



APPENDIX A

Comments and Responses

A-1	Timeline
A-2	Initial Scoping and Consultation Documents and Correspondence
A-3	Interagency Meeting Documents
A-4	Alternatives Meeting Documents and Correspondence
A-5	Class III Cultural Resource Survey Consultation Correspondence
A-6	Letters of Support
A-7	MOU - Walsh WRD & NRCS
A-8	Draft Plan EA - Notices and Correspondence
A-9	Comments and Disposition
A10	NOA of FONSI, FONSI

A-1 Timeline

Consultation/Public Participation Timeline				
Date	Action	Location	Notes	Comments/Responses
1/24/2020	Initiation letters sent to consult (tribes/NDSHPO), to cooperate (USFWS, FEMA, USACE) and to participate sent to other state and local stakeholders		Cooperating agencies: USFWS, FEMA and USACE. This is the initial consultation with SHPO/Tribes	Rec'd confirmation to participate from USACE, ND SHPO, 1 tribe and 6 state and local agencies. FEMA declined to participate as a federal agency, but asked to be kept informed.
3/6/2020	Public Scoping Meeting	Grafton, ND		7 Comments received from affected landowners and agencies
9/21/2021	Interagency Work Team Mtg	Virtual	Team members include NRCS, Pembina WRD, USACE and USFWS.	
2/8/2022	Public Alternatives Meeting		Publicly advertised, invitations sent to coop agencies and tribes.	3 comments received from affected landowner
3/9/2022	ND SHPO consulted on Dougherty Dam			ND SHPO recommends Eligible for NRHP
5/21/2022	Submitted Draft Plan EA to National Water Mgmt Center			
2/2/2023	Received comments from NWMC		Revisions to the plan and some appendices were required based on NWMC comments	
8/3/2023	ND SHPO and 31 tribes are formally consulted to review and comment on the Class III Cultural Resources Survey. This is Section 106 consultation.			ND SHPO concurs with No Adverse Effect determination. Crow Creek defers to local tribes. Spirit Lake Concurs with No Adverse Effect with caution.
5/20/2024	Additional tribe sent Class III Survey for consultation (Apache of Oklahoma)			No response received from tribe
5/28/2024	Draft Plan - EA sent to NHQ for comment			NHQ returned comments on 6/6/24
6/6/2024	Received comments from NRCS National Headquarters (NHQ)			
6/20/2024	Section 106 consultation on Class III survey is complete			
7/29/2024	Draft Plan-EA or links to Plan-EA, public mtg invite and request for comments mailed to 32 Tribes + NDSHPO. USFWS and USACE and other Federal, State and Local stakeholders. Letters were sent to affected landowners.		(Beginning of Public Comment Period)	

8/7/24, 8/14/24, & 8/21/24	Public notices to announce public meeting and request comments on the Draft Plan - EA published in Walsh County Record & Walsh County Press.		And link to Draft Plan-EA on NRCS website	
8/27/2024	Public Informational Meeting/Request for Comments on - Draft Plan-EA	Grafton, ND and virtual		
9/24/2024	End of Public Comment Period			
10/10/2024	Pubic comments summarized in Plan-EA/AppA, address comments, final additions, issue FONSI		Comment table and letters added to App A	
10/30/2024	NOA of FONSI published in WC Record			

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Initial Scoping and Consultation Documents and Correspondence

Forest River Watershed Planning Roster

Point of Contact	Title	Representing	Mailing Address	Mailing Address (2)	City	State	Zip	Email
Richard Webb	Assistant State Conservationist (Field Operations)	NRCS	706 8th Ave SE, Suite 1		Devlis Lake	ND	58301	Richard.webb@nd.usda.gov
Shawn Krance	Area Resource Conservationist	NRCS	706 8th Ave SE, Suite 1		Devlis Lake	ND	58301	shawn.krance@nd.usda.gov
Christi Fisher	State Engineer	NRCS	220 East Rosser Avenue		Bismarck	ND	58502-1458	christi.fisher@nd.usda.gov
Mary Podoll	State Conservationist	NRCS	220 East Rosser Avenue		Bismarck	ND	58502-1458	mary.podoll@nd.usda.gov
Rita Sveen	District Conservationist	NRCS - Walsh County	417 Park Street West, Suite 1		Park River	ND	58270	rita.sveen@nd.usda.gov
Kevin M. Gietzen	District Conservationist	NRCS - Grand Forks County	4775 Technology Circle #1B		Grand Forks	ND	58203	kevin.gietzen@nd.usda.gov
Patricia Mcqueary	Project Manager	US Army Corps of Engineers - Regulatory Division	3319 University Drive		Bismarck	ND	58504	Patricia.L.Mcqueary@usace.army.mil
Kevin J. Shelly	ND Supervisor	US Fish and Wildlife Service	3425 Miriam Avenue		Bismarck	ND	58501	
Chris Roed	District Supervisor	US Fish and Wildlife Service -Devils Lake Wetland Management District	221 2nd Street NW, Suite #2		Devils Lake	ND	58301	Roed, Chris <chris_roed@fws.gov>
Lee dePalo	Regional Administrator	Federal Emergency Management Agency - Region 8	Denver Federal Center, Bldg 710	Box 25267	Denver	CO	80225	
Cecily Fong	Public Information Officer	ND Department of Emergency Services	Fraine Barracks Lane - Bldg 35	PO Box 5511	Bismarck	ND	58504	
Brent Nelson	Emergency Manager	Walsh County Emergency Manager	Administration Bldg 638 Cooper Ave, Suite #2		Grafton	ND	58237	
Karli Goelz	Director	Grand Forks County Emergency Management Office	122 South 5th Street		Grand Forks	ND	58201	
Sharon Lipsh	Highway Superintendent	Walsh County Highway Department	600 Cooper Ave		Grafton	ND	58237	slipsh@nd.gov
Nick West	County Engineer	Grand Forks Highway Department	P.O. Box 5682		Grand Forks	ND	58206	nick.west@gfcounty.org
Les Noerhe	District Engineer	North Dakota Department of Transportation	P.O. Box 13077		Grand Forks	ND	58208	Inoehre@nd.gov
Bruce Kreft	Resource Biologist	North Dakota Game and Fish Department	100 E Bismarck Expy		Bismarck	ND	58501	bkreft@nd.gov
Keith Weston	Executive Director	Red River Retention Authority	1120 28th Avenue North, Suite C		Fargo	ND	58102	rrra@ideaone.net
Richard Axvig	Chairman	Grand Forks County Water Resource District	151 South 4th Street	Suite 348	Grand Forks	ND	58201	Richard Axvig <richardaxvig@gmail.com>
	Commissioners	Walsh County Commission	600 Cooper Ave		Grafton	ND	58237	
	Commissioners	Grand Forks County Commission	151 S 4th Street #201		Grand Forks	ND	58201	
Karl Rockeman	Water Quality Division Director	North Dakota Department of Environmental Quality	918 E Divide Avenue, 4th Floor		Bismarck	ND	58501	krockema@nd.gov
Justin Parks	Watershed Coordinator	Grand Forks County Soil Conservation District	4775 Technology Circle, Suite C		Grand Forks	ND	58203	Justin.Parks1@nd.nacdnet.net
Sarah Johnston	SCD Manager	Walsh County Three Rivers Soil Conservation District	417 Park Street West, Suite 1		Park River	ND	58270	Walshcounty3riversscd@polarcomm.com
Evan Freeman	319 Coordinator	319 Project Coordinator						walshcounty319@polarcomm.com
Randy Gjestvang	Red River Engineer	North Dakota State Water Commission	1120 28th Avenue N., Suite C		Fargo	ND	58102	rgjestvang@nd.gov
Aaron Caranza	Regulatory Division Director	North Dakota State Water Commission	900 E Boulevard Ave, # 770		Bismarck	ND	58505	acaranza@nd.gov
Jon Kelsch	Water Development Division Director	North Dakota State Water Commission	900 E Boulevard Ave, # 770		Bismardk	ND	58505	jkelsch@nd.gov
Karen Goff	Dam Safety Program Manager	North Dakota State Water Commission	901 E Boulevard Ave, # 770		Bismardk	ND	58506	kgoff@nd.gov
David Nyhus	Design Engineer- Development Division	North Dakota State Water Commission	902 E Boulevard Ave, # 770		Bismardk	ND	58507	dnyhus@nd.gov
Lisa Steckler	Historic Preservation Specialist	State Historical Society of North Dakota	612 East Boulevard Avenue		Bismarck	ND	58505	lsteckler@nd.gov
John Murray, THPO	Tribal Historic Preservation Officer	The Blackfeet Nation	850 Government Square		Browning	MT	59417	jmflysdown@gmail.com
Jonathan Windy Boy, THPO	Tribal Historic Preservation Officer	Chippewa Cree Tribe of the Rocky Boy's Reservation	9740 Upper Box Elder Road	PO Box 230	Box Elder	MT	59521	alvin@nei-yahw.com
Kyle Felsman, THPO	Tribal Historic Preservation Officer	Confederated Salish and Kootenai Tribes	PO Box 278		Pablo	MT	59855	clayton@cskt.org
William BigDay, THPO	Tribal Historic Preservation Officer	The Crow Tribe of Indians	PO Box 159		Crow Agency	MT	59002	ebullchief@crownations.net
Michael J. Black Wolf, THPO	Tribal Historic Preservation Officer	Fort Belknap Indian Community	656 Agency Main Street		Harlem	MT	59526	mblackwolf@ftbelknap.org
Dyan Youpee, THPO	Tribal Historic Preservation Officer	Fort Peck Assiniboine and Sioux Tribes	PO Box 1027 / 501 Medicine Bear Road		Poplar	MT	59255	cultres@nemontel.net
Teanna Limpy, THPO	Tribal Historic Preservation Officer	Northern Cheyenne Tribe	PO Box 128		Lame Deer	MT	59043	teanna.limpy@cheyennenation.com
Lynette Bell, THPO	Tribal Historic Preservation Officer	Shoshone Tribe of the Wind River Reservation	PO Box 538		Fort Washakie	WY	82514	wjferriisii@yahoo.com
Crystal C/Bearing	Tribal Historic Preservation Officer	Northern Arapaho Tribe	PO Box 67		St. Stephens	WY	82524	cbearing.nathpo@gmail.com
Elgin Crows Breast, THPO	Tribal Historic Preservation Officer	Mandan, Hidatsa & Arikara Nation	404 Frontage Road		New Town	ND	58763	redhawk@mhanation.com
Dr. Erich Longie, THPO	Tribal Historic Preservation Officer	Spirit Lake Tribe of Fort Totten	PO Box 76		Fort Totten	ND	58335	thpo@go.ndtc.com
John Eagle, THPO	Tribal Historic Preservation Officer	Standing Rock Sioux Tribe	PO Box D		Fort Yates	ND	58538	j.eagle@standingrock.org
Elaine Nadeau, THPO	Tribal Historic Preservation Officer	Turtle Mountain Band of Chippewa	PO Box 900		Belcourt	ND	58316	brucefnadeau@gmail.com
Bill Latady, THPO	Tribal Historic Preservation Officer	Bois Forte Band of Chippewa Indians	1500 Bois Forte Road		Tower	MN	55790	blatady@boisforte-nsn.gov
Jill Hoppe, THPO	Tribal Historic Preservation Officer	Fond du Lac Band of Lake Superior Chippewa	1720 Big Lake Road		Cloquet	MN	55720	jillhoppe@fdlrez.com
Mary Ann Gagnon, THPO	Tribal Historic Preservation Officer	Grand Portage Band of Lake Superior Chippewa	PO Box 428		Grand Portage	MN	55605	maryanng@grandportage.com
Amy Burnette, THPO	Tribal Historic Preservation Officer	Leech Lake Band of Ojibwe	115 6th Street, NW, Suite E		Cass Lake	MN	56633	amy.burnette@llojibwe.org
Noah White, THPO	Tribal Historic Preservation Officer	Prairie Island Indian Community of Minnesota	5636 Sturgeon Lake Road		Welch	MN	55089	art.owen@piic.org
Cheyenne St. John, THPO	Tribal Historic Preservation Officer	Lower Sioux Indian Community	39527 Reservation Highway 1		Morton	MN	56270	cheyanne.stjohn@lowersioux.com
Natalie Weyaus, THPO *	Tribal Historic Preservation Officer	Mille Lacs Band of Ojibwe	43408 Oodena Drive		Onamia	MN	56359	natalie.weyaus@millelacsband.com
Samantha Odegard, THPO Coordinator	Tribal Historic Preservation Officer	Upper Sioux Community	PO Box 147		Granite Falls	MN	56241	sarac@uppersiouxcommunity-nsn.gov
Jamie Arsenault, THPO and NAGPRA Rep.	Tribal Historic Preservation Officer	White Earth Nation of Minnesota Chippewa	PO Box 418		White Earth	MN	56591	cayla.olson@whiteearth.com
Kade Ferris, THPO	Tribal Historic Preservation Officer	Red Lake Band of Chippewa Indians	PO Box 274		Red Lake	MN	56671	kade.ferris@redlakenation.org
Steven Vance, THPO	Tribal Historic Preservation Officer	Cheyenne River Sioux Tribe	PO Box 590		Eagle Butte	SD	57625	steve.vance@crst-nsn.gov
Bonnie St.John McGhee, THPO	Tribal Historic Preservation Officer	Crow Creek Sioux Tribe	PO Box 50		Fort Thompson	SD	57339	darrellzephier78@gmail.com
Garrie Kills A Hundred, THPO	Tribal Historic Preservation Officer	Flandreau Santee Sioux Tribe	P.O. Box 285		Flandeau	SD	57028	garrie.killsahundred@fsst.org
Trina Lone Hill, THPO/Director	Tribal Historic Preservation Officer	Oglala Sioux Tribe	PO Box 129		Kyle	SD	57752	dennis@oglalathpo.org
Russell Eagle Bear, THPO	Tribal Historic Preservation Officer	Rosebud Sioux Tribe of Indians	PO Box 809		Rosebud	SD	57570	rstthpo@yahoo.com
Dianne Desrosiers, THPO	Tribal Historic Preservation Officer	Sisseton-Wahpeton Oyate	PO Box 907		Sisseton	SD	57262	dianned@swo-nsn.gov
Kip Spotted Eagle, THPO	Tribal Historic Preservation Officer	Yankton Sioux Tribe	Box 1153 / 800 Main Avenue SW		Wagner	SD	57380	yst.thpo@gmail.com
Keith Bylin	Walsh County Resident	Concerned Citizen						kjbylin@polarcomm.com



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

January 24, 2020

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

RE: Formal Request to Participate as a Cooperating Agency on the North Branch
Forest River Dam #1 Rehabilitation, Environmental Assessment

Dear Ms. McQueary:

The Watershed Protection and Flood Protection Act (Section 14 of PL-83-566, as amended), authorizes financial and technical assistance to rehabilitate aging flood control dams originally constructed with the assistance of the NRCS Watershed Program. The North Branch Forest River Watershed Dam #1, (Bylin Dam), is one of these projects.

Bylin Dam is a high hazard structure, constructed in 1964 through funding and technical assistance provided by the Natural Resources Conservation Service (NRCS) Watershed Program, and owned and operated by the Walsh County Water Resource District (WCWRD). The dam was constructed for the purposes of flood control and recreation. The auxiliary spillway and riser structure do not meet current NRCS or North Dakota State Water Commission (NDSWC) dam safety standards. Preliminary analysis has indicated that approximately 140 individuals, 37 potentially inhabitable structures, 1 state highway, multiple county/township roads, recreational facilities, historic/cultural resources, and degradation of river, wetland, and riparian habitat are at risk in the event of a dam failure.

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Section 1501.6, NRCS is formally requesting your agency become a cooperating agency in the planning and development of the Bylin Dam Environmental Assessment (EA). This request is being made because your agency has been identified as having special expertise or jurisdiction by law related to this project. It is anticipated that this Watershed Rehabilitation Planning effort will take place over the course of 2020-2022 and that 2-3 interagency meetings will be held to share progress and solicit input on structural and nonstructural alternatives, supporting technical analysis work, and the economic, environmental, cultural resource concerns, and social impacts of implementing identified alternatives. Supporting technical materials will be provided electronically for comment, as well. The EA is being prepared to fulfill NRCS's NEPA compliance responsibilities pertaining to our potential federal financial assistance through Section 14 of PL-83-566, as amended. Your agency may also have NEPA compliance responsibilities concerning this project or other future projects that may be evaluated in this EA. Preparation of this EA should also

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assist in fulfilling environmental review requirements for your agency or other Federal agencies and meet NEPA's intent of reducing duplication and delay between agencies.

Please provide written confirmation of acceptance or denial to participate. If your agency chooses to accept, please indicate the name and contact information for your agency's point of contact. If your agency is unable to participate as a cooperating agency, then please return a written explanation why your agency cannot participate. Please note that a response declining to be a cooperating agency is required to also be submitted to the Council on Environmental Quality per 40 CFR Section 1501.6(c). Upon acceptance of this invitation, roles can be defined in an informal agreement or formal MOU can be established.

If you have any questions or comments, please contact the ND NRCS Watershed Program Manager, Christi Fisher at Christi.Fisher@usda.gov or by phone at (701) 530-2091. Thank you for your timely response and cooperation with this project.

Sincerely,

JENNIFER C. HEGLUND
Acting State Conservationist

Enclosure

cc: Walsh County Water Resource District w/enclosure
Zach Herrmann, Houston Engineering, Inc. w/enclosure



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Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

January 24, 2020

Federal Emergency Management Agency – Region 8
Attn: Lee dePalo, Regional Administrator
Denver Federal Center, Bldg 710
PO Box 25267
Denver, CO 80225

RE: Formal Request to Participate as a Cooperating Agency on the North Branch
Forest River Dam #1 Rehabilitation, Environmental Assessment

Dear Mr. dePalo:

The Watershed Protection and Flood Protection Act (Section 14 of PL-83-566, as amended), authorizes financial and technical assistance to rehabilitate aging flood control dams originally constructed with the assistance of the NRCS Watershed Program. The North Branch Forest River Watershed Dam #1, (Bylin Dam), is one of these projects.

Bylin Dam is a high hazard structure, constructed in 1964 through funding and technical assistance provided by the Natural Resources Conservation Service (NRCS) Watershed Program, and owned and operated by the Walsh County Water Resource District (WCWRD). The dam was constructed for the purposes of flood control and recreation. The auxiliary spillway and riser structure do not meet current NRCS or North Dakota State Water Commission (NDSWC) dam safety standards. Preliminary analysis has indicated that approximately 140 individuals, 37 potentially inhabitable structures, 1 state highway, multiple county/township roads, recreational facilities, historic/cultural resources, and degradation of river, wetland, and riparian habitat are at risk in the event of a dam failure.

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Mr. dePalo

Page 2

future projects that may be evaluated in this EA. Preparation of this EA should also assist in fulfilling environmental review requirements for your agency or other Federal agencies and meet NEPA's intent of reducing duplication and delay between agencies.

Please provide written confirmation of acceptance or denial to participate. If your agency chooses to accept, please indicate the name and contact information for your agency's point of contact. If your agency is unable to participate as a cooperating agency, then please return a written explanation why your agency cannot participate. Please note that a response declining to be a cooperating agency is required to also be submitted to the Council on Environmental Quality per 40 CFR Section 1501.6(c). Upon acceptance of this invitation, roles can be defined in an informal agreement or formal MOU can be established.

If you have any questions or comments, please contact the ND NRCS Watershed Program Manager, Christi Fisher at Christi.Fisher@usda.gov or by phone at (701) 530-2091. Thank you for your timely response and cooperation with this project.

Sincerely,

JENNIFER C. HEGLUND
Acting State Conservationist

Enclosure

cc: Walsh County Water Resource District w/enclosure
Zach Herrmann, Houston Engineering, Inc. w/enclosure



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

Voice 701.530.2000
Fax 855-813-7556

January 24, 2020

U.S. Fish and Wildlife Service
Attn: Jessica Johnson, ND Supervisor
3425 Miriam Avenue
Bismarck, ND 58501

RE: Formal Request to Participate as a Cooperating Agency on the North Branch
Forest River Dam #1 Rehabilitation, Environmental Assessment

Dear Ms. Johnson:

The Watershed Protection and Flood Protection Act (Section 14 of PL-83-566, as amended), authorizes financial and technical assistance to rehabilitate aging flood control dams originally constructed with the assistance of the NRCS Watershed Program. The North Branch Forest River Watershed Dam #1, (Bylin Dam), is one of these projects.

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Ms. Johnson

Page 2

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Please provide written confirmation of acceptance or denial to participate. If your agency chooses to accept, please indicate the name and contact information for your agency's point of contact. If your agency is unable to participate as a cooperating agency, then please return a written explanation why your agency cannot participate. Please note that a response declining to be a cooperating agency is required to also be submitted to the Council on Environmental Quality per 40 CFR Section 1501.6(c). Upon acceptance of this invitation, roles can be defined in an informal agreement or formal MOU can be established.

If you have any questions or comments, please contact the ND NRCS Watershed Program Manager, Christi Fisher at Christi.Fisher@usda.gov or by phone at (701) 530-2091. Thank you for your timely response and cooperation with this project.

Sincerely,

JENNIFER C. HEGLUND
Acting State Conservationist

Enclosure

cc: Walsh County Water Resource District w/enclosure
Zach Herrmann, Houston Engineering, Inc. w/enclosure



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

January 24, 2020

Grand Forks County Soil Conservation District
Attn: Justin Parks, Watershed Coordinator
4775 Technology Circle, Suite C
Grand Forks, ND 58203

RE: Invitation to Participate on the North Branch Forest River Dam #1
Rehabilitation, Environmental Assessment

Dear Mr. Parks:

The Watershed Protection and Flood Protection Act (Section 14 of PL-83-566, as amended), authorizes financial and technical assistance to rehabilitate aging flood control dams originally constructed with the assistance of the NRCS Watershed Program. The North Branch Forest River Watershed Dam #1, (Bylin Dam), is one of these projects.

