pronghorn antelope movements. Utah State Univ. Bull. No. 470. 79pp.

USDI, Bureau of Land Management. 1989. BLM fence standards for livestock and wildlife. BLM Manual 1-1572.

Yoakum, J. 1980. Habitat management guides for the American pronghorn antelope. Bureau of Land Management, Tech. Note 347. 77pp.

U.S. HIGHWAY 85

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

Sheet	Total

FENCE - DETAIL
NO SCALE

MATERIALS

A. POSTS

- STEEL LINE POST: STANDARD T POST, 1.33 LB/FT WITH A STEEL ANCHORPLATE, 66" MINIMUM LENGTH.
- WOODEN LINE POST: PRESSURE TREATED WOOD POST WITH A MIN. SIZE 6"x78"
- WOODEN BRACE POST: PRESSURE TREATED WOOD POST WITH MIN. SIZE OF 6"x96"
- HORIZONTAL OR BRACING POST: PRESSURE TREATED POST, MIN. SIZE 4"x96"

B. WIRE

- BARBED WIRE: GALVANIZED, 12 1/2 GAUGE, STRENGTH 90,000 TO 105,000 PSI.
- SMOOTH WIRE: NO. 9, GALVANIZED (FOR BRACE WIRE)

C. WIRE FASTENERS

- STAPLES: GALVANIZED 1-3/4" LONG, 7Z PER POUND
- WIRE CLIPS: GALVANIZED 12 1/2 GAUGE

CONSTRUCTION

A. ALIGNMENT: THE FENCE WILL BE BUILT IN STRAIGHT LINE SEGMENTS FROM BRACE TO BRACE. ALL BRACES WILL REQUIRE A CORNER BRACE WHICH WILL BE INSTALLED WITH THE ANGLE OF THE BRACE IN LINE WITH THE FENCE DIRECTION.

B. CLEARING: ALL BRUSH WILL BE CLEARED TO THE WIDTH NECESSARY TO CONSTRUCT THE FENCE (2' MIN.) ALL WIRES SHALL BE FREE OF BRUSH AND LIMBS.

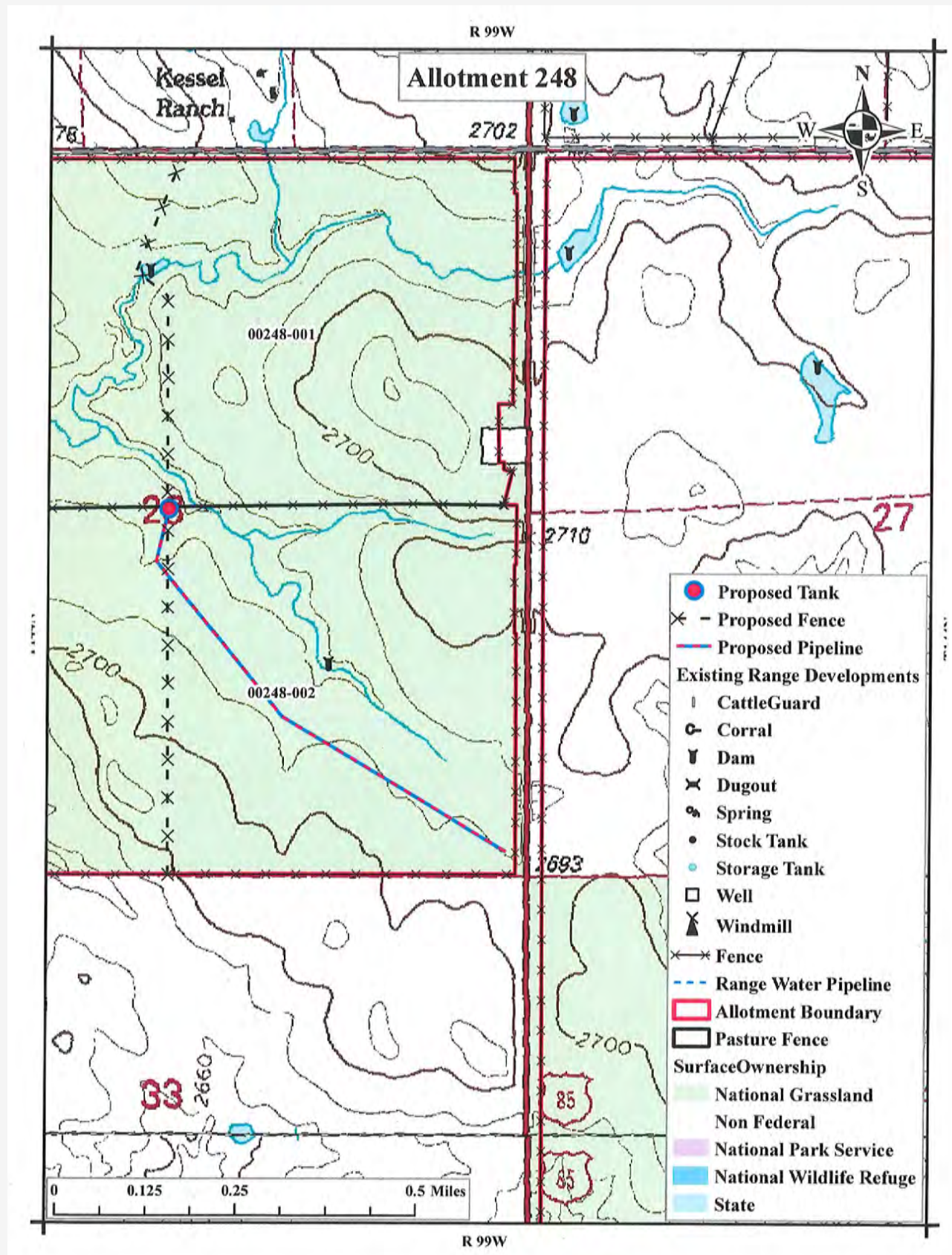
C. LINE POSTS: SPACING FOR LINE POST WILL BE 16.5' BETWEEN POSTS. LINE POSTS WILL CONSIST OF ONE WOODEN POST FOR EVERY FOUR STEEL POSTS. WOODEN POSTS BE DRIVEN UNTIL THE ANCHORPLATE IS AT LEAST 4" INTO THE GROUND. WOODEN POSTS SHALL BE DRIVEN 30" IN THE GROUND AND WILL BE TAMPED IN LAYERS AROUND THE POST UNTIL FIRM.

D. LINE BRACES: LINE BRACES WILL BE PLACED A MINIMUM OF EVERY 1/2 MILE OF STRETCH. CORNER OR GATE BRACES WILL COUNT AS LINE BRACES IF PLACED WITHIN A 1/2 MILE OF THE LAST LINE BRACE. LINE BRACES WILL CONSIST OF TWO BRACE POSTS AND ONE HORIZONTAL POST. THE BRACE POSTS WILL BE SET 42" IN BRACE ROUND AND TAMPED IN LAYERS AROUND THE POST UNTIL FIRM. NO. 9 WIRE BRACE DOUBLE WIRE TWISTED TIGHT. THE TWIST STICK (REBAR) SHALL BE SECURED IN PLACE.

- CORNER BRACES: CORNER BRACES WILL BE PLACED AT ALL TURNS IN FENCE. CONSTRUCTED AS DESCRIBED ABOVE AND SHOWN ON THE DRAWING.
- WIRE SPACING: AS INDICATED ON THE DRAWING. IN NO CASE SHALL TOP WIRE EXCEED 42"

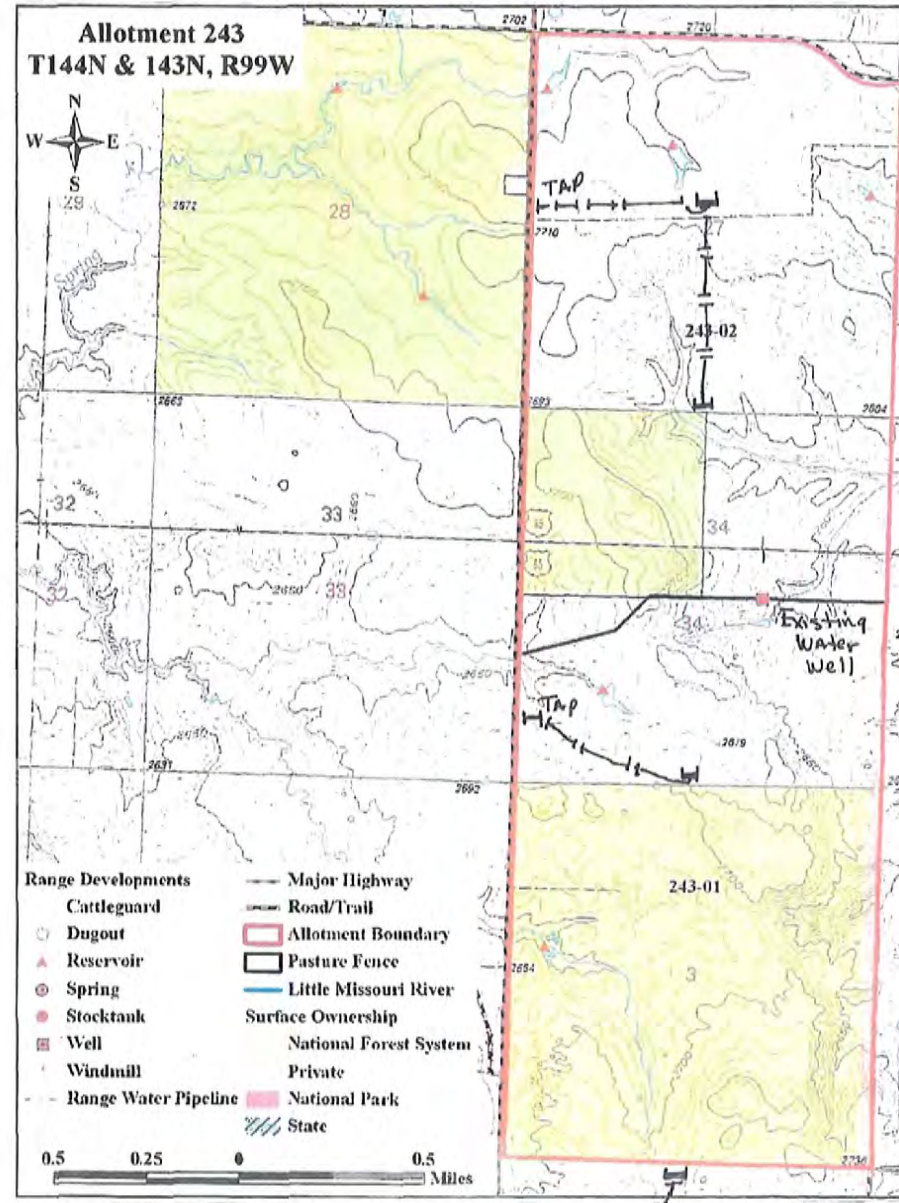
DESIGNED BY	DATE
1. JLP	JULY 10, 2008
2. JLP	JUNE 9, 2009

U.S. HIGHWAY 85



U.S. HIGHWAY 85

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







United States
Department of
Agriculture

Forest
Service

Dakota Prairie
Grasslands

Medora Ranger District
99 23rd Avenue West
Dickinson, ND 58601-3135

File Code: 2670

Date: September 21, 2018

Subject: Approval of Botany Biological Assessment and Evaluation (BA/BE) for Highway 85 Project

To: Shannon Boehm, Medora District Ranger
Nancy Veres, McKenzie District Ranger

Introduction

The Federal Highway Administration (FHWA) and the North Dakota Department of Transportation (NDDOT), as joint lead agencies, have initiated the preparation of an environmental impact statement (EIS) for a proposal to widen approximately 62 miles of United States (US) Highway 85, from the US Interstate 94 (I-94) Interchange to the Watford City Bypass (McKenzie County Road 30). The project will also include the rehabilitation or replacement of the historic Long X Bridge, which extends over the Little Missouri River. The US Highway 85 project corridor is located in Billings, McKenzie, and Stark counties, North Dakota. Approximately 9.92 miles of the project corridor are located on, or border, National Forest System (NFS) lands within the McKenzie and Medora Ranger Districts of the Little Missouri National Grassland (LMNG), Dakota Prairie Grasslands (DPG), which are managed by the United States Forest Service (USFS).

US Highway 85 is one of the primary arterial roadways accessing western North Dakota. Over the past several years, average daily traffic volumes along this stretch of roadway have experienced a significant increase. This traffic growth has created the demand for an improved transportation corridor capable of addressing the social and economic issues that have developed within the area. The purpose of the proposed action is to provide a transportation corridor that would:

- Address social demands and facilitate economic development
- Accommodate the mix of industrial, agricultural and passenger traffic in the area
- Improve system linkage by creating a continuous four lane highway from the US I-94 Interchange to Watford City
- Improve safety along the project corridor for the traveling public
- Increase capacity of the highway to accommodate current and future traffic volumes
- Satisfy transportation demands associated with the US Highway 85 corridor
- Address slope stability and landslide issues
- Reduce the potential for wildlife/vehicle-related crashes.

The survey area, composed solely of NFS lands, includes a 1,000-foot-wide corridor (500 feet each side of existing roadway centerline) centered on US Highway 85; however, some portions of the survey area extend to 2,500 feet wide in certain locations due to the complex topography of the Little Missouri River Badlands. These survey areas provide the appropriate level of detail and supporting information required throughout this BA/BE.

The analysis area consists of a 0.5-mile buffer extending from the previously identified survey area. The analysis area encompasses both NFS and non-NFS lands and will be used for cumulative and indirect effects analysis.



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I have reviewed a Biological Assessment and Evaluation (BA/BE), dated September 2017, by KLJ, for the NDDOT (Project 9-085(085)075 PCN 20046). Botany guidelines set forth in Forest Service Manual 2672.42 and 2672.43 have been met by the NDDOT BA/BE and this memo. These guidelines provide a process and standard to ensure that Threatened, Endangered, and Sensitive (TES) plant species receive consideration during the decision-making process.

KLJ's environmental staff conducted botanical surveys on August 10 and September 4, 2015. These surveys were conducted to enable describing the existing and potential plant communities; to search for and identify the 14 Forest Service-designated sensitive species and their habitats on the LMNG; and to determine the extent of invasive species within the proposed project area.

Summary of Threatened, Endangered and Sensitive Plant Species

There are no federally listed threatened, endangered, or proposed plant species or designated critical habitat for plants on the LMNG at this time.

In review of the NDDOT BA/BE, it indicated the presence of a Forest Service-designated sensitive species—Hooker's townsendia (*Townsendia hookeri*), lance-leaf cottonwood (*Populus x acuminata*), and Missouri foxtail cactus (*Escobaria missouriensis*) within the project area. The historical population of Hooker's townsendia was revisited by KLJ, in 2015, and consisted of approximately 25 individuals. Based on the location of the occurrence there will be a direct impact. Based on preliminary construction limits the depressed median alternative will impact the entire population and the flush median alternative would impact approximately half of the population. However, the NDDOT BA/BE states that avoidance of the occurrence is unlikely. KLJ indicates that the per completion of the final design of the construction, partial avoidance of the population was determined to be feasible; plan documents will include the installation of a temporary exclusionary fence to discourage unnecessary impacts. Due to the abundance of habitat outside the potential disturbance areas, as well as the relatively number of occurrences of this species on the LMNG, impacts resulting from this project are not anticipated to affect overall population levels. The project will impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the species (NDDOT BA/BE page 31). I concur with these findings and the proposed mitigations within the NDDOT BA/BE for Hooker's townsendia.

An historical occurrence of lance-leaf cottonwood was also noted in the NDDOT BA/BE. The location was thoroughly searched during a field visit; however, the species was not identified. Laurie Gawin, botanist for the McKenzie Ranger District, also conducted a follow-up visit at the previously identified point occurrence on August 18, 2017. She observed a stand of dead trees at the bottom of the draw. She also noticed a lightning scar on a green ash tree that may have also killed the trees surrounding it. The trees closest to the point occurrence consisted of a cluster of five mature trees that were dead; based upon the opposite leaf arrangement; these trees were most likely green ash. All other trees in the vicinity were green ash or American elm. No evidence of the previously identified occurrence of lance-leaf cottonwood was identified. The previously recorded occurrence of the species within the survey area is believed to no longer be present. Due to the presence of suitable habitat and historic occurrence of the species within the survey area, the proposed project may impact individuals or their habitat, but would not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species. This determination was based on the analysis that individual plants may be affected by the project because of incremental habitat reduction and possible individual mortalities; however, no population level effects are anticipated (NDDOT BA/BE page 32). Both temporary disturbance and permanent conversion of potentially suitable habitat would be required for the proposed project in order to

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widen the roadway. BMPs and mitigation measures will be implemented to minimize disturbance, which includes the reclamation of disturbed areas and the management of noxious and invasive species. Reclamation activities would be conducted upon completion of construction to restore areas to preconstruction conditions. I concur with these findings and the proposed mitigations within the NDDOT BA/BE for lance-leaf cottonwood.

The NDDOT BA/BE indicated that there was Missouri foxtail cactus habitat present throughout the project area. It also indicated that one occurrence of seven individuals were observed and documented during KLJ field survey. KLJ indicated that the location of the occurrence is not anticipated to be impacted by construction activities of this project. Due to presence of suitable habitat and known occurrence within the survey area, and proposed avoidance measures KLJ's determination call for this project was may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the species (NDDOT BA/BE page 32).

The NDDOT BA/BE also found potential habitat for 10 additional Forest Service-listed sensitive species on the LMNG (Table 1): Slimleaf goosefoot (*Chenopodium subglabrum*), blue lips (*Collinsia parviflora*), Torrey's cryptantha (*Cryptantha torreyana*), nodding buckwheat (*Eriogonum cernuum*), Dakota buckwheat (*Eriogonum visherii*), Sand lily (*Leucocrinum montanum*), dwarf mentzelia (*Mentzelia pumila*), Alyssum-leaved phlox (*Phlox alyssifolia*), alkali sacaton (*Sporobolus airoides*), and Easter daisy (*Townsendia exscapa*). I concur with the potential suitable habitat and the fact that the project may impact individuals or suitable habitat for these seven sensitive species identified in the BE. This concurrence is based on several factors: a Forest Service list of habitat characteristics indicated in the survey results, soil types of the project area, description of existing plant communities, and the review of the National Agriculture Imagery Program (NAIP) images (Table 1).

Table 1. Summary of Determinations for LMNG Forest Service-designated Sensitive Plant Species

Sensitive Species	No Impact	May Impact ¹	Will Impact ²	Beneficial Impact
Slimleaf goosefoot (<i>Chenopodium subglabrum</i>)		X		
Blue lips (<i>Collinsia parviflora</i>)		X		
Torrey's cryptantha (<i>Cryptantha torreyana</i>)		X		
Nodding buckwheat (<i>Eriogonum cernuum</i>)		X		
Dakota buckwheat (<i>Eriogonum visherii</i>)		X		
Missouri pincushion cactus (<i>Escobaria missouriensis</i>)		X		
Sand lily (<i>Leucocrinum montanum</i>)		X		
Dwarf mentzelia (<i>Mentzelia pumila</i>)		X		
Alyssum-leaved phlox (<i>Phlox alyssifolia</i>)		X		
Limber pine (<i>Pinus flexilis</i>)	X			
Lance-leaf cottonwood (<i>Populus x acuminata</i>)		X		
Alkali sacaton (<i>Sporobolus airoides</i>)		X		
Easter daisy (<i>Townsendia exscapa</i>)		X		
Hooker's townsendia (<i>Townsendia hookeri</i>)			X	

¹May impact individuals or habitat but will not likely contribute to a trend toward federal listing or cause a loss of viability to the population or species.

²Will impact individuals or habitat with a consequence that would not contribute to a trend toward federal listing or cause a loss of viability to the population or species.

Invasive and Noxious Weeds

Thirteen noxious and invasive species were identified by KLJ during the field surveys for the proposed project. The most common noxious or invasive forbs encountered during the field surveys include Canada thistle (*Cirsium arvense*) and white or yellow sweet clover (*Melilotus spp.*). These species were located and mapped to the extent practicable within the project area. Both species occurred primarily along roadside ditches and disturbed drainages. The most prevalent grasses included crested wheatgrass (*Agropyron cristatum*), smooth brome (*Bromus inermis*) and Kentucky bluegrass (*Poa pratensis*). These species were encountered frequently, often in previously disturbed areas in conjunction with native grasses (for more information on invasive and noxious weeds see NDDOT BA/BE pp. 35-36).

- BMP measure to minimize the spread of invasive and noxious weeds
 - Clean vehicles and equipment used prior to entering and leaving the LMNG and remove all seeds and plant parts.
 - Any North Dakota state-listed or Billings and McKenzie county-listed noxious weeds that are found need to be controlled and in compliance with the 2007 Dakota Prairie Grasslands Noxious Weed Management Project EIS.

Direct, Indirect and Cumulative Effects

Based on NDDOT's BA/BE the analysis area is comprised of 0.5-mile buffer encompassing the survey area. It indicated that the total analysis area included approximately 13,077 acres, with approximately 6,303 acres on NFS lands. NPS and private lands account for the remaining acreage.

Within the analysis area, current land use includes approximately 46.5 miles of roadways (paved, gravel, and two-track), 61.1 miles of fence, 8.8 miles of underground pipelines, 30.5 miles of overhead transmission line, 13 farm units/residential dwellings, five business establishments, one cemetery, one oil and gas well pad and 18 groundwater wells. General uses include oil and gas development, livestock grazing, hunting, recreation, and transportation.

Construction of the proposed project would result in direct impacts to plant communities adjacent to the existing highway corridor as existing habitat would be permanently converted to a transportation corridor. The project would result in temporary impacts to vegetation communities within temporary construction areas. Disturbance of vegetation in areas of noxious weed infestations may result in redistribution of noxious or invasive species to the project area. Thus, areas not currently dominated by such species would have a high potential to become infested. The spread of noxious weeds can have an adverse effect on multiple aspects of vegetation resources ranging from the suitability of sensitive plant habitat and maintenance of native biodiversity to forage production for livestock grazing.

One population of the Hooker's townsendia would be directly impacted by the proposed project. If, following completion of final design, partial avoidance of the population is determined feasible, plan documents will include the installation of temporary exclusionary fencing to discourage unnecessarily impacts to the population. These impacts are not expected to affect overall population viability of the species.

USFS sensitive species data contains one point occurrence of lance-leaf cottonwood within the project corridor. The area of this point occurrence was thoroughly survey by both KLJ and USFS Botanist Laurie Gawin; no indication of the species was identified. It is believed that individual tree

has either died or was misidentified originally. Therefore, no direct impacts to the lance-leaf cottonwood area anticipated.

Construction of the project has the potential to result in indirect effects to sensitive plant species through the conversion of potentially suitable habitat to a transportation corridor. These impacts would be minimized by restoring all temporarily impacted areas upon project completion.

Based on the above discussion of direct and indirect impacts, the proposed project would have short-term impacts on identified plant species and their associated habitat, but is not expected to affect overall population levels.

Development (e.g., oil and gas, agriculture and residential development) in and around the analysis area has increased over the past several years, resulting in the use of land that was traditionally not occupied by humans. As development continues, which includes the proposed US Highway 85 Widening Project, the amount and/or quality of contiguous, undisturbed habitat for botanical resources is expected to further decrease.

Botanical populations are more likely to be directly impacted by construction projects. Since 2003, there have been over 24 documented occurrences of adverse effects to existing sensitive plant populations on the LMNG (Dahl and Gawin, 2017). The vast majority of these occurrences involved oil and gas developments, which resulted in direct disturbances to Missouri foxtail cactus, two *Townsendia* species, and Dakota buckwheat, the four most abundant of the sensitive species on the LMNG. In most cases, the adverse effects were decreased through avoidance or slight adjustments of the proposed developments. As a result, adverse effects were limited to a portion of the sensitive plant population, rather than the entire population. Given the number of occurrences of these species across the LMNG, these cumulative effects have not contributed to a loss of viability for any of the four species.

Based on the cumulative effects above, provided by KLJ, for NDDOT, I concur with the direct, indirect, and cumulative effects provided within the BE/BA (NDDOT Project 9-085(085)075 PCN 20046).

Other Mitigation

I also concur with the mitigation measures provided in the NDDOT BE/BA, for the US Highway 85 project (NDDOT BA/BE page 42). The following are additional recommended mitigations for construction and reclamation:

- Use the approved Forest Service native seed mix for reclamation practices or the suggested native seed mix suggested by the NDDOT and local Tribes. Monitor the site to ensure proper establishment of native species.
- If any Forest Service sensitive or watch plants are discovered within the project area, they need to be reported to the Medora Ranger District office. This will increase accuracy of botanical data for the LMNG for these species and their habitats for use in developing future conservation strategies.

/s/ Jack D. Dahl

Jack D. Dahl
Botanist

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Medora Ranger District

/s/ Laurie M. Gawin

Laurie M. Gawin
Botanist
McKenzie Ranger District



United States
Department of
Agriculture

Forest
Service

Dakota Prairie
Grasslands

Medora Ranger District
99 23rd Ave. W., Suite B
Dickinson, ND 58601

File Code: 1950/2800/2670

Date: September 24, 2018

Route To:

Subject: Highway 85 Concurrence Letter

To: Shannon Boehm

The Federal Highways Administration and the North Dakota Department of Transportation proposes to widen US Highway 85 from the 194 interchange at Belfield (Stark County) passing through Billings County up to the Watford City Bypass (McKenzie County). Of this 62 mile stretch, the project intersects with approximately 10 miles of National Forest System lands. The DPG is a partner organization in this endeavor. I have reviewed the KLJ BE (KLJ, 2017) in addition to having personal knowledge, personal communications with ND Game and Fish, and existing data to analyze the proposal.

FSM 2670 requires that Threatened and Endangered (T&E) and FS Sensitive species be addressed as a part of the NEPA process. The guidelines set forth by FSM 2672.41, 2672.42, and 2672.43 have been met by this memo. This direction provides a process and standard by which to ensure that TES species receive consideration in the decision making process.

THREATENED, ENDANGERED, PROPOSED, FOREST SERVICE SENSITIVE SPECIES DETERMINATIONS

In addition to a review of KLJ (2017), I have reviewed district records, attended IDT meetings, utilized personal knowledge and judgment of the areas, plus consulted experts at ND Game and Fish to help in making the final determinations:

Threatened and Endangered species

- Least tern (Endangered): Although the interior least tern may be present in the counties identified in this project submittal package, there is no suitable habitat for this species within 0.5 mile of the project (i.e. project not located within 0.5 mile of Missouri/Yellowstone River or reservoirs); therefore, no direct or indirect effects would occur to this species. As a result, the project would have **no effect** to the interior least tern
- Whooping cranes (Endangered): The project area lies inside the statistical 95% migration corridor boundary as identified by the USFWS. There is potential migration habitat within a half-mile of portions of the project. Stopovers are highly unlikely along the route since the vast majority of sightings are east of the project and the Missouri River. Recent modeling of opportunistic siting's and habitat indicate the project is highly unlikely to be visited by migrating whooping crane.

There are no known siting's of whooping cranes in the project or surrounding area. There is no designated critical habitat in the area. However, due to the presence of potential habitat, it is projected that the determination will be **may effect, but not likely adversely affect** this project to this species from the proposed project.

- Black-footed ferret (Endangered): Although the black-footed ferret may be present in the



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counties identified in this project submittal package, there is no suitable habitat for this species (i.e. prairie dog towns 80 acres or larger) within 0.5 mile of the project; therefore, no direct or indirect effects would occur to this species. As a result, the project would have **no effect** to the black-footed ferret.

- Pallid sturgeon (Endangered): Although the pallid sturgeon may be present in the counties identified in this project submittal package, the project would not require in-water work within the Missouri River (including reservoirs) and Yellowstone River systems (or direct tributary within 0.5 mile of these systems); therefore, no direct or indirect effects would occur to this species. As a result, the project would have **no effect** to the pallid sturgeon.
- Gray wolf (Endangered): The gray wolf may be found throughout the entire state of North Dakota; however, no known populations exist. The state functions as dispersal habitat populations and confirmed sightings are rare. Given the avoidance habits of gray wolves, wide ranging ability of species, abundance of agriculture land and lack of preferred habitat, any potential adverse effects are highly unlikely. With the implementation of standard conservation measures, including the cease of work activities if a gray wolf was to be observed near a construction site, the project **may affect, but is not likely to adversely affect** the gray wolf.
- Piping plover (Threatened): Although the piping plover may be present in the counties identified in this project submittal package, there is no suitable habitat for this species within 0.5 mile of the project (i.e. project is not located within 0.5 mile of designated critical habitat), therefore, no direct or indirect effects would occur to this species. As a result, the project would have **no effect** to the piping plover.
 - Although designated critical habitat may be present in the counties identified in this project submittal package, the project would not require in-water work within critical habitat or ground disturbing activities directly adjacent to critical habitat (Missouri River (including reservoirs) and Yellowstone River systems and designated alkali lakes/wetlands); therefore, no direct or indirect effects would occur to the habitat. As a result, the project would have **no effect** to piping plover designated critical habitat.
- Dakota skipper (Threatened): Due to ground disturbing activities in high quality prairie, this species may be exposed to direct or indirect effects (i.e. habitat loss/degradation, establishment of noxious weeds, etc.). With the implementation of standard and species-specific conservation measures (see project Design Criteria), adverse effects are highly unlikely; therefore, the project **may affect, but is not likely to adversely affect** the Dakota skipper.
 - Although Dakota skipper critical habitat is present in the counties identified in this project submittal package, the project is not located adjacent to / within the boundaries of critical habitat or all work activities would remain on the surface of the roadway through areas of designated critical habitat. As a result, the project would have **no effect** to Dakota skipper critical habitat.
- Rufa red knot (Threatened): Although the rufa red knot may be present in the counties identified in this project submittal package, there is no suitable habitat for this species

within 0.5 mile of the project (i.e. project not located within 0.5 mile of designated critical habitat); therefore, no direct or indirect effects would occur to this species. As a result, the project would have **no effect** to the rufa red knot.

- Northern long-eared bat (Threatened): Suitable habitat for this species is located within or adjacent to the limits of the project and conservation measures cannot be implemented. As a result, the project “**may affect**” the NLEB. Therefore, the project will use the NLEB 4(d) rule streamlined consultation form to complete section 7 consultation for this species. Examples of situations where this step would be necessary are given below:
 - Tree removals (suitable habitat) must occur during the active season (April 1—September 31) and/or bridge/box culvert work in areas of potential habitat (forested/wooded areas) must occur during the active season that could affect bats (i.e. bridge/box culvert replacements, deck work that requires drilling down to the underside of the deck, bridge painting, other types of projects that affect the underside of bridges/box culverts).

Summary table of determinations for Threatened and Endangered Species

Species Common Name	No Effect	May Affect, Not Likely to Adversely Affect	May Affect, Likely to Adversely Affect	Beneficial Effect
Endangered Species				
Black-footed Ferret	X			
Gray Wolf		X		
Whooping Crane		X		
Pallid Sturgeon	X			
Interior Least Tern	X			
Threatened Species				
Dakota Skipper		X		
Northern Long-Eared Bat		X		
Piping Plover	X			
Rufa Red Knot	X			
Critical Habitat				
Dakota Skipper Designated Critical Habitat	X			
Piping Plover Critical Habitat	X			

Sensitive species

See KLJ (2017) for discussions around each species. FS determinations for Region 1 Sensitive Species listed for the Dakota Prairie Grasslands that are known or may potentially occur on the Medora RD:

- **“No impact” -**
 - Baird’s sparrow; black-tailed prairie dog; sage grouse; bald eagle; long-billed curlew; red-belly dace; Regal fritillary butterfly;
- **“May impact individuals or habitat, but will not likely lead to a trend towards federal listing or cause a loss of viability to the population or species” –**
 - Loggerhead shrike, Sprague’s pipit; burrowing owl; ottoe skipper, and tawny crescent butterfly;
- **“Beneficial impact” –**
 - Bighorn sheep.
 - To further improve the effectiveness of the wildlife crossing (@126.1) for bighorn sheep, the area between the crossing and the DOT easement line will be cleared of juniper trees. This will permit improved visual security for the sheep as they approach the underpass.

RAPTORS

Of the raptor species discussed in KLJ (2017) and based on the table found on page 1-17 in the LRMP, KLJ determined that only the prairie falcon may be impacted due to potential nesting and foraging habitat despite no observations within the analysis area.

MANAGEMENT INDICATOR SPECIES

Management Indicator Species (MIS) include those identified in the Northern Great Plains FEIS:

- ▶ *Sharp-tailed grouse* – Multiple sharp-tailed grouse were identified during the field surveys. Suitable habitat for the sharp-tailed grouse is available within the project area in the form of mixed-grass grasslands with scattered shrubs. Historic NDGF and USFS data indicates that one recorded sharp-tailed grouse lek is located within the analysis area, and nine leks (two of the ten are active and one inactive as classified by the NDGF; the remaining are unknown) are located within one mile of the project. In order to minimize potential impacts to sharp-tailed grouse, spring surveys of known lek sites within one mile of the project corridor would be completed. If a lek site is determined to be active, all construction activity within one mile of the active lek site would be suspended for the first two hours of daylight beginning at sunrise for the time period of May 1 to June 15;
- ▶ *Sage grouse* and *Black-tailed prairie dog* – There are no sage grouse nor prairie dog colonies within the project analysis area. There will be no impacts to these species from this activity.

Summary table of determinations for Sensitive, Raptors, and MIS

Region 1 Sensitive Species LMNG	No Impact	May Impact	Will Impact	Beneficial Impact
Bald Eagle	X			
Sprague's Pipit		X		
Baird's Sparrow	X			
Burrowing Owl		X		
Loggerhead Shrike		X		
Long-Billed Curlew	X			
Greater Sage Grouse	X			
Bighorn Sheep				X
Black-tailed Prairie Dog	X			
Ottoo Skipper		X		
Regal Fritillary	X			
Tawny Crescent		X		
Northern Red-bellied Dace	X			
DPG LRMP Special Interest Species	No Impact	May Impact	Will Impact	Beneficial Impact
Golden Eagle	X			
Ferruginous Hawk	X			
Merlin	X			
Prairie Falcon		X		
American Peregrine Falcon	X			
Sharp-tailed Grouse (MIS)		X		

MIGRATORY BIRDS

Upon review of information regarding migratory birds and their habitats in relation to existing habitats and the proposal, there will be an expected minimal impact to migratory species. There will be some increased direct loss of potential migratory bird habitat due to the widening of the road. Traffic pattern changes may result in different patterns of vehicles related mortality as well. However, the pre-construction survey mitigation (#3 on next page) agreed to by NDDOT will result in mitigating impacts to their populations from implementation of this project.

CUMULATIVE EFFECTS

Cumulative effects to wildlife resources from the implementation of this project are varied and complex and varies with species. These are discussed in the EIS for this project.

MITIGATION MEASURES – ENVIRONMENTAL COMMITMENTS (EC)

1. A field survey for raptor nests would be completed during the breeding and nesting season in North Dakota (February 1 to August 15). If any nests are found, appropriate minimization measures (such as timing restriction and avoidance buffers) would be implemented. (#11 EC)
2. Within 1-mile of suitable whooping crane stopover habitat, adjusted utility lines would be marked with bird diverters at a 1:1 ratio, and newly installed lines would be marked at a 2:1 ratio to minimize potential impacts on whooping cranes in flight. Modifications to overhead lines would follow USFWS guidance (#12 EC)
3. If construction and/or bridge demolition occurs during the migratory bird nesting and breeding season in North Dakota (between February 1 and July 15), work areas would be mowed and/or grubbed prior to the nesting and breeding season. If mowing and/or grubbing is not completed prior to the nesting and breeding season, a qualified biologist would conduct pre-construction surveys to check the status of existing and historical nests and search for new nests, for migratory birds, including raptors, and their nests within the work areas. If active nests are identified, the NDDOT would coordinate with the USFWS prior to commencement of work to determine any measures necessary to minimize harm (#13 EC)
4. To ensure that the delineated area of potential Dakota skipper habitat would be undisturbed during construction, temporary fencing between construction activities and the potential habitat would be installed. In order to minimize the potential for direct impacts to adult Dakota skippers, a speed limit of 15 miles per hour would be maintained within a 0.6-mile radius of the identified Dakota skipper habitat (reference point [RP] 121.5 to RP 122.9) for all construction vehicles traveling off of the existing roadway within the limits of construction from June 15 to July 15. (#20 EC)
5. To minimize potential impacts on sharp-tailed grouse breeding habitat, spring surveys of known leks (i.e., breeding sites) within 1-mile of the project corridor would be conducted prior to commencement of construction activities. If a lek site is determined to be active, all construction activity within 1-mile of the active lek site would be suspended for the first two hours of daylight beginning at sunrise for the time period of May 1 to June 15 (#21 EC)
6. In the event that any threatened or endangered species are identified within 1-mile of construction activities, the contractor would be required to notify the project engineer immediately. The project engineer would then cease all construction activities; establish a minimum 0.5-mile avoidance area; and immediately notify and coordinate with the USFWS, FHWA, and NDDOT. The contractor would not resume work within the avoidance area until the project engineer has confirmed with the agencies that work may proceed (i.e., either species have left the area or approved minimization measures have been implemented). A threatened and endangered species poster or pamphlet would be provided on all job site (#35 EC)
7. To minimize impacts on fish during the spawning period, work within named rivers, streams, and tributaries would not occur between April 15 and June 1. Named rivers, streams, and tributaries along the project corridor include Squaw Creek, Corral Creek, Beicegel Creek, North Creek, Green River, South Fork Green River, Spring Creek, Ranch Creek, and the Little Missouri River. (#37 EC)
8. To minimize impacts on fish species, instream riverine water flow would be maintained at baseline depth during construction to allow fish passage (#38 EC)
9. To minimize impacts on the bighorn sheep during lambing season, construction activities from approximately RP 124.1 to RP 126.4 would be limited to an area generally defined as the surface of the roadway, in-slopes, and ditches from April 1 to July 15 (#39 EC)

10. The NDGF and NDDOT would coordinate to monitor the effectiveness, and maintain and manage the wildlife crossings. In addition, the NDDOT, NDGF, NPS and USFS would coordinate to maintain the wildlife fencing and associated features (#45 EC)
11. To further improve the effectiveness of the wildlife crossing (@126.1) for bighorn sheep, the area between the crossing and the DOT easement line will be cleared of juniper trees. This will permit improved visual security for the sheep as they approach the underpass.

Arden A Warm

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Arden A. Warm
Wildlife Biologist
Medora Ranger District
Little Missouri National Grasslands

B.3. Programmatic Biological Assessment Project Approval Form

Programmatic Biological Assessment Project Approval Form				
<i>Summary of Effect Determinations</i>				
Project Number / PCN: 9-085(085)075/PCN20046				
Species / Critical Habitat	No Effect	NLTAA	NLTAA/LAA*	Conservation Measures
Interior Least Tern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	CM1
Whooping Crane	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	CM1, CM4
Black-Footed Ferret	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	CM1
Pallid Sturgeon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	CM1
Gray Wolf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	CM1
Poweshiek Skipperling	<input type="checkbox"/>	<input type="checkbox"/>	N/A	NA
Piping Plover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	CM1
Western Prairie Fringed Orchid	<input type="checkbox"/>	<input type="checkbox"/>	N/A	NA
Dakota Skipper	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	CM1, CM7
Rufa Red Knot	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	CM1
Northern Long-Eared Bat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CM1
Piping Plover Critical Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	CM1
Dakota Skipper Critical Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	CM1
Poweshiek Skipperling Critical Habitat	<input type="checkbox"/>	<input type="checkbox"/>	N/A	NA

NLTAA—May Affect, Not Likely to Adversely Affect
 LAA—May Affect, Likely to Adversely Affect
 *Covered Under 4(d) Rule Streamlined Consultation—Note—The 4(d) form must be sent to USFWS.

The project submittal package (on-file at the NDDOT) has been reviewed for content and it has been determined that the scope of work activities associated with this project fit within the activities and sub-activities described in the deconstruction matrix of the programmatic biological assessment (PBA). The potential effects to listed resources that may occur from this project fit within the effects analysis within the PBA, fieldwork has been conducted (if required), and appropriate conservation measures have been selected. The conservation measures identified in this project submittal package must be included in the plan sheets as either environmental notes or special provisions. Should changes to the scope of work for this project occur, the additional work items will need to be reviewed for potential effects to listed species and critical habitat that may occur near or within the project area and the project submittal package will need to be reevaluated. Provided no changes occur to this project, Section 7 Endangered Species Act requirements have been met under the PBA and programmatic concurrence from the USFWS.

Greg Schonert

NDDOT Biologist

Digitally signed by Greg Schonert
 DN: cn=Greg Schonert, o=NDDOT, ou=ETS,
 email=gschonert@nd.gov, c=US
 Date: 2017.07.27 15:56:42 -0500

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.

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

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** 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

<i>Agency</i>	<i>Applicant</i>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion ⁴ ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	57.8	
If known, estimated acres ⁵ of forest conversion from April 1 to October 31	Unknown	
If known, estimated acres of forest conversion from June 1 to July 31 ⁶	Unknown	
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest	NA	
If known, estimated acres of timber harvest from April 1 to October 31	NA	
If known, estimated acres of timber harvest from June 1 to July 31	NA	
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire	NA	
If known, estimated acres of prescribed fire from April 1 to October 31	NA	
If known, estimated acres of prescribed fire from June 1 to July 31	NA	
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)	NA	

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.

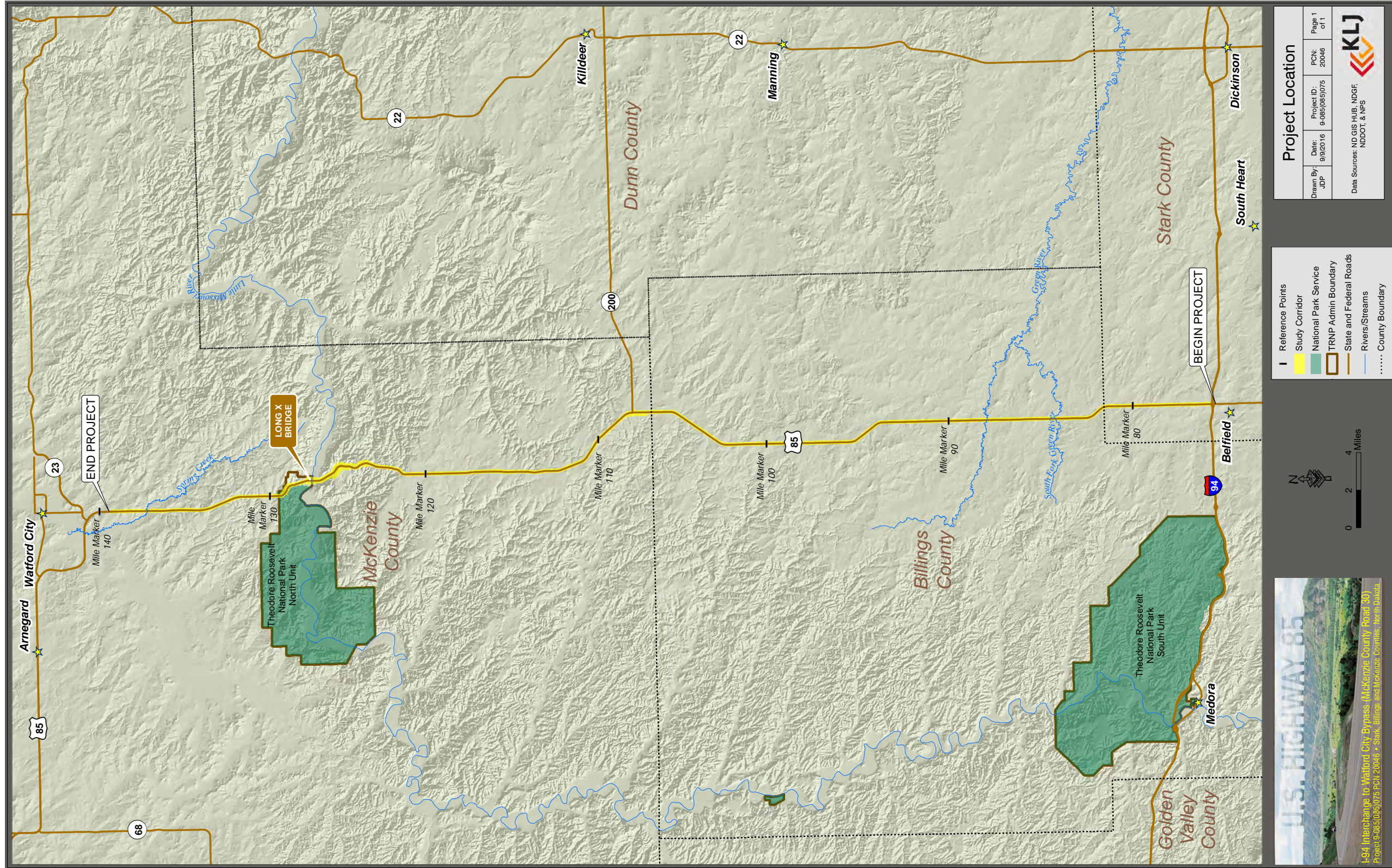
The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with 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, o=U.S. Government,
ou=FHWA FHWA BismarkND, ou=DOT
FHWA BismarkND, cn=KEVIN 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 (acres)	Permanent Easement Required – Federal (acres)		Total (acres)
		USFS	NPS	
ALTERNATIVE B				
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).

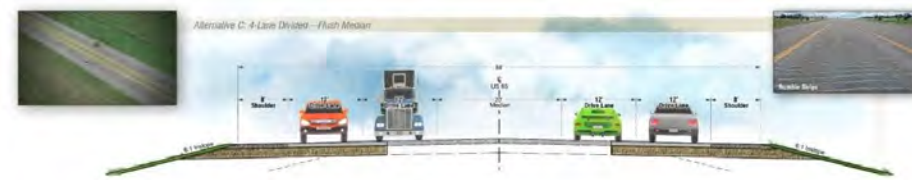


Alternative C would expand the highway to a divided, four-lane with a flush center median. Design would include:

- 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:
 - Two 12-foot-wide driving lanes
 - 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:
 - Four 12-foot-wide driving lanes
 - 10-foot-wide outside shoulders
 - 6-foot-wide inside shoulders
 - 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:
 - Four 12-foot-wide driving lanes
 - 10-foot-wide outside shoulders
 - 6-foot-wide inside shoulders
 - 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 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

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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.

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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



North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

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	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, 3

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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



North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

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

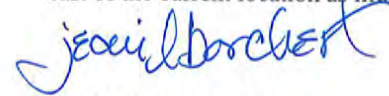
Hi Mike-

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





North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

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

A handwritten signature in cursive script that reads "jeani.borchert".

JEANI BORCHERT

Enclosed Final Report

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North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

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.

A handwritten signature in black ink that reads "Jeani L. Borchert".

JEANI L. BORCHERT
NDDOT, ETS DIVISION, CULTURAL RESOURCE SECTION

Enclosed Report by KLJ

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



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Governor of North Dakota

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Jesse Hanson
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Parks and Recreation
Department

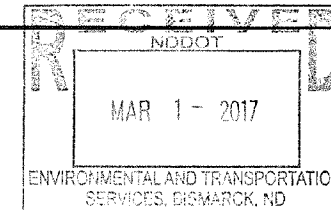
Grant Levi
Director
Department of
Transportation

Claudia J. Berg
Director

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March 1, 2017

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



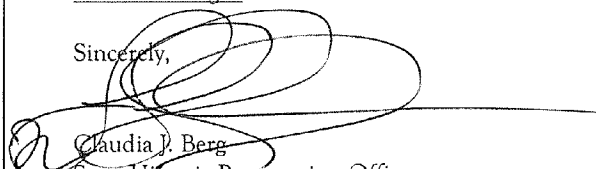
ND SHPO Ref.: 15-5622 "NDDOT NH-9-085(085)075, PCN 20046 "US Highway 85 From the I-94 Belfield Interchange to the Watford City Bypass, NH-9-085(085)075, PCN 20046: A Class III Cultural Resource Inventory in Billings, McKenzie, and Stark Counties, North Dakota" in portions of [T140N R99W Sections 4, 5, 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] [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. Barbie,

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

Sincerely,


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



Doug Burgum
Governor of North Dakota

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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 received.

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,

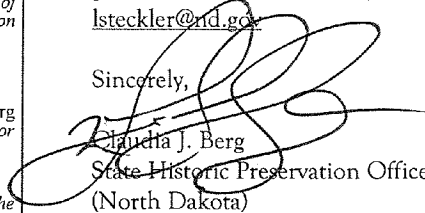

Claudia J. Berg
State Historic Preservation Officer
(North Dakota)

Table 40: Summary and Recommendations for Evaluation of Cultural Resources.

SITS #	Site Type	Evaluation Recommendation
32BI251	Prehistoric CMS/Quarry	<i>Not Eligible</i>
32BI252	Prehistoric CMS/Quarry	<i>Not Eligible</i>
32MZ1137	Prehistoric CMS	<i>Not Eligible</i>
32MZ1138	Prehistoric CMS	<i>Not Eligible</i>
32MZ1139	Prehistoric CMS	<i>Not Eligible</i>
32MZ3025	Prehistoric CMS	<i>Not Eligible</i>
32MZ3034	Prehistoric CMS	<i>Not Eligible</i>
32BI939	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX130	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX134	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX425	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX426	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX427	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX429	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX431	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX582	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX1008	Prehistoric Isolated Find	<i>Not Eligible</i>
32MZX1588	Prehistoric Isolated Find	<i>Not Eligible</i>





Doug Burgum
Governor of North Dakota

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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 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 Kliner 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

Sincerely,

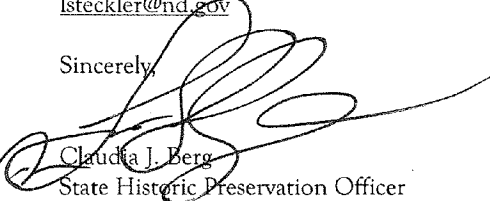

Claudia J. Berg
State Historic Preservation Officer
(North Dakota)

Table 57: Summary and Recommendations for Evaluation of Cultural Resources.

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
32BIx22	Prehistoric Isolated Find	Not Eligible
32BIx23	Prehistoric Isolated Find	Not Eligible
32BIx945	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.





Doug Burgum
Governor of North Dakota

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State Historical Board**

Terrance Rockstad
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Gereld Gemtholz
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Ron Henke
*Interim Director
Department of
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Claudia J. Berg
Director

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August 30, 2017

Jeani L. Borchert
ETS Division
NDDOT
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

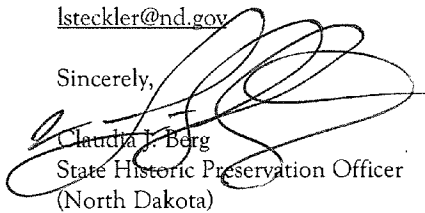
ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 in portions of [T140N R99W Sections 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32 & 33] [T141N R99W Sections 2 3 10 11 14 15 22 23 26 27 34 35] [T142N R99W Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34 & 35] [T143N R99W Sections 3, 4, 9, 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

Sincerely,


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



Doug Burgum
Governor of North Dakota

**North Dakota
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Valley City - Vice President

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Medora - Secretary

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*Director
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Ron Henke
*Interim Director
Department of
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Claudia J. Berg
Director

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August 30, 2017

Jeani L. Borchert
ETS Division
NDDOT
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

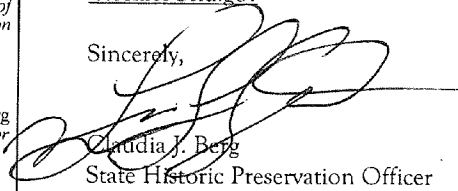
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Dear Ms. Borchert,

We reviewed ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 as specifically relates to 32B1149 (Gregory Homestead) and 32B156 (Dolvunik Farm) and concur with a determination of "No Adverse Effect" for these two properties provided that 32B1149 is avoided and both 32B1149 and 32B156 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,


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



Doug Burgum
Governor of North Dakota

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Bismarck, North Dakota 58505-0700

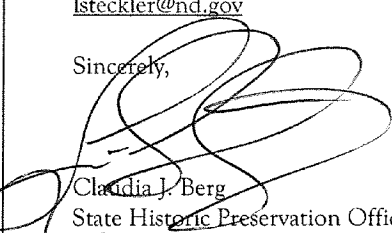
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Dear Ms. Borchert,

We reviewed ND SHPO Ref.: 15-5622 NDDOT NH-9-085(085)075, PCN 20046, Highway 85 as specifically relates to the Theodore Roosevelt Nation Park North 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

Sincerely,


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

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



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Governor of North Dakota

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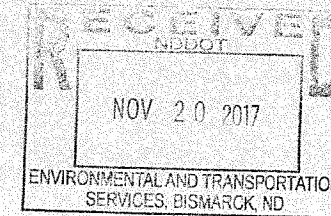
Thomas Sorel
*Director
Department of
Transportation*

Claudia J. Berg
Director

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November 8, 2017

Jeani Borchert
ETS Division
NDDOT
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700



**NDSHPO REF.: 15-5622h NDDOT/FHWA Evaluative Test Investigations along
U.S. Highway 85 Billings and McKenzie Counties, North Dakota,
Final Report
NDDOT: NH-9-085(085)075 PCN: 20046**

Dear Jeani:

We have received and reviewed document for 15-5622h NDDOT/FHWA:
"Evaluative Testing of Seven Sites on Federal Land in Billings and McKenzie
Counties, North Dakota," by Andrew Robinson and Duane Klinner, (KLJ ROI
2442, June 2017) and find it acceptable. We concur with a "No Historic
Properties Affected" determination for these sites with acceptance of revised
final aforementioned report.

