

RUSH RIVER WATERSHED PLAN

APPENDIX A

PUBLIC PARTICIPATION, COMMENTS AND RESPONSES

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Public Participation Timeline				
Date	Action	Location	Notes	Public Comments
12/10/2015	Agency Scoping Meeting	Bismarck, ND	This was a general meeting discussing the procedure and planning of PL-566 watershed planning for multiple watersheds in the Cass Joint WRD. Attended by 2 federal agencies (USCAE, NRCS), 3 state agencies (SWC, SHPO, DEQ), 1 Tribe (Spirit Lake), CJWRD and 3 engineering firms.	No comments recorded
1/6/2016	Public Scoping Meeting	Casselton, ND	12 Comments - from the meeting and the letter	12 Comments: 4 Federal including 2 from USACE, 6 State and 2 THPO (Tribe)
1/15/2016	Letter sent for additional NEPA Comments		11 Fed (including USFWS + COE), 9 State, 24 Tribes/THPO/SHPO, 7 local gov, 7 landowners. This is the initial consultation with SHPO/Tribes	
11/8/2017	Project Team Meeting - Alternatives Input		Team members include 9 local landowners/local gov and 11 invited federal, state and local agencies	
12/4/2017	Project Team Meeting - Alternatives Input	West Fargo, ND		
3/5/2018	Project Team Meeting - Alternatives Input	West Fargo, ND		
3/23/2018	Project Team Meeting - Alternatives Input	West Fargo, ND		
8/22/2018	Project Team Meeting - Alternatives Input	West Fargo, ND		
11/5/2018	NRCS Letter re: Consultation Sent to SHPO and 17 Tribes			
3/7/2019	Project Team Meeting - Alternatives Input	West Fargo, ND		
4/2/2019	2nd Public Meeting	Amenia, ND	Reviewed alternatives with local stakeholders	available upon request
10/5/2021	Draft Plan-EA, public mtg invite sent to 6 Tribes + NDSHPO		The six Tribes included two that responded to the initial consultation on 1/15/16 and 4 recommended by NRCS State CRS. No Tribes responded with comments to Draft Plan-EA.	NDSHPO responded with concurrence with "No Historic Properties Affected" from Class III survey.

10/8/2021	USFWS and USCAE - two federal cooperating agencies, were sent link to Draft Plan-EA and invitation to virtual public meeting			Patricia McQueary of USCAE responded - project may require individual 404 permit, submit 120 prior to bid opening
10/13/2021	Draft Plan- EA invitation to attend public virtual meeting and requests for comment: Public notices published in Cass County Reporter newspaper - 3x - Oct 13,20,&27, 2021. Invitations were sent to project team, interagency team by mail/email. Postcards were sent to landowners under and adjacent to project		Includes weblinks to virtual Teams meeting (11/2/21) at Cass Co website. And link to Draft Plan-EA on NRCS website	
11/2/2021	Virtual TEAMS Public Informational Meeting for watershed residents and watershed stakeholders	Virtual		
11/29/2021	End Tribal/SHPO Review		Approx. 45 days completed for Tribal/SHPO Review	
12/24/2021	End Public comment review		45 Days after Meeting	
1/26/2022	Public comments summarized in Plan-EA/App		Comment table and letters added to App A	A total of 18 comments were received from 6 individuals, and 3 units of government. None were considered substantive
*January 2022	Address comments, final additions, issue FONSI			

SIGN-IN SHEET CASS COUNTY WATERSHED PLANNING AGENCY SCOPING MEETING

December 10, 2015 Bismarck, North Dakota

Name	Agency	E-mail	Phone	Mail Address
Pat McQueary	USACE	patricia.l.mcqueary@usace.army.mil	701-255-0015 701-204-3443	1512 S. 12th Bismarck, ND
Patsy Crooke	USACE	patsy.crooke@usace.army.mil	701-255-0015 ext 2002	" "
- Mike Opat	Moore Eng.	mopat@mooreengineering.com	701-499-5867	925 10th Ave West Fargo, ND 58078
- Pat Downs	Moore Eng	pdowns@mooreengineering.com	701-551-1041	" "
Randy Gjestvang	ND SWC ARRA	rgjestvang@nd.gov	701-390-3578	1120-28 Ave. N, Suite 2 Fargo, ND 58102
Chris Gross	MEI	cgross@mooreengineering.com	701-499-5857	925 10th Ave E West Fargo, ND 58078
CHRISTI FISHER	NRLS	christi.fisher@nd.gov	701-530-2091	
John Paczkowski	OSE/SWC	jpaczkowski@nd.gov	701-328-3446	900 E Blvd Bismarck, ND 58505
Susan Quinnell	ND SHPO	Squinnella@nd.gov	701 328 3576	612 E. Blvd Ave Bismarck ND 58505
TODD HAGEL	USDA-NRCS	todd.hagel@nd.usda.gov	701-530-2004	220 E PEBBER Bismarck, ND 58501
Paul Picha	ND SHPO	ppicha@nd.gov	701-328-3574	612 E. Blvd. Ave. Bismarck ND 58501
Erin Longo	SPUR + Luke THPO	thpo@gundtc.com	701-230-7077	7015 Totten ND 58335
PETER WAX	NDDOH	pwax@nd.gov	701-328-5268	418 Ecot Drive Bismarck ND 58501
- Ron Koth	Ball Eng	rkotheball.com	605-390-0165	122 S Berry Pine Rd Rapid City, SD 57702

Scoping Letter

January 15, 2016

Recipient
Company
Address
Address
City, State Zip

**Re: Cass County Joint Water Resources District
Watershed Planning Process for Swan Creek, Rush River, and Upper Maple River Watersheds**

Dear Name:

The Cass County Joint Water Resources District (District), in cooperation with the Natural Resources Conservation Service (NRCS) Regional Conservation Partnership Program (RCPP), is initiating watershed planning processes for the Swan Creek, Rush River, and Upper Maple River watersheds, as shown on the enclosed **Watershed Maps**. The watershed planning processes will rely on local input and a team of stakeholders to identify water-related concerns within each rural watershed, such as overland flooding, delayed planting, crop damages, infrastructure failures, etc. Moore Engineering Inc. and Barr Engineering Co. are assisting the District with the NRCS RCPP watershed planning processes.

The District has obtained grant funding from the NRCS RCPP to facilitate the watershed planning process for each watershed. Due to this nexus, environmental review under the National Environmental Policy Act (NEPA) of 1969, as amended, will be required to fully assess impacts associated with alternatives developed to address water-related concerns.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102 (2) (D) (IV) of NEPA. We are particularly interested in any property which your department may own or have an interest in. We would also appreciate being made aware of any proposed developments your department may be contemplating in the watershed areas. Any information that might help us in our studies would be appreciated.

Information or comments relating to environmental or other matters that you might furnish will be used in determining if these projects are a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

It is requested that any comments or information your agency is willing to contribute for use in project development be forwarded to our office on or before **February 15, 2016**. If no reply is received by this date, it will be assumed that you have no comment on these projects.

If further information is desired regarding the proposed projects, please contact Pat Downs at 701-551-1041. Thank you for your time and cooperation.

Sincerely,

Pat Downs

Enclosures:
Watershed Maps

Address List for Scoping Letter

First Name	Company Name	Department	Address Line 1	City
Craig Odenbach	ND State Water Commission		900 East Blvd Ave, Dept 770	Bismarck, ND 58505-0850
Karl Rockeman	ND State Health Department	Environmental Health	918 East Divide Ave	Bismarck, ND 58501-1947
Susan Quinnell	ND-SHPO Ref: 16-0390	ND State Historical Society	612 E Blvd Ave	Bismarck, ND 58501
Greg Link	ND Game & Fish Department		100 N Bismarck Expressway	Bismarck, ND 58501-5095
Joyce Schmidt	ND Department of Transportation		608 E Boulevard Ave	Bismarck, ND 58505-0700
Elgin Crowsbreast	Three Affiliated Tribes, THPO		PO Box 429	Parshall ND 58770
Waste' Win Young	Standing Rock Sioux Tribe, THPO		PO Box D	Fort Yates ND 58538
Dr. Erich Longie	Spirit Lake Sioux Nation THPO		PO Box 359	Fort Totten ND 58335
Curley Youpee	Director Cultural Resource Dept. & NAGPRA Coordinator	Fort Peck Tribes	Box 836	Poplar Mt. 59255
Dennis Gill	Wahpekute Band OF Dakotah		3322 Gill Rd	Waubay SD 57273
Emerson Bull Chief	THPO	Crow Nation	PO Box 159	Crow Agency MT 59022
Darrel Ziphier	Crow Creek Sioux Tribe, THPO		PO Box 50	Fort Thompson SD 57339
Perry Little	Yankton Sioux Tribe, THPO		PO Box 1153	Wagner SD 57380
Chippewa Cree Cultural Resources Preservation Dept.			PO Box 230	Box Elder MT 59521
Pete Coffey	Three Affiliated Tribes THPO Office		PO Box 429	Parshall ND 58770
Dianne Desrosiers	Tribal Historic Preservation Office	Sisseton-Wahpeton Oyate	PO Box 907	Sisseton SD 57262
Bruce Nadeau	THPO	Turtle Mountain Band of Chippewa Indians	PO Box 2022	Belcourt ND 58316
Conrad Fisher	Northern Cheyenne Nation, THPO		PO Box 251	Lame Deer MT 59043
Russell Eagle Bear	Tribal Historic Preservation Office	Rosebud Sioux Tribe	PO Box 809	Rosebud SD 57570
Michael Catches Enemy	Oglala Sioux Tribe , THPO		PO Box 1606	Pine Ridge SD 57770
Steve Vance	Cheyenne River Sioux Tribe, THPO		PO Box 590	Eagle Butte SD 57625
Rick Thomas	Santee Sioux Nation, THPO		52948 Highway 12	Niobrara NE 68760
Robert Farmer	Acting Regional Administrator	Federal Insurance & Hazard Mitigation Division	Bldg 710, Box 25267	Denver CO 80225
Kevin Shelley	North Dakota Acting Supervisor	U.S. Fish and Wildlife Service	3425 Miriam Ave	Bismarck ND 58501-7926

Title	First Name	Last Name	Company Name	Department	Address Line 1	City	State	ZIP Code
Mr.	Bob	Christensen	Cultural Resource Specialist	Cultural Resource Section	608 E. Boulevard Ave.	Bismarck	ND	58505-0700
Mr.	Bruce	Renville			PO Box 509	Sisseton	SD	57262-0267
Mr.	Myra	Pearson			PO Box 359	Ft. Totten	ND	58335
Mr.	Mark	Fox			404 Frontage Road	New Town	ND	58763
Mr.	Richard	McCloud			PO Box 900	Belcourt	ND	58316-0900
Mr.	Dave	Archambault II			PO Box D	Fort Yates	ND	58538
Mr.	Timothy	LaPointe	Regional Director		115 4th Ave. SE, Suite 400	Aberdeen	SD	57401
Mr.	Joe	Hall	Chief, Environmental and Resource Management		PO Box 1017	Bismarck	ND	58502-1017
Mr.	Patricia	McQueary	Manager	ND Regulatory Office	1513 S. 12th St.	Bismarck	ND	58504
Mr.	Brad	Thompson	Chief, Planning Branch	Omaha District Attn: CENWO-PM-A	1616 Capital Avenue	Omaha	NE	68102-4901
Mr.	Aaron	Snyder	Chief, Project Management & Development Branch	St. Paul District	180 5th St. E., Ste 700	St. Paul	MN	55101-1678
Ms.	Mary	Podoll	State Conservationist		PO Box 1458	Bismarck	ND	58502-1458
Mr.	Kirk	Keyser		Economic Development Administration	1244 Speer Blvd., Suite 431	Denver	CO	80204
Mr.	Gerald	Paulson	Director, Transmission Lines and Substations	Western Area Power Admin.	PO Box 1173	Bismarck	ND	58502-1173
Ms.	Suzanne	Bohan	NEPA Transportation Coordinator	Region 8, EPR-N	1595 Wynkoop Street	Denver	CO	80202-1129
Mr.	Richard	Clark	Wetlands Coordinator	Region 8, EPR-EP	1595 Wynkoop Street	Denver	CO	80202-1129
Mr.	Scott	Davis			600 E. Blvd. Ave., 1st Floor, Judicial Wing, Rm 117	Bismarck	ND	58505-0300
Mr.	Cody	Schulz	Disaster Recovery Chief	Department of Homeland Security	PO Box 5511	Bismarck	ND	58506
Mr.	Larry	Kotchman	State Forester		307 1st St. E.	Bottineau	ND	58318-1100
Mr.	Steve	Dyke	Supervisor	Conservation Section	100 Bismarck Expressway	Bismarck	ND	58501-5095
Mr.	Mark	Zimmerman	Director		1600 E. Century Ave., Suite 3	Bismarck	ND	58503-0649
Mr.	Scott	Hochhalter	State Soil Specialist	NDSU Extension Service	2718 Gateway Ave., #104	Bismarck	ND	58503
Mr.	Jeff	Person	Paleontologist		600 E. Blvd. Ave.	Bismarck	ND	58505

