

APPENDIX A

CORRESPONDANCE, COMMENTS AND RESPONSES

Appendix A-1	Public Participation and Consultation Timeline
Appendix A-2	Initial Scoping/Consultation Documents 2018 (list, invitation, comment summary) and Exception to NED Alternative Request - PL-566
Appendix A-3	Notice of Intent to Prepare an EIS
Appendix A-4	EIS Scoping Documents (list, invitations, comments & responses
Appendix A-5	Tribal/SHPO Section 106 Consultation Documents- 2023
Appendix A-6	Draft Plan-EIS Public Meeting Documents (public notice, list, invitations, responses)
Appendix A-7	NOA for Draft Plan-EIS
Appendix A-8	Comment and Disposition Summary
Appendix A-9	NOA for Final Plan-EIS, Final Comments & Disposition, ROD

Appendix A- 1

Public Participation and Consultation Timeline

Consultation/Public Participation Timeline				
Date	Action	Location	Notes	Comments/Responses
1/20/2016	Invitation letter to participate sent to cooperating agencies, 30 THPO's/SHPO and other state and local stakeholders		Cooperating agencies: USFWS + COE. This is the initial consultation with SHPO/Tribes	Rec'd confirmation to participate from Coop agencies: USACE, USFWS and SHPO. No THPO's replied in the affirmative to participate. One THPO, Confederated Salish and Kootenai, declined participation.
2/17/2016	Public Scoping Meeting	Mountain, ND		13 Comments/comment forms received from stakeholders
11/5/2018	Formal Consultation Letter sent to tribes		30 tribes were sent a formal request for consultation.	One tribe (White Earth) responded and declined further participation.
4/27, 5/25, 6/29, 7/27 and 8/31, 2016	Project Team Meetings - 5 meetings	Cavalier, ND	Project Team consisting of federal, state and local agencies and landowners, narrowed the range of alternatives based on comments and watershed analysis	
2/27/2018	Project Team Meeting	Cavalier, ND		
3/26/2019	Public Meeting to discuss alternatives	Cavalier, ND		
8/13/2019	Public Meeting to discuss alternatives	Cavalier, ND		
11/19/2019	Public Meeting to discuss alternatives	Cavalier, ND		
12/14/2022	Notice of Intent to Prepare and EIS published to Federal Register	Federal Register		
2/9/2023	Affected Landowner Meeting	Cavalier, ND	Meeting with sponsor, NRCS and HEI	
2/9/2023	Class III Cultural Resource Survey Report sent with a formal request for Continued Consultation to 29 tribes and SHPO			No comments received by tribes on Class III survey. Several SHPO comments resulted in revision to Class III Survey
2/23/2023	2nd Public Scoping meeting due to upgrade from EA to EIS. Invitation sent to 30 THPO's, SHPO, Cooperating agencies, project team, landowners and other stakeholders.	Cavalier, ND and virtual	Requested comments and input on the project. Updated stakeholders on the planning efforts to date.	22 in-person comments were recorded and addressed in the Plan/EIS. 3 tribal comments in regard to Section 106 consultation vs. NEPA inclusion were received and NRCS responded formally.
6/23/2023	Meeting with landowners to address their concerns from the scoping meeting.	Cavalier, ND		
7/21/2023	Revised Class III sent to SHPO		7/25/2023 - SHPO requested additional edits to Class III Survey. This was Completed.	9/8/2023 SHPO concurred with findings of "No Adverse Effect"
8/25/2023	Revised Class III sent to Tribes		30 days begins	No Comments received.

9/25/2023	NRCS Section 106 Consultation responsibilities completed			
11/17/2023	Final Draft EIS may be submitted to EPA (USDI) concurrently or after it is made available to public and agencies.		Sent online link to the EPA.	
11/17/2023	Final Draft EIS posted to website		Final Draft Plan-EIS completed based on scoping comments.	
11/20/2023	Draft Plan-EIS public mtg invite mailed to Tribes + NDSHPO. USFWS and USACE sent link to online Draft Plan EIS. The Governor also gets a copy.			
Nov 20 - Dec 8, 2023	Public notices to begin running in newspapers - 3x (at least 15 days prior) . All other stakeholders mailed or emailed invitation. Tanya publishes online announcement.	Cavalier Chronicle, Grafton Record and Cavalier radio	And link to Draft Plan-EIS on NRCS website	
12/1/2023	EPA publishes NOA for Draft EIS		Official 45 comment day period begins	
12/12/2023	All Tribes and Cooperating Agencies have received a NOA and link to Draft Plan/EIS.			
1/26/2024	End EIS comment period. Tribal/SHPO Review of Plan-EIS (NEPA)			
7/10/2024	Substantive comments summarized in FINAL-EIS/AppA,		Comment table and letters added to App A	
7/11/2024	Distribute Final EIS to EPA (USDI). NOA of final EIS sent to FPAC			
7/15/2024	EPA publishes NOA for FINAL EIS		45 day Comment Period begins.	
8/23/2024	Review Period Ends			Comments received from USFWS and EPA
TBD	ROD/NOA of ROD published in Federal Register		Cannot be issued until 30 days after publishing FINAL EIS OR 90 days after NOA of DRAFT EIS (whichever is longer)	

Appendix A- 2

Initial Scoping/Consultation Documents (2016)

- Invitation List
- Invitation
- Comment Summary
- Project Team Roster
and Structure

Exception to NED Alternative Request (11-20-2020)

APPENDIX A-2

North Branch Park River Watershed Planning Roster								
Point of Contact	Title	Planning Role	Representing	Mailing Address	Mailing Address (1)	City	State	Zip
Roger Olafson	Pembina County Resident	Concerned Citizen	Mountain Area	12945 84th St NE		Edinburg	ND	58227
Bart Swanson	Pembina County Resident	Concerned Citizen	Hoople Area	PO BOX 303		Hoople	ND	58234
Larry McCollum	Pembina County Resident	Concerned Citizen	City of Crystal	PO BOX 157		Crystal	ND	58222
Loren Estad	Pembina County Resident	Concerned Citizen	Crystal Area	13545 84th St NE		Crystal	ND	58222
Chris West	Mayor	Concerned Citizen	City of Grafton	5 East 4th Street		Grafton	ND	58237
Nick Ziegelman	Administrator	Concerned Citizen	City of Grafton	5 East 4th Street		Grafton	ND	58237
Brad Nilson	Walsh County Resident	Concerned Citizen	City of Hoople	14105 74 the St NE		Hoople	ND	58243
Lawrence Burianek	Walsh County Resident	Concerned Citizen	Walsh County	117 Westwood Dr.		Grafton	ND	58237
Devin Johnson	Highway Superintendent	Concerned Citizen	Pembina County Highway Department	301 Dakota Ave #13		Cavalier	ND	58220
Sharon Lipsh	Highway Superintendent	Concerned Citizen	Walsh County Highway Department	600 Cooper Ave		Grafton	ND	58237
Les Noerhe	District Engineer	Concerned Citizen	North Dakota Department of Transportation	P.O. Box 13077		Grand Forks	ND	58208
Bruce Kreft	Conservation Biologist	Agency Advisement	North Dakota Game and Fish Department	100 E Bismarck Expy		Bismarck	ND	58501
Patsy J. Crooke	Project Manager	Cooperating Agency	US Army Corps of Engineers - Regulatory Division	1513 South 12th Street		Bismarck	ND	58504
Matt Sprenger	District Supervisor	Agency Advisement	US Fish and Wildlife Service -Devils Lake Wetland Management District	221 2nd Street NW, Suite #2		Devils Lake	ND	58301
Chris Nelson	District Conservationist	Agency Advisement	NRCS - Pembina County	600 Division Ave South, PO Box 476		Cavalier	ND	58220
Rita Sveen	District Conservationist	Agency Advisement	NRCS - Walsh County	417 Park Street West, Suite 1		Park River	ND	58270
Brenyn Hardy	District Conservationist	Agency Advisement	NRCS - Cavalier County	800 9th Avenue E, Suite B		Langdon	ND	58249
Keith Weston	Red River Basin Coordinator	Agency Advisement	NRCS	1120 28th Avenue North, Suite B		Fargo	ND	58102
Richard Webb	Assistant State Conservationist (Field Operations)	Agency Advisement	NRCS	706 8th Ave SE, Suite 1		Devlis Lake	ND	58301
Shawn Krance		Agency Advisement	NRCS	706 8th Ave SE, Suite 1		Devlis Lake	ND	58301
Christi Fisher	State Engineer	Agency Advisement	NRCS	220 East Rosser Avenue		Bismarck	ND	58502-1458
Mary Podoll	State Conservationist	Agency Advisement	NRCS	220 East Rosser Avenue		Bismarck	ND	58502-1458
	Commissioners	Concerned Citizen	Pembina County Commission	301 Dakota Ave #1		Cavalier	ND	58220
	Commissioners	Concerned Citizen	Walsh County Commission	600 Cooper Ave		Grafton	ND	58237
	Commissioners	Concerned Citizen	Cavalier County Commission	901 3rd St #15		Langdon	ND	58249
Larry Gellner	Board Chairman	Concerned Citizen	Cavalier County Water Resource Board	901 3rd St #8		Langdon	ND	58250
Joshua Heuchert	Board Member	Sponsoring Local Organization	Park River Joint Water Resource District	308 Court House Drive #5		Cavalier	ND	58220
Gerald Juhl	Board Member	Sponsoring Local Organization	Park River Joint Water Resource District	308 Court House Drive #5		Cavalier	ND	58221
Ronald Falk	Board Member	Sponsoring Local Organization	Park River Joint Water Resource District	308 Court House Drive #5		Cavalier	ND	58222
Larry Tanke	Board Chairman	Sponsoring Local Organization	Park River Joint Water Resource District	308 Court House Drive #5		Cavalier	ND	58223
Robert Shirek	Board Member	Sponsoring Local Organization	Park River Joint Water Resource District	308 Court House Drive #5		Cavalier	ND	58224
Daryl Campbell	Board Member	Sponsoring Local Organization	Park River Joint Water Resource District	308 Court House Drive #5		Cavalier	ND	58225
Suzan Quinnell	Review and Compliance Coordinator	Agency Advisement	State Historical Society of North Dakota	612 East Boulevard Avenue		Bismarck	ND	58505
Mike Eli	Water Quality Division Director	Agency Advisement	North Dakota Department of Health	918 E Divide Avenue, 4th Floor		Bismarck	ND	58501
Kathy Jordan	SCD Manager	Local Interest	Cavalier County Soil Conservation District	800 9th Avenue E, Suite B		Langdon	ND	58249
Kristina Herman Halverson	SCD Manager	Local Interest	Pembina County Soil Conservation District	600 Division Ave South, PO Box 476		Cavalier	ND	58220
Joleen Swartz	SCD Manager	Local Interest	Walsh County Three Rivers Soil Conservation District	13351 Hwy 17		Park River	ND	58270
Sarah Johnston	319 Coordinator	Local Interest	319 Project Coordinator					
Randy Gjestvang	Water Development Division	Agency Advisement	North Dakota State Water Commission	1120 28th Avenue N., Suite C		Fargo	ND	58102
Craig Odenbach	Regulatory Division	Agency Advisement	North Dakota State Water Commission	900 E Boulevard Ave, # 770		Bismarck	ND	58505
John Murray, THPO	Tribal Historic Preservation Officer	Historic Preservation	The Blackfeet Nation	850 Government Square		Browning	MT	59417
Alvin Windy Boy, Sr., THPO	Tribal Historic Preservation Officer	Historic Preservation	Chippewa Cree Tribe of the Rocky Boy's Reservation	9740 Upper Box Elder Road	PO Box 230	Box Elder	MT	59521
Clayton Matt, THPO	Tribal Historic Preservation Officer	Historic Preservation	Confederated Salish and Kootenai Tribes	PO Box 278		Pablo	MT	59855
Emerson Bull Chief, THPO	Tribal Historic Preservation Officer	Historic Preservation	The Crow Tribe of Indians	PO Box 159		Crow Agency	MT	59002
Michael J. Black Wolf, THPO	Tribal Historic Preservation Officer	Historic Preservation	Fort Belknap Indian Community	656 Agency Main Street		Harlem	MT	59526
Darrell "Curley" Youpee, THPO	Tribal Historic Preservation Officer	Historic Preservation	Fort Peck Assiniboine and Sioux Tribes	PO Box 1027 / 501 Medicine Bear Road		Poplar	MT	59255
Teanna Limpy, THPO	Tribal Historic Preservation Officer	Historic Preservation	Northern Cheyenne Tribe	PO Box 128		Lame Deer	MT	59043
Wilfred Ferris, THPO	Tribal Historic Preservation Officer	Historic Preservation	Shoshone Tribe of the Wind River Reservation	PO Box 538		Fort Washakie	WY	82514
Darlene Conrad, THPO	Tribal Historic Preservation Officer	Historic Preservation	Northern Arapaho Tribe	PO Box 396		Ft. Washakie	WY	82514
Elgin Crows Breast, THPO	Tribal Historic Preservation Officer	Historic Preservation	Mandan, Hidatsa & Arikara Nation	404 Frontage Road		New Town	ND	58763
Dr. Erich Longie, THPO	Tribal Historic Preservation Officer	Historic Preservation	Spirit Lake Tribe of Fort Totten	PO Box 76		Fort Totten	ND	58335
John Eagle, THPO	Tribal Historic Preservation Officer	Historic Preservation	Standing Rock Sioux Tribe	PO Box D		Fort Yates	ND	58538
Bruce Nadean, THPO	Tribal Historic Preservation Officer	Historic Preservation	Turtle Mountain Band of Chippewa	PO Box 900		Belcourt	ND	58316
Bill Latady, THPO	Tribal Historic Preservation Officer	Historic Preservation	Bois Forte Band of Chippewa Indians	1500 Bois Forte Road		Tower	MN	55790
Marcus Ammesmaki, THPO	Tribal Historic Preservation Officer	Historic Preservation	Fond du Lac Band of Lake Superior Chippewa	1720 Big Lake Road		Cloquet	MN	55720
Mary Ann Gagnon, THPO	Tribal Historic Preservation Officer	Historic Preservation	Grand Portage Band of Lake Superior Chippewa	PO Box 428		Grand Portage	MN	55605
Amy Burnette, THPO	Tribal Historic Preservation Officer	Historic Preservation	Leech Lake Band of Ojibwe	115 6th Street, NW, Suite E		Cass Lake	MN	56633
Ryan Howell, THPO	Tribal Historic Preservation Officer	Historic Preservation	Prairie Island Indian Community of Minnesota	5636 Sturgeon Lake Road		Welch	MN	55089
Grace Goldtooth-Campos, THPO	Tribal Historic Preservation Officer	Historic Preservation	Lower Sioux Indian Community	39527 Reservation Highway 1		Morton	MN	56270
Natalie Weyaus, THPO *	Tribal Historic Preservation Officer	Historic Preservation	Mille Lacs Band of Ojibwe	43408 Oodena Drive		Onamia	MN	56359
Sara Childers, THPO Coordinator	Tribal Historic Preservation Officer	Historic Preservation	Upper Sioux Community	PO Box 147		Granite Falls	MN	56241
Cayla Olson, THPO and NAGPRA Rep.	Tribal Historic Preservation Officer	Historic Preservation	White Earth Nation of Minnesota Chippewa	PO Box 418		White Earth	MN	56591
Kade Ferris, THPO	Tribal Historic Preservation Officer	Historic Preservation	Red Lake Band of Chippewa Indians	PO Box 274		Red Lake	MN	56671
Steven Vance, THPO	Tribal Historic Preservation Officer	Historic Preservation	Cheyenne River Sioux Tribe	PO Box 590		Eagle Butte	SD	57625
Darrell Zephier, THPO	Tribal Historic Preservation Officer	Historic Preservation	Crow Creek Sioux Tribe	PO Box 50		Fort Thompson	SD	57339
Garrie Kills A Hundred, THPO	Tribal Historic Preservation Officer	Historic Preservation	Flandreau Santee Sioux Tribe	P.O. Box 285		Flandeau	SD	57028
Dennis Yellow Thunder, THPO/Director	Tribal Historic Preservation Officer	Historic Preservation	Oglala Sioux Tribe	PO Box 129		Kyle	SD	57752
Russell Eagle Bear, THPO	Tribal Historic Preservation Officer	Historic Preservation	Rosebud Sioux Tribe of Indians	PO Box 809		Rosebud	SD	57570
Dianne Desrosiers, THPO	Tribal Historic Preservation Officer	Historic Preservation	Sisseton-Wahpeton Oyate	PO Box 907		Sisseton	SD	57262
Perry Little, THPO	Tribal Historic Preservation Officer	Historic Preservation	Yankton Sioux Tribe	Box 1153 / 800 Main Avenue SW		Wagner	SD	57380

Cooperating Agency Invitation Template Letter
(Other non-federal entities invitation letters available upon request)

PARK RIVER
JOINT WATER RESOURCE DISTRICT

308 Court House Drive #5
Cavalier, ND 58220

Phone: (701) 265-4511
Email: llkemp@nd.gov

January 20, 2016

Recipient Name
Title
Address
City, State, Zip

**Subject: North Branch Park River
NRCS RCPP Watershed Plan-Environmental Assessment
Invitation to Participate as a Cooperating Agency
Initial Scoping Meeting – February 17, 2016**

Since its formation in 2013, the Park River Joint Water Resource District (PRJWRD) has been committed to develop solutions to flooding within the North Branch Park River Watershed. This work includes developing a Purpose and Projected Outcomes document, evaluating various flood damage reduction strategies, and working with impacted landowners in areas with potential to store runoff. Planning also included communication with a Watershed Stakeholder's Committee consisting of concerned citizens and local governing units. Agencies were invited to participate in these meetings and were made aware of meeting outcomes. This effort had slowed in early 2015 with the potential for future funding through NRCS. From early 2015 through fall of 2015, the PRJWRD then began working with NRCS and the Red River Retention Authority (RRRA) to determine eligibility for the North Branch Park River Watershed. The RRRA determined eligibility for locally led planning efforts for funds administered through the NRCS Regional Conservation Partnership Program (RCPP). This resulted in Cooperative Agreements being developed for 19 watershed study areas (13 in MN and 6 in ND), including the North Branch Park River Watershed. Funds through the RCPP are required to conform to Watershed Protection and Flood Prevention Program (Public Law 83-566). This process requires that the PRJWRD follow National Environmental Policy Act (NEPA) requirements, and results in a completed Environmental Assessment of the preferred alternative.

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

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

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

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

Attached to this letter is a Feasibility Report that briefly describes the watershed setting based on existing GIS data and local input from previous planning efforts. This report also contains information on the proposed study schedule, plan of work, and public participation plan for the Watershed Planning Effort.

We have an initial scoping meeting scheduled on **Wednesday February 17, 2016 at 1:00pm at the Mountain Community Center (286 2nd Avenue South, Mountain, ND 58262)**. This meeting will also include the general public to determine resources of concern with the watershed. The meeting notice is attached to this letter for your reference. Your attendance and participation at this scoping meeting is encouraged.

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

Sincerely,

Park River Joint Water Resource District

CC: *Board of Managers, Park River Joint Water Resource District
North Branch Park River Watershed Stakeholders Group
Pembina County Highway Department
Walsh County Highway Department
North Dakota Department of Transportation
Pembina County Commissioners
Walsh County Commissioners
Cavalier County Commissioners
Cavalier County Water Resource Board
Board of Managers, Red River Retention Authority
Mary Podoll, ND State Conservationist, Natural Resources Conservation Service
Zach Herrmann, Houston Engineering, Inc.*



November 5, 2018

Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

Note: this letter went to all Tribal Historic Preservation Offices and the State Historic Preservation Office

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

Dear XXX:

In accordance with 36 CFR 800.3, North Dakota NRCS is providing this initial consultation letter regarding seven PL-566 Watershed Planning Efforts being completed under funding through the NRCS Regional Conservation Partnership Program (RCPP) in North Dakota. The local Sponsoring Water Resource District for each plan, as well as the watershed boundary, and the specific objectives for that plan are outlined on the attached fact sheets. In general, reduction of risks or damages to public safety, natural resources, and economic damages from flooding, as well as related erosion and nutrient delivery, are the goals of the plans. Multiple structural alternatives such as on channel dams, off channel storage structures, diversion channels, levees, wetland restoration, and river channel restoration are identified and evaluated through the course of each effort. An Environmental Assessment will be prepared for each PL-566 Watershed Plan, which are expected to be completed by October 2019.

At this point, three of the seven plans are to the point of having final structural alternatives chosen for detailed study. The remainder are in the technical evaluation phase. Further feasibility analysis is currently being completed on these three alternatives, including preliminary environmental and cultural resource impact assessments. See attached conceptual alternatives maps for the Rush River (levees and channel), North Branch Park River (channels and off channel flood storage reservoirs), and Upper Maple River (on channel dams).

Due to the complexities of the seven PL-566 Watershed plans and the numerous alternatives being formulated under the NEPA process, NRCS would like to complete the Section 106 process using the Phased Identification and evaluation process as allowed under 36 CFR 800.4(b)(2) and 36 CFR 800.8.

(MORE)

Enclosed with this initial consultation letter, you will find project maps and other pertinent documents related to the proposed Areas of Potential Effect (APE).

We look forward to working with your office on these proposed RCPP Watershed plans and if you have any questions, please contact Chuck Carrig at (701)530-2104 or by email at chuck.carrig@nd.usda.gov.

Sincerely,

MARY PODOLL
State Conservationist

Enclosures

cc:



STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA

Jack Dalrymple
Governor of North Dakota

North Dakota
State Historical Board

Margaret Poetz
Bismarck - President

Gerold Gertholtz
Valley City - Vice President

Albert L. Berger
Grand Forks - Secretary

Calvin Grunelli
New Town

Diane K. Larson
Bismarck

Chatter E. Nelson, Jr.
Bismarck

A. Rust Todd III
Jamestown

Sara Ottie Coleman
Director
Tuition Division

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Mark Zimmerman
Director
Parks and Recreation
Department

Grant Levi
Director
Department of Transportation

Claudia J. Berg
Director

Accredited by the
American Alliance
of Museums since 1985

January 26, 2016

Park River Joint Water Resource District
308 Court House Drive #5
Cavalier, ND 58220

ND SHPO Ref: 16-0604 Agency Consultation NRCS Park River Joint Water
Resource District North Branch Park River Watershed Feasibility Report

Dear Sirs,

We received your initial consultation mailing, ND SHPO Ref: 16-0604 Agency
Consultation NRCS Park River Joint Water Resource District North Branch
Park River Watershed Feasibility Report. We look forward to being a
participating agency for this potential project.

Thank you for the opportunity to participate. Please include the ND SHPO
Reference number listed above in any further correspondence for this specific
project. If you have any questions please contact Susan Quinnell, Review and
Compliance Coordinator at (701) 328-3576, email squinnell@nd.gov

Sincerely,


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



White Earth Reservation Tribal Council

P.O. Box 418

White Earth, Minnesota 56591

Tel. (218) 983-3285

Fax (218) 983-3641

CHAIR
VACANT

SECRETARY-TREASURER
Tara Mason

DISTRICT I
Steven "Punky" Clark

DISTRICT II
Kathy Goodwin

DISTRICT III
Kenneth Bevins

May 9, 2016

Park River Joint Water Resource District
308 Court House Drive #5
Cavalier, ND 58220

RE: North Branch Park River
NRCS RCPP Watershed Plan- EA
Reply to Invitation to Participate in Watershed Planning Activities

Thank you for providing this office with an invitation to participate in planning activities associated with the NRCS RCPP Watershed Plan.

I am writing to decline participation in this effort, deferring to Tribal Nations in closer proximity to the North Branch Park River Watershed.

Again, thank you for sending the project information to this office for comment. Your time and consideration is appreciated. Please contact me with any questions regarding this correspondence.

Sincerely,

Cayla Olson
White Earth Tribal Historic Preservation Officer
NAGPRA Representative
Archives

Public Scoping Meeting Comment Form

North Branch Park River

NRCS Watershed Plan

February 17, 2016

Background

The Park River Joint Water Resource District (PRJWRD) was formed in 2013 between Walsh and Pembina Counties in an effort to develop flood damage reduction projects to alleviate impacts caused by high flows. The initial focus of the PRJWRD is aimed at the North Branch and Cart Creek tributaries of the Park River Watershed. Beginning in 2014, the PRJWRD began a state and locally financed planning effort to identify problems, establish watershed stakeholders, and review flood damage reduction strategies. In 2015, the PRJWRD secured funding provided by the NRCS through the Regional Conservation Partnership Program (RCPP). This funding allocated \$12 million dollars to eligible applicants as determined by the Red River Retention Authority (RRRA). The RCPP funding was made available to the PRJWRD for watershed planning in the North Branch Park River Watershed, which includes the Cart Creek tributary. Because these funds are provided by the NRCS, watershed planning must follow NRCS agency guidelines for compliance with National Environmental Protection Act (NEPA) requirements. Tasks required for the NRCS Watershed Plan are available in the *Feasibility Study and Plan of Work* document.

Purpose of Today's Meeting

The initial step in NRCS Watershed Planning, as directed by NEPA, is to allow for input from all interested parties including federal, state, and local agencies and other interested groups or persons. Initial input will be focused on resource concerns within the North Branch Watershed. Scoping must consider the following, but is not limited to this list. In order to gather input on resource concerns within the North Branch Watershed, we would request that the attached comment form be completed and provided to the PRJWRD.

Required NEPA Concerns for Scoping:

- | | | |
|---|---|--|
| • National Economic Development (NED) | • Forest resources | • Scenic beauty |
| • Air quality | • Invasive species | • Scientific resources |
| • Coral reefs | • Land use | • Sole source aquifers |
| • Cultural Resources | • Migratory birds | • Social issues |
| • Ecologically critical areas | • Natural areas | • Soil resources |
| • Endangered and threatened species | • Parklands | • Water quality |
| • Environmental justice and civil rights | • Prime and unique farmland, and farmland of statewide significance | • Water resources |
| • Essential fish habitat | • Public health and safety | • Waters of the United States, including special aquatic sites |
| • Fish and wildlife (including coordination requirements) | • Regional water resource plans (including coastal zone plans) | • Wetlands |
| • Floodplain management | • Riparian areas | • Wild and scenic rivers |

Other possible concerns:

- | | | |
|--|---|---------------------------------|
| • Delayed planting | • Culvert and bridge wash outs | • Community impacts |
| • Prevented planting | • Field erosion/deposition | • Channel erosion/deposition |
| • Crop damages from prolonged inundation | • Breakout flows to Willow Creek/Drain 67 | • Transportation disruptions |
| • Road damages | | • Business/Commerce disruptions |

Please fill out the following information based on your priorities in the North Branch Watershed. Comments forms will be accepted for all forms postmarked on or before **March 17, 2016**. Completed comment forms can be mailed to the PRJWRD office at:

Park River Joint Water Resource District
308 Courthouse Drive No. 5
Cavalier, ND 58220

Or via email to llkemp@nd.gov

Name: _____

Address: _____

Affiliation: _____

(agency, resident, commissioner, mayor, etc...)

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

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

Required NEPA Concerns for Scoping:

• National Economic Development (NED).....	0	1	2	3	4	5
• Air quality.....	0	1	2	3	4	5
• Coral reefs.....	0	1	2	3	4	5
• Cultural Resources.....	0	1	2	3	4	5
• Ecologically critical areas.....	0	1	2	3	4	5
• Endangered and threatened species.....	0	1	2	3	4	5
• Environmental justice and civil rights.....	0	1	2	3	4	5
• Essential fish habitat.....	0	1	2	3	4	5
• Fish and wildlife (including coordination requirements).....	0	1	2	3	4	5
• Floodplain management.....	0	1	2	3	4	5
• Forest resources.....	0	1	2	3	4	5
• Invasive species.....	0	1	2	3	4	5
• Land use.....	0	1	2	3	4	5
• Migratory birds.....	0	1	2	3	4	5
• Natural areas.....	0	1	2	3	4	5
• Parklands.....	0	1	2	3	4	5
• Prime and unique farmland, and farmland of statewide significance.....	0	1	2	3	4	5
• Public health and safety.....	0	1	2	3	4	5

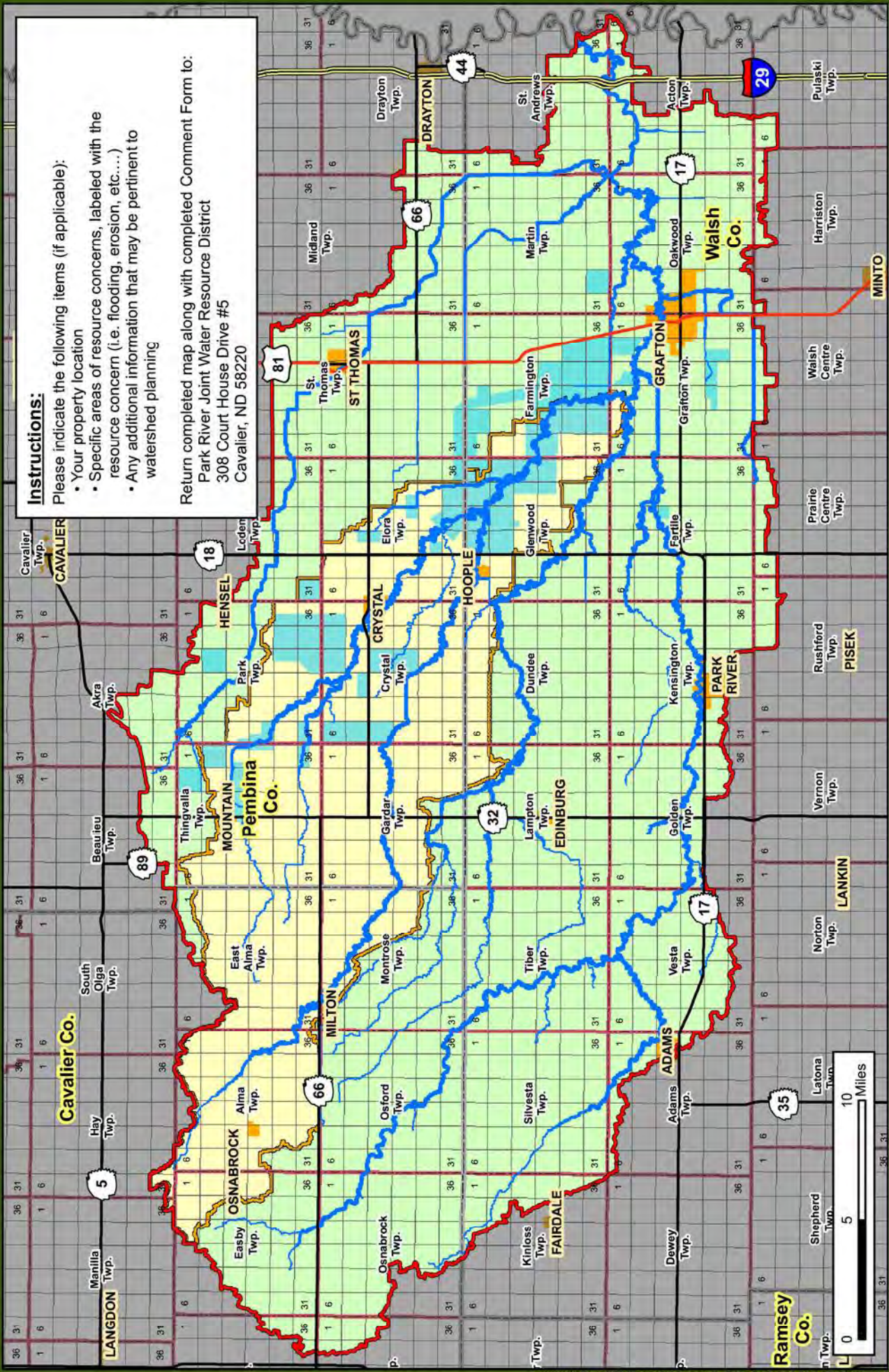
Continued on reverse page

• Regional water resource plans (including coastal zone plans).....	0	1	2	3	4	5
• Riparian areas.....	0	1	2	3	4	5
• Scenic beauty.....	0	1	2	3	4	5
• Scientific resources.....	0	1	2	3	4	5
• Sole source aquifers.....	0	1	2	3	4	5
• Social issues.....	0	1	2	3	4	5
• Soil resources.....	0	1	2	3	4	5
• Water quality.....	0	1	2	3	4	5
• Water resources.....	0	1	2	3	4	5
• Waters of the United States, including special aquatic sites.....	0	1	2	3	4	5
• Wetlands.....	0	1	2	3	4	5
• Wild and scenic rivers.....	0	1	2	3	4	5

Other possible concerns:

• Delayed planting.....	0	1	2	3	4	5
• Prevented planting.....	0	1	2	3	4	5
• Crop damages from prolonged inundation.....	0	1	2	3	4	5
• Road damages.....	0	1	2	3	4	5
• Culvert and bridge wash outs.....	0	1	2	3	4	5
• Field erosion/deposition.....	0	1	2	3	4	5
• Breakout flows to Willow Creek/Drain 67.....	0	1	2	3	4	5
• Community impacts.....	0	1	2	3	4	5
• Channel erosion/deposition.....	0	1	2	3	4	5
• Transportation disruptions.....	0	1	2	3	4	5
• Business/Commerce disruptions.....	0	1	2	3	4	5
• _____ (Write-in).....	0	1	2	3	4	5
• _____ (Write-in).....	0	1	2	3	4	5
• _____ (Write-in).....	0	1	2	3	4	5
• _____ (Write-in).....	0	1	2	3	4	5

Additional Comments:_____



Instructions:

Please indicate the following items (if applicable):

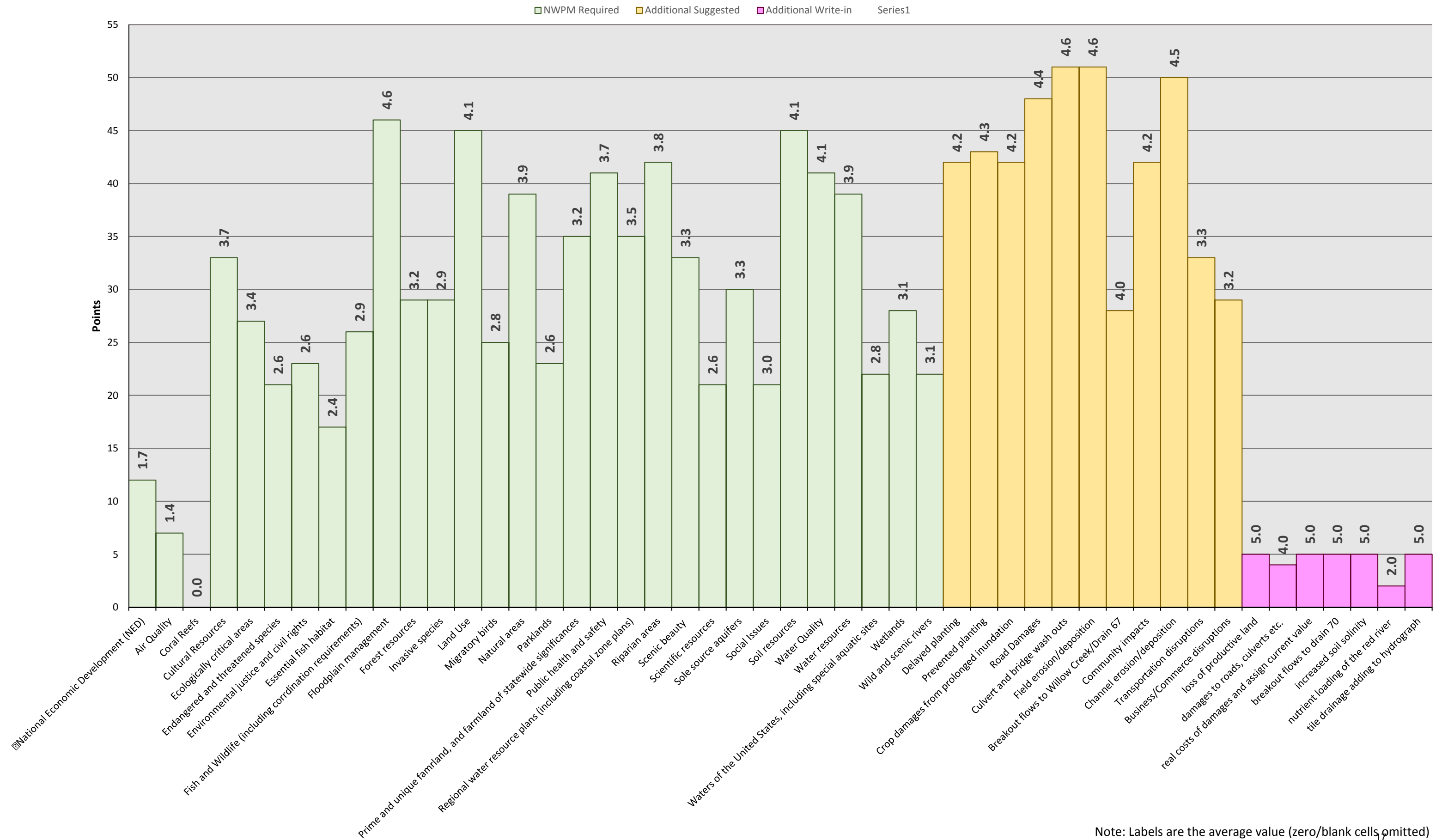
- Your property location
- Specific areas of resource concerns, labeled with the resource concern (i.e. flooding, erosion, etc....)
- Any additional information that may be pertinent to watershed planning

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



North Branch Park River NRCS Watershed Plan

Comment Scores
Received as of 3/28/2016



Note: Labels are the average value (zero/blank cells omitted)

[illegible]

NB Park River Watershed Planning Project Team

Name	Organization
Sarah Johnston	WCSCD/319 Coordinator
Richard Webb	NRCS
Roger Olafson	Landowner
Randy Gjestvang	ND SWC
Patsy Crooke	USACE
Bob Shirek	WCWRD
Jerry Juhl	PCWRD
Sharon Lipsh	WCHD
Larry Tanke	WCWRD
Daryl Campbell	WCWRD
Les Noehre	NDDOT GF
Lucas Schmesing	NRCS
Matt Sprenger	USFWS
Luann Kemp	PCWRD
Jennifer Lindenberger	WCWRD
Mike Ell	NDDOH
Josh Heuchert	PCWRD
Rita Sveen	NRCS

PARK RIVER
JOINT WATER RESOURCE DISTRICT

308 Court House Drive #5
Cavalier, ND 58220

Phone: (701) 265-4511
Email: lkemp@nd.gov

April 22, 2016

To: North Branch Park River Watershed Project Team

**Subject: North Branch Park River NRCS RCPP Watershed Plan
Watershed Planning Structure**

Project Team Member;

Thank you for participating in NRCS Watershed Planning for the North Branch Park River Watershed. In an effort for transparency in the planning process and expectations for the Project Team, this document summarizes roles and responsibilities and anticipated timelines and milestones for the Watershed Planning Effort. In order to meet these requirements, it's critical that all members involved in Watershed Planning are committed to meeting objectives and completing action items. If extraordinary unforeseen circumstances arise during the planning process, consideration for deviation from this schedule will be considered. However, to ensure that Watershed Planning is a success all Team Members must be committed to adhering to the process. The following document defines planning member roles and anticipated outcomes for each monthly meeting.

