APPENDIX E

NRCS-CPA-52: Environmental Evaluation Worksheet

Threatened and Endangered Species Worksheet

USDA AD-1006: Farmland Conversion Impact Rating

TONGUE RIVER WATERSHED PLAN

Appendix E: Environmental Evaluation Worksheet

Farmland Conversion Impact Rating

Spring 2021 Image of Tongue River Riparian Habitat

Prepared for: **Pembina County Water Resources District**
308 Courthouse Drive No. 5
Cavalier, North Dakota 58220

Prepared by:

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

ENVIRONMENTAL EVALUATION WORKSHEET

A. Client Name: Pembina County Water Resource District

B. Conservation Plan ID # (as applicable)**:**
Program Authority (optional)**:** PL 566, Red River RCPP

C. Identification # (farm, tract, field #, etc. as required)**:**
Sections 28 and 29 161-56, Pembina County

D. Client's Objective(s) (purpose):
Reduce sedimentation of Renwick reservoir and therefore maintain the flood damage reduction benefits and recreational benefits of the reservoir. Reduce channel and streambank erosion and restore natural hydrology and plant and animal communities of the Tongue River. Reduce and/or reverse the loss of floodplain cropland, riparian habitat and forest resources. Protect and restore Northern Pearl Dace Habitat Increase floodplain storage and reduce peak flows downstream. Improve water quality of the Renwick reservoir.

E. Need for Action
Severe channel incision of Tongue River in this reach has contributed large amounts of sediment to the Renwick flood control reservoir. Sediment has accumulated much faster than predicted which is decreasing the lifespan of the reservoir for flood control, water quality, fish and wildlife and recreational benefits. The incision is threatening the habitat of a ND state priority fish species (N. Pearl Dace). Incision is reducing the forest resource value of the mature trees in the riparian/upland forest plant communities. Constructed levees are altering natural hydrology.

H. Alternatives

No Action √ if RMS ☐	*Alternative 1* √ if RMS ☑	*Alternative 2* √ if RMS ☑
No change from the existing conditions. Channel incision will continue to worsen and continue to reduce the capacity of the reservoir for water retention and recreational benefits. Fish habitat will continue to experience loss and risk. Existing forest resources will be prematurely lost. Hydrologic conditions necessary for natural riparian succession will not be restored.	Large Floodplain excavation: Practices to be installed are Open Channel (582), Grade Stabilization Structure (410), Riparian Forest Buffer (391), Riparian Herbaceous Cover (390) Pasture and Hayland Planting (512), Critical Area Planting (342) and Mulch (484). Channel incision will be controlled by a rock arch rapids control structure, rock cross vanes, cobble key placement in riffle facets, fill placement and bioengineering streambank protection materials. Levees will be removed. The stream channel and floodplain/floodplain hydrology will be restored - reversing the losses of fish habitat and mature trees. The floodplain will be revegetated with native tree, shrub and herbaceous vegetative plantings.	Small Floodplain excavation: Practices to be installed are Open Channel (582), Grade Stabilization Structure (410), Riparian Forest Buffer (391), Riparian Herbaceous Cover (390) Pasture and Hayland Planting (512), Critical Area Planting (342) and Mulch (484). Channel incision will be controlled by a rock arch rapids grade control structure, rock cross vanes, cobble key placement in riffle facets, fill placement and bioengineering streambank protection materials. Levees will be removed. The stream channel and floodplain/floodplain hydrology will be restored - reversing the losses of fish habitat and mature trees. The floodplain will be revegetated with native tree, shrub and herbaceous vegetative plantings.

Resource Concerns

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

I. Effects of Alternatives

F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	*No Action* — **Amount, Status, Description** *(Document both short and long term impacts)*	*No Action* — √ if does NOT meet PC	*Alternative 1* — **Amount, Status, Description** *(Document both short and long term impacts)*	*Alternative 1* — √ if does NOT meet PC	*Alternative 2* — **Amount, Status, Description** *(Document both short and long term impacts)*	*Alternative 2* — √ if does NOT meet PC
SOIL						
Bank erosion from streams, shorelines or water conveyance channels Tongue River stream channel at project reach is incising at levels which rate as high to extremely high levels - 6.4 cy/ft/yr	Without the project, erosion will continue at a rate of 6.4 cy/ft/yr.	☑ NOT meet PC	Project will reduce channel rates to 0.4 cy/ft/yr	☐ NOT meet PC	Project will reduce channel rates to 0.4 cy/ft/yr	☐ NOT meet PC
Soil organism habitat loss or degradation Existing floodplain herbaceous vegetation is shallow-rooted.	No change from the existing condition.	☐ NOT meet PC	Deep rooted herbaceous vegetation will create more soil organism habitat deeper in the soil profile.	☐ NOT meet PC	Deep rooted herbaceous vegetation will create more soil organism habitat deeper in the soil profile.	☐ NOT meet PC
No resource concern identified		☐ NOT meet PC		☐ NOT meet PC		☐ NOT meet PC