Bylin Dam is a high hazard structure, constructed in 1964 through funding and technical assistance provided by the Natural Resources Conservation Service (NRCS) Watershed Program, and owned and operated by the Walsh County Water Resource District (WCWRD). The dam was constructed for the purposes of flood control and recreation. The auxiliary spillway and riser structure do not meet current NRCS or North Dakota State Water Commission (NDSWC) dam safety standards. Preliminary analysis has indicated that approximately 140 individuals, 37 potentially inhabitable structures, a state highway, multiple county/township roads, recreational facilities, historic/cultural resources, and degradation of river, wetland, and riparian habitat are at risk in the event of a dam failure.

The NRCS, in partnership with the sponsoring local organization (WCWRD), requests that your organization brings its expertise to participate in this Watershed Rehabilitation Planning effort over the course of 2020-2022. It is anticipated that 2-3 interagency meetings will be held over the course of these 3 years, which would provide your organization the opportunity to provide input on structural and nonstructural alternatives, supporting technical analysis work, and the economic, environmental, cultural resource concerns, and social impacts of implementing identified alternatives. Supporting technical materials will be provided electronically for comment, as well. The result of this planning process will be a Supplemental Watershed Plan Environmental Assessment under the National Environmental Planning Act (NEPA) to support future construction of the selected alternative. NRCS and the WCWRD would appreciate your involvement in this process to ensure that all feasible alternatives are identified for consideration that and that all relevant concerns are considered in the planning process.

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Mr. Parks

Page 2

Please provide written confirmation of acceptance or denial to participate. If your organization chooses to accept, please indicate the name and contact information for your organization's point of contact.

If you have any questions or comments, please contact the ND NRCS Watershed Program Manager, Christi Fisher at Christi.Fisher@usda.gov or by phone at (701) 530-2091. Thank you for your timely response and cooperation with this project.

Sincerely,

JENNIFER C. HEGLUND
Acting State Conservationist

Enclosure

cc: Walsh County Water Resource District w/enclosure
Zach Herrmann, Houston Engineering, Inc. w/enclosure



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

January 24, 2020

Red Lake Band of Chippewa Indians
Attn: Kade Ferris, Tribal Historic Preservation Officer
PO Box 274
Red Lake, MN 56671

RE: Invitation to Participate on the North Branch Forest River Dam #1
Rehabilitation, Environmental Assessment

Dear Mr. Ferris:

In accordance with 36 CFR 800.3, the Natural Resources Conservation Service (NRCS), acting as the lead federal agency is initiating the Section 106 consultation process for the North Branch Forest River Watershed Dam #1, (Bylin Dam). Under the Watershed Protection and Flood Protection Act (Section 14 of PL-83-566, as amended), authorizes financial and technical assistance to rehabilitate aging flood control dams originally constructed with the assistance of the NRCS Watershed Program. The North Branch Forest River Watershed Dam #1, (Bylin Dam), is one of these projects.

Bylin Dam is a high hazard structure, constructed in 1964 through funding and technical assistance provided by the Natural Resources Conservation Service (NRCS) Watershed Program, and owned and operated by the Walsh County Water Resource District (WCWRD). The dam was constructed for the purposes of flood control and recreation. The auxiliary spillway and riser structure do not meet current NRCS or North Dakota State Water Commission (NDSWC) dam safety standards. Preliminary analysis has indicated that approximately 140 individuals, 37 potentially inhabitable structures, a state highway, multiple county/township roads, recreational facilities, historic/cultural resources, and degradation of river, wetland, and riparian habitat are at risk in the event of a dam failure.

The NRCS, in partnership with the sponsoring local organization (WCWRD), requests that your organization brings its expertise to participate in this Watershed Rehabilitation Planning effort over the course of 2020-2022. It is anticipated that 2-3 interagency meetings will be held over the course of these 3 years, which would provide Red Lake Band of Chippewa Indians an opportunity to provide input on structural and nonstructural alternatives, supporting technical analysis work, and the economic, environmental, cultural resource concerns, and social impacts of implementing identified alternatives. Meeting times and additional information will be provided at a later date. Supporting technical materials will be provided electronically for comment, as well. The result of this National Environmental Planning Act planning process will be a Supplemental Watershed Plan Environmental Assessment to support future construction of the selected alternative. NRCS and the WCWRD would appreciate your involvement in this process to

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Mr. Ferris

Page 2

ensure that all feasible alternatives are identified for consideration and that all relevant concerns are considered in the planning process.

Please provide written confirmation of acceptance or denial to participate. If your organization chooses to accept, please indicate the name and contact information for your organization's point of contact.

If you have any questions or comments, please contact the ND NRCS Watershed Program Manager, Christi Fisher at Christi.Fisher@usda.gov or by phone at (701) 530-2091. Thank you for your timely response and cooperation with this project.

Sincerely,

JENNIFER C. HEGLUND
Acting State Conservationist

Enclosure

cc: Walsh County Water Resource District w/enclosure
Zach Herrmann, Houston Engineering, Inc. w/enclosure



RPLY TO
ATTENTION OF

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

February 26, 2020

North Dakota Regulatory Office

Ms. Jennifer C. Heglund
Natural Resources Conservation Service
Bismarck State Office
P.O. Box 1458
Bismarck, North Dakota 58502-1458

Dear Ms. Heglund:

This in reference to your January 24, 2020 correspondence requesting the Corps of Engineers, Omaha District become a cooperating agency relative to the North Branch Forest River Dam #1 Rehabilitation being prepared for the Bylin Dam project in Walsh County, North Dakota.

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

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

Please provide this office a copy of the Draft Watershed Plan at the address shown above for our review and comment. We would also welcome the opportunity to participate in any meetings scheduled for this project.

Please refer to identification number NWO-2020-00419-BIS in any correspondence concerning this project. If you have any questions, please contact me at North Dakota Regulatory Office, 3319 University Drive, Bismarck, North Dakota 58504, by email at Patricia.L.McQueary@usace.army.mil, or telephone at (701) 255-0015.

Sincerely,

Patricia L. McQueary
State Program Manager
North Dakota



February 24, 2020

Ms. Jennifer Heglund
NRCS
Bismarck State Office
PO Box 1458
Bismarck, ND 58502-1458

**ND SHPO Ref.: 20-5446, Invitation to Participate on the North Branch Forest River Dam #1
(Bylin Dam) Rehabilitation EA**

Dear Ms. Heglund,

We reviewed ND SHPO Ref.: 20-5446, Invitation to Participate on the North Branch Forest River Dam #1 (Bylin Dam) Rehabilitation EA. We look forward to participating in the planning process for this project. Please contact Lisa Steckler as listed below with meeting information. Deputy SHPO Fern Swenson will most likely attend as well.

Thank you for the opportunity to review this project. If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at (701) 328-3577, e-mail lsteckler@nd.gov

Sincerely,

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

20-5446

Fisher, Christi - NRCS, Bismarck, ND

From: Crystal C'Bearing <cbearing.nathpo@gmail.com>
Sent: Tuesday, February 18, 2020 5:30 PM
To: Fisher, Christi - NRCS, Bismarck, ND
Subject: Invitation to Participate on Dam Projects

Hello Christi,

The Northern Arapaho Tribe would like to participate in the following tribal consultations:

Tongue River Dams M-3 (Senator Young Dam,
T-7-1 (Olson Dam) and
T-3-1 (Bourbanis Dam); also
North Branch Forest River Dam #1

Please include us in any and all correspondence.

Thank you,
Crystal

--

Crystal C'Bearing

Deputy Director
Northern Arapaho Tribe
Tribal Historic Preservation Office
P.O. Box 67
St. Stephens, Wyoming 82524
cbearing.nathpo@gmail.com
(office) 307.856.1628
(cell) 307.840.2903
(fax) 307.856.1974

Fisher, Christi - NRCS, Bismarck, ND

From: Kreft, Bruce L. <bkreft@nd.gov>
Sent: Wednesday, February 19, 2020 10:34 AM
To: Fisher, Christi - NRCS, Bismarck, ND
Subject: Invitation to Participate in Fordville Dam and Bylin Dam Rehabilitation

Hello Christi,

The North Dakota Game and Fish Department accepts the invitation to participate in the Middle-South Branch Forest River Dam #4 and the North Branch Forest River Dam #1 Rehabilitation Planning effort. These two dams are important regional fishing and recreational lakes that we actively manage. The Department would like to receive correspondence for the three Tongue River Dam planning efforts but we do not plan on being a participating agency for those efforts. Our contact person will be Bruce Kreft (bkreft@nd.gov) and can be reached at this email address or at 701-328-6224. Thank you,
Bruce Kreft

Bruce Kreft

Resource Biologist

701.328.6224 • bkreft@nd.gov • gf.nd.gov



Fisher, Christi - NRCS, Bismarck, ND

From: Kelsch, Jonathan F. <jkelsch@nd.gov>
Sent: Friday, February 14, 2020 11:22 AM
To: Fisher, Christi - NRCS, Bismarck, ND
Cc: Goff, Karen M.; Nyhus, David L.; Gjestvang, Randy D.
Subject: Invitation to Participate

Christi,

The North Dakota State Water Commission received notification and request to participate as a Cooperation Agency on the several dam rehabilitation projects, and we are pleased to participate.

North Branch Forest River Dam #1
Middle-South Branch Forest River #4
Tongue River Dam M-3 (Senator Young Dam)
Tongue River Dam T-7-1 (Olson Dam)
Tongue River Dam T-3-1 (Bourbanis Dam)

The agency's point of contact are:

Karen Goff
Dam Safety Program Manager
Regulatory Division
701-328-4953
Mailing Address:
900 East Boulevard Avenue, Bismarck ND 58505
Email: kgoff@nd.gov

David Nyhus
Design Engineer
Development Division
701-328-4950
Mailing Address:
900 East Boulevard Avenue, Bismarck ND 58505
Email: dnyhus@nd.gov

Randy Gjestvang
Engineer/Manager
Development Division
701-282-2318
Mailing Address:
1120 28th Avenue N, Suite C, Fargo, ND 58102
Email: rgjestvany@nd.gov

Jon Kelsch

Development Division Director

701.328.4948 • 701.328.3696 (fax) • jkelsch@nd.gov • www.swc.nd.gov

701.328.2750 • swc@nd.gov • 900 East Boulevard Avenue • Bismarck, ND 58505



From: [Lipsh, Sharon M.](#)
To: [Fisher, Christi - NRCS, Bismarck, ND](#)
Subject: Bylin Dam
Date: Monday, February 3, 2020 2:45:16 PM

I am willing to participate in this project. Please let me know when the meetings will be held.

Thank you!

Sharon Lipsh

Walsh County Highway Superintendent

600 Cooper Avenue

Grafton, ND 58237

Phone: 701-352-1530

Fax: 701-352-5073

From: [Nick West](#)
To: [Fisher, Christi - NRCS, Bismarck, ND](#)
Cc: [Richard Axvig](#); jpribula@wiktel.com
Subject: Invitation to Participate in Dam Rehabilitation & EA
Date: Thursday, February 6, 2020 2:12:08 PM

Christi,

I received the letter soliciting participation in 2 separate dam rehabilitation projects and EA's for Bylin and Fordville Dams.

Yes I would be interested in participating.

Thank you for reaching out and asking.

Nick

Nick West, PE
Grand Forks County Engineer
Office: 701.780.8248
Mobile: 701.317.0126



From: [Nelson, Brent A.](#)
To: [Fisher, Christi - NRCS, Bismarck, ND](#)
Subject: Participation in Dam Rehabilitation, Environmental Assessment
Date: Tuesday, February 11, 2020 1:45:13 PM

Ms. Fisher:

This email is to provide you notice that Walsh County Emergency Management would like to participate in the following two projects:

North Branch Forest River Dam #1 Rehabilitation, Environmental Assessment
Middle-South Branch Forest River Dam #4 Rehabilitation, Environmental Assessment

Local contact for the participation will be:

Walsh County Emergency Management
Brent A. Nelson, Emergency Manager
638 Cooper Ave., Suite 2
Grafton, ND 58237
701-352-2311
banelson@nd.gov

Based on the letters received we are to provide written notification of the desire to participate. Please consider this my notification. If something different is required or I need to provide notice to another individual or address, please let me know.

Thank you for the invitation to participate and I look forward to working with the NRCS and other agencies involved in the process.

Sincerely,

Brent A. Nelson

Brent A. Nelson, Manager
Walsh County Emergency Mgmt./911
638 Cooper Ave., Suite 2
Grafton, ND 58237
701-352-2311
banelson@nd.gov

From: [Wax, Peter N.](#)
To: [Fisher, Christi - NRCS, Bismarck, ND](#)
Cc: [Sandness, Greg V.](#); [Grossman, Dallas J.](#); [Wax, Peter N.](#); [Rockeman, Karl H.](#)
Subject: PL-566 Planning
Date: Friday, February 7, 2020 9:50:14 AM
Attachments: [image003.png](#)

Re: Participation in Watershed Rehabilitation and Planning efforts for Tongue River Dams: M-3, T-7-1, T-3-1, North Branch Forest River Dam #1 (Bylin) Dam and Middle Branch Forest River Dam # 4 (Fordville).

Dear Ms Fisher:

The department appreciates the offer to be included in the rehabilitation of the five dams on the Tongue and Forest Rivers.

After careful consideration, the department does not see a need to be actively involved in the Section 14, PL-83-566 planning process for the rehabilitation of these structures. However, the department does see a supporting role in issuing construction stormwater permits, clean water certification and providing input on specific action to control nonpoint source pollution. These small portions of the process can be simply and efficiently addressed by contacting specific individuals within the department.

The contact information

Stormwater Permitting: Dallas Grossman, 701-328-5242, dgrossman@nd.gov

Clean Water Certification: Peter Wax, 701-328-5268, pwax@nd.gov

Nonpoint source Pollution: Greg Sandness, 701-328- 5232, gsandness@nd.gov

Sincerely,

Peter N. Wax

Special Projects

Division of Water Quality

701.328.5268 • pwax@nd.gov • <https://deq.nd.gov/>



2020-03-06 SCOPING MEETING

**Notice of Public Meeting
Friday, March 6, 2020 at 11:00am
Minto Community Center
114 Harvey Avenue, Minto, ND 58261
Bylin Dam Rehabilitation
Public Scoping Meeting
Walsh County Water Resource District (WCWRD)**

The WCWRD will host a public meeting on Friday, March 6, 2020 at 11:00am at the Minto Community Center (114 Harvey Avenue, Minto, ND 58261). The WCWRD is proceeding as the Local Sponsoring Organization for the rehabilitation of North Branch Forest River Dam No. 1 (Bylin Dam). The initial phase of this effort is to complete a Supplemental Watershed Plan that will include review of the existing structure, watershed/resource concerns, development of alternatives, and selection of a preferred alternative. The purpose of the meeting is to provide background of the Watershed Planning effort and opportunity for input about resource concerns pertinent to Bylin Dam. Input may be provided through oral comments at the meeting as well as through completion of a questionnaire. For those unable to attend the meeting, the questionnaire will be made available, along with presentation material from the meeting, on the WCWRD web page following the public meeting.

Comment forms will also be available from the WCWRD office at the address listed below. Comments forms will be accepted for all forms postmarked on or before April 3, 2020. Completed comment forms can be mailed to the WCWRD office at:

Walsh County Water Resource District
600 Cooper Avenue
Grafton, ND 58237

Special Meeting of the Walsh County Water Resource District
Bylin Dam NRCS Rehab Study – Public Scoping Meeting
Friday, March 6, 2020
Minto Community Center, Minto, ND

March 6, 2020 – 11:00 a.m.

Vice Chairman Larry Tanke called the meeting of the Walsh County Water Resource District Board to order on Friday, March 6, 2020. He introduced the members of the Board and then turned the meeting over to Christy Fischer – NRCS and Mike Opat with Houston Engineering. (For those in attendance, please see attached sign in roster.)

Christy began the presentation with a brief summary of the NRCS dam rehab study process and how funds were distributed. Mike began with a brief history on Fordville Dam and how funding was secured for the rehab study of the dam with NRCS, SWC and RRJWRD. He then moved on to an overview of what the rehab study will entail and how the study will develop into a final recommendation report.

The current issues with the dam stem from a 2015 dam assessment report from the State Water Commission that classified the dam as a high hazard structure. This study will look into what areas of the dam need to be repaired/replaced and what options are most feasible to keep the dam in good repair and operation.

The study will research all alternatives available to the dam to include:

- No action – no federal action or assistance;
- Rehab to federal high hazard criteria – concrete spillway;
- Remove downstream flood risk & rehab to reduced hazard classification;
- Decommissioning dam.

The final report is expected to be completed by September 2022. Comment forms were provided for the public to fill out and return by Friday, April 3rd, 2020.

Comments/Questions from attendees:

- Dougherty Dam is directly upstream of the Bylin Dam – they are joined. Would like to save both dams.
- Dougherty Dam captures a lot of silt and keeps it from going into the Bylin Dam.
- Earliest construction would be in 2024 +/- and would take approximately 1-2 years.
- Life expectancy of the rehab would be 100 years.
- Funding – 70% NRCS – 50% of remainder SWC – 65% remainder RRJWRD – any remaining costs are local share.
- What is the likelihood of decommissioning? Unknown at this point. Decommissioning is looked at because it is a federal requirement of the study. General public would have a voice if decommissioning was an option being looked into.

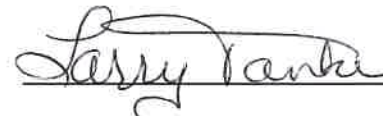
Comment sheets will be available on the Walsh County Water Resource District's website.

With no other questions, the meeting was adjourned.

Attest:



Jennifer Lindenberger, Sec/Treas.



Larry Tanke, Vice Chairman



Agenda

- PL-566 Watershed Rehabilitation Overview
- Dam and Watershed Plan History
- Bylin Dam Overview
- Planning Process
- Purpose & Need
- Dam Safety Concerns
- Flood Prevention Concerns
- Recreation Concerns
- Data Collection & Resource Inventory
- Preliminary Alternatives
- Factors Considered
- Public Input



COMMENT SHEET

North Branch Forest River Dam No. 1 (Bylin Dam)

Public Scoping Meeting – March 6, 2020

Please list any comments or concerns regarding this project:

AS I live a mile Down Stream and Right on the River, This IS a huge concern for me. If the Dam was decommissioned, the threat of flooding IS Substantial. This Dam IS also a concern as an avid Sportsman. This Dam is Full of fish and Serves as a crucial part for wildlife. AS a farmer the Dam Serves as a major Crossing Point for Our equipment as we are not able to cross the Coulee to the east or Down Stream of the Dam. I would like to Be Informed and willing to Show Around my Concerns.

(You may also indicate areas of concern via markup or comment on the map displayed on the reverse side of this sheet.)

May we follow up with you for more information?

☒ YES

☐ NO

Please provide your name, address, email address, and phone number:

Name: Craig Skorheim

Address: 6590 122nd Ave NE Adams ND 58210

Email: Craig.Skorheim@gmail.com

Phone Number: 701 331 2667 Leave a message

Please drop this form off at the conclusion of the meeting, email, or mail back to:

EMAIL: North Branch Forest River Dam No. 1
bylin@houstoneng.com

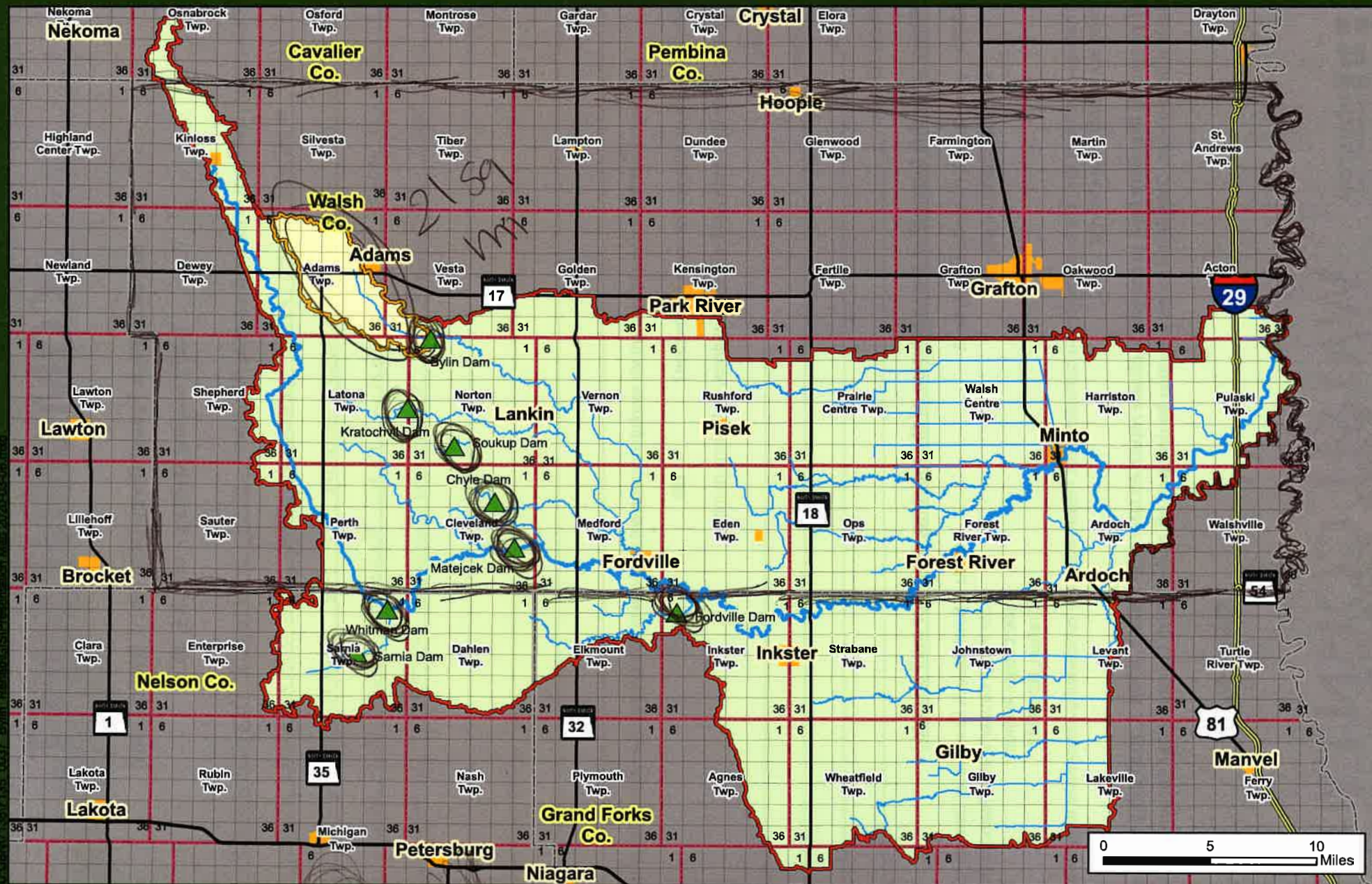
MAIL: North Branch Forest River Dam No. 1
c/o Walsh County Water Resource District
600 Cooper Avenue
Grafton, ND 58237

Thank you for taking the time to complete this comment form. Please return any completed questionnaire to the Walsh County Water Resource District before leaving.

