

# APPENDIX A

## Comments and Responses

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## Consultation / Public Participation Timeline

Consultation/Public Participation Timeline				
Date	Action	Location	Notes	Comments/Responses
7/29/2016	Invitation letter to participate sent to cooperating agencies, 30 THPO's/SHPO and other state and local stakeholders		Cooperating agencies: USFWS + COE. This is the initial consultation with SHPO/Tribes	Rec'd confirmation to participate from Coop agencies: USACE, USFWS and SHPO. No THPO's replied in the affirmative to participate. One THPO, Confederated Salish and Kootenae, declined participation.
4/5/2017	Public Scoping Meeting	Cavalier, ND		3 Comments received from affected landowners
11/21/2017	Project Team Meeting		Team members include NRCS, Pembina WRD, USACE and USFWS.	
2/27/2018	Project Team Meeting			
11/19/2019	Presentation for Stakeholders			
4/7/2021	2nd Public Meeting. Invitation sent to 30 THPO's, SHPO, Cooperating agencies, project team, landowners and other stakeholders.	Virtual	Reviewed alternatives with local stakeholders. Cooperating agencies, THPO's and other state and local gov't agencies invited.	6 letters of support were received from the public and state agencies.
4/9/2021	Press Release with link to 4/7/21 Presentation	Cavalier Chronicle and Cavalier radio		
9/26/2022	Draft Plan-EA, public mtg/tour invite mailed to 22 Tribes + NDSHPO. USFWS and USACE sent link to online Draft Plan EA			
9/28/2022	Public notices to begin running in Cavalier Chronicle newspaper - 3x Sept 28, Oct 5 & Oct 12. All other stakeholders mailed or emailed invitation		And link to Draft Plan-EA on NRCS website	
10/18/2022	Public Informational Meeting/Tour for watershed residents and watershed stakeholders	Pembina Co WRD	Tour will follow meeting at the site.	
10/27/2022	All Tribes and Cooperating Agencies have received the Draft Plan/EA.		Official 30 day comment period begins	
11/27/2022	End Tribal/SHPO Review			No Comments from tribes, comments received from NDSHPO, USFWS, USACE

1/31/2023	Pubic comments summarized in Plan-EA/AppA, address comments, final additions, issue FONSI		Comment table and letters added to App A	

# A - 2

## 2016 Invitation to Participate and Responses

## Tongue River Watershed Mailing List

Point of Contact	Title	Representing
Devin Johnson	Highway Superintendent	Pembina County Highway Department
Les Noerhe	District Engineer	North Dakota Department of Transportation
Bruce Kreft	Conservation Biologist	North Dakota Game and Fish Department
Patsy J. Crooke	Project Manager	US Army Corps of Engineers - Regulatory Division
Matt Sprenger	District Supervisor	US Fish and Wildlife Service -Devils Lake Wetland Management District
Chris Nelson	District Conservationist	NRCS - Pembina County
Brenyn Hardy	District Conservationist	NRCS - Cavalier County
Keith Weston	Red River Basin Coordinator	NRCS
Richard Webb	Assistant State Conservationist (Field Operations)	NRCS
Shawn Krance		NRCS
Christi Fisher	State Engineer	NRCS
Mary Podoll	State Conservationist	NRCS
	Commissioners	Pembina County Commission
	Commissioners	Cavalier County Commission
Larry Gellner	Board Member	Cavalier County Water Resource Board
Joshua Heuchert	Board Member	Pembina County Water Resource District
Gerald Juhl	Board Member	Pembina County Water Resource District
Richard Kendal	Board Member	Pembina County Water Resource District
Chuck Thacker	Board Member	Pembina County Water Resource District
Randall Emanuelson	Board Member	Pembina County Water Resource District
Suzan Quinnell	Review and Compliance Coordinator	State Historical Society of North Dakota
Mike Ell	Water Quality Division Director	North Dakota Department of Health
Kathy Jordan	SCD Manager	Cavalier County Soil Conservation District
Kristina Herman Halverson	SCD Manager	Pembina County Soil Conservation District
Randy Gjestvang	Water Development Division	North Dakota State Water Commission
Craig Odenbach	Regulatory Division	North Dakota State Water Commission
John Murray, THPO	Tribal Historic Preservation Officer	The Blackfeet Nation
Alvin Windy Boy, Sr., THPO	Tribal Historic Preservation Officer	Chippewa Cree Tribe of the Rocky Boy's Reservation
Clayton Matt, THPO	Tribal Historic Preservation Officer	Confederated Salish and Kootenai Tribes
Emerson Bull Chief, THPO	Tribal Historic Preservation Officer	The Crow Tribe of Indians
Michael J. Black Wolf, THPO	Tribal Historic Preservation Officer	Fort Belknap Indian Community
Darrell "Curley" Youpee, THPO	Tribal Historic Preservation Officer	Fort Peck Assiniboine and Sioux Tribes
Teanna Limpy, THPO	Tribal Historic Preservation Officer	Northern Cheyenne Tribe
Wilfred Ferris, THPO	Tribal Historic Preservation Officer	Shoshone Tribe of the Wind River Reservation
Darlene Conrad, THPO	Tribal Historic Preservation Officer	Northern Arapaho Tribe
Elgin Crows Breast, THPO	Tribal Historic Preservation Officer	Mandan, Hidatsa & Arikara Nation
Dr. Erich Longie, THPO	Tribal Historic Preservation Officer	Spirit Lake Tribe of Fort Totten
John Eagle, THPO	Tribal Historic Preservation Officer	Standing Rock Sioux Tribe
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Bill Latady, THPO	Tribal Historic Preservation Officer	Bois Forte Band of Chippewa Indians
Marcus Ammesmaki, THPO	Tribal Historic Preservation Officer	Fond du Lac Band of Lake Superior Chippewa
Mary Ann Gagnon, THPO	Tribal Historic Preservation Officer	Grand Portage Band of Lake Superior Chippewa
Amy Burnette, THPO	Tribal Historic Preservation Officer	Leech Lake Band of Ojibwe
Ryan Howell, THPO	Tribal Historic Preservation Officer	Prairie Island Indian Community of Minnesota
Grace Goldtooth-Campos, THPO	Tribal Historic Preservation Officer	Lower Sioux Indian Community
Natalie Weyaus, THPO *	Tribal Historic Preservation Officer	Mille Lacs Band of Ojibwe
Sara Childers, THPO Coordinator	Tribal Historic Preservation Officer	Upper Sioux Community
Cayla Olson, THPO and NAGPRA Rep.	Tribal Historic Preservation Officer	White Earth Nation of Minnesota Chippewa
Kade Ferris, THPO	Tribal Historic Preservation Officer	Red Lake Band of Chippewa Indians
Steven Vance, THPO	Tribal Historic Preservation Officer	Cheyenne River Sioux Tribe
Darrell Zephier, THPO	Tribal Historic Preservation Officer	Crow Creek Sioux Tribe
Garrie Kills A Hundred, THPO	Tribal Historic Preservation Officer	Flandreau Santee Sioux Tribe
Dennis Yellow Thunder, THPO/Director	Tribal Historic Preservation Officer	Oglala Sioux Tribe
Russell Eagle Bear, THPO	Tribal Historic Preservation Officer	Rosebud Sioux Tribe of Indians
Dianne Desrosiers, THPO	Tribal Historic Preservation Officer	Sisseton-Wahpeton Oyate
Perry Little, THPO	Tribal Historic Preservation Officer	Yankton Sioux Tribe

PEMBINA COUNTY  
**WATER RESOURCE DISTRICT**

308 Courthouse Drive #5  
Cavalier, North Dakota 58220

Phone: 701-265-4511  
Fax: 701-265-4165

example invitation letter

July 29, 2016

Regulatory Program Manager  
US Army Corps of Engineers  
1513 12<sup>th</sup> Street SE  
Bismarck, ND 58504-6640

**Subject: Tongue River Watershed  
NRCS RCPP Watershed Plan-Environmental Assessment  
Invitation to Participate in Watershed Planning Activities**

The Red River Retention Authority (RRRA) determined eligibility for locally led planning efforts for funds administered through the NRCS Regional Conservation Partnership Program (RCPP). This resulted in Cooperative Agreements being developed for 22 watershed study areas (14 in MN and 8 in ND), including the Tongue River Watershed. Funds through the RCPP are required to conform to Watershed Protection and Flood Prevention Program (Public Law 83-566). This process requires that planning fulfill National Environmental Policy Act (NEPA) requirements, and results in a completed Environmental Assessment of the preferred alternative.

The Pembina County Water Resource District (PCWRD) is undergoing Watershed Planning activities for the portion of the Tongue River Watershed between Senator Young Dam and Renwick Dam (see attached map).

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Section 1501.6, the Pembina County Water Resource District is formally requesting your agency become a cooperating agency in the planning and development of the Tongue River Environmental Assessment (EA). This request is being made because your agency has been identified as having special expertise or jurisdiction by law related to this project. The EA is being prepared to fulfill NRCS's NEPA compliance responsibilities pertaining to federal financial assistance through the Watershed Protection and Flood Prevention Program (Public Law 83-566) for this project. As your agency may also have NEPA compliance responsibilities concerning this project or other future projects that may be evaluated in this EA, preparation of this EA should also assist in fulfilling environmental review requirements for your agency or other Federal agencies and meet NEPA's intent of reducing duplication and delay between agencies.

**If your agency is unable to participate as a cooperating agency, then please return a written explanation why your agency cannot participate.** Please note that a response declining to be a cooperating agency is required to also be submitted to the Council on Environmental Quality per 40 CFR Section 1501.6(c). Upon acceptance of this invitation, roles can be defined in an informal agreement or formal MOU can be established.

*Board Members*

*Randall Emanuelson Charles Thacker, Joshua Deuchert, Richard Kendall & Gerald Juhl*

**If you choose to accept this invitation to participate as a Cooperating Agency, please provide written confirmation of acceptance that indicates the name and contact information for your agency's point of contact for the Tongue River EA.**

An initial interagency team meeting will be scheduled at a later date, anticipated to be in October of 2016. This meeting will discuss the study approach with participating agency members. After confirming the appropriate point of contact with your agency, we will determine a time and location for the initial meeting. Meeting notices and detailed information for each meeting will be sent to you via e-mail from Zach Herrmann ([zherrmann@houstoneng.com](mailto:zherrmann@houstoneng.com)).

If you have any questions or comments, please contact us at [lkemp@nd.gov](mailto:lkemp@nd.gov) or by phone at (701) 265-4511. Thank you for your cooperation with this project.

Sincerely,

*Pembina County Water Resource District*

CC: *Board of Managers, Pembina County Water Resource District  
Pembina County Commissioners  
Cavalier County Commissioners  
Cavalier County Water Resource Board  
Board of Managers, Red River Retention Authority  
Mary Podoll, ND State Conservationist, Natural Resources Conservation Service  
Zach Herrmann, Houston Engineering, Inc.*



## Zach Herrmann

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**From:** LuAnn Kemp <llkemp@nd.gov>  
**Sent:** Wednesday, August 24, 2016 3:24 PM  
**To:** Zach Herrmann  
**Subject:** FW: CSKT Preservation Office

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**From:** Kyle Felsman [mailto:Kyle.Felsman@cskt.org]  
**Sent:** Wednesday, August 24, 2016 3:20 PM  
**To:** llkemp@nd.gov  
**Subject:** CSKT Preservation Office

To whom it may concern,

My name is Kyle Felsman and I am the tribal historic preservation officer for the Confederated Salish and Kootenai Tribes of Western Montana. I am replying regarding the letter we received involving the Tongue River Watershed. We greatly appreciate you contacting us, but we kindly decline participation in the project. We would prefer to defer to the Tribes in the immediate area if you have not already done so. Again thank you for contacting us.

Have a good day. Thanks!

**Kyle Felsman**  
**Tribal Historic Preservation Officer**  
Confederated Salish and Kootenai Tribes  
(406) 675-2700 Ext. 1108  
[kyle.felsman@cskt.org](mailto:kyle.felsman@cskt.org)

## Zach Herrmann

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**From:** Kreft, Bruce L. <bkreft@nd.gov>  
**Sent:** Thursday, August 04, 2016 2:53 PM  
**To:** Zach Herrmann  
**Subject:** Tongue River

Hey Zach,

We will participate as much as possible on the Tongue River Watershed Planning Process. Please keep me as the contact person.

Thanks,

BK



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
1513 SOUTH 12<sup>TH</sup> STREET  
BISMARCK, ND 58504

RECEIVED

SEP 22 2016

Houston Engineering, Inc.

REPLY TO  
ATTENTION OF

North Dakota Regulatory

September 16, 2016

Regulatory Division NWO-2016-01826-BIS

Houston Engineering  
Attn: Mr. Zach Herrmann  
1401 21st Avenue N  
Fargo, North Dakota 58102

Dear Mr. Herrmann:

This letter is in reference to your July 29, 2016 letter requesting the Corps of Engineers, Omaha District, become a cooperating agency relative to the Environmental Assessment (EA)/Environmental Impact Statement (EIS) being prepared for the Tongue River Watershed project in Pembina County, North Dakota.

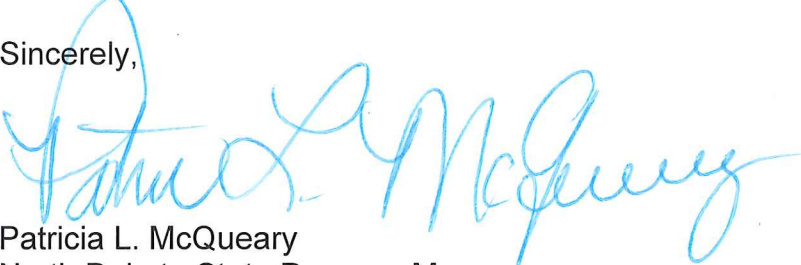
The Corps of Engineers regulates the discharge of dredged and fill material into waters of the United States (including wetlands) as authorized primarily by Section 404 of the Clean Water Act (22 U.S.C. 1344). Your letter stated that this request is being made because our agency has been identified as having special expertise or jurisdiction by law related to these projects. Because of this jurisdiction, we agree to participate as a cooperating agency for preparation of the EA/EIS in accordance with 40 CFR Part 1501.6 of the regulations for implementing the procedural provisions of the National Environmental Policy Act. We are interested in ensuring the document meets our information needs to comply with the requirements of our program.

It is noted, that although our primary responsibility is associated with aquatic resources, our regulations require we assess impacts to factors relative to the public interests including, but not limited to, fish and wildlife, historic, scenic, and recreational values, property ownership, floodplain management, water supply and conservation, mineral needs, navigation, economics, and mitigation.

Please provide this office a copy of the Draft EA/EIS at the address shown above for our review and comment.

Please refer to identification number NWO-2016-01826-BIS in any correspondence concerning this project. If you have any questions, please contact Patsy Crooke at 701-255-0015 extension 2002, by email at Patsy.J.Crooke@usace.army.mil, or at 1513 South 12<sup>th</sup> Avenue, Bismarck, ND 58504.

Sincerely,



Patricia L. McQueary  
North Dakota State Program Manager  
Regulatory Branch, Omaha District



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

**RECEIVED**

AUG 03 2016

Houston Engineering, Inc.

Jack Dalrymple  
*Governor of North Dakota*

August 1, 2016

North Dakota  
State Historical Board

Pembina County Water Resource District  
308 Courthouse Drive #5  
Cavalier, ND 58220

Margaret Puetz  
*Bismarck - President*

Gereld Gerntholz  
*Valley City - Vice President*

**ND SHPO Ref: 16-1354 Agency Consultation NRCS Tongue River Watershed  
NRCS RCPP Watershed Plan - Environmental Assessment in Pembina and  
Cavalier Counties, North Dakota**

Albert I. Berger  
*Grand Forks - Secretary*

Calvin Grinnell  
*New Town*

Dear Sirs,

Diane K. Larson  
*Bismarck*

We received your initial consultation letter regarding ND SHPO Ref: 16-1354 Agency Consultation NRCS Tongue River Watershed NRCS RCPP Watershed Plan - Environmental Assessment in Pembina and Cavalier Counties, North Dakota. We look forward to being a consulting agency for this project under Section 106 of the National Historic Preservation Act of 1966, as amended, (36 CFR Part 800), and/or the National Environmental Policy Act, as amended, (42 U.S.C. §§ 4321-4347). Our role is regarding any effects a defined project may have on cultural resources, and surveys to determine any effects to cultural resources.