F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. Effects of Alternatives					
	No Action		*Alternative 1*		*Alternative 2*	
	Amount, Status, Description *(Document both short and long term impacts)*	**√ if does NOT meet PC**	**Amount, Status, Description** *(Document both short and long term impacts)*	**√ if does NOT meet PC**	**Amount, Status, Description** *(Document both short and long term impacts)*	**√ if does NOT meet PC**
WATER						
Naturally available moisture use Incised channel does not allow runoff from precipitation events to access the floodplain for natural use by riparian plants; shallow rooted introduced herbaceous plants have reduced soil water storage capacity.	No change from the existing condition.	☐ NOT meet PC	Project will restore natural stream grade allowing water to access the floodplain during high precipitation events. Deep rooted herbaceous and woody vegetation will increase water infiltration and water storage in the soil profile.	☐ NOT meet PC	Project will restore natural stream grade allowing water to access the floodplain during high precipitation events. Deep rooted herbaceous and woody vegetation will increase water infiltration and water storage in the soil profile.	☐ NOT meet PC
Ponding and flooding Incised channel and constructed levees have altered natural hydrology, preventing water from accessing the floodplain in the project area. Lack of floodplain storage, results in 584 acres of cropland inundation from Hwy 89 to Renwick during a 25 year event.	Crop loss from Hwy 89 to Renwick will remain significant during a 25 year event, 4- day cropland remains at 584 ac.	☐ NOT meet PC	Crop loss during a 25 year event, 4-day cropland inundation decreased to 481 acres.	☐ NOT meet PC	Crop loss during a 25 year event, 4-day cropland inundation decreased to 523 acres.	☐ NOT meet PC
Nutrients transported to surface water Site is the major contributor of phosphorus to Renwick Dam at a rate of 84,000 lbs./year (PTMapp). Reservoir is hypereutrophic and harmful algal blooms have been observed in 6 of the last 10 years.	Without the project, the total phosphorus from the channel erosion will continue at rates which are ~ 5 times higher than natural erosion rates (84,000 lbs/yr), thus providing not only a source of P attached to the sediment, but also a binding medium for dissolved P. The recirculation of sediments in Renwick feeds algal blooms - more frequent algal blooms are expected without the project.	☑ NOT meet PC	Project will reduce streambank/channel erosion rates and attached nutrients which affect the water quality of Renwick reservoir. Project will reduce phosphorus delivery by 70,000 lbs/year. Temporary impacts during construction will be mitigated through stormwater management BMPs.	☐ NOT meet PC	Project will reduce streambank erosion rates and attached nutrients which affect the water quality of Renwick reservoir. Project will reduce phosphorus delivery by 70,000 lbs/year. Temporary impacts during construction will be mitigated through stormwater management BMP's.	☐ NOT meet PC

F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. (continued)					
	No Action		*Alternative 1*		*Alternative 2*	
	Amount, Status, Description *(Document both short and long term impacts)*	**√ if does NOT meet PC**	**Amount, Status, Description** *(Document both short and long term impacts)*	**√ if does NOT meet PC**	**Amount, Status, Description** *(Document both short and long term impacts)*	**√ if does NOT meet PC**
Sediment transported to surface water Channel Stability Analysis (D-1) found significant sediment loss. The site is contributing to the sedimentation of Renwick reservoir at a rate of 55,000 tons/year.	Without the project, annual sediment loading will continue at a rate of 55,000 tons/year of sediment load to the Renwick reservoir.	☑ NOT meet PC	Project will reduce sediment loading rates to 7,500 tons/year - a reduction of 47,000 tons/year. Temporary impacts during construction will be mitigated through stormwater management BMPs.	☐ NOT meet PC	Project will reduce sediment loading rates to 7,500 tons/year - a reduction of 47,000 tons/year. Temporary impacts during construction will be mitigated through stormwater management BMPs.	☐ NOT meet PC
International Water Management Concerns Increased TP loading to Lake Winnipeg is causing eutrophication.	No change from the existing condition. Existing conditions are not compatible with the international objective of reducing phosphorus loading by 50% at the international border.	☐ NOT meet PC	Project reduces erosion, sediment and therefore long term sources of P downstream. Project furthers US commitment to reduce TP contributions to the Red River of the North.	☐ NOT meet PC	Project reduces erosion, sediment and therefore long term sources of P downstream. Project furthers US commitment to reduce TP contributions to the Red River of the North.	☐ NOT meet PC
AIR						
No resource concern identified		☐ NOT meet PC		☐ NOT meet PC		☐ NOT meet PC
		☐ NOT meet PC		☐ NOT meet PC		☐ NOT meet PC
PLANTS						
Plant pest pressure Planner observation during Biological survey found common Tansy, leafy spurge, bromegrass, Kentucky bluegrass, Canadian thistle, musk thistle and Biennial wormwood are present. Brome and tansy dominate the herbaceous cover.	Without the project, invasive and noxious plant species will continue to dominate the herbaceous zones.	☑ NOT meet PC	Precautions during construction to limit transport of invasives. Vegetation establishment plan will include mechanical and chemical removal of invasive species in most zones and includes 55 acres of herbaceous renovation seeding to native grass/forbs.	☐ NOT meet PC	Precautions during construction to limit transport of invasives. Vegetation establishment plan will include mechanical and chemical removal of invasive species in most zones and includes 55 acres of herbaceous renovation seeding to native grass/forbs.	☐ NOT meet PC