First Name	Company Name	Department	Address Line 1	Address Line 2	City
Keith Berndt	Cass County Administrator		P.O. Box 2806		Fargo, North Dakota 58108-2806
Cass County Sheriff Paul Laney	Sheriff's Department		P.O. Box 488		Fargo, ND 58107-0488
Cass County Emergency Management			4630 15 Avenue North		Fargo, ND 58102
Jason Benson, Cass County Engineer	Cass County Highway Department		1201 Main Ave West		West Fargo, ND 58078
Mary Scherling	Chairwoman, Cass County Commission		P.O. Box 2806		Fargo, North Dakota 58108-2806
Bill Stansbery, Mayor			301 Gridley Ave		Amenia, ND 58004-4010
Lee Anderson, Mayor			PO Box 327		Casselton, ND 58012

Comments from Scoping Meeting and Letter

Discussion and Disposition of Comments from Letter Received on the Draft Watershed Plan and Environmental Assessment

Not all agencies and groups requested to comment on the Draft Watershed Plan and Environmental Assessment submitted comments. The responding agencies' and groups' comments and the dispositions of each are as follows:

United States Army Corps of Engineers (USACE) Omaha District – North Dakota Regulatory Office

Comment: A section 10 permit would be required for work impacting navigable waters, this includes work over, through or under Section 10 waters. A Section 404 permit would be required for the discharge of dredge or fill material (temporarily or permanently) in waters of the United States.

Response: Comment noted. Permitting requirements have been addressed in the Draft Watershed Plan and EA.

USACE - Omaha District – Planning, Programs, and Project Management Division

Comment: The project area is land located outside of the Corps, Omaha District's civil works boundary; therefore, we cannot provide specific comments on impacts to Corps owned or operated lands or environmental-based comments on the project. Contact the St. Paul District as they have civil works jurisdiction over this area.

Response: Comment noted.

Comment: This project is located within the Corps' State of North Dakota regulatory boundary. As such, any proposed placement of dredged or fill material into waters of the United States will require Department of the Army authorization under Section 404 of the Clean Water Act. Inquiries on Section 404 permit requirements should be directed to the Omaha District Bismarck Regulatory Office.

Response: Comment noted. Permitting requirements have been addressed in the Draft Watershed Plan and EA.

North Dakota Forest Service

Comment: The project will likely impact riparian forests. Our riparian forests have been identified in North Dakota's Statewide Assessment of Forest Resources and Forest Resource Strategy as high priority forest areas. We encourage the project proponent to consider the impacts of any management decisions on riparian forests, utilize construction techniques that will avoid or minimize loss of these limited natural resources, and encourage the replacement of any trees or shrubs destroyed as a result of this project.

Response: Comment noted. Impacts to riparian forests have been addressed in the Draft Watershed Plan and EA.

North Dakota Geological Survey

Comment: No fossil sites have been identified in the Project Area. It is unlikely that paleontological sites will be encountered in the Cass, Barnes, Griggs, Steele, or Traill County tracts because those areas are covered with generally unfossiliferous glacial deposits.

Response: Comment noted.

North Dakota Parks and Recreation

Comment: The project as defined does not affect state park lands that we manage but may affect state Land and Water Conservation Fund (LWCF) project sites that we manage. A map with LWCF project locations has been attached.

Response: Potential impacts to LWCF lands are addressed in the Draft Watershed Plan and EA.

Comment: The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within and approximate one-mile radius of the project area. Based on this review, there are several documented occurrences in our database within or adjacent to the project area.

Response: Potential impacts to species of concern or other significant ecological communities are addressed in the Draft Watershed Plan and EA.

North Dakota Department of Emergency Services

Comment: The North Dakota Department of Emergency Services has done numerous projects within the Rush River Watershed, including the following:

- North Dakota State Water Commission/U.S. Geological Survey Gaging Station Satellite Telemetry Installation – Rush River by Amenias (Lat 47.01531, Long -97.28401).
- Guy Wire Additions – Minnkota Power Cooperative Structure 1160 (Lat 46.95154, Long -97.28401).
- Guy Wire Additions – Minnkota Power Cooperative Structure 1294 (Lat 46.95212, Long -97.17768).

The North Dakota Department of Emergency Services requests that during the planning process of the Rush River Watershed that the CCJWRD, Moore Engineering, and Barr Engineering take into consideration the above mentioned projects when developing new strategies, goals, and projects associated with water related concerns within these watersheds.

Response: Comment noted. None of these projects have been identified as have a potential to contribute to cumulative impacts.

North Dakota Department of Transportation

Comment: The North Dakota Department of Transportation (NNDOT) has state and interstate highways that are located within the watershed areas. It is necessary to know of any changes in those watershed areas would impact our transportation system. If drainage modifications are proposed, NDDOT would like consideration given to modifications that would improve flooding as historically happens to some of the highways in the watershed areas.

Response: Potential impacts to transportation is addressed in the Draft Watershed Plan and EA.

Comment: If because of this project any work needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the department of Transportation District Engineer, Robert Walton.

Response: Comment noted.

North Dakota Game and Fish Department

Comment: It is important to identify and mitigate potential impacts to fish and wildlife resources associated with the watershed plan. We also believe this process must be conducted from a comprehensive perspective that includes not only future activities but past as well.

Response: Potential impacts to fish and wildlife are addressed in the Draft Watershed Plan and EA.

Comment: The construction of dams or “dry” dams within the river channel interrupts the river’s continuum by impeding the physical and biological processes in the river system. The construction of a dam across rivers and streams will have more than a de minimis (i.e. inconsequential) effect on the river system and will cause identifiable individual and cumulative adverse effects on aquatic function (i.e. fish and wildlife life history requirements).

Response: Comment noted. Potential impacts to fish and wildlife are addressed in the Draft Watershed Plan and EA.

Comment: With any alternative analysis, the Department’s primary concern is maintaining a relatively natural hydrography and stream connectivity in the Red River and its tributaries while still providing flood protection to the citizens. It is also important that the least damaging alternative be implemented to minimize impacts to fish and wildlife resources.

Response: Comment noted.

Natural Resources Conservation Service – North Dakota

Comment: A review of our data indicates that the Natural Resources Conservation Service-North Dakota does not own any properties in the proposed watersheds. In addition, the Natural Resources Conservation Service-North Dakota does not have any conservation easements in the Rush River Watershed.

Response: Comment noted.

Department of Energy (Western Area Power Administration)

Comment: Western Area Power Administration has three transmission lines within Cass County that may be impacted by one or more watershed areas. A primary concern is to maintain access to all of our structures in order to perform routine and/or emergency maintenance. A second concern would be the creation of any holding pond or pool whose elevation can fluctuate. Our concern in that case would be reducing vertical clearances and not meeting National Electrical Safety Code requirements.

Response: Comment noted.

Dyan R. Youpee – Fort Peck Tribal Historic Preservation Officer

Comment: I've reviewed the following projects and give the concurrence to proceed with the proposed ground disturbing/earth moving activity, they do not have adverse effects on cultural/historical properties significant to the Fort Peck Tribes. However, first and foremost, my concurrence will stay in consensus with the closest THPO's to these selected project areas. Should they NOT comment on the selected projects, then I give this concurrence to proceed for:

Projects: PL – 566 Watershed plans under NRCS, RCPP in ND. Rush River, North Branch Park River, and Upper Maple River.

Should there be any updates to the proposed activities (other than listed on the review request), please provide an update to the T.H.P.O. with new information regarding further construction than proposed. AND should there be unanticipated inadvertent discoveries (human remains, archaeological and cultural resources uncovered), contact the Fort Peck T.H.P.O. along with your intended contacts for the projects. If there are any questions as to what these resources are, please do not hesitate to contact me. I am also willing to assist in a site visit if needed.

Response: Comment noted.

Jaime Arsenault - White Earth Reservation Tribal Historic Preservation Officer

Comment: Based upon a preliminary inquiry, there are no known cultural resources that I have on internal file for this area. This determination is based upon available information provided to this office. However, this review does not preclude the possibility of previously unknown cultural resources especially near areas of water, or elevated ground. If cultural materials are uncovered in the course of construction, all work must cease and the Tribal Historic Preservation Office must be contacted immediately at (413) 522-2345. Furthermore, I am requesting to remain in contact/consultation with you regarding all watershed projects that involve waterways that run into lakes or rivers on or near the White Earth Reservation and surrounding areas where ricing and fishing occur. Lastly, I am requesting that you reach out directly to Jim Jones at jim.jones@state.mn.us because Mr. Jones has done some recent cultural resource survey work in ND and may be able to provide valuable insight.

Response: Comment noted.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

February 9, 2016

North Dakota Regulatory Office

Mr. Pat Downs
Moore Engineering, Inc.
925 10th Avenue East
West Fargo, North Dakota 58078

Dear Mr. Downs:


This is in response to your letter dated January 15, 2016, requesting comments on the Cass County Joint Water Resource District Watershed Planning Process for Swan Creek, Rush River, and Upper Maple River Watersheds. The United States Army Corps of Engineers is aware of the watershed planning process mentioned in your letter and will be acting as a cooperating agency.

U. S. Army Corps of Engineers Regulatory Offices administer Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404). A Section 10 permit would be required for work impacting navigable waters, this includes work over, through, or under Section 10 waters. A Section 404 permit would be required for the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

If the project requires a Section 10/404 permit, a permit application and instructions for completion may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>. If you do not have access to a computer, you may call this office and request a copy of the permit application and instructions be sent to you.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015.

Sincerely,


Patricia L. McQueary
Regulatory Program Manager
North Dakota



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

February 1, 2016

Planning, Programs, and Project Management Division

Mr. Pat Downs
Moore Engineering, Inc.
925 10th Avenue East
West Fargo, North Dakota 58078

Dear Mr. Downs:

The U.S. Army Corps of Engineers, Omaha District (Corps) has reviewed your letter dated January 15, 2016 (received January 20, 2016) regarding the environmental review of the Cass County Joint Water Resource District Watershed Planning Process for Swan Creek, Rush River, and the Upper Maple River Watersheds in North Dakota. The project area is land located outside of the Corps, Omaha District's civil works boundary; therefore, we cannot provide specific comments on impacts to Corps owned or operated lands or environmental-based comments on the project. For these type of comments you will need to contact our St. Paul District as they have civil works jurisdiction over this area. Please direct all future correspondence regarding this project to the following address:

U.S. Army Corps of Engineers
St. Paul District
Attention: Mr. Aaron Snyder, CEMVP-PM-B
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101

This project is located within the Corps' State of North Dakota regulatory boundary. As such, any proposed placement of dredged or fill material into waters of the United States will require Department of the Army authorization under Section 404 of the Clean Water Act. Inquiries on Section 404 permit requirements should be directed to the Omaha District Bismarck Regulatory Office. Preliminary and final project plans should be sent to the following address:

U.S. Army Corps of Engineers
Bismarck Regulatory Office
Attention: Ms. Patricia McQueary, CENWO-OD-R
1513 South 12th Street
Bismarck, North Dakota 58504

If you have any questions, please contact Ms. Amanda Ciurej of my staff at (402) 995-2897 or amanda.k.ciurej@usace.army.mil and reference PD# 6806 in the subject line.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Laux". The signature is fluid and cursive, with the first name "Eric" and last name "Laux" clearly distinguishable.