Chester E. Nelson, Jr.  
*Bismarck*

Thank you for the opportunity to participate. If you have any questions please contact Susan Quinnell, Review and Compliance Coordinator at (701) 328-3576, email [squinnell@nd.gov](mailto:squinnell@nd.gov)

Terrance Rockstad  
*Bismarck*

Sincerely,

Sara Otte Coleman  
*Director  
Tourism Division*

Kelly Schmidt  
*State Treasurer*

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

Alvin A. Jaeger  
*Secretary of State*

Mark Zimmerman  
*Director  
Parks and Recreation Department*

Grant Levi  
*Director  
Department of Transportation*

Claudia J. Berg  
*Director*

Accredited by the  
American Alliance  
of Museums since 1986

## Zach Herrmann

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**From:** LuAnn Kemp <llkemp@nd.gov>  
**Sent:** Friday, September 09, 2016 3:27 PM  
**To:** Zach Herrmann  
**Subject:** FW: Tongue River Watershed - NRCS Watershed Planning Activities

**From:** Sprenger, Matt [mailto:matt\_sprenger@fws.gov]  
**Sent:** Friday, September 9, 2016 3:02 PM  
**To:** llkemp@nd.gov  
**Subject:** Tongue River Watershed - NRCS Watershed Planning Activities

In late July, I received an invitation to participate in watershed planning for the Tongue River Watershed.

I will participate in the planning effort representing the Fish and Wildlife Service Devils Lake Wetland Management District. I apologize for my belated response.

Regards,

Matt Sprenger  
Wildlife Refuge Manager  
Devils Lake Wetland Management District  
221 2nd St NW Suite 2  
Devils Lake, ND 58301  
Phone: 701-662-8611 xt. 328

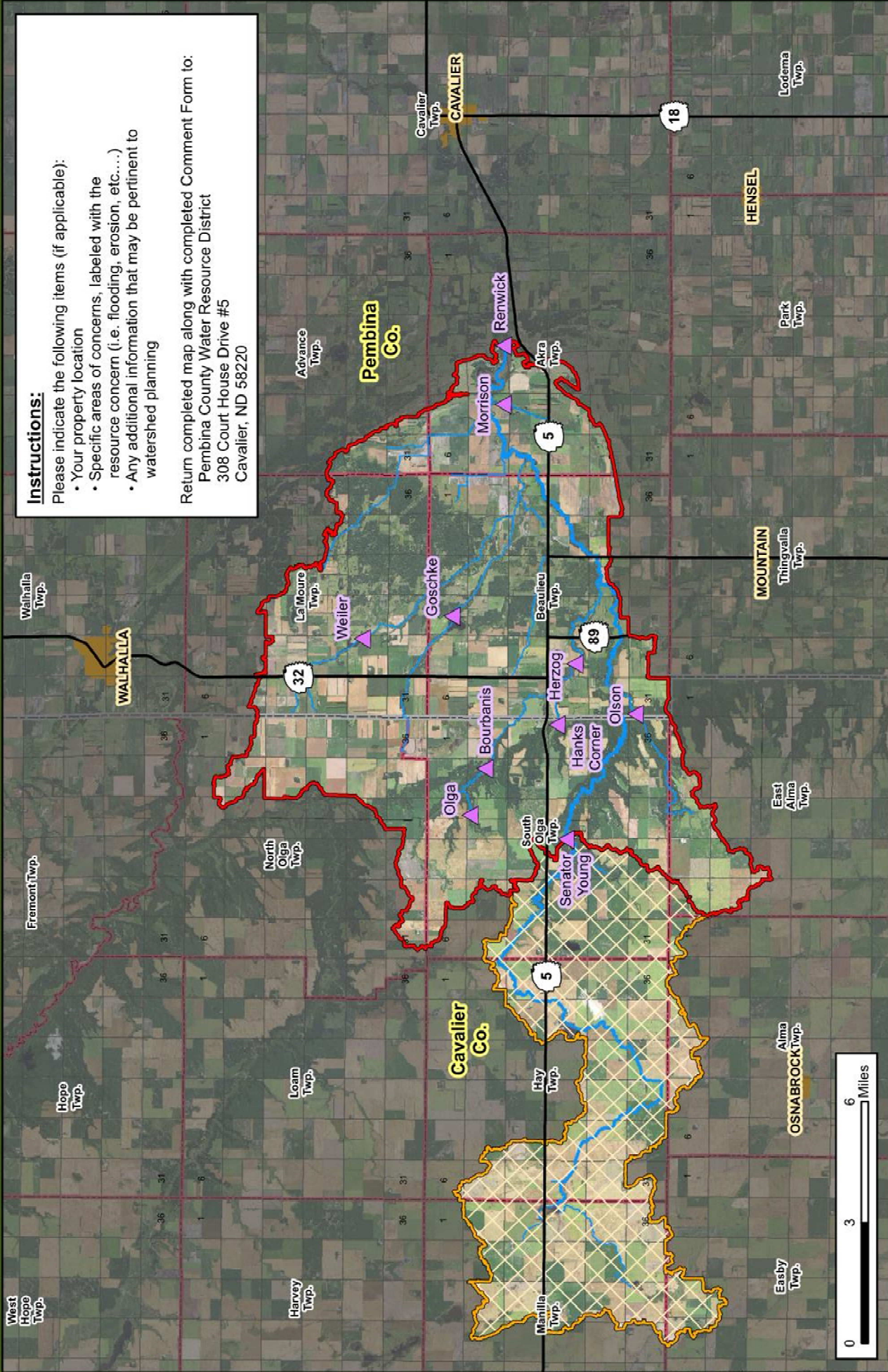
# A - 3

## 2017 Scoping Meeting and Responses

## Tongue River Watershed Mailing List

Point of Contact	Title	Representing
Devin Johnson	Highway Superintendent	Pembina County Highway Department
Les Noerhe	District Engineer	North Dakota Department of Transportation
Bruce Kreft	Conservation Biologist	North Dakota Game and Fish Department
Patsy J. Crooke	Project Manager	US Army Corps of Engineers - Regulatory Division
Matt Sprenger	District Supervisor	US Fish and Wildlife Service -Devils Lake Wetland Management District
Chris Nelson	District Conservationist	NRCS - Pembina County
Brenyn Hardy	District Conservationist	NRCS - Cavalier County
Keith Weston	Red River Basin Coordinator	NRCS
Richard Webb	Assistant State Conservationist (Field Operations)	NRCS
Shawn Krance		NRCS
Christi Fisher	State Engineer	NRCS
Mary Podoll	State Conservationist	NRCS
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	Commissioners	Cavalier County Commission
Larry Gellner	Board Member	Cavalier County Water Resource Board
Joshua Heuchert	Board Member	Pembina County Water Resource District
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Richard Kendal	Board Member	Pembina County Water Resource District
Chuck Thacker	Board Member	Pembina County Water Resource District
Randall Emanuelson	Board Member	Pembina County Water Resource District
Suzan Quinnell	Review and Compliance Coordinator	State Historical Society of North Dakota
Mike Ell	Water Quality Division Director	North Dakota Department of Health
Kathy Jordan	SCD Manager	Cavalier County Soil Conservation District
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Randy Gjestvang	Water Development Division	North Dakota State Water Commission
Craig Odenbach	Regulatory Division	North Dakota State Water Commission
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Perry Little, THPO	Tribal Historic Preservation Officer	Yankton Sioux Tribe





**Instructions:**  
 Please indicate the following items (if applicable):

- Your property location
- Specific areas of concerns, labeled with the resource concern (i.e. flooding, erosion, etc....)
- Any additional information that may be pertinent to watershed planning

Return completed map along with completed Comment Form to:  
 Pembina County Water Resource District  
 308 Court House Drive #5  
 Cavalier, ND 58220



**Pembina County Water Resource District**  
 Tongue River  
 Watershed Planning  
 Public Comment Form

- Watershed Planning Extents
- Senator Young Watershed
- Dams
- County Boundary
- Township Boundary
- City Limits



Prepared By:  
 Houston Engineering Inc.

Name: Linda Kingery  
 Phone Number: h. 701.993.8586 @ 218.407.0065  
 Address: 12810 91<sup>st</sup> St NE  
Cavalier ND 58220  
 Affiliation: landowner  
 (agency, resident, commissioner, mayor, etc...)

Circle the most appropriate ranking for each concern listed below. Refer to the KEY for definitions of each ranking. Concerns where the degree of concern is not indicated will be considered a zero value (No Concern or Not Relevant). Please elaborate on concerns in the Additional Comments section.

**KEY:** 0 = No Concern or Not Relevant    1 = Minimal Concern    2 = Minor Concern  
 3 = Moderate Concern    4 = Significant Concern    5 = High Concern

<u>Concerns in the Tongue River Watershed:</u>	No Concern					High Concern					
• Agricultural Flood Damages.....	0	1	2	<b>3</b>	4	5					
• Structural Flood Damages.....	0	1	2	<b>3</b>	4	5					
• Water Quality.....	0	1	2	3	<b>4</b>	5					
• Soil Health.....	0	1	2	3	4	<b>5</b>					
• Wildlife and Habitat.....	0	1	2	3	4	<b>5</b>					
• Recreation.....	0	1	2	3	4	5					
• Societal Concerns.....	0	1	2	3	<b>4</b>	5					
• Other (1).....	0	1	2	3	4	5					
• Other (2).....	0	1	2	3	4	5					
• Other (3).....	0	1	2	3	4	5					

Additional Comments: Soil health and habitat provide the foundation for human use and utility. These two concerns deserve the ~~first~~ highest priority for resources and protection. Investments in these areas provide benefits for all other areas. Healthy soil improves water quality in the watershed. Riparian areas that function properly for energy dissipation, nutrient cycling, biological diversity & hydrology

**\*\*\*PLEASE LOCATE AND LABEL IDENTIFIED CONCERNS ON THE ATTACHED MAP (IF APPLICABLE)\*\*\***

help to reduce flood damages.

Similarly, public health and safety and groundwater protection are areas of investment that accrue to all watershed residents and those downstream in the basin. Public health and safety is promoted when excess nutrients and contaminants are prevented from entering waterways.

Approaches that mimic ~~and~~ natural processes and assist natural processes to occur ~~are~~ are cost-effective in the long term. Approaches that align ~~river~~ ~~with~~ biological, physical, chemical, ecological conditions and function will lead to a more stable and more resilient river system. Resilience is key as we move ~~not~~ further into extreme weather ~~due~~ due to climate change. I encourage the Penobscot County Water Resources Board and planners to start with these foundational principles rather than starting with the consequences/symptoms of a system that is adjusting to many changes on the landscape.

Name: Bradley C. Kingo-y

Phone Number: 701-331-4581

Address: 12810 91st St NE  
Cumtler, ND 58220

Affiliation: resident tree farmer  
(agency, resident, commissioner, mayor, etc...)

Circle the most appropriate ranking for each concern listed below. Refer to the KEY for definitions of each ranking. Concerns where the degree of concern is not indicated will be considered a zero value (No Concern or Not Relevant). Please elaborate on concerns in the Additional Comments section.

**KEY:** 0 = No Concern or Not Relevant    1 = Minimal Concern    2 = Minor Concern  
3 = Moderate Concern    4 = Significant Concern    5 = High Concern

Concerns in the Tongue River Watershed:

No Concern

High Concern

- |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| • Agricultural Flood Damages.....   | 0 | 1 | 2 | 3 | 4 | 5 |
| • Structural Flood Damages.....   | 0 | 1 | 2 | 3 | 4 | 5 |
| • Water Quality.....  | 0 | 1 | 2 | 3 | 4 | 5 |
| • Soil Health.....  | 0 | 1 | 2 | 3 | 4 | 5 |
| • Wildlife and Habitat.....   | 0 | 1 | 2 | 3 | 4 | 5 |
| • Recreation.....   | 0 | 1 | 2 | 3 | 4 | 5 |
| • Societal Concerns.....  | 0 | 1 | 2 | 3 | 4 | 5 |
| • Other (1) <u>Pembina County SCD</u> .....                                     | 0 | 1 | 2 | 3 | 4 | 5 |
| • Other (2) <u>Water Managers</u> .....   | 0 | 1 | 2 | 3 | 4 | 5 |
| • Other (3) <u>Natural Resource Professionals</u><br><u>Professionals</u> ..... | 0 | 1 | 2 | 3 | 4 | 5 |

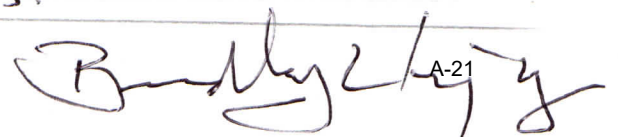
Additional Comments: "North Dakota Century Code" - "4-22-26.  
Powers and duties of districts and supervisors.  
#8. To develop comprehensive plans for the  
conservation of soil resources and for the  
control and prevention of soil erosion within  
the district, which plans must specify in

\*\*\*PLEASE LOCATE AND LABEL IDENTIFIED CONCERNS ON THE ATTACHED MAP (IF APPLICABLE)\*\*\*

Such detail as may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land, and to publish such plans and information and bring them to the attention of occupiers of lands within the district.

We need people and agencies with responsibilities to be responsible, do your job! Pay Attention!

I am not interested in allowing for the taking of my land and property for the benefit of others.

Budley <sup>A-21</sup> 

Name: Marvin Bohw

Phone Number: 265-4501

Address: 12851 91st Street NE  
Cavalier N.D. SEC-27 and 28

Affiliation: TWP-161-RANGE 56  
(agency, resident, commissioner, mayor, etc...)

Circle the most appropriate ranking for each concern listed below. Refer to the KEY for definitions of each ranking. Concerns where the degree of concern is not indicated will be considered a zero value (No Concern or Not Relevant). Please elaborate on concerns in the Additional Comments section.

**KEY:** 0 = No Concern or Not Relevant    1 = Minimal Concern    2 = Minor Concern  
3 = Moderate Concern    4 = Significant Concern    5 = High Concern

<u>Concerns in the Tonque River Watershed:</u>	No Concern	1	2	3	4	High Concern
• Agricultural Flood Damages.....	0	1	2	3	4	5
• Structural Flood Damages.....	0	1	2	3	4	5
• Water Quality.....	0	1	2	3	4	5
• Soil Health.....	0	1	2	3	4	5
• Wildlife and Habitat.....	0	1	2	3	4	5
• Recreation.....	0	1	2	3	4	5
• Societal Concerns.....	0	1	2	3	4	5
• Other (1) <u>drain fields and wetlands</u> .....	0	1	2	3	4	5
• Other (2) <u>Cavalier Co. needs to do some asseccing also on this mess</u> .....	0	1	2	3	4	5
• Other (3) <u>cleaning out river channel</u> .....	0	1	2	3	4	5

Additional Comments: Something has to be done with this end of tonque river - Banks erosion, field erosion, water quality etc. the complains and meetings we go to give our complains, nothing never, never gets done, nobody never even comes and checks it out. the money that is alloted for projects such as these where, where does it all go. I could go on and on but if no one even pays attention to what is doing all this mess. talking about it will not get anything done. We who live by a river

**\*\*\*PLEASE LOCATE AND LABEL IDENTIFIED CONCERNS ON THE ATTACHED MAP (IF APPLICABLE)\*\*\***

care, but we need someone who really wants to help us change the problems, like all the drain up West.

A - 4

Tribal Consultation Letter



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

**Note: this letter went to all Tribal Historic Preservation Offices listed in A-2 and the State Historic Preservation Office**

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

Dear XXX:

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 (RCPP) 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 Chuck Carrig at (701)530-2104 or by email at [chuck.carrig@nd.usda.gov](mailto:chuck.carrig@nd.usda.gov).

Sincerely,

MARY PODOLL  
State Conservationist

Enclosures

cc:

A-5

## Consultation Correspondence



Natural Resources  
Conservation Service

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

Voice 701.530.2000  
Fax 701.530.7595

10 April 2020

Dr. Clint A. Boyd  
Senior Paleontologist  
North Dakota Geological Survey  
600 East Boulevard Ave.  
Bismarck, North Dakota 58505

RE: Request for consultation on Tongue River Stabilization Project

Dear Dr. Peterson:

The Natural Resources Conservation Service North Dakota (NRCS) is requesting your review and comment on proposed a proposed engineering project scheduled for Fall 2023. The undertaking will take place in Township 161 North, Range 56 West, Section 28 & 29, Concrete (2020) USGS quad map. The undertaking proposes the stabilization and restoration of 1.8 miles of actively incising and widening river channel to mitigate the large quantities of sediment and phosphorus being delivered to the Renwick Dam reservoir.

In fall 2020, an NRCS employee discovered what appeared to be a fossil embedded in a riverbank (enclosed). The find is located at [REDACTED]. The enclosed preliminary design plans show that the find spot correlates with STA. 84 on Plan and Profile page 7.