Team Member Roles and Responsibilities

Planning Lead

- Define meeting objectives
- Coordination with other Team Members between meetings
- Provide documentation of meeting outcomes
- Draft deliverables for Team review

Watershed Stakeholder

- Represent local interests
- Provide local perspective on suggested alternatives brought forth by the Team
- Evaluate all provided information provided by technical resources

Local/State/Federal Agencies

- Represent agency concerns
- Assist in scoping the Affected Environments for proposed alternatives
- Provide input on alternative screening
- Provide input on potential resource impacts

Timeline/Objectives

In order to ensure that this effort remains on schedule and responsible use of the Local Sponsor's funds, objectives for each meeting will be clearly defined and initially established before entering into planning. The following describes the anticipated meeting dates and objectives for the North Branch Park River Watershed:

April 27, 2016 - Meeting 1: Project Introduction & Purpose and Need

Objectives:

- Review of planning roles and responsibilities
- Review of previously completed planning work
- Review of public meeting comments
- Draft Purpose and Need Statement
- Provide comments of reviewed items

Action Items:

- Provide comments to the Draft Purpose and Need Statement
- Provide comments to previously completed planning work
- Develop draft list of strategies & suitability criteria for evaluation

May 25, 2016 - Meeting 2: Finalize Purpose and Need & List of Strategies

Objectives:

- Finalize Purpose and Need Statement
- Review and discussion of draft list of strategies & criteria for evaluation
- Discussion of strategy potential to attain purpose and need

Action Items:

- Provide comments on draft list of strategies & criteria for strategy potential

June 29, 2016 - Meeting 3: Finalize List of Suitable Strategies & Develop Alternatives

Objectives:

- Review and finalize list of suitable strategies based on suitability criteria
- Develop list of preliminary alternatives for conceptual analysis
- Discuss alternatives of other efforts and how they relate to the list of suitable strategies

Action Items:

- Conceptual hydraulic and hydrologic modeling of preliminary alternatives
- Provide documentation of alternatives proposed by previous work

July 27, 2016 - Meeting 4: Review of Preliminary Alternatives

Objectives:

- Evaluate preliminary alternatives modeling results for consistency with Purpose and Need
- Determine preliminary alternatives for further analysis
- Determine list of resource impacts for further analysis
- Field review of alternatives

Action Items:

- Provide literary information as required based on potential resource impacts
- Off-site review of resource impacts
- Further hydraulic and hydrologic modeling of alternatives for further analysis

August 31, 2016 - Meeting 5: Review of Resource Impacts & Determine Alternatives for Detailed Analysis

Objectives:

- Review resource impacts
- Discuss potential avoidance methods for adverse impacts
- Discuss methods for mitigation (if necessary)
- Determine alternatives to be carried forward to detailed analysis

Action Items:

- Preliminary engineering on alternatives for detailed analysis
- Economics analysis on alternatives for detailed analysis
- Field review to quantify resource impacts
- Public outreach to impacted landowners

February 2017 - Meeting 6: Review of Detailed Analysis

Objectives:

- Review resource impacts
- Discuss potential avoidance methods for adverse impacts
- Discuss methods for mitigation (if necessary)
- Discuss detailed analysis of alternatives

Action Items:

- Agency review of detailed analysis of alternatives
- Review of alternatives with project sponsor
- Develop mitigation strategy for unavoidable adverse impacts

April 2017 - Meeting 7: Review of Mitigation Strategy

Objectives:

- Review of mitigation strategy
- Discuss additional items/revisions
- Discuss agency review of alternatives

Action Items:

- Revisions to the mitigation strategy as requested by Team members
- Incorporate mitigation costs into the cost estimate
- Address Agency comments to alternatives

June 2017 - Meeting 8: Finalize Alternatives

Objectives:

- Finalize of mitigation strategy
- Review of alternatives with agency comments addressed
- Finalize alternatives for cost/benefit analysis

Action Items:

- Finalize project design and cost estimate for alternatives
- Perform cost/benefit analysis on alternatives

August 2017 - Meeting 9: Discuss NED Alternative

Objectives:

- Review of NED Alternative and other Alternatives
- Discuss if the Team preferred alternative aligns with NED

Action Items:

- Provide agency comments on NED and other alternatives
- Discuss NED and other alternatives with Local Sponsoring Organization

September 2017 - Meeting 10: Discuss non-NED locally preferred alternative (meeting only if needed)

Objectives:

- Discuss rationale for documentation of selection of non-NED alternative

Action Items:

- Provide agency comments for justification of non-NED alternative

- Document sponsors rational for selection of non-NED alternative
- Engage NRCS for procedures of selecting a non-NED alternative

November 2017 - Meeting 11: Review Draft Watershed Plan-EA

Objectives:

- Review and provide comments on Draft Watershed Plan-EA

Action Items:

- Provide & incorporate agency comments on Draft Watershed Plan-EA
- Post Draft Watershed Plan-EA for public comment
- Conduct public meeting to present Draft Watershed Plan-EA

February 2018- Meeting 12: Review Received Comment on Watershed Plan-EA

Objectives:

- Review and address comments received on the Draft Watershed Plan-EA

Action Items:

- Incorporate responses to comments into Watershed Plan-EA
- Finalize Watershed Plan-EA



RED RIVER RETENTION AUTHORITY

1120 28th Avenue North, Suite C - Fargo, ND 58102 - Phone: 701-356-6644

July 9, 2020

Mary Podoll, State Conservationist
Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

**Subject: North Branch Park River Watershed Plan-Environmental Assessment
Request for Exception to the National Economic Development Plan**

Dear Ms. Podoll,

The Red River Retention Authority (RRRA) recognizes the Park River Joint Water Resource District (PRJWRD) is nearing completion of the North Branch Park River Watershed Plan-Environmental Assessment (Plan-EA). This effort was funded through the Regional Conservation Partnership Program (RCPP) by Cooperative Agreement No. 68-663-15-006 along with support from the RRRA's cooperative watershed planning effort with USDA Natural Resources Conservation Service (NRCS). The general objectives of the planning effort are to provide flood damage reduction and watershed protection for the planning extents. While the draft Plan-EA indicates the No-Action alternative is the National Economic Development (NED) alternative, the current Preferred Alternative is installation of a multipurpose flood water storage project.

The Preferred Alternative would install a dry dam around approximately 560-acres of flood prone crop land. The dam would have a maximum embankment height of 17.3 feet, with an average height of 9.7 feet. Flood water would be routed into the flood pool from a 33.8 square mile drainage area, and temporarily held to attenuate downstream peak flows. In total, the Preferred Alternative would temporarily store 2,593 acre-feet of flood storage at the auxiliary spillway crest. The flood pool would be fully evacuated over a period of 10-15 days, depending on the magnitude of the event. Operation of the inlets would also be designed to enhance and restore functionality of 540-acres of wetlands within the flood pool. The entire 560-acre flood pool would be placed into perennial vegetation to provide habitat and water quality benefits.

The RRRA is requesting that an exception be issued to the Park River Joint Water Resource District for the Preferred Alternative based on the *overriding reasons for recommending another plan*, as specified in the sixth principal of the P&G (1983). These overriding reasons are discussed here-in.

1. **Enhancement of 439.9-acres of Wetlands:** Existing wetlands within the footprint of the Preferred Alternative are primarily classified as sloped wetlands, meaning they are dependent on groundwater movement and discharge at the wetland location. The existing wetlands are degraded due to more efficient drainage reducing infiltration capacity within the watershed. This leads to reduced groundwater discharge at the historic wetland locations. Anticipated functional gains in the enhancement area are 50-90% increased for analyzed functions.
2. **Restoration of 71.5-acres of Wetlands:** 150-acres of the north portion of the flood pool of the Preferred Alternative are currently drained through a subsurface perforated pattern-tile system. This system removes most of the groundwater before surface discharge can occur. The Preferred Alternative would close the tile drainage system to restore functionality 71.5 acres of sloped wetlands in this area.
3. **Creation and Preservation of 560-acres of Wildlife Habitat:** The flood pool of the Preferred Alternative would be converted to a large, contiguous block mixed upland/wetland prairie habitat. The location of the Preferred Alternative is in the eastern extents of the Prairie Pothole Region, which is globally significant for migratory birds. Habitat in this area is generally fragmented, and representative of areas where crop production isn't practical. Opportunities to implement large blocks of habitat in this region is rare given the high crop production potential.
4. **Nutrient Reduction in Downstream Water Courses:** The Preferred Alternative would reduce total phosphorus (TP), total nitrogen (TN), and total suspended solids (TSS) downstream. Immediately downstream, TP, TN, and TSS would be reduced by 51%, 41%, and 61%, respectively.
5. **Consistency with International Flood Damage Reduction Objectives:** The Preferred Alternative is consistent with internationally agreed to Flood Damage Reduction objectives. The extents of the planning area are within the Red River Basin, which is an international watershed comprised of multiple jurisdictions and agencies. The Red River Basin Commission (RRBC) led an effort to coordinate an international planning effort to reduce flood risk throughout the Basin. This resulted in the Long Term Flood Solutions Report (LTFS). The LTFS provides flood protection recommendations for various jurisdictions. A key concept in the LTFS is implementation of distributed flood storage throughout the Basin to reduce peak flood flows on the Red River by 20%, referred to as the Basin-Wide Flow Reduction Strategy (BFRS). The BFRS relies on local water managers to implement measures to reduce local flood risk that will also reduce flood contributions from the localized watershed.
6. **Consistency with International Water Quality Improvement Objectives:** The Preferred Alternative would reduce TP, TN, and TSS at the outlet of the planning watershed, and ultimately the Red River at the U.S./Canadian border near Pembina, ND. The Red River discharges into Lake Winnipeg in Manitoba, CA. While the Red River only contributes 10-15% of the water by volume, it's estimated that the Red River contributes as much as 60% of the TP entering the lake. Increased TP loading into Lake Winnipeg as resulted in eutrophication of the water body. In response to this the International Joint Coalition (IJC) recently adopted recommendations to reduce TP and TN loadings, with a goal TP reduction of approximately 50% at the international border. This goal is not a regulatory mandate and relies on local water managers to consider management decisions that may result in incremental gains toward the objective.
7. **Locally Desired Flood Protection:** The Preferred Alternative provides the locally acceptable level of flood risk desired by area residents in Pembina and Walsh Counties.

The Preferred Alternative would reduce flood risk to the local agricultural economy, the community of Crystal, ND, infrastructure, and rural structures. The No-Action alternative would result in continued flood damages to the local community.


While the Preferred Alternative is not the NED of the Plan-EA when only looking at item 7, the RRRA concurs with the PRJWRD's sense of necessity for an exception and is warranted under items 1-6.

The Preferred Alternative is one of the rare opportunities to provide water quality and wildlife habitat benefits as part of a flood damage reduction project. The Preferred Alternative also provides a unique opportunity show a federal commitment to internationally agreed to water quality and flood damage reduction objectives, while implementing a locally desired alternative.

The RRRA and NRCS partnership in the Red River of the North Basin is a good one and now we are on the cusp of seeing a member water resource district complete a watershed plan. Your approval of this plan will further the long-term needs of the residents of the basin.

Please let us know if you have any questions, or if you need any additional information from the Red River Retention Authority.

Sincerely,



Gary Thompson
Co-chairman

Cc: John Finney, RRRA, Co-chairman, 1101 Rice St., P.O. Box 13, Humboldt, MN 56731-0013
Daryl Campbell, Chairman, PRJWRD, 308 Courthouse Drive, #5, Cavalier, ND 58220-4127
Keith Weston, Executive Direct, RRRA, 1120 28th Ave. N., Ste. C, Fargo, ND 58102

PARK RIVER
JOINT WATER RESOURCE DISTRICT

308 Court House Drive #5
Cavalier, ND 58220

Phone: (701) 265-4511
Email: lkemp@nd.gov

July 29, 2020

Mary Podoll, State Conservationist
Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

**Subject: North Branch Park River Watershed Plan-Environmental Assessment
Request for Exception to the National Economic Development Plan**

Dear Ms. Podoll,

The Park River Joint Water Resource District (PRJWRD) is nearing completion of the North Branch Park River Watershed Plan-Environmental Assessment (Plan-EA). This effort was funded through the Regional Conservation Partnership Program (RCPP) by Cooperative Agreement No. 68-663-15-006. The general objectives of the planning effort are to provide flood damage reduction and watershed protection for the planning extents. While the draft Plan-EA indicates that the No-Action alternative is the National Economic Development (NED) alternative, the current Preferred Alternative is installation of a multipurpose flood water storage project.

The Preferred Alternative would install a dry dam around approximately 560-acres of flood prone crop land. The dam would have a maximum embankment height of 17.3 feet, with an average height of 9.7 feet. Flood water would be routed into the flood pool from a 33.8 square mile drainage area, and temporarily held to attenuate downstream peak flows. In total, the Preferred Alternative would temporarily store 2,593 acre-feet of flood storage at the auxiliary spillway crest. The flood pool would be fully evacuated over a period of 10-15 days, depending on the magnitude of the event. Operation of the inlets would also be designed to enhance and restore functionality of 511-acres of wetlands within the flood pool. 540-acres of the flood pool would be placed into perennial vegetation to provide a large contiguous block of habitat and water quality benefits.

We are requesting that an exception be issued for the Preferred Alternative based on the *overriding reasons for recommending another plan*, as specified in the sixth principal of the P&G (1983). These overriding reasons are discussed here-in.

1. **Enhancement of 439.9-acres of Wetlands:** Existing wetlands within the footprint of the Preferred Alternative are primarily classified as sloped wetlands, meaning they are dependent on groundwater movement and discharge at the wetland location. The existing wetlands are

degraded due to more efficient drainage reducing infiltration capacity within the watershed. This leads to reduced groundwater discharge at the historic wetland locations. Anticipated functional gains in the enhancement area are 50-90% increased for analyzed functions.

2. **Restoration of 71.5-acres of Wetlands:** 150-acres of the north portion of the flood pool of the Preferred Alternative are currently drained through a subsurface perforated pattern-tile system. This system removes most of the groundwater before surface discharge can occur. The Preferred Alternative would close the tile drainage system to restore functionality 71.5 acres of sloped wetlands in this area.
3. **Creation and Preservation of 540-acres of Wildlife Habitat:** The flood pool of the Preferred Alternative would be converted to a large, contiguous block mixed upland/wetland prairie habitat. The location of the Preferred Alternative is in the eastern extents of the Prairie Pothole Region, which is globally significant for migratory birds. Habitat in this area is generally fragmented, and representative of areas where crop production isn't practical. Opportunities to implement large blocks of habitat in this region is rare given the high crop production potential.
4. **Nutrient Reduction in Downstream Water Courses:** The Preferred Alternative would reduce total phosphorus (TP), total nitrogen (TN), and total suspended solids (TSS) downstream. Immediately downstream, TP, TN, and TSS would be reduced by 60%, 66%, and 38%, respectively.
5. **Consistency with International Flood Damage Reduction Objectives:** The Preferred Alternative is consistent with internationally agreed to Flood Damage Reduction objectives. The extents of the planning area are within the Red River Basin, which is an international watershed comprised of multiple jurisdictions and agencies. The Red River Basin Commission (RRBC) led an effort to coordinate an international planning effort to reduce flood risk throughout the Basin. This resulted in the Long Term Flood Solutions Report (LTFS). The LTFS provides flood protection recommendations for various jurisdictions. A key concept in the LTFS is implementation of distributed flood storage throughout the Basin to reduce peak flood flows on the Red River by 20%, referred to as the Basin-Wide Flow Reduction Strategy (BFRS). The BFRS relies on local water managers to implement measures to reduce local flood risk that will also reduce flood contributions from the localized watershed.
6. **Consistency with International Water Quality Improvement Objectives:** The Preferred Alternative would reduce TP, TN, and TSS at the outlet of the planning watershed, and ultimately the Red River at the U.S./Canadian border near Pembina, ND. The Red River discharges into Lake Winnipeg in Manitoba, CA. While the Red River only contributes 10-15% of the water by volume, it's estimated that the Red River contributes as much as 60% of the TP entering the lake. Increased TP loading into Lake Winnipeg as resulted in eutrophication of the water body. In response to this the International Joint Coalition (IJC) recently adopted recommendations to reduce TP and TN loadings, with a goal TP reduction of approximately 50% at the international border. This goal is not a regulatory mandate and relies on local water managers to consider management decisions that may result in incremental gains toward the objective.
7. **Locally Desired Flood Protection:** The Preferred Alternative provides the locally acceptable level of flood risk desired by area residents in Pembina and Walsh Counties. The Preferred Alternative would reduce flood risk to the local agricultural economy, the community of Crystal, ND, infrastructure, and rural structures. The No-Action alternative would result in continued flood damages to the local community.

While the Preferred Alternative is not the NED of the Plan-EA when only looking at item 7, we feel that an exception is warranted under items 1-6. The Preferred Alternative is one of the rare opportunities to provide water quality and wildlife habitat benefits as part of a flood damage reduction project. The Preferred Alternative also provides a unique opportunity show a federal commitment to internationally agreed to water quality and flood damage reduction objective, while implementing a locally desired alternative.

Please let us know have any questions, or if you need any additional information.

Sincerely,

PARK RIVER JOINT WATER RESOURCE DISTRICT

A handwritten signature in black ink, appearing to read "Wayne R. Smith", is written over a large, sweeping horizontal line that extends from the left margin across the text area.



Natural Resources
Conservation Service

State Office
PO Box 1458
Bismarck, ND
58502-1458
Voice 701.530.2000
Fax 855.813.7556

July 29, 2020

Jimmy Bramblett
Deputy Chief for Programs
USDA-Natural Resource Conservation Service
14th and Independence Ave SW, Rm 5109-S
Washington, DC 20250

Dear Mr. Bramblett,

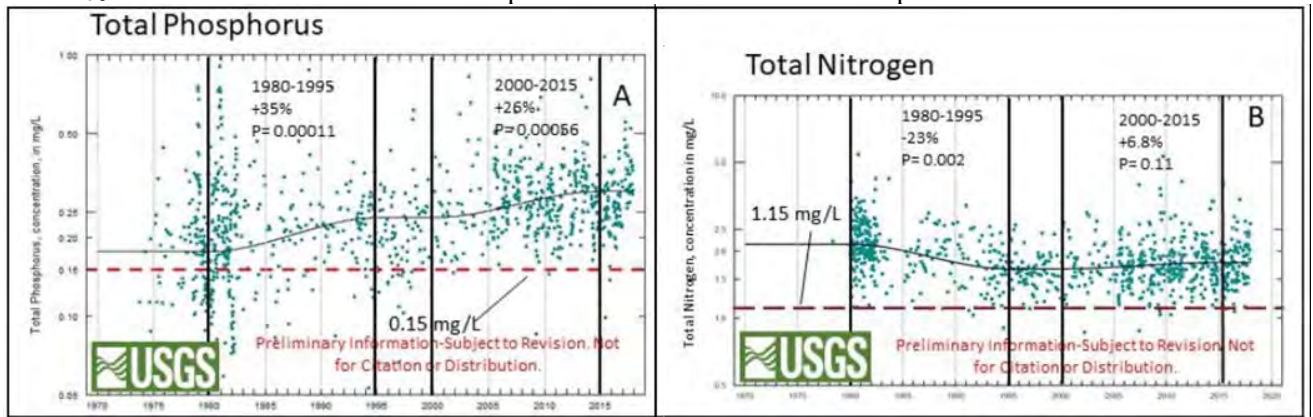
I am writing to support the attached request for an exception to the National Economic Development (NED) plan alternative from the Park River Joint Water Resource District for the North Branch Park River Watershed Plan. As outlined in GM390, Part 502, the Chief may grant an NED exception for water resources plans in situations where other federal, state, local, or international concerns are not fully addressed by the NED plan alternative.

In 2015 the Red River Retention Authority initiated twenty PL-566 watershed planning efforts through their member organizations through funding via the Regional Conservation Partnership Program. The North Branch Park River Watershed was one of those, and the Plan/EA is currently under review at the National Water Management Center. As was expected going into these planning efforts, the combination of very low population density, high agricultural input costs relative to revenues, and high construction costs for flood damage reduction projects in this low topographic relief landscape create a challenge in meeting a 1:1 benefit cost ratio using traditional flood control project economic analysis. Leadership and staff from the NWMC and NHQ Watershed Programs have provided excellent support through the five year planning process, and encouraged the approach taken by this Sponsor of documenting additional non-monetized benefits within the Environmental Quality (EQ) and Other Social Effects (OSE) P&G Accounts, and requesting an exception waiver on that basis. The overriding reasons for recommending the Preferred Alternative over the NED alternative, which would be the no action alternative for this plan, are as follows:

- Water quality improvements (EQ Account) that would be provided by the locally preferred alternative are summarized in Plan/EA Sections 1.4.2, 3.2.1, 3.2.2, 5.2.2 and the Appendix C- Environmental Quality Account Benefits Analysis Report. Most notably, the project will result in average removal of 5,609 lbs/year of total phosphorus, which is a critical need in this watershed that cannot be met by typical NRCS conservation practices given the climate, soils, and topography in this unique watershed (see the Appendix C report for further background). While the 33,658 lbs/year nitrogen reduction from the project is also impressive, that could theoretically be accomplished through application of agronomic conservation practices such as nutrient management, cover crops, reduced tillage, field borders, and filter strips. Between 1994 and 2019 over 200,000 acres of those practices were applied through Farm Bill programs in Walsh County, however, and there has been no associated downward trend in in-stream nitrate concentrations relative to discharge in the Park River. Research in the Red River Basin indicates that biomass harvesting within constructed or natural wetlands is the most effective and reliable phosphorus reduction technique available, and therefore distributed dry dams with shallow wetland areas managed for water quality benefits are one

of the key strategies in the Red River Basin to manage dissolved phosphorus runoff from agricultural fields.

- Contribution to Boundary Waters Treaty obligation of the United States (OSE Account), in the form of federal investment in phosphorus and nitrogen load reductions, as outlined in Sections 3.2.6, 5.2.6, and 7.1.3.2 of the Plan/EA. The International Joint Commission has adopted target objectives for phosphorus and nitrogen at the international border crossing of the Red River, shown as red dashed lines on the plots below. Trends towards increasing phosphorus correlate with an increase in precipitation and runoff, as well as conversion from predominantly small grains to corn-soybean rotations; studies have indicated over 65% of nutrients are derived from cropland fertilizer runoff in the U.S. portion of the basin.



U.S. efforts towards meeting the Boundary Waters Treaty are critical to negotiating similar investments from Canada for addressing pollutants in other river systems. For example, contaminants originating from mining activities in Canada are causing deformities and reproductive failure to trout and other aquatic species in the U.S. portion of the Kootenai River watershed of Montana, impacting endangered species, the recreation-based economy of the area, and threatening human health. Negotiations for Canadian investment in water quality improvements in that river system would be strengthened if the U.S. investments in reducing pollutant loadings that have caused significant declines to the commercial fishing industry, recreational uses, and First Nations subsistence fishing in Lake Winnipeg.

- Contribution to the Red River Basin Commission Basin-Wide Flood Reduction Strategy (OSE Account). Over the course of the 20th century, an increase of 20% in precipitation combined with changes in land use and drainage, has produced a 300% higher annual discharge in the Red River and the decadal mean discharge since 1990 has been over 50% higher than any decade in the 20th century. In response to the impacts of flooding on agricultural and municipalities in the Red River Basin, significant investment in large scale hydrologic modeling and regional/international planning for flood damage reduction has occurred. As outlined in Plan/EA sections 7.1.3 the preferred alternative contributes to the Long-Term Flood Solutions Basin-Wide Flood Reduction Strategy, as adopted by the Red River Basin Commission. The strategy calls for 120,000 acre-feet of distributed flood retention, targeted to sub-basins that will generate peak effectiveness based on flood timing generated from USACE sponsored basin hydrologic modeling. The Park River sub-basin, upstream of the town of Park River and near Crystal, was identified as a “Very High” priority sub-basin for retention projects.
- Restoration and enhancement of wetlands and wildlife habitat (EQ Account). The Prairie Pothole Region of the northcentral Great Plains is one of the most threatened waterfowl

habitats in the world due to habitat fragmentation and degradation. Drainage and cropping of the few remaining wetlands has continued; from 1997 to 2009 more than 50,000 individual wetlands were lost to draining and filling in North Dakota. This project provides an opportunity to reverse this trend by decommissioning tile drainage, restoring hydrology currently cutoff by upslope ditches, and conversion of cropland to perennial vegetation to significantly enhance 439.9 acres of slope wetlands, restore 71.5 acres of drained wetlands, and create 28.6 acres of associated upland habitat. Scoring of improved wetland functional capacity was completed by NRCS utilizing a Hydrogeomorphic Model, as documented in the attached Appendix C report.

The proposed project will not unilaterally address the significant flooding, water quality, and wetland habitat issues within the larger Red River Basin. Our lead RCPP partner on the project, the Red River Retention Authority and its member organizations, have however demonstrated longstanding commitment to implementing distributed retention projects across the region. Over the next decade, as more and more similar projects are built across the landscape, benefits will continue to accrue. The North Branch Park River PL-566 project represents the first opportunity for the USDA-NRCS to play a role in supporting this important effort. IPPC climate predictions indicate an additional 10-20% increase in volume for the 20-year recurrence interval precipitation event over the next three decades in this region. Maintaining the production of northern cropland, as southern areas of the Midwest become subject to higher frequencies of drought, will be critical for the nation's food supply over time.

The Sponsor on this project has worked diligently and in cooperation with ND NRCS over the last five years to complete this watershed plan. At this point in time, they have secured and contributed over half a million dollars to the watershed planning effort, more than matching the \$500,000 of NRCS funds devoted to planning. The Sponsor and ND NRCS are ready to move forward to final design immediately upon approval, utilizing a combination of remaining RCPP project funds and a pending FY21 Watershed Operations request. With approval of this exception request, our schedule is to go out for public comment this fall and finalize the Plan/EA by the end of the calendar year. We anticipate completing final engineering design and land rights acquisition by 2022/23 and moving to construction in 2023/24.

Thank you,

Mary Podoll
ND NRCS State Conservationist

Attachments: Sponsor Exception Request Letter, Park River Joint WRD 7/29/20
Red River Retention Authority Exception Support Letter 7/9/20
NB Park River Draft Watershed Plan/EA
Appendix C- Environmental Quality Account Benefits Analysis

cc: Kevin Farmer, Watershed Programs Branch Chief
Doris Washington, National Water Management Center Director
Ralph Smith, Watershed Operations Program Manager
Christi Fisher, State Conservation Engineer

November 20, 2020

SUBJECT: Exception to NED Alternative request – PL83-566 File Code: 390-11
North Branch Park River Watershed Plan (North Dakota)

TO: Mary Podoll
State Conservationist
Bismarck, North Dakota

This memo is in response to your memo dated July 29, 2020 in which you requested that an exception be granted for selection of the Preferred Alternative instead of the National Economic Development (NED) Alternative for the North Branch Park River Watershed Plan.

Program Policy 502 - Exceptions to the NED Plan Requirement, states in part that "...Exceptions will be considered based on other Federal, State, local or international concerns not fully addressed by the NED plan.". In addition, Program Policy 502.1- Timing and Documentation, dictates that "Exceptions must be supported by sufficient documentation, as set forth in Principle 6 of Economic and Environmental Principles and Guidelines (P&G) for Water and Related Land Resources Implementation Studies."

After a review of the documentation provided including the non-monetized benefits within the P&G Environmental Quality (EQ) account and Other Social Effects (OSE) Account, we have determined that an exception is warranted.

If you have additional questions, please contact Ralph Smith, Watershed Operations Program Manager, at (202) 260-8036 or at ralph.smith@usda.gov.

Jimmy Bramblett

JIMMY BRAMBLETT
Deputy Chief for Programs

Salvador Salinas, Regional Conservationist, Central, NRCS, Washington, DC
Dr. Cynthia West, Director, Conservation Planning and Technical Assistance Division, NRCS, Washington, D.C.
Noller Herbert, Director, Conservation Engineering Division, NRCS, Washington, D.C.
Doris Washington, Director, National Water Management Center, Little Rock, Arkansas
Shawn Anderson, Acting Branch Chief Watershed Programs, NRCS, Washington, D.C.
Christi Fisher, State Conservation Engineer, NRCS, Bismarck, ND

Appendix A- 3

Notice of Intent to Prepare an EIS

Market Nutrition Program, OMB #0584–0541. The Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill), Public Law 107–171, authorized the SFMNP as a competitive grant program beginning Fiscal Year (FY) 2003 and gave USDA the authority to develop Federal regulations guiding the administration of the SFMNP. The Agriculture Improvement Act of 2018, Public Law 115–334 (the 2018 Farm Bill), provided continued funding for the SFMNP through FY 2023. Federal regulations governing the SFMNP (7 Code of Federal Regulations, part 249) require that certain program-related information be collected and that full and complete records concerning SFMNP operations are maintained. The information reporting and recordkeeping burdens are necessary to ensure appropriate and efficient management of the SFMNP.

Need and Use of the Information: The information collected is used by USDA to manage, plan, evaluate, make decisions, and report on SFMNP program operations. FNS uses the information collection to assess how each SFMNP State agency operates; to ensure regulatory compliance of State agencies, local agencies, and farmers/farmers' markets/roadside stands/CSA programs; to make program management decisions; and to report to Congress as needed.

Description of Respondents: State, Local, or Tribal Governments; Individuals and Households; Nonprofit Businesses and authorized outlets.

Number of Respondents: 746,264.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,137,363.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–27088 Filed 12–13–22; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including

the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 13, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Institute of Food and Agriculture

Title: Veterinary Medicine Loan Repayment Program (VMLRP).

OMB Control Number: 0524–0050.

Summary of Collection: In January 2003, the National Veterinary Medical Service Act (NVMSA) was passed into law adding section 1415A to the National Agricultural Research, Extension, and Teaching Policy Act of 1997. This law established a new Veterinary Medicine Loan Repayment Program (VMLRP) (7 U.S.C. 3151a) authorizing the Secretary of Agriculture to carry out a program of entering into agreements with veterinarians under which they agree to provide veterinary services in veterinarian shortage situations. The purpose of the program is to assure an adequate supply of trained food animal veterinarians in shortage situations and provide USDA with a pool of veterinary specialists to assist in the control and eradication of animal disease outbreaks. The National Institute of Food and Agriculture (NIFA) will designate geographic and practice areas that have a shortage of food supply veterinarians in order to carry out the VMLRP goals of strengthening the nation's animal health infrastructure and supplementing the Federal response

during animal health emergencies. NIFA will carry out NVMSA by entering into educational loan repayment agreements with veterinarians who agree to provide veterinary services in veterinarian shortage situation for a determined period of time. NIFA will collect information using the Shortage Situation Nomination Form, Application Form, Records and Reports, and Surveys.

Need and Use of the Information: The information collected allows the National Institute of Food and Agriculture to request from VMLRP applicants' information related to eligibility, qualification, career interests, and recommendations necessary to evaluate their applications for repayment of educational indebtedness in return for agreeing to provide veterinary services in veterinarian shortage situations. The information will also be used to determine an applicant's eligibility for participation in the program. The information also allows the VMLRP to assess program processes and impact, make program improvements based on process feedback, and provide feedback to State Animal Health Officials on veterinarian shortage situations, which can aide them during the nomination process.

Description of Respondents:

Individuals or households; Business or other for-profit.

Number of Respondents: 1,770.

Frequency of Responses: Reporting: Biennially.

Total Burden Hours: 16,798.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–27092 Filed 12–13–22; 8:45 am]

BILLING CODE 3410–09–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2022–0016]

Notice of Intent To Prepare an Environmental Impact Statement for the North Branch Park River Watershed Plan, North Dakota

AGENCY: Natural Resources Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS).

SUMMARY: The Natural Resources Conservation Service (NRCS) North Dakota State Office, announces its intent

to prepare an EIS for the North Branch Park River Watershed located within Pembina, Walsh, and Cavalier Counties, North Dakota. NRCS will examine alternative solutions through the EIS process to provide flood damage reduction and watershed protection. NRCS is requesting comments to identify significant issues, potential alternatives, information, and analyses relevant to the Proposed Action from all interested individuals, Federal and State Agencies and Tribes.

DATES: We will consider comments that we receive by January 13, 2023.

Comments received after the 30-day comment period will be considered to the extent possible.

ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and search for docket ID NRCS–2022–0016. Follow the online instructions for submitting comments; or

- *Mail or Hand Delivery:* LuAnn Kemp, Park River Joint Water Resource District, National Resources Conservation Service, 308 Courthouse Drive #5, Cavalier, ND, 58220. In your comment, specify the docket ID NRCS–2022–02016.

All comments received will be posted and made publicly available on www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Christi Fisher; telephone: (701) 530–2012; 2091; email: christi.fisher@usda.gov. Persons with disabilities who require alternative means of communication should contact USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Purpose and Need

The purposes of the proposed action are watershed protection and flood damage reduction. Watershed protection goals consist of reducing downstream nutrient loads, particularly phosphorus, and increasing quantity and quality of critical fish and wildlife habitats. The Watershed Project Plan is authorized under the authority of the Watershed Protection (XE “Watershed Protection”) and Flood Prevention Act of 1954 (Pub. L. 83–566) as amended and the Regional Conservation Partnership Program Project (16 U.S.C. Chapter 58, Subchapter VIII). This action is needed because the North Branch Park River Watershed incurs \$1,733,000 in average annual flood damage as a result of 4,485 acres of cropland inundation and damage to roads, buildings, and other property. The 100-year flood inundates

136 structures, including the community of Crystal, ND. The watershed annually contributes 36,412 pounds of phosphorus and 197,533 pounds of nitrogen to the Red River, for which United States agreed to nutrient objectives at the international border have not been achieved. Historic loss of wetland and upland habitat within the Red River Basin also threatens multiple species.

Preliminary Proposed Action and Alternatives

NRCS will provide technical and financial assistance for the proposed project through the NRCS Watershed Protection and Flood Prevention Program. The EIS is expected to evaluate 2 alternatives: one action alternative or no action alternative. The alternatives we intend to carry forward to final analysis are:

Alternative 1—No Action: No federal action would be taken in the North Branch Park River Watershed and implementation of significant flood damage reduction or watershed protection projects is not expected to occur. The frequency and magnitude of flood damages in the watershed would remain at the current level, with average crop losses of \$876,300 annually due to flooding. Flood damage to a total of 136 structures, including homes, schools, and businesses in the community of Crystal, ND, will continue to generate average losses of \$770,800 annually. Road maintenance associated with overtopping during floods will continue to generate average costs of \$79,500 annually. The watershed will continue to contribute 36,412 pounds of phosphorus and 197,533 pounds of nitrogen to the Park River as well as the Red River and Lake Winnipeg. Wetlands and wildlife habitat will remain unchanged, barring a significant change in federal conservation programs.

Alternative 2—Cart Creek Site 1: The preliminary proposed alternative under consideration at Cart Creek Site 1 is a multi-purpose, off-channel, dry dam (XE “Preferred Alternative”) with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam would provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than a week during flood events. A diversion weir would be constructed in Cart Creek and existing road ditches would be enlarged to route flows above a 2-year flood flow to the dam from Cart Creek. Surface water runoff and existing road ditches south of Cart Creek and west of the dam would be re-routed into

the dry dam site via construction of new inlet structures and culverts designed to recreate natural sheet flow conditions. (XE “Flood Prevention”) Within the temporary flood pool, 134 acres of shallow retention cells would be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. Water would be held in those cells via closed control structures from spring through early fall, to allow growing vegetation to uptake dissolved phosphorus. Water would be drained through control structures and via a pumped subsurface drainage system to allow vegetation to be cut, baled, and removed from the site prior to the first frost in 2 out of each 3 years. The alternative would also result in restoration of 284 acres of wetlands, enhancement of 16 acres of existing wetlands, and enhancement of 52 acres of uplands which would be managed for high quality wildlife habitat via grazing as needed.

The two alternatives described above will be evaluated against each other in the EIS.

Summary of Expected Impacts

An NRCS evaluation of this federally assisted action indicates that the proposed alternative may have a significant local, regional, national, or international impact on the environment. Hydrologic impacts include peak flow reductions of 64 percent and 66 percent of the 10- and 100-year recurrence interval flood events immediately downstream of the retention site, and 20 percent and 28 percent of the 10- and 100-year recurrence interval flood events at the downstream community of Crystal, ND. Immediately downstream of the retention site, average annual loads of total phosphorus, total nitrogen, and total suspended solids are reduced by 60 percent, 66 percent, and 38 percent respectively. The proposed alternative would result in a total loss of 5.7 acres of wetlands through fill placement and excavation, which will be mitigated for via onsite wetland restoration. The project generates a net restoration of 284 acres of wetlands (total of 289.7 acres) and enhances 16 acres of existing wetlands as a result of restored hydrology and vegetative communities, enhancement of 18 acres of existing wetlands that are currently cropped, and enhancement of 52 acres upland wildlife habitat for the benefit of migratory birds and other wildlife species. Short term negative impacts during construction are anticipated to be local only, and may occur in relation to soils, vegetation, noise, and traffic.

Anticipated Permits and Authorizations

The following permits and other authorizations are anticipated to be required:

- *CWA Section 404 permit.*

Implementation of the proposed federal action would require a Clean Water Act (CWA) Section 404 permit from the U.S. Army Corps of Engineers, which is a cooperating federal agency on the planning effort. Consultation is ongoing and no significant challenges are anticipated given the overall environmental benefits of the project.