Eric A. Laux

Chief, Environmental Resources and Missouri River
Recovery Program Plan Formulation Section



NORTH DAKOTA FOREST SERVICE

"Enhancing the Quality of Life Through Forestry"

February 3, 2016

Pat Downs, Project Coordinator
Moore Engineering, Inc.
925 10th Avenue East
West Fargo, ND 58078

Re: Cass County JWRD, Watershed Planning Process for Swan Creek, Rush River and Upper Maple River Watersheds

Dear Mr. Downs,

The North Dakota Forest Service has reviewed the information concerning the above-referenced project with regard to possible impacts on North Dakota's forest resources. While we own no land in or adjacent to the proposed project we note that the project will likely impact riparian forests within the watersheds.

Our riparian forests have been identified in North Dakota's Statewide Assessment of Forest Resources and Forest Resource Strategy as high priority forest areas. Riparian forests provide many environmental and social benefits. Trees and woody plants along watercourses help to control soil erosion and filter agricultural chemicals from reaching rivers. In addition, riparian forests provide recreational opportunities and provide habitat for numerous wildlife species.

We encourage the project proponent to consider the impacts of any management decisions on riparian forests, utilize construction techniques that will avoid or minimize loss of these limited natural resources, and encourage the replacement of any trees or shrubs destroyed as a result of this project. If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

Liz Smith, ND Forest Service
Cc: Larry Kotchman, State Forester

Liz Smith, Forestry Incentives Specialist, NDSU-ND Forest Service
Jamestown Field Office 300 2nd Ave NE, Suite 208A Jamestown, North Dakota 58401
701-400-8330 liz.smith@ndsu.edu www.ndsu.edu/ndfs



North Dakota Geological Survey

Edward C. Murphy - State Geologist

Department of Mineral Resources

Lynn D. Helms - Director

North Dakota Industrial Commission

www.state.nd.us/ndgs

February 4, 2016

Pat Downs
Project Coordinator
Moore Engineering, Inc.
925 10th Ave. East
West Fargo, ND 58078

Pat,

I have reviewed our records to determine if any paleontological sites have been reported from the tracts listed for the:

Cass County Joint Water Resource District
Watershed Planning Process for Swan Creek, Rush River, and Upper Maple River Watersheds

No fossil sites have been identified in any of the tracts listed.

It is unlikely that paleontological sites will be encountered in the Cass, Barnes, Griggs, Steele, or Traill County tracts because those areas are covered with generally unfossiliferous glacial deposits.

Sincerely,

Jeff Person
Paleontologist
North Dakota Geological Survey



Jack Dalrymple, Governor
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

February 12, 2016

Moore Engineering
Pat Downs
925 10th Ave. East
West Fargo, ND 58078

Re: Cass County Joint Water Resource District -- Watershed Planning Process for Swan Creek, Rush River and Upper Maple River Watersheds

Dear Pat:

The North Dakota Parks and Recreation Department has reviewed the above referenced proposal for Cass County Joint Water Resource District -- Watershed Planning Process for Swan Creek, Rush River and Upper Maple River Watersheds

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage but may affect state Land and Water Conservation Fund (LWCF) project sites that we manage. A map with LWCF project locations has been attached. All LWCF sites received assistance from the federal LWCF program and are under protection of section 6(f) of the LWCF Act. Any property taken from within the 6f boundary of these sites must be replaced with property of equal market value. Should any public or private utilities need to be added or relocated on the LWCF recreational lands, the NDPRD must be consulted prior to any action taken. Please contact Kevin Stankiewicz (701-328-5364 or kstankiewicz@nd.gov) if additional LWCF information is needed.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, there are several documented occurrences in our database within or adjacent to project area. Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact me at (701-328-5370 or kgduttenehner@nd.gov). Thank you for the opportunity to comment on this proposed project.

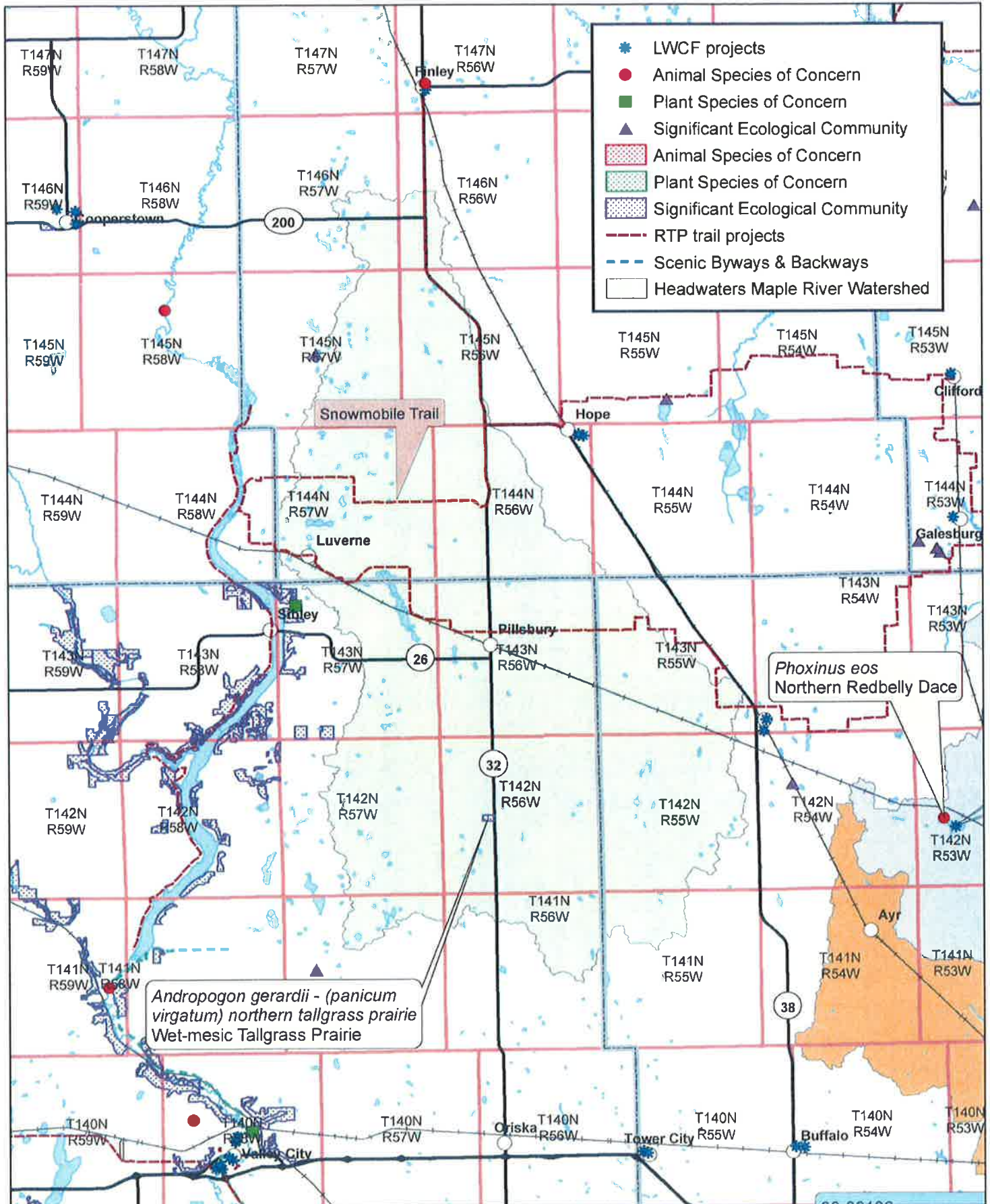
Sincerely,


Kathy Duttenehner, Coordinator
Natural Resources Division

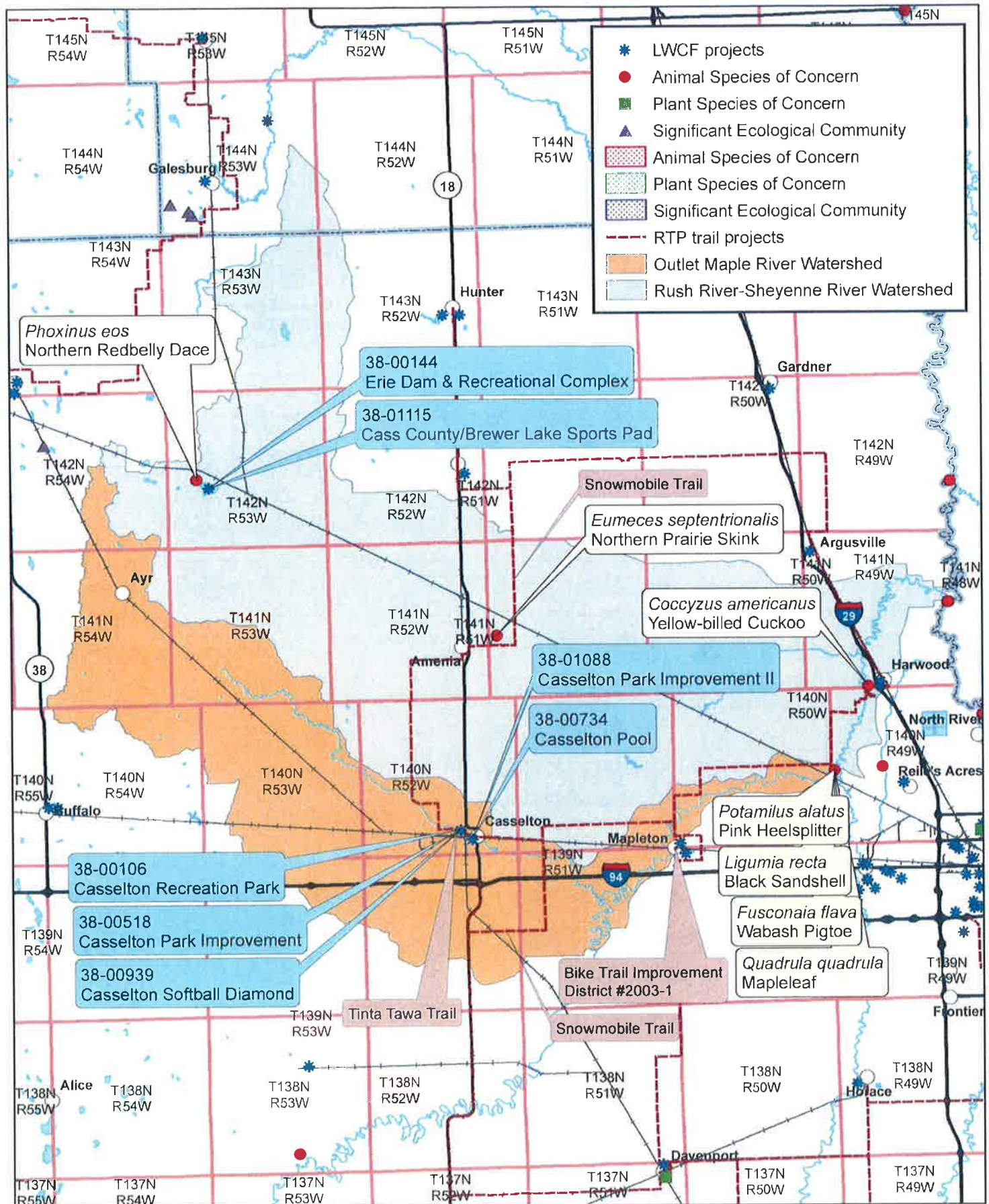
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.....
Play in our backyard!

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory





ND Department of Emergency Services

PO Box 5511

Bismarck, ND 58506-5511

Tel: (701) 328-8100

Fax: (701) 328-8181

Email: nddes@nd.gov

Website: www.nd.gov/des

Ensuring a safe and secure homeland for all North Dakotans

February 3, 2016

Mr. Pat Downs
Project Coordinator
Moore Engineering, Inc.
925 10th Ave E
West Fargo, ND 58078

RE: Cass County Joint Water Resource District - Watershed Planning process for Swan Creek, Rush River, and Upper Maple River Watersheds

Dear Mr. Downs,

The ND Department of Emergency Services (NDDDES) has received your letter requesting any views or comments our agency may have concerning the proposed Cass County Joint Water Resource District (CCJWRD) watershed planning process of the Swan Creek, Rush River, and Upper Maple River Watersheds, especially in reference to any properties we may have acquired or future developments planned within these three water sheds.