If you would like more time to complete, please return no later than **FRIDAY, APRIL 3, 2020** using the email/mail instructions above. Completed forms may also be dropped off at the Walsh County Water Resource District office.

Thank You!!

C:\BART\1507135_0017 Bylin Railway EIS\Presentation Maps\2020-03-09.mxd



Walsh County Water Resource District

Bylin Dam Rehabilitation

Spring Creek

Bylin Dam Project

Drainage Area

Walsh County Water bed

County Boundary

Township Boundary

City Limits



Prepared By:

HOUSTON
ENGINEERING INC.

1804 2nd Avenue North
Fargo, ND 58102

701.237.5065

March. 24, 2020

Dear Walsh County Water Resource District,

I grew up on the Skarheim Bros. Dairy farm about a mile down river from the Bylin Dam.

Before the dam was built the road was very steep and almost ~~undrivable~~ ^{undrivable} most of the year. I remember the spring flooding. My Dad (Dennis) & Uncle Henry never had to clean out the barnyard of manure. John L. Johnson / Dennis Skarheim Jr.; Roger Gustafson / Kevin Gustafson; Mylo Samuelson ^{Earl in summer}; Skarheim Dairy / Jay Skarheim; Rosold / Wayne Uddy; Wistie - no one lives there now; Clifford Askim - no one lives there now; Harry Askim / Ryan Askim all lived in the coulee and the next generation now lives. They all had cattle, the spring flooding cleaned out many barnyards. The Wisties used the concrete tunnel under the railroad as a cattle barn. The water would come all the way up to my uncles back door to his house - Craig Skarheim now lives where that house once sat. The barnyard would flood up to the pole barn that's still there. It would flood the farms for miles. I through the eyes of a child thought it was a fantastic way to clean out the barn yards. The cows had to ~~be~~ ^{remain} in the barns until the water went down and barnyards dried up.

After the dam was built we had to haul out the manure. My Dad Dennis Skarheim built concrete bridge across the river for the cows for 2 reasons 1 to keep the cows from walking in the mud - which kept them cleaner. 2. This meant the cows could get up the hill and to the pastures earlier in the spring.

After the dam was built all the "Cowboy Kids" mothers made us take swimming lessons in P.R. We always had inner tubes at the dam where we'd swim just in case we needed them. The swimming area and docks were on the north side of the dam. We'd swim water ski, fish, winter ice skate, snowmobile & ice fish. Every Sunday afternoon was spent at the dam.

We were NOT ALLOWED to go on the south side. ~~The~~ Dad Bylin would get Very Angry. To keep the peace our Dad told us to STAY on the North side.

Hoff School House needs to be kept safe. It's one of the only one room schools at its original site in the state or states around. Hoff/Skorheim farm is a 5 generation farm.

I pray the dam stays in place. It would be devastating for many family farms. Dennis Skorheim Jr. & Son. Gustafson, Samuelson's, Jay Skorheim & Son, Wayne Holby, Askima.

Even heavy rains will flood the cowles without the dam.

There also needs to be a Good road across the dam for many farmers to safely get their equipment to their fields and people to work.

Danise Skorheim Bata

6440 HWY 35

Adams, N.D.

COMMENT SHEET

North Branch Forest River Dam No. 1 (Bylin Dam)

Public Scoping Meeting – March 6, 2020

Please list any comments or concerns regarding this project: Will sediment accumulation
be assumed to have occurred since the dam was put in
or will there be some testing of the stratigraphy to see
if sediment accumulation rates have increased over time?
changed estimates of sediment loading lifespan greatly.

(You may also indicate areas of concern via markup or comment on the map displayed on the reverse side of this sheet.)

May we follow up with you for more information? YES NO

Please provide your name, address, email address, and phone number:

Name: _____

Address: _____

Email: _____

Phone Number: _____

Please drop this form off at the conclusion of the meeting, email, or mail back to:

EMAIL: North Branch Forest River Dam No. 1
bylin@houstoneng.com

MAIL: North Branch Forest River Dam No. 1
c/o Walsh County Water Resource District
600 Cooper Avenue
Grafton, ND 58237

Thank you for taking the time to complete this comment form. Please return any completed questionnaire to the Walsh County Water Resource District before leaving.

If you would like more time to complete, please return no later than FRIDAY, APRIL 3, 2020 using the email/mail instructions above. Completed forms may also be dropped off at the Walsh County Water Resource District office.

Thank You!!

COMMENT SHEET

North Branch Forest River Dam No. 1 (Bylin Dam)

Public Scoping Meeting – March 6, 2020

Please list any comments or concerns regarding this project: _____

Consideration - downstream impacts - banks

- River incision downstream

- Buffer to install on riparian

- Bylin's In Watershed

- Sediment loading

- Nitrate phosphorus impacts

* Landowners adjacent to Bylin are concerned that if the back dam is taken out - sedimentation of Bylin dam will happen

(You may also indicate areas of concern via markup or comment on the map displayed on the reverse side of this sheet.)

May we follow up with you for more information?

☒ YES

☐ NO

Please provide your name, address, email address, and phone number:

Name: Chris Nelson NRCS Park River

Address: _____

Email: _____

Phone Number: _____

Please drop this form off at the conclusion of the meeting, email, or mail back to:

EMAIL: North Branch Forest River Dam No. 1

bylin@houstoneng.com

MAIL: North Branch Forest River Dam No. 1

c/o Walsh County Water Resource District

600 Cooper Avenue

Grafton, ND 58237

Thank you for taking the time to complete this comment form. Please return any completed questionnaire to the Walsh County Water Resource District before leaving.

If you would like more time to complete, please return no later than **FRIDAY, APRIL 3, 2020** using the email/mail instructions above. Completed forms may also be dropped off at the Walsh County Water Resource District office.

Thank You!!

COMMENT SHEET

North Branch Forest River Dam No. 1 (Bylin Dam)

Public Scoping Meeting – March 6, 2020

Please list any comments or concerns regarding this project: The dam should stay! I grew up living right by this dam - my house overlooked the dam. There are so many family memories with this dam - I had my wedding photos taken w/ the dam in the backdrop. The dam has history + is an iconic symbol to the families who live near it. When I return home to visit the family farm, my kids look forward to throwing rocks, climbing the shale, etc. They can't wait to play at the dam! Don't take away this signature space for the generation to come! Additionally, the road provides access to those that travel to + from everyday. It provides access! Do what you need to provide structural updates, if warranted, but don't REMOVE it!

(You may also indicate areas of concern via markup or comment on the map displayed on the reverse side of this sheet.)

May we follow up with you for more information?

☒ YES

☐ NO

Please provide your name, address, email address, and phone number:

Name: Katie (Bylin) Johnke + family (Scott, Levi, Gavin, Halle)

Address: 2035 Assumption DR Bismarck, ND 58501

Email: katiejohnke@gmail.com

Phone Number: 701-331-0424

Please drop this form off at the conclusion of the meeting, email, or mail back to:

EMAIL: North Branch Forest River Dam No. 1
bylin@houstoneng.com

MAIL: North Branch Forest River Dam No. 1
c/o Walsh County Water Resource District
600 Cooper Avenue
Grafton, ND 58237

Thank you for taking the time to complete this comment form. Please return any completed questionnaire to the Walsh County Water Resource District before leaving.

If you would like more time to complete, please return no later than FRIDAY, APRIL 3, 2020 using the email/mail instructions above. Completed forms may also be dropped off at the Walsh County Water Resource District office.

Thank You!!

From: Sveen, RitaHarmsen - NRCS, Park River, ND <rita.sveen@usda.gov>
Sent: Monday, March 16, 2020 7:48 AM
To: Mike Opat
Cc: Fisher, Christi - NRCS, Bismarck, ND; WCWRB (wcwrb@nd.gov)
Subject: FW: Comment Sheet North Branch Forest River Bylin Dam

Follow Up Flag: Follow up
Flag Status: Flagged

[External Email]

Mike,

I'm not sure if Keith sent this to you as well? It was only addressed to me in this email. Very good historic perspective.

Rita H. Sveen
District Conservationist
417 Park St W Ste 1
Park River, ND 58270
Natural Resources Conservation Service
United States Department of Agriculture
<http://www.nd.nrcs.usda.gov>
Tel: 701-284-7466 ext3

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

From: kjbylin@polarcomm.com <kjbylin@polarcomm.com>
Sent: Sunday, March 15, 2020 11:08 AM
To: Sveen, RitaHarmsen - NRCS, Park River, ND <rita.sveen@usda.gov>
Subject: Comment Sheet North Branch Forest River Bylin Dam

March 15, 2020

Hello Houston Engineering, NRCS, and Walsh Co. Water Resource District Office,

First off, I would like to introduce myself. I am Keith Bylin, life long resident and farmer & cow/calf operator of the land used to construct the Bylin Dam back in the early 60's. Born in mid 1955 I have many memories of family discussions on "the dam" and construction days with Clarmont Construction Co. from Bismarck. I have not seen the papers in years my father had. In his desk was engineering data in regards to that project (my brother may still have them) which made for interesting reading years later. Wanted you to know this, as this will be reflected in the following comments. I did not attend the March 6th Public Scoping Meeting in Minto but my sister was there taking notes and I have also viewed the Power Point slides listed on the Walsh County Web site. This is my response for that meeting. I will list my comments and concerns as Historical, Environmental/Recreational, Financial, and Community Relations. Then and as I understand this, NRCS is taking the lead role with other agencies a supporting role?

Historical

I was on the Walsh County Historical Preservation Commission for 24 years.

I am guessing since Federal monies are involved in this project, a historical review will need to be done and any work or changes made to an historical site, signed off by the Walsh County Historical Preservation Commission. The Bylin Dam might not be considered a "historical site" but Dougherty Dam to the west is a WPA Project from the 1930's and is in North Dakota's inventory of such projects completed by Steve Martens of NDSU's History Department.

Homestead era farmsteads downstream from the dams have value but as across the state, they are not seeing expensive preservation efforts, but most in this valley are still occupied and maintained. Some seasonal and others full time. There is one of the few remaining one room schools in the state downstream a mile or so from the dam. That is Hoff School which is on the National Registry of Historic Places. It was considered a "gem" to North Dakota's Historic Preservation Nomination Committee during the approval process. Across the road to the east from the Hoff School is the Hoff/Skorheim farmstead. It is a mix of old and modern working farm probably most a risk to changes at the dam, though there are others. There are photos of pre-dam flooding in this farmstead that I hope will be shared with you.

To my knowledge, no inventory has been done of the Native American burial sites in the North Branch of the Forest River, except at the crossing of the oil pipeline 2 miles or so down stream on the north branch. Though I know of several, along the wooded area near the river between the dam and Hwy 32. Probably small offshoots from the 2000+ year old Fordville Burial Mound Complex just east of the confluence of the Forest River's, north and middle branches.

Environmental/Recreational

I am not aware of any serious issues, either surface or ground water, caused by the construction of the Bylin Dam. I do remember my father telling me about the many ground water springs at the surface in the area, now flooded by the permanent pool of the dam. He said when he was a child, the springs fed an area large enough to provide grass for 30 cow calf pairs in the drought years of the 30's. Today only one exists. It is just west of my brothers house. It flows about 30 gpm even during the dry years of 1988 and 1989. Also there have been some algae blooms effecting livestock health and recreation but the last several years the water clarity of the dam as been amazing, compared to others along the escarpment. Two wells on my brothers farm have never been effected by the dam.

Waterfowl hunting has been popular too. It has actually increased the past decade. Hunting on the north shore of the dam is encouraged (three farmsteads on the south shore make it difficult to safely hunt) . Out of state hunters frequent the reservoir now each fall.

Fishing has been very spotty over the years. I do not fish myself but when cars are at the fishing pier or

on the ice I know that walleyes are biting. I can tell you that it can be a busy place at times but mostly there is not much fishing activity. The surface area is only large enough for one water skier at a time but on hot days and before algae starts to form near the boat dock, they seem to have lots of fun down there...

Financial

Walsh County Water Board (as other water boards in the state) has done a poor job of selling to the public, county drainage projects. One just needs to look at past issues of the Walsh County Record newspaper. I suspect funding of the options available to NRCS that will make this dam compliant to the new Federal standards will not all come from the Federal Government side! Be upfront with those of us with property in this drainage basin on what the costs will be and who will be expected to share in those costs. If not, it will be seen as nothing but wealth transfer to those with the great level soils of the Elk River Valley (Golden Valley to us) from those of us on the Pembina Escarpment.

The current cost benefit ratio on this project I am sure, will be a major deciding factor as to how you proceed. I am very interested in this process. More detail the better for me. Historically this has been the most subjective part of any dam project in this country.

Community Relations

I saved this for last as it brings back unpleasant memories of a young boy listening to his parents discuss "the dam". Maybe in the scheme of things it is not important but do you have any idea why the dam is named the "Bylin Dam"? Well it goes like this. The family (it was still in an estate that included at least 10 heirs) was horrified with the idea that the County Commission was going to name it after one of their own members.

Like what happened to the Hanson Hill Dam, which we now know as Matejcek Dam. So during condemnation proceedings they settled out of court for less money but with the stipulation that it be named after the family that homesteaded the land in 1881. I have some of the letters written in the day, to and from attorneys. Not pleasant reading.! When dams are built (or modified), there are winners and losers. Neighbor against neighbor. Just ask the Mandan or Hidatsa near Garrison Dam. But I/we use with little thought and regard, electricity from hydro power.

Recreation value of the permanent pool provides residents of the county is important. I have no survey to back this up of course but I believe much of the shore fishing is by lower income folks and retirees. If the dam is decommissioned or permanent pool lowered to provide more flood protection there would be an outcry. ND Game and Fish need to be a part of this process including their checkbook!

There was also discussion during construction days that no traffic was going to be allowed across the top of the dam when finished. That never happened of course but any changes to the current vehicle and

machinery traffic across the top and around the emergency spillway cannot be restricted (improved would be great). Across the dam is our only farm to market road to ND Hwy 17 especially those of us with grain storage on the south side of the river.

Summary:

Pasturing of the side slopes, vehicle traffic and a odd tree growing in the same are not good maintenance practices, I have never noticed any movement or leakage in the earthen fill of the dam. The road has risen a bit that crosses the emergency spillway because of shaping and adding gravel over they years. I have driven across it literally thousands of times. I half remember seeing an engineering report years ago, stating that in the day they did not have the correct type of clay needed for earthen part of the dam. If I remember right it was possible to "float the structure out of the channel" even when packed to 110% of normal. Don't know about that, but if you folks think it is time to address its safety I believe you. I know you have the ability to communicate with the community (maybe teach the Water Board a thing or two in the process) . NRCS that I have worked with in the past has been understanding and responsive. I also know that the "good of the many, outweigh the good of the few". Please communicate with ALL us! E-mail is cheap and fast! The meeting in Minto was a great start! Call or stop out to visit if I can be of any help. My door and phone line is always open.

Keith Bylin
12141 66th St. NE
Adams, ND 58210

701-331-0167
701-944-0223

kjbylin@polarcomm.com

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COMMENT SHEET

North Branch Forest River Dam No. 1 (Bylin Dam)

Public Scoping Meeting – March 6, 2020

Please list any comments or concerns regarding this project: I am requesting all cultural resource surveys conducted in the project APE. Including maps, shapefiles, site inventories/maps within 1 mile of project APE to help make determination on this proposed project. If there any planned cultural surveys for this project, the Northern Arapaho tribe would like to participate in the survey.

(You may also indicate areas of concern via markup or comment on the map displayed on the reverse side of this sheet.)

May we follow up with you for more information?

☒ YES

☐ NO

Please provide your name, address, email address, and phone number:

Name: Crystal C'Beating - Northern Arapaho THPO

Address: PO Box 167 St. Stephens, WY 82524

Email: cbeating.nathpo@gmail.com

Phone Number: 307.856.1628

Please drop this form off at the conclusion of the meeting, email, or mail back to:

EMAIL: North Branch Forest River Dam No. 1
bylin@houstoneng.com

MAIL: North Branch Forest River Dam No. 1
c/o Walsh County Water Resource District
600 Cooper Avenue
Grafton, ND 58237

Thank you for taking the time to complete this comment form. Please return any completed questionnaire to the Walsh County Water Resource District before leaving.

If you would like more time to complete, please return no later than **FRIDAY, APRIL 3, 2020** using the email/mail instructions above. Completed forms may also be dropped off at the Walsh County Water Resource District office.

Thank You!!



A-3

Inter-agency Meeting Documents

From: [Mike Opat](#)
To: [Mike Opat](#)
Subject: [External Email]North Branch Forest River Dam No. 1 (Bylin Dam)- Interagency Meeting Notice
Date: Friday, August 20, 2021 3:23:16 PM
Attachments: [hei_d562a228-8e53-424d-8c69-43b1a222b74e.png](#)

[External Email]

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Notice of Meeting
Tuesday, September 21, 2021 at 2:30pm
Virtual Meeting
Bylin Dam Rehabilitation
Interagency Work Team Meeting
Walsh County Water Resource District (WCWRD)

The WCWRD, serving as the Local Sponsoring Organization for the rehabilitation of North Branch Forest River Dam No. 1 (Bylin Dam), will host an interagency work team meeting on Tuesday, September 21, 2021 at 2:30pm (following the interagency meeting on Fordville Dam). The meeting will be held virtually and participants can access the meeting through one of the options set out below.

Tentative Agenda:

- Review of Watershed Rehabilitation Program and Purpose and Need
- Structural Alternatives
- Non-Structural Alternatives
- Decommissioning
- No-Action
- Environmental Consequences
- Discussion on Recommended Alternatives

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 701-404-1699,,981153196#](#) United States, Fargo

Phone Conference ID: 981 153 196#

Mike Opat, PE, CFM

Sr Project Manager

Houston Engineering, Inc.

📞 701.237.5065 | 📠 701.499.9473



1401 21st Avenue N • Fargo, ND • 58102

www.houstoneng.com

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A-4

Alternatives Meeting Documents and Correspondence

Notice of Public Meeting

Tuesday, February 8, 2022 at 1:30pm

**Meeting to be Held Virtually Through Microsoft Teams
Bylin Dam Rehabilitation**

**Public Meeting to Discuss Alternative Development
Walsh County Water Resource District (WCWRD)**

The WCWRD will host a public meeting on Tuesday, February 8, 2022 at 1:30pm to be held virtually through a Microsoft Teams meeting. Access to the meeting will be available by entering the following URL into a web browser: <https://bit.ly/BylinDamRehab>. Members of the public may also participate by attending the meeting in person at the Walsh County Water Resource District's office (600 Cooper Avenue, Grafton, ND 58237).

The WCWRD is proceeding as the Local Sponsoring Organization for the rehabilitation of North Branch Forest River Dam No. 1 (Bylin Dam). The initial phase of this effort is to complete a Supplemental Watershed Plan that includes review of the existing structure, watershed/resource concerns, development of alternatives, and selection of a preferred alternative. The purpose of the meeting is to provide an update on alternatives developed for Bylin Dam, provide information on the preferred alternative for rehabilitation, describe the impacts of the preferred alternative, and to solicit feedback on the proposed rehabilitation effort. Input may be provided through oral comments at the meeting as well as through completion of a questionnaire to be provided on the WCWRD web page following the public meeting. The presentation material used during the public meeting will also be made available on the WCWRD web page.