- *CWA Section 401 permit.* The project would also require water quality certification under Section 401 of the CWA and permitting under Section 402 of the CWA (National Pollutant Discharge Elimination Permit), both of which would be issued by the ND Department of Environmental Quality, a cooperating state agency on the planning effort. Consultation is ongoing and no significant challenges are anticipated given the overall environmental benefits of the project and the fact this is an off-channel retention structure.

- *Permit to Construct or Modify a Dam.* The project will require authorization from the North Dakota Department of Water Resources (ND DWR) for construction of a dam. ND DWR is a cooperating state agency on the plan and is assisting in funding for the project.

- *Water Appropriation Permit.* The project may require a conditional water use permit from ND DWR for construction of a dam. ND DWR is a cooperating state agency on the plan and is assisting in funding for the project.

- *Floodplain Permit.* The project will require a floodplain development permit from Pembina County. Pembina County is a cooperating local agency on the project.

- *NHPA Section 106 Consultation.* Consultation with Tribal Nations and interested parties is being conducted as required by the National Historic Preservation Act of 1966.

Schedule of Decision-Making Process

A draft (DEIS) will be prepared and circulated for review and comment by agencies and the public for at least 45 days per 40 CFR 1503.1, 1502.2, 1506.11, 1502.17, and 7 CFR 650.13. The DEIS is anticipated to be published in the **Federal Register** approximately 6 months after publication of this NOI. A final EIS is anticipated to be published within 6 months of completion of the public comment period for the DEIS. NRCS will then decide whether to

implement one of the alternatives as evaluated in the EIS. A Record of Decision will be completed after the required 30-day waiting period and will be publicly available. The responsible federal official for the NRCS is Mary Podoll, North Dakota State Conservationist.

Public Scoping Process

Public scoping meetings will be held at the Cart Creek Site 1 Project to further develop the scope of the DEIS. A preliminary scoping meeting was held on February 17, 2016, in Mountain, ND. An additional scoping meeting will be held after the NOI is published.

Comments received for both meetings, including names and addresses of those who comment, will be part of the public record. The date, time, and location for the second meeting will be provided on the ND NRCS website, the Pembina Water Resource District website, and published in the Cavalier Chronicle.

NRCS will coordinate the scoping process as provided in 36 CFR 800.2(d)(3) and 800.8 (54 U.S.C. 306108) to help fulfill the National Historic Preservation Act (NHPA), as amended, review process.

Identification of Potential Alternatives, Information, and Analyses

NRCS invites agencies, tribes, and individuals who have special expertise, legal jurisdiction, or interest in the Cart Creek Site 1 Project to provide comments concerning the scope of the analysis and identification of potential alternatives, information, and analyses relevant to the Proposed Action.

Authorities

This document is published in line with the National Environmental Policy Act (NEPA) regulations regarding publication of a notice of intent to issue an environmental impact statement (40 CFR 1501.9(d)). The EIS will be prepared to evaluate potential environmental impacts as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA, the Council on Environmental Quality regulations (40 CFR parts 1500–1508) and NRCS regulations that implement NEPA in 7 CFR part 650. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended, (Pub. L. 83–566) and the Flood Control Act of 1944 (Pub. L. 78–534).

Federal Assistance Program

The titles and numbers of the Federal Domestic Assistance Programs found in the Catalog of Federal Domestic Assistance to which Notice of Funding

Availability applies is 10.904 Watershed Protection and Flood Prevention.

Executive Order 12372

Executive Order 12372, “Intergovernmental Review of Federal Programs,” requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 (voice) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at <https://www.usda.gov/oascr/how-to-file-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by mail: U.S. Department of

Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410 or email: OAC@usda.gov. USDA is an equal opportunity provider, employer, and lender.

Mary Podoll,

North Dakota State Conservationist, Natural Resources Conservation Service.

[FR Doc. 2022-27077 Filed 12-13-22; 8:45 am]

BILLING CODE 3410-16-P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS-2022-0017]

Notice of Intent To Prepare an Environmental Impact Statement for the McGriff Lakes—Sutter Basin Watershed Flood Control and Flood Safety Project Sutter County, California

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: The Natural Resources Conservation Service (NRCS) California State Office announces its intent to prepare an EIS for the McGriff Lakes—Sutter Basin Watershed Flood Control and Flood Safety Project, which is located approximately 30 miles northwest of Sacramento in the proximity of Knights Landing, California. NRCS is requesting comments to identify significant issues and alternatives to be addressed in the EIS from all interested individuals, Tribes, and Federal, State and local Agencies and jurisdictions. The EIS process will examine alternative solutions to modernize the existing Karnak Drainage Facility, portions of which are over 100 years old, to continue to provide reliable flood protection for the Reclamation District No. 1500 (RD 1500) service area. The Reclamation District service area includes over 60,000 acres of agricultural farmland, the community of Robbins and surrounding rural areas, and California State Route 113, a designated emergency route through the watershed. The primary purpose for this watershed plan is to provide reliable and long-term flood prevention and damage reduction to the RD 1500 service area and improve public safety and emergency access. Although the existing Karnak Drainage Facility has been well maintained, the required repairs for the pump stations are

becoming more costly while the reliability of the facility is decreasing because parts needed for repair and continued operation are no longer available and must be custom fabricated. The aging infrastructure and lack of parts availability puts all land within the RD1500 service area at risk in the event of a significant rainfall event. Without adequate and reliable flood control, millions of dollars in agricultural products would be at risk, the designated emergency route would be in jeopardy of flood closures, and substantial property damage and potential loss of life are possible in the community of Robbins and surrounding areas.

DATES: We will consider comments that we receive within 30 days after date of publication of this notice in the **Federal Register**. Comments received after 30 days will be considered to the extent possible.

ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and search for docket ID NRCS-2022-0017. Follow the online instructions for submitting comments; or
- **Mail or Hand Delivery:** Mr. Roger Cornwell, RD 1500 General Manager, PO Box 96, Robbins, CA 95676; or
- **Email:** commentsRD1500@gmail.com.

For written comments, specify the docket ID NRCS-2022-0017. All comments received will be posted without change and made publicly available on www.regulation.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Ernesto A. De La Riva, telephone: (530) 792-5680; email: Ernesto.delariva@usda.gov. In addition, for questions related to submitting comments via RD 1500 General Manager: Mr. Roger Cornwell at (530) 738-4423, Fax (530) 738-4327, commentsRD1500@gmail.com, or the project website at: <https://sutterbasinwater.com/flood-control-flood-safety-rehabilitation-project/>. Persons with disabilities who require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720-2600 (voice).

SUPPLEMENTARY INFORMATION:

Purpose and Need

The watershed project would be implemented as flood protection, as authorized under sections 3 and 4 of Public Law 83-566. The primary purpose for this watershed plan is to provide reliable and long-term flood

prevention and damage reduction to the RD 1500 service area and improve public safety and emergency access. Watershed planning was authorized under Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954, as amended, and Public Law 78-534, the Flood Control Act of 1944.

RD 1500, one of the largest reclamation districts in California, was created by special act of the State Legislature in 1913. It provides drainage and flood control to an area of approximately 67,850 acres within its service area, including protecting the community of Robbins and surrounding rural residential property from flood damage, protecting over 60,000 acres of rural farmland from flooding, and providing flood protection of SR 113 and other local emergency response roadways. The project will address issues at the Karnak Drainage Facility which was originally built in 1914 with two additional facilities added in 1929 and 1952. These facilities have continued to protect the RD1500 for over 100 years. However, they are all past their useful service life. While RD1500 has continued to maintain these facilities, it has become increasingly difficult to obtain parts and keep the facilities functional during storm events.

The Karnak Drainage Facilities provided flood protection for 70 Year-Level storm events from January to March of 2017, which were the second highest precipitation events in the last 144 years record in the northern California area. Uncharacteristically of the facilities, all pumping stations were operational at the time. The Karnak Drainage Facility was able to provide flood reduction to approximately 31,200 acres of prime farmland within the Sutter Basin and the community of Robbins would have been under 5 to 6 feet of water, completely cutting off access to SR 113, which at the time was being used by residence of Oroville, California as an evacuation route from the Oroville Dam crisis of February 2017.

To meet the purpose of continuing flood protection for the Sutter Basin, modernization of the existing Karnak Facilities will be necessary. A Preliminary Investigative Report (PIR), completed by RD1500 in 2021, investigated and studied possible solutions to address flood protection in the Sutter Basin. As a result of the new information obtained during an EA process, the level of analysis this watershed project needs is more extensive than anticipated during scoping in 2021. Estimated Federal funds required for the construction of the proposed action may exceed \$25

Appendix A- 4

EIS Scoping Documents

- Public Notice
- Invitation List
- Invitations
- Comments and Responses

Public Notices

Lawrence D. DuBois (ND #03563)
Fleming, DuBois & Fleming, PLLP
Attorneys at Law
208 W 2nd Ave S, PO Box 633
Cavalier, North Dakota 58220
Phone: (701) 265-8446
Email: fdfllaw@polarcomm.com
Attorney for the Personal Representative

Case No.: 34-2023-PR-00002
**IN THE DISTRICT COURT OF
PEMBINA COUNTY
STATE OF NORTH DAKOTA
In the Matter of the Estate of
Kathleen Fitzsimonds, Deceased
ORDER FIXING
TIME AND PLACE OF HEARING**

[¶1] The petition of V. Robert Fitzsimonds for formal probate of Will and appointment of personal representative having come before the Court;

[¶2] **IT IS HEREBY ORDERED**, that the 1st day of March, 2023, at 10:00 a.m., at the Courtroom of said Court at the County Courthouse in the city of Cavalier, County of Pembina, State of North Dakota, be, and the same hereby is, appointed the time and place for the hearing of said same petition, and any person interested may appear and contest the said Will and may object to the appointment of petitioner as personal representative.

[¶3] **IT IS FURTHER ORDERED**, that the petitioner give notice of said hearing in the manner prescribed by N.D.C.C. § 30.1-03-01 (2022) to all persons entitled to notice pursuant to N.D.C.C. § 30.1-15-03 (2022) and to all persons who have filed a demand for notice pursuant to N.D.C.C. § 30.1-13-04 (2022).

BY THE COURT:
Signed: 1/19/2023 8:13:36 PM
/s/ Kari M. Agotness,
Judge of the District Court
(February 1, 8, 15, 2023)
+

**ATTENTION PEMBINA COUNTY
SOYBEAN PRODUCERS
CAST YOUR BALLOT
NORTH DAKOTA
SOYBEAN COUNCIL ELECTION**

The ND Soybean Council's election for your County Representative will take place by mail ballot in February 2023. In March, newly elected county representatives will select a board member of the ND Soybean Council.

On or about February 8, 2023, the ND Soybean Council will mail each soybean grower of record in the county an election ballot. For your vote to count, ballots must be filed with the County Extension Agent of the above-named county. The ballot can be hand delivered or mailed to the agent. For your vote to count, the County Extension Agent must receive the ballot by March 1, 2023, or your mailed-in ballot must be postmarked no later than March 1, 2023. If you do not receive a ballot in the mail, contact your Pembina County Extension Agent at 701-265-8411 or the ND Soybean Council at 701-566-9300 to obtain one.

A producer is defined as: "any person that plants or causes to be planted a soybean crop in which the person has an ownership interest, with intent that upon maturity, the crop will be harvested; will have met the requirements of the above stated during the next available growing season or has met these requirements during the immediately preceding growing season. The term does not include an organic producer that has been exempted from the payment of assessments in accordance with federal law."
(February 8, 2023)
+

**Cavalier Chronicle
Office Hours
Monday - Thursday
8 a.m. to 3 p.m.
Friday
8 a.m. to Noon**

**— The —
Cavalier
Chronicle**
(USPS 095-120)



Tel. (701) 265-8844
Fax (701) 265-8089

Email stories & correspondence to:

lynn@cavchronicle.com

Email ads & commercial cuts to:

tim@cavchronicle.com

Official newspaper of
Pembina County and City of
Cavalier in the state of North
Dakota. Post Office address:
P. O. Box 520, Cavalier, ND
58220.

Periodical postage paid at the
Post Office at Cavalier, ND
58220 and published weekly
from its office at 207 Main
Street West, Cavalier, ND,
58220.

**Member of NDNA and NNA
THEODORE J. SCHROEDER,
Publisher Emeritus
LYNN SCHROEDER,
Publisher - Editor**

SUBSCRIPTION RATES:
\$43.00 per year or **\$34.00** for six
months in Pembina County and
to armed forces members; rest of
North Dakota is **\$45.00**. All
other states is **\$51.00** per year or
\$42.00 for six months. 65 years
or older - **\$1.00** discount. "Snow
Birds" - **\$5.00** extra.



**NATIONAL
NEWSPAPER
ASSOCIATION**

POSTMASTER:

Send address changes to:

**THE CAVALIER
CHRONICLE
P.O. Box 520
Cavalier, ND 58220**

Lawrence D. DuBois (ND #03563)
Fleming, DuBois & Fleming, PLLP
Attorneys at Law
208 W 2nd Ave S, PO Box 633
Cavalier, North Dakota 58220
Phone: (701) 265-8446
Email: fdfllaw@polarcomm.com
Attorney for the Personal Representative

Case No.: 34-2023-PR-00002
**IN THE DISTRICT COURT OF
PEMBINA COUNTY
STATE OF NORTH DAKOTA
In the Matter of the Estate of
Kathleen Fitzsimonds, Deceased
NOTICE OF HEARING ON PETITION
FOR FORMAL PROBATE OF WILL**

[¶1] **NOTICE IS HEREBY GIVEN**
that V. Robert Fitzsimonds has filed
herein a petition for formal probate of
Will.

[¶2] Hearing has been set upon said
petition on the 1st day of March, 2023 at
10:00 a.m., at the above named Court in
the City of Cavalier, County of Pembina,
State of North Dakota.

Dated this 19th day of January, 2023.
/s/ V. Robert Fitzsimonds
13293 County 55
Walhalla, ND 58282
(February 1, 8, 15, 2023)
+

**Notice of Availability of a Final
Environmental Assessment and
Finding of
No Significant Impact
DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
PROJECT: Tongue River
Supplemental Watershed Plan #3
Tongue River Watershed Channel
Stabilization Project, Pembina 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
Pembina County, North Dakota and the
Local Sponsor is the Pembina County
Water Resource District. The purposes
of the proposed action are watershed
protection and flood damage reduction.

The proposed channel stabilization
project involves restoring natural pattern,
profile, and dimension to 1.8 miles of the
Tongue River starting at a location
approximately 1.3 river miles
downstream of the Tongue River
crossing with North Dakota State
Highway 89 in Section 28 of Beaulieu
Township, Pembina County, ND. The
proposed project will raise the elevation
of the riverbed to within 3.0 feet of the
natural floodplain, at the low point of the
riffles, to just the capacity of the bankfull
channel flow. Grade control structures to
mitigate risk of future channel incision will
be constructed in the channel, including
a rock arch ramp with energy dissipation
pool on the downstream end, rock cross
vanes with buried sheet pile cutoff walls,
and cobble patches, debris collectors,
and beaver dam analogue structures.
Bioengineering bank protection will
protect exposed banks after construction,
including ballasted large woody debris,
cobble toes, coir fabric, grass seeding,
live cuttings, and transplanted live willow
clumps. Removal of old levee sections
and floodplain grading will take place and
includes 6.1 acres of floodplain
excavation/wetland creation. All
disturbed areas and areas of invasive
vegetation will be revegetated with native
species of grass, forbs, trees and shrubs.

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],
Richard Webb, NRCS North Dakota
Acting State Conservationist, has
determined that the preparation and
review of an environmental impact
statement is not needed for this project.

Final engineering design and
construction phases of this project may
be funded through the NRCS Watershed
and Flood Prevention Program, as
authorized by Public Law 83-566.

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/conservati

**on-basics/conservation-by-
state/north-dakota/watershed-
operations-north-dakota-nrcs**

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
(February 8, 2023)
+

**HENSEL CITY COUNCIL MEETING
JANUARY 2, 2023 - 7:00 P.M.**

Present: Mayor Katie Foster,
councilpersons Cindy Parsons and
Bonita Polen, guest Andy Nupdal, and
auditor Amanda Werth.

Minutes of the November meeting
were reviewed. M/S/C to approve the
minutes as presented.

Treasurer's report: current account
balance is \$29,206.08 (as of 11/08/22).
Bills paid include: 7012 Troy Sott
\$175.00 seven hours of snow removal;
7019 NE Regional Water \$323.08; 7020
Mostad Insurance \$643.00; 7021
Cavalier Chronicle \$131.37; 7022
Thorlakson Constr. \$1083.85; 7023
Samson Electric \$93.04; 7024 Cindy
Parsons \$120.00 2023 pay; 7025 Bonita
Polen \$120.00 2023 pay; 7026 Amanda
Werth \$400.00 2023 pay; 7027 Katie
Foster \$250.00 2023 pay; 7028 Les
Puppe \$100.00 gift of thanks for snow
removal; 7029 Katie Foster \$200.00
reimbursement for paying T. Sott for eight
hours of snow removal.

Auditor's report: noted that 2023
county-wide property tax reappraisals will
be beginning this spring. Memo from
Mikka Wilits, Pembina County Director of
Equalization, is on file.

Asked, as 2022 is ending, when
mayor and council people get paid.
Mayor determined that it would be today.
DISCUSSION:

- Troy was paid for eight hours of
snow removal; Katie paid him and the
city will reimburse her.
- Andy will be our new councilman;
the oath will be administered at the
February meeting.
- Cindy bought the necessary
weatherizing materials for city hall.
- Potholes have been filled.
- Troy has been doing snow
removal, and Les Puppe has been
keeping paths open for people. Cindy
suggested giving a thank you gift to Les.
M/S/C to spend \$100 for Les.
- NDIRF wants to elect two
directors. Anyone interested can grab
the informational letter out of the city hall
trash can.
- Katie will call Joel Sandoz at Do It
Best to see if he will come measure city
hall for siding.
- The auditor needs everybody's
SSNs for the WSI report.
- Still trying to get the Post Office to
do some maintenance on their building.
The city has volunteered (again) to buy
paint and provide labor for an exterior
paint job.
- M/S/C to adjourn the meeting at
7:25 p.m.

Submitted by Amanda Werth, auditor
(February 8, 2023)
+

Case No. 34-2023-PR-00003
**IN THE DISTRICT COURT OF
PEMBINA COUNTY
STATE OF NORTH DAKOTA
In the Matter of the Estate of
Stuart J. Gelger, Deceased
NOTICE TO CREDITORS**

[¶1] **NOTICE IS HEREBY GIVEN**
that the undersigned has been appointed
personal representative of the above
estate. All persons having claims against
the said deceased are required to
present their claims within three (3)
months after the date of the first
publication of this notice or said claims
will be forever barred, except that the
claim of any creditor to whom said
personal representative mail a copy of
this notice shall not be barred until three
(3) months after the date of such mailing.
Claims must either be presented to
Jeffery Geiger, personal representative
of the estate or filed with the Court.

Dated this 1st day of February,
2023.

/s/ Jeffery Geiger
1408 Wee Gwaus Dr. SW
Bemidji, MN 56601
DUSTIN J. SLAMOD (ND #09110)
FLEMING, DUBOIS & FLEMING, PLLP
Attorneys at Law
208 W. 2nd Ave. S., PO Box 633
Cavalier, ND 58220
Phone: (701) 265-8446
Email: fdfllaw@polarcomm.com
Attorney for the Personal Representative
(February 8, 15, 22, 2023)
+

NOTICE TO CONTRACTORS
The North Dakota Department of
Transportation (NDDOT) will receive bids
for the construction of the following
project(s):
Job No.: 23761
Project No(s): ITS-9-999(506)
Type: ENVIRONMENTAL SENSOR
STATIONS
County(s): PEMBINA, BURKE,
LAMOURE, MCKENZIE, ROLETTE,
SLOPE, STUTSMAN, WARD, & WELLS
Cos.
Location: VARIOUS US/STATE
HIGHWAYS - STATEWIDE - 2023 ITS
Job No.: 23797
Project No(s): HES-6-999(057)
Length: 0
Type: PAVEMENT MARKING
County(s): PEMBINA, BARNES, CASS,
CAVALIER, FOSTER, GRAND FORKS,
GRIGGS, NELSON, RAMSEY, STEELE,
& WALSH Cos
Location: VARIOUS US/STATE
HIGHWAYS - GRAND FORKS
DISTRICT

Bids will be received via the Bid
Express on-line bidding exchange at
www.bidx.com until 09:30 AM, March 03,
2023. Bids will be opened at that time at
the NDDOT building on the capitol
grounds in Bismarck and the bid results
will be distributed and posted online at
https://www.dot.nd.gov/business/bidinfo.
htm approximately 30 minutes after bids
are opened.

The proposal forms, plans, and
specifications are available on the
NDDOT website at http://www.dot.nd.gov
and may be inspected at the
Construction Services Division, 608 East
Boulevard Avenue, Bismarck, North
Dakota.

All bidders not currently prequalified
with NDDOT must submit an online
Contractor's Prequalification request to
the Department at least ten (10) business
days prior to the bid opening. The online
application can be found on the NDDOT
website at https://www.dot.nd.gov
/business/contractors.htm

NDDOT reserves the right to reject
any and all proposals, waive
technicalities, or to accept such as may
be determined in the best interests of the
state.

For disability/language assistance,
call 701-328-2978.

Requested by:
Ron Henke, P.E., Director
North Dakota Department of Transportation
(February 8, 2023)
+

Feed My
Starving
Children

With a goal of \$76,500 for
ingredients and 1,200 volunteer
packers, the Feed My Starving
Children campaign is finalizing
plans to pack 272,000 meals March
24-25 in the Minnkota Building in
Grand Forks, according to Co-
chairs Bruce and Jodie Storhaug.

Volunteers from throughout
Walsh, Towner, Pembina, Ramsey,
Cavalier, Nelson, Traill, and Grand
Forks counties in North Dakota
and Kittson, Roseau, Pennington
and Marshall counties in
Minnesota are being recruited for
seven two-hour shifts of 200
volunteers each to process the
meals. Interested volunteers may
contact jstorhaug@gra.midco.net
for information about packing.

The 2023 packing will be the
12th MobilePack. Up to this point,
the local region has financed and
packed 4,160,000 meals that have
gone to Haiti, Nicaragua, The
Phillippines, Dominican Republic,
Namibia and Sierra Leone over the
past 11 years.

Over 50 churches of all
Christian denominations, with
several service clubs, schools and
businesses, have participated in the
packings.

"The 2023 MobilePack is still
short of money," the Co-Chairs
reported. "Support can be sent to
FMSC, 306 Circle Hills Dr., Grand
Forks, ND 58201."
+

Social
Security
Matters

by National Social Security
Advisor at the AMAC Foundation,
the non-
profit arm of the Association of
Mature American Citizens

Dear Rusty: I am 56 and hope
to hold out to get maximum Social
Security at age 70. However, with
all of the talk of Social Security
funds being depleted, is it wise to
continue with this mindset? Will
there even BE Social Security
benefits for folks in my age
bracket? Should I think about
starting Social Security benefits as
soon as I am eligible? I am
employed; however, I don't have a
large amount of savings. I
contribute to my company's 401(k)
and receive the match, and I own
my own home (almost paid off)
with an estimated \$250,000.00 in
equity, but I won't be able to stay in
the home long term. Any insight
you can provide would be greatly
appreciated. Signed: **Weary
Worker**

Dear Weary Worker: I don't
suggest changing your strategy due
to fears of Social Security not
being there – it will be. Although
the program is facing some future
financial issues, the very worst that
could happen is that everyone's
benefits might be cut by 20+% if
Congress fails to act to restore the
program to solvency before the
Trust Funds are depleted in the
early to mid-2030s. In my opinion,
Congress will not likely fail to act
because to do so would be political
suicide. The fact is, they already
know how to fix Social Security's
financial issues; they just lack the
bipartisan spirit and political
fortitude to do so until they extract
every possible ounce of political
capital from the issue. So, it's
largely a matter of how long
Congress will wait to reform the
program.

Right now, the Social Security
Trust Funds hold about \$2.8 trillion
in reserves to ensure full benefits
will be paid. But Social Security
now pays out more in benefits than
it receives in revenue, so the extra
money needed to pay full benefits
is taken from those reserves. What
is needed is reform which
addresses the reality that people
today are living much longer and
collecting benefits for much longer
than the program is structured to

accommodate. Many possible
solutions are on the table in
Congress, including raising the full
retirement age a bit to deal with the
reality of people living much
longer, and increasing the
program's tax revenue by
withholding a bit more from
American workers. The eventual
reform will likely include some
variation of both, as well as other
"tweaks" which further guarantee
the program will be there for future
generations.

As for the thought of claiming
your benefits as soon as you are
eligible (age 62), be aware that
Social Security has an "earnings
test" which applies to anyone who
collects benefits before reaching
full retirement age (FRA). If you
are working full time when you
first become age-eligible, you
likely wouldn't be able to collect
benefits because your benefit
amount would be insufficient to
pay the penalty for exceeding the
earnings limit (\$1 for every \$2 over
the limit) within one year. And, as
you may already know, your age 62
benefit would be cut by about 30%
from your FRA amount, while your
benefit at age 70 would be about
76% more than your age 62
benefit.

So even if the worst case
scenario happens (which it almost
certainly won't), an across the
board cut of 20+% to your age 70
benefit would yield a higher
monthly payment than that same
cut to your age 62 benefit amount.
So, I suggest you stick with your
current strategy to continue
working and wait as long as
practical to claim your benefits (up
to age 70). As an aside, AMAC
(Association of Mature American
Citizens) has, for years, been
proposing (to Congress) its "Social
Security Guarantee Plus" which
would restore Social Security to
solvency for generations to come
and would not require an increased
payroll tax rate. Congressional
reaction has been generally
positive, leading us to be hopeful
for a reasonable solution to the
problem.

*This article is intended for
information purposes only and
does not represent legal or
financial guidance. It presents the
opinions and interpretations of the
AMAC Foundation's staff, trained
and accredited by the National
Social Security Association
(NSSA). NSSA and the AMAC
Foundation and its staff are not
affiliated with or endorsed by the
Social Security Administration or
any other governmental entity.*
+

PEMBINA SPECIAL EDUCATION COOPERATIVE
**Notice of Free Early Childhood
Screening for Children Ages 3-5**

PARENTS/GUARDIANS, the Pembina Special Education
Cooperative is coordinating the spring early childhood screening
for children ages 3-5 who are not currently attending public
preschool programs. Screening is for districts within the PSEC
special education unit, which are the districts of **Drayton, Valley-
Edinburg, and North Border**. Parents or guardians who have
concerns about their 3-5 year-old child's abilities or skills may
request this free screening, which may help determine if a child's
skill levels are adequate or if further assessment is warranted.

A CHILD CAN BE SCREENED IN THE FOLLOWING AREAS:

- **Speech / Language Skills**
- **Motor Skills**
- **Behavior Activity Level**
- **School Readiness**
- **Social / Play Skills**
- **Learning**

Parents or guardians may call the elementary school principal
or elementary special education teacher at their district school or
the Pembina Special Education Cooperative at 265-8080 to
request a screening appointment before **March 1st, 2023**. These
screenings are also held throughout the school year at the request
of parent or guardian and can be scheduled through the local
school directly.

**NORTH BRANCH PARK RIVER WATERSHED
PUBLIC MEETING NOTICE**

**A public meeting will be held in person and virtually on
February 23, 2023, for the North Branch Park River
Watershed Plan sponsored jointly by the Pembina County and
Walsh County Water Resource Districts.**

The purpose of the meeting is to provide a planning update
and to seek additional public input on the project scope for the
plan's Environmental Impact Statement. This meeting is the third
in a series of public scoping meetings including ones held in
2014 and 2016. Public input was used in formulating plan
alternatives to address the flood damages to cropland, roads,
and buildings, including the community of Crystal, ND. The
project also addresses water quality concerns in the watershed.
The proposed improvements would be partially funded by
NRCS through the Watershed Protection and Flood Prevention
Act of 1954 (Public Law 83-566). Further opportunities to
comment on the Draft Watershed Plan - EIS will be advertised
on the Federal Register and in local newspaper public notices in
the upcoming weeks.

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

Date: ----- **February 23, 2023**
Time: ----- **10:30 am**
Location: ----- **Farmers Room**

**Pembina County Courthouse
301 Dakota St W
Cavalier, ND 58220**

The meeting may also be accessed virtually: Go to
**https://www.pembinacountynd.gov/county/departments/
water-resource-district/** for a Teams meeting or phone link.

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

Draft plan documents are available at: **https://www.nrcs.u
sda.gov/conservation-basics/conservation-by-state/north-
dakota/watershed-operations-north-dakota-nrcs**

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

Colorectal Cancer
Screenings Without
the Wait

Unity Medical Center is an award
winning independent healthcare
organization located in Grafton. We have
the newest and most advanced surgery
center in the state of North Dakota. We
can get you in for your colonoscopy
procedure within approximately TWO
weeks with Dr. Matthew Viscito or Dr.
Jared Marquardt. Call 701-352-1620 to
schedule an appointment.



Dr. Matthew Viscito



Dr. Jared Marquardt

164 West 13th Street, Grafton | 701-352-1620 | unitymedcenter.com

NORTH BRANCH PARK RIVER WATERSHED PUBLIC MEETING NOTICE

A public meeting will be held in person and virtually on February 23, 2023, for the North Branch Park River Watershed Plan sponsored jointly by the Pembina County and Walsh County Water Resource Districts.

The purpose of the meeting is to provide a planning update and to seek additional public input on the project scope for the plan's Environmental Impact Statement. This meeting is the third in a series of public scoping meetings including ones held in 2014 and 2016. Public input was used in formulating plan alternatives to address the flood damages to cropland, roads, and buildings, including the community of Crystal, ND. The project also addresses water quality concerns in the watershed. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566). Further opportunities to comment on the Draft Watershed Plan - EIS will be advertised on the Federal Register and in local newspaper public notices in the upcoming weeks.

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

Date: February 23, 2023

Time: 10:30 am

Location: Farmers Room
Pembina County Courthouse
301 Dakota St W
Cavalier, ND 58220

The meeting may also be accessed virtually: Go to <https://www.pembinacountynd.gov/county/departments/water-resource-district/> for a Teams meeting or phone link.

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

Draft plan documents are available at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/watershed-operations-north-dakota-nrcs>

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

North Branch Park River Watershed Planning Roster

NRCS must contact/Coop agency_Tribe	Point of Contact	Title	Representing	Mailing Address	Physical address	City	State	Zip	Email	Notes
X	Toni Erhardt	Project Manager	US Army Corps of Engineers - Regulatory Division	3319 University Dr		Bismarck	ND	58504	toni.r.erhardt@usace.army.mil	
X	Benjamin Relle	Project Manager	US Army Corps of Engineers - Regulatory Division	3320 University Dr		Bismarck	ND	58504	benjamin.d.relle@usace.army.mil	
X	Drew Becker	Ecological Service Supervisor	US Fish and Wildlife Service	3425 Miriam Avenue		Bismarck	ND	58501	701-250-4481	
X	Melissa McCoy	Chief NEPA Branch	US EPA	1595 Wynkoop St		Denver	CO	80202	mccoy.melissa@epa.gov	
X	Lisa Steckler	Historic Preservation Specialist	State Historical Society of North Dakota	612 East Boulevard Avenue		Bismarck	ND	58505	701-328-2666	
X	Jonathan Windy Boy, THPO	Tribal Historic Preservation Officer	Chippewa Cree Tribe of the Rocky Boy's Reservation	PO Box 230		Box Elder	MT	59521	jonathan.windyboy@nei-yahw.com	
X	Harlan Baker	Chairman	Chippewa Cree Tribe of the Rocky Boy's Reservation	96 Clinic Rd		Box Elder	MT	59521	hidatsa_cree@yahoo.com	
X	Michael J. Black Wolf, THPO	Tribal Historic Preservation Officer	Fort Belknap Indian Community	656 Agency Main St		Harlem	MT	59526	mblackwolf@ftbelknap.org	
X	Jeffery Stiffarm	President	Fort Belknap Indian Community	RR 1 Box 66		Harlem	MT	59526	jeffery.stiffarm@ftbelknap.org	
X	Dyan Youpee, THPO	Tribal Historic Preservation Officer	Fort Peck Assinboine and Sioux Tribes	PO Box 1027	501 Medicine Bear Road	Poplar	MT	59255	dyoupee@fortpecktribes.net	
X	Floyd Azure	Chairman	Fort Peck Assinboine and Sioux Tribes	PO Box 1027		Poplar	MT	59255	fazure@fortpecktribes.net	
X	Kenneth Graywater Jr., THPO	Tribal Historic Preservation Officer	Spirit Lake Tribe of Fort Totten	PO Box 189		Fort Totten	ND	58335	thpo@spiritlakenation.com	
X	Myra Pearson	Chairwoman	Spirit Lake Tribe of Fort Totten	PO Box 359		Fort Totten	ND	58335	slt-adminsec@spiritlakenation.com	
X	Jon Eagle, Sr. THPO	Tribal Historic Preservation Officer	Standing Rock Sioux Tribe	PO Box D		Fort Yates	ND	58538	j_eagle@standingrock.org	
X	Janet Alkire	Chairperson	Standing Rock Sioux Tribe	PO Box D		Fort Yates	ND	58538	PO Box D Fort Yates, ND 58538-0522	
X	Larus Longie, THPO	Tribal Historic Preservation Officer	Turtle Mountain Band of Chippewa	PO Box 900		Belcourt	ND	58316	larus.longie@tmbci.org	
X	Jamie Azure	Chairperson	Turtle Mountain Band of Chippewa	PO Box 900		Belcourt	ND	58316	jamie.azure@tmbci.org	
X	Cheyenne St. John, THPO	Tribal Historic Preservation Officer	Lower Sioux Indian Community	PO Box 308		Morton	MN	56270	lowersiouxthpo@lowersioux.com	cheyanne.stjohn@lowersioux.com
X	Robert Larsen	President	Lower Sioux Indian Community	PO Box 308		Morton	MN	56270	robert.larsen@lowersioux.com	
X	Jamie Arsenault, THPO and NAGPRA	Tribal Historic Preservation Officer	White Earth Nation of Minnesota-Chippewa	PO Box 418		White Earth	MN	56591	jaime.arsenault@whiteearth-nsn.gov	declined participation
X	Terrence Tibbetts	Chairperson	White Earth Nation of Minnesota-Chippewa	PO Box 418		White Earth	MN	56592	terrence.tibbetts@whiteearth-nsn.gov	
X	Kade Ferris, THPO	Tribal Historic Preservation Officer	Red Lake Band of Chippewa Indians	PO Box 274		Red Lake	MN	56671	kade.ferris@redlakenation.org	
X	Darrell Seki	Chairperson	Red Lake Band of Chippewa Indians	PO Box 550		Red Lake	MN	56671	dseki@redlakenation.org	
X	Merle Marks, THPO	Tribal Historic Preservation Officer	Crow Creek Sioux Tribe	PO Box 50		Fort Thompson	SD	57339	cchistory@midstatesd.net	
X	Lester Thompson Jr.	Chairperson	Crow Creek Sioux Tribe	PO Box 50		Fort Thompson	SD	57339	PO Box 50 Fort Thompson, SD 57339-0050	
X	Garrie Kills A Hundred, THPO	Tribal Historic Preservation Officer	Flandreau Santee Sioux Tribe	PO Box 283		Flandreau	SD	57028	garrie.killsahundred@fsst.org	
X	Anthony Reider	Chairperson	Flandreau Santee Sioux Tribe	PO Box 283		Flandreau	SD	57028	president@fst-arg	
X	Dianne Desrosiers, THPO	Tribal Historic Preservation Officer	Sisseton-Wahpeton Oyate	PO Box 907		Sisseton	SD	57262	dianned@sws-nsn.gov	
X	Verlyn Beaudreau	Interim Chairperson	Sisseton-Wahpeton Oyate	PO Box 509		Agency Village	SD	57262	chairman@sws-nsn.gov	
X	Kip Spotted Eagle, THPO	Tribal Historic Preservation Officer	Yankton Sioux Tribe	PO Box 1153		Wagner	SD	57380	yst.thpo@gmail.com	
X	Robert Hawk	Chairperson	Yankton Sioux Tribe	PO Box 1153		Wagner	SD	57380	robertflyinghawk@gmail.com	
X	Thomas Brings	Tribal Historic Preservation Officer	Oglala Sioux Tribe	PO Box 129		Kyle	SD	57752	t.brings@oglala.org	
X	Julian Bear Runner	President	Oglala Sioux Tribe	PO Box 2070		Pine Ridge	SD	57770	president.bearrunner@oglala.org	
X	Samantha Odegard, THPO Coordinator	Tribal Historic Preservation Officer	Upper Sioux Community	PO Box 147	5722 Travers Lane	Granite Falls	MN	56241	samanthao@upper_siouxcommunity-nsn.gov	
X	Kevin Jensvold	Chairman	Upper Sioux Community	PO Box 147		Granite Falls	MN	56241	kevinj@upper_siouxcommunity-nsn.gov	
X	Kathryn McDonald, THPO	Tribal Historic Preservation Officer	Confederated Salish and Kootenai Tribes	PO Box 278		Pablo	MT	59855	kathryn.mcdonald@cskt.org	
X	Tom McDonald	Chairman	Confederated Salish and Kootenai Tribes	PO Box 278		Pablo	MT	59855	council@cskt.org	
X	Aaron Brien	Tribal Historic Preservation Officer	The Crow Tribe of Montana	PO Box 159		Crow Agency	MT	59022	aaron.brien@crow-nsn.gov	
X	AJ Notafraid	Chairperson	The Crow Tribe of Montana	PO Box 159		Crow Agency	MT	59022	aj.notafraid@crow-nsn.gov	
X	Joshua Mann, THPO	Tribal Historic Preservation Officer	Shoshone Tribe of the Wind River Reservation	PO Box 538		Fort Washakie	WY	82514	jmann@easternshoshone.org	
	no chairman listed									
X	Allan Demaray, THPO	Tribal Historic Preservation Officer	The Three Affiliated Tribes	404 Frontage Rd		New Town	ND	58763	ademaray@mhanation.com	
X	Mark Fox	Chairperson	The Three Affiliated Tribes	404 Frontage Rd		New Town	ND	58763	mankfox@mhanation.com	
X	Steven Vance, THPO	Tribal Historic Preservation Officer	Cheyenne River Sioux Tribe	PO Box 590		Eagle Butte	SD	57625	stevev.crstpres@outlook.com	
X	Harold Frazier	Chairperson	Cheyenne River Sioux Tribe	PO Box 590		Eagle Butte	SD	57625	Haroldcfrazier@yahoo.com	
X	Ione Quigley, THPO	Tribal Historic Preservation Officer	Rosebud Sioux Tribe of Indians	PO Box 809		Rosebud	SD	57570	ione.quigley@rst-nsn.gov	
X	Scott O. Herman	President	Rosebud Sioux Tribe of Indians	PO Box 430		Rosebud	SD	57570	PO Box 430 Rosebud, SD 57570-0430	
X	Amy Burnette, THPO	Tribal Historic Preservation Officer	Leech Lake Band of Ojibwe	190 Sailstar Dr NE		Cass Lake	MN	56633	amy.burnette@llojibwe.org	
X	Faron Jackson	Chairman	Leech Lake Band of Ojibwe	190 Sailstar Dr NE		Cass Lake	MN	56633	faron.jackson@llojibwe.org	
X	Crystal C Bearing	Deputy Director/THPO	Northern Arapaho Tribe	PO Box 67		St. Stephens	WY	82524	cbearing.nathpo@gmail.com	
X	Jordan Dresser	Chairman	Northern Arapaho Tribe	PO Box 396		Ethete	WY	82520	533 Ethete Rd Ethete, WY 82520	
X	Teanna Limpy, THPO	Tribal Historic Preservation Officer	Northern Cheyenne Tribe	PO Box 128		Lame Deer	MT	59043	teanna.limpy@cheyennensation.com	
X	Serena Wetherelt	Vice-President	Northern Cheyenne Tribe	PO Box 128		Lame Deer	MT		serena.wetherelt@cheyennensation.com	
X	Timothy Davis	Chairman	Blackfeet Indian Reservation of Montana	PO Box 850		Browning	MT	59417	tdavis@blackfeetnation.com	
X	John Murray	THPO	Blackfeet Indian Reservation of Montana	PO Box 5809/527		Browning	MT	59417	jmflysdown@gmail.com	

North Branch Park River Watershed Planning Roster

X	Jaylen Strong	THPO	Bois Forte Band of the Minnesota Chippewa Tribe	1500 Boix Forte Rd		Tower	MN	55790	blatady@boisforte-nsn.gov	
X	Catherine Chavers	Chairperson	Bois Forte Band of the Minnesota Chippewa Tribe	5344 Lakeshore Dr		Nett Lake	MN	55772	chavers@boisforte-nsn.gov	
X	Evan Schroeder	THPO	Fond du Lac Band of the Minnesota Chippewa Tribe	1720 Big Lake Rd		Cloquet	MN	55720	evanschroeder@fdlrez.com	
X	Kevin Dupuis	Chairperson	Fond du Lac Band of the Minnesota Chippewa Tribe	1720 Big Lake Rd		Cloquet	MN	55720	kevindupuis@fdlrez.com	
X	Rob Hull	THPO	Grand Portage Band of the Minnesota Chippewa Tribe	PO Box 428		Grand Portage	MN	55605	thpo@grandportage.com	
X	Beth Drost	Chairwoman	Grand Portage Band of the Minnesota Chippewa Tribe	PO Box 428		Grand Portage	MN	55605	bethdrost@grandportage.com	
X	Noah White	THPO	Prairie Island Indian Community in Minnesota	5636 Sturgeon Lake		Welch	MN	55089	noah.white@piic.org	
X	Johnny Johnson	President	Prairie Island Indian Community in Minnesota	5636 Sturgeon Lake		Welch	MN	55089	jbartell@piic.org	
X	Terry Kemper	THPO	Mille Lacs Band of Ojibwe	43408 Oodena Dr		Onamia	MN	56359	terry.kemper@millelacsband.com	
X	Melanie Benjamin	Chief Executive	Mille Lacs Band of Ojibwe	43408 Oodena Dr		Onamia	MN	56359	melanie.benjamin@millelacsband.com	
X	Ben Ridgely/Crystal Bearing	THPO	Northern Arapaho Tribe	PO Box 67		St. Stevens	WY	82524	benridgley007@gmail.com	
X	Lee Spoonhunter	Chairperson	Northern Arapaho Tribe	PO Box 396		Fort Washakie	WY	82514	lee.spoonhunter@northernarapaho.com	Denver, CO 80202

Previously failed to deliver

2023 Scoping Invitation List

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

From: [Sveen, RitaHarmsen - NRCS, Park River, ND](#)
To: toni.r.erhardt@usace.army.mil; benjamin.d.reile@usace.army.mil; [Lisa Steckler](#); [Riddle, Heidi L](#); mccoy.melissa@epa.gov; [Strobel, Phillip](#); drew_becker@fws.gov
Cc: [Fisher, Christi - NRCS, Bismarck, ND](#); [Zach Herrmann](#); [LuAnn Kemp](#); [Walsh County Water Resource Board](#)
Subject: Invitation to North Branch Park River Public Meeting
Date: Friday, February 3, 2023 3:42:00 PM

Dear Cooperating Agency Representative,

You are cordially invited to participate in the upcoming public meeting for the North Branch of the Park River, Pembina and Walsh Counties in North Dakota.