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,

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



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Thomas Sorel
*Director
Department of
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Claudia J. Berg
Director

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April 16, 2018

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 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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Governor of North Dakota

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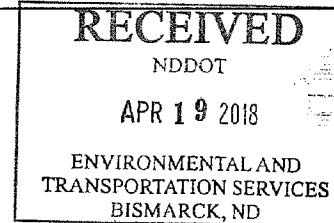
Thomas Sorel
*Director
Department of
Transportation*

Claudia J. Berg
Director

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April 18, 2018

Jeani Borchert
ETS Division
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 32M21018, 32M21180 And 32M21960 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 32M21018, 32M21180 And 32M21960 on Private Land in McKenzie County, North Dakota" ROI 2489 and find the report by Duane Kliner 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,

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

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
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

B.8. Memorandum of Agreement regarding Long X Bridge Mitigation

1 **MEMORANDUM OF AGREEMENT**

2 **AMONG THE FEDERAL HIGHWAY ADMINISTRATION,**
3 **THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**
4 **AND THE NORTH DAKOTA HISTORIC PRESERVATION OFFICER**
5 **REGARDING**

6 **NDDOT Project Number NH-9-085(085)075, PCN 20046**
7 **NDDOT Structure Number 85-126.262**
8

9 **WHEREAS**, the North Dakota Division Office of the Federal Highway Administration (FHWA) has
10 determined that Option LX-3, removal and replacement of the existing Long X Bridge, for Project Number
11 NH-9-085(085)075, PCN 20046 would have an adverse effect on the Long X Bridge carrying U.S. Highway
12 85 over the Little Missouri River in McKenzie County, North Dakota, a property eligible for inclusion in
13 the National Register of Historic Places, and has consulted with the North Dakota State Historic
14 Preservation Office (SHPO) pursuant to 36 CFR Part 800, regulations and implementing Section 106 of the
15 National Historic Preservation Act (16 U.S.C. 470); and

16 **WHEREAS**, FHWA has consulted with the North Dakota Department of Transportation (NDDOT)
17 regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a
18 invited signatory; and

19 **WHEREAS**, FHWA has notified and invited the Advisory Council on Historic Preservation (ACHP) to
20 participate in this agreement pursuant to 36 CFR § 800.6(a)(1) and the ACHP has elected not to participate;
21 and

22 **WHEREAS**, to mitigate adverse effects to this site by the proposed widening of U.S. Highway 85, FHWA
23 and NDDOT have determined that additional documentation alone would not be an effective approach to
24 preserve the historical, architectural, and cultural value it holds; and

25 **WHEREAS**, there are two treatment options for this Memorandum of Agreement (MOA): the Long X
26 Bridge Adoption Option and the Alternative Mitigation Option and;

27 **WHEREAS**, the Alternative Mitigation Option will be followed if the Long X Bridge is not successfully
28 adopted.

29 **NOW, THEREFORE**, the FHWA, the North Dakota Department of Transportation (NDDOT), and the
30 North Dakota SHPO agree that if Option LX-3, which requires removal of the existing bridge, is chosen,
31 the undertaking shall be implemented in accordance with the following stipulations in order resolve adverse
32 effects.

33 **STIPULATIONS**

34 FHWA shall ensure that the following measures are carried out:

35 **I. TREATMENT OPTIONS**

36

37 **A. Long X Bridge Adoption Option**

- 38 1. Under the Bridge Adoption Program, the Long X Bridge will be put up for adoption and
39 advertised for 30 days. Due to the size of the structure, only one segment of the bridge
40 would need to be adopted to meet the terms this MOA.

1 2. In order to facilitate adoption, the NDDOT will fund the disassembly, loading and
2 transport of one of the segments of the bridge within a 100 mile radius of its current
3 location over the Little Missouri River. Preference will be given to public entities and the
4 NDDOT will coordinate with SHPO regarding both the entity and the new location.

5 3. The existing Long X Bridge will be recorded using digital photography. Photographs will
6 be taken of various aspects of the bridge. These will be transmitted along with prints to
7 the archives of the State Historical Society of North Dakota and added to the NDDOT
8 Historic Bridge Website. The State Cultural Resource form (aka site form) will be updated
9 to reflect the information gathered.

10
11 **B. Alternative Mitigation Option**

12 If no successful adoption occurs following advertisement for adoption of the Long X
13 Bridge, the following measures will be completed:

14 1. The existing Long X Bridge will be recorded using digital photography. Photographs will
15 be taken of various aspects of the bridge. These will be transmitted along with prints to the
16 archives of the State Historical Society of North Dakota. The State Cultural Resource form
17 (aka site form) will be updated to reflect the information gathered.

18 2. A complete set of plans for the bridge exists at NDDOT. A clean copy of these plans will
19 be reproduced on Mylar. This reproduction and any original blue line prints will be
20 deposited at the archives of the State Historical Society of North Dakota.

21 3. A professional report compiling the information on the Long X Bridge, placing it within the
22 proper technical and historic contexts, will be completed. This report will discuss the history
23 and context of Long X Bridge, as well as the Roosevelt Bridge, along with a discussion of
24 other transportation (if applicable) used to cross the Little Missouri River. It will make use
25 of existing information including, but not limited to, the statewide historic bridge inventory,
26 the National Register files, historic photographs, documentation, and material at the
27 SHSND, as well as the collections of local historical organizations such as the McKenzie
28 County Historical Society.

29 a. An interpretative panel will be designed and constructed for placement at a scenic overlook
30 located along U.S. Highway 85. The interpretive panel will be designed in coordination
31 with the NDDOT and SHPO and would incorporate technology to allow users to access
32 digital media content specific to the Long X Bridge.

33 4. The Long X Bridge will be added to the NDDOT's Historic Bridge Website.

34 5. Laser scanning will be completed for the Long X Bridge to produce a 3-D image.

35 6. The Warren Through-truss bridge type is important in understanding the history of
36 development within the state. The history and context of the Long X Bridge will be
37 added, as appropriate, to the Bridge Send Trunk, produced by the NDDOT and the ND
38 Heritage Center. The plan for updating this interpretive effort will be devised through
39 consultation with NDDOT and the SHSND.
40
41
42
43

44

1 **II. DURATION**

2
3 This MOA will expire if its terms are not carried out within five (5) years from the date of its execution.
4 Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and
5 amend it in accordance with Stipulation IV below.

6
7 Each year following the execution of this MOA until it is completed, expires or is terminated, NDDOT
8 shall prepare and FHWA shall provide all parties to this a summary report detailing work undertaken
9 pursuant to its terms. Such report shall include any scheduling changes proposed, any problems
10 encountered, and any disputes and objections received in FHWA's efforts to carry out the terms of this
11 MOA.

12
13 **III. DISPUTE RESOLUTION**

14
15 Should any signatory or concurring party to this MOA object at any time to any actions proposed or the
16 manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve
17 the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

- 18
19 A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the
20 ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty
21 (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute,
22 FHWA shall prepare a written response that takes into account any timely advice or comments
23 regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a
24 copy of this written response. FHWA will then proceed according to its final decision.
25
26 B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period,
27 FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a
28 final decision, FHWA shall prepare a written response that takes into account any timely comments
29 regarding the dispute from the signatories and concurring parties to the MOA, and provide them and
30 the ACHP with a copy of such written response.
31
32 C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the
33 subject of the dispute remain unchanged.

34
35 **IV. AMENDMENTS**

36
37 This MOA may be amended when such an amendment is agreed to in writing by all signatories. The
38 amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

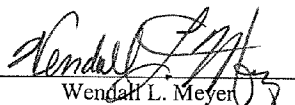
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40 **V. TERMINATION**

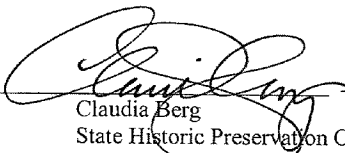
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42 A. If Option LX-3 for Project Number NH-9-085(085)075, PCN 20046 is not chosen, the signatory
43 parties to this MOA agree that this MOA shall be terminated.
44
45 B. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall
46 immediately consult with the other signatories to attempt to develop an amendment per Stipulation
47 VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment
48 cannot be reached, any signatory may terminate the MOA upon written notification to the other
49 signatories.
50

1 C. Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a)
2 execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the
3 comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the signatories as to the course of
4 action it will pursue.
5


6 Execution of this Memorandum of Agreement by FHWA, NDDOT and the North Dakota SHPO, its
7 subsequent filing with the ACHP and implementation of its terms, is evidence that the FHWA has
8 afforded the ACHP an opportunity to comment on Project Number NH-9-085(085)075, PCN 20046 and
9 its effect on historic properties, and the FHWA has taken into account the effects of the undertaking on
10 historic properties.
11

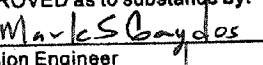
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13 **SIGNATORIES:**
14

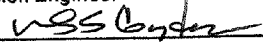
15
16
17
18 
19 _____ Date 6/4/18
20 Wendell L. Meyer
21 FHWA Division Administrator
22

23
24
25
26 
27 _____ Date 5.21.18
28 Claudia Berg
29 State Historic Preservation Officer
30

31 **INVITED SIGNATORY:**
32

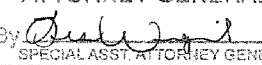
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37 _____ Date 5/29/18
38 Ron Henke
39 NDDOT Deputy Director for Engineering
40
41

APPROVED as to substance by:


Division Engineer


Signature
5/23/18

Date

APPROVED as to form this
23 day of May, 2018
ATTORNEY GENERAL
By 

SPECIAL ASST. ATTORNEY GENERAL



U.S. Department
of Transportation
**Federal Highway
Administration**

North Dakota Division

July 10, 2018

4503 Coleman Street, Suite 205
Bismarck, North Dakota 58503
Phone 701-250-4204
Fax 701-250-4395

Ms. Wendy Ross, Superintendent
National Park Service – Theodore Roosevelt National Park
315 2nd Avenue
PO Box 7
Medora, ND 58645

Dear Ms. Ross:

Subject: US Highway 85: I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
NDDOT Project Number 9-085(085)075, PCN 20046

The North Dakota Department of Transportation (NDDOT), in cooperation with the Federal Highway Administration (FHWA), has recently completed a Draft Environmental Impact Statement for the proposed US Highway 85 Project. The project limits are from the Interstate 94 Interchange to the Watford City Bypass (McKenzie County Road 30), in Stark, Billings, and McKenzie Counties, North Dakota.

The project would expand this segment of US Highway 85 from a two-lane highway to a four-lane highway with flexible design options to avoid or minimize impacts. The project would include the rehabilitation or replacement of the historic Long X Bridge over the Little Missouri River. The goal of the project is to essentially maintain and follow the existing US Highway 85 alignment, utilizing the existing infrastructure to minimize potential impacts on environmental, socioeconomic, and human-made resources to the maximum extent practicable.

The project corridor intersects the east edge of the Theodore Roosevelt National Park (TRNP) - North Unit, a publicly owned property managed by the National Park Service (NPS). As a publicly owned property of significance, NPS-managed lands are afforded protection under Section 4(f) of the Department of Transportation Act of 1966 (codified in 49 U.S.C. 303 and 23 U.S.C. 138). In addition, as a historic site of significance, the TRNP – North Unit Entry Sign within NDDOT right-of-way (ROW) is afforded protection under Section 4(f). The purpose of this letter is to disclose how the project will affect the TRNP – North Unit, identify minimization and mitigation measures that have been incorporated into the project design to reduce and offset impacts, and request concurrence with regard to Section 4(f).

Roadway Construction and Operation

The NDDOT currently has a Highway Easement Deed from the NPS for the existing US Highway 85 transportation corridor. A new Highway Easement Deed from the NPS would be required for the project that would include language for the construction, operation, and maintenance of the expanded roadway. Due to the incorporation of design modifications, the project would not require any additional area to be incorporated into the new Highway Easement Deed; however, an

additional 0.2 acres would be added to account for a recent, unrelated landslide repair project covered under a Special-Use Permit. It was understood by the NDDOT, FHWA, and NPS during the permitting process for the landslide repair project that this additional area would be added to the forthcoming US Highway 85 Highway Easement Deed.

Since the boundaries of the new Highway Easement Deed associated with the project would encompass the same area as the existing Highway Easement Deed, that the transportation use would continue within the same "footprint", and that no new NPS-managed land is permanently incorporated into the transportation facility, the FHWA has determined that construction of the roadway would not constitute a use under Section 4(f).

Horseshoe Bend Landslide Stabilization

At Horseshoe Bend (RP 128), a single row of anchored drilled shafts with a reinforced concrete cap beam would be installed to improve stability of a landslide-prone area. Installation of this structure would not require incorporation of additional area into the new Highway Easement Deed; however, a Special-Use Permit to access 0.5 acres temporarily for construction of the drilled shafts would be needed. The duration of the access would be temporary and only needed during construction of the drilled shafts; no transfer of land ownership would be required. The construction activities would be minor, and there would be no anticipated permanent, adverse physical impacts. The land would be restored after construction.

The FHWA has determined that construction of the Horseshoe Bend landslide stabilization structure requiring temporary occupancy will not constitute a Section 4(f) use.

Fencing

Temporary impacts on NPS-managed lands that would not require an easement or permit would result from the in-kind replacement of approximately 1-mile of existing NPS fencing that would be impacted by construction activities. In addition, wildlife jump-outs would be installed along existing NPS fence, and 10-foot-high wildlife fencing would be installed along the east side of US Highway 85 North of the Long X Bridge.

The FHWA has determined that the above fencing activities requiring temporary occupancy will not constitute a Section 4(f) use.

TRNP – North Unit Entry Sign

The TRNP – North Unit Entry Sign marks the entrance to the TRNP – North Unit and was constructed in 1952. The site has been evaluated for eligibility against the National Register of Historic Places (NRHP) criteria and has been determined *Eligible* for listing on the NRHP since it is a contributing feature (within a later period of significance) of the site. Therefore, the TRNP – North Unit Entry Sign is considered a Section 4(f) property.

The TRNP – North Unit Entry Sign is currently located within the NDDOT ROW and cannot be avoided by construction of the project. In this segment, the roadway footprint has been reduced to the maximum extent practicable to minimize environmental and socioeconomic impacts, as well as minimize impacts on the TRNP – North Unit. To minimize harm, the sign would be removed (intact) prior to project construction. Upon completion of construction, the sign would be reset (intact) near its original location. A Special Provision to the Construction Specifications would be drafted for the Entry Sign during final design. The Special Provision would give concise and clear

direction to the contractor for handling the Entry Sign. The North Dakota Cultural Resource Survey documentation for the TRNP – North Unit was also updated during the cultural survey. The site form was updated because it was lacking information for historic standing structures and adequate descriptions and photographs. With the mitigation, the State Historic Preservation Office (SHPO) has concurred with a *No Adverse Effect* determination for the Entry Sign.

The FHWA has determined that moving and resetting the TRNP – North Unit Entry Sign would result in a *de minimis* impact on the Section 4(f) property.

Exception for Temporary Occupancy Applicability

Section 4(f) of the Department of Transportation Act prohibits the FHWA from authorizing actions that require the use of a Section 4(f) resource, including public parks, recreation areas, wildlife refuges or lands of historic significance, unless there are no prudent and feasible avoidance alternatives and the action includes all possible planning to minimize harm. However, under 23 CFR 774.13, the FHWA has identified various exceptions to the requirements for Section 4(f) approval. One of these exceptions involves temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f) (23 CFR 774.13[d]). To qualify under a temporary occupancy exception, the following conditions must be satisfied:

1. *Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.*

Fencing-related activities on NPS-managed property and installation of the landslide stabilization structure would be temporary in nature and would require less time to complete than the overall project. No change in land ownership would be associated with either activity.

2. *Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.*

Actual ground disturbance associated with fencing related activities would be minor and would have minimal impact on the TRNP – North Unit. Additionally, the 0.5 acres of NPS-managed property that would be required for installation of the landslide stabilization structure would be for temporary construction activities only. No permanent structures would be installed within this area and the area would be restored following project completion.

3. *There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.*

No permanent adverse impacts to the TRNP – North Unit are anticipated as a result of fencing-related activities or installation of the landslide stabilization structure. No permanent or temporary interference with the protected activities, features, or attributes of the property are anticipated as a result of fencing-related activities or installation of the landslide stabilization structure.

4. *The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project.*

Fencing-related activities occurring on NPS-managed property would have minor temporary impacts that would be restored upon project completion. The 0.5 acres of NPS-managed property that would be required for installation of the landslide stabilization structure would be restored following project completion.

5. *There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.*

With this letter, the FHWA is requesting concurrence from the NPS regarding the above conditions, as requested below.

Given the nature of the proposed impacts, the FHWA believes that the identified fencing-related activities and installation of the landslide stabilization structure will not constitute a Section 4(f) use.

de minimis Applicability

In accordance with 23 CFR 774.17, a *de minimis* impact determination means that FHWA has determined, in accordance with 36 CFR part 800, that no historic property is affected by the project or that the project will have “no adverse effect” on the historic property in question. The NDDOT and FHWA has coordinated with the SHPO throughout the life of this project. Based on the proposed minimization and mitigation measures for the TRNP – North Unit Entry Sign, the SHPO has concurred with a *No Adverse Effect* determination.

Request for Concurrence

The FHWA requests concurrence from the NPS that temporary occupancy for the proposed fencing related activities on NPS-managed property and the 0.5 acres of NPS-managed property that would be required for installation of the landslide stabilization structure will not constitute a Section 4(f) use.


Additionally, the FHWA intends to make a *de minimis* impact determination for use of the TRNP - North Unit Entry Sign and requests concurrence from the NPS that use of the TRNP – North Unit Entry Sign would not adversely affect the activities, features, or attributes that make the Entry Sign eligible for Section 4(f) protection.

Please sign (see below) and return this letter by **August 10, 2018**. The original signed letter should be mailed to Mr. Wendall L. Meyer with the FHWA at the following address:

Wendall L. Meyer, Division Administrator
Federal Highway Administration
4503 Coleman Street, Suite 205
Bismarck, ND 58503-0567


Thank you in advance for your prompt attention to this matter. If you have any additional questions or require additional information, please contact Matt Linneman with the NDDOT (701.328.6904; mlinneman@nd.gov), or Kevin Brodie with the FHWA (701.221.9467; kevin.brodie@dot.gov).

Sincerely yours,


Wendall L. Meyer
Division Administrator

Concurrence

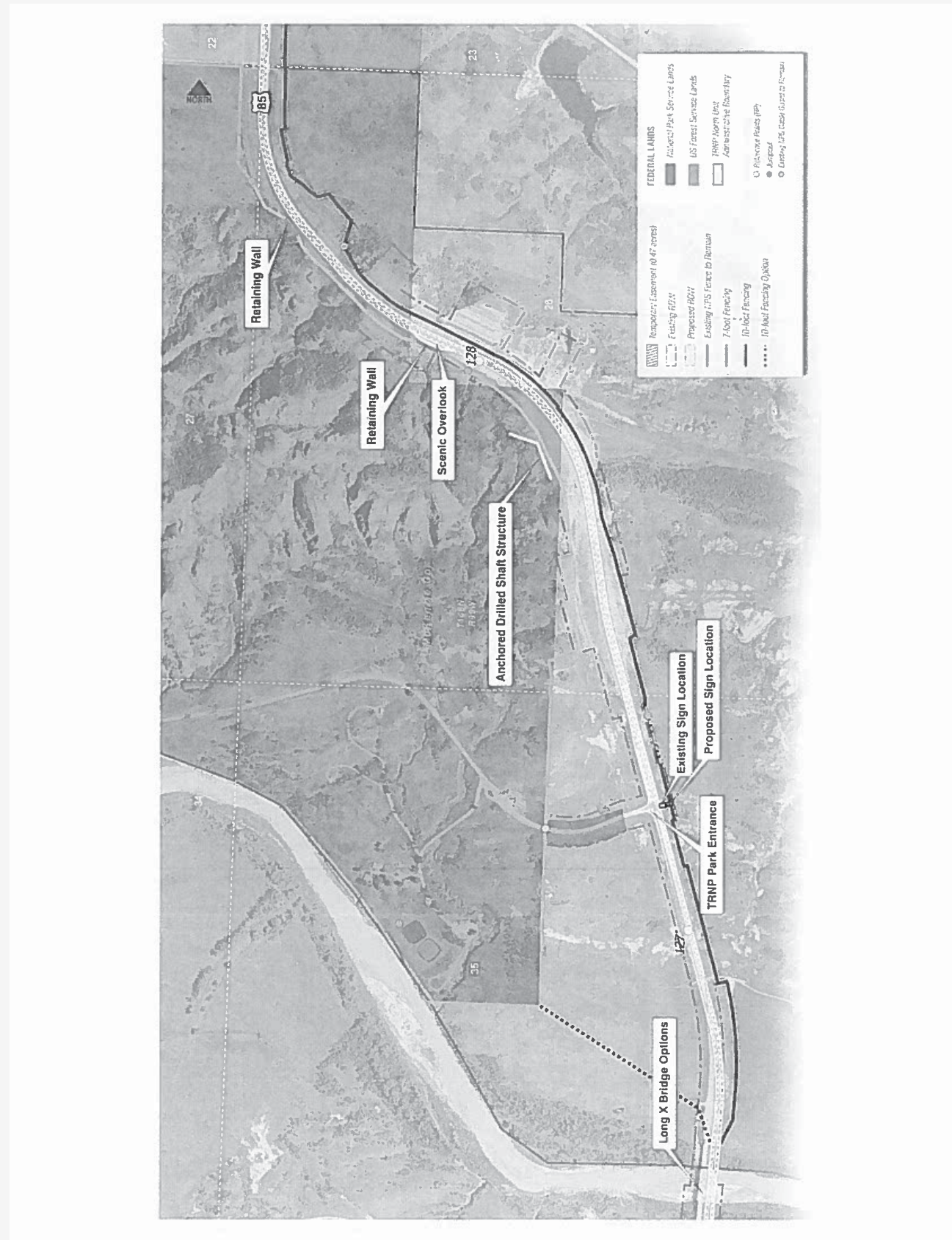
The NPS has consulted with FHWA on the impacts to the TRNP – North Unit as a result of the proposed US Highway 85 Project and hereby concurs that the proposed project, as described in this letter and shown on the accompanying attachment, would not adversely affect the activities, features, and attributes that qualify NPS-managed property and the TRNP – North Unit Entry Sign for protection under Section 4(f) of the Transportation Act on either a temporary or permanent basis. We have been informed that, based on our concurrence, the FHWA intends to exclude fencing-related activities on NPS-managed property and the 0.5 acres of NPS-managed property that would be required for installation of the landslide stabilization structure from the requirements of Section 4(f) approval, and use of the TRNP – North Unit Entry Sign would result in a de minimis impact.


Wendy Ross, Superintendent
Theodore Roosevelt National Park


Date

Enclosure: Exhibit of Proposed Section 4(f) Use

U.S. HIGHWAY 85



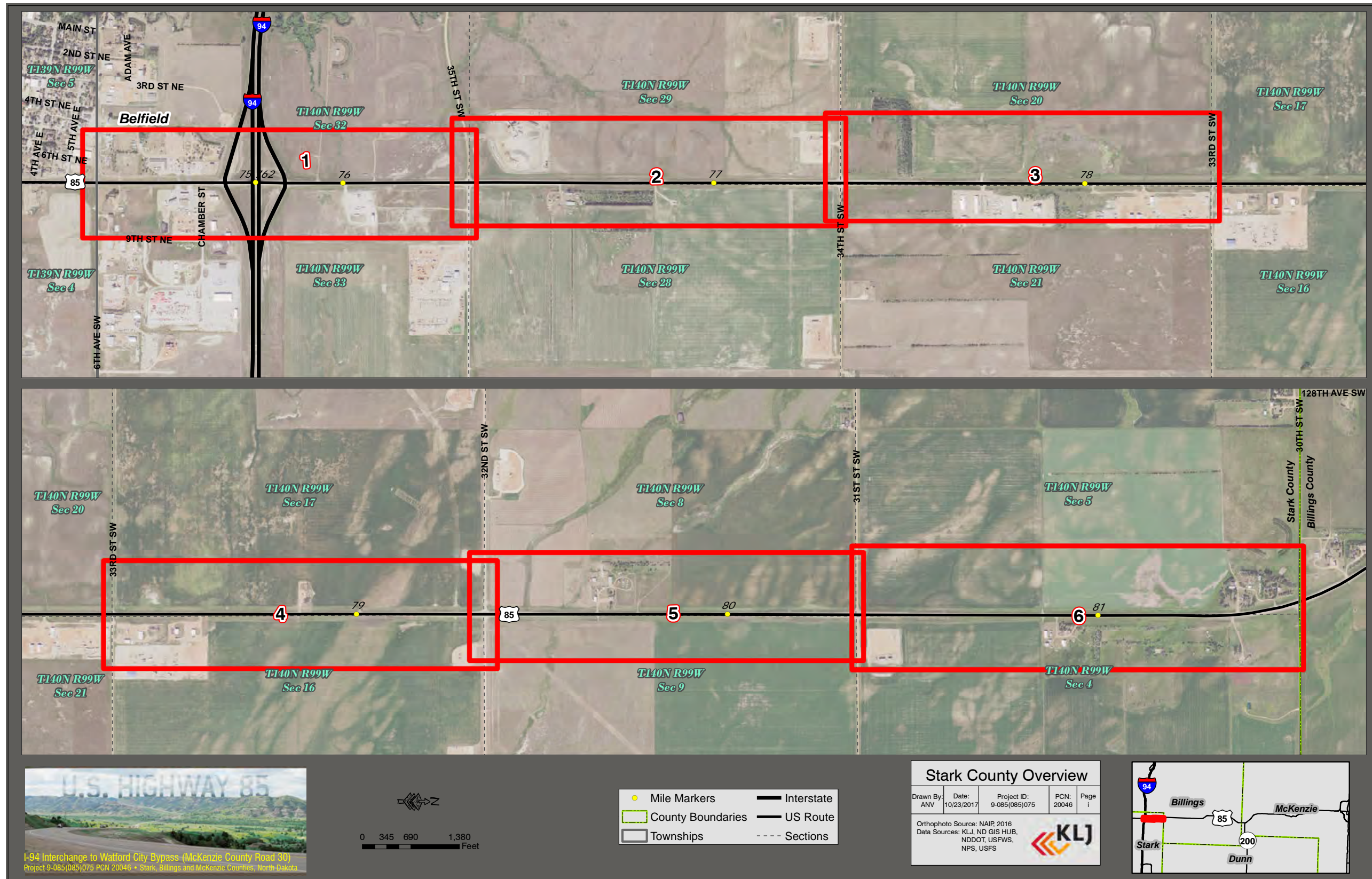
Appendix C. Proposed Right-of-Way & Easements

C.1. Stark County Maps	C-3
C.2. Billings County Maps	C-13
C.3. McKenzie County Maps.....	C-53

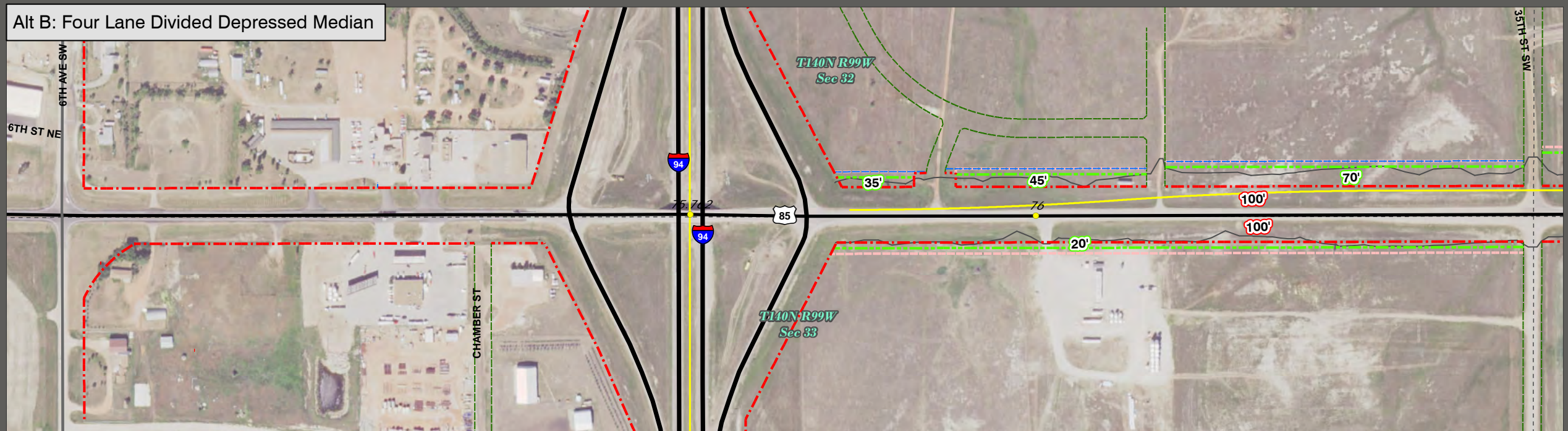
C.1. Stark County Maps

U.S. HIGHWAY 85

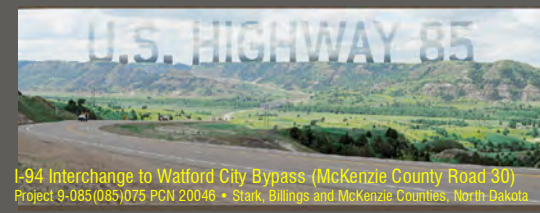
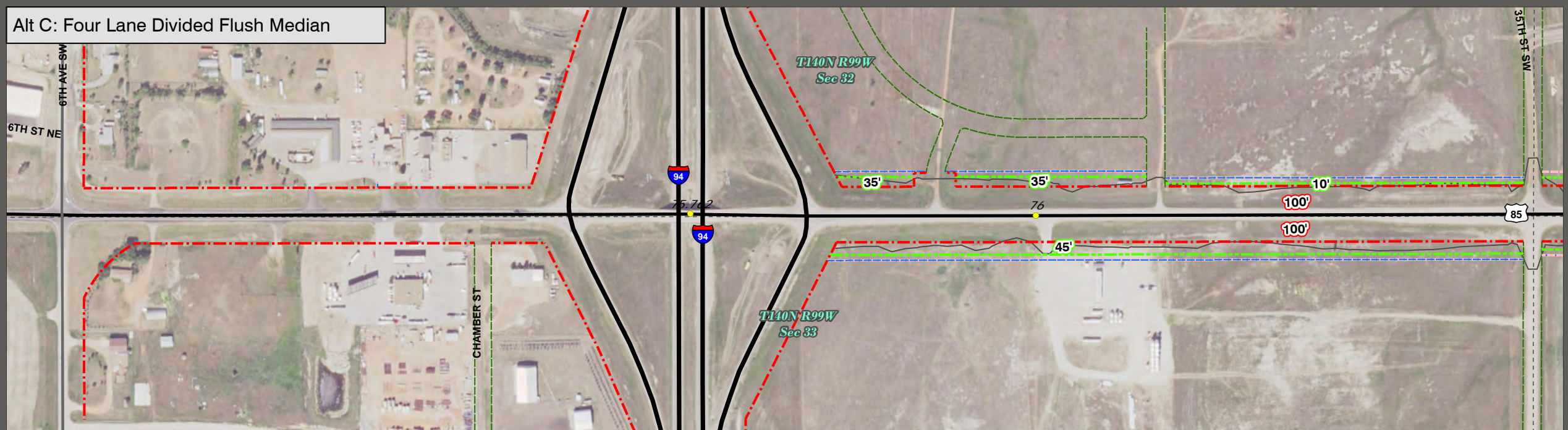
I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 ❖ Stark, Billings and McKenzie Counties, North Dakota



Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median

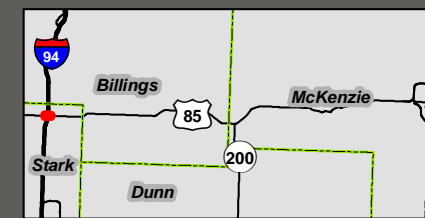


- Mile Markers
 - Interstate
 - US Route
 - Prop Alignment
 - - - Sections
 - ▭ Townships
 - ▭ County Boundaries
 - - - Exst RW
 - - - RW Not State Owned
 - - - Proposed RW
 - - - Temp Const Esmt*
 - - - Utility Esmt*
 - Grading Limits
- *Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

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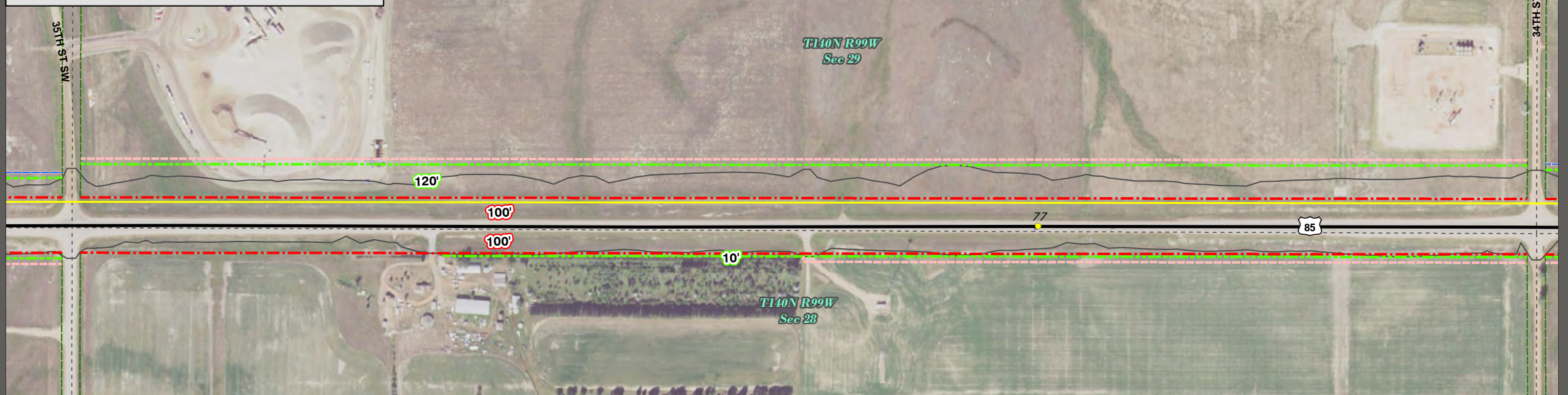
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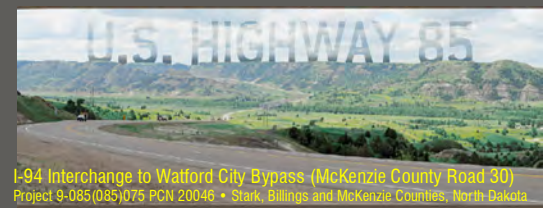
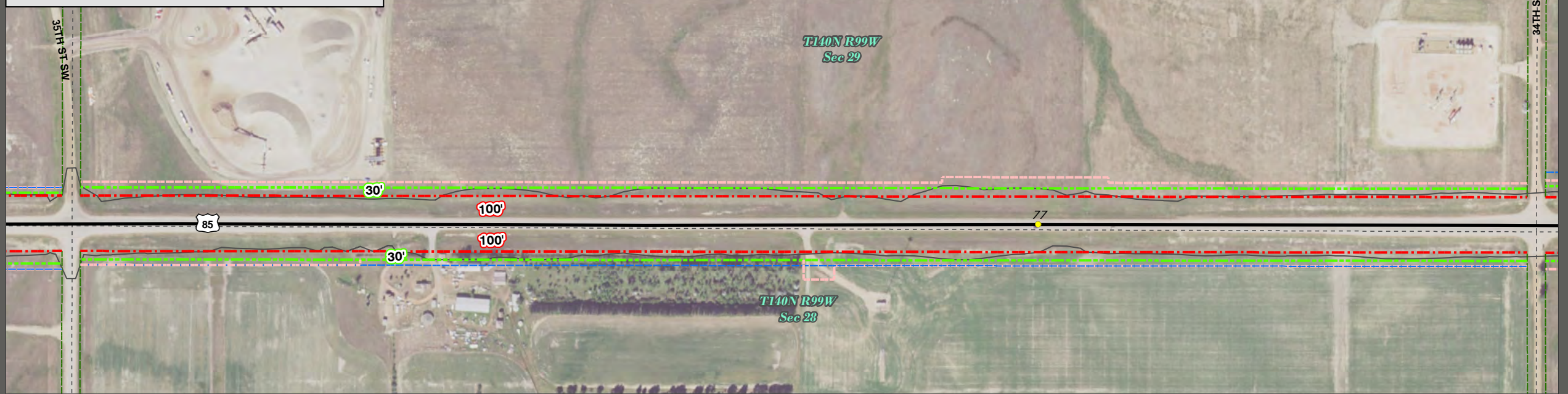
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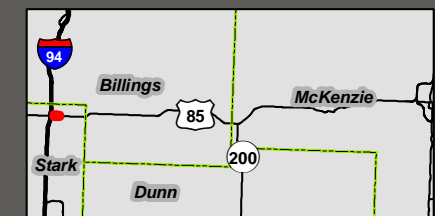
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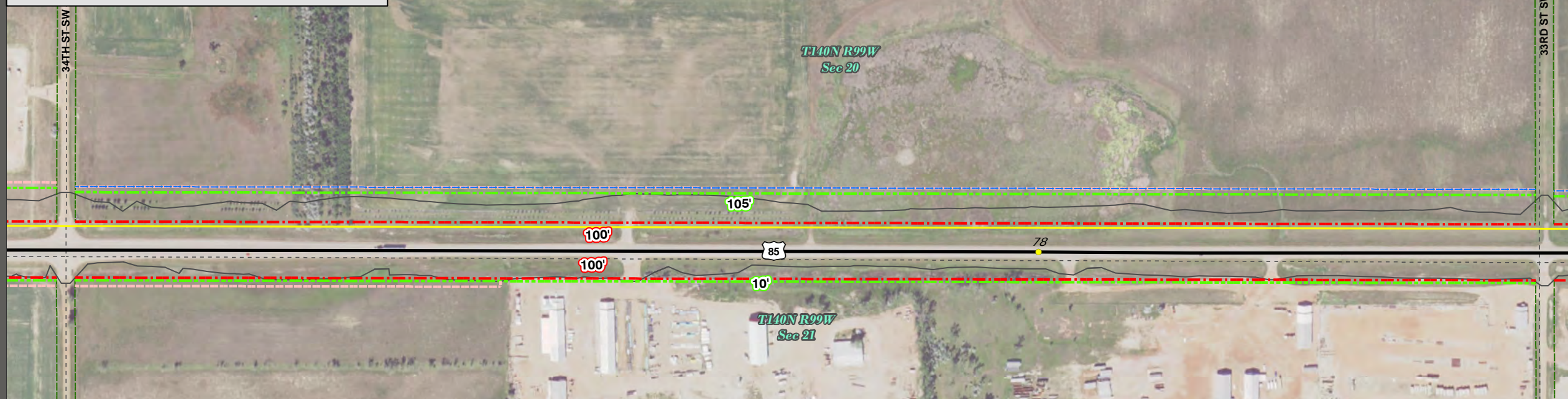
Proposed Right of Way & Easements

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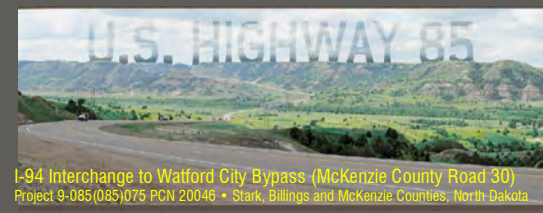
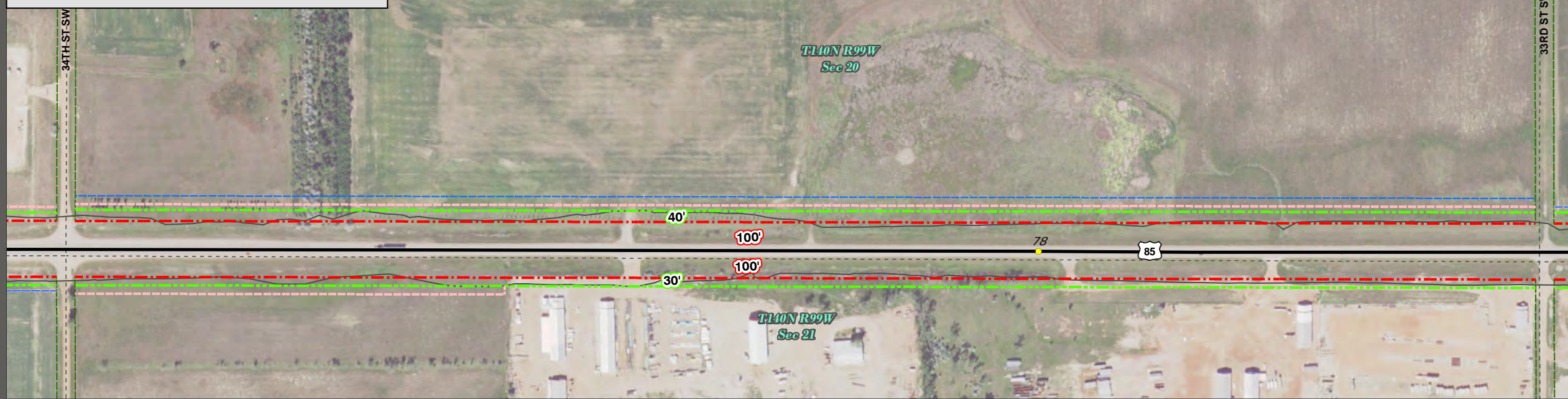
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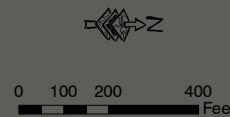
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I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 • Stark, Billings and McKenzie Counties, North Dakota



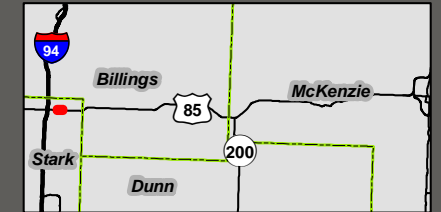
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Proposed Right of Way & Easements

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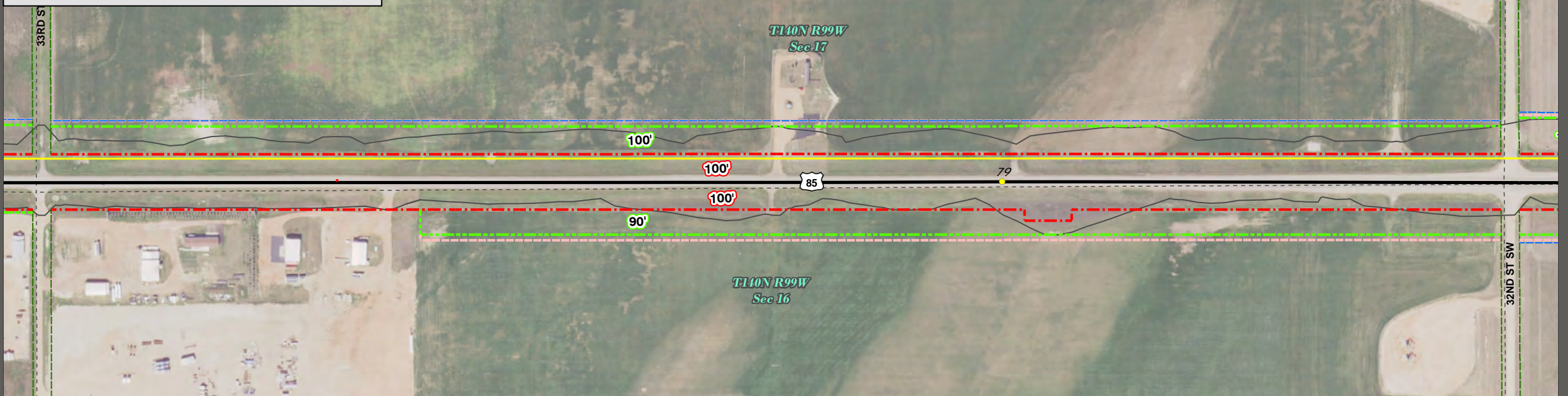
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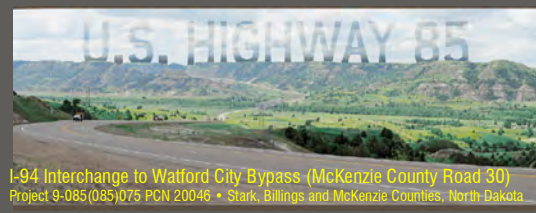
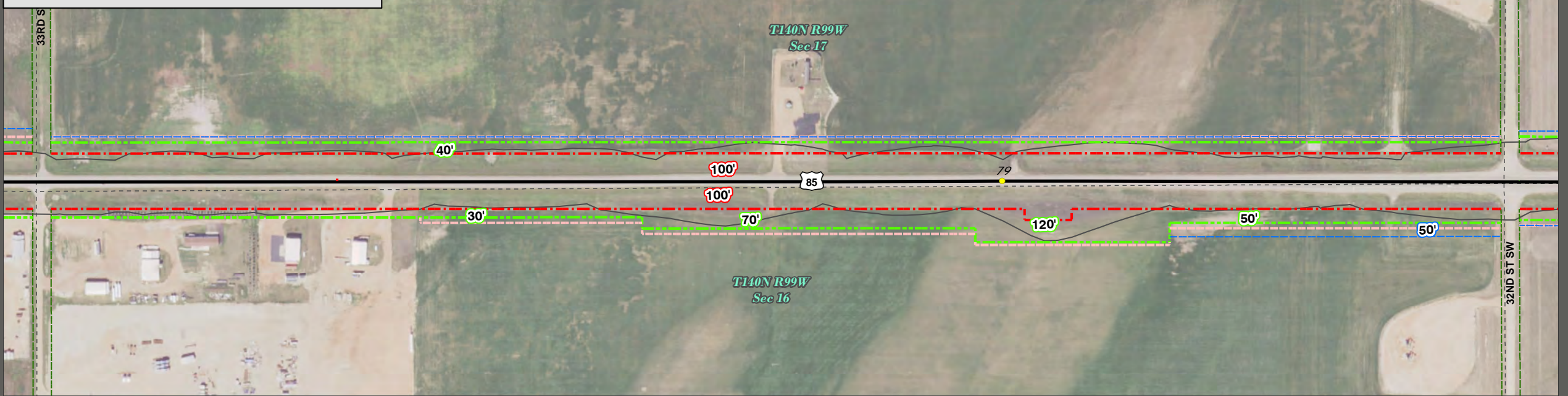
U.S. HIGHWAY 85

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Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



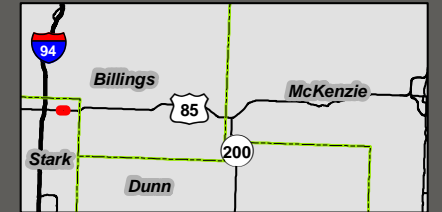
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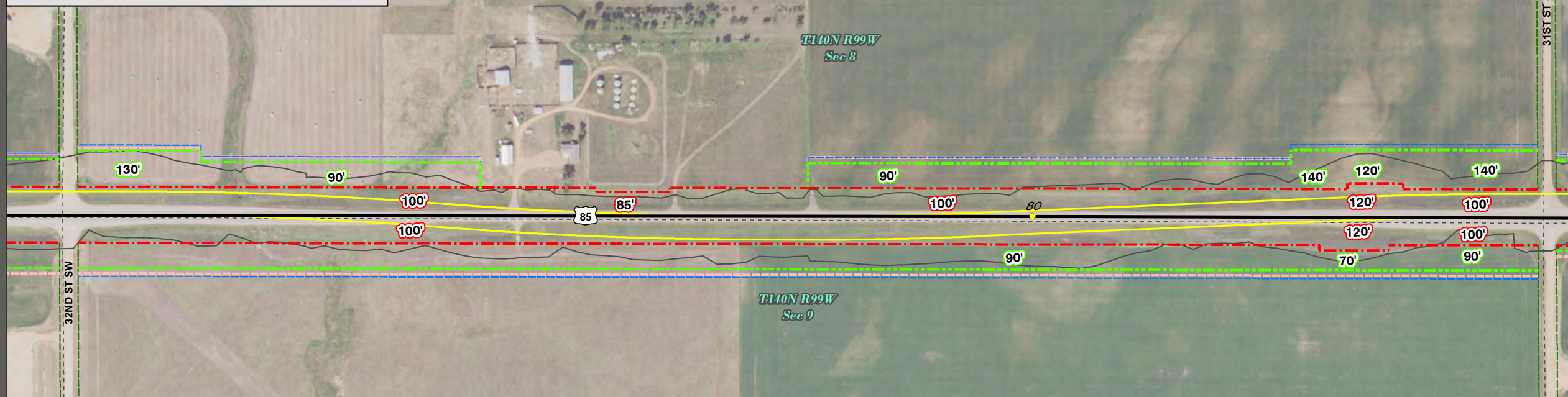
Proposed Right of Way & Easements

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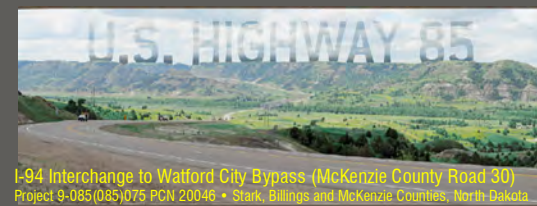
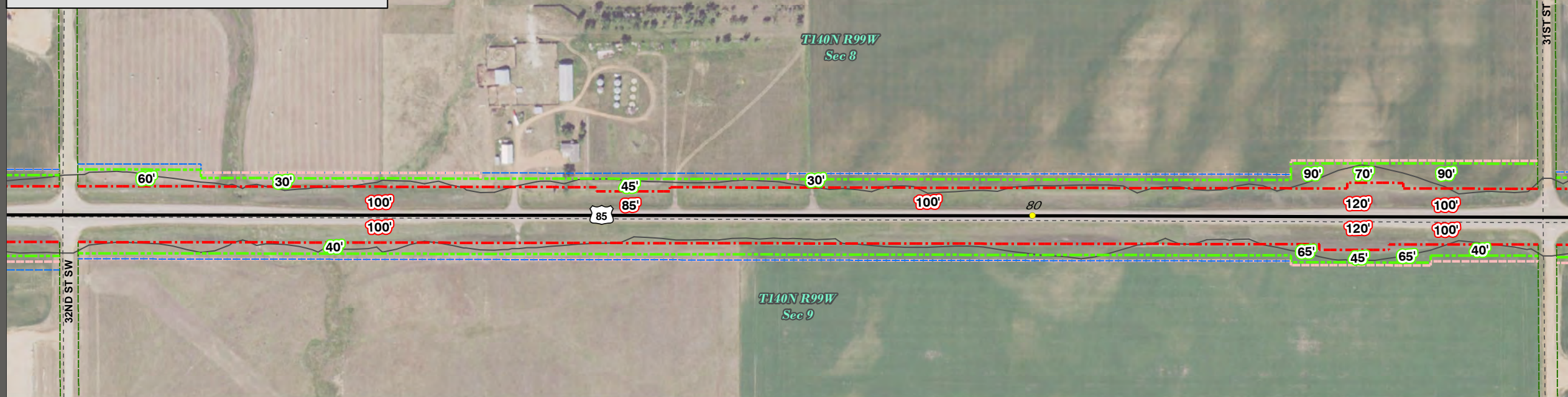
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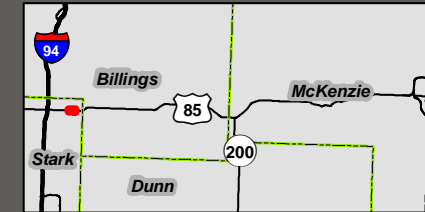
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Proposed Right of Way & Easements

