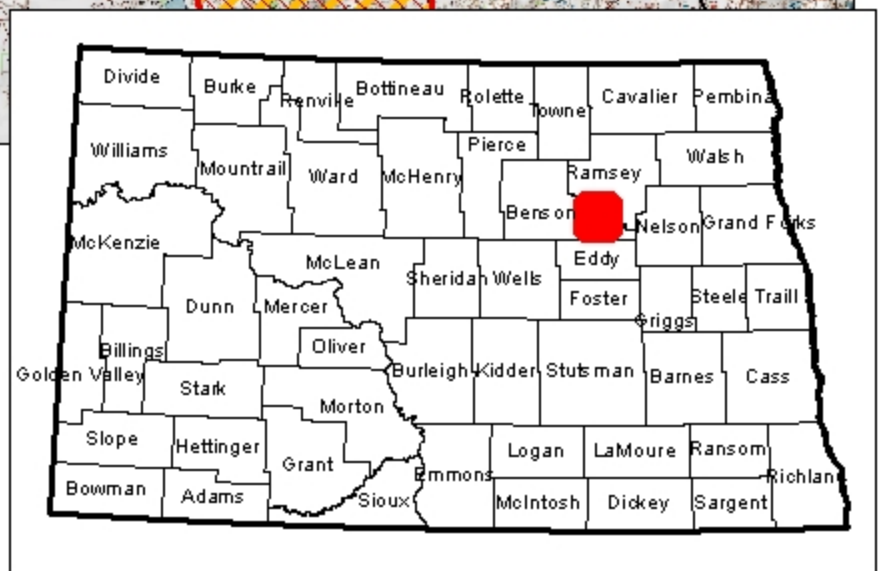
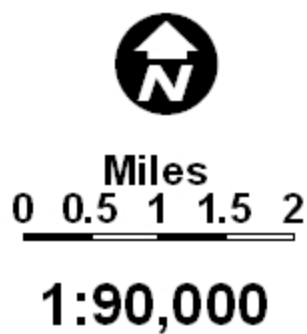
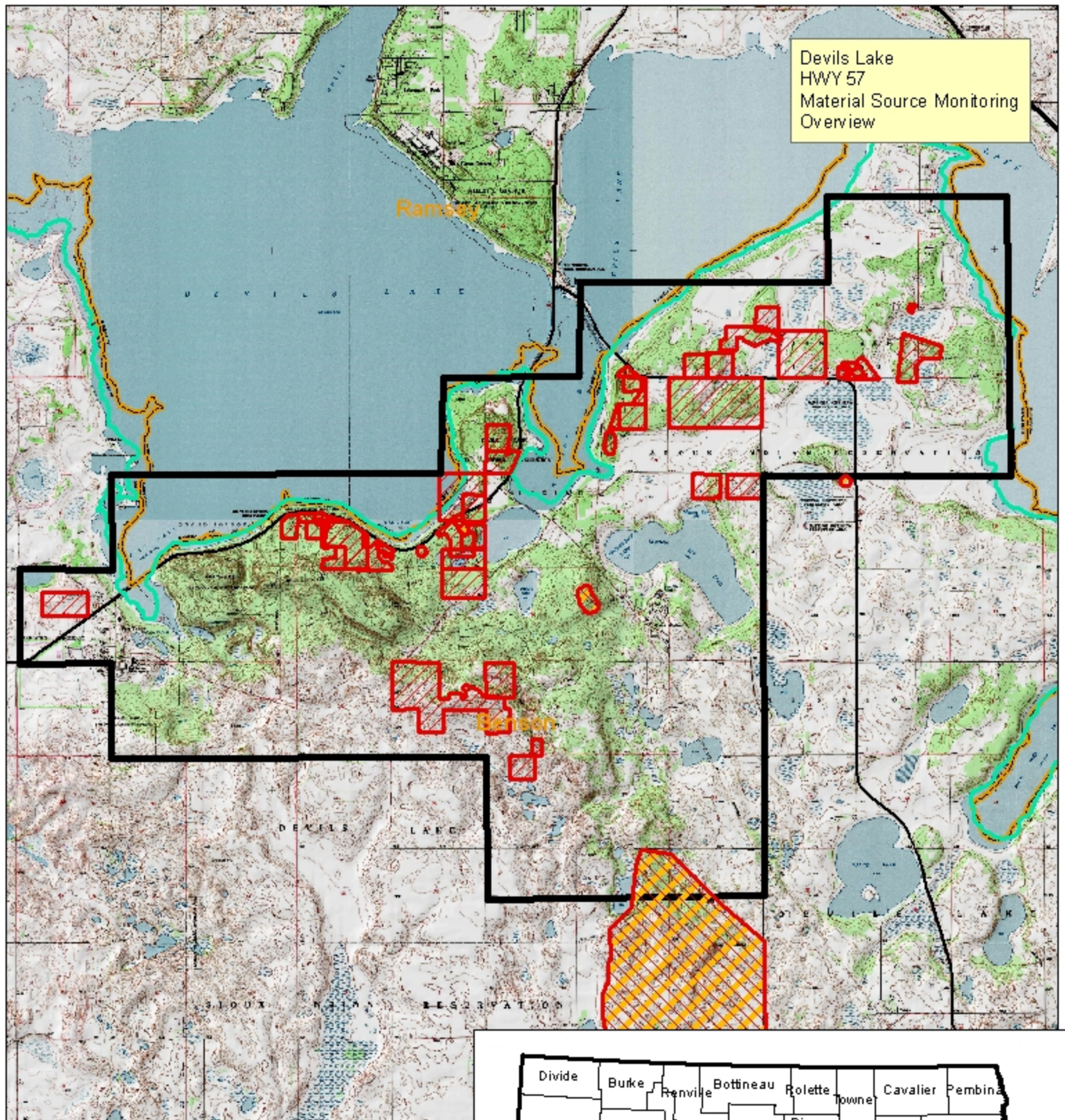


