APPENDIX E

Environmental Evaluation

- CPA 52
- Wildlife Habitat Evaluation Guide
- T&E Worksheet
- USFWS IPaC Species List
- USFWS iPaC Communications

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

ENVIRONMENTAL EVALUATION WORKSHEET

A. Client Name: Walsh County Water Resource District

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

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

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

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

H. Alternatives

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

Resource Concerns

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

I. Effects of Alternatives

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

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

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

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

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

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

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

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

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

Riparian Area *Guide Sheet* There are two types of riparian zones present - the zone (138 acres) around the reservoir and the Forest River below the outlet of Bylin Dam. The Forest River consists of 31 miles until the confluence with the main stem of the Forest River.	May Effect The riparian community type and community structure will eventually return to a more natural riverine riparian community.	☐	May Effect Project will have temporary impacts to the riparian habitats. NDG&F will be consulted regarding fish management.	☐	May Effect The reservoir riparian community type and community structure will be facilitated to change to a more natural riverine community type with re-meandering of the river and vegetative plantings.	☐
Scenic Beauty *Guide Sheet* Project area is valued for its scenic lake viewshed	May Effect Lake viewshed will be lost. The area will be very unsightly until vegetation and natural stream meandering occur.	☐	May Effect Project will have temporary impacts to the scenic beauty of the lake viewshed. Reservoir water will be temporarily drawdown and construction areas will need revegetation. Articulated concrete block will look artificial comparted with the existing grass aux spillway.	☐	May Effect Lake viewshed will be lost. The area will be very unsightly until vegetation is established and stream re-meandering is complete.	☐
•Wetlands *Guide Sheet* Thirty-seven wetlands were identified in the Aquatic Resources Survey, the majority are fringe wetlands with artificial lake hydrology. No fens were identified. 49 features were identified as Other Waters.	May Effect Fringe wetlands will be largely lost, however natural riparian wetlands will be gained. Net balance has not been calculated.	☐	May Effect An estimated 1.28 acres of fringe wetlands will be negatively impacted or lost during construction. These may need mitigation - need consult with USACE	☑	May Effect Fringe wetlands will be largely lost, however natural riparian wetlands will be gained. Net balance has not been calculated	☐
•Wild and Scenic Rivers *Guide Sheet* No Wild and Scenic Rivers in the planning area	NA	☐	NA	☐	NA	☐

K. Other Agencies and Broad Public Concerns		*No Action Alt 1*	*Alternative 2*	*Alternative 3 Decommission*
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.		USACE and USFWS are cooperating agencies on the project and have provided input on needed permits. Required: USACE NWP 27 Aquatic Habitat Restoration Permit (as allowed under 404 Permitting process). ? NDPDES /SWPPP required as per Section 402 of CWA. Walsh County Emergency Management FEMA permit may be required. ND State Sovereign Lands Permit is not applicable b/c Forest River is not classified as Nav H20 in ND?? All land impacted is owned by the Walsh Co WRD, no new easements are needed.	USACE and USFWS are cooperating agencies on the project and have provided input on needed permits. Required: USACE NWP 27 Aquatic Habitat Restoration Permit (as allowed under 404 Permitting process). ? NDPDES /SWPPP required as per Section 402 of CWA. Walsh County Emergency Management FEMA permit may be required. ND State Sovereign Lands Permit is not applicable b/c Forest River is not classified as Nav H20 in ND?? .All land impacted is owned by the Walsh Co WRD, no new easements are needed.	USACE and USFWS are cooperating agencies on the project and have provided input on needed permits. Required: USACE NWP 27 Aquatic Habitat Restoration Permit (as allowed under 404 Permitting process). ? NDPDES /SWPPP required as per Section 402 of CWA. Walsh County Emergency Management FEMA permit may be required. ND State Sovereign Lands Permit is not applicable b/c Forest River is not classified as Nav H20 in ND?? .All land impacted is owned by the Walsh Co WRD, no new easements are needed.
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)		Removal of the dam would not enable the environment to resume all the functions and services to the original quality. Significant erosion will wash sediments that have accumulated for decades downstream affecting the stream channel and low-lying cropland; sediments will carry decades of stored nutrients and metals. These nutrients particularly, will not be absorbed by soils and plants as they would in normal quantities, but excess will continue downstream to cause eutrophic conditions in water bodies. International goals of flood reduction and improved water quality would be in the negative.	Action has the potential to cumulatively affect wetland, riparian water quality and water quantities in the AA and include other future projects and natural conditions that would compound the effects of this project. Project is expected to be highly beneficial for natural flood management, aquatic resources and water quality interests.	While more controlled than the FWOFI option, decommissioning of the dam would cause similar effects but at a smaller scale than FWOFI.International goals of flood reduction and improved water quality would be in the negative.
L. Mitigation (Record actions to avoid, minimize, and compensate)		Fringe wetlands will be largely lost, however natural riparian wetlands will be gained. Net balance has not been calculated. Wetland mitigation is not anticipated with this option as natural wetlands will likely result over time.	An estimated 1.28 acres of fringe wetlands will be negatively impacted or lost during construction. These may need mitigation - need consult with USACE	Fringe wetlands will be largely lost, however natural riparian wetlands will be gained. Net balance has not been calculated. Wetland mitigation is not anticipated with this option as the stream restoration plan would include a natural wetland regime.
M. Preferred Alternative	√ preferred alternative	☐	☑	☐
	Supporting reason	Reasons for not selecting this alternative are summarized in the Cumulative effects narrative.	The project meets the purpose and need has a cost benefit ratio of 1:1. Average estimated annual flood damages with the project are $89,000 with provides a Damage Reduction Benefit of $236,500 compared with the FWOFI option. This option met the requirements of the PR&G analysis including net positives for Provisioning, Regulating and Cultural Services. The project sponsors and local stakeholders strongly supported this option because they wanted the flood reduction and recreation benefits to be maintained and safety enhanced.	Decommissioning will increase the risk lives and property downstream and did not meeting the purpose and need of the project. Decommissioning would result in increased frequency and duration of cropland flooding which would also increase dissolved Phosphorus (both are international concerns). For these reasons, it was eliminated from further preliminary design and economic review.

