FINAL

ENVIRONMENTAL ASSESSMENT

FARGO NATIONAL CEMETERY
LAND ACQUISITION AND EXPANSION

CASS COUNTY, NORTH DAKOTA

U.S. DEPARTMENT OF VETERANS AFFAIRS

OFFICE OF CONSTRUCTION AND FACILITIES MANAGEMENT
425 I STREET, NW
WASHINGTON, DC 20001

November 13, 2023

EXECUTIVE SUMMARY

This Final Environmental Assessment (EA) is prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code 4321 et seq.), the President's Council on Environmental Quality Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations 1500-1508), VA's NEPA regulations (38 CFR 26), and the VA NEPA Interim Guidance for Projects (VA 2010).

Proposed Action

The U.S. Department of Veterans Affairs (VA) has prepared this Final EA to analyze the potential environmental impacts associated with the Proposed Action to acquire and expand onto 29.06-acres of land to the east and north of the existing Fargo National Cemetery (FNC) located at 8709 40th Avenue North in Harwood, Cass County, North Dakota. VA National Cemetery Administration (NCA) operates the existing FNC. The existing FNC was the first national cemetery built in North Dakota as part of the VA NCA Rural Initiative, dedicated on September 7, 2019.

Purpose and Need

The purpose of the Proposed Action is to acquire land near the existing FNC in order to provide additional burial sites for eligible individuals once the existing FNC is at capacity. The Proposed Action would allow VA to expand the existing 4.82-acre FNC onto the neighboring 29.06-acres to the east and north.

The need for the Proposed Action is to address the projected depletion of remaining interment capacity at FNC by acquiring the necessary land to provide a larger, expanded cemetery. FNC is the only National Cemetery in North Dakota, with the next closest option for eligible individuals being Fort Snelling National Cemetery located more than 257 miles from FNC in Minneapolis, MN. VA estimates that the existing burial space at the cemetery will be depleted within approximately ten years. The Proposed Action would provide VA the land necessary in order to expand the FNC and provide additional capacity to meet its burial objectives for eligible Veterans in the region.

Alternatives

This EA examines two alternatives, the Proposed Action Alternative, and the No Action Alternative, defined as follows:

Proposed Action Alternative

VA would acquire the privately owned 29.06-acres to the east and north of the existing FNC. The Site would then be leased for continued agricultural use. Once FNC is nearing interment capacity, VA would expand the cemetery onto the 29.06-acres.

No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented. Veterans and their families in the region would continue to use the FNC until internment options are no longer available. In the future, VA would likely seek other land to expand the FNC but may not be able to acquire the land contiguous with or near the existing FNC. The Proposed Action area likely would continue to be privately owned and utilized for agricultural purposes.

The Proposed Action Alternative acquires the land necessary for future additional space and interment options in order to continue to serve the veterans in the region and meet VA cemetery requirements. The No Action Alternative would not enable VA to provide adequate, cemetery facilities in the region when FNC reaches interment capacity. However, the No Action Alternative is assessed in this EA to provide a comparative baseline analysis, as required under the Council on Environmental Quality (CEQ) Regulations.

Table 1 summarizes the resource areas analyzed in this EA and the potential environmental effects of the Proposed Action Alternative and the No Action Alternative. A detailed analysis of the potential effects to these resource areas is provided in Section 3.0 Affected Environment and Environmental Consequences.

Table 1. Summary of Resource Area Impacts

Resource Area	Proposed Action Alternative	No Action Alternative
Aesthetics	• Minor temporary adverse impacts during construction.	• No Impacts.
Air Quality	• Minor temporary adverse impacts during construction. • Minor, less than significant adverse impacts related to increased traffic after cemetery expansion.	• No Impacts.
Cultural Resources	• No Impacts.	• No Impacts.
Geology, Topography, and Soils	• Utilize recommendations from Geotechnical Report to avoid adverse impacts to soils. No adverse impacts anticipated if BMPs and recommendations are followed.	• No Impacts.
Hydrology and Water Quality	• Implement BMPs to limit adverse impacts during construction related to soil erosion and sedimentation. • Designed stormwater features and systems will be utilized to avoid impacts to downstream water resources.	• No Impacts.
Wildlife and Habitat	• No Impacts. Potential beneficial impacts after cemetery expansion in future.	• No Impacts.
Noise	• Minor temporary adverse impacts during construction. • Minor adverse impacts from traffic, site maintenance, and burial gun salutes similar to existing conditions at adjacent Fargo National Cemetery.	• No Impacts.
Land Use	• No impact from converting farmland to cemetery.	• No Impacts.
Floodplains, Wetlands, Coastal Zone Management	• No impact pending final construction of Fargo-Moorhead Area Diversion project.	• No Impacts.
Socioeconomics	• Positive beneficial impact to regional economy via design, construction, and maintenance jobs.	• No Impacts.
Community Services	• No impacts.	• No Impacts.
Solid Waste and Hazardous Materials	• Potential minor temporary adverse impacts during construction. Mitigation via BMPs in Section 4.0 to lessen impacts.	• No Impacts.
Transportation and Parking	• Temporary adverse impacts during construction as vehicles and equipment go to and from the site. • Minor increases anticipated during operation of cemetery, but roadways have capacity to handle additional traffic. • All parking would be designed for the expansion to accommodate additional visitors.	• No Impacts.
Utilities	• No impacts.	• No Impacts.

Environmental Justice	• No impacts.	• No Impacts.
Cumulative Impacts	• No impacts.	• No Impacts.

Agency and Public Involvement

VA consulted the federal, state, local, tribal, and elected officials listed in **Section 5.0 Public Involvement** as part of an initial scoping process for this EA. A scoping notice was also posted to the VA website and published in the Forum of Fargo-Moorhead on July 19 and 26, 2023. A Draft EA was prepared, and a Notice of Availability (NOA) sent out to the listed stakeholders. The Draft EA and NOA were also posted to the VA website, made available as hard copies at the Fargo Public Library located at 102 3rd Street North, and published in the Forum of Fargo-Moorhead on October 18 and 25, 2023. Comments received during the scoping and Draft EA comment period can be found in **Section 5.0 Public Involvement** and were utilized to prepare this Final EA.

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ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historical Preservation
ACM	Asbestos Contaminated Materials
ADT	Average Daily Traffic
AIRFA	American Indian Religious Freedom Act
APE	Area of Potential Effect
AQCR	Air Quality Control Region
AQI	Air Quality Index
ARPA	Archeological Resource Protection Act
ASTM	American Society for Testing and Materials
BCC	Birds of Conservation Concern
BMP	Best Management Practices
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CLA	Clean Air Act
CLAA	Clean Air Act Amendments
CO	Carbon Monoxide
CSR	Code of State Regulation
CWA	Clean Water Act
dBA	a-Weighted Decibel
DoAQ	Department of Air Quality
DOT	Department of Transportation
DPM	Diesel Particulate Matters
EA	Environmental Assessment
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FNC	Fargo National Cemetery
FONSI	Finding of No Significant Impacts
FPPA	Farmland Protection Policy Act
GHG	Greenhouse Gas
GSV	Ground Surface Visibility
HAP	Hazardous Air Pollutant
HUC	Hydrological Unit Code
HUD	United States Department of Housing and Urban Development
IBC	International Business Code
IPaC	Information for Planning and Consultation
LBP	Lead Based Paint
LDTL	Lowest Default Target Levels
MC	Moisture Content
MFDA	Metro Flood Diversion Authority
MOA	Memorandum of Agreement
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Grave Protection and Reparation Act
NDDEQ	North Dakota Department of Environmental Quality
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act

NLEB	Northern Long Eared Bat
NOAA	National Oceanic and Atmospheric Association
NOA	Notice of Availability
NOx	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCA	Natural Resource Conservation Act
NRCS	Natural Resource Conservation Service
NRHP	National Registry of Historic Places
NWI	National Wetland Inventory
O & M	Natural Resource Conservation Service
O3	Ozone
OSHA	Occupational Safety and Health Administration
PA	Programmatic Agreement
Pb	Lead
PM	Particulate matter
RBTL	Risk Based Target Levels
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Conditions
ROI	Region of Influence
RRVA	Red River Valley Alliance
SHPO	State Historic Preservation Office
NDDOT	North Dakota Department of Transportation
SMARS	Site Management Reporting System
SO2	Sulfur Dioxide
SPCC	Spill Prevention Control and Countermeasures
SPT	Standard Penetration Testing
SWPPP	Stormwater Pollution and Prevention Plan
TDAT	Tribal Directory Assessment Tool
TMDL	Total Maximum Daily Load
TRI	Toxic Release Inventory
USACE	United States Army Corp of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
URA	Uniform Relocation Act
VA	Veterans Affairs
VISN	Veterans Integrated Service Network

1.0 INTRODUCTION

The U.S. Department of Veterans Affairs (VA) National Cemetery Administration (NCA) honors Veterans and their families with final resting places in national shrines and with lasting tributes that commemorate their service and sacrifice to the nation. VA operates 155 national cemeteries and 34 soldiers' lots and monument sites in 42 states and Puerto Rico. More than 4 million Americans are buried in VA's national cemeteries. VA's Office of Construction and Facility Management's mission is to advance VA's mission in support of the nation's Veterans by planning, designing, constructing, acquiring major facilities, and setting design and construction standards.

1.1 Background

The VA prepared this Final EA to analyze the potential environmental impacts associated with the Proposed Action to acquire 29.06-acres of land to the east and north of the existing Fargo National Cemetery (FNC) located at 8709 40th Avenue North in Harwood, Cass County, North Dakota. VA National Cemetery Administration (NCA) operates the existing FNC. The existing FNC was the first national cemetery built in North Dakota as part of the VA NCA Rural Initiative and was dedicated on September 7, 2019.

1.2 Purpose and Need

The purpose of the Proposed Action is to acquire land near the existing FNC in order to provide additional burial sites for eligible individuals once the existing FNC is at capacity. The Proposed Action would allow VA to expand the existing 4.82-acre FNC onto the neighboring 29.06-acres to the east and north.

The need for the Proposed Action is to address the projected depletion of remaining interment capacity at FNC by acquiring the necessary land to provide a larger, expanded cemetery. FNC is the only National Cemetery in North Dakota, with the next closest option for eligible individuals being Fort Snelling National Cemetery located more than 257 miles from FNC in Minneapolis, MN. VA estimates that the existing burial space at the cemetery will be depleted in approximately ten years. The Proposed Action would provide VA the land necessary in order to expand the FNC and provide additional capacity to meet its burial objectives for eligible Veterans in the region.

1.3 Decision Making

As a federal agency, the VA is required to incorporate environmental considerations into their decision-making process for the actions they propose to undertake. This is done in accordance with the previously identified law, regulation, and guidance in Section 1.0.

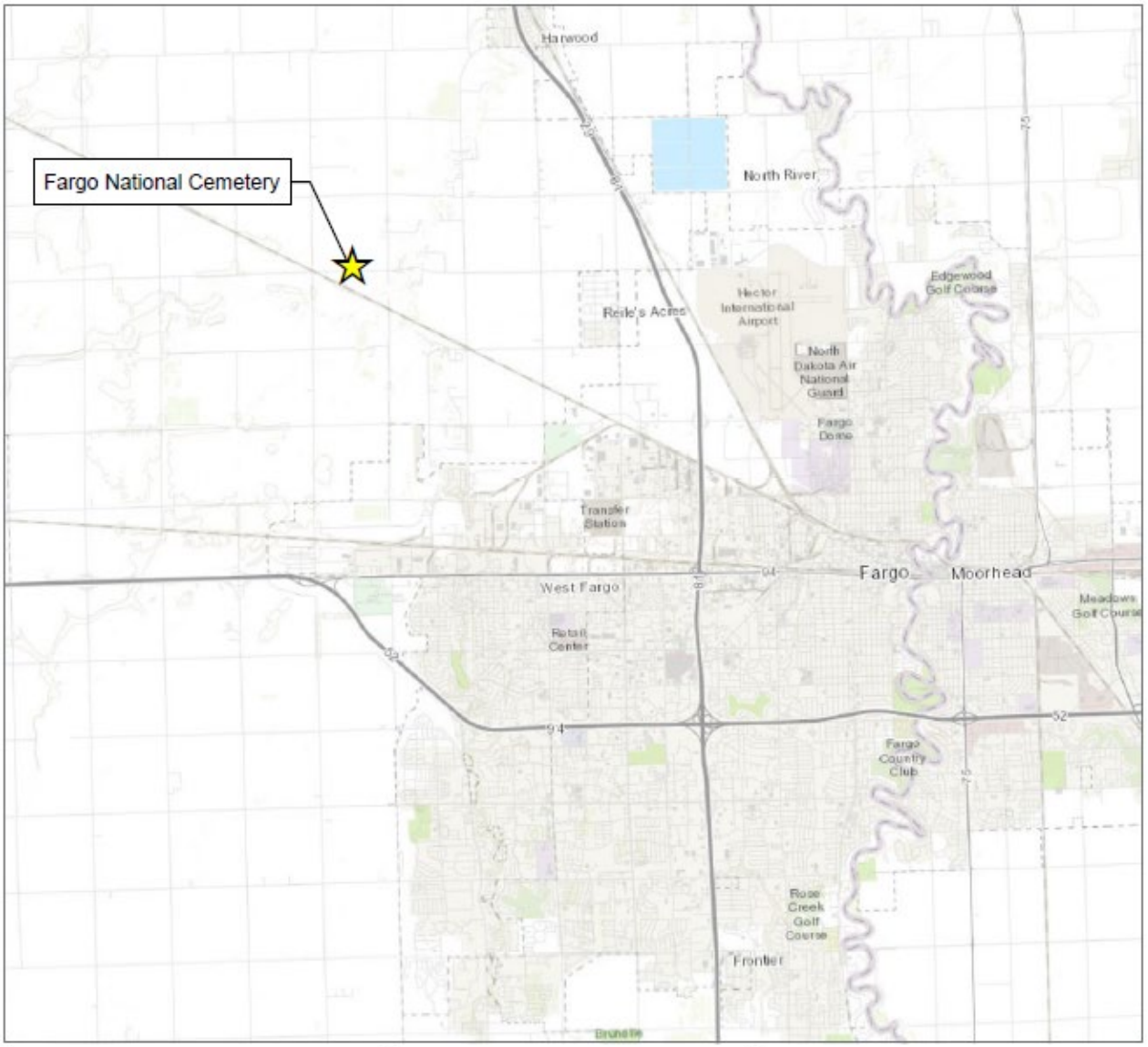
This EA has been developed to:

- Inform decision-makers and the public of the possible environmental effects of the Proposed Action and alternatives, as well as methods to reduce these effects.
- Document the NEPA process.
- Allow for public input into the decision-making process.
- Allow for informed decision-making by the Federal government.
- Evaluate the potential effects.

This NEPA process includes identifying the actions that the government would commit to undertake to minimize environmental effects, as required under NEPA, the CEQ regulations, VA's NCA Facilities Design Guide, Title 38 CFR– §39.60 General Requirements for Site Selection and Construction of Veterans Cemeteries and VA's NEPA regulations. The intent of the document is to provide VA with appropriate information to make an informed decision on whether to implement the alternatives proposed in Section 2.0 Alternatives.