Due to the winter weather conditions the NRCS State Cultural Resources Specialist (SCRS) was unable to visit the find until 7 April 2021. Previous discussion with your office concerning a separate undertaking has described the area west of the find as "fossiliferous" therefore, out of an abundance of caution, NRCS reports the following:

*The SCRS observed that the find is 165 (+/-) centimeters below the surface embedded in unbroken stratum. There is no sign of human caused ground disturbance such as mottling. Utilizing wooden tools and hand brushing, a section of soil measuring 30 x 12 centimeters (+/-) was removed to determine the morphology of the find. Visual observation showed that the object likely extended into the riverbank far past the excavated zone; no further excavation was done to preserve site integrity and prevent spring floods from dislodging the find.*

*The object is not a human skeletal element. The object is embedded along the "Z" axis pointing east, making prior year flood deposit unlikely. Visual inspection shows that the object is like a humerus in that there are similar elements: lateral and medial epicondyles, a structure that resembles a capitulum/trochlea and olecranon fossa.*

**Helping People Help the Land**

An Equal Opportunity Provider, Employer, and Lender

*Text messaging with the State Paleontologist directed the field team to cover the find with a mixture of mud and sand to preserve the object's moisture content. Measurements are available on the enclosed photographs. Measurement of the diaphysis was not performed due to the chance of metal tools damaging the specimen.*

NRCS seeks your participation in consultation so an informed determination of effect can be made. If you have any questions, please contact Christopher A. Plount at (701)530-2104 or by email at [Christopher.Plount@usda.gov](mailto:Christopher.Plount@usda.gov).

Sincerely,

Christopher A. Plount  
State Cultural Resources Specialist-East Zone

Enclosure(s)



Natural Resources  
Conservation Service

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

Voice 701.530.2000  
Fax 855-613-7505

13 May 2021

Christi Fisher  
State Engineer  
USDA-Natural Resources Conservation Service

MEMORANDUM FOR RECORD

RE: Possible paleontological discovery in Tongue River Channel

On 10 April 2021 the State Cultural Resources Specialist-East Zone (SCRS) notified the North Dakota Senior Paleontologist (attached) of a possible find within the Tongue River Channel Stabilization Project. The details of the find and appropriate design plans were included in the attempted consultation.

The majority of NRCS undertakings require consultation with the State Historic Preservation Office however, under North Dakota Century Code Chapter 54-17.3, the Office of the State Geologist has jurisdiction over paleontological finds. According to 54-17.3-05, the State Geologist is tasked to "...notify the director of the state historical society of all quarternary paleontological finds reported to the state geologist which potentially or actually contain cultural resources." Whether such notification occurred is outside the responsibility of NRCS.

As of 13 May 2021, the 30 day response period, mandated by 36CFR800.4(d)(1)(i), has expired. This is interpreted as "no objection" to the undertaking. Further, "...the agency official's responsibilities under section 106 are fulfilled". NRCS is cautioned that while the matter of the suspected paleontological resource has been settled, the Tongue River Stabilization Project still requires formal consultation with the North Dakota State Historic Preservation Office, federally recognized tribes and private stakeholders.

If you have any questions, please contact Christopher A. Plount at (701) 530-2104 or by email at Christopher.Plount@usda.gov.

Sincerely,

Christopher A. Plount  
State Cultural Resources Specialist-East Zone

Attachment(s)

cc: Stuart Blotter, Assistant State Conservationist (Field Operations)  
Todd Schwagler, State Resource Conservationist

*Helping People Help the Land*

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# A - 6

Pembina WRD Mtg Minutes  
Feb 18, 2020

February 18, 2020

MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT  
BOARD OF MANAGERS HELD IN THEIR OFFICE IN THE LAW ENFORCEMENT BUILDING,  
CAVALIER, NORTH DAKOTA.

Those present were Managers Joshua Heuchert, Charles Thacker, Randall Emanuelson, Donald Kemp, and LuAnn Kemp, secretary.

A motion was made by Charles Thacker, seconded by Richard Kendall, by vote unanimously carried to approve payment of the following bills:

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the 2020 operating loan with United Valley bank.

Discussion on the Tongue River dam (Senator Young, Olson, Bourbanis) public meeting with NRCS. The regular meeting will be moved to March 5<sup>th</sup> 2020 for this purpose.

Discussion on the notification for the feasibility study and the Snow and Ice ad.

The Tongue River Watershed planning project was discussed. Those present included: Christi Fischer- NRCS, Mary Podell – NRCS, Jon Peterson – NRCS, Brad Kingery, Brian Gysbers – NRCS and Zach Herrman – Houston Engineering. Fischer and Peterson reviewed the proposal for two holding ponds with approximately 200 acre feet of retention off-channel. The cost for the ponds and channel restorations is around \$5.3 million. Discussion followed on funding proposals for both finishing the plan and construction. NRCS would potentially cost-share 100% of flood control and 75% of Erosion control. Current agreement for planning will expire later this year. The board had previously moved to stop the planning process.

A motion was made by Randall Emanuelson, seconded by Richard Kendall, by vote unanimously carried to request Houston and NRCS to project the costs to finish the planning process to a project proposal.

Hermann reported on the Cart Creek -North Branch watershed plan. Drain 80 – discussion followed on splits, double assessments, and the next steps. Snagging and clearing hearing will be scheduled for early this spring/summer to allow for work if water conditions allow in late summer.

A motion was made by Charles Thacker, seconded by Donald Kemp by vote unanimously carried to approve the engineer estimate for Wieler Dam Safety repairs and submit to SWC and RRJB for cost-share.

Manager Heuchert reported that the drain 81 and Tongue River cut-off cost-shares were approved.

Manager Kemp discussed his conversations with Mike Anderson -SWC – will be meeting with the St. Thomas City Council in March. Board will have Fleming draft a letter requesting an answer by March 15<sup>th</sup> to allow removal before spring run-off if needed.

Attest: \_\_\_\_\_  
LuAnn Kemp, Secretary

\_\_\_\_\_  
Joshua Heuchert, Chairman



# A - 7

## April 7, 2021 Alternatives Meeting Agenda & Responses

**From:** [Mike Opat](#)  
**To:** [Sveen, Rita](#)[Harmsen - NRCS, Park River, ND](#)  
**Cc:** [LuAnn Kemp](#)  
**Subject:** RE: Stakeholder list for Tongue River Meeting.  
**Date:** Monday, March 29, 2021 2:35:44 PM  
**Attachments:** [hei\\_d562a228-8e53-424d-8c69-43b1a222b74e.png](#)

Rita,

Below is the list of those who were directly invited to the meeting:

<b>Name</b>	<b>Agency</b>
Richard Webb	NRCS
Shawn Krance	NRCS
Christi Fisher	NRCS
Mary Podoll	NRCS
Chris Nelson	NRCS - Pembina County
Brenyn Hardy	NRCS - Cavalier County
Patricia Mcqueary	US Army Corps of Engineers - Regulatory Division
Kevin J. Shelly	US Fish and Wildlife Service
Chris Roed	US Fish and Wildlife Service -Devils Lake Wetland Management District
Lee dePalo	Federal Emergency Management Agency - Region 8
Cecily Fong	ND Department of Emergency Services
LuAnn Kemp	Pembina County Water Resource District
Jim Benjaminson	Pembina County Commission
Devin Johnson	Pembina County Highway Department
Kristina Halverson	Pembina County Soil Conservation District
Rick Hannesson	Pembina County Soil Conservation District
Andrew Kirking	Pembina County Emergency Services
David Zeis	Cavalier County Commission
Larry Gellnar	Cavalier County Water Resource District
Kathy Jordan	Cavalier County Soil Conservation District
Terry Johnston	Cavalier County Highway Department
Karen Kempert	Cavalier County Emergency Services
Bruce Kreft	North Dakota Game and Fish Department
Keith Weston	Red River Retention Authority
Karl Rockeman	North Dakota Department of Environmental Quality
Randy Gjestvang	North Dakota State Water Commission
Aaron Caranza	North Dakota State Water Commission
Jon Kelsch	North Dakota State Water Commission
John Murray, THPO	The Blackfeet Nation
Jonathan Windy Boy, THPO	Chippewa Cree Tribe of the Rocky Boy's Reservation
Kyle Felsman, THPO	Confederated Salish and Kootenai Tribes
William BigDay, THPO	The Crow Tribe of Indians
Michael J. Black Wolf, THPO	Fort Belknap Indian Community
Dyan Youpee, THPO	Fort Peck Assiniboine and Sioux Tribes
Teanna Limpy, THPO	Northern Cheyenne Tribe
Lynette Bell, THPO	Shoshone Tribe of the Wind River Reservation
Crystal C'Bearing	Northern Arapaho Tribe
David B. Oldman, THPO	Northern Arapaho Tribe
Elgin Crows Breast, THPO	Mandan, Hidatsa & Arikara Nation
Dr. Erich Longie, THPO	Spirit Lake Tribe of Fort Totten
John Eagle, THPO	Standing Rock Sioux Tribe
Elaine Nadeau, THPO	Turtle Mountain Band of Chippewa
Bill Latady, THPO	Bois Forte Band of Chippewa Indians
Jill Hoppe, THPO	Fond du Lac Band of Lake Superior Chippewa
Mary Ann Gagnon, THPO	Grand Portage Band of Lake Superior Chippewa
Amy Burnette, THPO	Leech Lake Band of Ojibwe

Noah White, THPO	Prairie Island Indian Community of Minnesota
Grace Goldtooth-Campos, THPO	Lower Sioux Indian Community
Natalie Weyaus, THPO *	Mille Lacs Band of Ojibwe
Samantha Odegard, THPO Coordinator	Upper Sioux Community
Jamie Arsenault, THPO and NAGPRA Rep.	White Earth Nation of Minnesota Chippewa
Kade Ferris, THPO	Red Lake Band of Chippewa Indians
Steven Vance, THPO	Cheyenne River Sioux Tribe
Bonnie St.John McGhee, THPO	Crow Creek Sioux Tribe
Garrie Kills A Hundred, THPO	Flandreau Santee Sioux Tribe
Trina Lone Hill, THPO/Director	Oglala Sioux Tribe
Russell Eagle Bear, THPO	Rosebud Sioux Tribe of Indians
Dianne Desrosiers, THPO	Sisseton-Wahpeton Oyate
Kip Spotted Eagle, THPO	Yankton Sioux Tribe
Terry Jacobson	Cavalier County Soil Conservation District
Edwin Pearson	Cavalier County Soil Conservation District
Lisa Stecklet	State Historical Society of North Dakota
Julian Bear Runner	Oglala Sioux Tribe
Karen Goff	North Dakota State Water Commission
David Nyhus	North Dakota State Water Commission
Drew Becker	US Fish and Wildlife Service
Jessica Johnson	US Fish and Wildlife Service
Ed Pavlish	North Dakota Department of Transportation

Thanks,  
Mike

**Mike Opat, PE, CFM**

Sr Project Manager

Houston Engineering, Inc.

📞 701.237.5065 | 📠 701.499.9473



1401 21st Avenue N • Fargo, ND • 58102

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**From:** [Fisher, Christi - NRCS, Bismarck, ND](#)  
**To:** [Petersen, Jonathan - NRCS, Bismarck, ND](#); [Reynolds, Nicholas - NRCS, Bismarck, ND](#); [Schanandore, Thomas - FPAC-NRCS, Bismarck, ND](#); [Mager, Brian - FPAC-NRCS, Bismarck, ND](#); [Sveen, RitaHarmsen - NRCS, Park River, ND](#); [Gysbers, Brian - NRCS, Cando, ND](#); [Myers, Ross - NRCS, Cando, ND](#); [Blotter, Stuart - NRCS, Steele, ND](#)  
**Subject:** FW: [External Email]Tongue River Watershed Meetings - 4/7/2021  
**Date:** Friday, March 19, 2021 2:37:17 PM  
**Attachments:** [Tongue River Dams Interagency Meeting.msg](#)  
[Tongue River RCPP Meeting.msg](#)  
[image001.png](#)

---

**From:** Bret Zimmerman <bzimmerman@houstoneng.com>  
**Sent:** Friday, March 19, 2021 1:08 PM  
**To:** Craig Odenbach <codenbach@houstoneng.com>; Mike Opat <mopat@houstoneng.com>  
**Cc:** lkemp@nd.gov; Fisher, Christi - NRCS, Bismarck, ND <christi.fisher@usda.gov>; Zach Herrmann <zherrmann@houstoneng.com>  
**Subject:** [External Email]Tongue River Watershed Meetings - 4/7/2021

[External Email]

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Please send any concerns or suspicious messages to: [Spam.Abuse@usda.gov](mailto:Spam.Abuse@usda.gov)

**Notice of Meeting**  
**Wednesday, April 7, 2021**  
**8:30am-3:00pm**  
**Virtual Meeting**  
**Senator Young, Olson, and Bourbonis Dam Rehabilitation**  
**Interagency Work Team Meeting and**  
**Tongue River RCPP Watershed Planning Update Meeting**  
**Pembina County Water Resource District (PCWRD)**

**Schedule:**

8:30 – 12:00 Dam Rehabilitation Meeting  
12:00 – 1:00 Break for Lunch  
1:00 – 3:00 RCPP Watershed Plan Meeting

The PCWRD is proceeding as the Local Sponsoring Organization for the rehabilitation of Tongue River Dam M-3 (Senator Young Dam), Tongue River Dam T-7-1 (Olson Dam) and Tongue River Dam T-3-1 (Bourbanis Dam). The PCWRD will host an interagency work team meeting on Wednesday, April 7, 2021 from 8:30am to 12:00. The meeting will be held virtually, and participants can access the meeting through one of the options set out below.

The tentative agenda for the meeting is as follows:

- Overview of the Watershed Rehabilitation Program
- Overview of the Senator Young Dam Rehabilitation

- Existing Conditions Evaluation
    - Inventoried Environmental Resources
- Overview of the Olson Dam Rehabilitation
  - Existing Conditions Evaluation
  - Inventoried Environmental Resources
- Overview of the Bourbanis Dam Rehabilitation
  - Existing Conditions Evaluation
  - Inventoried Environmental Resources
- Project Purpose and Need
- Initial Range of Alternatives for Evaluation

Dam Rehabilitation Meeting Link:

## Microsoft Teams meeting

[Click here to join the meeting](#)

**Or call in (audio only)**

[+1 701-404-1699](#) United States, Fargo

Phone Conference ID: 994 149 258#

[Find a local number](#)

The PCWRD will host a meeting on Wednesday, April 7, 2021 from 1:00pm to 3:00 to provide an update on the Tongue River Watershed Plan. The meeting will be held virtually, and participants can access the meeting through one of the options below.

The tentative agenda for the Watershed Plan is as follows:

- Results of the reservoir study
- Review of the two alternatives and alternative costs
- Discussion

RCCP Meeting Link:

## Microsoft Teams meeting

[Click here to join the meeting](#)

**Or call in (audio only)**

[+1 701-404-1699](#) United States, Fargo

Phone Conference ID: 519 265 651#

[Find a local number](#)

### **Bret Zimmerman, PE**

Project Engineer

Houston Engineering, Inc.

📞 763.493.4522 | 📠 763.493.6680



7550 Meridian Circle North, Suite 120  
Maple Grove, MN • 55369

[www.houstoneng.com](http://www.houstoneng.com)

## **Virtual Public Meeting Held April 7<sup>th</sup>, 2021 on Status of Renwick Dam and Upstream Proposed Projects to Prevent Sedimentation and Improve Water Quality in the Reservoir**

The Pembina County Water Resource District (PCWRD) held a virtual public meeting on April 7, 2021 where the current status of the sedimentation of Renwick Dam was explained and solutions to the problems of sedimentation and poor water quality were reviewed. The sedimentation of Renwick Dam is occurring at a rate much higher than expected; this has led to concerns about the long-term recreational and flood control value of the dam, as well as concerns about Harmful Algal Blooms and poor water quality. Houston Engineering and the Natural Resources Conservation Service (NRCS) presented information to update the public about the Watershed Planning efforts on the Tongue River. This PCWRD watershed plan is the result of joint efforts by the by the Red River Retention Authority, USDA Natural Resource Conservation Service (NRCS), Red River Joint Water Resource District, and the ND State Water Commission to promote flood retention projects in the Red River Basin. Initial interest in addressing river erosion, in addition to retention, came from landowners upstream of Renwick, who were concerned with the rapid progression of the river cutting deeply into the riverbed and causing bank erosion and loss of trees. Much of this eroded river sediment eventually deposits into Renwick Dam where it is of concern to the residents of Cavalier and patrons of Icelandic State Park and the reservoir.