NDDDES has done numerous projects within the Swan Creek, Rush River, and Upper Maple River Watersheds. The following is a full list of completed projects that have taken place in these areas, as well as addresses and/or GPS coordinates when applicable:

Swan Creek Watershed:

- Lift Station and Force Main Improvements
 - 9th Ave S Lift Station, Casselton, ND
 - Lat 46.95154, Long -97.28401
- Guy Wire Additions – Minnkota Power Cooperative Structure 1160 – Also in Rush River Watershed
 - Lat 46.95154, Long -97.28401
- Guy Wire Additions – Minnkota Power Cooperative Structure 1143
 - Lat 46.94867, Long -97.3396
- Guy Wire Additions – Minnkota Power Cooperative Structure 1102
 - Lat 46.94843, Long -97.48219

Rush River Watershed:

- ND State Water Commission/ US Geological Survey Gaging Station Satellite Telemetry Installation – Rush River by Amenias
 - Lat 47.01531, Long -97.21372
- Guy Wire Additions – Minnkota Power Cooperative Structure 1160 – Also in Swan Creek Watershed
 - Lat 46.95154, Long -97.28401
- Guy Wire Additions – Minnkota Power Cooperative Structure 1294
 - Lat 46.95212, Long -97.17768

Jack Dalrymple
Governor

Major General Alan S. Dohrmann
Director – Department of Emergency Services

Greg M. Wilz
Director - Division of Homeland Security

Mike Lynk
Director - Division of State Radio

Upper Maple River Watershed

- Acquisition/Demolition of Private Real Property
 - 1225 126th Ave SE, Hope, ND 58046 – Barnes County
 - Lat 47.23228, Long -97.83367

NDDDES requests that during the planning process of the Swan Creek, Rush River, and Upper Maple River Watersheds that the CCJWRD, Moore Engineering, and Barr Engineering take into consideration the above mentioned projects when developing new strategies, goals, and projects associated with water related concerns within these water sheds.

Additionally, the Acquisition/Demolition of Private Real Property located at 1225 126th Ave SE, Hope, ND 58046 has a FEMA Hazard Mitigation Assistance (HMA) deed restriction placed on the property in order to prevent the construction or placement of any permanent structures on this land in perpetuity pursuant to 44 CFR Part 80.19. Any construction that happens on this property will need to remain compliant with 44 CFR Part 80.19 or the local applicants responsible for this lot will be considered non-compliant with federal regulations until all identified violations are remedied.

Beyond the above mentioned projects, NDDDES does not have any other projects in these watersheds currently planned or in development. If you have any other questions or need additional information, please contact Justin Messner, State Mitigation Officer, at 701-328-8107.

Sincerely,

A handwritten signature in black ink, appearing to read 'C Schulz', with a stylized, cursive script.

Cody Schulz
Disaster Recovery Chief



North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

January 25, 2016

Pat Downs
Moore Engineering, Inc.
925 10th Avenue East
West Fargo, ND 58078

WATERSHED PLANNING PROCESS FOR SWAN CREEK, RUSH RIVER, AND UPPER MAPLE RIVER WATERSHEDS, CASS COUNTY, NORTH DAKOTA

We have reviewed your January 15, 2016, letter.

The North Dakota Department of Transportation (NDDOT) has State and Interstate Highways that are located within the watershed areas. It is necessary to know of any changes in those watershed areas that would impact our Transportation System. If drainage modifications are proposed, NDDOT would like consideration given to modifications that would improve flooding as historically happens to some of the highways in the watershed areas.

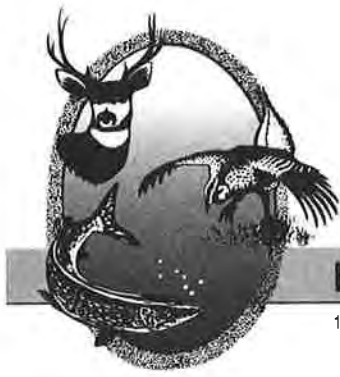
Additionally, if because of this project any work needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Robert Walton at 701-239-8903.

A handwritten signature in blue ink that reads "Robert Fode".

ROBERT A. FODE, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/raf/js

c: Robert Walton, Fargo District Engineer



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

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

February 9, 2016

Pat Downs
Moore Engineering
925 10th Avenue East
West Fargo, ND 58078

Dear Mr. Downs:

Re: Swan Creek, Rush river and Upper Maple River Watershed Planning

The North Dakota Game and Fish Department (Department) has received notification of Cass County Joint Water Resource District's proposal to initiate watershed planning processes for Swan Creek, Rush River and Upper Maple River watersheds. The watershed planning process will rely on local input and a team of stakeholders to identify water-related concerns within each rural watershed, such as overland flooding, delayed planting, crop damages, infrastructure failure and other potential impacts.

The Department realizes the importance of protecting infrastructure and private property, but it is important for us to identify and mitigate potential impacts to fish and wildlife resources associated with watershed plans. We also believe this process must be conducted from a comprehensive perspective that includes not only future activities but past as well. Landscapes are becoming increasingly altered and fragmented over time. These changes are impacting water quality and sediment transport, changes in the timing of stream hydrology and peak flows, loss of wetlands and upstream retention to name a few. A comprehensive flood control plan should look to incorporate numerous features (i.e. wetland restoration, voluntary buyouts, setbacks, river continuity, etc.) which could protect farmland and still protect the integrity of a natural river system.

Nationally, there has been a push to remove barriers from waterways thereby reestablishing migration corridors for fish, mussels, amphibians, and other aquatic and riparian organisms. 'The River Continuum Concept' is based on the premise that a river or stream's ecosystem is constantly interacting with the river bank, its flood plain and the organic and biological components in the watershed. There is a balance that needs to be maintained between the rivers geomorphological characteristics (i.e. width, depth, velocity, sediment load) and biological factors. The construction of dams or "dry" dams within the river channel interrupts the river's continuum by impeding the physical and biological processes in the river system. The construction of a dam across rivers and streams will have more than a de minimis (i.e. inconsequential) effect on the river system and will cause identifiable individual and cumulative adverse effects on aquatic function (i.e. fish and wildlife life history requirements).

With any alternative analysis, the Department's primary concern is maintaining a relatively natural hydrograph and stream connectivity in the Red River and its tributaries while still providing flood protection to the citizens. It is also important that the least damaging alternative be implemented to minimize impacts to fish and wildlife resources. As an example, the Department encourages the project sponsors to consider projects off the mainstem of tributaries such as the North Ottawa Project in the Bois de Sioux Watershed District. This project was designed on lateral drainage ditches to provide flood control benefits as well as numerous environmental benefits. Management of the project allows portions of the area to remain in agricultural production while providing migratory bird and shorebird habitat, water quality improvements, downstream environmental flows and public recreation.

Depending on the type of projects proposed, the Department could request in-kind mitigation for all impacts of a project including but not limited to river channel habitat, riparian impacts, aquatic organism passage, wetland impacts and geomorphological impacts.

Sincerely,



(for)

Greg Link
Chief

Conservation & Communication Division

blk



Department of Energy
Western Area Power Administration
North Dakota Maintenance Office
P.O. Box 1173
Bismarck, ND 58502-1173

6430

January 21, 2016

SENT VIA EMAIL ONLY

Moore Engineering, Inc.
ATTN: Pat Downs
925 10th Avenue East
West Fargo, ND 58078

Dear Mr. Downs:

I have reviewed your letter dated January 15, 2016 pertaining to the Cass County JWRD Watershed Planning Process for Swan Creek, Rush River and Upper Maple River Watersheds. Western has three transmission lines within Cass County that may be impacted by one or more of the watershed areas.

A primary concern for Western is to maintain access to all of our structures in order to perform routine and/or emergency maintenance. A second concern would be the creation of any holding pond or pool whose elevation can fluctuate. Our concern in that case would be reducing vertical clearances and not meeting National Electrical Safety Code requirements.

Being this project is only in the investigative stage, we will await a specific proposal(s) if it appears that they will involve our transmission line easement areas.

If you need additional information or have questions, please contact me at 701-221-4531 or email me at gpaulson@wapa.gov.

Sincerely,

Gerald T. Paulson, Director
Transmission Line Division

cc:
B5210.FAO, S. Scholl, West Fargo, ND
B5522.BS, A. Wood, Bismarck, ND

Western Area Power Transmission Lines in Cass County, ND



Western Area Power Administration
An agency of the U.S. Department of Energy

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TRIBAL HISTORIC PRESERVATION OFFICE

Fort Peck Assiniboine & Sioux Tribes

January 2, 2019

To: Department of Agriculture
Natural Resources Conservation Services
Bismarck State Office
P.O. Box 1458, Bismarck ND 58502-1458

Fr: Dyan R. Youpee, Fort Peck Tribal Historic Preservation Officer

Cc: Mary E. Podoll, State Conservationist
Chuck Carrig, State Cultural Resources Specialist – chuck.carrig@nd.usda.gov

Chuck Carrig,

The laws and policies that protect historic and cultural resources, whether they be at the local, state or federal level, are essential and often the most effective tools to accomplishing historic preservation; yet no other approach is as controversial or misunderstood.

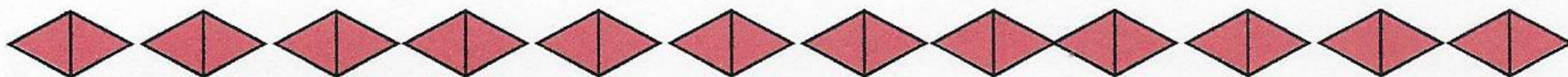
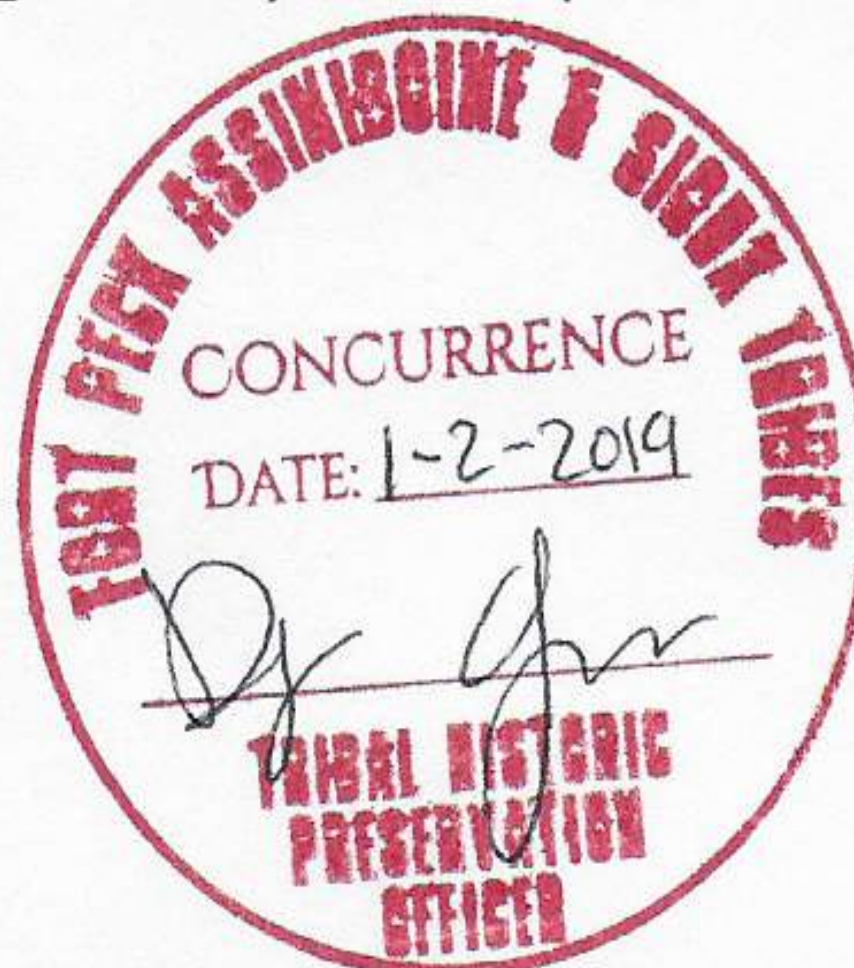
Information is a powerful tool. The most basic, yet critical information for successful preservation activity is the simple identification of historic and cultural resources. If we don't know what exists, how can we preserve it, let alone, use it effectively for the betterment of our communities? With every year, more properties are viewed as historic. Many are different property types and architectural styles become acknowledged as significant. T.H.P.O. survey and inventory are an ongoing and constant evolving endeavor. Once a community is aware of the historic resources it has, information on the tools, funding, methods and technologies of preservation become essential.

