APPENDIX E

Environmental Evaluation Worksheet CPA-52

Wildlife Habitat Evaluation Guide
Threatened and Endangered Species Worksheet

U.S. Department of Agriculture — NRCS-CPA-52
Natural Resources Conservation Service — 11/2019

ENVIRONMENTAL EVALUATION WORKSHEET

A. Client Name: Walsh County Water Resource District

B. Conservation Plan ID # (as applicable):
Program Authority (optional): PL 566, Watershed Rehabilitation

D. Client's Objective(s) (purpose):
Updating the dam to meet current safety requirements for High Hazard Dams in order to protect lives and infrastructure downstream and maintain the dams purposes of reducing flood damages and recreation.

C. Identification # (farm, tract, field #, etc. as required):
Walsh County: SE Sec 25 & NE Sec 36 of 157-58; Sections 31, S2 32, SW 33 of 157-57; NW 5 and N2 6 of 156-57

E. Need for Action
Preliminary investigations indicated several inadequacies. Dam is newly classified as a high hazard dam - it does not meet current performance, design and safety standards. 1.Drain fill does not meet current standards for seepage control. 2. Slope stability is not adequate for flood surcharge condition (TR-60). 3. Principle spillway is inadequate (TR-60). 4. Auxiliary spillway is inadequate in capacity and integrity. Original needs of downstream flood damage reduction still exist. Need for fishing recreation which is uncommon in region.

H. Alternatives

No Action_Alt 1 √ if RMS ☐	*Alternative 2* √ if RMS ☐	*Decommission* √ if RMS ☐
Future with No Federal Action (FWOFI) Dam will not meet current safety requirements for High Hazard Dams - the minimum requirement of the sponsor will be to breach the dam and remove outlet works. Riprap and sheetpile weir would be installed to minimize sedimentation/erosion d.s. The road would be realigned to the west. A 90" culvert would be installed. The flood reduction and recreational purposes of the dam would be lost. Crop production losses will increase as flood duration and frequencies will increase.	Structural alternative that would include raising the embankment 3.9', removal of existing riser and construction of a new riser; grouting of the existing principal spillway and installation of a larger (36") conduit with jack and bore installation techniques; chimney drain installed to intercept any seepage which will be routed to a foundation drain which discharges to the plunge pool; modify the shape of the auxiliary spillway and lining the auxiliary spillway with articulated concrete block. New plunge pool, new additional channel (150')	Decommissioning of the dam/Non-structural alternative. Removal of the dam embankment and portion of the Dougherty embankment. Excavation of a new channel and floodplain upstream of Dougherty and downstream past the dam. Installation of a rock arch/sheet pile near embankment to prevent excessive erosion/sedimentation. Road moved to replace this existing field-to-market road over the current embankment. The flood reduction and recreational purposes would be lost. This alternative was eliminated from full consideration in the EA. While the cost was estimated to be slightly less than Alt 2, the loss of flood/recreation/WQ benefits eliminated this as a feasible option.Crop production losses will increase as flood duration and frequencies will increase.

Resource Concerns

In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (See FOTG Section III - Resource Planning Criteria for guidance).

F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. Effects of Alternatives — *No Action - Alt 1*: Amount, Status, Description (*Document both short and long term impacts*)	√ if does NOT meet PC	*Alt 2*: Amount, Status, Description (*Document both short and long term impacts*)	√ if does NOT meet PC	*Alt 3 - Decommission*: Amount, Status, Description (*Document both short and long term impacts*)	√ if does NOT meet PC
SOIL						
Bank erosion from streams, shorelines or water conveyance channels Some areas of the Bylin shoreline are eroding due to wave action on fragile shale materials and overgrazing.	Shoreline erosion would be eliminated. Stream would remeander through sediments and erode soil until vegetation re-establishes. Cattle impacts unlikely in the former pool area.	☑ NOT meet PC	No change to the shoreline as permanent pool level will not change. A grazing plan is recommended.	☑ NOT meet PC	Significant erosion would be expected during the re-meander construction until vegetative plantings are established. Cattle would need exclusion until vegetation was established. Pool erosion would be eliminated.	☑ NOT meet PC
Soil organism habitat loss or degradation Some portions of the reservoir riparian area are over grazed, reducing the rooting depth and soil OM in the profile.	No change from the existing condition. An alternative watering source would be provided to maintain heard size.	☑ NOT meet PC	No change from the existing condition	☑ NOT meet PC	No change from the existing condition. An alternative watering source would be provided to maintain heard size.	☑ NOT meet PC
Ephemeral gully erosion Downstream cropland is protected from sheet, rill, ephemeral gully erosion from flood waters.	Riprap and sheet pile would provide some protection from unregulated flow, however sheet, rill and ephemeral gully erosion would occur from out-of-bank flood flows.	☑ NOT meet PC	No change from the existing condition	☐ NOT meet PC	Rock arch and sheet pile would provide some protection from unregulated flow, however sheet, rill and ephemeral gully erosion would occur from out-of-bank flood flows.	☑ NOT meet PC