Fargo National Cemetery
Raymond Township, Cass County, North Dakota

Figure A
Project Location



Legend

Site Location

Address: 8709 40th Ave North
Co Rd 20, Harwood, ND 58042
Lat/Long: 46.93556, -96.93488
PID: 59000010863090
Project No: 17283
Date: 4.21.2023

1 inch = 2 miles

0 1 2 4

Miles

ANDERSON
13605 1st Ave N #100, Plymouth, MN 55441
P 763.412.4000 F 763.412.4090 ae-mn.com

Project Location

Raymond Township
Cass County, North Dakota

SOURCE: XX DNR, USDA, ESRI, TIGER, Bing, XXXXXX Co., Anderson Engineering

2.0 ALTERNATIVES

This section describes the Proposed Action and its alternatives, including those that VA initially considered, but eliminated, and the reasons for eliminating them. The screening criteria and process developed and applied by VA to hone the number of reasonable alternatives is described, providing VA's rationale in retaining for analysis one action alternative, the Proposed Action, which best meets VA's purpose of and need for the Proposed Action.

In accordance with the NEPA, CEQ Regulations, and 38 CFR Part 26; reasonable alternatives need to be evaluated. Alternatives that are eliminated from detailed study must be identified along with a brief discussion of the reasons for eliminating them. An alternative was considered reasonable only if it would accomplish the primary mission of providing an expanded cemetery and interment options that meet the purpose and need for the Proposed Action. Eliminated alternatives would not enable VA to meet the purpose of and need for the Proposed Action.

The existing FNC is the only National Cemetery in North Dakota, with the next closest option for eligible individuals being Fort Snelling National Cemetery located more than 257 miles from FNC in Minneapolis, MN. VA estimates that the existing burial space at the cemetery will be depleted in approximately ten years. The Proposed Action would provide VA the land necessary to accommodate future expansion which will provide additional capacity to meet its burial objectives for eligible Veterans in the region.

The NCA Final Land Acquisition Fact Sheet, dated April 2012, states adjacent/contiguous property is considered to be the first and best option for cemetery expansion. National Cemetery expansion onto adjacent land is the most cost effective and operationally efficient manner to expand an existing National Cemetery. Doing so promotes efficiencies and allows the new gravesite areas to be operated by the same staff that operates the existing grounds, with no need for remote staff, remote buildings, and remote equipment. It also eliminates visitor directional and wayfinding confusion that may occur with a remotely located property.

2.1 Proposed Action Alternative

The Proposed Action would acquire the privately owned 29.06-acres to the east and north of the existing FNC that is currently being used for agricultural row-crop production (See Figure B. Site Aerial). In the interim, while plans/designs are being developed, the land would be leased for continued agricultural row-crop production. Once the existing FNC is nearing interment capacity, VA would expand the cemetery onto the 29.06-acres.

VA would follow the NCA Facilities Design Guide while preparing for the FNC expansion onto the acquired land. Prior to future construction, VA would obtain all applicable Federal, State, and local permits for the proposed cemetery development from appropriate government authorities. VA would avoid any significant onsite environmental resources through sensitive site design, including avoidance of significant natural resources.

Figure B. Site Aerial

2.2 No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented. Veterans and their families in the region would continue to use the FNC until internment options are no longer available. In the future, VA would likely seek other land to expand the FNC but may not be able to acquire the land contiguous with or near the existing FNC. The Proposed Action area likely would continue to be privately owned and utilized for agricultural purposes.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section describes the existing physical, environmental, cultural, and socioeconomic conditions at the Cemetery and its general vicinity, with emphasis on those resources potentially affected by the Proposed Action. In this EA, effects are identified as either significant, minor (that is, common effects that would not be of the context or intensity to be considered significant under NEPA or CEQ Regulations), less-than-significant, or no effect. Where appropriate and clearly discernible, each effect is identified as either adverse or beneficial.
The potential of the Proposed Action to significantly affect the human environment is based on considerations of both *context* and *intensity*, as specified in CEQ Regulation (40 CFR 1508.27):

Context. The significance of an action must be analyzed in several contexts such as society (human, national), the affected region, the affected interests, and the locality. Both short- and long-term effects are relevant.

Intensity. This refers to the severity of impact and the following should be considered in evaluating intensity:

- If the impact is beneficial, adverse, or both (adverse effects may occur in the short term, but mitigation or replacement will benefit in the long term).
- The degree to which the proposed action affects public health or safety.
- Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- The degree to which the effects on the quality of the human environment are likely to be highly controversial.
- The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- Whether the action is related to other actions with individually insignificant but cumulatively significant impact on the environment.
- The degree to which the action may adversely affect listed or eligible for listing in the National Register of Historic Places or may cause loss to destruction of significant scientific, cultural, or historical resources.
- The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.
- Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

3.1 Aesthetics

3.1.1 Background

The Proposed Action Alternative area consists of an actively row-cropped agricultural field. The area surrounding the proposed action area is similar, consisting of agricultural fields. The existing FNC (4.82 acres) lies to the southwest of the proposed action area. The Maple Sheyenne Lutheran Church and Cemetery are located adjacent, west of the existing FNC. West of the church, approximately 0.25 miles from the Proposed Action area, lies a single-family residence. 40th Avenue Northwest runs east to west along the southern boundary of the existing FNC and proposed action area. The proposed action area has gradual topographic change, with the southern portion of the proposed action area higher in elevation, approximately 899 feet, and gradually sloping downward to 892 feet on the northern portion of the proposed action area. Much of the surrounding area lies at a similar elevation.

3.1.2 Effects of the Proposed Action Alternative

Acquisition of the Proposed Action area would not change the current land use and aesthetic of the site until the future expansion was begun. The area would be leased and remain as agricultural field until expansion of FNC was necessary.

Once the Proposed Action area was to be utilized for expansion, site construction and earthwork activities would begin. Upon completion of earthwork, managed turf, landscaped features, and other planned improvements would be established and installed. Construction activities temporarily affecting aesthetics may include parked construction equipment, excavation/grading, mud after rain events, heavy equipment and contractor vehicles using the adjoining roads, and perimeter control/silt fences surrounding the project area.

Following construction into the operation phase, the appearance of the Proposed Action Alternative area would improve dramatically and have long-term beneficial impacts to aesthetics. The area would take on the peaceful and park-like characteristics of a National Shrine. Construction equipment would be removed, construction contractor traffic would subside, and temporary effects would be minimized. Exposed soil would be graded to the design standard, and the area planted with native trees, shrubs, and grasses to prevent erosion and reduce water usage. Turf grass would be planted in the sections designated for casket plots, as well as the assembly areas. Silt fences would be removed after final stabilization of vegetation. Manicured shrubs and hedgerows would be placed around certain features to instill a sense of privacy and seclusion. If needed, stormwater ponds would be located within the proposed action area and vegetated by native grasses, possibly attracting birds and wildlife. This would limit any long-term aesthetic effects over subsequent development phases.

3.1.3 Effects of the No Action Alternative

Under the No Action Alternative, no aesthetic impacts would result from VA's actions. The area would most likely continue to be utilized for agricultural use.

3.2 Air Quality

3.2.1 Background

National Ambient Air Quality Standards are mandated by the Clean Air Act and administered by the US Environmental Protection Agency (EPA), with monitoring and enforcement delegated to state authorities and state-level Air Quality Control Regions (AQCRs). Established standards identify health-based concentrations for ambient air. Regulated criteria pollutants include carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide, particulate matter measuring less than 2.5 and 10 micrometers in diameter, and lead. Ozone is a colorless gas formed through photochemical reactions involving sunlight, heat, and precursor compounds such as reactive organic compounds and nitrogen oxides. Sources of local precursor emissions are likely derived from vehicle emissions and industrial processes within the AQCR. Local AQCRs that exceed the National Ambient Air Quality Standards are deemed in non- attainment of the standard.

An emitter is classified as a major source if actual or potential emission of a hazardous air pollutant (HAP) is greater than 10 tons per year or 25 tons per year of any combination of HAPs. Lower thresholds apply in non-attainment areas, but only for those HAP(s) in non-attainment. A Title V permit is required for major sources of HAP. Nonmajor sources, excluding certain industrial, manufacturing and mining sources, are not typically required to obtain permits. The National Cemetery is under the jurisdiction of the North Dakota Department of Environmental Quality (NDDEQ) – Division of Air Quality (DoAQ) and the US EPA.

The FNC does not fall within a Non-Attainment or Maintenance area.

3.2.2 Greenhouse Gases and Climate Change

CEQ guidance dated August 1, 2016, recommends that agencies consider both the potential effects of the Proposed Action on climate change, as indicated by its estimated greenhouse gas emissions (GHG), and the implications of climate change for the environmental effects of a Proposed Action. In December 2014, CEQ provided a fact sheet covering climate change considerations when completing NEPA reviews. CEQ recommended that agencies consider 25,000 metric tons of CO2e emissions on an annual basis as a reference point below which a quantitative analysis of GHG is not recommended unless it is easily accomplished based on available tools and data.

The EPA issued the Final Mandatory Reporting of Greenhouse Gases Rule on September 22, 2009. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of mobile sources and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions as CO2e are required to submit annual reports to the EPA.

3.2.3 Sensitive Receptors

Sensitive receptors for air quality impacts are the areas where persons that are the most sensitive to pollution effects, such as the very young, elderly, or people with respiratory and other related illnesses live, work or play. In accordance with EO 13045 on children's health, EPA recommends operators and workers using diesel- powered equipment pay particular attention to worksite proximity to where children may learn, play, or live and to impose diesel emission reduction measures near these locations. The nearest sensitive receptor is the Maple Sheyenne Lutheran Church, located to the west of the Proposed Action area and adjacent to the existing FNC. A single-family residence is located west of the church approximately 0.25 miles from the Proposed Action area. The next nearest sensitive receptor are single family residences located 0.50 miles, or further, east of the Proposed Action area.

3.2.4 Effects of the Proposed Action Alternative

The Proposed Action Alternative would have no impact on air quality as the site would continue to be leased for agricultural use. Once interment capacity is met at the existing FNC and expansion begins, short term less than significant adverse impacts to air quality are anticipated as part of construction activities. Construction activities would be performed in accordance with Federal and State air quality requirements. Construction-related emissions are generally short term, but may still have adverse impacts on air quality, primarily due to the production of dust and vehicle/equipment emissions. Dust from demolition and construction can lead to adverse health effects and nuisance concerns. Utilizing BMPs for dust control measures can help reduce adverse impacts to the surrounding area. Construction-related emissions also include the exhaust from the operation of construction equipment, including diesel particulate matter (DPM). The use of newer construction equipment with emissions controls and minimizing the time that the equipment is idling reduce construction equipment exhaust emissions. Implementation of BMPs, discussed in **Section 4.0 Mitigation**, would minimize these anticipated less-than-significant adverse, short-term, construction-related, air quality impacts.

During operation of the cemetery expansion, all vehicles in the Cemetery's fleet were/would be purchased through General Services Administration and vehicles must comply with air emissions standards, to include properly functioning exhaust systems. In addition, in accordance with VA Directive 0637, no unnecessary vehicle

idling is permitted. As additional areas are utilized for interment, it is anticipated the number of visitors would increase over time. However, the increased number of vehicle trips (See **Section 3.13 Transportation and Parking**) is minor and not anticipated to result in significant adverse impacts to air quality. The operation of the expanded cemetery is not anticipated to generate air pollutants beyond temporary construction emissions identified above and slight increase in traffic overtime as the cemetery is built out and utilized. GHG emissions from the temporary use of construction equipment would be negligible and cease after the cemetery expansion is completed. The indirect GHG emissions from traffic to and from the cemetery would also be negligible, with the potential GHG emissions from construction and operation of the expanded cemetery being well below the threshold of 25,000 metric tons of carbon dioxide annually as defined by CEQ.

3.2.5 Effects of the No Action Alternative

Under the No Action Alternative, no air quality impacts associated with VA's actions would occur. The continued use of the site for row-crop production would not result in additional air quality impacts above the existing emissions produced for its current use.

3.3 Cultural Resources

3.3.1 Background

As part of the National Historic Preservation Act (NHPA) of 1966 Section 106 process, and to supply additional information for the NEPA cultural resources assessment, KLJ Engineering, LLC (KLJ) prepared for the VA a Class I Literature Review in June 2023 and a subsequent Class III Cultural Resource Inventory in July 2023. Summaries of these reports are detailed below, in addition to a summary of SHPO, Tribal, and other consulting parties' coordination.

<u>Class I Literature Review</u>

General Land Office Records, taken in consideration with historic aerial imagery dating back to the 1940s, suggest the Proposed Action area has been consistently used for agricultural purposes since the late nineteenth century, and a review of images from the 1940s to the present did not suggest the presence of any historical archaeological sites based on soil or crop growth patterns. The search radius for the proposed project, also defined as the area of potential effect (APE; a one-mile buffer around and including the Proposed Action area) shows the region has been a rich source of cultural resources from history and prehistory, but the majority of resources have been located along the Sheyenne and Maple Rivers, which are situated south and east of the project area. Cultural resource inventories conducted in and around the larger agricultural field of which the project area is a part have not discovered any cultural resources.

The existing cemetery is within the viewshed of Maple Sheyenne Lutheran Church, a circa 1913 building that has been remodeled and added on to frequently over its 110-year history. Additions and alterations have significantly impacted the original massing of the building, and it is currently recommended Not Eligible for inclusion in the NRHP. The FNC is located just east of the church, while to the west of the church property, a new residential home was constructed between 2020 and 2021.

At the time FNC was initially developed in 2016, a Class I literature review found no further fieldwork necessary to support a recommendation of No Historic Properties Affected by the creation of the cemetery (Holt 2016). Nonetheless, despite its previous Not Eligible recommendation, Maple Sheyenne Lutheran Church has not received a formal determination of NRHP eligibility from the SHPO. Likewise, the proposed acquisition area has not been formally inventoried. In order to make a conclusive determination of effect, KLJ recommended a Class III survey be conducted in the proposed acquisition area and that a formal determination of NRHP eligibility be made for Maple Sheyenne Lutheran Church.

Class III Cultural Resource Inventory

A Class I file search of the records of the SHSND identified fifteen previously recorded cultural resources within one mile of the Class III inventory area. One archaeological site, a multicomponent cultural material scatter, has been determined Eligible for the National Register of Historic Places. Six architectural sites, including the Northern Pacific Railway, five modern houses, and a drainage ditch, have been determined Not Eligible for the NRHP. One architectural site, Maple Sheyenne Lutheran Church, has previously been recommended Not Eligible for the NRHP, but a formal determination of eligibility has not been made. The remaining architectural, archaeological, and historical archaeological sites and site leads within the search radius are Unevaluated for inclusion in the NRHP.

The file search also identified sixteen previous cultural resource inventories within one mile of the current inventory area. None of the previous cultural resource inventories overlap the current inventory area, although two surveyed small portions of the larger agricultural field to the north and west of where the cemetery will be expanded, and one surveyed an area just across 40th Avenue North to the south of the current inventory area.

KLJ architectural historian Mariel Rodriguez revisited Maple Sheyenne Lutheran Church on June 9, 2023, and KLJ archaeologists Charles Peliska and Austin Teslow conducted the Class III inventory of the proposed acquisition area on June 13, 2023. No new cultural material was encountered. Owing to excellent ground surface visibility, no subsurface testing was conducted.