I've reviewed the following projects and give the concurrence to proceed with the proposed ground disturbing / earth moving activity, they do not have adverse effects on cultural / historical properties significant to the Fort Peck Tribes. *However, first and foremost, my concurrence will stay in consensus with the closest THPO's to these selected project areas. Should they NOT comment on the selected projects, then I give this concurrence to proceed for:*

Projects: PL – 566 Watershed plans under NRCS, RCPP in ND. Rush River, North Branch Park River, Upper Maple River

Should there be any updates to the proposed activities (other than listed on the review request), please provide an update to the T.H.P.O. with new information regarding further construction than proposed. AND should there be unanticipated inadvertent discoveries (human remains, archaeological and cultural resources uncovered), contact the Fort Peck T.H.P.O. along with your intended contacts for the projects. If there are any questions as to what these resources are, please do not hesitate to contact me. I am also willing to assist in a site visit if needed. Thank you for your cooperation and request for review. If there is anything further you need, please contact the office.

Ms. DYAN YUPEE, T.H.P.O.
501 Medicine Bear Road
P.O. Box 1027
Poplar, MT 59255
O: 406.768.2382
E: d.youpee@fortpecktribes.net





Natural Resources
Conservation Service

April 6, 2020

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

USDA-NRCS
Attn: Christi Fisher, SCE
PO Box 1458
Bismarck, ND 58502-1458

Voice 701.530.2000
Fax 855-813-7556

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated April 2, 2020, concerning the Rush River Watershed Plan.

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., Prime, Statewide Importance and/or Local Importance) to non-agricultural use when federal funding is used. Your proposed project is within city limits where FPPA does not apply; therefore, no further action is needed.

If you have additional questions pertaining to FPPA, please contact Wade Bott, State Soil Scientist, NRCS, Bismarck, North Dakota at (701) 530-2021 or email to wade.bott@usda.gov.

WADE BOTT

Digitally signed by WADE BOTT
Date: 2020.04.06 13:47:44
-05'00'

WADE D. BOTT
State Soil Scientist



November 5, 2018

Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

North Dakota State Historical Society
Attn: Ms. Claudia Berg, Director
612 East Boulevard Ave.
Bismarck, North Dakota 58505

RE: Initial Consultation regarding seven PL-566 Watershed plans under the Natural Resources Conservation Service (NRCS) Regional Conservation Partnership Program (RCP) in North Dakota

Dear Ms. Berg:

In accordance with 36 CFR 800.3, North Dakota NRCS is providing this initial consultation letter regarding seven PL-566 Watershed Planning Efforts being completed under funding through the NRCS Regional Conservation Partnership Program (RCP) in North Dakota. The local Sponsoring Water Resource District for each plan, as well as the watershed boundary, and the specific objectives for that plan are outlined on the attached fact sheets. In general, reduction of risks or damages to public safety, natural resources, and economic damages from flooding, as well as related erosion and nutrient delivery, are the goals of the plans. Multiple structural alternatives such as on channel dams, off channel storage structures, diversion channels, levees, wetland restoration, and river channel restoration are identified and evaluated through the course of each effort. An Environmental Assessment will be prepared for each PL-566 Watershed Plan, which are expected to be completed by October 2019.

At this point, three of the seven plans are to the point of having final structural alternatives chosen for detailed study. The remainder are in the technical evaluation phase. Further feasibility analysis is currently being completed on these three alternatives, including preliminary environmental and cultural resource impact assessments. See attached conceptual alternatives maps for the Rush River (levees and channel), North Branch Park River (channels and off channel flood storage reservoirs), and Upper Maple River (on channel dams).

Due to the complexities of the seven PL-566 Watershed plans and the numerous alternatives being formulated under the NEPA process, NRCS would like to complete the Section 106 process using the Phased Identification and evaluation process as allowed under 36 CFR 800.4(b)(2) and 36 CFR 800.8.

(MORE)

Enclosed with this initial consultation letter, you will find project maps and other pertinent documents related to the proposed Areas of Potential Effect (APE).

We look forward to working with your office on these proposed RCPP Watershed plans and if you have any questions, please contact me at (701)530-2104 or by email at chuck.carrig@nd.usda.gov.

Sincerely,

CHUCK CARRIG
State Cultural Resources Specialist

Enclosures

cc:

Project Team - Rush River Watershed Planning					
Name	Name - 2	Address	City	State	Zip
Bill Hejl		15560 28th St SE	Amenia	ND	58004
Shaun Nelson		4400 Beach Ln S	Fargo	ND	58104
David Strand		14927 26th St SE	Amenia	ND	58004
Jake Gust		4614 81st St N	Fargo	ND	58102
Dick Sundberg		210 Park Dr	Harwood	ND	58042
Keith Peltier	ProSeed	201 Gridley Ave	Amenia	ND	58004
Levi Arneson		3321 4th Ave S - Suite E	Fargo	ND	58103
Donna Myers		1102 2nd St S - Unit 211	Casselton	ND	58012
Bill Stansberry - Mayor		n/a			
Agencies					
Jason Benson	Cass County Eng.	1201 West Main Ave	West Fargo	ND	58078
Tom Soucy	Cass County Hwy Dept	1201 West Main Ave	West Fargo	ND	58078
Keith Weston	RRRA	1220 28th Ave N - Suite C	Fargo	ND	58102
Randy Gjestjang	ND Dept of Water Resources	1220 28th Ave N - Suite C	Fargo	ND	58102
Bruce Kreft	ND - G&F Dept	100 N East Bismarck Expressway	Bismarck	ND	58501
Jeff Miller	Cass County SCD	1665 43rd St S	Fargo	ND	58103
Eric Dahl	Cass County SCD	1665 43rd St S	Fargo	ND	58103
Mike Ell	ND - State Health Dept	600 East Blvd Ave	Bismarck	ND	58505-0200
Patricia McQuery	USACE	3319 University Drive	Bismarck	ND	58504
Jerry Reinisch	USFWS	3425 Miriam Ave	Bismarck	ND	58501
Josh Munson	Cass County NRCS	1665 43rd St S	Fargo	ND	58103

Amenia (Rush River Watershed) Strategies											
Meet P&N - Goals		Meet P&N - Further Consideration									Project Team Results: 12/18/17
Yes		Primary Consideration						Primary			
No		Secondary Consideration						Secondary			
?		Not Applicable to the Plan						Not Applicable			
Amenia - Project Team Strategy Review Flood Damage Reduction Strategies (TP#11)		<div>Outcome/Goal #1: Reduce Flood Risk</div> <div>Outcome/Goal #2: Remove the need for Flood Insurance</div> <div>Outcome/Goal #3: Minimal or no impact to other properties/Landowners **</div> <div>Outcome/Goal #4: City remains in place</div> <div>Outcome/Goal #5: Costs that are reasonable</div> <div>Goal #6 : Minimal Impacts to Riparian & Aquatic Resources **</div> <div>Other</div> <div>Likely to create downstream impacts (Yes - No)</div> <div>Locally desirable for additional evaluation (Primary, Secondary, or Not Applicable)</div> <div>Additional Comments</div> <div>Goal #3: Minimal or no impact to other properties/landowners. NOTED HERE: No means there may be impacts to landowners; Yes means: There should be no or minimal impact to land owners Goal #6: Impacts to Riparian and Aquatic resources: Noted here; No means there are likley negative impacts to existing Riparian areas and Aquatic resources. Yes means, there should be no impacts to Riparian areas and Aquatic resources (Or possible improvements)</div>									
Increase Temporary Flood Storage	Dams and Impoundments (Gated & Ungated)	Yes	?	No	Yes	?	?		No	Secondary	
	Restored or Created Wetlands (new added storage - acting as impoundments - control)	Yes	No	Yes	Yes	?	Yes		No	Secondary	Could be a final tool box strategy for the watershed as a whole - would need willing landowners for a voluntary program
	Alter ground water through drainage (tile management)	Yes	No	Yes	Yes	?	?		?	Secondary	Could be a final tool box strategy for the watershed as a whole
	Culvert sizing to meter runoff (close to the source)	Yes	?	No	Yes	Yes	?		No	Secondary	Possible upstream impacts to alter culvert crossing sizes. (smaller) Could back up water ?
	Overtopping Levees - Levee Setbacks (use floodplain storage areas) (combined)	Yes	?	No	Yes	?	Yes		Yes	Primary	
Increase Conveyance Capacity	Channelization of existing water ways and flowages - Added surface Drainage (combined)	Yes	?	No	Yes	?	?		Yes	Primary	
	Diversions	Yes	Yes	No	Yes	? - No	?		Yes	Secondary	
	Set-back Levees (restore floodway capcity - wider floodway)	Yes	?	No	Yes	?	?		Yes	Secondary	
	Increasing road crossing capacity	Yes	?	No	Yes	Yes	?		Yes	Primary	
Reduce Flood Volume	Restore or Create Wetland (infiltration - evapotransporation) (natural function)	Yes	No	Yes	Yes	?	Yes		No	Secondary	Could be a final tool box strategy for the watershed as a whole - would need willing landowners for a voluntary program
	Cropland BMPs - better infiltration-evapotransporation	Yes	No	Yes	Yes	Yes	Yes		No	Secondary	Could be a final tool box strategy for the watershed as a whole - would need willing landowners for conservation practices to be implemented
	Cropland Conversion (Back to Grass or Forest) (combined)	Yes	No	Yes	Yes	Yes	Yes		No	Secondary	Could be a final tool box strategy for the watershed as a whole - would need willing landowners for conservation practices to be implemented - The project team noted that this strategy should be combined with Cropland BMP's as many conservation practices over time can produce results like grass or forest cover. (it was noted that converting All the cropland to grass or forest is not economically practical)
	Other Beneficial Uses (irrigation - municipal/industrial - augment streamflow)	Yes	No	Yes	Yes	?	?		No	Secondary	There have
Protection/Avoidance	Urban Levees	Yes	Yes	No	Yes	?	?		?	Primary	
	Farmstead Levees	n/a	n/a	n/a	n/a	n/a	n/a		n/a	Not Applicable	Deemed not applicable, there are no farmsteads in the priorty area for protection in the City of Amenia. Strategy is not a match to the purpose and need.
	Agricultural Levees (protecting farmland)	n/a	n/a	n/a	n/a	n/a	n/a		n/a	Not Applicable	Deemed not applicable, generally there is not farmland targeted for protection within the City of Amenia. There may be some incidental acres protected with measures the City would pursue (But a stand alone strategy being pursued). This strategy is not a match for the purpose and need.
	Evacuation of the floodplain	Yes	Yes	No	NO	?	?		No	Secondary	Not desirable by the residents of Amenia, as noted one of the goals is for the City to remain in place. Does not meet the purpose and need. It is an actual conflict with the purpose and need.
	Flood proofing	Yes	?	Yes	Yes	?	Yes		No	Secondary	
	Flood warning system	n/a	n/a	n/a	n/a	n/a	n/a		n/a	Not Applicable	Deemed not applicable, as this strategy does not meet the purpose and need or any of the planning goals. The County does have some measures that provide some benefit to the residents of Amenia, such as a Code Red warning system and an overall County emergency action plan that includes action for flooding conditions.
	Other										Nothing identified at this time

RUSH RIVER WATERSHED NOTICE OF AVAILABILITY OF DRAFT EA AND PUBLIC MEETING

Notice of Availability of Draft Watershed Plan – Environmental Assessment and virtual public meeting November 2, 2021, for the Rush River Watershed Plan sponsored by the Cass County Joint Water Resource District.