NORTH BRANCH PARK RIVER WATERSHED PUBLIC MEETING NOTICE

A public meeting will be held in person and virtually on February 23, 2023, for the North Branch Park River Watershed Plan sponsored jointly by the Pembina County and Walsh County Water Resource Districts.

The purpose of the meeting is to provide a planning update and to seek additional public input on the project scope for the plan's Environmental Impact Statement. This meeting is the third in a series of public scoping meetings including ones held in 2014 and 2016. Public input was used in formulating plan alternatives to address the flood damages to cropland, roads, and buildings, including the community of Crystal, ND. The project also addresses water quality concerns in the watershed. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566). Further opportunities to comment on the Draft Watershed Plan - EIS will be advertised on the Federal Register and in local newspaper public notices in the upcoming weeks.

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

Date: February 23, 2023

Time: 10:30 am

Location: Farmers Room
Pembina County Courthouse
301 Dakota St W
Cavalier, ND 58220

The meeting may also be accessed virtually with this teams link:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 260 187 107 010

Passcode: TwEwg2

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

Or call in (audio only)

[+1 701-404-1699,479756987#](#) United States, Fargo

Phone Conference ID: 479 756 987#

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

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

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

Draft plan documents are available at:

<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

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

From: [Sveen, RitaHarmsen - NRCS, Park River, ND](#)
To: [kathryn.mcdonald@cskt.org](#); [cchistory@midstatesd.net](#); [garrie.killsahundred@fsst.org](#); [mblackwolf@ftbelknap.org](#); [d.youpee@fortpecktribes.net](#); [Farron Jackson](#); [lowersiouxthpo@lowersioux.com](#); [teanna.limpy@cheyennation.com](#); [t.brings@ogla.org](#); [Darrell SekiSr](#); [ione.quigley@rst-nsn.gov](#); [jmann@easternshoshone.org](#); [dianned@swo-nsn.gov](#); [sfox@gondtc.com](#); [Leagle@standingrock.org](#); [aaron.brien@crow-nsn.gov](#); [ademaray@mhanation.com](#); [desjarlaisjr.jeffrey@yahoo.com](#); [samanthao@uppersiouxcommunity-nsn.gov](#); [yst.thpo@gmail.com](#); [cbearing.nathpo@gmail.com](#); [jmflydown@gmail.com](#); [blatady@boisforte-nsn.gov](#); [jillhoppe@fdlrez.com](#); [maryann@grandportage.com](#); [noah.white@plc.org](#); [terry.kemper@millelacsband.com](#)
Cc: [Fisher, Christi - NRCS, Bismarck, ND](#); [Webb, Richard - NRCS, Bismarck, ND](#); [Laundry, Sarah - NRCS - Bismarck, ND](#); [Harrison, Janelle - FPAC-NRCS, Bismarck, ND](#)
Subject: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting
Date: Friday, February 3, 2023 3:28:00 PM

Dear Tribal and SHPO representatives,

This invitation to an upcoming public meeting is part of our ongoing communication with you on the Watershed Planning effort on the North Branch of the Park River (Cart Creek) in Pembina and Walsh Counties in North Dakota. The Class III Cultural Resource survey for this project is almost complete and will be sent to you for formal consultation in the next few weeks.

NORTH BRANCH PARK RIVER WATERSHED PUBLIC MEETING NOTICE

A public meeting will be held in person and virtually on February 23, 2023, for the North Branch Park River Watershed Plan sponsored jointly by the Pembina County and Walsh County Water Resource Districts.

The purpose of the meeting is to provide a planning update and to seek additional public input on the project scope for the plan's Environmental Impact Statement. This meeting is the third in a series of public scoping meetings including ones held in 2014 and 2016. Public input was used in formulating plan alternatives to address the flood damages to cropland, roads, and buildings, including the community of Crystal, ND. The project also addresses water quality concerns in the watershed. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566). Further opportunities to comment on the Draft Watershed Plan - EIS will be advertised on the Federal Register and in local newspaper public notices in the upcoming weeks.

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

Date: February 23, 2023

Time: 10:30 am

Location: Farmers Room
Pembina County Courthouse
301 Dakota St W
Cavalier, ND 58220

The meeting may also be accessed virtually with this teams link:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 260 187 107 010

Passcode: TwEwg2

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

Or call in (audio only)

[+1 701-404-1699,479756987#](#) United States, Fargo

From: Jon Eagle <j.eagle@standingrock.org>

Sent: Tuesday, February 14, 2023 9:22 PM

To: Sveen, RitaHarmsen - NRCS, Park River, ND <rita.sveen@usda.gov>; Tyrel Iron Eyes <tyrel.ironeyes@standingrock.org>

Cc: Harrison, Janelle - FPAC-NRCS, Bismarck, ND <Janelle.Harrison@usda.gov>; Webb, Richard - NRCS, Bismarck, ND <richard.webb@usda.gov>; Fisher, Christi - NRCS, Bismarck, ND <christi.fisher@usda.gov>; Laundry, Sarah - NRCS - Bismarck, ND <sarah.laundry@usda.gov>

Subject: Re: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting

Greetings,

I appreciate your email. I have cc'd Tyrel Iron Eyes to this. He is the SRST Archeologist. He can review as I am out of town at the moment.

Jon Eagle Sr., Tribal Historic Preservation Officer

Standing Rock Sioux Tribe

"Tokata wicoicage ki hena wacinniyapi!"

From: Sveen, RitaHarmsen - NRCS, Park River, ND <rita.sveen@usda.gov>

Sent: Monday, February 13, 2023 11:51:32 AM

To: Jon Eagle

Cc: Harrison, Janelle - FPAC-NRCS, Bismarck, ND; Webb, Richard - NRCS, Bismarck, ND; Fisher, Christi - NRCS, Bismarck, ND; Laundry, Sarah - NRCS - Bismarck, ND

Subject: RE: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting

Dear THPO Eagle Sr.,

Thank you for your response and concern regarding consultation on this and all of our watershed planning efforts. We are sincerely striving to consult with tribal nations early in our planning process and to keep you informed as planning progresses.

North Dakota NRCS has several watershed planning efforts going on concurrently. We are striving to properly consult with tribal nations on each one of them. The majority of our plans we anticipated needing an Environmental Assessment (EA) to meet NEPA planning requirements. However, this plan and a few others were recently deemed to need an Environmental Impact Statement (EIS). This upgrade from an EA to an EIS required that we have an additional public scoping meeting to ensure all concerns are considered in the plan and EIS.

I apologize for the text of the email that implied that we consider tribal nations within the same context as the public. The consultation process for tribal nations is separate and distinct from public stakeholder meetings. The notification of the public scoping meeting that was distributed to tribal nations and other non-public stakeholders was done so in accordance with NRCS policy directing that "Notice of public

meetings or hearings should be submitted to State and areawide clearinghouse if they exist; submitted to Indian Tribes; published in local papers;...” (USDA National Watershed Program Handbook Section 601.24 B(8)). We will ensure that this is clarified clearly and respectfully in future communications.

Attached to this email is an electronic copy of a request to continue consultation on this project. A hard copy of the letter along with the stated enclosures has been sent via USPS.

We welcome your careful review and consideration of the forthcoming Class III survey. All comments and concerns you have with the survey must be addressed before the final plan can be published. The Class III survey was drafted by NRCS Cultural Resource Specialist, Christopher Plount and final edits are being completed by Cultural Resource Specialist, Janelle Harrison.

Sincerely,

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

From: [Jon Eagle](#)
To:

RE: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting
Monday, February 6, 2023 2:13:33 PM

Good afternoon,

My name is Jon Eagle Sr, and I am the Tribal Historic Preservation Officer for the Standing Rock Sioux Tribe. I would like to remind you that when engaging tribes we shouldn't be looked at as Public. We are Domestic Sovereign Nations under the Department of Interior and as such should be consulted with. I see in your email that Class III is almost complete. Was there any tribal participation in the survey? If not, you are not upholding your trust responsibilities to my people, nor are you upholding your responsibilities under the National Historic Preservation Act.

On behalf of my people I am requesting direct consultation with my office.

Jon Eagle Sr.,
Tribal Historic Preservation Officer
Standing Rock Sioux Tribe

"Tokata wicoicage ki hena wacinniyapi"

From: Sveen, RitaHarmsen - NRCS, Park River, ND [mailto:rita.sveen@usda.gov]

Sent: Friday, February 3, 2023 3:28 PM

To: kathryn.mcdonald@cskt.org; cchistory@midstatesd.net; garrie.killsahundred@fsst.org; mblackwolf@ftbelknap.org; d.youpee@fortpecktribes.net; Farron Jackson <amy.burnette@llojibwe.org>; lowersiouxthpo@lowersioux.com; teanna.limpy@cheyennenation.com; t.brings@oglala.org; Darrell SekiSr. <kade.ferris@redlakenation.org>; ione.quigley@rst-nsn.gov; jmann@easternshoshone.org; dianned@swo-nsn.gov; sfox@gondtc.com; Jon Eagle <j.eagle@standingrock.org>; aaron.brien@crow-nsn.gov; adamaray@mhanation.com; desjarlaisjr.jeffrey@yahoo.com; samanthao@uppersiouxcommunity-nsn.gov; yst.thpo@gmail.com; cbearing.nathpo@gmail.com; jmflysdwn@gmail.com; blatady@boisforte-nsn.gov; jillhoppe@fdlrez.com; maryann@grandportage.com; noah.white@piic.org; terry.kemper@millelacsband.com

Cc: Fisher, Christi - NRCS, Bismarck, ND <christi.fisher@usda.gov>; Webb, Richard - NRCS, Bismarck, ND <richard.webb@usda.gov>; Laundry, Sarah - NRCS - Bismarck, ND <sarah.laundry@usda.gov>; Harrison, Janelle - FPAC-NRCS, Bismarck, ND <Janelle.Harrison@usda.gov>

Subject: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting

Dear Tribal and SHPO representatives,

This invitation to an upcoming public meeting is part of our ongoing communication with you on the Watershed Planning effort on the North Branch of the Park River (Cart Creek) in Pembina and Walsh Counties in North Dakota. The Class III Cultural Resource survey for this project is almost complete and will be sent to you for formal consultation in the next few weeks.

NORTH BRANCH PARK RIVER WATERSHED PUBLIC MEETING NOTICE

A public meeting will be held in person and virtually on February 23, 2023, for the North Branch Park River Watershed Plan sponsored jointly by the Pembina County and Walsh County Water Resource Districts.

The purpose of the meeting is to provide a planning update and to seek additional public input on the project scope for the plan's Environmental Impact Statement. This meeting is the third in a series of public scoping meetings including ones held in 2014 and 2016. Public input was used in formulating plan alternatives to address the flood damages to cropland, roads, and buildings, including the community of Crystal, ND. The project also addresses water quality concerns in the watershed. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566). Further opportunities to comment on the Draft Watershed Plan - EIS will be advertised on the Federal Register and in local newspaper public notices in the upcoming weeks.

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

Date: February 23, 2023

Time: 10:30 am

Location: Farmers Room
Pembina County Courthouse
301 Dakota St W
Cavalier, ND 58220

The meeting may also be accessed virtually with this teams link:

Draft plan documents are available at:

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

From: [Dianne Desrosiers](#)
To: [Sveen, RitaHarmsen - NRCS, Park River, ND](#)
Subject: RE: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting
Date: Monday, February 6, 2023 1:09:24 PM

Thank you for the update. As soon as we receive the report we would like to have opportunity to review the findings.

From: Sveen, RitaHarmsen - NRCS, Park River, ND <rita.sveen@usda.gov>
Sent: Friday, February 3, 2023 3:28 PM

Subject: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting

Dear Tribal and SHPO representatives,

This invitation to an upcoming public meeting is part of our ongoing communication with you on the Watershed Planning effort on the North Branch of the Park River (Cart Creek) in Pembina and Walsh Counties in North Dakota. The Class III Cultural Resource survey for this project is almost complete and will be sent to you for formal consultation in the next few weeks.

NORTH BRANCH PARK RIVER WATERSHED PUBLIC MEETING NOTICE

A public meeting will be held in person and virtually on February 23, 2023, for the North Branch Park River Watershed Plan sponsored jointly by the Pembina County and Walsh County Water Resource Districts.

The purpose of the meeting is to provide a planning update and to seek additional public input on the project scope for the plan's Environmental Impact Statement. This meeting is the third in a series of public scoping meetings including ones held in 2014 and 2016. Public input was used in formulating plan alternatives to address the flood damages to cropland, roads, and buildings, including the community of Crystal, ND. The project also addresses water quality concerns in the watershed. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566). Further opportunities to comment on the Draft Watershed Plan - EIS will be advertised on the Federal Register and in local newspaper public notices in the upcoming weeks.

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

Date: February 23, 2023
Time: 10:30 am
Location: Farmers Room
Pembina County Courthouse
301 Dakota St W
Cavalier, ND 58220

The meeting may also be accessed virtually with this teams link:

From: [Ione Quigley](#)
To: [Jon Eagle](#)
Cc: [Sveen, RitaHarmsen - NRCS, Park River, ND](#); [kathryn.mcdonald@cskt.org](#); [cchistory@midstatesd.net](#); [garrie.killsahundred@fsst.org](#); [mblackwolf@ftbelknap.org](#); [d.youpee@fortpecktribes.net](#); [Farron Jackson](#); [lowersiouxthpo@lowersioux.com](#); [teanna.limpy@cheyennenation.com](#); [t.brings@ogla.org](#); [Darrell SekiSr.](#); [jmann@easternshoshone.org](#); [dianned@swo-nsn.gov](#); [sfox@gondtc.com](#); [aaron.brien@crow-nsn.gov](#); [ademaray@mhanation.com](#); [desjarlaisjr.jeffrey@yahoo.com](#); [samanthao@uppersiouxcommunity-nsn.gov](#); [yst.thpo@gmail.com](#); [cbearing.nathpo@gmail.com](#); [jmflysdwn@gmail.com](#); [blatady@boisforte-nsn.gov](#); [jillhoppe@fdlrez.com](#); [maryann@grandportage.com](#); [noah.white@piic.org](#); [terry.kemper@millelacsband.com](#); [Fisher, Christi - NRCS, Bismarck, ND](#); [Webb, Richard - NRCS, Bismarck, ND](#); [Laundry, Sarah - NRCS - Bismarck, ND](#); [Harrison, Janelle - FPAC-NRCS, Bismarck, ND](#)
Subject: [External Email]Re: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting
Date: Monday, February 6, 2023 2:42:10 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

Rosebud Sioux Tribe is also questioning the Class III survey, were any of the tribes involved? And where can I find the survey report when completed? I fully agree with the Tunskan Jon that we are sovereign nations.

Please advise.

Ione Quigley
Rosebud Sioux Tribe
Tribal Historic Preservation Officer
PO Box 750
Rosebud, SD 57570
605-747-4255
605-319-6001

On Mon, Feb 6, 2023 at 2:13 PM Jon Eagle <j.eagle@standingrock.org> wrote:

Good afternoon,

My name is Jon Eagle Sr, and I am the Tribal Historic Preservation Officer for the Standing Rock Sioux Tribe. I would like to remind you that when engaging tribes we shouldn't be looked at as Public. We are Domestic Sovereign Nations under the Department of Interior and as such should be consulted with. I see in your email that Class III is almost complete. Was there any tribal participation in the survey? If not, you are not upholding your trust responsibilities to my people, nor are you upholding your responsibilities under the National Historic Preservation Act.

On behalf of my people I am requesting direct consultation with my office.

Jon Eagle Sr.,

From: [Sveen, RitaHarmsen - NRCS, Park River, ND](#)
To: [Ione Quigley](#)
Cc: [Harrison, Janelle - FPAC-NRCS, Bismarck, ND](#); [Webb, Richard - NRCS, Bismarck, ND](#); [Fisher, Christi - NRCS, Bismarck, ND](#); [Laundry, Sarah - NRCS - Bismarck, ND](#)
Subject: RE: [External Email]Re: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting
Date: Monday, February 13, 2023 11:51:00 AM
Attachments:

Dear THPO Quigley,

Thank you for your response and concern regarding consultation on this and all of our watershed planning efforts. We are sincerely striving to consult with tribal nations early in our planning process and to keep you informed as planning progresses.

North Dakota NRCS has several watershed planning efforts going on concurrently. We are striving to properly consult with tribal nations on each one of them. The majority of our plans we anticipated needing an Environmental Assessment (EA) to meet NEPA planning requirements. However, this plan and a few others were recently deemed to need an Environmental Impact Statement (EIS). This upgrade from an EA to an EIS required that we have an additional public scoping meeting to ensure all concerns are considered in the plan and EIS.

I apologize for the text of the email that implied that we consider tribal nations within the same context as the public. The consultation process for tribal nations is separate and distinct from public stakeholder meetings. The notification of the public scoping meeting that was distributed to tribal nations and other non-public stakeholders was done so in accordance with NRCS policy directing that "Notice of public meetings or hearings should be submitted to State and areawide clearinghouse if they exist; submitted to Indian Tribes; published in local papers;..." (USDA National Watershed Program Handbook Section 601.24 B(8)). We will ensure that this is clarified clearly and respectfully in future communications.

Attached to this email is an electronic copy of a request to continue consultation on this project. A hard copy of the letter along with the stated enclosures has been sent via USPS.

We welcome your careful review and consideration of the forthcoming Class III survey. All comments and concerns you have with the survey must be addressed before the final plan can be published. The Class III survey was drafted by NRCS Cultural Resource Specialist, Christopher Plount and final edits are being completed by Cultural Resource Specialist, Janelle Harrison.

Sincerely,

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

From: [Teanna Limpy](#)
To: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
Subject: RE: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting
Date: Monday, February 27, 2023 6:03:31 PM

Sveen,

I was not able to attend this meeting due to weather shutdowns at my tribe. Were tribes consulted formally prior to this? I know there are public meetings, but were are tribal nations and should be consulted either in a meeting or individually. Who is doing the Class III survey and were tribes involved? Has the survey been completed?

Thanks,

***Teanna Limpy, Director
Tribal Historic Preservation Office
Northern Cheyenne Tribe
14 E. Medicine Lodge Drive
PO Box 128
Lame Deer, MT. 59043
Office: 406-477-4838/8113
Direct: 406-477-4839
Work Cell: 406-740-0420***

From: Sveen, RitaHarmsen - NRCS, Park River, ND [mailto:rita.sveen@usda.gov]
Sent: Friday, February 03, 2023 2:28 PM
To:
Subject: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting

Dear Tribal and SHPO representatives,

This invitation to an upcoming public meeting is part of our ongoing communication with you on the Watershed Planning effort on the North Branch of the Park River (Cart Creek) in Pembina and Walsh Counties in North Dakota. The Class III Cultural Resource survey for this project is almost complete and will be sent to you for formal consultation in the next few weeks.

NORTH BRANCH PARK RIVER WATERSHED PUBLIC MEETING NOTICE

A public meeting will be held in person and virtually on February 23, 2023, for the North Branch Park River Watershed Plan sponsored jointly by the Pembina County and Walsh County Water Resource Districts.

The purpose of the meeting is to provide a planning update and to seek additional public input on the project scope for the plan's Environmental Impact Statement. This meeting is the third in a series of public scoping meetings including ones held in 2014 and 2016. Public input was used in formulating plan alternatives to address the flood damages to cropland, roads, and buildings, including the community of Crystal, ND. The project also addresses water quality concerns in the watershed. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566). Further opportunities to comment on the Draft Watershed Plan - EIS will be advertised on the Federal Register and in local newspaper public notices in the upcoming weeks.

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

Date: February 23, 2023

Time: 10:30 am

Location: Farmers Room
Pembina County Courthouse
301 Dakota St W
Cavalier, ND 58220

The meeting may also be accessed virtually with this teams link:

[p](#)

From: [Harrison, Janelle - FPAC-NRCS, ND](#)
To: teanna.limpy@cheyennenation.com
Cc: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
Subject: RE: Invitation to Attend North Branch Park River North Dakota Watershed Planning Meeting & Sec. 106 Consultation
Date: Friday, March 3, 2023 10:08:33 AM
Attachments:

Hello Director Limpy,

I recently started with NRCS in September 2022 as one of the State Cultural Resource Specialists (SCRS) and was assigned the Section 106 consultation for the North Branch Park Watershed Project. From my understanding of the proposed project, 29 federally recognized Tribal Nations were originally contacted for initiating Section 106 consultation on November 5, 2018 with a letter stating that this watershed project was utilizing the phased identification and evaluation approach per 36 CFR 800.4(b)(2). I recently sent out the Class I Literature Review and Class III Survey Report. For this project, the survey was completed by SCRS Christopher Plount; I conducted an additional Class I Literature Review given the length of time between the last Class I and the Class III survey. Sarah Laundry is also on the NRCS staff as a State Cultural Resource Specialist, and she will be providing your office with future Section 106 Consultations on the various Watershed Projects she's been assigned to and is working on, but I am the primary contact regarding this particular proposed undertaking.

I would like to apologize. I sent out the Section 106 consultation packet on February 17, 2023 to the consulting Tribes but some of the UPS labels that were printed up only had the P.O. Box address and have been returned. For your convenience, I've attached a digital copy of the consultation packet along with a copy of the UPS label. I will also send you a hard copy early next week and make sure our administrative assistant uses the physical address, not the P.O. Box.

NRCS is always striving to improve its Section 106 consultation process with Tribal Nations and our new Federal Preservation Officer is continuously providing all the Cultural Resources Specialists with guidance. The North Branch Park EIS is still at the draft stage and NRCS wishes to provide the Tribal Nations ample time to respond to the Section 106 consultation packet.

Your input and concerns are valued and needed in the watershed planning process. Please let me know if you have additional concerns and I can forward them to the State Conservationist. Our goal is to continue to improve our efforts to consult with all tribal nations that may have current or ancestral ties to these lands. Additional planning documents can be found at:

<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

Janelle Harrison, M.A., RPA

ND State Cultural Resources Specialist
U.S. Department of Agriculture (USDA)

SCOPING Comments 2016, 2023

2016 Comments

Commenter	Comment	Response
Concerned landowner, citizen or agency employee	Concerns regarding increased flow through the river running past Thingvalla Cemetery along Hwy 32 will cause the riverbank to erode further into the cemetery. Concerns about flooding and damage to township road, fields and farmyards. Believes the flooding stems from excessive drainage of wetlands and drain tiling.	Comments were summarized and utilized in formulating the range of planned alternatives.
Concerned landowner, citizen or agency employee	Most significant threat is to the city of Crystal, followed by Grafton. Other important issues are delayed planting, overland flooding leading to crop and road loss, weeds and salinity. Believes tile could help with water storage in the soil profile. Believes water could be diverted so it would run south of St. Thomas & North of Grafton. Also, a diversion that would store and control water south e of Crystal into the large coulee that runs north of Hoople would be a good idea. Believes some storage can be built in	Comments were summarized and utilized in formulating the range of planned alternatives.
Concerned landowner, citizen or agency employee	Recommends utilizing the 2011 NRCS Preliminary Watershed Assessment Report. Recommends considering restoring the rivers access to the floodplains and utilizing federal programs for compensation.	Comments were summarized and utilized in formulating the range of planned alternatives.
Concerned landowner, citizen or agency employee	Concerns regarding Thingvalla Cemetery caused by upstream stream changes and drainage.	Comments were summarized and utilized in formulating the range of planned alternatives.

Feb 23, 2023 Comments

Concerned citizen or landowner	Concern about sediment transport, specifically shale rock in existing channels and culverts around the project area. Concern about recent wash out of culverts near the project area. Suggested moving the project a few miles west.	The scoping concern regarding historic shale deposition in channels and culverts within the AOI has been incorporated into the EIS within Table 2-1, Section 3.1.3, Section 4.4, and Section 5.1. The scoping concern regarding culverts washing out within the AOI has incorporated into the EIS within Table 2-1, Section 3.5.17, Section 4.4, and Section 5.1. Evaluation of retention dams west of ND State Highway 32 to address flooding concerns is addressed within Section 4.2 and Appendix E.
--------------------------------	--	---

Concerned citizen or landowner	Concerns on sediment and deposition	<p>Concerns addressed in : Plan-EIS Section 7 Appendix D-1 Existing Conditions Hydrology and Hydraulics Report, Appendix D-2 Screening of Alternatives for Detailed Review, Appendix D-3 Conceptual Design Report A) The inlet channel crossing includes a 73"x45"x22' arch culvert through a diversion dam. This culvert allows low flows to pass downstream along Cart Creek. The diversion dam pushes higher flows to the inlet channel for storage in reservoir. The culvert area is ~23 sq. ft., which equates to approximately a 1-year frequency flow; this is smaller than bankfull channel forming area of ~38 sq. ft. The bankfull channel forming area represents the area of the channel based on regional curve that would be expected based on the drainage area size from similar watersheds in the region. Therefore, this bankfull channel in natural conditions would trend over time to the 38 sq. ft. However, since flood flows are diverted to the inlet channel and reservoir, flood flows do not have excessive stream power to widen the channel; plus culvert fringe is armored to protect against erosive currents. The culvert being less than bankfull area also does not make the engineers foresee deposition as hydraulic modeling velocities through culvert are high (~8 ft/sec) for 2-year and higher floods. In summary, the culvert through inlet channel crossing does not expect erosion due to fringe rock protection and conversely not expect deposition as the culvert funnels flow through it to be self-cleaning due to high velocities for seasonal high water events. B) Hydraulic modeling show similar velocities (~8 ft/sec for 2-year and higher floods) through the diversion and dewatering culvert, which is similarly sized 73"x45"x36' arch culvert. This culvert also has fringe rock protection for erosive forces during flooding, and expected to be self-cleaning due to high velocities for seasonal high water events. There is potential for deposition during dewatering of inlet channel on receding limb of hydrographs, however high velocities during flood events should self-clean the culvert. The diversion and dewatering culvert is on the outside bend of Cart Creek; this placement is such that helical flow at the cross section puts higher velocities along outside bend and lower velocities along inside bend (see NEH Part 653, chapter 2, page 2-25). Sediment deposition trends are such that outside bends rarely incur deposition, rather the inside bend is depositional. C) Inlet channels are not expected to incur significant deposition due to limited bedload entering inlet channel at 73"x45"x36' arch culvert, short duration of filled inlet channel with suspended sediment load, and infrequency of filling inlet channel. For example, the 2-year through 100-year event inlet channel is drained withing ~2.5 days from initial fill up.</p>
Concerned citizen or landowner	Concerned about recent high inflation rates making construction costs such higher than those documented from the economic analysis completed in 2018.	<p>Comment addressed in: Plan-EIS Section 7, Appendix D-4 Economics Evaluation, Appendix D-7 Environmental Quality Account Benefits Report. This comment was received during public scoping but is not a NEPA concern, rather a comment related to the economic analysis completed for the planning effort. Therefore this was not addressed within NEPA portions of the EIS. NRCS concurs that construction costs in 2023 are substantially higher than in 2018 due to inflation, however economic benefits of the project (i.e. avoided cost of flood damages) have similarly increased. Therefore it is expected that the benefit-cost ratio in 2023 remains very similar to that of 2018.</p>
Concerned citizen or landowner	Do the Hydrologic and Hydraulic Models consider subsurface drainage?	<p>This comment was received during public scoping but is not a NEPA concern, rather a comment related to the H&H analysis completed for the planning effort. Therefore this was not addressed within the NEPA portions of the EIS. Yes, subsurface drainage is incorporated into the HMS and RAS models through calibrated to flood events as outlined in Appendix D-1. Only subsurface drainage installed after 2019 would not be accounted for in the models and that is not expected to an extent that would generate significant changes to the models.</p>
Concerned citizen or landowner	Was scour along the embankment during Auxiliary flows considered?	<p>The scoping concern regarding potential scour along the embankment during Auxiliary Spillway has been incorporated into the EIS within Table 2-1, Section 3.1, Section 4.4, and Section 5.1. The scoping concern regarding culverts washing out within the AOI has incorporated into the EIS within Table 2-1, Section 3.5.17, Section 4.4, and Section 5.1.</p>

Concerned citizen or landowner	<p>Concern regarding the ability of the project to reduce phosphorus and nitrogen runoff downstream - Have you tested the incoming water by section 13-160-56 and compared it to the nutrient levels 3-20 miles downstream to see where the high levels of phosphorus are coming from? Would this reduction make a real difference considering the high intensity crop rotations downstream of the project are likely contributing higher rates of nutrients to the runoff? How many years of WQ data were used in the analysis and what years were they? Were only the years where the statistics looked good used for the analysis? The best location to remove nutrients would be as close to the Red River as possible.</p>	<p>Nitrogen and phosphorus transport in the watershed is addressed within the EIS within Sections 3.2.6 5.2.6 and 7.1.3, however this comment specifically relates to how NRCS conducted the analysis work which is not a NEPA scoping issue. Water quality was addressed in Sections 3.2.6, 5.2.6 and 7.1.3 of the EIS and Appendix D-7, Sections 2.1 & 2.2, Figure D-7-2 Environmental Quality Account Benefits Analysis. Two reporting locations were analyzed for water quality benefits. One location is at the Cart Creek Crossing with 86th St NE (confluence of Cart Creek and Pembina Co Drain 28 - approximately 1 mile downstream of the project). The second location was the USGS gauge near the outlet of the North Branch of the Park River. Long term total phosphorus, total nitrogen and total suspended solids was available from the USGS gauge from 1994 - present. WQ data has been collected from a site one mile upstream of the project beginning in 2021 through present under high and low flow conditions to achieve a baseline for further analysis. The 2021 & 2023 loads were analyzed, which 2021 resulted in below average annual loading divided by watershed area; however this was due to low flow year where peak discharge was ~60% of 2-year flow rate. 2023 flow year was more typical, with peak similar to 2-yr frequency flow rate, resulted in average nitrogen loadings, but well above average phosphorus and sediment load rates per catchment size compared to stream gauge and TMDL loading analyses. More spatially varied data would be needed to determine how much upper basins and lower basins contribute to nutrient loadings. However, TMDL for Homme and Matejcek were used to validate annual average loadings from gauge analysis, which found similar loadings per square mile. Land uses were evaluated for watershed and catchment above proposed project; the amount of cultivated crops were similar at ~75%. Therefore, nutrients per catchment area are expected to be pretty consistent for the region. All applicable recent years (1994-2019) data were used in analysis in order to represent current conditions; no applicable data was left out to skew the analysis. Seven other nutrient TMDL and 5 gauges from USGS SIR 2012-5216 from similarly sized basins in northeastern ND were used for validation, which found results from Park River were in the middle of the ranges calculated for TMDLs and USGS gauges summarized. Since nutrients are dissolved or attached to suspended sediment, water passing through proposed project reach the RRN at very high rate; reducing loads anywhere in the watershed is beneficial, especially at this site where phosphorus levels are well above average streams in the region. Constructed wetland sizes are based linearly on upstream watershed size, so larger the watershed the larger the cells would need to be. For a very large catchment near RRN, the cells would need to be extremely large; with limited landowner interest and topography there these locations were determined to be not feasible during planning process.</p>
Concerned citizen or landowner	<p>Concern about removing the land permanently from crop production and the need for the country to maintain cropland for the long term needs of food production. Believes downstream areas have a greater need for wetlands and wildlife habitat.</p>	<p>Appendix D-8 Environmental Evaluation. Impacts to prime farmland were evaluated. The project will impact 90.75 acres of land classified as Prime Farmland. Approximately one third of the land in the project is within a Wetland Reserve Easement. 58% (384 acres) of the project area has a Land Capability Class rating of 6e due to severe limitations which restrict their usage for crop production. The Ryan-Fargo soils have limited potential for tile drainage due to excess sodium. Salinity and wetness are also limitations throughout the project area. Basinwide, this site is well suited for the purpose of the project and the project area itself will still provide some agricultural value through grazing and biomass harvest for uses such as livestock feed or bedding. The project enhances cropland production downstream by preventing inundation and cropland water erosion. Increasing wildlife habitat is not a primary need or purpose of the project. However the project does result in increasing wildlife habitat.</p>
Concerned citizen or landowner	<p>Why have the landowners been kept out of the loop of the project? I did not find out about the project until last month. I don't believe Susan Olason has been notified as of yet.</p>	<p>Section 6 and Appendix A, Good faith efforts were made to engage the general public and landowners directly impacted by the project: Public scoping meetings were held in 2014 and 2016 to solicit input and identify problems and opportunities to reduce flood risk in the watershed, these meetings identified a high level of concern for flood damages on the North Branch of the Park River including culvert and bridge washouts, field erosion/deposition, road damages, floodplain management, landuse, soil resources and prevented/delayed planting. The SLO met with landowners anticipated to be impacted by alternatives on 12/8/14 and 2/19/15; however these meetings may not have included adjacent landowners who were later identified as potentially impacted by inlet/outlet construction. Public meetings were held to discuss alternatives on 3/26/19, 8/13/19 and 11/19/19. Public and in person meetings were severely limited during COVID. Impacted landowners were further identified as the planning progressed and these landowners were invited to a private meeting on 2/9/23. Another public scoping meeting was held 2/23/23. An additional private meeting was held on 6/23/2023 where HEI and NRCS presented materials to directly address landowner scoping comments received from the February 23, 2023 meeting.</p>

Concerned citizen or landowner	Concern about devaluing of land due to salinity - Even though the project only directly impacts a 200' wide strip of my land, I believe this project will devalue all of my acres; it will saturate my land from below and cause increased salinity over time and may lead to the need for tile to remove salinity.	Comment was addressed with additions to EIS (Sections 3.1.4 and 5.1.4) Soils on these parcels range in salinity risk from low to moderately low. The heavy silty clay textured soils throughout most of the project lead to crop production limitations. Soil Land Capability Classes in this parcel range from 2c to 3w indicating natural limitations for productivity due to wetness and erosion. While the project will divert water during short periods of high flow, the slope is designed to remove the water quickly into the diversion. The drain also has the potential to intercept seepage from the natural ground water movement which is west-to-east, and direct that water south. The drain will also have some lateral effect to the east which could lower the water table in the cropland. The project is not expected to have negative impacts to adjacent cropland, however all impacts will be relevant to the value of compensation for affected landowners.
Concerned citizen or landowner	Concern about devaluing of land due to overland flooding - believe the drain on the west side of the property will fill with snow and the runoff will work to find a more natural course of flow to the east - potentially causing soil erosion in the cropland, especially in section 13. Concerned that there is no mention of a bond to remediate damage to land.	1. Plan-EIS section 5.5.16.2 documents percent reduction in inundated land (including cropland), which is a benefit from the project to all areas outside of the flood pool (where the Sponsor will purchase easements or property in fee title). 2. The paper "Design Guidelines for the Control of Blowing and Drifting Snow" (Table, 1994) was used to analyze snow drifts in channels; since the proposed channel is 200 feet wide expected drifts would only reduce capacity slightly. 3. Plan-EIS section 7.8 The local sponsor (Park River JWRD) will be required to sign a 50-year Operation and Maintenance Agreement with USDA-NRCS that outlines specific requirements for operation and maintenance of the project. Annual inspections would take place with the NRCS and Sponsor to evaluate status of O&M (in this case the dam, wildlife habitat, and biomass harvest area would all have their own O&M criteria laid out). NRCS issues a letter after each annual inspection to the Sponsor regarding any outstanding work items or changes to be made as the result of observations in the field. If a Sponsor were to be negligible in performing O&M, the agreement provides a mechanism where the federal government would require repayment of all federal funds received for the project.
Concerned citizen or landowner	Concern about devaluing of land due to loss of field approaches. The northern most field approach is the most accessible due to having a higher/drier elevation and better width. The proposed alternative access is less accessible and more narrow. Also, the neighbor will need to access their field through my land. Concern about the loss of the access via the weight-bearing bridge on 132nd Avenue.	This is not necessarily a scoping concern, however Appendix D-3 In the conceptual design, field access is assumed to be provided off of 87th Street NE, and east of the inlet channel. Additional review of ancillary project features (such as field access) will be completed during detailed design and negotiations between the Sponsor and landowners.
Concerned citizen or landowner	Concerns about the purpose of the project - If the main purpose is to reduce flooding to the City of Crystal, why not design a diversion around Crystal? Why are you using a phosphate, nitrogen excuse?	Plan EIS Sections 1 and 2, Appendix D-2. The need for flood protection for the city of Crystal was one of several needs identified in the planning process. The planning process identified Flood Prevention, Watershed Protection and International flood/water quality concerns as the major needs of the project. The flood diversion alternative was evaluated and was not selected due to its very limited ability to meet the purpose and need. Water quality concerns from nutrients was identified as a significant need for the project.
Concerned citizen or landowner	Question on why the plans hydrological modeling does not factor in snow melt. Concerns about the current focus of drainage valley-wide, where drain tile pumps are running well before channels are clear of snow.	EIS section 5.6.15. The paper "Design Guidelines for the Control of Blowing and Drifting Snow" (Table, 1994) was used to analyze snow drifts in channels; since the proposed channel is 200 feet wide expected drifts would only reduce capacity slightly. Project benefits are based on damages that occur from flooding. Flooding can be from snowmelt or precipitation. Frequency based precipitation (2,5,10,25,50,100,and 500-year) were input to hydrology models to determine correlating river flows. These were compared to all-seasons statistical analysis, that consider both snowmelt and precipitation events. The precipitation event flows aligned with all-season statistical flows; which essentially means a 10-year snowmelt event is not statistically different than 10-year precipitation event. Structural damages would be the same for both snowmelt and precipitation events. However, since crops are not planted during snowmelt event there is very limited damages. Therefore, the precipitation event drives the project benefits.
Concerned citizen or landowner	Comment offering other alternatives - Why did the project not consider retaining water with multiple structures such as on the east side of County road 12 or on the west side of ND Hwy 32?	Plan/EIS Section 4. A large array of alternatives were evaluated in the plan. The formulation and alternative selection process is discussed in detail in section 4, including the rational for alternatives eliminated from the plan.
Concerned citizen or landowner	Comment offering other alternatives - Why did the project not consider diverting water one mile west of the current location which would have been more beneficial for County Rd 3/shale problem in ditch. Why wasn't the Pembina County Hwy Dept consulted for input?	Plan/EIS Section 4. A large array of alternatives were evaluated in the plan. The formulation and alternative selection process is discussed in detail in section 4, including the rational for alternatives eliminated from the plan.