Results of sediment trends and recent sediment studies in the Renwick reservoir were presented at the meeting, as well as the costs and benefits of two proposed alternatives to stabilize the river erosion and provide downstream flood damage reduction benefits. These alternatives are primarily stream channel stabilization projects and also included an alternative of “no action”.

Construction of Renwick Dam was completed in 1962. At that time, the dam had a designed sediment pool of 303 acre-feet and permanent pool of 1,225 acre-feet. Rehabilitation of Renwick Dam was completed in 2013 for the purpose of constructing a more stable auxiliary spillway which meets current federal standards for high hazard dams. This rehabilitation raised the dam which resulted in a new designed sediment pool of 508 acre-feet and an expanded permanent pool of 1,440 acre-feet projected to have adequate lifespan to collect sediment through 2113. Bathymetric surveys of the reservoir were completed in 1990 and 2002 as a part of the rehab planning process, and were redone in 2020 as a result of this RCPP project. The 2020 survey indicated that the designed sediment pool in the reservoir has filled 77% to date. The sediment has accumulated throughout the basin and is visually evident at the delta.

The faster-than-predicted sediment accumulation is largely attributed to channel incision upstream of Highway 32, that was initiated during the 2013 flood due to alterations of the natural river channel such as bridge fills, levees, channel straightening and channel oxbow cutoffs. The soft shale bedrock near the Pembina Escarpment is easily eroded, therefore once the channel incision process was initiated it has continued to move upstream. Over the larger watershed, the loss of soil volume due to cropland erosion, loss of soil structure (i.e. the ability of the soil to infiltrate and store precipitation), and changes in land use such as loss of CRP acres may also be contributing to increased water and sediment runoff. The culmination of above listed changes in the watershed have increased sedimentation of Renwick Dam reservoir.

The primary concern of this increased sedimentation is the decreased recreation pool volume and flood control capacity of the reservoir; however, the sediment also negatively affects water quality in the lake. As floodplains erode, nutrients that have been deposited over decades are remobilized into the water column; phosphorus, in particular is of high concern given its influence on algal blooms in downstream lakes. In most years, Renwick recreational uses such as swimming and fishing are impaired when the warmer temperatures and high phosphorus levels combine to provide the ideal conditions for blue-green algae growth. This algae often leads to the formation of toxic bacteria which can be harmful to animals and humans. Erosion of floodplain sediments as the river channel continues to deepen and widen is estimated to be delivering 70,000 lbs of phosphorus per year to the Renwick reservoir.

The proposed river channel stabilization project will provide a wide variety of benefits such as flood control, water quality, recreation, fish and wildlife, and benefits to infrastructure. The public are encouraged to watch

the recording of the virtual meeting and to provide input to the Pembina County Water Resource District (PCWRD) on whether this stream stabilization solution plan should move forward to an implementation phase. The presentation was recorded and is available for viewing by the public at : <https://houstoneng.canto.com/b/LUNOU>. Public comments are sought, please contact the PCWRD at 701-264-4511 or llkemp@nd.gov

**Expansion of Delta Sediment in Renwick Dam 2010 vs 2018**



**2010**



**2018**



City of Cavalier  
 301 Division Ave N  
 P.O. Box 750  
 Cavalier, ND 58220  
 Ph. 701.265.8800  
 Fax 701.265.8720

# CAVALIER

June 7, 2021

LuAnn Kemp  
 Pembina County Water Resource District  
 308 Courthouse Drive No. 5  
 Cavalier, ND 58220

Re: Letter of Support  
 Tongue River RCPP

Dear Ms. Kemp:

The City of Cavalier is in support of the Tongue River RCPP project which would reduce sediment. We strongly support this project and the focus on prolonging the life of the Renwick Dam reservoir.

As a community which is closely tied to Lake Renwick and the dam, we appreciate the opportunity to improve the existing conditions.

We are very proud to be a part of such a large collaboration of regional, community groups in support of this project. The partnerships with these organizations help to progress the region.

We appreciate and urge your consideration of the vital project request for our region.

Sincerely,

Lacey Hinkle  
 Mayor, Cavalier

**Mayor**  
 Lacey Hinkle

**Council Ward I**  
 Craig Vaughn  
 Sara Stevenson

**Council Ward II**  
 Mike Carpenter  
 Kelly Cluchie

**Council Ward III**  
 Tom Beard  
 Al Berry



From: Beth <[beth@polarcomm.com](mailto:beth@polarcomm.com)>  
Sent: Wednesday, June 9, 2021 9:57 AM  
To: Kemp, Luann L. <[llkemp@nd.gov](mailto:llkemp@nd.gov)>  
Subject: Mitigation plan

\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.  
\*\*\*\*\*

Hi LuAnn

I saw the info on this on a post Doug Fischer posted on Facebook I am in support of this mitigation plan I would hate to lose the lake  
Please put me down in support of this If there any other way to get the word out on this ?  
Thank you

Be the change you want to see in the world

---

**From:** Fisher, Doug <[doug.fisher@cavalierk12.org](mailto:doug.fisher@cavalierk12.org)>  
**Sent:** Monday, June 7, 2021 9:32 AM  
**To:** Kemp, Luann L. <[lkemp@nd.gov](mailto:lkemp@nd.gov)>  
**Subject:** NRCS Mitigation Plan for Renwick Dam

**\*\*\*\*\* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. **\*\*\*\*\***

Hello Mrs. Kemp,

I support the mitigation plan designed by Houston Engineering and the NRCS as described in the April 7<sup>th</sup> meeting. They sure did their research.

Best,

Doug Fisher

---

**From:** Kevin Johnson <[icelandicguy@yahoo.com](mailto:icelandicguy@yahoo.com)>

**Sent:** Monday, June 7, 2021 5:47 PM

**To:** Kemp, Luann L. <[lkemp@nd.gov](mailto:lkemp@nd.gov)>

**Subject:** Renwick dam

\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

Ms. Kemp, I am shocked by all the silt and runoff debris that are changing the state of the lake. My Grandfather was one of the people that planned some of the dams on the Tongue Rive that flowed through the family farm. The Icelandic State park is a very nice park and the lake there is beautiful. I would hate to see anything spoil that.

I do not live in the area, but I do own some acreage in the Gardar township area. I love the Pembina county area as both sides of my family homesteaded in the county and I spent most of my childhood there.

Thank you Kevin Johnson

Sent from my iPhone

**From:** [Linda Kingery](#)  
**To:** [llkemp@nd.gov](mailto:llkemp@nd.gov)  
**Cc:** [Sveen, RitaHarmsen - NRCS, Park River, ND](#)  
**Subject:** [External Email]Supporting Tongue River RCPP project  
**Date:** Friday, May 28, 2021 3:10:49 PM

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**[External Email]**

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Please send any concerns or suspicious messages to: [Spam.Abuse@usda.gov](mailto:Spam.Abuse@usda.gov)

Dear Pembina County Water Resources Board,

As landowners of one parcel in the project area, we are writing to express our support for the Tongue River RCPP Project. The severe erosion on our land, and the taking of land and forest resources has been a great concern for many years. And clearly, the sediment from bank and bed erosion is carried downstream where it causes other problems.

The Tongue River RCPP Project will help to mitigate some of the factors that cause this excessive erosion. A demonstration of a natural, stable river channel can guide further restoration activities. It will take on-going attention, commitment from local, state and federal conservation agencies and investment to bring the Tongue River to a natural and stable form along its length.

We have to support this project in order to protect our land and forests, its recreational value, and our quality of life - there is no alternative.

Brad and Linda Kingery

July 28, 2021

Pembina County Water Resource District  
30 Court House Dr Ste 5  
Cavalier, ND 58220

To whom it may concern:

On behalf of North Dakota Parks and Recreation and Icelandic State Park, I am writing in support of the Tongue River Watershed Project. In learning more about the current conditions and sediment loads entering Lake Renwick, this project is paramount for the continued recreational opportunity the lake provides to the visitors of Icelandic State Park.

Icelandic State Park hosts an average of 80,000 visitors per year with over 7,700 overnight stays in our campground. The lake health is a keystone to the success of the park. It provides opportunities to fish, swim, ski, and paddle during the summer months of operation, as well as ice fishing in the winter. The park plays a pivotal role in the region as a recreational hub of activity for the surrounding communities and travelers from near and far.

The detrimental effects of the sediment in the lake outlined in the project report would be devastating to the recreational operations of Icelandic State Park. In recent visitor surveys, the proximity to a water source for swimming, boating, or paddling often drives the decision to visit a state park. It is important for our operation to maintain a quality recreational lake experience for our visitors in the years to come. Please support the Tongue River Watershed Project.

Sincerely,



Mike Duerre  
Icelandic State Park Manager  
North Dakota Parks and Recreation

## A - 8

Press Release: Public Notice of Availability  
Draft Plan/EA, 10/18/2022 Meeting & Tour  
Ducks Unlimited Wetland Credits Released  
Letter

## **TONGUE RIVER WATERSHED**

### **NOTICE OF AVAILABILITY OF DRAFT EA, PUBLIC MEETING, AND FIELD TOUR**

Notice of Availability of Draft Supplemental Watershed Plan – Environmental Assessment and public meeting October 18, 2022, for the Tongue River Watershed Restoration Plan sponsored by the Pembina County Water Resource District.

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Draft Supplemental Watershed Plan – Environmental Assessment (Draft Plan-EA) for the Tongue River Watershed Channel Stabilization Project. The Pembina County Water Resource District proposes to stabilize 1.8 miles of severely incised river channel, located in Sections 28 & 29 of T161N, R56W (Beaulieu Township), to halt upstream progression of erosion, the sediment from which is impacting Renwick Reservoir. A natural river channel will be restored through the reach to its original geometry and elevation, reconnected to the floodplain through levee removal, fill/gravel placement, and bioengineered bank protection utilizing large woody debris, boulders, and plantings. Grade control to minimize risk of future incision will be provided by a rock arch rapids structure, buried sheet pile structures, rock cross vanes, and cobble keys in the reconstructed channel. The river channel and floodplain/floodplain hydrology will be restored - reversing the losses of critical fish habitat and mature trees as well as increasing flood water retention. The floodplain will be revegetated with native tree, shrub and herbaceous vegetative plantings. 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 public meeting, followed by a field tour, to provide input on this project:

**Date:** October 18, 2022

**Time:** 1:00 pm

**Location:** Pembina County Water Resource District Office  
308 Courthouse Dr. #5  
Cavalier, ND 58220

The meeting may also be accessed virtually: Go to <https://www.pembinacountynd.gov/county/departments/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 September 28, 2022 and ending on November 13, 2022. The complete Draft Watershed Plan-EA can be accessed online at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcseprd1829233>

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

Public Notices

UNOFFICIAL MINUTES OF WALHALLA CITY COUNCIL MEETING MONDAY OCTOBER 3, 2022
Mayor McDonnell called the regular meeting of the Walhalla City Council to order, 7:00 PM, Monday, October 3, 2022 at city hall.

UNOFFICIAL MINUTES OF WALHALLA CITY COUNCIL MEETING MONDAY OCTOBER 3, 2022
Mayor McDonnell called the regular meeting of the Walhalla City Council to order, 7:00 PM, Monday, October 3, 2022 at city hall.

Analysis of Initiated Statute Measure No. 2
Initiated Statute Measure No. 2 was placed on the ballot by petition circulated by a sponsoring committee.

Hensel City Council Meeting October 3, 2022 - 7:00 p.m.
Present: Mayor Kaitie Foster, councilmembers Cindy Paras and Bostia Polen, and auditor Amanda Werth.

Analysis of Initiative Measure No. 1
Initiated Constitutional Measure No. 1 was placed on the ballot by petition circulated by a sponsoring committee.

In District Court, Pembina County, State of North Dakota
In The Matter Of The Petition For Name Change of Michael Joel Fisher, A MINOR
NOTICE OF PETITION FOR NAME CHANGE

TONGUE RIVER WATERESHED NOTICE OF AVAILABILITY OF DRAFT EA, PUBLIC MEETING, AND FIELD VISITS

Hamilton City Council September 13, 2022
The Mayor Wendy Keena called the meeting to order at 7:00 pm.

Hamilton City Council September 13, 2022
The Mayor Wendy Keena called the meeting to order at 7:00 pm.

Cavalier City Council October 2, 2022 - 7:00 PM
These minutes are preliminary and are considered unofficial until approved at the next Council meeting.

Motion by Horgan to approve the regular meeting minutes from September 6, 2022; special meetings from September 14, 2022 (7:30 am) and (12 pm); and September 21, 2022; September 28, 2022 (8:42 pm); and Budget Hearing September 28, 2022. M/S/P - Cluchie, Vaughn 5:0 m.

Motion by Horgan to approve the regular meeting minutes from September 6, 2022; special meetings from September 14, 2022 (7:30 am) and (12 pm); and September 21, 2022; September 28, 2022 (8:42 pm); and Budget Hearing September 28, 2022. M/S/P - Cluchie, Vaughn 5:0 m.

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Motion by Horgan to approve the regular meeting minutes from September 6, 2022; special meetings from September 14, 2022 (7:30 am) and (12 pm); and September 21, 2022; September 28, 2022 (8:42 pm); and Budget Hearing September 28, 2022. M/S/P - Cluchie, Vaughn 5:0 m.

Recreation Funds Are Awarded

North Dakota Parks and Recreation Department (NDRPD) Recreational Trails Program (RTP) received 15 applications totaling \$2,388,304.77 in project fund grant requests. The RTP has allocated approximately \$1 million to award projects selected for funding as follows:
1. Maah Daah Hey Trail Association - Coal Creek Trail Project. Requested \$20,800
2. North Dakota Parks and Recreation Department - Icelandic State Park Heritage Connection Trail. Requested \$52,000

This project will create a half-mile trail connection from the parking lot to the Gullington Nature Reserve. The Icelandic State Park using crushed rock with a bonding agent. The all-season trail will be open to cross-country skiing and kick-and-bledding.

3. Minot Park District - Outdoor Recreation Area Phase II. Requested \$210,366
4. Williams County Park Board - Lake Loop Trail at Hackett Dam. Requested \$254,400
5. Maah Daah Hey Trail Association - White Butte Trail Restoration and Surfacing. Requested \$50,000
6. North Dakota Parks and Recreation Department - NDRPD Comprehensive State Trails Assessment. Requested \$250,000
7. Williston Parks and Recreation Department - Little Muddy Trail Improvements and Beautification (alternate project if funding allows). Requested \$22,000

ND Game & Fish

Report Violations with RAP
The North Dakota Game and Fish Department encourages hunters, anglers and landowners who witness a fish or wildlife violation to file a report with the Report All Poachers program.

Permit Required to Possess Deer

North Dakota Game and Fish Department enforcement personnel issue a reminder that a permit is required before taking possession of a deer deer found near a road or in a field. Only shed antlers can be possessed without a permit.

Americanisms

"Whether you think you can or you think you can't, you're right." - Henry Ford

The Cavalier Chronicle (USPS 095-120)
Tel: (701) 265-8844 Fax (701) 265-8089
Email: lynnc@cachronicle.com
Member of NDNA and NNA

LAND FOR SALE
Pembina & Cavalier Counties, North Dakota
474 +/- Acres in Walhalla & Loam Townships
LEGAL DESCRIPTION: Parcel #1: NW¼ & N½SW¼ of Section 17, T163N R56W Parcel #2: NE¼ of Section 11, T162N R58W Parcel #3: E½NE¼ of Section 12, T162N R58W

AD COORDINATOR, & ASSISTANT
ND Newspaper Association has TWO positions available:
• Ad Coordinator: FT. Detail-oriented, organized multi-tasker with great customer service skills to act as liaison between ND newspapers/advertisers, including state agencies, advertising agencies and private businesses.

AD COORDINATOR, & ASSISTANT
ND Newspaper Association has TWO positions available:
• Ad Coordinator: FT. Detail-oriented, organized multi-tasker with great customer service skills to act as liaison between ND newspapers/advertisers, including state agencies, advertising agencies and private businesses.