The site of Maple Sheyenne Lutheran Church contains three architectural features, including the church, portions of which date to 1913, a modern storage shed, and a cemetery that dates to the original establishment of the church in the 1880s. The site is recommended Not Eligible for inclusion in the NRHP.

Provided all construction activity takes place within the inventoried area, KLJ recommends a finding of No Historic Properties Affected for the undertaking as inventoried, mapped, photographed, and described herein.

SHPO, Tribal, and Other Consulting Parties Coordination

A hard copy mailing was completed to the North Dakota State Historic Preservation Office (SHPO), and all tribes and consulting parties identified as part of the NHRP Section 106 process on August 3, 2023. Per SHPO guidelines, an electronic submittal was also completed on August 10, 2023.

3.3.2 Effects of the Proposed Action Alternative

The Proposed Action Alternative would acquire the land necessary to expand the existing FNC when interment capacity is met in the future. The future expansion would serve to strengthen the FNC cultural and historical significance. No other historic properties are located within the APE. Based on the studies completed and recommendation from KLJ; the VA NCA has made a determination of No Adverse Effect to historic properties from the undertaking pursuant to 36 CFR 800.5 (b). These reports and determination were sent to the SHPO, Tribes and other consulting parties as part of the consultation process for the NHPA Section 106. The SHPO responded on October 5, 2023, and concurred with the determination of “No Historic Properties Affected” for the proposed action. In addition, responses from The Flandreau Santee Sioux Tribe on August 7, 2023, and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana on September 11, 2023, were received stating they concur with the determination and do not have issue with the proposed action. These responses can be found in Appendix B.

3.3.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts to cultural resources would occur.

3.4 Geology, Topography and Soils

3.4.1 Background

Geologically, where the Proposed Action area is located, the Red River Valley is dominated by deep (on the order of 100 feet) deposits of glacial lake deposited soil consisting mainly of fat clays that are strength sensitive and compressible. The glacial lake soils are underlain with glacial till (moraine deposits) that also consist mainly of clay but possess greater strength and are less compressible.

The Proposed Action Alternative area elevation ranges from approximately 899 feet to 892 feet, sloping gradually from southeast to northwest.

Braun Intertec Corporation (Braun) completed a Preliminary Geotechnical Evaluation Report on July 5, 2023, to evaluate the Proposed Action area. Braun performed 10 standard penetration test (SPT) borings to a nominal depth of 15 feet below grade. Laboratory testing was also performed on select samples to aid in soil classification and engineering analysis. Table 2 and 3 generally describe the subsurface profile and groundwater found during investigation. Figure D shows the location of the soil borings.

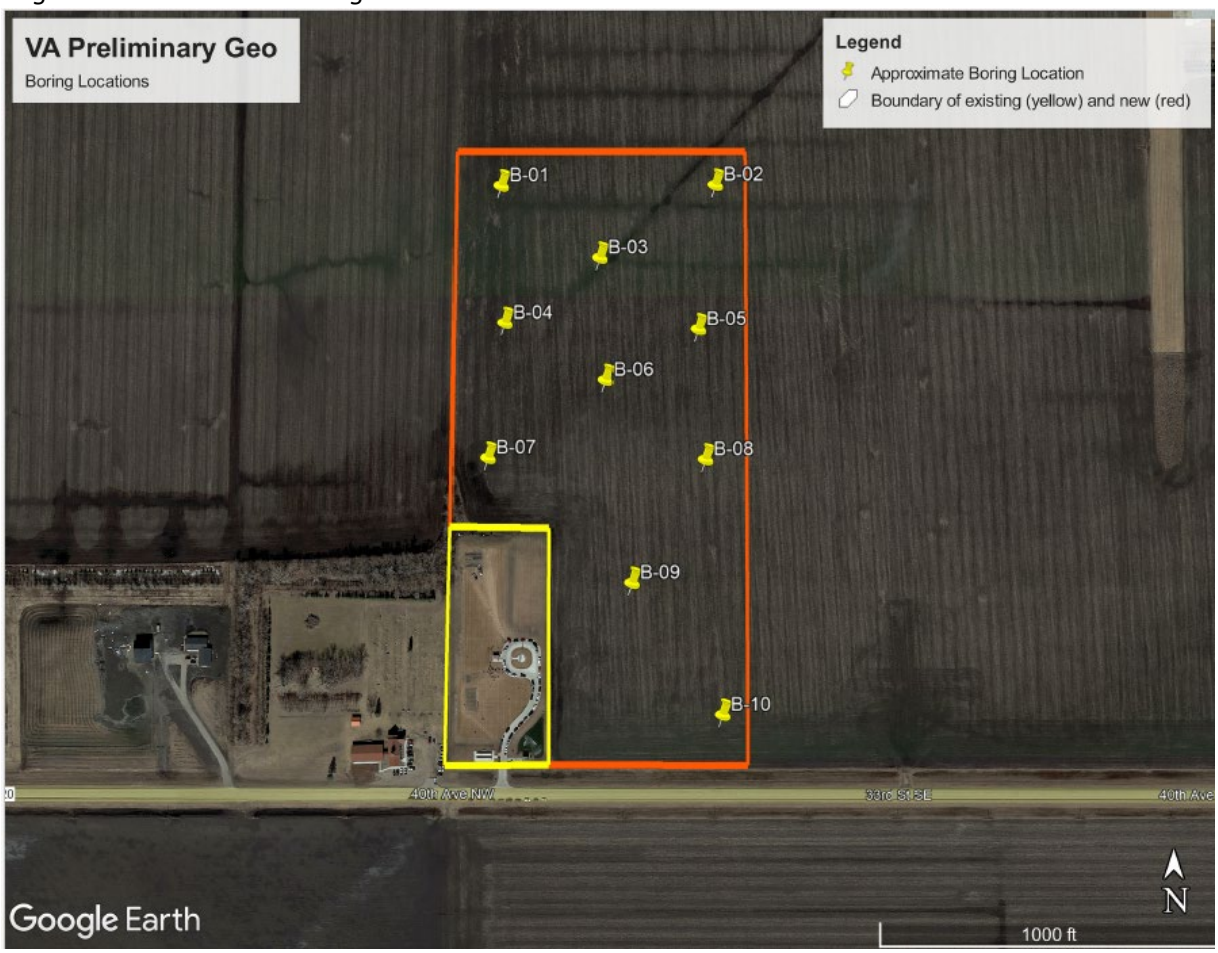
Table 2. Subsurface Profile Summary

Strata	Soil Type – ASTM Classification	Range of Penetration Resistances	Commentary and Details
Topsoil	Lean Clay, Fat Clay	Not Applicable	- Predominantly fat clay. - Black in color. - Variable thickness and present in all borings. - Thicknesses at boring locations varied from 1 ½ to 2 feet. - Moisture condition generally moist.
Glacial Lake Deposits	Fat Clay, Silts	2 to 10 BPF	- General penetration resistance of 5 to 8 BPF. - Generally consisted of fat clay deposits with the exception of a 2-foot-thick silt layer encountered in Boring B-09 at a depth of 9 feet. - Gray and brown. - Moisture condition generally moist to wet.

Table 3. Groundwater Summary

Location	Surface Elevation	Measured or Estimated Depth to Groundwater (ft)	Corresponding Groundwater Elevation (ft)
B-08	896	13	883
B-09	896	10	886

Figure D. Geotechnical Boring Locations



Braun performed moisture content (MC) tests (per ASTM D2216) on selected penetration test samples to aid in classifications and estimations of the materials' engineering properties. The moisture content tests performed on the fat clay materials ranged from 24 to 54 percent, indicating the samples tested were below to above their estimated optimum moisture contents. Moisture contents generally increased with depth.

3.4.2 Effects of the Proposed Action Alternative

The Proposed Action Alternative is anticipated to have less than significant adverse impacts to geology and soils. No significant changes to topography or drainage are expected as part of the acquisition of the Proposed Action Alternative area. Minor, less than significant impacts may occur during construction of the expansion.

Paved areas would be designed to drain to a suitable, on-site, properly engineered and designed, stormwater management system. Construction activities would disturb some soil surfaces and compact the soil. The soil would then be susceptible to erosion by wind and surface runoff. Utilization of BMPs identified in **Section 4.0 Mitigation** and adherence to the terms of approved National Pollutant Discharge Elimination System (NPDES) and land disturbance permits, including the development and implementation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) would help to limit/avoid significant adverse impacts to soils and water resources onsite and downstream during construction of the expansion.

Once construction activities are completed, the cemetery would have limited impervious surfaces and not need long term erosion or sediment controls other than any necessary engineered stormwater features and infrastructure. Recommendations detailed in the Preliminary Geotechnical Engineering Report would be

incorporated into the cemetery design to ensure the stability of the development and appropriate stabilization of grave site areas.

3.4.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts to geology, topography, or soils would occur by VA actions.

3.5 Hydrology and Water Quality

3.5.1 Background

The Proposed Action Alternative area is located in the Rush River-Sheyenne River watershed (HU Code: 0902020407) and the Lower Branch Rush River-Sheyenne River sub watershed (HU Code: 090202040706). The watershed covers 192,853 acres of North Dakota and the sub watershed covers 39,411 acres. The two nearest waterbodies are the Maple and Sheyenne rivers, both located 0.50 miles south and east of the Proposed Action area. The Sheyenne River, located approximately 0.50 miles from the Proposed Action area, is a major tributary of the Red River, meandering 591 miles across eastern North Dakota from its headwaters 15 miles north of McClusky, North Dakota.

Ground elevations on the site range from 899 feet to 892 feet, gradually sloping from the highest point at the southeast of the site to the lowest in the northwest portion of the site. According to the NRCS Web Soil Survey, the majority of the site is Fargo silty clay, 0 to 1 percent slopes (I229A). This soil map unit is poorly drained, consisting primarily of silty clay. The geotechnical report described in **Section 3.4 Geology, Topography and Soils**, found groundwater at boring locations B-08 and B-09 at 13 and 10 feet, respectively.

The 1972 Clean Water Act (CWA) Section 303(d) requires states, territories, and authorized tribes to develop lists of impaired waters and developing Total Maximum Daily Loads (TMDLs) for these waterbodies. A TMDL establishes the maximum amount of a constituent of concern (pollutant). The two rivers closest to the Proposed Action area are listed as impaired waters. The Maple River (State Waterbody ID: ND-09020205-001-S_00) identified impaired parameters include combined biota/habitat bioassessments, physical substrate habitat alterations and sedimentation/siltation. A TMDL is in place for Escherichia coli (E. coli) and fecal coliform. The Sheyenne River (State Waterbody ID: ND-09020204-003-S_00) identified impaired parameter is fecal coliform. The Sheyenne River does not currently have a restoration plan or TMDL in place.

3.5.2 Effects of the Proposed Action Alternative

Acquisition of the Proposed Action Alternative area would not impact hydrology or water quality as the land would continue to be leased for agricultural row-crop production. Once the existing FNC nears interment capacity, and construction were to begin, BMP's listed in **Section 4.0 Mitigation** would be implemented to limit construction related soil erosion and sedimentation. The expanded cemetery development would provide any necessary stormwater management to prevent sediment and pollutant runoff. All federal, state, and local regulations that apply to the Proposed Action would be followed, as well as the BMPs mentioned to limit adverse impacts to hydrology and water quality. Conversion of the site from farmland to cemetery may have beneficial impacts to water quality as the impairment issues in the local waterways can be due to exposed soil erosion and sediment run off and farming practices relating to fertilizers and herbicides.

3.5.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts to hydrology or water quality would occur.

3.6 Wildlife and Habitat

3.6.1 Background

A review of the United States Fish and Wildlife Services online planning tool, Information for Planning and Consultation (IPaC) was conducted on August 16, 2023 (Project Code: 2023-0075845) to provide a list of

threatened and endangered species that may occur in the Proposed Action Alternative area or may be affected by the project. IPaC does not identify any critical habitats, National Wildlife Refuge lands or fish hatcheries within the Proposed Action area. Review of the USFWS National Wetland Inventory (NWI) does not show any wetlands or waterways within the Proposed Action area. The IPaC review resulted in a species list that contains a total of two endangered or candidate species listed below.

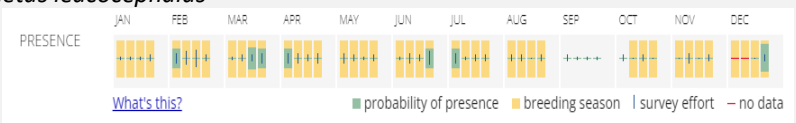
• Northern long-eared Bat ○ *Myotis septentrionalis*	Endangered
• Monarch Butterfly ○ *Danaus plexippus*	Candidate

In addition to the IPaC species list, a consistency letter was completed for the Northern Long Eared Bat (NLEB) determination. The IPaC submission and standing analysis for the determination key reached a determination of "No Effect" on the NLEB. During initial scoping for the Proposed Action Alternative, USFWS North Dakota Ecological Services Office replied on July 25, 2023, that they have no comments or concerns on the proposed land acquisition.

In addition, as certain birds are protected under the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Act of 1940, the IPaC review identified four bird species that are of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in the project location.

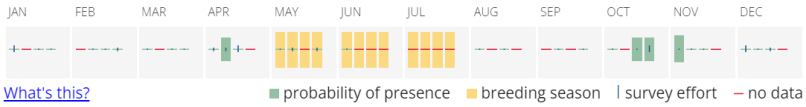
- Bald Eagle
  - *Haliaeetus leucocephalus*

Breeds Oct. 15 to Aug. 31



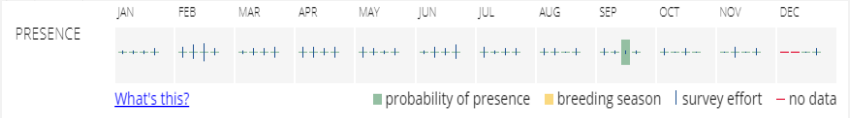
- Franklin's Gull
  - *Leucophaeus pipixcan*

Breeds May 1 to July 31



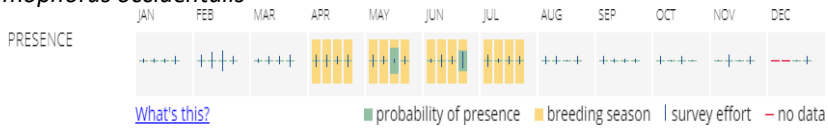
- Lesser Yellowlegs
  - *Tringa flavipes*

Breeds Elsewhere



- Western Grebe
  - *aechmophorus occidentalis*

Breeds June 1 to Aug. 31



The North Dakota Game and Fish Department responded to initial scoping for the Proposed Action on August 3, 2023, stating "*The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. We do not believe it will have significant adverse effects on wildlife or wildlife habitat based on the information provided.*"

3.6.2 Effects of the Proposed Action Alternative

The Proposed Action Alternative would have no impact on wildlife and/or habitat as the site would continue to be utilized for agricultural row-crop production. When interment options at the existing FNC are nearing capacity, the Proposed Action Alternative area would be utilized to expand the cemetery. As the entirety of the site is either planted with agricultural crops or tilled bare ground, no impacts to wildlife and/or habitat are anticipated when the cemetery is expanded. Operation of the expanded cemetery may have the potential for minor beneficial impacts to local wildlife as landscaping trees and shrubs may be planted around the cemetery and any stormwater ponds riparian areas would be seeded with native seed mixes.