Concerned citizen or landowner	Concerns about the origin of the problem - Cavalier county is the source of the water and shale deposits that fill up the ditch along County Rd 3. Solutions should involve retention/cooperation with Cavalier county.	Plan/EIS Section 4. A large array of alternatives were evaluated in the plan. The formulation and alternative selection process is discussed in detail in section 4, including the rationale for alternatives eliminated from the plan. While the Cavalier county Water Resource District chose not to participate in the planning process, the Cavalier Soil Conservation District has expressed interest in upland conservation to reduce runoff and soil erosion.
Concerned citizen or landowner	Concerns about the shale deposition that has filled up the ditch along County Rd 3 approximately 1/2 mile east of Hwy 32 and the sharp turn south from Co Rd 3. Concerns about the overtopping of township roads prior to the beginning of the project and downstream of the project (township roads overtopped in 5 locations).	Comment was addressed with the additions of sections 3.1.3 and 5.1.3. Bedload sediments will be considered for critical features in final design phase. Considerations will include sediment competence and entrainment calculations to verify channels and features are adequately sized to transport supplied loads without incising or depositing. Prior to the beginning of the project areas will maintain existing conditions for all aspects, i.e. hydrology, hydraulics, geomorphology, habitat, etc. Downstream of the project will have significant peak flow reduction, which will reduce flood flows, water surfaces, and erosive stresses.
Concerned citizen or landowner	Concerns about maintenance/maintenance costs - I believe the drain will fill up with shale in a few years and will become useless if not cleaned. Will a bond be set up for maintenance? I do not see maintenance in the budget. Will the landowners be assessed all the way down to the Red River?	Plan/EIS Section 7.5 - 7.8
Concerned citizen or landowner	Concern about regulation associated with shale/sediment disposal. Will the EPA regulate the disposal of shale and sediment? I understand the EPA would not allow the Renwick dam reservoir to be cleaned out.	Plan EIS Section 5.1.4. This project is an off channel storage project as compared with Renwick where the reservoir is on the channel itself. Off channel storage will accumulate less sediment than on channel storage and therefore was not identified as a significant long term environmental cost of the project. There is an environmental concern with contaminants such as heavy metals that may accumulate in sediments from storage projects, however the EPA does not prohibit the disposal of sediments. Contaminated sediments from any public project need proper disposal so they do not pose an environmental hazard. Each case would be evaluated based on chemical analysis and sediment volume.
Concerned citizen or landowner	Concern about WRP Easement restrictions. How can the project be allowed in the easement?	Plan EIS Sections 3.2.7, 4.3.6, and 4.3.7. The design has been modified to avoid direct impacts to the WRP easements. The project must be compatible with the easement. Compatibility would include restoring natural hydrology by indirect means. All the map units within the WRP easements area have 100% hydric soils. This is inconsistent with the wetland delineation report which found very small areas of wetlands. Cropping, ditching and diverting natural water flow have changed the water regime over time in the project area. This project will restore natural hydrology as well as return previously diverted water back in the parcel. The increased hydrology will have a beneficial effect to the water regime of the WRP easements.
Concerned citizen or landowner	Concern about benefit cost ratio considering the country has a large deficit.	Plan EIS Section 7.1. The economic analysis of the project found a positive benefits to cost ratio that meets the PL-566 Purpose and Need for federal assistance for this project.
Cooperating Agency Responses/Tribes		
Dianne Desrosiers, THPO Sisseton-Wahpeton Oyate	Comment 2/6/23 As soon as we receive the report we would like to have the opportunity to review the findings.	Response Mr. Eagle was also sent a formal letter on 2/9/23 - a request for continued Consultation along with a thorough explanation of the survey process. Copies of The Literature search, Class I and Class III surveys were attached. NRCS invited Mr. Eagle to provide input on the survey.
Jon Eagle, THPO, Standing Rock Sioux Tribe	Following an email invitation to a public meeting sent on 2/3/23, Mr. Eagle replied on 2/6/23 expressing a reminder to NRCS that tribes are Sovereign Nations and should not be considered members of the public. He asked if there was any tribal participation in the survey, and if not, NRCS was not upholding our responsibilities under the NHPA.	NRCS Responded with an apology and clarification. While NRCS is required by policy (NWPB 601.24B(8)) to invite tribes to public meetings as part of NEPA, this communication should have been more clear that it was not a Section 106 consultation request. Mr. Eagle was also sent a formal letter on 2/9/23 - a request for continued Consultation along with a thorough explanation of the survey process. Copies of The Literature search, Class I and Class III surveys were attached. NRCS invited Mr. Eagle to provide input on the survey. Consultation was formally initiated on 11/5/2018. NRCS resolved to send annual updates to Mr. Eagle and all tribes on the status of our projects as the time elapsed between communications can lead to misunderstandings.
Jon Eagle, THPO, Standing Rock Sioux Tribe	2/14/23 - "I appreciate your email. I have cc'd Tyrel Iron Eyes to this. He is the SRST Archeologist".	

Teanna Limpy, THPO Northern Cheyenne Tribe	2/27/23 - Was not able to attend the public meeting. Asked if tribes were consulted formally prior to this? Tribal nations should be consulted either in a meeting or individually. Who is doing the Class III survey and were tribes involved? Has the survey been completed?	NRCS Responded with an apology and clarification - clearly explaining the timeline of consultation from it's initiation on 11/5/18 to present and how tribes were involved in the process. Mr. Limpy was sent a formal letter requesting continued Consultation along with copies of the literature search, Class I and Class III surveys. NRCS invited Ms. Limpy to provide input on the survey. NRCS resolved to send annual updates to Ms. Limpy and all tribes on the status of our projects as the time elapsed between communications can lead to misunderstandings.
Ione Quigley, THPO Rosebud Sioux Tribe	2/6/23 - in response to Jon Eagle's email, Ms. Quigley also concurred that they were a Sovereign Nation, asked if tribes were involved and asked to see the survey report.	NRCS Responded with an apology and clarification. While NRCS is required by policy (NWPB 601.24B(8)) to invite tribes to public meetings as part of NEPA, this communication should have been more clear that it was not a Section 106 consultation request. Ms. Quigley was also sent a formal letter on 2/9/23 - a request for continued Consultation along with a thorough explanation of the survey process. Copies of The Literature search, Class I and Class III surveys were attached. NRCS invited Mr. Eagle to provide input on the survey. Consultation was formally initiated on 11/5/2018. NRCS resolved to send annual updates to Ms. Quigley and all tribes on the status of our projects as the time elapsed between communications can lead to misunderstandings.
June 23, 2023 Comments		
Concerned citizen or landowner	1) Concern about sediment transport, specifically shale rock in existing channels and culverts around the project area. 2) Concern about recent wash out of culverts near the project area. 3) Suggested moving the project a few miles west.	1) The scoping concern regarding historic shale deposition in channels and culverts within the AOI has been incorporated into the EIS within Table 2-1, Section 3.1.3, Section 4.4, and Section 5.1. 2) The scoping concern regarding culverts washing out within the AOI has been incorporated into the EIS within Table 2-1, Section 3.6.18, Section 4.4, and Section 5.1. 3) Evaluation of retention dams west of ND State Highway 32 to address flooding concerns is addressed within Section 4.2 and Appendix E.
Concerned citizen or landowner	Concerns on sediment and deposition at any constructed feature in a channel	The scoping concern regarding sediment and deposition at any constructed feature in a channel has been incorporated into the EIS section 5.1.3.2.
Concerned citizen or landowner	Concerned about recent high inflation rates making construction costs such higher than those documented from the economic analysis completed in 2018.	This comment was received during public scoping but is not a NEPA concern, rather a comment related to the economic analysis completed for the planning effort. Therefore this was not addressed within NEPA portions of the EIS. NRCS concurs that construction costs in 2023 are substantially higher than in 2018 due to inflation, however economic benefits of the project (i.e. avoided cost of flood damages) have similarly increased. Therefore it is expected that the benefit-cost ratio in 2023 remains very similar to that of 2018. The project is therefore 50% justified on the basis of flood damage reduction and 50% justified based on watershed protection (nutrient reduction, wetland restoration, wildlife habitat).
Concerned citizen or landowner	Do the Hydrologic and Hydraulic Models consider subsurface drainage?	This comment was received during public scoping but is not a NEPA concern, rather a comment related to the H&H analysis completed for the planning effort. Therefore this was not addressed within the NEPA portions of the EIS. Yes, subsurface drainage is incorporated into the HMS and RAS models through calibration to the 2013 flood event as outlined in Appendix D-1. Only subsurface drainage installed after 2013 would not be accounted for in the models and that is not expected to an extent that would generate significant changes to the models.
Concerned citizen or landowner	Was scour along the embankment during Auxiliary flows considered?	The scoping concern regarding potential scour along the embankment during Auxiliary Spillway Flow has been incorporated into the EIS within Section 5.1.3.2. This section references Appendix D-3 Concept Design Report.
Concerned citizen or landowner	Concern regarding the ability of the project to reduce phosphorus and nitrogen runoff downstream and whether HEI/NRCS water quality estimates are correct.	Nitrogen and phosphorus transport in the watershed is addressed within the EIS within 1.4.7, 3.2.9.2, 4.4, 5.2.5, 5.2.9, and Appendix D-7; however this comment specifically relates to how NRCS conducted the analysis work which is not a NEPA scoping issue. Technical sources to support data and analysis are presented in Appendix D-7, any other data or models would be welcome.

Concerned citizen or landowner	<p>Specifics regarding prior comment -</p> <ol style="list-style-type: none"> 1. Have you tested the incoming water by section 13-160-56 and compared it to the nutrient levels 3-20 miles downstream to see where the high levels of phosphorus are coming from? 2. Would this reduction make a real difference considering the high intensity crop rotations downstream of the project are likely contributing higher rates of nutrients to the runoff? 3. How many years of WQ data were used in the analysis and what years were they? 4. Were only the years where the statistics looked good used for the analysis? The best location to remove nutrients would be as close to the Red River as possible. 	<p>Water Quality is addressed in sections 3.2.6, 5.2.6 and Appendices D-5 and D-7. 1. Water has been tested in the NW corner of 13-16-56 in 2021-2023 based on water level, flow, and nutrients. The nutrient-discharge relationships (Appendix D-7 section 2.1) are in line with relationships from other gauges documented in USGS SIR 2012-5216, including Edmore coulee, Forest River, Tongue River, Park River, amongst many others from Eastern ND; plus was further validated by TMDL reports by ND DEQ. The strong correlation verifies non-point sources are similarly distributed throughout upstream basins, especially considering land use and soils are similar.</p> <p>2. Since biomass harvest size is based on drainage area, this project will treat the upstream drainage area. The perspective on differences depends on location of interest; just downstream of the site the difference is significant, however further downstream in the Park River basin reductions by percent will be reduced. Appendix D-7 documents reductions at various reporting locations, see Figure D-7-2. Two reporting locations were analyzed for water quality benefits. One location is at the Cart Creek Crossing with 86th St NE (confluence of Cart Creek and Pembina Co Drain 28 - approximately 1 mile downstream of the project). The second location was the USGS gauge near the outlet of the North Branch of the Park River.</p> <p>3. Long term total phosphorus, total nitrogen and total suspended solids was available from the USGS gauge from 1994 - present. WQ data has been collected from a site one mile upstream of the project beginning in 2021 through present under high and low flow conditions to achieve a baseline for further analysis. The 2021 loads were analyzed, which resulted in below average annual loading divided by watershed area; however this was due to low flow year where peak discharge was ~60% of 2-year flow rate. More years of data are needed to determine how much upper basins and lower basins contribute to nutrient loadings. However, TMDL for Homme and Matejcek were used to validate annual average loadings from gauge analysis, which found similar loadings per square mile. Land uses were evaluated for watershed and catchment above proposed project; the amount of cultivated crops were similar at ~75%. Therefore, nutrients per catchment area are expected to be pretty consistent for the region. 4. All applicable recent years (1994-2019) data were used in analysis in order to represent current conditions; no applicable data was left out to skew the analysis. Seven other nutrient TMDL and 5 gauges from USGS SIR 2012-5216 from similarly sized basins in northeastern ND were used for validation, which found results from Park River were in the middle of the ranges calculated for TMDLs and USGS gauges summarized. Since nutrients are dissolved or attached to suspended sediment, water passing through proposed project reach the RRN at very high rate; reducing loads anywhere in the watershed is beneficial. Constructed wetland sizes are based</p>
Concerned citizen or landowner	Concern about removing the land permanently from crop production and the need for the country to maintain cropland for the long term needs of food production. Believes downstream areas have a greater need for wetlands and wildlife habitat.	Yes, the project does remove land below the dam infrastructure from crop production permanently and land in the flood pool for at least 50-years. Draft Plan EIS Sections 3.1.2 & 5.1.2 (Prime farmland), 3.6.18 & 5.6.15 (Land Use) and Appendix D-8 Environmental Evaluation document those impacts.
Concerned citizen or landowner	Why have the landowners been kept out of the loop of the project? I did not find out about the project until last month. I don't believe Susan Olason has been notified as of yet.	This is not necessarily a scoping concern, however NRCS and the sponsor did follow the public participation process required for PL-566 and NEPA (Section 601.24 National Watershed Program Handbook and Section 610.68 of National Environmental Compliance Handbook). This included advertisement requirements for Public Scoping Meetings and meetings (both private and public) with affected landowners. See Draft Plan EIS Sections 2 and 6.4, and Appendix A. Affected landowners will receive invitations in the mail to review the Draft Plan/EIS.
Concerned citizen or landowner	Concern about devaluing of land due to salinity - Even though the project only directly impacts a 200' wide strip of my land, I believe this project will devalue all of my acres; it will saturate my land from below and cause increased salinity over time and may lead to the need for tile to remove salinity	Plan EIS Sections 3.1.4 and 5.1.4, Appendix C Figures C-6 and C-7 were added to more thoroughly address this concern.

Concerned citizen or landowner	<p>1. Concern about devaluing of land due to overland flooding -</p> <p>2. Believe the drain on the west side of the property will fill with snow and the runoff will work to find a more natural course of flow to the east - potentially causing soil erosion in the cropland, especially in section 13.</p> <p>3. Concerned that there is no mention of a bond to remediate damage to land.</p>	<p>1. Plan-EIS section 5.6.15 documents percent reduction in inundated land (including cropland), which is a benefit from the project to all areas outside of the flood pool (where the Sponsor will purchase easements or property in fee title).</p> <p>2. The paper "Design Guidelines for the Control of Blowing and Drifting Snow" (Table, 1994) was used to analyze snow drifts in channels; since the proposed channel is 200 feet wide expected drifts would only reduce capacity slightly.</p> <p>3. Plan-EIS section 7.8 The local sponsor (Park River JWRD) will be required to sign a 50-year Operation and Maintenance Agreement with USDA-NRCS that outlines specific requirements for operation and maintenance of the project. Annual inspections would take place with the NRCS and Sponsor to evaluate status of O&M (in this case the dam, wildlife habitat, and biomass harvest area would all have their own O&M criteria laid out). NRCS issues a letter after each annual inspection to the Sponsor regarding any outstanding work items or changes to be made as the result of observations in the field. If a Sponsor were to be negligible in performing O&M, the agreement provides a mechanism where the federal government would require repayment of all federal funds received for the project.</p>
Concerned citizen or landowner	<p>Concern about devaluing of land due to loss of field approaches. The northern most field approach is the most accessible due to having a higher/drier elevation and better width. The proposed alternative access is less accessible and more narrow. Also, the neighbor will need to access their field through my land. Concern about the loss of the access via the weight-bearing bridge on 132nd Avenue.</p>	<p>This is not necessarily a scoping concern, however Appendix D-3 In the conceptual design, field access is assumed to be provided off of 87th Street NE, and east of the inlet channel. Additional review of ancillary project features (such as field access) will be completed during detailed design and negotiations between the Sponsor and landowners.</p>
Concerned citizen or landowner	<p>Concerns about the purpose of the project - If the main purpose is to reduce flooding to the City of Crystal, why not design a diversion around Crystal? Why are you using a phosphate, nitrogen excuse?</p>	<p>The need for flood protection for the city of Crystal was one of several needs identified in the planning process (see Appendix D-2, Alternative Screening). The planning process identified Flood Damage Reduction and Watershed Protection (nutrient/water quality concerns and wildlife habitat) as the major needs of the project (see EIS sections 1 & 2). The flood diversion alternative was evaluated and was not selected as outlined in Plan-EIS Section 4.2. The city of Crystal does benefit from the project for the 10 and 25 year, 4 day rainfall events, including greater protecting for the public school (Appendix C-1 and C-2).</p>
Concerned citizen or landowner	<p>1. Question on why the plans hydrological modeling does not factor in snow melt.</p> <p>2. Concerns about the current focus of drainage valley-wide, where drain tile pumps are running well before channels are clear of snow.</p>	<p>1. Hydrologic models do consider snowmelt, details about hydrologic and hydraulics modeling is documented in Appendix D-1. Project benefits are based on damages that occur from flooding. Flooding can be from snowmelt or precipitation. Frequency based precipitation (2,5,10,25,50,100, and 500-year) were input to hydrology models to determine correlating river flows. These were compared to all-seasons statistical analysis, that consider both snowmelt and precipitation events. The precipitation event flows aligned with all-season statistical flows; which essentially means a 10-year snowmelt event is not statistically different than 10-year precipitation event. Structural damages would be the same for both snowmelt and precipitation events. However, since crops are not planted during snowmelt event there is very limited damages. Therefore, the precipitation event drives the project benefits.</p> <p>2. Drainage valley wide is considered in the hydrologic model as calibration was completed to 2013 event; see Appendix D-1 and response to comment #4 above for more details.</p>
Concerned citizen or landowner	<p>Comment offering other alternatives - Why did the project not consider retaining water with multiple structures such as on the east side of County road 12 or on the west side of ND Hwy 32?</p>	<p>Plan/EIS Section 4. A large array of alternatives were evaluated in the plan. The formulation and alternative selection process is discussed in detail in section 4, including the rational for alternatives eliminated from the plan. Evaluation of retention dams west of ND State Highway 32 to address flooding concerns is addressed within Section 4.2 and Appendix E.</p>
Concerned citizen or landowner	<p>Comment offering other alternatives - Why did the project not consider diverting water one mile west of the current location which would have been more beneficial for County Rd 3/shale problem in ditch. Why wasn't the Pembina County Hwy Dept consulted for input?</p>	<p>Plan/EIS Section 4. A large array of alternatives were evaluated in the plan. The formulation and alternative selection process is discussed in detail in section 4, including the rational for alternatives eliminated from the plan. The location of the inlet channel was located to maximize the amount of runoff along Highway 3 that could be captured by the impoundment site. Using an inlet channel one mile further west would reduce the effective drainage area to the impoundment site, and reduce downstream flood damage reduction benefits.</p>

Concerned citizen or landowner	Concerns about the origin of the problem - Cavalier county is the source of the water and shale deposits that fill up the ditch along County Rd 3. Solutions should involve retention/cooperation with Cavalier county.	Plan/EIS Section 4. A large array of alternatives were evaluated in the plan. The formulation and alternative selection process is discussed in detail in section 4, including the rationale for alternatives eliminated from the plan. While the Cavalier county Water Resource District chose not to participate in the planning process, the Cavalier Soil Conservation District has expressed interest in upland conservation to reduce runoff and soil erosion. The Pembina County Water Resource District remains committed to collaboration with neighboring counties and jurisdictions, and routinely meets with entities in a good faith effort to improve working relationships. Authorities granted to the Pembina County Water Resource District currently do not allow for forced action of another county. Prior plan evaluated ten small temporary retaining dams west of Highway 32 in an attempt to "slow down" runoff closer to its source. While this concept has merit conceptually, the available storage in the coulees coming off of the escarpment do not provide sufficient storage to reduce flooding downstream.
Concerned citizen or landowner	1. Concerns about the shale deposition that has filled up the ditch along County Rd 3 approximately 1/2 mile east of Hwy 32 and the sharp turn south from Co Rd 3. 2. Concerns about the overtopping of township roads prior to the beginning of the project and downstream of the project (township roads overtopped in 5 locations).	1) The scoping concern regarding historic shale deposition in channels and culverts within the AOI has been incorporated into the EIS within Table 2-1, Section 3.1, Section 4.4, and Section 5.1. 2) The scoping concern regarding culverts washing out within the AOI has been incorporated into the EIS within Table 2-1, Section 3.5.18, Section 4.4, and Section 5.1. Furthermore) Bedload sediments will be considered for critical features in final design phase. Considerations will include sediment competence and entrainment calculations to verify channels and features are adequately sized to transport supplied loads without incising or depositing. Prior to the beginning of the project areas will maintain existing conditions for all aspects, i.e. hydrology, hydraulics, geomorphology, habitat, etc. Downstream of the project will have significant peak flow reduction, which will reduce flood flows, water surfaces, and erosive stresses.
Concerned citizen or landowner	Concerns about maintenance/maintenance costs - I believe the drain will fill up with shale in a few years and will become useless if not cleaned. Will a bond be set up for maintenance? I do not see maintenance in the budget. Will the landowners be assessed all the way down to the Red River?	Plan/EIS Section 7.5 - 7.8 The local sponsor (Park River Joint Water Resource District) will be responsible for Operation and Maintenance of the project, and plans to consider options for future maintenance as the project continues to develop.
Concerned citizen or landowner	Concern about regulation associated with shale/sediment disposal. Will the EPA regulate the disposal of shale and sediment? I understand the EPA would not allow the Renwick dam reservoir to be cleaned out.	This project is an off channel storage project as compared with Renwick where the reservoir is on the channel itself. Off channel storage will accumulate less sediment than on channel storage and therefore was not identified as a significant long term environmental cost of the project. There is an environmental concern with contaminants such as heavy metals that may accumulate in sediments from storage projects, however the EPA does not prohibit the disposal of sediments. Contaminated sediments from any public project need proper disposal so they do not pose an environmental hazard. Each case would be evaluated based on chemical analysis and sediment volume.
Concerned citizen or landowner	Concern about WRP Easement restrictions. How can the project be allowed in the easement?	Plan EIS Sections 4.3, 5 and 7 The design has been modified to avoid direct impacts to the WRP easements. The project must be compatible with the easement. Compatibility would include restoring natural hydrology by indirect means. This project will restore natural hydrology as well as return previously diverted water back in the parcel. The increased hydrology will have a beneficial effect to the water regime of the WRP easements.
Concerned citizen or landowner	Concern about benefit cost ratio considering the country has a large deficit.	Plan EIS Section 7.1. The economic analysis of the project found a positive benefits to cost ratio that meets the PL-566 Purpose and Need for federal assistance for this project.
Cooperating Agency Responses/Tribes		Response
ND SHPO	3/28/23 - Requested more information be included in a revised Class III survey: including additional details in the abstract, maps, plan unit, literature search, field reconnaissance, photos and GIS data.	NRCS Cultural Resource Specialist revised the Class III survey (Appendix D-10) and sent it to SHPO July 21, 2023.
ND SHPO	7/25/23 - Responded to the first revision of the Class III survey and requested additional information: New site numbers, Introduction, Research goals/methods, Literature Review, Field results, sections 5.3, 5/4 and Conclusion.	Class III survey (Appendix D-10) was revised to include the information requested and sent to SHPO on 8/7/2023.
ND SHPO	9/8/2023 - Responded with concurrence on determination of "No Adverse Effect"	

Appendix A- 5

Tribal/SHPO 2023 Section 106 Consultation Documents

- Tribal List
- NRCS Consultation letters
- Tribal/SHPO Responses

APPENDIX A-5 TRIBAL CONSULTATION DOCUMENTS - SECTION 106

List of Tribal Historic Preservation Officers for Consultation

Lisa Steckler	Historic Preservation Specialist	State Historical Society of North Dakota	lsteckler@nd.gov
Steven Vance, THPO	Tribal Historic Preservation Officer	Cheyenne River Sioux Tribe	stevev.crstpres@outlook.com
Jonathan Windy Boy, THPO	Tribal Historic Preservation Officer	Chippewa Cree Tribe of the Rocky Boy's Reservation	jonathan.windyboy@nei-yahw.com
Kathryn McDonald, THPO	Tribal Historic Preservation Officer	Confederated Salish and Kootenai Tribes	kathryn.mcdonald@cskt.org
Merle Marks, THPO	Tribal Historic Preservation Officer	Crow Creek Sioux Tribe	cchistory@midstatesd.net
Garrie Kills A Hundred, THPO	Tribal Historic Preservation Officer	Flandreau Santee Sioux Tribe	garrie.killsahundred@fsst.org
Michael J. Black Wolf, THPO	Tribal Historic Preservation Officer	Fort Belknap Indian Community	mblackwolf@ftbelknap.org
Dyan Youpee, THPO	Tribal Historic Preservation Officer	Fort Peck Assiniboiné and Sioux Tribes	d.youpee@fortpecktribes.net
Amy Burnette, THPO	Tribal Historic Preservation Officer	Leech Lake Band of Ojibwe	amy.burnette@llojibwe.org
Cheyenne St. John, THPO	Tribal Historic Preservation Officer	Lower Sioux Indian Community	lowersiouxthpo@lowersioux.com
Teanna Limpy, THPO	Tribal Historic Preservation Officer	Northern Cheyenne Tribe	teanna.limpy@cheyennenation.com
Tomas Brings	Tribal Historic Preservation Officer	Oglala Sioux Tribe	t.brings@ogla.org
Kade Ferris, THPO	Tribal Historic Preservation Officer	Red Lake Band of Chippewa Indians	kade.ferris@redlakenation.org
Ione Quigley, THPO	Tribal Historic Preservation Officer	Rosebud Sioux Tribe of Indians	ione.quigley@rst-nsn.gov
Joshua Mann, THPO	Tribal Historic Preservation Officer	Shoshone Tribe of the Wind River Reservation	jmann@easternshoshone.org
Dianne Desrosiers, THPO	Tribal Historic Preservation Officer	Sisseton-Wahpeton Oyate	dianned@sws-nsn.gov
Susie Fox	Tribal Historic Preservation Officer	Spirit Lake Tribe of Fort Totten	sfox@gondtc.com
John Eagle, THPO	Tribal Historic Preservation Officer	Standing Rock Sioux Tribe	jeagle@standingrock.org
Aaron Brien	Tribal Historic Preservation Officer	The Crow Tribe of Montana	aaron.brien@crow-nsn.gov
Allan Demaray, THPO	Tribal Historic Preservation Officer	The Three Affiliated Tribes	ademaray@mhanation.com
Jeffrey Desjarlais, THPO	Tribal Historic Preservation Officer	Turtle Mountain Band of Chippewa	desjarlaisjr.jeffrey@yahoo.com
Samantha Odegard, THPO Coordinator	Tribal Historic Preservation Officer	Upper Sioux Community	samanthao@uppersiouxcommunity-nsn.gov
Jamie Arsenault, THPO and NAGPRA Rep.	Tribal Historic Preservation Officer	White Earth Nation of Minnesota-Chippewa	jaim.arsenault@whiteearth-nsn.gov
Kip Spotted Eagle, THPO	Tribal Historic Preservation Officer	Yankton Sioux Tribe	yst.thpo@gmail.com
Crystal Bearing, THPO	Tribal Historic Preservation Officer	Northern Arapaho	cbearing.nathpo@gmail.com
John Murray, THPO	Tribal Historic Preservation Officer	Blackfeet Indian Reservation of MT	jmflysdwn@gmail.com
Jaylen Strong, THPO	Tribal Historic Preservation Officer	Bois Forte Band of the MN Chippewa Tribe	blatady@boisforte-nsn.gov
Evan Schroeder, THPO	Tribal Historic Preservation Officer	Fond du Lac Band of MN Chippewa Tribe	Evanschroeder@fdlrez.com
Rob Hull, THPO	Tribal Historic Preservation Officer	Grand Portage Band of MN Chippewa Tribe	thpo@grandportage.com
Noah White, THPO	Tribal Historic Preservation Officer	Prairie Island Indian Community in MN	noah.white@piic.org
Terry Kemper, THPO	Tribal Historic Preservation Officer	Mille Lacs Band of Ojibwe	terry.kemper@millelacsband.com

kgraywater@spiritlakenation.com

larus.longie@outlook.com

NATURAL RESOURCES CONSERVATION SERVICE (NORTH DAKOTA)



United States Department of Agriculture

Example letter sent to 29 Tribes

Natural Resources
Conservation Service

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

Voice 701.516.2280
Fax 855-813-7556

February 9, 2023

THPO Teanna Limpy
Northern Cheyenne
Tribe
PO Box 128
Lame Deer, MT 59043

RE: Request for Continued Consultation on The North Branch of the Park River
Watershed Plan– Pembina and Walsh Counties, ND

Dear THPO Limpy,

In accordance with 36 CFR 800.4(a)(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 in the Draft Watershed Plan & Environmental Impact Statement for North Branch of the Park River of the Park River Joint Water Resource District Pembina, Cavalier and Walsh Counties, North Dakota.

On November 5, 2018, North Dakota NRCS' State Conservationist sent out an initial Section 106 consultation letter to your office. The planning and analysis stages for these PL-566 Watershed projects are lengthy, and we are only at the draft EIS stage of the planning process for the above-named project, awaiting input from our valued stakeholders before finalizing the plan.

In September of 2018, an initial Class I record search was conducted for the North Branch Watershed Plan – Environmental Assessment (EA), which is now being converted to an Environmental Impact Statement (EIS) under NEPA regulations due to its beneficial impacts on the environment and international treaties with Canada.

The initial Class I record search conducted by Principal Investigator J. Cummings covered a study area of 260 square miles (Enclosure 1). This initial literature review was supplemented by ND–NRCS cultural resources staff in June 2020, along with a Class III survey for archaeological sites and material culture (Enclosure 2).

Ms. Harrison, one of NRCS' State Cultural Resources Specialist has conducted a supplemental Class I literature review on February 8, 2023, given the length of time that has passed since the last literature review was conducted. No additional survey reports or archaeological sites or leads were identified in the updated record search. The results of the updated literature review can be found in Enclosure 3.

NRCS does not have any plans for an additional Class III survey of the APE. If you or staff members from your office would like to make an on-site visit I can make

Helping People Help the Land

An Equal Opportunity Provider, Employer, and Lender

NATURAL RESOURCES CONSERVATION SERVICE (NORTH DAKOTA)

arrangements to do so but unfortunately, NRCS cannot provide funding for a tribal survey or tribal participants travel for this undertaking.

I would like to clarify one additional topic related to this watershed project and all other current and future watershed projects under PL-566. ND-NRCS is required to include Tribal Nations in all invitations to NEPA public meetings; I understand the NRCS has an obligation to consult with your Nation on a government-to-government relationship for all undertakings subject to 36 CFR 800. The invitation to the public meeting is not meant to replace our obligations under 36 CFR 800. We will continue to improve our consultation process with your office.

NRCS' preliminary determination is **"No Effect"** to historic properties. We seek your input and concurrence with our determination and thank you for this opportunity to consult with you.

If you have any questions, please contact Ms. Harrison at (701) 516-2280 or by email at Janelle.harrison@usda.gov.

Sincerely,

Richard M. Webb
Acting State Conservationist

Enclosures: 2018 literature review
2020 Class III Survey Report
2023 Supplemental Class I
literature review maps



Natural Resources
Conservation Service

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

Voice 701.516.2280
Fax 855-813-7556

March 3, 2023

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

RE: Request for Continued Consultation on The North Branch of the Park River
Watershed Plan– Pembina and Walsh Counties, ND

Dear SHPO Peterson,

In accordance with 36 CFR 800.4(a)(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 in the Draft Watershed Plan & Environmental Impact Statement for North Branch of the Park River of the Park River Joint Water Resource District Pembina, Cavalier and Walsh Counties, North Dakota.

On November 5, 2018, North Dakota NRCS' State Conservationist sent out an initial Section 106 consultation letter to your office. The planning and analysis stages for these PL-566 Watershed projects are lengthy, and we are only at the draft EIS stage of the planning process for the above-named project, awaiting input from our valued stakeholders before finalizing the plan.

In September of 2018, an initial Class I record search was conducted for the North Branch Watershed Plan – Environmental Assessment (EA), which is now being converted to an Environmental Impact Statement (EIS) under NEPA regulations due to its beneficial impacts on the environment and international treaties with Canada.

The initial Class I record search conducted by Principal Investigator J. Cummings covered a study area of 260 square miles (Enclosure 1). This initial literature review was supplemented by ND–NRCS cultural resources staff in June 2020, along with a Class III survey for archaeological sites and material culture (Enclosure 2).

Ms. Janelle Harrison, one of NRCS' State Cultural Resources Specialist has conducted a supplemental Class I literature review on February 8, 2023, given the length of time that has passed since the last literature review was conducted. No additional survey reports or archaeological sites or leads were identified in the updated record search. The results of the updated literature review can be found in Enclosure 3.

NRCS sent the same consultation packet out to 29 Federally Recognized Tribes on February 17, 2023; should we receive any comments from any of those Tribal Nations, the NRCS will summarize those comments or concerns and email them to the NDSHPO for review.

NRCS' preliminary determination is **“No Effect”** to historic properties. We seek your input and concurrence with our determination and thank you for this opportunity to consult with you.

If you have any questions, please contact Ms. Harrison at (701) 516-2280 or by email at Janelle.harrison@usda.gov.