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Draft Watershed Plan – Environmental Assessment (Draft Plan-EA) for the Rush River Watershed Plan. Cass County Joint Water Resource District proposes to install 11,820 feet of levee around the city of Amenia to provide flood protection to residents during a 100-year, 24-hour event. A 10-foot-wide channel would be constructed approximately 15 feet from the toe of the levee as an additional measure of protection from flood flows. A stormwater pond would be developed to capture floodwaters and runoff of approximately 180 surface acres within the levee system. The project would also include constructing removable features to act as temporary levees over three road crossings and two railroad crossings. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

You are invited to attend a virtual public meeting to provide input on this project: Date:

November 2, 2021

Time: 1:30 pm

Link: Go to <https://www.casscountynd.gov/government/water-resources-board/cass-county-joint-water-resource-district> for a Teams meeting or phone link.

A recording of the meeting will be available afterward at the website listed below.

Comments on the Draft Plan-EA may be submitted during a public comment period starting **October 25, 2021, and ending on December 24, 2021**. The complete Draft Watershed Plan-EA can be accessed online at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcseprd1829025>

A copy of the Draft Plan-EA is also available at the Cass County Joint Water Resource District webpage: <https://www.casscountynd.gov/government/water-resources-board/cass-county-joint-water-resource-district>

Comments may be sent to Christi Fisher, ND NRCS State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1

458, Bismarck, ND 58502-1458

YOU'RE INVITED! PUBLIC MEETING!

Notice of Availability of Draft Watershed Plan – Environmental Assessment and Virtual Public Meeting November 2, 2021 for the Rush River Watershed Plan.

You are invited to attend a virtual public meeting to provide input on this project:

Date: November 2, 2021

Time: 1:30 – 2:30 pm

Microsoft Teams Meeting

Link: <https://bit.ly/3aLZ51b>

The Cass County Joint Water Resource District proposes to install 11,820 ft of levee around the City of Amenia to provide flood protection to residents during a 100-year, 24-event. In addition, interior stormwater features and removable road/railroad crossing barriers are incorporated.

Comments on the Draft Plan-EA may be submitted during a public comment period starting **October 25, 2021 and ending on December 24, 2021**. The complete Draft Watershed Plan-EA can be accessed online at: <https://bit.ly/3mPVEMo>

A printed copy of the Draft Plan-EA is also available at Cass County Joint Water Resource District, 1201 Main Ave W, West Fargo, ND 58078.

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YOU'RE INVITED! PUBLIC MEETING!

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Microsoft Teams Meeting

Link: <https://bit.ly/3aLZ51b>

The Cass County Joint Water Resource District proposes to install 11,820 ft of levee around the City of Amenia to provide flood protection to residents during a 100-year, 24-event. In addition, interior stormwater features and removable road/railroad crossing barriers are incorporated.

Comments on the Draft Plan-EA may be submitted during a public comment period starting **October 25, 2021 and ending on December 24, 2021**. The complete Draft Watershed Plan-EA can be accessed online at: <https://bit.ly/3mPVEMo>

A printed copy of the Draft Plan-EA is also available at Cass County Joint Water Resource District, 1201 Main Ave W, West Fargo, ND 58078.

YOU'RE INVITED! PUBLIC MEETING!

Notice of Availability of Draft Watershed Plan – Environmental Assessment and Virtual Public Meeting November 2, 2021 for the Rush River Watershed Plan.

You are invited to attend a virtual public meeting to provide input on this project:

Date: November 2, 2021

Time: 1:30 – 2:30 pm

Microsoft Teams Meeting

Link: <https://bit.ly/3aLZ51b>

The Cass County Joint Water Resource District proposes to install 11,820 ft of levee around the City of Amenia to provide flood protection to residents during a 100-year, 24-event. In addition, interior stormwater features and removable road/railroad crossing barriers are incorporated.

Comments on the Draft Plan-EA may be submitted during a public comment period starting **October 25, 2021 and ending on December 24, 2021**. The complete Draft Watershed Plan-EA can be accessed online at: <https://bit.ly/3mPVEMo>

A printed copy of the Draft Plan-EA is also available at Cass County Joint Water Resource District, 1201 Main Ave W, West Fargo, ND 58078.

Rush River Watershed - Notice of Availability of Draft EA and Public Meeting

Notice of Availability of Draft Watershed Plan – Environmental Assessment and Virtual Public Meeting November 2, 2021 for the Rush River Watershed Plan sponsored by the Cass County Joint Water Resource District.

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Draft Watershed Plan – Environmental Assessment (Draft Plan-EA) for the Rush River Watershed Plan. Cass County Joint WRD proposes to install 11,820 feet of levee around the city of Amenia to provide flood protection to residents during a 100-year, 24-hour event. A 10-foot-wide channel would be constructed approximately 15 feet from the toe of the levee as an additional measure of protection from flood flows. A stormwater pond would be developed to capture floodwaters and runoff of approximately 180 surface acres within the levee system. The project would also include constructing removable features to act as temporary levees over three road crossings and two railroad crossings. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

You are invited to attend a virtual public meeting to provide input on this project:

Date: November 2, 2021

Time: 1:30 – 2:30 pm

Link:

A recording of the meeting will be available afterward at the website listed below.

Comments on the Draft Plan-EA may be submitted during a public comment period starting **October 25, 2021 and ending on December 24, 2021**. The complete Draft Watershed Plan-EA can be accessed online at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcseprd1829025>

A printed copy of the Draft Plan-EA is also available at Cass County Joint Water Resource District, 1201 Main Ave W, West Fargo, ND 58078

Comments may be sent to Christi Fisher, ND NRCS State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND, 58502-1458,

Landowners Invited to Attend Virtual Meeting and Comment on Draft Plan EA					
Name	Name - 2	Address	City	State	Zip
Bill Hejl		15560 28th St SE	Amenia	ND	58004
Shaun Nelson-Amenia SN Property LLC		4400 Beach Ln S	Fargo	ND	58104
Lindstrom Family Farm		15292 28th St SE	Amenia	ND	58004
Malinda Lindstrom		502 Fairway Dr	Casselton	ND	58012
City of Amenias		122 Chaffee Ave	Amenia	ND	58004
Northwest Capital Management & Trust	David Camrud-Trust Officer	PO Box 340	Moorhead	MN	56561
Mark Chaffee		2350 DeMores Dr S	Fargo	ND	58103
Jonathon & Alisha Prien		107 Reed St E	Amenia	ND	58004

Tribe and SHPO List - Received copies of Draft Plan - EA, Invited to virtual meeting and to comment						
Name	Title	Tribe/Organization	Address	City	State	Zip
Bill Peterson	State Historic Preservation Officer	State Historical Society of North Dakota	612 East Boulevard Ave	Bismarck	ND	58505
Dr. Erich Longie	Tribal Historic Preservation Officer	Spirit Lake Tribe of Fort Totten	PO Box 76	Fort Totten	ND	58335
Douglas Yankton, Sr.	Chairman	Spirit Lake Tribe of Fort Totten	PO Box 359	Fort Totten	ND	58335
Jeffrey Desjarlais	Tribal Historic Preservation Officer	Turtle Mountain Band of Chippewa Indians	PO Box 900	Belcourt	ND	58316
Jaime Azure	Chairman	Turtle Mountain Band of Chippewa Indians	PO Box 900	Belcourt	ND	58316
Kade Ferris, THPO	Tribal Historic Preservation Officer	Red Lake Band of Chippewa Indians	PO Box 274	Red Lake	MN	56671
Darrell G. Seki, Sr.	Chairman	Red Lake Band of Chippewa Indians	PO Box 550	Red Lake	MN	56671
Dianne Desrosiers	Tribal Historic Preservation Officer	Sisseton-Wahpeton Oyate of the Lake Traverse Reservation	PO Box 907	Sisseton	SD	57262
Delbert Hopkins, Jr.	Chairman	Sisseton-Wahpeton Oyate of the Lake Traverse Reservation	PO Box 509	Agency Village	SD	57262
Michael Fairbanks	Chairman	MN Chippewa Tribe - White Earth Band	PO Box 418	White Earth	MN	56591
Jaime Arsenaault	Tribal Historic Preservation Officer	MN Chippewa Tribe - White Earth Band	PO Box 418	White Earth	MN	56592
Dyan R. Youpee	Tribal Historic Preservation Officer	Fort Peck Assiniboine and Sioux Tribes	PO Box 1027	Poplar	MT	59255
Floyd Azure	Chairman	Fort Peck Assiniboine and Sioux Tribes	PO Box 1027	Poplar	MT	59255



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

October 5, 2021

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Honorable Floyd Azure
Fort Peck Assiniboiné and Sioux Tribes
PO Box 1027
Poplar, MT 59255

RE: Consultation Packet for Rush River Watershed Plan and Environmental Assessment

Dear Chairman Azure:

In November of 2018, in accordance with 36 CFR 800.3(b)(3), the Natural Resources Conservation Service (NRCS), initiated the Section 106 consultation process with the Fort Peck Assiniboiné and Sioux Tribes, requesting your participation in the planning and environmental assessment of the Rush River Watershed Plan.

Since that time, we have completed the final draft plan and final draft environmental assessment (EA). These documents were prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566) and in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). We are once again seeking your comments and input on these final draft documents.

Planning efforts have resulted in a preferred alternative (Alternative 1) and boundary area (area of potential effect (APE)), located in Sections 23-26, Township 141, Range 52 in Cass County, North Dakota. NRCS recognizes that the Fort Peck Assiniboiné and Sioux Tribes may have ancestral ties to this project. This consultation is in accordance with federal law (54USC§3061) regulation (36CFR§800), and NRCS policy (Title 401 Part 601).

The need for watershed planning is due to historical floods occurring in the City of Amenia, North Dakota. The preferred alternative proposes to construct approximately 11,820 feet of levee around the City of Amenia to provide flood protection to residents during a 100-year, 24-hour event. A 10-foot-wide channel would be constructed approximately 15 feet from the toe of the levee as an additional measure of protection from flood flows. A stormwater pond would be developed to capture floodwaters and runoff of approximately 180 surface acres within the levee system. The preferred alternative would also include constructing removable features to act as temporary levees over three road crossings and two railroad crossings.

Cultural Resources Investigation:

In March of 2016, SWCA Environmental Consultants (SWCA) completed a Class I cultural resource inventory of a study area. SWCA reviewed files maintained at the State Historical Society of North Dakota (SHSND) and the General Land Office survey records for buildings, structures, and other features of potential significance. The age of the SWCA report necessitated a review its findings.

Research conducted on April 7, 2020 by the NRCS State Cultural Resource Specialist (SRCS) confirmed the SWCA report for the preferred alternative.

A Class III cultural resource investigation was completed by the NRCS and is been included in Appendix D of the Environmental Assessment (enclosed). Both the SWCA report and SCRS review showed that, within one mile of the APE, two previous cultural resource inventories were conducted (1995-2017) in support of highway and county road safety studies, and electric transmission lines.

The Class III Survey resulted in the following conclusions and recommendations by the NRCS SRCS:

Six known sites/site leads have been either destroyed by fire, redevelopment, infrastructure construction or are so generalized they do not meet NRHP listing criteria. The undertaking will have no direct effect on a seventh site (32CS5120), however there may be minimal visual effects. The undertaking proposes a 5-7-foot-high, grass covered, levee to the north of the site that may be obscured in the Summer and Fall due to tree leaf-out and crop growth. Based on this, NRCS is consulting with the NDSHPO and requesting them to make a *determination of “no effect on historic properties”* (NRHP). Please note, that should the project require additional borrow material from an offsite unevaluated location, the borrow site will be subjected to investigation and consultation prior to being utilized.

The Fort Peck Assiniboine and Sioux Tribes is welcome to provide additional information and comments on the enclosed Rush River Watershed Plan and Environmental Assessment.

Comments are respectfully requested within 30 days of your receipt of this letter and packet. You are also welcomed to attend a virtual meeting on the project on November 2, 2021, please contact Rita Sveen, rita.sveen@usda.gov to obtain a link for this meeting.