Plant structure and composition A 2014 NDFS Forest Inventory for portions of section 28, described forest resources as "inadequately stocked". Client and planner observations include a rapid acceleration of desirable species loss due to landslides and loss of hydrology since 2013.	Without the project, landslides will continue to reduce timber acres by 16-25 acres within the next 10 years and the succession and maturation of desirable trees with timber value (Bur Oak and Basswood) will be restricted.	☐ NOT meet PC	Approximately 16.6 acres of tree and shrub planting will enhance poorly stocked areas as well as re-areas disturbed by construction. 16-25 acres of land with desirable timber will be preserved by preventing further streambank incision.	☐ NOT meet PC	Approximately 16.6 acres of tree and shrub planting will enhance poorly stocked areas as well as re-areas disturbed by construction. 16-25 acres of land with desirable timber will be preserved by preventing further streambank incision.	☐ NOT meet PC
ANIMALS						
Terrestrial habitat for wildlife and invertebrates Poor vegetation quality is not providing ideal food and cover for wildlife. Benchmark WHEG for 4 vegetation types ranged from 0.1 - 0.4	No change from the existing condition.	☑ NOT meet PC	Approximately 55.2 acres of poor quality and invasive herbaceous plant materials will be enhanced with native herbaceous and woody plant materials, increasing desirable wildlife habitat. WHEG for all vegetation types ranged from 0.6 - 1.0	☐ NOT meet PC	Approximately 55.2 acres of poor quality and invasive herbaceous vegetation will be enhanced with native herbaceous and woody plant materials, increasing desirable wildlife habitat.WHEG for all vegetation types ranged from 0.6 - 1.0	☐ NOT meet PC
Aquatic habitat for fish and other organisms Streambank and floodplain vegetation/habitat has been degraded by channel incision and is of poor quality. Current sinuosity (stream divided by valley length) is 1.56, which is considerably lower than historic pre-levee and straightening sinuosity of ~1.7. Dissolved oxygen levels in Renwick Dam downstream are routinely less than 5 mg/l. Overall SVAP scores in the APE were 4.9 and 5.5; scores for bank and channel condition and canopy cover are very poor. Bed conditions for observed Northern Pearl Dace (ND state priority fish species) are deteriorating.	Without the project, stream conditions will remain poor as indicated by several protocols: SVAP: fair-poor; WARSSS Stability Index: Unstable; Pfankuch Stability Rating: fair-poor; River-morph: Lateral Stability: unstable-highly unstable Vertical: Excess Deposition, Moderately Incised Channel Enlargement Sediment Supply Prediction - very high. Bed conditions for N. Pearl Dace may reduce their populations.	☑ NOT meet PC	Natural streambank bioengineering materials and riparian material plantings will restore cool water riverine aquatic habitat, i.e. permanent pools with adequate depth, spawning substrates, temperature refugia, and large woody debris. 0.6 acres of oxbow restoration and 13.4 acres of wetland creation will increase aquatic habitat. An increase of 1201 river feet/1.78 sinuosity will be restored by reconnecting meanders/levee removal. Temporary construction impacts to fish passage will be mitigated by working in small reaches, to temporarily divert water through a pipeline and hand-netting any trapped fish remaining in the work zone before pumping/drying the reach.	☐ NOT meet PC	Natural streambank bioengineering materials and riparian material plantings will restore cool water riverine aquatic habitat, i.e. permanent pools with adequate depth, spawning substrates, temperature refugia, and large woody debris. 0.6 acres of oxbow restoration and 6.6 acres of wetland creation will increase aquatic habitat. An increase of 1201 river feet/1.78 sinuosity will be restored by reconnecting meanders/levee removal. Temporary construction impacts to fish passage will be mitigated by working in small reaches, to temporarily divert water through a pipeline and hand-netting any trapped fish remaining in the work zone before pumping/drying the reach.	☐ NOT meet PC
		☐ NOT meet PC		☐ NOT meet PC		☐ NOT meet PC
ENERGY						
No resource concern identified		☐ NOT meet PC		☐ NOT meet PC		☐ NOT meet PC
Human Economic and Social Considerations						
Public Health and Safety Renwick reservoir is filling in with sediment at a rate greater than designed, reducing the flood control capacity for the safety of the Cavalier, ND community.	Downstream flood control benefits will steadily decline without the project. By 2113, flood control benefits will be reduced by an estimated 33%.		The lifespan of Renwick reservoir will be increased, thus providing flood control for the community of Cavalier, ND. A floodpool loss of 3% is estimated by 2113.		The lifespan of Renwick reservoir will be increased, thus providing flood control for the community of Cavalier, ND. A floodpool loss of 3% is estimated by 2113.	
Capital Citizens of the Pembina Water Resource District do not have the capital to pay for the majority of the cost of the project.	No change from the existing condition.		This alternative has a much greater cost due to the need for hauling fill from the floodplain excavation to an off site location. The local share of funding will be a greater burden to the Pembina WRD than Alt 2.		Federal, state and local partners will provide additional funds to complete this alternative at a lower cost compared with Alt 1. The local share of funding is more reasonable for this option.	