Sincerely,

Richard M. Webb
Acting State Conservationist

Enclosures: 1. 2018 Literature Review
2. 2020 Class III Survey Report
3. 2023 Supplemental Class I
literature review, maps
4. List of Tribes Contacted



March 27, 2023

Janelle Harrison
NRCS
Bismarck State Office
PO Box 1458
Bismarck, ND 58502-1458

ND SHPO Ref.: 23-5512, North Branch Park River Watershed Plan Cart Creek Site 1

Dear Janelle,

We reviewed ND SHPO Ref.: 23-5512, North Branch Park River Watershed Plan Cart Creek Site 1 and we would concur with the need for a Class III Cultural Resource Inventory of the APE and look forward to reading the report.

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)

23-5512

State Historical Society of North Dakota
612 East Boulevard Avenue, Bismarck, ND 58501
Cultural Resource Report Review

SHPO ID: 23-5512

Report Title: Class III Cultural Resources Survey North Branch Park River Cart Creek Site 1 Park River Joint Water Resource District T160N, R56W, Sec. 13 & 24 T160N, R55W, Sec 19 Pembina County, North Dakota

Report Author: Christopher Plount

Report Date: June 2020

SHSND Date Reviewed: 3/28/2023

SHSND Reviewer: Andrew J. Robinson

No:		
	Manuscript page	5. Report Date June 2020 7. Type is I 9. Legal Location (The ND Comprehensive plan had many updated since 1990) Current State Plan: https://www.history.nd.gov/hp/stateplan_arch.html
	Abstract	"The nature of the undertaking, rehabilitation of extant water control features and excavation/levee construction in previously disturbed areas, makes the inadvertent discovery of cultural resources unlikely." Please provide additional details for this statement's justification. Should be No Historic Properties Affected. If not justify why.
2.0	Project Location Maps	Please submit a 1:24k 7.5 USGS project location map with previously surveys and previously recorded cultural resources within your search radius on this map. Even if the maps are in other associated documents, they need to be included in the report. SHPO guidelines (2020, 34-35): https://www.history.nd.gov/hp/PDFinfo/North-Dakota-SHPO-Guidelines-Manual-for-Cultural-Resource-Inventory-Projects.pdf (Note this is not a change from previous guidelines).
3.0	Environment	Please provide a description of the study unit (2020, 30) https://www.history.nd.gov/hp/PDFinfo/9_NorthernRedRiverStudyUnit.pdf
3.0	Literature Review	Please provide details of the Class I file search including previous manuscripts within the search area (SHPO 2020, 31-32). A table with the file search data would be appreciated.
4.0	Results of Field Reconnaissance	Please provide detailed Class III field methods (SHPO 2020, 30) for the entire survey area including survey interval spacing, ground surface visibility, names [not just titles of archaeologists], field conditions (weather). Were any areas shovel probed including the area of the historic trail (4.1) or the historic scatter (4.3)?
4.1	Historic Trail	Please provide photos to demonstrate the trail is not present as described.

4.3	Unknown Structure	Please complete a NDCRS form for the material scatter, including a detailed write up justifying a Not Eligible recommendation including a deed search (Criterion A) and additional justifications of potential buried deposits (Criterion D). Although the area may have limited subsurface deposits the location is present on historic maps and historic material is present. Therefore, a complete NDCRS form should be completed.
4.4	Engineering Plan Field Investigation	Please provide photos, if possible, to illustrate or further justify the extent of disturbance.
	Photos	Please provide a minimum of two photographs documenting the survey area (SHPO 2020, 35)
	GIS Data	Report mapping and GIS data do not correspond, primarily if the three engineering areas were surveyed as mapped in Figure 7.

State Historical Society of North Dakota
612 East Boulevard Avenue, Bismarck, ND 58501
Cultural Resource Report Review

SHPO ID: 23-5512

Report Title: Class III Cultural Resources Survey North Branch Park River Cart Creek Site 1 Park River Joint Water Resource District T160N, R56W, Sec. 13 & 24 T160N, R55W, Sec 19 Pembina County, North Dakota

Report Author: Christopher Plount and Janelle Harrison

Report Date: June 2023

SHSND Date Reviewed: 7/25/2023

SHSND Reviewer: Margaret Patton

Pg No.	Description	Comment
	New Site Numbers	For future reports, prior to finalizing and submitting the report, please submit digital and printed copies of the NDCRS forms for SITS number assignment so that the SITS number can be included in the report (SHPO Guidelines 2020, pg. 23). Digital and printed copies need to be submitted per SHPO Guidelines (2020, pgs. 21-23) and the NDCRS form instructions (form footnote). https://www.history.nd.gov/hp/PDFinfo/North-Dakota-SHPO-Guidelines-Manual-for-Cultural-Resource-Inventory-Projects.pdf
	Manuscript Page	Please correct the Legal Location.
	Abstract	Please update the abstract to include the identification of the new site and the site number (32PB263).
	All Maps	Please update all maps to include a north arrow, scale, vicinity map, and appropriate legends as described in the SHPO Guidelines (2020, pg. 35).
	Location	Please update the legal location throughout the document and on the manuscript page to include T160N R56W Section 23 as the APE extends into that section.
	Project Location Maps	Please submit a 1:24k 7.5 USGS project location map with previous surveys and previously recorded cultural resources within your search radius on this map, as requested in the previous report review. Even if the maps are in other associated documents, they need to be included in the report (SHPO Guidelines 2020, pgs. 34-35).
	GIS Data/Maps	Please clarify the differences between the three shapefiles and update the shapefile and the report maps to show the same polygon for the APE. There should only be a single APE – please combine the “Excavation APE,”

Pg 6	Introduction	<p>“Construction Extents,” and the “APE” into a single shapefile that covers all potential areas of disturbance and update the maps.</p> <p>Please update the report to include the Appendix B referenced in the introduction. In addition, please ensure all appendices are included (Appendix A is also missing) or rename the appendices.</p>
Pg 7	Northern Red River Study Unit	<p>Please update the description of the study unit to include all time periods, not just the Paleo-Indian period. The descriptions of the time periods can be brief.</p>
Pg 7	Research Goals and Methods	<p>Please clarify if the entire 125 acre APE was surveyed or only the “areas of interest” mentioned here and shown in Figure 7.</p>
Pg 7	Research Goals and Methods	<p>Were any areas shovel probed including the area of the historic trail or the historic scatter (32PB263)?</p>
Pg 11	Literature Review	<p>Please provide details of the Class I file search including previous manuscripts within the search area (SHPO Guidelines 2020, pgs 31-32). Thank you for including the table, but please also provide a details of the file search as requested in the previous report review.</p>
Pg 11	Results of Field Reconnaissance	<p>Please provide photos demonstrating the trail is not present in the area described (SW ¼ SW ¼ of Section 13 and SE ¼ SE ¼ of Section 14) as the photos in Figures 10 and 11 appear to show the bridge over Cart Creek on 131st Ave NE (SW ¼ NW ¼ of Section 13 and SE ¼ NE ¼ of Section 14).</p>
Pg 20	Results of Field Reconnaissance: 5.3 Unknown Structure	<p>Please update this section to include the new site number 32PB263 and update language to remove the phrase “potential site”.</p>
Pg 20	Results of Field Reconnaissance: 5.3 Unknown Structure	<p>Is 32PB263 recommended as Not Eligible or Unevaluated regarding the National Register? If 32PB263 is recommended as Not Eligible, please provide a detailed discussion justifying this recommendation for the cultural material scatter including consideration of all four eligibility criteria (SHPO guidelines 2020, pgs 23-26). Please demonstrate why 32PB263 is not eligible under any of the criteria and provide photos if possible of the site demonstrating the extent of disturbance, as requested in the previous report review. Please also discuss why shovel probes were not used to examine depth of disturbance and subsurface materials.</p>
Pg	Results of Field Reconnaissance: 5.3	<p>Please clarify the reference of the NDCRS Archaeological Site form Manual, pg. 10 as we are unable to find this</p>

20	Unknown Structure	quotation in our guidelines and manuals.
	Artifact Photos	For future field artifact photos please include a scale in each photo.
Pg 26	5.4 Engineering Plan Field Investigation	Please clarify if the entire APE was surveyed or only these three focus areas (see comment on page 7 above). Please explain why shovel testing was not performed in these locations.
Pg 30	Conclusions	Please explain why the project will have no effect on site leads 32PBX201 and 32PBX202.
Pg 30	Conclusions	Will 32PB263 be avoided by the project, or is the report recommending the site as Not Eligible? If 32PB263 will be avoided, please include details as to avoidance plans. If the site is recommended as Not Eligible, please provide justification in the Results section and summarize the reasons why in the conclusion section.



September 8, 2023

Janelle Harrison
NRCS
Bismarck State Office
PO Box 1458
Bismarck, ND 58502-1458

ND SHPO Ref.: 23-5512 "Class III Cultural Resources Survey North Branch 1 Park River Cart Creek Site 1 Park River Joint Water Resource District T160N, R56W, Sec. 13 & 24 T160N R55W, Sec 19 Pembina County, North Dakota"

Dear Janelle,

We have reviewed ND SHPO Ref.: 23-5512 "Class III Cultural Resources Survey North Branch 1 Park River Cart Creek Site 1 Park River Joint Water Resource District T160N, R56W, Sec. 13 & 24 T160N R55W, Sec 19 Pembina 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.

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)

23-5512

Appendix A- 6

Draft Plan EIS Meeting Documents

-

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 Notice of availability of Draft EIS & Public Meeting, 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 2 consecutive weeks, to-wit:

	Price	Date
Straight Matter Lines		
First Time Line Rate	<u>61</u> <u>\$65.27</u>	<u>Nov-22</u> , 20 <u>23</u>
Subsequent Line Rates	<u>61</u> <u>\$65.27</u>	<u>Nov-29</u> , 20 <u>23</u>
		, 20
		, 20
Tabulated Lines		
First Time Line Rate		, 20
Subsequent Line Rates		, 20
		, 20
		, 20
		, 20
		, 20
Column Inches		
First Time Inch Rate		, 20
Subsequent Inch Rates		, 20

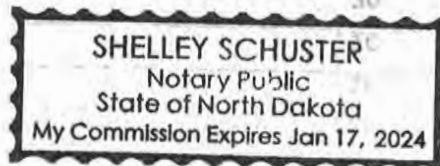
Total Cost of Legal, \$ 130.54

Jackie Thompson

Subscribed and sworn to before me this 6 day of December A.D. 2023.

(Seal) Shelley Schuster

Notary Public, State of North Dakota



My Commission Expires , 20

North Branch Park River Watershed (Cart Creek) - Notice of Availability of Draft EIS and Public Meeting

Notice of Availability of Draft Watershed Plan - Environmental Impact Statement and Public Meeting December 12, 2023 for the North Branch Park River Watershed Plan sponsored by the Park River Joint Water Resource District (Pembina and Walsh Counties)

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Draft Watershed Plan - Environmental Impact Statement (Draft Plan-EIS) for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events.

The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

You are invited to attend an in-person public meeting to provide input on this project:
Date: December 12, 2023
Time: 11:00 am
Location: Pembina County Courthouse, Farmers Room, 310 Dakota St. W, Cavalier, ND 58220

Comments on the Draft Plan-EA may be submitted during a public comment period starting **November 20, 2023 and ending on January 12, 2024**. The complete Draft Watershed Plan-EA can be accessed online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

A printed copy of the Draft Plan-EA will also be available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND 58220, OR Walsh County Water Resource District 600 Cooper Ave Grafton, ND 58237

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

(Nov. 22, 29, & Dec. 6 2023)

North Branch Park River Watershed (Cart Creek) - Notice of Availability of Draft EIS and Public Meeting

Notice of Availability of Draft Watershed Plan – Environmental Impact Statement and Public Meeting December 12, 2023 for the North Branch Park River Watershed Plan sponsored by the Park River Joint Water Resource District (Pembina and Walsh Counties)

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Draft Watershed Plan – Environmental Impact Statement (Draft Plan-EIS) for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events.

The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

You are invited to attend an in-person public meeting to provide input on this project:

Date: December 12, 2023

Time: 11:00 am

Location: Pembina County Courthouse, Farmers Room, 310 Dakota St. W, Cavalier, ND 58220

Comments on the Draft Plan-EA may be submitted during a public comment period starting **November 20, 2023 and ending on January 12, 2024**. The complete Draft Watershed Plan-EA can be accessed online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

A printed copy of the Draft Plan-EA will also be available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND 58220, OR Walsh County Water Resource District 600 Cooper Ave Grafton, ND 58237

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

2023 Stakeholders Invited to Public Meeting on 12/12/2023

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

APPENDIX A-5 TRIBAL CONSULTATION DOCUMENTS - SECTION 106

List of Tribal Historic Preservation Officers Invited to Public Meeting (NEPA)

Lisa Steckler	Historic Preservation Specialist	State Historical Society of North Dakota	lsteckler@nd.gov
Steven Vance, THPO	Tribal Historic Preservation Officer	Cheyenne River Sioux Tribe	stevev.crstpres@outlook.com
Jonathan Windy Boy, THPO	Tribal Historic Preservation Officer	Chippewa Cree Tribe of the Rocky Boy's Reservation	jonathan.windyboy@nei-yahw.com
Kathryn McDonald, THPO	Tribal Historic Preservation Officer	Confederated Salish and Kootenai Tribes	kathryn.mcdonald@cskt.org
Merle Marks, THPO	Tribal Historic Preservation Officer	Crow Creek Sioux Tribe	cchistory@midstatesd.net
Garrie Kills A Hundred, THPO	Tribal Historic Preservation Officer	Flandreau Santee Sioux Tribe	garrie.killsahundred@fsst.org
Michael J. Black Wolf, THPO	Tribal Historic Preservation Officer	Fort Belknap Indian Community	mblackwolf@ftbelknap.org
Dyan Youpee, THPO	Tribal Historic Preservation Officer	Fort Peck Assiniboiné and Sioux Tribes	d.youpee@fortpecktribes.net
Amy Burnette, THPO	Tribal Historic Preservation Officer	Leech Lake Band of Ojibwe	amy.burnette@llojibwe.org
Cheyenne St. John, THPO	Tribal Historic Preservation Officer	Lower Sioux Indian Community	lowersiouxthpo@lowersioux.com
Teanna Limpy, THPO	Tribal Historic Preservation Officer	Northern Cheyenne Tribe	teanna.limpy@cheyennenation.com
Tomas Brings	Tribal Historic Preservation Officer	Oglala Sioux Tribe	t.brings@ogla.org
Kade Ferris, THPO	Tribal Historic Preservation Officer	Red Lake Band of Chippewa Indians	kade.ferris@redlakenation.org
Ione Quigley, THPO	Tribal Historic Preservation Officer	Rosebud Sioux Tribe of Indians	ione.quigley@rst-nsn.gov
Joshua Mann, THPO	Tribal Historic Preservation Officer	Shoshone Tribe of the Wind River Reservation	jmann@easternshoshone.org
Dianne Desrosiers, THPO	Tribal Historic Preservation Officer	Sisseton-Wahpeton Oyate	dianned@sws-nsn.gov
Susie Fox	Tribal Historic Preservation Officer	Spirit Lake Tribe of Fort Totten	sfox@gondtc.com
John Eagle, THPO	Tribal Historic Preservation Officer	Standing Rock Sioux Tribe	jeagle@standingrock.org
Aaron Brien	Tribal Historic Preservation Officer	The Crow Tribe of Montana	aaron.brien@crow-nsn.gov
Allan Demaray, THPO	Tribal Historic Preservation Officer	The Three Affiliated Tribes	ademaray@mhanation.com
Jeffrey Desjarlais, THPO	Tribal Historic Preservation Officer	Turtle Mountain Band of Chippewa	desjarlaisjr.jeffrey@yahoo.com
Samantha Odegard, THPO Coordinator	Tribal Historic Preservation Officer	Upper Sioux Community	samanthao@uppersiouxcommunity-nsn.gov
Jamie Arsenault, THPO and NAGPRA Rep.	Tribal Historic Preservation Officer	White Earth Nation of Minnesota-Chippewa	jaim.arsenault@whiteearth-nsn.gov
Kip Spotted Eagle, THPO	Tribal Historic Preservation Officer	Yankton Sioux Tribe	yst.thpo@gmail.com
Crystal Bearing, THPO	Tribal Historic Preservation Officer	Northern Arapaho	cbearing.nathpo@gmail.com
John Murray, THPO	Tribal Historic Preservation Officer	Blackfeet Indian Reservation of MT	jmflysdwn@gmail.com
Jaylen Strong, THPO	Tribal Historic Preservation Officer	Bois Forte Band of the MN Chippewa Tribe	blatady@boisforte-nsn.gov
Evan Schroeder, THPO	Tribal Historic Preservation Officer	Fond du Lac Band of MN Chippewa Tribe	Evanschroeder@fdlrez.com
Rob Hull, THPO	Tribal Historic Preservation Officer	Grand Portage Band of MN Chippewa Tribe	thpo@grandportage.com
Noah White, THPO	Tribal Historic Preservation Officer	Prairie Island Indian Community in MN	noah.white@piic.org
Terry Kemper, THPO	Tribal Historic Preservation Officer	Mille Lacs Band of Ojibwe	terry.kemper@millelacsband.com

kgraywater@spiritlakenation.com

larus.longie@outlook.com



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

November 20, 2023

The Honorable Doug Burgum
Governor of North Dakota
600 East Boulevard Ave
Bismarck, ND 585005-0001

RE: Notice of Availability of the North Branch Park River Watershed Plan –
Environmental Impact Statement– Request for Interagency Comments and Invitation
to a Public Meeting on December 12, 2023.

Dear Governor Burgum,

In accordance with section 2 of Executive Order 10913, and our responsibility as assigned by the Secretary of Agriculture, we are transmitting for your review and comment the final draft of the North Branch Park River Watershed Plan – Environmental Impact Statement for the North Branch of the Park River Watershed in Cavalier, Pembina and Walsh counties of North Dakota. This plan is sponsored by the Park River Joint Water Resource District. The USDA Natural Resources Conservation Service assisted in the preparation of the plan under the authority of the Watershed Protection and Flood Prevention Act of 1954 (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 Park River Joint WRD proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

We request that comments be received by this office on or before January 12, 2024. If your comments are not received by this date, we will assume you do not wish to comment.

The complete Draft Watershed Plan-EIS can be accessed online at:
<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

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

Date: December 12, 2023

Time: 11:00 am

Location: Pembina County Courthouse, Farmers Room, 310 Dakota St. W, Cavalier, ND 58220

Please send comments to Christi Fisher, State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND, 58502-1458, or by phone at (701) 530-2091. Thank you for your timely response and cooperation with this project.

Sincerely,

DAN HOVLAND
State Conservationist



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

November 20, 2023

Melissa McCoy
NEPA Program Manager
1595 Wynkoop St.
Denver, CO 80202-1129

RE: Notice of Availability of the North Branch Park River Watershed Plan –
Environmental Impact Statement

Dear Manager McCoy:

The draft watershed plan-environmental impact statement for the North Branch Park River Watershed, Pembina County North Dakota, prepared under the authority of the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566) is now ready for agency and public review.

The complete Draft Watershed Plan-EIS can be accessed online at:
<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

The USFWS, USACE, Governor of North Dakota, and other interested parties have been sent links to the Draft Watershed Plan – EIS. Comments have been requested on or before January 12, 2024; the comment period will remain open for 45 days after publication of the NOA in the Federal Register.

Please send comments to Christi Fisher, State Conservation Engineer,
christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND, 58502-1458, or by phone at (701) 530-2091.

Sincerely,

DAN HOVLAND
State Conservationist



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

November 20, 2023

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

RE: Notice of Availability of the North Branch Park River Watershed Plan –
Environmental Impact Statement– Request for Interagency Comments and Invitation
to a Public Meeting on December 12, 2023.

Dear Ms. Erhardt:

The USDA Natural Resources Conservation Service (NRCS), with assistance from the local sponsoring agency, the Park River Joint Water Resource District, has completed the final draft watershed plan – environmental impact statement (EIS) for the North Branch Park River (NBPR) Watershed, Pembina County North Dakota. The NBPR Watershed is located within the Red River Basin and flows through Cavalier, Pembina and Walsh counties. NRCS wishes to thank the USACE for your participation with the planning team over the last several years, evaluating the multiple other alternatives considered in this watershed.

The Park River Joint WRD proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

We are requesting that you complete a final review this project in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). **We request that comments be received by this office on or before January 12, 2024.**

The complete Draft Watershed Plan-EIS can be accessed online at:
<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

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

Date: December 12, 2023

Time: 11:00 am

Location: Pembina County Courthouse, Farmers Room, 310 Dakota St. W, Cavalier, ND 58220

Please send comments to Christi Fisher, State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND, 58502-1458, or by phone at (701) 530-2091. Thank you for your timely response and cooperation with this project.

Sincerely,

DAN HOVLAND
State Conservationist



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

November 20, 2023

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

RE: Notice of Availability of the North Branch Park River Watershed Plan –
Environmental Impact Statement– Request for Interagency Comments and Invitation
to a Public Meeting on December 12, 2023.

Dear Mr. Becker:

The USDA Natural Resources Conservation Service (NRCS), with assistance from the local sponsoring agency, the Park River Joint Water Resource District, has completed the final draft watershed plan – environmental impact statement (EIS) for the North Branch Park River (NBPR) Watershed, Pembina County North Dakota. The NBPR Watershed is located within the Red River Basin and flows through Cavalier, Pembina and Walsh counties. NRCS wishes to thank the USFWS for your participation with the planning team over the last several years, evaluating the multiple other alternatives considered in this watershed.

The Park River Joint WRD proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

We are requesting that you complete a final review this project in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190). **We request that comments be received by this office on or before January 12, 2024.**

The complete Draft Watershed Plan-EIS can be accessed online at:
<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

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

Date: December 12, 2023

Time: 11:00 am

Location: Pembina County Courthouse, Farmers Room, 310 Dakota St. W, Cavalier, ND 58220

Please send comments to Christi Fisher, State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND, 58502-1458, or by phone at (701) 530-2091. Thank you for your timely response and cooperation with this project.

Sincerely,

DAN HOVLAND
State Conservationist

From: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
To: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
Bcc: [lsteckler@nd.gov](#); [stevev.crstpres@outlook.com](#); [jonathan.windyboy@nei-yahw.com](#); [kathryn.mcdonald@cskt.org](#); [cchistory@midstatesd.net](#); [garrie.killsahundred@fsst.org](#); [mblackwolf@ftbelknap.org](#); [d.youpee@fortpecktribes.net](#); [Farron Jackson](#); [lowersiouxthpo@lowersioux.com](#); [teanna.limpy@cheyennenation.com](#); [t.brings@oglala.org](#); [Kade Ferris \(kade.ferris@redlakenation.org\)](#); [ione.quigley@rst-nsn.gov](#); [jmann@easternshoshone.org](#); [dianned@swo-nsn.gov](#); [sfox@gondtc.com](#); [j.eagle@standingrock.org](#); [aaron.brien@crow-nsn.gov](#); [ademaray@mhanation.com](#); [desjarlaisjr.jeffrey@yahoo.com](#); [samanthao@uppersiouxcommunity-nsn.gov](#); [yst.thpo@gmail.com](#); [cbearing.nathpo@gmail.com](#); [jmflydown@gmail.com](#); [blatady@boisforte-nsn.gov](#); [Evanschroeder@fdlrez.com](#); [thpo@grandportage.com](#); [noah.white@piic.org](#); [terry.kemper@millelacsband.com](#); [kjgraywater@spirittlakenation.com](#); [larus.longie@outlook.com](#)
Subject: NOA North Branch Park River final Draft Watershed Plan - EIS and Public Meeting Invite
Date: Monday, November 20, 2023 3:05:00 PM
Attachments:

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 and Invitation to an in-person meeting to be held on December 12, 2023 in Cavalier, ND.

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: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
To: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
Bcc: [ericjensen@nd.gov](#); [llkemp@nd.gov](#); [benji@utma.com](#); [pembhwy@nd.gov](#); [Halverson, Kristina - FPAC-NRCS, ND](#); [sdiemert@nd.gov](#); [ccwb@nd.gov](#); [Jordan, Kathy - NRCS-CD, Langdon, ND](#); [wcwrb@nd.gov](#); [bkreft@nd.gov](#); [rrra@ideaone.net](#); [brianfuder@redriverretentionauthority.org](#); [krockema@nd.gov](#); [rgjestvang@nd.gov](#); [acarranza@nd.gov](#); [epavlish@nd.gov](#); [ndgspaleo@nd.gov](#); [lsteckler@nd.gov](#); [kgduttenehner@nd.gov](#)
Subject: Notice of Availability of the North Branch Park River Watershed Plan- EIS and Invite to Public Meeting
Date: Tuesday, November 21, 2023 4:23:00 PM
Attachments:

Dear Stakeholder,

Please see the attached NOA and request for comments on the North Branch Park River Watershed Draft Plan - EIS. A public meeting is scheduled for December 12th.
Please provide formal comments by January 26, 2024.

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



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

November 21, 2023

Landowner

RE: Notice of Availability of the North Branch Park River Watershed Plan – Environmental Impact Statement– Request for Comments and Invitation to a Public Meeting on December 12, 2023.

Dear Affected Landowner,

The USDA Natural Resources Conservation Service (NRCS), with assistance from the local sponsoring agency, the Park River Joint Water Resource District, has completed the Draft Watershed Plan – Environmental Impact Statement (EIS) for the North Branch Park River (NBPR) Watershed, Pembina County North Dakota.

NRCS is responsible for notifying potentially affected landowners of the availability of the Plan-EIS. The complete Draft Watershed Plan-EIS can be accessed online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

The Watershed Plan – EIS proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

You may be aware that at their recent November 14 meeting the Park River Joint Water Resource District voted to not pursue implementation of the project through final engineering design or construction at this time, due to the fact that local interest and support for the project has declined to the point the project does not appear feasible. In addition, there are concerns regarding long term operating costs for the project. The WRD did decide to complete the Watershed Plan-EIS for the project, given is nearly complete, by holding the final comment period on the plan.

Completion of the Watershed Plan-EIS for the North Branch Park River Watershed would serve to streamline future PL-566 projects in this watershed; those plans would simply supplement this base Watershed Plan-EIS if it is adopted. In addition, should circumstances change in the future, the WRD could choose to pursue final design or construction with the NRCS with an authorized watershed plan in place. For this reason, technical comments to ensure all potential environmental impacts are adequately addressed in the Draft Plan-EIS are being sought. Comments provided at the last meeting on February 23, 2023 were utilized to improve the EIS as summarized in Appendix A, pages 59-67, and we appreciate your input.

If you prefer to provide comments in person, a public meeting is scheduled to provide that opportunity:

Date: December 12, 2023

Time: 11:00 am

Location: Pembina County Courthouse, Farmers Room, 310 Dakota St. W, Cavalier, ND 58220

Comments on the Draft Watershed Plan-EIS must be received by this office on or before January 12, 2024 in order to be incorporated into the Final Plan-EIS.

Please send comments to Christi Fisher, State Conservation Engineer, christi.fisher@usda.gov, 220 E Rosser Ave, PO Box 1458, Bismarck, ND, 58502-1458, or by phone at (701) 530-2091. Thank you for your timely response and cooperation with this project.

Thank you for your participation in the North Branch Park River Watershed planning process.

Sincerely,

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

Appendix A- 7

NOA for Draft Plan-EIS - Federal Register

From: [EIS-Filing](#)
To: [Fisher, Christi - FPAC-NRCS, ND](#)
Cc: [EIS-Filing](#)
Subject: [External Email]e-NEPA Receipt of the Cart Creek Site 1 of the North Branch Park River Watershed Plan Draft EIS
Date: Tuesday, November 21, 2023 3:15:13 PM

You don't often get email from eis-filing@epa.gov. [Learn why this is important](#)

[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

This email confirms receipt of your filed Draft Environmental Impact Statement (EIS) titled, "Cart Creek Site 1 of the North Branch Park River Watershed Plan" (EIS/CEQ no. 20230166). The filed EIS will be part of the Environmental Protection Agency's (EPA) Notice of Availability (NOA) and published in the **Friday, December 1, 2023** Federal Register. Your EIS comment period ends on **January 26, 2024**. If this date is incorrect, please contact the EPA immediately. Please note that the official minimum comment/review periods are calculated from the date of the EPA's published NOA and cannot end on a weekend or a Federal holiday.

For future filings, please make sure all your uploaded documents contain metadata, bookmarks and open in bookmark view.

Please contact EIS-Filing@epa.gov if changes need to be made to the EIS record such as correcting pdfs, withdrawing an EIS, or delaying, extending, or reopening a comment/review period. If your agency requires a comment/review period extension, please send an official notification making the request through *e-NEPA*. Official notification may be a signed letter on agency letterhead by an appropriate approving official or a copy of the agency's published Federal Register public notice detailing a comment/review period extension. An email is not a sufficient official notification. When your request is received, you will receive an email confirmation and an amended notice will be published in the EPA's NOA. In addition, if your agency needs to withdraw the EIS, please send the EPA a letter on agency letterhead making the request.

For additional information, please visit: <https://www.epa.gov/nepa/environmental-impact-statement-filing-guidance>.

If you have additional questions on *e-NEPA* and EIS filings, please do not hesitate to contact me at 202-993-3272 via email at widner.jacob@epa.gov or Julie Roemele at 202-564-5632 or via email at roemele.julie@epa.gov or EIS-Filing@epa.gov.

Thanks,

Jacob D. Widner
NEPA Compliance Division
Office of Federal Activities
United States Environmental Protection Agency
Washington, DC
Cell: 202-993-3272

North Branch Park River Watershed (Cart Creek) - Notice of Availability of Draft EIS and Public Meeting

Notice of Availability of Draft Watershed Plan – Environmental Impact Statement and Public Meeting
December 12, 2023 for the North Branch Park River Watershed Plan sponsored by the Park River Joint Water Resource District (Pembina and Walsh Counties)

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Draft Watershed Plan – Environmental Impact Statement (Draft Plan-EIS) for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. Within the temporary flood pool, 133.6 acres of shallow retention cells will be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. Water will be held in those cells via closed control structures from spring through early fall, to allow growing vegetation to uptake dissolved phosphorus. Water will be drained through control structures and via a pumped subsurface drainage system to allow vegetation to be cut, baled, and removed from the site prior to the first frost in 2 out of each 3 years. The project will also result in restoration of 470.8 acres of wetlands, enhancement of 18.4 acres of existing wetlands, restoration of 36.3 acres of upland wildlife habitat, and protection of 3.9 acres of upland wildlife habitat. The construction of the diversion channels used to convey flows to the site will involve more than 410,000 cubic yards of excavation. The embankment constructed for flood protection consists of placement of more than 390,000 cubic yards of fill material. Dam and diversion feature construction will entail more than 450,000 cubic yards of excavation and approximately 440,000 cubic yards of fill material. Construction of interior features includes approximately 12,900 feet of interior embankment berms, perforated patterned drain tile across 133.6 acres, two water control structures, a pump station, and 303.0 acres of seeding of perennial vegetation.

The proposed improvements would be partially funded by NRCS through the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566).

You are invited to attend an in-person public meeting to provide input on this project:

Date: December 12, 2023

Time: 11:00 am

Location: Pembina County Courthouse, Farmers Room, 310 Dakota St. W, Cavalier, ND 58220

Comments on the Draft Plan-EA may be submitted during a public comment period starting **November 20, 2023 and ending on January 12, 2024**. The complete Draft Watershed Plan-EA can be accessed online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>

A printed copy of the Draft Plan-EA will also be available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND 58220, OR Walsh County Water Resource District 600 Cooper Ave Grafton, ND 58237

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

Dated: November 27, 2023.

Dzung Kim Ngo Kidd,

Acting Director, Water Division, Region 6.

[FR Doc. 2023–26437 Filed 11–30–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–11578–01–R3]

Delegation of Authority to the Commonwealth of Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: On October 24, 2023, the Environmental Protection Agency (EPA) sent the Commonwealth of Virginia (Virginia) a letter acknowledging that Virginia's delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public, EPA is making available a copy of EPA's letter to Virginia through this notice.

DATES: On October 24, 2023, EPA sent Virginia a letter acknowledging that Virginia's delegation of authority to implement and enforce certain Federal NSPS and NESHAPs had been updated.

ADDRESSES: Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Blvd., Philadelphia, PA 19103–2029. Copies of Virginia's submittal are also available at the Virginia Department of Environmental Quality, 1111 East Main Street, Richmond, VA 23219.

FOR FURTHER INFORMATION CONTACT: Yongtian He, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2339, or Mr. He can also be reached via electronic mail at He.Yongtian@epa.gov.

SUPPLEMENTARY INFORMATION: On March 16, 2023, Virginia notified EPA that Virginia had updated its incorporation

by reference of Federal NSPS, NESHAP, and Maximum Available Control Technology (MACT) standards to include many such standards, as they were published in final form in the Code of Federal Regulations (CFR) dated July 1, 2022. On October 24, 2023, EPA sent Virginia a letter acknowledging that Virginia now has the authority to implement and enforce the NSPS, NESHAP, and MACT standards as specified by Virginia in its notice to EPA, as provided for under previously approved automatic delegation mechanisms. All notifications, applications, reports, and other correspondence required pursuant to the delegated NSPS, NESHAP, and MACT must be submitted to both EPA, Region III and to the Virginia Department of Environmental Quality, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the Virginia Department of Environmental Quality. A copy of EPA's letter to Virginia follows:

“Michael G. Dowd, Director
Air Division
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218
Dear Mr. Dowd:

The United States Environmental Protection Agency (EPA) has previously delegated to the Commonwealth of Virginia (Virginia) the authority to implement and enforce various federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and National Emission Standards for Hazardous Air Pollutants for Source Categories (MACT standards) which are found at 40 CFR parts 60, 61 and 63, respectively. In those actions, EPA also delegated to Virginia the authority to implement and enforce any future federal NSPS, NESHAP or MACT Standards on the condition that Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated March 16, 2023, Virginia submitted to EPA revised versions of Virginia's regulations which incorporate by reference specified federal NSPS, NESHAP and MACT standards, as those federal standards had been published in final form in the Code of Federal Regulations dated July 1, 2022. Virginia committed to enforcing the federal standards in conformance with the terms of EPA's previous delegations of authority and made only allowed wording changes.

Virginia stated that it had submitted the revisions “to retain its authority to enforce the NSPSs and NESHAPs under the delegation of authority granted by EPA on August 27, 1981 (46 FR 43300) and to enforce

the MACT standards under the delegation of authority granted by EPA on January 26, 1999 (64 FR 3938) and January 8, 2002 (67 FR 825).”

Virginia provided copies of its revised regulations which specify the NSPS, NESHAP and MACT Standards which it had adopted by reference. Virginia's revised regulations are entitled 9 VAC 5–50 “New and Modified Stationary Sources,” and 9 VAC 5–60 “Hazardous Air Pollutant Sources.” These revised regulations have an effective date of March 15, 2023.

Based on Virginia's submittal, EPA acknowledges that EPA's delegations to Virginia of the authority to implement and enforce EPA's NSPS, NESHAP, and MACT standards have been updated, as provided for under the terms of EPA's previous delegation of authority actions, to allow Virginia to implement and enforce the federal NSPS, NESHAP and MACT standards which Virginia has adopted by reference as specified in Virginia's revised regulations 9 VAC 5–50 and 9 VAC 5–60, both effective on March 15, 2023.

EPA appreciates Virginia's continuing NSPS, NESHAP and MACT standards enforcement efforts, and also Virginia's decision to take automatic delegation of additional or updated NSPS, NESHAP and MACT standards by adopting them by reference.

Sincerely,
Cristina Fernandez, Director
Air and Radiation Division”

This notice acknowledges the update of Virginia's delegation of authority to implement and enforce NSPS, NESHAP, and MACT standards.

Cristina Fernandez,

Director, Air and Radiation Division, Region III.

[FR Doc. 2023–26440 Filed 11–30–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–098]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>.

Weekly receipt of Environmental Impact Statements (EIS)

Filed November 17, 2023 10 a.m. EST
Through November 27, 2023 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20230164, Final, FAA, ID, Adoption—Airspace Optimization for Readiness for Mountain Home Air Force Base, Contact: Lonnie Covalt 206–231–3998.

The Federal Aviation Administration (FAA) has adopted the United States Air Force's Final EIS No. 20230035 filed 02/22/2023 with the Environmental Protection Agency. The FAA was a cooperating agency on this project. Therefore, republication of the document is not necessary under section 1506.3(b)(2) of the CEQ regulations.

EIS No. 20230165, Draft, USFS, WY, Dell Creek and Forest Park Elk Feedgrounds: Long-Term Special Use Permits, Comment Period Ends: 01/16/2024, Contact: Randall Griebel 307–739–5537.

EIS No. 20230166, Draft, NRCS, ND, Cart Creek Site 1 of the North Branch Park River Watershed Plan, Comment Period Ends: 01/26/2024, Contact: Christi Fisher 701–530–2091.

EIS No. 20230167, Final Supplement, USFS, NAT, Nationwide Aerial Application of Fire Retardant on National Forest System Lands, Review Period Ends: 01/02/2024, Contact: Laura Conway 406–802–4317.

Dated: November 27, 2023.

Julie Smith,

Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2023–26426 Filed 11–30–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–11577–01–R3]

Delegation of Authority to the State of West Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: On October 24, 2023, the Environmental Protection Agency (EPA) sent the State of West Virginia (West Virginia) a letter acknowledging that West Virginia's delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated

facilities and the public, EPA is making available a copy of EPA's letter to West Virginia through this notice.

DATES: On October 24, 2023, EPA sent West Virginia a letter acknowledging that West Virginia's delegation of authority to implement and enforce Federal NESHAP and NSPS had been updated.

ADDRESSES: Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103. Copies of West Virginia's submittal are also available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Yongtian He, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2339. Mr. He can also be reached via electronic mail at He.Yongtian@epa.gov.