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

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

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

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

Signature (TSP if applicable)	Title	Date
RICHARD WEBB Digitally signed by RICHARD WEBB Date: 2022.04.01 16:50:58 -05'00'	State Resource Con.	04/01/2022
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. See NECH 610.116.	Estimated Practices 402 Dam, 500 Obstruction Removal, 342 Critical Area Planting, some Cat Exclusions apply, however this project requires an Environmental Assessment.

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

S. Signature of Responsible Federal Official:

RICHARD WEBB Digitally signed by RICHARD WEBB Date: 2022.04.01 16:51:41 -05'00'	State Resource Con.	04/01/2022
Signature	**Title**	**Date**

Additional notes

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

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

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

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

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

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

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

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

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

Wildlife Habitat Evaluation Guide Summary

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

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

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

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

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

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

WILDLIFE HABITAT EVALUATION GUIDE WORKSHEET

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

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

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

Wildlife Habitat Evaluation Guide Summary

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

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

USDA-NRCS
North Dakota

Threatened and Endangered Species Practice Management Worksheet

1/12/21

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

Species and Practices Effects Table Summary

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

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

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

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

Threatened and Endangered Species Practice Management Worksheet

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

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

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

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

Threatened and Endangered Species Practice Management Worksheet

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

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

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

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

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

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

If your county is within the WNS Zone:

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

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

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

United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
Phone: (701) 250-4481 Fax: (701) 355-8513

In Reply Refer To: 05/16/2024 19:06:58 UTC
Project Code: 2024-0091800
Project Name: Bylin Dam Rehabilitation

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Section 7 of the Endangered Species Act
The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).
New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.
The Act requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service *if they determine their project and associated actions "may affect" listed species or critical habitat*. If Federal agencies or their non-federal representatives determine their project and associated actions will have "no effect" on listed species, their habitats, or designated critical habitat, consultation is not required. However, if a "no effect" is determined, we recommend that you maintain a written record in support of your conclusion.
Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act
Additionally, while not all are listed as threatened or endangered, eagles and migratory birds

have protections under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). The BGEPA prohibits take which is defined as, “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb” (50 CFR 22.3). Disturb is defined in regulations as, “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”. The MBTA makes it unlawful without a waiver to pursue, hunt, take, capture, kill, or sell birds listed as migratory birds, including eagles. The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs, and nests.

Service Property Interests

As part of the National Wildlife Refuge System, the Service administers fee title Refuge and Waterfowl Production Areas, as well as wetland and grassland easements, throughout North Dakota. For exact locations of Service interest lands, please contact the appropriate Wetland Management Districts (WMD) for guidance regarding FWS easements.

Northwest ND WMD Complex: Kyle Flanery, (701) 768-2548
Eastern ND WMD Complex: Dave Azure, (701) 285-3341
Central ND WMD Complex (also covers south and west): Todd Luke, (701) 442-5474

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
(701) 250-4481

PROJECT SUMMARY

Project Code: 2024-0091800
Project Name: Bylin Dam Rehabilitation
Project Type: Dam - Maintenance/Modification
Project Description: Project is in Planning Phase. Bylin Dam is over 60 years old and is classified as a high hazard dam. The Dam is being studied for rehabilitation. The most likely alternative involves keeping the construction footprint in the same location as the original embankment and auxillary spillway. It involves boring a new concrete principle spillway through the existing embankment. Sealing the original principle spillway with grout, lining the existing earthen aux spillway with articulating concrete block. Areas within the polygon will have fill or excavation. Small volunteer trees at the end of the Aux spillway will be removed for the project. No existing native riparian trees will be removed.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@48.368008849999995,-98.00991227620864,14z