Land Use Use of project reach for timber harvest is declining - landslides and hydrology are no longer supporting succession of mature timber trees of commercial value. The recreation value of Renwick Reservoir is at risk with the rapid decline of the recreational pool. The recreational pool is estimated to be 40% full by 2040 and 100% full by 2086.	Without the project, landslides will continue to reduce timber acres by 16-25 acres within the next 10 years and the succession and maturation of trees with timber value will be restricted. Without the project, the permanent pool is estimated to be 40% full by 2040 and 100% full by 2086 - which will eliminate the recreational storage volume. The loss of recreational value may reduce employment at Icelandic State Park and reduce commerce for local businesses that depend on lake recreation related sales.	This alternative will stop landslides within the project area (0 acres estimated), preserving the forest land use. The project will extend the recreational pool lifespan. With the project, the recreational pool is estimated to be 2% full by 2050 and 28% full by 2113, thus prolonging the recreational land use of Renwick reservoir and the employment value of Icelandic State Park. Maintains viability for lake-recreation related commerce in the Cavalier community.	This alternative will stop landslides within the project area (0 acres estimated), preserving the forest land use. The project will extend the recreational pool lifespan. With the project, the recreational pool is estimated to be 2% full by 2050 and 28% full by 2113, thus prolonging the recreational land use of Renwick reservoir and the employment value of Icelandic State Park. Maintains viability for lake-recreation related commerce in the Cavalier community.
Other International Concerns	No progress toward internationally agreed to water quality and quantity targets.	Demonstrated commitment to internationally agreed to water quality and quantity targets.	Demonstrated commitment to internationally agreed to water quality and quantity targets.

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

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

G. Special Environmental Concerns (Document existing/ benchmark conditions)	**J. Impacts to Special Environmental Concerns**					
	No Action		***Alternative 1***		***Alternative 2***	
	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action
●Clean Air Act *Guide Sheet* North Dakota has no non-attainment areas.	NA	☐	NA	☐	NA	☐
●Clean Water Act / Waters of the U.S. *Guide Sheet* 15.8 acres of stream wetlands and 1.0 acre of palustrine wetland present.	No Effect	☐	May Effect A 404/NWP 27 permit will be necessary. Minimization of impacts was considered during alternative development. This alternative results in a total net increase of 13.42 acres of wetland functions which includes the restoration of 0.6 acres of oxbow wetlands.	☑	May Effect A 404/NWP 27 permit will be necessary. Minimization of impacts was considered during alternative development. This alternative results in a total net increase of 13.42 acres of wetland functions which includes the restoration of 0.6 acres of oxbow wetlands.	☑
●Coastal Zone Management *Guide Sheet* Not applicable to North Dakota	NA	☐	NA	☐	NA	☐
Coral Reefs *Guide Sheet* Not applicable to North Dakota	NA	☐	NA	☐	NA	☐
●Cultural Resources / Historic Properties *Guide Sheet*	No Effect	☐	No Effect Class III Cultural Resource Survey dated 5/21/2021 found no properties eligible for the National Register of Historic Places and no direct, indirect or visual effects on known sites. A finding of " No Historic Properties Affected" was recommended.	☐	No Effect Class III Cultural Resource Survey dated 5/21/2021 found no properties eligible for the National Register of Historic Places and no direct, indirect or visual effects on known sites. A finding of " No Historic Properties Affected" was recommended.	☐
●Endangered and Threatened Species *Guide Sheet* The USFWS lists the Northern Long-eared Bat (Threatened) and Whooping Crane (Endangered) within the project area.	May Effect The loss of northern pearl dace habitat and long-eared bat will continue to accelerate.	☐	May Effect Northern Long eared bat habitat may be present. Contractors will follow the Conditions for Implementing Conservation Practices for the Northern Long-eared Bat and Whooping Crane.	☑	May Effect Northern Long eared bat habitat may be present. Contractors will follow the Conditions for Implementing Conservation Practices for the Northern Long-eared Bat and Whooping Crane.	☑

G. Special Environmental Concerns (Document existing/ benchmark conditions)	J. Impacts to Special Environmental Concerns					
	No Action		***Alternative 1***		***Alternative 2***	
	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action
Environmental Justice *Guide Sheet* The planning area does not have elevated levels of minority and low-income populations relative to neighboring counties or the State.	No Effect The planning area does not have elevated levels of minority and low-income populations relative to neighboring counties or the State.	☐	No Effect The planning area does not have elevated levels of minority and low-income populations relative to neighboring counties or the State.	☐	No Effect The planning area does not have elevated levels of minority and low-income populations relative to neighboring counties or the State.	☐
●Essential Fish Habitat *Guide Sheet* No essential fish habitat in the planning area.	NA	☐	NA	☐	NA	☐
Floodplain Management *Guide Sheet* Project is within the 100 year floodplain of the Tongue River	May Effect Without the project, the existing natural and beneficial values of the floodplain will continue to decline.	☐	May Effect The project design increases the natural and beneficial values of the floodplain.	☐	May Effect The project design increases the natural and beneficial values of the floodplain.	☐
Invasive Species *Guide Sheet* Common Tansy, leafy spurge, bromegrass, Kentucky bluegrass, Canadian thistle, musk thistle and Biennial wormwood are present. Zebra mussel has not been documented in the Tongue River tributary.	May Effect Invasive vegetative species will increase in composition.	☐	May Effect Alternative will attempt to remove invasive plant species from the site by chemical and mechanical site preparation prior to construction. Revegetation of desirable species will reduce quantity of invasive plant species.	☐	May Effect Alternative will attempt to remove invasive plant species from the site by chemical and mechanical site preparation prior to construction. Revegetation of desirable species will reduce quantity of invasive plant species.	☐
●Migratory Birds/Bald and Golden Eagle Protection Act *Guide Sheet* No migratory birds are expected to be present in the project area.	No Effect	☐	May Effect Construction will cease if a whooping crane is observed.	☐	May Effect Construction will cease if a whooping crane is observed.	☐
Natural Areas *Guide Sheet* No designated Natural Areas within the planning area.	NA	☐	NA	☐	NA	☐
Prime and Unique Farmlands *Guide Sheet* Project does not convert agricultural land to non-ag use. Prime farmland downstream of AA is occasionally flooded.	No Effect	☐	May Effect Alternative will reduce cropland flooding on downstream prime farmland.	☐	May Effect Alternative will reduce cropland flooding on downstream prime farmland to a lesser extent then alt 1.	☐