Landowners/Local stakeholders Invited to Mtg & Tour 10/18/22						
Owner	Contact Info	Phone	Legal 161-56 Beaulieu Twp	Cropland Operat	Contact Info2	Email
Brad and Linda Kingery	12810 91st St NE Cavalier, ND 58220 brad.ecoindustries@gmail.com, linda.kingery@gmail.com	cell: 218-407-0065, 701-331-4581 (brad)	NW1/4 SE1/4 and SE1/4 SE1/4	NA		
LRB LLP	Lyle & Margie Johnson PO Box 808 Walhalla, ND 58282	701-549-2562	NE1/4 SE1/4 Sec 29 and E1/2 SW1/4 Sec 28	Johnson Farms	(Rodger is son)	
Marvin & Karen Bohn	12851 91st St NE Cavalier, ND 58220	701-265-4501	NE1/4 SW1/4 and E1/2 Sec 28	same - son is Bill	701-257-6555 (Bill) PO Box 711 Cavalier, ND 58220	
Doug Fisher						<a href="mailto:doug.fisher@cavalierek12.org">doug.fisher@cavalierek12.org</a>
Beth						<a href="mailto:Beth@polarcomm.com">Beth@polarcomm.com</a>
Kevin Johnson						<a href="mailto:icelandicguy@yahoo.com">icelandicguy@yahoo.com</a>
Kelly and Jean Johnson	12988 92nd St NE Cavalier, ND 58220					

Name	Title	Affiliation	Email
<b>Tongue River Stakeholder List</b>			
Richard Webb	State Resource Conservationist	NRCS	<a href="mailto:Richard.webb@nd.usda.gov">Richard.webb@nd.usda.gov</a>
Christi Fisher	State Conservation Engineer	NRCS	<a href="mailto:christi.fisher@nd.usda.gov">christi.fisher@nd.usda.gov</a>
Brian Mager	Engineer	NRCS	<a href="mailto:brian.mager@usda.gov">brian.mager@usda.gov</a>
Thomas Schanandore	Engineer	NRCS	<a href="mailto:thomas.schanandore@usda.gov">thomas.schanandore@usda.gov</a>
Jonathan Peterson	Hydrologist	NRCS	<a href="mailto:jonathan.peterson@usda.gov">jonathan.peterson@usda.gov</a>
Nicholas Reynolds	State Design Engineer	NRCS	<a href="mailto:nicholas.reynolds@usda.gov">nicholas.reynolds@usda.gov</a>
Rita H. Sveen	Resource Conservationist	NRCS	<a href="mailto:rita.sveen@usda.gov">rita.sveen@usda.gov</a>
Mary Podoll	State Conservationist	NRCS	<a href="mailto:mary.podoll@nd.usda.gov">mary.podoll@nd.usda.gov</a>
Brian Gysbers	CDU Supervisor	NRCS - Pembina River CDU	<a href="mailto:brian.gysbers@usda.gov">brian.gysbers@usda.gov</a>
Curt Bradbury	State Biologist	NRCS	<a href="mailto:Curtis.bradbury@usda.gov">Curtis.bradbury@usda.gov</a>
Dana Whippo	Economist	NRCS	<a href="mailto:dana.whippo@usda.gov">dana.whippo@usda.gov</a>
Sarah Laundry	State Cultural Resource Specialist	NRCS	<a href="mailto:Sarah.laundry@usda.gov">Sarah.laundry@usda.gov</a>
Ashley Farnsworth	Acting DC	NRCS - Pembina County	<a href="mailto:ashley.farnsworth@usda.gov">ashley.farnsworth@usda.gov</a>
Brenyn Hardy	District Conservationist	NRCS - Cavalier County	<a href="mailto:brenyn.hardy@usda.gov">brenyn.hardy@usda.gov</a>
Nancy Dragani	Regional Administrator	Federal Emergency Management Agency - Region 8	<a href="mailto:Denver.Federal.Center,Bldg.710.Box.25267">Denver Federal Center, Bldg 710 Box 25267</a>
Eric Jensen	Communications Chief	ND Department of Emergency Services	<a href="mailto:ericjensen@nd.gov">ericjensen@nd.gov</a>
LuAnn Kemp	Secretary	Pembina County Water Resource District	<a href="mailto:llkemp@nd.gov">llkemp@nd.gov</a>
Nick Rutherford	Chairman	Pembina County Commission	<a href="mailto:nrutherford@nd.gov">nrutherford@nd.gov</a>
Devin Johnson	Roadway Superintendent	Pembina County Highway Department	<a href="mailto:pembhwy@nd.gov">pembhwy@nd.gov</a>
Kristina Halverson	SCD Manager	Pembina County Soil Conservation District	<a href="mailto:kristina.halverson@nd.nacdnet.net">kristina.halverson@nd.nacdnet.net</a>
Robert Kemp	Chairman	Pembina County Soil Conservation District	
Samantha Diemert	Emergency Manager	Pembina County Emergency Services	<a href="mailto:sdiemert@nd.gov">sdiemert@nd.gov</a>
Larry Gellnar	Chairman	Cavalier County Water Resource District	<a href="mailto:ccwb@nd.gov">ccwb@nd.gov</a>
Kathy Jordan	District Manager	Cavalier County Soil Conservation District	<a href="mailto:kathy.jordan@nd.nacdnet.net">kathy.jordan@nd.nacdnet.net</a>
Bruce Kreft	Conservation Biologist	North Dakota Game and Fish Department	<a href="mailto:bkreft@nd.gov">bkreft@nd.gov</a>
Keith Weston	Executive Director	Red River Retention Authority	<a href="mailto:rrra@ideaone.net">rrra@ideaone.net</a>
Karl Rockeman	Water Quality Division Director	North Dakota Department of Environmental Quality	<a href="mailto:krockema@nd.gov">krockema@nd.gov</a>
Randy Gjestvang	Red River Engineer	ND Department of Water Resources	<a href="mailto:rgjestvang@nd.gov">rgjestvang@nd.gov</a>
Aaron Caranza	Regulatory Division Director	ND Department of Water Resources	<a href="mailto:acarranza@nd.gov">acarranza@nd.gov</a>
Ed Pavlish	District Engineer	North Dakota Department of Transportation	<a href="mailto:epavlish@nd.gov">epavlish@nd.gov</a>
Tom Claeys	State Forester	ND Forest Service	<a href="mailto:thomas.claeys@ndsu.edu">thomas.claeys@ndsu.edu</a>
Jeff Person	Paleontologist, Collections Mgr	North Dakota Geological Survey Paleontology	<a href="mailto:ndgspaleo@nd.gov">ndgspaleo@nd.gov</a>
Lisa Steckler		State Historical Society of North Dakota	<a href="mailto:lsteckler@nd.gov">lsteckler@nd.gov</a>
Kathy Duttonhefner	Coordinator	ND Parks and Recreation	<a href="mailto:kgduttonhefner@nd.gov">kgduttonhefner@nd.gov</a>
Mike Duerre	Park Manager - Icelandic State P	ND Parks and Recreation	<a href="mailto:mduerre@nd.gov">mduerre@nd.gov</a>
Heidi Riddle		USFWS	<a href="mailto:heidi_riddle@fws.gov">heidi_riddle@fws.gov</a>
Melissa McCoy		EPA	<a href="mailto:mccoy.melissa@epa.gov">mccoy.melissa@epa.gov</a>
Brian Vose		USFWS	<a href="mailto:brian_vose@fws.gov">brian_vose@fws.gov</a>
Aaron L. Larsen	Watershed Program Manager	NDDEQ	<a href="mailto:allarsen@nd.gov">allarsen@nd.gov</a>
Casey Krieg	City Administrator	City of Cavalier	<a href="mailto:Caskrieg@nd.gov">Caskrieg@nd.gov</a>
Lacey Hinkle	Mayor	City of Cavalier	
Karlene Fine		ND Outdoor Heritage Fund	
Reice Haase		ND Outdoor Heritage Fund	
Dave DeWald		ND Outdoor Heritage Fund	
Toni Erhardt		USACE	

**From:** [Sveen, RitaHarmsen - NRCS, Park River, ND](#)  
**To:** [Richard.webb@nd.usda.gov](#); [christi.fisher@nd.usda.gov](#); [Mager, Brian - FPAC-NRCS, Bismarck, ND](#); [Schanandore, Thomas - FPAC-NRCS, Bismarck, ND](#); [Reynolds, Nicholas - NRCS, Bismarck, ND](#); [Rita Sveen](#); [mary.podoll@nd.usda.gov](#); [Gysbers, Brian - NRCS, Rolla, ND](#); [Bradbury, Curtis - NRCS, Bismarck, ND](#); [Laundry, Sarah - NRCS - Bismarck, ND](#); [Farnsworth, Ashley - FPAC-NRCS, Cando, ND](#); [Hardy, Brenyn - NRCS, Langdon, ND](#); [cfong@nd.gov](#); [llkemp@nd.gov](#); [nrutherford@nd.gov](#); [pembhwy@nd.gov](#); [Halverson, Kristina - NRCS-CD, Cavalier, ND](#); [sdiemert@nd.gov](#); [ccwb@nd.gov](#); [Jordan, Kathy - NRCS-CD, Langdon, ND](#); [TCJ@ulma.com](#); [bkreft@nd.gov](#); [rrra@ideaone.net](#); [krockema@nd.gov](#); [rgjestvang@nd.gov](#); [acarranza@nd.gov](#); [epavlish@nd.gov](#); [thomas.claeys@ndsu.edu](#); [ndgspaleo@nd.gov](#); [lsteckler@nd.gov](#); [kgduttonhefner@nd.gov](#); [mduerre@nd.gov](#); [heidi\\_riddle@fws.gov](#); [mccoy.melissa@epa.gov](#); [brian\\_vose@fws.gov](#); [allarsen@nd.gov](#); [Caskrieg@nd.gov](#); [Linda Kingery](#); [Bradley Kingery](#); [Fisher, Doug](#); [beth@polarcomm.com](#); [icelandicguy@yahoo.com](#); [Petersen, Jonathan - NRCS, Bismarck, ND](#)  
**Cc:** [Zach Herrmann](#)  
**Subject:** Invitation to Public Meeting & Tour and Notice of Availability of Final Draft EA for Tongue River Restoration Plan  
**Date:** Friday, September 30, 2022 11:27:00 AM

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*Dear Tongue River Stakeholder*

*You are cordially invited to review and participate in the following:*

Notice of Availability of Draft Supplemental Watershed Plan – Environmental Assessment and public meeting & Tour October 18, 2022, for the Tongue River Watershed Restoration Plan sponsored by the Pembina County Water Resource District.

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Draft Supplemental Watershed Plan – Environmental Assessment (Draft Plan-EA) for the Tongue River Watershed Channel Stabilization Project. The Pembina County Water Resource District proposes to stabilize 1.8 miles of severely incised river channel, located in Sections 28 & 29 of T161N, R56W (Beaulieu Township), to halt upstream progression of erosion, the sediment from which is impacting Renwick Reservoir. A natural river channel will be restored through the reach to its original geometry and elevation, reconnected to the floodplain through levee removal, fill/gravel placement, and bioengineered bank protection utilizing large woody debris, boulders, and plantings. Grade control to minimize risk of future incision will be provided by a rock arch rapids structure, buried sheet pile structures, rock cross vanes, and cobble keys in the reconstructed channel. The river channel and floodplain/floodplain hydrology will be restored - reversing the losses of critical fish habitat and mature trees as well as increasing flood water retention. The floodplain will be revegetated with native tree, shrub and herbaceous vegetative plantings. 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 public meeting, followed by a field tour, to provide input on this project:*

*Date: October 18, 2022*

*Time: 1:00 to 2:00 pm*

*Tour: 2:00 – 3:30 pm*

*Location: Pembina County Water Resource District Office*

*308 Courthouse Dr. #5*

*Cavalier, ND 58220*

The meeting may also be accessed virtually:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 260 397 218 881

Passcode: Ndhm2d

[Download Teams](#) | [Join on the web](#)

**Or call in (audio only)**

[+1 202-650-0123,25095928#](#) United States, Washington DC

Phone Conference ID: 250 959 28#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

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

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

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcseprd1829233>

Comments on the Draft Plan-EA may be submitted during a public comment period starting September 28, 2022 and ending on November 13, 2022.

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

Thank you for your participation in the Tongue River Watershed planning process.

*Rita H. Sween*

Watershed Conservationist

417 Park St W Ste 1

Park River, ND 58270

Natural Resources Conservation Service

United States Department of Agriculture

<http://www.nd.nrcs.usda.gov>

Tel: 701-284-7771 ext124

Cell: 701-331-1386



Great Plains Regional Office  
2525 River Road  
Bismarck, ND 58503-9011  
(701) 355-3500 • Fax (701) 355-3575  
www.ducks.org

DATE: September 26, 2022

Toni Erhardt  
North Dakota Regulatory Program Manager  
North Dakota Regulatory Office  
1513 South 12<sup>th</sup> Street  
Bismarck, ND 58504

RE: Statement of Receipt of Wetland Mitigation payment

Ducks Unlimited, Inc. (DU) is the authorized sponsor of the Ducks Unlimited – Grafton Mitigation Bank. DU has an approved mitigation plan with the US Army Corps of Engineers, Omaha District, to operate the site.

PERMITTEE:	Pembina County Water Resource District
DA PERMIT NUMBER:	NWO-2020-0427-BIS
PROJECT LOCATION (town):	Near Walhalla, ND
AUTHORIZED IMPACT ACREAGE:	0.11 acres
Number of Credits Purchased:	0.11
Service Area of Purchased Credits:	Red River Basin

The credits purchased through this sale are RELEASED CREDITS.

This letter confirms receipt of payment for the above authorized project.

By making this payment, Pembina County Water Resource District permanently transfers responsibility for the mitigation liability to Ducks Unlimited, Inc. the bank sponsor. By accepting the payment, DU is responsible for use of these funds to provide compensatory mitigation for the above-described impacts.