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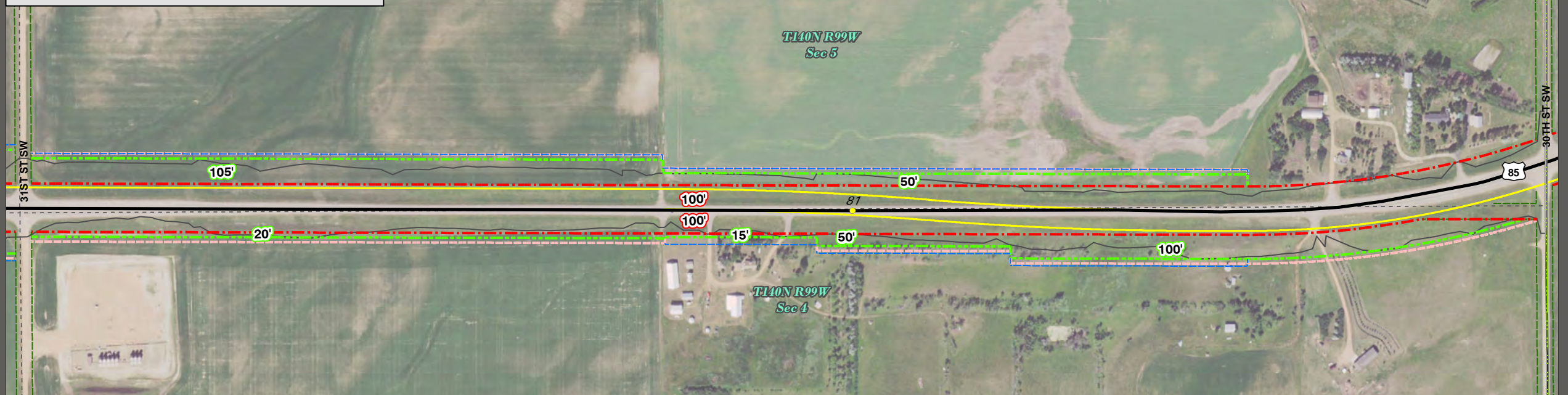
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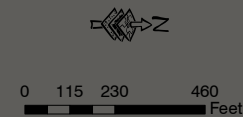
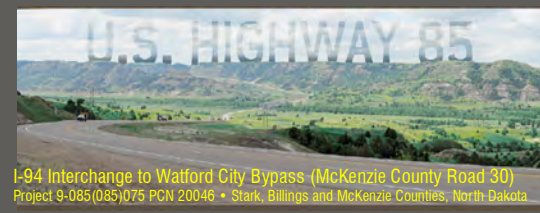
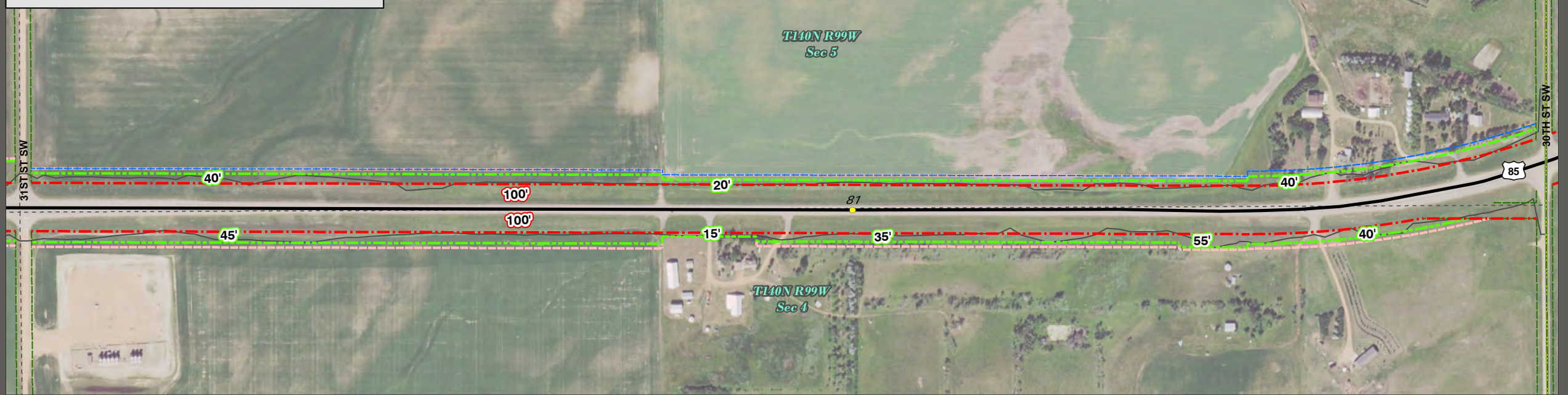
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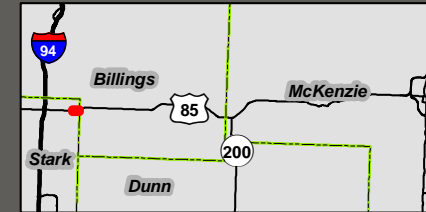
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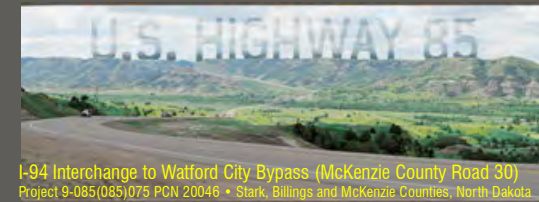
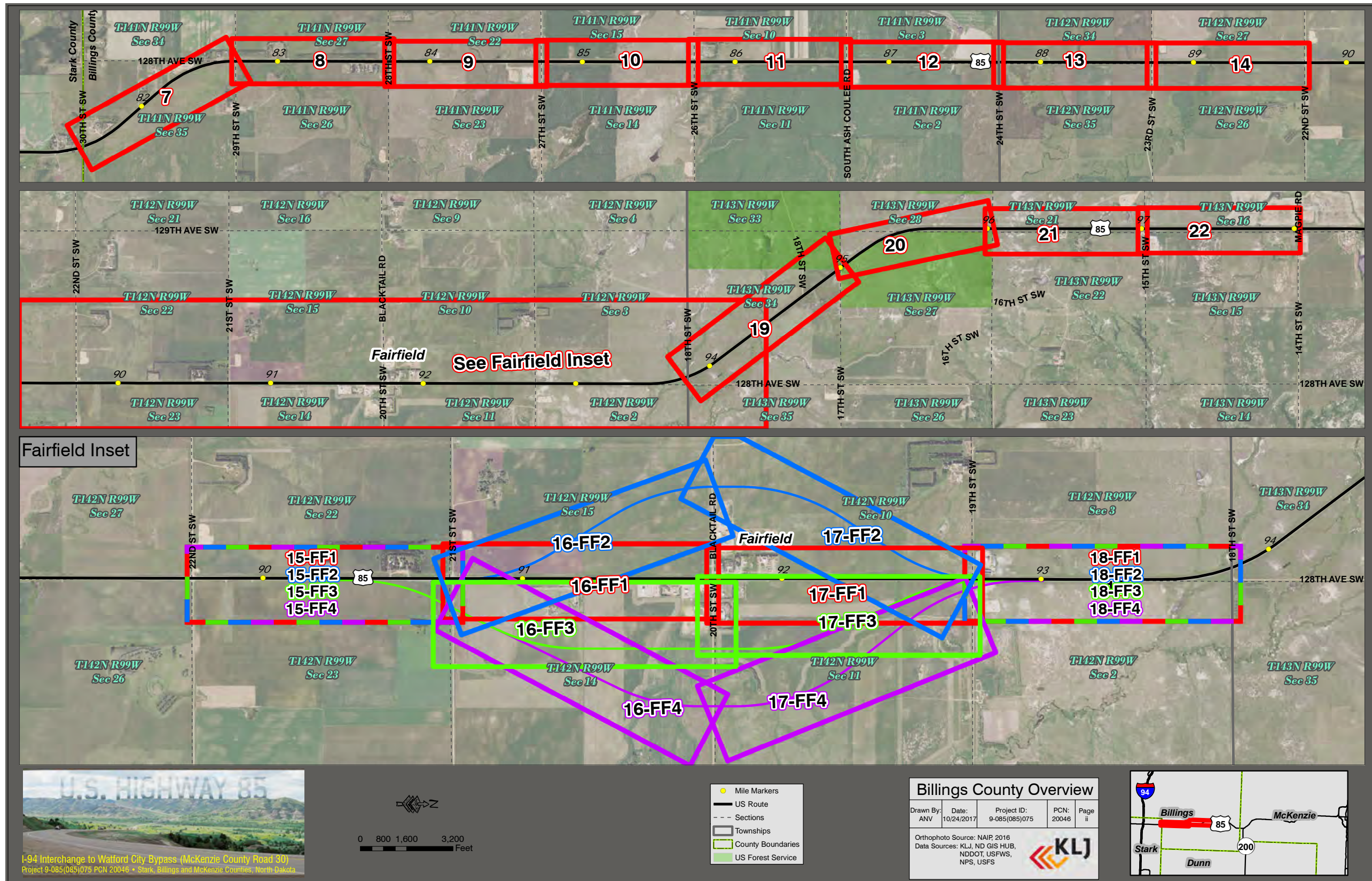
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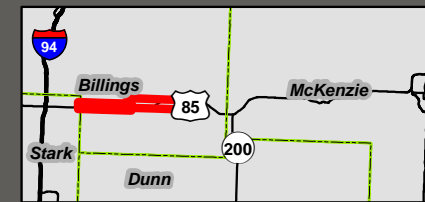
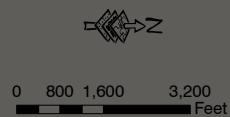
C.2. Billings County Maps

U.S. HIGHWAY 85

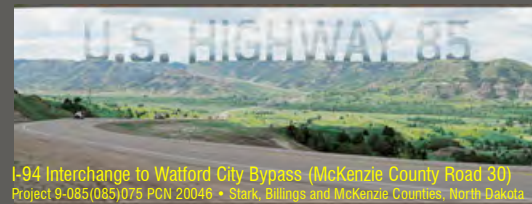
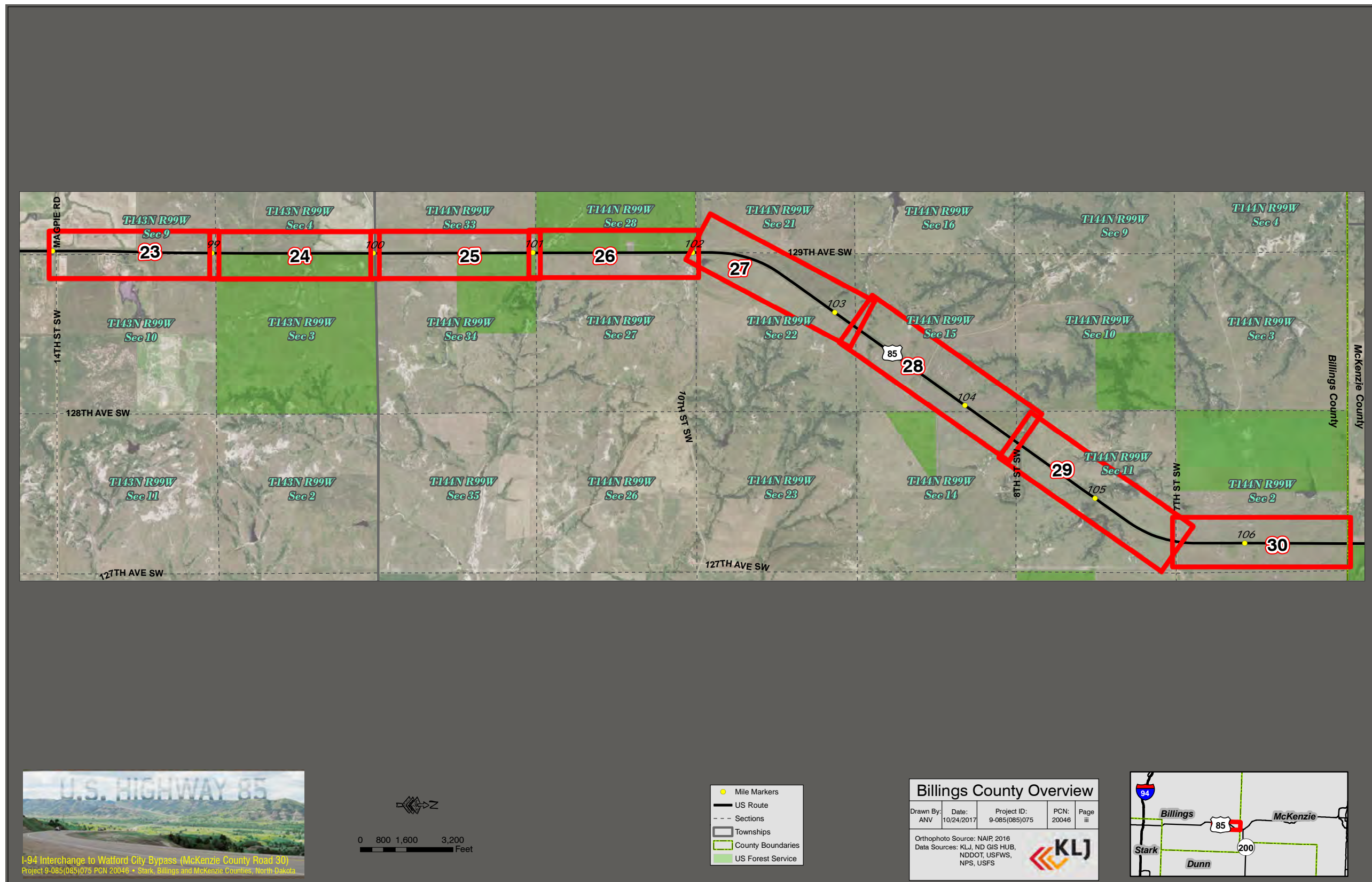
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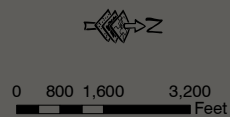
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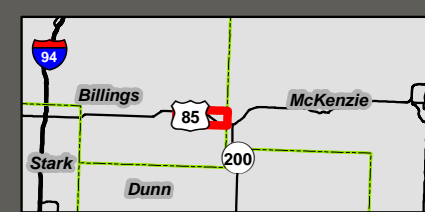


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- Mile Markers
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- County Boundaries
- US Forest Service

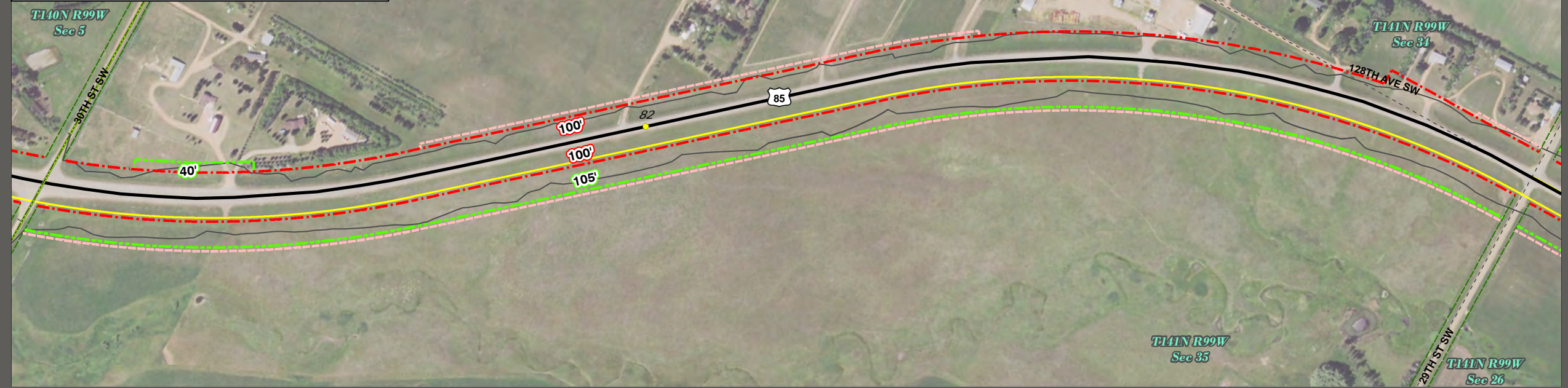
Billings County Overview				
Drawn By: ANV	Date: 10/24/2017	Project ID: 9-085(085)075	PCN: 20046	Page iii
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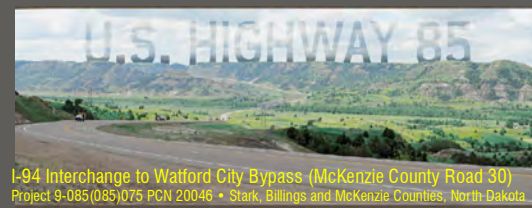
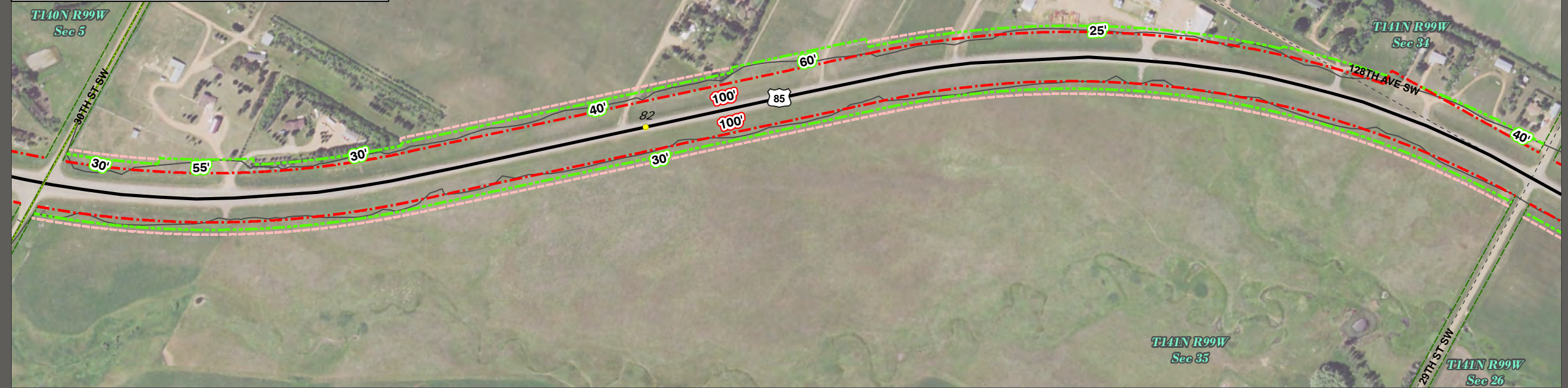
U.S. HIGHWAY 85

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

Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



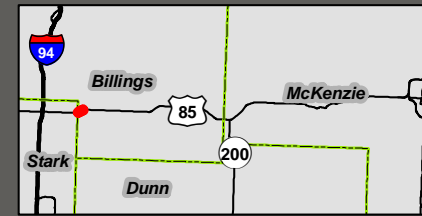
- Mile Markers
- US Route
- Prop Alignment
- - - Sections
- ▭ Townships
- ▭ County Boundaries
- - - Exst RW
- - - RW Not State Owned
- - - Proposed RW
- - - Temp Const Esmt*
- Grading Limits

*Utility Easements and Temporary Construction Easements are typically 10' or 20'

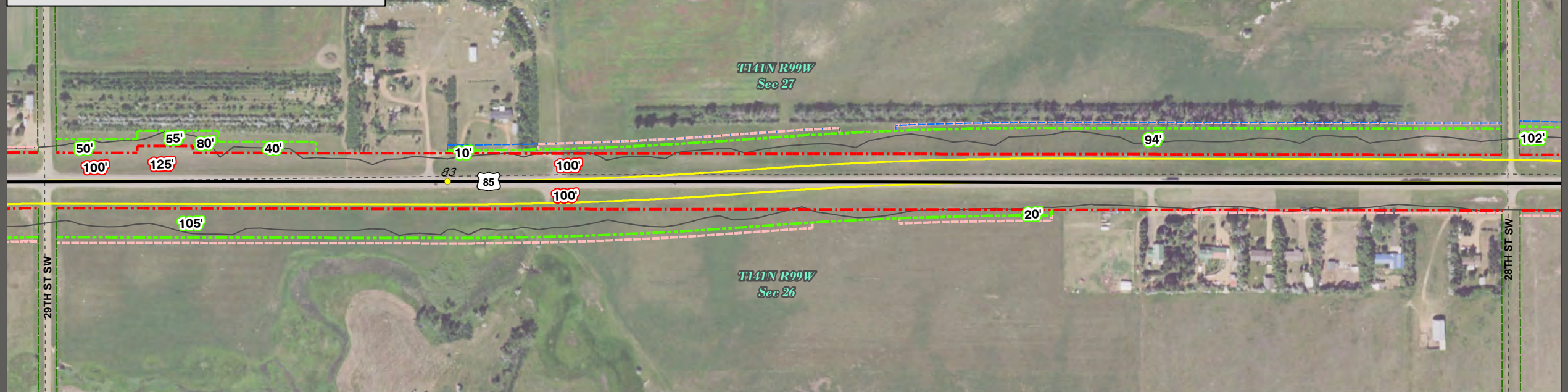
Proposed Right of Way & Easements

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ANV	9/18/2018	9-085(085)075	20046	7

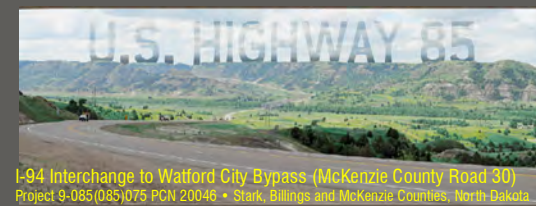
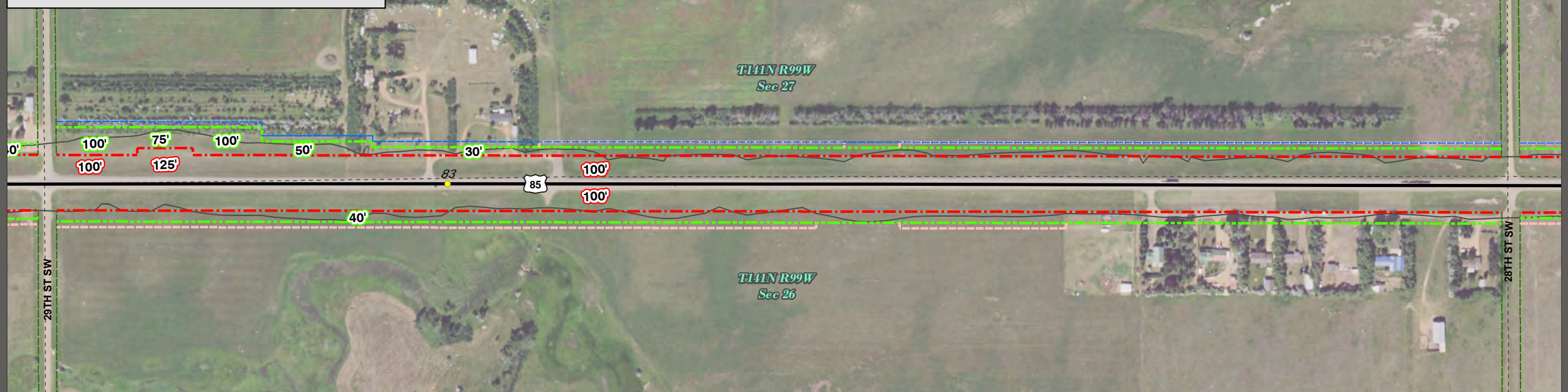
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



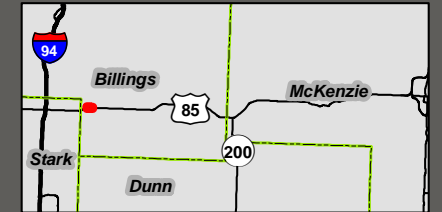
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- US Route
- Prop Alignment
- - - Sections
- ▭ Townships
- ▭ County Boundaries
- Exst RW
- RW Not State Owned
- Proposed RW
- Temp Const Esmt*
- Utility Esmt*
- Grading Limits

*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

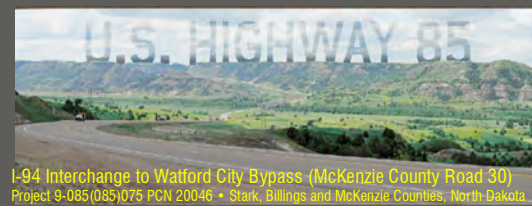
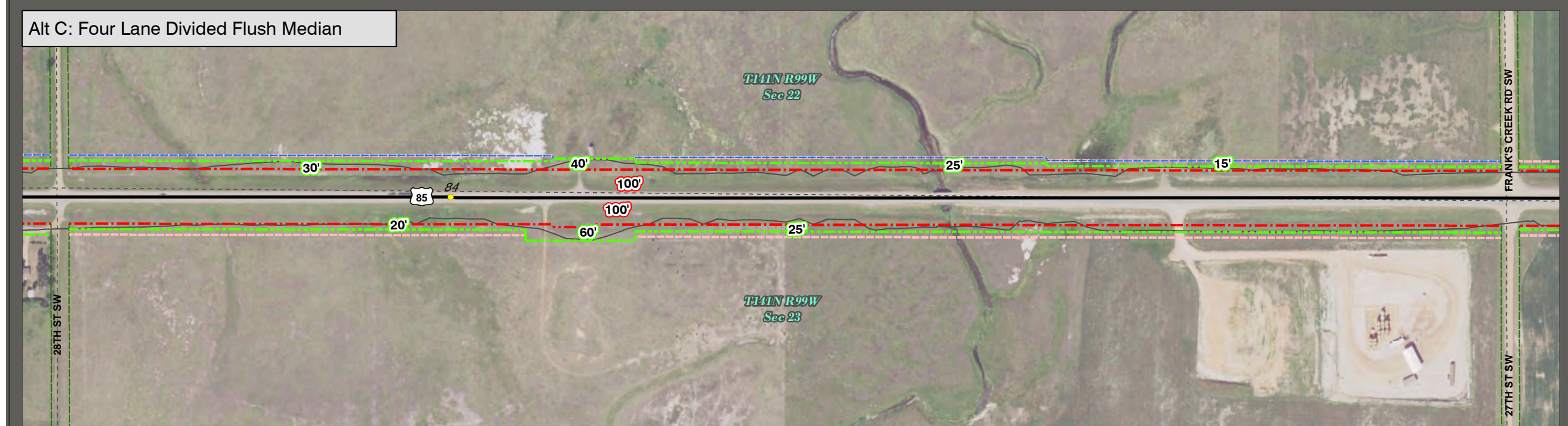
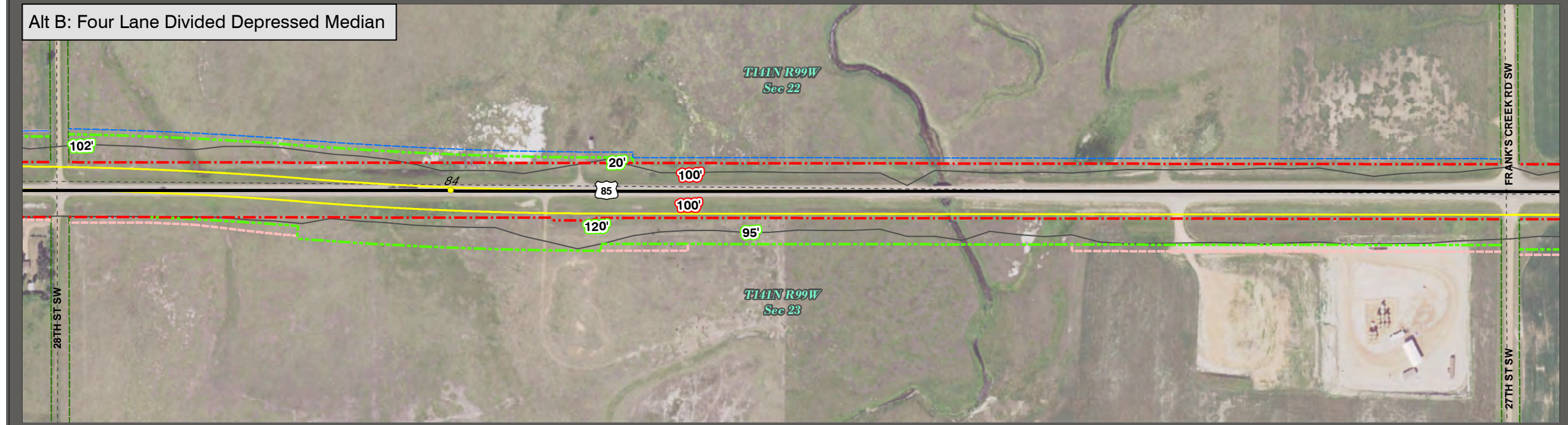
Drawn By:	Date:	Project ID:	PCN:	Page
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS

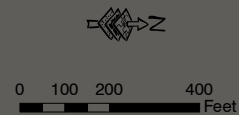


U.S. HIGHWAY 85

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



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



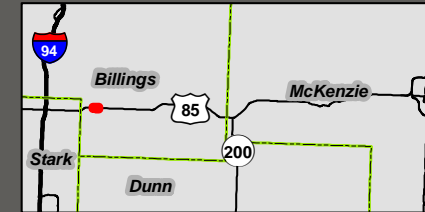
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- US Route
- Prop Alignment
- - - Sections
- ▭ Townships
- ▭ County Boundaries
- Exst RW
- RW Not State Owned
- Proposed RW
- Temp Const Esmt*
- Utility Esmt*
- Grading Limits

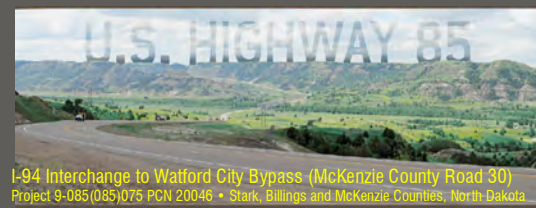
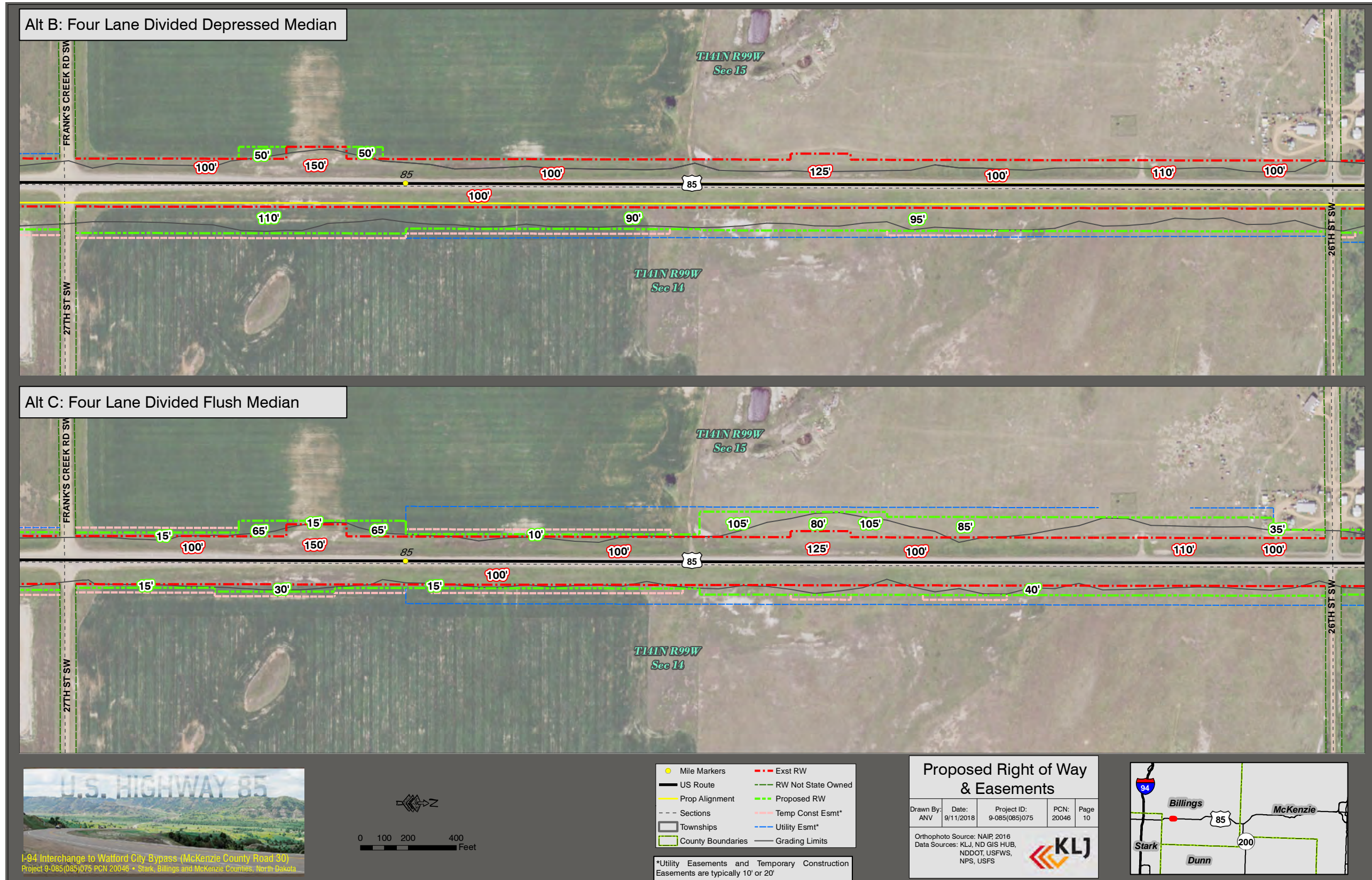
*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS

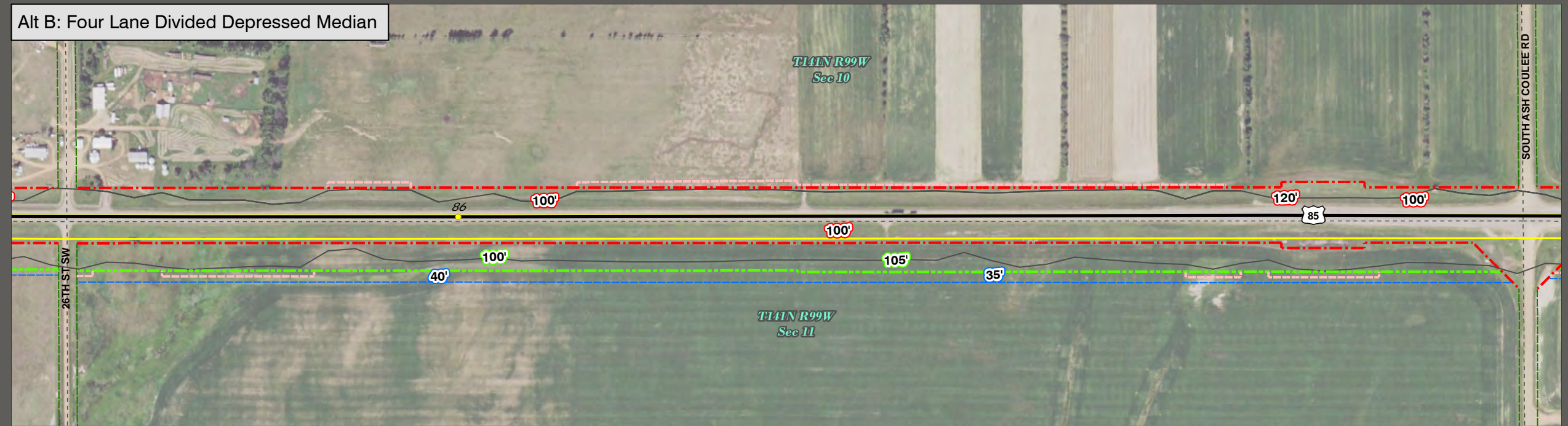




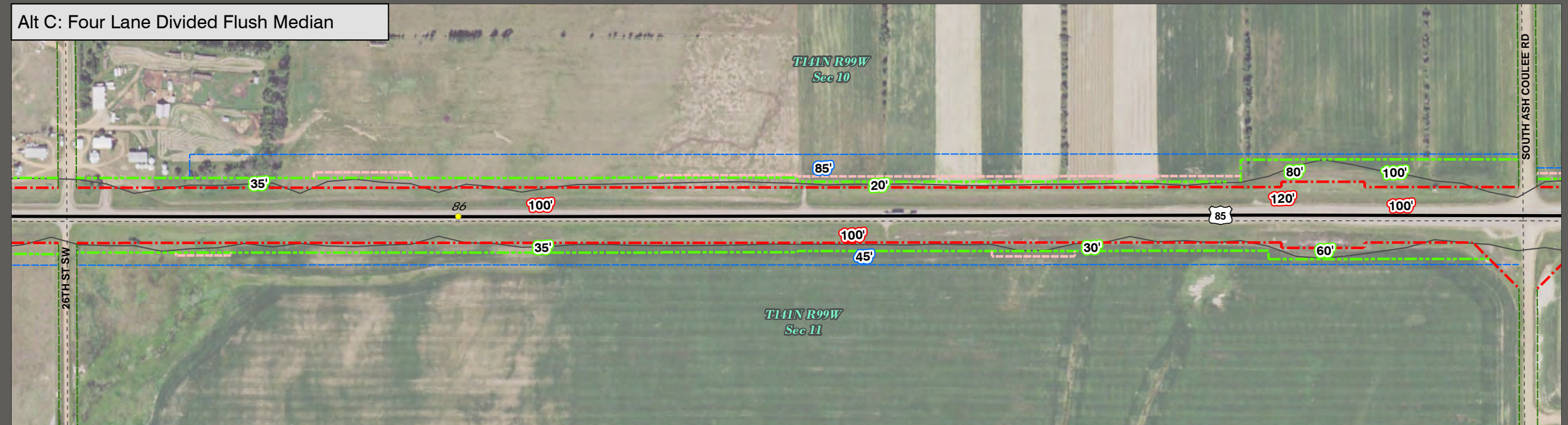
U.S. HIGHWAY 85

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

Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



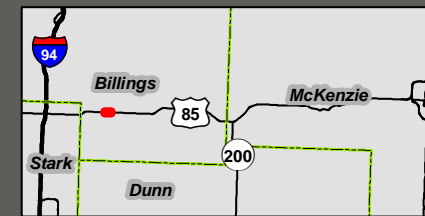
- Mile Markers
- US Route
- Prop Alignment
- - - Sections
- ▭ Townships
- ▭ County Boundaries
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- - - RW Not State Owned
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- - - Utility Esmt*
- - - Grading Limits

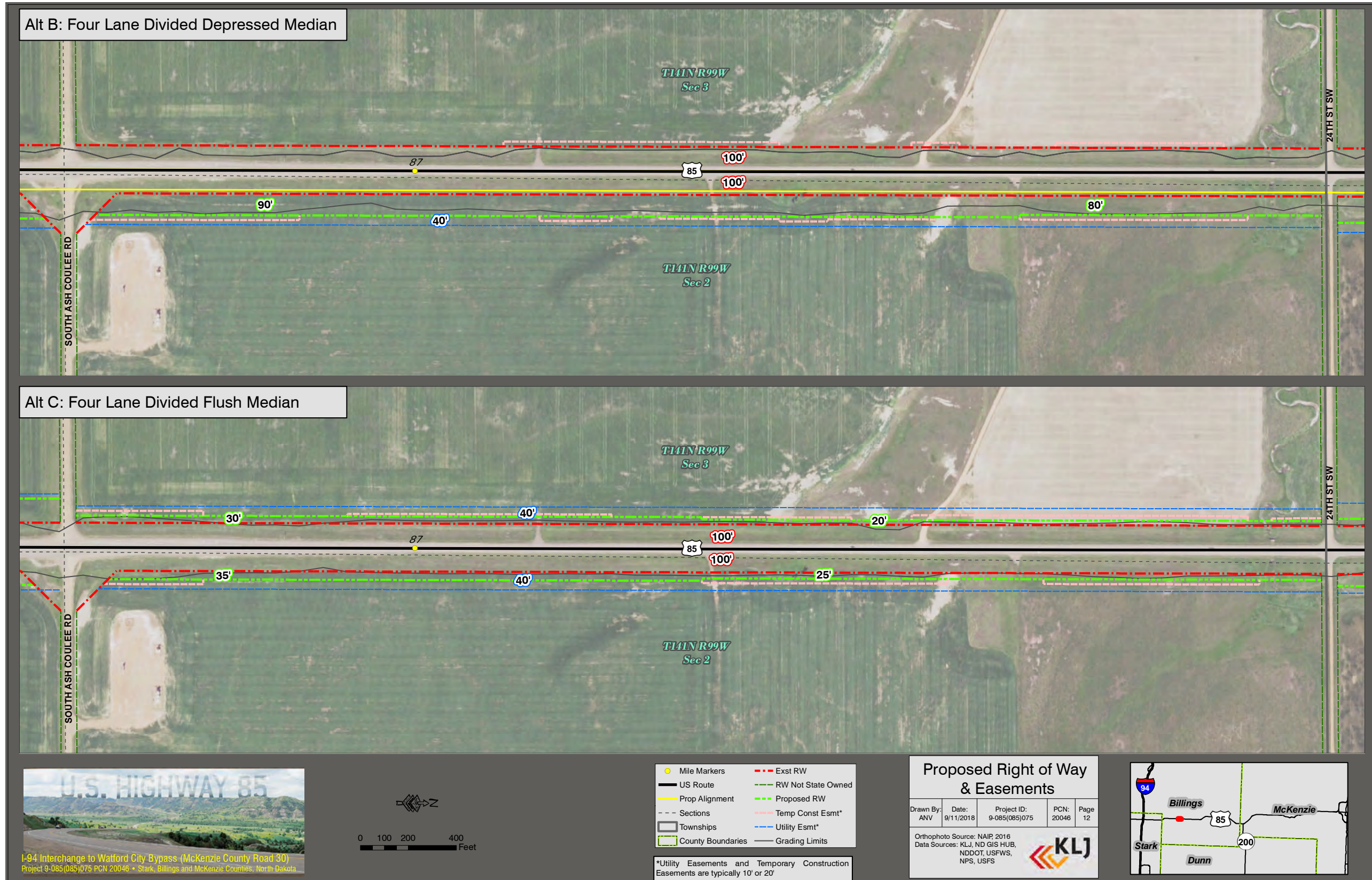
*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

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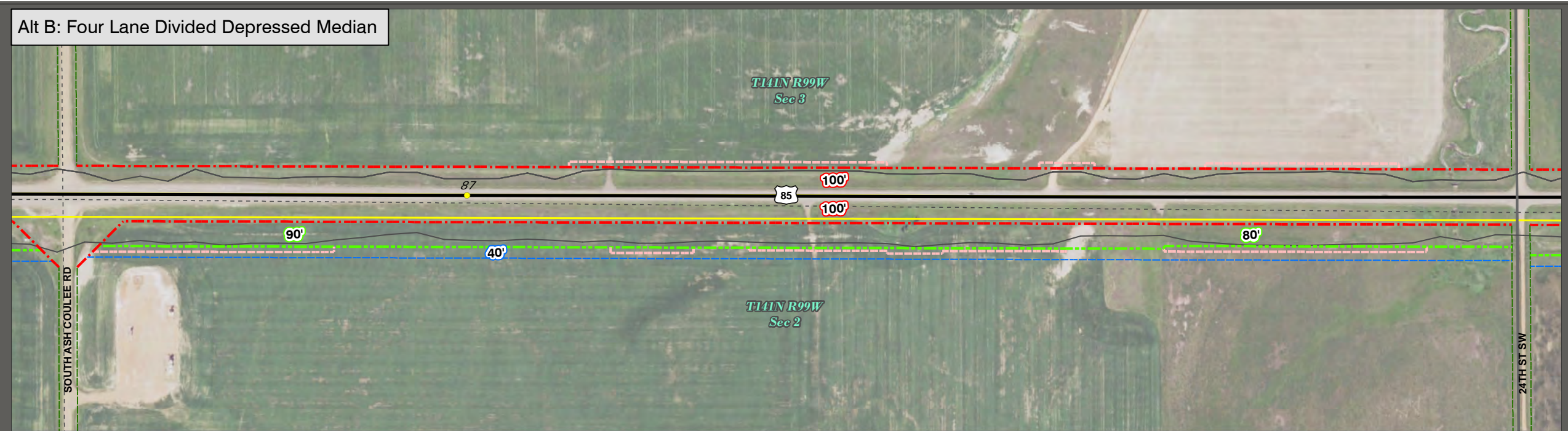




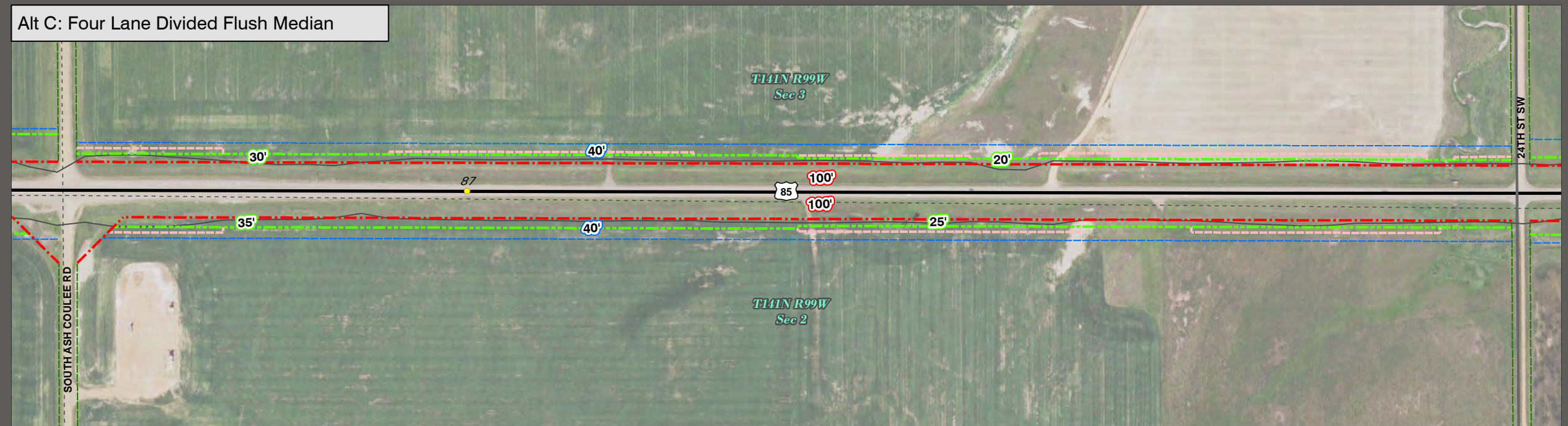
U.S. HIGHWAY 85

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

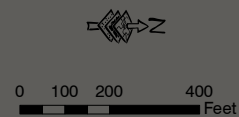
Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



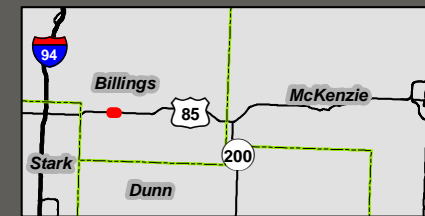
- Mile Markers
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- Prop Alignment
- - - Sections
- ▭ Townships
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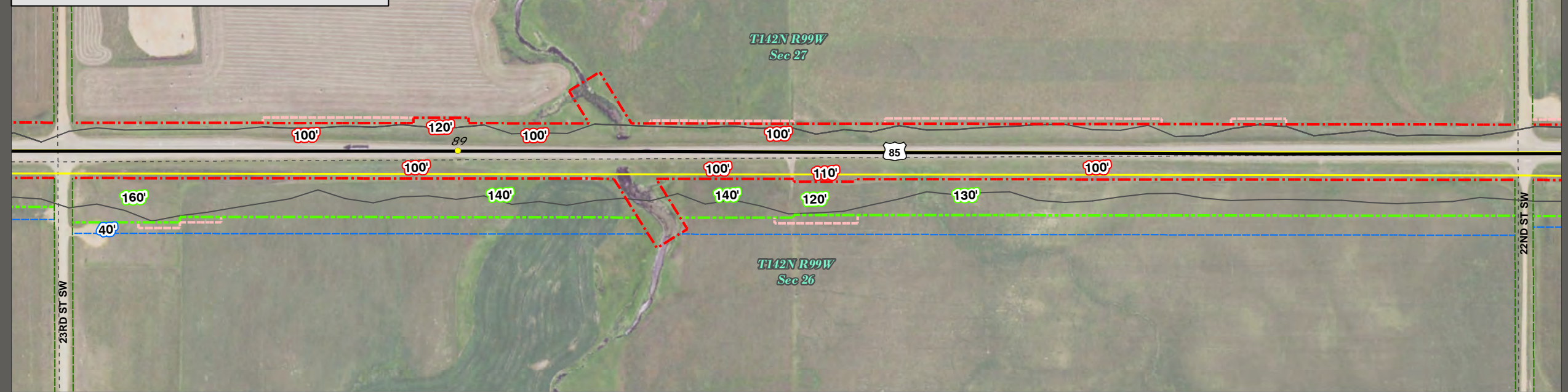
Proposed Right of Way & Easements

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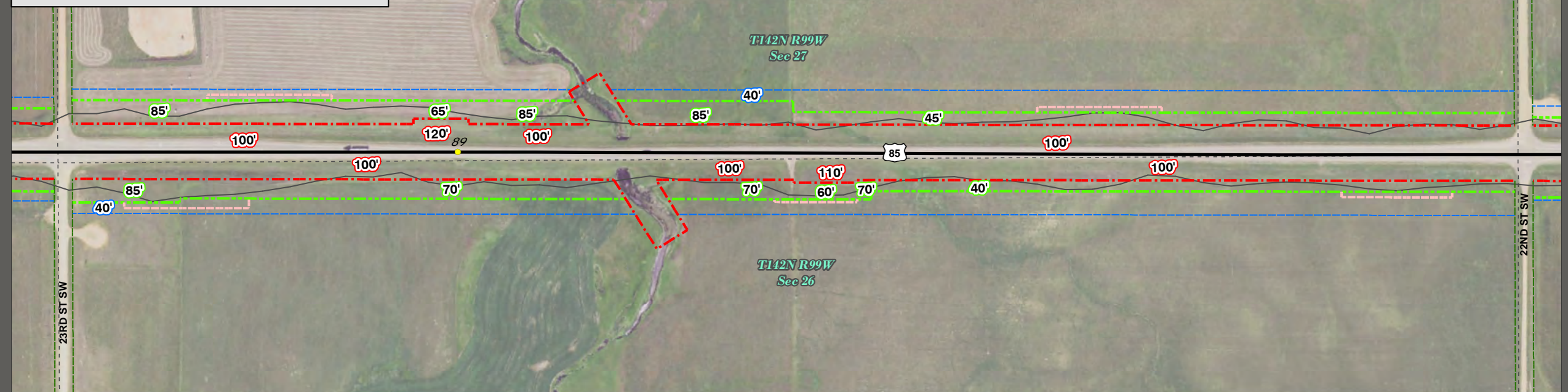
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Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



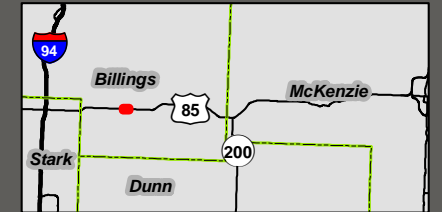
- Mile Markers
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Proposed Right of Way & Easements

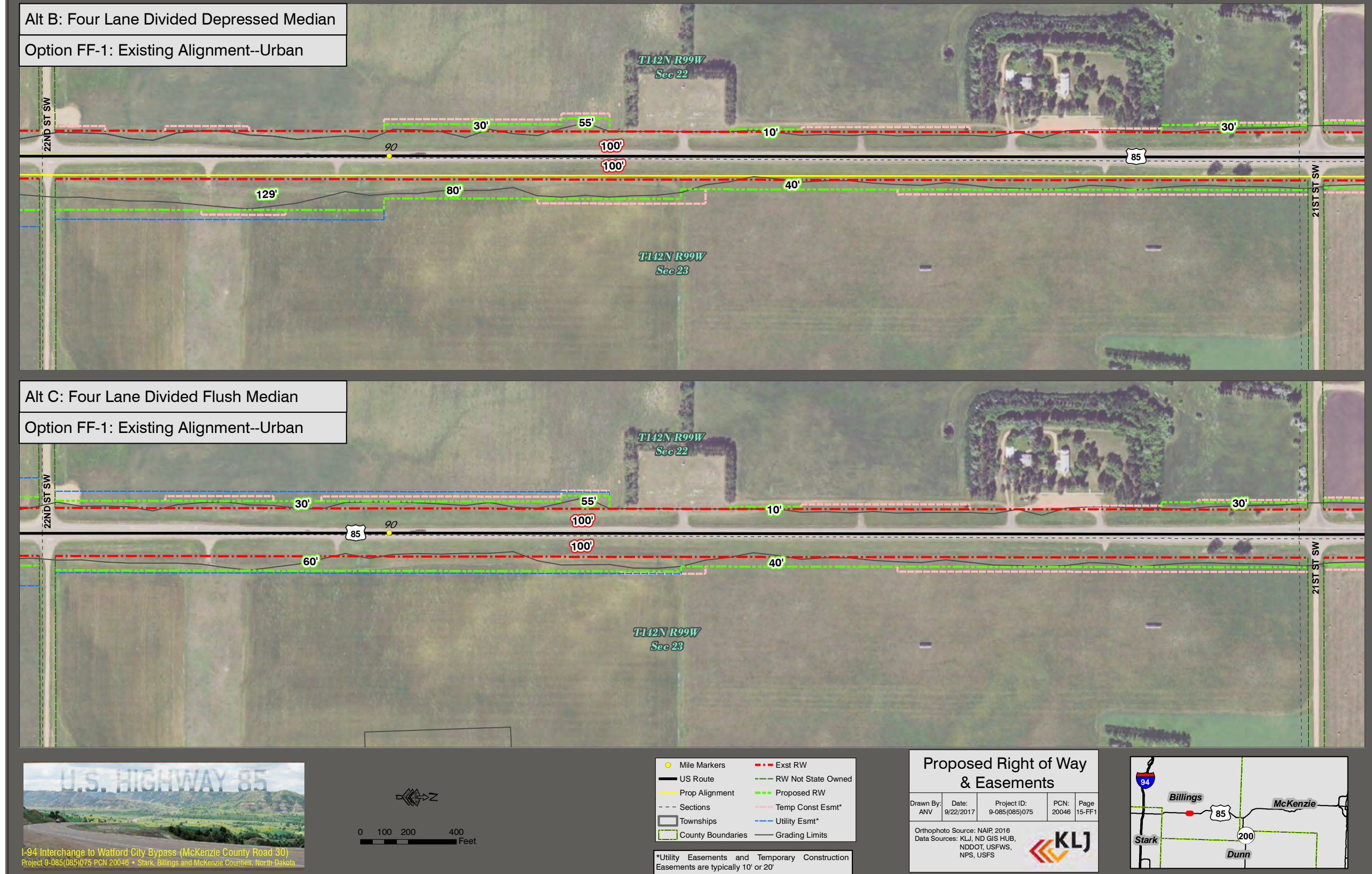
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Orthophoto Source: NAIP, 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