Riparian Area *Guide Sheet* Riparian area within the APE	No Effect	☐	May Effect Project will have temporary impacts to the channel and within the riparian floodplain construction routes. Water will be temporarily diverted with measures to safely block fish with steel screening upstream of the pump intake and hand-relocating fish in the dewatered sections.	☐	May Effect Project will have temporary impacts to the channel and within construction routes. Water will be temporarily diverted with measures to safely block fish with steel screening upstream of the pump intake and hand-relocating fish in the dewatered sections.	☐
Scenic Beauty *Guide Sheet* Project area has a moderate quality scenic beauty.	No Effect	☐	No Effect Project will have temporary impacts to the scenic beauty of the landscape. Water will be temporarily diverted and some existing vegetation will be temporarily impacted by construction and establishment of native vegetation which will have a higher scenic beauty value after establishment.	☐	Project will have temporary impacts to the scenic beauty of the landscape. Water will be temporarily diverted and some existing vegetation will be temporarily impacted by construction and establishment of native vegetation which will have a higher scenic beauty value after establishment.	☐
●Wetlands *Guide Sheet* River and oxbow wetlands have lost function and hydrology due to channel incision. The Tongue River (labeled as Other Water perennial stream) and four dead channel/old meander potential other waters were identified in the Aquatic Resources Survey.	No Effect	☐	May Effect Project will temporarily impact Wetland #4 (est 0.1 acres impacted) during construction. Excavated areas will remove hydrology from Wetland #9 (0.03 acres). The project will restore 0.6 acres of oxbow wetlands, two other restored wetlands and the excavated areas result in a net increase of 13.43 acres. Overall the site will have more acres of wetlands at a higher functional value. See D-8, Tables 12 and 13.	☑	Project will temporarily impact Wetland #4 (est 0.1 acres impacted) during construction. Excavated areas will remove hydrology from Wetland #9 (0.03 acres).The project will restore 0.6 acres of oxbow wetlands, two other restored wetlands and the excavated areas result in a net increase of 6.6 acres. Overall the site will have more acres of wetlands at a higher functional value. See D-8, Tables 12 and 13.	☑
●Wild and Scenic Rivers *Guide Sheet* No Wild and Scenic Rivers in the planning area	NA	☐	NA	☐	NA	☐

K. Other Agencies and Broad Public Concerns		***No Action***	***Alternative 1***	***Alternative 2***
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.			USACE and USFWS are cooperating agencies on the project and have provided input on needed permits. Required: USACE **NWP 27** Aquatic Habitat Restoration Permit (as allowed under 404 Permitting process). NDPDES **/SWPPP** required as per Section 402 of CWA. Two parcels within a Farmers Home Administration (FmHA) perpetual wetland easement are present. Easements are managed by USFWS. O&M plans will be coordinated with USFWS and landowners Wetlands within the easement will be avoided or enhanced. Pembina County Emergency Management FEMA permit is not applicable. ND State Sovereign Lands Permit is not applicable b/c Tongue R. is not classified as Nav H20 in ND.	USACE and USFWS are cooperating agencies on the project and have provided input on needed permits. Required: USACE NWP 27 Aquatic Habitat Restoration Permit (as allowed under 404 Permitting process). NDPDES /SWPPP required as per Section 402 of CWA. Two parcels within a Farmers Home Administration (FmHA) perpetual wetland easement are present. Easements are managed by USFWS. O&M plans will be coordinated with USFWS and landownersWetlands within the easement will be avoided or enhanced. Pembina County Emergency Management FEMA permit is not applicable. ND State Sovereign Lands Permit is not applicable b/c Tongue R. is not classified as Nav H20 in ND
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)		No past, present, or reasonably foreseeable project that would result in cumulative impacts were identified for this project.	Action has the potential to cumulatively affect wetland, riparian water quality and water quantities in the AA and include other future projects and natural conditions that would compound the effects of this project. Project is expected to be highly beneficial for natural flood management, aquatic resources and water quality interests.	Action has the potential to cumulatively affect wetland, riparian water quality and water quantities in the AA and include other future projects and natural conditions that would compound the effects of this project. Project is expected to be highly beneficial for natural flood management, aquatic resources and water quality interests.
L. Mitigation (Record actions to avoid, minimize, and compensate)			Wetland #4 will be temporarily affected and restored to its original condition. The Tongue River will be restored to a higher functioning condition. Loss of hydrology to Wetland #9 (0.3 acres) will be mitigated by the restoration of 4 meanders and the restoration of hydrology in the floodplain, see D-8, Tables 12 & 13. Temporary construction impacts to fish passage will be mitigated by working in small reaches, to temporarily divert water through a pipeline and hand-netting any trapped fish remaining in the work zone before pumping/drying the reach. See D-4 for aquatic species protection.	Wetland #4 will be temporarily affected and restored to its original condition. The Tongue River will be restored to a higher functioning condition. Loss of hydrology to Wetland #9 (0.3 ac) will be mitigated by the restoration of 4 meanders and the restoration of hydrology in the floodplain, See D-8, Tables 12 & 13. Temporary construction impacts to fish passage will be mitigated by working in small reaches, to temporarily divert water through a pipeline and hand-netting any trapped fish remaining in the work zone before pumping/drying the reach. See D-4 for aquatic species protection.
M. Preferred Alternative	√ preferred alternative	☐	☐	☑
	Supporting reason			The project meets the purpose and need at a more reasonable cost than Alt 1. The channel will be restored and the sedimentation of Renwick reservoir will be reduced, thus prolonging the flood control and recreational values of the resource. Water quality, aquatic habitat and wildlife habitat will be enhanced. The project also provides an opportunity to demonstrate commitment to internationally determined water quality and flood damage reduction goals related to nutrient reduction and reduced flood flows, respectively.