Comment forms will be available at the WCWRD office which is located at the address listed below. Comment forms will be accepted for all forms postmarked on or before March 1, 2022. Completed comment forms can be mailed to the WCWRD office at:

**Walsh County Water Resource District
600 Cooper Avenue
Grafton, ND 58237**

Notice of Public Meeting
Tuesday, February 8, 2022 at 1:30pm
Meeting to be Held Virtually Through Microsoft Teams
Bylin Dam Rehabilitation
Public Meeting to Discuss Alternative Development
Walsh County Water Resource District (WCWRD)

The WCWRD will host a public meeting on Tuesday, February 8, 2022 at 1:30pm to be held virtually through a Microsoft Teams meeting. Access to the meeting will be available by entering the following URL into a web browser: <https://bit.ly/BylinDamRehab>. Members of the public may also participate by attending the meeting in person at the Walsh County Water Resource District's office (600 Cooper Avenue, Grafton, ND 58237).

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Walsh County Water Resource District
600 Cooper Avenue
Grafton, ND 58237

Example of email invitation

From: [Mike Opat](#)
To: [Mike Opat](#)
Subject: [External Email]North Branch Forest River Dam No. 1 (Bylin Dam)- Public Meeting Notice
Date: Friday, January 21, 2022 4:14:39 PM
Attachments: [email-signature-smaller-use_bde80e85-ebb1-4047-8f05-8f8e19d827ba.png](#)

[External Email]

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Notice of Public Meeting

Tuesday, February 8, 2022 at 1:30pm
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The WCWRD is proceeding as the Local Sponsoring Organization for the rehabilitation of North Branch Forest River Dam No. 1 (Bylin Dam). The initial phase of this effort is to complete a Supplemental Watershed Plan that includes review of the existing structure, watershed/resource concerns, development of alternatives, and selection of a preferred alternative. The purpose of the meeting is to provide an update on alternatives developed for Bylin Dam, provide information on the preferred alternative for rehabilitation, describe the impacts of the preferred alternative, and to solicit feedback on the proposed rehabilitation effort. Input may be provided through oral comments at the meeting as well as through completion of a questionnaire to be provided on the WCWRD web page following the public meeting. The presentation material used during the public meeting will also be made available on the WCWRD web page.

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Walsh County Water Resource District
600 Cooper Avenue
Grafton, ND 58237

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Mike Opat, PE, CFM

Sr Project Manager

📞 701.237.5065 | 📠 701.499.9473



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Agenda

- Review of History of Bylin Dam
- Existing Condition at Bylin Dam
- Purpose and Need of the Project
- Alternatives Evaluation Process
- Recommended Alternative to be Reviewed in More Detail
- Environmental Consequences
- Discussion on Proposed Works of Improvement at the Dam

STOP FOR
QUESTIONS



Meeting Goal:

- **Present work completed through the rehabilitation effort up to this point.**
- **Solicit input on alternatives to rehabilitate Bylin Dam**

Paul LeClaire

From: kjbylin@polarcomm.com
Sent: Tuesday, February 8, 2022 4:41 PM
To: Bylin
Subject: comments/questions from Feb 8, 2022 meeting on Bylin Dam

[External Email]

Hello Paul and Houston Engineering,

First off thanks for the easy to understand online meeting today. Paul you do a great job and have a demeanor that has an element of trust to it. Least that is my opinion. (-:

Thanks for making the design changes to the road atop the dam. So important to so many of us on the "south side" of the Forest River north branch!!!

Three comments or questions I felt were not worth an heated discussion or worth dragging the meeting out for today.

1: The high voltage power line across the reservoir should/has to be moved. Early discussions with Nodak Electric Coop in Grand Forks should be undertaken so some type of burial of the line would be part of the design. Guessing they would like it in the same area of the emergency spillway.

2: We pasture down to the water level with cattle. Will the mud/silt be a hazard to cattle herd when reservoir is pumped down? How sticky will this soil be? Maybe you know of a situation that this has come up before?? What should I expect?

3: Why no discussion of a dry dam? Some are in use just north of us in the Park River Watershed. Would that lower construction costs and still provide for the 22" rain event? This question I did not want to ask in public because disrupting people's recreation can stir lots of emotions.

Thank much for your email notifications and if I can be of any assistance to you or this project please ask. Curiously I do not hear from the Walsh Water Board on this subject.

Keith Bylin
Adams, ND

cell 701-331-0167

Feb 8, 2022 Alternatives Meeting Comments & Responses

1. The high voltage power line across the reservoir should/has to be moved. Early discussions with Nodak Electric Coop in Grand Forks should be undertaken so some type of burial of the line would be part of the design. Guessing they would like it in the same area of the emergency spillway.

The location of the power line across the reservoir was considered during conceptual design and determined there was no need to relocate or bury the power line in conjunction with this project. Additional coordination will occur with any impacted utilities during more detailed design phases.

2. We pasture down to the water level with cattle. Will the mud/silt be a hazard to cattle herd when reservoir is pumped down? How sticky will this soil be? Maybe you know of a situation that this has come up before?? What should I expect?

The mud/silt in the bottom of the reservoir would be potential hazard to cattle, particularly east of Dougherty Dam, during the time period the reservoir was dewatered. Single wire electric fence could be installed along the reservoir as a part of the construction contract, for temporary livestock exclusion as could any needed temporary alternative livestock water. Details would be worked out with you during development of the final design for the project.

3. Why no discussion of a dry dam? Some are in use just north of us in the Park River Watershed. Would that lower construction costs and still provide for the 22" rain event? This question I did not want to ask in public because disrupting people's recreation can stir lots of emotions.

Converting to a dry dam instead of maintaining a permanent pool could have been considered as an alternative in the planning process, you are correct. Construction costs for rehabilitation to a dry dam would likely be within 5% of that of the proposed structural rehabilitation alternative, given that design requirements for the auxiliary spillway would not change. Costs for the new principal spillway would be slightly less than what is proposed for the new spillway to support a permanent pool. Flood retention would be increased by 524 ac-ft with a dry dam, which be a 12% increase in storage volume.

As noted in the comment, recreation is one of the authorized purposes for the dam and was noted as an important amenity by individuals attending the initial public scoping meeting held in March of 2020. Other types of recreation, not involving a lake, such as trails or river access points could have been considered as replacement in conjunction with a dry dam alternative, in theory. Based on comments made by individuals and agencies during public scoping, the lake is highly valued as a recreational resource, however.

A-5

Class III Cultural
Resources Survey
Consultation

Section 106



Natural Resources
Conservation Service

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

Voice 701.530.2011
Fax 855-813-7556

March 9, 2022

Dr. William D. Peterson
Director
State Historical Society of North Dakota
612 East Boulevard Ave.
Bismarck, North Dakota 58505

RE: Request for determination of NRHP eligibility for site 32WA837

Dear Dr. Peterson:

The Natural Resources Conservation Service North Dakota (NRCS) is requesting a determination of eligibility for the National Register of Historic Places (NRHP) for structure 32WA837. The NRCS is developing plans for rehabilitation of the North Branch Forest River Dam No. 1 (also known as Bylin Dam), located in Walsh County, ND, T156N R57W, NW¼ of Section 5 and NE¼ of Section 6, Adams SE (1990) USGS 7.5- minute quad map. The area of potential effects (APE) for the dam rehabilitation project encompasses approximately 249 acres in portions of T156N R57W (Sections 5 and 6), T157N R57W (Sections 31 and 32), and T157N R58W (Sections 25 and 36) (see attached Project Map 1). Most of the APE consists of 20-30 degree slopes, river bottomland, or areas with previous ground disturbance. The APE was established through estimation of maximum water impoundment during a flood event and the proposed area of ground disturbance near the existing dam structure.

Construction for the North Branch Forest River Watershed Dam No. 1 (hereafter referred to as Bylin Dam) was completed in 1964 to provide flood control and reduce erosion within a high-hazard portion of the North Branch Forest River Watershed. The design life of Bylin Dam was designated as 50 years from the construction date. The design life has been exceeded, and several deficiencies at the dam site have been noted, including inadequate spillway hydraulic capacity, erodibility potential of the auxiliary spillway, inadequate embankment slope stability, and incompatibility of the embankment drainage system. The dam currently does not meet NRCS or State of North Dakota dam safety criteria and poses risk to human life and downstream infrastructure, land, and natural resources. The Natural Resources Conservation Service proposes construction activities to bring the Bylin Dam into compliance with current performance, design, and safety standards. The undertaking will increase the water impoundment surface area volume and will involve considerable ground disturbance within the immediate vicinity of the dam structure.

A Class I records review indicated no cultural resource sites have been previously recorded within or adjacent to the proposed project APE. A Class III inventory of the APE identified a single historic period structure consisting of a smaller non-

functional dam located within the current impoundment area and upstream of the Bylin Dam. This historic period dam structure has been designated as 32WA837 (Dougherty Dam) and is currently unevaluated for National Register of Historic Places (NRHP) eligibility status. Structure 32WA837 consists of two features, an earthen berm (Feature 1) and a stone spillway (Feature 2), the details of which are described in the enclosed NDCRS site form. Built in 1935, the design, materials, and workmanship of structure 32WA837 bear resemblance to other Federal relief era conservation structures and the structure meets several criteria for the evaluation of NRHP eligibility of Depression era conservation structures in North Dakota. As described in the North Dakota State Historic Preservation Office's (SHPO) historic context entitled "Federal Relief Construction in North Dakota, 1931-1943," these include Criterion A and Criterion C. Eligibility for the NRHP may be argued under Criterion A for the association with social history and economics in the country during the Great Depression and the Federal relief response to those conditions. Under Criterion C, eligibility may also be considered as the design, workmanship, and materials of 32WA837 resemble those distinctive of Federal relief era conservation structures in the region. Both features of Structure 32WA837 retain most aspects of integrity and are in good condition (see references and photographs in attached NDCRS site form).

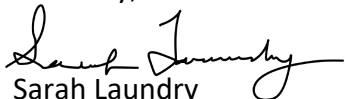
The preferred alternative for the Bylin Dam rehabilitation project is "to raise the top of dam elevation to accommodate the appropriate design event for a high-hazard dam, harden the auxiliary spillway by using articulated concrete block within the spillway chute, replace the existing principal spillway conduit and riser tower, and reduce the downstream embankment slope at the dam to improve slope stability" (2022 NRCS Preliminary Draft Watershed Plan). The impact of these activities on structure 32WA837 will be similar in nature to the existing impacts from the current Bylin Dam impoundment. Structure 32WA837 is periodically inundated by several feet of water during flood events from the 25-year flood stage (3.3 feet) to the 500-year flood stage (up to 14 feet). The proposed undertaking would raise the top of the Bylin Dam by approximately four feet, which will result in modest changes to the depth of inundation of 32WA837 at the various flood stages. At the more frequent flood intervals of 2-10 years, there would be no change in inundation depth and the structure will primarily be above the reservoir level. At less frequent flood intervals of 25-50 years, the depth of inundation of the structure will decrease by up to 1.5 feet. At the least frequent flood intervals of 100-500 years, the depth of inundation of 32WA837 will only increase by less than one foot. Basically, the improvements proposed for the Bylin Dam will not change the frequency of inundation for structure 32WA837 but it will change the depth of water by an increase or decrease of less than two feet when inundated. Due to its location in an area of still water within the reservoir, there will be no increase to erosion around structure 32WA837 due to the proposed rehabilitation of the Bylin Dam.

The impacts of the undertaking, including ground disturbance and raised flood-

stage impoundment area, will not directly or indirectly affect any additional known cultural resource sites. Preliminary analysis shows that the proposed undertakings to improve the Bylin Dam, will not significantly alter the current condition of structure 32WA837 or lead to additional impacts. The modest increase to the height of Bylin Dam will also not impact the viewshed from structure 32WA837 as Bylin Dam is not visible from 32WA837 due to terrain and a bend in the reservoir/channel upstream. The NRCS proposes that structure 32WA837 be considered **eligible** for inclusion in the NRHP under Criterion A and Criterion C, as described above and in the attached NDCRS site form. Considering the comparable effect of the proposed undertakings to the conditions currently found at the location of structure 32WA837, the NRCS would render a determination of **no adverse effect** for the Bylin Dam rehabilitation project with respect to structure 32WA837.

The NRCS seeks your concurrence with the proposed eligibility status and determination of effect for 32WA837 with regard to the proposed undertakings described herein for the Bylin Dam rehabilitation project. The results of this request will be included in formal consultation efforts planned for 2022. If you have any questions, please contact Sarah Laundry at (701) 530-2011 or by email at sarah.laundry@usda.gov.

Sincerely,



Sarah Laundry

State Cultural Resources Specialist

Enclosures (2):

Project Map 1 showing the proposed APE for Bylin Dam
NDCRS site form for 32WA837

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March 21, 2022

Ms. Sarah Laundry
NRCS
Bismarck State Office
PO Box 1458
Bismarck, ND 58502-1458

ND SHPO Ref 22-5421 Request for determination of NRHP eligibility for site 32WA837 in portions of [T156N R57W Sections 5 & 6], Walsh County, North Dakota

Dear Ms. Laundry,

We have reviewed ND SHPO Ref 22-5421 Request for determination of NRHP eligibility for site 32WA837 in portions of [T156N R57W Sections 5 & 6], Walsh County, North Dakota and we concur with a determination of "No Adverse Effect" for this project provided it takes place in the location and manner described in the documentation.

We further concur that 32WA837 is *Eligible* for listing in the National Register of Historic Places.

Thank you for the opportunity to review this project. If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at (701) 328-3577, e-mail lsteckler@nd.gov

Sincerely,

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

22-5421

Point of Contact	Title	Representing	Mailing Address	Physical address	City	State	Zip	Email	Notes
John Murray	THPO	Blackfeet Indian Reservation of Montana	PO Box 2809/527		Browning	MT	59417	jmflysdwn@gmail.com	
Illiff "Scott" Kipp Sr.	Chairman	Blackfeet Indian Reservation of Montana	640 All Chiefs Road		Browning	MT	59417	kdavis@blackfeetnation.com	
Catherine Chavers	Chairperson	Bois Forte Band of the Minnesota Chippewa Tribe	5344 Lakeshore Dr		Nett Lake	MN	55772	chavers@boisforte-nsn.gov	
Jaylen Strong	THPO	Bois Forte Band of the Minnesota Chippewa Tribe	1500 Boix Forte Rd		Tower	MN	55790	bstady@boisforte-nsn.gov	
Harold Frazier	Chairperson	Cheyenne River Sioux Tribe	PO Box 590		Eagle Butte	SD	57625	Haroldcfrazier@yahoo.com	
Steven Vance, THPO	Tribal Historic Preservation Officer	Cheyenne River Sioux Tribe	PO Box 590		Eagle Butte	SD	57625	stevev.crsipres@outlook.com	
Harlan Baker	Chairman	Chippewa Cree Tribe of the Rocky Boy's Reservation	96 Clinic Rd		Box Elder	MT	59521	hdataa_cree@yahoo.com	
Jonathan Windy Boy, THPO	Tribal Historic Preservation Officer	Chippewa Cree Tribe of the Rocky Boy's Reservation	PO Box 544	31 Agency Square	Box Elder	MT	39521	jonathan.windyboy@nei-yahw.com	
Kathryn McDonald, THPO	Tribal Historic Preservation Officer	Confederated Salish and Kootenai Tribes	PO Box 278		Pablo	MT	59855	kathryn.mcdonald@cskt.org	
Tom McDonald	Chairman	Confederated Salish and Kootenai Tribes	PO Box 278		Pablo	MT	59855	council@cskt.org	
Peter Lengkeek	Chairperson	Crow Creek Sioux Tribe	PO Box 50		Fort Thompson	SD	57339	PO Box 50 Fort Thompson, SD 57339-0050	
Merle Marks, THPO	Tribal Historic Preservation Officer	Crow Creek Sioux Tribe	PO Box 50		Fort Thompson	SD	57339	cchistory@midstated.net	
Anthony Reider	Chairperson	Flandreau Santee Sioux Tribe	PO Box 283		Flandreau	SD	57028		
Garrie Kills A Hundred, THPO	Tribal Historic Preservation Officer	Flandreau Santee Sioux Tribe	PO Box 283		Flandreau	SD	57028	garrie.killshundred@fsxt.org	
Evan Schroeder	THPO	Fond du Lac Band of the Minnesota Chippewa Tribe	1720 Big Lake Rd		Cloquet	MN	55720	evanschroeder@fdlrez.com	
kevin Dupuis	Chairperson	Fond du Lac Band of the Minnesota Chippewa Tribe	1720 Big Lake Rd		Cloquet	MN	55720	kevindupuis@fdlrez.com	
Jeffery Stiffarm	President	Fort Belknap Indian Community	656 Agency Main St		Harlem	MT	59526	jeffery.stiffarm@fibelknap.org	
Michael J. Black Wolf, THPO	Tribal Historic Preservation Officer	Fort Belknap Indian Community	656 Agency Main St		Harlem	MT	59526	mblackwolf@fibelknap.org	
Dyan Youpee, THPO	Tribal Historic Preservation Officer	Fort Peck Assiniboine and Sioux Tribes	PO Box 1027	501 Medicine Bear Road	Poplar	MT	59255	d.youpee@fortpecktribes.net	
Floyd Azure	Chairman	Fort Peck Assiniboine and Sioux Tribes	PO Box 1027		Poplar	MT	59255	fazure@fortpecktribes.net	
Beth Drost	Chairwoman	Grand Portage Band of the Minnesota Chippewa Tribe	PO Box 428		Grand Portage	MN	55605	bethdrost@grandportage.com	
Rob Hull	THPO	Grand Portage Band of the Minnesota Chippewa Tribe	PO Box 428		Grand Portage	MN	55605	thpo@grandportage.com	
Amy Burnette, THPO	Tribal Historic Preservation Officer	Leech Lake Band of Ojibwe	190 Sailstar Dr NE		Cass Lake	MN	56633	amy.burnette@lojibwe.org	
Faron Jackson	Chairman	Leech Lake Band of Ojibwe	190 Sailstar Dr NE		Cass Lake	MN	56633	aron.jackson@lojibwe.org	
Cheyenne St. John, THPO	Tribal Historic Preservation Officer	Lower Sioux Indian Community	PO Box 308	39527 Res, Hwy. 1	Morton	MN	56270	lowersiouxthpo@lowersioux.com	cheyenne.stjohn@lowersioux.com
Robert Larsen	President	Lower Sioux Indian Community	PO Box 308		Morton	MN	56270	robert.larsen@lowersioux.com	
Melanie Benjamin	Chief Executive	Mille Lacs Band of Ojibwe	43408 Oodena Dr		Onamia	MN	56359	melanie.benjamin@millelacsband.com	
Mike Wilson	THPO	Mille Lacs Band of Ojibwe	43408 Oodena Dr		Onamia	MN	56359	mike.wilson@millelacsband.com	
Ben Ridgely/Crystal Bearing	THPO	Northern Arapaho Tribe	PO Box 676		St. Stevens	WY	82524	nathpo@northernarapaho.com	
Lee Spoonhunter	Chairperson	Northern Arapaho Tribe	PO Box 396		Fort Washakie	WY	82514	lee.spoonhunter@northernarapaho.com	Denver, CO 80202
Serena Wetherelt	President	Northern Cheyenne Tribe	PO Box 128		Lame Deer	MT		serena.wetherelt@cheyennation.com	
Teanna Limpy, THPO	Tribal Historic Preservation Officer	Northern Cheyenne Tribe	PO Box 128		Lame Deer	MT	59043	teanna.limpy@cheyennation.com	
Frank Star Comes Out	President	Oglala Sioux Tribe	PO Box 2070		Pine Ridge	SD	57770	fstarcomesout@oglala.org	
Thomas Brings	Tribal Historic Preservation Officer	Oglala Sioux Tribe	320 Pineridge		Kyle	SD	57752	t.brings@oglala.org	
Johnny Johnson	President	Prairie Island Indian Community in Minnesota	5636 Sturgeon Lake		Welch	MN	55089	Shartell@pic.org	
Noah White	THPO	Prairie Island Indian Community in Minnesota	5636 Sturgeon Lake		Welch	MN	55089	noah.white@pic.org	
Darrell Seki	Chairperson	Red Lake Band of Chippewa Indians	15484 Migizi Drive		Red Lake	MN	56671	dseki@redlakenation.org	
Kade Ferris, THPO	Tribal Historic Preservation Officer	Red Lake Band of Chippewa Indians	PO Box 274		Red Lake	MN	56671	kade.ferris@redlakenation.org	
Ione Quigley, THPO	Tribal Historic Preservation Officer	Rosebud Sioux Tribe of Indians	PO Box 750		Rosebud	SD	57570	ione.quigley@rsi-nsn.gov	
Scott O. Herman	President	Rosebud Sioux Tribe of Indians	PO Box 430		Rosebud	SD	57570	PO Box 430 Rosebud, SD 57570-0430	
Misty Frazier	THPO	Santee Sioux Nation	425 Frazier Ave N Suite 2		Niobrara	NE	68760	ssn.thpo@gmail.com	
Alonzo Denney	Chairperson	Santee Sioux Nation	108 Spirit Lake Ave W		Niobrara	NE	68760	alonzo.denney@snsdakota.com	
Joshua Mann, THPO	Tribal Historic Preservation Officer	Shoshone Tribe of the Wind River Reservation	PO Box 538		Fort Washakie	WY	82514	jmann@easternshoshone.org	
John St. Clair	Chairman	Shoshone Tribe of the Wind River Reservation	14 Norfork, Rd		Fort Washakie	WY	82514	jstclair@easternshoshone.org	
Dianne Desrosiers, THPO	Tribal Historic Preservation Officer	Sisseton-Wahpeton Oyate	PO Box 907		Sisseton	SD	57262	danned@tvo-nsn.gov	
J. Garret Renville	Chairperson	Sisseton-Wahpeton Oyate	12554 BIA Hwy 711		Agency Village	SD	57262	chairman@tvo-nsn.gov	
Lonna Street	Chairwoman	Spirit Lake Tribe of Fort Totten	PO Box 359		Fort Totten	ND	58335	st-adminsec@spiritlakenation.com	
Kenneth Graywater	Tribal Historic Preservation Officer	Spirit Lake Tribe of Fort Totten	PO Box 198		Fort Totten	ND	58335	kgraywater@spiritlakenation.com	MUST BE UPLOADED, NOT MAILED TO: https://cms.spiritlakeconsulting.com
Janet Alkire	Chairperson	Standing Rock Sioux Tribe	PO Box D		Fort Yates	ND	58538	PO Box D Fort Yates, ND 58538-0522	
Jon Eagle, Sr. THPO	Tribal Historic Preservation Officer	Standing Rock Sioux Tribe	PO Box D		Fort Yates	ND	58538	jeagle@standingrock.org	
Lisa Steckler	Historic Preservation Specialist	State Historical Society of North Dakota	612 East Boulevard Avenue		Bismarck	ND	58505	701-328-2666	
Aaron Brien	Tribal Historic Preservation Officer	The Crow Tribe of Montana	PO Box 159		Crow Agency	MT	59022	aaron.brien@crow-nsn.gov	
Frank Whiteclay	Chairperson	The Crow Tribe of Montana	PO Box 159		Crow Agency	MT	59022	frankwhiteclay@crow-nsn.gov	
Allan Demaray, THPO	Tribal Historic Preservation Officer	The Three Affiliated Tribes	404 Frontage Rd		New Town	ND	58763	ademaray@mhanation.com	
Mark Fox	Chairperson	The Three Affiliated Tribes	404 Frontage Rd		New Town	ND	58763	markfox@mhanation.com	
Jamie Azure	Chairperson	Turtle Mountain Band of Chippewa	PO Box 900		Belcourt	ND	58316	jamie.azure@tmbci.org	
Jeffrey Desjarlais, THPO	Tribal Historic Preservation Officer	Turtle Mountain Band of Chippewa	PO Box 900		Belcourt	ND	58316	desjarlaisj.jeffrey@yahoo.com	
Kevin Jensvold	Chairman	Upper Sioux Community	PO Box 147		Granite Falls	MN	56241	kevin@uppersiouxcommunity-nsn.gov	
Samantha Odeward, THPO Coordinator	Tribal Historic Preservation Officer	Upper Sioux Community	PO Box 147	5722 Travers Lane	Granite Falls	MN	56241	samanthao@uppersiouxcommunity-nsn.gov	
Jamie Arsenaault, THPO and NAGPRA R	Tribal Historic Preservation Officer	White Earth Nation of Minnesota Chippewa	PO Box 418		White Earth	MN	56591	jaimie.arsenaault@whiteearth-nsn.gov	declined participation
Terrence Tibbetts	Chairperson	White Earth Nation of Minnesota Chippewa	PO Box 418		White Earth	MN	56592	terrence.tibbetts@whiteearth-nsn.gov	
Colten Archambeau, THPO	Tribal Historic Preservation Officer	Yankton Sioux Tribe	PO Box 1153		Wagner	SD	57380	yst.thpo@gmail.com	
Robert Hawk	Chairperson	Yankton Sioux Tribe	PO Box 1153		Wagner	SD	57380	robertlivinghawk@gmail.com	
on original contact list									