DU signature: Karen Waldrop  
Karen Waldrop, Chief Conservation Officer

DocuSigned by:  
EHT

# A - 9

## Consultation Letters - Cooperating Agencies and Tribes

NRCS must contact/Coop agency_Tribe	Point of Contact	Title	Representing	Mailing Address	City	State	Zip	Email
<b>NRCS WILL SEND MEETING INVITE</b>								
X	Toni Erhardt	Project Manager	US Army Corps of Engineers - Regulatory Division	3319 University Dr	Bismarck	ND	58504	toni.r.erhardt@usace.army.mil
X	Benjamin Reile	Project Manager	US Army Corps of Engineers - Regulatory Division	3320 University Dr	Bismarck	ND	58504	benjamin.d.reile@usace.army.mil
X	Drew Becker	Ecological Service Supervisor	US Fish and Wildlife Service	3425 Miriam Avenue	Bismarck	ND	58501	701-250-4481
X	Philip Srobel	Chief NEPA Branch	US EPA	1595 Wynkoop St	Denver	CO	80202	303-312-6704
X	Lisa Steckler	Historic Preservation Specialist	State Historical Society of North Dakota	612 East Boulevard Avenue	Bismarck	ND	58505	701-328-2666
X	Jonathan Windy Boy, THPO	Tribal Historic Preservation Officer	Chippewa Cree Tribe of the Rocky Boy's Reservation	PO Box 230	Box Elder	MT	59521	jonathan_windyboy@nei-yahw.com
X	Harlan Baker	Chairman	Chippewa Cree Tribe of the Rocky Boy's Reservation	96 Clinic Rd	Box Elder	MT	59521	hidatsa_cree@yahoo.com
X	Michael J. Black Wolf, THPO	Tribal Historic Preservation Officer	Fort Belknap Indian Community	656 Agency Main St	Harlem	MT	59526	mblackwolf@fbelknap.org
X	Jeffery Stiffarm	President	Fort Belknap Indian Community	RR 1 Box 66	Harlem	MT	59526	jeffery.stiffarm@fbelknap.org
X	Dyan Youpee, THPO	Tribal Historic Preservation Officer	Fort Peck Assiniboine and Sioux Tribes	PO Box 1027	Poplar	MT	59255	d.youpee@fortpecktribes.net
X	Floyd Azure	Chairman	Fort Peck Assiniboine and Sioux Tribes	PO Box 1027	Poplar	MT	59255	fazure@fortpecktribes.net
X	Susie Fox	Tribal Historic Preservation Officer	Spirit Lake Tribe of Fort Totten	PO Box 189	Fort Totten	ND	58335	sfox@gondtc.com
X	Myra Pearson	Chairwoman	Spirit Lake Tribe of Fort Totten	PO Box 359	Fort Totten	ND	58335	sit-adminsec@spiritlakenation.com
X	John Eagle, THPO	Tribal Historic Preservation Officer	Standing Rock Sioux Tribe	PO Box D	Fort Yates	ND	58538	jeagle@standingrock.org
X	Janet Alkire	Chairperson	Standing Rock Sioux Tribe	PO Box D	Fort Yates	ND	58538	PO Box D Fort Yates, ND 58538-0522
X	Jeffrey Desjarlais, THPO	Tribal Historic Preservation Officer	Turtle Mountain Band of Chippewa	PO Box 900	Belcourt	ND	58316	desjarlaisjr.jeffrey@yahoo.com
X	Jamie Azure	Chairperson	Turtle Mountain Band of Chippewa	PO Box 900	Belcourt	ND	58316	jamie.azure@tmbci.org
X	Cheyenne St. John, THPO	Tribal Historic Preservation Officer	Lower Sioux Indian Community	PO Box 308	Morton	MN	56270	lowersiouxthpo@lowersioux.com
X	Robert Larsen	President	Lower Sioux Indian Community	PO Box 308	Morton	MN	56270	robert.larsen@lowersioux.com
X	Jamie Arsenault, THPO and NAG	Tribal Historic Preservation Officer	White Earth Nation of Minnesota Chippewa	PO Box 418	White Earth	MN	56591	jamie.arsenault@whiteearth-nsn.gov
X	Terrence Tibbetts	Chairperson	White Earth Nation of Minnesota Chippewa	PO Box 418	White Earth	MN	56592	terrence.tibbetts@whiteearth-nsn.gov
X	Kade Ferris, THPO	Tribal Historic Preservation Officer	Red Lake Band of Chippewa Indians	PO Box 274	Red Lake	MN	56671	kade.ferris@redlakenation.org
X	Darrell Seki	Chairperson	Red Lake Band of Chippewa Indians	PO Box 550	Red Lake	MN	56671	dseki@redlakenation.org
X	Merle Marks, THPO	Tribal Historic Preservation Officer	Crow Creek Sioux Tribe	PO Box 50	Fort Thompson	SD	57339	chistory@midstatesd.net
X	Lester Thompson Jr.	Chairperson	Crow Creek Sioux Tribe	PO Box 50	Fort Thompson	SD	57339	PO Box 50 Fort Thompson, SD 57339-0050
X	Garrie Kills A Hundred, THPO	Tribal Historic Preservation Officer	Flandreau Santee Sioux Tribe	PO Box 283	Flandreau	SD	57028	garrie.killsahundred@fsst.org
X	Anthony Reider	Chairperson	Flandreau Santee Sioux Tribe	PO Box 283	Flandreau	SD	57028	president@fsst.org
X	Dianne Desrosiers, THPO	Tribal Historic Preservation Officer	Sisseton-Wahpeton Oyate	PO Box 907	Sisseton	SD	57262	dianned@sws-nsn.gov
X	Verlyn Beaudreau	Interim Chairperson	Sisseton-Wahpeton Oyate	PO Box 509	Agency Village	SD	57262	chairman@sws-nsn.gov
X	Kip Spotted Eagle, THPO	Tribal Historic Preservation Officer	Yankton Sioux Tribe	PO Box 1153	Wagner	SD	57380	ys1.thpo@gmail.com
X	Robert Hawk	Chairperson	Yankton Sioux Tribe	PO Box 1153	Wagner	SD	57380	robertflyinghawk@gmail.com
X	Thomas Brings	Tribal Historic Preservation Officer	Oglala Sioux Tribe	PO Box 129	Kyle	SD	57752	tbrings@oglala.org
X	Julian Bear Runner	President	Oglala Sioux Tribe	PO Box 2070	Pine Ridge	SD	57770	president.bearrunner@oglala.org
X	Samantha Odeward, THPO Coord	Tribal Historic Preservation Officer	Upper Sioux Community	PO Box 147	Granite Falls	MN	56241	samanthao@uppersiouxcommunity-nsn.gov
X	Kevin Jensvold	Chairman	Upper Sioux Community	PO Box 147	Granite Falls	MN	56241	kevinj@uppersiouxcommunity-nsn.gov
X	Kathryn McDonald, THPO	Tribal Historic Preservation Officer	Confederated Salish and Kootenai Tribes					kathryn.mcdonald@cskt.org
X	Tom McDonald	Chairman	Confederated Salish and Kootenai Tribes					rcouncil@cskt.org
X	Aaron Brien	Tribal Historic Preservation Officer	The Crow Tribe of Montana	PO Box 159	Crow Agency	MT	59022	aaron.brien@crow-nsn.gov
X	AJ Notafraid	Chairperson	The Crow Tribe of Montana	PO Box 159	Crow Agency	MT	59022	aj.notafraid@crow-nsn.gov
X	Joshua Mann, THPO	Tribal Historic Preservation Officer	Shoshone Tribe of the Wind River Reservation	PO Box 538	Fort Washakie	WY	82514	jmann@easternshoshone.org
	no chairman listed							
X	Allan Demaray, THPO	Tribal Historic Preservation Officer	The Three Affiliated Tribes	404 Frontage Rd	New Town	ND	58763	ademaray@mhanation.com
X	Mark Fox	Chairperson	The Three Affiliated Tribes	404 Frontage Rd	New Town	ND	58763	markfox@mhanation.com
X	Steven Vance, THPO	Tribal Historic Preservation Officer	Cheyenne River Sioux Tribe	PO Box 590	Eagle Butte	SD	57625	stevev.crstpres@crst-nsn.gov
X	Harold Frazier	Chairperson	Cheyenne River Sioux Tribe	PO Box 590	Eagle Butte	SD	57625	haroldfrazier@yahoo.com
X	Ione Quigley, THPO	Tribal Historic Preservation Officer	Rosebud Sioux Tribe of Indians	PO Box 809	Rosebud	SD	57570	ione.quigley@rst-nsn.gov
X	Scott O. Herman	President	Rosebud Sioux Tribe of Indians	PO Box 430	Rosebud	SD	57570	PO Box 430 Rosebud, SD 57570-0430
X	Amy Burnette, THPO	Tribal Historic Preservation Officer	Leech Lake Band of Ojibwe	190 Sailstar Dr NE	Cass Lake	MN	56633	amy.burnette@lojibwe.org
X	Faron Jackson	Chairman	Leech Lake Band of Ojibwe	190 Sailstar Dr NE	Cass Lake	MN	56633	faron.jackson@lojibwe.org
X	Crystal C'Bearing	Deputy Director/THPO	Northern Arapaho Tribe	PO Box 67	St. Stephens	WY	82524	cbearing.nathpo@gmail.com
X	Jordan Dresser	Chairman	Northern Arapaho Tribe	PO Box 396	Ethete	WY	82520	533 Ethete Rd Ethete, WY 82520
X	Teanna Limpy, THPO	Tribal Historic Preservation Officer	Northern Cheyenne Tribe	PO Box 128	Lame Deer	MT	59043	teanna.limpy@cheyennation.com
X	Serena Wetherelt	Vice-President	Northern Cheyenne Tribe	PO Box 128	Lame Deer	MT		serena.wetherelt@cheyennation.com



Natural Resources  
Conservation Service

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

Voice 701.530.2000  
Fax 855-813-7556

September 29, 2022

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

RE: Notice of Availability of the Draft Tongue River Watershed Plan –  
Environmental Assessment – Request for Interagency Comments and Invitation to a  
Public Meeting (in-person or virtual) and tour on October 18, 2022.

Dear Ms. Erhardt:

The USDA Natural Resources Conservation Service (NRCS), with assistance from the local sponsoring agency, the Pembina Water Resource District, has completed a draft watershed plan – environmental assessment (EA) for a proposed watershed protection and flood damage reduction project in the Tongue River Watershed, Pembina County North Dakota. This is Supplemental Plan #3 for the Tongue River Watershed 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).

NRCS would like to sincerely thank the USACE personnel for your contributions to the planning project including the guidance on the NWP 27 process. We understand NWP 27 will require development and implementation of a monitoring plan.

The Pembina County WRD proposes to stabilize 1.8 miles of the Tongue River channel via levee removal, river restoration, grade control structures, bioengineering bank treatments and floodplain revegetation; this stabilization will reduce downstream sediment delivery to the Renwick Dam reservoir and halt the upstream progression of incision. Reconnection of the channel to the natural floodplain, as well as floodplain excavations, will provide downstream flood control benefits.

We are requesting that you 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 November 18<sup>th</sup>, 2022.** 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=nrcs\\_eprd1829233](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcs_eprd1829233)



You are also invited to attend an in-person or virtual public meeting and tour to provide input on this project:

Date: October 18, 2022

Time: 1:00 – 2:00 pm

Tour: 2:00 – 3:30

Location: Pembina County Water Resource District Office

308 Courthouse Dr. #5

Cavalier, ND 58220

Contact Rita Sveen: [rita.sveen@usda.gov](mailto:rita.sveen@usda.gov) for the Microsoft Teams Meeting

Please send comments to Christi Fisher, State Conservation Engineer, [christi.fisher@usda.gov](mailto: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: Pembina County Water Resource District  
Houston Engineering



Natural Resources  
Conservation Service

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

Voice 701.530.2000  
Fax 855-813-7556

September 29, 2022

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

RE: Notice of Availability of t the Draft Tongue River Watershed Plan – Environmental Assessment – Request for Interagency Comments and Invitation to a Public Meeting (in-person or virtual) and tour on October 18, 2022.

Dear Mr. Becker:

The USDA Natural Resources Conservation Service (NRCS), with assistance from the local sponsoring agency, the Pembina Water Resource District, has completed a draft watershed plan – environmental assessment (EA) for a proposed watershed protection and flood damage reduction project in the Tongue River Watershed, Pembina County North Dakota. This is Supplemental Plan #3 for the Tongue River Watershed 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).

The Pembina County WRD proposes to stabilize 1.8 miles of the Tongue River channel via levee removal, river restoration, grade control structures, bioengineering bank treatments and floodplain revegetation; this stabilization will reduce downstream sediment delivery to the Renwick Dam reservoir and halt the upstream progression of incision. Reconnection of the channel to the natural floodplain, as well as floodplain excavations, will provide downstream flood control benefits.

NRCS would like to sincerely thank the USFWS personnel for your contributions to the planning project including the guidance on the FmHA/USFWS easements which may be impacted by the project. The project design attempts to avoid earthwork in the easement areas while also improving the cover type by converting the disturbed areas currently in introduced tame grasses/invasive weeds (common tansy) to native grass and forb species.

We are requesting that you 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 November 18<sup>th</sup>, 2022.** 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=nrcs\\_eprd1829233](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcs_eprd1829233)

You are also invited to attend an in-person or virtual public meeting and tour to provide input on this project:

Date: October 18, 2022

Time: 1:00 – 2:00 pm

Tour: 2:00 – 3:30

Location: Pembina County Water Resource District Office

308 Courthouse Dr. #5

Cavalier, ND 58220

Contact Rita Sveen: [rita.sveen@usda.gov](mailto:rita.sveen@usda.gov) for the Microsoft Teams Meeting

Please send comments to Christi Fisher, State Conservation Engineer, [christi.fisher@usda.gov](mailto: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: Pembina County Water Resource District  
Houston Engineering  
Brian Vose, USFWS, Devils Lake WMD



Natural Resources  
Conservation Service

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

Voice 701.530.2000  
Fax 855-813-7556

September 29, 2022

Jeff Person  
Paleontologist  
ND Geological Survey  
1016 Calgary Ave  
Bismarck, ND 58503

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

Dear Mr. Person:

On April 10, 2021 in accordance with 36 CFR 800.3(b)(3), the Natural Resources Conservation Service (NRCS), initiated the Section 106 consultation process with the ND Geological Survey, as a potential paleontology resource was identified by our Cultural Resource Specialist, Christopher Plount. The potential resource was identified as part of the Class III cultural resource survey for the Tongue River Watershed Plan/Environmental Assessment. This is Supplemental Plan #3 for the Tongue River Watershed located within the Red River Basin. The draft Class III survey has been completed and submitted to the ND SHPO with a recommended determination of “No Historic Properties Affected”.

NRCS did not receive a response within 30 days from the NDGS April 10, 2021 consultation. Therefore, we followed policy from 36CFR800.4(d)(1)(i); we concluded NDGS had no objection to the undertaking. Never-the-less, we are seeking a written opinion on our inquiry as this would address concerns from our national office that we have adequately addressed our consultation regarding paleontological resources.

The final draft plan and final draft environmental assessment (EA) have been completed for this project. 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). The complete Draft Watershed Plan-EA can be accessed online at: [https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcs\\_eprd1829233](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcs_eprd1829233). The Class III Cultural Resource Survey may be found in Appendix D-9.

The need for watershed planning is due to the rapid incision of the Tongue River which was initiated by a major flood event in 2013. Downstream Renwick Dam was rehabilitated in 2013 and provides critical flood control and recreation benefits to the public. Downtcutting and widening of the river channel has drastically increased sediment and phosphorus delivery at the dam, as well as resulted in losses of forest

resources, critical habitat for a state fish species of concern and upstream bridges are at risk due to erosion.

The Pembina County WRD proposes to stabilize 1.8 miles of the Tongue River channel via levee removal, river restoration, grade control structures, bioengineering bank treatments and floodplain revegetation. Stabilization will reduce downstream sediment delivery to the Renwick Dam reservoir and halt the upstream progression of incision. Reconnection of the channel to the natural floodplain, as well as floodplain excavations, will provide downstream flood control benefits.

If you need further information or clarification on the Class III, or if you believe there *will* be an effect on the paleontological resources, please contact the Cultural Resources Specialist, Sarah Laundry at [sarah.laundry@usda.gov](mailto:sarah.laundry@usda.gov) (701) 530-2011.

You are also invited to attend an in-person or virtual public meeting and tour to provide input on this project:

Date: October 18, 2022

Time: 1:00 – 2:00 pm

Tour: 2:00 – 3:30

Location: Pembina County Water Resource District Office

308 Courthouse Dr. #5

Cavalier, ND 58220

Contact Rita Sveen: [rita.sveen@usda.gov](mailto:rita.sveen@usda.gov) for the Microsoft Teams Meeting Link

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

Sincerely,

MARY E. PODOLL  
State Conservationist

cc: Pembina County Water Resource District  
Houston Engineering



Natural Resources  
Conservation Service

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

Voice 701.530.2000  
Fax 855-813-7556

September 29, 2022

Lisa Steckler  
State Historical Society of North Dakota  
612 E. Boulevard Ave  
Bismarck, ND 58501

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

Dear Ms. Steckler:

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 the planning and environmental assessment of the Tongue River Watershed Plan. This is Supplemental Plan #3 for the Tongue River Watershed located within the Red River Basin.

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 Historic Properties Affected**". The complete Draft Watershed Plan-EA can be accessed online at:

[https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcs\\_eprd1829233](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=nrcs_eprd1829233). The Class III Cultural Resource Survey may be found in Appendix D-9.

Planning efforts have resulted in a preferred alternative (Alternative 2) and boundary area (area of potential effect (APE), located in Sections 28-29, Township 161, Range 56 in Pembina County North Dakota. NRCS recognizes that the Northern Cheyenne Tribe 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 the rapid incision of the Tongue River which was initiated by a major flood event in 2013. Downstream Renwick Dam was rehabilitated in 2013 and provides critical flood control and recreation benefits to the public. Downtcutting and widening of the river channel has drastically increased sediment and phosphorus delivery at the dam, as well as resulted in losses of forest resources, critical habitat for a state fish species of concern and upstream bridges are at risk due to erosion.

The Pembina County WRD proposes to stabilize 1.8 miles of the Tongue River channel via levee removal, river restoration, grade control structures, bioengineering bank treatments and floodplain revegetation. Stabilization will reduce downstream sediment delivery to the Renwick Dam reservoir and halt the upstream progression of incision. Reconnection of the channel to the natural floodplain, as well as floodplain excavations, will provide downstream flood control benefits.

***Cultural Resources Investigation:***

In 2020 NRCS Cultural Resource Specialist, Christopher Plount completed a Class I cultural resource inventory of the study area. NRCS 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.

A Class III cultural resource investigation was completed in 2021 by the NRCS and is included in Appendix D-9 of the Environmental Assessment (attached).

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

No cultural resources nor properties eligible for the NRHP were located within the APE. The APE is prone to flood events. Decades of agricultural production and anthropogenic modification of the river channel makes the inadvertent discovery of cultural resources unlikely. Stabilization efforts within the channel may encounter items, both historic and precontact, that have washed into the APE from higher elevations. Workers will be provided awareness and response training in the event cultural resources are encountered. An embedded fossil was investigated in 2021, the State Cultural Resources Specialist consulted with the ND Geological Survey Paleontologist, however no response was received, and the office later confirmed the find was common and did not require further investigation. Based on this, NRCS is requesting the NDSHPO to make a **determination of “No Historic Properties Affected”**. 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 Resources Specialist, Sarah Laundry at [sarah.laundry@usda.gov](mailto:sarah.laundry@usda.gov) (701) 530-2011.