3.6.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts to wildlife or habitat are anticipated. The site would continue to be utilized as an agricultural field.

3.7 Noise

3.7.1 Background

The Proposed Action Alternative area is currently utilized for agricultural row-crop production and has common noise generation sources associated with agricultural activities. These activities that generate noise include agricultural equipment traveling on 40th Avenue NW and equipment being utilized on site for tilling, planting, spraying, harvesting, etc. Minor noise is associated with traffic on the roadway to the south of the Proposed Action Area, 40th Avenue NW. Traffic along 40th Avenue NW is primarily associated with local traffic to and from the Maple Sheyenne Lutheran Church and the existing FNC. Ceremonial gun salutes associated with interments at the existing FNC are audible at the site and surrounding area. The short bursts of noise from the salutes are intermittent and only occur during weekday business hours. No other notable noise-generating sources are present in the immediate vicinity of the site.

3.7.2 Sensitive Noise Receptors

Sensitive noise receptors near the Proposed Action area include:

- Existing Fargo National Cemetery adjacent to the southwest
- Maple Sheyenne Lutheran Church and Cemetery to the southwest
- Single Family Residence 0.25 miles from the Proposed Action area to the west

3.7.3 Effects to Proposed Action Alternative

The Proposed Action Alternative of acquiring the 29.06-acres would not result in changes to the existing noise levels or generation sources. The site would continue to be leased and utilized for agricultural purposes until additional interment capacity was needed at the existing FNC. Once this point is reached, expansion and construction would occur.

Future expansion would have short term impacts associated with construction activities. All noise generating sources would be associated with standard construction practices, equipment uses, and construction transportation to and from the site.

The most prevalent noise source at typical construction sites comes from internal combustion engines. General construction equipment using engines includes but is not limited to heavy, medium, and light equipment such as excavators; roller compactors; front-end loaders; bulldozers; graders; backhoes; dump trucks; water trucks; concrete trucks; pump trucks; utility trucks; cranes; sheet pile drivers; man lifts; forklifts; and lube, oil, and fuel trucks.

Peak noise levels vary at a given location based on line of sight, topography, vegetation, and atmospheric conditions. In addition, peak noise levels would be variable and intermittent because each piece of equipment

would only be operated when needed. However, peak construction noise levels would be considerably higher than existing noise levels. Relatively high peak noise levels in the range of 93 to 108 dBA (decibels, A-weighted scale) would occur on the active construction site, decreasing with distance from the construction areas. At 0.25 miles, construction noise levels would generally be low enough to be considered insignificant, although transient noise levels may be noticeable at times. Table 2 presents peak noise levels that could be expected from a range of construction equipment during proposed construction activities.

Table 2. Peak Noise Levels Expected from Typical Construction Equipment

Source	Peak Noise Level (dBA, attenuated)							
	Distance from Source (feet)							
	0	**50**	**100**	**200**	**400**	**1,000**	**1,700**	**2,500**
Heavy Truck	95	84-89	78-93	72-77	66-71	58-63	54-59	50-55
Dump Truck	108	88	82	76	70	62	58	54
Concrete Mixer	108	85	79	73	67	59	55	51
Jackhammer	108	88	82	76	70	62	58	54
Scraper	93	80-89	74-82	68-77	60-71	54-63	50-59	46-55
Bulldozer	107	87-102	81-96	75-90	69-84	61-76	57-72	53-68
Generator	96	76	70	64	58	50	46	42
Crane	104	75-88	69-82	63-76	55-70	49-62	45-48	41-54
Loader	104	73-86	67-80	61-74	55-68	47-60	43-56	39-52
Grader	108	88-91	82-85	76-79	70-73	62-65	58-61	54-57
Pile driver	105	95	89	83	77	69	65	61
Forklift	100	95	89	83	77	69	65	61
Worst-Case Combined Peak Noise Level (Bulldozer, Jackhammer, Scraper)								
Combined Peak Noise Level	**Distance from Source (feet)**							
	50	**100**	**200**	**¼ Mile**	**½ Mile**			
	103	97	91	74	68			

Source: Tipler 1976

Proposed noise impacts post construction and during future operation of the expanded FNC would include traffic to and from the site, equipment uses for interment site preparation, maintenance, and upkeep, and periodic ceremonial rifle discharges. These activities would be similar to the existing cemetery operation at FNC adjacent to the Proposed Action Alternative area. Thus, no significant adverse impact associated with noise levels during operation are anticipated as part of the Proposed Action Alternative.

3.7.4 Effects to No Action Alternative

Under the No Action Alternative, the Proposed Action area would continue to be used for agricultural purposes and would result in no/negligible noise impact changes.

3.8 Land Use

3.8.1 Background

The Proposed Action Alternative area is currently an agricultural field and has historically been utilized for agricultural row-crop production. Much of the surrounding area is also agricultural lands, with the existing FNC adjacent to the southwest of the Proposed Action area. 40th Avenue NW borders the Proposed Action area to the south running east and west. The Maple Sheyenne Lutheran Church is adjacent to the west of the existing FNC and a single-family residence is located west of the church, approximately 0.25 miles from the Proposed Action area.

3.8.2 Effects of the Proposed Action Alternative

The Proposed Action Alternative would not result in adverse impacts to land use as the land would continue to be utilized as agricultural field for row-crop production until additional interment capacity is needed at the existing FNC. When interment capacity is needed at the FNC, the Proposed Action Alternative area would be converted from farmland to cemetery. This land use would be similar to the existing FNC, and the conversion is not

anticipated to cause significant adverse impacts to land use. The United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) replied to VA consultation on July 31, 2023, stating: "*NRCS has assessed your project affects to farmland as defined in Sec. (658.2 a) of the Code of Federal Regulations dealing with the Farmland Protection Policy Act (FPPA). NRCS has a major responsibility with FPPA in documenting conversion of farmland (i.e., Prime, Statewide Importance and/or Local Importance) to non-agricultural use when projects benefit from federal funds. This project will fall under an exemption for national defense purposes or facilities. These activities are exempt from FPPA; therefore, no further action is needed*."

3.8.3 Effects of the No Action Alternative

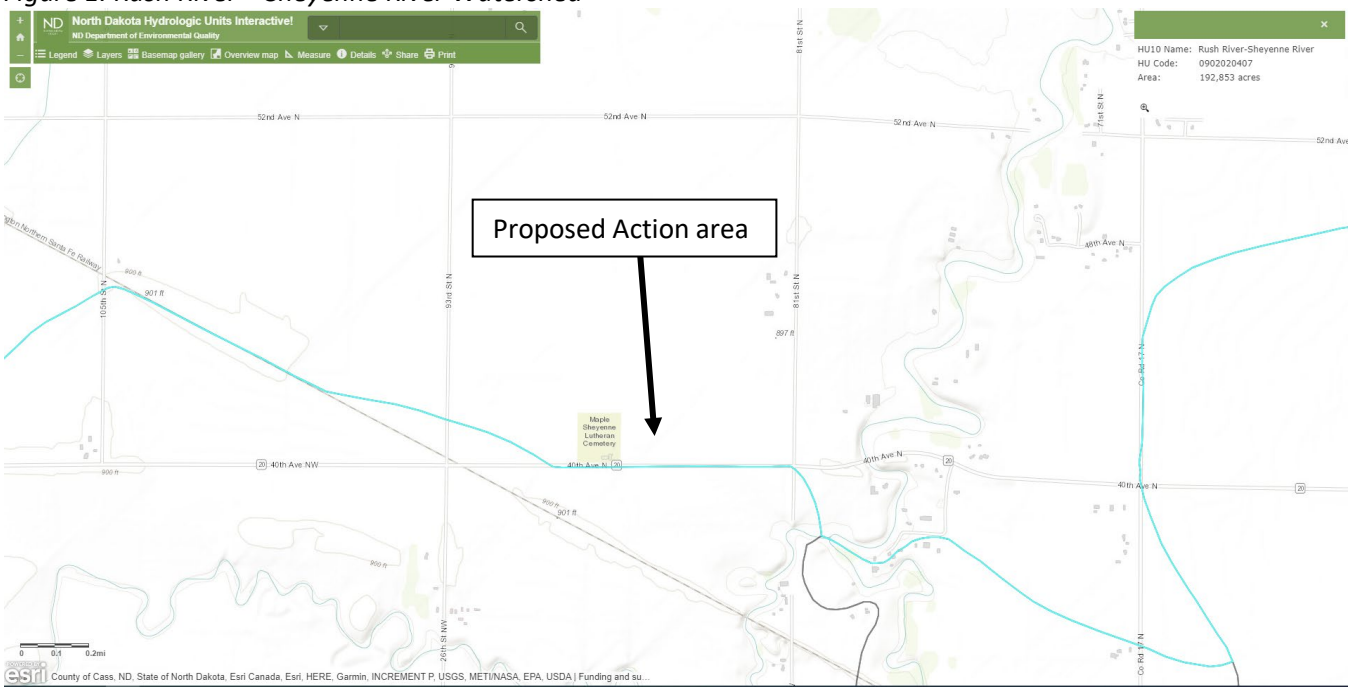
Under the No Action Alternative, no land use impacts would occur.

3.9 Floodplains, Wetlands, and Coastal Zone Management

3.9.1 Background

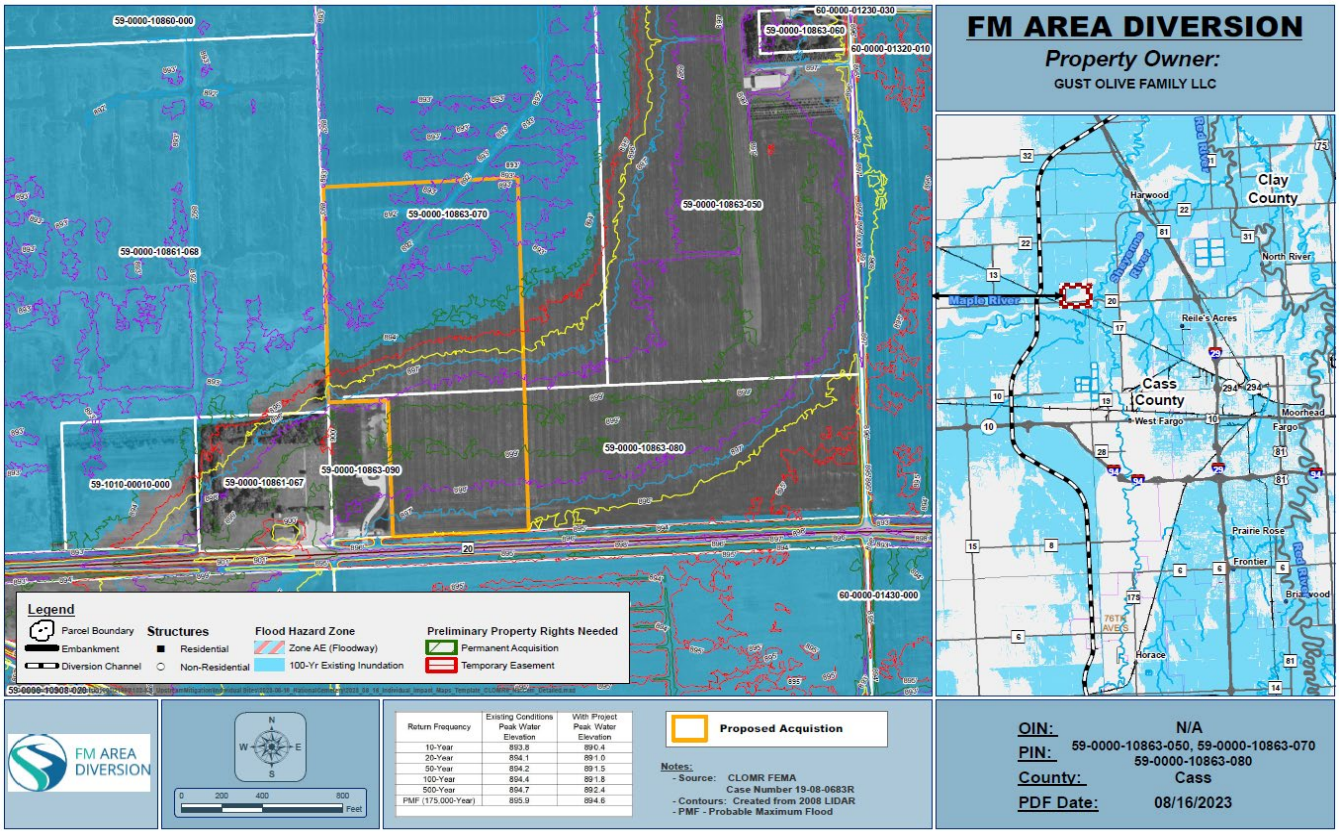
As further described in **Section 3.5 Hydrology and Water Quality**, the Proposed Action Alternative area occurs in the Rush River-Sheyenne River watershed (Figure E. Rush River – Sheyenne River Watershed). The USFWS NWI does not identify any wetlands on site and the site does not occur in a Coastal Zone Management area.

Figure E. Rush River – Sheyenne River Watershed



Currently, the northern portion of the Proposed Action Alternative area lies within the 100-year existing inundation flood hazard zone, which generally follows the 894.4-foot ground elevation contour (Figure F. 100 Year Inundation). The Red River and the Red River Valley are high flood risk areas, as the Red River has a low gradient and northward flow. As southern areas melt ice earlier in the spring, ice jams and other conditions, coupled with the surrounding valley's low gradient, lead to flooding nearly every year. The Metro Flood Diversion Authority (MFDA) was created to construct a diversion channel around the cities of Fargo, North Dakota and Moorhead, Minnesota to channel floodwaters away from the cities and prevent major flood events in the area. The MFDA is a public-private partnership between the United States Army Corp of Engineers (USACE), Red River Valley Alliance (RRVA), cities of Fargo and Moorhead, and Cass and Clay Counties. The goal is to provide permanent, reliable flood protection by 2027.