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



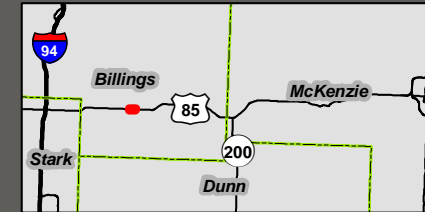
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- US Route
- Prop Alignment
- - - Sections
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- Proposed RW
- Temp Const Esmt*
- Utility Esmt*
- Grading Limits

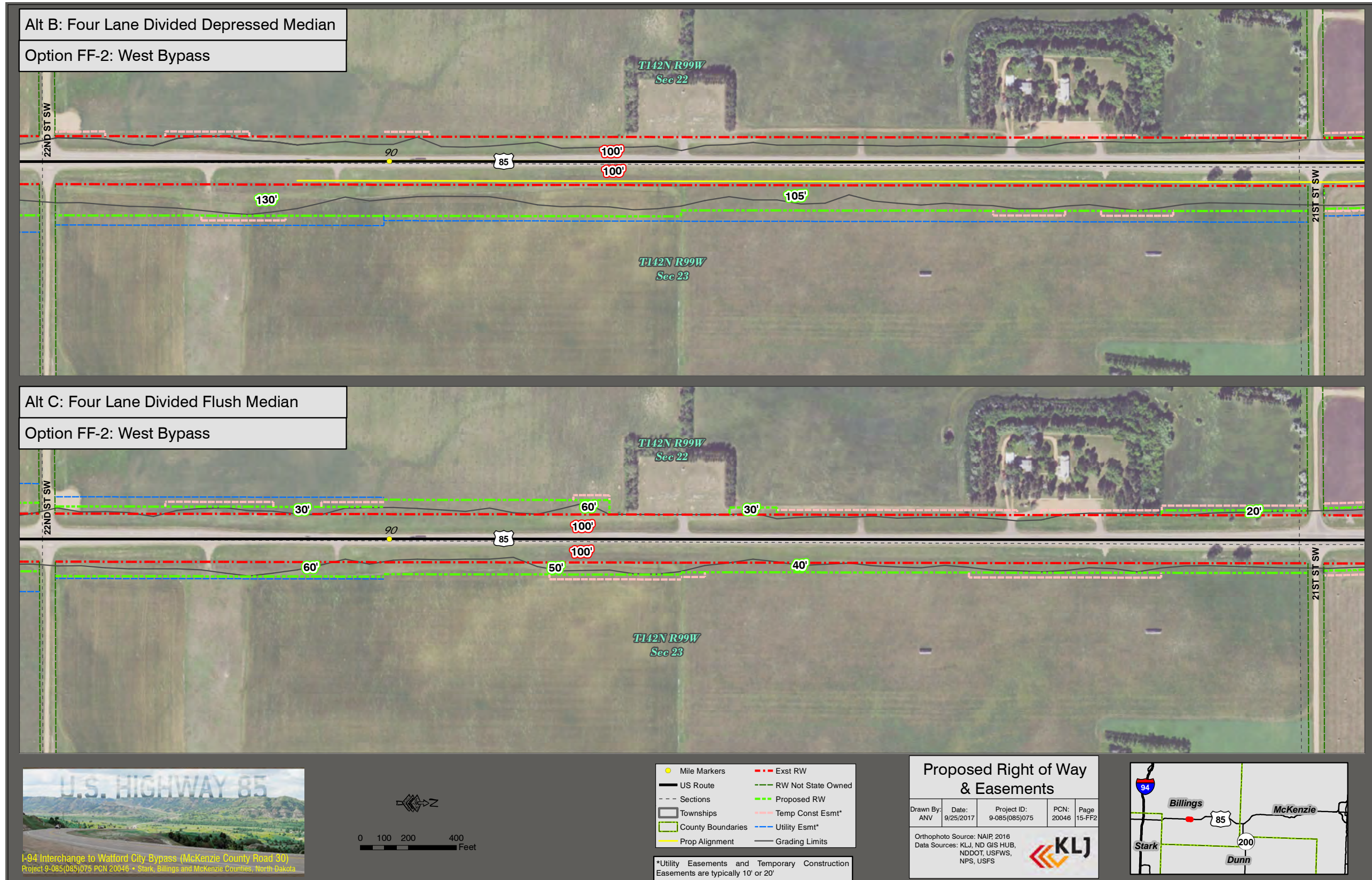
*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

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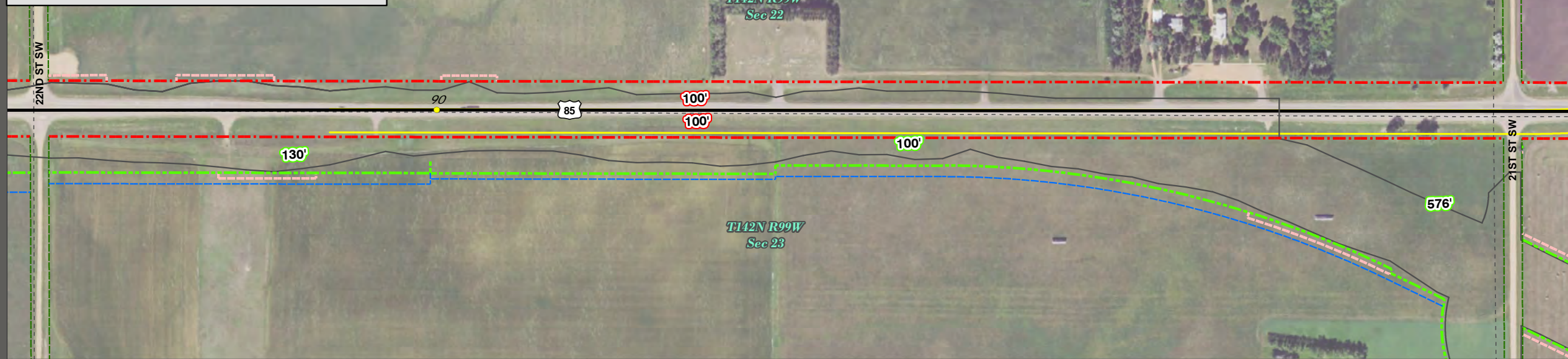


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I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 ❖ Stark, Billings and McKenzie Counties, North Dakota

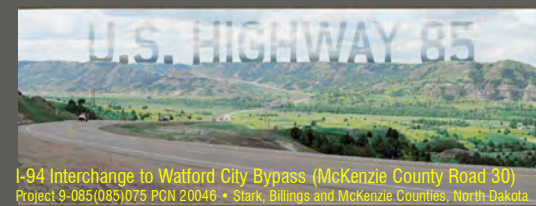
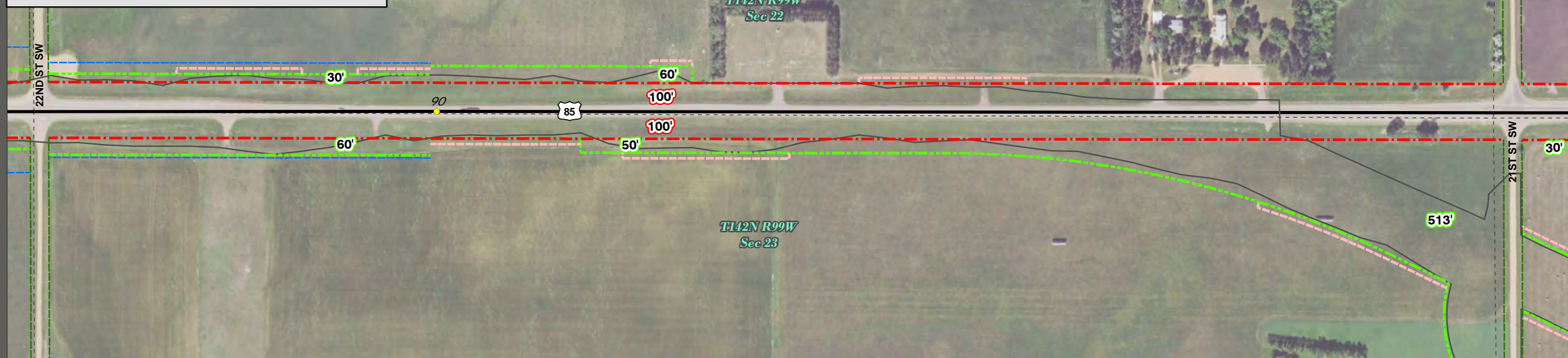
Alt B: Four Lane Divided Depressed Median

Option FF-3: East Bypass 1



Alt C: Four Lane Divided Flush Median

Option FF-3: East Bypass 1



I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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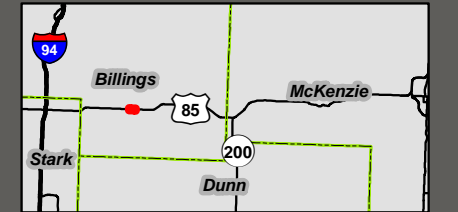
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- - - Sections
- Townships
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- - - Utility Esmt*
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Proposed Right of Way & Easements

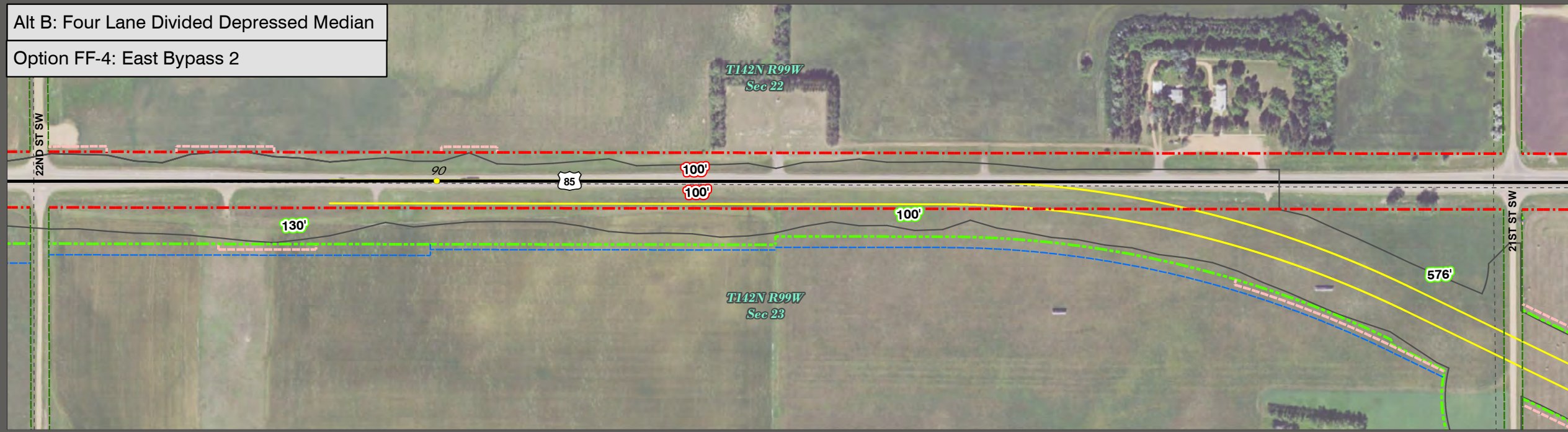
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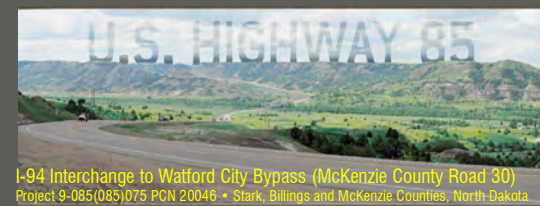
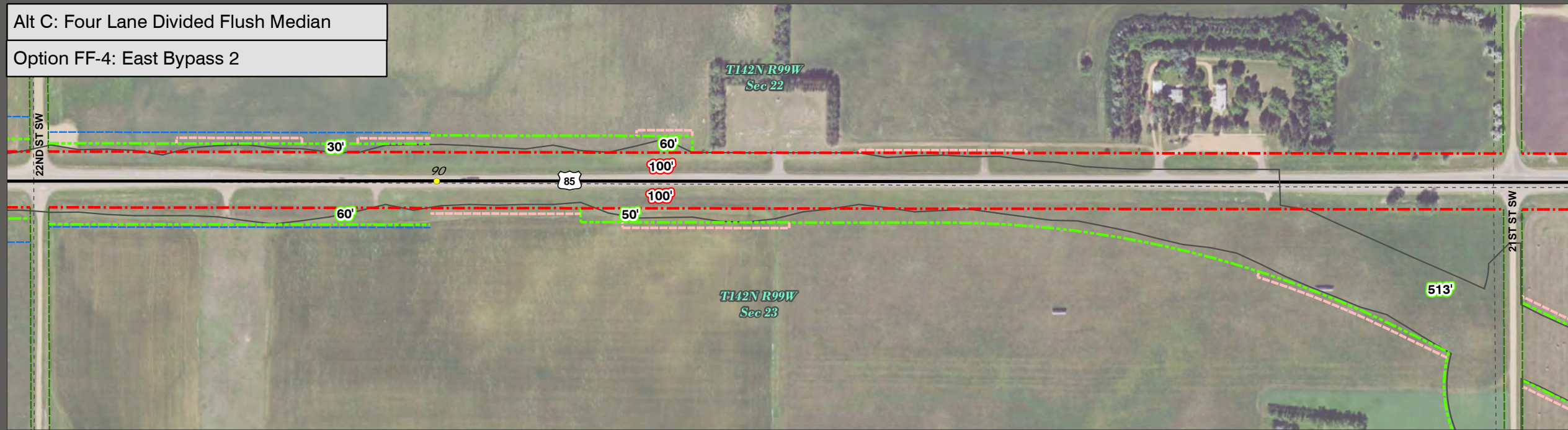
Alt B: Four Lane Divided Depressed Median

Option FF-4: East Bypass 2



Alt C: Four Lane Divided Flush Median

Option FF-4: East Bypass 2



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



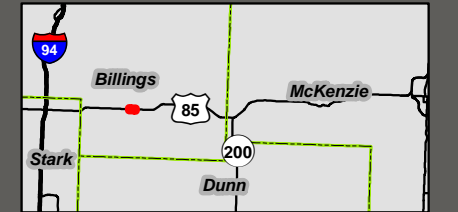
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- ▭ County Boundaries
- Prop Alignment
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- - - Temp Const Esmt*
- - - Utility Esmt*
- Grading Limits

*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

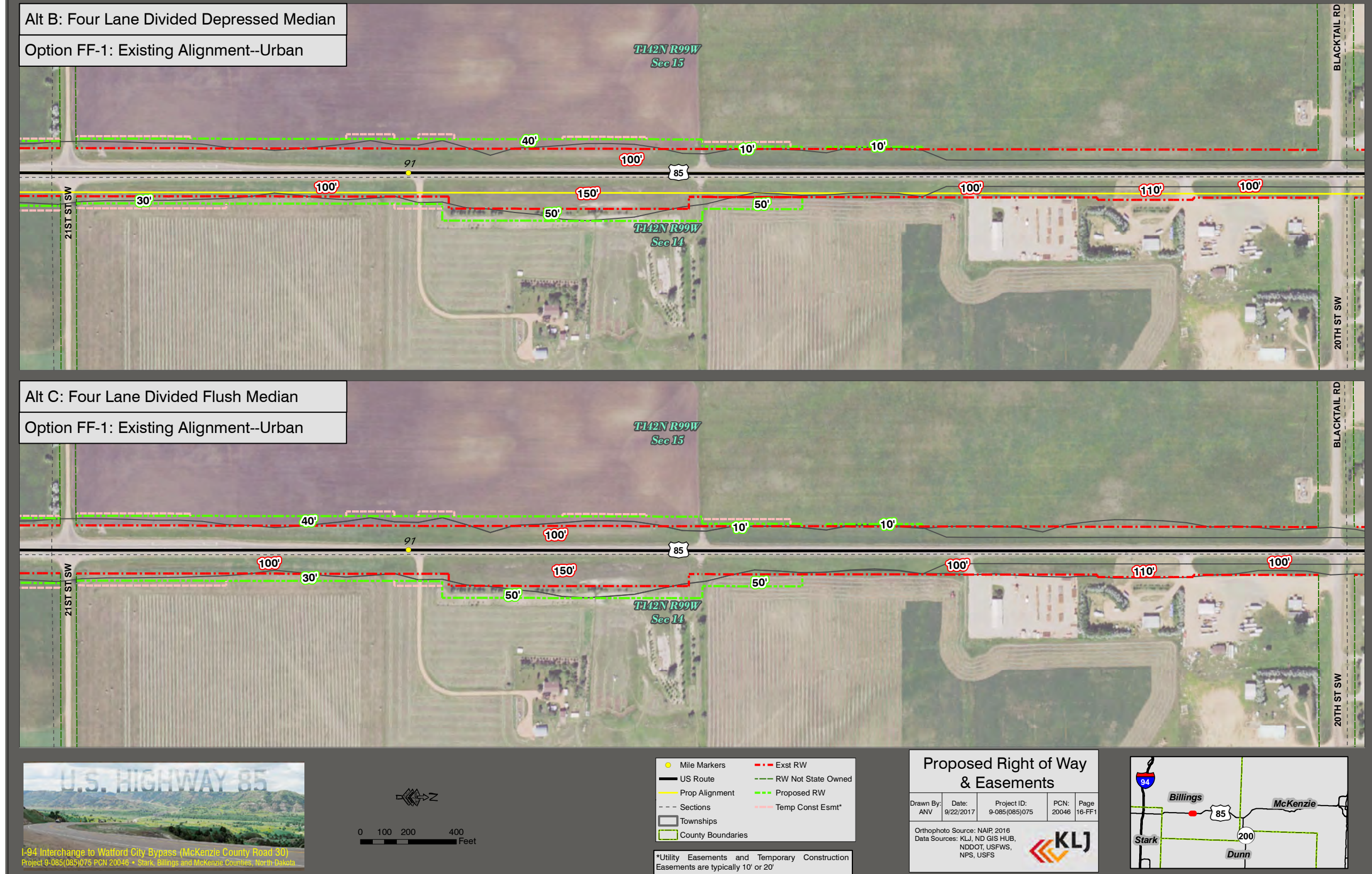
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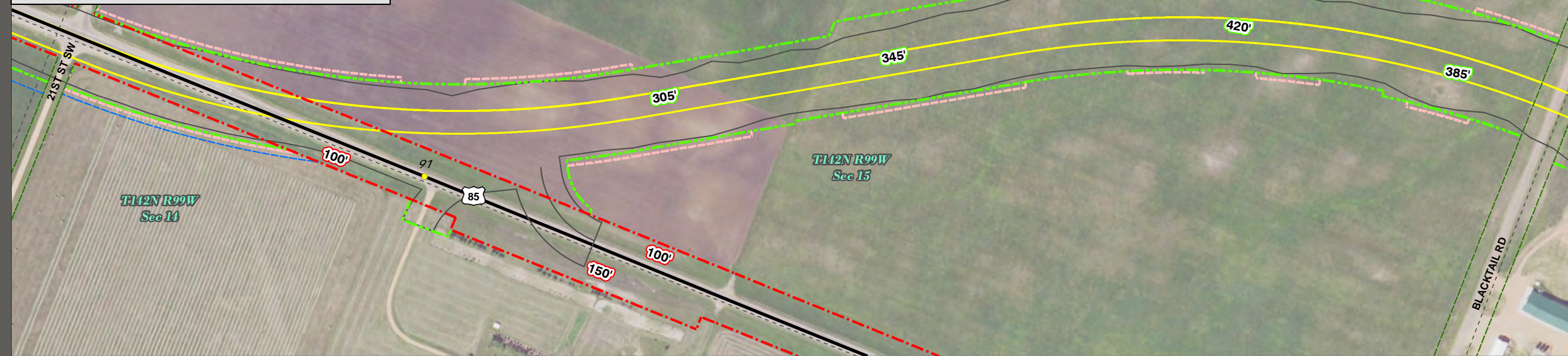
U.S. HIGHWAY 85

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



Alt B: Four Lane Divided Depressed Median

Option FF-2: West Bypass



Alt C: Four Lane Divided Flush Median

Option FF-2: West Bypass



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



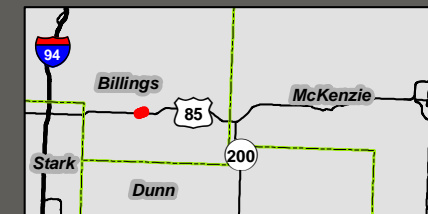
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- Prop Alignment
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- - - RW Not State Owned
- - - Proposed RW
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Proposed Right of Way & Easements

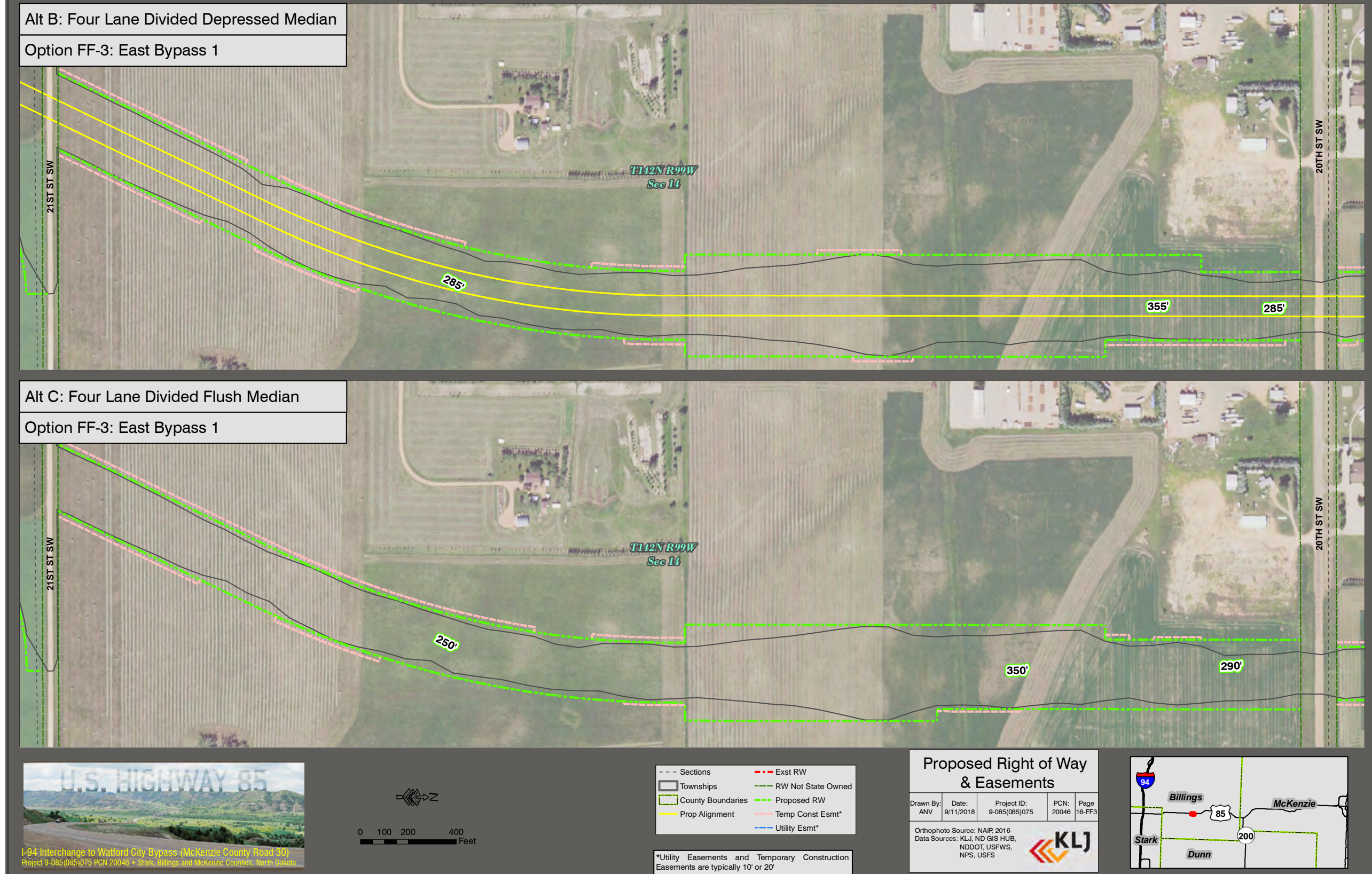
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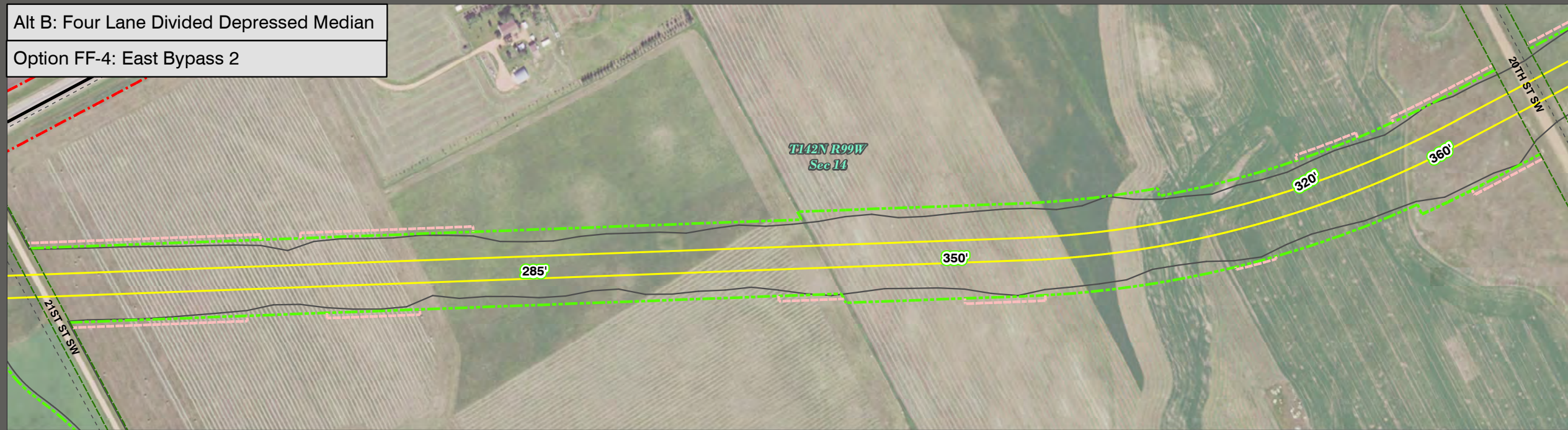
U.S. HIGHWAY 85

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



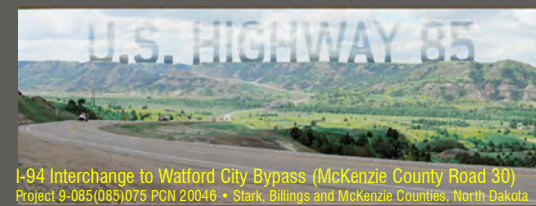
Alt B: Four Lane Divided Depressed Median

Option FF-4: East Bypass 2



Alt C: Four Lane Divided Flush Median

Option FF-4: East Bypass 2



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



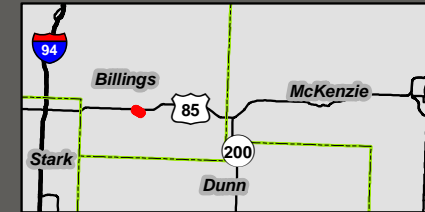
- US Route
- - - Sections
- ▭ Townships
- ▭ County Boundaries
- Prop Alignment
- - - Exst RW
- - - RW Not State Owned
- Proposed RW
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Proposed Right of Way & Easements

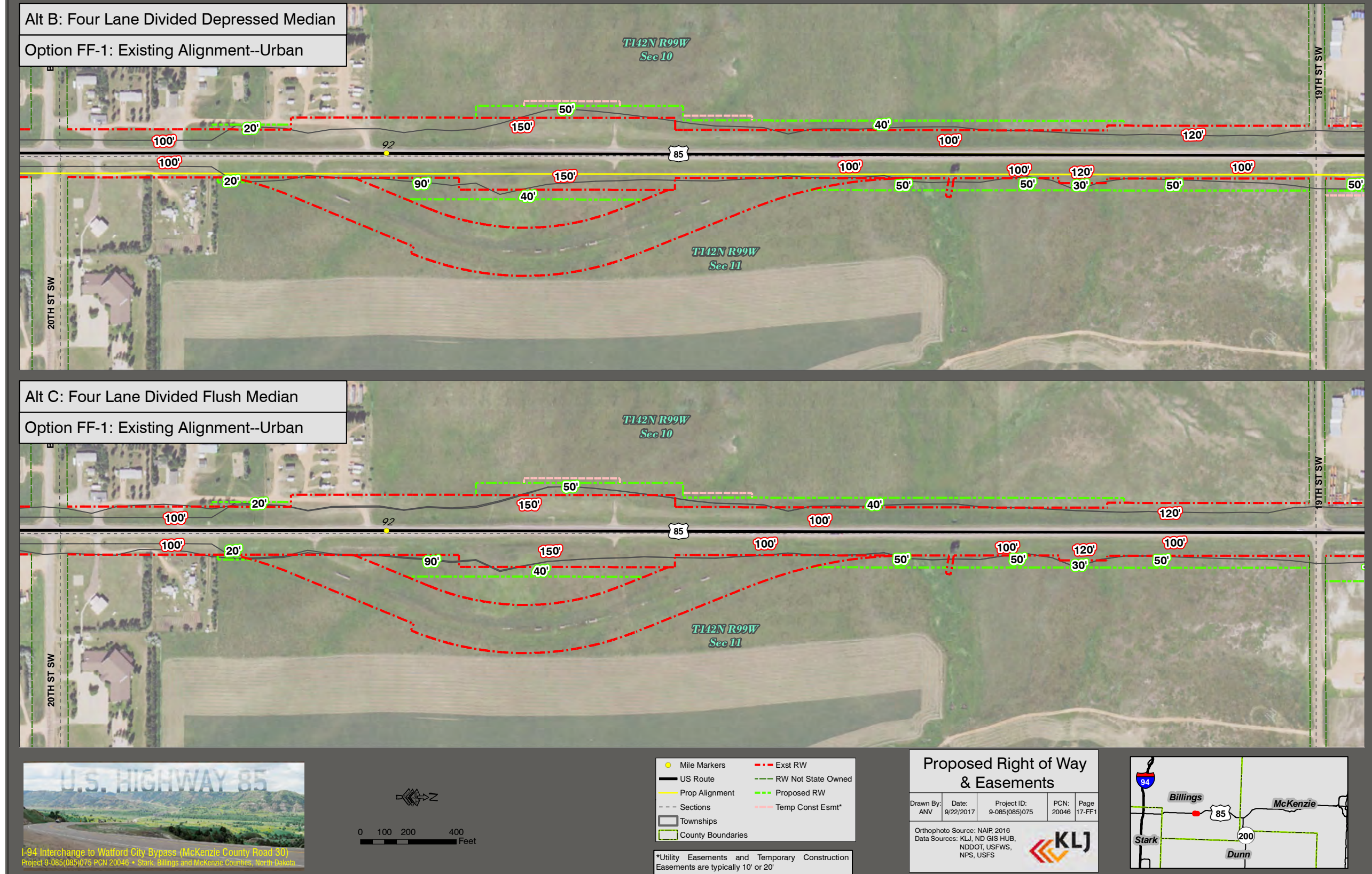
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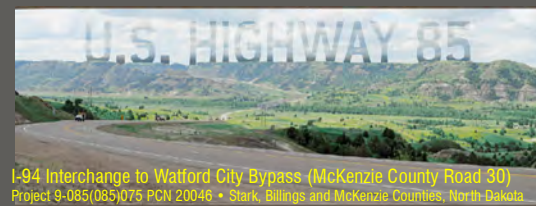
U.S. HIGHWAY 85

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



Alt B: Four Lane Divided Depressed Median
 Option FF-1: Existing Alignment--Urban

Alt C: Four Lane Divided Flush Median
 Option FF-1: Existing Alignment--Urban



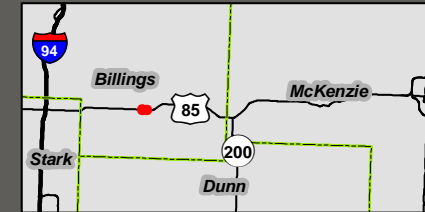
I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 • Stark, Billings and McKenzie Counties, North Dakota



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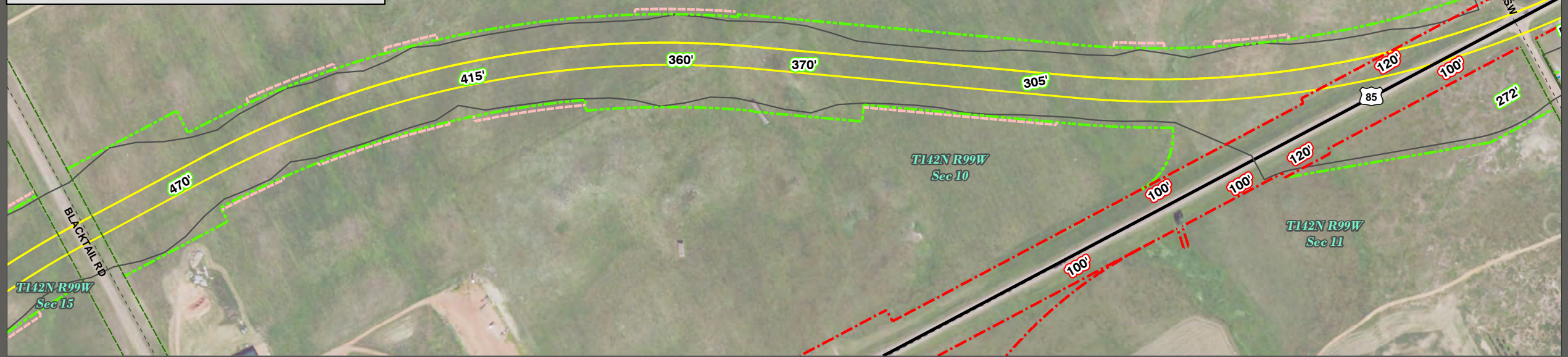
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Proposed Right of Way & Easements				
Drawn By: ANV	Date: 9/22/2017	Project ID: 9-085(085)075	PCN: 20046	Page 17-FF1
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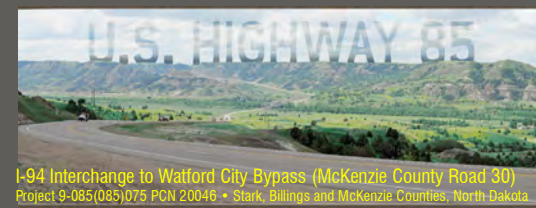
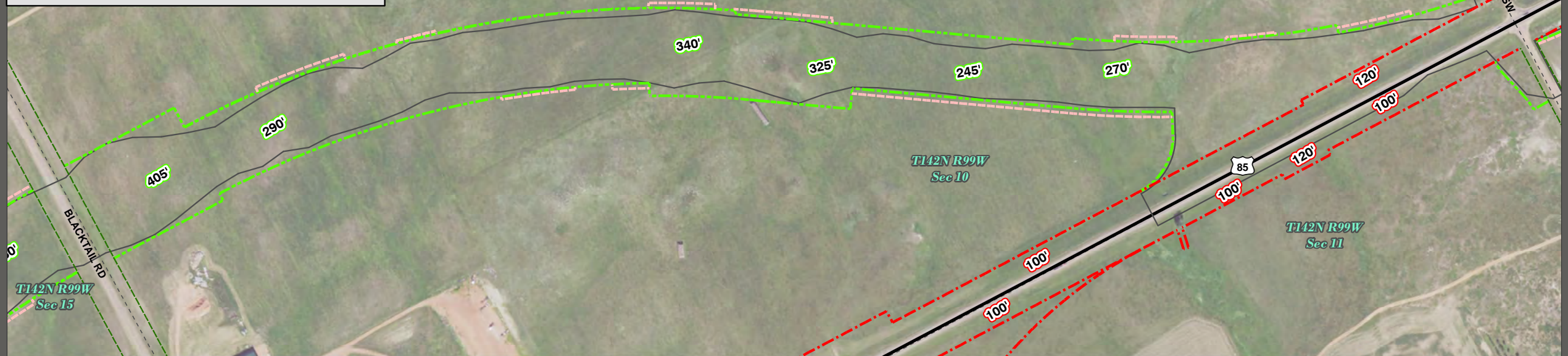
Alt B: Four Lane Divided Depressed Median

Option FF-2: West Bypass



Alt C: Four Lane Divided Flush Median

Option FF-2: West Bypass



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



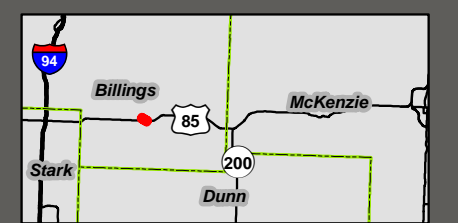
— US Route	- - - Exst RW
- - - Sections	- - - RW Not State Owned
▭ Townships	- - - Proposed RW
▭ County Boundaries	- - - Temp Const Esmt*
— Prop Alignment	- - - Utility Esmt*

*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

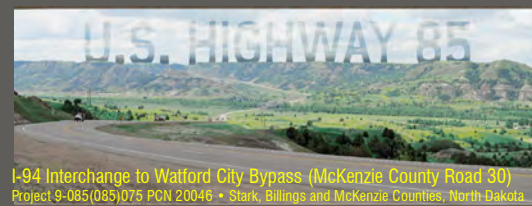
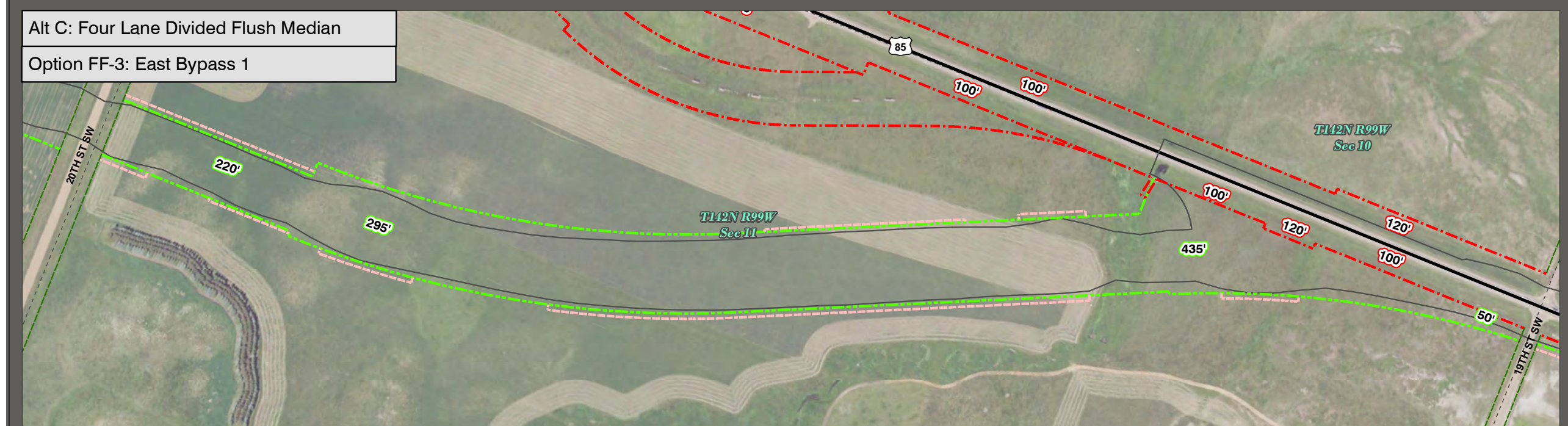
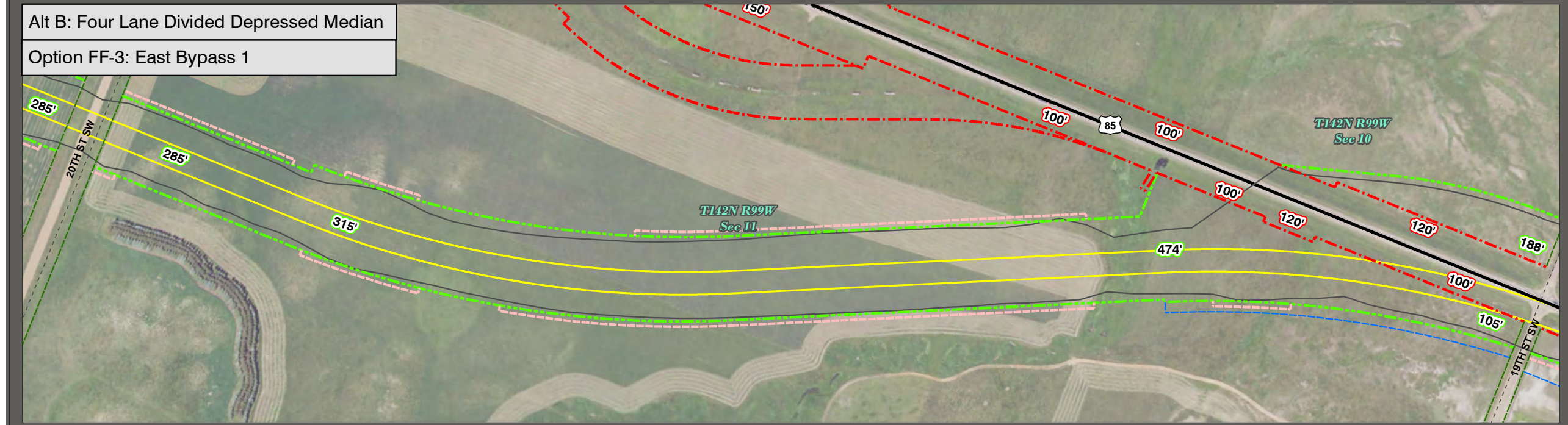
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ANV	9/25/2017	9-085(085)075	20046	17-FF2

Orthophoto Source: NAIP, 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



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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



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



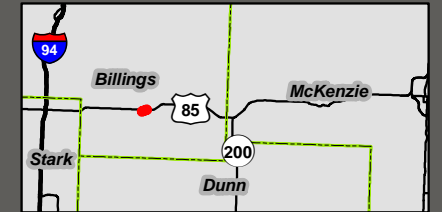
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- - - Sections
- ▭ Townships
- ▭ County Boundaries
- Prop Alignment
- - - Exst RW
- - - RW Not State Owned
- Proposed RW
- - - Temp Const Esmt*
- - - Utility Esmt*

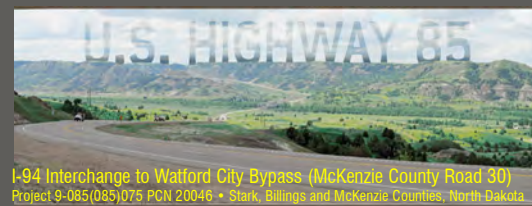
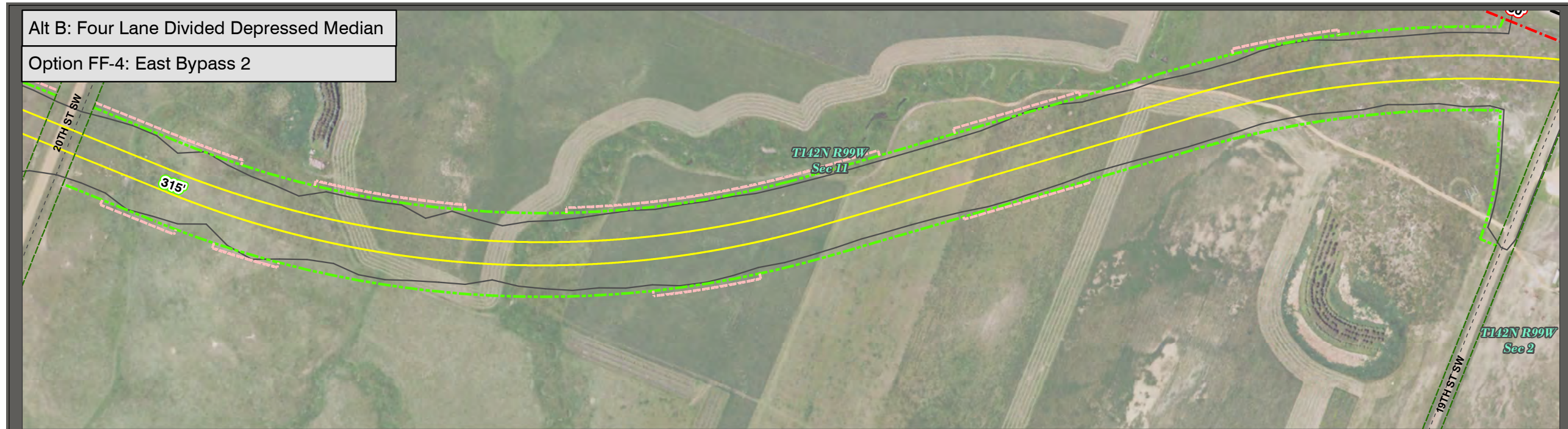
*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

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ANV	9/25/2017	9-085(085)075	20046	17-FF3

Orthophoto Source: NAIP, 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS





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



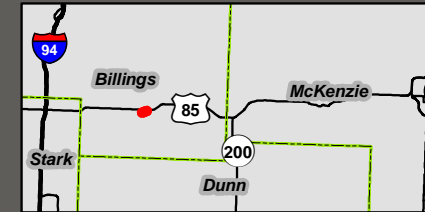
- US Route
- - - Sections
- ▭ Townships
- ▭ County Boundaries
- Prop Alignment
- - - Exst RW
- - - RW Not State Owned
- Proposed RW
- - - Temp Const Esmt*
- Utility Esmt*

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Proposed Right of Way & Easements

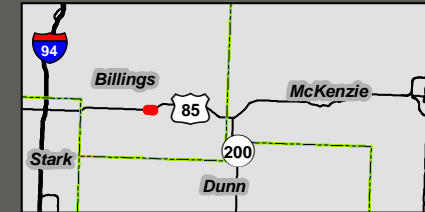
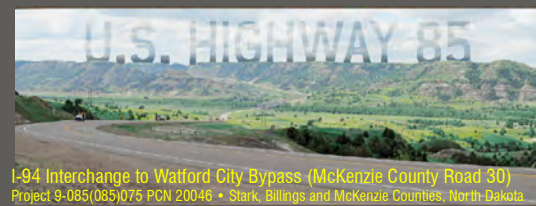
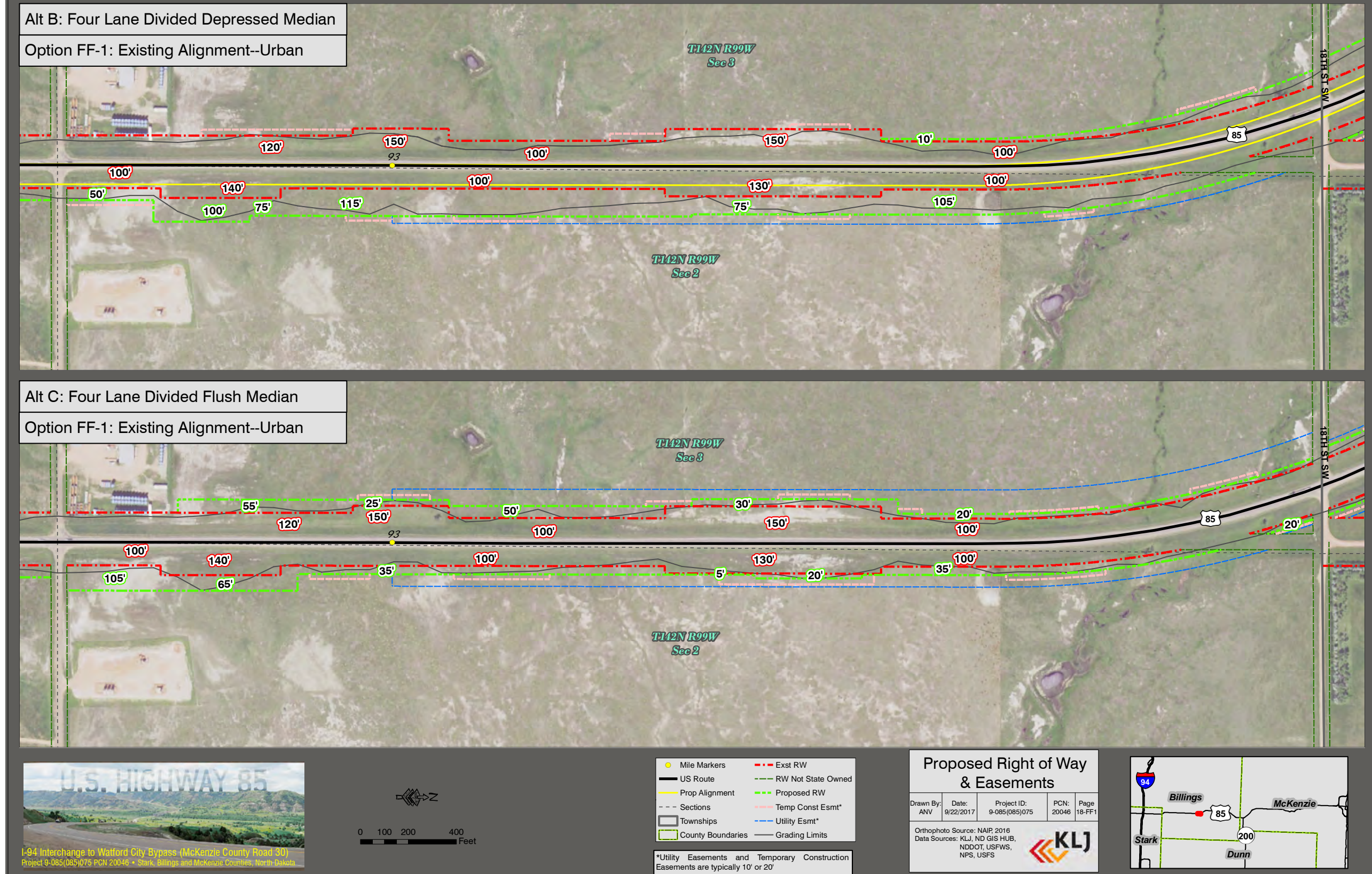
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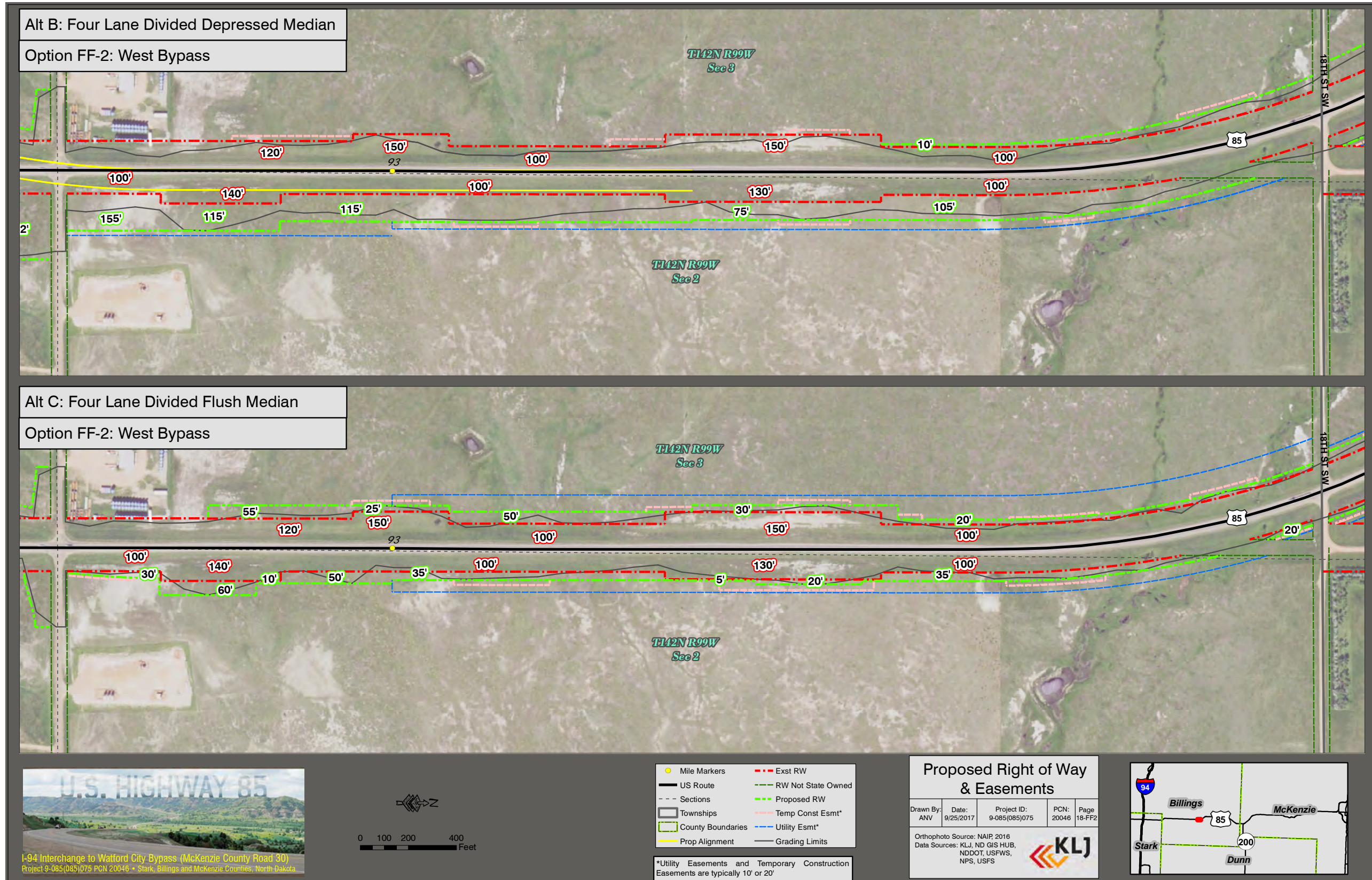
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