F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. Effects of Alternatives					
	No Action Alt 1		*Alternative 2*		*Alternative 3 decommission*	
	Amount, Status, Description *(Document both short and long term impacts)*	√ If does NOT meet PC	**Amount, Status, Description** *(Document both short and long term impacts)*	√ If does NOT meet PC	**Amount, Status, Description** *(Document both short and long term impacts)*	√ If does NOT meet PC
WATER						
Petroleum, heavy metals, and other pollutants transported to surface A chemical analysis of sediments in the pool area found accumulations of diesel organics, arsenic, cadmium, copper, lead and zinc. As well as Nutrients (Nitrogen, Phosphorus) and sediment. These substances are largely sequestered under the lake pool.	Chemicals contained in lake bottom sediments would be transported downstream where they could impact downstream surface and ground water quality	☑ NOT meet PC	No change from the existing condition. Pollutants will remain in pool sediments.	☑ NOT meet PC	Chemicals contained in lake bottom sediments would be transported downstream where they could impact downstream surface and ground water quality	☑ NOT meet PC
Ponding and flooding Current structure is providing flood control for downstream residences and cropland.	Flooding and ponding would increase and could possibly be more severe than before dam construction due to the increase in intensity of precipitation events.	☑ NOT meet PC	Flood protection will be increased as practices will increase protections to high hazard standards - the auxiliary spillway will be more stable for large events and the longevity of the structure/protection increased by 100 years.	☐ NOT meet PC	Flooding and ponding would increase and could possibly be more severe than before dam construction due to the increase in intensity of precipitation events.	☑ NOT meet PC
Sediment and Nutrients transported to surface water Dam is capturing sediment and nutrients attached to sediment. Phosphorus can move into dissolved form and become available for algal growth along with nitrogen.	Sediment and nutrients will be transported downstream at high levels until the streambed reforms and revegetates. Flood frequency and duration of cropland inundation will increase thereby increasing the transport of dissolved phosphorus.	☑ NOT meet PC	Temporary negative impacts due to reservoir drawdowns during construction will cause acute sediment loading downstream. However the majority of the sediments and attached nutrients will remain largely sequestered in buried sediments. The dam will continue to collect sediment and nutrients for 100 years or greater. Dams reduce the frequency and duration of cropland inundation, thereby limiting the transport of sediment and dissolved phosphorus. Sediment trapping measures will control erosion during construction and the re-establishment of vegetation. Upland soil conservation practices are needed to reduce source.	☑ NOT meet PC	Sediment and nutrients contained in the sediment will be transported downstream at high levels until the streambed reforms and revegetates. Flood frequency and duration of cropland inundation will increase thereby increasing the transport of dissolved phosphorus.	☑ NOT meet PC

F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. (continued)					
	No Action Alt 1		*Alternative 2*		*Alternative 3 decommission*	
	Amount, Status, Description *(Document both short and long term impacts)*	√ if does NOT meet PC	**Amount, Status, Description** *(Document both short and long term impacts)*	√ if does NOT meet PC	**Amount, Status, Description** *(Document both short and long term impacts)*	√ if does NOT meet PC
Nutrients transported to groundwater The Fordville aquifer, Wellhead Protection Areas for the Park River and Minto drinking water supplies and their corresponding wellheads are protected from floodwater inundation and leaching of floodwaters.	Downstream flooding and ponding would increase in frequency and duration and could result in the leaching of nutrients into the Fordville Aquifer. Nutrients and other floodwater contaminants could possibly enter the aquifer as a point source through the wellheads.	☑ NOT meet PC	Nutrients will remain largely sequestered in buried sediments. The dam will continue to collect sediment and nutrients for 100 years or greater.	☐ NOT meet PC	Downstream flooding and ponding would increase in frequency and duration and could result in the leaching of nutrients into the Fordville Aquifer. Nutrients and other floodwater contaminants could possibly enter the aquifer as point source through the wellheads.	☑ NOT meet PC
International Water Management Concerns Dam is reducing the duration and frequency of flooding, thereby reducing the transport of dissolved phosphorus. Dam is helping with international water goals in the Red River Basin including 20% reduction in peak flows and 40% reduction in total P at the international border.	Downstream flood frequency and duration of cropland inundation will increase thereby increasing the peak flows and transport of dissolved phosphorus to international waters.	☑ NOT meet PC	Dam will continue to reduce the frequency and duration of cropland inundation, thereby limiting the transport of sediment and dissolved phosphorus. The dam will continue to provide this benefit for an additional 100 years.	☐ NOT meet PC	Downstream flood frequency and duration of cropland inundation will increase, thereby increasing peak flows and the transport of dissolved P to the international waters.	☑ NOT meet PC
AIR						
Emissions of Greenhouse Gases (GHGs) The pool stores carbon in the pool sediments however algal growth will also emit CO2. Exact values are not known for this pool	Large amounts of CO2 will be initially released until the riparian area is revegetated at which time grass and tree vegetation will result in a net reduction of emissions.	☐ NOT meet PC	The pool will continue to both sequester Carbon in sediments and emit and CO2.	☐ NOT meet PC	Large amounts of CO2 will be initially released until the riparian area is revegetated at which time grass and tree vegetation will result in a net reduction of CO2 emissions.	☐ NOT meet PC
		☐ NOT meet PC		☐ NOT meet PC		☐ NOT meet PC
PLANTS						
Plant pest pressure 12 species of introduced/problematic plants are present in the Dam zone, including musk thistle, Canada thistle and leafy spurge	Introduced and problematic plants will repopulate the exposed lake sediment unless chemically controlled.	☑ NOT meet PC	Precautions will be taken during construction to limit transport of invasives. Vegetation establishment plan will include mechanical and chemical removal of invasive species in most zones and includes 55 acres of herbaceous renovation seeding to native grass/forbs.	☐ NOT meet PC	A revegetation plan will chemically control noxious weeds prior to revegetation.	☐ NOT meet PC