Previously failed to deliver



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

August 3, 2023

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Honorable Chairman Illiff “Scott” Kipp Sr.
Blackfeet Indian Reservation of Montana
640 All Chiefs Road
Browning, MT 59417

RE: Request for Continued Consultation on the Class III Cultural Resource Survey for the Supplemental Watershed Plan – Environmental Assessment for the Rehabilitation of the North Branch Forest River Watershed Dam No 1 (Bylin Dam)

Dear Chairman Kipp Sr.:

In accordance with 36 CFR 800.4, North Dakota NRCS is requesting continued consultation for the identification of historic properties within the Area of Potential Effect for the implementation of undertakings proposed in the Supplemental Watershed Plan/Environmental Assessment for the Rehabilitation of the North Branch Forest River Watershed Dam No 1 (Bylin Dam). NRCS proposes construction activities to bring the dam into compliance with current performance, design and safety standards. The undertaking will not increase the permanent pool elevation behind the dam; however it will involve considerable ground disturbance within the immediate vicinity of the dam structure.

In January of 2020, in accordance with 36 CFR 800.3(b)(3), the Natural Resources Conservation Service (NRCS), initiated the Section 106 consultation process with the ND State Historic Historical Society and 29 Tribal governments, requesting your participation in the planning and environmental assessment of the Bylin Dam Rehabilitation Plan.

Since that time, NRCS Cultural Resource Specialists Christopher Plount and Sarah Laundry have completed a Class I Records search in 2021 and a Class III Cultural Resource Survey (2021 - 2022). The final Draft Plan – EA (possibly to be upgraded to an EIS) is nearing completion. These documents were prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566) and in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190).

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

There are five recorded cultural resource sites, and three unverified site leads within one mile of the APE. Three sites are within the project APE, two are site leads that are unevaluated for NRHP eligibility, however the proposed undertaking will have

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no effect with respect to these site leads. The 3rd site (Dougherty Dam), was found to be eligible for listing in the NRHP. ND SHPO concurred with a No Adverse Effect determination on March 21, 2022.

In accordance with 36 CFR 800.11(d), NRCS's preliminary determination is "No Adverse Effect". Your tribe is welcome to provide additional information and comments on the Class III Cultural Resource Survey. **Comments are respectfully requested within 30 days of your receipt of this letter and packet.**

If you have any questions or comments, please contact the Cultural Resources Specialist, Sarah Laundry at Sarah.Laundry@usda.gov (605) 301-3426. Thank you for your timely response and assistance with this project.

Sincerely,

Acting for
Dan Hovland
State Conservationist

Cc: John Murray, THPO

Enclosure:

- Class III Cultural Resource Survey with appendices



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

May 20, 2024

CERTIFIED MAIL

Honorable Chairman Durell Cooper
Apache Tribe of Oklahoma
511 E. Colorado St.
Anadarko, OK 73005

RE: Request for Continued Consultation on the Class III Cultural Resource Survey for the Supplemental Watershed Plan – Environmental Assessment for the Rehabilitation of the North Branch Forest River Watershed Dam No 1 (Bylin Dam)

Dear Chairman Cooper:

In accordance with 36 CFR 800.4, North Dakota NRCS is requesting continued consultation for the identification of historic properties within the Area of Potential Effect for the implementation of undertakings proposed in the Supplemental Watershed Plan/Environmental Assessment for the Rehabilitation of the North Branch Forest River Watershed Dam No 1 (Bylin Dam). NRCS proposes construction activities to bring the dam into compliance with current performance, design, and safety standards. The undertaking will not increase the permanent pool elevation behind the dam; however, it will involve considerable ground disturbance within the immediate vicinity of the dam structure.

In January of 2020, in accordance with 36 CFR 800.3(b)(3), the Natural Resources Conservation Service (NRCS), initiated the Section 106 consultation process with the ND State Historic Historical Society and 29 Tribal governments, requesting your participation in the planning and environmental assessment of the Bylin Dam Rehabilitation Plan.

Since that time, NRCS Cultural Resource Specialists Christopher Plount and Sarah Laundry have completed a Class I Records search in 2021 and a Class III Cultural Resource Survey (2021 - 2022). The final Draft Plan – EA (possibly to be upgraded to an EIS) is nearing completion. These documents were prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566) and in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190).

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

There are five recorded cultural resource sites, and three unverified site leads within one mile of the APE. Three sites are within the project APE, two are site leads that are unevaluated for NRHP eligibility, however the proposed undertaking will have

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no effect with respect to these site leads. The 3rd site (Dougherty Dam) was found to be eligible for listing in the NRHP. ND SHPO concurred with a No Adverse Effect determination on March 21, 2022.

In accordance with 36 CFR 800.11(d), NRCS's preliminary determination is "No Adverse Effect". Your tribe is welcome to provide additional information and comments on the Class III Cultural Resource Survey. **Comments are respectfully requested within 30 days of your receipt of this letter and packet.**

If you have any questions or comments, please contact the Cultural Resources Specialist, Sarah Laundry at Sarah.Laundry@usda.gov (605) 301-3426. Thank you for your timely response and assistance with this project.

Sincerely,

DAN HOVLAND
State Conservationist

Enclosure:

- Class III Cultural Resource Survey with appendices



August 3, 2023

Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

William Peterson
State Historical Society of ND
612 E. Boulevard Ave
Bismarck, ND 58505

RE: Request for Continued Consultation on the Class III Cultural Resource Survey for the Supplemental Watershed Plan – Environmental Assessment for the Rehabilitation of the North Branch Forest River Watershed Dam No 1 (Bylin Dam)

Dear SHPO Peterson:

In accordance with 36 CFR 800.4, North Dakota NRCS is requesting continued consultation for the identification of historic properties within the Area of Potential Effect for the implementation of undertakings proposed in the Supplemental Watershed Plan/Environmental Assessment for the Rehabilitation of the North Branch Forest River Watershed Dam No 1 (Bylin Dam). NRCS proposes construction activities to bring the dam into compliance with current performance, design and safety standards. The undertaking will not increase the permanent pool elevation behind the dam but will involve considerable ground disturbance within the immediate vicinity of the dam structure.

In January of 2020, in accordance with 36 CFR 800.3(b)(3), the Natural Resources Conservation Service (NRCS), initiated the Section 106 consultation process with the ND State Historic Historical Society and 29 Tribal governments, requesting your participation in the planning and environmental assessment of the Bylin Dam Rehabilitation Plan.

Since that time, NRCS Cultural Resource Specialists Christopher Plount and Sarah Laundry have completed a Class I Records search in 2021 and a Class III Cultural Resource Survey (2021 - 2022). The final Draft Plan – EA (possibly to be upgraded to an EIS) is nearing completion. These documents were prepared under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566) and in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190).

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

There are five recorded cultural resource sites, and three unverified site leads within one mile of the APE. Three sites are within the project APE, two are site leads that are unevaluated for NRHP eligibility, however the proposed undertaking will have no effect with respect to these site leads. The 3rd site (Dougherty Dam), was found to be eligible for listing in the NRHP. ND SHPO concurred with a No Adverse Effect determination on March 21, 2022.

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Mr. Peterson

Page 2

In accordance with 36 CFR 800.11(d), NRCS's preliminary determination is "No Adverse Effect". We seek your input and concurrence with our determination and thank you for this opportunity to consult with you.

If you have any questions or comments, please contact the Cultural Resources Specialist, Sarah Laundry at Sarah.Laundry@usda.gov (605) 301-3426. Thank you for your timely response and assistance with this project.

Sincerely,

Acting for
Dan Hovland
State Conservationist

Enclosure:

- Class III Cultural Resource Survey with appendices

Example Email - Sent to All THPO's on contact list

From: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
To: yst.thpo@gmail.com
Subject: FW: Bylin Dam Rehabilitation - Request for Continued Consultation
Date: Thursday, August 3, 2023 11:36:00 AM
Attachments: [Appendix C.pdf](#)
[AppendixA_reduced.pdf](#)
[D11 CLASS III REPORT JULY 19 2023 FINAL_reduced.pdf](#)
[AppendixB_reduced.pdf](#)
[Yankton Sioux Consult.pdf](#)

Dear THPO Archambeau,

A hard copy of the attached Class III Cultural Resource survey was mailed to your tribal leader today. Please review the attached cover letter which summarizes this project and our request for consultation from your tribe.

We welcome your comments and input on the plan. Additional planning documents may be found on this website: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/bylin-dam-rehabilitation>

Regards,

Rita H. Sveen

Watershed Conservationist
417 Park St W Ste 1
Park River, ND 58270
Natural Resources Conservation Service
United States Department of Agriculture
<http://www.nd.nrcs.usda.gov>
Tel: 701-284-7771 ext124
Cell: 701-331-1386

From: cchistory@midstatesd.net
To: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
Subject: Re: Bylin Dam Rehabilitation - Request for Continued Consultation
Date: Monday, August 7, 2023 9:23:22 AM

Hello Rita, The Crow Creek Sioux THPO has deferred project review and comments to the local ND tribes.

Merle Marks
Crow Creek Sioux Tribe
THPO - Director
605.245.2221

From: "RitaHarmsen Sveen, NRCS, Park River, ND" <rita.sveen@usda.gov>
To: cchistory@midstatesd.net
Sent: Thursday, August 3, 2023 10:57:13 AM
Subject: FW: Bylin Dam Rehabilitation - Request for Continued Consultation

Dear THPO Marks,

A hard copy of the attached Class III Cultural Resource survey was mailed to your tribal leader today. Please review the attached cover letter which summarizes this project and our request for consultation from your tribe.

We welcome your comments and input on the plan. Additional planning documents may be found on this website: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/bylin-dam-rehabilitation>

Regards,

Rita H. Sveen

Watershed Conservationist
417 Park St W Ste 1
Park River, ND 58270
Natural Resources Conservation Service
United States Department of Agriculture
<http://www.nd.nrcs.usda.gov>
Tel: 701-284-7771 ext124
Cell: 701-331-1386

From: [Apache](#)
To: [Laundry, Sarah - FPAC-NRCS, ND](#)
Subject: [External Email]New form submission to The Spiritlake Nation
Date: Monday, August 14, 2023 2:17:51 PM

[External Email]

If this message comes from an unexpected sender or references a vague/unexpected topic;
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Hello Sarah, thank you for your recent form submission to the Spiritlake Tribal Historic Preservation Department.
We will be looking over this shortly and will get back to you as soon as we can.

The unique ID for your project, North Branch Forest River Dam No. 1 (Bylin Dam) Class III Cultural Resource Survey, is:
thpo64da7f83cbfae

Please include this with any questions you may have via email

Submission summary:

Your Name: Sarah Laundry

Your Phone: 701-530-2011

Your Email: sarah.laundry@usda.gov

Your Project: North Branch Forest River Dam No. 1 (Bylin Dam) Class III Cultural Resource Survey

Project Description: The Natural Resources Conservation Services proposes construction activities to bring the North Branch Forest River Dam No. 1 (Bylin Dam) into compliance with current performance, design, and safety standards. The undertaking will not increase the permanent pool elevation behind the dam but will involve considerable ground disturbance within the immediate vicinity of the dam structure. In accordance with 36CFR§800.11(d) a finding of "No Adverse Effect," is recommended for the Bylin Dam rehabilitation project.

Additional Project Description: NRCS is requesting continued consultation with the Spirit Lake Tribe for this project. Consultation was initiated in January 2020.

Files Attached: NRCS - Bylin Dam Rehabilitation Project - Consultation Request.pdf, NRCS - Bylin Dam Rehabilitation Project CLASS III REPORT.pdf, NRCS_Bylin_Dam_survey_area_shapefile.zip

Submission Date: 2023/08/14 13:24:51

Your TCNS Number:

Number of Exempt PTC Towers:

Number of NON Exempt PTC Towers:

Invoice for project: thpo64da7f83cbfae

The total consultation fee due: \$400

Please submit payment payment via check to:

Spiritlake Tribal Historic Preservation Office
Spiritlake THPO Office
P.O. Box 198
Ft. Totten ND 58335

Please contact our portal administrator if any of the project details are incorrect in the summary above or are empty

and should contain values!

Portal Administrator: cms@heritageconsultation.com

sarah.laundry@usda.gov



September 5, 2023

Dan Hovland
State Conservationist
NRCS
Bismarck State Office
PO Box 1458
Bismarck, ND 58502-1458

ND SHPO Ref.: 20-5446 "North Branch Forest River Dam No. 1 (Bylin Dam) Class III Cultural Resource Survey; T156N; R57W; Portions of Section 5 & 6; T157N; R57W; Portions of Sections 31 & 32; T 157N; R58W; Portions of Section 25 & Section 36; Walsh County, North Dakota"

Dear Dan,

We have reviewed ND SHPO Ref.: 20-5446 "North Branch Forest River Dam No. 1 (Bylin Dam) Class III Cultural Resource Survey; T156N; R57W; Portions of Section 5 & 6; T157N; R57W; Portions of Sections 31 & 32; T 157N; R58W; Portions of Section 25 & Section 36; Walsh County, North Dakota" and we concur with a determination of "No Adverse Effect" for this project provided it takes place in the location and manner described in the documentation.

1. We've taken the liberty of correcting the locational info on the cover sheet (157-57-33 and 156-58-1), and the survey acreage = 148.
2. Please record the Bylin Dam as an architectural site.

Thank you for the opportunity to review this project. If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at (701) 328-3577, e-mail lsteckler@nd.gov

Sincerely,

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

20-5446



Spirit Lake Tribal Historic preservation Office
PO Box 198
Fort Totten, ND 58335

GREETINGS FROM SPIRIT LAKE TRIBAL HISTORICAL PRESERVATION OFFICE

SLT THPO

Thank you for sending the Spirit Lake Tribal Historic Preservation Office your proposed project. The Spirit Lake Nation has an interest in this project and under 36CFR8003f.2 we are formally requesting to be a consulting party on this project. Under 36 CFR 800.2B consultation with Native American Tribes and Native Hawaiian organizations must be conducted in a sensitive manner respectful of tribal sovereignty recognizing the special government to government relationship the Spirit Lake Tribe has with the United States Government. We are looking forward to working with you. Unfortunately, we cannot accept mailed or emailed submissions.

To comply with our environmental practices, speed up our response time, provide a digital timestamp of when we received your project, and maintain an auditable record of all files, correspondence, and work done on your project, we must request that you submit your proposed project to our Spirit Lake consultation portal.

When you go to our website, enter in your contact information, location information of your project, and upload the pertaining digital files and maps. You should receive a confirmation email after your project is successfully added to the system. Please submit your project to us at:

<http://cms.spiritlakeconsulting.com>

Our online method is required under Spirit Lake Tribal Resolution for all National Historic preservation Act Section 106 related requests - organization, documentation, and financial regulation, all projects must be processed through our website. **We will not accept any other form of consultation request including mail, paper, phone, or emailed submissions.**

If you have any questions please feel free to contact Susie Fox anytime at (701)766-4031 or cell (701)230-2133. You can also email me at sfox@spiritlakenation.com

Thank you,

**Spirit Lake Tribe
Tribal Historic Preservation Office
PO Box 359
Fort Totten, ND 58335**

To: SARAH LAUNDRY
Date: AUGUST 17, 2023
Project: NORTH BRANCH FOREST RIVER DAM NO. 1 (BYLIN DAM)
LTR. #: THPO-SLT-927

FINDING OF NO EFFECT – While there are cultural resources in the vicinity of the proposed undertaking - no cultural resources should be adversely affected by your proposed undertaking. If cultural materials are discovered during construction please notify the Tribal Historic Preservation Office.

Under the authority of Section 1N06 of the National Historic Preservation Act of 1966 and in accordance with 36CFR800.2A4, after reviewing the materials you gave us for the project, the Spirit Lake Tribal Historic Preservation Department finds there should be no effect by the proposed undertaking on cultural resources.

The proposed undertaking is near known and documented cultural resources. Many of these resources are Native American sites. The vicinity of the project is significant to the Mini Wakan Oyate – Spirit Lake Tribe (People of Spirit Waters). For millennia, the Mini Wakan Oyate have cekiya (prayed), gathered phezuta (medicines), and eti (camped) the surrounding vicinity. Since the area around the project was **HEAVILY** utilized in prehistoric times, it is particularly important for the construction to remain in the areas designated in the archaeological survey. No further cultural resource work is necessary for this project as long as the areas outlined are adhered to. If additional work is necessary outside the areas designated, please notify our department and we can make the necessary arrangements.

Please be aware though, because cultural inventories are done at different times of the year and under different circumstances there can be variations in the effectiveness of pedestrian surveys. At times, certain resources are not visible. For instance, medicinal plants, some very significant to the ongoing traditions and lifeway of the Spirit Lake people, may only be seen in the spring or summer of the year. Other times, the grass is too deep for certain features or artifacts to be located through pedestrian surveys. With this in mind, we recommend that cultural resources not be forgotten with this letter of finding of no properties affected. **If resources are located during construction please halt activity and notify our office.**



**Spirit Lake Tribe
Tribal Historic Preservation Office
PO Box 359
Fort Totten, ND 58335**

Thank you for consulting with the Tribal Historic Preservation Office. If you have any questions please feel free to contact me at 701.381-2009, or Thpo@gondtc.com

Kenneth Graywater Jr., Director
SPIRIT LAKE TRIBE
Tribal Historic Preservation Office



A-6

Letters of Support for
Environmental
Assessment

Red River Joint Water Resource District

*Providing a coordinated and cooperative approach to planning and implementing
a comprehensive water management program in the Red River Valley*

1201 Main Avenue West
West Fargo, ND 58078-1301

Phone: 701-298-2381
Fax: 701-298-2397
wrd@casscountyny.gov
www.redriverjointwrd.org

SENT VIA EMAIL

December 7, 2023

Christi Fisher, P.E.
State Conservation Engineer
Natural Resources Conservation Service
Bismarck State Office
P.O. Box 1458
Bismarck, ND 58502-1458

Dear Ms. Fisher:

RE: Dam rehabilitation plans

Thank you for the opportunity to comment on the planning process for the six dam rehabilitation projects in North Dakota.

The Red River Joint WRD (RRJWRD) is appreciative of the efforts of the NRCS to plan and rehabilitate these high hazard dams to the current dam safety criteria. We support the ND NRCS proposal to continue with Environmental Assessments (EA) on each of the rehabilitation plans.