U.S. HIGHWAY 85

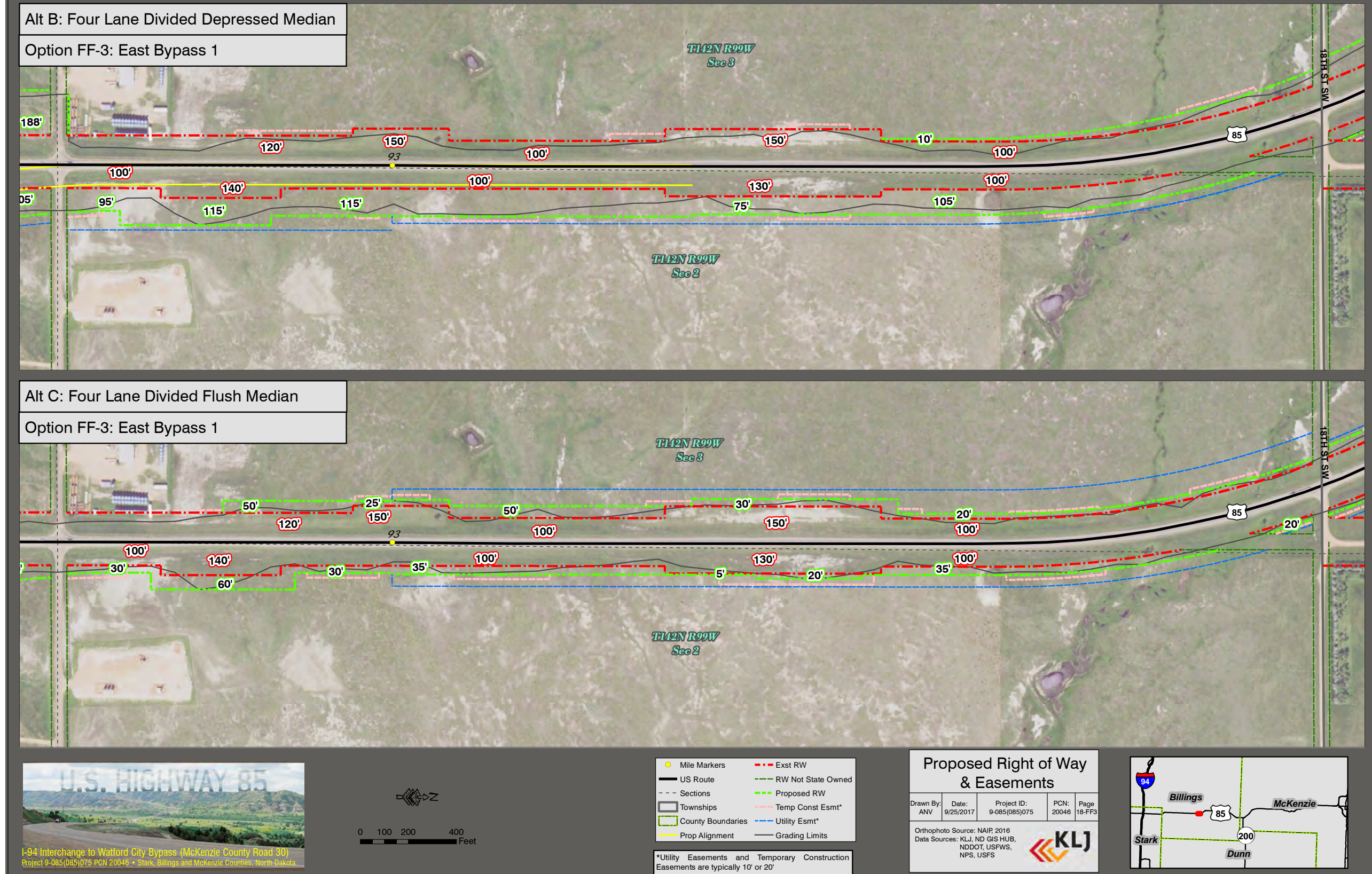
I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 ❖ Stark, Billings and McKenzie Counties, North Dakota

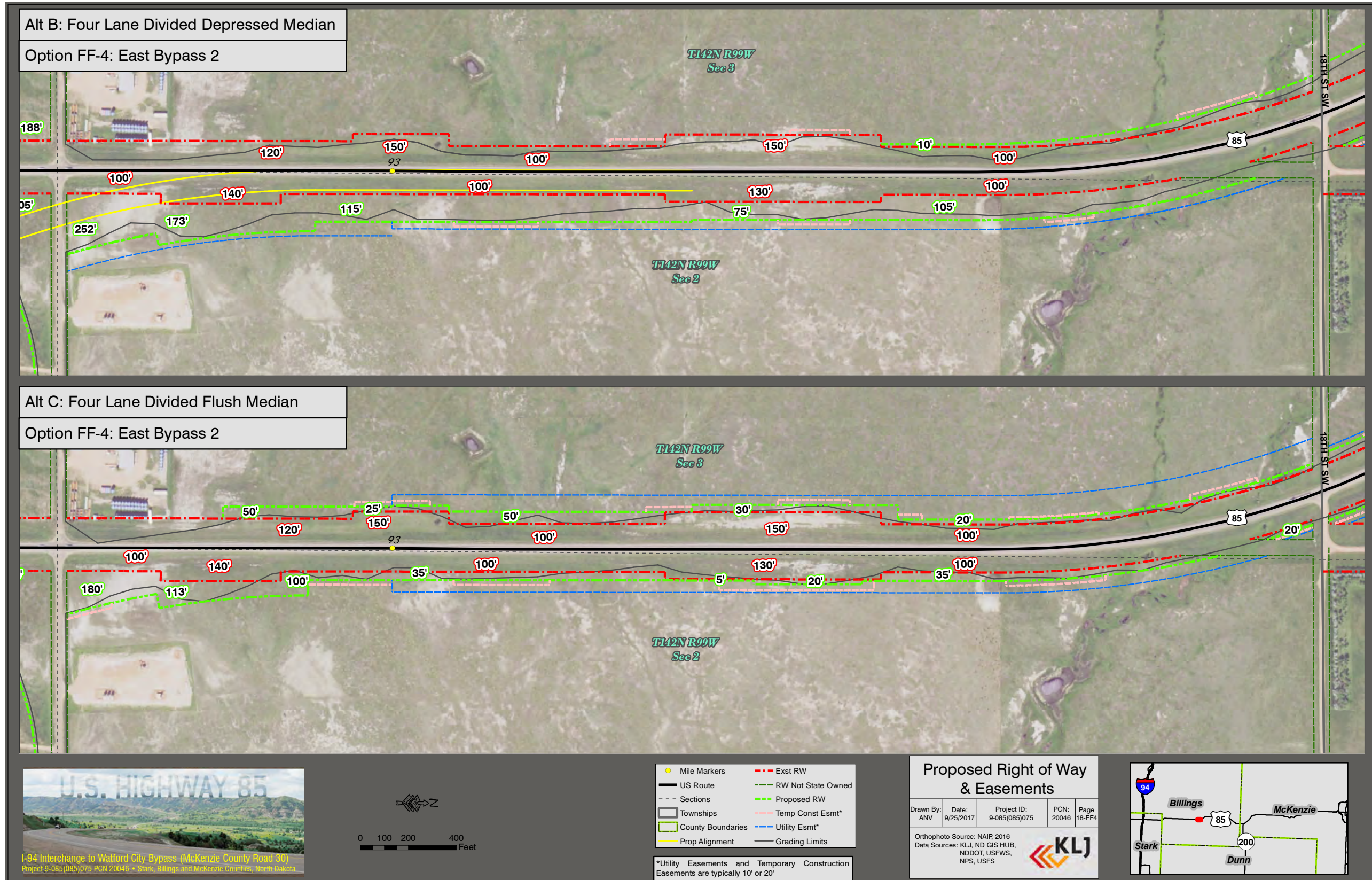




U.S. HIGHWAY 85

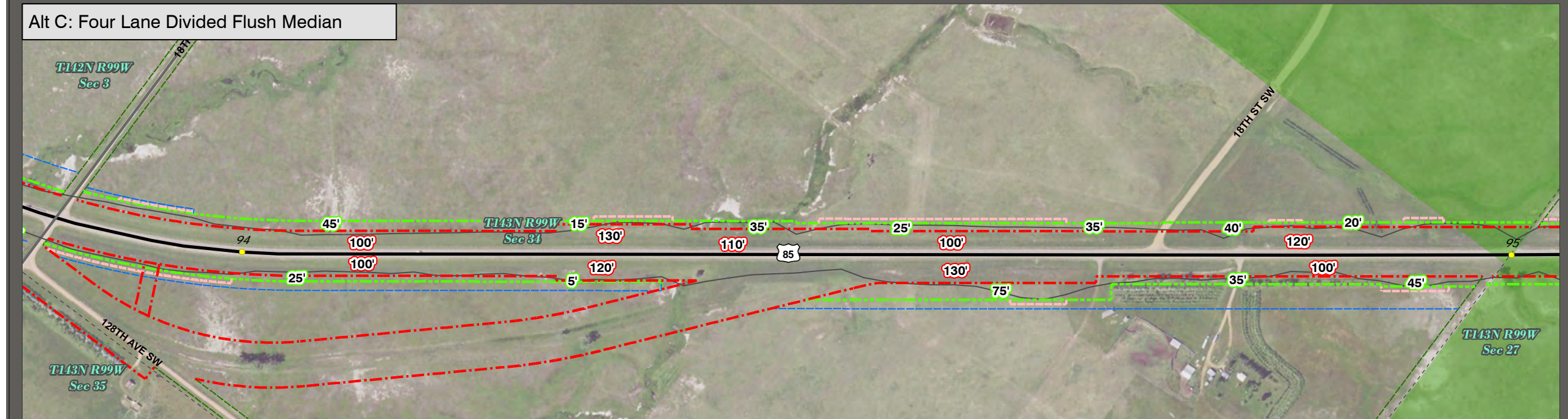
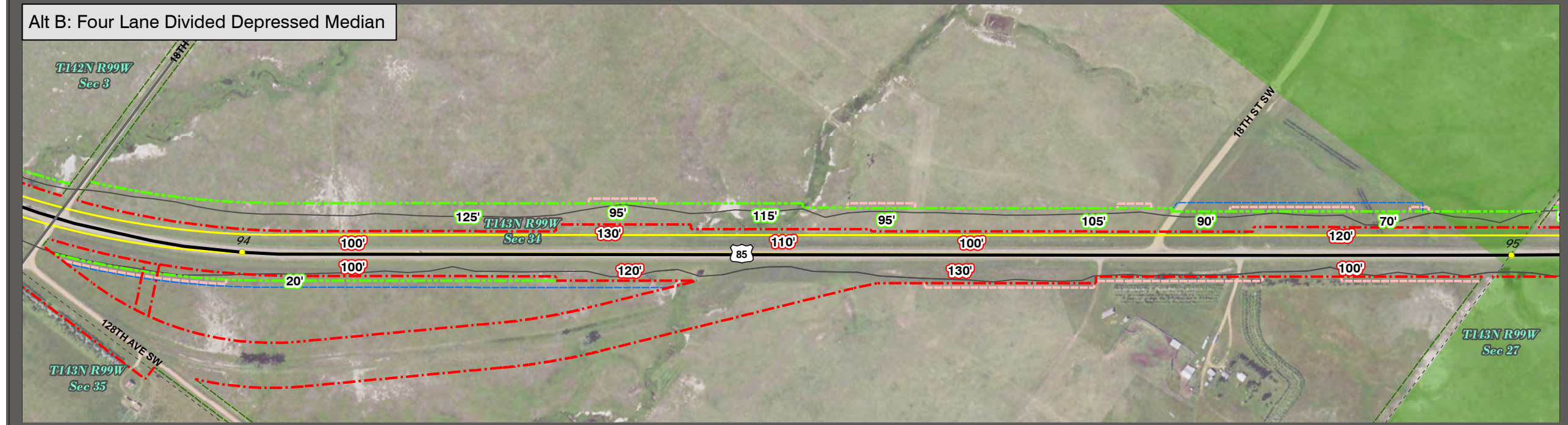
I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 ❖ Stark, Billings and McKenzie Counties, North Dakota





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

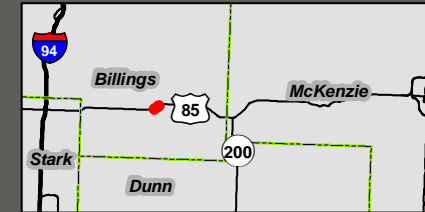


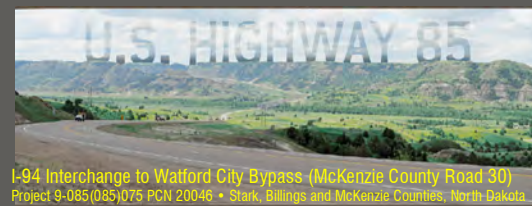
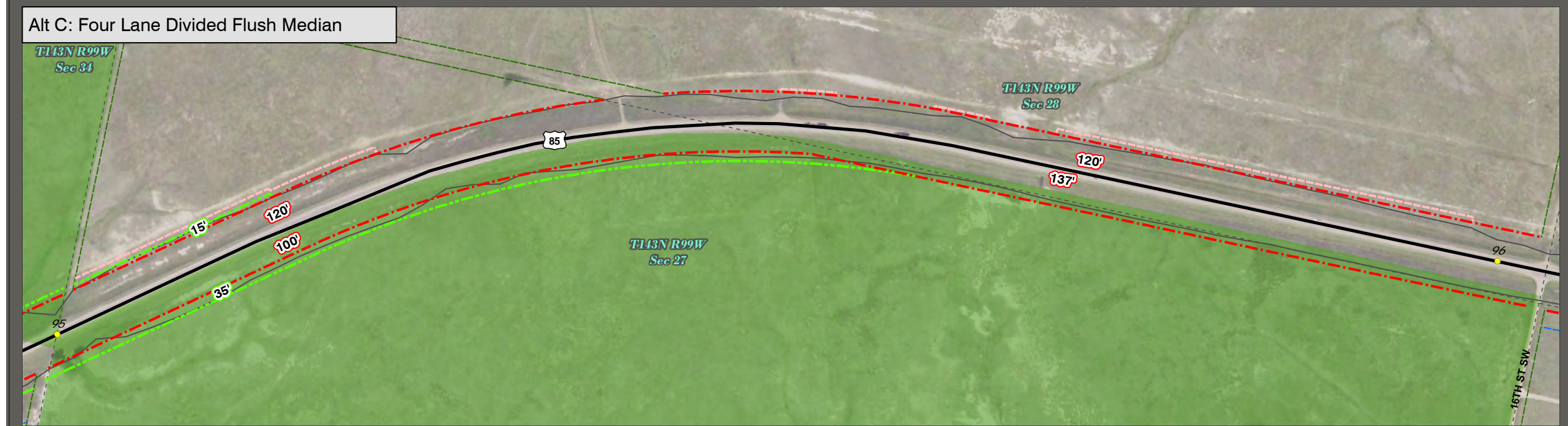
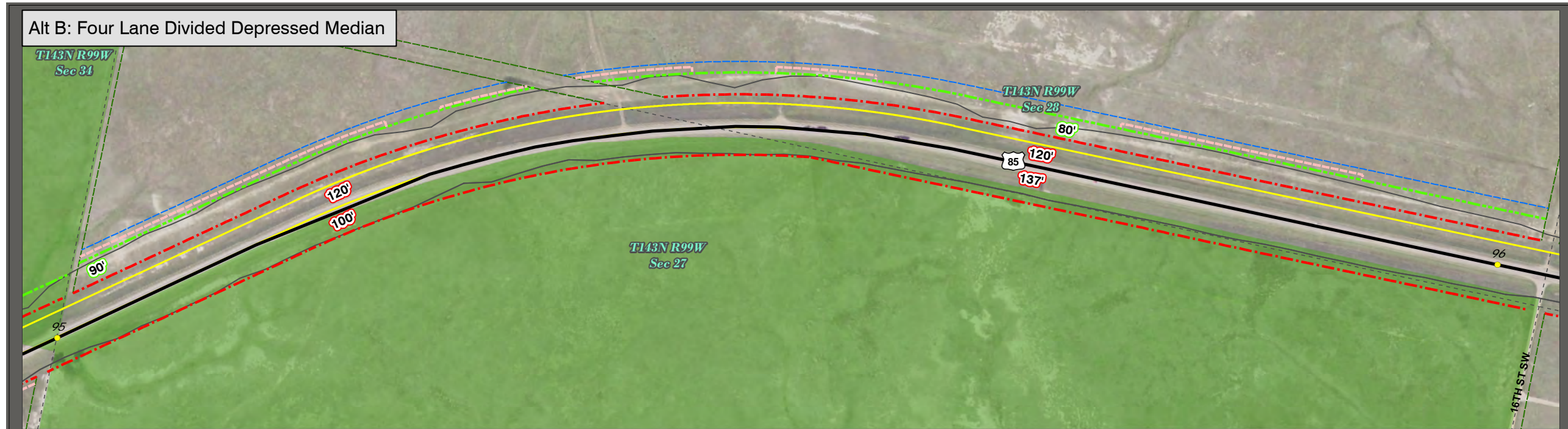
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 - US Route
 - Prop Alignment
 - - - Sections
 - Townships
 - County Boundaries
 - US Forest Service
 - - - Exst RW
 - - - RW Not State Owned
 - - - Proposed RW
 - - - Temp Const Esmt*
 - - - Utility Esmt*
 - - - Grading Limits
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Proposed Right of Way & Easements

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Orthophoto Source: NAIP, 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS





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



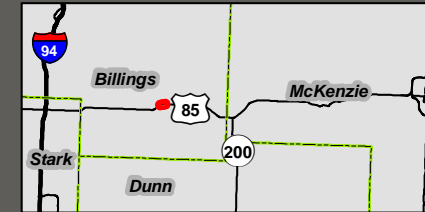
● Mile Markers	--- Exst RW
— US Route	--- RW Not State Owned
— Prop Alignment	--- Proposed RW
--- Sections	--- Temp Const Esmt*
□ Townships	--- Utility Esmt*
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■ US Forest Service	

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Proposed Right of Way & Easements

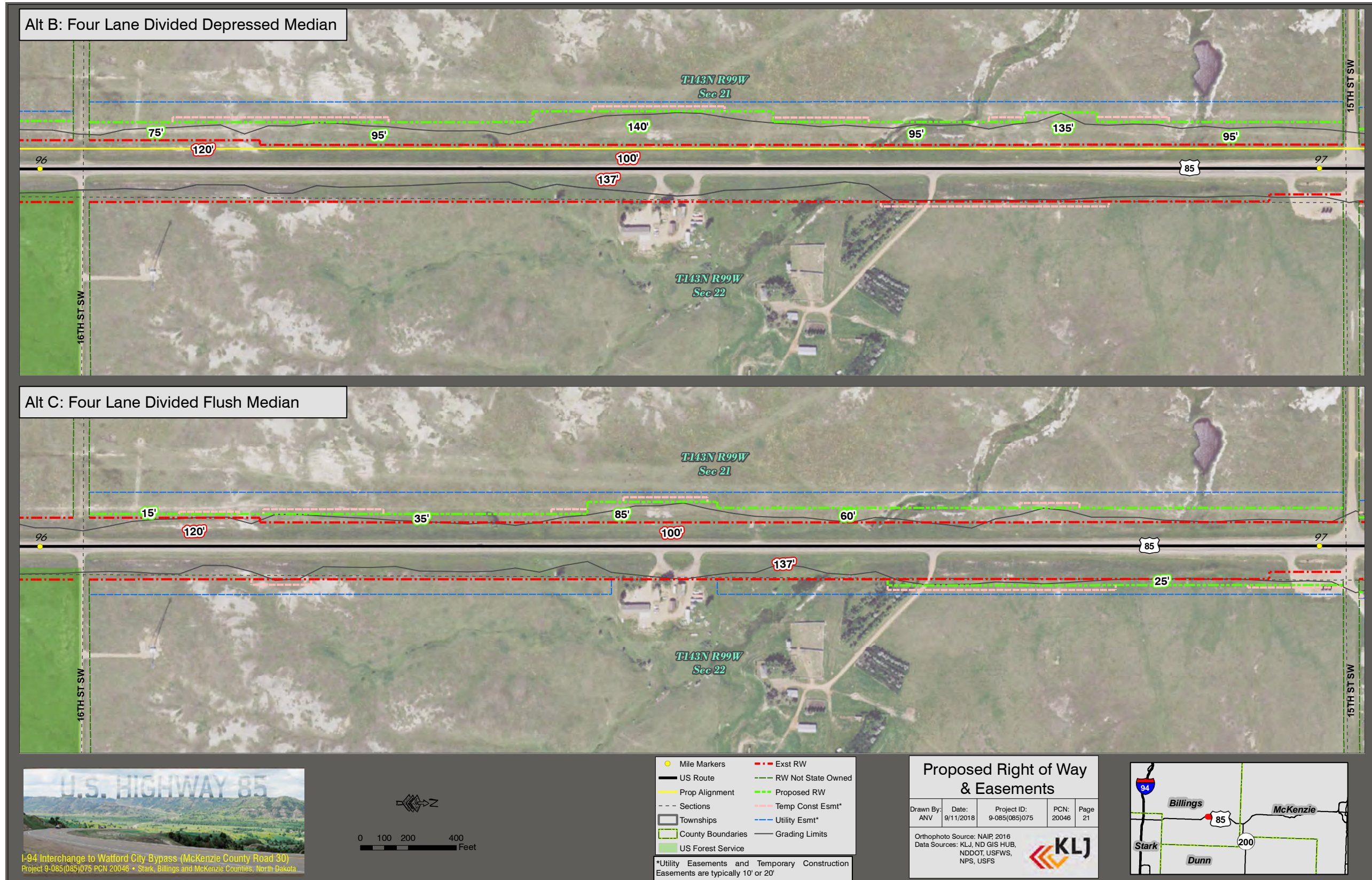
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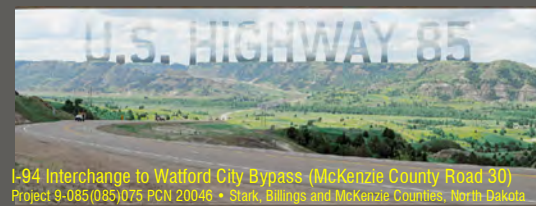
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I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 ❖ Stark, Billings and McKenzie Counties, North Dakota



Alt B: Four Lane Divided Depressed Median

Alt C: Four Lane Divided Flush Median



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

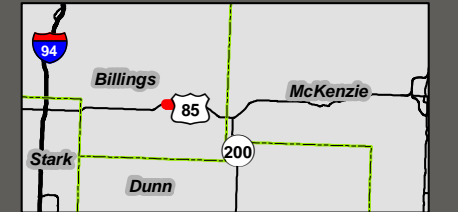


- Mile Markers
 - US Route
 - Prop Alignment
 - - - Sections
 - Townships
 - County Boundaries
 - US Forest Service
 - - - Exst RW
 - - - RW Not State Owned
 - - - Proposed RW
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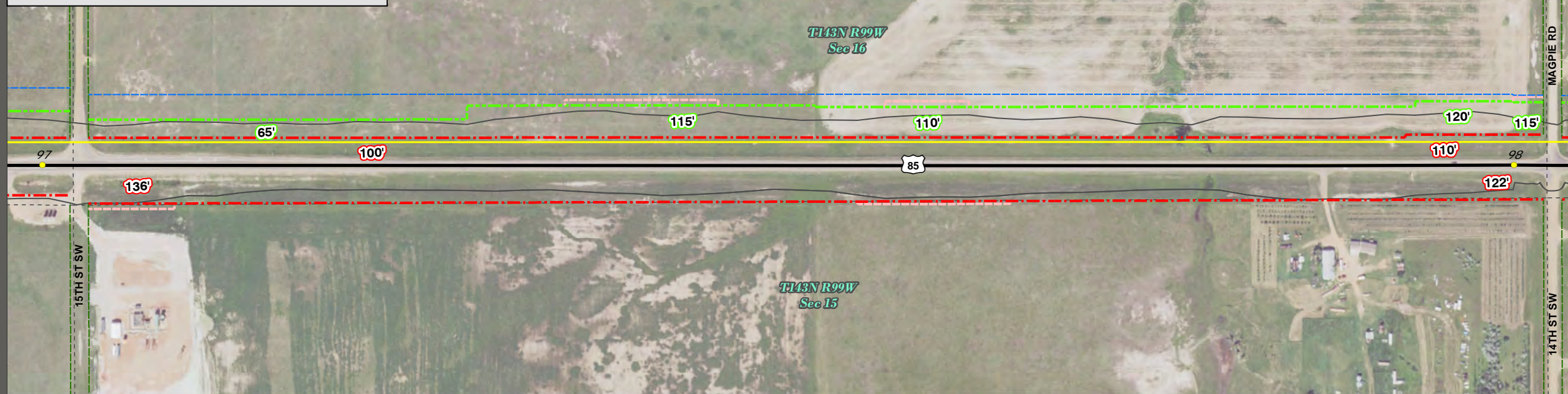
Proposed Right of Way & Easements

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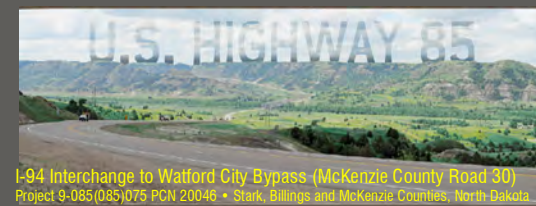
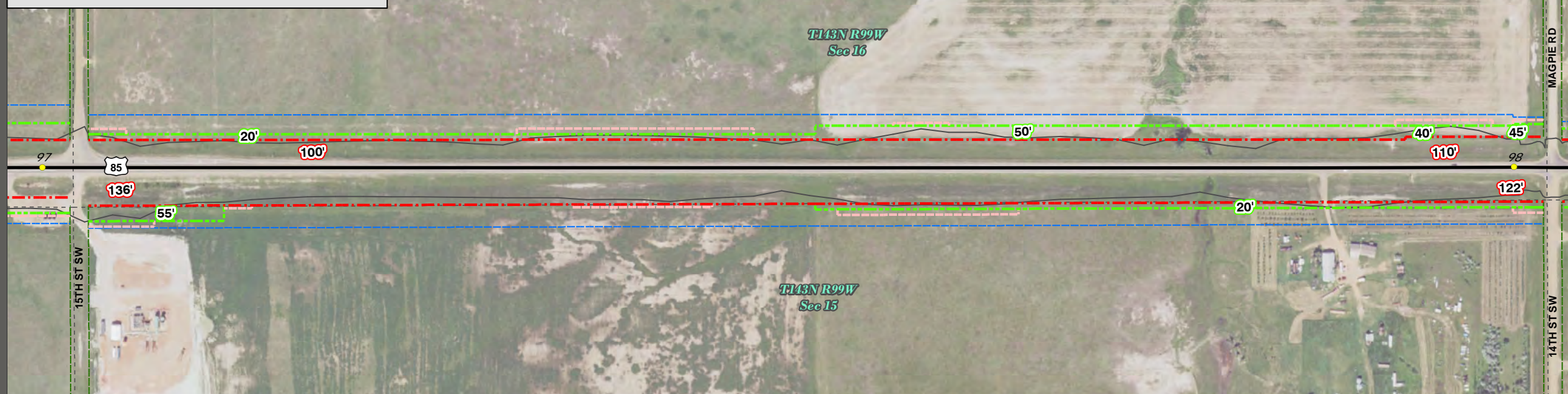
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Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



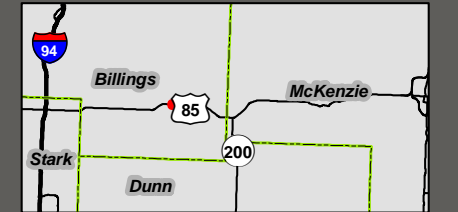
- Mile Markers
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Proposed Right of Way & Easements

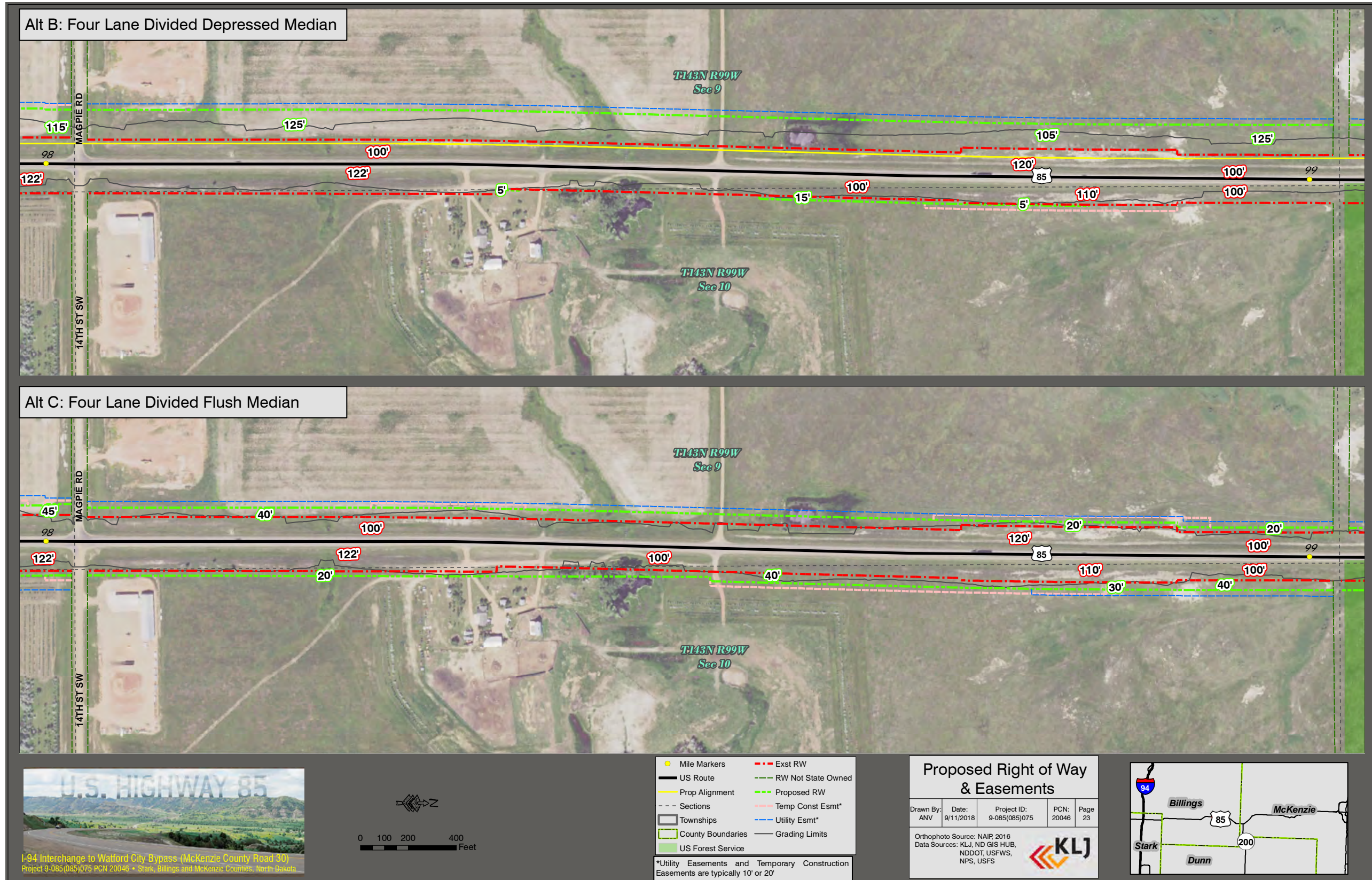
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ANV	9/18/2018	9-085(085)075	20046	22

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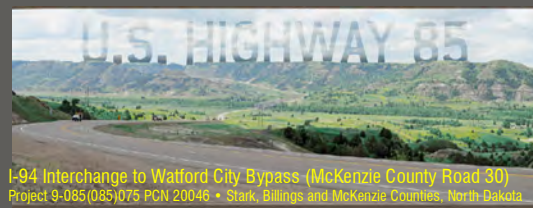
U.S. HIGHWAY 85

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



Alt B: Four Lane Divided Depressed Median

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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

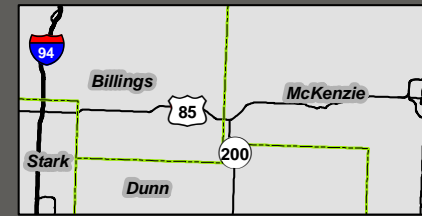


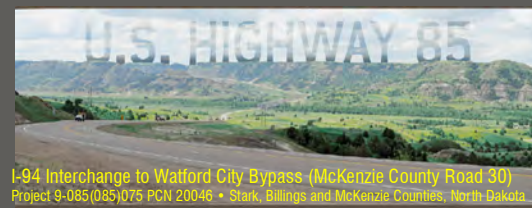
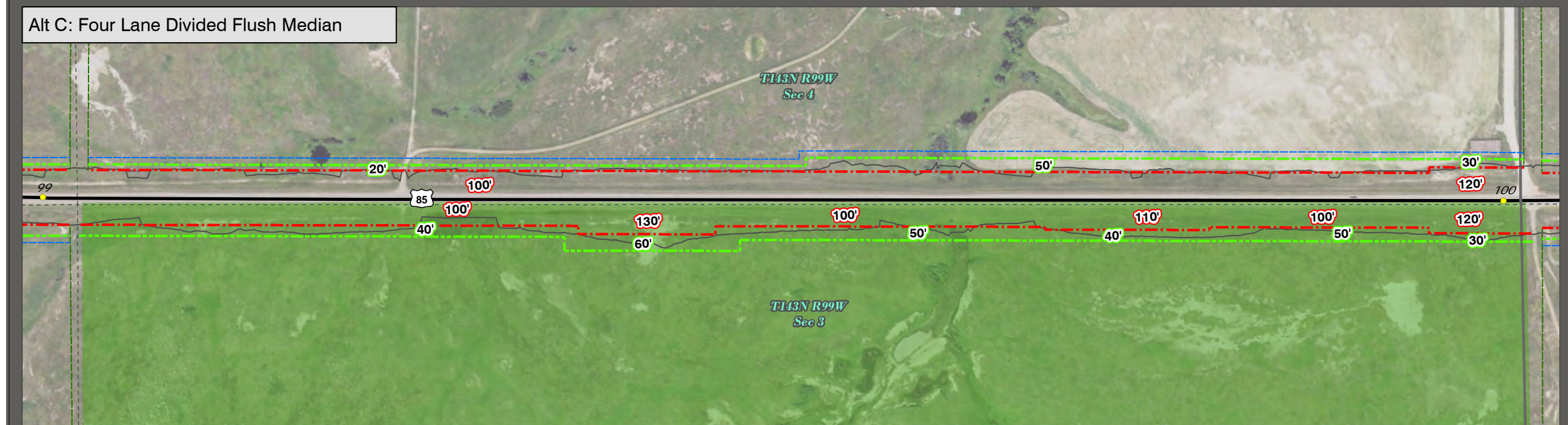
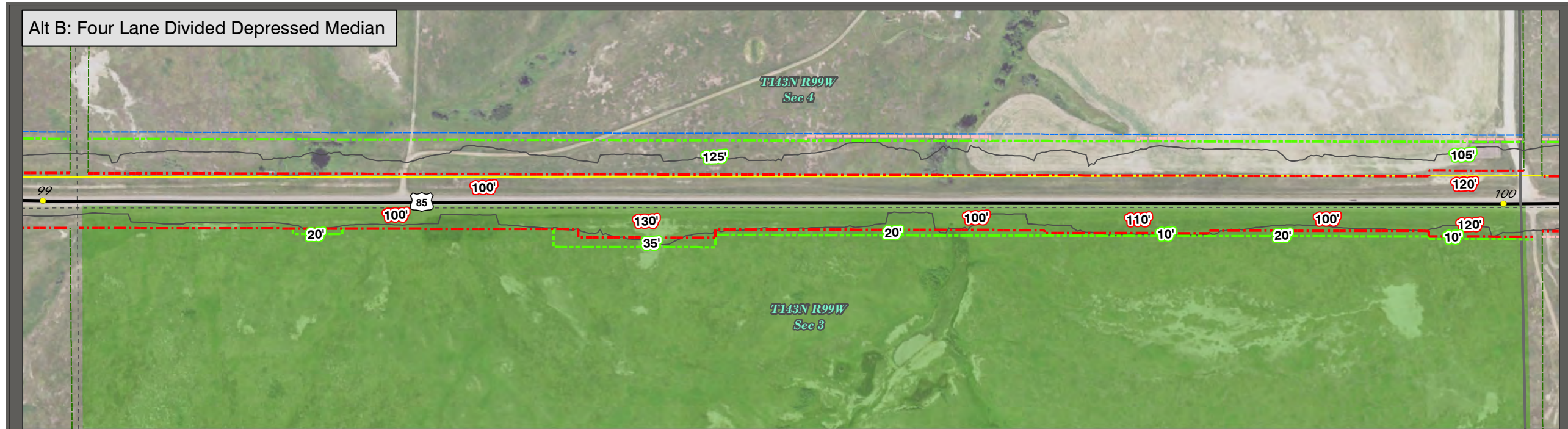
- Mile Markers
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Proposed Right of Way & Easements

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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS





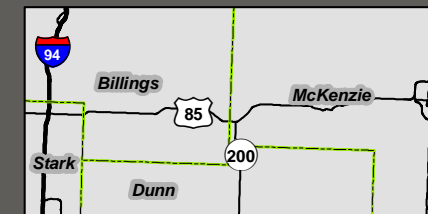
I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 • Stark, Billings and McKenzie Counties, North Dakota



- Mile Markers
 - US Route
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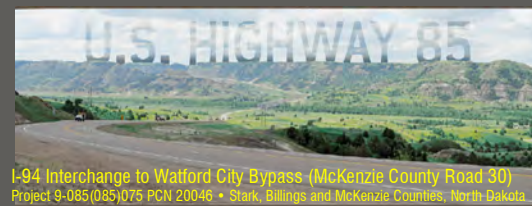
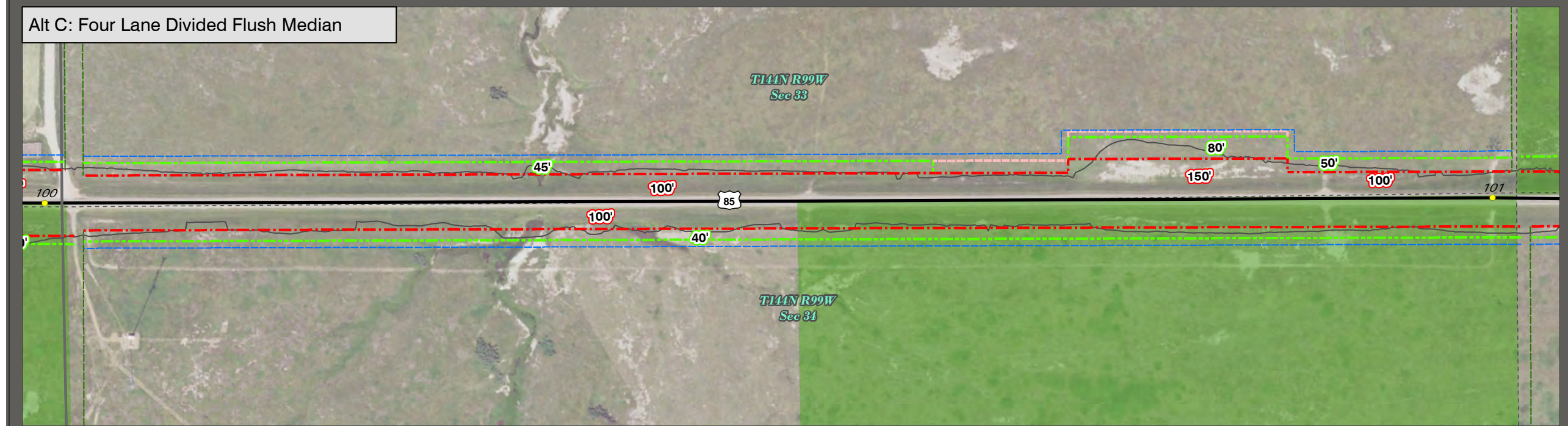
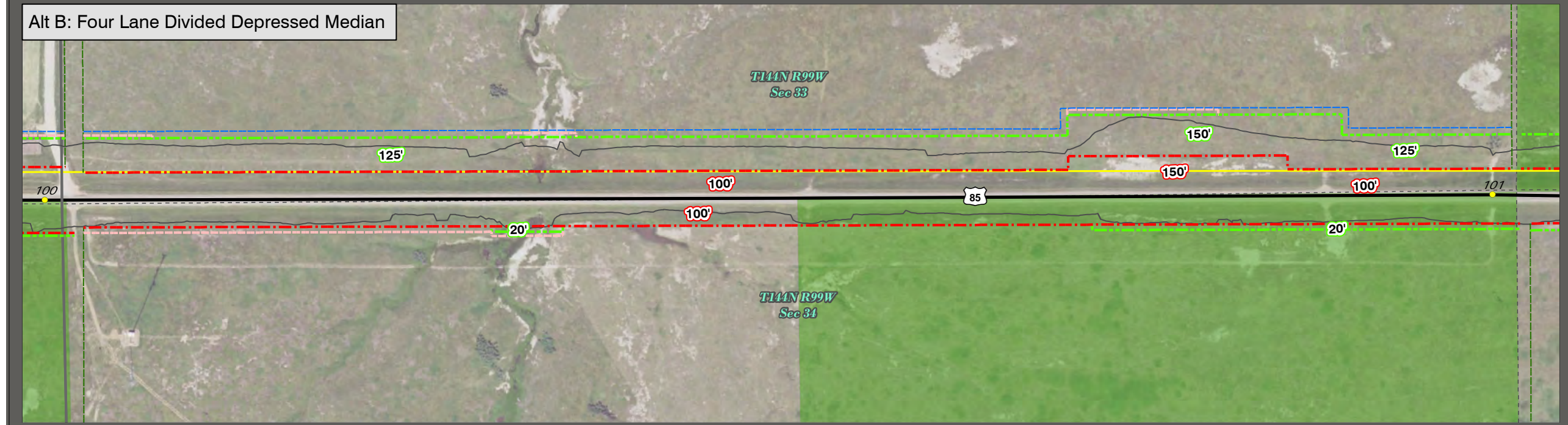
Proposed Right of Way & Easements

Drawn By: ANV	Date: 9/11/2018	Project ID: 9-085(085)075	PCN: 20046	Page 24
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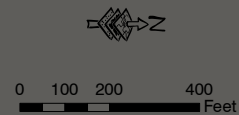


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I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 ❖ Stark, Billings and McKenzie Counties, North Dakota



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

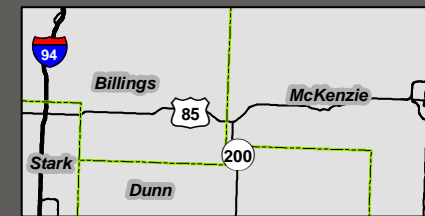


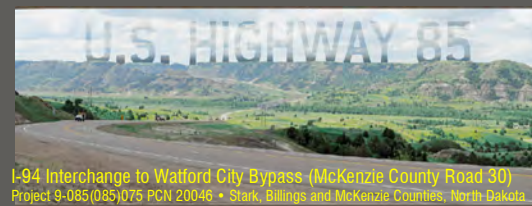
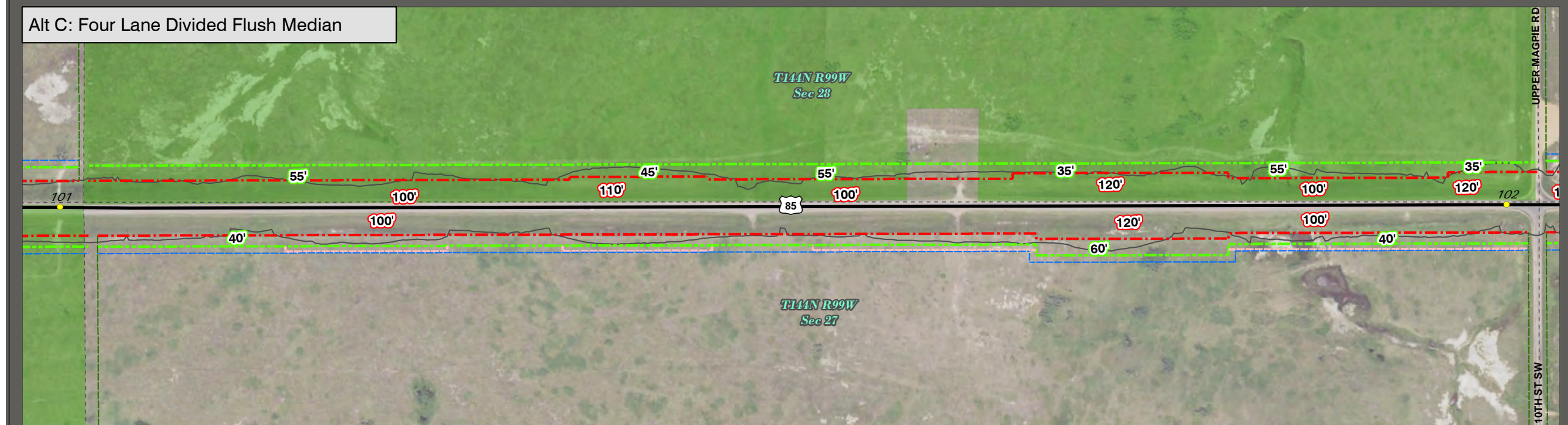
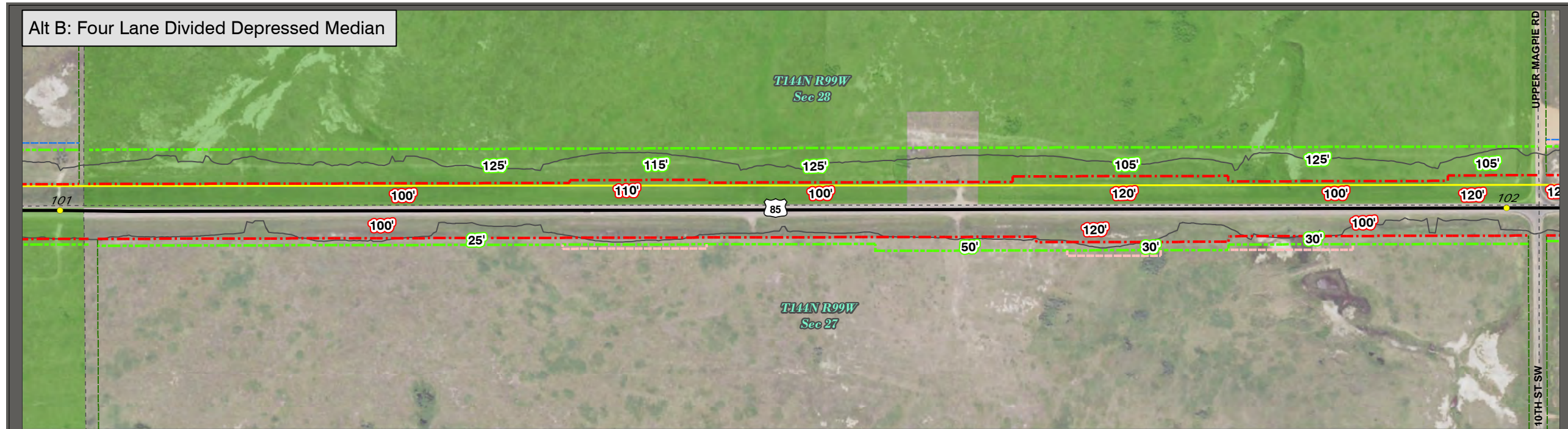
- Mile Markers
 - US Route
 - Prop Alignment
 - - - Sections
 - Townships
 - County Boundaries
 - US Forest Service
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Proposed Right of Way & Easements

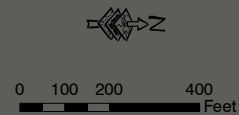
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ANV	8/17/2018	9-085(085)075	20046	25

Orthophoto Source: NAIP, 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS





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

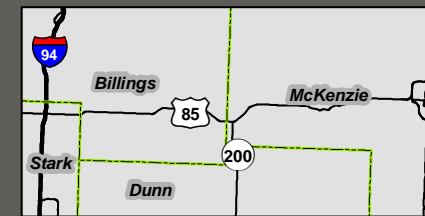


- Mile Markers
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 - Townships
 - County Boundaries
 - US Forest Service
 - - - Exst RW
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Proposed Right of Way & Easements