Plant structure and composition A field survey completed in 2022 assessed Good Biological Condition for upland deciduous, wet prairie, marsh, rivers/streams and riparian zone communities and Fair biological Conditions for Prairie, tame grassland and riparian woodland communities. Tame grass areas around pool are grazed. Tame grass in Aux spillway is hayed.	Introduced and problematic plants will repopulate the exposed lake sediment unless chemically controlled. Over time, approximately 50 acres of predominantly invasive introduced vegetation will repopulate the riparian area.	☑ NOT meet PC	Temporary impacts to tame grass vegetation in construction areas. These areas will be reseeded. Permanent loss of approx 3.0 acres of hayed tame grass in the auxiliary spillway area which will be covered in articulated concrete block.	☐ NOT meet PC	A revegetation plan with diverse predominantly native trees, shrubs and grasses will increase vegetative biomass in approximately 50 acres of former pool area.	☐ NOT meet PC
ANIMALS						
Terrestrial habitat for wildlife and invertebrates A field survey completed in 2020found Good Biological Conditions for upland deciduous, wet prairie communities and Fair Biological Conditions for Prairie, tame grassland and riparian woodland communities.	An estimated 50 acres of terrestrial habitat will replace the pool area. Introduced and problematic plants will repopulate the exposed lake sediment unless chemically controlled. A succession of introduced and native species is expected over a long period of time which will provide food and shelter for mammals, but will likely be of poor quality for fish and aquatics species due to high concentrations of nutrients and metals.	☑ NOT meet PC	Temporary impacts to tame grass habitats expected in construction areas. These areas will be reseeded. Permanent loss of approx 3.0 acres of hayed tame grass in the auxiliary spillway area which will be covered in articulated concrete block.	☑ NOT meet PC	An estimated 50 acres of terrestrial habitat will replace the pool area. A revegetation plan with diverse predominantly native trees, shrubs and grasses will increase vegetative biomass in the former pool area. A succession of introduced and native species is expected over a long period of time which will provide food and shelter for mammals, but will likely be of poor quality for fish and aquatics species due to high concentrations of nutrients and metals.	☐ NOT meet PC
Aquatic habitat for fish and other organisms The reservoir area is 57 acres of deep water. A field survey completed in 2020 noted: Biological Condition Good: wet prairie, marsh, rivers/streams and riparian zone. riparian woodland communities. Lake is stocked with walleye by NDG&F. Species found in 2020 fish survey include yellow perch, walleye and northern pike. Reservoir provides suitable habitat for NDG&F species of concern - Franklin's gull and American White Pelican.	The existing walleye, perch and northern pike fishery will be eliminated. The reconnected river corridor may benefit several species such as northern pearl dace and hornyhead chub as well as other small fish species. Invertebrates suitable for shallow streams are expected to repopulate over time. The continued presence of Dougherty dam will limit the expansion of riverine fish populations upstream. The aquatic habitat will be of poor quality for a long time due to sediment textures and high nutrients and metals. Open water migratory waterfowl habitat will be eliminated.	☑ NOT meet PC	The drawdown/refill of the dam during late summer/autumn construction will reduce pool depth and O2 over winter resulting in fish kills. NDG&F will restock the reservoir the following season when fish-sustainable water levels return. Construction will result in Post construction fish populations would be restocked.	☐ NOT meet PC	The existing walleye, perch and northern pike fishery will be eliminated. Smaller species of fish such as chubs and minnows as well as invertebrates suitable for shallow streams are expected to repopulate over time. The aquatic habitat will be of poor quality for a moderate time due to sediment textures and high nutrients and metals. Open water migratory waterfowl habitat will be eliminated.	☑ NOT meet PC
Inadequate livestock water quantity, quality and distribution Reservoir provides livestock water source for cattle grazing in along the perimeter.	Dougherty dam may still provide a water source however alternate water sources would be needed further west.	☐ NOT meet PC	Livestock will need alternate sources of water during the drawdown/construction period. Temporary exclusion fencing would be needed around the pool area for cattle safety and water quality.	☐ NOT meet PC	Dougherty dam may still provide a water source however alternate water sources would be needed further west.	☐ NOT meet PC
ENERGY						
No resource concern identified		☐ NOT meet PC		☐ NOT meet PC		☐ NOT meet PC

Human Economic and Social Considerations			
Public Health and Safety Preliminary investigations indicated several inadequacies. Dam is newly classified as a high hazard dam - it does not meet current performance, design and safety standards. 6 residences are downstream within the breach zone. Several roads downstream are in the breach zone.	Removal of dam would remove the acute impacts of a catastrophic dam breach. Six residences would be in the 100 year flood zone and require flood insurance. Flood flows will overtop roads and cause road damages and road safety hazards.	Dam would meet current safety standards for high hazard dams. The safety benefits of the dam will be renewed for 100 more years. Six downstream residences would not need to purchase flood insurance.	Removal of dam would remove the acute impacts of a catastrophic dam breach. Six residences would be in the 100 year flood zone and require flood insurance. Flood flows will overtop roads and cause road damages and road safety hazards.
Capital Citizens of the Walsh Water Resource District do not have the capital to pay for the majority of the cost of the project.	Estimated Avg annual flood damage without project is $326,200.	Estimated Avg annual flood damage with Alt 2 is $89,700. Benefit-Cost Ration is 1-1. Federal (75% of design/construction costs), plus state and partner funding is available for this option.	Estimated Avg annual flood damage without project is $326,200.
Land Use Dam site provides recreational boating and fishing. The reservoir is a water source for grazing cattle. Portions of the auxiliary spillway are hayed for cattle forage.	Without the project, boating and fishing recreation will be eliminated. Dougherty may provide a water source for some of the grazing system, however an alternative source will be needed in the east.	Water recreation will be temporarily suspended during drawdown and construction. An alternate watering source and exclusion fencing will be needed during construction. Approximately 3.0 acres of hayland will be lost.	Dougherty may provide a water source for some of the grazing system, however an alternative source will be needed in the east.
Other International Concerns	Lost progress toward internationally agreed to water quality and quantity targets.	Continued commitment to internationally agreed to water quality and quantity targets. Temporary negative impacts to water quality.	Lost progress toward internationally agreed to water quality and quantity targets.

Special Environmental Concerns: Environmental Laws, Executive Orders, policies, etc.

In Section "G" complete and attach Environmental Procedures Guide Sheets for documentation as applicable. Items with a "•" may require a federal permit or consultation/coordination between the lead agency and another government agency. In these cases, effects may need to be determined in consultation with another agency. Planning and practice implementation may proceed for practices not involved in consultation.