We understand that planning for five of the dams is near completion, with expectations to complete the National Environmental Policy Act (NEPA) documents in 2024. A structural rehabilitation is recommended for each dam. This would not be expected to impact the nutrient loading from the current conditions, with the dams being in place for more than 45 years.

The EA will adequately analyze the environmental, economic, and social impacts of the alternatives. Switching to an Environmental Impact Statement (EIS) would require more time to complete the additional processes. This would cause a delay of the needed upgrade and would increase the risk of a structural failure that could adversely impact downstream flooding and water quality conditions.

MEMBER WATER RESOURCE DISTRICTS

Ransom County
Richland County
Sargent County
Pembina County

Walsh County
Grand Forks County
Traill County
Barnes County

Maple River
North Cass
Southeast Cass

Rush River
Nelson County
Steele County

Christi Fisher
Page 2
December 7, 2023

We realize the importance of the water quality objectives set at the international border for nutrient concentration and load objectives. We feel the structural rehabilitation of existing detention structures in the basin will not cause increased nutrient levels.

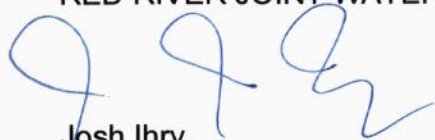
The RRJWRD is participating in watershed planning studies to create new retention projects that would reduce downstream flood threats as well as reduce nutrient levels. An EIS assessment is underway for these efforts, due to a potential positive water quality impact.

We look forward to working with the NRCS in completing these rehabilitation projects.

Please contact us if you have any questions. Thank you.

Sincerely,

RED RIVER JOINT WATER RESOURCE DISTRICT



Josh Ihry
Chair

cc: Randy Gjestvang, North Dakota Department of Water Resources



RED RIVER RETENTION AUTHORITY

Brian Fuder, Executive Director
Red River Retention Authority
1120 28th Ave N Ste C
Fargo, ND 58102-1334

December 13, 2023

Ms. Christi Fisher, State Conservation Engineer
Natural Resource Conservation Service
220 East Rosser Avenue
Federal Building
Bismarck, ND 58502-1458

I want to express gratitude for the opportunity to provide comments regarding the planning efforts related to the dam rehabilitation projects in North Dakota.

The Red River Retention Authority (RRRA) greatly appreciates the work the Natural Resource Conservation Service (NRCS) does to ensure the continued effectiveness and safety of high hazard dams within the Red River Basin and throughout North Dakota.

There are currently six dams within the Red River Basin that the NRCS is currently studying and planning that are not in compliance with current dam safety standards and need upgrading. Without the needed upgrades, these dams have the potential to become a liability to the safety and wellbeing of the citizens, property, and the environment to which they currently provide protection.

These dams have been in use starting in 1957 and have outlived their projected life spans. Structural upgrades are needed and should not have any major downstream impacts on water quality issues. The structural stability of these dams is of concern and the sooner these upgrades can be made the safer they will be from structural failure that most definitely would have an adverse impact on water quality issues and downstream flooding. The requirement for an Environmental Impact Statement, rather than an Environmental Assessment would certainly be a cause for delay in the rehabilitation process. It is the opinion of the RRRA that an Environmental Assessment would be sufficient and that an Environmental Impact Statement would only be required if identified during conducting the Environmental Assessment.

It is also understood that the reasoning of the objectives set for nutrient concentration and loading must be considered as the Red River crosses the international boundary. This is of great

importance; however, it is felt structural rehabilitation of existing retention structures in the Red River Basin would not cause any increase in nutrient levels in the surface waters of the Red River Basin.

Thank you for your consideration on this matter. Please contact us if you need any further information.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Brian Fuder". The signature is fluid and cursive, with the first name "Brian" and last name "Fuder" clearly distinguishable.

Brian Fuder, Executive Director
Red River Retention Authority

Cc: John Finney, Co-Chair RRRA, Josh Ihry, Co-Chair RRRA

A-7
MOU
NRCS - WALSH WRD

**MEMORANDUM OF UNDERSTANDING
BETWEEN
USDA NATURAL RESOURCES CONSERVATION SERVICE
AND
WALSH COUNTY WATER RESOURCE DISTRICT**

This memorandum of understanding (MOU) is entered by and between the Walsh County Water Resource District, the Sponsoring Local Organization for this project (Sponsor) and the United States Department of Agriculture (USDA), Farm Production and Conservation (FPAC), Natural Resources Conservation Service (NRCS), (together, the Parties).

Authorities

The authority of NRCS to enter into this Memorandum of Understanding is Section 14 of The Watershed Protection and Flood Prevention Act, 16 U.S.C. 1012, as added by Section 313 of Public Law 106-472. This section authorizes NRCS to provide technical and financial assistance to local project sponsors for rehabilitation of aging dams constructed under the Watershed Protection and Flood Prevention Act (Public Law 83-566), the Flood Control Act of 1944 (Public Law 78-534), the Pilot Watershed Program, and the Resource Conservation and Development (RC&D) Program.

Purpose and Mutual Interest

The purpose of this document is to clarify the roles and functions of each partner and establish a framework under which the financial obligations and value of in-kind services of the NRCS and the Sponsor are established so as to minimize misunderstandings and maximize cooperation towards our mutual goal of rehabilitating North Branch Forest River Watershed Dam No. 1 (Bylin Dam). Therefore, the parties pledge to work together with the mutual goal of rehabilitation of this project within the current limits of their respective authorities and available funding.

The NRCS and the Sponsor are participating in the development of a plan for the rehabilitation of North Branch Forest River Watershed Dam No. 1 (Bylin Dam). Federal funds for construction of a rehabilitation project are authorized for up to 65 percent of the total costs of the rehabilitation project but will not exceed 100 percent of the actual construction costs incurred in the rehabilitation. The Sponsors will be responsible for acquisition of all land rights and permits and for the administration of the construction contract. The value of non-federal in-kind contributions can be credited to the Sponsors' 35 percent share of the total installation cost of the rehabilitation project.

Background

Previously the NRCS provided technical and financial assistance to the Sponsor for works of improvement known as North Branch Forest River Watershed Dam No. 1 (Bylin Dam). This project was originally authorized and installed under the Watershed Protection and Flood Prevention Act of 1954 (PL-83-566).

According to the North Branch Forest River Watershed Supplemental Plan No. 3 for the Rehabilitation of North Branch Forest River Watershed Dam No. 1 and the operation and maintenance agreement for this project, the Sponsor is responsible for the operation and maintenance of this dam to assure it will function as designed and constructed. The Sponsor has an interest in extending the service life of the dam and meeting applicable safety and

performance standards and is working with NRCS to develop a Supplemental Watershed Plan and Environmental Assessment for the Rehabilitation of the structure. This Supplemental Plan – EA provides detailed information regarding various alternatives for the rehabilitation of North Branch Forest River Watershed Dam No. 1 (Bylin Dam) and documentation of the preferred alternative.

NRCS Financial Obligation

The NRCS commits to providing 65 percent of the construction cost of the rehabilitation project and 100% of the final design and construction engineering costs. The estimated value of the NRCS financial contribution to the project is \$7,783,300 as shown in Table 1.

Sponsor Financial Obligation

The Sponsor commits to providing 35 percent of the total construction cost of the rehabilitation project. The 35 percent contribution will consist of credit for previous cash contributions to planning, permitting, and project administration costs. The estimated value of the Sponsor financial contribution to the project is \$3,329,400 as shown in Table 1.

Table 1

Works of Improvement	NRCS	Sponsors	Total
Cost Sharable Items			
Rehabilitation of dam (Construction Costs)	\$6,183,300	\$3,016,700	\$9,200,000
Relocation, Replacement in-kind	\$0	\$0	\$0
Relocation, Required Decent, Safe, Sanitary	\$0	\$0	\$0
Sponsors Planning Costs	NA	\$262,700	\$262,700
Sponsors Engineering Costs	NA	\$0	\$0
Sponsors Project Administration	NA	\$50,000	\$50,000
Land Rights Acquisition Cost	NA	\$0	\$0
Subtotal: Cost-Share Costs	\$6,183,300	\$3,329,400	\$9,512,700
Cost-Share Percentages a/	65.0%	35.0%	100.0%
Non Cost-Sharable Items b/			
NRCS Engineering & Project Administration	\$1,600,000	NA	\$1,600,000
Natural Resource Rights	NA	\$0	\$0
Federal, State and Local Permits	NA	\$10,000	\$10,000
Relocation, Beyond Rqrd decent, safe, santry	NA	\$0	\$0
Subtotal: Non Cost-Share Costs	\$1,600,000	\$10,000	\$1,610,000

Note: wetland mitigation credit purchase is included in the construction cost.

General Terms

- A. NRCS and Walsh County Water Resource District will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

- B. Nothing in this MOU shall obligate either Party to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property between the parties requires execution of separate agreements and is contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.
- C. This MOU takes effect upon full execution by both Parties and shall remain in effect for five years. This MOU may be extended or amended upon written request of either Party and the subsequent written concurrence of the other(s). Either Party may terminate this MOU with a 60-day written notice to the other(s).
- D. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
- E. The Parties do not intend to create in any other individual or entity the status of a third-party beneficiary, and this MOU shall not be construed to create such status. The rights, duties and obligations contained in this MOU shall operate only between the Parties to this MOU and shall inure solely to the benefit of the Parties to this MOU. The provisions of this MOU are intended only to assist the Parties in determining and performing their obligations under this MOU. The Parties to this MOU intend and expressly agree that only Parties to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a Party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

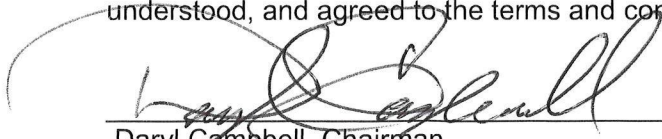
Contacts:

NRCS: Dan Hovland, State Conservationist (701)530-2067 dan.hovland@usda.gov
Christi Fisher, State Engineer (701)530-2091 christi.fisher@usda.gov

Sponsor: Daryl Campbell, Chairman (701)352-0081 wcwrb@nd.gov
Sarah Johnston, Administrator (701)352-0081 wcwrb@nd.gov

Signatures:

In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.


Daryl Campbell, Chairman


Date

Dan Hovland, State Conservationist

Date

A-8
Draft Plan-EA
Notifications
and
Correspondence

BYLIN DAM REHABILITATION – FOREST RIVER WATERSHED

NOTICE OF AVAILABILITY OF DRAFT WATERSHED PLAN/EA AND PUBLIC MEETING

Notice of Availability of Draft Supplemental Watershed Plan – Environmental Assessment and public meeting, August 27, 2024, for the North Branch Forest River Watershed Dam #1 (Bylin Dam) sponsored by the Walsh County Water Resource District.

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

Date: August 27th 2024

Time: 9:00 am

Location: Walsh County Courthouse Farmers Room
600 Cooper Ave
Grafton, ND 58237

The meeting may also be accessed virtually: Go to <https://tinyurl.com/BylinDamWalshCounty>

Meeting ID: 821 1317 7809

Passcode: 7YABgQ

By Phone---

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- +1 360 209 5623 US
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Comments may be sent to Christi Fisher, ND NRCS State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND 58502-1458

Affidavit of Publication

STATE OF NORTH DAKOTA, } ss.
County of Walsh

Jackie Thompson

, being first duly sworn on his/her oath deposes and says: that THE RECORD is a once weekly newspaper of general circulation printed and published in the City of Grafton, County of Walsh and State of North Dakota, by The Morgan Printing Co., that it has complied with all requirements of the laws of the State of North Dakota concerning legal publications, is now, and during all the times hereinafter mentioned, has been a legal newspaper; that deponent is the publisher of said Record, and the advertisement of Bylin Dam Rehabilitation

, a printed copy of which is hereto annexed, was printed and published in every copy of each issue of said Record for a period of 3 consecutive weeks, to-wit:

	Price	Date
Straight Matter Lines		
First Time Line Rate	<u>102</u> <u>\$109.14</u>	<u>Aug-07</u> , <u>20</u> <u>24</u>
Subsequent Line Rates	<u>102</u> <u>\$109.14</u>	<u>Aug-14</u> , <u>20</u> <u>24</u>
	<u>102</u> <u>\$109.14</u>	<u>Aug-21</u> , <u>20</u> <u>24</u>
		, <u>20</u>
Tabulated Lines		
First Time Line Rate		, <u>20</u>
Subsequent Line Rates		, <u>20</u>
		, <u>20</u>
		, <u>20</u>
		, <u>20</u>
Column Inches		
First Time Inch Rate		, <u>20</u>
Subsequent Inch Rates		, <u>20</u>

Total Cost of Legal, \$ 327.42

Jackie L. Thompson

Subscribed and sworn to before me this 21 day of August
A.D. 20 24.

(Seal)

Tara Carson

Notary Public, State of North Dakota

TARA CARSON
Notary Public
State of North Dakota
My Commission Expires Nov 1, 2027

My Commission Expires _____, 20 _____

BYLIN DAM REHABILITATION – FOREST RIVER WATERSHED

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Farmers Room
600 Cooper Ave
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The meeting may also be accessed virtually. The meeting may also be accessed virtually: Go to <https://tinyurl.com/BylinDamWalshCounty>

Meeting ID: 821 1317 7809
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Comments may be sent to Christi Fisher, ND NRCS State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND 58502-1458

(August 7, 14 & 21, 2024)



Bismarck State Office
PO Box 1458
220 E. Rosser Ave
Bismarck, ND 58502-1458
PHONE: 701.530.2000

Owner
Contact Info

July 30, 2024

RE: Notice of Availability of the Draft Watershed Plan/Environmental Assessment and Public Meeting – Bylin Dam Rehabilitation, Forest River Watershed

Dear Landowner or local stakeholder,

Land that you own or have an interest in, has been identified as potentially impacted by the operation and potential rehabilitation of Bylin Dam. Public meetings were held in 2020 and 2022 to assess the needs and review alternatives for Bylin Dam. These efforts have culminated in a Draft Watershed Plan and Environmental Assessment.

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The NRCS appreciates the willingness of your agency to participate as a cooperating agency on this planning effort. We would appreciate any comments you have as these are important for inclusion in our documentation of interagency reviews.

Sincerely,

Rita H. Sreen

Watershed Planner

Bismarck State Office

PO Box 1458
220 E. Rosser Ave
Bismarck, ND 58502-1458
PHONE: 701.530.2000

U.S. Army Corp of Engineers – Regulatory Division
Attn: Mr. Benjamin Soiseth
3319 University Dr.
Bismarck, ND 58504

July 29, 2024

RE: Notice of Availability of the Draft Watershed Plan/Environmental Assessment and Public Meeting – Bylin Dam Rehabilitation, Forest River Watershed

Dear Mr. Soiseth:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of Draft Supplemental Watershed Plan – Environmental Assessment and public meeting, August 27, 2024, for the North Branch Forest River Watershed Dam #1 (Bylin Dam) sponsored by the Walsh County Water Resource District. A supplement to the North Branch Forest River Watershed Work Plan is needed to address dam performance, design, and public safety issues associated with Bylin Dam. Modification measures and financial assistance from NRCS is required to bring the dam into compliance for performance, design, and public safety requirements of high-hazard classification dams.

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Sincerely,

DAN HOVLAND
State Conservationist

Bismarck State Office

PO Box 1458
220 E. Rosser Ave
Bismarck, ND 58502-1458
PHONE: 701.530.2000

U.S. Fish and Wildlife Service
Attn: Mr. Christopher Swanson
420 S Garfield Ave
Pierre, SD 57501

July 29, 2024

RE: Notice of Availability of the Draft Watershed Plan/Environmental Assessment and Public Meeting – Bylin Dam Rehabilitation, Forest River Watershed

Dear Mr. Swanson:

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Sincerely,

DAN HOVLAND
State Conservationist

From: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
To: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
Cc: [Harrison, Janelle - FPAC-NRCS, ND](#)
Bcc: aaron.brien@crow-nsn.gov; ademaray@mhanation.com; jmflysdwn@gmail.com; blatady@boisforte-nsn.gov; stevev.crstpres@outlook.com; jonathan.windyboy@nei-yahw.com; kathryn.mcdonald@cskt.org; cchistory@midstatesd.net; garrie.killsahundred@fsst.org; Evanschroeder@fdlrez.com; mblackwolf@ftbelknap.org; d.youpee@fortpecktribes.net; thpo@grandportage.com; Farron Jackson; lowersiouxthpo@lowersioux.com; mike.wilson@millelacsband.com; nathpo@northernarapaho.com; teanna.limpy@cheyennenation.com; t.brings@oglala.org; noah.white@piic.org; Darrell SekiSr.; ione.quigley@rst-nsn.gov; ssn.thpo@gmail.com; jmann@easternshoshone.org; dianned@swo-nsn.gov; kjgraywater@spirittakenation.com; j.eagle@standingrock.org; lsteckler@nd.gov; desjarlaisjr.jeffrey@yahoo.com; samanthao@uppersiouxcommunity-nsn.gov; jaimie.arsenault@whiteearth-nsn.gov; yst.thpo@gmail.com
Subject: NOA Bylin Dam draft Watershed Plan and EA and Public Meeting Invite
Date: Monday, July 29, 2024 3:01:00 PM
Attachments: [BYLIN Draft Plan EA Meeting Notice.pdf](#)

Dear Tribal and SHPO Representatives,

This communication fulfills our **NEPA responsibilities** to inform tribal governments and SHPO's of the status of USDA Watershed Plans and to invite comments. This communication is *not* part of Section 106 consultation.

Please see the attached Notice of Availability of Draft Supplemental Watershed Plan – Environmental Assessment.

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Rita H. Sween

Watershed Conservationist

417 Park St W Ste 1

Park River, ND 58270

Natural Resources Conservation Service

United States Department of Agriculture

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

Tel: 701-284-7771 ext124

Cell: 701-331-1386

Federal, State and Local government stakeholders (excludes cooperating agencies who were sent formal letter notifications).

From: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
To: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
Cc: walshcounty1938@polarcomm.com; fema-r8-private-sector@fema.dhs.gov; alvetter@nd.gov; rgjestvang@nd.gov; kgduttenthefner@nd.gov; krockema@nd.gov; epavlish@nd.gov; bkreft@nd.gov; Richard.webb@nd.usda.gov; acarranza@nd.gov; Richard.webb@nd.usda.gov; christi.fisher@nd.usda.gov; Petersen, Jonathan - FPAC-NRCS, ND; [Sveen, RitaHarmsen - FPAC-NRCS, ND](#); john.bauer@usda.gov; [Hovland, Dan - FPAC-NRCS, ND](#); [Bradbury, Curtis - FPAC-NRCS, ND](#); [Whippo, Dana - FPAC-NRCS, ND](#); [Harrison, Janelle - FPAC-NRCS, ND](#); [Lundquist, Bob - FPAC-NRCS, ND](#); [Nelson, Chris - FPAC-NRCS, ND](#); [Roepke, Cari - FPAC-NRCS, ND](#); rrra@ideaone.net; lsteckler@nd.gov; benjamin.n.soiseth@usace.army.mil; mccoy.melissa@epa.gov; heidi_riddle@fws.gov; christopher_swanson@fws.gov; brian_vose@fws.gov; kquibell@nd.gov; banelson@nd.gov; jejohnston@nd.gov; brandon@walshcounty1938.com; wccwr@nd.gov
Subject: Notice of Availability of Draft Plan_EA and Public Meeting Invitation for Bylin Dam Rehabilitation
Date: Monday, July 29, 2024 2:50:00 PM
Attachments: [BYLIN Draft Plan EA Meeting Notice.pdf](#)

Dear Stakeholder,

Please see the attached Notice of Availability of Draft Supplemental Watershed Plan – Environmental Assessment.

You are invited to a public meeting, August 27, 2024, for the North Branch Forest River Watershed Dam #1 (Bylin Dam) sponsored by the Walsh County Water Resource District.

Date: August 27th 2024

Time: 9:00 am

Location: Walsh County Courthouse Farmers Room

600 Cooper Ave

Grafton, ND 58237

The meeting may also be accessed virtually: Go to <https://tinyurl.com/BylinDamWalshCounty>

Meeting ID: 821 1317 7809

Passcode: 7YABgQ

By Phone---

• +1 669 444 9171 US

• +1 360 209 5623 US

• +1 386 347 5053 US

Meeting ID: 821 1317 7809

Passcode: 579196

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

Comments on the Draft Plan-EA may be submitted during a public comment period starting August 1, 2024 and ending on September 24, 2024. The complete Draft Watershed Plan-EA can be accessed online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/bylin-dam-rehabilitation>

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

Rita H. Sween

Watershed Conservationist

417 Park St W Ste 1

Park River, ND 58270

Natural Resources Conservation Service

United States Department of Agriculture

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

Tel: 701-284-7771 ext124

Cell: 701-331-1386

A-9
Comments and
Disposition

August 20, 2024

Ms. Christi Fisher
ND NRCS State Conservation Engineer
220 E Rosser Ave, PO Box 1458
Bismarck, North Dakota 58502-1458
christi.fisher@usda.gov

Dear Ms. Fisher

This is in response to your request for a review of the environmental impacts associated with the Notification of Bylin Dam Rehabilitation-Forest River Watershed, sponsored by the Walsh County Water Resource District.