N. Context (Record context of alternatives analysis)		regional	regional

The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.

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

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

Signature (TSP if applicable)	**Title**	**Date**
	Acting State Resource Conservationist	**9/2/2021**
Signature (NRCS)	**Title**	**Date**

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

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

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

P. Determination of Significance or Extraordinary Circumstances

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

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

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

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

R. Rationale Supporting the Finding	
R.1 Findings Documentation	
R.2 Applicable Categorical Exclusion(s) **(more than one may apply)** 7 CFR Part 650 *Compliance With NEPA* , subpart 650.6 *Categorical Exclusions* states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria.	Vegetative Practices Only: codes 390,391 CE's 1 and 11; codes 342 and 512 CE 1; code 484 CE20

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

S. Signature of Responsible Federal Official:

	Acting State Resource Conservationist	9/2/2021
Signature	**Title**	**Date**

Additional notes

A Watershed Plan/Environmental Assessment has been prepared for the project, under guidance in GM Title 390- National Watershed Program Manual, GM Title 610- National Environmental Compliance Handbook, and the National Environmental Policy Act. The CPA-52 worksheet has been requested to be incorporated into watershed plan appendices by the National Water Management Center, as a convenient summary, even when an EA or EIS is being utilized. In this case, the CPA-52 does not stand alone as an Environmental Evaluation document. The project was planned and designed under the practice standards noted, as well as NEH 653- Steam Corridor Restoration Principles, Practices, Processes and NEH 654- Stream Restoration Design, and has been determined by the U.S. Army Corps of Engineers (cooperating federal agency on the watershed plan) to meet Nationwide Permit 27- Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Pembina WRD	**Total Acres:**	135.1	**Date:**	9/1/21
Location / Legal Description:	28 and 28 -161-56	**Planned by:**	rhs	**Scenario:**	Benchmark

CROPLAND ELIGIBILITY STATEMENTS	**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.	Alternative 2, Preferred alt
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.	
Adjacent habitat element is 0.5 or greater on the WHEG.	

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
CROPLAND							
	0	ACRES			**WEIGHTED AVERAGE CROPLAND RATING**		
WETLAND HABITAT							
1	**1**	a. Areas of hydric soils no longer meet wetland criteria due to manipulation.	0.1			0.1	River is disconnected from the floodplain,removing hydrology from oxbow wetlands
	1	ACRES			**WEIGHTED AVERAGE WETLAND HABITAT RATING**		
RANGELAND							
	0						
	0	ACRES			**WEIGHTED AVERAGE RANGELAND RATING**		

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Pembina WRD	**Total Acres:**	135.1	**Date:**	9/1/21
Location / Legal Description:	28 and 28 -161-56	**Planned by:**	rhs	**Scenario:**	Benchmark

CROPLAND ELIGIBILITY STATEMENTS		**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.		Alternative 2, Preferred alt
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.		
Adjacent habitat element is 0.5 or greater on the WHEG.		

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
		HERBACEOUS HABITAT					
2	**62.3**	b. Hay cut before July 1 OR Season long grazing initiated before June 1.	0.4			0.4	The Herbaceous habitat will be chem fallowed and reseeded to a diverse natve mix. A suggested management plan will be provided
	62.3	ACRES		**WEIGHTED AVERAGE HERBACEOUS HABITAT RATING**		**0.40**	
		STREAMS AND STREAM SEGMENTS					
3	**21**	a. Excessive human-induced bank erosion --- (see the Stream worksheet for more information).	0.1			0.1	levees and straightened meanders have altered river function.
	21	ACRES		**WEIGHTED AVE STREAMS & STREAM SEGMENT RATING**			
		LAKES, WATER IMPOUNDMENTS					
	0	ACRES		**WEIGHTED AVE LAKES, WATER IMPOUNDMENTS RATING**			
		NATIVE WOODS					
4	**50.8**	b. Mixed age hardwoods; shrubs, seedlings, saplings, and herbaceous plants occupy less than 25 percent of the forest floor, overgrazing is obvious - trees show definite browse line; trunks are rubbed; shrubs are hedged and broken.	0.3	b1. Decadent standing trees and dead, fallen trunks and branches litter the forest floor and provide habitat for wildlife.	0.1	0.4	
	50.8	ACRES		**WEIGHTED AVERAGE NATIVE WOODS RATING**		**0.40**	
		WINDBREAKS					

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Pembina WRD	**Total Acres:**	**135.1**	**Date:**	**9/1/21**
Location / Legal Description:	28 and 28 -161-56	**Planned by:**	**rhs**	**Scenario:**	**Benchmark**

CROPLAND ELIGIBILITY STATEMENTS		**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.		Alternative 2, Preferred alt
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.		
Adjacent habitat element is 0.5 or greater on the WHEG.		