G. Special Environmental Concerns (Document existing/ benchmark conditions)	J. Impacts to Special Environmental Concerns					
	No Action - Alt 1		*Alternative 2*		*Alternative 3 Decommission*	
	Document all impacts (Attach Guide Sheets as applicable)	☐ needs further action	Document all impacts (Attach Guide Sheets as applicable)	☐ needs further action	Document all impacts (Attach Guide Sheets as applicable)	☐ needs further action
•Clean Air Act *Guide Sheet* North Dakota has no non-attainment areas.	NA	☐	NA	☐	NA	☐
•Clean Water Act / Waters of the U.S. *Guide Sheet* 35.35 acres of wetland are present. The majority of these wetlands have artificially induced hydrology from the fringe of the reservoir.	May Effect Wetlands impacted by the fringe hydrology of the reservoir will be largely eliminated, however a net increase in wetlands is expected in the pool sediment areas due to poor drainage. 404/NPDES permits needed.	☑	May Effect 1.28 acres of wetlands will be permanently impacted by construction. Mitigation may be needed, however the hydrology of these wetlands is artificially induced by the reservoir. 404 /NPDES permits are needed.	☑	May Effect Wetlands impacted by the fringe hydrology of the reservoir will be largely eliminated. Reestablished channel will change wetlands type from lake to riverine. 404/NPDES permits needed.	☑
•Coastal Zone Management *Guide Sheet* Not applicable to North Dakota	NA	☐	NA	☐	NA	☐
Coral Reefs *Guide Sheet* Not applicable to North Dakota	NA	☐	NA	☐	NA	☐
•Cultural Resources / Historic Properties *Guide Sheet* A Class III survey was completed in October 2021. Dougherty Dam was likely constructed by the Works Progress Administration and may be eligible for listing on NHRP. NRHP Hoff school located approx 1 mile d.s.	May Effect Class III Cultural Resource Survey dated 1/3/2022 recommended a finding of "No Adverse Effect".	☐	No Effect Class III Cultural Resource Survey dated 1/3/2022 recommended a finding of "No Adverse Effect".	☐	No Effect Class III Cultural Resource Survey dated 1/3/2022 recommended a finding of "No Adverse Effect".	☐
•Endangered and Threatened Species *Guide Sheet* The USFWS lists the Northern Long-eared Bat (Threatened) and Whooping Crane (Endangered) within the project area.	May Effect Northern Long eared bat habitat may be present. Contractors will follow the Conditions for Implementing Conservation Practices for the Long-eared Bat and Whooping Crane.	☑	May Effect Northern Long eared bat habitat may be present. Contractors will follow the Conditions for Implementing Conservation Practices for the Long-eared Bat and Whooping Crane.	☑	May Effect Northern long eared bat habitat may be present. Contractors will follow the Conditions for Implementing Conservation Practices for the Long-eared Bat and Whooping Crane.	☑

G. Special Environmental Concerns (Document existing/ benchmark conditions)	J. Impacts to Special Environmental Concerns					
	No Action		*Alternative 1*		*Alternative 2*	
	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action
Environmental Justice *Guide Sheet* The planning area does not have elevated levels of minority and low-income populations relative to neighboring counties or the State.	No Effect The planning area does not have elevated levels of minority and low-income populations relative to neighboring counties or the State.	☐	No Effect The planning area does not have elevated levels of minority and low-income populations relative to neighboring counties or the State.	☐	No Effect The planning area does not have elevated levels of minority and low-income populations relative to neighboring counties or the State.	☐
•Essential Fish Habitat *Guide Sheet* No essential fish habitat in the planning area.	NA	☐	NA	☐	NA	☐
Floodplain Management *Guide Sheet* Project is within the 100 year floodplain of the Forest River	May Effect Without the project, the risk to downstream lives and property will increase.	☑	May Effect Flood protection will be increased as practices will increase protections to high hazard standards - the auxiliary spillway will be more stable for large events and the longevity of the structure/protection increased by 100 years.	☐	May Effect Decommissioning will increase the risk lives and property downstream.	☑
Invasive Species *Guide Sheet* Canada and musk thistle and leafy spurge are present in dam zone. No? invasive species have been identified. Invasive fish?	May Effect Invasive vegetative species will increase in composition.	☑	May Effect Revegetation and chemical weed control in the construction area will reduce the quantity of invasive plant species. The draw down of the dam may facilitate the removal of undesirable fish species.	☐	May Effect Revegetation and chemical weed control in the construction area will reduce the quantity of invasive plant species. Fish management during decommissioning could facilitate the removal of undesirable fish species. .	☐
•Migratory Birds/Bald and Golden Eagle Protection Act *Guide Sheet* Franklins Gull (level 1 Migratory Species) was observed during the biological survey. NDG&F confirmed there are no documented bald eagle nests in the area near the dam.	May Effect Any required mitigation measures to avoid impacts to migratory birds will be applied. Construction will cease if a whooping crane is observed. The loss of the reservoir will eliminate migratory birds that utilize deep water fish food sources.	☑	May Effect Construction will cease if a whooping crane is observed. Any required mitigation measures to avoid impacts to migratory birds will be applied.	☑	May Effect Construction will cease if a whooping crane is observed. Any required mitigation measures to avoid impacts to migratory birds will be applied. The loss of the reservoir will eliminate migratory birds that utilize deep water fish food sources.	☑
Natural Areas *Guide Sheet* No designated Natural Areas within the planning area.	NA	☐	NA	☐	NA	☐
Prime and Unique Farmlands *Guide Sheet* Prime farmland is present downstream. Crop production losses due to flooding and inundation are infrequent due to the flood protection provided by the dam.	May Effect Crop production losses due to flooding and inundation will increase without the project. Downstream prime farmland may be impacted by sediment deposits.	☑	May Effect Alternative will maintain the condition of downstream prime farmland soils as it will continue to reduce flood frequency and inundation.	☐	May Effect Crop production losses due to flooding and inundation will increase. Downstream prime farmland may be impacted by sediment deposits.	☑

Riparian Area *Guide Sheet* There are two types of riparian zones present - the zone (138 acres) around the reservoir and the Forest River below the outlet of Bylin Dam. The Forest River consists of 31 miles until the confluence with the main stem of the Forest River.	May Effect The riparian community type and community structure will eventually return to a more natural riverine riparian community.	☐	May Effect Project will have temporary impacts to the riparian habitats. NDG&F will be consulted regarding fish management.	☐	May Effect The reservoir riparian community type and community structure will be facilitated to change to a more natural riverine community type with re-meandering of the river and vegetative plantings.	☐
Scenic Beauty *Guide Sheet* Project area is valued for its scenic lake viewshed	May Effect Lake viewshed will be lost. The area will be very unsightly until vegetation and natural stream meandering occur.	☐	May Effect Project will have temporary impacts to the scenic beauty of the lake viewshed. Reservoir water will be temporarily drawdown and construction areas will need revegetation. Articulated concrete block will look artificial comparted with the existing grass aux spillway.	☐	May Effect Lake viewshed will be lost. The area will be very unsightly until vegetation is established and stream re-meandering is complete.	☐
•Wetlands *Guide Sheet* Thirty-seven wetlands were identified in the Aquatic Resources Survey, the majority are fringe wetlands with artificial lake hydrology. No fens were identified. 49 features were identified as Other Waters.	May Effect 7.41 acres of Fringe wetlands will be lost Construction of road would permanently fill 0.03 acres of wetlands. A new river channel will rapidly develp over time, however it will take a decade or more to match the ecological quality of the natural riparian area.	☑	May Effect Construction will permanently fill a portion of one wetland (0.01 acres) and 252 of an existing channel downstream. Excavation in the lacustrine fringe at the site of the new riser tower will also take place. Approximately 1.28 acres of fringe wetland will be temporary impacted due to equipment staging, top of dam raise, and reservoir drawdown. Compensatory mitigation is expected for .065 acres.	☑	May Effect Fringe wetlands will be largely lost, however natural riparian wetlands will be gained.	☐
•Wild and Scenic Rivers *Guide Sheet* No Wild and Scenic Rivers in the planning area	NA	☐	NA	☐	NA	☐