Devils Lake
HWY 57
Material Source Monitoring
Overview



Monitoring of Initial disturbance on material sources on a portion of the Fort Totten Indian Reservation

- **Monitoring** of initial ground disturbance will take place on material sources within the defined area illustrated on the attached map. [Unanticipated/Additional Costs related to monitoring of material sources for projects prior to April 2011 bid-opening can be handled through a Change Order]
- **Implementation** of monitoring will be accomplished as follows:
 - The material source Contractor shall hire an archaeologist to monitor the initial cleaning, grubbing and stripping of material sources as material is removed from previously undisturbed surfaces within the identified area of concern illustrated on the attached map. All monitored cleaning, grubbing, and stripping activities will take place during daylight hours. Monitoring is intended to cover the disturbance to the topsoil.
 - The Contractor or his archaeologist shall coordinate the monitoring needs with the Spirit Lake Tribe Cultural Preservation Contact, Darell Smith [work: 701-766-1718; cell: 701-381-9082] one week prior to needing a tribal monitor.
 - The Contractor or his archaeologist shall contact the NDDOT Cultural Resources Section (CRS) [Bob: 328-4539; Jeani: 328-4378; Greg: 328-2731] at the same time as the Tribal contact so that CRS is aware of the monitoring and can be available to resolve issues and participate in the process if burials are exposed.
 - The tribal monitor will work with the archaeologist to document the lack of burials or to ensure that if burials are identified they will be addressed in an appropriate manner. If other cultural materials are identified the archaeologist shall contact the NDDOT CRS on how to proceed.
 - The Contractor or his archaeologist will pay the tribal monitor the accepted fee of \$400 per day or \$50/hour, whichever is greater, plus mileage and per diem.
 - Discovery as part of this monitoring process will follow **NDDOT Standard Specification 107.04.C.**
 - The contractor will **notify the NDDOT Cultural Resources Section** as soon as practicable upon discovery of human remains.
- **NAGPRA** (43CFR, Part 10) rather than the ND State Burial Law applies within the exterior boundaries of an Indian Reservation.
 - It is the Contractor's responsibility to **protect the human remains** from further disturbance until the Tribal Chairperson makes the decision on how to proceed and that decision is implemented.
 - The Contractor is legally obligated to **contact the Tribal Chairperson** in writing within 2 days of the initial discovery. The Contractor will use the attached form for notification.
 - Note: Under NAGPRA a Chairperson can decide to follow the additional requirements of NAGPRA or they can choose to handle the burial in any other way acceptable to them.
- Existing Certificates of Approval within the defined monitoring area will be recreated and posted with the condition requiring the need for monitoring of initial ground disturbance.

North Dakota Department of Transportation Discovery of Human Remains Notification

Date of Discovery:

NDDOT project #:

Legal Location: Section Township Range County

Dear Spirit Lake Tribal Chairperson,

As per NAGPRA regulations we are informing you that human remains were inadvertently discovered during removal of soil for an NDDOT Project taking place within the exterior boundaries of the Fort Totten Indian Reservation. The remains are currently being protected from any further disturbance where they were discovered. Upon notification from your office on how to proceed the NDDOT will aid in any way we can to insure the remains are handled appropriately and with respect.

If you have any questions or immediate concerns please contact our Cultural Resources Section (Bob Christensen 328-4539; Jeani Borchert 328-4378; or Greg Wermers 328-2731) or our District Office in Devils Lake (District Engineer Wade Swenson or Assistant District Engineer Greg Semenko at 665-5100).

Thank you

NDDOT Material Source Certificate of Approval

BE-1067



Pit Name:

SLT Tract 175

S. 5, 152/64; S. 33, 153/64

Conditions:

The location of this material source, within the external boundaries of the Fort Totten Indian Reservation, is within an area of concern identified by the NDDOT. Initial stripping of the material source surface will be monitored by an archeologist and a Tribal monitor. Please refer to the Monitoring and Implementation page included with this Certificate of Approval for procedure.

This location is approved for use, provided all avoidance areas shown on the map are avoided, and any Conditions listed above are complied with. NDDOT advises that all applicants (contractors or their representatives) may be subject to meeting certain legal responsibilities pursuant to one or more of the following authorities administered by the USFWS: Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.); Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.); and Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250). It is unclear at this time what effects, if any, material source activities may have on plants, fish, and/or wildlife species protected by the above-mentioned Acts. It is the responsibility of the applicants and/or any individual conducting activities at any approved site to fulfill the requirements of these Acts.

This approval does not imply landowner permission to acquire material at this location. An agreement with the landowner is still necessary. The contractor will be responsible for any impacts to wetlands, including permitting those impacts and mitigating the loss of the wetlands. As with all projects, if cultural artifacts and/or features (e.g., stone tools, fire hearths, stone circles, burials) are encountered, provisions outlined in Section 107.04 of the Standard Specifications for Road and Bridge Construction shall be followed.