If you have any questions or comments, please contact the Cultural Resources Specialist, Christopher A. Plount at Christopher.Plount@usda.gov (701) 530-2104. Thank you for your timely response and assistance with this project.

Sincerely,

MARY E. PODOLL
State Conservationist

Enclosures:

Rush River Watershed Plan

Rush River Environmental Assessment

cc: Dyan Youpee, Tribal Historic Preservation Officer
Cass County Water Resource District
Moore Engineering



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

October 5, 2021

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Bill Peterson, Director and SHPO
State Historical Society of North Dakota
612 E. Boulevard Ave
Bismarck, ND 58505

RE: Consultation Packet for Rush River Watershed Plan and Environmental Assessment

Dear Mr. Peterson:

In November of 2018, in accordance with 36 CFR 800.3(b)(3), the Natural Resources Conservation Service (NRCS), initiated the Section 106 consultation process with the Historical Society of North Dakota, as well as 17 tribal officials, requesting your participation in the planning and environmental assessment of the Rush River Watershed Plan.

Since that time, we have completed the final draft plan and final draft environmental assessment (EA). These documents were prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566) and in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). We are once again seeking your comments and input on these final draft documents. Specifically, we are requesting a written determination of “*no effect on historic properties*” on a registered historic site.

Planning efforts have resulted in a preferred alternative (Alternative 1) and boundary area (area of potential effect (APE)), located in Sections 23-26, Township 141, Range 52 in Cass County, North Dakota.

The need for watershed planning is due to historical floods occurring in the City of Amenia, North Dakota. The preferred alternative proposes to construct approximately 11,820 feet of levee around the City of Amenia to provide flood protection to residents during a 100-year, 24-hour event. A 10-foot-wide channel would be constructed approximately 15 feet from the toe of the levee as an additional measure of protection from flood flows. A stormwater pond would be developed to capture floodwaters and runoff of approximately 180 surface acres within the levee system. The preferred alternative would also include constructing removable features to act as temporary levees over three road crossings and two railroad crossings.

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Research conducted on April 7, 2020 by the NRCS State Cultural Resource Specialist (SRCS) confirmed the SWCA report for the preferred alternative.

A Class III cultural resource investigation was completed by the NRCS and is been included in Appendix D of the Environmental Assessment (enclosed). Both the SWCA report and SCRS review showed that, within one mile of the APE, two previous cultural resource inventories were conducted (1995-2017) in support of highway and county road safety studies, and electric transmission lines.

The Class III Survey resulted in the following conclusions and recommendations by the NRCS SRCS:

Six known sites/site leads have been either destroyed by fire, redevelopment, infrastructure construction or are so generalized they do not meet National Register of Historic Places (NRHP) listing criteria. The undertaking will have no *direct* effect on a seventh site (32CS5120), however there may be minimal visual effects. The undertaking proposes a 5-7-foot-high, grass covered, levee to the north of the site that may obscure site 32CS5120 in the Summer and Fall due to tree leaf-out and crop growth. Based on this, NRCS is requesting the NDSHPO to make a determination of “***no effect on historic properties***” (NRHP). Please note, that should the project require additional borrow material from an offsite unevaluated location, the borrow site will be subjected to investigation and consultation prior to being utilized.

If you need further information or clarification on the Class III, or if you believe there *will* be an effect on the historic property, please contact the Cultural Resource Specialist, Christopher A. Plount at Christopher.plount@usda.gov 701-530-2104. You are also welcomed to attend a virtual meeting on the project on November 2, 2021, please contact Rita Sveen, rita.sveen@usda.gov to obtain a link for this meeting.

We respectfully request your written determination and any comments on the enclosed Rush River Watershed Plan and Environmental Assessment by November 29, 2021.

Thank you for your timely response and assistance with this project.

Sincerely,

MARY E. PODOLL
State Conservationist

Enclosures:

Rush River Watershed Plan

Rush River Environmental Assessment

cc: Cass County Water Resource District
Moore Engineering



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

October 8, 2021

U.S. Army Corp of Engineers – Regulatory Division
Attn: Ms. Patricia McQueary
3319 University Drive
Bismarck, ND 58504

RE: Notice of Availability of the Draft Rush River Watershed Plan – Environmental Assessment – Request for Interagency Comments and Invitation to a Virtual Public Meeting on November 2, 2021.

Dear Ms. McQueary:

The USDA Natural Resources Conservation Service (NRCS), with assistance from the local sponsoring agency, the Cass County Joint Water Resource District, has completed a draft watershed plan – environmental assessment (EA) for a proposed flood protection project in the Rush River Watershed, Cass County North Dakota. The Rush River Watershed is located within the Red River Basin. The project is a federally assisted action prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). Thank you for your participation with the planning team over the last several years, evaluating the multiple other alternatives considered in this watershed.

The Cass County Joint WRD proposes to install 11,820 feet of levee around the City of Amenia to provide flood protection to residents during a 100-year, 24-hour event. A 10-foot-wide channel would be constructed approximately 15 feet from the toe of the levee as an additional measure of protection from flood flows. A stormwater pond would be developed to capture floodwaters and runoff of approximately 180 surface acres within the levee system. The project would also include constructing removable features to act as temporary levees over three road crossings and two railroad crossings.

We are requesting that you complete a final review this project in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). **We request that comments be received by this office on or before December 24, 2021.** If your comments are not received by this date, we will assume you do not wish to comment.

The complete Draft Watershed Plan-EA can be accessed online at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcseprd1829025>

You are also invited to attend a virtual public meeting to provide input on this project:

Date: November 2, 2021

Time: 1:30-2:30 pm

Microsoft Teams Meeting Link has been forwarded to you via email

Please send comments to Christi Fisher, State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND, 58502-1458, or by phone at (701) 530-2091.

Thank you for your timely response and cooperation with this project.

Sincerely,

MARY E. PODOLL
State Conservationist

cc: Cass County Joint Water Resource District
Moore Engineering



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

October 8, 2021

Drew Becker
US Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501

RE: Notice of Availability of the Draft Rush River Watershed Plan – Environmental Assessment – Request for Interagency Comments and Invitation to a Virtual Public Meeting on November 2, 2021.

Dear Mr. Becker:

The USDA Natural Resources Conservation Service (NRCS), with assistance from the local sponsoring agency, the Cass County Joint Water Resource District, has completed a draft watershed plan – environmental assessment (EA) for a proposed flood protection project in the Rush River Watershed, Cass County North Dakota. The Rush River Watershed is located within the Red River Basin. The project is a federally assisted action prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). Thank you for your participation with the planning team over the last several years, evaluating the multiple other alternatives considered in this watershed.

The Cass County Joint WRD proposes to install 11,820 feet of levee around the City of Amenia to provide flood protection to residents during a 100-year, 24-hour event. A 10-foot-wide channel would be constructed approximately 15 feet from the toe of the levee as an additional measure of protection from flood flows. A stormwater pond would be developed to capture floodwaters and runoff of approximately 180 surface acres within the levee system. The project would also include constructing removable features to act as temporary levees over three road crossings and two railroad crossings.

We are requesting that you complete a final review this project in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). **We request that comments be received by this office on or before December 24, 2021.** If your comments are not received by this date, we will assume you do not wish to comment.

The complete Draft Watershed Plan-EA can be accessed online at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcseprd1829025>

You are also invited to attend a virtual public meeting to provide input on this project:

Date: November 2, 2021

Time: 1:30-2:30 pm

Microsoft Teams Meeting Link has been forwarded to you via email

Please send comments to Christi Fisher, State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND, 58502-1458, or by phone at (701) 530-2091.

Thank you for your timely response and cooperation with this project.

Sincerely,

MARY E. PODOLL
State Conservationist

cc: Cass County Joint Water Resource District
Moore Engineering

October 13, 2021

Ms. Mary Podoll
NCRS
Bismarck State Office
PO Box 1458
Bismarck, ND 58502-1458

ND SHPO Ref.: 22-5030 Consultation Packet for Rush River Watershed Plan and Environmental Assessment in portions of [T141N R52W Sections 23-26], Cass County, North Dakota

Dear Ms. Podoll,

We reviewed ND SHPO Ref.: 22-5030 Consultation Packet for Rush River Watershed Plan and Environmental Assessment in portions of [T141N R52W Sections 23-26], Cass County, North Dakota and 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. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at (701) 328-3577 or lsteckler@nd.gov

Sincerely,

A handwritten signature in blue ink, reading "Lisa J. Steckler", with a long horizontal flourish extending to the right.

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

22-5030

Comments/Responses/Letters on Rush River Draft Plan/EA and November 2, 2021, Public Meeting

Commenter	Comment	Response	Relevant Section in EA	Comment Substantive Y/N
Unknown	What is the difference between the 100 year and 500-year flood elevations	It is about 1' or less difference based on the information we know. The water continues to spread out across the area and the elevation does not change much.	6.2.5 and 6.2.6 Floodplain/Floodwater Damage	N
Brandon Lindstrom	Question about the affected wetlands on the west side of town. How are those wetlands determined? It is seasonably wet and there is a plugged drain in the trees to the east of this area and it has never been listed as a wetland on any of our FSA maps and Farm program information	Wetlands were delineated as required for the plan by the National Environmental Policy Act (NEPA), based on USCOE procedures which consider soils, vegetation, and hydrology. This NEPA determination will not be used for USDA Food Security Act wetland compliance. Your FSA maps may differ because the delineation processes and labeling are different between USDA and USCOE.	4.2.13 Wetlands	N
Bill Hejl	Do you have a record of all participants logged on to the meeting?	Yes	7 Public Participation	N
Brandon Lindstrom	What did the wetland impacts change in the planning? Based on the wetland assessment, did that affect your decision-making process?	NEPA requires wetland acres/values impacted by the project be mitigated. Avoiding impacts to wetlands where possible was considered in the process.	4.2.13 Wetlands	N
Bill Hejl	Be sure to follow the property boundaries for the levee along the RR tracks on the south and north to the Elevator property and then east along the trees towards the highway and then north again.	Minor route changes may be considered during the final design within the corridor already assessed for environmental impacts and cultural resources.	5 Alternatives and 6.1 Human factors	N
Ardele Meyers	Are the internal ditches and drains in and around the City plan to be cleaned out? As part of the project?	Yes, drainage needs to properly flow to the new stormwater pond.	8.7 Operation and Maintenance	N