K. Other Agencies and Broad Public Concerns	No Action Alt 1	Alternative 2	Alternative 3 Decommission
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.	USACE and USFWS are cooperating agencies on the project and have provided input on needed permits. Required: A Section 404 permit is required. NDPDES /SWPPP is required as per Section 402 of CWA. ND DWR Permit - SFN 61403 Breach/Removal of Dam is required. ND State Sovereign Lands Permit is not applicable b/c Forest River is not classified as Nav H20 in ND. County EM FEMA permit not requried because dam is not in 100 yr floodplain. All land impacted is owned by the Walsh Co WRD, no new easements are needed.	USACE and USFWS are cooperating agencies on the project and have provided input on needed permits. Required: A Section 404 permit is required. NDPDES /SWPPP required as per Section 402 of CWA. ND DWR Permit SFN 51695 - Dam Modification Permit is needed. ND State Sovereign Lands Permit is not applicable b/c Forest River is not classified as Nav H20 in ND. County EM FEMA permit not requried because dam is not in 100 yr floodplain. All land impacted is owned by the Walsh Co WRD, no new easements are needed.	USACE and USFWS are cooperating agencies on the project and have provided input on needed permits. Required: A Section 404 permit is required. NDPDES /SWPPP required as per Section 402 of CWA. ND DWR Permit SFN 61403 - Breach/Removal of Dam is required. ND State Sovereign Lands Permit is not applicable b/c Forest River is not classified as Nav H20 in ND. County EM FEMA permit not requried because dam is not in 100 yr floodplain. All land impacted is owned by the Walsh Co WRD, no new easements are needed.
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)	Removal of the dam would not enable the environment to resume all the functions and services to the original quality. Significant erosion will wash sediments that have accumulated for decades downstream affecting the stream channel and low-lying cropland; sediments will carry decades of stored nutrients and metals. These nutrients particularly, will not be absorbed by soils and plants as they would in normal quantities, but excess will continue downstream to cause eutrophic conditions in water bodies. International goals of flood reduction and improved water quality would be in the negative.	Action has the potential to cumulatively affect wetland, riparian water quality and water quantities in the AA and include other future projects and natural conditions that would compound the effects of this project. Project is expected to be highly beneficial for natural flood management, aquatic resources and water quality interests.	While more controlled than the FWOFI option, decommissioning of the dam would cause similar effects but at a smaller scale than FWOFI.International goals of flood reduction and improved water quality would be in the negative.
L. Mitigation (Record actions to avoid, minimize, and compensate)	Fringe wetlands will be largely lost, however natural riparian wetlands will be gained. Net balance has not been calculated. Wetland mitigation is not anticipated with this option as natural wetlands will likely result over time.	An estimated .065 acres of wetlands will be negatively impacted or lost during construction. Compensatory mitigation is expected for .065 acres.	Fringe wetlands will be largely lost, however natural riparian wetlands will be gained. Net balance has not been calculated. Wetland mitigation is not anticipated with this option as the stream restoration plan would include a natural wetland regime.

M. Preferred Alternative	√ preferred alternative	☐	☑	☐
	Supporting reason	Reasons for not selecting this alternative are summarized in the Cumulative effects narrative	The project meets the purpose and need has a cost benefit ratio of 1:1. Average estimated annual flood damages with the project are $89,000 with provides a Damage Reduction Benefit of $236,500 compared with the FWOFI option. This option met the requirements of the PR&G analysis including net positives for Provisioning, Regulating and Cultural Services. The project sponsors and local stakeholders strongly supported this option because they wanted the flood reduction and recreation benefits to be maintained and safety enhanced.	Decommissioning will increase the risk lives and property downstream and did not meeting the purpose and need of the project. Decommissioning would result in increased frequency and duration of cropland flooding which would also increase dissolved Phosphorus (both are international concerns). For these reasons, it was eliminated from further preliminary design and economic review.

N. Context (Record context of alternatives analysis) | local | regional | national

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.

O. To the best of my knowledge, the data shown on this form is accurate and complete:

In the case where a non-NRCS person (e.g. a TSP) assists with planning they are to sign the first signature block and then NRCS is to sign the second block to verify the information's accuracy.

Signature (TSP if applicable)	Title	Date

Signature (NRCS)	Title	Date
RICHARD WEBB Digitally signed by RICHARD WEBB Date: 2022.05.17 07:14:31 -05'00'	State Resource Conservationist	5/17/2022

If preferred alternative is not a federal action where NRCS has control or responsibility and this NRCS-CPA-52 is shared with someone other than the client then indicate to whom this is being provided.

The following sections are to be completed by the Responsible Federal Official (RFO)

NRCS is the RFO if the action is subject to NRCS control and responsibility (e.g., actions financed, funded, assisted, conducted, regulated, or approved by NRCS). These actions do not include situations in which NRCS is only providing technical assistance because NRCS cannot control what the client ultimately does with that assistance and situations where NRCS is making a technical determination (such as Farm Bill HEL or wetland determinations) not associated with the planning process.

P. Determination of Significance or Extraordinary Circumstances

To answer the questions below, consider the severity (intensity) of impacts in the contexts identified above. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

If you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary circumstances and significance issues to consider and a site specific NEPA analysis may be required.

Yes	No	
☐	☑	• Is the preferred alternative expected to cause significant effects on public health or safety?
☐	☑	• Is the preferred alternative expected to significantly affect 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?
☐	☑	• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?
☐	☑	• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?
☐	☑	• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?
☐	☑	• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?
☐	☑	• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.
☐	☑	• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?