The proposed project has been reviewed by Department of Water Resources (DWR), and the following comments are provided:

The Regulatory Division Dam Safety Program has the following comments on the *Draft Watershed Plan-EA for Bylin Dam Rehabilitation* and *Appendix D-3 Alternatives Evaluation Report*:

Draft Watershed Plan-EA for Bylin Dam Rehabilitation

Section: 5.2.3 Alternative No. 3 – No Action, pg.50

Statement: *"The ND Department of Water Resources (state dam safety regulator) and the local sponsor would not allow the dam to remain in place at its current state because of the risk to human life and catastrophic economic consequences of a failure. Absent federal funding, the ND Department of Water Resources and/or the local sponsor would decommission the dam as defined in the FWOFI alternative.... The ND Department of Water Resources (state dam safety regulator) and the local sponsor would not allow the dam to remain in place at its current state because of the risk to human life and catastrophic economic consequences of a failure. Absent federal funding, the ND Department of Water Resources and/or the local sponsor would decommission the dam as defined in the FWOFI alternative."*

Response: The DWR provides state and local support to uphold the integrity of dams across the state. Specifically for Bylin Dam, the DWR conducts periodic inspections of the dam. While these inspections indeed highlight deficiencies and areas in need of repair, the agency is not currently considering mandating its decommissioning. While the state does have the authority to pursue the removal of unsafe structures, other options would be prioritized to assist the local dam owner in updating and repairing the structure, including cost share assistance.

Appendix D-3 Alternatives Evaluation Report

Section: 1.2 PURPOSE, pg. D-3-2

Statement: *"The most current design standards at the time of the initial submittal are provided in North Dakota Dam Design Handbook (North Dakota State Engineer, 1985)."*

Response: The DWR implemented the *North Dakota Dam Safety Standards Policy*, REG_05.2024a (Standards) on January 1, 2024. Standard's Section 2.2 EXISTING DAMS states:

"Modifications to existing dams requiring a construction permit from the Department must comply with the Standards."

According to North Dakota Century Code §61-16.1-38, any new construction of or construction modifications to dams, ponds, or other devices which are capable of retaining, obstructing, or

diverting more than 50 acre-feet at top of dam, or 25 acre-feet with a high or medium hazard potential, requires a construction permit. Please contact the DWR Regulatory Division at 701-328-4956 if you have any questions.

-Bylin Dam is currently permitted by Water Permit No. 1045 which authorizes 708.1 acre-feet of storage and 180.0 acre-feet of water for evaporative losses. Should the future project identified in the plan increase the overall storage held behind Bylin Dam increase, a Water Permit will be required per North Dakota Century Code § 61-04-02. Please consult with the Department of Water Resources Water Appropriation Division if you have any questions at (701) 328-2754 or appropinfo@nd.gov.

-There is a FEMA National Flood Insurance Program (NFIP) regulatory floodplain identified or mapped where this proposed project is to take place. Impacted areas are designated to be in NFIP Zone A. The State of North Dakota has no formal NFIP permitting authority, as all NFIP permitting decisions are considered by impacted NFIP participating communities, which is the community with zoning authority for the area in question. Please work directly with the local floodplain administrator of the zoning authority impacted to achieve NFIP and community compliance.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or kyrkoski@nd.gov

Sincerely,

A handwritten signature in cursive script, reading "Kyle Yrkoski", followed by a vertical line.

Kyle Yrkoski
Planner III

KY:mg/1570



September 20, 2024

Christi Fisher
220 E Rosser Ave
Bismarck, ND 58502
Christi.fisher@usda.gov

Re: Bylin Dam Rehabilitation – Forest River Watershed

Dear Ms. Fisher,

The North Dakota Game and Fish Department (Department) has received notification of the Draft Supplemental Watershed Plan – Environmental Assessment for the North Branch Forest River Watershed Dam #1 (Bylin Dam). This Project is sponsored by the Walsh County Water Resource District and consists of raising the embankment of Bylin Dam by 3.9 feet, along with modifying the downstream embankment.

Sedimentation entering the waterway during construction should be minimized with the use of appropriate erosion control measures. Any debris from demolition should not be allowed to enter the waterway. Additionally, any disturbed areas due to construction activities shall be reseeded to an approved native pollinator mixture. If the final alternative leads to a loss of wetland acres, the Department requests that those losses be mitigated appropriately.

Aquatic Nuisance Species (ANS) rules enacted by the Department are to prevent the introduction of undesirable species of plants and animals. Preventive measures are now required to bring equipment into the state. Although ANS is addressed in the Environmental Assessment NB Forest River Dam 1, additional undesirable species can make their way into the state and all preventive measures should be considered. The contractor, his agents, or subcontractors, must provide the Department a reasonable opportunity to inspect all vehicles, vessels, pumps, and equipment that will be used in the project in or on the waters of the state prior to those items being launched or placed in the waters of the state. A minimum of 72-hour notice must be provided to the Department for scheduling an inspection. The Department's ANS Biologist, Mr. Ben Holen, is to be contacted at the Jamestown Office (701-368-9117) for equipment inspections or any additional information regarding ANS prevention protocols.

Sincerely,

A handwritten signature in dark ink, appearing to read "Greg Link", written over a horizontal line.

(for) Greg Link, Chief
Conservation & Communications Division

Governor
Doug Burgum

Director
Jeb Williams

Deputy Director
Scott A. Peterson

Number	Comment	Response	Relevant Section in EIS
1	Landowner - Model is incorrect, in 1993 there was a 7" rain in 1.5 days, water only made it to the top of the tower.	There are many variables in rainfall events that will effect how a given amount of rainfall impacts that dam. The hydraulic model was calibrated to the June 2016 runoff event and verified with a May 2010 runoff event, using data from the Fordville gauge site. Technical details are provided in Appendix D-1, Section 5.	App D-1
2	Weston - What is the probable maximum 24 hour precip event?	21.55 inches	App D-4
3	Landowner - is the normal pool greater with the Preferred Alt?	No, the normal pool elevation will remain the same as it is currently (second stage inlet elevation = 1,511.3 ft).	App D-4
4	Landowner - concern that the new road will be at least as wide as the existing road.	Yes, plan is to increase road width to 26 feet over the dam (current width is 22 feet).	App D-4
5	Landowner - what is the plan for re-routing traffic?	Phasing of construction will be done to minimize transportation impacts, particularly during harvest. A temporary crossing will be considered during the final design phase of this project.	App D-4
6	Landowner - what is the construction timeline?	Construction during single season is anticipated (approximately June to December).	App D-4
7	Landowner - what impact will the increased culvert size have on properties immediately downstream? Existing 30" already is close to overflowing and impacting property.	At the 2-year, 4-day flood the peak flow rate at Highway 32, downstream of the bridge, increases from 242 cfs (existing condition) to 250 cfs after the project. For the 5-year, 4-day flood event peak flow goes from 444 cfs (existing) to 457 cfs (proposed). For the 10-year, 4-day flood event peak flow goes from 654 cfs (existing) to 678 cfs (proposed). For the 50-year, 4-day flood event peak flow goes from 1,200 cfs (existing) to 1,232 cfs (proposed). For the 100-year, 4-day flood event peak flow goes from 1,435 cfs (existing) to 1,461 cfs (proposed). Hydraulic modeling indicates that none of the increased flood extents would impact homes or other structures. All impacts from increased inundation are downstream of Highway 32.	App D-4
8	Landowner - Clarify timeline	It is estimated that the Supplemental Plan will be authorized by December, 2024. It is anticipated that Walsh WRD will request NRCS funding for final design in 2025, however this will be subject to available program budget at the national level. Design will likely take 2 years. The earliest construction could therefore occur, again subject to available funding when the request is made from Walsh WRD, would be 2028.	
9	Landowner - Concerns with lack of maintenance on drawdown valve, when this was known.	Historical records do not indicate the most recent year that the low level drawdown valve was operated. At some point between July 2010 and April of 2021 the valve well was covered with a steel plate and bolted shut. These features should ideally be maintained and operated annually, however aging features can break, leak, or become compromised over time. Bylin Dam exceeded it's originally designed lifespan in 2010.	App D-1
10	NDGF - Sedimentation entering the waterway during construction should be minimized with the use of appropriate erosion control measures. Any debris from demolition should not be allowed to enter the waterway.	The final design and construction contract will incorporate sediment control measures such as silt fence, erosion control blanket, mulching, temporary seeding, and final seeding and will prohibit debris from demolition entering the waterway. As outlined in Section 8.4 of the Plan-EA, an NPDES Permit from the ND Department of Environmental Quality and Section 404 Permit from the U.S. Army Corps of Engineers will be obtained, both of which address these concerns.	App D-1
11	NDGF -Any disturbed areas due to construction activities shall be reseeded to an approved native pollinator mixture.	Disturbed areas will be reseeded to herbaceous grass and forb species suitable for Critical Area Plantings. The use of native species including pollinators will be emphasized, however some introduced species may be needed to insure quick establishment. Legume species will be excluded from the face of the dam as these encourage rodents that may establish tunnels in the structure.	6.2.5.1
12	NDGF- If the final alternative leads to a loss of wetland acres, the Department requests that those losses be mitigated appropriately.	As summarized in Section 6.2.3.2 of the Plan-EA, there will be permanent loss of 0.07 acres of wetlands. Walsh County WRD will purchase mitigation credits through an approved mitigation bank prior to construction.	6.2.3.2
13	NDGF- Aquatic Nuisance Species (ANS) rules enacted by the Department are to prevent the introduction of undesirable species of plants and animals. Preventive measures are now required to bring equipment into the state. Although ANS is addressed in the Environmental Assessment NB Forest River Dam 1, additional undesirable species can make their way into the state and all preventive measures should be considered. The contractor, his agents, or subcontractors, must provide the Department a reasonable opportunity to inspect all vehicles, vessels, pumps, and equipment that will be used in the project in or on the waters of the state prior to those items being launched or placed in the waters of the state. A minimum of 72-hour notice must be provided to the Department for scheduling an inspection.	The ANS notification requirement has been added to Section 8.4.1 of the Plan-EA and NRCS/Walsh WRD will incorporate it into the final engineering design and construction contract.	8.4.1
14	ND DWR- The DWR provides state and local support to uphold the integrity of dams across the state. Specifically for Bylin Dam, the DWR conducts periodic inspections of the dam. While these inspections indeed highlight deficiencies and areas in need of repair, the agency is not currently considering mandating its decommissioning. While the state does have the authority to pursue the removal of unsafe structures, other options would be prioritized to assist the local dam owner in updating and repairing the structure, including cost share assistance.	The referenced text was removed from the projected future scenario for this alternative.	5.2.3

15	<p>The DWR implemented the North Dakota Dam Safety Standards Policy, REG_05.2024a (Standards) on January 1, 2024. Standard's Section 2.2 EXISTING DAMS states: Modifications to existing dams requiring a construction permit from the Department must comply with the Standards." According to North Dakota Century Code §61-16.1-38, any new construction or construction modifications to dams, ponds, or other devices which are capable of retaining, obstructing, or diverting more than 50 acre-feet at top of dam, or 25 acre-feet with a high or medium hazard potential, requires a construction permit. Please contact the DWR Regulatory Division at 701-328-4956 if you have any questions. Bylin Dam is currently permitted by Water Permit No. 1045 which authorizes 708.1 acre-feet of storage and 180.0 acre-feet of water for evaporative losses. Should the future project identified in the plan increase the overall storage held behind Bylin Dam increase, a Water Permit will be required per North Dakota Century Code § 61-04-02. Please consult with the Department of Water Resources Water Appropriation Division if you have any questions at (701) 328-2754 or appropinfo@nd.gov.</p>	Walsh WRD will submit a permit for modification to an existing dam after the final design is completed. The preferred alternative will not increase the permanent pool elevation, therefore a new water permit will not be needed. This permit requirement is documented in Section 8.4.1.	8.4.1
16	<p>ND DWR- There is a FEMA National Flood Insurance Program (NFIP) regulatory floodplain identified or mapped where this proposed project is to take place. Impacted areas are designated to be in NFIP Zone A. The State of North Dakota has no formal NFIP permitting authority, as all NFIP permitting decisions are considered by impacted NFIP participating communities, which is the community with zoning authority for the area in question. Please work directly with the local floodplain administrator of the zoning authority impacted to achieve NFIP and community compliance.</p>	<p>Brent Nelson, the Walsh County Emergency Manager, serves as the NFIP floodplain administrator for the county and has participated in this rehabilitation planning effort. A permit for construction within the floodplain will be submitted to him after final design of the project is completed, prior to construction. This requirement has been added to 8.4.1.</p>	8.4.1

A-10
NOA of FONSI
FONSI



Photo by Jackie Thompson

distance from a support
specialized team and

failure to display number plates
niel Louis Coffinet-Crean.
o child restraint device – John
les Peterka.
are required – Abel Perez Solis.
pen container-passenger – Tara
Sainsbury.
eeding violations – Valeria
a.
rove without taillamps when
red – Amanda Irene Knoll.
flure to carry license on person
– Lawrence David Marshall.
session of illegal live baitfish
ryne Edward Wittmer.
eeding in construction zone –
sila R. Delgado, Yaneli Puente,
y Robert Talamantes, Brandon
Thompson and James John
ski.
ove without headlamps when
ed – Se'Von Dequandre' Gunn,
Ramirez Mejia.
ving without liability – driver –
l offense or subsequent viola-
three years – Arturo Contreras
Julio Polanco Jr.
t turn violation – David Roy
son.
lights – approaching – Brett
s Vogtsland.



Public Notices

Notice of Availability of a Final
Environmental Assessment and Finding of No
Significant Impact

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

PROJECT: Supplemental Watershed Plan No. 3 for the
Rehabilitation of North Branch Forest River Dam No.
1 (Bylin Dam), Walsh County, North Dakota

AGENCY: Natural Resources Conservation Service
(NRCS), U.S. Department of Agriculture (USDA)
ACTION: Notice of a Finding of No Significant Impact

SUMMARY: The project is located in Walsh County,
North Dakota and the Local Sponsor is the Walsh
County Water Resource District. The project purpose
is to rehabilitate Bylin Dam to eliminate the threat
the dam, in its current condition, poses to human
lives, infrastructure, cropland, and natural resources
downstream. Bylin Dam delivers important flood
prevention and recreation benefits to the watershed,
which were the originally authorized purposes of the
watershed dam. The dam does not meet current
NRCS and State of North Dakota dam safety standards
in regard to embankment design, hydraulic spillway
capacity, and earthen spillway stability requirements.

The proposed action entails structural modifications
to bring the dam into compliance with current state
and federal dam safety standards for a high hazard
structure. The top of dam (and associated road) will
be raised by 3.9 feet to accommodate the prob-
able maximum flood. The existing auxiliary spillway
channel will be modified as follows: excavated to a
bottom width of 300 feet, slope of 13%, 3:1 side-
slopes, and lined with articulated concrete block to
prevent erosion and failure of the spillway. A new
reinforced concrete principal spillway riser tower will
be constructed and a 36-inch principal spillway con-
duit will be installed by boring and jacking through
the existing dam. A rock lined plunge pool will be
constructed for energy dissipation at the new con-
duit outlet. The existing principal spillway riser tower
will be removed, and the existing principal spillway
conduit will be abandoned by grouting it closed. The
downstream embankment slope will be flattened to
address slope stability deficiencies, utilizing excavated
material from the auxiliary spillway. A new chimney
filter and foundation drain will be installed to address
seepage concerns.

The environmental assessment of this federally
assisted action indicates that the project will not
cause significant local, regional, or national impacts
on the environment. As a result of these findings
and pursuant to Section 102(2)(d) of the National
Environmental Policy Act of 1969, the Council on
Environmental Quality Regulations (40 CFR Part
650), Dan Howland, NRCS North Dakota State
Conservationist, has determined that the prepara-
tion and review of an environmental impact statement
is not needed for this project.

The Notice of a Finding of No Significant Impact
(FONSI) has been forwarded to the various Federal,
State, and local agencies and interested parties. The
FONSI and Watershed Plan/Environmental Assessment
is available for download at: <https://www.nrcs.usda.gov/conservation/basics/conservation-by-state/north-dakota/bylin-dam-rehabilitation>.

No administrative action on implementation of the
proposal will be taken until 30 days from the publi-
cation date of this Notice.

FOR FURTHER INFORMATION CONTACT: Christi Fisher,
State Conservation Engineer/Watershed Program
Manager, Natural Resources Conservation Service,
220 East Rosser Avenue, PO Box 1458, Bismarck,
North Dakota 58502-1458. Telephone (701) 530-
2030, email christi.fisher@usda.gov.

(October 30, 2024)

Public Notices

In District Court, Walsh County, North
Dakota
In The Matter Of The Petition
For Name Change Of
Tessa Jean Cernik

NOTICE OF PETITION FOR NAME CHANGE

1. Please Take Notice that a Petition will be filed
with the above-entitled court requesting an Order
changing the Petitioner's name of
Tessa Jean Cernik (current full, legal name) to
Jenna Levaugh-Lerrik (requested full, legal name).

2. Notice Is Further Given that thirty days after
publication, the Petitioner intends to file a Petition
requesting entry of the Court's Order changing the
Petitioner's name. Any objection to granting this
name change must be given in writing to the address
listed below within 30 days of the date of this pub-
lication. The written objection must also be filed
with the Court. If no objections are given, the Court
may respond to the Petition without further hearing.

Dated this 25th day of October, 2024.

By Tessa Cernik
Tessa Cernik
1440 Kitson Ave.
Grafton, ND 58237

(October 30, 2024)

IN THE STATE OF NORTH DAKOTA,
COUNTY OF WALSH
IN THE DISTRICT COURT, NORTHEAST
JUDICIAL DISTRICT

Freedom Mortgage
Corporation,

Plaintiff,

v.

Paul E. Aguayo and
United States of
America, acting by and
through the Secretary
of Veterans Affairs, an
Officer of the United
States and Heirs &
Devisees of the Estate
of Paul E. Aguayo,
and any person in
possession.

Defendants.

THE STATE OF NORTH DAKOTA TO THE ABOVE-
NAMED DEFENDANTS:

1. To the above-mentioned Defendants including
all persons unknown, claiming any estate or interest
in, or lien or encumbrance upon, the real estate
described in the complaint.

2. You are hereby summoned and required to
appear and defend against the Complaint in this
action, which is herewith served upon you, by serving
upon the undersigned a copy of an Answer or other
proper response within twenty-one (21) days after
the service of this Summons upon you, exclusive of
the day of service.

3. If you fail to do so, judgment by default
will be taken against you for the relief demanded
in the Complaint.

4. This Summons and Complaint will be filed
with the Clerk of this Court.

5. This action relates to the foreclosure of a
mortgage upon the following described real prop-
erty in the County of Walsh, State of North Dakota:

Lots 19, 20 and 21, in Block 7, Original Townsite
of Park River, North Dakota.

Property Address: 310 Wadage Avenue S, Park River,
ND 58270.

6. The Plaintiff is not seeking a personal judg-
ment against the above-named Defendants.

Dated this 19th day of September 2024.

By Tyler S. Wruck

Tyler S. Wruck
376 East 400 South, Suite 300
Salt Lake City, UT 84111
Tel: 801-355-2886
Email: tylerw@hwnlawfirm.com
Bar Number: 10014
HWM: ND21169

(October 30, November 6 & 13, 2024)

Notice of Availability of a Final Environmental Assessment and Finding of No Significant Impact

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

PROJECT: Supplemental Watershed Plan No. 3 for the Rehabilitation of North Branch Forest River Dam No. 1 (Bylin Dam), Walsh County, North Dakota

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA)

ACTION: Notice of a Finding of No Significant Impact

SUMMARY: The project is located in Walsh County, North Dakota and the Local Sponsor is the Walsh County Water Resource District. The project purpose is to rehabilitate Bylin Dam to eliminate the threat the dam, in its current condition, poses to human lives, infrastructure, cropland, and natural resources downstream. Bylin Dam delivers important flood prevention and recreation benefits to the watershed, which were the originally authorized purposes of the watershed dam. The dam does not meet current NRCS and State of North Dakota dam safety standards in regard to embankment design, hydraulic spillway capacity, and earthen spillway stability requirements.

The proposed action entails structural modifications to bring the dam into compliance with current state and federal dam safety standards for a high hazard structure. The top of dam (and associated road) will be raised by 3.9 feet to accommodate the probable maximum flood. The existing auxiliary spillway channel will be modified as follows: excavated to a bottom width of 300 feet, slope of 13%, 3:1 sideslopes, and lined with articulated concrete block to prevent erosion and failure of the spillway. A new reinforced concrete principal spillway riser tower will be constructed and a 36-inch principal spillway conduit will be installed by boring and jacking through the existing dam. A rock lined plunge pool will be constructed for energy dissipation at the new conduit outlet. The existing principal spillway riser tower will be removed, and the existing principal spillway conduit will be abandoned by grouting it closed. The downstream embankment slope will be flattened to address slope stability deficiencies, utilizing excavated material from the auxiliary spillway. A new chimney filter and foundation drain will be installed to address seepage concerns.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings and pursuant to Section 102[2][c] of the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations [40 CFR Part 650], Dan Hovland, NRCS North Dakota State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the various Federal, State, and local agencies and interested parties. The FONSI and Watershed Plan/Environmental Assessment is available for download at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/bylin-dam-rehabilitation>

No administrative action on implementation of the proposal will be taken until 30 days from the publication date of this Notice.

FOR FURTHER INFORMATION CONTACT: Christi Fisher, State Conservation Engineer/Watershed Program Manager, Natural Resources Conservation Service, 220 East Rosser Avenue, PO Box 1458, Bismarck, North Dakota 58502-1458. Telephone (701)-530-2030, email christi.fisher@usda.gov.