You are also invited to attend an in-person or virtual public meeting and tour to provide input on this project:

Date: October 18, 2022

Time: 1:00 – 2:00 pm

Tour: 2:00 – 3:30 pm

Location: Pembina County Water Resource District Office, 308 Courthouse Dr. #5, Cavalier, ND 58220

Contact Rita Sveen: [rita.sveen@usda.gov](mailto:rita.sveen@usda.gov) for the Microsoft Teams Meeting Link

We respectfully request your written determination and any comments on the attached Tongue River Watershed Plan and Environmental Assessment within 30 days of receiving this packet.

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

Sincerely,

MARY E. PODOLL  
State Conservationist

Enclosure

cc: Pembina County Water Resource District  
Houston Engineering





Natural Resources  
Conservation Service

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

Voice 701.530.2000  
Fax 855-813-7556

October 17, 2022

Honorable AJ Not Afraid  
Chairperson, The Crow Tribe of Montana  
PO Box 159  
Crow Agency, MT 59022

**This letter was sent to 23 tribes on the list**

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

Dear Chairperson Not Afraid:

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 Crow Tribe of Montana, requesting your participation the planning and environmental assessment of the Tongue River Watershed Plan. This is Supplemental Plan #3 for the Tongue River Watershed located within the Red River Basin.

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 2) and boundary area (area of potential effect (APE), located in Sections 28-29, Township 161, Range 56 in Pembina County North Dakota. NRCS recognizes that The Crow Tribe of Montana 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 the rapid incision of the Tongue River which was initiated by a major flood event in 2013. Downstream Renwick Dam was rehabilitated in 2013 and provides critical flood control and recreation benefits to the public. Downcutting and widening of the river channel has drastically increased sediment and phosphorus delivery at the dam, as well as resulted in losses of forest resources, critical habitat for a state fish species of concern and upstream bridges are at risk due to erosion.

The Pembina County WRD proposes to stabilize 1.8 miles of the Tongue River channel via levee removal, river restoration, grade control structures, bioengineering bank treatments and floodplain revegetation. Stabilization will reduce downstream sediment delivery to the Renwick Dam reservoir and halt the upstream progression

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of incision. Reconnection of the channel to the natural floodplain , as well as floodplain excavations, will provide downstream flood control benefits.

***Cultural Resources Investigation:***

In 2020 NRCS Cultural Resource Specialist, Christopher Plount completed a Class I cultural resource inventory of the study area. NRCS 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.

A Class III cultural resource investigation was completed in 2021 by the NRCS and is included in Appendix D-9 of the Environmental Assessment (attached).

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

No cultural resources nor properties eligible for the NRHP were located within the APE. The APE is prone to flood events. Decades of agricultural production and anthropogenic modification of the river channel makes the inadvertent discovery of cultural resources unlikely. Stabilition efforts within the channel may encounter items, both historic and precontact, that have washed into the APE from higher elevations. Workers will be provided awareness and response training in the event cultural resources are encountered. An embedded fossil was investigated in 2021, the State Cultural Resources Specialist consulted with the ND Geological Survey Paleontologist, however no response was received, and the office later confirmed the find was common and did not require further investigation. Based on this, NRCS is consulting with the NDSHPO and requesting them to make a *determination of "No Historic Properties Affected"*. 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 Crow Tribe of Montana is welcome to provide additional information and comments on the attached Tongue River Watershed Plan and Environmental Assessment. **Comments are respectfully requested within 30 days of your receipt of this letter and packet.**

If you have any questions or comments, please contact the Cultural Resources Specialist, Sarah Laundry at [sarah.laundry@usda.gov](mailto:sarah.laundry@usda.gov) (701) 530-2011. Thank you for your timely response and assistance with this project.

Sincerely,

 Acting

MARY E. PODOLL  
State Conservationist

Enclosures:

Mr. Not Afraid  
Page 3

Tongue River Watershed Plan  
Tongue River Environmental Assessment

cc: Aaron Brien, Tribal Historic Preservation Officer  
Pembina County Water Resource District  
Houston Engineering

# A - 10

## Comments and Disposition

**From:** [Sveen, RitaHarmsen - NRCS, Park River, ND](#)  
**To:** [Sveen, RitaHarmsen - NRCS, Park River, ND](#)  
**Subject:** FW: Tongue River Restoration Request for Consultation  
**Date:** Thursday, December 15, 2022 4:41:31 PM

---

-----Original Message-----

From: Sveen, RitaHarmsen - NRCS, Park River, ND  
Sent: Thursday, October 13, 2022 4:00 PM  
To: Allen Demaray <[ademaray@mhanation.com](mailto:ademaray@mhanation.com)>  
Subject: RE: Tongue River Restoration Request for Consultation

I will be sure to do that, thank you.

Rita H. Sveen

-----Original Message-----

From: Allen Demaray <[ademaray@mhanation.com](mailto:ademaray@mhanation.com)>  
Sent: Thursday, October 13, 2022 10:20 AM  
To: Sveen, RitaHarmsen - NRCS, Park River, ND <[rita.sveen@usda.gov](mailto:rita.sveen@usda.gov)>  
Subject: Re: Tongue River Restoration Request for Consultation

Thank you and keep us updated if anything is found.

---

From: Sveen, RitaHarmsen - NRCS, Park River, ND <[rita.sveen@usda.gov](mailto:rita.sveen@usda.gov)>  
Sent: Wednesday, October 12, 2022 4:30:06 PM  
To: Allen Demaray  
Subject: Tongue River Restoration Request for Consultation

Dear Mr. Demaray,

Please see attached letter – this is a carbon copy of the cover letter sent with a hard copy of the final draft of the Tongue River Restoration Watershed Plan/Environmental Assessment, The document has been mailed or will be sent shortly to the tribal leader/chairperson.

You are also invited to attend a public meeting, followed by a field tour, to provide input on this project:

Date: October 18, 2022  
Time: 1:00 to 2:00 pm  
Tour: 2:00 – 3:30 pm  
Location: Pembina County Water Resource District Office  
308 Courthouse Dr. #5  
Cavalier, ND 58220

The meeting may also be accessed virtually:

Comments on the Draft Plan-EA may be submitted during a public comment period starting September 28, 2022 and ending on November 13, 2022 or 30 days after receiving the binder.

Comments may be sent to Christi Fisher, ND NRCS State Conservation Engineer, [christi.fisher@usda.gov](mailto:christi.fisher@usda.gov) <<mailto:christi.fisher@usda.gov>>, 220 E Rosser Ave, PO Box 1458, Bismarck, ND 58502-1458

Thank you for your participation in the Tongue River Watershed planning process.

Rita H. Sveen  
Watershed Conservationist  
417 Park St W Ste 1  
Park River, ND 58270  
Natural Resources Conservation Service  
United States Department of Agriculture

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**From:** [Kading, Kevin J.](#)  
**To:** [Sveen, RitaHarmsen - NRCS, Park River, ND](#)  
**Cc:** [Kreft, Bruce L.](#); [Johnson, Sandra K.](#); [Isakson, Patrick T.](#)  
**Subject:** [External Email]Tongue R. Project  
**Date:** Wednesday, October 19, 2022 3:22:42 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Rita,

Thanks for the great meeting and tour yesterday. I know you had some questions relating to raptor surveys, bats and fish relocation so I'm referring you to our Conservation Division staff who will be able to provide you some guidance on these things.

Bruce Kreft is the point of contact for the Department on this project, so I'll let you and Bruce take it from here.

Thanks again.

**Kevin Kading**

*Private Lands Section Leader*

(701) 527-1081 (m) • [kkading@nd.gov](mailto:kkading@nd.gov) • [gf.nd.gov](http://gf.nd.gov)



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# 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](http://www.state.nd.us/ndgs)

September 29, 2022

Mary E. Podoll  
State Conservationist  
United States Department of Agriculture

Dear Mary Podoll:

I have reviewed the final draft plan and final draft environmental assessment (EA) for the Tongue River Watershed Channel Stabilization project. I agree with the statements made in section 3.5.3 (Cultural Resources) that the likely impact on paleontological resources is low and the best plan of action for this project is to develop and implement an inadvertent discovery plan for paleontological resources. I would be happy to assist with the development of that plan when the time comes.

If you have any other questions please don't hesitate to contact our office.

Sincerely,

Clint A. Boyd  
Senior Paleontologist  
North Dakota Geological Survey  
[caboyd@nd.gov](mailto:caboyd@nd.gov)  
(701) 328-8163





December 12, 2022

Mary E. Podoll  
State Conservationist  
NRCS  
Bismarck State Office  
PO Box 1458  
Bismarck, ND 58502-1458

**ND SHPO Ref.: 23-5160 “Tongue River Channel Stability Project Class III Cultural Resource Survey; T161N; R56W; Portions of Sec. 28 & Sec 29, Pembina County, North Dakota”**

Dear Mary,

We reviewed ND SHPO Ref.: 23-5160 “Tongue River Channel Stability Project Class III Cultural Resource Survey; T161N; R56W; Portions of Sec. 28 & Sec 29, Pembina County, North Dakota” and find the report by Christopher Plount acceptable. 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](mailto:lsteckler@nd.gov)

Sincerely,

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

23-5160

**From:** [Erhardt, Toni R CIV USARMY CENWO \(USA\)](#)  
**To:** [Sveen, RitaHarmsen - NRCS, Park River, ND](#)  
**Cc:** [Fisher, Christi - NRCS, Bismarck, ND](#)  
**Subject:** Tongue River Restoration Draft EA Comments - USACE  
**Date:** Thursday, December 8, 2022 8:12:46 AM

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Thanks for the opportunity to comment on this draft. I apologize for my tardiness and general lack of knowledge relating to this project. As you know, Pat McQueary retired and, unfortunately, we weren't left with much to go on.

There are several references to NWP #27 in the EA. It does appear applicable, but the final decision cannot be made until we complete our evaluation of the application and design.

I've gone through the EA fairly quickly and there's a couple of areas I'd suggest clarifications or additions.

1. Isn't there an extensive amount of surface and subsurface drainage in the watershed? And doesn't that contribute in a real way to the frequency of flooding and exacerbate the sediment and phosphorus input? It's mentioned, but that and current farming practices seem to be portrayed as non-issues.
2. How does completing the proposed project on a relatively short (2-mile) section of the Tongue River provide the sediment reduction you are expecting at Renwick, which is many miles downstream. Maybe a clarification, if appropriate, that the reduction is in sediment contribution from this reach following construction in conjunction with how the channel downstream is expected to react to the restoration project.

For your consideration. Toni

Toni R. Erhardt, Senior Project Manager  
USACE, North Dakota Regulatory Office  
3319 University Drive  
Bismarck, North Dakota 58504  
(701) 255-0015, extension 2003

**From:** [Erhardt, Toni R CIV USARMY CENWO \(USA\)](#)  
**To:** [Sveen, RitaHarmsen - NRCS, Park River, ND](#)  
**Subject:** RE: Request for final letter  
**Date:** Thursday, January 12, 2023 3:05:06 PM

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Thanks for the opportunity to review your proposed edits. The additions directly related to my concerns provide the clarification I was looking for. Thank you. Toni

Toni R. Erhardt, Senior Project Manager  
USACE, Omaha District Regulatory Branch, ND Section  
3319 University Drive  
Bismarck, North Dakota 58504  
(701) 255-0015, extension 2004

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**From:** Sveen, RitaHarmsen - NRCS, Park River, ND <[rita.sveen@usda.gov](mailto:rita.sveen@usda.gov)>  
**Sent:** Thursday, January 12, 2023 1:50 PM  
**To:** Erhardt, Toni R CIV USARMY CENWO (USA) <[Toni.R.Erhardt@usace.army.mil](mailto:Toni.R.Erhardt@usace.army.mil)>  
**Subject:** [Non-DoD Source] Request for final letter

Hi Toni,

Christi, Jon and I made some edits to the Final Plan EA to address your comments as well as USFWS Comments. Please take a look at the attached document – it contains excerpts from the plan where we address your concerns (erosion, water quality, NWP 27) as well as those of USFWS. The yellow highlighted text is the text that will be added to the Final Plan/EA.

Please call with any questions.

*Rita H. Sveen*

Watershed Conservationist  
417 Park St W Ste 1  
Park River, ND 58270  
Natural Resources Conservation Service  
United States Department of Agriculture  
<http://www.nd.nrcs.usda.gov>

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# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

North Dakota Ecological Services  
3425 Miriam Avenue  
Bismarck, North Dakota 58501

IN REPLY REFER TO:  
2023-0014526 Tongue  
River Restoration Plan EA

January 25, 2023

Mr. Todd Hagel  
Acting State Conservationist  
Natural Resources Conservation Service  
Bismarck State Office  
PO Box 1458  
Bismarck, North Dakota 58502-1458

Dear Mr. Hagel:

Thank you for the opportunity to provide comments on the Draft Tongue River Watershed Plan Environmental Assessment, and for the communication between Rita Sveen of your staff with Heidi Riddle of my staff throughout the comment period. The project will entail 1.8 miles of channel stabilization via levee removal, river restoration, grade control structures, bioengineering bank treatments, and floodplain revegetation, as well as reconnection of the channel to the natural floodplain.

The U.S. Fish and Wildlife Service (USFWS) has reviewed the Draft Plan/EA for the Project, described in a letter dated September 29, 2022. We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*), Executive Order 13186 “Responsibilities of Federal Agencies to Protect Migratory Birds,” (E.O 13186 MOU, as applicable) the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*),” Fish and Wildlife Coordination Act (FWCA) (16 U.S.C. 661-667e, as amended), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), and the National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended).

As you know, the USFWS published a final rule on November 30, 2022, to reclassify the northern long-eared bat as endangered, which will become effective on January 30, 2023. We are currently working on guidance to assist with all aspects of planning and consultation for this species, and we hope to provide them in the near future. An estimated 2.5 acres of trees are proposed to be removed which may be suitable habitat for the northern long-eared bat. The project is not scheduled to begin construction until 2024, and NRCS has agreed to:

- Add language to 5.4.4.2.1 (Environmental Consequences of Alts 1 & 2 in the Direct Zone of Impact to T&E) to include the potential impact of 2.5 acres of tree removal on T&E species in the IPaC system. This will result in a current recommendation and consultation for the species as we finalize the uplisting. Therefore, the USFWS concurs with your may affect, not likely to adversely determination for the northern long-eared bat. Should the

project be modified or new information indicate endangered species may be affected, consultation should be re-initiated.

Ms. Riddle and Ms. Sveen also discussed the possible presence of eagles and other migratory birds during the public meeting and in follow up telephone conversations. As such, the NRCS has agreed to:

- Conduct a raptor/eagle nest survey during the leaf-off period prior to construction and submit results to USFWS for consultation.
- Consult with the USFWS on a migratory bird avoidance/minimization strategy for the construction phase/construction specifications.

We believe your commitments will ensure avoidance and minimization of these resources, and we appreciate the opportunity to coordinate on this project proposal. If you have any additional questions or concerns, please contact Heidi Riddle at (701) 319-6708 or [heidi\\_riddle@fws.gov](mailto:heidi_riddle@fws.gov), or you can contact me at (701) 355-8512 or [drew\\_becker@fws.gov](mailto:drew_becker@fws.gov).