SUPPLEMENTARY INFORMATION: On May 1, 2023, West Virginia notified EPA that West Virginia had updated its incorporation by reference of Federal NESHAP and NSPS to include many such standards as found in title 40 of the Code of Federal Regulations (CFR), parts 60, 61, and 63 as of June 1, 2021. On October 24, 2023, EPA sent West Virginia a letter acknowledging that effective June 1, 2023, West Virginia has the authority to implement and enforce the NESHAP and NSPS as specified by West Virginia in its notices to EPA, as provided for under previously approved automatic delegation mechanisms (49 FR 48692, December 14, 1984, and 67 FR 15486, April 2, 2002, EPA delegation letters dated March 19, 2001 and January 8, 2002). All notifications, applications, reports, and other correspondence required pursuant to the delegated NESHAP and NSPS must be submitted to both EPA Region III and to the West Virginia Department of Environmental Protection, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the West Virginia Department of Environmental Protection. A copy of EPA's October 24, 2023 letter to West Virginia follows:

“Ms. Laura M. Crowder, Director

Division of Air Quality
West Virginia Department of Environmental Protection

601 57th Street SE
Charleston, West Virginia 25304
Via email at laura.m.crowder@wv.gov

Dear Ms. Crowder:

This letter acknowledges your letter dated May 1, 2023 in which the West Virginia Department of Environmental Protection (WVDEP) Division of Air Quality (DAQ) informed the United States Environmental Protection Agency (EPA) that West Virginia had updated its incorporation by reference of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) to include many such standards as found in 40 CFR parts 60, 61, and 63 as of June 1, 2022. WVDEP DAQ noted in the letter that it understood it was automatically delegated the authority to implement these standards. WVDEP DAQ stated its intent to enforce the standards in conformance with the terms of EPA's previous delegations of authority pursuant to the EPA final rules published at 49 FR 48692 and 67 FR 15486, and EPA delegation letters.

In two rulemakings, 49 FR 48692 (December 14, 1984) and 67 FR 15486 (April 2, 2002), EPA established the basis for delegation to West Virginia of specified federal standards at 40 CFR parts 60, 61, and 63. Subsequently, in a letter dated March 19, 2001 to WVDEP Director Michael Callaghan, EPA delegated to the State of West Virginia the authority to implement and enforce various federal NESHAP found in 40 CFR part 63. In another letter to Director Callaghan dated January 8, 2002, EPA delegated to the State of West Virginia the authority to implement and enforce various federal NESHAP found in 40 CFR part 61 and NSPS found in 40 CFR part 60. In those letters, EPA also established that future part 60, part 61, and part 63 standards would be automatically delegated to West Virginia subject to the conditions set forth in those letters. Those rulemakings and letters continue to control the conditions of delegation of future standards and their terms should be consulted for the specific conditions that apply to each regulatory program. However, in general terms, for automatic delegation to take effect, the letters establish conditions that can be paraphrased as requiring: legal adoption of the standards; restrictions on the kinds of wording changes West Virginia may make to the federal standards when adopting them; and specific notification from West Virginia to EPA when a standard has been adopted.

WVDEP DAQ provided copies of the revised West Virginia Legislative Rules which specify the NESHAP and NSPS regulations West Virginia has adopted by reference. These revised Legislative Rules are entitled 45 CSR 34—“Emission Standards for Hazardous Air Pollutants,” and 45 CSR 16—“Standards of Performance for New Stationary Sources.” These revised Rules have an effective date of June 1, 2023. EPA has reviewed the revised rules and determined that they meet the conditions for automatic delegation as established by EPA in its prior letters and rulemakings.

Appendix A- 8

Comment and Disposition Summary

-



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

January 23, 2024

Re: North Branch Park River Watershed (Cart Creek)

Dear Ms. Fisher,

The North Dakota Game and Fish Department (Department) has received notification of the draft watershed plan for the North Branch Park River Watershed (Cart Creek). This Project is sponsored by the Park River Joint Water Resource Board and consists of a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles and embankment of 2.6 miles. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway and inundate 466 acres of temporary flood storage. The project is in Section 24, Township 160 North, Range 56 West of Pembina County.

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.

Although the presence of sensitive bat species was addressed in the Biological Inventory Report, the Department recommends adding bridge and culvert structures as potential roosting habitat for bat species (in addition to live and dead trees). The Department requests that presence surveys be conducted on affected bridge or culvert structures prior to work being initiated. If bats are found to be present, the Department or the U.S. Fish and Wildlife Service North Dakota Ecological Services Field Office should be contacted for further guidance.

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 Draft Watershed Plan and Environmental Impact Statement with the known presence of zebra mussels in the Red River Basin, 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.

Lastly, the Department would like to encourage public use of this newly enhanced wetland complex for outdoor recreationists such as bird watching, waterfowl, upland, and big-game hunting opportunities.

Sincerely,



(for)

Greg Link
Chief

Conservation & Communications Division

Governor
Doug Burgum

Director
Jeb Williams

Deputy Director
Scott A. Peterson



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

January 26, 2024

Ref: ORA-N

Christi Fisher, P.E.
USDA-NRCS ND State Conservation Engineer
220 E Rosser Ave
P.O. Box 1358
Bismark, ND 58502

Dear Christi Fisher:

The U.S. Environmental Protection Agency has reviewed the November 2023 Draft Watershed Plan and Environmental Impact Statement (EIS) for Cart Creek Site 1 of the North Branch Park River Watershed (Project) by the US Department of Agriculture Natural Resources Conservation Service. The following comments were prepared in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). The CAA Section 309 role is unique to EPA. It requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement.

Nutrient loading in the Red River consistently exceeds international water quality agreements between the U.S. and Canada and non-point sources of these nutrients in the North Branch Park River watershed contribute to this issue. The Project proposes to construct an off-channel dry dam along Cart Creek in the North Branch Park River watershed with a temporary flood storage capacity of 2,593 acre-feet, a 2.6-mile earthen embankment, and supporting spillways and diversion structures. To help address the nutrient loading issue in the greater Red River basin, a portion of the Project's temporary flood pool will be used for phosphorus and nitrogen removal through regular biomass harvest and the remaining temporary flood pool area will be used as a restored wetland and protected wildlife habitat. Potential Project benefits include improvements to flood control, reduced nutrient loading, and increases in the available wetland and wildlife habitat in the watershed.

The EPA appreciates the detailed Project descriptions and environmental analyses included in the Draft EIS. The baseline conditions laid out in these descriptions clearly identify the project scope and its resource implications and has made public review of the action clear. We also appreciated the utilization of many current EPA analysis tools throughout the Draft EIS including a robust Environmental Justice analysis informed by current EPA data. The EPA also recognizes the efforts made in the transition of the Project from an Environmental Assessment to an EIS to obtain more current public comments before the publication of the Final EIS.

The EPA did not identify significant environmental concerns to be addressed in the Final EIS and is providing the enclosed Alternatives development, biomass Operation and Maintenance Plan, air resources, climate change, and social cost of greenhouse gases recommendations to improve the assessment of the overall environmental outcomes of the proposed action. We thank you for the work already put into the Draft EIS and for the opportunity to provide additional feedback during the final

stages of its development. If further explanation of our comments is desired, please contact Melissa McCoy, NEPA Branch Manager, at (303) 312-6155 or mccoy.melissa@epa.gov, or Carolyn Gleason, Lead Reviewer for this project, at (303) 312-6641 or gleason.carolyn@epa.gov.

Sincerely,

Signing for:
Melissa W. McCoy, Ph.D., J.D.
NEPA Branch Manager
Office of the Regional Administrator

Enclosure: EPA Comments Draft Watershed Plan and EIS for Cart Creek Site 1 of the North Branch
Park River Watershed

Enclosure - EPA Comments

Draft Watershed Plan and EIS for Cart Creek Site 1 of the North Branch Park River Watershed

Alternatives Development

Appendix D-2 of the Draft EIS outlines the screening process for the Project Alternatives that were carried forward for detailed review. Based on our review of Appendix D-2 and Section 4.2 of the Draft EIS, the EPA has noticed several Alternatives, such as reductions in runoff volume, increased conveyance capacity, riparian corridor restoration, and floodplain easements, that were eliminated from detailed study because they only met one of the two parts of the purpose and need or were generally unpopular with local landowners. Such alternatives, however, may still be able to meet both Project purposes and needs when combined with each other or with other structural alternatives (e.g., dry dam, levees, detention areas, etc.). These combinations may also more effectively reduce the scale of the construction efforts needed to develop structural alternatives, reducing their overall environmental impacts.

While we understand that local support is helpful for the detailed consideration of reasonable actions, it is not apparent why it would render an Alternative totally unreasonable or unworthy of detailed consideration. Such efforts allow for a fuller understanding of the costs and benefits (both economic and environmental) of various alternatives and combinations. Furthermore, investigation and education through Project development work can also lead to changes in perception by landowners. For this reason, we recommend investigating additional opportunities to expand upon the eliminated alternatives that could have reduced the sources of non-point source pollution and excess runoff in the region by exploring EPA non-point source pollution management (i.e. Clean Water Act Section 319) grants and educational resources^{1,2}. While the full development of the types of initiatives that qualify for these grants may be outside of the scope of the Project, they would be worth touching on briefly in the Draft EIS in order to more fully demonstrate the consideration of greater watershed protection measures that did not meet the flood control project design constraints but could effectively reduce the need for future projects of a similar nature within the watershed. Such initiatives can therefore also reduce future environmental impacts to the watershed overall.

We also note that the reducing runoff volume was eliminated from detailed study under the Project because eliminating production agriculture within the watershed is not feasible; however, this is an artifact of the preliminary analysis only evaluating conversion of the entire watershed to perennial vegetation. We recommend instead evaluating whether conversion to perennial vegetation within smaller, targeted areas could provide flood reduction and watershed protection benefits. This could also be considered in combination with other actions (as described in the paragraph above), such as use of precision agriculture to reduce fertilizer overuse. Similarly, the riparian corridor restoration alternative described in Section 4.2.1.6 was also eliminated primarily due a perceived lack of local land access and support, which made implementation and logistics difficult over a time period that addresses the total flood hazard efficiently. This elective corridor restoration concept could instead be combined with other Alternatives to both meet reasonable project timelines and improve the upstream riparian environment where accessible.

¹ See, <https://www.epa.gov/nps/319-grant-program-states-and-territories>

² See, <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/non-point-source-pollution-partnership-319>

We also recommend detailing more about the flood conveyance capacity improvements modeled in Section 4.2.1.2. It is unclear if these improvements include natural peak flow diversion structures such as oxbows or only those using artificial materials. Natural structures that are permeable and include meanders may be able to increase conveyance capacity and reduce flow rates. These structures may mitigate the channelization and downstream flood risks that eliminated them from detailed study in Section 4.2.1.2.

Biomass Operation and Maintenance Plan

Section 7.8 describes the operation and maintenance (O&M) plan for the water control structure maintenance and biomass harvesting that will be required over the life of the Project. While it notes that additional details for the plan will be incorporated during the final Project design phase, we recommend that the Final EIS O&M plan establish thresholds for success for the biomass harvesting effort. This could include water or soil quality standards from the Project flow and retention cells, which would provide more specific triggers for sponsor and NRCS response action if water quality improvement expectations are not met over a reasonable timeline. Typically, action plans for failures and response timelines are then set for periods when project standards are not able to be met. We further recommend collaboration with the North Dakota Department of Environmental Quality on the final O&M plan to ensure their concurrence with the thresholds and timelines that it establishes. While we understand that biomass harvesting initiatives are new for the Project area, we recommend that the adaptive management plans for these efforts still stipulate specific boundary conditions. These conditions should include a list of acceptable crops for use in the retention cells and a detailed delineation of the respective enforcement responsibilities shared between NRCS and the Park River Joint Water Resource District (Sponsor). Financial assurance should also be explored in the O&M plan with financial expectations listed for NRCS and the Sponsor if project environmental quality goals are not met as the biomass harvesting initiative is implemented.

Air Resources

EPA recognizes and appreciates the efforts made in Section 5.2 to account for the criteria pollutant emissions associated with the Project. We also appreciate the commitment to construct the project using lower emitting Tier 4 equipment for all but one class of equipment listed in the Draft EIS (which will be Tier 3 [i.e., Off Road Trucks- Cat 770G]). This commitment to use these engine types will significantly reduce the air pollution impacts of Project activities.

Our primary recommendations for further strengthening this section would be to use the equipment roster and emission factors provided in Tables 5-7 and 5-8 to quantify the expected tailpipe emissions of CO, NO_x, and PM during construction of the Project, and provide additional transparency regarding the inputs used to generate fugitive dust emission factors and calculate the PM₁₀ emissions shown in Table 5-9 so that the emissions estimates are replicable by the reader in the Final EIS. For example, Table 5-7 provides a general roster of the equipment that would be used during Project construction, but it does not indicate what quantities of vehicles would be used. Based on the earthmoving and vehicle travel assumptions that are required in order to present the values and calculations presented in Table 5-9, the vehicle counts may be known, but are not documented in the Draft EIS equipment roster.

With regard to PM₁₀ emissions presented in Table 5-9 we appreciate that these emissions have been estimated. Since the emission factors for these activities rely on equations with input assumptions, we recommend providing the detailed emission inventory for these emissions (as well as those outlined

above) as an appendix to the Final EIS so that emission estimates can be fully understood.

Climate Change

The Draft EIS does not discuss greenhouse gas (GHG) emissions from the Project's construction and maintenance (e.g., biomass removal, diversion clearing, etc.) activities, how those emissions relate to climate change impacts, and how climate change could impact the proposed action. We recommend considering the addition of separate climate change analyses in the Affected Environment and Environmental Consequences sections. While the document mentions increasing flood frequency trends that help to justify the need for additional flood mitigation in the North Branch Park River watershed, it does not relate these trends to global climate change, and how these trends may develop in the future with continued climate change and potentially affect the effectiveness of the Project. We recommend that the Final EIS explore and incorporate climate change resiliency in the design and implementation of the Project.

Social Cost of GHGs (SC-GHG)

To assist with quantifying the GHG impacts of the Project, we encourage NRCS to consider including estimates of the SC-GHGs associated with the Alternatives. These estimates effectively monetize the value of the net changes in the GHG emissions resulting from Project activities and would be beneficial to the EIS because they can be used to quantify and compare the potential 'costs' of the Project's GHGs with its projected environmental and economic benefits.

We therefore recommend calculating the SC-GHG calculations and discussing them within the Climate Change impacts analysis section proposed above. We believe that this recommendation could be accomplished in brief while adding more specific environmental impacts information to the Final EIS.

EPA's November 2023 *Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances* provides the most current information on generating SC-GHG calculations.³ The report outlines four modules to employ in SC-GHG analysis: Socioeconomics, climate, damages, and discounting. There is also an estimate of SC-GHG from 2020 to 2080 that could be used within the context of the impacts or relative 'costs' over the life of the project. EPA also recommends that SC-GHG calculations give specific information regarding the social cost estimate related to individual gases (i.e., use SC-CO₂ to monetize CO₂ emissions changes, and use SC-CH₄ to monetize CH₄ emissions changes, etc.).

³ See <https://www.epa.gov/environmental-economics/scghg>

Number	Comment	Response	Relevant Section in EIS	Substantive Y/N
1	12/12/23 - Public Participant: Question on the effectiveness of the model given a rain on snow scenario.	As outlined Appendix D-1, the modeling was calibrated to historic rainfall events in May of 2010 and May of 2013 to within 10% of volume and peak flow. While no perfect models exist that address a rain on snow event exactly, this is a solid model for economic evaluation and preliminary design of the structure. During a rain on snow event, the preferred alternative would still function and store runoff and provide downstream benefits.	Appendix D-1	N
2	12/12/23 - Public Participant: Still concerned about shale deposition (which happens frequently to the river channel) and how that would impact the functioning of the diversion channel and dam.	Additional information regarding sediment and deposition concerns raised during scoping was incorporated into the EIS Section 5.1.3.2. Sediment deposition in the reservoir and inlet channels is estimated to accumulate at an average rate of 0.16 ac-ft/year. For the service life of the reservoir (50-years), the total sediment volume estimate is 8.2 ac-ft. This volume is ~0.9% of volume at principal spillway and 0.2% of volume at top of dam; which sedimentation is considered a low concern for dam safety and environmentally.	EIS Section 5.1.3.2 Alluvial Soils	Y
3	12/12/23: Public Participant: Question on whether economic analysis (Appendix D-4 May 2022) was still relevant at the time of the meeting given it was completed in 2022 and it is now 2024 (price increases, inflation).	Although it is true that construction costs have increased, so have prices and damage values. The relative benefit and cost ratios, therefore, remain approximately the same. Watershed planning is a time consuming endeavor, so it is typically the case that economic analyses are several years outdated by the end of the planning process.	Appendix D-4	N
4	12/12/23: Public Participant: Voiced preference for alternative location of dams to the west of the city of Mountain to control shale	Constructing Dams West of Hwy 32 on Unnamed Creeks was an alternative eliminated from detailed study because of its limited ability to effectively meet the purpose and need of the project. Additional related information was added to EIS Section 4.2.1.10. Ten dams were analyzed and were found to provide only limited storage due to the confined landscape shape. Storage from these structures would be minimal doing the peak flow and there would be only minor reductions in nutrient loads. Note that this relates to the plan purpose statement adopted by the planning team, which was to address flood damage reduction and watershed protection. Although small dams would not be effective at flood damage reduction, they would be effective for trapping shale as noted by the individual. Shale removal was not determined to be a stand alone purpose of the watershed plan by the local Sponsor, however.	EIS Section 4.2.4.10 - Strategies Eliminated from Detailed Study	Y
5	12/12/23: Public Participant: Concern of the responsibility of the costs of managing the cattail biomass.	The local Sponsor, Walsh Co WRD, would be responsible for O&M for the 50-year lifespan. The economic impacts, including economic estimates for Operation and Maintenance were thoroughly analyzed and discussed in Appendix D-4 and sections 7.8 and 7.9 of the Draft Plan- EIS. It was the determination of the Sponsor that federal assistance for construction of the dam warranted the O&M investment. As discussed at the public meeting, the intention was to look for assistance from potential partners with an interest in wildlife habitat and nutrient reduction if the project were to progress towards implementation.	Appendix D-4 and EIS Sections 7.8 Operation, Maintenance and Replacement and 7.9 Economic and Structural Tables	N
6	1/23/2024: ND Game and Fish Dept: Sedimentation entering the waterway during construction should be minimized with the use of appropriate erosion control measures. Any disturbed areas due to construction shall be reseeded to an approved native pollinator mix.	Agreed. Potential construction impacts and mitigation techniques are included in Section 5.4 of the Plan EIS. Erosion control measures and revegetation would be thoroughly incorporated into the final design construction specifications and O&M Plan.	EIS Section 5.4 Environmental Consequences - Plants and Animals	N
7	1/23/2024: ND Game and Fish Dept: Request for bridge and culvert structure surveys as potential roosting habitat for bat species prior to construction. If bats are present request USFWS to be notified.	Additional information provided in Section 5.4.12 of the EIS. Field survey to confirm no presence of roosting bats within culverts and bridges proposed to be disturbed would be conducted by NRCS immediately prior to construction and consultation with USFWS completed. NRCS would utilize the USFWS IPAC consultation software will be required in the final design phase, as well, to assure no new information has occurred that would impact the NLEB. Construction specifications would require contractor to stop work if NLEB or whooping cranes were observed.	EIS Section 5.4.12 Env. Consequences - T&E	Y

8	1/23/2024: ND Game and Fish Dept: Request Aquatic Nuisance Species (ANS) rules be followed to prevent the introduction of undesirable species of plants and animals. Request 72-hour notice for NDGF inspection of all vehicles, vessels, pumps and equipment that will be used in the project or on the waters.	Additional detail provided in Section 5.4.14 of the Plan- EIS. The NDGF ANS regulations would be fully incorporated into the final design construction specifications governing the work of the construction contractor.	EIS Section 5.4.14 Env Consequences - Invasive Species	Y
9	1/23/2024: ND Game and Fish Dept: Request for sponsor to encourage public use of the newly enhanced wetland complex for outdoor recreationists for bird watching, waterfowl, upland and big-game hunting opportunities.	Comment has been provided to the Park River Joint WRD for consideration.		N
10	1/26/24: USEPA: Comment: "The EPA did not identify significant environmental concerns to be addressed in the Final EIS"	Noted		N
11	1/26/24: USEPA: Recommendation: Investigate additional opportunities to expand upon the eliminated alternatives that could have reduced the sources of non-point source pollution and excess runoff in the region with grants and educational resources. Suggest these would be worth touching on briefly in the Final EIS.	Additional information added to Section 4.2 as recommended.	EIS Section 4.2 Alternatives Eliminated from Detailed Study	Y
12	1/26/24: USEPA: Recommendation: Include a reducing runoff scenario that would include smaller, targeted perennial vegetation areas rather than the elimination of production agriculture. This could be considered in combination with other actions such as Nutrient Management and River corridor restoration (section 4.2.1.6).	Distributed small perennial vegetation areas in sufficient quantity to generate meaningful flood reduction in the watershed and would be impractical for the local Sponsor to purchase land rights for and conduct O&M on (which is a requirement of the PL-566 Watershed Program). Cost share to support voluntary implementation by individual landowners is available through USDA conservation programs already, but is rarely sought by landowners in this highly productive agricultural landscape.	EIS Section 4.2.1.6	N
13	1/26/24: USEPA: Recommendation: Detailing more about the flood conveyance capacity improvements modeled in section 4.2.1.2 - it is unclear if these improvements include natural peak flow diversion structures such as oxbows or only using artificial materials.	There is no potential to utilize natural oxbows for channelization projects in this landscape given that the floodplain has been filled, leveled, and drained for crop production and many reaches of the river already straightened into a "ditched" condition.	EIS Section 4.2.1.2	N
14	1/26/24: USEPA: Recommendation: The final EIS O&M Plan establish thresholds for success for the biomass harvesting effort including standards for water or soil quality and action plans for failures and response timelines. Recommend collaborating with NDDEQ on the final O&M Plan. Recommend adaptive management plans include a list of acceptable crops for use in the retention cells and enforcement responsibilities shared between NRCS and the Sponsor. Recommend financial assurance be explored in the O&M Plan.	Additional information added to Section 7.8 added to address many of these items. At this point, although there is interest in alternative crops, none have been identified to have a higher DP uptake than natural wetland vegetation. The PL-566 program requires repayment of all federal construction funds by Sponsors found in violation of their O&M Agreement, as noted in Section 7.8.	EIS Section 7.8 Operation, Maintenance, and Replacement	Y
15	1/26/24 USEPA: Recommend quantifying the tailpipe emissions of CO, NOx and PM during construction of the Project. Recommend providing additional transparency regarding inputs used to generate fugitive dust and PM10 so that emission estimates are replicable by the reader in the final EIS.	Tailpipe emissions were added in Table 5-8 per request. Providing written out calculations for these would be time consuming and is more than is provided for other quantitative computations completed for the EIS. Data via excel spreadsheet is available on request.	EIS Section 5.2 Environmental Consequences - Air	Y
16	1/26/24 USEPA: Recommend discussing greenhouse gas (GHG) emissions from the project's construction and maintenance activities and how these relate to climate change impacts. Recommend considering the addition of separate climate change analysis in the Affected Environment and EC sections. Recommend the Final EIS explore and incorporate climate change resiliency in the design and implementation of the Project.	Section 3.3.14 added, which documents existing condition emission rate assumptions from references for reduced equipment emissions and net ecosystem CO2 exchange for annual crops and perennial vegetation. Within Section 5.2.10.2, documents post construction air quality improvement estimate is 278 tons of CO2 annually based on conversion of 129.2 acres of annual crops to perennial vegetation.	EIS Section 3.3.14 Affected Environment - Air and 5.2.10.2 Environmental Consequences - Air	Y

17	1/26/24 USEPA: Recommend including the Social Cost of GHG impacts of the project. The estimates would monetize the value of the net changes in the GHG emissions with the projected environmental and economic benefits. Recommend discussing these within the climate change impacts analysis section in the final EIS. Recommend utilizing EPA's November 2023 Report on the Social Cost of Greenhouse Gases.	GHG reductions would fall into the category of benefits NRCS terms Watershed Protection. As with other benefits in that category, NRCS quantifies environmental benefits but does not monetize them.	EIS Section 5.5.18 Environmental Consequences - Human/Social Issues	N
----	---	--	---	---

Appendix A- 9

NOA for Final Plan-EIS Final Comments and Disposition Record of Decision

-

North Branch Park River Watershed (Cart Creek) – Notice of Availability of Final Plan-EIS

Notice of Availability of Final Watershed Plan- Environmental Impact Statement for the North Branch Park River Watershed Plan sponsored by the Park River Joint Water Resource District (Pembina County WRD and Walsh County WRD)

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Final Watershed Plan – Environmental Impact Statement for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. Within the temporary flood pool, 133.6 acres of shallow retention cells will be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. The project will also result in restoration of 470.8 acres of wetlands, enhancement of 18.4 acres of existing wetlands, restoration of 36.3 acres of upland wildlife habitat, and protection of 3.9 acres of upland wildlife habitat.

The proposed project would be partially funded by USDA-NRCS through the Watershed Flood Prevention and Operations Program authorized by Public Law 83-566.

Comments received by January 26, 2024 on the Draft Watershed Plan-EIS were addressed in the Final Watershed Plan-EIS, available online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>. Printed copies of the Final Watershed Plan -EIS are available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND and the Walsh County Water Resource District 600 Cooper Ave Grafton, ND.

Submit written comments on the Final Watershed Plan EIS by August 23, 2024 by email to christi.fisher@usda.gov or by mail to:

Christi Fisher, State Conservation Engineer
USDA-NRCS North Dakota State Office
220 East Rosser Avenue
Bismarck, ND 58502-1458

All comments received, including the names and addresses of those people who comment, will be part of the public record and will be released for public review as required and allowed by law. Comments, information, and analyses provided should be as specific as possible. An explanation of why the information is important to the analysis should be included.

For further information contact: Christi Fisher, ND NRCS State Conservation Engineer, 220 East Rosser Ave, Bismarck ND (701)530-2091 christi.fisher@usda.gov

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA,)
) ss.
County of Pembina)

Judy L. Schroeder, being first duly sworn, on his/her oath deposes and says; that THE CAVALIER CHRONICLE is a weekly newspaper of general circulation printed and published in the City of Cavalier, County of Pembina and State of North Dakota, by Chronicle Publishing 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 **Office Manager** of said Cavalier Chronicle in charge of the advertising and the advertisement of

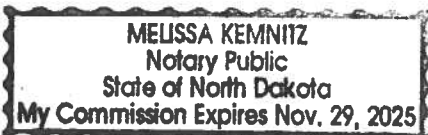
Notice of Plans Availability-North Branch USDA-Conservation Svcs
a printed copy of which is hereto annexed, was printed and published in every copy of each issue of said Cavalier Chronicle for a period of

one consecutive weeks, to-wit:

July 17, 20 24 81 lines @ \$.87
_____, 20 _____ lines @ _____
_____, 20 _____ lines @ _____
_____, 20 _____ lines @ _____

Judy L. Schroeder

Subscribed and sworn to before me this 17th day
of July, A.D., 2024.



Melissa Kemnitz
NOTARY PUBLIC

North Branch Park River Watershed (Cart Creek) -

Notice of Availability of Final Plan-EIS
Notice of Availability of Final Watershed Plan- Environmental Impact Statement for the North Branch Park River Watershed Plan sponsored by the Park River Joint Water Resource District (Pembina County WRD and Walsh County WRD).

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Final Watershed Plan - Environmental Impact Statement for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 486-acres for a duration of less than two weeks during flood events. Within the temporary flood pool, 133.6 acres of shallow retention cells will be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. The project will also result in restoration of 470.8 acres of wetlands, enhancement of 18.4 acres of existing wetlands, restoration of 38.3 acres of upland wildlife habitat, and protection of 3.9 acres of upland wildlife habitat.

The proposed project would be partially funded by USDA-NRCS through the Watershed Flood Prevention and Operations Program authorized by Public Law 83-566.

Comments received by January 26, 2024 on the Draft Watershed Plan-EIS were addressed in the Final Watershed Plan-EIS, available online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>. Printed copies of the Final Watershed Plan -EIS are available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND and the Walsh County Water Resource District 600 Cooper Ave Grafton, ND.

Submit written comments on the Final Watershed Plan EIS by August 23, 2024 by email to christi.fisher@usda.gov or by mail to:

Christi Fisher, State Conservation Engineer
USDA-NRCS North Dakota State Office
220 East Rosser Avenue
Bismarck, ND 58502-1458

All comments received including

Bismarck State Office

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

The Honorable Doug Burgum
Governor of North Dakota
600 E, Boulevard Ave
Bismarck, ND 58505-0001

**Letter also sent to ND Congressional
Delegation - Senators Hoeven, Cramer and
Representative Armstrong**

July 12, 2024

**RE: Notice of Availability of the Final North Branch Park River Watershed Plan –
Environmental Impact Statement**

Dear Governor Burgum:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Final Watershed Plan – Environmental Impact Statement for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. Within the temporary flood pool, 133.6 acres of shallow retention cells will be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. The project will also result in restoration of 470.8 acres of wetlands, enhancement of 18.4 acres of existing wetlands, restoration of 36.3 acres of upland wildlife habitat, and protection of 3.9 acres of upland wildlife habitat.

The proposed project would be partially funded by USDA-NRCS through the Watershed Flood Prevention and Operations Program authorized by Public Law 83-566.

Comments received by January 26, 2024 on the Draft Watershed Plan-EIS were addressed in the Final Watershed Plan-EIS, available online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>. Printed copies of the Final Watershed Plan - EIS are available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND and the Walsh County Water Resource District 600 Cooper Ave Grafton, ND.

Submit written comments on the Final Watershed Plan EIS by August 23, 2024 ,by email to christi.fisher@usda.gov or by mail to:

Christi Fisher, State Conservation Engineer
USDA-NRCS North Dakota State Office
220 East Rosser Avenue Bismarck, ND 58501

For further information contact: Christi Fisher, ND NRCS State Conservation Engineer, 220 East Rosser Ave, Bismarck, ND, 58501, (701)530-2091 christi.fisher@usda.gov.

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

July 12, 2024

RE: Notice of Availability of the Final North Branch Park River Watershed Plan – Environmental Impact Statement

Dear Mr. Soiseth:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Final Watershed Plan – Environmental Impact Statement for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. Within the temporary flood pool, 133.6 acres of shallow retention cells will be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. The project will also result in restoration of 470.8 acres of wetlands, enhancement of 18.4 acres of existing wetlands, restoration of 36.3 acres of upland wildlife habitat, and protection of 3.9 acres of upland wildlife habitat.

The proposed project would be partially funded by USDA-NRCS through the Watershed Flood Prevention and Operations Program authorized by Public Law 83-566.

Comments received by January 26, 2024 on the Draft Watershed Plan-EIS were addressed in the Final Watershed Plan-EIS, available online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>. Printed copies of the Final Watershed Plan - EIS are available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND and the Walsh County Water Resource District 600 Cooper Ave Grafton, ND.

Submit written comments on the Final Watershed Plan EIS by August 23, 2024 by email to christi.fisher@usda.gov or by mail to:

Christi Fisher, State Conservation Engineer
USDA-NRCS North Dakota State Office
220 East Rosser Avenue Bismarck, ND 58501

The NRCS appreciates the willingness of your agency to participate as a cooperating agency on this planning effort. Given you were unable to provide written comment on the Draft EIS, we would appreciate even a brief email indicating your support for the Final EIS, if possible.

For further information contact: Christi Fisher, ND NRCS State Conservation Engineer, 220 East Rosser Ave, Bismarck, ND, 58501, (701)530-2091 christi.fisher@usda.gov

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. Environmental Protection Agency
NEPA Program Manager
Attn: Ms. Melissa McCoy
1595 Wynkoop St
Denver, CO 80202-1129

July 12, 2024

**RE: Notice of Availability of the Final North Branch Park River Watershed Plan –
Environmental Impact Statement**

Dear Ms. McCoy:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Final Watershed Plan – Environmental Impact Statement for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. Within the temporary flood pool, 133.6 acres of shallow retention cells will be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. The project will also result in restoration of 470.8 acres of wetlands, enhancement of 18.4 acres of existing wetlands, restoration of 36.3 acres of upland wildlife habitat, and protection of 3.9 acres of upland wildlife habitat.

The proposed project would be partially funded by USDA-NRCS through the Watershed Flood Prevention and Operations Program authorized by Public Law 83-566.

Comments received by January 26, 2024 on the Draft Watershed Plan-EIS were addressed in the Final Watershed Plan-EIS, available online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>. Printed copies of the Final Watershed Plan - EIS are available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND and the Walsh County Water Resource District 600 Cooper Ave Grafton, ND.

Submit written comments on the Final Watershed Plan EIS by August 23, 2024, by email to christi.fisher@usda.gov or by mail to:

Christi Fisher, State Conservation Engineer
USDA-NRCS North Dakota State Office
220 East Rosser Avenue Bismarck, ND 58501

The NRCS appreciates the willingness of your agency to participate as a cooperating agency on this planning effort.

For further information contact: Christi Fisher, ND NRCS State Conservation Engineer, 220 East Rosser Ave, Bismarck, ND, 58501, (701)530-2091 christi.fisher@usda.gov

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 12, 2024

RE: Notice of Availability of the Final North Branch Park River Watershed Plan – Environmental Impact Statement

Dear Mr. Swanson:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Final Watershed Plan – Environmental Impact Statement for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. Within the temporary flood pool, 133.6 acres of shallow retention cells will be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. The project will also result in restoration of 470.8 acres of wetlands, enhancement of 18.4 acres of existing wetlands, restoration of 36.3 acres of upland wildlife habitat, and protection of 3.9 acres of upland wildlife habitat.

The proposed project would be partially funded by USDA-NRCS through the Watershed Flood Prevention and Operations Program authorized by Public Law 83-566.

Comments received by January 26, 2024 on the Draft Watershed Plan-EIS were addressed in the Final Watershed Plan-EIS, available online at: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>. Printed copies of the Final Watershed Plan - EIS are available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND and the Walsh County Water Resource District 600 Cooper Ave Grafton, ND.

Submit written comments on the Final Watershed Plan EIS by August 23, 2024, by email to christi.fisher@usda.gov or by mail to:

Christi Fisher, State Conservation Engineer
USDA-NRCS North Dakota State Office
220 East Rosser Avenue Bismarck, ND 58501

The NRCS appreciates the willingness of your agency to participate as a cooperating agency on this planning effort. Given you were unable to provide written comment on the Draft EIS, we would appreciate even a brief email indicating your support for the Final EIS, if possible.

For further information contact: Christi Fisher, ND NRCS State Conservation Engineer, 220 East Rosser Ave, Bismarck, ND, 58501, (701)530-2091 christi.fisher@usda.gov

Sincerely,

DAN HOVLAND
State Conservationist



Natural Resources
Conservation Service

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

Voice 701.530.2000
Fax 855-813-7556

July 16, 2024

Landowner

RE: Notice of Availability of the North Branch Park River **Final** Watershed Plan –
Environmental Impact Statement

Dear Affected Landowner,

The USDA Natural Resources Conservation Service (NRCS), with assistance from the local sponsoring agency, the Park River Joint Water Resource District, has completed the Final Watershed Plan – Environmental Impact Statement (EIS) for the North Branch Park River (NBPR) Watershed, Pembina County North Dakota.

NRCS is responsible for notifying potentially affected landowners of the availability of the Final Plan-EIS.

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) announces the availability of a Final Watershed Plan – Environmental Impact Statement for the North Branch Park River Watershed Plan. The Park River Joint Water Resource District proposes to construct a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam will provide 2,593 acre-feet of temporary flood storage at the auxiliary spillway crest elevation and inundate 466-acres for a duration of less than two weeks during flood events. Within the temporary flood pool, 133.6 acres of shallow retention cells will be constructed and managed via water control and biomass harvest for removal of incoming nutrient loads. The project will also result in restoration of 470.8 acres of wetlands, enhancement of 18.4 acres of existing wetlands, restoration of 36.3 acres of upland wildlife habitat, and protection of 3.9 acres of upland wildlife habitat.

The proposed project would be partially funded by USDA-NRCS through the Watershed Flood Prevention and Operations Program authorized by Public Law 83-566.

Comments received by January 26, 2024 on the Draft Watershed Plan-EIS were addressed in the Final Watershed Plan-EIS, available online at:
<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>. Printed copies of the Final Watershed Plan -EIS are available at the Pembina County Water Resource District 308 Court House Dr #5, Cavalier, ND and the Walsh County Water Resource District 600 Cooper Ave Grafton, ND.

Submit written comments on the Final Watershed Plan EIS by August 23, 2024 by email to christi.fisher@usda.gov or by mail to:

Christi Fisher, State Conservation Engineer
USDA-NRCS North Dakota State Office
220 East Rosser Avenue
Bismarck, ND 58502-1458

Helping People Help the Land

An Equal Opportunity Provider, Employer, and Lender

All comments received, including the names and addresses of those people who comment, will be part of the public record and will be released for public review as required and allowed by law. Comments, information, and analyses provided should be as specific as possible. An explanation of why the information is important to the analysis should be included.

For further information contact: Christi Fisher, ND NRCS State Conservation Engineer, 220 East Rosser Ave, Bismarck ND (701)530-2091 christi.fisher@usda.gov

You may be aware that at the November 14, 2023 meeting the Park River Joint Water Resource District voted to not pursue implementation of the project through final engineering design or construction at this time, due to the fact that local interest and support for the project has declined to the point the project does not appear feasible. In addition, there are concerns regarding long term operating costs for the project. The WRD did decide to complete the Watershed Plan-EIS for the project, given is nearly complete, by holding the final comment period on the plan.

Thank you for your participation in the North Branch Park River Watershed planning process.

Sincerely,

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

From: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
To: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
Bcc: [lsteckler@nd.gov](#); [Steve.Vance@crstmail.com](#); [jmflysdown@gmail.com](#); [blatady@boisforte-nsn.gov](#); [rep32jwb@gmail.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](#); [gina.lemon@llojibwe.org](#); [cheyanne.stjohn@lowersioux.com](#); [mike.wilson@millacsband.com](#); [crystal.cbearing@northernarapaho.com](#); [teanna.limpy@chevennenation.com](#); [j.pourier@oglala.org](#); [noah.white@piic.org](#); [Darrell SekiSr.](#); [ione.quigley@rst-nsn.gov](#); [jmann@easternshoshone.org](#); [dianned@sw-nsn.gov](#); [j.eagle@standingrock.org](#); [aaron.brien@crow-nsn.gov](#); [ademaray@mhanation.com](#); [larus.longie@tmbci.org](#); [samanthao@uppersiouxcommunity-nsn.gov](#); [yst.thpo@gmail.com](#)
Subject: NOA North Branch Park River FINAL Watershed Plan - EIS
Date: Monday, July 15, 2024 3:23:00 PM
Attachments: [NOA Final Plan EIS NB Park.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. The attached document is the Notice of Availability of the North Branch Park River FINAL Watershed Plan – EIS.