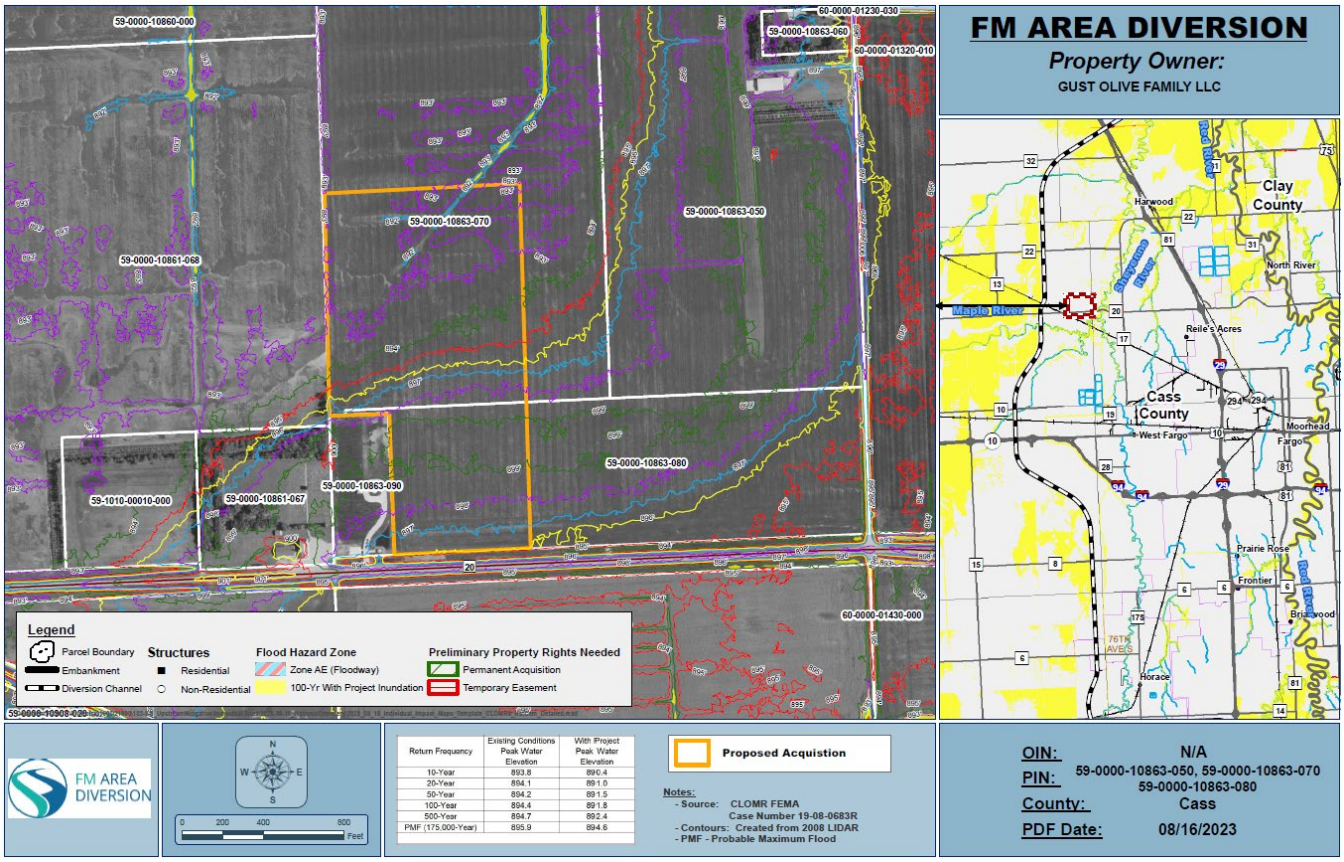
Figure F. 100 Year Flood Existing Inundation



3.9.2 Effects of the Proposed Action Alternative

The Proposed Action Alternative area occurs east of the planned diversion channel and is included in the flood prevention area. The VA has consulted with the MFDA to discuss the changes to the FEMA mapped flood hazard zone on the north end of the proposed 29.06-acre acquisition area. MFDA has coordinated with FEMA and MFDA will complete the FEMA required process for amending or revising the Flood Insurance Rate Map (FIRM) upon completion of construction of the diversion channel. The diversion project would decrease the 100-year existing inundation elevation from approximately 894.4 feet to 891.8 feet, effectively removing the flood hazard zone from the Proposed Action area. (Figure G. 100 Year Flood Inundation with Diversion Project). As the diversion project is anticipated to be completed by 2027, the timeline generally aligns with the cemetery expansion timeline (interment capacity at existing FNC expected to be full by 2033, in 10 years). The Proposed Action acquisition would have no impact to floodplain as it would continue to be utilized for agricultural row-crop purposes. Once the cemetery is to be expanded, the diversion channel would be complete, and the site would no-longer contain FEMA mapped floodplain.

Figure G. 100 Year Flood Inundation with Diversion Project



3.9.3 Effects of the No Action Alternative

The No Action Alternative would have no impacts to floodplain, wetlands, or coastal zone management.

3.10 Socioeconomics

3.10.1 Background

The following tables identify the socioeconomic environment of Cass County where the Proposed Action Alternative occurs and compares them to the entire state of North Dakota. All data was collected from U.S. Census Bureau and U.S. Bureau of Labor statistics. Cass County has a population of 192,734 individuals with approximately 21.9% under the age of 18 and 13.1% over the age of 65. These percentages are similar to North Dakota as a whole, where of the total population of 779,261 individuals, 23.5% are under the age of 18 and 16.7% are over the age of 65. The percentage of minority populations is slightly higher in Cass County than that of North Dakota as a whole (14.1% in Cass County compared to 13.4% in the State of North Dakota.). Cass County has a slightly higher percentage of high school graduates (95.3% compared to the state of North Dakota's 93.3%). Approximately 45,020 veterans reside in the State of North Dakota with 8,770 of those veterans residing in Cass County. Cass County contains approximately 19.48% of the state's veterans. The median household income for the state of North Dakota and Cass County are similar, with Cass County being $587 more than the state of North Dakota. The population below the poverty level (annual income of $26,500 or less for a family of 4 according to the U.S. Department of Health and Human Services, 2021) is lower in Cass County, 10.6% compared to the states 11.1%. Unemployment rates are similar for each.

Table 3. Demographic Data for Cass County and North Dakota						
Area	**Population Estimates (2022)**	**Population Under 18 Age Years (2022)**	**Population Over 65 Age Years (2022)**	**Minority Populations (2022)**	**High School Graduates (2017-2021)**	**Veterans (2017-2021)**
State of North Dakota	779,261	23.5%	16.7%	13.4%	93.3%	45,020
Cass County, North Dakota	192,734	21.9%	13.1%	14.1%	95.3%	8,770
Source: United States Census Bureau, Profile of General Demographic Characteristics, 2017-2022						

Table 4. Regional Income for Cass County and North Dakota				
Area	**Number of Households (2017-2021)**	**Median Household Income (2017-2021; in 2021 dollars)**	**Population Below Poverty Level (2017-2021)**	**Unemployment Rate (June 2023)**
State of North Dakota	316,542	$68,131	11.1%	2.0%
Cass County, North Dakota	77,977	$68,718	10.6%	2.0%
Source: United States Census Bureau, Profile of General Demographic Characteristics, 2017-2021 (In 2021 Dollars) and U.S. Bureau of Labor Statistics				

In order to prevent children from suffering disproportionately from environmental health risks and safety risks, EO 13045, Protection of Children from Environmental Health Risks and Safety Risks, was introduced in 1997 to prioritize the identification and assessment of environmental health risks and safety risks that may affect children and to ensure that Federal agencies' policies, programs, activities, and standards address environmental risks and safety risks to children. Parks, schools, and residential areas where children may reside, play, and learn are identified as sensitive receptors throughout the EA and detailed in **Section 3.11 Community Services**.

3.10.2 Effects of the Proposed Action Alternative

Acquisition of the Proposed Action Alternative area would not create any adverse impacts as it would be leased for agricultural purposes and no changes to the site would occur.

When cemetery expansion activities were to begin in the future , it may result in short and long term positive socioeconomic impacts to the region. Future construction of the Proposed Action would provide temporary construction and planning jobs benefiting local and nationwide employment and income, in addition to the purchasing of construction materials from regional suppliers and transporters. Once completed the cemetery expansion would provide interment options for Veterans and their families in the region and potentially provide additional job opportunities related to cemetery maintenance and operation.

3.10.3 Effects of the No Action Alternative

Under the No Action Alternative, the VA would not acquire the land contiguous to the existing FNC for future expansion. The VA would need to find additional land, potentially not contiguous to the existing FNC, delaying future site design and planning and potentially limited any future development if land cannot be found. VA may not be able to meet its long-term cemetery needs for the region, resulting in a significant long-term impact to US Veterans and their families.

3.11 Community Services

3.11.1 Background

The West Fargo Public Schools system currently serves the area. The nearest school is the Harwood Elementary School located approximately four miles northeast of the proposed action area. The remainder of the school system is located in West Fargo, approximately 4-5 miles southeast of the proposed action area.

The Proposed Action Alternative falls within the West Fargo Rural Fire Department and Harwood Fire Department fire protection area and is served by both departments. The Cass County Sheriff's Department provide police protection for the surrounding area.

The North Dakota Department of Transportation (NDDOT) and Cass County Highway Department provide local road and bridge maintenance to the surrounding area.

The nearest medical facilities to the proposed action area are the Sanford Medical Center and Vibra Hospital of Fargo located approximately 5.6 miles away to the southeast.

The nearest parks to the proposed action area are the Goldenwood Park, located approximately 3 miles to the southeast, and the Harwood Park, located 3.88 miles to the northwest.

No current public transportation is available to the FNC area; however, several private taxi and busing services are located within the City of Fargo. The Hector International Airport is approximately 7.6 miles from the existing FNC and Proposed Project Area.

3.11.2 Effects of the Proposed Action Alternative

The Proposed Action Alternative is not anticipated to provide any major additional load to the community services in the area. As the existing FNC is already present adjacent to the Proposed Action area, no significant changes to community services uses are anticipated. Minor, less than significant impacts to traffic and roadways is anticipated but would happen incrementally in the future when expansion was to occur. These impacts are further discussed in **Section 3.13 Transportation and Parking.**

3.11.3 Effects of the No Action Alternative

Under the No Action Alternative, no community service impacts from VA action would occur. The area would continue to be utilized as agricultural field.

3.12 Solid Waste and Hazardous Waste

3.12.1 Background

Hazardous materials include, but are not limited to, hazardous and toxic substances and waste, and any materials that pose a potential hazard to human health and the environment due to their quantity, concentration, or physical and chemical properties. Hazardous materials and wastes, if not controlled, may cause, or significantly contribute to an increase in mortality, serious irreversible illness, or incapacitating reversible illness; or pose a substantial threat to human health or the environment.

Landmark Environmental, LLC completed a Phase I Environmental Site Assessment in June 2023 of the Proposed Action Alternative area. The Property was originally developed for agricultural use by at least 1941. According to the Property Owner Representative, crops planted at the Property have historically been beans, corn, and wheat. Currently, the land is leased for farming. Given the Property's historic use as an agricultural land, historical activities at the Property did not likely involve the use of significant quantities of hazardous substances and/or petroleum products, except for application of agricultural chemicals. Agricultural chemicals were not reportedly

stored in bulk at the Property and were likely applied per the manufacturer's recommendations, the application of agricultural chemicals to the Property is not suspected to have an impact on the subsurface of the Property.

Surrounding uses did not have the potential to have used, stored, or managed significant quantities of hazardous substances and petroleum products, with the exception of hazardous substances used in the preparation for burial at cemeteries. However, the immediately adjoining FNC adheres to modern burial practices including use of concrete vaults; concrete vaults inhibit or block migration into the subgrade. The Maple Sheyenne Lutheran Church is not adjoining the Property, and burial plots are located at least 200 feet from the Property. As such, the adjoining and nearby cemeteries are not suspected to have an impact to the subgrade at the Property.

3.12.2 Effects of the Proposed Action Alternative

Acquisition of the Proposed Action Alternative would not create any adverse impacts as it would be leased for agricultural purposes and no changes to the site would occur.

When cemetery expansion activities were to begin in the future, temporary, less than-significant adverse impacts may occur due to the increased presence and use of petroleum and hazardous substances during construction. A temporary increase in construction vehicle traffic would increase the likelihood for release of vehicle operating fluids (e.g., oil, diesel, gasoline, antifreeze, etc.) and maintenance materials.

Implementation of standard construction BMPs identified in **Section 4.0 Mitigation** would serve to ensure these impacts are further minimized. No significant adverse long-term impacts during operation of the expanded cemetery are anticipated. Long-term operational solid and hazardous materials would be managed in accordance with applicable Federal and State laws and VA standards. The Proposed Action Alternative is not anticipated to result in a substantial increase in the generation of solid or hazardous substances or wastes, increase the exposure of persons to hazardous or toxic substances, increase the presence of hazardous or toxic materials in the environment, or place substantial restrictions on property use due to hazardous waste, materials, or site remediation.

3.12.3 Effects of the No Action Alternative

Under the No Action Alternative, no solid or hazardous materials use or effects from VA's activities would occur.

3.13 Transportation and Parking

3.13.1 Background

The existing FNC and Proposed Action Alternative area are bordered to the south by 40th Avenue NW. This roadway is a county paved highway with a single lane in both east and west directions. The existing FNC is served by a single, gated access drive off of 40th Avenue NW. The closest land uses also utilizing 40th Avenue NW are the Maple Sheyenne Lutheran Church located adjacent to the existing FNC to the west, one residential property located 0.25 miles to the west and two residential properties located 0.54 miles to the east.

3.13.2 Effects of the Proposed Action Alternative

Acquisition of the Proposed Action Alternative area would not have adverse impacts to transportation or parking. The site would continue to be leased for agricultural purposes and current traffic levels and use of 40th Avenue NW would remain the same.

When additional interment capacity is needed at the FNC, expansion would produce temporary adverse impacts to the surrounding area traffic during construction periods as equipment and materials are hauled on and off site and workers travel to and from the construction site. The increased traffic associated with construction would be during daytime work hours and follow standard construction BMPs listed in **Section 4.0 Mitigation** to avoid additional adverse impacts to noise, air quality, etc.

The operation of the expanded cemetery would create minor, less than significant adverse impacts to local traffic, as additional site visitors and staff travel into and out of the site. These increases would happen slowly over time as the site is expanded in phases and new interment space is utilized. Parking would be planned and designed prior to construction to provide all necessary parking needed within the FNC, preventing any adverse parking related impacts to 40th Avenue NW.

3.13.3 Effects of the No Action Alternative

Under the No Action Alternative, the existing parking and traffic conditions would remain the same and result in no/negligible traffic or parking impacts.

3.14 Utilities

3.14.1 Background

A Phase I Environmental Site Assessment was completed in December 2015 by TTL Associates, Inc. for initial development of FNC and details the utilities available at the site. The existing FNC has minimal utility needs, and any proposed expansion would utilize the same utilities as the existing FNC and have minimal utility needs.

3.14.2 Effects of the Proposed Action Alternative

The acquisition of the Proposed Action Alternative area would not have impact to utilities as the site would continue to be leased for agricultural purposes. Once cemetery expansion occurs, the expanded FNC would utilize the utilities already in place at the existing FNC and is anticipated to have minimal utility need or usage. No significant adverse impacts to utilities are anticipated.

3.14.3 Effects of the No Action Alternative

The No Action Alternative would have no VA caused impacts to utilities.

3.15 Environmental Justice

3.15.1 Background

In addition to considering socioeconomic information for the area surrounding the Proposed Action, federal agencies are required through Executive Order 12898 set forth in 1994 to focus attention to minority and low-income communities that may be adversely affected by environmental conditions and impacts to human health at a disproportionately higher rate than other communities.

Minority Populations: Population of people who are not single-race white and not Hispanic. Populations of individuals who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. (US Census Bureau, 2020)

Low Income Populations: families living at or below the poverty line, based on an annual income of $26,500 or less for a family of 4. (US Department of Health and Human Services, 2021)

3.15.2 Effects of the Proposed Action Alternative

The Proposed Action Alternative is not anticipated to have adverse impacts to low-income and minority populations. The closest residential land use is located 0.25 miles to the west of the Proposed Action area, with the Maple Sheyenne Lutheran Church and existing FNC between them. The next closest residential properties are located 0.50 miles to the east. Once the land is acquired, it would continue to be leased for agricultural purposes until additional interment capacity is needed.

Construction activities of future expansion would create temporary, less than significant adverse impacts related to noise, air quality, etc. BMP's limiting adverse impacts related to these construction activities would be followed to minimize impacts to residential areas and the Maple Sheyenne Lutheran Church.