Sincerely,

Drew Becker  
ND Ecological Services Supervisor

**Comments/Responses/Letters on Tongue River Draft Plan/EA and October 18, 2022 Public Meeting**

Commenter	Comment	Response	Relevant Section in EA	Comment Substantive Y/N
Brad & Linda Kingery	Erosion in the river and deposition in Renwick is evident. Is there an estimate of erosion from flood years?	Data is only available from a few snapshots in time, however erosion has been found to be above average in flood years compared and erosion is less during drought years.	Sections 3.1 and 5.1. Appendices D-1, D-8 and E	N
Brad & Linda Kingery	Is the reference reach located in the same landscape type (beach transition with upstream dams) as the Tongue River site?	Yes - same landscape class with similar slope.	Appendix D-1 Channel Stability Assessment and D-4 Conceptual Design Report	N
Brad Kingery	Regarding the upstream Tongue River Dams that are currently being evaluated for rehabilitation, if an alternative is chosen that raises the tops of these dam(s), has this been taken into consideration?	Yes, existing dam rehab alternatives under consideration will keep the principle spillway flow rates very similar to existing PS flow rates. (Zach Hermann, HEI)	Appendix D-2 Existing Conditions Report	N
Brad & Linda Kingery	Concern about whether tree stock and bioengineering materials will be free of Emerald Ash Borer and other invasive species.	Yes, clean materials will be required in all practice/construction specifications.	Appendix D-4 Conceptual Design Report	N
Brad Kingery	Concern about funding sources	Non-federal funding commitments have been obtained from State sources and the ND Outdoor Heritage Fund.	Section 7	N
Linda Kingery	Where is the anticipated source of rock for the project?	A probable source exists in NW Minnesota (Warroad)	Appendix D-4 Conceptual Design Report	N
Unknown	What will be the water source for the excavated ponds?	Primary source is precipitation, also during high flow events from the river.	Appendix D-4 Conceptual Design Report	N
Unknown	What is the seasonal timeline for the project?	It is anticipated that the majority of work will be completed within one season.	Appendix D-4 Conceptual Design Report	N
Brad and Linda Kingery	Are upland conservation practices included in the project? Is there any commitment from Soil Conservation Districts?	Upland conservation is not required for the project, however upstream SCD board and SCD/NRCS staff have expressed a commitment to increase upland conservation practices.		N
Brad Kingery	Are there any programs to incentivize forest stewardship management?	There is potential for NRCS program participation - process requires a Forest Stewardship Plan from the ND Forest Service.		N
Heidi Riddle, USFWS	Were there any raptor nest surveys or bat surveys?	No, a biological survey was completed, but no individual species surveys were conducted. (see below)	Draft Plan EA Sections 3.4 and 5.4	N
Heidi Riddle, USFWS	Since the timing of the project timing is mostly outside of the nesting period for migratory birds, the main concern would be eagle nesting. It would be a good idea to have an inventory of possible eagle nests in case monitoring is necessary. I will provide this comment in the USFWS letter. Another thing to consider is the northern long-eared bat is currently a proposed endangered species. If the species is uplisted from threatened to endangered, the flexibilities of a 4drule will go away. This may require additional consultation. The final rule should be published next month.	NRCS agreed to the following:1) NRCS will utilize the online IPaC (Information for Planning and Consultation) online tool prior to the construction phase of the project; NRCS will include language in the final plan/EA to address the current uplisting of the Northern Long-Eared Bat and agree to follow any new USFWS protocols on NLEB's issued by USFWS prior to construction; 3) NRCS will conduct a timely raptor/eagle survey during a leaf-off period prior to construction and agree to communicate results with USFWS; and 4) NRCS will include a USFWS migratory bird avoidance/minimization strategy in the construction specifications. The final plan EA language (section 5.4) included all of these USFWS recommendations. Section 5.4.4 specifies construction windows and USFWS consultation requirements. Section 5.4.4 of the Plan-EA requires the construction schedule will not adversely affect endangered or threatened species, marine animals, or critical habitat.	Draft Plan EA Sections 3.4 and 5.4	N
ND State Parks	ND Park Staff is interested in cooperating with long term monitoring and projects for seasonal help.	NRCS would appreciate partner assistance in monitoring effectiveness of project.		N
Unknown	Is water control of upstream dams part of the project?	No, however this can be looked at in final design. Olson dam does not have a gated control structure.		N
NDGF	Offered assistance with raptor and bat surveys and fish relocation			N

Cooperating Agency Responses/Tribes Letters and Draft EA/Plan were mailed prior to 10/27/2022				
NDSHPO 11/30/22	Comment on Appendix D-9, Class III Cultural Resources Report: Please provide missing manuscript page (SHSND 2020:29&47); Please submit a 1:24k projection map with previous surveys and previously recorded cultural resources within your search radius on this map.	Comments addressed in Revised Class III Cultural Resource Inventory (App D-9)	Appendix D-9 Cultural Resource Class III Survey	N
NDSHPO 11/30/22	Comment on Appendix D-9, Class III Cultural Resources Report, Section 3.0 Environment: a) Please provide clarification if there is potential for intact cultural deposits below the plow zone, primarily as the area is located close to the river and soils with lower flood indicators (IS85B). b) What was ground surface visibility in the Canadian Wild Ginger location and did the area warrant shovel probing?	Geologic testing conducted as part of this project and soil survey data indicate that the floodplain has been severely eroded throughout the area surveyed with only approximately 6-7 inches of Ap-horizon overlying stratified C horizon materials up to 48 inches. This highly dynamic floodplain setting is typically not conducive to extensive habitation or site preservation. This indicates little potential for subsurface deposits below the plow zone. There were also cutbank exposures across the APE in areas of significant downcutting and these were carefully examined for CR materials, none were observed.	Appendix D-9 Cultural Resource Class III Survey	N
NDSHPO 11/30/22	What was GSV in the Canadian wild ginger location and did the area warrant shovel probing?	This area was within a woodland setting with low ground surface visibility. The river has downcut in this area and there was abundant and accessible cutbank exposure along this meander to provide an adequate sample of subsurface visibility and no indicators of cultural resources were observed.	Appendix D-9 Cultural Resource Class III Survey	N
NDSHPO 11/30/22	Comment on Appendix D-9, Class III Cultural Resources Report, Section 4.2 NDSHPO Records: Were the previous surveyed areas re-surveyed?	Yes, previously inventoried areas were included in the Class III survey.	Appendix D-9 Cultural Resource Class III Survey	N
NDSHPO 11/30/22	Comment on Appendix D-9, Class III Cultural Resources Report, Section 5.0 Field Research: Please provide additional information regarding the current farmstead in Sec. 28 adjacent to the survey area. How close is the survey area to the current farmstead? It appears to be close to buildings and is potentially within the farmstead yard (if this is the case the Farmstead should be documented as a site or site lead). In addition, potential association with building to the NW within the survey area (near 5.2 modern dump).	The farmstead in the SW1/4 of Sec. 28 is active and currently occupied. The survey area boundary is just north of the farmyard but does not encompass the yard or any of the structures within it. The building to the NW that lies within the survey area near the dump site is a modern era ubiquitous style garage structure that likely post-dates 1962 as it is not present on aerial imagery of this date available through the North Dakota Water Commission's ND Historical Map and Aerial Photography Dissemination Service. The entire farmstead appears to have roughly the same footprint as shown in the 1961-1962 aerial image with the exception that the garage and trail leading to the dumping area appear prominently in modern aerial imagery as opposed to the 1961-1962 imagery. We do not typically document structures related to active occupied farmsteads if the undertakings will have no direct or indirect effects to the structures. In this case, the work being completed in this area consists of activating (excavating) old meanders of the former channel north of the farmstead to circumvent the current channel that is actively eroding closer to the farmstead. The work in this area, and across much of the project, is restricted to current or former river channel that would not have high potential for CR sites.	Appendix D-9 Cultural Resource Class III Survey	N

NDSHPO 11/30/22	<p>Comment on Appendix D-9, Class III Cultural Resources Report, Section 5.1  <b>Unknown Structures:</b> Please provide details if any shovel probes placed within or near these unknown structures and why or why not.</p>	<p>This should have been specified in the report more clearly. These are nonuniform piles of dirt and debris associated with what appear to be mechanical disturbances where the material was likely borrowed from. They include sawed logs and branches; one contains old fenceposts and barbed wire. Rodent disturbances in the piles and in the general vicinity did not yield any CR materials. These structures are located along a stretch of the river just east of an area with informal levee structures built by landowners in an effort to prevent or lessen flooding of the former crop fields to the north. These structures are located along a similar contour and distance from the riverbank as the other levees that are to be removed as part of this stabilization project. Given the location of the structures along a very flood prone and heavily scoured bottomland, the nature of the constituent materials, and the lack of observable CR materials, it seems highly unlikely that these structures are related to any prehistoric activity. The presence of landowner constructed levees along this reach to the west suggests that these structures are the remnants of another informal levee structure that was likely breached and heavily impacted by flood events.</p>	Appendix D-9 Cultural Resource Class III Survey	N
NDSHPO 11/30/22	<p>Comment on Appendix D-9, Class III Cultural Resources Report, Section 5.2:  <b>Modern Dumpsite:</b> Potentially associated with building/structures visible on aerial imagery to the south of the dump within the survey area. Please provide details of those buildings/structures and if this dumpsite is associated with those. If the building/structures are historical (or are deemed to be historic in nature) then architectural and historical site form should be filled out and the dumpsite should be included.</p>	<p>The building south of the dump site is a modern era ubiquitous style garage structure that likely post-dates 1962 as it is not present on aerial imagery of this date available through the North Dakota Water Commission's ND Historical Map and Aerial Photography Dissemination Service. Neither the structure nor the contents of the dumpsite were determined to possess historical significance by the principal investigator. The north edge of farmstead footprint appears consistent between aerial imagery from 1961-present with the exception that the trail leading to the dumping area, which was an access trail to a former crop field, appears prominently in modern aerial imagery as opposed to the 196-1962 imagery and the garage structure is clearly not present in the 1962 imagery. In this case, the work being completed in this area consists of activating (excavating) old meanders of the former channel north of the farmstead to circumvent the current channel that is actively eroding closer to the farmstead (see report Figure 1). The work in this area and across much of the project is restricted to current or former river channel that would not have high potential for CR sites.</p>	Appendix D-9 Cultural Resource Class III Survey	N
NDSHPO 11/30/22	<p>Comment on Appendix D-9, Class III Cultural Resources Report, Section 5.3  <b>Banlig Farmstead:</b> How far outside is the "eastern most structure" is this map drawn or are structures present?</p>	<p>The 1881 GLO survey plat shows two locations of residence within the SE1/4 of Sec. 28. Only the J. Banlig residence is germane to this discussion. The "eastern most structure" referenced in the report belonged to H. Banlig and is located 500+ meters east of the survey area when the plat is georeferenced to the USGS quadrangle map. When georeferenced according to section corners, the J. Banlig farm indicated on the 1881 GLO plat is intersected by the survey south edge of the survey boundary. Given the inherent spatial inaccuracy introduced when georeferencing these historical maps, this historical farmstead could have been entirely located within or outside of the survey area. It is shown to be close enough to the survey area that attempts were made to relocate any remnants of a possible site in the vicinity of its georeferenced location. The general vicinity of the former J. Banlig farm is approximately 90 meters ENE of the long E-W oriented structure at the modern and active farmstead in Sec. 28 (discussed above). No evidence of a site was observed in the vicinity of the J. Banlig farm location during this investigation. That particular area (see report photos) has been subject to extensive flooding and channel meandering that would be likely to bury and/or destroy any historical structures or cultural materials at that location. The modern river channel in this area is currently actively downcutting and is one of the problem locations identified for stabilization efforts. However, the stabilization efforts will involve activating an old meander to the north of this area in order to realign the channel to its former course (see report Figure 1). This will involve ground disturbance within a segment of old river channel and will correct the erosive action currently taking place in the presumed vicinity of the former J. Banlig farm.</p>	Appendix D-9 Cultural Resource Class III Survey	N
NDSHPO 12/12/22	<p>Satisfied with NRCS responses to their concerns and Concurs with "No Historic Properties Affected" recommendation</p>			N
USFWS	<p>Email 11/2/2022 Heidi Riddle: USFWS ill provide additional comments regarding eagles, other raptors, migratory birds, etc... Recommends doing a nest survey during leaf-off period, . If an eagle nest is found, a permit may be needed. For other migratory birds/raptors, we recommend developing a strategy that lays out how to avoid/minimize impacts. Has the project been entered into IPac? This would initiate our review and give you a species list.</p>	<p>NRCS agreed to the following:1) NRCS will utilize the online IPaC (Information for Planning and Consultation) online tool prior to the construction phase of the project;  2) NRCS will include language in the final plan/EA to address the current uplisting of the Northern Long-Eared Bat and agree to follow any new USFWS protocols on NLEB's issued by USFWS prior to construction;  3) NRCS will conduct a timely raptor/eagle survey during a leaf-off period prior to construction and agree to communicate results with USFWS; and  4) NRCS will include a USFWS migratory bird avoidance/minimization strategy in the construction specifications. The final plan EA language (section 5.4) included all of these USFWS recommendations. Section 5.4.4 specifies construction windows and USFWS consultation requirements. Section 5.4.4 of the Plan-EA requires the construction schedule will not adversely affect endangered or threatened species, marine animals, or critical habitat.</p>	Draft Plan EA Sections 3.4 and 5.4	N



Clint Boyd, Senior Paleontologist (NDGS)	Concurs with final draft plan/EA, section 3.5.3 (Cultural Resources) - the likely impact on paleontological resources is low and the best plan of action for this project is to develop and implement an inadvertent discovery plan for paleontological resources. He would be happy to assist with the development of that plan when the time comes.	NRCS agree to incorporate the inadvertent discovery plan for paleontological resources - Final Plan/EA section 7.3 edited.	Draft Plan/EA Section 7.3 Avoidance, minimization, mitigation	N
USACE	There are several references to NWP #27 in the EA. It does appear applicable, but the final decision cannot be made until we complete our evaluation of the application and design.	NRCS will continue to consult with USACE regarding the appropriate permits needed following the design phase and prior to construction phase. Final Plan/EA clarification edits made to Sections 5.7 and 7.4.	Draft Plan EA sections 5.7 and 7.4	N
USACE	Isn't there an extensive amount of surface and subsurface drainage in the watershed? And doesn't that contribute in a real way to the frequency of flooding and exacerbate the sediment and phosphorus input? It's mentioned, but that and current farming practices seem to be portrayed as non-issues.	To evaluate whether cropland drainage upstream of the dams could have contributed to channel incision in the project reach, hydrologic and hydraulic modeling was completed for the watershed in a pre-settlement condition with native prairie and forests comprising all land in the watershed. As documented in Table 1, Appendix D-1, the pre-settlement peak flows for all recurrence interval floods currently are higher than current conditions with the upstream drainage in place. There is therefore no credible technical rationale that drainage upstream of the dams contributed to channel incision downstream of the dams, in this particular watershed. Clarification provided in Final Plan/EA sections 3.1 and 3.2	Draft Plan/EA Sections 3.1 (Soils) and 3.2 (Water) Appendix D-1 Channel Stability Assessment	N
USACAE	How does completing the proposed project on a relatively short (2-mile) section of the Tongue River provide the sediment reduction you are expecting at Renwick, which is many miles downstream. Maybe a clarification, if appropriate, that the reduction is in sediment contribution from this reach following construction in conjunction with how the channel downstream is expected to react to the restoration project.	Appendix D-1 documents quantities and extents of erosion on all river reaches from Renwick to Sen Young, including results of many years of monitoring on the project reach in terms of average annual erosion volume. Appendix D-8 documents results of sediment surveys in the Renwick reservoir, which correlated strongly to the erosion volume in the project reach plus expected RUSLE sediment deliveries from cropland below Sen Young/Olson, plus typical riverbank erosion rates downstream of the project reach. Appendices D-1 Channel Stability Report provides analysis and conclusions regarding what did drive the channel incision process: interruption of upstream sediment supply in combination with lateral confinement features (Hwy 89 fill/bridge section and channel straightening/levees) and beaver population reductions . stabilizing the channel through the proposed grade control structures, reconnection with the natural floodplain, and restoration of natural planform, profile, and cross section will reduce shear stress in the channel to generate a natural level of erosion commensurate with other rivers in the area (such as the reference reach on the MB Forest River below Matecjek Dam). Clarification provided in Final Plan/EA sections 3.1 and 3.2	Draft Plan/EA sections 3.1 and 3.2. Appendix D-1 Channel Stability Report and Appendix D-8 Project Benefits Report	N
USACAE	1/12/2023: The additions provided in the Final Plan/EA directly related to my concerns provide the clarification I was looking for.	NA	Draft Plan/EA sections 3.1 and 3.2. Appendix D-1 Channel Stability Report and Appendix D-8 Project Benefits Report	N
USFWS	1/25/2023: With the commitments that NRCS has made to utilize IPAC and follow any new protocols for NLEB, the USFWS agrees that the project May Effect, but Not Likely Affect the NLEB. With the commitments that NRCS has made to conduct raptor surveys and implement a migratory bird Avoidance and Minimization Strategy, USFWS is supporting the project.	NA	Draft Plan EA Sections 3.4 and 5.4	N
Tribes				
Fort Peck	No Response			N
Turtle Mountain	No Response			N
Lake Traverse	No Response			N
Red Lk Bnd of Chippewa	No Response			N
Spirit Lake	No Response			N

White Earth Band	No Response		N
Cheyenne Sioux	No Response		N
Crow Sioux	No Response		N
Crow	No Response		N
Flandreau Sioux	No Response		N
Fort Belknap	No Response		N
Leech Lake	No Response		N
Lower Sioux	No Response		N
Northern Arapaho	No Response		N
Northern Cheyenne	No Response		N
Ogalala Sioux	No Response		N
Rocky Boy	No Response		N
Rosebud Sioux	No Response		N
Standing Rock	No Response		N
Three Affiliated	Requested to be kept informed if anything is found onsite.	Responded with affirmation that Three Affiliated Tribes will be informed if there are any discoveries.	N
Upper Sioux	No Response		N
Wind River	No Response		N
Yankton Sioux	No Response		N