Counties: Walsh County, North Dakota

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

WETLANDS

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER EMERGENT WETLAND

- PEM1Ax

RIVERINE

- R2UBFx

- R2UBF

IPAC USER CONTACT INFORMATION

Agency: Department of Agriculture
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
Phone: (701) 250-4481 Fax: (701) 355-8513

In Reply Refer To: 05/22/2024 13:42:39 UTC
Project code: 2024-0091800
Project Name: Bylin Dam Rehabilitation

Federal Nexus: yes
Federal Action Agency (if applicable): Department of Agriculture

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for 'Bylin Dam Rehabilitation'

Dear Rita Sveen:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 22, 2024, for 'Bylin Dam Rehabilitation' (here forward, Project). This project has been assigned Project Code 2024-0091800 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (DKey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the determination of "May Affect, Not Likely to Adversely Affect" the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your

IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the North Dakota Ecological Services Field Office and reference Project Code 2024-0091800 associated with this Project.

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Bylin Dam Rehabilitation

2. Description

The following description was provided for the project 'Bylin Dam Rehabilitation':

> Project is in Planning Phase. Bylin Dam is over 60 years old and is classified as a high hazard dam. The Dam is being studied for rehabilitation. The most likely alternative involves keeping the construction footprint in the same location as the original embankment and auxillary spillway. It involves boring a new concrete principle spillway through the existing embankment. Sealing the original principle spillway with grout, lining the existing earthen aux spillway with articulating concrete block. Areas within the polygon will have fill or excavation. Small volunteer trees at the end of the Aux spillway will be removed for the project. No existing native riparian trees will be removed.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@48.368008849999995,-98.00991227620864,14z

DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

   Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

   No

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

   Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

   No

3. Does any component of the action involve construction or operation of wind turbines?

   Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

   No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

   Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

   No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

   Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

   Yes

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

   No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

   No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the effects of any activities that would not occur but for the proposed action.

   If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

   Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of Effects of the Action can be found here: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

   No

10. [Semantic] Is the action area located within 0.5 miles of a known northern long-eared bat hibernaculum?

    Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

    Automatically answered
    No

11. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

    No

12. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

    No

13. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
    (If unsure, answer "Yes.")

    Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

    Yes

14. Will the action cause effects to a bridge?

    No

15. Will the action result in effects to a culvert or tunnel?

    Yes

16. Do the interior dimensions of the culvert or tunnel equal or exceed 4.0 feet (1.3 meters) in height and 130 feet (40 meters) in length? Answer "No" if the affected culvert(s) or tunnel is smaller in either of these two dimensions.

    No

17. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

    Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

    No

18. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats?**

    No

19. Will the action directly or indirectly cause construction of one or more new roads that are open to the public?

    Note: The answer may be yes when a publicly accessible road either (1) is constructed as part of the proposed action or (2) would not occur but for the proposed action (i.e., the road construction is facilitated by the proposed action but is not an explicit component of the project).

    No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

    Note: For federal actions, answer ‘yes’ when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

    No

21. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

    For federal actions, answer ‘yes’ when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

    No

22. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

    No

23. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

    No

24. Will the action include drilling or blasting?

    Yes

25. Will the drilling or blasting affect known or potentially suitable hibernacula, summer habitat, or active year-round habitat (where applicable) for the northern long-eared bat?

    Note: In addition to direct impacts to hibernacula, consider impacts to hydrology or air flow that may impact the suitability of hibernacula. Additional information defining suitable summer habitat for the northern long-eared bat can be found at: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

    No

26. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

    No

27. Will the proposed action involve the use of herbicide or other pesticides (e.g., fungicides, insecticides, or rodenticides)?

    Yes

28. Will the action result in herbicide use that may affect suitable summer habitat for the northern long-eared bat?

    Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

    No

29. Will the action include or cause the application or drift of pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides) into forested areas that are suitable summer habitat for the northern long-eared bat? Answer "Yes" if the application may result in transport (e.g., in water) or aerial drift of the pesticide into forested areas that are suitable summer habitat for the northern long-eared bat.

    Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

    No

30. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

    Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

    No

31. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

    Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

    No

32. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

    Yes

33. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines been conducted within the project area? If unsure, answer "No."

    No

34. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

    Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property and has a diameter breast height of six inches or greater.

    No

35. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags ≥3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

    No

36. Will the action result in the use of prescribed fire?

    No

37. Will the action cause noises that are louder than ambient baseline noises within the action area?

    Yes

38. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed? Answer 'no' if the noises will occur only during the inactive period.

    Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas.

    Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

    Yes

PROJECT QUESTIONNAIRE

Will all project activities by completed by November 30, 2024?

No

IPAC USER CONTACT INFORMATION

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