Q. NEPA Compliance Finding (check one)

The preferred alternative:		**Action required**
☐	1) is **not a federal action** where the agency has control or responsibility.	Document in "R.1" below. No additional analysis is required
☐	2) is a federal action **ALL** of which is **categorically excluded** from further environmental analysis **AND** there are **no extraordinary circumstances as identified in Section "O".**	Document in "R.2" below. No additional analysis is required
☐	3) is a federal action that has been **sufficiently analyzed** in an existing Agency state, regional, or national NEPA document **and** there are no predicted significant adverse environmental effects or extraordinary circumstances.	Document in "R.1" below. No additional analysis is required.
☐	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects **and has been formally adopted by NRCS**. NRCS is required to prepare and publish its own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document. **(Note: This box is not applicable to FSA)**	Contact the State Environmental Liaison for list of NEPA documents formally adopted and available for tiering. Document in "R.1" below. No additional analysis is required
☑	5) is a federal action that has **NOT** been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.

R. Rationale Supporting the Finding	
R.1 Findings Documentation	
R.2 Applicable Categorical Exclusion(s) **(more than one may apply)** 7 CFR Part 650 *Compliance With NEPA*, subpart 650.6 *Categorical Exclusions* states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria. See NECH 610.116.	

I have considered the effects of the alternatives on the Resource Concerns, Economic and Social Considerations, Special Environmental Concerns, and Extraordinary Circumstances as defined by Agency regulation and policy and based on that made the finding indicated above.

S. Signature of Responsible Federal Official:

RICHARD WEBB Digitally signed by RICHARD WEBB Date: 2022.05.17 07:14:57 -05'00'	State Resource Conservationist	5/17/2022
Signature	**Title**	**Date**

Additional notes
A Watershed Plan/Environmental Assessment has been prepared for the project, under guidance in GM Title 390- National Watershed Program Manual, GM Title 610- National Environmental Compliance Handbook, and the National Environmental Policy Act. The CPA-52 worksheet has been requested to be incorporated into watershed plan appendices by the National Water Management Center, as a convenient summary, even when an EA or EIS is being utilized. In this case, the CPA-52 does not stand alone as an Environmental Evaluation document. The project will be designed with the NEH, and has been determined by the U.S. Army Corps of Engineers (cooperating federal agency on the watershed plan) to meet Nationwide Permit 27- Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Walsh WRD	**Total Acres:**	**949.8**	**Date:**	**4/1/22**
Location / Legal Description:	Walsh County SE 25 & NE 36 of 157-58; /sectuibs 31, S2 32, SW33 of 157-57; NW 5 and N26 of 156-57	**Planned by:**	**rhs**	**Scenario:**	**Benchmark**

CROPLAND ELIGIBILITY STATEMENTS		**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.	No	Alternative 2, Preferred alt
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.	No	
Adjacent habitat element is 0.5 or greater on the WHEG.	No	

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
		CROPLAND					
1	**73.2**	b. Crop residues maintained until spring inversion are between 10 and 30 percent cover.	0.2			0.2	
	73.2	ACRES			**WEIGHTED AVERAGE CROPLAND RATING**		
		WETLAND HABITAT					
1	**35**	d. Slight hydrological manipulation does not change wetland class. Wetland is occasionally cultivated, hayed or grazed with beef production as the primary resource concern	0.5			0.5	River is disconnected from the floodplain,removing hydrology from oxbow wetlands
	35	ACRES			**WEIGHTED AVERAGE WETLAND HABITAT RATING**	**0.50**	
		RANGELAND					
	0						
	0	ACRES			**WEIGHTED AVERAGE RANGELAND RATING**		

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Walsh WRD	**Total Acres:**	949.8	**Date:**	4/1/22
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CROPLAND ELIGIBILITY STATEMENTS		**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.	No	Alternative 2, Preferred alt
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.	No	
Adjacent habitat element is 0.5 or greater on the WHEG.	No	

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
		HERBACEOUS HABITAT					
1	**748**	b. Hay cut before July 1 OR Season long grazing initiated before June 1.	0.4			0.4	The Herbaceous habitat will be chem fallowed and reseeded to a diverse natve mix. A suggested
	748	ACRES		**WEIGHTED AVERAGE HERBACEOUS HABITAT RATING**		**0.40**	
		STREAMS AND STREAM SEGMENTS					
1	**3**	b. Less than 20% of channel/streambank has alterations --- (see the Stream worksheet for more information).	0.4			0.4	levees and straightened meanders have altered river function.
	3	ACRES		**WEIGHTED AVE STREAMS & STREAM SEGMENT RATING**		**0.50**	
		LAKES, WATER IMPOUNDMENTS					
1	**80**	c. Greater than 75% of shoreline has existing vegetative buffer at least 33 ft. wide.	0.5			0.5	
	80	ACRES		**WEIGHTED AVE LAKES, WATER IMPOUNDMENTS RATING**		**0.50**	
		NATIVE WOODS					
1	**5**	e. Mixed age hardwoods; good species diversity; shrubs, seedlings, saplings, and herbaceous plants occupy more than 50 percent of the forest floor; not grazed annually.	0.8	b1. Decadent standing trees and dead, fallen trunks and branches litter the forest floor and provide habitat for wildlife.	0.1	0.9	
1	**5**	c. Mixed age hardwoods; moderate species diversity; shrubs, seedlings, saplings, & herbaceous plants occupy 25-50 percent of	0.5			0.5	
	10	ACRES		**WEIGHTED AVERAGE NATIVE WOODS RATING**		**0.70**	
		WINDBREAKS					
1	**0.6**	b. 3 row windbreak with 1 or 2 species. No livestock use.	0.3			0.3	
	0.6	ACRES		**WEIGHTED AVERAGE WINDBREAK RATING**		**0.30**	

Wildlife Habitat Evaluation Guide Summary

Owner / Operator:	Walsh WRD			**Date:**	4/1/2022
Planners Initials:	rhs	**Location:**	Walsh County SE 25 & NE 36 of 157-	**Scenario:**	Benchmark