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
	0	ACRES		**WEIGHTED AVERAGE WINDBREAK RATING**			

Wildlife Habitat Evaluation Guide Summary

Owner / Operator: Pembina WRD **Date:** 9/1/202

Planners Initials: rhs **Location:** 28 and 28 -161-56 **Scenario:** Benchmark

Landuse	Acres	Rating	Assessment
Cropland			
Wetland Habitat	1	0.10	Rating is less than 0.50, does nc wildlife quality criteria.
Rangeland			
Herbaceous Habitat	62.3	0.40	Rating is less than 0.50, does nc wildlife quality criteria.
Streams	21	0.10	Rating is less than 0.50, does nc wildlife quality criteria.
Lakes Ponds			
Native Woods	50.8	0.40	Rating is less than 0.50, does nc wildlife quality criteria.
Windbreaks			
Total	135.1 Acres		

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Pembina WRD	**Total Acres:**	**136.0**	**Date:**	**9/1/21**
Location / Legal Description:	28 and 28 -161-56	**Planned by:**	**rhs**	**Scenario:**	**Planned Alternative**

CROPLAND ELIGIBILITY STATEMENTS	**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.	Alt 2, Preferred alt
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.	
Adjacent habitat element is 0.5 or greater on the WHEG.	

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
CROPLAND							
	0	ACRES		**WEIGHTED AVERAGE CROPLAND RATING**			
WETLAND HABITAT							
1	**8.5**	f. Wetlands have no hydrological manipulation, predominated by native vegetation and are managed for wildlife. This may include grazing, haying or occasional burning.	1.0	b2. All wetlands in evaluation area are protected from sedimentation.	0.1	1.0	River has been reconnected to the floodplain, resulting in lack of hydrology for oxbow wetlands.
				b1. No wetlands have been drained in evaluation area or have not had their hydrology modified in any way or all wetland hydrology has been fully restored.	0.1		
	8.5	ACRES		**WEIGHTED AVERAGE WETLAND HABITAT RATING**			
RANGELAND							
	0	ACRES		**WEIGHTED AVERAGE RANGELAND RATING**			

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Pembina WRD	**Total Acres:**	**136.0**	**Date:**	**9/1/21**
Location / Legal Description:	28 and 28 -161-56	**Planned by:**	**rhs**	**Scenario:**	**Planned Alternative**

CROPLAND ELIGIBILITY STATEMENTS		**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.		Alt 2, Preferred alt
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.		
Adjacent habitat element is 0.5 or greater on the WHEG.		

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
		HERBACEOUS HABITAT					
1	**55.7**	f. Herbaceous cover is in long-term set-aside with proper habitat management via prescribed grazing or prescribed fire to maintain high quality plant health and vigor.	1.0			1.0	The Herbaceous habitat will be chem fallowed and reseeded to a diverse natve mix. A suggested management plan will be provided
	55.7	ACRES		**WEIGHTED AVERAGE HERBACEOUS HABITAT RATING**		**1.00**	
		STREAMS AND STREAM SEGMENTS					
1	**21**	b. Less than 20% of channel/streambank has alterations --- (see the Stream worksheet for more information).	0.4	b1. Riparian area is managed separate from surrounding uplands.	0.2	0.6	Stream meanders will be reconnected, the majority of the sinuosity restored and disturbed areas revegetated
	21	ACRES		**WEIGHTED AVE STREAMS & STREAM SEGMENT RATING**			
		LAKES, WATER IMPOUNDMENTS					
	0	ACRES		**WEIGHTED AVE LAKES, WATER IMPOUNDMENTS RATING**			
		NATIVE WOODS					
1	**50.8**	f. Mixed age hardwoods; good species diversity; shrubs, seedlings, saplings, and herbaceous plants occupy more than 50 percent of the forest floor; not grazed annually and woody habitat is managed for wildlife.	1	b1. Decadent standing trees and dead, fallen trunks and branches litter the forest floor and provide habitat for wildlife.	0.1	1.0	
	50.8	ACRES		**WEIGHTED AVERAGE NATIVE WOODS RATING**		**1.00**	
		WINDBREAKS					

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

Producer Name:	Pembina WRD	**Total Acres:**	**136.0**	**Date:**	**9/1/21**
Location / Legal Description:	28 and 28 -161-56	**Planned by:**	**rhs**	**Scenario:**	**Planned Alternative**

CROPLAND ELIGIBILITY STATEMENTS		**Project Description**
Adjacent habitat element is under the operator's control and within 300' of the cropland.		Alt 2, Preferred alt
Adjacent habitat is 3 acres or 2% of the cropland acreage, whichever is greater.		
Adjacent habitat element is 0.5 or greater on the WHEG.		