Finding of No Significant Impact for Supplemental Watershed Plan No. 3 for the Rehabilitation of North Branch Forest River Dam No. 1 (Bylin Dam), Walsh County, North Dakota

I. Introduction

Rehabilitation of Walsh County Water Resource District North Branch Forest River Watershed Dam No. 1 (Bylin Dam) is a federally-assisted action authorized under Public Law 83-566, the Watershed Protection and Flood Prevention Act, as amended in 2000 under Public Law 106-472, Section 313. This act authorized the United State Department of Agriculture, Natural Resources Conservation Service (NRCS) to provide technical and financial assistance to local project sponsors for rehabilitation of dams previously constructed under P.L. 83-566. The local sponsor of the project is the owner of the dam, the Walsh County Water Resource District. After authorization of this Supplemental Watershed Plan, the Sponsor will be eligible to request funding for final engineering design and construction through the NRCS for implementation of the preferred alternative.

An Environmental Assessment under the National Environment Policy Act, attached and incorporated by reference into this finding, was undertaken in conjunction with the development of the Watershed Plan (Plan-EA). The assessment was conducted in cooperation and consultation with local, state, and tribal governments; federal agencies; and interested organizations and individuals. The Final Plan-EA is available for public review at the locations listed below:

<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/bylin-dam-rehabilitation>

U.S. Department of Agriculture
Natural Resource Conservation Service
220 East Rosser Avenue PO Box 1458
Bismarck, North Dakota 58502-1458

II. Recommended Action

The Proposed Action entails structural modifications to bring the dam into compliance with current state and federal dam safety standards for a high hazard structure. The top of dam (and associated road) will be raised by 3.9 feet to accommodate the probable maximum flood. The existing auxiliary spillway channel will be modified as follows: excavated to a bottom width of 300 feet, slope of 13%, 3:1 sideslopes, and lined with articulated concrete block to prevent erosion and failure of the spillway. A new reinforced concrete principal spillway riser tower will be constructed and a 36-inch principal spillway conduit will be installed by boring and jacking through the existing dam. A rock lined plunge pool will be constructed for energy dissipation at the new conduit outlet. The existing principal spillway riser tower will be removed, and the existing principal spillway conduit will be abandoned by grouting it closed. The downstream embankment slope will be flattened to address slope stability deficiencies, utilizing excavated material from the auxiliary spillway. A new chimney filter and foundation drain will be installed to address seepage concerns.

The purpose of this project is to rehabilitate North Branch Forest River Dam No. 1 (Bylin Dam) to eliminate the threat the dam, in its current condition, poses to human lives, infrastructure, cropland, and natural resources downstream. Bylin Dam delivers important flood prevention and recreation benefits to the watershed, which were the originally authorized purposes of the watershed dam. The need for the project is that Bylin Dam does not meet current NRCS and State of North Dakota dam safety standards in regard to embankment design, hydraulic spillway capacity, and earthen spillway stability requirements. As a result, 25 human lives, 19 residential structures, 39 agricultural properties, 37 grain storage bins, 3 bridges, 5.1 miles of roadway, 2 historical sites, and 3,168 acres of cropland are currently at risk. The normal pool also provides recreation opportunities, consisting primarily of boating, fishing, hiking, and waterfowl hunting which are at risk.

I must determine if the preferred alternative, will or will not be a major Federal action significantly affecting the quality of the human environment. The Plan-EA accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the selected alternative. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under part VI of this finding.

III. Alternatives Considered

During the planning process, 23 alternatives were initially considered: 15 structural rehabilitation alternatives for a high hazard dam, rehabilitation to a significant hazard structure with downstream floodproofing/home buyouts, 5 nonstructural alternatives involving decommissioning the dam and installing setback levees for protection at the 5, 10, 25, 50, or 100-year recurrence interval flood, a federal decommissioning alternative, a future without federal investment alternative, and a no action alternative. When formulating an alternative, it was analyzed for satisfaction of the purpose and need statement, and against four criteria: completeness, effectiveness, efficiency, and acceptability. Environmental, social, and economic impacts of the nonstructural, decommissioning, and rehabilitation to significant hazard structure alternatives were found to be negative as compared to structural rehabilitation; therefore, these alternatives were removed from further consideration in the planning effort. Three alternatives were selected for detailed analysis in the Plan-EA and are characterized as follows:

Alternative 1: Future Without Federal Investment If a structural rehabilitation were not undertaken on the dam with federal assistance, the Sponsor anticipates that they would remove their liability for public safety and property damages by taking a "least cost" approach to decommissioning the dam embankment to the point it no longer posed downstream risk. The minimally decommissioned dam would consist of a sheet pile weir and riprap installed near the upstream toe of the existing dam location to minimize sediment migration through the breach section. The structure would not be fish passable. The weir length for the opening at the breach section would be large enough to pass a 100-year flood event at the bank full channel elevation (the weir length required would be approximately 48 feet). Riprap would also be placed up the side slopes of the former dam embankment up to the 100-year water surface profile elevation. The side slopes of the breach section would be flat enough as to not create slope stability issues through the breach section (a minimum of two to one horizontal to vertical side slope would be necessary). Additionally, the principal spillway riser tower and conduit would be excavated and removed. The upstream sediment pool would not be addressed in any manner. The township gravel road, which

currently exists atop Bylin Dam, would be realigned to its original location (prior to the construction of Bylin Dam) west of the dam embankment, and a 90-inch diameter culvert would be installed to pass flows through the road crossing with the North Branch Forest River. Downstream flooding conditions would be similar to those that existed prior to the construction of the dam. The 100-year floodplain would be expanded from 3,029 acres to 3,810 acres.

Alternative 2: Structural Rehabilitation Of the 15 structural alternatives identified, none had distinguishing environmental or social impacts; therefore, the least cost alternative was the preference of both the NRCS and Walsh WRD. The dam embankment would be raised a total of 3.9 feet to pass the freeboard hydrograph. The proposed embankment top would also serve (as it does currently) as a county road and would have a top width of 26 feet. A three-cable guard rail is proposed on both sides of the road. The downstream embankment of the dam would be modified to address slope stability concerns; the downstream slope adjacent to the embankment top would be 3:1 (horizontal: vertical) down to 1498.2 feet elevation where a 20-foot bench would be implemented. Downstream of the bench a 4:1 (horizontal: vertical) slope on the embankment would be implemented. A chimney drain would be installed on the downstream side of the existing embankment to intercept any seepage concerns through the embankment during flood events. Seepage flows captured would be routed to a foundation drain near the existing embankment toe and would then be discharged into a plunge pool constructed at the principal spillway outlet. The auxiliary spillway profile would be excavated and armored with articulated concrete block (ACB). The auxiliary spillway alignment would match the existing alignment, but the profile would be modified to a uniform 0.13 feet/feet throughout the spillway channel to accommodate the appropriate ACB design guidance. The auxiliary spillway width would remain the same as the existing width, which is approximately 300 feet. The existing principal spillway riser tower would be removed, and the existing principal spillway conduit would be grouted. The proposed 36" principal spillway conduit would be installed via NRCS approved boring and jacking methods through the existing embankment. Open cut placement methods would be used outside of the existing embankment extents. A new plunge pool would be constructed at the outlet of the principal spillway conduit. Downstream of the plunge pool, a constructed channel would be implemented to carry flows from the plunge pool back to the North Branch Forest River channel (less than 150 feet of new channel construction). A new principal spillway riser tower would be installed that would pass the principal spillway design hydrograph without activation of the auxiliary spillway. The proposed riser tower would be a NRCS standard two-way covered riser tower with a low stage orifice opening and second stage overflow weir.

Alternative 3: No Action The no action alternative represents a scenario where the existing dam remains in place with no measures taken to address the dam safety inadequacies associated with the dam. The dam would remain in place and would function as it currently does for the 2- through 500-year flood events. Flood reduction benefits would remain the same, until such time as the dam fails, as no changes would be made to the outlet works of the structure. Recreation activities would continue while the dam is intact and all wetlands on the perimeter of the reservoir and surrounding the dam would be unaffected by this alternative until dam failure. The no action alternative for Bylin Dam would result in a breach of Bylin Dam during a 625-year event. The breach would occur in the existing auxiliary spillway and would begin headcutting near the toe of the spillway. The headcut would progress rapidly upstream until it reached the reservoir of the dam. The volume of material eroded from auxiliary spillway would be approximately 323,400 cubic yards. The material eroded from the breach would be transported downstream where it would settle out in the floodplain or continue down through the North Branch Forest River until the confluence with the Middle Branch Forest River. The reservoir upstream of the dam would be drained completely during the breach and the dam would not be reconstructed for this scenario. The resulting flood wave would impact 19 residential structures, 39 agricultural properties, and 37 grain storage bins. An estimated 25 lives would be lost during the breach at 7 homes and 1 highway crossing.

The breach would cause overtopping damage on 0.35 miles of paved roadway, 3.76 miles of maintained gravel roadway, and 0.98 miles of minimally maintained roadway. The breach would also cause damage to three bridges downstream of the dam, one of which is on the National Register of Historic Places (NHRP), and an 1883 schoolhouse which has been converted to a museum (also on the NRHP).

The flood wave would stay within the North Branch Forest River valley through the river crossing at Walsh County Road 14. Approximately one mile east of Walsh County Road 14, the flood wave would break out of the North Branch Forest River and travel overland through agricultural fields. This overland flooding of cropland would result in additional floodplain erosion, totaling approximately 915,000 cubic yards of erosion, reducing or eliminating crop yields depending on the depth of topsoil loss. A portion of the combined 1.24 million cubic yards of erosion occurring from the initial breach and downstream would be deposited within the downstream breach zone, requiring a significant clean-up effort to remove the deposited sediments from roadway crossings, conveyance channels, and cropland. The flood wave from the breach would cause loss of mature trees on 338 acres of riparian forest downstream of the dam. An estimated 31.8 acres of wetlands would be lost to scour, and 61.9 acres of wetlands lost to sediment deposition downstream of the dam. Sediments deposited would not be removed in non-cropland areas, such as riparian floodplain and upland grasslands, resulting in reduced wildlife habitat quality, runoff nutrient filtration, and natural flood storage in an area where these functions are already limited. Crop impacts caused by erosion, flooding, and the resultant cleanup costs are estimated at approximately \$15.9 million just in the year of the initial breach. In future years following the breach event, a significant headcut would migrate west through accumulated reservoir sediments, transporting an additional 340,200 cubic yards of sediment downstream. The 1.6 million cubic yards of newly mobilized sediment would result in a highly unstable river channel and negatively impact agricultural drainage systems downstream. Water quality standards would be exceeded for cadmium, chromium, copper, lead, nickel, zinc, nitrogen, and phosphorus downstream for years after the breach with risks to human health and aquatic species. Deposition of sediment bound contaminants on cropland could impact production and/or food safety.

IV. NRCS Decision

Under the Principles, Requirements, and Guidelines for Water Resource Projects federal agencies are directed to consider tradeoffs between the economic, social, and environmental consequences of plan alternatives. Agencies are directed to select the federally preferred alternative based on no single one of these three objectives being higher priority than another. As summarized in the Plan-EA, Alternative 3 (No Action) is the National Economic Efficiency Alternative because there is no construction cost involved and probabilistic analysis indicates that the 8.53-inch runoff event (snowmelt and/or precipitation) that would cause dam failure has a statistically derived return interval of 625 years. Therefore, economic analysis credits flood protection and recreation benefits of the dam being present for 624 years prior to applying the \$ 24.5 million in economic losses due to the dam breach and discounting those back to present value. Note that this is simply a probabilistic assessment; in reality it is possible runoff event(s) could trigger a dam failure at any point in time given its current condition. Of the remaining alternatives, Alternative 2 (Structural Rehabilitation) provides a significantly higher benefit cost ratio than Alternative 1 (FWOFI), at a comparative benefit-cost of 1.3:1.

Alternative 2 (Structural Rehabilitation Alternative) is the preferred alternative from the standpoint of social impacts. The alternative would ensure flood protection benefits to homes, public roads, agricultural structures, cropland, and the local economy remain in place for the next 100 years. Alternative 2 also continues to provide public recreation benefits and maintains protection for two

downstream historic structures. Of the remaining alternatives, Alternative 1 (FWOFI) would provide the next highest social benefits as it also would prevent loss of life. Removal of flood retention, however, would negatively impact individuals and communities due to regular flood damages to homes, public roads, agricultural structures, and cropland, and would also put historic structures at risk. In addition to losses to the local economy, Alternative 1 would remove the public recreation opportunity. From a social standpoint, Alternative 3 (No Action) has significant negative social impacts including the projected loss of 25 lives and damages to 19 homes, 3 bridges, and 5.1 miles of roads, and destruction of 2 historic structures. The public recreation opportunity would be lost and societal results of reduced road access for emergency services, local residents, and agricultural producers hauling harvested crops would persist into the future. From the standpoint of the U.S. government's commitment to implementation of the Boundary Waters Treaty, through recent commitment to International Joint Commission objectives for nutrient reductions in the U.S. portion of the Red River, Alternative 2 is also strongly preferred.

From an environmental standpoint, Alternative 1 (FWOFI) and Alternative 2 (Structural Rehabilitation) both have merit from the standpoint of certain ecosystem services and resources. Alternative 2 (Structural Rehabilitation) was determined to be the environmentally preferred alternative due to the important benefits it provides for water quality; it is closer to the natural hydrologic regime the existing dam provides for the downstream river channel and floodplain, due to its function of replacing natural retention in this highly drained watershed. Alternative 2 is also preferred to Alternative 1 on the basis of undesirable (invasive) species, erosion, and prime farmland. The selection of Alternative 2 was done with recognition of the fact that Alternative 1 would provide a higher level of benefits in terms of natural sediment transport, climate, and habitat for grassland species. Alternative 3 (No Action) would have severe environmental consequences in terms of degraded surface and groundwater quality, loss of wetlands, degradation of the river channel, and loss of mature trees within riparian woodland habitat.

Based on the evaluation in the Plan-EA, decisions made by the Local Sponsor, and input from the public, Tribes, and federal, state, and local agencies I have chosen to select Alternative 2 as the agency's preferred alternative. I have taken into consideration all the potential impacts of the Proposed Action, incorporated herein by reference from the Plan-EA and balanced those impacts with considerations of the agency's purpose and need for action. In accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighted most heavily in the determination". Based on the Plan-EA, potential impacts to soil, water, air, plants, fish and wildlife, cultural resources, and human life were heavily considered in the decision. As a result, the agency's preferred alternative (Alternative 2: Structural Rehabilitation) would result in overall short- and long-term beneficial impacts to the natural and human environment as compared with other alternatives.

V. Effects of the Recommended Action-Finding of No Significant Impact

To determine the significance of the action analyzed in the Plan-EA, the agency is required by NEPA regulations at 40 CFR Section 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the Proposed Action. Upon review of the NEPA criteria for significant effects and based on the analysis in the Plan-EA, I have determined that the action to be selected, Alternative 2- Structural Rehabilitation (agency preferred alternative), would not significantly affect the quality of the human environment. Therefore, preparation of an environmental impact statement (EIS) on the final action is

not required under section 102(2)(c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, Section 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from NRCS regulations at 7 CFR Part 650. The Walsh County Water Resource District selects Alternative 2- Structural Rehabilitation as the locally preferred alternative as well. The environmental impacts of constructing Alternative 2 are not significant for the following reasons:

- 1) The Plan-EA evaluated both beneficial and adverse impacts of the Proposed Action. It is anticipated the Proposed Action will result in long-term beneficial impacts to the human environment including natural resources such as flood damage reduction, soil erosion, cropland productivity, water quality, invasive species, property values, cultural resources, and protection of human lives and infrastructure in the watershed. As a result of the analysis (discussed in detail in Chapter 6 of the Plan-EA and incorporated by reference), the Proposed Action does not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid, minimize, and mitigate.
- 2) The Proposed Action reduces the overall risks to health and human safety by reducing risk of lives lost in the event of a dam breach, as well as reducing risk of contamination to the Fordville Aquifer (including 9 public drinking water wells in a well head protection area).
- 3) As analyzed in Section 6.0 of the Plan-EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from selection of the Proposed Action. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and minimize or mitigate effects to avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing the Proposed Action would have adverse effects on these resources.
- 4) The effects on the human environment are not considered controversial for the Proposed Action. There are no impacts associated with the proposed action that would be considered controversial.
- 5) The Proposed Action is not considered highly uncertain and does not involve unique or unknown risks.
- 6) The Proposed Action will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations. The Proposed Action will be carried out for the North Branch Forest River Dam No. 1 (Bylin Dam) only. Other projects not discussed in the Final Plan-EA will be required to undergo NEPA analysis individually.
- 7) Particularly when focusing on the significant adverse impacts which NEPA is intended to help decision-makers avoid, minimize, or mitigate, the Proposed Action does not result in significant adverse cumulative impacts to the human environment as discussed in section 6.3 of the Plan-EA.
- 8) The Proposed Action will not cause the loss or destruction of significant scientific, cultural, or historical resources as addressed in section 6.2.6 and Appendix D-11 of the Plan-EA. NRCS has concluded that the Proposed Action would have no effect on cultural and historic resources in the Project Area. The North Dakota State Historic Preservation Office (SHPO), which has jurisdiction over Section 106 of the National Historic Preservation Act (NHPA) compliance requirements, has concurred

with our findings (see Appendix A). Additionally, 32 Tribes were consulted on the project under both NEPA and the NHPA. Two tribal responses were received. The Crow Creek tribe indicated they would defer to local tribes. The Spirit Lake Nation Tribe responded that they concurred with the determination of No Effect to Historic Properties, however they stressed that the area was heavily utilized in prehistoric times, stressed the necessity to keep the project within the conceptual design boundary, and requested NRCS notify them of any discoveries during construction.

9) NRCS has concluded, based on a May 2024 consultation decision from the USFWS, that the Proposed Action may affect, but is not likely to adversely affect the endangered Northern Long-Eared Bat (NLEB) species. The Proposed Action is also not likely to adversely impact the Monarch Butterfly (an official candidate for listing). The Proposed Action will not involve the removal of trees of suitable size for NLEB and will only temporarily impact grassland that may be suitable for Monarch Butterflies as discussed in Sections 4.2.5 and 6.2.5 of the Plan-EA.

10) The Proposed Action does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 8.4 of the Plan-EA. The major federal laws identified with the selection of the Proposed Action include the Clean Water Act, Endangered Species Act, National Historic Preservation Act, the Executive order on Environmental Justice, and Migratory Bird Treaty Act. Levee Alternative 1 is consistent with the requirements of these laws.

VI. Consultation – Public Participation

Systematic scoping was used to identify problems within the watershed and to rate their significance. Stakeholders, including the general public, were invited to participate in the process and the project was described during public meetings. The means of notification were notice of public meetings submitted to local newspapers (the Walsh County Record and the Grand Forks Herald). Scoping details including invitation letters, meeting materials, and comments received through the public participation process are provided in Appendix A.

The first public meeting was held at the Minto Community Center on March 6, 2020. The meeting was advertised in the Walsh County Record Newspaper and meeting invitations were sent to 20 federal, state, and local agencies. Zach Herrmann and Mike Opat of Houston Engineering Inc. (HEI) along with Christi Fisher, State Conservation Engineer for the NRCS, presented an introduction to the project for an audience of 16 stakeholders. The public notice, invitation letters, responses and presentation materials are included in Appendix A. A second public meeting was held as a virtual meeting through Microsoft Teams and with some of the public in attendance at the Walsh County Courthouse in Grafton, ND, on February 8, 2022. The meeting was advertised in the Walsh County Record and letter/email invitations were sent to the cooperating agencies, SHPO, Tribes and 20 Federal, State and Local agencies. The public notice, invitation letters, responses and presentation materials are included in Appendix A. Paul LeClaire of HEI presented the alternative development process and consequences of the alternatives identified for the audience.

The general public was informed by the placement of an advertisement in the local Walsh County Record and the Walsh County Press. The ad ran in 3 editions August 7, 14, and 21, 2024. The advertisement included a link to a virtual meeting, plus links and contact information for online access or the availability of hard copies of the Draft Plan/EA. Invitations with the invitation/link to the public meeting were mailed to adjacent landowners and landowners downstream that may be affected by a breach. Information on where to access the Plan/EA, and how to provide comments were sent to all landowners within and adjacent to the project. The public comment period on the Draft Plan EA was from August 1, 2024 to

September 24, 2024. A total of 8 comments were received at the public meeting on August 27, 2024. An additional 8 comments were provided by the ND Department of Water Resources and ND Game and Fish. Comments and responses are included in Appendix A.

VII. Conclusion

Alternative 2: Structural Rehabilitation has been selected as the Preferred Alternative for implementation based upon overall short- and long-term beneficial impacts to the natural and human environment as compared with other alternatives. Alternative 2 is also the Preferred Alternative of the Local Sponsor. The Plan-EA accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from Alternative 2. The decision on which alternative is to be implemented, and the significance of the alternative's impacts, are summarized in Section 8 of the Plan-EA.

Based on information presented in the attached Plan-EA and supporting documents, Alternative 2 is not a major Federal action significantly affecting the quality of the human environment. I have determined that implementing Alternative 2 will not significantly affect the quality of the human and/or natural environment, individually or cumulatively with other actions in the area. No environmental effects meet the definition of significant in context or intensity, as defined at 40 CFR 1508.27. Therefore, an environmental impact statement is not required for the project. This finding is based on the consideration of the context and intensity of impacts as summarized in the Walsh County Water Resource District North Branch Forest River Dam No. 1 (Bylin Dam) Supplemental Plan-EA. With these findings, NRCS therefore has decided to implement the Preferred Alternative – Alternative 2, Structural Rehabilitation.

Dan Hovland, North Dakota State Conservationist
USDA Natural Resource Conservation Service