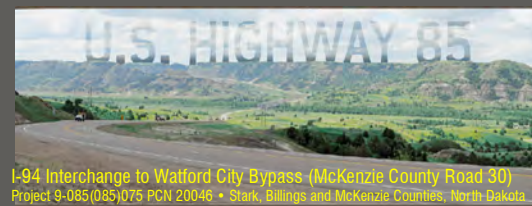
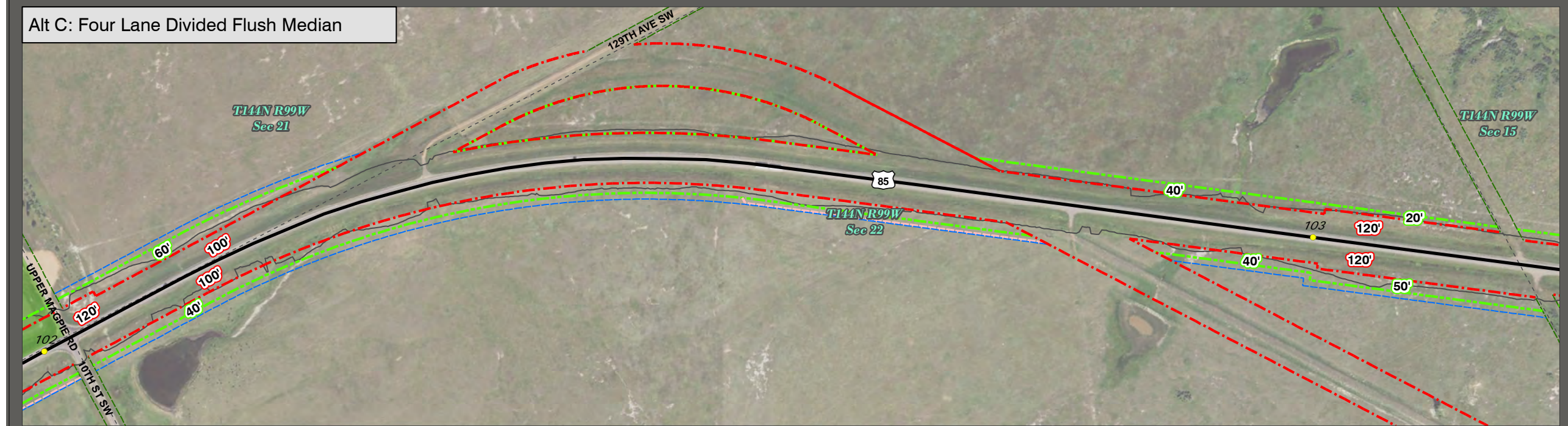
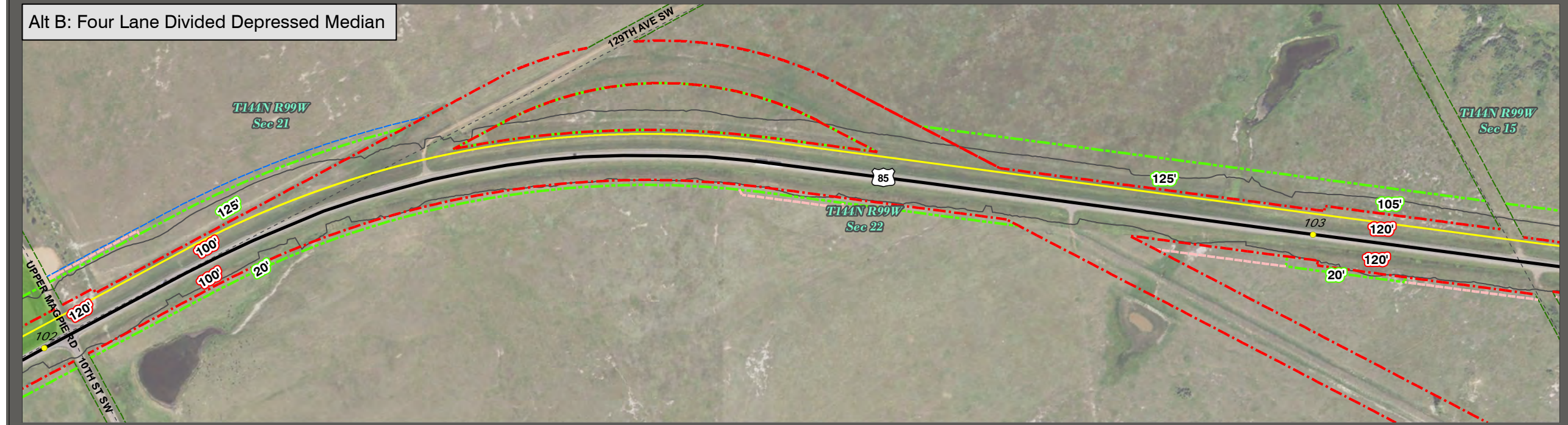
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Orthophoto Source: NAIP, 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



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 Project 9-085(085)075 PCN 20046 ❖ Stark, Billings and McKenzie Counties, North Dakota



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

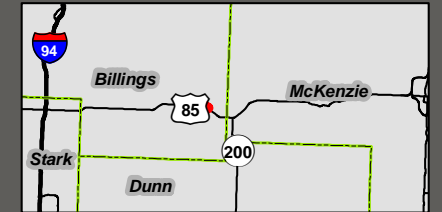


- Mile Markers
 - US Route
 - Prop Alignment
 - - - Sections
 - Townships
 - County Boundaries
 - US Forest Service
 - - - Exst RW
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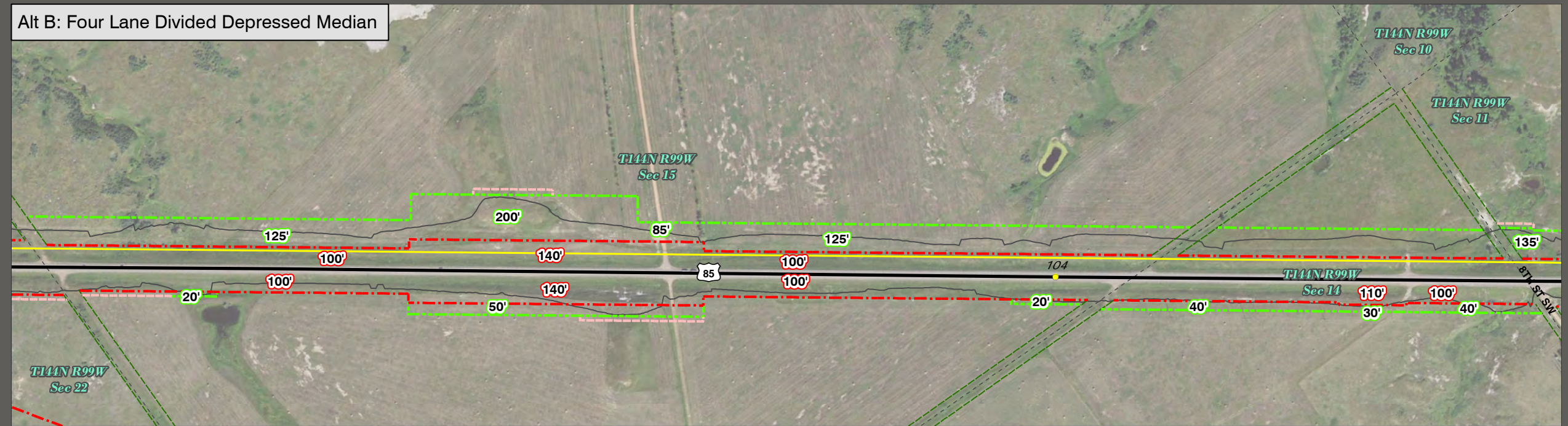
Proposed Right of Way & Easements

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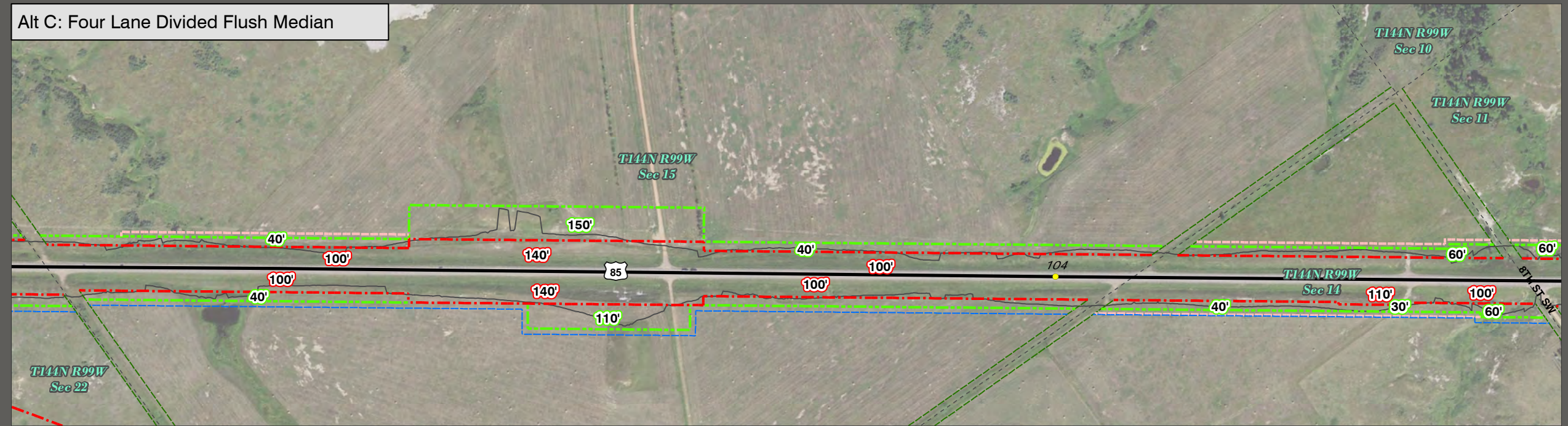
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



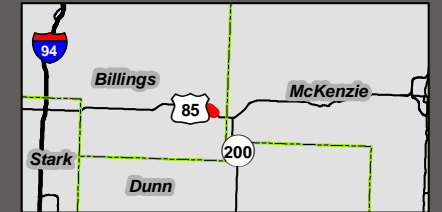
- Mile Markers
- US Route
- Prop Alignment
- - - Sections
- ▭ Townships
- ▭ County Boundaries
- - - Exst RW
- - - RW Not State Owned
- - - Proposed RW
- - - Temp Const Esmt*
- Grading Limits

*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

Drawn By:	Date:	Project ID:	PCN:	Page
ANV	8/17/2018	9-085(085)075	20046	28

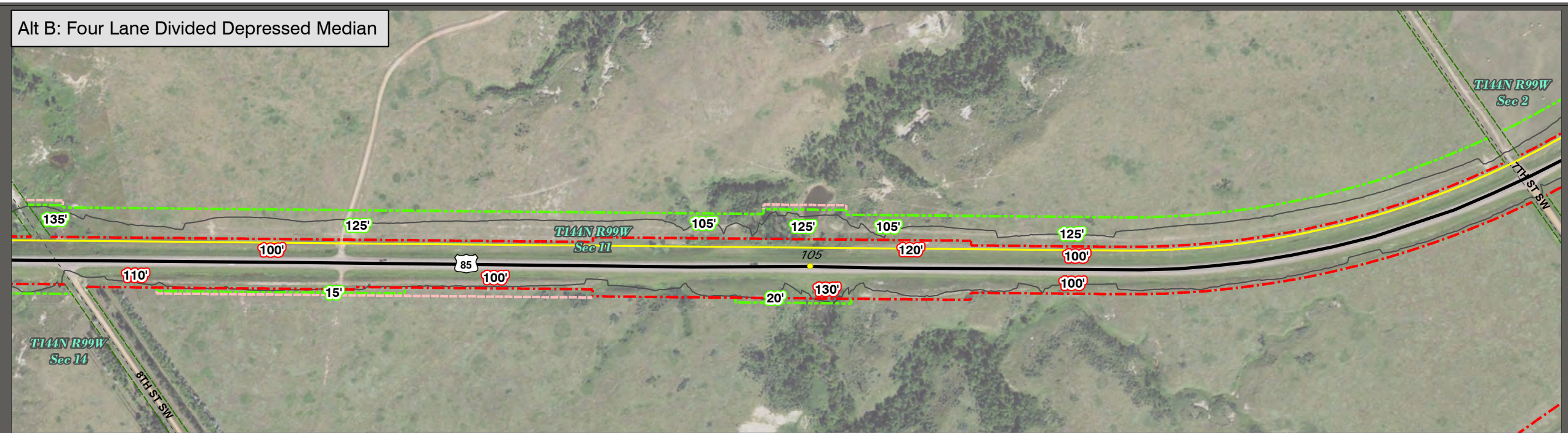
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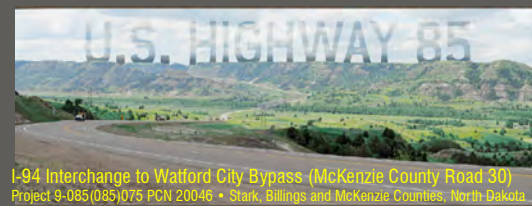
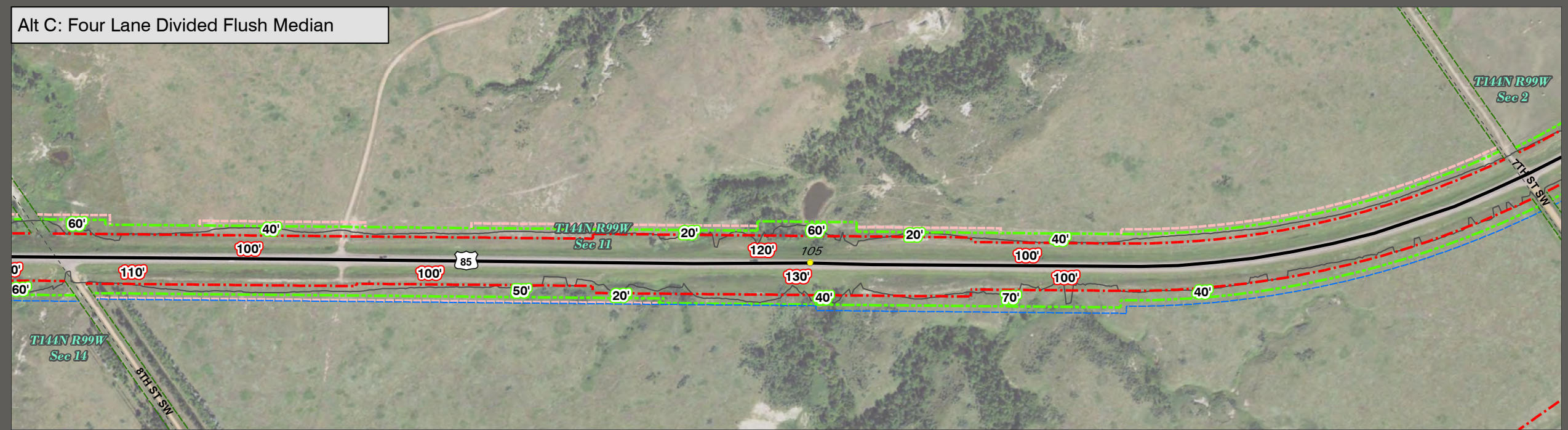
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I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 ❖ Stark, Billings and McKenzie Counties, North Dakota

Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



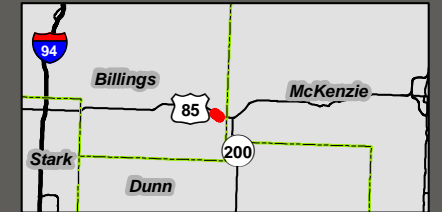
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- Prop Alignment
- - - Sections
- ▭ Townships
- ▭ County Boundaries
- - - Exst RW
- - - RW Not State Owned
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- Grading Limits

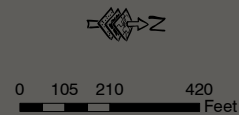
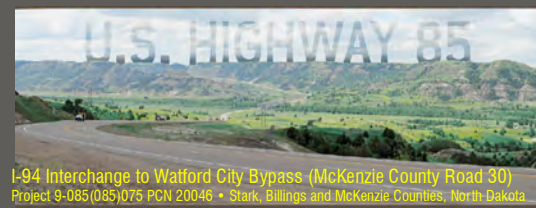
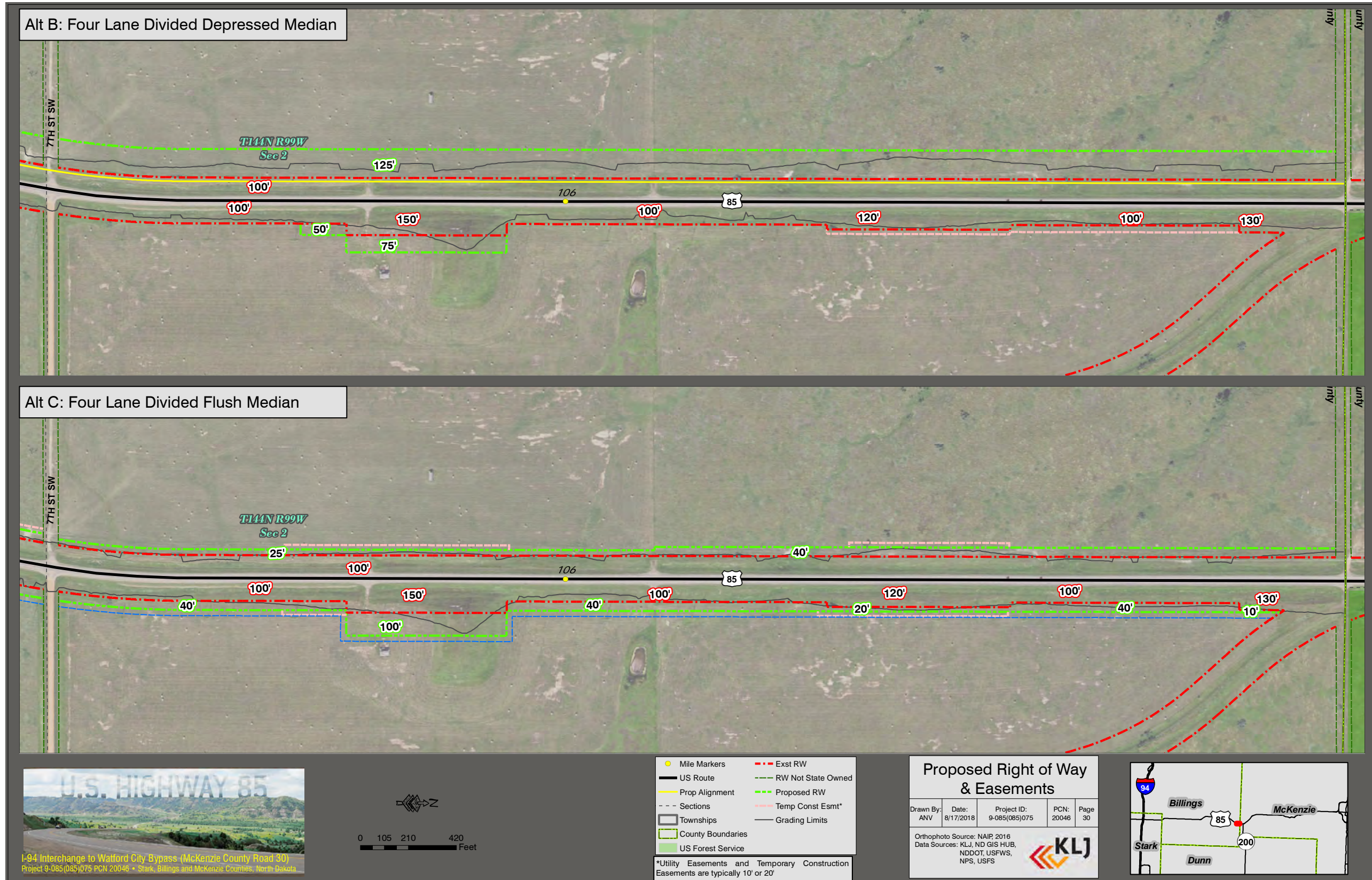
*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

Drawn By:	Date:	Project ID:	PCN:	Page:
ANV	8/17/2018	9-085(085)075	20046	29

Orthophoto Source: NAIP, 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



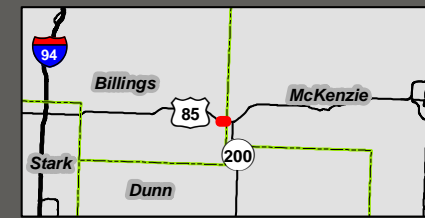


- Mile Markers
- US Route
- Prop Alignment
- - - Sections
- Townships
- County Boundaries
- US Forest Service
- - - Exst RW
- - - RW Not State Owned
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Proposed Right of Way & Easements

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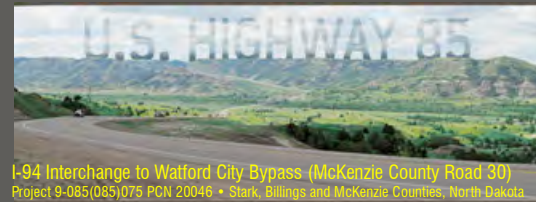
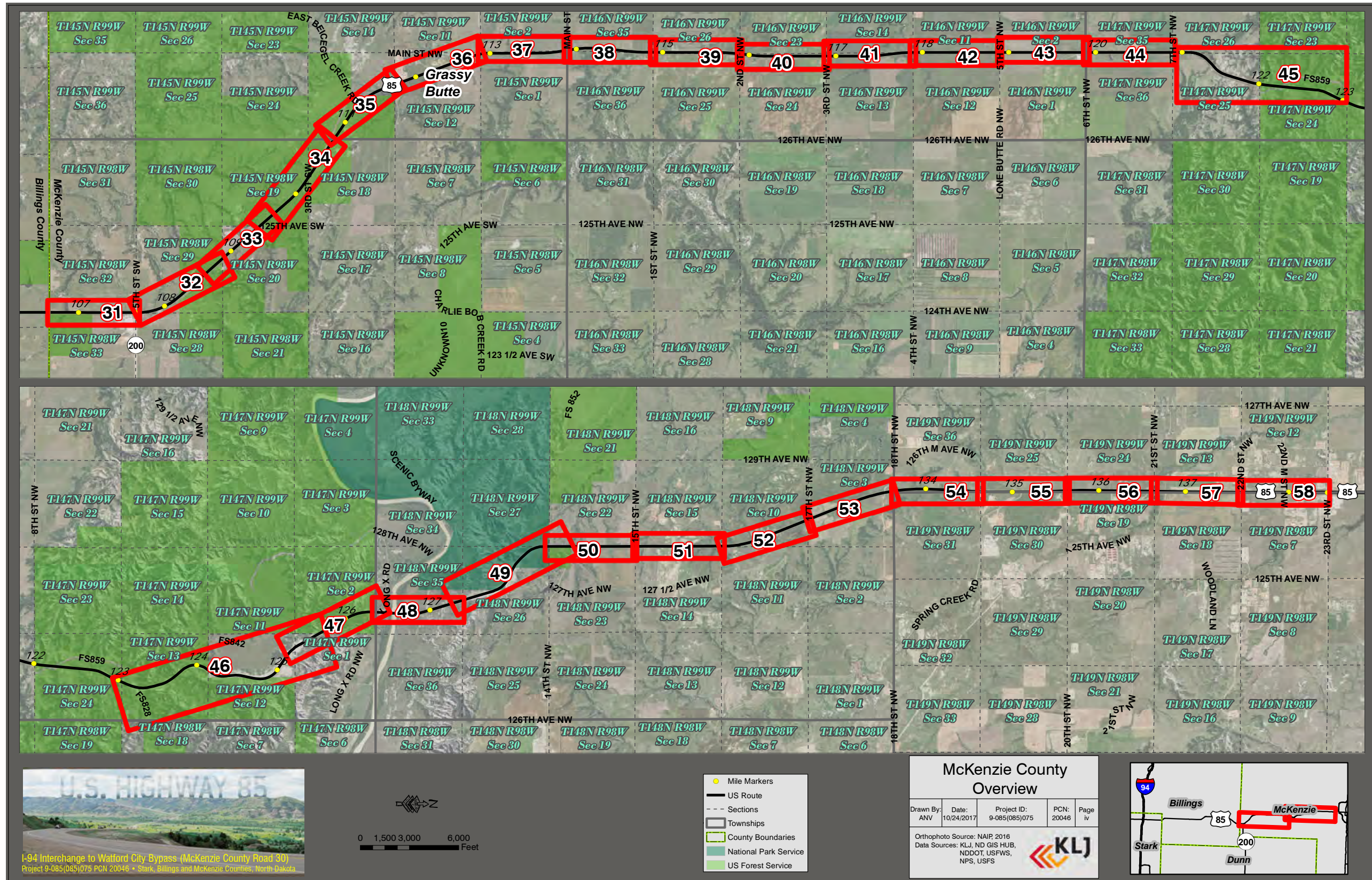
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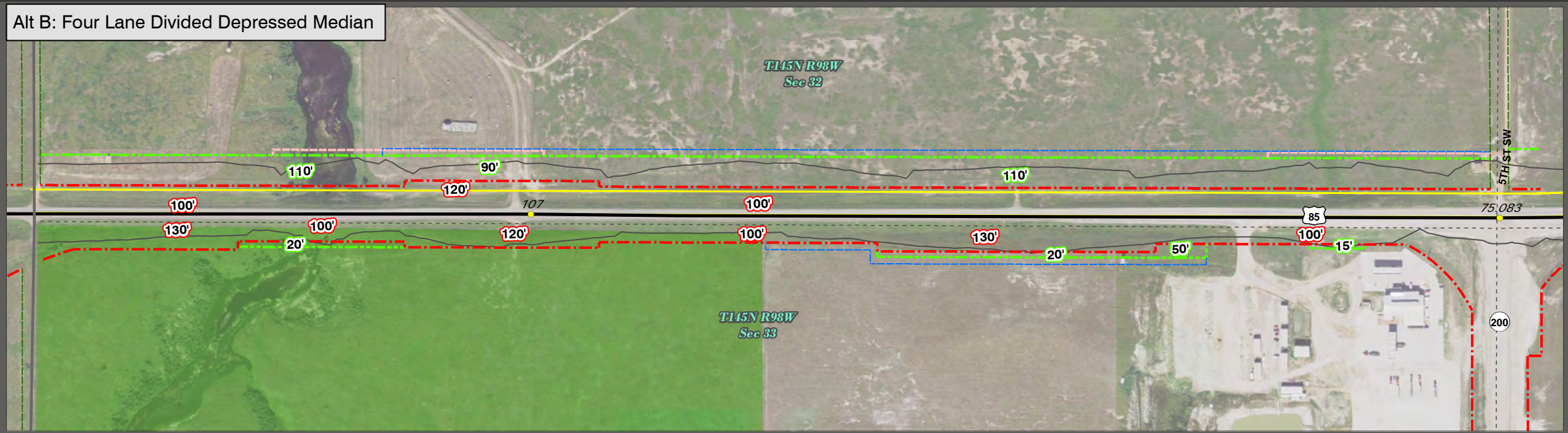
C.3. McKenzie County Maps

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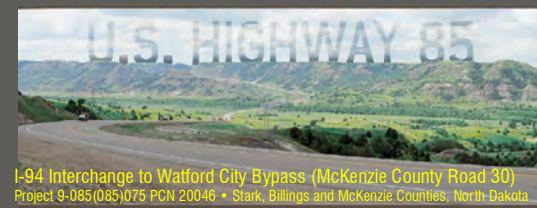
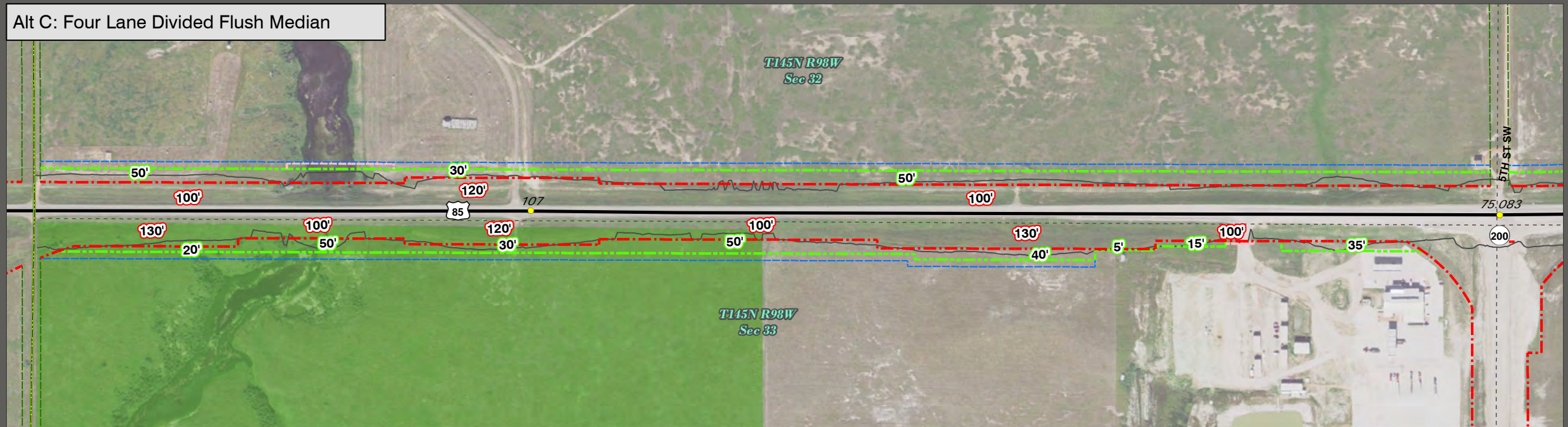
I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 ❖ Stark, Billings and McKenzie Counties, North Dakota



Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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● Mile Markers	--- Exst RW
— US Route	--- RW Not State Owned Line Exst
— Prop Alignment	--- Proposed RW
--- Sections	--- Temp Const Esmt*
□ Townships	--- Utility Esmt*
■ US Forest Service	— Grading Limits

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Proposed Right of Way & Easements

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ANV	9/18/2018	9-085(085)075	20046	31

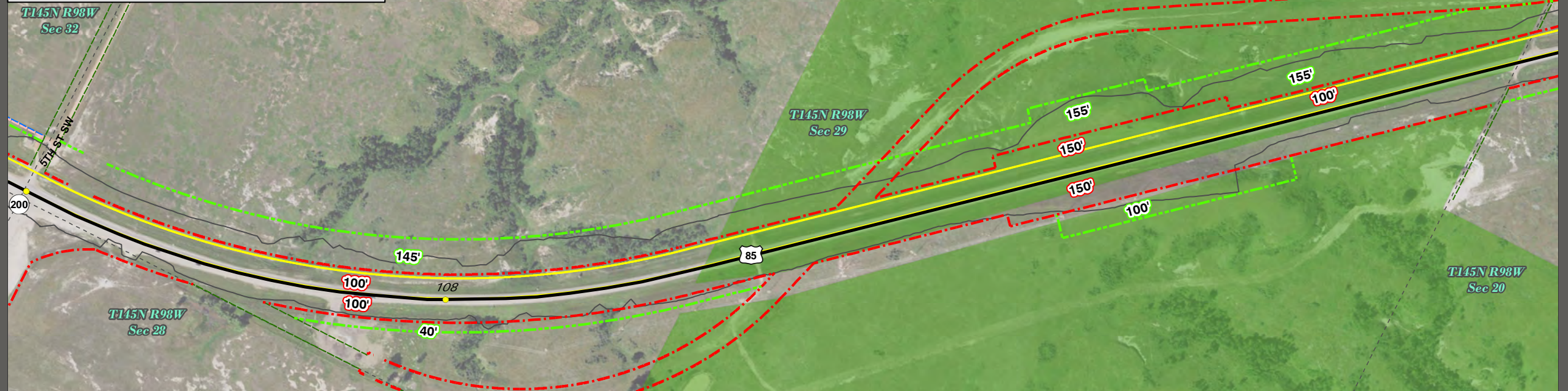
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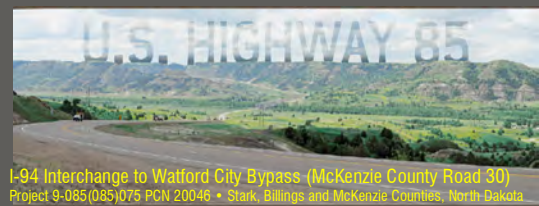
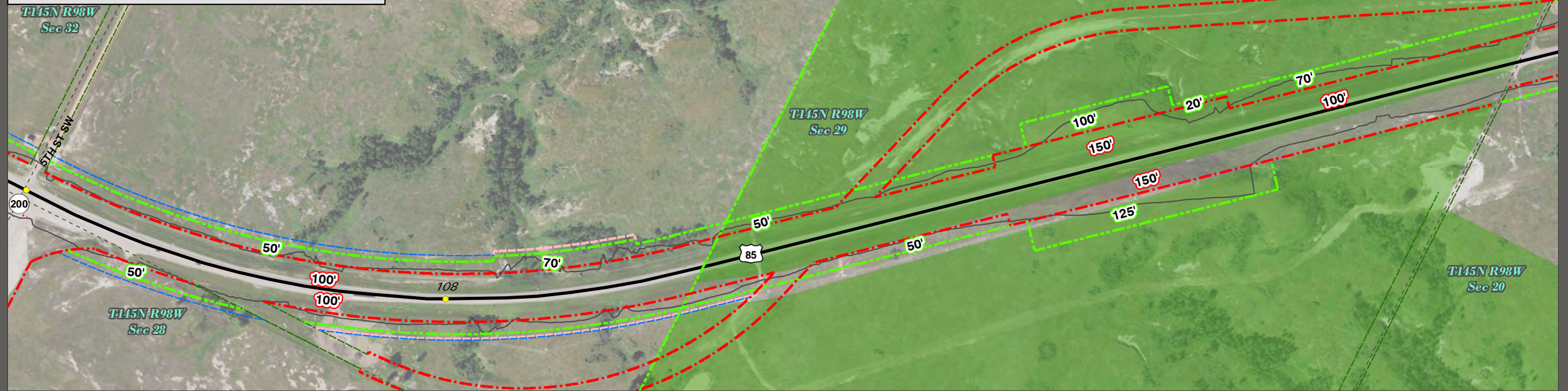
U.S. HIGHWAY 85

I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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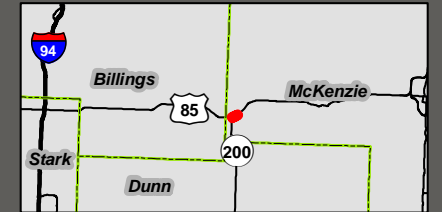
- Mile Markers
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- - - Sections
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- US Forest Service
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- Proposed RW
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- - - Utility Esmt*
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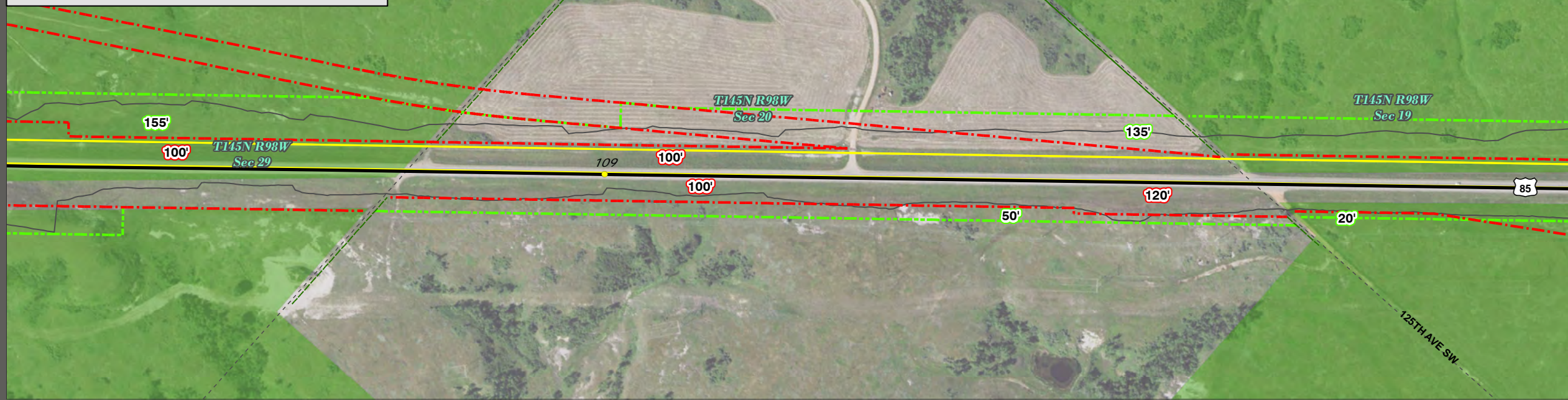
Proposed Right of Way & Easements

Drawn By:	Date:	Project ID:	PCN:	Page:
ANV	9/18/2018	9-085(085)075	20046	32

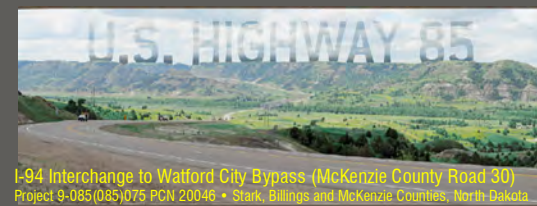
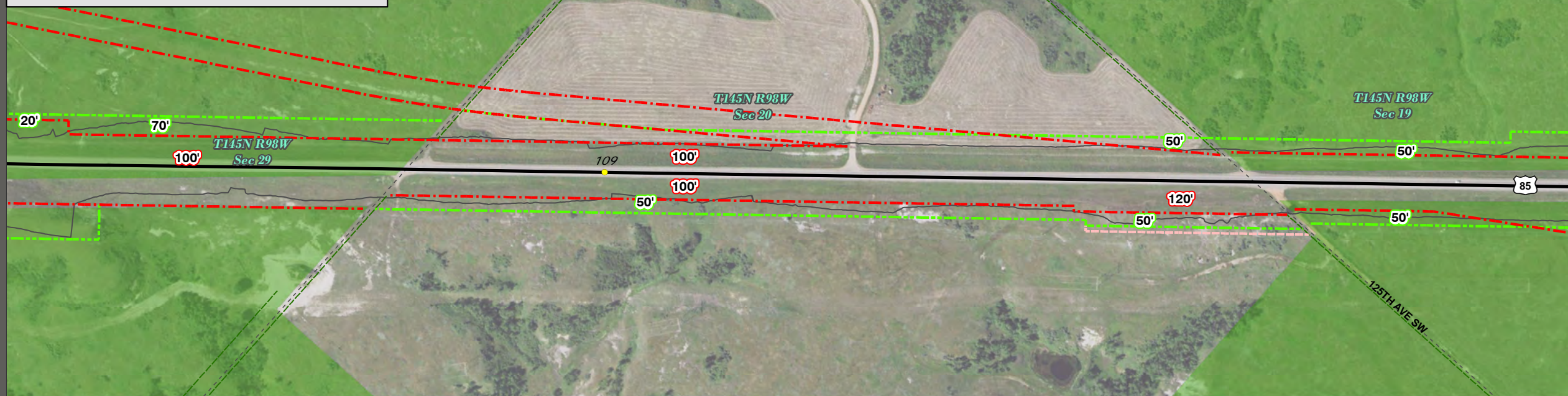
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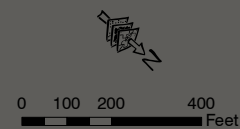
Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



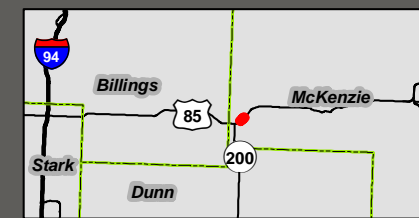
- Mile Markers
- US Route
- Prop Alignment
- - - Sections
- Townships
- US Forest Service
- - - Exst RW
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Proposed Right of Way & Easements

Drawn By:	Date:	Project ID:	PCN:	Page
ANV	9/11/2018	9-085(085)075	20046	33

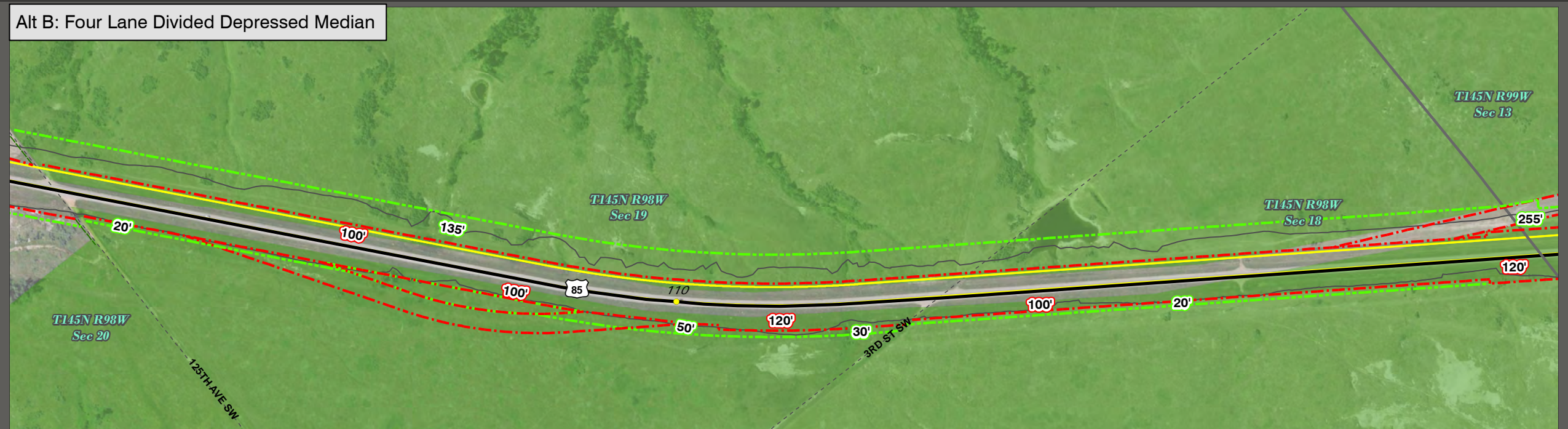
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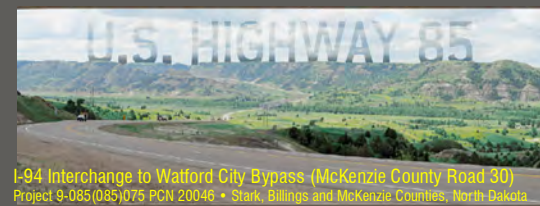
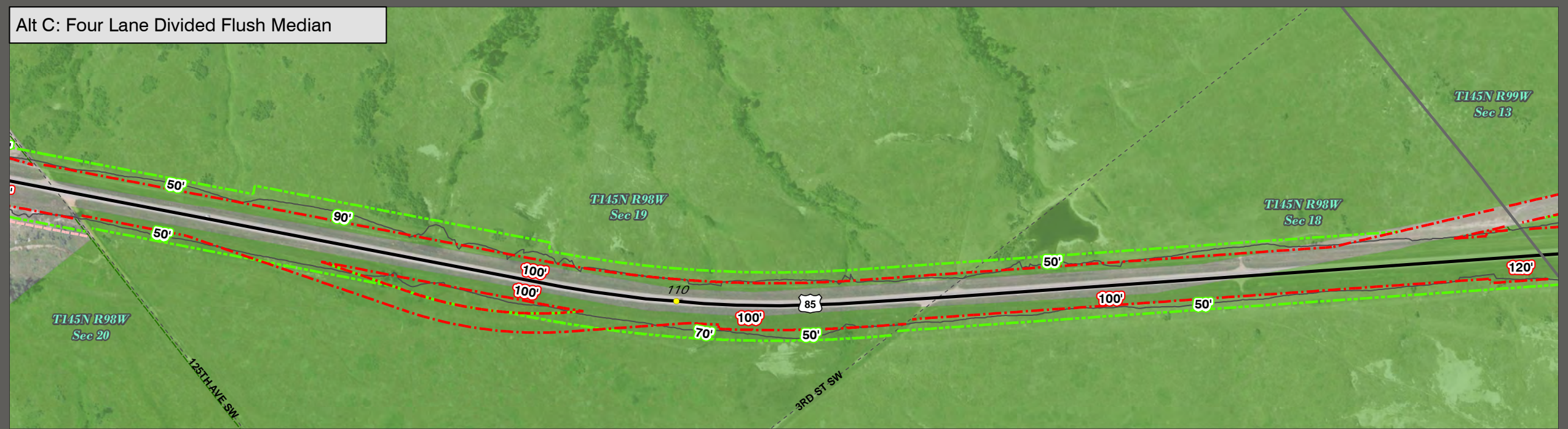
U.S. HIGHWAY 85

I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



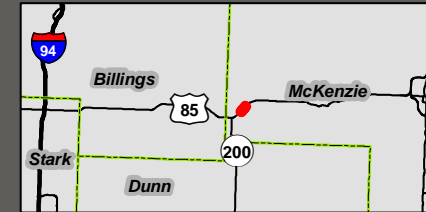
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- US Route
- Prop Alignment
- - - Sections
- ▭ Townships
- ▭ US Forest Service
- - - Exst RW
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- - - Proposed RW
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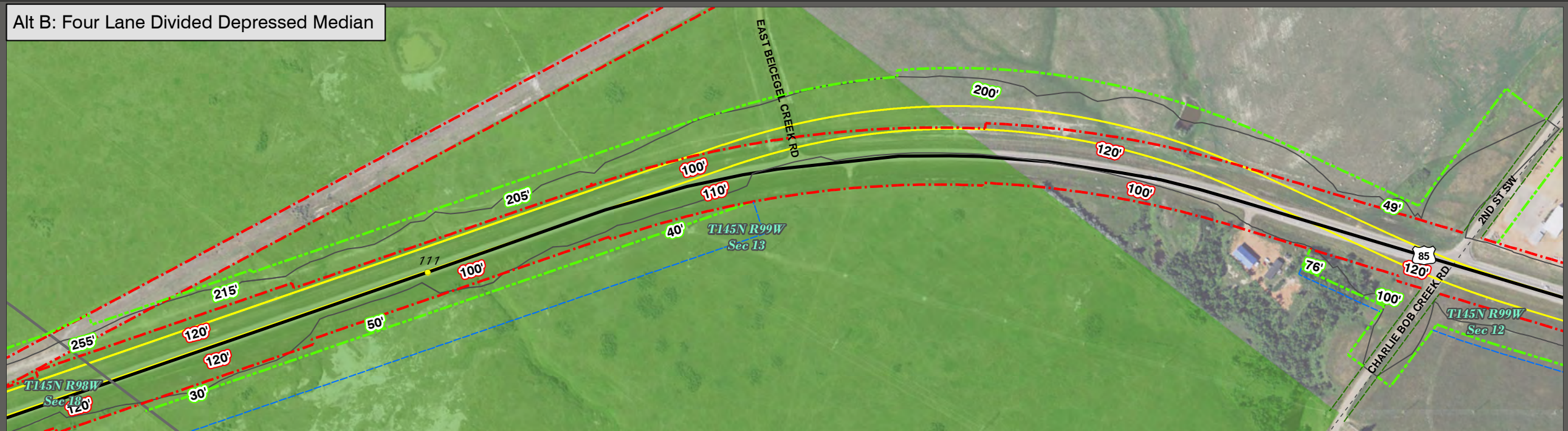
Proposed Right of Way & Easements

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ANV	8/17/2018	9-085(085)075	20046	34

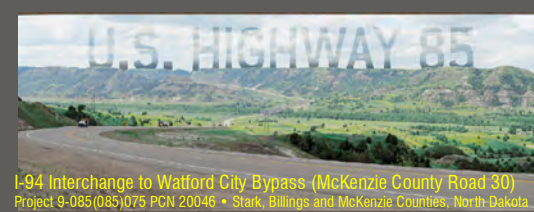
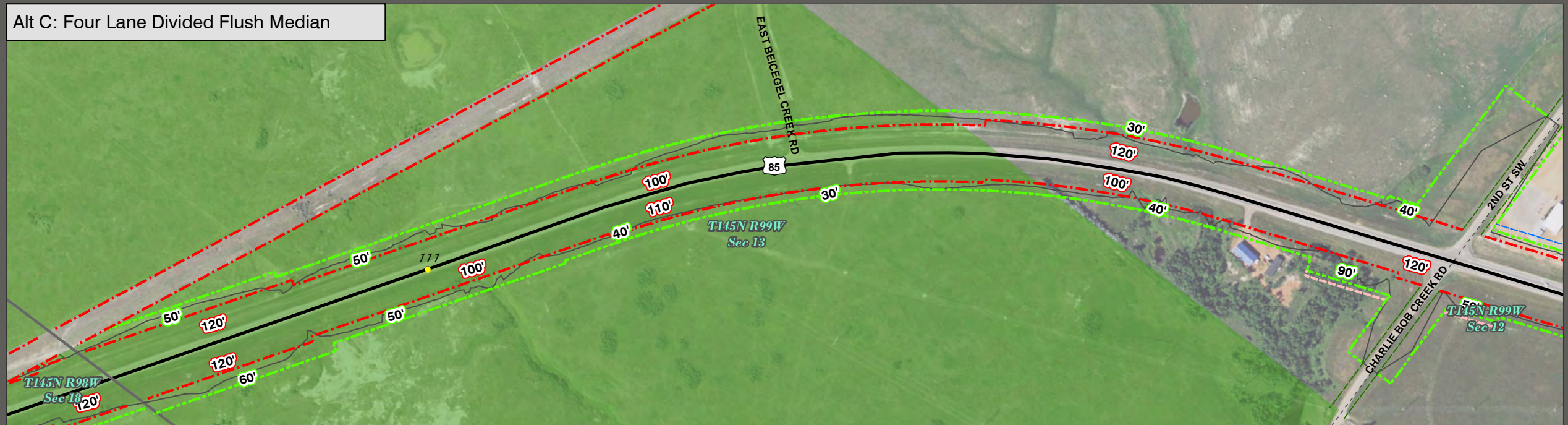
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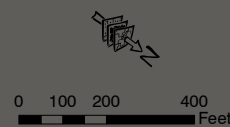
Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



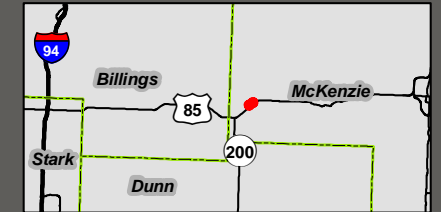
● Mile Markers	--- Exst RW
— US Route	--- RW Not State Owned Line Exst
— Prop Alignment	--- Proposed RW
--- Sections	--- Temp Const Esmt*
□ Townships	--- Utility Esmt*
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Proposed Right of Way & Easements

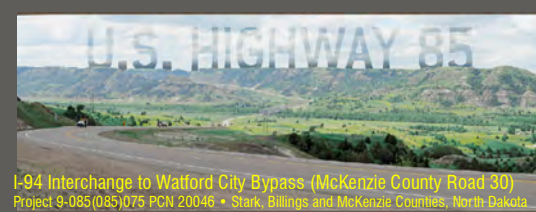
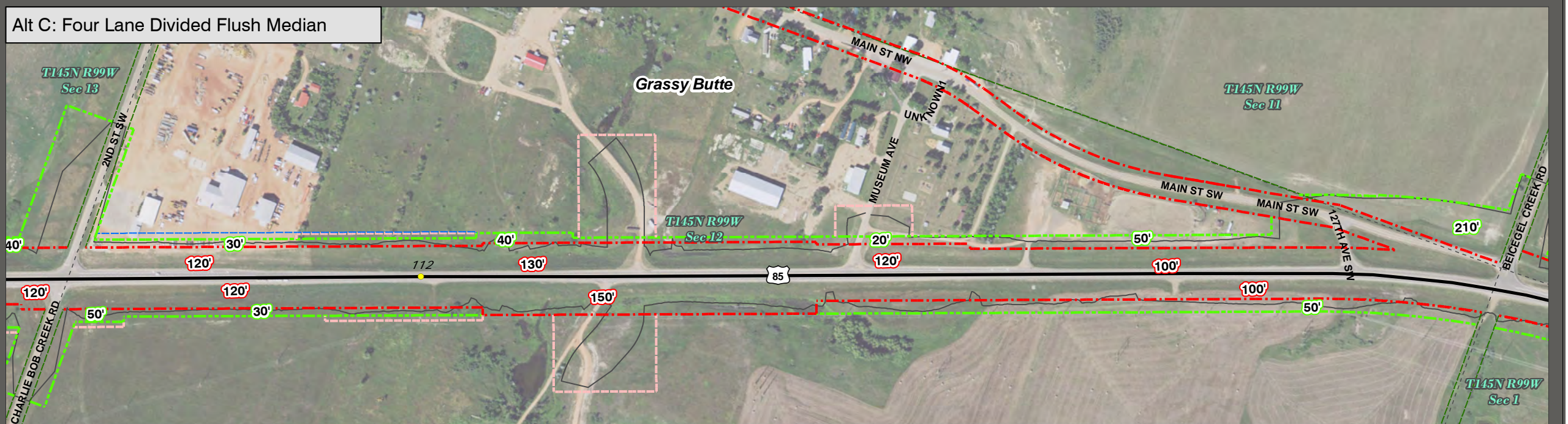
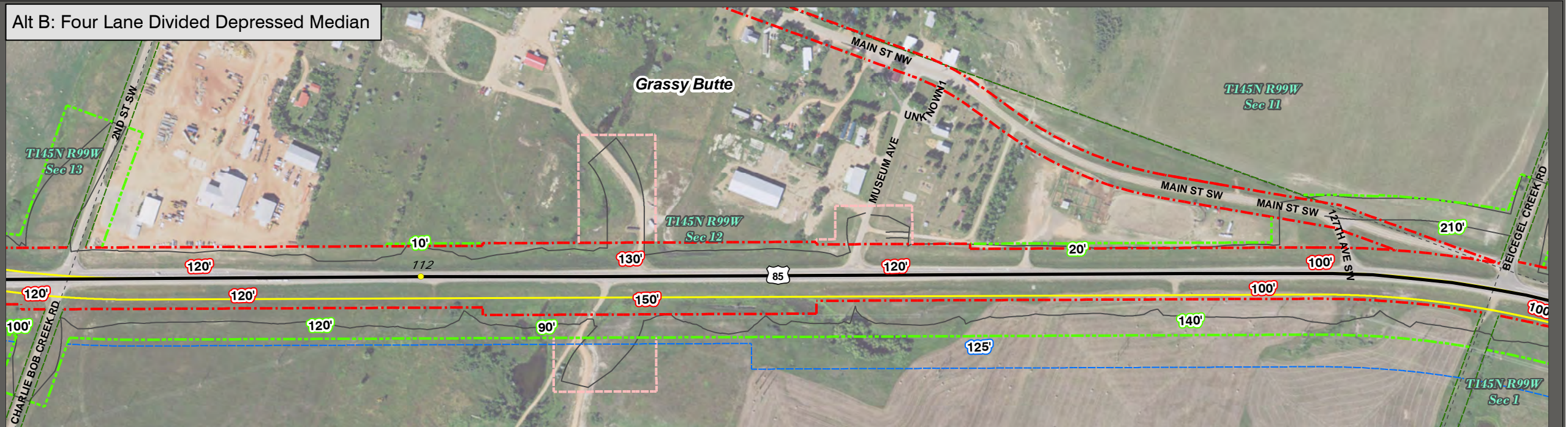
Drawn By:	Date:	Project ID:	PCN:	Page
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Orthophoto Source: NAIP 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