Operation of the expanded cemetery would be similar to the existing cemetery directly southwest of the Proposed Action area, and not result in significant adverse impacts as discussed in this EA. Potential positive impacts related to increased design, construction, and maintenance jobs and incomes are possible with the Proposed Action.

3.15.3 Effects of the No Action Alternative

Under the No Action Alternative, no environmental justice effects would occur.

3.16 Cumulative Impacts

3.16.1 Background

As defined by CEQ Regulations in 40 CFR Part 1508.7, cumulative impacts are those which "result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, without regard to the agency (Federal or non- Federal) or individual who undertakes such other actions." Cumulative impact analysis captures the effects that result from the Proposed Action in combination with the effects of other actions taken during the duration of the Proposed Action in the same geographic area. Because NEPA requires the analysis of cumulative environmental effects of a Proposed Action, or set of actions, on resources that may often be manifested only at the cumulative level, such as traffic congestion, air quality, noise, biological resources, cultural resources, socioeconomic conditions, utility system capacities, and others.

The 29.06-acre Proposed Action Alternative area occurs in a mostly undeveloped, unincorporated area of Cass County, North Dakota. Agricultural fields are the dominate land use other than the existing FNC adjacent to the site, the Maple Sheyenne Lutheran Church located west of the existing FNC and several single-family residences (one approximately 0.25 miles to the west and several located 0.50 miles or greater to the east). As the existing FNC is the nearest developed land use, and the next closest is the Maple Sheyenne Lutheran Church and Cemetery, the expansion of the existing FNC is unlikely to create significant adverse impacts to any of the studied environmental areas described above. No other major projects are known in the surrounding area, besides the MFDA Fargo-Moorhead Flood Diversion channel to the west.

The Proposed Action Alternative could result in impacts identified in **Section 3.0 Affected Environment and Environmental Consequences of the Alternatives**. The studied areas include aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, wildlife and habitat, noise, land use, floodplains, wetlands, and coastal zone management, community services, solid and hazardous materials, transportation and parking, utilities, and environmental justice. All identified impacts are less-than-significant and would be further reduced through careful implementation of the general BMPs, management and minimization measures, and compliance with regulatory requirements as identified in **Section 4.0 Mitigation**. Given the nature of the Proposed Action and the limited expected future development in the immediate surrounding area, no significant cumulative adverse effects to any of these resource areas are anticipated.

3.16.2 Effects on Proposed Action Alternative

No significant adverse cumulative impacts are anticipated because of implementation of the Proposed Action Alternative. Coordination between VA, Federal, State, and local agencies, and community representatives would serve to manage and control cumulative effects within the region.

3.16.3 Effects on No Action Alternative

Under the No Action Alternative, no cumulative impacts would likely occur, as the Site would likely remain an agricultural field.

3.17 Potential for Generating Substantial Public Controversy

As identified in **Section 5.0 Public Involvement**, VA has solicited input from various Federal, State, and local government agencies regarding the Proposed Action. No responses from public scoping have been received, and all comments received from the listed stakeholders do not pose concern or issue with the Proposed Action Alternative. As the site is currently privately owned farmland, the existing FNC is located directly adjacent to the Proposed Action Alternative area, and there are limited other developed land uses nearby; no substantial public controversy has been encountered or is anticipated as part of the Proposed Action.

4.0 MITIGATION MEASURES AND MONITORING

This section will summarize and compile the identified BMPs and minimization measures for each affected environment in **Section 3.0 Affected Environment and Environmental Consequences of the Alternatives.**

VA and its contractors would implement BMPs and satisfy all applicable regulatory requirements in association with the design, construction, and operation of the cemetery expansion and columbarium construction. These mitigation measures are described in this EA and are included as components of the Proposed Action Alternative. In general, implementation of such mitigation measures would maintain impacts at acceptable levels for all resource areas analyzed.

Table 5. Best Management Practices and Minimization Measures for the Proposed Action

Affected Environment Area	BMPs/Minimization Measures
Aesthetics	•Use vegetative buffers to enhance viewscape
Air Quality	•Use appropriate dust suppression methods (such as the use of water, dust, palliative, covers, suspension of earth moving in high wind conditions) during onsite construction activities. •Stabilize disturbed area through re-vegetation or mulching if the area would be inactive for several weeks or longer. •Implement measures to reduce DPM emissions from construction equipment, such as reducing idling time and using newer equipment with emissions controls. •Comply with any applicable ND DEQ and US EPA regulations.
Cultural Resources	•None Required.
Geology and Soils	•Control soil erosion and sedimentation impacts during construction by implementing erosion prevention measures and complying with the National Pollution Discharge Elimination System (NPDES) permitting process. •Implement effective controls per a site-specific Stormwater Pollution Prevention Plan (SWPPP). •The NPDES permit would require stormwater runoff and erosion management using BMPs, such as earth berms, vegetative buffers and filter strips, and spill prevention and management techniques. •The construction contractor would implement the sedimentation and erosion control measures specified in the NPDES permit and the SWPPP to protect surface water quality.
Hydrology and Water Quality	•Control soil erosion and sedimentation impacts during construction by complying with the NPDES permit and the SWPPP. •Improvements would be designed in accordance with the requirements of EO 13514/EISA Section 438 with respect to stormwater runoff quantity and characteristics. •Ensure the design of the cemetery includes sufficient on-site stormwater management so as not to adversely affect the water quantity/quality in receiving waters and/or offsite areas. Obtain appropriate permits for off-site stormwater discharges.
Wildlife and Habitat	•Native species should be used to the extent practicable when revegetating land disturbed by construction to avoid the potential

	introduction of non-native or invasive species. •Proper cleaning of construction equipment should be done to the extent practicable, to prevent the spread of non-native/invasive species.
Noise	•Post signage at the entry points of the Site providing current construction information, including schedule and activity. Limit, to the extent possible, construction and associated heavy truck traffic to occur between 8:00 a.m. and 6:00 p.m. on Monday through Friday, or during normal, weekday, work hours. •Locate stationary operating equipment as far away from sensitive receptors as possible. •Select material transportation routes as far away from sensitive receptors as possible. •Shut down noise-generating heavy equipment when it is not needed and maintain equipment per manufacturer's recommendations to minimize noise generation. •Encourage construction personnel to operate equipment in the quietest manner practicable (e.g., speed restrictions, retarder brake restrictions, engine speed restrictions, etc.).
Land Use	•None Required.
Floodplains, Wetlands, and Coastal Zone Management	•Prior to future expansion design, review FEMA FIRM maps to verify diversion project changes to floodplain.
Socioeconomics	•None Required.
Community Services	•None Required.
Solid and Hazardous Waste	•Comply with VA Standard Operating Procedures and applicable Federal and State laws governing the use, generation, storage, transportation, and disposal of solid and hazardous materials.
Transportation and Parking	•Ensure demolition and construction activities do not adversely affect traffic flow on local roadways; construction would be timed to avoid peak travel hours. •Ensure debris and/or soil is not deposited on local roadways during the demolition and construction activities.
Utilities	•None Required.
Environmental Justice	•None Required.

5.0 PUBLIC PARTICIPATION, COORDINATION, AND CONSULTATION

VA invites public participation in decision-making on new proposals through the NEPA process. Public participation with respect to decision making on the Proposed Action is guided by 38 CFR 26, VA's policy and regulations for implementing NEPA. Additional guidance is provided in the VA's NEPA Interim Guidance for Projects (VA 2010). Consideration of the views and information of all interested persons promotes open communication and enables better decision making. Agencies, organizations, and members of the public with a potential interest in the Proposed Action, such as area residents, interested organizations, and disadvantaged persons are urged to participate.

5.1 Public Involvement

VA published a project scoping notice in the Forum of Fargo-Moorhead on July 19 and 26, 2023. VA posted the scoping notice to the VA Office of Construction and Facilities Maintenance (CFM) website https://www.cfm.va.gov/environmental/ and emailed scoping notices to the federal, state, tribal and local stakeholders identified in **Section 5.3 Agencies and Persons Consulted**.

VA published and distributed the Draft EA for a 30-day public comment period, as announced by a Notice of Availability (NOA) published in the Forum of Fargo-Moorhead on October 18 and 25, 2023. A copy of the Draft EA was made available for public review on the VA Office of Construction and Facilities Management Environmental Program website: (https://www.cfm.va.gov/environmental/index.asp). A hard copy was made available at the Fargo Public Library located at 102 3rd Street North. VA also sent notification of the availability of the Draft EA for review and comment via email or paper mailing to each of the stakeholders that were contacted during the NEPA scoping and Section 106 consultation. Agency and public comments received were utilized in the Final EA and documented in Appendix B.

5.2 Stakeholder Coordination

Interagency coordination of environmental planning regarding major federal proposed actions is a federally mandated requirement for informing and coordinating with other governmental agencies and stakeholders. As part of the NEPA process, public agencies shall be consulted to provide preliminary input on potential environmental effects on resources under their jurisdiction within the Proposed Action area. Below is a list of agencies contacted as part of this EA. In addition, a sample of the scoping and Draft EA NOA letters, newspaper affidavits, and stakeholder comments are available in Appendix B.

5.3 Agencies and Persons Consulted

Federal Agencies

- United States Fish and Wildlife Service – North Dakota Ecological Services Field Office
- United States Environmental Protection Agency – Region 8
- United States Army Corps of Engineers – Bismarck Regulatory Office
- Natural Resources Conservation Service – Fargo Service Center
- Bureau of Indian Affairs
- Federal Emergency Management Agency – Region 8

State Agencies

- North Dakota Game and Fish Department
- North Dakota Department of Water Resources
- North Dakota Department of Environmental Quality
- North Dakota Department of Mineral Rights
- North Dakota Health and Human Services
- North Dakota Department of Transportation

- North Dakota State Historical Society – SHPO

Tribes

- Apache Tribe of Oklahoma
- Flandreau Santee Sioux Tribe of South Dakota
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
- Leech Lake Band of the Minnesota Chippewa Tribe
- Lower Sioux Indian Community in the State of Minnesota
- Mandan, Hidatsa, and Arikara Nation
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
- Prairie Island Indian Community in the State of Minnesota
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
- Spirit Lake Tribe, North Dakota
- Standing Rock Sioux Tribe of North & South Dakota
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Upper Sioux Community, Minnesota

Local Agencies

- Cass County, North Dakota
- Cass County, North Dakota Historical Society
- Maple Sheyenne Lutheran Church
- Metro Flood Diversion Authority
- Jacob Gust Airport (current/adjacent property owner)
- City of Harwood
- Swedish Cultural heritage Society of the Red River Valley

Elected Officials

- US House of Representatives – North Dakota
    - Representative Kelly Armstrong
- US Senate – Senior Senator for North Dakota
    - Senator John Hoeven
- US Senate – Junior Senator of North Dakota
    - Senator Kevin Cramer
- North Dakota Senate – 22nd Senatorial District
    - Senator Mark Weber
- North Dakota House of Representatives – District 22
    - Representative Brandy Pyle
    - Representative Jonathan Warrey

5.4 Responses to Comments

Copies of correspondence received during the initial scoping period and Draft EA comment period are included in Appendix B. All comments were utilized in development of the Final EA. Comments were received from the USFWS USDA, ND Game and Fish, Flandreau Santee Sioux Tribe, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation Montana, and the ND SHPO.

6.0 LIST OF PREPARERS

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7.0 REFERENCES CITED

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8.0 GLOSSARY

100-Year Flood – A flood event of such magnitude that it occurs, on average, every 100 years; this equates to a one percent chance of its occurring in a given year.

Aesthetics – Pertaining to the quality of human perception of natural beauty.

Ambient - The environment as it exists around people, plants, and structures.

Ambient Air Quality Standards - Those standards established according to the CAA to protect health and welfare (AR 200-1).

Aquifer - An underground geological formation containing usable amounts of groundwater which can supply wells and springs.

Asbestos - Incombustible, chemical-resistant, fibrous mineral forms of impure magnesium silicate used for fireproofing, electrical insulation, building materials, brake linings, and chemical filters. Asbestos is a carcinogenic substance.

Attainment Area - Region that meets the National Ambient Air Quality Standard (NAAQS) for a criteria pollutant under the CAA.

Bedrock - The solid rock that underlies all soil, sand, clay, gravel and loose material on the earth's surface.

Best Management Practices (BMPs) - Methods, measures, or practices to prevent or reduce the contributions of pollutants to U.S. waters. Best management practices may be imposed in addition to, or in the absence of, effluent limitations, standards, or prohibitions (AR 200-1).

Commercial land use – Land use that includes private and public businesses (retail, wholesale, etc.), institutions (schools, churches, etc.), health services (hospitals, clinics, etc.), and military buildings and installations.

Compaction - The packing of soil together into a firmer, denser mass, generally caused by the pressure of great weight.

Contaminants - Any physical, chemical, biological, or radiological substances that have an adverse effect on air, water, or soil.

Council on Environmental Quality (CEQ) - An Executive Office of the President composed of three members appointed by the President, subject to approval by the Senate. Each member shall be exceptionally qualified to analyze and interpret environmental trends, and to appraise programs and activities of the Federal Government. Members are to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

Criteria Pollutants - The CAA of 1970 required the USEPA to set air quality standards for common and widespread pollutants in order to protect human health and welfare. There are six "criteria pollutants": ozone (O3), carbon monoxide (CO), sulfur dioxide (SO2), lead (Pb), nitrogen dioxide (NO2), and particulate matter.

Cultural Resources - The physical evidence of our Nation's heritage. Included are archaeological sites; historic buildings, structures, and districts; and localities with social significance to the human community.

Cumulative Impact - The impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non- Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

Decibel (dB) - A unit of measurement of sound pressure level.

Direct Impact - A direct impact is caused by a Proposed Action and occurs at the same time and place.

Emission - A release of a pollutant.

Endangered Species - Any species which is in danger of extinction throughout all or a significant portion of its range.

Environmental Assessment (EA) - An EA is a publication that provides sufficient evidence and analyses to show whether a proposed system will adversely affect the environment or be environmentally controversial.

Erosion - The wearing away of the land surface by detachment and movement of soil and rock fragments through the action of moving water and other geological agents.

Fauna - Animal life, especially the animal characteristics of a region, period, or special environment.

Flora - Vegetation; plant life characteristic of a region, period, or special environment.

Floodplain - The relatively flat area or lowlands adjoining a river, stream, ocean, lake, or other body of water that is susceptible to being inundated by floodwaters.

FONSI - Finding of No Significant Impact, a NEPA document.

Fugitive Dust - Particles light enough to be suspended in air, but not captured by a filtering system. For this document, this refers to particles put in the air by moving vehicles and air movement over disturbed soils at construction sites.

Geology - Science which deals with the physical history of the earth, the rocks of which it is composed, and physical changes in the earth.

Groundwater - Water found below the ground surface. Groundwater may be geologic in origin and as pristine as it was when it was entrapped by the surrounding rock or it may be subject to daily or seasonal effects depending on the local hydrologic cycle. Groundwater may be pumped from wells and used for drinking water, irrigation, and other purposes. It is recharged by precipitation or irrigation water soaking into the ground. Thus, any contaminant in precipitation or irrigation water may be carried into groundwater.