Field Number	Acres	Condition	Rating	Benefit / Detraction	Rating Adjustment	Field Rating	Notes
	0	ACRES		**WEIGHTED AVERAGE WINDBREAK RATING**			

Wildlife Habitat Evaluation Guide Summary

Owner / Operator: Pembina WRD **Date:** 9/1/202

Planners Initials: rhs **Location:** 28 and 28 -161-56 **Scenario:** Planned Alterna

Landuse	Acres	Rating	Assessment
Cropland			
Wetland Habitat	8.5	1.00	Meets quality criteria.
Rangeland			
Herbaceous Habitat	55.7	1.00	Meets Quality Criteria
Streams	21	0.60	Meets Quality criteria.
Lakes Ponds			
Native Woods	50.8	1.00	Meets Quality Criteria
Windbreaks			
Total	136 Acres		

USDA-NRCS
North Dakota

Threatened and Endangered Species Practice Management Worksheet

1/12/21

Landowner/Client:	Pembina WRD				**City:**	Cavalier	**State:**	ND	**Date:**	9/1/21
Address:					**Zip Code:**				**CMU/Fields:**	
County:	**Pembina**	**Area of:**	**Section:**	**Township:**	**Range:**	**Plan / ID Number (as applicable):**				
Legal Desc. (as applicable):			28	161	56	**NLEB 4(d) Streamline Consultation Form Printed & Complete:**				
			29	161	56					
Project Description:	Tongue River Restoration									

Species and Practices Effects Table Summary

Select Practices		Species	Whooping Crane	Northern Long-Eared Bat 4(d)								
		USFWS Status ==>	**Endangered**	**Threatened**								
		Designated Critical Habitat	**NO**	**NO**								
582	**Open Channel**		NLAA CICP	NE2								
390	**Riparian Herbaceous Cover**		NLAA CICP	NE2								
391	**Riparian Forest Buffer**		NLAA CICP	NLAA, B								
512	**Forage and Biomass Planting**		NLAA CICP	NE2								
342	**Critical Area Planting**		NLAA CICP	NE2								
484	**Mulching**		NLAA CICP	NE2								

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

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

Operator Signature	**Date**	**Landowner Signature (if applicable)**	**Date**
Rita H Sveen	9/1/2021		
NRCS Planner Signature	**Date**	**Landowner Signature (if applicable)**	**Date**

Threatened and Endangered Species Practice Management Worksheet

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

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

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

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

Threatened and Endangered Species Practice Management Worksheet

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

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

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

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

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

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

If your county is within the WNS Zone:

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

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

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

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

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

Project Name:

Applicant[3]:

Agency: USDA - NRCS Email:

Phone:

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

Agency Determination:

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

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

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

Signature: Date Submitted:

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

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

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

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

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

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

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*		Date Of Land Evaluation Request 9/6/22	
Name of Project Tongue River		Federal Agency Involved USDA-NRCS	
Proposed Land Use Natural Area		County and State Pembina County, ND	
PART II *(To be completed by NRCS)*		Date Request Received By NRCS 9/6/2022	Person Completing Form: Steven Sieler
Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES ☑ NO ☐	Acres Irrigated NA	Average Farm Size 1438
Major Crop(s) Soy Beans, Wheat, Sugar Beets	Farmable Land In Govt. Jurisdiction Acres: NA %	Amount of Farmland As Defined in FPPA Acres: NA %	
Name of Land Evaluation System Used LESA	Name of State or Local Site Assessment System LESA	Date Land Evaluation Returned by NRCS 9/12/2022	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	8.1			
B. Total Acres To Be Converted Indirectly	0			
C. Total Acres In Site	304			
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	7.1			
B. Total Acres Statewide Important or Local Important Farmland	-			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	.001			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	64			
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)	1.9			

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	**Maximum Points**	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)	15			
2. Perimeter In Non-urban Use	(10)	10			
3. Percent Of Site Being Farmed	(20)	0			
4. Protection Provided By State and Local Government	(20)	20			
5. Distance From Urban Built-up Area	(15)	15			
6. Distance To Urban Support Services	(15)	10			
7. Size Of Present Farm Unit Compared To Average	(10)	0			
8. Creation Of Non-farmable Farmland	(10)	0			
9. Availability Of Farm Support Services	(5)	5			
10. On-Farm Investments	(20)	0			
11. Effects Of Conversion On Farm Support Services	(10)	0			
12. Compatibility With Existing Agricultural Use	(10)	0			
TOTAL SITE ASSESSMENT POINTS	160	55			
PART VII ***(To be completed by Federal Agency)***					
Relative Value Of Farmland *(From Part V)*	100	1.9			
Total Site Assessment *(From Part VI above or local site assessment)*	160	75			
TOTAL POINTS ***(Total of above 2 lines)***	260	76.9			

Site Selected: A	Date Of Selection 9/12/22	Was A Local Site Assessment Used? YES ☐ NO ☑

Reason For Selection:

An NRCS PL-566 Watershed Planning process, documented through an Environmental Assessment, resulted in the proposed alternative being selected for watershed protection.

Name of Federal agency representative completing this form: Christi Fisher, ND SCE	Date: 9/12/22

(See Instructions on reverse side) **Form AD-1006 (03-02)**