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I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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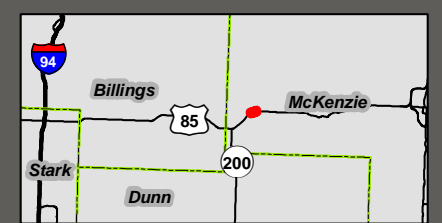
- Mile Markers
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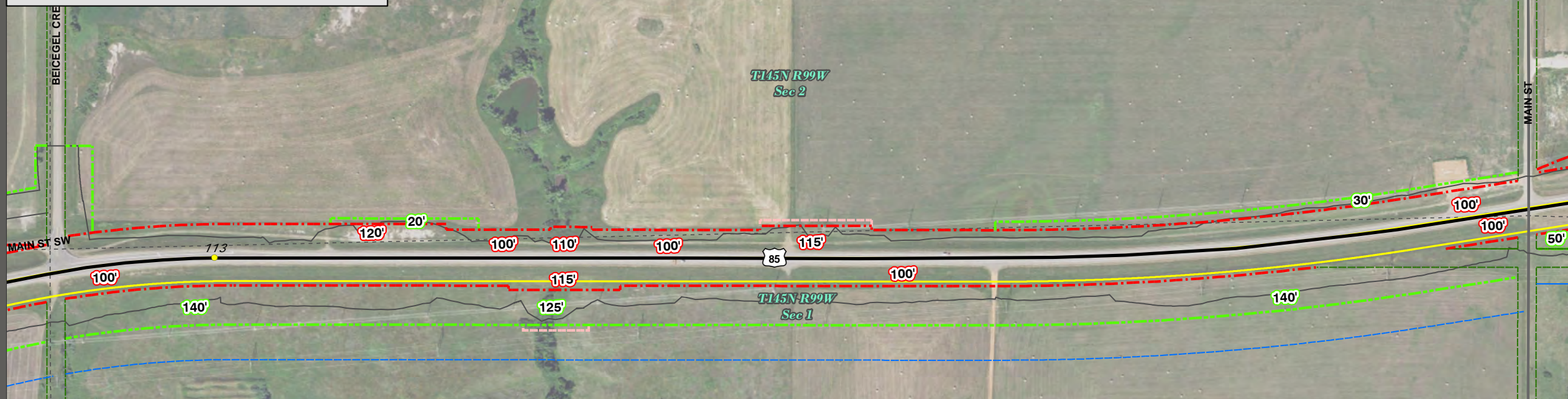
Proposed Right of Way & Easements

Drawn By:	Date:	Project ID:	PCN:	Page:
ANV	8/17/2018	9-085(085)075	20046	36

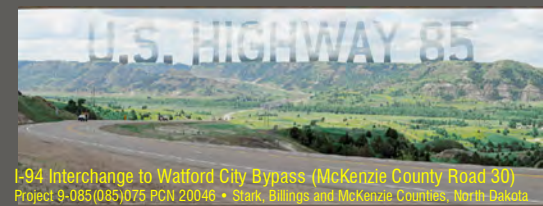
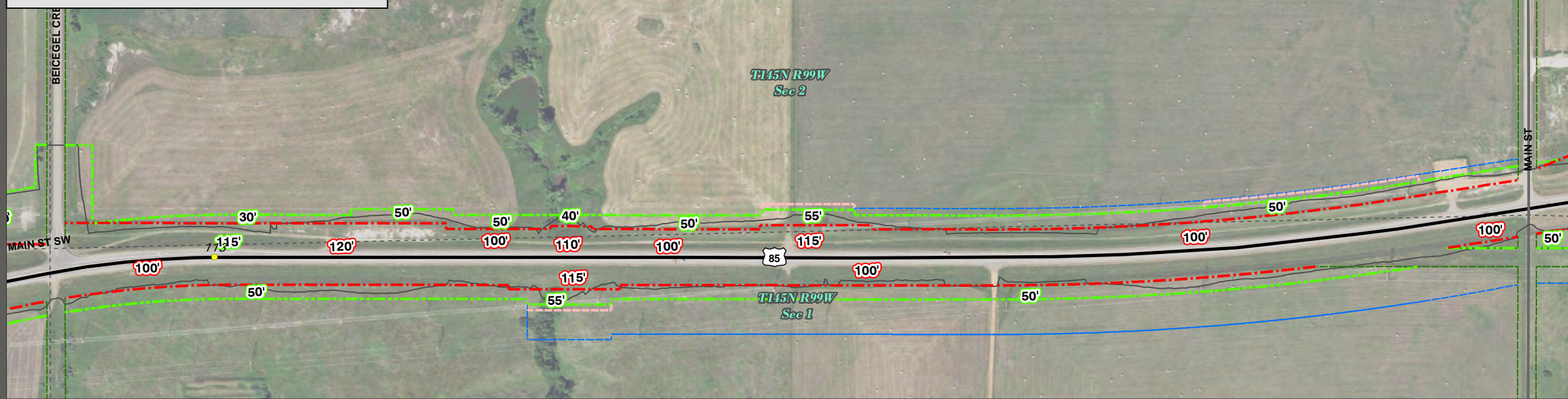
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Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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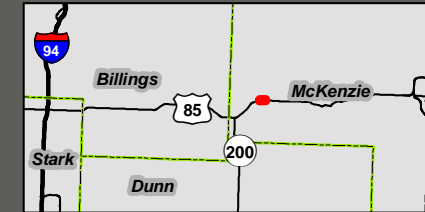
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Proposed Right of Way & Easements

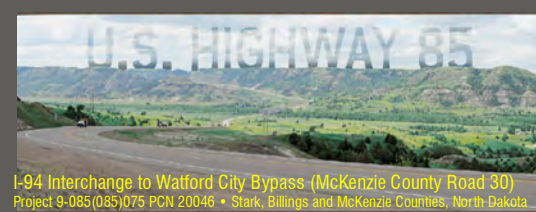
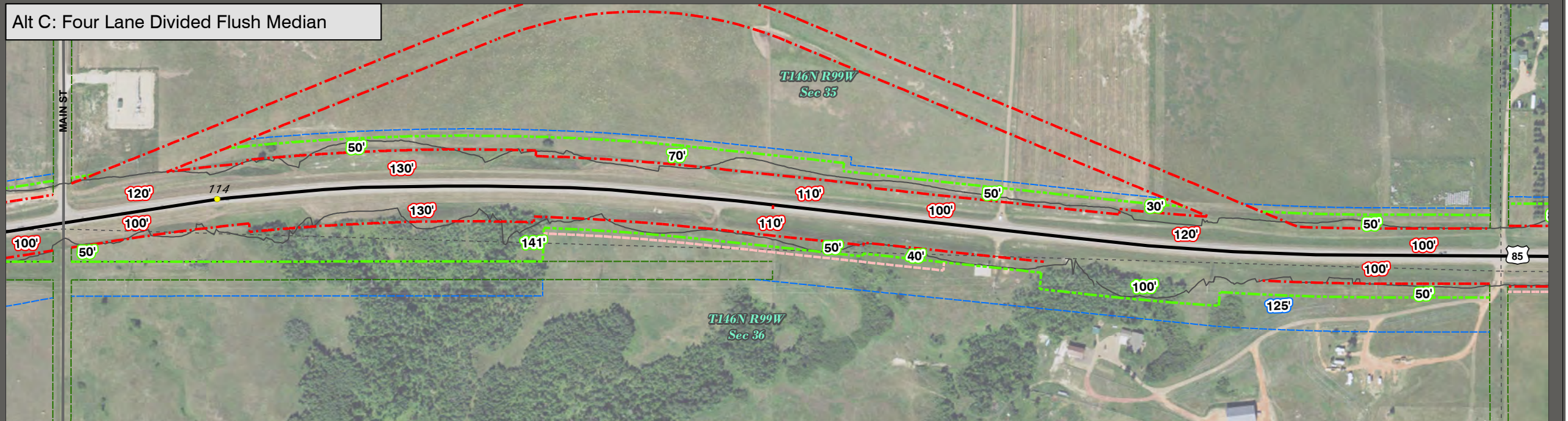
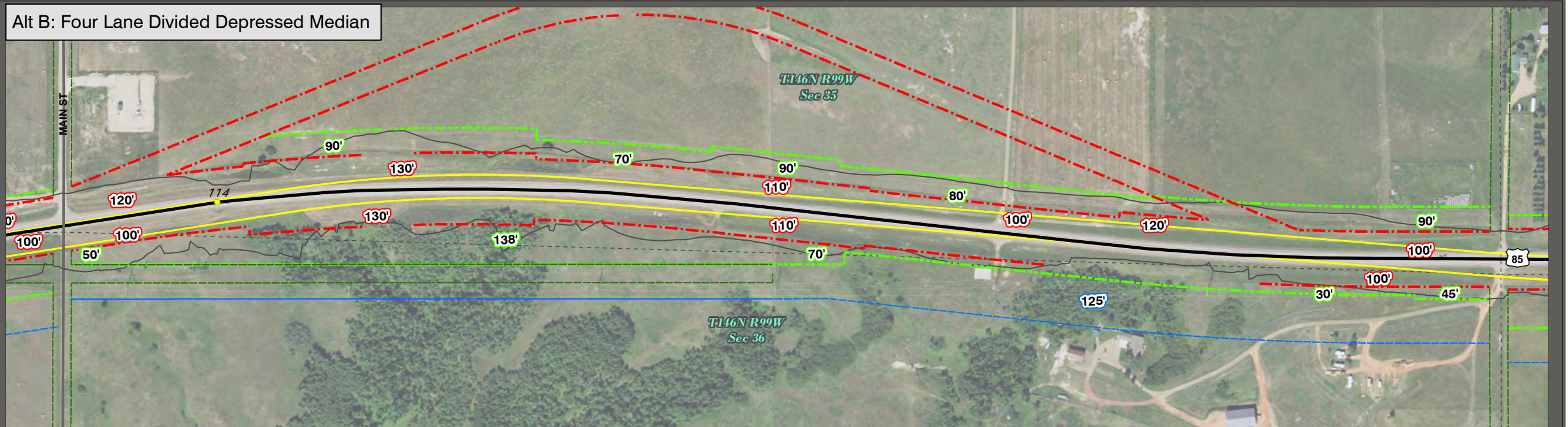
Drawn By: ANV	Date: 8/17/2018	Project ID: 9-085(085)075	PCN: 20046	Page: 37
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



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I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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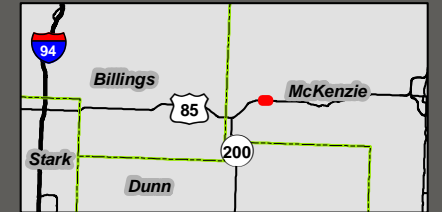
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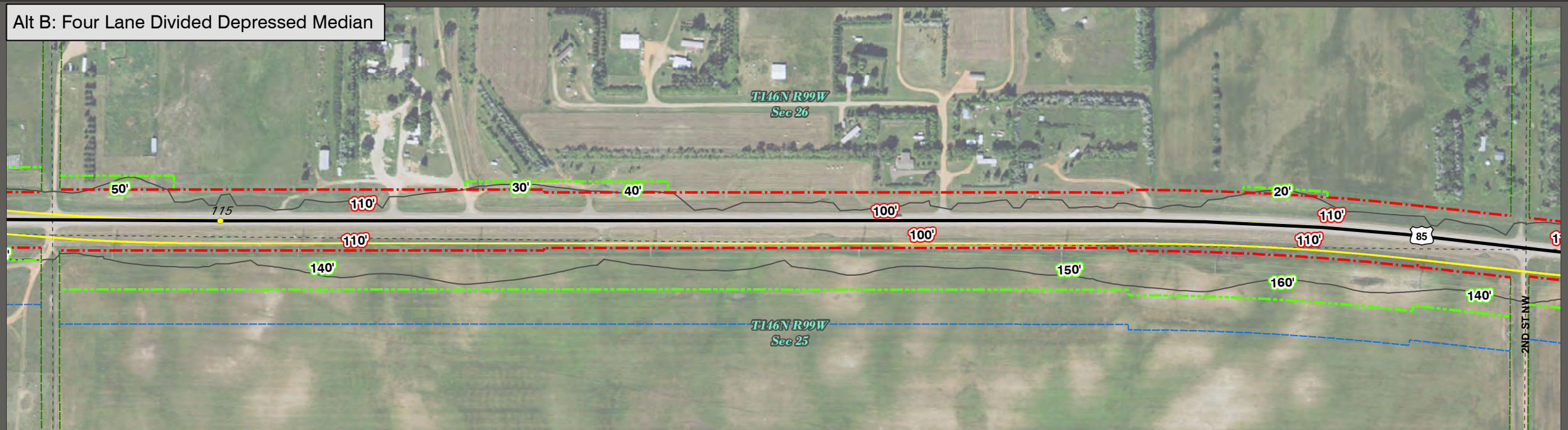
Proposed Right of Way & Easements

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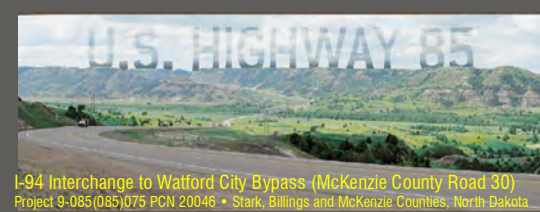
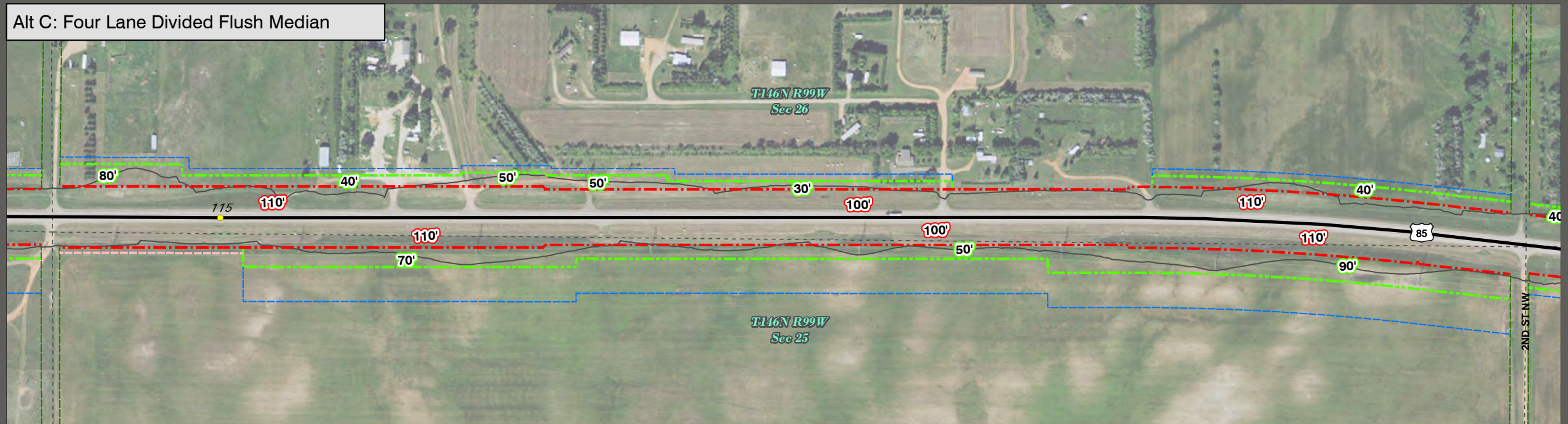
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



Alt B: Four Lane Divided Depressed Median



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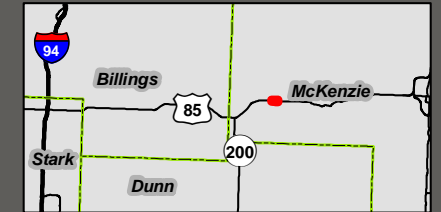
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ANV	8/17/2018	9-085(085)075	20046	39

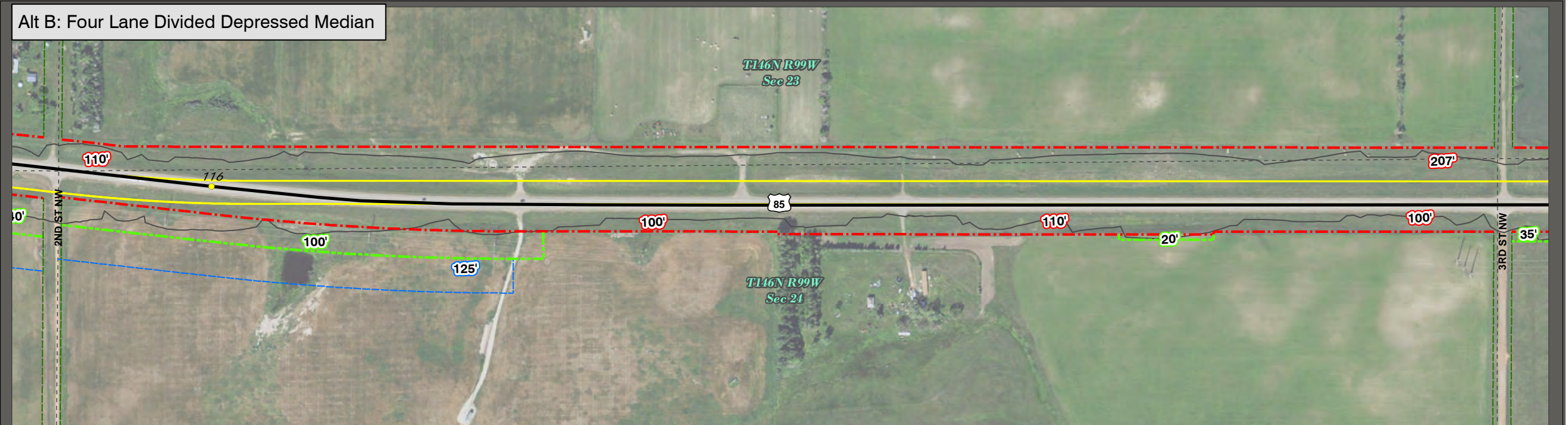
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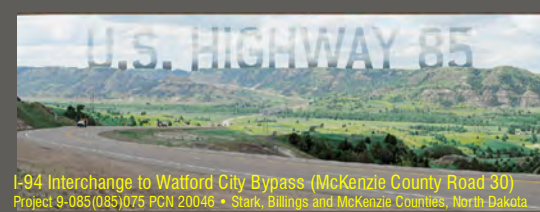
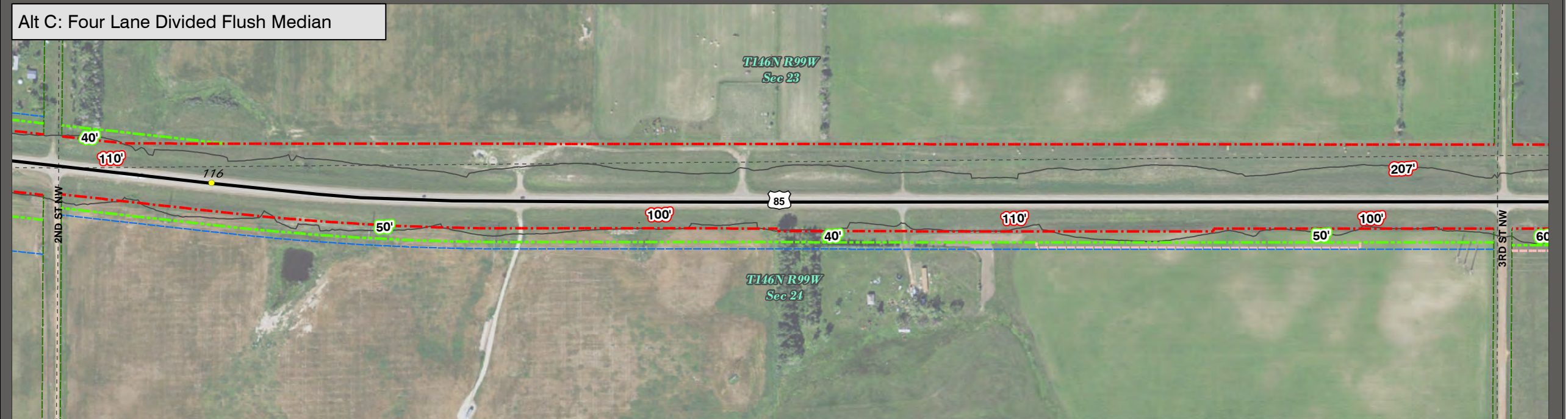
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I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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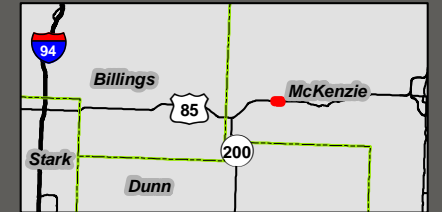
- Mile Markers
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- - - Utility Esmt*
- Grading Limits

*Utility Easements and Temporary Construction Easements are typically 10' or 20'

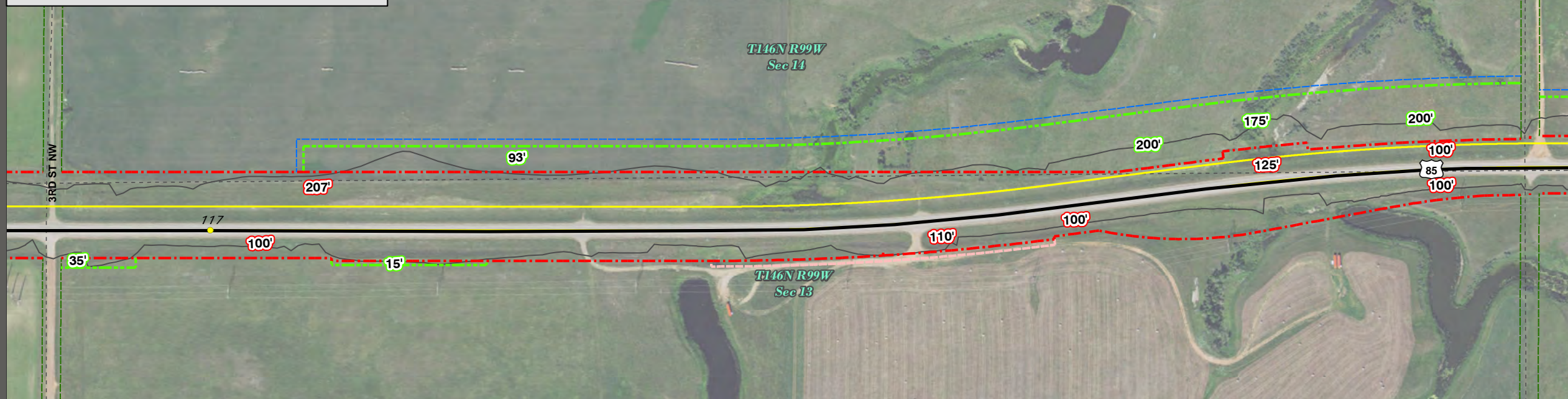
Proposed Right of Way & Easements

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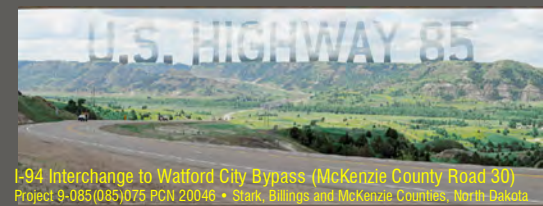
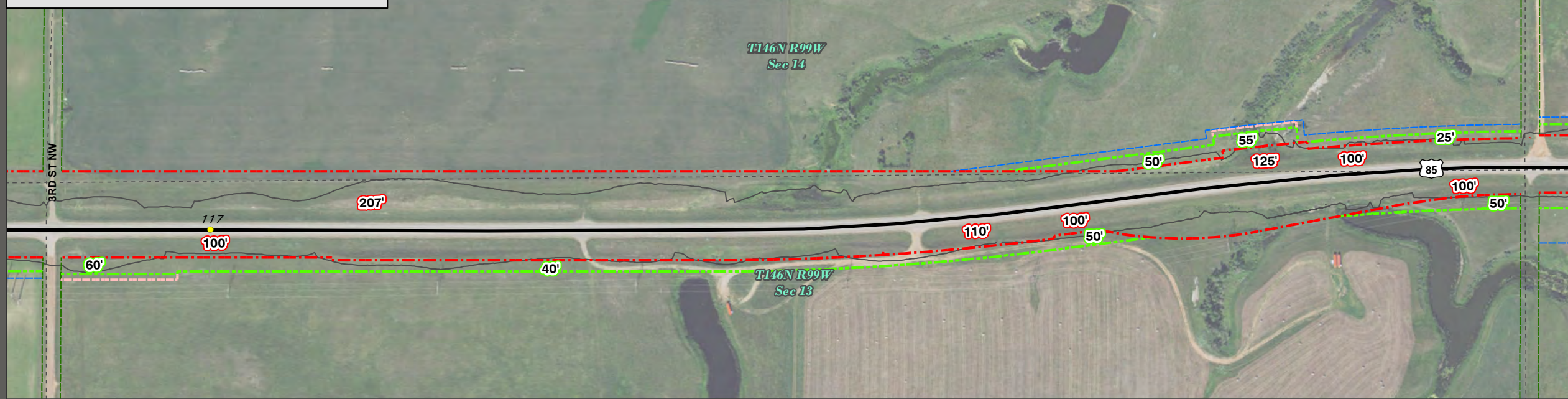
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



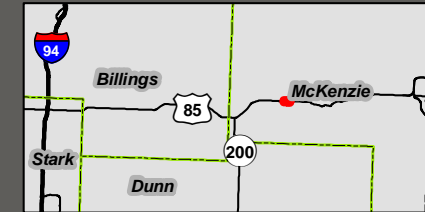
- Mile Markers
- US Route
- Prop Alignment
- - - Sections
- ▭ Townships
- - - Exst RW
- RW Not State Owned Line Exst
- Proposed RW
- - - Temp Const Esmt*
- Utility Esmt*
- Grading Limits

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Proposed Right of Way & Easements

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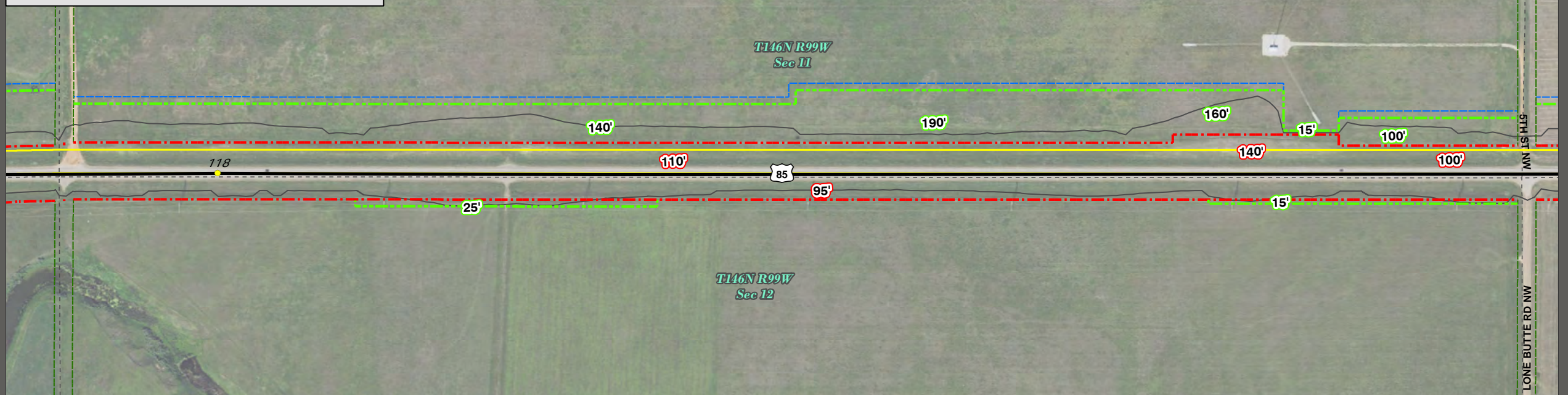
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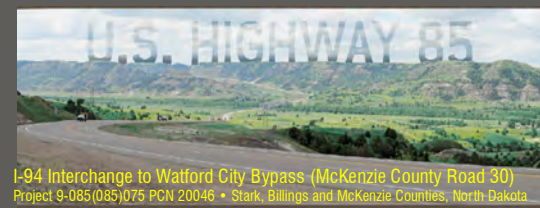
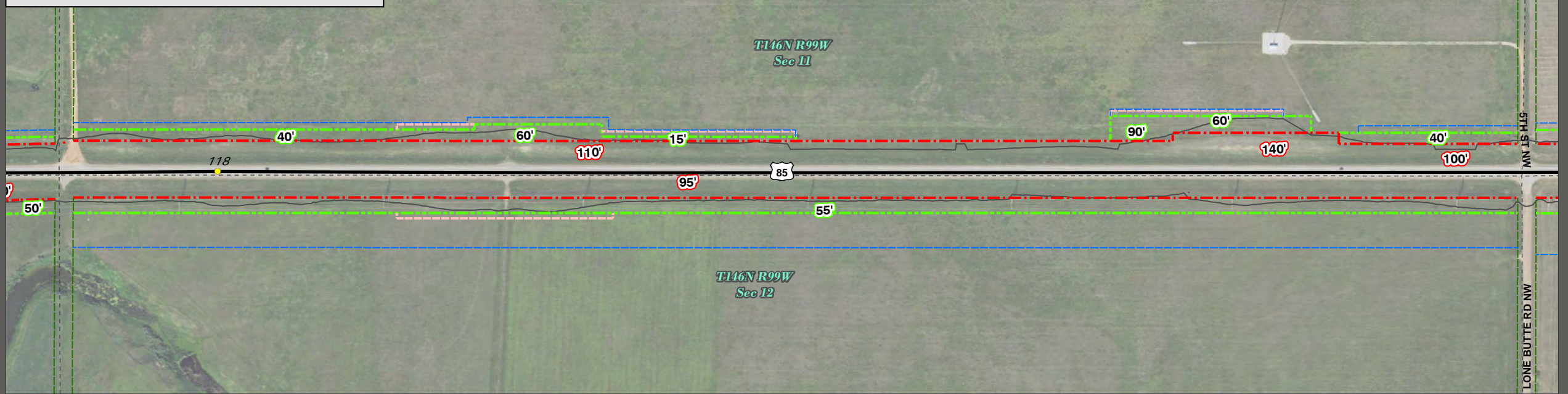
U.S. HIGHWAY 85

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

Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



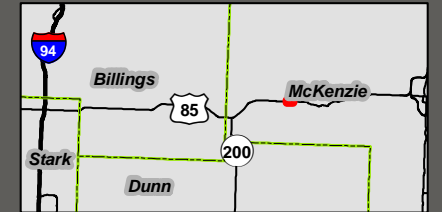
● Mile Markers	--- Exst RW
— US Route	--- RW Not State Owned Line Exst
— Prop Alignment	--- Proposed RW
- - - Sections	--- Temp Const Esmt*
□ Townships	--- Utility Esmt*
	--- Grading Limits

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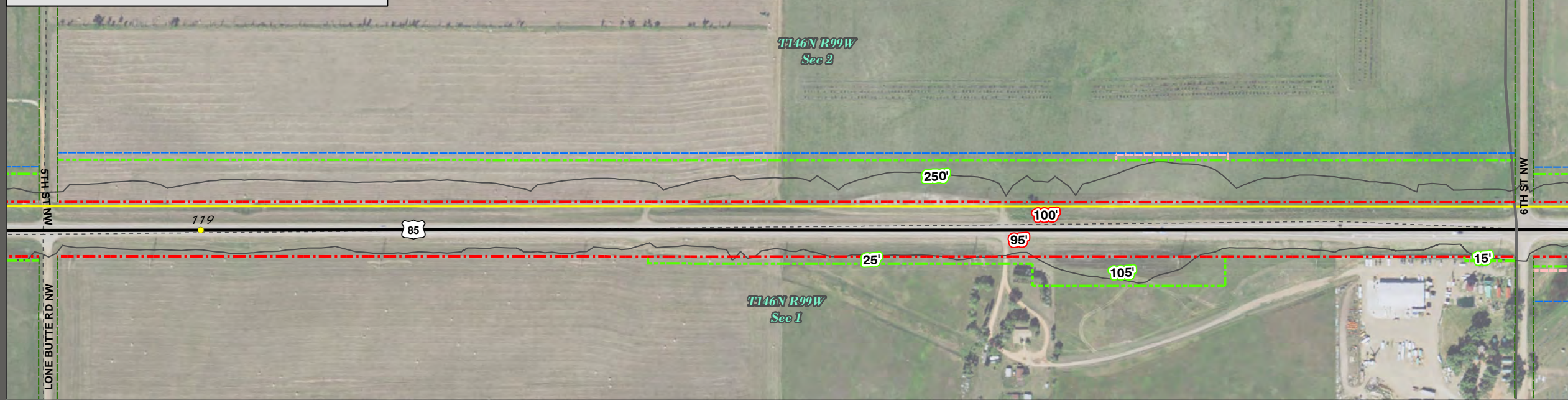
Proposed Right of Way & Easements

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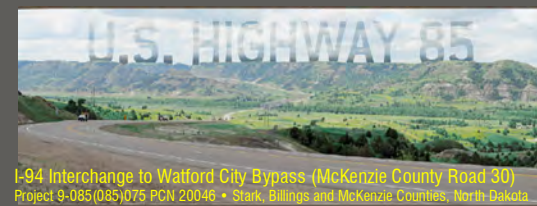
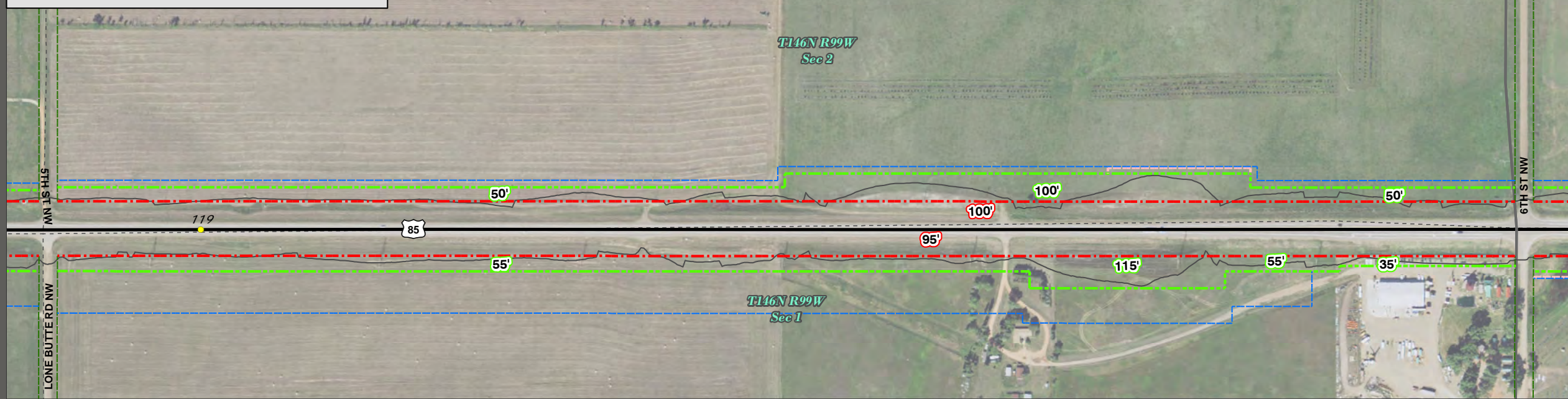
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



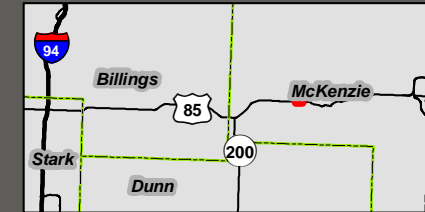
- Mile Markers
- US Route
- Prop Alignment
- - - Sections
- ▭ Townships
- Exst RW
- RW Not State Owned Line Exst
- Proposed RW
- Temp Const Esmt*
- Utility Esmt*
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Proposed Right of Way & Easements

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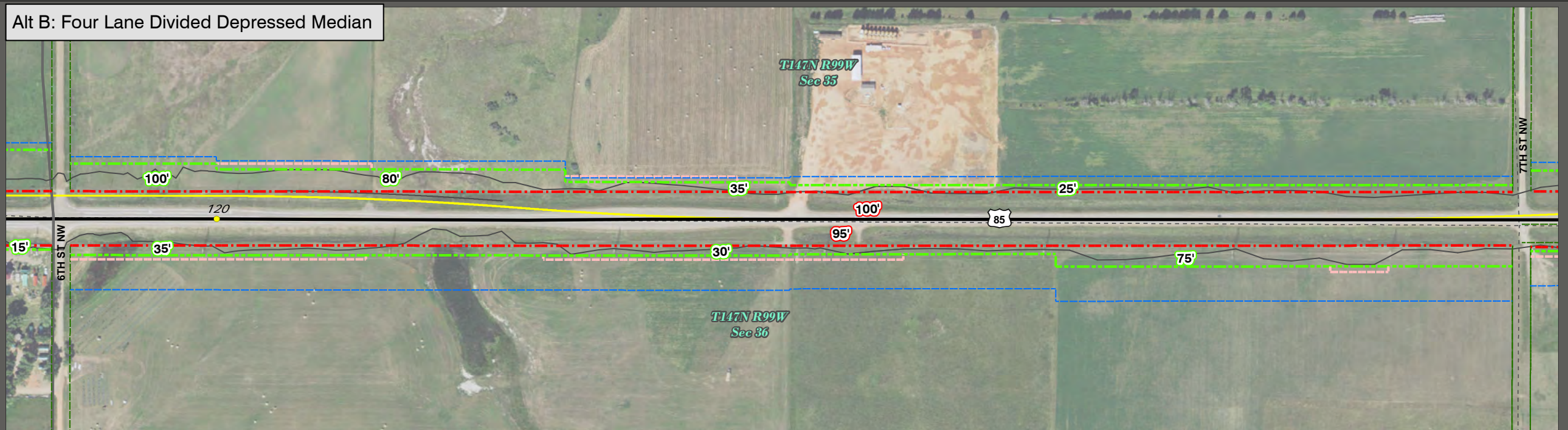
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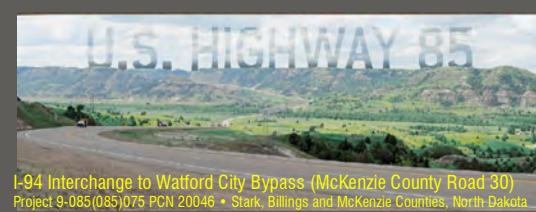
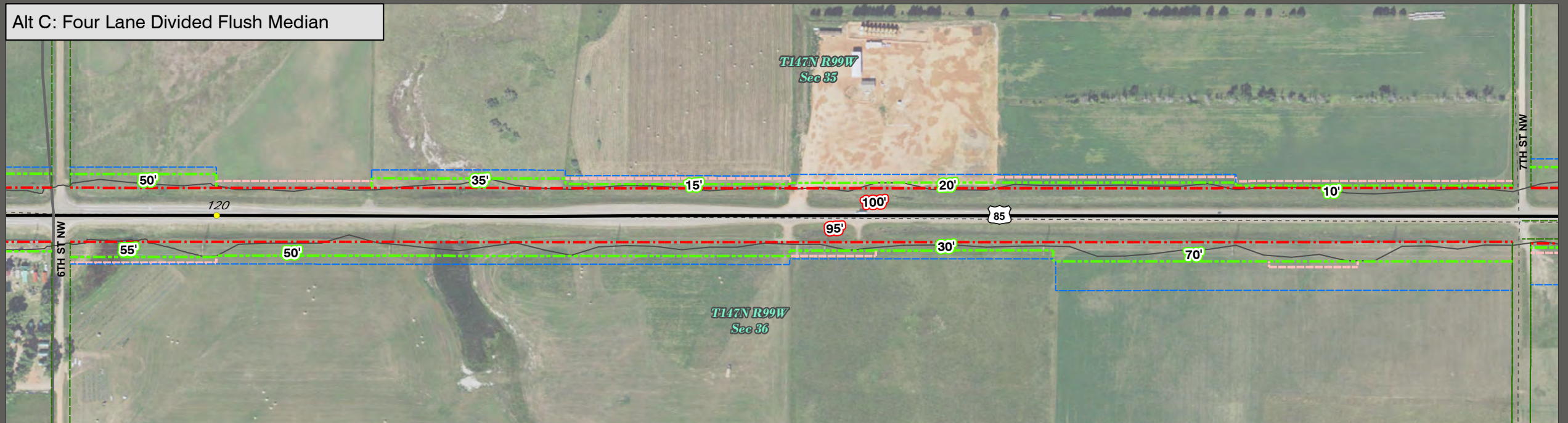
U.S. HIGHWAY 85

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

Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



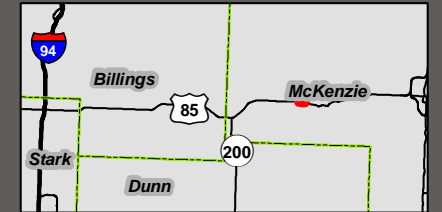
- Mile Markers
- US Route
- Prop Alignment
- - - Sections
- Townships
- Exst RW
- RW Not State Owned Line Exst
- Proposed RW
- Temp Const Esmt*
- Utility Esmt*
- Grading Limits

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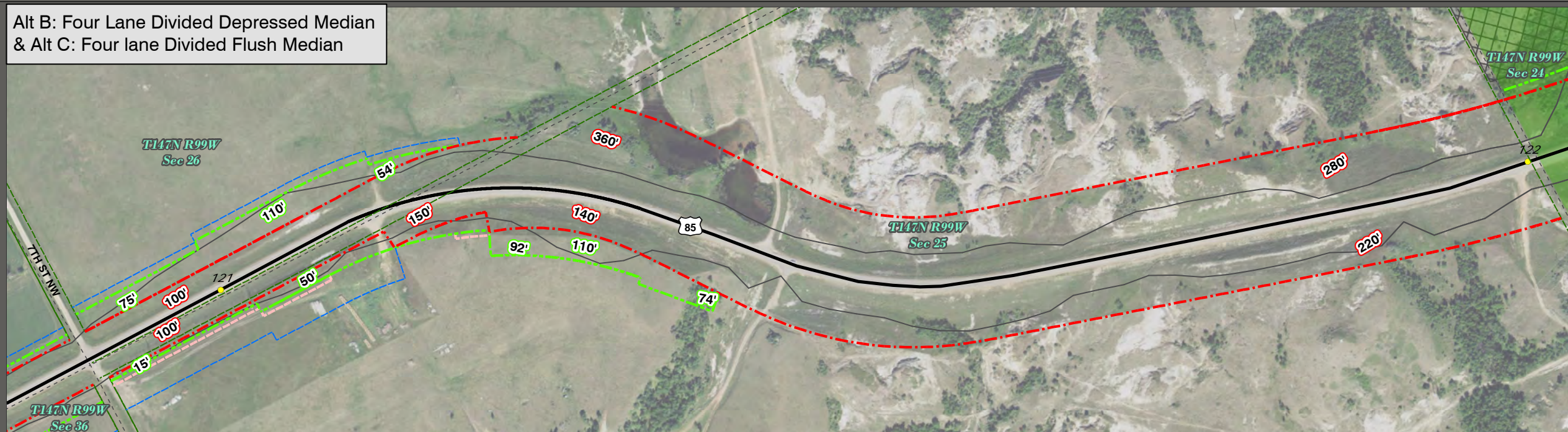
Proposed Right of Way & Easements

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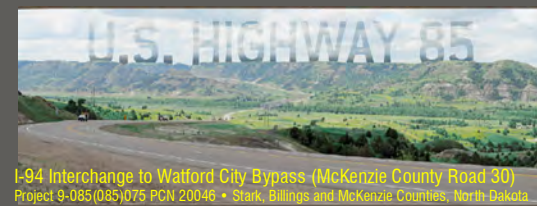
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Alt B: Four Lane Divided Depressed Median
 & Alt C: Four lane Divided Flush Median



Alt B: Four Lane Divided Depressed Median
 & Alt C: Four lane Divided Flush Median



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

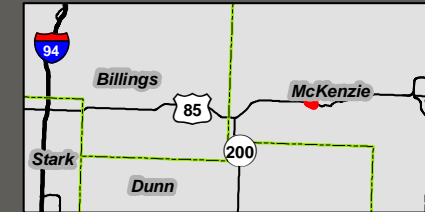


- Mile Markers
 - US Route
 - - - Sections
 - ▭ Townships
 - ▭ County Boundaries
 - ▭ US Forest Service
 - ▭ Roadless Areas
 - - - Exst RW
 - - - RW Not State Owned
 - - - Proposed RW
 - - - Temp Const Esmt*
 - - - Utility Esmt*
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Proposed Right of Way & Easements

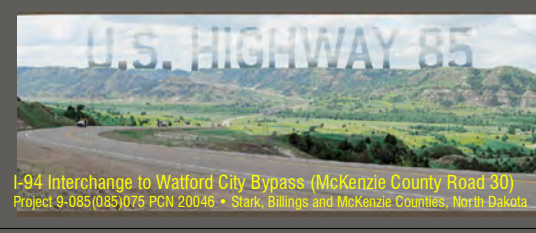
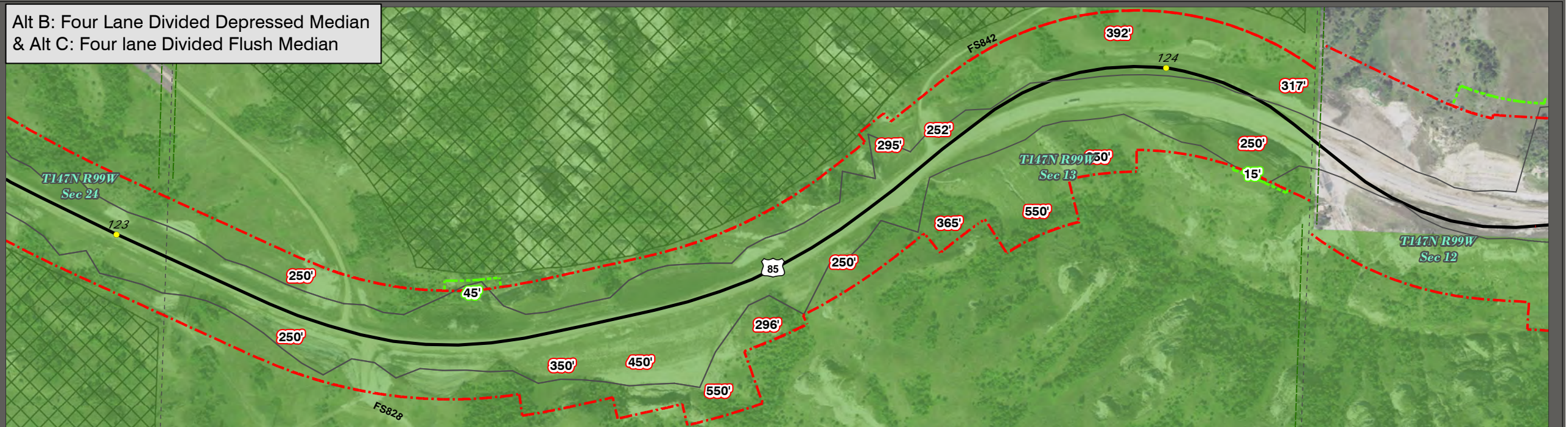
Drawn By: ANV	Date: 8/17/2018	Project ID: 9-085(085)075	PCN: 20046	Page: 45
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Orthophoto Source: NAIP, 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



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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

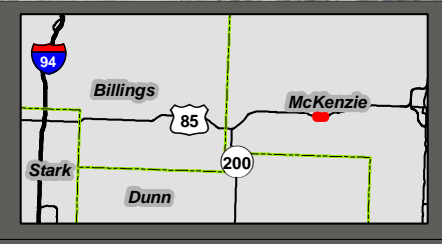


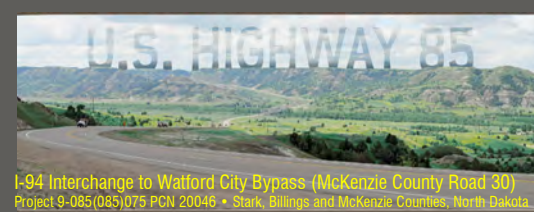
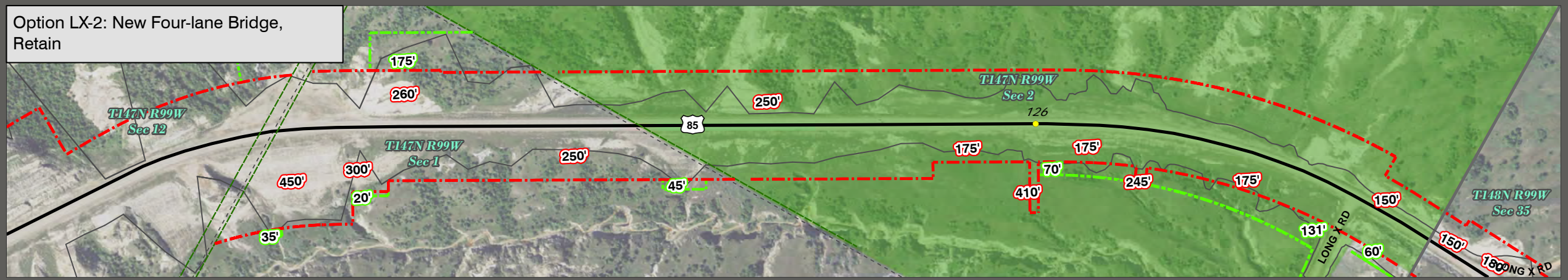
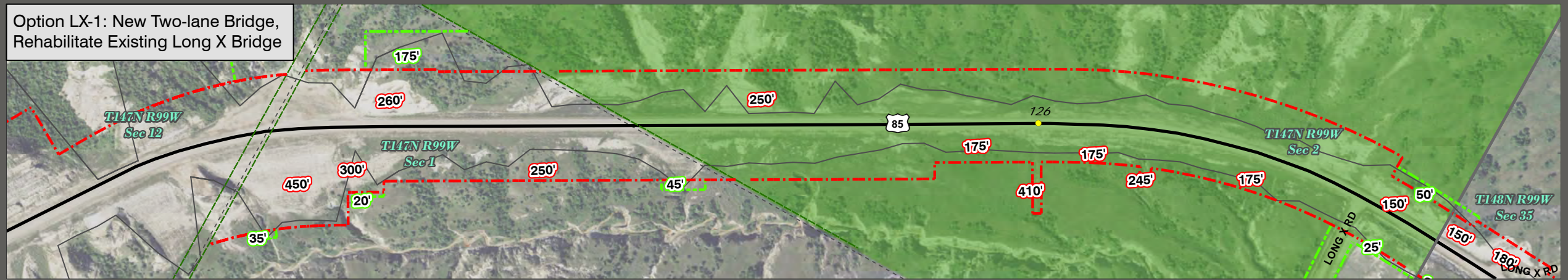
- Mile Markers
 - US Route
 - - - Sections
 - ▭ Townships
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Proposed Right of Way & Easements

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Orthophoto Source: NAIR 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS





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



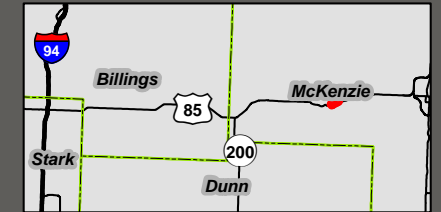
- Mile Markers
- US Route
- - - Sections
- ▭ Townships
- ▭ County Boundaries
- ▭ US Forest Service
- - - Exst RW
- - - RW Not State Owned
- - - Proposed RW
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Proposed Right of Way & Easements