Hazardous Substance - Hazardous materials are defined within several laws and regulations to have certain meanings. For this document, a hazardous material is any one of the following:

Any substance designated pursuant to section 311 (b)(2)(A) of the Clean Water Act.

Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Any hazardous substance as defined under the Resource Conservation and Recovery Act (RCRA).

Any toxic pollutant listed under TSCA.

Any hazardous air pollutant listed under Section 112 of CAA.Any imminently hazardous chemical substance or mixture with respect to which the EPA Administrator has taken action pursuant to Subsection 7 of TSCA.
The term does not include: 1) Petroleum, including crude oil or any thereof, which is not otherwise specifically listed or designated as a hazardous substance in a above. 2) Natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). A list of hazardous substances is found in 40 CFR Part 302.4.

Hazardous Waste - A solid waste which, when improperly treated, stored, transported, or disposed of, poses a substantial hazard to human health or the environment. Hazardous wastes are identified in 40 CFR Part 261.3 or applicable foreign law, rule, or regulation.

Hazardous Waste Storage - As defined in 40 CFR Part 260.10, "the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere".

Indirect Impact - An indirect impact is caused by a Proposed Action that occurs later in time or farther removed in distance, but is still reasonably foreseeable. Indirect impacts may include induced changes in the pattern of land use, population density or growth rate, and related effects on air, water, and other natural and social systems. For example, referring to the possible direct impacts described above, the clearing of trees for new development may have an indirect impact on area wildlife by decreasing available habitat.

Jurisdictional Wetland – Areas that meet the wetland hydrology, vegetation, and hydric soil characteristics, and have a direct connection to the Waters of the US. These wetlands are regulated by the USACE.

Listed Species - Any plant or animal designated as a State or Federal threatened, endangered, special concern, or candidate species.

Mitigation - Measures taken to reduce adverse impacts on the environment.

Mobile Sources - Vehicles, aircraft, watercraft, construction equipment, and other equipment that use internal combustion engines for energy sources.

Monitoring - A process of inspecting and recording the progress of mitigation measures implemented.

National Ambient Air Quality Standards (NAAQS) - Nationwide standards set up by the USEPA for widespread air pollutants, as required by Section 109 of the Clean Air Act (CAA). Currently, six pollutants are regulated by primary and secondary NAAQS: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO2), ozone (O3), particulate matter, and sulfur dioxide (SO2).

National Environmental Policy Act (NEPA) - U.S. statute that requires all Federal agencies to consider the potential effects of Proposed Actions on the human and natural environment.

Non-attainment Area - An area that has been designated by the EPA or the appropriate State air quality agency as exceeding one or more National or State ambient air quality standards.

Parcel - A plot of land, usually a division of a larger area.

Particulates or Particulate Matter - Fine liquid or solid particles such as dust, smoke, mist, fumes, or smog found in air.

Pollutant - A substance introduced into the environment that adversely affects the usefulness of a resource.

Potable Water - Water which is suitable for drinking.

Prime Farmland - A special category of highly productive cropland that is recognized and described by the US Department of Agriculture's Soil Conservation Service and receives special protection under the Surface Mining Law.

Remediation - A long-term action that reduces or eliminates a threat to the environment.

Riparian Areas - Areas adjacent to rivers and streams that have a high density, diversity, and productivity of plant and animal species relative to nearby uplands.

River Basin - The land area drained by a river and its tributaries.

Sensitive Receptors - Include, but are not limited to, asthmatics, children, and the elderly, as well as specific facilities, such as long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, and childcare centers.

Significant Impact - According to 40 CFR Part 1508.27, "significance" as used in NEPA requires consideration of both context and intensity.
Context. The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the Proposed Action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.
Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action.

Soil - The mixture of altered mineral and organic material at the earth's surface that supports plant life.

Solid Waste - Any discarded material that is not excluded by section 261.4(a) or that is not excluded by variance granted under sections 260.30 and 260.31.

Threatened species - Any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Topography - The relief features or surface configuration of an area.

Toxic Substance - A harmful substance which includes elements, compounds, mixtures, and materials of complex composition.

Waters of the United States - Include the following: (1) All waters which are currently being used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) All interstate waters including interstate wetlands. (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation or destruction of which could affect interstate or foreign commerce.

Watershed - The region draining into a particular stream, river, or entire river system.

Wetlands - Areas that are regularly saturated by surface or groundwater and, thus, are characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples include swamps, bogs, fens, marshes, and estuaries.

Wildlife Habitat - Set of living communities in which a wildlife population lives.

Appendix A: Permits

Appendix A: Permits. This EA has been prepared in accordance with the NEPA, the CEQ Regulations Implementing the Procedural Provisions of NEPA, and VA's regulations for implementing NEPA (38 CFR Part 26). In addition, the EA has been prepared as prescribed in VA's NEPA Interim Guidance for Projects (VA 2010). The following Federal, State, and/or Local environmental permits that may be required as part of the Proposed Action are identified within this EA and summarized below:

- No specific permits have been identified for land acquisition

Appendix B: Agency Correspondence and Consultation

Appendix B: Agency Correspondence and Consultation. This appendix contains the correspondence and consultation documents referenced throughout the Final EA; including an example scoping letter and Draft EA NOA letter, scoping notice and Draft EA NOA newspaper affidavits, and comments received from stakeholders detailed in the below table.

Stakeholder	Comment Date	Comment Response
USFWS – North Dakota Field Office	July 25, 2023	No response needed.
USDA	July 31, 2023	No response needed.
ND Game and Fish	August 3, 2023	No response needed.
Flandreau Santee Sioux Tribe	August 7, 2023, and October 17, 2023	No response needed.
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana	September 11, 2023	No response needed.
ND SHPO	October 5, 2023	No response needed.

U.S. DEPARTMENT OF VETERANS AFFAIRS
Office of Construction & Facilities Management
Washington DC 20420

July 13, 2023

Sent via email

SUBJECT: Scoping Notice for the Draft Environmental Assessment for the Proposed Acquisition and Expansion of 29.06-Acres of Land Near the Existing Fargo National Cemetery Located at 8709 40th Avenue North, Harwood, Cass County, North Dakota 58042

Dear Valued Stakeholder:

The U.S. Department of Veterans Affairs (VA) is preparing a Draft Environmental Assessment (EA) to analyze the potential environmental impacts associated with the Proposed Action to acquire and expand onto 29.06-acres of land to the east and north of the existing Fargo National Cemetery located at 8709 40th Avenue North in Harwood, Cass County, North Dakota (see attached **Figure A – Project Location** and **Figure B – Site Aerial**). As part of the decision-making process, VA will undertake activities to comply with the National Environmental Policy Act (NEPA) by preparing an Environmental Assessment (EA). VA is seeking input on issues to be addressed during the NEPA process.

The purpose of the Proposed Action is to acquire 29.06-acres of land to the east and north of the existing cemetery in order to provide future additional burial sites at Fargo National Cemetery for eligible individuals. The Proposed Action is needed to provide accessible interment services to Veterans and their families.

Concurrent with this mailing, this scoping notice will also be published in The Forum of Fargo-Moorhead to inform and solicit input from the public. The notice is also available on the VA website at https://www.cfm.va.gov/environmental/.

VA will prepare the Draft EA according to the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code 4321-4370h), the Council on Environmental Quality Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500- 1508), and VA Implementing Regulations (38 CFR Part 26).

VA recognizes that you as an identified Stakeholder and/or your organization may have comments on the scope of issues for analysis or information relevant to the Proposed Action for consideration in the Draft EA. Please submit your comments/information via email within 30-days following receipt of this notice to vacoenvironment@va.gov with the subject line "Land Acquisition and Expansion, Fargo National Cemetery".

VA will address and incorporate relevant comments/information in the Draft EA. Once VA completes the Draft EA, it will be published and made available for a 30-day public review and comment period. VA will announce the start of this review period by publishing a Notice of Availability (NOA) of the Draft EA in The Forum of Fargo-Moorhead. VA will concurrently notify stakeholders with instructions on how to submit comments.

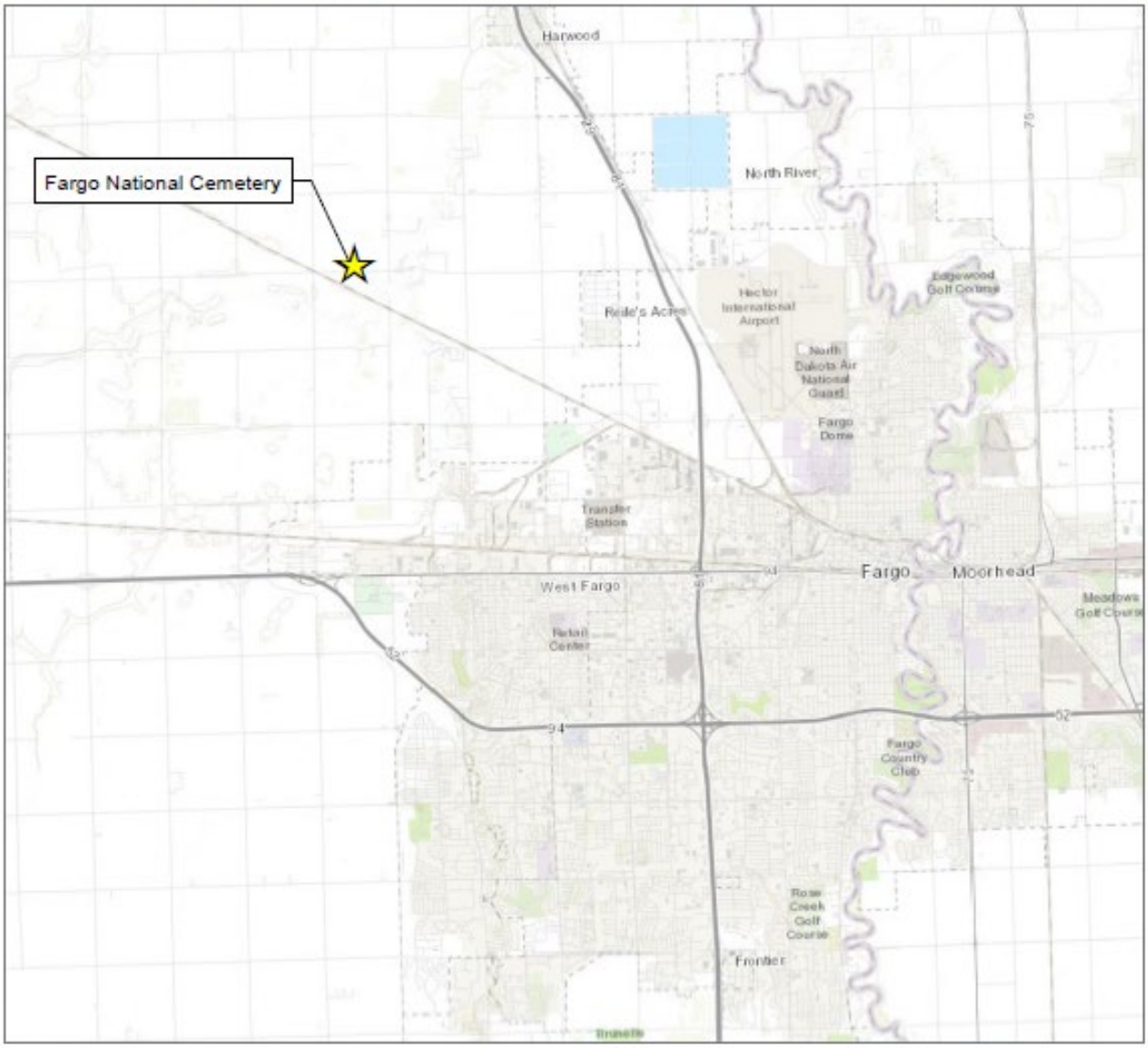
For additional information or questions, please contact Fernando Fernandez at fernando.fernandez@va.gov with the subject line "Land Acquisition and Expansion, Fargo National Cemetery".

Respectfully,

Patrick Read
Acting Director, Environmental Program Office
Office of Construction and Facilities Management

Fargo National Cemetery
Raymond Township, Cass County, North Dakota

Figure A
Project Location



Legend

Site Location

Address: 8709 40th Ave North
Co Rd 20, Harwood, ND 58042
Lat/Long: 46.93556, -96.93488
PID: 59000010863090
Project No: 17283
Date: 4.21.2023

1 inch = 2 miles

0 1 2 4

Miles

ANDERSON
13605 1st Ave N #100, Plymouth, MN 55441
P 763.412.4000 F 763.412.4090 ae-mn.com

Project Location

Raymond Township
Cass County, North Dakota

SOURCES: XX ONR, USDA, ESRI, TIGER, Bing, XXXXXX Co., Anderson Engineering

Fargo National Cemetery
Raymond Township, Cass County, North Dakota

Figure B
Site Aerial

Legend

- Fargo National Cemetery
- Proposed Expansion Area
- Cass County Parcels
- County Subdivision

Address: 8709 40th Ave North
Co Rd 20, Harwood, ND 58042
Lat/Long: 46.93556, -96.93488
PID: 59000010863090
Project No: 17283
Date: 4.21.2023

1 inch = 400 feet

0 200 400 800

Feet

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Project Location

Raymond Township
Cass County, North Dakota

SOURCE: XX DNR, USDA, ESRI, TIGER, Bing, XXXXXX Co., Anderson Engineering

ANDERSON
13605 1st Ave N Ste 100
Plymouth, MN 55441-5454

RECEIVED
JUL 2 8 2023
By

ND Affidavit No. 242151

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA
ss.
COUNTY OF CASS

Taylor Herhold,The Forum of Fargo-Moorhead, being duly sworn, states as follows:

1. I am the designated agent of The Forum of Fargo-Moorhead, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspaper listed on the attached exhibit.

2. The newspaper listed on the exhibit published the advertisement of: ***Legal Notice***; *(2) time: Wednesday, July 19, 2023, Wednesday, July 26, 2023*, as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Dated this 26th day of July, 2023

Legals Clerk

Notary Public

NICHOLE SEITZ
Notary Public
State of North Dakota
My Commission Expires Jan 3, 2024

NEWSPAPER LEGAL
NOTICE OF INTENT/SCOPING

The U. S. Department of Veterans Affairs (VA) intends to prepare an Environmental Assessment (EA) for the proposed acquisition and expansion onto 29.06-acres of land to the north and east of the existing Fargo National Cemetery located at 8709 40 th Avenue North, Harwood, Cass County, North Dakota 58042.

VA greatly appreciates your participation in this matter and asks that you let us know if you have an interest in the proposed project within 30-days from the date when this notice was posted pursuant to NEPA, (Public Law 91-190, 42 USC 4321-4347 January 1, 1970) and VA's Implementing Regulations (38 CFR Part 26). If you would like to comment on the proposed project at this time, please contact VA at VACOEnvironment@va.gov and reference "Land Acquisition and Expansion, Fargo National Cemetery".

Comments may also be submitted to VA at the following mailing address:

Department of Veterans Affairs
Office of Construction & Facility Management
425 I Street, NW
Washington, DC 20001

(July 19 & 26, 2023) 242151

U.S. DEPARTMENT OF VETERANS AFFAIRS
Office of Construction & Facilities Management
Washington DC 20420

October 10, 2023

Sent via email

SUBJECT: Notice of Availability for the Draft Environmental Assessment for the Proposed Acquisition and Expansion of 29.06-Acres of Land Near the Existing Fargo National Cemetery Located at 8709 40th Avenue North, Harwood, Cass County, North Dakota 58042

Dear Valued Stakeholder:

The U.S. Department of Veterans Affairs (VA) announces the availability of the Draft Environmental Assessment (EA) for the Proposed Acquisition and Expansion of 29.06-Acres of Land Near the Existing Fargo National Cemetery Located at 8709 40th Avenue North, Harwood, Cass County, North Dakota 58042 (see attached **Figure A -Project Location**).