Landuse	Acres	Rating	Assessment
Cropland	73.2	0.00	Rating is less than 0.50, does not meet wildlife quality criteria.
Wetland Habitat	35	0.50	Meets Quality Criteria
Rangeland			
Herbaceous Habitat	748	0.40	Rating is less than 0.50, does not meet wildlife quality criteria.
Streams	3	0.50	Meets Quality Criteria
Lakes Ponds	80	0.50	Meets Quality Criteria
Native Woods	10	0.70	Meets Quality Criteria
Windbreaks	0.6	0.30	Rating is less than 0.50, does not meet wildlife quality criteria.
Total	949.8 Acres		

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Walsh County WRD	**Total Acres:**	**949.8**	**Date:**	**4/1/22**
Location / Legal Description:	Walsh County: SE 25 & NE 36 of 157-58; Sections 31, S2 32, SW33 of 157-57; NW 5 and N26 of 156-57	**Planned by:**	**rhs**	**Scenario:**	**Planned Alternative**

CROPLAND ELIGIBILITY STATEMENTS		**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.	No	Alt 2, Preferred Alt. Project will have temporary impacts to wildlife habitat during construction. Some hayland and wetlands with artificial hydrology will be lost - wetlands will be mitigated.
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.	No	
Adjacent habitat element is 0.5 or greater on the WHEG.	No	

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
		CROPLAND					
1	**73.2**	b. Crop residues maintained until spring inversion are between 10 and 30 percent cover.	0.2			0.2	Project does not effect cropland acres or cropland management
	73.2	ACRES			**WEIGHTED AVERAGE CROPLAND RATING**		
		WETLAND HABITAT					
1	**6**	a. Areas of hydric soils no longer meet wetland criteria due to manipulation.	0.1			0.1	Approx 6 acres of wetlands with artificial hydrology will be lost and mitigated
1	**29**	d. Slight hydrological manipulation does not change wetland class. Wetland is occasionally cultivated, hayed or grazed with beef production as the primary resource concern	0.5			0.5	
	35	ACRES			**WEIGHTED AVERAGE WETLAND HABITAT RATING**	**0.43**	
		RANGELAND					
	0	ACRES			**WEIGHTED AVERAGE RANGELAND RATING**		

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Walsh County WRD	**Total Acres:**	949.8	**Date:**	4/1/22
Location / Legal Description:	Walsh County: SE 25 & NE 36 of 157-58; Sections 31, S2 32, SW33 of 157-57; NW 5 and N26 of 156-57	**Planned by:**	rhs	**Scenario:**	Planned Alternative

CROPLAND ELIGIBILITY STATEMENTS		**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.	No	Alt 2, Preferred Alt. Project will have temporary impacts to wildlife habitat during construction. Some hayland and wetlands with artificial hydrology will be lost - wetlands will be mitigated.
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.	No	
Adjacent habitat element is 0.5 or greater on the WHEG.	No	

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
		HERBACEOUS HABITAT					
1	1	a. Hay cut twice or more per year OR Season long grazing initiated before May 1.	0.2			0.2	Approx 1 acre of previously hayed area will be impacted by articulated concrete block.
1	747	b. Hay cut before July 1 OR Season long grazing initiated before June 1.	0.4			0.4	
	748	ACRES		**WEIGHTED AVERAGE HERBACEOUS HABITAT RATING**		**0.40**	
		STREAMS AND STREAM SEGMENTS					
1	3	b. Less than 20% of channel/streambank has alterations --- (see the Stream worksheet for more information).	0.4			0.4	
	3	ACRES		**WEIGHTED AVE STREAMS & STREAM SEGMENT RATING**		**0.50**	
		LAKES, WATER IMPOUNDMENTS					
1	80	c. Greater than 75% of shoreline has existing vegetative buffer at least 33 ft. wide.	0.5			0.5	Tempoary impacts to lake levels during construction
	80	ACRES		**WEIGHTED AVE LAKES, WATER IMPOUNDMENTS RATING**		**0.50**	
		NATIVE WOODS					
1	5	e. Mixed age hardwoods; good species diversity; shrubs, seedlings, saplings, and herbaceous plants occupy more than 50	0.8			0.8	
1	5	c. Mixed age hardwoods; moderate species diversity; shrubs, seedlings, saplings, & herbaceous plants occupy 25-50 percent of	0.5			0.5	
	10	ACRES		**WEIGHTED AVERAGE NATIVE WOODS RATING**		**0.65**	
		WINDBREAKS					
1	0.6	b. 3 row windbreak with 1 or 2 species. No livestock use.	0.3			0.3	
	0.6	ACRES		**WEIGHTED AVERAGE WINDBREAK RATING**		**0.30**	

Wildlife Habitat Evaluation Guide Summary

Owner / Operator:	Walsh County WRD			**Date:**	4/1/2022
Planners Initials:	rhs	**Location:**	Walsh County: SE 25 & NE 36 of 157-	**Scenario:**	Planned Alternative

Landuse	Acres	Rating	Assessment
Cropland	73.2	0.00	Rating is less than 0.50, does not meet wildlife quality criteria.
Wetland Habitat	35	0.43	Rating is less than 0.50, does not meet wildlife quality criteria.
Rangeland			
Herbaceous Habitat	748	0.40	Rating is less than 0.50, does not meet wildlife quality criteria.
Streams	3	0.50	Meets Quality Criteria
Lakes Ponds	80	0.50	Meets Quality Criteria
Native Woods	10	0.65	Meets Quality Criteria
Windbreaks	0.6	0.30	Rating is less than 0.50, does not meet wildlife quality criteria.
Total	949.8 Acres		

USDA-NRCS
North Dakota

Threatened and Endangered Species Practice Management Worksheet

1/12/21

Landowner/Client:	Walsh WRD				**City:**	Grafton	**State:**	ND	**Date:**	3/20/22
Address:					**Zip Code:**	58237			**CMU/Fields:**	
County:	**Walsh**	**Area of:**	**Section:**	**Township:**	**Range:**	**Plan / ID Number (as applicable):**				
Legal Desc. (as applicable):			5	156	57	**NLEB 4(d) Streamline Consultation Form Printed & Complete:**				
Project Description:	Bylin Dam Rehabilitation									

Species and Practices Effects Table Summary

Select Practices		Species	Whooping Crane	Northern Long-Eared Bat 4(d)								
		USFWS Status ==>	Endangered	Threatened								
		Designated Critical Habitat	NO	NO								
402	Dam		NLAA CICP	NLAA, B								
500	Obstruction Removal		NLAA CICP	NLAA CICP 4(d)								
342	Critical Area Planting		NLAA CICP	NE2								

I understand that the USDA Natural Resources Conservation Service (NRCS) has performed a programmatic informal consultation with U.S. Fish and Wildlife Service. By implementing the conservation practices in accordance with, and in strict adherence to, the Conditions for Implementing Conservation Practices (CICP's) as outlined below for each practice in my plan/contract, implementation of my plan/contract is Not Likely to Adversely Affect the federal listed species of concern.