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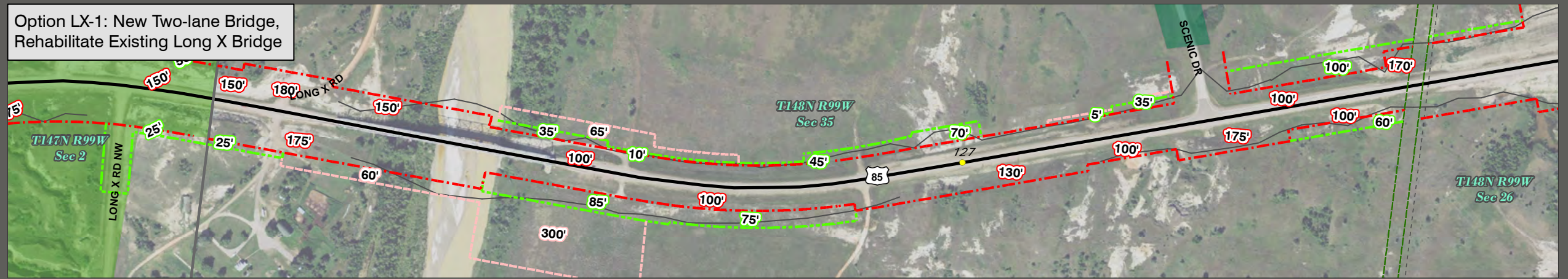
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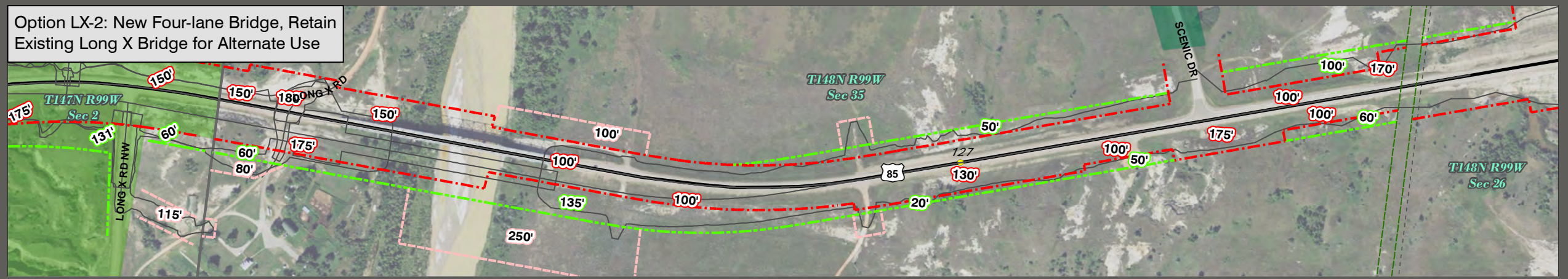
U.S. HIGHWAY 85

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

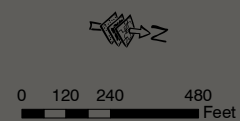
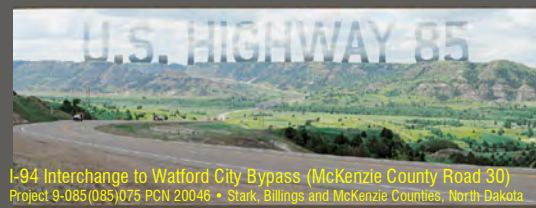
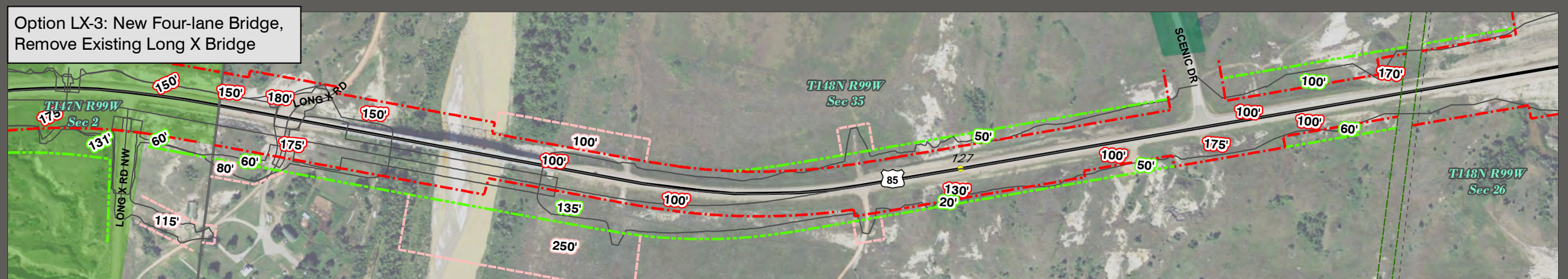
Option LX-1: New Two-lane Bridge, Rehabilitate Existing Long X Bridge



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

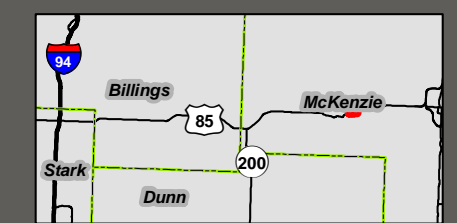


- Mile Markers
 - US Route
 - - - Sections
 - ▭ Townships
 - ▭ County Boundaries
 - ▭ National Park Service
 - ▭ US Forest Service
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 - - - RW Not State Owned
 - - - Proposed RW
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Proposed Right of Way & Easements

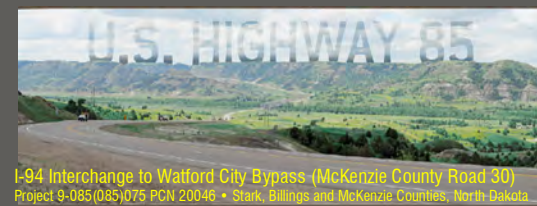
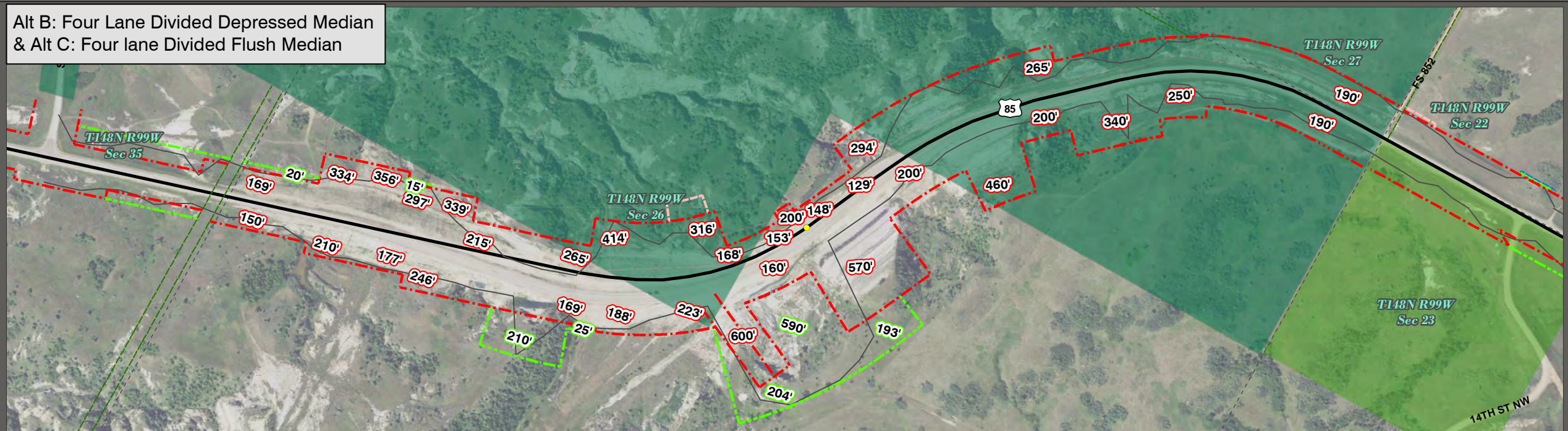
Drawn By: ANV	Date: 9/11/2018	Project ID: 9-085(085)075	PCN: 20046	Page: 48
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Orthophoto Source: NAIR 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



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

Alt B: Four Lane Divided Depressed Median
 & Alt C: Four lane Divided Flush Median



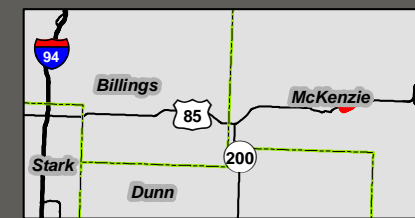
I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
 Project 9-085(085)075 PCN 20046 • Stark, Billings and McKenzie Counties, North Dakota



● Mile Markers	--- Exst RW
— US Route	--- RW Not State Owned
- - - Sections	--- Proposed RW
▭ Townships	--- Temp Const Esmt*
▭ County Boundaries	--- Utility Esmt*
▭ National Park Service	--- Grading Limits
▭ US Forest Service	

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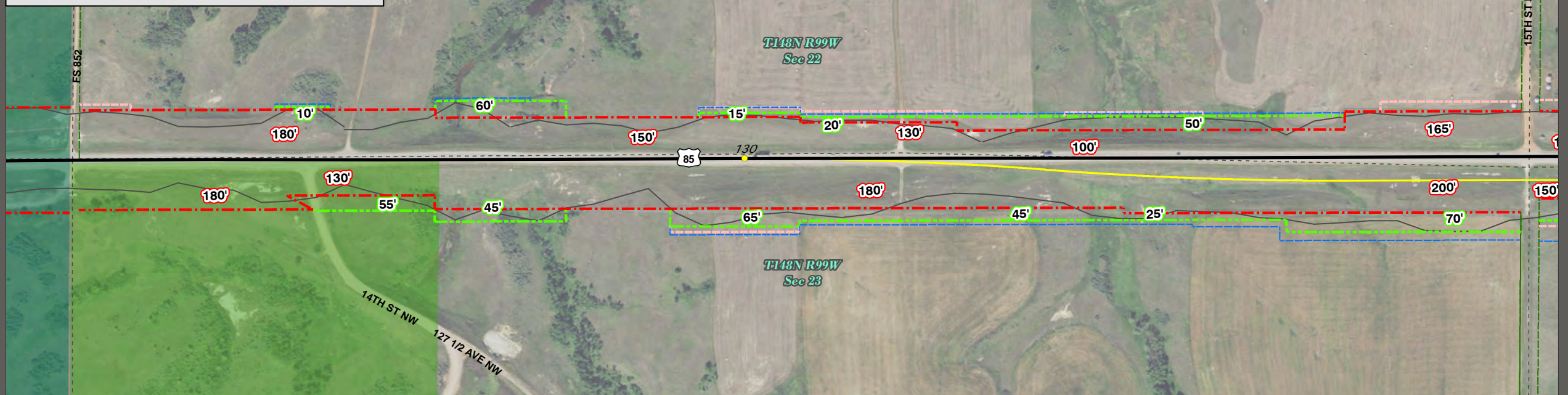
Proposed Right of Way & Easements				
Drawn By:	Date:	Project ID:	PCN:	Page
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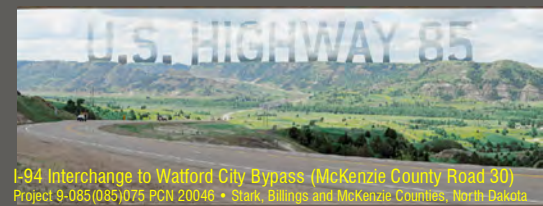
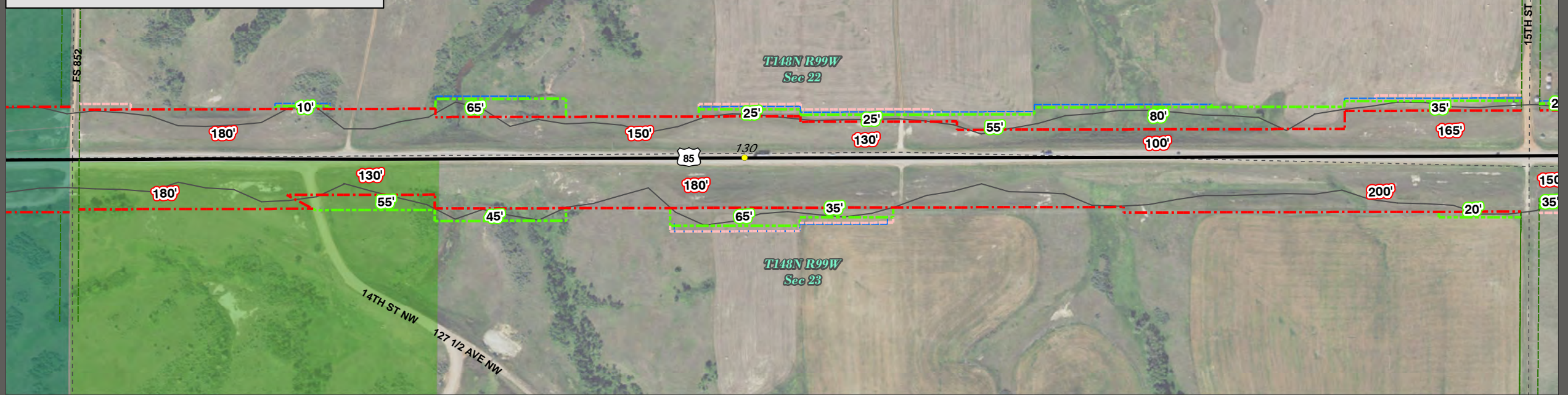
U.S. HIGHWAY 85

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

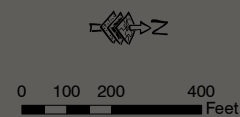
Alt B: Four Lane Divided Depressed Median



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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



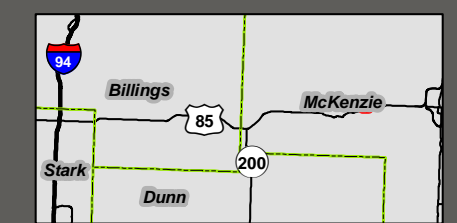
- Mile Markers
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- - - Sections
- Townships
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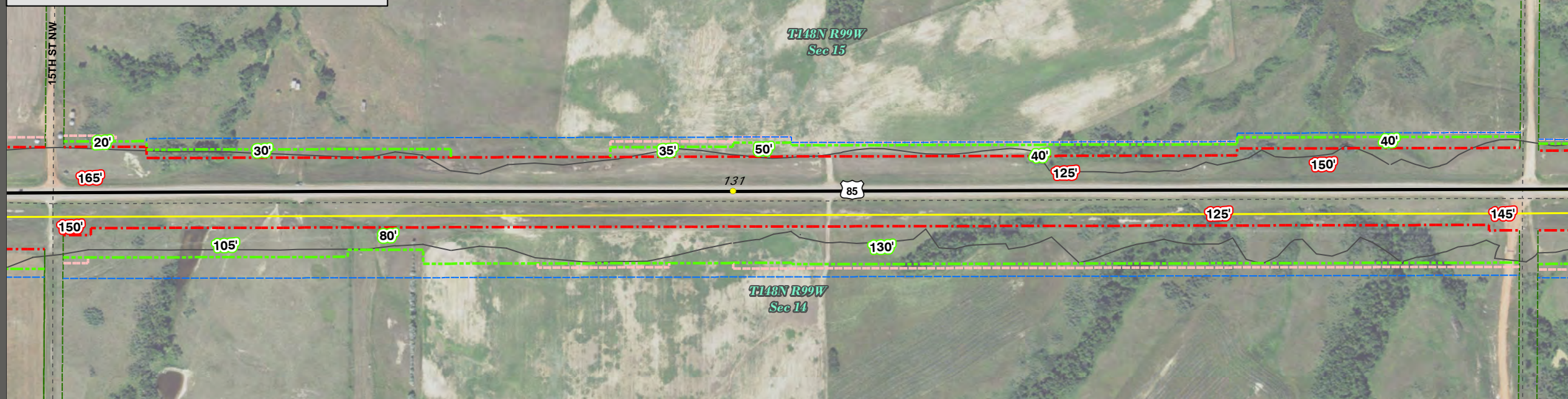
Proposed Right of Way & Easements

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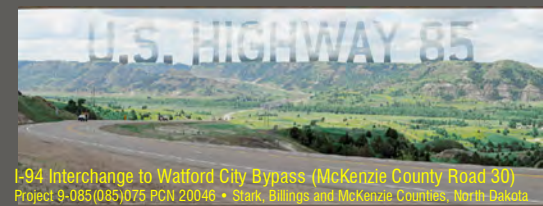
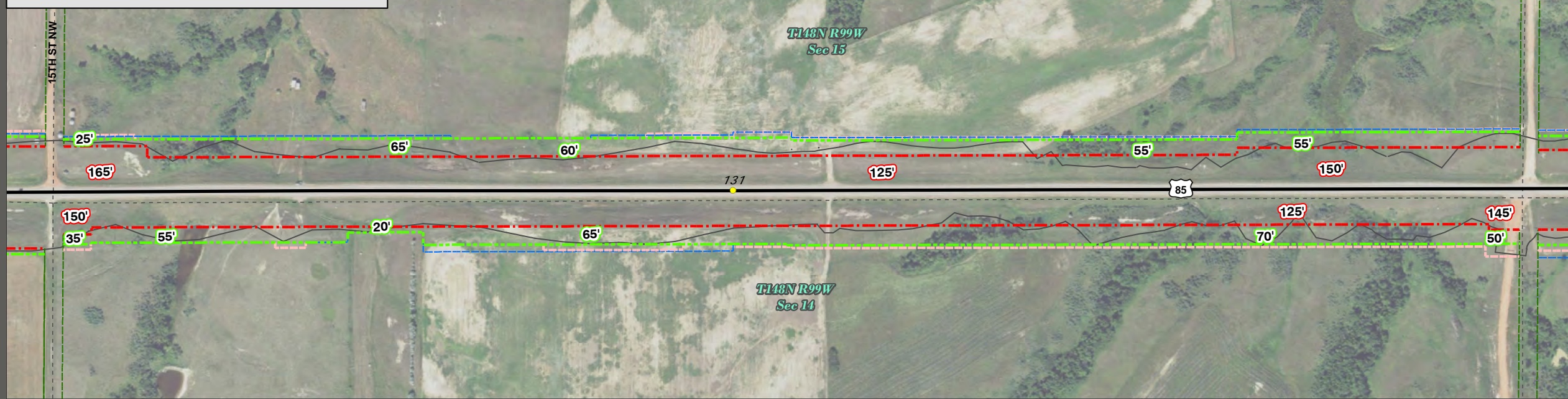
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



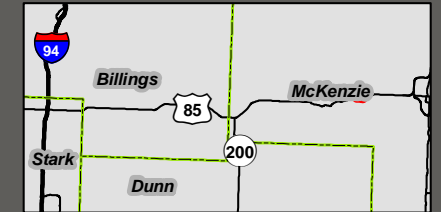
- Mile Markers
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Proposed Right of Way & Easements

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ANV	8/17/2018	9-085(085)075	20046	51

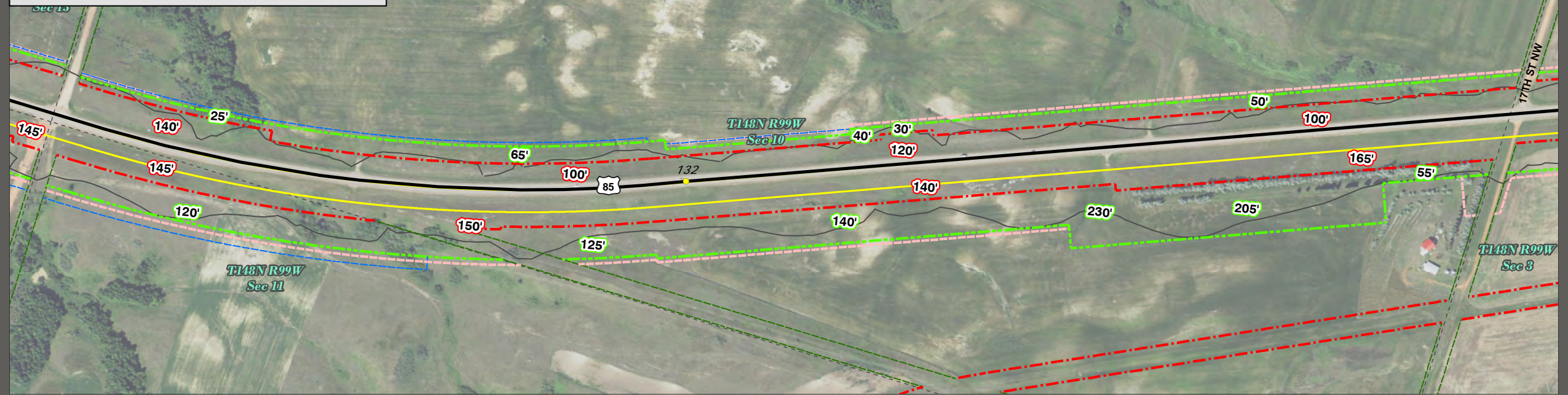
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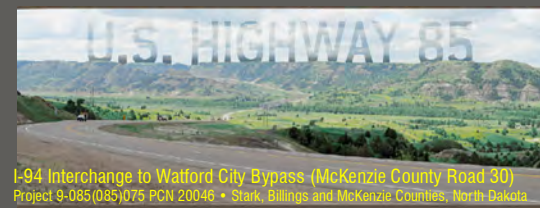
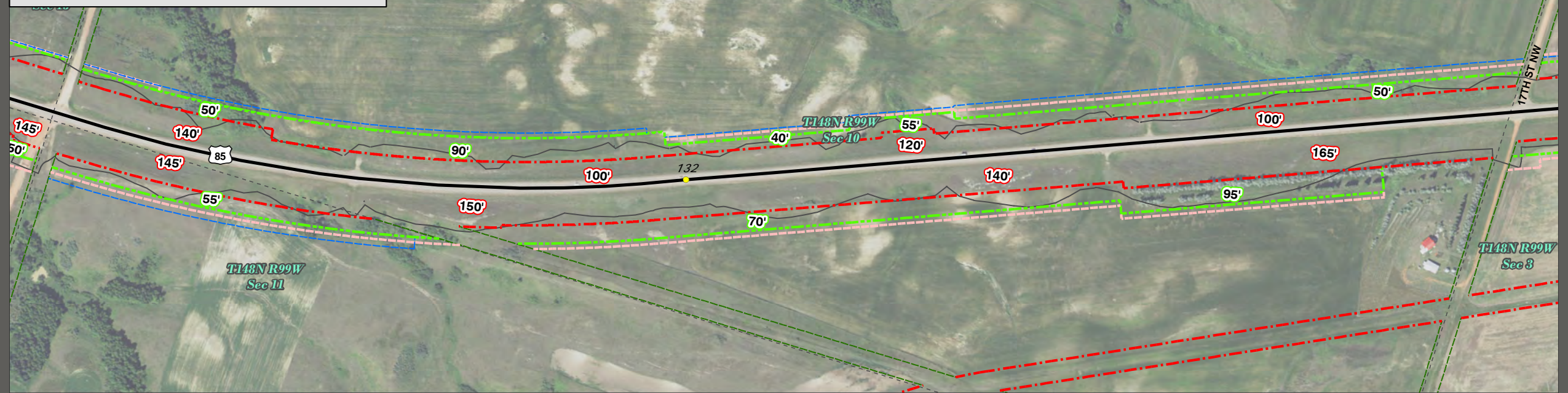
U.S. HIGHWAY 85

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

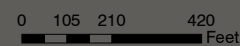
Alt B: Four Lane Divided Depressed Median



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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



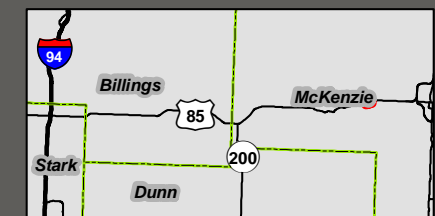
- Mile Markers
- US Route
- Prop Alignment
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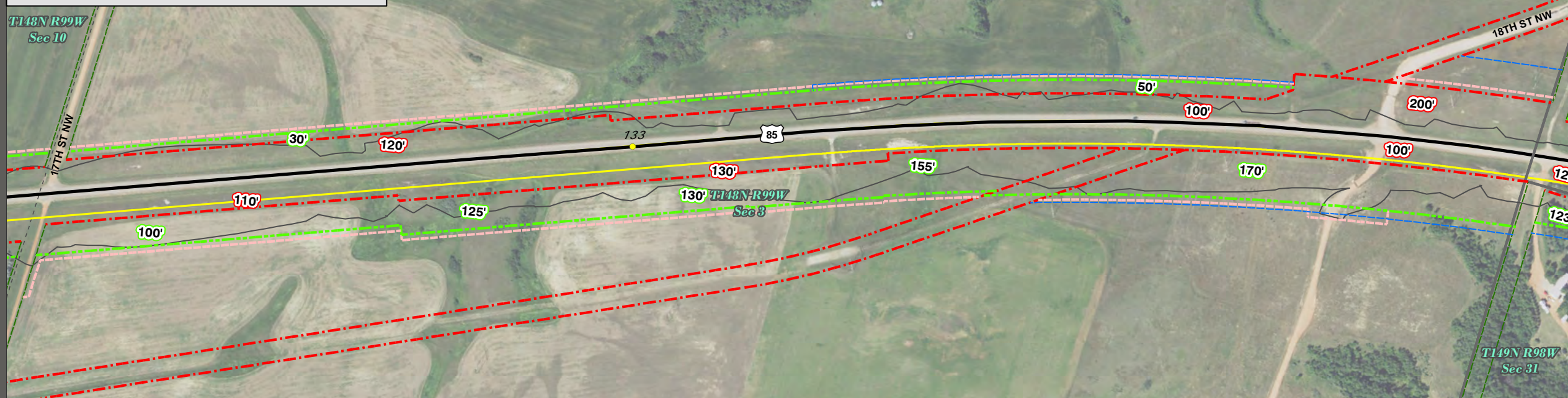
Proposed Right of Way & Easements

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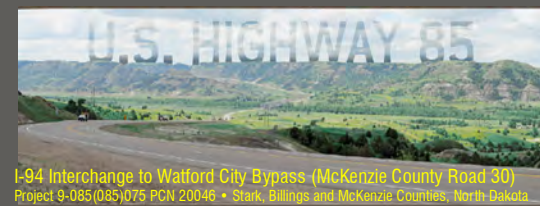
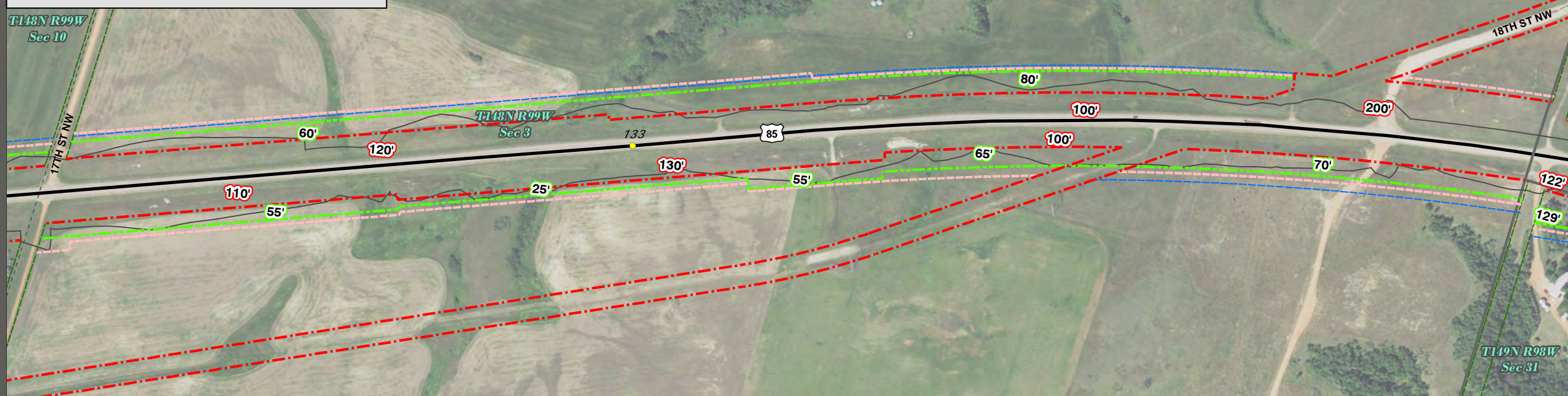
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 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



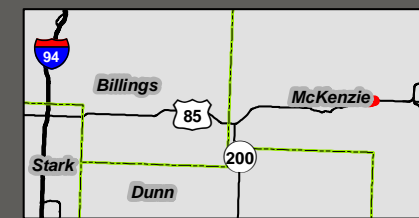
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- US Route
- Prop Alignment
- - - Sections
- Townships
- - - Exst RW
- - - RW Not State Owned Line Exst
- - - Proposed RW
- - - Temp Const Esmt*
- - - Utility Esmt*
- Grading Limits

*Utility Easements and Temporary Construction Easements are typically 10' or 20'

Proposed Right of Way & Easements

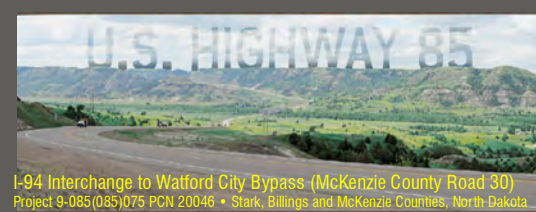
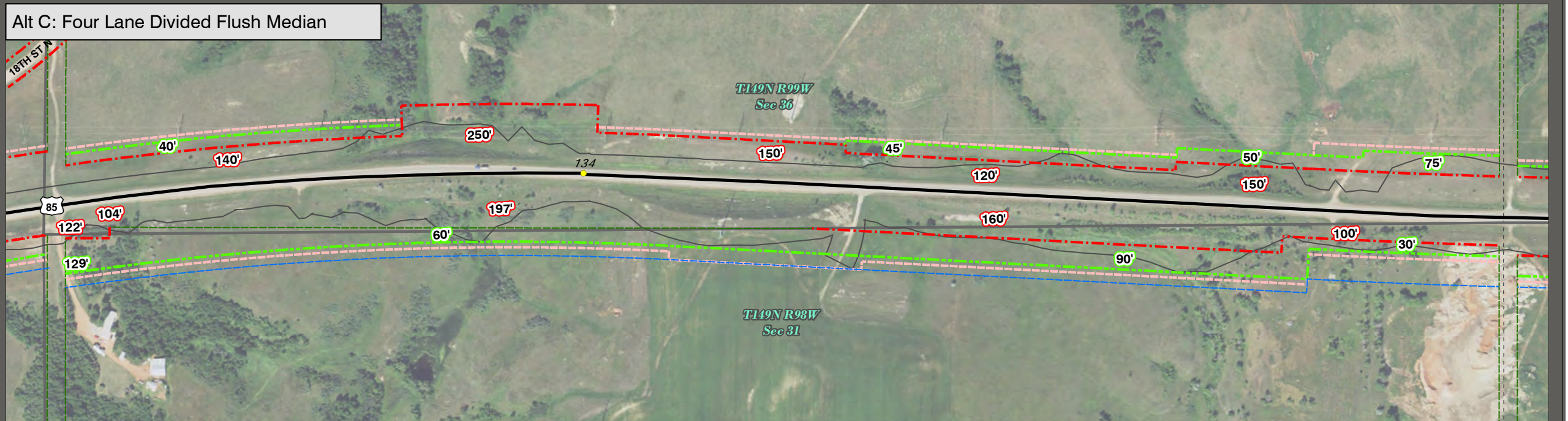
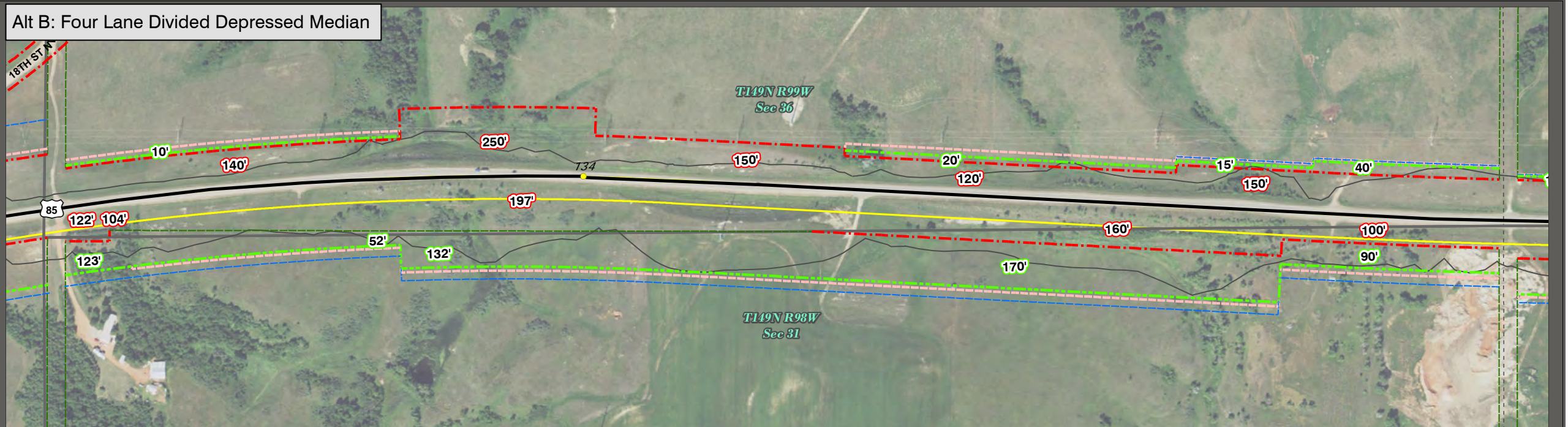
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Orthophoto Source: NAIP 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



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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



I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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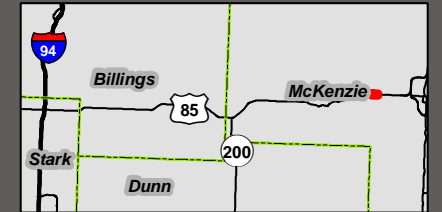
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- US Route
- Prop Alignment
- - - Sections
- Townships
- - - Exst RW
- - - RW Not State Owned Line Exst
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- - - Temp Const Esmt*
- - - Utility Esmt*
- Grading Limits

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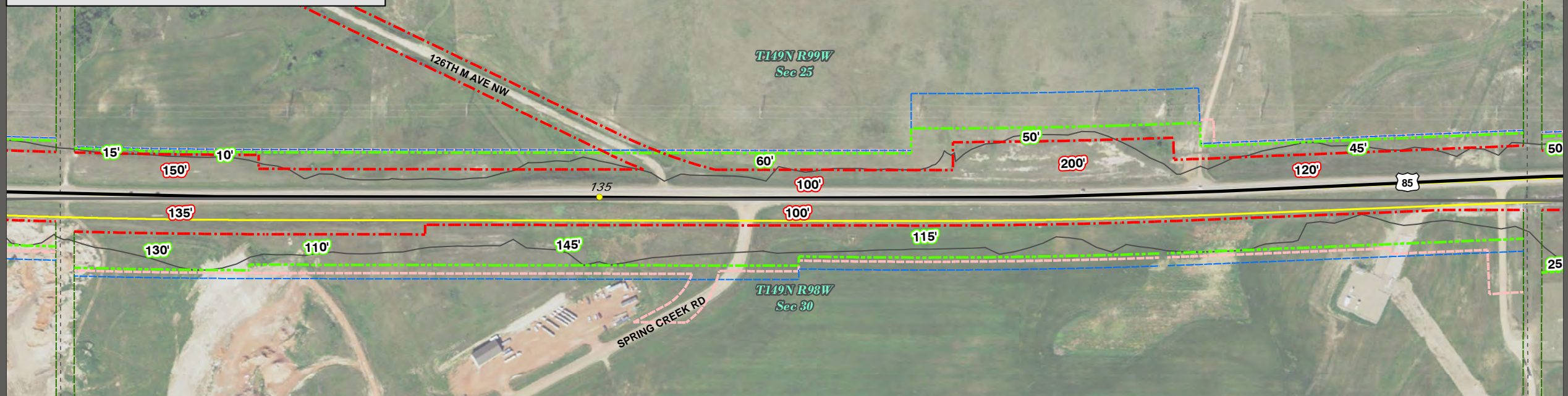
Proposed Right of Way & Easements

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ANV	8/17/2018	9-085(085)075	20046	54

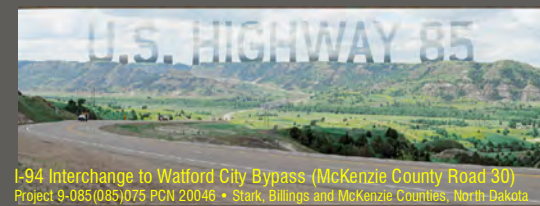
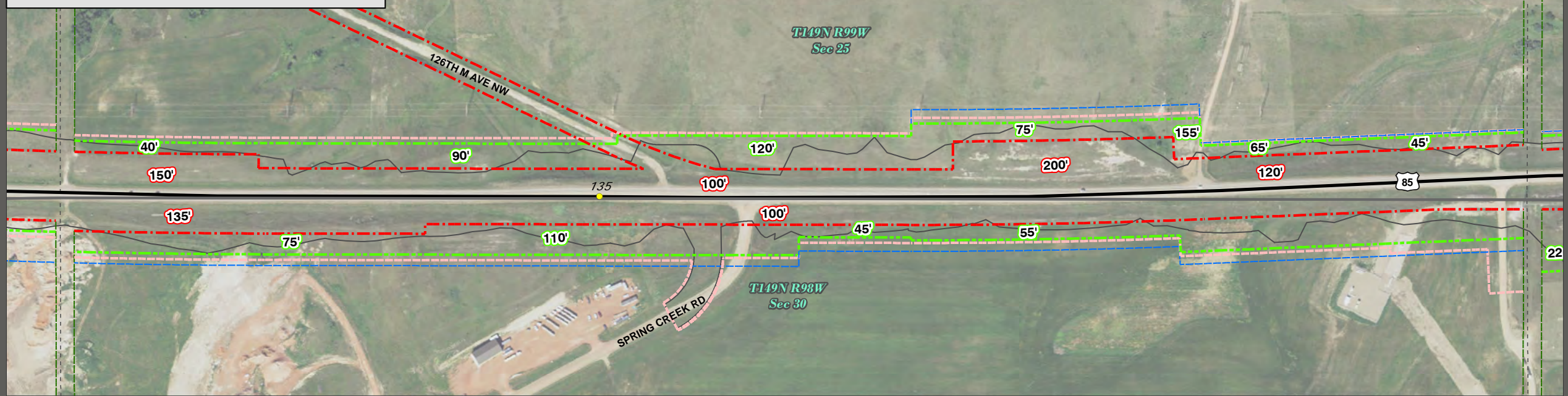
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Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



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



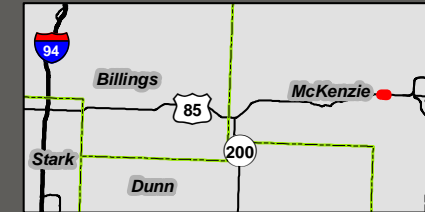
- Mile Markers
- US Route
- Prop Alignment
- - Sections
- Townships
- Exst RW
- RW Not State Owned Line Exst
- Proposed RW
- Temp Const Esmt*
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Proposed Right of Way & Easements

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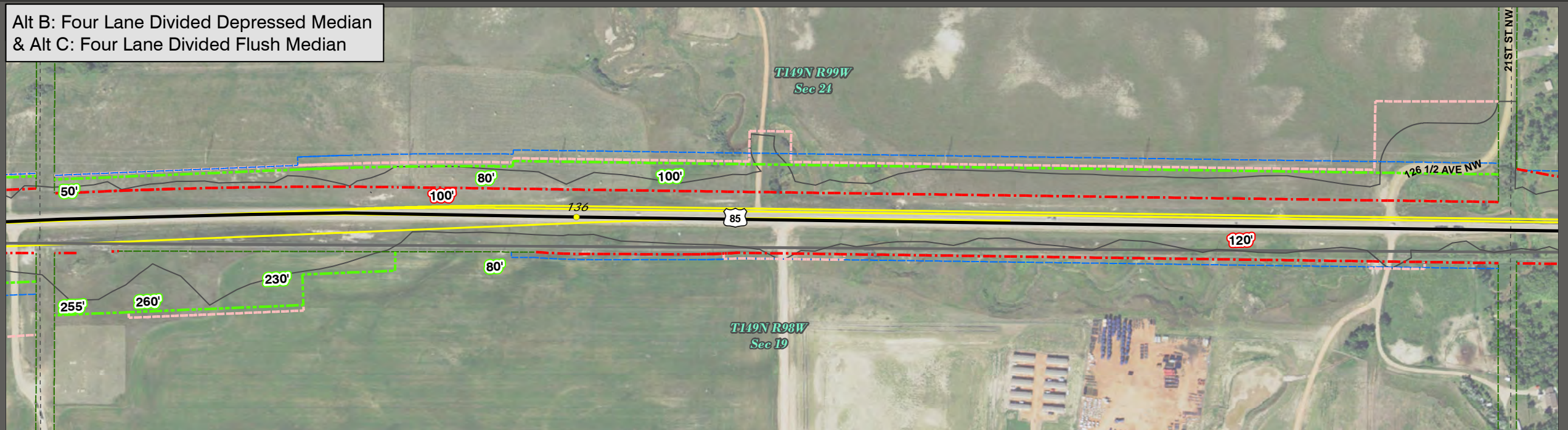
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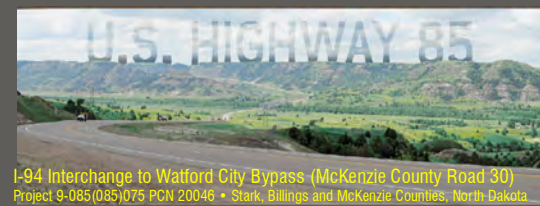
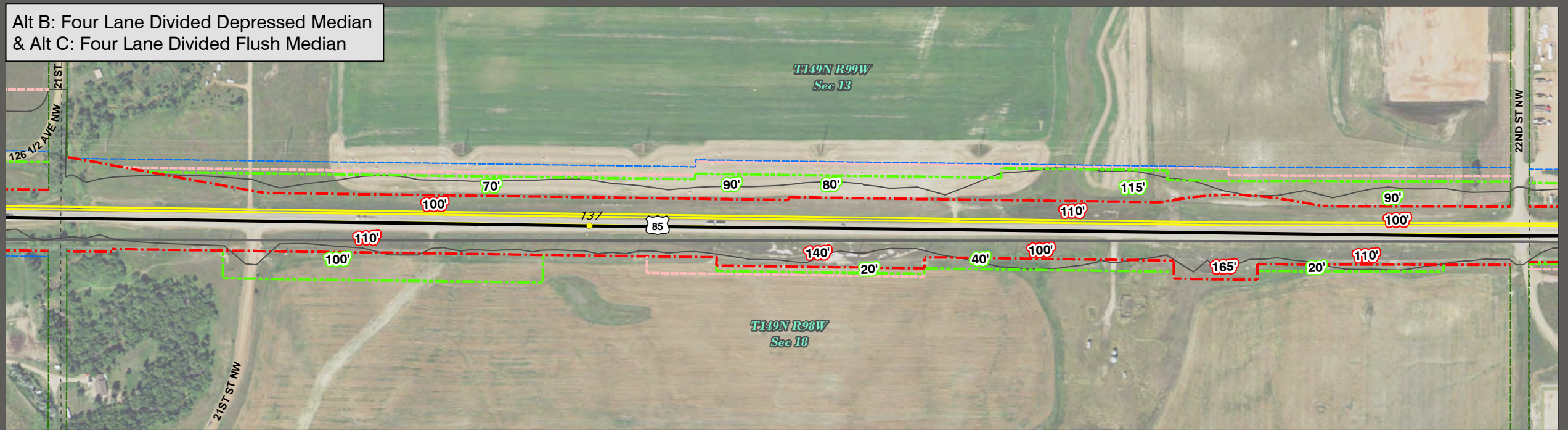
U.S. HIGHWAY 85

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

Alt B: Four Lane Divided Depressed Median
 & Alt C: Four Lane Divided Flush Median



Alt B: Four Lane Divided Depressed Median
 & Alt C: Four Lane Divided Flush Median



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



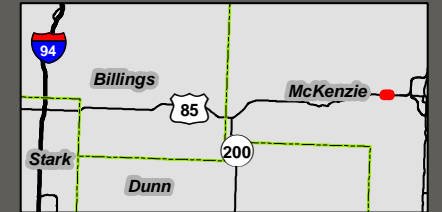
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- US Route
- Prop Alignment
- - - Sections
- Townships
- - - Exst RW
- - - RW Not State Owned Line Exst
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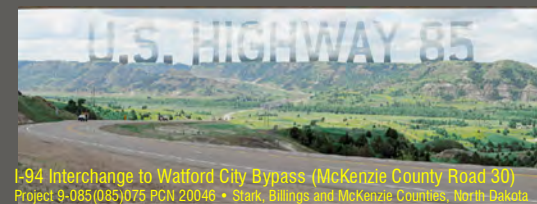
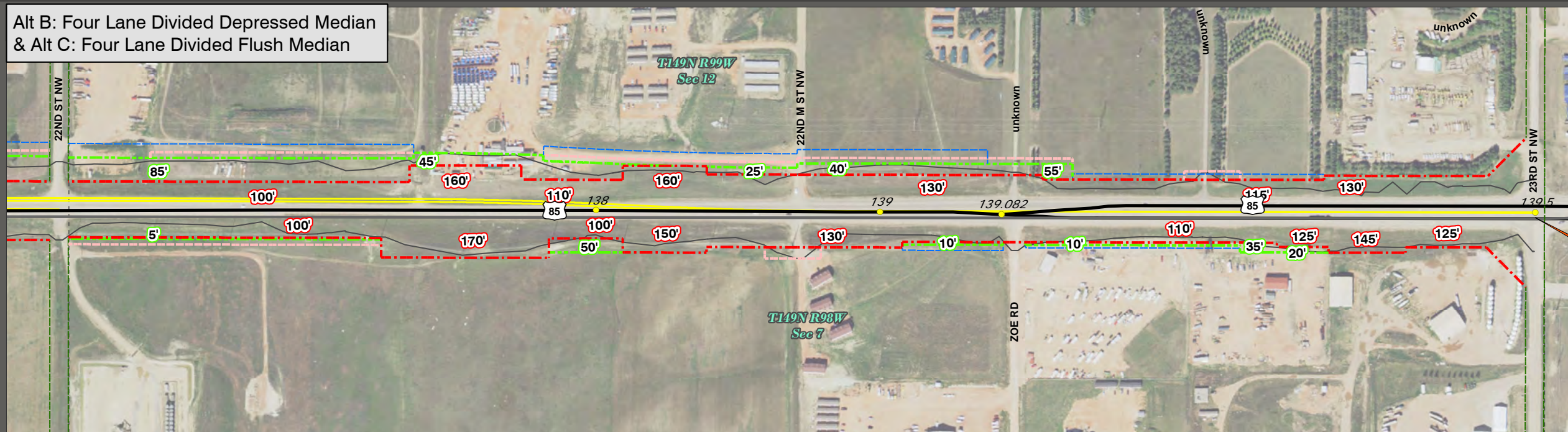
Proposed Right of Way & Easements

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ANV	10/17/2018	9-085(085)075	20046	56

Orthophoto Source: NAIR 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS



Alt B: Four Lane Divided Depressed Median
 & Alt C: Four Lane Divided Flush Median



I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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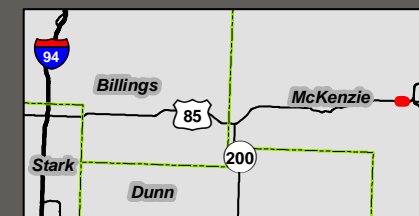
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— US Route	--- RW Not State Owned Line Exst
— Prop Alignment	--- Proposed RW
--- Sections	--- Temp Const Esmt*
□ Townships	--- Utility Esmt*
	— Grading Limits

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Proposed Right of Way & Easements

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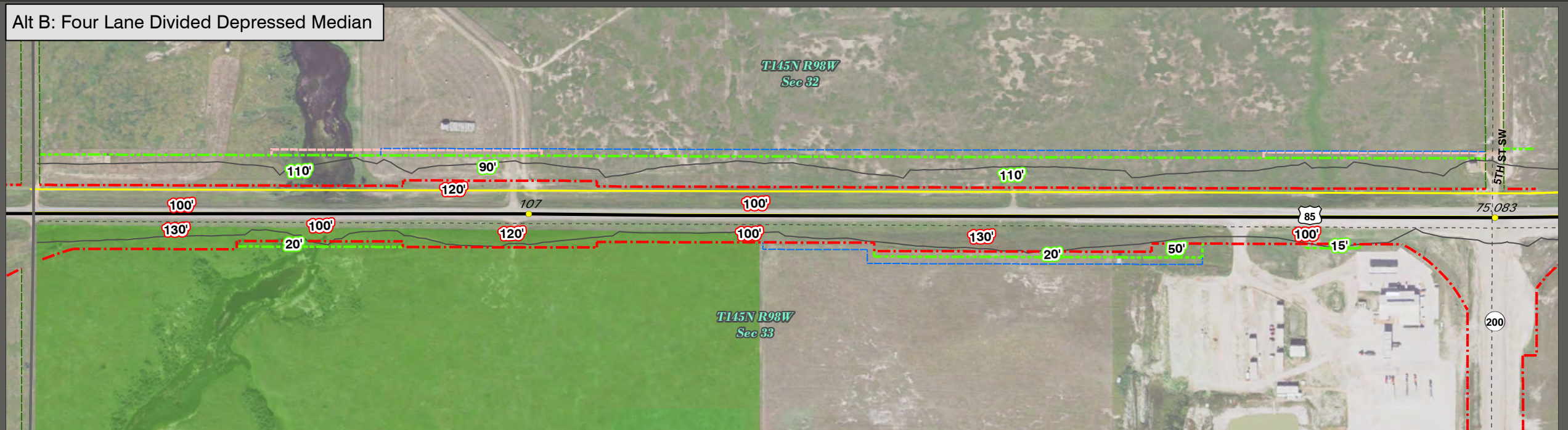
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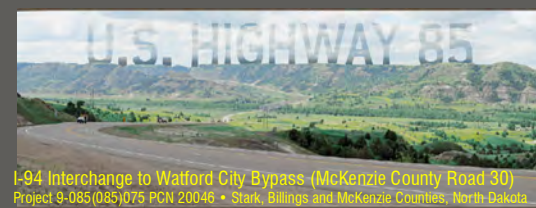
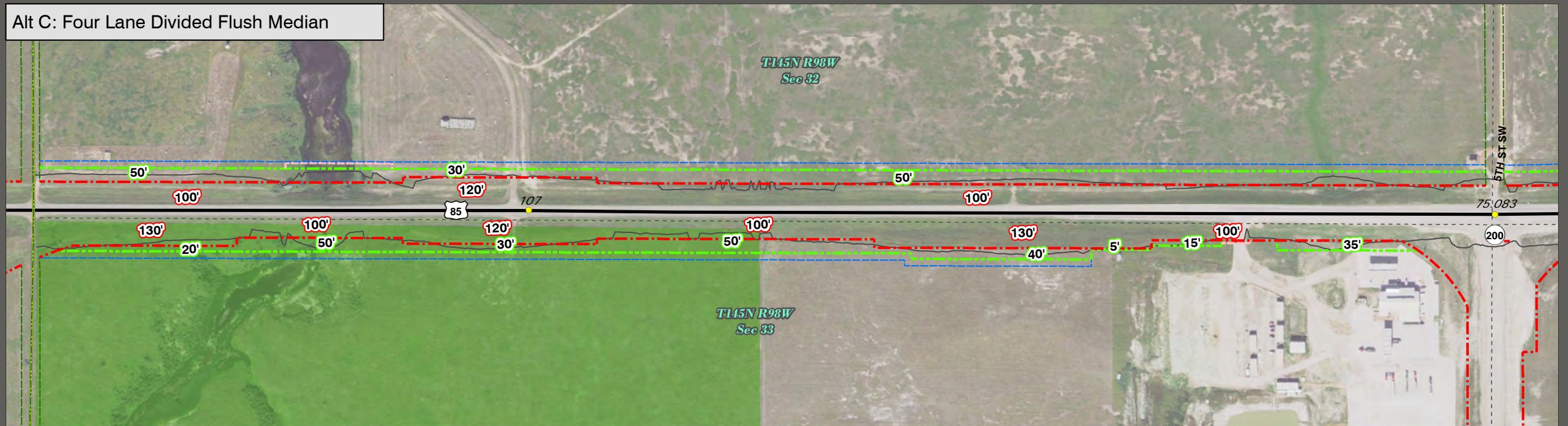
U.S. HIGHWAY 85

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

Alt B: Four Lane Divided Depressed Median



Alt C: Four Lane Divided Flush Median



I-94 Interchange to Watford City Bypass (McKenzie County Road 30)
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- Mile Markers
- US Route
- Prop Alignment
- - - Sections
- ▭ Townships
- US Forest Service
- - - Exst RW
- - - RW Not State Owned Line Exst
- - - Proposed RW
- - - Temp Const Esmt*
- - - Utility Esmt*
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Proposed Right of Way & Easements

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ANV	9/18/2018	9-085(085)075	20046	31

Orthophoto Source: NAIR 2016
 Data Sources: KLJ, ND GIS HUB, NDDOT, USFWS, NPS, USFS