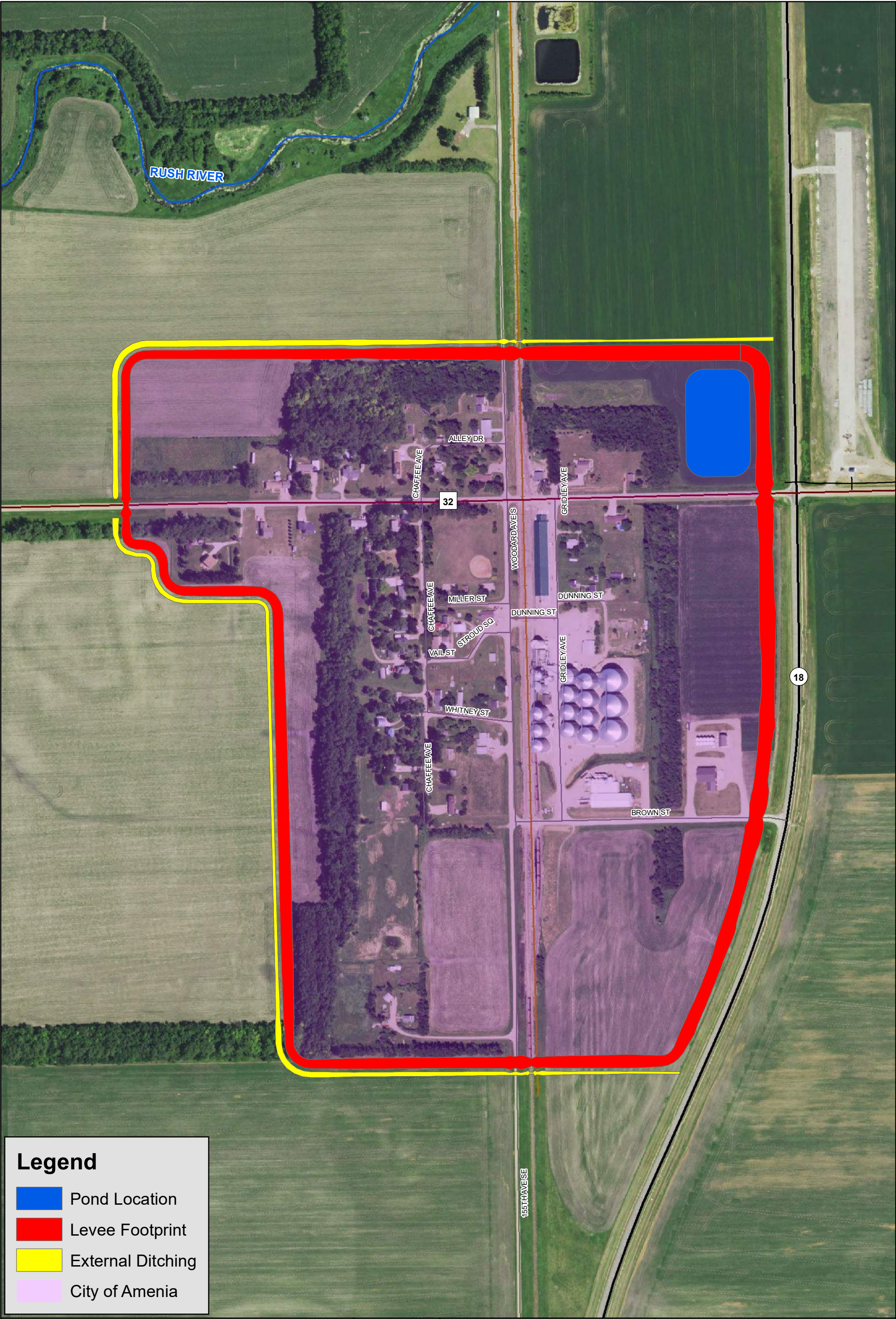
Bill Hejl	Would there be a flood control district formed to maintain everything?	Cass Joint Water Resource District is the PL-566 sponsor, and they will sign the 50-year O&M agreement with NRCS for the project. CassJWRD may make arrangements on their own behalf for an additional district outside of this agreement if desired.	8.7 Operation and Maintenance	N
Bill Hejl	Would there be an entity created to maintain it?	Cass Joint Water Resource District is the PL-566 sponsor, and they will sign the 50-year O&M agreement with NRCS for the project. CassJWRD may decide on their own behalf to form entities for project operation and maintenance.	8.7 Operation and Maintenance	N
Ardele Meyers	Who would be that someone?	Cass Joint Water Resource District is the PL-566 sponsor, and they will sign the 50-year O&M agreement. CassJWRD may decide on their own behalf to form entities for project operation and maintenance.	8.7 Operation and Maintenance	N
Keith Weston	What is the life expectancy for this project?	For this Plan - it is 50 years.	8.7 Operation and Maintenance	N
Tony Roth	I know you do not have the final dollar amounts currently, but what have you seen for the cost of that is normally fronted by the City? A combination of the City, Water Resource Board, and State? Like the percentage of maintenance to maintain over the lifetime? Do you know year by year that is a standard cost? such as 1% of the total cost on average or something like that? I know you do not have exact figures but? There must be something from previous projects that can give an idea on this sort of project and who would brunt that cost?	The ongoing maintenance will be addressed as the project moves forward and discussed with all the potential funding partners. As listed in Section 5.5 of the plan, the estimate of average annual Operation and Maintenance costs over the 50-year anticipated lifespan is \$12,000 a year. At this point the project is still in the development stage, but the details for a maintenance agreement would be worked out as final engineering design work proceeds, prior to any construction taking place.	8.6 Installation and Financing and 8.7 O&M	N

Bill Hejl	The question is who provides the funding to the maintenance cost? That is something that is decided between the City and the Water Resource District - Later?	Cass Joint Water Resource District is the PL-566 sponsor, and they will sign the 50-year O&M agreement. The main costs will be the maintenance of the interior ditching, and the pump in the stormwater pond. There will be pump testing and maintenance over the next 50 years. Any partnerships who may pay for future maintenance will need to be formed separately from the PL-566 project. There will also be costs to address any mowing, temporary closures, and other maintenance as part of the project. For the plan it was estimated at \$12,000 per year for O&M costs for the 50 life of the project.	8.7 Operation and Maintenance	N
Brandon Lindstrom	Do you have a slide that shows the affected farmland acres? Does that included the retention pond, and everything correct?	It is noted that about 7 acres of prime farmland will be affected by the project. The width of the levee and the stormwater pond are the areas that will affect (remove) farmland acres.	6.1.4 Agriculture and Prime Farmland	N
Brandon Lindstrom	We would prefer the levee to be as close to the trees in the NW corner of the project to lessen farmland acres affected.	Minor route changes may be considered during the final design within the corridor already assessed for environmental impacts and cultural resources.	5 Alternatives and 6.1 Human factors	N
Brandon Lindstrom	Is there going to be any sort of special assessments or is that yet to be determined?	There will be a local share for the project, and it is yet to be determined and finding all the available funding secured, the water resource district and city will go through an assessment voting process and follow the state statues for the benefiting parties and the impacted parties in terms of actual construction costs and footprint and the parties will have the opportunity to vote in favor or against the project.	8.6 Installation and Financing and 8.7 O&M	N

Merle Myers (email)	Are you making the least amount of square corners in, or are you figuring in large rounded or 45 deg. Corners that are easier to put in and maintain?	With the 4:1 proposed sideslopes, 90-degree corners end up rather rounded, and are typically straightforward to construct and maintain. That said, minor alignment modifications may be considered during the final design phase, within the corridor already assessed for environmental impacts and cultural resources.	5 Alternatives and 6.1 Human factors	N
Cooperating Agency Responses/Tribes	Letters and Draft EA/Plan were mailed between 10/5/2021 and 10/8/2021			
William Peterson (NDSHPO)	Letter dated 10/13/21, Concurs with NRCS finding of "No Historic Properties Affected" (Consult packet 22-5030)	NA	6.1.5 Cultural Resources	N
USFWS	No Response			N
USCOE	The proposed project may require an individual permit. We will determine when an application is submitted. If an individual permit is required, the application should be submitted at least 120 days prior to bid opening for the proposal.	Noted, permit applications to the USCOE will be submitted at least 120 days prior to bid opening.		N
Tribes				
Fort Peck	No Response			N
Turtle Mountain	No Response			N
Lake Traverse	No Response			N
Red Lk Band of Chippewa	No Response			N
Spirit Lake	No Response			N
White Earth Band	No Response			N

RUSH RIVER WATERSHED
PLAN APPENDIX B
PROJECT MAP

Appendix B

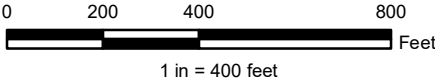
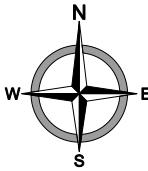


Legend

-  Pond Location
-  Levee Footprint
-  External Ditching
-  City of Amenia

APPENDIX B PROJECT MAP
RUSH RIVER WATERSHED RCPP
CASS COUNTY, NORTH DAKOTA

Created By: BPK Date Created: 06/15/2020 Date Saved: 06/15/20 Date Plotted: 08/04/17 Date Exported: 06/15/20
Plotted By: benjamin.kugler Parcel Date: N/A Aerial Image: 2017 County NAIP SIDS Elevation Data: Lidar
Horizontal Datum: NAD 1983 UTM Zone 14N Vertical Datum: NAVD 1988
T:\Projects\18700\18747\102-IdentifyProblemsGoals\Amenia\Alternatives\LeveeAlt1\Project.mxd

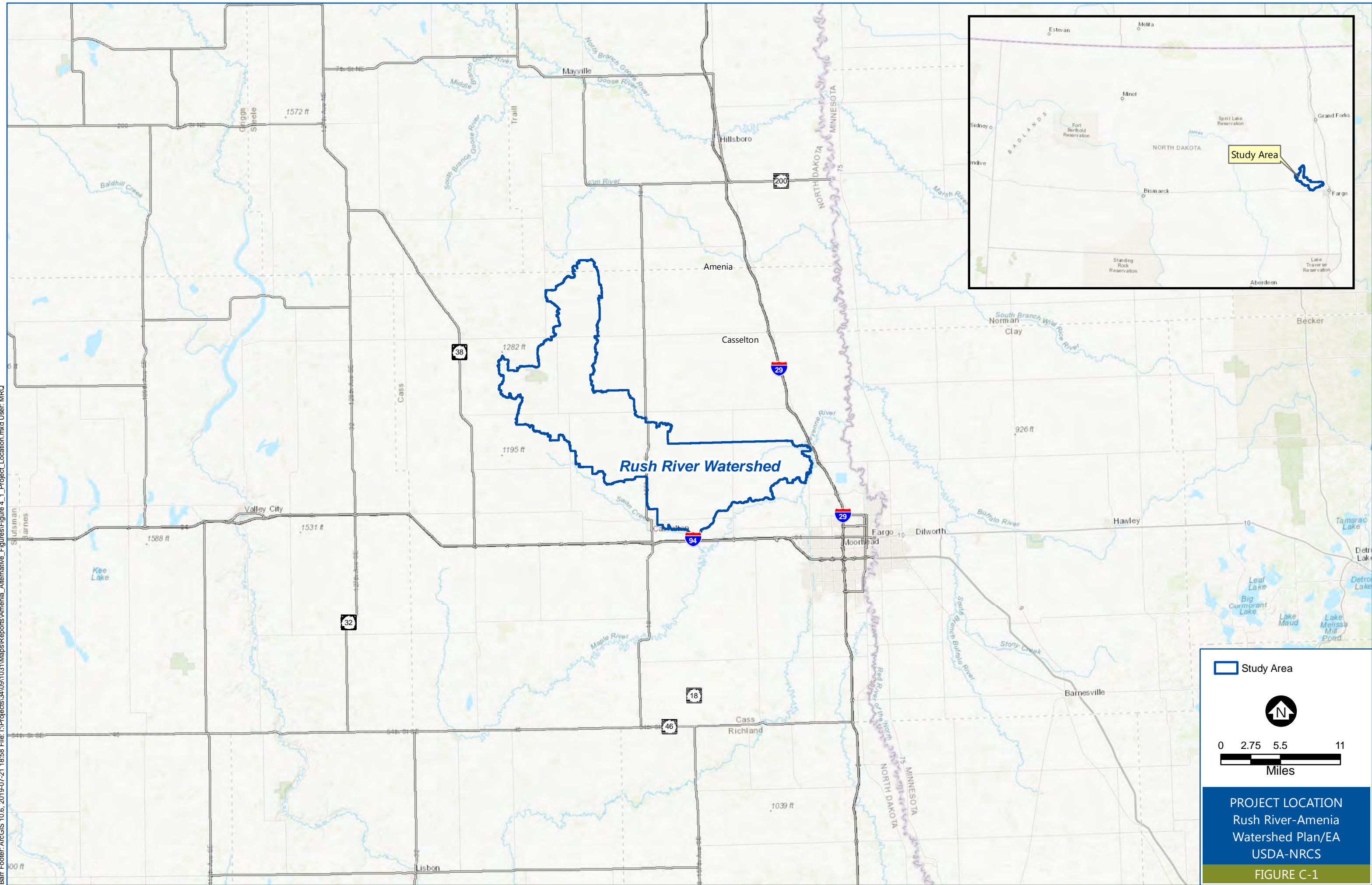


RUSH RIVER WATERSHED

PLAN APPENDIX C

SUPPORT MAPS

Project Location.....	C-1
Landuse and Infrastructure.....	C-2
Farmland Classification.....	C-3
Recreation and Wildlife.....	C-4
Water Resources.....	C-5
Levee Alternative 1	C-6
100 Year Peak Flood Inundation for Alt 1.....	C-7
Levee Alternative 2	C-8
100 Year Peak Flood Inundation for Alt 2.....	C-9



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