Refer to the list of species which CICP's are required for plan/contract implementation. If the CICP's cannot be followed completely, then NRCS assistance must cease until an NRCS biologist can complete any needed formal consultation for T & E species with the US Fish & Wildlife Service.

Operator Signature	**Date**	**Landowner Signature (if applicable)**	**Date**
Rita H. Sveen	3/20/2022		
NRCS Planner Signature	**Date**	**Landowner Signature (if applicable)**	**Date**

Threatened and Endangered Species Practice Management Worksheet

North Dakota
Federal Threatened and/or Endangered Species
Conditions for Implementing Conservation Practices (CICPs)

The CICPs shall be implemented once the ND Matrix process identifies the need to do so. If it is believed that the CICPs can not be followed then contact the ND State Biologist or State Resource Conservationist. Refer to the application matrix for implementation of conservation practices approved for use in ND. The matrix identifies the effect the practice will have on the listed species and their critical habitat, such as:

B	Benefit species and/or habitat
NE	No Effect
NE1	Practice is never applied on land suitable for the listed species and has no effect on the species or suitable habitat.
NE2	Practice may occur in suitable habitat but will have no effect on the listed species.
MA	May affect (Site specific consultation needed)
NLAA	May affect-Not Likely to Adversely Affect
NLAA-CICP	May affect-Not Likely to Adversely Affect-Conditions to Implement Conservation Practices
NLAA-CICP 4(d)	May affect-Not Likely to Adversely Affect-Conditions to Implement Conservation Practices - within the White-nose Syndrome Zone requiring application of NLEB 4(d) rules.

For Conservation Practices with predicted NLAA effects, there is an associated list of CICPs required to be followed to meet the NLAA level of impact. Participant(s) commit to follow CICPs by signing an agreement and placing their initials and date by each of the identified species CIPC's on this document prior to implementing the conservation practice. Doing so, ensures effects to Threatened and/or Endangered species will be considered “NLAA" for the species, and further consultation will not be required. If the landowner chooses not to sign or initial the agreement with the CICP parameters, he/she will be suspended from the planning process until they have received an approved consultation from the USFWS, likely requiring the participant to hire a third party to assist with the consultation. Following is a list of the CICPs utilized with the conservation practice matrix to limit impacts.

Threatened and Endangered Species Practice Management Worksheet

Threatened and/or Endangered Species
Conditions for Implementing Conservation Practices (CICPs)

Producer's Initials & Date	Species	
	Whooping Crane	1. Occasional and/or transient whooping cranes may visit the project site or vicinity. Whooping cranes migrate during the day and make regular stops to rest and feed. If any whooping cranes visit the site or within one-half mile radius of the site, then the participant, Technical Service Provider, and/or the contractor must stop work immediately and contact the local NRCS office. Once work is stopped, leave the site and do not return to complete the work until after the cranes leave. The cranes should only stay for a day or two. Any further construction/practice implementation without clearance could jeopardize assistance (cost-share/technical) and may be a violation of federal law.
	Northern Long-Eared Bat 4(d)	Complete the NLEB(4d) Consult Form and submit for review and approval.

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

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

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

ND NRCS: All of ND is in the WNZ, this form applies statewide.

If your county is within the WNS Zone:

1. **Will be answered NO**
2. **Will be answered YES. There are no known hibernacula in ND. There are no known maternity roost trees identified in ND**
3. **Will be answered NO. There are no known hibernaculum in ND.**
4. **Will be answered NO. There are no known hibernaculum in ND.**
5. **Will be answered NO. There are no known hibernaculum in ND.**
6. **Will be answered YES if any tree is to be removed between June 1 and July 31. Answer NO if trees are to be removed outside the June 1 to July 31 dates.**

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

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

ND NRCS - NLEB 4(d) Consult Form" worksheet Instructions:
When question 2 is YES and questions 1, 3, 4, 5 and 6 are answered NO, the T & E workbook will assign NLAA CICP 4(d) for practices that have the potential to impact NLEB habitat, STOP HERE.
If question 6 is answered YES, fill out page 2 of the NLEB 4(d) Consult Form, the T & E workbook will assign MA for practices that may affect NLEB habitat and submit completed to the State Biologist. The project information will then be forwarded to the USFWS for incidental take consultation. The USFWS has 30 days to approve or disapprove the proposed activity.
NEPA compliance is NOT assured until the consultation is complete.

ND NRCS: Page 2 is reserved for projects with question 6 from page 1 answered YES.

Project Name:

Applicant[3]:

Agency: USDA - NRCS Email:

Phone:

General Project Information		YES / NO
Does the project occur within 0.25 miles of a known hibernaculum?		**NO**
Does the project occur within 150 feet of a known maternity roost tree?		**NO**
Does the project include forest conversion?[4] (if yes, report acreage below)		
	Estimated total acres of forest conversion	
	If known, estimated acres of forest conversion from April 1 to October 31[5]	
	If known, estimated acres of forest conversion from June 1 to July 31[6]	
Does the project include timber harvest? (if yes, report acreage below)		**NO**
	Estimated total acres of timber harvest	0
	If known, estimated acres of timber harvest from April 1 to October 31	0
	If known, estimated acres of timber harvest from June 1 to July 31	0
Does the project include prescribed fire? (if yes, report acreage below)		
	Estimated total acres of prescribed fire	
	If known, estimated acres of prescribed fire from April 1 to October 31	
	If known, estimated acres of prescribed fire from June 1 to July 31	
Does the project install new wind turbines? (if yes, report capacity in MW below)		**NO**
	Estimated wind capacity (MW)	0

Agency Determination:

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

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

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

Signature: Date Submitted:

1/ http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf

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

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

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

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

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