You may recall you were invited to comment on the final Draft Version of this document on November 20, 2023. A summary of comments and comment disposition on the draft may be found in Appendix A (a link is provided in the attachment). No comments were received on the draft from any tribes or ND SHPO.

Comment instructions are included in the attachment.

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: [Sveen, RitaHarmsen - FPAC-NRCS, ND](#)
To: [ericjensen@nd.gov](#); [llkemp@nd.gov](#); [benji@utma.com](#); [pembhwy@nd.gov](#); [Halverson, Kristina - FPAC-NRCS, ND](#); [sdiemert@nd.gov](#); [ccwb@nd.gov](#); [Jordan, Kathy - NRCS-CD, Langdon, ND](#); [wcwrb@nd.gov](#); [bkreft@nd.gov](#); [rrra@ideaone.net](#); [brianfuder@redriverretentionauthority.org](#); [krockema@nd.gov](#); [rgiestvang@nd.gov](#); [acarranza@nd.gov](#); [epavlish@nd.gov](#); [ndgspaleo@nd.gov](#); [lsteckler@nd.gov](#); [kgduttenehner@nd.gov](#)
Cc: [Fisher, Christi - FPAC-NRCS, ND](#)
Subject: RE: NOA Final Watershed Plan - EIS
Date: Monday, July 15, 2024 4:25:00 PM

For clarification, as decided at the November 14, 2023 Joint Waterboard meeting, the project is not slated to move to implementation in the near future due to the fact landowners are no longer amenable to selling property for the project and additional concerns regarding long term operation and maintenance. That said, the decision was to finish authorization for the watershed *plan*.

Completion of the Watershed Plan-EIS for the North Branch Park River Watershed will serve to streamline future PL-566 projects in this watershed; those plans would simply supplement this base Watershed Plan-EIS if it is adopted. In addition, should circumstances change in the future, the WRD could choose to pursue final design or construction with the NRCS with an authorized watershed plan in place.

Rita

From: Sveen, RitaHarmsen - FPAC-NRCS, ND
Sent: Monday, July 15, 2024 4:11 PM
To: Sveen, RitaHarmsen - FPAC-NRCS, ND <rita.sveen@usda.gov>
Cc: Fisher, Christi - FPAC-NRCS, ND <christi.fisher@usda.gov>
Subject: NOA Final Watershed Plan - EIS

Dear Stakeholder,

If you recall, you were sent the NOA for the NB Park River (Cart Creek) Draft Watershed plan for comment in November. Attached is the Notice of Availability for the Final NB Park River Watershed Plan – EIS. Comments and Comment Disposition from the Draft Plan – EIS can be found in Appendix A.

Let me know if you have any questions.

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



United States Department of the Interior

FISH AND WILDLIFE SERVICE

North Dakota Ecological Services
3425 Miriam Avenue
Bismarck, ND 58501



August 13, 2024

In reply, please refer to:
NCRC North Branch River Watershed Plan

Daniel Hovland
State Conservationist
Natural Resource Conservation Service
Bismarck State Office
220 E Rosser Ave
Bismarck, ND 58502

Dear Mr Hovland:

Thank you for your July 12, 2024, letter providing the opportunity for an additional review and comment period for the North Branch Park River Final Watershed Plan and Final EIS. The Natural Resource Conservation Service (NRCS) proposes to construct a multi-purpose, off-channel, dry dam accompanied by shallow retention cells for the purpose of watershed flood prevention. The NRCS has requested United States Fish and Wildlife Service (Service) comments and indication of support for the Final EIS on the Project.

The NRCS has determined that the Project will have no impacts on the to the endangered whooping crane (*Grus americana*) and the endangered northern long-eared bat (*Myotis septentrionalis*). There is no requirement under the implementing regulations of the Act (50 CFR Part 402) for action agencies to receive the Service's concurrence with "no effect" determinations, therefore the responsibility for "no effect" determinations remains with the federal action agency. We recommend the federal action agency document the "no effect" determinations and retain the documentation in the decisional record for this federal action.

The proposed Project actions should be re-analyzed if any of the following occur:

1. New information reveals effects of the action that may affect listed species in a manner or to an extent not previously considered.
2. The identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation.
3. A new species is listed or critical habitat is designated that may be affected by this Project.

The Service appreciates the opportunity to work with the NRCS to ensure the conservation of federal listed species as part of our joint responsibilities under ESA to conserve threatened and endangered species and their habitats. If you have any additional questions or concerns, please contact Seth Jones at (701) 355-8508 or via email at seth_jones@fws.gov or contact me at (720) 793-6797 or luke_toso@fws.gov.

Sincerely,

Luke Toso
North Dakota Ecological Services Supervisor



REGION 8

DENVER, CO 80202

August 23, 2024

Ref: 8EJC-NE

Christi Fisher, State Conservation Engineer
USDA-NRCS North Dakota State Office
220 E Rosser Ave
Bismark, ND 58501
Transmitted by email

Dear Christi Fisher:

The U.S. Environmental Protection Agency has reviewed the July 2024 Final Watershed Plan and Environmental Impact Statement (EIS) for Cart Creek Site 1 of the North Branch Park River Watershed (project) by the U.S. Department of Agriculture Natural Resources Conservation Service. The following comments were prepared in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). The CAA Section 309 role is unique to EPA. It requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement.

The project proposes to construct an off-channel dry dam along Cart Creek in the North Branch Park River watershed with a temporary flood storage capacity of 2,593 acre-feet, a 2.6-mile earthen embankment, and auxiliary spillways which lead to a 466-acre inundation area. This area will include 133.6 acres of shallow retention cells which will be used for phosphorus and nitrogen removal through biomass harvest. EPA recognizes and appreciates the inclusion and consideration of EPA databases in the Environmental Justice, Air Resources, and Soil Resources sections of the Final EIS. The responses to our January 26, 2024, Draft EIS comments in Appendix A-8 of the Final EIS are also appreciated. There are two comments regarding alternatives development and air resources (comments 12 and 16, respectively) that we revisit in this letter for clarity and to better inform future projects of a similar scope.

Comment 12 in Appendix A-8 concerned Section 4.2 of the Draft and Final EIS, Alternatives Eliminated from Detailed Study. Per Section 4.2.1.1, "While a significant reduction in runoff volume is achievable and would result in reduced nutrient loads and increased wetland/upland wildlife habitat, eliminating production agriculture within the entire watershed is not feasible. Therefore, this approach was eliminated from further consideration." The EPA recognizes the challenges with approaching alternatives that rely on community-based changes and the actions of individual stakeholders to accomplish goals for a watershed. However, we continue to recommend, as we did in comment 12,

that watershed management projects like this consider alternatives that incorporate combinations of components for achieving the project purposes (i.e., flood control and nutrient load reduction in the watershed) even if each individual component may not be able to meet the full project need on its own. Such hybrid alternatives made up of multiple components should be analyzed in detail if they may effectively meet the project need. This is especially important if these hybrid alternatives may have fewer environmental impacts than alternatives that meet the project need through one overarching action.

In this case, reductions in runoff volumes and nutrient loading from upstream riparian corridor restoration and on-farm control concepts are components that were eliminated from detailed analysis because they could not meet the full project need on their own and required buy-in from local landowners. Appendix A-8 also indicates that such measures are rarely sought by local landowners, although there is no record of direct consultation with local landowners in the Final EIS documenting their responses to those concepts. As expressed in our comments on the Draft EIS, EPA has concerns with eliminating alternatives on the basis of a general lack of stakeholder support. Many of these concepts are also in line with the USDA's own 'Conservation Stewardship Program' which provides technical and financial assistance to agricultural producers seeking to expand or maintain their conservation practices.¹

Comment 16 concerned the carbon dioxide (CO₂) emissions analysis that was presented in Section 5.2 of the Final EIS. While we appreciate the consideration of CO₂ emissions reductions associated with converting cropland to wetlands under the project, the analysis did not estimate the greenhouse gas (GHG) emissions from the project's construction and maintenance (e.g., biomass removal, diversion clearing, etc.) activities. Without a meaningful analysis of the GHG emissions associated with project construction and maintenance there can be no clear conclusions regarding the net climate change improvements associated with the project. The EPA recommends incorporating an estimate of the emissions associated with project construction as well as consideration of the emissions that could be associated with long term project maintenance. We understand that the exact operations and maintenance plan will be developed later in time. If NRCS does not wish to speculate on the potential emissions that could be associated with the project's long-term maintenance, then we would alternatively support the inclusion of a statement in the GHG emissions analysis which qualitatively addresses these impacts and clarifies that additional emissions associated with project maintenance are reasonably foreseeable and may offset the current statement of net GHG emissions reductions expected over the life of the project.

¹ See <https://www.usda.gov/partner-portal/key-programs-catalog/programs-for-individuals/conservation-stewardship-program#:~:text=CSP%20offers%20payments%20to%20agricultural,receive%20a%20higher%20payment%20rate>.

We appreciate your time and attention regarding our comments on the Final EIS and the federal decision-making process ahead. If further explanation of these comments is desired, please contact me at (303) 312-6155 or mccoy.melissa@epa.gov. You may also contact Carolyn Gleason, the NEPA Lead Reviewer for the project, at (303) 312-6641 or gleason.carolyn@epa.gov.

Sincerely,

Melissa W. McCoy, Ph.D., J.D.
Manager, NEPA Branch
Environmental Justice, Community Health, and
Environmental Review Division

No	Comment	Response	Relevant Section in EIS	Substantive Y/N
1	8/13/2024- USFWS - Recommend the federal action agency document the "no effect" determinations and retain the documentation in the decisional record for this federal action. The proposed project should be re-analyzed if any of the following occur: 1. New information reveals effects of the action that may affect listed species in a a manner or to an extent not previously considered. 2. The identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation. 3. A new species is listed or critical habitat is designated that may be affected by this project.	The "no effect" determination is documented in the Plan-EIS and NRCS is in agreement with the recommendations for situations that would require reconsideration.		N
2	8/23/2024 - USEPA - Re EPA's previous Comment #12 - EPA continues to recommend that watershed management projects consider alternatives that incorporate combinations of components for achieving the project purposes, even if each individual component may not be able to meet the full project need on its own. Such hybrid alternatives made up of multiple components should be analyzed in detail if they may effectively meet the project need. There is a lack of documentation of the assertion that there is a lack of stakeholder support and many of these concepts are in line with USDA's Conservation Stewardship Program.	As outlined in EIS Section 4.2, implementation of on farm conservation practices such as soil health, nutrient management, riparian buffers, filter strips, wetland restoration, and conversion of cropland to perennial vegetation could, if done on a significant portion of the watershed, contribute to the watershed project purposes of flood control and wildlife habitat. Unfortunately, RRB research indicates that additional natural perennial vegetation or crop residue has the effect of increasing dissolved phosphorus during spring runoff events (which is the primary time period for nutrient transport). Although Farm Bill programs have funded thousands of acres of precision nutrient management in the RRB, trends for DP show continued increases. Development and operation of biomass harvest areas, such as the one proposed, does not fit well under cost share programs where the producer is expected to fund the full O&M costs of a practice; in this case a practice that would benefit downstream waterways but not the farm itself. USDA offers technical and financial assistance to agricultural producers who wish to voluntarily implement conservation practices through the Environmental Quality Incentives Program, Conservation Stewardship Program, Wetland Reserve Easement Program, and Conservation Reserve Program. These Farm Bill programs will continue to be delivered annually by the USDA to producers in the North Branch Park River Watershed, however in order to be incorporated as actions within a Watershed Plan-EIS each individual small project would need to be identified up front and the local Sponsor would be required to purchase land rights for each individual project. Completing hundreds of small projects (a 2-acre wetland restoration here, a 80-acre cover crop planting there, 200 feet of stream buffer over here) over the course of many years is practical to implement through these voluntary programs for which the agency completes a streamlined EE under NEPA, where there is a benefit to the individual farm, and where no land rights must be obtained. So long as the Farm Bill continues to be authorized by Congress, this activity will continue within the watershed and will augment the resource benefits of the PL-566 project.	4.2	Y

3	8/23/2024 - USEPA - Re EPA's previous Comment #16 on CO2 emissions. The analysis did not estimate the GHS emissions from the projects construction and maintenance activities. Recommend incorporating an estimate of the emissions including the long-term maintenance. If NRCS does not wish to speculate on the potential emissions, then we would alternatively support the inclusion of a statement in the GHG emissions analysis which qualitatively addresses these impacts over the life of the project.	NRCS contacted EPA and received additional reference material so as to estimate CO2 emissions from construction, as well as for operation and maintenance on the PL-566 project (annual mowing of the dam embankment and harvesting biomass from retention cells 2 out of every 3 years). With those additions, there is a 10% reduction to the average annual CO2 reduction estimate of 278 tons/year.					5.2.10.2	Y

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Availability of Record of Decisions for Etowah River, Georgia; Pocasset River, Rhode Island; Odessa Subarea Special Study Project in Washington; and Cart Creek Site 1 of the North Branch Park River Watershed in North Dakota

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of availability; record of decision.

SUMMARY: Natural Resources Conservation Service (NRCS), an agency in the U.S. Department of Agriculture, has prepared a Notice of Availability for Record of Decisions (ROD) for Environmental Impact Statements (EIS) for Etowah River Watershed Dam No.13–A (Russel Creek Reservoir Multipurpose Project) in Dawson County, Georgia; Pocasset River, Rhode Island; Odessa Subarea Special Study Project in Adams, Franklin, Grant, and Lincoln counties, Washington; and Cart Creek Site 1 of the North Branch Park River Watershed in North Dakota.

ADDRESSES:

- You may request a copy of the Etowah River ROD from: Sharon Swagger, Assistant State Conservationist—Easements and Water Resources, 355 E Hancock Ave., Athens, GA 30601;
- You may also download a copy of the Etowah River ROD from: <https://www.etowahwaterra.gov/about/russell-creek-reservoir/>;
- You may request a copy of the Pocasset River ROD from: Darrell Moore, NRCS Rhode Island State Conservation Engineer, 60 Quaker Lane, Suite 40, Warwick, RI 02886;
- You may also download a copy of the Pocasset River ROD from: https://www.nrcs.usda.gov/sites/default/files/2024-09/RI_PocassetEIS_ROD_508.pdf;
- You may request a copy of the Odessa Subarea Special Study Project ROD: Jules Riley, USDA/NRCS, 11707 E Sprague Ave., Suite 301, Spokane Valley, WA 99206;
- You may also download complete text of the Odessa Subarea Special Study Project ROD and the FEIS from the project website at <https://www.ogwrp-programs.org/watershed-plan>; and
- You may request a copy of the Cart Creek Site 1 of the North Branch Park River Watershed in North Dakota ROD from: Dan Hovland, USDA–ND NRCS, 220 E Rosser Avenue, Bismarck, ND 58502–1458;

- You may also view a copy of the Cart Creek Site 1 of the North Branch Park River Watershed in North Dakota ROD from: <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/north-dakota/north-branch-park-river-watershed>.

FOR FURTHER INFORMATION CONTACT: For Etowah River, Georgia, contact Sharon Swagger; Assistant State Conservationist, at telephone 706–546–2272; or email: sharon.swagger@usda.gov. For Pocasset River, contact Darrell Moore; telephone: (401) 822–8812; or email: Darrell.Moore@usda.gov. For the Odessa Subarea Special Study Project in Washington, contact Jules Riley; telephone: (509) 507–0178; email: jules.riley@usda.gov. For the Cart Creek Site 1 of the North Branch Park River Watershed in North Dakota, contact Christi Fisher; telephone: (701) 530–2091 email: christi.fisher@usda.gov.

SUPPLEMENTARY INFORMATION: Through this document, NRCS announces the availability of EIS RODs for:

- Etowah River Watershed Dam No.13–A (Russel Creek Reservoir Multipurpose Project) in Dawson County, Georgia;
- Pocasset River Flood Damage Reduction Project in Rhode Island;
- Odessa Subarea Special Study Project in Adams, Franklin, Grant, and Lincoln counties, Washington; and
- Cart Creek Site 1 of the North Branch Park River Watershed in North Dakota.

Etowah River Watershed Dam No.13–A

NRCS completed the EIS titled “Etowah River Watershed Dam No.13–A (formerly known as Russell Creek Reservoir Multipurpose Project)” in partnership with Etowah Water & Sewer Authority, in Dawson County, Georgia. The NRCS NOI EIS was published in the **Federal Register** on April 8, 2022 (87 FR 20811–20813).

The Final EIS (FEIS #20230100) was made available for review through Environmental Protection Agency (EPA) Central Data Exchange (CDE) system as announced in the **Federal Register** on August 11, 2023 (88 FR 54612–54613).

Pocasset River Flood Damage Reduction Project

NRCS published the notice of intent to prepare the EIS titled “Pocasset River Flood Damage Reduction Project” in the **Federal Register** on July 10, 2009 (74 FR 33201–33202).

The Revised Final EIS (FEIS #20240084) was made available for review through EPA CDE system as announced in the **Federal Register** on May 24, 2024 (89 FR 45883).

Odessa Subarea Special Study Project in Adams, Franklin, Grant, and Lincoln Counties, Washington

NRCS completed the EIS titled “Odessa Subarea Special Study” in partnership with U.S. Bureau of Reclamation and the Washington State Department of Ecology, Adams, Franklin, Grant, and Lincoln Counties, Washington.

The Final EIS (FEIS #20230153) was made available for review through EPA CDE system as announced in the **Federal Register** on November 17, 2023 (88 FR 80300).

Cart Creek Site 1 of the North Branch Park River Watershed in Pembina County, North Dakota

NRCS has prepared a ROD for the EIS titled “Cart Creek Site 1 of the North Branch Park River Watershed” in Pembina County, North Dakota. NRCS published the notice of intent to prepare the EIS in the **Federal Register** on December 14, 2022 (87 FR 76453–76456).

The Final EIS (FEIS #20240125) was made available for review through EPA CDE system as announced in the **Federal Register** on July 19, 2024 (89 FR 58733).

Authority

NRCS involvement is through the Watershed Protection and Flood Prevention Act (Pub. L. 83–566, 16 U.S.C. 1001–1008).

Federal Assistance Programs

The title and number of the Federal Assistance Program as found in the Assistance Listing¹ to which this document applies is 10.904, Watershed Protection and Flood Prevention.

Executive Order 12372

Executive Order 12372, “Intergovernmental Review of Federal Programs,” requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This project is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

¹ See <https://sam.gov/content/assistance-listings>.

Environmental Review

Each of the RODs summarizes the findings of the Plan-EIS; these are not programmatic. Each ROD provides the basis for the NRCS decision. NRCS is the lead Federal agency responsible for the content and quality of the Plan-EIS for the purposes of National Environmental Policy Act (NEPA), Principles, Requirements, and Guidelines (PR&G) for Federal Investments in Water Resources and National Historic Preservation Act (NHPA) compliance.

Each ROD is issued as specified by the NEPA process (42 U.S.C. 4321–4347) which follows the NRCS NEPA regulations in 7 CFR part 650, subpart A, and 7 CFR part 622. The NRCS NEPA regulations adopt the Council of Environmental Quality (CEQ) NEPA regulations (40 CFR parts 1500–1508) in total.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Individuals who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 (voice and telephone) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any phone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the

complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) Fax: (202) 690–7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Terrance Rudolph,

Georgia State Conservationist.

R. Phou Vongkhamdy,

Rhode Island State Conservationist.

Roylene Comes-At-Night,

Washington State Conservationist.

Daniel Hovland,

North Dakota State Conservationist, Natural Resources Conservation Service.

[FR Doc. 2024–25582 Filed 11–1–24; 8:45 am]

BILLING CODE 3410–16–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Missouri Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Missouri Advisory Committee (Committee) will hold a meeting on Thursday, November 14, 2024, at 2 p.m. central time. The purpose of the meeting is for the Committee to review, edit, and approve the report on Curriculum Censorship.

DATES: The meeting will take place on Thursday, November 14, 2024, at 2 p.m. central time.

ADDRESSES:

Public Call Information: Dial: (833) 435–1820, Confirmation Code: 160 352 4176.

Zoom Link: <https://www.zoomgov.com/j/1603524176?pwd=JJAYS9FS6KZ7rEHg8XHZuq9DOhE1p0.1>.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at dbarreras@usccr.gov or (202) 656–8937.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call in number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate

over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individual who is deaf, deafblind and hard of hear hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and confirmation code.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 230 S Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at csanders@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Mississippi Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome and roll call
- II. Chair's Comments
- III. Discuss on Report
- IV. Public comment
- V. Next steps
- VI. Adjournment

Dated: October 29, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–25509 Filed 11–1–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Briefing of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of briefing.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules



United States Department of Agriculture

RECORD OF DECISION
CART CREEK SITE 1, NORTH BRANCH PARK RIVER WATERSHED PLAN
PEMBINA COUNTY, NORTH DAKOTA

I. DECISION

Natural Resources Conservation Service (NRCS) has prepared a ROD following the 2024 Watershed Plan and Environmental Impact Statement for Cart Creek Site 1 of the North Branch of the Park River Watershed. The purpose of the EIS and its assessment and review is to ensure agencies consider the environmental impacts of their action in decision making. NRCS involvement in the project is through both the Regional Conservation Partnership Program (16 U.S.C. Chapter 58, Subchapter VIII) and the Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended, 16 U.S.C. 1001-1008). The ROD is available for viewing.

NRCS has selected Alternative 2 of the EIS, Cart Creek Site 1, a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, temporary flood storage capacity of 2,593 acre-feet, embankment length of 2.6 miles, maximum height of 17.3 feet, and average height of 9.7 feet. The dam is located in Section 24 of Township 160 North, Range 56 West, approximately 2 miles east of the town of Mountain, in Pembina County, North Dakota. Within the temporary flood pool, 133.6 acres of shallow retention basins with water control structures and subsurface drainage will be constructed and operated for the purpose of phosphorus and nitrogen removal from incoming runoff through biomass harvest. Also planned within the temporary flood pool are 470.8 acres of wetland restoration (inclusive of the 133.6-acre managed shallow retention basins), 18.5 acres of wetland enhancement, 36.3 acres of upland wildlife habitat restoration, and 3.9 acres of existing upland wildlife habitat protection.

II. BACKGROUND

The proposed federal action includes potential provision of technical and financial assistance for implementation of a 2,593 acre-feet multi-purpose dry dam, subject to congressional approval, acquisition of land rights by the Park River Joint Water Resource District (PCWRD) as the Sponsoring Local Organization for the project, and available NRCS funding for the final engineering design and the construction phases of the project.

North Branch Park River Watershed is 164,761 acres, in northeastern North Dakota, and is a tributary to the Red River of the North, which drains to Lake Winnipeg and then Hudson Bay. The watershed is subject to expansive, long duration, floods events. Average annual flood damages in the watershed are approximately \$1,733,000 as a result of 4,485 acres of cropland inundation and damage to roads, buildings, and other property. The 100-year flood inundates 136 structures, including the community of Crystal, ND. The watershed is also a significant contributor of nutrients to the mainstem Red River, contributing 36,412 lbs of phosphorus and 197,533 lbs of nitrogen annually. The Red River Basin is one

of the largest artificially drained landscapes in the world, with historic losses of wetland and prairie habitat threatening multiple wildlife species.

The Park River is a tributary to the Red River of the North, which outlets to Lake Winnipeg, the world's 10th largest freshwater lake. Lake Winnipeg supports a commercial fishing industry, recreation, over 30 communities, and numerous tribal populations that rely on the lake for economic, cultural, and spiritual activities. Increases in runoff, nutrient loads, and warming temperatures since the 1990s have resulted in degraded water quality and extensive algal blooms, with subsequent negative consequences to fisheries, recreation, and lake ecology. While the Red River contributes only 10-15% of runoff to the lake by volume, monitoring records indicate that it contributes an estimated 69% of the total phosphorus to Lake Winnipeg as well as a substantial load of nitrogen. The Boundary Waters Treaty (BWT) was signed in 1909 to adjudicate conflicting interests on rivers and lakes along the international border between the U.S. and Canada. Article IV of the BWT states that "boundary waters or waters flowing across the boundary shall not be polluted to the injury of health and property of the other". The International Joint Commission was established as an independent and objective advisor to the two governments to prevent and resolve disputes therefore their sub-entities in the Red River, the International Red River Board and Red River Joint Commission have been engaged in scientific studies, stakeholder group meetings, and negotiations for decades on Red River nutrient impacts on Lake Winnipeg. The result was adoption of a total phosphorus and total nitrogen load and concentration objectives at the U.S. Canadian border in 2020. The adopted phosphorus target is 0.15 mg/L, which has been consistently exceeded by measurements over the last two decades at the USGS gauge station near the border, with a flow average trendline that is continually increasing. The adopted nitrogen target is 1.15 mg/L, which has also been consistently exceeded over the last two decades, but for which the flow average trendline is stable.

The North Branch Park River, Cart Creek Site 1 Project is a federally assisted action authorized for planning under Public Law 83-566, the Watershed Protection and Flood Prevention Act. This act authorizes the Natural Resources Conservation Service (NRCS) to provide technical and financial assistance to local project sponsors. The local sponsor of the project, who would be the owner and operator of the project under terms of a 50-year Operation and Maintenance Agreement with the USDA-NRCS, is the Park River Joint Water Resource District (PRJWRD).

In 2015, the Red River Retention Authority (RRRA) was awarded a \$12 Regional Conservation Partnership Program project to support watershed planning under the authority of the Watershed Protection and Flood Protection Act within the United States portions of the Red River Basin. Following approval of a request by the PRJWRD to the RRRA and NRCS, the watershed planning effort for the North Branch Park River was initiated in 2016. The U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service agreed to be cooperating federal agencies on the planning effort and an additional 51 local, state, federal agencies, and Tribes invited to participate on the planning team.

The purposes of the federal action are to:

- Reduce flood damage to cropland, roads, buildings, and other property;
- Reduce phosphorus and nitrogen transport from Cart Creek to the mainstem Park River;
- Restore wetland and upland wildlife habitat.

III. ENVIRONMENTAL REVIEW

This ROD is issued pursuant to NEPA (42 U.S.C. 4321 et seq.), the Council of Environmental Quality (CEQ) NEPA regulations (40 CFR Parts 1500-1508), and the Environmental Protection Agency's (EPA) NEPA implementing regulations (40 CFR Part 6). NEPA Section 1505.2(a)(2) requires that, in cases where an EIS has been prepared, the Record of Decision identify "alternatives which were considered to be environmentally preferable." The environmentally preferable alternative is the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural and natural resources. Cart Creek Site 1 (Alternative 2 of the EIS) is the environmentally preferred alternative due to the significant long-term environmental benefits the project provides as well as protections for downstream cultural resources. The U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service, North Dakota Department of Environmental Quality (NDDEQ), North Dakota Department of Water Resources (NDDWR), and North Dakota Game and Fish Department are participated in the watershed planning effort and are in support of this project. Individual permits from the USACE, NDDEQ, and NDDWR would be applied for and issued immediately prior to construction.

IV. ALTERNATIVES

The PCWRD established two project purposes: flood damage reduction and watershed protection (nutrient reduction and wetlands/wildlife habitat). After the initial 2016 public scoping meeting, an additional twelve meetings were held between 2016 and 2019, which resulting in identification and evaluation of ten potential strategies for flood reduction. Those then resulted in identification of four specific project alternatives analyzed and evaluated by the interagency team, landowners, and members of the public. The resulting recommendation by the planning team, which was supported by PCWRD and NRCS, was to move only the Cart Creek Site 1 alternative forward to detailed analysis in the EIS given that it was the alternative which provided the highest level of flood protection, nutrient reduction, and wetlands/wildlife habitat.

Alternative 1 – No Action assumes that without NRCS financial assistance, potential for implementation of flood damage reduction projects within the watershed would be limited. Frequency and magnitude of flood damages will remain consistent with existing conditions, which result in \$1,733,000 in average annual flood damages from inundation of 4,069 acres of cropland and damage to roads, buildings, and other property. Cropland flooding would continue to generate 9,404 pounds per year of phosphorus and 51,017 pounds per year of nitrogen at the 86th Steet NE bridge. Approximately 299 acres within the proposed flood pool would continue in row crop production and 228 acres of land enrolled in USDA Conservation Reserve Program and Wetland Reserve Program would remain in perennial vegetation but functioning without natural hydrology because ditches intercept and divert natural hydrology away from the site. As that land came out of the 10- and 30-year easements over the next decades, it could be re-enrolled in conservation programs or converted to cropland.

Alternative 2 – Cart Creek Site 1 is a multi-purpose, off-channel, dry dam with a drainage area of 33.8 square miles, temporary flood storage capacity of 2,593 acre-feet, embankment length of 2.6 miles,

maximum height of 17.3 feet, and average height of 9.7 feet. The dam is located in Section 24 of Township 160 North, Range 56 West, approximately 2 miles east of the town of Mountain, in Pembina County, North Dakota. Construction of the dry dam, which impounds water for less than two weeks, will reduce flood damage to cropland, roads, and buildings by \$198,530 a year. River flow up to a bankfull event will continue down the natural river channel, with peak flows beyond that stage diverted via a sheet pile weir and channel into the dry dam for temporary retention (7-days for a 2-year event, 15-days for a 100-year event).

Within the temporary flood pool, 133.6 acres of shallow retention basins with water control structures and subsurface drainage will be constructed and operated for the purpose of phosphorus and nitrogen removal from incoming runoff through biomass harvest. At the 86th Street NE bridge, phosphorus loads are anticipated to be reduced by 66% and nitrogen loads by 73%. Additional, unquantified nutrient reduction will occur downstream due to the fact that average annual cropland inundation will be reduced based on peak flow reductions downstream: 39% at a 2-year event, 64% at a 10-year event, 65% at a 100-year event at the 86th Street NE bridge. The 64% reduction at the 10-year, for example, results in 769 acres of cropland removed from inundation. Also planned within the temporary flood pool are 470.8 acres of wetland restoration (inclusive of the 133.6-acre managed shallow retention basins), 18.5 acres of wetland enhancement, 36.3 acres of upland wildlife habitat restoration, and 3.9 acres of existing upland wildlife habitat protection.

Alternative 2 will result in permanent loss of 2.13 acres of wetlands caused by fill placement. An additional .296 acres of wetlands would be temporarily impacted by excavation, which would return to equivalent function post-construction. The permanent losses would be mitigated via restoration of historic wetlands currently in cropland with subsurface tile drainage, with deed restrictions placed the 2.13 acres required for mitigation. Temporary environmental impacts due to noise and dust will be mitigated with best management practices during construction. The project generates a long-term reduction in carbon dioxide of 279 tons per year and a net gain of 468.7 acres of wetlands, as well as functional improvements to the quality of 18.5 acres of existing wetlands.

V. FACTORS CONSIDERED IN MAKING THE DECISION

The following conclusions were reached after carefully reviewing the proposed North Branch Park River, Cart Creek Site 1 Watershed project in light of all national goals and policies, particularly those expressed in NEPA, and after evaluating the overall merit of possible alternatives to the project:

- a. The PCWRD Alternative #2 – Cart Creek Site 1 will employ reasonable and practical means that are consistent with NEPA while permitting the application of other national policies and interests, including contributions towards the international treaty obligation of the U.S. to reduce nutrient loads in the Red River. These means include a project planned and designed to maximize environment benefits in conjunction with providing flood control objections. Project features designed to preserve or increase the extent of environmental values for future generations include:
 - (1) Provisions to recover significant archaeological and historic resources discovered during project construction;

- (2) Developing and operating shallow retention cells with biomass harvest to remove phosphorus and nitrogen transport;
 - (3) Reducing the extents of downstream cropland flooding, to reduce transport of phosphorus and nitrogen to the river;
 - (4) Restoring natural hydrology and establishing perennial, native vegetation managed for wildlife habitat.
- b. The North Branch Park River Watershed project was planned using a systematic interdisciplinary approach involving integrated uses of the natural and social sciences and environmental design arts. All conclusions concerning the environmental impact of the project were based on a review of data and information that would be reasonably expected to reveal significant environmental consequences of the proposed project. These data included studies prepared specifically for the project and comments and views of all interested Federal, State, and local agencies and individuals. The results of this review constitute the basis for the conclusions and recommendations. The project will not affect any cultural resources eligible for inclusion in the National Register of Historic Places. Nor will the project affect any species of fish, wildlife, or plant or their habitats that have been designated as endangered or threatened.
- c. In studying and evaluating the environmental impact of the North Branch Park River Watershed project, every effort was made to express all significant environmental values quantitatively and to identify and give appropriate weight and consideration of nonquantifiable environmental values.
- d. Every possible effort has been made to identify those adverse environmental effects that cannot be avoided if the project is constructed.
- e. The long and short-term resource uses, long-term productivity, and the irreversible and irretrievable commitment of resources are described in the FEIS.
- f. All reasonable and viable alternatives to project features and to the project itself were studied and analyzed with reference to national policies and goals, especially those expressed in NEPA and the Federal water resource development legislation under which the project was planned. Each possible course of action was evaluated as to its possible economic, technical, social, and overall environmental consequences to determine the tradeoffs necessary to accommodate all national policies and interests. No alternative or combination of alternatives will afford greater protection of the environmental values while accomplishing the other project goals and objectives.
- g. The proposed project will be the most effective means of meeting national goals and is consistent in serving the public interest by including provisions to protect and enhance the environment. The recommended alternative, Cart Creek Site 1, is the environmentally preferable alternative.

VI. PUBLIC NOTICE

Two public meetings were held by the Sponsor (Park River Joint WRD) in 2014 to solicit input on concerns within the watershed, prior to NRCS involvement in the planning effort. The meetings focused on soliciting input from attendees to identify problems and opportunities to reduce flood risk. Comment forms were provided to allow input on observed locations of flood concerns in the watershed. In total, approximately 40 comment forms were returned to the SLO. Comments received generally indicated a high level of concern with damages related to flood flows within the North Branch Park River Watershed.

These damages included field erosion, transportation and infrastructure disruptions, community impacts, and impacts to rural residents.

At the outset of the NRCS watershed planning effort in 2016, NRCS requested the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service to be cooperating federal agencies on the planning effort, which they agreed to. An additional 51 local, state, federal agencies, and tribes were invited to all meetings and solicited for comments throughout the planning process. Formal consultation through Section 106 of the National Historic Preservation Act was initiated with 30 Tribes and the ND State Historic Preservation Office (SHPO) in 2018 and concluded in late 2023. The ND SHPO concurred with the NRCS findings of “No Adverse Effect”. An initial Public Scoping meeting was held by the SLO occurred on February 17, 2016, in Mountain, ND. The meeting was advertised in the Cavalier Chronicle newspaper and invitations were also mailed to some potentially affected landowners, as well as local, state and federal agencies. The meeting focused on solicitation of public input on concerns within the North Branch Park River Watershed. The meeting was attended by approximately 90 residents and resulted in 13 returned comment forms. The highest indicated concerns included culvert and bridge washouts, field erosion/deposition, channel erosion/deposition, road damages, floodplain management, land use, soil resources, prevented planting, riparian areas, and delayed planting.

The Project Team met on April 27, 2016; May 25, 2016, June 29, 2016, July 27, 2016; and August 31, 2016. The focus of early coordination with the Project Team was to define resources of concern within the watershed, and to preliminarily narrow the range of alternatives to evaluate within planning effort. The Sponsor also met publicly on March 26, 2019, August 13, 2019, and November 19, 2019, during monthly public Pembina County Water Resource District meetings to discuss the development of alternatives. These meetings focused on benefits vs costs, technical feasibility, and local acceptance of proposed actions.

In 2022, NRCS deemed it necessary to upgrade the environmental evaluation from an Environmental Assessment to an Environmental Impact Statement due to planned beneficial water quality impacts to the Red River, an international water course, as well as the fact that the final alternative identified for detailed analysis requires congressional approval. As specified in 7 CFR 650.12(c) and 40 CFR 1505.2 A Notice of Intent (NOI) to prepare an EIS was published to the U.S. Federal Register on December 14, 2022 and advertisements for a new public scoping meeting were placed in the Cavalier Chronicle February 8th, 15th and 22nd, 2023. An in-person/virtual public scoping meeting for the EIS was held on February 23, 2023, in Cavalier.

As specified in 7 CFR 650.12(c) and 40 CFR 1505.2, the draft EIS public notice was initiated by publication of the draft EIS on December 1, 2023, as identified by EIS number 20230166, to the EPA's CDX system. All stakeholders including the Governor of ND, tribes, cooperating federal agencies, affected landowners and local, state and other federal agencies were sent a Notice of Availability of the Draft Plan-EIS via mail or email and invited to an in-person Public Meeting on December 12, 2023, in Cavalier, ND. Newspaper advertisements were published 3 times in the Cavalier Chronicle prior to the public meeting. The public comment period ended on January 26, 2024 and eight substantive comments were

received and addressed with additions to the Final Plan-EIS related to hydrology, sedimentation, bat roosting habitat, invasive species, and air quality.

The Final Plan-EIS was made available for review through the EPA's CDX system on July 19, 2024 under EIS number 20240125. The Notice of Availability of a Final Plan-EIS was also published in the Cavalier Chronicle newspaper on July 24, 2023. All stakeholders including the Governor of ND, congressional representatives and senators, tribes, cooperating federal agencies, affected landowners and local, state and other federal agencies were sent a Notice of Availability of the Final Plan-EIS via mail or email. The comment period on the FEIS was opened through August 23, 2024. Comments were received from the USFWS and EPA on the FEIS and are included in Appendix A, along with responses.

VII. CONCLUSION

The project uses all practical means, consistent with considerations of national policy, to meet the goals established in NEPA. The project will serve the overall public interest and meet the needs of the project sponsors. The EIS has been prepared, reviewed, and accepted in accordance with the provisions of NEPA as implemented by Departmental regulations for the preparation of EIS. After considering a broad range of alternatives, the EIS has found the PRJWRD Alternative 2 – Cart Creek Site 1 to be the environmentally preferable alternative to serve the Sponsor's purpose and need.

I have decided to authorize the PRJWRD Alternative 2 – Cart Creek Site 1, subject to congressional approval, which includes construction of a of 2,593 acre-feet multi-purpose dry dam to provide flood control and significant, long-term environmental benefits.

DANIEL HOVLAND

Digitally signed by DANIEL
HOVLAND
Date: 2024.09.19 12:25:35 -05'00'

Dan Hovland,
North Dakota State Conservationist,
U.S. Department of Agriculture, Natural Resources Conservation Service