The purpose of the Proposed Action is to acquire 29.06-acres of land to the east and north of the existing cemetery in order to provide future additional burial sites at Fargo National Cemetery for eligible individuals. The Proposed Action is needed to provide accessible interment services to Veterans and their families. (see attached **Figure B-Site Aerial)**.

Concurrent with this mailing, a Notice of Availability will be published in The Forum of Fargo-Moorhead (https://www.inforum.com/). Notice of Availability will be posted, and hard copies of the Draft EA will be made available at the Fargo Public Library located at 102 3rd Street North for review and comment from the public. The Draft EA is also available on the VA website at https://www.cfm.va.gov/environmental/index.asp

VA has prepared the Draft EA according to the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code 4321-4370h), the Council on Environmental Quality Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500- 1508), and VA Implementing Regulations (38 CFR Part 26).

Through this notice, VA is also providing the public with information about the undertaking and seeking public comment and input about the undertaking's effects on historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, (54 USC § 306108), and its implementing regulations (36 CFR Part 800 – Protection of Historic Properties). VA is using its procedures for public involvement under NEPA in lieu of public involvement requirements in subpart B of the Section 106 regulations per 36 CFR 800.2(d)(3). This notice does not serve as an invitation to consult under Section 106, it is solely to seek and consider the views of the public. VA will initiate its Section 106 review and invite consulting parties to participate via a separate communication.

Please submit your comments on the Draft EA via email within 30-days following receipt of this notice to vacoenvironment@va.gov with the subject line "Land Acquisition and Expansion, Fargo National Cemetery".VA will address and incorporate relevant comments in the Final EA.

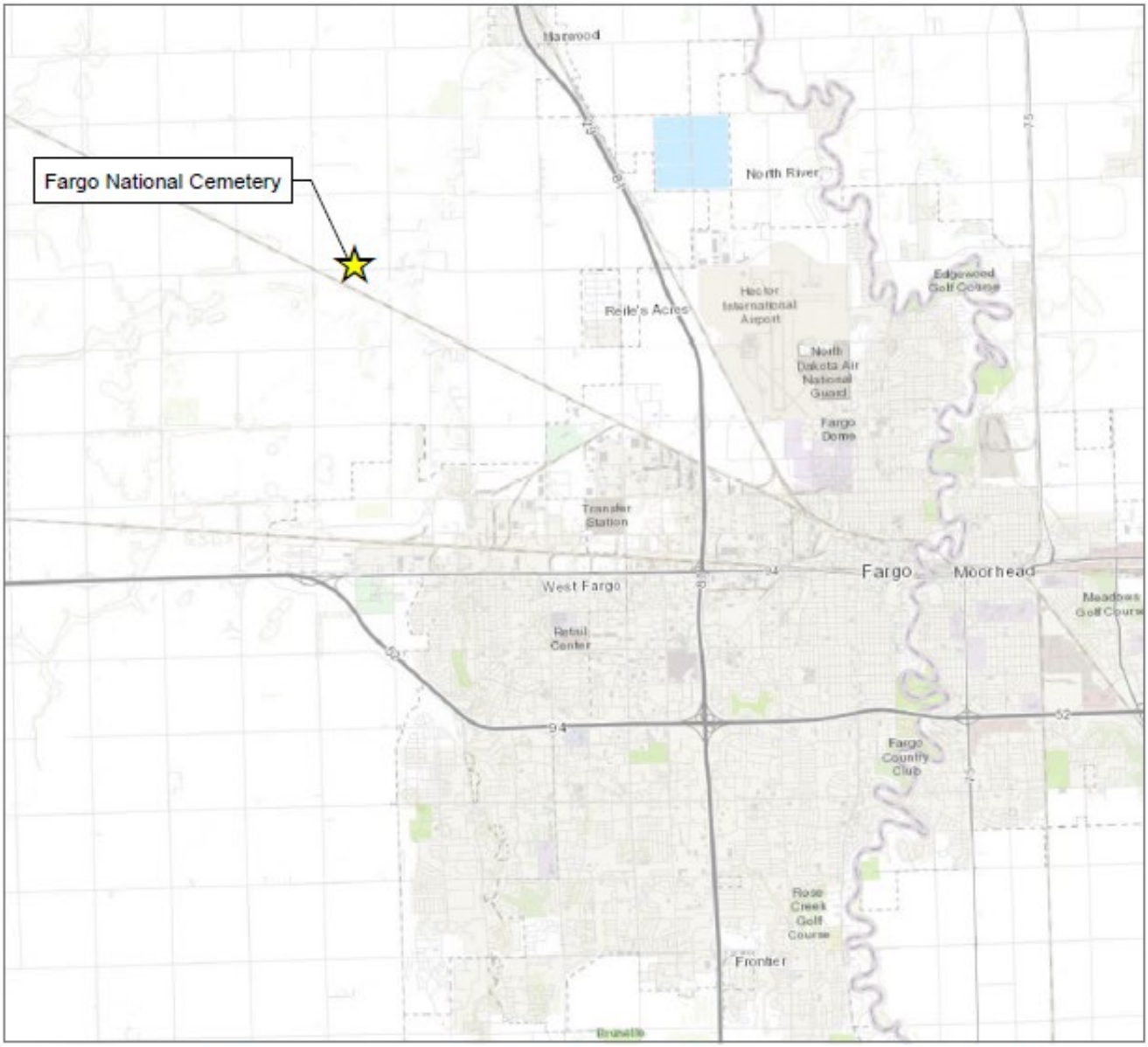
For additional information or questions, please contact Fernando Fernandez at fernando.fernandez@va.gov with the subject line "Land Acquisition and Expansion, Fargo National Cemetery".

Respectfully,

Patrick Read
Acting Director, Environmental Program Office
Office of Construction and Facilities Management

Fargo National Cemetery
Raymond Township, Cass County, North Dakota

Figure A
Project Location



Legend

Site Location

Address: 8709 40th Ave North
Co Rd 20, Harwood, ND 58042
Lat/Long: 46.93556, -96.93488
PID: 59000010863090
Project No: 17283
Date: 4.21.2023

1 inch = 2 miles

0 1 2 4

Miles

ANDERSON
13605 1st Ave N #100, Plymouth, MN 55441
P 763.412.4000 F 763.412.4090 ae-mn.com

Project Location

Raymond Township
Cass County, North Dakota

SOURCE: XX DNR, USDA, ESRI, TIGER, Bing, XXXXXX Co., Anderson Engineering

Fargo National Cemetery
Raymond Township, Cass County, North Dakota

Figure B
Site Aerial

Legend

- Fargo National Cemetery
- Proposed Expansion Area
- Cass County Parcels
- County Subdivision

Address: 8709 40th Ave North
Co Rd 20, Harwood, ND 58042
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Feet

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13605 1st Ave N #100, Plymouth, MN 55441
P 763.412.4000 F 763.412.4090 ae-mn.com

Project Location

Raymond Township
Cass County, North Dakota

SOURCE: XX DNR, USDA, ESRI, TIGER, Bing, XXXXXX Co., Anderson Engineering

ND Affidavit No. 268842

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA
ss.
COUNTY OF CASS

Alyssa Ose,The Forum of Fargo-Moorhead, being duly sworn, states as follows:

1. I am the designated agent of The Forum of Fargo-Moorhead, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspaper listed on the attached exhibit.

2. The newspaper listed on the exhibit published the advertisement of: ***Legal Notice***; *(2) time: Wednesday, October 18, 2023, Wednesday, October 25, 2023*, as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Dated this 25th day of October, 2023

Legals Clerk

Notary Public

NICHOLE SEITZ
Notary Public
State of North Dakota
My Commission Expires Jan 3, 2024

NEWSPAPER LEGAL NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL ASSESSMENT

The U. S. Department of Veterans Affairs (VA) announces the availability of the Draft Environmental Assessment (EA) for the Proposed acquisition and expansion onto 29.06-acres of land to the north and east of the existing Fargo National Cemetery located at 8709 40th Avenue North, Harwood, Cass County, North Dakota 58042. The Draft EA has been prepared in accordance with the regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), (Public Law 91-190, 42 USC 4321-4347 January 1, 1970), amendments, and VA's Implementing Regulations (38 CFR Part 26).

Through this notice, VA is also providing the public with information about the undertaking and seeking public comment and input about the undertaking's effects on historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, (54 USC § 306108), and its implementing regulations (36 CFR Part 800 – Protection of Historic Properties). VA is using its procedures for public involvement under NEPA in lieu of public involvement requirements in subpart B of the Section 106 regulations per 36 CFR 800.2(d)(3). This notice does not serve as an invitation to consult under Section 106, it is solely to seek and consider the views of the public. VA will initiate its Section 106 review and invite consulting parties to participate via a separate communication.

The Draft EA is available for public review at the Fargo Public Library located at 102 3rd Street North, Fargo, North Dakota. The Draft EA is also available on the VA website at https://www.cfm.va.gov/environmental/index.asp

Public comments on the Draft EA should be submitted within 30-days of this published notice via email to vacoenvironment@va.gov with the subject line "Land Acquisition and Expansion, Fargo National Cemetery". VA will address and incorporate relevant comments in the Final EA.

Comments may also be submitted to VA at the following mailing address:

Department of Veterans Affairs
Office of Construction &
Facility Management
425 I Street, NW
Washington, DC 20001

(Oct. 18 & 25, 2023) 268842

From: FW6 NDfieldoffice <NDfieldoffice@fws.gov>
Sent: Tuesday, July 25, 2023 9:38 AM
To: VACO Environment <VACOEnvironment@va.gov>; Fernandez, Fernando L. (CFM) <Fernando.Fernandez@va.gov>
Subject: Re: [EXTERNAL] Fargo National Cemetery – Environmental Services for Land Acquisition

Good morning Fernando -

Our office has no comments or concerns on the proposed land acquisition. Please let me know if you need anything additional from our office.

Luke

Luke Toso

North Dakota Ecological Services Supervisor

U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, North Dakota 58501

720-793-6797
luke_toso@fws.gov

From: Schumacher, John D. <jdschumacher@nd.gov>
Sent: Thursday, August 3, 2023 9:05 AM
To: VACO Environment <VACOEnvironment@va.gov>
Subject: [EXTERNAL] RE: Fargo National Cemetery – Environmental Services for Land Acquisition

Fernando L. Fernandez REM
Environmental Engineer
Department of Veterans Affairs

RE: Fargo National Cemetery – Proposed Land Acquisition and Expansion

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. We do not believe it will have significant adverse effects on wildlife or wildlife habitat based on the information provided.

J.D. Schumacher
Resource Biologist

701.328.6321 • jdschumacher@nd.gov • gf.nd.gov

NORTH Dakota | Game and Fish
Be Legendary.™

From: Garrie Kills-A-Hundred <garrie.killsahundred@FSST.org>
Sent: Monday, August 7, 2023 3:51 PM
To: McArdle, Angela B. (CFM) (she/her/hers) <Angela.McArdle@va.gov>
Subject: [EXTERNAL] Expansion of Fargo National Cemetery.

Hello,
The Flandreau Santee Sioux Tribe has no issues with the proposed project.
If any human remains and or cultural material is discovered please stop and call us ASAP.
Thank you.
Garrie Kills A Hundred

Garrie Kills-A-Hundred
Tribal Historic Preservation Officer
Flandreau Santee Sioux Tribe
603 W Broad Ave | Flandreau, SD 57028
p. 605.997.3891 x1226 | www.fsst-nsn.gov

From: gary.lafranier@cheyennenation.com <gary.lafranier@cheyennenation.com>
Sent: Monday, September 11, 2023 5:33 PM
To: McArdle, Angela B. (CFM) (she/her/hers) <Angela.McArdle@va.gov>
Subject: [EXTERNAL] Fargo National Cemetery Additional Land Acquisition at Hardwood, ND.
Importance: High

Good Afternoon,

Northern Cheyenne concurs with findings of No Adverse Effect.

Thank You,

Gary LaFranier
FCC/ Section 106 Coordinator
(406) 477-8114
Lame Deer, MT. 59043

From: Sara Childers <sara.childers@FSST.org>
Sent: Tuesday, October 17, 2023 7:55 AM
To: VACO Environment <VACOEnvironment@va.gov>
Subject: [EXTERNAL] RE: [EXT] Fargo National Cemetery Land Acquisition Notice of Availability for Draft Environmental Assessment

Hello,
The Flandreau Santee Sioux Tribe has no issues with the proposed project at this site.
If any cultural material and or human remains are disturbed please stop and contact us ASAP.
Thank you,
Sara Childers

Sara Childers
Tribal Historic Preservation Assistant
Flandreau Santee Sioux Tribe
603 W Broad Ave | Flandreau, SD 57028
p. 605.997.3891 x1226 | www.fsst-nsn.gov

United States Department of Agriculture

Natural Resources
Conservation Service

Bismarck State Office
PO Box 1458
Bismarck, ND
58502-1458

Voice 701.530.2000
Fax 855-813-7556

July 31, 2023

Patrick Read
Acting Director, Environmental Program Office
Office of Construction and Facilities Management
U.S Department of Veterans Affairs
Washington, DC 20420
vacoenvironment@va.gov

Dear Mr. Read:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated July 14, 2023, concerning the Acquisition and Expansion of the Fargo National Cemetery.

NRCS has assessed your project affects to farmland as defined in Sec. (658.2 a) of the Code of Federal Regulations dealing with the Farmland Protection Policy Act (FPPA). NRCS has a major responsibility with FPPA in documenting conversion of farmland (i.e., Prime, Statewide Importance and/or Local Importance) to non-agricultural use when projects benefit from federal funds. This project will fall under an exemption for national defense purposes or facilities. These activities are exempt from FPPA; therefore, no further action is needed.

If you have additional questions pertaining to FPPA, please contact me at (701) 530-2021 or email me at wade.bott@usda.gov.

Sincerely,

WADE D. BOTT
State Soil Scientist

October 5, 2023

Patrick Read
Acting Director, Environmental Program Office
U.S. DEPARTMENT OF VETERANS AFFAIRS
Office of Construction & Facilities Management
Washington DC 20420

ND SHPO Ref.: 23-6032 "Fargo National Cemetery Additional Land Acquisition at Harwood, ND: A Class III Cultural Resource Inventory in Cass County, North Dakota" in portions of [T140N R50W Section 13] KLJ 3219

Dear Patrick,

We reviewed ND SHPO Ref.: 23-6032 "Fargo National Cemetery Additional Land Acquisition at Harwood, ND: A Class III Cultural Resource Inventory in Cass County, North Dakota" in portions of [T140N R50W Section 13] KLJ 3219 and find the report by Mariel Rodriguez acceptable. require additional information in order to complete our review. We concur with a determination of "No Historic Properties Affected" for this project provided it takes place in the location and in the manner described in the documentation and provided all borrow comes from an approved source.

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

Sincerely,

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

23-6032